



# KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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MIKE NAVARRE  
BOROUGH MAYOR

## MEMORANDUM

TO: Blaine Gilman, Assembly President  
Kenai Peninsula Borough Assembly Members

THRU: Mike Navarre, Borough Mayor *MN*

FROM: Max Best, Planning Director *MB*

DATE: May 13, 2016

SUBJECT: Resolution 2016-~~02~~<sup>03</sup>: A resolution classifying 29 +/- Acres of Borough Land in the Seldovia Area as Recreational

The Kenai Peninsula Borough Planning Commission reviewed the subject resolution during their regularly scheduled May 9, 2016 meeting.

A main motion passed by majority consent to recommend approval of the land classification near Seldovia for the reclassification to be used for recreation purposes. (*Carluccio, Absent; Collins, Yes; Ecklund, Yes; Ernst, Yes; Foster, Yes; Glendening, Yes; Holsten, Absent; Isham, Yes; Lockwood, Yes; Martin, Yes; Ruffner, Yes; Venuti, No; Whitney, Yes*)

An amendment motion passed by unanimous consent to modify staff's recommendation to classifying the subject land as Recreation and to **delete** that it was the particular objective to manage the land for a community shooting facility. Also **delete** the first, sixth and seventh WHEREAS from the resolution document.

**IT WAS RECOMMENDED TO REMOVE THE FOLLOWING WHEREAS STATEMENTS FROM THE RESOLUTION.**

1 – WHEREAS, the Seldovia Sportsmen's Club has submitted a petition to classify borough land to Recreational.

6 – WHEREAS, the petitioner has additionally submitted an application to lease the subject land for the development of an organized shooting range.

7 – WHEREAS, the land appears to have the capacity to host an organized shooting range under a recreational classification.

In the Resolution, please make the following amendment to the last WHEREAS statement:

*WHEREAS, the Kenai Peninsula Borough Planning Commission, at its regular scheduled meeting of May 9, 2016, recommended approval by unanimous consent to reclassifying the subject property to recreational.*

Attached are the unapproved minutes of the subject portion of the meeting.

AGENDA ITEM E. UNFINISHED BUSINESS - None

AGENDA ITEM F. PUBLIC HEARINGS

1. Proposed Classification of Borough Lands Located in Seldovia  
Pursuant to KPB Code of Ordinances, Chapter 17.10.080 and Chapter 17.10.090.

Staff Report given by Marcus Mueller

PC Meeting May 9, 2016

**Petitioners:** Seldovia Sportsmen's Club

**Basis for Classification:** Subject land is being considered for lease for the purpose of a shooting range. Classification provides guidance for the management of borough land. KPB land must be classified prior to lease pursuant to KPB Code of Ordinances, Chapter 17.10.080. The land being considered for a recreational classification is adjacent to the Rocky Ridge Landfill facilities 1.5 miles south of Seldovia along Rocky Road. The petitioner has prepared a development plan for this land associated with an application to lease the property for shooting range facilities that describes uses consistent with a recreational land classification.

**Public Notice:** Public notice was published in the Homer News on April 7 and April 14, 2016. Notice was mailed to all owners and/or leaseholders of record within one mile of the land proposed for classification on March 31, 2016. The notice consisted of a cover letter, map, and a list of land classification definitions. Public comments were requested to be returned by 5:00 p.m. April 29, 2016 to be included in the Planning Commission mail-out packets and by 5:00 p.m. May 9, 2016 to be considered at the Planning Commission public hearing.

**Description of Subject Land and Proposed Classification:**

PARCEL	GENERAL LOCATION	LEGAL DESCRIPTION	ACRES	PROPOSED CLASSIFICATION
191-130-68	Seldovia	That portion of the S ½ of the SE ¼ lying east of the Rocky Road ROW dedication, Section 06, T9S, R14W, Seward Meridian, Third Judicial District, State of Alaska	29.79	Recreation

**Public Comments:** As of the writing of this report, twenty-five written comments were received and twelve of those are opposed to the Recreational classification. An additional five written comments were received and included in the lay down packet. Comments expressed concern for the environment, noise, property values, and safety. Any additional comments received by the Planning Department will be presented at the Planning Commission Hearing on May 9, 2016.

**Agency Review:** No written comments were received from departments and applicable agencies:

**Findings of Fact:**

1. Land Status: The Kenai Peninsula Borough has Quit Claim Deed for subject land which was purchased from the University of Alaska for solid waste handling purposes. There exists a 50 foot wide section line easement along the southern and eastern boundaries of the parcel. The parcel to the west hosts the borough's solid waste facility and has some development of a hard rock material extraction.
2. General Characteristics: Subject land is undeveloped with road access from Rocky Street. The topography is hilly with ridges along the east, south and west sides and a drainageway with lower mildly sloping lands toward the midsection of the tract. The midsection contains an open wetland. This wetland area is tributary to Fish Creek which flows north through the subject parcel towards the

Seldovia Lagoon. Tree cover on the parcel is dense, primarily mature spruce and fairly dense underbrush. The parcel receives some public recreational use primarily in the form of hunting and berry picking.

3. Surrounding Land Use: Surrounding land use includes residential to the north and waste handling to the west. South and east are large tracts of vacant Seldovia Native Association land. No comprehensive land use plan has been developed for this area. The surrounding area is largely undeveloped.
4. Surrounding Land Ownership: Surrounding land ownership includes Seldovia Native Association, Private and Kenai Peninsula Borough.
5. Access: Subject land has frontage along Rocky Street its entire western boundary. The land is reportedly traversed by snow machines and ATV's from time to time. Recreational access is thought to be for hunting and berry picking.
6. Soil: Soil surveys/maps prepared by the Natural Resources Conservation Service and published on the Web Soil Survey show the subject land as a mix of Kasitsna-Nuka-Tutka complex, nearly level to hilly, and Kasitsna-Tutka complex, hilly to very steep.
7. Utilities: Subject land has no utilities on site.
8. KPB Comprehensive Plan: Goal 4.10: To encourage provision of facilities for outdoor and indoor recreational for borough residents and visitors. Objective 2: To plan for future recreational use of borough land which has recreational value. Implementation Actions: B. Establish management procedures for borough recreational land. Procedures could include lease or sale to private operators with provisions to ensure continued public use.

#### **Analysis:**

Subject land has moderately steep topography on the southeast and northwest portions of the parcel. These two ridgelines have lowlands that run between them that can accommodate the shooting ranges being proposed by the applicant as described by the applicant's proposed lease Development Plan. This lowland area also hosts a tributary of Fish Creek, Stream No. 241-11-10770-2010, which is approximately 5-8 feet wide and about 1 foot deep at base flow. An Alaska Department of Fish and Game representative has walked the property and determined that access over the stream by using bridges would minimize any potential fish passage issues. This tributary has not been cataloged anadromous.

All shooting range improvements and uses would need to be designed for safety, noise management, and avoidance of contamination to surface waters. The topography, soils, and vegetation would allow for shooting range designs that could be implemented safely, with minimal nuisance in relation to the surroundings, and avoiding contamination risks through the borough's land leasing program.

#### **Conclusion:**

Based on the findings of fact and analysis, a Recreation classification would be appropriate for the subject land and would be compatible with surrounding land uses.

**STAFF RECOMMENDATION:** Based on the findings of fact, analysis, and conclusion, KPB staff recommends that the KPB Planning Commission find that it is in the borough's best interest to recommend adoption of the resolution classifying subject land as Recreation with a particular objective to manage the land for a community shooting facility.

END OF STAFF REPORT

Chairman Martin read the rules by which public hearings were conducted.

Chairman Martin opened the meeting for public comment.

1. George Oliveira, Seldovia

Mr. Oliveira stated that he was a 27 year Seldovia resident and was the President of the Seldovia Sportsmen's Club. He was available to answer questions.

Mr. Oliveira stated that the Seldovia Sportsmen's Club was trying to get a facility that they can use. They have looked and looked for a location and this subject location fulfills their needs and allows them to keep it secure as well as being close to town. They have already filled out the application and submitted it along with a \$500 non-refundable application fee.

Mr. Oliveira felt that he would still like to see this land classified as recreational for the community even if the Assembly decided not to lease this property to them. There is not a lot of land in Seldovia that isn't Native or privately owned so it would be nice to have public land that the community can recreate on even if it was for something other than what the club members would like. There are approximately 30 club members at this time and didn't see it growing much bigger than that. He thanked the Commission for their time.

Chairman Martin asked if there were questions for Mr. Oliveira.

Commissioner Whitney asked how the land would be secure so that people couldn't just wander into it. Mr. Oliveira stated that it was close enough to town so the members could do security checks. There is a resident, Steve Stanish who lives within 900 feet of the property but was further than that from his house to the shooting location. Also they would be shooting away from Mr. Stanish's property. He stated there would be plenty of backstops and that the property was hilly. The club picked locations on the property that would not be firing at anybody's house.

Mr. Oliveira has had ongoing conversations with Mr. Stanish and told him that it was nice to have a location close to town for security reasons. He stated that Mr. Stanish suggested a gun range be located at Jakolof Bay but that was 10 miles away. Mr. Oliveira felt that was not a good location because there are people there all the time from tourists or the Russian boatmen that come over to go bear hunting so it would be tough to secure. As a membership, they decided that there was no way to secure a range out there and keep it to where it wasn't going to get vandalized. It would be easier to police having the subject location be the gun range since it is close to town.

Mr. Oliveira gave several locations of where the club had previously been able to shoot. They have shot at the Seldovia airport back in the 1970's but when the State of Alaska bought the property to expand the airport they kicked the shooting club off. He also stated they have shot out at Barbara Heights Subdivision but got ran off there because it has grown up to about where every lot has a house on it. The subject parcel has three sides that will not be developed. One side has the old landfill on it, one side has the new landfill on it, and there are two quarry sites and a sewer lagoon near this property. Mr. Oliveira reiterated that the Native Association owns most of the property. They haven't supported them but were staying in a neutral position however they haven't said no they don't want it either.

Commissioner Whitney asked how they would keep people from wandering in during the shooting times. Mr. Oliveira stated that they will need to post the area that they have so that signs on the backside of the shooting areas. People would have to come up over a hill and off a drop off to come into two of the shooting areas. On top of the ridge there will be signs that there is a shooting range beyond that point and do not enter. They will be down in a canyon which will help diminish the sound. To answer the question, it would mainly be by signage. He imagined that the Borough would have a lot of stipulations on the lease.

Commissioner Ernst how the lead reclamation from the bullets would work and how would that work with shotguns. Mr. Oliveira replied that they would have shotgun backstops in place. The pellets would hit that and run down to the bottom and they would scrap them out of the material. The Kachemak Gun Club in Homer has a setup that collects all the shotgun lead. It is on a pulley system so that when they are shooting, it is pulled up and when they are not then it was put down. As far as the pistol range, they have looked at what they do on the North Slope. The North Slope has a lead box with a backstop in it that goes down at a 45

degree angle. Once it was shot into then it takes and deflects to the bottom. They have also looked at taking and putting in a wooden box with shredded rubber tires which is another one that collects up to 95-100% of the lead. He stated there will still be lead so matter what is done. Most rounds now have a copper jacket so there was not a lot of lead powder that shoots out.

Mr. Oliveira reiterated that the property needs to be classified as recreational.

Commissioner Ernst asked if the shotgun blanket would be used for skeet shooting. Mr. Oliveira replied that they are planning on setting up a skeet, trap and sporting place. They have found that they could set up a course where all three could be done with only one being run at one time. He envisioned that there would be one competitive shoot a week which would take about an hour.

Commissioner Isham asked if it was illegal to use lead shot when hunting. Mr. Oliveira replied that was correct. Commissioner Isham asked if anyone was using lead shot for anything else. Mr. Oliveira replied yes, lead shot could be used for grouse, spruce hens, and ptarmigans. Commissioner Isham asked if the bird hunters would use lead. Mr. Oliveira replied that they would there because the steel is real hard on the barrels. They use lead for just shooting because most of the guys have competitive shotguns which they don't want to run steel through.

Commissioner Ruffner referred to the development plan and asked how much of a buffer would be around the stream and wetland area. Mr. Oliveira replied that the requirement for an anadromous stream would be a 50 foot buffer away from the stream. All the shooting will be 50 feet away from the streambed edges. They will also be shooting away from the stream and wetland areas. The creek is only 1½-2 feet wide. He stated they have talked with Fish & Game about installing culverts or bridges. Fish & Game has asked them to install bridges. There are boggy areas that are not classified as wetlands but are peat type material so they will have to install some boardwalks in several locations.

Commissioner Ruffner asked about a footpath or ATV areas. Mr. Oliveira replied that there will be nothing wider than 5 feet going down to the shooting areas. Commissioner Ruffner asked if they would cross the creek and then line up to shoot. Mr. Oliveira replied yes.

There being no further questions, the public hearing continued.

2. Steve Stanish, 904 Rocky St., Seldovia

Mr. Stanish is the neighbor who lives 1,300 feet from the proposed site. At his location he has put in 16 years with his wife and three kids. They have built a shop, barn and a log home on the property. His assessed value has gone up \$200,000 according to Borough Assessing.

Mr. Stanish expressed concern regarding the noise. Recently, his son and a friend went and shot their guns in this area. The noise from the shooting was obnoxious at his house especially when there are so many other places in Jakolof Bay. There are 2,288 acres of State Mental Land in Jakolof Bay that they might be willing to lease for a shooting range.

Mr. Stanish stated that Mr. Oliveira stated that the subject property would be easy to provide security with it being so close to town. He questioned why the nearest neighbor would have to provide security for the site. Right now, they don't have a police officer for the area. Mr. Stanish felt that they could provide a secure facility out the road. During the summer, this subject area is heavily used for berry picking. He was available to answer questions.

Mr. Stanish stated he wasn't sure he could live in his house with all the noise that would occur from the shooting. It sounds like there was going to be quite a lot more shooting at this site than there was at other sites according to the Development Plan.

Chairman Martin asked if there were questions for Mr. Stanish.

Commissioner Whitney asked if his property adjoins the subject property. Mr. Stanish replied no, he was three lots over. This site is only 1.5 miles from town so there are many other houses in the area. The sound is heard from the bay and ricochets around Seldovia so this is not an ideal location. He stated that he brought this up to the City Council of Seldovia. The City is having a meeting on May 11 to re-discuss their support of this proposal.

Commissioner Foster asked for clarification that his son went and shot his guns in the valley at this location. Mr. Stanish replied yes, that was correct. He stated there was a lot of water in the area being a muskeg after muskeg.

Commissioner Isham asked if his property was to the north of the shooting range. Mr. Stanish replied yes, on the same side of the road.

Commissioner Ruffner asked for his perspective on what the general shooting characteristics were at this location. Mr. Stanish replied that there aren't any at this location. They shoot at a private location closer to town. He stated that people do shoot out the road at the quarry near Jakolof and they shoot at the head of Jakolof Bay. Right now the subject area was used for people walking their dogs, bikers and berry picking.

Commissioner Ruffner asked what kinds of stipulations he would like to see on the property if this goes through. Mr. Stanish suggested hours of operation however, he reiterated that this was not the place to have a shooting range. He felt that Seldovia is a quiet, peaceful place where tourists come. It was more of a logging and fishing community back in the 1970's.

Commissioner Ecklund asked if he attended the Seldovia City Council meeting when this resolution was originally presented. Mr. Stanish replied no, he received a letter from the Sportsmen's Club. He went to the last City Council meeting and asked them to put this back on the agenda to discuss.

There being no further comments or questions, the public hearing continued.

3. Dave Chartier, 927 Rocky Rd, Seldovia

Mr. Chartier has lived in this area for 40 years. The road that is near the subject property is used for walking dogs, walking with the kids, riding bikes and berry picking. There isn't much land near town where people can walk and enjoy themselves. He stated that this subject land has been used for casual recreation. This would be another recreation that is so opposite of the quiet recreation in the children and neighbors that use the trails that are going through this property. It has been used for years like this and now all of a sudden they want to be here.

Mr. Chartier stated that there was no survey taken. He expressed appreciation for the public notice that the Borough sent to the landowners because they wouldn't be at this meeting if they had not received notice. The gun club members went to the City Council who voted on this. They did not have a rebuttal from the landowners because they didn't know of the meeting because they live out of town. He felt the City Council did this with a one sided opinion.

Mr. Chartier stated that he had another view of the wetland that was being called the ravine valley in the plan. It was nothing but a wet dripping wetland. He felt this was not the best location for this gun club. Mr. Chartier stated that he spend some time at Jakolof Bay and stated that would be a better location for this since it is dry. There is a powerline cutting straight through and was quite a ways from everybody. He felt there were problems at this subject property and would displace a lot of people if this goes through.

Mr. Chartier stated that the survey was only given to 20 people about a ½ mile away. He stated that sound goes much further. He stated this was not compatible with what was going on and was speaking for the people of Seldovia. None of the gun people live in this subject area.

Mr. Chartier asked the Planning Commission to hold off on this and since it is not a good location. It was not question in his mind that there was a better location for this activity. Maybe there was some

laziness about the gun club going out the road. This is too close to town to be practical. He stated that this is not the town of 20 years ago where there are loggers and rough fishermen. This is a peaceful town where people come to be quiet. This is where the Chamber of Commerce will get involved because this activity is not quiet. This is not what people want to walk their dog and listen to the sounds of shooting.

Mr. Chartier stated he was opposed to this proposal and asked the Planning Commission to wait a little longer on this and let the town express themselves, not just the stacked deck of the gun club. He understood that they need a place to shoot however they can't displace people.

Chairman Martin asked if there were questions for Mr. Chartier.

Commissioner Foster asked if he spoke with the City Council to see if it was even possible for them to reconsider their decision. Mr. Chartier replied that it is on the City Council agenda for reconsideration on May 11, 2016.

Commissioner Glendening stated that the Seldovia City Council unanimously supported the Gun Club lease a year ago. He asked if this was a secret for a year. Mr. Chartier believed that this was done a little secretly because they never went to the people to talk with them. This property is outside the City limits and not part of City business. They painted a picture that was not true especially on the survey. There was no survey so how would they know unless they went to town and looked for it. He stated there are people for this and people who are against it. Mr. Chartier believed they need a place to go since recreation is important in Seldovia but overlaying one with another so close to town is not good. He felt there is a better location and would reimburse the \$500 back to the Gun Club which is nothing compared to his 40 year investment there.

Commissioner Glendening asked if he could ask a question to Mr. Stanish. He asked how this information did not get disseminated. Mr. Stanish requested information after he received a letter from the City. He requested a copy of the letter from Mr. Tim Dillon who was City Manager at the time. That was the first time he became aware of the proposal that the Gun Club was applying for a lease. This was coming up when the Borough sent him an official letter documenting this. Mr. Stanish went to the last City Council meeting and asked that they put this item on their agenda. He stated there was no official notification up until the Borough sent him notice.

Chairman Martin stated that was because he was outside City limits. Mr. Stanish replied yes, he was outside the City limits.

Commissioner Glendening asked if he knew the City Clerk. Mr. Stanish replied that she was not the City Clerk a year ago but was the City Clerk now.

Commissioner Ruffner felt that anything was not done outside the rules. The City does their items within their bounds and the Borough does their part when an application is received. It is not unusual how Mr. Stanish found out about it.

There being no further questions, the public hearing continued.

4. Linda Smogor, 927 Rocky St., Seldovia

Ms. Smogor referred to the following statement that was included in the Development Plan. *"We have done a preliminary survey of the local property owners and have received significant positive support from local property owners near the site."* She called various landowners who stated they were not contacted about this proposal. It was stated right in their development plan that they contacted the landowners but that was a falsification on their part. She felt it may be steering some of the Commissioners in the wrong direction.

Ms. Smogor stated that this land was already being used casually by bikers, hikers, moms with strollers, berry pickers, little skiers, and big skiers. The people of the area have casually used the land. She stated that three days of the week, cars can go out to the dump. On those four other days,



it was the one quiet place where they can go where they can feel safe. This land was already being used quietly.

Ms. Smogor stated they would all be displaced not only by the noise but having the privilege of using this land. They all came to Alaska to find something like this. She questioned why a group of gun owners be able to already be on top of a very heavily used user group already.

Ms. Smogor felt this location was not the right place for a gun club. She spoke with the Trust Land Division, State Mental Health and was told that they would definitely look at an application from the Gun Club.

Ms. Smogor asked the Commission to reconsider this lease to the Gun Club. The Stanish's built an amazing and beautiful log home and Mr. Chartier has lived on the Bay for 40 years and has put so much of his heart and soul into the property. She asked the Commission to listen to the voices especially since they didn't get proper notice which leaves a bad taste in her mouth.

Chairman Martin asked if there were questions for Ms. Smogor. Hearing none the public hearing continued.

Seeing and hearing no one else wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

**MAIN MOTION:** Commissioner Venuti moved, seconded by Commissioner Foster to recommend approval of the land classification near Seldovia for the reclassification to be used for recreation purposes.

Commissioner Venuti referred Finding 1 of the staff report which reads, "*The Kenai Peninsula Borough has Quit Claim Deed for subject Land which was purchased from the University of Alaska for solid waste handling purposes.*" He asked if there was a caveat that restricts it to that purpose. Mr. Mueller replied that the property was purchased for landfill use but there was no restriction for that use. They have clear title to it. The property on the west side of the road as it was purchased was one unit of land. He stated they end up with two management units with the road bisecting the property. Commissioner Venuti asked if the need for expanding the solid waste facility was no longer needed. Mr. Mueller replied that the solid waste site was not planned to go on the east side of Rocky Rd.

Commissioner Foster asked if the current classification wouldn't preclude people using the property for walking their dogs or berry picking. He asked if it would protect it more if it was classified as Recreation. Mr. Mueller replied that the Borough has a casual use code, generally allowed use which includes non-typical public use of public land. He believed that the land does not have a classification at this time. The purpose of classifying the property would be to set forth the management intent, the direction that the Borough would manage so it would provide clarity with classifying it recreation.

Commissioner Isham asked if there would be a need for a conditional use permit if this property was classified recreation. Mr. Mueller replied that there are two parts to get to a shooting range in this case would be the classification and then a lease. The Seldovia Sportsmen's Club has applied for a lease. The lease will come before the Planning Commission as a subsequent meeting. Commissioner Isham asked if it would be through a conditional use permit or lease. He asked that because if it was a conditional use permit then they could be put conditions on the permit like hours of operation. He also asked if they could put parameters of hours of operation within the stipulations of the lease. Mr. Mueller replied that there would not be a conditional use permit which would not be a mechanism that would be involved. He stated that they could design conditions as a landlord as to what the parameters would be on the lease. Commissioner Isham asked if the lease would be coming before the Commission so they could review it at that time. Mr. Mueller replied yes.

Commissioner Foster asked if they could pass the resolution and omit any of the mention of the lease and discuss it as a recreational land classification. Mr. Mueller replied yes.

Commissioner Ecklund asked if the public notice that was sent to the landowners within ½ mile only stated that this proposal was only for the reclassification of the property or reclassification of the property for a



shooting range. Mr. Mueller replied that the public notice provided who the petitioner was and what the proposal was which was for a land classification to recreational. It also had mentioned that it was associated with a lease proposal; it referenced the Development Plan and provided the schedule of public meetings and the opportunity to give testimony.

Commissioner Ecklund asked if he saw or was forwarded the survey results of the property owners. Mr. Mueller replied no.

Commissioner Whitney referred to the letter from the City of Seldovia which was dated April 2015. He asked why this was a year later and that the lease was just now coming before them. Mr. Mueller replied that he didn't have a complete timeline to clarify that. He noted that the petition for classification was dated October 2015. Staff worked on the proposal over the course of the winter preparing documents.

Commissioner Whitney asked if it was possible that the City of Seldovia didn't even know what the piece of property was that was going to be brought up for reclassification. Mr. Mueller believed that the City letter referenced the parcel numbers and acreage of the property.

Commissioner Ruffner asked what things staff considered and what things were ruled out with this proposal. Mr. Mueller replied that he visited and reviewed the site last summer or fall. He looked at the proposal and the topography of the land as to how a site plan may lay out on the property. The review that they made in the office is that they looked at general land characteristics, which tended to be a comparative approach looking at how much activity was going on at the site. Staff is familiar with gun ranges in working with the Snowshoe Gun Club, Kachemak Gun Club, the Seward Iron Mountain Range Gun Club and the Cooper Landing Gun Club. They are aware that noise was often a concern. In this region, he did not see other sites that were better situated but he was made aware through the public comments that there was a site that was identified at Jakolof Bay. The property in Jakolof Bay is Mental Health Trust land and appeared to have suitability towards a gun club site according to Borough mapping.

Commissioner Glendening asked how this proposal and application compares with other gun clubs. He asked if it was a similar thrust of argument, similar standards, etc. Mr. Mueller replied that every neighborhood context is unique. His first impression of the subject site was that it could support the use and that terrain and vegetation would do a lot towards being a reasonable host for a site. He thought one thing that was different in the context of Seldovia as compared to Anchor Point or Kenai is the tolerance for noise. This subject site is definitely a quieter setting.

Commissioner Glendening asked about the noise creation and if it was a logarithmic scale, in other words it was not a linear reduction of noise as opposed to distance. The noise reduces significantly over a distance. Mr. Mueller replied that he didn't know if he could do that one justice. Commissioner Ernst stated that they were not talking about electromagnetic radiation but talking about physical sound waves and they travel the line of sight and through the air. He thought they could not use the logarithmic explanation for propagation of sound waves and how they would affect someone that would be in direct line of those.

Commissioner Ernst asked how swampy the ravine was. Mr. Mueller replied that there were two parts that he would like to reference. He referred to the aerial photo on page 30 of the packet. There is an area where the vegetation is treeless that has open water in the center and it appears to have a floating bog around it. The terrain from that has a transition zone but then goes uphill. There is a pretty clear definition between what is considered wetland and what is upland along there. He stated there is a stream that flows to the north from there. The property is almost floodplain in its nature but doesn't know that for sure.

Commissioner Ecklund stated that there are parcels to the north of which Mr. Stanish and his family live three parcels to the north. She asked who owns the parcels between this site and Mr. Stanish. Mr. Mueller replied that the properties to the north are privately owned and believed they are vacant. He believed the first resident to the north was Mr. Stanish.

Commissioner Lockwood stated that the Seldovia City Council unanimously approved the Sportsmen Club. He didn't understand how they could do that if they could approve reclassifying to recreational but not

specifically to one specific group. Mr. Mueller replied that he didn't have an answer to that.

Commissioner Foster stated that the City Council doesn't have anything to do with this since the property is not located within the city limits. Mr. Mueller replied that was correct. Commissioner Foster asked if he could have Mr. Stanish address the properties. Mr. Stanish replied that the property immediately to the north is owned by Greg Davis who expressed opposition. The property directly across the street is owned by Zane Henning who also expressed opposition with the project. Everybody in the area has expressed opposition to this subject proposal. The reason he didn't attend the first City Council meeting was that he felt it wasn't a city matter with it being Borough land.

Commissioner Ecklund asked if she could ask a question of the applicant. She asked if he had a copy of the survey that was sent to landowners. Mr. Oliveira replied that they did not send out a survey but a letter. What they were trying to do as a membership was to let the owners of the property know. He stated that he had three owners in support but has since said that they did not agree with it. It was public knowledge around town for more than a year that they were seeking that property. The club members wanted to be upfront because they are their neighbors so they were trying to be upfront with them. The surrounding landowners stated they were in support of the proposal but have recently changed their minds. Mr. Oliveira stated that they went to the City Council to ask for their support of the proposal because they are the local government. A notice asking for the City's support was posted at the post office five day prior to the City Council meeting. He stated that the people come out of the woodwork after the Gun Club has spent a lot of money and time on this proposal.

The only thing at this point Mr. Oliveira would like to see was that the land be reclassified as recreational. He suggested that the lease be handled at a later date but if it falls down then that is fine. Jakolof Bay is a long ways from town. He thought that it would be difficult to get a lease through Mental Health since they want fair market value. There is no way 30 members from a gun club can afford fair market value for five acres to put a gun club on.

Commissioner Foster asked if Mr. Oliveira had a problem with removing the "WHEREAS" statements from the resolution that has anything that pertains to the Sportsmen's Club, the lease and only focus on the recreational reclassification. Mr. Oliveira replied that they have already spent the money with the application fee being non-refundable. He agreed that everything about the lease and the shooting range could be removed from the resolution. They have an application in for the lease and hopefully it follows through. If it does follow through then at that time they will be in front of the Planning Commission and Assembly. At this time, he reiterated that he would like to see the property reclassified as recreational which makes the property useable by all the public in Seldovia. He has friends in Seldovia and doesn't want to have odds with anyone however he would like to have a place to shoot. This is a tough area to do that.

Commissioner Ruffner commented that it was not unusual that people think hard about something when a decision is closer to being made. Mr. Oliveira stated that he understands people and however it goes it goes.

Commissioner Isham stated that he was supporting the reclassification of the property to recreational. It is a good thing having recreational property. He stated they can make a decision later on to what they can do with the property. Also he would like to get input from Paulette Carluccio who is the Seldovia Planning Commissioner and was not able to make this meeting.

Commissioner Foster stated that he was going to support the reclassification and made the following amendment. He thought the amendment would allow both the applicant and the rest of the residents to have a discussion on this proposal. The best thing that could happen is that the applicant and residents come to an agreement and work out some sort of balance and agreement between both groups.

**AMENDMENT MOTION:** Commissioner Foster moved, seconded by Commissioner Ruffner to **modify** staff's recommendation to classifying the subject land as Recreation and to **delete** that it was the particular objective to manage the land for a community shooting facility. Also **delete** the first, sixth and seventh WHEREAS from the resolution document.

IF THE AMENDMENT MOTION PASSES IT WAS RECOMMENDED TO REMOVE THE FOLLOWING WHEREAS STATEMENTS FROM THE RESOLUTION.

1 – WHEREAS, the Seldovia Sportsmen’s Club has submitted a petition to classify borough land to Recreational.

6 – WHEREAS, the petitioner has additionally submitted an application to lease the subject land for the development of an organized shooting range.

7 – WHEREAS, the land appears to have the capacity to host an organized shooting range under a recreational classification.

Commissioner Glendening asked if the amendment would negate the application that they made. The property would have a general recreational classification on it. Commissioner Glendening also asked if Seldovia has a Planning Commission. Mr. Best replied yes, they have a Planning Commission. Commissioner Glendening asked if they stand in on this one for them. Mr. Best replied that this is not a city issue. Commissioner Glendening asked if they have a standing to inform. Mr. Best replied yes, that was correct.

Commissioner Ruffner asked if staff supported the recreational classification without it becoming a shooting range. Mr. Mueller replied yes.

Commissioner Lockwood stated that he supports the amendment because that gives the Seldovia City Council a chance to discuss this proposal again.

**AMENDMENT VOTE:** The motion passed by unanimous consent.

CARLUCCIO ABSENT	COLLINS YES	ECKLUND YES	ERNST YES	FOSTER YES	GLENDENING YES	HOLSTEN ABSENT
ISHAM YES	LOCKWOOD YES	MARTIN YES	RUFFNER YES	VENUTI YES	WHITNEY YES	11 YES 2 ABSENT

Commissioner Venuti stated he did not support the main motion.

There being no further comments or questions, Chairman Martin called for a roll call vote.

**MAIN MOTION VOTE:** The motion passed by majority consent.

CARLUCCIO ABSENT	COLLINS YES	ECKLUND YES	ERNST YES	FOSTER YES	GLENDENING YES	HOLSTEN ABSENT
ISHAM YES	LOCKWOOD YES	MARTIN YES	RUFFNER YES	VENUTI NO	WHITNEY YES	10 YES 1 NO 2 ABSENT

**AGENDA ITEM F. PUBLIC HEARINGS**

1. Vacate the west 817 feet (approximately) of the 60-foot wide Bergsrud Blvd. right-of-way, from the eastern limits of Walker Street north to the western limits of Vickis Way, as shown on Bergsrud Subdivision Amended, plat KN-1644. The right-of-way being vacated is unconstructed and located in Sterling within the SW¼SE¼ of Section 24, Township 5 North, Range 10 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough. KPB File 2016-044.

Staff Report given by Max Best

PC Meeting: 5/9/16

Purpose as stated in petition:

1. The existing Bergsrud Blvd. ROW is unnecessary for access to the petitioners' lots. Existing structures in Block 2, Lots 3, 5, 7 and 8 are sited for access from the Sterling Hwy. These lots are