



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Planning Commission

Monday, August 10, 2026

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

Remote participation will be available through Zoom, or other audio or video means, wherever technically feasible

ZOOM MEETING DETAILS

Zoom Meeting Link: <https://us06web.zoom.us/j/9077142200>

Zoom Toll Free Phone Numbers: 888-788-0099 or 877-853-5247

Zoom Meeting ID: 907 714 2200

The hearing procedure for the Planning Commission public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

A. CALL TO ORDER

B. ROLL CALL**C. APPROVAL OF CONSENT AND REGULAR AGENDA**

All items marked with an asterisk () are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner so requests in which case the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.*

If you wish to comment on a consent agenda item or a regular agenda item other than a public hearing, please advise the recording secretary before the meeting begins, and she will inform the Chairman of your wish to comment.

1. Time Extension Request - None
2. Planning Commission Resolutions - None
3. Plats Granted Administrative Approval

[KPB-7898](#) 08-10-26 Administrative Approvals Report

Attachments: [C3. 081026 Admin Approvals Report](#)

4. Plats Granted Final Approval (KPB 20.10.040)

[KPB-7900](#) 08-10-26 Final Approvals Report

Attachments: [C4. 081026 Final Approvals Report](#)

5. Plat Amendment Request - None
6. Commissioner Excused Absences - None
7. Minutes

[KPB-7901](#) 07-20-26 PC Meeting Minutes

Attachments: [C7. 042026 PC Meeting Minutes](#)

D. OLD BUSINESS - None**E. NEW BUSINESS**

1. [KPB-7902](#) Ordinance 2026-27: Authorizing the Kenai Peninsula Borough to enter into a long-term lease agreement with the City of Seward for operation and management of a surplus school facility in Seward

Attachments: [E1. ORD 2026-27 Seward School Lease Packet](#)

2. [KPB-7903](#) Ordinance 2026-28: Authorizing the sale of certain parcels owned by the Kenai Peninsula Borough via live public outcry/simulcast online auction followed by a secondary online-only auction.
- Attachments: [E2. ORD 2026-28 Land Sale Packet](#)
[E2. ORD 2026-28 Desk Packet](#)
3. [KPB-7904](#) ROW Vacation, KPB File 2026-078V
Petitioner: Padrta
Request: Vacate Bangerter Court, Sleep Hollow Subdivision Longmere Addition, Plat KN 2023-58
Sterling Area
- Attachments: [E3. ROWV Bangerter Court Packet](#)
[PHN ROWV Bangerter Court KPB 2026-078V](#)
4. [KPB-7905](#) ROW Vacation; KPB File 2026-077V
Peninsula Surveying / Williams, Montoya
Request: Vacate a portion of Odman Street, ROW Map, Plat KN 84-115
Ninilchik Area
- Attachments: [E4. ROWV Odman St. Packet](#)
[PHN ROWV-Odman St.](#)
5. [KPB-7907](#) ROW Vacation; KPB File 2026-035V
Johnson Surveying / Blumentritt
Request: Vacate a 20' wide by 626' long ROW and the associated utility easements along Knackstedt Street
Kalifornsky Area
- Attachments: [E5. ROWV Knackstedt St. Packet](#)
[PHN ROWV-Knackstedt St.](#)
6. [KPB-7908](#) ROW Vacation; KPB File 2026-075V
Johnson Surveying / Unrein, Berticevich
Request: Vacate the entire Eads Way and portions of Balmat Street & Bardson Lane, Balmat Subdivision, Plat SW18
Seward Area
- Attachments: [E6. ROWV Eads Way-Balmat St-Bardson Ln](#)
[E6. ROWV-Eads Way-Balmat St-Bardson Ln Desk Packet](#)
[PHN ROWV-Balmat Subdivision](#)

7. [KPB-7909](#) Conditional Use Permit; PC Resolution 2026-37
Applicant/Landowner: Wilson
Request: For an oversized ELP attached to a cabin within the 50' HPD of the Kenai River
Location: 45646 Spruce Avenue W.
Ridgeway Area
- Attachments: [E7. CUP Wilson Deck Packet](#)
[PHN_CUP- Wilson Deck](#)

F. PLAT COMMITTEE REPORT - Plat Committee will review 8 Plats

G. OTHER

H. PUBLIC COMMENT/PRESENTATION

(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NO ACTION REQUIRED

[KPB-7931](#) Advisory Planning Commission Minutes

Attachments: [Misc Information APC Minutes](#)

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, August 24, 2026 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

Phone: toll free within the Borough 1-800-478-4441, extension 2215

e-mail address: planning@kpb.us

website: <http://www.kpb.us/planning-dept/planning-home>

A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees. Vacations of right-of-ways, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly.

Vacations within city limits cannot be made without the consent of the city council. The assembly or city council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received within the specified period, it shall be considered that consent was given.

A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

C. CONSENT AGENDA

***3. 8/10/26 Administrative Approvals Report**



ADMINISTRATIVE APPROVAL

Subdivision: ASLS No 2021-31
KPB File 2025-132
Seward Recording District

The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.090 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Monday, July 20, 2026.

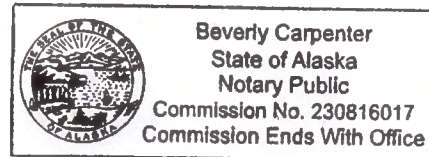
Robert Ruffner
Planning Director

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 20 day of July 2026 by Robert Ruffner.

Notary Public for the State of Alaska

My commission expires: With office



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



ADMINISTRATIVE APPROVAL

Subdivision: Dayton Subdivision 2026 Addition
KPB File 2025-158
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on November 17, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Tuesday, July 7, 2026.

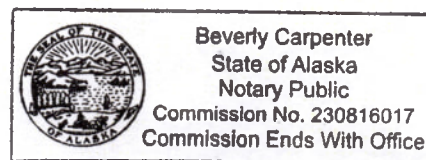
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 7th day of July 2026 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



ADMINISTRATIVE APPROVAL

Subdivision: Homewood Subdivision 2025 Replat
KPB File 2025-130
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on September 22, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Monday, July 27, 2026.

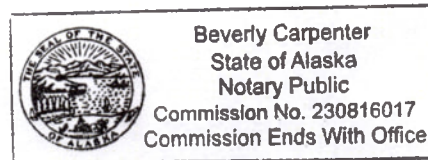
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 27 day of July 2026 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With office



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



ADMINISTRATIVE APPROVAL

Subdivision: Markham Estates
KPB File 2025-117
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on September 8, 2025. Approval for the plat is valid for two years from the date of approval.

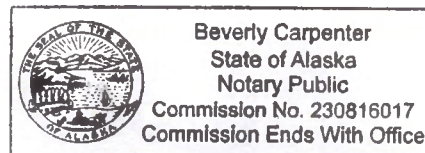
The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Tuesday, July 7, 2026.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 7th day of July 2026 by
Vince Piagentini.

Notary Public for the State of Alaska



My commission expires: with office

The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



ADMINISTRATIVE APPROVAL

Subdivision: Peaceful Acres Jackson's Garden No 2
KPB File 2025-064
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on May 27, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Monday, July 27, 2026.

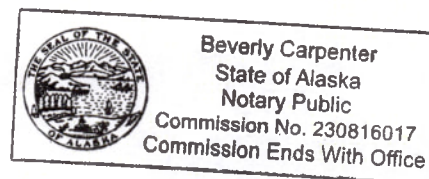
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 27 day of July 2026 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



ADMINISTRATIVE APPROVAL

Subdivision: Peterson Forest Subdivision Bella Addition
KPB File 2025-033
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on November 17, 2025. Approval for the plat is valid for two years from the date of approval.

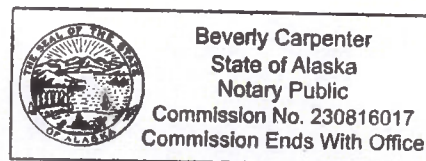
The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Monday, July 27, 2026.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 27 day of July 2026 by
Vince Piagentini.

Notary Public for the State of Alaska



My commission expires: With office

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ADMINISTRATIVE APPROVAL

Subdivision: Razdolna Subdivision 2024
KPB File 2025-054
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on May 12, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Tuesday, July 7, 2026.

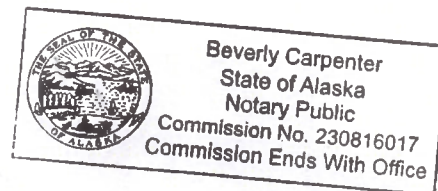
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 7th day of July 2026 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



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ADMINISTRATIVE APPROVAL

Subdivision: Sanders Estates
KPB File 2025-163
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on November 17, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Monday, July 27, 2026.

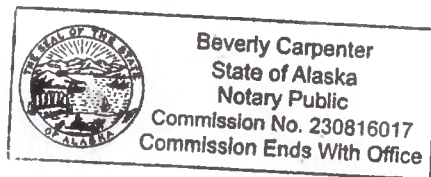
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 27th day of July 2026 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With office



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



ADMINISTRATIVE APPROVAL

Subdivision: The Point Subdivision #2
KPB File 2025-043
Seward Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on April 14, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Monday, July 27, 2026.

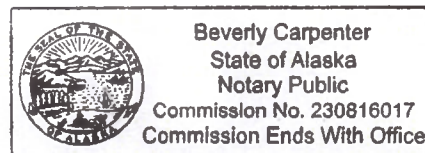
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 27 day of July 2026 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With office



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ADMINISTRATIVE APPROVAL

Subdivision: Trident Meadows
KPB File 2025-180
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on January 5, 2026. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Monday, July 27, 2026.

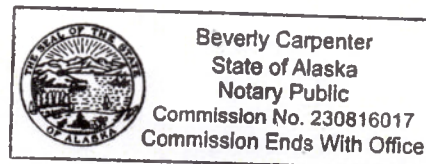
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 27 day of July 2026 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



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ADMINISTRATIVE APPROVAL

Subdivision: Yourkowski Subdivision
KPB File 2024-083
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on August 26, 2024. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Monday, July 27, 2026.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 27 day of July 2026 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office

The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.

C. CONSENT AGENDA

***4. 8/10/26 Final Approvals Report**



FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision: Howard Romig Estates Amended Holben-Robinson Replat
KPB File 2024-017
Seward Recording District

The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.040 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Tuesday, July 7, 2026.

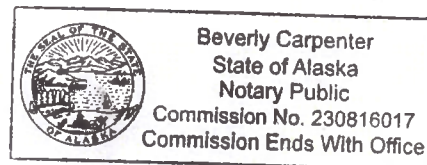
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 7th day of July 2026 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



The survey firm has been advised of additional requirements, if any, to be complied with prior to recording. After the original mylar has been signed by the KPB official, it must be filed with the appropriate district recorder within ten business days by the surveyor or the Planning Department.



FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision: South Bend Bluff Estates O Guinn Replat
KPB File 2026-027
Kenai Recording District

The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.040 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Monday, July 27, 2026.

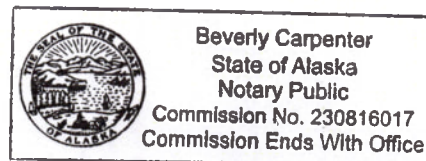
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 27 day of July 2026 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



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C. **CONSENT AGENDA**

***7. 07-20-26 PC Meeting Minutes**

Kenai Peninsula Borough Planning Commission

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

July 20, 2026
7:40 P.M.
UNAPPROVED MINUTES

AGENDA ITEM A. **CALL TO ORDER**

Chair Brantley called the meeting to order at 7:40 p.m. *(Late start due to the Plat Committee meeting running over)*

AGENDA ITEM B. **ROLL CALL**

Commissioners Present

Jeremy Brantley, Sterling / Funny River
Pamela Gillham, Kalifornsky/Kasilof District
Jeffrey Epperheimer, Nikiski District
Virginia Morgan, Cooper Landing/Hope/Eastern Peninsula District
Dawson Slaughter, South Peninsula District
Diane Fikes, City of Kenai
Paul Whitney, City of Soldotna
Franco Venuti, City of Homer *(arrived late, joined meeting after agenda item E1)*

With 8 members present, a quorum was present.

Staff Present

Robert Ruffner, Planning Director
Wayne Cary, Deputy Borough Attorney
Vince Piagentini, Platting Manager
Morgan Aldridge, Planner
Elizabeth Wilder, LMD Administrative Assistant
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. **CONSENT & REGULAR AGENDA**

***3.** **Administrative Approvals**

- a. Bay View Subdivision Chow 2024 Replat; KPB File 2024-072
- b. Bouwens Subdivision 3; KPB File 2025-128
- c. Butler Church Sub No. 2 2025 Galley Addition; KPB File 2025-079
- d. France Airpark Subdivision; KPB File 2025-145
- e. Hope Lake Subdivision 2025 Addition; KPB File 2025-157
- f. Jack Gist Subdivision No. 3; KPB File 2020-107P3
- g. Little Jim Subdivision No. Three; KPB File 2026-010
- h. Pavilion Subdivision Part 2 Amended 2026 Replat; KPB File 2026-004
- i. Sholin Subdivision 2025 Replat; KPB File 2025-148
- j. Spruce Park Estates Sub Davis Addition No. 2; KPB File 2025-078
- k. Wilderness Edge Subdivision; KPB File 2026-002

***5.** **Plat Amendment Request**

- a. Graham Ranch; KPB File 2023-028A1

***6. Excused Absences**

- a. Vacant, City of Seward

***7. Minutes**

- a. June 22, 2026 Planning Commission Meeting Minutes

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record. He then asked if anyone wished to speak to any of the items on the consent agenda. Seeing and hearing no one wishing to comment, Chair Brantley brought it back to the commission for a motion.

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Slaughter to approve the consent and regular agendas.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Slaughter, Morgan, Venuti, Whitney
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AGENDA ITEM E. NEW BUSINESS

**ITEM #1 – CONDITIONAL USE PERMIT
CONSTRUCTION OF A ROAD & BRIDGE WITHIN THE 50 HPD OF AN UNNAMED CREEK**

PC Resolution	2026-36
Planning Commission Meeting:	July 20, 2026
Applicant / Owner:	Jack & Kristel Cole
Physical Address:	67515 Silver Avenue
KPB Parcel ID:	17101004

Staff report given by Planner Morgan Aldridge

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Whitney moved, seconded by Commissioner Gillham to adopt Planning Commission Resolution 2026-36, granting a conditional use permit pursuant to KPB 21.18 for the construction of a road and bridge within the 50' Habitat Protection District of the unnamed tributary to Two Moose Creek

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney
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**ITEM #2 – BUILDING SETBACK ENCROACHMENT PERMIT
LOT 1 JAMES 2016 HM2016-16**

KPB File No.	2026-054
Planning Commission Meeting:	July 20, 2026
Applicant / Owner:	Dave & Ashly Ganas
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Homer Area

Parent Parcel No.:	172-310-42
Legal Description:	T 05S R 12W SEC 13 SEWARD MERIDIAN HM 2016016 JAMES 2016 LOT 1
Assessing Use:	Residential

Zoning:	Unrestricted
PC Resolution	2026-054

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Whitney moved, seconded by Commissioner Gillham to adopt Planning Commission Resolution 2026-35 granting a building setback encroachment permit t a portion of the 20' building setback for Lot 1, Mames 2016, Plat HM 2016-16, citing findings 1, 6 & 7 in support of standard one, findings 2, 6 & 7 in support of standard two and findings 3, 6 7 in support of standard three and subject to the 6 conditions as stated in the staff report

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney
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**ITEM #3 – BUILDING SETBACK ENCROACHMENT PERMIT
LOT 2 BLOCK 2 COTTONWOOD ACRES SUBDIVISION NO 6 KN82-128**

KPB File No.	2026-063
Planning Commission Meeting:	July 20, 2026
Applicant / Owner:	Geoffrey & Melissa Knuth; MK Rentals
Surveyor:	John Segesser / Segesser Surveys
General Location:	Kalifornsky Beach Area

Parent Parcel No.:	055-590-11
Legal Description:	T 5N R 11W SEC 27 SEWARD MERIDIAN KN 0820128 COTTONWOOD ACRES SUB NO 6 LOT 2 BLK 2
Assessing Use:	Residential
Zoning:	Unrestricted
Resolution	2026-38

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Gillham moved, seconded by Commissioner Epperheimer to adopt Planning Commission Resolution 2026-38 granting a building setback encroachment permit t a portion of the 20' building setback for Lot 2, Block 2, Cottonwood Acres Subdivision No. 6, Plat KN 0730059, citing findings 1, 2, 4 & 6-9 in support of standards one & two and findings 1, 2, 4, 6, 7 & 9 in support of standard three and subject to the 6 conditions as stated in the staff report

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney
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**ITEM #4 – PLAT WAIVER REQUEST
T07N, R11W, SEC 28, S.M., KN SW1/4, SE1/4**

KPB File No.	2025-142
Planning Commission Meeting:	July 20, 2026
Applicant / Owner:	Sondra Starnes

Surveyor:	Aaron Brown / Vector Surveying LLC
General Location:	Nikiski Area
Parent Parcel No.:	013-122-05
Legal Description:	T07N R11W SEC 28 SEWARD MERIDIAN KN SW1/4 SE1/4
Assessing Use:	Residential Improved Land
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Sondra Starnes, Petitioner: Ms. Starnes requested the commission grant her plat waiver request.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Whitney moved, seconded by Commissioner Epperheimer to grant a plat waiver to a parcel described as Township 7 North, Range 11 West, Section 28, Seward Meridian, Kenai, Southwest ¼, Southeast ¼.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION FAILED BY UNANIMOUS VOTE:

No - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney
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ITEM #5 - RIGHT OF WAY VACATION

VACATE THE WESTERN APPROXIMATELY 20 FEET OF THE 50-FOOT KNACKSTEDT STREET RIGHT-OF-WAY PARALLEL WITH & ADJACENT TO LOT 1, BLOCK 1, COLLEGE ESTATES SUB, PLAT KN 75-109, & THE ASSOCIATED 5-FOOT CLEARING EASEMENT LOCATED ON THE EASTERN BOUNDARY OF LOT 1, BLOCK 1, COLLEGE ESTATES SUB, PLAT KN 75-109

KPB File No.	2026-035V
Planning Commission Meeting:	July 20, 2026
Applicant / Owner:	Tammi L. & Brent D. Blumentritt
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Kalifornsky Area
Legal Description:	Knackstedt Street T 5N R 11W SEC 25 SEWARD MERIDIAN KN 0750109 COLLEGE ESTATES SUB LOT 1 BLK 1

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Jerry Johnson, Johnson Surveying: Mr. Johnson was the surveyor on this project and made himself available for questions.

Tammi Blumentritt, Petitioner: Ms. Blumentritt requested the commission approve their vacation request.

Brent Blumentritt, Petitioner: Mr. Blumentritt requested the commission approve their vacation request.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Gillham moved, seconded by Commissioner Venuti to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65

Knackstedt Street is currently a borough maintained road. The commission expressed concern that approving this vacation as petitioned would negatively affect the road's maintenance status. The commission did not want to deny the petition as the petitioners would have to wait a year before they could submit a new petition. Postponement was discussed as it would allow the petitioner a chance to explore other potential resolutions for this situation.

Commissioner Gillham withdrew her motion and Commissioner Venuti withdrew his second, to grant the vacation as petitioned.

MOTION FOR POSTPONEMENT: Commissioner Epperheimer moved, seconded by Commissioner Gillham to postpone action on this petition until brought back by staff.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney
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ITEM #6 - RIGHT OF WAY VACATION

PETITION TO VACATE TILLYGIRL AVE BETWEEN ALEX SHADELL ST & BG DAVIS ST & BG DAVIS ST FROM PROPOSED CUL-DE-SAC SOUTH OF LOT 16E OUTLOOK SUB ADDN NO 1 AMENDED HM83-123 & PROPOSED CUL-DE-SAC NORTH OF LOT 13 OUTLOOK SUB ADDN NO 1 AMENDED HM83-123 & ADJACENT EASEMENTS

KPB File No.	2026-062V
Planning Commission Meeting:	July 20, 2026
Applicant / Owner:	Douglas & Cherie Inglis
Surveyor:	Jason Schollenberg / Peninsula Surveying LLC
General Location:	Anchor Point Area

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Douglas Inglis, Petitioner/Landowner: Mr. Inglis request that the commission approve his petition and made himself available for questions

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Whitney to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, adopting and incorporating by reference the staff report, staff recommendations and subject to the four conditions as set forth in the staff report.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney
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ITEM #7 - RIGHT OF WAY VACATION

VACATE A PORTION OF THE 30' WIDE GLACIER ST. ROW & ASSOCIATED UTILITY EASEMENT

KPB File No.	2026-066V
Planning Commission Meeting:	July 20, 2026
Applicant / Owner:	Lacey & Zachary Rininger
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC

General Location:	City of Kenai
Legal Description:	Glacier Street T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2012103 MICAH SUB LOT 156B T 6N R 11W SEC 34 SEWARD MERIDIAN KN GOVT LOT 155

Staff report given by Platting Manager Vince Piagentini. Staff has postponed this item to allow additional time for design review of the proposed right-of-way vacation. Public notices had been sent out so if anyone wishes to provide public comment on this item, they may do so; however, no decision will be made at this meeting

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed. No action was required on this item.

ITEM #8 - RIGHT OF WAY VACATION

VACATE A PORTION OF THE 60' ROW ADJACENT TO LOT 1 BOLSTRIDGE KENAI RIVER SUBDIVISION KN1129 AND LOT 18 BLOCK 3 ALDERWOOD ESTATES SUBDIVISION KN76-157

KPB File No.	2026-069V1
Planning Commission Meeting:	July 20, 2026
Applicant / Owner:	Gene Montgomery; Paul Huske
Surveyor:	Stacy Wessel / AK Lands
General Location:	On Kenai River south of Betty Lou Drive
Legal Description:	Huske Street south of Betty Lou Drive

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

The following spoke in support of approving the vacation as petitioned:

- Stacy Wessel, AK Lands (Surveyor)
- Gene Montgomery
- Roderick Huske
- Jerald Johnson
- Mori Fina
- Ed Gerkowski
- Mike Daugherty
- Steve Baker

The following spoke in opposition to the vacation:

- | | |
|---|--|
| <ul style="list-style-type: none"> • Eric VanForester • Brian Osborn • Randy Lukasik • Brett Conner (?) • Darryl Beckham • Zachery Lewis • Tim Cisney • Bryce Michael • Andrea Pfeffer • Mel Hutchinson | <ul style="list-style-type: none"> • Bob McDonald • Joel Stewart • Keith Niecheocha (?) • Glen Gilda (?) • Joe Laba • Don Gothet • Frederick Hue (/) • Chris Grundman • Theresa Carlson • Mark Halliwell |
|---|--|

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Venuti moved, seconded by Commissioner Epperheimer to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION FAILED BY MAJORITY VOTE:

No - 7	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney
Yes - 1	Venuti

MOTION: Commissioner Slaughter moved, seconded by Commissioner Gillham to extend the meeting to 11:30.

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney
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ITEM #9 - SECTION LINE EASEMENT VACATION

VACATE A PORTION OF THE 66' SECTION LINE EASEMENT LOCATED ADJACENT TO LOT 1 BOLSTRIDGE KENAI RIVER SUBDIVISION PL KN1129 AND LOT 18 BLOCK 3 ALDERWOOD ESTATES SUBDIVISION PLAT KN76-157/

KPB File No.	2026-069V
Planning Commission Meeting:	July 20, 2026
Applicant / Owner:	Gene Montgomery; Paul Huske
Surveyor:	Stacy Wessel / AK Lands
General Location:	On Kenai River south of Betty Lou Drive
Legal Description:	Section line easements associated with aliquot section

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

The following spoke in support of approving the vacation:

- Gene Montgomery, Petitioner
- Carolyn Montgomery, Petitioner
- Stacy Wessel, AK Lands (Surveyor)
- Mori Fina
- Mike Daugherty

The following spoke in opposition to the vacation:

- Gwen Muzzy

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Gillham moved, seconded by Commissioner Epperheimer to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION FAILED BY UNANIMOUS VOTE:

No - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney
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AGENDA ITEM G. OTHER

Plat Committee for August & September:

- | | |
|--|--|
| <ul style="list-style-type: none"> • Pamela Gillham • Virginia Morgan • Franco Venuti | <ul style="list-style-type: none"> • Paul Whitney • Jeremy Brantley & Jeffrey Epperheimer (Alternates) |
|--|--|

AGENDA ITEM H. **PRESENTATIONS / PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**

Chair Brantley asked if there was anyone who wished to comment on anything that was not on the agenda. There was no one who wished to comment.

AGENDA ITEM K. **ADJOURNMENT**

Commissioner Venuti moved to adjourn the meeting at 11:25 P.M.

Ann E. Shirnberg
Administrative Assistant

E. NEW BUSINESS

- 1. Ordinance 2026-27: Authorizing the Kenai Peninsula Borough to enter into a long-term lease agreement with the City of Seward for operation and management of a surplus school facility in Seward**

Kenai Peninsula Borough

Planning Department – Land Management Division

MEMORANDUM

TO: Ryan Tunseth, KPB Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PM*
Brandi Harbaugh, Finance Director *BH*
Robert Ruffner, Planning Director *RR*

FROM: Aaron Hughes, Land Management Officer *AH*

DATE: July 23, 2026

RE: Ordinance 2026-____, Authorizing the Kenai Peninsula Borough to Enter Into a Long-Term Lease Agreement with the City of Seward for Operation and Management of a Surplus School Facility in Seward (Mayor)

On April 6, 2026, the Kenai Peninsula Borough School District Board of Education voted to Close the Seward Middle School. On July 6, 2026, the Kenai Peninsula Borough School District Board of Education voted to Surplus the Seward Middle School.

The City of Seward has requested use of the surplus facility through a long-term lease agreement for a community center and other City or public needs. Entering into a long-term lease agreement with the City will result in continued community access to the facility while substantially reducing the Borough's holding costs related to the surplus facility.

If approved, KPB will enter into a long-term lease agreement with the City for an initial 5 year term with two additional 5 year renewal provisions upon written consent from KPB. The annual lease amount would be for \$1.00 with additional consideration in lieu of rent provided by the City through its obligation to pay all utilities, insurance, and all general interior and exterior maintenance costs related to the building. The maintenance and repair of the boiler systems and roof are specifically excluded.

The surplus school is an important public facility in the Seward community, and will continue to serve those needs through City management as a community center. The KPB Planning Commission will hold a public hearing regarding the proposed lease on August 10, 2026, and will forward its recommendation to the Assembly.

Your consideration of this ordinance is appreciated.

Introduced by:	Mayor
Date:	08/04/26
Hearing:	08/18/26
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2026-**

**AN ORDINANCE AUTHORIZING THE KENAI PENINSULA BOROUGH
TO ENTER INTO A LONG-TERM LEASE AGREEMENT WITH THE
CITY OF SEWARD FOR OPERATION AND MANAGEMENT OF A
SURPLUS SCHOOL FACILITY IN SEWARD**

- WHEREAS,** the City of Seward (City) has expressed interest in a long-term lease of the Seward Middle School surplus school facility for use as a community center and other public related City needs; and
- WHEREAS,** no direct Kenai Peninsula Borough (KPB) needs have been identified requiring the use of the facility; and
- WHEREAS,** under the lease, the City will be responsible for the ongoing maintenance, utilities, risk of loss, and insurance costs related to the facility; and
- WHEREAS,** on _____ the Seward City Council approved Resolution _____ authorizing the City to move forward with the proposed lease agreement with the KPB; and
- WHEREAS,** the KPB Planning Commission at its regularly-scheduled meeting held on _____, 2026 recommended _____;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That this is a non-code ordinance.

SECTION 2. Pursuant to KPB 17.10.100(I), the Assembly finds that entering into a Lease Agreement with the City at less than fair market value on that leased premises more particularly described as follows is in the best interests of the Borough:

A PORTION TRACT A-1 JESSE LEE HOME SUBDIVISION LONG TERM CARE FACILITY REPLAT, PLAT NO. 2007-21, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, CONTAINING APPROXIMATELY 8 ACRES.

Parcel Number: 14502139

Site Name: Surplus Seward Middle School Facility

SECTION 3. That the Mayor is hereby authorized to negotiate and enter into a lease upon all or a portion of the property identified in Section 1, subject to all lease conditions required by this ordinance and the applicable provisions of KPB 17.10.

SECTION 4. That the annual rent shall be One Dollar (\$1.00) for the 5 year initial term, with two successive 5 year renewal terms upon written consent from the KPB.

SECTION 5. Additional consideration in lieu of rent is to be provided by the City through its obligation to pay all utilities, insurance, and all general interior and exterior maintenance costs related to the building. Maintenance and repair of boiler systems and the roof are specifically excluded.

SECTION 6. Pursuant to KPB 17.10.230, the Assembly authorizes an exception to the requirements of 17.10.080 “Classification and Reclassification of Borough Lands” and 17.10.110 “Notice of Disposition”, based upon the following facts:

1. Special circumstances or conditions exist.
 - a. The City has existing zoning regulations that justify an exception to classification.
 - b. The City will occupy the property to serve a public need.
 - c. The notice requirement is intended to make the public aware of an opportunity to purchase Borough property, which is unnecessary since the intent of the disposal is to lease the property solely to the City.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.
 - a. The lease will continue a prior public use of Borough-owned land.
 - b. The City will provide management oversight and cost savings to the borough will providing valuable space to the community.
3. That the granting of this exception will not be detrimental to the public welfare or injurious to other property in the area.
 - a. Previous school activities have demonstrated compatibility with the proposed City use.
 - b. Public use of the facility benefits the health and safety of area residents.

SECTION 7. That the City shall have 90 days from the date of enactment of this ordinance to execute the lease agreement.

SECTION 8. That the Mayor is authorized to execute a lease agreement substantially in the form of the one accompanying this ordinance, and any documents necessary to effectuate this ordinance.

SECTION 9. That rent revenue from the lease shall be submitted to the KPB Finance Department and deposited into Land Management Account No. 250.00000.00000.36316.

SECTION 10. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances will not be affected.

SECTION 11. That this ordinance shall be effective immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2026.

Ryan Tunseth, Assembly President

ATTEST:

Michele Turner, MMC, Borough Clerk

Yes:

No:

Absent:



FACILITIES SITE LEASE AGREEMENT

This Facilities Site Lease Agreement (Agreement) is entered into by the Kenai Peninsula Borough, an Alaska municipal corporation, whose mailing address is 144 North Binkley Street, Soldotna, Alaska 99669 (KPB or Lessor), and City of Seward, an Alaska municipal corporation, whose mailing address is 410 Adams Street, P.O. Box 167, Seward, AK 99664 (City or Lessee) (together, the Parties). This Agreement becomes effective on the date of signature by KPB (the Effective Date).

PART I. BACKGROUND, AUTHORIZED CONTACT AND CONTRACT DOCUMENTS

1. BACKGROUND. KPB owns certain real property and improvements located in the Kenai Peninsula Borough, in the State of Alaska, that is more particularly described in Exhibit 1 attached hereto (the Property). For good and valuable consideration, the Parties agree that KPB will grant Lessee the right to use the Property, the Leased Premises identified in Section 4, "Description of Property", in accordance with the terms of this Agreement.

2. AUTHORIZED CONTACT. All communications about this Agreement must be directed as follows, and any reliance on a communication with a person other than who is listed below is at the Party's own risk.

LESSOR

Name: Kenai Peninsula Borough
Attn: Land Management Division
Re: Lease No. _____
144 N. Binkley St.
Soldotna, AK 99669

LESSEE

Name: City of Seward
Attn: _____
Re: _____
410 Adams Street
Seward, AK 99664

3. CONTRACT DOCUMENTS. As authorized by Kenai Peninsula Borough Ordinance _____, this Agreement is the final and complete understanding of the Parties. The following Appendix and Exhibits are attached and are considered part of this Agreement as well as anything incorporated by reference or attached to those Appendix and Exhibits:

Appendix A: Lease Provisions Required by KPB 17.10

Exhibit 1: Description of the Property and the Leased Premises

Exhibit 2: Leased Premises Map

Exhibit 3: Memorandum of Lease

If in conflict, the order of precedence will be: the Agreement, Appendix A, Exhibit 1, Exhibit 2, and then Exhibit 3.

PART II. LEASE DESCRIPTION AND TERMS

4. DESCRIPTION OF PROPERTY. Subject to the terms and conditions of this Agreement, KPB hereby grants to Lessee a leasehold interest in and to that certain real Property containing 12.9 Acres, more or less, as described and depicted on Exhibit 1 and Exhibit 2 of this Agreement, attached hereto (collectively, the Leased Premises), for the operation of a Public Community Center and other city uses as may be deemed necessary by the Lessee and as provided for in Section 11, "Use".

5. TERM.

(a) The initial term will be Five (5) years (the Initial Term), commencing on the Effective Date.

(b) Lessee will have the right and option to extend the term of this Agreement for two (2) successive terms of five (5) years each (each, a Renewal Term). Each Renewal Term will commence upon written consent from the Lessor, unless Lessee delivers written notice to Lessor, not less than thirty (30) days prior to the end of the then-current Term, of Lessee's intent not to renew. For purposes of this Agreement, Term includes the Initial Term and any applicable Renewal Term(s).

(c) Should Lessee or, sublessee or licensee of Lessee hold over the Leased Premises or any part thereof after the expiration of this Agreement, such holdover will constitute and be construed as a tenancy from month-to-month only, upon the same terms and conditions and including a monthly escalation to the base Rent of fifteen percent (15%).

6. TERMINATION.

This Agreement may be terminated, without penalty or further liability, as follows:

(a) by Lessee upon ninety (90) days prior written notice to KPB, if Lessee is unable to obtain or maintain any required insurance, approval(s) or the issuance of a license or permit by any agency, board, court or other governmental authority necessary for the operation of the Public Community Center or other city uses as now or hereafter intended by Lessee; or if Lessee determines, in its sole discretion, that the cost of or delay in obtaining or retaining the same is commercially unreasonable; or

(b) by Lessee upon ninety (90) days prior written notice to KPB for any reason or no reason, so long as Lessee pays KPB a termination fee equal to the remaining Rent due under the current Term until such Term expires, and subject to removal requirements contained within Section 14, "Equipment, Fixtures, and Removal".

(c) by KPB in the event of a default in the performance or observance of any of the Agreement terms or conditions, and if such default continues thirty (30) days after written notice of the default, KPB may cancel the Agreement or take any legal action for damages or recovery of the property. No improvements may be removed during the time in which the contract is in default.

7. RENT. Beginning on the Effective Date, Lessee must pay to KPB an annual rent payment of One Dollar (\$1.00) (Rent), at the address set forth above on or before the Effective Date and each anniversary date thereof, in advance. Additional consideration in lieu of rent is being provided by Lessee obligation to pay all utilities and general maintenance costs related to the Leased Premises. Maintenance obligations to specifically exclude roof and boiler replacement.

8. TAXES. Lessee must pay any real or personal property taxes assessed on, or any portion of such taxes attributable to, the Property or Improvements as defined in Section 11, "Use", located on the Leased Premises, including any taxable private leasehold interests.

Facilities Site Lease Agreement

Site Name: _____

9. UTILITIES IN LIEU OF RENT. Lessee is responsible for any and all utilities due related to the subject property and improvements. Including but not limited to: solid waste, water and sewer, electric, fuel oil, and natural gas.

10. MAINTENANCE IN LIEU OF RENT. Lessee is responsible for any and all building and property maintenance related to the subject property. Including but not limited to; all interior and exterior maintenance and cleaning, interior and exterior paint, window replacement and repair, boiler and HVAC, sewer and septic, landscaping and snow removal. All major and non-routine repairs in excess of \$5,000 must receive prior consent from the KPB, approval from the KPB Assembly and the Seward City Council as may be required. Due to the age of the existing roof, KPB agrees to contribute 50% of the total roof replacement provided, Assembly approval and the repair or replacement is not the result of negligence by Lessee.

11. USE. The Leased Premises are being leased for the purpose of a city managed community center, or other city use as may be deemed necessary by the city. Any use must be directly related to city government, for a public purpose, and consistent with other existing uses within the adjacent school campus. Lessee will have the right to remove trees, vegetation, or undergrowth which interferes with Lessee's use of the Leased Premises for the intended purposes. Removal of sand, gravel or peat materials or disposal of foreign earthen materials may not occur on the leased premises. No additional improvements may be constructed no or moved to the property without the prior written consent of the KPB.

12. SECURITY MEASURES.

(a) Site Security. Lessee will be responsible for site security within the Leased Premises to protect against unauthorized access and damage to the Leased Premises. Lessee may also elect, at its expense, to construct such other enclosures and/or fences as Lessee reasonably determines to be necessary to secure its improvements situated upon the Leased Premises. Lessee may also undertake any other appropriate means to restrict access to its facilities, and related improvements, including, without limitation, posting signs for security purposes.

13. ACCESS, MAINTENANCE, AND UTILITIES.

(a) Access. During the Term, Lessee, and its sublessees, licensees, customers, guests, agents, and assigns will have the unrestricted, exclusive right to use, and will have free and unfettered access to, the Leased Premises seven (7) days a week, twenty-four (24) hours a day. KPB agrees to cooperate with Lessee's efforts to obtain necessary utilities and services through the granting of prerequisite utility easements as may be required by the utility provider. If there are utilities already existing on the Leased Premises which serve the Leased Premises, Lessee may utilize such utilities and services. Lessee understands the KPB will need access to specific communication and IT infrastructure within the facility on short notice and agrees to work with the KPB to assure access is provided.

(b) Maintenance. Lessee agrees to use the Leased Premises in a manner that does not cause material damage to the condition of the Leased Premises, and will keep and maintain the Leased Premises in good condition, repair, and free of fire hazards. Lessee must take all reasonable precautions to prevent, and take all reasonable actions to suppress, destructive and uncontrolled grass, brush, and forest fires on the Leased Premises, and comply with all laws, regulations and rules promulgated and enforced by the protection agency responsible for forest protection within the area wherein the Leased Premises is located. To proactively mitigate fire risks, Lessee must remove all dead spruce trees, or potential hazard trees within a one-hundred (100) foot radius of the facilities within the Leased Premises. All trees and/or slash produced from these activities must be removed from the site or mechanically processed into chips and removed from the site.

14. EQUIPMENT, FIXTURES, AND REMOVAL. The Facility and Leased Premises will at all times be the property of KPB. Lessee and/or its sublessees, licensees, and customers will have the right to install, maintain, and operate on the Leased Premises such equipment, structures, fixtures, signs, and personal property as Lessee may deem necessary or appropriate, provided that such are consistent with the approved uses. Other equipment, structures, fixtures, signs, and personal property currently on the Leased Premises, will not be deemed to be part of the Leased Premises, but will remain the property of KPB or its customers. Unless otherwise agreed to in writing by the Parties, within ninety (90) days after the expiration or earlier termination of this Agreement, or upon cessation, abandonment, or non-use of the facilities for a period of six (6) consecutive months (the Removal Period), Lessee must remove its improvements and restore the Leased Premises to its original condition free of contamination, reasonable wear and tear excepted provisions, and perform all obligations under this Agreement during the Removal Period, including without limitation, the payment of Rent on a prorated per diem basis, at the rate in effect upon the expiration or termination of this Agreement. Any property not so removed will be deemed abandoned and may be removed and disposed of by KPB in such manner as Lessor may determine, without any obligation on the part of KPB to account to Lessee for any proceeds therefrom. Time is of the essence.

KPB may, at the time of removal, elect in writing to retain general items in a condition free of both contamination and hazards with all other improvements removed by Lessee, subject to inspection by, and of condition satisfactory to, KPB.

15. ASSIGNMENT. Lessee may not assign their interest in this Agreement to any person or entity, at any time.

16. SUBLEASING.

(a) Subleasing. Lessee will have the exclusive right to sublease or grant licenses to use any portion of the Leased Premise, provided the use is consistent with the provisions of this lease and with prior written consent of KPB's Mayor.

(b) Authorized Contact of Sublessee. Lessee must provide KPB the name, telephone number, and email address of the authorized contact for all Sublessees, which authorized contact is responsible for Sublessee's day-to-day operations or activities on the Leased Premises.

17. COVENANTS, WARRANTIES AND REPRESENTATIONS.

(a) KPB represents and warrants that KPB is the owner in fee simple of the Property, free and clear of all liens and encumbrances except as to those which may have been disclosed to Lessee in writing prior to the execution hereof, and that KPB alone has full right to lease the Leased Premises for the Term.

(b) KPB may not do or knowingly permit anything during the Term that will unreasonably interfere with or negate Lessee's quiet enjoyment and use of the Leased Premises or cause Lessee's use of the Leased Premises to be in nonconformance with applicable local, state, or federal laws.

(c) To the best of KPB's knowledge, KPB has complied with, and will comply with, all laws with respect to the Property. No asbestos-containing thermal insulation or products containing PCB, formaldehyde, chlordane, or heptachlor or other hazardous materials have been placed on or in the Property by KPB or, to the knowledge of KPB, by any prior owner or user of the Property. To the knowledge of KPB, there has been no release of or contamination by hazardous materials on the Property.

(d) Except for the sublessees and licensees of Lessee, there currently exist no licenses, sublicenses, or other agreements, written or oral, granting to any party or parties the right of use or occupancy of any

portion of the Leased Premises; there are no outstanding options or rights of first refusal to purchase the Property or any portion thereof or interest therein, nor any equity or interest in KPB if KPB is an entity; and there are no parties (other than KPB) in possession of the Leased Premises except as to those that may have been disclosed to Lessee in writing prior to the execution hereof.

(e) Each Party hereto warrants and represents that it has the necessary power and authority to enter into and perform its respective obligations under this Agreement. Nothing in this Agreement, including such cooperation, will be construed as creating a partnership between the Parties.

18. REQUIRED INSURANCE COVERAGES. Insurance coverages required under this Agreement must be primary and exclusive of any other insurance carried by Lessor. Minimum levels of insurance coverage required under this Agreement will remain in effect for the life of this Agreement. If Lessee's policies contain higher limits, Lessor will be entitled to coverage to the extent of such higher limits. Certificates of Insurance must be delivered to Lessor at the time of submission of the signed Agreement. Lessor may request copies of required policies and endorsements, which must be provided within ten (10) days of Lessor's request. Updated certificates must be provided upon insurance coverage renewal, where applicable.

(a) Commercial General Liability. Lessee must provide and maintain commercial general liability insurance (CGL). The CGL policy must be written on an occurrence basis and with a limit of not less than one million dollars (\$1,000,000.00) per occurrence. If necessary to provide the required limits, the CGLs policy's limits may be layered with an umbrella or excess liability policy. This policy must name Lessor as additional insured with a waiver of subrogation.

(b) Auto Liability. Lessee must provide and maintain commercial automobile liability insurance. The commercial automobile liability policy must include a combined single limit of not less than one million dollars (\$1,000,000.00). Coverage must include non-owned and hired car coverage. This policy must name KPB as additional insured with a waiver of subrogation.

(c) Worker's Comp. Lessee must provide and maintain workers' compensation insurance in accordance with the laws of the State of Alaska for all of its employees engaged in work under this Agreement. This coverage must include statutory coverage for states in which employees are engaging in work and employer's liability protection not less than the minimum amounts required by law. Subrogation will be waived.

(d) Property Insurance. Lessee must maintain property insurance covering the leased premises, including the building and all improvements, against loss or damage. Coverage must be maintained on a replacement cost basis in an amount sufficient to provide for the full replacement value of the leased premises without deduction for depreciation. Lessee will also maintain property insurance covering Lessee's furniture, equipment, inventory, records, supplies, and all other personal property owned, leased, or controlled by Lessee and located on the premises. The property insurance required under this section will name Lessor as a loss payee with respect to the leased premises and any Lessor-owned improvements.

(e) No Representation of Coverage Adequacy. By requiring insurance herein, Lessor does not represent that coverage and limits will necessarily be adequate to protect Lessee, sublessee, contractor(s) or subcontractor(s) of any tier, and any such coverage and limits will not be deemed as a limitation on the liability of the Lessee, sublessee, contractor(s) or subcontractor(s) of any tier under the indemnities granted to Lessor in this Agreement.

(f) Self-Insurance. Notwithstanding the foregoing, Lessee's obligations to provide insurance may be met by providing evidence of fiscal responsibility or self-insurance that is acceptable to Lessor. Lessee

warrants that it has the capacity to self-insure for the risks and coverages specified and will provide evidence of the lines and limits of coverage specified in "Required Insurance Coverages" in this Section. Lessee must provide Lessor with proof of continuing ability to provide self-insurance within thirty (30) calendar days of any written request by KPB for such proof. If there is any change in the ability to self-insure, Lessee must provide Lessor with immediate notice of such change and must immediately purchase insurance as set forth in this Section.

19. NON-EXCLUSIVITY. KPB acknowledges and agrees that, except as may be disclosed to Lessee in writing prior to the execution hereof, there are no prior existing rights, uses, or authorization granted to third parties or retained by KPB to locate improvements below grade on the Leased Premises. Upon at least sixty (60) days prior written notice to Lessee, KPB reserves the right to grant further or additional rights or authorization to locate improvements on, above or below grade or in proximity to the Leased Premises to the extent such rights or authorizations do not unreasonably interfere with Lessee's facilities, equipment or operations.

20. LESSEE LIABILITIES. In addition to other liabilities under this Agreement, Lessee has the following liabilities and agrees:

(a) That Lessee assumes the risk of loss, damage, or destruction to the Leased Premises and Lessee's improvements on and within the Leased Premises;

(b) That Lessee will comply with all applicable federal, state, and local laws or regulations, including relevant environmental laws, as well as public health and safety laws and other laws relating to the siting, permitting, construction, operation and maintenance of any facility, improvement or equipment on the Leased Premises;

(c) That KPB has no duty, either before or during the lease Term, to inspect the Leased Premises or warn of hazards and if KPB inspects the Leased Premises, it will incur no additional duty nor any liability for hazards not identified or discovered through such inspections. This Section will survive the termination or revocation of this Agreement, regardless of cause; and

(d) That Lessee has an affirmative duty to protect from damage the Property and interests of Lessor related to this Agreement.

(e) That Lessee will be responsible for performing scheduled maintenance as identified by the Lessor.

21. ENVIRONMENTAL LIABILITY BASELINE.

1.1. Responsibility for Ascertaining Environmental Condition of Property. Lessee has the sole responsibility under this Agreement to ascertain the environmental condition and presence of contamination in, on, and under the surface of the Property, and is conclusively presumed to have caused or to have materially contributed to any contamination of, or originating on, the Property except as identified in an Environmental Liability Baseline. If known contamination is on the Property that has been closed out under alternate cleanup levels approved by ADEC, Lessee is responsible for following all restrictions set by ADEC including, but not limited to, notifying any assignee of this Agreement in writing of ADEC's restrictions.

1.2. Financial Responsibility for Contamination on the Property and on any Affected Property. Lessee assumes financial responsibility to the KPB for any contamination in, on, and under the Property, except for contamination that is identified in an Environmental Liability Baseline. This is without prejudice to Lessee's right to seek contribution or indemnity from either prior lessees of the

Property, or other potentially responsible parties except for the KPB.

1.3. Establishing an Environmental Liability Baseline

- a. If Lessee wants to establish an Environmental Liability Baseline for any or all portions of the Property, Lessee must provide the Borough with an Environmental Assessment for that portion of the Property prior to its use.
- b. If Lessee discovers contamination in, on, or under the surface of the Property, for any portion of the contamination to be considered for inclusion in the Environmental Liability Baseline, Lessee must demonstrate by reasonable evidence to the satisfaction of the KPB that the contamination proposed for inclusion was not caused or materially contributed to by Lessee or Lessee's operations or activities nor assumed by Lessee. Contamination caused or materially contributed to by activities of Lessee's sublessees, contractors, and guests on the Property are deemed to have been materially contributed to by Lessee.
- c. Only that portion of contamination not caused or materially contributed to by Lessee or Lessee's operations or activities must be included in the Environmental Liability Baseline.

1.4. Adding to an Existing Environmental Liability Baseline

- a. If, after an Environmental Liability Baseline is established for any portion of the Property, Lessee discovers contamination in, on, or under the surface of that portion of the Property having an Environmental Liability Baseline, which contamination Lessee or Lessee's operations or activities did not cause, or to which Lessee or Lessee's operations did not materially contribute, and which Lessee did not assume by reason of assignment, Lessee may, at its own cost, submit an additional Environmental Assessment reflecting that information to the KPB for the KPB's consideration to add to the Environmental Liability Baseline. Lessee's additional Environmental Assessment must demonstrate by reasonable evidence to the satisfaction of the KPB which portion of the additional contamination on the Property was not caused by Lessee or Lessee's activities, or to which Lessee or Lessee's activities did not materially contribute.
- b. Only that portion of contamination not caused by Lessee or Lessee's operations, or to which Lessee or Lessee's operations did not materially contribute, may be added to the existing Environmental Liability Baseline.

1.5. The KPB's Acceptance or Rejection of Lessee's Environmental Assessment. When the KPB receives Lessee's Environmental Assessment to establish an Environmental Liability Baseline or to add to an existing Environment Liability Baseline, the KPB, in its sole discretion, may do one of the following:

- a. Perform additional environmental testing at Lessee's expense to verify the environmental condition of that portion of the Property being assessed. If the results of the KPB's tests conflict with Lessee's Environmental Assessment, the KPB and Lessee will negotiate in good faith an Environmental Liability Baseline or an addition to the existing Environmental Liability Baseline for that portion of the Property being assessed; or
- b. Accept the findings of Lessee's Environmental Assessment and any other relevant documents to establish an Environmental Liability Baseline for that portion of the Property

being assessed or to add to the existing Environmental Liability Baseline; or

- c. Reject the findings of Lessee's Environmental Assessment for that portion of the Property being assessed and offer Lessee the opportunity to perform additional environmental testing if the KPB determines in writing that the findings of the Environmental Assessment are inadequate to establish an Environmental Liability Baseline or to add to an existing Environmental Liability Baseline. The KPB's written rejection of the Lessee's Environmental Assessment will be based on failure of Lessee's Environmental Assessment to either:
 - (1) Follow generally accepted professional practices in determining the environmental condition of the Property and the presence of Contamination in, on, or under the surface of the Property; or
 - (2) Demonstrate the portion of the contamination that was not caused by Lessee or Lessee's operations, or to which Lessee or Lessee's operations did not materially contribute.

1.6. Amending the Environmental Liability Baseline to Delete Contamination Caused or Assumed by Lessee, or to which Lessee Materially Contributed.

- a. If, after the Environmental Liability Baseline for any portion of the Property is established, it is discovered that the presence of contamination identified in the Environmental Liability Baseline was caused or assumed by Lessee or Lessee's operations, or to which Lessee or Lessee's operations materially contributed, the Environmental Liability Baseline may be amended to delete that portion of the Contamination that was caused by Lessee or Lessee's operations, or to which Lessee or Lessee's operations materially contributed.
- b. The KPB will have the burden of proof to establish that Lessee or Lessee's operations or activities caused or materially contributed to the contamination.
- c. If it is discovered that contamination identified in the Environmental Liability Baseline was caused by Lessee or that Lessee or Lessee's operations materially contributed to the contamination, the Parties will agree upon an amendment to the Environmental Liability Baseline within a reasonable time.

22. INDEMNIFICATION. Lessee agrees to defend, indemnify, and hold harmless KPB, its employees, public officials, and volunteers, with respect to any action claim or lawsuit arising out of (1) a breach of this Agreement or (2) the use and occupancy of the Leased Premises or the Property by the Lessee. This agreement to defend, indemnify, and hold harmless includes all losses and liabilities without limitation as to any damages resulting from judgment, or verdict, and includes the award of any attorney's fees even if in excess of Alaska Civil Rule 82. Lessor will notify Lessee in a timely manner of the need for indemnification but such notice is not a condition precedent to Lessee's obligation and may be waived where Lessee has actual notice. This agreement applies and is in full force and effect whenever and wherever any action, claim, or lawsuit is initiated, filed, or otherwise brought against KPB relating to Lessee's use and occupancy of the Leased Premises or the Property. Notwithstanding the foregoing, Lessee's duty to indemnify, defend, and hold harmless KPB as set forth above shall not apply to the extent a claim arises from the negligence or willful misconduct of KPB, its employees, public officials, and volunteers.

23. INSPECTION. KPB reserves the right to enter upon and inspect the Leased Premises at any time to assure compliance with the conditions of this Agreement. Except in case of emergency, KPB will

provide Lessee with at least twenty-four (24) hours' prior written notice of KPB's intention to enter upon and inspect the Leased Premises. Lessee reserves the right to have a representative present at all times during KPB's.

24. FORCE MAJEURE. The time for performance by KPB or Lessee of any term, provision, or covenant of this Agreement will be deemed extended by time lost due to delays resulting from acts of God, strikes, civil riots, floods, material or labor restrictions by governmental authority, and any other cause not within the control of KPB or Lessee, as the case may be.

25. DEFAULT. The failure of Lessee or KPB to perform any of the covenants of this Agreement will constitute a default. The non-defaulting Party must give the other written notice of such default, and the defaulting Party must cure such default within thirty (30) days after receipt of such notice. In the event any such default cannot reasonably be cured within such thirty (30) day period, the defaulting Party must provide prompt notice of inability to cure and provide a plan to cure the default within a time frame provided. The time for curing a default will be extended for such period of time as may be necessary and reasonable; however, in no event will this extension of time to cure be in excess of ninety (90) days, unless agreed upon in writing by the non-defaulting Party.

26. REMEDIES. Should the defaulting Party fail to cure a default under this Agreement, the non-defaulting Party will have all remedies available either at law or in equity, including the right to terminate this Agreement.

27. LESSEE MORTGAGES.

(a) KPB consents to the granting by Lessee of a lien and security interest (each, a Lessee Mortgage) in Lessee's interest in this Agreement and all of Lessee's personal property and fixtures attached to the real property described herein to one or more lenders (any such lender, and any successor, assign, designee or nominee of such lender, hereinafter a Lender) only to the extent and amount necessary to develop and maintain improvements on the Leased Premises. The Lessee may not encumber the leasehold interest or the Leased Premises to finance projects or improvements outside of the Leased Premises. Lessor agrees to recognize Lender as Lessee hereunder upon any such exercise by Lender of its rights of foreclosure. Any such encumbrance will be subordinate to KPB's rights and interest in the Leased Premises and the Property. Any such encumbrance will be limited to the Lessee's interest in the Leased Premises. It is a material breach of this Agreement for Lessee to attempt to encumber any interest in KPB's title to or interest in the Leased Premises or the Property.

(b) KPB acknowledges that nothing contained herein will be deemed or construed to obligate Lender to take any action hereunder, or to perform or discharge any obligation, duty or liability of Lessee under this Agreement. No Lender may become liable under the provisions of this Agreement unless and until such time as the Lender assumes ownership of the leasehold estate created hereby and agrees to comply with the terms and conditions of this Agreement and any extensions and modifications thereof.

28. MISCELLANEOUS.

(a) Survival. If any term of this Agreement is found to be void or invalid, such invalidity will not affect the remaining terms of this Agreement, which will continue in full force and effect.

(b) Non-waiver. Failure of a Party to insist on strict performance of any of the conditions or provisions of this Agreement, or failure to exercise any of a Party's rights hereunder, will not waive such rights.

(c) Governing Law and Jurisdiction. This Agreement will be governed by and construed in accordance with the laws of the State of Alaska, without regard to conflict of law principles. Any lawsuits filed in connection with this Agreement must be filed and prosecuted in the Third Judicial District, State of Alaska, at Kenai, Alaska.

(d) Bind and Benefit. This Agreement is binding upon and will inure to the benefit of the Parties hereto and their respective heirs, legal representatives, successors, and assigns.

(e) Memorandum. A short-form Memorandum of Lease may be recorded at KPB's or Lessee's option in the form as depicted in Exhibit 4, attached hereto. KPB will promptly execute any Memorandum of Lease or Memorandum of Amendment to Lease, or corrective amendments thereto, upon written request of Lessee.

(f) W-9. KPB agrees to provide Lessee with a complete IRS Form W-9, or its equivalent, upon request.

(g) Counterparts. This Agreement may be executed in counterpart, each of which when so executed and delivered will be considered an original and all of which when taken together will constitute one and the same instrument.

(h) Amendment. This Agreement may be amended in writing upon mutual agreement of the Parties.

(i) Entire Agreement. This Agreement and its Exhibits, Appendices or incorporated attachments hereto, constitute the entire agreement and will supersede all prior offers, negotiations and agreements with respect to the subject matter of this Agreement.

[SIGNATURES BEGIN ON NEXT PAGE]

PART III. EXECUTION

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Effective Date.

LESSOR: Kenai Peninsula Borough
an Alaska municipal corporation

LESSEE: City of Seward
an Alaska municipal corporation

By: _____
Peter A. Micciche, Borough Mayor

By: _____
Kat Sorenson, City Manager

Date: _____

Date: _____

ATTEST:

Michele Turner MMC, Borough Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Wayne Cary, Deputy Borough Attorney

Date: _____

LESSOR ACKNOWLEDGEMENT

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing was acknowledged before me this _____ day of _____, 20____, by Peter A. Micciche, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, for and on behalf of the corporation.

Notary Public for State of Alaska
My commission expires: _____

LESSEE ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

On the _____ day of _____, before me personally appeared Kat Sorenson, and acknowledged under oath that she is the City Manager of the City of Seward, an Alaska municipal corporation, the Lessee named in the attached instrument, and as such was authorized to execute this instrument on behalf of the Lessee.

Notary Public for State of _____
My commission expires: _____

APPENDIX A

LEASE PROVISIONS REQUIRED BY KPB 17.10

(1) **Accounts Current.** Lessee shall not be delinquent in the payment of any tax, debt or obligation owed to KPB prior to execution of the Agreement.

(2) **Assignment.** Lessee may assign the lands upon which it has an agreement only if approved by the KPB Mayor or Land Management Officer when applicable. Applications for assignment shall be made in writing on a form provided by the Land Management Division. The assignment shall be approved if it is found that all interests of KPB are fully protected.

(3) **Breach of Agreement.** In the event of a default in the performance or observance of any of the Agreement terms or conditions, and such default continues thirty (30) days after written notice of the default, KPB may cancel the Agreement or take any legal action for damages or recovery of the property. No improvements may be removed during the time which the contract is in default.

(4) **Cancellation.** This Agreement, if in good standing, may be cancelled at any time upon mutual written agreement of the Parties.

(5) **Entry or Re-entry.** In the event the Agreement is terminated, canceled or forfeited, or in the event of abandonment of the Leased Premises by Lessee during the Term, KPB, its agents, or representatives, may immediately enter or re-enter and resume possession of the Leased Premises. Entry or re-entry by KPB shall not be deemed an acceptance of surrender of the Agreement.

(6) **Fire Protection.** Lessee shall take all reasonable precautions to prevent, and take all reasonable actions to suppress destructive and uncontrolled grass, brush, and forest fires on the Property under the Agreement, and comply with all laws, regulations and rules promulgated and enforced by the protection agency responsible for forest protection within the area wherein the Property is located.

(7) **Hazardous Waste.** The storage, handling and disposal of hazardous waste shall not be allowed on the Leased Premises.

(8) **Modification.** The Agreement may not be modified orally or in any manner other than by an agreement in writing signed by the Parties or their respective successors in interest.

(9) **Notice.** Any notice or demand, which under the terms of the Agreement or under any statute must be given or made by the parties thereto, shall be in writing, and be given or made by registered or certified mail, addressed to the other Party at the address shown on the Agreement. However, either party may designate in writing such other address to which such notice of demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed received when deposited in a U.S. general or branch post office by the addressor.

(10) **Notice of Default.** Notice of default will be in writing as provided in Paragraph 9 Notice.

(11) **Removal or Reversion of Improvements Upon Cancellation of Purchase Agreement or Lease.**

(a) Improvements on Leased Premises owned by Lessee shall, within thirty (30) calendar days

after the termination of the Agreement, be removed by Lessee; provided, such removal will not cause injury or damage to the land; and further provided, that the KPB Mayor or Land Management Officer when applicable may extend the time for removing such improvements in cases where hardship is proven. The Lessee may, with the consent of the KPB Mayor or Land Management Officer when applicable, dispose of its improvements to the Sublessee or Assignee, if applicable.

(b) If any improvements and/or chattels having an appraised value in excess of ten thousand dollars, as determined by a qualified appraiser, are not removed within the time allowed, such improvements and/or chattels shall, upon due notice to Lessee, be sold at public sale under the direction of the KPB Mayor and in accordance with the provisions of KPB Chapter 5. The proceeds of the sale shall inure to the former Lessee who placed such improvements and/or chattels on the lands, or its successors in interest, after paying to KPB all moneys due and owing and expenses incurred in making such a sale. In case there are no other bidders at any such sale, the KPB Mayor is authorized to bid, in the name of KPB, on such improvements and/or chattels. The bid money shall be taken from the fund to which said lands belong, and the fund shall receive all moneys or other value subsequently derived from the sale of leasing of such improvements and/or chattels. KPB shall acquire all the rights, both legal and equitable, that any other purchaser could acquire by reason of the purchase.

(c) If any improvements and/or chattels having an appraised value of ten thousand dollars or less, as determined by the KPB Mayor, are not removed within the time allowed, such improvements and/or chattels shall revert and absolute title shall vest in KPB. Upon request, Lessee shall convey said improvements and/or chattels by appropriate instrument to KPB.

(12) Rental for Improvements or Chattels not Removed. Any improvements and/or chattels belonging to Lessee or placed on the Property and remaining upon the premises after the termination of the Agreement shall entitle KPB to charge a reasonable rent therefor.

(13) Re-rent. In the event that the Agreement should be terminated, canceled, forfeited or abandoned, KPB may offer said lands for lease or other appropriate disposal pursuant to the provisions of KPB 17.10 or other applicable regulations.

(14) Responsibility for Location. It shall be the responsibility of Lessee to properly locate improvements on the Leased Premises.

(15) Rights of Mortgage or Lienholder. In the event of cancellation or forfeiture the Agreement for cause, the holder of a properly recorded mortgage, conditional assignment, or collateral assignment will have the option to acquire the lease for the unexpired term thereof, subject to the same terms and conditions as in the Agreement. Any party acquiring the lease agreement must meet the same requirements as Lessee.

(16) Sanitation. Lessee shall comply with all regulations or ordinances which a proper public authority in its discretion shall promulgate for the promotion of sanitation. The Leased Premises under the Agreement shall be kept in a clean and sanitary condition and every effort shall be made to prevent any pollution of the waters and lands.

(17) Shore Land Public Access Easement. As established by AS 38.05, KPB lands sold or leased may be subject to a minimum 50-foot public access easement landward from the ordinary high-water mark or mean high water mark.

(18) **Subleasing.** No lessee may sublease lands or any part thereof without written permission of the KPB Mayor or Land Management Officer when applicable. A sublease shall be in writing and subject to the terms and conditions of the original lease.

(19) **Violation.** Violation of any provision KPB 17.10 or of the terms of the Agreement may expose Lessee to appropriate legal action including forfeiture of purchase interest, termination, or cancellation of its interest in accordance with state law.

(20) **Written Waiver.** The receipt of payment by KPB, regardless of knowledge of any breach of the purchase agreement by the purchaser, lessee or permittee, or of any default on the part of the purchaser, lessee or permittee in observance or performance of any of the conditions or covenants of the agreement, shall not be deemed to be a waiver of any provision of the agreement. Failure of KPB to enforce any covenant or provision therein contained shall not discharge or invalidate such covenants or provision or affect the right of KPB to enforce the same in the event of any subsequent breach or default. The receipt by KPB of any payment of any other sum of money after notice of termination or after the termination of the agreement for any reason, shall not reinstate, continue or extend the agreement, nor shall it destroy or in any manner impair the efficacy of any such notice of termination unless the sole reason for the notice was nonpayment of money due and payment fully satisfies the breach.

EXHIBIT 1

DESCRIPTION OF PROPERTY AND LEASED PREMISES

Page 1 of 1

The Property is legally described as follows:

TRACT A-1 JESSE LEE HOME SUBDIVISION LONG TERM CARE FACILITY REPLAT, PLAT NO. 2007-21, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

Parcel Number: 14502139

The Leased Premises are described as follows:

THAT PORTION OF TRACT A-1 JESSE LEE HOME SUBDIVISION LONG TERM CARE FACILITY REPLAT, PLAT NO. 2007-21, LYING NORTH OF SEA LION AVENUE, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. CONTAINING APPROXIMATELY 8 ACRES AND AS DEPICTED ON THE ATTACHED EXHIBIT.

EXHIBIT 2

LEASED PREMISES

Page 1 of 2

The Leased Premises are depicted as follows:

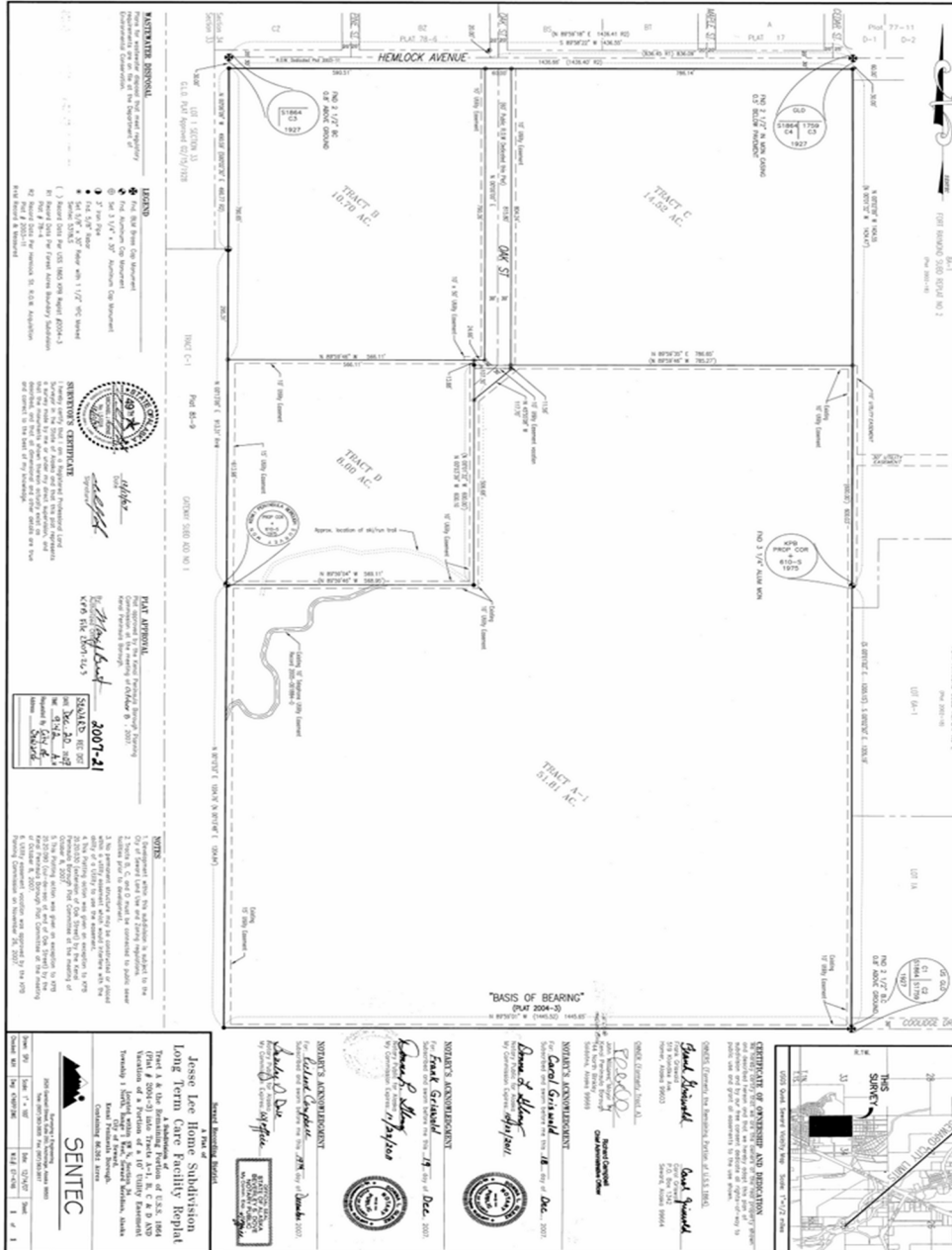


EXHIBIT 3

LEASED PREMISES

Page 2 of 2

The Leased Premises are depicted as follows:



Facilities Site Lease Agreement

Site Name: _____

EXHIBIT 4

MEMORANDUM OF LEASE

(Attached)

DRAFT

(Above 2 Space for Recorder's Use Only)

Prepared by and Return to:

Kenai Peninsula Borough
Attn: Land Management Division
144 N. Binkley St.
Soldotna, AK 99669

Lessor: Kenai Peninsula Borough
Lessee: City of Seward
Legal Description: Attached as Exhibit 1
Tax Parcel ID: 14502624
State: Alaska
Borough: Kenai Peninsula Borough
Recording District: Seward, Third Judicial

MEMORANDUM OF LEASE

This Memorandum of Lease (Memorandum) is entered into by and between the Kenai Peninsula Borough, an Alaska municipal corporation, having a mailing address of 144 N. Binkley St., Soldotna, AK 99669 (the Lessor) and City of Seward, an Alaska municipal corporation, whose mailing address is 410 Adams Street, P.O. Box 167, Seward, AK 99664 (City or Lessee) (together, the Parties).

1. Lessor and Lessee entered into a certain Facility Site Lease Agreement (the Agreement) on the _____ day of _____, 20____, for the operation of a Public Community Center and other city uses as may be deemed necessary by the Lessee and that comply with the terms of the Agreement.
2. The initial lease term will be five (5) years commencing on the Effective Date with two (2) successive five (5) year options to renew.
3. The land being leased to Lessee (the Leased Premises) is described in Exhibit 1 annexed hereto.
4. Lessor and Lessee now desire to execute this Memorandum to provide constructive knowledge of Lessee's lease of the Leased Premises.
5. This Memorandum is governed by the laws of the State of Alaska.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the day and year first above written.

LESSOR: Kenai Peninsula Borough
an Alaska municipal corporation

LESSEE: City of Seward
an Alaska municipal corporation

By: _____
Peter A. Micciche, Borough Mayor

By: _____
Kat Sorenson, City Manager

Date: _____

Date: _____

ATTEST:

Michele Turner MMC, Borough Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Wayne Cary, Deputy Borough Attorney

Date: _____

LESSOR ACKNOWLEDGEMENT

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing was acknowledged before me this _____ day of _____, 20____, by Peter A. Micciche, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, for and on behalf of the corporation.

Notary Public for State of Alaska
My commission expires: _____

LESSEE ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

On the _____ day of _____, before me personally appeared Kat Sorenson, and acknowledged under oath that she is the City Manager of the City of Seward, an Alaska municipal corporation, the Lessee named in the attached instrument, and as such was authorized to execute this instrument on behalf of the Lessee.

Notary Public for State of _____
My commission expires: _____

EXHIBIT 1 TO MEMORANDUM OF LEASE

DESCRIPTION OF PROPERTY AND LEASED PREMISES

The Property is legally described as follows:

TRACT A-1 JESSE LEE HOME SUBDIVISION LONG TERM CARE FACILITY REPLAT, PLAT NO. 2007-21, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

Parcel Number: 14502139

The Leased Premises are described as follows:

THAT PORTION OF TRACT A-1 JESSE LEE HOME SUBDIVISION LONG TERM CARE FACILITY REPLAT, PLAT NO. 2007-21, LYING NORTH OF SEA LION AVENUE, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. CONTAINING APPROXIMATELY 8 ACRES AND AS DEPICTED ON THE ATTACHED EXHIBIT.

**CITY OF SEWARD, ALASKA
RESOLUTION 2026-065**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA,
AUTHORIZING THE CITY MANAGER TO AUTHORIZING THE CITY MANAGER TO
SIGN AN AGREEMENT WITH THE KENAI PENINSULA BOROUGH TO LEASE THE
FORMER SEWARD MIDDLE SCHOOL FACILITY IN THE AMOUNT OF \$150,000 AND
APPROPRIATING FUNDS**

WHEREAS, The Kenai Peninsula Borough School District closed Seward Middle School at the end of the 2025-2026 school year; and

WHEREAS, on May 26, 2026, City Council held a work session on using the vacated facility as a community center, after which City staff began negotiating a lease with the Kenai Peninsula Borough; and

WHEREAS, the lease sets rent at \$1.00 per year, with the City responsible for utilities and maintenance which are estimated at \$250,000 for utilities and \$25,000 per year in maintenance; and

WHEREAS, the appropriation requested in this resolution covers the September through December 2026 transition period, to include utilities and start up costs for a total of \$150,000; and

WHEREAS, this lease represents a five-year commitment expected to run a General Fund gap of \$64,000 to \$112,000 per year once fully operational, reflecting the facility's role as a subsidized service provided for the public good; and

WHEREAS, the Middle School lease offers a way to meet that demand without new construction, consolidating the Boys and Girls Club, Teen Youth Center, and other Sports and Recreation programs under one roof; and

WHEREAS, results from the City's Comprehensive Plan survey have repeatedly identified resident demand for an indoor community gathering space that is open and available year-round.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA:

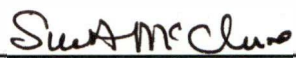
Section 1. The City Council hereby authorizes the City Manager to sign an agreement in substantially similar form to lease the former Middle School Facility for a Parks and Recreation Community Center.

Section 2. Funding in the amount of \$150,000 is hereby transferred and appropriated from the General Fund Unassigned 01000-0000-3400, split into \$83,000 to the 01000-1420-7015 Utilities Expense Account and \$67,000 in the 01000-1420-8103 Capital Equipment Expense Account.

CITY OF SEWARD, ALASKA
RESOLUTION 2026-065
Page 2 of 2

Section 3. This resolution shall take effect immediately upon adoption.

**APPROVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA THIS 27TH
DAY OF JULY 2026.**



Sue McClure, Mayor

AYES: Warner, Calhoon, Osenga, Draper, Barnwell, McClure
NOES: None
ABSENT: Crites
ABSTAIN: None

ATTEST:



Kris Peck
City Clerk

(City Seal)





City Council Agenda Statement

Meeting Date: July 27, 2026

To: City Council

From: Kat Sorensen, City Manager

Subject: Resolution 2026-065: Authorizing the City Manager to Sign an Agreement with the Kenai Peninsula Borough to Lease the Former Seward Middle School Facility in the Amount of \$233,000 and Appropriating Funds

Background and justification:

The Kenai Peninsula Borough School District closed Seward Middle School at the end of the 2025-2026 school year. On May 26, 2026, City Council held a work session to consider using the vacated facility as a community center. Following that discussion, City staff began negotiating a lease with the Kenai Peninsula Borough.

The resulting draft agreement sets rent at \$1.00 per year, with the City responsible for utilities and day-to-day maintenance. In exchange for Connections Homeschool retaining office space in the building, KPBSD agreed to furnish it, including a full industrial kitchen, tables and chairs throughout, office materials, and sports equipment.

For cost, three years of utility billing history show the facility's utility cost has ranged from \$198,307 to \$247,678 per year; staff is budgeting \$250,000 per year going forward. The facility walkthrough that confirmed maintenance responsibilities also set the routine maintenance estimate at \$25,000 per year. Because the City's next budget cycle does not begin until January 2027, the appropriation requested in this resolution covers only the September through December 2026 transition period: approximately \$83,000 in utilities and \$150,000 in one-time startup costs, for a total of \$233,000.

Recognizing that this is a 5-year commitment, staff has projected out estimated costs for FY27 and FY28. The City's current AVTEC contract, about \$140,000 per year, would be reduced to roughly \$70,000 per year to retain evening gym access. Set against a conservative program revenue projection of \$233,000 to \$281,000 per year, the facility is projected to run a General Fund gap of \$64,000 to \$112,000 per year once fully operational, a step down from the current AVTEC arrangement, which runs about \$93,000 per year ahead of program revenue. There is also a strong potential for leased spaces and rental fees that could further offset the facilities expenses, but this facility should definitely be seen as a subsidized service for the greater public good and will require increased investment in Parks and Recreation through the lifetime of the agreement.

Interest in a recreation center predates this specific opportunity. Results from the City's Comprehensive Plan survey repeatedly identified resident demand for an indoor community gathering space and more indoor recreation and family entertainment options. Over the past three years, Parks and Recreation membership grew from 178 to 797, and annual visits rose to nearly 23,000, showing sustained demand for existing programming. The Middle School lease offers a way to meet that

demand without new construction. The Boys and Girls Club, Teen Youth Center, and other Sports and Recreation programs would consolidate under one roof, with full autonomy over hours and programming.

Fiscal Impact

Fiscal Impact: ☒ Yes – Amount: \$233,000 Budgeted: ☐ Yes
☐ No ☒ No
☐ N/A

Funding Source: ☒ General Fund: 01000-1420-7015 / 01000-1420-8103
☐ Enterprise Fund: _____
☐ Grant: _____
☐ Other: _____

Finance Director Signature: Sully Jusino

Comprehensive and Strategic Plan Consistency Information

This legislation is consistent with (citation listed):

Comprehensive Plan: 3.6.1 Improve, expand and diversify year-round parks and recreation opportunities for residents and visitors
3.6.1.1 Improve existing and develop additional recreational infrastructure

Strategic Plan: _____
Other: _____

Attorney Review

☒ Yes Attorney Signature: /s/Sam Severin
☐ Not applicable Comments: _____

Administration Recommendation

☒ Adopt Resolution
☐ Other: _____

E. NEW BUSINESS

- 2. Ordinance 2026-28: Authorizing the sale of certain parcels owned by the Kenai Peninsula Borough via live public outcry/simulcast online auction followed by a secondary online-only auction.**

Kenai Peninsula Borough

Planning Department – Land Management Division

MEMORANDUM

TO: Ryan Tunseth, Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PM*
Robert Ruffner, Planning Director *RR*
Aaron Hughes, Land Management Officer *AH*

FROM: Jennifer Shields, Land Management Agent *JS*

DATE: July 23, 2026

RE: Ordinance 2026-_____, Authorizing the Sale of Certain Parcels Owned by the Kenai Peninsula Borough Via Live Public Outcry/Simulcast Online Auction Followed by a Secondary Online-Only Auction (Mayor)

The Kenai Peninsula Borough (KPB) Land Management Division has identified certain parcels of land that are surplus to KPB needs. Attached are maps showing the location of each parcel. Minimum sale prices, termed reserve amounts, are proposed to be set at the estimated fair market value as determined through consultation with the KPB Assessing Department.

The live public outcry/simulcast online auction is proposed for October 10, 2026, in the KPB Assembly Chamber. A sale brochure will identify the sale parcels and provide a brief explanation of the auction and subsequent closing process. Notice of the land sale will be published in accordance with KPB 17.10.110, and the auction brochure will be made available on the KPB Land Management Division's land sale website. The ordinance provides a framework to reschedule the auction in the event that the live auction date is cancelled, and would authorize a secondary online-only auction land sale of those parcels not sold in the live auction.

An exception to the classification of the parcels to be disposed of by this ordinance is provided, since classifying land uses for surplus, disposed land does not serve a useful purpose in guiding future management decisions of KPB-owned lands.

In recognition of the need to promote affordable land purchase and housing development opportunities for KPB residents, the ordinance designates seven (7) parcels as eligible to participate in the Land Affordability Program (LAP) as authorized by Ordinance 2025-09. The LAP is designed to support residential development and homeownership while maintaining and ensuring a competitive bid process for authorized KPB land sale offerings.

The KPB Planning Commission will hold a public hearing regarding the proposed land sale on August 10, 2026, and will forward its recommendation to the Assembly.

Your consideration is appreciated.

Introduced by:	Mayor
Date:	08/04/26
Hearing:	08/18/26
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2026-__**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PARCELS
OWNED BY THE KENAI PENINSULA BOROUGH VIA LIVE PUBLIC
OUTCRY/SIMULCAST ONLINE AUCTION FOLLOWED BY A
SECONDARY ONLINE-ONLY AUCTION**

- WHEREAS,** the Kenai Peninsula Borough (KPB) has title to the parcels listed in Section 2 of this ordinance; and
- WHEREAS,** these parcels have been reviewed by KPB, the School District, KPB administrative departments, service areas, affected cities, Advisory Planning Commissions, and the KPB Planning Commission; and
- WHEREAS,** the parcels are surplus to KPB needs; and
- WHEREAS,** the parcels listed in Section 3 of this ordinance were acquired through tax foreclosure and retained for public purposes; and
- WHEREAS,** this ordinance enacts an exception to the requirement under KPB 17.10.090 that KPB-owned lands are classified prior to disposal; and
- WHEREAS,** pursuant to KPB 17.10.080(A) the purposes served through classification include review, plan implementation, and management of KPB-owned land or resources; and
- WHEREAS,** classification is not zoning and classification of land pursuant to KPB 17.10.080, does not run with the land, and does not restrict land use after disposal; therefore, classification for the sole purpose of disposal may only confuse buyers, create unnecessary conflict for neighboring land owners, and does not accomplish the code purposes classification aims to provide; and
- WHEREAS,** pursuant to KPB 21.04.010, land outside of municipal zoning districts is deemed as the rural zoning district, whereby regulation of land use shall be unrestricted except as otherwise provided in Title 21; and
- WHEREAS,** the Assembly enacted Ordinance 2025-09 to create a Land Affordability Program (LAP) which provides an opportunity for qualifying participants to purchase certain residential properties identified as "LAP Eligible" under an approved sale ordinance; and

WHEREAS, LAP is designed to support residential development and homeownership while maintaining and ensuring a competitive bid process for authorized KPB land sale offerings; and

WHEREAS, the parcels listed in Section 5 of this ordinance have been deemed eligible to participate in the LAP; and

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting held on _____, 2026, and recommended _____.

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That this is a non-code ordinance.

SECTION 2. That the parcels listed below are authorized for sale at a minimum of the reserve amounts listed.

Parcel No.	Acres	Legal Description	General Location	Reserve Amount
01713003	3.87	LOT FIFTEEN (15), SECTION 23, TOWNSHIP 6 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, STATE OF ALASKA, ACCORDING TO THE SUPPLEMENTAL PLAT ACCEPTED BY THE UNITED STATES, DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT IN WASHINGTON, D.C., ON MARCH 18, 1953; AND FURTHER DEPICTED ON THE RECORD OF SURVEY, SURVEY OF STATE LAND, DNR FILE NUMBER 58-7, SERIALIZED AS EPF 580007, FILED IN THE KENAI RECORDING DISTRICT ON AUGUST 8, 1969, AS PLAT NO. K-1637, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 01713003)	Salamatof	\$100,000
02533008	5.24	LOT TWO HUNDRED THIRTY-THREE (233), GRAY CLIFF SUBDIVISION, ACCORDING TO PLAT NO. 82-80, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 02533008)	Gray Cliff	\$20,000
02544718	7.40	LOT TWO HUNDRED FORTY-FIVE (245), MOOSE POINT SUBDIVISION, ACCORDING TO PLAT NO. 84-65, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 02544718)	Moose Point	\$37,000

Parcel No.	Acres	Legal Description	General Location	Reserve Amount
04938045	0.24	LOT FIFTEEN (15), BLOCK THREE (3), DEEPWOOD PARK SUBDIVISION AMENDED, ACCORDING TO PLAT NO. 84-158, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 04938045)	City of Kenai	\$25,000
04938046	0.28	LOT SIXTEEN (16), BLOCK THREE (3), DEEPWOOD PARK SUBDIVISION AMENDED, ACCORDING TO PLAT NO. 84-158, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 04938046)	City of Kenai	\$26,000
05503503	1.35	LOT THREE (3), BLOCK ONE (1), WIDGEON WOODS PHASE TWO SUBDIVISION, ACCORDING TO PLAT NO. 2012-32, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 05503503)	Kalifornsky	\$52,000
06301164	9.12	TRACT A, OWL PERCH SUBDIVISION, ACCORDING TO PLAT NO. 2024-92, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 06301164)	Sterling	\$119,000
11907106	2.02	LOT THIRTEEN B (13B) OF U.S. SURVEY 3306, ALASKA, ACCORDING TO THE SURVEY PLAT ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT IN WASHINGTON, D.C. ON JANUARY 24, 1955. (KPB PIN 11907106)	Cooper Landing	\$180,000
11907155	2.44	LOT EIGHTEEN (18), BIRCH AND GROUSE RIDGE SUBDIVISION, ACCORDING TO PLAT NO. 2004-14, ON FILE IN THE SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 11907155)	Cooper Landing	\$185,000
12516010	0.81	LOT SEVEN (7) OF ALASKA STATE LAND SURVEY NO. 86-176, ACCORDING TO THE PLAT FILED IN THE SEWARD RECORDING DISTRICT ON APRIL 27, 1988, AS PLAT NO. 88-2, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 12516010)	Crown Point	\$70,000

Parcel No.	Acres	Legal Description	General Location	Reserve Amount
13301049	2.41	LOT ONE (1), HUMPY POINT SUBDIVISION, ACCORDING TO PLAT NO. 2025-5, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 13301049)	Kasilof	\$145,000
13301050	2.81	LOT TWO (2), HUMPY POINT SUBDIVISION, ACCORDING TO PLAT NO. 2025-5, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 13301050)	Kasilof	\$145,000
16905102	0.51	LOT TWO (2), COMMON GROUND SUBDIVISION, ACCORDING TO PLAT NO. 2024-15, ON FILE IN THE HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 16905102)	Anchor Point	\$30,000
16913228	13.64	THE SW¼ SE¼ SE¼ AND THAT PORTION OF THE W½ SE¼ SE¼ Lying SOUTH OF THE STERLING HIGHWAY, SECTION 13, TOWNSHIP 5 SOUTH, RANGE 15 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 16913228)	Anchor Point	\$44,000
17908012	2.50	GOVERNMENT LOT THIRTEEN (13), SECTION 14, TOWNSHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, ALASKA, ACCORDING TO THE SUPPLEMENTAL SURVEY PLAT ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT IN WASHINGTON, D.C. ON MAY 26, 1952. (KPB PIN 17908012)	City of Homer	\$125,000
19209106 AND 19209108	0.28	LOT 2-C, BLOCK 39, EAST ADDITION SELDOVIA TOWNSITE ALASKA, ACCORDING TO PLAT NO. 66-28, ON FILE IN THE SELDOVIA RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 19209106) AND LOT T35, ALASKA TIDELANDS SURVEY NO. 219, TIDELAND ADDITION TO SELDOVIA ALASKA, ACCORDING TO PLAT NO. 64-13, ON FILE IN THE SELDOVIA RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 19209108)	City of Seldovia	\$75,000

Parcel No.	Acres	Legal Description	General Location	Reserve Amount
19326114	8.77	LOT TWO (2), BLOCK SIX (6), MARINERS WALK SUBDIVISION CORRECTED PLAT, ACCORDING TO PLAT NO. 86-75, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 19326114)	Bear Cove (Kachemak Bay)	\$35,000

SECTION 3. That the parcels listed below were obtained by KPB through prior tax foreclosure actions and retained for a public purpose. In accordance with provisions of AS 29.45.460, the Assembly finds that a public need no longer exists for these parcels. The parcels listed below have been retained by KPB in excess of ten (10) years.

Parcel No.	Acres	Legal Description	General Location	Prior Owner
02533008	5.24	LOT TWO HUNDRED THIRTY-THREE (233), GRAY CLIFF SUBDIVISION, ACCORDING TO PLAT NO. 82-80, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 02533008)	Gray Cliff	\$20,000
19209106 AND 19209108	0.28	LOT 2-C, BLOCK 39, EAST ADDITION SELDOVIA TOWNSITE ALASKA, ACCORDING TO PLAT NO. 66-28, ON FILE IN THE SELDOVIA RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 19209106) AND LOT T35, ALASKA TIDELANDS SURVEY NO. 219, TIDELAND ADDITION TO SELDOVIA ALASKA, ACCORDING TO PLAT NO. 64-13, ON FILE IN THE SELDOVIA RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 19209108)	City of Seldovia	\$75,000

SECTION 4. That the Assembly makes an exception to KPB 17.10.090 requiring classification prior to disposal. This exception is based on the following findings of fact pursuant to KPB 17.10.230:

1. That special circumstances or conditions exist.
 - a. The parcels to be disposed of are deemed surplus to borough needs, thereby eliminating the need for a borough management plan for those lands.
 - b. KPB 17.10.130(D) requires that land shall be conveyed without deed restrictions.

- c. Local option zoning is available when the borough is marketing subdivision land with a development plan for future land use.
- 2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.
 - a. Classification of surplus land to be disposed of would place land use restrictions on land that the borough will not have management responsibility over once conveyed.
 - b. The preservation of a substantial property right is not applicable to this case; the considerations under this ordinance as to the management of the land are substantially similar to classification thereby being a practical manner of complying with the intent of classification.
- 3. That the granting of the exception will not be detrimental to the public or injurious to other property in the area.
 - a. Classifying land uses for surplus land to be disposed of does not serve a useful purpose in guiding future borough management decisions.

SECTION 5. That the parcels listed below are hereby designated as eligible to participate in the Land Affordability Program (LAP) enacted by Ordinance 2025-09.

Parcel No.	Acres	Legal Description	General Location	LAP Eligible
04938045	0.24	LOT FIFTEEN (15), BLOCK THREE (3), DEEPWOOD PARK SUBDIVISION AMENDED, ACCORDING TO PLAT NO. 84-158, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 04938045)	City of Kenai	\$25,000
04938046	0.28	LOT SIXTEEN (16), BLOCK THREE (3), DEEPWOOD PARK SUBDIVISION AMENDED, ACCORDING TO PLAT NO. 84-158, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 04938046)	City of Kenai	\$26,000
05503503	1.35	LOT THREE (3), BLOCK ONE (1), WIDGEON WOODS PHASE TWO SUBDIVISION, ACCORDING TO PLAT NO. 2012-32, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 05503503)	Kalifornsky	\$52,000

Parcel No.	Acres	Legal Description	General Location	LAP Eligible
06301164	9.12	TRACT A, OWL PERCH SUBDIVISION, ACCORDING TO PLAT NO. 2024-92, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 06301164)	Sterling	\$119,000
12516010	0.81	LOT SEVEN (7) OF ALASKA STATE LAND SURVEY NO. 86-176, ACCORDING TO THE PLAT FILED IN THE SEWARD RECORDING DISTRICT ON APRIL 27, 1988, AS PLAT NO. 88-2, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 12516010)	Crown Point	\$70,000
16905102	0.51	LOT TWO (2), COMMON GROUND SUBDIVISION, ACCORDING TO PLAT NO. 2024-15, ON FILE IN THE HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 16905102)	Anchor Point	\$30,000
16913228	13.64	THE SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ AND THAT PORTION OF THE W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ LYING SOUTH OF THE STERLING HIGHWAY, SECTION 13, TOWNSHIP 5 SOUTH, RANGE 15 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 16913228)	Anchor Point	\$44,000

SECTION 6. That the method of disposal will be by live public outcry/simulcast online auction pursuant to KPB 17.10.100(B) followed by an online-only auction. The date of the live auction will be October 10, 2026. The auction will be held at the KPB Assembly Chamber or other such advertised location. A secondary online-only auction will be conducted for those parcels not sold as part of the live auction. The secondary online-only auction is to run a minimum of two weeks beginning not later than November 2, 2026.

SECTION 7. That the Mayor is hereby authorized to remove any or all of the proposed land sale offerings for any reason, including real estate market conditions, at any time prior to the date of the live auction and/or the secondary online-only auction. The Mayor may cancel the sale of any property at any time without recourse if it is in the best interests of the borough upon a determination that fraud or collusion undermined the integrity of the sale.

SECTION 8. That in the event the administration is unable to proceed with the live auction on the designated date, the administration will reschedule the live auction and subsequent secondary online-only auction not later than 90 days from the date designated in this ordinance. In the event the dates designated in Section 6 are

cancelled and an alternative date is rescheduled, then such sale date and location will be re-advertised for at least 30 days prior to the sale, consistent with the original advertisement.

- SECTION 9.** That all parcels will be conveyed by quitclaim deed. Title insurance in the form of a lenders policy of title insurance must be obtained for all KPB-financed sales. All title insurance and closing fees are at the buyer's expense. Title insurance must show the condition of title and no unsatisfied judgments or liens against the buyer at the time of closing, the latter of which shall also be verified by the buyer prior to closing. In the event a title report showing an acceptable condition of title cannot be obtained by seller, then either the buyer or KPB may elect to terminate the purchase agreement, in which case all monies on deposit will be refunded to the buyer. For KPB financed sales, buyers must execute a release authorizing KPB to obtain a credit report on the said buyers.
- SECTION 10.** That KPB will reserve all right, title and interest in and to all unreserved subsurface mineral rights, if any, together with the right to the future extraction of those rights.
- SECTION 11.** That upon successful sale at auction, the buyer/bidder will enter into an agreement to acquire subject parcel. A down payment of 10 percent of the sale price, or \$1,500.00, whichever is greater, shall be deposited with KPB or its designee and the applicable terms and provisions of KPB 17.10.120 and KPB 17.10.130 shall apply, except that KPB shall retain the down payment, up to \$1,000, if the prospective buyer breaches a term of the sale.
- SECTION 12.** That auction records will contain first and second position bid amounts for each property. In the event the first position bidder is unable to perform, the property will be offered for sale to the second position bidder for the amount of the bid, provided that the bid amount is in excess of the established reserve. A first place bidder who fails to perform on the purchase is prohibited from bidding on any KPB land sale for a period of three years from the date of the auction.
- SECTION 13.** That the Assembly authorizes the use of seller financing as a payment option for purchasers for all lands authorized for sale under this ordinance. Terms of the seller financing shall be as required in KPB 17.10.120.
- SECTION 14.** That the Mayor is authorized to sign any documents necessary to effectuate this ordinance.
- SECTION 15.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances will not be affected.
- SECTION 16.** That this ordinance shall be effective immediately.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF *, 2026.**

Ryan Tunseth, Assembly President

ATTEST:

Michele Turner, MMC, Borough Clerk

Yes:

No:

Absent:



KENAI PENINSULA BOROUGH Land Management



2026 General Land Sale - Vicinity Map



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



MINIMUM BID: \$100,000

Acres: 3.87

Legal Description: LOT FIFTEEN (15), SEC. 23, TOWNSHIP 6 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, STATE OF ALASKA, ACCORDING TO THE SUPPLEMENTAL PLAT ACCEPTED BY THE UNITED STATES, DEPT OF THE INTERIOR, BUREAU OF LAND MGMT IN WASHINGTON, D.C. ON MARCH 18, 1953; AND FURTHER DEPICTED ON THE RECORD OF SURVEY, SURVEY OF STATE LAND, DNR FILE NUMBER 58-7, SERIALIZED AS EPF 580007, FILED IN THE KENAI RECORDING DISTRICT ON AUGUST 8, 1969 AS PLAT NO. K-1637, KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

Topography: Nearly level lot with an abrupt steep bluff edge on the west side.

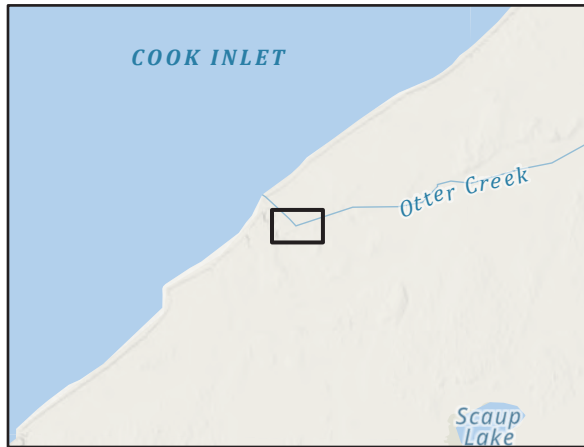
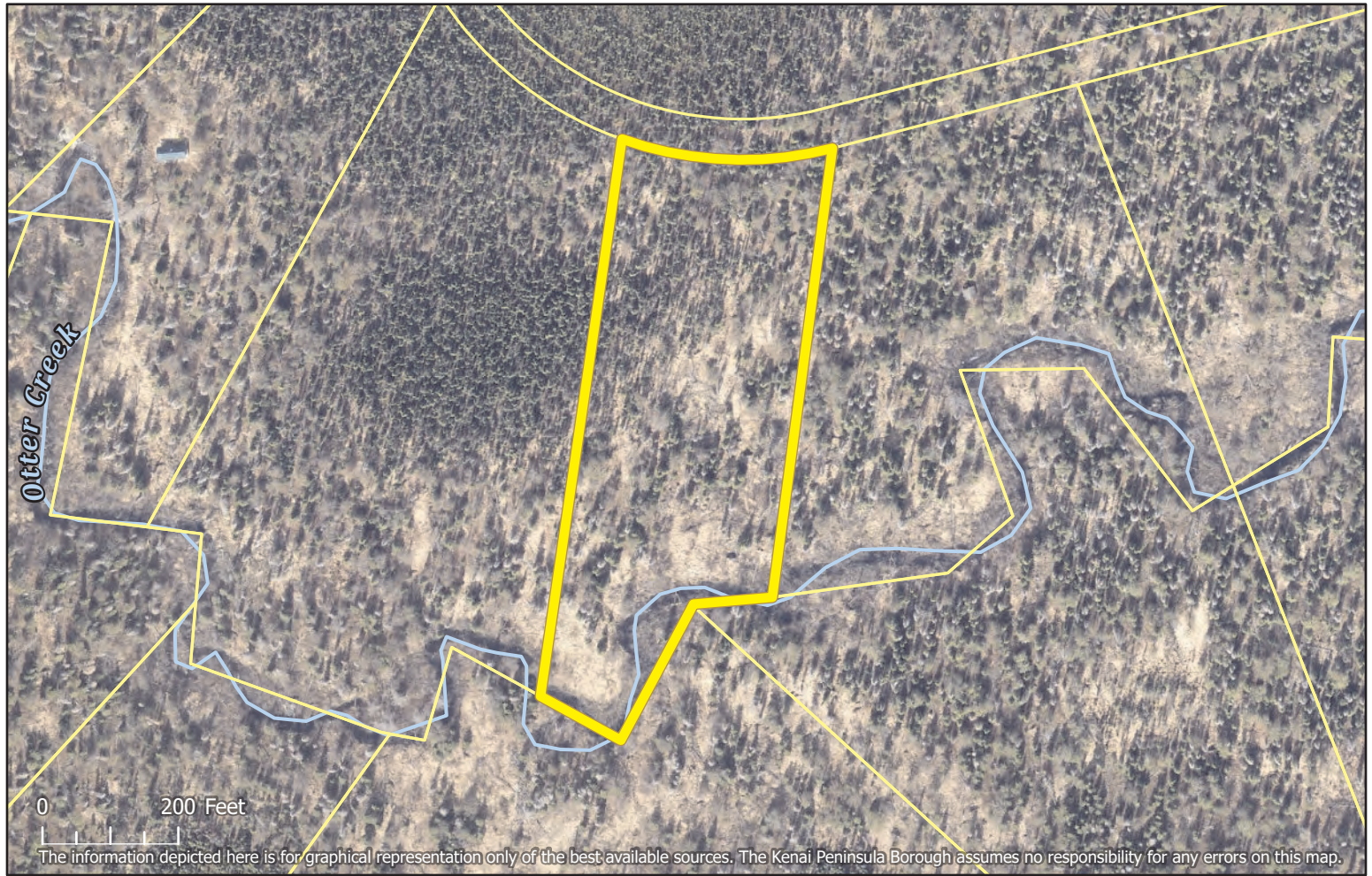
Special Features: Bluff lot north of Kenai with waterfront views of the Cook Inlet.

Disclosures: Subject to Alaska State Statute 38.05.127, Access to Navigable or Public Waters, a 50-foot wide public access easement exists upland of and adjoining the ordinary high water mark of all public waters and mean high water marks of all tidal shores. A 60-foot wide Public Access and Utility Easement exists along the eastern portion of the lot, per ADL 229788 as shown on Plat KN 2012-67 and recorded in document KN 2013-002321-0.

Access: Potential access may be by way of the Kenai Spur Highway to Veco Avenue. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

Utilities: Electric and natural gas utilities are available in the area.

Land Affordability Program: Not eligible.



MINIMUM BID: \$20,000

Acres: 5.24

Legal Description: LOT TWO HUNDRED THIRTY-THREE (233), GRAY CLIFF SUBDIVISION, ACCORDING TO PLAT NO. 82-80, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 02533008)

Topography: Sloping lot with a mixed stand of spruce and birch.

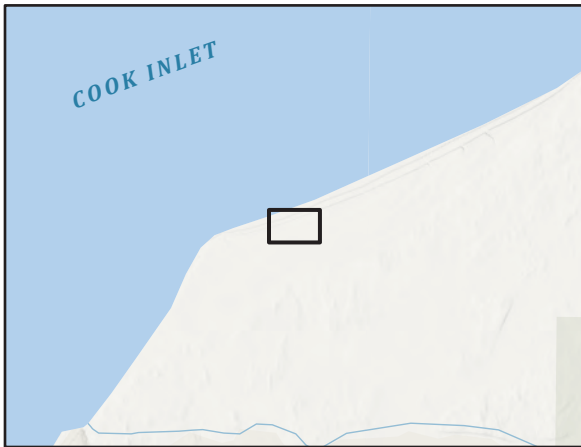
Special Features: The southern end of the lot contains a section of Otter Creek, an anadromous waterbody.

Disclosures: Subject to a 50-foot wide public access easement from the Ordinary High Water Line of each side of Otter Creek. Also subject to the KPB Anadromous Waters Habitat Protection District. The property was conveyed to KPB by Clerks Deed in 1992 as the result of a Tax Foreclosure action. KPB has no historical knowledge of the property or its prior use. Property corners have not been located. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs. Conveyance deed will expressly reserve mineral rights to KPB.

Access: Potential access may be by the platted North Kenai Road to the undeveloped Warmwood Drive right-of-way. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

Utilities: No utilities are available in the area.

Land Affordability Program: Not eligible.



MINIMUM BID: \$37,000

Acres: 7.4

Legal Description: LOT TWO HUNDRED FORTY-FIVE (245), MOOSE POINT SUBDIVISION, ACCORDING TO PLAT NO. 84-65, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 02544718)

Topography: Sloping lot with an abrupt steep bluff edge on the northwest side.

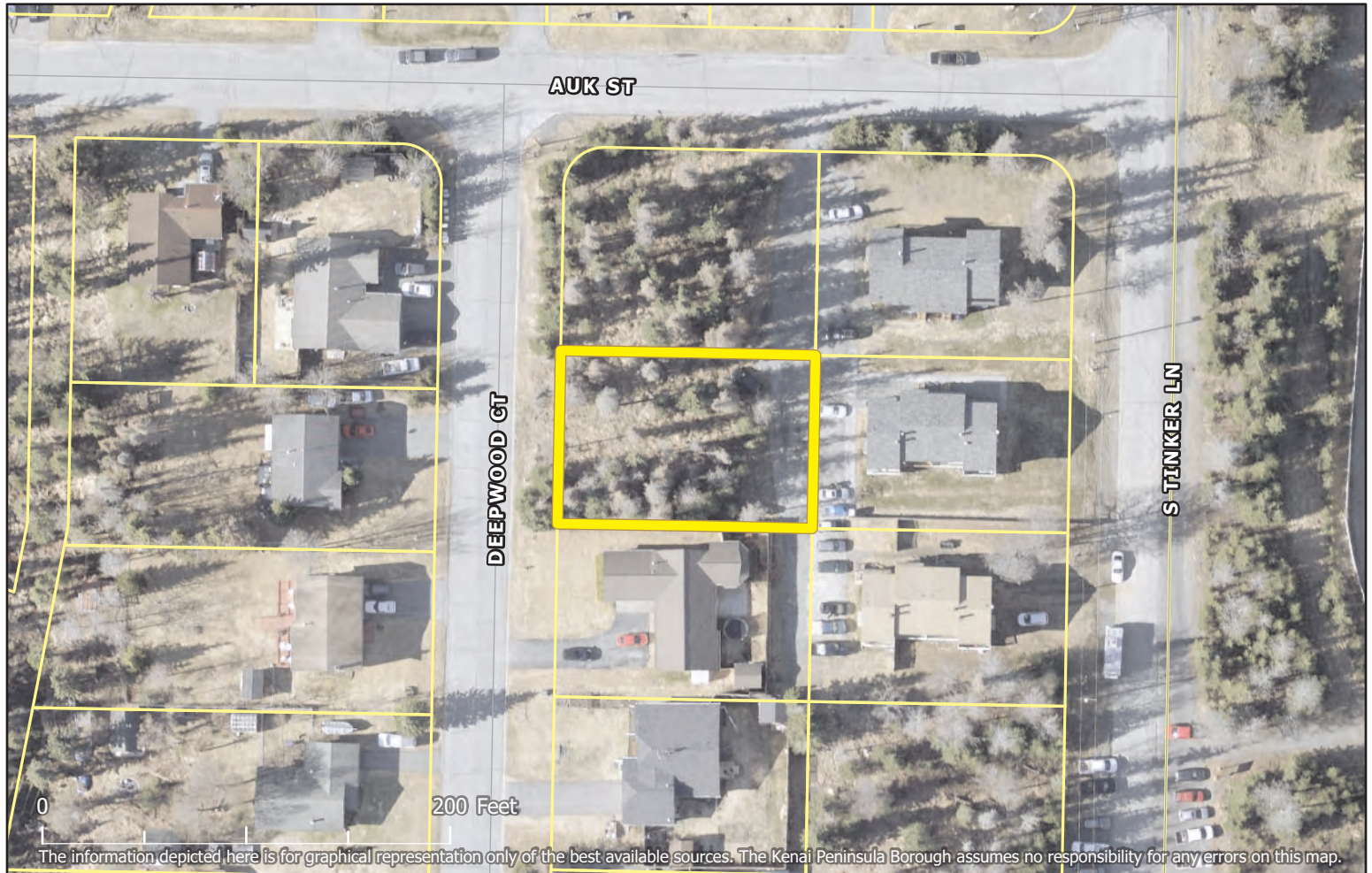
Special Features: Platted bluff lot northwest of Nikiski with waterfront views of the Cook Inlet.

Disclosures: Remote lot. Subject to existing pipeline easements along the southeastern property line, per the subdivision plat.

Access: Potential access may be by the platted, undeveloped North Kenai Road right-of-way. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

Utilities: No utilities are available in the area.

Land Affordability Program: Not eligible.



MINIMUM BID: \$25,000

Acres: 0.24

Legal Description: LOT FIFTEEN (15), BLOCK THREE (3), DEEPWOOD PARK SUBDIVISION AMENDED, ACCORDING TO PLAT NO. 84-158, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 04938045)

Topography: Level lot with a mixed stand of spruce and birch.

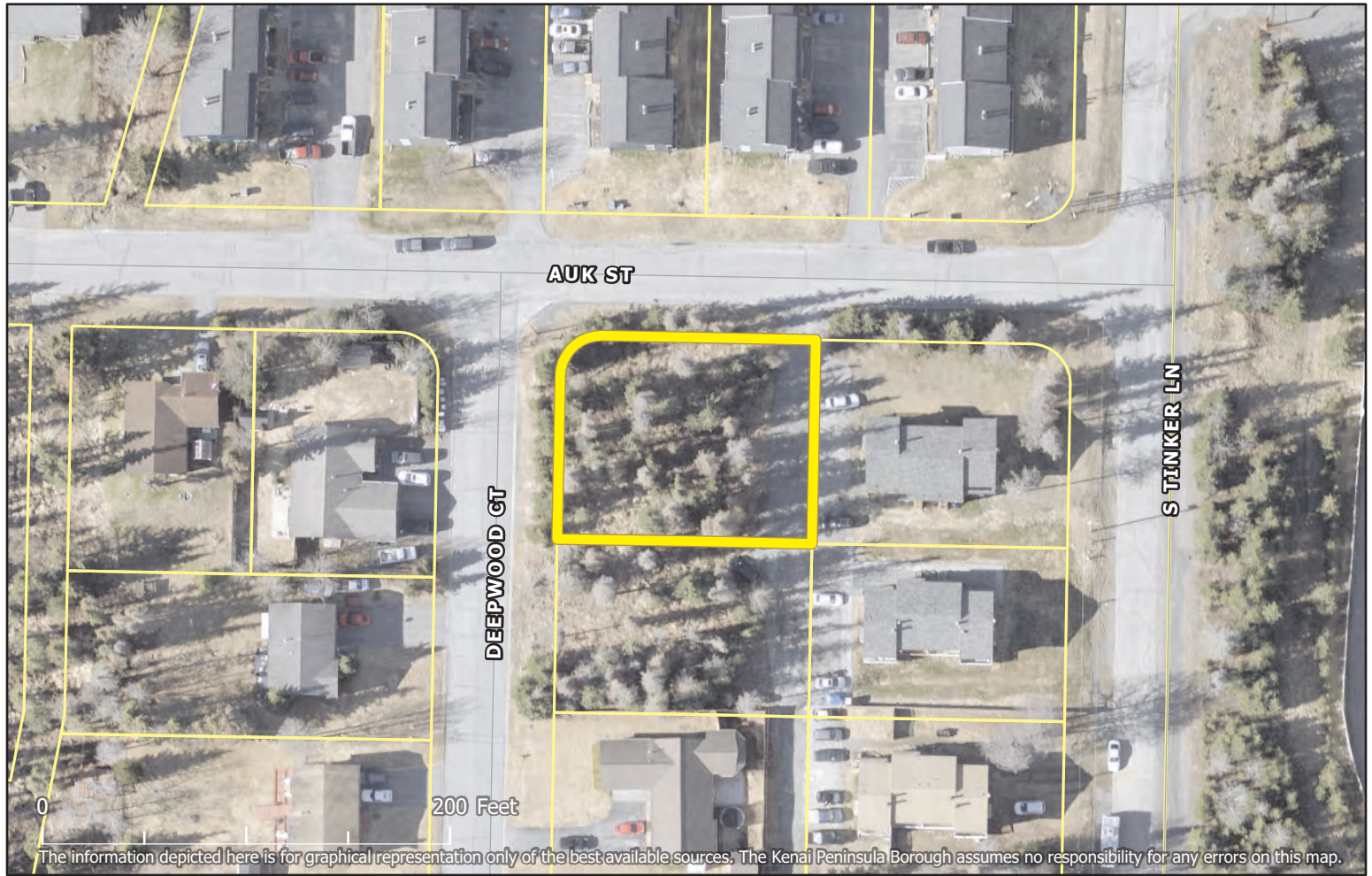
Special Features: Platted lot within the City of Kenai.

Disclosures: Lot is within the City of Kenai Suburban Residential (RS) Zoning District.

Access: Potential access may be by way of N. Tinker Lane and Auk Street to Deepwood Court. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

Utilities: City of Kenai water and sewer service. Electric and natural gas utilities are available in the area.

Land Affordability Program: This parcel is eligible for participation in the KPB Land Affordability Program (LAP) pursuant to Ordinance 2025-09.



MINIMUM BID: \$26,000

Acres: 0.28

Legal Description: LOT SIXTEEN (16), BLOCK THREE (3), DEEPWOOD PARK SUBDIVISION AMENDED, ACCORDING TO PLAT NO. 84-158, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 04938046)

Topography: Level lot with a mixed stand of spruce and birch.

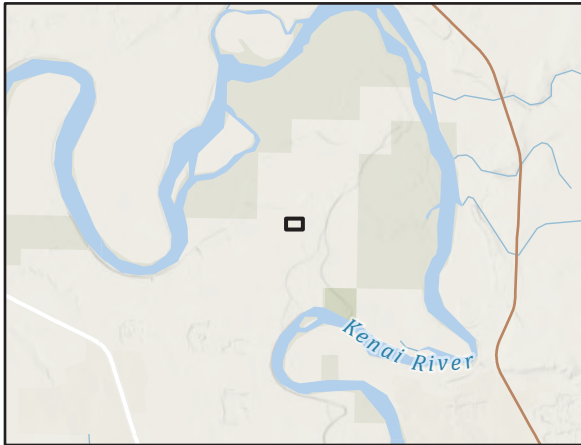
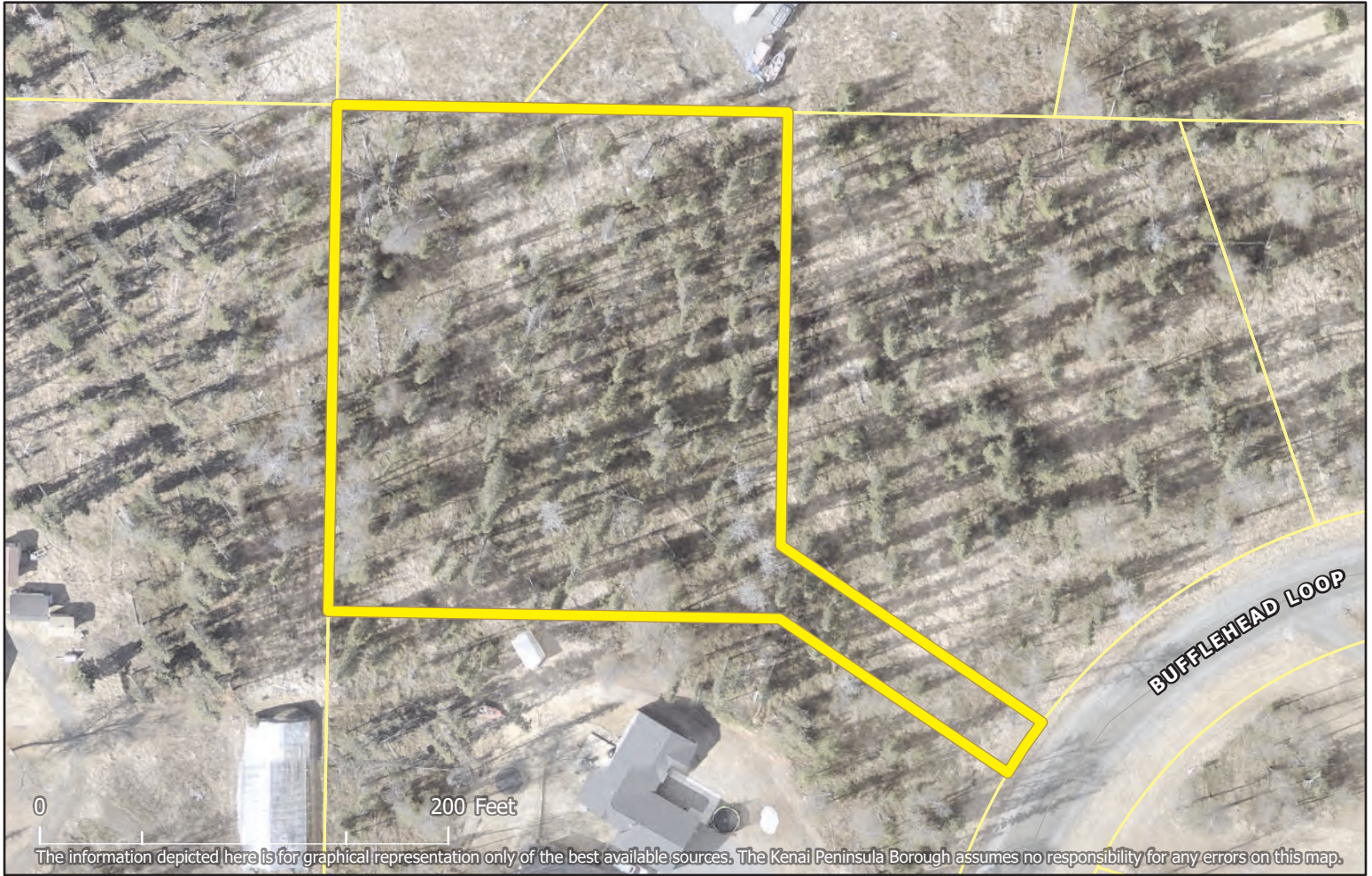
Special Features: Platted corner lot within the City of Kenai.

Disclosures: Lot is within the City of Kenai Suburban Residential (RS) Zoning District.

Access: Potential access may be by way of N. Tinker Lane and Auk Street to Deepwood Court. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

Utilities: City of Kenai water and sewer service. Electric and natural gas utilities are available in the area.

Land Affordability Program: This parcel is eligible for participation in the KPB Land Affordability Program (LAP) pursuant to Ordinance 2025-09.



MINIMUM BID: \$52,000

Acres: 1.35

Legal Description: LOT THREE (3), BLOCK ONE (1), WIDGEON WOODS PHASE TWO SUBDIVISION, ACCORDING TO PLAT NO. 2012-32, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 05503503)

Topography: Nearly level lot with a mixed stand of spruce and birch.

Special Features: Platted lot within 1-mile of the Kenai River.

Disclosures: Lot is within the Widgeon Woods Single-Family Residential (R-1) Local Option Zoning District.

Access: Potential access may be by way of Woods Drive to Bufflehead Loop. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

Utilities: Electric and natural gas utilities are available in the area.

Land Affordability Program: This parcel is eligible for participation in the KPB Land Affordability Program (LAP) pursuant to Ordinance 2025-09.





MINIMUM BID: \$119,000

Acres: 9.12

Legal Description: TRACT A, OWL PERCH SUBDIVISION, ACCORDING TO PLAT NO. 2024-92, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 06301164)

Topography: Nearly level lot with moderate slopes on the eastern side and a mixed stand of spruce and birch.

Special Features: Corner lot platted in 2024. Survey corners identified.

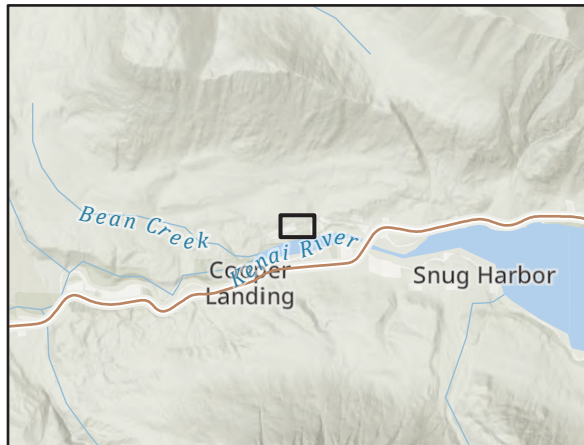
Disclosures: Lot may be subject to an overhead primary electric line easement, with no defined location, recorded in 1962.

Access: Potential access may be by way of Oomingnak Street to Watkins Avenue. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

Utilities: Electric utility is available in the area.

Land Affordability Program: This parcel is eligible for participation in the KPB Land Affordability Program (LAP) pursuant to Ordinance 2025-09.

(pictometry oblique view or field photo)



MINIMUM BID: \$180,000

Acres: 2.02

Legal Description: LOT THIRTEEN B (13B) OF U.S. SURVEY 3306, ALASKA, ACCORDING TO THE SURVEY PLAT ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT IN WASHINGTON, D.C. ON JANUARY 24, 1955. (KPB PIN 11907106)

Topography: Sloping lot with varied terrain of slopes and benches and a mixed stand of spruce and birch.

Special Features: Potential mountain and river views with proper site preparation. In close proximity to recreational activities.

Disclosures: 10-foot wide Telecommunications Easement along the south property boundary. Existing driveway encroachment use by neighboring Lot 13A. Survey corners identified. Per the Alaska Office of History and Archaeology (OHA), the parcel is located within the Sqilantnu Archaeological District (SEW-00282).

Access: Potential access may be by way of the Sterling Highway to an existing driveway access off of Bean Creek Road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

Utilities: Electric utility is available in the area.

Land Affordability Program: Not eligible.

(pictometry oblique view or field photo)



MINIMUM BID: \$185,000

Acres: 2.44

Legal Description: LOT EIGHTEEN (18), BIRCH AND GROUSE RIDGE SUBDIVISION, ACCORDING TO PLAT NO. 2004-14, ON FILE IN THE SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 11907155)

Topography: Sloping lot with varied terrain of slopes and benches and a mixed stand of spruce and birch.

Special Features: Potential mountain and river views with proper site preparation. In close proximity to recreational activities. Through lot with public right-of-ways on both the north and south sides of the lot.

Disclosures: Lot is within the Birch and Grouse Ridge Rural Residential (R-R) Local Option Zoning District.

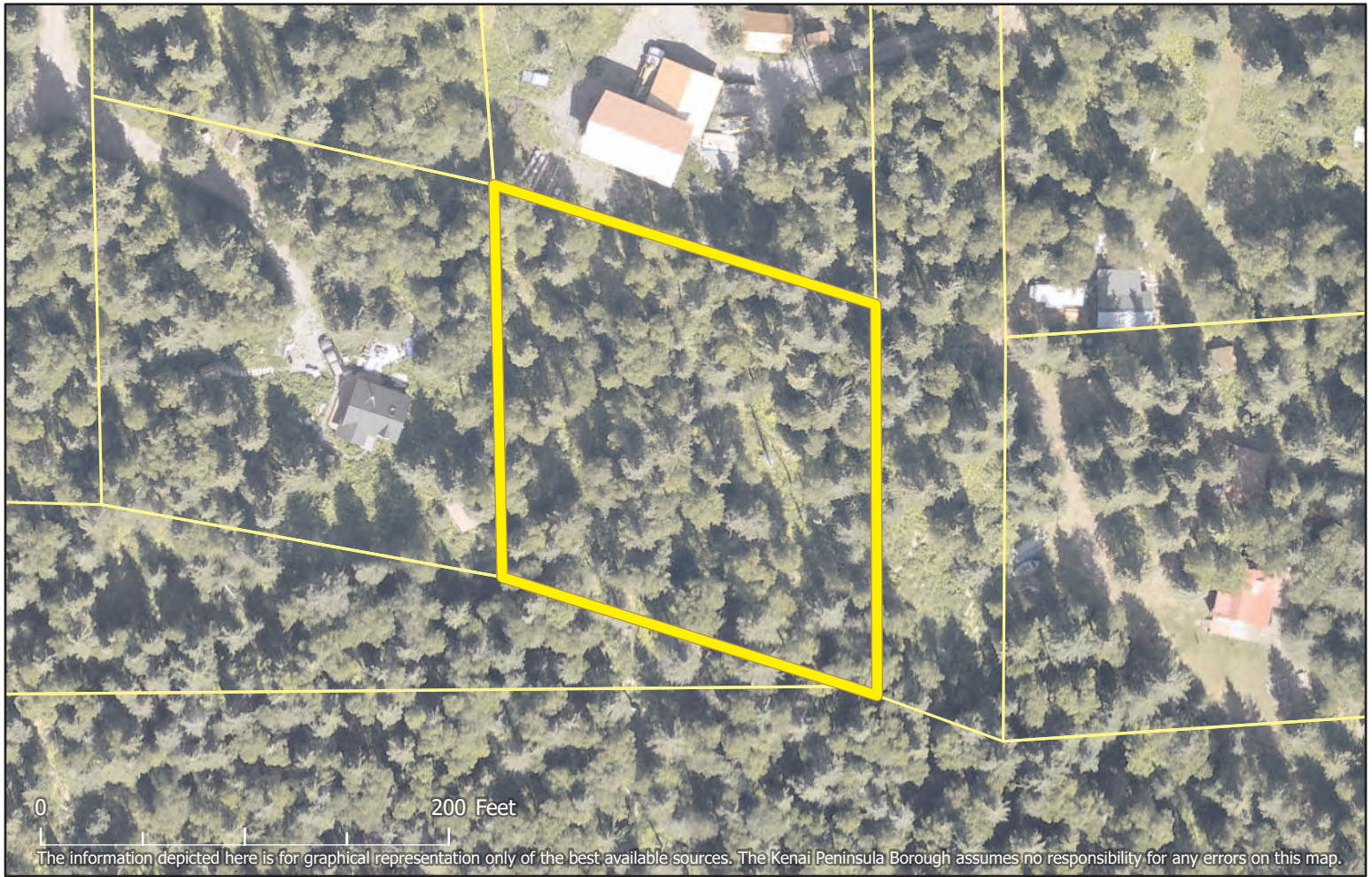
Access: Potential access may be by way of the Sterling Highway and Bean Creek Road to Slaughter Ridge Road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

Utilities: Electric utility is available in the area, but not on site and not available without development expenditures.

Land Affordability Program: Not eligible.



(pictometry oblique view or field photo)



MINIMUM BID: \$70,000

Acres: 0.81

Legal Description: LOT SEVEN (7) OF ALASKA STATE LAND SURVEY NO. 86-176, ACCORDING TO THE PLAT FILED IN THE SEWARD RECORDING DISTRICT ON APRIL 27, 1988, AS PLAT NO. 88-2, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 12516010)

Topography: Nearly level lot with a mixed stand of spruce and birch.

Special Features: Residential lot within close proximity to recreational activities and public land.

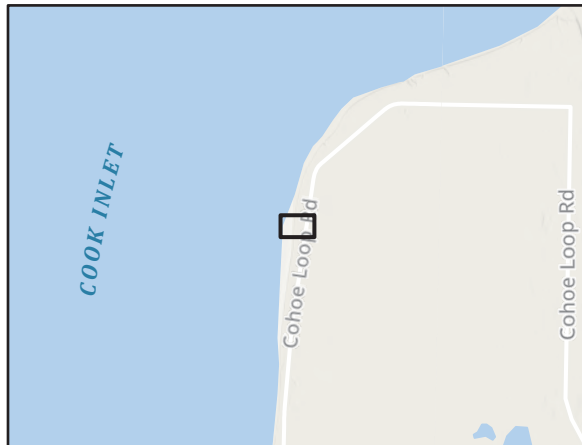
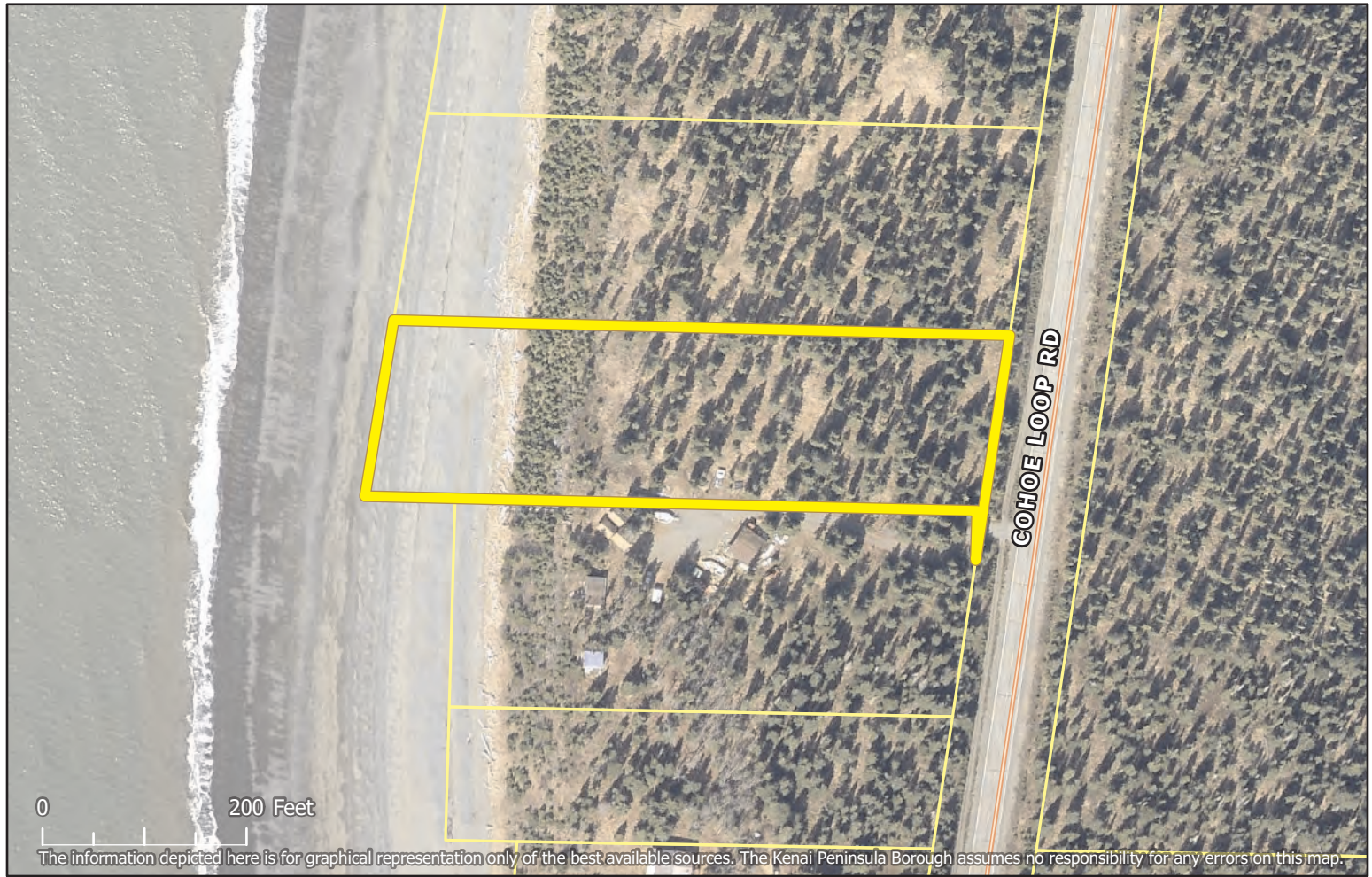
Disclosures: Lot is located within an unregulated, FEMA-designated Flood Zone C (also known as X) to identify areas with minimal flood hazard and situated outside of the 500-year flood level.

Access: Potential access may be by way of the Seward Highway and Mine Road to the undeveloped Pegasus Place. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

Utilities: Electric utility is available in the area.

Land Affordability Program: This parcel is eligible for participation in the KPB Land Affordability Program (LAP) pursuant to Ordinance 2025-09.

(pictometry oblique view or field photo)



MINIMUM BID: \$145,000

Acres: 2.41

Legal Description: LOT ONE (1), HUMPY POINT SUBDIVISION, ACCORDING TO PLAT NO. 2025-5, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 13301049)

Topography: Nearly level lot with an abrupt steep bluff edge on the western side and a mixed stand of spruce and birch.

Special Features: Platted bluff lot with waterfront views of the Cook Inlet.

Disclosures: A developed, shared driveway access onto the Sterling Highway was permitted in 2026. Lot is subject to Alaska State Statute 38.05.127, Access to Navigable or Public Waters.

Access: Potential access may be by way of the Sterling Highway to Cohoe Loop Road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale. At the time of sale, a shared driveway access easement will be reserved for the shared benefit of parcel 13301050 to the north.

Utilities: Electric utility is available in the area, but not on site and not available without development expenditures.

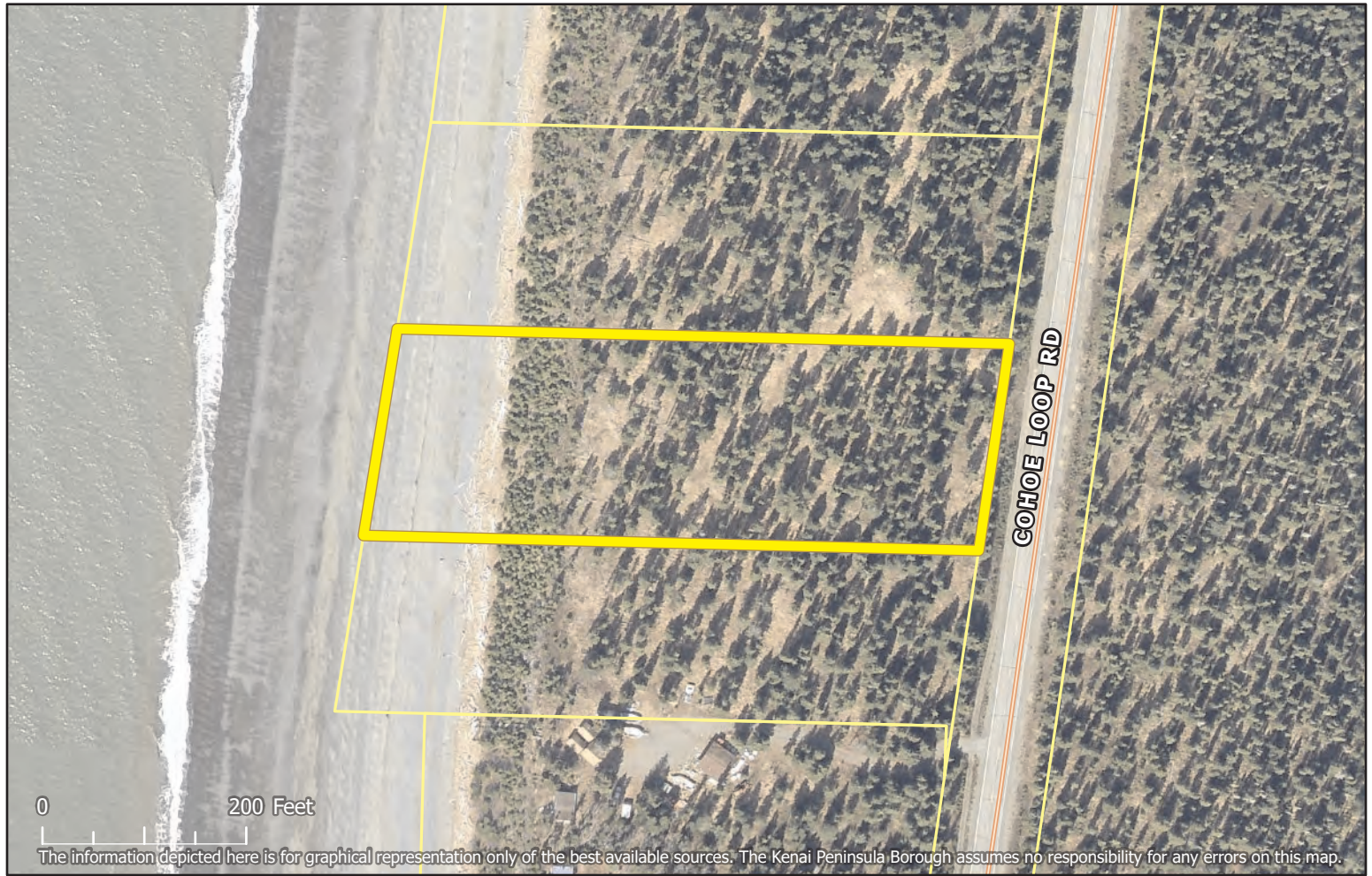
Land Affordability Program: Not eligible.



Parcel No. 13301050

KPB 2026 General Land Sale

Kasilof



MINIMUM BID: \$145,000

Acres: 2.81

Legal Description: LOT TWO (2), HUMPY POINT SUBDIVISION, ACCORDING TO PLAT NO. 2025-5, ON FILE IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 13301050)

Topography: Nearly level lot with an abrupt steep bluff edge on the western side and a mixed stand of spruce and birch.

Special Features: Platted bluff lot with waterfront views of the Cook Inlet.

Disclosures: A developed, shared driveway access onto the Sterling Highway was permitted in 2026. Lot is subject to Alaska State Statute 38.05.127, Access to Navigable or Public Waters.

Access: Potential access may be by way of the Sterling Highway to Cohoe Loop Road. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale. At the time of sale, a shared driveway access easement will be reserved for the shared benefit of parcel 13301049 to the south.

Utilities: Electric utility is available in the area, but not on site and not available without development expenditures.

Land Affordability Program: Not eligible.



MINIMUM BID: \$30,000

Acres: 0.51

Legal Description: LOT TWO (2), COMMON GROUND SUBDIVISION, ACCORDING TO PLAT NO. 2024-15, ON FILE IN THE HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 16905102)

Topography: Nearly level lot with a mixed stand of spruce and birch.

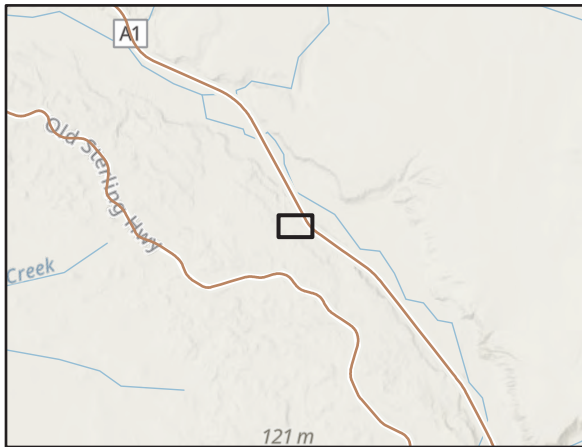
Special Features: Platted lot in close proximity to Chapman School in Anchor Point.

Disclosures: Per the subdivision plat, the lot can be connected to the Anchor Point Safe Water utility company system.

Access: Potential access may be by way of the Sterling Highway to School Avenue and Birch Street. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

Utilities: Electric and natural gas utilities are available in the area.

Land Affordability Program: This parcel is eligible for participation in the KPB Land Affordability Program (LAP) pursuant to Ordinance 2025-09.



MINIMUM BID: \$44,000

Acres: 13.64

Legal Description: THE SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ AND THAT PORTION OF THE W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ LYING SOUTH OF THE STERLING HIGHWAY, SECTION 13, TOWNSHIP 5 SOUTH, RANGE 15 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 16913228)

Topography: Varied, from level to rolling terrain with a mixed stand of spruce and birch.

Special Features: Direct access off of the Sterling Highway, between State lands to the north and south.

Disclosures: In 2020, KPB recorded a 50-foot wide Public Access Easement across the parcel, and along the existing gravel road, for the benefit of the public and to provide access to adjacent State land and privately owned land to the North. As a result, the continued existence of the gate restricting public access is contrary to the terms of the easement and the gate is no longer authorized. Approx. 2 acres, located in the southeast corner, are classified as "Kettle" wetlands. An undeveloped 50-foot-wide section-line easement runs along the southern boundary.

Access: Potential access may be by way of the Sterling Highway. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

Utilities: Electric utility is available in the area, but not on site and not available without development expenditures.

Land Affordability Program: This parcel is eligible for participation in the KPB Land Affordability Program (LAP) pursuant to Ordinance 2025-09.



MINIMUM BID: \$125,000

Acres: 2.5

Legal Description: GOVERNMENT LOT THIRTEEN (13), SECTION 14, TOWNSHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, ALASKA, ACCORDING TO THE SUPPLEMENTAL SURVEY PLAT ACCEPTED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT IN WASHINGTON, D.C. ON MAY 26, 1952. (KPB PIN 17908012)

Topography: Nearly level lot containing areas of wetland and standing / surface water and low-lying shrubs and grasses in addition to birch, spruce, alder, and willow trees

Special Features: In close proximity to the Homer Boat Yard and Kachemak Bay. City of Homer East End Mixed Use Zoning District.

Disclosures: City of Homer zoning regulations apply. Per City of Homer Wetland Mapping, primarily "High Rank" wetlands; per KPB Wetlands Mapper, KWF Wetland Assessment identifies the property as Discharge Slope Wetlands.

Access: Potential access may be by way of East End Road, Ternview Place, Kilokak Avenue, followed by the use of platted, undeveloped Aksel Street and previously reserved access easements.

Utilities: Electric and natural gas utilities are available in the area, but not on site and not available without development expenditures.

Land Affordability Program: Not eligible.



Parcel No. 19209106
& 19209108

KPB 2026 General Land Sale

City of Seldovia



MINIMUM BID: \$75,000

Acres: 0.28

Legal Description: LOT 2-C, BLOCK 39, EAST ADDITION SELDOVIA TOWNSITE ALASKA, ACCORDING TO PLAT NO. 66-28, ON FILE IN THE SELDOVIA RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 19209106) AND LOT T35, ALASKA TIDELANDS SURVEY NO. 219, TIDELAND ADDITION TO SELDOVIA ALASKA, ACCORDING TO PLAT NO. 64-13, ON FILE IN THE SELDOVIA RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 19209108)

Topography: Nearly level lot with a mixed stand of spruce and birch, and an adjacent tidelands area of 944 square feet.

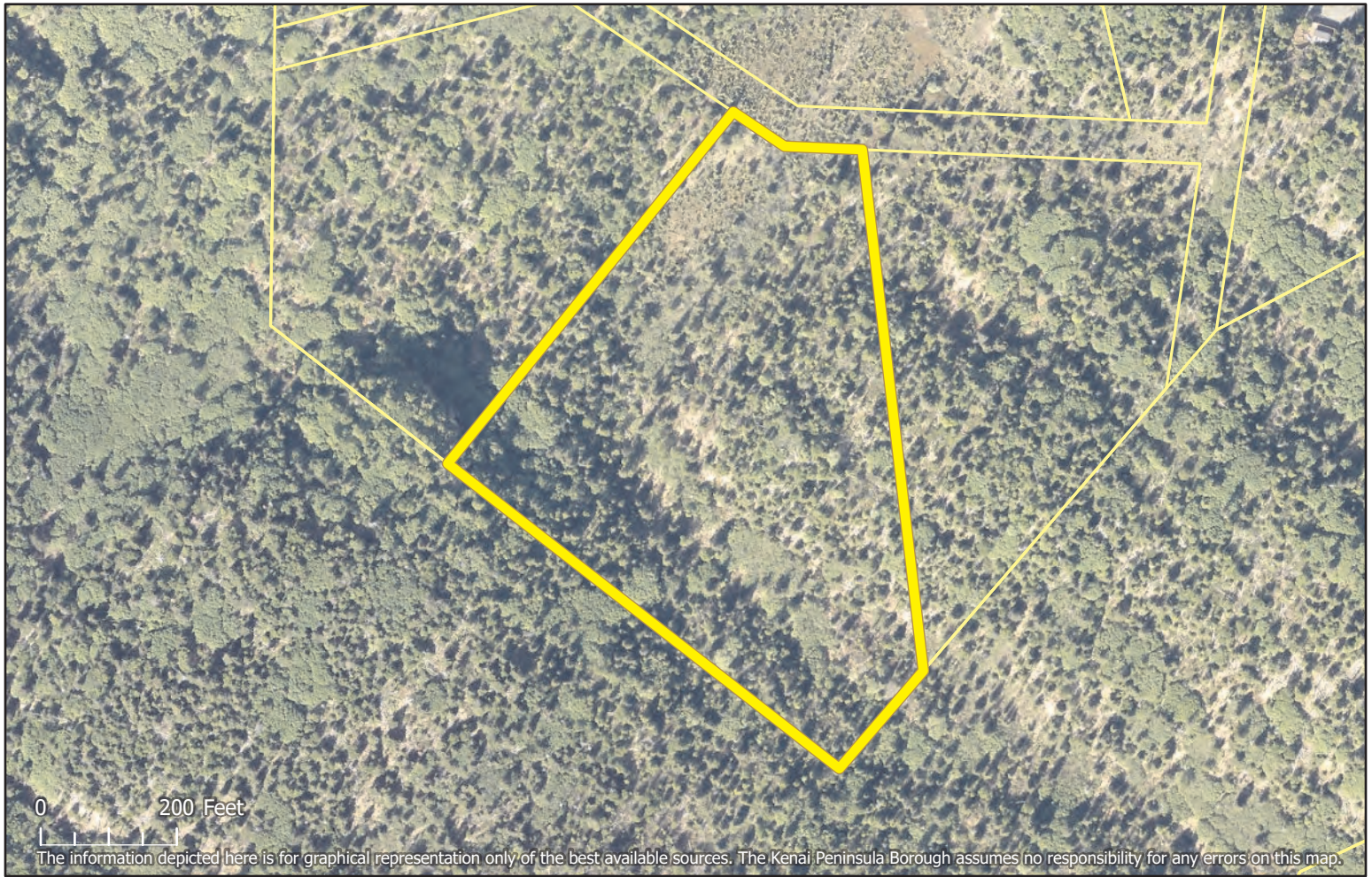
Special Features: Platted corner lot within the City of Seldovia with waterfront views of Kachemak Bay.

Disclosures: City of Seldovia zoning regulations apply. Lot 2-C is partially located within a FEMA-designated Flood Zone A (1% annual chance). Subject to an easement to provide pedestrian and one-lane vehicular ingress to and egress from adjacent Lot 2B. Lots were conveyed to KPB by Clerks Deed in 2013 as the result of a Tax Foreclosure action. KPB has no historical knowledge of the property or its prior use. Conveyance deed will expressly reserve mineral rights to KPB.

Access: Potential access may be by way of ferry, boat, or airplane to Seldovia, and then Augustine North Avenue to D Street. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

Utilities: Electric utility is available in the area.

Land Affordability Program: Not eligible.



MINIMUM BID: \$35,000

Acres: 8.77

Legal Description: LOT TWO (2), BLOCK SIX (6), MARINERS WALK SUBDIVISION CORRECTED PLAT, ACCORDING TO PLAT NO. 86-75, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (KPB PIN 19326114)

Topography: Varied, undulating slopes with a mixed stand of spruce and birch.

Special Features: Platted lot located in the Kachemak Bay / Bear Cove area northeast of Homer, Alaska.

Disclosures: Remote lot platted in 1986. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs.

Access: Potential access may be by way of boat or float plane to Bear Cove and undeveloped platted trails. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

Utilities: No utilities are available in the area.

Land Affordability Program: Not eligible.



(pictometry oblique view or field photo)

DESK PACKET

(MATERIALS SUBMITTED AFTER 7/31/26)

- E2. Ordinance 2026-28: Authorizing the sale of certain parcels owned by the Kenai Peninsula Borough via live public outcry/simulcast online auction followed by a secondary online-only auction.

MOOSE PASS ADVISORY PLANNING COMMISSION

REGULAR MEETING

LOCATION: MOOSE PASS SPORTSMAN CLUB AND ZOOM

TELECONFERENCE THURSDAY, AUGUST 6, 2026

6:00 P.M.

Draft Meeting Minutes

Jennifer Boyle, Kevin Dunham, Jeff Estes, Jeff Hetrick, Bruce Jaffa, David Pearson, Dave Schafer

To join the meeting from a computer, visit <https://us06web.zoom.us/j/9360805262>. To attend the Zoom meeting by telephone, call toll-free **1-888-788-0099** or **1-877-853-5247** and enter the Meeting ID **9360805262**. If you connect by computer and do not have speakers or a microphone, connect online and then select phone for audio. A box will come up with toll free numbers, the Meeting ID, and your participant number. You may join the meeting physically at the Moose Pass Sportsman Club, 33675 Depot Road, Moose Pass, AK 99631

1. CALL TO ORDER 6PM; Jeff H. to Chair Meeting
2. ROLL CALL - Jeff H, Jeff E, Kevin D, Jen B all present. Bruce J - excused. Dave S. and Dave P. absent.
3. APPROVAL OF AGENDA Move to approve Jen, 2nd Kevin
4. APPROVAL OF MINUTES
 - a. April 9, 2026 - Kevin Moves to approve, Jeff E. 2nd; approved.
5. PUBLIC COMMENT/PRESENTATION - none present
(Public Comment for items not appearing on the agenda)
6. NEW BUSINESS
 - a. Borough
 - i. Planner Report
 1. Ordinance 2026-28, An Ordinance Authorizing the Sale of Certain Parcels Owned by the Kenai Peninsula Borough Via Live Public Outcry/Simulcast Online Auction Followed by a Secondary Online Only Auction
 - Aaron Hughes - Land Management Officer for KPB, here to talk about KPB general land sale, live online auction on Oct 10 in Soldotna with secondary online auction for parcels that don't sell in live auction in online auction. 1 property is

available in Moose Pass - might be included in the Land Affordability Program. This is the 2nd year the Land Affordability Program (LAP) has been offered. Must be preapproved prior to auction. 20% reduction on gavel sale price with 10% down so that buyer has 30% equity. If don't uphold terms, penalties are involved. Property must be listed at less than \$120,000 and be a residential property. There should be more LAP properties available in the Moose Pass area in the years to come. This information will be posted on the borough website and the auction contractor is required to do marketing, so properties will be listed on social media, radio, newspapers as well as sites like Zillow.

- Move to approve ordinance 2026-28 by Kevin, 2nd Jeff E. Jeff H. comments that appreciates the efforts of Mr. Hughes in this project. Unanimously passes.

2. Notice of APC Seat Vacancy - 3 seats are currently open (Kevin, Jeff E, Dave S), deadline to reapply by Friday, August 28th. Should be physically posted as well.

ii. Report from the Chair

7. OLD BUSINESS

a. Draft Moose Pass Comprehensive Plan - Julie needs a copy of the most recent APC version as well as Willow's version so she can provide both documents for review.

Willow Hetrick to create document comparing her proposed plan with MPAPC comp plan

8. PUBLIC COMMENT - Willow Hetrick contacted on her work email from a contractor from DOT for historic pictures from the Wye to the Ball Diamond more or less.

9. COMMISSIONERS' COMMENTS - Kevin D. would like to know any updates on DOT project.

10. NEXT MEETING DATE

a. September 10, 2026

11. ADJORNMENT Jen moves to adjourn, Kevin 2nds 7:10pm

CONTACT INFORMATION

Contact the Moose Pass Advisory Planning Commission at:

To send a message to the Moose Pass APC:

<https://www.kpb.us/local-governance-and-permitting/leadership-governance/planning>

[commission/advisory-planning-commissions/moose-pass-apc](#)

Click on the last item listed "Send a message to the Moose Pass APC Commissioners"

Send USPS mail to:

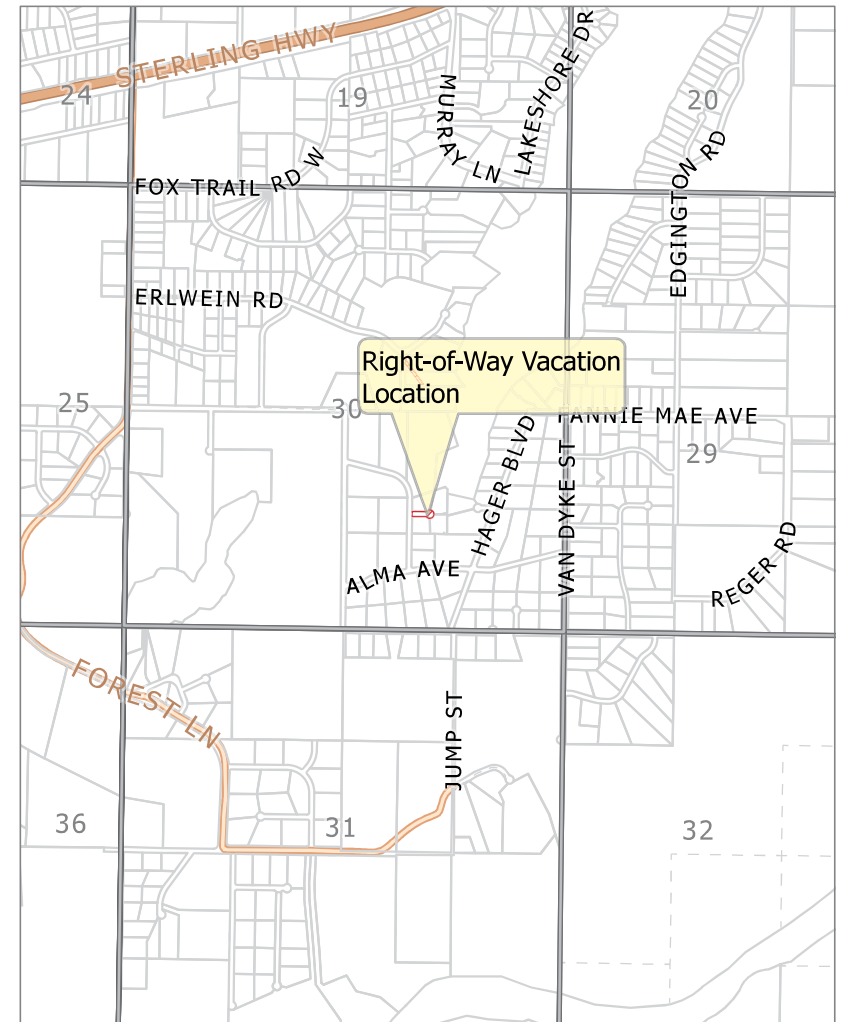
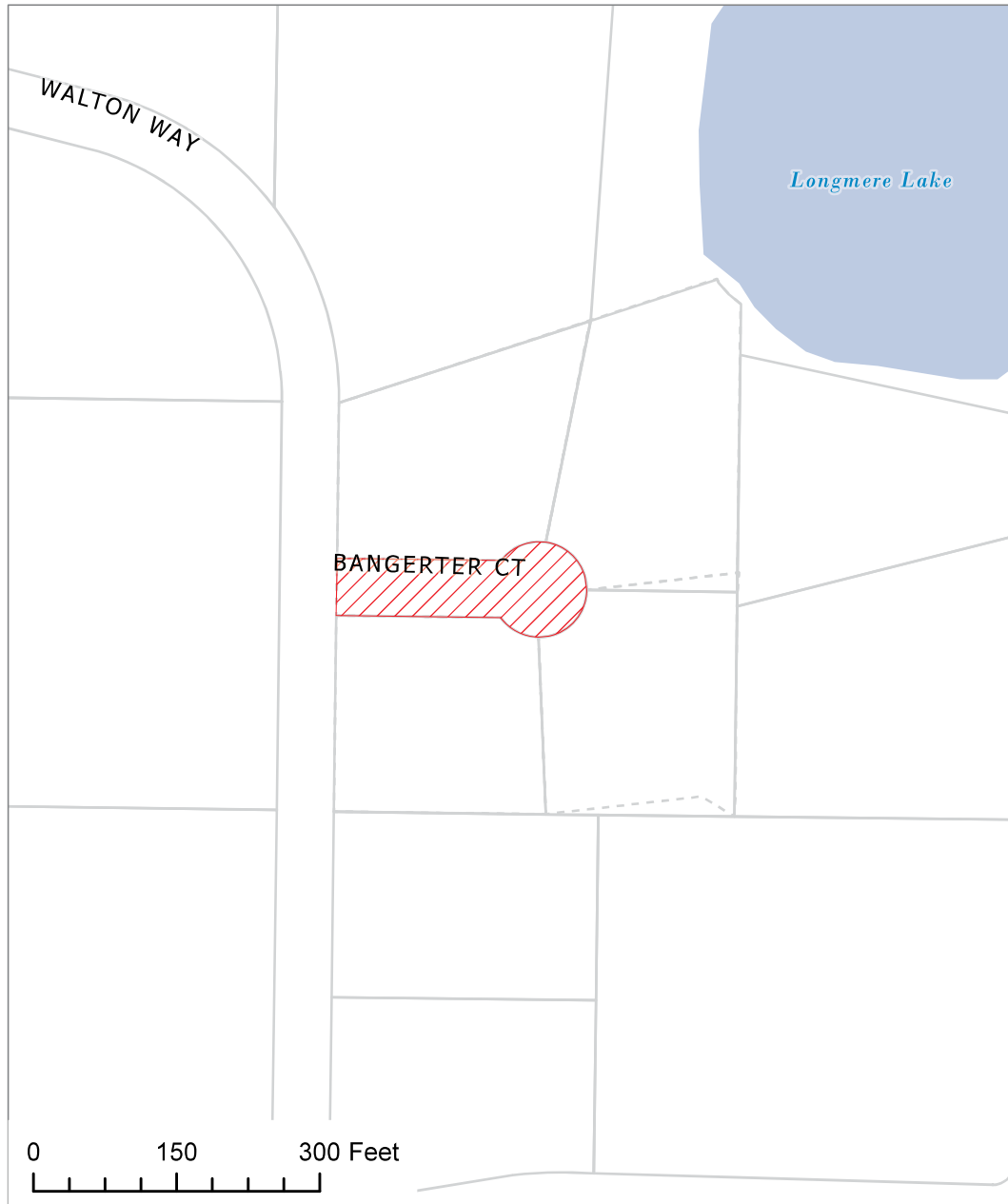
Kenai Peninsula Borough Planning Department, Attn: Moose Pass
APC, 144 N Binkley, Soldotna, AK 99669

E. NEW BUSINESS

3. ROW Vacation, KPB File 2026-078V

Petitioner: Padrta

**Request: Vacate Bangerter Court, Sleep Hollow Subdivision
Longmere Addition, Plat KN 2023-58
Sterling Area**



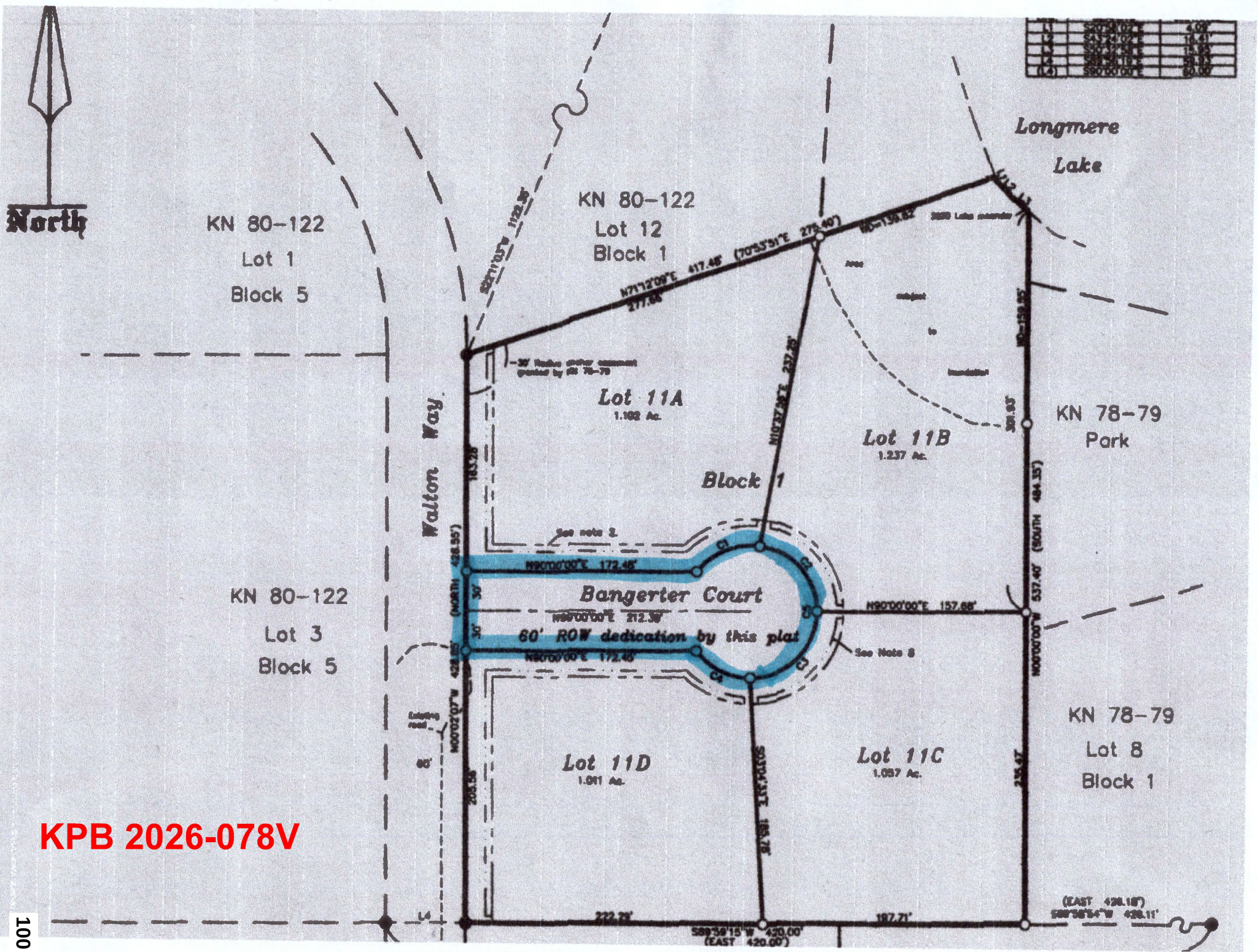
KPB File 2026-078V
T 05N R09W SEC 30
Sterling



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

North

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20



KPB 2026-078V

AGENDA ITEM E. NEW BUSINESS

**ITEM #3 - RIGHT OF WAY VACATION
VACATE BANGERTER CT IN SLEEPY HOLLOW SUBD. LONGMERE LANDING ADDITION**

KPB File No.	2026-078V
Planning Commission Meeting:	August 10, 2026
Applicant / Owner:	Dustin Padrta / Sterling
Surveyor:	none
General Location:	South end of Longmere Lake / Sterling area
Legal Description:	Bangerter Ct, T 05N R 09W SEC 30 SEWARD MERIDIAN KN 2023058 SLEEPY HOLLOW SUB LONGMERE LANDING ADDN/ Subdivision / Rec. Dist. / Section Township Range S.M.

STAFF REPORT

Specific Request / Purpose as stated in the petition: Petition to vacate Bangerter Court, an undeveloped road, as granted in Sleepy Hollow Subdivision Longmere Landing Addition HM2023-58

Notification:

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Library of Soldotna

Post Office of Sterling

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

7 certified mailings were sent to owners of property within 300 feet of the proposed vacation. ____ receipts had been returned when the staff report was prepared.

19 public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry
Central Emergency Services
Kenai Peninsula Borough Office

Kenai Peninsula Borough Land Management
Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)

Legal Access (existing and proposed):

Bangerter Ct fronts to Walton Way, a 60' dedication maintained by the Borough. From Walton Way out to the Sterling Highway are Borough maintained roads being, Alma Ave, to Hager Blvd, Fannie Mae Ave to Edgington Rd to St. Theresa Rd out to the highway. Walton Way is only developed from the south to Bangerter Ct. and maintenance stops at that point also.

No new access is being proposed, only vacation of Bangerter Ct and combining it with Lots 11A thru 11D into one large lot is proposed.

No section line easements or patent easements affect the road or lots at issue.

With Bangerter Ct removed, block length will be an issue. From Alma Ave on the south to Low Bush St to the west is over 1320 feet nearly 1860 feet.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: RSA recommends combining all the lots at the same time as the vacation to ensure no lots are land locked.
SOA DOT comments	

Site Investigation:

The land is relatively flat with a slight slope towards Longmere Lake. There are wet areas that should be shown on the plat when complete.

The River Center review notes that the plat is not in a flood hazard area or a habitat protection district. No notes for either will be needed on the plat.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: Staff does not object to the vacation of the right-of-way. This is in a non-regulatory zone but low wet areas are present. Plat notes and depictions requirements will be provided on the plat review. B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
SOA ADF&G	ADF&G has concerns about use and access of Lots 11B and 11C if Bangerter Court is vacated. Aerial imagery shows use of the area by off-road vehicles, likely to access Longmere Lake and the surrounding public lands and there does not appear to be other access to those lots.

Staff Analysis:

Land was originally surveyed as Government lots 6 & 7 and the S1/2 SE1/4 Section 30, Township 5 North, Range 9 West, SM Alaska. Sleepy Hollow Subdivision KN78-79 was the first subdivision of the land. Sleepy Hollow Subdivision First Addition KN80-122 subdivided Tracts A & B of KN78-79 into 14 new lots. Sleepy Hollow Subdivision Longmere Landing addition KN2023-58 subdivided Lot 11 of KN80-122 into the current 4 lots and the dedication of Bangerter Ct.

The land to the north is undeveloped. Land to the east, adjacent to the lake remains a park, and south of the park is undeveloped. Land to the south is undeveloped, while the parcel to the southeast has a house built on it.

There do not appear to be any access issues getting to the property, as there is Borough maintenance up Walton Way to the south edge of Bangerter Ct and along current Lot 11D.

Petitioner has requested to vacate the 15' utility easement adjacent to Bangerter Ct with the vacation of Bangerter Ct cul-de-sac. HEA and Enstar have commented and they are both included in the packet. HEA and Enstar are both working with the applicant to create a positive solution to the utility issues on site.

Once vacated and the lots are combined, residential use is proposed.

20.65.050 – Action on vacation application

D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:

1. The right-of-way or public easement to be vacated is being used;

Owner comments:

Staff comments:

From the KPB GIS data, the road does not appear to be installed.

2. A road is impossible or impractical to construct, and alternative access has been provided;

Owner comments:

Staff comments:

A road is possible to construct in the location provided.

3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;

Owner comments:

Staff comments:

The surrounding area is not developed, with only one lot to the southeast having a house per GIS

Data.

4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;

Owner comments:

Staff comments:

The road does not provide access to a lake

5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;

Owner comments:

Staff comments:

The road is a cul-de-sac

6. Other public access, other than general road use, exist or are feasible for the right-of-way;

Owner comments:

Staff comments:

The road is only used for the access of the four surrounding lots

7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests,

and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.

Owner comments:

Staff comments:

No comments have been received from utility companies yet.

8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.

Owner comments:

Staff comments:

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at their scheduled August 18, 2026 meeting.

If approved, the owner will need to hire a surveyor to do a vacation plat to finalize the vacation of Bangerter Ct. The vacation plat will not need to be heard by the Plat Committee and will only need have Plat Department review if combining the right-of-way and lots with no exceptions requested.

KPB department / agency review:

Addressing	Reviewer: Pace, Rhealyn Affected Addresses: None Existing Street Names are Correct: Yes List of Correct Street Names: Walton Way, Bangerter Ct Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No Comment
Code Compliance	
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment

Utility provider review:

HEA	See comment in packet
ENSTAR	See comment in packet
ACS	
GCI	Approved as shown

STAFF RECOMMENDATIONS**CORRECTIONS / EDITS**

Surveyor needed to complete vacation plat

RECOMMENDATION:

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, ***Staff recommends APPROVAL*** as petitioned, subject to:

1. Consent by KPB Assembly.
 2. Compliance with the requirements for Right-of-Way Vacation plats per Chapter 20 of the KPB Code including a submittal to and approval by the Plat Committee, if required.
 3. Grant utility easements requested by the utility providers.
 4. Submittal of a final plat within a time frame such that the plat can be recorded within one year of vacation consent (KPB 20.65.050(I)).
-

KPB 20.65.050 – Action on vacation application

- H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.
- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination of residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

- *Focus Area: Transportation*
 - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
 - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

END OF STAFF REPORT



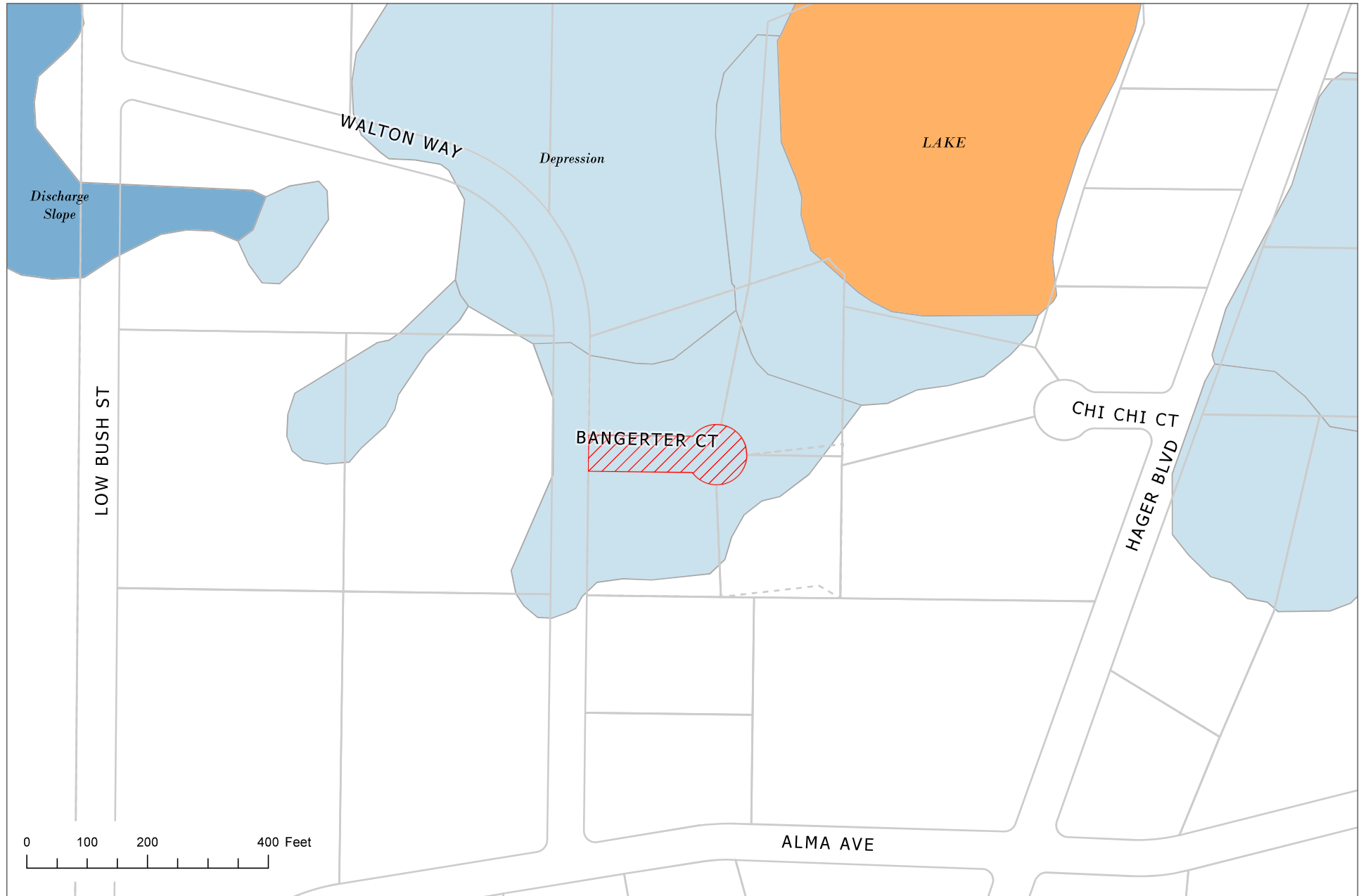
Aerial Map



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Wetlands



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

LEGEND:

- 3 1/4" BRASS CAP MONUMENT 237-5 FOUND
- 2" ALUM. CAP MONUMENT 1300-3 1976 FOUND
- 1/2" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LUNING MET
- () RECORD DATUM PLAT 80-122 RND

NOTES:

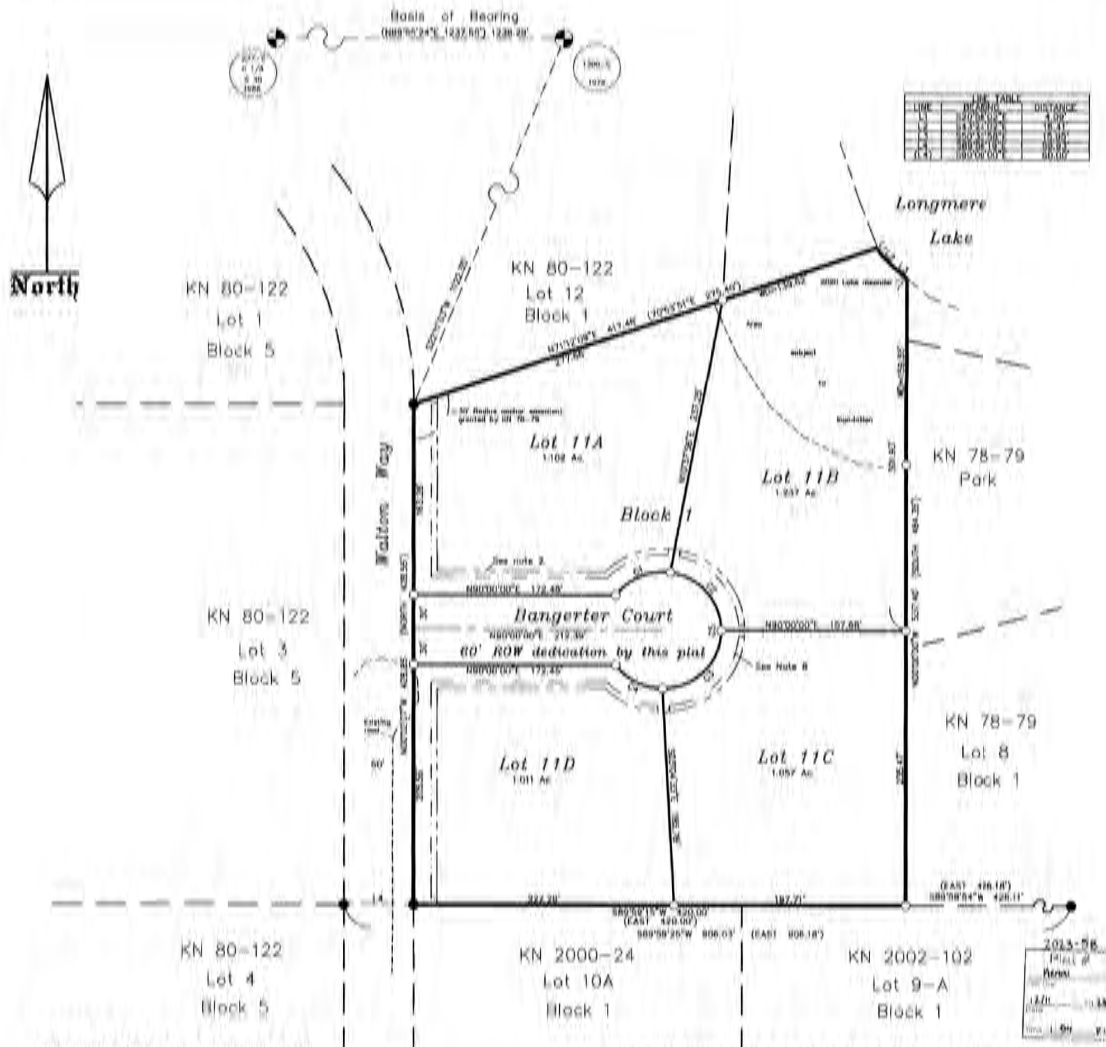
- 1) Basis of bearing taken from Stealy Hollow Subdivision First Addition, Plot 80-122, Kenai Recording District.
- 2) Building Setback-A setback of 80 feet is required from all street Right-of-Way, both public and private, unless a lesser setback is approved by resolution by the appropriate Planning Commission.
- 3) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program. (BMP 14.06)
- 4) Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.
- 5) The natural meanders of ordinary high water is for area computations only, the true corners being on the extension of the side line and the intersection with the natural meanders.
- 6) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 186 Page 53C Kenai Recording District. The Borough will not enforce private covenants, conditions, or deed restrictions per AS 10.60.30.
- 7) An easement for electric lines of any kind and/or telephone lines granted to Homer Electric Association is recorded in Book 7 Page 125, Kenai Recording District. No definite location disclosed.
- 8) Front 15 feet adjacent to Walton Way and Bangarter Court from the southeast corner of Lot 11D to the corner between Lots 11A and 11B was granted to Homer Electric Association Inc. as a utility easement in document number 2022-008901-0, Kenai Recording District. This plat is granting the front 15 feet adjacent to rights-of-way and 50 feet within 1/4 mile of the site lot lines as a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 9) **WASTEWATER DISPOSAL.** Soil Conditions in this subdivision have been found unsuitable for conventional on-site wastewater treatment and disposal systems. Plans for a typical alternate wastewater disposal system for use on lots in this subdivision are included in the Engineer's Subdivision and Sales Report and are available from the Kenai Planning Department. All alternate onsite wastewater treatment and disposal systems must be designed by a professional engineer registered in practice in Alaska, and any design must be approved by the Alaska Department of Environmental Conservation prior to construction.
- 10) There is a 15 foot (15 FT) wide natural gas easement centered on the existing service line. This service line lies entirely within the Bangarter Court right-of-way.



SURVEYOR'S CERTIFICATE

I hereby certify that: I am properly registered and licensed to practice land surveying in the State of Alaska; this plat represents a survey made by me or under my direct supervision; the monuments shown herein actually exist as described, and all dimensions and other details are correct.

Date 11-14-23



CERTIFICATE of ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: BANGARTER COURT DEDICATION. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

KENAI PENINSULA BOROUGH

CERTIFICATE of OWNERSHIP and DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE ESTATE OF KENT G. BANGARTER IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE ESTATE OF KENT G. BANGARTER, I HEREBY ADOP THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT GRANT ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

TERRY SCOTT ROBINSON, PERSONAL REPRESENTATIVE
ESTATE OF KENT G. BANGARTER
R22 W 2150 S
WOODS CROSS, UTAH 84087

NOTARY'S ACKNOWLEDGEMENT

FOR TERRY SCOTT ROBINSON PERSONAL REPRESENTATIVE
ACKNOWLEDGED BEFORE ME THIS 11 DAY OF NOVEMBER, 2023

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 11/15/2025



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF NOVEMBER 14, 2023.

KENAI PENINSULA BOROUGH

Terry Scott Robinson
AUTHORIZED OFFICIAL

KPI File No. 2021-00381

Stealy Hollow Subdivision Longmere Landing Addition

A subdivision of Lot 11 Block 1, Stealy Hollow Subdivision

First Addition, Plot 80-122, Kenai Recording District

Located within the SE1/4 Section 30, T5N, R9W, 5M

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

BIP Co.
by: *Secretary*
Secretary

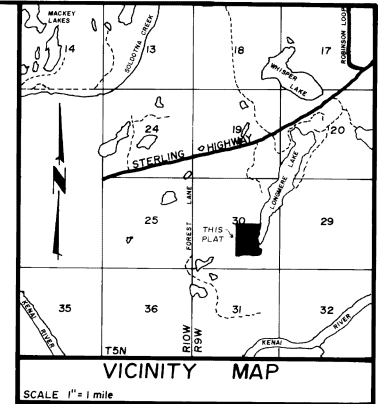
BIP Co., Box 8, Anchorage, AK 99510 by Peter Walton, Secretary

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 19th day of November, 1978

Notary Public for Alaska

My Commission Expires: 7-7-81



LEGEND AND NOTES

- ⊕ Found Aluminum Cap monument
- Found 1/2" rebar.
- ⊥ Set 1/2" x 20' steel rebar.

All bearings refer to the north/south centerline of Section 30, T5N, R9W, S.M., AK, as being N00°15'05"W

All datum of record shown thus ().

All lots are subject to a 20' bldg. setback along all dedicated R/W's.

All wastewater disposal systems shall comply with existing law at time of construction.

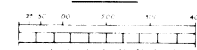
PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of June 5, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

KENAI PENINSULA BOROUGH

By: *Philip Waring*

SCALE



SLEEPY HOLLOW SUBDIVISION FIRST ADDITION

DESCRIPTION: A resubdivision of Tracts A and B, Sleepy Hollow Subdivision, plat 78-79, K.R.D., and within Government Lot 7 and a portion of S1/2SE1/4, Section 30, T5N, R9W, S.M., AK and within the Kenai Peninsula Borough containing 55.295 acres more or less

OWNER: BIP Co.

Box 8, Anchorage, AK 99510

Box 476, Soldotna, Ak 99669

G S Best

Geologist, Registered Land Surveyor

Date Surveyed

April 1978

Scale

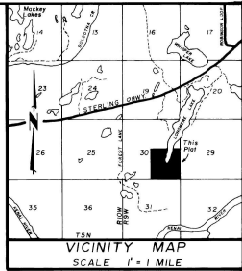
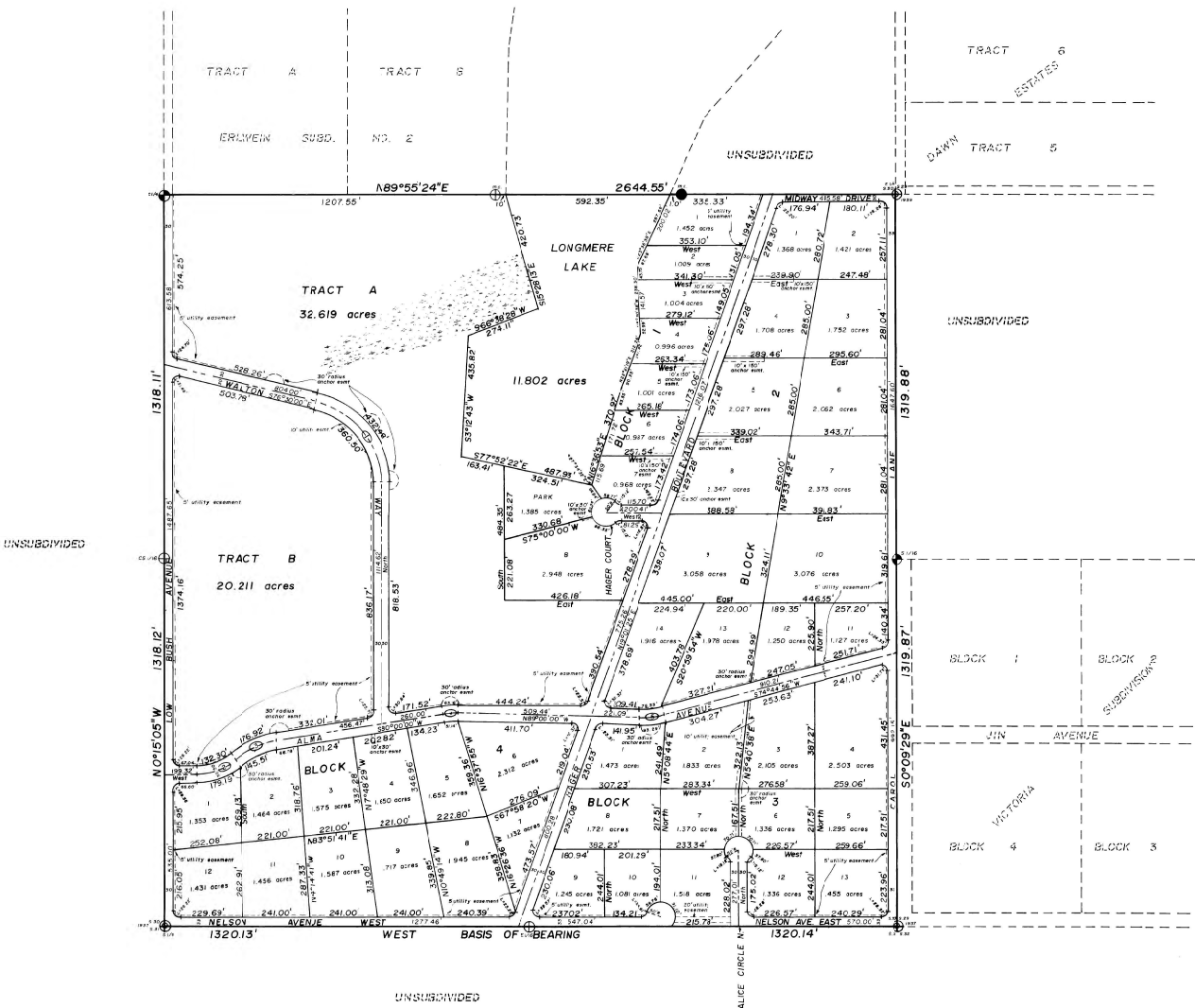
1" = 200'

Bk No

77-3

CENTERLINE CURVE DATA				
NO.	Δ	RADIUS	TANGENT	LENGTH
①	76° 30' 00"	300.00'	236.50'	400.00'
②	40° 00' 00"	226.67'	82.50'	158.24'
③	30° 00' 00"	307.89'	82.50'	161.21'
④	11° 00' 00"	300.00'	28.89'	85.09'





- LEGEND AND NOTES**
- Set 3 1/4" alum. cap monument (1300-S)
 - Found U.S.G.L.O. B.C. monument
 - Found official survey clin. cap monument (237-S)
 - Set 1/2" x 24" steel rebar
 - Set 1 1/2" Aluminum Cap monument (130C-S)

All datum of record shown thus ().

All lots are subject to a 20' bldg. setback along all dedicated R/W's.

All wastewater disposal systems shall comply with existing law at time of construction.

All corner returns have a radius of 20'.

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

William Schneider
J. H. Company
William Schneider, President

Peter Walton
J. H. Company
Peter Walton, Secretary

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 10th day of May, 1978.

Curly L. Thompson
Notary Public for Alaska

4-21-78
My Commission Expires

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of January 9, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

KENAI PENINSULA BOROUGH
By *Samuel J. [Signature]*

RECEIVED - FILED
4-21-78
Clerk of Court
Kenai, Alaska



SLEEPY HOLLOW SUBDIVISION	
DESCRIPTION	
Located within U. S. Govt. Lots 6 & 7 and the S 1/2 SE 1/4 Section 30, 5N, 95W, S.M., AK. containing 160 acres M/L including the lake.	
Owner:	J. H. Company 56 Peter Walton, Attorney-in-fact 350 L Street Anchorage, Alaska 99501
P.O. Box 476	Soldna, AK
Geologist, Registered Land Surveyor	G.S. Best
Date Surveyed	Scale
April, 1978	1" = 200'
Book	77-3

CENTERLINE CURVE DATA			
No.	Δ	Radius	Length
1	76°30'00"	300.00'	400.35'
2	40°00'00"	226.67'	156.24'
3	30°00'00"	307.89'	161.21'
4	11°00'00"	300.00'	57.60'
5	18°15'04"	300.00'	42.83'



ENSTAR Natural Gas Company, LLC
Engineering Department, Right of Way Section 401
E. International Airport Road
P. O. Box 190288
Anchorage, Alaska 99519-0288
(907) 277-5551
FAX (907) 334-7798

July 8, 2026

Kenai Peninsula Borough, Platting Division
144 North Binkley Street
Soldotna, AK 99669

To whom it may concern:

ENSTAR Natural Gas Company has reviewed the following ROW Vacation and advises:

- **SLEEPY HOLLOW SUBDIVISION LONGMERE LANDING ADDITION VACATE
BANGERTE COURT ROW
(KPB 2026-078V)**

1. ENSTAR has existing natural gas distribution pipeline that is within the above listed existing Rights of Way proposed for vacation. Attached is a depiction for your reference.

ENSTAR objects to this plat unless the following condition is met:

- Grant ENSTAR a fifteen feet (15 FT) wide natural gas easement centered over the existing natural gas distribution pipeline within lot 11C

ENSTAR confirms that it is actively working with the underlying owner and their representatives to format a final easement document sufficient for the continued operation and maintenance of its facilities.

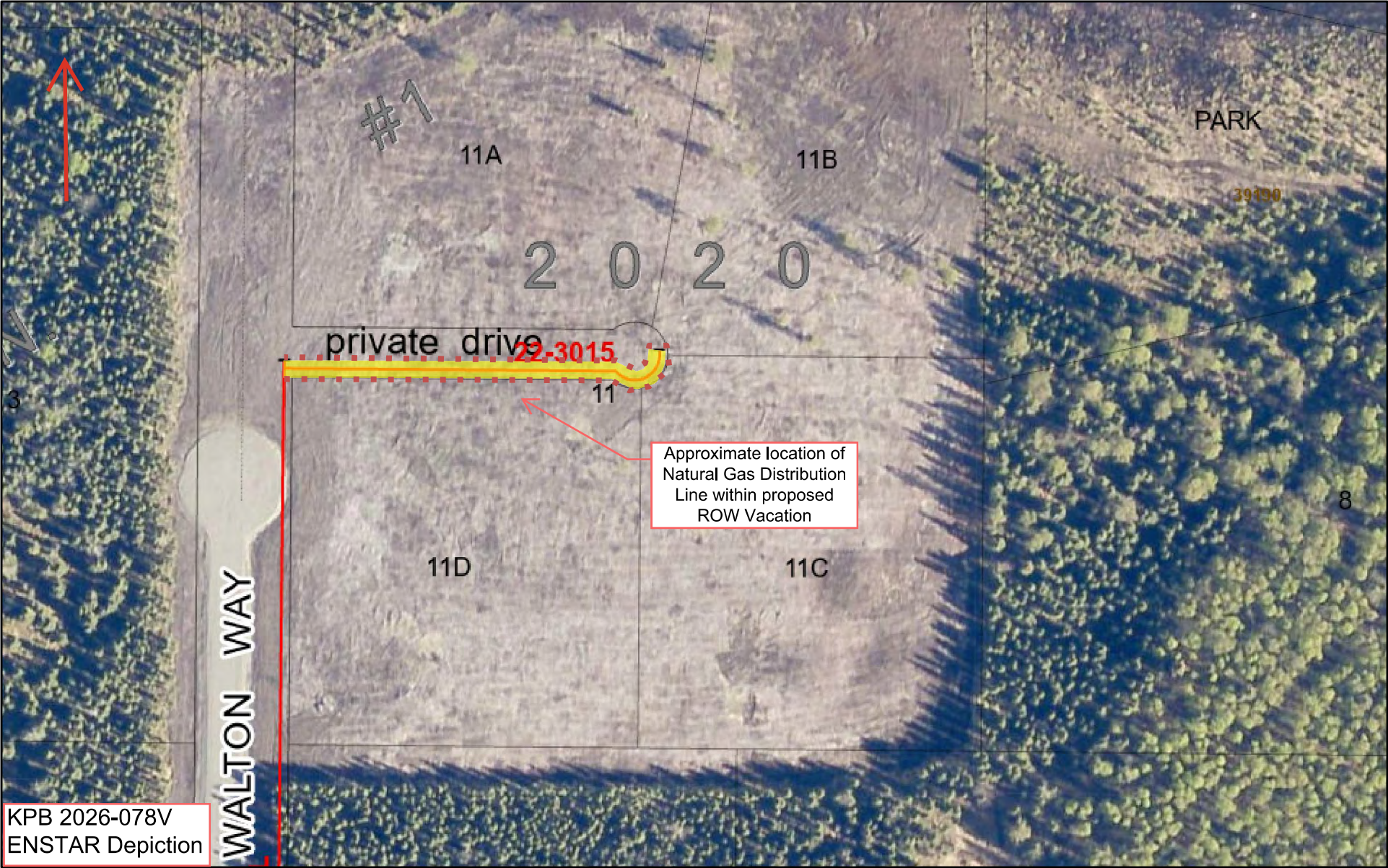
If you have any questions, please feel free to contact me at (907) 334-7944 or by email at brandon.echols@enstarnaturalgas.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon Echols", is written over a light blue horizontal line.

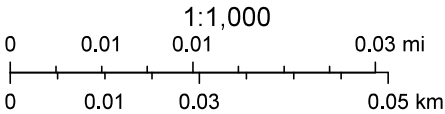
Brandon Echols
Right of Way & Permitting Agent
ENSTAR Natural Gas Company, LLC

SLEEPY HOLLOW SUBDIVISION LONGMERE LANDING ADDITION VACATE BANGERTE COURT ROW



KPB 2026-078V
ENSTAR Depiction

7/27/2026, 12:41:44 PM



ENSTAR Natural Gas Company, MOA, MSB, KPB, US Government,
ENSTAR Natural Gas Company

ArcGIS Web AppBuilder
ENSTAR Natural Gas Company

11	500.00	10.0
12	500.00	10.0
13	500.00	10.0
14	500.00	10.0

HEA REVIEWED, NO COMMENTS

Scott Huff

Scott Huff 7/29/2026
Land Management Officer



HEA is not opposed to the vacation of Bangerter Court right-of-way on the condition that a 15 foot utility easement remain in place for the buried primary electric line on the west and north side of Lot 11D to the transformer.

The underground service line from the transformer to the pedestal does not require an easement if the service line is within one parcel and does not cross a parcel boundary. So if the lots are replatted into one, then the easement on Lot 11C and Lot 11B and Lot 11A, around Bangerter Court, can be vacated.

HEA is requesting a 15 foot wide utility easement adjoining Walton Way to allow electric lines to be installed to the north to provide electricity to neighboring lots.

15 foot utility easement requested by HEA

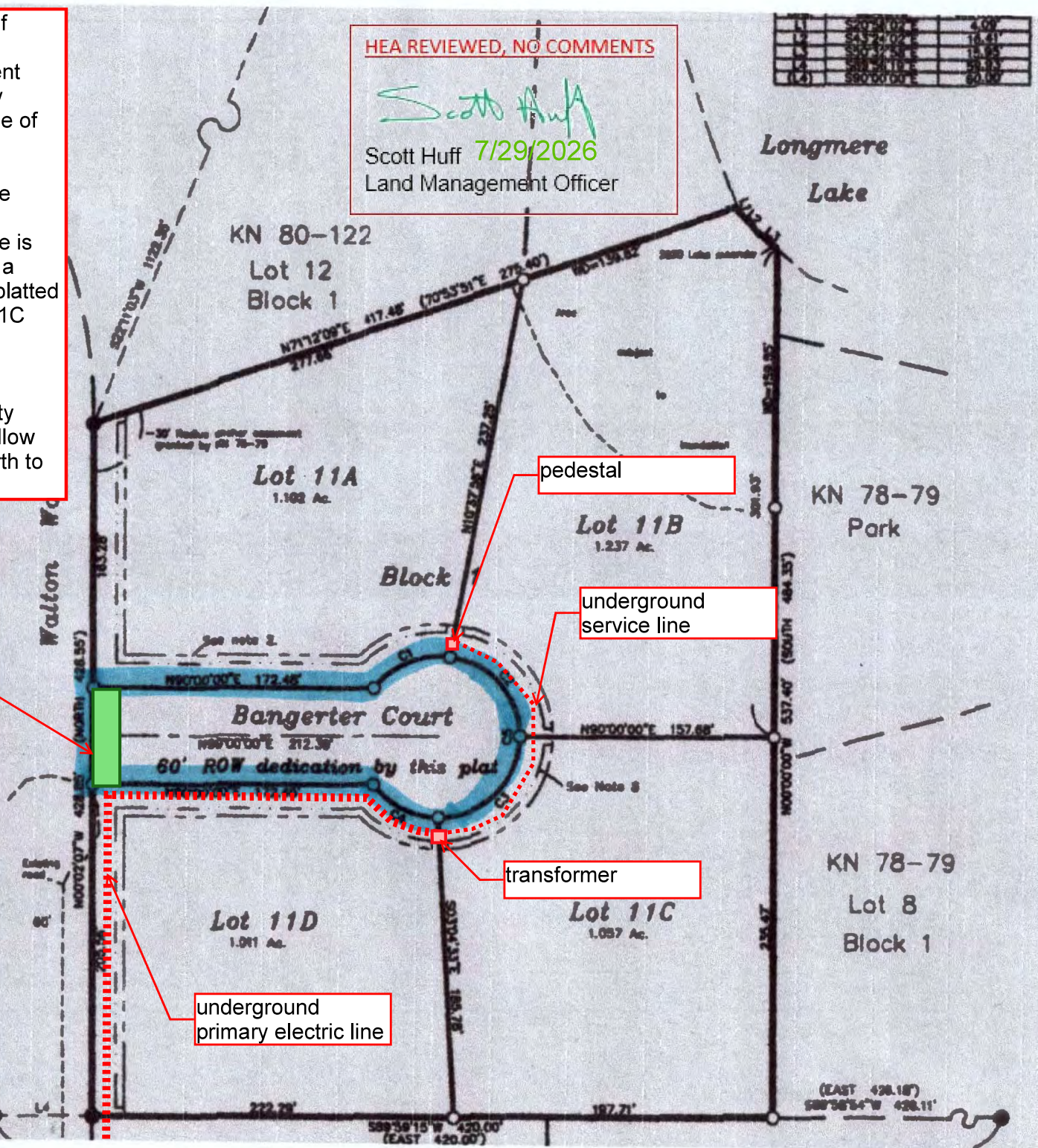
pedestal

underground service line

transformer

underground primary electric line

KPB 2026-078V





KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition was received on 7/21/2026 to vacate a public right-of-way in the Sterling area. Area under consideration is described as follows:

Request / Affected Property: Vacate Bangerter Court adjacent to Lots 11A, 11B, 11C, and 11D as dedicated by plat Sleepy Hollows Subdivision Longmere Landing Addition, KN 2023-58

KPB File No. 2026-078V.

Petitioner(s) / Land Owner(s): Dustin and Carly Padrta of Sterling, AK.

Purpose as stated in petition: It is my intent to combine all the lots into one parcel after the right-of-way is vacated. I am the sole owner of all property bordering this right-of-way, and the road serves only my property.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, August 10, 2026**, commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

To attend the meeting using Zoom from a computer visit <https://us06web.zoom.us/j/9077142200>. You may also connect to Zoom by telephone, call toll free **1-888-788-0099** or **1-877-853-5247**. If calling in you will need the Meeting ID of 907 714 2200. Additional information about connecting to the meeting may be found at <https://www.kpb.us/local-governance-and-permitting/leadership-governance/planning-commission/planning-public-notices>.

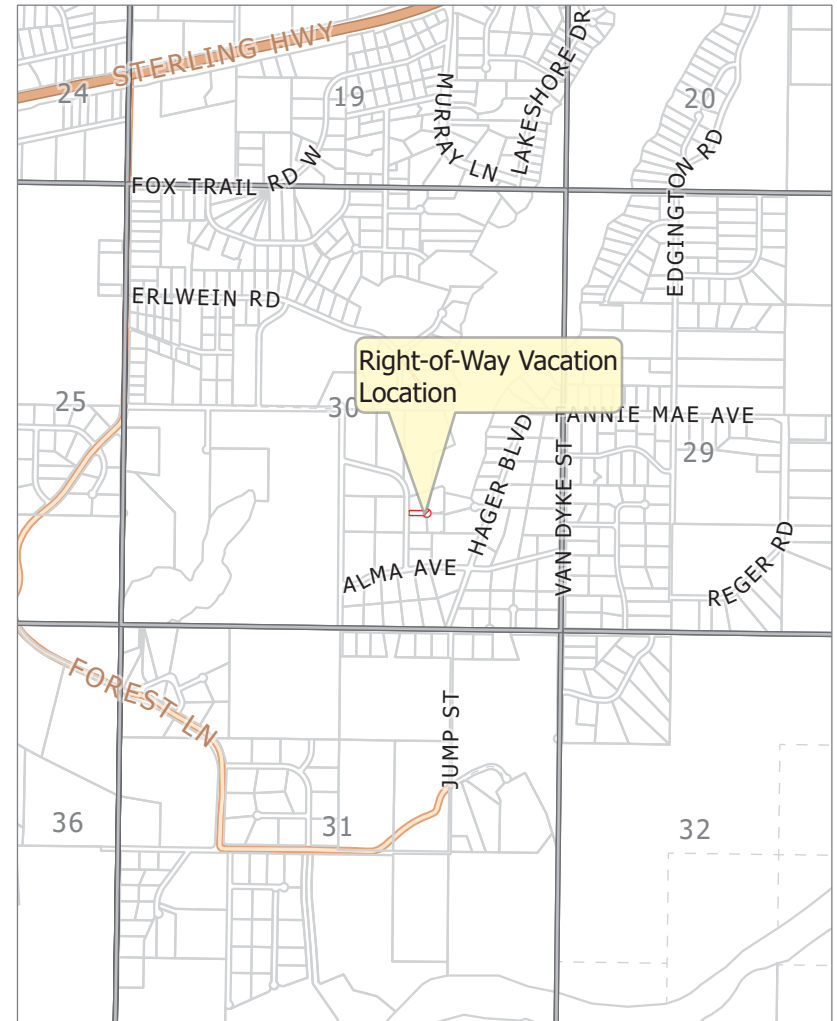
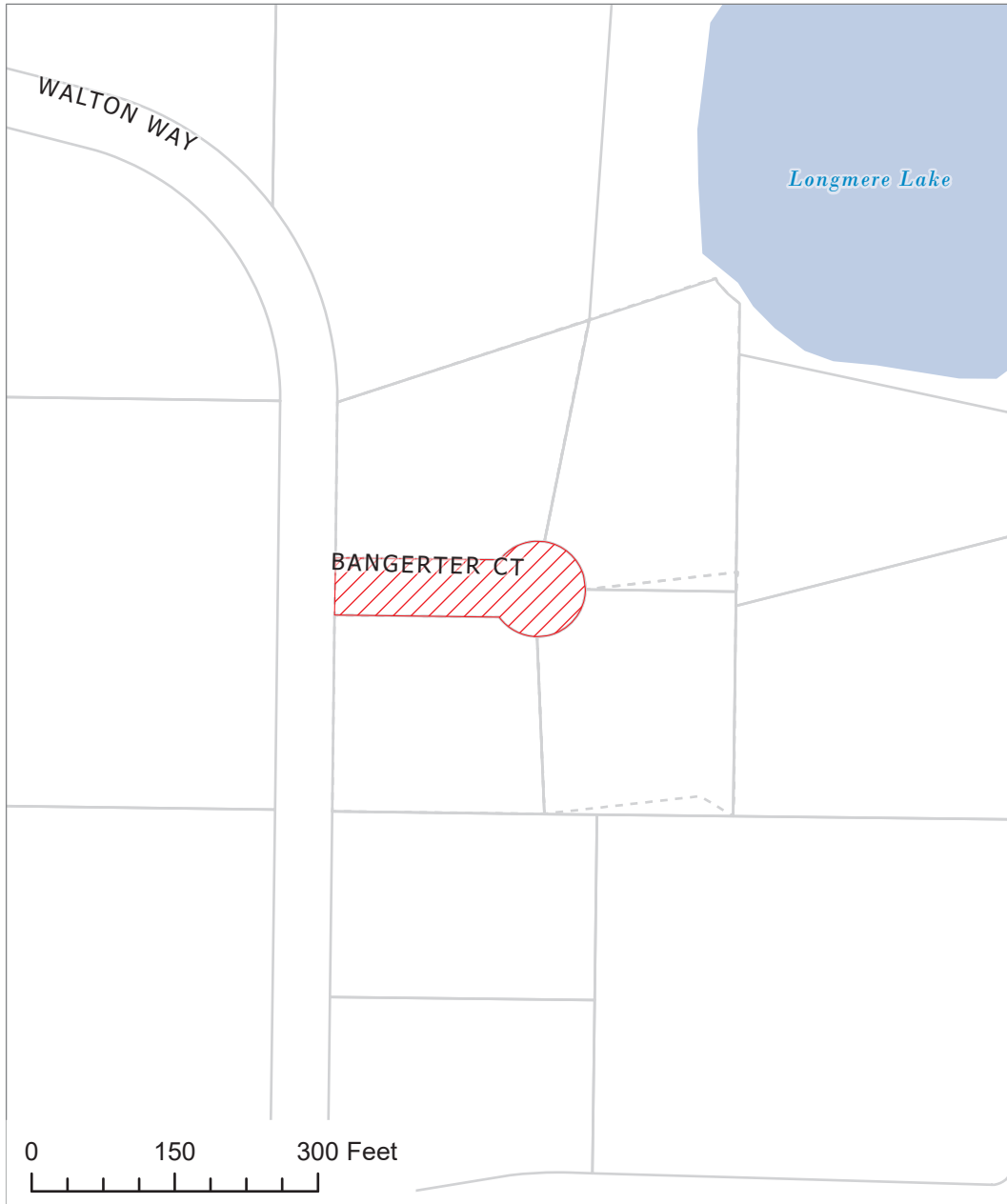
Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to planning@kpb.us, or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM, Friday, August 7, 2026**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

If the Planning Commission approves the vacation, the Borough Assembly has thirty days from that decision in which they may veto the Planning Commission approval. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.

Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <https://kpb.legistar.com/Calendar.aspx>. Use the search options to find the correct timeframe and committee.

For additional information contact Sandee Simons (ssimons@kpb.us) or Beverly Carpenter (BCarpenter@kpb.us), Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough) or email planning@kpb.us.

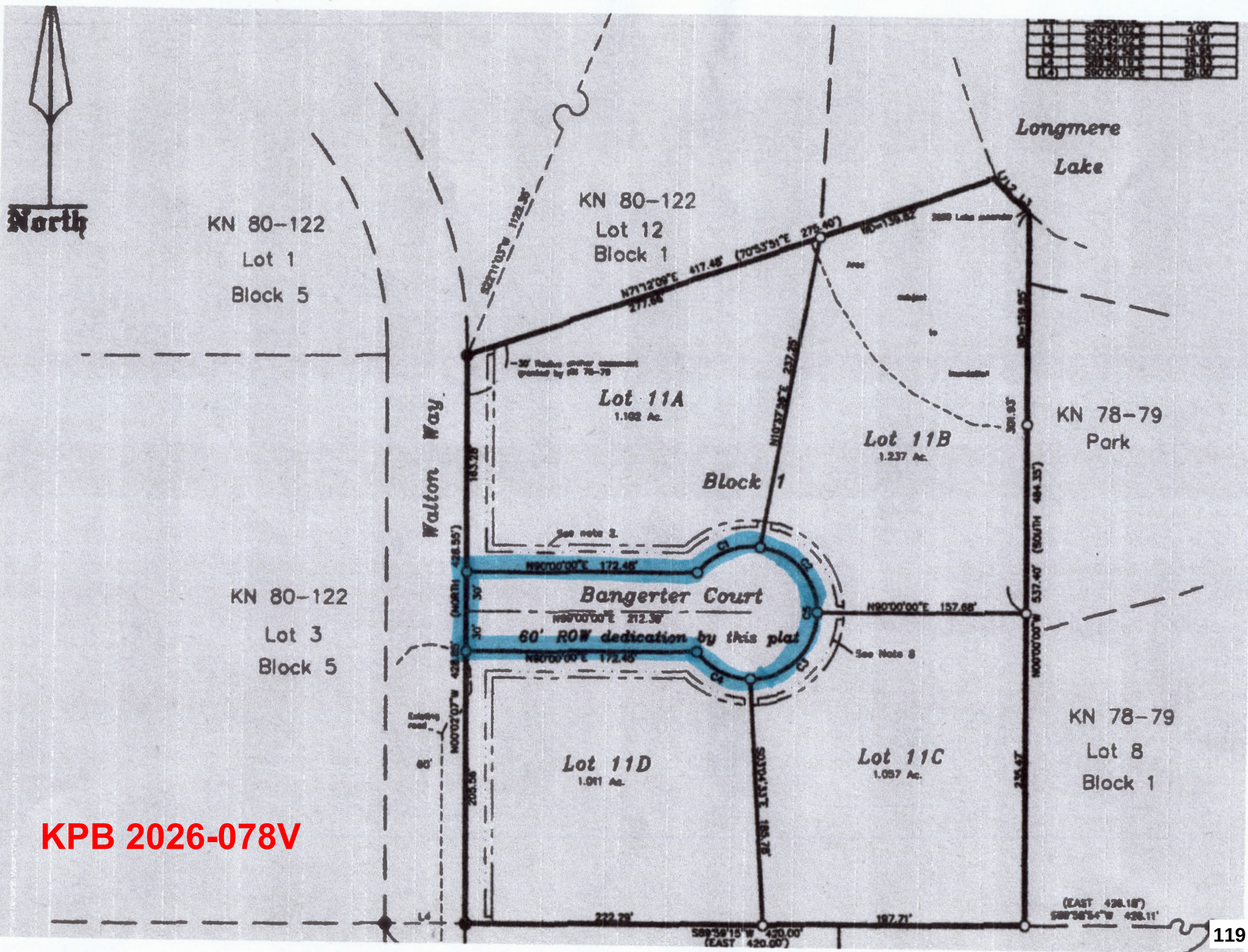
Mailed 7/27/2026



KPB File 2026-078V
T 05N R09W SEC 30
Sterling

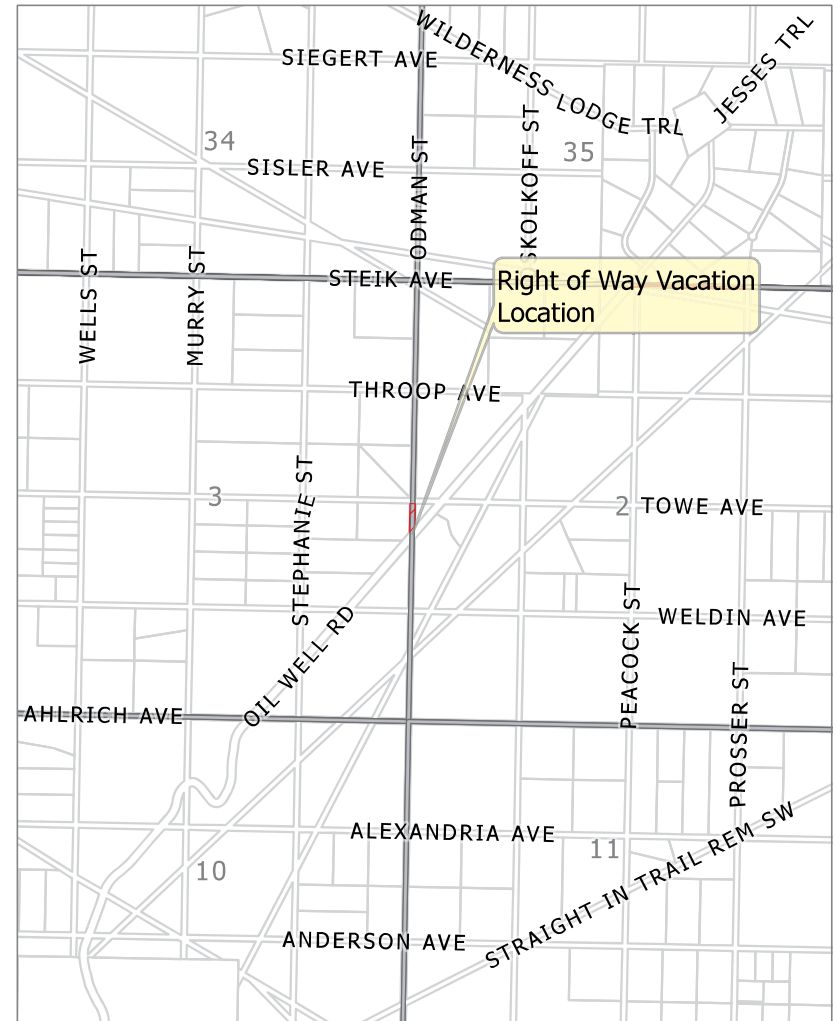
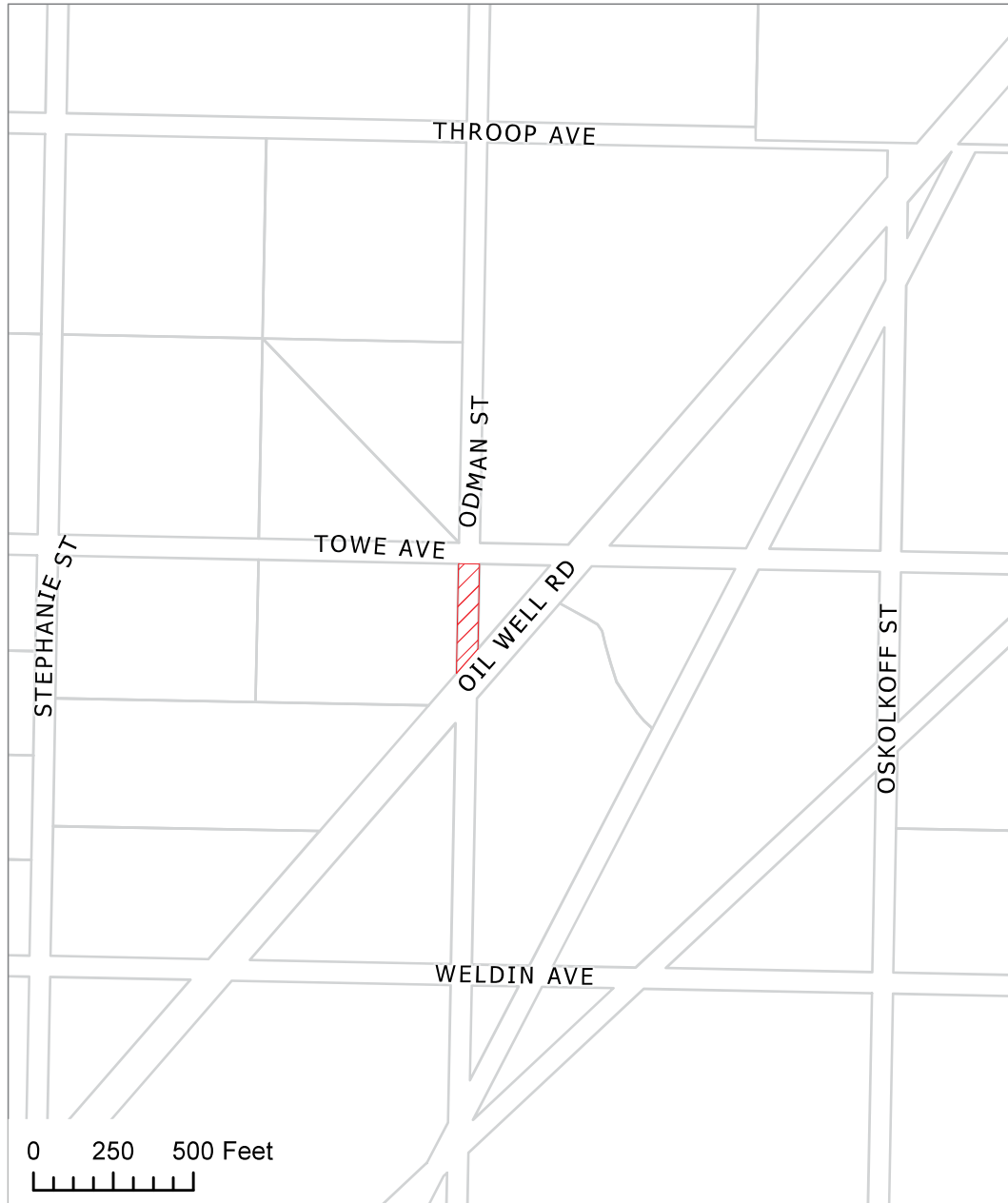
North

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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E. NEW BUSINESS

- 4. ROW Vacation; KPB File 2026-077V
Peninsula Surveying / Williams, Montoya
Request: Vacate a portion of Odman Street, ROW Map, Plat
KN 84-115
Ninilchik Area**



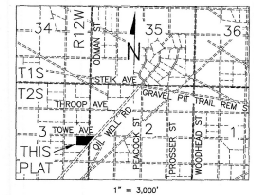
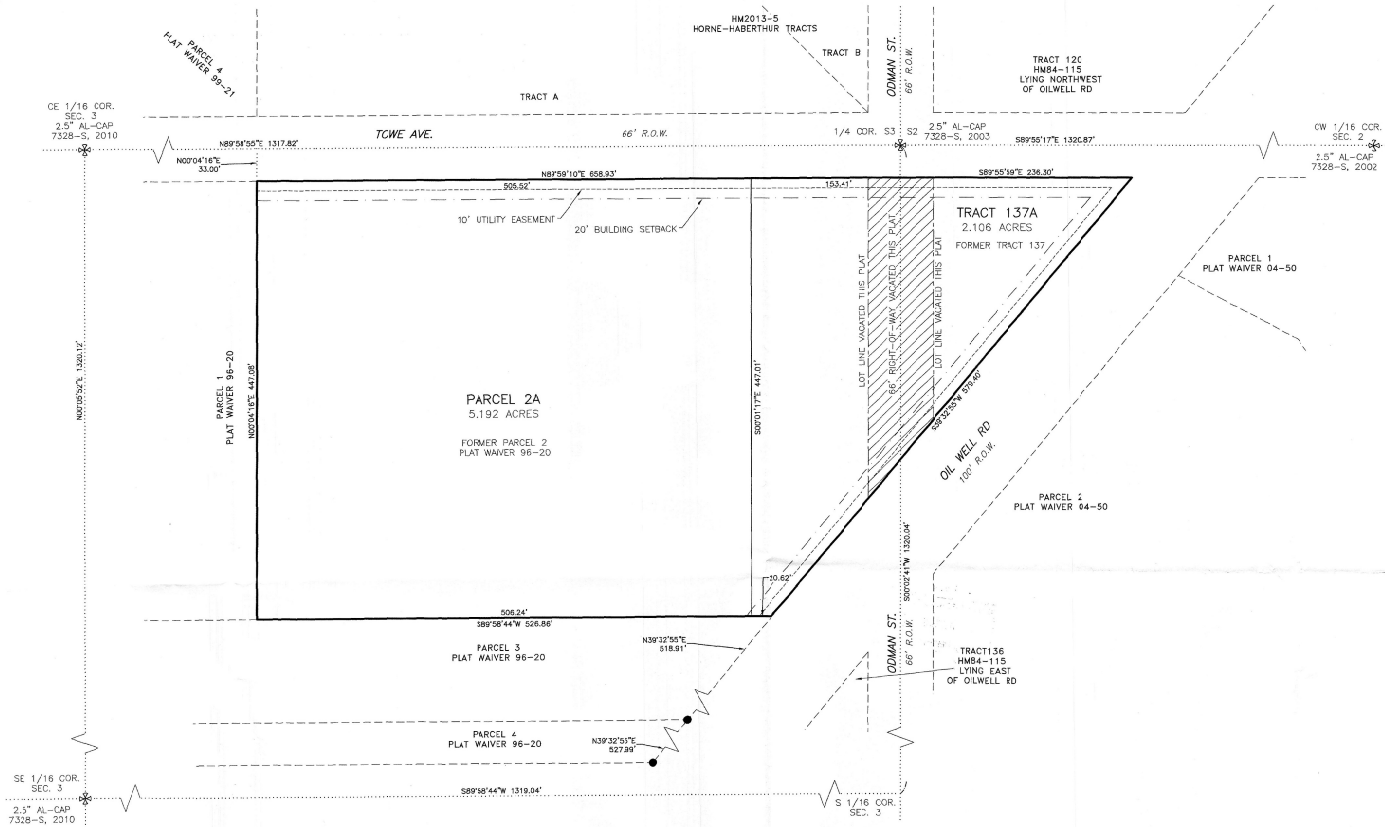
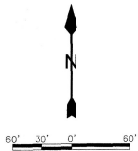
KPB File 2026-077V
T 02S R12W SEC 02 AND SEC 03
Ninilchik



Aerial Map



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



CERTIFICATE OF OWNERSHIP AND DEDICATION
WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN, AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

KELLY R. WILLIAMS, OWNER PORTION TRACT 137
36575 SAINT ANDREWS RD.
KENAI, AK 99611

KEVIN R. WILLIAMS, OWNER PORTION TRACT 137
BOX 1170
KENAI, AK 99611

CHELSEA MONTIYA, OWNER PARCEL 2
14 EVELYN DR.
GRIDLEY, CA 95948

NOTARY ACKNOWLEDGMENT
FOR: KELLY R. WILLIAMS
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2026

NOTARY PUBLIC FOR: _____
MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGMENT
FOR: KEVIN R. WILLIAMS
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2026

NOTARY PUBLIC FOR: _____
MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGMENT
FOR: CHELSEA MONTIYA
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2026

NOTARY PUBLIC FOR: _____
MY COMMISSION EXPIRES: _____

NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10' ADJOINING DEDICATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT PER HMB4-115.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. VACATION OF A PORTION OF ODMAN STREET RIGHT-OF-WAY WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE VM/DO/TTTT.
5. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
6. KPB GIS DATA SHOWS THERE ARE NO ANADROMOUS WATERS, WETLANDS NOR STEEP SLOPES.

LEGEND

- RECORD PRIMARY MONUMENT AS DESCRIBED
- RECORD 1/2" REBAR
- TO SET RPC ON 5/8" X 36" REBAR BY LS14483
- (R1) RECORD DATA PER KX2010-39
- (R2) RECORD DATA PER KX2010-51

RIGHT-OF-WAY VACATED THIS PLAT

WASTEWATER DISPOSAL

TBD

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF VM/DO/TTTT.

AUTHORIZED OFFICIAL

DATE



KPB FILE NUMBER: 2026-OCO

PENINSULA SURVEYING, LLC
10535 KATRINA BOULEVARD, NINILCHIK, AK 99639
(907)506-7045

PLAT OF
WILLIAMS MEADOWS

A SUBDIVISION OF
THE NW1/4 SW1/4 SECTION 2 (TRACT 137, HMB4-115) LYING
NORTH OF OILWELL RD. EXCLUDING STREETS & PARCEL 2, PLAT
WAIVER 96-20, RECORDED AT BOOK 255, PAGE 45, H.R.D., &
VACATING A PORTION OF ODMAN STREET RIGHT-OF-WAY
LOCATED WITHIN
THE NW1/4 SW1/4 SEC. 2, NE1/4 SEC. 3, T2S, R12W,
S.M., HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH,
ALASKA
CONTAINING 7.298 ACRES

OWNERS: KELLY R. WILLIAMS
36575 SAINT ANDREWS RD.
KENAI, AK 99611
KEVIN R. WILLIAMS
P.O. BOX 1170
KENAI, AK 99611

CHELSEA MONTIYA
14 EVELYN DR.
GRIDLEY, CA 95948

SCALE: 1" = 60'

DATE: MAY 27, 2026

DRAWN: BLT

CHECKED: JLS

SHEET: 1 OF 1

KPB 2026-077V

AGENDA ITEM E. NEW BUSINESS

ITEM #4 - RIGHT OF WAY VACATION
Petition to vacate Odman St, located between Towe Ave and Oil Well Rd.

KPB File No.	2026-077V
Planning Commission Meeting:	August 10, 2026
Applicant / Owner:	Chelsea Montoya / Kenai and Kelly & Kevin Williams / Kenai
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Odman St and Towe Ave near Oil Well Rd
Legal Description:	Odman St in Nikiski ROW Map HM84-115, between Towe Ave & Oil Well Rd rights-of-ways

STAFF REPORT

Specific Request / Purpose as stated in the petition: Petition to vacate Odman St, located between Towe Ave and Oil Well Rd. as dedicated on HM 84-115

Notification:

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Library of Ninilchik

Post Office of Ninilchik

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

14 certified mailings were sent to owners of property within 300 feet of the proposed vacation. ____ receipts had been returned when the staff report was prepared.

19 public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry
Western Emergency Services
Kenai Peninsula Borough Homer Office
Kenai Peninsula Borough Land Management

Nikiski Community Council
Ninilchik Traditional Council
Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)

Legal Access (existing and proposed):

Access to Odman Rd is by Oil Well Rd on the south, a 100-foot Borough maintained dedication. On the north is Towe Ave, a 66 foot privately maintained dedication.

With the vacation of Odman St, no new dedication is proposed. The close proximity to the intersection of Towe Ave and Oil Well Rd does not call for a new dedication to be placed.

The vacation is affected by a section line easement located under the section line running down Odman St. according to data, the section line easements are 33 feet on both sides of the section line. **Staff recommends** the surveyor confirm the easement size and show it on the drawing with ties to a plat note.

This right-of-way vacation will not vacate the section line easement. A separate action will need to be done to vacate the section line easement. Staff recommends the surveyor add a plat note to the effect that a separate action to vacate the SLE will need to be done.

Block length is compliant with the block being completed by Oil Well Rd, Towe Ave, Stephanie St and Welch Ave.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: RSA has no objection at this time.
SOA DOT comments	

Site Investigation:

The northwest corner has a steep area according to KPB GIS data. The land is sloping towards the northwest gradually and then at the northwest corner the land changes and slopes at 13% downward across the property line.

There are no wetlands, areas of inundations, flood hazard areas or habitat protection districts on the vacation area.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: Staff has no objection to this vacation. This area has not been studied or mapped by FEMA. B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
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Staff Analysis:

The land was originally divided up by what is known as the Ninilchik Right-of-Way Map filed at HM84-115. The map shows the area divided into 40 acres pieces minus roads dedicated at 33' around the 40 acres. Oil Well Rd and seismic trails were also dedicated as shown.

The parcel on the west was divided out by a plat waiver in 1996 at PC Resolution 96-20 allowing for a division of the Tract 137 without doing a subdivision plat, creating Parcel 2. Parcel on the east was divided off by Oil Well Rd in the corner of Tract 137.

Most of the neighboring land to these parcels have had the parent parcels divided by either plat waivers or subdivisions. Of the surrounding parcels, five of the nine have structures on them that appear to be houses.

Access does not appear to be an issue with Oil Well Rd along these parcels and Towe Ave on the north also. Vacating Odman St will not affect these parcels.

HEA is the only utility company to respond and they have no opposition to the vacation and no request.

The submittal application indicated there was no utility easements associated with the right-of-way to be vacated. Per HM84-115 at plat note 8, there is a 10' utility easement reserved adjacent to all rights-of-ways. **Staff**

recommends the surveyor intends to vacate the 10' utility easement adjacent to Odman St, a Utility Easement Vacation Petition be submitted to vacate the easement by plat.

20.65.050 – Action on vacation application

D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:

1. The right-of-way or public easement to be vacated is being used;

Applicant comments:

ROW is not in use

Staff comments:

Not in use, no road in place.

2. A road is impossible or impractical to construct, and alternative access has been provided;

Applicant comments:

A Road could be constructed but Oil Well and Towe serve the need

Staff comments:

Possible to build, but not practical with the adjacent roads on both ends so close to an intersection.

3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;

Applicant comments:

This area is bisected by a number of ROWs with 66' ROW on each 1/16th line, pre-existing seismic lines, and the 100' Oil Well Rd ROW.

Staff comments:

Surround lots are not developed and a majority are large tracts.

4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;

Applicant comments:

This portion to be vacated does not provide access to any lands other than the applicant and adjacent lot.

Staff comments:

No, this lot does not access lake or river

5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;

Applicant comments:

The vacation would not limit connectivity with Oil Well Rd and Towe

Staff comments:

No, the vacation accesses the adjacent lots only as it is a short segment.

6. Other public access, other than general road use, exist or are feasible for the right-of-way;

Applicant comments:

Other use is possible, but unlikely other than a trail or snowmachine.

Staff comments:

The vacation is near the intersection of Oil Well Rd and Towe Ave

7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.

Applicant comments:

The mentioned ROWs should provide all utility access for current and future uses.

Staff comments:

No utilities have been noted in the vacation area.

8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.

Applicant comments:

See attached

Staff comments:

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly. The KPB Assembly, must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at their scheduled September 1, 2026 meeting.

If approved, Williams Meadows will finalize the proposed right of way vacations. The Plat Committee is scheduled to review at the next available Plat Committee meeting.

KPB department / agency review:

Addressing	Reviewer: Pace, Rhealyn Affected Addresses: 54013 Towe Ave, 53993 Towe Ave Existing Street Names are Correct: Yes List of Correct Street Names: Oil Well Rd, Odman St, Towe Ave Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: Addresses will remain.
Code Compliance	
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.

Assessing	Reviewer: Windsor, Heather Comments: No comment
Advisory Planning Commission	

Utility provider review:

HEA	No objection or comment
ENSTAR	
ACS	
GCI	
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
TELALASKA	

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Add corrections to be made to drawing as noted

- Add 33' section line easement
- Add 10' utility easement as dedicated to all rights-of-ways per HM84-115, including Odman St.

RECOMMENDATION:

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends **APPROVAL** as petitioned, subject to:

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code including a submittal to and approval by the Plat Committee.
3. Grant utility easements requested by utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.65.050(I)).

KPB 20.65.050 – Action on vacation application

- H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.**
- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for**

Page 5 of 8

vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.

- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

- *Focus Area: Transportation*
 - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
 - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

END OF STAFF REPORT



ODMAN STREET ROW VACATION PETITION JUSTIFICATION

This petition to vacate a portion of Odman Street, as shown on the included Preliminary Plat, is requested based on the following findings information.

General discussion: The plat of HM84-115 shows the subdivision and dedication of the Rights-Of-Way for a large area toward the end of Oil Well Road, excepting therefrom the U.S. Surveys shown on the map. This plat dedicated 66-foot-wide ROWs along all 1/16 and 1/4 lines, 66-foot-wide ROWs along all existing seismic lines, and a 100-foot-wide ROW centered along Oil Well Road.

Additional surveys and plat waivers have further subdivided the blocks shown on HM84-115. This resulted in several ROWs that crossed parcels and carved them into small and relatively unusable areas.

The goal of this vacation petition is to create a larger, more developable lot from the ~0.6 acre fragment of the NW1/4 SW1/4, Sec. 2, lying north of Oil Well Rd. by vacating this portion of Odman St, and acquiring 1.00acres of area from the adjacent Parcel 2, PW96-20.

The portion of Odman St. being requested for vacation has not been constructed and is not currently in use as a traveled way.

Reasons for vacation:

- Create larger, more useable area for the petitioner's parcel
- This portion of Odman St. is not being used as a traveled way.
- East/West access is provided by the Towe Ave. as seen on KPB air photos, and North/South access is provided by Oil Well Rd.
- Total area of vacation would be approximately 18,924 square feet or 0.434 acres.
- The general public and adjacent landowners will maintain existing legal access via Oil Well Rd., Towe Ave., Odman St. north and south of the proposed vacation, Stephanie St., Prosser St. and Peacock St.



Adjacent Landowners:

Kelly R. Williams, Owner Portion Tract 137, Parcel ID 185-51-115
36575 Saint Andrews Rd.

Kenai, Ak 99611

Kevin R. Williams, Owner Portion Tract 137, Parcel ID 185-51-115
Box 1170

Kenai, Ak 99611

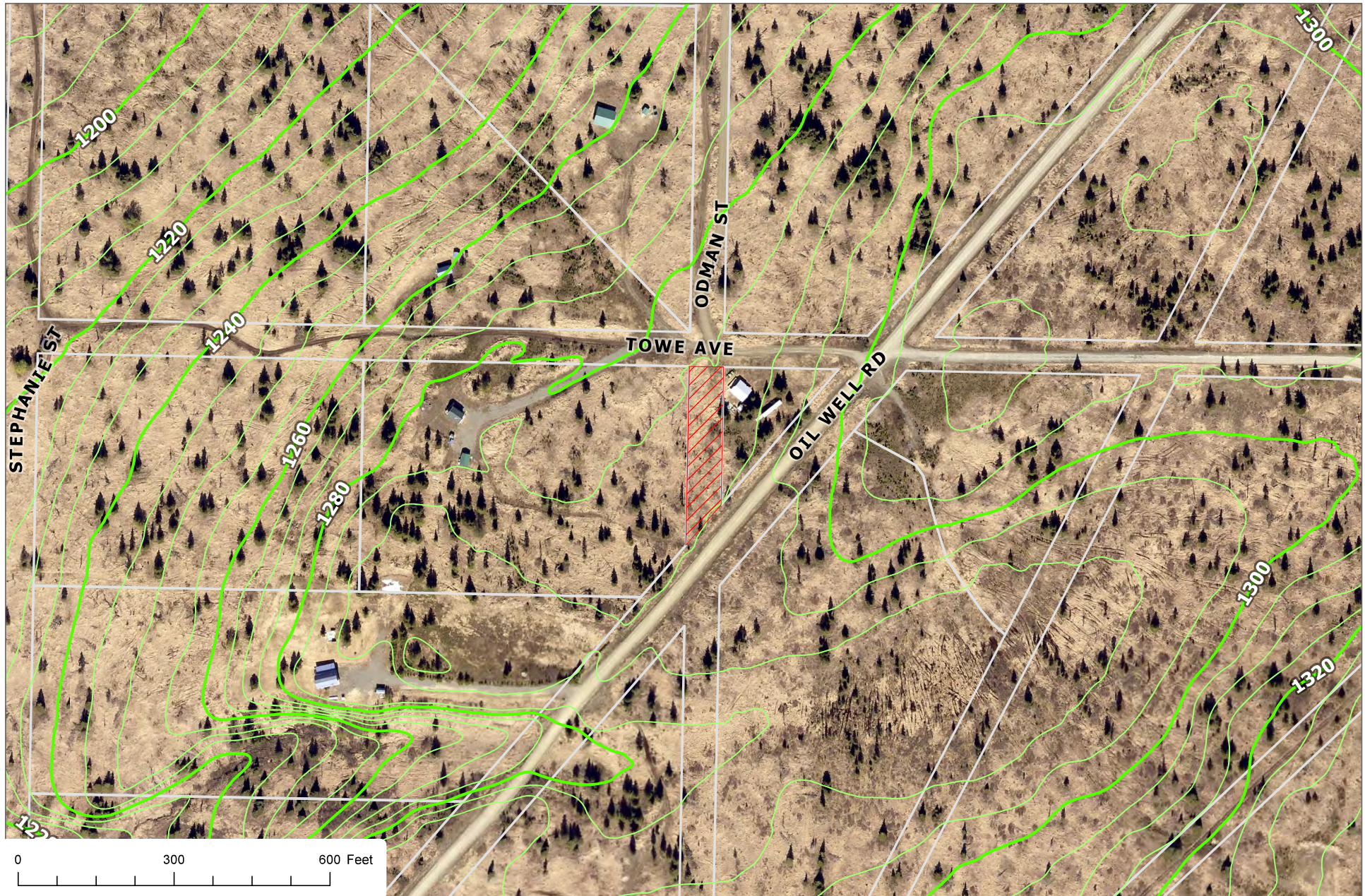
Chelsea Montoya, Owner Parcel 2, Parcel ID 185-51-223

14 Evelyn Dr.

Gridley, Ca 95948



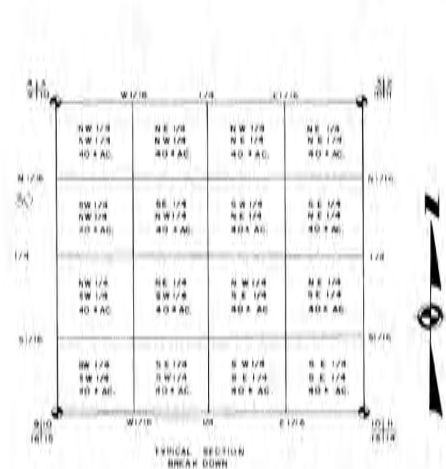
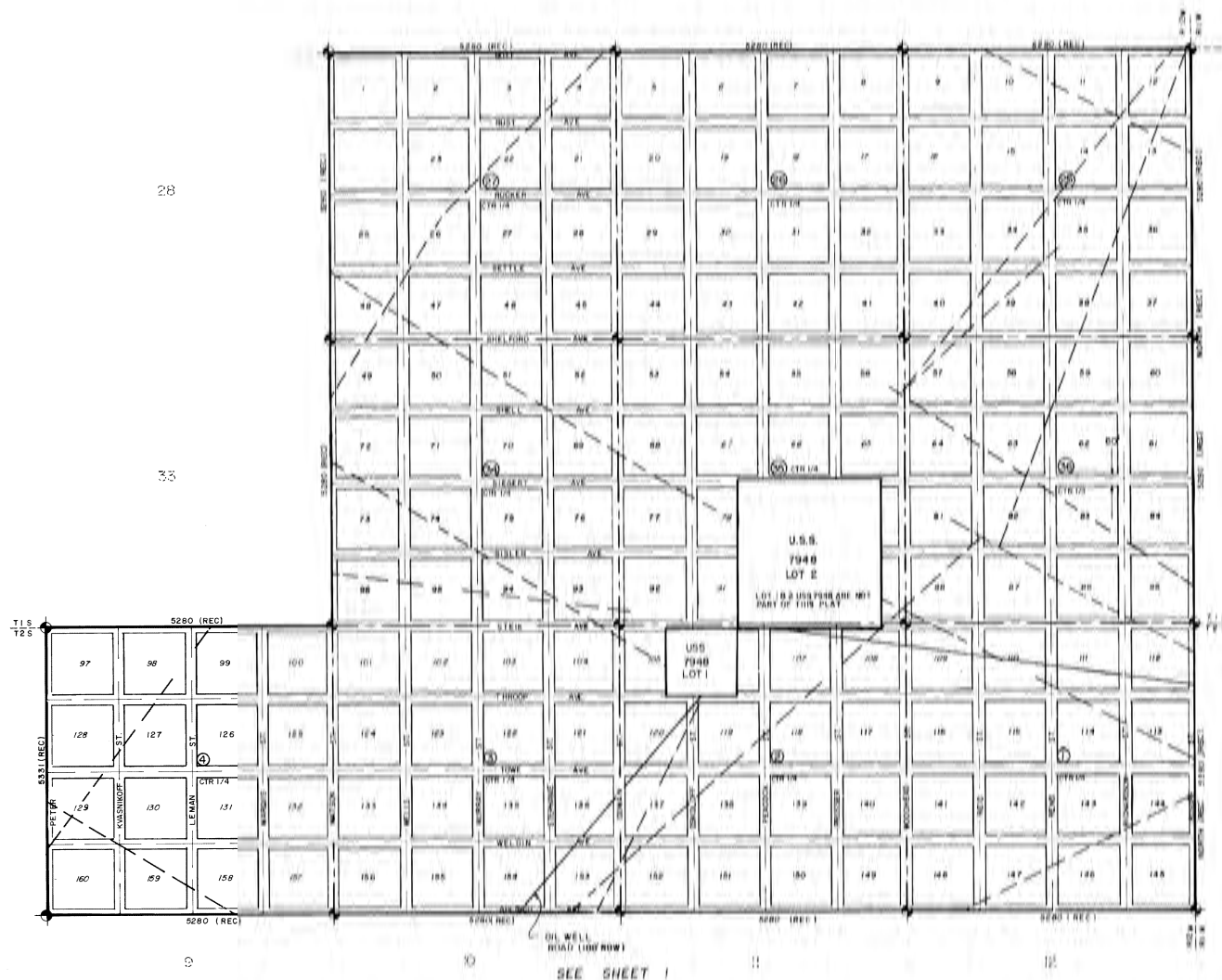
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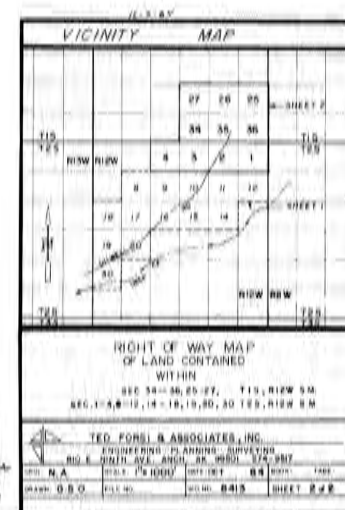
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28

33



34



84-115
HOMER
12-7-1974
SOLD

WM 84-115 MINILCHIK ROW MAP

KENAI PENINSULA BOROUGH PLANNING COMMISSION
PLAT WAIVER RESOLUTION 96-20

GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTION 3, TOWNSHIP 2 SOUTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA, HOMER RECORDING DISTRICT

WHEREAS, William B. Kitchens Jr., and Mary Jean Kitchens have petitioned for a waiver of platting requirements for the following described parcel:

The portion of the NE1/4 SE1/4 Section 3, Township 2 South, Range 12 West, Seward Meridian, Alaska; lying westerly of Oilwell Road right-of-way; excepting Odman Street, Weldin Avenue, Stephanie Street and Towe Avenue rights of way; cntg 28 acres m/l.

WHEREAS, 29.40.090 of Alaska Statutes provides that the platting authority shall waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that certain conditions exist.

WHEREAS, it has been determined that all requirements have been met.

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

Section 1: That a waiver of platting requirements is hereby granted for the above described parcel.

Section 2: That the plat waiver is being granted for the purpose of creating four parcels described as follows:

Parcel 1: A portion of the area designated #136 on plat 84-115 HRD; more specifically, that portion of the North 480 ft of the West 660 ft of the NE1/4 SE1/4 Section 3, Township 2 South, Range 12 West, S.M., Alaska excluding Towe Avenue and Stephanie Street rights-of-way; cntg 6.70 acres more or less.

Parcel 2: A portion of the area designated #136 on plat 84-115 HRD; more specifically, that portion of the North 480 ft of the East 660 ft of the NE1/4 SE1/4 Section 3, Township 2 South, Range 12 West, S.M., Alaska excluding Towe Avenue, Odman Street, and Oilwell Road rights-of-way; cntg 6.50 acres more or less.

Parcel 3: A portion of the area designated #136 on plat 84-115 HRD; more specifically, that portion of the South 400 ft. of the South 840 ft. of the NE1/4 SE1/4 Section 3, Township 2 South, Range 12 West, S.M., Alaska lying westerly of Oilwell Road right-of-way; and excluding Stephanie Street right-of-way; cntg 8.10 acres more or less.

Parcel 4: A portion of the area designated #136 on plat 84-115 HRD; more specifically, that portion of the South 440 ft of the South 840 ft. of the NE1/4 SE1/4 Section 3, Township 2 South, Range 12 West, S.M., Alaska lying westerly of Oilwell Road right-of-way; and excluding Stephanie Street and Weldin Avenue rights-of-way; cntg 6.70 acres more or less.

Section 3. That this resolution is void if not recorded in the appropriate Recording District within thirty days of adoption.

Section 4. That this resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 24 DAY OF June, 1996.

John Hammelman
John Hammelman, Chairperson
Planning Commission

NOTARY ACKNOWLEDGEMENT:

Subscribed and sworn before me
this 24 day of June, 1996.

Maria E. Sweppy
Notary Public for State of Alaska
My Commission Expires: 1-1-99

NOTARY PUBLIC
STATE OF ALASKA
MARIA E. SWEPPY

Please return to:
Kenai Peninsula Borough Planning Department
144 North Binkley
Soldotna, Alaska 99669-7599

96-2337

RECORDED - FILE 5	
Homer	REC. DIST.
DATE 7-3-	19 96
TIME 12:50	P.M.
REFLECTED BY	KPB
ADDRESS	



KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition was received on 7/8/2026 to vacate a public right-of-way in the Ninilchik area. Area under consideration is described as follows:

Request / Affected Property: Vacate a portion of Odman Street as dedicated by Right-of-Way Map Plat HM 84-115

KPB File No. 2026-077V.

Petitioner(s) / Land Owner(s): Kelly R and Kevin R Williams and Chelsea Montoya of Kenai, AK.

Purpose as stated in petition: The goal of this vacation petition is to create a larger, more developable lot from the approximate 0.6 acre fragment of the NW1/4 SW1/4, Section 2, lying north of Oil Well Rd. by vacating this portion of Odman Street, and acquiring 1.00 acres of area from the adjacent parcel, PW96-20.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, August 10, 2026**, commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

To attend the meeting using Zoom from a computer visit <https://us06web.zoom.us/j/9077142200>. You may also connect to Zoom by telephone, call toll free **1-888-788-0099** or **1-877-853-5247**. If calling in you will need the Meeting ID of 907 714 2200. Additional information about connecting to the meeting may be found at <https://www.kpb.us/local-governance-and-permitting/leadership-governance/planning-commission/planning-public-notices>.

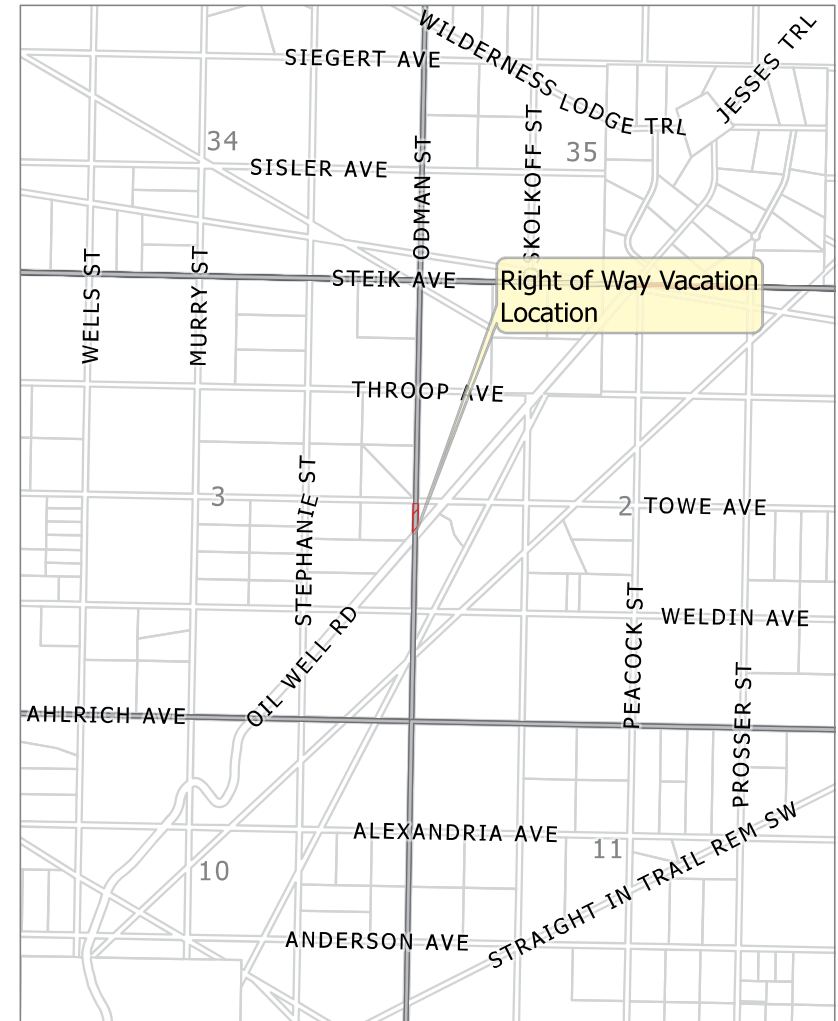
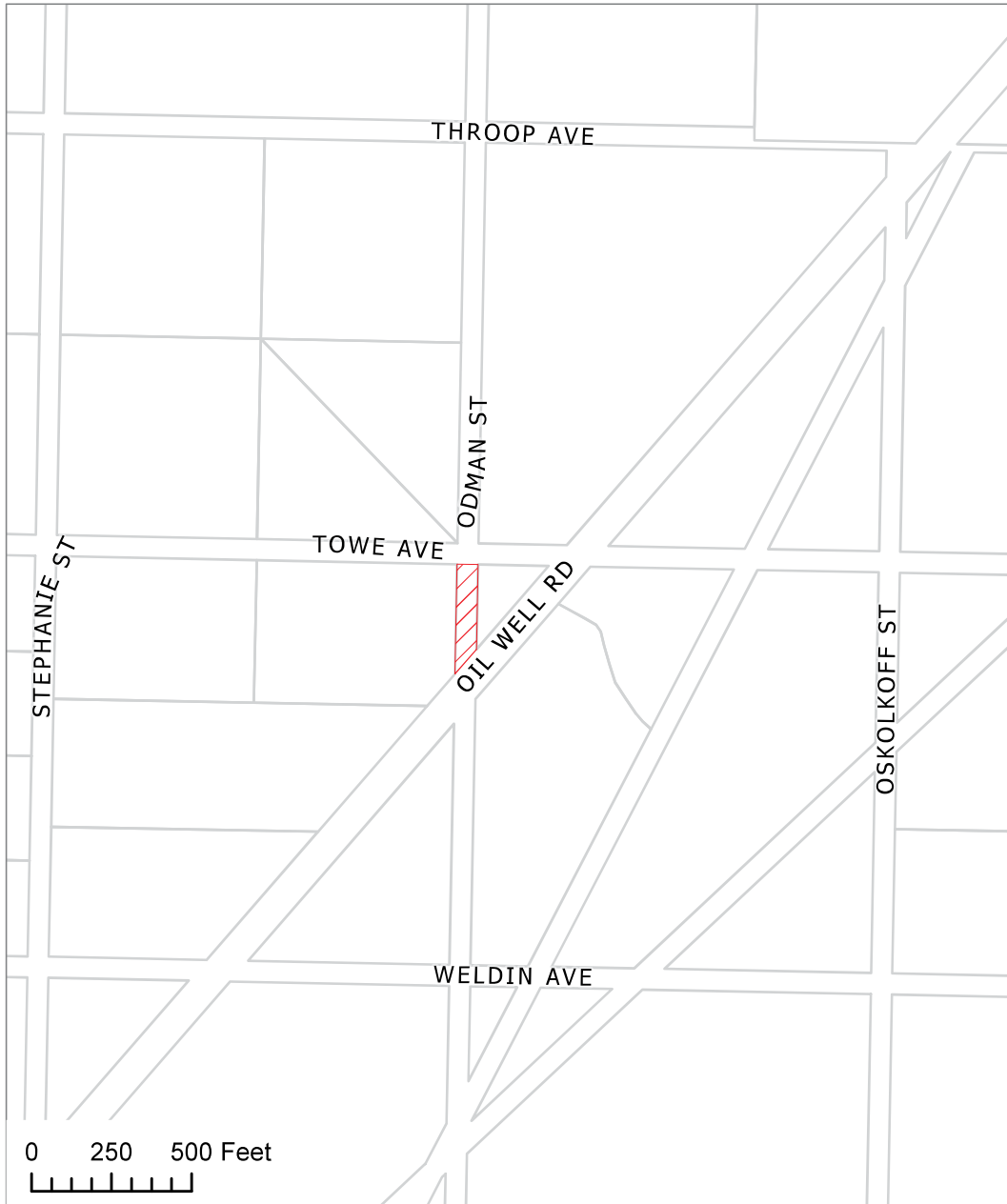
Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to planning@kpb.us, or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM, Friday, August 7, 2026**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

If the Planning Commission approves the vacation, the Borough Assembly has thirty days from that decision in which they may veto the Planning Commission approval. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.

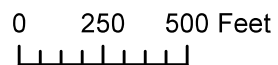
Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <https://kpb.legistar.com/Calendar.aspx>. Use the search options to find the correct timeframe and committee.

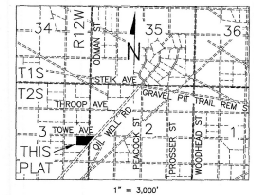
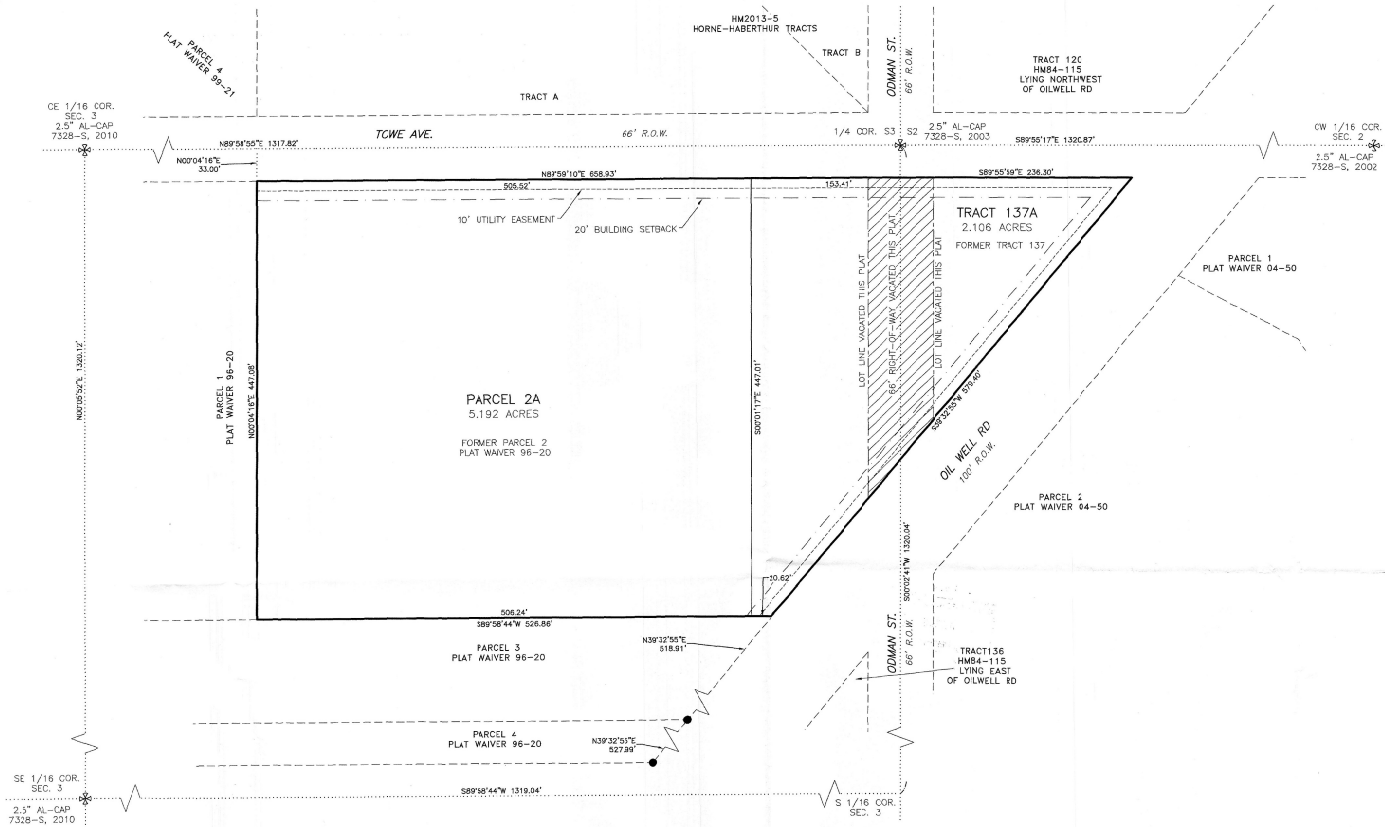
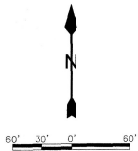
For additional information contact Sandee Simons (ssimons@kpb.us) or Beverly Carpenter (BCarpenter@kpb.us), Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough) or email planning@kpb.us.

Mailed 7/24/2026



KPB File 2026-077V
T 02S R12W SEC 02 AND SEC 03
Ninilchik





CERTIFICATE OF OWNERSHIP AND DEDICATION
WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN, AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

KELLY R. WILLIAMS, OWNER PORTION TRACT 137
36575 SAINT ANDREWS RD.
KENAI, AK 99611

KEVIN R. WILLIAMS, OWNER PORTION TRACT 137
BOX 1170
KENAI, AK 99611

CHELSEA MONTIYA, OWNER PARCEL 2
14 EVELYN DR.
GRIDLEY, CA 95548

NOTARY ACKNOWLEDGMENT
FOR: KELLY R. WILLIAMS
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2026

NOTARY PUBLIC FOR: _____
MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGMENT
FOR: KEVIN R. WILLIAMS
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2026

NOTARY PUBLIC FOR: _____
MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGMENT
FOR: CHELSEA MONTIYA
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2026

NOTARY PUBLIC FOR: _____
MY COMMISSION EXPIRES: _____

NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10' ADJOINING DEDICATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT PER HM84-115.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. VACATION OF A PORTION OF ODMAN STREET RIGHT-OF-WAY WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MM/DD/YYYY.
5. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
6. KPB GIS DATA SHOWS THERE ARE NO ANADROMOUS WATERS, WETLANDS NOR STEEP SLOPES.

LEGEND

- RECORD PRIMARY MONUMENT AS DESCRIBED
- RECORD 1/2" REBAR
- TO SET RPC ON 5/8" X 36" REBAR BY LS14483
- (R1) RECORD DATA PER KX2010-39
- (R2) RECORD DATA PER KX2010-51

RIGHT-OF-WAY VACATED THIS PLAT

WASTEWATER DISPOSAL

TBD

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MM/DD/YYYY.

AUTHORIZED OFFICIAL _____

DATE _____



KPB FILE NUMBER: 2026-OCO

PENINSULA SURVEYING, LLC
10535 KATRINA BOULEVARD, NINILCHIK, AK 99639
(907)506-7045

PLAT OF
WILLIAMS MEADOWS

A SUBDIVISION OF
THE NW1/4 SW1/4 SECTION 2 (TRACT 137, HM84-115) LYING NORTH OF OILWELL RD. EXCLUDING STREETS & PARCEL 2, PLAT WAIVER 96-20, RECORDED AT BOOK 255, PAGE 45, H.R.D., & VACATING A PORTION OF ODMAN STREET RIGHT-OF-WAY
LOCATED WITHIN
THE NW1/4 SW1/4 SEC. 2, NE1/4 SE1/4 SEC. 3, T2S, R12W, S.M., HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA
CONTAINING 7.298 ACRES

OWNERS: KELLY R. WILLIAMS
36575 SAINT ANDREWS RD.
KENAI, AK 99611
KEVIN R. WILLIAMS
P.O. BOX 1170
KENAI, AK 99611

CHELSEA MONTIYA
14 EVELYN DR.
GRIDLEY, CA 95548

SCALE: 1" = 60'

DATE: MAY 27, 2026

DRAWN: BLT

CHECKED: JLS

SHEET: 1 OF 1

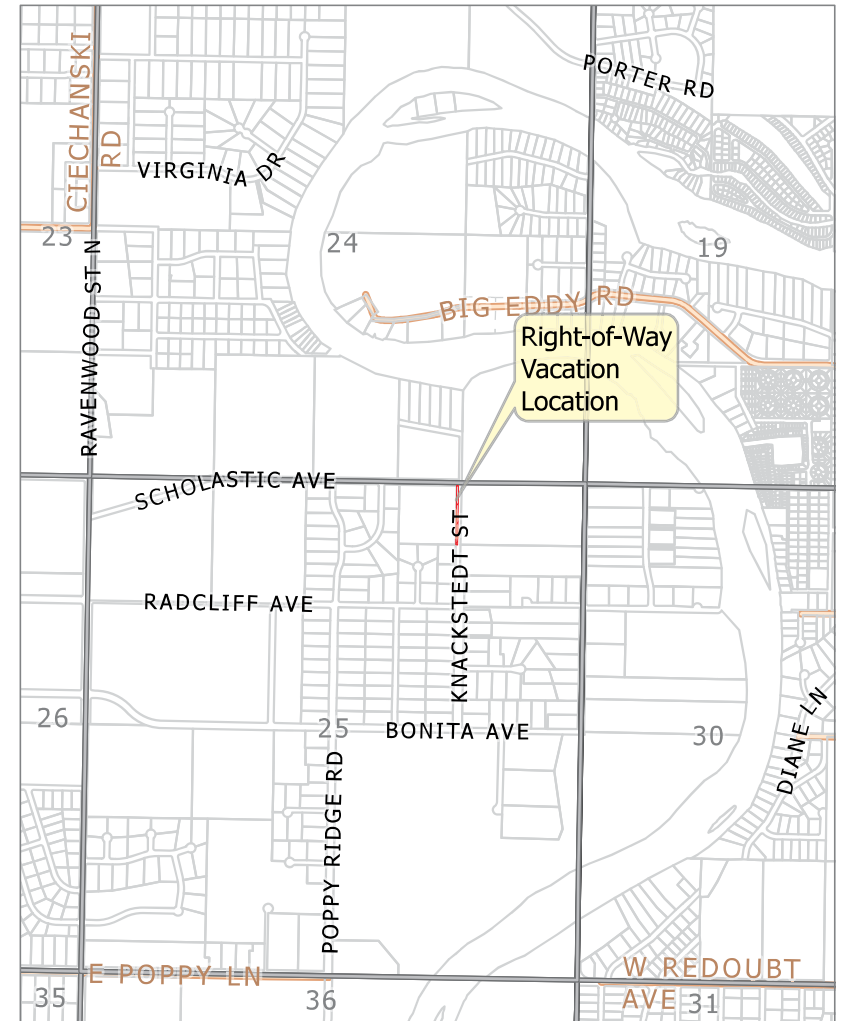
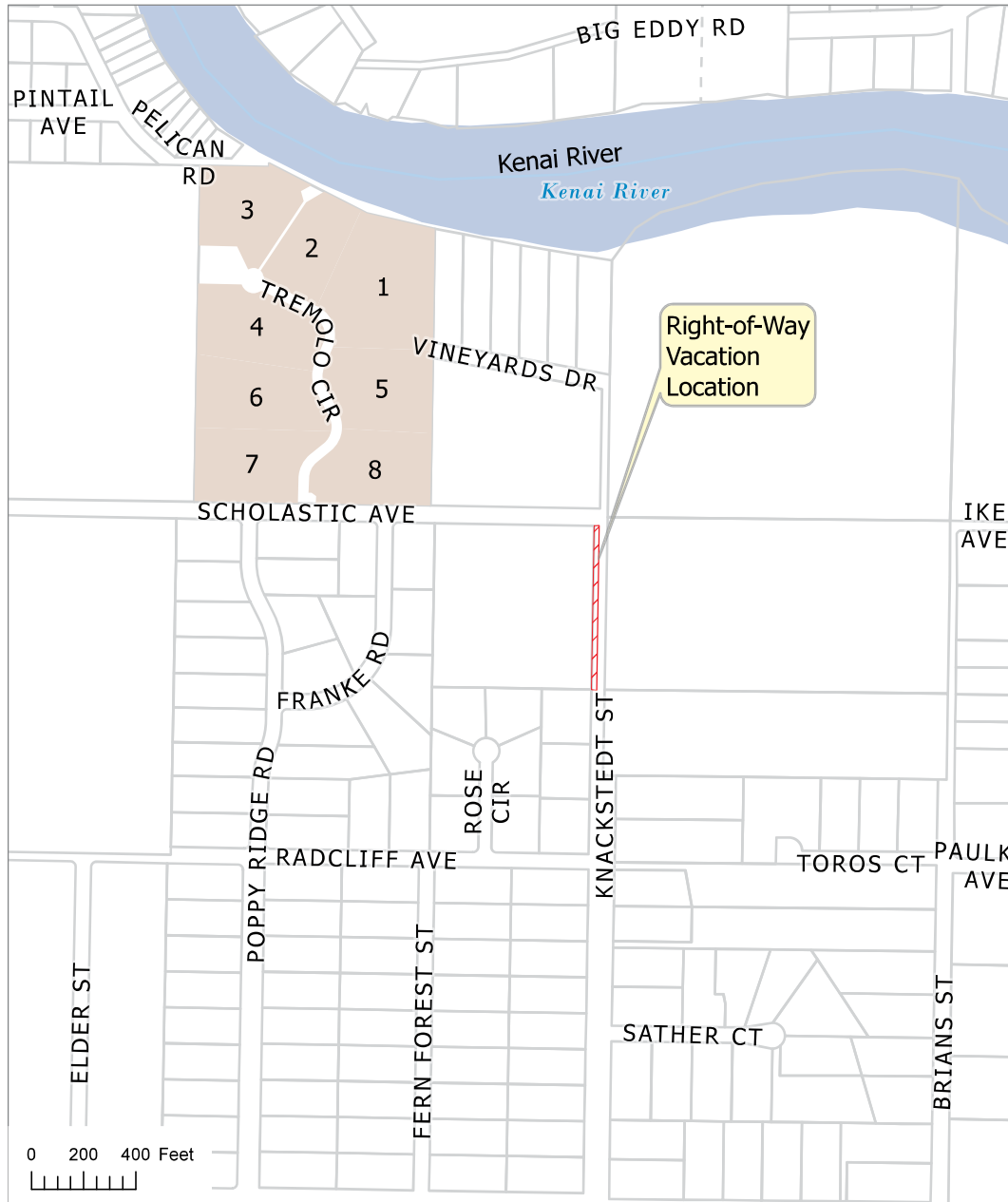
KPB 2026-077V

E. NEW BUSINESS

5. ROW Vacation; KPB File 2026-035V

Johnson Surveying / Blumentritt

**Request: Vacate a 20' wide by 626' long ROW and the
associated utility easements along Knackstedt Street
Kalifornsky Area**

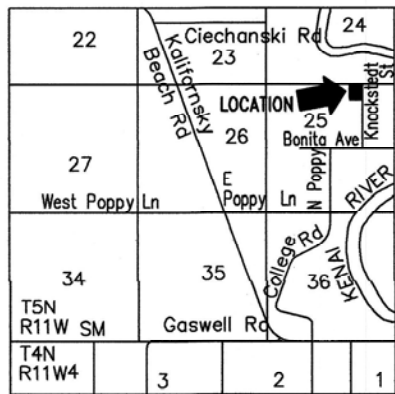


KPB File 2026-035V
T05N R11W SEC25
Kalifornsky



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





VICINITY 1" = 1 mile MAP

College Estates Subdivision 2026 Addition Preliminary Plat

A Subdivision of Lot 1 College Estates Subd., KRD 75-109
Including a partial vacation of Knackstedt St. ROW & associated utility easement.
Located in the NE1/4 Section 25, T5N R11W, SM, Alaska.
Kenai Recording District Kenai Peninsula Borough

Prepared for

Brent & Tammy Blumentritt
35903 Knackstedt St.
Soldotna, AK 99669

Prepared by

Johnson Surveying
P.O. Box 27
Clam Gulch, Ak 99568
(907) 262-5772

SCALE 1" = 100' AREA = 9.065 acres

3 April, 2026

NOTE : Topography is flat. There are no wet areas on the property.

- indicates ROW proposed for vacation

KRD 82-44
Lot 2
Block 2

KRD 2006-55
Tract A

NW 1/4
Gov Lot 11
Sect 24

KRD 2005-75
Lot 19

KRD 2005-75
Lot 18

KRD 2005-75
Lot 17

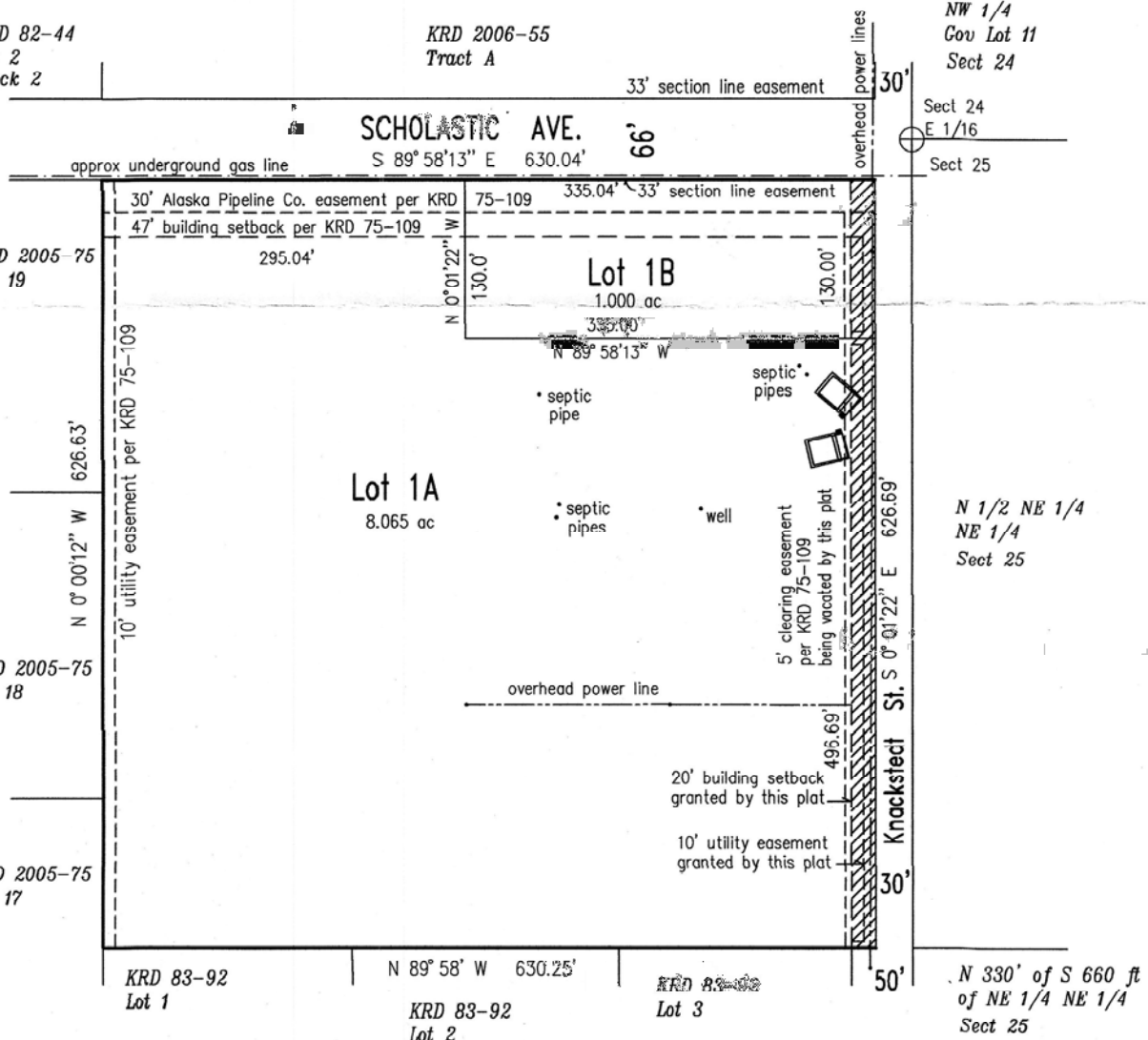
KRD 83-92
Lot 1

KRD 83-92
Lot 2

KRD 83-92
Lot 3

N 1/2 NE 1/4
NE 1/4
Sect 25

N 330' of S 660 ft
of NE 1/4 NE 1/4
Sect 25



KPB 2026-035V

Borough Planning Dept,

I bought and moved to my 10 acres on Knackstedt Rd in 1977. At that time Knackstedt was in the original location which from my house driveway to the end of the road went around a hill and a grove of trees on my property. I believe when the road was built in the 60's it was the easiest and fastest thing to do. We built our first cabin in 2000 and I went to the Planning Dept. and talked to Max Best who said measure 50ft from road for R/W so we did. There was no indication the road would later move and no one in that dept probably knew it either and we had no idea it would later be relocated. You can clearly see on the maps the grove of trees (hill not visible on maps) that the original road went around. In 2010 the Borough awarded the contract to D&L Construction for the road improvements to Knackstedt and several other roads in my area. I have enclosed the Borough paperwork and map for the Knackstedt road work. You can clearly see all the trees on the map dated June 24 2009 that will be removed in 2010 when the road is relocated.

On the map 2013 new road location and the trees and hill have been removed by loaders and dump trucks from D&L Construction. We had no idea the original Knackstedt Rd was going to move and since we own this 10 acres we could have put this cabin back farther. But now the sewer system is directly behind this cabin so moving it back is not an option. I have enclosed two pictures that show cabin deck and road. The first picture taken from the deck of cabin shows current road and original road can still be seen as summer people park on it now to walk to the Pipeline fishing hole. The second pic shows the power pole between the road and the cabin showing that the roads dept. does not use all the 50ft R/W for maintaining the road. Also some other roads in my area have a 30ft R/W such as some of Poppy Ridge, Radcliff Ave. and Bonita.

I hope this clarifies our situation for asking the Borough to vacate 20ft of the 50ft R/W.

Thank-you,
Brent & Tammi Blumentritt

original road



you can see a grove of trees on my property and a hill is where the trees are. These trees are on all those maps until the 2013 map. I believe when the road was made in the 60's they went around the hill, then in 2010 removed hill + trees + moved the road.



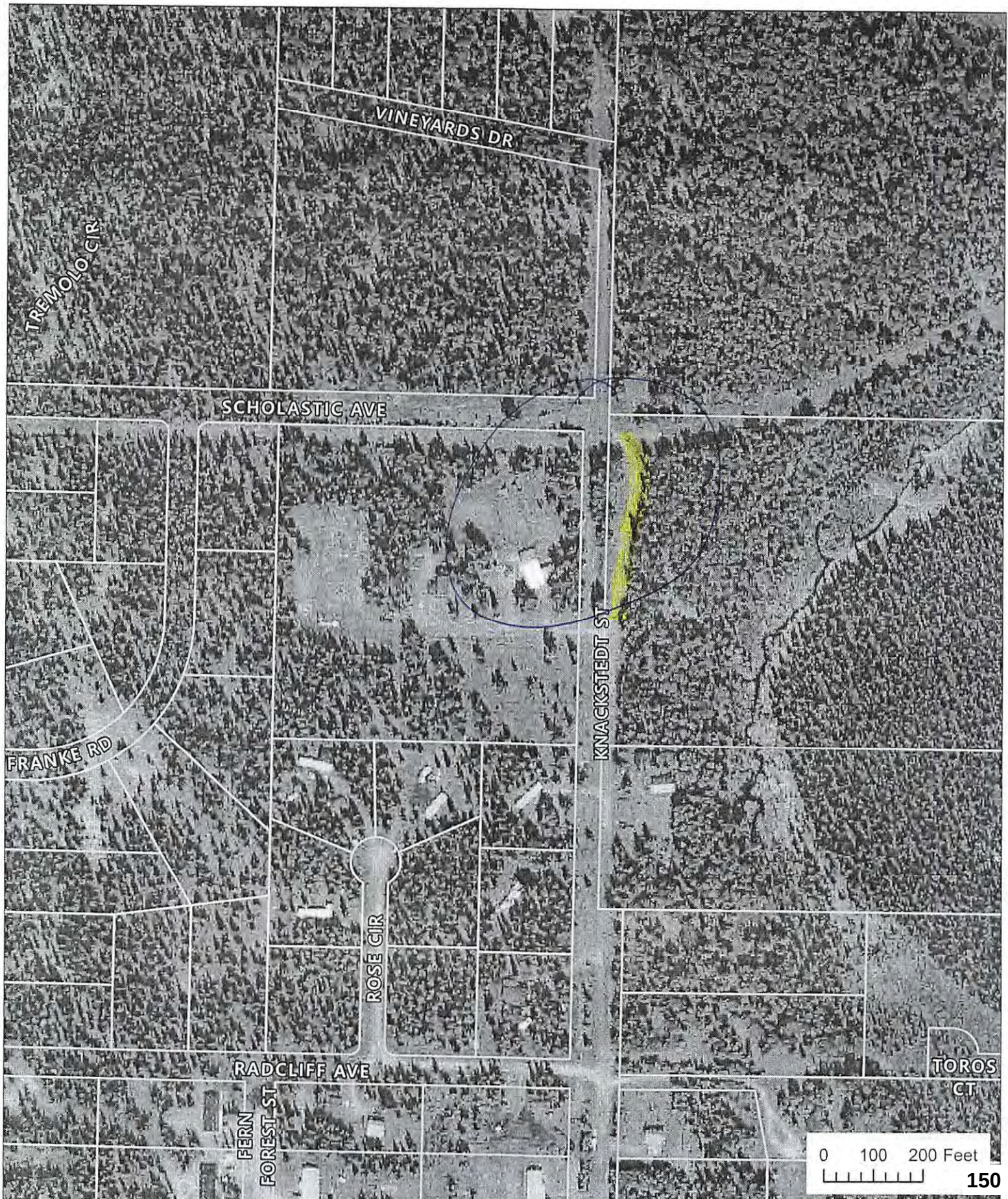
Kenai Peninsula Borough

Planning Department

Imagery Year: 1996

5/18/2026







original road

5/18/2026

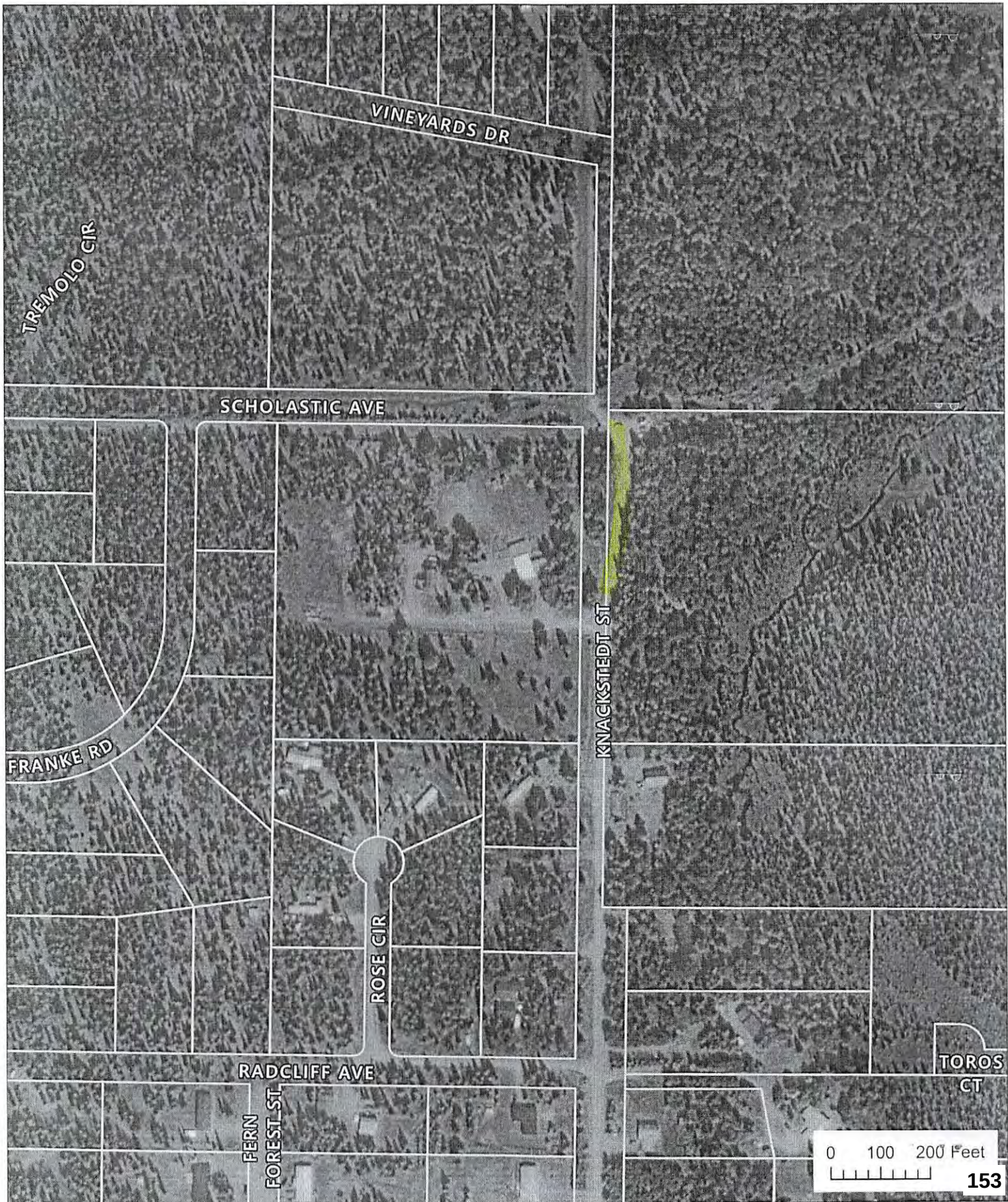




original road location

5/18/2026







Kenai Peninsula Borough

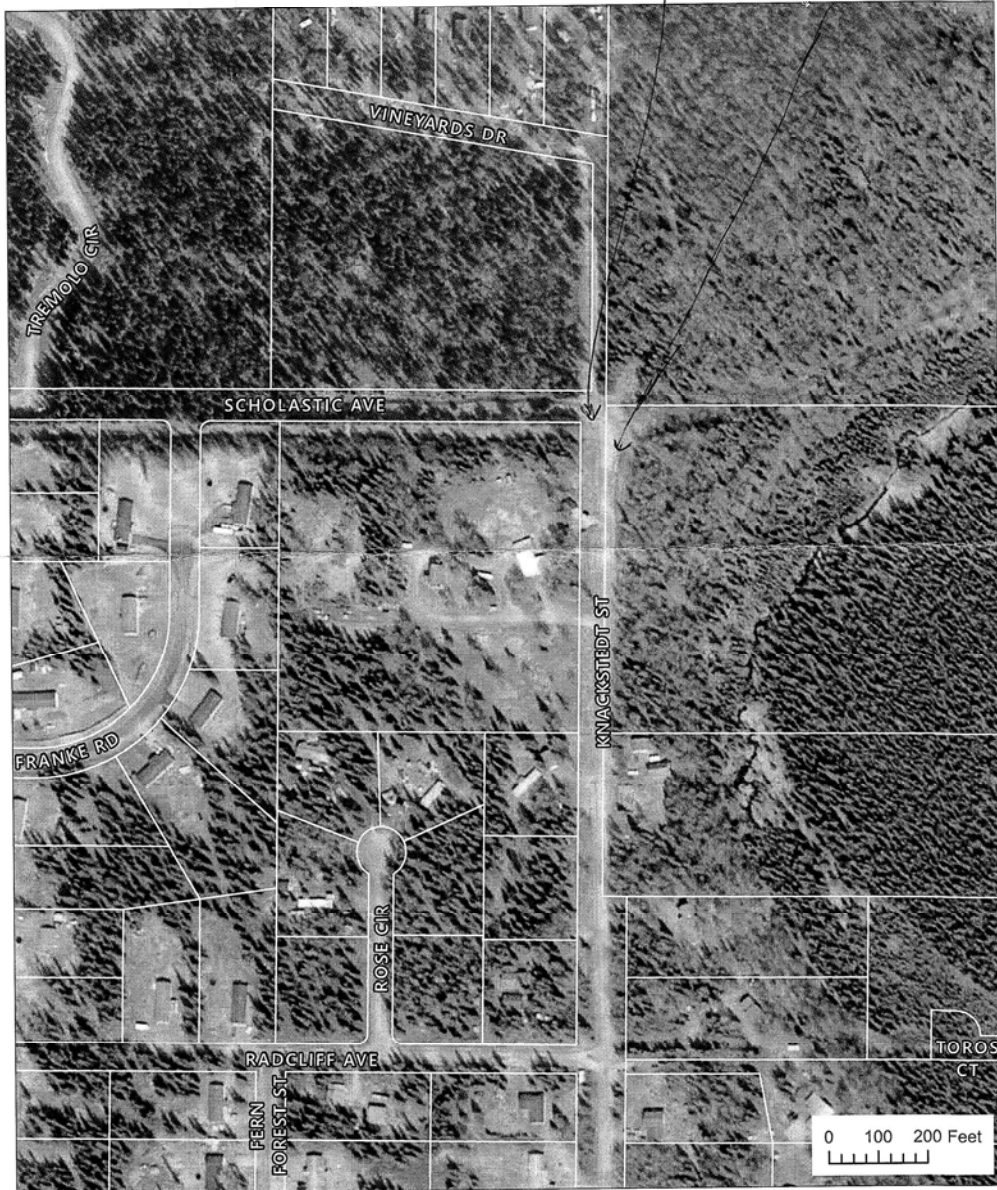
Planning Department

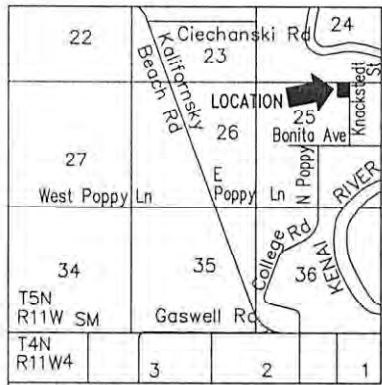
Imagery Year: 2013

*new road location
grove of trees gone
and road moved 2010*

*original
Road*

5/18/2026





VICINITY 1" = 1 mile MAP

College Estates Subdivision

As-Built of power line and building encroachments into ROW

Involving Lot 1 College Estates Subd., KRD 75-109

Located in the NE1/4 Section 25, T5N R11W, SM, Alaska.
Kenai Recording District Kenai Peninsula Borough

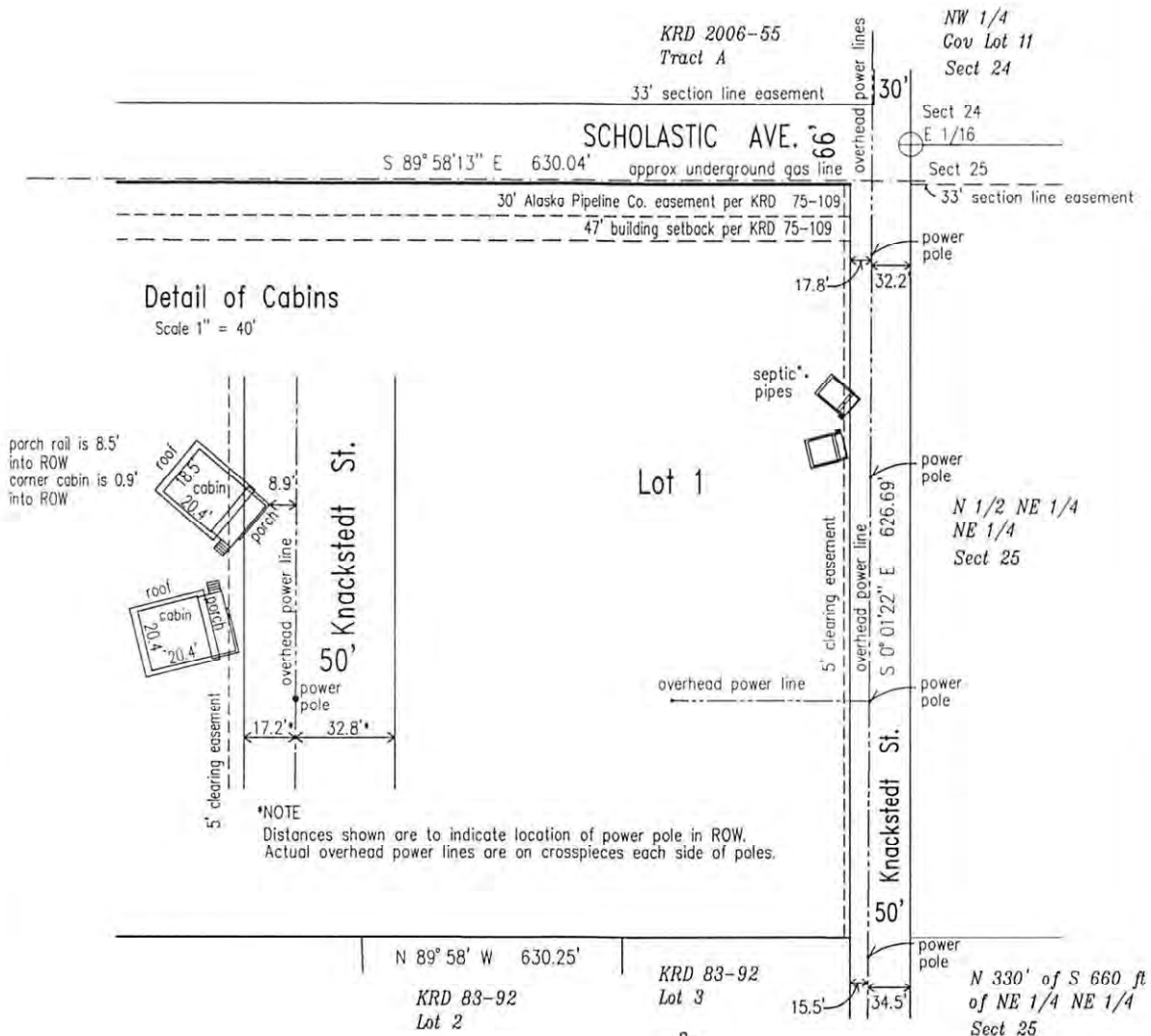
Prepared for

Brent & Tammy Blumentritt
35903 Knackstedt St.
Soldotna, AK 99669

Prepared by

Johnson Surveying
P.O. Box 27
Clam Gulch, Ak 99568
(907) 262-5772

SCALE 1" = 100' AREA = 9.065 acres
25 May, 2026



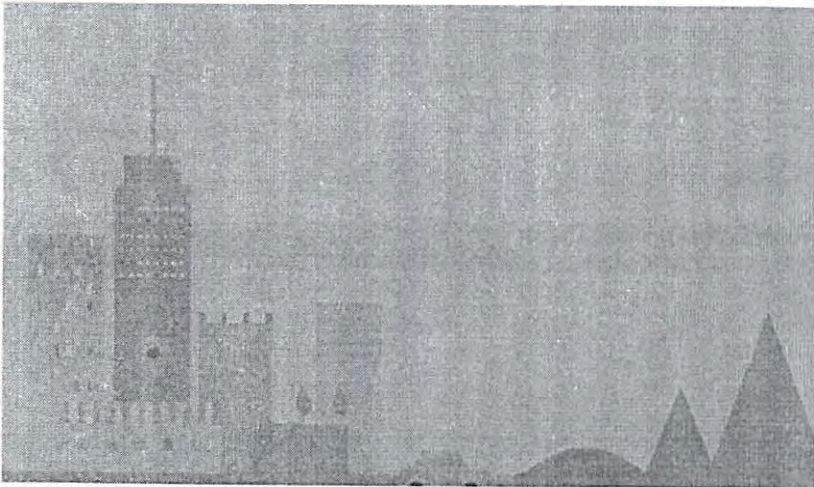
original
old Road
location still
can be seen.

Google Maps

E Poppy Ln



Imagery ©2026 Airbus, Maxar Technologies, Map data ©2026 Google 200 ft



E Poppy Ln



Directions



Save



Nearby



Send to
phone



Share



Alaska 99669

*Bond info for moving the road
in 2010.*

Introduced by: Mayor
Date: 06/08/10
Action: Adopted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2010-046**

**A RESOLUTION AUTHORIZING CAPITAL IMPROVEMENT PROJECT COST
ALLOCATION AND AWARD OF A CONTRACT FOR THE 2010 BONITA AVENUE,
KNACKSTEDT STREET, ROSE CIRCLE, SATHER COURT, RADCLIFF AVENUE
AND FERN FOREST STREET CAPITAL IMPROVEMENT PROJECT C6BON**

WHEREAS, the road service area annually prioritizes a list of capital improvement projects that includes the estimated total cost for each project; and

WHEREAS, the total project cost including design services, contract services, inter-departmental charges, and contingencies is to be allocated to the project; and

WHEREAS, at its regular meeting of August 11, 2009, the Road Service Area Board recommended by unanimous vote approval of Road Service Area Resolution 2009-10, approving the fiscal year FY2011 capital improvement projects; and

WHEREAS, total project cost funds are available from the following:

- DOTPF BOND 434.33950.DOTPF.49999

WHEREAS, the Kenai Peninsula Borough has solicited and received bids for the Bonita Avenue, Knackstedt Street, Rose Circle, Sather Court, Radcliff Avenue, and Fern Forest Street Capital Improvement Project No. C6BON; and

WHEREAS, the low responsive bid on the project is fair and reasonable, and the bidder is qualified to perform the work;

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI
PENINSULA BOROUGH:**

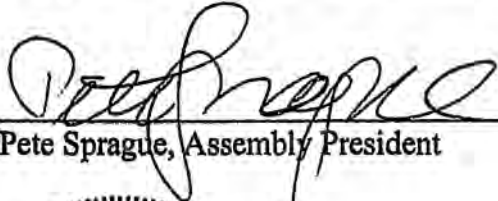
SECTION 1. That the mayor is authorized to award a contract to D&L Construction, Inc. to perform the work for Bonita Avenue, Knackstedt Street, Rose Circle, Sather Court, Radcliff Avenue, and Fern Forest Street Project No. C6BON, and for the bid amount of \$377,701.60.

SECTION 2. That the mayor is authorized to allocate the project cost, \$473,504.45, to account number 434.33950.C6BON.49999.

SECTION 3. That the mayor is authorized to execute all documents and make all agreements deemed necessary to complete this project in accordance with this resolution and contract documents.

SECTION 4. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 8TH DAY OF JUNE, 2010.

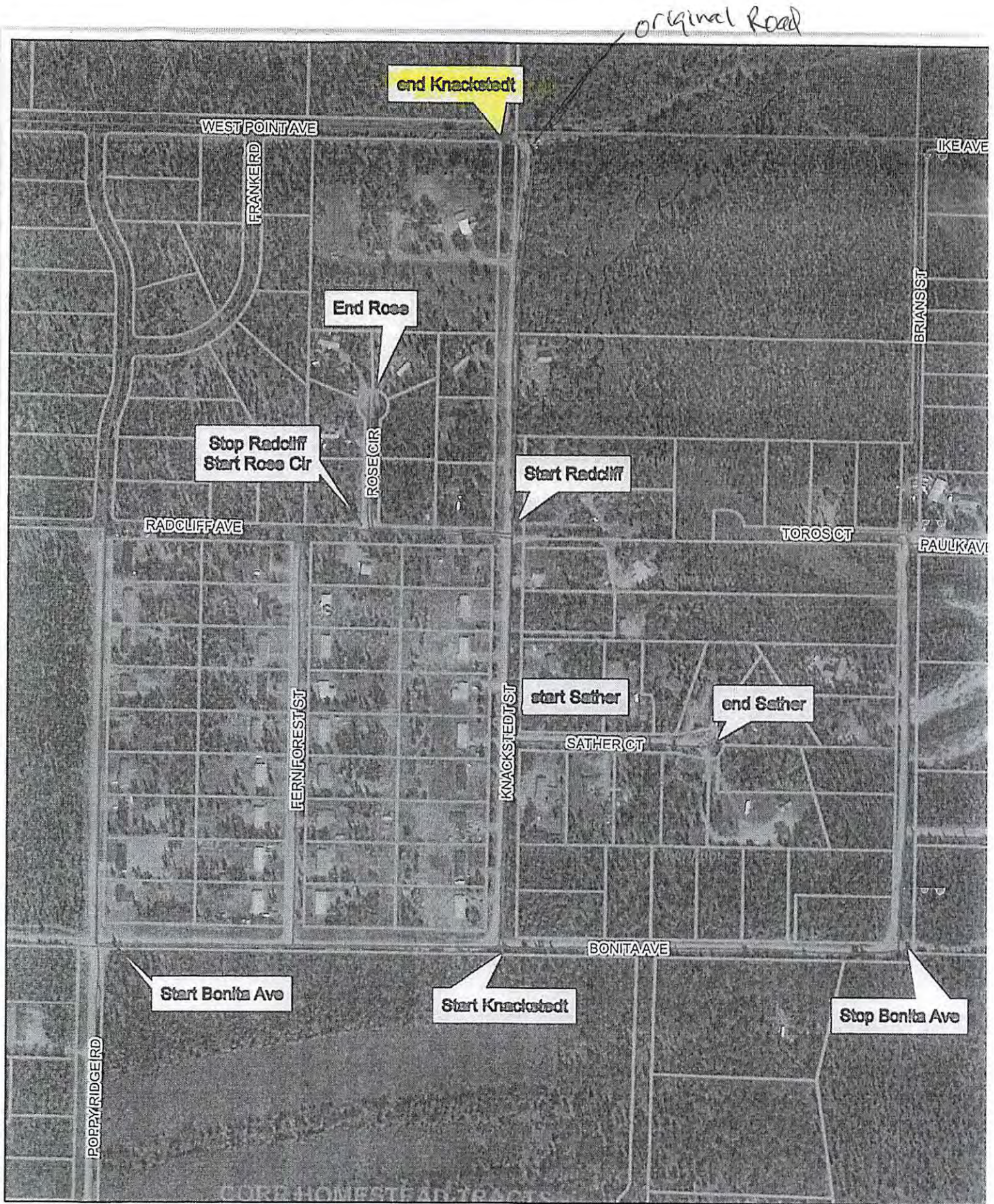

Pete Sprague, Assembly President

ATTEST:


John Blankenship, Borough Clerk



Yes: Fischer, Haggerty, Knopp, McClure, Pierce, Smalley, Smith, Superman, Sprague
No: None
Absent: None



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

0 212.5 425 850 Feet

Bonita Ave; Knackstedt St



Printed on Jun 24, 2005 159



KENAI PENINSULA BOROUGH

Road Service Area

47140 E. Poppy Lane • Soldotna, Alaska 99669

Toll-free within the Borough: 1-800-478-4427

PHONE: (907) 262-4427 • FAX: (907) 262-6090

www.borough.kenai.ak.us

DAVID R. CAREY
BOROUGH MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: David R. Carey, Kenai Peninsula Borough Mayor *W. Carey*
Craig Chapman, Finance Director *C. Chapman*
Mark Fowler, Purchasing & Contracting Officer *M. Fowler*

FROM: Doug Schoessler, Road Service Area Director

DATE: May 27, 2010

SUBJECT: Resolution 2010- 046, Road Service Area Capital Improvement Project:
Bonita Avenue, Knackstedt Street, Rose Circle, Sather Court, Radcliff Avenue &
Fern Forest Street #C6BON Contract Award and Allocation

The Kenai Peninsula Borough Road Service Area formally solicited and received bids for Bonita Avenue, Knackstedt Street, Rose Circle, Sather Court, Radcliff Avenue & Fern Forest Street Capital Improvement Project #C6BON for completion in summer 2010. Bid packets were released on May 4, 2010, and the Invitation to Bid was advertised in the Peninsula Clarion on May 4, 2010.

The project award is submitted to the assembly for approval because the funds for CIPs have only been appropriated by the assembly but not yet allocated. This project has been approved through Road Service Area Resolution 2009-10, Approving the FY2011 Capital Improvement Projects.

The low responsive bid was received from D&L Construction, Inc. in the amount of \$377,701.60. The total costs for this project are \$473,504.45 which includes design services, contract services, inter-departmental charges, and contingencies.

This resolution authorizes the project to proceed, allocates funds to the project, and awards the projects to the lowest, qualified, responsive, and responsible contractor.

FINANCE DEPARTMENT FUNDS VERIFIED

Amount: \$473,504.45

Acct. #434.33950.DOTPF.49999

By: CBEW Date: 5/27/10

Photos showing previous location of road and power pole and current location



AGENDA ITEM E. NEW BUSINESS

ITEM #5 - RIGHT OF WAY VACATION

Petition to vacate a 10.5-foot rectangle of Knackstedt St ROW, around the encroaching cabin from Lot 1 Block 1 College Estates Subdivision KN75-109

KPB File No.	2026-035V
Planning Commission Meeting:	August 10, 2026
Applicant / Owner:	Tammi L. and Brent D. Blumentritt of Soldotna, AK
Surveyor:	Jerry Johnson; Johnson Surveying
General Location:	Off E. Poppy Lane, Kalifornsky Area
Legal Description:	Knackstedt Street T 5N R 11W SEC 25 Seward Meridian KN 0750109 COLLEGE ESTATES SUB LOT 1 BLK 1

STAFF REPORT

This item was originally heard at the July 20, 2026 meeting and was postponed to this meeting to see if staff and the applicant could compromise on a different idea for vacation of a portion of Knackstedt St rather than the previous recommendation of denial. Staff and the applicant have done so.

Specific Request / Purpose as stated in the petition:

The applicant applied to vacate a 20-foot strip the entire length of the property along Knackstedt St. at the July 20, 2026 Planning Commission meeting staff recommended denial of the petition. The commission wishing to accommodate the applicant is some form made the suggest to postpone the meeting and for the applicant and planning staff to meet and come to a different solution for a vacation plan of Knackstedt St. Robert Ruffner and the Roads Director Dil Uhlin meet with the owners Tammi and Brent Blumentritt to look at and figure out a new suggestion for the vacation area.

The be the least intrusive to the right-of-way maintenance and to the utilities in the area, it was suggested to vacate an area around the cabins of the size of 10.5 feet out by approximately 80.0 feet long. This would be enough to cover the cabins and get them out of the right-of-way dedication area.

The petition to vacate is now, a portion of Knackstedt St in the size of 10.5 feet by 80.0 feet approximately.

The vacation should follow as described: The 80.0 feet should start 2.0 feet north of the northern most point of the cabin projected east to the current right-of-way line being the point of beginning; continue east 10.5 feet into the right-of-way of Knackstedt St; turn south running parallel to the current right-of-way of Knackstedt St until it is 2.0 feet past the southern most point of the south of the two cabins project east to the right-of-way line; thence west 10.5 feet to the west right-of-way line of Knackstedt St; thence north to the point of beginning.

Site Investigation:

Multiple structures are located on the subject parcel according to available imagery and KPB Assessing Data. Two structures, including associated septic pipes and wells, are depicted on the sketch. Two of the cabins are noted as being at issue on the as-built.

Both structures are located within the existing 20-foot building setback as noted on the as-built. The porch of the north cabin is noted to be 8.5 feet into the right-of-way.

This puts the 10.5-foot suggested vacation, 2 feet past the cabin encroachment. The 80.0 feet should start 2.0 feet north of the northern most point of the cabin projected east to the right-of-way and the south end should be 2.0 feet past the southern end of the south cabin. **Staff recommends** the area of vacation be surveyed accurately and drawn on a preliminary plat submittal for the accurate dimension in the north / south of the vacation area. 10.5 feet

in the east / west should remain set per the 8.5 feet on the as-built

After the Final Plat is filed of record, a Building Setback Encroachment Permit Application will need to be submitted for all structures found to be in the 20' building setback.

Staff Analysis:

College Estates Subdivision (KN 75-109) first subdivided the E1/2 NW1/4 NE1/4 of Section 25, Township 5 North, Range 11 West, Seward Meridian, creating block one consisting of two lots and dedicating associated rights-of-way.

If approved, the petitioned vacation will be finalized by College Heights Subdivision 2026 Addition. The plat will also subdivide Lot 1, Block 1, into two new lots. No additional right-of-way dedication is proposed. The preliminary plat will be scheduled for review by the Plat Committee after the right-of-way petition has been considered.

The parent plat (KN 75-109) granted a 5-foot clearing easement adjacent to Knackstedt Street and a 10-foot utility easement along the western boundary of Lot 1. Original petition for vacation had the 5' clearing easement vacated. Staff recommends the 5' clearing easement continue to be vacated and replaced with the standard 10' utility easement along all right-of-way as noted in KPB 20.30.060.D.

The parent plat required a 20-foot building setback along Knackstedt Street and a 47-foot building setback along Scholastic Avenue. The 47-foot building setback is depicted and labeled appropriately on the sketch. The 20-foot building setback will shift with the right-of-way if the vacation is approved. **Staff recommends** that the 20-foot building setback label be updated to reflect the parent plat.

20.65.050 – Action on vacation application

D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:

1. The right-of-way or public easement to be vacated is being used;

Applicant comments: It appears that the north boundary of this property is the end of borough maintenance with the road beyond that point being a driveway. There does not appear to be a lot of traffic at this time. There is a cabin and porches constructed in the right-of-way that will be resolved by this vacation.

Staff comments: The new area proposed is not being used by the public

2. A road is impossible or impractical to construct, and alternative access has been provided;

Applicant comments: Existing road is well within the east 30 feet of the dedication. Scholastic Avenue is a section line, 66-foot right-of-way for alternative access. Also, the property to the east will need to dedicate 30 feet of right-of-way once any platting action occurs with it. Any less dedication from it would result in a jog in a full 60-foot right-of-way in the end.

Staff comments: The road is constructed and is being Borough maintained. the new area proposed for vacation is out of the road area and would be impractical to construct.

3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;

Applicant comments: Original plat dedicated 50 feet. Required dedication should have been only 30 feet. Adjacent property will be required to dedicate matching 30 feet for any platting action. Right-of-way narrows to 30 feet just to the north of this property.

Staff comments: Knackstedt Street currently provides access to multiple streets and parcels. Most parcels to the south are developed, while parcels to the northeast remain undeveloped. Parent plats to the south dedicated a combined 100 feet to Knackstedt Street, while the parent plat to the north dedicated 30 feet. Much of the land east of Knackstedt Street remains unsubdivided, and it is reasonable to expect matching dedication in the future. The parent plat granted a 10-foot utility easement on the western boundary of Lot 1, Block 1, and a 5-foot clearing easement along Knackstedt Street. The 5-foot clearing easement is proposed to be vacated by this platting action. HEA has requested additional easements to be granted. The associated plat will grant a 10-foot utility easement along Knackstedt Street.

4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;

Applicant comments:

Staff comments: The Kenai River is located to the north; however, Knackstedt Street does not provide access to the river.

5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;

Applicant comments: Existing road is well within the east 30 feet of the dedication. It appears that the north boundary of this property is the end of borough maintenance with the road beyond that point being a driveway.

Staff comments: Knackstedt Street varies in width from 100 feet to 30 feet, extending north from Bonita Avenue and terminating at the Vineyards Drive. It is borough-maintained from Bonita Avenue north to Scholastic Avenue. Surrounding parcels will continue to have access via Scholastic Avenue and Knackstedt Street. Knackstedt Street currently provides access to multiple streets and parcels. Most parcels to the south are developed, while parcels to the northeast remain undeveloped. Parent plats to the south dedicated a combined 100 feet to Knackstedt Street, while the parent plat to the north dedicated 30 feet. Much of the land east of Knackstedt Street remains unsubdivided, and it is reasonable to expect matching dedication in the future.

6. Other public access, other than general road use, exist or are feasible for the right-of-way;

Applicant comments: Existing road is well within the east 30 feet of the dedication. It appears that the north boundary of this property is the end of borough maintenance with the road beyond that point being a driveway.

Staff comments: While the existing road may be within 30 feet of a dedication, Future development and subdivision growth will affect the category of road. The need for minimum 60' dedications is established practice today, see also utility requests for additional easement

7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.

Applicant comments: The power poles and line are placed as if it was a 30-foot dedication with a 10-foot easement.

Staff comments: HEA has requested additional easements to be granted. ENSTAR and APC have requested conditions to be met. Staff will be sending the revised vacation area to the utility companies but has not gotten comments back.

8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.

Applicant comments:

Original constructed roadway was considerable to the east of current location misleading the owners in locating the cabin building sites. Sight distance is adequate since the existing roadway is placed well within the east 30 feet of the 50-foot right-of-way.

Staff comments:

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at their scheduled September 1, 2026 meeting.

If approved, College Estates Subdivision 2026 Addition will finalize the proposed right of way vacation and associated 5-foot clearing easement. The Plat will be scheduled for review by the Plat Committee once a complete application has been submitted.

KPB department / agency review:

Addressing	Reviewer: Pace, Rhealyn Affected Addresses: 35947 Knackstedt St, 35903 Knackstedt St. Existing Street Names are Correct: Yes List of Correct Street Names: Scholastic Ave, Knackstedt St Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No other comments
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
LOZMS Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment

Utility provider review:

HEA	See comment in packet from previous submittal
ENSTAR	See comment in packet from previous submittal
ACS	No objections
GCI	No response

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

- Modify legal description to include the block and revise associated utility easement to “5-foot clearing easement.”
 - Add the KPB file number 2026-035
 - Modify the label on the 20-foot building setback to parent plat KN 75-109
 - Plat needs surveyed
-

RECOMMENDATION:

Staff recommends Approval the new suggested right-of-way vacation area of 10.5 feet by approximately 80.0 feet, subject to:

1. Consent by KPB Assembly.
 2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code including a submittal to and approval by the Plat Committee.
 3. Grant utility easements requested by the utility providers.
 4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.65.050(I)).
 5. Submittal of a Building Setback Encroachment Permit Application for all structures encroaching into the building setback when a new as-built is completed.
-

KPB 20.65.050 – Action on vacation application

- H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.**
- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.**
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

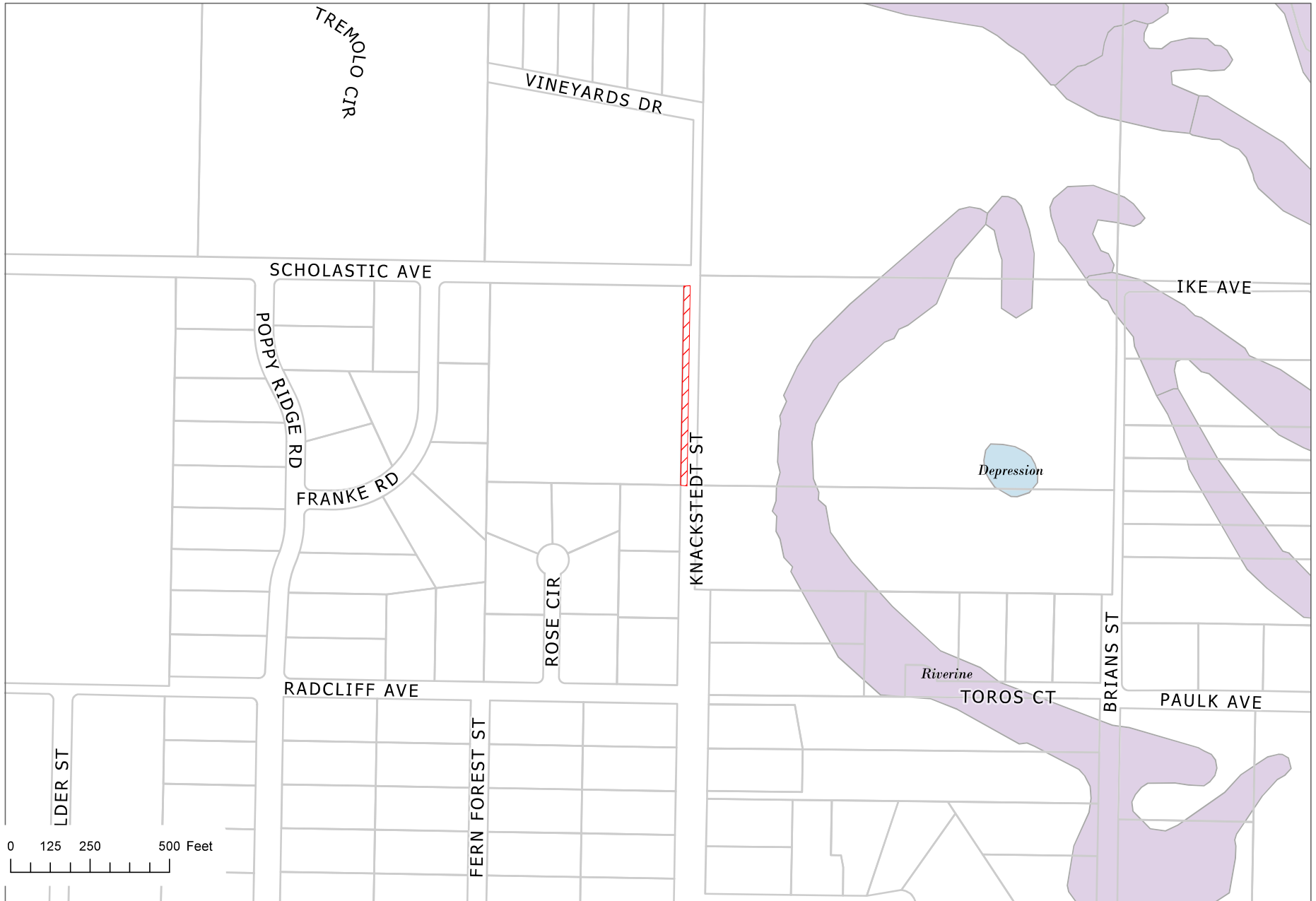
Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

- *Focus Area: Transportation*
 - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
 - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

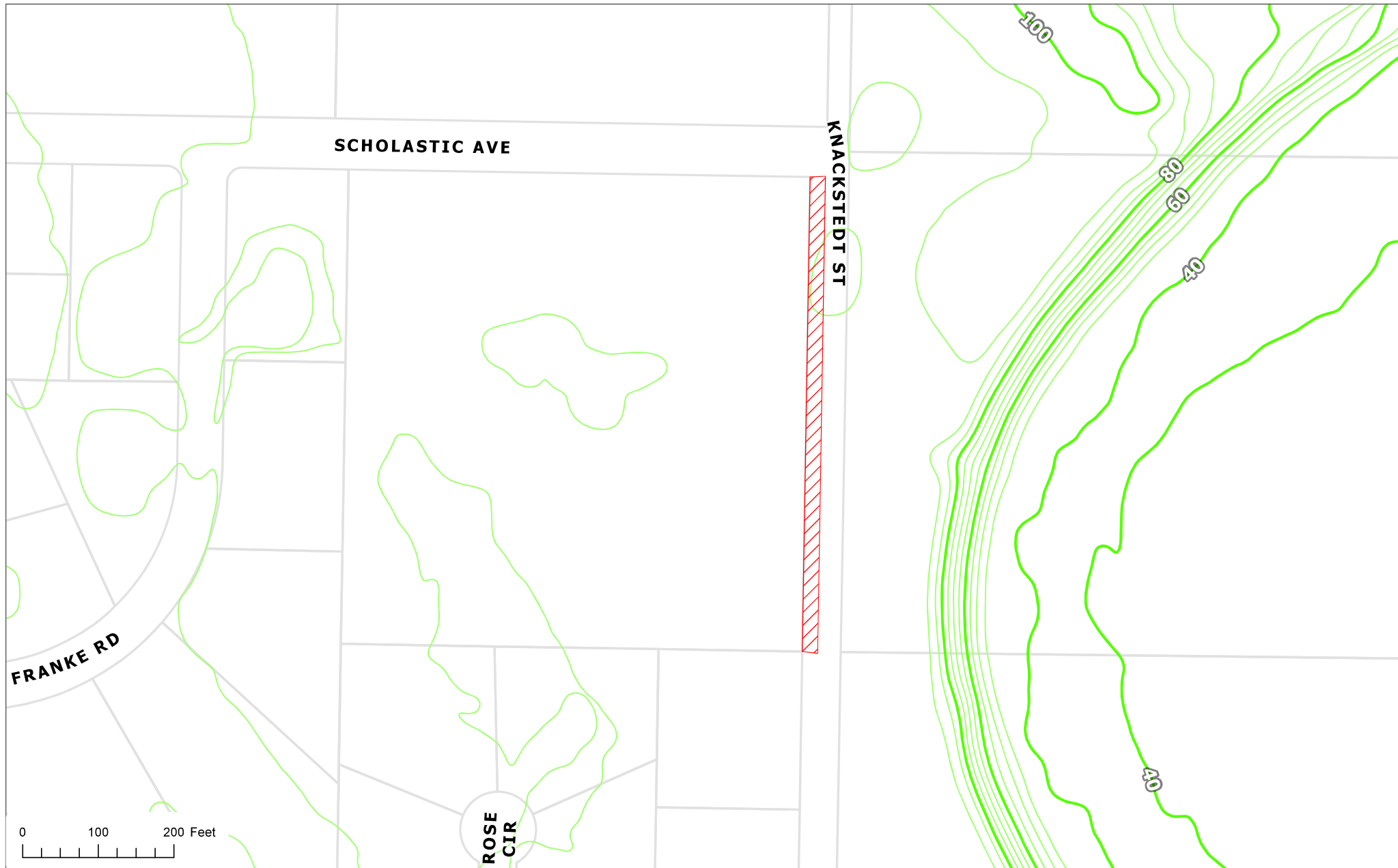
END OF STAFF REPORT



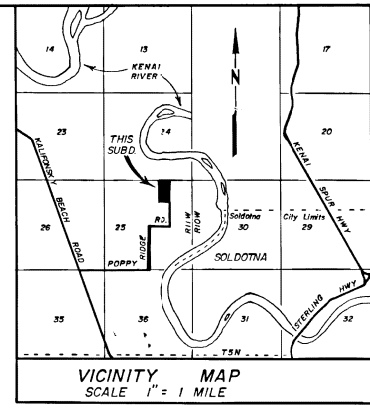
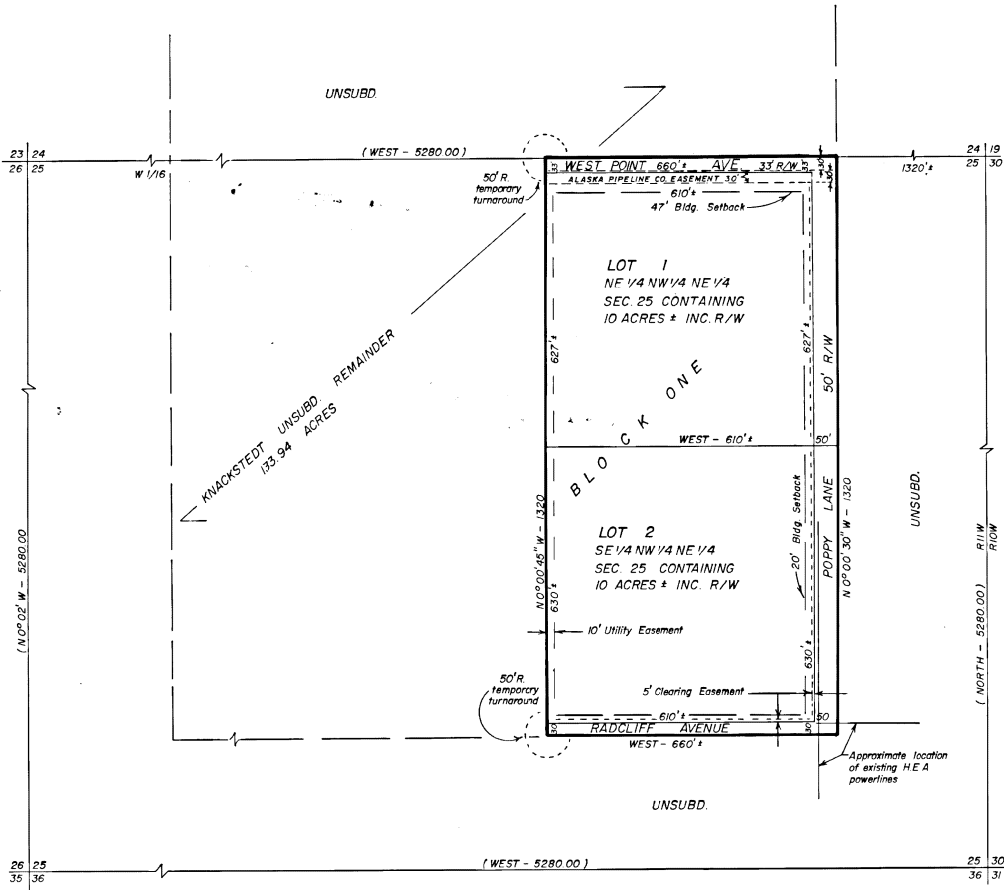
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



LEGEND AND NOTES

This is a paper plat of the E1/2 NW1/4 NE1/4 SEC. 25, T5N, R11W, S4 Ak. divided by Aliquot parts.

G.L.O. datum of record shown in ().

No field survey has been made and no stakes or monuments were set.

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of said property, and request the approval of this plat showing such easements for public utilities, roadways and or streets dedicated to us for public use.

DATE 10-14-75 Loretta Knackstedt
owner

Henry Knackstedt Jr by
owner

Loretta Knackstedt as Guardian

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn before me this 14th day of October, 1975.

My commission expires July 9, 1978.

G. S. Best
notary public for Alaska



PLAT APPROVAL

Plat approved by the Commission this 16th day of October, 1975.

Stanley S. McLane
Mayor

75-109

RECORDED FILED

Kenai REC. DIST.

DATE 10-14 1975

TIME 2:07 P.M.

Requested by Loretta Knackstedt

Address Box 4003

Kenai

COLLEGE ESTATES
SUBDIVISION

Loretta C. Knackstedt and Henry H. Knackstedt, Jr., owners
Box 4003, Kenai, Ak. 99611

DESCRIPTION

E1/2 NW1/4 NE1/4 SECTION 25
T5N, R11W, S4 AK CONTAINING 20 AC. M/L
SITUATED IN THE KENAI PENINSULA BOROUGH.

Prepared by — McLane & Associates
Soldotna, Ak

DATE OF PREPARATION 9/9/75	SCALE 1" = 200'
-------------------------------	--------------------

KN 75-109

SURVEYED TOWNSHIP 5 NORTH RANGE 11 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP SUPPL SECS 24 & 25

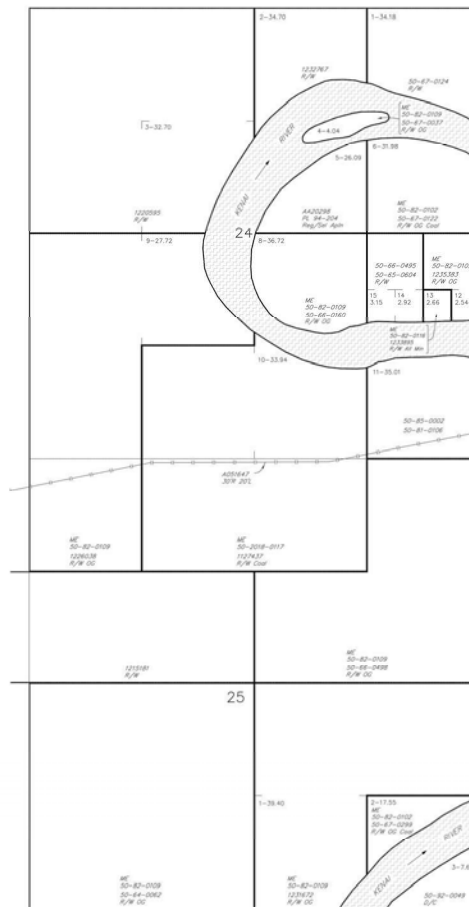
NO. 12
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHIN/AMONG FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

A058731 SS Reserved Min Estate Only

PLO 5184 W& CI affects L&M/Interests not conveyed

A050604 SS Amst PL 86-487 Sec 806(s) Top Filed

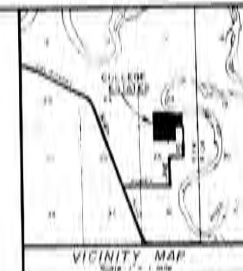
AA76979 SS Amst PL 86-487 Sec 806(s) Top Filed



SCALE in chains
0 5 10 20

NOTES:
This plat is the Bureau's Record of Title, and should be used
only as a guide to the actual survey data. Any
discrepancies should be referred to the original survey data.
Refer to the original survey for official survey information.

CURRENT TO:	NO. 10
9-28-2025	See Mer
	T 5 N
	R 11 W
	ACAD



LEGEND AND NOTES

- 1. Section 31.0 State of Alaska
- This is a proposed plat. All bearings and distances refer to old datum of 1928.
- All land survey and more. No other in memory.
- The boundary line of 31.0 is an approximate line only. The actual property line follows the actual high water line of the Kenai River.
- A building set back of 30' exists along all property lines until a final survey is made.
- All wastewater treatment and disposal systems shall comply with existing law at time of construction.

82-444
RECORDED - FILED 10-1-82
6-11-82
10-1-82
#1000 4000

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 10/1/82, 10/1/82, 10/1/82.

Kenai Peninsula Borough
By: *[Signature]*
Authorized Official

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

[Signature]
Loretta Swenson, 4003 Kenai, AK 99511
By: *[Signature]*
HARRY H. ROSS, SECRETARY

NOTARY'S ACKNOWLEDGMENT

For Loretta Swenson and Harry H. Ross, Secretary of
Subscribed and sworn before me this
1st day of October, 1982.
My commission expires 11/23/86
[Signature]
Notary Public for Alaska

STATE OF ALASKA
NOTARY PUBLIC
MICHAEL P. HALL
My Commission Expires 11/23/86

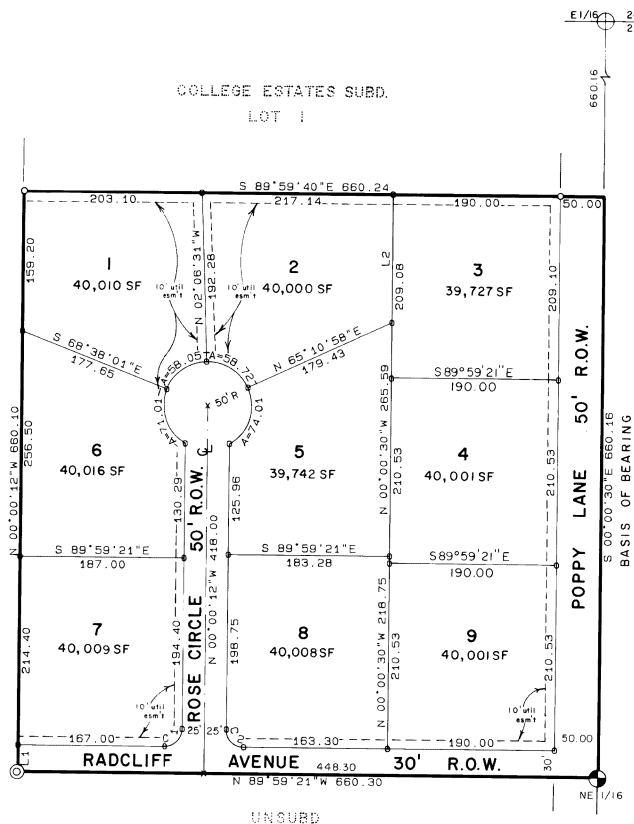
COLLEGE ESTATES SUBDIVISION NO. 2

Loretta Swenson and Harry H. Ross
Box 4003
Kenai, AK 99511
13.9 ACRES IN THE SE 1/4 SEC 25
T18N R10E S18E and NE 1/4 SEC 25,
T18N R10E S18E THE KENAI PENINSULA

Prepared by: Michael and Associates, Inc.
Seward, Alaska
Date: 9/1/82
Scale: 1" = 200'



COLLEGE ESTATES SUBD. NO. 2
LOT 3 BLOCK ONE



LINE TABLE

LINE	BEARING	DISTANCE
1	N 00°00'12"W	30.00
2	N 00°00'30"W	145.80

CURVE TABLE

CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BRG
1	90°00'51"	20.00	31.42	20.00	28.29	N 45°00'13"E
2	89°59'09"	20.00	31.41	20.00	28.28	S 44°59'47"E

STATE OF ALASKA
NOTARY PUBLIC
MARY TOLL

My Commission Expires 9/20/86

NOTARY'S ACKNOWLEDGEMENT

FOR: Beverly F. Brewer

Subscribed and sworn before me this
12th day of May, 1983.

My commission expires 9/20/86

Mary Toll
Notary Public for the State of Alaska

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Beverly F. Brewer
Beverly F. Brewer



PLAT APPROVAL

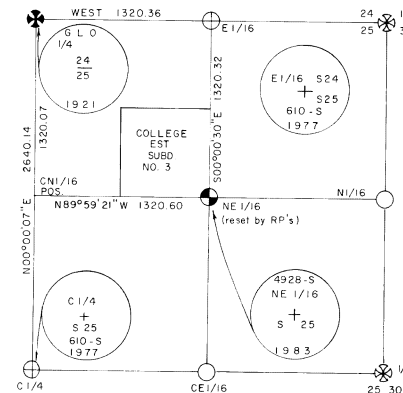
This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of

April 11, 1983.

KENAI PENINSULA BOROUGH

By [Signature] Authorized Official

1/4 SECTION BREAKDOWN SECTION 25, T5N, R11W, S.M., AK.



LEGEND

- ✱ BLM or GLO monument recovered
- ✱ BLM or GLO monument not recovered
- ⊕ Found official survey monument
- ⊙ Set Bernstein 3 1/4" x 30" aluminum survey monument
- Monument of record not recovered
- Found 5/8" rebar
- ⊙ Set 5/8" x 30" rebar with 1/2" aluminum cap
- Found 1/2" rebar
- Set 1/2" x 24" rebar

NOTES

- 1) All wastewater treatment and disposal systems shall comply with existing law at the time of construction.
- 2) BUILDING SET BACK - A building set back of 20 ft. is required from all street rights of ways unless a lesser standard is approved by resolution of the appropriate Planning Commission
- 3) Lots 1, 2, 5, 6, 7 and 8 are restricted to interior access only.
- 4) I hereby certify that the lot design and associated building restrictions as shown will assure adequate area for each lot and meets those standards as set forth in 18AAC72.010 - 72.100 in force at the time of this plat.

Bruce C. Robson 5-16-83
Bruce C. Robson CE # 5174

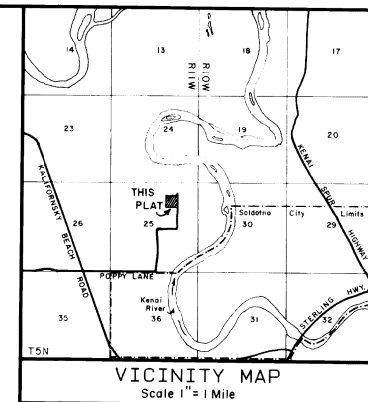
COLLEGE ESTATES SUBDIVISION NO. 3 (A SUBDIVISION OF LOT 2 COLLEGE EST. SUBD.)

Beverly F. Brewer, owner
Box 1324
Kenai AK 99611

LOCATION
10.006 AC. M/L LOCATED IN THE E1/2 NW1/4 NE1/4
SECTION 25 T5N, R11W, S.M. AK. AND THE KENAI
PENINSULA BOROUGH.

Surveyed by: McLANE & ASSOCIATES, INC.
Soldotna, AK 99669

Date	Scale	Bk. No.
May 5, 1983	1" = 100'	81-13



CERTIFICATE of OWNERSHIP and DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I HEREBY ADVERTISE THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

James A. Wentworth
James A. Wentworth
16402 Wilbank Drive
Tomball, TX 77377

Gracie R. Miller
Gracie R. Miller
Hudson Family Trust
302 Vista Del Mar
Sequim, WA 98282

Robert L. Hudson
Robert L. Hudson
6246 Trappers Trail Road
Anchorage, AK 99516

Thomas P. Miller
Thomas P. Miller, Trustee
Miller Revocable Trust
P. O. Box 110733
Anchorage, AK 99511

1342 Zerkus Place
Anchorage, AK 99508

3540 Tanglewood Place
Anchorage, AK 99517

NOTES:

- 1) Proposed fence line is approximately 100 feet, agricultural, and commercial.
- 2) Building setback - A setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 3) Front 10 ft. of the building setback adjacent to rights-of-way with an additional 10 ft. within 5 ft. of the side property line is set as a utility easement. No sidewalk structure and no construction 12' placed within a utility easement shall be constructed with the ability of a utility to use the easement.
- 4) Easements of this subdivision are within the Kenai Peninsula Borough 50 ft. Abandonment Street Right-of-Way Protection Area. Development may be restricted under Chapter 21.18 Kenai Peninsula Borough Code of Ordinances.
- 5) All easements were granted by the Plat Committee to SRP 20.20.180 on 14 November 2006.
- 6) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the road maintenance program.
- 7) Existing City Powerline is the centerline of a 20 ft. wide electrical distribution line easement.
- 8) Due to the steep river bank, located by field survey, the area subject to flooding is within a few feet of the meander line shown. Lots within this subdivision may be located within a designated flood hazard area, if such is the case, development must comply with Title 11 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction.
- 9) WASTEWATER DISPOSAL: Tract A is at least 200,000 square feet or minimum 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
- 10) WASTEWATER DISPOSAL: Lot conditions, water table levels, and soil slopes for Lots 1-6 have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered in practice in Alaska, and the design must be approved by the Alaska Dept. of Environmental Conservation.

James A. Wentworth
Gracie R. Miller
Robert L. Hudson
Thomas P. Miller

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 18th DAY of JULY, 2006 FOR *James A. Wentworth and Gracie R. Miller*

James A. Wentworth
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 12/31/2008

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 14th DAY of JULY, 2006 FOR *JOHN A. GUVA AND ALICE J. CALVIN*

Kevin P. Ward
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 12/31/2008

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 17th DAY of July, 2006 FOR *James A. Wentworth and Gracie R. Miller*

Sarah Hansen
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 12/31/2009

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 5th DAY of July, 2006 FOR *Thomas A. Miller and Shelia A. Miller*

Sarah Hansen
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 12/31/2009

NOTARY'S ACKNOWLEDGMENT

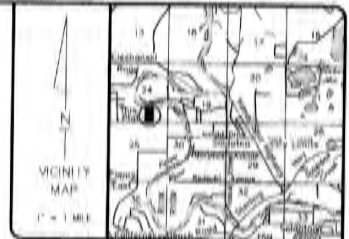
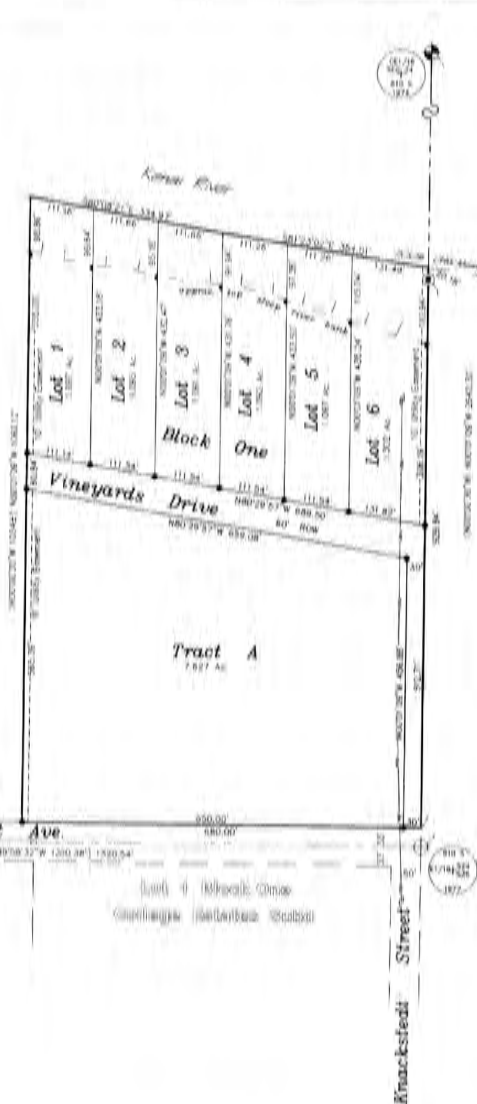
SUBSCRIBED AND SWORN BEFORE ME THIS 30th DAY of June, 2006 FOR *Robert L. Hudson and Gracie R. Miller*

Sarah Hansen
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 12/31/2009

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 21st DAY of July, 2006 FOR *David L. Hudson and Gracie R. Miller*

Sarah Hansen
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 12/31/2009



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF *November 14, 2006*

KENAI PENINSULA BOROUGH
APPROVED OFFICIAL

LEGEND

- 2-1/2" Brass Cap (NO Movement) (found)
- 2-1/2" Brass Cap Movement (found)
- 2-1/2" Alum. Cap Movement (found)
- 2-1/2" Alum. Cap Movement (set)
- 1/2" Rebar (found)
- 5/8" Rebar (set)
- Point on LHP
- 5/8" Rebar (set)
- Existing City Powerline
- Revised Station - College Estates Subdivision No. 2
Plat # 82-44 SRD
- Record Datum - College Estates Subd. No. 1
Plat # 9104-72 SRD
- Existing (measured) Station

CERTIFICATE OF SURVEYOR

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, and this plat represents a survey made by me or under my direct supervision. The measurements shown herein actually exist as described, and all dimensions and other data are correct to the normal standards of practice of land surveyors in the State of Alaska.



KPB FILE No. 2005-285

**College Estates
Kenai River Vineyards**

A subdivision of Lot 4 Block 2 College Estates Subdivision No. 2
Plat No. 82-44 SRD

Located within the SE 1/4 of Section 24, 15N, 81W, 8.E., Kenai Peninsula Borough, Alaska

Containing 15.660 Acres

Integrity Surveys

8155 Kenai Spur Hwy Kenai, Alaska 99581-8802
(SURVEYOR) Phone: (907) 985-8847 FAX: (907) 985-8805 PLANNERS

JOB NO.	25136	DRAWN	28 JUNE 2006	FB
SURVEYED	Sept. 05 - Apr. 06	SCALE	1" = 100'	
FIELD BY	2005-2, Pg. 41	DIST.	College Estates	



ENSTAR Natural Gas Company, LLC

Engineering Department, Right of Way Section
401 E. International Airport Road
P. O. Box 190288
Anchorage, Alaska 99519-0288
(907) 277-5551
FAX (907) 334-7798

May 8, 2026

Kenai Peninsula Borough, Platting Division
144 North Binkley Street
Soldotna, Ak 99669

To whom it may concern:

ENSTAR Natural Gas Company, LLC (ENSTAR) & Alaska Pipeline Company, LLC (APC) have reviewed the preliminary plat COLLEGE ESTATES SUBDIVISION 2026 ADDITION (KPB 2026-035V) and advises:

1. ENSTAR has existing natural gas distribution pipeline facilities located within the proposed twenty feet (20 FT) wide partial Right of Way vacation of Knackstedt Street. If vacated, the facilities will be located within proposed Lots 1A & 1B.
2. APC operates two high pressure natural gas transmission pipelines located within the existing thirty feet (30 FT) wide easement along the north edge of proposed Lots 1A & 1B.

ENSTAR & APC object to this plat unless the following conditions are met:

1. Owner signs an ENSTAR Natural Gas Easement for a fifteen foot (15 FT) wide natural gas easement centered over the existing natural gas distribution pipeline within proposed Lots 1A & 1B.
2. Add a plat note stating "30' Alaska Pipeline Co. easement per KRD 75-109 is in no way altered, vacated, or otherwise changed by the vacation of Knackstedt St. ROW & associated utility easement"
3. Add a plat note stating:

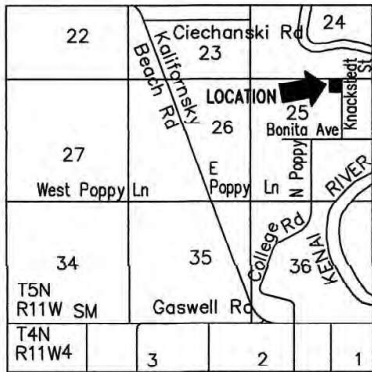
"In compliance with Alaska Statute 42.30.400-42.30.490 - Alaska Underground Utility Facilities Damage Prevention Act, any Landowner/Contractor working near ENSTAR gas facilities shall contact the Alaska Digline, Inc., (907) 278-3121 or 811 for line locating a minimum of two (2) business days prior to any related excavation. Additionally, ENSTAR requires mandatory on-site inspection and standby by qualified personnel for any excavation within 10 feet of a natural gas transmission pipeline or 5 feet of a natural gas distribution pipeline. This service is free of charge."

If you have any questions, please feel free to contact me at (907) 334-7944 or by email at brandon.echols@enstarnaturalgas.com.

Sincerely,

A handwritten signature in black ink that reads "Brandon Echols". The signature is fluid and cursive, with the first name "Brandon" and last name "Echols" clearly visible.

Brandon Echols
Right of Way & Permitting Agent
ENSTAR Natural Gas Company, LLC



College Estates Subdivision 2026 Addition Preliminary Plat

A Subdivision of Lot 1 College Estates Subd., KRD 75-109
Including a partial vacation of Knackstedt St. ROW & associated utility easement.
Located in the NE1/4 Section 25, T5N R11W, SM, Alaska.
Kenai Recording District Kenai Peninsula Borough

Prepared for

Brent & Tammy Blumentritt
35903 Knackstedt St.
Soldotna, AK 99669

Prepared by

Johnson Surveying
P.O. Box 27
Clam Gulch, AK 99568
(907) 262-5772

VICINITY 1" = 1 mile MAP

SCALE 1" = 100' AREA = 9.065 acres

3 April, 2026

NOTE : Topography is flat. There are no wet areas on the property.

— indicates ROW proposed for vacation

HEA REVIEWED - SEE COMMENTS

Scott Huff 4/22/2026
Land Management Officer

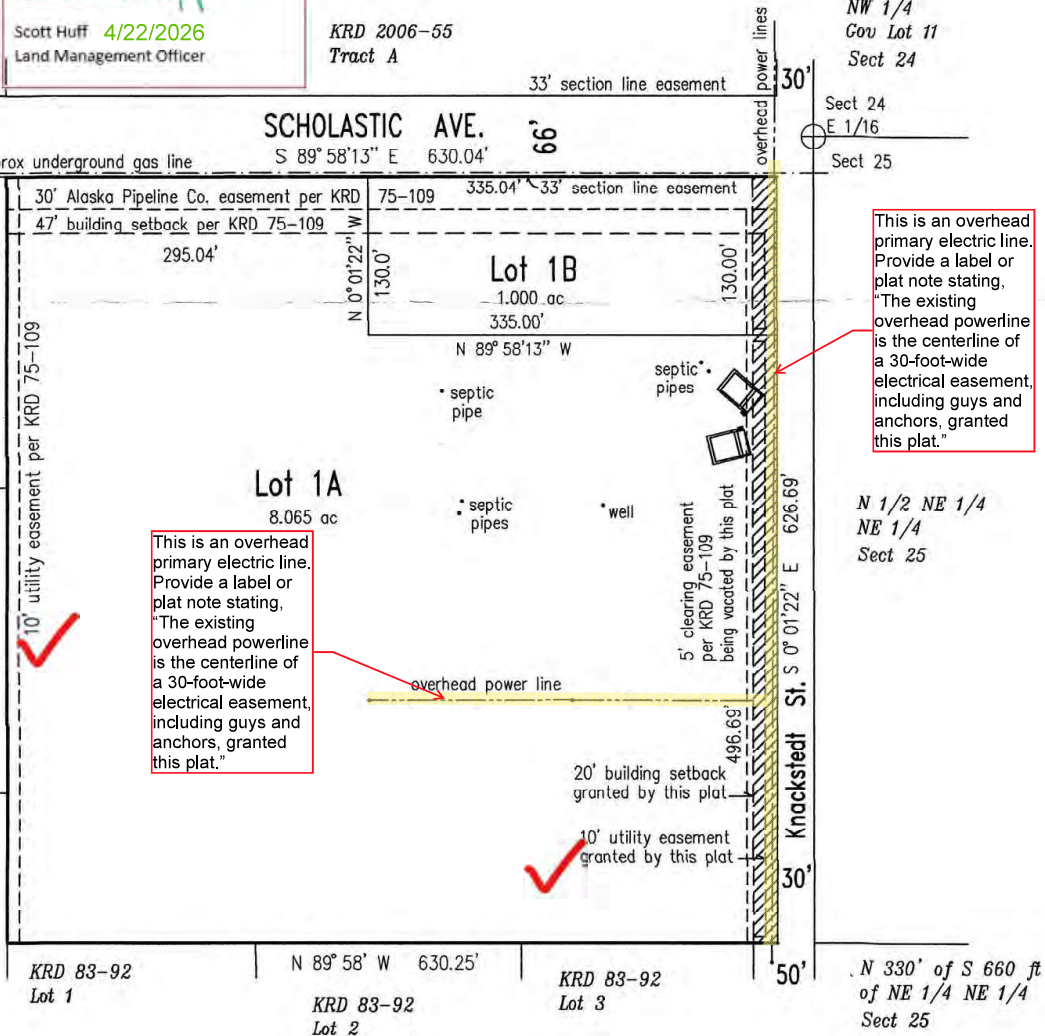
KRD 82-44
Lot 2
Block 2

KRD 2006-55
Tract A

KRD 2005-75
Lot 19

KRD 2005-75
Lot 18

KRD 2005-75
Lot 17



KPB 2026-035V

HEA agrees to the vacation of the 5 foot clearing easement (which is for overhead electric lines) on the condition that a 30 foot wide easement, centered on the actual location of the overhead power line, be granted with this platting action.

AGENDA ITEM E. NEW BUSINESS

ITEM #5 - RIGHT OF WAY VACATION

VACATE THE WESTERN APPROXIMATELY 20 FEET OF THE 50-FOOT KNACKSTEDT STREET RIGHT-OF-WAY PARALLEL WITH AND ADJACENT TO LOT 1, BLOCK 1, COLLEGE ESTATES SUBDIVISION, PLAT KN 75-109, AND THE ASSOCIATED 5-FOOT CLEARING EASEMENT LOCATED ON THE EASTERN BOUNDARY OF LOT 1, BLOCK 1, COLLEGE ESTATES SUBDIVISION, PLAT KN 75-109

KPB File No.	2026-035V
Planning Commission Meeting:	July 20, 2026
Applicant / Owner:	Tammi L. and Brent D. Blumentritt of Soldotna, AK
Surveyor:	Jerry Johnson; Johnson Surveying
General Location:	Off E. Poppy Lane, Kalifornsky Area
Legal Description:	Knackstedt Street T 5N R 11W SEC 25 Seward Meridian KN 0750109 COLLEGE ESTATES SUB LOT 1 BLK 1

STAFF REPORT

Specific Request / Purpose as stated in the petition:

Petition to vacate the western twenty feet of Knackstedt Street, including the associated 5-foot clearing easement.

Notification: The public hearing notice was published in the July 17, 2026 issue of the Peninsula Clarion and the July 16, 2026 issue of the Homer News as part of the Commission's tentative agenda.

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Thirty-three certified mailings were sent to owners of property within 300 feet of the proposed vacation. Twenty one receipts had been returned when the staff report was prepared.

Twelve public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry
Central Emergency Services.

Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)

Legal Access (existing and proposed):

The plat currently has legal access from Scholastic Avenue to the north and Knackstedt Street to the east.

Scholastic Avenue is a 66-foot platted right-of-way that remains undeveloped. It connects to Knackstedt Street to the east with Ravenwood Street N to the west.

Knackstedt Street varies in width from 100 feet to 30 feet, starting at Bonita Avenue to the south and terminating at the Vineyards Drive to the north. It is borough-maintained from Bonita Avenue to Scholastic Avenue.

The parent plat, College Estates Subdivision KN 75-109, dedicated 50 feet to Knackstedt Street (formerly Poppy Lane) adjacent to the subject parcel. The proposed vacation would vacate the western approximately 20 feet by 626.69 feet of Knackstedt Avenue adjacent to Lot 1, Block 1, KN 75-109, resulting in a remaining right-of-way width of 30 feet.

Surrounding parcels will continue to have access via Scholastic Avenue and the remaining 30 feet of Knackstedt Street.

Available imagery indicates that the proposed vacation area is cleared and does not appear to be used by the public for road purposes. In the northeast corner, a portion of the right-of-way appears to be used by the petitioners as a driveway and parking area providing access to a cabin. The vacation drawing shows a cabin lying in the area proposed for vacation also.

KPB 20.30.120 requires minimum right-of-way width of 60 feet. Parent plats to the south dedicated a combined 100 feet to Knackstedt Street, while the parent plat to the north dedicated 30 feet for the west side of the road. Much of the land east of Knackstedt Street remains unsubdivided, and it is reasonable to expect dedications of 30' from those unsubdivided parcels. The parcel directly east is privately owned, and the parcel to the northeast is owned by Cook Inlet Region, Inc.

A 66-foot section line easement, with 33 feet on either side of the section line, lies to the north within Scholastic Avenue. The section line easement is depicted and labeled on the sketch. No portion of the section line easement is affected by the proposed vacation.

The block is compliant in length and is defined by Scholastic Avenue and the section line easement to the north, Knackstedt Street to the east, Radcliff Avenue and Rose Circle to the south, and Poppy Ridge Road and Franke Road to the west. The proposed vacation will not alter block length.

Knackstedt Street currently provides access to multiple streets and parcels. Most parcels to the south are developed, while parcels to the northeast remain undeveloped.

The Kenai River is located to the north; however, Knackstedt Street does not provide access to the river as it turns west at Vineyards Dr.

The Roads Director has identified issues with the proposed vacation as noted below. Vacating this portion of Knackstedt Street would reduce the right-of-way width to 30 feet. Under KPB 20.30.120, the minimum required street width is 60 feet. As a result, the road would become substandard if the vacation were approved.

Knackstedt Street was incorporated into the Borough's road maintenance program in the 1980's with a width of 50 feet. This occurred under the Local Services Roads and Trails (LSR&T) Program administered by the State of Alaska, which expanded the number of Borough-maintained roads. Reducing the width now would conflict with those established standards and the road's existing maintenance status.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: There appears to be encroachments into the 20' setback being dedicated on this plat. This would negatively impact the ability to perform maintenance. Depending on the severity of the impact we could be forced to go through the decertification process for that section of Knackstedt Street.
SOA DOT&PF comments	No Comments

Site Investigation:

Multiple structures are located on the subject parcel according to available imagery and KPB Assessing Data. Two structures, including associated septic pipes and wells, are depicted on the sketch. The northernmost cabin shown on the sketch is located within the portion of the right-of-way proposed for vacation.

Both structures are located within the existing 20-foot building setback as noted on the parent plat. If the right-of-

way vacation is approved, the 20-foot building setback will shift to align with the new right-of-way boundary. Based on available information, the northernmost structure will likely continue to encroach into the setback after the vacation.

An as-built survey was submitted showing the overhead powerline and an approximately 18.5-foot by 20.4-foot cabin encroaching into the current right-of-way. The porch rail encroaches approximately 8.5 feet, and the eastern corner encroaches approximately 0.9 feet into the 50-foot platted Knackstedt Street right-of-way. The overhead powerline is depicted approximately 17.2 feet into the right-of-way.

Staff recommends That building setback permits are required for any structures encroaching into the building setback. These applications should be submitted and reviewed prior to approval of a final plat.

No wet areas affect the proposed vacation area based on wetland layers available in KPB imagery.

No steep slopes affect the subject parcel according to available terrain data.

The subject parcel lies entirely within a non-regulatory flood zone, Zone X-Unshaded, an area of minimal flood risk. The parcel spans two FIRM panels: 02122C-0145F and 022122C-0240F. **Staff recommends** that the standard Flood Hazard Note be added to the preliminary plat with reference to the flood zone and map panels.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: This property is split between two FIRMs. 02122C-0145F and 022122C-0240F. Property is all within non-regulatory X-Unshaded Zone which is an area of minimal flood risk. No depictions but plat note should be included. Flood Zone: X (unshaded) Map Panel: 02122C-0145F In Floodway: False Floodway Panel: B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
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Staff Analysis:

College Estates Subdivision (KN 75-109) first subdivided the E1/2 NW1/4 NE1/4 of Section 25, Township 5 North, Range 11 West, Seward Meridian, creating block one consisting of two lots and dedicating associated rights-of-way.

If approved, the petitioned vacation will be finalized by College Heights Subdivision 2026 Addition. The plat will also subdivide Lot 1, Block 1, into two new lots. No additional right-of-way dedication is proposed. The preliminary plat will be scheduled for review by the Plat Committee after the right-of-way petition has been considered.

The parent plat (KN 75-109) granted a 5-foot clearing easement adjacent to Knackstedt Street and a 10-foot utility easement along the western boundary of Lot 1. The 5-foot clearing easement is proposed to be vacated through this vacation petition. If the vacation is approved by the planning commission, **staff recommends** that the easement be labeled or hatched on the plat for better clarification.

The parent plat also depicts a 30-foot Alaska Pipeline Company easement to the north along Scholastic Avenue and the location of overhead powerlines along Knackstedt Street. Both have been carried forward onto the provided sketch. The overhead powerlines are located within the right-of-way proposed for vacation. HEA has provided a non-objection to the right-of-way vacation and has requested additional easements in lieu of the 5-foot clearing easement. If the Planning Commission approves the vacation, **staff recommends** the applicant verify whether the 30-foot Alaska Pipeline Company easement was granted by the parent plat or by a separate document, and provide verification with the preliminary plat submittal. **Staff further recommends** compliance with HEA's request.

ENSTAR and Alaska Pipeline Company, LLC (APC) have reviewed the vacation request. HEA confirmed that existing natural gas distribution pipeline facilities are located within the proposed 20-foot vacation area, and APC operates two natural gas transmission pipelines within the 30-foot-wide easement along the north boundary. Both ENSTAR and APC have requested specific conditions that must be met in order to approve the right-of-way vacation. These conditions are included in the staff packet. **Staff recommends** compliance with ENSTAR's and APC's requests.

The associated plat will grant a 10-foot utility easement adjacent to Knackstedt Street. **Staff recommends** a detail be added to the preliminary and final plats, to better display the proposed easements and setbacks without the vacation hatch and labels.

The parent plat required a 20-foot building setback along Knackstedt Street and a 47-foot building setback along Scholastic Avenue. The 47-foot building setback is depicted and labeled appropriately on the sketch. The 20-foot building setback will shift with the right-of-way if the vacation is approved. **Staff recommends** that the 20-foot building setback label be updated to reflect the parent plat.

20.65.050 – Action on vacation application

D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:

1. The right-of-way or public easement to be vacated is being used;

Applicant comments: It appears that the north boundary of this property is the end of borough maintenance with the road beyond that point being a driveway. There does not appear to be a lot of traffic at this time. There is a cabin and porches constructed in the right-of-way that will be resolved by this vacation.

Staff comments: Knackstedt Street is borough-maintained from Bonita Avenue north to Scholastic Avenue and currently provides access to multiple streets and parcels. Available imagery indicates that the proposed vacation area is cleared and does not appear to be used by the public. In the northeast corner, a portion of the right-of-way appears to be used by the property owners as a driveway and parking area providing access to a cabin.

2. A road is impossible or impractical to construct, and alternative access has been provided;

Applicant comments: Existing road is well within the east 30 feet of the dedication. Scholastic Avenue is a section line, 66-foot right-of-way for alternative access. Also, the property to the east will need to dedicate 30 feet of right-of-way once any platting action occurs with it. Any less dedication from it would result in a jog in a full 60-foot right-of-way in the end.

Staff comments: The road is constructed and is being Borough maintained. The Roads Director has indicated concern with vacating the west 20 feet as petitioned and reducing to 30 feet. without having the 30 feet to the east dedicated, this vacation could affect the designation of the road maintenance of this portion of Knackstedt St.

3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Applicant comments: Original plat dedicated 50 feet. Required dedication should have been only 30 feet. Adjacent property will be required to dedicate matching 30 feet for any platting action. Right-of-way narrows to 30 feet just to the north of this property.

Staff comments: Knackstedt Street currently provides access to multiple streets and parcels. Most parcels to the south are developed, while parcels to the northeast remain undeveloped. Parent plats to the south dedicated a combined 100 feet to Knackstedt Street, while the parent plat to the north dedicated 30 feet. Much of the land east of Knackstedt Street remains unsubdivided, and it is reasonable to expect matching dedication in the future. The parent plat granted a 10-foot utility easement on the western boundary of Lot 1, Block 1, and a 5-foot clearing easement along Knackstedt Street. The 5-foot clearing easement is proposed to be vacated by this platting action. HEA has requested additional easements to be granted. The associated plat will grant a 10-foot utility easement along Knackstedt Street.
4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
Applicant comments:

Staff comments: The Kenai River is located to the north; however, Knackstedt Street does not provide access to the river.
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Applicant comments: Existing road is well within the east 30 feet of the dedication. It appears that the north boundary of this property is the end of borough maintenance with the road beyond that point being a driveway.

Staff comments: Knackstedt Street varies in width from 100 feet to 30 feet, extending north from Bonita Avenue and terminating at the Vineyards Drive. It is borough-maintained from Bonita Avenue north to Scholastic Avenue. Surrounding parcels will continue to have access via Scholastic Avenue and the remaining 30 feet of Knackstedt Street. Knackstedt Street currently provides access to multiple streets and parcels. Most parcels to the south are developed, while parcels to the northeast remain undeveloped. Parent plats to the south dedicated a combined 100 feet to Knackstedt Street, while the parent plat to the north dedicated 30 feet. Much of the land east of Knackstedt Street remains unsubdivided, and it is reasonable to expect matching dedication in the future.
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Applicant comments: Existing road is well within the east 30 feet of the dedication. It appears that the north boundary of this property is the end of borough maintenance with the road beyond that point being a driveway.

Staff comments: While the existing road may be within 30 feet of a dedication, Future development and subdivision growth will affect the category of road. The need for minimum 60' dedications is established practice today, see also utility requests for additional easement if this vacation were to be approved.
7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.

Applicant comments: The power poles and line are placed as if it was a 30-foot dedication with a 10-foot easement.

Staff comments: HEA has requested additional easements to be granted. ENSTAR and APC have requested conditions to be met for approval. The associated plat will grant a 10-foot utility easement along Knackstedt Street.

8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.

Applicant comments:

Original constructed roadway was considerable to the east of current location misleading the owners in locating the cabin building sites. Sight distance is adequate since the existing roadway is placed well within the east 30 feet of the 50-foot right-of-way.

Staff comments:

The roads director has indicated in his comments that the status of Knackstedt St along the stretch where the vacation is proposed, if granted may be affected. If the vacation is granted, he has indicated depending on the impact of the vacation, decertification of the that section of road could happen. Petitioner should address this issue and attempt to contact owner to east for a possible acquisition plat to KPB for the needed 30' to continue maintenance.

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at their scheduled June 24, 2026 meeting.

If approved, College Estates Subdivision 2026 Addition will finalize the proposed right of way vacation and associated 5-foot clearing easement. The Plat will be scheduled for review by the Plat Committee once a complete application has been submitted.

KPB department / agency review:

Addressing	Reviewer: Pace, Rhealyn Affected Addresses: 35947 Knackstedt St, 35903 Knackstedt St. Existing Street Names are Correct: Yes List of Correct Street Names: Scholastic Ave, Knackstedt St Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No other comments
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
LOZMS Planner	Reviewer: Raidmae, Ryan

	There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment

Utility provider review:

HEA	See comment in packet
ENSTAR	See comment in packet
ACS	No objections
GCI	No response

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

- Modify legal description to include the block and revise associated utility easement to “5-foot clearing easement.”
- Add the KPB file number 2026-035
- Modify the label on the 20-foot building setback to parent plat KN 75-109
- Plat needs surveyed

RECOMMENDATION:

Staff recommends DENIAL as petitioned, due future anticipated growth in the region and due to the concern the road may be decertified for maintenance if the portion is vacated and the issue not being researched prior to submittal and addressed by the petitioner.

KPB 20.65.050 – Action on vacation application

- H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.
- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

- *Focus Area: Transportation*
 - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
 - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

END OF STAFF REPORT

Applicant / Owner:	Sondra Starnes
Surveyor:	Aaron Brown / Vector Surveying LLC
General Location:	Nikiski Area
Parent Parcel No.:	013-122-05
Legal Description:	T07N R11W SEC 28 SEWARD MERIDIAN KN SW1/4 SE1/4
Assessing Use:	Residential Improved Land
Zoning:	Rural Unrestricted
Water / Wastewater	Onsite

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Sondra Starnes, Petitioner: Ms. Starnes requested the commission grant her plat waiver request.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Whitney moved, seconded by Commissioner Epperheimer to grant a plat waiver to a parcel described as Township 7 North, Range 11 West, Section 28, Seward Meridian, Kenai, Southwest ¼, Southeast ¼.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION FAILED BY UNANIMOUS VOTE:

No - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney
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ITEM #5 - RIGHT OF WAY VACATION

VACATE THE WESTERN APPROXIMATELY 20 FEET OF THE 50-FOOT KNACKSTEDT STREET RIGHT-OF-WAY PARALLEL WITH & ADJACENT TO LOT 1, BLOCK 1, COLLEGE ESTATES SUB, PLAT KN 75-109, & THE ASSOCIATED 5-FOOT CLEARING EASEMENT LOCATED ON THE EASTERN BOUNDARY OF LOT 1, BLOCK 1, COLLEGE ESTATES SUB, PLAT KN 75-109

KPB File No.	2026-035V
Planning Commission Meeting:	July 20, 2026
Applicant / Owner:	Tammi L. & Brent D. Blumentritt
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Kalifornsky Area
Legal Description:	Knackstedt Street T 5N R 11W SEC 25 SEWARD MERIDIAN KN 0750109 COLLEGE ESTATES SUB LOT 1 BLK 1

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Jerry Johnson, Johnson Surveying: Mr. Johnson was the surveyor on this project and made himself available for questions.

Tammi Blumentritt, Petitioner: Ms. Blumentritt requested the commission approve their vacation request.

Brent Blumentritt, Petitioner: Mr. Blumentritt requested the commission approve their vacation request.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Gillham moved, seconded by Commissioner Venuti to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65

Knackstedt Street is currently a borough maintained road. The commission expressed concern that approving this vacation as petitioned would negatively affect the road's maintenance status. The commission did not want to deny the petition as the petitioners would have to wait a year before they could submit a new petition. Postponement was discussed as it would allow the petitioner a chance to explore other potential resolutions for this situation.

Commissioner Gillham withdrew her motion and Commissioner Venuti withdrew his second, to grant the vacation as petitioned.

MOTION FOR POSTPONEMENT: Commissioner Epperheimer moved, seconded by Commissioner Gillham to postpone action on this petition until brought back by staff.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney
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ITEM #6 - RIGHT OF WAY VACATION

PETITION TO VACATE TILLYGIRL AVE BETWEEN ALEX SHADELL ST & BG DAVIS ST & BG DAVIS ST FROM PROPOSED CUL-DE-SAC SOUTH OF LOT 16E OUTLOOK SUB ADDN NO 1 AMENDED HM83-123 & PROPOSED CUL-DE-SAC NORTH OF LOT 13 OUTLOOK SUB ADDN NO 1 AMENDED HM83-123 & ADJACENT EASEMENTS

KPB File No.	2026-062V
Planning Commission Meeting:	July 20, 2026
Applicant / Owner:	Douglas & Cherie Inglis
Surveyor:	Jason Schollenberg / Peninsula Surveying LLC
General Location:	Anchor Point Area

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Douglas Inglis, Petitioner/Landowner: Mr. Inglis request that the commission approve his petition and made himself available for questions

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Whitney to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, adopting and incorporating by reference the staff report, staff recommendations and subject to the four conditions as set forth in the staff report.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney
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ITEM #7 - RIGHT OF WAY VACATION

VACATE A PORTION OF THE 30' WIDE GLACIER ST. ROW & ASSOCIATED UTILITY EASEMENT

KPB File No.	2026-066V
Planning Commission Meeting:	July 20, 2026
Applicant / Owner:	Lacey & Zachary Rininger
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC



KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition was received on 6/2/2026 to vacate a public right-of-way in the Kalifornsky area. Area under consideration is described as follows:

Request / Affected Property: Vacates a 20' wide by approximately 626' long right-of-way and the associated utility easements along Knackstedt St

KPB File No. 2026-035V.

Petitioner(s) / Land Owner(s): Brent D and Tammi L Blumentritt of Soldotna, AK.

Purpose as stated in petition: Original plat dedicated 50'. Required dedication should have only been 30'. Adjacent property will be required to dedicate matching 30' for any platting action. ROW dedication narrows to 30' just to the north of this property.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, August 10, 2026**, commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

To attend the meeting using Zoom from a computer visit <https://us06web.zoom.us/j/9077142200>. You may also connect to Zoom by telephone, call toll free **1-888-788-0099** or **1-877-853-5247**. If calling in you will need the Meeting ID of 907 714 2200. Additional information about connecting to the meeting may be found at <https://www.kpb.us/local-governance-and-permitting/leadership-governance/planning-commission/planning-public-notices>.

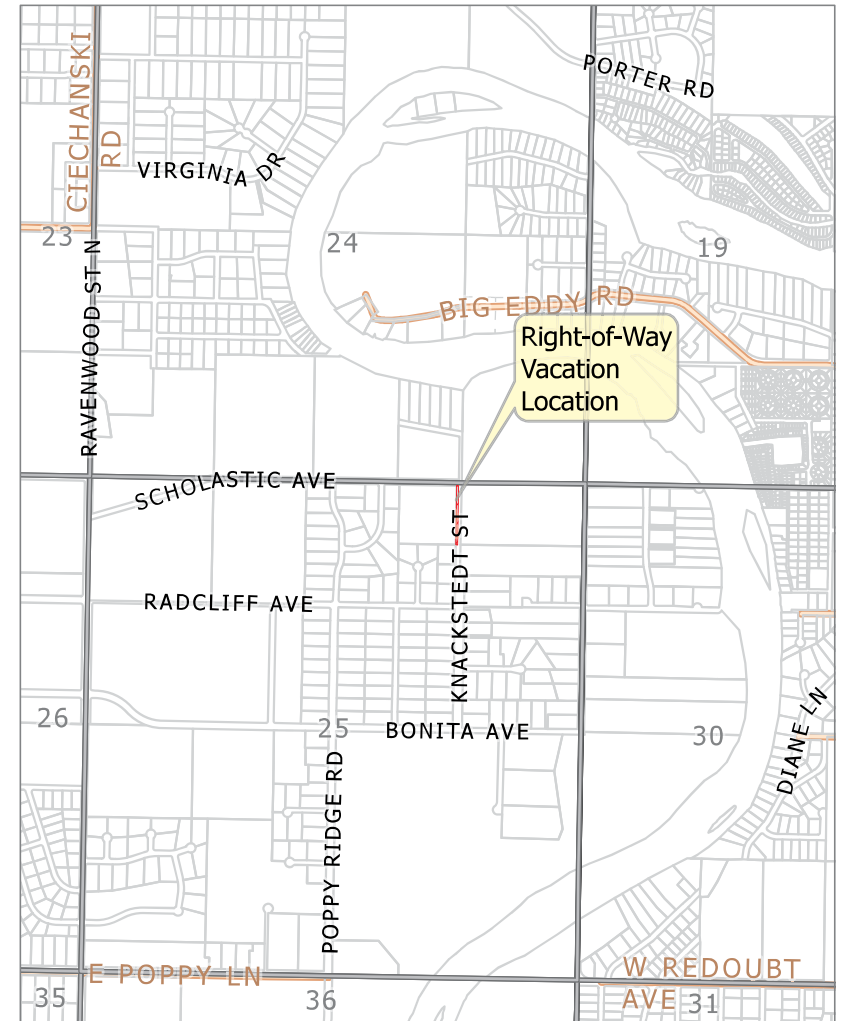
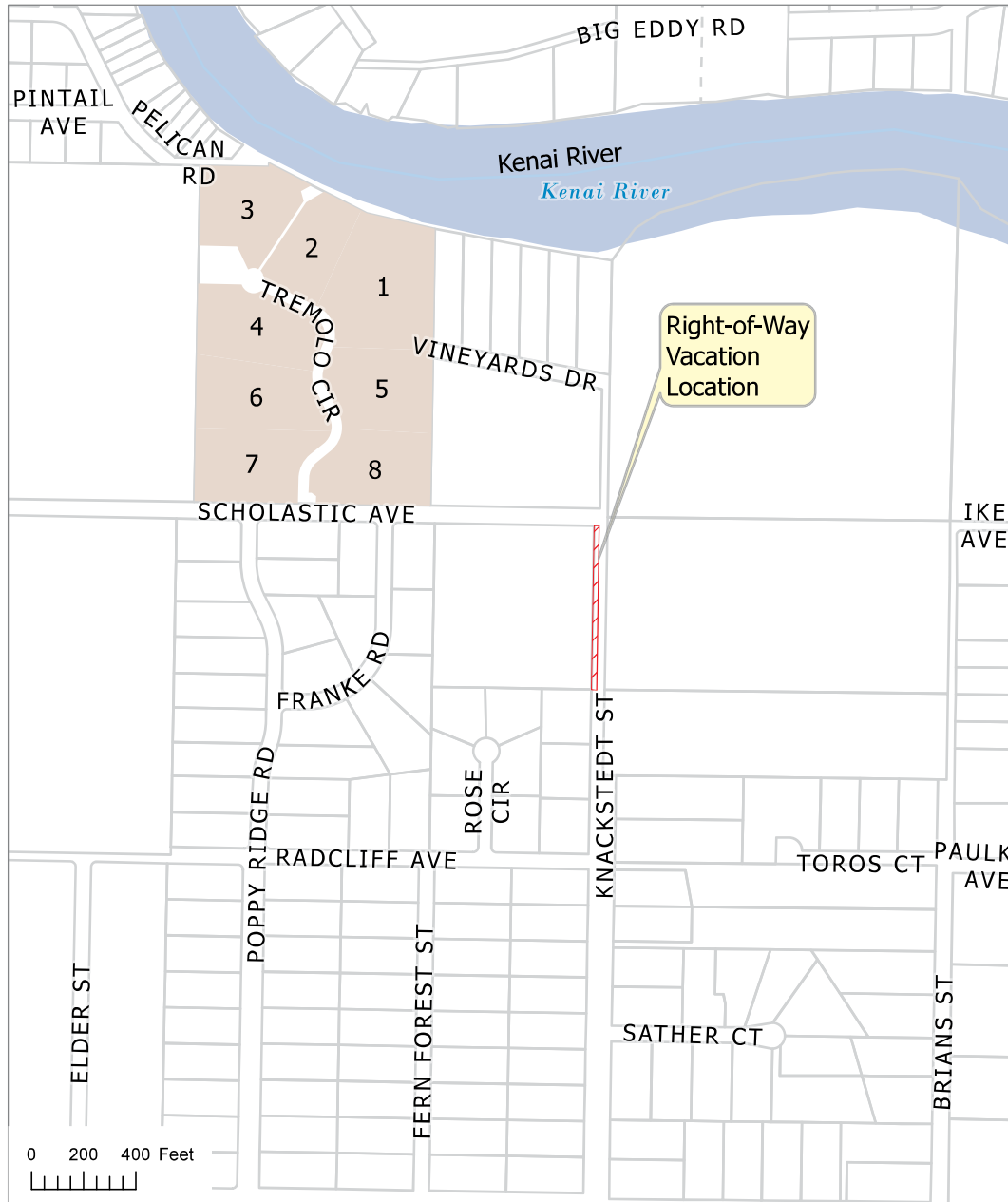
Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to planning@kpb.us, or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM, Friday, August 7, 2026**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

If the Planning Commission approves the vacation, the Borough Assembly has thirty days from that decision in which they may veto the Planning Commission approval. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.

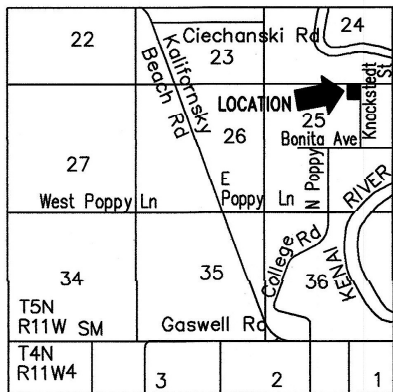
Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <https://kpb.legistar.com/Calendar.aspx>. Use the search options to find the correct timeframe and committee.

For additional information contact Sandee Simons (ssimons@kpb.us) or Beverly Carpenter (BCarpenter@kpb.us), Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough) or email planning@kpb.us.

Mailed 7/24/2026



KPB File 2026-035V
T05N R11W SEC25
Kalifornsky



VICINITY 1" = 1 mile MAP

College Estates Subdivision 2026 Addition Preliminary Plat

A Subdivision of Lot 1 College Estates Subd., KRD 75-109
Including a partial vacation of Knackstedt St. ROW & associated utility easement.
Located in the NE1/4 Section 25, T5N R11W, SM, Alaska.
Kenai Recording District Kenai Peninsula Borough

Prepared for

Brent & Tammy Blumentritt
35903 Knackstedt St.
Soldotna, AK 99669

Prepared by

Johnson Surveying
P.O. Box 27
Clam Gulch, Ak 99568
(907) 262-5772

SCALE 1" = 100' AREA = 9.065 acres

3 April, 2026

NOTE : Topography is flat. There are no wet areas on the property.

- indicates ROW proposed for vacation

KRD 82-44
Lot 2
Block 2

KRD 2006-55
Tract A

NW 1/4
Gov Lot 11
Sect 24

KRD 2005-75
Lot 19

KRD 2005-75
Lot 18

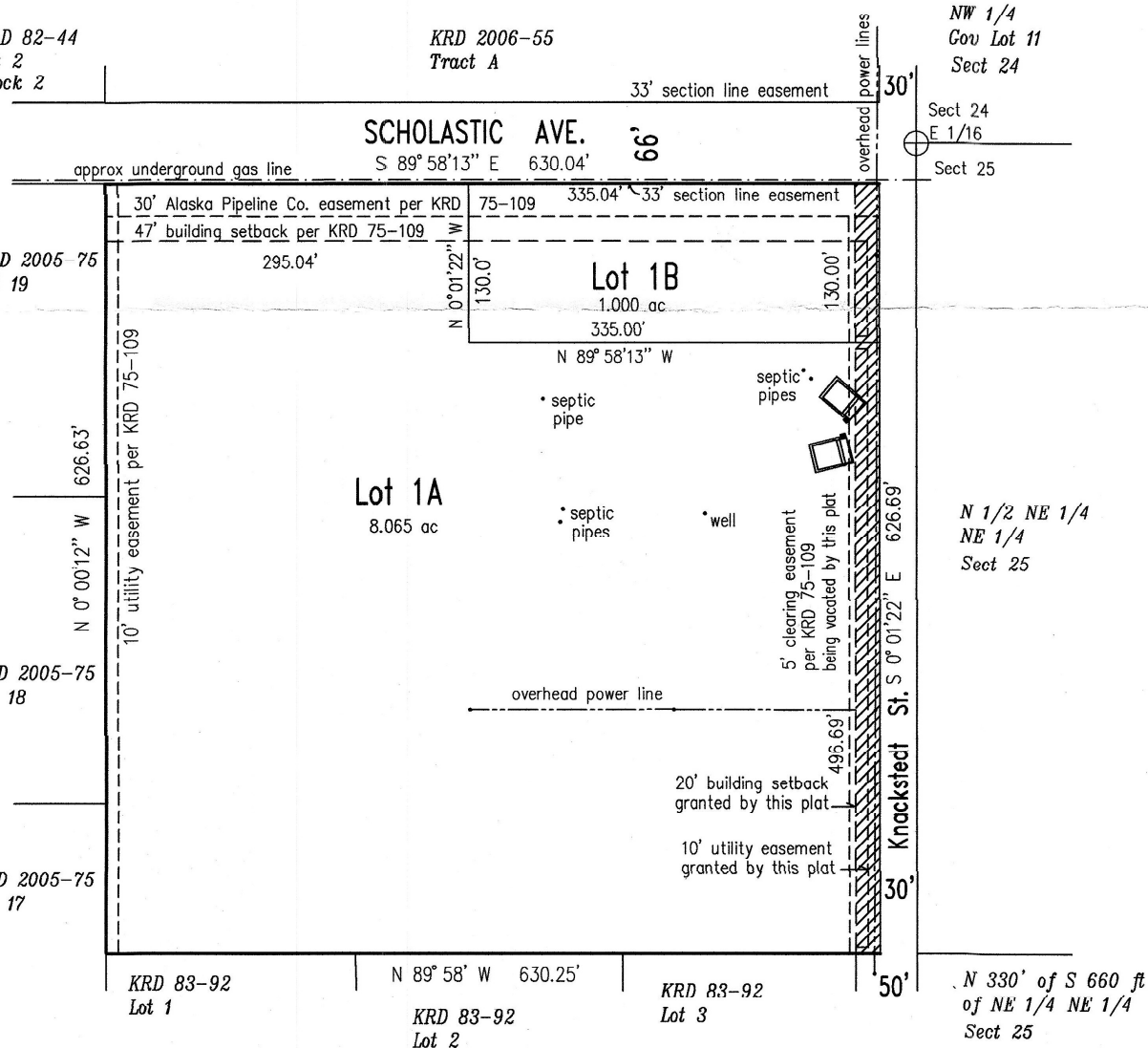
KRD 2005-75
Lot 17

KRD 83-92
Lot 1

KRD 83-92
Lot 2

KRD 83-92
Lot 3

N 330' of S 660 ft
of NE 1/4 NE 1/4
Sect 25



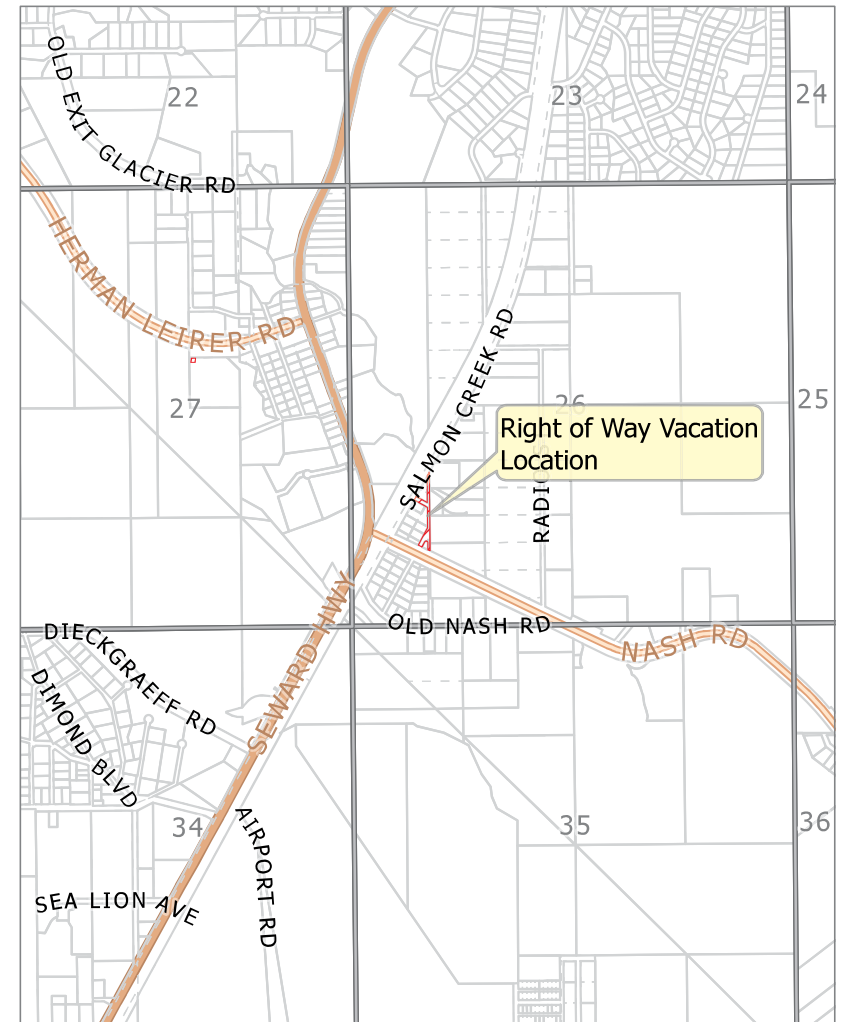
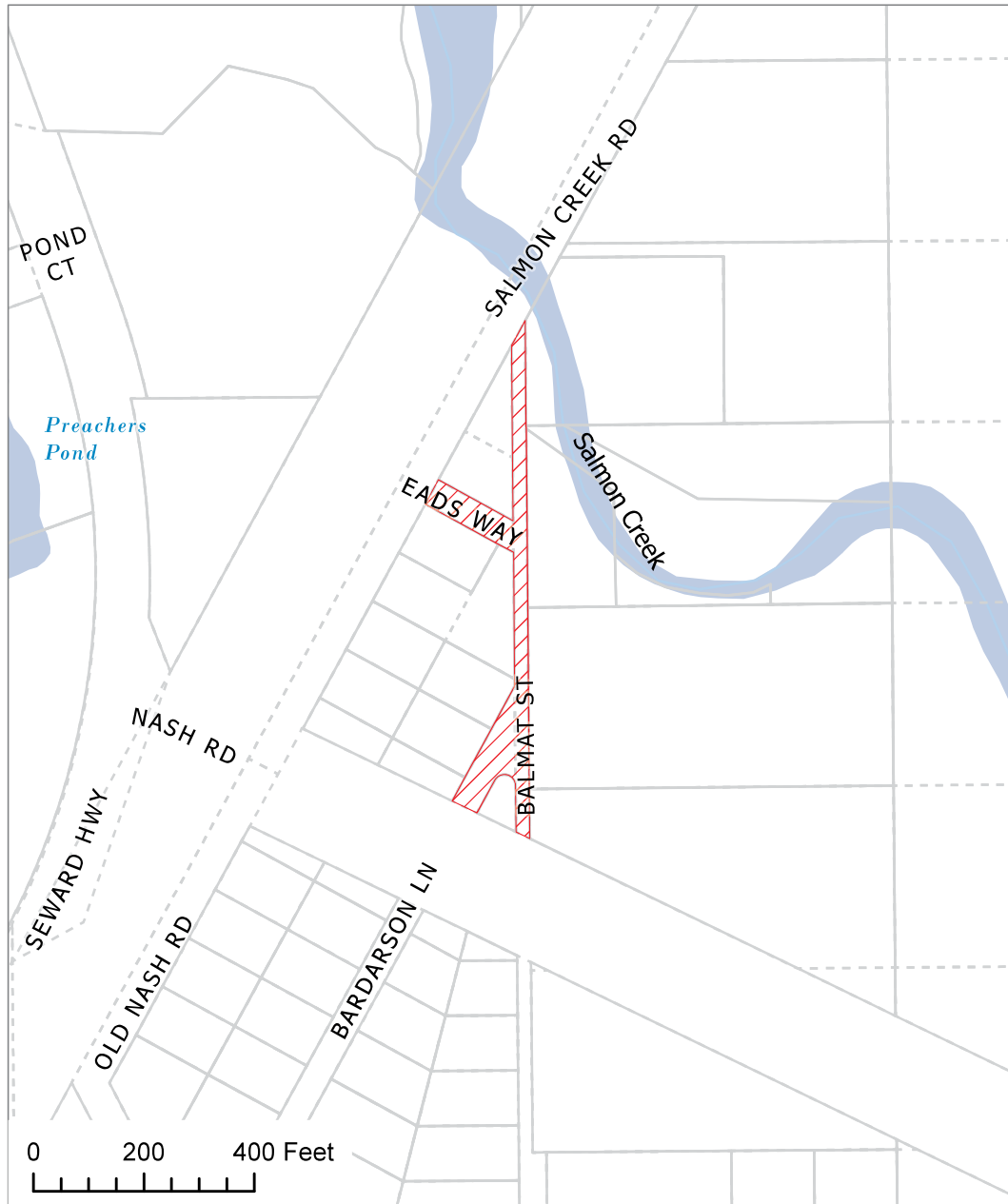
KPB 2026-035V

E. NEW BUSINESS

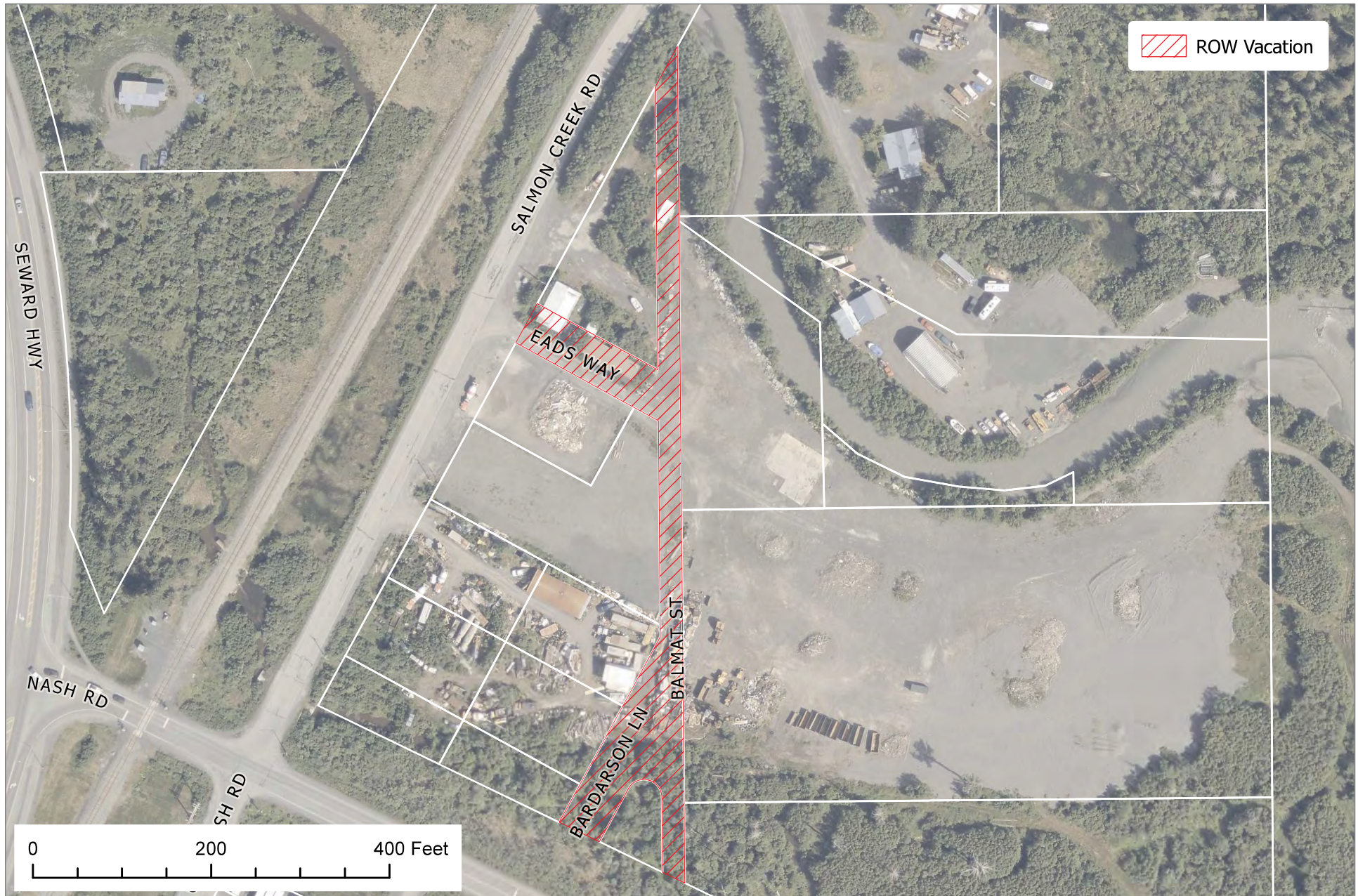
6. ROW Vacation; KPB File 2026-075V

Johnson Surveying / Unrein, Berticevich

**Request: Vacate the entire Eads Way and portions of
Balmat Street & Bardson Lane, Balmat Sub, Plat SW18
Seward Area**



KPB File 2026-075V
T 01N R01W SEC 26
Bear Creek



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Unrein River Walk Preliminary Plat

A replat of Stewart Subd of Ole Martin Homestead, SWD 11, Block 4, deed parcels of Lot 5 and Lot 6, Lot 7 & Lot 8 (portion North of Nash Road), and Balmat Subd, SWD 18, Lots 1-5, 6 except portion conveyed to State of Alaska by SWD Book 340 Page 31, & Lots 23-27. Including a vacation of Eads Way, Balmat Street and Barderson Lane ROWs. Located in the SW 1/4 Section 26, T13N, R13W, S4E. Seward Recording District - Kenai Peninsula Borough

Prepared for

James Unrein
P.O. Box 3474
Seward, AK 99664

Sheila Ruth Berticevich
P.O. Box 3012
Seward, AK 99664

William H McLean
P.O. Box 1098
Seward, AK 99664

Prepared by

Johnson Surveying
P.O. Box 27
Cham Gulch, AK 99668
(907) 282-0772

SCALE 1" = 100'
23 June, 2026

AREA = 18.178 acres

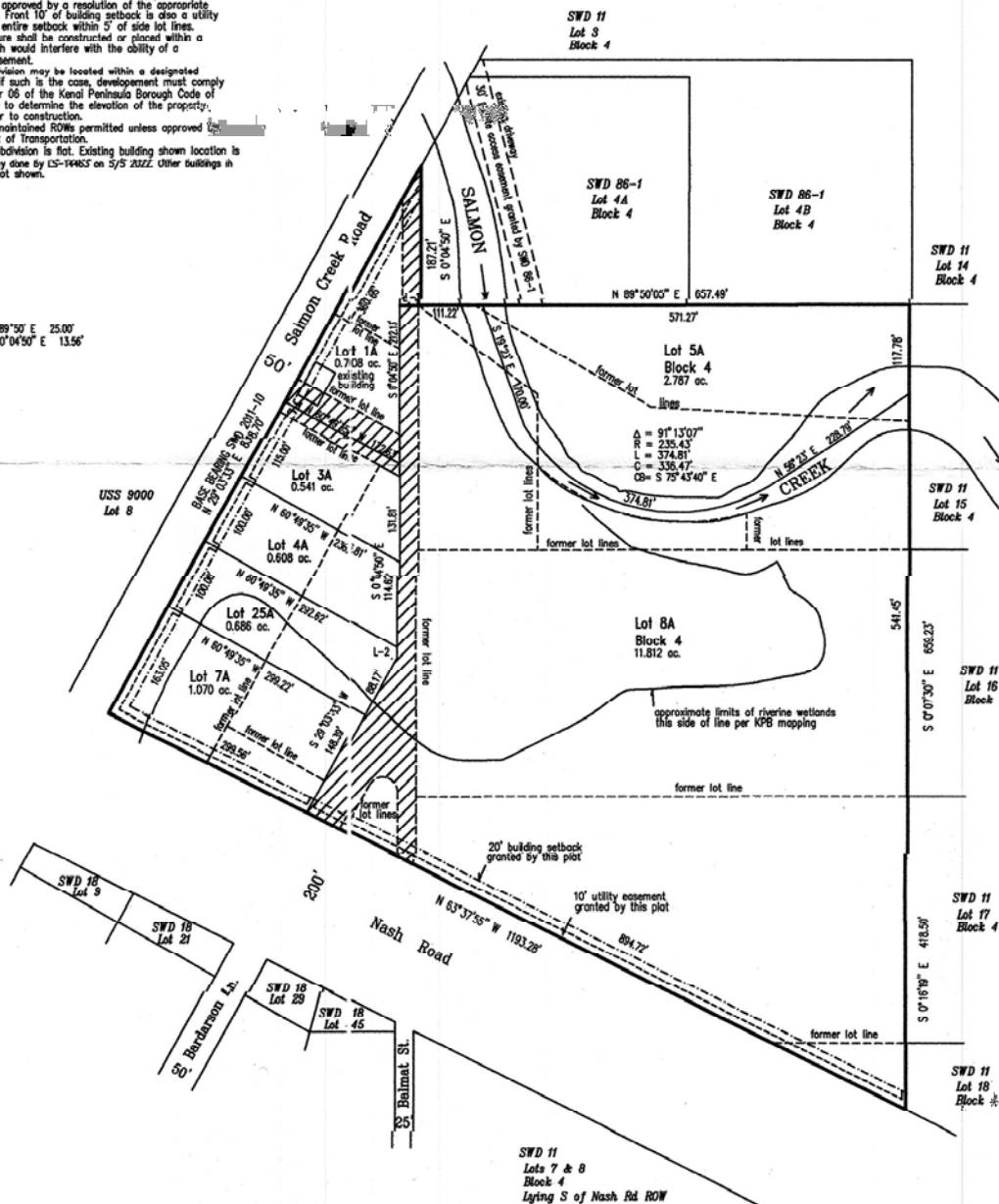
- Indicates ROW being vacated.

VICINITY 1" = 1 mile MAP

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. Lots within this subdivision may be located within a designated flood hazards area; if such is the case, development must comply with Title 21, Chapter 06 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property, may be required prior to construction.
4. No access to state maintained ROWs permitted unless approved by State of Alaska Dept of Transportation.
5. Topography of the subdivision is flat. Existing building shown location is from an on-site survey done by US-14463 on 5/5/2022. Other buildings in Eads Way ROW are not shown.

L-1 N 89°50' E 25.00'
L-2 S 0°04'50" E 13.56'



KPB 2026-075V

AGENDA ITEM E. NEW BUSINESS

**ITEM #6 - RIGHT OF WAY VACATION
VACATE EADS WAY LYING EAST OF SALMON CREEK ROAD AND PORTIONS OF BALMAT STREET AND
BARDARSON LANE LYING NORTH OF NASH ROAD**

KPB File No.	2026-075V
Planning Commission Meeting:	August 10, 2026
Applicant / Owner:	James Unrein AKA James Daniel Unrein and Sheila Ruth Berticevich of Seward, Alaska
Surveyor:	Jerry Johnson; Johnson Land Surveying
General Location:	Eads Way, Balmat Street, and Bardarson Lane, Seward Area
Legal Description:	Eads Way, Balmat Street, and Bardarson Lane T 1N R 1W SEC 26 Seward Meridian SW 0000018 BALMAT SUB NELY OF NASH RD

STAFF REPORT

Specific Request / Purpose as stated in the petition:

Vacate Eads Way and portions of Balmat Street and Bardarson Lane all in Balmat Subdivision

Notification:

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Library of Seward

Post Office of Seward

Twelve certified mailings were sent to owners of property within 300 feet of the proposed vacation. ____ receipts had been returned when the staff report was prepared.

Nineteen public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry
Emergency Services of Bear Creek
Seward Kenai Peninsula Borough Office
Kenai Peninsula Borough Land Management
Seward Bear Creek Fire Service Area

Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)
Chugach Electric
Seward Utilities
TelAlaska

Access (existing and proposed):

Access is provided by Nash Rd on the south, a 200-foot-wide dedication maintained by the State. On the west Salmon Creek Rd, a 60-foot-wide dedication provides access and is also maintained by the State.

Bardarson Lane and Eads Way were dedicated as 50-foot rights-of-way and Balmat St was dedicated as a 25-foot right-of-way, all being dedicated by Balmat Subdivision (SW 18).

Balmat Street accesses Salmon Creek Road to the north and Bardarson Lane and Nash Road to the south. Eads Way connects Salmon Creek Road from the west and intersects Balmat Street to the east. Bardarson Lane accesses Nash Road to the south and merges with Balmat Street to the north.

A 30-foot private access easement is shown on Eads Subdivision (SW 86-1) through Lot 4A to access Lot 5, Block 4, of Stewart Sub-division of Ole Martin Homestead (SW 11). The easement appears to be accessed at the northern side of the Salmon Creek bridge.

The proposed reconfigures adjacent parcels, resulting in the following legal access:

- Proposed Lots 1A, 3A, 4A, 25A and 7A- legal access via Salmon Creek Road.
- Proposed Lots 7A and 8A- legal access via Nash Road.
- Proposed Lot 5A- no legal access; access is confined to the 30-foot private access easement shown on plat 86-1. **Staff recommends** the surveyor provide documentation of the private easement on the preliminary plat submittal.

No section line easements affect the subject area. No new right-of-way dedication is proposed.

Block length is not compliant along Nash Rd as the length from Salmon Creek Rd to Radio St is just over 2,000 feet. With a majority of the land being riverine, subject to inundation and with Salmon Creek along the north side of the property **staff recommends** the Planning Commission concur that installation of a road to break the block length is not feasible and an exception to 20.30.190 will not be needed on the plat.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: RSA has no objection at this time.
SOA DOT comments	

Site Investigation:

Available imagery indicates that parcels adjacent to the proposed vacation area appear to be used as parking, encompassing most of the right-of-way area petitioned for vacation. The southernmost portions of Balmat Street and Bardarson Way appear undeveloped with existing vegetation. Eads Way appears to be a driveway from Salmon Creek Road to access parcels to the east.

A structure is depicted on the submitted preliminary plat within Eads Way. Imagery also shows outbuildings within the southern portion of Balmat Street and the northern portion of Bardarson Lane.

Salmon Creek, an anadromous stream, is located just north of Balmat Street. The KWF Wetlands Assessment identifies riverine wetlands within the southern portions of Bardarson Lane and Balmat Street.

KPB data indicates the subject area is relatively flat with no steep slopes.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Staff has no objection to the vacation of these rights-of-way. Regulatory floodway is present within the existing dedications. Remainder is within regulatory AE Zone and within KPB Adopted SMFDA. While roads
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	could be developed they would require no-rise analysis and would be prone to flooding. Depiction requirements will be provided on the plat review. Flood Zone: AE,X Zone,SMFDA,Floodway Map Panel: 02122C-4543E In Floodway: True Floodway Panel: *same as FIRM Panel B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: "There is a salmon-bearing waterbody along Salmon Creek that is listed in the ADFG Anadromous Waters Catalog, but it is within the Seward-Bear Creek Flood Service Area. This area is excluded per 21.18.025(C)(1), and therefore a setback from the waterbody is not regulated by the KPB. Any work in or near the waterbody may need approval from ADFG."
SOA ADF&G	Although Salmon Creek (AWC #231-30-10080-2010-3019) supports the rearing and spawning of coho salmon, the vacation of portions of Balmat Street and Badarson Lane will not impact access to the creek as these roads go through private property and are not directly along the water.

Staff Analysis:

The land originally consisted of an aliquot portion of the SW1/4 of Section 26, Township 1 North, Range 1 West, Seward Meridian. In 1916, Stewart Sub-division of Ole Martin Homestead (SW 11) subdivided the area into four blocks including Lots 4-7, Block 4. In 1953, Balmat Subdivision further subdivided a portion to the west, creating 45 lots and dedicating the petitioned rights-of-way. In 1986, Eads Subdivision subdivided Lot 4 Block 4 (SW 11) into two lots, Lots 4A and 4B.

The proposed preliminary plat, Unrein River Walk, will finalize the right-of-way vacations and reconfigure deeded portions of Lot 5 and Lot 6 (SW 11), Lots 7 and 8 (SW 11), and Lots 1-5; 6, and Lots 23-27 (SW18) into seven lots.

A 20-foot utility easement is located centered on the poles in at the northwest corner of the plat along proposed Lot 1A. the poles are mostly in the right-of-way Salmon Creek Rd. **Staff recommends** the surveyor locate the poles on the proposed plat and reference the easement in SWD Book 57, Page 190, on the drawing and in a plat note.

No utility easements were granted by the parent plats. The associated plat, Unrein River Walk, will grant a 10-foot utility easement adjacent to Salmon Creek Road and Nash Road.

20.65.050 – Action on vacation application

D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:

1. The right-of-way or public easement to be vacated is being used;
Applicant comments: Roads are not constructed. They are in a difficult place for roadbuilding due to swampy ground.

Rights of Way to be vacated are not being used for public access.

Staff comments: Based on available imagery, portions of Balmat Street, Bardarson Lane, and Eads Way appear to be used as parking areas, and outbuildings are located within portions of the petitioned rights-of-way. A structure is also depicted within Eads Way.

2. A road is impossible or impractical to construct, and alternative access has been provided;
Applicant comments: Roads are not constructed. They are in a difficult place for roadbuilding due to swampy ground.
Many parts of rights of way being vacated are nearly impossible to construct due to swamp and location in flood hazard area. These do not provide any access that needs alternate access provided.

Staff comments: KPB River Center reviewers confirm the petitioned right-of-way lie within regulatory floodway, AE Zone, Zone X, and SMFDA. Roads could only be constructed with no-rise analysis and they would be prone to flooding. Portions contain riverine wetlands. All proposed lots have legal access via Salmon Creek Road or Nash Road, except Lot 5A, which is served by an existing 30-foot private access easement.
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Applicant comments: Adjoining lots are undersized and would benefit from the additional area obtained. Some of the lots were further reduced in size by the construction of Nash Road. This area is outside the city and this vacation is in line with petitioners' plans. All practical needed Right of Ways, Salmon Creek Road and Nash Road are constructed. Utilities that serve the area are in place and any additional utility easements needed will be provided with the replat process.

Staff comments: The surrounding parcels appear to be developed, with parking areas and outbuildings occupying portions of the petitioned rights-of-way. Salmon Creek Road and Nash Road provide constructed access.
4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
Applicant comments:
Right of ways proposed for vacation do not provide access to any public water body. Salmon Creek is not public and is not Navigable.

Staff comments: Vacating the petitioned rights-of-way does not reduce public access to Salmon Creek.
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Applicant comments:
Proposed vacations do not limit opportunities for interconnectivity with adjacent parcels. Salmon Creek is what limits interconnectivity.

Staff comments: Interconnectivity is already limited by: Salmon Creek, the regulatory floodway, areas of inundation, and existing structures.
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Applicant comments:
Other rights of way, Salmon Creek Road and Nash Road, provide only feasible access.

Staff comments:

7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.

Applicant comments:

All existing and future utility easements are in place or will be met with the replating process with input from the utility companies.

Staff comments: A 20-foot utility easement exists within Eads Way. The associated plat grants a 10-foot utility easement adjacent to Salmon Creek Road and Nash Road.

8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.

Applicant comments:

In the case of Eads Way, there are encroachments into the ROW this would eliminate. Right of ways being vacated are becoming unneeded due undersized lots being combined with the replating process. Also, these rights of way would be very expensive to build due to swamp and location in flood hazard area.

Staff comments: Any work near Salmon Creek may require ADFG approval.

Applicant conclusion:

Reasons for vacating Eads Way, Balmat Street and Bardarson Street.

Roads are not constructed; they are in a difficult place for roadbuilding due to swampy ground.

Adjoining lots are undersized and would benefit from the additional area obtained. Some of the lots were further reduced in size by the construction of Nash Road.

In the case of Eads Way, there are no encroachments into the ROW this would eliminate.

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The KPB Assembly will hear the vacation at their scheduled August 18, 2026 meeting.

If approved, Unrein River Walk will finalize the proposed right of way vacations. A complete preliminary plat submittal is required prior to review by the Plat Committee.

KPB department / agency review:

Addressing	Reviewer: Pace, Rhealyn Affected Addresses: 11540 Salmon Creek Rd, 11332 Balmat St, 11274 Balmat St, 32164 Eads Way, 11210 Balmat St, 11162 Balmat St, 11163 Balmat St, 11215 Bardarson Ln, 11235 Bardarson Ln, 11252 Salmon Creek Rd Existing Street Names are Correct: Yes List of Correct Street Names: Salmon Creek Rd, Nash Rd, Bardarson Ln, Balmat St, Eads Way Existing Street Name Corrections Needed: All New Street Names are Approved: No
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	List of Approved Street Names: List of Street Names Denied: Comments: 11540 Salmon Creek Rd will remain, all other addresses will be removed.
Code Compliance	Vacant
LOZMS Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment

Utility provider review:

HEA	This plat is not within HEA's service area. HEA has no comments at this time.
ENSTAR	
ACS	
GCI	Approved as shown
SEWARD ELECTRIC	
CHUGACH ELECTRIC	No comment.
TELALASKA	

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Modify the KPB file no to 2026-075

Modify the ROW of Salmon Creek Rd to 60'

Add not for Seward Bear Creek Flood Area

Add ROW Widths and road names to proposed vacations

RECOMMENDATION:

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends **APPROVAL** as petitioned, subject to:

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code including a submittal to and approval by the Plat Committee.
3. Grant utility easements requested by the utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.65.050(I)).

KPB 20.65.050 – Action on vacation application

- H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.
- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

- *Focus Area: Transportation*
 - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
 - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

END OF STAFF REPORT

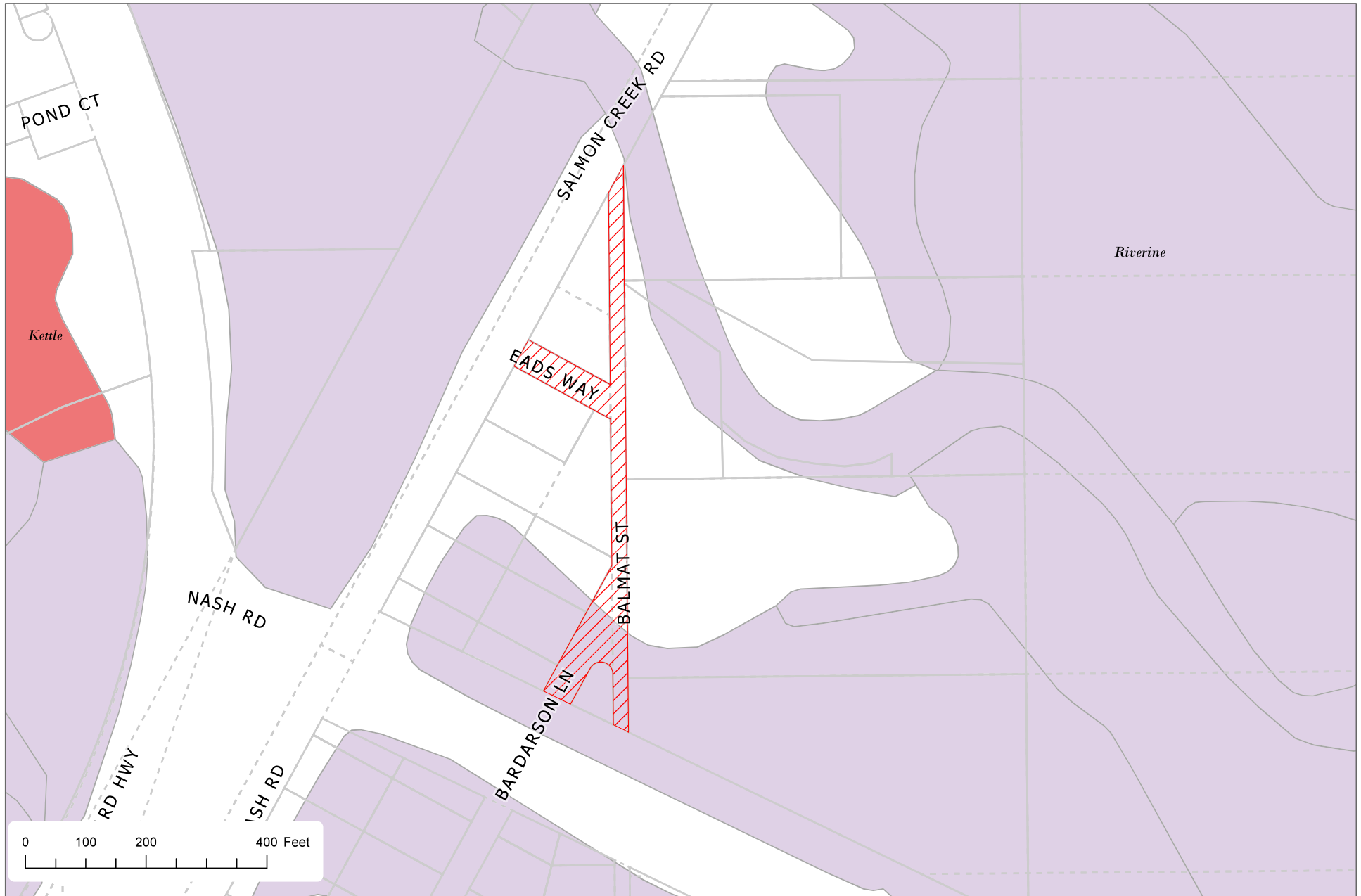
Page 7 of 8



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



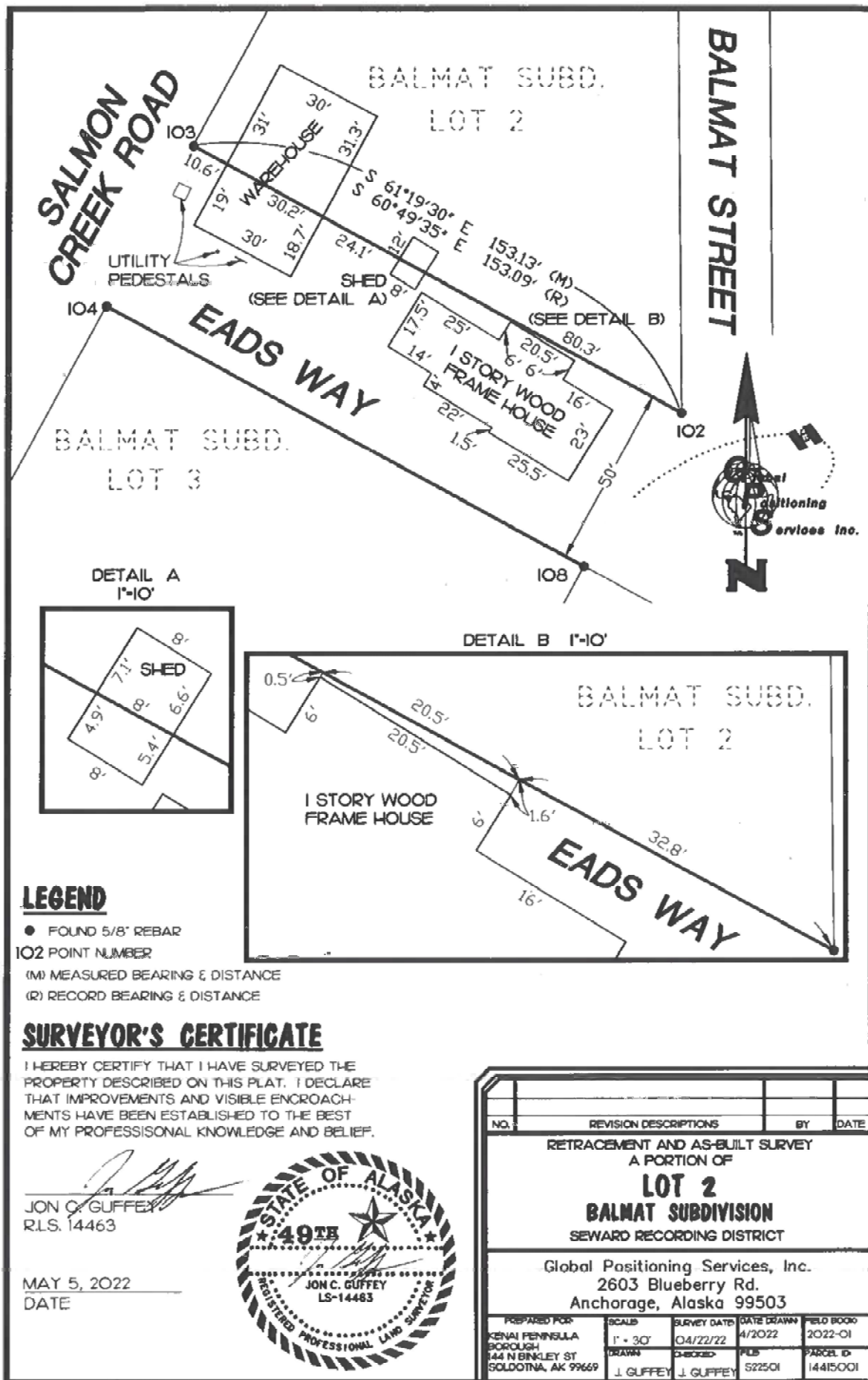
Wetlands



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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NOTES:

LAND USE

Residential

BUILDING SETBACK

A building setback of 20 feet is required from all street right of way unless a lesser standard is approved by resolution of the appropriate planning commission.

WATER SYSTEM

Individual wells. All well placement shall be in accordance with the location designated in the Sanitary Engineering Report. See note under Sewer System. No individual water supply system or sewage system shall be permitted on any lot unless such system meets the applicable requirements of 18 AAC70 18AAC72, and 18AAC80.

SEWER SYSTEM

A Sanitary Design Report for this subdivision will be recorded. Specific wastewater designs shall be delineated in that report or as otherwise approved by the Department of Environmental Conservation.

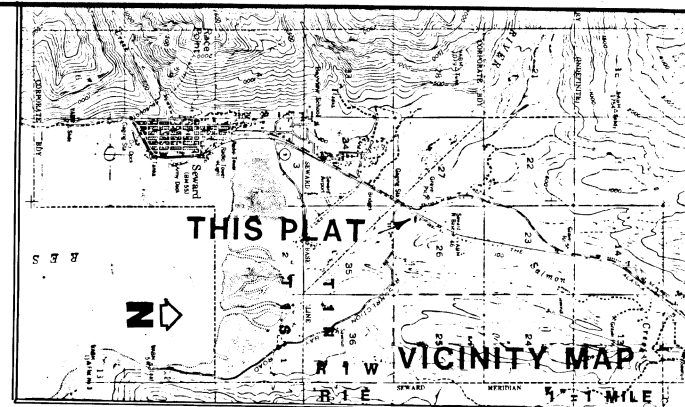
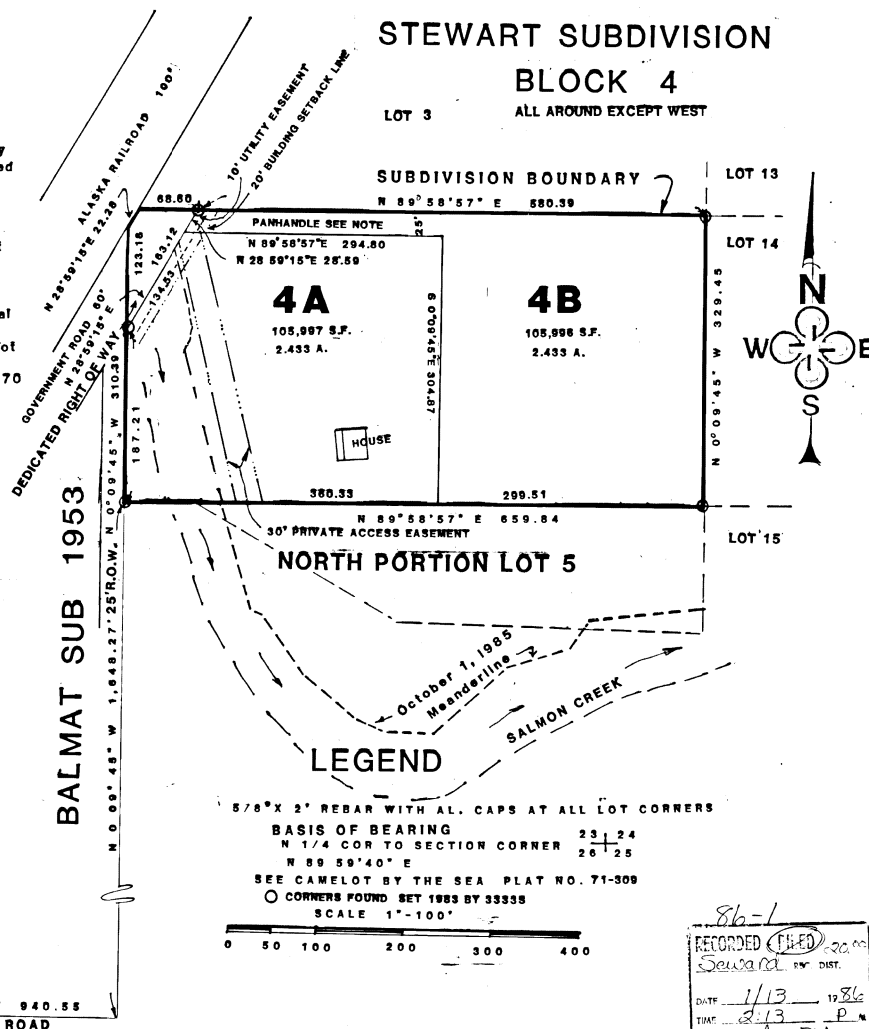
FLAG LOT

No structures permitted within panhandle portion of Lot 4B.

STEWART SUBDIVISION BLOCK 4

LOT 3 ALL AROUND EXCEPT WEST

SUBDIVISION BOUNDARY



CERTIFICATE OF DEDICATION AND OWNERSHIP

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision and dedicate all right of ways and public areas to public use and grant all easements to the use shown. We hereby certify that we are aware of the waste water disposal regulations contained in 18 AAC 72, Amended, and hereby request approval of the plat in accordance with AS 29.40.110.

LOT 4A Ava L. Eads
AVA L. EADS P.O. BOX 1107 SEWARD, ALASKA 99664 907-224-5790

LOT 4B Holly G. Eads
HOLLY G. EADS SAME ADDRESS

NOTARY ACKNOWLEDGEMENT

For Ava L. Eads and Holly G. Eads subscribed and sworn before me this 28th day of December, 1985

Laura Smith
NOTARY PUBLIC FOR ALASKA
My commission expires 1-14-88

STATE OF ALASKA
NOTARY PUBLIC
LAURA SMITH

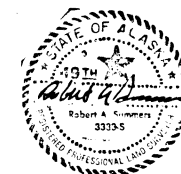
PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of Dec. 16, 1985.

KENAI PENINSULA BOROUGH
By: Richard D. Taylor
Authorized Official

EADS SUBDIVISION

A SUBDIVISION OF LOT 4 STEWART SUBDIVISION LOCATED IN THE SE 1/4 SECTION 26, TOWNSHIP 1 NORTH, RANGE 1 WEST, SEWARD MERIDIAN CONTAINING 4.99 ACRES MORE OR LESS.



Dec 23, 1985

SUBDIVIDED BY:
Ava L. Eads
P.O. Box 1107
Seward, Alaska 99664
907-224-5790

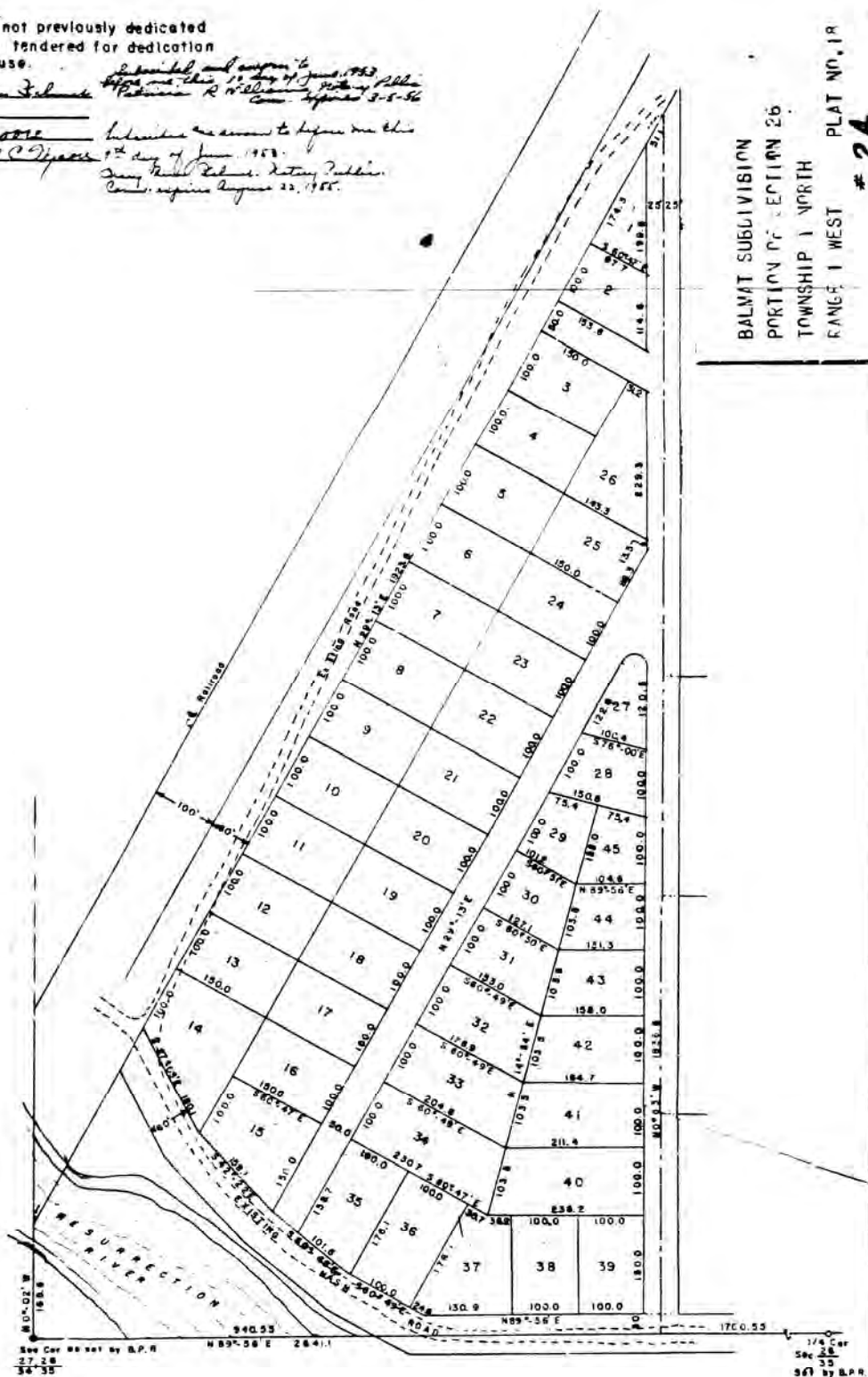
SURVEYED BY:
Robert A. Summers, P.E.
P.O. Box 757
Seward, Alaska 99664
907-224-5558
DATES OF SURVEY
OCT 1, 1985 AND DEC 18, 1985

All roads not previously dedicated
are hereby tendered for dedication
to public use.

Witnessed and sworn to before me this 1st day of June, 1953
James A. Feltner *Notary Public* *Commission Expires 3-5-56*

Subscribed and sworn to before me this 1st day of June, 1953
Wm. Earl C. Hayes *Notary Public* *Commission Expires August 22, 1955*

BALMAT SUBDIVISION
PORTION OF SECTION 26
TOWNSHIP 1 NORTH
RANGE 1 WEST
PLAT NO. 18
24



BALMAT SUBDIVISION

A PORTION OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 1 WEST, SEWARD MERIDIAN.
SURVEY AND PLAT BY ROBERT BENNET REGISTERED CIVIL ENGINEER

Scale 1 inch = 100 ft.

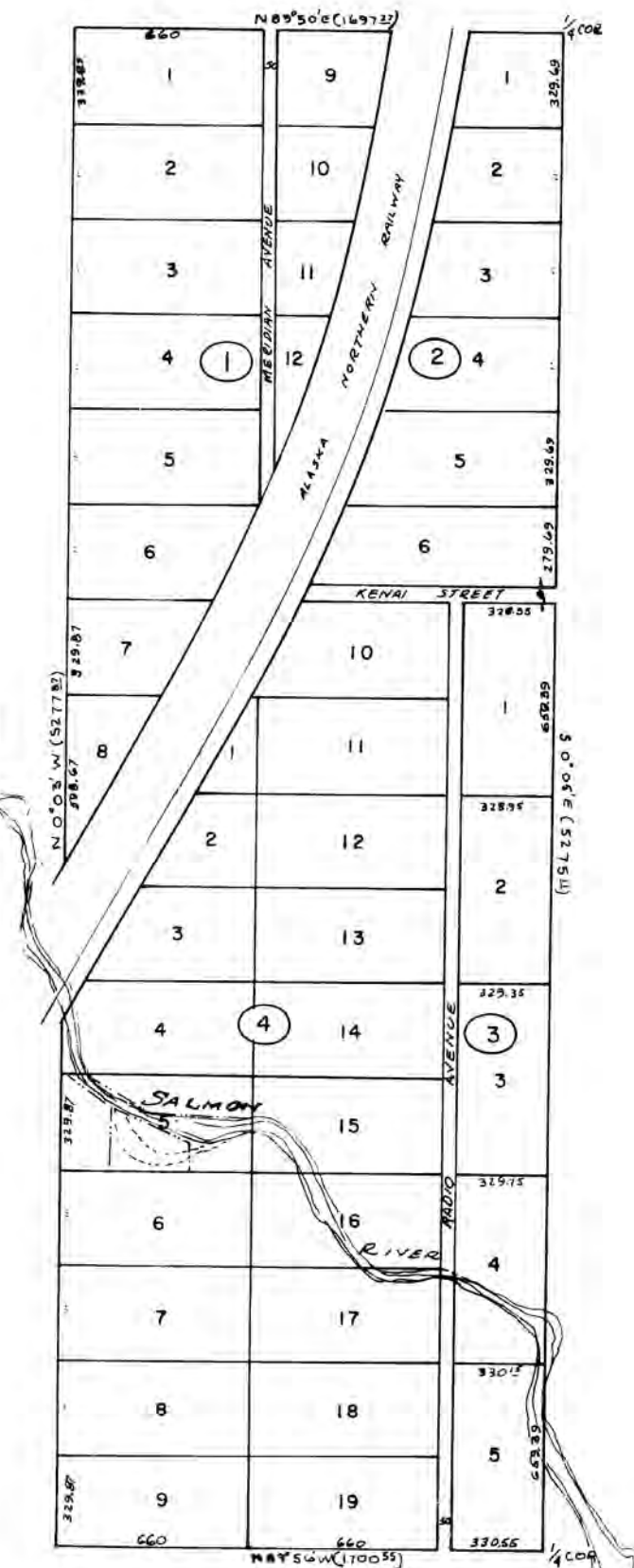
JUNE 1953



Lead State of Nebraska
Territory
1953
Seward
James A. Feltner
Notary Public
Commission Expires 3-5-56
Wm. Earl C. Hayes
Notary Public
Commission Expires August 22, 1955

SW 11

111 August, 1916



STEWART SUB-DIVISION OF
OLE MARTIN HOMESTEAD
KENAI PRECINCT, TERRITORY OF ALASKA.
Scale 1"=400'

SIGNED:
Daniel D. Dunlap
Engineer



LINE DATA

LINE	ANGLE	DISTANCE
L1	S29°03'33"W	28.59' (28.59' R3)
L2	S29°03'33"W	51.35' (51.35' R1)
L3	S00°04'50"E	13.96' (13.96' R1)
L4	S50°49'35"E	31.19' (31.19' R1)
L5	S29°03'33"W	35.78' (35.78' R1)
L6	S29°03'33"W	16.26' (16.26' R1)
L7	S26°22'05"W	21.00' (21.00' R1)
L8	N29°03'33"E	67.56' (67.56' R4)
L9	S63°37'55"E	78.60' (78.60' R4)
L10	S00°04'50"E	84.28' (84.28' R4)
L11	N26°22'05"E	23.79' (23.79' R1)
L12	S63°37'55"E	27.93' (27.93' R1)

CURVE DATA

No.	DELTA	RADIUS	LENGTH
C1	150°51'37"	20.00'	52.66'

NOTES

1. This Survey does not constitute a Subdivision as defined by AS 40.15.190(2).
2. The Northeast corner of Balmat Subdivision was established at the record distance from the Northwest corner of Lot 4B Eads Subdivision. The bearing of the east boundary was determined by existing monuments to the south. The bearing of the Northwest boundary was established by the existing BLM monuments on U.S.S. 9000.
3. The lot lines in Balmat Subdivision were established at the record distances from the Northeast subdivision corner along the East and Northwest boundaries.
4. The North R.O.W. line of Nash Road was established at the record distance from the centerline as determined by the existing monuments from R.S. 2004-1.
5. The North end of the line between Lots 4A and 4B Eads Subdivision was set at record distance from the west and the south end was set by proportion along the south boundary.

SURVEYOR'S CERTIFICATE

I hereby certify that; I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown herein actually exist as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska.

06/02/2011
DATE



LEGEND

- Found BLM Monument U.S.S. 9000
- Found Monument 610-S
- Found Rebar & Al. Cap L53333
- Found Rebar & Al. Cap L54409
- Found Rebar
- Found Rebar & Pl. Cap L57569
- Set 5/8x30" Rebar & Plastic Cap, L57569
- Record Data Plat 18
- Record Data Plat 11
- Record Data 86-1
- Record Data Plat 76-8
- Record Data U.S.S. 9000
- Record Data R.S. 2004-1
- WC Witness Corner
- WD= Witness Distance

Plat #	SENWRP
Rec Dist	G-2
Date	06-02-2011
Time	11:26 A.M.

RECORD OF SURVEY
BALMAT-STEWART-EADS SUBDIVISIONS
PORTIONS OF:
LOTS 1,2,3,5,6,7,24,25,27 BALMAT SUBDIVISION, PLAT 18
LOTS 7 & 8, BLOCK 4, STEWART SUBDIVISION, PLAT 11
LOT 4B, EADS SUBDIVISION, PLAT 86-1
LOCATED NORTH OF NASH ROAD R.O.W., PLAT 76-8
LOCATED WITHIN:
SECTION 26, T1N, R1W, S.M., ALASKA
SEWARD RECORDING DISTRICT

CLINE AND ASSOCIATES
LAND SURVEYORS

416 4th AVENUE P.O. BOX 2703 SEWARD, AK 99664
(907) 224-7324 FAX (907) 224-6088

DATE: 05/29/11	SCALE: 1"=100'
DRAWN: WNC	F.D. BK.: 11-02
DRAWING NO.: 11-16RS	DATE OF SURVEY: 05/25/11

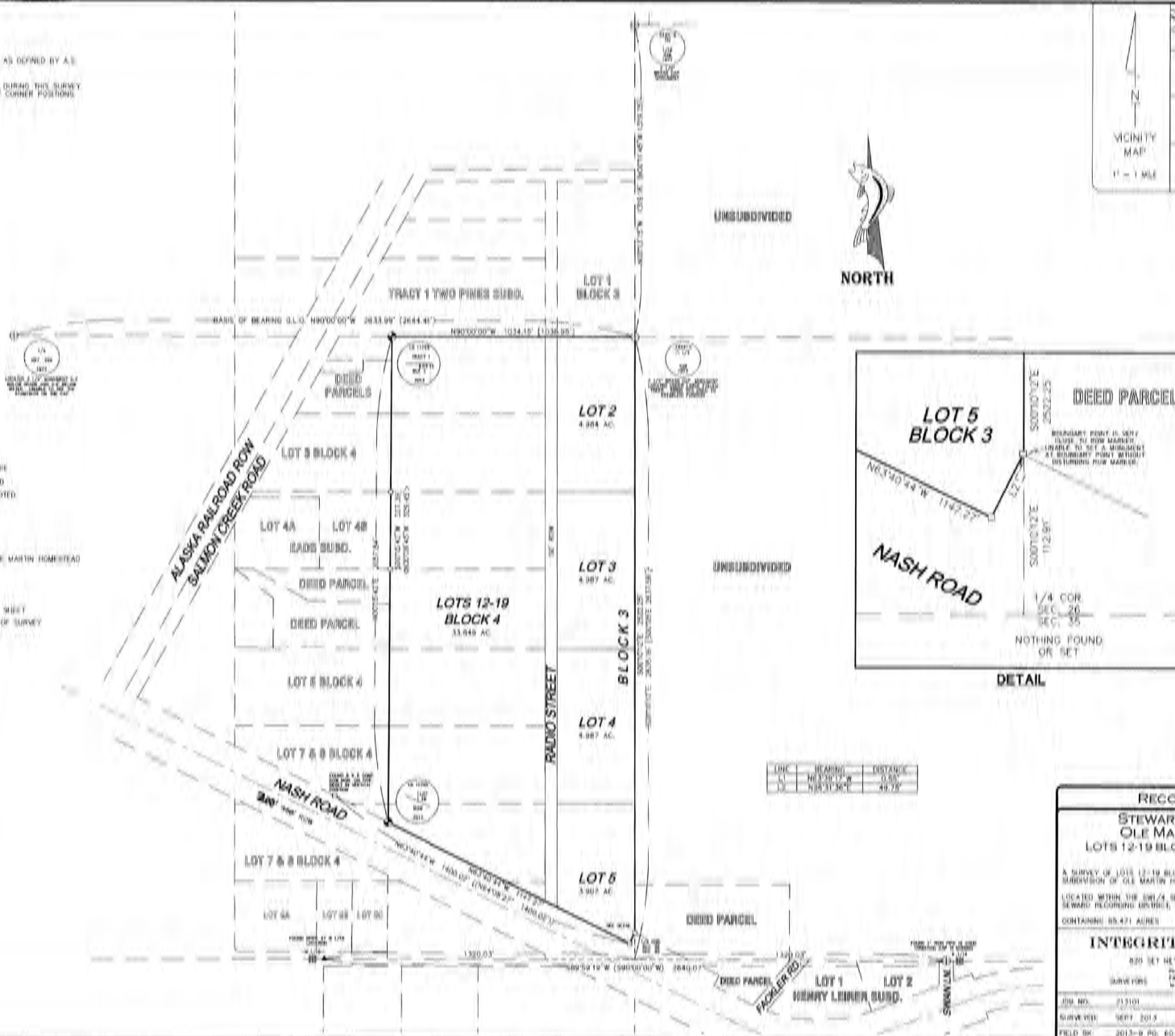
NOTES:

- 1) THIS SURVEY DOES NOT CONSTITUTE A SUBDIVISION AS DEFINED BY A.S. 40.15.900(A).
- 2) ONLY EXTERIOR BOUNDARY CORNERS WERE MARKED DURING THIS SURVEY. NO MONUMENTATION WAS SET AT THE INTERIOR LOT CORNER POSITIONS.

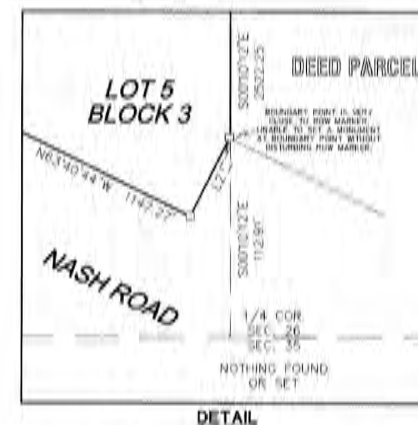
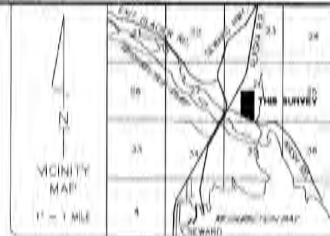
LEGEND

- PRIMARY MONUMENT SET THIS SURVEY
- 2 1/2" ALUM. MON. ON ALUM. PIPE
- ⊕ PRIMARY MONUMENT RECOVERED AS NOTED
- SECONDARY MONUMENT RECOVERED AS NOTED
- DOT/PP CONCRETE ROW MARKER
- ▲ SPIKE RECOVERED
- () RECORD PER GLO SURVEY
- [] APPROVED JUNE 18, 1914
- [] RECORD PER STEWART SUBDIVISION OF OLE MARTIN HOMESTEAD
- [] PLAT NO. SW-11
- [] RECORD PER AVALON SUBDIVISION
- [] PLAT NO. 85-15 UND
- [] RECORD PER DOT & PF SURVEY CONTROL SHEET
- [] PLAT NO. 2004-01 UND RECORD OF SURVEY
- [] RECORD PER EADS SUBDIVISION
- [] PLAT NO. 66-1 UND

CERTIFICATE OF SURVEY
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA. THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION. THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED AND ALL DIMENSIONS AND OTHER DETAILS ARE (VERIFIED) TO THE NORMAL STANDARDS OF PRACTICE OF LAND SURVEYORS IN THE STATE OF ALASKA.



LINE	BEARING	DISTANCE
1	N 83° 30' 00" W	0.50'
2	N 83° 30' 00" W	29.79'



2014-7
Plat #
Sawed
1-17-2014
Time 8:18 AM

2014-9
Plat #
Sawed
11-13-2014
Time 2:16 PM

RECORD OF SURVEY

STEWART SUBDIVISION OF OLE MARTIN HOMESTEAD

LOTS 12-19 BLOCK 4 & LOTS 2 & 3 BLOCK 3

A SURVEY OF LOTS 12-19 BLOCK 4 AND LOTS 2 & 3 BLOCK 3 OF STEWART SUBDIVISION OF OLE MARTIN HOMESTEAD

LOCATED WITHIN THE SW 1/4 SECTION 26, T1N, R1W, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

CONTAINING 85.471 ACRES

INTEGRITY SURVEYS INC.

820 SET KEY DRIVE VERNAL, AK 99611

SURVEYORS PHONE: (907) 881-0882 FAX: (907) 843-8071

DRAWN: J. L. L. DATE: JANUARY 3, 2013 SH

SURVISED: SEPT. 2013 SCALE: 1" = 300'

FIELD SK: 2013-09 PD: 60-63 FAX: 213101 R5L0W0



Integrity Surveys, Inc.

SURVEYORS-PLANNERS

Phone (907) 283-9047 • (907) 262-5573 • Fax (907) 283-9071 • 820 Set Net Drive, Kenai, Alaska 99611

Seward Recording District
PL 2014-7

AFFIDAVIT

RECORD OF SURVEY STEWART SUBDIVISION OF OLE MARTIN HOMESTEAD LOTS 12-19 BLOCK 4 & LOTS 2-5 BLOCK 3

The above referenced subdivision plat, as filed in the office of the District Recorder, Seward Recording District, under Plat File No. 2014-1, has been amended by:

Correcting the label showing the right of way width of Nash Road. It has been corrected to show 200', which is the true width of the right of way.

The above revision constitutes the sole change made to the plat aside from its notation in the revision block on the plat. The above revision does not affect any valid existing right. I am therefore submitting this plat for refiling as corrected.

Scott Huff LS 11795
Name Surveyor Number

Date: April 21, 2014



DESK PACKET

(MATERIALS SUBMITTED AFTER 7/31/26)

- E6. Johnson Surveying / Unrein, Berticevich
Request: Vacate the entire Eads Way and portions of
Balmat Street & Bardson Lane, Balmat Sub, Plat SW18
Seward Area**

AGENDA ITEM E. NEW BUSINESS

ITEM #6 - RIGHT OF WAY VACATION

**VACATE EADS WAY LYING EAST OF SALMON CREEK ROAD AND PORTIONS OF BALMAT STREET AND
BARDARSON LANE LYING NORTH OF NASH ROAD**

KPB File No.	2026-075V
Plat Committee Meeting:	August 10, 2026
Applicant / Owner:	James Unrein AKA James Daniel Unrein and Sheila Ruth Berticevich of Seward, Alaska
Surveyor:	Jerry Johnson; Johnson Land Surveying
General Location:	Eads Way, Balmat Street, and Bardarson Lane, Seward Area

Legal Description:	Eads Way, Balmat Street, and Bardarson Lane T 1N R 1W SEC 26 Seward Meridian SW 0000018 BALMAT SUB NELY OF NASH RD
---------------------------	--

STAFF REPORT - ADDENDUM

After the staff report was completed, staff was notified by the surveyor the wish of the client to postpone the vacation submittal request. With some of the comments received, a new layout is being completed.

END OF STAFF REPORT ADDENDUM



KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition was received on 6/30/2026 to vacate a public right-of-way in the Seward area. Area under consideration is described as follows:

Request / Affected Property: Vacate the entire Eads Way right-of-way and portions of Balmat Street and Bardarson Lane as dedicated by Balmat Subdivision, plat SW 18

KPB File No. 2026-075V.

Petitioner(s) / Land Owner(s): James Unrein AKA James Daniel Unrein and Sheila Ruth Berticevich of Seward, AK.

Purpose as stated in petition: Vacate Eads Way and portions of Balmat Street and Bardarson Lane

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, August 10, 2026**, commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

To attend the meeting using Zoom from a computer visit <https://us06web.zoom.us/j/9077142200>. You may also connect to Zoom by telephone, call toll free **1-888-788-0099** or **1-877-853-5247**. If calling in you will need the Meeting ID of 907 714 2200. Additional information about connecting to the meeting may be found at <https://www.kpb.us/local-governance-and-permitting/leadership-governance/planning-commission/planning-public-notices>.

Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to planning@kpb.us, or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM, Friday, August 7, 2026**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

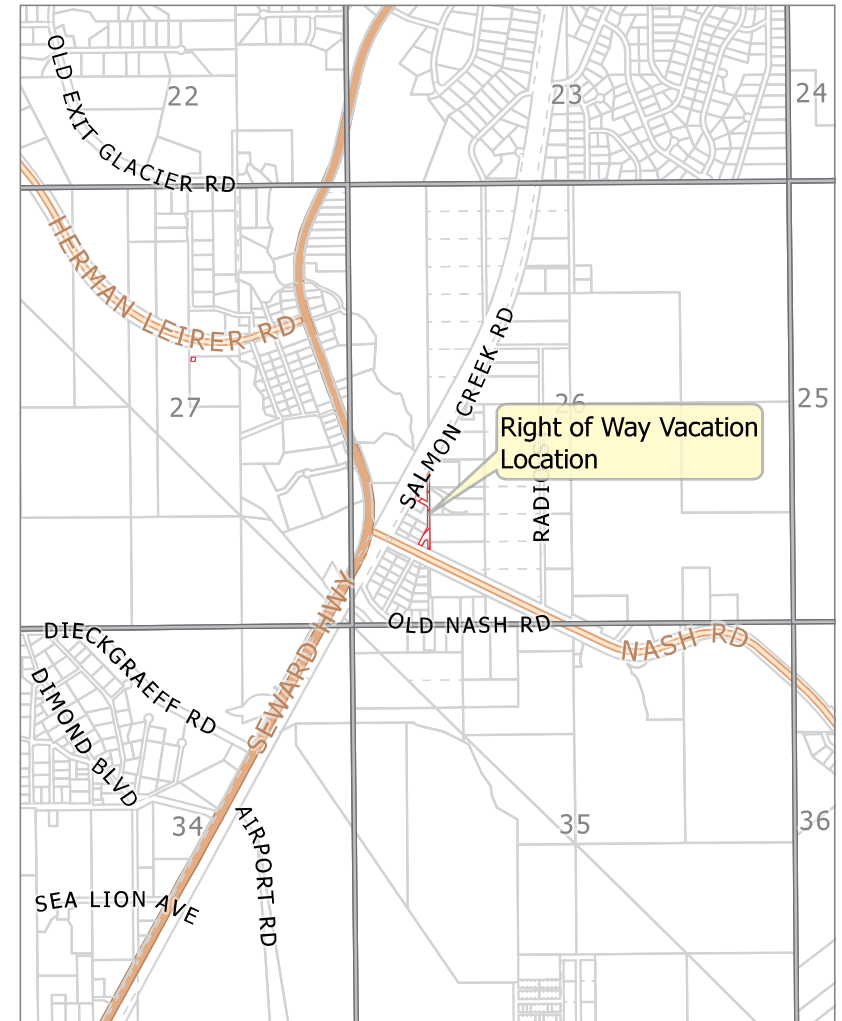
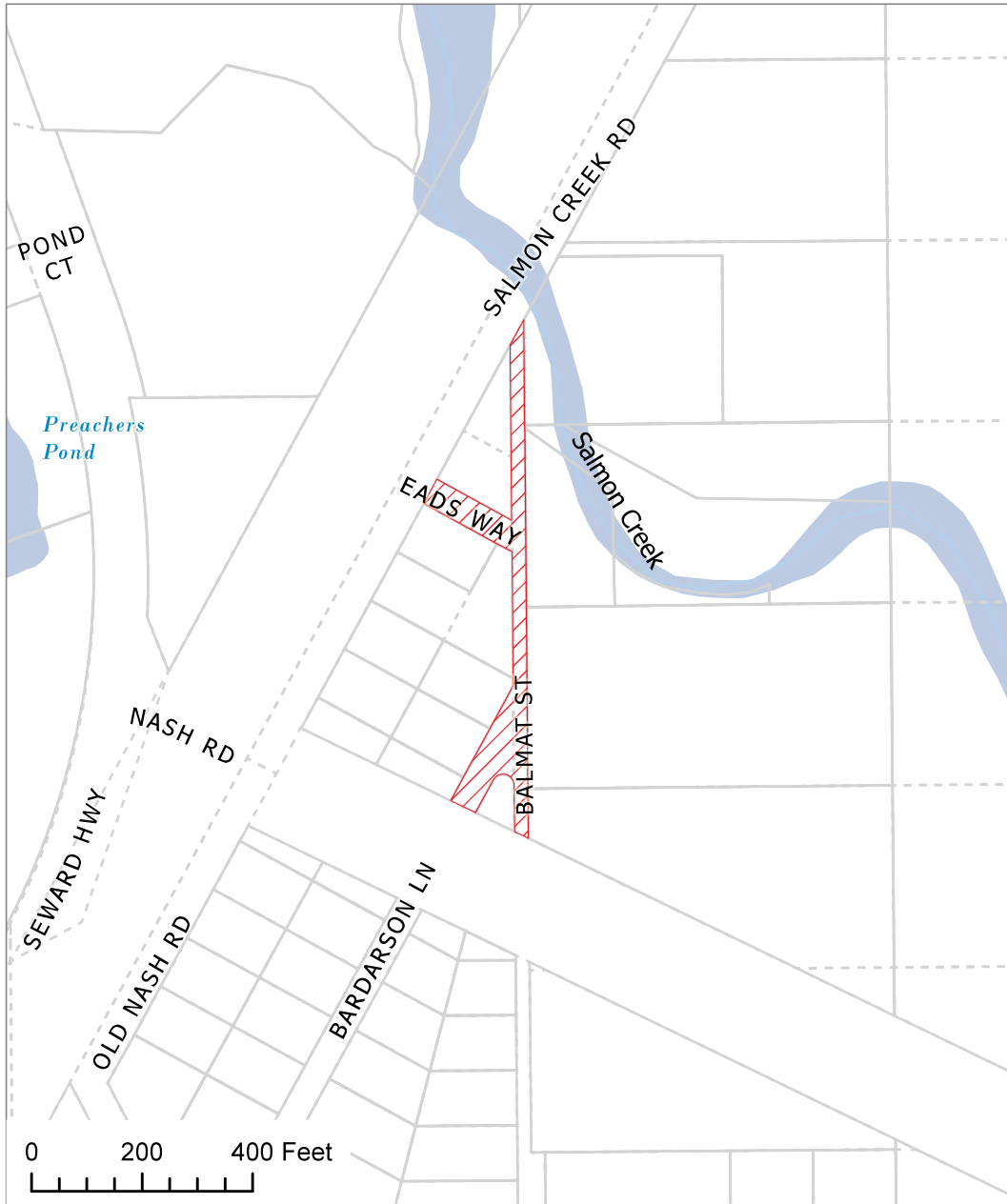
If the Planning Commission approves the vacation, the Borough Assembly has thirty days from that decision in which they may veto the Planning Commission approval. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.

Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <https://kpb.legistar.com/Calendar.aspx>. Use the search options to find the correct timeframe and committee.

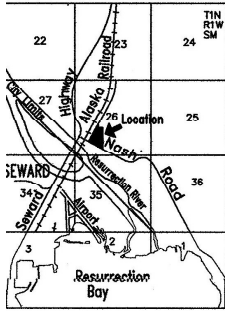
For additional information contact Sandee Simons (ssimons@kpb.us) or Beverly Carpenter

(BCarpenter@kpb.us), Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough) or email planning@kpb.us.

Mailed 7/24/2026



KPB File 2026-075V
T 01N R01W SEC 26
Bear Creek



Unrein River Walk Preliminary Plat

A replat of Stewart Subd of Ole Martin Homestead, SWD 11, Block 4, deed parcels of Lot 5 and Lot 6, Lot 7 & Lot 8 (portion North of Nash Road), and Balmat Subd, SWD 18, Lots 1-5, 6 except portion conveyed to State of Alaska by SWD Book 340 Page 31, & Lots 23-27, including a vacation of Eads Way, Balmat Street and Harderson Lane ROWs. Located in the SW 1/4 Section 26, T34N, R14W S4E, Seward Recording District - Kenai Peninsula Borough

Prepared for

James Unrein
P.O. Box 3474
Seward, AK 99684

Sheila Ruth Berticevich
P.O. Box 3012
Seward, AK 99684

William H McInn
P.O. Box 1098
Seward, AK 99684

Prepared by

Johnson Surveying
P.O. Box 27
Cham Gulch, AK 99688
(907) 882-5772

SCALE 1" = 100' AREA = 18.178 acres
23 June, 2026

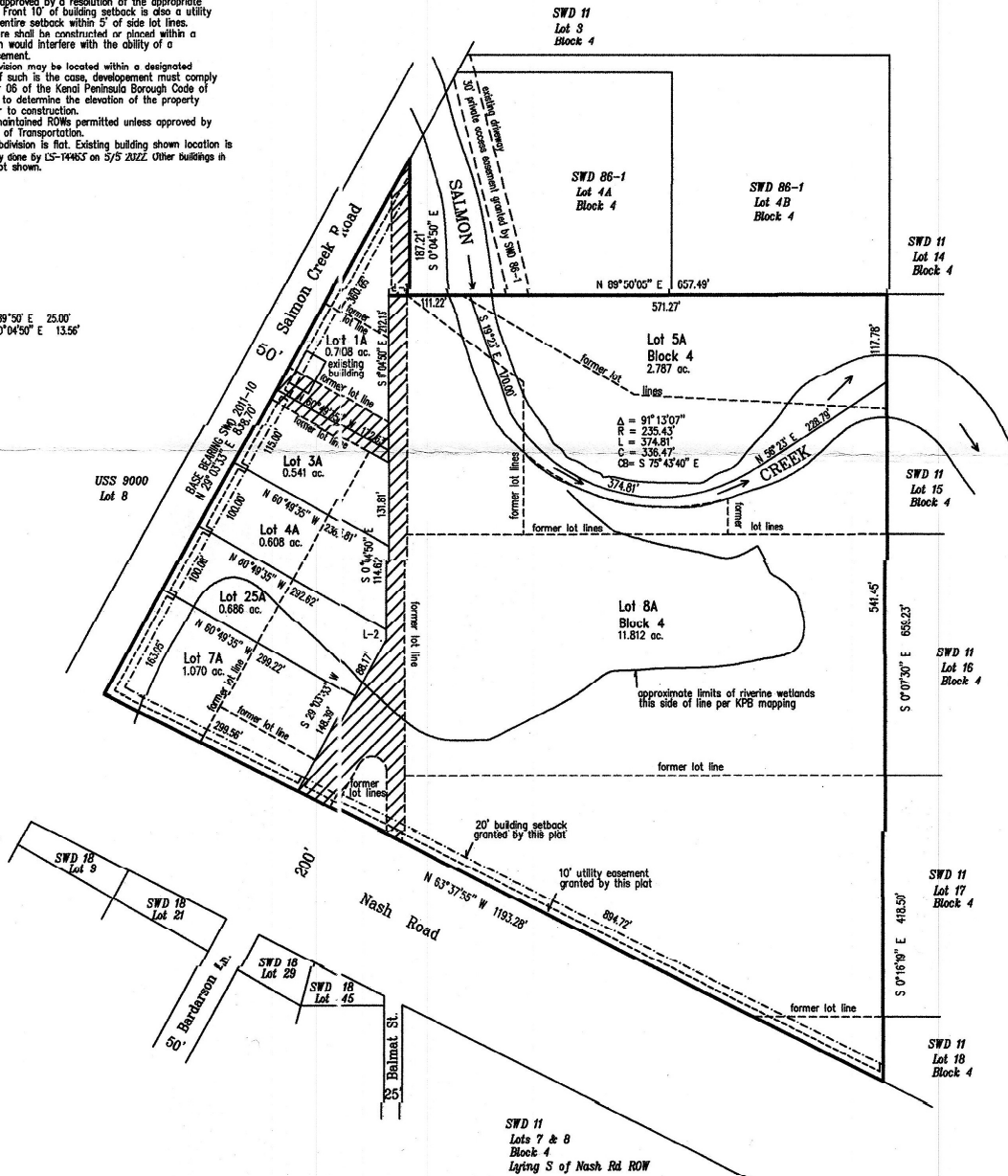
- Indicates ROW being vacated.

VICINITY 1" = 1 mile MAP

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. Lots within this subdivision may be located within a designated flood hazards area; if such is the case, development must comply with Title 21, Chapter 06 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction.
4. No access to state maintained ROWs permitted unless approved by State of Alaska Dept of Transportation.
5. Topography of the subdivision is flat. Existing building shown location is from an as-built survey done by 15-14463 on 5/5/2022. Other buildings in Eads Way ROW are not shown.

L-1 N 89°50' E 25.00'
L-2 S 0°04'50" E 13.56'



KPB 2026-075V

E. NEW BUSINESS

7. Conditional Use Permit; PC Resolution 2026-37

Applicant/Landowner: Wilson

Request: For an oversized ELP attached to a cabin within the 50' HPD of the Kenai River

**Location: 45646 Spruce Avenue W.
Ridgeway Area**

Multi-Agency Permit Application
Kenai Peninsula Borough
River Center

514 Funny River Road
Soldotna, Alaska 99669
KenaiRivCenter@kpb.us

Phone: (907) 714-2460
Fax: (907) 260-5992

Fees Received: \$ _____

☐ Cash

☐ Check # _____

CREDIT CARDS NOT ACCEPTED
FOR APPLN FEES

PROPERTY OWNER:

Name: Trevor Wilson
Mailing: 1406 276th ST NW
STANWOOD WA 98292
Phone: 360 461-3828
Email: Cwilsonconcrete@aol.com

AGENT: (if applicable)

Name: _____
Mailing: _____
Phone: _____
Email: _____

PROJECT LOCATION:

KPB Parcel ID: 05748938
Physical Address: 45646 Spruce Ave W
Subdivision: Poachers Cove
Lot: 4 Block: _____ Addition/No.: _____

WATERBODY INFORMATION:

Waterbody: _____
River Mile: _____
Riverbank: ☐ Left ☐ Right (looking downstream)

PERMIT FEES:

☐ \$50 - Staff Permit **OR** ☒ \$300 - Conditional Use or Floodway Analysis

PROJECT:

☐ New Project **OR** ☐ Extension/Amendment to RC# _____

Please select all activities that apply to your project:

- | | | |
|--|--|--|
| ☐ Bank Stabilization | ☐ Fish & Wildlife Management | ☐ Road Construction |
| ☐ Boat Launch | ☐ Floating Dock | ☐ Structure (Accessory) |
| ☐ Bridge | ☐ Fuel Storage Green Infrastructure | ☐ Structure (Residential) |
| ☐ Coir Logs | ☐ In-Stream Structures (Weir) | ☐ Spruce Tree Revetment |
| ☐ Culvert | ☐ Oil & Gas | ☐ Stream Crossing |
| ☐ ELP Structures | ☐ On-Site Utilities | ☐ Utility Line/Easement |
| ☐ Equipment Stream Crossing | ☐ Prior-Existing Structure | ☐ Veg Mat |
| ☐ Excavation, Dredging, and/or Fill | ☐ Revegetation | ☐ Vegetation Removal |
| ☐ Fence Installation | ☐ Root Wads | ☐ Water Withdrawal |
| | | ☐ Other: <u>Deck</u> |

PROJECT DESCRIPTION: Provide a detailed description of your project, attach additional pages if necessary.

Bit a Deck All ELP materials 6' from cabin 24-30 inches from ground Apr 192
8' mirrored top + bottom, Deck is only Access from Cabin to river other
than tramping down vegetation required by Permit of cabin. The vegetation
is growing lush for entire 480 ft required (Pitchers Attached) the main barrels
@ Rear of cabin irrigate the vegetation under the Deck (also see Pics)

COST-SHARE: Is this project funded by the ADFG-USFWS Cost-Share Program? ☐ Yes ☐ No

KPB TAX CREDIT PROGRAM: KPB provides a tax credit as partial reimbursement for new habitat protection and restoration projects within 150 feet of anadromous streams. If you would like to pre-qualify for this credit, please provide your estimated project cost(s) below. Do not include grants or other funding assistance:

Elevated Light-Penetrating Structures \$ _____ Other Activities \$ _____
Habitat Restoration & Protection \$ _____ Green Infrastructure \$ _____

PROJECT QUESTIONS:

1. Start date: 7/31/24 End date: 7/31/26 Estimated Days of Construction: _____
2. Is any portion of the work already complete? If yes, please describe: Done with Cabin ☒ Yes ☐ No
3. Is your project located on land or waters of an Alaska State Park? ☐ Yes ☒ No
- If yes, you must fill out an Alaska State Parks application at: dnr.alaska.gov/parks/permit

Ordinary High Water (OHW) and Mean High Water (MHW):

4. Is the project located within 50 feet of OHW or MHW a waterbody? ☒ Yes ☐ No
5. Does any portion of the project extend below the OHW or MHW of the waterbody? ☐ Yes ☒ No
6. Does any portion of the project cantilever or extend over the MHW of the waterbody? ☐ Yes ☒ No
7. Will anything be placed below OHW or MHW of the waterbody? ☐ Yes ☒ No

Regulatory Floodplains:

8. Is the property where the project is taking place near or within a regulatory floodplain? ☒ Yes ☐ No
- a. Is this project within or adjacent to a regulatory floodway? ☒ Yes ☐ No
- b. Is this project within or adjacent to a coastal high hazard zone? ☐ Yes ☒ No
- c. For new buildings and/or additions, list all project costs (labor, materials, etc.): \$ 6000

Excavation, Dredging, and Fill:

9. Will material be excavated or dredged from the site? ☐ Yes ☒ No
- a. Type of material(s): _____
- b. Area to be dredged below OHW or MHW:
Length: _____ (ft) Width: _____ (ft) Depth: _____ (ft) Total Cubic Yards: _____
- c. Area to be excavated above OHW or MHW:
Length: _____ (ft) Width: _____ (ft) Depth: _____ (ft) Total Cubic Yards: _____
- d. Location materials will be deposited: _____
10. Will any material (including soils, debris, and/or overburden) be used as fill? ☐ Yes ☒ No
- a. Type of material(s): _____
- b. Is this fill permanent or temporary? ☐ Permanent ☐ Temporary
- c. Area to be filled above OHW or MHW:
Length: _____ (ft) Width: _____ (ft) Depth: _____ (ft) Total Cubic Yards: _____
- d. Area to be filled below OHW or MHW:
Length: _____ (ft) Width: _____ (ft) Depth: _____ (ft) Total Cubic Yards: _____

Motorized Equipment:

11. Will you be using motorized equipment for this project? If yes, please list all equipment: ☐ Yes ☒ No
- a. Will you be crossing a stream or waterbody? ☐ Yes ☒ No
- b. How long will equipment be used below OHW or MHW? _____

SIGNATURE & CERTIFICATION:

This application is hereby made requesting permit(s) to authorize the work described in this application form. I certify the information in this application is complete and accurate to the best of my knowledge and that my site plans or drawings are attached. If applying for a tax credit, I certify that I have not begun construction of the project and that the project will be constructed to the standards in KPB 5.12 Real Property and Personal Property Taxes, KPB 5.14 Habitat Protection Tax Credit, and other applicable federal, state, and local regulations.

Tara Webb
Owner Signature (required)

6/30/26
Date

Agent Signature (if applicable)

Date

**1 "THE INTENT OF THIS LETTER IS TO REQUEST APPROVAL FOR OUR
DECK THROUGH A CONDITIONAL USE PERMIT UNDER KPB
21.18.081, SPECIFICALLY UNDER CONDITIONAL USE AND
STRUCTURES, ARTICLE 10, A THROUGH F.**

Additionally, we understand that the Kenai Peninsula Borough places a strong emphasis on preserving the natural beauty and tranquility of our surroundings. Our lot is 30 feet wide, and our cabin is 24 feet wide. In order to build our cabin (which is 24wide and 32 feet inside the HPD), we reduced its size and pulled it back to allow for 480 square feet of structure and 480 square feet of green space.

To achieve this, both sides of the lot next to the cabin have 22 feet of planted vegetation, and all 30 feet across the back of our lot is also planted. As a result, we currently have no access to the river without disrupting this vegetation.

We are requesting the deck permit as a win-win solution: without a deck, the vegetation would be greatly compromised by foot traffic, but with a deck, all 480 square feet of vegetation beneath it is completely protected. We've also supplied irrigation from rain barrels at the rear of the cabin to keep the vegetation under the deck well-irrigated.

We understand that we are currently in a non-compliant situation and hope that this proposal helps us reach a resolution. We believe the deck is built with all the proper materials as an ELP structure, featuring aluminum grating, completely pervious, elevated 24 to 30 inches above the ground, and it is set six feet from the attached structure."

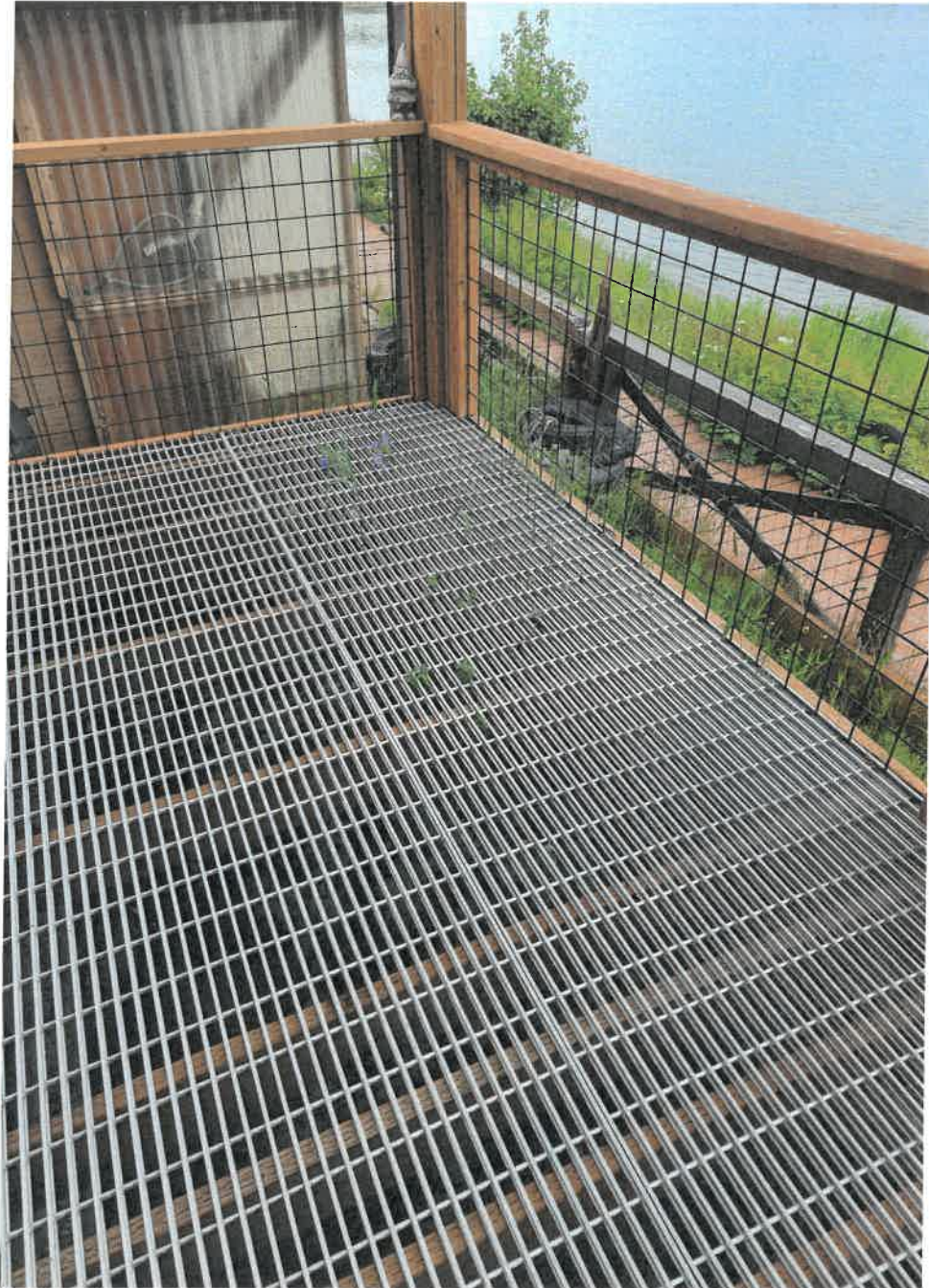
Please see attached photos.

Thanks

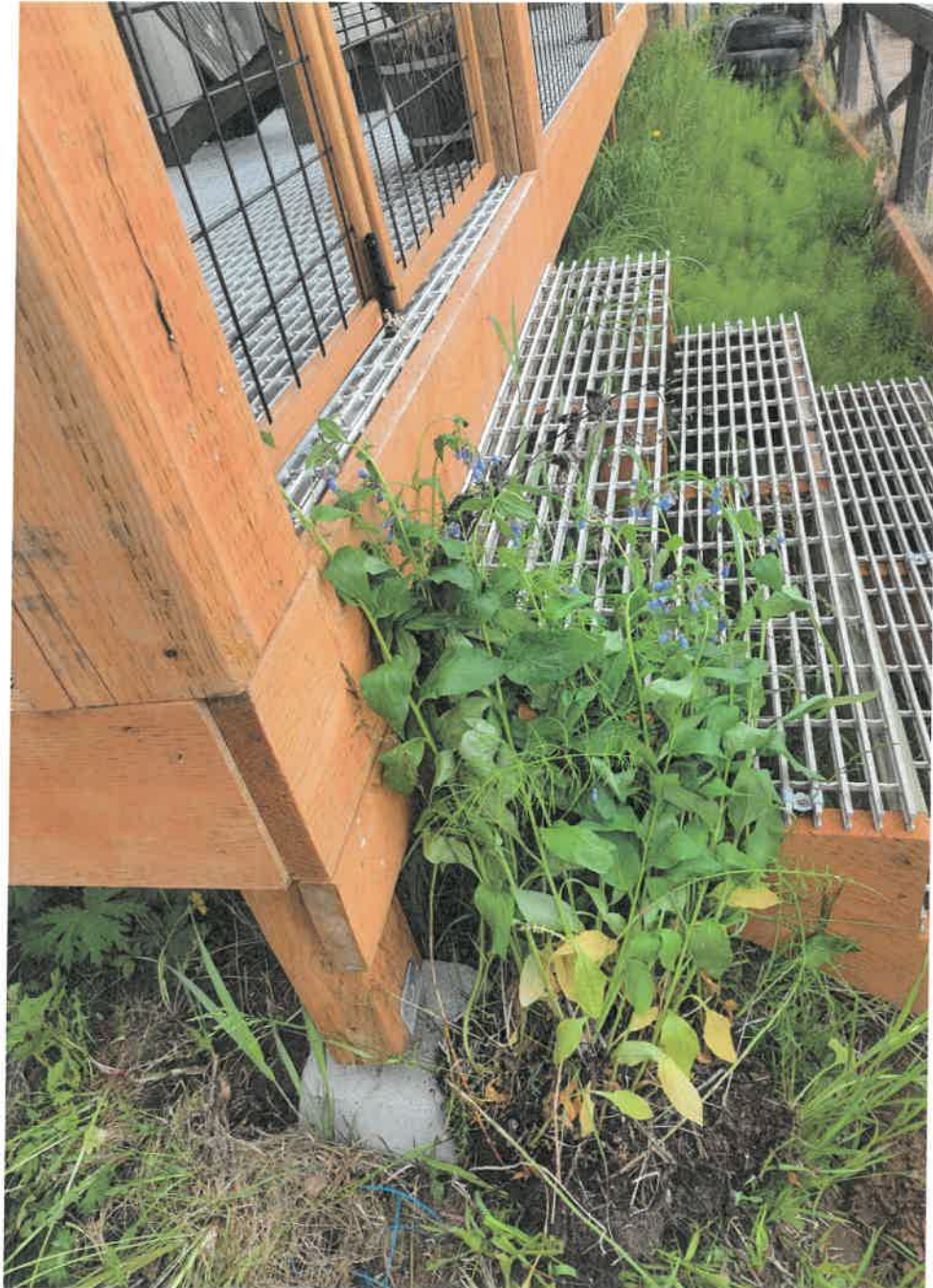
Trevor Wilson.















Deck



0 50 100
ft

The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

 **Project Area**

KPB Parcel(s):
05748938

Project Description:

Vicinity: Kalifornsky



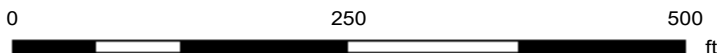
Map created by Aldridge, Morgan
Wednesday, July 8, 2026





 **Project Area**
KPB Parcel(s):
05748938

Map created by Aldridge, Morga
Wednesday, July 8, 2026





KENAI PENINSULA BOROUGH RIVER CENTER NOTICE OF PUBLIC HEARING

The Kenai Peninsula Borough received an application for a Conditional Use Permit under KPB 21.18.081 for a project within the 50-foot Habitat Protection District (HPD) of the Kenai River. This project has been scheduled for a public hearing before the Kenai Peninsula Borough Planning Commission.

Why are you receiving this notice?

Per code, property owners within 300 feet of the proposed project must receive notice of the public hearing. This project is located at 45646 SPRUCE AVE W, Alaska, Parcel ID 05748938. Our records indicate that you are a property owner within 300 feet of that parcel.

Project Description:

Applicant requests permit for oversized ELP attached to cabin within the 50-foot HPD of the Kenai River.

How can you look at the application?

The meeting packet will be posted the week prior to the meeting. Once it has been posted it can be viewed at <https://kpb.legistar.com/Calendar> or by scanning this QR code with your phone:



How do you attend the Planning Commission meeting?

When: Monday, August 10, 2026 at 7:30 pm or as soon thereafter as business permits
Where: This meeting will be held in the Betty J. Glick Chambers, George A. Navarre Borough Administration Building located at 144 North Binkley Street, Soldotna.
Zoom: Meeting ID 907 714 2200
<https://us06web.zoom.us/j/9077142200>
1-888-788-0099 or 1-877-853-5247
Or other audio or video conferencing means whenever technically feasible

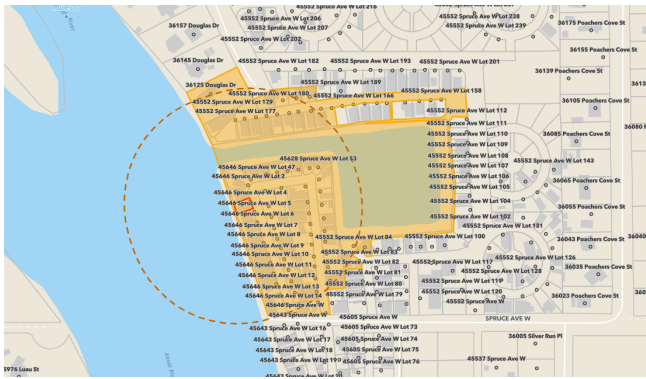
How do I comment on the project?

You can provide verbal comment at the meeting (see information above). You may also submit written comments. **Written comments must be received by 1:00 pm Friday, August 7, 2026.**

Mail comments to:
Donald E. Gilman River Center
514 Funny River Road
Soldotna, Alaska 99669

Email comments to:
KenaiRivCenter@kpb.us

For additional information, please contact Morgan Aldridge at MAldridge@kpb.us or 907-714-2465.



CUP Notification Report

Wednesday, July 8, 2026

Report generated for KPB Parcel(s):
05748938



- 300ft Buffer
- Original selection
- Parcels intersecting the buffered area.

The following list was created by applying a 300 ft buffer to the parcel or parcels indicated above. Questions or comments can be relayed to MAldridge@kpb.us.

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
05707105	PURCELLA RICK A & KATHLEEN A	3701 E 121ST AVE	ANCHORAGE	AK	99516
05748757	SINGLETON FRED TRUST	4903 BOBTAIL RD	LIBBY	MT	59923
05748758	SCHAEFER NANCY LEE & DONALD E	PO BOX 3618	SOLDOTNA	AK	99669
05748759	ANDERSON MICHAEL G RESTATED TRUST AGREEMENT	PO BOX 872886	WASILLA	AK	99687
05748760	JACOBY GEORGE W	8116 ENDICOTT ST	ANCHORAGE	AK	99502
05748765	SZYMANIAK BERNARD & KATHERINE LIVING TRUST	PO BOX 337	VERDI	NV	89439
05748766	CALKINS PETER D	4478 SR 309 HWY	DALLAS	PA	18612
05748767	J & C LIVING TRUST	9401 ALISSA CIR APT A	ANCHORAGE	AK	99515
05748768	J & C LIVING TRUST	9401 ALISSA CIR APT A	ANCHORAGE	AK	99515
05748769	ROMEO JASON A	5643 VER NI RD	SEBASTOPOL	CA	95472
05748770	ROMEO CORRENE ANN	2680 E SCRUBPINE ST	MERIDIAN	ID	83642
05748770	ROMEO JOHN ANTHONY Jr	2680 E SCRUBPINE ST	MERIDIAN	ID	83642
05748771	ANDERSON MARCIA P	36955 CANNERY RD	KENAI	AK	99611
05748772	THOMPSON HOPE C	PO BOX 4423	SOLDOTNA	AK	99669
05748772	THOMPSON JERRY A	PO BOX 4423	SOLDOTNA	AK	99669
05748773	HAMILTON MATTHEW & PRISCILLA D	8500 E 11TH CT	ANCHORAGE	AK	99504
05748784	BEAUCLAIR CARLA K	13816 SE 5TH ST	BELLEVUE	WA	98005
05748784	GRIEBEL KELLY D	36201 TREMOLO CIR	SOLDOTNA	AK	99669
05748784	IMHOLTE MELANIE S	36029 TREMOLO CIR	SOLDOTNA	AK	99669
05748784	KEATING DAVID W	PO BOX 70	FRENCHTOWN	MT	59834
05748784	KEATING DONALD E	17025 130TH AVE SE	RENTON	WA	98058
05748784	KEATING KEVIN L	8151 7TH AVE SW	SEATTLE	WA	98106

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
05748784	KEATING RYAN D	554 ANCHOR CIR	REDWOOD CITY	CA	94065
05748785	179 A SPRUCE AVE LLC	3225 MCLEOD DR STE 100	LAS VEGAS	NV	89121
05748786	POACHER'S COVE HOMEOWNERS ASSN	PO BOX 4328	SOLDOTNA	AK	99669
05748920	SUMMERS TROY F & LOIS E LIVING TRUST	151 DESERT ROCK DR	LAS VEGAS	NV	89123
05748921	DALEY DALE JOHN	7229 WILLOW OAK DR	COLUMBUS	GA	31909
05748921	DALEY DANIEL JAMES	3112 292ND ST S	ROY	WA	98580
05748921	HILLIKER DAWN JEANNE	12228 96TH PL NE	KIRKLAND	WA	98034
05748921	HILLIKER MARK FREDRICK	12228 96TH PL NE	KIRKLAND	WA	98034
05748921	NYREN ANDREW STEVEN	30470 STUBBLEFIELD DR	SOLDOTNA	AK	99669
05748921	NYREN DENISE JANINE	30470 STUBBLEFIELD DR	SOLDOTNA	AK	99669
05748922	DUNCANSON JOINT REVOCABLE TRUST	35555 KENAI SPUR HWY	SOLDOTNA	AK	99669
05748923	DUNCANSON JOINT REVOCABLE TRUST	35555 KENAI SPUR HWY	SOLDOTNA	AK	99669
05748924	SCOTT JOHN E ALASKA COMMUNITY PROPERTY TRUST	1120 HUFFMAN RD STE 24	ANCHORAGE	AK	99515
05748925	SCOTT JOHN E ALASKA COMMUNITY PROPERTY TRUST	1120 HUFFMAN RD STE 24	ANCHORAGE	AK	99515
05748926	SCHAEF JULIA DARICE REVOCABLE TRUST	3847 SPADONI LN # 5B	GIG HARBOR	WA	98335
05748926	SCHAEF STEVE	3847 SPADONI LN # 5B	GIG HARBOR	WA	98335
05748927	SCHAEF JULIA DARICE REVOCABLE TRUST	3847 SPADONI LN # 5B	GIG HARBOR	WA	98335
05748927	SCHAEF STEVE	3847 SPADONI LN # 5B	GIG HARBOR	WA	98335
05748928	SCHAEF JULIA DARICE REVOCABLE TRUST	3847 SPADONI LN # 5B	GIG HARBOR	WA	98335
05748928	SCHAEF STEVE	3847 SPADONI LN # 5B	GIG HARBOR	WA	98335
05748929	CASON WANDA REVOCABLE TRUST	50623 DOSSOW ST	NIKISKI	AK	99611
05748930	WILSON CURT M	1406 276TH ST NW	STANWOOD	WA	98292
05748931	WILSON CURT M	1406 276TH ST NW	STANWOOD	WA	98292
05748932	BURLESON DELAINE M	4515 N MCKEAN DR	PALMER	AK	99645
05748933	WILSON TREVOR C	1406 276TH ST NW	STANWOOD	WA	98292
05748934	HAAG MARK JUDE TRUST	23834 COUNTRY VIEW DR	DIAMOND BAR	CA	91765
05748934	WALLACE MELODY LYNN FAMILY TRUST	23834 COUNTRY VIEW DR	DIAMOND BAR	CA	91765
05748935	BEVERIDGE BETH A	2042 BRANDILYN ST	ANCHORAGE	AK	99516

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
05748935	BEVERIDGE DAVID G	2042 BRANDILYN ST	ANCHORAGE	AK	99516
05748936	CLAUSEN FAMILY TRUST	24039 MOBILE ST	WEST HILLS	CA	91307
05748937	HAAG MARK JUDE TRUST	23834 COUNTRY VIEW DR	DIAMOND BAR	CA	91765
05748937	WALLACE MELODY LYNN FAMILY TRUST	23834 COUNTRY VIEW DR	DIAMOND BAR	CA	91765
05748938	WILSON TREVOR C	1406 276TH ST NW	STANWOOD	WA	98292
05748939	RIDDELL ANDREW H	1390 GABRIOLA CT	BELLINGHAM	WA	98229
05748940	BURDG HARRELL TRUSTEE OF HARRELL BURDG TRUST	3649 N HIGHWAY 13	HAMILTON	MO	64644
05748941	DUNHAM JAMES C & MARLENE A	920 S HUGHES ST	HAMILTON	MO	64644
05748942	DALTON TREY	601 S FIR ST	CHANDLER	AZ	85226
05748942	WELLIK DANIELLE	2932 S 450 W	BOUNTIFUL	UT	84010
05748943	SHULER KATRINA JEAN	6931 VIBURNUM DR	ANCHORAGE	AK	99507
05748943	WASHINGTON NATALIE ANN	6931 VIBURNUM DR	ANCHORAGE	AK	99507
05748943	WHEELS MICHAEL ALAN	6931 VIBURNUM DR	ANCHORAGE	AK	99507
05748944	DRYER DAMON M TRUST	PO BOX 221127	SAN DIEGO	CA	92192
05748945	BUTTS FAMILY TRUST & CRAWFORD ARDITH L	322 LUPINE ST	SOLDOTNA	AK	99669
05748946	PECK WILLIAM A & GAYLE L	45646 SPRUCE AVE W # 39	SOLDOTNA	AK	99669
05748947	RIDDELL ANDREW H	1390 GABRIOLA CT	BELLINGHAM	WA	98229
05748948	CLAUSEN FAMILY TRUST	24039 MOBILE ST	WEST HILLS	CA	91307
05748949	HAAG MARK FAMILY TRUST	23834 COUNTRY VIEW DR	DIAMOND BAR	CA	91765
05748949	WALLACE MELODY LYNN FAMILY TRUST	23834 COUNTRY VIEW DR	DIAMOND BAR	CA	91765
05748950	BROWN GREG & WANDA JOINT REVOCABLE TRUST	8819 SAHALEE DR	ANCHORAGE	AK	99507
05748951	PILES MARGARET A	36 MOORINGS DR	LAKE SAINT LOUIS	MO	63367
05748951	PILES ROBERT E	36 MOORINGS DR	LAKE SAINT LOUIS	MO	63367
05748952	JOHNSON MICHAEL W REVOCABLE TRUST	6600 SHERWOOD CIR	ANCHORAGE	AK	99504
05748952	JOHNSON SHIZUKO M REVOCABLE TRUST	6600 SHERWOOD CIR	ANCHORAGE	AK	99504
05748953	BROWN GREGORY R EXEMPT TRUST	8819 SAHALEE DR	ANCHORAGE	AK	99507
05748954	BROWN GREGORY R EXEMPT TRUST	8819 SAHALEE DR	ANCHORAGE	AK	99507
05748955	BROWN GREGORY R EXEMPT TRUST	8819 SAHALEE DR	ANCHORAGE	AK	99507
05748956	POACHER'S COVE HOMEOWNERS ASSN	PO BOX 4328	SOLDOTNA	AK	99669
05748957	POACHER'S COVE HOMEOWNERS ASSN	PO BOX 4328	SOLDOTNA	AK	99669

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
05749301	RING FLOYD	500 S BRUCE ST	ANAHEIM	CA	92804
05749301	RING FLOYD AND SANDRA FAMILY TRUST	4970 DISCOVERY PT	DISCOVERY BAY	CA	94505
05749301	RING SANDRA	500 S BRUCE ST	ANAHEIM	CA	92804
05749302	HAMM GARY	5612 N BLACKSTONE AVE	FRESNO	CA	93710
05749302	NEZBAILO NATALIJA	5612 N BLACKSTONE AVE	FRESNO	CA	93710
05749303	WHETHAM GERALD E	115 BIRD LN	WHITEFISH	MT	59937
05749304	WHETHAM GERALD E	115 BIRD LN	WHITEFISH	MT	59937
05749305	COLE FAMILY TRUST	15265 S RIVER RD	CATALDO	ID	83810
05749306	POACHER'S COVE HOMEOWNERS ASSN	PO BOX 4328	SOLDOTNA	AK	99669
05749319	SHERWOOD KRISTIN MARIA	5237 E 22ND AVE	ANCHORAGE	AK	99508
05749320	SHERWOOD KRISTIN MARIA	5237 E 22ND AVE	ANCHORAGE	AK	99508
05749321	LEALCALA CHRISTIAN	5420 KIOWA DR	LA MESA	CA	91942
05749322	WHETHAM GERALD	115 BIRD LN	WHITEFISH	MT	59937
05749323	BURDG HARRELL TRUST AGREEMENT	3649 N HIGHWAY 13	HAMILTON	MO	64644
05749324	BURDG HARRELL	920 S HUGHES ST	HAMILTON	MO	64644
05749324	DUNHAM JAMES	920 S HUGHES ST	HAMILTON	MO	64644
05749324	HINSLEY BRIAN	179 COUNTY ROAD 726	JONESBORO	AR	72405
05749324	HINSLEY TANYA	179 COUNTY ROAD 726	JONESBORO	AR	72405
05749325	BURDG HARRELL	920 S HUGHES ST	HAMILTON	MO	64644
05749325	DUNHAM JAMES	920 S HUGHES ST	HAMILTON	MO	64644
05749325	HINSLEY BRIAN	179 COUNTY ROAD 726	JONESBORO	AR	72405
05749325	HINSLEY TANYA	179 COUNTY ROAD 726	JONESBORO	AR	72405
05749326	EISEL STEPHEN L	15971 WATSON RD	COPENHAGEN	NY	13626
05749327	RING FLOYD	500 S BRUCE ST	ANAHEIM	CA	92804
05749327	RING FLOYD AND SANDRA FAMILY TRUST	4970 DISCOVERY PT	DISCOVERY BAY	CA	94505
05749327	RING SANDRA	500 S BRUCE ST	ANAHEIM	CA	92804
05749328	POACHER'S COVE HOMEOWNERS ASSN	PO BOX 4328	SOLDOTNA	AK	99669
05749336	YAMADA GERALD M	99-670 HALAWA DR APT A	AIEA	HI	96701
05749336	YAMADA JERRELLYN L	99-670 HALAWA DR APT A	AIEA	HI	96701
05749337	HARRIS ANGELA	12522 CRESTED BUTTE DR	EAGLE RIVER	AK	99577

The following list was created by applying a 300 ft buffer to the parcel or parcels indicated above. Questions or comments can be relayed to MAldridge@kpb.us.

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
05749338	HARRIS ANGELA	12522 CRESTED BUTTE DR	EAGLE RIVER	AK	99577
05749339	DALEY DALE JOHN	7229 WILLOW OAK DR	COLUMBUS	GA	31909
05749339	DALEY DANIEL JAMES	3112 292ND ST S	ROY	WA	98580
05749339	HILLIKER DAWN JEANNE	12228 96TH PL NE	KIRKLAND	WA	98034
05749339	HILLIKER MARK FREDRICK	12228 96TH PL NE	KIRKLAND	WA	98034
05749339	NYREN ANDREW STEVEN	30470 STUBBLEFIELD DR	SOLDOTNA	AK	99669
05749339	NYREN DENISE JANINE	30470 STUBBLEFIELD DR	SOLDOTNA	AK	99669

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

PC Res No.	2026-37
Planning Commission Meeting:	Monday, August 10, 2026
Applicant	Trevor Wilson
Mailing Address	1406 276th St. N.W. Stanwood, WA 98292
Legal Description	POACHER'S COVE PLANNED UNIT DEVELOPMENT AMENDED LOT 4
Physical Address	45646 SPRUCE AVE W
KPB Parcel Number	05748938

Project Description

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of oversized deck within the 50-foot Habitat Protection District (HPD) of the Kenai River, as established in KPB 21.18.040.

Background Information

In 2023, the applicant was issued a Conditional Use Permit from the Planning Commission to construct a cabin in the HPD under the small lot provisions provided by KPB 21.18.081. The applicant maximized their allowable impervious footprint within the HPD and was required to create 480 square feet of green space within the HPD. Upon final inspection, River Center staff found that an unpermitted two-story deck had been attached to the river side of the cabin. The applicant is seeking an after-the-fact-permit from the Planning Commission that would allow the deck to remain.

This deck does not meet the standards of KPB 21.18.071(2) to qualify for a Staff Permit:

1. Staff Permits are only issued for ELP structures that are not ancillary to another use and are solely for purposes of accessing the river. These platforms are constructed along the banks of the river, and have limitations to their overall length, depth, and height requirements. This deck is ancillary to the cabin, and is not solely for accessing the river.
2. ELP structures must provide at least 25% light-penetration. The percent-light-penetration is not rated for overlapping platforms, as the percent-light-penetration is only rated for a single layer of ELP material. We cannot say what percent-light-penetration the two-story

deck is, but the photos provided in the application show vegetation growing under the decks.

3. ELP structures cannot exceed 1/3 of the length of available riverfront, and no more than 8 feet deep. This deck is 24 feet wide and the parcel has 30 feet of riverfront. There is also already a wooden prior-existing platform that is 30 feet long. If this prior-existing structure were removed, the largest allowable ELP under a Staff Permit would be 10 feet wide by 8 feet deep.

This deck does not meet the standards of small lot provisions within KPB 21.18.081(B)(10):

1. The parcel must be 0.3 acres or smaller, and have less than 4,000 square feet of total developed impervious coverage. This parcel is 0.03 acres, and the total developed impervious surface (permitted cabin) is 744 square feet.
2. The parcel must have less than 4,000 square feet of suitable development area outside the HPD. This parcel is a total of 1300 square feet, with 340 square feet outside the HPD, and 960 square feet within the HPD.
3. On the portion of the parcel within the HPD, the total impervious coverage may not exceed 50% of the area able to sustain native vegetation. Of the 960 square feet within the HPD, 480 square feet must be able to sustain native vegetation. The cabin permitted by the Planning Commission was designed to leave 480 square feet of vegetation.
4. Had the original application included the decks, staff would have required the cabin footprint to be reduced.

This deck does not qualify as a pervious coverage:

1. KPB 21.18.10 defines "Impervious coverage" as *"an area of ground that, by reason of its physical characteristics or the characteristics of materials covering it, does not absorb rain or surface water. All parking areas, driveways, roads, sidewalks and walkways, whether paved or not, and any areas covered by buildings, structures, or water shedding material such as, but not limited to, concrete, asphalt, brick, stone, wood, ceramic tile, plastic sheeting or metal shall be considered to be or have impervious coverage. Elevated light penetrating structures meeting the [Staff Permit] requirements of KPB 21.18.071(A)(2) shall not be counted as impervious coverage."* ELP platforms issued by Staff Permits are not counted as impervious surfaces because they are for recreational river access, are seasonally removed, and have strict size and placement limitations.
2. As established above, ELP platforms issued by Staff Permits are only allowed when they are solely for accessing the river. Over the years, staff have found that ELP platforms become easily covered, or converted to become impervious surfaces. Platforms become enclosed, roofed, covered with walking mats or furniture, or are rebuilt with wooden decking. All of which negate the benefits of ELP structures, and increase the impacts within the HPD.

If approved, this may set a precedent that goes against the nature of the chapter, and could allow for excessive impervious coverage within the HPD on small lots. Staff requests that the Planning Commission determine if the two-story deck meets the standards of KPB 21.18.081 for a Conditional Use Permit, specifically subsection (10)(e), and whether or not the deck should be counted toward the total impervious coverage for the property

Project Details within the 50-foot Habitat Protection District

Applicant requests an after-the-fact permit for a two-story deck attached to a previously permitted residential structure. The decks are made of 80% elevated-light penetrating (ELP) materials. The first level is elevated 24-30 inches off the ground, and the second level is elevated at least 8 feet off the ground. The decks are 24 feet wide and between 14 feet and 6 feet deep.

Recommendation

Pursuant to 21.18.081(D) General Standards. All of 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 to the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; this standard has been met.
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; this standard has been met.
3. The development of the use or structure shall not physically damage the adjoining property; this standard has been met.
4. The proposed use or structure is water-dependent, except for fences and signs, as such uses are expressly allowed by KPB 21.18.081(B)(2) and (3), respectively;
5. Applicant or owner's compliance with other borough permits and ordinance requirements; issuance of a permit by the Planning Commission will bring the applicant into compliance with borough code. If the Planning Commission chooses to deny this permit, the applicant could apply for and receive a Staff permit under KPB 21.18.071 to remove the deck.

Pursuant to 21.18.081(B)(10):

A principal structure or an addition to a principal structure on a small parcel that meets the standards below are considered water-dependent because the minimal lot size limits development of other non-water-dependent uses. Such structures may be approved within the habitat protection district provided all the following standards are met:

- a. The parcel boundaries were defined prior to January 1, 2012. This standard has been met.

Staff Report

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PC Resolution 2026-37

- b. The parcel and is served by a public sewer system or sewage holding tank or septic system, provided the holding tank or septic system are located entirely outside the habitat protection district. This standard has been met.
- c. The parcel has an area of 0.3 acres or less and less than 4,000 square feet of total developed impervious coverage.
- d. The parcel has less than 4,000 square feet of suitable development area outside the habitat protection district. This standard has been met.
- e. On the portion of the parcel within the habitat protection district, the total impervious coverage may not exceed 50% of the area able to sustain native vegetation, or 3,000 square feet of area able to sustain native vegetation, whichever is less.
- f. The standard for development is to first utilize suitable parcel areas outside the habitat protection district. Within the habitat protection district, nearshore areas that may sustain native vegetation must be preserved to minimize impact.

The Planning Commission could consider additional permit conditions to mitigate for any habitat loss if it chooses. For the reasons outlined above, staff cannot recommend approval. Staff confirms that standards 1-3 of the five General Standards required by KPB 21.18.081(D) have been met. Staff confirms that KPB 21.18.081(B)(10) standards a., b., and d. of the small lot provisions have been met.

Staff recommends the Planning Commission review the following Resolution and determine if the Commission can grant a Conditional Use Permit for the proposed project details subject to adopted conditions as set forth in 2026-37. Staff would recommend that the Commission attach their own findings and standards as needed to support their decision.

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. 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.

Attachments

Multi-Agency Application
Draft Resolution 2026-37
PC Resolution 2023-28
END OF STAFF REPORT

KENAI PENINSULA BOROUGH PLANNING COMMISSION

RESOLUTION 2026-37

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE AFTER THE FACT PERMIT FOR A DECK WITHIN THE 50-FOOT HABITAT PROTECTION DISTRICT OF THE KENAI RIVER.

- WHEREAS,** Kenai Peninsula Borough (KPB) Code of Ordinances (KPB code) Chapter 21.18 provides for the approval of Conditional Use Permits for certain activities within the habitat protection district; and
- WHEREAS,** KPB code 21.18.081 provides that a Conditional Use Permit is required for construction not meeting the standards of KPB code 21.18.071; and
- WHEREAS,** KPB code 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 code 21.11.030; and
- WHEREAS,** public notice was posted as provided in KPB code 01.08.180 and
- WHEREAS,** public testimony was received at the Monday, August 10, 2026 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 code, Chapter 21.18:

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

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of oversized deck within the 50-foot Habitat Protection District (HPD) of the Kenai River, as established in KPB 21.18.040.

Section 2. Findings of Fact Pursuant to KPB Code 21.18.081

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB code 21.18.040.
2. Pursuant to KPB code 21.18.081(B)(10), a principal structure or an addition to a principal structure on a small parcel may be approved within the habitat protection district provided certain standards are met. The Planning Commission finds that the proposed project does _____ meet the six required standards under KPB code 21.18.081(B)(10).
3. Pursuant to KPB code 21.18.081(D) General Standards, the Planning Commission finds that the proposed project does _____ meet the five required general standards.
4. Pursuant to KPB code 21.18.020(A), this chapter was established, in part, 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 code 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
6. The two-story deck keeps foot traffic off the ground and allows for vegetation growth for the entire size.
7. Each level of the deck were constructed using 80% light-penetrating materials, and meet the height requirement of KPB code 21.18.071(2) for ELP structures to allow for vegetation growth. The percent-light-penetration of the stacked decks is not known, but photos included with the application show that vegetation has become established beneath the decks.
8. Pursuant to KPB code 21.18.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
9. The River Center found the application complete and scheduled a public hearing for Monday, August 10, 2026.
10. Agency review was distributed on July 23, 2026. No comments or objections have been received from resource agencies to date.
11. Pursuant to KPB code 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on July 23, 2026. A total of 65 mailings were sent.
12. Pursuant to KPB code 01.08.180, public notice was posted.
13. Upon approval of the Conditional Use Permit, the applicant will be in compliance with Borough 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 deck must be designed and installed to meet KPB floodplain requirements.

3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
4. Storage or use of fuel is prohibited within 50-feet of any open water.
5. 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.
6. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
7. In addition to the penalties provided by KPB code 21.18.110, and pursuant to KPB code, Chapter 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 Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer. KPB code 21.18.082.
8. The permittee shall comply with the terms, conditions and requirements of the KPB code, Chapter 21.18, and any regulations adopted pursuant to this chapter.
9. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project. KPB code 21.18.081 (G).

Section 4. Pursuant to KPB Code 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; **Conditions 1-6 and Findings 1, 4 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; **Conditions 1-4 and Findings 4-8 support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Conditions 1-5 and Findings 6-8 support this standard.**
4. The proposed use or structure is water-dependent;
5. Applicant's or owner's compliance with other borough permits and ordinance requirements;

THIS CONDITIONAL USE PERMIT IS EFFECTIVE ON THE _____ DAY OF _____, 2026.

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. 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.

KENAI PENINSULA BOROUGH PLANNING COMMISSION

RESOLUTION 2023-28

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE
CONSTRUCTION OF A RESIDENTIAL STRUCTURE 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 Section 21.11.030; and
- WHEREAS,** public notice was published in the Peninsula Clarion on September 14, 2023 and September 14, 2023 as provided in Section 21.11.020; and
- WHEREAS,** public testimony was received at the September 25, 2023 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. Removal of existing trailer and surrounding enclosure.
2. Shrinking the building footprint inside the HPD from 780 square feet to 480 square feet.
3. Removing approximately 300 square feet of gravel and 144 square feet of bricks from the HPD.
4. Increasing the pervious (green space) in the HPD from approximately 36 square feet to 480 square feet.
5. Construction of a new residential building, with a second story of living space on top, and attached garage.
6. Structure will be built to KPB Floodplain Management standards, elevated above the Flood Protection Elevation, with sufficient flood vents for any enclosed spaces below.
7. Rain barrels will be placed at the corners of the building to collect and filter runoff water.
8. Place five cubic yards of topsoil 2-4 inches deep, allowing grass and shrub plantings to establish root systems.

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)(10), construction of principal structure 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 portions of the parcel covered by impervious surfaces within the HPD will be decreased by the new structure.
7. The structure will become compliant with KPB Floodplain requirements.
8. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
9. 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."
10. The River Center found the application complete and scheduled a public hearing for September 25, 2023.
11. Agency review was distributed on September 15, 2023 No comments or objections have been received from resource agencies to date.
12. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on September 11, 2023. A total of 56 mailings were sent.
13. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on September 14, 2023 and September 20, 2023.
14. The applicant is currently in compliance with Borough permits and ordinances.

Section 3. Permit Conditions

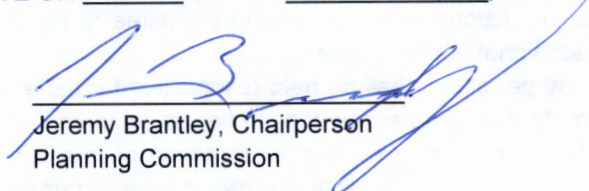
1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Kenai River.
2. The structure must be designed and installed to meet KPB floodplain requirements.
3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
4. 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.
5. Storage or use of fuel is prohibited within 50-feet of any open water.
6. The River Center shall be notified at least 3 days prior to the start of the project.

7. 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.
8. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
9. The construction or installation phase of this Conditional Use Permit must be completed within one calendar year from the date of the permit's issuance, or the Conditional Use Permit 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 Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).
10. 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 Borough 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).
11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
12. 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:

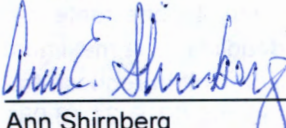
1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1-3 and Findings 6-7 appear to support this standard.**
2. 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 9-14 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Finding 8 appears to support this standard.**
4. The proposed use or structure is water-dependent; **Findings 1-3, 9 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Finding 14 appears to support this standard.**

THIS CONDITIONAL USE PERMIT EFFECTIVE ON 25TH DAY OF SEPTEMBER, 2023.



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.



KENAI PENINSULA BOROUGH RIVER CENTER NOTICE OF PUBLIC HEARING

The Kenai Peninsula Borough received an application for a Conditional Use Permit under KPB 21.18.081 for a project within the 50-foot Habitat Protection District (HPD) of the Kenai River. This project has been scheduled for a public hearing before the Kenai Peninsula Borough Planning Commission.

Why are you receiving this notice?

Per code, property owners within 300 feet of the proposed project must receive notice of the public hearing. This project is located at 45646 SPRUCE AVE W, Alaska, Parcel ID 05748938. Our records indicate that you are a property owner within 300 feet of that parcel.

Project Description:

Applicant requests permit for oversized ELP attached to cabin within the 50-foot HPD of the Kenai River.

How can you look at the application?

The meeting packet will be posted the week prior to the meeting. Once it has been posted it can be viewed at <https://kpb.legistar.com/Calendar> or by scanning this QR code with your phone:



How do you attend the Planning Commission meeting?

When: Monday, August 10, 2026 at 7:30 pm or as soon thereafter as business permits
Where: This meeting will be held in the Betty J. Glick Chambers, George A. Navarre Borough Administration Building located at 144 North Binkley Street, Soldotna.
Zoom: Meeting ID 907 714 2200
<https://us06web.zoom.us/j/9077142200>
1-888-788-0099 or 1-877-853-5247
Or other audio or video conferencing means whenever technically feasible

How do I comment on the project?

You can provide verbal comment at the meeting (see information above). You may also submit written comments. **Written comments must be received by 1:00 pm Friday, August 7, 2026.**

Mail comments to:
Donald E. Gilman River Center
514 Funny River Road
Soldotna, Alaska 99669

Email comments to:
KenaiRivCenter@kpb.us

For additional information, please contact Morgan Aldridge at MAldridge@kpb.us or 907-714-2465.

DESK PACKET

(MATERIALS SUBMITTED AFTER 8/3/26)

MISC. INFORMATION

APC MEETING MINUTES

COOPER LANDING ADVISORY PLANNING COMMISSION
REGULAR MEETING
LOCATION: COOPER LANDING COMMUNITY HALL AND ZOOM TELECONFERENCE
WEDNESDAY, AUGUST 5, 2026
6:00 PM
UNAPPROVED MINUTES

The August 5, 2026 meeting was both physically open to the public at the Cooper Landing Community Hall at 18511 Bean Creek Road, Cooper Landing, AK and available for online or telephone participation.

1. CALL TO ORDER: 6:03 pm
2. ROLL CALL - C. Degernes, K. Recken, D. Story, H. Harrison in person; P. Miller, Y. Galbraith attending by Zoom; D. Nees absent.
3. APPROVAL OF AGENDA
 - a. D. Story moves to approve the agenda amended with the deletion of the Election of Officers bullet under Roll Call. K. Recken seconds. All approve by roll call vote.
4. APPROVAL OF MINUTES FROM APRIL 8, 2026 MEETING
 - a. H. Harrison moves to approve the minutes as written. K. Recken seconds. Y. Galbraith, P. Miller approve. D. Story and C. Degernes abstain as they were not present for the April meeting. Motion passes.
5. BOROUGH BUSINESS
 - a. REPORTS: PLANNING
 - i. none
 - b. LAND MANAGEMENT
 - i. KPB 2026 General Land Sale Notice to APC – Aaron Hughes, KPB Land Management Officer.
 1. A. Hughes gave an overview of the land sale stating that it was put together by ordinance to sell 18 parcels through live and online auction.
 2. He said the live auction will be held in the Assembly Chambers and that a secondary, online only, auction will run for parcels that do not sell in the earlier auction.
 3. He said that two parcels listed in Seldovia will be combined and sold as one parcel.
 4. He said that two parcels in Kenai will be sold and the proceeds for them will be given to the KPB School District as a part of how that land was acquired and managed by the Borough.
 5. He said that the auctions will be open to all participants without restriction.
 6. He said that seven of the parcels will be a part of the Land Affordability Program (LAP) started last year which targets providing properties suitable for single family residential

development, on the road system for prices at or less than \$120,000.

a K. Recken asked about how long participants of the program have to develop the parcel. A. Hughes said they have 30 years and that there are also other strings attached. He described some of them which are listed in KPB Ordinance 2025-09 which authorized and approved the LAP.

[https://www.kpb.us/modules/mod_papyruslist/document.php?id=3810364]

b C. Degernes asked about the sequence of the Cooper Landing parcels being sold and noted that it seemed like one or two every so often when there were other KPB parcels in the area and one seemed to be taken back last year.

i A. Hughes said that the KPB tries to avoid flooding the market and diminishing values of nearby parcels.

ii He said that one of the parcels was subject of a court action and had to be pulled from the last sale. He said that issue has been resolved and that it will be sold during this land sale.

c P. Miller asked about the parcel across from the Cooper Landing Community Hall and the lis pendens described in the disclosures.

i A. Hughes said that a lis pendens is a notice of a court proceeding that is a part of the public record and will be released prior to the sale.

d H. Harrison asked about whether the Land Affordability Program has been used since it started last year and if so whether any parcels in Cooper Landing were a part of it.

i A. Hughes said yes, the parcel on Snug Harbor sold last year was a part of it.

e K. Recken moved to recommend approval of the Cooper Landing parcels as a part of the 2026 KPB land sale. Y. Galbraith seconds. All approve by roll call vote.

6. OLD BUSINESS - none

7. NEW BUSINESS

a. Problems at the Organic Dump Site – Cooper Landing Community Club

i. Y. Galbraith said that the Cooper Landing Community Club received complaints that the Organic Dump Site had been abused and non-organic materials had been dumped at it including shower stalls, trash, and other items.

1. K. Recken said that there is also tar paper, and other construction debris currently in the pile and the pile is overflowing the edge of the site.
- ii. Y. Gallbraith asked about the status of the contract to condense the pile.
 1. A. Hughes said that the last couple years the contract has been managed through a forestry grant and that there was a break between the last round of funding and a renewal of other grant funding that has allowed the KPB to move forward again.
 2. He said that the new contract will go out in the next week or so.
 3. He said that non-organic materials are very costly to manage and often leave lasting issues.
 4. He said that the KPB has put together a letter to the Cooper Landing community regarding how to manage the site and maintain it safely.
 5. H. Harrison asked if there would be more regular funds to maintain the site and if more frequent management might help.
 6. K. Recken said she thought it was part of the Davis Block contract to maintain it.
 - a A. Hughes said that it is a part of Davis Block's contract and that they have been consolidating the pile. He said that they have also experienced issues at the site including things going missing.
 - b He said that power has been run to the site and that cameras will be set up soon. He said that the KPB doesn't want to discourage depositing things there and hopes that the community can help manage it. He said it is a small community and so someone likely knows who has projects and who is depositing construction debris there and hopes it can be a simple conversation to make sure folk know what can go there and what shouldn't.
 - c He said that the KPB has heard concerns with the existing transfer site and wonders if the Snug Harbor site might be a better location for it in the future.
 - d Y. Galbraith said that minimizing access to the current transfer site by making it accessible by the frontage road only would alleviate many of the issues.
 - i C. Degernes said that the frontage road will need to be brought up at some point to learn of the criteria for the transfer site and the other parcels affected by the planned frontage road.
 7. P. Miller asked if the Organic Dump site is permitted through DEC.
 - a A. Hughes said that it is.

- b. P. Miller says that it is probably not permitted for construction debris. He said that this is not a planning issue but is an operations issue. He noted that the Municipality of Anchorage has limited construction debris dumps because of their likelihood of contamination.
 - c. C. Degernes suggested to Y. Galbraith to make an announcement and add an agenda item through the Cooper Landing Community Club to clarify to the community how to use the site.
 - i. Y. Galbraith said she would do so and would time it to align with the KPB letter to the community.
 - iii. K. Recken asked for clarification what things should and should not be included in land use planning? She asked about the example of the Organic Dump being converted into a Transfer Site would that use be a part of land use planning?
 - 1. A. Hughes said yes it would.
 - b. A. Hughes gave an update about the Quartz Creek Municipal Entitlement Survey. He said the survey has been concluded and that the transferred lands are in the process of being patented so you will see some changes in ownership over the next year or so.
 - c. Appointments for Commissioner Seats C and D expire 9/30/2026
 - i. C. Degernes noted the upcoming expirations.
 - ii. Y. Galbraith and H. Harrison said they would be reapplying and hoped to remain on the commission.
- 8. PUBLIC COMMENT/PRESENTATION
- 9. COMMISSIONER COMMENTS
 - a. Commissioners thanked A. Hughes for attending and updating the commission tonight.
 - b. P. Miller said that this will be his last meeting with the commission. He said that his Cooper Landing homes have been rented out and that he has been working to meet the letter of the law by maintaining presence in town but said that he doesn't feel he can meet the spirit of the law any longer and so will be sending in his letter of resignation tomorrow morning. He commended the commissioners and is hopeful that he will be able to rejoin when he is spending more time here again.
- 10. ADJOURNMENT
 - a. K. Recken moves to adjourn. H. Harrison seconds. All approve. Meeting adjourned at 6:58 pm.

For more information or to submit comments please contact:

Contact the Cooper Landing APC at:

- For email visit: <https://www.kpb.us/> On the upper right-hand side of the page is a box titled, "Search". Search for, "Cooper Landing APC" and on the homepage expand "Send a message to the Cooper Landing APC Commissioners" tab.

- Send USPS mail to: Kenai Peninsula Borough Planning Department, Attn: CLAPC 144 N Binkley, Soldotna, AK 99669

MOOSE PASS ADVISORY PLANNING COMMISSION

REGULAR MEETING

LOCATION: MOOSE PASS SPORTSMAN CLUB AND ZOOM

TELECONFERENCE THURSDAY, AUGUST 6, 2026

6:00 P.M.

Draft Meeting Minutes

Jennifer Boyle, Kevin Dunham, Jeff Estes, Jeff Hetrick, Bruce Jaffa, David Pearson, Dave Schafer

To join the meeting from a computer, visit <https://us06web.zoom.us/j/9360805262>. To attend the Zoom meeting by telephone, call toll-free **1-888-788-0099** or **1-877-853-5247** and enter the Meeting ID **9360805262**. If you connect by computer and do not have speakers or a microphone, connect online and then select phone for audio. A box will come up with toll free numbers, the Meeting ID, and your participant number. You may join the meeting physically at the Moose Pass Sportsman Club, 33675 Depot Road, Moose Pass, AK 99631

1. CALL TO ORDER 6PM; Jeff H. to Chair Meeting
2. ROLL CALL - Jeff H, Jeff E, Kevin D, Jen B all present. Bruce J - excused. Dave S. and Dave P. absent.
3. APPROVAL OF AGENDA Move to approve Jen, 2nd Kevin
4. APPROVAL OF MINUTES
 - a. April 9, 2026 - Kevin Moves to approve, Jeff E. 2nd; approved.
5. PUBLIC COMMENT/PRESENTATION - none present
(Public Comment for items not appearing on the agenda)
6. NEW BUSINESS
 - a. Borough
 - i. Planner Report
 1. Ordinance 2026-28, An Ordinance Authorizing the Sale of Certain Parcels Owned by the Kenai Peninsula Borough Via Live Public Outcry/Simulcast Online Auction Followed by a Secondary Online Only Auction
 - Aaron Hughes - Land Management Officer for KPB, here to talk about KPB general land sale, live online auction on Oct 10 in Soldotna with secondary online auction for parcels that don't sell in live auction in online auction. 1 property is

available in Moose Pass - might be included in the Land Affordability Program. This is the 2nd year the Land Affordability Program (LAP) has been offered. Must be preapproved prior to auction. 20% reduction on gavel sale price with 10% down so that buyer has 30% equity. If don't uphold terms, penalties are involved. Property must be listed at less than \$120,000 and be a residential property. There should be more LAP properties available in the Moose Pass area in the years to come. This information will be posted on the borough website and the auction contractor is required to do marketing, so properties will be listed on social media, radio, newspapers as well as sites like Zillow.

- Move to approve ordinance 2026-28 by Kevin, 2nd Jeff E. Jeff H. comments that appreciates the efforts of Mr. Hughes in this project. Unanimously passes.

2. Notice of APC Seat Vacancy - 3 seats are currently open (Kevin, Jeff E, Dave S), deadline to reapply by Friday, August 28th. Should be physically posted as well.

ii. Report from the Chair

7. OLD BUSINESS

a. Draft Moose Pass Comprehensive Plan - Julie needs a copy of the most recent APC version as well as Willow's version so she can provide both documents for review.

Willow Hetrick to create document comparing her proposed plan with MPAPC comp plan

8. PUBLIC COMMENT - Willow Hetrick contacted on her work email from a contractor from DOT for historic pictures from the Wye to the Ball Diamond more or less.

9. COMMISSIONERS' COMMENTS - Kevin D. would like to know any updates on DOT project.

10. NEXT MEETING DATE

a. September 10, 2026

11. ADJOURNMENT Jen moves to adjourn, Kevin 2nds 7:10pm

CONTACT INFORMATION

Contact the Moose Pass Advisory Planning Commission at:

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<https://www.kpb.us/local-governance-and-permitting/leadership-governance/planning>

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