



Kenai Peninsula Borough  
Planning Department

---

**MEMORANDUM**

**TO:** Brent Hibbert, Assembly President  
Kenai Peninsula Borough Assembly Members

**THRU:** Charlie Pierce, Borough Mayor 

**FROM:** Melanie Aeschliman, Planning Director 

**DATE:** September 28, 2021

**RE:** Resolution 2021-\_\_: A resolution classifying certain parcels of Borough owned land in the Anchor Point Area.

---

The Kenai Peninsula Borough Planning Commission reviewed the subject resolution during their regularly scheduled meeting on September 27, 2021.

A motion passed by majority vote (6-Yes, 1-No, 3-Absent) to recommend approval of Resolution 2021-\_\_.

In the resolution please amend the last WHEREAS statement to read:

WHEREAS, the Kenai Peninsula Borough Planning Commission at its' regularly scheduled meeting of September 27, 2021 recommended approval by majority vote.

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

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

**MOTION:** Commissioner Brantley moved, seconded by Commissioner Fikes to adopt PC Resolution 2021-30 granting a building setback encroachment permit for Lot 1, Block 5, Kenai River Keys Subdivision Amended (Plat KN 92-44)

Commissioner Fikes noted that the aerial view map in the packet does appear to show more items within the setback than are listed in the staff report. Mr. Huff replied that the parcel lines on the aerial view are off and that the applicant submitted an as-built showing the location of the items within the setback.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes	7	No	0	Absent	3
Yes	Brantley, Fikes, Gillham, Martin, Morgan, Ruffner, Venuti				
Absent	Bentz, Chesser, Ecklund				

AGENDA ITEM E

**ITEM 4 - Proposed Classification of Certain Borough Land Pursuant to KPB Code of Ordinances, Chapter 17.10.080.**

Staff report given by Marcus Mueller.

KPB Land Management proposes to classify certain parcels of borough owned land.

**Basis for Classification:** Subject parcels are being considered for future management decisions including disposal or lease. Classification provides guidance for the management of borough land. KPB land must be classified prior to disposal or leasing pursuant to KPB Code of Ordinances, Chapter 17.10.090.

Assessor's Parcel #	General Location	Legal Description	Acres	Proposed Classification	Current Zoning
169-050-71	Anchor Point	That portion of S1/2 NE1/4 as per WE Book 143, Page 830 Homer Recording District, Excluding that portion as per Commissioners OCD Book 194, Page 990, T5S, R15W, S.M.	14.43	Waste Handling Institutional Residential Utility Transportation	Rural
169-050-67	Anchor Point	That portion of S1/2 NE1/4 as per QCD Book 194, Page 985 Homer Recording District, T5S, R15W, S.M.	1.49	Waste Handling Institutional Residential Utility Transportation	Rural

**Public Notice:** Public notice was published in the Homer News, August 26, 2021, and September 3, 2021 and the Peninsula Clarion, August 31, 2021 and September 2, 2021. Public notice was sent to all land owners and/or leaseholders within a one-half mile radius of the land proposed to be classified, applicable agencies, and interested parties. Written public comments were requested to be returned by 5:00 p.m., September 14, 2021.

**Overview:** Subject properties are adjoining each other totaling approximately 16 acres. The parcels are located in Anchor Point bounded on the east by the Old Sterling Highway, north by School Ave, West by Birch Street, and South by Spinaker Ave and a private parcel. The property was acquired from the State of Alaska Department of Transportation and was formerly used as a materials site. Part of the property is currently used as the Anchor Point Solid Waste Transfer Facility which is accessed from the Old Sterling Highway. The Anchor Point Food Pantry has submitted an application for a negotiated lease of a portion of the property.

**Findings of Fact:**

1. **Property Status:** Borough received title by Commissioner's Quitclaim Deed through a land exchange authorized by Ordinance 2001-23 in accordance with a Memorandum of Agreement dated April 30, 2002. The memorandum of agreement references a public water well in the Northwest Corner of the Parcel with associated setbacks. WELTS ID 7497 and 7594 has been researched by the KPB Environmental Compliance Manager to determine the current well status. The wells have been identified as test wells that are not in use and can be decommissioned. The east side of the parcel is used the Anchor Point Solid Waste Transfer Facility, accessed from the Old Sterling Highway. The remainder of the property is vacant, serving partly as buffer to the solid waste activity. KPB receives occasional community-member complaints about trespass, squatting, and dumping on the parcel. This parcel is currently not classified (undesigned).
2. **Zoning:** Rural District pursuant to KPB21.04.010(B).
3. **Topography:** Parcel topography is shaped by prior material site uses, which includes various berms and depressions and areas without topsoil or having low vegetation. Some areas on the parcel are relatively flat and are forested. Water table appears to be about 10 feet below original ground elevation. Parcel is within the Anchor River Watershed.
4. **Soil:** The parent soil type on the parcel is Whitsol Silt Loam 0-4 percent slopes, which is a well-drained soil underlain by gravelly course sand found on till plains.  
  
Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [Aug 31, 2021]. (Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).
5. **Surrounding Land Use:** No comprehensive land use plan has been developed for this area. Jacque Street is the nearest platted, undeveloped road located to the South of the both subject parcels. Surrounding land use includes residential single-family homes, commercial business, school, church, and light industrial development. Subject parcel is large for the area and is unplatted. Street Right-of-way dedications to match existing streets will be required if the property becomes platted.
6. **Surrounding Land Ownership:** Surrounding land is primarily in private ownership with a borough owned school parcel across School Ave to the northeast.
7. **Access:** Parcels are accessible from several location including frontage along School Avenue, Birch Street and Spinaker Avenue and a point of access along the Old Sterling Highway which is the location of the entrance to the Solid Waste Transfer Facility.
8. **Utilities:** Gas, electric and water utilities are in the area.
9. **Public Comment:** One public comment was received expressing concern in future development of these parcels, potential impacts on residents, wildlife and the atmosphere the area provides. Requested properties be retained in a preserved status.

10. Advisory Planning Commission Review: The Anchor Point Advisory Planning Commission held a public hearing on September 9, 2021 and defeated a motion to recommend approval of the land classification as proposed by a vote of 2 yes and 4 no.
11. Department / Agency Comments: No Comment or Non Objection to the plan of classification was received from the Kenai Peninsula School District, Western Emergency Service Area, Office of Emergency Management, the KPB Road Service Area, and the Kenai RiverCenter.

**Analysis:**

This a large parcel of land with significant vacant areas. Some areas of the surface appear to be undisturbed from historic gravel pit excavations and some areas would become more useful with re-contouring the surface. A water table may be encountered at approximately 10-feet below original grade. The parcel is centrally located on the southern side of downtown Anchor Point and would have many potential uses based on the location and qualities of the land. The Solid Waste Transfer Site uses are well established and the KPB Solid Waste intends to continue to operate the Anchor Point Solid Waste Transfer facility at the current location.

A plan of classification has been prepared by Land Management staff with considerations given to future right of way dedications, the solid waste transfer facility uses, residential use potential along birch street, and community type institutional uses such as the Anchor Point Food Pantry proposal.

The plan of classification includes a Transportation/Utility Classification for areas that would become dedicated to road right-of-way for School Avenue, Birch Street and Spinaker Ave. A 60' wide area is shown along Spinaker to provide connectivity options along the south side of the parcel.

The plan of classification includes a Waste Handling classification for any area that contains the Solid Waste Transfer site footprint, including its access, and surrounding land that provides an immediate buffer to the Solid Waste facility uses and contains space that may become useful for other purposes. Included in this classification is a strip of land to Spinaker Avenue to maintain access connectivity options for future design and uses. The area of land proposed for Waste Handling Classification is approximately 9.81 Acres

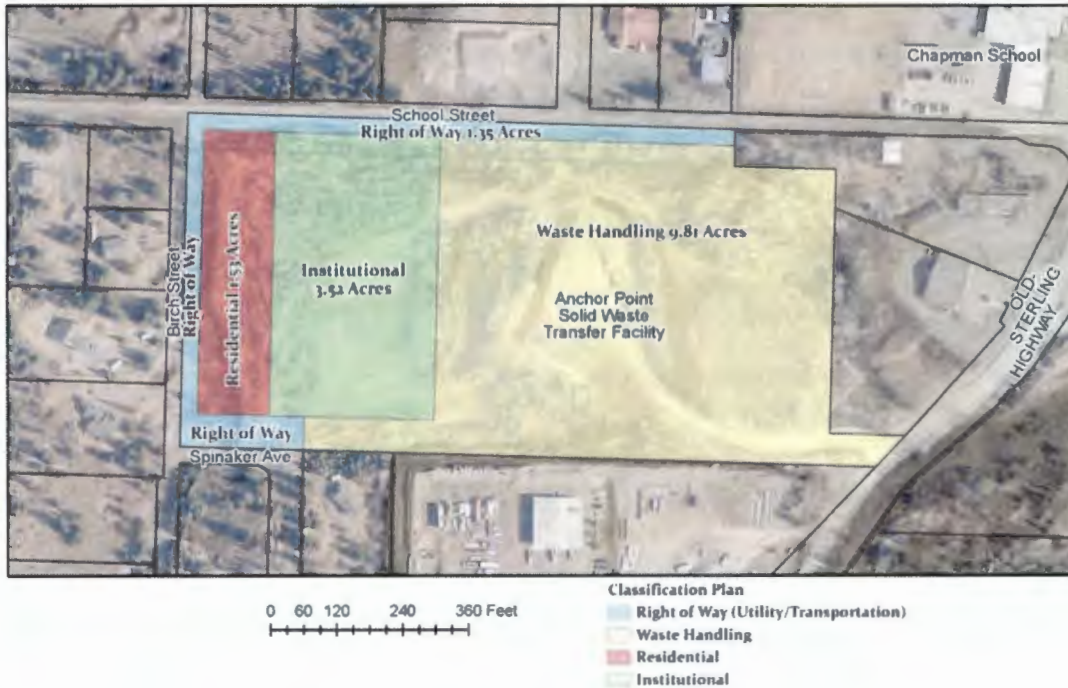
The birch street frontage is wooded and has newly developed ½ acre residential lots across the street. The lots are served by a public water system. The plan of classification includes a Residential Classification along Birch Street. A strip of land as 130 feet wide is shown for a total of 1.53 Acres. This would provide for up to three lots that could be subdivided and offered in a general land sale. Without specific zoning the actual use of the land would not be restricted by regulation, meaning that use of the land other than residential would be lawful. This classification would prompt Land Management to prepare the land for sale, but would not create a land use regulation if the land were sold.

The plan of classification includes an Institutional Classification in the west-center of the parcel, fronting School Avenue and Spinaker Ave. The area shown is approximately 300 feet-wide and includes about 3.52 acres. The location and area could be useful for community type uses fitting with the land classification. If the land were classified as institutional, the borough could consider Anchor Point Food Pantry's proposal to lease the area.

**Conclusions:**

This parcel contains land that is important for right-of-ways and KPB solid waste operations. The parcel contains additional land that is available for the borough to consider options such as making land available for sale or lease. Adopting land classifications will guide the management actions by KPB.

**Land Classification Plan  
16.2 Acres in Anchor Point, Alaska  
Kenai Peninsula Borough Land Management Division**



**END OF STAFF REPORT**

Chair Martin opened the meeting for public comment.

Melissa Martin, Anchor Point Food Pantry President; P.O. Box 266, Anchor Point, AK 99556: Ms. Martin stated that she supports land classification of industrial for these parcels. She then shared a brief history of the Anchor Point Food Pantry. She noted the parcel that the Food Pantry is interested in is surrounded by a residential area. However, the parcel is large enough to provide a nice barrier of trees between them and their neighbors. Currently the food pantry is serving between 60-80 families per week and they have over 220 names on their list. She noted that over the last year there has been a significant increase in the number of individuals/families using this service. They provide food boxes and hot meals. The food pantry needs a larger facility and they have formed a committee to work on this and are in a preplanning stage. She also noted that there is a great deal of community support for this project. The idea is to build a facility that can be used as a community center and a food pantry.

John Cox; P.O. Box 1092, Anchor Point, AK 99556: Mr. Cox is an Anchor Point resident and supports the local food pantry. He would like to see them build a permanent facility. He then stated that the needs of the many outweigh the needs of a few. He noted that the need for this service within the Anchor Point community has grown from year to year. Anyone can fall on hard times and when that happens, they need assistance. He noted that Ms. Martin stated there were 220 names on the food pantry service list; he wanted the commission to know that it is actually 220 households and not just individuals. Some of the households have upwards of 11 members, so they are serving a large number of people. The food pantry outgrew the church that they were using and started looking for an alternative. They have looked for another suitable building and there simply is not one. They have also looked for land to build on and these parcels provide

the best option for them. He is aware that Marcus Mueller is recommending 3.5 acres, leaving the other 1.5 acres for residential development. He would recommend that the food pantry have the whole 5-acre lot. He noted that a good portion of this land is in a hole and has a tendency to flood. The best place to build would be on the far west side of the property. Having the 5 acres would allow the pantry to keep a barrier of trees between them and the residential area. The committee is working with an engineer and he is helping them move through the development process. The committee is working on securing funding for the project and the first domino is securing the land for the facility. Once they have the land they can really begin to fundraise.

Commissioner Venuti asked Mr. Cox what is the proposed size of this facility and do they have an idea of the costs. Mr. Cox replied that they are in the early stages of development and that has not yet been determined.

Donna Scovell; 69139 Sergeant Ave., Anchor Point, AK 99556: Ms. Scovell was the past president of the Anchor Point Food Pantry and she currently sits on the board. She noted that she has worked with the food pantry since 2007. The pandemic has really challenged and changed the structures of how food pantries work across the nation. The need for assistance in the Anchor Point area has really grown. November of last year was the highest usage of their services and that month they served over 1000 people. The food pantry is no longer associated with the church that they used for years. The church needed their building back and they had to find a new place to continue their work. The food pantry needs a place that they can call their own. The plans that they have for this new building would not just house the food pantry but would provide a place for the community to gather to do other activities. The space could be used for things such as conferences and weddings, which could provide income to offset the cost of maintaining the building. The committee has looked at land to build and this lot was really the only suitable place available within their area. This location is close to where the food pantry had operated for years so the community would be familiar with it and would be easy to find. While the current location of the food pantry is centrally located and easy to find, it is just temporary and does not provide space for growth. It does not allow folks to come into a building and sit down for a hot meal. When you serve 120 cars a day, it takes a lot of space. There needs to be space for folks to park as well as for a facility. The first step for the building to become a reality is to secure land. Once they have the land, they can begin to develop the plans for the facility.

Allison Trimble; POB 150, Anchor Point, AK 99556: Ms. Trimble stated that she is in opposition to the proposed classification of these parcels. She wanted to be clear that her opposition is not an opposition to the food pantry. She is the associated broker in charge at Coastal Realty and a partner in Home Grown Construction. Home Grown Construction has been integral in building the residential housing that surrounds this area. She asked the commission to look at the letter her sister wrote and the points that she highlighted regarding these parcels. It is not that they do not believe that the food pantry is very important. They put on a concert last year to benefit the food pantry. They just believe this is not the appropriate location for it. She noted that Anchor Point has a shortage of good residential housing areas, especially in this location. If these lots were developed as residential properties, it would bring in property taxes for the borough as well as jobs. She believes this area would be best to be classified as residential. She thinks that there are other properties better suited for the food pantry. Properties that would be a better fit for the Anchor Point community. She would like to see other locations considered for the food pantry.

Brandi Taylor-Kelly; POB 10658 Phoenix, AZ 85064: Ms. Taylor owns land in this area and she opposes the classification for these two parcels for the following reasons. These parcels are in close vicinity of the Anchor River, which is Alaska's only major steelhead stream accessible by road. The potential for harm and degradation caused by the expansion of the Solid Waste Transfer could be devastating to the amazing natural resource. This location is close to the Chapman School. It would be inexcusable to consider putting the health and safety of the children at risk by installing a solid waste transfer facility adjacent to a school. Locating the solid waste transfer site in this location would dramatically drive down property values in the areas, affecting numerous homeowners. As a landowner who would be impacted by this she would ask that the Assembly deny this land classification as proposed and that other locations be considered for the waste transfer facility.

Emmitt Trimble; P.O. Box 193, Anchor Point, AK 99556: Mr. Trimble stated that he has lived in the area since the 1970s and owns or has owned much of the land surrounding these parcels. This area has been developed as residential. His youngest daughter is a contractor and they are always looking for opportunities to develop new housing in the Anchor Point area. They have built five spec homes along the Birch Street boundary and they have all sold. There is water in that area and it is not public but private. They paid to bring the water main to the area. It does not mean that in the future there cannot be a cost share plan developed but he wanted it known that the water there is not a public utility. His family are big supporters of the Food Pantry. He believes that the location they are in now has great visibility and easy access. He understands that it is currently temporary. He noted that what is before the commission tonight is the classification of properties owned by the borough and its residents. They are not here to discuss the merits of the food pantry. He stated that for many years, they have tried to get the solid waste site moved and they are currently working with the chamber of commerce on this. They believe that a better location could be found, one that does not have the potential of allowing battery acid to flow down into the Anchor River. The area is in the location of an abandoned, unclaimed gravel pit and has a history of having contaminated sites. He would like to see an environmental study done on these lands before they are classified. He would like to see residential development along the Birch St. portion of the parcel. He would also like any land sale or lease sale on these properties to be open to the public. Again, he stated that he is supportive of the food pantry having a permanent location, but he does not believe this parcel would be the best option. He noted the food pantry has been offered the land where they are currently located, which he believes is a good option for them. He has offered to bring power to that location from an adjoining property that he owns. There are other solutions out there that he believes should be considered. Anchor Point has been asked to develop a comprehensive land plan by the borough. He would like to see more time for the area residents to develop this plan before developing any of the borough owned properties in the area. He would like to see this land classification delayed until this plan is developed.

Mary Trimble; P.O. Box 193, Anchor Point, AK 99556: Ms. Trimble stated that she and her family support the Anchor Point Food Pantry. She stated that the 5-acre lot that the food pantry is interested in is not really a recreational area. There is a history of this area being used by squatters and partiers. The Troopers have had to come out to that area numerous times to deal with issues related to the squatters and partiers. She noted the food pantry folks stated that they had spoken to everyone in town regarding their need for space. They did not approach them and they have a large building that they could possibly use space in during the winter. She and her husband recently walked the property and it is pretty much level, they did not see any large depressions. Her experience as a land investor, developer and realtor has taught her to consider the "highest and best use of land". This means a use that would produce the highest value regardless of its' current use, that is legally and feasibly possible, is financially feasible and brings the highest return to the developer. She would like to see the 5-acre parcel offered in a land sale. The area around this 5-acre parcel is residential and she would like to see it remain that way. She volunteered to sit on the Anchor Point APC to be involved with developing a land plan for the area. She believed her 40+ years of experience as a developer and an area resident could be a useful asset in this endeavor.

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

**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Brantley to forward to the Assembly a recommendation to adopt Resolution 2021-\_\_: A resolution classifying certain parcels of Borough owned land in the Anchor Point area.

Commissioner Gillham stated she reviewed the minutes from the Anchor Point APC meeting and she would like to support the APC's recommendation and for that reason, she will not be supporting the proposed land classifications for these parcels.

Sean Kelley, Borough Attorney: Mr. Kelley felt it was important to clear up some issues regarding the APC's recommendation that are in written comments included in the meeting materials. Public trust in the borough process requires that we follow code and the law. There was a request from several members of the public that the APC recommendation be set aside due to a perceived conflict of interest of one of the voting

members. Mr. Kelley then noted that what is before the commission tonight is a land classification resolution only. Land Classification is not zoning, it does not tie the borough's hands on any type of future disposition of the land. If the borough does sell the property, the land classification goes away. It appears from some of the written comments that the alleged conflict of interest is an indirect financial interest. At least one APC member or their family could possibly down the road benefit from voting down the recommended classification. After reviewing the alleged conflict of interest, he concluded that it is speculative, remote and involves a broad class of individuals. Specifically if these parcels were ever put up for public auction, just because the individual is a realtor or developer does not give them any better shot than any other interested party who would want to bid. Even though tonight we have heard a lot of testimony about the food pantry, this is just a land classification. This land classification is not tied to a lease or sale piece of legislation. He wanted the commission to know that this alleged conflict of interest was reviewed by Legal and that is why they are not recommending that the APC's recommendation be set aside.

Commissioner Venuti thanked Mr. Kelley for addressing the issue and for the clarification that what they are considering tonight is just the land classification. He also wanted to state that he is a big supporter of food banks and believe they are very important to the communities that they serve. He then asked if the food pantry had considered approaching the Anchor River Inn, he thought the owners might be interested in their facilities being used for such a noble purpose. He will be voting in support of the land classification.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY MAJORITY VOTE:**

Yes	6	No	1	Absent	3
Yes	Brantley, Fikes, Martin, Morgan, Ruffner, Venuti				
No	Gillham				
Absent	Bentz, Chesser, Ecklund				

**AGENDA ITEM E**

**ITEM 5 – PC Resolution 2021-29**

Resolution 2021-29, Establishing a Deadline for Submitting Written Comments on Matters Before the Planning Commission

Staff report given by Sean Kelley

This resolution would establish a deadline for submitting written documentation to the Planning Commission. The proposed deadline of the Friday before the Planning Commission meeting would allow the Commissioners and the public sufficient time to review materials in the packet. A deadline would also help to alleviate burden on staff to collate and distribute last-minute "desk packet" items. The deadline would apply to staff submissions as well as documents submitted by the public.

It is anticipated that a code change would eventually be proposed to codify this deadline should it prove to be beneficial to all parties involved.

Individuals that have items they want to submit after the deadline may speak to the item during the meeting and even read from the item verbatim. In addition, of course, anyone that missed the cut-off deadline that has material, relevant information to the matter at hand may also ask that the matter be postponed to allow for consideration of written materials that did not make the cut-off deadline.

**END OF STAFF REPORT**