

DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

E. NEW BUSINESS

- 3. Conditional Use Permit; PC Resolution 2024-0**
Petitioner; Castaway HOA
Request: To install a footbridge on pilings within the 50-foot
Habitat Protection District of the Kenai River.
Location: PINs 055-255-47 & 055-253-42
Soldotna Area

**Conditional Use Permit
Anadromous Waters Habitat Protection District
Staff Report**

KPB File No.	2024-04
Planning Commission Meeting:	February 26, 2024
Applicant/Agent	DeWayne Benton through Heather Benton
Property Owner	Castaway Cove Homeowners Association
Mailing Address	1577 C Street STE 101C Anchorage, AK 99501
Legal Description	CASTAWAY COVE SUB AMENDED TRACTS A & B
KPB Parcel Number	055-255-47 & 055-253-42

Project Description

A Conditional Use Permit (“CUP”) is sought pursuant to KPB 21.18.081 for the installation of an aluminum, light-penetrating footbridge over a side channel of the Kenai River, within the 50-foot Habitat Protection District.

Project Details within the 50-foot Habitat Protection District

1. The pedestrian bridge is 70-feet and 7-inches in length, is 3-feet in width, and will be installed within the private 30-foot right-of-way owned by the Castaway Cove Home Owners Association (the “HOA”).
2. The bridge will be elevated 7 feet above grade to comply with KPB Floodplain Management, and elevated 8 feet above ordinary high water to allow unobstructed boating traffic.
3. Installation of four 6-inch diameter pilings, two on each side of the canal, which will be driven to a maximum depth of 15 feet. The pilings will be installed 8 feet behind the riverbanks and well above ordinary high water.
4. Two 16-foot-long elevated light-penetrating ramps will be placed on each side of the canal, and will be approximately a 2:1 grade.
5. Project site on the island may be accessed with heavy equipment via various methods that each depend on conditions, water levels, and applicable permits and permissions. Methods such as: a) crossing the upstream vehicle bridge, b) construction of a snow/ice bridge in the canal during low water, or c) in-water work from the canal during low-water.

Background

Castaway Cove Subdivision (the “Subdivision”) is a gated, private subdivision located at the end of Ciechanski Road in Kenai. The Subdivision encompasses property on both the mainland as well as the adjacent island. The current plat shows that 80 parcels were originally subdivided on the island, in addition to a parcel listed as a private Subdivision right-of-way.

Historically, all island properties were accessible by foot via a bridge on the downstream side of the island, which was replaced in 2005. Over the last decade, the center of the island has eroded to the point that it is nearly split in half. At least 11 parcels have washed away entirely, leaving only a 4-foot-wide section of land connecting the upper and lower halves of the island. Once the island splits, only 16 downstream parcels will still be accessible by foot, and the remaining 54 upstream parcels will no longer have pedestrian access.

Permitting History

The River Center has been working with both HOA members and the HOA Board for four years to permit the proposed bridge.

1. In 2020, staff met with the original applicant, HOA member Leon James, and began discussions of the bridge project.
2. On July 23, 2020, staff visited the site to meet with Mr. James and the HOA President, who showed staff the proposed bridge site. The HOA Board was in support of the project at that time.
3. In 2020, the Planning Commission approved a one-year CUP to install the footbridge. However, due to shipping delays, the project was not completed prior to the permit's expiration date, and it was granted a one-year extension by the Planning Director.
4. In 2022, the extended CUP was set to expire before the bridge would arrive. River Center staff were approached by HOA members to apply for a second CUP to extend the expiration.
 - a. Staff met with HOA members and HOA Board members multiple times to discuss the project, KPB requirements, HOA requirements, etc.
 - b. In July 2022, the River Center received notice that a majority of the HOA Board was in full support of the application moving forward for a public hearing. This document was signed by HOA President, Ward Hepper.
5. At the August 22, 2022, Planning Commission meeting, staff recommended approval of the project.
 - a. The HOA members serving as the applicants at the time were Leon James and Rick Gedney.
 - b. Upon opening the floor for the applicant to speak on the project, the HOA Board President, Ward Hepper spoke as the applicant. He stated that the HOA did not wish to extend the permit, despite the HOA Board approval letter received by the River Center weeks prior. Mr. Hepper also testified that in 2020, the HOA Board sent the original applicant, Leon James, to seek a permit. Once acquired, the permit was presented to the HOA Board for a vote, where they voted not to build the bridge.
 - c. Citing confusion of who the applicant was, the Planning Commission postponed the item until brought back by staff.
6. In response to the public testimony, the River Center Manager issued a letter to the applicants and HOA, citing additional requirements including an engineering analysis. In the same letter, the River Center Manager also requested a document showing board approval and designating a person to speak as the project applicant.
7. In September 2023, the River Center was given a draft agreement by HOA Board Member Ron Isaacs. This draft agreement stated that HOA President Ward Hepper was recused due to a conflict of interest, and upon signing, that the majority of the Board were interested in acquiring a CUP. Staff was notified that the HOA Board would support the project once the agreement was signed by both parties.
8. In December 2023, new applicant DeWayne Benton submitted a new application supplemented with an engineering report.

9. In January 2024, staff met with Mr. Benton and his daughter, Heather Benton, to review the engineering report. After this review, KPB's engineering requirements were met.
10. In February 2024, staff met with Mr. Benton and Mr. Isaacs to discuss the project and agreement. The agreement initially called for numerous signatures. Mr. Isaacs informed staff that the majority of the HOA Board approved of a single signature on each side, due to the fact that most parties were out of state.
11. Staff re-confirmed with Mr. Issacs that this document was intended to be proof of the HOA Board's approval. Upon receiving confirmation, staff scheduled the matter for next Planning Commission meeting, and sent out public hearing notices.
12. Throughout the permitting and review process for this project, staff have spent at least 4 hours performing site visits, 10 hours meeting with the applicant and/or owner, 10 hours responding to calls from the applicant and/or owner, 30 hours meeting with staff to discuss and review the project, and 36 hours preparing for and attending Planning Commission meetings. Coupled with the costs of advertising and mailouts for public hearings, the KPB's management of this project exceeds \$4,500 in taxpayer dollars.
13. Approval of the CUP does not preclude a property owner's ability or right to manage their property, and they may choose to not carry out the project at any time, even if already issued a permit. As described below, staff is recommending approval as the project currently appears to meet the standards and conditions set forth in KPB code to approve a CUP.

Proposed findings of fact pursuant to KPB 21.18.081 Conditional Use Permit

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
2. Pursuant to KPB 21.18.081(B)(5), construction of critical infrastructure may be approved as a conditional structure/use within the habitat protection district.
3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.
5. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
6. The proposed project is consistent with the 2019 Kenai Peninsula Borough Comprehensive Plan and other applicable planning documents and borough code, including the Kenai Peninsula Borough Coastal Management Plan.
7. A survey was provided to the River Center in February 2024, and certified that the right-of-way had been surveyed and marked.
8. Per the engineering report, the planned construction procedure, involving the installation of driven pilings for the bridge foundation, ensures minimal environmental impact. It will also eliminate any need for excavation or disturbance of the surrounding soil, which reduces any risk of damaging the riverbank or neighboring properties.
9. Per the project details and engineering report, because the pilings will be installed 8 feet behind the riverbanks and well above ordinary high water, the pilings will not contribute to any erosion.
10. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:
"...a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of

the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways.”

11. The River Center found the application complete and scheduled a public hearing for February 26, 2024.
12. Per KPB 21.18.081(C), a person seeking a permit must submit an application to the River Center, which can be done by property owner or agent. This application lists the property owner as Castaway Cove HOA, and the person (agent) applying for the permit is listed as DeWayne Benton.
13. Per KPB 21.18.081(C), the planning commission may approve, deny, or conditionally approve an application for a conditional use permit.
14. Agency review was distributed on February 7th, 2024. The following comments and/or permits were received:
 - a. KPB Floodplain Management; permit to be approved upon CUP approval
 - b. US Army Corps of Engineers; no permit required
 - c. Alaska Division of Natural Resources - State Parks; verbal support; permit pending
 - d. Alaska Department of Fish and Game - Habitat Section; permit approved
15. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the subject property on February 7, 2024. A total of 242 mailings were sent.
16. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on February 14, 2024 and February 21, 2024.
17. The applicant is currently in compliance with KPB permits and ordinances.

Permit Conditions

1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Kenai River.
2. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation. Permittee will also use rig-matting to cross any vegetated areas so as to reduce disturbance within the HPD.
3. For each tree removed, two seedlings less than 5.5-feet tall of a species native to the region will be planted within the 50-foot HPD.
4. Storage or use of fuel is prohibited within 50-feet of any open water.
5. The River Center shall be notified at least 3 days prior to the start of the project.
6. If changes to the approved project described above are proposed prior to or during its siting, construction, or operation, the permittee is required to notify the River Center to determine if additional approval is required.
7. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
8. The construction or installation phase of this CUP must be completed within six years calendar year from the date of the permit's issuance, or the CUP shall expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a CUP extension for 12 months (KPB 21.18.081(H)).
9. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The KPB Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).

10. The permittee shall comply with the terms, conditions and requirements of the KPB Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
11. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081(G)).

General Standards

Pursuant to 21.18.081(D) General Standards, the following standards shall be met before conditional use approval may be granted:

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Findings 8-9 and Conditions 1-4 appear to support this standard.**
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; **Findings 2, 4-6 and Conditions 10-11 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Findings 7-9 and Condition 1,2, 7 appear to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1, 2, 10 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements; **Findings 14, 15 and Conditions 10, 11 appear to support this standard.**

Attachments

1. Multi-Agency Application
2. HOA Agreement (2024)
3. HOA Board Approval (2022)
4. Engineering Report
5. Survey
6. Maps
7. Public Hearing Notice
8. Staff Report
9. Draft Resolution 2024-04
10. Public Comment 20240215
11. Agency Permits and Comments

Recommendation

Based on the findings, staff finds that the proposed project appears to meet the five general standards of KPB 21.18.081. The Planning Commission may consider additional permit conditions to mitigate for any habitat loss if it chooses. Approval of this permit does not preclude a property owners' ability or right to manage their property, and they may choose to not carry out the project at any time. The Planning Commission may also choose to conditionally approve the application.

Staff recommends the Planning Commission approve a Conditional Use Permit for the proposed project subject to the adopted conditions set forth in Resolution 2024-04.

Note: An appeal of a decision of the Planning Commission may be filed to the Hearing Officer, in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.

END OF STAFF REPORT

KENAI PENINSULA BOROUGH PLANNING COMMISSION

RESOLUTION 2024-04

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18.081 FOR THE CONSTRUCTION OF FOOTBRIDGE WITHIN THE 50-FOOT HABITAT PROTECTION DISTRICT OF THE KENAI RIVER

- WHEREAS,** Chapter 21.18 provides for the approval of conditional use permits for certain activities within the habitat protection district; and
- WHEREAS,** KPB 21.18.081 provides that a conditional use permit is required for construction not meeting the standards of KPB 21.18.071; and
- WHEREAS,** KPB 21.18.091 provides for mitigation measures by the Planning Department staff to address impacts to the Habitat Protection District from a proposed, ongoing, or completed project; and
- WHEREAS,** public notice was sent to all property owners within a 300-foot radius of the proposed activity as provided in KPB 21.11.030; and
- WHEREAS,** public notice was published in the Peninsula Clarion on February 14, 2024 and February 21, 2024 as provided in KPB 21.11.020; and
- WHEREAS,** public testimony was received at the February 26, 2024 meeting of the Kenai Peninsula Borough Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

That the Planning Commission makes the following findings of fact pursuant to KPB 21.18:

Section 1. Project Details Within the 50-foot Habitat Protection District

1. The pedestrian bridge is 70-feet and 7-inches in length, is 3-feet in width, and will be installed within the private 30-foot right-of-way owned by the Castaway Cove Home Owners Association (the "HOA").
2. The bridge will be elevated 7 feet above grade to comply with KPB Floodplain Management, and elevated 8 feet above ordinary high water to allow unobstructed boating traffic.
3. Installation of four 6-inch diameter pilings, two on each side of the canal, which will be driven to a maximum depth of 15 feet. The pilings will be installed 8 feet behind the riverbanks and well above ordinary high water.
4. Two 16-foot-long elevated light-penetrating ramps will be placed on each side of the canal, and will be approximately a 2:1 grade.
5. Project site on the island may be accessed with heavy equipment via various methods that each depend on conditions, water levels, and applicable permits and permissions. Methods such as: a) crossing the upstream vehicle bridge, b) construction of a snow/ice bridge in the canal during low water, or c) in-water work from the canal during low-water.

Section 2. Findings of fact pursuant to KPB 21.18.081

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
2. Pursuant to KPB 21.18.081(B)(5), construction of critical infrastructure may be approved as a conditional structure/use within the habitat protection district.
3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.
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6. The proposed project is consistent with the 2019 Kenai Peninsula Borough Comprehensive Plan and other applicable planning documents and borough code, including the Kenai Peninsula Borough Coastal Management Plan.
7. A survey was provided to the River Center in February 2024, and certified that the right-of-way had been surveyed and marked.
8. Per the engineering report, the planned construction procedure, involving the installation of driven pilings for the bridge foundation, ensures minimal environmental impact. It will also eliminate any need for excavation or disturbance of the surrounding soil, which reduces any risk of damaging the riverbank or neighboring properties.
9. Per the project details and engineering report, because the pilings will be installed 8 feet behind the riverbanks and well above ordinary high water, the pilings will not contribute to any erosion.
10. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:
“...a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways.”
11. The River Center found the application complete and scheduled a public hearing for February 26, 2024.
12. Per KPB 21.18.081(C), a person seeking a permit must submit an application to the River Center, which can be done by property owner or agent. This application lists the property owner as Castaway Cove HOA, and the person (agent) applying for the permit is listed as DeWayne Benton.
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16. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on February 14, 2024 and February 21, 2024.
17. The applicant is currently in compliance with KPB permits and ordinances.

Section 3. Permit Conditions

1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Kenai River.
2. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation. Permittee will also use rig-matting to cross any vegetated areas so as to reduce disturbance within the HPD.
3. For each tree removed, two seedlings less than 5.5-feet tall of a species native to the region will be planted within the 50-foot HPD.
4. Storage or use of fuel is prohibited within 50-feet of any open water.
5. The River Center shall be notified at least 3 days prior to the start of the project.
6. If changes to the approved project described above are proposed prior to or during its siting, construction, or operation, the permittee is required to notify the River Center to determine if additional approval is required.
7. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
8. The construction or installation phase of this CUP must be completed within six years calendar year from the date of the permit's issuance, or the CUP shall expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a CUP extension for 12 months (KPB 21.18.081(H)).
9. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The KPB Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
10. The permittee shall comply with the terms, conditions and requirements of the KPB Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
11. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081(G)).

Section 4. Pursuant to 21.18.081(D) General Standards, the following standards shall be met before conditional use approval may be granted:

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Findings 8-9 and Conditions 1-4 support this standard.**
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; **Findings 2, 4-6 and Conditions 10-11 support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Findings 7-9 and Condition 1,2, 7 support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1, 2, 10 support this standard.**

5. Applicant's or owner's compliance with other borough permits and ordinance requirements;
Findings 14, 15 and Conditions 10, 11 support this standard.

THIS CONDITIONAL USE PERMIT EFFECTIVE ON _____ DAY OF _____, 2024.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg
Administrative Assistant

Note: An appeal of a decision of the Planning Commission may be filed to the hearing officer, in accordance with the requirements of the KPB Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.

PUBLIC COMMENTS

From: [Planning Dept.](#)
To: [Aldridge, Morgan](#); [Lopez, Samantha](#)
Subject: FW: <EXTERNAL-SENDER>Castaway Cove Subdivision Bridge Project
Date: Friday, February 16, 2024 7:06:20 AM

From: Marie Kenison <kenisonmarie@gmail.com>
Sent: Friday, February 16, 2024 3:12 AM
To: Planning Dept, <planning@kpb.us>; Kenai River Center, <Kenai-River-Center@kpb.us>
Subject: <EXTERNAL-SENDER>Castaway Cove Subdivision Bridge Project

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Please accept our support for the Castaway Cove Subdivision Bridge project:
Land use permit
KPB ID 055-255-47
KPB ID 055-253-42

Dave and Marie Kenison
3110 N Snowgoose Drive Wasilla Alaska
Owners : Castaway Cove Subdivision Lot 30 , Kenai Alaska



2/16/2024

KPB Planning Commission/Kenai River Center
Donald E. Gilman River Center
514 Funny River Road
Soldotna, AK 99669

RE: Castaway Cove Footbridge Project

I am a guide on the Kenai River, and my business owns three lots within the Castaway Cove neighborhood. I am 100% supportive of the installation of this bridge. This bridge is a necessity for numerous of us owners to access our properties. One of my neighbors is even in a wheelchair who is really going to struggle to enjoy his investment once the river cuts our current access to the island off.

Please allow the permit for this project to be obtained so that we may proceed with the installation.

Sincerely

Marty Weiser
Owner/Guide

January 11, 2024

Castaway Board with Bridge Project Authority

Re: Small Group Surveyed as to Bridge Support

Dear Board Members,

We were recently asked to provide the names of Castaway owners who show their full support of the secondary bridge being installed at the up-river end of the island within Castaway Cove. We were limited by time and lack of contact information but were still able to get a number of people to pledge their support.

It should be noted that we did not receive any resistance to the project from those that we were able to reach.

In consideration of this support and the lack of resistance from those surveyed, we request that the members of the board grant us permission to move forward with obtaining the necessary permit to proceed with the bridge installation. This means that we can instruct the Kenai River Center that we have board approval to get this permit issuance on the February Borough Meeting agenda. Once this permit is obtained, we will then provide the necessary proposal and information to the Board for approval to move forward with the installation project. In other words, the securing of this permit does not mean we have the Board's approval to install the bridge. It simply means that once we determine that the project can move forward, we will not be delayed by the permitting process.

Owner	Contact	Lot	Block
Gregory R. Lebanowski		06	09
Marie & David Kenison	kenisonmarie@gmail.com	34	06
Lee & Tammy Hulme	Aklee21610@yahoo.com	29	07
		07	05
DeWayne Benton	dewaynebenton46@yahoo.com	02	07
Lloyd Niedermeier	503-252-2276	02	10
		03	10
		09	10
Redetzke Properties/Don Redetzke	715-828-5556	10	06
		11	06
		01	05
		02	05
		03	05
		23	05
		24	05
		25	05
Todd & Ruth Horak	970-217-9971	10	10
		09	09
Jeremy & Shelby Mills	Jeremymills.ak@gmail.com	33	04
Katie Mills		21	04

William Richard Kruskie	kruskie@gci.net	30	04
		31	04
		01	08
		13	08
		28	07
Leon James	541-881-6014	12	09
		13	09
		10	08
Scott Euker	630-258-5871	18	09
		19	09
Rocky Pasquale	770-686-6036	01	07
Ronald and Larissa Linder	907-240-6304	16	04
		17	04
Nancy Beligotti	nancy.beligotti@sysco.com	07	07
Mr. Robert Larkey Jr.	907-923-9122	07	04
		32	06
		31	06
Mathew & Loucinda Linder	907-943-1068	19	04
		20	04
Martin Weiser	weiser@me.com	32	04
Marie Annecy Hooyer		24	04
Kenai Fishing Adventures, LLC/Martin Weiser	marty@kenaifishingadventures.com	06	07
		03	08
		02	08
Gilbert & Denice Garcia-Shutts	Dsg82902@gmail.com	11	06
		12	06
		13	06
Kenai Red Properties/Shawn and Stacey Benner	269-838-6623	23	04
		11	05
		13	07
		14	07
Priscilla Irary	907-830-4034	17	02
Gerald Lewerenz	907-240-2436	05	03
Willis & Pam Miller	arrowinc@hotmail.com	10	09
		11	09
Wayne & Annette Broste	44teamb@gmail.com	16	09

Regards,

DeWayne Benton

Marty Weiser

Nan Beligotti

Bill Kuskie

From: robbie@gci.net
To: [Planning Dept.](#); [Kenai River Center.](#); [adelle](#); [Aldridge, Morgan](#)
Subject: <EXTERNAL-SENDER>KPB 21.18.081 Castaway cove Subdivision, Soldotna, Alaska Conditional Use Permit Application
Date: Monday, February 19, 2024 6:10:16 PM

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Kenai Peninsular Borough Planning Commission
Donald E. Gilman River Center
514 Funny River Road
Soldotna, Alaska 99669

To: Planning Department planning@kpb.us and
Donald E. Gilman River Center KenaiRivCenter@kpb.us

Re: Public Comment to the Kenai Peninsula Borough Planning Commission Public Hearing regarding application for a Conditional Use Permit under KPB 21.18.081 for a proposed project within the 50-foot Habitat Protection District (HPD) of the Kenai River; located within the boundaries of Castaway Cove Subdivision Parcel ID 055-255-47 and 055-253-42.

Comes now the joint owners Robert A. Johnston and Rebecca A. Johnston of two lots with in said subdivision specifically Lot 26-B07 and Lot 27-B04 to support in its entirety the above stated project and the members of the Castaway Cove Homeowners submitting permit application. It is our desire as property owners to have the Kenai Peninsular Borough Planning Commission after the conclusion to the February 26, 2024 public hearing, that the Planning Commission issue the Conditional Use Permit for the above applicants to install a footbridge on pilings in the named subdivision.

If you have any questions regarding our submitted testimony please do not hesitate to contact us at robbie@gci.net. Thank you in advance for your consideration of our Public Comments.

Respectfully,

Robert A. Johnston
Rebecca A. Johnston

cc: Morgan Aldridge maldridge@kpb.us

From: [Planning Dept.](#)
To: [Aldridge, Morgan](#); [Lopez, Samantha](#)
Subject: FW: <EXTERNAL-SENDER>Permit to install Footbridge Castaway Cove
Date: Tuesday, February 20, 2024 7:20:15 AM

From: Beligotti, Nan 450 <Nancy.Beligotti@sysco.com>
Sent: Saturday, February 17, 2024 1:29 PM
To: Planning Dept, <planning@kpb.us>; Kenai River Center, <Kenai-River-Center@kpb.us>
Subject: <EXTERNAL-SENDER>Permit to install Footbridge Castaway Cove

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

To Whom It May Concern:

I am the owner of Lot 7 Block 7 in Castaway Cove. I am in full support of the footbridge installation so that I may have access to my property as it is a necessity now.

As you may know, the access to my property from the other footbridge is being washed away by erosion and the middle of this, where the walkway is, is very narrow now and will not be accessible in the near future.

I enjoy my time away from a hectic life in Castaway Cove. It does wonders for myself, my family and friends who I can share this with and I can't imagine this going away.

Please consider this, as we have so much support!
Thank you,

Nan Beligotti
Sales Consultant
Sysco Foods of Alaska
907-982-1963

Nancy.beligotti@sysco.com



From: [Planning Dept.](#)
To: [Lopez, Samantha](#); [Aldridge, Morgan](#)
Subject: FW: <EXTERNAL-SENDER>Castaway Cove Footbridge
Date: Tuesday, February 20, 2024 7:21:38 AM

-----Original Message-----

From: Jen Coy <coytoy@gei.net>
Sent: Saturday, February 17, 2024 3:51 PM
To: Planning Dept, <planning@kpb.us>; Kenai River Center, <Kenai-River-Center@kpb.us>
Subject: <EXTERNAL-SENDER>Castaway Cove Footbridge

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To Whom It May Concern

I am writing to you in support of this project.

My good friend, Nan Beligotti, owns a cabin there which access will be compromised if this bridge is not placed.

My husband and I truly love this peace on earth and would hate to see the access denied.

Thank you!

Sent from my iPhone

From: [Planning Dept.](#)
To: [Aldridge, Morgan](#); [Lopez, Samantha](#)
Subject: FW: <EXTERNAL-SENDER>Castaway Cove footbridge
Date: Tuesday, February 20, 2024 7:22:21 AM

-----Original Message-----

From: jeremy coy <coytoy75@yahoo.com>
Sent: Saturday, February 17, 2024 4:06 PM
To: Planning Dept, <planning@kpb.us>; Kenai River Center, <Kenai-River-Center@kpb.us>
Subject: <EXTERNAL-SENDER>Castaway Cove footbridge

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To whom it may concern

I am sending this in full support of this project. Our good friends, Nan and Dino Beligotti, own a cabin on the island and it is being compromised by the erosion taking place.

It is also a safety issue, as the walkway from the other footbridge is harder to navigate with the erosion and flooding.

Sincerely,

Jeremy Coy

Frequent guest in the cove

Sent from my iPhone

From: [Kenai River Center](#)
To: [Lopez, Samantha](#); [Aldridge, Morgan](#)
Subject: FW: <EXTERNAL-SENDER>Castaway Cove Footbridge
Date: Tuesday, February 20, 2024 12:51:55 PM

From: SCOTT EUCKER <seucker1@comcast.net>
Sent: Tuesday, February 20, 2024 12:48 PM
To: Planning Dept, <planning@kpb.us>; Kenai River Center, <Kenai-River-Center@kpb.us>
Subject: <EXTERNAL-SENDER>Castaway Cove Footbridge

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As Owners of lots 18 and 19 in Block 9, I am writing to voice my support of the planning commission to approve the proposed footbridge.

As you know mother nature cannot be controlled and the river continues to erode the island at the middle to eastern end.

Without the new footbridge future access to Blocks 7, 8 and 9 is in jeopardy.

There is an existing right of way for Boardwalk Trail to place the footbridge within that would create access from the west end of the island.

Thank you for your support,

Scott Eucker

From: [Planning Dept.](#)
To: [Aldridge, Morgan](#); [Lopez, Samantha](#)
Subject: FW: <EXTERNAL-SENDER>meeting comments on foot bridge castaway cove
Date: Tuesday, February 20, 2024 11:00:57 AM

From: Deneise Garcia <dsg82902@gmail.com>
Sent: Tuesday, February 20, 2024 9:01 AM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>meeting comments on foot bridge castaway cove

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Gilbert Garcia, Block 6. Lots 11, 12 and 13

I am voting FOR the footbridge.

The island is being eroded by the river; castaway has spent thousands of dollars trying to save the walk way bank to no avail. The owners on the island need the foot bridge to access their property. There is no reason not to install the bridge. The bridge its self is nice and not an eyesore.

Thank You

Gilbert Garcia

From: [Planning Dept.](#)
To: [Lopez, Samantha](#); [Aldridge, Morgan](#)
Subject: FW: <EXTERNAL-SENDER>2nd bridge placement
Date: Tuesday, February 20, 2024 7:20:46 AM

From: jessica gonzalez <lovealaska907@gmail.com>
Sent: Saturday, February 17, 2024 1:41 PM
To: keniarivcenter@kpb.us; Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>2nd bridge placement

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Good afternoon,

My mother in law owns Lot 7 Block 7 in Castaway Cove.

I have created countless cherished memories at this peaceful retreat with my family. My children have flourished here during summer, learning to fish, boat safety and much more. The only concern we have is the potential for the walkway to be washed out. This cabin has truly become a second home to us during the warmer months.

I fully support this 2nd bridge placement as the erosion that is taking place where her access by foot will wash away soon from the other end.

Sincerely,
The Sanderson and Beligotti family.

From: [Planning Dept.](#)
To: [Aldridge, Morgan](#); [Lopez, Samantha](#)
Subject: FW: <EXTERNAL-SENDER>Castaway Cove Bridge Project
Date: Tuesday, February 20, 2024 7:22:40 AM

-----Original Message-----

From: Lori <lasena56@yahoo.com>
Sent: Saturday, February 17, 2024 4:21 PM
To: Planning Dept, <planning@kpb.us>; Kenai River Center, <Kenai-River-Center@kpb.us>
Subject: <EXTERNAL-SENDER>Castaway Cove Bridge Project

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

I have a request to continue the 2nd Bridge Access in the Castaway Cove Subdivision. We have fished there and visited property owners who need closer access and parking. The long un even walkway is not safe for my husband as well as many other Alaska residents. The Bridge would greatly improve everyone experience on The Kenai River. Thank you for for listening !

Sent from my iPhone

From: [Planning Dept.](#)
To: [Lopez, Samantha](#); [Aldridge, Morgan](#)
Subject: FW: <EXTERNAL-SENDER>Castaway cove footbridge
Date: Tuesday, February 20, 2024 7:22:04 AM

-----Original Message-----

From: Gary Olson <ole338@icloud.com>
Sent: Saturday, February 17, 2024 3:56 PM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>Castaway cove footbridge

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Been there several times

The footpath that is there now is dangerous. Washout is soon. It would be very much more convenient and not nearly as messed up as the existing situation. I'm 70 and not that steady. I hope you fold pass this new bridge Sent from my iPhone

From: [Planning Dept.](#)
To: [Aldridge, Morgan](#); [Lopez, Samantha](#)
Subject: FW: <EXTERNAL-SENDER>Bridge Access!! Urgent!
Date: Tuesday, February 20, 2024 7:22:57 AM

From: Jake Sanderson <sandersonjake@yahoo.com>
Sent: Sunday, February 18, 2024 3:14 PM
To: Planning Dept, <planning@kpb.us>; Kenai River Center, <Kenai-River-Center@kpb.us>
Subject: <EXTERNAL-SENDER>Bridge Access!! Urgent!

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Dear Concerned Parties,

I am writing to express our support for the proposed placement of a second bridge at Castaway Cove, particularly near Lot 7 Block 7, which is owned by my mother. This serene retreat has been a source of countless cherished memories for our family, providing a nurturing environment for our children to learn essential skills such as fishing and boating safety during the summer months. Our only concern revolves around the potential erosion of the walkway, which could jeopardize access to this beloved cabin.

We wholeheartedly endorse the installation of the second bridge, as it is crucial to mitigating the erosion issue that threatens foot access to the cabin. Castaway Cove has truly become a second home for us, and we believe the proposed bridge will safeguard its accessibility, ensuring continued enjoyment for families in the warmer months.

Sincerely, The Sanderson and Beligotti Family

[Sent from Yahoo Mail for iPhone](#)

From: [Planning Dept.](#)
To: [Aldridge, Morgan](#); [Lopez, Samantha](#)
Subject: FW: <EXTERNAL-SENDER>Support for Castaway Cove Footbridge
Date: Tuesday, February 20, 2024 7:19:58 AM

-----Original Message-----

From: Bethany Weiser <bethweiser@me.com>
Sent: Saturday, February 17, 2024 11:12 AM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>Support for Castaway Cove Footbridge

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

I am very much in favor of the installation of the footbridge in Castaway Cove subdivision.

Bethany A. Weiser, CLHMS, CRS
Mehner Weiser Real Estate
RE/MAX Dynamic Properties
907.223.1632
Beth@Mehner.com

[https://urldefense.com/v3/_http://www.Mehner.com_!!E1nKBO!9WUY6aOo3a1BIO2ELKyn9RXujm_Rj6lfvHX7qmyApJR4KX94Waoogq31eu32ZHMg22yhzrpJ4UqA_vd1\\$](https://urldefense.com/v3/_http://www.Mehner.com_!!E1nKBO!9WUY6aOo3a1BIO2ELKyn9RXujm_Rj6lfvHX7qmyApJR4KX94Waoogq31eu32ZHMg22yhzrpJ4UqA_vd1$)

Sent from my mobile device

Martin & Bethany Weiser
3535 Akula Dr
Anchorage, AK 99516
2/16/2024

KPB Planning Commission/Kenai River Center
Donald E. Gilman River Center
514 Funny River Road
Soldotna, AK 99669

RE: Castaway Cove Footbridge Project

Please consider this a letter of support for the installation of the footbridge within Castaway Cove Subdivision. My wife and I own a residence within the subdivision and realize this footbridge is an absolute necessity to ensure access to a significant number of properties within the subdivision. The way the current river is eroding our island this bridge will be the only access to peoples' properties.

The installation of our existing (down river) footbridge has had nothing but a positive impact on the surrounding environment and we anticipate the new one will as well.

I appreciate your consideration.

Sincerely,

Martin & Bethany Weiser
Castaway Cove Owners

From: [Kenai River Center](#)
To: [Lopez, Samantha](#); [Aldridge, Morgan](#)
Subject: FW: <EXTERNAL-SENDER>Castaway Cove permit application for foot bridge
Date: Wednesday, February 21, 2024 12:57:43 PM

From: Dino A Beligotti <dab1mech@gmail.com>
Sent: Wednesday, February 21, 2024 12:53 PM
To: Planning Dept, <planning@kpb.us>; Kenai River Center, <Kenai-River-Center@kpb.us>
Subject: <EXTERNAL-SENDER>Castaway Cove permit application for foot bridge

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

To whom it may concern, Hello, My name is Dino Beligotti and my wife Nan Beligotti owns property that is affected by the installation of the upper footbridge at Castaway cove subdivision. I really do hope that this bridge is installed because it would greatly improve access to all residents on the island. As it stands right now the existing walkway from the lower bridge will wash out soon and is a bit of a challenge for some residents to use. When the walkway does wash out, folks won't have access to their cabins till water levels rise for use of boats. Some of the residents are handicapped and have disabilities that would prohibit their use of boats. On top of that we will lose approx 2 months of access and enjoyment of her cabin. I have had so many good times at my wifes cabin since she purchased her cabin, our children, grandchildren and our friends look forward to coming and visiting. Please approve the permit for this bridge, it will improve the " Kenai River Experience " for all the residents. Thank you, Dino Beligotti

From: [Kenai River Center](#)
To: [Lopez, Samantha](#); [Aldridge, Morgan](#)
Subject: FW: <EXTERNAL-SENDER>Castaway Cove Homeowners Association footbridge permit
Date: Wednesday, February 21, 2024 2:42:11 PM

-----Original Message-----

From: Cynthia Horne <cynthia_p_horne@yahoo.com>
Sent: Wednesday, February 21, 2024 2:35 PM
To: Planning Dept, <planning@kpb.us>; Kenai River Center, <Kenai-River-Center@kpb.us>
Subject: <EXTERNAL-SENDER>Castaway Cove Homeowners Association footbridge permit

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Good afternoon,

My boyfriend's mother owns Lot 7 Block 7 in Castaway Cove.

I have created so many beautiful and cherished memories at this peaceful retreat with his family. We spend every free weekend during the summer here, learning to fish, relaxing, enjoying the beautiful scenery, and much more. The main concern we have is the potential for the walkway to be washed out.

I fully support the 2nd bridge placement as the erosion that is taking place where she accesses her cabin by foot will soon be washed away from the other end. We love having this safe getaway and would hate for it to be negatively affected by the corrosion.

Sincerely,
The Horne and Beligotti family.
Sent from my iPhone

Pertinent matters involving projected installation of Castaway Cove's 2nd Bridge to the island lots:

From: Leon James

To: Kenai Peninsula Borough Planning Commission

Dated : 02/23/2024 for 02/26/2024 Commission Meeting

Summary of detailed information in the attached Exhibit A as well as conclusions arising from the said summary:

- 1) THE CASTAWAY COVE ASSOCIATION MINUTES SHOW THAT WARD HEPPER AND THE ASSOCIATION BOARD OF DIRECTORS WERE IN FULL APPROVAL OF THE PROPOSED CASTAWAY COVE 2ND BRIDGE WHEN THE BRIDGE WAS PROPOSED ON 06/29/2019.**
- 2) WARD HEPPER OWNS THE LOT IMMEDIATELY ADJACENT TO THE ASSOCIATION'S 30 FOOT EASEMENT, WHICH WILL BE USED FOR ACCESS TO THE CASTAWAY COVE 2ND BRIDGE ONCE THE BRIDGE IS FINALLY INSTALLED.**
- 3) THE CASTAWAY COVE 2ND BRIDGE IS REQUIRED BECAUSE THE ASSOCIATION'S ISLAND LOTS NEXT TO THE KENAI RIVER ARE BEING CUT IN HALF, WHICH WILL ONLY ALLOW ACCESS VIA THE KENAI RIVER FOR THE LOTS ON THE SOUTH END OF THE ISLAND UNLESS THE 2ND BRIDGE IS INSTALLED.**
- 4) LEON JAMES WAS NAMED TO SPEARHEAD THE PERMITTING, PLANS AND MATERIALS NEEDED FOR CONSTRUCTION OF THE CASTAWAY COVE 2ND BRIDGE.**
- 5) ON 05/22/2020 THE ASSOCIATION MINUTES SHOW THAT LEON JAMES REMAINED IN CHARGE OF THE 2ND BRIDGE PROJECT AND THAT THE ASSOCIATION WOULD PURCHASE THE BRIDGE FROM LEON JAMES AFTER DELIVERY AND WHEN ANY NECESSARY PERMITS WERE IN PLACE.**
- 6) ON 08/26/2020 THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AUTHORIZED THE ISSUANCE OF PERMITS FOR CONSTRUCTION OF THE 2ND BRIDGE.**
- 7) 09/26/2021 LETTER AND PLANS FROM LEON JAMES TO BILL KRUSKIE (Association member) FOR BILL TO ASSUME RESPONSIBILITY FOR INSTALLING THE BRIDGE PILINGS.**
- 8) ON 06/04/2022 COMPONENTS FOR 2ND BRIDGE LOADED IN OREGON AND IN TRANSIT TO CASTAWAY COVE AND UPON ARRIVAL PLACED ON CASTAWAY COVE EASEMENT.**
- 9) ON 07/27/2022 THE CASTAWAY COVE BOARD OF DIRECTORS INCLUDING WARD HEPPER VOTED UNANIMOUSLY THAT BUILDERS OF THE 2ND BRIDGE WOULD ASSUME ALL COSTS AND LIABILITY FOR THE BRIDGE INSTALLATION, THAT THE PERMIT APPLICATION FOR AN INSTALLATION WOULD WAS APPROVED, AND THAT WHEN THE**

BRIDGE WAS COMPLETED OWNERSHIP WOULD BE TURNED OVER TO THE ASSOCIATION.

- 10) ON 08/06/2022 2ND BRIDGE WAS FULLY ASSEMBLED AND READY FOR INSTALLATION.**
- 11) ON 08/22/2022 AT THE KENAI PENINSULA BOROUGH PLANNING COMMISSION PUBLIC HEARING A REQUEST WAS MADE FOR A FURTHER EXTENSION WARD HEPPER APPEARED IN OPPOSITION TO THE TIME EXTENSION ON BEHALF OF HIMSELF AS WELL AS THE ASSOCIATION. (Why Ward Hepper reversed his position from the 07/27/2022 Board of Directors meeting is unknown.)**
- 12) LETTER DATED 08/30/2022 FROM THE BOROUGH PLANNING COMMISSION INCLUDING ADDITIONAL CONDITIONS AS WELL AS A LETTER SIGNED BY A MAJORITY OF THE ASSOCIATION BOARD SUPPORTING THE PROJECT AND WANTING TO KNOW WHO HAD AUTHORITY TO SPEAK ON BEHALF OF THE ASSOCIATION**
- 13) ON 08/01/2023 WARD HEPPER FILED REQUESTS FOR CIVIL PROTECTIVE ORDERS FOR ALLEGED STALKING AGAINST BOTH BILL KRUSKIE AND LEON JAMES LIMITING THEM FROM BEING IN THE VICINITY OF HIS PROPERTY AS WELL AS ATTENDING ASSOCIATION MEETINGS (in essence including the Association's easement on which the 2nd Bridge will be installed).**

DETAILED INFORMATION – EXHIBIT A

06/29/2019 Castaway Cove Owners Association Annual Meeting Minutes

“VI. New business discussed included a 2nd bridge being built: “Leon volunteered to spearhead the project with the island owners. The owners need to get permit and a firm # for materials and plans. (emphasis added) The Association has not allotted any money for this project. Sam Pointed (sic)* out that that will mean an assessment.

Ward moved to define commercial in the covenants as the USCS definition. There was a very (sic) debate on the issue. Ward called for a vote of the homeowners. The motion passed by one vote.”**

*** ‘Sic’ means quoted as written. The term is used after a printed word or passage to indicate that it exactly reproduces the original. The term (emphasis added) simply means that the italics sections were not in italics as originally written.**

**** Unknown what the ‘commercial’ definition is to which Ward Hepper is referring - as per USCS (United States Commercial Service) and/or how this relates to the 2nd Bridge or the Association covenants? In any event, the 2nd Bridge, which was purchased and shipped to Castaway Cove met all ‘commercial’ grade requirements.**

- 02/14/2020 Specific architectural plans for the 2nd bridge (length of 2nd bridge is 70'7" and wide of canal as of 07/28/2019 was 54')
- 02/21/2020 Copy of Ltr from Leon James to David Seris, 17th Coast Guard District DPW, in Juneau, Alaska, regarding 02/14/2020 phone conversation regarding that no Coast Guard permit was required for the bridge with the only criteria being the need for a safe distance from the bottom of the structure to the water and that there would be no fill or disturbance of the canal bank
- 05/22/2020 Castaway Cove Owners Association Minutes
- “V. The Board discussed the bridge project. Ward said the (sic) Leon is still in charge of this project. The Board decided that the Association will purchase the bridge from Leon after delivery (FOB* Castaway Cove) and when the permits (if necessary) are in place. (emphasis added) The Board will ask Leon for an estimated expenses (sic) for install by an insured contractor.”*
- * Free on Board (FOB) is a shipment term that defines the point in the supply chain when a buyer or seller becomes liable for the goods being transported.
- 08/20/2020 River Center (Division of Borough Planning Department) Ltr to Association with ‘Initial Floodplain Development Permits’ for proposed bridge project for:
- 1) Kenai Peninsula Borough, Habitat Protection; and
 - 2) Kenai Peninsula Borough, Floodplain Development. Permits expiration 08/24/2021.
- 08/26/2020 Add'l River Center Ltr that:
- 1) Additional documentation will be required after the bridge project is complete; and
 - 2) Copy of Kenai Peninsula Borough Planning Commission Resolution 2020-22 authorizing the issuance of the permits.
- 06/09/2021 Two River Center Ltrs to the Castaway Cove Owners Association – one for Conditional Use Permit for Planning Commission Resolution #2020-22 Footbridge Time Extension Request (because of COVID-19 pandemic) and the other allowing the Time Extension on Initial Floodplain Development Permit with a copy of the River Center (RC 12655) Permitted Project (expiration 08/24/2021)
- 08/24/2021 Permits expiration date leading to a time extension for construction of the Castaway Cove 2nd Bridge.
- 09/26/2021 Copy of letter from Leon James to Bill Kruaskie (Association member) with copy of 2nd bridge plans as well as a map of the 30' easement between Ward

Hepper's property and the River Quest fence on which bridge will be placed and specific bridge purchase plans (note: Bill Kruaskie was to be in charge of driving the bridge pilings)

06/04/2022 2nd Bridge loaded in Ontario for transport with arrangements being made by Lloyd Niedhieier (Association member)

Associated 2nd Bridge costs and associated expenses all of which were originally be borne by Association island property owners (bearing such costs were obviously based upon the assurance that the Association would continue to be agreeable for placement of the bridge over the canal):

- 1) 06/04/2022 copy of Invoice #586563 for the 'Structural Aluminum Walkway (\$10,000 for the walkway; \$2,320.46 in additional costs); and**
- 2) An undated summary of additional costs involving the transport, rentals, and additional bridge construction items in the sum of \$11,100 -- \$6,021.60 of the \$11,100 involves funds collected to complete construction of the pilings on each side of the canal.**

06/09/2022 Expiration of time extension for installation of the 2nd Bridge

07/27/2022 Castaway Cove Board of Directors Meeting

"Additional provisions for the installation of bridge #2 Castaway cove are as follows"

The Castaway Cove Association has no liability for the bridge installation. The builders assume all costs and liability until the bridge is completed.

After the bridge is completed they will turn over ownership to the association. The bridge is to be inspected by a qualified inspector.

Castaway Cove board members agree to the permit application (extension) under these conditions.

(The following is written at the bottom of the minutes:)

Voted and approved 5-0 unamiously (sic) by board

**(Signed☺ Ward Hepper 7-27-22
President of the board"**

Drawings included*

- A one page drawing is attached showing Wards specifications. (signed by Rick Nedrey and Bill Kruaskie)

08/06/2022 2nd Bridge is fully assembled at Castaway Cove by Association members

08/22/2022 Kenai Peninsula Borough Planning Commission public hearing. The 2nd Bridge matter came before the Commission as a result of Rick Gedrey's request for a time extension for installation of the 2nd Castaway Cove Bridge. Ward Hepper appeared at this meeting and opposed the requested time extension personally as well as for the Association.

08/30/2022 Copy of Ltr to Castaway Cove Homeowner's Association regarding 08/22/2022 Kenai Peninsula Borough Planning Commission (River Center) public hearing:

- 1) Commission unable to evaluate whether project meets the following general standards:
 - a. Not cause significant damage to habitat protection district (KPB 21.18.081(D)(1); and
 - b. Will not physically damage adjoining property.
- 2) Sealed design from licensed professional engineer that bridge will not damage adjoining properties or cause significant erosion or sedimentation to Kenai River.
- 3) Signed letter that a majority of the Board supports the project.
- 4) Identifying individual(s) having authority to speak for the Board. Minutes note that Ward Hepper appeared to be "speaking for himself "rather than for the Board)

Undated document from Castaway Cove's Board of Directors regarding rumors regarding building of bridge advising:

- 1) Builders and Association have agreed on placement of bridge;
- 2) Builders release Association of legal liability for construction of bridge;
- 3) Builders pay costs of procuring and installing bridge;
- 4) Builders comply River Center conditions;
- 5) Costs would be paid by lot owners whose access is being washed away by Kenai River;
- 6) Ward Hepper has recused from voting on bridge issues; and
- 7) Special election will occur at annual meeting on second Saturday of July.(Special election – Ward Hepper was elected in a contested election.)

Conclusions:

As this summary of events clearly demonstrates, the Castaway Cove Association, through its Board of Directors' Minutes dated 06/29/2019 and 05/22/2020 and above-noted 'Builders' (Association members) previously approved plans for the 2nd Castaway Cove Bridge to be installed over the canal. The Board of Directors unanimously reiterated plans for the 2nd Bridge on 07/22/2022 agreeing to "the permit application (extension)" and signed by Ward Hepper. Less than one month later Ward Hepper appeared before the Kenai Peninsula Borough Planning Commission reneging on his previous representations as well as causing the Planning Commission to add additional requirements for the requested time extension.

Considerable financial sums have been contributed and many volunteer hours have been made by Association members leading to the assembled 2nd Castaway Cove bridge, which now sets the Castaway Cove's easement near the site where the Bridge is to be situated on pilings placed on each side of the canal. If the 2nd bridge isn't completed as was approved by the Association, financial damages claims will obviously become a consideration with an open-ended question as to who bears responsibility for such financial losses.

Respectfully,

A handwritten signature in cursive script that reads "Leon James". The signature is written in black ink and is positioned above the printed name.

Leon James

From: [Leon James](#)
To: dewaynebenton46@yahoo.com
Cc: [Planning Dept.](#); [Kenai River Center.](#); [Aldridge, Morgan](#)
Subject: <EXTERNAL-SENDER>Addendum
Date: Thursday, February 22, 2024 4:20:39 PM
Attachments: [Castaway Cove ADDENDUM to pertinent matters submission for period prior to 06.docx](#)

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Attached please find the Addendum to the Castaway Cove 2nd bridge to the island sent on 2/20/24.

Thank you,
Leon James
President
Leon James Construction, Inc.
940 SE 12th Ave
Ontario, OR 97914



Virus-free www.avast.com

ADDENDUM to pertinent matters submission for period prior to 06/29/2019 involving projected installation of Castaway Cove's 2nd Bridge to the island lots:

From: Leon James

To: Kenai Peninsula Borough Planning Commission

Dated : 02/23/2024 for 02/26/2024 Commission Meeting

Conclusions:

As this summary of events clearly demonstrates, the Castaway Cove Association, through its Board of Directors' Minutes dated 06/29/3019 and 05/22/2020 and above-noted 'Builders' (Association members) previously approved plans for the 2nd Castaway Cove Bridge to be installed over the canal. The Board of Directors unanimously reiterated plans for the 2nd Bridge on 07/22/2022 agreeing to "the permit application (extension)" and signed by Ward Hepper. Less than one month later Ward Hepper appeared before the Kenai Peninsula Borough Planning Commission reneging on his previous representations as well as causing the Planning Commission to add additional requirements for the requested time extension.

Considerable financial sums have been contributed and many volunteer hours have been made by Association members leading to the assembled 2nd Castaway Cove bridge, which now sets the Castaway Cove's easement near the site where the Bridge is to be situated on pilings placed on each side of the canal. If the 2nd bridge isn't completed as was approved by the Association, financial damages claims will obviously become a consideration with an open-ended question as to who bears responsibility for such financial losses.

In view of the above information, on behalf of myself as well as the other island lot owners who are in danger of losing access to their properties, please let us get the Castaway Cove 2nd Bridge installed so that we all can get this behind us and look forward to next season's salmon season. The Borough Commission can bring this turmoil to an end, and we plead for a final resolution of this matter.

Respectfully,

Leon James

2/22/2024

ADDENDUM to pertinent matters submission for period prior to 06/29/2019 involving projected installation of Castaway Cove's 2nd Bridge to the island lots:

From: Leon James

To: Kenai Peninsula Borough Planning Commission

Dated : 02/23/2024 for 02/26/2024 Commission Meeting

JULY 2018 LEON JAMES contacts with the following:

KENAI PENINSULA BOROUGH: Receipt of Castaway Cove Association lots and owners' names; advised that no permit was necessary for the planned foot bridge

ALASKA DEPARTMENT OF NATURAL RESOURCES: Advised that when the Kenai River takes land it becomes State property; also advised that their Department didn't require a permit for installation of the planned foot bridge

UNITED STATES CORPS OF ENGINEERS: Advised that no permit was required by the Corps of Engineers, but that United States Coast Guard has jurisdiction any time a waterway is crossed

UNITED STATES COAST GUARD, Juneau, AK [Jim Wetherington (907 463-2267) and David Seris (David.m.seris@uscg.mil): Advised by Jim Wetherington that he was involved with construction of the lower Castaway Cove foot bridge and that no permit was required by the USCG as long as two requirements were met:

- 1) No fill to be added to waterway; and**
- 2) Proper clearance for the bridge length (54') clearance above the normal water elevation and the bottom of the waterway (48")**

From: [Kenai River Center](#)
To: [Lopez, Samantha](#); [Aldridge, Morgan](#)
Subject: FW: <EXTERNAL-SENDER>FW: Castaway 2nd Footbridge
Date: Wednesday, February 21, 2024 12:58:57 PM

From: Don Redetzke <don@jdmfg.com>
Sent: Wednesday, February 21, 2024 12:56 PM
To: Kenai River Center, <Kenai-River-Center@kpb.us>
Cc: nancy.beligott@sysco.com
Subject: <EXTERNAL-SENDER>FW: Castaway 2nd Footbridge

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

This email is to confirm my support for the bridge project. Please confirm you received this email

From: Beligotti, Nan 450 <Nancy.Beligotti@sysco.com>
Sent: Wednesday, February 21, 2024 4:25 PM
To: Don Redetzke <don@jdmfg.com>
Subject: Castaway 2nd Footbridge

You don't often get email from nancy.beligotti@sysco.com. [Learn why this is important](#)

Hello Don,

Here is the letter. Can you please email to the two email addresses at the bottom your support for the 2nd bridge installation?

We don't want to lose our access to this peace on earth. It is starting to become a safety hazard as well with all the extra erosion that took place from the other end.

There are many older people on the island including my husband who just had his knee replaced again and has had cancer.

I really appreciate you!

Nan Beligotti
Sales Consultant
Sysco Foods of Alaska
907.982.1963

From: [Kenai River Center](#),
To: [Lopez, Samantha](#); [Aldridge, Morgan](#)
Subject: FW: <EXTERNAL-SENDER>Castaway Cove Footbridge
Date: Thursday, February 22, 2024 7:53:07 AM

From: Kim Hackett <kimhackettak@gmail.com>
Sent: Wednesday, February 21, 2024 8:43 PM
To: Planning Dept, <planning@kpb.us>; Kenai River Center, <Kenai-River-Center@kpb.us>
Subject: <EXTERNAL-SENDER>Castaway Cove Footbridge

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To whom it may concern,

We are very concerned with the footbridge that needs to be placed in castaway cove, We come there every summer to stay with friends and to do some fishing, this bridge would be a great asset to the members and guests of castaway cove. Some are veterans including cabin owners that really need this bridge, knee replacements, bad backs and other underlying issues for the veterans all from different [deployments.it](#) is mostly a safety issue and again it would be a safer way to get from point A to point B. Please consider putting this bridge in.

Respectively
J.R. and Kim Hackett
Palmer, Alaska

Hello,

My mother owns Lot 7 Block 7 in Castaway Cove. It has been a constant place of happiness and cherished memories in an otherwise stressful world. I have always fully supported the second bridge since it was brought to my attention last summer as it would provide reliable and safe access to everyone on that side of the cove. Especially now as my parents get older and also my father's health issues, the continued erosion of the cove means that the original path to the cabin will eventually become inaccessible for them. The addition of the second bridge would mean that her cabin could continue to be a place where all of our friends and family can come together for years to come.

Sincerely,

Her son, Wyatt Mosher

From: [Planning Dept.](#)
To: [Aldridge, Morgan](#); [Lopez, Samantha](#)
Subject: FW: <EXTERNAL-SENDER>Castaway Cove Homeowners Association Footbridge application
Date: Thursday, February 22, 2024 8:01:19 AM

From: Lloyd Niedermeier <lloydniedermeier@gmail.com>
Sent: Wednesday, February 21, 2024 4:05 PM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>Castaway Cove Homeowners Association Footbridge application

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I am Lloyd Niedermeier, owner of lots 2,3,and 9 of Block 10 in Castaway Cove. I am 88 years old and this footbridge will be a great help in my getting to my boat to fish, cutting my walking distance by 75 percent. I think this footbridge will be a great asset to all of the upstream neighbors on the island.

From: [Kenai River Center](#)
To: [Lopez, Samantha](#); [Aldridge, Morgan](#)
Subject: FW: <EXTERNAL-SENDER>Castaway Cove Bridges
Date: Thursday, February 22, 2024 10:40:41 AM

-----Original Message-----

From: Ercie Olson <ercieee@icloud.com>
Sent: Thursday, February 22, 2024 10:38 AM
To: Planning Dept, <planning@kpb.us>; Kenai River Center, <Kenai-River-Center@kpb.us>
Subject: <EXTERNAL-SENDER>Castaway Cove Bridges

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I have been here several times. The safety factor of getting from one end to the other on walking is terrible. I'm 72 years old. If the bridge is already bought and easement is established, one would wonder why this is even up for consideration.

Sincerely
Ercie Olson

From: [Kenai River Center](#)
To: [Lopez, Samantha](#); [Aldridge, Morgan](#)
Subject: FW: <EXTERNAL-SENDER>Castaway Cove footbridge project
Date: Friday, February 23, 2024 11:05:44 AM

From: Beligotti, Nan 450 <Nancy.Beligotti@sysco.com>
Sent: Friday, February 23, 2024 10:56 AM
To: Planning Dept, <planning@kpb.us>; Kenai River Center, <Kenai-River-Center@kpb.us>
Subject: <EXTERNAL-SENDER>Castaway Cove footbridge project

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I am the owner of Lot 7 Block 7 in Castaway Cove. You have already confirmed my support for the 2nd footbridge in this division.

In addition to my support, I want to submit these photos of what we are dealing with on the present access conditions by foot to our cabins on the island. You can see how perilous this is and a huge safety issue....

This is when the water rises, which it does every year, and in the photos is the Kenai River on one side and the slough on the other that surrounds our island. This section is eroding away at a fast rate now.

If we don't get this footbridge in, we will have no foot access. And owners with no boats will have no access at all.

Please add these to our meeting on Monday.

Thank you,

Nan Beligotti

Sales Consultant

Sysco Foods of Alaska

907-982-1963

~~www.~~

Nancy.beligotti@sysco.com





