



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Planning Commission

Jeremy Brantley, Chair – Ridgeway/Funny River/Sterling District
Pamela Gillham – Kalifornsky/Kasilof District
Virginia Morgan, Parliamentarian – Cooper Landing/Hope/East Peninsula District
Dawson Slaughter – South Peninsula District
Jeffery Epperheimer - Nikiski District
Diane Fikes – City of Kenai
Franco Venuti – City of Homer
Paul Whitney – City of Soldotna
Karina England – City of Seward

Monday, August 11, 2025

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

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 - None
2. Planning Commission Resolutions - None
3. Plats Granted Administrative Approval

[KPB-7085](#)

- a. 3 John's Subdivision, KPB File 2024-064
- b. Beaver Loop Acres No. 3 Subdivision; KPB File 2025-013
- c. Crane-France Subdivision Replat 2024; KPB File 2024-099
- d. Pacific Park Subdivision 2024 Addition; KPB File 2024-077
- e. Sumpter Subdivision 2024 Replat; KPB File 2024-132
- f. Trust Land Survey 2024-01 Lonesome Lake Sub 2024 Addn
KPB File 2024-117

Attachments:[C3. Admin Approvals](#)

4. Plats Granted Final Approval (KPB 20.10.040) - None
5. Plat Amendment Request - None
6. Commissioner Excused Absences - None
7. Minutes

[KPB-7086](#) July 14, 2025 PC Meeting Minutes

Attachments: [C7. 071425 PC Minutes](#)

D. OLD BUSINESS - None

E. NEW BUSINESS

1. [KPB-7087](#) Plat Note Removal; KPB File 2025-085
Petitioner: Matt Miller (Personal Representative for Nancy Miller)
Request: Remove plat note #4 "Restrict Lot 1 to interior access, Lot 8 to interior access or common to lot 9"
Location: Lots 1, 6, 7, 8, 9, 10 & 11 from Huckabay Subdivision Addition No. 2, Plat KN 83-154
General Location: Mackey Lake Road / Ridgeway Area
Responsible Staff Person: Platting Manager Vince Piagentini

Attachments: [E1. Plat Note Huckabay Sub Addn No. 2 Packet](#)
[PHN Plat Note Removal - Huckabay Sub Addn No. 2](#)
2. [KPB-7088](#) Building Setback Permit; KPB File 2025-106
Segesser / Wanda J. Kennedy & Wenda J. Kennedy Living Trust
Request: To permit a portion of the existing building to remain within the 20' building setback on Tract 1, Nikiski Village Subdivision No. 2, Plat KN 76-3
Nikiski Area / Nikiski APC
Responsible Staff Person: Platting Manager Vince Piagentini

Attachments: [E2. BSEP Nikiski Village Sub No. 2 Packet](#)
[PHN BSE-Nikiski Village Sub No. 2](#)
3. [KPB-7089](#) Conditional Use Permit; WITHDRAWN - NO ACTION REQUIRED
Applicant: Alaska Pipeline Company
Request: To do repairs to existing bridge across the Chickaloon River at the Mystery Creek Road with placement of rip rap within the 50' setback of the river
Parcel ID: 02513001
Responsible Staff Person: Planner Morgan Aldridge

Attachments: [PHN CUP Alaska Pipeline Company](#)

4. [KPB-7090](#) Resolution 2025-XX: Authorizing the acquisition of a perpetual easement located in Kachemak Selo, Alaska for school purposes.
Responsible Staff Person: Land Management Officer Aaron Hughes
Attachments: [E4. RES 2025-XX K-Selo Acquisition](#)
5. [KPB-7091](#) Ordinance 2025-19-06: Authorizing the acquisition and appropriating funds for the purchase of four properties located in Homer, Alaska on behalf of South Peninsula Hospital Service Area
Responsible Staff Person: Land Management Officer Aaron Hughes
Attachments: [E5. ORD 2025-19-06 SPH Acquisition Packet](#)
6. [KPB-7132](#) Resolution 2025-XX: Authorizing the KPB to accept a public access easement to provide access to the proposed Graham Ranch Subdivision
Responsible Staff Person: Platting Manager Vince Piagentini
Attachments: [E6. Resolution 2025-XX Graham Easment](#)

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-7133](#) Advisory Planning Commission Meeting Minutes

Attachments: [Misc. Information](#)

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, August 25, 2025 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: <http://www.kpb.us/planning-dept/planning-home>

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

- *3. Plats Granted Administrative Approval**
 - a. 3 John's Subdivision, KPB File 2024-064**
 - b. Beaver Loop Acres No. 3 Subdivision; KPB File 2025-013**
 - c. Crane-France Subdivision Replat 2024; KPB File 2024-099**
 - d. Pacific Park Subdivision 2024 Addition; KPB File 2024-077**
 - e. Sumpter Subdivision 2024 Replat; KPB File 2024-132**
 - f. Trust Land Survey 2024-01 Lonesome Lake Sub 2024 Addn; KPB File 2024-117**



ADMINISTRATIVE APPROVAL

Subdivision: 3 John's Subdivision
KPB File 2024-064
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on July 22, 2024. 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, July 16, 2025.

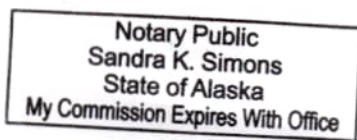
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 16th day of July 2025 by
Vince Piagentini.

Notary Public for the 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: Beaver Loop Acres No. 3 Subdivision
KPB File 2025-013
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on February 24, 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, July 9, 2025.

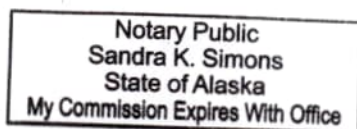
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 9th day of July 2025 by
Vince Piagentini.

Notary Public for the 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: Crane-France Subdivision Replat 2024
KPB File 2024-099
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on October 14, 2024. 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, July 9, 2025.

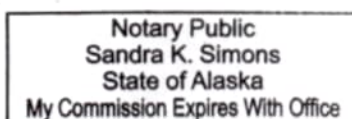
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 9th day of July 2025 by
Vince Piagentini.

Notary Public for the 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: Pacific Park Subdivision 2024 Addition
KPB File 2024-077
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on August 12, 2024. 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, July 9, 2025.

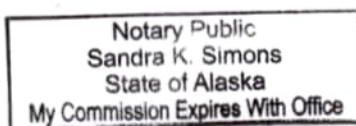
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 9th day of July 2025 by
Vince Piagentini.

Notary Public for the 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: Sumpter Subdivision 2024 Replat
KPB File 2024-132
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on January 13, 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, July 23, 2025.

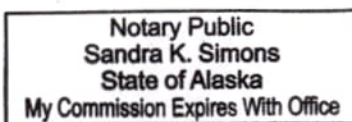
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 23rd day of July 2025 by
Vince Piagentini.

Notary Public for the 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: Trust Land Survey 2024-01 Lonesome Lake Subdivision 2024 Addition
KPB File 2024-117
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on November 18, 2024. 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, July 23, 2025.

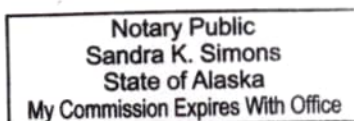
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 23rd day of July 2025 by
Vince Piagentini.

Notary Public for the 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**

- a. July 14, 2025 Planning Commission Meeting Minutes**

Kenai Peninsula Borough Planning Commission

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

**JULY 14, 2025
7:30 P.M.
UNAPPROVED MINUTES**

AGENDA ITEM A. CALL TO ORDER

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

AGENDA ITEM B. ROLL CALL

Commissioners Present

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

With 9 members present, a quorum was present.

Staff Present

Robert Ruffner, Planning Director
Vince Piagentini, Platting Manager
Morgan Aldridge, Planner
Jenny Robertson, LM Administrative Assistant
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDA

***1. Time Extension Requests**

- a. Graham-Miller Subdivision No. 3; KPB File 2023-067
- b. Dairy Hill Subdivision Addition No. 1; KPB File 2023-057

***3. Plats Granted Administrative Approval**

- a. Holland Park 2024 Replat; KPB File 2024-073
- b. Hubbard's View Subdivision 2024; KPB File 2024-129
- c. James 2022; KPB File 2022-161
- d. Whiskey Gulch Beach Subdivision; KPB File 20256-007

***4. Plats Granted Final Approval**

- a. Timber Hills Subdivision Martinez Addition; KPB File 2025-025
- b. Lakeridge Subdivision 2025 Replat; KPB 2025-030
- c. Highlands Subdivision 2025 Replat; KPB File 2025-053
- d. Inlet Woods Subdivision 2025 Replat; KPB File 2025-024

***7. Minutes**

- a. June 23, 2025 Planning Commission Meeting Minutes

Chair Brantley 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, Chair Brantley brought it back to the commission for a motion.

MOTION: Commissioner Whitney moved, seconded by Commissioner Slaughter 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 - 9	Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
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AGENDA ITEM E. NEW BUSINESS

**ITEM #1 - PLAT NOTE RESTRICTION REMOVAL
FOREST ACRES AFOGNAK ADDITION**

KPB File No.	2025-084
Planning Commission Meeting:	July 14, 2025
Applicant / Owner:	Jennifer Mariah Grischuk
Surveyor:	None
General Location:	City of Seward
Legal Description:	T01N, R01W, SEC 33 & 34, SEWARD MERIDIAN, FOREST ACRES AFOGNAK ADDITION, PLAT SW 2006-11

Staff report given by Platting Manager Vince Piagentini. He requested that this item be postponed until brought back by staff. Since public notice had been given, he recommended that public comment be opened.

Chair Brantley 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: Commissioner Slaughter moved, seconded by Commissioner Whitney that action on this item be postponed until brought back by staff.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
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ITEM #2 - UTILITY EASEMENT ALTERATION

VACATES THE 10' UTILITY EASEMENT ADJACENT TO THE EAST & SOUTH BOUNDARY OF LOT 4, PARADISE SOUTH SUBDIVISION ADDITION NO. 1 AND VACATES THE 10' UTILITY EASEMENT ADJACENT TO THE WEST & SOUTH BOUNDARY OF LOT 4, BLOCK 2 PARADISE SOUTH SUBDIVISION, PLAT HM 74-175

KPB File No.	2025-074V
Planning Committee Meeting:	July 14, 2025
Applicant / Owner:	Tracy Allan Belieu & The Carla Lee Fabian Living Trust
Surveyor:	Katie Kirsis / Seabright Survey & Design LLC
General Location:	Near Mile 2 East End Road / City of Homer

Staff report given by Platting Vince Piagentini.

Commissioner Venuti informed the commission that he had voted on this item in his capacity as a planning commissioner for the City of Homer and requested that he be recused from this matter. Chair Brantley approved his request.

Chair Brantley 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: Commissioner Whitney moved, seconded by Commissioner Slaughter to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65.050(D), based on staff recommendations and subject to the two conditions 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 - 8	Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney
Recused - 1	Venuti

ITEM #3 - RIGHT OF WAY VACATION

VACATES THE ALLEY LOCATED BETWEEN LOTS 6 & 12, BLOCK 6; THE WEST HALF OF FIRST AVE. ADJACENT TO LOTS 2 – 6, BLOCK 6 NORTH OF MILL ST. & THE EAST HALF OF FIRST AVE. ADJACENT TO LOTS 12 -14, BLOCK 9 NORTH OF MILL ST. AND THE ALLEY LOCATED BETWEEN LOT 1 & 12 -14, BLOCK 9 ALL IN CLIFF ADDITION TO SEWARD TOWNSITE, PLAT SW-3

KPB File No.	2025-094
Planning Commission Meeting:	July 14, 2025
Applicant / Owner:	Gregg George Walker, Eric John Walker & Kathleen Marie Stubblefield Davis
Surveyor:	Stacy Wessel / AK Lands Land Surveying LLC
General Location:	West of the Seward Lagoon / City of Seward
Legal Description:	First Avenue & Two Separate Alleyways, Lots 1, 2, 3, 4, 5, 6 & 12, Block 6, and Lots 1, 12, 13 & 14, Block 9, Original Townsite of Seward Cliff Addition, Plat SW-3

Staff report given by Platting Vince Piagentini.

Chair Brantley 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: Commissioner England moved, seconded by Commissioner Epperheimer to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65.050(D), based on staff recommendations and subject to the four conditions 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 - 9	Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
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ITEM #4 - RIGHT OF WAY VACATION

VACATES THE ENTIRE HERBERT WAY ROW & ASSOCIATED UTILITY EASEMENTS LOCATED NORTH & ADJACENT TO LOTS 9&10, STEADMAN SUBDIVISION JESSICA ADDN, PLAT KN 2005-73 AND SOUTH OF & ADJACENT TO LOT 6, LAKE VIEW TERRACE #3 PHASE 3, PLAT KN 1998-47

KPB File No.	2025-097V
Planning Commission Meeting:	July 14, 2025
Applicant / Owner:	Scott W. & Amy S. Brown and Jacqueline Pannell
Surveyor:	Andrew Hamilton / McLane Consulting, Inc.
General Location:	Near MP 88 Sterling Highway, off St. Theresa Road & Steadman Street / Sterling Area
Legal Description:	Lot 6, Lake View Terrace # 3 Phase 2, Plat KN 98-47; and Lots 9 & 10, Steadman Subdivision Jessica Addition, Plat KN 2005-73,

Staff report given by Platting Vince Piagentini.

Chair Brantley opened the item for public comment.

Scott Brown; 38252 Blakester Court, Soldotna, AK 99603: Mr. Brown is the petitioner for this request and made himself available for questions.

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

MOTION: Commissioner Slaughter moved, seconded by Commissioner Whitney to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65.050(D), based on staff recommendations and subject to the four conditions 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 - 9	Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
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ITEM #5 - RIGHT OF WAY VACATION

VACATES THE ENTIRE 60' BY 230' ROW DEDICATION, SIXTH STREET & ASSOCIATED UTILITY EASEMENTS LOCATED BETWEEN LOT 2, KENAI MEADOWS, PLAT KN 2017-17 AND LOT 3, KENAI MEADOWS ADDITION NO.1, PLAT KN 2023-48

KPB File No.	2025-091V
Planning Commission Meeting:	July 14, 2025
Applicant / Owner:	City of Kenai & Kenai Peninsula Housing Initiatives, Inc.
Surveyor:	John Segesser / Segesser Surveys
General Location:	Redoubt Ave / City of Kenai
Legal Description:	Lot 2, Kenai Meadows, Plat KN 2017-17 and Lot 3, Kenai Meadows Addition No 1, Plat KN 2023-048,

Staff report given by Platting Vince Piagentini.

Chair Brantley requested to be recused from this matter as he had a conflict of interest and passed the gavel to Commissioner Gillham.

Commissioner Gillham opened the item for public comment.

Dana Gregoire, KPHI; P.O. Box 1869, Homer, AK 99603: Ms. Gregoire is one of the petitioners on this request and made herself available of questions.

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

MOTION: Commissioner Epperheimer moved, seconded by Commissioner England to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65.050(D), based on staff recommendations and subject to the four conditions 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 - 8	England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti
Recused - 1	Brantley

ITEM #6 – CONDITIONAL USE PERMIT

GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE CONSTRUCTION OF A FENCE WITHIN THE 50' HABITAT PROTECTION DISTRICT OF THE KENAI RIVER

PC Resolution No.	2025-11
Planning Commission Meeting:	July 14, 2025
Applicant / Owner:	City of Soldotna
Physical Address	349 Centennial Park Road

KPB Parcel No.	06001126
Legal Description:	T 5N R 10W SEC 31 SEWARD MERIDIAN KN GOVT LOTS 5 8 9 & NW1/4 SE1/4 & THAT PORTION OF THE S1/2 SE1/4 LYING NORTH OF KALIFORNSKY BEACH ROAD EXCLUDING THEREFROM SOLDOTNA CENTENNIAL SUB (KN87-87) & SOLDOTNA CENTENNIAL SUB ADDN NO 1 (KN88-35)

Staff report give by Planner Morgan Aldridge

Chair Brantley 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: Commissioner Whitney moved, seconded by Commissioner Slaughter to adopt Planning Commission Resolution 2025-11, granting a conditional use permit pursuant to KPB 21.18 for the construction of a fence within the 50-foot Habitat Protection District of the Kenai River

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney
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**ITEM #7 – CONDITIONAL USE PERMIT
GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE CONSTRUCTION
OF BRIDGES ACROSS THE ANCHOR RIVER & AN UNNAMED TRIBUTARY WITHIN THE
50' HABITAT PROTECTION DISTRICT**

PC Resolution No.	2025-10
Planning Commission Meeting:	July 14, 2025
Applicant / Owner:	SnoMads
KPB Parcel No.	16523007
Legal Description:	T 4S R 12W SEC 28 SEWARD MERIDIAN HM ALL OF SEC 28

Staff report give by Planner Morgan Aldridge

Chair Brantley 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: Commissioner Slaughter moved, seconded by Commissioner Whitney to adopt Planning Commission Resolution 2025-10, granting a conditional use permit pursuant to KPB 21.18 for the construction of bridges across the Anchor River and an unnamed tributary within the 50-foot Habitat Protection District.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney
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**ITEM #8– CONDITIONAL USE PERMIT
GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE CONSTRUCTION
OF A CULVERT WITHIN THE 50' HABITAT PROTECTION DISTRICT OF THE
UNNAMED STREAM 244-30-10010-2250-3024**

PC Resolution No.	2025-12
Planning Commission Meeting:	July 14, 2025
Applicant / Owner:	State of Alaska Department of Transportation & Public Facilities

KPB Parcel No.	12534009
Physical Address	22635 Seward Highway
Legal Description:	T 2N R 1E SEC 6 SEWARD MERIDIAN SW W1/2 OF SEC 6, 7 & 18

Staff report give by Planner Morgan Aldridge

Chair Brantley opened the item for public comment.

Greg Hartman, DHR Inc.; 583 E. 36th Avenue, #500, Anchorage AK, 99503: Mr. Hartman is the project manager for this project and made himself available for questions.

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

MOTION: Commissioner Morgan moved, seconded by Commissioner England to adopt Planning Commission Resolution 2025-12, granting a conditional use permit pursuant to KPB 21.18 for the construction of a culvert within the 50-foot Habitat Protection District of the unnamed stream 244-30-10010-2250-3024.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Venuti, Whitney
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AGENDA ITEM G. OTHER

Plat Committee for August thru December 2025

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 Gillham moved to adjourn the meeting at 8:25 P.M.

Ann E. Shirnberg
Administrative Assistant

E. NEW BUSINESS

1. Plat Note Removal; KPB File 2025-085

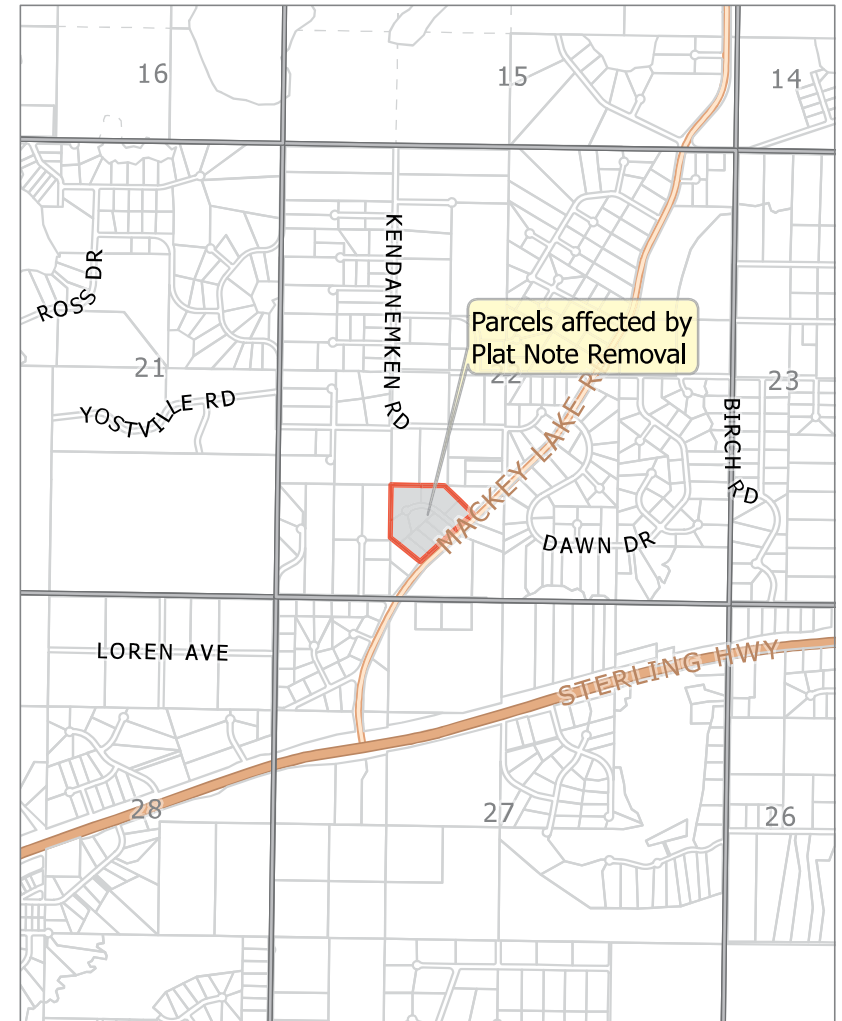
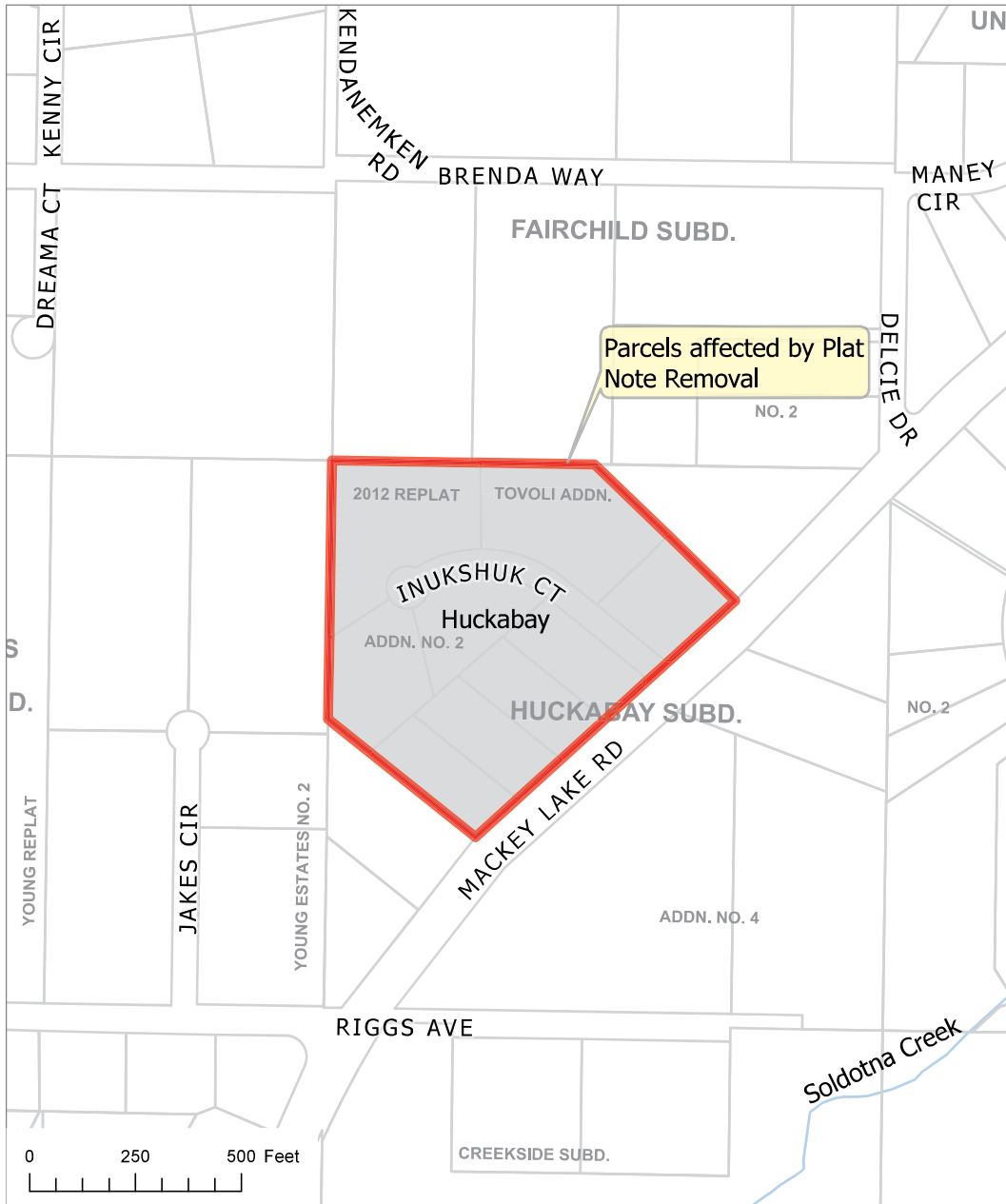
Petitioner: Matt Miller (Representative for Nancy Miller)

Request: Remove plat note #4 "Restrict Lot 1 to interior access, Lot 8 to interior access or common to Lot 9"

Location: Lots 1, 6, 7, 8, 9, 10 & 11 from Huckabay Subdivision Addition No. 2, Plat KN 83-154

General Location: Mackey Lake Road / Ridgeway Area

Responsible Staff Person: Platting Manager Vince Piagentini



KPB File 2025-085
T 5N R 10W Sec 22
Ridgeway



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.



KPB 2025-085

AGENDA ITEM E. NEW BUSINESS

ITEM #1 - PLAT NOTE RESTRICTION REMOVAL

KPB File No.	2025-084
Planning Commission Meeting:	August 11, 2025
Applicant / Owner:	Matt Miller, Personal Representative for Nancy L. Miller of Palm Bay, Florida
Surveyor:	None
General Location:	Mackey Lake Road
Legal Description:	Huckabay Subdivision Addition No. 2, Plat 83-154, Kenai Recording District, Section 22, Township 5 North, Range 10 West, Seward Meridian

STAFF REPORT

Specific Request / Purpose as stated in the petition:

Requesting removal of plat note 4: "Restrict Lot 1 to interior access, Lot 8 to interior access or common to lot 9, and lots 9, 10, 11 to common accesses." (Plat Huckabay Subdivision Addition No. 2, KN 83-154).

Notification: The public hearing notice was published in the August 1, 2025 issue of the Peninsula Clarion and the July 31, 2025 issue of the Homer News as part of the Commission's tentative agenda.

Notice of the proposed plat note removal was sent by regular mail to all owners within Huckabay Subdivision Addition No. 2.

Notice of the proposed plat note removal were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry
Central Emergency Services

Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)

KPB department / agency review:

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: All of subdivision is within non-regulatory zone X-unshaded. This is an area of minimal flood hazard. No depiction required but code required plat note should be present.</p> <p>Flood Zone: X (unshaded) Map Panel: 02122C-0245F In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p>
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KPB Roads Dept. comments	
Addressing	<p>Reviewer: Pace, Rhealyn Affected Addresses: 36115 MACKEY LAKE RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:</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: THIS ACTION WILL NOT AFFECT ADDRESSES</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

Utility provider review:

SOA DOT comments	No comment
HEA	No comments
ENSTAR	
ACS	
GCI	No objections

Applicant's Discussion on submittal form:

Please remove article 4 for Huckabay Subdivision. The current plat does not provide access to lot 11 via shared driveway. If unchanged access to lot 11 would need to cross the entire easement of lot 10, potentially causing future issues with utility or road development. It is proposed to remove article 4 for lot 11 to allow the installation of a separate driveway for development. Access for lots 9 and 10 are currently shared.

Staff Discussion:

Huckabay Subdivision Addition No. 2 was recorded on July 29, 1983 and included plat note number 4: Restrict Lot 1 to interior access, Lot 8 to interior access or common to Lot 9, and Lots 9, 10, 11 to common accesses. The note was added at the preliminary review stage and included in the staff report for the June 27, 1983 Planning Commission meeting. It is noted in the review papers that KPB 20.20.220 was cited as the code for the note addition.

Mackey Lake Road is located on the easterly side of Lots 1 and 8-11. Mackey Lake Road is defined as a medium-collector road within the borough. It is a 100-foot-wide dedicated road, state-maintained road and connects to the Sterling Highway to the south. The pavement along Mackey Lake Rd is approximately 33' wide indicating it is a well-travelled throughfare. Lot 10 has a house with an access point at the northerly edge of the lot close to Lot 9. Lots 9 and 11 currently are vacant.

Inukshuk Court is a 60-foot borough-maintained road entering the subdivision. It begins at the intersection of

Mackey Lake Road to the east and ends in a cul-de-sac bulb to the west inside the plat. Lots 1 and 8 have interior access to Inukshuk Court per the plat note. Lot 8 has an access currently built accessing Inukshuk Ct. for the house on the lot.

KPB 20.90.010 defines an arterial road: “Arterial Road” means a road intended to carry traffic from local and subdivision roads to major highways. May also be called a “collector road.”

On June 4, 2025, Platting staff contacted the Alaska DOT and provided a copy of the plat and a description of the plat note removal request. Although AKDOT & PF stated no comments on the removal of the plat note, it was stated that removing the plat note would result in voiding the previous DOT driveway permits of all lots in the subdivision, specifically on Mackey Lake Road and new driveway permits must be requested by each landowner. The driveway permits are issued through DOT. The landowners would be at the whim of the DOT for issuing the permits along Mackey Lake Rd for the lots when reapplying.

Reviewing the new 2025 KPB Safe Streets Comprehensive Safety Action Plan has many issues dealing with access to improve safety. Some of the ideas include limiting access points and creating frontage and backage roads.

Per KPB 20.60.180, if the Commission approves removal of the restrictive plat note, it will be accomplished by recording Planning Commission Resolution 2025-016.

Staff Findings:

1. Huckabay Subdivision Addition No. 2 is outside city jurisdiction.
2. The plat note was a code requirement at the time of the platting.
3. Lots 1, 9, and 11 are currently unimproved land according to KPB GIS Imagery and KPB Assessing Records.
4. Lots 8 and 10 currently have dwellings according to KPB GIS Imagery and KPB Assessing Records.
5. Lot 1 and Lot 8 can be accessed by Inukshuk Court.
6. Lots 9, 10 and 11 are accessed by Mackey Lake Road.
7. KPB GIS Imagery shows a driveway located off Inukshuk Court for Lot 8.
8. KPB GIS Imagery shows a driveway located off Mackey Lake Road for Lot 10 that may be a shared driveway with Lot 9.
9. Lot 11 does not currently have a driveway installed.
10. Inukshuk Court is a 60-foot-wide road.
11. Mackey Lake Road is a 100-foot-wide road.
12. Mackey Lake Road is a state-maintained road.
13. Mackey Lake Road is an arterial road.
14. Driveway permits are issued through the AK DOT.
15. If the Commission approves removal of the plat note, the restriction will be removed by Planning Commission Resolution 2025-16

RECOMMENDATION:

Staff makes **NO RECOMMENDATION** and leaves the decision to the Commission:

If the Commission recommends approval, the Commission should identify the findings of fact, based upon substantial evidence from the record, which includes this Staff Report, it determines are applicable, and incorporate the following conditions for final approval:

1. The recording of the resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
 - i. The Planning Department is responsible for filing the Planning Commission resolution.

20.10.110.(H) A decision of the planning commission may be appealed to the hearing officer by a party of record, as defined by KPB 20.90, within 15 days of the date of notice of decision in accordance with KPB 21.20.250.

END OF STAFF REPORT

FND 3 1/4" AL CAP

 SW 1/16
 S 22
 610-S
 1976

LOT 4

FAIRCHILD

SUBDIVISION

LOT 3

LOT 1

APPROXIMATE
LOCATION
OF EXISTING
HEA POWERLINES

S 89° 58' 45" E (620.04') BASIS OF BEARING

4
1.213 AC3
1.051 AC2
1.129 AC1
1.134 AC5
1.095 AC7
1.113 AC6
1.442 AC8
0.983 AC9
0.994 AC10
1.001 AC11
0.968 AC

TR B-1

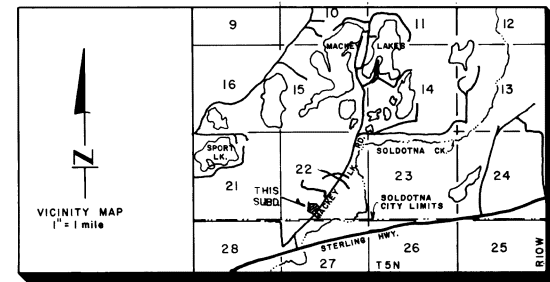
TR. C

TR. D

TR. E

UNSUBDIVIDED

UNSUBDIVIDED



CERTIFICATE of OWNERSHIP and DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

Ernie Vondra Daniel Vondra

ERNIE VONDRA & DANIEL VONDRA
 BOX 3991
 SOLDOTNA, AK. 99669

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 29 DAY OF June, 1983 FOR ERNIE VONDRA & DANIEL VONDRA

STATE OF ALASKA
 JANICE BISHOP
 NOTARY PUBLIC

Janice Bishop
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 3/24/86

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JUNE 27, 1983.

KENAI PENINSULA BOROUGH
Clifford E. Baker
 AUTHORIZED OFFICIAL



Clifford E. Baker
 CLIFFORD E. BAKER, R.L.S.
 REGISTRATION NO. LS-5152

CURVE DATA

GIVEN DATA						
Δ		R	L	C	T	C BRG
A	69°58'09"	275.00'	335.82'	315.35'	192.45'	N 86°56'32" W

LEGEND

- ⊕ MONUMENT (Found this survey)
- ⊕ MONUMENT (Set this survey)
- 1/2" REBAR (Found this survey)
- 5/8" x 30" REBAR (Set this survey)
- () RECORD DATUM K.R.D. 77-43
- (R) RADIAL

CERTIFICATE OF APPROVAL BY THE ALASKA
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 This subdivision has been reviewed in accordance with
 AS 12.405 and is approved, subject to any covenanted restrictions.
Robert P. Cannon R.E. 7-25-83
 SIGNATURE TITLE DATE

NOTES:

- PROPOSED LAND USES ARE RECREATIONAL, RESIDENTIAL & AGRICULTURAL.
- A SETBACK OF 20 FEET IS REQ'D FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
- RESTRICT LOT 1 TO INTERIOR ACCESS, LOT 8 TO INTERIOR ACCESS OR COMMON TO LOT 9, AND LOTS 9, 10, 11 TO COMMON ACCESSSES.

HUCKABAY SUBDIVISION ADDITION NO. 2

A RESUBDIVISION OF TRACT B-2
 LOCATED WITHIN
 THE SE 1/4 SW 1/4, SEC 22, T5N, R10W, S.M., AK.

CONSISTING OF 11 LOTS
 CONTAINING 13.185 AC.

DOWLING-RICE and ASSOCIATES
 P.O. BOX 1974 SOLDOTNA, ALASKA 99669

ENGINEERS	262 - 9011	SURVEYORS
SURVEYED: 6/83	PLATTED: 6/83	
DRAFTED: DAM DDP	SCALE: 1"=100'	
CHECKED: CB	SHEET: 1 of 1	

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2025-16
KENAI RECORDING DISTRICT**

REMOVING PLAT NOTE #4 FROM HUCKABAY SUBDIVISION ADDITION NO.2 AFFECTING LOTS 1, 8, 9, 10, 11 (KN 83-154): WITHIN SECTION 22, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2025-085

WHEREAS, Huckabay Subdivision Addition No.2, KN 83-154, is located in Ridgeway; and

WHEREAS, Huckabay Subdivision Addition No.2, KN 83-154, depicts an existing plat note #4 stating "Restrict Lot 1 to interior access, Lot 8 to interior access or common to lot 9, and lots 9, 10, 11 to common accesses."

WHEREAS, all owners within Huckabay Subdivision Addition No.2, KN 83-154, were notified of the plat note removal request; and

WHEREAS, on July 14, 2025, the Kenai Peninsula Borough Planning Commission addressed all concerns about this action.

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

Section 1: That removal of the effects, if any, of the depiction on the plat note stating "Restrict Lot 1 to interior access, Lot 8 to interior access or common to lot 9, and lots 9, 10, 11 to common accesses", Huckabay Subdivision Addition No.2, KN 83-154, is hereby granted.

Section 2: That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

Section 3: That this resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2025.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg,
Administrative Assistant

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



**NOTICE OF PROPOSED ACTION BEFORE THE
KENAI PENINSULA BOROUGH PLANNING COMMISSION**

Notice is hereby given that the Kenai Peninsula Borough Planning Commission will hold a meeting on **Monday, August 11, 2025** at 7:30 p.m. to consider the removal of a plat note.

In accordance with Chapter 20 of the Borough Code of Ordinances, all owners of property within the subdivision must be notified of the proposed plat note removal. According to Borough records, you are an owner of property within the subdivision.

Action to be considered: A plat note removal request has been received for Huckabay Subdivision Addition No. 2 (Plat KN 83-184). Changes are as follows:

- This platting action would remove plat note #4 "Restrict Lot 1 to interior access, Lot 8 to interior access or common to lot 9, and lots 9, 10, 11 to common accesses"

Reasons for plat note removal: The current plat does not provide access to lot 11 via shared driveway. If unchanged access to Lot 11 would need to cross the entire easement of lot 10, potentially causing future issues with utility or road development. It is proposed to remove article 4 for lot 11 to allow the installation of a separate driveway for development. Access for lots 9 and 10 are currently shared.

Request submitted by: Matt Miller, PR for Nancy L Miller

Location: Mackey Lake Road in the Ridgeway area

KPB File No: 2025-085

If the Plat Note Removal request is approved by adoption of the Planning Commission, it will be accomplished by recording **Resolution 2025-16** and will become a part of the permanent public record. This resolution will note the Planning Commission's action and remove the restrictions.

Important Note: If the Plat Note Removal request is approved, current driveway permits associated with this subdivision will be voided, and all affected landowners will need to apply for new driveway permits.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on Monday, August 11, 2025 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.

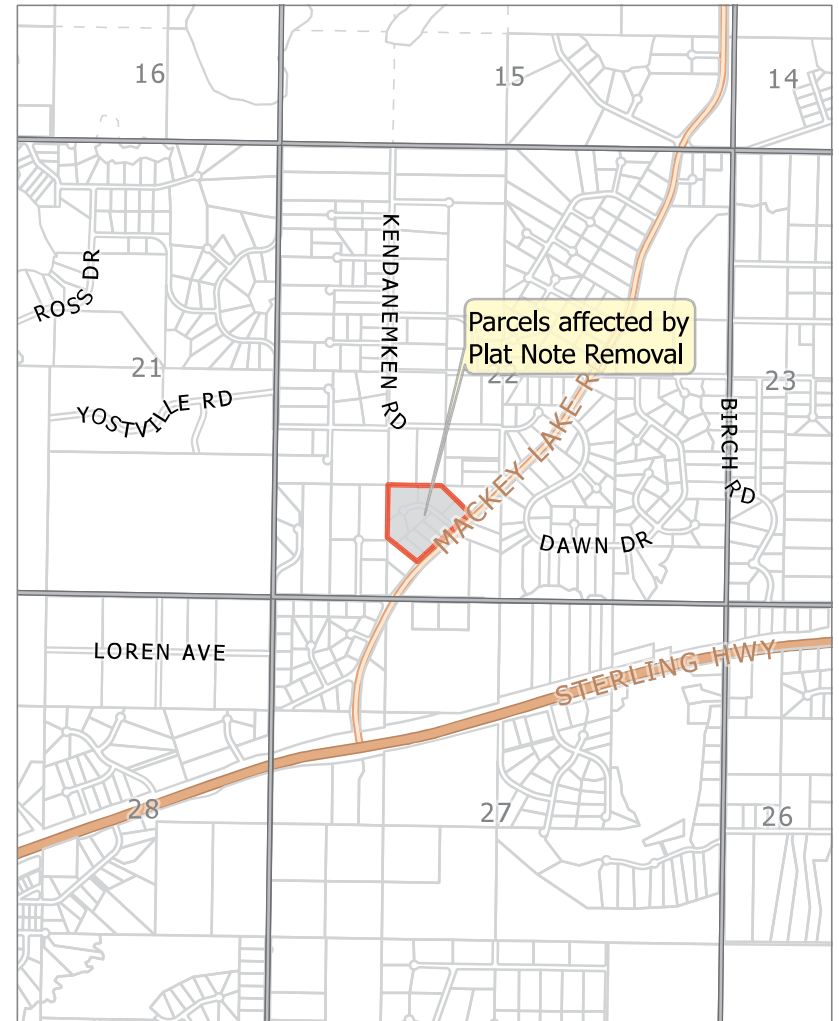
To attend the meeting using Zoom from a computer visit <https://us06web.zoom.us/j/9077142200>. You may also connect to Zoom by telephone, call toll free **1-888-788-0099** or **1-877-853-5247**. If calling in you will need the Meeting ID of 907 714 2200. Additional information about connecting to the meeting may be found at <https://www.kpb.us/local-governance-and-permitting/leadership-governance/planning-commission/planning-public-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, August 8, 2025**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

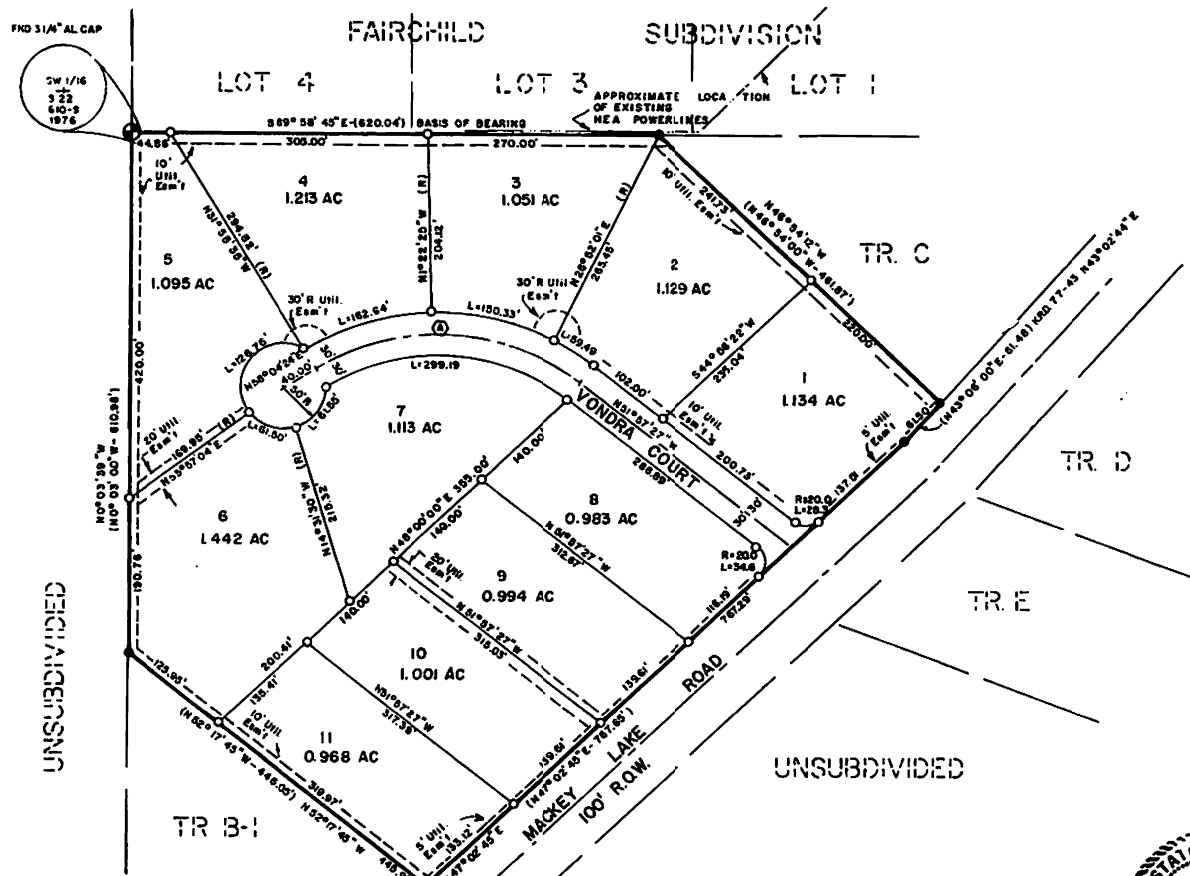
Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <https://kpb.legistar.com/Calendar.aspx> . Use the search options to find the correct timeframe and committee.

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 7/21/2025



KPB File 2025-085
T 5N R 10W Sec 22
Ridgeway



CURVE DATA				
A	R	L	C	T
1	69°00'00"	273.00'	333.82'	315.35'
2	82°45'	192.45'	188°04'32" W	

LEGEND

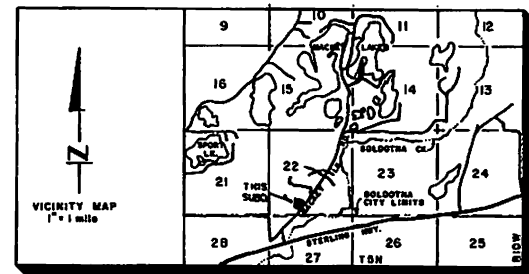
- ⊙ MONUMENT (Found this survey)
- ⊕ MONUMENT (Set this survey)
- 1/2" REBAR (Found this survey)
- 5/8" x 30" REBAR (Set this survey)

() RECORD DATUM K.R.D. 77-43

(R) RADIAL

KPB 2025-085

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
This plat has been reviewed in accordance with
the rules and is approved subject to any noted restrictions.
Robert P. Cannon P.E. 7-15-83
SIGNATURE TITLE DATE



CERTIFICATE of OWNERSHIP and DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

Ernie Vondra Daniel Vondra
ERNIE VONDRA & DANIEL VONDRA
BOX 399H
SOLDOTNA, AK. 99669

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 29 DAY OF June, 1983 FOR ERNIE VONDRA & DANIEL VONDRA

STATE OF ALASKA
JANICE BISHOP
NOTARY PUBLIC

Janice Bishop
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 2/24/86

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF June 27, 1983.

KENAI PENINSULA BOROUGH
Robert P. Cannon
AUTHORIZED OFFICIAL



Clifford E. Baker
CLIFFORD E. BAKER, R.L.S.
REGISTRATION NO. LS-5152

Effects, if any, of plat
note #4 will be removed.

NOTES:

- 1) PROPOSED LAND USES ARE RECREATIONAL, RESIDENTIAL & AGRICULTURAL.
- 2) A SETBACK OF 20 FEET IS REQ'D FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 3) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
- 4) RESTRICT LOT 1 TO INTERIOR ACCESS, LOT 8 TO INTERIOR ACCESS OR COMMON TO LOT 9, AND LOTS 9, 10, 11 TO COMMON ACCESSSES.

HUCKABAY SUBDIVISION
ADDITION NO. 2

A RESUBDIVISION OF TRACT B-2
LOCATED WITHIN
THE SE 1/4 SW 1/4, SEC 22, T5N, R10W, S.M., AK.
CONSISTING OF 11 LOTS
CONTAINING 13.185 AC.

DOWLING-RICE and ASSOCIATES
P.O. BOX 1974 SOLDOTNA, ALASKA 99669

ENGINEERS		SURVEYORS	
SURVEYED: 6/83	PLATTED: 6/83	DRAFTED: DAM DDP	SCALE: 1"=100'
CHECKED: CB		SHEET: 1 of 1	

E. NEW BUSINESS

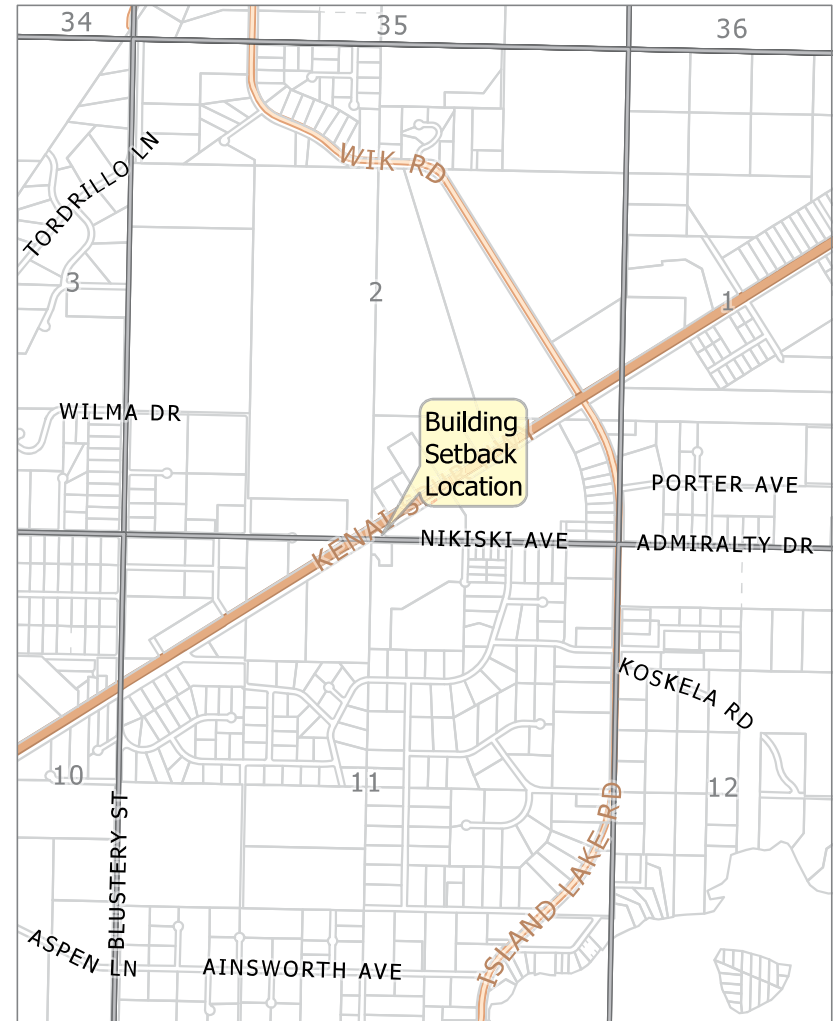
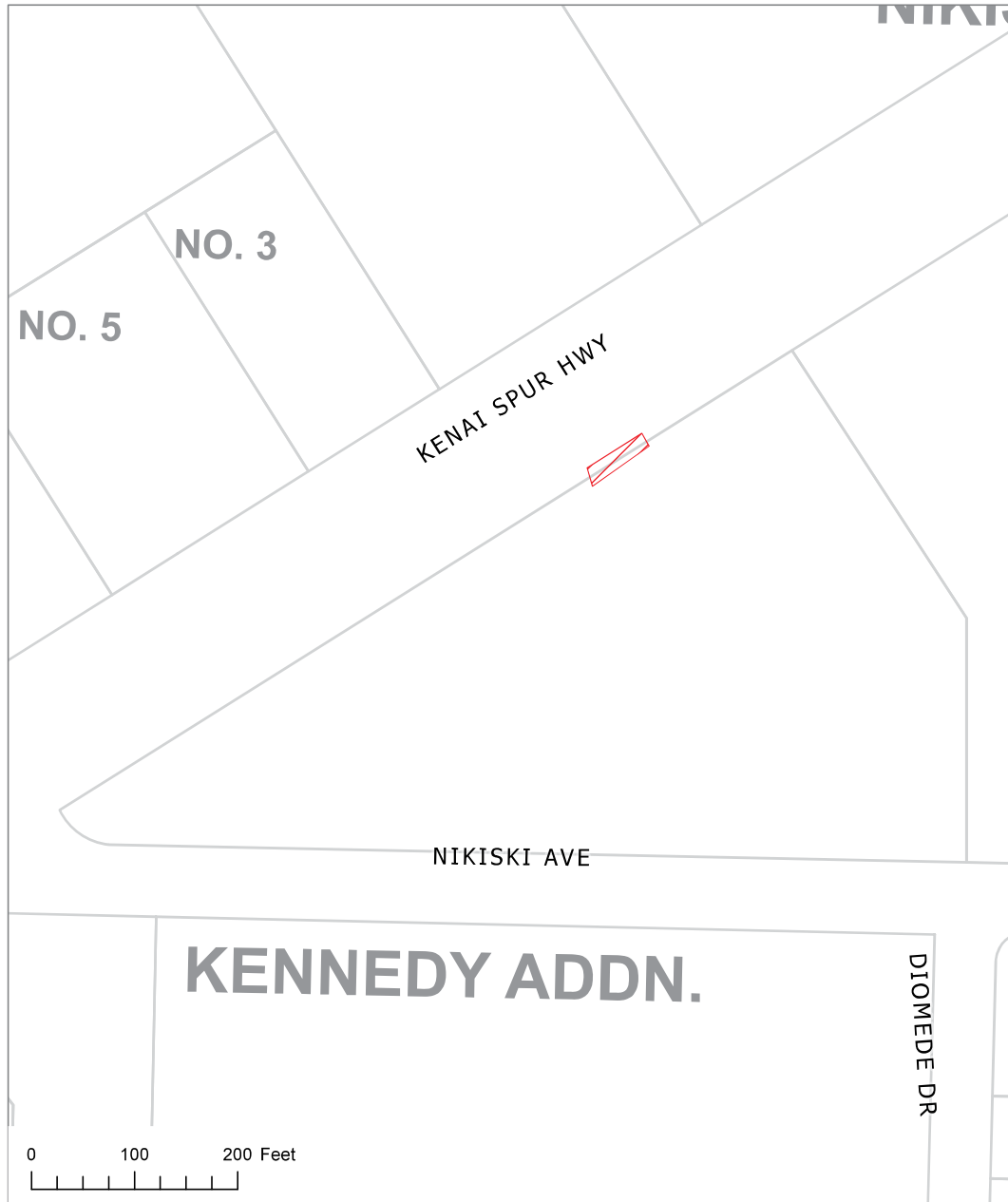
2. Building Setback Permit; KPB File 2025-106

Segesser / Wanda J. Kennedy & Wenda J. Kennedy Living Trust

Request: To permit a portion of the existing building to remain within the 20' building setback on Tract 1, Nikiski Village Subdivision No. 2, Plat KN 76-3

Nikiski Area / Nikiski APC

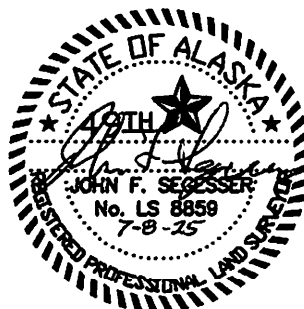
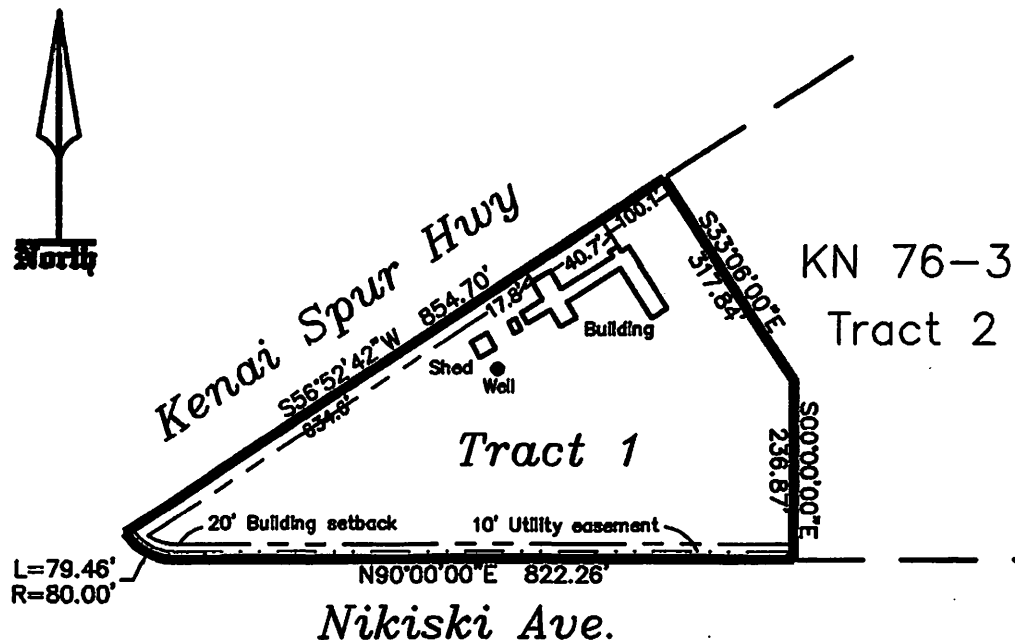
Responsible Staff Person: Platting Manager Vince Piagentini



KPB File 2025-106
T 07N R 12W Sec 02
Nikiski



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.



ASBUILT CERTIFICATION

LEGEND

I hereby certify that I have surveyed the following described property:

Tract 1

Nikiski Village Subdivision No. 2

and that no encroachments exist except as indicated.

Exclusion Note:

It is the responsibility of the Owner to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data hereon be used for construction or for establishing boundary or fence lines.

KENAI RECORDING DISTRICT		Plat: 76-3
Date: 7-8-25	Scale: 1"=200'	Drawn: JFS
Job: 25041	Book: 24-4	

SEGESSER SURVEYS

30485 ROSLAND ST.
SOLDOTNA, AK 99689
(907) 262-3909

AGENDA ITEM E. NEW BUSINESS

**ITEM #2. – BUILDING SETBACK ENCROACHMENT PERMIT
TRACT 1, NIKISKI VILLAGE SUBDIVISION NO 2, PLAT KN 76-03**

KPB File No.	2025-106
Planning Commission Meeting:	August 11, 2025
Applicant / Owner:	Wanda J. Kennedy and Wenda J. Kennedy Living Trust of Nikiski, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Kenai Spur Highway near Nikiski Avenue, Nikiski

Parent Parcel No.:	012-120-10
Legal Description:	Township 7 North, Range 12 West, Section 2, Seward Meridian, Kenai Recording District, Plat 76-03, Nikiski Village Subdivision No 2, Tract 1
Assessing Use:	General Commercial
Zoning:	Rural Unrestricted
Resolution	2025-15

STAFF REPORT

Specific Request / Purpose as stated in the petition:

Permits an approximate 2.2-foot by 28-foot section of the northerly side of the westerly segment of an irregularly-shaped commercial structure to remain approximately 2.2 feet within the 20-foot building setback adjacent to Kenai Spur Highway.

Site Investigation:

The submitted as-built depicts a well, shed, building, and an unnamed smaller structure located on the subject property. According to KPB GIS imagery and KPB Assessing records, the encroaching structure is a dilapidated commercial building built in 1970. The structure predates the parent plat which granted the building setback in 1976; however, portions of the structure appear to have been added to and connected together through the years. A portion of the 28-foot section of the northerly side of the westerly segment of the building appears to be encroaching into the 20-foot building setback by approximately 2.2 feet. No building setback encroachment permit is on record for this structure.

The 20-foot building setback is adjacent to the Kenai Spur Highway, a state-maintained road. The Kenai Spur Highway is a dedicated 150-foot road. Approximately 30 feet of the right-of-way is currently paved and maintained by the DOT.

Based on KPB picometry dated in 2021 and Google Earth imagery dated 2011, the encroachment does not appear to obstruct or interfere with the current sight lines along Kenai Spur Highway as the topography is relatively flat. Sight distance does not appear to be affected as the structure is approximately 83 feet from the center of the closest driving lane of Kenai Spur Highway. The parking lot for the building is in front of the structure with what looks to be straight in parking.

Staff Analysis:

Originally, the land was an aliquot part of the S1/2 SW1/4, Section 2, Township 7 North, Range 12 West. In 1976, Nikiski Village Subdivision No. 2 (KN 76-3) subdivided the land into tracts. The plat included a plat note: 20' minimum building setback from all street frontages.

There is an associated plat in process subdividing Tract 1 into three Lots named Nikiski Village Subdivision Kennedy Addition No. 2. This plat was reviewed by the Plat Committee and granted preliminary approval during the May 27,

2025 meeting.

No wetlands affect the subject area according to the KWF Wetlands Assessment. The River Center review did not indicate the area to be located in a FEMA designated flood hazard area nor a habitat protection district.

Applicant Discussion:

1. The building setback encroachment may not interfere with road maintenance. According to Assessment records, the main building was constructed around 1970. The parking area for the building and the highway are separated by a "bar pit" - a deep drainage ditch that runs along the highway. There is a 4-wheeler/ snow machine trail and gas line easement that both run within the highway easement on the property side of the drainage ditch. There is ample on-site parking in front of the building, as well as on-site space for ingress and egress. The building improvements are barely within the twenty-foot (20') limit and do not interfere with road maintenance.
2. The building setback encroachment may not interfere with sight lines or distances. There are no issues with the building being in any sight lines. It is situated off the highway and does not pose a visual hazard to drivers. In fact, most people passing by must look hard to even see the building since it is surrounded by forest, and the highway right-of-way on either side is overgrown.
3. The building setback encroachment may not create a safety hazard. The main building has been in place for around fifty-five (55) years. One section of the improvements butts up to the 20-foot easement requirement. The improvement location on the lot is a non-issue concerning safety.

Applicant Findings:

1. The main building was constructed around 1970.
2. The main building has been in place for around fifty-five (55) years.
3. One section of the improvements butts up to the 20-foot easement requirement.
4. The building improvements are barely within the twenty-foot (20') limit and do not interfere with road maintenance.
5. There are no issues with the building being in any sight lines. It is situated off the highway and does not pose a visual hazard to drivers. In fact, most people passing by must look hard to even see the building since it is surrounded by forest, and the highway right-of-way on either side is overgrown.
6. The parking area for the building and the highway are separated by a "bar pit"- a deep drainage ditch that runs along the highway.
7. There is a 4-wheeler/snow machine trail and gas line easement that both run within the highway easement on the property side of the drainage ditch.
8. There is ample on-site parking in front of the building, as well as on-site space for ingress and egress.

Staff Findings for the Commission's review:

9. The Kenai Spur Highway is a dedicated 150-foot road.
10. Approximately 30 feet of the right-of-way is currently paved and maintained by the DOT.
11. The structure is approximately 83 feet from the center of the closest driving lane of Kenai Spur Highway.
12. Nikiski Village Subdivision No. 2 (KN 76-3) included a plat note: 20' minimum building setback from all street frontages.
13. No wetlands affect the subject area according to the KWF Wetlands Assessment.
14. The topography is relatively flat.
15. Nikiski Village Subdivision No. 2 KN76-3 was recorded in 1976, six years after the structure was built.

20.10.110. – Building setback encroachment permits.

E. The following standards shall be considered for all building setback encroachment permit applications.

Staff recommends the Planning Commission select the findings they determine are applicable to the standards and vote on them:

1. The building setback encroachment may not interfere with road maintenance.

Findings 4, 9- 11 and 14 appear to support this standard.

2. The building setback encroachment may not interfere with sight lines or distances.
Findings 4, 5, 11 and 14 appear to support this standard.

3. The building setback encroachment may not create a safety hazard.
Findings 4, 5, 8-11 and 14 appear to support this standard.

F. The granting of a building setback encroachment permit will only be for the portion of the improvement or building that is located within the building setback and the permit will be valid for the life of the structure or for a period of time set by the Planning Commission. The granting of a building setback permit will not remove any portion of the 20 foot building setback from the parcel.

G. The Planning Commission shall approve or deny a building setback encroachment permit. If approved, a resolution will be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to complete the permit. The resolution will require an exhibit drawing showing, and dimensioning, the building setback encroachment permit area. The exhibit drawing shall be prepared, signed and sealed, by a licensed land surveyor.

KPB department / agency review:

KPB Roads Dept. comments	
SOA DOT comments	
KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p>
State of Alaska Fish and Game	
Addressing	<p>Reviewer: Pace, Rhealyn Affected Addresses: 51010 KENAI SPUR HWY</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: KENAI SPUR HWY, NIKISKI AVE</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: THIS ACTION WILL NOT AFFECT ADDRESS</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: Structure is in violation of the setback. Compliance does not disagree to the exception</p>

Planner	
Assessing	Reviewer: Windsor, Heather Comments: No comment

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** to grant approval for the portion of structures within the 20 foot building setback as shown on the 2025 as-built survey, subject to:

1. Compliance with KPB 20.10.110 sections F and G.
2. Providing a current as-built with recommended corrections as noted below, to be used as an exhibit drawing for Resolution 2025-15, prepared, signed, and sealed by a licensed land surveyor.
3. Failure to provide an as-built so that it may be recorded within one year approval will result in a new application, hearing, and approval.
4. Any additional encroachments found will require a new hearing.

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Add the legal description to the as-built drawing

Add the owners to the as-built drawing.

Revise the 10' utility to the current 5' clearing easement as the proposed plat is not finalized.

Add to the anchor easement to the drawing

Add a detail of the west side of the drawing to show the encroachment in better detail.

Add the R/W to the two road shown.

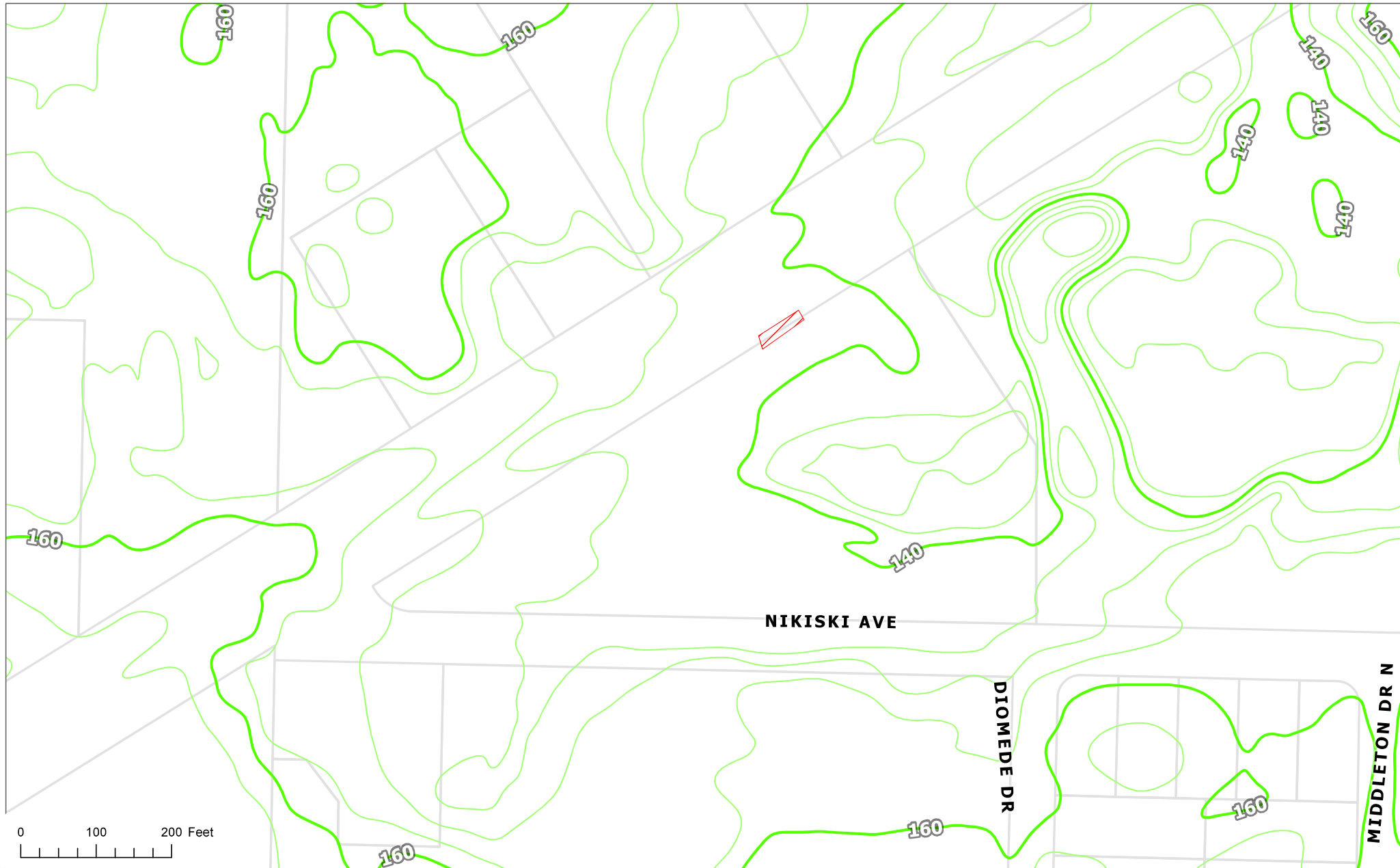
NOTE:

20.10.110.(H) A decision of the planning commission may be appealed to the hearing officer by a party of record, as defined by KPB 20.90, within 15 days of the date of notice of decision in accordance with KPB 21.20.250.

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.



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 2021



05/18/2021

47

E2-12

KPB Pictometry 2021



05/18/2021

48

E2-13

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2025-15
KENAI RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO AN APPROXIMATE 2.2-FOOT BY 28-FOOT SECTION OF THE NORTHERLY SIDE OF THE WESTERLY SEGMENT OF AN IRREGULARLY-SHAPED COMMERCIAL STRUCTURE PORTION APPROXIMATELY 2.2 FEET WITHIN THE TWENTY FOOT BUILDING SETBACK FOR TRACT 1, NIKISKI VILLAGE SUBDIVISION NO. 2 (KN 0760003); IN SE 1/4 S02, T07N, R12W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2025-106

WHEREAS, per KPB 20.30.240 – Building Setbacks, a minimum 20-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities; and

WHEREAS, Wanda J Kennedy and Wenda J Kennedy Living Trust of Nikiski, AK requested a building setback encroachment permit to the 20-foot building setback granted by Nikiski Village Subdivision No. 2 (KN 0760003); and

WHEREAS, per the petition; and

WHEREAS, the encroaching structure does not affect sight distance along the right-of-way; and

WHEREAS, on Monday, August 11, 2025, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed exception; and

WHEREAS, the Planning Commission found that granting the building setback encroachment permit will not be detrimental to the public interest; and

WHEREAS, 20.10.110 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish building setback encroachment permits by Resolution.

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

Section 1. That the 20-foot building setback limit on KN 0760003 Tract 1 is hereby excepted to accommodate only the encroaching portion of the building that encroaches approximately 2.2 feet into the building setback.

Section 2. That any new, replacement, and/or additional construction will be subject to the 20-foot building setback limit.

Section 3. That the 20-foot building setback limit shall apply to the remainder of said lot.

Section 4. That a current as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the location of the encroachment within the building setback be attached to, and made a part of this resolution, becoming page 2 of 2.

Section 5. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

Section 6. That this resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fees.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2025.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg,
Administrative Assistant

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



KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF BUILDING SETBACK ENCROACHMENT PERMIT

Public notice is hereby given that a building setback encroachment permit application was received on 7/9/2025. You are being sent this notice because you are within 300 feet of the subject parcel and are invited to comment.

The building setback encroachment permit application is for the following property:

Request / Affected Property: Permits a portion of the existing building to remain within the 20' building setback.

KPB File No. 2025-106

Petitioner(s) / Land Owner(s): Wanda J Kennedy and Wenda J Kennedy Living Trust of Nikiski, AK.

Purpose as stated in petition:

1. The building setback encroachment may not interfere with road maintenance.
According to Assessment records, the main building was constructed around 1970. The parking area for the building and the highway are separated by a "bar pit" - a deep drainage ditch that runs along the highway. There is a 4-wheeler/ snow machine trail and gas line easement that both run within the highway easement on the property side of the drainage ditch. There is ample on-site parking in front of the building, as well as on-site space for ingress and egress. The building improvements are barely within the twenty-foot (20') limit and do not interfere with road maintenance.
2. The building setback encroachment may not interfere with sight lines or distances.
There are no issues with the building being in any sight lines. It is situated off the highway and does not pose a visual hazard to drivers. In fact, most people passing by must look hard to even see the building since it is surrounded by forest, and the highway right-of-way on either side is overgrown.
3. The building setback encroachment may not create a safety hazard.
The main building has been in place for around fifty-five (55) years. One section of the improvements butt up to the 20-foot easement requirement. The improvement location on the lot is a non-issue concerning safety.

Building setback encroachment permit reviews are conducted in accordance with KPB Subdivision Ordinance.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, August 11, 2025**, 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

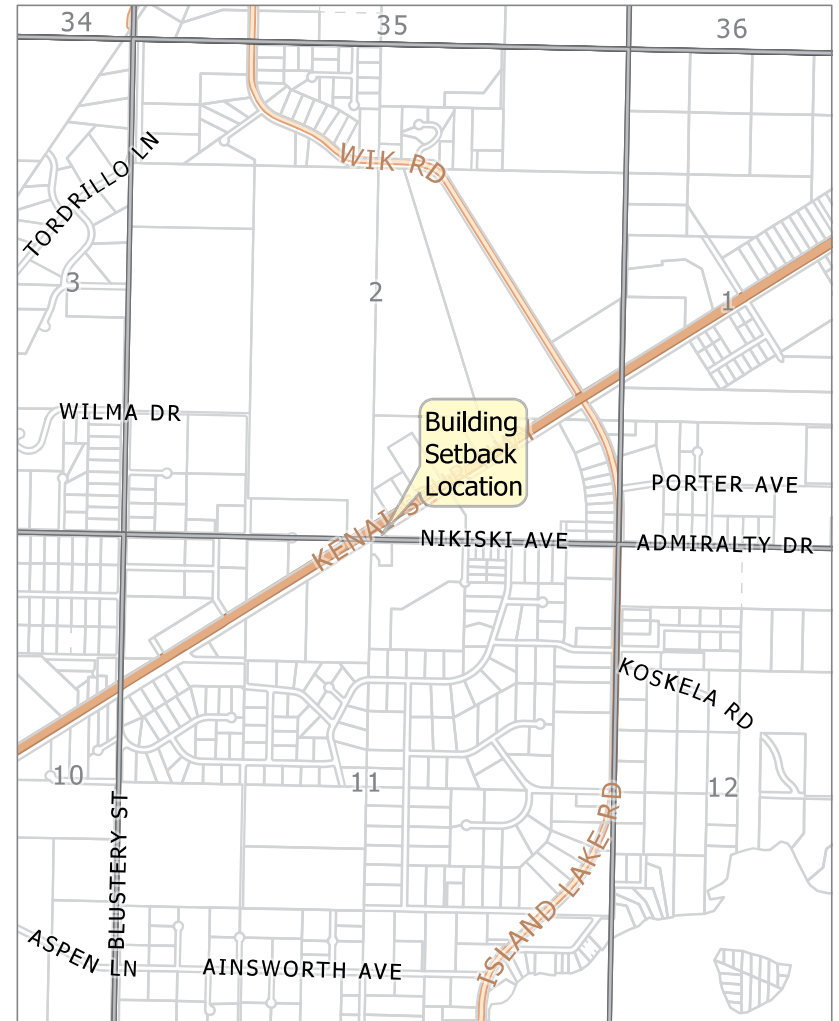
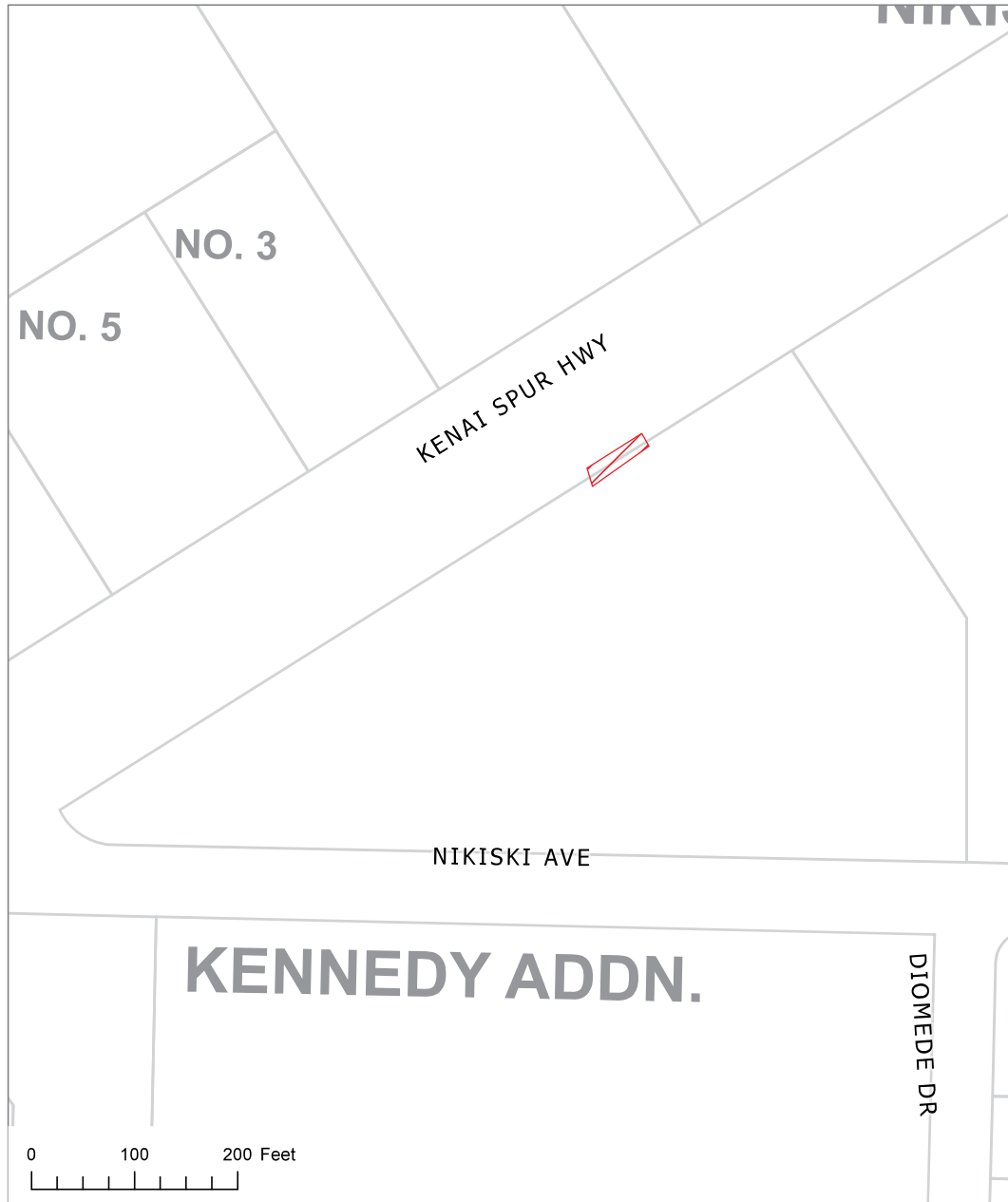
be found at <https://www.kpb.us/local-governance-and-permitting/leadership-governance/planning-commission/planning-public-notice>.

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, August 8, 2025**. The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

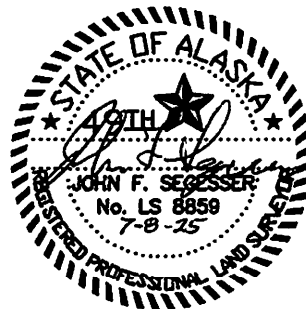
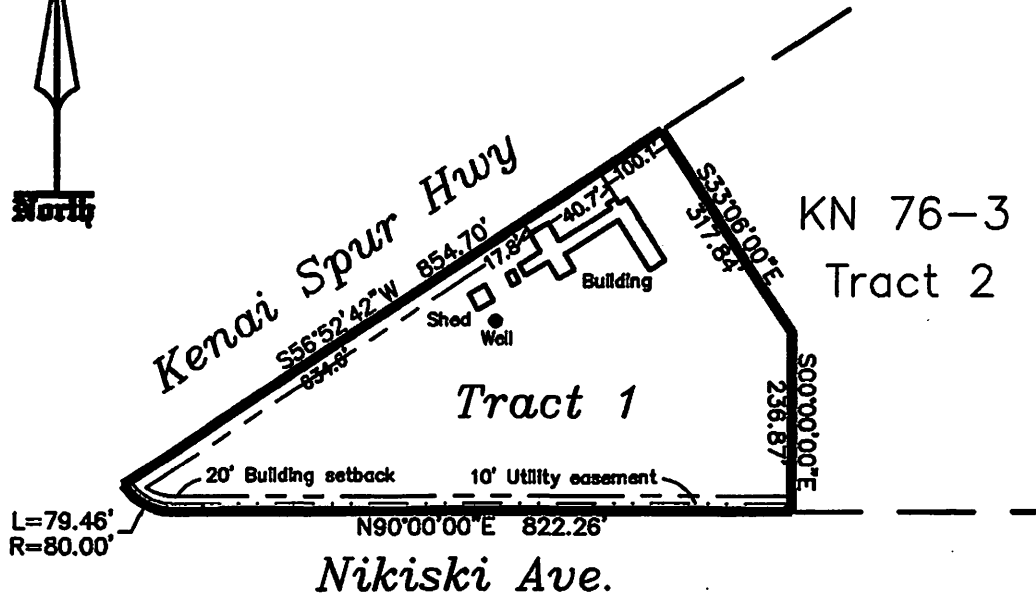
Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <https://kpb.legistar.com/Calendar.aspx>. Use the search options to find the correct timeframe and committee.

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 Kenai Peninsula Borough).

Mailed 7/21/2025



KPB File 2025-106
T 07N R 12W Sec 02
Nikiski



ASBUILT CERTIFICATION

LEGEND

I hereby certify that I have surveyed the following described property:

Tract 1

Nikiski Village Subdivision No. 2

and that no encroachments exist except as indicated.

Exclusion Note:

It is the responsibility of the Owner to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data hereon be used for construction or for establishing boundary or fence lines.

KENAI RECORDING DISTRICT		Plat: 76-3
Date: 7-8-25	Scale: 1"=200'	Drawn: JFS
Job: 25041	Book: 24-4	

SEGESSER SURVEYS
 30485 ROSLAND ST.
 SOLDOTNA, AK 99689
 (907) 262-3909



KENAI PENINSULA BOROUGH RIVER CENTER NOTICE OF PUBLIC HEARING

The Kenai Peninsula Borough received an application for a Conditional Use Permit under KPB 21.18.081 for a project within the 50-foot Habitat Protection District (HPD) of the Chickaloon River. This project has been scheduled for a public hearing before the Kenai Peninsula Borough Planning Commission.

Why are you receiving this notice?

Per code, property owners within 300 feet of the proposed project must receive notice of the public hearing. This project is located along Mystery Creek Road, Sterling, Alaska, Parcel ID 02513001. Our records indicate that you are a property owner within 300 feet of that parcel.

Project Description:

Alaska Pipeline Company (APC) proposes to repair the bridge across the Chickaloon River along Mystery Creek Road.

How can you look at the application?

The meeting packet will be posted the week prior to the meeting. Once it has been posted it can be viewed at <https://kpb.legistar.com/Calendar> or by scanning this QR code with your phone:



How do you attend the Planning Commission meeting?

When: Monday, August 11, 2025 at 7:30 pm or as soon thereafter as business permits
Where: This meeting will be held in the Betty J. Glick Chambers, George A. Navarre Borough Administration Building located at 144 North Binkley Street, Soldotna.
Zoom: Meeting ID 907 714 2200
<https://us06web.zoom.us/j/9077142200>
1-888-788-0099 or 1-877-853-5247
Or other audio or video conferencing means whenever technically feasible

How do I comment on the project?

You can provide verbal comment at the meeting (see information above). You may also submit written comments. **Written comments must be received by 1:00 pm Friday, August 8, 2025.**

Mail comments to:

Donald E. Gilman River Center
514 Funny River Road
Soldotna, Alaska 99669

Email comments to:

KenaiRivCenter@kpb.us

For additional information, please contact Morgan Aldridge at MAldridge@kpb.us or 907-714-2465.

E. NEW BUSINESS

- 4. Resolution 2025-XX: Authorizing the acquisition of a perpetual easement located in Kachemak Selo, Alaska for school purposes.**

Responsible Staff Person: LMD Officer Aaron Hughes

Kenai Peninsula Borough
Planning Department – Land Management Division

MEMORANDUM

TO: Peter Ribbens, Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor
Brandi Harbaugh, Finance Director
Heather Geer, Grant Administrator
John Hedges, Purchasing and Contracting Director
Robert Ruffner, Planning Director

FROM: Aaron Hughes, Land Management Officer

DATE: August 7, 2025

RE: Resolution 2025-____, Authorizing the Acquisition of a Perpetual Easement Located in Kachemak Selo, Alaska, for Future School Purposes (Mayor)

The Kenai Peninsula Borough recently acquired 1.02 acres of land in K-Selo necessary for the construction of a new school facility as authorized under Resolution 2024-24. It has been determined the use of additional adjacent land would benefit the project in order to accommodate a septic system and any other uses necessary to support school-related activities. The proposed easement acquisition consists of an area approximately .30 acres in size and lies immediately North of the recently-acquired parcel.

The Resolution authorizes the acquisition of a perpetual easement for \$30,000, plus additional funds necessary for title insurance, closing costs, and other due diligence fees not to exceed \$5,000.

Previously appropriated funding, in the amount of \$35,000.00, is available in the Capital Project Fund account 400.71065.KSELO.48610, for the acquisition of this easement estate.

Your consideration is appreciated.

FINANCE DEPARTMENT ACCOUNT / FUNDS VERIFIED	
Acct. No.	<u>400.71065.KSELO.48610</u>
Amount:	<u>\$35,000.00</u>
By: _____	Date: _____

Introduced by:
Hearing:
Action:
Vote:

Mayor
08/19/2024

**KENAI PENINSULA BOROUGH
RESOLUTION 2025-XX**

**A RESOLUTION AUTHORIZING THE ACQUISITION OF A PERPETUAL
EASEMENT LOCATED IN KACHEMAK SELO, ALASKA, FOR SCHOOL PURPOSES**

WHEREAS, the Kenai Peninsula Borough School District (KPBSD) currently delivers education instruction in the community of Kachemak Selo; and

WHEREAS, the community of Kachemak Selo is in the State of Alaska Department of Education and Early Development (DEED) Kachemak Attendance Area; and

WHEREAS, the Kenai Peninsula Borough (KPB) has acquired property in Kachemak Selo for school purposes as authorized under Resolution 2024-24; and

WHEREAS, as part of the development design process, it has been determined an easement is necessary to accommodate a septic system and any other uses as may be deemed necessary to accommodate school related activities; and

WHEREAS, the Kuzmin property located immediately to the North of the school site is appropriately located to accommodate this easement need; and

WHEREAS, KPB has been awarded \$10,867,503 in DEED funding for the Kachemak Selo School Project; and

WHEREAS, KPB funding Ordinance 2018-19-25 appropriated \$10,010,000 from the DEED for the Kachemak Selo School Project; and

WHEREAS, the Kenai Peninsula Borough Planning Commission, at its regular meeting of August 11, 2025, recommended _____;

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

SECTION 1. That the assembly finds that purchasing the following-described perpetual Easement pursuant to KPB 17.10.040 is in the best interest of the KPB:

THE EASEMENT TO CONSIST OF AN APPROXIMATE 60 FOOT BY 206 FOOT AREA LOCATED IN THE NORTHEAST CORNER OF THE ABOVE-DESCRIBED LOT. SUBJECT EASEMENT LYING IMMEDIATELY NORTHWEST OF AND ADJACENT TO THE NORTH BOUNDARY OF LOT 36 AND CONSISTING OF APPROXIMATELY

0.30 ACRES. THE EASEMENT AREA TO BE UTILIZED FOR ANY AND ALL ACTIVITIES RELATED TO THE USE AND IMPROVEMENT OF LOT 36, INCLUDING ABOVE-GROUND WASTEWATER TREATMENT INFRASTRUCTURE. A FORMAL MAP DEPICTING THE EASEMENT AREA TO BE AGREED TO BY BOTH PARTIES AND ATTACHED TO THE RECORDED EASEMENT AGREEMENT.

SECTION 2. That the terms and conditions substantially in the form of the purchase agreement accompanying this resolution are hereby approved. The purchase price shall be \$30,000.00, subject to the terms of the agreement, plus title and closing costs, and due diligence fees not to exceed \$5,000.00.

SECTION 3. That this acquisition is for the purposes of siting a septic system and any other school-related uses as may be deemed necessary.

SECTION 4. That the above-described Easement is perpetual in term.

SECTION 5. That the mayor is authorized to execute any and all documents necessary to purchase the easement estate described in Section 1 in accordance with the terms and conditions contained in this resolution and the accompanying purchase agreement, consistent with applicable provisions of KPB Chapter 17.10.

SECTION 6. That previously-appropriated funding, in the amount of \$35,000.00, is available in the Capital Project Fund account 400.71065.KSELO.48610, for the acquisition of the easement estate listed in Section 1.

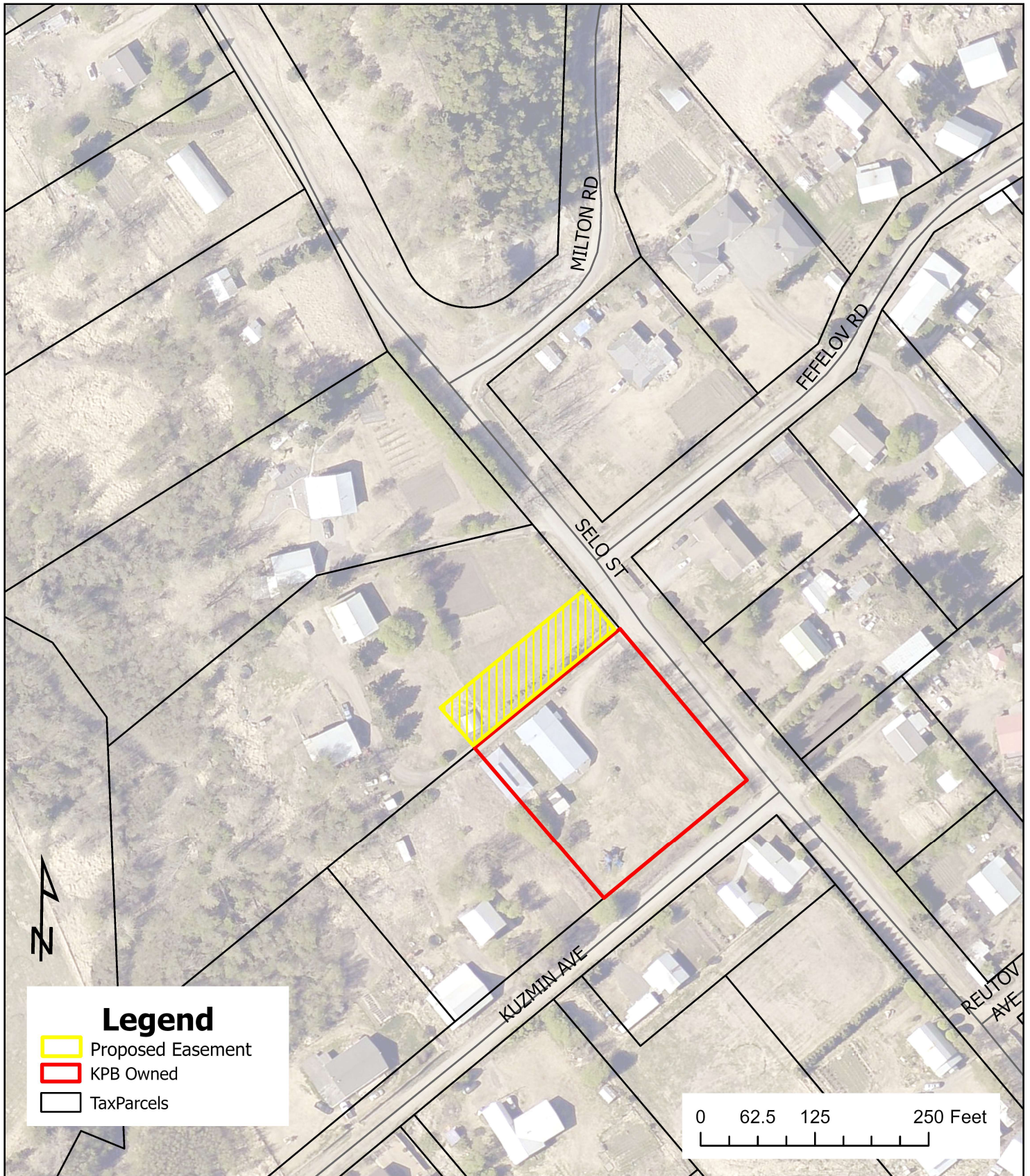
SECTION 7. That this resolution shall take effect immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS ____ DAY OF _____, 2025.**

Peter Ribbens, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk



K-Selo Easement Acquisition Approximate Location

PURCHASE AGREEMENT

This Purchase Agreement (Agreement) is made by and between Fadey V. Kuzmin and Anna Kuzmin, as sellers, whose address is PO Box 3009, Homer, Alaska 99603, (jointly, Sellers) 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, Sellers are the owners of that real property located in the Kenai Recording District, Third Judicial District, State of Alaska, and more particularly described as follows:

LOT THIRTY-NINE (39), KACHEMAK SELO, ACCORDING TO PLAT NO. 2002-43, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.
(PARCEL NO. 185-212-39) (the Property); and

WHEREAS, Sellers have agreed to sell a perpetual, non-exclusive easement located within the above-described Property located in the Kenai Recording District, Third Judicial District, State of Alaska, and more particularly described as follows:

THE EASEMENT TO CONSIST OF AN APPROXIMATE 60 FOOT BY 206 FOOT AREA LOCATED IN THE NORTHEAST CORNER OF THE ABOVE DISCRIVED LOT. SUBJECT EASEMENT LYING IMMEDIATELY NORTHWEST OF AND ADJACENT TO THE NORTH BOUNDARY OF LOT 36 AND CONSISTING OF APPROXIMATELY 0.30 ACRES. THE EASEMENT AREA TO BE UTILIZED FOR ANY AND ALL ACTIVITIES RELATED TO THE USE AND IMPROVEMENT OF LOT 36, INCLUDING ABOVE GROUND WASTEWATER TREATMENT INFRASTRUCTURE. A FORMAL MAP DEPICTING THE EASEMENT AREA TO BE AGREED TO BY BOTH PARTIES AND ATTACHED THE RECORDED EASEMENT AGREEMENT.
(the Easement); and

WHEREAS, KPB has offered to buy, and Sellers are willing to sell the above-referenced Easement as evidenced by this Agreement;

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

1. PURCHASE PRICE

The purchase price of the Easement is thirty thousand U.S. DOLLARS (\$30,000.00). The purchase price must be paid by KPB at time of closing. The purchase of the Easement and

Kenai Peninsula Borough, Alaska

Kuzmin / KPB – Easement Purchase Agreement

FV K + K

Page 1 of 6

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 **JULY 5, 2024, at 4:30pm;** otherwise, this offer will terminate.

3. TITLE

The easement estate must be delivered at time of closing by easement document provided by and approved by KPB, which must be issued to KPB. Sellers warrant and covenant that at the time of closing there will be no liens or judgments recorded against Sellers in the same recording district in which the Easement 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 KPB-related closing costs not otherwise addressed in this Agreement to include buyer closing and recording fees. Sellers agree to pay for seller-related closing costs, not otherwise addressed in this Agreement to include the ALTA Standard Owners Title Insurance policy insuring the easement estate, seller closing and recording fees. Property taxes for the current year must be paid at closing. Sellers are responsible for realtor's commission, 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. CLOSING

Unless otherwise agreed to in writing, closing will occur on or before **August 29, 2025,** 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. The Parties will execute all documents required to complete the Agreement and, if applicable, establish an escrow account. The closing agent will be determined by the Sellers.

6. POSSESSION

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

7. KENAI PENINSULA BOROUGH ASSEMBLY APPROVAL

Purchase of the Easement 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 Easement and appropriate funds, this Agreement will terminate without penalty.

8. EXCHANGE

If Sellers intend 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 Sellers intend for this transaction to be part of a

Section 1031 like-kind exchange, Sellers may assign their rights under this Agreement to a qualified intermediary or any entity expressly created for the purposes of completing a Section 1031 like-kind exchange.

9. DISCLOSURES

Sellers hereby agree 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 Sellers. If said written disclosures present a matter unsatisfactory to KPB, KPB may terminate this Agreement without penalty.

10. CONTINGENT ON INSPECTION

This offer and agreement are contingent upon the completion of a property inspection satisfactory to KPB for its use and at KPB's expense. Sellers must, upon reasonable notice, provide access to the Easement area for inspection purposes to KPB and its representatives. Any invasive inspection procedures require Sellers' expressed permission and must promptly be repaired by KPB in a workman-like manner. Unless otherwise provided in writing, KPB will have 30 days from the date of full execution of this Agreement to complete its property inspection.

11. HAZARDOUS MATERIAL

Sellers covenant to the best of Sellers' knowledge that, as of the date of this Agreement, except as specifically identified herein, the Easement area 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 within the Easement area. Sellers agree that no hazardous substances or wastes will be located on, nor stored on the Easement area or any adjacent property owned or leased by Sellers, owner, or contractors, nor will any such substance be owned, stored, used, or disposed of on the Easement area or any adjacent property by Sellers, their agents, employees, contractors, or invitees, prior to KPB's ownership, possession, or control of the Property.

12. ENVIRONMENTAL CONTINGENCY

If, during the course of KPB's due diligence inspection of the Easement area pursuant to Section 10, "Contingent on Inspection", 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 are deemed undesirable by KPB, KPB will have the right to give notice to Sellers, 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 Easement area; OR

Kenai Peninsula Borough, Alaska

Kuzmin / KPB – Easement Purchase Agreement

FUR + K

Page 3 of 6

- (ii) provide Sellers 30 days from notice to provide a mitigation plan outlining steps taken by Sellers to remedy said hazards to KPB's satisfaction at Sellers' 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, Sellers hereby indemnify KPB 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.

13. DEFENSE AND INDEMNIFICATION

Sellers must indemnify, defend, save, and hold KPB, 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 Sellers' performance or failure to perform in accord with the terms of this Agreement in any way whatsoever. Sellers will be responsible under this clause for any and all claims of any character resulting from Sellers' or Sellers' 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 KPB or its agents, which are said to have contributed to the losses, failure, violations, or damage. However, Sellers will not be responsible for any damages or claims arising from the sole negligence or willful misconduct of KPB, its agents, or employees.

14. 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 KPB and Sellers 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.

Kenai Peninsula Borough, Alaska

Kuzmin / KPB – Easement Purchase Agreement

FUR + K

Page 4 of 6

15. BREACH REMEDY

Prior to closing of the sale, in the event that KPB 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 KPB may:

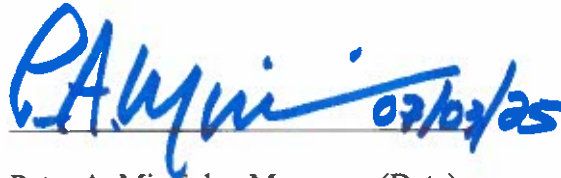
- a. Demand the delinquent Party specifically perform on all of the duties and obligations under this Agreement; or
- b. Terminate this Agreement.

16. 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 Sellers 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 thereto, 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 contract. 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 Homer, 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 Easement area.
Sellers will deliver the Easement area 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

KENAI PENINSULA BOROUGH:

SELLERS:

 07/02/25

Peter A. Micciche, Mayor (Date)



7/2/2025

Fadey V. Kuzmin

(Date)



7/2/2025

Anna Kuzmin

(Date)

ATTEST:

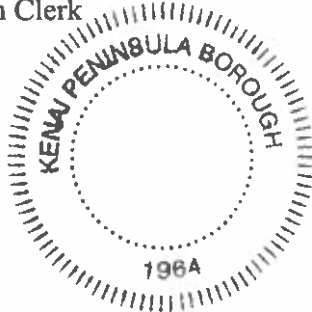
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



Michele Turner, CMC
Borough Clerk



A. Walker Steinhage
Deputy Borough Attorney



Introduced by:	Mayor
Date:	06/18/24
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2024-024**

**A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY
LOCATED IN KACHEMAK SELO, ALASKA FOR SCHOOL PURPOSES**

WHEREAS, the Kenai Peninsula Borough School District (“KPBSD”) currently delivers education instruction in the community of Kachemak Selo in private residential structures leased by KPBSD; and

WHEREAS, the leased structures are deficient for school purposes; and

WHEREAS, the State of Alaska Department of Education and Early Development (“DEED”) mandates education by “Attendance Areas” determined by DEED; and

WHEREAS, the community of Kachemak Selo is in the DEED Kachemak Attendance Area; and

WHEREAS, unlike other communities within the Kenai Peninsula Borough (“KPB”), Kachemak Selo is not served by public roads, public docks or public airports capable of supporting public facilities; and

WHEREAS, Kachemak Selo is within one mile of the communities of Razdolna and Vosnesenka, which are served by publicly maintained roads; and

WHEREAS, Kachemak Selo is accessed privately through Razdolna and Vosnenka by way of steep trails, beginning from the end of East End Road along a narrow switchback and along the coastal beach to a crossing at Swift Creek to the isolated public road rights-of-way platted through the Kachemak Selo Subdivision; and

WHEREAS, a school site selection committee (“SSSC”) for the Kachemak Attendance Area recommended a school site location in Kachemak Selo through a memo dated May 8, 2014; and

WHEREAS, the site identified by the SSSC was deemed not viable due to poor geotechnical findings; and

WHEREAS, the subject site is the location of the residential structures that were used for school purposes but have since been decommissioned; and

WHEREAS, KPB has been awarded \$10,010,000 in DEED funding for the Kachemak Selo School Project; and

WHEREAS, KPB Funding Ordinance 2018-19-25 appropriated \$10,010,000 from DEED for the Kachemak Selo School Project; and

WHEREAS, Resolution 2023-076, which established KPB’s State Capital Project Priorities for 2024, includes the Kachemak Selo Community Center project, which recommends converting the \$10,867,503 in DEED funding to a Department of Commerce, Community and Economic Development (“DCCED”) Grant to be used for a community center to provide for the dual purposes of community needs and use as an education facility to address the academic needs of the community; and

WHEREAS, Resolution 2024-008 requested that the Alaska State Legislature transfer the grant awarded to KPB for construction of a school facility in Kachemak-Selo from DEED to DCCED in order to better address current development needs; and

WHEREAS, the acquisition of the subject property could serve a capital project as either a DEED school site or DCCED community center; and

WHEREAS, by letter dated March 5, 2024, the independent appraisal requirement under the DEED Grant Terms has been formally waived by DEED due to the lack of comparable market transactions necessary to determine an accurate appraisal value; and

WHEREAS, the KPBSD Board of Education, at its regular meeting of June 3, 2024, recommended approval of this resolution; and

WHEREAS, the Kenai Peninsula Borough Planning Commission, at its regular meeting of June 10, 2024, recommended approval by unanimous consent.

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

SECTION 1. That the Assembly finds that purchasing the following-described real property pursuant to KPB 17.10.040 is in the best interest of KPB:

LOT THIRTY-SIX (36), KACHEMAK SELO, ACCORDING TO PLAT NO. 2002-43, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA (PARCEL NO. 185-212-36)

SECTION 2. That the terms and conditions substantially in the form of the purchase agreement accompanying this Resolution are hereby approved.

SECTION 3. That the purchase price is \$150,000, subject to the terms of the purchase agreement, plus title and closing costs, and due diligence fees not to exceed \$10,000.

SECTION 4. That this acquisition is for the purposes of siting a school or community center that can be used for academic instruction by KPBSD.

SECTION 5. That the above-described land is classified under KPB 17.10.080 as “Institutional”.

SECTION 6. That the Mayor is authorized to execute any and all documents necessary to purchase the real property described in Section 1 in accordance with the terms and conditions contained in this Resolution.

SECTION 7. That previously appropriated funds, not to exceed \$160,000, are available in the Capital Project Fund account 400.71065.KSELO.48610, for the acquisition of the real property listed in Section 1.

SECTION 8. That this Resolution is effective immediately.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF JUNE, 2024.

Brent Johnson

Brent Johnson, Assembly President

ATTEST:

Michele Turner

Michele Turner, CMC, Borough Clerk



Yes: Cooper, Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson
No: None
Absent: None

Introduced by:	Mayor
Date:	01/08/19
Hearing:	01/22/19
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2018-19-25**

**AN ORDINANCE ACCEPTING AND APPROPRIATING \$10,010,000 FROM THE
STATE OF ALASKA DEPARTMENT OF EDUCATION & EARLY DEVELOPMENT
FOR THE KACHEMAK SELO NEW K-12 SCHOOL CONSTRUCTION PROJECT**

- WHEREAS,** the borough requested funding for the Kachemak Selo New K-12 School Construction Project (“Project”) through the Alaska Department of Education & Early Development (“DEED”), School Construction Grant Fund for fiscal year 2016/2017; and
- WHEREAS,** the State of Alaska 29th Legislature passed Senate Bill 138 during the 2016 Fourth Special Session, appropriating \$10,867,503 to DEED for the Project; and
- WHEREAS,** DEED reduced the grant award to \$10,010,000 based upon student population projections; and
- WHEREAS,** the DEED grant requires a 35 percent match of \$5,390,000 through cash, in-kind or a combined contribution; and
- WHEREAS,** borough ordinance 2018-19-02 approved and appropriated the DEED grant subject to voters’ approval of the ballot proposition in ordinance 2018-21; and
- WHEREAS,** the borough proposition asking approval to issue not to exceed \$5,450,000 of general obligation bonds to pay the local required match portion failed at the regular election on October 2, 2018; and
- WHEREAS,** the DEED grant agreement must be signed prior to requesting a performance period extension of seven years, which will allow the borough time to secure the required 35 percent match; and
- WHEREAS,** assembly approval is required for the mayor to sign the DEED grant agreement and to appropriate the grant funds; and
- WHEREAS,** it is in the best interests of the borough to accept these funds and seek funds for the local match;

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


SECTION 1. That the mayor is authorized to accept the \$10,010,000 grant from the Alaska Department of Education & Early Development, School Construction Grant Fund.

SECTION 2. That the grant funds in the amount of \$10,010,000 are hereby appropriated to account no. 400.71065.KSELO.49999 – Project Account.

SECTION 3. That the mayor is authorized to execute a project grant agreement and any other documents deemed necessary to accept and expend the grant in accordance with the grant requirements, and to fulfill the intents and purposes of this ordinance.

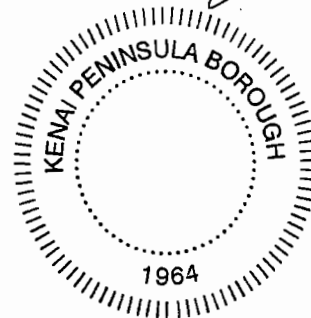
SECTION 4. This ordinance shall become effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 22ND DAY OF JANUARY, 2019.


Wayne H. Ogle, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle
No: None
Absent: None

E. NEW BUSINESS

- 5. Ordinance 2025-19-06: Authorizing the acquisition and appropriating funds for the purchase of four properties located in Homer, Alaska on behalf of South Kenai Peninsula Hospital Service Area
Responsible Staff Person: Land Management Officer
Aaron Hughes**

Kenai Peninsula Borough

Planning Department – Land Management Division

MEMORANDUM

TO: Peter Ribbens, Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PM*
Brandi Harbaugh, Finance Director *BH*
Robert Ruffner, Planning Director *RR*

FROM: Aaron Hughes, Land Management Officer *AH*

DATE: July 24, 2025

RE: Ordinance 2025-19-XX, Authorizing the Acquisition, and Appropriating Funds for the Purchase, of Four Properties Located within the City of Homer on Behalf of the South Kenai Peninsula Hospital Service Area (Mayor)

South Peninsula Hospital Inc. (SPHI) has requested the KPB proactively secure properties necessary to meet current and future hospital expansion needs.

Land Management has negotiated the purchase of the following properties:

Walls et al. Property – Purchase price: \$500,000; physical address: 324 West Fairview Avenue
The Walls et al. property consists of a .19-acre lot and 1,028-square-foot existing residential structure, to be demolished after closing. The Walls et al. Property lies within the Homer Medical District.

Westwing, LLC Property – Purchase price: \$550,000; physical address: 4117 Bartlett Street
The Westwing, LLC Property consists of a .19-acre lot and 1,612-square-foot office building currently under lease by SPHI for \$3,000 per month. SPHI intends to immediately occupy the building after closing. The Westwing, LLC Property lies within the Homer Medical District.

Lazy Bulldogs, LLC Property – Purchase price: \$825,000; physical address: 3714 Greatland Street
The Lazy Bulldogs, LLC Property consists of a .34-acre lot and a 1,650-square-foot office building. SPHI intends to immediately occupy the building after closing. The Lazy Bulldogs, LLC Property lies within the Homer Central Business District.

Pacific Premier Trust Property – Purchase price: \$171,500; physical address: 4323 Main St.
The Pacific Premier Trust Property consists of a 4.82-acre vacant parcel. The Pacific Premier Trust Property lies within the Homer Rural Residential District.

July 24, 2025

Page -2-

Re: 2025-19-__


The ordinance authorizes the acquisition of the subject properties, appropriates \$2,046,500 for the acquisitions, and an additional \$55,000 for related due diligence, administrative, and closing fees from the SPH Plant Replacement and Expansion Fund fund balance.

Your consideration is appreciated.

**FINANCE DEPARTMENT
ACCOUNT / FUNDS VERIFIED**

Acct. No. 491.20602

Amount: \$2,101,500

By: 

Date: 7/24/2025

Introduced by: Mayor
Date: 08/05/25
Hearing: 08/19/25
Action:
Vote:

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

**AN ORDINANCE AUTHORIZING THE ACQUISITION, AND
APPROPRIATING FUNDS FOR THE PURCHASE, OF FOUR
PROPERTIES LOCATED IN HOMER, ALASKA ON BEHALF OF THE
SOUTH PENINSULA HOSPITAL SERVICE AREA**

WHEREAS, the Kenai Peninsula Borough (KPB) has entered into an Operating Agreement with South Peninsula Hospital, Inc. (SPHI) for operation and management of South Peninsula Hospital and other medical facilities (SPH), and to provide other healthcare programs and services, on a nonprofit basis in order to ensure the continued availability to the South Kenai Peninsula Hospital Service Area (Service Area); and

WHEREAS, Land Management and SPHI have been coordinating to locate appropriate real property to address the immediate and long-term needs of SPHI and have identified the real property described in Sections 2, 4, 6, and 8 as suitable for SPHI expansion; and

WHEREAS, at its regular meeting of _____, the SPHI Board of Directors recommended _____; and

WHEREAS, at its regular meeting of _____, the South Kenai Peninsula Hospital Service Area Board recommended _____; and

WHEREAS, its regular meeting of _____, the KPB Planning Commission 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, (referred to herein a the “Walls et al. property”):

LOT 5, BLOCK 10, FAIRVIEW SUBDIVISION, ACCORDING TO PLAT 56-2936, IN THE HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.
(PARCEL NO. 17506105)

SECTION 3. That \$515,000 is appropriated from the SPH Replacement and Expansion Fund Account No. 491.20602 to Account No. 491.81210.26SHD.49999 for the purchase and estimated closing costs for the Walls et al. Property.

SECTION 4. That the Assembly approves the purchase of the following-described real property (referred to herein a the “Lazy Bulldogs, LLC Property”):

LOT 4A, CHAMBERLAIN & WATSON SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT NUMBER 50-24, RECORDS OF THE HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA AND SHOWN ON THAT CERTAIN RECORD OF SURVEY NO. 98-55.
(PARCEL NO. 17514409)

SECTION 5. That \$840,000 is appropriated from the SPH Plant Replacement and Expansion Fund Account No. 491.20602 to Account No. 491.81210.26SHD.49999 for the purchase and estimated closing costs for the Lazy Bulldogs, LLC Property.

SECTION 6. That the Assembly approves the purchase of the following-described real property (referred to herein a the “Pacific Premier Trust Property”):

LOT TWO (2), TSUNAMI VIEW SUBDIVISION, ACCORDING TO THE OFFICAL PLAT THEREOF, FILED UNDER PLAT NUMBER 2007-86, RECORDS OF THE HOMER REORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.
(PARCEL NO. 17504022)

SECTION 7. That \$181,500 is appropriated from the SPH Plant Replacement and Expansion Fund Account No. 491.20602 to Account No. 491.81210.26SHD.49999 for the purchase and estimated closing costs for the Pacific Premier Trust Property.

SECTION 8. That the Assembly approves the purchase of the following-described real property (referred to herein a the “(Westwing, LLC Property):

LOT 4, BLOCK 10, FAIRVIEW SUBDIVISION, ACCORDING TO PLAT 56-2936, IN THE HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.
(PARCEL NO. 17506104)

SECTION 9. That \$565,000 is appropriated from the SPH Plant Replacement and Expansion Fund Account No. 491.20602 to Account No. 491.81210.26SHD.49999 for the purchase and estimated closing costs for the Westwing, LLC Property.

SECTION 10. That the Walls et al. and Westwing, LLC Properties are zoned “Medical”, the Lazy Bulldog, LLC Property is zoned “Central Business District”, and the Pacific Premier Trust Property is zoned “Rural Residential” pursuant to City of Homer zoning code. Further classification under KPB 17.10.080 of the subject properties is unnecessary due to the fact that classification is not zoning and the City’s zoning controls the applicable land uses.

SECTION 11. That the terms and conditions substantially in the form of the Purchase Agreements accompanying this ordinance are hereby approved, and the Mayor is authorized to execute any and all documents necessary to purchase the real property described above and approved for purchase by this ordinance.

SECTION 12. That fit-for-purposes testing, assessment, and analysis must be completed on the real property described above and approved for purchase by this ordinance prior to relinquishment to SPHI.

SECTION 13. That upon closing on the property described above and approved for purchase by this ordinance, the Mayor is authorized to amend the South Peninsula Hospital Operating Agreement with SPHI to incorporate the property into Exhibit A of the operating agreement to include the property described above and approved for purchase by this ordinance.

SECTION 14. 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 15. That if any provision of this ordinance or its application is determined to be invalid, the remaining provisions shall continue in full force and effect.

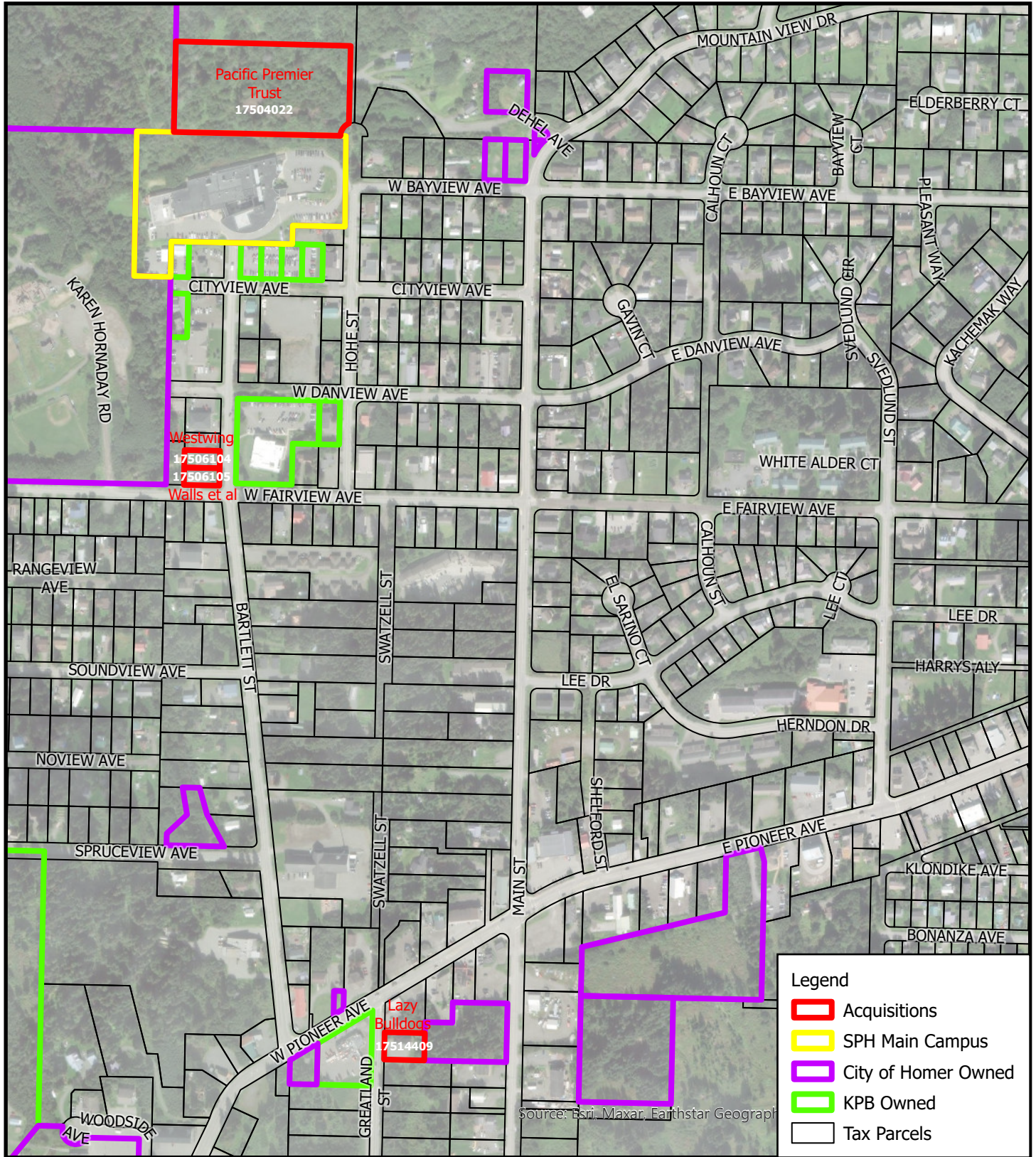
SECTION 16. That this ordinance shall be effective immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ____ DAY OF _____, 2025.

Peter Ribbens, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk



0 640 1,280 1,920 ft

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 MEETING PACKET PUBLICATION)

E. NEW BUSINESS

- 6. Resolution 2025-XX: Authorizing the KPB to accept a public access easement to provide access to the proposed Graham Ranch Subdivision
Responsible Staff Person: Platting Manager Vince Piagentini**

Kenai Peninsula Borough

Planning Department – Platting Division

MEMORANDUM

TO: Peter Ribbens, Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PM*
Robert Ruffner, Planning Director *RR*

FROM: Vince Piagentini, Platting Manager *VP*

DATE: August 7, 2025

RE: Resolution 2025-____, Authorizing KPB to Accept a Public Access Easement to Provide Access to the Proposed Graham Ranch Subdivision (Mayor)

At its regularly-scheduled meeting on April 10, 2023, the KPB Plat Committee granted approval to the proposed Graham Ranch Subdivision. Final plat approval is contingent upon satisfactory access to the subdivision, as requested in the KPB Staff Report prepared for that meeting.

The accompanying resolution authorizes the Mayor to accept a public access easement across property located on Lot 2 US Survey 3354 Section 25 & 26, Township 4 South, Range 11 West, Homer Recording District, to the proposed Graham Ranch Subdivision, which satisfies the requirement for access.

Your consideration is appreciated.

Introduced by:

Mayor

Date:

08/19/25

Action:

Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2025-XX**

**A RESOLUTION AUTHORIZING KPB TO ACCEPT A
PUBLIC ACCESS EASEMENT TO PROVIDE ACCESS TO
THE PROPOSED GRAHAM RANCH SUBDIVISION**

WHEREAS, during its regularly-scheduled meeting on April 10, 2023, the Kenai Peninsula Borough (KPB) Plat Committee granted approval for the Graham Ranch Subdivision Preliminary Plat; and

WHEREAS, final plat approval is contingent upon satisfactory access to the proposed subdivision, as recommended by the KPB staff report prepared for that meeting; and

WHEREAS, Chris A. Rainwater and the Michael G. and Mary E. Rainwater Family Trust (Grantors) are willing to grant a public access easement across property owned by Grantors, located in Lot 2 US Survey 3354 Section 25 & 26, Township 4 South, Range 11 West, Homer Recording District to the proposed Graham Ranch Subdivision; and

WHEREAS, the public access easement will satisfy the requirement for access to the proposed subdivision; and

WHEREAS, pursuant to KPB 17.10.040, Assembly approval of the acquisition of interests in lands must be by resolution upon receipt of a Planning Commission recommendation; and

WHEREAS, the Planning Commission conducted a public hearing during its regularly-scheduled meeting on July 11, 2025, and recommended _____;

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

SECTION 1. That the Mayor is authorized to accept a public access easement across property owned by Grantors, located in Lot 2 US Survey 3354 Section 25 & 26, Township 4 South, Range 11 West, Homer Recording District on behalf of KPB in a form substantially similar to the document attached.

SECTION 2. That this resolution is effective immediately.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF *, 2025.**

Peter Ribbens, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:



Kenai Peninsula Borough Planning Department

Vicinity Map

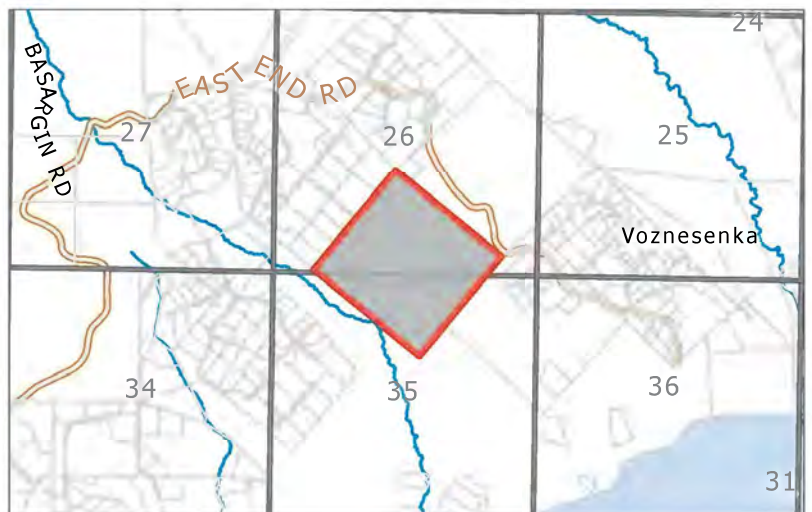
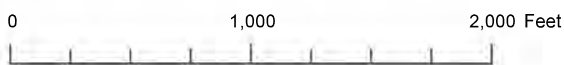


KPB File 2023-028

T 04S R 11W SEC 26 AND 35

Fox River

3/10/2023





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.

PUBLIC RIGHT-OF-WAY EASEMENT

THIS PUBLIC RIGHT-OF-WAY EASEMENT ("Easement") is granted by **CHRIS A. RAINWATER**, of 48250 E. End Rd., Homer, AK 99603, and **MICHAEL G. RAINWATER** and **MARY E. RAINWATER**, Trustees of **THE MICHAEL G. RAINWATER AND MARY E. RAINWATER FAMILY TRUST**, dated December 26, 2019, of PO Box 2392, Camp Verde, AZ 86322, hereinafter referred to as "**GRANTORS**", in favor of **KENAI PENINSULA BOROUGH**, an Alaska Municipal Corporation, hereinafter referred to as "**GRANTEE**", in connection with property in Kenai Peninsula Borough, Alaska owned by Grantors.

For valuable consideration, receipt for which is hereby acknowledged, and other performance to be rendered by Grantee hereunder, Grantors and Grantee desire to enter and use the Easement for the purposes and on the terms and conditions hereafter set out.

AGREEMENT

NOW THEREFORE, the Parties mutually covenant and agree as follows:

1. **GRANT.** The Grantors hereby grant Grantee a non-exclusive public right-of-way easement to the Easement Area depicted as "ACCESS ESMT." and legally described on **EXHIBIT A**, attached hereto, without warranty, over the following real property legally described as:

LOT TWO (2), U.S. SURVEY 3354, located in the Homer Recording District, Third Judicial District, State of Alaska, which is known as the "Grantor Tract", attached to East End Road, wherever it may be located.

2. **PERMITTED USES.**

A. During the term hereof, the public shall have the

Easement Area for vehicular and pedestrian access. No interest or property right, including but not limited to, the use or removal of gravel, rock, sand, peat, and any and all resources is conveyed by this authorization.

B. This Easement grants the public a right to develop the Easement Area for public access, and for the placement of utilities if necessary. Location and development of improvements constructed under this authorization must be done in a reasonable manner. Site preparation work must be commensurate with the scope of the intended project. Deviating beyond the boundaries of the Easement Area is not permitted. It is the developer's responsibility to properly locate the boundaries of the Easement Area with a surveyor and to secure all other required local, state and/or federal authorizations. Commencement of any use of the Easement Area signifies the user's acceptance of all terms and provisions herein and agreement to comply with and be bound by all such terms and provisions.

3. **TERM.** This Easement is perpetual, unless surrendered or abandoned, at which time it may be terminated, with notice, at Grantors' discretion.

4. **OPERATIONS.** Grantee shall conduct all of its operations on the Easement in strict compliance with all provisions of federal, state and local law and all provisions of the Easement.

5. **SURRENDER.** Grantee may upon sixty (60) days written notice to Grantors surrender all or part of the Easement. A partial surrender shall not reduce Grantee's obligation to comply with other obligations that may have accrued as a result of Grantee's activities on the surrendered area. A total surrender of the Easement by Grantee shall result in a termination of this Easement.

6. **ASSIGNMENT.** This Easement or any interest herein may not be assigned or otherwise transferred by Grantee except upon written approval of Grantors. The Grantors reserve the right to reject any proposed assignment. Any unauthorized attempt to assign or otherwise transfer any of the Grantee's interest under this Easement is void and of no force or effect whatsoever.

A. **GOVERNING LAW.** This Easement is made under Alaska law.

B. **CLEARING LIMITS.** Clearing within the Easement Area shall be limited to that necessary for actual maintenance and construction/reconstruction.

C. **RELOCATION.** Parties agree that In the event the Developers wish to relocate, they will need to go through the process to vacate this Easement and grant another, or go through the ROW dedication process after vacating this Easement.

D. **VALID RECORDED EXISTING RIGHTS.** The Grantee's use of the Easement Area will not unreasonably interfere with valid recorded existing rights, if any, that exist within the Easement Area upon the effective date of the Easement. Grantors reserve for themselves all rights not expressly conferred herein, including rights of concurrent users, if any.

E. **AS IS.** Grantors make no representations or warranties with respect to the condition of the Easement Area, and are granting it AS IS, with all defects, apparent or latent.

F. **MAINTENANCE.** Grantees assume no responsibility for the construction and/or maintenance of improvements constructed in the Easement Area, nor for liability for injuries or damages attributed to the construction, maintenance, repair, and reconstruction as necessary for public access and use of this Easement. In accordance with AS 29.71.020, the mere granting of a public access easement does not obligate Grantee to maintain, improve, or provide for municipal services in the area granted, nor does it impose any liability on Grantee for the condition of the area granted.

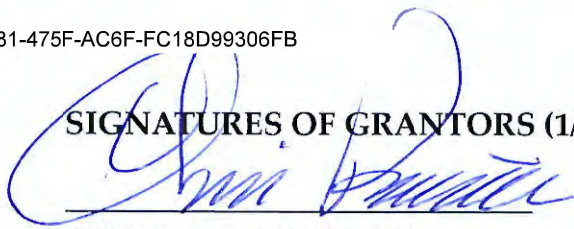
G. **MODIFICATIONS.** Any modifications to this Easement must be in writing and signed by the parties, or by their respective heirs, successors, or assigns.

II. IRREVOCABILITY. Any provision of this Easement which is found to be invalid or in violation of any statute, rule, regulation, or common law shall be considered null and void, with the remaining provisions remaining in effect.

I. **BINDING EFFECT.** This Easement, and the rights and obligations herein, run with the land and bind and benefit the future owners of the Grantor Tract and the Grantee.

IN WITNESS WHEREOF, the parties hereto have executed this Easement effective as of this ____ day of _____, ____.

SIGNATURES OF GRANTORS (1/2):



CHRIS A. RAINWATER

STATE OF ALASKA)

:SS.)

THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 13ⁿ day of June, 2025, before me the undersigned Notary Public in and for the State of Alaska, personally appeared CHRIS A. RAINWATER known to me to be the persons named in the foregoing instrument, and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein contained.

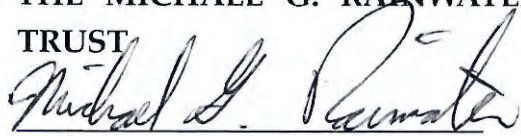
IN WITNESS HEREOF, I have hereunto set my hand and seal the day and year first hereinabove written.



NOTARY PUBLIC, State of Alaska
My Commission Expires: 10/4/27

SIGNATURES OF GRANTORS (2/2):

THE MICHAEL G. RAINWATER AND MARY E. RAINWATER FAMILY TRUST



MICHAEL G. RAINWATER, Trustee



MARY E. RAINWATER, Trustee

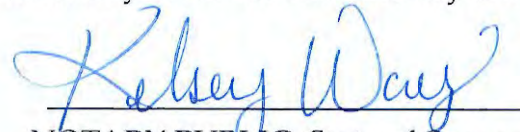
STATE OF OREGON)

:SS.

WROOK COUNTY)

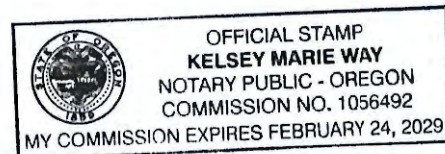
THIS IS TO CERTIFY that on this 1st day of July, 2025, before me the undersigned Notary Public in and for the State of Oregon, personally appeared MICHAEL G. RAINWATER and MARY E. RAINWATER known to me to be the persons named in the foregoing instrument, and the Trustees of THE MICHAEL G. RAINWATER AND MARY E. RAINWATER FAMILY TRUST, and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein contained.

IN WITNESS HEREOF, I have hereunto set my hand and seal the day and year first hereinabove written.



NOTARY PUBLIC, State of Oregon

My Commission Expires: 2-24-2029



SIGNATURE OF GRANTEE (1/1):

KENAI PENINSULA BOROUGH

PETER A. MICCICHE, Borough Mayor

STATE OF ALASKA)

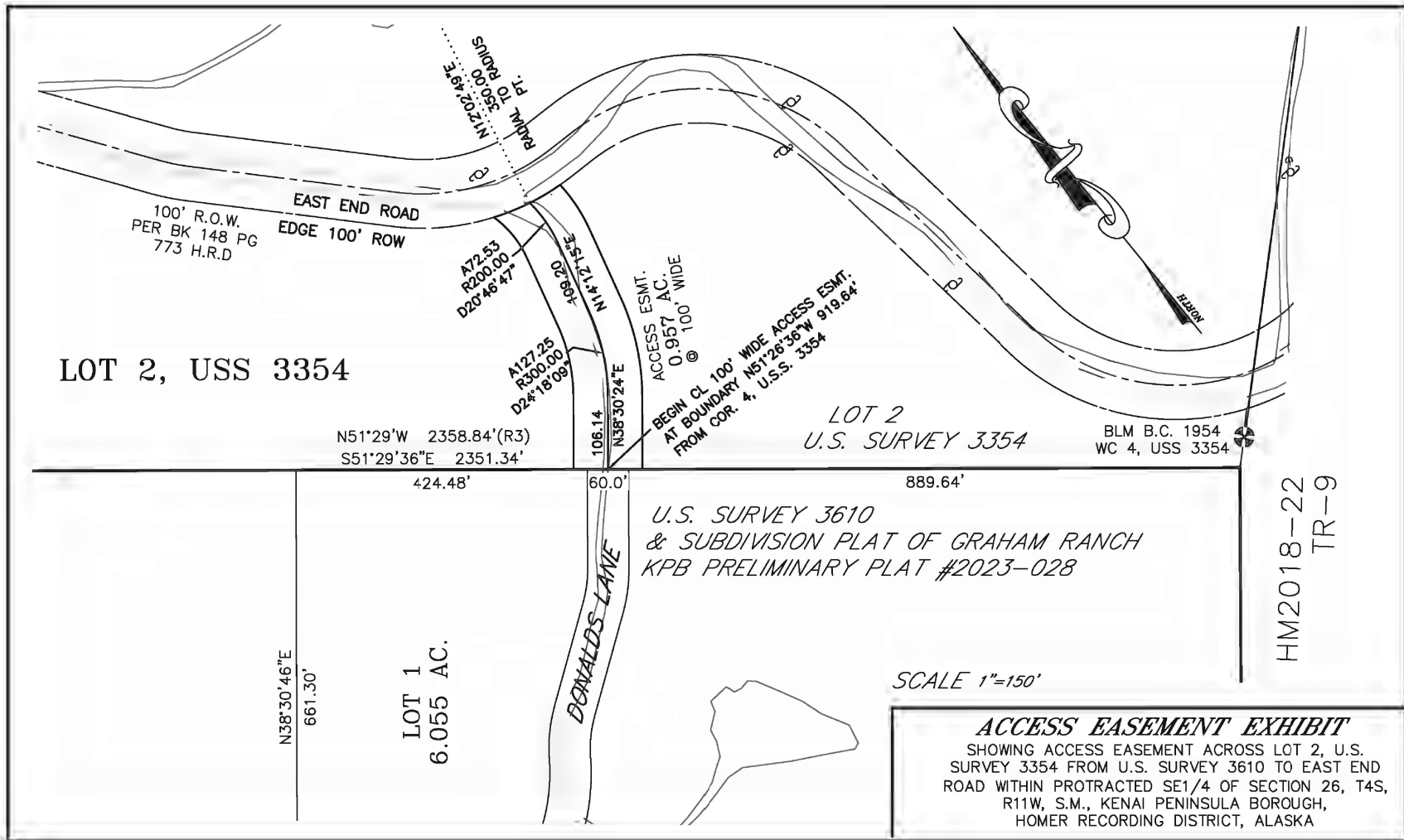
:ss.

THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____,
20____, before me the undersigned Notary Public in and for the State of Alaska,
personally appeared **PETER A. MICCICHE**, Mayor of the Kenai Peninsula
Borough, known to me to be the person who acknowledged that he executed the
foregoing instrument, on behalf of the Kenai Peninsula Borough, freely and
voluntarily for the purposes therein stated.

IN WITNESS HEREOF, I have hereunto set my hand and seal the day and
year first hereinabove written.

NOTARY PUBLIC, State of Alaska
My Commission Expires:_____



CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the real property shown and described hereon, and that we hereby adopt this plan of subdivision, and by our free consent dedicate all public rights-of-way and grant all easements to the use shown.

DAL D. GRAHAM
13760 DE GARMO AVE
RANCHO CASCADES, CA 91342

CHARLES SCOTT GRAHAM
4806 SALMON CREEK DR
BUHL, ID 83316

LINDA CHRISTINE GRAHAM
P.O. BOX 15031
FRITZ CREEK, AK 99603

GABRIEL MORGAN GRAHAM
511 E GAINSBOROUGH RD
THOUSAND OAKS, CA 91360

DONNA D. GRAHAM
46103 E END RD
HOMER, AK 99603

JOHN GRAHAM
P.O. BOX 2034
KENAI, AK 99611

DECEASED
ESTATE OF ROBERT D. GRAHAM
13760 DE GARMO AVE
RANCHO CASCADES, CA 91342

NOTARY'S ACKNOWLEDGMENT

For DAL D. GRAHAM
Acknowledged before me this _____ day
of _____ 2025.

Notary public for California My Commission Expires

NOTARY'S ACKNOWLEDGMENT

For CHARLES SCOTT GRAHAM
Acknowledged before me this _____ day
of _____ 2025.

Notary public for Idaho My Commission Expires

NOTARY'S ACKNOWLEDGMENT

For LINDA CHRISTINE GRAHAM
Acknowledged before me this _____ day
of _____ 2025.

Notary public for Alaska My Commission Expires

NOTARY'S ACKNOWLEDGMENT

For GABRIEL MORGAN GRAHAM
Acknowledged before me this _____ day
of _____ 2024.

Notary public for California My Commission Expires

NOTARY'S ACKNOWLEDGMENT

For DONNA D. GRAHAM
Acknowledged before me this _____ day
of _____ 2025.

Notary public for Alaska My Commission Expires

NOTARY'S ACKNOWLEDGMENT

For JOHN GRAHAM
Acknowledged before me this _____ day
of _____ 2025.

Notary public for Alaska My Commission Expires

NOTARY'S ACKNOWLEDGMENT

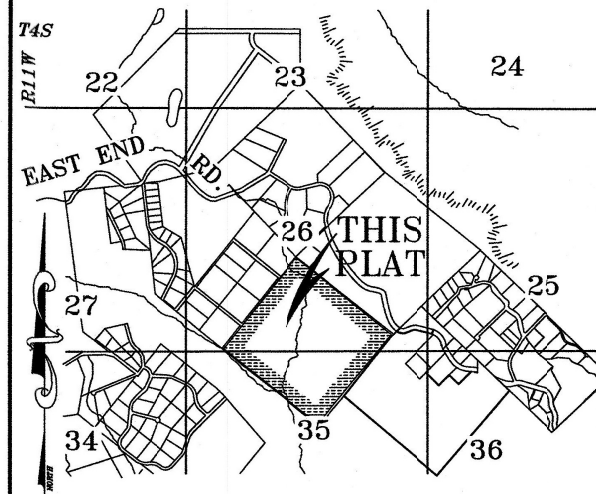
For ESTATE OF ROBERT D. GRAHAM
Acknowledged before me this _____ day
of _____ 2025.

Notary public for Alaska My Commission Expires

KPB FILE No. 2023-028

SHEET 2 OF 2

VICINITY MAP



SCALE 1" = 1/2 MILE

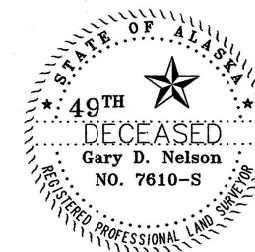
DATE 05/22/2025

SCALE 1"=150'

DRAWING: 5306_5343

JOB No. 5306

DRAWN: BT CHECKED: XXX



GRAHAM RANCH

A SUBDIVISION OF U.S. SURVEY 3610 WITHIN THE SW1/4 AND SE1/4 OF SECTION 26 AND THE NE1/4 AND NW1/4 OF PROTRACTED SECTION 35, T4S, R11W, S.M., KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, ALASKA CONTAINING 159.207 ACRES

ABILITY SURVEYS

GARY D. NELSON, P.L.S.
(907)235-8440
152 DEHEL AVE., HOMER, ALASKA



AGENDA ITEM E. NEW BUSINESS

**ITEM - Public Access Easement Recommendation
Resolution 2025-XX**

KPB File No.	2023-028
Plat Committee Meeting:	August 11, 2025
Applicant / Owner:	Dal Graham of Rancho Cascades, California; Charles Graham of Buhl, Idaho; Gabriel Graham of Thousand Oaks, California; Linda Graham of Fritz Creek, Alaska; Donna Graham of Homer, Alaska; John Graham of Kenai, Alaska; and the Estate of Robert Graham, Rancho Cascades, California Chris Rainwater, Homer, AK, Michael & Mary Rainwater Family Trust
Surveyor:	Katie Kirsis, Seabright Surveys + Design
General Location:	Swift Creek Lane, East End Road, Fox River

Parent Parcel No.: Graham Property	185-210-06
Legal Description:	T 4S R 11W SEC 26 & 35 SEWARD MERIDIAN HM 0003610 US SURVEY 3610
Parent Parcel No.: Rainwater Property	185-210-03
Legal Description:	T 4S R 11W SEC 25 & 26 SEWARD MERIDIAN HM 0003354 US SURVEY 3354 LOT 2

STAFF REPORT

Background to request:

Graham Ranch KPB 2023-028 was granted preliminary approval at the April 10, 2023 Plat Committee meeting. The plat is located to the south of East End Rd. The plat is proposing two dedications, a half dedication of Swift Creek Lane to complete the road, which is accessed from East End Rd by established access easements. The other dedication on the plat is Donalds Lane. In the staff report, staff recommended “*documentation that the access from East End Road has been established or acquire an access easement.*”

Specific Request / Scope of Request:

Request to accept the public access easement across the Chris A. Rainwater and the Michael G. and Mary E. Rainwater Family Trust property to access the plat Graham Ranch in fulfillment of KPB 20.30.050. Legal Access.

Staff Analysis

KPB 17.10.040(A) states assembly approval of the acquisition of interests in lands, such as a public access easement, shall be by resolution upon receipt of a planning commission recommendation. The KPB Assembly will consider the resolution at its regularly-scheduled meeting on August 19, 2025.

Resolution shall be filed prior to finalization of the Graham Ranch Subdivision, so to be identified on the plat.

RECOMMENDATION:

STAFF RECOMMENDS:

- **RECOMMEND APPROVAL OF THE PUBLIC ACCESS EASEMENT TO PROVIDE ACCESS TO THE PROPOSED GRAHAM RANCH SUBDIVISION.**

END OF STAFF REPORT

Page 1 of 2

DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

MISC. INFORMATION

- 08/06/2025 Funny River APC Meeting Minutes
- 08/07/25 Nikiski APC Meeting Minutes

**FUNNY RIVER ADVISORY PLANNING COMMISSION
REGULAR MEETING - WEDNESDAY, AUGUST 6, 2025 AT 7:00 PM
MINUTES**

1. CALL TO ORDER

Chair Glenda called the meeting to order at 7:01 pm

2. ROLL CALL

Members in attendance: Mike Masters, Jim Harpering, Don Fritz, & Glenda Radvansky

3. APPROVAL OF AGENDA

Don made a motion to Approve the Agenda as presented. Mike seconded. After discussion, Don made a motion to move Agenda Item #4 to the next meeting so the members have an opportunity to review the minutes. Mike Seconded. Approval of the modification and the Modified Agenda were both Unanimous.

~~4. APPROVAL OF MINUTES for May 20, 2025~~

5. WELCOME NEW MEMBER –

Kathy Matta has not been able to make arrangements to get sworn in. She was approved on June 17th. Jim will work with her to get her sworn in prior to the next meeting.

6. BOROUGH BUSINESS

a. REPORTS

i. PLANNER REPORT HERE - *None*

b. PLATTING

i. Plat 2025-105, Don Jack Subdivision 2025 Addition. This subdivision will subdivide one lot into three lots.

Glenda made a motion to provide a comment to the Planning Commission that the Funny River APC has no objection to this plat. Don Seconded. The motion passed Unanimously.

c. MAYOR'S OFFICE

i. Follow-up from July 1, 2025 meeting

On July 1, 2025, Don, Glenda, and Jim met with the Mayor and his staff. Issues discussed during that meeting included: the organizational element of APCs and whether or not changes are planned; the Funny River Boat Launch and river accessibility issues; and a couple of other minor issues. The intent was to continue the discussion at this APC Meeting. As no Mayoral representative was present, the discussion was tabled to the next APC meeting and Glenda will coordinate with the Mayor's Office to get representation at the September meeting.

7. OLD BUSINESS

a. Update on the APC Steering Committee

Held until next meeting

b. Boat Launch Update

Held until next meeting

8. NEW BUSINESS - *None*

9. PUBLIC COMMENT/PRESENTATION- *None*

10. COMMISSIONER COMMENTS- *None*

11. ADJOURNMENT

Don Motioned to Adjourn the Meeting at 7:25(ish). Mike Seconded. The Motion passed Unanimously.

NIKISKI ADVISORY PLANNING COMMISSION
Regular Meeting Minutes
August 7, 2025 at 6:30 pm
Location: North Peninsula Rec Center

1. CALL TO ORDER: 6:31 pm
2. ROLL CALL: Kelly Brewer, Len Niesen, Tom Coursen, Jon Harmon, Stacy Olivia- Zoom: Ryan Raidmae from Kenai Peninsula Borough Planning and Jeff Epperheimer
3. APPROVAL OF AGENDA: Kelly motioned to approve; Jon 2nd-Motioned approved by all
4. APPROVAL OF MINUTES: Tom motioned to approve; Jon 2nd-Motioned approved by all
5. BOROUGH BUSINESS
 - a. PRESENTATION (if any preapproved)-none
 - b. REPORTS
 - i. Planner: none
 - ii. Assembly Member/Other: Jeff explained the KPB Water dependent change- Adrominous rivers and streams will have a 50-foot set back allowing only temporary fencing between adjacent private properties. An Amendment added to ordinance by Jeff, that Adrominous Lakes would be excluded from the fencing set back of 50 feet- Lake property owners will still need a Staff Permit to put in a fence within the 50 feet set back.
 - c. PLATTING
 - i. Nikiski Village subdivision No.2 (KPB 2025-106) Jon motioned to approve; Stacy 2nd. Short discussion about the history and a question about the easement for road maintenance/utilities- All approved
 - ii. Big Bear Lookout Subdivision (KPB 2025-110) Stacy made a motion to approve; Kelly 2nd-All Approved without discussion
6. OLD BUSINESS
 - a. Nikiski Survey Results available by September Nikiski APC meeting
7. NEW BUSINESS: none
8. PUBLIC COMMENT/PRESENTATION: none
10. COMMISSIONER COMMENTS:

Stacy is optimistic about the interest of subdividing/housing in the area
11. ADJOURNMENT: 7:05 pm

Next Regular Meeting: Thursday September 4, 2025 at 6:30 PM Nikiski Recreation Center