

KENAI PENINSULA BOROUGH
MEETING OF THE PLANNING COMMISSION
ADMINISTRATIVE BUILDING - SOLDOTNA, ALASKA

7:30 P.M. APRIL 3, 1989

APPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

Chairperson Denbrock called the meeting to order at 7:35 P.M.

Commissioners in Attendance

James Brickey	Soldotna, Areawide
Phil Bryson	Kenai City
Bill Butler	Homer City
Colleen Denbrock	Soldotna City
Keith Hursh	Nikiski
Buzz Kyllonen	Anchor Point, Areawide
John Landua	Ridgeway, Areawide
Susan Mumma	Seldovia, Areawide
Chester Thorne	Seward City

Borough Staff Present

Robbie Harris, Platting Technician
Carolyn Turkington, Land Management Officer
Sylvia Spearow, Planner
Alice Bullington, Environmental Technician
Christopher Comeau, Associate Planner
Nancy Jungmann, Planning Secretary

Others in Attendance

Brad Penn, Marathon Oil Company, P.O. Box 190168, Anchorage, AK
Cliff Baker, Integrity Surveys
Scott McLane, McLane & Associates, Inc.

AGENDA ITEM B. APPROVAL OF REGULAR MEETING AGENDA AND
ADOPTION OF CONSENT AGENDA

Commissioner Bryson requested the following Consent Agenda items be moved to Agenda Item M. -Permits and Applications under the Regular Agenda:

1. Agenda Item 3.c - Kenai River 232
2. Agenda Item 3.g - Cabin Lake Road - Public Easement
3. Agenda Item 3.j - Silver Salmon Creek Bridge & Culvert

MOTION: Commissioner Hursh, seconded by Commissioner Kyllonen, moved to approve the regular meeting agenda and the adoption of the consent agenda with the above noted changes. Hearing no opposition, the motion carried.

AGENDA ITEM B. CONSENT AGENDA

1. Special Consideration
 - a) Planning Commission Resolution 89-17: Granting a Platting Waiver for certain lands within Section 25, Township 4 South, Range 14 West, S.M., Alaska

STAFF REPORT

Location: South of Nikolaevsk Village east of Anchor Point

The Planning Department received a plat waiver petition to subdivide a 480 parcel into four parcels; the smallest being 40 acres in size.

Planning staff has reviewed the petition and finds all requirements of AS 20.04.090 have been met.

STAFF RECOMMENDATIONS: Adopt Planning Commission Resolution 89-17 thereby granting the plat waiver.

END OF STAFF REPORT

KENAI PENINSULA BOROUGH
PLANNING COMMISSION

PLAT WAIVER
RESOLUTION 89-17

HOMER RECORDING DISTRICT

GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTION 25, TOWNSHIP 4 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, ALASKA

WHEREAS, William A. Leshner has petitioned for a waiver of platting requirements for the following described parcel:

E1/2, E1/2 W1/2 of Section 25, Township 4 South, Range 14 West, Seward Meridian, containing 480 acres more or less.

WHEREAS, 29.04.090 of Alaska Statutes provides that the platting authority shall waive the preparation, submission for approval, and recording of a plat on satisfactory evidence that certain conditions exist; and

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: N3/4 E1/2 W1/2 Section 25, Township 4 South, Range 14 West, Seward Meridian, Alaska containing 120 acres more or less.

Parcel 2: N1/2 N1/2 E1/2 Section 25, Township 4 South, Range 14 West, Seward Meridian, Alaska containing 80 acres more or less.

Parcel 3: S1/2 N1/2 E1/2 and S1/2 E1/2 Section 25, Township 4 South, Range 14 West, Seward Meridian, Alaska containing 240 acres more or less.

Parcel 4: S1/4 E1/2 W1/2 Section 25, Township 4 South, Range 14 West, Seward Meridian, Alaska containing 40 acres more or less.

Section 3. That this resolution is void if not recorded in the Homer Recording District within 10 days of adoption.

Section 5. That this Resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 1989.

Approved by Consent Agenda Adoption

AGENDA ITEM B. CONSENT AGENDA

TIME EXTENSION

- b) Peaceful Acres, Hanrahan's Replat
KPB File 87-101

STAFF REPORT

Location: East of Sterling Highway, south of Soldotna

1987 Conditional preliminary approval expired June, 22, 1988.

Plat has been submitted for final review and recording.

There have been no changes in area of a nature that would affect this proposed subdivision.

STAFF RECOMMENDATIONS: Grant time extension until April 3, 1990.

END OF STAFF REPORT

Approved by Consent Agenda Adoption

AGENDA ITEM B. CONSENT AGENDA

TIME EXTENSION

- c) Hilltop Subdivision No. 2
KPB File 87-044

STAFF REPORT

Location: City of Soldotna

City of Soldotna notified of time extension request.

Conditional preliminary approval granted in August 1987.

Approval granted to revised plat will expire April 18, 1989.

No changes have taken place in area that would affect this proposed subdivision.

STAFF RECOMMENDATIONS: Grant time extension until April 18, 1990.

END OF STAFF REPORT

Approved by Consent Agenda Adoption.

AGENDA ITEM B. CONSENT AGENDA

- 2. Plats Granted Administrative Approval and/or Abbreviated
Plats Approved Under 20.04.070

- a) Birch Side Acres Mike Lockwood Replat
- b) Craft Subdivision 1988 Subdivision of Tract 1
- c) Greenwings No. Six
- d) Seaside Terrace Replat of Lots 1 & 2

END OF STAFF REPORT

Approved by Consent Agenda Adoption

AGENDA ITEM B. CONSENT AGENDA

3. Permits and Applications
a) University of Alaska, Kenai
Fire Training Facility
Ref: ADL 224163

STAFF REPORT

APPLICANT: University of Alaska
Facilities Planning and Construction
3356 College Road
Fairbanks, Alaska 99709

LOCATION: N1/2, NE1/4, SE1/4, AND N1/2, S1/2, NE1/4, SE1/4,
of Section 10, T6N, R11W, S.M., Alaska, Approx-
imately 3 miles north of Kenai, Alaska

PROJECT: To lease approximately 26.06 acres from the State
of Alaska in order to construct and operate a
Mining and Petroleum Training Service fire training
program for 25 years.

STAFF REVIEW AND RECOMMENDATION: Staff has no objection to this
project and recommends a letter of no objection.

*Note: Comments are due to the Division of Governmental
Coordination by April 4, 1989

END OF STAFF REPORT

Approved by Consent Agenda Adoption

AGENDA ITEM B. CONSENT AGENDA

3. Permits and Applications
b) Kenai River 221
AK 89-0316-14A

STAFF REPORT

APPLICANT: Mr. Robert C. Penny
3620 Penland Parkway
Anchorage, Alaska 99508

LOCATION: Kenai River mile 16.5, north bank, Trophy
Subdivision, Lot 3, Big Eddy Road, City of Soldotna
Alaska, Section 24, T5N, R11W, S.M.

PROJECT: Applicant wishes to stabilize eroding riverbank and
to install a 4' x 16' floating dock. Bank
stabilization will be in the form of 340 yards of
local rock overlying a layer of filter fabric. The
floating dock will extend 10 feet outward from the
river's high water line and be anchored to the bank
with concrete pilings.

STAFF REVIEW AND RECOMMENDATIONS: Staff contacted the State
Division of Parks concerning this project and found no objection.
This project is consistent with the concept approved Kenai
Peninsula Borough Coastal Management Program policies 3.2;D1,
3.2;D2(a-c), and 3.2;D4(a-e). Staff recommends a letter of no
objection with the following stipulations:

1. The floating dock shall be visibly marked and placed to
minimize navigation hazards or obstruction.

2. The floating dock shall be seasonally removed.
3. The floating dock shall not be treated with any wood preservative containing creosote or pentachlorophenols.
4. Fuel, oil, and other petrochemical products or hazardous materials shall not be stored within 100 feet of the river.

****Note:** Comments are due to the Division of Governmental Coordination by April 18, 1989.

END OF STAFF REPORT

Approved by Consent Agenda Adoption.

****AGENDA ITEM B.** **CONSENT AGENDA**

3. Permits and Applications
 - c) Kenai River 232
AK 89-0314-08A
Proposed Mooring of two buoys for the purpose of anchoring 3 32 ft. commercial fishing vessels.

**** Moved to Regular Agenda - Item M. Permits and Applications**

AGENDA ITEM B. **CONSENT AGENDA**

3. Permits and Applications
 - d) Kenai River 233
Ref: 2-890117

STAFF REPORT

APPLICANT: Mr. Dennis and Ms. Trenita McConnell
P.O. Box 871
Soldotna, Alaska 99669

LOCATION: Kenai River at mile 17, Lot 10-B-1, Wilson
Subdivision, Section 19, T5N, R10W, S.M. Alaska

PROJECT: Applicants wish to discharge 250 cubic yards of riprap material below the high water mark of the Kenai River in order to stabilize and protect the riverbank from further erosion. The applicants also propose to rebuild 3 sets of stairs and a boat launching ramp which currently exists along the riverbank as part of this project.

STAFF REVIEW AND RECOMMENDATION: Staff recommends a letter of no objection with the following stipulations:

1. The boat ramp shall not be treated with any wood preservative such as creosote or pentachlorophenols.
2. Fuel, oil and other petrochemical products or hazardous materials shall not be stored within 100 feet of the river.

****Note:** Comments are due to the Division of Governmental Coordination by April 24, 1989

END OF STAFF REPORT

Approved by Consent Agenda Adoption

AGENDA ITEM B. CONSENT AGENDA

3. Permits and application
 - e) Beaver Creek #6
AK 89-0313-07A

STAFF REPORT

APPLICANT: Bryan and Helen Lowe
 1105 Angler Drive
 Kenai, Alaska 99611
LOCATION: Beaver Creek off the Kenai River at Lot 34,
 Angler's Acres, Section 11, T5N, R11W, S.M.,
 U.S.G.S. Quadrangle Kenai C-4
PROJECT: Applicant wishes to annually place a 66 square foot
 floating boat dock and a 40 foot-long by 4 foot-
 wide floating walkway in Beaver Creek for private
 use.

STAFF REVIEW AND RECOMMENDATIONS: The Planning Commission reviewed and approved Beaver Creek #5, a similar project, on February 6, 1989 with stipulations. Staff recommends a letter of no objection to this project with the following stipulations:

1. Approval is subject to any additional comments submitted by the City of Kenai.
2. Obtain required permits from the City, if applicable.
3. The floating dock shall be visibly marked and placed to minimize navigation hazards or obstruction.
4. The dock shall not be treated with any wood preservative containing creosote or pentachlorophenols.
5. The floating dock shall be seasonally removed.
6. Fuel, oil, and other petrochemical products or hazardous materials shall not be stored within 100 feet of the river.

****Note:** Comments are due to the Division of Governmental Coordination by April 17, 1989

Approved by Consent Agenda Adoption

AGENDA ITEM B. CONSENT AGENDA

3. Permits and Applications
 - f) Digicon Geophysical Corp
Cook Inlet Seismic Survey
Ref: MLUP 89-001

STAFF REPORT

APPLICANT: Digicon Geophysical Corporation
 3701 Kirby Drive, Suite 1144
 Houston, Texas 77098
LOCATION: Greater Cook Inlet Area, from Anchorage to Kennedy
 Entrance.
PROJECT: Marine Seismic survey utilizing airguns as a source
 in the greater Cook Inlet area for oil exploration.
 This project will shoot approximately 1,500 line
 miles of area and is proposed to begin April 10,
 1989 and end December 31, 1989.

STAFF REVIEW AND RECOMMENDATIONS: This project will occur throughout the 1989 commercial fishing season and has the potential to disrupt fishing activity and harvest in all of Cook Inlet. Staff recommends a letter of no objection urging the Department of Natural Resources to consider policies 3.2;D3(a-c) "Commercial Fishing," 3.5;D5 "Navigation and Commercial Fishing," and 3.5;D9(a-c) "Geophysical Surveys" and its accompanying intent statement in the concept approved Kenai Peninsula Borough Coastal Management Program.

****Note:** Comments are due to the Department of Natural Resources, Division of Oil and Gas by March 30, 1989.

END OF STAFF REPORT

Approved by Consent Agenda Adoption

****AGENDA ITEM B.** CONSENT AGENDA

3. Permits and Applications
g) Right-of-Way; Public Easement
Cabin Lake Road
Ref: ADL 224681
Proposed modification of present road to
alleviate hazardous curves

****Moved to Regular Agenda - Item M. Permits and Applications**

AGENDA ITEM B. CONSENT AGENDA

3. Permits and Applications
h) Kenai River 224
Ref: 1-880625

STAFF REPORT

APPLICANT: Mr. Lyle C. Roberts
P.O. Box 3404
Soldotna, Alaska 99669

LOCATION: Lot 14, Dow Island Subdivision, Burkes Slough,
Dow Island, Section 27, T5N, R8W, S.M., Alaska

PROJECT: Applicant wishes to retain placement of three large
spruce trees (50', 60', and 65' long) installed
below the ordinary high water mark of the Kenai
River. The trees were felled from and tied
parallel to the river bank with nylon rope to
diminish boat wake generated riverbank erosion.

STAFF REVIEW AND RECOMMENDATIONS: Staff recommends a letter of no objection with the support of any additional stipulations of the Kenai River Comprehensive Management Plan (Department of Natural Resources).

END OF STAFF REPORT

Approved by Consent Agenda Adoption.

AGENDA ITEM B. CONSENT AGENDA

3. Permits and Applications

- i) Kenai River 235
Ref: 1-890139

STAFF REPORT

APPLICANT: Mr. George W. Frazier
P.O. Box 313
Kenai, Alaska 99611

LOCATION: River mile 2.0, Kenai River, approximately 400 yards from the city boat launch in Kenai, Alaska, off Chinulna Point, Section 9, T5N, R11W, S.M., U.S.G.S. Quadrangle Kenai C-4.

PROJECT: Applicant wishes to place a two-foot diameter (240 lb. buoyancy) mooring buoy secured with a 250 lb. naval and 100 ft. of 1/2" chain in the Kenai River. The buoy would be installed in 5 feet of water at mean low water and 25 feet of water at mean high water, and approximately 150 yards from shore. The buoy would be used to seasonally moor a commercial fishing vessel during the months from May to October.

STAFF REVIEW AND RECOMMENDATIONS: The project is consistent with the concept approved Kenai Peninsula Borough Coastal Management Program policies 3.2;D1, D2(a-c), and D3(a-c). Staff recommends a letter of no objection with the following stipulations:

1. Buoy shall be visibly marked and placed to minimize navigation hazards or obstruction.
2. Approval is subject to any additional comments submitted by the City of Kenai.
3. Approval is subject to any additional stipulations of the Kenai River Comprehensive Management Plan (Department of Natural Resources).
4. Required permits shall be obtained from the City of Kenai and other agencies, if applicable.

END OF STAFF REPORT

Approved by Consent Agenda Adoption

**AGENDA ITEM B. CONSENT AGENDA

3. Permits and Applications

- j) Silver Salmon Creek Bridge & Culvert
Ref: FG 89-II-0211
Proposed installation of flat car bridge

**Moved to Regular Agenda - Item M. Permits and Applications

AGENDA ITEM B. CONSENT AGENDA

3. Permits and Applications
 k) NPDES permit for gold placer mining
 AK 89-0307-01C

STAFF REPORT

APPLICANT: Environmental Protection Agency on behalf of
 Alaska Placer Miners

LOCATION: Alaska

PROJECT: EPA is planning to issue 337 NPDES permits to
 individual Placer Miners in the State of Alaska.
 The proposed NPDES permits will meet State of
 Alaska Water Quality Standards.

STAFF REVIEW AND RECOMMENDATION: The proposed permits are
consistent with the concept approved Draft Kenai Peninsula
Borough Coastal Management Program. Staff recommends a letter of
no objection to these permits stating enforceable placer mining
policies in the Draft Coastal Management Program.

END OF STAFF REPORT

Approved by Consent Agenda Adoption

AGENDA ITEM B. CONSENT AGENDA

3. Permits and Applications
 1) ADEC Air Quality Permit and U.S. EPA permit to operate a
 Transportable Circulating Bed Combustor

STAFF REPORT

APPLICANT: Ogden Environmental Services, Inc.
 San Diego, California

LOCATION: Swanson River Oil Field, near Sterling, Alaska

PROJECT: Ogden Environmental Services has requested an ADEC
 Air Quality permit and U.S.EPA permit to operate a
 transportable circulating bed combustor to dispose
 of PCB contaminated soil.

STAFF REVIEW AND RECOMMENDATION: This project is consistent with
the Alaska Coastal Management Plan. Staff recommends a letter of
no objection encouraging ADEC and EPA to maintain their schedules
of frequent site visits and sampling to ensure that Ogden
Environmental Services, Inc., is complying with permit
requirements and notification of any permit violations by Ogden.

END OF STAFF REPORT

Approved by Consent Agenda Adoption

AGENDA ITEM B. CONSENT AGENDA

3. Permits and applications

- m) ADEC Air Quality Control Permit to Operate for the Kenai Refinery

STAFF REPORT

APPLICANT: Tesoro Alaska Petroleum Corporation
 P.O. Box 6272
 Anchorage, Alaska 99502

LOCATION: Kenai Alaska Refinery
 Section 22, T7N, R12W, S.M., Alaska

PROJECT: ADEC Air Quality Control Permit to Operate for the
 Kenai Refinery

STAFF REVIEW AND RECOMMENDATION: Tesoro Alaska Petroleum Corporation has requested modification to their existing Air Quality Control Permit for the Kenai Refinery due to equipment changes and modifications. Increased emissions will not exceed Air Quality Control Regulation Standards.

Staff recommends a letter of no objection to this permit and encouraging continuation of ADEC's Air Quality Monitoring Project currently being conducted in the Nikiski area.

END OF STAFF REPORT

Approved by Consent Agenda Adoption.

AGENDA ITEM B. CONSENT AGENDA

4. Informational Items

- a) Division of Forest Pest Management
 Pilot Study for the Efficacy of Lethal Trap Trees to
 Reduce Mortality of White Spruce Caused by Attack of
 Spruce Beetle

STAFF REPORT

APPLICANT: Chugach National Forest, Division of Forest Pest
 Management, Seward Ranger District, Seward, AK

LOCATION: Chugach National Forest, Kenai Peninsula Alaska,
 1.5 miles of road corridor near miles 41 and 42,
 south of Summit Lake

PROJECT: The Division of Forest Pest Management is planning
 to conduct a research project to evaluate the
 effectiveness of pheromone-baited, standing,
 lethal-trap trees to reduce the number of white
 spruce being killed by Spruce Beetles. All permits
 required to conduct this study have already been
 obtained. Similar studies have been conducted in
 the Chugach National Forest. These methods have
 been successfully employed extensively in British
 Columbia, Canada.

STAFF RECOMMENDS THE FOLLOWING COMMENTS:

1. Adjacent landowners, including cabin permit holders, should be individually contacted prior to initiating the pilot study.
2. The study does not address the possibility of increasing spruce beetle activity in the surrounding area.

3. The disposal of infested trees should be strictly supervised to assure disposal in a timely manner. On-site disposal of infested trees is preferred.
4. Please notify the KPB of any changes in the study prior to its initiation.
5. Please send a copy of the study's results to the Kenai Peninsula Borough.

END OF STAFF REPORT

Approved by Consent Agenda Adoption

AGENDA ITEM B. CONSENT AGENDA

4. Informational Items
 - b) Kachemak Bay 143
AK 89-0126-19A

STAFF REPORT

The Planning Commission reviewed and approved Kachemak Bay 143 application to install a mooring buoy at each end of the Homer City Dock adjacent to the small boat harbor for log transfer activities on Monday, February 6, 1989 with no objections.

The Division of Governmental Coordination Conclusive Consistency Determination for Kachemak Bay 143, AK89-0126-19A, application for placement of mooring buoys at the ends of the Homer City Dock states that the project is consistent with the Alaska Coastal Management Program providing that the following condition is met:

1. Bark and other logging debris shall be cleaned off the dock and adjacent uplands and taken to a Department of Environmental Conservation approved landfill for disposal daily. This debris shall not be allowed to accumulate nor be swept off the dock into Kachemak Bay.

This stipulation is necessary to prevent degradation of water quality due to an accumulation of bark debris directly related to this project per 6 AAC 80.140 Air, Land and Water Quality.

END OF STAFF REPORT

Approved by Consent Agenda Adoption

AGENDA ITEM C. COMMISSIONERS EXCUSED ABSENCES

1. Carole Jaffa

MOTION: Commissioner Hursh, seconded by Commissioner Mumma, moved to approve the above listed Commissioner as excused. Hearing no objection or opposition, the motion carried.

AGENDA ITEM D. APPROVAL OF MINUTES

1. Meeting of March 13, 1989

MOTION: Commissioner Thorne, seconded by Commissioner Kyllonen, moved to approve the minutes of the March 13, 1989 meeting of the Planning Commission. Hearing no discussion or opposition, the motion carried.

AGENDA ITEM E. PUBLIC PRESENTATIONS WITH PRIOR NOTICE - NONE

AGENDA ITEM F. PUBLIC HEARINGS

1. Resolution 89-12 to Vacate Utility Easement Lot 4, Woodridge S/D, Sec. 26, T5N, R10W, S.M., Alaska
(KPB File No. 89-023)

STAFF REPORT

Vacation of west five feet of ten foot utility easement within Lot 4, Woodridge Subdivision adjacent to South Shady Street.

Public Notice appeared in the March 17 and 24, 1989 issues of the Peninsula Clarion.

Thirteen certified mailings were sent to owners of property within 300 feet; and to other interested parties. Ten of the receipts have been returned. One mailing returned marked "unknown."

Notice in paper stated west line of Lot 4; maps correctly identified easement along east line.

Petitioner(s): Alaska Housing Finance Corporation of Anchorage, Alaska.

Purpose as stated in petition: The leachfield vent pipe encroaches inside the utility easement by +/- 2'. We would like to vacate the west 5' of said easement - reducing the easement to 5 feet.

Statement of non-objections: received from Telephone Utilities of the Northland; and Homer Electric Association.

Findings of Fact

Sufficient easements have been granted to serve surrounding properties.

No surrounding properties will be denied utilities.

Vacation is being accomplished by Resolution. Plat is not required.

STAFF RECOMMENDATIONS: Approve vacation of west five feet of ten foot utility easement within Lot 4, Woodridge Subdivision as petitioned subject to the following conditions:

1. Filing of Planning Commission Resolution 89-12 in the appropriate Recording District.
2. The Kenai Peninsula Borough Assembly has thirty days in which they may veto Planning Commission approval of the vacation.

END OF STAFF REPORT

Chairperson Denbrock opened the public hearing for testimony. Hearing and seeing no one wishing to give testimony, the public hearing was closed and opened for discussion among the commissioners.

MOTION: Commissioner Brickey, seconded by Commissioner Thorne, moved to approve the vacation of west five feet of ten foot utility easement within Lot 4, Woodridge Subdivision subject to staff recommendations and adopt Resolution 89-12. A roll call vote was taken with Commissioners Brickey, Butler, Hursh, Landua, Mumma, Thorne, Denbrock and Kyllonen voting yes. Commissioner Bryson abstained. The motion carried.

KENAI PENINSULA BOROUGH
PLANNING COMMISSION
RESOLUTION 89-12

VACATING FIVE FEET OF A TEN FOOT WIDE UTILITY EASEMENT WITHIN LOT 4, WOODRIDGE SUBDIVISION, PLAT 83-77 KRD; WITHIN SECTION 26, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, ALASKA

WHEREAS, a request has been received to vacate the west five feet of the ten foot utility easement adjacent to South Shady Street within Lot 4, Woodridge Subdivision; and

WHEREAS, on April 3, 1989, a public hearing was held by the Kenai Peninsula Borough Planning Commission to address all concerns about this proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the west five feet of said utility easement will not be detrimental to the public interest; and

WHEREAS, 20.28.120 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

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

Section 1. That the west five feet of the ten foot wide utility easement adjacent to South Shady Street within Lot 4, Woodridge Subdivision is hereby vacated.

Section 2. That this Resolution is eligible for recording after approval of the vacation by the Assembly of the Kenai Peninsula Borough; and will be void if not recorded within 90 days of adoption.

Section 3. That this Resolution is void if the vacation approval is vetoed by the Assembly of the Kenai Peninsula Borough within 30 calendar days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded; with petitioner being responsible for payment of recording fees.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 1989.

Colleen Denbrock, Chairperson

ATTEST:

Nancy Jungmann, Planning Secretary

Return to: Kenai Peninsula Borough
Planning Department
144 No. Binkley Street
Soldotna, AK 99669

AGENDA ITEM F. PUBLIC HEARINGS

2. Resolution 89-13 to Vacate Utility Easement Lots 3A & 3B, Block 1 Unfried Acres Addition #1 of Lot 3, Block 1, Sec. 22, T5N, R10W, S.M., Alaska (KPB File No. 89-026)

Staff Report as read by Robbie Harris:

Vacation of fifteen feet of twenty foot utility easement and entire thirty foot anchor easement within Lots 3A and 3B, Unfried Acres Addition No. 1 Subdivision of Lot 3.

Public Notice appeared in the March 17 and 24, 1989 issues of the Peninsula Clarion.

Fifteen certified mailings were sent to owners of property within 300 feet; and to other interested parties. Nine of the receipts have been returned.

Notice in paper stated westerly 15 feet along east boundary. Maps correctly identify area.

Petitioner(s): U.S. Housing and Urban Development, Anchorage, Alaska and Harward C. Peddie, Jr. of Soldotna, Alaska.

Purpose as stated in petition: Wells are within the 20 foot utility easement and the 30 foot anchor easement. We want to vacate all of the anchor easement and 15 feet of the 20 foot easement, leaving five feet fronting on the right-of-way.

Statement of non-objection: received from Homer Electric Association and Telephone Utilities of the Northland.

No statements of objection received.

Findings of Fact

Sufficient easements have been granted to serve surrounding properties.

No surrounding properties will be denied utilities.

Vacation is being accomplished by Resolution. Plat is not required.

STAFF RECOMMENDATIONS: Approve vacation of 15 feet of the 20' easement and the anchor easement retaining 5' of utility easement adjacent to Dawn Drive subject to the following conditions:

1. Filing of Planning Commission Resolution 89-13 in the appropriate Recording District.
2. The Kenai Peninsula Borough Assembly has thirty days in which they may veto Planning Commission approval of the vacation.

END OF STAFF REPORT

Chairperson Denbrock opened the public hearing for testimony. Hearing and seeing no one wishing to give testimony, the public hearing was closed and opened for discussion among the commissioners.

Commissioner Hursh expressed concern regarding the numerous

vacations of easements that may be needed in the future and requested an indication of the status of the easement be included in future staff reports.

Staff agreed to include this information in future staff reports.

MOTION: Commissioner Bryson, seconded by Commissioner Thorne, moved to approve vacation of 15 feet of the 20' easement and the anchor easement retaining 5' of utility easement adjacent to Dawn Drive subject to staff recommendations and to adopt Resolution 89-13. A roll call vote was taken with all commissioners present voting yes. The motion carried.

Following is Resolution 89-13

KENAI PENINSULA BOROUGH
PLANNING COMMISSION
RESOLUTION 89-13

VACATING FIFTEEN FEET OF A TWENTY FOOT WIDE UTILITY EASEMENT AND VACATING THE THIRTY FOOT UTILITY ANCHOR EASEMENT WITHIN LOTS 3-A AND 3-B, BLOCK 1, UNFRIED ACRES ADDITION NO. 1 SUBDIVISION OF LOT 3, BLOCK 1 (PLAT 84-121 KRD); WITHIN SECTION 22, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, ALASKA

WHEREAS, a request has been received to vacate the easterly fifteen feet of the twenty foot utility easement and the thirty foot radius anchor easement adjacent to Dawn Drive within Lots 3-A and 3-B, Block 1, Unfried Acres Addition No. 1 Subdivision of Lot 3, Block 1; and

WHEREAS, the five feet of the utility easement fronting on Dawn Drive will be retained; and

WHEREAS, on April 3, 1989, a public hearing was held by the Kenai Peninsula Borough Planning Commission to address all concerns about this proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the easterly fifteen feet of the utility easement and vacating the thirty foot radius anchor easement will not be detrimental to the public interest; and

WHEREAS, 20.28.120 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

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

Section 1. That the five feet of the easement fronting Dawn Drive will be retained as a utility easement; and that the easterly fifteen feet of the twenty foot utility easement and the thirty foot radius anchor easement within Lots 3-A and 3-B, Block 1, Unfried Acres Addition No. 1 Subdivision of Lot 3, Block 1 is hereby vacated.

Section 2. That this Resolution is eligible for recording after approval of the vacation by the Assembly of the Kenai Peninsula Borough; and will be void if not recorded within 90 days of adoption.

Section 3. That this Resolution is void if the vacation approval is vetoed by the Assembly of the Kenai Peninsula Borough within 30 calendar days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded; with petitioner being responsible for payment of recording fees.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 1989.

Colleen Denbrock, Chairperson

ATTEST:

Nancy Jungmann, Planning Secretary

Return to: Kenai Peninsula Borough
Planning Department
144 No. Binkley Street
Soldotna, AK 99669

AGENDA ITEM F. PUBLIC HEARINGS

3. Resolution 89-14 to Vacate Utility Easement Lot 2, Spruce Grove No. 2, Section 31, T6N, R11W, S.M., Alaska (KPB File No. 89-027)

Staff Report as read by Robbie Harris

Vacation of ten foot utility easement within and adjacent to south boundary Lot 2, Spruce Grove Subdivision No. 2.

Public Notice appeared in the March 17 and 24, 1989 issues of the Peninsula Clarion.

Twenty-eight certified mailings were sent to owners of property within 300 feet; and to other interested parties.

Twenty-seven of the receipts have been returned.

Petitioner(s): U.S. Department of Urban Housing, Anchorage, Alaska.

Purpose as stated in petition: The tri-plex, shed and a deck are built within the ten foot utility easement along the south property line.

Statement of non-objection: from Homer Electric Association and Telephone Utilities of the Northland.

Kenai Advisory Planning Commission noted unanimously to recommend non-objection to the vacation.

No statements of objection received.

Findings of Fact

Sufficient easements have been granted to serve surrounding properties.

No surrounding properties will be denied utilities.

Vacation is being accomplished by Resolution. Plat is not required.

STAFF RECOMMENDATIONS: Approve vacation of the ten foot utility easement along south boundary of Lot 2, Spruce Grove Subdivision No. 2 subject to the following conditions:

1. Filing of Planning Commission Resolution 89-14 in the appropriate Recording District.
2. The Kenai City Council has thirty days in which they may veto Planning Commission approval of the vacation.

END OF STAFF REPORT

Chairperson Denbrock opened the public hearing for testimony. Hearing and seeing no one wishing to give testimony, the public hearing was closed and opened for discussion among the commissioners.

MOTION: Commissioner Thorne, seconded by Commissioner Hursh, moved to approve vacation of the ten foot utility easement along south boundary of Lot 2, Spruce Grove Subdivision No. 2 subject to staff recommendations and adopt Resolution 89-14. A roll call vote was taken with commissioners present voting yes. The motion carried.

KENAI PENINSULA BOROUGH

PLANNING COMMISSION
RESOLUTION 89-14

VACATING THE TEN FOOT UTILITY EASEMENT WITHIN AND ALONG SOUTH BOUNDARY OF LOT 2, SPRUCE GROVE SUBDIVISION NO. 2 (plat 78-138 KRD) WITHIN SECTION 31, TOWNSHIP 6 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, CITY OF KENAI, ALASKA.

WHEREAS, a request has been received to vacate the entire of the ten foot utility easement adjacent to the south boundary of Lot 2, Spruce Grove No. 2; and

WHEREAS, on April 3, 1989, a public hearing was held by the Kenai Peninsula Borough Planning Commission to address all concerns about this proposed vacation; and

WHEREAS, the Planning Commission has found that vacating said ten foot utility easement will not be detrimental to the public interest; and

WHEREAS, 20.28.120 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

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

Section 1. That the ten foot utility easement within and adjacent to south boundary of Lot 2, Spruce Grove Subdivision No. 2 is hereby vacated.

Section 2. That this Resolution is eligible for recording after approval of the vacation by the Assembly of the Kenai Peninsula Borough; and will be void if not recorded within 90 days of adoption.

Section 3. That this Resolution is void if the vacation approval is vetoed by the Assembly of the Kenai Peninsula Borough within 30 calendar days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded; with petitioner being responsible for payment of recording fees.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 1989.

Colleen Denbrock, Chairperson

ATTEST:

Nancy Jungmann, Planning Secretary

Return to: Kenai Peninsula Borough
Planning Department
144 No. Binkley Street
Soldotna, AK 99669

AGENDA ITEM F. PUBLIC HEARINGS

4. Resolution 89-15 to Vacate Utility Easement Lots 8 and 10, Block 1, McSmith S/D Rose Bay 1983 Addition, Section 26, T5N, R10W, S.M., Alaska (KPB 89-028)

Staff Report as read by Robbie Harris:

Vacation of fifteen feet of the twenty foot utility easement within and adjacent to north boundary Lot 8; and vacate ten feet of the twenty foot utility easement within and adjacent to north and west boundaries of Lot 10, all within Block 1, McSmith Subdivision, Rose-Bay 1983 Addition.

Public Notice appeared in the March 17 and 24, 1989 issues of the Peninsula Clarion.

Eighteen certified mailings were sent to owners of property within 300 feet; and to other interested parties.

Fifteen of the receipts have been returned.

Petitioner(s): U.S. Housing and Urban Development, Anchorage, Alaska

Purpose as stated in petition: Lot 8 - A well is approximately 13 feet into the 20 foot easement, we are requesting the vacation of 15 feet leaving a remainder of 5 foot utility easement fronting the right-of-way. Lot 10 - A vent pipe is approximately 5 feet into the 20 foot easement, we are requesting vacation of 10 feet, leaving a remainder of 10 feet utility easement fronting all rights-of-way.

Statement of non-objection: from Homer Electric Association and Telephone Utilities of the Northland.

Supporting statement: from Edward E. and Claudia H. Bushnell purchasing Lot 10.

No statements of objection received.

Findings of Fact

Sufficient easements have been granted to serve surrounding properties.

No surrounding properties will be denied utilities.

Vacation is being accomplished by Resolution. Plat is not required.

STAFF RECOMMENDATIONS: Approve vacation of interior 15 feet of utility easement on Lot 8; and interior 10 feet of utility easement on Lot 10 subject to the following conditions:

1. Filing of Planning Commission Resolution 89-15 in the appropriate Recording District.
2. The Kenai Peninsula Borough Assembly has thirty days in which they may veto Planning Commission approval of the vacation.

END OF STAFF REPORT

Chairperson Denbrock opened the public hearing for testimony. Hearing and seeing no one wishing to give testimony, the public hearing was closed and opened for discussion among the commissioners.

Commissioner Hursh again expressed his concerns about the location of utilities and vacating of easements.

MOTION: Commissioner Butler, seconded by Commissioner Brickey, moved for approval for vacation of interior 15 feet of utility easement on Lot 8; and interior 10 feet of utility easement on Lot 10 subject to staff recommendations and adopt Resolution 89-15. A roll call vote was taken with all commissioners present voting yes. The motion carried.

KENAI PENINSULA BOROUGH
PLANNING COMMISSION
RESOLUTION 89-15

VACATING FIFTEEN FEET OF THE TWENTY FOOT UTILITY EASEMENT WITHIN LOT 8, BLOCK 1; AND VACATING TEN FEET OF THE TWENTY FOOT UTILITY EASEMENT WITHIN LOT 10, BLOCK 1; MCSMITH SUBDIVISION ROSE-BAY 1983 ADDITION, (PLAT 83-274 KRD) SECTION 26, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, ALASKA

WHEREAS, a request has been received to vacate the south fifteen feet of the twenty foot utility easement adjacent to Grove Circle within Lot 8; and to vacate the south ten feet of the twenty foot utility easement adjacent to Grove Circle within Lot 10; and to vacate the east ten feet of the twenty foot utility easement adjacent to South Jawle Street within Lot 10. All being within Block 1, McSmith Subdivision Rose-Bay 1983 Addition; and

WHEREAS, a five foot utility easement will be retained along north boundary of said Lot 8; and a ten foot utility easement will be retained along north and west boundaries of said Lot 10; and

WHEREAS, on April 3, 1989, a public hearing was held by the Kenai Peninsula Borough Planning Commission to address all concerns about this proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the above described utilities will not be detrimental to the public interest; and

WHEREAS, 20.28.120 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

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

Section 1. That the interior fifteen feet of the twenty foot utility easement along north boundary of Lot 8; and the interior ten feet of the twenty foot utility easement along north and west boundaries of Lot 10, Block 1, McSmith Subdivision Rose-Bay 1983 Addition are hereby vacated.

Section 2. That this Resolution is eligible for recording after approval of the vacation by the Assembly of the Kenai Peninsula Borough; and will be void if not recorded within 90 days of adoption.

Section 3. That this Resolution is void if the vacation approval is vetoed by the Assembly of the Kenai Peninsula Borough within 30 calendar days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded; with petitioner being responsible for payment of recording fees.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 1989.

ATTEST:

Colleen Denbrock, Chairperson

Nancy Jungmann, Planning Secretary

Return to: Kenai Peninsula Borough
Planning Department
144 No. Binkley Street
Soldotna, AK 99669

AGENDA ITEM G. SPECIAL CONSIDERATIONS

1. Patterson Subdivision No. 2
Resolution 89-16 - Granting an exception to building setback limits.

Staff Report as read by Robbie Harris:

Patterson Subdivision No. 2 received preliminary approval in August 1977. On January 23, 1978 an exception to the twenty foot building setback was granted, reducing setback limit to nine feet along west boundary of Tract 1. At the time of subdividing, the full basement and garage slab were in place and would be within the setback.

The wooden deck now encroaching into the nine foot setback was added at a later date.

Staff cannot recommend granting a second building setback exception for this tract.

STAFF RECOMMENDATIONS: Do not adopt Resolution 89-16.

END OF STAFF REPORT

MOTION: Commissioner Hursh, seconded by Commissioner Brickey, moved to accept staff recommendations and not adopt Resolution 89-16. Hearing no discussion or opposition, the motion carried.

Following is Resolution 89-16 which was not adopted:

KENAI PENINSULA BOROUGH
PLANNING COMMISSION
RESOLUTION 89-16

GRANTING AN EXCEPTION TO THE TWENTY FOOT BUILDING SETBACK LIMIT FOR A PORTION OF TRACT 1, PATTERSON SUBDIVISION NO. 2 (plat 78-37 KRD); WITHIN SECTION 11, TOWNSHIP 5 NORTH, RANGE 9 WEST, SEWARD MERIDIAN, ALASKA; KENAI RECORDING DISTRICT.

WHEREAS, a setback of twenty feet is required by designation on the plat in accordance with Kenai Peninsula Borough Code of Ordinances; and

WHEREAS, plat of Patterson Subdivision No. 2 designated a nine foot building setback along west boundary of Tract 1 adjacent to Lois Street; and

WHEREAS, 20.04.010 authorizes the Planning Commission to grant exceptions upon finding of facts which have been shown; and

WHEREAS, the wood deck addition to existing house has been found to encroach into the nine foot setback limit along west boundary of Tract 1.

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

Section 1. That the nine foot building setback limit on Tract 1, Patterson Subdivision No. 2, is hereby removed only to accommodate the wood deck addition to the house.

Section 2. That the nine foot building setback limit shall apply to the remainder of west boundary of said lot; and the twenty foot building setback limit shall apply to the north and south boundaries of said lot.

Section 3. That this Resolution is void if not recorded in the Kenai Recording District within 60 calendar days of adoption.

Section 4. That this Resolution will be recorded by Kenai Peninsula Borough Planning Department with the petitioner paying the recording fee.

Section 5. That this Resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS ____ DAY OF _____, 1989.

ATTEST:

Colleen Denbrock, Chairperson

Nancy Jungmann, Planning Secretary

Return to: Kenai Peninsula Borough
Planning Department
144 No. Binkley Street
Soldotna, AK 99669

AGENDA ITEM H. CONSIDERATION OF PLATS

1. Rounds Subdivision
 KPB File 89-030

Staff Report as read by Robbie Harris:

LOCATION: North Kenai Road near Lamplight Road
USE: Residential
SEWER & WATER: On Site

Supporting Information: Purpose of plat is to dedicate existing travelway between North Kenai Road and section line easement.

Exception(s) Requested: Partial survey & monumentation for NE & SE corners.

Planning Staff has reviewed this request and recommends granting the exception as requested.

STAFF RECOMMENDATIONS: Grant approval of preliminary plat subject to any above recommendations and the following conditions:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

1. Identify adjacent land status to west - reference unsubdivided remainder.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT IN ACCORDANCE WITH TITLE 20:

2. Provide or correct dedication and/or approval statement(s) with notary's acknowledgement as needed.
3. Survey and monumentation to meet Ordinance requirements, except as waived.
4. Place note on plat "No access to state maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation".
5. Show acreage of unsubdivided remainder.
6. Conform to conditions of KPB Planning Commission Resolution 78-6.
7. Show Recording District in or near title block.
8. State of Alaska, Department of Environmental Conservation requires their approval on final plat and recorded instruments in accordance with 18AAC 72.065(e).

END OF STAFF REPORT

MOTION: Commissioner Hursh, seconded by Commissioner Brickey, moved to grant approval of preliminary plat subject to staff recommendations. Hearing no discussion or objection, the motion carried.

AGENDA ITEM H. CONSIDERATION OF PLATS

2. Fisherman's Square, Addition One
KPB 89-032

Staff Report as read by Robbie Harris:

PLAT TYPE: Preliminary
SUBDIVISION: Fisherman's Square Addition No. 1
LOCATION: City of Soldotna, Sterling Highway &
Kalifornsky Beach Road
USE: Commercial
CURRENT ZONING: Central Business (C-3)

Supporting Information: The subdivision of lots 1 and 3, Fisherman's Square Subdivision into 6 lots, using flag lot configuration.

Advisory Planning Commission Minutes not yet received.

Exception(s) Requested: 1) to 3:1 depth to width ratio for Lot 1D due to topography (steep slope to river); and 2) minimum frontage requirement for Lot 1D - no structures will be built in panhandle. Access to all lots will be limited to one point which will be specified in "Easements, Covenants & Restrictions" to accompany final plat.

Planning Staff has reviewed this request and recommends granting the exception as requested.

STAFF RECOMMENDATIONS: Grant approval of preliminary plat subject to any above recommendations and the following conditions:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

1. Provide date of this survey.
2. Show existing streets with name and width.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT IN ACCORDANCE WITH TITLE 20:

Chapter 20.16 - Final Plat Contents:

3. Identify existing easements and label use; or cite record reference.
4. Survey and monumentation to meet Ordinance requirements.
5. Provide flood plain note.
6. Conform to conditions of KPB Planning Commission Resolution 78-6.
7. State of Alaska, Department of Environmental Conservation requires their approval on final plat and recorded instruments in accordance with 18AAC 72.065(e).

END OF STAFF REPORT

MOTION: Commissioner Brickey, seconded by Commissioner Bryson, moved to grant approval of preliminary plat subject to staff recommendations. Hearing no discussion or opposition, the motion carried.

AGENDA ITEM H. CONSIDERATION OF PLATS

3. Bos'n Landing, Part Three
 KPB File 89-033

Staff Report as read by Robbie Harris:

PLAT TYPE: Preliminary Simple Plat

SUBDIVISION: Bos'n Landing Part Three
LOCATION: Kenai River, near Morgan's Landing
USE: Residential
SEWER & WATER: On Site

Supporting Information: The subdivision of Lot 4, Block 1, Bos'n Landing Part One into two lots.

Proposed subdivision appears to be within Flood Hazard Zone. Development may be subject to requirements of Chapter 21, Borough Code of Ordinances. Note to appear on final plat per Resolution 87-13.

STAFF RECOMMENDATIONS: Grant approval of preliminary plat subject to any above recommendations and the following conditions:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

1. Correct or add to legal description/location/area. NE1/4 SE1/4, Section 21
2. Provide date of this survey.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT IN ACCORDANCE WITH TITLE 20:

Chapter 20.16 - Final Plat Contents:

3. Survey and monumentation to meet Ordinance requirements.
4. Conform to conditions of KPB Planning Commission Resolution 78-6.
5. State of Alaska, Department of Environmental Conservation requires their approval on final plat and recorded instruments in accordance with 18AAC 72.065(e).

END OF STAFF REPORT

MOTION: Commissioner Butler, seconded by Commissioner Thorne, moved to grant approval of preliminary plat subject to staff recommendations. Hearing no opposition, the motion carried.

AGENDA ITEM H. CONSIDERATION OF PLATS

4. Mooring Estates, Part Twenty
 KPB File 89-034

Staff Report as read by Robbie Harris:

PLAT TYPE: Final

SUBDIVISION: Mooring Estates Part Twenty
LOCATION: City of Soldotna, Marydale & Sohi Avenues
USE: Residential
CURRENT ZONING: Residential (R-3)
SEWER & WATER: City

Supporting Information: Proposed subdivision adds four lots to Mooring Estates Subdivision. Design is consistent with overall preliminary design.

Advisory Planning Commission Minutes not yet received.

STAFF RECOMMENDATIONS: Grant approval of final plat subject to any above recommendations and the following conditions:

1. Provide date of this survey.
2. Provide Improvement Installation Agreement from City; or letter that agreement is not required.
3. Survey and monumentation to meet Ordinance requirements.
4. Conform to conditions of KPB Planning Commission Resolution 78-6.
5. State of Alaska, Department of Environmental Conservation requires their approval on final plat and recorded instruments in accordance with 18AAC 72.065(e).

END OF STAFF REPORT

MOTION: Commissioner Hursh, seconded by Commissioner Brickey, moved to grant approval of final plat subject to staff recommendations. Hearing no opposition, the motion carried.

AGENDA ITEM H. CONSIDERATION OF PLATS

5. High Point Addition Two
 KPB File 89-035

Staff Report as read by Robbie Harris:

PLAT TYPE: Preliminary

SUBDIVISION: High Point Addition No. Two
LOCATION: Robinson Loop Road
USE: Residential
SEWER & WATER: On Site

Supporting Information: A replat of Tract 1A High Point
Subdivision Addition No. One into two tracts.

Right-of-way along north will dedicate existing access easement.
STAFF RECOMMENDATIONS: Grant approval of preliminary plat sub-
ject to any above recommendations and the following conditions:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PRO-
VISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

1. Provide date of this survey.
2. Vicinity Map. Label Robinson Loop Road
3. Verify status of adjacent parcel to north; borough records
 do not indicate 70' strip.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT
IN ACCORDANCE WITH TITLE 20:

4. Survey and monumentation to meet Ordinance requirements.
5. Conform to conditions of KPB Planning Commission Resolution
 78-6.
6. State of Alaska, Department of Environmental Conservation
 requires their approval on final plat and recorded instru-
 ments in accordance with 18AAC 72.065(e).

END OF STAFF REPORT

MOTION: Commissioner Thorne, seconded by Commission Bryson,
moved to grant approval of preliminary plat subject to staff
recommendations. Hearing no objection or opposition, the motion
carried.

AGENDA ITEM H. CONSIDERATION OF PLATS

6. Chinulna Point Part 8
 KPB File 89-036

STAFF REPORT

PLAT TYPE: Preliminary

SUBDIVISION: Kalifornsky Beach Road near Cannery Road
USE: Residential
SEWER & WATER: On Site

Supporting Information: Proposed replat of Tracts A, B, E and F, Chinulna Point Part 6 and Tracts C-1 and C-2 of Part 7 into 28 lots.

All ROWs are prior dedications.

STAFF RECOMMENDATIONS: Grant approval of preliminary plat subject to any above recommendations and the following conditions:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

1. No additional preliminary information required.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT IN ACCORDANCE WITH TITLE 20:

Chapter 20.16 - Final Plat Contents:

2. Survey and monumentation to meet Ordinance requirements.
3. Conform to conditions of KPB Planning Commission Resolution 78-6.
4. State of Alaska, Department of Environmental Conservation requires their approval on final plat and recorded instruments in accordance with 18AAC 72.065(e).

END OF STAFF REPORT

MOTION: Commissioner Brickey, seconded by Commissioner Landua, moved to grant approval of preliminary plat subject to staff recommendations. Hearing no objection, the motion carried.

AGENDA ITEM H. CONSIDERATION OF PLATS

7. Mooring Estates
 Part Nineteen

Staff Report as read by Robbie Harris:

PLAT TYPE: Revised Preliminary

SUBDIVISION: Mooring Estates Part Nineteen
LOCATION: City of Soldotna, Starlite Lane west of Kobuk St.
USE: Residential
CURRENT ZONING: P.R.D.
SEWER & WATER: On Site

Supporting Information: Conditionally approved December 5, 1988
with only Tract 2, plat has been revised to include right-of-way
vacation.

Vacation was approved by this commission February 27, 1989.
Soldotna City Council approved vacation March 15, 1989.

Advisory Planning Commission Minutes not yet received.

STAFF RECOMMENDATIONS: Grant approval of preliminary plat sub-
ject to any above recommendations and the following conditions:

1. Identify adjacent land status. Clarify Part Nine and Part
 Ten.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT
IN ACCORDANCE WITH TITLE 20:

Chapter 20.16 - Final Plat Contents:

2. Provide Improvement Installation Agreement from City; or
 letter that agreement is not required.
3. Survey and monumentation to meet Ordinance requirements.
4. Conform to conditions of KPB Planning Commission Resolution
 78-6.
5. Show existing utility easements.

END OF STAFF REPORT

MOTION: Commissioner Hursh, seconded by Commissioner Brickey,
moved to grant approval of preliminary plat subject to staff
recommendations. Hearing no objection, the motion carried.

AGENDA ITEM I. STREET NAMING RESOLUTION 89-01 TO NAME A
PUBLIC ACCESS ROAD

Staff Report as read by Sylvia Spearow

Naming a public access road according to ADL 58934, lying within
Section 26, T5N, R8W, S.M., to Sparkman Street

APPLICANT: Kenai Peninsula Borough (Owner)
as petitioned by: Mr. Gary Stackhouse
Anchorage, Alaska

LOCATION: Section 26, T5N, R8W, S.M., lying south of Kenai
Keys Road, to include Government Lot 21 and a
portion of the Borough owned parcel, north of
Government Lot 21

EXISTING
NAME: Unnamed

REQUESTED
NAME: Sparkman Street

REASON
FOR NAME: Mr. Jerry Sparkman originally applied, and was
granted, the DNR right-of-way permit in 1973. Mr.
Stackhouse (son-in-law) requests to have the road
named after Mr. Sparkman who has had a home on Lot
23 for 20+ years.

NOTIFICATION: Seven (7) certified mailings were sent to
surrounding property owners and interested parties.
Five (5) were returned as of April 3, 1989.

ANALYSIS: 1. The existing right-of-way has been dedicated
since 1973.
2. The right-of-way lies on Borough property and
the Land Management Agent has signed the
petition.
3. No negative comments have been received.
4. The petition complies with the street naming
ordinance and the name is not a duplicate.

STAFF RECOMMENDATION: Staff recommends the adoption of Street
Naming Resolution 89-01, naming a public access road lying south
of ADL 55150 described in ADL 58934 to Sparkman Street.

END OF STAFF REPORT

MOTION: Commissioner Landua, seconded by Commissioner Hursh,
moved to approve adoption of SN Resolution 89-01 per staff
recommendations. Hearing no discussion or opposition, the motion
carried.

AGENDA ITEM J. RESOLUTION AUTHORIZING SELECTION OF LANDS
IN THE VICINITY OF TRADING BAY FOR DEVELOPMENT
OF A DRILLING MUD DISPOSAL SITE

Staff Report as read by Carolyn Turkington:

In July, 1988, the Kenai Peninsula Borough Planning Commission held a public hearing in Nikiski concerning the location of a drilling mud disposal site proposed by Marathon Oil, found that the proposed site was noxious, injurious and hazardous and denied the issuance of a permit. The Planning Commission also recommended that the borough provide assistance in locating a suitable site for the disposal of the drilling mud. Marathon Oil has been seeking a site on the west side of Cook Inlet in the area of their Trading Bay facility and has located a suitable site on State land. The KPB, State, and Marathon Oil have discussed the feasibility of Marathon Oil obtaining the site. The outcome of the discussions with the State is that the KPB should file a selection for the purpose of locating a drilling mud disposal site within the selected area. Marathon Oil has indicated that the site is believed to be within the SE 1/4 of Section 36, T9N, R15W, S.M. To allow for a buffer and ensure that the correct area is selected, the KPB desires to select the entire E 1/2 of the section.

RECOMMENDATION: That the KPB Planning Commission recommend to the Assembly that the E 1/2 of Section 36, T9N, R15W, S.M. be selected from the State of Alaska for the purpose of locating a drilling mud disposal site within a portion of the selected area for Marathon Oil Company.

END OF STAFF REPORT

Commissioner Hursh expressed his concern over the rationale of having the Redoubt Bay Critical Habitat area and then placing this proposed drilling mud disposal site right on the boundary. He stated this site will drain right into the Redoubt Bay Critical Habitat area.

Commissioner Landua asked what type of hydrogeological work has been done for this area.

Chairperson Denbrock recognized Brad Penn with Marathon Oil Company. He stated they have drilled 15 to 20 test holes but did not put in any monitoring wells. However, he stated they do have an indication of how deep the water table is and the geologic strata down to the water table. Mr. Penn provided pictures of the site for review by the commission.

Commissioner Landua asked if this was going to be operated the same way as the Trading Bay Facility.

Mr. Penn responded that this would be the same type of permit as the Miller Loop operation, but with an area that is half the size of Miller Loop.

Chairperson Denbrock asked Land Management Officer Turkington if it was customary for the borough to make a selection of land with a designated purpose.

Mrs. Turkington responded that the Mayor wanted this to be very specific as to why the borough was selecting this site; especially for the State because they are not expedient in providing the borough with their patents. She commented that it is a long drawn out process and knowing that the State, Marathon Oil and the borough all three have discussed it, the mayor felt it would be better to include that in the resolution that goes to the state along with the selection application.

Chairperson Denbrock asked if it is going to be subject to other permits from the state.

Brad Penn responded that it will go through the whole permitting process with the State and Kenai Peninsula Borough Ordinances.

Chairperson Denbrock questioned what would happen to this selection if the site fails for some reason and a disposal site is not placed at this location and it is turned over to the borough without a disposal site since the selection is tied into the disposal site.

Chairperson Denbrock expressed her concern that there is a task force working on this very type of thing and no determinations have been made at this time and Chairperson Denbrock said her impression of this designation is that a determination has been made because we have said we are putting a disposal site here. Denbrock further commented that she is not saying she is agreeing or disagreeing, but if it does not "jump all the hurdles" after selection is made what happens to this land?

Turkington said she assumed Marathon Oil will get a Letter of Entry in order to go on and finish conducting some investigations and the borough will probably know long before the State ever decides to give us patent or any kind of approval whether the site is suitable. Turkington stated that if the site is not suitable and they cannot use it the borough will be able to relinquish the selection.

MOTION: Commissioner Landua, seconded by Commissioner Hursh, moved to recommend the KPB Assembly adopt the Resolution selecting the land as set forth in the Resolution. Hearing no further discussion or opposition the motion carried.

AGENDA ITEM K. MOOSE RIVER RAFT RACE & STERLING DAYS, INC.
LAND LEASE

Staff Report as read by Carolyn Turkington

APPLICANT: Moose River Raft Race & Sterling Days, Inc.

LOCATION: Sterling, Alaska, adjacent to Scout Lake Inn,
Government Lot 9, Section 11, Township 5 North,
Range 9 West, Seward Meridian, Alaska, containing
± 2.63 acres

DESCRIPTION: On October 21, 1988, the Borough received an application from the Moose River Raft Race and Sterling Days, Inc. for the lease of ± 2.63 acres adjacent to the Sterling Highway. The proposed use of this land is for a community center which could be used for activities and meetings with emphasis being for youth and senior citizens. On February 21, 1989, the Assembly of the Kenai Peninsula Borough adopted Resolution 89-16 (Substitute), recognizing the Sterling Area Senior Citizens for the participation in the Borough's Senior Citizen Grant program.

STAFF RECOMMENDATION: The recommendation of approval of this ordinance authorizing Borough lands to be leased to the Moose River Raft Race and Sterling Days, Inc.

END OF STAFF REPORT

KENAI PENINSULA BOROUGH

ORDINANCE 89-

AUTHORIZING BOROUGH PATENTED LANDS TO BE LEASED TO THE MOOSE RIVER RAFT RACE AND STERLING DAYS, INCORPORATED

WHEREAS, the borough has received patent to Government Lot 9, Section 11, Township 5 North, Range 9 West, S.M., Alaska on March 21, 1983; and

WHEREAS, the community of Sterling has demonstrated a need to establish a community center which would be used for community club meetings, youth activities, and as a senior center; and

WHEREAS, the Planning Commission, at their meeting of April 3, 1989, recommended approval of the proposed lease;

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

Section 1. That the following described parcel of land is hereby authorized for lease to the Moose River Raft Race and Sterling Days, Inc.:

Government Lot 9, Section 11, Township 5 North,
Range 9 West, Seward Meridian, Alaska containing
± 2.63 acres

Section 2. That the above described real property shall be leased free of charge so long as it is used for community purposes.

Section 3. That the term of the lease is for an initial period of ten (10) years with options to renew the lease for an additional twenty-five years. Said options to renew shall be at five year intervals and shall be exercised by agreement of all parties. Should the parties be unable to agree to renew the lease, the lease shall terminate.

Section 4. That the Moose River Raft Race and Sterling Days, Inc. shall maintain and provide proof of insurance as detailed in the lease agreement.

Section 5. That the Moose River Raft Race and Sterling Days, Inc. is required to provide notice and receive approval from the borough administration prior to the construction of the access road, building and any site preparation or other improvements within the above described lands.

Section 6. That the mayor is authorized to sign such documents necessary to effectuate this lease and is authorized to provide yearly extensions to the lease if it is in the best interests of the borough and the Sterling community.

Section 7. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 1989.

MOTION: Commissioner Brickey, seconded by Commissioner Landua, moved to recommend approval of the proposed ordinance as per staff recommendations. Hearing no discussion or opposition, the motion carried.

AGENDA ITEM L. REQUEST TO PURCHASE BOROUGH LANDS -

Staff Report as read by Carolyn Turkington

APPLICANT: William Nelson
LOCATION: Tract C Fishermen Roads Subdivision,
 Section 30, Township 5 North, Range 11 West
 S.M., Alaska

William J. Nelson has filed a request with the KPB to purchase Tract C of Fishermen Roads Subdivision located within Sec. 30, T5N, R11W, S.M. This parcel lies between the Kalifornsky Beach Road and Cook Inlet and contains 2.86 acres, more or less.

The KPB is the owner of the lot as the result of both municipal land entitlement and a land exchange. At one point, the parcel was approved for a negotiated land sale, however, the sale was not finalized.

The KPB School District, KPB Public Works Department, Central Peninsula Hospital Service Area, Central Peninsula Emergency Medical Service Area and the Kalifornsky Fire Service Area have reviewed the request. No objections to the proposed disposal were received.

RECOMMENDATION: That the KPB Planning Commission recommend to the Assembly that Tract C Fishermen Roads Subdivision be classified as "sale lands" and offered for sale by means of a public sealed bid in substantially the manner as prescribed in the draft ordinance.

END OF STAFF REPORT

Introduced by: Mayor
Date: April 18, 1989
Hearing: May 16, 1989
Action:
Vote:

KENAI PENINSULA BOROUGH

ORDINANCE 89-23

CLASSIFYING BOROUGH OWNED LANDS AS "SALE LANDS" AND AUTHORIZING A PUBLIC SEALED BID DISPOSAL OF TRACT C FISHERMEN ROADS SUBDIVISION LOCATED WITHIN SECTION 30, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN

WHEREAS, the borough owns certain lands located within Section 30, T5N, R11W, Seward Meridian, Alaska; and

WHEREAS, a request has been received from William J. Nelson to purchase said lands; and

WHEREAS, there has been interest expressed by others to purchase this parcel; and

WHEREAS, the Kenai Peninsula Borough School District, Kenai Peninsula Borough Public Works Department, Central Peninsula Hospital Service Area, Central Peninsula Emergency Medical Service Area, and Kalifornsky Fire Service Area have reviewed the request for purchase and offered no objections to the disposal; and

WHEREAS, at its April 3, 1989 meeting, the Kenai Peninsula Borough Planning Commission reviewed the request, classification, and terms and conditions of the public sealed bid disposal;

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

Section 1. That the following described lands are classified as "sale lands":

Tract C, Fishermen Roads Subdivision,
containing 2.86 acres, more or less,
according to plat #84-73, and located
within a portion of Section 30, T5N,
R11W, S.M., Alaska

Section 2. That the parcel described in Section 1 of this ordinance shall be offered at public sealed bid sale at the minimum bid of \$63,200, said price being the assessed value as determined by the Kenai Peninsula Borough Assessing Department.

Section 3. That notice of the public sealed bid sale shall be published in a newspaper of general circulation within the borough. At a minimum, the notice shall contain such information concerning the location, size, and description of the land, the minimum bid price of the parcel, eligibility requirements to participate, the location for bid submittal, the closing date and time for receipt of bids, and the date and time of the bid opening. Said public notice shall be published one time each week for two consecutive weeks. The first notice is to be published within thirty (30) calendar days after the date of enactment of this ordinance. Notice shall also be posted at the post offices, in the city halls of Kenai, Homer, Seward, Seldovia and Soldotna, and in the borough administration building in Soldotna.

Section 4. That anyone who is 18 years of age or older on the date of the bid opening and a resident of the State of Alaska is eligible to participate. Each eligible participant may submit only one bid on the parcel.

Section 5. That in the event identical bids are submitted, the highest bid shall be determined by drawing a name. The individual whose name is drawn shall be declared the high bidder and deemed to have bid an additional one dollar (\$1.00). The qualified high bidder shall be notified by certified mail within five (5) calendar days of the bid opening of his right to purchase. Purchase of the parcel and signing of all documents must be completed within thirty (30) calendar days of the date of receipt of the certified notice or his/her right to purchase is forfeited. In the event the land is not purchased, it shall return to the borough's land inventory as unclassified lands.

Section 6. That conveyance of this land shall be by warranty deed, and balances due shall be secured by a promissory note and deed of trust including additional provisions providing for trustee's sale upon default in payment of upon condition broken, and including additional provisions prohibiting the resubdivision of any parcel or the utilization or removal of any timber, sand or gravel resources for any commercial purpose until the balance due is paid in full.

Section 7. That purchase of the parcel may be made by payment in full or by making a down payment of a minimum of ten percent (10%) of the bid price. A promissory note for the balance remaining unpaid shall provide for equal monthly installments of principal together with interest. If after down payment the remaining principal balance is less than \$30,000, the balance shall be payable in 120 equal monthly installments of principal together with interest at the rate of ten percent (10%) per annum. If after down payment the remaining principal balance is \$30,000 or more but less than \$50,000, the balance shall be payable in 180 equal monthly installments of principal together with interest at the rate of ten percent (10%) per annum. If after down payment the remaining principal balance is more than \$50,000, the balance shall be payable in 240 equal monthly installments of principal together with interest at the rate of ten percent (10%) per annum. Nothing contained herein shall prevent the prepayment of principal amount with interest to date of payment; however, no prepayment shall suspend the due date of any future installments until the entire balance of principal together with interest is paid in full. A penalty of five percent (5%) of each payment past due shall be assessed when a payment is more than fifteen (15) calendar days late.

Section 8. That the purchaser shall be responsible for paying the cost of recording fees and any applicable collection, set-up and/or escrow fees. The borough will cause the proper documents to be recorded in the Kenai Recording District. A warranty deed shall be issued to the purchaser by the borough. After purchase, the purchaser may sell or assign his interest in the property subject to the recording in the Kenai Recording District of an assumption agreement and any other document(s) and after written notification to the borough.

Section 9. That this land is sold "as is" and the purchaser shall be responsible for visiting the parcel and for ascertaining the condition of the site and the extent of any easements, encroachments, alterations, or infringements upon the parcel by other persons. The borough will make a reasonable effort to disclose all types of information available to the borough to assist interested persons in determining soil conditions, wetlands, floodplains, easements and other encroachments. In the event that certain other rights to the parcel have been previously granted by the borough, state, federal government or any previous owner, then the sale of the parcel shall be made subject to them. The purchaser shall be charged with putting himself on notice of the possibility that preexisting rights may exist and that further inquiry is required. Conveyance by warranty deed shall be made subject to this section.

Section 10. That the mayor is authorized to sign any documents necessary to effectuate this ordinance and deemed to be in the best interest of the borough.

Section 11. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON
THIS _____ DAY OF _____, 1989.

Jonathan W. Sewall, Assembly President

ATTEST:

Borough Clerk

MOTION: Commissioner Hursh, seconded by Commissioner Brickey, moved to recommend to the Assembly that Tract C Fishermen Roads Subdivision be classified as "sale lands" and offered for sale by means of a public sealed bid in substantially the manner as prescribed in the draft ordinance. Hearing no further discussion or opposition, a roll call vote was taken with Commissioners Brickey, Butler, Denbrock, Hursh, Kyllonen, Landua, Mumma and Thorne voting yes. Commissioner Bryson voted no. The motion carried.

AGENDA ITEM M. PERMITS AND APPLICATIONS

1. Kasilof River 82, Modification

Staff Report as read by Chris Comeau

APPLICANT: Department of Natural Resources
Division of Parks
3601 C Street
Anchorage, AK 99503

LOCATION: In the Kasilof River, approximately two miles south of Kasilof, Alaska, at Section 30, T3N, R11W, S.M.

PROJECT: 1988 Project Description as written in Corps Permit with new 1989 earthwork information in brackets.

Project Description: Construct a 16' x 70' concrete plank boat ramp that will extend below the ordinary high water mark (OHW) in the Kasilof River. An estimated 25 [365] cubic yards (cy) of native substrate will be removed from below the OHW and disposed of at an upland site. The ramp access route will be graded to a 14% [19% and 9%] slope and approximately 4 [11] cy of gravel placed on the ramp and overlaid with concrete planks. The banks on either side of the completed ramp will be stabilized with approximately 15 [0] cy of Class 1 riprap. [250 cy of subbase will be placed under boat ramp and on downstream cutslope.] The purpose of the ramp is to provide a public recreational boat access to the Kasilof River.

STAFF REVIEW AND RECOMMENDATION: The Planning Commission approved Kasilof River 82 on Monday, August 22, 1988, with no objection. Since that time this project has been extended, restarted, and modified. The modified project calls for 365 cy of native substrate (riverbank) to be removed and replaced with 250 cy of subbase "A" (pit run gravel). Staff recommends a letter of no objection with the following stipulations in accordance with the KPB Concept Approved Coastal Management Program:

1. Policy 3.2;D-4. Dredging and Filling
Projects that require dredging or filling in streams, rivers, lakes, wetlands, or saltwater areas including tideflats, will be located, designed, constructed, and maintained in a manner so as to:
 - a. avoid significant impacts to important fish and wildlife habitat;
 - b. avoid significant interference with fish migration, spawning, and rearing as well as other important life history phases of wildlife;
 - c. limit areas of direct disturbance to as small an area as feasible;
 - d. minimize the amount of waterborne sediment traveling away from the dredge or fill site; and
 - e. maintain circulation and drainage patterns in the area of the fill.

2. Policy 3.2;D-5. Disposal of Dredged Material
Dredged materials disposed onshore will be diked or similarly contained and stabilized in order to prevent erosion or leaching of harmful or toxic substances into wetlands or fishbearing waters.

Note: Comments are due to the Division of Governmental Coordination by April 11, 1989

END OF STAFF REPORT

MOTION: Commissioner Hursh, seconded by Commissioner Thorne, moved to approve a letter of no-objection as per staff recommendations. Hearing no further discussion or opposition, the motion carried.

AGENDA ITEM M. PERMITS AND APPLICATIONS

***Removed from Consent Agenda and added to the Regular Agenda by Commissioner Bryson

3. Permits and Applications
 - c) Kenai River 232
AK 89-0314-08A

Staff Report as presented by Mr. Chris Comeau

APPLICANT: Mr. Tom Redmond
35865 Park Street
Soldotna, AK 99669

LOCATION: Approximately 1 mile above the mouth of the Kenai River, along the right descending bank, near the Salamatof Seafoods dock, Section 4, T5N, R11W, S.M., U.S.G.S. Quadrangle Kenai C-4

PROJECT: Applicant wishes to place two 2-foot diameter mooring buoys, each secured with a 250 lb. anchor and 30 feet of chain in the Kenai River for the purpose of seasonally anchoring 32 ft. fishing vessels, with up to 3 vessels moored to a buoy at one time, to provide anchorage for the applicant's commercial fishing operation. Buoys will be placed 100 feet upstream of Salamatof Seafood's anchors and docks.

STAFF REVIEW AND RECOMMENDATIONS: The project is consistent with the concept approved Kenai Peninsula Borough Coastal Management Program policies 3.2;D1, D2 (a-c), D3(a-c). Staff recommends a letter of no objection with the following stipulations:

1. Buoys placed in navigable waters shall be visibly marked and placed to minimize navigation hazards or obstruction.
2. Approval is subject to any additional comments submitted by the City of Kenai.
3. Approval is subject to any additional stipulations of the Kenai River Comprehensive Management Plan (Department of Natural Resources).THIS STIPULATION WAS DELETED BY MR. COMEAU
4. Required permits shall be obtained from the City of Kenai and other agencies, if applicable.

In reading the above staff report, Mr. Comeau stated that Stipulation #3 is deleted.

****Note:** Comments are due to the Division of Governmental Coordination by April 17, 1989

END OF STAFF REPORT

In reading the staff report, Mr. Comeau stated that Item #3 listed above should be deleted.

Commissioner Hursh opened the comment period with the statement that he felt, in looking at the map, this was becoming a congested area.

Commissioner Bryson stated that the City of Kenai has recently leased tideland submerged land along that area and questioned how this may effect any leases the City has entered into. The other question Commissioner Bryson said he had was item #3 which has been taken care of by the deletion. He said the City has agreed to the lands above the bridge, but not below the bridge. He further commented that they had approved Garcia's request above the bridge of limiting the configuration and number of buoys he could use, and questioned how that affects these as far as being consistent.

Commissioner Hursh asked if the Division of Parks had jurisdiction starting from the bridge and going up.

Commissioner Bryson responded that the City of Kenai has agreed to the portion above the bridge being included in the Parks, but not the portion below the river.

Commissioner Hursh commented that he thought Garcia's location was in the Parks jurisdiction and wondered how the City OK'd it.

Commissioner Bryson said his concern with this is having one buoy and ten boats tied up to it as is the practice and he wondered how that would be policed. He further expressed his concern on how this property would fit in with what the City has leased for docking facilities in that area.

Commissioner Landua suggested that the commission discuss formally asking the U.S. Corps of Engineers to map the lower river and indicate all the mooring buoys that are in place so that we have an idea of how that area is going to work as a parking place.

After considerable discussion Mr. Comeau advised the commission this permit could be placed on the agenda for the next Planning Commission meeting, April 17, 1989.

MOTION: Commissioner Bryson, seconded by Commissioner Landua moved to postpone until the April 17, 1989 Planning Commission Meeting. Hearing no further discussion or opposition, the motion carried.

AGENDA ITEM M. PERMITS AND APPLICATIONS

3. Permits and Applications
 - g) Right-of-Way; Public Easement, Cabin Lake Road
Ref: ADL 224681

*****This item removed from the Consent Agenda and added to the Regular Agenda**

Staff Report as read by Chris Comeau:

APPLICANT: Diane Aldridge
47910 Interlake Drive
Nikiski, Alaska 99635

LOCATION: Between North Miller Loop Road and Cabin Lake Road in Nikiski, northwest of Cabin Lake, Section 23, T7N, R12W, S.M. U.S.G.S., Quadrangle Kenai C-4

PROJECT: Applicant is proposing to straighten Cabin Lake Road and thus alleviate 1/4 mile of present road which contains two hazardous curves. This road construction will conform to Kenai Peninsula Borough Standards. This application is for a 60 foot-wide by 1300 foot-long right-of-way on land owned by the State of Alaska.

STAFF REVIEW AND RECOMMENDATIONS: Staff recommends a letter of no objection to the Department of Natural Resources, Division of Land and Water Management.

**Note: Comments are due to DNR, Division of Land and Water Management by March 27, 1989

END OF STAFF REPORT

Commissioner Bryson commented that in looking at the map provided, he was unable to determine where the road was to be constructed and, who was going to construct the road.

Mr. Comeau stated he thought the applicant was going to do the construction. For clarification, Mr. Comeau said the last page of the staff report provided the best description of where the road is to be constructed. He said the applicant wanted to extend Cabin Lake Drive north to Miller Loop Road.

Chairperson Denbrock asked staff to further clarify where the road was going to be constructed as it was not possible to determine from the maps provided.

Commissioner Bryson asked if the road was on the land of the petitioner?

Mr. Comeau stated the land was owned by Department of Natural Resources, State of Alaska.

MOTION: Commissioner Landua, seconded by Commissioner Brickey moved to postpone to allow Staff time to assemble further information.

Commissioner Butler commented that it appeared to him that the applicant was petitioning the State for a 60 foot right-of-way. It appears that the 60 foot right-of-way is probably along a section line. Mr. Butler questioned if there would be a problem in allowing the applicant an easement along an existing section line of state land.

Sylvia Spearow interjected that this was not a section line, but the quarter section line.

Commissioner Butler concurred, and further commented that apparently the petitioner was asking for an easement and Commissioner Butler said he thought the borough would be ahead by having an easement there. Commissioner Butler said that, at this time, all the commission is being asked to comment on is whether there is any reason DNR should not give the petitioner an easement.

After considerable discussion, it was still unclear as to how the road is to be constructed.

Mr. Comeau informed the Commission that the deadline for comments had already been reached and if this item were postponed, there would not be time to offer comments.

Chairperson Denbrock reminded the Commission there was a motion on the floor to postpone and that the commission would need to act on it or withdraw the motion.

Commissioner Landua, with Commissioner Brickey's concurrence, withdrew the motion to postpone.

MAIN MOTION: Commissioner Kyllonen, seconded by Commissioner Hursh moved to recommend a letter of non objection as per staff recommendations.

MOTION AMENDING THE MAIN MOTION: Commissioner Bryson, seconded by Commissioner Landua moved to recommend a letter of non objection with the following stipulation:

1. The applicant bring the road in at a 90 degree angle rather than along a north/south alignment

VOTE AMENDING THE MAIN MOTION: Hearing no objection or opposition, the motion carried.

VOTE ON THE MAIN MOTION: Hearing no discussion or opposition, the motion carried.

AGENDA ITEM M. PERMITS AND APPLICATIONS

3. Permits and Applications
 - j) Silver Salmon Creek Bridge & Culvert
Ref: FG 89-II-0211

*** This item removed from the Consent Agenda and added to the Regular Agenda by Commissioner Bryson.

STAFF REPORT

APPLICANT: Mr. Les Christian
Forest Engineer
Klukwan Forest Products, Inc.
P.O. Box 189
Anchor Point, Alaska 99556-0189

LOCATION: Silver Salmon Creek, Section 18, T2S, R13W, S.M.

PROJECT: Applicant proposes to install a 40 foot-long flat car bridge over the main channel of Silver Salmon Creek and to install a 36" diameter culvert in the side stream channel approximately 150 feet south of the bridge. This bridge will provide access to the southwest side of the river for timber harvest and logging activity. The bridge and culvert are expected to be in place for at least five years.

STAFF REVIEW AND RECOMMENDATIONS: This project is consistent with policies 3.6;D2(a-b) and 3.6;D1(a-g) of the concept approved Kenai Peninsula Borough Coastal Management Program. Staff recommends a letter of no objection.

END OF STAFF REPORT

Commissioner Bryson stated the reason he placed this on the regular agenda is that it was his understanding, by reading the material provided, that this permit had already been approved and he questioned why the commission was being asked to review it if it indeed had already been approved.

Mr. Comeau stated he was not aware that it had already been approved.

Mr. Comeau read the staff report and under the Staff Review and Recommendations Mr. Comeau deleted policies 3.6;D1(a-g)

There was considerable discussion as to the exact location of this project.

Commissioner Kyllonen said he was familiar with Klukwan Forest Products, Inc. and they have an operation in progress near Ninilchik, and is east of the Sterling Highway. He stated his understanding was that the 36" culvert was already installed and the 40' long flat car bridge he was unsure of it's progress. He stated he talked with the person in charge of this operation yesterday and that is how he knows the culvert is already in place. He assumed, because of the condition of the ground, the work probably has already started on the bridge.

Commissioner Hursh questioned whether a 36" culvert was going to be big enough come time for spring thaw?

Commissioner Kyllonen said as he understands it they have someone monitoring the operation - a biologist and geologist on site.

There was still great confusion about the location of Silver Salmon Creek and staff person Sylvia Spearow elected to leave the meeting and see if she could locate a map in the Planning Department that would show the location of Silver Salmon Creek. Staff was unable to locate a map that specifically showed Salmon Creek, but did locate 2 South, 13 West and it is right between Deep Creek and Ninilchik.

Commissioner Bryson expressed his concern again as to why the Commission was even reviewing this when in the letter to Mr. Les Christian which was provided in the commissioner's packets, it states under paragraph #3, "In accordance with AS 16.05.870(d), project approval is hereby given subject the the following stipulations:"

Chairperson Denbrock pointed out that paragraph #3 was fairly cut and dry as to the approval of this project.

MOTION: Commissioner Brickey, seconded by Commissioner Hursh, moved recommend a letter of no objection per staff recommendations. Chairperson Denbrock asked for a roll call vote. All Commissioners present voting in favor of a letter of non objection per staff recommendations. The motion carried.

AGENDA ITEM N. PUBLIC PRESENTATIONS WITHOUT PRIOR NOTICE

NONE

AGENDA ITEM O. DIRECTOR'S COMMENTS

Sylvia Spearow gave a brief update on the progress of the Borough Comprehensive Plan

AGENDA ITEM P. COMMISSIONERS COMMENTS

Commissioner Kyllonen asked for an excused absence for the April 17, 1989 meeting.

Commissioner Hursh, referring to the oil spill in Prince William Sound, asked what the borough was going to do about the spill when it reaches KPB land? He stated since we are supposed to be the PLANNING commission for KPB, what are we thinking about - what plan do we have? Do we just let it go away? Commissioner Hursh stated he just wanted to know what responsibility the Borough was going to have in this?

Commissioner Hursh further commented that it would be nice to think about what we are going to do if and when the oil spill reaches the Kenai Peninsula Borough rather than after the fact.

Alice Bullington, Environmental Technician for the Borough commented that KPB Emergency Management people were on site in Seward and had been for several days, as well as the Mayor and Alice commented that she would also been going to Seward in case of any environmental impacts that may occur.

Chairperson Denbrock commented that this is something that the Commission can tackle or not tackle as the commission so chooses. She said right now we are working on our Noxious Use ordinance which this may play in to and the comprehensive plan. These are big tasks the commission is taking on now and, she said, we may, in the future, want to take this one separately or incorporate it into those. Denbrock said she thought that was what Keith was asking us and maybe it is something the commission will want to discuss as an informational item during the next few weeks as the commission is working on some of these other projects.

Commissioner Landua suggested that the commission, at some point, formally ask Alice Bullington to assess what has occurred in Prince William Sound with an eye toward specifying what type of system, within the borough, would work should an event of this nature occur here and also look at it with an eye toward the comprehensive plan.

AGENDA ITEM Q. ADJOURN

Meeting adjourned 9:35 P.M.