

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2023-12**

**A RESOLUTION RECOMMENDING AN ASSEMBLY ORDER OF CONDEMNATION
AND FOR REMOVAL OF A HAZARDOUS AND DANGEROUS BUILDING**

- WHEREAS,** Zipmart, owned and operated by Whittier Properties, Inc., was a vehicle fueling station business that began operations in 1985; and
- WHEREAS,** according to a report published by the State of Alaska’s contractor that was engaged to monitor and perform remediation work at the Zipmart site, soil and groundwater was first discovered in 1995, then in 2001 an assessment found 13 inches of fuel in groundwater monitoring wells at the Zipmart property due to a break in the gasoline tank fill pipe which caused an estimated 53,000 gallons of fuel to be released to the environment; and
- WHEREAS,** in early 2002, the State of Alaska’s Department of Environmental Conservation (ADEC) assumed management of cleanup activities related to the Zipmart site, soil, and groundwater contamination; and
- WHEREAS,** the Zipmart building recently collapsed which has created a hazard to public health, safety, and general welfare;
- WHEREAS,** the collapsed Zipmart building is a danger and attractive nuisance to the Sterling area youth and local residents; and
- WHEREAS,** during its regularly-scheduled meeting of May 8, 2023, the Planning Commission issued an order to show cause why the Zipmart building should not be condemned as a fire and health hazard and as a public nuisance and set this matter for public hearing during its June 12, 2023, regularly-scheduled meeting; and
- WHEREAS,** the Planning Commission held a public hearing as scheduled on this matter; and
- WHEREAS,** at the conclusion of the public hearing, the owner of the Zipmart building has not shown cause why the Zipmart building should not be condemned as a fire and health hazard, as a danger, and as a public nuisance; and
- WHEREAS.** at the conclusion of the public hearing and after considering all information presented at the public hearing, the Planning Commission has concluded the

Zipmart building should be condemned as a fire and health hazard, as a danger, and as a public nuisance; and

WHEREAS, it is in the best interests of the Borough to protect citizens against threats to public health, safety, and general welfare;

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

SECTION 1. That the owner of the Zipmart building did not show cause why the Zipmart building, located at 38525 Swanson River Road, Sterling, Alaska, KPB Parcel Identification No. 06349049, should not be condemned as a fire and health hazard, and as a danger and public nuisance.

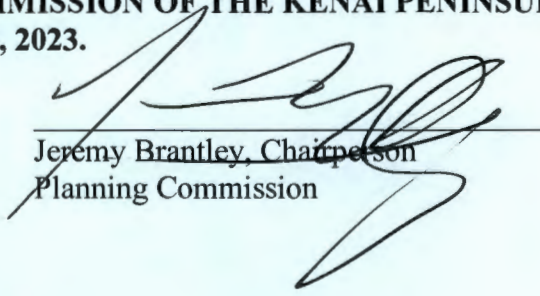
SECTION 2. That the information presented to the Planning Commission at its regularly-scheduled June 12, 2023, meeting demonstrates the Zipmart building, located at 38525 Swanson River Road, Sterling, Alaska, KPB Parcel Identification No. 06349049, is a fire and health hazard, as well as a danger and public nuisance and therefore should be condemned, demolished and removed.

SECTION 3. That a recommendation for an order of condemnation for the Zipmart building, located at 38525 Swanson River Road, Sterling, Alaska, KPB Parcel Identification No. 06349049, be sent to the Kenai Peninsula Borough Assembly.

SECTION 4. That a recommendation for demolition and removal of the Zipmart building be sent to the Kenai Peninsula Borough Assembly for its consideration.

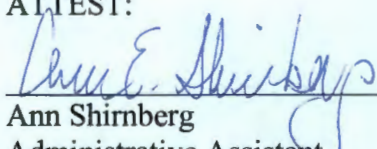
SECTION 5. This resolution is effective immediately upon its adoption.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH THIS 12th DAY OF JUNE, 2023.



Jeremy Brantley, Chairperson
Planning Commission

ATTEST:



Ann Shirnberg
Administrative Assistant