



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Planning Commission

Monday, June 8, 2026

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

ZOOM MEETING DETAILS

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

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

Zoom Meeting ID: 907 714 2200

To join the meeting from a computer, visit the Zoom meeting link above. If you connect by computer and do not have speakers or a microphone, connect online and then select phone for audio. A box will come up with toll free numbers, the meeting ID, and your participant number. To attend the Zoom meeting by telephone, use the Zoom toll free phone numbers listed above.

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

1. Time Extension Request

- a. [KPB-7772](#) Morning Panorama Subdivision #2; KPB File 2022-058

Attachments: [C1. TE Morning Panorama Sub #2 Packet](#)

2. Planning Commission Resolutions - None

3. Plats Granted Administrative Approval

[KPB-7773](#) 06-08-26 Administrative Approval Report

Attachments: [C3. 060826 Admin Approval Report](#)

4. Plats Granted Final Approval (KPB 20.10.040)

5. Plat Amendment Request - None

6. Commissioner Excused Absences - None

7. Minutes

[KPB-7774](#) May 26, 2026 PC Meeting Minutes

Attachments: [C7. 052626 PC Meeting Minutes](#)

D. OLD BUSINESS - None

E. NEW BUSINESS

1. [KPB-7775](#) Ordinance 2025-19-44: Authorizing the acquisition of real property in Soldotna, AK on behalf to Central Kenai Peninsula Hospital Service area, appropriating funds from the Central Kenai Peninsula Hospital Service Area Plant Replacement & Expansion Fund, and authorizing an amendment to the Operating Agreement with Central Peninsula General Hospital, Inc.

Attachments: [E1. ORD 2025-19-44 Packet](#)

2. [KPB-7776](#) Drainage Easement Vacation; KPB File 2026-049V
Peninsula Surveying / NTK Revocable Trust
Request: Vacates A 20-foot by approximately 277-foot long drainage easement located along the shared lot line between Lots 27 & 28, Block 3, Moose River Estates Subdivision, Plat KN 74-98
Sterling Area

Attachments: [E2. DEV Moose River Estates Sub Packet](#)
[PHN UEV-Moose River Estates](#)

3. [KPB-7777](#) Right-Of-Way Vacation; KPB File 2026-046V
Seabright Survey & Design / Porter
Request: Vacates the eastern most approximately 25,662 sq ft portion of Apricity Avenue & associated utilities situated between Lot 2-I, Buena Vista No. 2 Subdivision, Plat HM 94-34 and Lot 4A3, Buttermilk Meadows Three, Plat HM 91-64.
Fritz Creek Area

Attachments: [E3. ROWV Apricity Ave Packet](#)
[E3. ROWV Apricity Ave Desk Packet](#)
[PHN ROWV-Apricity Avenue](#)

4. [KPB-7779](#) Right-Of-Way Vacation; KPB File 2026-038V
Seabright Survey & Design / Hopkins, Hedgecoth
Request: Vacates a 16,857 sq ft portion of the 60' wide Mountain Brook Road ROW & associated utility easements abutting Lots 43-45, Lot 47, Mountain Brook Heights, Plat SL 92-004 and Deed Parcel (BK 23 PG 985)
Seldovia Area

Attachments: [E4. ROWV Mountain Brook Rd Packet](#)
[PHN ROWV-Mountain Brook Road](#)

- 5. [KPB-7780](#) Conditional Land Use Permit; PC Resolution 2026-29
 Applicant: Colaska Inc. dba QAP
 Request: Requesting a modification to conditional land use permit (PC 2025-33), adding a project based waiver to the hours of operation and would allow QAP to work at night outside the standard hours of 6:00 AM to 9:00 PM
 Address: 36780 Robinson Loop Road
 Sterling Area

Attachments: [E5. CLUP_QAP-Modification_Packet](#)
[E5. CLUP_QAP Modification_Desk Packet](#)
[PHN_CLUP_Mod-QAP_Robinson Loop Material Site](#)

F. PLAT COMMITTEE REPORT - Plat Committee will review 5 plats

G. OTHER

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

**MISCELLANEOUS INFORMATIONAL ITEMS
 NO ACTION REQUIRED**

[KPB-7778](#) Nikiski APC Meeting Minutes

Attachments: [Misc. Info_Desk Packet](#)

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, June 22, 2026 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

**CONTACT INFORMATION
 KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215

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

e-mail address: planning@kpb.us

website: <https://www.kpb.us/departments/planning/planning-overview>

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

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

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

C. CONSENT AGENDA

1. Time Extension Request

- a. Morning Panorama Subdivision #2; KPB File 2022-058**

MORNING PANORAMA SUBDIVISION # 2
TIME EXTENSION REQUEST

KPB File No.	2022-058
Applicant / Owner:	Rahman Hafiz
Surveyor:	Stacy Wessel - AK Lands, Land Surveying LLC
General Location:	Salamatof Area, Kenai, Alaska

STAFF REPORT

PC Meeting: Administrative Approval

2022

On April 25, 2022, the Planning Department Staff received a completed preliminary plat application for the Morning Panorama Subdivision # 2. The Plat Committee granted conditional approval during its meeting on May 23, 2022.

2024

On May 17, 2024, the Planning Department Staff received a Time Extension Request for the project. The original surveyor is currently unavailable to complete the project which has led to the owner's hiring of a new surveyor, AK Lands, Land Surveying LLC. The new surveyor will work on completing the project in compliance with the requirements set by the Kenai Peninsula Borough Plat Committee. On May 22, 2024, the time extension request was granted, extending preliminary plat approval to May 23rd, 2026.

2026

On April 8, 2026 staff notified surveyor and owner of the upcoming file expiration date of May 23, 2026 and included a Time Extension Request Form. On May 20, 2026 a Time Extension Request form was received. The owner respectfully requests an extension of the subdivision approval. The subdivision process has been delayed due to extended processing times associated with obtaining required lender documentation and mortgage related approvals from KeyBank. Additional time is needed to finalize lender requirements and complete the subdivision recording process.

This time extension request is the second request associated with this subdivision plat. Per KPB 20.25.110, only two 2-year time extension requests may be granted. This final time extension request will extend the subdivision approval to May 23, 2028. If the plat is not recorded before May 23, 2028, then the approval will expire and a new plat submittal will be required to complete the subdivision

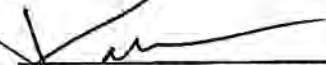
There have been no changes in the area that would affect this plat.

STAFF RECOMMENDATIONS: Extend preliminary plat approval for two years to May 23, 2028, subject to the following:

1. Current utility reviews submitted with copy of final plat.
2. Plat must comply with current Kenai Peninsula Borough Code.

NOTE: Per KPB 20.25.110(A), upon application by the subdivider prior to the two-year deadline for final plat submittal, a time extension for two years beyond the initial two-year period for submittal of the final plat may be granted by the planning director. A second and final two-year extension may be granted by the planning director when requested by the subdivider prior to expiration of the previous approval, allowing for a total approval time of six years. Expiration of time extensions will require the submission of, and action on, a new preliminary plat.

END OF STAFF REPORT

APPROVED


Robert Ruffner the Planning Director

5-21-2026
Date

KENAI PENINSULA BOROUGH
MAY 20 2026
PLANNING DEPARTMENT

Kenai Peninsula Borough Planning Department
144 North Binkley Street
Soldotna, Alaska 99669
Phone: (907) 714-2200
Fax: (907) 714-2378

TIME EXTENSION REQUEST FORM

Name of Subdivision: Morning Panorama Subdivision No. 2

Location of Subdivision: 43045 Morning Circle, Kenai, AK

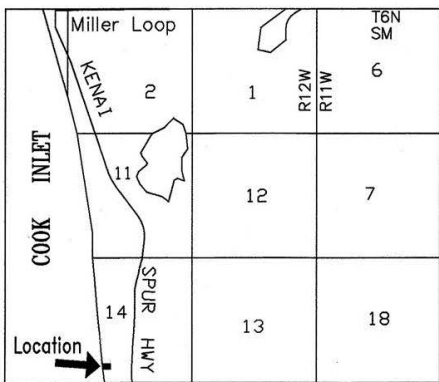
KPB Number: 2022-058

Date of Planning Commission Approval(s)

Reason for time extension request.
I respectfully request an extension of the subdivision approval period. The subdivision process
has been delayed due to extended processing times associated with obtaining required lender
documentation and mortgage-related approvals from KeyBank. Additional time is needed to
finalize lender requirements and complete the subdivision recording process.

Date: 5/20/2026

Signature of Surveyor/Property Owner: H. Rahmany



Morning Panorama Subdivision #2 Preliminary Plat

A subdivision of Lot 5 Morning Panorama Subd., Richey Replat, KRD 2019-9
 Located in the SW1/4 Section 14, T6N R12W, SM, Alaska.
 Kenai Recording District Kenai Peninsula Borough

KPB 2022-058

Prepared for
Hafiz Rahman
 3809 E. Thousand Oaks Circle
 Salt Lake City, UT 84124

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

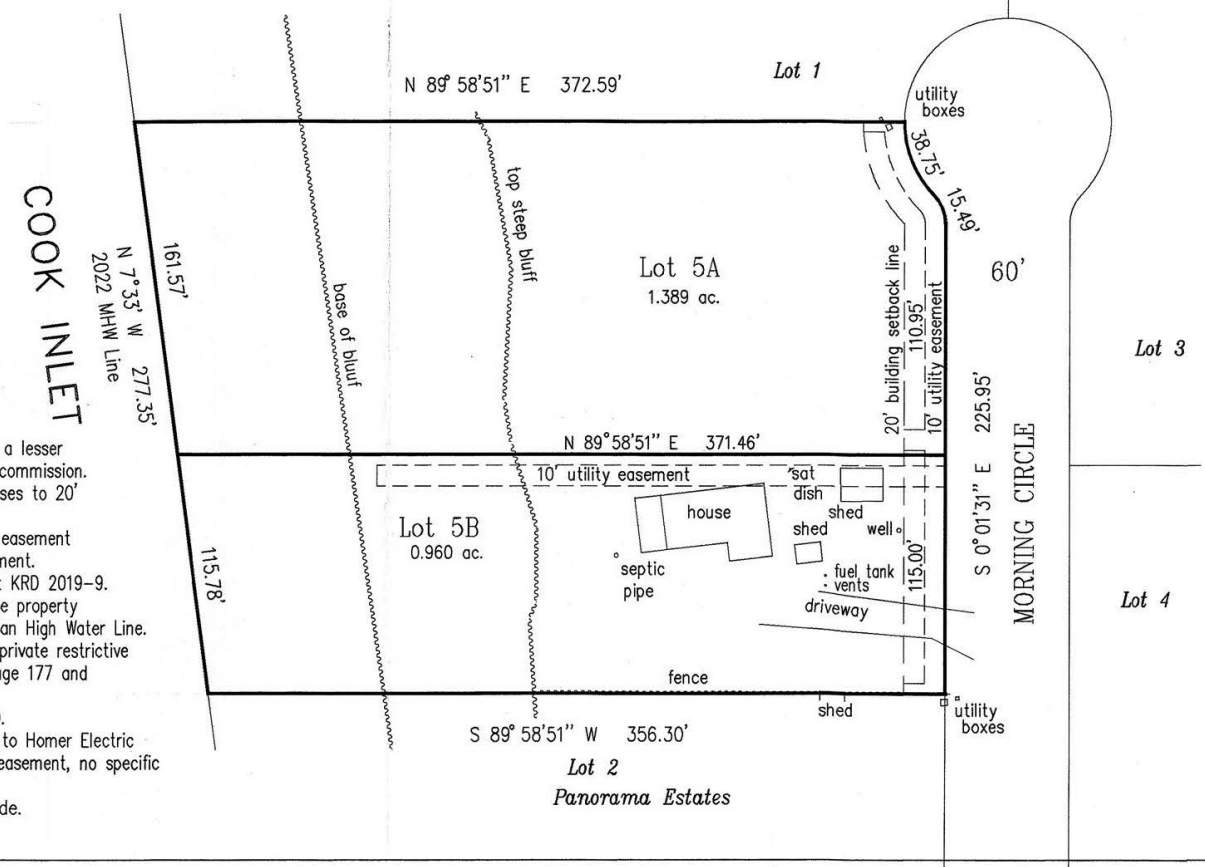
SCALE 1" = 60'
 30 March, 2022

AREA = 2.349 acres

VICINITY 1" = 1 mile MAP

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' adjacent to ROWs is also a utility easement that increases to 20' within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. 10' utility easements shown hereon were carried forward from plat KRD 2019-9.
4. Mean High Tide Meanders shown are for area calculations, the true property corners being the extensions of side lot lines with the Natural Mean High Water Line.
5. Former Lot 2 of KRD 80-80 within this subdivision is subject to private restrictive covenants filed with the Kenai District Recorder in Book 2006 page 177 and amendments thereto file in book 206 page 371.
 The borough will not enforce private covenants per KPB 20.60.170.
6. This property may be subject to an electrical easement granted to Homer Electric Association filed in KRD misc book 2 page 75. This is a general easement, no specific location given.
7. Topography on top bluff is flat, bluff area is over 25% grade.
 There are no wet areas on the property above bluff.



C. CONSENT AGENDA

- 3. 06-08-26 Administrative Approval Report**



ADMINISTRATIVE APPROVAL

Subdivision: Lakeshore Estates Subdivision Block 2 Peterson Replat
KPB File 2025-166
Kenai Recording District

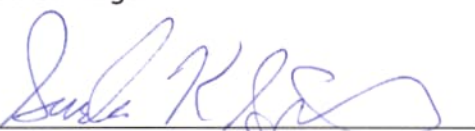
The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on December 8, 2025. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Thursday, May 21, 2026.


Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 21st day of May 2026 by
Vince Piagentini.


Notary Public for the State of Alaska

My commission expires: with office

Notary Public
Sandra K. Simons
State of Alaska
My Commission Expires With Office

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



ADMINISTRATIVE APPROVAL

Subdivision: Ward Estates
KPB File 2025-090
Kenai Recording District


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

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Thursday, May 21, 2026.


Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 21st day of May 2026 by
Vince Piagentini.


Notary Public for the State of Alaska

My commission expires: with office

Notary Public
Sandra K. Simons
State of Alaska
My Commission Expires With Office

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



ADMINISTRATIVE APPROVAL

Subdivision: Yoo Subdivision
KPB File 2025-126
Kenai Recording District

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

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

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

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

Notary Public for the State of Alaska

My commission expires: with office

Notary Public
Sandra K. Simons
State of Alaska
My Commission Expires With Office

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

C. CONSENT AGENDA

7. Minutes

May 26, 2026 PC Meeting Minutes

Kenai Peninsula Borough Planning Commission

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

**MAY 26, 2026
7:30 P.M.
UNAPPROVED MINUTES**

AGENDA ITEM A. CALL TO ORDER

Commissioner Gillham called the meeting to order at 7:30 p.m.

AGENDA ITEM B. ROLL CALL

Commissioners Present

Jeremy Brantley, Sterling / Funny River
Pamela Gillham, Kalifornsky/Kasilof District
Jeffrey Epperheimer, Nikiski District
Dawson Slaughter, Southern Peninsula District
Virginia Morgan, Cooper Landing/Hope/Eastern Peninsula District
Diane Fikes, City of Kenai
Paul Whitney, City of Soldotna
Franco Venuti, City of Homer

With 8 members present, a quorum was present.

Staff Present

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

AGENDA ITEM C. CONSENT & REGULAR AGENDA

***3. Administrative/Final Approvals**

- a. Erlwein Subdivision No. 4 Birch Forest Addition; KPB File 2025-047
- b. Fields Brown Subdivision; KPB File 2025-113

***4 Final Approvals**

- a. Kings Castle Acres Subdivision Ducharme Addition; KPB File 2025-170
- b. Big Eddy Subdivision Swarner 2026 Replat; KPB File 2026-008

***6. Excused Absences**

- a. Jeremy Brantley, Sterling/Funny River District
- b. Dawson Slaughter, South Peninsula District
- c. Vacant, City of Seward

***7. Minutes**

- a. May 11, 2026 Planning Commission Meeting Minutes

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

MOTION: Commissioner Whitney moved, seconded by Commissioner Epperheimer 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 - 6	Epperheimer, Fikes, Gillham, Morgan, Whitney, Venuti
Absent - 2	Brantley, Slaughter

AGENDA ITEM E. NEW BUSINESS

ITEM #1 - RIGHT OF WAY VACATION

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

KPB File No.	2026-035V
Planning Commission Meeting:	May 26, 2026
Applicant / Owner:	Tammi L. and Brent D. Blumentritt
Surveyor:	Jerry Johnson; Johnson Surveying
General Location:	Off E. Poppy Lane, Kalifornsky Area
Legal Description:	Knackstedt Street T 5N R 11W SEC 25 SM KN 0750109 COLLEGE ESTATES SUB LOT 1 BLK 1

Staff report given by Platting Manager Vince Piagentini. Mr. Piagentini noted surveyor and petitioner have requested to postpone this vacation application. They wish to provide additional information to support the application, No action was taken.

ITEM #2 - RIGHT OF WAY VACATION

VACATE THE 50-FOOT DEDICATION OF MAYO STREET RIGHT-OF-WAY AS DEDICATED BY MAYO RIVER SUBDIVISION, PLAT KN 88-86, LYING NORTH OF THE PROJECTION OF THE SOUTH LINE OF SAID LOT 1, TO THE EAST OF THE PLAT AND MAYO STREET

KPB File No.	2026-043V
Planning Commission Meeting:	May 26, 2026
Applicant / Owner:	Gary & Deanna Leslie Mark E. Johnson
Surveyor:	None
General Location:	Funny River Road, Funny River APC
Legal Description:	Mayo Street T 5N R 8W SEC 21 Seward Meridian KN 0880086 MAYO RIVER SUB LOT 1

Staff report given by Platting Manager Vince Piagentini.

Vice Chair Gillham opened the item for public comment.

- Joel Cooper, Stewardship Director, Kachemak Heritage Land Trust. Mr. Cooper spoke in support of the vacation.
- Leslie Gary: Ms. Gary is a neighboring landowner and spoke in support of the vacation.
- James Harpring: Mr. Harpring does not have any issues with this vacation. He expressed concerns regarding how code on this issue appears vague to him and how it is being applied.

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

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

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 6	Epperheimer, Fikes, Gillham, Morgan, Whitney, Venuti
Absent - 2	Brantley, Slaughter

ITEM #3 - RIGHT OF WAY VACATION

VACATE THE SOUTHERN PORTION OF THE EXISTING MAXIMILIAN COURT CUL-DE-SAC BULB IN LOT 13, CLAN MAXWELL ESTATES AVALON HEIGHTS ADDITION # 2, PLAT SW 2009-6, LOCATED SOUTH OF A LINE PROJECTION SOUTHWESTERLY 78.67 FEET OF THE TANGENT LINE FOR THE RETURN CURVE FROM THE CUL-DE-SAC BULB HEADED NORTHEASTERLY, THENCE ANGLE RIGHT FROM LINE GOING SOUTHWESTERLY STILL UNTIL INTERSECTING CUL-DE-SAC BULB AND END OF LINE

KPB File No.	2026-039V
Planning Commission Meeting:	May 26, 2026
Applicant / Owner:	Tanner Crab, LLC
Surveyor:	Andrew Hamilton; McLane Consulting, Inc.
General Location:	Bear Creek Area, North of Seward City Limits
Legal Description:	Maximilian Court T 01N R 01W SEC 22 Seward Meridian SW 2021008 CLAN MAXWELL ESTATES AVALON HEIGHTS ADDITION NO. 5 LOT 13

Staff report given by Platting Manager Vince Piagentini.

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

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

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 6	Epperheimer, Fikes, Gillham, Morgan, Whitney, Venuti
Absent - 2	Brantley, Slaughter

**ITEM #4 – STREET NAMING RESOLUTION 2026-02
RENAMING DEDRA AVENUE TO DEBRA AVENUE**

Current Street Name	Dedra Avenue
Proposed Street Name	Debra Avenue
Planning Commission Meeting:	May 26, 2026
Applicant:	Don Wood
Total Lots Affected	5
General Location:	Anchor Point Area
ESN	401

Staff report given by Planning Director Robert Ruffner.

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

MOTION: Commission Epperheimer moved, seconded by Commissioner Whitney to adopt Street Naming Resolution 2026-02: Renaming a certain public right-of-way within the Anchor Point area, ESN 401 to Debra Avenue

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 6	Epperheimer, Fikes, Gillham, Morgan, Whitney, Venuti
Absent - 2	Brantley, Slaughter

**ITEM #5 – ORDINANCE 2026-23
AUTHORIZING THE CONVEYANCE OF THE NIKOLAEVSK SCHOOL PROPERTY TO ALASKA
HOMESTEAD EDUCATION, INC. IN SUPPOR OF COMMUNITY K-12 EDUCATION**

Staff report given by Land Management Officer Aaron Hughes

Vice chair Gillham opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commission Epperheimer moved, seconded by Commissioner Fikes to forward to the Assembly a recommendation to adopt Ordinance 2026-23 authorizing the conveyance of the Nikolaevsk School property to Alaska Homestead Education, Inc. in support of community K-12 education.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 6	Epperheimer, Fikes, Gillham, Morgan, Whitney, Venuti
Absent - 2	Brantley, Slaughter

**ITEM #6 – CONDITIONAL USE PERMIT
PLANNING COMMISSION RESOLUTION 2026-30**

PC Resolution	2026-30
Planning Commission Meeting:	May 26, 2026
Applicant:	KPB Roads Department
Legal Description:	T 2S R 13W SEC 22 SM HM 0009469 US SURVEY 9469 LOT 3 & 4 WEST OF OIL FIELD ROAD & T 2S R 13W SEC 22 SEWARD MERIDIAN HM 0009469 US SURVEY 9469 LOT 4 EAST OF OIL FIELD ROAD
General Location:	Oil Well Road
KPB Parcel Numbers:	18505409, 18505406, & 18505408

Staff report given by Planner Morgan Aldridge.

Vice chair Gillham opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commission Whitney moved, seconded by Commissioner Epperheimer to adopt Planning Commission Resolution 2026-30 granting a conditional use permit pursuant to KPB 21.18 for the construction and replacing of culverts within the 50' Habitat Protection District of an unnamed stream.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 6	Epperheimer, Fikes, Gillham, Morgan, Whitney, Venuti
Absent - 2	Brantley, Slaughter

**ITEM #7 – CONDITIONAL USE PERMIT
PLANNING COMMISSION RESOLUTION 2026-31**

PC Resolution	2026-31
Planning Commission Meeting:	May 26, 2026
Applicant:	AK Department of Natural Resources – Parks & Recreation
Legal Description:	T 3N R 12W SEC 12 SM KN 0960083 COAL CREEK COUNTRY ESTATES TRUJILLO ADDN LOT 4B
Physical Address:	26035 Williamson Lane
KPB Parcel Numbers:	13332039

Staff report given by Planner Morgan Aldridge.

Vice chair Gillham opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commission Epperheimer moved, seconded by Commissioner Whitney to adopt Planning Commission Resolution 2026-31 granting a conditional use permit pursuant to KPB 21.18 for the construction of a fence within the 50' Habitat Protection District of the Kasilof River.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 6	Epperheimer, Fikes, Gillham, Morgan, Whitney, Venuti
Absent - 2	Brantley, Slaughter

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

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

AGENDA ITEM K. ADJOURNMENT

Commissioner Epperheimer moved to adjourn the meeting at 8:31 P.M.

Ann E. Shirnberg
Administrative Assistant

E. NEW BUSINESS

- 1. Ordinance 2025-19-44: Authorizing the acquisition of real property in Soldotna, AK on behalf to Central Kenai Peninsula Hospital Service area, appropriating funds from the Central Kenai Peninsula Hospital Service Area Plant Replacement & Expansion Fund, and authorizing an amendment to the Operating Agreement with Central Peninsula General Hospital, Inc.**

Kenai Peninsula Borough

Planning Department – Land Management Division

MEMORANDUM

TO: Ryan Tunseth, Assembly President
Members, KPB Assembly

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

FROM: Jennifer Shields, Land Management Agent *JS*

DATE: May 20, 2026

RE: Ordinance 2026-19- 44, Authorizing the Acquisition of Real Property in Soldotna, Alaska, on Behalf of Central Kenai Peninsula Hospital Service Area, Appropriating Funds from the Central Kenai Peninsula Hospital Service Area Plant Replacement and Expansion Fund, and Authorizing an Amendment to the Operating Agreement with Central Peninsula General Hospital, Inc. (Mayor)

The Kenai Peninsula Borough (KPB) owns and provides for the operation of Central Peninsula Hospital, related medical facilities, and campus (CPH) under an Operating Agreement with Central Peninsula General Hospital, Inc. (CPGH, Inc). Real property located immediately adjacent to the main CPH campus and under common, private ownership has now become available for purchase. Specifically, the property consists of two platted lots: one vacant lot (0.87 acres) and one developed lot (0.99 acres) with a 5,980 square foot commercial building. The strategic acquisition of the subject lots will help to secure additional flexibility and longevity for the CPH campus.

The total negotiated purchase amount for both lots is \$1,980,000.00, based upon appraisal values submitted by the seller of \$230,000.00 for the vacant lot and \$1,750,000.00 for the developed lot. An additional \$50,000.00 is being proposed to cover due diligence costs and closing fees related to the acquisition. The subject properties are located within the City of Soldotna’s Limited Commercial (LC) Zoning District. Medical and public service offices are principally permitted uses in the City’s LC Zoning District. The ordinance also provides for the classification of the subject parcel as “Government”.

The ordinance authorizes the purchase of the subject parcel and appropriates \$2,030,000.00 from the Central Kenai Peninsula Hospital Service Area Plant Replacement and Expansion Fund to cover costs associated with the purchase.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No. <u>490.20602</u>	Amount: <u>\$2,030,000</u>
By: <u><i>CS</i></u>	Date: <u>5/20/2026</u>

Your consideration is appreciated.

Introduced by: Mayor
Date: 06/02/26
Hearing: 06/16/26
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2025-19-44**

AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY IN SOLDOTNA, ALASKA, ON BEHALF OF CENTRAL KENAI PENINSULA HOSPITAL SERVICE AREA, APPROPRIATING FUNDS FROM THE CENTRAL KENAI PENINSULA HOSPITAL SERVICE AREA PLANT REPLACEMENT AND EXPANSION FUND, AND AUTHORIZING AN AMENDMENT TO THE OPERATING AGREEMENT WITH CENTRAL PENINSULA GENERAL HOSPITAL, INC.

WHEREAS, the Kenai Peninsula Borough (KPB) Central Kenai Peninsula Hospital Service Area owns and provides for the operation of Central Peninsula Hospital related medical facilities, and campus (CPH) medical facilities for the Operating Agreement with Central Peninsula General Hospital, Inc. (CPGH, Inc.) for the operation of CPH on behalf of the service area; and

WHEREAS, this ordinance will authorize the purchase of two parcels of property to address immediate and long-term needs of the service area, the property proposed for purchase consists of two platted lots under common ownership, specifically one vacant lot (0.87 acres) and one developed lot (0.99 acres) with a 5,980 square foot commercial building located immediately adjacent to the main CPH campus property; and

WHEREAS, the CPGH, Inc. Board of Directors, at its regularly scheduled meeting held on _____, 2026, adopted Board Resolution 2026-____ approving the purchase of the Property; and

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

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

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

SECTION 2. That the Assembly approves the purchase of the following-described real property as it furthers the purposes of the Central Kenai Peninsula Hospital Service Area as it secures additional area for future management and potential expansion:

LOTS 1A AND 2A, BUXTON SUBDIVISION, BICUSPID ADDITION NO. 2, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 2002-78, RECORDS OF THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.
(PARCEL NO'S. 05910066 AND 05910067) (the "Property")

SECTION 3. That the terms and conditions substantially in the form of the Purchase Agreement accompanying this ordinance are hereby approved. The purchase price will be \$1,980,000 for the Property, plus closing and due diligence costs not to exceed \$50,000, for a total cost of \$2,030,000.

SECTION 4. That \$2,030,000 is appropriated from the Central Kenai Peninsula Hospital Service Area Plant Replacement and Expansion Fund to Account No. 490.81110.26CHA.49999 for the purchase, estimated closing costs of the Property and admin service fee.

SECTION 5. That revenues derived from any future lease of the real property described in Section 2 must be deposited monthly, within 10 days of receipt, into the Central Kenai Peninsula Hospital Service Area Plant Replacement and Expansion Fund Account No. 490.20602 until which time the Central Kenai Peninsula Hospital Service Area Plant Replacement and Expansion Fund recovers the cost of the property acquisition approved by this ordinance.

SECTION 6. That the Property is zoned "Limited Commercial", pursuant to the City of Soldotna zoning code, and will be classified by KPB as "Government" for KPB management purposes, pursuant to KPB 17.10.080.

SECTION 7. That the terms and conditions substantially in the form of the Purchase Agreement accompanying this ordinance are hereby approved, and the Mayor is authorized to execute any and all documents necessary to purchase the Property.

SECTION 8. That upon closing on the Property, the Mayor is authorized to execute an amendment to the Operating Agreement with CPGH, Inc. to incorporate into Exhibit A of the Operating Agreement the real property described above and approved for purchase by this ordinance.

SECTION 9. That appropriations made in this ordinance are project length in nature and as such do not lapse at the end of any particular fiscal year.

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

SECTION 11. That this ordinance shall be effective immediately.

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

Ryan Tunseth, Assembly President

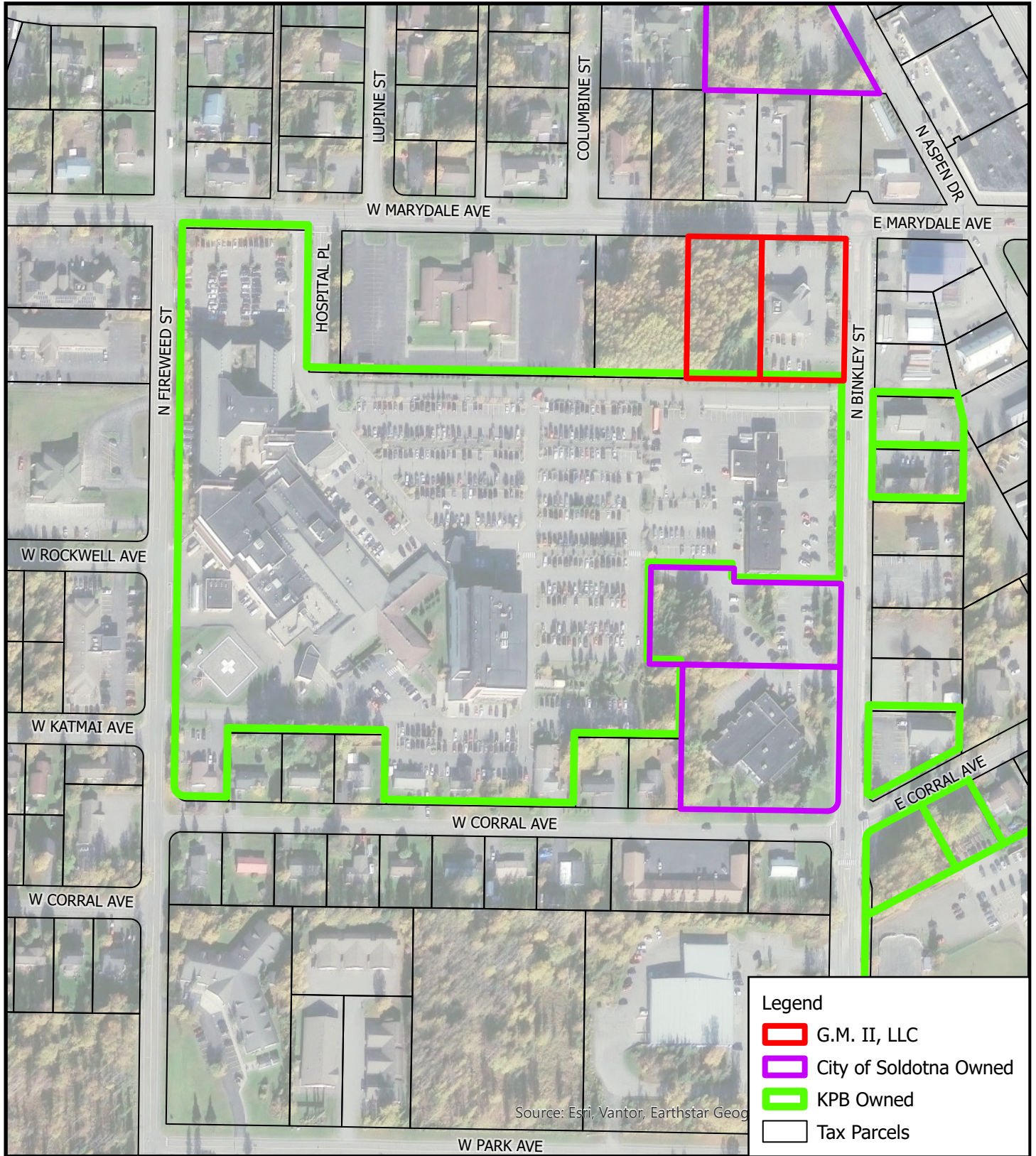
ATTEST:

Michele Turner, MMC, Borough Clerk

Yes:

No:

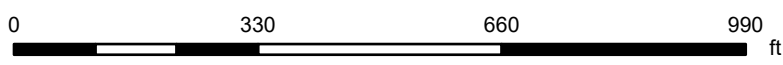
Absent:



Legend

- G.M. II, LLC
- City of Soldotna Owned
- KPBS Owned
- Tax Parcels

Source: Esri, Vantor, Earthstar Geog



LMD 26-13
Parcel No.'s 05910066 & 05910067

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

PURCHASE AGREEMENT

This Purchase Agreement (Agreement) is made by and between G.M. II, LLC, as seller, whose address is P.O. Box 1781, Soldotna, AK 99669, (Seller) and the Kenai Peninsula Borough, an Alaska municipal corporation, as buyer, whose address is 144 North Binkley Street, Soldotna, Alaska 99669 (KPB) (together, the Parties).

WHEREAS, Seller is the owner of that real property located in the Kenai Recording District, Third Judicial District, State of Alaska, and more particularly described as follows:

LOTS 1A AND 2A, BUXTON SUBDIVISION, BICUSPID ADDITION NO. 2, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 2002-78, RECORDS OF THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (PARCEL NO'S. 05910066 AND 05910067) (the Property); and

WHEREAS, KPB has offered to buy, and Seller is willing to sell the Property as evidenced by this Agreement;

NOW THEREFORE, in consideration of the conditional promises herein contained, Seller hereby agrees to sell to KPB, and KPB hereby agrees to buy from Seller, the Property on the terms and conditions as set forth below:

1. PURCHASE PRICE

The purchase price of the Property is ONE MILLION NINE-HUNDRED EIGHTY THOUSAND DOLLARS (\$1,980,000.00). The purchase price must be paid by KPB at time of closing. The purchase of the Property and appropriation of funding for the purchase are subject to approval by the KPB Assembly.

2. EXPIRATION OF OFFER

Sellers must sign and return this Agreement to KPB on or before **May 12, 2026, at 4:00pm;** otherwise, this offer will terminate.

3. TITLE

Title must be delivered at time of closing by statutory warranty deed, which must be issued to KPB. Seller warrants and covenants that at the time of closing there will be no liens or judgments recorded against Seller in the same recording district in which the Property subject to this Agreement is situated. Title must be clear of liens and encumbrances except title is subject to reservations, easements, rights-of-way, covenants, conditions and restrictions of record as agreed to by KPB.

4. ESCROW AND CLOSING COSTS

KPB agrees to pay for all buyer-related closing costs not otherwise addressed in this Agreement to include buyer closing and recording fees. Seller agrees to pay for seller-related closing costs, not otherwise addressed in this Agreement to include the ALTA Standard Owners Title Insurance policy, and seller closing and recording fees. Property taxes for the current year, if any, will be prorated to the date of closing. Seller is responsible for realtor's commission, and Seller's legal fees, if any; all unpaid taxes for prior years, if any; and all unpaid outstanding assessments, if any. All costs will be paid in full at the time of closing.

5. EXISTING LEASEHOLD

Seller has made KPB aware of an existing month to month leasehold interested in and to the subject property. As a condition of this agreement, Seller must appropriately notify the current tenant of the contemplated sale, and terminate the existing lease as of the date of closing. Any and all costs associated with terminating the lease will be the responsibility of the Seller.

6. CLOSING

Unless otherwise agreed to in writing, closing will occur on or before **July 31, 2026**, or as specifically agreed to by the Parties. At closing, KPB will pay the balance of the purchase price, subject to authorization by the KPB Assembly and appropriation of funds. Both Parties will execute all documents required to complete the Agreement and, if applicable, establish an escrow account.

7. POSSESSION

Possession will be delivered to KPB at time of recording unless otherwise agreed to in writing by the Parties.

8. KENAI PENINSULA BOROUGH ASSEMBLY APPROVAL

Purchase of the Property by KPB is subject to authorization by the KPB Assembly and appropriation of funds. If the KPB Assembly fails to authorize the purchase of the Property and appropriate funds, this Agreement will terminate without penalty.

9. EXCHANGE

If Seller intends for this transaction to be part of a Section 1031 like-kind exchange, KPB agrees to cooperate in the completion of the like-kind exchange provided KPB does not incur any additional liability or cost in doing so. If Seller intends for this transaction to be part of a Section 1031 like-kind exchange, Seller may assign its rights under this Agreement to a qualified intermediary or any entity expressly created for the purposes of completing a Section 1031 like-kind exchange.

10. DISCLOSURES

Seller hereby agrees to provide written property disclosures including any and all information regarding known defects, deficiencies, legal matters, environmental issues or hazards that may

be personally known by the Seller. If said written disclosures present a matter unsatisfactory to KPB, KPB may terminate this Agreement without penalty.

11. CONTINGENT ON INSPECTION / REVIEW

Closing of the contemplated purchase is contingent upon the satisfactory completion of a property inspection and environmental review of the Property satisfactory to KPB for its use and at KPB's expense. Seller must, upon reasonable notice, provide access to the Property for inspection purposes to KPB and its representatives. Any invasive inspection procedures require Seller's expressed permission and must promptly be repaired by KPB in a workman-like manner. Unless otherwise provided in writing, KPB will have 45 days from the date of full execution of this Agreement to complete its property inspection.

12. HAZARDOUS MATERIAL

Seller covenants to the best of Seller's knowledge that, as of the date of this Agreement, except as specifically identified herein, the Property is free of all contamination from petroleum products or any hazardous substance or hazardous waste, as defined by applicable state or federal law, and there are no underground storage tanks or associated piping on the Property. Seller agrees that no hazardous substances or wastes will be located on, nor stored on the Property or any adjacent property owned or leased by the Seller, owner, or contractors, nor will any such substance be owned, stored, used, or disposed of on the Property or any adjacent property by Seller, its agents, employees, contractors, or invitees, prior to KPB's ownership, possession, or control of the Property.

13. ENVIRONMENTAL CONTINGENCY

If, during the course of KPB's due diligence inspection of the Property pursuant to Section 11, "Contingent on Inspection/Review", KPB discovers the presence of environmental hazards on or released from the Property in any quantity or concentration exceeding the limits allowed by applicable law, or that is deemed undesirable by KPB, KPB will have the right to give notice to Seller accompanied by a copy or copies of the third-party report(s) disclosing and confirming the presence of such hazardous materials. The notice and accompanying third-party report must be given no later than 60 days from receipt of said report. The notice under this Section must state:

- (i) that KPB is terminating this Agreement due to the presence of such hazardous materials on or adversely affecting the Property; OR
- (ii) provide Seller 30 days from notice to provide a mitigation plan outlining steps taken by Seller to remedy said hazards to KPB's satisfaction at Seller's expense.

Following the notice and report described in this Section, the Parties may negotiate other resolutions as may be agreeable to the Parties in writing to be included as a part of this Agreement. In the event the Parties cannot agree in writing on a resolution to remedy any environmental concerns within 90 days of the notice, this Agreement will automatically terminate.

It is expressly understood that by execution of this Agreement, Seller hereby indemnifies KPBP for any and all CERCLA-related claims, liabilities, or matters, unless otherwise provided for in this Agreement. Said indemnification will survive closing and termination of this Agreement. Upon successful close of escrow said indemnification will continue for a period of not less than 12 months, from the date of closing unless otherwise provided for in this Agreement.

If this Agreement is terminated pursuant to any report detailing environmental conditions that may or may not exist on the Property, such report(s) will remain confidential and proprietary. The report(s) will be marked as confidential and will not be released to a private individual, entity, or non-profit without express agreement of the Parties. Notwithstanding, the report will be released pursuant to a valid court order and may be released to the State of Alaska upon request.

14. DEFENSE AND INDEMNIFICATION

Seller must indemnify, defend, save, and hold KPBP, its elected and appointed officers, agents, and employees, harmless from any and all claims, demands, suits, or liability of any nature, kind, or character including costs, expenses, and attorney's fees resulting from Seller's performance or failure to perform in accord with the terms of this Agreement in any way whatsoever. Seller will be responsible under this clause for any and all claims of any character resulting from Seller's or Seller's officers', agents', employees', partners', attorneys', suppliers', and subcontractors' performance or failure to perform this Agreement in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions by KPBP or its agents, which are said to have contributed to the losses, failure, violations, or damage. However, Seller will not be responsible for any damages or claims arising from the sole negligence or willful misconduct of KPBP, its agents, or employees.

15. ENTIRE AGREEMENT

This Agreement and the documents referred to herein contain the entire agreement of the Parties with respect to the subject matter hereof. Any changes, additions, or deletions hereto must be made in writing and signed by both KPBP and Seller or their respective successors in interest. Provisions of this Agreement, unless inapplicable on their face, will be covenants constituting terms and conditions of the sale, and will continue in full force and effect until the purchase price is paid in full or this Agreement is earlier terminated.

16. BREACH REMEDY

Prior to closing of the sale, in the event that KPBP or Seller fail to make any payment required, or fail to submit or execute any and all documents and papers necessary for closing and transfer of title within the time period specified in this Agreement, the Seller or KPBP may:


- A. Demand the delinquent Party specifically perform on all of the duties and obligations under this Agreement; or
- B. Terminate this Agreement.

17. MISCELLANEOUS

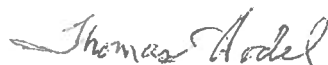
- A. Time. Time is of the essence in performance of this Agreement.
- B. Cancellation. This Agreement, while in good standing, may be canceled in whole or in part, at any time, upon mutual written agreement by Seller and the KPB Mayor. This Agreement is subject to cancellation in whole or in part if improperly issued through error in procedure or with respect to material facts. KPB may cancel this Agreement without penalty in the event additional contracts required of this project are not secured.
- C. Notice. Any notice or demand which, under the terms of this Agreement or under any statute must be given or made by the Parties, must be in writing, and be given or made by registered or certified mail, addressed to the other party at the address shown on the Agreement. However, either party may designate in writing such other address to which such notice of demand may thereafter be so given, made or mailed. A notice given hereunder will be deemed received when deposited in a U.S. general or branch post office by the addressor.
- D. Interpretation. This Agreement will be deemed to have been jointly drafted by the Parties. It will be construed according to the fair intent of the language as a whole, not for or against either Party. The interpretation and enforcement of this Agreement will be governed by the laws of the State of Alaska. Any lawsuit brought arising from this Agreement must be filed in the superior court of the Third Judicial District, State of Alaska, located in the City of Kenai, Alaska. The titles of sections in this Agreement are not to be construed as limitations of definitions but are for identification purposes only.
- E. Condition of Property. Seller will deliver the Property in its as-is condition.
- F. Counterparts. This Agreement may be executed in counterpart, and may be executed by way of copy, facsimile or verified electronic signature in compliance with AS 09.80, and if so, each of which will be deemed an original but all of which together will constitute one and the same instrument.
- G. This Agreement may only be amended in writing, which amendment document must be signed by the Parties.

KENAI PENINSULA BOROUGH:

SELLER: G.M. II, LLC



 Peter A. Midciche, Mayor (Date)

 5/12/26

 Thomas Hodel (Date)

 5-12-26

 Jarlyn Hodel (Date)

ATTEST:

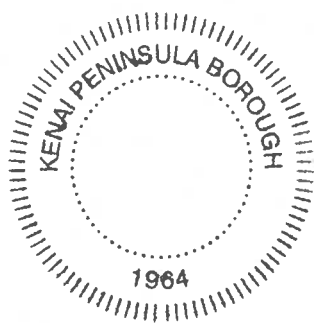
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



Michele Turner, MMC
Borough Clerk



Wayne Cary
Deputy Borough Attorney

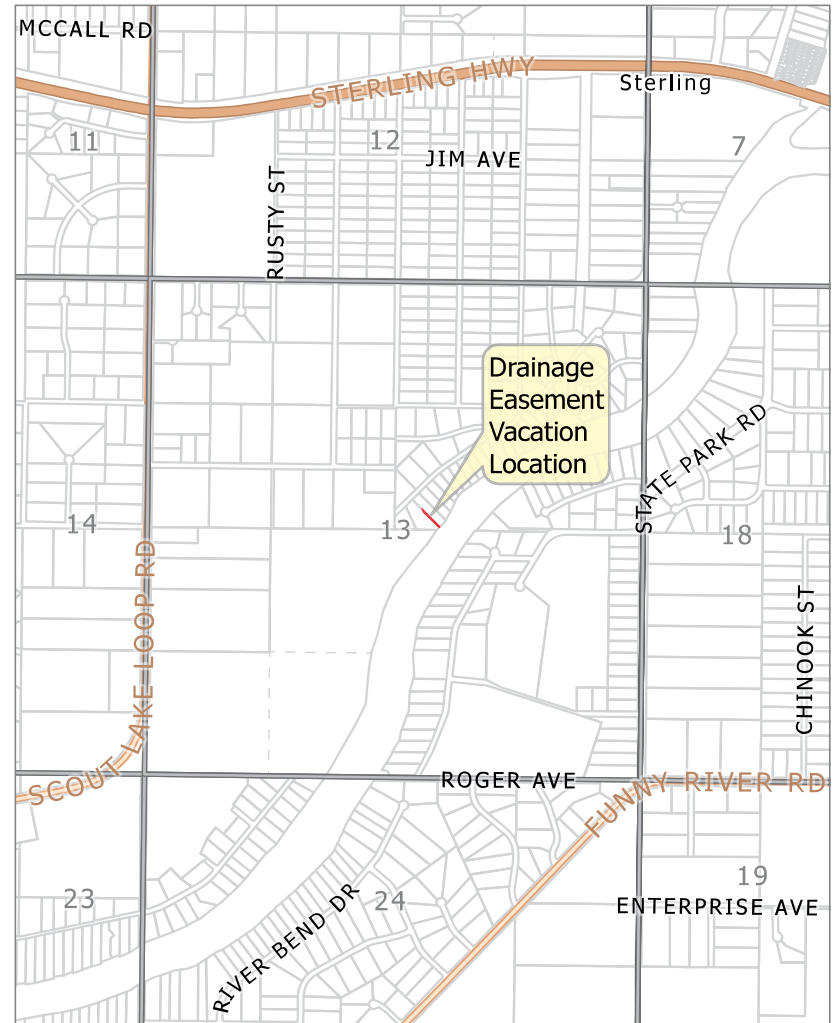
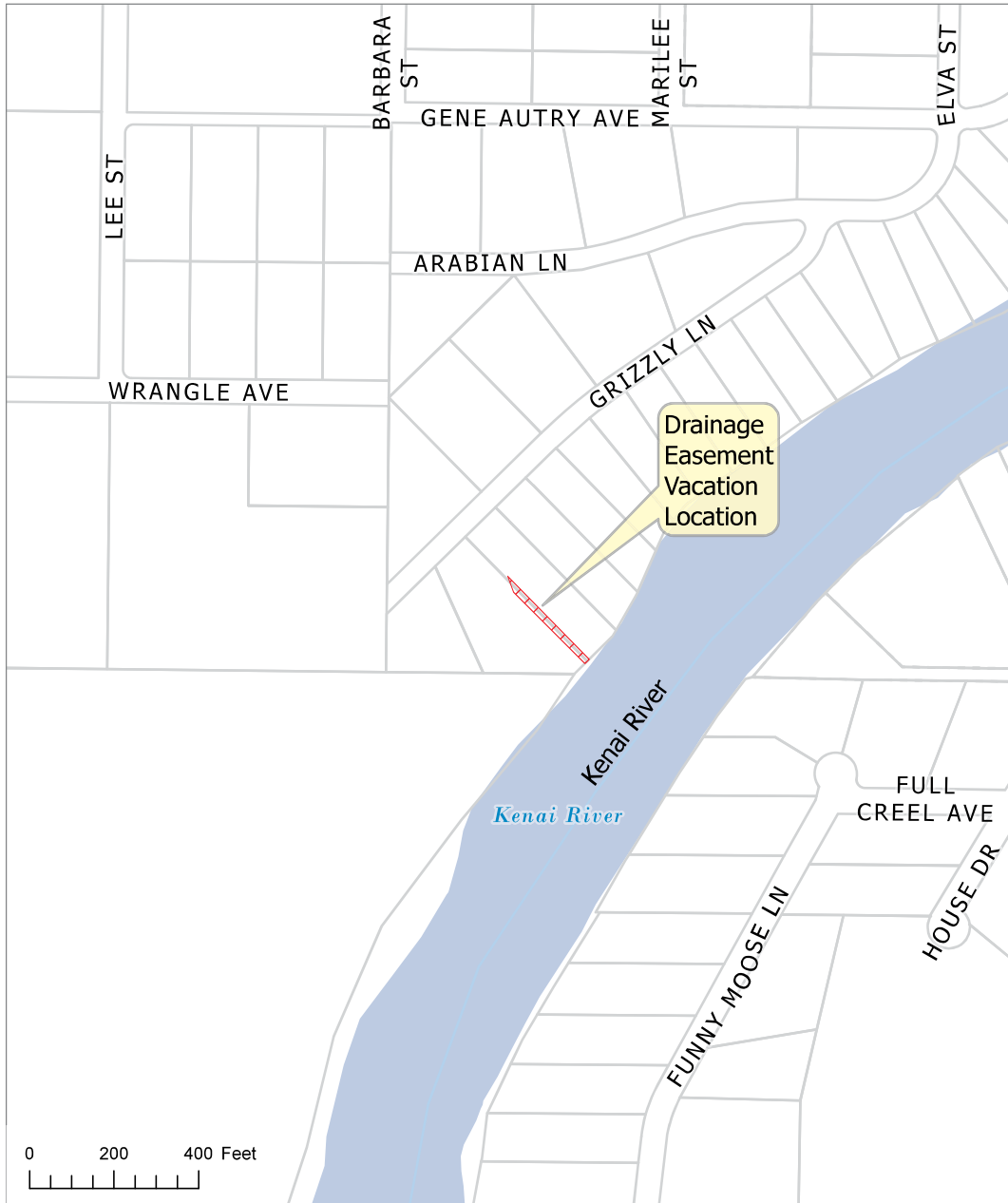


E. NEW BUSINESS

2. Drainage Easement Vacation; KPB File 2026-049V

Peninsula Surveying / NTK Revocable Trust

Request: Vacates A 20-foot by approximately 277-foot long drainage easement located along the shared lot line between Lots 27 & 28, Block 3, Moose River Estates Sub, Plat KN 74-98 Sterling Area

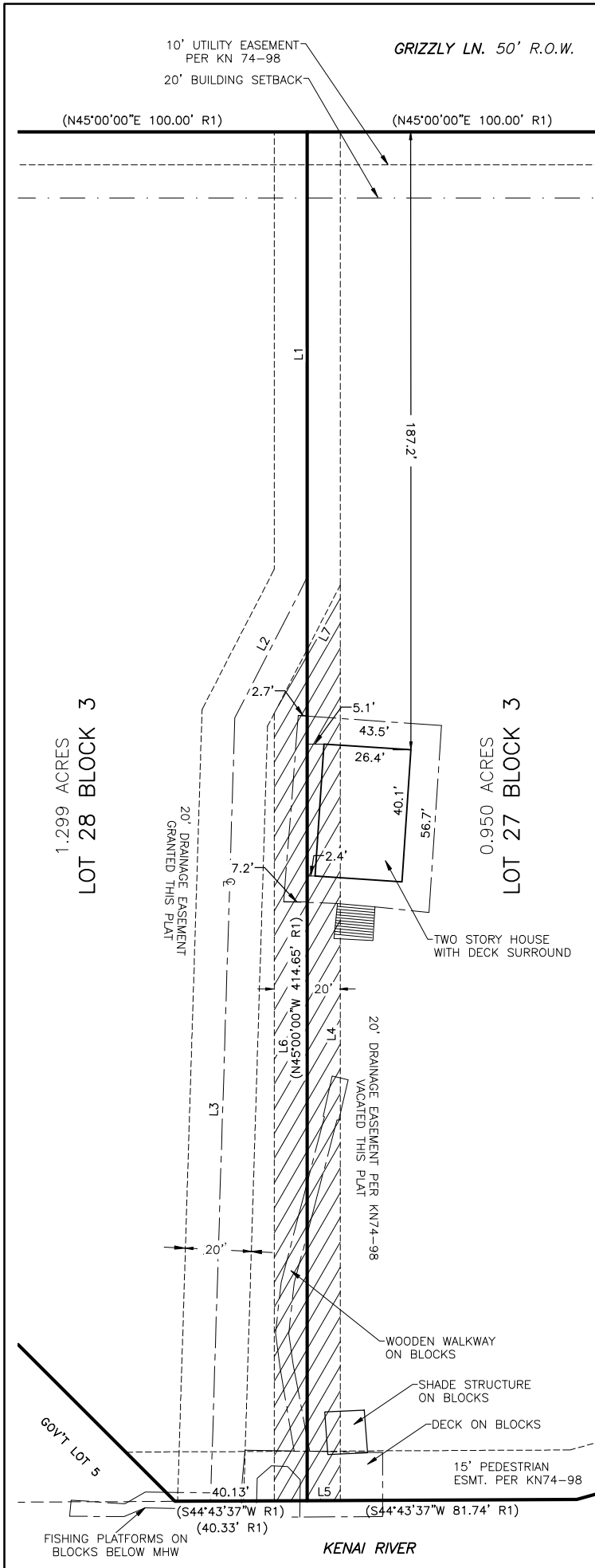


KPB File 2026-049V
T05N R09W SEC13
Sterling

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



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DRAINAGE EASEMENT CENTERLINE

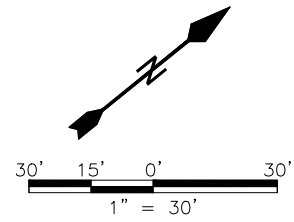
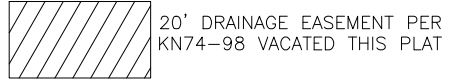
LINE TABLE		
LINE	LENGTH	BEARING
L1	134.90'	S45°00'00"E
L2	47.96'	S17°44'02"E
L3	237.37'	S43°13'35"E

DRAINAGE EASEMENT VACATION

LINE TABLE		
LINE	LENGTH	BEARING
L4	277.33'	S45°00'00"E
L5	20.00'	S45°00'00"W
L6	238.52'	N45°00'00"W
L7	43.66'	N17°44'02"W

LEGEND

(R1) RECORD DATA PER KN74-98



PENINSULA SURVEYING, LLC
10535 KATRINA BOULEVARD, NINILCHIK, AK 99639
(907)306-7065

DRAINAGE EASEMENT VACATION EXHIBIT
MOOSE RIVER ESTATES SUBD. (KN74-98)

NE 1/4 SEC 13 T5N R9W SM, AK

SCALE: 1" = 40'	DATE: 05/11/2026
DRAWN: BLT	SHEET: 1 OF 1

AGENDA ITEM E. NEW BUSINESS

ITEM #1 - UTILITY EASEMENT ALTERATION

VACATE A SEGMENT OF THE 20-FOOT DRAINAGE EASEMENT LOCATED ALONG THE COMMON LOT LINE BETWEEN LOTS 27 AND 28, BLOCK 3, WITH 10 FEET SITUATED ON EITHER SIDE OF THE LOT LINE, AS GRANTED BY MOOSE RIVER ESTATES SUBDIVISION, PLAT KN 74-98.

KPB File No.	2026-049V
Planning Committee Meeting:	June 8, 2026
Applicant / Owner:	NTK Revocable Trust of Anchorage, Alaska
Surveyor:	Jason Schollenberg; Peninsula Surveying, LLC
General Location:	Sterling Area
KPB PC Resolution	2026-32

STAFF REPORT

Specific Request / Purpose as stated in the petition:

This petition is to vacate the drainage easement located in Lots 27 and 28, Block 3, Moose River Estates Subdivision, KN 74-98.

Notification: Notice of vacation mailings were sent by regular mail to nine owners of property within 600 feet. Notice of the proposed vacation was emailed to seven agencies and interested parties.

The public notice was posted on the Planning Department’s bulletin board at the KPB Administration Building.

Staff Analysis:

Moose River Estates Subdivision (KN 74-98) granted a 20-foot drainage easement centered along the common lot line between Lots 27 and 28, Block 3. A portion of the easement is petitioned for alternation by this request as shown on the submitted exhibit. The applicant proposes to relocate the easement to the west to follow the existing drainage path more accurately.

Available data indicates that an existing structure is located within the currently platted drainage easement. The submitted exhibit includes a depiction of this structure, along with a wooden walkway and a structure used for shade built on blocks and a deck on blocks.

The proposed relocated easement would remove the conflict between the easement and the listed structures while maintaining drainage functionality by aligning the easement with the natural drainage course.

The easement alteration will be finalized by KPB PC Resolution 2026-32.

Utility provider review:

HEA	No comment
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

Applicant Findings:

1. The actual drainageway does not follow the existing easement.
2. The drainageway has been surveyed, and is shown on the exhibit as the new location of the easement.
3. The existing easement will limit use and development of the property.
4. There is an existing structure in the easement.

Staff Findings:

5. ACS, ENSTAR, GCI, and HEA provided written non-objection to the proposed vacation.
6. Moose River Estates Subdivision (KN 74-98) granted a 20-foot drainage easement along the common lot line between Lots 27 and 28, Block 3.

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Make the following corrections:

- o Add the KPB File Number 2026-049V
- o Include the total square foot of area of the drainage easement to be vacated.

RECOMMENDATION:

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends APPROVAL of the utility easement alteration as petitioned, subject to:

1. Grant utility easements requested utility providers.
2. Finalizing the approval of the easement alteration by either;
 - a. The recording of a subdivision plat within 12 months, compliant with the requirements of Chapter 20 of KPB Code or,
 - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
 - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
 - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
 - iii. The Planning Department is responsible for filing the Planning Commission resolution.

20.65.070 Alteration of platted utility easements

- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement 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. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration of platted utility easement with documentation that the issues have been resolved, accompanied by a new fee.**
- F. An appeal of the planning commission decision under this section 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*

- *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*
 - *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.*

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2026-32
KENAI RECORDING DISTRICT**

Vacate a segment of the 20-foot drainage easement located along the common lot line between Lots 27 and 28, Block 3, with 10 feet situated on either side of the lot line, as granted by Moose River Estates Subdivision (KN 74-98); within S13, T05N, R09W, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2026-049V

WHEREAS, a request has been received from NTK Revocable Trust of Anchorage, AK to vacates a segment of the 20-foot drainage easement located along the shared lot line between Lots 27 and 28, Block 3, as granted by Moose River Estates Subdivision (KN 74-98); and

WHEREAS, affected utility companies have provided written non-objection to the proposed vacation; and

WHEREAS, the Kenai Peninsula Borough Roads Department provided written non-objection to the proposed vacation; and

WHEREAS, the easement is not in use by the utility companies; and

WHEREAS, no surrounding properties will be denied utilities; and

WHEREAS, on June 8, 2026, the Kenai Peninsula Borough Planning Commission addressed all concerns about the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the drainage easement will not be detrimental to the public interest; and

WHEREAS, 20.70.140 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

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

Section 1. That the above described vacates a segment of the 20-foot drainage easement located along the shared lot line between Lots 27 and 28, Block 3, as hereby vacated.

Section 2. That an as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the locations of the portions of the drainage easements being vacated be attached to, and made a part of this resolution, becoming page 2 of 2.

Section 3. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within one year of adoption.

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

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2026.

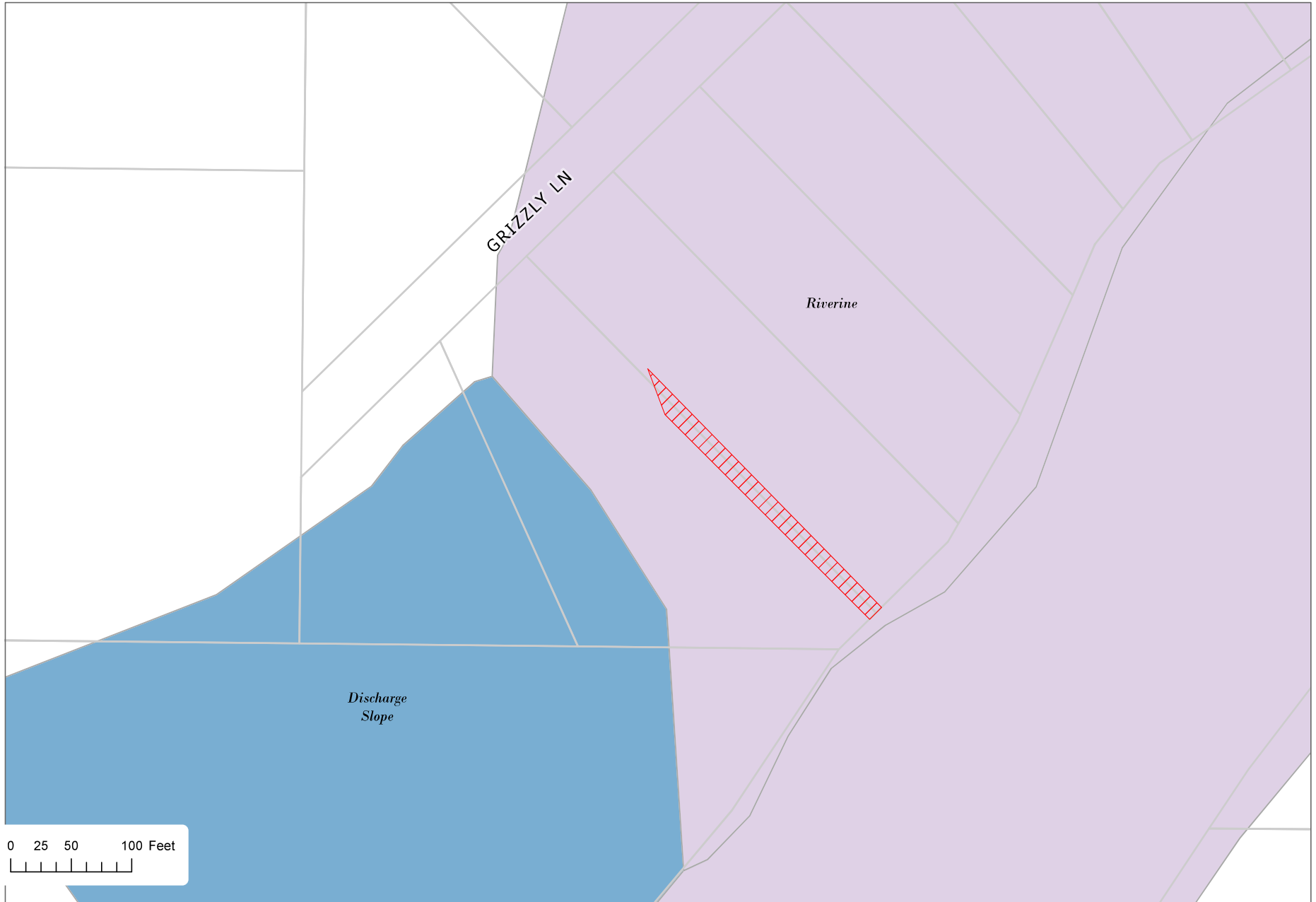
Jeremy Brantley, Chairperson
Planning Commission

ATTEST: _____
Ann Shirnberg,
Administrative Assistant

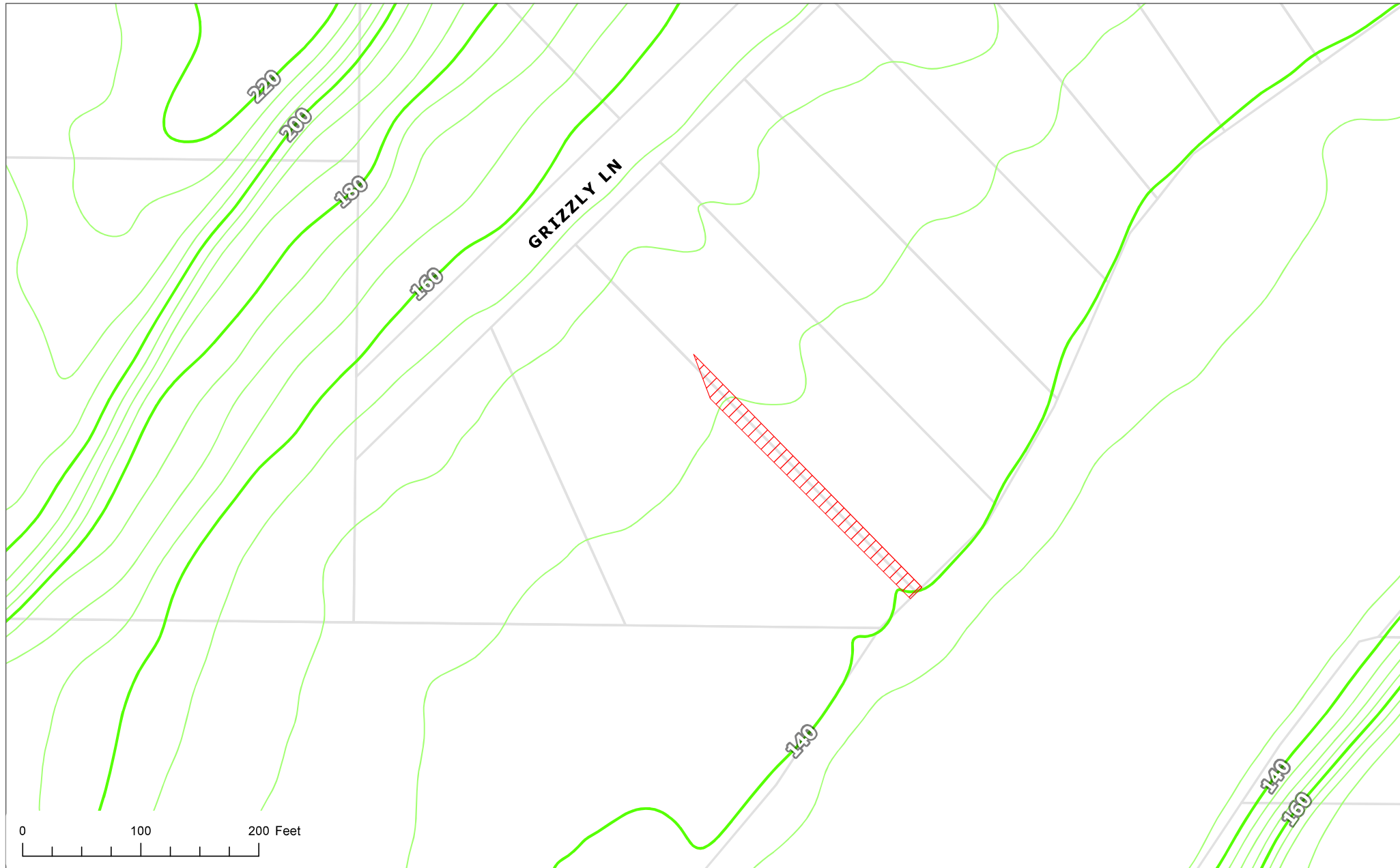
Return to:
Kenai Peninsula Borough Planning Department
144 N. Binkley Street
Soldotna, Alaska 99669



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

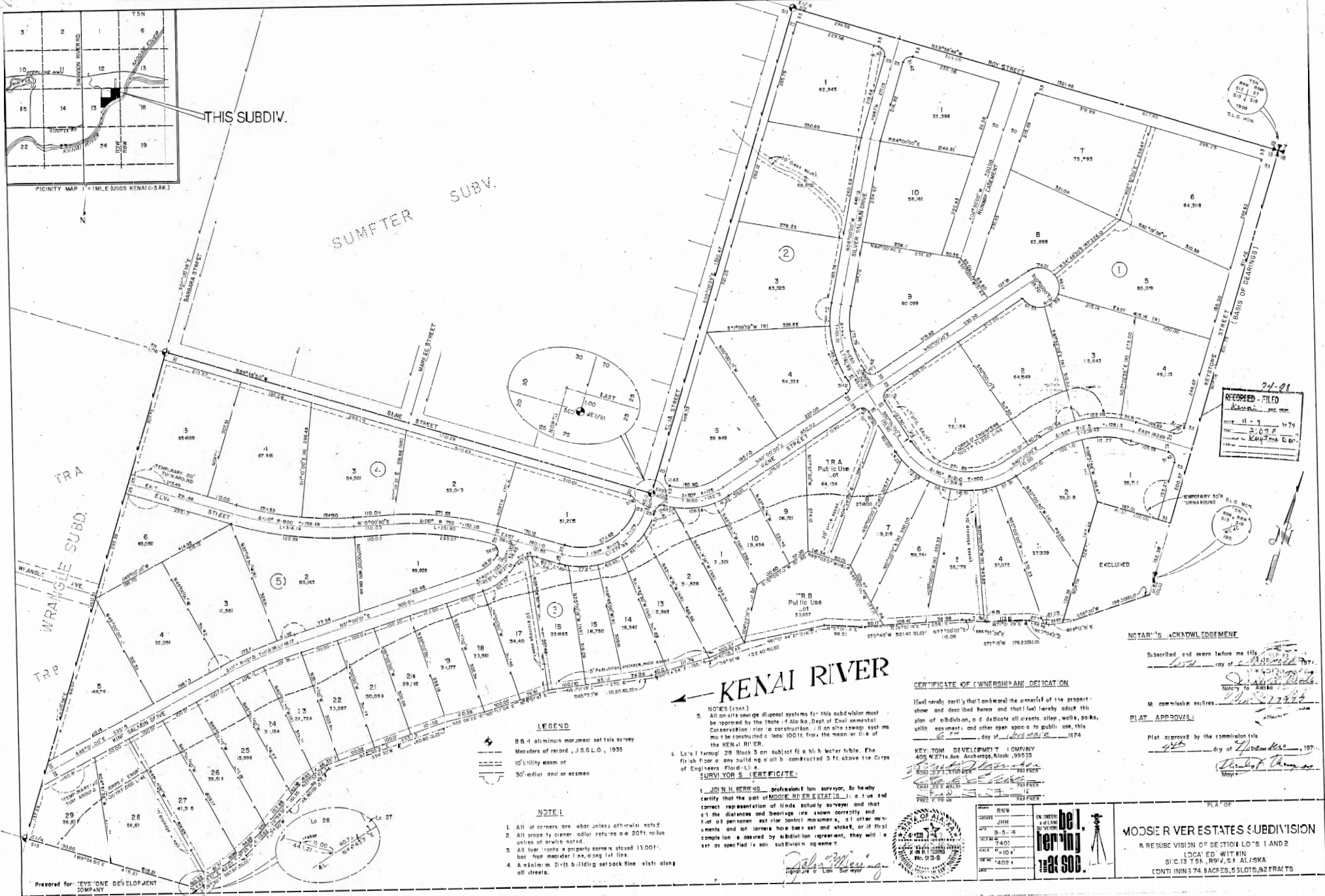
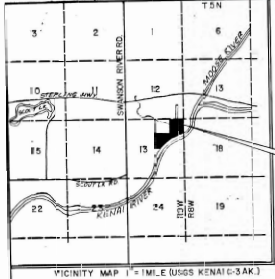


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KPB NOTE: See PC Resolutions 97-30 and 2004-56



SUMPTER SUBV.

WRANGLE SUBD. TRP



RECORDED - FILED
 Date: 11-7-1975
 2007 P
 Kalyana G. G.



LEGEND
 BB-I aluminum monument set this survey
 Measured of record, J.S.G.L.O., 1935
 --- Utility easement
 30' utility and/or easement

NOTE:
 1. All lot corners are e-bar unless otherwise noted.
 2. All property corner returns are 20ft. radius unless otherwise noted.
 3. All line corners are properly cornered 1500ft. back from meander line along lot lines.
 4. A minimum 2-ft building setback line exists along all streets.

KENAI RIVER

NOTES (cont.)
 5. All on-site sewage disposal systems for this subdivision must be approved by the State of Alaska, Dept. of Environmental Conservation, prior to construction. If on-site sewage systems must be constructed a 100ft. from the mean or file of the KENAI RIVER.
 6. Lots 1 through 29 Block 3 on subject to a high water table. The first floor of any building shall be constructed 3 ft. above the Corps of Engineers Flood-11-B.

SURVYOR'S CERTIFICATE:
 I, JON N. HERRING, a professional land surveyor, do hereby certify that the map of MOOSE RIVER ESTATES is a true and correct representation of lands actually surveyed; and that all the distances and bearings are shown correctly and that all permanent exterior control monuments, all other monuments and set corners have been set and marked, or if their completion is covered by subdivision agreement, they will be set as specified in said subdivision agreement.

CERTIFICATE OF OWNERSHIP AND DEDICATION
 I (we) hereby certify that I (we) are the owner(s) of the property shown and described herein and that I (we) hereby adopt this plan of subdivision, and dedicate all streets, walks, parks, utility easements and other open spaces to public use, this plan to be effective on the day of 11/07/75.

KEY: TOM DEVELOPMENT COMPANY
 405 W. 27th Ave. Anchorage, Alaska 99503
 JON N. HERRING, SURVYOR
 JON N. HERRING, SURVYOR
 JON N. HERRING, SURVYOR



NOTAR'S ACKNOWLEDGMENT
 Subscribed and sworn before me this 11th day of November 1975.
 My commission expires 11/11/77.
PLAT APPROVAL:
 Plat approved by the commission this 11th day of November 1975.

DATE	RHW	ENGINEER	del. herring
DATE	JNH	DRAWN	del. herring
DATE	B.S. '74	CHECKED	del. herring
DATE	7/20/75	DATE	del. herring
DATE	11/07/75	DATE	del. herring
DATE	11/07/75	DATE	del. herring

MOOSE RIVER ESTATES SUBDIVISION
 A RESUBDIVISION OF SECTION 10'S 1 AND 2
 LOCATED WITHIN
 S1C.13 T5N, R0V.53 A1/5KA
 (CONTAINING 74 ACRES, 52 LOTS, 82 FRAMTS)



NOTICE OF PROPOSED UTILITY EASEMENT VACATION

Notice is hereby given that an application to vacate a drainage easement in the Sterling area was received on 5/18/2026 by the Planning Department of the Kenai Peninsula Borough.

In accordance with Chapter 20 of the Borough Code of Ordinances, all owners of properties within a 300-foot radius must be notified of the proposed vacation. According to Borough records, you are an owner of property within that radius or you are an affected party.

Request / Affected Property: Vacates A 20 foot by approximately 277 foot long drainage easement located along the shared lot line between Lots 27 and 28 Block 3 granted by KN74 - 98

KPB File No. 2026-049V

Petitioner(s)/ Land owner(s): NTK Revocable Trust of Anchorage, AK.

Purpose as stated in petition: This petition is to vacate the drainage easement located in Lots 27 and 28, Block 3, Moose River Estates Subdivision, KN74 - 98. The actual drainageway does not follow the existing easement. The drainageway has been surveyed, and is shown on the exhibit as the new location of the easement. Existing easement will limit use and development of the property. There is an existing structure in the easement.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, June 8, 2026** commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in person at the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

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

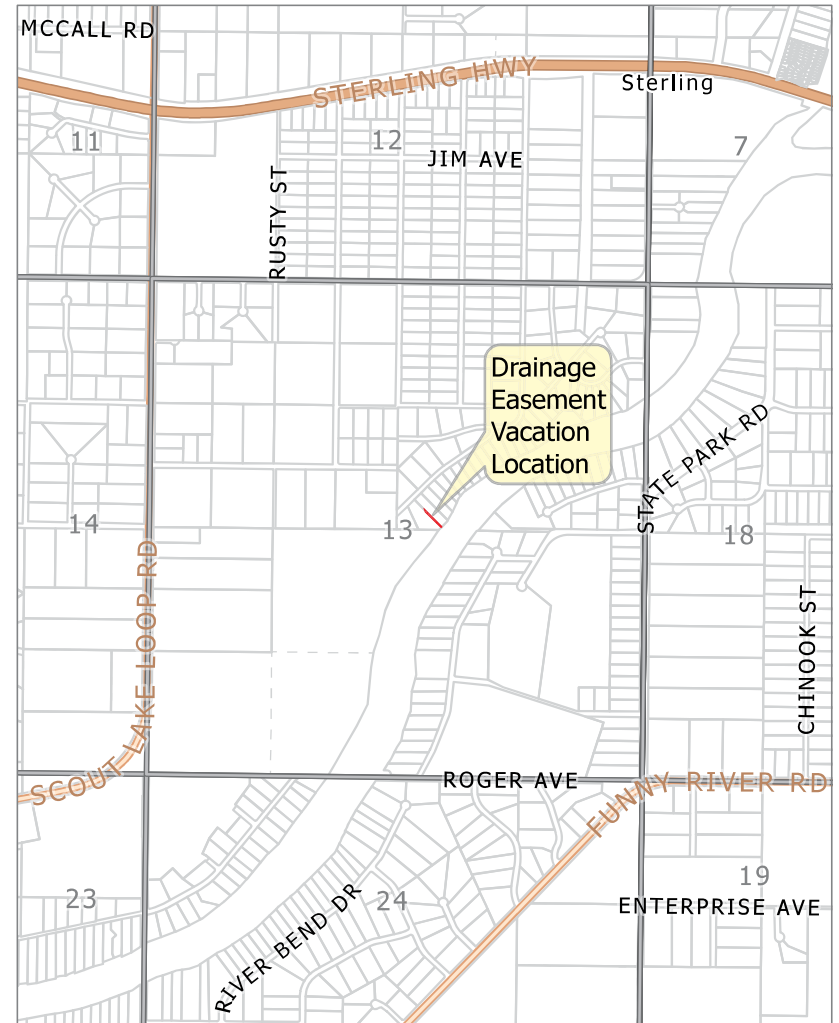
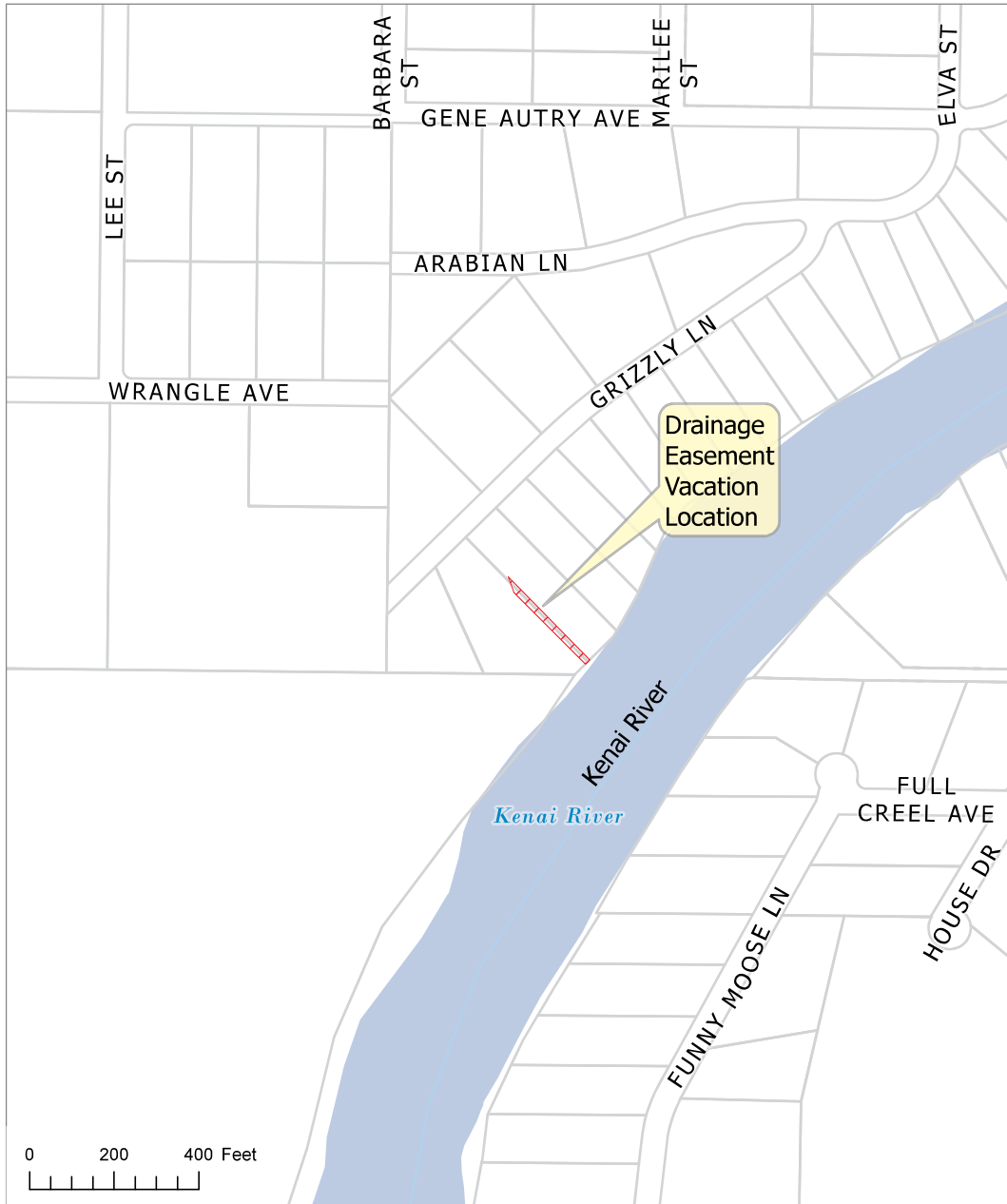
Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to planning@kpb.us, or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents

must be submitted by **1:00 PM, Friday, June 5, 2026**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

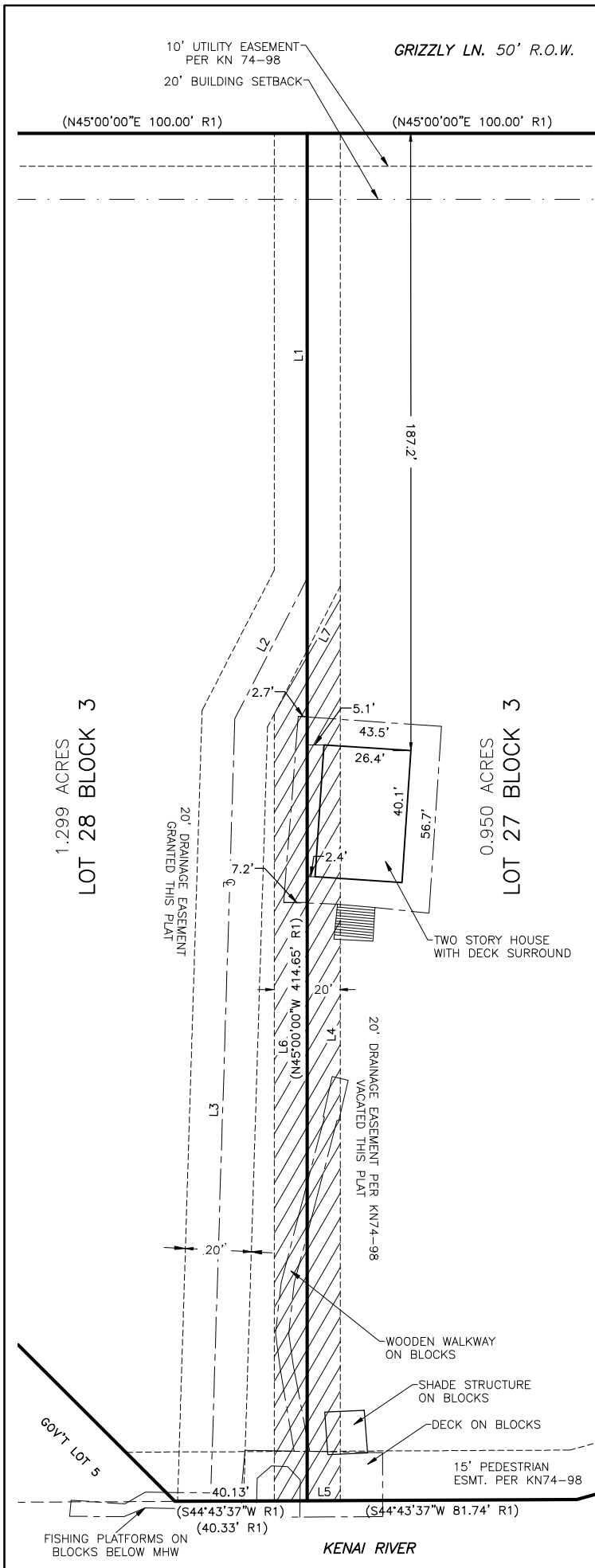
Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <https://kpb.legistar.com/Calendar.aspx>. Use the search options to find the correct timeframe and committee.

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

Mailed 5/19/2026



KPB File 2026-049V
T05N R09W SEC13
Sterling



DRAINAGE EASEMENT CENTERLINE

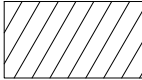
LINE TABLE		
LINE	LENGTH	BEARING
L1	134.90'	S45°00'00"E
L2	47.96'	S17°44'02"E
L3	237.37'	S43°13'35"E

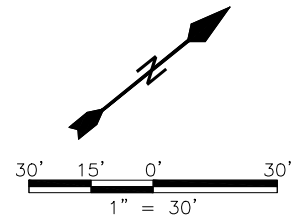
DRAINAGE EASEMENT VACATION

LINE TABLE		
LINE	LENGTH	BEARING
L4	277.33'	S45°00'00"E
L5	20.00'	S45°00'00"W
L6	238.52'	N45°00'00"W
L7	43.66'	N17°44'02"W

LEGEND

(R1) RECORD DATA PER KN74-98

 20' DRAINAGE EASEMENT PER KN74-98 VACATED THIS PLAT



PENINSULA SURVEYING, LLC
10535 KATRINA BOULEVARD, NINILCHIK, AK 99639
(907)306-7065

DRAINAGE EASEMENT VACATION EXHIBIT
MOOSE RIVER ESTATES SUBD. (KN74-98)

NE 1/4 SEC 13 T5N R9W SM, AK

SCALE: 1" = 40'	DATE: 05/11/2026
DRAWN: BLT	SHEET: 1 OF 1

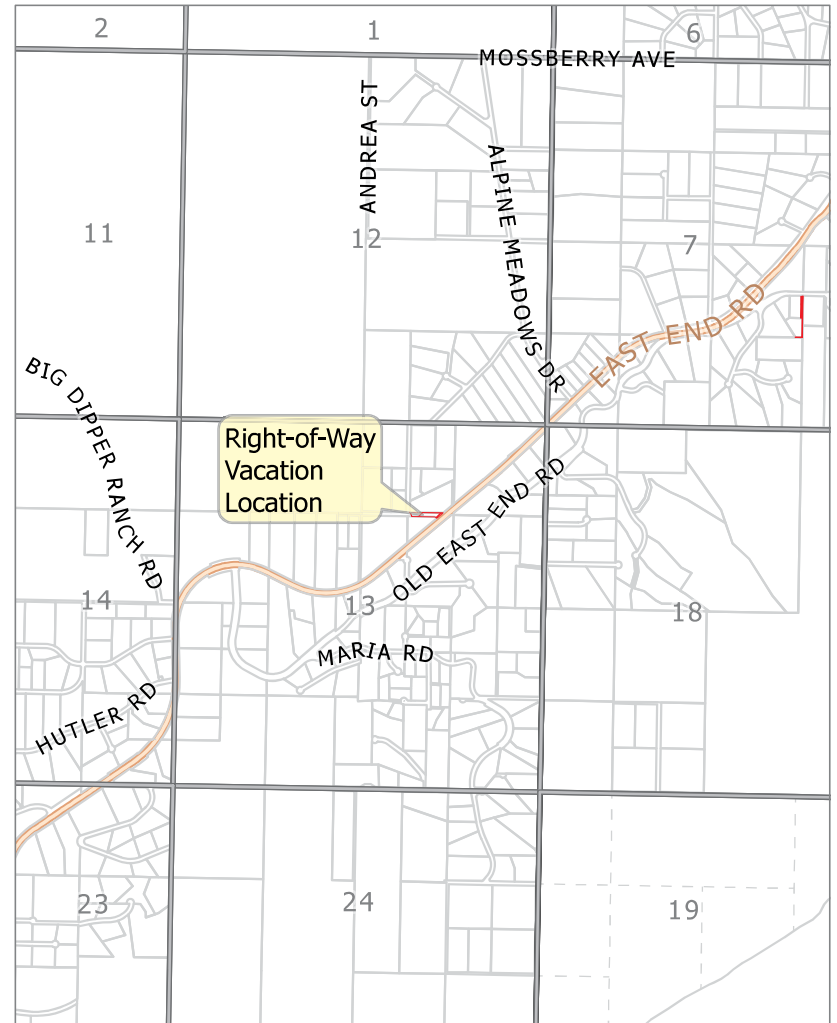
E. NEW BUSINESS

3. Right-Of-Way Vacation; KPB File 2026-046V

Seabright Survey & Design / Porter

Request: Vacates the eastern most approximately 25,662 sq ft portion of Apricity Avenue & associated utilities situated between Lot 2-I, Buena Vista No. 2 Subdivision, Plat HM 94-34 and Lot 4A3, Buttermilk Meadows Three, Plat HM 91-64.

Fritz Creek Area

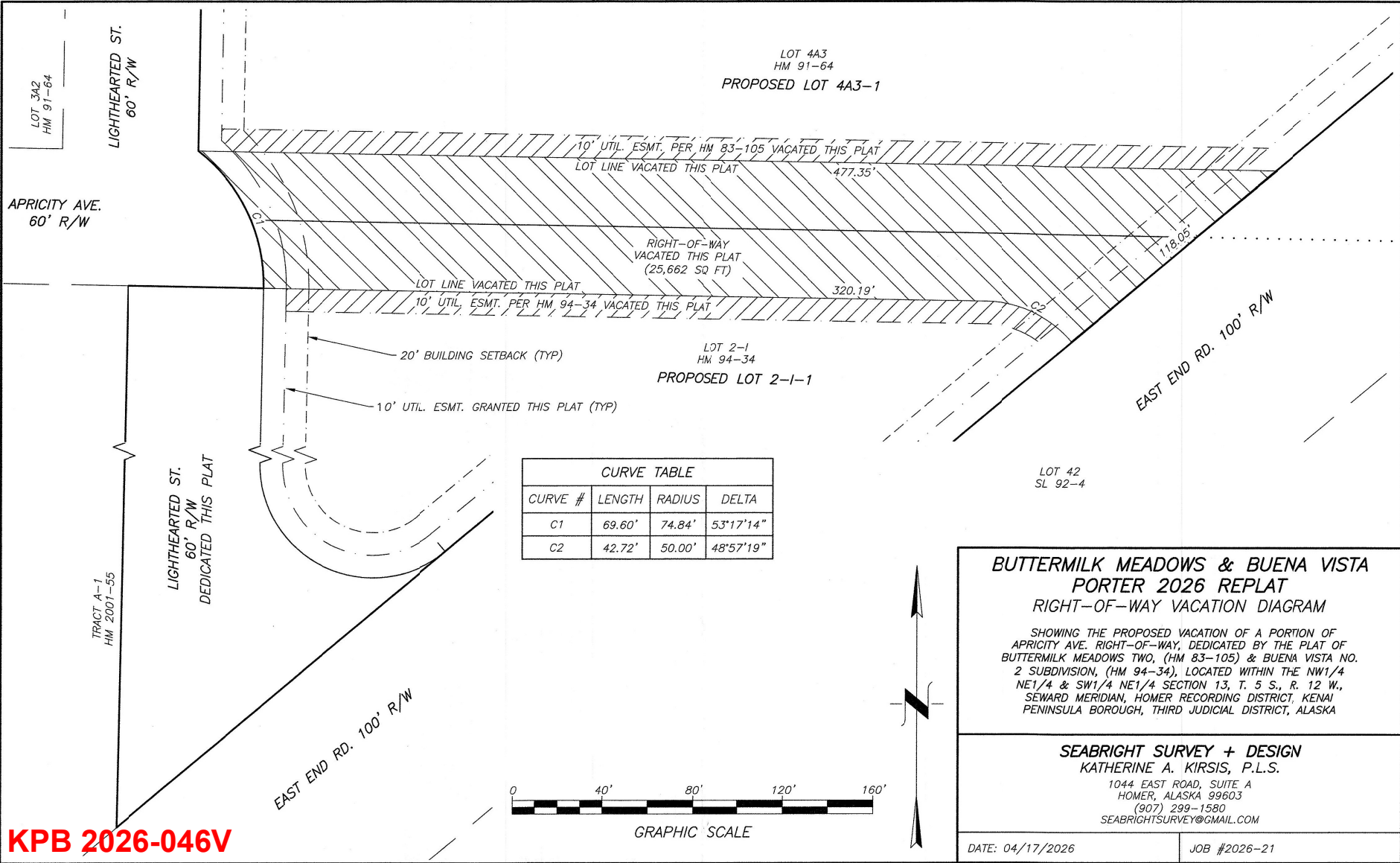


KPB File 2026-046V
T 05S R 12W SEC 13
Fritz Creek

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



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



**BUTTERMILK MEADOWS & BUENA VISTA
PORTER 2026 REPLAT
RIGHT-OF-WAY VACATION DIAGRAM**

SHOWING THE PROPOSED VACATION OF A PORTION OF APRICITY AVE. RIGHT-OF-WAY, DEDICATED BY THE PLAT OF BUTTERMILK MEADOWS TWO, (HM 83-105) & BUENA VISTA NO. 2 SUBDIVISION, (HM 94-34), LOCATED WITHIN THE NW1/4 NE1/4 & SW1/4 NE1/4 SECTION 13, T. 5 S., R. 12 W., SEWARD MERIDIAN, HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

**SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRSIS, P.L.S.**

1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580
SEABRIGHTSURVEY@GMAIL.COM

DATE: 04/17/2026 JOB #2026-21

KPB 2026-046V

LINE TABLE		
LINE #	LENGTH	BEARING
L1	60.00'	S86°57'01"E

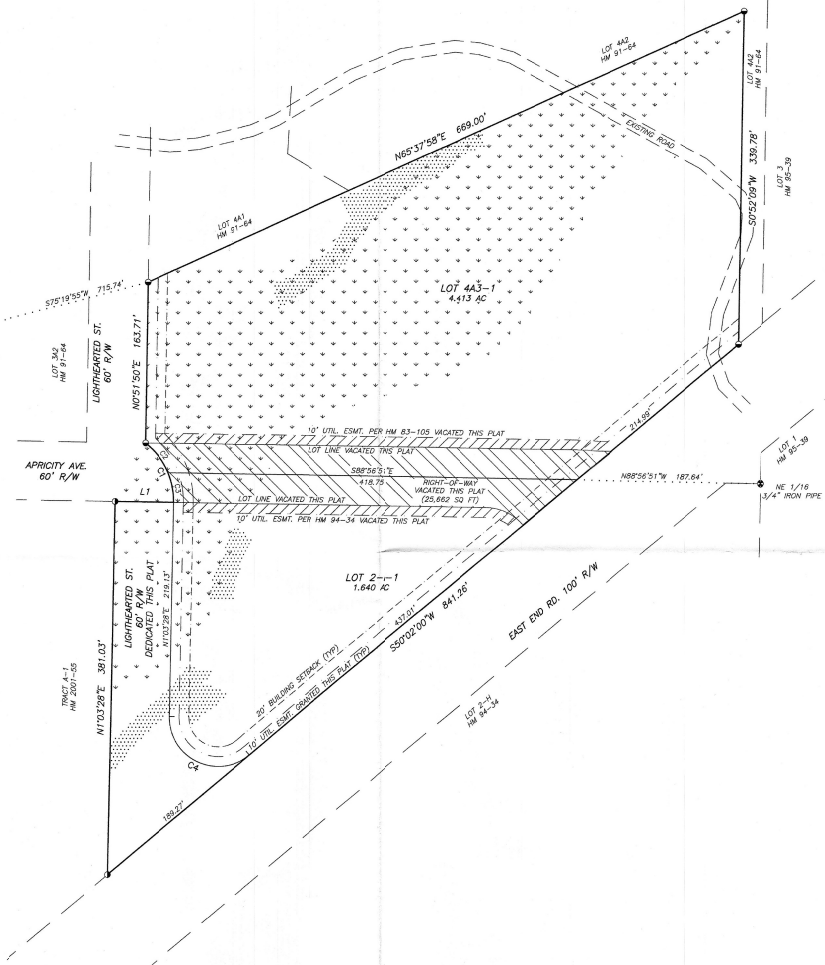
CURVE TABLE						
CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH	CH. BEARING
C1	69.60'	74.84'	53°17'14"	N25°35'09"W	67.12'	67.12'
C2	38.74'	74.84'	29°39'30"	N37°24'02"W	38.31'	38.31'
C3	30.86'	74.84'	23°37'45"	N10°45'24"W	30.65'	30.65'
C4	114.23'	50.00'	137°53'49"	N64°28'14"W	90.96'	90.96'

NOTES

- A setback of 20' is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission. The front 10' adjacent to rights-of-way shall also be utility easement. No permanent structures shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use said easement.
- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- Property owner should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining local, state, and federal permits.
- Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (OPR 14.06).
- No access to state maintained rights-of-way permitted unless approved by the state of Alaska Department of Transportation.
- Subject to a right of way easement with no definite location granted to HOMER ELECTRIC ASSOCIATION, INC. BY BOOK 25 PAGE 224 HRD, AND BOOK 21 PAGE 3 HRD (RELEASED BY BOOK 125 PAGE 356 HRD).
- Subject to the covenants, conditions, restrictions and/or easements per book 237 page 137 HRD.

WASTEWATER DISPOSAL

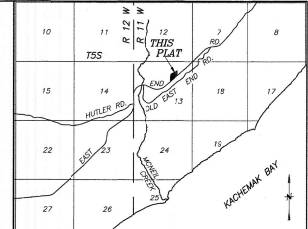
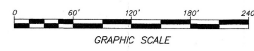
LOT 4A3-1: TBD
 LOT 2-1-1: THE PARENT SUBDIVISION FOR LOTS RESULTING FROM THIS PLATING ACTION WAS APPROVED BY THE KENAI PENINSULA BOROUGH ON JULY 15, 1993. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



LEGEND

- RECORD PRIMARY MONUMENT AS DESCRIBED
- RECORD 2" PLASTIC CAP 3/8"-S 1991
- ⊕ RECORD 2.5" AC 5786-S 1994
- ⊕ TO SET 2" AC 204396-S 2026 ON 30" x 5/8" REBAR
- (R1) RECORD DATA PER HL 94-34
- (R2) RECORD DATA PER HL 91-64
- (C) COMPUTED DATA PER RECORD PLAT

- [Symbol] APPROX. AREA WETLAND/UPLAND COMPLEX (KWF WETLANDS ASSESSMENT, KPB GIS)
- [Symbol] APPROX. AREAS OF 20% SLOPE OR GREATER (KPB GIS)
- [Symbol] RIGHT-OF-WAY VACATED THIS PLAT
- [Symbol] UTILITY EASEMENT VACATED THIS PLAT



VICINITY MAP
 SCALE 1" = 1 MI. U.S.G.S. QUAD SELDOVA (C-4 & C-5)

CERTIFICATE OF OWNERSHIP
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I HEREBY ASSURE THIS PLAN OF SUBDIVISION, AND BY MY THIS CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

ROBERT E. PORTER
 P.O. BOX 3315
 HOMER, AK 99603

NOTARY'S ACKNOWLEDGMENT

FOR: ROBERT E. PORTER
 ACKNOWLEDGED BEFORE ME THIS
 DAY OF _____, 2026

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES _____

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 IDENTIFIED BY THIS PLAT IDENTIFIED AS FOLLOWS: LIGHTHEARTED ST. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OF ANY GOVERNING BODY TO CONSTRUCT, OPERATE OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL _____ DATE _____
 KENAI PENINSULA BOROUGH

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MAY/06/2026.

BY: _____ DATE _____
 AUTHORIZED OFFICIAL _____
 KENAI PENINSULA BOROUGH

HOMER RECORDING DISTRICT KPB FILE NO. 2026-046

BUTTERMILK MEADOWS & BUENA VISTA PORTER 2026 REPLAT

A REPLAT OF LOT 4A3, BUTTERMILK MEADOWS THREE (HM 91-64), LOT 2-1, BUENA VISTA NO. 2 SUBDIVISION (HM 94-34), & VACATION OF A PORTION OF APRICITY AVE. RIGHT-OF-WAY, LOCATED WITHIN THE NW1/4 NE1/4 & SW1/4 NE1/4 SECTION 13, T-5 S., R-12 W., SEWARD MERIDIAN, HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

CONTAINING 6.602 ACRES

SEABRIGHT SURVEY + DESIGN
 KATHERINE A. KIRKS, P.L.S.
 1044 EAST END ROAD, SUITE A
 HOMER, ALASKA 99603
 (907) 295-1590
 SEABRIGHTSURVEY@GMAIL.COM

CLIENTS: ROBERT E. PORTER
 P.O. BOX 3315
 HOMER, AK 99603

DRAWN BY: BT CHW BY: KK JOB #2026-21
 DATE: 04/2026 SCALE: 1"=60' SHEET #1 OF 1

KPB 2026-046

AGENDA ITEM E. NEW BUSINESS

ITEM #3 - RIGHT OF WAY VACATION

VACATE THE EASTERNMOST APPROXIMATELY 25,662 SQUARE-FOOT PORTION OF APRICITY AVENUE AND ASSOCIATED UTILITY EASEMENTS SITUATED BETWEEN LOT 4A3 (HM 91-64) AND LOT 2-I (HM 94-34), AS DEDICATED BY BUTTERMILK MEADOWS TWO (HM 83-105) AND BUENA VISTA NO. 2 SUBDIVISION (HM 94-34)

KPB File No.	2026-046V
Planning Commission Meeting:	June 8, 2026
Applicant / Owner:	Robert E. Porter of Homer, Alaska
Surveyor:	Katherine A. Kirsis; Seabright Survey + Design
General Location:	Fritz Creek, Kachemak Bay APC
Legal Description:	Apricity Avenue 172-311-40: T 5S R 12W SEC 13 Seward Meridian HM 0940034 BUENA VISTA SUB NO 2 LOT 2-I 172-420-19: T 5S R 12W SEC 13 Seward Meridian HM 0910064 BUTTERMILK MEADOWS 3 SUB LOT 4A3

STAFF REPORT

Specific Request / Purpose as stated in the petition:

Request to vacate an unused portion Apricity Avenue right-of-way between East End Road and Lighthearted Street.

Notification: The public hearing notice was published in the June 5th issue of the Peninsula Clarion and the June 4th issue of the Homer News as part of the Commission’s tentative agenda.

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

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

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

- | | |
|--|------------------------------------|
| State of Alaska Dept. of Fish and Game | Ninilchik Traditional Council |
| State of Alaska DNR | Alaska Communication Systems (ACS) |
| State of Alaska DOT | ENSTAR Natural Gas |
| State of Alaska DNR Forestry | General Communications Inc, (GCI) |
| Kachemak Emergency Services of | Homer Electric Association (HEA) |
| Homer Kenai Peninsula Borough Office | |

Legal Access (existing and proposed):

The affected parcels are currently provided legal access from East End Road and Apricity Avenue. Lot 4A3 also has access from Buttermilk Rd on the northeast side running out to East End Rd. Buttermilk Rd is an existing private road crossing Lot 4A3 to access lots to the north and west.

Apricity Avenue is a 60-foot-wide dedicated right-of-way abutting the parcels and running between the two petitioning to vacate. Based on KPB imagery, it is unimproved and does not appear to support pedestrian or vehicular use. It connects to Lighthearted Street to the north, East End Road to the east, and Hutcheon Street to

the west. The petition requests vacation of approximately 25,662 square feet of Apricity Avenue, which presently provides access to the subject parcels and connects East End Road to Lighthearted Street.

Lighthearted Street is a 60-foot platted right-of-way coming from the north intersecting Apricity Avenue to the south and Moonbeam Lane to the north. The associated plat proposes an additional 60-foot dedication extending Lighthearted Street south from Apricity Ave to East End Road. The proposed dedication is offset from the existing right-of-way going north, creating a jog in the alignment and the surveyor is proposing a curve in the right-of-way to transition the connection. The Roads Director

East End Road is located to the south and is a 100-foot-wide, state-maintained right-of-way.

The parent plat (HM 91-64) and KPB data show a private drive, Buttermilk Road, located along the east side of former lot 4A3. The parent plat includes a note stating:

“There is a 25-foot roadway easement for the owners of property within the NE 1/4 of the NE 1/4 of Section 13, their heirs and assigns and shall run with the land.” The NE1/4 NE1/4 is the quarter to the east of this property. **Staff recommends** the surveyor verify the easement is or should be valid for this area of the NW1/4 of the NE1/4 Section 13 also and supply information to staff and include on final plat submittal.

Surrounding parcels will continue to have legal access via Apricity Avenue to the west, Lighthearted Street, and Hutcheon Street.

No section line easements affect the subject area.

Block length complies with KPB 20.30.170 due to the presence of Hutcheon Street, East End Road, Lighthearted Street, and Apricity Avenue.

Platting Department staff contacted the KPB Roads Director and received confirmation that the 60-foot dedication of Hutcheon Street adequately addresses the concern raised in the review comment. Th Roads Director did suggest that the curve transition on the north into Lighthearted St be smoothed out with a long curve to prevent any line-of-sight issues. **Staff recommends** the surveyor fit a smooth curve onto the point of the top of curve C1 at the suggestion of the Roads Director.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: Vacating this ROW will prevent future development of roads to the properties on the backside of Apricity Ave and Lighthearted Street. It is the only ROW that meets the borough ROW width standards. The RSA does not support this vacation.
SOA DOT comments	

Site Investigation:

Available data indicates the subject area contains no improvements and is considered vacant land.

KPB data identifies areas of wetlands on the portion to be vacated and are designated as areas of inundation. The inundation area runs along the contours of a ‘draw’ running through the affected property and proposed vacation. These areas were not shown on the vacation drawing and **staff recommends** the area of inundation be shown on the preliminary and final plat.

KPB GIS Imagery shows minimal contours within the subject area, with no slopes exceeding 20%.

The subject area has not been mapped by FEMA, per the KPB River Center Reviewer.

This area is not within a Habitat Protection District.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: Area not mapped by FEMA.</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p>
-------------------------	--

Staff Analysis:

The subject area includes parcels from two separate subdivisions, both of which have undergone multiple replats. The most current plats are Buena Vista No 2. Subdivision (HM 94-34) and Buttermilk Meadows Three (HM 91-64).

The associated plat, Buttermilk Meadows & Buena Vista Porter 2026 Replat, will adjust lot lines between former lots 4A3 (HM 91-64) and 2-I (HM 94-34) and finalize the vacation of Apricity Avenue, resulting in lots 4A3-1 and 2-I-1.

The property to the west and south of Apricity Ave is in the final stages of platting. **Staff recommends** the surveyor check with staff when submitting the final plat for the statues of the adjacent plat to be labeled on this plat.

The parent plats (HM 83-105 and HM 94-34) granted a 10-foot utility easement along all rights-of-way. The utility easement adjacent to the area proposed for vacation is also petitioned for vacation, as shown on the sketch.

The associated plat proposes granting a 10-foot utility easement along the proposed dedication of Lighthearted Street.

20.65.050 – Action on vacation application

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

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

Applicant comments:

Staff comments: Apricity Avenue is a 60-foot-wide dedicated right-of-way that does not appear to support pedestrian or vehicular use.

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

Applicant comments: Construction of Apricity Avenue in its current location would be physically partition the land in a manner that is inconsistent with the planned use. The proposed right-of-way vacation is accompanied by a proposed dedication to provide equal or better access by shifting Apricity Avenue to the west.

Staff comments: The associated plat proposes an additional 60-foot dedication extending Lighthearted Street south to East End Road.

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

Applicant comments:

Staff comments: The surrounding area is partially developed and includes multiple rights-of-way: East End Road, Lighthearted Street, Hutcheon Street, and Apricity Avenue to the west. The parent plats granted 10-foot utility easements along all rights-of-way, and the associated plat proposes a new 10-foot utility easement along the Lighthearted Street dedication. No utilities or improvements are located within the portion of Apricity Avenue proposed for vacation.

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

Applicant comments:

Staff comments: The right-of-way does not provide access to a lake, river, or other public area. The vacation will not affect public access to any area of public interest.

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

Applicant comments:

Staff comments: Interconnectivity will remain available through Lighthearted Street, Hutcheon Street, and Apricity Avenue.

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

Applicant comments:

Staff comments: No trails or other public access features are present within the vacation area. The right-of-way does not appear to serve any public access function beyond potential roadway use.

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

Applicant comments:

Staff comments: The parent plats granted 10-foot utility easements along all rights-of-way, including the area proposed for vacation. The associated plat petitions to vacate the utility easement adjacent to the vacation area and proposes a new 10-foot utility easement along the Lighthearted Street dedication. No utility providers have indicated a need to retain the existing easement within the vacation area.

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

Applicant comments: The purpose of the right-of-way realignment is primarily to unify the properties involved in this replat. Both parcels, Lot 4A3 and Lot 2-I, are owned by the same party and are planned for similar future use. We believe that the realignment will also provide a safer approach off of East End Road by increasing the separation distance between Apricity Avenue and Buttermilk Road to the east.

Staff comments: The associated plat will reconfigure the adjoining lots and finalize the vacation area. The proposed offset dedication of Lighthearted Street creates a jog in the right-of-way; however, access and connectivity remain intact. The existing 25-foot roadway easement (Buttermilk Road) is constructed and provides functional access for the intended parcels.

A KPBC Planning Commission decision denying a vacation application is final. A KPBC Planning Commission decision to approve the vacation application is subject to consent or veto by the KPBC Assembly, or City Council if located

within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at their scheduled June 16, 2026 or July 7, 2026 meeting.

If approved, Buttermilk Meadows & Buena Vista Porter 2026 Replat will finalize the proposed right-of-way vacation.

KPB department / agency review:

Addressing	<p>Reviewer: Pace, Rhealyn Affected Addresses: 51698 East End Rd, 51678 East End Rd</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: Apricity Ave, Lighthearted St, East End Rd</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: No Comment</p>
Code Compliance	Currently vacant
LOZMS Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

Utility provider review:

HEA	HEA has no objection to the vacation of Apricity Avenue and the dedication of Lighthearted Street as depicted on this drawing.
ENSTAR	
ACS	No objections.
GCI	

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

- Add KPB 2026-046V to the title block
- Add to Lighthearted St the dedication information
- On the parent lots, show the existing utility notes and granted by information.
- Remove Lot 42, SL 92-4 from the middle of East End Rd
- Add to the legal, that “Associated Utilities” are also being vacated

RECOMMENDATION:

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

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

KPB 20.65.050 – Action on vacation application

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

- *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

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

END OF STAFF REPORT



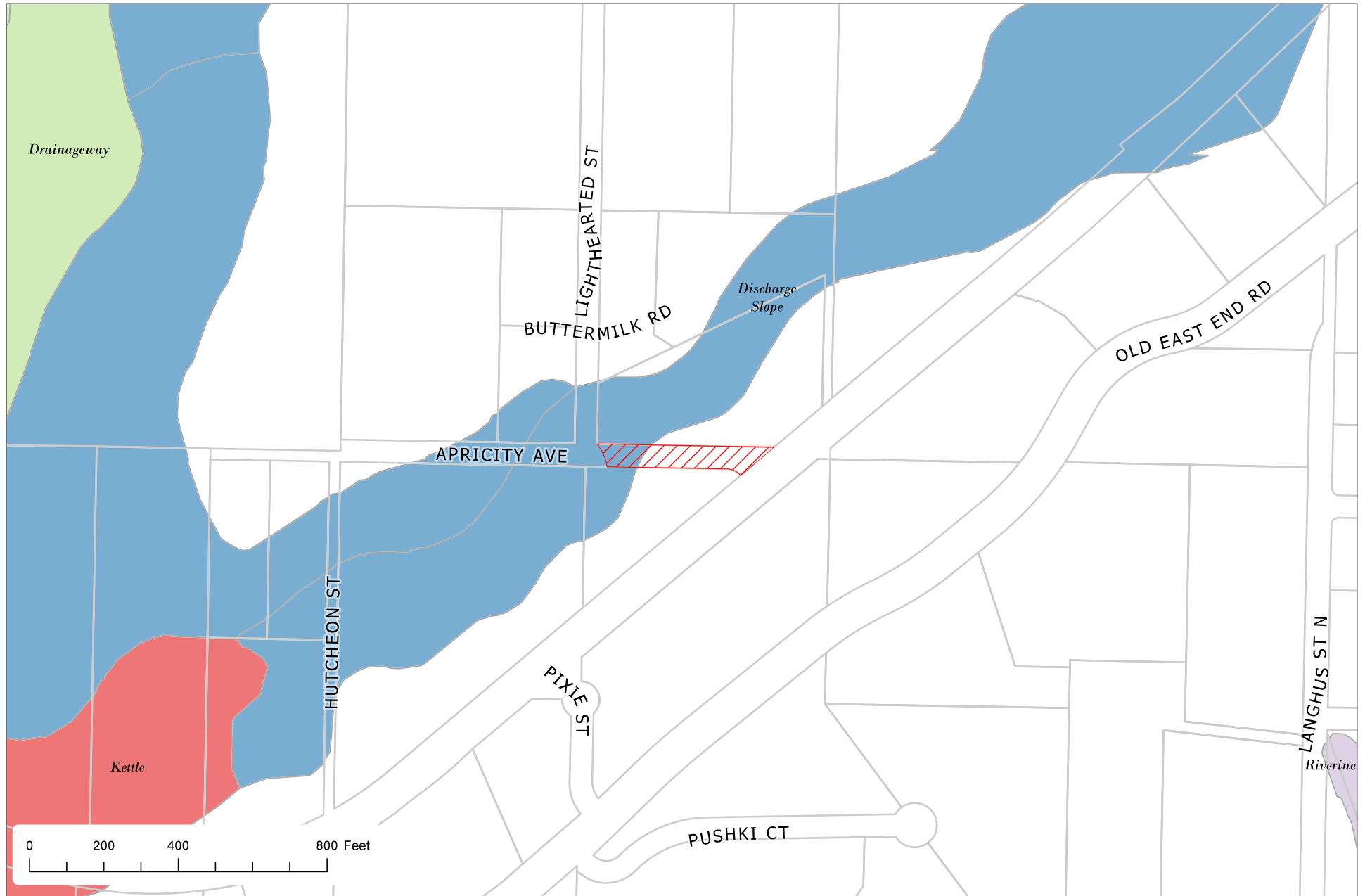
Aerial Map



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



Wetlands

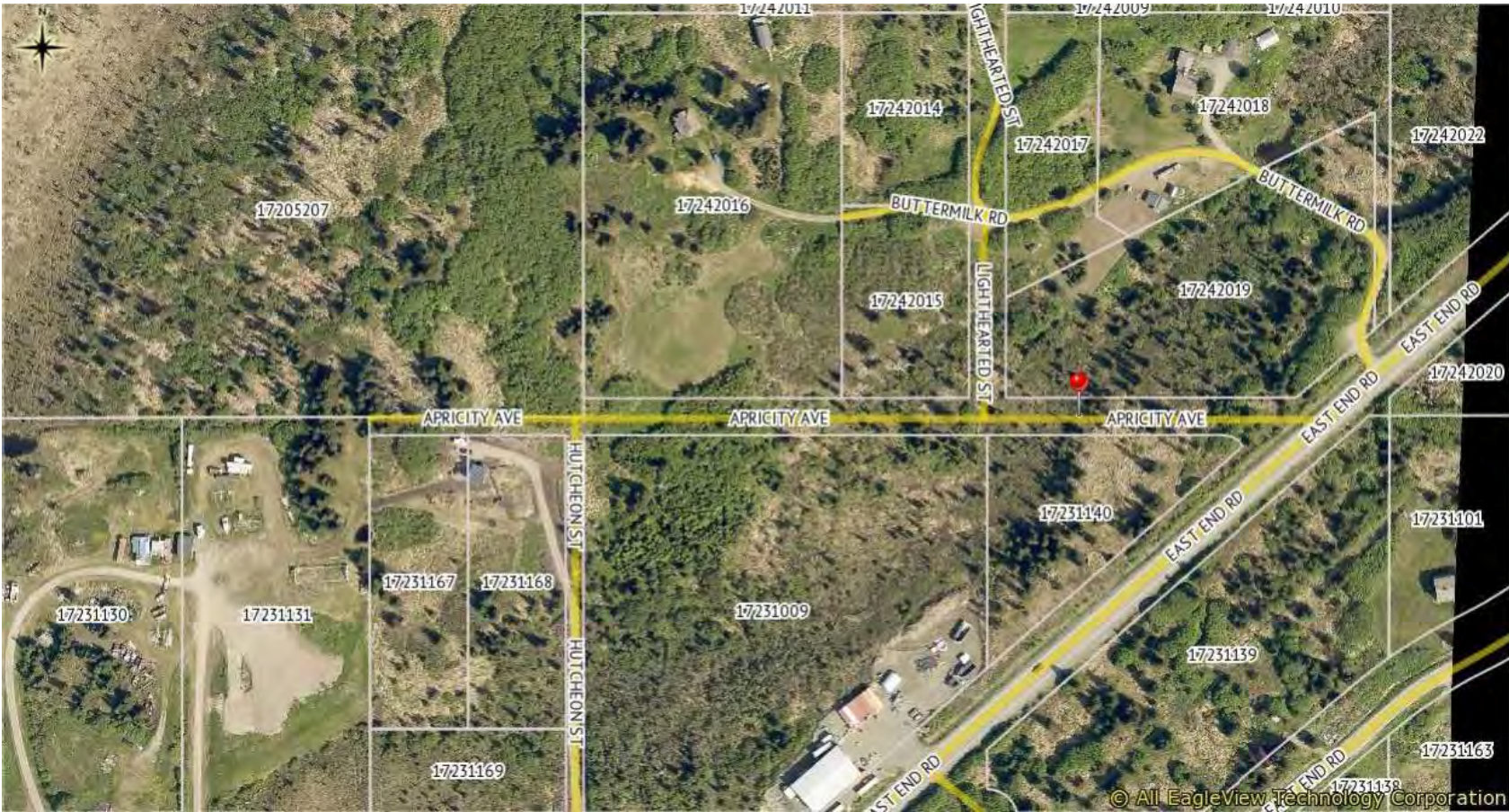


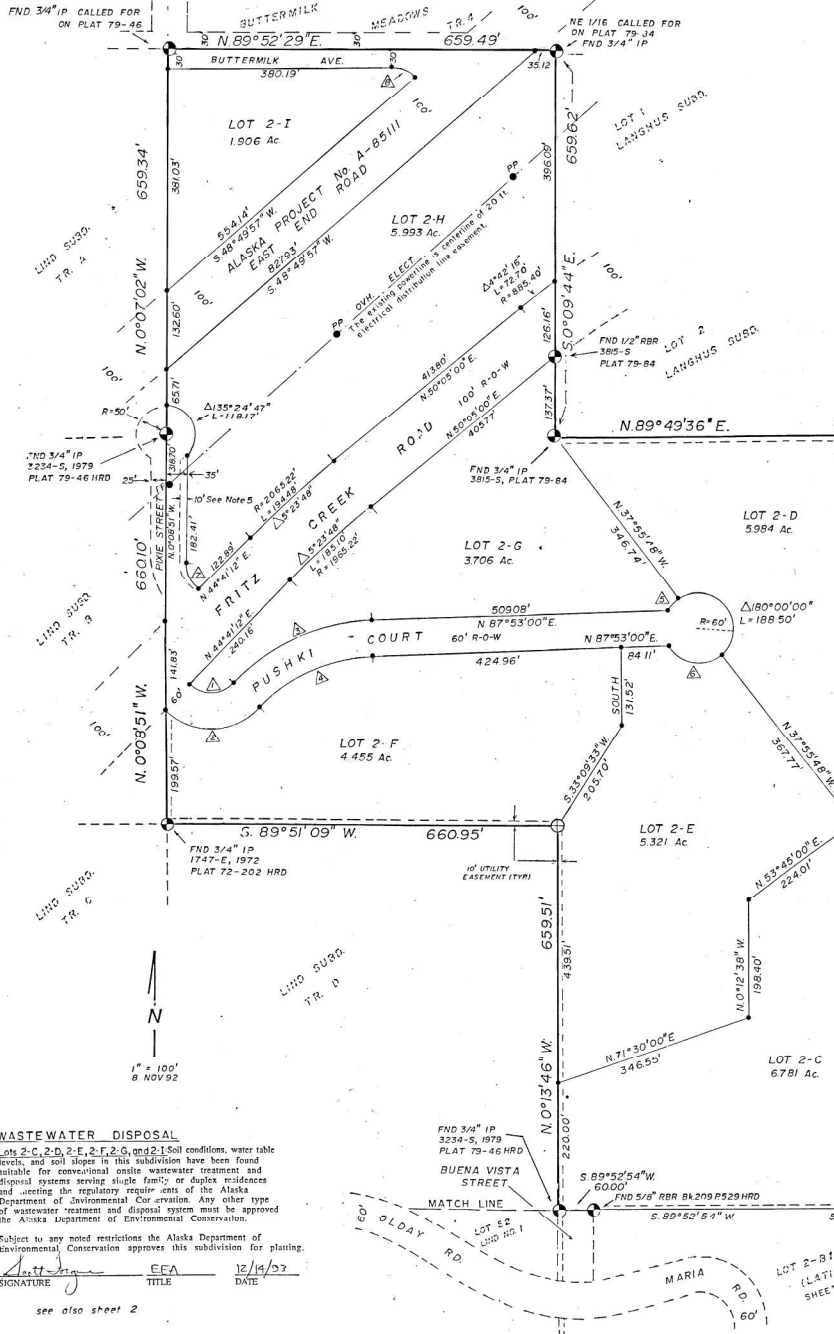
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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

KPB Pictometry 2023





SURVEYORS' CERTIFICATE

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision, and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

Date: Jan 5, 1979
 Roger W. Imhoff ES-5780



PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

July 12, 1993

KENAI PENINSULA BOROUGH

By: [Signature] Authorized Official

OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the real property shown and described herein as Lot 2-H Buena Vista and that I hereby adopt this plan of subdivision and by my free consent dedicate all right-of-ways to public use and grant all easements to the use shown.

Dolores G. Urch Date: 5-11-93
 9446 W. Kanaga Loop Eagle River, AK 99577

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn to before me this 11 day of May, 1993, for
 Dolores G. Urch
 State of Alaska NOTARY PUBLIC DOROTHY M. GILMORE
 My Commission expires: 3-29-91

NOTES

1. A building setback of 20' is required from all street right-of-ways for new construction unless a lesser standard is approved by the appropriate Planning Commission.
2. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
3. The State of Alaska requires that all wastewater disposal systems be a minimum of 100' from any water source.
4. No access to state maintained right-of-way permitted unless approved by State of Alaska Department of Transportation.
5. R.L. 155 Page 851, HRD, conveyed a 10 ft strip along the East edge of Fritz Street to the State of Alaska, Department of Transportation and Public Facilities. This plat shows the correct dimensions.
6. Pushki Court approved for construction not to exceed 8% within 100 feet of intersection.
7. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
8. The front 10 ft of the building setback adjacent to rights-of-way is also a utility easement.
9. Prior to this plat, Buena Vista Street existed as a public use right of way and easement over Lot 2-B Buena Vista Subdivision and is recorded as such in Book 209 Page 529, HRD. This dedication reduced the size of Lot 2-B to 4.920 Acres.
10. See public record at the State Records Office for covenants or restrictions not shown on this plat.

OWNERSHIP CERTIFICATE

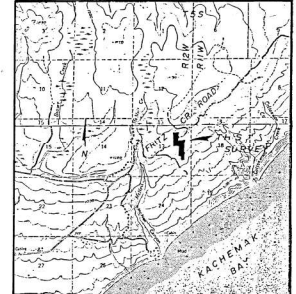
I hereby certify that I am the owner of the real property shown and described herein as Lot 2-H Buena Vista and that I hereby adopt this plan of subdivision and by my free consent dedicate Buena Vista Street as right-of-way to public use and grant all easements to the use shown.

I further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this street dedication; no require signature and approval of the beneficiary.
 Thomas A. Latimer Date: 5-25-93
 Tom Latimer and Thomas A. Latimer DATE P.O. Box 15025
 Fritz Creek, AK 99603

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn to before me this 25 day of May, 1993 for Thomas A. Latimer.
 Judith Mullikin
 Notary Public for Alaska
 My Commission expires: 6-18-95
 State of Alaska NOTARY PUBLIC JUDITH MULLIKIN

VICINITY MAP
 1/4 MILE USGS QUAD SELDOVIA C-4 & D-4



LEGEND

- ⊕ Found Monument of Record
- ⊙ Set 3-1/4" Aluminum cap on 2-1/2" diameter Aluminum post this survey
- ⊙ Set 2" Aluminum cap on 3/8" x 36" long rebar
- POWER POLE
- (C) Calculated or computed distance and bearing
- Rec Record distance and bearing
- (R) Radial from center of cut-de-ice
- Monument not located this survey

CURVE DATA

CURVEND	DELTA	RADIUS	LENGTH
△	91°30'00"	5000'	79.85'
△	91°30'00"	11000'	175.67'
△	44°41'48"	33700'	262.90'
△	44°41'48"	27700'	216.09'
△	2°41'10"	6000'	25.33'
△	95°49'06"	6000'	100.34'
△	45°09'57"	6500'	51.24'
△	48°57'23"	5000'	42.72'

SHEET 1 of 2

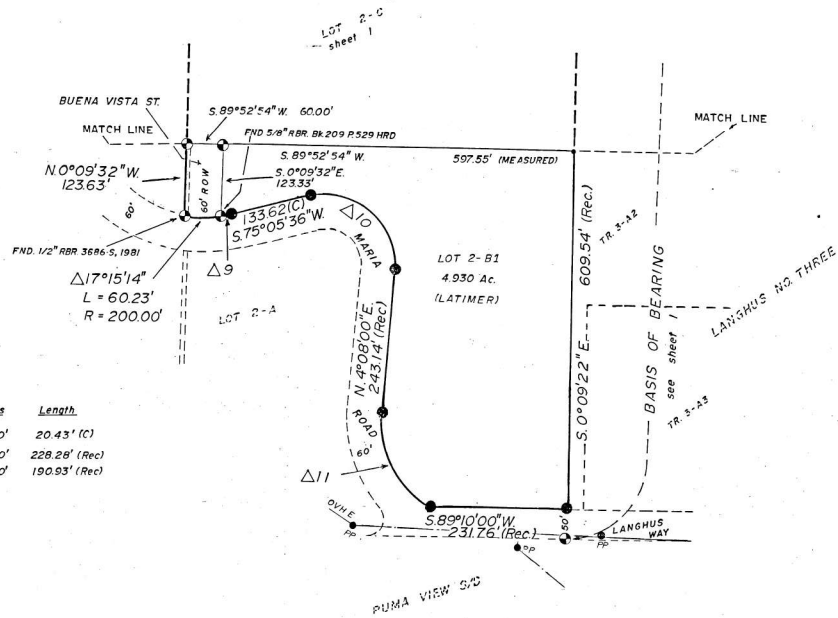
94301
 RECORDED-FILED
 REC-511
 DATE: _____ 19____
 TIME: _____ M
 Requested by: _____
 Address: _____

WASTEWATER DISPOSAL
 Lots 2-C, 2-D, 2-E, 2-F, 2-G, and 2-H. 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 planting.
 [Signature] ECA 12/14/93
 TITLE DATE

see also sheet 2

N
1"=100'



Curve	Delta	Radius	Length
Δ9	5°51'10"	200.00'	20.43' (C)
Δ10	108°59'44"	120.00'	228.28' (Rec)
Δ11	64°21'00"	170.00'	190.93' (Rec)

WASTEWATER DISPOSAL, Lots 2-B1 and 2-H: 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.

Subject to any noted restrictions, the Alaska Department of Environmental Conservation approves this subdivision for platting.

Signature: [Signature] TITLE: EEA DATE: 12/14/03

94-34
RECORDED FEB 25 2004
Homer, AK
DATE: 9-27-94
BY: [Signature]
Kofler, White

BUENA VISTA NO. 2 SUBDIVISION

A RESUBDIVISION OF LOT 2-B BUENA VISTA, PLAT NO. 81-71, H.R.D. AND A RESUBDIVISION OF A PORTION OF TRACT 2, LIND-URCH LANGHUS SUBDIVISION, PLAT NO. 72-302, H.R.D. LOCATED WITHIN THE SW 1/4 NE 1/4, SE 1/4 NE 1/4, AND THE NE 1/4 SE 1/4, SECTION 13, T. 5 S., R. 12 W., S.M. IN THE HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, ALASKA.

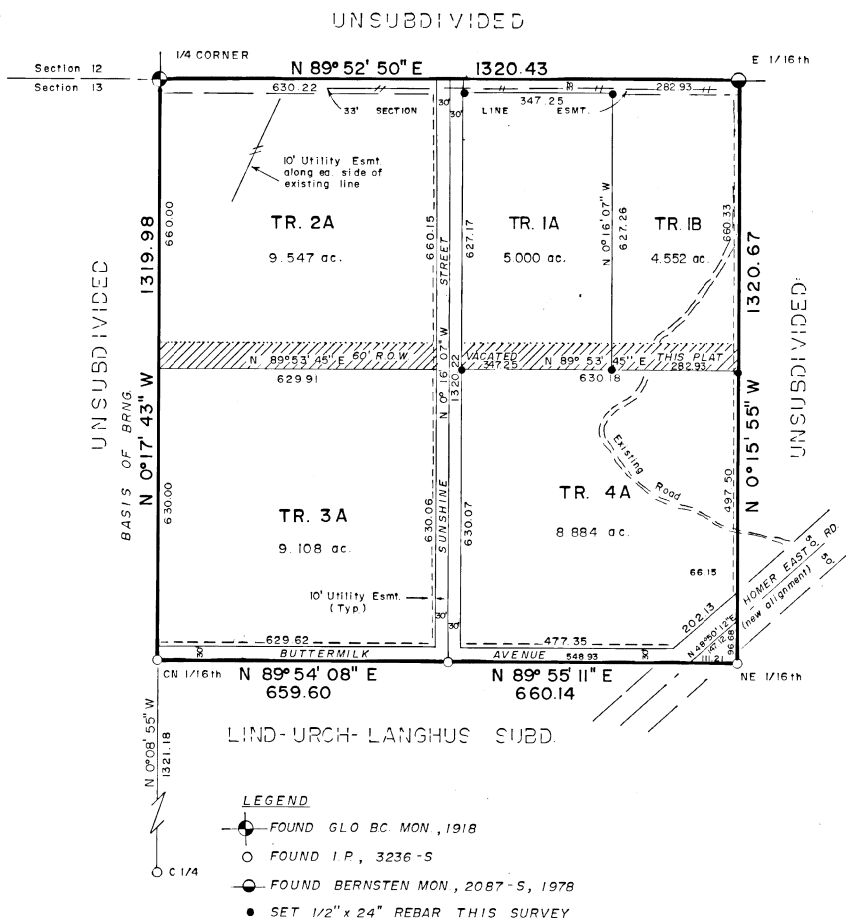
CONTAINS 45.07 ACRES, MORE OR LESS

CLIENT: DOLORES G URCH 844 W. KANAGA LP FAGLE RIVER, AK 99577	SURVEYOR: ROGER W. IMHOFF PO BOX 358 HOMER, AK 99603
	FB: URCH #1, #2 File: URCH1
Drawn: RWI	DATE: April 22, 1993
Scale 1" = 100'	* KPB File No. 91-124

SHEET 2 of 2

NOTES:

- 1) Monuments were set only as shown.
- 2) There is a 20' ingress/egress esmt along the existing road until the dedicated roads are constructed to an equal or better standard.
- 3) This subdivision is an isolated subdivision as defined in 18 AAC 72.90(27) and is not subject to review under 18 AAC 72.065.
- 4) A setback of 20' is required from all street row unless a lesser standard is approved by resolution of the appropriate planning commission.
- 5) No structures shall be constructed on the panhandle portion of Tr. 1B.



CERTIFICATE OF OWNERSHIP
 I hereby certify that I am the owner of the property shown and described hereon. I hereby request approval of this plat and dedicate all rights of way to public use and grant all easements to the use shown.

Fred M. Harnish
 FRED M. HARNISH 201 MEADOWCREEK DR. EAGLE RIVER, AK.
 NOTARY'S ACKNOWLEDGEMENT
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 31 DAY OF May 1983.
Edna Anderson 1-11-83
 NOTARY PUBLIC FOR AK MY COMMISSION EXPIRES:
Mary Carol Christopher
 LUTHER PIKE CHRISTOPHER SRA BOX 58 HOMER, AK.
 MARY CAROL CHRISTOPHER

State of Alaska
 NOTARY PUBLIC
 EDNA ANDERSON
 MY COMMISSION EXPIRES

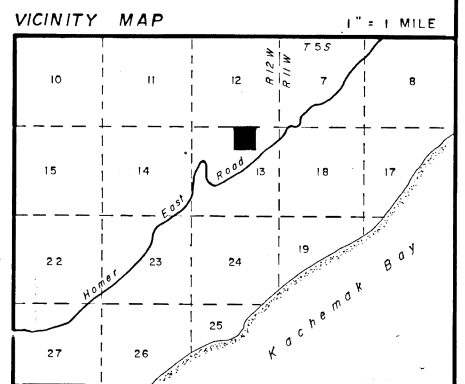
NOTARY'S ACKNOWLEDGEMENT (for J. B. M.C. Christopher)
 Subscribed and sworn to before me this 22 day of June 1983.
Jerry Anderson Feb. 15, 1987
 Notary Public for Alaska My Commission Expires

SURVEYOR'S CERTIFICATE
 I, the undersigned registered surveyor, hereby certify that a land survey has been completed by me or under my direct supervision and that corners and monuments have been located and established and that dimensions shown hereon are true and correct.

Jerry Anderson 6-20-83
 Anderson, R.L.S. No. 3686 S DATE

PLAT APPROVAL
 This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of February 21, 1983
 Kenai Peninsula Borough

By *Jerry Anderson*
 Approved Official



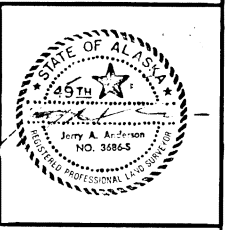
DATE: MAY, 1983

SCALE: 1" = 200'

DRAWN BY: SAS

FLD. BK. NO.: 130

JOB NO.: 1491



BUTTERMILK MEADOWS TWO

A RESUBD. OF ALL TRACTS WITHIN BUTTERMILK MEADOWS AND A VACATION OF SUNSHINE AVE. AS SHOWN ON PLAT NO. 80-42, H.R.D. BEING THE NW 1/4 NE 1/4, SEC. 13, T 5 S, R 12 W, 5M.

Containing 40.012 Acres

ABILITY SURVEYS
 JERRY ANDERSON, R.L.S. BOX 378 HOMER, ALASKA

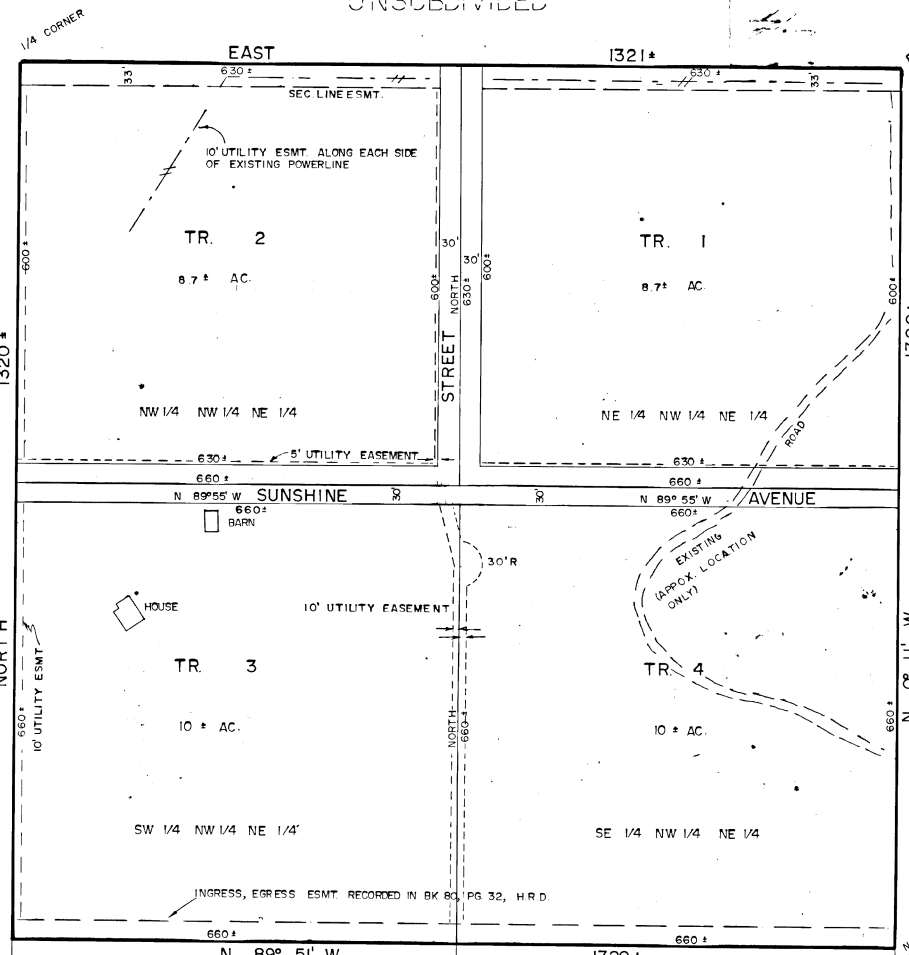
83-105

FILED 10 71
Harnish REC. DIST.

DATE 10-21-83
 TIME 2:07 P.M.
 Requested by *Christopher*
 Address *Kenai*
 - K.P.B. - *Anderson*

HM 83-105

UNSUBDIVIDED



UNSUBDIVIDED

UNSUBDIVIDED

LIND-URCH-LANGHUS SUBD.

LANGHUS SUBD.

- NOTES:
1. ALL WASTEWATER DISPOSAL SYSTEMS MUST COMPLY WITH EXISTING LAW AT THE TIME OF CONSTRUCTION.
 2. NO SURVEY WAS MADE NOR WERE ANY STAKES OR MONUMENTS SET.
 3. A 20' BUILDING SETBACK LINE EXISTS ALONG ALL RIGHTS OF WAY.
 4. THERE IS A 20' RIGHT OF WAY EASEMENT ALONG THE EXISTING ROAD.

80-42
 RECORDED - FILED 10-
 Homer REC. DIST.
 DATE 5-6-1979
 TIME 2:39 PM
 J. P. Anderson
 Surveyor

CERTIFICATE OF OWNERSHIP
 I hereby certify that I am the owner of the property shown and described hereon. I hereby request approval of this plat showing such easements for public utilities and roadways dedicated by me for public use.

Fred M. Harnisch
 FRED M. HARNISCH

NOTARY'S ACKNOWLEDGEMENT
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 10 DAY OF JULY 1979

James Z. Seal
 NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES 10/15/80
 LUTHER PIKE CHRISTOPHER BOX 58A-58 HOMER, ALASKA

Mary Carol Christopher
 MARY CAROL CHRISTOPHER

NOTARY'S ACKNOWLEDGEMENT
 Subscribed and sworn to before me this 7th day of April 1980

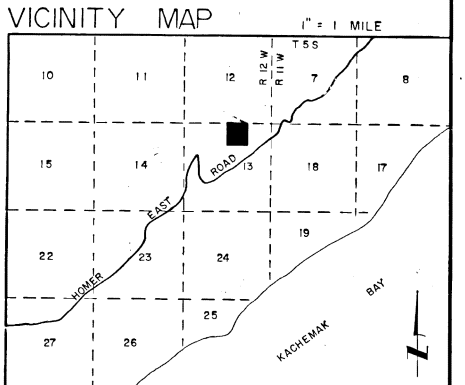
Shirley Ann Wilson
 Notary Public for Alaska My commission expires 12-17-98

SURVEYOR'S CERTIFICATE
 I, the undersigned registered surveyor, hereby certify that the information shown on this plat is based upon the most recent plats of the properties shown and that no field survey was performed.

Jerry Anderson
 JERRY ANDERSON, 3686-S DATE 11/8/80

PLAT APPROVAL
 This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of August 6, 1979 is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.
 KENAI PENINSULA BOROUGH

BY *Phyllis Waring*



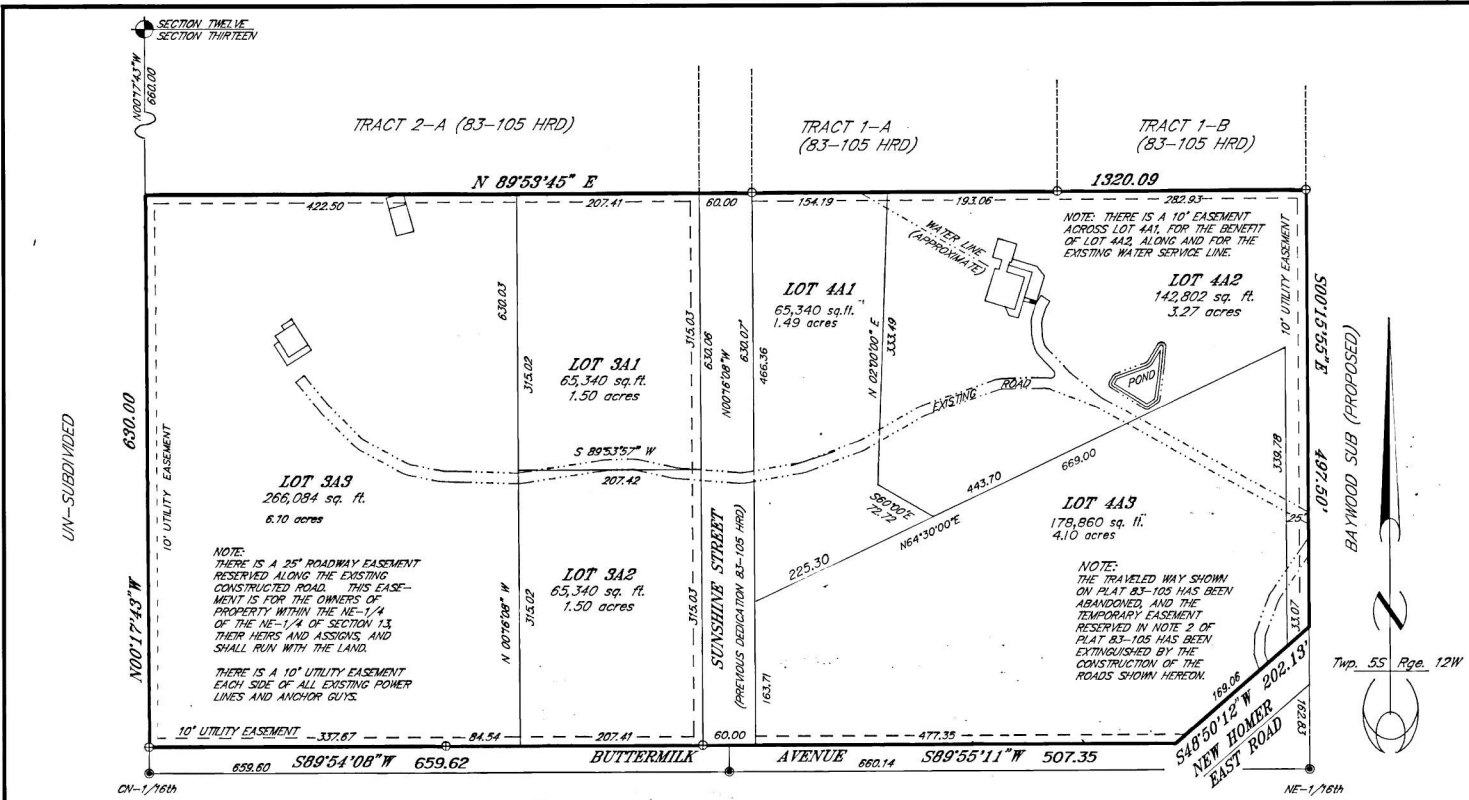
DATE: JULY, 1979
 SCALE: 1" = 132'
 DRAWN BY: S.W.
 DESIGNED BY: J.A.
 JOB NO.: 1105
 FLD. BK NO.: 74



BUTTERMILK MEADOWS
 BEING THE NW 1/4 NE 1/4, S. 13, T. 5 S, R. 12 W, S. M.

CONTAINING 40+ ACRES
Ability-Surveys
 REGISTERED SURVEYORS
 ENGINEERS - PLANNERS
 Jerry Anderson - Marvin Hanson
 Box 1263 - Homer, Alaska 99603 - (907) 235-8440





CERTIFICATE OF OWNERSHIP
 I hereby certify that I am the owner of the real property shown and described hereon, and that I hereby adopt this plan of subdivision, and by my free consent dedicate all rights of way and public areas to public use, and grant all easements to the use shown.

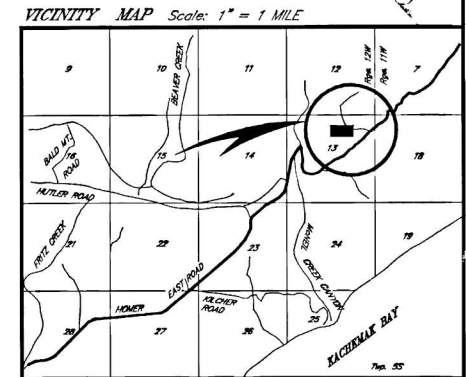
Mary Carol Nelson-Spell
 MARY CAROL NELSON-SPELL
 P.O. BOX 82
 HOPE, ALASKA 99605

NOTARY'S ACKNOWLEDGEMENT FOR MARY CAROL NELSON
 Subscribed and sworn to before me this 5th day of October 1991.
Victor L. Siv 6-18-95
 Notary public for Alaska My Commission Expires

Svea Rae Christopher
 SVEA RAE CHRISTOPHER
 11265 SW DAVIES RD No. 1110
 BEAVERTON OREGON 97007

NOTARY'S ACKNOWLEDGEMENT FOR SVEA CHRISTOPHER
 Subscribed and sworn to before me this 15th day of September 1991.

Sharon Chaitman 2-29-96
 Notary Public for Subdivision My Commission Expires
 County of Washington



DATE AUGUST 1991
 SCALE 1" = 100'
 GRID No. AR-38
 FLD. BK. No. 199/3
 DISK No. C.B.4
 JOB No. 0490



BUTTERMILK MEADOWS THREE
 A REPLAT OF TRACTS 3A & 4A, PLAT 83-105 HRD
 IN THE NE 1/4 Sec 13, Twp 55S, Rge 12W S.M. ALASKA
 NEAR McNEIL CANYON, NORTH OF HOMER ALASKA
 HOMER RECORDING DISTRICT
 CONTAINING 18,860 ACRES

ABILITY SURVEYS
 JERRY A. ANDERSON PLS
 (907) 235-8440
 BOX 373, HOMER ALASKA 99603

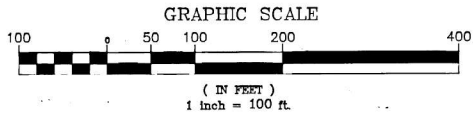
NOTE:
 A 20' BUILDING SET BACK SHALL EXIST ALONG ALL DEDICATED RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

SOILS ON THESE LOTS MAY OR MAY NOT BE SUITABLE FOR CONVENTIONAL ON-SITE WASTE DISPOSAL SYSTEMS. NO PERSON MAY CONSTRUCT, INSTALL, MAINTAIN OR OPERATE A PRESSURIZED WATER SYSTEM OR WATER BORNE WASTE DISPOSAL SYSTEM UNLESS APPROVAL OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION IS OBTAINED.

NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS OF WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.

NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF FLAG LOTS. THAT PORTION OF THE PANHANDLE SOUTH OF THE EXISTING CONSTRUCTED ROADWAY IS SUBJECT TO THE SAME EASEMENT AS THE CONSTRUCTED ROADWAY. (AFFECTS LOT 4A2)



SURVEYORS CERTIFICATE
 I hereby certify that this survey was performed by me or under my direct supervision. I declare that the information shown hereon is true and correct to the best of my knowledge and belief.
Jerry A. Anderson 10/1/91
 Date: Jerry A. Anderson PLS No. 3686

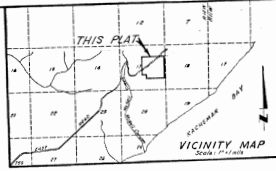
PLAT APPROVAL
 This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of Sept 9, 1991
 KENAI PENINSULA BOROUGH
 BY *Richard R. Proger*
 Authorized Official

91-64
 RECORDED 20-
 HOMER REC. DIST
 DATE 12-4 1991
 TIME 3:10 P.M.
 REQUESTED BY ABILITY SURVEYS
 ADDRESS P.O. BOX 378
 HOMER, ALASKA 99603

KPB FILE No. 91-114

709-116 WH

Sec. 12 Sec. 7
 Sec. 13 Sec. 18



CERTIFICATE OF OWNERSHIP AND DEDICATION
 We hereby certify that we own the corners of the property shown and described herein. We hereby present a statement of this plat, showing such statements for public attention, roadways and areas dedicated by us for public use.

Ronald J. Gies Alice Love Lind
 122 W. 11th Street
 Anchorage, Alaska

Nolan S. Uech
 122 W. 11th Street
 Anchorage, Alaska

James B. Langfus Eugene S. Langfus
 111 W. 8th Street
 Anchorage, Alaska

NOTARY'S ACKNOWLEDGEMENT
 Subscribed and sworn before me this 7th day of February, 1971.

Paul Valente Notary Public
 1000 E. 1st Street
 Anchorage, Alaska

PLAT APPROVAL
 Plat approved by the Borough Planning Commission this 1st day of December, 1971.

Alvin J. Johnson
 Authorized Official

ENGINEER'S CERTIFICATE
 I, the undersigned registered engineer, hereby certify that the information shown on this plat is based upon the most recent 1971 recorded plat of the properties shown, and that all data agree with the sources cited. No field survey was made for this plat.

3 Feb 1971
Charles O. Oetting
 Engineer



NOTE:
 A 100' road dedication is hereby dedicated along the existing Fritz Creek Drive with 50' on each side of centerline.

PROJECT	72-202
DATE	FILED 2/4
TIME	11:00 A.M.
BY	Charles O. Oetting
CHECKED	S. J. Johnson

PLAT OF	
LIND - URCH - LANGHUS	
SUBDIVISION	
(150 ACRES TOTAL)	
LOCATED IN	
T.S.S. R12 W. SEC. 13, S.M. ALASKA	ANCHORAGE, ALASKA
CLAUDE VINING & ASSOCIATES	
ENGINEERS - SURVEYORS	
1543 E. 27TH AVE.	ANCHORAGE, ALASKA
DATE: OCTOBER, 1971	SCALE: 1" = 100'
DRAWN BY: C.V.	SHEET: 1 OF 1
CHECKED BY: C.V.	GRID:



DU-4

JAMES
 SUBDIVISION

WILSON SUBDIVISION

Sec. 13 Sec. 18
 Sec. 26 Sec. 19

E3-21

71
 72-202
 111

DESK PACKET

(MATERIALS SUBMITTED AFTER 05/29/26)

3. **Right-Of-Way Vacation; KPB File 2026-046V**

Seabright Survey & Design / Porter

Request: Vacates the eastern most approximately 25,662 sq ft portion of Apricity Avenue & associated utilities situated between Lot 2-I, Buena Vista No. 2 Subdivision, Plat HM 94-34 and Lot 4A3, Buttermilk Meadows Three, Plat HM 91-64.

Fritz Creek Area

From: [Planning Dept.](#)
To: [Piagentini, Vincent](#); [Carpenter, Beverly](#); [Simons, Sandee](#)
Subject: FW: <EXTERNAL-SENDER>Kpb File# 2026-046V
Date: Thursday, June 4, 2026 6:59:30 AM

From: Boris Basargin <freestylemarine@gmail.com>
Sent: Wednesday, June 3, 2026 9:09 PM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>Kpb File# 2026-046V

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.

I'm writing in Regards of the Replat for Robert E. Porter. Kpb File# 2026-046V.

I'm just boggled and Can't Understand what, why and how a road can be removed. This road was the main acces to the adjoining property's. Now since we made a land development Robert is trying to remove this road. So to my understanding if this road is gonna get removed i will also move the other road that is in the works of subdivision. So that the road would only go on my property and wouldn't give access to the neighboring property's. Just does not make sense. We will start trenching the road starting next week. To my corner of the property's.

So do we proceed with making the road to my corner property's or I can't at this time?

Im stuck in the corner as of now.

As of now the road is there. So if we make it. We will have to remove it?

Please advise what to do at this point? Thx

Boris E Basargin
51726 East End rd.
Homer, Ak 99603

907-399-2112

From: serge@xyz.net
To: [Planning Dept.](#)
Subject: <EXTERNAL-SENDER>attn: Beverly Carpenter
Date: Thursday, June 4, 2026 6:08:09 PM

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.

This is in regards to a request to "vacate the easternmost approximately 25,662 square foot portion of Apricity Avenue and associated utilities situated between Lot 2-1 (HM 94-34) and Lot 4A3 (HM 91-64)"--KPB File # 2026-046V"

We oppose the shift on our property 52210 Old East End Rd.
We do not object if it only affects the western side of East End road as this would not affect our property.

Please let us know if any questions or needs.
Richard and Katherine Hoeschen
serge@xyz.net
907-299-3161



KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition was received on 5/1/2026 to vacate a public right-of-way in the Fritz Creek area. Area under consideration is described as follows:

Request / Affected Property: VACATE THE EASTERNMOST APPROXIMATELY 25,662 SQUARE FOOT PORTION OF APRICITY AVENUE AND ASSOCIATED UTILITIES SITUATED BETWEEN LOT 2-I (HM 94-34) AND LOT 4A3 (HM 91-64)

KPB File No. 2026-046V.

Petitioner(s) / Land Owner(s): Robert E. Porter of Homer, AK.

Purpose as stated in petition: The proposed right of way vacation is accompanied by a proposed dedication to provide equal or better access by shifting Apricity Ave to the West. The purpose of the right of way realignment is primarily to unify the properties involved in this replat. Construction of Apricity Avenue in its current location would physically partition the land in a manner that is inconsistent with the planned use. We believe that the realignment will also provide a safer approach off of East End Road by increasing the separation distance between Apricity Avenue and Buttermilk Road to the east.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, June 8, 2026**, commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

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

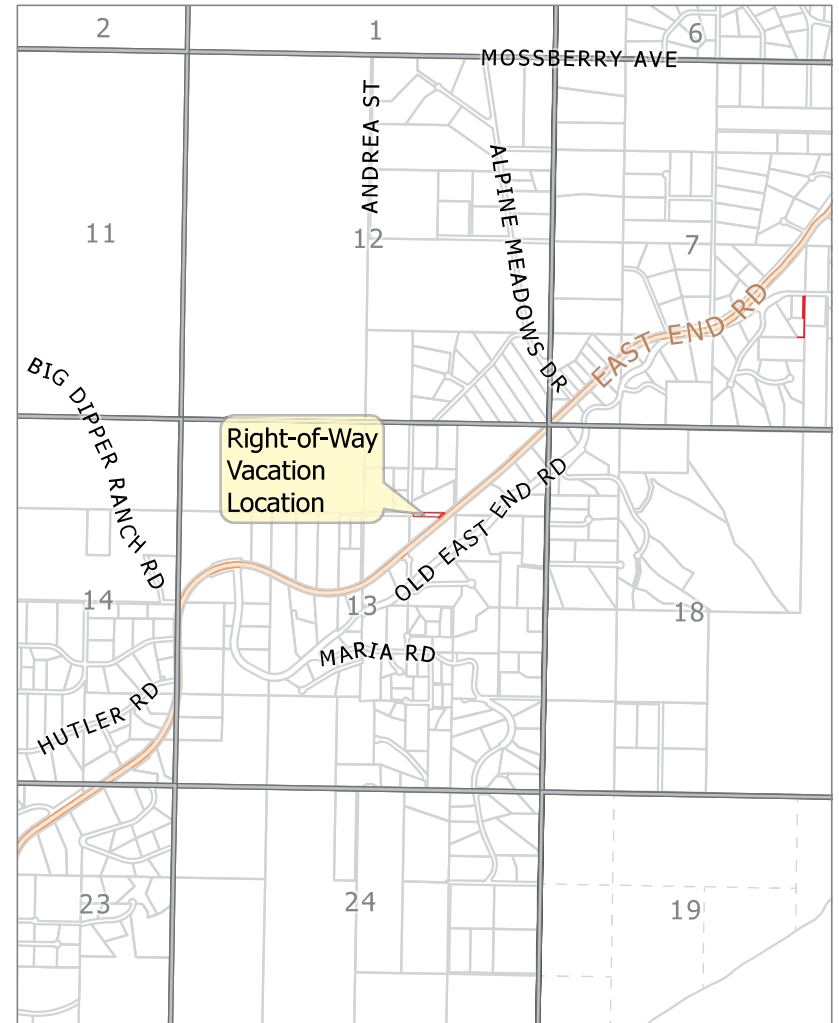
Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to planning@kpb.us, or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM, Friday, June 5, 2026**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

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

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

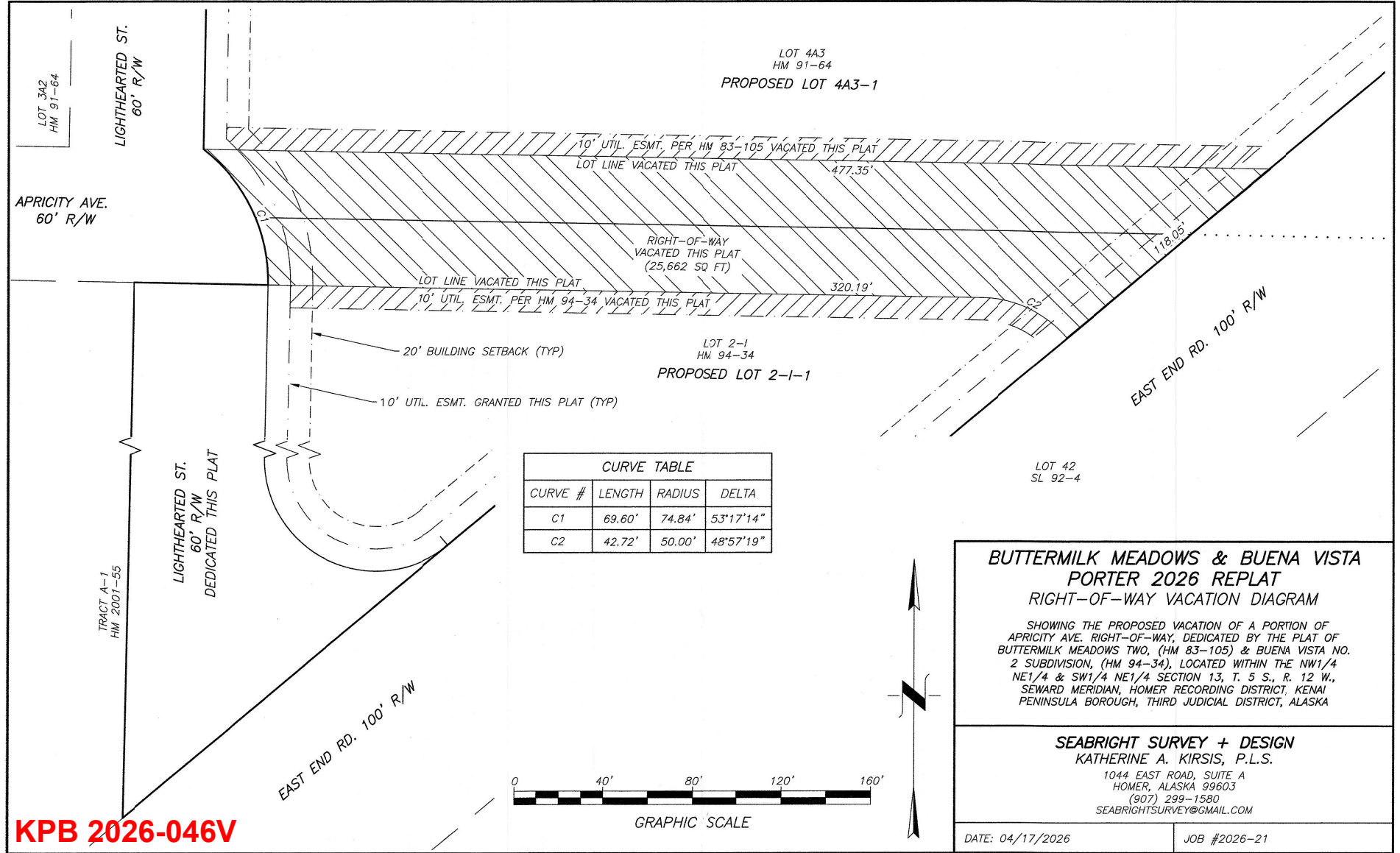
For additional information contact Sandee Simons (ssimons@kpb.us) or Beverly Carpenter (BCarpenter@kpb.us), Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough) or email planning@kpb.us.

Mailed 5/19/2026



KPB File 2026-046V
T 05S R 12W SEC 13
Fritz Creek

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



**BUTTERMILK MEADOWS & BUENA VISTA
PORTER 2026 REPLAT
RIGHT-OF-WAY VACATION DIAGRAM**

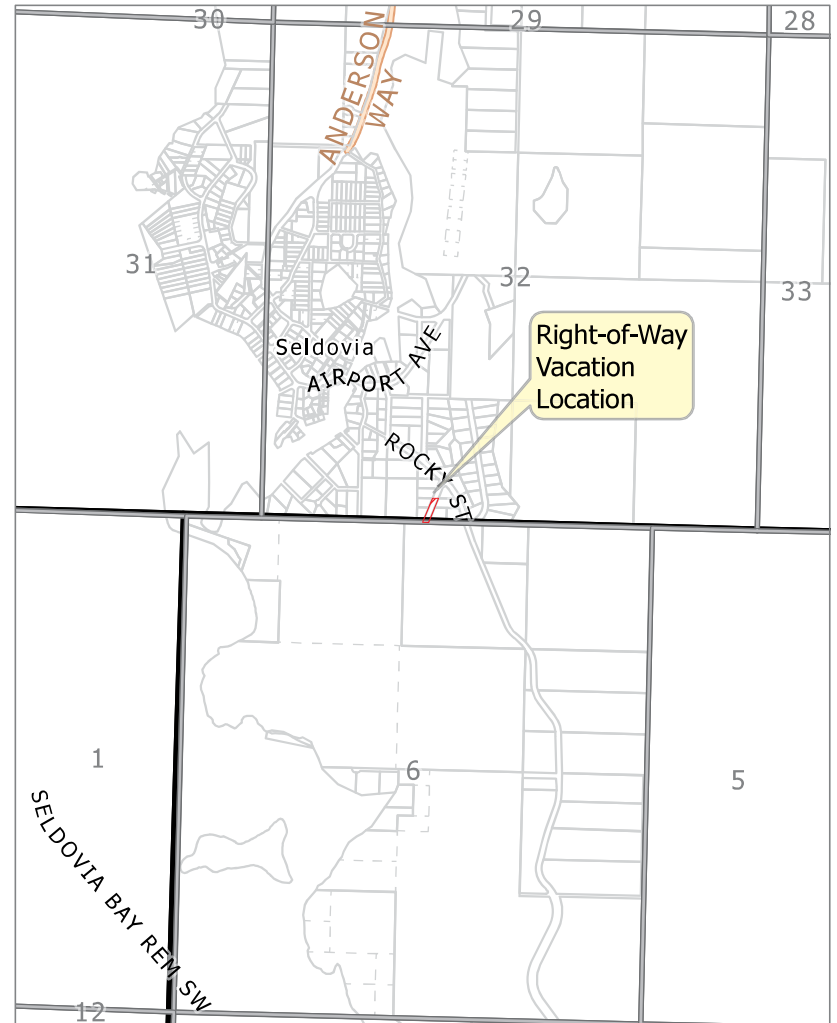
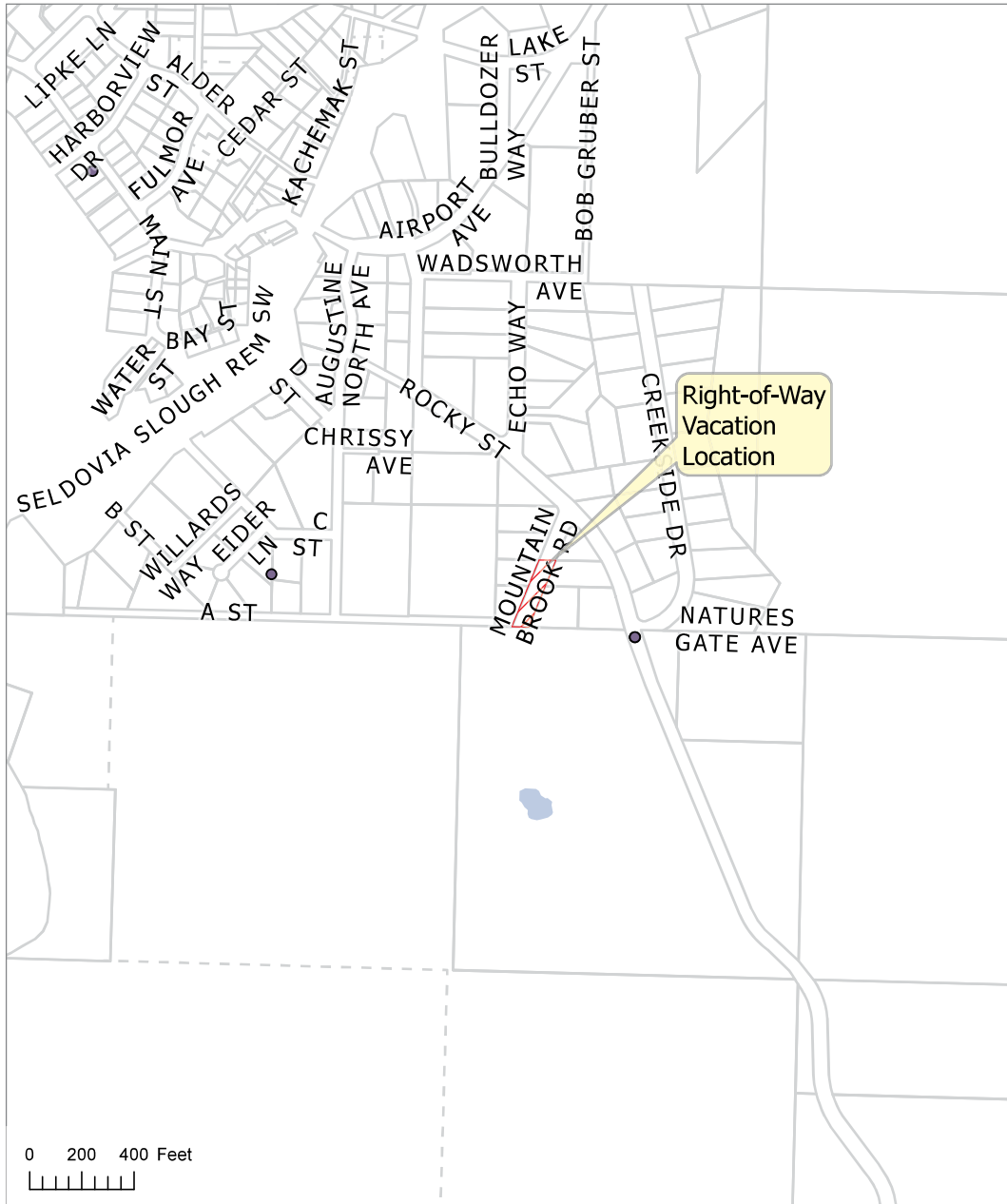
SHOWING THE PROPOSED VACATION OF A PORTION OF APRICITY AVE. RIGHT-OF-WAY, DEDICATED BY THE PLAT OF BUTTERMILK MEADOWS TWO, (HM 83-105) & BUENA VISTA NO. 2 SUBDIVISION, (HM 94-34), LOCATED WITHIN THE NW1/4 NE1/4 & SW1/4 NE1/4 SECTION 13, T. 5 S., R. 12 W., SEWARD MERIDIAN, HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

**SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRSIS, P.L.S.**
1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580
SEABRIGHTSURVEY@GMAIL.COM

DATE: 04/17/2026 JOB #2026-21

E. NEW BUSINESS

- 4. Right-Of-Way Vacation; KPB File 2026-038V
Seabright Survey & Design / Hopkins, Hedgecoth
Request: Vacates a 16,857 sq ft portion of the 60' wide Mountain
Brook Road ROW & associated utility easements abutting Lots 43-
45, Lot 47, Mountain Brook Heights, Plat SL 92-004 and Deed
Parcel (BK 23 PG 985)
Seldovia Area**



KPB File 2026-038V
T08S R14W SEC32 & T09S R14W SEC06
Remote



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

**MOUNTAIN BROOK HEIGHTS
HOPKINS 2026 REPLAT
RIGHT-OF-WAY VACATION DIAGRAM**

A SUBDIVISION OF LOTS 43, 44, 45, 46, 47, AND 48, MOUNTAIN BROOK HEIGHTS SUBDIVISION, AMENDED (SL 92-4), LOCATED IN THE SE1/4 SW1/4 SEC. 32 T. 8 S., R. 14 W., & THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NW1/4 NE1/4), EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE KPB BY WARRANTY DEED RECORDED JULY 14, 1980 IN BK 23 PG 985, LOCATED IN THE NW1/4 NE1/4, SEC. 6 T. 9 S., R. 14 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA

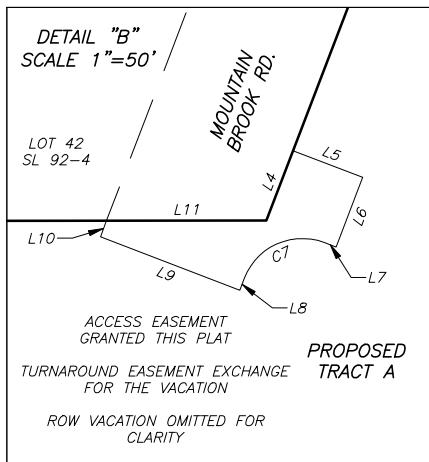
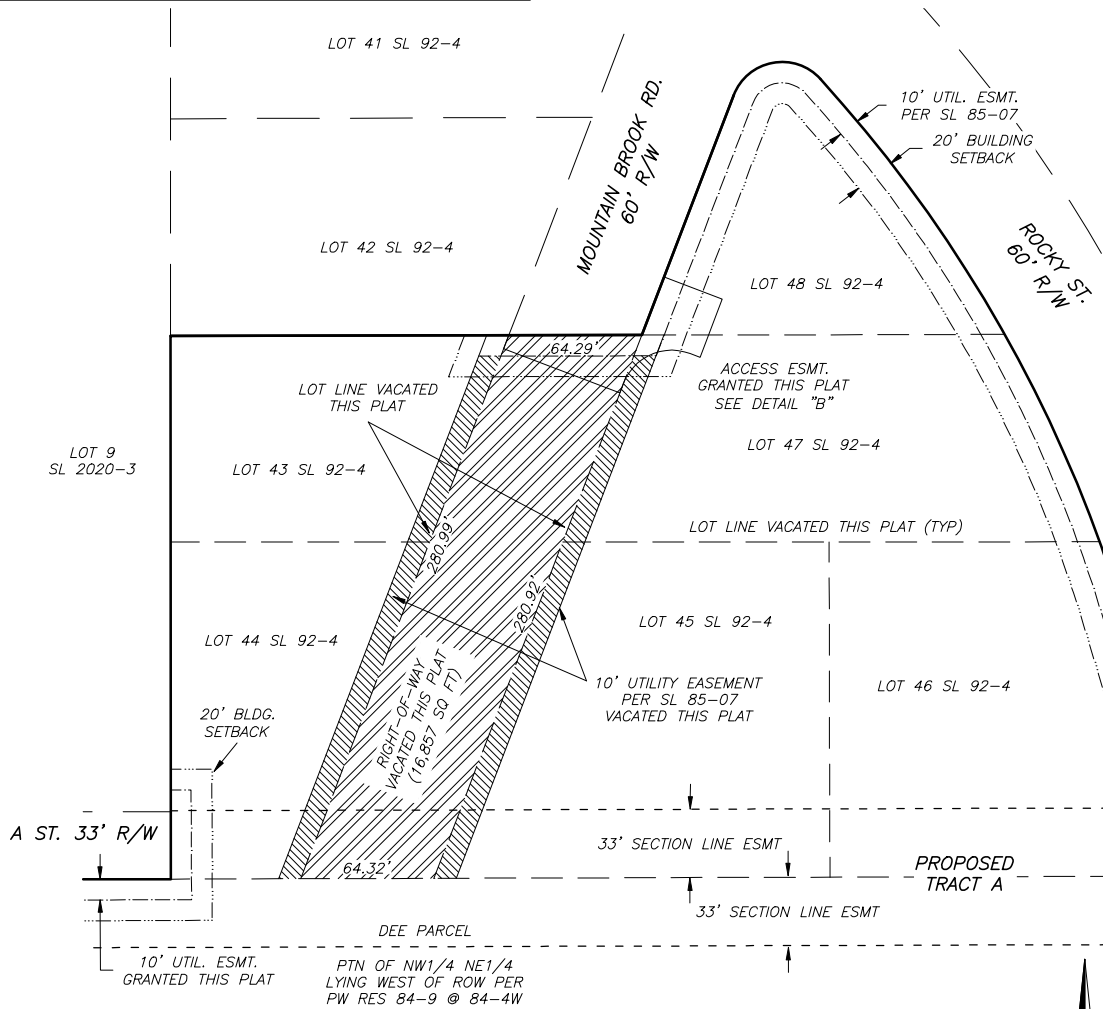
SEABRIGHT SURVEY + DESIGN

KATHERINE A. KIRSIS, P.L.S.

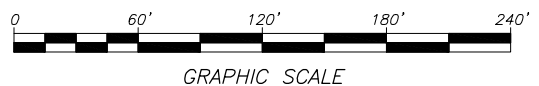
1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580
SEABRIGHTSURVEY@GMAIL.COM

DATE: 4/17/2026

JOB #2025-97

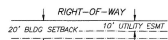


LINE #	LENGTH	BEARING
L4	30.00'	S20°56'32"W
L5	30.00'	N69°03'28"W
L6	30.00'	N20°56'32"E
L7	5.00'	S69°03'28"E
L8	5.00'	N20°56'32"E
L9	60.00'	S69°03'28"E
L10	6.91'	S20°56'32"W
L11	64.29'	S89°53'45"W



LINE #	LENGTH	BEARING
L1	5.22'	N89°49'56"E
L2	3.08'	S0°55'30"W
L3	3.86'	S89°54'37"W
L4	30.00'	S20°56'32"W
L5	30.00'	N20°56'32"E
L6	5.00'	S89°54'37"W
L7	5.00'	N20°56'32"E
L8	60.00'	S89°54'37"W
L9	6.91'	S20°56'32"W
L10	64.29'	S89°54'37"W
L11	123.97'	N20°56'32"E

R/W TYPICAL DETAIL



CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C1	50.95'	25.00'	116°48'08"	N78°18'00"E	42.57'
C2	298.84'	670.00'	29°33'20"	S29°33'43"E	296.44'
C3	178.68'	325.00'	31°30'00"	S39°22'00"E	176.44'
C4	250.25'	275.00'	52°08'01"	S28°55'34"E	241.74'

- NOTES**
- A setback of 20' is required from all street right-of-ways unless a lesser standard is approved by resolution of the planning commission. The right-of-way adjacent to rights-of-way is a utility easement granted this plat. No permanent structures shall be constructed on placed within a utility easement which would interfere with the ability of a utility to use said easement.
 - PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.
 - ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (RMP 14.06).
 - THE EXISTING OVERHEAD POWERLINE IS THE CENTERLINE OF A 30' WIDE ELECTRICAL EASEMENT, INCLUDING GUS AND ANCHORS, GRANTED THIS PLAT.
 - THERE IS A 20' EASEMENT CENTERED ALONG ALL EXISTING POWERLINES PER SL92-04.
 - SUBJECT TO A RIGHT OF WAY EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. AND ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST; TO CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC TRANSMISSION AND/OR TELEPHONE DISTRIBUTION LINE OR SYSTEM BY INSTRUMENT RECORDED SEPTEMBER 06, 1997 IN BOOK 35 PAGE 971, SELDOVIA RECORDING DISTRICT, WITH NO DEFINITE LOCATION.
 - FORMER LOTS 43-48 MUST BE CONNECTED TO AND SERVED BY A COMMUNITY WASTEWATER SYSTEM APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PER SL92-04.
 - THERE IS A 20' EASEMENT CENTERED ALONG ALL EXISTING POWERLINES PER SL92-04.
 - SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF GOVERNMENTAL BODIES IN AND TO THAT PORTION OF THE PREMISES HEREIN DESCRIBED LYING BELOW THE HIGH WATER MARK OF UNIMMEDIATE WATER.
 - SUBJECT TO ANY PROHIBITION OR LIMITATION ON THE USE, OCCUPANCY OR IMPROVEMENTS OF THE LAND RESULTING FROM THE RIGHT OF THE PUBLIC OR HUMAN OWNERS TO USE ANY WATERS WHICH MAY COVER THE LAND OR TO USE ANY PORTION OF THE LAND WHICH IS NOW OR MAY FORMERLY HAVE BEEN COVERED BY WATER.
 - SUBJECT TO THE RIGHTS OF THE PUBLIC AND/OR GOVERNMENTAL AGENCIES IN AND TO ANY PORTION OF THE ABOVE DESCRIBED REAL PROPERTY LYING WITHIN ANY WATERS IN PUBLIC DOMAINS AND THE CENTERLINE OF ROAD 32 SOUTH OF THE SECTION LINE WAS UNDESIGNED AS CONTAINED ON WARRANTY DEED PER BOOK 23 PAGE 885 RECORDED JULY 14, 1980, SELDOVIA RECORDING DISTRICT, AND NOTATED TO THE BASIS OF BEARING AND FOUND MONUMENTS.
 - SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "CLASSIFICATION OF PRIOR-EXISTING USE MATERIAL SITE" RECORDED JUNE 26, 2023 BY DOCUMENT SERIAL NUMBER 2023-00066-0, SELDOVIA RECORDING DISTRICT.
 - FLOOD HAZARD NOTICE: THIS SUBDIVISION IS NOT IN A FEMA FLOOD HAZARD AREA.

GPS CONTROL DATA

HORIZONTAL CONTROL - SELDOVIA LOCAL COORDINATE SYSTEM (2019), NAD83(2011) COORDINATES ARE ON A LOCAL COORDINATE SYSTEM "SELDOVIA LOCAL COORDINATE SYSTEM (2019)", NAD83(2011) IN U.S. SURVEY FEET.

2. THE BASIS OF COORDINATES FOR THIS SURVEY IS A P.K. NAIL SET IN AN 18 CMP DESIGNATED "SELDOVIA AIRPORT PK" THE NAD83(2011) COORDINATES ARE BASED ON AN INS OPUS SOLUTION (EPOCH 2010.0000) DERIVED FROM A 4-HOUR STATIC GNSS SESSION PERFORMED ON 10/01/2019 FOR "SELDOVIA AIRPORT PK". THE COORDINATES WERE CONTAINED TO THE NATIONAL SPATIAL REFERENCE SYSTEM USING THE CORE REFERENCE STATION: NEW KEMO (N2021). ACCESS CHARACTERISTICS: CORE APP (PD 049456), AND A043 SEAL_R0002007 CORE APP (PD 049456).

3. ALL BEARINGS SHOWN WERE COMPUTED BY APPLYING A COUNTERCLOCKWISE ROTATION OF "279°58" TO THE NAD83 ALASKA STATE PLAIN ZONE 4 (SP) BEARINGS USING "SELDOVIA AIRPORT PK" AS A ROTATION POINT. ALL GROUND DISTANCES WERE COMPUTED BY APPLYING A SCALE FACTOR OF 1.00001151, EXTRACTED FROM THE 2019 OPUS SOLUTION REPORT AT "SELDOVIA AIRPORT PK".

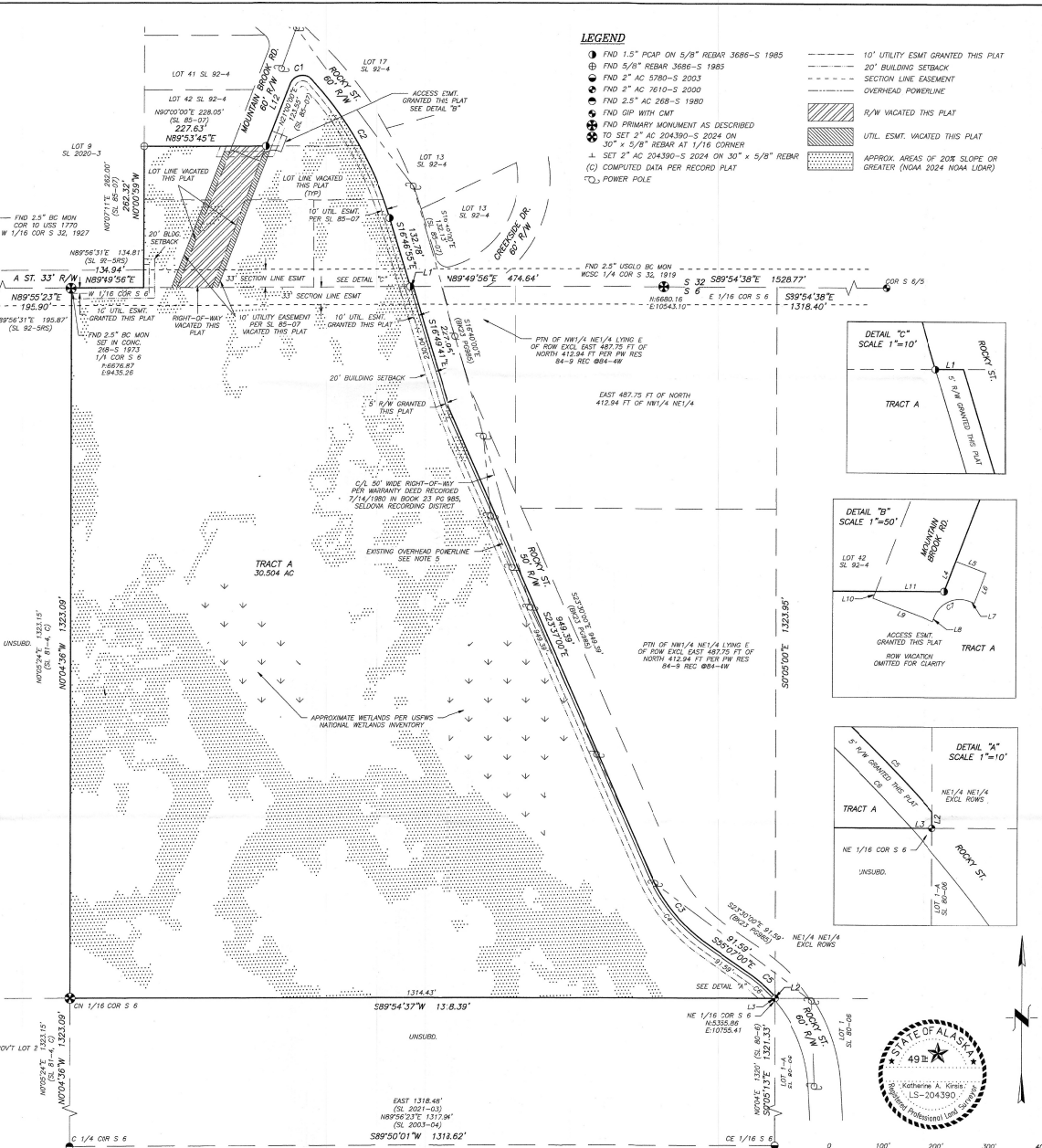
4. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON "SELDOVIA AIRPORT PK" IN 10,000 1/10,000 ALL COORDINATE VALUES REPRESENT GROUND DISTANCES IN US FEET ORIENTED TO TRUE NORTH.

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 DEICATED BY THIS PLAT IDENTIFIED AS FOLLOWS: ROCKY ST. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE OR MAINTAIN IMPROVEMENTS.

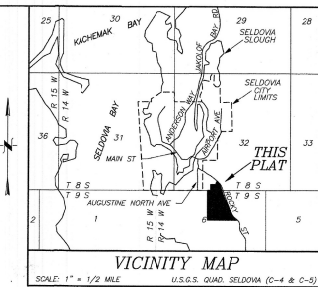
AUTHORIZED OFFICIAL: _____ DATE: _____
KENAI PENINSULA BOROUGH

KPB 2026-038



- LEGEND**
- 1. FIND 1.5" PCAP ON 5/8" REBAR 3686-S 1985
 - 2. FIND 5/8" REBAR 3686-S 1985
 - 3. FIND 2" AC 7610-S 2003
 - 4. FIND 2.5" AC 288-S 1980
 - 5. FIND GIP WITH CMT
 - 6. FIND PRIMARY MONUMENT AS DESCRIBED
 - 7. TO SET 2" AC 204390-S 2024 ON 30" x 5/8" REBAR AT 1/16 CORNER
 - 8. SET 2" AC 204390-S 2024 ON 30" x 5/8" REBAR
 - 9. COMPUTED DATA PER RECORD PLAT
 - 10. POWER POLE

- 10' UTILITY ESMT GRANTED THIS PLAT
- 20' BUILDING SETBACK
- SECTION LINE EASEMENT
- OVERHEAD POWERLINE
- R/W VACATED THIS PLAT
- UTIL. ESMT. VACATED THIS PLAT
- APPROX. AREAS OF 20% SLOPE OR GREATER (NOAA 2024 NOAA LIDAR)



CERTIFICATE OF OWNERSHIP & DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT WE HEREBY ADOP THIS PLAN OF SUBDIVISION, AND BY GIP FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

JAMES O. HOPKINS, OWNER ALL LOTS
AKA JAMES HOPKINS
P.O. BOX K
SELDOVIA, AK 99663

LINDA J. HEDGECOTH, OWNER PTN NW1/4 NE1/4
P.O. BOX K
SELDOVIA, AK 99663

NOTARY'S ACKNOWLEDGMENT

FOR: JAMES O. HOPKINS, AKA JAMES HOPKINS
ACKNOWLEDGED BEFORE ME THIS
DAY OF _____, 2026.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGMENT

FOR: LINDA J. HEDGECOTH
ACKNOWLEDGED BEFORE ME THIS
DAY OF _____, 2026.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

WASTEWATER DISPOSAL

LOTS WHICH ARE AT LEAST 20,000 SQUARE FEET IN SIZE MAY NOT BE SUBJECT TO ON-SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF CONSERVATION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MM/00/YYYY.

BY: _____ AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH DATE _____

SELDOVIA RECORDING DISTRICT R/W FILE NO. 2026-006

**MOUNTAIN BROOK HEIGHTS
HOPKINS 2026 REPLAT**

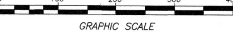
A SUBDIVISION OF LOTS 43, 44, 45, 46, 47, AND 48, MOUNTAIN BROOK HEIGHTS SUBDIVISION, AMENDED (SL 92-4), LOCATED IN THE SE1/4 SW1/4 SEC. 32, T. 9 S., R. 14 W., & THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NW1/4 NE1/4), EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE KPB BY WARRANTY DEED RECORDED JULY 14, 1980 IN BK 23 PG 885, LOCATED IN THE NW1/4 NE1/4, T. 9 S., R. 14 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA

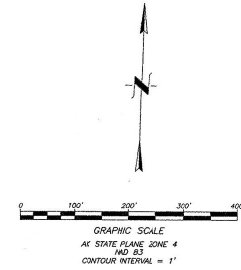
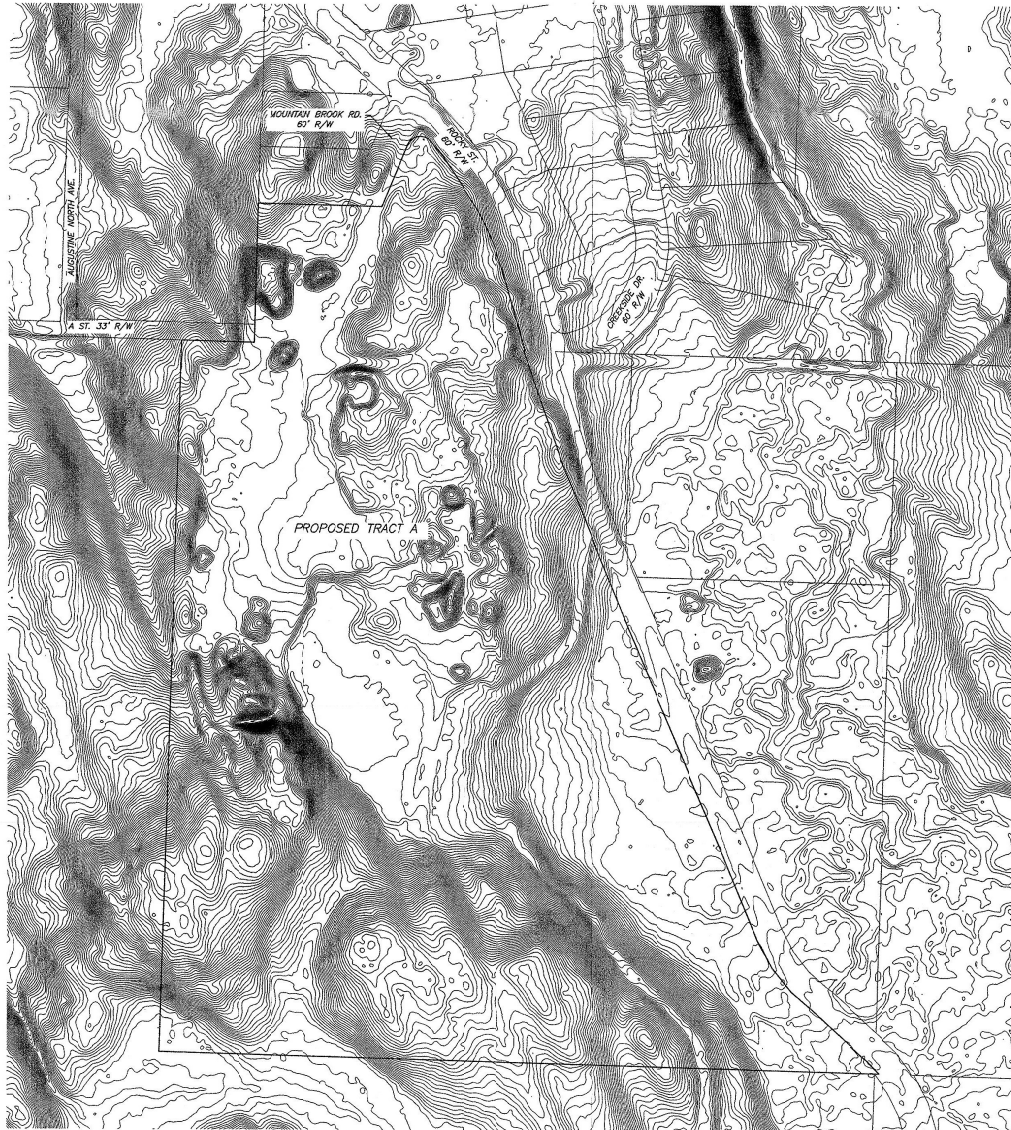
CONTAINING 30,504 ACRES

SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRSIS, P.L.S.
1044 EAST END ROAD, SUITE A
HOMER, ALASKA 99603
(907) 209-1880
SEABRIGHTSURVEY@GMAIL.COM

CLIENTS: JAMES O. HOPKINS, AKA JAMES HOPKINS LINDA J. HEDGECOTH
P.O. BOX K SELDOVIA, AK 99663

DRAWN BY: B1 CHKD BY: KB JOB #2025-97
DATE: 04/2021 SCALE: 1"=100' SHEET #1 OF 1





NOTES

1. THIS MAP SHOWS THE CONTOUR DATA DERIVED FROM THE 2024 NOAA LIDAR AK COSTAL COMMUNITIES (KACHEMAK BAY) ACQUIRED FROM NOAA DATA ACCESS VIEWER, 11/20/2025.
2. THE CONTOURS SHOW STEEP SLOPES ALONG THE WEST AND SOUTH BOUNDARY OF THE PROPOSED REPLAT WOULD BE UNSUITABLE FOR CONSTRUCTION.

MOUNTAIN BROOK HEIGHTS
HOPKINS 2026 REPLAT
CONTOUR MAP

SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRSIS, P.L.S.
1044 EAST END ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580

CLIENTS: JAMES D. HOPKINS, AKA, JAMES HOPKINS LINDA J. HEDGECOTH
P.O. BOX 4 SELDOWA, AK 99661 P.O. BOX 4 SELDOWA, AK 99663

DRAWN BY: BT	CHKD BY: KB	JOB #: 2025-07
DATE: 12/2025	SCALE: 1"=100'	SHEET #1 OF 1

AGENDA ITEM E. NEW BUSINESS

ITEM #4 - RIGHT OF WAY VACATION

VACATES AN APPROXIMATELY 16,857 SQUARE FOOT PORTION OF MOUNTAIN BROOK ROAD, INCLUDING ASSOCIATED UTILITY EASEMENTS, ADJACENT TO LOTS 43-45, LOT 47, AS DEDICATED BY MOUNTAIN BROOK HEIGHTS (SL 85-7) AND AMENDED BY (SL 92-4)

KPB File No.	2026-038V
Planning Commission Meeting:	June 8, 2026
Applicant / Owner:	James O. Hopkins and Linda J. Hedgecoth of Seldovia, Alaska
Surveyor:	Katherine A. Kirsis; Seabright Survey + Design
General Location:	Remote, Seldovia
Legal Description:	Mountain Brook Road 191-130-65: T 9S R 14W SEC 6 Seward Meridian SL PTN OF NW1/4 NE1/4 LYING WEST OF ROW PER PW RES 84-9 REC @84-4W 191-123-43; 191-123-44; 191-123-45; 191-123-47; 191-123-48: T 8S R 14W SEC 32 Seward Meridian SL 0920004 MOUNTAIN BROOK HEIGHTS SUB AMENDED LOT 43; 44; 45; 47; 48

STAFF REPORT

Specific Request / Purpose as stated in the petition:

Request to vacate a portion of Mountain Brook Road, including associated utility easements.

Notification: The public hearing notice was published in the June 5th issue of the Peninsula Clarion and the June 4th issue of the Homer News as part of the Commission’s tentative agenda.

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

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

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

- | | |
|--|------------------------------------|
| State of Alaska Dept. of Fish and Game | Alaska Communication Systems (ACS) |
| State of Alaska DNR | ENSTAR Natural Gas |
| State of Alaska DOT | General Communications Inc, (GCI) |
| State of Alaska DNR Forestry | Homer Electric Association (HEA) |
| Western Emergency Services Area | |

Legal Access (existing and proposed):

Legal access to the subject area is provided by Rocky Street, Mountain Brook Road, and A Street.

Mountain Brook Road is a 60-foot right-of-way that connects to Rocky Street to the north. Available imagery indicates that only a portion of the right-of-way has been constructed. The southern approximately 16,857 square feet of Mountain Brook Road is proposed for vacation as depicted on the submitted diagram. This portion currently provides access to five parcels.

Rocky Street is a borough-maintained right-of-way located to the east, varying in width from 60 feet at the north to 50 feet at the south.

A Street is currently a 33-foot platted right-of-way located to the west.

A 66-foot section line easement is located to the south. The southernmost portion of Mountain Brook Road lies within the top 33 feet of the section line easement. Vacation of the right-of-way does not vacate any portion of the section line easement.

The block is loosely defined by Rocky Street, Mountain Brook Road and A Street. The large parcels to the south are unsubdivided and privately owned, with no dedicated rights-of-way, resulting in an open southern portion of the block. A material site is located on the unsubdivided parcel directly to the south.

A turn-around access easement is proposed to be granted by the plat at the northern end of the vacation area, as shown on the submitted diagram. **Staff recommends** the easement be labeled as a “public access easement” and included in the owner’s certification of dedication on the associated plat in accordance with KPB 20.60.160.

The design of the turn-around easement must meet KPB 20.30.100. and will require review and recommendation by EMS and KPB Road Service Area Board prior to Planning Commission review of the plat. **Staff recommends** the surveyor obtain these comments prior to submitting the Preliminary plat so to accommodate any suggestions to design.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	

Site Investigation:

According to available data, Lots 43, 45 and 47 (SL 94-4) are vacant. Lot 44 has a gravel parking area on it according to KPB GIS data. The 27-acre parcel directly to the south contains a commercial material site occupying most of the parcel except for its southern third approximately.

A contours exhibit submitted with the application shows steep topography throughout the subject area, with slopes exceeding 20% shown. These steep areas are shown on the proposed preliminary plat.

The subject area is not located within a flood hazard area or a habitat protection district.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No designated flood zone. No concerns with road vacation. No depictions or notes requested.</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p>
-------------------------	---

Staff Analysis:

The land was originally subdivided in 1985 by the Mountain Brook Heights plat (SL 85-7), creating Lots 43 through 47. In 1992, an amendment was filed to correct the placement of notes and labels filed as SL 92-4. Also in 1992, a Record of Survey (SL 92-5RS) was filed which included Lots 43-47. The southern parcel adjoining the right-of-way was created by KPB PC Plat Waiver Resolution 84-9 (SL 84-4W).

The Mountain Brook Heights Hopkins 2026 Replat is the associated plat that will finalize the right-of-way vacation, including the associated utility easements. This plat proposes to combine Lots 43-48 (SL 92-4) and the plat-waiver parcel to the south (PC 84-9) into one large parcel. **Staff recommends** that future subdivision of this parcel will include right-of-way dedication.

The parent plat (SL 85-7) granted a 10-foot utility easement along all rights-of-way. The 10-foot utility easement adjacent to the right-of-way vacation area is also petitioned for vacation, as shown on the submitted diagram.

HEA has indicated that an underground primary electric line is located within the proposed vacation area and requests that a utility easement be granted on the associated plat. **Staff recommends** the applicant comply with HEA's request. ACS commented that they have '*no objection to the vacation with the assumption that pre-existing facilities will not be affected*'. **Staff recommends** the surveyor get in contact with ACS to verify the location of any facilities in the area are safe and within a satisfactory easement.

The parcel abutting to the south is an active material site. Finalization of any subdivision action will require the applicant to obtain a Conditional Land Use Permit (CLUP) if continuation of the material site is intended. **Staff recommends** the applicant contact the KPB River Center LOZMS Planner, Ryan Raidmae, for additional information.

20.65.050 – Action on vacation application

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

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

Applicant comments: Mountain Brook Road, practically speaking, is utilized as a shared private driveway that provides access to the Kenley's (Lots 41 and 42), and to Hopkin's shop property/material site.

Staff comments: Available imagery indicate that only a portion of Mountain Brook Road has been constructed. The southern 16,857-square-foot segment proposed for vacation currently provides access to five parcels, including access to the adjoining material site.

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

Applicant comments: There is no alternative access proposed, as Rocky Street is fully constructed and provides legal and physical access from north to south. A turnaround easement is being proposed in lieu of a cul-de-sac dedication. As dimensioned, the easement would provide "Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access" as allowed by the code.

Staff comments: Rocky Street is a borough-maintained right-of-way that provides legal and physical access to the parcels on the east boundary. A 66-foot section line easement is located to the south. A Street is currently a 33-foot platted right-of-way located to the southwest.

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

Applicant comments: The larger parcel included in this replat is a material extraction and stockpiling site.

Staff comments: The surrounding area is not fully developed. Lots 43-47 are vacant, and the large parcel to the south is an active material site with no dedicated rights-of-way. While Rocky Street provides constructed access, Mountain Brook Road is only partially developed. An underground primary electric line identified by HEA exists within the right-of-way.

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

Applicant comments:

Staff comments: The right-of-way does not provide access to a lake, river, or other public-interest natural feature. No public access to waterbodies or recreational areas is affected by the proposed vacation.

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

Applicant comments: Mountain Brook Road, practically speaking, is utilized as a shared private driveway that provides access to the Kenley's (Lots 41 and 42), and to Hopkin's shop property/material site. The right-of-way vacation will not affect access to adjacent properties, as Kenley and Hopkins will still have direct access from the shortened right-of-way.

Staff comments: The parcels to the south are unsubdivided and privately owned, with no dedicated rights-of-way. The steep terrain and existing material site operations further limit the feasibility of future interconnectivity. Future subdivision of the proposed large-acreage parcel will require right-of-way dedication.

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

Applicant comments:

Staff comments: No additional forms of public access are associated with the right-of-way. The area serves primarily as vehicular access to adjacent parcels.

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

Applicant comments:

Staff comments: The parent plat granted a 10-foot utility easement along all rights-of-way, and the adjacent utility easement is petitioned for vacation. HEA has identified an underground primary electric line within the vacation area and requests a utility easement to be granted.

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

Applicant comments: The larger parcel included in this replat is a material extraction and stockpiling site. There are explosives stored and utilized for rock extraction on site, which constitutes a safety hazard to the general public. It is in the owner's interest to vacate this portion of the Mountain Brook Road right-of-way to maintain safe operations and necessary expansion of the materials extraction site.

Staff comments: The southern parcel is an active material site. Finalization of the replat will require the owner to obtain a Conditional Land Use Permit (CLUP) if material extraction is to continue. Future subdivision of the combined parcels will require right-of-way dedication.

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

The Assembly will hear the vacation at their scheduled June 16th or July 7th 2026 meeting.

If approved, Mountain Brook Heights Hopkins 2026 Replat will finalize the proposed right of way vacations.

KPB department / agency review:

Addressing	<p>Reviewer: Pace, Rhealyn Affected Addresses: 102 Mountain Brook Rd</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: Mountain Brook Rd, Rocky St</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: No comment</p>
Code Compliance	Vacant
LOZMS Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Prior Existing Use PEU Recognized Date: 1/10/2001 Material Site Comments: According to KPB 21.25.130, Prior-Existing Uses, it states, "Where a parcel subject to a pre-existing use is further subdivided after May 21, 1996, the use may not be expanded beyond the boundaries of the lots, tracks, or parcels it occupies on February 16, 1999, to new parcels created by the subdivision." Per KPB Code, after subdividing, only the parent parcel, which is legally described as T 9S R 14W SEC 6 SEWARD MERIDIAN SL PTN OF NW1/4 NE1/4 LYING WEST OF ROW PER PW RES 84-9 REC @84-4W, will retain the Prior Existing Use designation. All other parcels created by the subdivision must obtain a Conditional Land Use Permit if the parcel is intended for further material site operations.</p> <p>Furthermore, according to KPB 21.29.120(E), Prior-existing uses, it states, "PEU provisions are not applicable for Type IV Endorsement sites."</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

Utility provider review:

HEA	See comment
ENSTAR	
ACS	No objections with the assumption that pre-existing facilities will not be affected.
GCI	

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

RECOMMENDATION:

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

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

KPB 20.65.050 – Action on vacation application

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

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

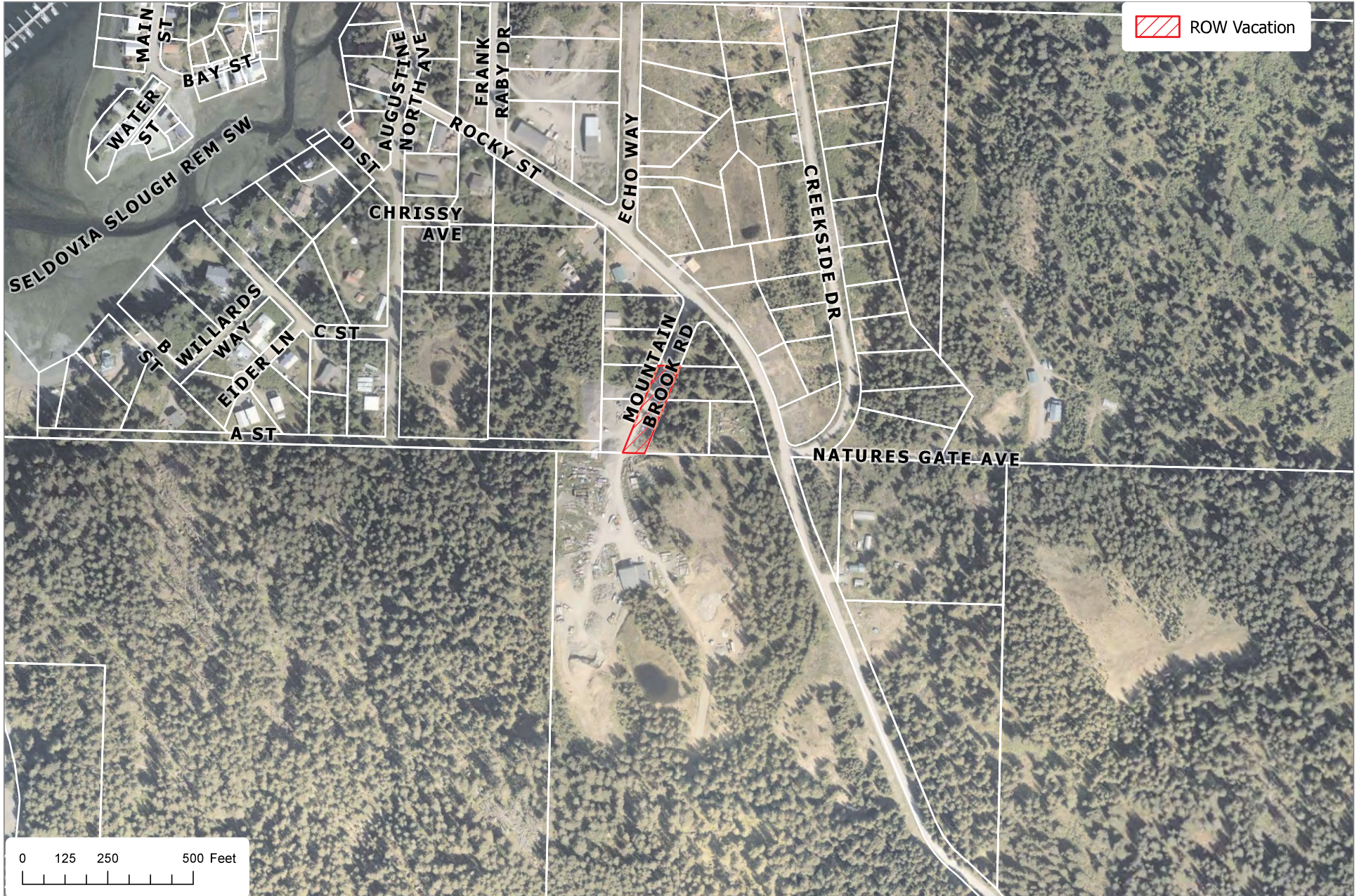
Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

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

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

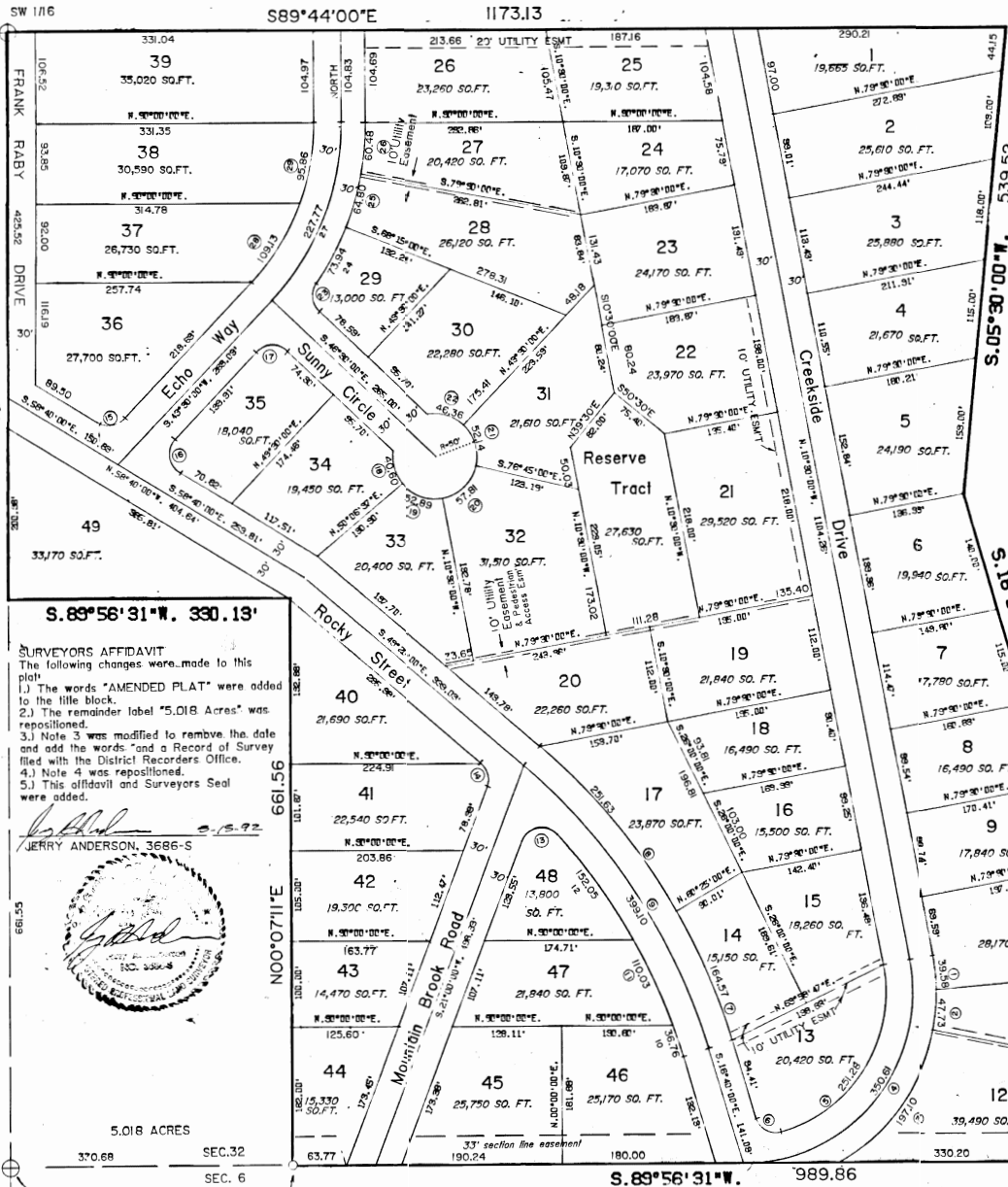
- *Focus Area: Transportation*
 - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*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

END OF STAFF REPORT



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

FOUND COR #9
USS #1770
B.C. MONUMENT, 1937
SW 1/16



CURVE DATA

NO.	DELTA	RADIUS	LENGTH
(1)	09°51'32"	230.00	39.58
(2)	11°53'28"	230.00	47.73
(3)	49°03'00"	230.00	197.10
(4)	100°26'31"	200.00	350.81
(5)	84°41'22"	170.00	281.78
(6)	89°08'38"	25.00	38.90
(7)	12°58'00"	730.00	164.62
(8)	19°45'36"	730.00	211.80
(9)	32°40'00"	700.00	389.10
(10)	03°09'36"	670.00	110.03
(11)	09°24'34"	670.00	122.05
(12)	13°00'11"	670.00	133.95
(13)	18°46'37"	670.00	147.81
(14)	20°20'00"	670.00	152.05
(15)	27°50'01"	670.00	168.79
(16)	102°09'59"	25.00	33.96
(17)	80°00'00"	25.00	39.27
(18)	46°31'12"	50.00	40.60
(19)	60°36'37"	50.00	42.89
(20)	66°15'00"	50.00	47.81
(21)	59°45'00"	50.00	52.14
(22)	53°07'48"	50.00	56.38
(23)	81°05'15"	25.00	35.38
(24)	12°50'14"	330.00	73.94
(25)	11°15'00"	330.00	64.79
(26)	10°30'00"	330.00	60.47

ENVIRONMENTAL NOTES
All lots must be connected to and served by a Community wastewater system approved by the Alaska Department of Environmental Conservation.

Lots 36, 37, 38, 43, 49 are reserved for community sewage facilities until such time that a suitable alternate sewage treatment facility is provided.

no lots in this subdivision may be sold until served by a community wastewater treatment and collection system approved by the Department of Environmental Conservation
12' water and sewer line separation shall be maintained.

- NOTES:**
- All lots are subject to a 10' utility easement along all rights-of-way. And along all existing underground utilities, if any.
 - There is a 20' easement centered along all existing powerlines.
A setback of 20' is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate planning commission.
 - All lot corners will be marked by a 1/2" re-bar with an aluminum cap upon completion of utility construction and a Record of Survey filed with the District Recorders Office.
 - The property tax due on the reserve tract will be divided evenly between the lot owners.



92-4
FILED
Seldovia, ALASKA DIST.
DATE 6-15-92
TIME 1:35 P.M.
REGISTERED BY ABILITY SURVEYS
Address

85-7
FILED
SELDOVIA REC. DIST.
DATE 7-26-95
TIME 2:57 P.M.
REGISTERED BY KFB
Address

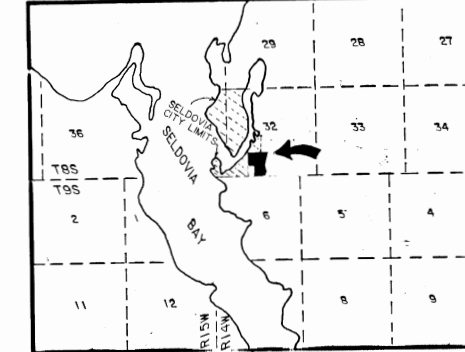
CERTIFICATE OF OWNERSHIP
I hereby certify that I am the owner of the property shown and described hereon. I hereby request approval of this plat showing such easements for public utilities and roadways dedicated by me for public use, or to the uses shown.
Sally Smith
BOX 155 SELDOVIA, ALASKA 99663

James A. Hopkins
Valerie Hopkins
Formerly Evelyn W. Hopkins
Evelyn Apperson
EVELYN APPERSON, R.O.
NOTARY'S ACKNOWLEDGMENT
Subscribed and sworn to before me this 24 day of July 1985
My Comm. No. 1388
My Comm. Expires 1990
NOTARY PUBLIC
STATE OF ALASKA
JERRY A. ANDERSON
R.L.S. No. 3686-S
DATE 7-23-85

SURVEYOR'S CERTIFICATE
I, the undersigned registered surveyor, hereby certify that a land survey has been completed by me or under my direct supervision and that corners and monuments have been located and established and that dimensions shown hereon are true and correct.

PLAT APPROVAL
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of July 22, 1985.
Kenai Peninsula Borough
By Richard O. Truog
Authorized Official

VICINITY MAP 1" = 1 MILE



DATE: MAY, 1984
SCALE: 1" = 100'
DRAWN BY: JAA
FLD. BK. NO.: 2 & 4
JOB NO.: 1626

MOUNTAIN BROOK HEIGHTS
AMENDED PLAT
Sited in the SE 1/4 SW 1/4, Sec. 32, T8S, R14W, Seward Meridian, Alaska.

Containing 31.787 Acres
ABILITY SURVEYS
JERRY ANDERSON, R.L.S. BOX 378 HOMER, ALASKA

SURVEYORS AFFIDAVIT
The following changes were made to this plat:
1.) The words "AMENDED PLAT" were added to the title block.
2.) The remainder label "5.018 Acres" was repositioned.
3.) Note 3 was modified to remove the date and add the words "and a Record of Survey filed with the District Recorders Office."
4.) Note 4 was repositioned.
5.) This affidavit and Surveyors Seal were added.

JERRY ANDERSON, 3686-S



W 1/16th FOUND B.C. MONUMENT C.R. #10, USS # 770, 1937
1/256th, SEC. 32 FOUND 1/2" I.P.

SPECIAL NOTE
Development and use of the portion of this subdivision within the Seldovia Watershed is subject to receipt of a permit from the City of Seldovia.

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
This subdivision has been reviewed in accordance with 18AAC72.065 and is approved subject to any noted restrictions.
Paul D. Hewitt, F.E.E.
SIGNATURE TITLE DATE 7-25-85

7-58-15-10-26-75
93

84-4W

KENAI PENINSULA BOROUGH
PLANNING COMMISSION

RESOLUTION 84-9

GRANTING A PLATTING EXCEPTION FOR LANDS COMING UNDER PROVISION OF AS 29.33.170A AND KPB 20.04.040B AS PETITIONED BY ROBERTSON & SONS.

WHEREAS, it has been determined that:

1. Each tract or parcel of land will have adequate access to a dedicated public highway or street by frontage upon a dedicated public highway or street;
2. Each parcel is 5 acres in size or larger and that the land is divided into 4 or fewer parcels;
3. The conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development;
4. No dedication of a street, alley, thoroughfare or other public area is involved or required by Chapter 20.20 of this title.

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

Section 1. That the following parcel has been granted a platting waiver.

The Northwest one-quarter of the Northeast one-quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 6, Township 9 South, Range 14 West, Seward Meridian, in the Seldovia Recording District, Third Judicial District, State of Alaska, EXCEPTING THEREFROM that portion deeded to the Kenai Peninsula Borough by deed recorded July 14, 1980 in Book 23 at Page 985, (50-foot road right-of-way), AND FURTHER EXCEPTING THEREFROM the Easterly 487.75 feet of the Northerly 412.94 feet of the Northwest one-quarter of the Northeast one-quarter.

Section 2. That this resolution is automatically void if not recorded in the proper recording district within 20 working days of adoption. \$10 fee to be submitted to Planning Department by October 1, 1984.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH THIS 12th DAY OF September, 1984.

Kevin S. Campbell

Planning Commission Chairman

ATTEST:

Teresa Neely

Secretary

84-4W

RECORDED - FILED	10-1-84
Seldovia	REC. DIST.
DATE	10-1-1984
TIME	9:06 A.M.
Requested by	Ability Surveys
Address	for KPB Seldovia

St 84-318

RECORDED - FILED	10-1-84
Seldovia	REC. DIST.
DATE	10-1-1984
TIME	9:06 A.M.
Requested by	Ability Surveys
Address	for KPB Seldovia

**MOUNTAIN BROOK HEIGHTS
HOPKINS 2026 REPLAT
RIGHT-OF-WAY VACATION DIAGRAM**

A SUBDIVISION OF LOTS 43, 44, 45, 46, 47, AND 48, MOUNTAIN BROOK HEIGHTS SUBDIVISION, AMENDED (SL 92-4), LOCATED IN THE SE1/4 SW1/4 SEC. 32 T. 8 S., R. 14 W., & THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NW1/4 NE1/4), EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE KPB BY WARRANTY DEED RECORDED JULY 14, 1980 IN BK 23 PG 985, LOCATED IN THE NW1/4 NE1/4, SEC. 6 T. 9 S., R. 14 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA

HEA REVIEWED - SEE COMMENTS

Scott Huff
Scott Huff 5/19/2026
Land Management Officer

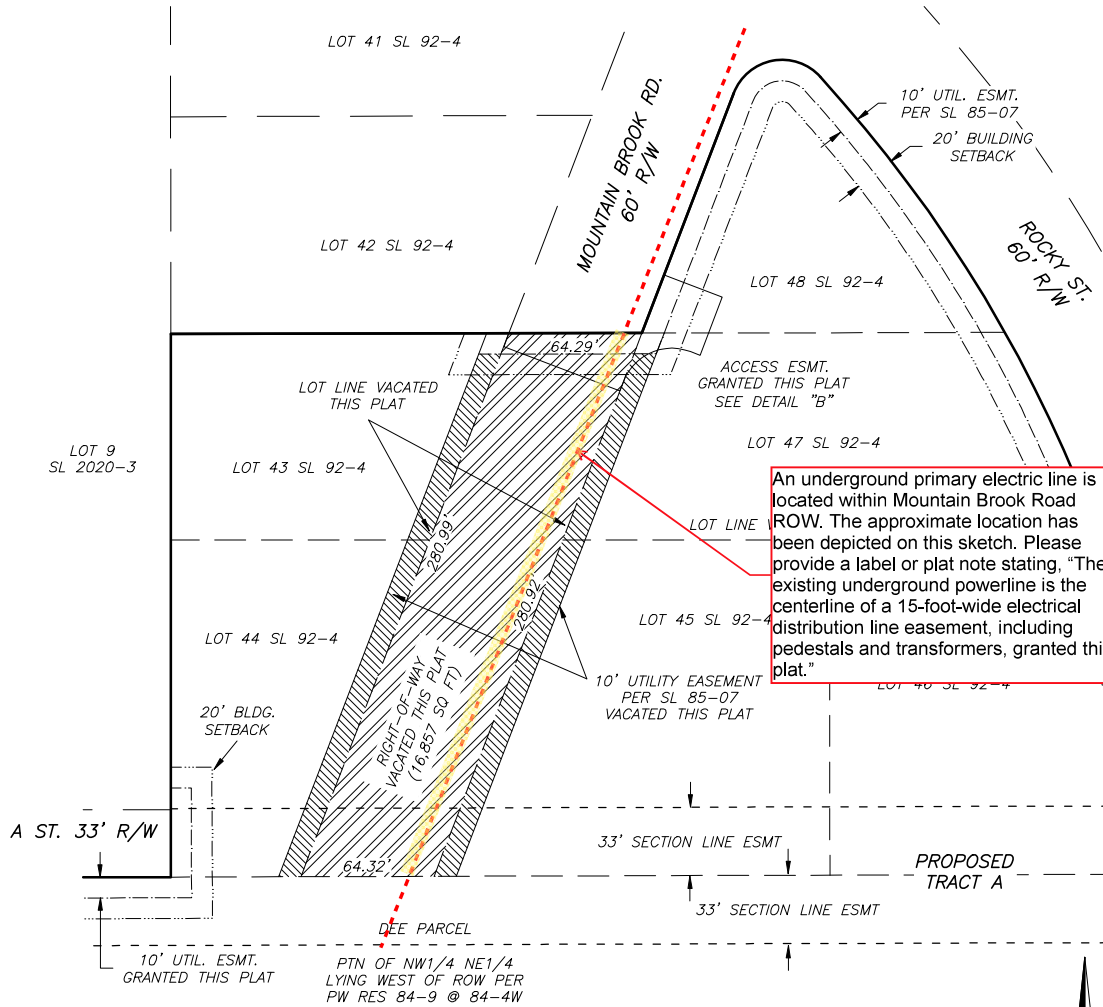
SEABRIGHT SURVEY + DESIGN

KATHERINE A. KIRSIS, P.L.S.

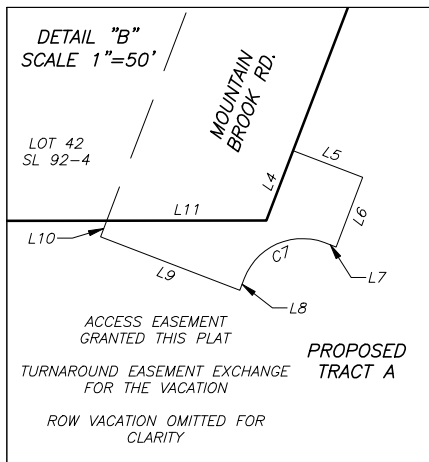
1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580
SEABRIGHTSURVEY@GMAIL.COM

DATE: 4/17/2026

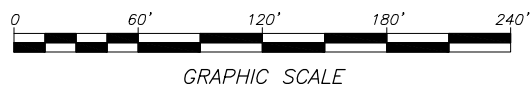
JOB #2025-97



An underground primary electric line is located within Mountain Brook Road ROW. The approximate location has been depicted on this sketch. Please provide a label or plat note stating, "The existing underground powerline is the centerline of a 15-foot-wide electrical distribution line easement, including pedestals and transformers, granted this plat."



LINE #	LENGTH	BEARING
L4	30.00'	S20°56'32"W
L5	30.00'	N69°03'28"W
L6	30.00'	N20°56'32"E
L7	5.00'	S69°03'28"E
L8	5.00'	N20°56'32"E
L9	60.00'	S69°03'28"E
L10	6.91'	S20°56'32"W
L11	64.29'	S89°53'45"W





May 26, 2026

Kenai Peninsula Borough
144 N. Binkley St.
Soldotna, AK 99669

SUBJECT: ROW VACATION REVIEW FOR June 8

Alaska Communications has reviewed the plats listed below and recommends the following:

Plat Prelim ROW Vacation Diagram KPB 2026-046V_Reduced
Alaska Communications has no objections.

Plat Prelim KPB 2026-038V 04172026_Reduced
Alaska Communications has no objections with the assumption that pre-existing facilities will not be affected.

Sincerely,

Andy Russell

Network Engineer I - OSP
Email: andrew.russell@acsalaska.com
Mobile: (907) 217-7477





KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition was received on 5/18/2026 to vacate a public right-of-way in the Remote area. Area under consideration is described as follows:

Request / Affected Property: Vacates a 16,857 sq ft portion of the 60' wide Mountain Brook Rd right-of-way and associated utility easements abutting Lots 43-45, Lot 47, and Deed Parcel (BK 23 PG 985)

KPB File No. 2026-038V.

Petitioner(s) / Land Owner(s): James O Hopkins and Linda J Hedgecoth of Seldovia, AK.

Purpose as stated in petition: Mountain Brook Rd, practically speaking, is utilized as a shared private driveway that provides access to the Kenley's (Lots 41 & 42), and to Hopkins' shop property/materials site. The right of way vacation will not affect access to adjacent properties, as Kenley and Hopkins will still have direct access from the shortened right of way. There is no alternative access proposed, as Rocky Street is fully constructed and provides legal and physical access from north and south. Since the remainder of Mountain Brook Road will primarily be used by the owners of the proposed replat and the Kenley's, a turn around easement is being proposed in lieu of a cul-de-sac dedication. It is in the owner's interest to vacate this portion of the Mountain Brook Road right of way to maintain safe operation and necessary expansion of the materials extraction site.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, June 8, 2026**, commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

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

Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to planning@kpb.us, or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM, Friday, June 5, 2026**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

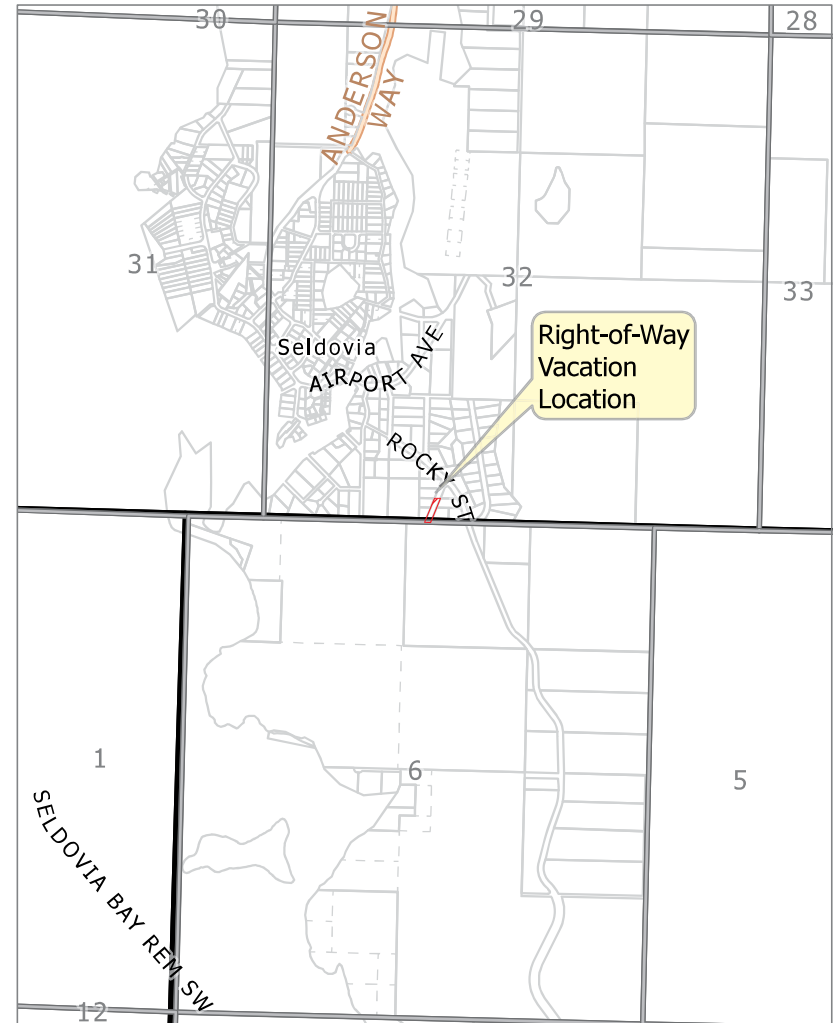
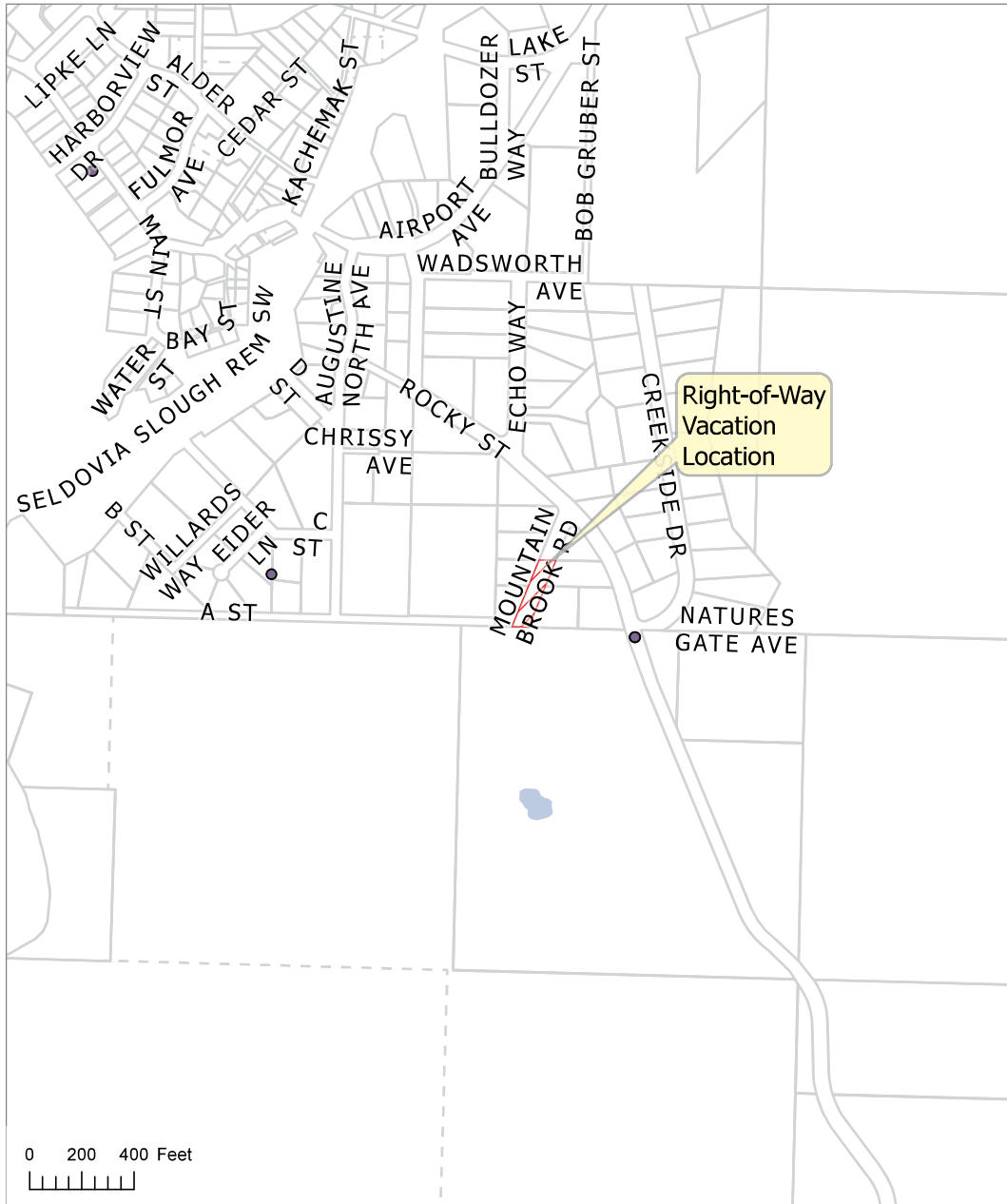
If the Planning Commission approves the vacation, the Borough Assembly has thirty days from that decision in which they may veto the Planning Commission approval. Denial of a vacation petition is a final act for

which no further consideration shall be given by the Kenai Peninsula Borough.

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

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

Mailed 5/19/2026



KPB File 2026-038V
T08S R14W SEC32 & T09S R14W SEC06
Remote

**MOUNTAIN BROOK HEIGHTS
HOPKINS 2026 REPLAT
RIGHT-OF-WAY VACATION DIAGRAM**

A SUBDIVISION OF LOTS 43, 44, 45, 46, 47, AND 48, MOUNTAIN BROOK HEIGHTS SUBDIVISION, AMENDED (SL 92-4), LOCATED IN THE SE1/4 SW1/4 SEC. 32 T. 8 S., R. 14 W., & THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NW1/4 NE1/4), EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE KPB BY WARRANTY DEED RECORDED JULY 14, 1980 IN BK 23 PG 985, LOCATED IN THE NW1/4 NE1/4, SEC. 6 T. 9 S., R. 14 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA

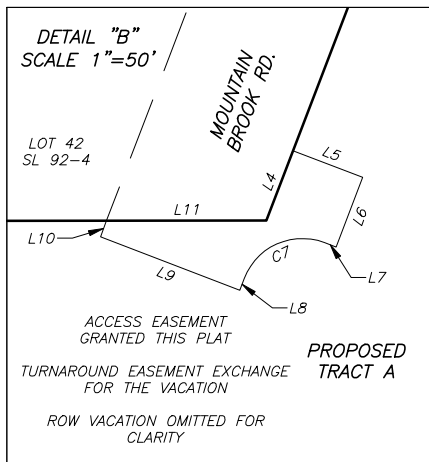
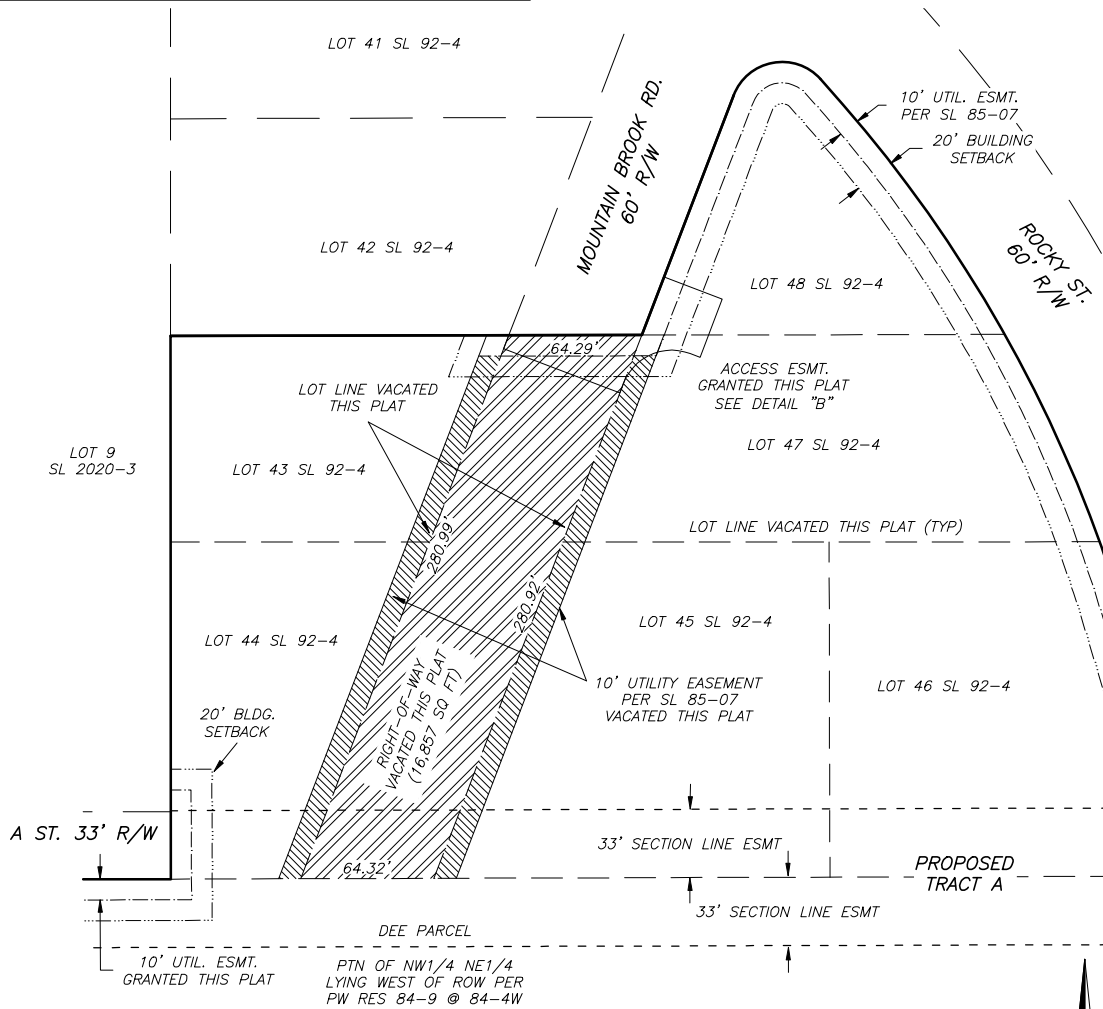
SEABRIGHT SURVEY + DESIGN

KATHERINE A. KIRSIS, P.L.S.

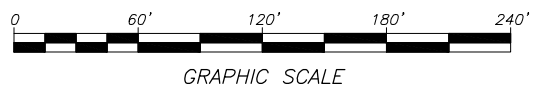
1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580
SEABRIGHTSURVEY@GMAIL.COM

DATE: 4/17/2026

JOB #2025-97



LINE #	LENGTH	BEARING
L4	30.00'	S20°56'32"W
L5	30.00'	N69°03'28"W
L6	30.00'	N20°56'32"E
L7	5.00'	S69°03'28"E
L8	5.00'	N20°56'32"E
L9	60.00'	S69°03'28"E
L10	6.91'	S20°56'32"W
L11	64.29'	S89°53'45"W



E. NEW BUSINESS

5. Conditional Land Use Permit; PC Resolution 2026-29

Applicant: Colaska Inc. dba QAP

Request: Requesting a modification to conditional land use permit (PC 2025-33), adding a project based waiver to the hours of operation and would allow QAP to work at night outside the standard hours of 6:00 AM to 9:00 PM

**Address: 36780 Robinson Loop Road
Sterling Area**

Material Site Permit Application
Kenai Peninsula Borough
Planning Department

144 N. Binkley Street
Soldotna, Alaska 99669
planning@kpb.us

Phone: (907) 714-2200
Fax: (907) 714-2378

Fees Received: \$ _____

Cash

Check # _____

CREDIT CARDS NOT ACCEPTED
FOR APPLICATION FEES

APPLICANT & LANDOWNER:

Applicant: <u>Colaska Inc dba QAP, POC: Daron Underwood</u>	Landowner: <u>Colaska Inc.</u>
Phone: <u>(907) 522-2211</u>	Phone: <u>(907) 273-1000</u>
Email: <u>dunderwood@colaska.com</u>	Email: _____
Mailing: <u>6411 A. Street</u>	Mailing: <u>6411 A. Street</u>
<u>Anchorage, AK 99518</u>	<u>Anchorage, AK 99518</u>

PROPERTY:

KPB Parcel ID(s): 06304702 Parcel Size: 29.24 acres
Legal Description: T5N R9W Sec 3 S.M. KN-RS W 1/2 SW 1/4 & SW 1/4 NW 1/4 SW 1/4

PERMIT TYPE:

KPB Material Site Number: MS2025-013 Original Renewal Modification

Permit: _____ Acreage: _____ Permit Fees: _____

Counter Permit 0 – 5 acres \$250

Conditional Land Use Permit 5+ acres \$1000

CLUP ENDORSEMENTS:

- Type I Earth Materials Extraction (*excavation disturbing 5+ cumulative acres*)
- Type II Conditioning or Processing (*earth materials conditioning or processing*)
- Type III Extraction Within Water Table (*excavation within 2 feet of the seasonal high-water table*)
- Type IV Consolidated Material Extraction (*quarries of any size*)

MATERIAL SITE QUESTIONS:

1. Brief project description. Include plans for phase development, etc. Attach additional pages if necessary.
QAP proposes to utilize this site to support multiple ADOT projects beginning in 2026. QAP will extract
and sort material at this site. QAP will also utilize this site as an excavation waste disposal location. At the
completion of the ADOT projects, all disturbed areas will be reclaimed or stabilized.
2. Material(s) to be mined: (*select all that apply*)
 Gravel Sand Peat Consolidated Other: _____
3. Cumulative acres to be disturbed (excavation, stockpiles, berms, etc.): 29.24 acres
4. Approximate annual quantity of material (including overburden) to be mined: UP TO 100,000 cubic yards
5. Expected life span of the material site: 15 years
6. Will material site activities take place on the entire parcel? If not, please describe: Yes No

7. Haul route with ingress and egress: Directly to Robinson Loop Road
-
8. Buffer plan: *(check all that apply)*
- Minimum 6-foot earthen berm N S E W
- Minimum 6-foot, sight-obscured fence N S E W
- Other Buffer: *(describe below)* N S E W
- South-50' vegetation, East-combination of 50' veg & 10' berm
- Waiver Request: *(describe below)* N S E W
-
9. Will you implement any noise suppression methods? If yes, please describe: Yes No
- Will implement measures as detailed within CLUP ID: MS2025-13_P01
-
10. Principle residential structures present within the Special Impacts Zone (SIZ):
- a. Within 500 ft? *(only applies to Counter Permits)* Yes No
- b. Within 1000 ft? *(only applies to CLUP applications)* Yes No
11. Are there any public campgrounds within 1000 feet of the material site activities? Yes No
12. Depth of excavation: 9-20 ft
13. Groundwater determination and methods:
- a. Groundwater elevation: 269 ft
- b. Determined by: *(check all that apply)*
- Monitoring well(s) Total: _____ Will be installed prior to project Currently installed
- Test Hole(s) Total: 16
- Civil Engineer per KPB 21.29.030(A)(7)(a)
14. Surface and ground water protection measures: Excavation will not enter the groundwater. Excavation areas will be protected by an earthen berm. All on-site runoff will be directed and contained within the material site.
-
15. Type II Endorsement – Processing (skip if not applicable)
- a. Are you requesting a setback exception? Yes No
- b. Are you requesting an emergency exception to the 8:00 am - 7:00 pm hours of operation for processing? Yes No
- c. If yes to any of the above, please justify request(s): _____
-
16. Type III Endorsement - Water Table Excavation (skip if not applicable)
- a. Describe the extent and depth of material extraction below the seasonal-high water table:
- _____
- _____
- b. Public Water Systems within 1/2 mile property line: _____
- c. Private wells within 1/2 mile of property line: _____
- d. Existing regulated potential sources of contamination within 1/2 mile: _____
-
17. Hours of Operation: Project-Based Waivers
- a. Are you requesting a seasonal, project-based waiver from the 6:00 am - 9:00 pm hours of operation for material site activities and operations? Yes No
- b. Are you requesting a seasonal, project-based waiver from the 8:00 am - 7:00 pm hours of operation for material site processing? Yes No
- c. If yes to any of the above, provide justification and attach evidence supporting your request(s).
See attached.
-
18. Voluntary Permit Conditions (skip if not applicable, attach additional pages if necessary):
- _____
- _____

PERMIT ATTACHMENTS:

Required for originals, modifications, and renewals:

- Permit Fee.** Applies to Counter Permits and CLUPs.
- Reclamation Plan.** Includes reclamation site plan and bond consistent with KPB 21.29.060.

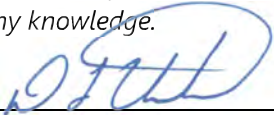
Required for originals and modifications:

- Site Plan/Map.** Scaled plan(s) prepared in accordance with KPB 21.29.030(A).
- Type III Endorsement Report.** Includes all reports required under KPB 21.29.057(A) and (B).
- Type IV Endorsement.** Includes all attachments required under KPB 21.29.030(C).
- Supporting Documentation for Waiver and/or Exception Request(s)**

- | | |
|---|--------------------------|
| <input type="checkbox"/> Documentation for State and Federal Compliance: | Not Applicable: |
| <input type="checkbox"/> Temporary Water Use Authorization (ADNR) | <input type="checkbox"/> |
| <input type="checkbox"/> Mining Permit (ADNR) | <input type="checkbox"/> |
| <input type="checkbox"/> Reclamation Plan (ADNR) | <input type="checkbox"/> |
| <input type="checkbox"/> Notice of Intent and Storm Water Pollution Prevention Plan (ADEC) | <input type="checkbox"/> |
| <input type="checkbox"/> Section 404 of the Clean Water Act (USACE) | <input type="checkbox"/> |
| <input type="checkbox"/> Driveway Permit from KPB or ADOT | <input type="checkbox"/> |
| <input type="checkbox"/> Other: | |

CERTIFICATION & OPERATOR STATEMENT:

As the site operator, I certify that the conditions of KPB 21.29.045 have been satisfied, and this material site is in compliance with all state and federal permitting requirements. I understand that failure to maintain compliance with other agencies is a violation of the borough permit and is subject to enforcement under KPB 21.50. By signing below, I certify that the information contained on this form and the attachments are true and complete to the best of my knowledge.



	4/3/2026		
Applicant/Operator Signature	Date	Landowner Signature*	Date

**Required if applicant is not the landowner*

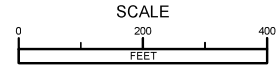
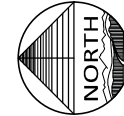
MS2025-0013 CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

T5N R9W SEC3 SM W1/2 SW1/4 SW1/4 & SW1/4 NW1/4 SW1/4

KPB PID 06304702

APPLICANT / PROPERTY OWNER:
 COLASKA INC. DBA QAP
 240 W. 68TH AVENUE
 ANCHORAGE, ALASKA 99518

MCLUP APPLICATION



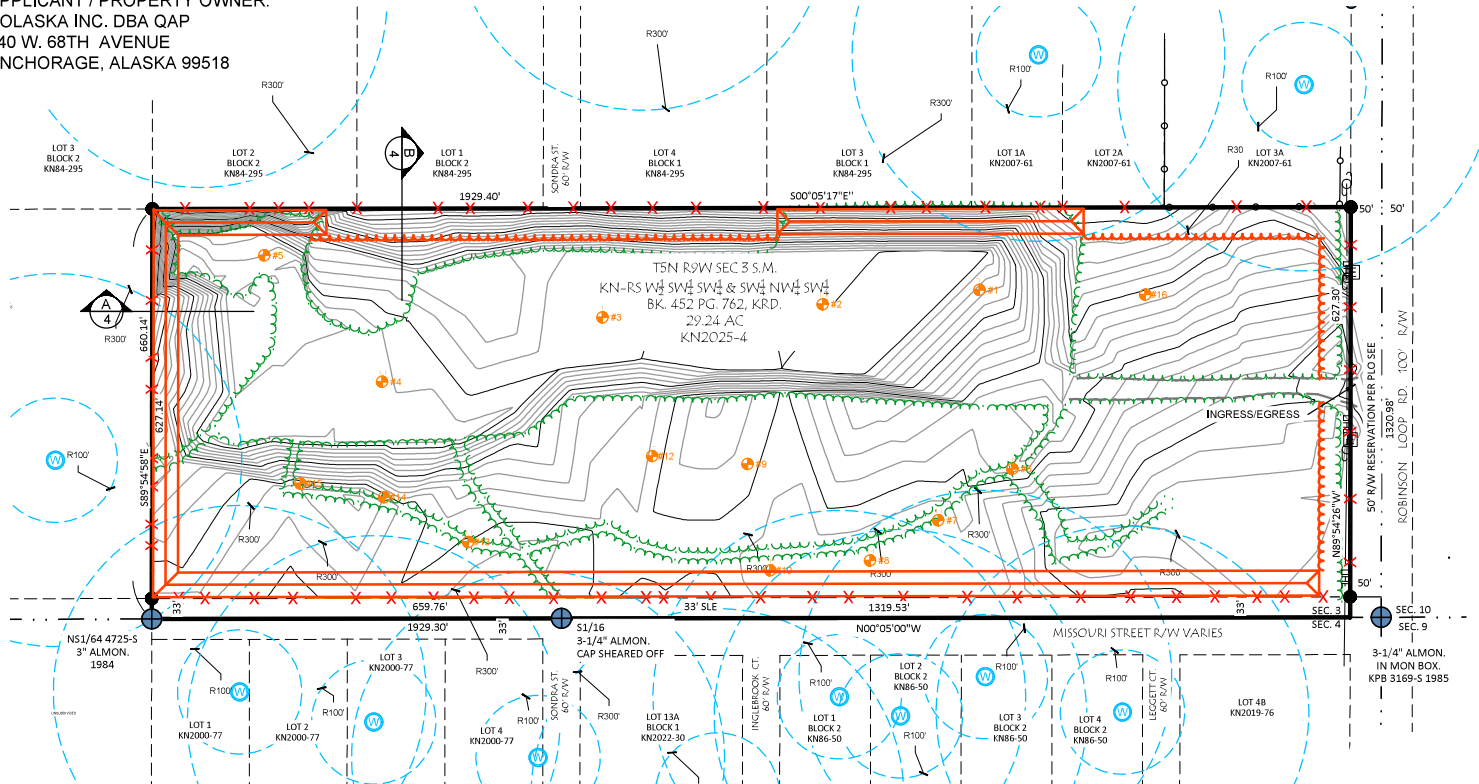
REV.	DATE	DESCRIPTION
1	02/20/2025	CLUP APPLICATION
2	02/20/2025	CLUP APPLICATION

COLASKA INC. DBA QAP
 ROBINSON LOOP - PID 06304702
 MODIFICATION TO CLUP



ENGINEERING - TESTING
 SURVEYING - MAPPING
 P.O. BOX 488
 SOLDOTNA, AK 99589
 VOICE: (907) 283-4218
 FAX: (907) 283-3265
 WWW.MCLANECO.COM

DRAWN BY: LAM/GMD
 CHECKED BY: GMD
 HORZ. SCALE: 1" = 200'
 VERT. SCALE: N/A
 SHEET: P2



LEGEND

- CLUP PROPERTY LINE
- PROPERTY LINE ADJOINING
- SECTION LINE
- SECTION LINE EASEMENT
- WELL OR WETLAND SETBACK
- PRIMARY MONUMENTS
- PROPERTY CORNERS
- TREE LINE
- INTERVISIBLE FLAGGING
- WATER WELL
- OVERHEAD POWER
- UTILITY POLE
- ELECTRICAL BOX
- 10' EARTHEN BERM BUFFER
- 50' VEGETATION BUFFER

TEST HOLE DATA

TH#	MCI O.G. ELEV	PROVIDED BY DOWL		
		O.G. ELEV.	BOH Elev	GW Elev
1	282.5	294.6	277.6	-
2	280.1	294.0	275.0	-
3	280.1	293.6	275.6	-
4	278.6	294.4	278.4	-
5	277.5	291.1	276.1	282.1
6	291.3	304.7	287.7	-
7	288.4	301.3	284.3	-
8	288.3	300.7	283.7	-
9	290.5	301.8	283.8	-
10	288.6	302.0	286.0	-
11				
12	289.3	302.8	287.8	-
13	290.1	303.5	286.5	-
14	290.6	304.7	286.7	-
15	290.8	304.8	287.8	-
16	294.6	309.6	286.6	-

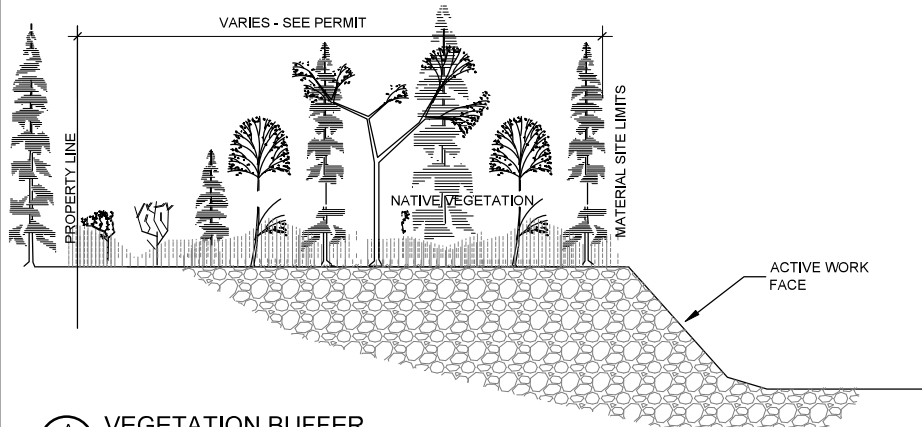
CLUP DEVELOPMENT NOTES

- THIS MCLUP IS APPLYING FOR AN HOURS OF OPERATIONS WAIVER. THE PARCEL IS CURRENTLY PERMITTED AS MS2025-013 WITH TYPE I ENDORSEMENT.
- THE INGRESS/EGRESS IS AN EXISTING ACCESS TO ROBINSON LOOP ROAD.
- THE PERMITTED BUFFERS ARE A 10' HIGH BERM ON NORTH AND WEST PARCEL BOUNDARIES. A COMBINATION OF 10' EARTHEN BERM AND 50' VEGETATED BUFFER (WHERE ENOUGH EXISTING VEGETATION EXISTS) ALONG THE EAST PARCEL BOUNDARY, AND A 50' VEGETATED BUFFER ON THE SOUTHERN BOUNDARY. THE WEST BUFFER IS AT THE SECTION LINE EASEMENT.
- THERE ARE NO KNOWN WELLS WITHIN 100' OF THE PROPOSED EXCAVATION AREA. 100' AND 300' WELL BUFFERS ARE SHOWN.
- MULTIPLE PRIMARY RESIDENCES ADJACENT TO THE PROPERTY ARE WITHIN THE 1000' SPECIAL IMPACT ZONE, ENCOMPASSING THE ENTIRE PROPERTY.
- THERE ARE NO WETLANDS, WATERWAYS, OR SURFACE WATERS WITHIN OR ADJACENT TO THE PROPERTY.
- TEST HOLE DATA SHOWN HEREON WAS PROVIDED BY DOWL ENGINEERING DATED JUNE 2025. SIXTEEN (16) TEST HOLES WERE EXCAVATED. GROUNDWATER WAS FOUND IN ONE (1) TEST HOLE IN THE NORTHEAST CORNER. DOWL RECORDED ELEVATIONS UTILIZING HANDHELD GPS. MCI SURVEY ELEVATIONS ARE NAVD88 DATUM. DIFFERENCES IN ELEVATION ARE SHOWN IN TEST HOLE DATA TABLE. DEPTH OF EXCAVATION, GROUNDWATER ELEVATION AND RECLAMATION TOPO ARE SHOWN IN MCI ELEVATIONS.
- THE MATERIAL SITE WILL BE RECLAMATION PLAN IS ON FILE WITH KPB AND ANDR.
- PROPERTY LINES ARE FLAGGED AT VISIBLE INTERVALS AS SHOWN HEREON.

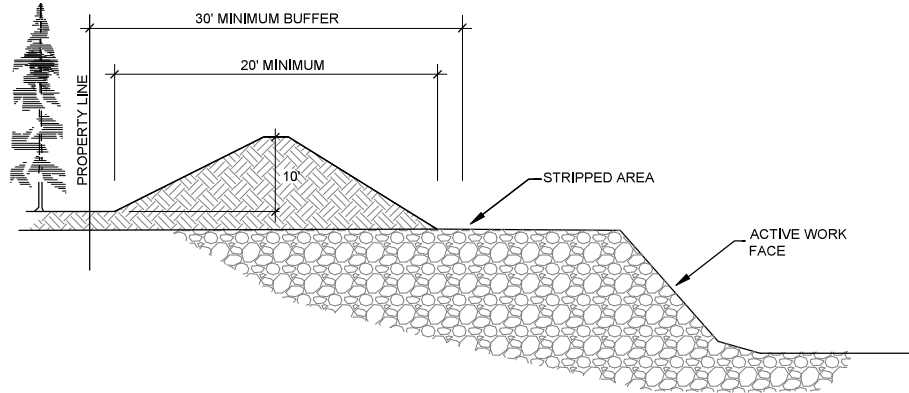
CLUP IMPACT AREAS

TOTAL PERMIT AREA	29.2 ACRES
MATERIAL SITE AREA	22.7 ACRES
BUFFER AREA	6.5 ACRES TOTAL

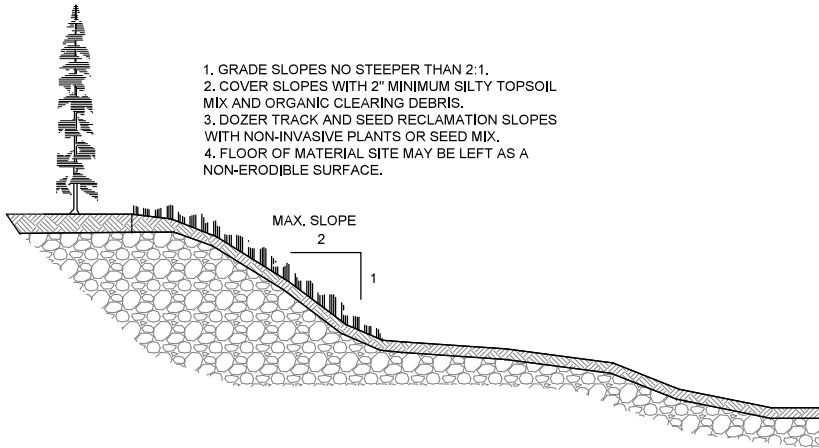
CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE
T5N R9W SEC3 SM W1/2 SW1/4 SW1/4 & SW1/4 NW1/4 SW1/4
KPB PID 06304702



A VEGETATION BUFFER
4 SCALE: 1" = 10 FT.

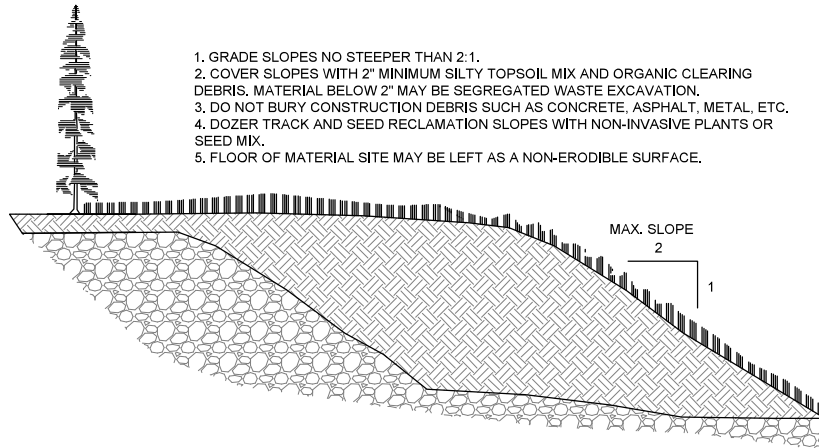


C EARTHEN BERM BUFFER
4 SCALE: 1" = 10 FT.



1. GRADE SLOPES NO STEEPER THAN 2:1.
2. COVER SLOPES WITH 2" MINIMUM SILTY TOPSOIL MIX AND ORGANIC CLEARING DEBRIS.
3. DOZER TRACK AND SEED RECLAMATION SLOPES WITH NON-INVASIVE PLANTS OR SEED MIX.
4. FLOOR OF MATERIAL SITE MAY BE LEFT AS A NON-ERODIBLE SURFACE.

B RECLAMATION SLOPE
4 SCALE: 1" = 10 FT.



1. GRADE SLOPES NO STEEPER THAN 2:1.
2. COVER SLOPES WITH 2" MINIMUM SILTY TOPSOIL MIX AND ORGANIC CLEARING DEBRIS. MATERIAL BELOW 2" MAY BE SEGREGATED WASTE EXCAVATION.
3. DO NOT BURY CONSTRUCTION DEBRIS SUCH AS CONCRETE, ASPHALT, METAL, ETC.
4. DOZER TRACK AND SEED RECLAMATION SLOPES WITH NON-INVASIVE PLANTS OR SEED MIX.
5. FLOOR OF MATERIAL SITE MAY BE LEFT AS A NON-ERODIBLE SURFACE.

D RECLAMATION SLOPE - WASTE EXCAVATION
4 SCALE: 1" = 10 FT.



REV	DATE	DESCRIPTION
1	02/20/05	BUFFERS PER OPR RES 2005-03
2	02/20/05	CLUP APPLICATION

BY: _____
DATE: _____
JOB NO. 24403
FIELD BOOK NO. 2445
FIELD WORK DATE 08/02, 24/02, 24/02
COLASKA INC. DBA QAP
ROBINSON LOOP - PID 06304702
MODIFICATION TO CLUP



McLANE
Consulting Inc
ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 468
SOLDOTNA, AK 99569
VOICE: (907) 283-4218
FAX: (907) 283-3268
WWW.MCLANECG.COM

DRAWN BY: LAM/GMD
CHECKED BY: GMD
HORIZ. SCALE: 1" = 200'
VERT. SCALE: N/A
SHEET: P4



A COLAS COMPANY

240 W. 68th Ave.
Anchorage, Alaska 99518

April 3, 2026

Kenai Peninsula Borough
Planning Department
144 N. Binkley St
Soldotna, Alaska 99669

RE: CLUP ID: MS2025-13_P01 - Project-Based Waiver Request
Sterling Safety Corridor Improvements MP 82.5-94
AKDOT&PF Project No. 0A33026/CFHWY00130
KPB Parcel 06304702

Colaska Inc. dba QAP is submitting an application for a Project-Based Waiver as an amendment to the existing Conditional Land Use Permit No. MS2025-013_P01. The request is driven by AKDOT traffic safety restrictions impacting the upcoming reconstruction section of the highway.

Recent feedback regarding nighttime operations highlights the need for flexible and extended operating hours. As the AKDOT-selected general contractor for the Progressive Design Build (PDB) effort from Mile Post 82.5 to 94, QAP is preparing for the next construction phase. Traffic requirements necessitate nighttime activities to avoid peak summer traffic; while AKDOT and QAP are exploring ways to ease these constraints, full removal is not possible.

Submitted Supporting Documentation:

1. QAP & AKDOT&PF Professional Services Agreement for the SSCI MP 82.5–94 PDB Project
2. Sterling Safety Corridor Improvements Project Specifications – Section 643: Traffic Maintenance
3. DOT–QAP–DOWL Email Correspondence Regarding Traffic Restrictions

Completion of this project is critical for Kenai Peninsula safety and welfare. Material sources meeting project specifications are limited along the corridor, so utilizing available sites—such as this parcel—is essential for extraction, processing, and disposal needs.

Current restrictions prohibit work during key daytime periods from May 1 to September 15 and around holidays, with no traffic restrictions allowed in July. This shortens the construction season from six to five months unless a waiver is approved. Ultimately, QAP is requesting this waiver being granted during the construction season, approx. May 1 through October 31, until completion of the referenced project, currently projected in 2031. The requested waiver is necessary to maintain project progress within available funding constraints and meet completion goals, however, QAP only intends to run nighttime operations as necessary to meet project demands.

For questions, contact me at dunderwood@colaska.com or (907)748-2398.

Sincerely,

Daron Underwood
Area Manager



240 W. 68th Ave.
Anchorage, Alaska 99518

April 3, 2026

Kenai Peninsula Borough
Planning Department
144 N. Binkley St
Soldotna, Alaska 99669

RE: CLUP ID: MS2025-13_P01 - Project-Based Waiver Request
Sterling Safety Corridor Improvements MP 82.5-94
AKDOT&PF Project No. 0A33026/CFHWY00130
KPB Parcel 06304702 - Construction Phasing

Current highway safety regulations prohibit any work that restricts traffic during key daytime periods from May 1 through September 15 and around holidays, and no traffic restrictions are permitted during July. Approving the requested waiver is necessary to keep the project moving within available funding and to meet scheduled completion targets. We expect the material source to supply the referenced work productively for only about 1.5–2 construction seasons; after that, increased hauling costs will require shifting to another source at the eastern end of the corridor.

This document summarizes the primary traffic restrictions affecting the Sterling Highway Safety Corridor project and describes the anticipated sequencing of work within the material source.

Project Traffic Restrictions

For this project, a traffic restriction includes any construction activity or traffic control operation that alters roadway surface conditions or interferes with normal traffic flow. The most significant operational constraint is the movement of haul trucks entering and exiting the project limits, which can only occur during approved work windows.

For the Sterling Highway between MP 82.5 and MP 94, the following traffic restriction periods apply: (see visuals below for restricted and permitted work hours):

1. **May 1 to September 15** – *during the following days, impacting traffic is NOT-PERMITTED as noted:*
 - a. Monday through Thursday: 0600 hrs to 2100 hrs.
 - b. Weekends: Friday 0600 hrs to Sunday 2200 hrs.

2. **Around a Holiday** – *if a holiday falls on one of these days, impacting traffic is NOT-PERMITTED as noted:*
 - a. If a holiday falls on Sunday, Monday, or Tuesday, the above stipulations apply from 1200 hrs on the Friday before the holiday to 0300 hrs. on the day after the holiday.
 - b. If a holiday falls on Wednesday, the above stipulations apply from 1200 hrs on the Tuesday before the holiday to 0300 hrs. on the Thursday after the holiday.

- c. If a holiday falls on Thursday, Friday, or Saturday, the above stipulations apply from 1200 hrs on the day before the holiday to 0300 hrs. on the Monday after the holiday.

Applicable holidays in 2026, 2027, and 2028 are as follows:

2026	2027	2028
Memorial Day – Monday, May 25	Memorial Day – Monday, May 31	Memorial Day – Monday, May 29
Labor Day – Monday, September 7	Labor Day – Monday, September 6	Labor Day – Monday, September 4

3. **July 1 through July 31 – IMPACTING TRAFFIC IS NOT-PERMITTED**

Below are visual representations of the restricted and permitted work hours as said above:

Traffic Restrictions: PERMITTED NOT-PERMITTED NON-WORKING

Sterling Highway Traffic Restrictions																								
May 1 - Sept 15	0:00	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00
Sun																								
Mon																								
Tue																								
Wed																								
Thu																								
Fri																								
Sat																								

Notes:

1. Work can be conducted on the project during NOT-PERMITTED hours if able to do so without restricting traffic. At times, phasing may allow for material haul without need for restricting traffic.
2. Due to Federal and Internal Safety Regulations, QAP does not work every other Sunday, unless need due to emergency (environmental or safety).

Traffic Restrictions: PERMITTED NOT-PERMITTED NON-WORKING

Sterling Highway Traffic Restrictions																								
Holiday	0:00	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00
Friday																								
Saturday																								
Sunday																								
Monday	Holiday																							
Tuesday																								
Wednesday																								
Thursday																								

Note: Work can be conducted on the project during NOT-PERMITTED hours if able to do so without restricting traffic. At times, phasing may allow for material haul without need for restricting traffic.

Traffic Restrictions: **PERMITTED** **NOT-PERMITTED** **NON-WORKING**

Sterling Highway Traffic Restrictions																								
July 1 - July 31	0:00	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00
Sun																								
Mon																								
Tue																								
Wed																								
Thu																								
Fri																								
Sat																								

Note: Work can be conducted on the project during NOT-PERMITTED hours if able to do so without restricting traffic. At times, phasing may allow for material haul without need for restricting traffic.

As a result, the primary seasonal windows when highway traffic restrictions are relaxed are generally limited to the periods between spring thaw and May 1, and September 15 through fall freeze, subject to weather and site conditions. Anticipated weekly construction schedule is as shown below:

Traffic Restrictions: **PERMITTED** **NOT-PERMITTED** **ANTICIPATED WORKING HOURS**

Sterling Highway Traffic Restrictions																																						
Frozen - May 1 Sept. 15 - Frozen	0:00	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00														
Sun																									Expected Non-Working every other Sunday													
Mon																																						
Tue																																						
Wed																																						
Thu																																						
Fri																																						
Sat																																						

Note: These durations are dependent on spring thaw and fall freeze. Construction during these shoulder seasons can occur as follows:

1. Spring Thaw to May 1
2. September 15 to Fall Freeze

Material Source Operations

The precise schedule for operations under the Conditional Land Use Permit will depend on weather, ground conditions, and seasonal traffic restrictions. Anticipated activities at the material source include pit development and advancement, material extraction, loading and hauling, and interim and final reclamation.

When traffic restrictions allow, QAP seeks to avoid night work whenever practicable due to the associated safety concerns for employees, nearby residents, and the traveling public, as well as the reduced operational efficiency of nighttime activities. In general, daytime work is preferred; however, traffic limitations during the peak construction season make nighttime extraction and hauling necessary for portions of the work.

The anticipated operational sequence is as follows:

1. Material Source Development - Daytime Operations

- Initial development: approximately 3 to 4 weeks prior to project start-up
- Ongoing advancement: approximately 2 to 3 days, as needed every 2 to 3 weeks, to access additional material

2. Material Extraction - Daytime and/or Nighttime Operations

- Daytime operations: from spring thaw through April 30
- Nighttime operations: from May 1 through September 15
- Daytime operations resume: from September 15 through fall freeze, or until project demand ends, whichever occurs first

3. Reclamation - Daytime Operations

- Interim reclamation: performed intermittently as needed, often concurrent with development activities
- Final reclamation: approximately 2 to 3 weeks following completion of material export

Below is a visual representation of expected months of operation within the material source:

EXPECTED HIGH VOLUME PRODUCTION ANTICIPATED TO BE COMPLETE FOLLOWING THE 2028 CONSTRUCTION SEASON													
OPERATIONS	DATES	ROBINSON LOOP CLUP OPERATIONS SCHEDULE											
No operations due to freezing conditions +/- 2 weeks	Nov 1 - Mar 31	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Day operations only	Apr 1 - Apr 30 & Sep 16 - Oct 31				Apr					Sep	Oct		
Night operations with limited day operations	May 1 - Sep 15					May	Jun	Jul	Aug	Sep			

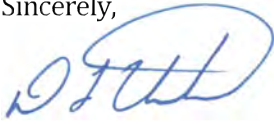
Conclusion

Approval of the requested waiver is critical to allow the project to proceed in a safe, practical, and economically efficient manner. QAP is requesting this waiver between May 1 and October 31 in order to have the flexibility to meet the project schedule demands which are significantly constrained by seasonal and daily traffic limitations, potentially affecting both cost and timely completion. Current projected project completion date is 2031.

As noted above, the material source is expected to productively support the project for only approximately 1.5 to 2 construction seasons, after which rising haul costs and reduced efficiency would likely require relocation to another source area.

Thank you for your consideration of this request. Please contact me at dunderwood@colaska.com or (907) 748-2398 with any questions or if additional information is needed.

Sincerely,



Daron Underwood

Area Manager



PROFESSIONAL SERVICES AGREEMENT

Agreement No: 25242066
IRIS Program No: CFHWY00130
Federal Project No: 0A33026


Project Title: **Sterling Safety Corridor Improvements MP 82.5 to 94 Progressive Design Build PreConstruction Services**

To this Agreement between STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (DOT&PF)



hereafter the CONTRACTING AGENCY, and QAP

hereafter the CONTRACTOR, effective on the last date executed by its parties, in consideration of the terms, conditions and promises of Articles 1 through 7 in this document, the parties hereby agree.

CONTRACTOR

Signature:  Signature: 6/14/24
Name: Todd Porter DateName: _____ Date _____
Title: General Manager

CONTRACTING AGENCY

Contract Manager Contracting Officer
Signature:  6/18/2024 Signature:  FOR 6/18/24
Name: Jacob S. Gondek, P.E. Date _____ Name: Joel G. St. Aubin, P.E. Date _____
Title: Construction Project Manager Title: Regional Construction Engineer

ARTICLE 1 - PURPOSE

- 1.1 The Contractor shall provide preconstruction and construction services to design and construct a four lane, divided highway on Sterling Highway from MP 82.5 to 94. The proposed federally funded project will improve safety & reduce congestion. The Progressive Design Build (PDB) contract is intended to encompass all materials, labor, supplies, equipment & supervision necessary for the complete construction of the project, provided negotiations between the parties are successful.
- 1.2 The initial contract award is for preconstruction services to hold the first public meeting. Work includes public involvement planning, arranging, and advertising the first meeting; reviewing the previous project work; preparing meeting materials; attending the meeting; and preparing all follow-up documentation. It is anticipated that PreConstruction Services beyond this initial scope will be negotiated and added by amendment.
- 1.3 Adequate funding is in place for design phase services. Award of subsequent construction phase services is contingent upon adequate funding and required approvals.
- 1.4 In the event that negotiations with the PDB Contractor are not successful for any portion of construction services for the Project, the Contracting Agency reserves the right to publicly advertise the work and may contract with another Contractor for construction of the project using any other contracting method. In accordance with AS 36.30.309(c), the Department may prohibit the PDB Contractor, as well as any key subcontractors, from participating in any subsequent solicitations.

ARTICLE 2 - COMPENSATION

2.1 The maximum amount payable under this Agreement as set out in Appendix C, shall not exceed:

Two Hundred Forty One Thousand Six Hundred Fifty One and No/100 Dollars

(\$241,651.00)

ARTICLE 3 - PERIOD OF PERFORMANCE

- 3.1 CONTRACTOR shall commence services under this Agreement as authorized by written *Notice(s) to Proceed* and shall complete the services in accordance with any time schedule required by Appendices. This Agreement is of no force or effect until executed by the CONTRACTOR and the CONTRACTING AGENCY and no services shall be undertaken or performed until a Notice to Proceed is issued.
- 3.2 The Period of Performance under this Agreement shall end: **September 30, 2027**

ARTICLE 4 - APPENDICES

4.1 The following Appendices are attached to this document and incorporated herein:

<u>Appendix</u>	<u>Title</u>	<u>Date Prepared</u>	<u>No. Pages</u>
A	General Conditions, Form 25A262	6/3/2024	7
B	Statement of Services with Exhibits B-1, B-2, B-3, B-4, B-5, and B-7	5/20/2024	63
C	Compensation, Form 25A280, plus Exhibits: C-1, C-2, C-3, & C-4	6/3/2024	16
D	Indemnification & Insurance, Form 25A269, plus Exhibit D-1, and Certificates of Insurance (for the prime CONTRACTOR and Design Subcontractors)	6/3/2024	10
E	Certification of Compliance	6/3/2024	1

ARTICLE 5 - CONTRACTING AGENCY DATA

Office Address

Street: 4111 Aviation Avenue
 PO Box: 196900
 City, State, Zip: Anchorage, AK 99519-6900
 Phone-Voice: (907)269-0445
 Phone-FAX:
 Email: Jacob.gondek@alaska.gov

Appeals Officer: Commissioner,
 DOT&PF
 Authorization: AS 36.30.005

Funding Source: Phase: T02015
 Activity Code: 011P
 Program: CFHWY00130

State FHWA
 FAA Other: _____

(Check all that apply)

ARTICLE 6 - CONTRACTOR DATA

Manager: Todd Porter
 Title: Contract Manager

Alaska Business License No.: 281024
 Federal Tax Identification No.: 91-1617278

Office Address

Street: 240 W. 68th Avenue
 PO Box:
 City, State, Zip: Anchorage, AK 99518
 Phone-Voice: (907)522-2211
 Phone-FAX:
 Email: TPorter@colaska.com

Type of Firm

Individual Partnership
 Corporation in state of: Alaska
 Other (specify):

ARTICLE 7 - SUBCONTRACTORS

7.1 CONTRACTOR shall perform all professional services required under this Agreement except as may be performed by the Subcontractors listed below or as may be allowed under Appendix A, Article A19.

<u>Service or Engineering Discipline</u>	<u>Subcontractor</u>
Civil Engineering, H & H Engineering, Land Surveying & Mapping, Structural Engineering, Foundation Engineering, Geotechnical Engineering, Public Involvement Support, Permitting & NEPA, Landscape Architecture, ROW Acquisition & Relocation	DOWL
Electrical Engineering, Traffic & Safety Engineering	Kinney Engineering, LLC
Public Involvement Lead and Public Information Officer Utility Coordination and Agreements	Stephanie Queen Consulting, LLC RRR,LLC
ROW Appraisal Services	Black-Smith, Bethard & Carlson, LLC
Financial, Technical, & Management Support	Colas Construction USA, Inc.

GENERAL CONDITIONS

APPENDIX A

PSA No: 25242066
IRIS Program No: CFHWY00130
Federal Project No: 0A33026
Date Prepared: 6/3/2024

INDEX

Article Number and Title

A1	Definitions
A2	Information and Services from Others
A3	Hold Harmless
A4	Insurance
A5	Occupational Safety and Health
A6	Equal Employment Opportunity
A7	Payments to the CONTRACTOR
A8	Changes
A9	Audits and Records
A10	CONTRACTING AGENCY Inspections
A11	Termination or Suspension
A12	Officials Not to Benefit
A13	Independent CONTRACTOR
A14	Proselytizing
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A16	Precedence of Documents
A17	Endorsement on Documents
A18	Ownership of Work Products
A19	Subcontractors Successors and Assigns
A20	Claims and Disputes
A21	Extent of Agreement
A22	Taxes
A23	Governing Law
A24	Federal Aid Certification (Highways)
A25	Trade Restrictions
A26	Suspension and Debarment
A27	Additional Provisions

ARTICLE A1 DEFINITIONS

A1.1 Additional or Extra Services – Services, work products or actions required of the CONTRACTOR above and beyond provisions of the Agreement.

A1.2 Agreement – This Professional Services Agreement and its appendices that outline the terms and conditions regarding Contractor's services during the authorized period of performance.

A1.3 Amendment – A written change to this Agreement.

A1.4 Change – A revision in services, complexity, character, or duration of the services or provisions of this Agreement.

A1.5 Commissioner – Commissioner of DOT&PF.

A1.6 CONTRACTING AGENCY – The Department of Transportation & Public Facilities (DOT&PF).

A1.7 Contracting Officer – The individual or a duly appointed successor designated as the official representative to administer contracts for the CONTRACTING AGENCY.

A1.8 CONTRACTOR – The firm (person or any business combination) providing services.

A1.9 Contractor's Manager – The CONTRACTOR's representative in responsible charge of the project(s) and directly answerable for the required services.

A1.10 Contract Manager – CONTRACTING AGENCY's representative and the CONTRACTOR's primary point of contract with the CONTRACTING AGENCY.

A1.11 Contracts Officer – CONTRACTING AGENCY's representative within the Contracts/Professional Services section.

A1.12 Funding Agency – An agency of a Federal, State, Political subdivision, or Local Government which furnishes funds for the CONTRACTOR's compensation under this Agreement and which may have established regulations and requirements binding upon the CONTRACTING AGENCY and the CONTRACTOR.

A1.13 Notice to Proceed (NTP) – Written authorization from the CONTRACTING AGENCY to the CONTRACTOR to provide all or specified services in accordance with an existing Agreement.

A1.14 Statement of Services – Services and work products required of the CONTRACTOR by this Agreement.

A1.15 Subcontractor – CONTRACTOR engaged to provide a portion of the services by subcontract with the firm which is a party to this Agreement.

ARTICLE A2 INFORMATION AND SERVICES FROM OTHERS

A2.1 The CONTRACTING AGENCY may, at its election or in response to a request from the CONTRACTOR, furnish information or services from other contractors. If, in the CONTRACTOR's opinion, such information or services is inadequate, the CONTRACTOR must notify the CONTRACTING AGENCY of the specific service or material deemed inadequate and the extent of the inadequacy prior to use in the performance of this Agreement. The CONTRACTING AGENCY will then evaluate and resolve the matter in writing. Unless so notified by the CONTRACTOR, the CONTRACTING

AGENCY may assume the information or services provided are adequate.

**ARTICLE A3
HOLD HARMLESS**

A3.1 See Appendix D, "Indemnification and Insurance".

**ARTICLE A4
INSURANCE**

A4.1 See Appendix D, "Indemnification and Insurance".

**ARTICLE A5
OCCUPATIONAL SAFETY AND HEALTH**

A5.1 The CONTRACTOR and its Subcontractors shall observe and comply with the Federal Occupational Safety and Health act of 1970 and with all safety and health standards promulgated by the Secretary of Labor under authority thereof and with all State of Alaska Occupational Safety and Health Laws and regulations.

**ARTICLE A6
EQUAL EMPLOYMENT OPPORTUNITY**

A6.1 The CONTRACTOR shall comply with the following applicable laws and directives and regulations of the CONTRACTING AGENCY which effectuate them; all of which are incorporated herein by reference:

Title VI of Federal Civil Rights Act of 1964;

Federal Executive Order 11625 (Equal Employment Opportunity);

Title 41, Code of Federal Regulations, Part 60 (Equal Employment Opportunity);

Title 49 Code of Federal Regulations, Part 21 (Discrimination);

Title 49, Code of Federal Regulations, Part 26 (Minority Business Enterprises);

Office of Management and Budget (OMB) circular 102, Attachment O (Procurement Standards);

Alaska Statute (AS) 18.80.200-300 (Discrimination).

A6.2 The CONTRACTOR may not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, physical disability, sex, or marital status, change in marital status, pregnancy or parenthood when the reasonable demands of the position do not require distinction on such basis. The CONTRACTOR shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, national origin, age, physical disability, sex, or marital status. This action must include, but need not be limited to, the following: employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including

apprenticeship. The CONTRACTOR shall post in conspicuous places, available employees and applicants for employment, notices setting out the provisions of this paragraph.

A6.3 The CONTRACTOR shall state, in all solicitations or advertisements for employees to work in performance of this Agreement, that it is an equal opportunity employer and that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, age, physical disability, sex, or marital status.

A6.4 The CONTRACTOR shall send to each labor union or representative or workers with which the CONTRACTOR has a collective bargaining Agreement or other contract or understanding a notice advising the labor union or workers' representative of the CONTRACTOR's commitments under this article and post copies of the notice in conspicuous places available to all employees and applicants for employment.

A6.5 In the event the CONTRACTOR subcontracts any part of the services to be performed under this Agreement, the CONTRACTOR agrees to make good faith efforts to utilize Disadvantaged Business Enterprises, to affirmatively solicit their interest, capability and prices and to furnish documentation of the results of all such direct contacts on forms provided by or acceptable to the CONTRACTING AGENCY.

A6.6 The CONTRACTOR shall make, keep and preserve such records necessary to determine compliance with equal employment opportunity obligations and shall furnish required information and reports. All records must be retained and made available in accordance with Article A9, Audits and Records.

A6.7 The CONTRACTOR shall include the provisions of this article in every contract, and shall require the inclusion of these provisions in every contract entered into by any of its Subcontractors, so that these provisions will be binding upon each Subcontractor.

**ARTICLE A7
PAYMENTS TO THE CONTRACTOR**

A7.1 Payments shall be based on approved CONTRACTOR's invoices submitted in accordance with this article and the provisions of Appendix C. The sum of payments shall not exceed allowable compensation stated in Notice(s) to Proceed and no payments shall be made in excess of the maximum allowable total for this Agreement.

A7.2 The CONTRACTING AGENCY will exert every effort to obtain required Funding Agency approvals and to issue authorizations in a timely manner. CONTRACTOR shall not perform any services without a Notice to Proceed therefore. Accordingly, the CONTRACTING AGENCY will not pay the CONTRACTOR for services or associated reimbursable costs performed outside those which are authorized by a Notice to Proceed.

A7.3 CONTRACTOR's invoices shall be submitted when services are completed or monthly, for months during which services are performed, as applicable, in a format provided by or acceptable to the CONTRACTING AGENCY.

A7.4 In the event items on an invoice are disputed, payment on those items will be held until the dispute is resolved. Undisputed items will not be held with the disputed items.

A7.5 The CONTRACTOR shall submit a final invoice and required documentation within 90 days after final acceptance of services by the CONTRACTING AGENCY. The CONTRACTING AGENCY will not be held liable for payment of invoices submitted after this time unless prior written approval has been given. Total payment of all Subcontractors and satisfactory compliance with Article A22, Taxes, are conditions precedent to final payment.

ARTICLE A8 CHANGES

A8.1 Changes (including "Supplemental Agreements") in the period of performance, general conditions, statement of services, or other provisions established by this Agreement may be made by written Amendment only. If such changes cause an increase or a decrease in the CONTRACTOR's cost, an equitable adjustment shall be made and specified in the Amendment. The CONTRACTOR shall not perform any additional or extra services prior to receiving a fully executed copy of an Amendment and a Notice to Proceed, except as the CONTRACTOR may be directed under the provisions of Article A20, Claims and Disputes.

A8.2 If at any time the CONTRACTING AGENCY through its authorized representatives, either verbally or in writing, requests or issues instructions for Additional or Extra Services or otherwise directs actions which conflict with any provision of this Agreement, the CONTRACTOR shall, within 30 days of receipt and prior to pursuing such instructions, so notify the CONTRACTING AGENCY in writing, and to the extent possible, describe the services and estimated cost of any Additional or Extra Services. The CONTRACTING AGENCY will then evaluate and, if appropriate, negotiate an Amendment. Unless so notified by the CONTRACTOR, the CONTRACTING AGENCY will conclude such instructions have not changed any provisions of this Agreement nor require additional compensation. No additional payments shall be made to the CONTRACTOR without such notice.

ARTICLE A9 AUDITS AND RECORDS

A9.1 The CONTRACTOR shall maintain records of performances, communications, documents, correspondence and costs pertinent to this Agreement and the Funding or CONTRACTING AGENCY's authorized representatives shall have the right to examine such records and accounting procedures and practices.

A9.2 The Funding or CONTRACTING AGENCY's authorized representatives shall have the right to examine all books, records, documents and other data of the CONTRACTOR related to the negotiation, pricing and performance of this Agreement and any modification or change for the purpose of evaluating the accuracy, completeness and currency of the data submitted. The right of examination shall extend to all documents necessary to permit adequate evaluation of the data, computations and projections used.

A9.3 The materials described in this article shall be made available at a business office of the CONTRACTOR at all reasonable times for inspection, audit or reproduction, for a minimum of 3 years from the date of any resulting final settlement.

A9.3.1 If this Agreement is completely or partially terminated, records relating to the services terminated shall be made available for a minimum of three (3) years from the date of any termination or resulting final settlement, whichever is later.

A9.3.2 Records which relate to appeals under Article A20, Claims and Disputes, or litigation or the settlement of Claims arising out of the performance of this Agreement shall be made available until such appeals, litigation or Claims have been concluded.*

ARTICLE A10 CONTRACTING AGENCY INSPECTIONS

A10.1 The CONTRACTING AGENCY has the right to inspect, in the manner and at reasonable times it considers appropriate during the period of this Agreement, all facilities and activities of the CONTRACTOR as may be engaged in the performance of this Agreement.

ARTICLE A11 TERMINATION OR SUSPENSION

A11.1 This Agreement may be terminated by either party upon 10 days written notice if the other party fails substantially to perform in accordance with its terms through no fault of the party initiating the termination (default termination). If the CONTRACTING AGENCY terminates this Agreement, the CONTRACTING AGENCY will pay the CONTRACTOR a sum equal to the percentage of work completed that can be substantiated in whole or in part either by the CONTRACTOR to the satisfaction of the CONTRACTING AGENCY or by the CONTRACTING AGENCY. If the CONTRACTING AGENCY becomes aware of any non-conformance with this Agreement by the CONTRACTOR, the CONTRACTING AGENCY will give prompt written notice thereof to the CONTRACTOR. Should the CONTRACTOR's services remain in non-conformance, the percentage of total compensation attributable to the nonconforming work may be withheld.

A11.2 The CONTRACTING AGENCY may at any time terminate (convenience termination) or suspend this Agreement for its needs or convenience. In the event of a

convenience termination, or suspension for more than 3 months, the CONTRACTOR will be compensated for authorized services and authorized expenditures performed to the date of receipt of written notice of termination or suspension plus reasonable expenses. No fee or other compensation for the uncompleted portion of the services will be paid except for already incurred indirect costs which the CONTRACTOR can establish and which would have been compensated for over the life of this Agreement, but because of the termination or suspension would have to be absorbed by the CONTRACTOR without further compensation.

A11.3 If federal funds support this Agreement, settlement for default or convenience termination must be approved by the Funding Agency.

A11.4 In the event of termination or suspension, the CONTRACTOR shall deliver all work products, reports, estimates, schedules and other documents and data prepared pursuant to this Agreement to the CONTRACTING AGENCY.

ARTICLE A12 OFFICIALS NOT TO BENEFIT

A12.1 No member of or delegate to Congress, United States Commissioner or other officials of the Federal, State, Political subdivision or Local Government shall be admitted to any share or part of this Agreement or any benefit to arise therefrom.

ARTICLE A13 INDEPENDENT CONTRACTOR

A13.1 The CONTRACTOR and its agents and employees shall act in an independent capacity and not as officers or agents of the CONTRACTING AGENCY in the performance of this Agreement except that the CONTRACTOR may function as the CONTRACTING AGENCY's agent as may be specifically set forth in this Agreement.

A13.2 Any and all employees of the CONTRACTOR, while engaged in the performance of any work or services required by the CONTRACTOR under this Agreement, shall be considered employees of the CONTRACTOR only and not of the CONTRACTING AGENCY and any and all Claims that may or might arise under the Worker's Compensation Act on behalf of said employees, while so engaged and any and all Claims made by a third party as a consequence of any negligent act or omission on the part of the CONTRACTOR's employees, while so engaged on any of the services to be rendered herein, shall be the sole obligation and responsibility of the CONTRACTOR.

A13.3 This Agreement will be declared null and void should the CONTRACTING AGENCY determine that by Internal Revenue Service definitions the CONTRACTOR is an employee of the CONTRACTING AGENCY.

ARTICLE A14 PROSELYTIZING

A14.1 The CONTRACTOR agrees that it will not engage on a full or part time basis, during the period of this Agreement, any person or persons who are or have been employed by the CONTRACTING AGENCY during the period of this Agreement or during the 90 days immediately preceding the date of this Agreement except those who have been regularly retired or approved in writing by the CONTRACTING AGENCY.

ARTICLE A15 COVENANT AGAINST CONTINGENT FEES

A15.1 The CONTRACTOR shall comply with the Copeland "Anti-Kickback" Act (18 USC 874) as supplemented in Federal Department of Labor regulations (29 CFR, part 3), which are incorporated by reference and made a part of this Agreement.

A15.2 The CONTRACTOR warrants that it has not employed or retained any organization or person, other than a bona fide employee, to solicit or secure this Agreement and that it has not paid or agreed to pay any organization or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the CONTRACTING AGENCY has the right to annul this Agreement without liability or, in its discretion, to deduct from the allowable compensation the full amount of such commission, percentage, brokerage or contingent fee.

A15.3 The CONTRACTING AGENCY warrants that the CONTRACTOR or the CONTRACTOR's representative has not been required, directly or indirectly as an express or implied condition in obtaining or carrying out this Agreement, to employ or retain, or agree to employ or retain, any organization or person or to make a contribution, donation or consideration of any kind.

ARTICLE A16 PRECEDENCE OF DOCUMENTS

A16.1 Components of this Agreement shall stand and prevail in the following order: Agreement over General Conditions; General Conditions over Statement of Services; Statement of Services over Basis of Compensation; Basis of Compensation over any appendices beyond Appendix C.

A16.2 If a "Request for Proposal" (RFP) and/or a proposal are appended to this Agreement, the components described in paragraph A16.1 shall stand and prevail over the proposal and the proposal over the RFP.

**ARTICLE A17
ENDORSEMENT ON DOCUMENTS**

A17.1 Endorsements and professional seals, if applicable, must be included on all final drawings, specifications, cost estimates and reports prepared by the CONTRACTOR. Preliminary copies of such documents submitted for review must have seals affixed without endorsement (signature).

**ARTICLE A18
OWNERSHIP OF WORK PRODUCTS**

A18.1 Work products produced under this Agreement, except items which have pre-existing copyrights, are the property of the CONTRACTING AGENCY. Payments to the CONTRACTOR for services hereunder include full compensation for all work products produced by the CONTRACTOR and its Subcontractors and the CONTRACTING AGENCY shall have royalty free non-exclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, such work products.

A18.2 Should the CONTRACTING AGENCY elect to reuse work products provided under this Agreement for other than the original project and/or purpose, the CONTRACTING AGENCY will indemnify the CONTRACTOR and its Subcontractors against any responsibilities or liabilities arising from such reuse. Additionally, any reuse of design drawings or specifications provided under this Agreement must be limited to conceptual or preliminary use for adaptation and the original CONTRACTOR's or Subcontractor's signature, professional seals and dates removed. Such reuse of drawings and specifications, which require professional seals and dates removed, will be signed, sealed and dated by the professional who is in direct supervisory control and responsible for all adaptation.

**ARTICLE A19
SUBCONTRACTORS, SUCCESSORS AND ASSIGNS**

A19.1 The CONTRACTING AGENCY must concur in the selection of any person or firm that may be engaged in performance of this Agreement to provide negotiable professional or technical services, products, etc., (vs. commodity items available to the general public in stores at market prices).

A19.2 If this Agreement includes named firms or individuals, then such firms or individuals shall be employed for the designated services, unless the Agreement is changed by Amendments.

A19.3 The CONTRACTOR shall not assign, sublet or transfer any interest in this Agreement without the prior written consent of the CONTRACTING AGENCY.

A19.4 The CONTRACTOR binds itself, its partners, its Subcontractors, assignees and legal representatives to this Agreement and to the successors, assignees and legal representatives of the CONTRACTING AGENCY with respect to all covenants of this Agreement.

A19.5 The CONTRACTOR shall include provisions appropriate to effectuate the purposes of this Appendix A in all subcontracts executed to perform services under this Agreement which may exceed a cost of \$25,000.

**ARTICLE A20
CLAIMS AND DISPUTES**

A20.1 If the CONTRACTOR becomes aware of any act or occurrence which may form the basis of a Claim by the CONTRACTOR for additional compensation or an extension of time for performance, or if any dispute arises regarding a question of fact or interpretation of this Agreement, the CONTRACTOR shall immediately inform the Contracts Officer. If the matter cannot be resolved within 7 days, the CONTRACTOR shall, within the next 14 days, submit an "Intent to Claim" in writing to the Contracts Officer.

A20.1.1 If the CONTRACTOR believes additional compensation is warranted, the CONTRACTOR shall immediately begin to keep and maintain complete, accurate and specific daily records concerning every detail of the potential Claim including actual costs incurred. The CONTRACTOR shall give the CONTRACTING AGENCY access to any such record and, when so requested, shall forthwith furnish the CONTRACTING AGENCY copies thereof.

A20.1.2 The Claim, if not resolved, shall be presented to the Contracting Officer, in writing, within 60 days following receipt of the "Intent to Claim". Receipt of the Claim will be acknowledged in writing by the Contracting Officer.

A20.1.3 The CONTRACTOR agrees that unless these written notices are provided, the CONTRACTOR will have no entitlement to additional time or compensation for such act, event or condition. The CONTRACTOR shall in any case continue diligent performance under this Agreement.

A20.2 The Claim shall specifically include the following:

A20.2.1 The act, event or condition giving rise to the Claim.

A20.2.2 The provisions of the Agreement which apply to the Claim and under which relief is provided.

A20.2.3 The item or items of project work affected and how they are affected.

A20.2.4 The specific relief requested, including Contract Time if applicable, and the basis upon which it was calculated.

A20.3 The Claim, in order to be valid, must not only show that the CONTRACTOR suffered damages or delay but that those conditions were actually a result of the act, event or condition complained of and that the Agreement provides entitlement to relief to the CONTRACTOR for such act, event, or condition.

A20.3.1 The CONTRACTING OFFICER reserves the right to make written requests to the CONTRACTOR at

any time for additional information which the CONTRACTOR may possess relative to the Claim. The CONTRACTOR agrees to provide the Contracting Officer such additional information within 30 days of receipt of such a request. Failure to furnish such additional information may be regarded as a waiver of the Claim.

A20.3.2 If the Claim is not resolved by Agreement within 90 days of its receipt, the Contracting Officer will issue a written decision to the CONTRACTOR.

A20.3.3 The CONTRACTOR shall certify that the Claim is made in good faith, that the supporting cost and pricing data are accurate and complete to the best of the CONTRACTOR's knowledge and belief, and that the amount requested accurately reflects the adjustment to the Agreement for which the CONTRACTOR believes the CONTRACTING AGENCY is liable.

A20.4 The CONTRACTOR will be furnished a written signed copy of the Contracting Officer's decision within 90 days, unless additional information is requested by the Contracting Officer. The Contracting Officer's decision is final unless, within 14 days of receipt of the decision, the CONTRACTOR delivers a written Notice of Appeal to the Commissioner designated on Page 2 of this Agreement.

A20.5 Procedures for appeals and hearings are covered under AS 36.30.625 and AS 36.30.630.

ARTICLE A21 EXTENT OF AGREEMENT

A21.1 This Agreement including appendices represents the entire and integrated Agreement between the CONTRACTING AGENCY and the CONTRACTOR and supersedes all prior negotiations, representations or Agreements, written or oral.

A21.2 Nothing contained herein may be deemed to create any contractual relationship between the CONTRACTING AGENCY and any Subcontractors or material suppliers; nor may anything contained herein be deemed to give any third party Claim or right of action against the CONTRACTING AGENCY or the CONTRACTOR which does not otherwise exist without this Agreement.

A21.3 This Agreement may be changed only by written Amendment executed by both the CONTRACTING AGENCY and the CONTRACTOR.

A21.4 All communications that affect this Agreement must be made or confirmed in writing and must be sent to the addresses designated in this Agreement.

A21.5 The CONTRACTOR on receiving final payment will execute a release, if required, in full of all Claims against the CONTRACTING AGENCY arising out of or by reason of the services and work products furnished and under this Agreement.

ARTICLE A22 TAXES

A22.1 As a condition of performance of this Agreement, the CONTRACTOR shall pay all Federal, State and Local taxes incurred by the CONTRACTOR and shall require their payment by any Subcontractor or any other persons in the performance of this Agreement.

ARTICLE A23 GOVERNING LAW

A23.1 This Agreement is governed by the laws of the State of Alaska and Federal and Local Laws and Ordinances applicable to the work performed. The CONTRACTOR shall be cognizant and shall at all times observe and comply with such laws which in any manner affect those engaged or employed in the performance, or which in any way affects the manner of performance, of this Agreement.

ARTICLE A24 FEDERAL AID CERTIFICATION (HIGHWAYS) (For Agreements exceeding \$100,000)

A24.1 The CONTRACTOR certifies, by executing this Agreement, to the best of his or her knowledge and belief, that:

A24.1.1 No federal appropriated funds have been paid or will be paid, by or on behalf of the CONTRACTOR, to any person for influencing or attempting to influence an officer or employees of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative Agreement, and at the extension, continuation, renewal, Amendment, or modification of any Federal contract, grant, loan, or cooperative Agreement.

A24.1.2 If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative Agreement, the undersigned shall complete and submit Standard Form LLL, Disclosure of Lobbying Activities, in accordance with its instructions. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

A24.2 This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code.

A24.3 The CONTRACTOR also agrees by executing this Agreement that the CONTRACTOR shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

**ARTICLE A25
TRADE RESTRICTIONS**

The CONTRACTOR or Subcontractor, by submission of an offer and/or execution of a contract, certifies that it:

- a. is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms published by the Office of the United States Trade Representative (USTR);
- b. Has not knowingly entered into any contract or subcontract for this project with a person that is a citizen or national of a foreign country on said list, or is owned or controlled directly or indirectly by one or more citizens or nationals of a foreign country on said list;
- c. Has not procured any product nor subcontracted for the supply of any product for use on the project that is produced in a foreign country on said list.

Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR 30.17, no contract shall be awarded to a contractor or subcontractor who is unable to certify to the above. If the CONTRACTOR knowingly procures or subcontracts for the supply of any product or service of a foreign country on said list for use on the project, the Federal Aviation Administration may direct through the Sponsor cancellation of the contract at no cost to the Government.

Further, the CONTRACTOR agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification without modification in each contract and in all lower tier subcontracts. The CONTRACTOR may rely on the certification of a prospective subcontractor unless it has knowledge that the certification is erroneous.

The CONTRACTOR shall provide immediate written notice to the Sponsor if the contractor learns that its certification or that of a subcontractor was erroneous when submitted by reason of changed circumstances.

This certification is a material representation of fact upon which reliance was placed when making the award. If it

is later determined that the CONTRACTOR or subcontractor knowingly rendered an erroneous certification, the Federal Aviation Administration may direct through the Sponsor cancellation of the contract or subcontract for default at no cost to the Government.

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of a contractor is not required to exceed that which is normally posed by a prudent person in the ordinary course of business dealings.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code, Section 1001.

**ARTICLE A26
SUSPENSION AND DEBARMENT**

The bidder/offeror certifies, by submission of this proposal or acceptance of this contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. It further agrees by submitting this proposal that it will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts, and subcontracts. Where the bidder/offeror/contractor or any lower tier participant is unable to certify to this statement, it shall attach an explanation to this solicitation/ proposal.

**ARTICLE A27
ADDITIONAL PROVISIONS**

(Any deletion or modification of Articles A1 through A26 shall be approved "as to form" by the CONTRACTING AGENCY's legal section, acknowledged in writing, and attached as an Exhibit to this Appendix.)

A27.1 N/A

STATEMENT OF SERVICES

APPENDIX B

IRIS Program No:	CFHWY00130
Federal Project No.:	0A33026
Date Prepared:	5/20/24
Other:	
Other:	
Other:	

STERLING SAFETY CORRIDOR IMPROVEMENTS MP 82.5 TO 94 PROGRESSIVE DESIGN-BUILD

ARTICLE B1 INDEX OF ARTICLES

Task Group	Article	Subject	
	B2	Exhibits	
	B3	Codes, Regulations, Standards and Procedures	
	B4	Administrative Requirements	
	B5	Management	
	B6	Project Location and Description	
	B7	Progressive Design-Build Project Delivery	
	B8	Design Considerations	
A	B9	Task 1: Public Involvement	
A	NIC	B10	Task 2: Surveying & Mapping Services
A	NIC	B11	Task 3: ROW Property Management Support Activities
A	NIC	B12	Task 4: Environmental Activities
A	NIC	B13	Task 5: Utility Coordination
A	NIC	B14	Task 6: Centerline Geotechnical Investigation & Reporting
A	NIC	B15	Task 7: Traffic and Safety Analysis
A	NIC	B16	Task 8: Hydrologic and Hydraulic Design
A	NIC	B17	Task 9: Electrical Design
A	NIC	B18	Task 10: Structural Design
A	NIC	B19	Task 11: Structural Geotechnical Investigation and Foundation Design
	NIC	B20	Task 12: Landscape Design
A	NIC	B21	Task 13: Design Study Report
A	NIC	B22	Task 14: Plans and Specifications
A	NIC	B23	Task 15: Cost Estimates
A	NIC	B24	Task 16: Value Engineering Study Support
A	NIC	B25	Task 17: Assistance with Design Project Closeout
	NIC	B26	Task 18: Right of Way Appraisal, Acquisition and Relocation Services

Do no work and incur no expense on any task until you have received a Notice to Proceed from the Contracting Agency that includes that task.

The Contracting Agency gives no guarantee that Notice to Proceed will be given for any task.

NIC is abbreviation for Not in Contract. The Contracting Agency reserves the right to add NIC tasks by amendment. However, it is under no obligation to do so, and reserves the right to complete the services by any other means, including the use of in-house forces.

PART 4

**STANDARD MODIFICATIONS
AND
SPECIAL PROVISIONS
To the STATE OF ALASKA**



**STANDARD
SPECIFICATIONS
FOR
HIGHWAY CONSTRUCTION**

**2020
EDITION**

Special Provision

Replace Section 643 with the following:

**SECTION 643
TRAFFIC MAINTENANCE**

643-1.01 DESCRIPTION. Protect and control traffic during the contract. Furnish, erect, maintain, replace, clean, move, and remove the traffic control devices required to ensure the traveling public's safety. Perform all administrative responsibilities necessary to implement this work.

Maintain all roadways and pedestrian and bicycle facilities affected by the work in a smooth and traversable condition. Construct and maintain approaches, crossings, intersections, and other necessary features throughout the project for the life of the contract.

Illuminate construction activities listed in Table 643-4 during hours of night work on roads open to the public within project limits.

643-1.02 DEFINITIONS. These definitions apply only to Section 643.

ATM. When used in this Section, ATM stands for the Alaska Traffic Manual, which is comprised of the Manual on Uniform Traffic Control Devices (MUTCD), the Alaska Traffic Manual Supplement, any adopted revisions or interim addenda to either document issued subsequently, and corrections to known errors to either document.

BALLOON LIGHT. Light surrounding by a balloon-like enclosure kept inflated by pressurized air or helium, and producing uniform light through 360 horizontal degrees.

CONSTRUCTION PHASING PLAN. A plan for each phase of the project showing how to accommodate traffic. Show the sequence of work by segment or phase, if required.

FIXED OBJECTS. Private vehicles, parked flagger vehicles, idle construction equipment, construction material stockpiles, culvert ends, individual trees, power poles, utility poles and appurtenances, and other items deemed by the Engineer to present a hazard to motorists, pedestrians, or bicyclists traveling through the work zone.

NIGHT WORK. Work occurring between sunset and sunrise on all days except the "No Lighting Required" period shown in the Table 643-1 below:

**TABLE 643-1
PROJECT LOCATIONS – NIGHT TIME ILLUMINATION EXCLUSION**

Latitude (degrees)	No Lighting Required		Nearby Cities
	Start	End	
South of 61	Lighting Required All Year		Everything South of Hope
61	June 11	July 1	Anchorage, Valdez, Girdwood
62	June 2	July 13	Wasilla, Palmer, Glennallen, Talkeetna
63	May 27	July 17	Cantwell, Paxson, McGrath
64	May 22	July 21	Tok, Delta, Nome
65	May 18	July 25	Fairbanks
66	May 14	July 29	Circle City
67	May 10	August 2	Coldfoot, Kotzebue
68	May 7	August 6	Galbraith Lake
69	May 3	August 9	Happy Valley
70	April 30	August 12	Deadhorse
71	April 27	August 15	Barrow
72	April 24	August 19	

TRAFFIC. The movement of vehicles, pedestrians, and bicyclists through road construction, maintenance operations, utility work, or similar operations.

TRAFFIC CONTROL PLAN (TCP). A drawing or drawings indicating the method or scheme for safely guiding and protecting motorists, pedestrians, bicyclists, and workers in a traffic control zone. The TCP depicts the traffic control devices and their placement and times of use.

TRAFFIC CONTROL ZONE. A portion of a road construction project, maintenance operation, utility work or similar operation that affects traffic and requires traffic control to safely guide and protect motorists, pedestrians, bicyclists, or workers.

643-1.03 TRAFFIC CONTROL PLAN. Implement an approved TCP before beginning work within the project limits.

The TCP includes, but is not limited to, signs, barricades, traffic cones, plastic safety fence, sequential arrow panels, portable changeable message board signs, special signs, warning lights, portable concrete barriers, crash cushions, flaggers, pilot cars, interim pavement markings, temporary lighting, temporary roadways and all other items required to direct traffic through or around the traffic control zone according to these Specifications and the ATM. Address in the TCPs placement of traffic control devices, including location, spacing, size, mounting height and type. Include code designation, size, and legend per the ATM and the Alaska Sign Design Specification (ASDS). Include longitudinal buffer space for the posted speed limit, according to Table 6C-2 of the ATM unless project conditions or geometric features prohibit including all or a portion of the buffer length.

When a TCP is included in the Plans, use it, modify it, or design an alternative TCP. When a TCP is omitted from the Plans, provide one according to this Section and the ATM.

Submit new or modified TCPs to the Engineer for approval. All TCPs must include the following information:

1. Project name and number.
2. A designated TCP number and name on each page.
3. For TCPs more than one page, each page must be numbered.
4. The posted speed limit for each roadway.
5. Existing striping width, lane width, and road surfacing.
6. Construction lane widths, striping layout, and temporary pavement marker layout.
7. Provisions for Pedestrian, Bicycle, and ADA travel through the work zone.
8. Dates and times the TCP will be in effect and why it is being used.
9. The Worksite Traffic Supervisor's signature certifying that all TCPs conform to the ATM and the Contract.
10. The Project Superintendent's signature confirming the TCP is compatible with the work plan.
11. The name(s) of the Worksite Traffic Supervisor, his/her alternate and their 24-hour telephone number(s).
12. Signs to be used and the ASDS designation number and size.
13. Location and spacing of all devices and signs.
14. A plan to address any possible slopes, drop offs, paving joints, or similar temporary features that may occur during use of the TCP.
15. For TCPs proposed to be used at night, note how the requirements will be met for the required lighting and retroreflective material.

TCPs submitted for approval without all the required information will be rejected. Allow 7 days for review of each TCP submittal. All required modifications to a TCP require a new submission and an additional 7 days for review.

A minor revision to a previously approved TCP during construction requires 48 hours for review and approval by the Engineer.

The TCPs, Plans, and Alaska Standard Plans show the minimum required number of traffic control devices. If unsafe conditions occur, the Engineer may require additional traffic control devices.

A waiver may be requested, in writing, of regulation 17 AAC 25 regarding oversize and overweight vehicle movements inside the project limits. If the waiver is approved, movements of oversize and overweight vehicles in or near traffic inside the project limits will be done according to the provisions of an approved Traffic Control Plan. Maintain a minimum 12-foot lateral separation between the nonstreet legal vehicles and the motoring public. The Traffic Control Plan shall specify the traffic control devices required for these operations.

Road Closures and Major Traffic Sequencing (events). Submit a written request to the Engineer for review and approval of each proposed event and event date. Allow 7 days for the Engineer to review any proposed event or subsequent changes/corrections. The proposed event date will be no less than 14 days from the date of written approval.

643-1.04 WORKSITE TRAFFIC SUPERVISOR. Provide a Worksite Traffic Supervisor responsible for maintaining 24-hour traffic operations.

1. **Qualifications.** Provide a Worksite Traffic Supervisor knowledgeable and experienced regarding the requirements of the ATM and the implementation of those requirements. Provide a Worksite Traffic Supervisor familiar with the Plans, the Specifications, proposed operations, and certified as one of the following:
 - a. Traffic Control Supervisor, American Traffic Safety Services Association (ATSSA)
 - b. Traffic Control Supervisor, Laborers' International Union of North America (LIUNA)
 - c. Work Zone Temporary Traffic Control Technician, International Municipal Signal Association (IMSA). After December 31, 2026 IMSA certification will not be accepted.

Certify according to Form 25D-124 that the Worksite Traffic Supervisor has a minimum 4000 hours of temporary traffic control work experience, is competent and capable, and has the authority to perform the duties and responsibilities in accordance with this section.

- a. Temporary traffic control work experience shall demonstrate an understanding of concepts, techniques, and practices in the installation and maintenance of traffic control devices, and skill in reading, interpreting, implementing, and modifying TCPs.
- b. Temporary traffic control work experience includes a combination of: flagging; installing traffic control devices in accordance with TCPs; monitoring traffic control devices and TCP performance; and recognizing and reporting deficiencies in traffic control devices and TCPs for correction.
- c. Temporary traffic control work experience is gained while serving as a Worksite Traffic Supervisor-in-training, temporary traffic control support personnel, and Flagger.

Worksite Traffic Supervisors shall maintain current certification and be able to show their certification anytime they are on the project.

2. Duties.

- a. Prepare the TCPs and public notices and coordinate traffic control operations between the Project Superintendent and the Engineer.
- b. Physically inspect the condition and position of all traffic control devices used on the project at least twice each day and at approximately 12-hour intervals. Ensure that traffic control devices work properly, are clean and visible, and conform to the approved TCP. Complete and sign a detailed written report of each inspection within 24 hours. Use Traffic Control Daily Review Form 25D-104.
- c. Supervise the repair or replacement of damaged or missing traffic control devices.
- d. Review and anticipate traffic control needs. Make available proper traffic control devices necessary for safe and efficient traffic movement.
- e. Review work areas, equipment storage, and traffic-safety material handling and storage.
- f. Hold traffic safety meetings with superintendents, foremen, subcontractors, and others as appropriate before beginning construction, prior to implementing a new TCP, and as directed. Invite the Engineer to these meetings.
- g. Supervise all traffic control workers, flaggers, and pilot car drivers.
- h. Certify that all flaggers are certified as required by Subsection 643-3.04.4. Submit a copy of all flagger certifications to the Engineer.
- i. Supervise lighting for night work.

3. **Authority.** The Worksite Traffic Supervisor shall have the Contractor's authority to stop work and implement immediate corrective action to unsafe traffic control, in locations where unsafe traffic control is present.

643-1.05 CONSTRUCTION PHASING PLAN. Submit a Construction Phasing Plan for approval no less than 5 working days prior to the preconstruction conference. Include the following:

1. Form 25D-124 designating the Worksite Traffic Supervisor, providing the 24-hour telephone number, and certifying minimum 4,000 hours of work experience as described in 643-1.04 Worksite Traffic Supervisor.
2. A construction-phasing plan for each phase or segment of the project.
3. TCPs for the first phase of the project. Show permanent and temporary traffic control measures, including the times each TCP will be used.

Submit any changes to the Engineer for approval 7 days before proposed implementation.

643-1.06 TRAFFIC MAINTENANCE SETUP. When shown on the bid schedule, Traffic Maintenance Setup items are site specific and are detailed as individual TCPs on the plan sheets. They depict the method or scheme required to route traffic safely and efficiently when any of the following restrictions occur:

1. **Lane Closure.** The closure of one or more lanes on a roadway.
2. **Detour.** The redirection of traffic through or around a traffic control zone.
3. **Road Closure.** The closure of a roadway with or without a specified detour route.
4. **One Lane Road.** A two-way roadway reduced to a single-lane roadway with flaggers, pilot cars, traffic signals, stop signs, or yield signs.

643-2.01 MATERIALS. Provide traffic control devices meeting the following requirements:

1. **Signs.** Use signs, including sign supports, that conform to Section 615, the ATM, and ASDS.
 - a. Construction Signs: Regulatory, guide, or construction warning signs designated in the ASDS.
 - b. Permanent Construction Signs: As designated on the Plans or an approved TCP.
 - c. Special Construction Signs: All other signs are Special Construction Signs. Neatly mark the size of each sign on its back in 3-inch black numerals.
2. **Portable Sign Supports.** Use wind-resistant sign supports with no external ballasting. Use sign supports that can vertically support a 48 X 48 inch traffic control sign at the height above the adjacent roadway surface required by the ATM.
3. **Barricades and Vertical Panels.** Use barricades and vertical panel supports that conform to the ATM. Use Type III Barricades at least 8 feet long. Use retroreflective sheeting that meets ASTM D4956 Type II or III.
4. **Portable Concrete Barriers.** Use portable concrete barriers that conform to the Contract. For each direction of traffic, equip each 12.5-foot section of barrier with at least two side-mounted retroreflective tabs placed approximately 6 to 8 feet apart, or a continuous 4-inch wide horizontal retroreflective stripe mounted 6 inches below the top of the barrier. Use yellow tabs or stripe when barriers are placed at centerline. Use white tabs or stripe when barriers are placed on the roadway shoulder. Use retroreflective sheeting that meets ASTM D4956 Type III, IV or V.
5. **Warning Lights.** Use Type A (low intensity flashing), Type B (high intensity flashing) or Type C (steady burn) warning lights that conform to the ATM.
6. **Drums.** Use plastic drums that conform to the requirements of the ATM. Use retroreflective sheeting that meets ASTM D4956 Type II or III.
7. **Traffic Cones and Tubular Markers.** Use reflectorized traffic cones and tubular markers that conform to the requirements of the ATM. Use traffic cones and tubular markers at least 28 inches high. Use retroreflective sheeting that meets ASTM D4956 Type II or III.
8. **Interim Pavement Markings.** Apply markings according to Section 670 and the manufacturer's recommendations. Use either:
 - a. Paint meeting Subsection 708-2.03 with glass beads meeting Subsection 712-2.08,
 - b. Preformed Marking Tape (removable or non-removable) meeting Subsection 712-2.14, or
 - c. Temporary Raised Pavement Markers meeting Subsection 712-2.15 or 712-2.16, as appropriate.
9. **High-Level Warning Devices.** Use high-level warning devices that conform to the ATM.
10. **Temporary Crash Cushions.** Use retroreflective sheeting that meets ASTM D4956 Type III, IV or V. Application of crash cushion must be appropriate for the intended use and be installed per manufacturer's recommendation. Temporary crash cushions used as rail or barrier end treatments must be redirective. Temporary crash cushions that are barrels or barricade filled with sand or water may only be used when the forecasted temperature during their use is above 32 degrees Fahrenheit.
11. **Sequential Arrow Panels.** Use Type A (24 X 48 inch), Type B (30 X 60 inch) or Type C (48 X 96 inch) panels that conform to the ATM.

12. **Portable Changeable Message Board Signs.** Use new truck or trailer mounted portable changeable message board signs with self-contained power supply for the sign and with:
- Message sign panel large enough to display 3 lines of 18-inch high characters
 - Eight character display per message module
 - Fully programmable message module
 - Remote control cellular, wireless radio frequency (RF), landline
 - Waterproof, lockable cover for the controller keyboard
 - Capacity for electric/hydraulic sign raising or lowering
 - Radar over speed detection
 - Variable flash and sequence rates
 - Light emitting diode (LED) display, using Institute of Transportation Engineers (ITE) amber/yellow
 - The capacity for a minimum of 150 pre-programmed messages
 - Battery-Pack Operation Duration: minimum of 55 hours under full load
 - Power chords shall comply with the National Electrical Code (NEC) Article 600.10 Portable or Mobile Signs, paragraphs 600.10(C)(1) Cords and 600.10(C)(2) Ground-Fault Circuit Interrupter (GFCI). The cord will have integral GFCI protection located in either the attachment plug or 12 inches or less from the plug.
13. **Plastic Safety Fence.** Use 4-foot high construction orange fence manufactured by one of the following companies, or an approved equal:
- "Safety Fence" by Jackson Safety, Inc., Manufacturing and Distribution Center, 5801 Safety Drive NE, Belmont, Michigan, 49306. Phone (800) 428-8185.
 - "Flexible Safety Fencing" by Carsonite Composites, LLC, 19845 U.S. Highway 76, Newberry, South Carolina, 29108. Phone (800) 648-7916.
 - "Reflective Fencing" by Plastic Safety Systems, Inc., 2444 Baldwin Road, Cleveland, Ohio 44104. Phone (800) 662-6338.
14. **Temporary Sidewalk Surfacing.** Provide temporary sidewalk surfacing as required by an approved TCP and the following:
- Use plywood at least 1/2-inch thick for areas continuously supported by subgrade. Use plywood at least 1 inch thick for areas that are not continuously supported.
 - Do not use unsupported 1-inch plywood longer than 30 inches.
 - Use plywood with regular surfaces. Do not overlap plywood joints higher than 1/2-inch. Bevel overlap joints so the maximum slope of the overlapping edge is 2 horizontal to 1 vertical.
 - Fasten so wind and traffic will not displace temporary surfacing.
15. **Temporary Guardrail.** Use temporary guardrail that meets Section 606, except that posts may require placement under special conditions, such as in frozen ground.
16. **Flagger Paddles.** Use flagger paddles with 24 inches wide by 24 inches high sign panels, 8 inch Series C lettering (see ASDS for definition of Series C), and otherwise conform to the ATM. Use retroreflective sheeting that meets ASTM D4956 Type VIII, IX or XI. Use background colors of fluorescent orange on one side and red on the other side.
17. **Truck Mounted Attenuator (TMA).** The TMA shall be mounted on a vehicle with a minimum weight of 15,000 pounds and a maximum weight per the manufacturer's recommendations.

18. **Portable Steel Barriers.** Use portable steel barriers that conform to the contract. For each direction of traffic, equip each section of barrier with side-mounted retroreflective tabs placed approximately 6 to 8 feet apart, or a continuous 4-inch wide horizontal retroreflective stripe mounted 6 inches below the top of the barrier. Use yellow tabs or stripe when barriers are placed at centerline. Use white tabs or stripe when barriers are placed on the roadway shoulder. Use retroreflective sheeting that meets ASTM D4956 Type III, IV, or V.

19. **Flexible Markers.** Refer to Subsection 606-2.01 Materials.

643-2.02 Crashworthiness. Temporary Work Zone devices, including portable barriers, manufactured after December 31, 2019, must have been successfully tested to the 2016 edition of Manual for Assessing Safety Hardware (MASH). Such devices manufactured on or before this date, and successfully tested to National Cooperative Highway Research Program (NCHRP) Report 350 or the 2009 edition of MASH, may continue to be used throughout their normal service lives.

Submit documentation, by the method indicated on table 643-2, that the following devices comply with Test Level 3 requirements of National Cooperative Highway Research Program (NCHRP) Report 350 or the Manual for Assessing Safety Hardware (MASH). Submit documentation of compliance to the Engineer before installing devices on the project.

**TABLE 643-2
WORK ZONE TRAFFIC CONTROL DEVICE AND
BARRIER CRASH TESTING COMPLIANCE**

Category	Devices	Devices Manufactured Before Dec. 31, 2019 ¹	Devices Manufactured after Dec. 31, 2019 ¹	Method of Documentation
1	Low-mass single-piece devices w/o attachments; traffic cones, tubular markers, single piece drums, delineators	NCHRP 350, MASH 2009, or MASH 2016	MASH 2016	Manufacturer's Certification for devices exceeding height and weight limits
2	Category 1 devices with attachments, barricades, portable sign supports, drums w/lights, other devices weighing less than 100 pounds but not included in Category 1	NCHRP 350, MASH 2009, or MASH 2016	MASH 2016	FHWA eligibility letter, at Test Level 32.
3	Fixed sign supports, truck mounted attenuators, temporary crash cushions, bridge railing, bridge and guardrail transitions, and guardrail and barrier end treatments.	NCHRP 350, MASH 2009, or MASH 2016	MASH 2016	FHWA eligibility letter, at Test Level 32.
	Portable Concrete and steel barriers	NCHRP 350, MASH 2009, or MASH 2016	MASH 2016	FHWA eligibility letter, if available, at Test Level 3, or DOT&PF eligibility determination, unless otherwise required in the Contract

- 1 The Engineer will determine whether a device is in serviceable condition. Serviceable means the device will function equivalent to a new device of the same manufacture.
- 2 When no test level is specified in a FHWA Eligibility letter; it is implied that the tests were run for Test Level 3.

In Table 643-2, Category 1 devices that exceed the following weights and heights require certification that they meet the evaluation criteria of NCHRP Report 350 or MASH, Test Level 3. This certification may be a one-page affidavit signed by the vendor. Documentation supporting the certification (crash tests and/or engineering analysis) must be kept on file by the certifying organization. No certification is required for devices less than or equal to both the weight and height on the schedule below:

Device	Composition	Weight	Height
Cones	Rubber	20 lb	36 in.
	Plastic	20 lb	48 in.
Candles	Rubber	13 lb	36 in.
	Plastic	13 lb	36 in.
Drums	Hi Density Plastic	77 lb	36 in.
	Low Density Plastic	77 lb	36 in.
Delineators	Plastic or fiberglass	N/A	48 in.

643-3.01 GENERAL CONSTRUCTION REQUIREMENTS. Keep the work, and portions of the project affected by the work, in good condition to accommodate traffic safely. Provide and maintain traffic control devices and services inside and outside the project limits, day and night, to guide traffic safely.

Unless otherwise provided in this Section, keep all roadways, business accesses, and pedestrian facilities within the project limits open to traffic. Obtain the Engineer's approval before temporarily closing residential, commercial, or street approaches. Provide access through the project for emergency vehicles and school and transit buses. Properly sign and/or flag all locations where the traveling public is redirected or stopped. Organize construction operations so the total of all construction related stoppages experienced by a vehicle traveling through the project does not exceed 20 minutes except when indicated otherwise in the Contract.

Stop equipment at all points of intersection with the traveling public unless an approved TCP shows otherwise.

Continue to operate all illumination and signalization according to the requirements of Subsection 660-3.09. When moving approach lanes, realign signal heads as necessary according to the ATM. Coordinate any modifications to existing traffic signals with the agency that maintains and operates them. Operate flood lighting at night according to the ATM. Adjust flood lighting so that it does not shine into oncoming traffic.

Provide and maintain safe routes for pedestrians and bicyclists through or around traffic control zones at all times, except when regulations prohibit pedestrians or bicyclists. Station a flagger, where construction activity encroaches onto the safe route in a traffic control zone, to assist pedestrians, and bicyclists past the construction activity.

Maintain business access(s) during flagging operations.

Immediately notify the Engineer as soon as an employee or a subcontractor becomes aware of any traffic related crash that occurs within the project limits, between construction warnings signs, along a detour route, or involving traffic in a queue back up from project work. Within 3 days fill out the information on Form 25D-123 Work Zone Crash Report and submit a copy to the Engineer.

643-3.02 ROADWAY CHARACTERISTICS DURING CONSTRUCTION. Obtain an approved TCP before reducing existing roadway lane and shoulder widths and before starting construction. Maintain a clear area with at least 2 feet between the edge of traveled way and the work area. Use barricades, traffic cones, or drums to delineate this area. Place traffic control devices on the work side of the clear area. Space them according to the ATM.

Traffic Traversing Unpaved Surface(s).

Traffic Traversing unpaved surface(s). Coordinate with the Construction Engineer!! Delete the brackets [] after filling in.

The total length of unpaved surfaces(s), measured parallel to the roadway, may not exceed the disturbed ground limit in Subsection 652-1.04 and as noted in 643-3.02.

Always include the para. above and below. Fill in the # of concurrent paved surfaces [] (two is preferred). Application: 1R, 3R, 4R projects.

Limit the concurrent unpaved surfaces to [xx], and the immediate area of work. Patch with hot mix asphalt less than 48 hours after removing the existing pavement.

Except. Application: 3R and 4R projects. If no exception to the above para. delete "Except" and the 1st & 2nd para. below.

Except:

1st para below: fill in the roadway, # of concurrent unpaved surfaces [], length [] (11,000 ft max 651-1.04). Delete the 2nd para. below.

[Replace with roadway]. Limit the concurrent unpaved surfaces to [xx], and less than [xx] feet total measured parallel to the roadway. Patch with hot mix asphalt less than [xx] days after removing the existing pavement.

If maintaining traffic on an unpaved surface, provide a smooth and even surface that public traffic can use at all times. Properly crown the roadbed surface for drainage. Before beginning other grading operations, place sufficient fill at culverts and bridges to permit traffic to cross smoothly and unimpeded. Use part-width construction techniques when routing traffic through roadway cuts or over embankments under construction. Excavate the material or place it in layers. Alternate the construction activities from one side to the other. Route the traffic over the side opposite the one under construction.

Detour traffic when the Plans or an approved TCP allows. Maintain detour routes so that traffic can proceed safely. When detours are no longer required, obliterate the detour. Topsoil and seed appropriate areas.

If two-way traffic cannot be maintained on the existing roadway or detour, use half-width construction or a road closure if it is shown on an approved TCP. Make sure the TCP indicates closure duration and conditions. Schedule the roadway closures to avoid delaying school buses, and peak-hour traffic. For road closures, post closure-start and road-reopen times at the closure site, within view of waiting traffic.

Pave lanes next to the median first. Pave lanes next to exit and entrance ramps last. Place temporary 12:1 sloped wedge of asphalt concrete against the abrupt pavement edge on lanes next to exit and entrance ramps. Do not open the roadway to traffic until slope wedges are in place.

643-3.03 PUBLIC NOTICE. Give notice at least 3 days before major changes, delays, lane restrictions, or road closures to local officials and transportation organizations, including but not necessarily limited to:

- Alaska Trucking Association
- Alaska State Troopers
- Division of Measurement Standards
- Local Police Department
- Local Fire Department
- Local Government Traffic Engineer
- School and Transit Authorities
- Local Emergency Medical Services
- Local Media (newspapers, radio, television)
- Railroads (where applicable)
- U.S. Postal Service
- Major Tour Operators

Provide local traffic enforcement and maintenance agencies 24-hour notice before shutting down a traffic signal system. Provide notice as required by utility companies before repairing or replacing a utility.

Provide the Alaska State Troopers, local police and fire department with the radio frequencies used on the project and the 24-hour telephone numbers of the Worksite Traffic Supervisor and the Project Superintendent. These telephone numbers are used to alert construction employees when emergency vehicles must pass through the project. When notified of emergencies make every necessary effort to expedite rapid passage.

Additional notices may be given through the Navigator or 511 System for selected projects. Check the special provisions for those requirements.

643-3.04 TRAFFIC CONTROL DEVICES. Before starting construction, erect permanent and temporary traffic control devices required by the approved TCPs. The Engineer will determine advisory speeds when necessary.

For lane closures on multilane roadways, use sequential arrow panels. During hours of darkness when required by the approved TCP, use flashing warning lights to mark obstructions or hazards and steady-burn lights for channelization.

Use only one type of traffic control device in a continuous line of delineating devices, unless otherwise noted on an approved TCP. Use drums or Type II barricades for lane drop tapers.

During non-working hours and after completing a particular construction operation, remove all unnecessary traffic control devices. Store all unused traffic control devices in a designated storage area which does not present a nuisance or visual distraction to traffic. If sign panels are post mounted and cannot be readily removed, cover them entirely with either metal or plywood sheeting. Completely cover signal heads with durable material that fully blocks the view of signal head and will not be damaged or removed by weather.

Keep signs, drums, barricades, and other devices clean at all times.

Use only traffic control devices that meet the requirements of the "Acceptable" category in ATSSA (American Traffic Safety Services Association) "Quality Guidelines for Temporary Traffic Control Devices" and meet crashworthiness requirements per Section 643-2.02.

Immediately replace any devices provided under this Section that are lost, stolen, destroyed, inoperable or deemed unacceptable while used on the project. Stock repair parts for each Temporary Crash Cushion used on the project. Repair damaged crash cushions within 24 hours.

Maintain pre-existing roadside safety hardware at an equivalent or better level than existed prior to project implementation until the progress of construction necessitates removing the hardware. All existing hazards that are currently protected with roadside safety hardware or new hazards which result from project improvements shall be protected or delineated as required in the plans, specifications, and approved TCPs until permanent roadside safety hardware is installed. All temporary roadside safety hardware shall meet crashworthiness requirements of Subsection 643-2.02.

All items paid under this Section remain the property of the Contractor, unless noted otherwise in the contract. Remove them after completing the project.

1. **Embankments.** Close trenches and excavations at the end of each continuous work shift, except as indicated by the Engineer.

Install portable concrete or steel barrier, plastic drums, barricades, tubular markers, plastic safety fence, and cones as specified on the Plans or TCPs to delineate open trenches, ditches, other excavations, and hazardous areas when they exist along the roadway for more than one continuous work shift.

2. **Adjacent Travel Lane Paving.** When paving lifts are 2 inches or greater and you cannot finish paving adjacent travel lanes or paved shoulders to the same elevation before the end of the paving shift, install: W8-11 (Uneven Lanes), W8-9 (Low Shoulder), W8-17 (Shoulder Drop-Off), W14-3 (No Passing Zone), R4-1 (Do Not Pass), R4-2 (Pass with Care), and W8-1 (Bump) signs as appropriate. Place additional signs every 1500 feet if the section is longer than 1/2 mile.
3. **Fixed Objects, Construction Vehicles and Equipment Working On or Next to the Traveled Way.** Do not park equipment in medians. Locate fixed objects at least 30 feet from the edge of traveled way. Fixed objects that exist prior to construction activity are not subject to this requirement unless the proposed temporary traffic routing moves the edge of traveled way closer to the pre-existing fixed object. Vehicles and other objects within parking lots in urban environments are considered preexisting fixed objects regardless of whether they are or are not present continuously throughout the day.

When worksite restrictions, land features, right of way limitations, environmental restrictions, construction phasing, or other construction conditions allow no practicable location meeting the preceding requirements, the Engineer may approve alternate locations for fixed objects. Alternate locations shall be as far as practicable from the edge of traveled way. When the alternate location provides 15 feet or more separation from the edge of traveled way, the Engineer may verbally approve the alternate location. When the alternate location provides less than 15 feet separation, written approval is required.

When the Engineer determines a fixed object or fixed objects present unacceptable hazard, use drums, or Type II barricades with flashing warning lights, or use portable concrete or steel barriers, or temporary crash cushion to delineate or shield the hazard, as approved by the Engineer.

Remove obstructions greater than 4 inches above the nominal foreslope grade at the end of each continuous work shift.

4. **Flagging.** Furnish trained and competent flaggers and all necessary equipment, including lighting of the flagging position during nighttime operations, to control traffic through the traffic control zone. The Engineer will approve each flagging operation before it begins and direct adjustments as conditions change.

Flaggers must be certified as one of the following:

- a. ATSSA Flagger
- b. ATSSA Flagging Instructor
- c. LIUNA Flagger
- d. LIUNA Traffic Control Technician
- e. IMSA Work Zone Temporary Traffic Control Technician

After December 31, 2026, IMSA certification will not be accepted.

Flaggers shall maintain current flagger certification. Flaggers must be able to show their flagger certification anytime they are on the project.

Flaggers must maintain their assigned flagging location at all times, unless another qualified flagger relieves them, or the approved traffic control plan terminates the flagging requirements. Remove, fully cover, or lay down flagger signs when no flagger is present. Keep the flaggers' area free of encumbrances. Keep the flagger's vehicle well off the roadway and away from the flagging location so the flagger can be easily seen.

Provide approved equipment for two-way radio communications between flaggers when flaggers are not in plain, unobstructed view of each other.

Obtain the Engineer's written approval before flagging signalized intersections. When flagging a signalized intersection, either turn off and cover the traffic signal or place it in the All-Red Flash mode. Coordinate changing traffic signal modes and turning off or turning on traffic signals with the agency responsible for signal maintenance and operation and the Engineer. Get their written approval in advance. Only uniformed police officers are permitted to direct traffic in an intersection with an operating traffic signal.

5. **Pilot Cars.** You may use pilot cars when part of an approved TCP, if the Engineer determines one-way traffic is necessary, or if the route through the traffic control zone is particularly hazardous, involved, or frequently altered to preclude adequate signing. Do not use pilot cars to avoid localized traffic control at several locations. Pilot car operators may not control Automated Flagging Assistance Devices while operating a pilot car.

Organize construction operations so the total of all stoppages experienced by a vehicle traveling through a project does not exceed 20 minutes. However, this does not imply that you may allow 20 minutes in all cases. Coordinate multiple pilot-car operations within a project or adjoining projects to minimize inconvenience to the traveling public. Two or more pilot cars may be used to provide two-way traffic through the traffic control zone to reduce the waiting period. The flagger or pilot car operator must record each pilot car's departure time in a bound field book furnished by the Engineer. Whenever practical, the flagger should tell the motorist the reason for and approximate length of the delay. Make every reasonable effort to yield right-of-way to the public and prevent excessive delay.

Use an automobile or pickup as the pilot car, with the company logo prominently displayed. Equip the pilot car with a two-way radio for contact with flaggers and other pilot cars. Mount a G20-4 sign (Pilot Car Follow Me) on the rear at least 5 feet above the driving surface. Use high intensity flashing strobe lights, oscillating beacons, or rotating beacons on all Pilot Cars. Vehicle hazard warning lights may supplement but are not permitted to be used instead of high intensity flashing strobe lights, oscillating beacons, or rotating beacons. Identify the last vehicle in the column.

When pilot car operations are approved, establish all required pilot car traffic control devices before beginning work. Continue pilot car operations until no longer necessary and an approved TCP is in place for operations without pilot car, including all required traffic control devices.

6. **Street Sweeping and Power Brooming.** Keep free of loose material paved portions of the roadway and haul routes open to the public, including sections of roadway off the project where the Contractor's operations have deposited loose material. Use equipment for brooming and sweeping as recommended by the manufacturer and the following:

Dirt, dust and construction materials, mobilized as a result of power brooming and or sweeping, shall not be pushed, ejected, thrown or drift beyond the lesser of, 2 feet from the equipment perimeter or the edge of the paved surface.

All equipment shall operate to typical industry standards. Maintain equipment to operate as designed by the manufacturer. Equipment will employ safety equipment, warning lights, and other as required by the Specifications and these Special Provisions.

Sweeper and Broom Options: Table 643-5, Traffic Control Rate Schedule, Street Sweeping

- a. **Regenerative Sweeper:** Sweeper that blows a stream of air at the paved surface, causing fine particles to rise, and then caught through a vacuum system.
- b. **Vacuum Sweeper:** Sweeper that creates a vacuum at the paved, surface sucking dirt, dust, and debris into a collection system.
- c. **Mechanical Broom Sweeper:** Sweeper designed to pick up and collect larger size road debris, stones and litter, etc. In addition to the requirements noted in these Specifications, use of a mechanical broom sweeper requires the Engineer to approve the sweeper for the intended use.

- d. **Power Broom:** Power brooming that wets, pushes and or ejects loose material directly into an attached collection/pickup container may be used when approved by the Engineer. The added moisture will be contained to the paved roadway surface.

Dry Power Brooming is not permitted. Power brooming without direct/immediate means of collection/pickup is not permitted.

7. **Watering.** Furnish, haul, and place water for dust control and pavement flushing, as directed. Use water trucks that can provide a high-pressure water stream to flush the pavement and a light-water spray to control dust. If the flushing operations contaminate or fill adjacent catch basins, clean and restore them to their original condition. This requirement includes sections of roadway off the project where flushing is required. The Engineer will control water application.

Obtain an Alaska Department of Natural Resources permit for water removal before taking water from a lake, stream, or other natural water body. Comply with the Alaska Department of Fish and Game screening requirements for all water removal operations.

8. **Portable Changeable Message Board Signs.** Furnish Changeable Message Signs when approved on a TCP. Display only messages approved on the TCP. Follow application guidelines in the ATM.
9. **Truck Mounted Attenuator (TMA).** TMAs are mounted on the rear of work vehicles. Impact attenuators shall meet crashworthiness requirements of 643-2.02. TMAs shall be mounted on a vehicle with a minimum weight of 15,000 pounds and a maximum weight in accordance with the manufacturer's recommendations. TMAs shall have an adjustable height so that it can be placed at the correct elevation during usage and to a safe height for transporting. Approach ends of TMAs shall have impact attenuator markings in accordance with the ATM. Do not use a damaged attenuator in the work. Replace any damaged TMA at your expense.
10. **Traffic Control Vehicles.** Use high intensity flashing strobe lights, oscillating beacons, or rotating beacons on the Work Zone Supervisor's vehicle and on vehicles being used to transport and set-up traffic control devices. Vehicle hazard warning lights may supplement but are not permitted to be used instead of high intensity flashing strobe lights, oscillating beacons, or rotating beacons.

643-3.05 AUTHORITY OF THE ENGINEER. When existing conditions adversely affect the public's safety or convenience, the Contractor will receive an oral notice, and then a written notice according to Subsection 105-1.01, Authority of the Engineer. The notice will state the defect(s), the corrective action(s) required, and the time required to complete the corrective action(s). In no case shall this time exceed 24 hours. If corrective action(s) are not completed within the specified time, the Engineer may immediately suspend work on the offending operations until the defect(s) are corrected. The Engineer may require outside forces to correct unsafe conditions. The cost of work by outside forces will be deducted from any monies due under the terms of this Contract.

643-3.06 TRAFFIC PRICE ADJUSTMENT. A Traffic Price Adjustment, under Item 643.0023, will be assessed for unauthorized lane closures or reductions. Unauthorized lane reductions will be assessed as one full lane closure, for each lane reduced without authorization.

Authorized lane closures and/or lane reductions are those shown in the Contract, an approved TCP, or authorized in writing.

Unauthorized lane reductions include unacceptable roadway, pedestrian walkway or route, and bicycle route or pathway surfaces, such as severe bumps, ruts, washboarding, potholes, excessive dust or mud, and non-conforming or out of place traffic control devices. Failure to install temporary crash cushions or barriers, when required according to the Contract or TCP, is also considered an unauthorized lane reduction. The Engineer will make the sole determination whether unauthorized lane reductions or closures are present.

Failure to maintain an acceptable infrastructure or traffic control plan will result in a price adjustment equal to 100 percent of the applicable rate shown in Table 643-3, Adjustment Rates, for the time the roadway or pedestrian facility is in an unacceptable condition.

The rates are liquidated damages which represent highway user costs, based on Average Daily Traffic (ADT). The Engineer will use the rate shown for the current ADT for this project, as published in the Regional Traffic Volume Report prepared by the Department's Planning Section. Adjustment rates for unauthorized reduction or closure of each lane of pedestrian walkways or route, and bicycle route or pathway, are the same as for one full roadway lane closure.

**TABLE 643-3
ADJUSTMENT RATES**

Published ADT	Dollars/Minute of Unauthorized Lane Reduction or Closure
Less than 1,000	\$6
1,000-4,999	\$25
5,000-9,999	\$75
10,000-29,999	\$105
30,000+	\$150

643-3.07 MAINTENANCE OF TRAFFIC DURING SUSPENSION OF WORK. Approximately one month before work is suspended for the season, schedule a preliminary meeting with the Engineer and Maintenance & Operations to outline the anticipated roadway condition and the work expected to be completed before shutdown. Schedule a field review with the Department for winter maintenance acceptance. At the field review, the Engineer will prepare a punch list for implementation before acceptance.

To be relieved of winter maintenance responsibility, leave all roads with a smooth and even surface for public use at all times. Properly crown the roadbed surface for drainage and install adequate safety facilities. Make sure all illumination and signals, including vehicle detectors, are in good working order.

After the project is accepted for winter maintenance and until ordered to resume construction operations, the Department is responsible for maintaining the facility. The Department will accept maintenance responsibility only for portions of the work that are open to the public, as determined by the Engineer. The Department will not accept maintenance responsibility for incomplete work adjacent to accepted roads. The contractor is responsible for maintaining all other portions of the work. The Engineer will issue a letter of "Acceptance for Winter Maintenance" that lists all portions of the work that the Department will maintain during a seasonal work suspension. The contractor retains all contractually required maintenance responsibilities until receipt of this letter.

If the contractor suspends work due to unfavorable weather (other than seasonal) or due to failure to correct unsafe conditions, carry out Contract provisions, or carry out the Engineer's orders. All costs for traffic maintenance during the suspended period will be borne by the Contractor.

When work is resumed, replace or renew any work or materials lost or damaged during temporary use. If the Department caused damage during winter suspension, payment will be made for repairs by unit pay item or in accord with Subsection 109-1.05, Compensation for Extra Work. When the Engineer directs, remove any work or materials used in the temporary maintenance. Complete the project as though work has been continuous.

643-3.08 CONSTRUCTION SEQUENCING. The construction sequencing detailed in these provisions, the Special Provisions, and the Plans is suggested only. The Contractor may propose alternative construction sequencing.

Throughout the project, maintain the existing roadway, pedestrian walkway, or route, and bicycle route or pathway configuration (such as the number of lanes and their respective widths) except for restrictions to traffic allowed in the Special Provisions or on the Plans, and addressed through approved TCPs. A restriction to traffic is any roadway surface condition, work operation, or traffic control setup that reduces the number of lanes or impedes traffic. Obtain an approved TCP before restricting traffic.

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Unless otherwise determined by the Engineer and on an approved Traffic Control Plan (TCP), do not restrict traffic during the times listed below:

1. **May 1 to September 15:**

- a. Monday through Thursday: 0600 hrs to 2100 hrs.
- b. Weekends: Friday 0600 hrs to Sunday 2200 hrs.

2. **Around any Holiday:**

- a. If a holiday falls on Sunday, Monday, or Tuesday, the above stipulations apply from 1200 hrs on the Friday before the holiday to 0300 hrs. on the day after the holiday.
- b. If a holiday falls on Wednesday, the above stipulations apply from 1200 hrs on the Tuesday before the holiday to 0300 hrs. on the Thursday after the holiday.
- c. If a holiday falls on Thursday, Friday, or Saturday, the above stipulations apply from 1200 hrs on the day before the holiday to 0300 hrs. on the Monday after the holiday.

3. **July 1 through July 31: No travel restrictions.**

Note to reviewers: QAP/DOWL team would like to continue discussing opportunities to loosen restrictions to decrease schedule implications, decrease required night work, and improve efficiency.

Lane restrictions, if allowed, conducted so that no more than a 10 minute accumulated stopped delay, 40 vehicles, or 1/4 mile (1320 feet) of traffic detained, whichever occurs first, before releasing the detained motorists. During paving operations, a 20 minute stopped delay, 80 vehicles, or 1/2 mile (2640 feet) of traffic detained, allowed for motorists, except school buses. If a queue of traffic develops at a stop, empty the entire queue to include the last car that entered the queue at the time the queue was released.

Do not delay the school busses through the construction zone; obtain the local school bus schedule and coordinate work efforts. Submit the plan, as a TCP, to the Engineer for approval before the implementation of the school bus coordination plan.

Vehicle and pedestrian access to all trails, KPB roadways, and other recreational resources shall be maintained at all times for the duration of the project, unless approved by the Engineer.

Special Construction signs, in accordance with Subsection 643-2.01, shall be used to advise the public of work in the vicinity of trails and planned closures of trails. Special Construction signs shall be placed at trailheads at least two weeks before construction begins and be maintained in serviceable condition for the duration of the project. Signs shall state dates and duration of work and dates and duration of trail closures.

Use Plastic Safety Fence, in accordance with Subsection 643-2.01, or other means approved by the Engineer to delineate trails through the work site and close the trails as necessitated. No equipment shall be staged in locations that will impede trail access.

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643-3.09 INTERIM PAVEMENT MARKINGS. Place permanent or interim pavement markings according to this Subsection, details shown on the Plans, approved TCPs, and Parts III and VI of the ATM before opening existing paved roadways, temporary paved roadways, detours, interim paving lifts, and roadways with seal coats and surface treatments for more than one continuous work shift. This work may include restriping the existing roadway before beginning construction, before seasonal suspension, and/or after seasonal suspension.

Remove conflicting pavement markings according to Subsection 670-3.04, Paint Removal.

Mark existing roadway sections that will be opened to traffic during the winter. Mark over the existing lines and markings, unless shown otherwise on the Plans or an approved TCP.

Maintain all interim pavement markings for their intended life including reapplication when necessary. There will be no compensation to upgrade interim pavement markings required for work operations lasting up to 2 weeks.

Use only temporary raised pavement markers as interim pavement markings on final pavement surfaces. Completely remove and dispose of them when placing the final markings. Completely remove any residual adhesive that might misguide motorists. Place final pavement markings on finished pavement surfaces and interim pavement surfaces before suspending work for the winter.

Stage the construction to avoid routing traffic over conflicting markings, for more than one continuous work shift. If traffic is routed over conflicting markings during a work shift, delineate the roadway with a complement of warning signs, channelizing devices, and flaggers as required by the ATM.

Use only temporary raised pavement markers meeting Subsection 712-2.16 as interim markings on seal coat and surface treatment pavements. Install the markers according to the manufacturer's instructions before applying the asphalt surface material and cover coat. Remove the vinyl protective covers after applying the asphalt pavement.

On multicourse surface treatments, install the temporary raised pavement markers after applying the full width of the first layer of cover coat. Install the markers on each day's completed surface before removing the pilot car operations and allowing unescorted traffic on the surface treatment.

Apply final pavement markings according to Subsection 670-3.01, Construction Requirements, of these Special Provisions.

Do not place final pavement markings until traffic has traveled over the seal coat or surface treatment for at least 15 days and no more than 21 days, as directed by the Engineer.

643-3.10 LIGHTING FOR NIGHT WORK. Illuminate the night work areas according to Table 643-4. Table 643-4 does not provide a comprehensive list of operations that require lighting. Provide lighting for other operations when necessary.

Use balloon lighting as the main light sources. Do not use floodlights without prior approval by the Engineer. When approved, install floodlighting in a manner that minimizes glare for motorists, workers, and residents living along the roadway. Locate, aim, louver, and/or shield light sources to reduce glare.

The Engineer shall be the sole judge of when glare is unacceptable, either for traffic or for adjoining residences. When notified of unacceptable glare, modify the lighting system to reduce glare to an acceptable level.

**TABLE 643-4
NIGHT WORK ILLUMINATION EQUIPMENT AND LOCATION REQUIREMENTS**

Type of Work or Equipment	Lighting Configuration
Paving, Milling, Striping, Pavement Marking Removal, Rumble Strip Installation.	At least one machine-mounted balloon light of at least 2000 watts. Provide additional lights or wattage if necessary to provide complete coverage.
Rolling, Pavement Sweeping.	At least 4 sealed beam halogen lamps in the front and four in the back. Each should be at least 55 watts.
Flagging.	One balloon light of at least 2000 watts, located within 30 feet of the flagger location. Locate so the flagger and the flagging location are illuminated. Provide additional lights or wattage if necessary to provide complete coverage of the flagging location.
Truck Crossings where haul vehicles cross or enter a road with more than 10,000 ADT, or where the haul vehicle crossing or entering location is controlled by portable traffic signals or flaggers.	At least one balloon light of at least 2000 watts, located on the main road on the far right side of the intersection. Locate light within 30 feet of the edge of the side street. If there is a flagger at the crossing, locate the light or lights so the lighting requirements for Flagging are also satisfied.

If the Contractor fails to provide required lighting equipment or provides lighting that creates unacceptable glare, the Contractor shall cease all construction activities that require illumination, including flagging operations, until the condition or conditions are corrected.

Use lighting equipment in good operating condition and that complies with applicable state and local adopted codes and standards, and OSHA, NEC, and NEMA requirements.

Provide suitable brackets and hardware to mount lighting fixtures and generators on machines and equipment. Design mountings so lights can be aimed and positioned as necessary to reduce glare. Locate mounting brackets and fixtures so they don't interfere with the equipment operator or overhead structures. Connect fixtures securely in a manner that minimizes vibration.

Ensure ground, trailer, and equipment-mounted light towers or poles are sturdy and freestanding without the aid of guy wires. Towers shall be capable of being moved as necessary to keep pace with the construction operation. Position the ground and trailer-mounted towers and trailers, to minimize the risk of being impacted by traffic on the roadway, or by construction traffic, or equipment.

Raise trailer or equipment mounted lights to maximum height, except do not exceed the clearance required for overhead objects such as overhead signals, overhead signs, trees, aerial utilities, or bridges. Aim and adjust lights to provide the required light levels. Provide uniform illumination on the hopper, auger, and screed areas of pavers. Illuminate the operator's controls on all machines uniformly.

Furnish each side of non-street legal equipment with a minimum of 75 square inches high intensity retroreflective sheeting in each corner, so at least 150 square inches of sheeting is visible from each direction. Provide red sheeting on the rear of the equipment and yellow sheeting elsewhere.

Existing street and highway lighting and conventional vehicle headlights may supplement but do not relieve the Contract requirement to provide lighting for night work, according to the requirements of Table 643-4.

Provide sufficient fuel, spare lamps, spare generators, and qualified personnel to ensure that all required lights operate continuously during nighttime operations. Ensure generators have fuel tanks of sufficient capacity to permit operation of the lighting system for a minimum of 12 hours. In the event of any failure of the lighting system, discontinue the operation that requires illumination until the required level and quality of illumination is restored.

Maintain a supply of at least twenty emergency flares for use in the event of emergency or unanticipated situations. Comply with local noise ordinances.

Install all post-mounted electroliers located within the clear zone, on NCHRP 350 or MASH compliant breakaway bases.

643-3.11 HIGH VISIBILITY GARMENTS. Ensure all workers within project limits wear outer garments that are highly visible and comply with the following requirements:

1. **Standards.** Use high visibility garments conforming to the requirements of ANSI/ISEA 107-2004, Class 2 for tops or Class E for bottoms, and Level 2 retroreflective material.
2. **Labeling.** Use garments labeled in conformance with Section 11.2 of ANSI/ISEA 107-2004 or ANSI/ISEA 107-2010.
3. **Tops.** Wear high visibility vests, jackets, or coverall tops at all times.
4. **Bottoms.** Wear high visibility pants or coverall bottoms during nighttime work (sunset to sunrise). Worksite traffic supervisors, employees assigned to traffic control duties, and flaggers wear high visibility pants or coverall bottom at all times.
5. **Outer Raingear.** Wear raingear tops and bottoms conforming to the requirements of this Subsection 643-3.11.

6. **Exceptions.** When workers are inside an enclosed compartment of a vehicle, they are not required to wear high visibility garments.
7. **Condition.** Furnish and maintain all vests, jackets, coveralls, rain gear, hard hats, and other apparel in a neat, clean, and presentable condition. Maintain retroreflective material to Level 2 standards.

Payment for high visibility garments for workers is subsidiary to other traffic contract items.

643-4.01 METHOD OF MEASUREMENT. Section 109 and as follows: Quantities will not be measured during winter suspension of work.

1. **Traffic Maintenance.** Calendar Day: Every day shown on the calendar, beginning and ending at midnight. Measurement begins on the day following receipt of the Notice to Proceed or on the first day of work at the project site, whichever is later, and ends on the date of project completion.
2. **Traffic Control Device Items.** By the number of units of each bid item shown on the bid schedule (or the Traffic Control Rate Schedule, if item 643.0025.____, Traffic Control, is included) that are installed, accepted, and operational. Incomplete or unsatisfactory devices will not be measured. Special Construction Signs are measured by the total area of legend-bearing sign panel, as determined under Subsection 615-4.01. Compensation for a 24-hour period shall be made under Construction Signs in the Traffic Control Rate Schedule, Table 643-5. Items measured by the day are for each item per 24-hour period.
3. **Traffic Maintenance Setup Items.** By each lane closure or one-lane road in place per hour. By each detour or road closure in place per 24-hour period.
4. **Portable Concrete Barrier.** By each nominal 12.5-foot section placed according to the approved TCPs, for the initial placement and for each subsequent relocation when moved more than 10 feet in any direction. Each transition piece (sloping end) will be measured as a single section.
5. **Temporary Crash Cushion.** By each acceptable installation.
6. **Interim Pavement Marking.** By the single-stripe station. A single stripe is a marking or a temporary raised pavement marker 4 inches wide. Wider striping is measured in multiples of 4 inches. Centerline gaps are not deducted from measurements.
7. **Flagging and Pilot Car.** By the number of approved hours, supported by certified payroll.
8. **Street Sweeping.** By the number of operated hours, supported by certified payroll and approved by the Engineer.
9. **Watering.** By the 1,000 gallons (M-Gallon) of water applied. The Engineer may specify measurement by weight or volume. If by weight, convert to gallons at 8.34 pounds per gallon. If by volume, convert to gallons at 7.48 gallons per cubic foot.
10. **Traffic Price Adjustment.** By each minute that any lane of traffic is not open to full use by the traveling public, measured to the nearest minute. The Engineer will determine whether the roadway is opened to full use.
11. **Traffic Control.** By the units specified in the Special Provisions.
12. **Portable Changeable Message Board Sign.** By the 24-hour period for each sign, as shown on an approved TCP and displaying an approved message.
13. **Plastic Safety Fence.** By the linear foot, as placed, to protect or channelize pedestrian traffic as shown on an approved TCP. Any adjustment in configuration of the fence at the same location that does not result in an increased amount of fence is not measured. Opening and closing the fence to gain access to and from the worksite is not measured.

14. **Temporary Sidewalk Surfacing.** By the square yard as shown on an approved TCP.
15. **Temporary Guardrail.** By the linear foot, including end treatments, as shown on an approved TCP.
16. **Portable Steel Barrier.** By the linear foot placed according to the manufacturer's recommendation and approved TCPs, for the initial placement, and for each subsequent relocation when moved more than 10 feet in any direction.
17. **Hotline Road Report.** No measurement required to provide a 24-hour toll free (1-800 ###-####) "Hotline Road Report" telephone with a prerecorded message, and weekly notices with daily updates. Work will be subsidiary to Pay Item 643.0001.____ or 643.0002.____, Traffic Maintenance.

643-5.01 BASIS OF PAYMENT.

1. **Traffic Maintenance.** The contract price includes all resources required to provide the Worksite Traffic Supervisor, all required TCPs and public notices, the Construction Phasing Plan, and the maintenance of all roadways, approaches, crossings, intersections and pedestrian and bicycle facilities, as required. This item also includes any Traffic Control Devices required but not shown on the bid schedule.

Items required by the Contract that are not listed on the bid schedule or not included in other items are subsidiary to Item 643.0001.____ or 643.0002.____ Traffic Maintenance, except the following:

- a. Traffic Price Adjustment
 - b. Traffic Maintenance Setup
2. **Traffic Control Device Items.** The contract price includes all resources required to provide, install, maintain, move, and remove the specified devices. Warning lights, high-level warning devices, vertical panels, and sign supports required for traffic control devices are subsidiary.
3. **Traffic Maintenance Setup Items.** Each setup consists of all traffic control devices, flaggers, pilot cars, and subsidiary items necessary to implement the TCP shown on the Plans. Warning lights, high-level warning devices, vertical panels, and sign supports required for traffic control devices are subsidiary.

Construction and obliteration of temporary roadways, when required on the Plans or approved TCP under a traffic maintenance setup item, is paid for under their respective roadway pay items.

When topsoil or seeding is required for detours, payment will be made under Sections 620 and/or 618.

4. **Portable Concrete Barrier.** The contract price includes all resources required to provide, install, maintain, and remove each barrier section.
5. **Temporary Crash Cushion.** The contract price includes all resources required to provide, install, maintain, repair, and remove each crash cushion.
6. **Interim Pavement Marking.** The contract price includes all resources required to provide, install, maintain, and remove the specified markings. Installation of word and symbol markings are subsidiary. The No-Passing Zone signing, described in Subsection 643-3.04, is subsidiary.
7. **Flagging and Pilot Car.** The contract price includes all required labor, vehicles, radios, flagger paddles and pilot car signs, and transportation to and from the worksite.

The Engineer will pay for Item 643.0032.____ Flagging on a contingent sum basis at the rate of **\$82.00/hour**. The Engineer does not require a change order/directive for the flagging Pay Item. Flagging associated with Change Order work paid at the prices according to Subsection 109-1.05 Compensation for Extra Work. *Discuss current rate to use on project.*

8. **Street Sweeping.** The contract price includes all resources required to keep the roadway free of loose material.
9. **Watering.** The contract price includes all resources required to provide watering, as directed.
10. **Traffic Price Adjustment.** If Item 643.0023.____, Traffic Price Adjustment, is shown on the bid schedule, the total value of this contract will be adjusted, for unauthorized lane reductions or closures, at the rates listed in Table 643-3.
11. **Traffic Control.** Payment for Item 643.0025.____, Traffic Control, will be made at the unit rate value contained in the Traffic Control Rate Schedule shown in the Special Provisions for the accepted units of traffic control devices. The Engineer does not require a change order/directive for Pay Item 643.0025.____, Traffic Control.
12. **Portable Changeable Message Board Sign.** The contract price includes all resources required to furnish, move, and operate the sign.
13. **Plastic Safety Fence.** The contract price includes all resources required to install, maintain, and remove the fence.
14. **Temporary Sidewalk Surfacing.** The contract price includes all resources required to construct, maintain, and remove the surfacing.
15. **Temporary Guardrail.** The contract price includes all resources required to construct, maintain, and remove the guardrail.
16. **Portable Steel Barrier.** The contract price includes all resources required to provide, install, maintain, move, and remove each barrier.
17. **Lighting for Night Work.** Payment for illuminating night work areas and any required adjustments to work zone illumination is subsidiary to other items.
18. **Pavement Breaks.** Temporary hot mix asphalt at pavement breaks, as noted in Subsection 643-3.02. Gravel Surface Not Specified, shall be paid under Pay Item 401.0005.____.
19. **Temporary Pavement Markings.** Except where specified as an individual Pay Item (Interim Pavement Markings) temporary pavement markings are subsidiary to Section 670 Pay Items. Refer to Section 670 Traffic Markings, for further information.
20. **Temporary Crash Cushion / Redirective.** The price listed in the Traffic Control Rate Schedule, Table 643-5, will be full compensation for the purchase, installation, maintenance during construction, removal, and salvaging the Temporary Crash Cushion / Redirective unit(s). Deliver the salvaged unit(s) to the nearest DOT&PF Maintenance & Operations Station or as directed by the Engineer.

Traffic control devices, barriers, and crash cushions required to delineate or shield fixed objects will not be measured or paid for separately, but will be subsidiary

Traffic control devices, barriers, and crash cushions required to delineate or shield guardrail posts or non-crashworthy ends will not be measured or paid for separately, but will be subsidiary, when required for failure to meet completion timelines in subsection 606-3.01.

**TABLE 643-5
TRAFFIC CONTROL RATE SCHEDULE**

Traffic Control Device	Pay Unit	Unit Rate
Construction Signs	Each/Day	\$6.50
Special Construction Signs	Square Foot	\$31.00
Type II Barricade	Each/Day	\$3.30
Type III Barricade	Each/Day	\$11.00
Traffic Cone or Tubular Marker	Each/Day	\$1.10
Drums	Each/Day	\$3.30
Temporary Guardrail	Lineal Foot	\$35.00
Portable Concrete or Steel F Shape Barrier (12.5 foot long or \$8/foot for other lengths)	Each	\$100.00
Temporary Crash Cushion / Non-redirective Water Filled Barrier (all required per end)	Each	\$2500.00
Temporary Crash Cushion / Non-redirective Water Filled Barrels (all required per end)	Each	\$3285.00
Temporary Crash Cushion / Non-redirective Sand Filled Barrels (all required per end)	Each	\$4325.00
Temporary Crash Cushion / Redirective	Each	\$9230.00
Plastic Safety Fence	Lineal Foot	\$1.00
Temporary Sidewalk Surfacing	Square Foot	\$2.00
Flexible Markers (Flat Whip, Reflective)	Each	\$60.00
Cars and Trucks w/driver		
Pilot Car (4x2, 1/2 ton truck)	Hour	\$128.00
Watering Truck – up to 4900 gallon capacity	M-Gallon	\$40.00
Watering Truck – more than 4900 gallon	M-Gallon	\$30.00
Street Sweeping: Regenerative Sweeper, Vacuum Sweeper, Mechanical or Power Broom with Vacuum	Hour	\$214.00
40,000 GVW Truck with Crash Attenuator	Hour	\$162.00
Electronic Boards, Panels, and Signals		
Sequential Arrow Panel	Each/Day	\$60.00
Portable Changeable Message Board Sign	Calendar Day	\$210.00

Note: Verify rate table is current at time of contracting.

PAY ITEM		
Item Number	Item Description	Unit
643.0001.____	Traffic Maintenance	CDAY
643.0002.____	Traffic Maintenance	LS
643.0003.____	Permanent Construction Signs	LS
643.0004.____	Construction Sign	Day
643.0005.____	Type II Barricade	Day
643.0006.____	Type III Barricade	Day
643.0007.____	Traffic Cone/Tubular Marker	Day
643.0008.____	Plastic Safety Fence	LF
643.0009.____	Drum	Day
643.0010.____	Sequential Arrow Panel, Type C	Day
643.0011.____	Special Construction Signs	SF
643.0012.____	Portable Concrete Barrier	Each
643.0013.____	Temporary Crash Cushion	Each
643.0014.____	Interim Pavement Marking	STA
643.0015.____	Flagging	HR
643.0016.____	Pilot Car	HR
643.0017.____	Street Sweeping	HR
643.0018.____	Watering	MGAL
643.0019.____	Lane Closure	HR
643.0020.____	Detour	Day
643.0021.____	Road Closure	Day
643.0022.____	One Lane Road	HR
643.0023.____	Traffic Price Adjustment	CS
643.0024.____	Portable Changeable Message Board Sign	Day
643.0025.____	Traffic Control	CS
643.0026.____	Temporary Sidewalk Surfacing	SY
643.0027.____	Temporary Guardrail	LF
643.0030.____	Portable Steel Barrier	LF
643.0031.____	Interim Pavement Marking	LS
643.0032.____	Flagging	CS
643.0033.____	Detour	LS

C643-24.1001

UNDERWOOD, Daron (ANQAP)

From: Gondek, Jacob S (DOT) <jacob.gondek@alaska.gov>
Sent: Monday, September 8, 2025 8:05 AM
To: Richard Pribyl; Hanson, Julia R (DOT); Combs, Shaun W (DOT)
Cc: Rearden, Devki (DOT); Sinnett, Patrick T (DOT); Garvey, Summer N (DOT); SCHOCK, Jeff (ANQAP); NEWINS, Spencer (ANQAP); UNDERWOOD, Daron (ANQAP); BUTCHER, Ray (ANQAP); Erica Jensen; snoble; Fletcher, Aaron D (DOT sponsored); Phillip White; Mann, Laura C (DOT)
Subject: RE: SSCI - Section 643 Traffic Restrictions

Warning: Message sent from Internet from jacob.gondek@alaska.gov

Do not click on the links or attachments unless you are sure of the sender's address.

Good morning Rich,

Let's proceed with the 643-3.08 specials as follows:

643-3.08 CONSTRUCTION SEQUENCING. The construction sequencing detailed in these provisions, the Special Provisions, and the Plans is suggested only. The Contractor may propose alternative construction sequencing.

Throughout the project, maintain the existing roadway, pedestrian walkway, or route, and bicycle route or pathway configuration (such as the number of lanes and their respective widths) except for restrictions to traffic allowed in the Special Provisions or on the Plans, and addressed through approved TCPs. A restriction to traffic is any roadway surface condition, work operation, or traffic control setup that reduces the number of lanes or impedes traffic. Obtain an approved TCP before restricting traffic.

Unless otherwise determined by the Engineer and on an approved Traffic Control Plan (TCP), do not restrict traffic during the times listed below:

1. May 1 to September 15:
 - a. Monday through Thursday: 0600 hrs to 2100 hrs.
 - b. Weekends: Friday 0600 hrs to Sunday 2200 hrs.
2. Around any Holiday:
 - a. If a holiday falls on Sunday, Monday, or Tuesday, the above stipulations apply from 1200 hrs on the Friday before the holiday to 0300 hrs. on the day after the holiday.
 - b. If a holiday falls on Wednesday, the above stipulations apply from 1200 hrs on the Tuesday before the holiday to 0300 hrs. on the Thursday after the holiday.
 - c. If a holiday falls on Thursday, Friday, or Saturday, the above stipulations apply from 1200 hrs on the day before the holiday to 0300 hrs. on the Monday after the holiday.
3. July 1 through July 31: No travel restrictions.

Lane restrictions, if allowed, conducted so that no more than a 10 minute accumulated stopped delay, 40 vehicles, or 1/4 mile (1320 feet) of traffic detained, whichever occurs first, before releasing the detained motorists. During paving operations, a 20 minute stopped delay, 80 vehicles, or 1/2 mile (2640 feet) of traffic detained, allowed for motorists, except school buses. If a queue of traffic develops at a stop, empty the entire queue to include the last car that entered the queue at the time the queue was released.

Do not delay the school busses through the construction zone; obtain the local school bus schedule and

coordinate work efforts. Submit the plan, as a TCP, to the Engineer for approval before the implementation of the school bus coordination plan.

Vehicle and pedestrian access to all trails, KPB roadways, and other recreational resources shall be maintained at all times for the duration of the project, unless approved by the Engineer.

Special Construction signs, in accordance with Subsection 643-2.01, shall be used to advise the public of work in the vicinity of trails and planned closures of trails. Special Construction signs shall be placed at trailheads at least two weeks before construction begins and be maintained in serviceable condition for the duration of the project. Signs shall state dates and duration of work and dates and duration of trail closures.

Use Plastic Safety Fence, in accordance with Subsection 643-2.01, or other means approved by the Engineer to delineate trails through the work site and close the trails as necessitated. No equipment shall be staged in locations that will impede trail access.

Thank you,

Jacob S. Gondek, P.E.
Construction Project Manager - Alaska DOT&PF
907-269-0445

Thank you,

Jacob S. Gondek, P.E.
Construction Project Manager - Alaska DOT&PF
907-269-0445

From: Richard Pribyl <rpribyl@dowl.com>
Sent: Thursday, September 4, 2025 12:09 PM
To: Hanson, Julia R (DOT) <julia.hanson@alaska.gov>; Gondek, Jacob S (DOT) <jacob.gondek@alaska.gov>; Combs, Shaun W (DOT) <shaun.combs@alaska.gov>
Cc: Rearden, Devki (DOT) <devki.rearden@alaska.gov>; Sinnett, Patrick T (DOT) <patrick.sinnett@alaska.gov>; Garvey, Summer N (DOT) <summer.garvey@alaska.gov>; SCHOCK, Jeff (ANQAP) <jschock@colaska.com>; NEWINS, Spencer (ANQAP) <SNewins@colaska.com>; UNDERWOOD, Daron (ANQAP) <DUnderwood@COLASKA.com>; BUTCHER, Ray (ANQAP) <RButcher@COLASKA.com>; Erica Jensen <ejensen@dowl.com>; snoble <snoble@dowl.com>; Fletcher, Aaron D (DOT sponsored) <afletcher@dowl.com>; Phillip White <pwhite@DOWL.COM>
Subject: SSCI - Section 643 Traffic Restrictions

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.

Howdy, Julia, Jake, Shaun.

We'd like to open a discussion about limitations on traffic restrictions (addressed through 643-3.08 Construction Sequencing) for SSCI as we are working on specifications for the upcoming WP2 70% PIH submittal.

Copied below are a couple subsection 3.08 excerpts: the standard CR modification, the special for Kenai Spur Phase 2, and the special for one of the Sterling 45-60 work packages.

The QAP/DOWL team has discussed and our preference would be to limit traffic restrictions to something like used for Kenai Spur Phase 2: no restrictions during commuter hours on weekdays, no restrictions around holidays, and no restrictions during peak seasonal traffic in July.

We realize that recent projects on Sterling Highway have generally imposed stricter limits on traffic restriction like what's shown for 45-60 (no restrictions during the day or on weekends, in addition to around holidays and in July). These provisions essentially limit traffic restrictions to nighttime periods Sunday – Thursday. Our main concerns with these limitations on SSCI are:

1. Given the amount of earthwork on the project, it wouldn't allow much time to do the work and would likely prolong the project. We would like to think that we could do our work without restricting traffic; however, the reality is as soon as we start hauling earthwork on or off the project our trucks will be merging with the traffic.
2. A prolonged project will negatively affect the perception of the project's progress by the public.
3. In the urban areas of the project, nighttime activity could cause noise complaints from the public.
4. We would have to obtain noise permits from the COS and KPB and don't know what is possible there yet or what restrictions might be placed on us for night work.
5. A noise permit would also have to be obtained to haul out of our material sources at night and given the proximity of houses nearby, may not be possible.

Looking at the 45-60 special, we'd also like to:

- Learn more about the "flagger safety holds" and whether something similar would be beneficial to this project
- Discuss ability to schedule road closures as well and what limitations would be practical on closures

If you feel a meeting would be worthwhile to discuss this, please let us know and we'll set something up.

Thank you,
Rich

DOT&PF Standard Mod C643-24.1001

643-3.08 CONSTRUCTION SEQUENCING. The construction sequencing detailed in these provisions, the Special Provisions, and the Plans is suggested only. The Contractor may propose alternative construction sequencing.

Throughout the project, maintain the existing roadway, pedestrian walkway, or route, and bicycle route or pathway configuration (such as the number of lanes and their respective widths) except for restrictions to traffic allowed in the Special Provisions or on the Plans, and addressed through approved TCPs. A restriction to traffic is any roadway surface condition, work operation, or traffic control setup that reduces the number of lanes or impedes traffic. Obtain an approved TCP before restricting traffic.

Unless otherwise determined by the Engineer and on an approved Traffic Control Plan (TCP), do not restrict traffic during the times listed below:

1. **Monday through Friday:** 0530 hrs to 0800 hrs and 1630 hrs to 1900 hrs.
2. **Around any Holiday:**
 - a. If a holiday falls on Sunday, Monday, or Tuesday, the above stipulations apply from 1200 hrs on the Friday before the holiday to 0300 hrs. on the day after the holiday.
 - b. If a holiday falls on Wednesday, the above stipulations apply from 1200 hrs on the Tuesday before the holiday to 0300 hrs. on the Thursday after the holiday.
 - c. If a holiday falls on Thursday, Friday, or Saturday, the above stipulations apply from 1200 hrs on the day before the holiday to 0300 hrs. on the Monday after the holiday.
3. ~~**During the Alaska State Fair:** Friday from 1600 hrs. to Sunday 2300 hrs on all streets except Palmer-Wasilla Highway. Weekend traffic restrictions not allowed on Palmer-Wasilla Highway.~~

Lane restrictions, if allowed, conducted so that no more than a 10 minute accumulated stopped delay, 40 vehicles, or 1/4 mile (1320 feet) of traffic detained, whichever occurs first, before releasing the detained motorists. During paving operations, a 20 minute stopped delay, 80 vehicles, or 1/2 mile (2640 feet) of traffic detained, allowed for motorists, except school buses. If a queue of traffic develops at a stop, empty the entire queue to include the last car that entered the queue at the time the queue was released.

<either or above/below>

Lane restrictions, if allowed shall be conducted so that no more than a 5 minute accumulated stopped delay, 20 vehicles, or 1/8 mile (660 feet) of traffic is detained, whichever occurs first, before releasing the detained motorists. During paving operations, a 10 minute stopped delay, 40 vehicles, or 1/4 mile (1320 feet) of traffic detained, allowed for motorists, except school buses. If a queue of traffic develops at a stop, empty the entire queue to include the last car that entered the queue at the time the queue was released.

Do not delay the school busses through the construction zone; obtain the local school bus schedule and coordinate work efforts. Submit the plan, as a TCP, to the Engineer for approval before the implementation of the school bus coordination plan.

Kenai Spur Phase 2

643-3.08 CONSTRUCTION SEQUENCING. The construction sequencing detailed in these provisions, the Special Provisions, and the Plans is suggested only. The Contractor may propose alternative construction sequencing.

Throughout the project, maintain the existing roadway, pedestrian walkway, or route, and bicycle route or pathway configuration (such as the number of lanes and their respective widths) except for restrictions to traffic allowed in the Special Provisions or on the Plans, and addressed through approved TCPs. A restriction to traffic is any roadway surface condition, work operation, or traffic control setup that reduces the number of lanes or impedes traffic. Obtain an approved TCP before restricting traffic.

Unless otherwise determined by the Engineer and on an approved Traffic Control Plan (TCP), do not restrict traffic during the times listed below:

1. Monday through Friday: 0530 hrs to 0800 hrs and 1630 hrs to 1900 hrs.
2. Around any Holiday:
 - a. If a holiday falls on Sunday, Monday, or Tuesday, the above stipulations apply from 1200 hrs on the Friday before the holiday to 0300 hrs. on the day after the holiday.
 - b. If a holiday falls on Wednesday, the above stipulations apply from 1200 hrs on the Tuesday before the holiday to 0300 hrs. on the Thursday after the holiday.
 - c. If a holiday falls on Thursday, Friday, or Saturday, the above stipulations apply from 1200 hrs on the day before the holiday to 0300 hrs. on the Monday after the holiday.
3. During Kenai River Dip-Netting Season: July 10th to July 30th

Do not restrict pedestrian pathway during the annual Kenai River Marathon on the last Sunday of September, each year. Coordinate with City of Kenai Parks and Recreation Department for actual dates. Contact the City of Kenai Parks and Recreation Department office at 907-286-8265.

Lane restrictions, if allowed shall be conducted so that no more than a 5 minute accumulated stopped delay, 20 vehicles, or 1/8 mile (660 feet) of traffic is detained, whichever occurs first, before releasing the detained motorists. During paving operations, a 10 minute stopped delay, 40 vehicles, or 1/4 mile (1320 feet) of traffic detained, allowed for motorists, except school buses. If a queue of traffic develops at a stop, empty the entire queue to include the last car that entered the queue at the time the queue was released.

Do not delay the school busses through the construction zone; obtain the local school bus schedule and coordinate work efforts. Submit the plan, as a TCP, to the Engineer for approval before the implementation of the school bus coordination plan.

Sterling Hwy MP 45-60 (east end on alignment)

643-3.08 CONSTRUCTION SEQUENCING. The construction sequencing detailed in these provisions, the Special Provisions, and the Plans is suggested only. The Contractor may propose alternative construction sequencing.

Throughout the project, maintain the existing roadway, pedestrian walkway, or route, and bicycle route or pathway configuration (such as the number of lanes and their respective widths) except for restrictions to traffic allowed in the Special Provisions or on the Plans, and addressed through approved TCPs. A restriction to traffic is any roadway surface condition, work operation, or traffic control setup that reduces the number of lanes or impedes traffic. Obtain an approved TCP before restricting traffic.

Unless otherwise determined by the Engineer and on an approved Traffic Control Plan (TCP), do not restrict traffic during the times listed below:

4. May 1 to September 15:
 - a. Monday through Thursday: 0600 hrs to 2100 hrs.
 - b. Weekends: Friday 0600 hrs to Sunday 2200 hrs.
 - c. Flagger Safety Holds, seven (7) times per week, up to a maximum of 15 minutes per occurrence or as directed by the Engineer.
2. Around any Holiday:
 - a. If a holiday falls on Sunday, Monday, or Tuesday, the above stipulations apply from 1200 hrs on the Friday before the holiday to 0300 hrs. on the day after the holiday.
 - b. If a holiday falls on Wednesday, the above stipulations apply from 1200 hrs on the Tuesday before the holiday to 0300 hrs. on the Thursday after the holiday.
 - c. If a holiday falls on Thursday, Friday, or Saturday, the above stipulations apply from 1200 hrs on the day before the holiday to 0300 hrs. on the Monday after the holiday.

3. July 10 through July 31: No travel restrictions.
 - a. Flagger Safety Holds, two (2) times per week, up to a maximum of 15 minutes per occurrence or as directed by the Engineer.
4. 4. Road Closures: Except as restricted above, the Department will permit closures per section 643-1.03 Traffic Control Plan Closures and Major Traffic Sequencing (events). Work items include but are not limited to rock blasting, excavations, detour construction/removal and culvert removal/installation. Start and end times for the full road closures may be shifted one hour at the Engineer's discretion.

Lane restrictions, if allowed, conducted so that no more than a 10 minute accumulated stopped delay, 40 vehicles, or 1/4 mile (1320 feet) of traffic detained, whichever occurs first, before releasing the detained motorists. During paving operations, a 20 minute stopped delay, 80 vehicles, or 1/2 mile (2640 feet) of traffic detained, allowed for motorists, except school buses. If a queue of traffic develops at a stop, empty the entire queue to include the last car that entered the queue at the time the queue was released.

Do not delay the school busses through the construction zone; obtain the local school bus schedule and coordinate work efforts. Submit the plan, as a TCP, to the Engineer for approval before the implementation of the school bus coordination plan.

Vehicle and pedestrian access to all trails, KPB roadways, and other recreational resources shall be maintained at all times for the duration of the project, unless approved by the Engineer.

Coordinate closures of Forest Service access roads and trails with the Forest Service. Provide the Forest Service with dates and durations of closures at least two weeks before closures shall begin.

Special Construction signs, in accordance with Subsection 643-2.01, shall be used to advise the public of work in the vicinity of trails and planned closures of trails. Special Construction signs shall be placed at trailheads at least two weeks before construction begins and be maintained in serviceable condition for the duration of the project. Signs shall state dates and duration of work and dates and duration of trail closures.

Use Plastic Safety Fence, in accordance with Subsection 643-2.01, or other means approved by the Engineer to delineate trails through the work site and close the trails as necessitated. No equipment shall be staged in locations that will impede trail access.

Richard Pribyl, PE
Project Engineer

DOWL

(907) 562-2000 | office
(907) 865-1280 | direct
(907) 444-8588 | cell

dowl.com



MS2025-013-MOD, QAP Material Site



Project Area

KPB Parcel(s):

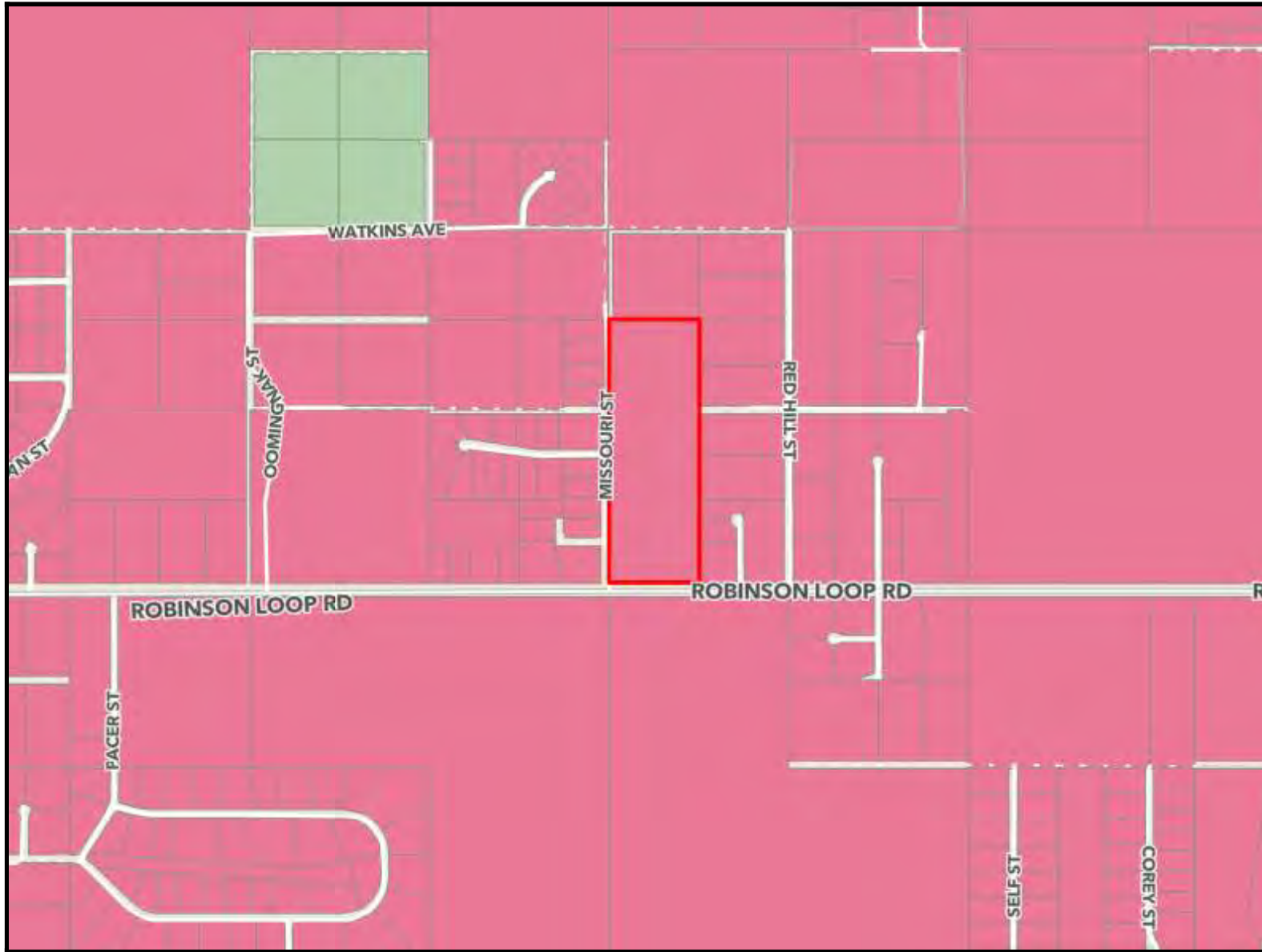
06304702

Vicinity: Sterling



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





Project Area

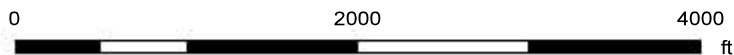
KPB Parcel(s):

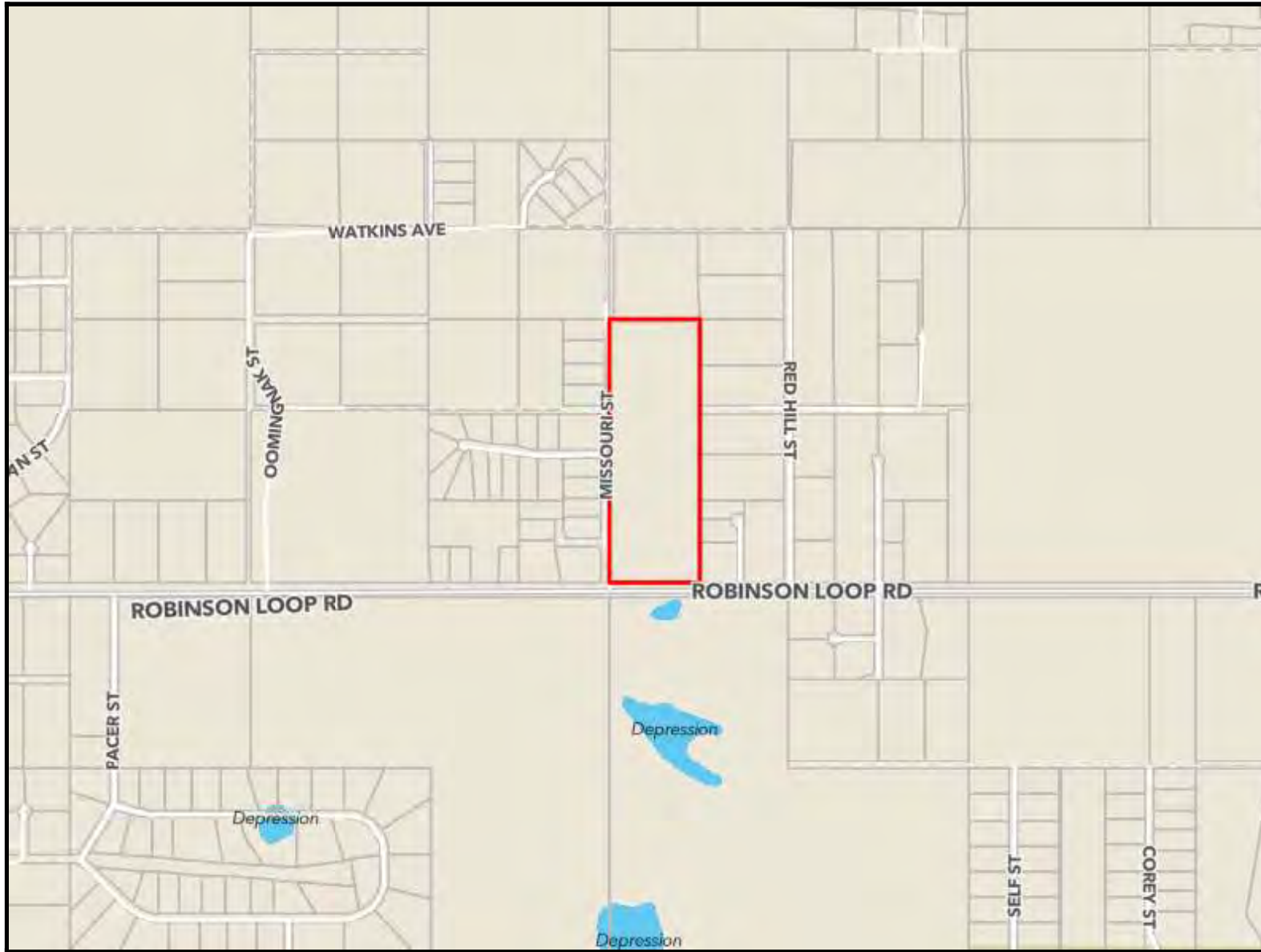
06304702

Parcel and PLSS

Parcel Ownership Type

- Borough
- Federal
- Native
- Native Allotment
- Municipal
- Private
- State





Project Area

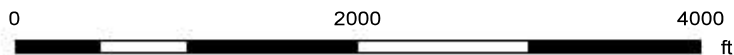
KPB Parcel(s):

06304702

Landcover Features

KWF Wetlands Assessment

- Disturb
- Depression
- Discharge Slope
- Drainageway
- Floating Island
- Headwater Fen
- Kettle
- Lake
- Lakebed
- Late Snow Plateau
- Riverine
- Tidal
- Wetland / Upland Complex

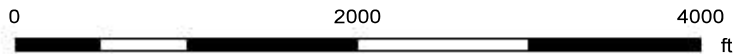




 Project Area

KPB Parcel(s):

06304702





Project Area

KPB Parcel(s):

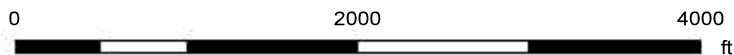
06304702

Regulatory

Material Sites

- Conditional Land Use Permit
- Counter Permit
- Prior Existing Use

Local Option Zones



**Material Site Conditional Land Use Permit
Staff Report**

PC Res No.	2026-29
Planning Commission Meeting:	Monday, June 8, 2026
Applicant	Colaska Inc DBA QAP
Mailing Address	240 W. 68th Ave Anchorage, AK 99518
Legal Description	T 5N R 9W SEC 3 Seward Meridian KN - RS W1/2 SW1/4 SW1/4 & SW1/4 NW1/4 SW1/4
Physical Address	36780 Robinson Loop Road
KPB Parcel Number	06304702

Introduction & Project Description

The applicant, Colaska Inc, doing business as QAP, has submitted an application to modify their existing Conditional Land Use Permit (CLUP). On December 8, 2025, the Planning Commission approved this CLUP with a Type I Endorsement for excavation over 5 acres. When applying for the original CLUP, the applicant had requested a project-based waiver to work at night, for which the Planning Commission did not find sufficient evidence to approve.

Modification Request

The KPB Planning Department received the application on April 8, 2026. The next available meeting would have been May 11, 2026, but the applicant was unavailable to attend that meeting. Because the next meeting on May 26, 2026, followed a holiday weekend, the public hearing was scheduled for June 8, 2026, to allow public participation and attendance by the applicant.

This modification is requesting a project-based waiver to the hours of operation that would allow QAP to work at night, outside the standard hours of 6:00 am to 9:00 pm. A denial of the modification application does not impact the validity of the original CLUP, but conditions within the original CLUP that impact the granting of the waiver may be modified.

Ingress & Egress

The existing site ingress and egress are located at the southern end of the parcel, and the material haul route will be directly to Robinson Loop Road.

Surrounding Area & Buffers

The subject property is bordered on the north and east sides by privately owned parcels. To the south is the 100-foot Right-of-Way of Robinson Loop Road, which is owned and operated by the Department of Transportation and Public Facilities (DOT&PF). To the west is the 66-foot Right-of-Way of Missouri Street, which is also a Section Line Easement (SLE). Missouri Street is owned and operated by the Kenai Peninsula Borough (KPB).

The site plan and application propose the following buffers:

- North: 10-foot earthen berm
- South: 50-foot vegetated buffer
- East: 10-foot earthen berm or a 50-foot vegetated buffer (see site plan for buffer placement)
- West: 10-foot earthen berm (to be placed outside the SLE)

Hours of Operation

The applicant is seeking a project-based waiver via KPB 21.29.050(A)(5)(a) to operate outside the prescribed hours of operation, which usually restricts material site operations between 6:00 am and 9:00 pm. To avoid peak summer traffic and to meet DOT&PF's safety requirements, DOT&PF is requiring that the applicant perform its hauling and disposal operations during nighttime hours for the duration of the Sterling Safety Corridors Improvements (SSCI) project. The applicant has provided a Cover Letter, Professional Services Agreement, SSCI Specifications for Traffic Maintenance, and Correspondence from DOT&PF regarding the nighttime operation requirements imposed on the applicant.

Test Holes & Identified Waters

The site plan, completed by McLane Consulting Inc., states that DOWL Engineering excavated 16 test holes in June of 2025, and groundwater was found at one test hole in the northeast corner of the property. The application states that the proposed depth of excavation will be between 9 and 20 feet below current grade, and will maintain a two-foot vertical separation above the water table. The operator will also install and maintain three (3) monitoring wells, with one (1) well installed per 10 acres of area excavated. There are no wetlands or surface waters within or adjacent to the property boundaries, and any onsite runoff will be directed and contained within the material site. According to the site plan, there are no water wells within 100 feet of the subject property.

Reclamation

The material site will be reclaimed by using unsuitable materials to backfill the exhausted portions of the excavation site, beginning in the northeastern area, proceeding southerly. All slopes will be graded and contoured, and covered with at least 2 inches of topsoil to allow for re-establishment of natural vegetation. The floor of the material site will remain a graded gravel pad. The applicant has provided proof of the site's reclamation bond for \$18,225. At the completion of the SSCI project, the site will be temporarily stabilized and partially reclaimed until further use.

The applicant estimates a life span of 15 years for the site and an annual extraction quantity of approximately 100,000 cubic yards of material.

Public Notice

Public notice was mailed on or before May 20, 2026, to the 76 landowners within 1000 feet of the subject parcel, and was posted in accordance with KPB 21.25.060. There appear to be 30 Principal Structures within the 1,000-foot special impact zone.

Staff Recommendation

After a review of the application and submitted materials, it appears that the four standards contained in KPB 21.29.040 will be met by imposition of the relevant conditions in KPB Chapter 21.29, and staff recommends approval subject to those conditions. Staff has included proposed findings of fact in the draft resolution for the Planning Commission's consideration.

Whether the Planning Commission decides to approve or deny the application, staff recommends that the Planning Commission include findings of fact based upon the record to support its decision.

Attachments

1. Application
2. Maps
3. Staff Report
4. Approved Resolution 2025-33
5. Draft Resolution 2026-29
6. Public Hearing Notice
7. Notification List
8. Public Comment

NOTE: Any party of record, as defined by KPB 21.20.210, with standing to appeal, as set forth in KPB 21.20.225, may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of the date of the notice of the decision, using the proper forms, and be accompanied by the filing and records preparation fee.

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2025-33
KENAI RECORDING DISTRICT**

A resolution granting approval of a conditional land use permit to operate a sand, gravel, or material site under a Type I Endorsement for the parcel described as T 5N R 9W SEC 3 SEWARD MERIDIAN KN - RS W1/2 SW1/4 SW1/4 & SW1/4 NW1/4 SW1/4, Kenai Recording District, Third Judicial District, State of Alaska.

WHEREAS, KPB 21.25 allows for land in the rural district to be used as a sand, gravel, or material site once a permit has been obtained from the Kenai Peninsula Borough; and

WHEREAS, KPB 21.29 provides that a conditional land use permit (CLUP) is required for material extraction which includes a Type I Endorsement– for material extraction over 5 acres; and

WHEREAS, on October 15, 2025, QAP submitted to the Borough Planning Department a CLUP application on KPB Parcel 06304702, which is located within the rural district; and

WHEREAS, public notice of the application was mailed on November 19, 2025, to the 76 landowners or leaseholders within 1000 feet of the subject parcel pursuant to KPB 21.25.060; and

WHEREAS, public notice of the project was posted in accordance with KPB 21.25.060; and

WHEREAS, a public hearing was held at the Monday, December 8, 2025, meeting of the Kenai Peninsula Borough Planning Commission;

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

Section 1. That the land use and operations are described and shall be conducted on KPB Parcel Number(s) 06304702, T 5N R 9W SEC 3 SEWARD MERIDIAN KN - RS W1/2 SW1/4 SW1/4 & SW1/4 NW1/4 SW1/4. The total area to be disturbed under this activity is approximately 24.3 acres.

Section 2. Findings of Fact:

1. KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a CLUP has been obtained from the Kenai Peninsula Borough.
2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
3. KPB 21.29 provides that a CLUP is required for material extraction that disturbs more than 5 cumulative acres, processes material, or extracts below the water table.
4. KPB 21.29.005 states that the purpose of KPB 21.29 is to provide a land use permitting process to regulate the operation, scope, and duration of earth materials extraction and processing within the borough while promoting the public health, safety, and general welfare of the KPB, including the health of aquatic systems that support salmon. It is the further purpose of KPB 21.29 to promote compatible, orderly development.
5. A public hearing of the Planning Commission was held on Monday, December 8, 2025, and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060, KPB 21.11, and KPB 1.08.180(B).

6. The 2019 KPB Comprehensive Plan outlined the need to update KPB 21.29 to address reoccurring land use conflicts for gravel extraction. A rewrite of KPB 21.29 was adopted by the KPB Assembly in October 2023.
7. Goal 2 of the 2019 KPB Comprehensive Plan sets out the objective to proactively manage growth to provide economic development opportunities on the KPB while preserving what residents and visitors value about the area's natural features. It further sets out objectives that KPB should establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms.
8. The proposed cumulative disturbed area within the parcel is approximately 24.3 acres.
9. The permittee has provided a reclamation plan that is consistent with KPB 21.29.
10. The application indicates that groundwater is 22 feet below existing grade, and the lowest depth of excavation is 20 feet below the existing grade.
11. The site plan indicates that there are 11 wells located within 300 feet of the proposed excavation area, and no wells within 100 feet of the proposed excavation area.
12. Additional street-level visual screening, noise mitigation, and/or lighting restrictions are necessary and appropriate for the surrounding area. The permittee may utilize the existing forested buffer on a portion of the eastern parcel boundary to provide additional mitigation. The permittee will fill previously-excavated buffer areas to match the unexcavated elevation, and then will construct a 10-foot-tall earthen berm to provide adequate buffers to the neighboring properties.
13. The permittee will be installing a 10-foot earthen berm along the north and west parcel boundaries. Along the east boundary, a combination of a minimum 10-foot earthen berm, or where enough vegetation exists to provide street-level dust and noise screening, a minimum 50-foot vegetated buffer will be utilized. On the southern boundary, a minimum 50-foot vegetated buffer will be used. The permittee must construct the base of the berm at the site's pre-existing elevation prior to its excavation as a PEU material site.
14. Ingress and egress to the site will be directly from Robinson Loop Road.

Section 3. Permit Conditions

Requirements Prior to Excavation

Prior to beginning excavation activities, the following conditions must be implemented and proof provided to the Planning Department:

1. The permittee must install and maintain one observation well at least two (2) feet below the lowest level of excavation, per 10 acres of excavated area. Elevations will be established for: top of well casing, ground elevation, and groundwater in the well, if any.
2. The permittee will have the area of excavation, buffers, and any easements or rights-of-way abutting the proposed CLUP area staked at sequentially visible intervals. Field verification and staking will require the services of a professional land surveyor. Stakes must be in place prior to issuance of the permit.
3. Within 90 days of the issuance of the Notice of Decision and prior to excavation, the permittee must provide proof of bonding related to the reclamation plan that was submitted with the application. Failure to do so will render this CLUP invalid. The bond must be maintained for the life of the permit.
4. The permittee must obtain an Alaska Department of Natural Resources (ADNR) temporary use authorization if the permittee intends for water to leave the site.
5. The permittee must obtain a mining permit as required by ADNR if extraction activities are to take place on state land.

6. The permittee must submit a notice of intent for a construction general permit or multi-sector general permit and storm water pollution prevention plan, and other associated permits or plans required by the Alaska Department of Environmental Conservation pursuant to the Alaska Pollutant Discharge Elimination System requirements.
7. The permittee must obtain a United States Army Corps of Engineers (USACE) permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, if material extraction activity requires USACE approval.
8. The permittee must submit an application or obtain a permit from any other applicable state or federal agency with regulatory authority of mining activities or earth materials extraction.

General Conditions

9. The permittee must reclaim the site as described in the reclamation plan for this parcel.
10. The permittee must conduct all activity in compliance with state or federal regulations governing the items listed in KPB 21.29.045(B)(1-3). Complaints received by the borough of violations of requirements within this section will be forwarded to the appropriate agency for enforcement.
11. The permittee must operate in accordance with the application and site plan as approved by the Planning Commission. If the permittee revises or intends to revise operations so that they are no longer consistent with the original application, a CLUP modification is required in accordance with KPB 21.29.070.
12. This CLUP is subject to annual review by the Planning Department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.25.090, the CLUP may be revoked pursuant to KPB 21.50 if the permittee fails to comply with the provisions of this chapter or the conditions of the permit.
13. Once effective, this CLUP is valid for five years. A renewal application must be submitted at least 90 days prior to the expiration of the CLUP.
14. At the time of CLUP renewal, every 5 years, the permittee must have all missing boundary stakes replaced before the renewal certificate can be issued. Field staking will require the services of a professional land surveyor.
15. Failure to comply with any of the conditions is a violation of the CLUP and is subject to enforcement pursuant to KPB Chapter 21.50.
16. This CLUP is not transferable unless a written transfer request is submitted to the Planning Department, an inspection is performed, and approval is issued. Note that CLUP transfers cannot be approved if the permittee is in violation of its CLUP conditions or KPB code.

Buffer Zone

17. The permittee must maintain the buffer locations between the area of excavation and the parcel boundaries as shown in the noise buffer plan. The permittee will maintain a minimum 10-foot earthen berm along the north and west parcel boundaries. Along the east boundary, a combination of a minimum 10-foot earthen berm, or where enough vegetation exists to provide street-level dust and noise screening, a minimum 50-foot vegetated buffer will be utilized. On the southern boundary, a minimum 50-foot vegetated buffer will be used.
18. The permittee must construct the base of the berm at the site's pre-existing elevation prior to its excavation as a PEU material site.
19. The permittee must not allow buffers to alter natural drainage features.
20. The permittee must not allow a buffer to overlap an easement.

Water Source Separation

21. The permittee must not extract material below or within two feet of the seasonal high-water table.
22. The permittee must not conduct off-site excavation dewatering.
23. The permittee must not extract material within 100 linear feet of any water source existing prior to original CLUP issuance, as defined in KPB 21.29.130.

Dust Control

24. The permittee will provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.

Hours of Operation

25. Material extraction activities, including equipment operation and consolidated material drilling or fracturing, may only occur between the hours of 6:00 a.m. and 9:00 p.m. Alaska Standard Time (AKST).

Groundwater Elevation

26. Prior to excavation, the permittee will install and maintain an observation well at least two (2) feet below the lowest level of excavation. Elevations will be established for: top of well casing, ground elevation, and groundwater in the well, if any.

Setback

27. Material site excavation areas must be 250 feet from the property boundaries of any existing public school ground, private school ground, college campus, licensed childcare facility, multi-purpose senior center, assisted living home, and licensed health care facility.

Permit Boundaries

28. The permittee will have the area of excavation, buffers and any easements or rights-of-way abutting the proposed permit area staked at sequentially visible intervals. Field verification and staking will require the services of a professional land surveyor. Stakes must be in place prior to issuance of the permit.

Processing

29. The permittee must not conduct material processing, screening, or crushing activities unless the permittee obtains a modification to this CLUP and is issued a Type II Endorsement and the conditions of KPB 21.29.055 are imposed on the CLUP.

Fuel Storage

30. The permittee must ensure that fuel storage containers larger than 50 gallons will be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller will not be placed directly on the ground, but will be stored on a stable impermeable surface. Double-walled fuel storage tanks are allowed for secondary containment.

Ingress and Egress

31. The ingress and egress to the material site will be directly from Robinson Loop Road.

Surface and Groundwater Protection

32. Surface and groundwater protection measures are not required for this site as there are no wetlands or surface waters within, or adjacent to, the property boundaries.
33. The permittee must not excavate in a way that causes off-site dewatering.

Street-Level Screening

34. The permittee will be installing a 10-foot earthen berm along the north and west parcel boundaries. Along the east boundary, a combination of a minimum 10-foot earthen berm, or where enough vegetation exists to provide street-level dust and noise screening, a minimum 50-foot vegetated buffer will be utilized. On the southern boundary, a minimum 50-foot vegetated buffer will be used. The permittee must construct the base of the berm at the site's pre-existing elevation prior to its excavation as a PEU material site.

Public Campgrounds

35. There are no public campgrounds within 1,000 feet of the site operations, and therefore no added conditions apply.

Added Conditions

36. The permittee must install multi-frequency (white noise) back-up alarms on all equipment and vehicles that have existing state or federal back-up alarm requirements.
37. At the time of CLUP renewal, 5 years after approval, a public hearing will be required according to KPB 21.29.070(C), in which the Planning Commission will hear the renewal application.

Section 4. That based on the above findings, the Planning Commission concludes as a matter of law that the application has met all the requirements of KPB 21.25 and KPB 21.29, and through imposition of the conditions under KPB 21.29.050, the Planning Commission concludes as a matter of law that the application meets the four standards found in KPB 21.29.040:

CONCLUSIONS OF LAW

1. That the use is not inconsistent with the applicable comprehensive plan. Findings 4, 6-7, and Conditions 4-8, 10-12, 14-15, and 35 meet this standard.
2. That the use will not be harmful to the public's health, safety, and general welfare, or the health of anadromous waterbodies. Findings 4, 10-13, and Conditions 1-2, 4, 6-7, 10-19, 21-34, and 36 meet this standard.
3. That sufficient setbacks, buffer zones, and other safeguards, including measures to mitigate blast overpressure impacts and impacts to groundwater flow paths, are being provided consistent with this chapter. Findings 4, 10-13, 16, and Conditions 1-2, 4, 11-19, 21-34 meet this standard.
4. That the use provides for a reclamation plan consistent with KPB 21.29. Findings 9 and Conditions 3, 9, 11-13, and 15 meet this standard.

Section 5. Therefore, permittee, QAP, is granted a conditional land use permit to operate a sand, gravel, or material site under a Type I Endorsement for material extraction over 5 acres and must reclaim the site to a stable condition upon completion of the project. The Planning Commission authorizes the issuance of conditional land use permit pursuant to this resolution.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS
8TH DAY OF DECEMBER, 2025.



Jeremy Brantley, Chairperson
Planning Commission

ATTEST:


Ann Shirnberg
Administrative Assistant

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2026-29
KENAI RECORDING DISTRICT**

A resolution granting approval of a modification to a Conditional Land Use Permit to operate a sand, gravel, or material site under a Type I Endorsement for the parcel described as T 5N R 9W SEC 3 SEWARD MERIDIAN KN - RS W1/2 SW1/4 SW1/4 & SW1/4 NW1/4 SW1/4, Kenai Recording District, Third Judicial District, State of Alaska

- WHEREAS,** KPB 21.25 allows for land in the rural district to be used as a sand, gravel, or material site once a permit has been obtained from the Kenai Peninsula Borough (KPB); and
- WHEREAS,** KPB 21.29 provides that a Conditional Land Use Permit (CLUP) is required for material extraction, which includes a Type I Endorsement – for material extraction over 5 acres; and
- WHEREAS,** KPB 21.29.070 allows operators to request modifications to their permit conditions based on changes in operations; and
- WHEREAS,** on December 8, 2025, the KPB Planning Commission partially approved Resolution 2025-33, granting a CLUP for material extraction with a Type I Endorsement, and denied the applicant’s request for a seasonal, Project-Based Waiver to work at night; and
- WHEREAS,** on April 8, 2026, the KPB Planning Department received an application from QAP requesting a modified CLUP and approval of a seasonal, Project-Based Waiver to work at night, for KPB Parcel ID 06304702, which is located within the rural district; and
- WHEREAS,** public notice of the application was mailed on or before May 20, 2026, to the 76 landowners or leaseholders within 1000 feet of the subject parcel pursuant to KPB 21.25.060; and
- WHEREAS,** public notice of the project was posted in accordance with KPB 21.25.060; and
- WHEREAS,** a public hearing was held at the Monday, June 8, 2026, meeting of the Kenai Peninsula Borough Planning Commission;

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

- Section 1. That the land use and operations are described and shall be conducted on KPB Parcel Number(s) 06304702, T 5N R 9W SEC 3 SEWARD MERIDIAN KN - RS W1/2 SW1/4 SW1/4 & SW1/4 NW1/4 SW1/4. The total area to be disturbed under this activity is approximately 24.3 acres.**

Section 2. Findings of Fact:

1. KPB 21.25 allows for land in the rural district to be used as a sand, gravel, or material site once a CLUP has been obtained from the Kenai Peninsula Borough.
2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
3. KPB 21.29 provides that a CLUP is required for material extraction that disturbs more than 5 cumulative acres, processes material, extracts below the water table, or extracts materials from a consolidated source.
4. KPB 21.29.070 allows operators to request modifications to their permit conditions based on changes in operations.
5. KPB 21.29.005 states that the purpose of KPB 21.29 is to provide a land use permitting process to regulate the operation, scope, and duration of earth materials extraction and processing within the borough while promoting the public health, safety, and general welfare of the KPB, including the health of aquatic systems that support salmon. It is the further purpose of KPB 21.29 to promote compatible, orderly development.
6. KPB 21.29.050(A)(5)(a) states that an applicant may request a seasonal, project-based waiver of the hours of operation.
7. A public hearing of the Planning Commission was held on Monday, June 08, 2026, and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060, KPB 21.11, and KPB 1.08.180(B).
8. The 2019 KPB Comprehensive Plan outlined the need to update KPB 21.29 to address reoccurring land use conflicts for gravel extraction. A rewrite of KPB 21.29 was adopted by the KPB Assembly in October 2023.
9. Goal 2 of the 2019 KPB Comprehensive Plan sets out the objective to proactively manage growth to provide economic development opportunities on the KPB while preserving what residents and visitors value about the area's natural features. It further sets out objectives that KPB should establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems, and support individual land use freedoms.
10. The proposed cumulative disturbed area within the parcel is approximately 24.3 acres.
11. The permittee has provided a reclamation plan that is consistent with KPB 21.29.
12. The application indicates that groundwater is 22 feet below the existing grade, and the lowest depth of excavation is 20 feet below the existing grade.
13. The site plan indicates that there are 11 wells located within 300 feet of the proposed excavation area, and no wells within 100 feet of the proposed excavation area.
14. Additional street-level visual screening, noise mitigation, and/or lighting restrictions are necessary and appropriate for the surrounding area. The permittee may utilize the existing forested buffer on a portion of the eastern parcel boundary to provide additional mitigation. The permittee will fill previously-excavated buffer areas to match the unexcavated elevation, and then will construct a 10-foot-tall earthen berm to provide adequate buffers to the neighboring properties.
15. The permittee will be installing a 10-foot earthen berm along the north and west parcel boundaries. Along the east boundary, a combination of a minimum 10-foot earthen berm, or where enough vegetation exists to provide street-level dust and noise screening, a minimum 50-

foot vegetated buffer will be utilized. On the southern boundary, a minimum 50-foot vegetated buffer will be used. The permittee must construct the base of the berm at the site's pre-existing elevation prior to its excavation as a PEU material site.

16. Ingress and egress to the site will be directly from Robinson Loop Road.

Section 3. Permit Conditions

Requirements Prior to Excavation

Prior to beginning excavation activities, the following conditions must be implemented and proof provided to the Planning Department:

1. The permittee must install and maintain one observation well at least two (2) feet below the lowest level of excavation, per 10 acres of excavated area. Elevations will be established for: top of well casing, ground elevation, and groundwater in the well, if any.
2. The permittee will have the area of excavation, buffers, and any easements or rights-of-way abutting the proposed CLUP area staked at sequentially visible intervals. Field verification and staking will require the services of a professional land surveyor. Stakes must be in place prior to issuance of the permit.
3. The permittee has provided proof of bonding related to the reclamation plan with the submittal of the application. The bond must be maintained for the life of the permit.
4. The permittee must obtain an Alaska Department of Natural Resources (ADNR) temporary use authorization if the permittee intends for water to leave the site.
5. The permittee must obtain a mining permit as required by ADNR if extraction activities are to take place on state land.
6. The permittee must submit a notice of intent for a construction general permit or multi-sector general permit and storm water pollution prevention plan, and other associated permits or plans required by the Alaska Department of Environmental Conservation pursuant to the Alaska Pollutant Discharge Elimination System requirements.
7. The permittee must obtain a United States Army Corps of Engineers (USACE) permit pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, if material extraction activity requires USACE approval.
8. The permittee must submit an application or obtain a permit from any other applicable state or federal agency with regulatory authority over mining activities or earth materials extraction.

General Conditions

9. The permittee must reclaim the site as described in the reclamation plan for this parcel.
10. The permittee must conduct all activity in compliance with state or federal regulations governing the items listed in KPB 21.29.045(B)(1-3). Complaints received by the borough of violations of requirements within this section will be forwarded to the appropriate agency for enforcement.
11. The permittee must operate in accordance with the application and site plan as approved by the Planning Commission. If the permittee revises or intends to revise operations so that they are no

longer consistent with the original application, a CLUP modification is required in accordance with KPB 21.29.070.

12. This CLUP is subject to annual review by the Planning Department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.25.090, the CLUP may be revoked pursuant to KPB 21.50 if the permittee fails to comply with the provisions of this chapter or the conditions of the permit.
13. Once effective, this CLUP is valid for five years. A renewal application must be submitted at least 90 days prior to the expiration of the CLUP.
14. At the time of CLUP renewal, every 5 years, the permittee must have all missing boundary stakes replaced before the renewal certificate can be issued. Field staking will require the services of a professional land surveyor.
15. Failure to comply with any of the conditions is a violation of the CLUP and is subject to enforcement pursuant to KPB Chapter 21.50.
16. This CLUP is not transferable unless a written transfer request is submitted to the Planning Department, an inspection is performed, and approval is issued. Note that CLUP transfers cannot be approved if the permittee is in violation of its CLUP conditions or KPB code.

Buffer Zone

17. The permittee must maintain the buffer locations between the area of excavation and the parcel boundaries as shown in the site plan. The permittee will maintain a minimum 10-foot earthen berm along the north and west parcel boundaries. Along the east boundary, a combination of a minimum 10-foot earthen berm, or where enough vegetation exists to provide street-level dust and noise screening, a minimum 50-foot vegetated buffer will be utilized. On the southern boundary, a minimum 50-foot vegetated buffer will be used.
18. The permittee must construct the base of the berm at the site's pre-existing elevation prior to its excavation as a PEU material site.
19. The permittee must not allow buffers to alter natural drainage features.
20. The permittee must not allow a buffer to overlap an easement.

Water Source Separation

21. The permittee must not extract material below or within two feet of the seasonal high-water table.
22. The permittee must not conduct off-site excavation dewatering.
23. The permittee must not extract material within 100 linear feet of any water source existing prior to original CLUP issuance, as defined in KPB 21.29.130.

Dust Control

24. The permittee will provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.

Hours of Operation

25. A seasonal Project-Based Waiver is granted to conduct material extraction activities, including equipment operation, outside the hours of 6:00 a.m. and 9:00 p.m. The Planning Commission

finds this waiver is necessary to the Sterling Safety Corridor Improvements project because DOT&PF will be implementing traffic safety restrictions that will require construction activities to occur at night. The Planning Commission finds that the waiver is not harmful to the public health, safety, and general welfare of borough residents because:

- a. The permittee will install a combination of earthen berms and utilize existing forested areas as buffers to the neighboring properties.
- b. The site's ingress/egress is directly from Robinson Loop Road, reducing the adverse impacts of routing material site traffic through a neighborhood.
- c. The permittee will not be processing or conditioning material at this site in order to reduce impacts to the general welfare of neighboring residents.
- d. The applicant has provided a Cover Letter, Professional Services Agreement, Sterling Safety Corridor Improvements Specifications for Traffic Maintenance, and Correspondence from DOT&PF regarding the nighttime operation requirements imposed on the applicant.
- e. _____

Groundwater Elevation

26. Prior to excavation, the permittee will install and maintain an observation well at least two (2) feet below the lowest level of excavation. Elevations will be established for: top of well casing, ground elevation, and groundwater in the well, if any.

Setback

27. Material site excavation areas must be 250 feet from the property boundaries of any existing public school ground, private school ground, college campus, licensed childcare facility, multi-purpose senior center, assisted living home, and licensed health care facility.

Permit Boundaries

28. The permittee will have the area of excavation, buffers, and any easements or rights-of-way abutting the proposed permit area staked at sequentially visible intervals. Field verification and staking will require the services of a professional land surveyor. Stakes must be in place prior to issuance of the permit.

Processing

29. The permittee must not conduct material processing, screening, or crushing activities unless the permittee obtains a modification to this CLUP and is issued a Type II Endorsement, and the conditions of KP.B 21.29.055 are imposed on the CLUP.

Fuel Storage

30. The permittee must ensure that fuel storage containers larger than 50 gallons will be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller will not

be placed directly on the ground, but will be stored on a stable impermeable surface. Double-walled fuel storage tanks are allowed for secondary containment.

Ingress and Egress

31. The ingress and egress to the material site will be directly from Robinson Loop Road.

Surface and Groundwater Protection

32. Surface and groundwater protection measures are not required for this site as there are no wetlands or surface waters within, or adjacent to, the property boundaries.

33. The permittee must not excavate in a way that causes off-site dewatering.

Street-Level Screening

34. The permittee will be installing a 10-foot earthen berm along the north and west parcel boundaries. Along the east boundary, a combination of a minimum 10-foot earthen berm, or where enough vegetation exists to provide street-level dust and noise screening, a minimum 50-foot vegetated buffer will be utilized. On the southern boundary, a minimum 50-foot vegetated buffer will be used. The permittee must construct the base of the berm at the site's pre-existing elevation prior to its excavation as a PEU material site.

Public Campgrounds

35. There are no public campgrounds within 1,000 feet of the site operations, and therefore, no added conditions apply.

Added Conditions

36. The permittee must install multi-frequency (white noise) back-up alarms on all equipment and vehicles that have existing state or federal back-up alarm requirements.

37. At the time of CLUP renewal, 5 years after approval, a public hearing will be required according to KPB 21.29.070(C), in which the Planning Commission will hear the renewal application.

Section 4. Based on the above findings, the Planning Commission concludes as a matter of law that the application has met all the requirements of KPB 21.25 and KPB 21.29, and through imposition of the conditions under KPB 21.29.050, the Planning Commission concludes as a matter of law that the application meets the four standards found in KPB 21.29.040:

CONCLUSIONS OF LAW

1. That the use is not inconsistent with the applicable comprehensive plan. Findings 5, 8-9, and Conditions 4-8, 10-12, 14-16, and 20 meet this standard.
2. That the use will not be harmful to the public's health, safety, and general welfare, or the health of anadromous waterbodies. Findings 5, 12-16, and Conditions 1-2, 4, 6-7, 10-19, and 21-36 meet this standard.
3. That sufficient setbacks, buffer zones, and other safeguards, including measures to mitigate blast

overpressure impacts and impacts to groundwater flow paths, are being provided consistent with this chapter. Findings 5, 12-16, and Conditions 1-2, 4, 11-15, 17-19, and 21-36 meet this standard.

4. That the use provides for a reclamation plan consistent with KPB 21.29. Findings 11 and Conditions 3, 9, 11-13, and 15 meet this standard.

Section 5. Therefore, permittee, QAP, is granted a modification of the conditional land use permit to operate a sand, gravel, or material site under a Type I Endorsement for material extraction over 5 acres and must reclaim the site to a stable condition upon completion of the project. The Planning Commission authorizes the issuance of a conditional land use permit pursuant to this resolution.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2026.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg
Administrative Assistant



**KENAI PENINSULA BOROUGH PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

«ATTENTION»
«OWNER»
«MAILING_ADDRESS»
«MAILING_CITY», «MAILING_STATE» «MAILING_ZIPCODE»

May 20, 2026

Public notice is hereby given that a Conditional Land Use Permit (CLUP) Modification application has been received to modify a permitted material site (gravel pit) on a property located in the Sterling area. These applications are reviewed by the Kenai Peninsula Borough Planning Commission in accordance with KPB 21.25 and KPB 21.29. You are receiving this notice because you are a landowner within 1,000 feet of the subject property, and are invited to provide comment at the public hearing below.

Applicant: COLASKA INC DBA QAP
Landowner: COLASKA INC
Parcel Number(s): 06304702
Legal Description: T 5N R 9W SEC 3 SEWARD MERIDIAN KN - RS W1/2 SW1/4 SW1/4 & SW1/4 NW1/4 SW1/4
Address: 36780 ROBINSON LOOP RD

Public Hearing:
Date and Time: Monday, June 8, 2026, at 7:30 p.m.
Location: Kenai Peninsula Borough
Betty Glick Assembly Chambers
144 N. Binkley, Soldotna, AK 99669
Zoom Meeting ID: 907 714 2200
Zoom Link: <https://us06web.zoom.us/j/9077142200>
Telephonic: 1-888-788-0099 or 1-877-853-5247

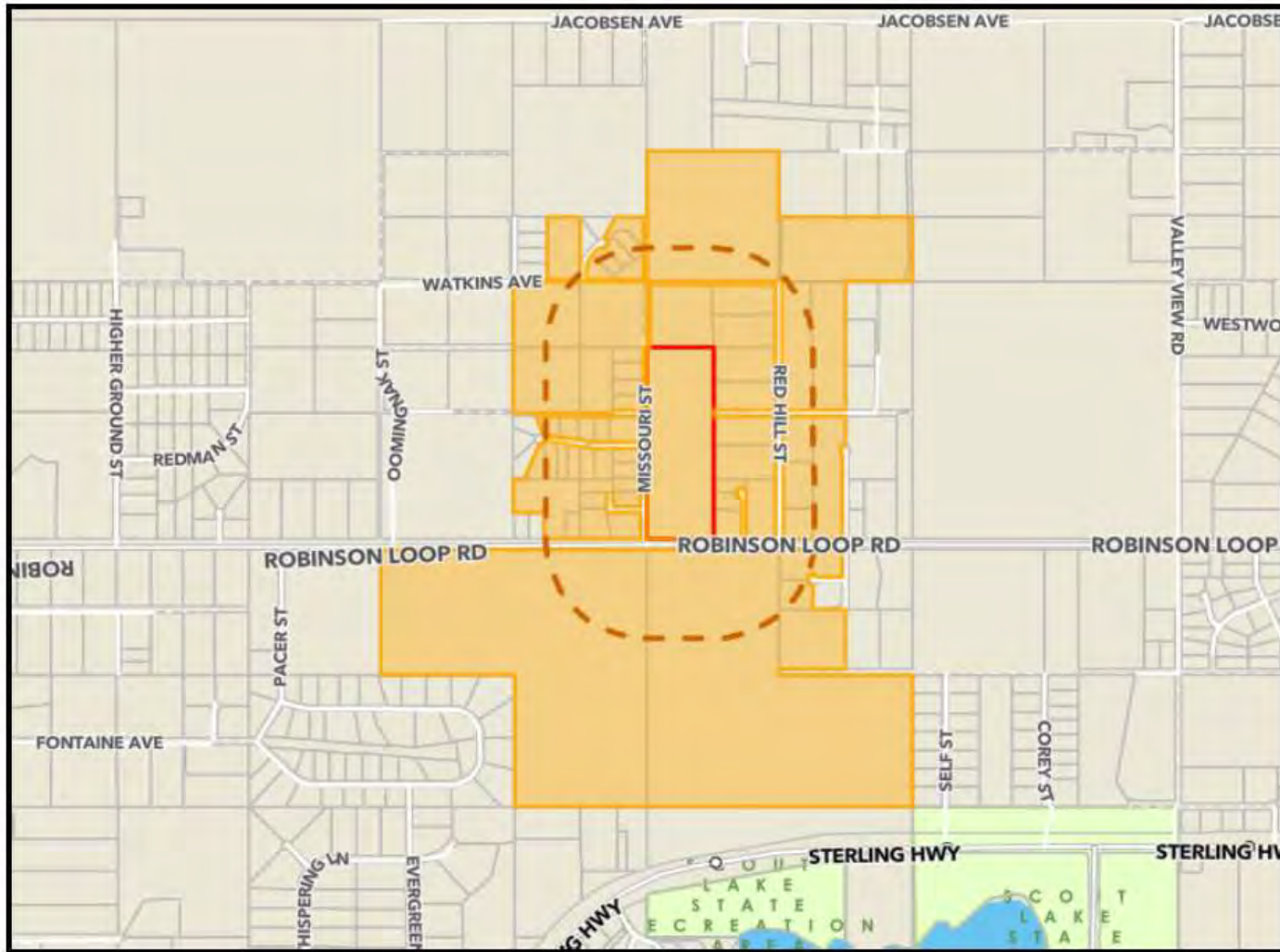
Special Impact Zone: Landowners with a primary residence within 1,000 horizontal feet of a material site are located in an area called the Special Impact Zone. Residents in this zone may request that the material site implement screening methods that are objective, measurable, and within the overall regulatory limits of KPB 21.29 by providing substantial evidence to support the request.

Public Comment: You may provide verbal comments at the above hearing (see information above). You may also submit written comments by emailing them to rraidmae@kpb.us. **Written comments must be received by 1:00 pm, Friday, June 5, 2026.** Note that persons who participate in the public hearing, either by written or oral comment, may appeal the Planning Commission’s decision within 15 days of the date of notice of the decision.

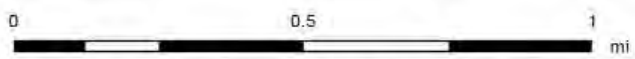
The meeting packet will be posted the week prior to the meeting. Once it has been posted, you can view the application and additional maps at kpb.legistar.com/Calendar. For additional information, contact Ryan Raidmae at rraidmae@kpb.us or 907-714-2462.

Please see the attached vicinity map of the proposed activities.

Ryan Raidmae
Planner



 **Project Area**
KPB Parcel(s):
06304702



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



CLUP Notification Report

Tuesday, April 21, 2026

Report generated for KPB Parcel(s):
06304702



- 1000ft Buffer
- Original selection
- Parcels intersecting the buffered area.

The following list was created by applying a 1000 ft buffer to the parcel or parcels indicated above. Questions or comments can be relayed to rraidmae@kpb.us.

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
06301212	PENINSULA PROPERTIES LLC	PO BOX 3306	SOLDOTNA	AK	99669
06301407	HEITMEYER CHERIE	PO BOX 1522	SEWARD	AK	99664
06301407	HEITMEYER JAMES	PO BOX 1522	SEWARD	AK	99664
06301407	SCHUTTER JEFFREY	PO BOX 877	SEWARD	AK	99664
06301407	SCHUTTER MELISSA	PO BOX 877	SEWARD	AK	99664
06301408	SCHAVE MARK J	PO BOX 251	STERLING	AK	99672
06301409	MATTHEWS E WAYNE	PO BOX 68	SHERIDAN	CA	95681
06301424	SEARFUS THOMAS ARTHUR & KIMBERLY RAE	23036 BLUE BIRD DR	CANYON LAKE	CA	92587
06301476	HANSON DONALD B	PO BOX 310	GARDEN CITY	TX	79739
06301478	SUMMERHAYS JOHN DAVID	5856 KENAI FJORDS LOOP	ANCHORAGE	AK	99502
06301479	SULLIVAN BERNIE & CAROLINE	6951 DICKERSON DR	ANCHORAGE	AK	99504
06301480	FISHER CAROL	18855 ANDREANOF DR	EAGLE RIVER	AK	99577
06301480	FISHER MORRISON	18855 ANDREANOF DR	EAGLE RIVER	AK	99577
06301481	BURNS ERIN MEGAN	39235 MISSOURI ST	STERLING	AK	99672
06301481	BURNS JOSEPH DUNCAN	39235 MISSOURI ST	STERLING	AK	99672
06301489	BAUER BRANDON B	PO BOX 422	SOLDOTNA	AK	99669
06301489	BAUER JODY	PO BOX 422	SOLDOTNA	AK	99669
06301490	BAUER BRANDON B	PO BOX 422	SOLDOTNA	AK	99669
06301490	BAUER JODY	PO BOX 422	SOLDOTNA	AK	99669
06301491	BAUER BRANDON B	PO BOX 422	SOLDOTNA	AK	99669
06301491	BAUER JODY L	PO BOX 422	SOLDOTNA	AK	99669
06301492	BAUER BRANDON B	PO BOX 422	SOLDOTNA	AK	99669

The following list was created by applying a 1000 ft buffer to the parcel or parcels indicated above. Questions or comments can be relayed to rraidmae@kpb.us.

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
06301492	BAUER JODY L	PO BOX 422	SOLDOTNA	AK	99669
06301493	FLETCHER ANITA	PO BOX 1336	STERLING	AK	99672
06301493	FLETCHER JOHN	PO BOX 1336	STERLING	AK	99672
06301494	BAUER BRANDON B	PO BOX 422	SOLDOTNA	AK	99669
06301494	BAUER JODY	PO BOX 422	SOLDOTNA	AK	99669
06301801	KEENEY ANDREA M	PO BOX 1350	STERLING	AK	99672
06301801	KEENEY KEITH E	PO BOX 1350	STERLING	AK	99672
06301802	KEENEY KEITH	PO BOX 1350	STERLING	AK	99672
06301803	MERCER LLOYD D	39430 DUDLEY AVE	SOLDOTNA	AK	99669
06301804	LABRUM JAKE	407 COUNTY ROAD 699	FARMERSVILLE	TX	75442
06301805	LABRUM JAKE	407 COUNTY ROAD 699	FARMERSVILLE	TX	75442
06301809	PALANGJIT DHARMA JAKRAWARN FOUNDATION INC	3873 THREE TOP RD	TODD	NC	28684
06301810	BASARGIN NATALIA	PO BOX 991	HOMER	AK	99603
06301811	MATTHEWS DEL	2230 SE BITTERBRUSH DR	MADRAS	OR	97741
06301811	MATTHEWS MARY ANN	1327 E WELLESLEY AVE	SPOKANE	WA	99207
06301812	PARKER ANTHONY W	PO BOX 749	STERLING	AK	99672
06301815	PERZECHINO JAMES J	39171 MISSOURI ST	STERLING	AK	99672
06301816	DUVALL DOREEN L	PO BOX 843	STERLING	AK	99672
06301816	FIGUEROA ARLENE A	PO BOX 843	STERLING	AK	99672
06301817	PERZECHINO JAMES J	39171 MISSOURI ST	STERLING	AK	99672
06301818	DOUTHIT DONALD	39089 MISSOURI ST	STERLING	AK	99672
06301820	MAIN LIVING TRUST	9155 SHADY BAY CIR	ANCHORAGE	AK	99507
06301826	BARKER NAOMI S	PO BOX 3072	SOLDOTNA	AK	99669
06301827	PURUGGANAN CHEYLEE MARIA T	PO BOX 1087	STERLING	AK	99672
06301827	WASHBURN KEEGAN JOSEPH-LAKE	250 IOWA ST	KENAI	AK	99611
06301828	WHITEMAN BARBARA A	37126 ROBINSON LOOP RD	STERLING	AK	99672
06301830	MAIN LIVING TRUST	9155 SHADY BAY CIR	ANCHORAGE	AK	99507
06301831	DAILY JOSHUA JAMES	PO BOX 1357	STERLING	AK	99672
06301831	DAILY RHEANNA WANAMAKER	PO BOX 1357	STERLING	AK	99672
06301832	FOUST ERIC JAY	39101 WINDMILL ST	STERLING	AK	99672
06301832	FOUST MELISSA ANN	39101 WINDMILL ST	STERLING	AK	99672
06301833	SHRYOCK AARON CRAIG	PO BOX 322	STERLING	AK	99672

The following list was created by applying a 1000 ft buffer to the parcel or parcels indicated above. Questions or comments can be relayed to rraidmae@kpb.us.

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
06304328	CHRISTENSEN FRANK J & CAROLYN P	39610 STERLING AIR PARK ST	STERLING	AK	99672
06304329	CAMPBELL MATTHEW DAVID	39535 RED HILL ST	STERLING	AK	99672
06304702	COLASKA INC	6411 A ST	ANCHORAGE	AK	99518
06304710	PIERCE BONNIE LEE LIVING TRUST REVOCABLE TRUST AGREEMENT	36686 SONDR AVE	STERLING	AK	99672
06304711	MCKENNA JAMES G & MARILYN N	PO BOX 2204	SOLDOTNA	AK	99669
06304713	ANDERSON SUSAN A	3705 ARCTIC BLVD	ANCHORAGE	AK	99503
06304714	WILLIAMSON JOHN	PO BOX 189	STERLING	AK	99672
06304715	PENNER SHANNON & GARY I	36829 SONDR AVE	STERLING	AK	99672
06304716	CUNNINGHAM BRICE A	36822 SONDR AVE	STERLING	AK	99672
06304716	CUNNINGHAM NICOLE L	36822 SONDR AVE	STERLING	AK	99672
06304717	LANTZ ALVA R & ANNA M	39341 RED HILL ST	STERLING	AK	99672
06304718	AUSTIN GRADY E	39439 RED HILL ST	STERLING	AK	99672
06304718	TOCKTOO-AUSTIN TAMAIRA S	39439 RED HILL ST	STERLING	AK	99672
06304719	MICHAEL SARAH	39485 RED HILL ST	STERLING	AK	99672
06304719	MICHAEL SHANE	39485 RED HILL ST	STERLING	AK	99672
06304722	ROBERTSON JENNY	PO BOX 2204	SOLDOTNA	AK	99669
06304723	NESS JASON E	39068 RED HILL ST	STERLING	AK	99672
06304723	NESS SAMANTHA L	39068 RED HILL ST	STERLING	AK	99672
06304724	NESS JASON E	39068 RED HILL ST	STERLING	AK	99672
06304724	NESS SAMANTHA L	39068 RED HILL ST	STERLING	AK	99672
06304728	STRANG RICHARD LIVING TRUST	7777 WING SPAN DR	SAN DIEGO	CA	92119
06304729	SHORT ELIZABETH D	39099 OLD POST CIR	STERLING	AK	99672
06304730	SHORT DAVID J	PO BOX 1394	STERLING	AK	99672
06304731	SHORT DAVID R	PO BOX 1394	STERLING	AK	99672
06304731	SHORT REBECCA J	PO BOX 1394	STERLING	AK	99672
06304735	VERMILYA DONALD SCOTT	39430 MISSOURI ST	STERLING	AK	99672
06379004	MARTINELLI KAREN ANN	PO BOX 391	STERLING	AK	99672
06379004	MARTINELLI RONALD L	PO BOX 391	STERLING	AK	99672
06379005	PARKS DANIEL	36685 ROBINSON LOOP RD	STERLING	AK	99672
06379005	PARKS JILL	36685 ROBINSON LOOP RD	STERLING	AK	99672
06379006	ANDERSON DAWNA D	PO BOX 1388	STERLING	AK	99672
06379006	ANDERSON MARTIN T	PO BOX 1388	STERLING	AK	99672
06379007	MARTINELLI RONALD L & KAREN A	PO BOX 391	STERLING	AK	99672

The following list was created by applying a 1000 ft buffer to the parcel or parcels indicated above. Questions or comments can be relayed to rraidmae@kpb.us.

All Ownership Records

PARCEL_ID	OWNER	ADDRESS	CITY	STATE	ZIP
06386001	EBERT CHERYL M	12016 29TH AVE SE	EVERETT	WA	98208

MEMORANDUM

TO: Jeremy Brantley, Planning Commission Chairperson
Kenai Peninsula Borough Planning Commission

THRU: Ryan Raidmae, Planner

FROM: Morrison Fisher
39265 Missouri St.
Sterling, Alaska 99672

DATE: May 21, 2026

RE: Public Comment, MS2025-013-MOD, QAP's Robinson Loop Material Site

Morrison Fisher has provided a verbal comment to the Planning Commission, stating, "I (Morrison Fisher) would like the Planning Commission of the Kenai Peninsula Borough to deny QAP's CLUP Modification, to add night work, because I believe that allowing such work will lead to significant noise pollution that will adversely affect the quality of life for many residents who live in proximity to the material site.

For that reason, I ask that you deny QAP's modification.

Thank You,

Morrison Fisher

DESK PACKET

(MATERIALS SUBMITTED AFTER 05/29/26)

5. Conditional Land Use Permit; PC Resolution 2026-29

Applicant: Colaska Inc. dba QAP

Request: Requesting a modification to conditional land use permit (PC 2025-33), adding a project based waiver to the hours of operation and would allow QAP to work at night outside the standard hours of 6:00 AM to 9:00 PM

Address: 36780 Robinson Loop Road
Sterling Area



A COLAS COMPANY

240 W. 68th Ave.
Anchorage, Alaska 99518

April 3, 2026

Kenai Peninsula Borough
Planning Department
144 N. Binkley St
Soldotna, Alaska 99669

RE: CLUP ID: MS2025-13_P01 - Project-Based Waiver Request
Sterling Safety Corridor Improvements MP 82.5-94
AKDOT&PF Project No. 0A33026/CFHWY00130
KPB Parcel 06304702

Colaska Inc. dba QAP is submitting an application for a Project-Based Waiver as an amendment to the existing Conditional Land Use Permit No. MS2025-013_P01. The request is driven by AKDOT traffic safety restrictions impacting the upcoming reconstruction section of the highway.

Recent feedback regarding nighttime operations highlights the need for flexible and extended operating hours. As the AKDOT-selected general contractor for the Progressive Design Build (PDB) effort from Mile Post 82.5 to 94, QAP is preparing for the next construction phase, Work Package 2. Traffic requirements necessitate nighttime activities to avoid peak summer traffic; while AKDOT and QAP are exploring ways to ease these constraints, full removal is not possible.

Submitted Supporting Documentation:

1. QAP & AKDOT&PF Professional Services Agreement for the SSCI MP 82.5–94 PDB Project
2. Sterling Safety Corridor Improvements Project Specifications – Section 643: Traffic Maintenance
3. DOT–QAP–DOWL Email Correspondence Regarding Traffic Restrictions

Completion of this project is critical for Kenai Peninsula safety and welfare. Material sources meeting project specifications are limited along the corridor, so utilizing available sites—such as this parcel—is essential for extraction, processing, and disposal needs. **Please note, the volume of material within this source can only support the project for approximately 40 high production shifts in total.**

Current restrictions prohibit work during key daytime periods from May 1 to September 15 and around holidays, with no traffic restrictions allowed in July. This shortens the construction season from six to five months unless a waiver is approved. Ultimately, QAP is requesting this waiver being granted during the construction season, approx. May 1 through October 31, until completion of the referenced project, currently projected in 2029. The requested waiver is necessary to maintain project progress within available funding constraints and meet completion goals, however, QAP only intends to run nighttime operations as necessary to meet project demands.

For questions, contact me at dunderwood@colaska.com or (907)748-2398.

Sincerely,

Daron Underwood
Area Manager



A COLAS COMPANY

240 W. 68th Ave.
Anchorage, Alaska 99518

April 3, 2026

Kenai Peninsula Borough
Planning Department
144 N. Binkley St
Soldotna, Alaska 99669

RE: CLUP ID: MS2025-13_P01 - Project-Based Waiver Request
Sterling Safety Corridor Improvements MP 82.5-94
AKDOT&PF Project No. 0A33026/CFHWY00130
KPB Parcel 06304702 - Construction Phasing

Current highway safety regulations prohibit any work that restricts traffic during key daytime periods from May 1 through September 15 and around holidays, and no traffic restrictions are permitted during July. Approving the requested waiver is necessary to keep the project moving within available funding and to meet scheduled completion targets. We expect the material source to supply the referenced work productively for only about 1.5–2 construction seasons; after that, increased hauling costs will require shifting to another source at the eastern end of the corridor.

This document summarizes the primary traffic restrictions affecting the Sterling Highway Safety Corridor project and describes the anticipated sequencing of work within the material source.

Project Traffic Restrictions

For this project, a traffic restriction includes any construction activity or traffic control operation that alters roadway surface conditions or interferes with normal traffic flow. The most significant operational constraint is the movement of haul trucks entering and exiting the project limits, which can only occur during approved work windows.

For the Sterling Highway between MP 82.5 and MP 94, the following traffic restriction periods apply: (see visuals below for restricted and permitted work hours):

1. **May 1 to September 15** – *during the following days, impacting traffic is NOT-PERMITTED as noted:*
 - a. Monday through Thursday: 0600 hrs to 2100 hrs.
 - b. Weekends: Friday 0600 hrs to Sunday 2200 hrs.

2. **Around a Holiday** – *if a holiday falls on one of these days, impacting traffic is NOT-PERMITTED as noted:*
 - a. If a holiday falls on Sunday, Monday, or Tuesday, the above stipulations apply from 1200 hrs on the Friday before the holiday to 0300 hrs. on the day after the holiday.
 - b. If a holiday falls on Wednesday, the above stipulations apply from 1200 hrs on the Tuesday before the holiday to 0300 hrs. on the Thursday after the holiday.

- c. If a holiday falls on Thursday, Friday, or Saturday, the above stipulations apply from 1200 hrs on the day before the holiday to 0300 hrs. on the Monday after the holiday.

Applicable holidays in 2026, 2027, and 2028 are as follows:

2026	2027	2028
Memorial Day – Monday, May 25	Memorial Day – Monday, May 31	Memorial Day – Monday, May 29
Labor Day – Monday, September 7	Labor Day – Monday, September 6	Labor Day – Monday, September 4

3. July 1 through July 31 – IMPACTING TRAFFIC IS NOT-PERMITTED

Below are visual representations of the restricted and permitted work hours as said above:

Traffic Restrictions: PERMITTED NOT-PERMITTED NON-WORKING

Sterling Highway Traffic Restrictions																								
May 1 - Sept 15	0:00	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00
Sun																								
Mon																								
Tue																								
Wed																								
Thu																								
Fri																								
Sat																								

Notes:

1. Work can be conducted on the project during NOT-PERMITTED hours if able to do so without restricting traffic. At times, phasing may allow for material haul without need for restricting traffic.
2. Due to Federal and Internal Safety Regulations, QAP does not work every other Sunday, unless need due to emergency (environmental or safety).

Traffic Restrictions: PERMITTED NOT-PERMITTED NON-WORKING

Sterling Highway Traffic Restrictions																								
Holiday	0:00	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00
Friday																								
Saturday																								
Sunday																								
Monday	Holiday																							
Tuesday																								
Wednesday																								
Thursday																								

Note: Work can be conducted on the project during NOT-PERMITTED hours if able to do so without restricting traffic. At times, phasing may allow for material haul without need for restricting traffic.

Traffic Restrictions: PERMITTED NOT-PERMITTED NON-WORKING

Sterling Highway Traffic Restrictions																								
July 1 - July 31	0:00	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00
Sun																								
Mon																								
Tue																								
Wed																								
Thu																								
Fri																								
Sat																								

Note: Work can be conducted on the project during NOT-PERMITTED hours if able to do so without restricting traffic. At times, phasing may allow for material haul without need for restricting traffic.

As a result, the primary seasonal windows when highway traffic restrictions are relaxed are generally limited to the periods between spring thaw and May 1, and September 15 through fall freeze, subject to weather and site conditions. Anticipated weekly construction schedule is as shown below:

Traffic Restrictions: PERMITTED NOT-PERMITTED ANTICIPATED WORKING HOURS

Sterling Highway Traffic Restrictions																									
Frozen - May 1 Sept. 15 - Frozen	0:00	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00	
Sun																									Expected Non-Working every other Sunday
Mon																									
Tue																									
Wed																									
Thu																									
Fri																									
Sat																									

Note: These durations are dependent on spring thaw and fall freeze. Construction during these shoulder seasons can occur as follows:

1. Spring Thaw to May 1
2. September 15 to Fall Freeze

Material Source Operations

The precise schedule for operations under the Conditional Land Use Permit will depend on weather, ground conditions, seasonal traffic restrictions, and contract restrictions. Anticipated activities at the material source include pit development and advancement, approximately 40 shifts of high production material extraction, loading and hauling, and interim and final reclamation.

When traffic restrictions allow, QAP seeks to avoid night work whenever practicable due to the associated safety concerns for employees, nearby residents, and the traveling public, as well as the reduced operational efficiency of nighttime activities. In general, daytime work is preferred; however, traffic limitations during the peak construction season make nighttime extraction and hauling necessary for portions of the work.

The anticipated operational sequence is as follows:

1. Material Source Development - Daytime Operations

- Initial development: approximately 3 to 4 weeks prior to project start-up
- Ongoing advancement: approximately 2 to 3 days, as needed every 2 to 3 weeks, to access additional material

2. Material Extraction - Daytime and/or Nighttime Operations

- Daytime operations: from spring thaw through April 30
- Nighttime operations: from May 1 through September 15
- Daytime operations resume: from September 15 through fall freeze, or until project demand ends, whichever occurs first

3. Reclamation - Daytime Operations

- Interim reclamation: performed intermittently as needed, often concurrent with development activities
- Final reclamation: approximately 2 to 3 weeks following completion of material export

Below is a visual representation of expected months of operation within the material source. It is anticipated that majority of the 40 high production shifts to occur within the daytime hours during dates represented in green.

EXPECTED HIGH VOLUME PRODUCTION ANTICIPATED TO BE COMPLETE FOLLOWING THE 2028 CONSTRUCTION SEASON													
OPERATIONS	DATES	ROBINSON LOOP CLUP OPERATIONS SCHEDULE											
No operations due to freezing conditions +/- 2 weeks	Nov 1 - Mar 31	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Day operations only	Apr 1 - Apr 30 & Sep 16 - Oct 31				Apr	May	Jun	Jul	Aug	Sep	Oct		
Night operations with limited day operations	May 1 - Sep 15					May	Jun	Jul	Aug	Sep			

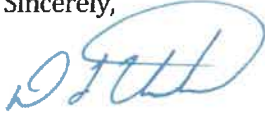
Conclusion

Approval of the requested waiver is critical to allow the project to proceed in a safe, practical, and economically efficient manner. QAP is requesting this waiver between May 1 and October 31 in order to have the flexibility to meet the project schedule demands which are significantly constrained by seasonal and daily traffic limitations, potentially affecting both cost and timely completion. Current projected **Work Package 2** project completion date is 2029.

As noted above, the material source is expected to productively support the project for only approximately 1.5 to 2 construction seasons, after which rising haul costs and reduced efficiency would likely require relocation to another source area. As stated, this material source will support the project for approximately 40 days of production in total.

Thank you for your consideration of this request. Please contact me at dunderwood@colaska.com or (907) 748-2398 with any questions or if additional information is needed.

Sincerely,



Daron Underwood

Area Manager

From: (null) (null)
To: Raidmae, Ryan
Subject: <EXTERNAL-SENDER>Comment on Public Notice
Date: Friday, June 5, 2026 11:56:34 AM

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.

Letter of Opposition to proposed modification of CLUP by COLASKA

Our parcel ID is 06304717, Block 2, Lot 2, Bruce Subdivision

As property owners immediately adjacent to this gravel pit on Robinson Loop Road, we strongly object to the proposed modification to allow nighttime operations and offer the following comments for your consideration:

1. KPB 21.29.50 Permit conditions applicable to all permits, Subsection A, 5(a) States "...To grant a waiver under this subsection, the commission MUST find that the waiver is necessary for a specific project, and that the waiver is not harmful to the public health, safety, and general welfare of borough residents".

a. There is nothing in this application to indicate this gravel pit operating outside standard hours is necessary for completion of the project. The only thing approving this modification will do is boost the profit margin of COLASKA. If one is to believe this pit operating 24 hours a day is necessary for this project, then you would have to believe that if a contractor other than COLASKA had been awarded this contract this pit would still be required to operate 24 hours. It would not. Another contractor would source material elsewhere. I remind you there is a 160 acre, permitted, we'll established gravel pit less than 1 mile east of this location.

b. The decision in Dec 2025 not to allow 24 hour operations was based in part on the impact to local property owners and residents. Absolutely nothing has changed. I take great issue with item 2 of your "CONCLUSIONS OF LAW" stating "That the use will not be harmful to the public's health, safety, and general welfare....". That statement is absurd and an insult to every resident around this pit.

2. KENAI PENINSULA BOROUGH PLANNING COMMISSION RESOLUTION 2026-29, Section 2, item 9 states: "Goal 2 of the 2019 KPB Comprehensive Plan sets out the objective to proactively manage growth to provide economic development opportunities on the KPB WHILE PRESERVING WHAT RESIDENTS and visitors VALUE about the area's natural features. It further sets out objectives that KPB should establish policies that better guide land use to MINIMIZE LAND USE CONFLICTS, MAINTAIN PROPERTY VALUES, PROTECT NATURAL SYSTEMS AND SUPPORT INDIVIDUAL LAND USE FREEDOMS".

a. Approving this modification totally ignores what residents of this area value. It destroys our individual land use freedoms by denying us the simple freedom of being able to sleep in peace and quiet.

b. Approving this modification would mean totally ignoring the welfare of resident and giving 100% priority to COLASKA simply to boost their profit margin.

3. I strongly believe that allowing COLASKA to seek modification to a CLUP already ruled on, rather than following the appeal process, sets a dangerous precedent for future CLUP applications. I strongly suspect that before this project is completed COLASKA will again seek a modification to allow either crushing/sifting operations or operation of an asphalt plant, or both.

We ask you, very respectfully, PLEASE stand up for the residents around this pit. Please put our wishes, our desire to enjoy our homes, ahead of the profit margin of COLASKA. This road project will continue without modification to the CLUP.

Thank you for this opportunity,

Alva R., and Anna M. Lantz
39341 Red Hill Street
Sterling, AK

DATE: June 4, 2026

Subject: Letter of Opposition to Modification of CLUP PC 2025-33
(QAP Nighttime Operations)

Dear Members of the Planning Commission,

Please accept this formal letter of opposition regarding the requested modification to allow nighttime operations at the gravel pit located at 36780 Robinson Loop Rd, Sterling, AK 99672.

Allowing 24-hour activity at this location introduces documented health hazards to nearby residents and directly violates Kenai Peninsula Borough (KPB) Code 21.29.050. Section B Sub-section 7.a explicitly mandates that within the 1,000-foot Special Impact Zone, operations must screen adverse noise, dust, and other impacts to protect public health, safety, and general welfare.

Expanding operations outside the currently approved hours of 6:00 a.m. to 9:00 p.m. will cause a significant, unprecedented disturbance to our neighborhood and severely compound existing environmental burdens. Allowing 24-hour activity at this location introduces documented health hazards to nearby residents

The health, safety, and quiet enjoyment of the 76 landowners within this zone will be severely compromised by nighttime operations. Per previous public testimony, a high hourly volume of heavy trucks will enter and exit the site. This continuous, low-frequency diesel noise easily penetrates residential structures and causes ongoing physiological distress. Public health data establishes that nighttime industrial noise triggers an automatic stress response that spikes blood pressure and increases long-term cardiovascular risks. Furthermore, chronic sleep disruption from sudden aggregate site noises fractures sleep architecture, which impairs daytime blood sugar regulation, weakens the immune system, and elevates rates of anxiety and depression.

This round-the-clock operation also creates a dangerous combination of sleep deprivation and air pollution. The high volume of nighttime truck traffic will



release harmful dust and diesel exhaust into the neighborhood. Because sleep-deprived residents have weakened immune systems, they will be far more vulnerable to the respiratory damage caused by inhaling these fine industrial particles. Additionally, consistent environmental noise is proven to impair children's brain development, reading comprehension, and memory retention.

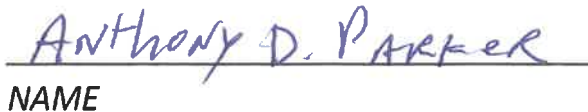
The borough's 1,000-foot restriction exists precisely to balance development rights against a resident's right to safety and quiet enjoyment. Because the applicant cannot mitigate these deep-penetrating nighttime impacts, they cannot satisfy the criteria of KPB Code 21.29.050.

To protect the health and welfare of the local community, we respectfully request that the Board uphold the intent of the Special Impact Zone and deny this modification request.

Thank you for your time, consideration, and dedication to protecting our community.

Sincerely,


signature


NAME


Address


email and/or phone number

DATE: June 4, 2026

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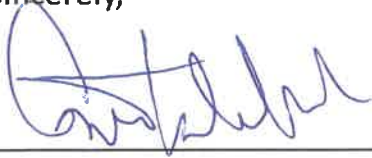
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Thank you for your time, consideration, and dedication to protecting our community.

Sincerely,



signature

ANTHONY W. PARKER

NAME

37100 Impebrook Ct.
Address Sterling, AK 99672

daddykodiak@yahoo.com
email and/or phone number

DATE: June 4, 2026

Subject: Letter of Opposition to Modification of CLUP PC 2025-33 (QAP Nighttime Operations)

Dear Members of the Planning Commission,

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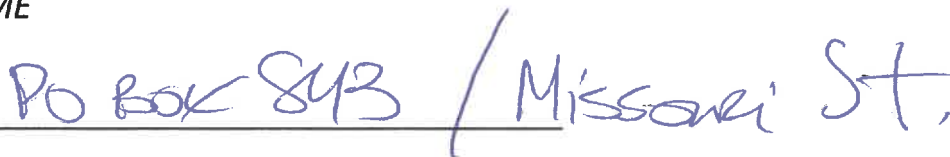
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signature



NAME



Address



email and/or phone number

DATE: June 4, 2026

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To protect the health and welfare of the local community, we respectfully request that the Board uphold the intent of the Special Impact Zone and deny this modification request.

Thank you for your time, consideration, and dedication to protecting our community.

Sincerely,

Barb Whiteman
signature

Barbara Whiteman
NAME

37126 Robinson Loop Rd. Sterling, AK. 99672
Address

frozenyukon@gmail.com
email and/or phone number

907-252-3262

DATE: June 4, 2026

Subject: Letter of Opposition to Modification of CLUP PC 2025-33
(QAP Nighttime Operations)

Dear Members of the Planning Commission,

Please accept this formal letter of opposition regarding the requested modification to allow nighttime operations at the gravel pit located at 36780 Robinson Loop Rd, Sterling, AK 99672.

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Thank you for your time, consideration, and dedication to protecting our community.

Sincerely,

Don Douthit

signature

*39089 Missouri St
Sterling, AK 99672*

907-262-9505

ATTENTION: KENAI PENINSULA PLANNING COMMISSION

RE: KENAI PENINSULA PLANNING NOTICE OF PUBLIC HEARING

SUBMITTED TO DONALD E. GILMAN RIVER CENTER 6/4/2026

I am writing in response to the above notice of Public hearing regarding the Conditional Land Use Permit Modification application for the “reactivation use” of the adjacent gravel pit. I’m a resident that is directly adjacent to it, on Missouri St.

I cannot believe that after your fair decision this past winter to vote to limit the use of the “reactivated gravel pit” during daytime hours, NO NIGHT WORK (which if I understand correctly, the only use that it will have will be as a “dump site”- possibly for waste materials from road construction)???? This decision at least gave a little respect for the health and wellbeing of all of the residents- we have a very diverse community in our area- working craftsmen, retired and active Law Enforcement Officers (I’m among the five) two are active and still serving. The ability to be able to have a good night sleep is vital to health in general for all, but essential to all of our working law enforcement folks, and hard working craftsmen that have to operate all kinds of dangerous equipment. PLEASE CONSIDER THIS!!!!

STOP THE GREED!!!! THERE ARE REASONS THIS PIT WAS DEACTIVATED!!! THIS AREA HAS GROWN SIGNIFICANTLY – IS IT TIME TO GET A CLASS ACTION SUIT GOING???? HOW CAN YOU, IN GOOD CONSCIOUS EVEN CONSIDER THIS???? Accountability for every member that votes in favor of this.

*D. L. Duvall
MISSOURI
STREET*

DATE: June 4, 2026

Subject: Letter of Opposition to Modification of CLUP PC 2025-33
(QAP Nighttime Operations)

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To protect the health and welfare of the local community, we respectfully request that the Board uphold the intent of the Special Impact Zone and deny this modification request.

Thank you for your time, consideration, and dedication to protecting our community.

Sincerely,

signature

ERIN BURNS + DUNCAN BURNS
NAME

39235 MISSOURIST
Address

586-215-1246
email and/or phone number

Additionally, I use a portion of my property for a commercial use that depends on providing a calm and relaxed atmosphere, especially at night. Allowing 24/7 operations would likely cause me to lose income. Restricting the pit hours allows both QAP and me to earn income.
Thank You - ERIN BURNS

DATE: June 4, 2026

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Thank you for your time, consideration, and dedication to protecting our community.

Sincerely,


signature

James J Perzechino

NAME

39171 Missouri St
Sterling, AK 99672

Address

907-252-1490

email and/or phone number

DATE: June 4, 2026

Subject: Letter of Opposition to Modification of CLUP PC 2025-33
(QAP Nighttime Operations)

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Thank you for your time, consideration, and dedication to protecting our community.

Sincerely,



signature

Kristina Ferguson

NAME

37085 Ingelbark Court Sterling AK 991072

Address

907 252 9444

email and/or phone number

June 4, 2026

Kenai Peninsula Borough Planning Commission
144 N. Binkley Street
Soldotna, AK 99669

Subject: Letter of Opposition to Modification of CLUP PC 2025-33 (QAP Nighttime Operations)

Dear Members of the Planning Commission,

Please accept this formal letter of opposition regarding the requested modification to allow nighttime operations at the gravel pit located at 36780 Robinson Loop Rd, Sterling, AK 99672. While industrial projects are frequently evaluated through an economic lens, substantial public health data proves that nighttime industrial activity introduces immediate, documented health hazards to the nearby residents.

The [World Health Organization \(WHO\)](#) currently ranks environmental noise as one of the top environmental hazards to physical and mental health. This hazard is magnified by the scale of this project. Per testimony from the previous public hearing, a high volume of trucks will be entering and exiting this gravel pit every single hour. When heavy trucking, gravel extraction and hauling continue into the night, they create a dangerous environment for our neighborhood. [1]

Operating this gravel pit during nighttime hours directly violates the strict public protections mandated under **Kenai Peninsula Borough (KPB) Code 21.29.050 (Permit conditions applicable to all permits)**. Section B Sub-section 7.a explicitly dictates that within the 1,000-foot Special Impact Zone, the screening of adverse noise, dust, or other impacts ***must protect public health, safety, and general welfare.***

In this specific case, the health, safety, and quiet enjoyment of **76 landowners** within this 1,000-foot Special Impact Zone will be severely compromised. The attached medical and public health research establishes that the applicant cannot fulfill the safety mandates of KPB Code 21.29.050 due to the following impacts:

- **Low-Frequency Truck Noise:** Heavy diesel trucks emit continuous, low-frequency sounds that vibrate residential walls and penetrate standard doors and windows. This specific type of noise cannot be blocked by standard residential barriers and causes ongoing, systemic physiological distress to families in their homes.
- **Cardiovascular Strain:** Even if residents physically sleep through the roar of these hourly trucks, their brains still register the sound. Landmark clinical studies published in the *European Heart Journal* show that nighttime industrial noise triggers an automatic

"fight-or-flight" stress response. This floods the body with stress hormones, spikes blood pressure, and significantly increases the long-term risk of heart attacks and strokes. In fact, recent data from the [European Environment Agency \(EEA\)](#) attributes tens of thousands of heart disease cases annually directly to environmental noise. [1]

- **Daytime Blood Sugar Problems:** Scientists have established a direct link between nighttime industrial noise and metabolic damage. A long-term study published in *Environmental Health Perspectives* tracks how noise repeatedly wakes your body up during the night and interferes with how you process blood sugar the following day. Over time, this chronic disruption significantly raises a resident's risk of developing Type 2 diabetes. [1]
- **Destruction of Sleep Quality:** Sudden noises from aggregate sites—such as air brakes, shifting gravel, and heavy equipment digging —constantly startle the brain out of deep sleep cycles. Public health guidelines from the [WHO Regional Office for Europe](#) state that outdoor nighttime noise must stay below 40 decibels to protect the public. When industrial operations break this threshold, it fractures sleep architecture, which weakens the immune system, causes chronic fatigue, and stops the body from executing essential biological repairs. [1, 2, 3]
- **Mental Health Decline:** Living adjacent to unpredictable, low-frequency industrial noise causes profound mental exhaustion. Comprehensive public health assessments track millions of people suffering from severe sleep disturbance and long-term psychological annoyance due to persistent environmental sound. Communities exposed to high-traffic industrial operations suffer from drastically elevated rates of severe sleep disorders, chronic anxiety, and depression. [1, 2]
- **Impairment of Children's Learning:** Public health data confirms that consistent environmental noise impairs children's brain development. Independent tracking compiled by the [National Institutes of Health \(NIH\)](#) links community noise exposure to tens of thousands of cases of childhood cognitive impairment. Kids living near high-noise zones frequently struggle with reading comprehension, short-term memory retention, and speech perception in school. [1, 2]
- **The Noise and Dust "Double Whammy":** This massive hourly volume of truck traffic will simultaneously release silica dust and diesel exhaust. Industrial tracking from the [National Institute for Occupational Safety and Health \(NIOSH\)](#) classifies silica as a known human lung carcinogen. When families lose deep sleep due to the noise, their immune systems weaken, making them far more vulnerable to the respiratory damage—such as asthma or COPD—caused by inhaling fine industrial dust.

The World Health Organization explicitly ranks environmental noise as the second largest environmental cause of health problems, right behind air pollution. Because the applicant cannot mitigate these deep-penetrating nighttime impacts, they cannot satisfy the criteria of KPB Code 21.29.050(7)(a). The distance restrictions in the borough code of 1,000 ft from an existing residential structure are designed to balance development rights against a resident's right to the quiet enjoyment of their property. To protect the health and safety of these 76 landowners within the Special Impact Zone, the modification request must be denied.

We respectfully request that the Board uphold the intent of the Special Impact Zone and restrict all operational and hauling hours strictly to daytime limits for this gravel pit ***for the health, safety, and general welfare*** of the local residents that would be impacted by this modification request.

Thank you for your time, your consideration, and your dedication to protecting our community.

Sincerely,

Liz Jozwiak

Liz Jozwiak
PO Box 968
Soldotna, AK 99669

References & Public Health Sources:

- World Health Organization (WHO) Regional Office for Europe (2018). *Environmental Noise Guidelines for the European Region*.
- Münzel, T., et al. (European Heart Journal, 2014). *Cardiovascular effects of environmental noise exposure*.
- Sørensen, M., et al. (Environmental Health Perspectives, 2013). *Long-term exposure to road traffic noise and higher risk of Type 2 diabetes*.
- European Environment Agency (EEA, 2020). *Environmental Noise in Europe Report*.
- World Health Organization (WHO, 2009). *Night Noise Guidelines for Europe*.
- National Institutes of Health (NIH) / National Center for Biotechnology Information (2014). *Auditory and Non-Auditory Effects of Noise on Health*.

- National Institute for Occupational Safety and Health (NIOSH) / Centers for Disease Control and Prevention (CDC, 2002). *Hazard Review: Health Effects of Occupational Exposure to Respirable Crystalline Silica*. [[1](#), [2](#), [3](#), [4](#), [5](#)]

DATE: June 4, 2026

Subject: Letter of Opposition to Modification of CLUP PC 2025-33
(QAP Nighttime Operations)

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To protect the health and welfare of the local community, we respectfully request that the Board uphold the intent of the Special Impact Zone and deny this modification request.

Thank you for your time, consideration, and dedication to protecting our community.

Sincerely,



signature

STEPHEN NANCE

NAME

37227 INGLESBROOK CT, STERLING, AK

Address

(979) 240-4388

email and/or phone number



**KENAI PENINSULA BOROUGH PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

«ATTENTION»
«OWNER»
«MAILING_ADDRESS»
«MAILING_CITY», «MAILING_STATE» «MAILING_ZIPCODE»

May 20, 2026

Public notice is hereby given that a Conditional Land Use Permit (CLUP) Modification application has been received to modify a permitted material site (gravel pit) on a property located in the Sterling area. These applications are reviewed by the Kenai Peninsula Borough Planning Commission in accordance with KPB 21.25 and KPB 21.29. You are receiving this notice because you are a landowner within 1,000 feet of the subject property, and are invited to provide comment at the public hearing below.

Applicant: COLASKA INC DBA QAP
Landowner: COLASKA INC
Parcel Number(s): 06304702
Legal Description: T 5N R 9W SEC 3 SEWARD MERIDIAN KN - RS W1/2 SW1/4 SW1/4 & SW1/4 NW1/4 SW1/4
Address: 36780 ROBINSON LOOP RD

Public Hearing:
Date and Time: Monday, June 8, 2026, at 7:30 p.m.
Location: Kenai Peninsula Borough
Betty Glick Assembly Chambers
144 N. Binkley, Soldotna, AK 99669
Zoom Meeting ID: 907 714 2200
Zoom Link: <https://us06web.zoom.us/j/9077142200>
Telephonic: 1-888-788-0099 or 1-877-853-5247

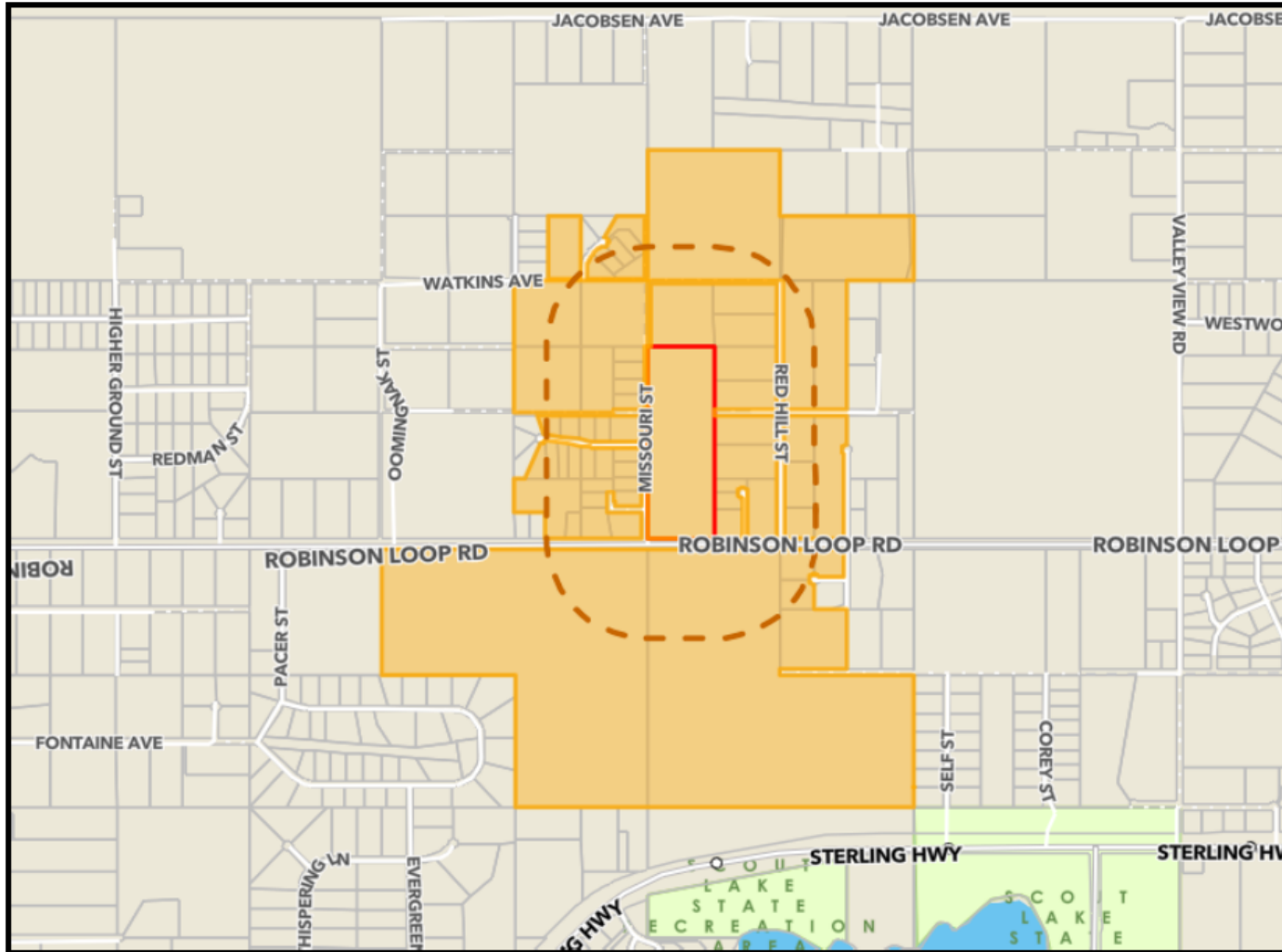
Special Impact Zone: Landowners with a primary residence within 1,000 horizontal feet of a material site are located in an area called the Special Impact Zone. Residents in this zone may request that the material site implement screening methods that are objective, measurable, and within the overall regulatory limits of KPB 21.29 by providing substantial evidence to support the request.

Public Comment: You may provide verbal comments at the above hearing (see information above). You may also submit written comments by emailing them to rraidmae@kpb.us. **Written comments must be received by 1:00 pm, Friday, June 5, 2026.** Note that persons who participate in the public hearing, either by written or oral comment, may appeal the Planning Commission’s decision within 15 days of the date of notice of the decision.

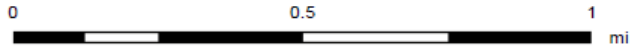
The meeting packet will be posted the week prior to the meeting. Once it has been posted, you can view the application and additional maps at kpb.legistar.com/Calendar. For additional information, contact Ryan Raidmae at rraidmae@kpb.us or 907-714-2462.

Please see the attached vicinity map of the proposed activities.

Ryan Raidmae
Planner



 **Project Area**
KPB Parcel(s):
06304702



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

DESK PACKET

(MATERIALS SUBMITTED AFTER 05/29/26)

MISC. INFORMATION

- **060426 Nikiski APC Meeting Minutes**
- **052126 Nikiski APC Special Meeting Minutes**

NIKISKI ADVISORY PLANNING COMMISSION

Regular Meeting Minutes

June 04, 2026 at 6:30 pm Location: North Peninsula Rec Center

1. CALL TO ORDER-6:37PM
2. ROLL CALL: Jason Ross, Kelly Brewer, Stacy Olivia, Tim Scherr, Planning Department Jeff Eppenheimer, Nikiski Assembly Member Len Niesen
3. APPROVAL OF AGENDA-Jason Approved, Tim 2nd-All approved
4. Approval of Minutes
 - a. May 07, 2026 minutes-Jason motioned to approve, Tim 2nd-All approved
5. Borough Business
 - a. Planner Rep-none
 - b. Presentation-none
 - c. Platting
 - i. Moose Run Estates 2026 Addition (KPB 2026-050): This subdivision will subdivide one tract into two tracts-Kelly motioned to approve, Stacy 2nd-short discussion, All approved
6. Old Business
 - a. Nikiski Comprehensive Plan-Tim has shared the Google Docs in which we can submit information to create the Nikiski 10 year plan. Kelly shared progress of the plan, each of the Nikiski APC Commissioners are working on the plan-next Special Work Session will be June 8, 2026, 6:00PM Nikiski Rec Center (public invited to contribute to the work sessions)
7. New Business: none

8. PUBLIC COMMENT/PRESENTATION: Len suggested the 10-year plan consider the future LNG proposal as its possible that construction could start, and it could affect our Nikiski community

9. COMMISSIONER COMMENTS: none

10. ADJOURNMENT: 7:30PM

Next Regular Meeting: Thursday, July 16, 2026, at 6:30 PM

NIKISKI ADVISORY PLANNING COMMISSION
Special Meeting Agenda
May 21, 2026, at 6:00 pm
Location: North Peninsula Rec Center

1. CALL TO ORDER: 6:12 pm
2. ROLL CALL: Kelly Brewer, Stacy Olivia, Tim Scher
3. APPROVAL OF AGENDA: Kelly motioned to approve, Tim 2nd-All in Favor
4. WORK SESSION
 - a. Nikiski Comprehensive Plan: Tim will set up Google Docs for out 10 year plan. Kelly gave information on Governing Bodies in Nikiski, Stacy did average temperatures and land status and Ownership, Tim researched the Demographics of Nikiski. Kelly signed up for Economy & Safety, Tim signed up for utilities and transportation, Stacy will find information on Nikiski Land use and recreational opportunities. Jason-Community goals and recommendations. Commissioners will submit information to Google Docs.
5. PUBLIC COMMENT/PRESENTATION: none
6. COMMISSIONER COMMENTS: none
6. ADJOURNMENT-7:00 PM

Next Regular Meeting: June 4, 2026, at 6:30 PM
Nikiski Recreation Center

CONTACT INFORMATION

Contact the Nikiski Advisory Planning Commission at:
Email - visit: <https://www.kpb.us/local-governance-and-permitting/leadership-governance/planningcommission/advisory-planning-commissions/nikiski-apc>
Scroll down until you see the heading titled, "Send a message to the Nikiski APC Commissioners."

Click on the heading and fill out the required information.

Send USPS mail to:

Kenai Peninsula Borough Planning Department, Attn: Nikiski AP