


Kenai Peninsula Borough
Office of the Borough Clerk

MEMORANDUM

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

FROM: Michele Turner, Acting Borough Clerk 

DATE: June 19, 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)

Per KPB 22.40.050(F), the borough clerk, or the clerk's designee in his or her absence, has the authority to revise pending resolutions and ordinances prior to assembly action, by filling in any blanks in the legislation stating advisory board recommendations made concerning the legislation. This serves as our memorandum to advise the assembly of same.

Conforming to the advisory board's actions, the second to last Whereas clause has been updated to read:

"**WHEREAS,** at its regularly scheduled meeting on June 12, 2023, the Planning Commission held a show cause hearing and following the hearing the Planning Commission approved by unanimous consent a resolution recommending the Assembly issue an order of condemnation; and"

Thank you.

Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Brent Johnson Assembly President
Kenai Peninsula Borough Assembly Members

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

FROM: Robert Ruffner, Planning Director *Rn*

DATE: June 14, 2021

RE: Planning Commission Resolution 2023-12: Recommending an assembly order of condemnation and for removal of a hazardous and dangerous building.

The Kenai Peninsula Borough Planning Commission reviewed the subject ordinance during their regularly scheduled June 12, 2023 meeting.

A motion passed by unanimous vote (11 Yes, 0 No, 1 Absent) to forward a recommendation of condemnation and building removal of the Zipmart building located 38525 Swanson River Road in the Sterling area.

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

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

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

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

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

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

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

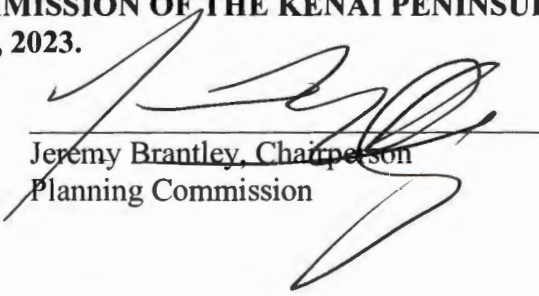
SECTION 2. That the information presented to the Planning Commission at its regularly-scheduled June 12, 2023, meeting demonstrates the Zipmart building, located at 38525 Swanson River Road, Sterling, Alaska, KPB Parcel Identification No. 06349049, is a fire and health hazard, as well as a danger and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

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

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

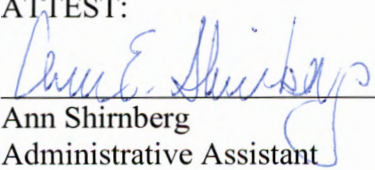
SECTION 5. This resolution is effective immediately upon its adoption.

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



Jeremy Brantley, Chairperson
Planning Commission

ATTEST:



Ann Shirmberg
Administrative Assistant