


Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Robert Ruffner, Planning Director 

DATE: June 15, 2022

RE: Section Line Easement Vacation: Vacate section line easements associated with Tracts A, B, & C of Quartz Creek Subdivision Plat No. SW 94-11; KPB File 2022-060V

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly.

During their regularly scheduled meeting of June 13, 2022 the Kenai Peninsula Borough Planning Commission granted approval of the above proposed vacation of by unanimous vote based on the means of evaluating public necessity established by KPB 20.65 (8-Yes, 0-No, 3-Absent, 3-Vacant). This petition is being sent to you for your consideration and action.

A draft copy of the unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

June 13, 2022 Agenda Item E1 Packet Materials
June 13, 2022 Draft PC Meeting Minutes

- e. City of Seward, Vacant
- f. City of Seldovia, Vacant

***7. Minutes**

- a. May 23, 2 Planning Commission meeting minutes.

Chair Martin asked if anyone wished to speak any of the items on the consent agenda. Hearing no one wishing to comment he asked Ms. Shirnberg to read into the record the consent agenda items.

MOTION: Commissioner Venuti moved, seconded by Commissioner Hooper 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	Bentz, Brantley, Fikes, Hooper, Horton, Martin, Morgan, Venuti
Absent - 3	Gillham, Stutzer, Tautfest

AGENDA ITEM E. NEW BUSINESS

Chair Martin asked Ms. Shirnberg to read into the record the rules for public hearing.

ITEM E1 - SECTION LINE EASEMENT VACATION
VACATE SECTION LINE EASEMENTS ASSOCIATED WITH TRACTS A, B, AND C OF QUARTZ
CREEK SUBDIVISION PLAT NO SW 94-11

KPB File No.	2022-060V
Planning Commission Meeting:	May 23, 2022
Applicant / Owner:	Three Bears Alaska Inc of Wasilla, AK and Kenai Peninsula Borough of Soldotna, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Cooper Landing / Cooper Landing APC
Legal Description:	50-foot section line easements associated with the SW1/4 Section 30, Township 5 North, Range 2 West, SE1/4 Section 25 and the N1/2 Section 36, Township 5 North, Range 3 West

Staff report was given by Platting Specialist Julie Hindman.

Chair Martin open 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 Morgan moved, seconded by Commissioner Fikes to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, subject to staff recommendations and compliance with borough code.

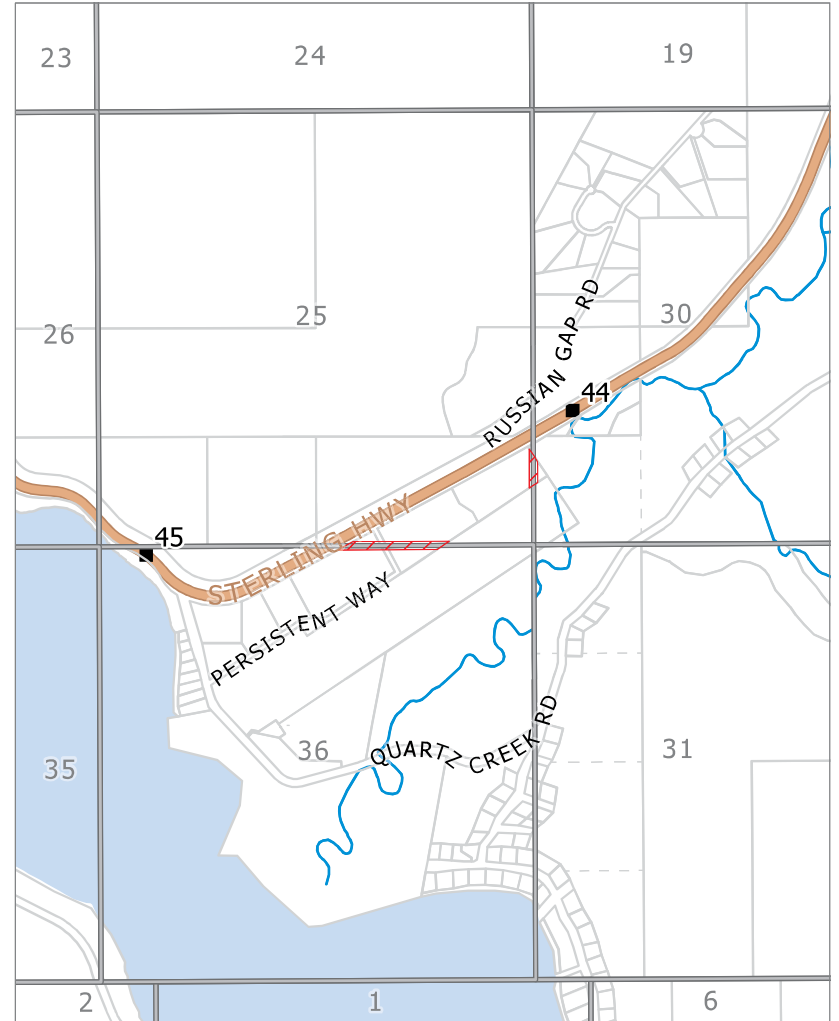
Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Bentz, Brantle , Fikes, Hoo er, Horton, Martin, Mor an, Venuti
Absent - 3	Gillham, Stutzer, Tautfest

E. NEW BUSINESS

- 1. Section Line Easement Vacation; KPB File 2022-060V
Vacate the section line easements associated with Tracts A, B & C of Quartz Creek Subdivision Plat SW 94-11
PINs: 119-124-17, 119-124-18 & 119124-19
Petitioner(s)/Landowner(s): Three Bears of Alaska & KPB
Cooper Landing Area**



KPB File # 2022-060V
 S25 T05N R02W
 S30 T05N R02W
 S36 T05N R03W
 Cooper Landing

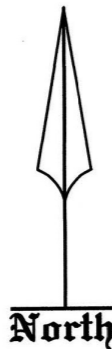
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LEGEND:

- ⊗ 3 1/4" ALUM. CAP MONUMENT BLM 1986 FOUND
- ⊙ 2 1/2" ALUM. CAP MONUMENT LS5152 2000 FOUND
- ⊗ 3 1/4" ALUM. CAP MONUMENT 1928-S 1992 FOUND
- ⊙ 2 1/2" ALUM. CAP MONUMENT 4469-S 2003 FOUND
- ⊙ 5/8" REBAR w/ 2" ALUM. CAP MCLANE 1994 FOUND
- 5/8" REBAR w/ PLASTIC CAP LS8859 SET
- () RECORD DATUM PLAT 2004-9 KR D



CERTIFICATE of ACCEPTANCE

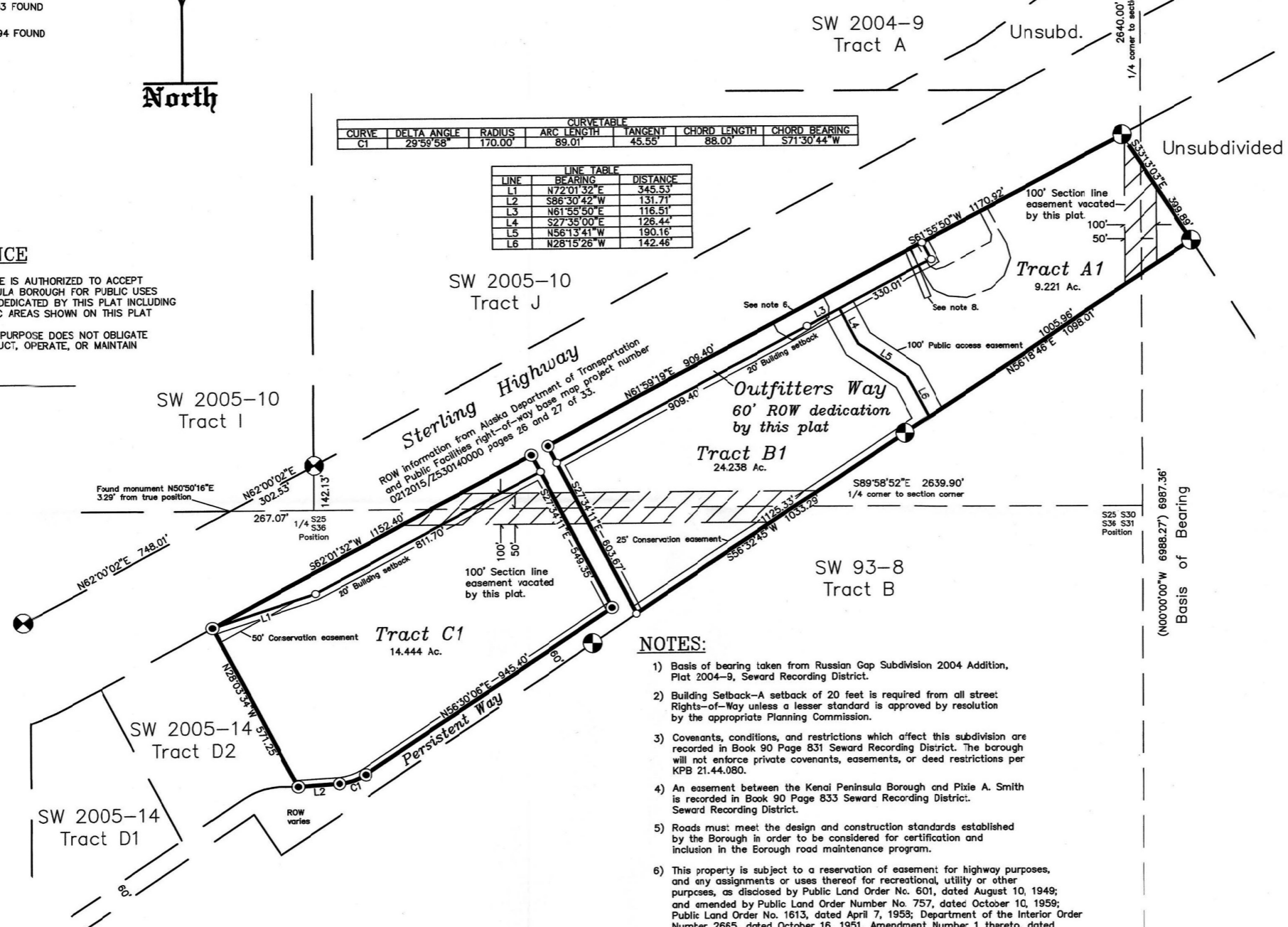
THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: OUTFITTERS WAY 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.

AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	29°59'58"	170.00'	89.01'	45.55'	88.00'	S71°30'44" W

LINE	BEARING	DISTANCE
L1	N72°01'32" E	345.53'
L2	S86°30'42" W	131.71'
L3	N61°55'50" E	116.51'
L4	S27°35'00" E	126.44'
L5	N56°13'41" W	190.16'
L6	N28°15'26" W	142.48'



NOTES:

- 1) Basis of bearing taken from Russian Cap Subdivision 2004 Addition, Plat 2004-9, Seward Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 90 Page 831 Seward Recording District. The Borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.
- 4) An easement between the Kenai Peninsula Borough and Pixie A. Smith is recorded in Book 90 Page 833 Seward Recording District.
- 5) 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.
- 6) This property is subject to a reservation of easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949; and amended by Public Land Order Number No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; Department of the Interior Order Number 2665, dated October 16, 1951, Amendment Number 1 thereto, dated July 17, 1952 and Amendment Number 2 thereto, dated September 15, 1956, filed in the Federal Register.
- 7) No private access to State maintained ROWs permitted unless approved by the State of Alaska Department of Transportation.
- 8) An easement for electrical lines or system and/or telephone lines which affects a portion of Tract A, granted to Chugach Electric Association, Inc. is recorded as serial number 2004-000989-0, Seward Recording District.
- 9) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines is 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.
- 10) **WASTEWATER DISPOSAL:** These lots are at least 200,000 square feet 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.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

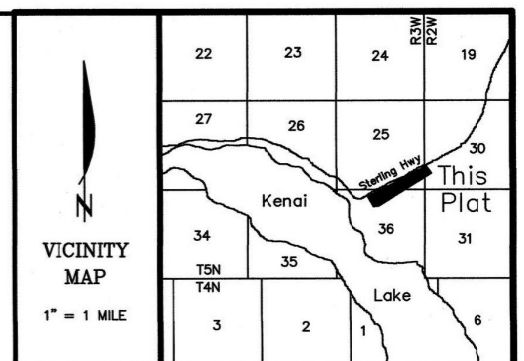
SURVEYOR'S CERTIFICATE

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 hereon actually exist as described, and all dimensions and other details are correct.

Date _____



KPB 2022-060V



CERTIFICATE of OWNERSHIP and DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE KENAI PENINSULA BOROUGH IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE KENAI PENINSULA BOROUGH, I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

CHARLIE PIERCE, MAYOR
KENAI PENINSULA BOROUGH
144 N BINKLEY STREET
SOLDOTNA, ALASKA 99669
TRACTS A AND C

CERTIFICATE of OWNERSHIP and DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THREE BEAR ALASKA INC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THREE BEAR ALASKA INC, I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

DAVID A. WEISZ, PRESIDENT/CEO
THREE BEARS ALASKA INC
445 N. PITTMAN ROAD, SUITE B
WASILLA, ALASKA 99623
Tract B

NOTARY'S ACKNOWLEDGEMENT

FOR _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20__

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGEMENT

FOR _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20__

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

KPB FILE No.

**Quartz Creek Subdivision
Outfitters Way Replat
and Section Line Easement Vacation**

A resubdivision of Tracts A, B, and C, Quartz Creek Subdivision Plat 94-11, Seward Recording District.

Located within the SW 1/4 Section 30, T5N, R2W, the SE 1/4 Section 25 and the N1/2 Section 36, T5N, R3W, S.M., Kenai Peninsula Borough, Alaska.

Containing 40.040 Ac.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owners Three Bears Alaska Inc Kenai Peninsula Bor. 445 N Pittman Rd. 144 N Binkley St. Suite B Soldotna, AK 99669 Wasilla, AK 99623
JOB NO. 22031	DRAWN: 4-27-22
SURVEYED: March, 2022	SCALE: 1"=200'
FIELD BOOK: 22-1	SHEET: 1 of 1

AGENDA ITEM E. NEW BUSINESS

**ITEM 1 - SECTION LINE EASEMENT VACATION
 VACATE SECTION LINE EASEMENTS ASSOCIATED WITH TRACTS A, B, AND C OF QUARTZ CREEK
 SUBDIVISION PLAT NO SW 94-11**

KPB File No.	2022-060V
Planning Commission Meeting:	June 13, 2022
Applicant / Owner:	Three Bears Alaska Inc of Wasilla, AK and Kenai Peninsula Borough of Soldotna, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Cooper Landing / Cooper Landing APC
Legal Description:	50 foot section line easements associated with the SW1/4 Section 30, Township 5 North, Range 2 West, SE1/4 Section 25 and the N1/2 Section 36, Township 5 North, Range 3 West

STAFF REPORT

This is a rescheduled item that was originally heard at the May 23, 2022 meeting. A motion to postpone was granted to allow additional time for the Cooper Landing APC to review and comment. New recommendations from the Cooper Landing APC were not available when the staff report was prepared. Minutes or recommendations will be included in the desk packet.

The postponement was date specific and all parties of record and owners were notified of the date change. The public hearing notice was published in the June 1, 2022 issue of the Seward Journal as part of the Commission’s tentative agenda.

Below is the staff report as prepared for the May 23, 2022 meeting. Any changes will be underlined.

Specific Request / Purpose as stated in the petition: Vacate the section line easement.

Notification: Public notice appeared in the May 11, 2022 issue of the Seward Journal as a separate ad. The public hearing notice was published in the May 18, 2022 issue of the Seward Journal 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.

Library of Cooper Landing

Post Office of Cooper Landing

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

Public hearing notices were sent by regular mail to one owner within 600 feet of the proposed vacation.

Twenty notifications 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
 Cooper Landing Advisory Planning Commission

Emergency Services of Cooper Landing
 Kenai Peninsula Borough Land Management
 Alaska Communication Systems (ACS)
 ENSTAR Natural Gas
 General Communications Inc, (GCI)

Legal Access (existing and proposed): This is a petition to vacate section line easements that cross through existing lots. The lots are located along the Sterling Highway between miles 44 and 45. A 60 foot wide right-of-way dedication is between Tracts B and C, this is considered a portion of Persistent Way. The other portion of Persistent Way is varying in width and is not constructed and provides additional access off Quartz Creek Road, a state maintained right-of-way.

The vacation of the section line easement will not change the existing access for the Tracts. All three tracts currently have Sterling Highway frontage with Tracts B and C having access from Persistent Way. A 100 foot public pedestrian access easement exists between Tract A and Tract B. It is centered on a creek that is the shared lot line between the tracts. The creek is a managed anadromous unnamed stream.

The section line easements are not developed for access. Lots surrounding this area have access from the Sterling Highway, Persistent Way, Quartz Creek Road or other available section line easements.

The block in the area is not complete due to an airstrip to the south, limiting interesections with the Sterling Highway, and the location of Quartz Creek and various creeks and streams off Quartz Creek. The section line easements help provide closed northern blocks but they exceed allowable limits.

Comments from State of Alaska DOT were to reference previous emails. They are within the packet for review. Staff did not find any objection comments to the vacation of the section line easements. The comments will also be presented to the Plat Committee for review of the plat design.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	Please see attached email comments that were submitted separately from the Sterling Highway 45-60 project team to Marcus Mueller.

Site Investigation: There are areas within the Tracts and within the proposed vacation area that contain low wet areas that are categorized as Kettle. The land is relatively flat with no steep contours present.

An anadromous creek is between Tracts A and B. The plat that finalizes the vacations will be required to have the proper plat notes and depictions in place.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: KPB\maldrige</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	No objections

Staff Analysis: This land was federal land as shown on the US BLM section plat recorded September 28, 1992. The section line between Section 25 and Section 36 is depicted as a protracted section line, meaning the survey markers were not set for the section line. The property was transferred to the State of Alaska and then subdivided by Alaska State Land Survey 92-22, Plat SW 93-8. The plat contained the plat note “All parcels of land owned by the State of Alaska, located within 50.00 feet of, or bisected by a surveyed section line, are subject to a 50 foot (50’) easement, each side of the section line, which is reserved to the State of Alaska for public highways under A.S. 19.10.010.”

The borough acquired Tract A, ASLS 92-22 and further subdivided the land as shown on Quartz Creek Subdivision, Plat SW 94-11. Tract A of Quartz Creek Subdivision, Plat SW 94-11, is subject to a 100 foot wide section line easement within the eastern portion of the lot. Tracts B and C of Quartz Creek Subdivision, Plat SW 94-11, are also subject to 100 foot wide section line easements that run east-west through the lots.

The ownership of Tract B has changed several times and is currently owned by Three Bears Alaska, Inc. They are wishing to construct a store on the lot but are limited due to the location of the section line easements. The ownership of Tracts A and B is still the Kenai Peninsula Borough.

A petition to vacate the section line easements within Tract B was heard and approved by the Kenai Peninsula Borough Planning Commission on September 14, 2020. The Kenai Peninsula Borough Assembly consented to the vacation at their October 13, 2020 meeting. Some issues arose at the state level about the plan in place. Three Bears Alaska has been working with the State and the Borough and are now seeking approval that includes additional section line easements to be vacated. If approved this will be forwarded to the Assembly to consent or veto the vacation. The final approval of the vacations will rest with the State of Alaska DNR.

A plat has been submitted and is scheduled for review by the Plat Committee on May 23, 2022. This hearing is to only discuss the section line easement vacation. The overall proposal is to dedicate a right-of-way to provide a frontage road and to reduce and remove some existing conservation easements. More information regarding the dedications and conservations easements will be discussed at the Plat Committee meeting. The creation of the conservation easements was done by Ordinance. Any alterations or removal of those conservation easements may be discussed at the Plat Committee meeting but any formal action will require an Ordinance that will be presented to the Planning Commission for recommendations to the Assembly.

If approval is granted for the vacation, **staff recommends** the approval for the vacation be four years to allow ample time to work with the State of Alaska DNR on the section line easement vacations.

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;
Staff comments: The easements do not appear to be in use
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: All lots in the area of other access
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: An airstrip is located to the south and large acreage lots are in the area with smaller lots having access from State maintained Quartz Creek Road.

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;
Staff comments: A creek is in the area that will continue to have an easement along it. Quartz Creek is in the area but other access routes are available.
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: All lots will continue to have access.
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: The location of the easements on the tracts limit development.
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.
Staff comments: Requested easements from providers will be required.
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
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.

If approved the Kenai Peninsula Borough Assembly will hear the vacation at the July 5, 2022 meeting.

If approved, the plat Quartz Creek Subdivision Outfitters Way Replat will finalize the proposed section line easement vacations. The Plat Committee is scheduled to review the plat on May 23, 2022. This was postponed and is scheduled for the June 13, 2022 Plat Committee meeting.

KPB department / agency review:

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.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Addressing	Reviewer: Haws, Derek Affected Addresses: 21919 STERLING HWY 21971 STERLING HWY 21949 STERLING HWY Existing Street Names are Correct: Yes List of Correct Street Names: STERLING HWY PERSISTANT WAY Existing Street Name Corrections Needed:

	<p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names: OUTFITTERS WAY</p> <p>List of Street Names Denied:</p> <p>Comments: 21919 STERLING HWY and 21949 STERLING HWY will be deleted and replaced with OUTFITTERS WAY addresses.</p>
Assessing	<p>Reviewer: Wilcox, Adeena</p> <p>Comments: No comment</p>
Advisory Planning Commission	No comments noted regarding the vacation of the section line easement vacations. Minutes are attached for review.

Utility provider review:

HEA	Not within HEA service area.
ENSTAR	No comments or recommendations.
ACS	This is not an ACS service area. No objections
GCI	Approved as shown
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
TELALASKA	

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.
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 four years of vacation consent (KPB 20.70.130).

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.*

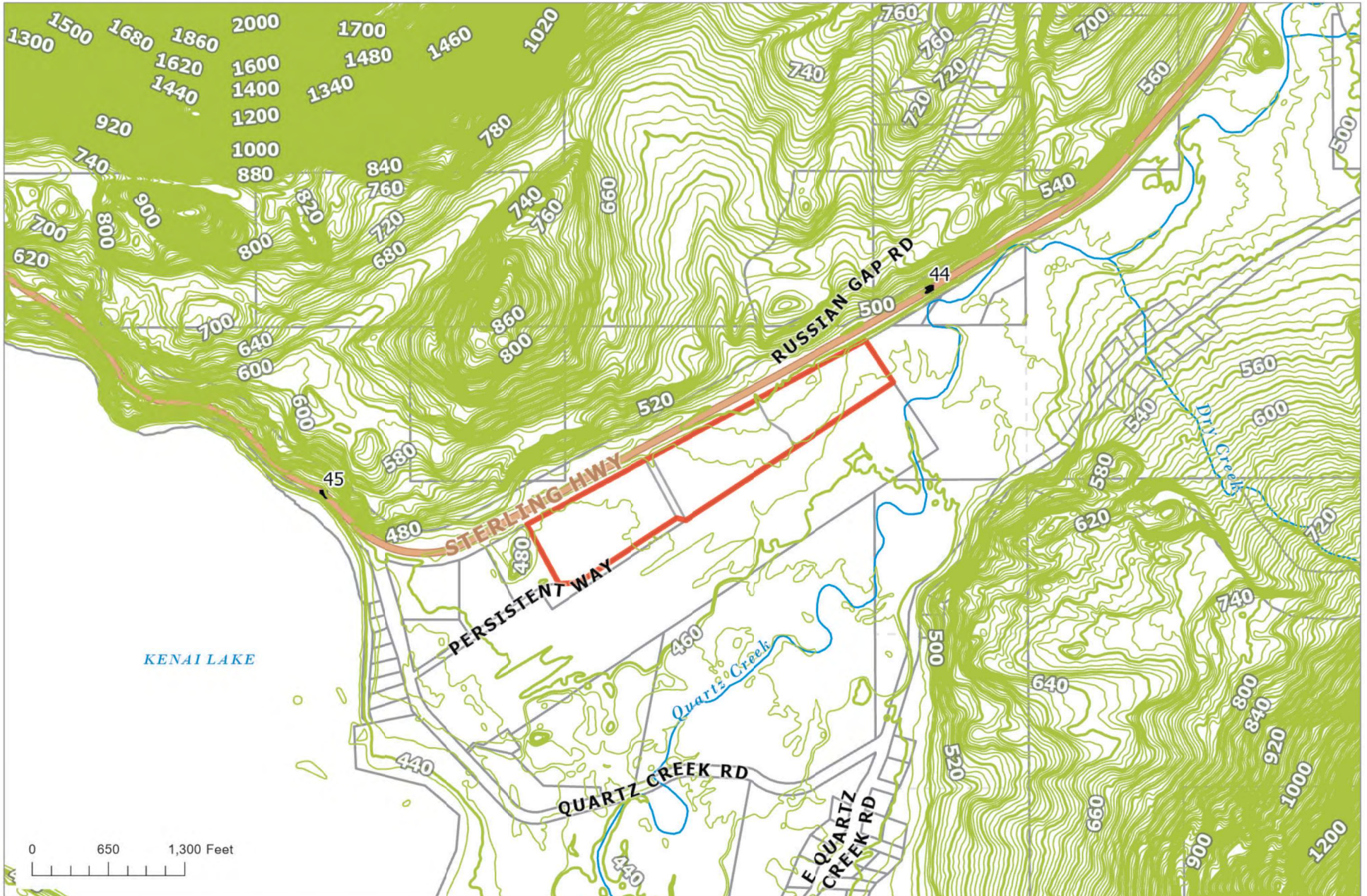
Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

- *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.*

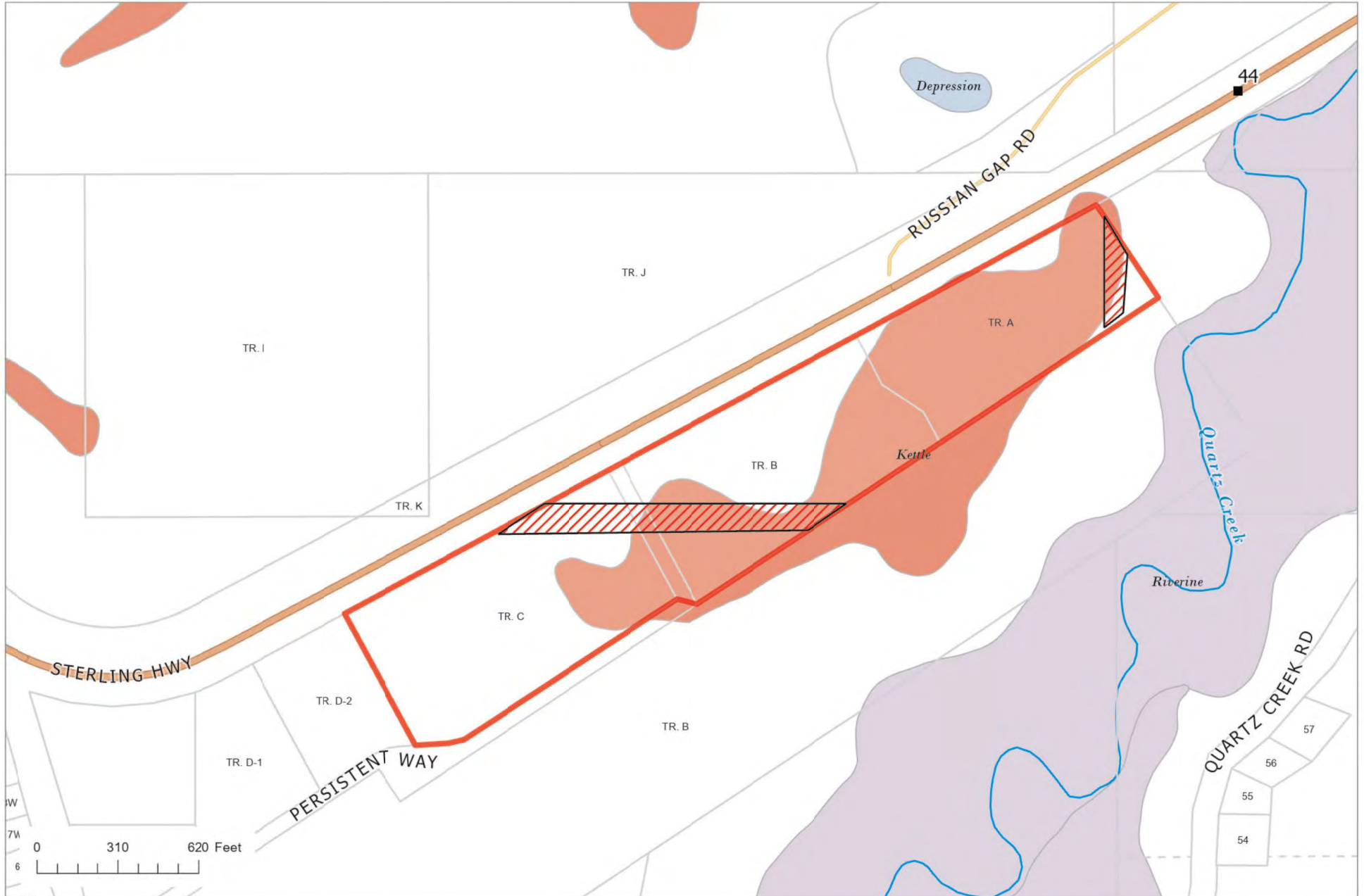
END OF STAFF REPORT



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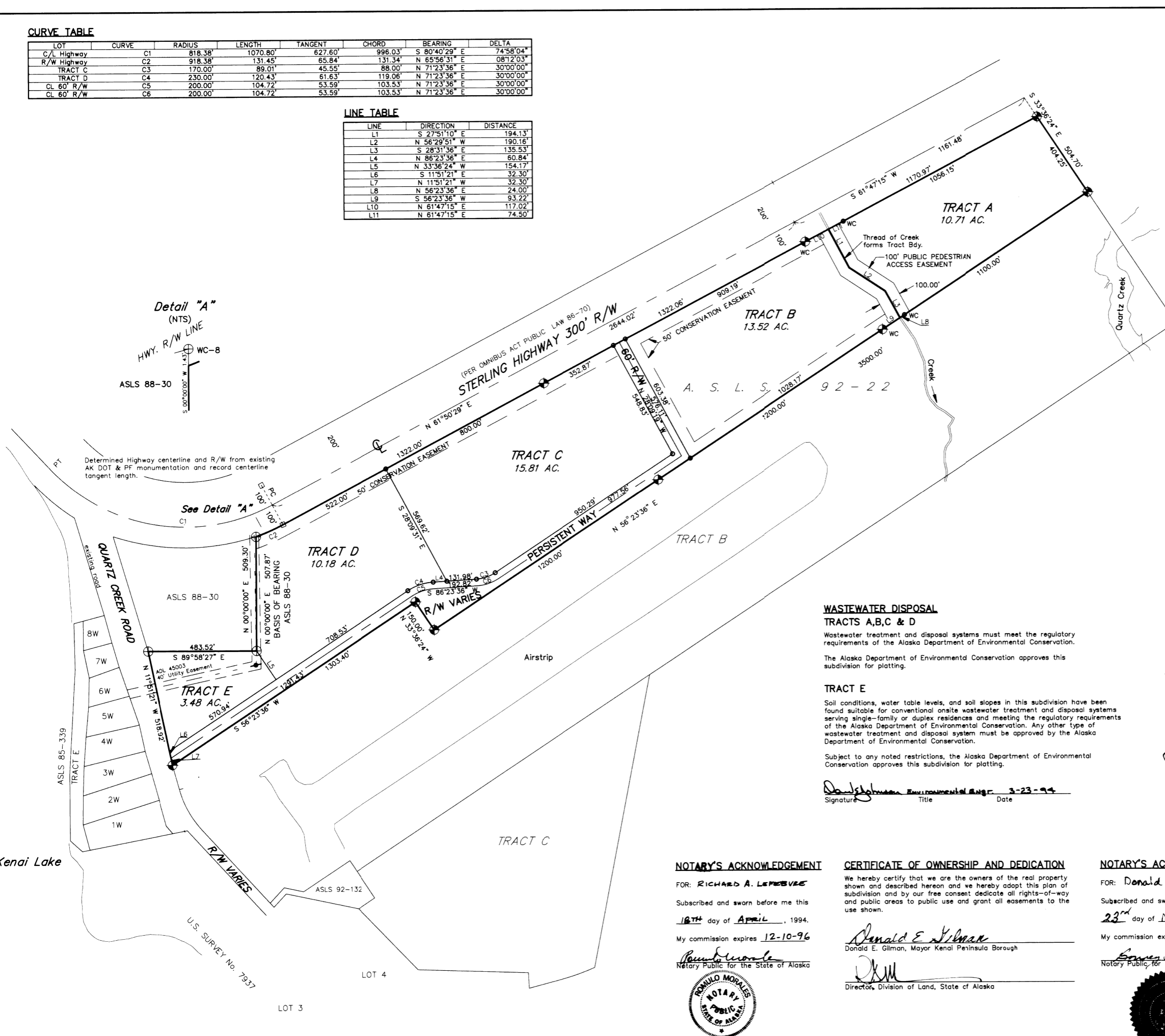
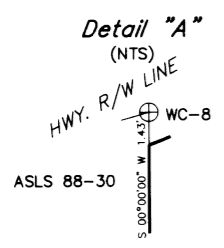
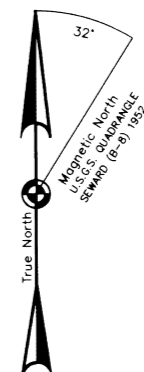
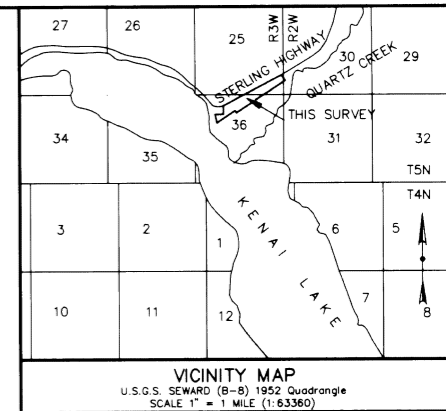
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CURVE TABLE

LOT	CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C/L Highway	C1	918.38'	1070.80'	627.60'	996.03'	S 80°40'29" E	74°58'04"
R/W Highway	C2	918.38'	131.45'	65.84'	131.34'	N 65°56'31" E	08°12'03"
TRACT C	C3	170.00'	89.01'	45.55'	88.00'	N 71°23'36" E	30°00'00"
TRACT D	C4	230.00'	120.43'	61.63'	119.06'	N 71°23'36" E	30°00'00"
CL 60' R/W	C5	200.00'	104.72'	53.59'	103.53'	N 71°23'36" E	30°00'00"
CL 60' R/W	C6	200.00'	104.72'	53.59'	103.53'	N 71°23'36" E	30°00'00"

LINE TABLE

LINE	DIRECTION	DISTANCE
L1	S 27°51'10" E	194.13'
L2	N 56°29'51" W	190.16'
L3	S 28°31'36" E	135.53'
L4	N 86°23'36" E	60.84'
L5	N 33°36'24" W	154.17'
L6	N 11°51'21" E	32.30'
L7	N 11°51'21" W	32.30'
L8	N 56°23'36" E	24.00'
L9	S 56°23'36" W	93.22'
L10	N 61°47'15" E	117.02'
L11	N 61°47'15" E	74.50'



LEGEND

- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
- SECONDARY MONUMENT RECOVERED THIS SURVEY
- ⊠ AK DOT & PF 6" x 6" CONC. R/W MONUMENT RECOVERED THIS SURVEY
- ⊙ PRIMARY MONUMENT SET THIS SURVEY
- SECONDARY MONUMENT SET THIS SURVEY
- 1/2" REBAR WITH PLASTIC CAP.

NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation.
- 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 4) BUILDING SET BACK - A building set back of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.

WASTEWATER DISPOSAL TRACTS A,B,C & D

Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation. The Alaska Department of Environmental Conservation approves this subdivision for platting.

TRACT E

Soil conditions, water table levels, and soil slopes in this subdivision 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 Alaska Department of Environmental Conservation. Any other type of wastewater treatment and disposal system must be approved by the Alaska Department of Environmental Conservation. Subject to any noted restrictions, the Alaska Department of Environmental Conservation approves this subdivision for platting.

Signature: Donald E. Gilman Title: Mayor Date: 3-23-94

NOTARY'S ACKNOWLEDGEMENT

FOR: RICHARD A. LEFEBVRE
 Subscribed and sworn before me this 18th day of April, 1994.
 My commission expires 12-10-96
Ronald Moore
 Notary Public for the State of Alaska



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described herein and 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.
Donald E. Gilman
 Donald E. Gilman, Mayor Kenai Peninsula Borough
DKM
 Director, Division of Land, State of Alaska

NOTARY'S ACKNOWLEDGEMENT

FOR: Donald E. Gilman
 Subscribed and sworn before me this 23rd day of March, 1994.
 My commission expires 7/22/97
Bonnie J. O'Keefe
 Notary Public for the State of Alaska



PLAT APPROVAL

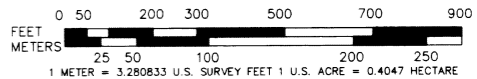
This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of December 13, 1993.

KENAI PENINSULA BOROUGH by Richard G. Truog
 Authorized Official



94-11
 RECORDED
 SEWARD REC. DIST. 20
 DATE 5/5 19 94
 TIME 3:34 P.M.
 REQUESTED BY: McLANE & ASSOC.
 ADDRESS: P.O. BOX 468
SOLDOTNA, AK 99669

SCALE



QUARTZ CREEK SUBDIVISION (A Resubdivision of Tract A ASLS 92-22)

KENAI PENINSULA BOROUGH, OWNER 144 N. Binkley Soldotna, AK 99669		
LOCATION 58.814 AC. N/4 WITHIN UNSURVEYED SEC. 30, T. 5 N., R. 2 W., AND UNSURVEYED SEC.'S 25 & 36, T. 5 N., R. 3 W., S.M., AK, THE KENAI PENINSULA BOROUGH IN SEWARD RECORDING DISTRICT.		
Surveyed by: <u>McLANE & ASSOCIATES</u> P.O. BOX 468 Soldotna, AK 99669		
Date: Nov. 29, 1993	Book No.: 92-08	Project No. 922018p
Drawn by: Checked by: MSM	Scale 1" = 200'	KPB File No. 93-185

Quinton, Madeleine

From: Keiner, Robert (DOT) <bob.keiner@alaska.gov>
Sent: Tuesday, May 10, 2022 3:40 PM
To: Quinton, Madeleine
Cc: Eaton, Belinda L (DOT)
Subject: <EXTERNAL-SENDER>RE: PLAT REVIEW FOR May 23, 2022 MEETING: Plat Review State Group; GCI; Enstar; HEA; ACS
Attachments: RE: Quartz Creek Subdivision Preliminary Design

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

Madeleine,

The SOA Central Region Right of Way (ROW) Engineering section has reviewed the following plats for interpretation of any existing State ROW. We are not including comments on any possible concerns from a planning, design, safety, or traffic position. Plats not mentioned below are not on the State road system, therefore no comment was made.

Wales Subdivision, KPB File 2022-061 – The ROW for Sterling Highway is generally as shown on sheet 15 of 38 of State of Alaska Right of Way Plat F-021-1(2) and appears to be shown correctly.

Mott's Subdivision 2022 Addition, KPB File 2022-059 – The ROW for Gaswell Road is as shown on previous plats 2000-67 & 2018-62, and appears to be shown correctly.

Quartz Creek Subdivision Outfitters Way Replat & Section Line Easement Vacation, KPB File 2022-060 – Please see attached email comments that were submitted separately from the Sterling Highway 45-60 project team to Marcus Mueller as well.

Thank you for the opportunity to review these plats.

Bob Keiner, P.L.S.

ROW Engineering Supervisor

Central Region DOT/PF

Work: (907) 269-0713

From: Quinton, Madeleine <mquinton@kpb.us>
Sent: Tuesday, May 3, 2022 9:30 AM
To: Byron Jackson <byron.jackson@acsalaska.com>; Marsengill, Dale <DMarsengill@HomerElectric.com>; ENSTAR ROW <row@enstarnaturalgas.com>; Biloan, Joselyn (DOT) <joselyn.biloan@alaska.gov>; Keiner, Robert (DOT) <bob.keiner@alaska.gov>; 'ospdesign@gci.com' <ospdesign@gci.com>; Percy, Colton T (DFG) <colton.percy@alaska.gov>; 'Huff, Scott' <shuff@HomerElectric.com>
Cc: 'Zubeck, Brad' <BZubeck@HomerElectric.com>
Subject: PLAT REVIEW FOR May 23, 2022 MEETING: Plat Review State Group; GCI; Enstar; HEA; ACS

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Attached are the plats to be reviewed for the **May 23, 2022** meeting.

- Tulchina Pointe Estates 2022 Replat KPB 2022-023 (New design)
- Kenai Meadows Addition No 1 KPB 2022-035
- Bailey Estates Karpik Rice Replat KPB 2022-038
- King's Creek 2022 Replat KPB 2022-056
- Lower Cohoe Subdivision Tracts 1 Thru 7 KPB 2022-057
- Morning Panorama Subdivision #2 KPB 2022-058
- Mott's Subdivision 2022 Addition KPB 2022-059
- Quartz Creek Subdivision Outfitters Way Replat KPB 2022-060
- Wales Subdivision KPB 2022-061

Please provide comments by **May 11, 2022** to ensure the comments will be included in a preliminary plat staff report.

Preliminary plat comments will be accepted until the 1:00 p.m. Friday before the meeting date.

Madeleine Quanton

Platting Technician

Planning Department

Ph: (907) 714-2207

Fx: (907) 714-2378

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669



Quinton, Madeleine

From: Ferguson, Cynthia L (DOT) <cynthia.ferguson@alaska.gov>
Sent: Tuesday, May 10, 2022 1:11 PM
To: Mueller, Marcus
Cc: 'seggy@ptialaska.net'; Baski, Sean M (DOT); Keiner, Robert (DOT); Sowerwine, James E (DOT); Simpson, Danika L (DOT); Thomas, Scott E (DOT); Kastner, Lorraine S (DOT); Talbert, Alvin H (DOT); Drake, Alan L (DOT); Tymick, Jonathan J (DOT); Lance Debernardi
Subject: RE: Quartz Creek Subdivision Preliminary Design
Attachments: EOP Frontage Rd Alternative with KPB Prelim Plat (2022-05-04).pdf; RE: Quartz Creek Subdivision Preliminary Design

Hi Marcus-

Please see the attached comments from the Sterling Hwy MP 45 to 60 team and Scott Thomas, CR Traffic Safety Engineer. I would also like to add a request for the addition of utility easements.

DOT&PF supports the preliminary plat to dedicate a frontage road along Quartz Creek Sub Tracts A, B & C for highway safety and for local KPB community Planning and circulation. This preliminary plat provides more public access and circulation options including resolving Russian Gap Road in the long term. Without it, the community will have fewer options and be more limited for internal circulation.

Thank you for the opportunity to comment.

Cynthia Ferguson, P.E., TS&U Chief
Alaska DOT&PF, Central Region Traffic, Safety, and Utilities Section
4111 Aviation Ave, Anchorage, AK 99519
Phone: 907.269.0693 | email: cynthia.ferguson@alaska.gov

"Keep Alaska Moving through service and infrastructure."

From: Mueller, Marcus <MMueller@kpb.us>
Sent: Friday, April 29, 2022 12:59 PM
To: Ferguson, Cynthia L (DOT) <cynthia.ferguson@alaska.gov>
Cc: 'seggy@ptialaska.net' <seggy@ptialaska.net>
Subject: Quartz Creek Subdivision Preliminary Design

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Cynthia,

Attached is a copy of the Preliminary Plat to dedicate frontage road along Quartz Creek Sub Tracts A, B & C.

Review is requested particularly to determine if any dimensional adjustments are needed to fit with roadway, intersection, and safety designs.

Regards,

Marcus A Mueller
Land Management Officer
Geographic Information Systems Manager
Kenai Peninsula Borough
907.714.2204
mmueller@kpb.us

From: Quinton, Madeleine
Sent: Friday, April 29, 2022 12:50 PM
To: Mueller, Marcus <MMueller@kpb.us>
Subject: Quartz Creek Subdivision Preliminary Design

Marcus,

Please let me know if you need any other documents from the file.

Thank you,

Madeleine Quinton
Platting Technician
Planning Department
Ph: (907) 714-2207
Fx: (907) 714-2378

KENAI PENINSULA BOROUGH
144 North Binkley Street
Seldotna, Alaska 99589



Quinton, Madeleine

From: Thomas, Scott E (DOT) <scott.thomas@alaska.gov>
Sent: Friday, April 29, 2022 2:31 PM
To: Ferguson, Cynthia L (DOT)
Subject: RE: Quartz Creek Subdivision Preliminary Design

Follow Up Flag: Follow up
Flag Status: Flagged

1. Is it clear Outfitters Way extends across Lot C1?

I see it is drawn out. But not dimensioned like the other lots as it is broken by Persistent Way.

2. Minor edit. I see no conservation easements. I'm ok with that. The 100' Public Access Easement – is that still pedestrian only? Not a big concern – as it has a creek in it. As drawn it appears to wrap around the South lot boundary, when it really doesn't.

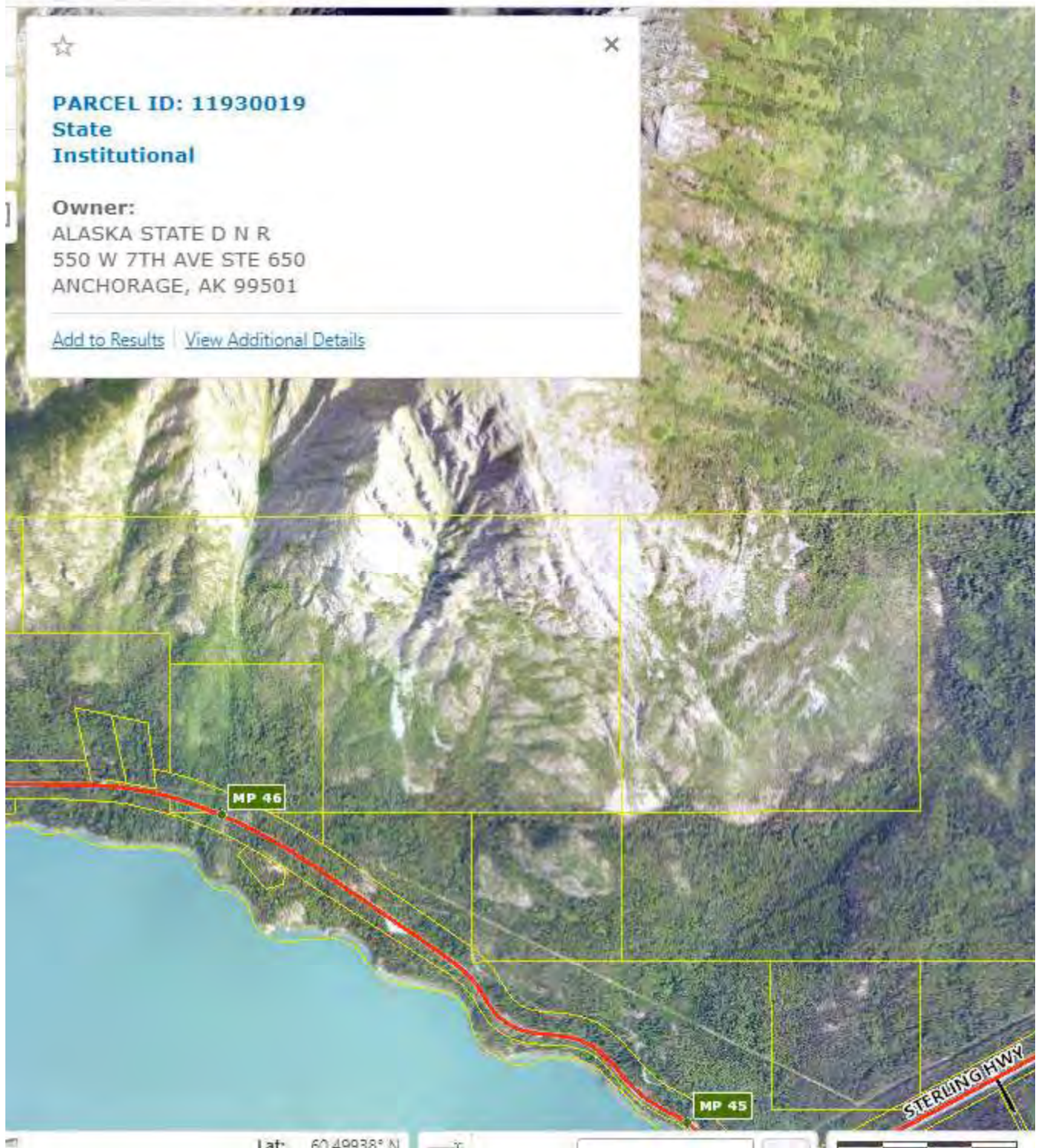
3. Check? Some easements are recorded on Books – are they are they all drawn too? Do we need to check for conflicts with Book easements?

4. Issue for later? I see more KPB lands and then the rest is DNR to the east. I think we are doing enough with these parcels and Russian Gap Road.

To the north KPB has one large parcel not well suited to Russian Gap Road – can we raise the issue in later meetings, separately, that KPB needs to think about how to get to the Russian Gap Rd LT bay, as I show in red? That is for some other day – I thought it was all USFS to the east. But its not to the NE.

Then it's all DNR after that.

Scott



From: Ferguson, Cynthia L (DOT) <cynthia.ferguson@alaska.gov>

Sent: Friday, April 29, 2022 2:12 PM

To: Vanderwood, Randy D (DOT) <randy.vanderwood@alaska.gov>; Simpson, Danika L (DOT) <danika.simpson@alaska.gov>; Thomas, Scott E (DOT) <scott.thomas@alaska.gov>; Biloan, Joselyn (DOT) <joselyn.biloan@alaska.gov>; Tymick, Jonathan J (DOT) <jonathan.tymick@alaska.gov>; Baski, Sean M (DOT) <sean.baski@alaska.gov>; Reese, Jill (DOT) <jill.reese@alaska.gov>; McCarthy, Shannon K (DOT) <shannon.mccarthy@alaska.gov>; Lance Debernardi <ldebernardi@rmconsult.com>; Talbert, Alvin H (DOT)

<alvin.talbert@alaska.gov>

Subject: Quartz Creek Subdivision Preliminary Design

Hi All-

Please see attached drawing and highlighted request from Marcus below. Please send me any comments so I can consolidate them and send them to Marcus.

Cynthia Ferguson, P.E., TS&U Chief

Alaska DOT&PF, Central Region Traffic, Safety, and Utilities Section

4111 Aviation Ave, Anchorage, AK 99519

Phone: 907.269.0693 | email: cynthia.ferguson@alaska.gov

“Keep Alaska Moving through service and infrastructure.”

From: Mueller, Marcus <MMueller@kpb.us>

Sent: Friday, April 29, 2022 12:59 PM

To: Ferguson, Cynthia L (DOT) <cynthia.ferguson@alaska.gov>

Cc: 'seggy@ptialaska.net' <seggy@ptialaska.net>

Subject: Quartz Creek Subdivision Preliminary Design

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Cynthia,

Attached is a copy of the Preliminary Plat to dedicate frontage road along Quartz Creek Sub Tracts A, B & C.

Review is requested particularly to determine if any dimensional adjustments are needed to fit with roadway, intersection, and safety designs.

Regards,

Marcus A Mueller

Land Management Officer

Geographic Information Systems Manager

Kenai Peninsula Borough

907.714.2204

mmueller@kpb.us

From: Quainton, Madeleine

Sent: Friday, April 29, 2022 12:50 PM

To: Mueller, Marcus <MMueller@kpb.us>

Subject: Quartz Creek Subdivision Preliminary Design

Marcus,

Please let me know if you need any other documents from the file.

Thank you,

Madeleine Quinton

Platting Technician

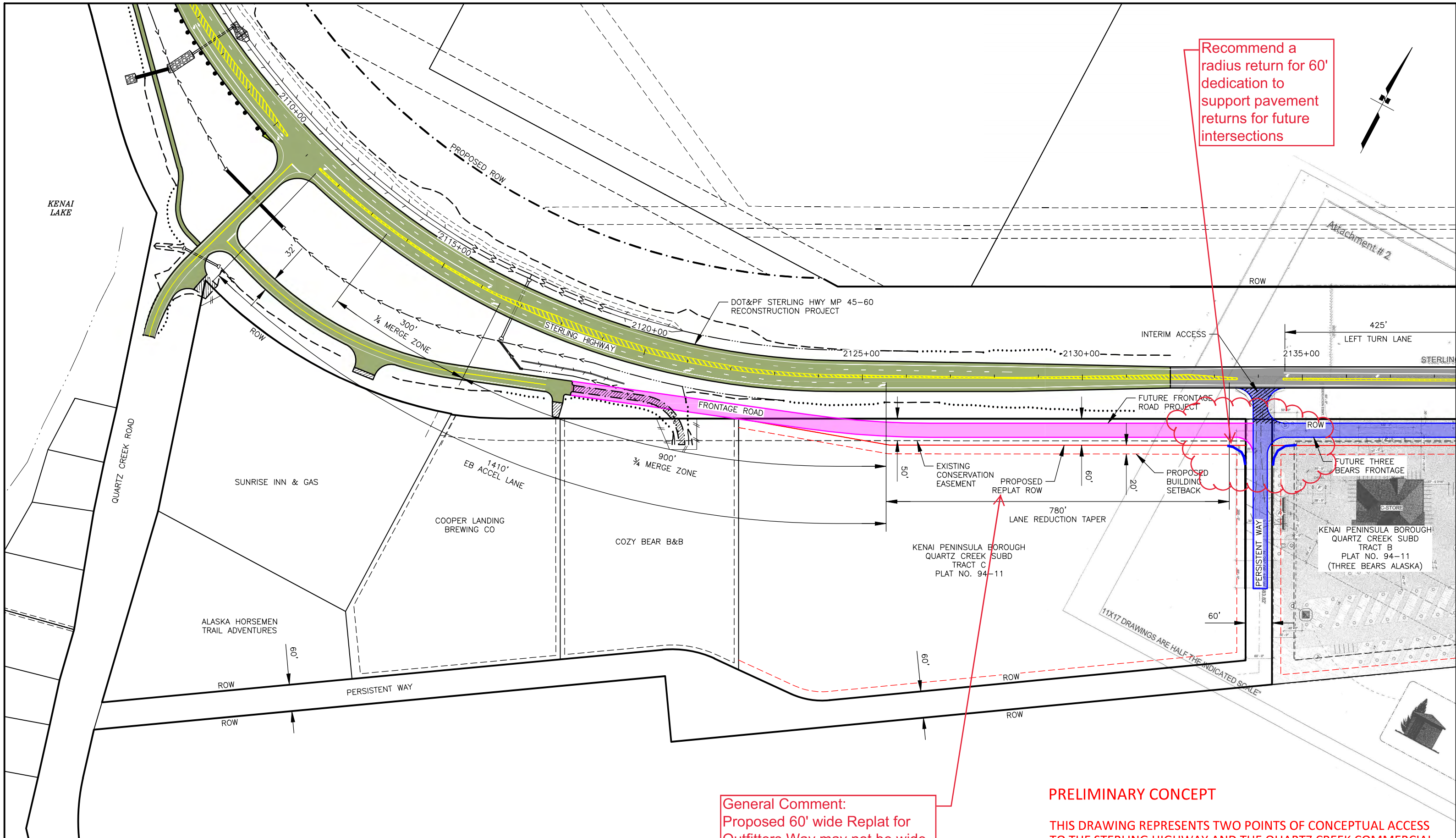
Planning Department

Ph: (907) 714-2207

Fx: (907) 714-2378

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669





Recommend a radius return for 60' dedication to support pavement returns for future intersections

General Comment:
Proposed 60' wide Replat for Outfitters Way may not be wide enough to accommodate roadway slope limits or a future separated pathway.

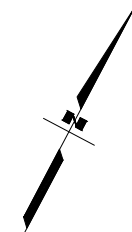
PRELIMINARY CONCEPT

THIS DRAWING REPRESENTS TWO POINTS OF CONCEPTUAL ACCESS TO THE STERLING HIGHWAY AND THE QUARTZ CREEK COMMERCIAL AND RECREATIONAL AREA AS OF 11/17/2021. THIS IS CONSISTENT WITH THE GOALS OF BOROUGH PLANNING FOR LAND USE IN THIS AREA, AND WITH STATE STANDARDS AND LAWS GUIDING ACCESS, MOBILITY, AND SAFETY ON THE MAIN HIGHWAY AND LOCAL STREETS.

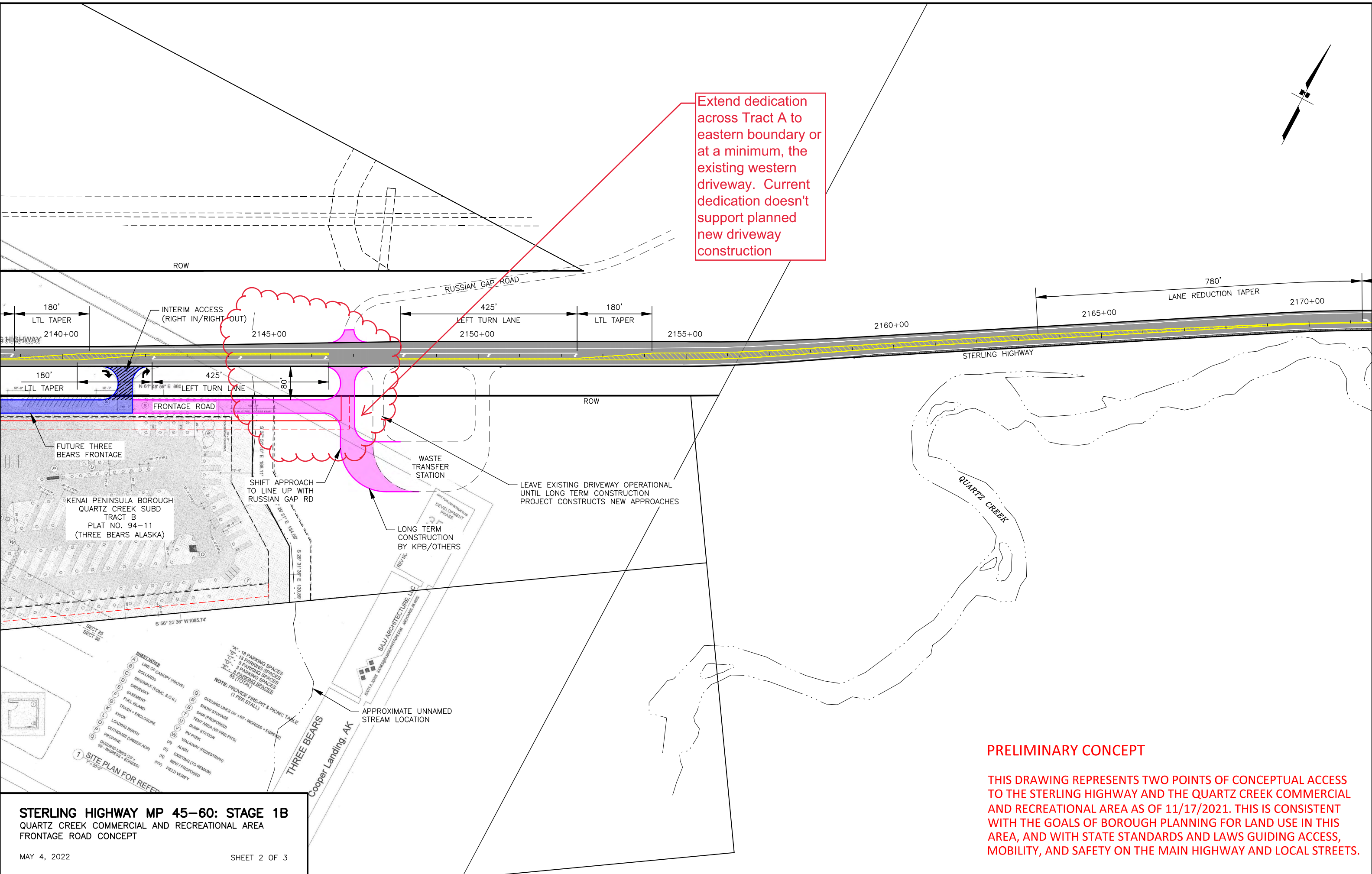
STERLING HIGHWAY MP 45-60: STAGE 1B
QUARTZ CREEK COMMERCIAL AND RECREATIONAL AREA
FRONTAGE ROAD CONCEPT

MAY 4, 2022

SHEET 1 OF 3



Extend dedication across Tract A to eastern boundary or at a minimum, the existing western driveway. Current dedication doesn't support planned new driveway construction



STERLING HIGHWAY MP 45-60: STAGE 1B
QUARTZ CREEK COMMERCIAL AND RECREATIONAL AREA
FRONTAGE ROAD CONCEPT

MAY 4, 2022 SHEET 2 OF 3

PRELIMINARY CONCEPT

THIS DRAWING REPRESENTS TWO POINTS OF CONCEPTUAL ACCESS TO THE STERLING HIGHWAY AND THE QUARTZ CREEK COMMERCIAL AND RECREATIONAL AREA AS OF 11/17/2021. THIS IS CONSISTENT WITH THE GOALS OF BOROUGH PLANNING FOR LAND USE IN THIS AREA, AND WITH STATE STANDARDS AND LAWS GUIDING ACCESS, MOBILITY, AND SAFETY ON THE MAIN HIGHWAY AND LOCAL STREETS.

- 1 SITE PLAN FOR REFERENCE**
- (A) LINE OF CANOPY (ABOVE)
 - (B) BOLLARDS
 - (C) SIDEWALK (TO INC. S.O.S.)
 - (D) DRIVEWAY
 - (E) EASEMENT
 - (F) FUEL ISLAND
 - (G) TRASH + ENCLOSURE
 - (H) KIOSK
 - (I) LOADING BERTH
 - (J) OUTHOUSE (UNISEX ADA)
 - (K) PROPANE
 - (L) QUEUING LINES (20' x 60' - INGRESS + EGRESS)
 - (M) 18 PARKING SPACES
 - (N) 8 PARKING SPACES
 - (O) 3 PARKING SPACES
 - (P) 55 (TOTAL)
 - (Q) NOTE: PROVIDE FIRE-PIT & PICNIC TABLE (1 PER STALL)
 - (R) QUEUING LINES (20' x 60' - INGRESS + EGRESS)
 - (S) SNOW STORAGE
 - (T) SIGN (PROPOSED)
 - (U) TENT AREA (W/ FIRE-PITS)
 - (V) DUMP STATION
 - (W) RV PARK
 - (X) WALKWAY (PEDESTRIAN)
 - (Y) ALIGN
 - (Z) EXISTING (TO REMAIN)
 - (AA) NEW / PROPOSED
 - (AB) FIELD VERIFY

SAJJ ARCHITECTURE LLC
30714 Cooper Landing, AK
307.436.8888
sajjarchitecture.com

APPROXIMATE UNNAMED STREAM LOCATION

FUTURE THREE BEARS FRONTAGE

KENAI PENINSULA BOROUGH
QUARTZ CREEK SUBD
TRACT B
PLAT NO. 94-11
(THREE BEARS ALASKA)

STERLING HIGHWAY

RUSSIAN GAP ROAD

FRONTAGE ROAD

WASTE TRANSFER STATION

LONG TERM CONSTRUCTION BY KPB/OTHERS

LEAVE EXISTING DRIVEWAY OPERATIONAL UNTIL LONG TERM CONSTRUCTION PROJECT CONSTRUCTS NEW APPROACHES

SHIFT APPROACH TO LINE UP WITH RUSSIAN GAP RD

INTERIM ACCESS (RIGHT IN/RIGHT OUT)

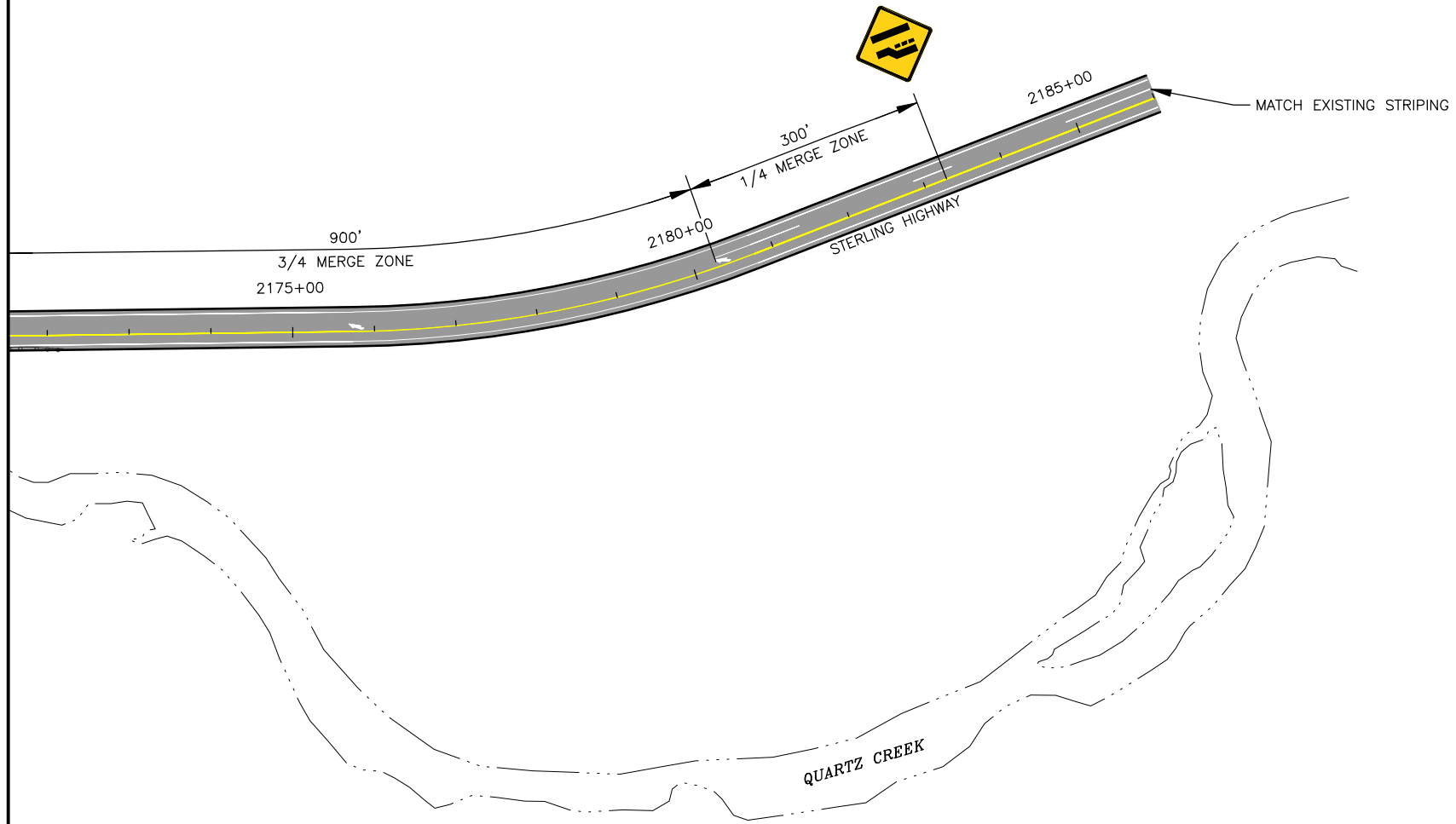
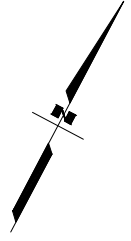
LANE REDUCTION TAPER

QUARTZ CREEK

Cooper Landing, AK

2140+00 2145+00 2150+00 2155+00 2160+00 2165+00 2170+00

180' LTL TAPER 425' LEFT TURN LANE 180' LTL TAPER 780' LANE REDUCTION TAPER



STERLING HIGHWAY MP 45-60: STAGE 1B
QUARTZ CREEK COMMERCIAL AND RECREATIONAL AREA
FRONTAGE ROAD CONCEPT

MAY 4, 2022

SHEET 3 OF 3

PRELIMINARY CONCEPT

THIS DRAWING REPRESENTS TWO POINTS OF CONCEPTUAL ACCESS TO THE STERLING HIGHWAY AND THE QUARTZ CREEK COMMERCIAL AND RECREATIONAL AREA AS OF 11/17/2021. THIS IS CONSISTENT WITH THE GOALS OF BOROUGH PLANNING FOR LAND USE IN THIS AREA, AND WITH STATE STANDARDS AND LAWS GUIDING ACCESS, MOBILITY, AND SAFETY ON THE MAIN HIGHWAY AND LOCAL STREETS.

**COOPER LANDING ADVISORY PLANNING COMMISSION
REGULAR MEETING
LOCATION: ZOOM TELECONFERENCE
WEDNESDAY, MAY 04, 2022
6:00 PM
UNAPPROVED MINUTES**

1. CALL TO ORDER – 6:00 pm
2. ROLL CALL – J. Cadieux, K. Recken, Y. Galbraith, C. Degernes, L. Johnson, D. Story present. H. Harrison excused absent.
 - a. Nancy Carver; Kenai River Center, Jonathan Tymick ADOT&PF, Marcus Mueller; KPB Land Management, Aaron Hughes; KPB Land Management, Dakota Truitt; KPB Land Management, Alice Rademacher, Carol Fox, Rhonda Lynn, Phil Weber, Jerry Fox, Kim Neis, Jerry Neis, Virginia Morgan attending.
3. APPROVAL OF AGENDA – C. Degernes moves to approve the agenda as amended. L. Johnson seconds. All approve.
4. APPROVAL OF MINUTES for April 06, 2022 - This items was mistakenly skipped and will be addressed at the June 8 meeting.
5. CORRESPONDENCE - none
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE – none
7. REPORT FROM BOROUGH
 - a. DOT&PF Sterling Hwy MP 45-60 Project report and questions/answers. Jonathan Tymick, PE, Project Manager, AKDOT&PF.
 - i. Lane closures at MP 58 for blasting were successful. There will be other closures to be determined at a future date.
 - ii. Open house was successful.
 - iii. Construction is finally happening on the pioneer roads. There will be a temporary cul-de-sac on Langille Road for emergency vehicles.
 - iv. There will be more publicly available firewood this year so stay tuned.
 - b. No KPB report other than those items in the agenda
8. OLD BUSINESS - none

- applied for and others are still being sought but all is in process and none yet confirmed.
- b. M. Mueller explained the framework this ordinance provides is the same whether it is a timber sale or a service contract.
8. Y. Galbraith moved to recommend approval of the ordinance with the amended language for Whereas #12. L. Johnson seconds.
- a. The modification of the language is as follows:
 - “Whereas, treatments will establish, preserve, and regulate logging infrastructure such as roads, resource management access, and recreational trails, along with methods to close out temporary forest access; and”
- iv. D. Story suggested the modification of the language of Whereas 15 to read, “...forest management sale reports designed for a given unit may exceed the standards of the Alaska Forest Resource and Practices Act, and should in areas determined to be sensitive, susceptible to damage, and in need of additional protection; and”
- 1. Y. Galbraith agreed to the amended motion to include the modified language for Whereas #15 as well as #12 as proposed.
 - 2. All approved, motion passed.
 - 3. C. Degernes said she appreciates the work of KPB staff members on this important project.
- d. Permit for floodplain action Drift Worldwide, Inc.
- i. After group discussion of the structure type, location, and adequacy of the onsite septic, C. Degernes moves to recommend approval of the permit for construction of the structures. Y. Galbraith seconds. D. Story recuses. All approve. Motion passes.
- e. Ordinance 2021-19-51 Land Trust Fund monies for investigation and land planning in Unit 395
- i. Respect is the firm that has been selected and the ordinance is asking the land trust for monies to fund the investigation and land planning in Unit 395.
 - 1. C. Degernes moves to support the ordinance as written. L. Johnson seconds. All approve. Motion passes.

10. PLAT REVIEW

- a. Plat Preliminary 2022-060 Outfitters Way replat
 - i. M. Mueller explained that this plat is to lay out the right-of-way for a frontage road extending to the waste transfer site. It was brought by DOT to limit the accesses to the highway. The traffic safety team at DOT has been involved with this frontage road to bring the traffic from Quartz Creek Rd. and improve the turning safety to Russian Gap Rd. It would remove access to the highway

- from Persistence Way and reduce the driveways at the KPB waste transfer site to just the one across from Russian Gap Rd.
- ii. Conservation easement on the plat goes across Tracts A and B. Tract B also has a conservation easement that surrounds the tract. In the ordinance that authorized the sale to Sherman Smith it created that 50' easement. The KPB is trying to figure out the mechanics of unwinding the conservation easements to 25' on two of the sides and subsequently an action to modify the deed.
 - iii. On the plat the Outfitters Way frontage road would lay over the existing conservation easement on the north side of the tracts and the remaining conservation easements would be reduced from 50' to 25'.
 - iv. K. Recken asked for confirmation that the frontage road would extend from the parking lot of the Sunrise Inn to the transfer site with no conservation easements.
 1. M. Mueller explained that that is correct.
 - v. J. Cadieux asked if it is because there is not enough room for both the conservation easement and the frontage road.
 1. M. Mueller said that they occupy the same location.
 - vi. V. Morgan asked where she could access the plat.
 1. J. Cadieux said the CLAPC had only gotten this information yesterday.
 2. N. Carver confirmed that the plat is up for review at the May 23, 2022 Planning Commission Meeting. Comments are due May 11th.
 - vii. J. Tymick shared a graphic to help explain.
 1. He said that the Three Bears access congests the MP 45-60 project and this proposed project may help with access and the Russian Gap turning lane.
 - viii. J. Neiss said that one of the issues with the transfer station is that we get a lot of non-residents dumping and this layout would help reduce that.
 1. K. Recken clarified that the plans show that the highway access to the transfer station will still be preserved so it would not prevent the non-resident dumping.
 - ix. J. Tymick said that the conservation easement being reclassified started with the DOT's belief that a frontage road is in the best interest of the project.
 - x. J. Cadeiux said that the community had a series of meetings that fielded many comments saying that a frontage road was not desirable but that a compromise had been achieved to allow a frontage road as far as the Cozy Bear property then the road would pass through Tract C and on to Tract B.
 - xi. L. Johnson asked whether the reduction of the greenbelt would continue down to Tract D.

1. M. Mueller said this would not alter Tract D's conservation easement.
- xii. J. Cadieux asked if the conservation easement would be vacated on the other boundaries of Tract B to allow the new owner to use more of the land. M. Mueller indicated that was so though the 50' conservation easement would remain next to the parcel's boundary with Dena'ina Creek, an anadromous stream.
- xiii. K. Recken asked why the frontage road couldn't go on the same alignment as on Tract D and if it was just because Three Bears doesn't want the conservation agreement that we approved during their initial plat request. J. Tymick referred back to the drawing showing the space available along Tracts C and B would require elimination of the conservation easement to make way for the frontage road.
- xiv. J. Cadieux said that it seems like if we are not having access to the highway why can't we return to the plans we spent so much time at previous CLAPC meetings with KPB and a hired design professional.
 1. J. Tymick said that the proposed frontage road is intended to stay within the DOT right of way and not mean DOT would need to take possession of the maintenance of the frontage road.
 2. J. Cadieux asked that since the planning process of Tract C involved notable community effort over multiple meetings, can the original planning for Tract C be on the table or has it been abandoned and we have to give up our green space.
 - a. M. Mueller indicated it might be possible.
- xv. D. Story said that the timing of this information is hard to support since it is just being presented and the community was not informed via draft agenda that this change was proposed.
- xvi. J. Cadieux asked if this is something that needs to happen right now.
 1. M. Mueller said that from his standpoint in land management there is not a time crunch but the platting process does have a statutory timeframe.
- xvii. C. Degernes said that one of the biggest benefits to the community is DOT's willingness to provide safe ingress and egress to Russian Gap Rd. but that the loss of the 50' treed buffer is a big deal. C. Degernes said that a hybrid might be that there is a spur road from the transfer site side to Tract B but the 50' buffer remains and the frontage road across Tracts C and B from Quartz Creek runs south of the 50' buffer.
- xviii. J. Cadieux said that she also supports the improvement to the ingress/egress.
- xix. D. Story said that the resistance to a frontage road at the entry to our community seemed to come from the desire to keep it from

feeling like a strip mall. He said that the Brewery's treatment of the 50' conservation easement seemed like a good compromise with the need for a business to be seen and maintaining greenspace that ties the community to the land management intent.

- xx. L. Johnson said she agreed with D. Story
- xxi. K. Recken said that the importance of the conservation easement is considerable for the community.
- xxii. C. Degernes said that another possible compromise is to move the frontage road further in. The businesses get more access and the community retains the buffer. They lose some of the usable area of their property but maintain the easements that are a part of their property. Right now it seems like Three Bears doesn't lose much while the community does.
- xxiii. D. Story said that in this short discussion we have already had several ideas for compromise or change and we are the only ones in the community that know that this is a discussion. He said that it seems like our obligation is to make sure the community has more opportunity for input.
- xxiv. V. Morgan speaking, not as a Planning Commission member but as a community member, said this should be brought before the community.
- xxv. R. Lynn asked whether it can be withdrawn from the May 23rd Planning Commission Meeting.
 - 1. M. Mueller said that he would consult the platting specialist for KPB and find out more about bringing this up for the June CLAPC meeting.
- xxvi. D. Story moves to recommend disapproval of the plat as presented and recommend for extended time for public review and comment regarding the design options. L. Johnson seconds. All approve. Motion passes.

11. INFORMATION and ANNOUNCEMENTS

- a. Ordinance 2022-07 Re-Appportionment of Board of Education
 - i. V. Morgan said that this is a part of a regular review of the districts and their populations. She explained that there are generally two options for changes which are presented with the review. In this case it is a 9 district option and an 11 district options. She said that the conceptual maps presented in the voting pamphlets are just that and after the vote the KPB will make the actual map based on the census blocks. She said this is also for the assembly districts and that there is a cost increase with an 11 district model and that the 11 district model is what was recommended by the committee.
- b. The new Planning Department Director is Robert Ruffner.

12. COMMISSIONER'S COMMENTS

Chair Martin asked if anyone wished to speak to any of the items on the consent agenda. Hearing no one wishing to comment he asked Ms. Shirnberg to read into the record the consent agenda items.

MOTION: Commissioner Brantley moved, seconded by Commissioner Tautfest 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 - 10	Bentz, Brantley, Fikes, Hooper, Horton, Martin, Morgan, Stutzer, Tautfest, Venuti
Absent - 1	Gillham

AGENDA ITEM E. NEW BUSINESS

**ITEM E1 - SECTION LINE EASEMENT VACATION
VACATE SECTION LINE EASEMENTS ASSOCIATED WITH TRACTS A, B, AND C OF QUARTZ
CREEK SUBDIVISION PLAT NO SW 94-11**

KPB File No.	2022-060V
Planning Commission Meeting:	May 23, 2022
Applicant / Owner:	Three Bears Alaska Inc of Wasilla, AK and Kenai Peninsula Borough of Soldotna, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Cooper Landing / Cooper Landing APC
Legal Description:	50-foot section line easements associated with the SW1/4 Section 30, Township 5 North, Range 2 West, SE1/4 Section 25 and the N1/2 Section 36, Township 5 North, Range 3 West

Staff report was given by Platting Specialist Julie Hindman.

Chair Martin open the item for public comment.

Marcus Mueller, KPB Land Management Officer: Mr. Mueller spoke as a representative of the Kenai Peninsula Borough who is the landowner of Tracts A & C of Quartz Creek Subdivision. He stated that he supports staff's recommendations. He then made himself available for any questions.

Commissioner Morgan asked if the Cooper Landing APC had the opportunity to review this vacation. She reviewed the minutes from the most recent APC meeting and doesn't see any recommendation on this item. Mr. Mueller replied that he had attended the last APC meeting and doesn't know how the plat information was presented. He doesn't remember the item being discussed at this meeting. Commissioner Morgan stated that she had attended this meeting and the APC was not given any information on this vacation. She is not sure that they were aware that this section line easement vacation was coming up.

Dan Steiner, Steiner Design & Construction LLC: 5900 W. Dewberry Dr., Wasilla, AK 99623: Mr. Steiner is the civil engineer hired by Three Bears to work on this project. Mr. Steiner asked if he was correct in understanding that the section line easement on Tract B had already been approved. Ms. Hindman replied that it initially had been approved at the borough level, but had been denied at the state level. What is before the commission tonight is a new petition to vacate the section line easements on Tracts A, B & C.

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

MOTION: Commissioner Venuti moved, seconded by Commissioner Fikes to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, subject to staff recommendations and compliance with borough code.

Commissioner Morgan stated that she does not feel comfortable supporting this request at this time. She does not feel that the public process worked well. The petition was not reviewed or discussed by the

Cooper Landing APC. Because this is a quasi-judicial matter, she did not speak with anyone regarding this issue. She did not want to put herself in a position of not being able to vote on this matter. She feels like she is lacking information because of the lack of public process in Cooper Landing. She will not be voting in favor of this petition.

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

MOTION FAILED BY MAJORITY VOTE:

Yes - 4	Bentz, Brantley, Martin, Stutzer
No - 6	Fikes, Hooper, Horton, Morgan, Taufest, Venuti
Absent - 1	Gillham

Ms. Hindman reminded the commission that a denial of a vacation means no other action can be taken. A new application with additional information would need to be provided in order for this to be heard within the next year.

Chair Martin stated that Commissioner Morgan made a great point, but he did not believe the intent of the commission was to push this application out for a year. He asked if any of the commissioners from the prevailing side wished to reconsider the motion and ask for a postponement.

MOTION TO RECONSIDER: Commissioner Morgan moved, seconded by Commissioner Taufest to request a reconsideration.

MOTION: Commissioner Morgan moved, seconded by Commissioner Taufest to postpone action on this item until the June 13, 2022 Planning Commission meeting.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Bentz, Brantley, Fikes, Hooper, Horton, Martin, Morgan, Stutzer, Taufest, Venuti
Absent - 1	Gillham

**ITEM E2 – CONDITIONAL USE PERMIT
TO PERFORM BANK STABILIZATION ON A PARCEL WITHIN THE 50-FOOT HABITAT PROTECTION
DISTRICT OF THE KENAI RIVER**

PC Resolution No.	2022-22
Planning Commission Meeting:	May 23, 2022
Applicant / Owner:	Will & Becky Jahrig
KPB Parcel No.	049-011-35
Location:	922 Bridge Access Rd. City of Kenai
Legal Description:	T05N, R11W, SEC 4, S.M., KN 2020044, Kristine Sub No. 1, Lot 3

Staff report given by Samantha Lopez.

Chair Martin open the item for public comment.

Will Jahrig, Petitioner; P.O. Box 51, Kenai, AK 99611: Mr. Jahrig spoke in support of the commission approving this request 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 Horton moved, seconded by Commissioner Fikes to adopt PC Resolution 2022-22, granting a conditional use permit pursuant to KPB 21.18 for the construction of a bank stabilization project within the 50-foot Habitat Protection District of the Kenai River.