

Sean Cude's Submission
to KPB Planning Commission
Regarding Proposed November 10, 2014
Local Option Zoning

The Proposed LOZ District is an Inappropriate Gerrymander

Addition of the 45.97 acre Gibbs hay field lot makes no sense in terms of comparable average lot size. This is a violation of average lot size requirement and only rationale would seem to be making other lots contiguous with Cude's 3 small lots (Lots C, D, and E) recently subdivided out of the original tract A. This is further illustrated by not including the large lot immediately north of the 45.97 acre hay field and the other small lot to the Northeast of Tract A and the intervening Gibbs and Cude's river lots.

Other lots are included or excluded in a checkboard fashion that results in some unzoned lots being surrounded by zoned lots, or conversely, several zoned lots stuck haphazardly into unzoned lots in multiple instances.

Similarly, the three flag lots of former Tract A are included as a peninsula among the other non-included portions of Tract A for the sole apparent purpose of blocking conclusion of the prior pit operations.

The forgoing are illustrative of the inappropriate inclusion of the three lots C, D, and E, violating the basic zoning maxim of compact, contiguous usage. This proposed LOZ would be the zoning equivalent of the legally impermissible gerrymandering of political voting districts.

Approval of the R-1 zone as proposed would be a very bad precedent for future LOZ.

Lots C, D, and E should be removed from any LOZ

1. These lots are not residential in nature and not suitable for residential development.
2. Gravel has been removed by prior operators from these areas since at least 1982.
3. Those portions of Lots C, D, E that remain unexcavated directly face the existing Tract A gravel pit.
4. They are surrounded by areas of incompatible use including A-1 Enterprises and the existing Tract A excavation.
5. Much of remainder of Lots C, D, and E have already been deeply refilled with dirt and organics, making them unsuitable as a foundation for any structures.
6. These lots are essentially a non-contiguous gerrymandered peninsula into incompatible surrounding lots for inappropriate reasons.
7. We agree with staff that any action should be postponed pending current replatting of Lots C, D, and E and of permit appeal to Board of Adjustment.



The user, employer herein, is neither a legally practicing professional surveyor nor a licensed land surveyor and assumes no liability as to the accuracy of any data displayed herein. Original source documents should apply. The user, employer herein, is neither a legally practicing professional surveyor nor a licensed land surveyor and assumes no liability as to the accuracy of any data displayed herein. Original source documents should apply.

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Man N6500072 01-01-2020

KPB Parcel Viewer

LEGEND
 1818 OLD ROAD RIGHT OF WAY
 1/2" = 50' ROAD AND UTILITY
 20' x 20' UTILITY

Wastewater Disposal: Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single family or duplex residences, and meeting therapeutical requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional Engineer registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Engineer (Signature) Charles J. Gibbs License No. 56830 Date 1-9-05

CERTIFICATION OF OWNERSHIP AND DEDICATION
 I hereby certify that I am the owner of the property shown and described herein, and that I hereby adopt this plan of subdivision, and by my free consent grant all easements to be here shown.

Mercedes A. Gibbs
 Mercedes A. Gibbs
 P.O. Box 544, Soldotna, AK 99669

PLAY APPROVAL
 This plan was approved by the Kenai Peninsula Borough Planning Commission at the meeting of September 27, 2004 by Thompson
 Kenai Peninsula Borough



NOTARY'S ACKNOWLEDGEMENT
 Subscribed and sworn before me this 19th day of October 2004 for: Mercedes A. Gibbs

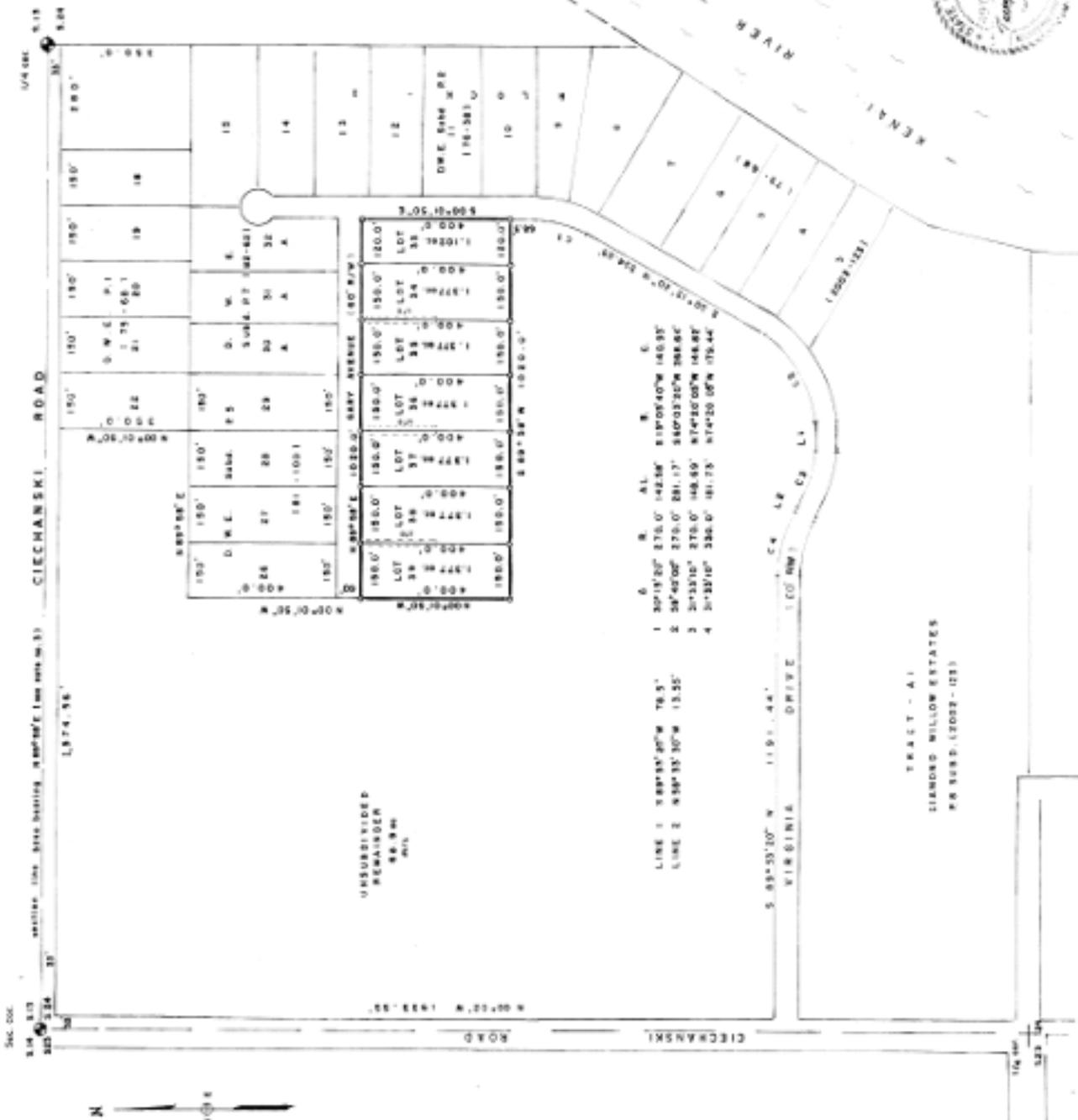
Notary Public
Terry T. Eastham
 My Commission 5-27-02



NOTES:

1. A building setback of 20ft. is required from all street right of ways unless a lesser setback is approved by resolution of the appropriate planning commission.
2. The front 10 ft. of the 20ft. building setback and the entire setback within 5 ft. of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within the utility easement which would interfere with the ability of the utility to use the easement.
3. Base bearing from Dismantled Willow Estates Subd. Part 1 plan no. 79-08 Kenai Recording District, Alaska.

2005-5
 KENAI RECORDING DISTRICT
 2-22-05
 1:55 P.M.
 Registered: Eastham



DIAMOND WILLOW ESTATES SUBDIVISION PART - 9

Comprised of 9,368 acres in the NW1/4 of Section 2 T.5N., R.11W., S.1M., Kenai Recording District, Alaska.
 Owner: Mercedes A. Gibbs
 P.O. Box 544, Soldotna, AK 99669
 Surveyor: Terry T. Eastham R.L.S. 7629
 P.O. Box 2891, Soldotna, AK 99669
 Drawn and Surveyed: July 2004 Scale: 1" = 200'
 K.P.D. File No. 2004-192

DIAMOND WILLOW ESTATES SUBDIVISION PART - 8

Comprised of 29,320 sq. ft. TRACT - 8 of DIAMOND WILLOW ESTATES SUBDIVISION MOE 1504 84-491
in the S 1/2 of NW 1/4 of Section 24, T 5 N, R 11 W, S.M., Kenai Recording District, Alaska.

LEGEND

- ① 21st Amendment to 1987 Alaska Constitution (1988-1989)
- ② 1/2" = 20' - Survey and Bound
- ③ 1/4" = 10' - Survey and Bound
- ④ 1/8" = 5' - Survey and Bound
- ⑤ 1/16" = 2 1/2' - Survey and Bound
- ⑥ 1/32" = 1 1/4' - Survey and Bound
- ⑦ 1/64" = 3/8' - Survey and Bound
- ⑧ 1/128" = 3/16' - Survey and Bound
- ⑨ 1/256" = 3/32' - Survey and Bound
- ⑩ 1/512" = 3/64' - Survey and Bound
- ⑪ 1/1024" = 3/128' - Survey and Bound
- ⑫ 1/2048" = 3/256' - Survey and Bound
- ⑬ 1/4096" = 3/512' - Survey and Bound
- ⑭ 1/8192" = 3/1024' - Survey and Bound
- ⑮ 1/16384" = 3/2048' - Survey and Bound
- ⑯ 1/32768" = 3/4096' - Survey and Bound
- ⑰ 1/65536" = 3/8192' - Survey and Bound
- ⑱ 1/131072" = 3/16384' - Survey and Bound
- ⑲ 1/262144" = 3/32768' - Survey and Bound
- ⑳ 1/524288" = 3/65536' - Survey and Bound
- ㉑ 1/1048576" = 3/131072' - Survey and Bound
- ㉒ 1/2097152" = 3/262144' - Survey and Bound
- ㉓ 1/4194304" = 3/524288' - Survey and Bound
- ㉔ 1/8388608" = 3/1048576' - Survey and Bound
- ㉕ 1/16777216" = 3/2097152' - Survey and Bound
- ㉖ 1/33554432" = 3/4194304' - Survey and Bound
- ㉗ 1/67108864" = 3/8388608' - Survey and Bound
- ㉘ 1/134217728" = 3/16777216' - Survey and Bound
- ㉙ 1/268435456" = 3/33554432' - Survey and Bound
- ㉚ 1/536870912" = 3/67108864' - Survey and Bound
- ㉛ 1/1073741824" = 3/134217728' - Survey and Bound
- ㉜ 1/2147483648" = 3/268435456' - Survey and Bound
- ㉝ 1/4294967296" = 3/536870912' - Survey and Bound
- ㉞ 1/8589934592" = 3/1073741824' - Survey and Bound
- ㉟ 1/17179869184" = 3/2147483648' - Survey and Bound
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- ㊾ 1/281474977366016" = 3/35184372170752' - Survey and Bound
- ㊿ 1/562949954732032" = 3/70368744341504' - Survey and Bound

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Date 12/31/22
Time 12:23 PM
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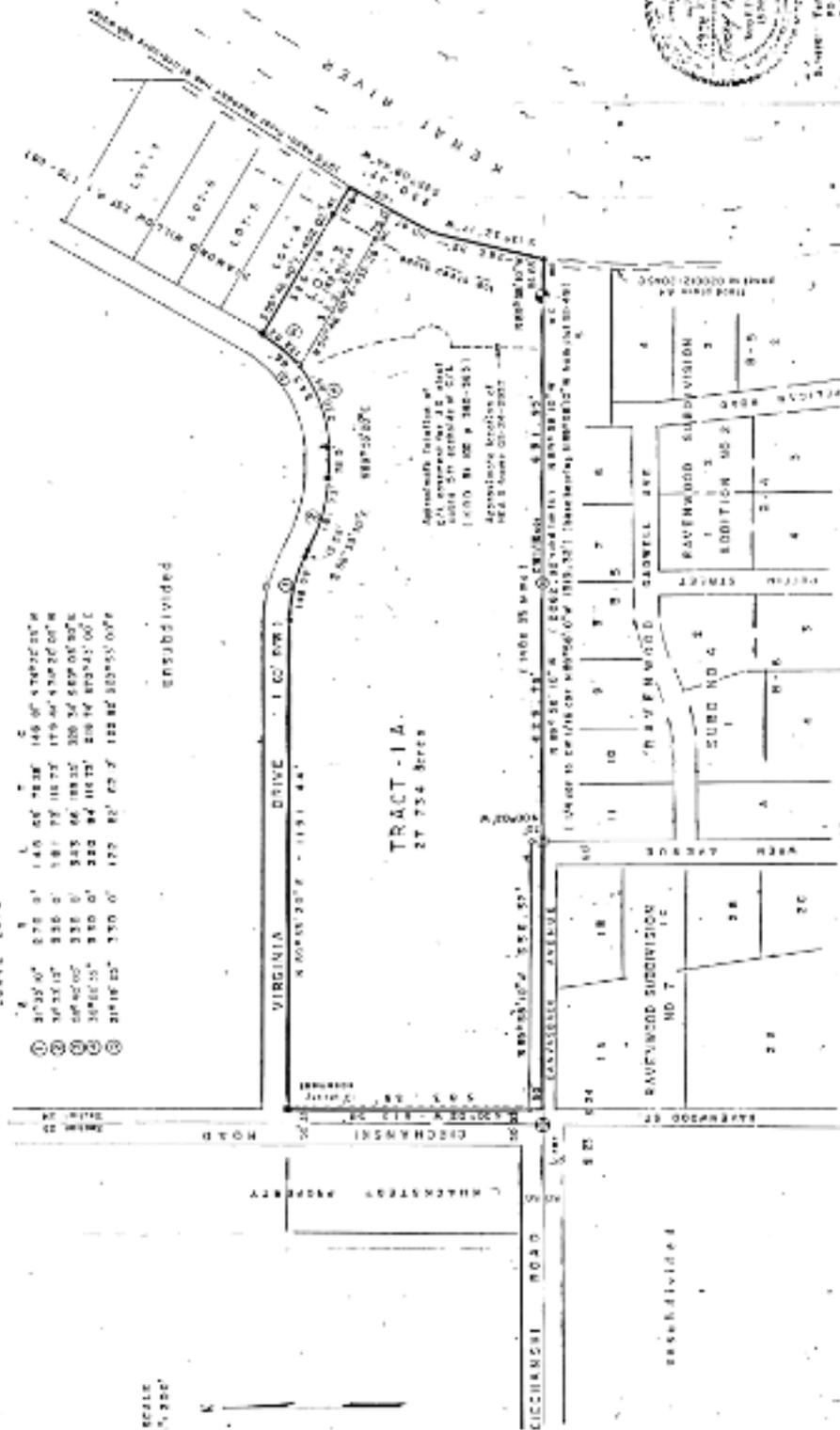
PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission
at the meeting of April 13, 2022
Kenai Peninsula Borough by [Signature] Official
Kenai File No. 22-351

CURVE DATA

- ① 3733' 0" 270° 140' 45" 145' 0" 418232.87' M
- ② 3633' 0" 270° 140' 45" 145' 0" 418232.87' M
- ③ 3533' 0" 270° 140' 45" 145' 0" 418232.87' M
- ④ 3433' 0" 270° 140' 45" 145' 0" 418232.87' M
- ⑤ 3333' 0" 270° 140' 45" 145' 0" 418232.87' M
- ⑥ 3233' 0" 270° 140' 45" 145' 0" 418232.87' M
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- ㉛ 733' 0" 270° 140' 45" 145' 0" 418232.87' M
- ㉜ 633' 0" 270° 140' 45" 145' 0" 418232.87' M
- ㉝ 533' 0" 270° 140' 45" 145' 0" 418232.87' M
- ㉞ 433' 0" 270° 140' 45" 145' 0" 418232.87' M
- ㉟ 333' 0" 270° 140' 45" 145' 0" 418232.87' M
- ㊱ 233' 0" 270° 140' 45" 145' 0" 418232.87' M
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SCALE
1" = 200'



NOTARY'S ACKNOWLEDGEMENT
Subscribed and sworn before me
this 21st day of December, 2022
at: Matanuska, Alaska

NOTARY PUBLIC
STATE OF ALASKA
COMM. EXPIRES 12/31/23

Notary Public
for: [Signature]
My Commission Expires
5-20-23

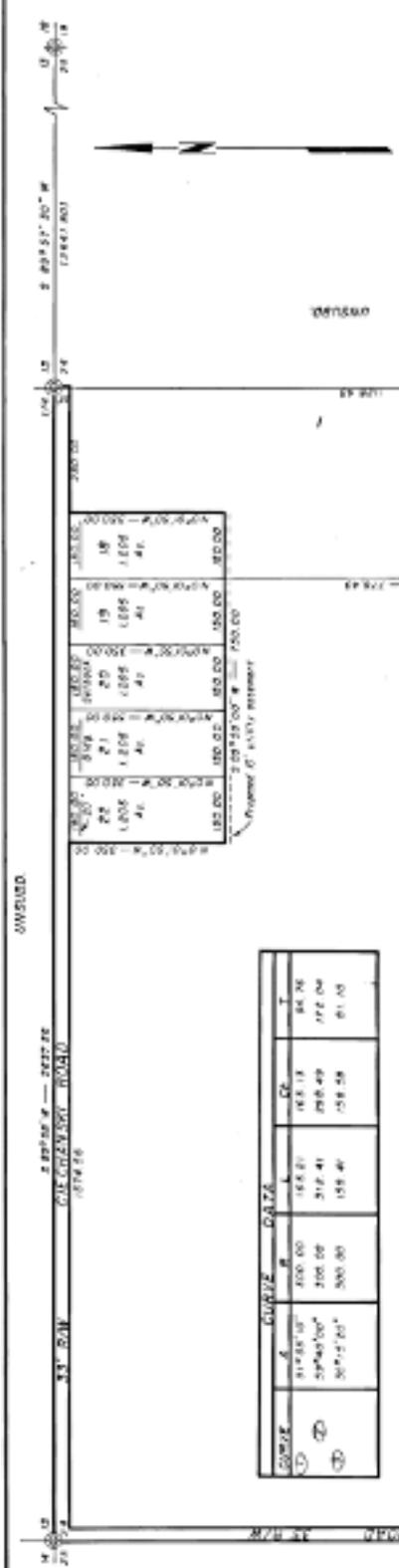
NOTES

1. A building contract of 2014 is restored from all present right-of-way access a water easement is approved by resolution of the appropriate planning commission.
2. No permanent structure shall be placed or constructed on an easement which would interfere with the ability of a utility to use the easement.
3. **WASTEWATER DISPOSAL:** Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal systems must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation. [Signature] License No. 22-26-42 Engineer (geotechnical)
4. The natural meanders of ordinary high water form the limits of the lots adjoining the Kenai River. Meander line surveys in the easement only.
5. **PC Resolution 8718:** Parcels within this subdivision are located within a designated flood hazard area, as such is the case, development shall comply with Title 21 Chapter 06 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction.
6. **Raster color contour is filed in Book 85 Page 702** Kenai Recording District which affect this plat.

VICINITY MAP



Survey: Terry S. Baskin
P.E. License No. 22-26-42
Matanuska, Alaska



Lot	Area	Value	Other
1	31,425.00	163.15	84.76
2	37,440.00	212.41	112.04
3	30,120.00	158.40	81.00



LEGEND AND NOTES:

- Found G.L.O. brass cap monument
- Found official survey brass cap monument
- 54' 3" cont. to monument
- 1.54' 00" x 24" steel meter at 24 corners or B.C.
- 5' x 10' utility easement for telephones, etc.
- All bearings refer to the G.L.O. datum of 1928/29 by the west line of Section 24.
- Date of record shown in ()

The actual location of the line from the bounds for all lots adjoining the river. The easement line is shown in for survey and easements only.



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of said property, and request the approval of this plat showing said easements for public utilities, roads, and or streets designated by us for public use.

Date August 4, 1975 *William E. Gunk*

NOTARY'S ACKNOWLEDGMENT:

Subscribed and sworn before me this 4th day of August, 1975.

My commission expires July 4, 1977



PLAT APPROVAL

Plat approved by the Commission on 5/25/75 by *William E. Gunk*

William E. Gunk
Notary

**DIAMOND WILLOW ESTATES
SUBDIVISION - PART ONE**

WILLIAM E. GUNK, Notary
Box 854, Fairbanks, AK. 99709

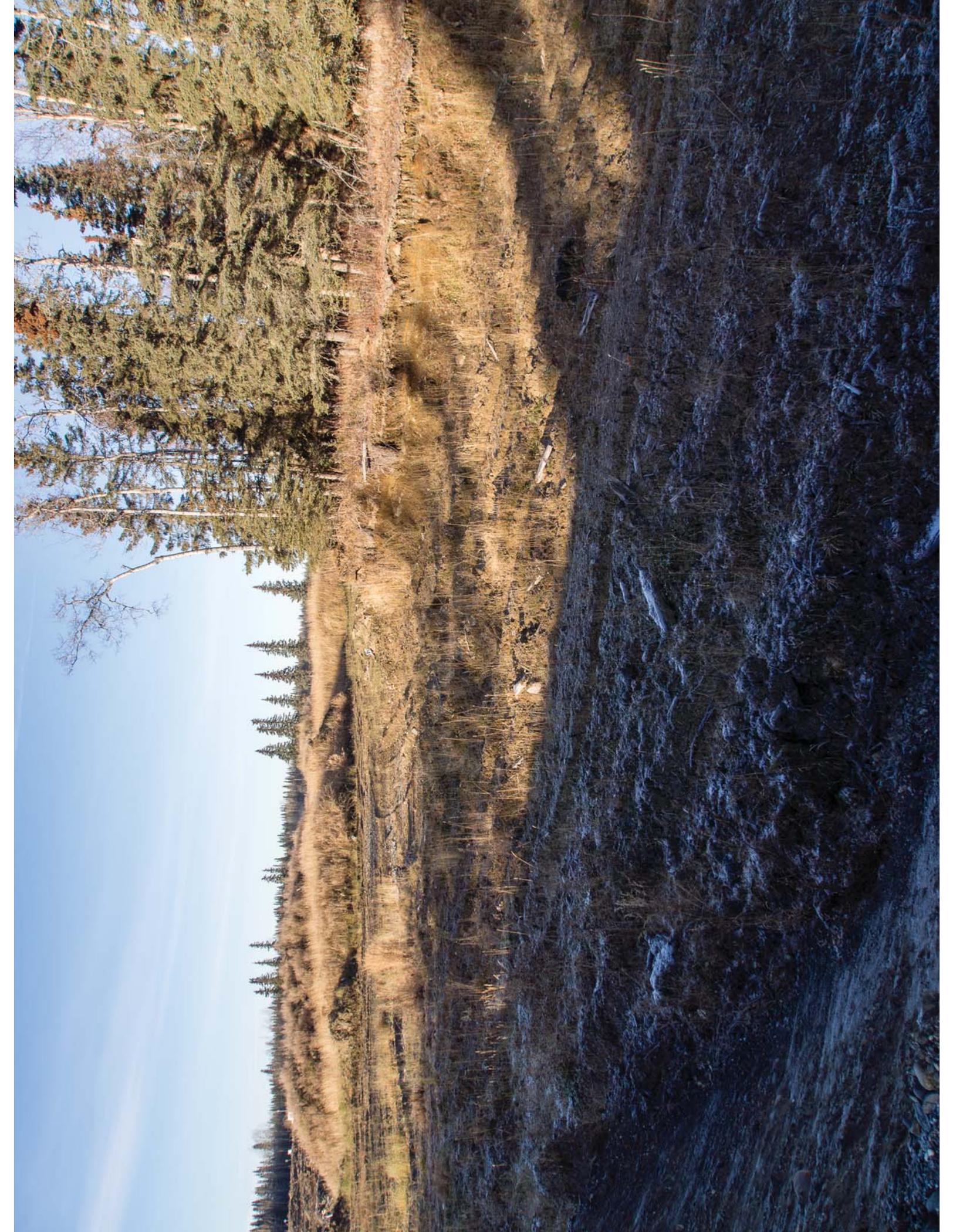
DESCRIPTION
53,245 ACRES SITUATED IN THE WEST BERING, NEWM
ARKIVE AND BOYD LOTS 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

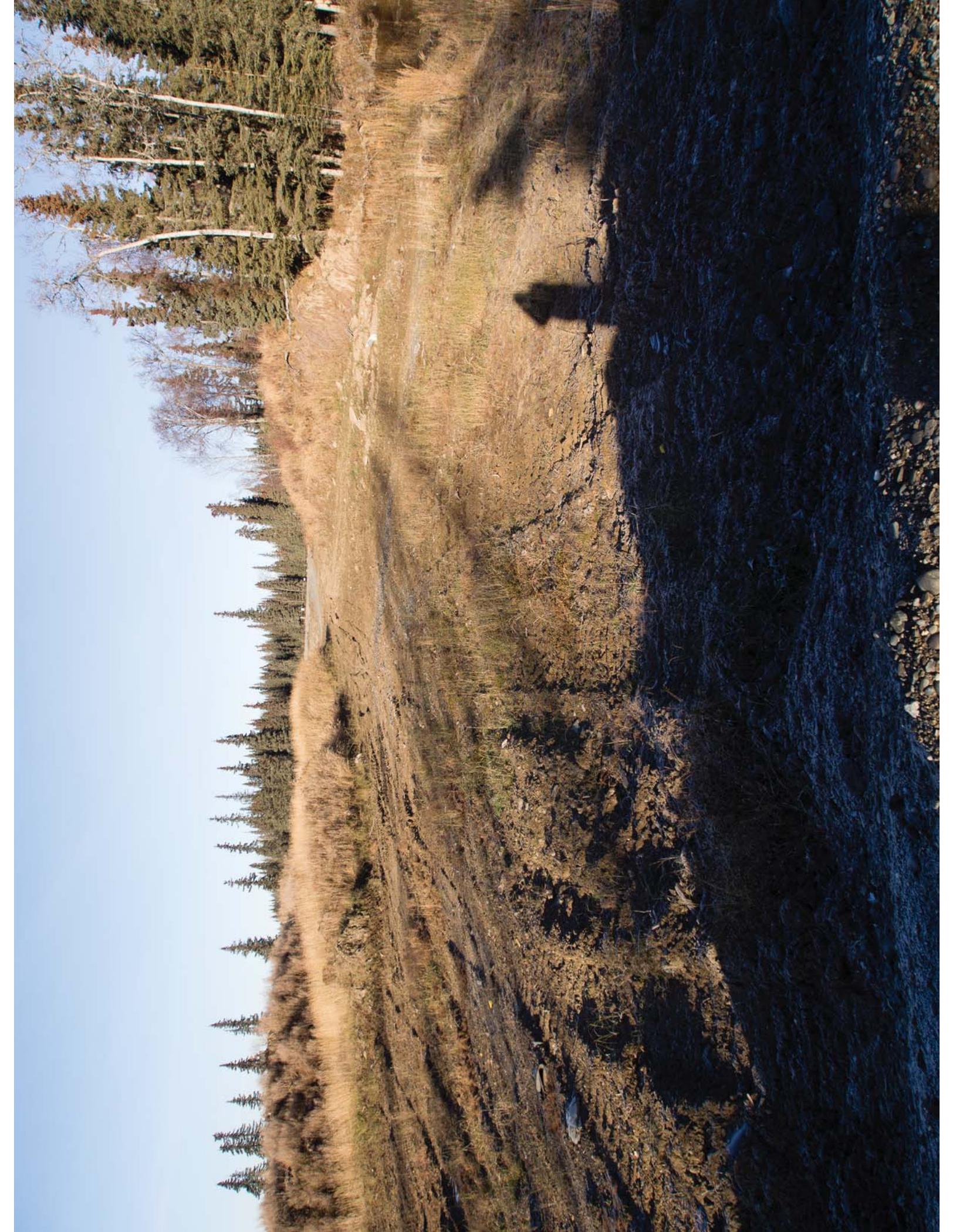
Surveyed by: William E. Gunk, Alaska
Fairbanks, Alaska

DATE OF SURVEY: May 28 - July 29, 1975
SCALE: 1" = 200'

BLK. NO. 74-1

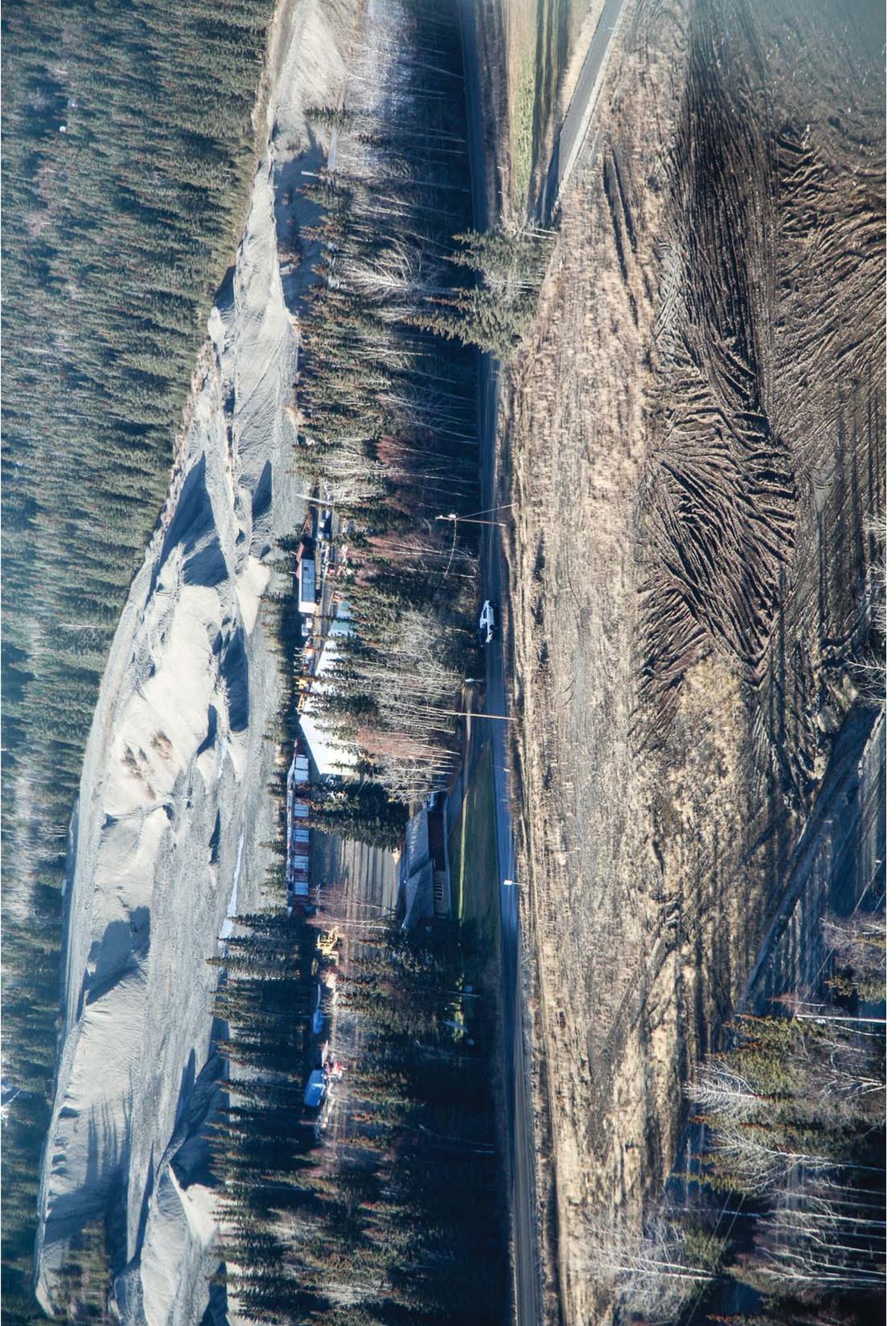


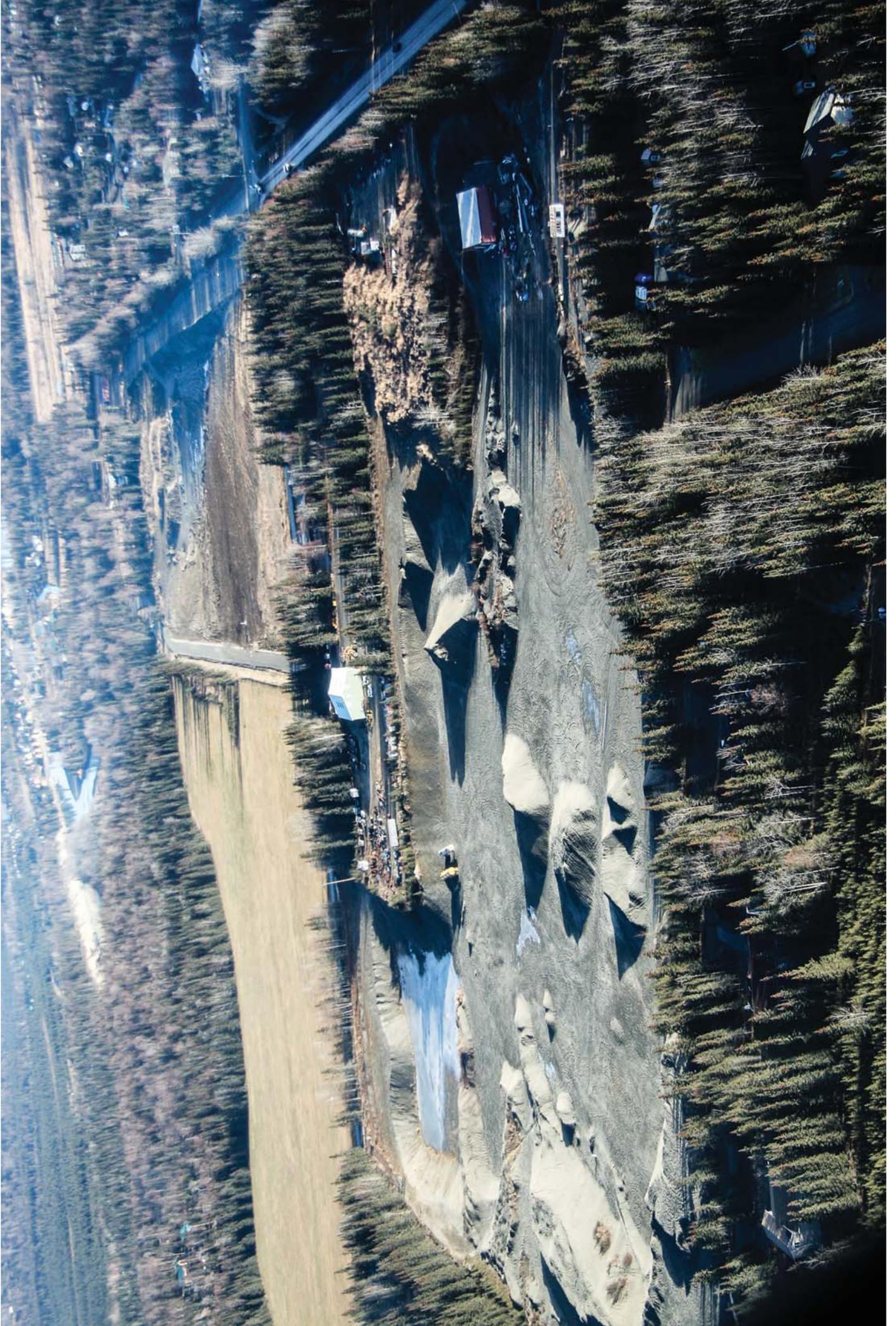


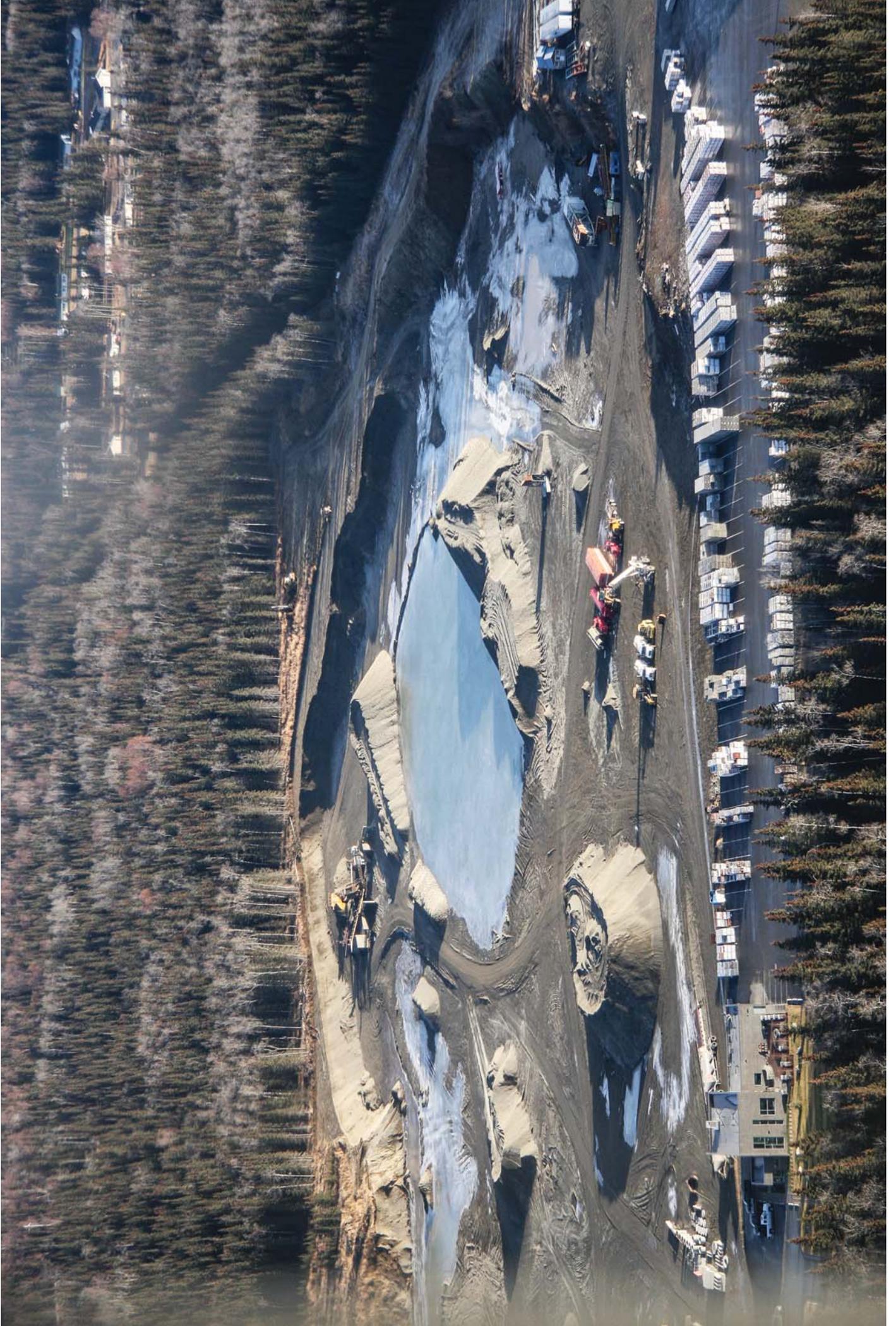


Petition's proposed order necessarily has commission finding that surrounding land use is allegedly consistent with the proposed zoning. That is inaccurate.

1. Quality Asphalt's large pit is contiguous
2. Davis's large pit is nearby.
3. A-1 Enterprises boat yard and shop, including large sign
4. Cude gravel pit on Tract A
5. The hay fields are a commercial agricultural use in the middle of proposed LOZ but not included in it.











NOTICE
OF
REPESSING



A
ENTERPRISES
INC

EVINRUDE
first in outboards

E-TEC
283-3006

EVINRUDE

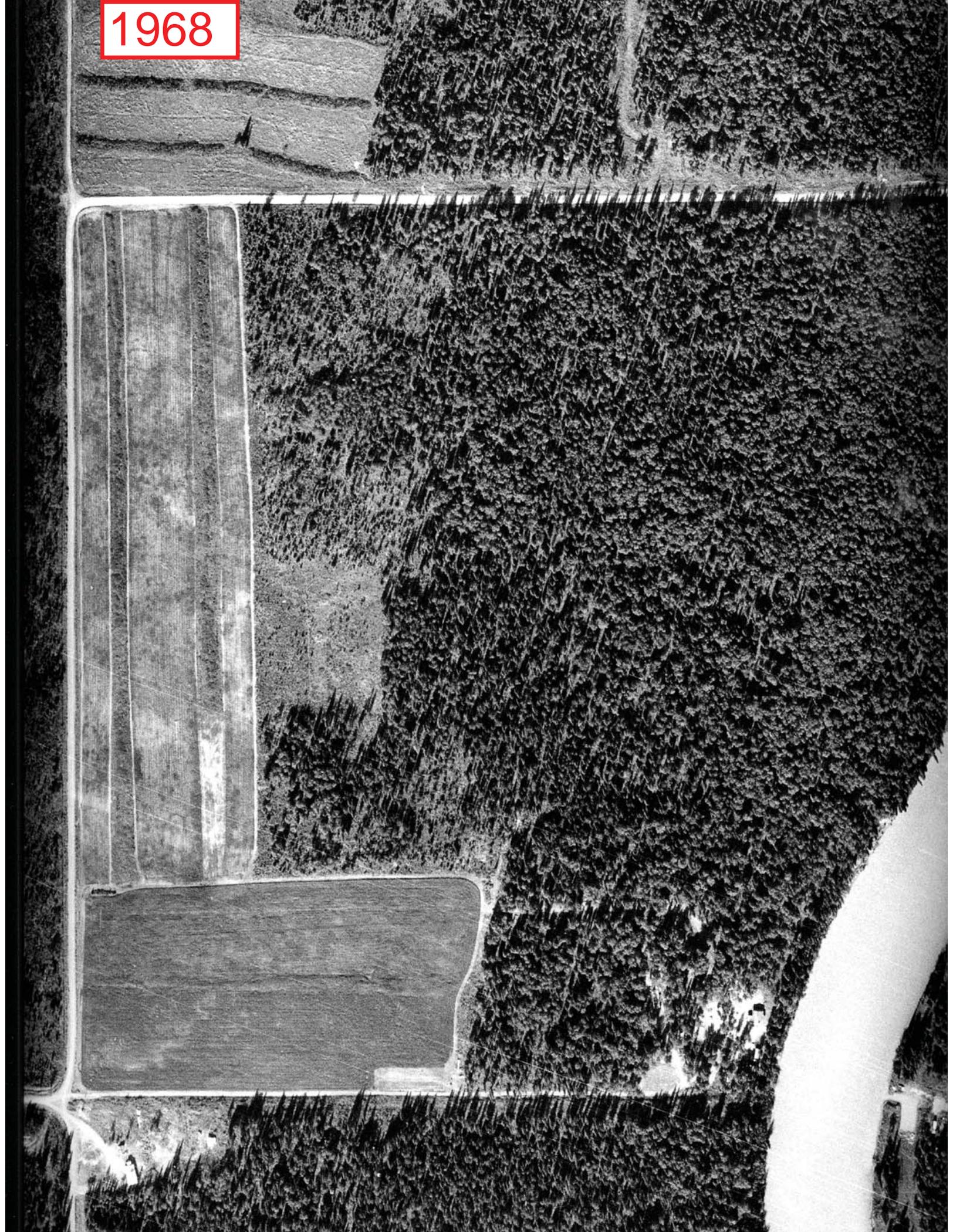
EVINRUDE



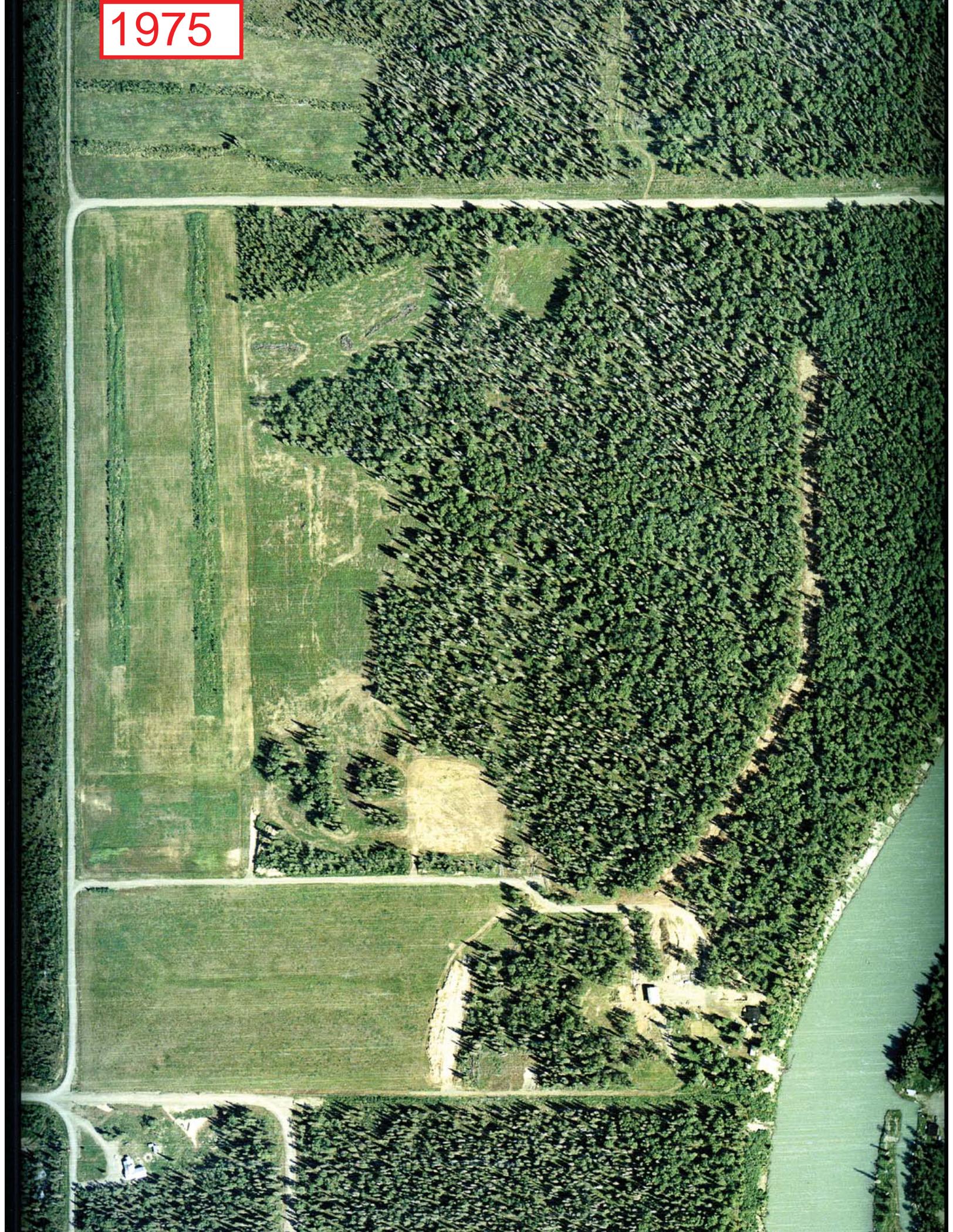
Tract A, which includes C, D, and E has been a gravel operation long before petitioners built in the vicinity.

1. See attached plat and exemption from restrictive covenants for Tract A.
2. This pit was used to rebuild and pave immediately adjacent roads including Ciechanski, Kalifornsky Beach Road, and bike path.
3. Please compare the attached 1968-2004 Aerometric aerial photographs - note that many petitioners built after gravel extraction reached maximum extent of operation. The area when petitioners moved in was far less sightly than now in its partially reclaimed state.
4. Please see Google Earth 2011 pit area showing beginning of reclamation.
5. Please see Google Earth 2011 general area overview showing other pit operations not included within this LOZ.
6. Please see 2014 ground and aerial photographs showing further extent of recent reclamation of Tract A.
7. Tract A is now significantly better than prior to Mr. Cude's operation and reclamation.
8. Concluding gravel operations with progressive refilling and reclamation is the best means of restoring the area but it is costly and will take time.

1968



1975





1982



1986



1995



1998



2000



2004



2011

Google earth

Imagery Date: 4/17/2011 60°30'36.68"N 151°08'31.96"W elev. 104 ft eye alt. 1163 ft

© 2014 Google

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The Proposed LOZ District is Unnecessary

The restrictive covenants applicable to the Petitioners's immediate residential areas since 1975 are at least as restrictive and provide petitioners with approximately the same level of protection and land use regulation as the proposed R-1 zoning.

However, Petitioners themselves in many instances have been violating their own covenants and not enforcing them.

2002-123

BUILDING AND USE RESTRICTIONS
FOR
DIAMOND WILLOW ESTATES

The $\frac{1}{2}$ $\frac{1}{4}$ NE $\frac{1}{4}$ and Gov't Lot 3 Sec. 24
T5N, R11W S.M. 4E. Containing 152.4 Ac. \pm
Located in the Kenai Peninsula Borough.

PREAMBLE: The purpose of these covenants is to assure that property owners will be fully protected from poor quality surroundings and that they will be assured of pleasant, sanitary and safe sites to erect their homes. These covenants will be in effect from date of record on the DIAMOND WILLOW ESTATES.

1. LAND USE AND BUILDING TYPE

No lot shall be used except for residential purposes except Tract 4 and Lots 7, 8, 1 of Block 4 and Lots 1, 12 of Block 5. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling not to exceed two and one-half story in height and a private garage for not more than two cars. No lot shall be subdivided.

2. BUILDING LOCATION

No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building set-back lines shown on the recorded plat. In any event no building shall be located on any lot nearer than 20 feet to the front lot line or nearer than 10 feet to any side street line. No building shall be located nearer than 10 feet to an interior lot line, except that now side yard shall be required for a garage or other permitted accessory building located 5 feet or more from the minimum building set-back line. No dwelling shall be located on any interior lot nearer than 15 feet to the rear lot line.

3. EASEMENTS

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on recorded plat.

4. NUISANCES

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

5. TEMPORARY STRUCTURES

No structure of temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporary or permanently.

6. GENERAL PROVISIONS

These covenants are to run with the land and shall be binding on all parties and persons claiming under them for a period of twenty-five years.

from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

7. ENFORCEMENT

Enforcement shall be by proceedings at law or equity against any person or persons violating or attempting to violate any covenant either to restrain violation or recover damages.

8. SEVERABILITY

Invalidation of any of these covenants by judgment or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

9. SIGNS

No sign of any kind shall be displayed to the public view on any lot except one professional sign not of more than one square foot, one sign of no more than 5 square feet advertising the property for sale or rent or signs used by a builder to advertise the property during the construction and sales period.

10. PROTECTIVE SCREENING AND SELECTIVE CLEARING OF LOTS

Clearing on all lots shall be selective and not cover more than fifty (50%) percent of the gross lot area, with the remaining area left in its natural state.

11. LIVESTOCK AND POULTRY

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purposes. Not more than one dog may be kept on any one lot.

12. GARBAGE AND REFUSE DISPOSAL

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

13. WATER SUPPLY

Individual water supply system and sewage disposal system on each lot shall be installed and maintained in compliance with the standards and requirements of the State of Alaska.

DATED this _____ day of March, 1975.

William E. Gibbs
WILLIAM E. GIBBS

State of Alaska

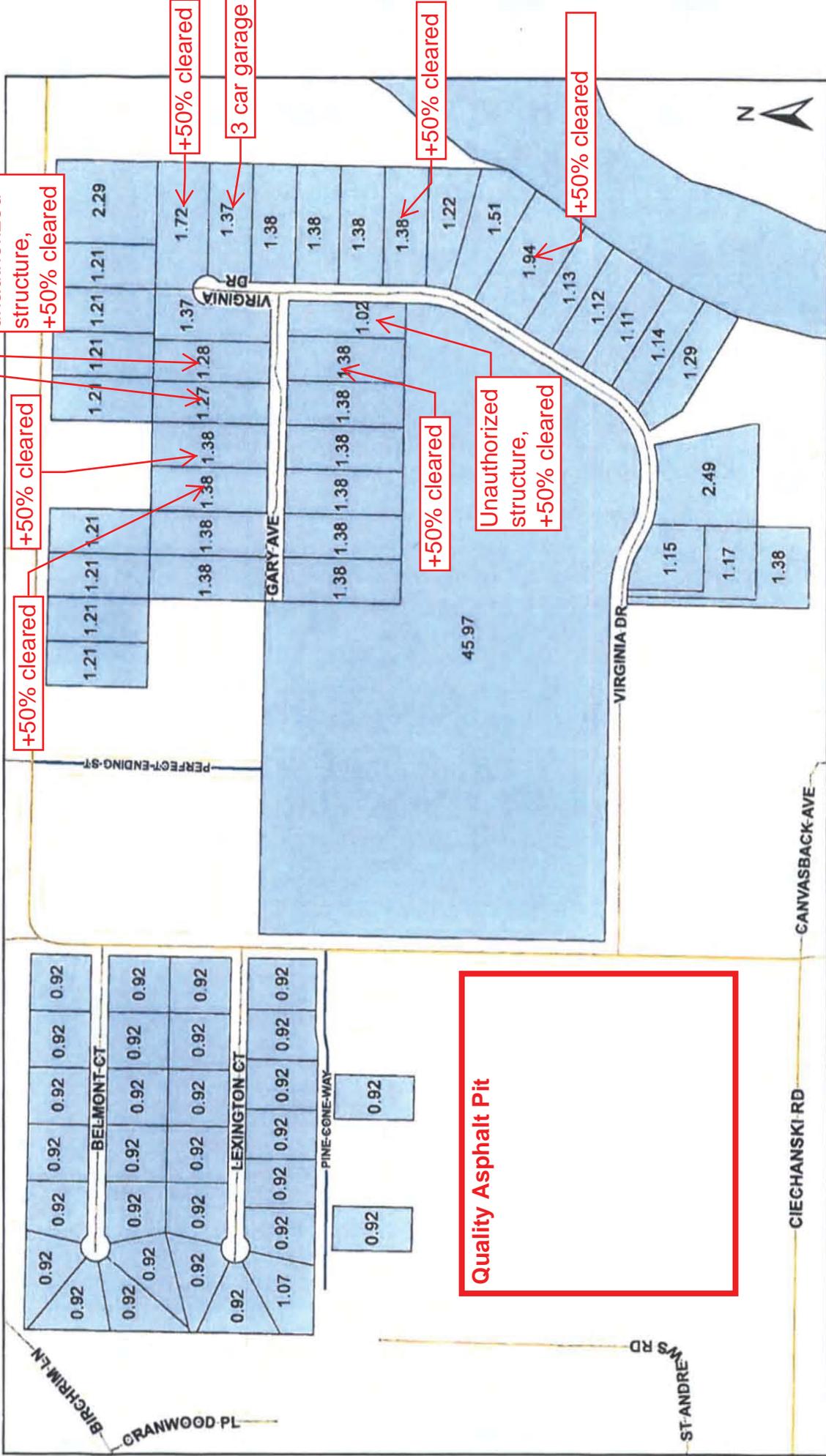
Kenai Recording District, Third Judicial Division

On Aug. 7, 1975 before me, undersigned, a Notary Public in and for the State of Alaska, personally appeared William E. Gibbs, known to me to be the person of William E. Gibbs owner of property referred to in the foregoing instrument and who executed same instrument on behalf of William E. Gibbs.

75 8 8 4 9
7

Notary

Notary Public - 8573 4th 75



Legend

Proposed LOZ with Acreage Shown



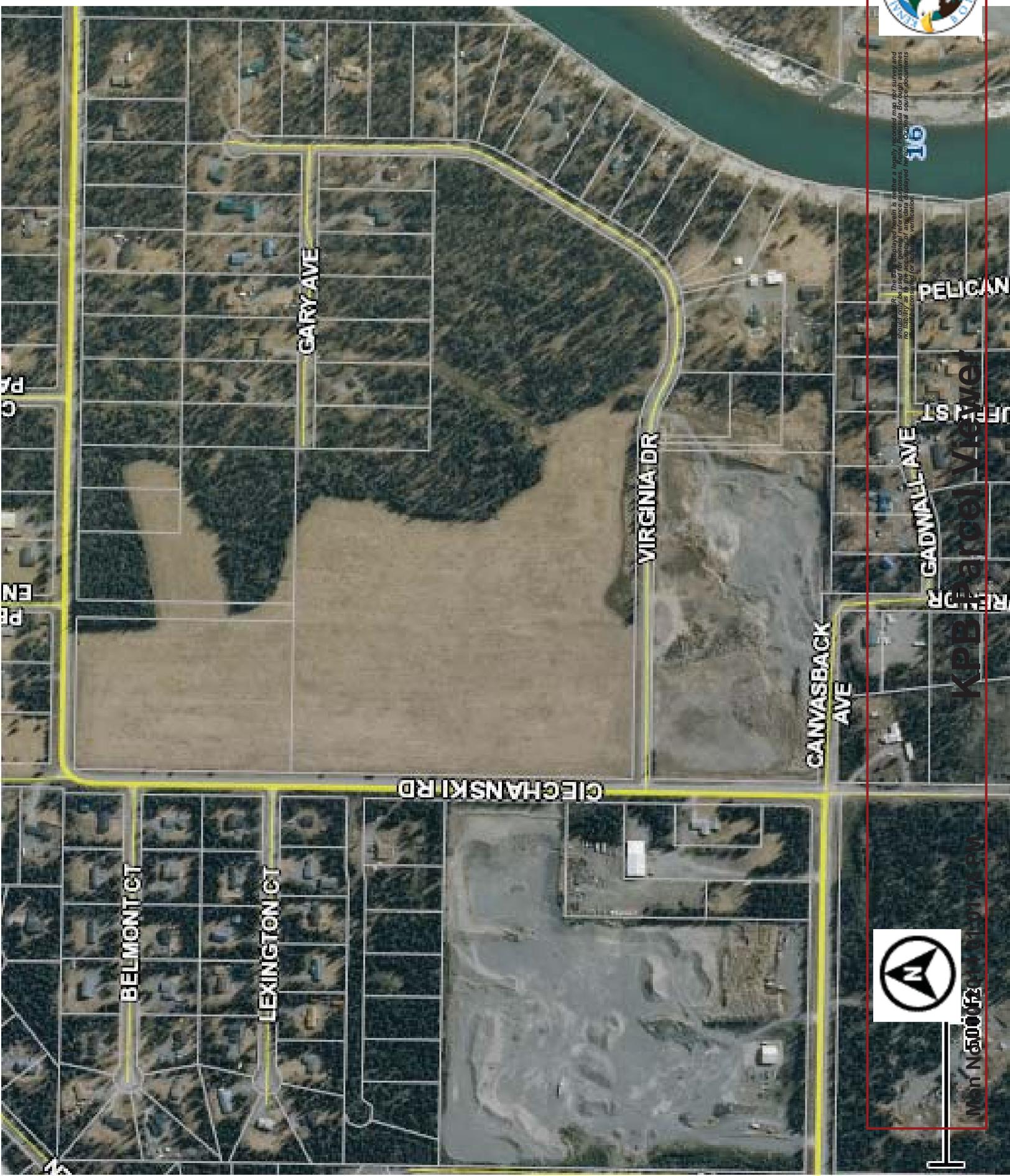
Proposed Diamond Willow - Fairfield Local Option Zone

Mathematical Mean = 1.80 acres
 Mean Minus 50 percent = 0.90 acres
 Mean Plus 50 percent = 2.70 acres

Percentage of Lots that are average size = 98.6%

For a lot to qualify as average size, it must be within 50 percent, plus or minus, option zoning district.

Potential Diamond Willow
 Estates Covenant Violations



I hereby certify that the information displayed on this map is a true and accurate representation of the information contained in the original source documents and that I have exercised reasonable care to ensure the accuracy of the information displayed on this map. I am not responsible for any errors or omissions on this map or for any consequences arising from the use of the information displayed on this map.

16



Map No. 0000023 01-01-2016

KPB Parcel Viewer

Savage's
Fishing Lodge

46636
GARY





136894



Tract A is not the source of significant current visual or environmental violations.

1. Please note the attached DEC letter attesting to no violations here or at other operations by Mr. Cude, and of his good operational practices. Restrictions are now in place to prevent neighbors dumping inappropriate items like old refrigerators.
2. Contrast the large Quality Asphalt Paving (QAP) pit directly opposite on Ciechanski Road with the reclamation of Tract A. The QAP pit is visually intrusive and a very large operation. In contrast, the remaining operation on Tract A is minimal compared to others in immediate vicinity. Note attached aerial and overhead photos.
3. Mr. Cude has cleaned up and refilled much of the former gravel pit area with clean fill, largely provided by Kenai Peninsula Borough road operations, City of Kenai, and State of Alaska DOT as part of their road and public operations.
4. Please compare and contrast extent and nature of 2000-era pit operations by prior operators with its current status, which is much better visually and environmentally.
5. We make no apologies for problems alleged with prior operator. We have cleaned up those problems and continue to reclaim old pit area in a visually appropriate manner.
6. This sort of reclamation of prior gravel pit operations by others is expensive and some final gravel extraction from portions of original Tract A is both necessary to finance further reclamation as well as to benefit of current owner.
7. Aerial photographs of the QAP and Davis pits taken earlier today show normal season flooding. In contrast, Tract A has very little standing water or evidence of current water table breach.
8. Neighborhood actions would be more profitably directed at QAP's much larger and intrusive operation.
9. Concluding gravel operations with progressive refilling and reclamation is the best means of restoring the area but it is costly and will take time.



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

**Department of Environmental
Conservation**

DIVISION OF ENVIRONMENTAL HEALTH
Solid Waste Program

555 Cordova Street
Anchorage, Alaska 99501
Phone: 907.269.7622
Fax: 907.269.7600

submitted via email

November 7, 2014

Mr. Max Best
Planning Director
Kenai Peninsula Borough
144 North Binkley St.
Soldotna, AK 99669

Re: Gravel Permit – Sean Cude, ADEC Solid Waste Program Compliance

Dear Mr. Best:

In regard to his request for a permit for gravel extraction at a gravel pit on Ciechanski Road in Soldotna, Sean Cude requested that I submit comments to you regarding his record of environmental compliance with the Alaska Department of Environmental Conservation (ADEC) Solid Waste Program.

As NRD, Inc., Mr. Cude operates an Inert Waste Monofill at mile 18 of the Kenai Spur Highway in Kenai. The monofill has been permitted by ADEC since 2006. Annual inspections have concluded that the landfill is well maintained. In the last year, many of the materials stored at the site have also been removed, which significantly reduces any possible environmental impacts at the site. Our most recent inspection, on September 25, 2014, showed only two minor violations, which were both addressed immediately.

In addition, Mr. Cude is operating an exempt waste fill in the excavated part of the gravel pit. Exempt wastes are materials that are specifically exempted by the Solid Waste regulations and do not require a permit for disposal. I have attached a copy of our guidance document that explains which wastes are exempt. In the time that Mr. Cude has operated the fill area, we have not received any complaints regarding improper waste being disposed at the site.

NRD has been very responsive to any requests made by the ADEC Solid Waste Program, and we have never received a citizen complaint regarding their facilities.

Please contact me at (907) 269-7622 or by email at lori.aldrich@alaska.gov if you have any comments or would like additional information.

Sincerely,

A handwritten signature in blue ink, appearing to be "Lori Aldrich", with a long horizontal flourish extending to the right.

Lori Aldrich
Solid Waste Regional Program Manager

att: Exempt Solid Wastes, ADEC 2011

Exempt Solid Wastes

August 2011



Solid Waste Program

*Division of
Environmental Health*

**Department
of
Environmental
Conservation**

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Anchorage, AK 99501
(907)269-7802
Fax (907) 269-7600

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610 University Ave
Fairbanks, AK 99709
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Fax (907) 451-2188

Juneau Office:

410 Willoughby Ave, Ste 303
Juneau, AK 99801
(907) 465-5318 or
(907) 465-5353
Fax (907) 465-5362

<http://dec.alaska.gov/eh/sw>

Some types of solid waste do not pose a threat to human health or the environment. Therefore, the disposal of these wastes is not regulated by the Solid Waste regulations. These exempted materials include:

- Dirt, rocks, and soil;
- Tree limbs, stumps, foliage, and other woody debris;
- Bricks, mortar, Portland cement type concrete (including reinforcing steel that cannot be easily removed);
- Crushed glass;
- Crushed asphalt, but only if the product is used as fill material in a building pad, road base, parking pad, or containment berm;
- Waste rock from mining operations (as long as it does not generate acid rock drainage, leach metals, or otherwise pose a risk to the environment);
- Some other types of mining waste and tailings (contact ADEC for more information); and
- Wood waste from timber operations if less than 10 cubic yards is disposed per year or it is used for roads, building pads, or parking areas and will not cause a violation of the water quality standards.

The person disposing of exempt solid waste must ensure compliance with the following requirements:

- The exempt waste may not be mixed with non-exempt waste
- The waste may not cause a public nuisance, environmental problem or a threat to public health, safety, or welfare.
- The waste may not be placed in surface water (creeks, ponds, etc.).
- The waste may not be placed without prior approval by the landowner.

Regulations

Alaska Administrative Code, Title 18, Chapter 60, Section 005
(18 AAC 60.005)



