

Kenai Peninsula Borough Planning Department

MEMORANDUM

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

THRU: Peter A. Micciche, Borough Mayor *PAM*

FROM: Robert Ruffner, Planning Director *SK*
Sean Kelley, Borough Attorney *SK*

DATE: May 25, 2023

RE: Ordinance 2023- 13, Issuing an Order of Condemnation and Providing an Exception to KPB 21.16.010 to Allow for Expedited Removal of a Hazardous and Dangerous Building (Mayor)

Whittier Properties, Inc. owned and operated a vehicle fueling station business known as Zipmart, which began operations in 1985. The Zipmart business was located at 38525 Swanson River Road, Sterling, Alaska (KPB PIN 06349049).

According to a report published by the State of Alaska's contractor that was engaged to monitor and perform remediation work at the Zipmart site, soil and groundwater contamination was first discovered in 1995. An assessment performed in 2001 found 13 inches of fuel in groundwater monitoring wells at the Zipmart property. The release of fuel was traced to a break in the gasoline tank fill pipe that caused an estimated 53,000 gallons of fuel to be released to the environment. In early 2002, the State of Alaska's Department of Environmental Conservation (ADEC) assumed management of cleanup activities related to the Zipmart site; soil, and groundwater contamination.

The Zipmart building recently collapsed which has created a hazard to public health, safety, and general welfare. The collapsed Zipmart building is a danger and an attractive nuisance to the Sterling area youth and local residents.

This Ordinance provides for an exception to code to waive the requirement to wait 30 days between the Planning Commission show cause hearing and the Assembly's order of removal so that the Borough Administration may immediately proceed with removal of the hazardous building. As additional justification for providing an exception to Borough Code to allow for immediate removal, the Borough will not charge the cost of the removal to the property which is already in significant arrears to the Borough for unpaid property taxes and to the state for costs of site cleanup and remediation. It is in the best interests of the Borough for the Assembly to issue an order of condemnation and order the removal of the hazardous Zipmart building in order to protect citizens against threats to public health, safety, and general welfare.

Your consideration is appreciated.