

**From:** [Jeff Smallwood](#)  
**To:** [Kelly Bacon \(CD\)](#)  
**Subject:** Notice of Application - Ahlers ( SE-21-00005) - Comments  
**Date:** Saturday, April 10, 2021 1:18:54 PM

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I am in receipt of a letter described as a notice of application for a project named Ahlers (SE-21-00005).

I provide these comments as a concerned neighbor to the described project and property. I believe the enjoyment and value of my property is compromised in several negative ways by the way the Ahlers property is being used.

History:

In the spring of 2020 (without permit) the parcel making application began receiving imported material and filling in the floodplain with gravel. I would estimate at the fill material to be 2-foot deep or so on average, with some areas greater than that amount. I ask that this imported material (gravel) be removed from the floodplain I share with the Ahlers property.

I own the adjacent parcel(s) to the north and was in the process of building a home in the same floodplain. I did my best to follow the floodplain rules and was concerned to see all the fill happening, and the rules being ignored.

In the year since last spring, the area on the Ahlers property that is (or was) floodplain has had an incredible amount of what appears to be maritime construction equipment brought in. This equipment and material is being stored on the property (on the imported gravel that filled the floodplain). My continued concerns are as follows:

- Money - I spent significant amounts of money in design and build related costs to remain in compliance with the floodplain rules. Having the neighboring property fill the floodplain and avoiding the costs I incurred was frustrating. In addition, I believe my property values are being negatively impacted by the potential of water being diverted my direction, and by the unsightly pile of rusty metal stored in the floodplain on the Ahlers property.

- Future flood risk - What are the future ramifications of filling up the neighboring floodplain with gravel in potentially sending water toward my property, causing flood damage in the future. I believe I am at increased future risk of flood do to the Ahlers parcel filling the flood plain with gravel.

- Hazardous material potential - Among the material being stored is a large pile of timbers that are coated in (and smells like) creosote. Some of this material was removed (moved to south end of property, very visible from SR 970) last winter, but a large portion remains in the floodplain. If this material is allowed to be stored on the property (and I hope it is not), I would like to know more about what it is and if it is harmful. A study should be done by a neutral third party to provide data on this material (including any hazardous chemicals).

- Items that could float during a flooding event are being stored on the property. These include the previously mentioned timbers, but also include several large metal buoys and many lengths of large plastic piping that would be damaging to adjacent properties if they were to take float. These items should be removed from the floodplain.

- Items being stored are too close to the property line and do not seem to follow proper setbacks. The equipment is very large in scale and looms over our driveway, which is sitting just a few feet from the property line. The material is stacked vertically blocking light and views. I would also ask that they manner that these large metal pieces of equipment are stacked has been engineered such that there is no risk of it falling onto our property.

- Potential future flooding is likely the largest concern. When I was planning and building I was careful not to create conditions that would divert ground water onto neighboring properties. The Ahlers property was filled with many truckloads of gravel, raising the level of the ground by several feet in places. This cannot be appropriate in a floodplain, and I would want to see the engineering reports that indicate a pond will mitigate this issue sufficiently. The imported gravel and the equipment on the gravel are immediately adjacent to my property, and it appears the only way water can go is onto neighboring properties.

Trespassing - On several occasions crews have come to move equipment or add equipment to the floodplain area on the Ahlers property (as recently as yesterday). They have come onto my property with heavy equipment in order to reach over the fence to stack or move equipment on the Ahlers property. This has resulted in damaging our driveway and the ditch that runs along the driveway. This is not ok.

Aesthetics is my final issue. The equipment being stored is stacked two-stories tall and is quite unsightly. My property and home stares at this wall of ugly material. Having to look at it is bad, but the loss of property value due to this pile of rusty metal is unfair. If the stored material is to stay (and again I hope it doesn't), it should not be stacked so high, and a fence should be constructed to shield the equipment from my view.

Finally, I want to share that I am not alone in these concerns. I have spoken to several neighbors who all share these same concerns. I thought you should know this just in case you do not hear from them as part of this notice.

Regards

Jeff Smallwood  
owner parcel 956669