

Kenai Peninsula Borough

144 North Binkley Street Soldotna, AK 99669

Meeting Agenda Planning Commission

Jeremy Brantley, Chair – District 5 Sterling/Funny River
Blair Martin, Vice Chair – District 2 Kenai
Pamela Gillham – District 1 Kalifornsky
Virginia Morgan, Parliamentarian – District 6 East Peninsula
John Hooper – District 3 Nikiski
Michael Horton – District 4 Soldotna
VACANT – District 7 Central
David Stutzer – District 8 Homer
Dawson Slaughter – District 9 South Peninsula
Diane Fikes – City of Kenai
Franco Venuti – City of Homer
Charlene Tautfest – City of Soldotna
Troy Staggs – City of Seward
VACANT – City of Seldovia

Monday, November 14, 2022

7:30 PM

Betty J. Glick Assembly Chambers

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
- 2. Planning Commission Resolutions
- 3. Plats Granted Administrative Approval

KPB-4722 a. Clam Gulch Heights 2021 Addition; KPB File 2021-150

b. Collins Tustumena Subd; KPB File 2021-116

c. Diamond Storage Subdivision; KPB File 2020-105

d. Doyle Estates Subdivision Sixth Addition; KPB File 2022-062

e. Konovalof Lake Subdivision 2022 Addition; KPB File 2022-010

f. Mimi's Ridge; KPB File 2022-032

g. Tutl'uh Subdivision Carmody Addition; KPB File 2022-068

Attachments: C3. Admin Approvals

4. Plats Granted Final Approval (KPB 20.10.040)

KPB-4723 a. Fort Raymond Subd Replat No. 1 2022 Addition; KPB File

2022-041

b. Iyuptulla Subdivision Lewis Replat; KPB File 2022-142

b. K-B Subdivision Part Thirteen; KPB File 2022-122

Attachments: C4. Final Approvals

5. Plat Amendment Request

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6. Commissioner Excused Absences

7. Minutes

KPB-4724 October 24, 2022 Planning Commission Meeting Minutes

Attachments: C7. 102422 PC Meeting Minutes

D. OLD BUSINESS

E. NEW BUSINESS

1.	<u>KPB-4725</u>	Public Access Easement Vacation
		Questa Woods Subdivision Southern Addition, Plat SW 98-01

Attachments: E1. PAEV Questa Woods

2. <u>KPB-4726</u> Right-Of-Way Vacation

Vacate the East-West Portion of Big D Road & a Small Portion of

Cinnamon Street & Associated Utility Easements

Attachments: E2. ROWV Cinnamon St.

E2. Surveyor Request to Postpone_PC

3. KPB-4727 Right-Of-Way Vacation

Vacate a 17' Width & Part of a Cul-De-Sac Bulb for a 373' Portion of

Lupine Ave, & Associated Utility Easements.

Attachments: E3. ROWV Lupine Ave

4. KPB-4728 Condition Use Permit; PC Resolution 2022-41

For the Construction of a Bridge Within the 50' Habitat Protection

District of Trail Lake

Attachments: E4. CUP AK RR Bridge

5. KPB-4729 Street Naming Resolution 2022-04: Renaming a certain public

right-of-way within Emergency Service Number 302 to Hazy Lane, and naming a certain public right-of-way with Emergency Service

Number 401 to Janey Street.

Attachments: E5. SN Resolution 2022-04

6. KPB-4730 Resolution 2022-XX: Authorizing the acquisition by donation of three

lots of land located in the Seward area on behalf of the Seward Bear

Creek Flood Service Area.

<u>Attachments:</u> <u>E6. RES 2022-XX_Seward Acquisition</u>

7. KPB-4731 Ordinance 2022-XX: Amending the Kenai Peninsula Borough Hazard

Mitigation Plan by deleting existing Annex B, City of Kachemak Hazard Mitigation Plan 2015, and adopting 2022 Kachemak City Local

Hazard Mitigation Plan Update as the new Annex B.

Attachments: E7. ORD 2022-XX Kachemak City HMP

F. PLAT COMMITTEE REPORT

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-4732 OEM Memo - Community Development Block Grant Report

Attachments: Misc Info 111422

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, December 12, 2022 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

Fax: 907-714-2378

e-mail address: planning@kpb.us

website: http://www.kpb.us/planning-dept/planning-home

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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.

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C. CONSENT AGENDA

- *3. Plats Granted Administrative Approval
 - a. Clam Gulch Heights 2021 Addition; KPB File 2021-150
 - b. Collins Tustumena Subd; KPB File 2021-116
 - c. Diamond Storage Subdivision; KPB File 2020-105
 - d. Doyle Estates Subdivision Sixth Addition; KPB File 2022-062
 - e. Konovalof Lake Subdivision 2022 Addition; KPB File 2022-010
 - f. Mimi's Ridge; KPB File 2022-032
 - g. Tutl'uh Subdivision Carmody Addition; KPB File 2022-068



144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision:

Clam Gulch Heights 2021 Addition

KPB File 2021-150

Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on December 13, 2021. 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 Tuesday, October 25, 2022.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 5 day of 1 tober 2022 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: 51/2/23

Madeleine Quainton
State of Alaska
Notary Public
Commission No. 221011006
My Commission Expires With Office

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Charlie Pierce Borough Mayor

ADMINISTRATIVE APPROVAL

Collins Tustumena Subd Subdivision:

KPB File 2021-116

Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on September 13, 2021. 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 Friday, October 21, 2022.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this _____ day of ______ 2022 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With Office

Madeleine Quainton State of Alaska Notary Public Commission No. 221011006 My Commission Expires With Office



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Charlie Pierce Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision:

Diamond Storage Subdivision

KPB File 2020-105

Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on September 14, 2020. 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 Friday, October 21, 2022.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 21 day of Chober 2022 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With Office

Madeleine Quainton
State of Alaska
Notary Public
Commission No. 221011006
My Commission Expires With Office



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Mike Navarre Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision:

Doyle Estates Subdivision Sixth Addition

KPB File 2022-062

Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on June 13, 2022. 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 Monday, October 31, 2022.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

Notary Public for the State of Alaska

My commission expires: With Office

Madeleine Quainton
State of Alaska
Notary Public
Commission No. 221011006
My Commission Expires With Office

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Mike Navarre Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision:

Konovalof Lake Subdivision 2022 Addition

KPB File 2022-010 Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on February 28, 2022. 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 Monday, October 31, 2022.

Vince Piagentini Platting Manager

State of Alaska Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 31 day of October 2022 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With Office

Madeleine Quainton
State of Alaska
Notary Public
Commission No. 221011006
My Commission Expires With Office



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Charlie Pierce Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision:

Mimi's Ridge

KPB File 2022-032

Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on April 11, 2022. 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 Monday, October 31, 2022.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 31 day of 2022 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With Office

Madeleine Quainton
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Commission No. 221011006
My Commission Expires With Office



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Charlie Pierce Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision:

Tutl'uh Subdivision Carmody Addition

KPB File 2022-068

Seward Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on June 13, 2022. 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 Tuesday, October 25, 2022.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

Notary Public for the State of Alaska

My commission expires: with office

Madeleine Quainton
State of Alaska
Notary Public
Commission No. 221011006
My Commission Expires With Office

C. CONSENT AGENDA

- *4. Plats Granted Final Approval
 - a. Fort Raymond Subdivision Replat No. 1 2022 Addition; KPB File 2022-041
 - b. Iyuptulla Subdivision Lewis Replat; KPB File 2022-142
 - c. K-B Subdivision Part Thirteen; KPB File 2022-122

Mike Navarre Borough Mayor

FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision:

Fort Raymond Subdivision Replat No. 1 2022 Addition

KPB File 2022-041

Seward Recording District

The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.040 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Monday, October 31, 2022.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 31 day of October 2022 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With Office

Madeleine Quainton
State of Alaska
Notary Public
Commission No. 221011006
My Commission Expires With Office



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Mike Navarre Borough Mayor

FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision:

lyuptulla Subdivision Lewis Replat

KPB File 2022-142

Kenai Recording District

The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.040 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Friday, November 4, 2022.

Vince Piagentini Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this _____ day of _____ day of _____ 2022 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With office

Madeleine Quainton
State of Alaska
Notary Public
Commission No. 221011006
My Commission Expires With Office



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Mike Navarre Borough Mayor

FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision:

K-B Subdivision Part Thirteen

KPB File 2022-122

Kenai Recording District

The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.040 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Monday, October 31, 2022.

Vince Piagentini
Platting Manager

State of Alaska

Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 31 day of 000 2022 by Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: Lith Office

Madeleine Quainton
State of Alaska
Notary Public
Commission No. 221011006
My Commission Expires With Office

C. CONSENT AGENDA

*7. Minutes
October 24, 2022 Planning Commission Meeting

Kenai Peninsula Borough Planning Commission

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

October 24, 2022 7:30 P.M. UNAPPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

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

AGENDA ITEM B. ROLL CALL

Commissioners Present
Jeremy Brantley, District 5 – Sterling/Funny River
Diane Fikes, City of Kenai
Pamela Gillham, District 1 – Kalifornsky
John Hooper, District 3 – Nikiski
Michael Horton, District 4 – Soldotna
Virginia Morgan, District 6 – East Peninsula
Troy Staggs, City of Seward
Dawson Slaughter, District 9 – South Peninsula
David Stutzer, District 8 - Homer
Charlene Tautfest, City of Soldotna
Franco Venuti, City of Homer

With 11 members of a 12-member seated commission in attendance, a quorum was present.

Staff Present

Robert Ruffner, Planning Director
Walker Steinhage, Deputy Borough Attorney
Vince Piagentini, Platting Manager
Julie Hindman, Platting Specialist
Ann Shirnberg, Planning Administrative Assistant
Rhonda Foster-Deskins, LMD Administrative Assistant.

AGENDA ITEM C. CONSENT & REGULAR AGENDAS

*3. Plats Granted Administrative Approval

- a. Arrowhead Estates 2022 Replat; KPB File 2022-001
- Bryson Subdivision; KPB File 2020-089
- c. Kinder Subdivision; KPB File 2021-079
- d. Seldovia Townsite East Addn Watson 2021 Replat; KPB File 2021-148
- e. Smurfy Acres 2022 Replat; KPB File 2022-080
- f. The Business Center Subd 2022 Replat; KPB File 2022-039

*4. Plats Granted Final Approval

a. Trotter Subdivision Rill River Replat; KPB File 2022-102

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*6. Commissioner Excused Absences

- a. Blair Martin District 2, Kenai
- b. City of Seldovia, Vacant
- c. District 7 Central, Vacant

*7. Minutes

a. October 10, 2022 Planning Commission meeting minutes.

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record.

Chair Brantley asked if anyone wished to speak to any of the items on the consent agenda.

Hearing no one wishing to comment Chair Brantley brought it back to the commission for a motion.

MOTION: Commissioner Venuti moved, seconded by Commissioner Tautfest to approve the regular and consent agendas.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 11	Brantley, Fikes, Gillham, Horton, Hooper, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
No - 0	
Absent-1	Martin

AGENDA ITEM E. NEW BUSINESS

Chair Brantley asked Ms. Shirnberg to read into the record the procedures for public hearings.

ITEM E1 – BUILDING SETBACK ENCROACHMENT PERMIT LOT 10, LAKE ESTATES SUBDIVISION (PLAT K-1648)

KPB File No.	2022-121
Planning Commission Meeting:	October 24, 2022
Applicant / Owner:	David and Nancy Whitmore of Soldotna, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	GL Hollier Street. Ridgeway area

Parent Parcel No.:	057-250-01
Legal Description:	Lot 10, Lake Estates Subdivision, Plat K-1648, Section 21, Township 5 North, Range 10 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Nancy Whitmore, Applicant; P.O. Box 881, Soldotna, AK 99669: Ms. Whitmore is one of the applicants. She stated that building into the setback was a mistake and that she was sorry that it had happened. She then made herself available for questions

Commissioner Fikes asked if any of her neighbors have been negatively affected by this mistake. She wondered if the encroachment would negatively affect road maintenance, particularly for the landowner at the end of GL Hollier Road. Ms. Whitmore replied that she did not believe so. The neighbor at the end of GL Hollier Rd. is the one who uses the road the most. She noted that they use their setback to park several

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cars in.

Chair Brantley asked who was the general contractor on this project. Ms. Whitmore replied Eric Arneson was the general contractor and Steam On Wheels had done the dirt work.

Commissioner Venuti asked how finished was the shed. Ms. Whitmore replied that it was not a shed but a detached garage/shop. She noted that it was finished on the inside and has power running to it. Commissioner Venuti then asked when was it built and Ms. Whitmore replied that it was built this last summer. Commissioner Venuti asked if there was a mortgage on the property, which would require an asbuilt, or were they building out of pocket. Ms. Whitmore replied that they were building out of pocket and that no as-build was done. Commissioner Venuti then asked if their contractor did a survey on the property before they began building. Ms. Whitmore replied apparently, they did not. The corners of the property were marked when they purchased the lot.

<u>Troy Taylor; 43680 Ross Drive, Soldotna, AK 99669:</u> Mr. Taylor is a neighboring landowner and spoke in opposition to this permit. He had contacted the borough regarding his concerns. Mr. Taylor stated he believed it was brought to his neighbor's attention, when they put in the concrete slab, that they were building in the right-of-way. They ignored the warning and continued with the building of their shop. He also noted that they also built an additional 3' X 3' slab next to the shop. He believes that the setback rules should be followed.

Nancy Whitmore, Applicant; P.O. Box 881, Soldotna, AK 99669: Ms. Whitmore reiterated that they made a mistake in building in the setback. They were not made aware of the issue until recently. She noted the dirt work was done for the shop over a year ago. Steam On Wheels built the gravel pad for the shop and covered it with foam and wire and it sat there over the winter into the spring, right across the road from Mr. Taylor. Mr. Taylor has never spoken to them directly about his concerns. It was pretty clear where they were planning to build the shop. She wished Mr. Taylor had spoken to them about his concerns. If he had spoken to them, they would have corrected the error. They were concerned about 3' X 3' slab but the electrician has wired their shop in such a way he said that it was the only location for the generator. Their contractor has told him if it was necessary, they could move the location for the generator. She noted that the first time they were made aware of the issue, was when someone from the borough had contacted them. By then the concrete slab had been installed and the walls for the shop had already gone up.

Commissioner Venuti noted that he has been inspecting new construction projects for the last 30 years and it is a rare project that gets built out of whack like this. He wonders why their contractor did not build by the rules, why didn't he conduct a survey before starting the project. It is his responsibility, as well as yours, to make sure that he follows the rules. Ms. Whitmore agreed, they were stunned that both the contractor and their dirt guy didn't catch this error. It appears no one took a hard look at the plat before they began to build. They understand that ultimately it is their responsibility and they are sorry. Commissioner Venuti noted that this is not a new rule, it has been on the books for years. He then stated that he would have a hard time supporting this request.

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

MOTION: Commissioner Morgan moved, seconded by Commissioner Gillham to adopt PC Resolution 2022-46 granting a building setback encroachment permit to Lot 10, Lake Estates Subdivision, Plat K-1648.

Commissioner Stutzer noted that he has been very vocal in the past about folks not doing their homework before starting construction, which leads to errors like this. It is still his position that errors like this should not occur. In this situation he believes there are a couple of mitigating factors. First, the owners have been very forthright about accepting responsibility for this error. Second, the road that is being talked about here is basically a driveway and only serves three lots. He noted staff has stated that there are no sightline issues. The neighbor that spoke in opposition, stating that he has issues with this request, built his home right on the setback line. They are parking in their setback and have to back on to the road to get away from their house. This road has been designed in such a way that the borough will not take over the maintenance, so he doesn't see any issues there either. This road will be maintained by the neighborhood. He recognizes that this is a sticky situation, and he understands Commissioner Venuti's comments. He then stated that he is inclined to support this petition but he does have concerns as well.

Kenai Peninsula Borough Page 3 21

Commissioner Morgan stated that in the end it is the landowner's responsibility to make sure things like this don't happen, but she also noted that landowners have to rely on the expertise of their contractors. She is very disappointed in the contractor's lack of research before starting their work.

Commissioner Gillham stated that she agrees with Commissioner Morgan. She also would place most of the blame in this situation on the contractor. He should have done his homework. She is not concerned with the neighbors parking in their setback, that area is still a part of their property. The setback code relates to construction within the setback. She stated that she is inclined to support this request as she feels that the fault lies mostly with the contractor. The landowners should be able to trust in their expertise.

Chair Brantley noted the testimony from the neighbor inferred that the landowners had built in the right-of-way. That is not correct, the encroachment is into the setback. The shop is still on the landowner's property. He does not see snow removal or road maintenance being affected. He does have some sympathy for this being an older plat and the setback information not being very visible. Contractors do make mistakes. The reason he asked who the contractor was, is that he has been on this commission long enough and likes to see if there is a reoccurring theme with certain contractors that might need to be addressed. He then stated that he will be supporting this request.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 11	Brantley, Fikes, Gillham, Horton, Hooper, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
No - 0	
Absent-1	Martin

ITEM E2 – UTILITY EASEMENT ALTERATION 20-FOOT-WIDE HOMER ELECTRIC ASSOCIATION EASEMENT WITHIN LOTS 2A-1 AND 2B-1 OF SELDOVIA TOWNSITE EAST ADDITION 2006 REPLAT

KPB File No. 2022-148V Planning Commission Meeting: October 24, 2022

Applicant / Owner: Jennifer Watson of Anchorage, Alaska

Surveyor:

General Location: City of Seldovia

Staff report given by Platting Manager 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 commission.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Morgan to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 11	Brantley, Fikes, Gillham, Horton, Hooper, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
No - 0	
Absent-1	Martin

ITEM E3 – RESOLUTION 2022-054 A RESOLUTION APPROVING THE ACQUISITION OF A PUBLIC ACCESS EASEMENT FROM THE STATE OF ALASKA FOR WATERMELON TRAIL

Staff report given by Land Management Officer Marcus Mueller.

Kenai Peninsula Borough Page 4 22

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 commission.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Gillham to forward to the Assembly a recommendation to adopt Resolution 2022-054, approving the acquisition of a public access easement from the State of Alaska for Watermelon Trail.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 11	Brantley, Fikes, Gillham, Horton, Hooper, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
No - 0	
Absent-1	Martin

AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Gillham reported the plat committee reviewed eight plats, granted preliminary approval to seven and postponed action on one.

AGENDA ITEM H. PUBLIC COMMENT/PRESENTATIONS

Chair Brantley asked if there was anyone from the public who would like to comment on anything not appearing on the agenda. No one wished to comment.

AGENDA ITEM K. ADJOURNMENT

Commissioner Venuti moved to adjourn the meeting at 8:36 PM.

Ann E. Shirnberg Administrative Assistant

Kenai Peninsula Borough Page 5 23

E. NEW BUSINESS

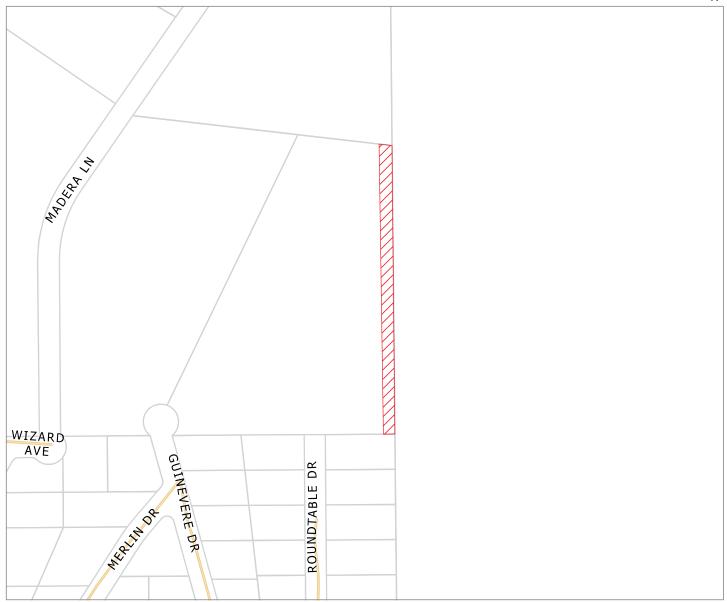
1. Public Access Easement Vacation; KPB File 2022-159V Request: Vacates a 33' x 820' public access easement adjacent to Tract H of Questa Woods Subdivision Southern Addition, Plat SW 98-01



Kenai Peninsula Borough Planning Department

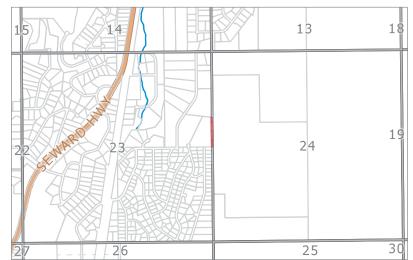
Vicinity Map



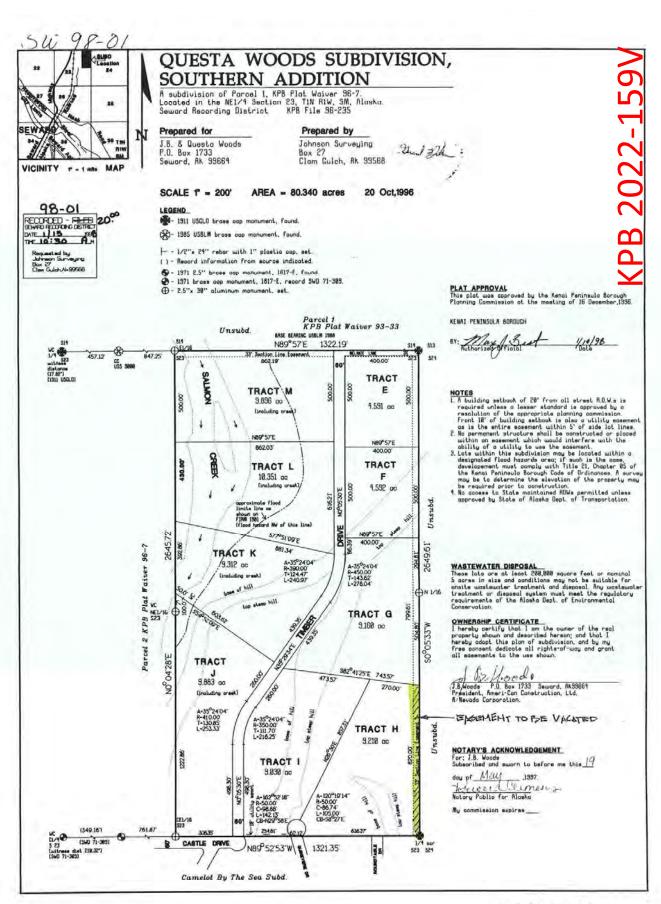


KPB File 2022-159V T 01N R 01W SEC 23 Bear Creek

10/24/2022 300 600 Feet







Lang & Associates, Inc. 11500 Daryl Avenue Anchorage, Alaska 99515 AGENDA ITEM E. NEW BUSINESS

ITEM 1 - RIGHT OF WAY VACATION PUBLIC ACCESS EASEMENT CREATED BY QUESTA WOOD SUBDIVISION SOUTHERN ADDITION PLAT SW 98-01

KPB File No.	2022-159V
Planning Commission Meeting:	November 14, 2022
Applicant / Owner:	James and Leann Unrein of Seward, Alaska
Surveyor:	Ken Lang / Lang & Associates, Inc.
General Location:	Roundtable Drive, Salmon Creek Road, Bear Creek
Legal Description:	Public Access Easement shown as a section line easement along Tract
	H, Questa Woods Subdivision Southern Addition, Plat SW 98-01

STAFF REPORT

Specific Request / Purpose as stated in the petition: The following is our justification for the vacation of the 33' section line easement on this tract:

- 1. The easement does not appear in the 1923 patent for the original parcel and seems to have been created and dedicated on Plat 98-01, Questa Woods Subdivision, Southern Addition.
- 2. The easement has never been used. There is no road, trail or utilities within it.
- 3. The easement does not appear on the plat of Camelot by the Sea Subdivision to the south of this tract.
- 4. There is alternate North-South access available over Timber Drive to the west of Tract H.
- 5. The undeveloped parcel to the east is owned by Alaska Mental Health Trust Authority and has access from Melanie Lane ant the north end of that parcel.

<u>Notification:</u> Public notice appeared in the November 2, 2022 issue of the Seward Journal as a separate ad. The public hearing notice was published in the November 9, 2022 issue of the Seward Journal as part of the Commission's tentative agenda.

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

Library of Seward

Post Office of Seward

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

Public hearing notices were sent by regular mail to sixteen owners within 600 feet of the proposed vacation.

Thirty public hearing notices 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
Bear Creek Emergency Services
Kenai Peninsula Borough Office
Alaska Mental Health Trust Authority
Seward Bear Creek Fire Service Area

Alaska Communication Systems (ACS)

ENSTAR Natural Gas

General Communications Inc, (GCI) Homer Electric Association (HEA)

Chugach Electric Seward Utilities TelAlaska <u>Legal Access (existing and proposed):</u> A section line easement was indicated on the parent plat along the eastern boundary. Reviewing the information it appears that a section line easement was not in place but by showing it on the plat a public access easement was created. This was not dedicated as right-of-way so all lots in the area front along other dedicated rights-of-way.

Tract H, the lot requesting the vacation, has dedicated access from a cul-de-sac bulb at the north end of Guinevere Drive and from Roundtable Drive. All subdivided lots in the area have dedicated access.

The 195 acre parcel to the east is owned by Alaska Mental Health Trust Authority. The lot does not front on any dedicated rights-of-way. While the access easement could provide access there is no current connection to the easement in this location to allow the large acreage tract to be accessed and all access would need to come from the north. To the north of the parcel is an 80 acre parcel in private ownership. To the north of that parcel is Melanie Lane and Knotwood Street. In addition to the 33 foot public access easement created by plat, there is a 33 foot section line easement within the 80 acre parcel that connects to the 195 acre parcel. The 195 acre parcel appears to be subject to a 50 foot section line easement. The section line easements from the north provide the access needed for the Alaska Mental Health Trust Authority lands.

The block is not compliant due to large acreage tracts in the area and many cul-de-sac or dead end rights-of-way. The removal of the public access easement will not improve or worsen the block compliance as a section line easement will remain to the east.

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

<u>Site Investigation:</u> Tract H does contain some improvements on the property that appear to be accessed from Guinevere Drive. Per an as built provided for the plat, the house is not within the easement but a fuel tank is within the 33 foot easement.

There are no low wet areas within the tract or vacation area. There are no low wet areas that affect other access areas that would result in needing this easement for access.

There are some areas of steep slopes within Tract H. Within the area proposed to be vacated there does not appear to contain steep slopes but there are some located to the south of the easement and in some areas to the north.

KPB River Center review	Floodplain: Located in a Non-Regulatory X - Zone, minimal flood risk Habitat Protection: Is NOT within HPD. No comments State Parks: No Comments
Alaska Fish and Game	No objections

<u>Staff Analysis:</u> Questa Woods Subdivision Southern Addition, Plat SW 98-01, subdivided a parcel that was created by a plat waiver. When the plat was done a 33 foot section line easement was shown within Section 23 along the eastern section line. This depiction is along all the tracts created by that plat and the owners now wish to vacate the easement along Tract H.

KPB Staff research shows that the date of entry by the original owner was filed on August 1, 1922 and federal patent was issues to him on May 9, 1929. The patent does not contain any patent easements. In determining section line easements within Alaska there are several ways to determine if a section line easement exists and what the width would be. One is if the date of entry predated survey plat approval then there is no easement. It appears the

first Master Title Plat for this area was filed in 1963. Additionally, April 6, 1923 is the date legislation for section line easements was enabled and if the date of entry is prior to that date there is no easement.

While a section line easement does not exist in the area being discussed, the depiction on the plat created a public access easement with the same qualities as a section line easement. This would allow for public access, installation of roads and utilities. This would not be a state easement but we have notified various state officials for their comment. If there is any question about a section line easement, the owner/surveyor should contact Alaska State DNR for a determination. If it is determined one is present the owners may work with the state on a section line easement vacation otherwise a subdivision plat or planning commission resolution may vacate the easement.

As other lots have access from dedicated rights-of-way or other section line easements it does not appear the public access easement is required. It is not constructed and to the south it does not connect to any other easements or dedications. To the south is the Camelot by the Sea Subdivision which is not subject to a section line easement and one was not shown. The lots to the south are small in size and getting a dedication to connect to this easement will not be possible.

If it is found that the easement is in use by utility providers, staff would recommend the owners work with the utility companies to grant easements over existing services.

20.65.050 - Action on vacation application

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

Staff comments: It is not in use

- A road is impossible or impractical to construct, and alternative access has been provided;
 Staff comments: Lots have additional access and the existing easement cannot continue south of the proposed vacation area.
- 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;

Staff comments: Large acreage lots to the east will need to be developed but are large enough to provide their own access and easements.

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

Staff comments: Does not provide access to public lands.

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

Staff comments: All subdivided lands have dedicated access in the area. Large acreage tracts have additional access.

- Other public access, other than general road use, exist or are feasible for the right-of-way;Staff comments:
- 7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests,

and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.

Staff comments: Any needed utility easements should be granted

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

Staff comments: This easement was incorrectly shown and labeled and thus created the public access easement by plat.

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

The Assembly will hear the vacation at their scheduled December 13, 2022 meeting.

If approved, Questa Woods Subdivision Unrein Addition, KPB File 2022-159 can finalize the proposed right of way vacations. The Plat Committee is scheduled to review the preliminary plat on November 14, 2022. A Planning Commission Resolution may also be adopted if the owners do not feel they will finalize the plat within one year of consent.

KPB department / agency review:

Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments:
Code Compliance	There are not any material site issues with this proposed plat. Reviewer: Ogren, Eric Comments: No comments
Addressing	Reviewer: Haws, Derek Affected Addresses: 12512 ROUNDTABLE DR Existing Street Names are Correct: No List of Correct Street Names: ROUNDTABLE DR GUINEVERE DR MELANIE LN Existing Street Name Corrections Needed: TIMBER DR should be MADERA LN CASTLE DR should be WIZARD AVE All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 12512 ROUNDTABLE DR will remain on tract H.
Assessing	Reviewer: Windsor, Heather Comments: No comment

Utility provider review:

HEA	Not within HEA service area. No other comments.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown
SEWARD	
ELECTRIC	
CHUGACH	No comment. Not within our service area.
ELECTRIC	
TELALASKA	

RECOMMENDATION:

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

- Consent by KPB Assembly.
- 2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
- 3. Grant utility easements requested by the utility providers.
- 4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130) or request a resolution to be recorded within one year of vacation consent.

KPB 20.65.050 - Action on vacation application

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

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

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

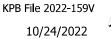
- Focus Area: Energy and Utilities
 - Objective A Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.
 - Strategy 1. Near Term: Maintain existing easements (especially section line easements) in addition to establishing adequate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

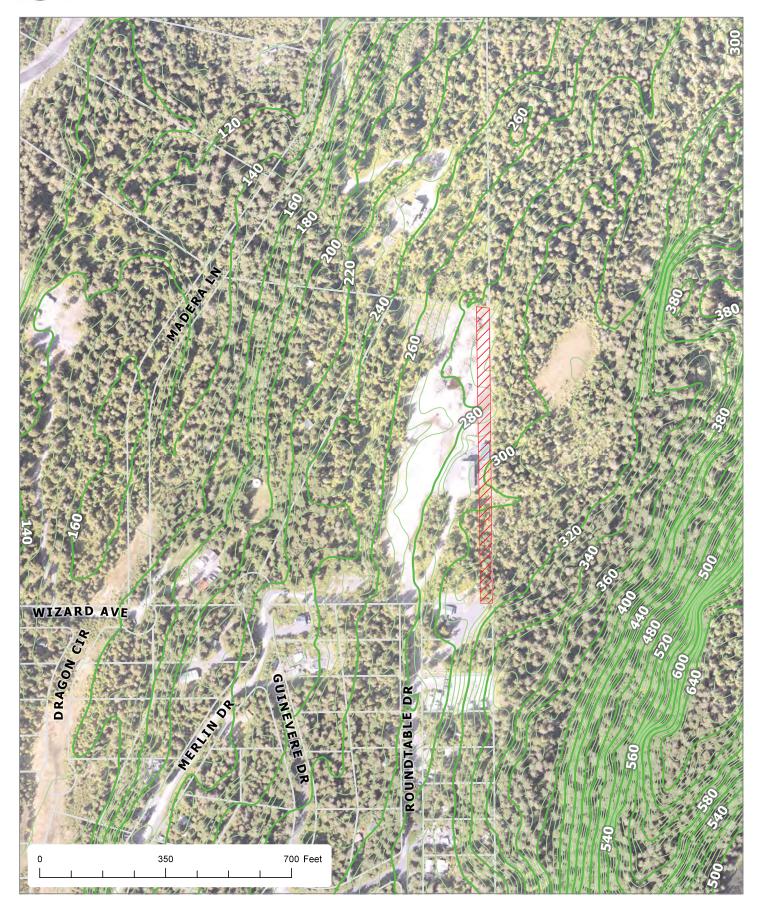
Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

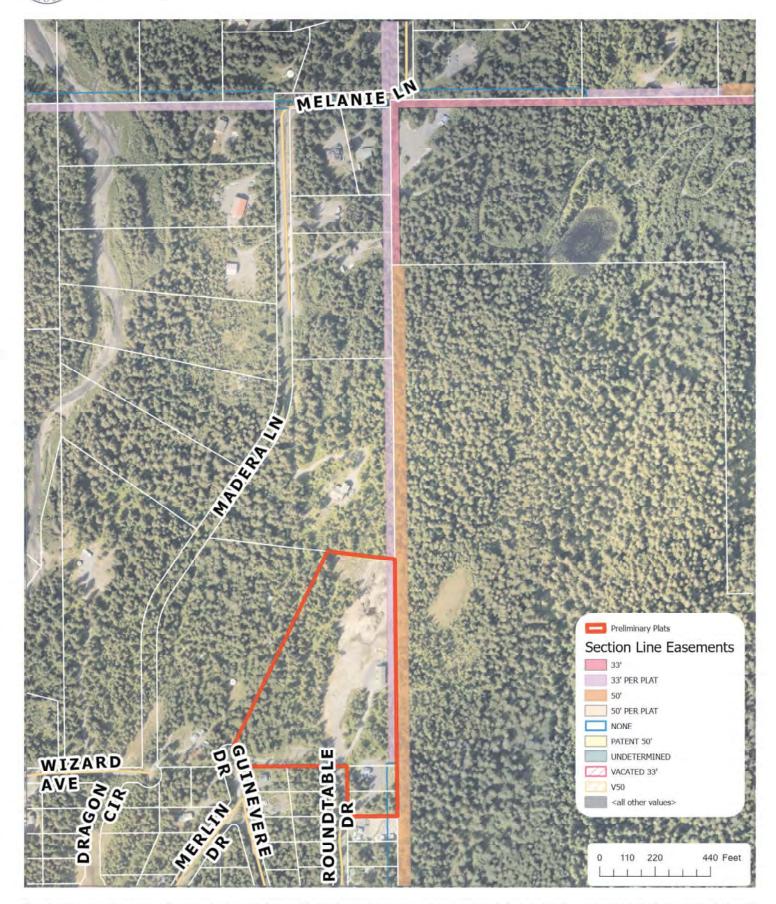
- Focus Area: Transportation
 - Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.
 - Strategy 2. Near Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.
 - Strategy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

END OF STAFF REPORT









25 Ril MAP VICINITY

QUESTA WOODS SUBDIVISION, SOUTHERN ADDITION

A subdivision of Parcel 1, KPB Plat Waiver 96-7. Located in the NEI/4 Section 23, TIN RIW, SM, Alaska. Seward Recording District. KPB File 96-235

Prepared for

J.B. & Questo Woods P.O. Box 1733 Seword, Ak 99664

Prepared by

Johnson Surveying Box 27 Clam Guloh, Ak 99588

98-01

RECORDED - 12000 SEWAD REDERING OSTRUTION DATE: 1113 SEPTEMBER 10: 30 FLM Requested by Johnson Surveying Bax 27 Cley Gulch/Ak99568

(5WD 71-389)

[mitness diet 218.32*] [SWU 71-389]

SCALE 1" = 200"

AREA = 80.340 acres

20 Oct,1996

LEGEND

👺- 1911 USGLO bross cop manument, found

(A)- 1985 USBLM bross pop monument, found

- 1/2"x 24" rebar with 1" plastic cap. set.

() - Record information from source indicated

S - 1971 2.5" bross cop monument, 1617-E. Found.

- 1971 brass cap manument, 1817-E, report SWD 71-389.

⊕ - 2.5"x 38" pluminum monument, set.

PLAT APPROVAL
This plot was approved by the Kenai Peninsula Baraugh
Planning Commission of the mooting of 16 December 1886.

KENAT PENINSULA BURDUCH

1/14/98 Date Ruthorized D

NOTES

1. A building setbook of 28' from all street R.O.W.s is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 18' of building setbook is also a utility somement as is the entire accement within S' of side lot lines.

2. No permonent structure shall be constructed or placed within an assement which would interfere with the ability of a utility to use the essement.

3. Lots within this subdivision may be located within a designated flood hazards area; if such is the case, development must comply with Title 21. Chapter 85 of the Kenai Peninsula Barough Gods of Ordinances. A survey may be to determine the elevation of the property may be required prior to construction.

9. No pacess to State maintained ROWs permitted valess approved by State of Alaska Cept. of Transportation.

Parcel 1 KPB Plat Waiver 93-33 Unsubd. BASE BEARING USBLM 1868 514 N89°57'E 1322.19 513 WA B 847.25 3' Seatjon Line Eggement 529 witness 400.00 CC U55 3000 distance [17.82'] [1911 USCLE) SALMON TRACT E 200,00 TRACT M 9.896 00 4.591 oc Dineluding orack N89°57'E NB9°57E TRACT L TRACT 10.351 00 (including oreek) 4.592 ac NOPOSTOTE Unsubd ehouse on FIRM 1981 (flood hazard NW of this line) 577051:09 E N89° 57 F 26457 400.00 2649.61 Plat Waiver 96-7 881.34 TRACT K A-35°24'04' R-390.00' T-124'47 L-240.97' 9.312 00 (Americ oribulant) llid to exoc AN 1/16 too steep hill 000 Sept 00 90300 NET/19 TRACT G KPB 9,160 oc 50°05:33 W Parcel 2 04.28'E TRACT 100 S82°41'25'E 743.57 473 57 9.883 ac 00 270.00 (including orack) A-35°24'04" R-410.00 T-130.85 L-253.33 77 A-35°24'04' R-350.00' T-111.70' L-216.25' TRACT H 9.210 ac 820,00 122286 TRACT I 9.030 ac 458.30 458.30 E A-120°19'14' R-50.00' C-86.74' L-105.00' CB-58°27E A-162°52'18" 3' R-50.00" C-98.88" 5' L-142 13 E C8-N29°58E 1174 See Se -8 761.87 308.35

CASTLE DRIVE

Camelot By The Sea Subd

N89°52'53"W

WASTEWATER DISPOSAL
These lots are at least 200,800 source feet or nominal
5 acres in size and conditions may not be suitable for
onsite wastewater treatment and disposal. Any wastewater
treatment or disposal system must meet the regulatory
requirements of the Alaska Dept. of Environmental
Conservation.

OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the real property shown and described hereon; end that I hereby adopt this plan of subdivision, and by my free consent dedicate all rights-of-way and grant all sceements to the use shown.

18.Woods P.O. Box 1733 Seward, Ak99664 Président, Remeri-Con Construction, Ltd. & Nevodo Corporation

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this

day of Mau to of my 1997. Notory Public for Alasko

My commission expires_

1321.35

E. NEW BUSINESS

Right-Of-Way Vacation; KPB File 2022-155V
 Request: Vacates a portion of Cinnamon St. in Sections 14
 23 and a 60' X 597' portion of Big D Road
 running east/west in Section 13, all in T05N &
 R14W



Kenai Peninsula Borough Planning Department

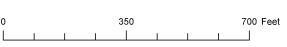
Vicinity Map

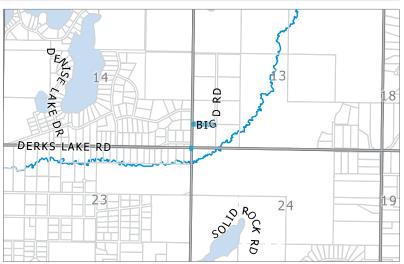




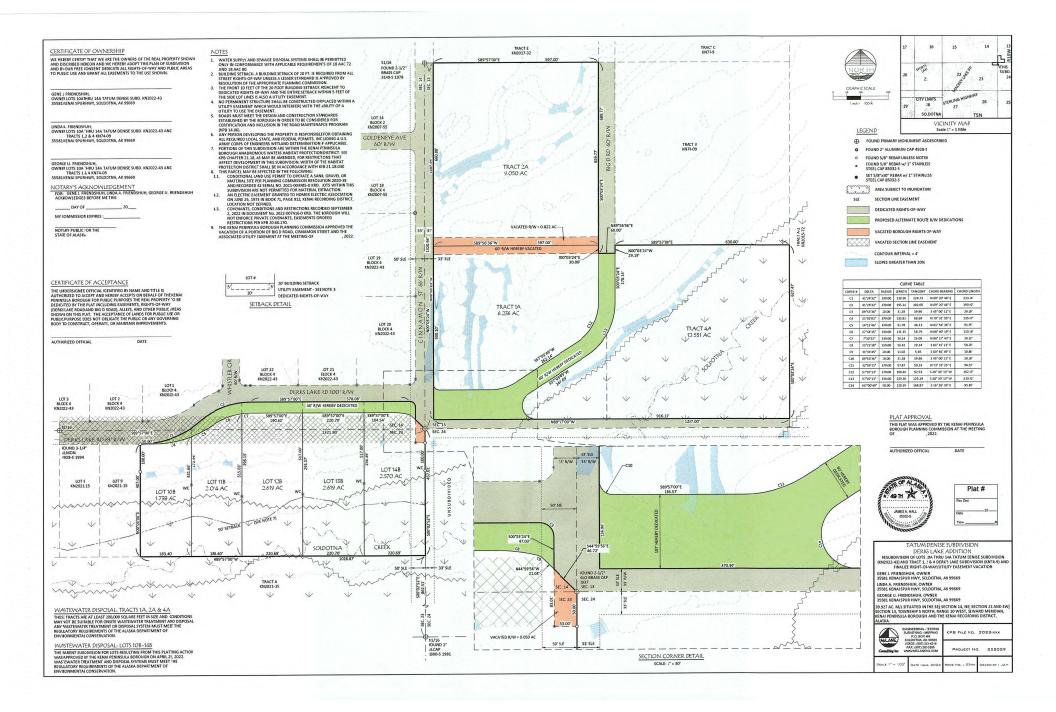
KPB File 2022-155V T 05N R 10W SEC 14, 13, AND 23 Ridgeway

10/14/2022









ITEM 2 - RIGHT OF WAY VACATION

VACATE THE EAST-WEST PORTION OF BIG D ROAD AND A SMALL PORTION OF CINNAMON STREET AND ASSOCIATED UTILITY EASEMENTS

KPB File No.	2022-155V
Planning Commission Meeting:	November 14, 2022
Applicant / Owner:	Gene, Linda, and George Friendshuh all of Soldotna, Alaska
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Derks Lake Road, Ridgeway
Legal Description:	Big D Road, Derk's Lake Subdivision, Plat KN 74-9, Section 13, Township
	5 North, Range 10 West.
	Cinnamon Street, Tatum Subdivision, Plat KN 2021-15 and Denise Lake
	Estates Part Two, Plat KN 94-27, Sections 14 and 23, Township 5 North,
	Range 10 West.

STAFF REPORT

Specific Request / Purpose as stated in the petition:

RIGHT-OF-WAY & ASSOCIATED UTILITY EASEMENTS VACATED:

Big D Road from Cinnamon Street east to intersection with easterly property line of Lot 1 & 2 (KN 74-9).

- dedicated per Derk's Lake Subdivision KN74-9
- current right-of-way width is 60 feet.
- proposed vacation is approximately 0.822 acres

Cinnamon Street at the southwest corner of dedication.

- dedicated per Denise Lake Estates KN94-27 and Tatum Subdivision KN2021-15.
- current right-of-way width is 33 feet
- proposed vacation is approximately 0.050 acres
- the north/south section line easements will remain

Reasoning:

This replat effort is in conjunction with State of Alaska Department of Natural Resources (ADNR) section line easement vacation (slev) requirements for EV 3-353. This section line easement was approved for vacation by the Kenai Peninsula Borough Planning Commission on 9/13/2021 & Assembly on 10/12/2021 per KPB File no. 2021-123V.

The re-alignment of Big D Road is adhering to ADNR requirements, provides extension of Derk's Lake Road and can feasibly be constructed.

The vacation of Cinnamon St. is to provide additional acreage to proposed Lot 14b for responsible development along Soldotna Creek. With the proposed r/w dedication this area is unnecessary for road development.

Alternate route proposed:

Derk's Lake Road is proposed to have an additional 40 foot dedication for 100-foot-wide r/w.

East of Cinnamon Street is currently a 33 foot r/w and offset south of the re-alignment of Derk's Lake Road. A proposed additional 107-foot-wide dedication will allow for a direct transition to the re-aligned Big D Road.

Future development along the section line, over Soldotna Creek, will have 140-foot-wide dedicated r/w and additional 33-foot-wide section line easement to adequately design a transition to that alignment.

60-foot-wide dedication re-directing to the northeast and connection to previous dedication of Big D Road allows for a feasibly constructible transition between Derk's Lake Road and Big D Road.

<u>Notification:</u> Public notice appeared in the November 3, 2022 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the November 10, 2022 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

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

Library of Soldotna

Post Office of Soldotna

Nine certified mailings were sent to owners of property within 600 feet of the proposed vacation. Four receipts had been returned when the staff report was prepared.

Sixteen public hearing notices 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)

<u>Legal Access (existing and proposed):</u> Legal access to Derks Lake Road is via Mackey Lake Road to Denise Lake Road. An alternate route is from Denise Lake to Aksala Lane and Arctic Tern Road.

Nearby right-of-way Goldeneye Avenue provides additional access.

Tatum Denise Subdivision, Plat KN 2022-43, finalized a partial vacation of Derks Lake Road and then provide a new dedication for the right-of-way to provide a realignment of Derks Lake Road. The vacation was for a 100 foot width of Derks Lake Road that was atop a 100 foot section line easement. The new dedication was code compliant at 60 foot in width. The Kenai Peninsula Borough Planning Commission and Assembly also heard the vacation of the underlying section line easement and recommended to the state approval of the vacation. The owners finalized their subdivision with the right-of-way vacation and realignment but are still working with the state on the section line easement vacation. The state is requesting that the new portion of Derks Lake Road be expanded to 100 feet. There is a partial dedication to the south but the intersection is not in line with Derks Lake Road. Vacating the east-west portion of Big D Road and providing a new connection in line with Derks Lake Road will improve the situation and bring the area into compliance with requests made by the state.

A small portion of Cinnamon Street is proposed for vacation and is not improved. The Plat Committee did not require a dedication for the southern portion of Cinnamon Street when reviewing Tatum Denise Subdivision, Plat KN 2022-43, as there are section line easements present for access, a dedication would cross anadromous Soldotna Creek, and to the south is a material site that did not require public access via dedication. They are now requesting to vacate a small portion of Cinnamon Street south of the Derks Lake Road dedication. The area proposed to remain will provide an access to the other rights-of-way and section line easements in the area. The section line easement that is underlying to the right-of-way dedication proposed for vacation will remain.

The portion of Big D Street proposed for vacation appears to have a constructed road but is not maintained by the borough. The proposal will move the Big D Street intersection in line with Derks Lake Road and will increase the width at the intersection to 160 feet when including the previously unnamed dedication along the south and 193 feet when considering section line easements. The new design will follow the terrain and avoid Soldotna Creek. The new road will curve northerly to connect to the existing Big D Road north-south dedication.

Due to the proximity to Soldotna Creek and material sites, the block containing the lots does not comply. The tracts have a similar situation due to large acreage parcels in the area and Soldotna Creek. The northern block for the Tracts is not currently compliant in length. The relocation will result in the length being longer.

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

<u>Site Investigation:</u> The area contains some steep slopes and wetlands in addition to anadromous stream, Soldotna Creek. The areas proposed for vacation appear to be areas free of terrain issues as do the new proposed dedications.

KPB River Center review	Floodplain: No Comments State Parks: No Comments Habitat Protection: IS totally or partially within HPD
Alaska Fish and Game	No objections

<u>Staff Analysis:</u> The lots south of Derks Lake Road have limited buildable area due to restrictions associated with Soldotna Creek wetlands. The vacation and realignment of Derks Lake Road was to provide more usable area for the lots. The request to vacate the small portion of Cinnamon Street is stated to provide additional area to the lot. The area proposed for vacation is .05 acres and the lot is still subject to section line easements that will limit development area.

The now required 40 feet of additional width for Derks Lake Road creates an intersection issue with the unnamed dedication along the section line easements to the southeast. Providing a dedication to bring the intersection into compliance would be needed. The owners are willing to do such and provide a connection to the existing north-south dedication of Big D Road. In exchange for that new dedication the owners are petitioning to vacate the existing east-west dedication of Big D Road.

Currently Derks Lake Road is constructed within the dedication until it approaches the lots within this proposal. The roadway continues within the former dedication before angling to the north through several lots until it connects with Cinnamon Street and then is within the Big D Road dedication. The roadway continues to the north within the dedication and then veers outside the dedication through property. All the property the roadway goes through and is currently owned by the same owners of the petition. One additional owner appears to have a trail off Big D Road to their property. The property does not appear to have any improvements.

As the portion of Big D Road proposed for vacation is constructed and provides access to numerous parcels, staff would request that the new dedication be built to borough standards prior to finalization of the vacation. The Kenai Peninsula Borough Roads department will have to notify the planning department that the new right-of-way has been constructed and is acceptable.

A 10 foot wide utility easement will adjoin all dedicated rights-of-way within the proposed subdivision. The vacation of the rights-of-way includes the vacation of associated utility easements.

Approval of the vacation will be subject to consent or veto by the Kenai Peninsula Borough Assembly. The petition to vacate is tentatively scheduled for the December 13, 2022 Assembly meeting.

20.65.050 – Action on vacation application

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
 - The right-of-way or public easement to be vacated is being used;
 Staff comments: Cinnamon Street is not constructed and section line easement will remain for access. The portion of Big D Road proposed is constructed.
 - 2. A road is impossible or impractical to construct, and alternative access has been provided;

 Staff comments: Section line easement will remain under the Cinnamon Street vacation for access and a new connection for Big D Road is proposed. Additional section line easements and dedications are in the area.
 - 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed:

Staff comments: Many parcels in the area are large acreage properties within minimal development.

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

Staff comments: Does not provide access to public lands.

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

Staff comments: The vacation and new dedications will not limit opportunities but the vacation contains a constructed roadway

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

Staff comments:

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

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

The Assembly will hear the vacation at their scheduled December 13, 2022 meeting.

If approved, Tatum Denise Subdivision Derks Lake Addition will finalize the proposed right-of-way vacations. The Plat Committee is scheduled to review the plat at the November 14, 2022 meeting.

KPB department / agency review:

Planner	Reviewer: Raidmae, Ryan
	There are not any Local Option Zoning District issues with this proposed
	plat.

	·
	Prior Existing Use
	PEU Recognized Date: 5/10/2001
	Conditional Land Use Permit
	CLUP Resolution Number: 2020-38
	CLUP Approval Date: 12/14/2020
	Material Site Comments:
	The CLUP is located South and adjacent to newly subdivided lots 10B
	through 14B. The PEU is located on the newly subdivided lot 1A. Per
	section 21.29.120(A), the PEU status will be considered abandoned due to
	the subdivision.
Code Compliance	Reviewer: Ogren, Eric
	Comments: No comments
Addressing	Reviewer: Haws, Derek
	Affected Addresses:
	37180 CINNAMON ST
	37140 CINNAMON ST
	Existing Street Names are Correct: Yes
	List of Correct Street Names:
	DERKS LAKE RD
	CINNAMON ST
	BIG D RD
	WHISTLER CIR
	GOLDENEYE AVE
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:
	Comments:
	37180 CINNAMON ST will remain with lot 2A.
	37140 CINNAMON ST will remain with lot 1A.
Assessing	Reviewer: Windsor, Heather
	Comments: No comment

Utility provider review:

HEA	Locate and depict the overhead and primary electric line on the final plat. Provide a label or plat note stating, "The existing overhead powerline is the centerline of a 30-foot-wide electric easement, including guys and anchors, granted this plat."
ENSTAR	No comments or recommendations
ACS	No objection
GCI	Approved as shown

RECOMMENDATION:

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

- 1. Consent by KPB Assembly.
- 2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
- 3. Grant utility easements requested by the utility providers.
- 4. Construction of the new right-of-way and approval of the KPB Roads Department.
- 5. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

KPB 20.65.050 - Action on vacation application

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

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

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

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

that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.

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

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

END OF STAFF REPORT

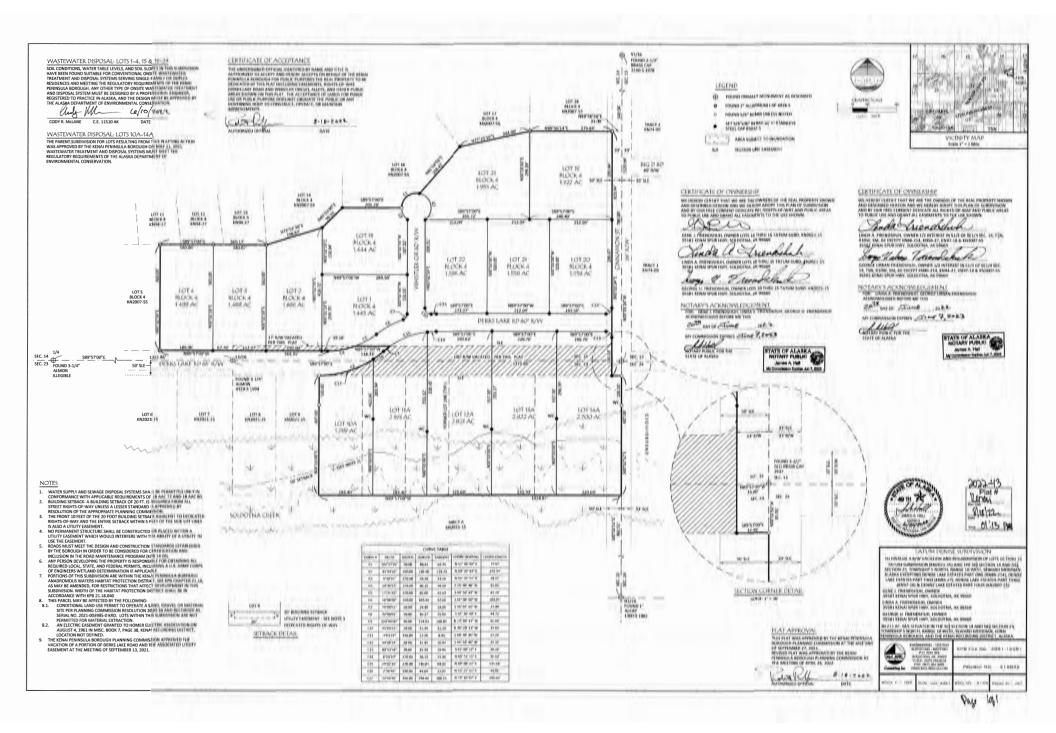


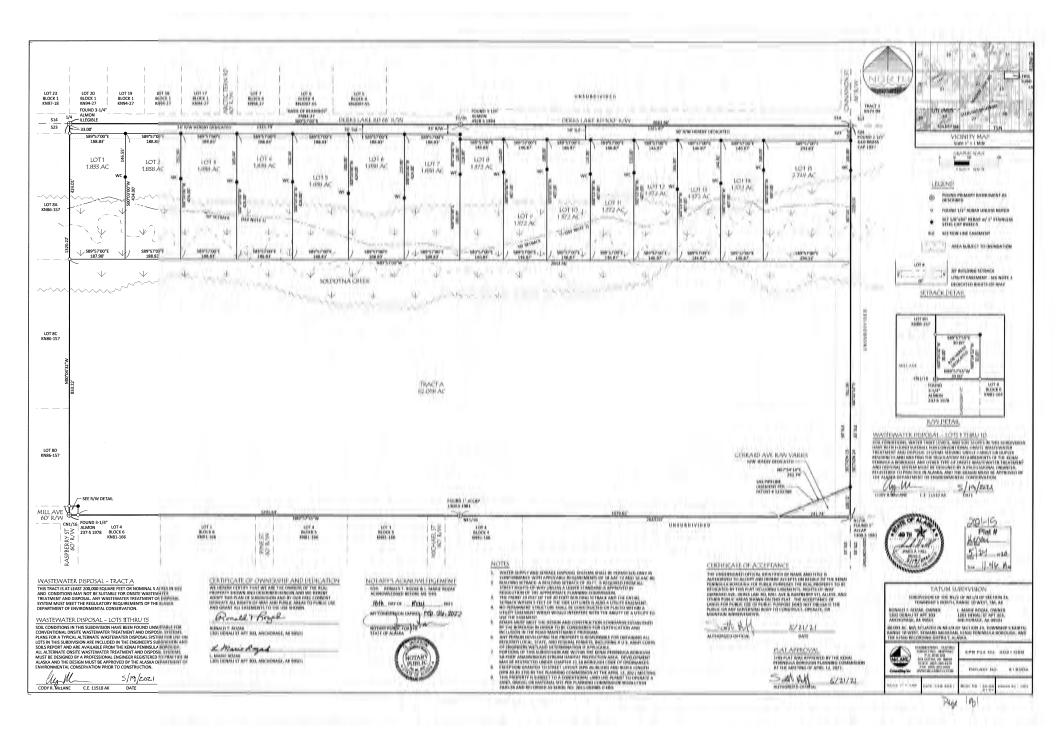


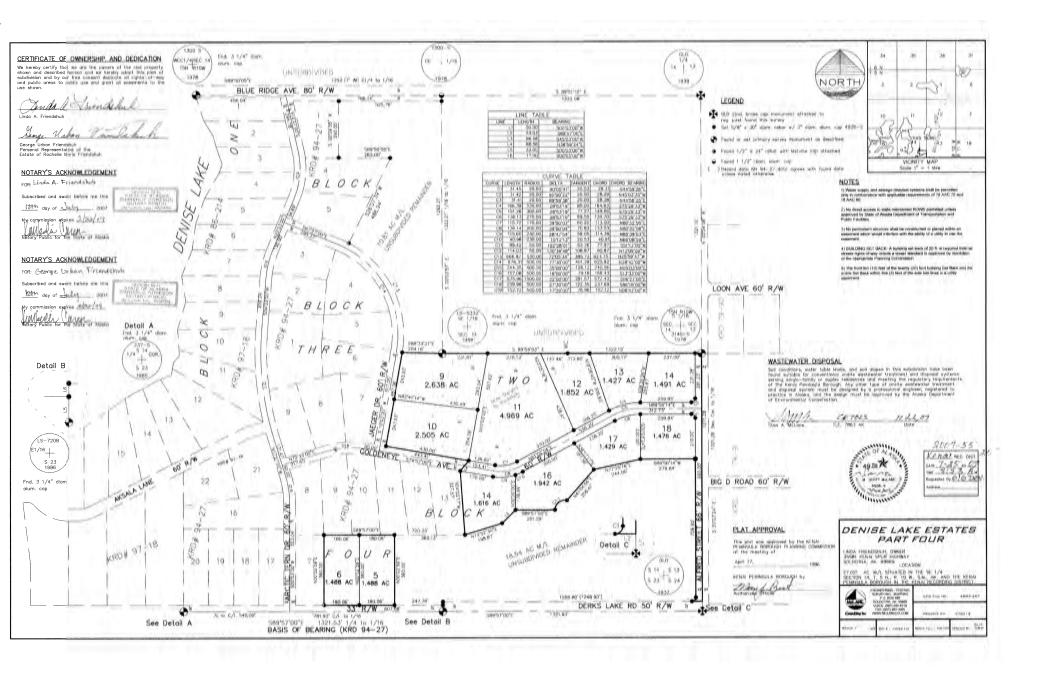
KPB File 2022-155V 10/14/2022

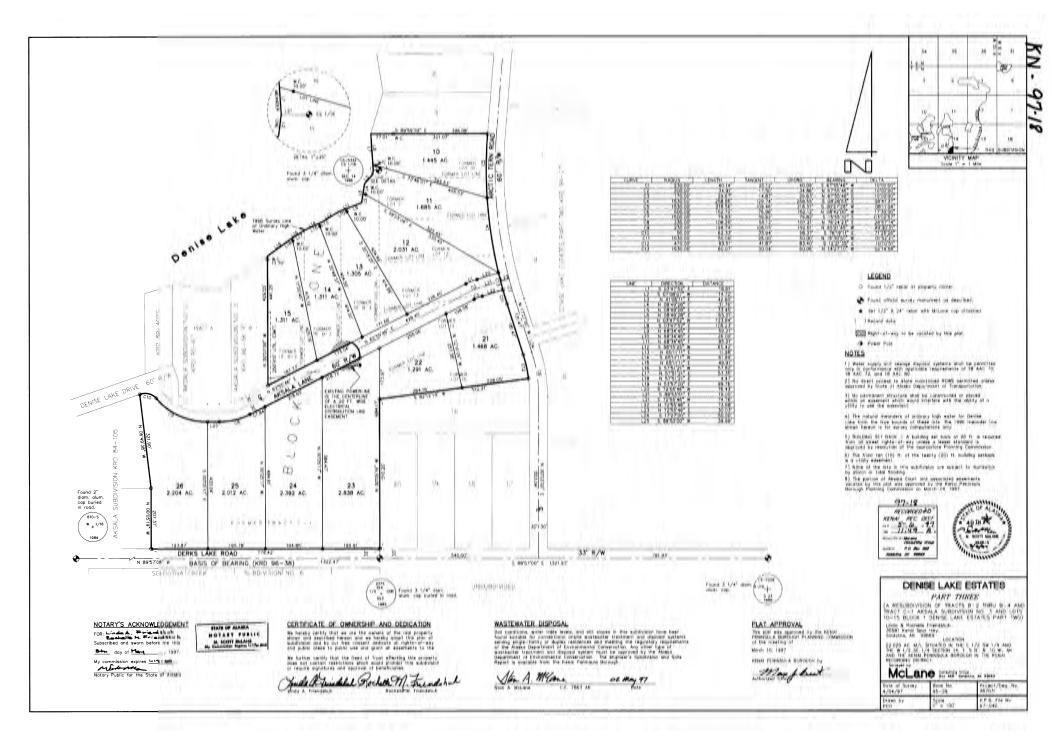


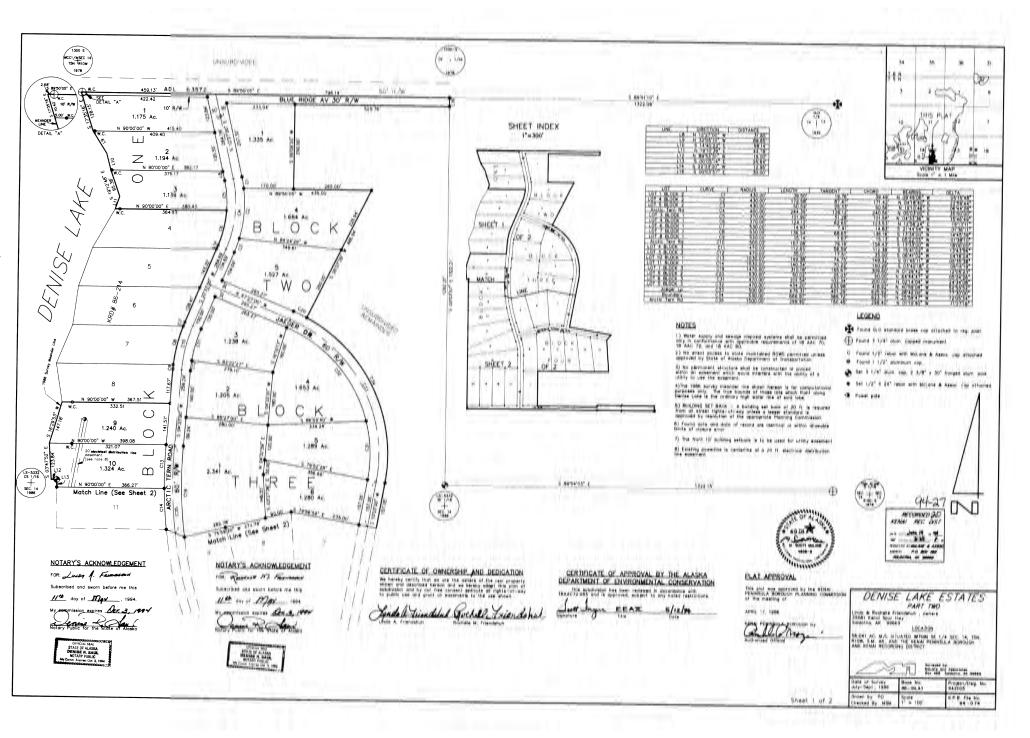


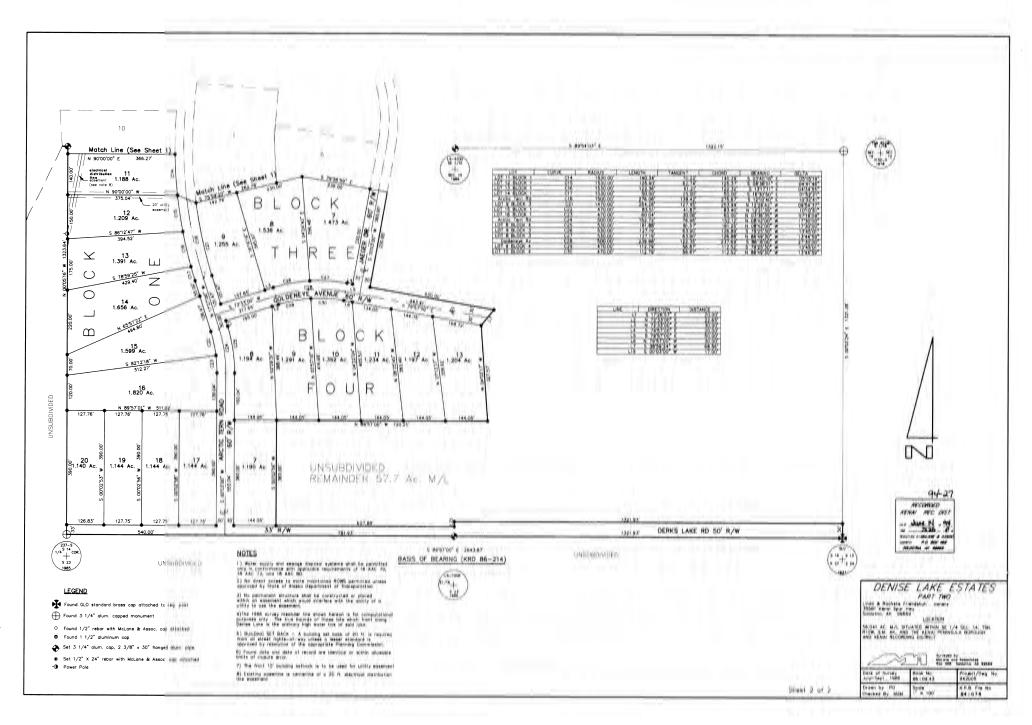


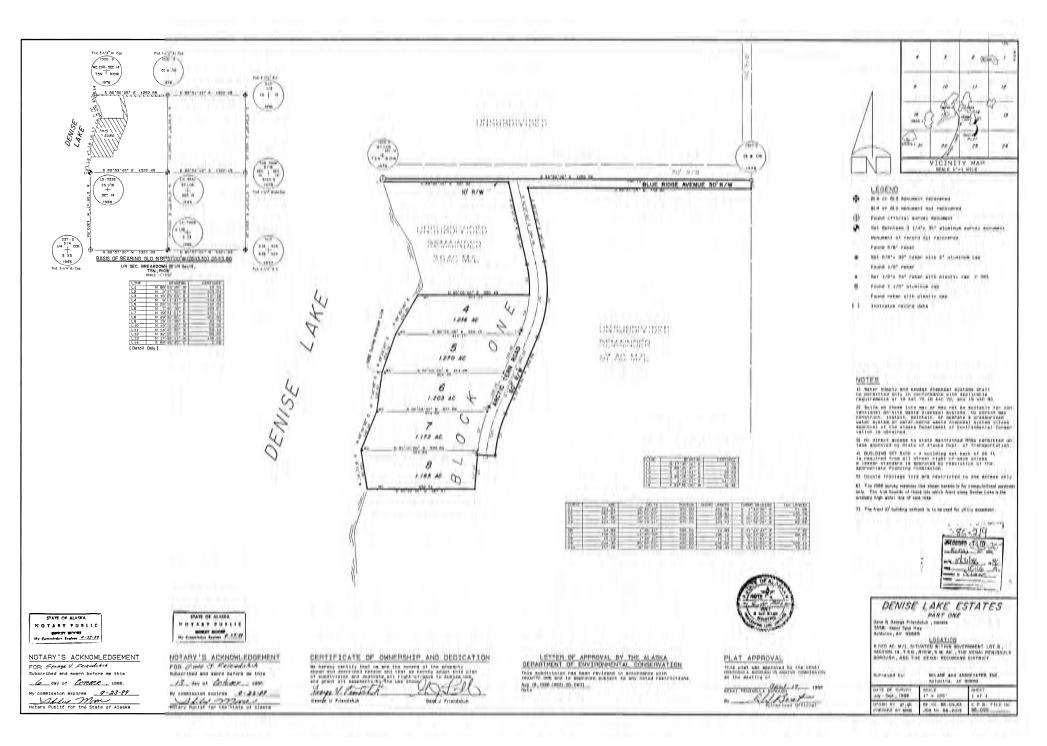


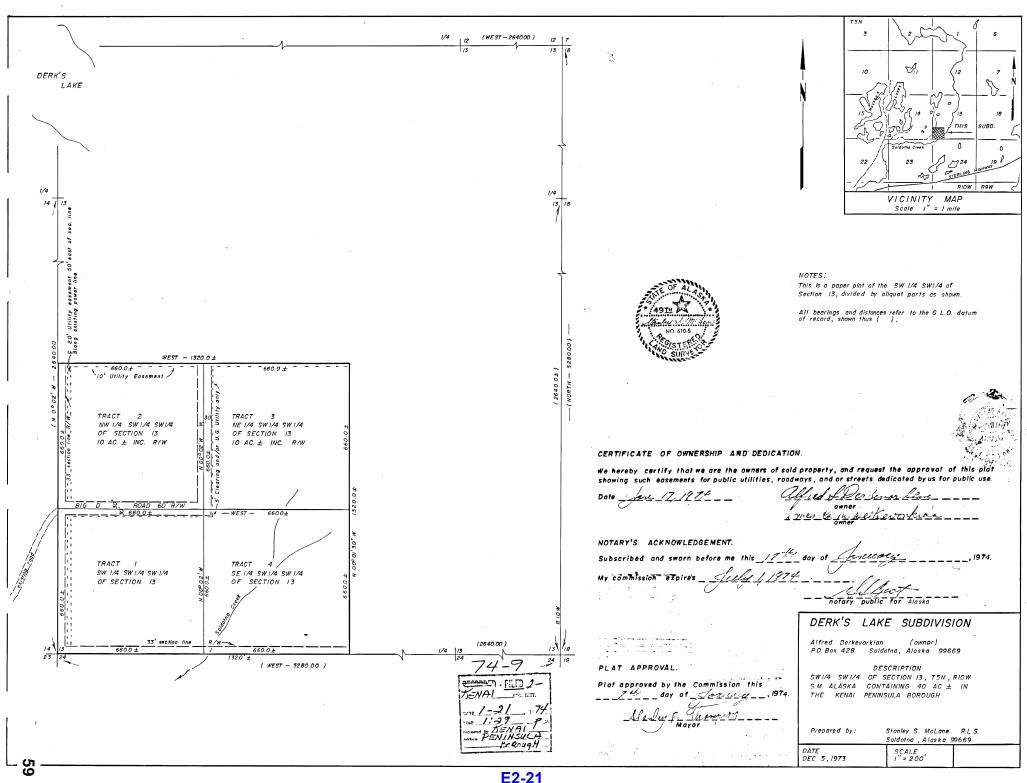












From: <u>Quainton, Madeleine</u>
To: <u>Shirnberg, Ann</u>

Subject: FW: <EXTERNAL-SENDER>FW: November 14, 2022 Planning Commission Meeting

Date: Monday, November 14, 2022 8:08:14 AM

Attachments: image001.png

PCTentativeAgenda 111422.pdf PlatTentativeAgenda 111422.pdf

4. STAFF REPORT Tatum Denise Subdivision Derks Lake Addition KPB File 2022-155.pdf 4. STAFF REPORT Big D Road and Cinnamon Street ROW KPB File 2022-155V.pdf

Madeleine

From: James Hall < jhall@mclanecg.com>
Sent: Friday, November 11, 2022 10:04 AM

To: Hindman, Julie <jhindman@kpb.us>; Piagentini, Vincent <vpiagentini@kpb.us>; Quainton, Madeleine <mquainton@kpb.us>

Subject: <EXTERNAL-SENDER>FW: November 14, 2022 Planning Commission Meeting

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Good Morning,

We would like to remove the Tatum Denise Subdivision Derks Lake Addition and R/W vacation from KPB agenda for the meeting on 11/14/22. We will supply a revised preliminary plat by 11/18/22 with intent to get on the agenda for 12/12/22. Let me know if you need any additional information or have any questions/concerns.

Thanks for your time James Hall, PLS McLane Consulting, Inc. 907-283-4218 office 907-953-5886 cell

From: Shirnberg, Ann <ashirnberg@kpb.us> Sent: Monday, November 7, 2022 8:11 AM

To: Ben Benson < <u>BBenson@mclanecg.com</u>>; Cody McLane < <u>crmclane@mclanecg.com</u>>; James Hall < <u>ihall@mclanecg.com</u>>; Karen Crapps < <u>accounting@mclanecg.com</u>.>; Sam McLane

<<u>SaMclane@mclanecg.com</u>>

Subject: November 14, 2022 Planning Commission Meeting

Good Morning,

The following item is being heard at the 11/14/22 Plat Committee meeting:

• Tatum Denise Subdivision Derks Lake Addition

The following item is being heard at the 11/14/22 Planning Commission meeting:

• Right-Of-Way Vacation – Cinnamon Street & Big D Road

Please find attached the staff reports for the above items and the tentative agendas for the meeting.

Thank You,

Ann Shirnberg Administrative Assistant Planning Department (907) 714-2215



PUBLIC RECORDS LAW DISCLOSURE: This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to public upon request.

E. NEW BUSINESS

3. Right-Of-Way Vacation; KPB File 2022-156V
Request: Vacate a 17' width and part of a cul-de-sac bulb for a 373' portion of Lupine Ave. & vacates associated utility easements



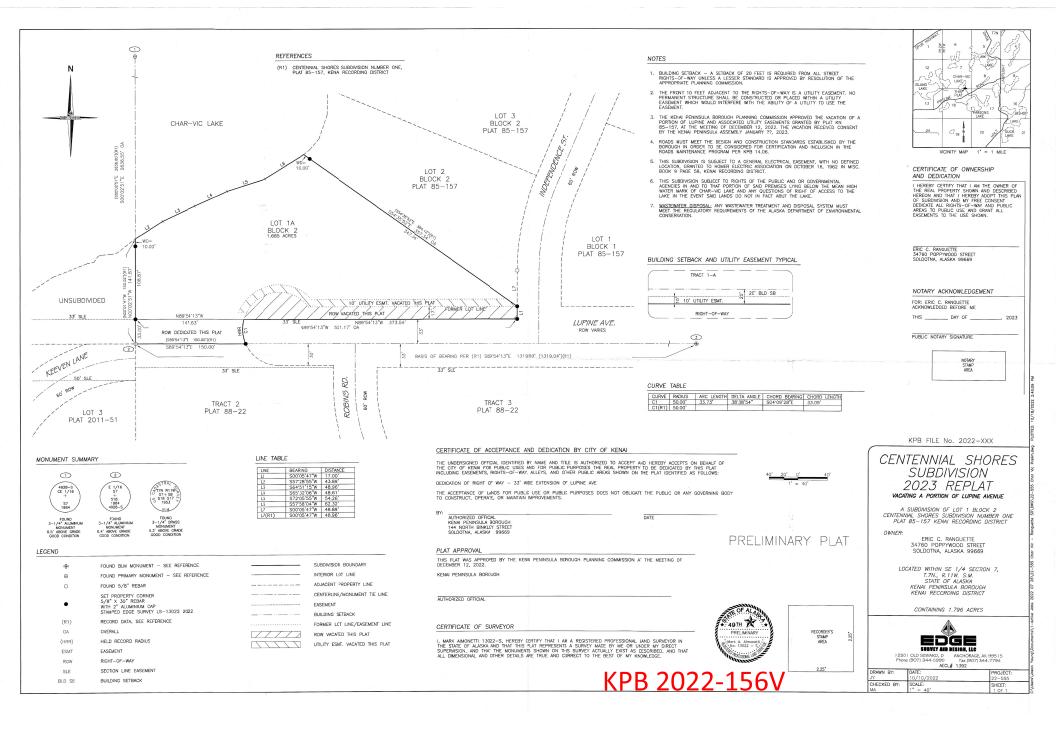


KPB File 2022-156V T 07N R 11W SEC 7 Nikiski

10/19/2022 350 700 Feet







AGENDA ITEM E. NEW BUSINESS

ITEM 3. - RIGHT OF WAY VACATION

VACATE A 17 FOOT WIDTH AND PART OF A CUL-DE-SAC BULB FOR A 373 FOOT PORTION OF LUPINE AVENUE AND ASSOCIATED UTILITY EASEMENTS

KPB File No.	2022-156V
Planning Commission Meeting:	November 14, 2022
Applicant / Owner:	Eric Ranguette of Soldotna, AK
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Lupine Avenue, Keeven Lane, Nikiski area
Legal Description:	Lupine Avenue, Lot 1 Block 2, Centennial Shores Subdivision Number 1,
	Plat KN 85-157

STAFF REPORT

<u>Specific Request / Purpose as stated in the petition:</u> Asking to vacate a portion of Lupine Avenue and associated utility easements. Findings for justification to vacate:

- 1. Lupine Ave. 83' wide dedication, exceeding KPB code of 60' right-of-way width. 50' of the dedication on the North side of section line from plat 85-157 and 33' of the dedication on the South side of section line from plat 88-22.
- 2. Traveled and used drivable surface of Lupine Ave will remain in the ROW dedicated area.
- House and improvements on Lot 1 encroaching into current 20' building setback and 10' utility easements along current dedicated cul-de-sac, current owner bought as is and would like to fix the encroachments for future sale and owners.
- 4. Cul-de-sac not developed, used or needed by public.
- 5. This platting action will also dedicate 33' of ROW to the West, bringing Lupine Ave. to a full ROW width to West property line.
- 6. Utility easement vacation and building setback encroachment permit denied by KPB, this platting action was recommended to resolve the encroachments.

<u>Notification:</u> Public notice appeared in the November 3, 2022 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the November 10, 2022 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

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

Library of Nikiski

Post Office of Nikiski

Sixteen certified mailings were sent to owners of property within 600 feet of the proposed vacation. Seven receipts had been returned when the staff report was prepared.

Seventeen public hearing notices 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 Nikiski Emergency Services Nikiski Community Council Alaska Communication Systems (ACS) ENSTAR Natural Gas General Communications Inc, (GCI) Homer Electric Association (HEA) <u>Legal Access (existing and proposed):</u> The access will remain from Lupine Avenue. The proposed vacation will be reducing the width of the right-of-way and remove a portion of the cul-de-sac bulb.

Lupine Avenue is located at the south end of borough maintained Independence Street. The area is accessed from Pipeline Road that is located near mile 6 of state maintained Holt Lamplight Road. Not all portions of Pipeline Road are maintained by the roads accessing this vacation do connect to the maintained portion.

Lupine Avenue is dedicated as 83 feet wide atop section line easements that are 66 feet in width. The northern half of Lupine Avenue was dedicated as 50 feet in width. The right-of-way ends with a cul-de-sac bulb. While this right-of-way ends with a bulb, which indicates it is to be permanently closed, it is atop a section line easement and a travelway exists beyond the bulb to connect to Keeven Lane and then to Jeff Street. While these rights-of-way have dedicated access to Pipeline Road, the dedications go through some low wet areas and so the owners in the area use Lupine Avenue for their access. Lupine Avenue, Keeven Lane, and Jeff Street are not borough maintained.

There is an existing structure within the building setback and utility easement adjacent to Lupine Avenue on the subject property. The proposal is to reduce the width of the right-of-way, vacate a portion of the bulb, and provide a through dedication atop the existing travelway.

The block is not compliant due to lakes, wetlands, and large acreage tracts in the area. The proposed dedication does improve the block and access but this plat will not be able to provide any additional dedications to improve the block due to the lake.

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

<u>Site Investigation:</u> An as-built was done for a previous submittal. The as-built shows a portion of the house with portions of the deck are within the building setback associated with the cul-de-sac bulb for Lupine Avenue. The roadway continues past the house and uses the section line easement to go past the bulb for access to lots further to the west.

There do not appear to be any wetlands affecting the subject area or the right-of-way in this area. There are no steep slopes within the subject area or surrounding right-of-way.

KPB River Center review	Floodplain: No comments
	Habitat Protection: Is NOT within HPD. No comments.
	State Parks: No comments
State Fish and Game	No objections

<u>Staff Analysis:</u> The property was originally subdivided by Centennial Shores Subdivision Number one, Plat KN 85-157. The plat created Lot 1 Block 2 as well as dedicated Lupine Avenue, originally named Dog Bone Avenue, as a 50 foot wide right-of-way that ended with a partial bulb as an existing roadway continued to the south.

The property to the south was originally subdivided by Robins Subdivision No. 1, KN 79-139. It did not dedicate any portion of Lupine Avenue but did indicate a section line easement was present. The property was then replatted by Kenai Timers, Plat KN 86-133, which was amended by KN 86-195. That plat vacated the original dedication of Robins Road and dedicated the new location as currently exists. The plat also dedicated the southern portion of Lupine Avenue by granting 30 feet to 33 feet of dedication. The plat indicates 30 feet at the western portion with 33

feet on the eastern portion with a 33 foot section line easement still in place. Kenai Timbers Replat, KN 88-22, was recorded which removed lot lines to create larger tracts but the dedications remained as granted by the parent plats.

The current configuration is an 80 to 83 foot wide right of way atop section line easements. The cul-de-sac bulb has been broke through to provide access to the properties to the west by the use of the section line easements. Per KPB Code, cul-de-sacs should be viewed as permanently closed and to open a cul-de-sac staff requests approval from all lots along the cul-de-sac. Due to the limited number of owners along the cul-de-sac and the existence of an "in-use" section line easement, staff did not required signatures from additional landowners but all within 600 feet of the vacation have received certified notification.

Centennial Shores Subdivision Number one, Plat KN 85-157 did not depict setbacks but plat note 2 stated "BUILDING SET BACK – A building set back of 20 ft. is required from all street rights of ways unless a lesser standard is approved by resolution of the appropriate Planning Commission."

Staff worked with the KPB Assessing department to determine if the structures in question may have been built prior to the creation of the setback and utility easements. Records do indicate a structure was present before the creation of the setback but the deck was improved after the setback was put into place. It is also unknown if any other improvements on the house were done prior or after.

The Kenai Peninsula Borough Planning Commission heard a petition for a building setback encroachment permit and a utility easement vacation for the encroachments shown on the as-built. The Planning Commission, at their August 8, 2022 meeting denied the encroachment permit and utility easement alteration. As the dedicated right-of-way is wider than required by KPB Code and the fact that landowners were using the section line easements west of the dedication, it was recommended to propose a vacation and dedication to resolve not only the encroachment issues but to provide a dedicated access through.

20.65.050 - Action on vacation application

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
 - The right-of-way or public easement to be vacated is being used;
 Staff comments: The portion being vacated needs to be outside the used /driven road in the southeast corner. Surveyor needs to locate the road and adjust the vacated area accordingly. The dedicated right-of-way and section line easement are in use. The width granted is larger than required by KPB Code.
 - 2. A road is impossible or impractical to construct, and alternative access has been provided;

 Staff comments: The surveyor indicated the intent to dedicate a continuation of the right-of-way and making sure the existing roadway is within the remaining and new dedication.
 - 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;

Staff comments: The area is developed and this new dedication will improve the area. New utility easements will be required along the new edge of right-of-way and any requests by utility companies shall be reviewed.

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

Staff comments: Does not access public lands

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

Staff comments: The vacation will not limit as there will still be a 66 foot wide dedication.

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

Staff comments: 10 foot utility easements will be required adjacent to the new right-of-way edge.

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

Staff comments: This will resolve the encroachment issues for the owner and provide a through dedication for the neighboring lands.

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

The Assembly or City Council will hear the vacation at their scheduled December 13, 2022 meeting.

If approved, Centennial Shores Subdivision 2023 Replat will finalize the proposed right of way vacations. The Plat Committee is scheduled to review the plat on November 14, 2022.

KPB department / agency review:

Planner	Reviewer: Raidmae, Ryan
i idililoi	There are not any Local Option Zoning District issues with this proposed
	plat.
	piat.
	Material Site Comments:
	There are not any material site issues with this proposed plat.
Code Compliance	Reviewer: Ogren, Eric
•	Comments: No comments
Addressing	Reviewer: Haws, Derek
	Affected Addresses:
	51200 LUPINE AVE
	Existing Street Names are Correct: Yes
	List of Correct Street Names:
	LUPINE AVE
	INDEPENDENCE ST
	ROBINS RD
	KEEVEN LN
	Existing Street Name Corrections Needed:
	Existing Street Name Corrections Needed.
	All New Street Names are Approved: No
	The state of the s
	List of Approved Street Names:

	List of Street Names Denied:
	Comments: 51200 LUPINE AVE will remain with lot 1A.
Assessing	Reviewer: Windsor, Heather
	Comments: No comment

Utility provider review:

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

RECOMMENDATION:

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

- 1. Consent by KPB Assembly.
- 2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
- 3. Grant utility easements requested by the utility providers.
- 4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

KPB 20.65.050 – Action on vacation application

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- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.
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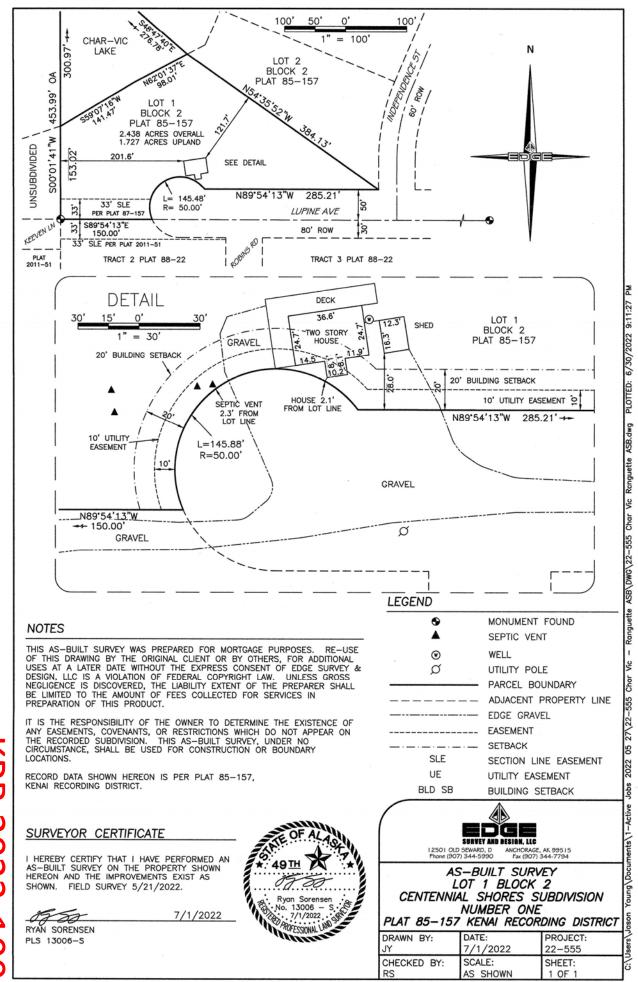
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 - Strategy 3. Near Term: Identify potential utility routes on Borough lands.
- Housing
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Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

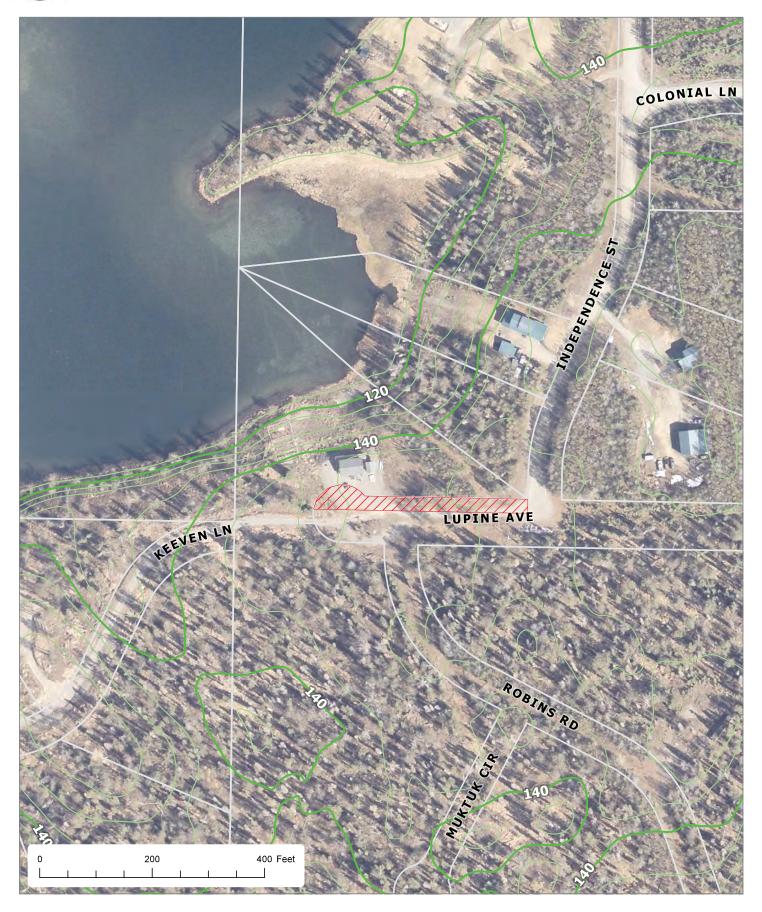
- Focus Area: Transportation
 - Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.
 - Strategy 2. Near Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.
 - Strategy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

END OF STAFF REPORT









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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
No - 0	

ITEM E7 – BUILDING SETBACK ENCROACHMENT PERMIT LOT 11B BLOCK 3, FERNWOOD 1977 SUBDIVISION HM 77-63

KPB File No.	2022-099
Planning Commission Meeting:	August 8, 2022
Applicant / Owner:	James Ferguson and Karen Jackman of Fritz Creek, Alaska
Surveyor:	Tom Latimer / Orion Surveys
General Location:	Highview Court, Glacier View Road, Fritz Creek area / Kachemak Bay APC
Parent Parcel No.:	172-190-35
Legal Description:	Fernwood 1977 Subdivision Lot 11B Block 3, HM 77-63
Assessing Use:	Residential
Zoning:	Rural Unrestricted

Staff report given by Platting Specialist Julie Hindman.

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 commission.

MOTION: Commissioner Gillham moved, seconded by Commissioner Staggs to adopt PC Resolution 2022-33 granting a building setback encroachment permit to Lot 11-B, Block 3, Fernwood Subdivision Unit 3, Plat HM 77-17.

Commissioner Stutzer stated that he would be voting against approving this permit. He did not believe it was appropriate to build in the setback and then come and ask for a permit after the fact. When building, landowners need to have the properties surveyed to ensure that the structures they are building do not encroach into the setbacks or rights-of-way. Seeing that the encroachment is a carport he believes that it is possible to shorten the structure so it no longer encroaches into the setback.

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

MOTION PASSED BY MAJORITY VOTE:

Yes - 10	Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Tautfest, Venuti
No - 2	Brantley, Stutzer

ITEM E8 – BUILDING SETBACK ENCROACHMENT PERMIT LOT 1 BLOCK 2 CENTENNIAL SHORES SUBDIVISION NUMBER ONE (KN 0850157)

KPB File No.	2022-099	
Planning Commission Meeting:	August 8, 2022	
Applicant / Owner:	Eric Ranguette of Soldotna, Alaska	
Surveyor:	Jason Young, Ryan Sorensen / Edge Survey and Design LLC	
General Location:	Lupine Avenue, Keeven Lane, Nikiski area	
Parent Parcel No.:	013-281-24	
Lord Description:	Centennial Shores Subdivision Number 1, Lot 1 Block 2,	
Legal Description:	KN 85-157	
Assessing Use:	Residential	
Zoning:	Rural Unrestricted	

Staff report given by Platting Specialist Julie Hindman.

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 commission.

MOTION: Commissioner Martin moved, seconded by Commissioner Fikes to adopt PC Resolution 2022-39 granting a building setback encroachment permit to Lot 1, Block 2, Centennial Shores Subdivision Number One, Plat KN 85-157.

Commissioner Stutzer noted that he preferred staff option two, he would like to see a new subdivision opening the cul-de-sac and creating a new right-of-way dedication, so he will be voting not to approved the encroachment permit.

Commissioner Gillham asked staff if they knew what the cost of option two would be to the petitioner. Ms. Hindman replied that she could not say what the survey costs would be as they vary from surveyor to surveyor. The borough fees associated with a vacation and a replat, which would be required to fix the situation, would be \$1300.00, which would be on top of the survey fees.

Commissioner Martin noted that cul-de-sacs were typically not to be opened, that they are much more difficult to vacate. He asked staff to elaborate on what it would take to vacate this cul-de-sac. Ms. Hindman replied that it would take the signatures of all landowners fronting on the cul-de-sac to open it up. In this situation this cul-de-sac is already being used as a throughfare to the west. It is also on top of a section line easement which people are using to access properties to the west. What staff would like to see is the vacation of portions of the cul-de-sac bulb, which would resolve the current issues of encroachments into the setbacks and utility easements, and to provide a continuation of the dedication. Commissioner Martin then stated based on that information he would be voting no on the motion.

Commissioner Horton stated the he believed it was more advantageous to make this cul-de-sac a connecting road, which is how it is currently being used. He then stated that he would be voting no on this motion.

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

MOTION FAILED BY MAJORITY VOTE:

Yes - 1	Hooper
No - 11	Brantley, Fikes, Gillham, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti

Ms. Hindman noted that KPB 20.10.110(h) notes that a decision of the planning commission may be appealed to the hearing officer by a party of record, as defined by KPB 21.20.210 within 15 days of the notice of decision in accordance with KPB 21.20.250.

ITEM E9 - UTILITY EASEMENT ALTERATION LOT 1 BLOCK 2 CENTENNIAL SHORES SUBDIVISION NUMBER ONE (KN 85-157)

KPB File No.	2022-101V
Planning Commission Meeting:	August 8, 2022
Applicant / Owner:	Eric Ranguette
Surveyor:	Jason Young, Ryan Sorensen / Edge Survey and Design LLC
General Location:	Lupine Avenue, Keeven Lane, Nikiski area

Staff report given by Platting Specialist Julie Hindman. She noted KPB 20.65.070(E) states that a planning commission decision under this section is final. No reapplication of a petition concerning the same alteration to a platted utility easement may be filed within one calendar year of the date of the final denial action, except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration or platted utility easement with documentation that the issues have been resolved, accompanied by a new fee. KPB 20.32.070(F) notes that an appeal of the planning commission decision under this section must be filed in the superior court in accordance with the Alaska Rules of appellate Procedure.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public

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comment was closed and discussion was opened among the committee.

MOTION: Commissioner Staggs moved, seconded by Commissioner Fikes to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

Commissioner Brantley asked staff if the applicant came back with a plat vacating the cul-de-sac and extending the 30-foot right-of-way, would that be consider a change of condition which would allow the petitioner to come back with these utility easement vacations. Ms. Hindman replied that yes, that would be a change in conditions. She also noted that depending on what changes are approved by the planning commission and then by the assembly the encroachment issue may no longer be valid.

Commissioner Staggs asked if the petitioner came back with the changes recommended by staff, could there still be a utility encroachment issue that would need to be resolved. Ms. Hindman replied that if after making the recommended changes and there was still an encroachment into the utility easement, they would need to file another petition to vacate and there would be an additional fee. However, it could be finalized by the other process and those fees could be absorbed by that process.

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

MOTION FAILED BY MAJORITY VOTE:

Yes - 2	Hooper, Venuti
No – 10	Brantley, Fikes, Gillham, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest

ITEM E10 - RIGHT OF WAY VACATION Fritz Creek Acres Right of Way Vacation of Mushroom Street

KPB File No.	2022-095V
Planning Commission Meeting:	August 8, 2022
Applicant / Owner:	Edward Gamble and Barbara Gamble and Sealevel Inc all of Homer, AK
Surveyor:	Kenton Bloom/ Seabright Surveys
General Location:	Mushroom Street and East End Road / Fritz Creek / Kachemak Bay APC
Legal Description:	Mushroom Street associated with Fritz Creek Acres Subdivision, Plat HM 77-37, Homer Recording District, Section 28 Township 5S Range 12W S.M.

Staff report given by Platting Specialist Julie Hindman.

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 Venuti moved, seconded by Commissioner Fikes to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

Chair Brantley noted that he will be supporting this vacation request. He then stated that this is the type of right-of-way vacation that he likes to see.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
No - 0	

Kenai Peninsula Borough Page 8 **78**

E. NEW BUSINESS

9. Utility Easement Vacation; KPB File 2022-101V PC Resolution 2022-40 Lot 1, Block 2, Centennial Shores Subdivision Number One; Plat KN 85-157 Edge Survey & Design / Ranquette Nikiski Area

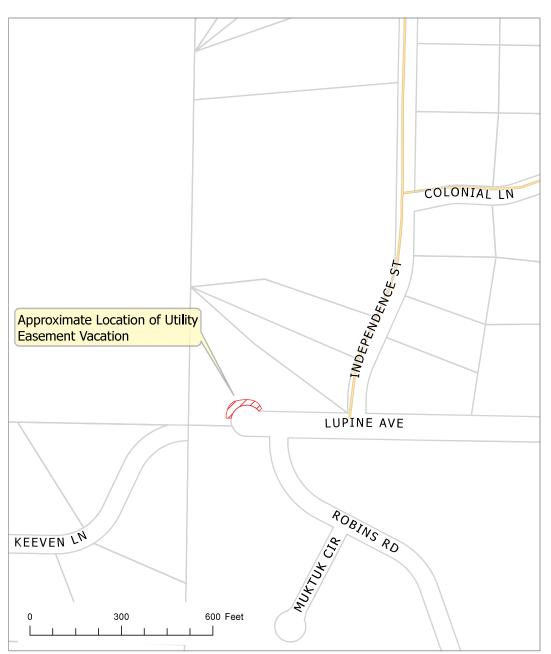
AUGUST 8, 2022 PC MEETING MATERIALS

Kenai Peninsula Borough Planning Department

Vicinity Map

7/13/2022





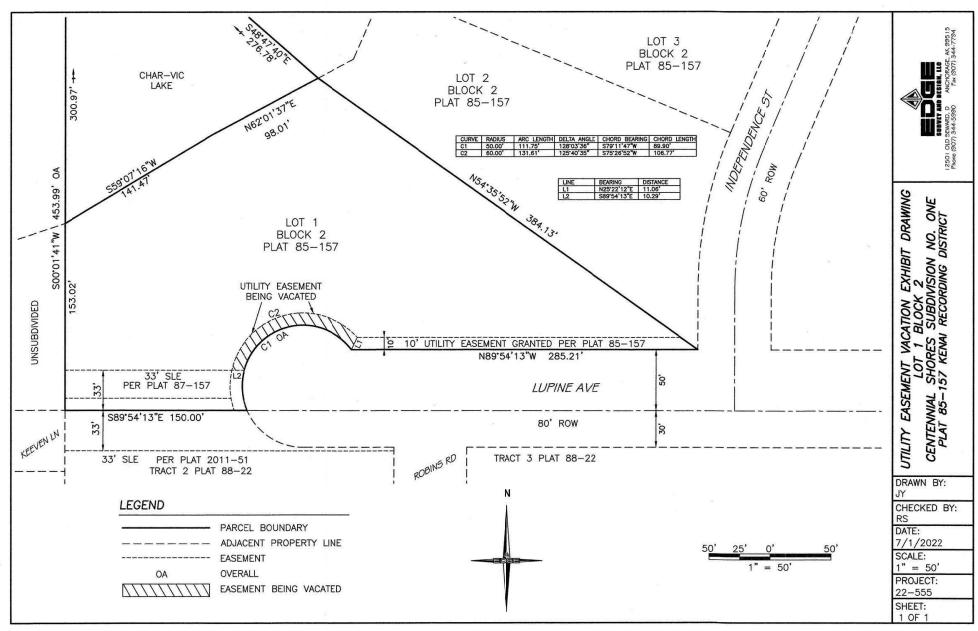


KPB File # 2022-101V S07 T07N R11W Nikiski

KPB File Number 2022-101V 7/13/2022







KPB 2022-101V

AGENDA ITEM E. NEW BUSINESS

ITEM 9 - UTILITY EASEMENT ALTERATION LOT 1 BLOCK 2 CENTENNIAL SHORES SUBDIVISON NUMBER ONE (KN 85-157)

KPB File No. 2022-101V
Planning Commission Meeting: August 8, 2022
Applicant / Owner: Eric Ranguette

Surveyor: Jason Young, Ryan Sorensen / Edge Survey and Design LLC

General Location: Lupine Avenue, Keeven Lane, Nikiski area

STAFF REPORT

<u>Specific Request / Purpose as stated in the petition:</u> House was purchased without easement encroachment disclosed. House is encroaching into a non-utilized easement. All utility companies have signed off on vacation of partial easement.

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

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

<u>Staff Analysis:</u> The property was originally subdivided by Centennial Shores Subdivision Number one, Plat KN 85-157. The plat created Lot 1 Block 2 as well as dedicated Lupine Avenue, originally named Dog Bone Avenue, as a 50 foot wide right-of-way that ended with a partial bulb as an existing roadway continued to the south. Utility easements were not depicted but plat note 4 stated "*The front 10' of the building setback will serve as a utility easement.*" The plat did not depict the setbacks but did state in plat note 2 that they were being created along the rights-of-way.

An as-built had been done on the property that indicated that portions of the house and its attached improvements are within the utility easement and the building setback. The sketch provided with this petition indicates the desire to vacate the entire 10 foot wide utility easement along the norther portion of the bulb. 10 foot wide utility easements will remain on the straight portion of Lupine Avenue. Section line easements coincide the dedication of Lupine Avenue and continue west past the cul-de-sac. It is stated that the easement is not currently in use. If the utility providers did a connection from Lupine Avenue to the west, permits may be requested from the Borough for use of the right-of-way and section line easements.

Staff worked with the KPB Assessing department to determine if the structures in question may have been built prior to the creation of the setback and utility easements. Records do indicate a structure was present before the creation of the setback and utility easement but the deck was improved after the utility easement was put into place. It is also unknown if any other improvements on the house were done prior or after.

The property to the south was originally subdivided by Robins Subdivision No. 1, KN 79-139. It did not dedicate any portion of Lupine Avenue but did indicate a section line easement was present. The property was then replatted by Kenai Timers, Plat KN 86-133, which was amended by KN 86-195. That plat vacated the original dedication of Robins Road and dedicated the new location as currently exists. The plat also dedicated the southern portion of Lupine Avenue by granting 30 feet to 33 feet of dedication. The plat indicates 30 feet at the western portion with 33 feet on the eastern portion with a 33-foot section line easement still in place. Kenai Timbers Replat, KN 88-22, was recorded which removed lot lines to create larger tracts but the dedications remained as granted by the parent plats.

The current configuration is a 80 to 83 foot wide right of way atop section line easements. The cul-de-sac bulb has been broke through to provide access to the properties to the west by the use of the section line easements. The owner has stated that they are requesting this as it is a less expensive option. Staff has no objection if the Planning Commission wishes to grant this exception but staff would rather see a plan to vacate the bulb, reduce the right-of-

Page 1 of 3

way width only if needed to bring the lot into compliance with the setback, and have a dedication be granted over the existing travelway.

There are encroachments into the building setback and a separate petition has been received to be reviewed by the Planning Commission at the August 8, 2022 meeting.

Utility provider review:

HEA	No comments
ENSTAR	Approved as shown
ACS	No objections to the easement vacation as shown
GCI	Approved as shown.

Findings:

- 1. The petition states that the utility easement proposed to be vacated is not in use by a utility company.
- 2. ACS, ENSTAR, GCI, and HEA provided written non-objection to the proposed vacation.
- 3. Centennial Shores Subdivision Number One, KN 85-157, created 10 foot utility easements along dedicated rights-of-way.
- 4. A structure and its attached improvements are currently within the easement thus limiting is use.
- 5. The right-of-way width is 80 feet wide and is atop section line easements.
- 6. Lupine Avenue is an 80 foot wide dedicated right-of-way.
- 7. Lupine Avenue is constructed and in use but not maintained by the borough.
- 8. The encroachments are along a cul-de-sac but access continues through the bulb within the section line easements.
- 9. Majority of the road is in the lower part of the right-of-way and the driveway in the bulb of the right-of-way.
- 10. There does not appear to be any line of sight issues due to the clearing done in the area.

RECOMMENDATION:

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends

- 1) To adopt Resolution 2022-40, subject to compliance with KPB 20.10.110 sections E and F and grant the utility easement permit.
- 2) To deny the utility easement permit and recommend petitioner return with a subdivision vacating a portion of Lupine Avenue, thereby moving and relocating the 20' building setback and also dedicating a portion of Lot 1 Block 2 Centennial Shores Subdivision No 1 85-157 on the southwesterly side as new roadway. This would begin to fix the issue of the roadway crossing and continuing west and connecting to Keeven Lane.

20.65.070 Alteration of platted utility easements

- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration of platted utility easement with documentation that the issues have been resolved, accompanied by a new fee.
- F. An appeal of the planning commission decision under this section must be filed in the superior

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court in accordance with the Alaska Rules of Appellate Procedure.

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

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

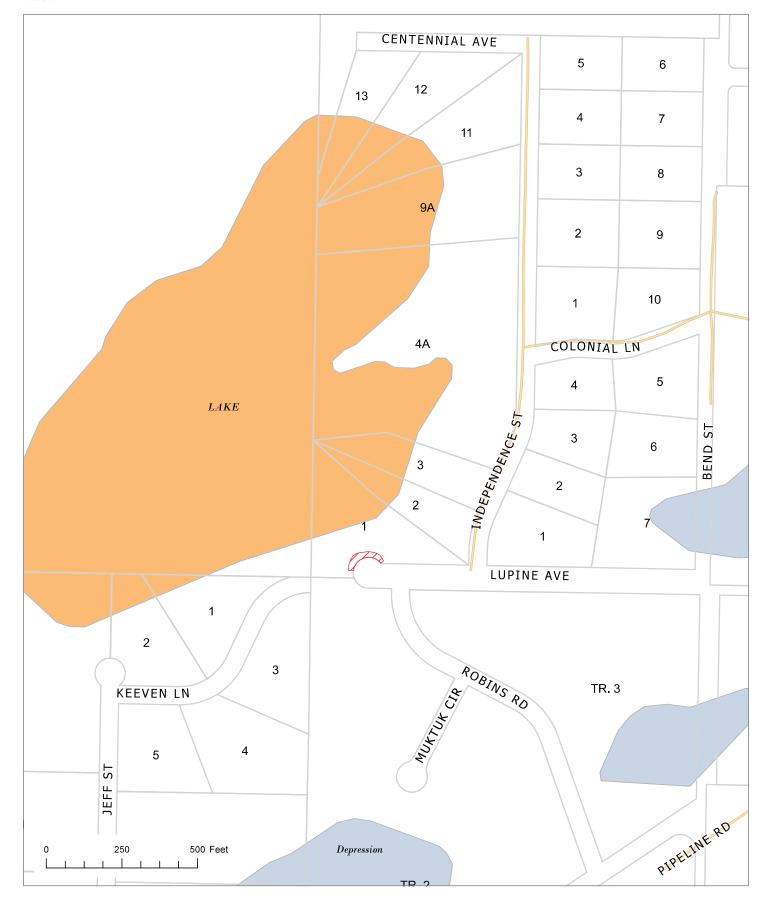
- Focus Area: Energy and Utilities
 - Objective A Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.
 - Strategy 1. Near Term: Maintain existing easements (especially section line easements) in addition to establishing adequate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

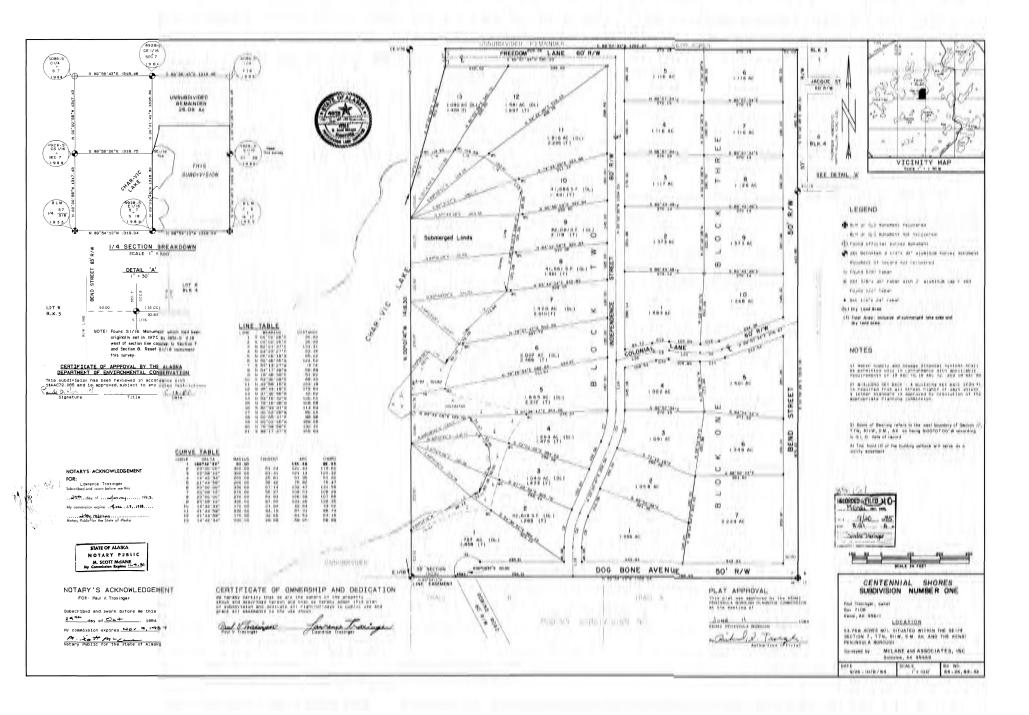
END OF STAFF REPORT

KPB File 2022-101V









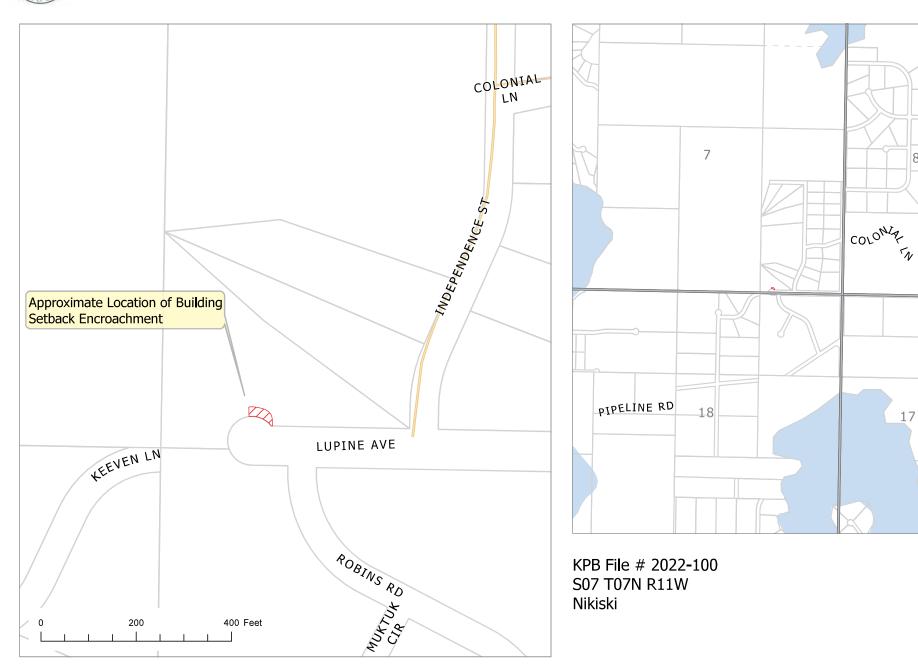
E. NEW BUSINESS

 Building Setback Permit; KPB File 2022-100; PC RES 2022-39 Lot 1, Block 2, Centennial Shores Subdivision Number One; Plat KN 85-157 Edge Survey & Design / Ranquette Nikiski Area

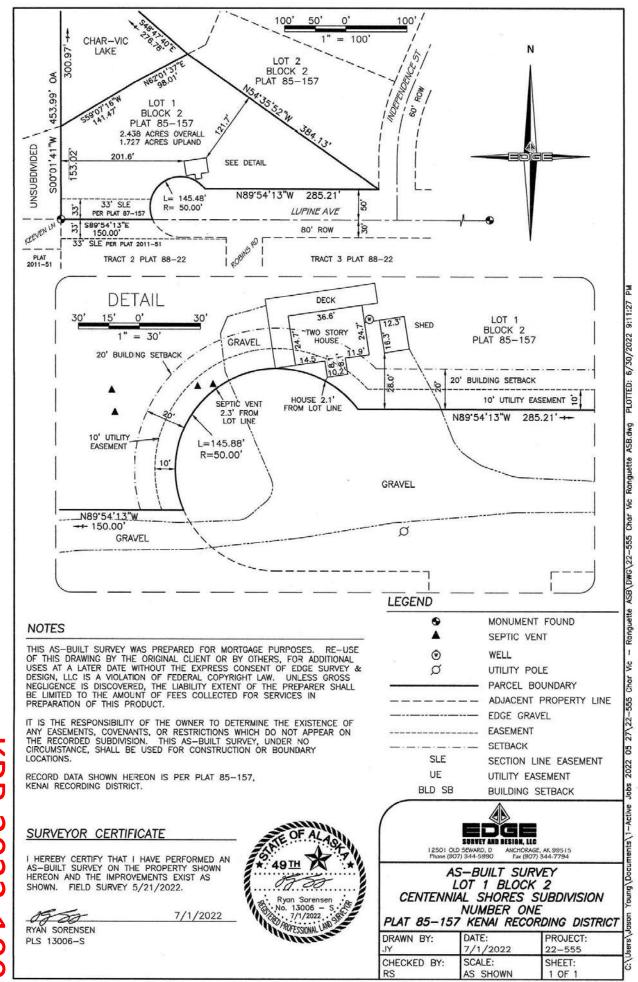
AUGUST 8, 2022 PC MEETING MATERIALS

7/13/2022









AGENDA ITEM E. NEW BUSINESS

ITEM 8. – BUILDING SETBACK ENCROACHMENT PERMIT LOT 1 BLOCK 2 CENTENNIAL SHORES SUBDIVISION NUMBER ONE (KN 0850157)

KPB File No. 2022-099
Planning Commission August 8, 2022

Meeting:

Applicant / Owner: Eric Ranguette of Soldotna, Alaska

Surveyor: Jason Young, Ryan Sorensen / Edge Survey and Design LLC

General Location: Lupine Avenue, Keeven Lane, Nikiski area

Parent Parcel No.: 013-281-24

Legal Description: Centennial Shores Subdivision Number 1, Lot 1 Block 2, KN 85-157

Assessing Use: Residential Zoning: Rural Unrestricted

STAFF REPORT

<u>Specific Request / Purpose as stated in the petition:</u> House was purchased without setback encroachment disclosed. Easier and less expensive option than vacating or moving cul-de-sac.

<u>Site Investigation:</u> Per the as-built and submittal the house along with portions of the deck are within the building setback. The location is along the cul-de-sac bulb so with the angle of the house along with the curve of the right-of-way the encroachment varies. It appears no portions are within the right-of-way although portions of the deck are very close. A portion of the house is 2.1 feet from the lot line thus encroaching 17.9 feet in that location. Septic vents are also present within the setback but per KPB Code, are allowed within the setback.

The encroachment is located on the bulb of Lupine Avenue, a 80 foot wide right-of-way. Lupine Avenue is cleared and in use but is not maintained by the borough. Borough road maintenance ends at the end of Independence Street when it intersects Lupine Avenue. Lupine Avenue continues through the cul-de-sac bulb trough this property and then connects to the 60 foot wide dedication of Keeven Lane. The lots using Lupine Avenue to access Keeven Lane should have other access from the south but the dedication are not complete and some go through wetlands. The dedication of Lupine Avenue coincides with section line easements. KPB GIS data indicates that it is 66 feet wide section line easements and these are being used for the connection between Lupine Avenue and Keeven Lane.

There do not appear to be any wetlands affecting the subject area or the right-of-way in this area. There are no steep slopes within the subject area or surrounding right-of-way.

There are no street views available for this area. Per the KPB GIS Imagery, the area is cleared as they enter onto their property and the right-of-way veers south slightly before continuing to the west. The distance from the travel way does not appear to create any sight issues.

<u>Staff Analysis:</u> The property was originally subdivided by Centennial Shores Subdivision Number one, Plat KN 85-157. The plat created Lot 1 Block 2 as well as dedicated Lupine Avenue, originally named Dog Bone Avenue, as a 50 foot wide right-of-way that ended with a partial bulb as an existing roadway continued to the south. Setbacks were not depicted but plat note 2 stated "BUILDING SET BACK – A building set back of 20 ft. is required from all street rights of ways unless a lesser standard is approved by resolution of the appropriate Planning Commission."

Staff worked with the KPB Assessing department to determine if the structures in question may have been built prior to the creation of the setback and utility easements. Records do indicate a structure was present before the

Page **1** of **4**

creation of the setback but the deck was improved after the setback was put into place. It is also unknown if any other improvements on the house were done prior or after. For those reasons staff has drafted this to include all portions encroaching to make sure there is no confusion or issues in the future.

The plat also created 10 foot utility easements and a separate petition has been received to be reviewed by the Planning Commission at the August 8, 2022 meeting.

The property to the south was originally subdivided by Robins Subdivision No. 1, KN 79-139. It did not dedicate any portion of Lupine Avenue but did indicate a section line easement was present. The property was then replated by Kenai Timers, Plat KN 86-133, which was amended by KN 86-195. That plat vacated the original dedication of Robins Road and dedicated the new location as currently exists. The plat also dedicated the southern portion of Lupine Avenue by granting 30 feet to 33 feet of dedication. The plat indicates 30 feet at the western portion with 33 feet on the eastern portion with a 33 foot section line easement still in place. Kenai Timbers Replat, KN 88-22, was recorded which removed lot lines to create larger tracts but the dedications remained as granted by the parent plats.

The current configuration is a 80 to 83 foot wide right of way atop section line easements. The cul-de-sac bulb has been broke through to provide access to the properties to the west by the use of the section line easements. The owner has stated that they are requesting this as it is a less expensive option. Staff has no objection if the Planning Commission wishes to grant this exception but staff would rather see a plan to vacate the bulb, reduce the right-of-way width only if needed to bring the lot into compliance with the setback, and have a dedication be granted over the existing travel way.

Findings:

- 1. A building setback along Lupine Avenue was created by Centennial Shores Subdivision Number 1, KN 85-157.
- 2. Per the as-built portions of the deck are almost to the edge of the right-of-way.
- 3. Per the as-built portions of the house are 17.8 feet within the setback.
- 4. Lupine Avenue is an 80 foot wide dedicated right-of-way.
- 5. Lupine Avenue is constructed and in use but not maintained by the borough.
- 6. The encroachments are along a cul-de-sac but access continues through the bulb within the section line easements.
- 7. Majority of the road is in the lower part of the right-of-way and the driveway in the bulb of the right-of-way.
- 8. There does not appear to be any line of sight issues due to the clearing done in the area.
- 9. The Kenai Peninsula Borough Roads Department gave no comment.

20.10.110. - Building setback encroachment permits.

- E. The following standards shall be considered for all building setback encroachment permit applications:
 - 1. The building setback encroachment may not interfere with road maintenance.

Findings 4-8 appear to support this standard.

2. The building setback encroachment may not interfere with sight lines or distances.

Findings 4-8 appear to support this standard.

3. The building setback encroachment may not create a safety hazard.

Findings 4-8 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.

Page **2** of **4**

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 department / agency review	
KPB Roads Dept. comments	No comment
SOA DOT comments	
KPB River Center review	A. Floodplain
	Floodplain Status: Not within flood hazard area
	Comments: No comments
	B. Habitat Protection
	Habitat Protection District Status: Is NOT within HPD
	Comments: No comments
	C. State Parks
	Comments:
	No Comments
State of Alaska Fish and Game	No comment
Addressing	Affected Addresses:
	51200 LUPINE AVE
	Existing Street Names are Correct: Yes
	List of Correct Street Names:
	LUPINE AVE
	ROBINS RD
	INDEPENDENCE RD
	All New Street Names are Approved: No
	Comments:
	51200 LUPINE AVE will remain with lot 1.
Code Compliance	It appears that a portion of the structure is in the 20' set back
Planner	There are not any Local Option Zoning District issues with this proposed plat.
	Material Site Comments:
	There are not any material site issues with this proposed plat.
Assessing	No comment
Advisory Planning Commission	

Utility provider review:

Addressing	
Code Compliance	
Planner	
Assessing	
Advisory Planning Commission	

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, staff recommends

1) To adopt Resolution 2022-39, subject to compliance with KPB 20.10.110 sections F and G and grant the building setback permit.

Page 3 of 4

2) To deny the building setback permit and recommend petitioner return with a subdivision vacating a portion of Lupine Avenue, thereby moving and relocating the 20' building setback and also dedicating a portion of Lot 1 Block 2 Centennial Shores Subdivision No 1 85-157 on the southwesterly side as new roadway. This would begin to fix the issue of the roadway crossing and continuing west and connecting to Keeven Lane.

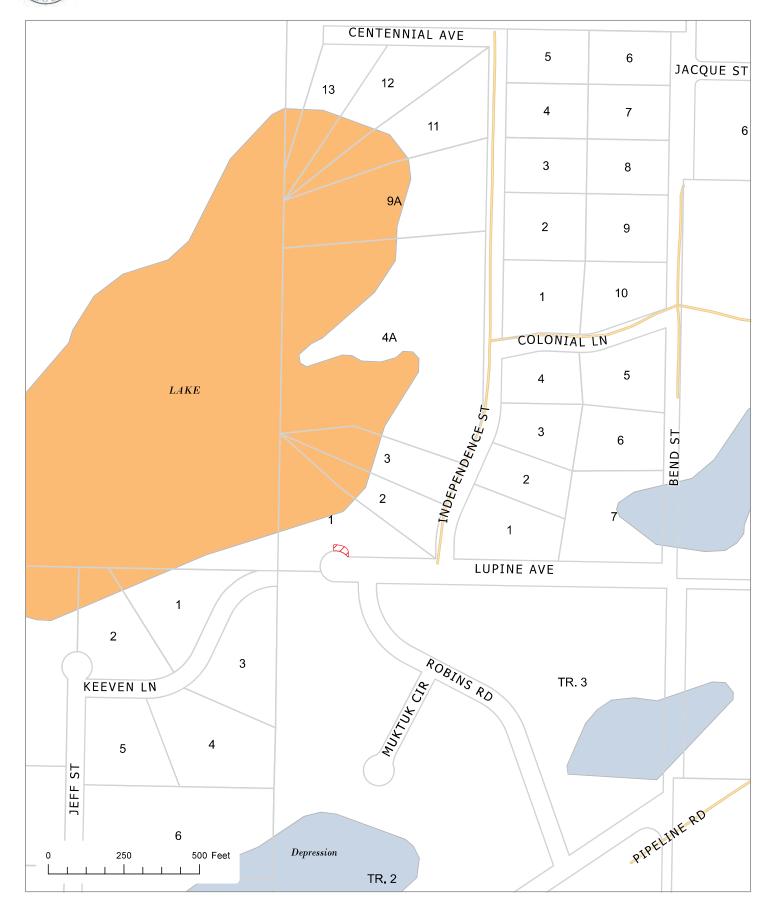
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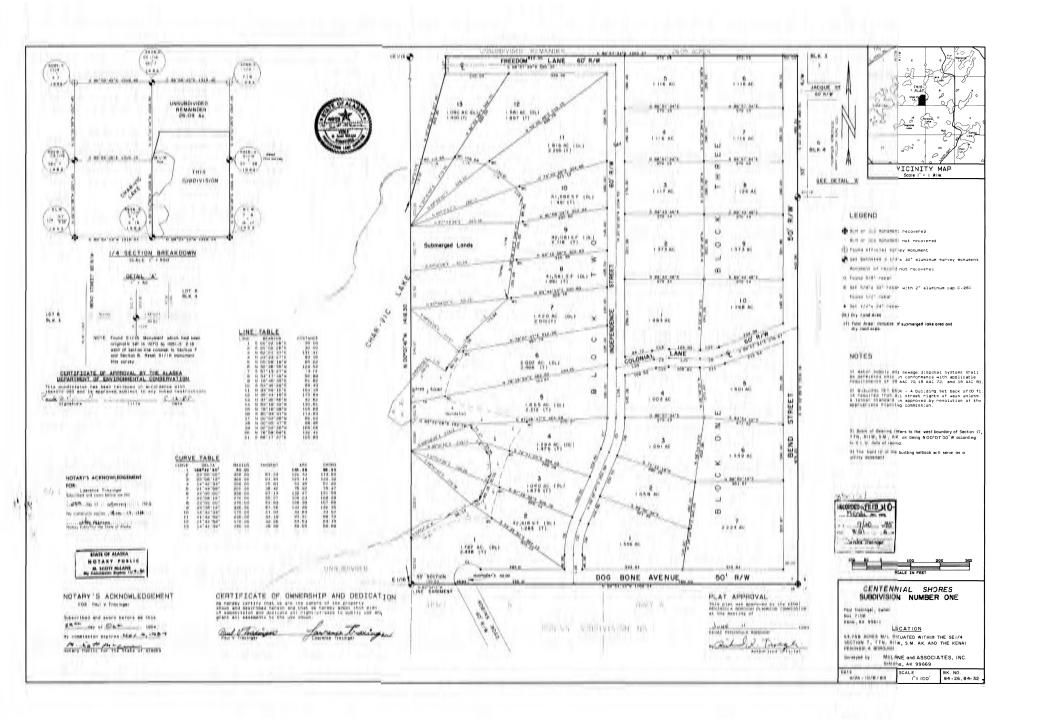
20.10.110.(H) A decision of the planning commission may be appealed to the hearing officer by a party of record, as defined by KPB 20.90, within 15 days of the date of notice of decision in accordance with KPB 21.20.250.

END OF STAFF REPORT









E. NEW BUSINESS

4. Conditional Use Permit; PC Resolution 2022-41
Request: To replace a bridge within the 50' Habitat
Protection District of the Trail Lake, near

Crown Point.

Multi Agency Permit Application



514 Funny River Road, Soldotna, AK 99669 ● (907) 714-2460 ● KenaiRivCenter@kpb.us

Applica	nt Informat	<u>ion:</u>	Agent Information: (if applicable)				
Name: Brian Lindamood (ARRC)			Name:	Jeanette Holt (ARRC)			
Owner?	Yes [□ No					
Mailing:	P.O. Box	107500	Mailing:	P.O. Box 107500			
	Anchora	ge, AK 99510		Anchorage, AK 99510			
Phone:	Phone: 907-265-3095		Phone:	907-265-2440			
Email:	Lindamo	odB@akrr.com	Email:	HoltJ@akrr.com			
Project	Location:						
KPB Parcel ID: NA			Sub	division: NA			
Physical Address:		60.4352 N, 149.3725 W		Block: Addn/No.:			
Filysical Address.		· · · · · · · · · · · · · · · · · · ·		ctions to site: From Seward, drive north			
Waterbody Name:		Trail River	_	Seward Highway approximately 24.7 miles			
River Mile:		NA Riverbank: ☐ Right		isting ARRC bridge over Trail River outlet from Trail Lake.			
		looking downstream Left					
Permit F	ees: (pleas	se select the applicable permit fees)					
□ \$100	- ADNR Sta	ate Parks Permit) - KPB Co	onditional Use Permit			
□ \$50 -	KPB Habita	at/Floodplain Permit 🔳 \$300) - KPB Flo	oodway Development Permit			
Project Description: New Project OR							
Provide a detailed description of your project and all related activities, use additional pages if needed. Include the following information for all existing and proposed structures:							
Water	body descri	dimensions iption & proximity and/or HTL Construction if Filling/dredgin type, volume	ıg/excavati	ion: • Vegetation Removal: location,			
Alaska Railroad (ARRC) proposes to reconstruct its existing bridge and raise the track elevation over Trail River, south of Moose Pass.							
The proposed bridge is 360 feet in length, open top deck bridge resting on 13 bents (12, 30-ft steel spans), with a low chord elevation of 474.93 feet.							
Riprap armoring (approx. 450 cy) will be placed around new sheet pile bulkheads and extend along the embankment to the north of the north abutment. The tracks							
will be raised to the north and south of the bridge to meet the proposed bridge grade (approx. 2,500 feet). This elevation change will result in a							
track raise of approx. three feet at the bridge and one foot at the Crown Point Mine Road crossing, requiring an upgrade to the at-grade crossing at							
MP 25.46	, just south of t	the bridge. Minor grading and vegetation clear	ing near the	crossing may be necessary. See attachments for details.			
KPB Tax	x Credit: (s	skip this section if your project is p	rior exist	ing, only applicable to NEW projects)			
Please provide <u>your</u> estimated project cost(s) below. Do not include grants or other funding assistance:							
		Elevated Light Penetrating Structu	ure(s)	\$			
		Bank or Habitat Restoration & Pro		\$			
		Other Activities		 \$			

Project Questions:

No	<u>te:</u> Use <u>Ordinary High Water</u> (OHW) for non-tidal waters	s, and <u>Mean High Tide</u> (MHT) fo	r tidal waters.			
1.	Start date: Fall 2023 End date: Summer 2024	Lestimated Days of Construction	on: <u>120</u>			
2.	Is the project located within 50 feet of OHW or HTL a waterbody? ■ Yes □ No					
3.	Does any portion of the project extend <u>below</u> the OHW or HTL of the stream or waterbody? ■ Yes □ No					
4.	Does any portion of the project cantilever or extend <u>over</u> the OHW of the waterbody? ■ Yes □ No					
5.	Will anything be placed below OHW or HTL of the waterbody? ■ Yes □ No					
6.	Will material be <u>extracted or dredged</u> from the site? ■ Yes □ No					
7.	Including areas below OHW or HTL, what is the total area (in acres) that will be excavated or dredged? Total Area:					
8.	. Will any material (including soils, debris, and/or overburden) be used as fill? ■ Yes □ No Type of material: Riprap Amount: 340cy (120cy below OHW) Permanent ■ or Temporary □ Will fill be placed below OHW or HTL: ■ Yes □ No					
9.	List all motorized equipment to be used in this project, including access route to site, any stream or waterbody crossings, and (if applicable) how long equipment will be used below OHW or HTL: ARRC right-of-way. No vehicular access will occur within the bed or banks of the waterway. Work will be conducted from the existing track and adjacent uplands					
10.	0. Is any portion of the work already complete? ☐ Yes ■ No If yes, describe: NA					
Signature & Certification:						
This application is hereby made requesting permit(s) to authorize the work described in this application form. I certify the information in this application is complete and accurate to the best of my knowledge.						
If applying for a tax credit: I certify that I have not begun construction of the project on this the property and that the proposed project will be constructed in a manner consistent with KPB 5.12 Real Property and Personal Property Taxes, KPB 5.14 Habitat Protection Tax Credit, and other applicable ordinances.						
	Brian Lindamood Digitally signed by Brian Lindamood Date: 2022.09.27 09:04:21 -08'00'	9/27/2022				
	Applicant Signature (required)	Date				
	Geentle Holk	9/27/2022				
	Agent Signature (if applicable)	Date	_			



MP 25.7, Trail River Bridge Replacement, Project Description

Alaska Railroad (ARRC) proposes to reconstruct its existing bridge and raise the track elevation over Trail River at approximately 60.4352 N, 149.3725 W, approximately four miles south of Moose Pass, Alaska. The project will replace an aging and deteriorated bridge approaching the end of its useful life and is prone to flooding. The purpose of this project is to enhance the stability of the track infrastructure, protect critical state infrastructure, improve safety for the ARRC and its customers, and maintain the integrity of the railroad.

Existing Facility

The existing bridge is an open deck timber trestle, approximately 360 feet long (24, 15-ft spans). It sits on 25 bents with five piles each. In addition, approx. 165 remnant timber piles remain at or below the waterline from previous railroad bridges. The existing bridge's low chord elevation is 473.06 feet. For survey reference, the OHW for Trail River is estimated to be 469.5 feet, and the modeled 100-year flood event elevation is 474.9 feet.

Proposed Facility

The proposed bridge is 360 feet in length, open top deck bridge resting on 13 bents (12, 30-ft steel spans), with a low chord elevation of 474.93 feet. Riprap armoring (approx. 450 cy) will be placed around new sheet pile bulkheads and extend along the embankment to the north of the north abutment. The tracks will be raised to the north and south of the bridge to meet the proposed bridge grade (approx. 2,500 feet). This elevation change will result in a track raise of approx. three feet at the bridge and one foot at the Crown Point Mine Road crossing, requiring an upgrade to the at-grade crossing at MP 25.46, just south of the bridge. Minor grading and vegetation clearing near the crossing may be necessary.

Proposed Construction Method

ARRC proposes to reconstruct the existing bridge on the ARRC mainline track once high-season passenger and freight activity tapers off. ARRC does not intend to construct or place any temporary work bridge, temporary piles or bents, or temporary work pads to facilitate this construction.

ARRC and their construction contractor will also remove remaining piles. If piles cannot be removed completely, they will be cut off approximately at grade with the Trail River substrate below OHW.

Pile driving with both vibratory and impact hammers are necessary to install the steel sheet pile bulkheads and bridge bents. There are 13 bents with 3, 24" piles per bent (39 total piles) to be installed and secured in place with concrete.

Riprap armoring will be placed around each bulkhead and extend along the embankment to the north of the north abutment. Total quantity of riprap placed for this project is approx. 450 cy, of which approx. 250 cy (0.09 acres) placed below ordinary high water (OHW).

The tracks north and south of the bridge will be removed and the embankment will be rebuilt in compacted lifts to reach the proposed track grade. During crossing reconstruction, a temporary crossing will allow vehicles to access residencies along Crown Point Mine Road throughout construction. Total quantity of in-situ material excavated for this project is approx. 2,353 cy, of which 250 cy removed from below OHW.

Environmental and Regulatory Considerations

The bridge spans Trail River, a Water of the U.S. (WOUS) subject to US Army Corps of Engineers (USACE) jurisdiction. Trail River is listed as an anadromous (salmon-bearing) waterway (AWC Code 244-30-10010-2225),

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and as such is subject to Alaska Department of Fish & Game's (ADFG) authority. This waterway is located within the Kenai Peninsula Borough (KPB) and has been mapped for flood zones by the Federal Emergency Management Agency. It is not listed as a navigable waterway by US Coast Guard (USCG); therefore, not subject to USCG approval for bridges over navigable waterways.

The proposed work would occur under Nationwide Permit 3, Maintenance of Existing Facilities. ARRC and its Contractor will not disturb any more than the minimum area necessary, with respect to the ordinary high water (OHW), to complete the proposed bridge reconstruction. No temporary fill will be placed in WOUS. Permanent fill within the WOUS will be riprap around abutments and on the embankment on the north side of Trail River and adjacent to Lower Trail Lake. Approximately 2,353 cy (approx. 250 cy (below OHW) of in-situ material, including organics and gravels, will be excavated to install the riprap armoring. The Contractor must obtain all permits required by law to dispose of unused material.

A Multi-Agency Permit application is included for submittal to the KRC. This permit application is expected to be conveyed to ADFG, AK State Parks, and KPB Floodplains administrators. A Title 16 Fish Habitat Permit application is included as part of this package.

A courtesy letter to the US Army Corps of Engineers for authorization under NWP No. 3 – Maintenance, with no PCN required is included as part of the package.

All proposed work will be within the ARRC right-of-way. No vehicular access will occur within the bed or banks of the waterway. Work will be conducted from the existing track and adjacent uplands. No Temporary Land Use Permit is anticipated with ADNR at this time.

A Storm Water Pollution Prevention Plan (SWPPP) will be prepared for this project and Construction General Permit obtained.

See attached Cultural Resources Documentation for Section 106 compliance.

Mitigation

ARRC proposes to provide mitigation for potential impacts to Trail River by removing the current piles and support structure for the existing bridge. Additionally, ARRC proposes to remove approx. 165 remnant piles at substrate grade (below OHW).

Schedule

The necessary track and bridge raise requires that the entire bridge be replaced at once, not incrementally between train traffic. The amount of time to do this work (estimated up to 120-days) is not feasible between May and October because ARRC operates up to eight trains per day over this bridge. The proposed project may begin in fall 2023 with the in-water work window being January 2024 thru April 2024. Additional work items such removal on remnant piles by divers, track raise, and at-grade crossing upgrades will be completed concurrently or later with the entire project being completed in summer 2024.

Br 25.7 Cultural Resources Documentation

Section 106 compliance to improve the grade crossing at Crown Point Mine Road and complete track work is achieved using the *Program Comment to Exempt Consideration of Effects to Rail Properties Within Rail Rights-of-Way* issued by the Advisory Council on Historic Preservation on August 17, 2018 (83 FR 42920, August 24, 2018, and amended 84 FR 31075, June 28, 2019). The project meets the following exempted activities:

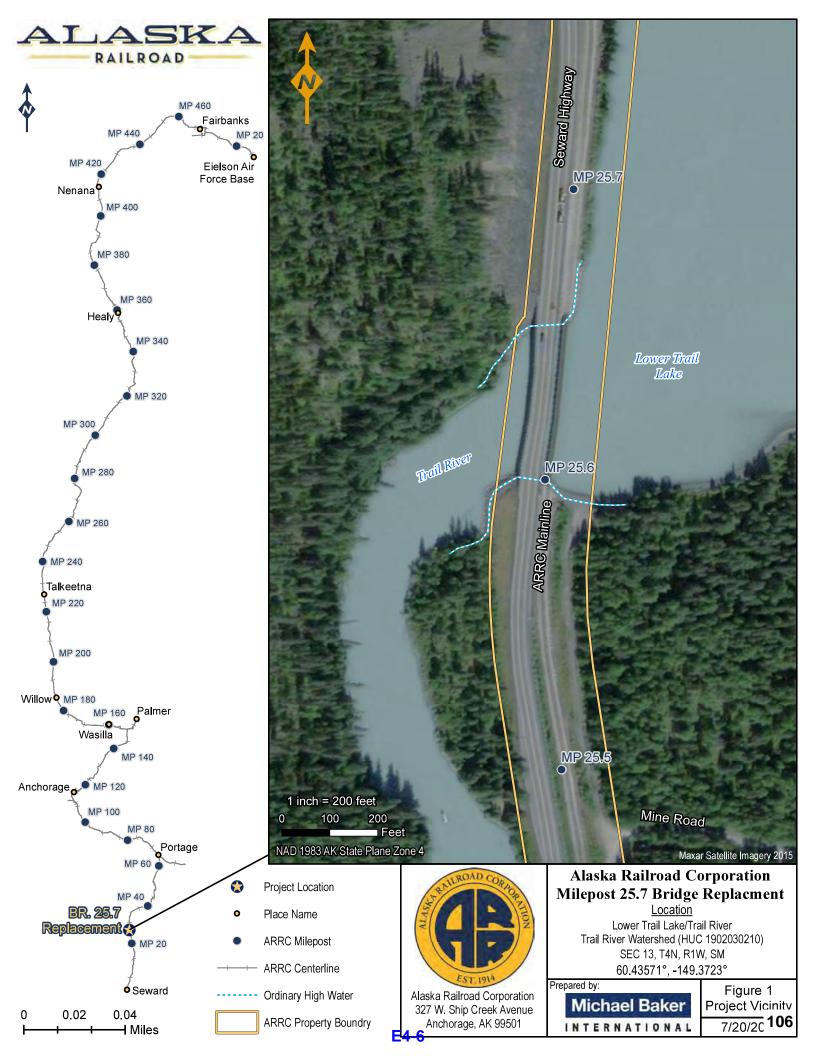
- Appendix A.II.A.1: Track and trackbed maintenance, repair, replacement, and upgrades within the existing footprint (i.e., existing subgrade, subballast, ballast, and rails and crossties (track)). These activities must not include alterations to the trackbed that would result in a substantial visual change (i.e., elevation or alignment) in the relationship between the trackbed and the surrounding landscape or built environment.
- Appendix A.II.E.2. Replacement of at-grade railroad and rail transit crossings on existing railroads, rail transit lines, and roadways, including components such as crossing signs, gates, warning devices and signage, highway traffic signal pre-emption, road markings, paving and resurfacing, and similar safety features.
- Appendix A.II.G.1: Placement of riprap and similar bank stabilization methods to prevent erosion affecting bridges and waterways.

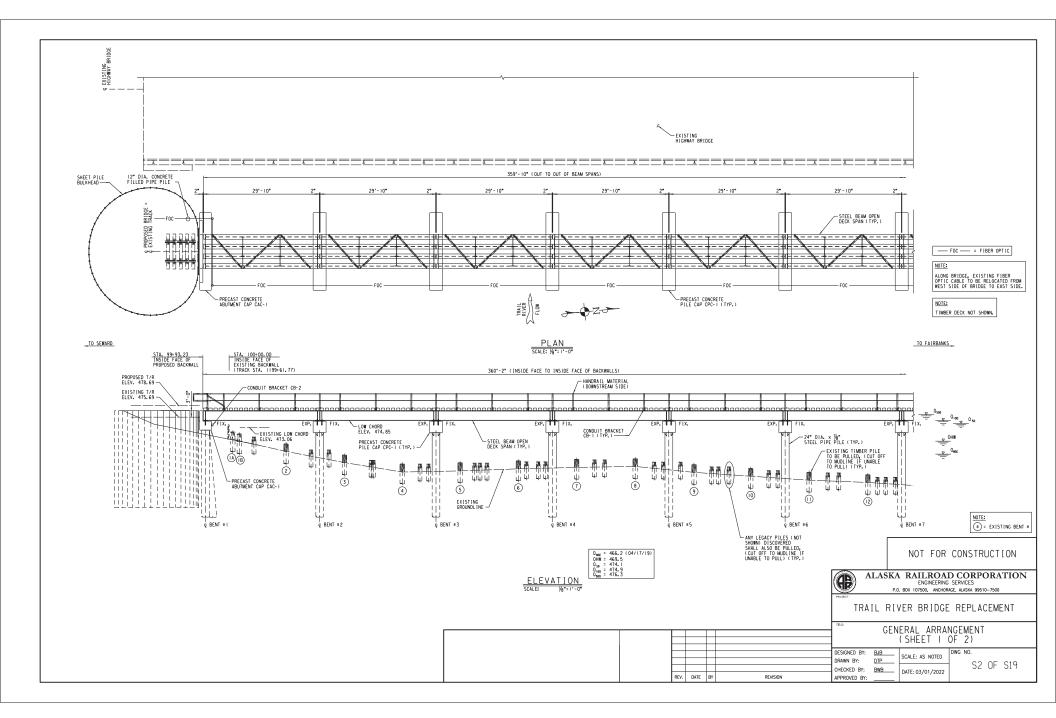
ARRC has reviewed the Alaska Heritage Resource Survey (AHRS) to identify potentially historic properties within or near the project site. No previously recorded or known archaeological sites were found in or near the project site. The following properties are in or near the project site:

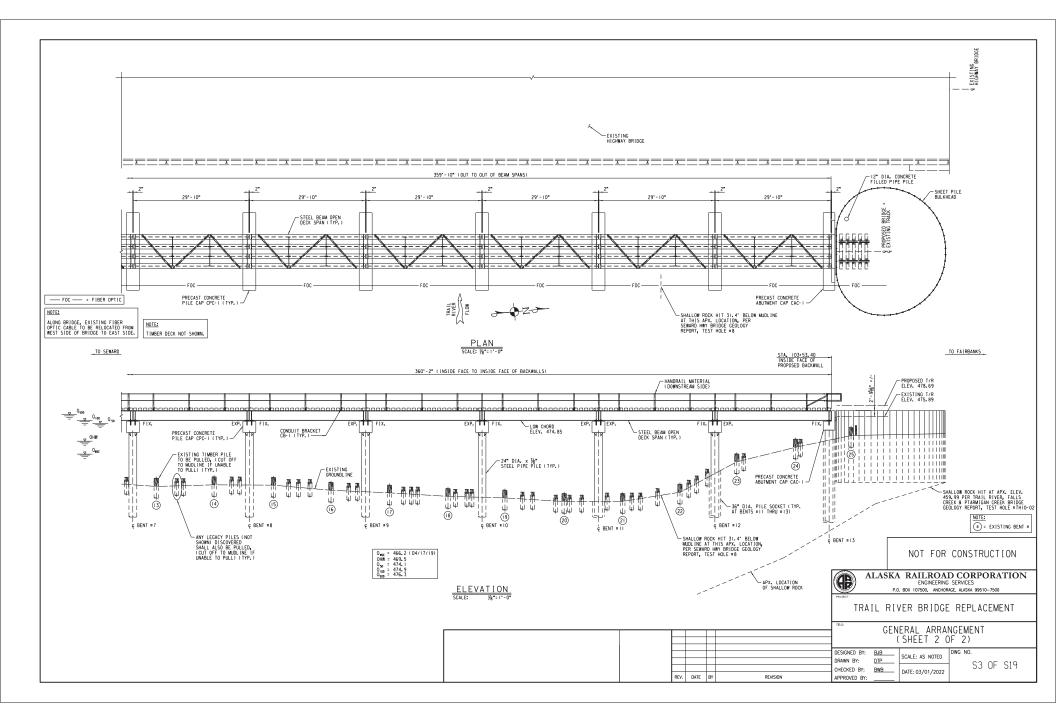
- SEW-00029 Alaska Railroad. This entry relates to the railroad infrastructure as a whole. The proposed project would continue to preserve the continuity and integrity of the rail system and does not represent an alteration that would diminish the integrity of the resources as a whole.
- SEW-00148 Seward-Moose Pass Trail. This is in the overall vicinity but will not be impacted or disturbed by the project.
- SEW-00415 Homestead Entry Survey #197. This is in the overall vicinity but will not be impacted or disturbed by the project.
- SEW-01350 Alaska Railroad MP 25.7 Trail River Bridge. This bridge will be replaced by the project.
- SEW-01291 DOT&PF Seward Highway Bridge. This bridge has been replaced in the last 10 years.
- SEW-01557 DOT&PF Seward Highway. MP 0-37 is considered the non-interstate portion and determined not eligible for listing in the National Register (02-25-2019).

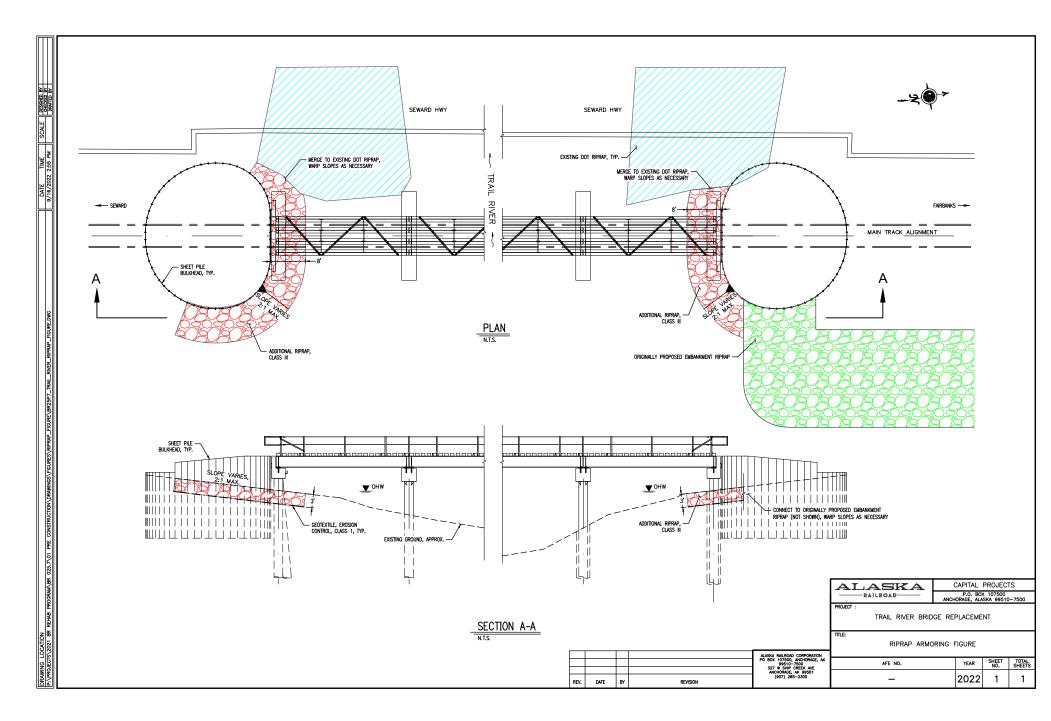
Section 106 compliance for the removal and replacement of MP 25.7 Trail River Bridge is addressed by ARRC's existing Memorandum of Agreement (MOA) with the Alaska State Historic Preservation Office (SHPO) and FRA for Mitigation of Impacts to Bridge 233.3 and Other Timber Bridges. This MOA was originally signed 1.16.2007 and Amendment 1 was authorized on 7.14.2016 to extend the MOA until 7.2026. ARRC continues to make progress on the Mitigation Stipulations outlined in the MOA and continue to update SHPO and FRA in an annual report. The design of this replacement bridge is considered a standard design as described in Mitigation Stipulation 2.4.

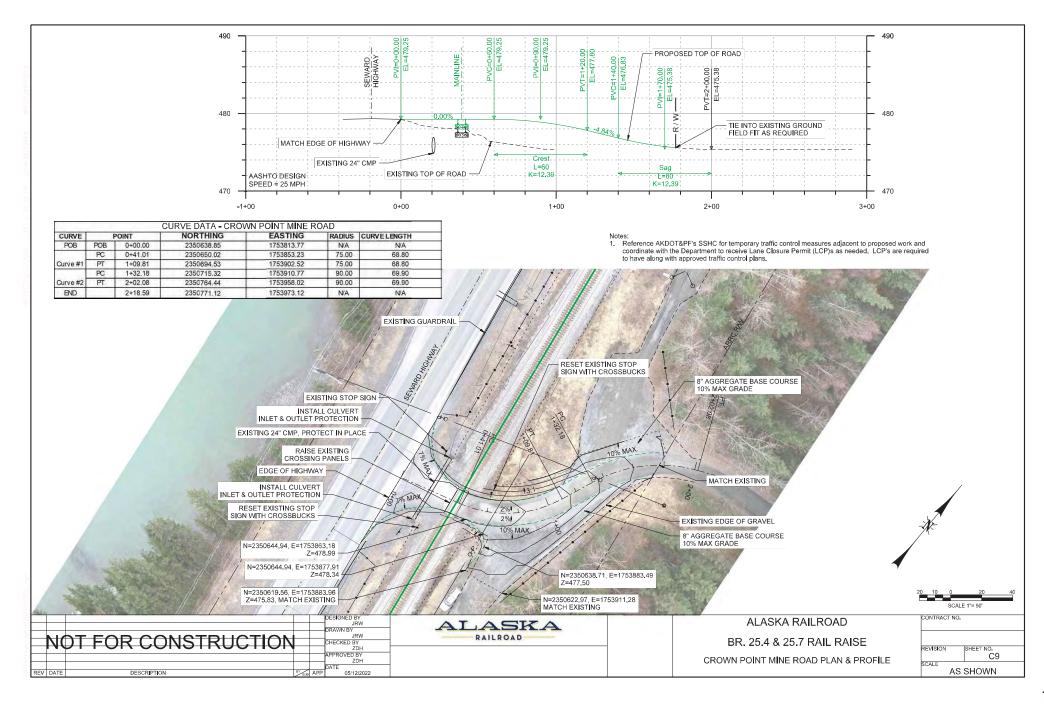
Any potential work outside the existing disturbed railroad right-of-way (staging and temporary access) will take place primarily from existing paved or hard-packed transportation right-of-way. These activities, if required, have no potential to affect historic properties.











ARRC – Bridge 25.7 Replacement Project Site Photographs



Photo 1. Looking west at Bridge 25.7, Trail Lake.

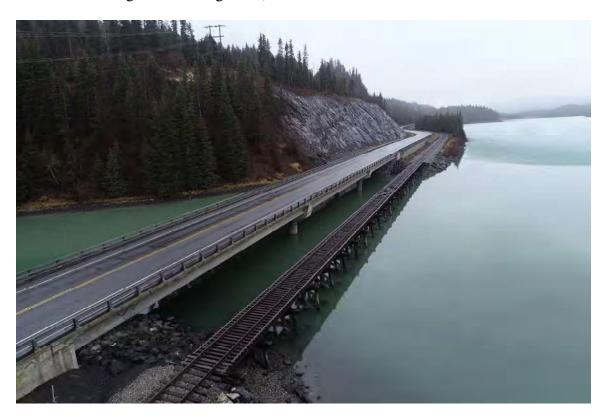


Photo 2. Looking north at Bridge 25.7, Trail Lake

ARRC – Bridge 25.7 Replacement Project Site Photographs



Photo 3. Looking north from the southeast corner of Bridge 25.7, Trail Lake.

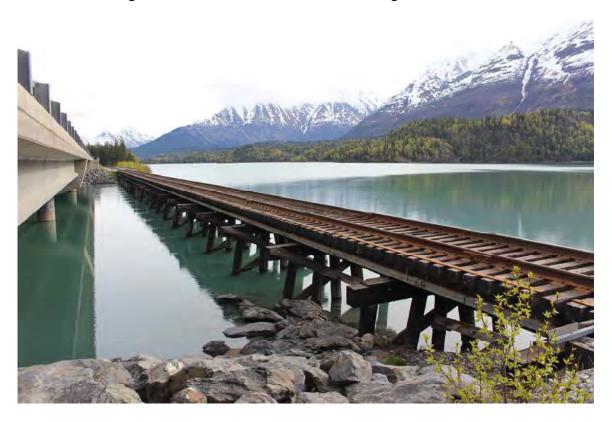


Photo 4. Looking north from the southwest corner of Bridge 25.7, Trail Lake.

Page 2 of 3

ARRC – Bridge 25.7 Replacement Project Site Photographs



Photo 5. Crossing at 25.46





FISH HABITAT PERMIT APPLICATION

Alaska Department of Fish and Game - Habitat Section Office Locations

A.	APPLICANT
	Name: Brian Lindamood (ARRC)
	Mailing Address: P.O. Box 107500 Anchorage, AK 99510
	Email Address: LindamoodB@akrr.com
	Phone: 907-265-3095 Alt Phone:
	AGENT / POINT OF CONTACT:
	Name: Jeanette Holt (ARRC)
	Mailing Address: P.O. Box 107500 Anchorage, AK 99510
	Email Address: HoltJ@akrr.com
	Phone: 907-265-2440 Alt Phone: 907-444-8830
В.	PROJECT DESCRIPTION:
	Alaska Railroad (ARRC) proposes to reconstruct its existing bridge and raise the track elevation over Trail River, approximately four miles south of Moose Pass, Alaska. The proposed bridge is 360 feet in length, open top deck bridge resting on 13 bents (12, 30-ft steel spans), with a low chord elevation of 474.93 feet. Riprap armoring (approx. 450 cy) will be placed around new sheet pile bulkheads and extend along the embankment to the north of the north abutment. The tracks will be raised to the north and south of the bridge to meet the proposed bridge grade (approx. 2,500 feet). This elevation change will result in a track raise of approx. three feet at the bridge and one foot at the Crown Point Mine Road crossing, requiring an upgrade to the at-grade crossing at MP 25.46, just south of the bridge. Minor grading and vegetation clearing near the crossing may be necessary.
C.	PROJECT TIME FRAME: Fall 2023 to Summer 2024
D.	PROJECT LOCATION:
	Water body name: Trail River
	Anadromous stream number: 244-30-10010-2225
	Latitude & longitude in decimal degrees: 60.4352 N, 149.3725 W
	Section 01 W Township 13 Range 04 N Meridian SM USGS Quad D-6

WATER BODY C	HARACTERISTICS:				
Water body width:	Varies	Water body depth: Varies			
Substrate type (Bo	Substrate type (Boulder, cobble, gravel, sand, mud): Mud, silt Stream gradient: Varies				
	THE APPLICABLE SE many commonly authority	CTIONS BELOW: ized activities can be found at our Habitat Permits Website			
IN-WATER WOL	RK:				
Will you place a st	ructure or any fill below	ordinary high water?			
Will you remove n	naterial from below ordir	nary high water? Yes No			
Type and a	Type and amount: 250 cubic yards of in-situ material				
Will you alter the b	ped or banks of the water	· body? ■ Yes □ No			
How? 450	$_{ m How?}$ 450 cubic yards (250 cy below OHW) of riprap at abutments and north embankment				
What type?	N/A	t below ordinary high water? Yes No			
•	es below ordinary high wand what type? 39, 2	ater? Yes No 4" steel pipe piles			
Pile installa	ation method: 🔳 vibrato	ory hammer			
	other:				
Will you divert the	stream around the work	area? Yes No			
How long will the	stream be diverted? N	/A			
	How will you divert the stream? N/A				
Will you be placing	g a coffer dam or silt fen	cing to isolate the work area? Yes No			
Will you dewater t	he work area with a pum	p? Yes No			
Who will trap fish Capture and relocation	and remove them from the confish will require an Age	he work area? N/A watic Resource Permit from the ADF&G Division of Sport Fish.			

G.	STREAM CROSSINGS: What type of vehicles or equipment will cross the stream or lake? N/A				
	How many crossings (one-way) will be required? N/A				
	Will you build ice bridges for winter crossing? Yes No				
Н.	WATER WITHDRAWAL:				
	Pump intake size (inches): N/A Maximum pumping rate (gpm): N/A				
	Total daily amount (gal): N/A Total seasonal amount (gal): N/A				
	Water withdrawal from fish-bearing water bodies will require appropriate intake screening to				
	avoid impacts to fish. Screening criteria can vary by location depending on the species of fish and life				
	stages present at the time of withdrawal. Contact the <u>Habitat Section</u> for more information on intake				
	screens. Intake screening specifications (attach photos if available):				
	N/A				
info	use attach plans, specifications, aerial photographs, site rehabilitation plans, or other rmation in support of your application. Submit your completed application by tal mail, email, or in person at the appropriate Habitat Section office.				
	tify all information provided in my application and supporting documents is true and complete to the best of nowledge. 9/27/2022				
	Applicant Signature Signature Signature Signature				



September 26, 2022

U.S. Army Corps of Engineers-Alaska District Kenai Regulatory Field Office 44669 Sterling Highway, Suite B Soldotna, Alaska 99669-7915

Subject: ARRC MP 25.7, Trail River Replacement

To whom it may concern:

The Alaska Railroad Corporation (ARRC) is proposing to reconstruct its existing bridge and raise the track elevation over Trail River at approximately 60.4352 N, 149.3725 W, approximately four miles south of Moose Pass, Alaska. The project will replace an aging and deteriorated bridge approaching the end of its useful life and is prone to flooding. The purpose of this project is to enhance the stability of the track infrastructure, protect critical state infrastructure, improve safety for the ARRC and its customers, and maintain the integrity of the railroad.

The proposed bridge is 360 feet in length, open top deck bridge resting on 13 bents (12, 30-ft steel spans), with a low chord elevation of 474.93 feet. Riprap armoring (approx. 450 cy) will be placed around new sheet pile bulkheads and extend along the embankment to the north of the north abutment. The tracks will be raised to the north and south of the bridge to meet the proposed bridge grade (approx. 2,500 feet). This elevation change will result in a track raise of approx. three feet at the bridge and one foot at the Crown Point Mine Road crossing, requiring an upgrade to the at-grade crossing at MP 25.46, just south of the bridge. Minor grading and vegetation clearing near the crossing may be necessary. Additionally, ARRC proposes to remove approx. 165 remnant piles at substrate grade (below OHW).

ARRC proposes to conduct the proposed work authorized under Nationwide Permit (NWP) 3, Maintenance with no PCN required. ARRC will abide by all requirements of NWP 3. If you have any questions or comments, please feel free to contact me at (907) 265-2440.

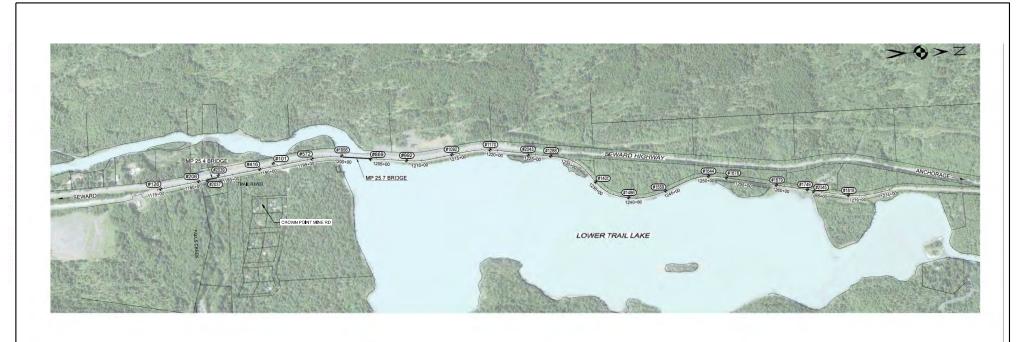
Sincerely,

Attachments:

Project Description Cultural Resources Documentation Figures

Photo Page

Geentle Holk





CONTROL POINT LIST

Point	Northing	Easting	Elevation	Description
126	2349093.98	1754096.83	485.55	PK IN TIE
206	2349593.05	1754017.98	485.50	60D IN TIE
2037	2349710.76	1754008.93	484.58	5/8" RBAR W/ YPC
2039	2349853.10	1753947.78	484.45	5/8" RBAR W/ YPC
416	2350395.26	1753891.33	479.86	PK IN TIE
101	2350576.08	1753821.89	480.22	PK IN ASPH
572	2351083.35	1753783.13	475.69	PK IN TIE
1956	2351471.24	1753757.48	475.55	5/8" RBAR W/ YPC
869	2351848.53	1753820.61	474.80	5/8" RBAR W/ YPC
992	2352322.34	1753858.34	476.05	set pk in tie
1092	2352915.87	1753804.90	475.68	PK IN TIE
1170	2353415.22	1753762.59	475.87	PK IN TIE
2043	2353909.77	1753854.42	474.33	5/8" RBAR W/ YPC
1288	2354202.35	1753876.88	475.48	PK IN TIE
1405	2354775.71	1754237.58	475.38	PK IN TIE
1486	2355205.57	1754463.53	475.87	PK IN TIE
1559	2355692.60	1754392.09	476.46	PK IN TIE
1644	2356259.93	1754222.02	477.35	PK IN TIE
1678	2356496.51	1754253.72	477.55	PK IN TIE
1679	2357143.05	1754375.59	474.94	PK IN TIE
1749	2357545.35	1754451.36	474.02	60D IN TIE
2045	2357625.27	1754479.67	473.31	5/8" RBAR W/ YPC
1818	2358080.86	1754549.98	476.64	PK IN TIE
100	2350580 89	1753825.35	479.98	BASE OPUS

NOTES

1) HORIZONTAL AND VERTICAL DATUM IS ALASKA STATE PLANI COORDINATE SYSTEM ZONE 4, NADS8/2011), GEOID12B ORTHOMI TRIO HEIGHTS BASED ON OPUS PROCESSISING OF CONTROL POINT 100. 2) CONTROL POINT 100 IS NOT SHOWN IN PLAN ABOVE.

LEGEND

CONTROL POINT, SEE POINT LIST

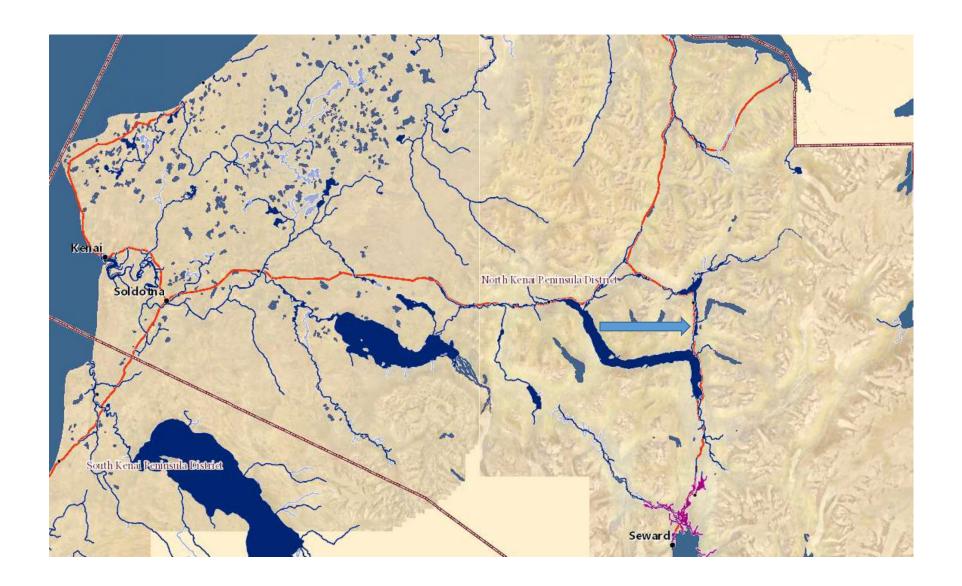
APPROXIMATE LOT LINES PER KPB GIS

					DESIGNED BY
					JRW DRAWN BY
					JRW JRW
					CHECKED BY
					ZDH
					APPROVED BY
				_	ZDH
					DATE
REV	DATE	DESCRIPTION	BY	APP	06/17/2022

ALASKA

ALASKA RAILROAD BR. 25.4 & 25.7 RAIL RAISE SURVEY CONTROL REVISION SHEET NO.

C3
SCALE NONE







Conditional Use Permit Anadromous Waters Habitat Protection District Staff Report

KPB File No. 2022-41

Planning Commission Meeting: November 14, 2022

Applicant Alaska Railroad Corporation

Mailing Address 327 W Ship Creek Ave

Anchorage, AK 99501

Legal Description T 4N R 1W SEC 13 SEWARD MERIDIAN SW 0880002

ALASKA STATE LAND SURVEY 86-176 TRACT A

EXCEPT ASLS 86-6

Physical Address MP 25.7 of the Seward Highway

KPB Parcel Number 12516022

Project Description

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of a bridge within the 50-foot Habitat Protection District of the Trail Lake, as established in KPB 21.18.040.

Background Information

The existing railroad bridge was built in 1920 and has deteriorated due to age and environmental stresses. The Alaska Railroad proposes to replace the bridge and expand it to meet current line capacity. The new bridge will meet the FEMA floodplain standards.

Project Details within the 50-foot Habitat Protection District

- 1. Replacing the bridge at the railroad crossing with a new bridge, which will be 360 feet long
- 2. Placement of approx. 450 cubic yards of rip rap
- 3. Removal of 165 bents that will not be used (from former bridge), addition of 13 bents for new bridge
- 4. Installation of sheet pile abutment on each end of bridge, measuring 30 feet long and 35 feet wide

General Standards

Pursuant to 21.18.081(D) General Standards, the following standards shall be met before conditional use approval may be granted:

- 1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1-3 appear to support this standard.**
- 2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; **Findings 1-4, 8-15 appear to support this standard.**
- 3. The development of the use or structure shall not physically damage the adjoining property; **Finding 8 appears to support this standard.**
- 4. The proposed use or structure is water-dependent; **Findings 4 and 9 appear to support this standard.**

5. Applicant's or owner's compliance with other borough permits and ordinance requirements; **Finding 15 appears to support this standard.**

Findings of fact pursuant to KPB 21.18.081 Conditional Use Permit

- 1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
- 2. Pursuant to KPB 21.18.081(B)(5), construction of critical transportation and utility infrastructure may be approved as a conditional structure/use within the habitat protection district.
- 3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
- 4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.
- 5. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
- 6. Removal of the old bents and minimal replacement of new bents reduces impact on the habitat protection district.
- 7. Raising the elevation of the bridge to meet current FEMA standards.
- 8. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
- 9. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:
 - "...a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways."
- 10. The River Center found the application complete and scheduled a public hearing for November 14, 2022.
- 11. Agency review was distributed on October 26, 2022. No comments or objections have been received from resource agencies to date.
- 12. Notice of this project was sent to the Moose Pass Advisory Planning Commission. The APC reviewed this project at their October 8, 2022 meeting. They did not have any comments for this project.
- 13. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on October 26, 2022 A total of 1 mailing was sent.
- 14. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on November 3, 2022 and November 10, 2022.
- 15. The applicant is currently in compliance with Borough permits and ordinances.

Permit Conditions

- 1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Trail Lake.
- 2. The bridge must be designed and installed to meet KPB floodplain requirements.
- 3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
- 4. For each tree removed, two seedlings less than 5.5-feet tall of a species native to the region will be planted within the 50-foot HPD.
- 5. Storage or use of fuel is prohibited within 50-feet of any open water.
- 6. The River Center shall be notified at least 3 days prior to the start of the project.

- 7. If changes to the approved project described above are proposed prior to or during its siting, construction, or operation, the permittee is required to notify the River Center to determine if additional approval is required.
- 8. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
- 9. The construction or installation phase of this Conditional Use Permit must be completed within three calendar years from the date of the permit's issuance, or the Conditional Use Permit shall expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).
- 10. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
- 11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
- 12. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081 (G)).

Attachments

Multi-Agency Application Draft Resolution 2022-41

Recommendation

Based on the findings, staff finds that the proposed project meets the five general standards of KPB 21.18.081. The Planning Commission could consider additional permit conditions to mitigate for any habitat loss if it chooses.

Staff recommends the Planning Commission grant a Conditional Use Permit for the proposed project details subject to adopted conditions as set forth in 2022-41.

Note: An appeal of a decision of the Planning Commission may be filed to the Hearing Officer, in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.

END OF STAFF REPORT

A Division of the Planning Department

Charlie Pierce Borough Mayor

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that an application for a Conditional Use Permit has been received to replace a bridge within the 50-foot Habitat Protection District of the Trail Lake, near Crown Point, Alaska. You have been sent this notice because you are a property owner within 300 feet of the described property.

Pursuant to KPB 21.18.081(B)(5) Transportation and Utility Infrastructure and KPB 21.18.091 Mitigation measures, projects within the 50-foot Habitat Protection District are not permitted unless a Conditional Use Permit (CUP) is approved by the Planning Commission. This project is located at milepost 25.7 of the Seward Highway, Moose Pass, Alaska.

<u>Petitioner</u>: Alaska Railroad Corporation

327 W Ship Creek Ave Anchorage, AK 99501

<u>Public Hearing:</u> The Kenai Peninsula Borough Planning Commission meeting will hold a public hearing on November 14, 2022 commencing at 7:30 p.m., or as soon thereafter as business permits. The meeting is to be held in the Borough Administrative Building, 144 N. Binkley St., Soldotna, Alaska. The public may also attend the meeting electronically/telephonically via Zoom. To join the meeting from a computer visit https://us06web.zoom.us/j/9077142200. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247. When calling in you will need the Meeting ID 907 714 2200.

<u>Public Comment:</u> Anyone wishing to testify may attend the above meeting to give testimony, or may submit written comment via the methods below. **Written comments must be submitted by 1:00 pm Friday**, November 10, 2022.

Mail comments to:Fax comments to:Email comments to:Donald E. Gilman River Center(907) 260-5992planning@kpb.us514 Funny River RoadKenaiRivCenter@kpb.usSoldotna, Alaska 99669

For additional information contact Morgan Aldridge, maldridge@kpb.us, Donald E. Gilman River Center, (907) 714-2465.

KENAI PENINSULA BOROUGH PLANNING COMMISSION

RESOLUTION 2022-41

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE CONSTRUCTION OF BRIDGE WITHIN THE 50-FOOT HABITAT PROTECTION DISTRICT OF THE TRAIL CREEK.

WHEREAS, Chapter 21.18 provides for the approval of Conditional Use Permits for certain activities within the habitat protection district; and

- **WHEREAS,** KPB 21.18.081 provides that a conditional use permit is required for construction not meeting the standards of KPB 21.18.071; and
- WHEREAS, KPB 21.18.091 provides for mitigation measures by the planning department staff to address impacts to the Habitat Protection District from a proposed, ongoing, or completed project; and
- **WHEREAS,** public notice was sent to all property owners within a 300-foot radius of the proposed activity as provided in Section 21.11.030; and
- WHEREAS, public notice was published in the Peninsula Clarion on November 3, 2022 and November 10, 2022 as provided in Section 21.11.020; and
- **WHEREAS,** public testimony was received at the November 14, 2022 meeting of the Kenai Peninsula Borough Planning Commission;

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

That the Planning Commission makes the following findings of fact pursuant to KPB 21.18:

Section 1. Project Details Within the 50-foot Habitat Protection District

- 1. Replacing the bridge at the railroad crossing with a new bridge, which will be 360 feet long
- 2. Placement of approx. 450 cubic yards of rip rap at the north end of the bridge
- 3. Removal of 165 bents that will not be used (from former bridge), addition of 13 bents for new
- 4. Installation of sheet pile abutment on each end of bridge, measuring 30 feet long and 35 feet wide

Section 2. Findings of fact pursuant to KPB 21.18.081

- 1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
- 2. Pursuant to KPB 21.18.081(B)(5), construction of critical transportation and utility infrastructure may be approved as a conditional structure/use within the habitat protection district.
- 3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.

- 4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.
- 5. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
- 6. Removal of the old bents and minimal replacement of new bents reduces impact on the habitat protection district..
- 7. Raising the elevation of the bridge to meet current FEMA standards.
- 8. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
- 9. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:
 - "...a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways."
- 10. The River Center found the application complete and scheduled a public hearing for November 14, 2022.
- 11. Agency review was distributed on October 26, 2022. No comments or objections have been received from resource agencies to date.
- 12. Notice of this project was sent to the Moose Pass Advisory Planning Commission. The APC recommended reviewed this project at their October 8, 2022 meeting. The APC did not have any comments for this project.
- 13. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on October 26, 2022. A total of one mailing was sent.
- 14. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on November 3, 2022 and November 10, 2022.
- 15. The applicant is currently in compliance with Borough permits and ordinances.

Section 3. Permit Conditions

- 1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Trail Lake.
- 2. The bridge must be designed and installed to meet KPB floodplain requirements.
- 3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
- 4. For each tree removed, two seedlings less than 5.5-feet tall of a species native to the region will be planted within the 50-foot HPD.
- 5. Storage or use of fuel is prohibited within 50-feet of any open water.
- 6. The River Center shall be notified at least 3 days prior to the start of the project.
- 7. If changes to the approved project described above are proposed prior to or during its siting, construction, or operation, the permittee is required to notify the River Center to determine if additional approval is required.
- 8. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
- 9. The construction or installation phase of this Conditional Use Permit must be completed within three calendar years from the date of the permit's issuance, or the Conditional Use Permit shall

expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).

- 10. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
- 11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
- 12. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081 (G)).

Section 4. Pursuant to 21.18.081(D) General Standards, the following standards shall be met before conditional use approval may be granted:

- 1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1-3 appear to support this standard.**
- 2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; **Findings 1-4, 8-15 appear to support this standard.**
- 3. The development of the use or structure shall not physically damage the adjoining property; Findings 8 appear to support this standard.
- 4. The proposed use or structure is water-dependent; Findings 4 and 9 appear to support this standard.
- 5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Finding 15 appears to support this standard.**

ECTIVE ON DAY OF	, 2022.
Blair Martin, Chairperson Planning Commission	_
	Blair Martin, Chairperson

Note: An appeal of a decision of the Planning Commission may be filed to the hearing officer, in accordance with the requirements of the KPB Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.

E. NEW BUSINESS

- 5. Street Naming Resolution 2022-04
 - a. Renaming a portion of Kayeway Road. & Kayeway
 Circle to Hazy Lane
 Kalifornsky Ares (ESN 302)
 - b. Naming an unnamed section line easement to Janey Street
 Anchor Point Area (ESN 401)

.

AGENDA ITEM NEW BUSINESS

A. Kayeway Rd; Section 02, T04N, R11W; Seward Meridian, Kenai Peninsula Borough, AK; in the Kalifornsky community; ESN 302

STAFF REPORT PC MEETING: November 14, 2022

Applicant: Kenai Peninsula Borough Staff

Existing right-of-way names: Kayeway Rd & Kayeway Cir

Name proposed by petitioner: Hazy Ln

Reason for Change: Jump Street

Background: Named by resolution SN 2006-04

Name	Kayeway Rd & Kayeway Cir
ESN	302
Community	Kalifornsky
YR Named	2006
Constructed	Incomplete
Total Lots	32
Residential	32
Commercial	0
E911 Address	24
Decision	Rename

Review and Comments:

Notice was sent by regular mail to the property owners fronting Kayeway Rd, as listed on the KPB tax roll.

Three written comments were received from two property owners by the writing of this staff report.

The road name request has been emailed to the Kenai Peninsula Borough Road Maintenance for review. The KPB Roads Department supplied a statement that the Road Service Area has no objections at this time.

Staff Discussion:

A recent subdivision, 2020-045 Betty Goodrich Churchill Meadows, extended Kayeway Road to the north and added Kayeway Circle. Homes in the new subdivision are currently under construction, and several homes have been completed. The road has been partially constructed but leaves a 300-foot unconstructed portion between the original Kayeway Rd and the new extension.

A property owner along the original section of Kayeway Rd contacted borough staff identifying Kayeway Rd as a jump street. A jump street is a street that is not constructed through therefore creating separate access points to locate addresses assigned to the street. Jump streets are confusing for emergency response and mail delivery when there is no way to determine which access point will get them to the correct address.

Staff proposed Kayeway Rd N and Kayeway Rd S on September 26, 2022 (SN 2022-03), but renaming was postponed due to property owner feedback requesting a new street name for the newly constructed northern portion of Kayeway Rd.

The name Hazy Ln was requested by one property owner living on the new portion of Kayeway Rd, and was the only street name suggestion submitted to staff by the writing of this report. Staff reviewed the suggested name and found no conflict. There are no similar-sounding or identically named streets within the same or adjacent emergency service zone.

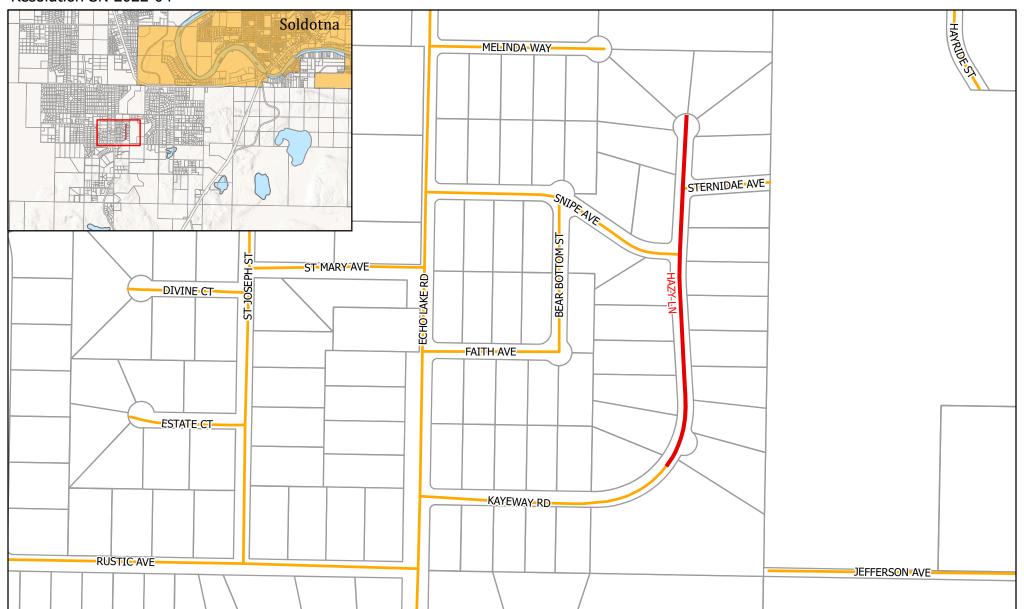
STAFF RECOMMENDATION: Rename a portion of Kayeway Rd and Kayeway Cir to **Hazy Ln** by adoption of Resolution SN 2022-04.

END OF STAFF REPORT



Date: 10/17/2022

Street Naming Resolution SN 2022-04





Date: 10/17/2022

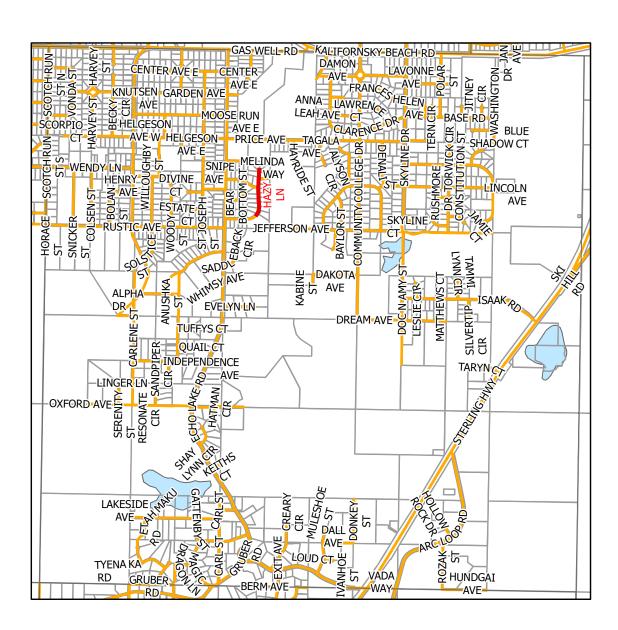
Street Renaming





Date: 10/26/2022

Street Renaming Resolution SN 2022-04



AGENDA ITEM NEW BUSINESS

B. Unnamed section line easement; Section 33, T05S, R14W; Seward Meridian, Kenai Peninsula Borough, AK; in the Anchor Point community; ESN 401

STAFF REPORT PC MEETING: November 14, 2022

Applicant: Kenai Peninsula Borough Staff

Existing right-of-way names: Little Creek St

Name proposed by petitioner: Janey St

Reason for Change: Rename Little Creek St and extend name along unnamed Section Line Easement

Background:

Name	Unnamed SLE
ESN	401
Community	Anchor Point
YR Named	N/A
Constructed	Partially
Total Lots	11
Residential	11
Commercial	0
E911 Address	5
Decision	Rename

Review and Comments:

Notice was sent by regular mail to the property owners fronting Little Creek Street and the unnamed SLE, as listed on the KPB tax roll.

No comments from property owners were received by the writing of this staff report.

The road name request has been emailed to the Kenai Peninsula Borough Road Maintenance for review. The KPB Roads Department supplied a statement that the Road Service Area has no objections at this time.

Staff Discussion:

Borough Staff identified a newly construct road across an unnamed section line easement that is a direct extension of Little Creek St. KPB Staff petitioned to name the unnamed extension of Little Creek St on September 26, 2022 (SN2022-03), but received written comments requesting that the full length of Little Creek St and the unnamed extension be renamed to Janey Lane. Written comments contained support from three property owners that currently use Little Creek St and the unnamed extension for access.

Staff Recommends Janey Street as the Suffix "Street" means any right-of-way lying in a north-south direction, not ending in a cul-de-sac, and the future extension in either direction is possible (KPB14.10.070).

Per KPG GIS data, Little Creek St is approximately 1300-feet in length, unmaintained, partially constructed, and provides access to one residential home. The unnamed road extension is approximately 730-feet in length, unmaintained, and provides access to three residential homes. Homes along the unnamed extension are using Jolly Ave and Placer Ct addresses, which could cause confusion for dispatch and first

responders.

Staff reviewed the suggested name and found no conflict. There are no similar-sounding or identically named streets within the same or adjacent emergency service zone.

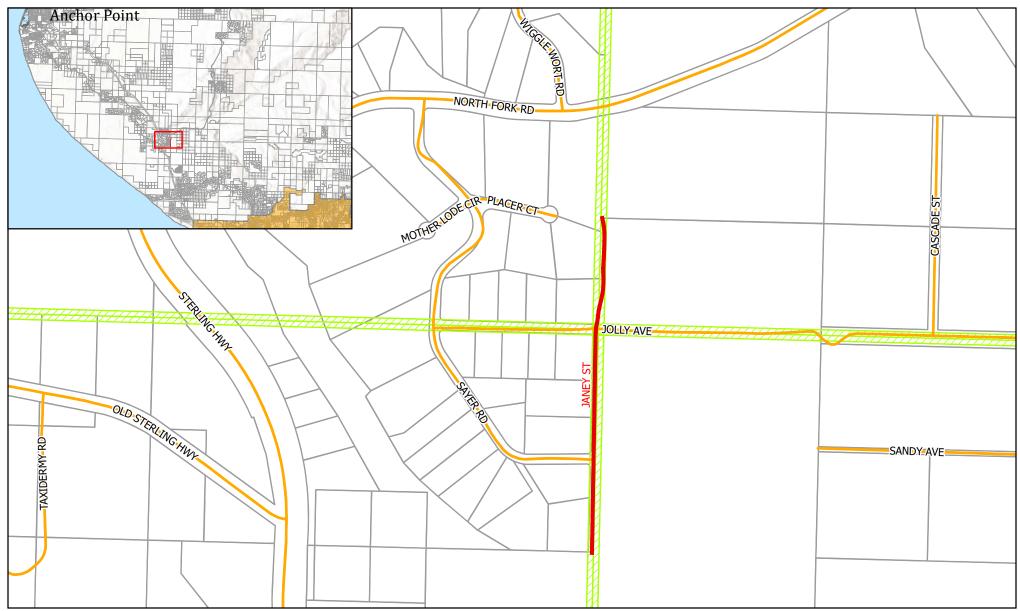
STAFF RECOMMENDATION: Rename Little Creek St and the Unnamed SLE to **Janey St** by adoption of Resolution SN 2022-04.

END OF STAFF REPORT



Date: 10/7/2022

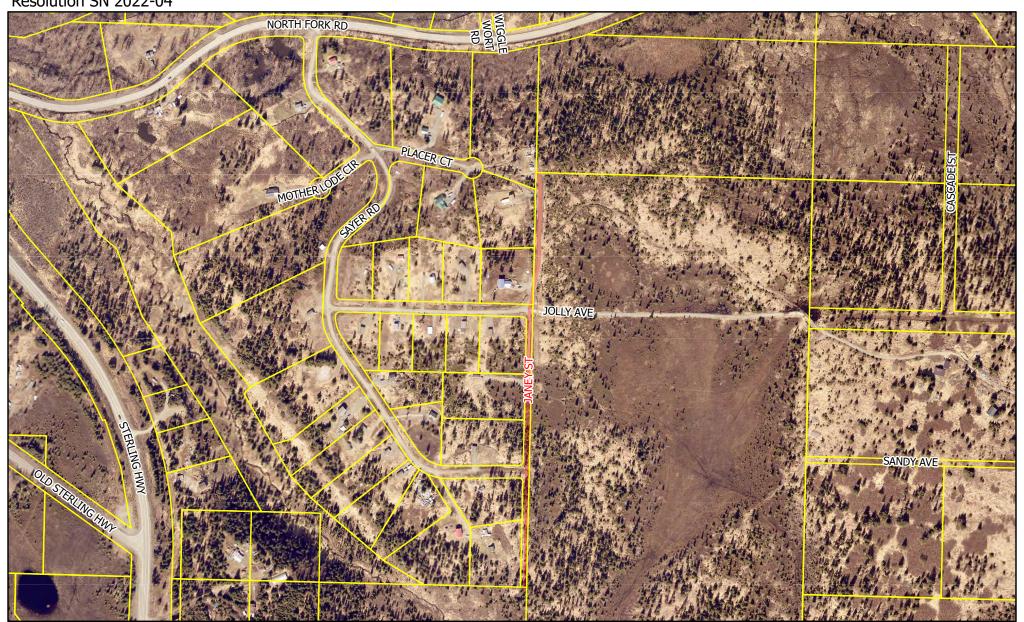
Street Naming Resolution SN 2022-04





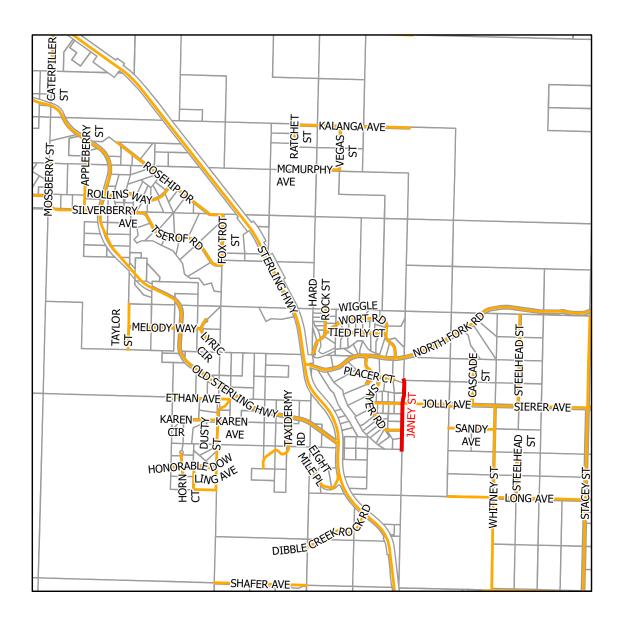
Date: 10/7/2022

Street Renaming Resolution SN 2022-04



Date: 10/7/2022

Street Renaming Resolution SN 2022-04



KENAI PENINSULA BOROUGH PLANNING COMMISSION RESOLUTION

RESOLUTION SN 2022-04

RENAMING A CERTAIN PUBLIC RIGHT-OF-WAY WITHIN SECTION 02, T04N, R11W; SEWARD MERIDIAN; WITHIN EMERGENCY SERVICE NUMBER (ESN) 302

NAMING A CERTAIN PUBLIC RIGHT-OF-WAY WITHIN SECTION 33, T05S, R14W; SEWARD MERIDIAN; WITHIN EMERGENCY SERVICE NUMBER (ESN) 401

WHEREAS, a procedure has been developed to help implement the Enhanced 9-1-1 Street Naming and Addressing project; and

WHEREAS, eliminating duplicate and sound-alike street names will enable 9-1-1 Emergency Services to respond to emergencies in an efficient timely manner, thereby avoiding delays in providing necessary emergency services; and

WHEREAS, adding a post directional or changing the name of portions of jump streets will enable 9-1-1 Emergency Services to respond to emergencies in an efficient timely manner, thereby avoiding delays in providing necessary emergency services; and

WHEREAS, naming private roads that provide access to three or more structures will enable 9-1-1 Emergency Services to respond to emergencies in an efficient timely manner, thereby avoiding delays in providing necessary emergency services; and

WHEREAS, per KPB 14.10.060, the naming of an unnamed road will not constitute a legal dedication for public right-of-way or for road maintenance purposes; and

WHEREAS, on November 14, 2022 public hearings were held by the Kenai Peninsula Borough Planning Commission to address all concerns about the proposed road naming; and

WHEREAS, Chapter 14.10 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish street name changes by Resolution.

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

Section 1. That the streets listed below are named as follows:

DESCRIPTION	FROM	ТО	BASE MAP
A. Kayeway Rd originally named by resolution SN 2006-04 and extended by KN 2020-045; Section 02, T04N, R11W; Seward Meridian, Kenai Peninsula Borough, AK; in the Kalifornsky community; ESN 302	Kayeway Rd	Hazy Ln	KS03
B. Little Creek St originally named by HM 2006-019 and an unnamed section line easement; Section 33, T05S, R14W; Seward Meridian, Kenai Peninsula Borough, AK; in the Anchor Point community; ESN 401	Little Creek St & Unnamed SLE	Janey St	AR63

Kenai Peninsula Borough Planning Commission Resolution SN 2022-04

Section 2.	That according to Kenai Peninsula Borough Code of Ordinance 14.10.030, the official street name map, 1:500 scale series base maps, Anchor River 63; and KASILOF 03; is hereby amended to reflect these changes.			
Section 3.	That the map showing the location of the named road be attached to, and made a permanent part of this resolution.			
Section 4.	That this Resolution takes effect immediately upon adoption.			
ADOPTED BY OF NOVEMBE	THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH THIS 14 th DAY R 2022.			
	Blair J. Martin, Chairperson Planning Commission			
State of Alaska Kenai Peninsul				
Signed and sw	orn to (or affirmed) in my presence this day of 2022 by			
Notary Public				
My Commission	n expires			

E. NEW BUSINESS

6. Resolution 2022-XX: Authorizing a land acquisition by donation of 3 lots of land located in the Seward area on behalf of the Seward Bear Creek Flood Service Area.

Kenai Peninsula Borough

Planning Department - Land Management Division

MEMORANDUM

TO: Brent Johnson, Assembly President

Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor MN

Brandi Harbaugh, Finance Director BH Robert Ruffner, Planning Director SUFIK

Marcus Mueller, Land Management Officer

Stephanie Presley, SBCFSA Program Lead Sp

FROM: Aaron Hughes, Land Management Agent

DATE: November 3, 2022

RE: Resolution 2022-____, Authorizing the Acquisition by Donation of Three

Lots of Land Located in the Seward Area on Behalf of the Seward Bear

Creek Flood Service Area (Mayor)

The Seward Bear Creek Flood Service Area ("SBCFSA") provides for flood planning and mitigation. A property owner has offered to donate two tax parcels consisting of three lots (1.4 Acres Total) that are within the Resurrection River historic braid plain to the Borough for conservation purposes. The SBCFSA recommended acquisition of the property to be used for conservation and possible future flood mitigation.

This acquisition would further the Borough Comprehensive Plan <u>Land Use Objective D</u>: "Maintain quality of the borough's natural environment, including protecting visual quality, minimizing development in hazardous areas, and developing strategies that help reduce and respond to impacts of changing environmental conditions. Strategy 2. Identify and protect the critical natural systems of the Kenai Peninsula Borough, its rivers, watersheds, floodplains and fish and wildlife habitats and resources."

The SBCFSA would be responsible for the costs associated with the acquisition including title insurance, and any closing related costs.

Your consideration of the resolution is appreciated.

Introduced by: Mayor
Date: 11/15/22
Action:

Vote:

KENAI PENINSULA BOROUGH RESOLUTION 2022-

A RESOLUTION AUTHORIZING THE ACQUISITION BY DONATION OF THREE LOTS OF LAND LOCATED IN THE SEWARD AREA ON BEHALF OF THE SEWARD BEAR CREEK FLOOD SERVICE AREA

- WHEREAS, the Seward Bear Creek Flood Service Area ("SBCFSA") provides for flood planning and mitigation within the SBCFSA; and
- WHEREAS, the record owner of two tax parcels of land within the SBCFSA boundary has offered to donate the parcels to the Kenai Peninsula Borough ("Borough") for floodplain conservation and mitigation purposes; and
- WHEREAS, the two tax parcels, containing three lots and approximately 1.4 acres, are located in the Resurrection River historic braid plain east of the Seward Airport and in close proximity to other Borough land managed for floodplain purposes; and
- WHEREAS, the acquisition and management of this land for floodplain values would further Objective D, Strategy 2 of the Kenai Peninsula Borough Comprehensive Plan; and
- **WHEREAS**, the land is vacant and unimproved with a combined current assessed value of \$2,000.00; and
- WHEREAS, the SBFCSA board at its meeting of September 20, 2021, recommended approval of the subject acquisition; and
- WHEREAS, the KPB Planning Commission, at its regularly scheduled meeting of November 14, 2022, recommended ;

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

SECTION 1. That the acquisition of the following described real property on behalf of the SBCFSA is in the best interest of the Borough:

Lots 3 and 4, Tract A, Crawford Subdivision, according to Plat S-15, filed

145

in the Seward Recording District, Third Judicial District, State of Alaska. (PARCEL NO. 145-093-06)

AND

Lot 2, Riverside Subdivision, according to Plat S-16, filed in the Seward Recording District, Third Judicial District, State of Alaska. (PARCEL NO. 145-093-01)

- **SECTION 2.** Parcels referenced will be conveyed through a deed to the Borough and upon donation the parcels will be considered a land asset of the SBCFSA.
- **SECTION 3.** That the terms and conditions substantially in the form of the Purchase Agreement accompanying this resolution are hereby approved. The purchase price shall be one dollar (\$1.00) plus title research and due diligence fees not to exceed eight hundred dollars (\$800.00).
- **SECTION 4.** That the costs of the acquisition will come from Seward Bear Creek Flood Service Area FY23 budgeted funds.
- **SECTION 5.** That this acquisition is for flood mitigation purposes.
- **SECTION 6.** That the proposed classification of this land is Preservation and Resource Management.
- **SECTION 7.** 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 and the accompanying Purchase Agreement, consistent with applicable provisions of KPB Chapter 17.10.
- **SECTION 8.** That this resolution is effective immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE I DAY OF, 2022.	KENAI PENINSULA BOROUGH THIS
ATTEST:	Brent Johnson, Assembly President
Johni Blankenship, MMC, Borough Clerk	

PURCHASE AGREEMENT

This Purchase Agreement ("Agreement") is made by and between JODI E. MORRISON, as seller, whose address is 1850 Ingram Way, Petaluma, CA 94954, ("Seller") and the KENAI PENINSULA BOROUGH, an Alaska municipal corporation, as buyer, whose address is 144 North Binkley Street, Soldotna, Alaska 99669 ("KPB") (together, the "Parties").

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

Lots 3 and 4, Tract A, Crawford Subdivision, according to Plat S-15, filed in the Seward Recording District, Third Judicial District, State of Alaska. (PARCEL NO. 145-093-06)

AND

Lot 2, Riverside Subdivision, according to Plat S-16, filed in the Seward Recording District, Third Judicial District, State of Alaska. (PARCEL NO. 145-093-01)

("the Property")

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

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

1. PURCHASE PRICE

The purchase price of the Property is One Dollar and NO cents (\$1.00). The purchase price shall be paid by KPB at time of closing. The purchase of the Property and appropriation for the purchase are subject to approval by the KPB Assembly.

2. EXPIRATION OF OFFER

Seller shall sign and return this Agreement to KPB on or before <u>October 14, 2022;</u> otherwise, this offer shall terminate.

3. TITLE

Title shall be delivered at time of closing by statutory warranty deed, which shall be issued to KPB. Seller shall warrant and covenant that at the time of closing there shall be no liens or

Kenai Peninsula Borough, Alaska

Page 1 of 5

judgments recorded against Seller in the same recording district in which the Property subject to this Agreement is situated. Title shall 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

Except as described in this Section, in addition to the purchase price, KPB agrees to pay for closing costs, title insurance and recording fees up to \$800.00. Any and all closing fees in excess of this amount shall be the responsibility of the Seller. Property taxes for the current year, if any, will be paid current to the date of closing. Seller is 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 in writing, closing will occur within 180 days, or as specifically agreed to by both parties. At closing, KPB will pay the balance of the purchase price. Both parties will execute all documents required to complete the Agreement and, if applicable, establish an escrow account.

6. POSSESSION

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

7. KENAI PENINSULA BOROUGH ASSEMBLY APPROVAL

Purchase of the Property by KPB is subject to authorization by the KPB Assembly and specific appropriation of funds. If the KPB Assembly fails to authorize the purchase of the subject land and appropriate funds, this Agreement shall be terminated without penalty.

8. DISCLOSURES

Seller hereby agrees to provide property disclosures including any and all information regarding known defects, deficiencies, legal matters, environmental issues or hazards, which may be personally known by the Seller, in writing. If said disclosure presents a matter unsatisfactory to KPB, KPB may terminate this Agreement without penalty.

9. CONTINGENT UPON 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. Seller shall, upon reasonable notice, provide access to the Property for inspection purposes to KPB and its representatives. Any invasive inspection procedures require Seller's express permission and shall be promptly repaired or replaced by KPB in a workmanlike manner. KPB shall have 180 days from the execution of this Agreement to complete inspections and determine its satisfaction unless otherwise provided in writing.

Kenai Peninsula Borough, Alaska

Page 2 of 5

10. HAZARDOUS MATERIAL

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

11. ENVIRONMENTAL CONTINGENCY

If, during the course of KPB's due diligence inspection of the Property pursuant to Section 9, 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 Seller, accompanied by a copy or copies of the third-party report(s) disclosing and confirming the presence of such hazardous materials. The notice and accompanying third-party report must be given no later than 60 days from receipt of said report. The notice under this section shall state:

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

Following KPB sending 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 shall automatically terminate.

It is expressly understood that, by execution of this Agreement, Seller hereby indemnifies KPB for any and all CERCLA-related claims, liabilities or matters, unless otherwise provided for in this Agreement. Said indemnification shall survive closing and termination of this Agreement. Upon successful close of escrow said indemnification shall 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) shall 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 hereto. Notwithstanding, the report will be released pursuant to a valid court order and may be released to the State of Alaska upon request.

Kenai Peninsula Borough, Alaska

Page 3 of 5

12. 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 Seller or their respective successors in interest. Provisions of this Agreement, unless inapplicable on their face, shall be covenants constituting terms and conditions of the sale, and shall continue in full force and effect until the purchase price is paid in full or this Agreement is earlier terminated.

13. BREACH REMEDY

Prior to closing of the sale, in the event that KPB or Seller fails to make any payment required, or fails 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 Sellers or KPB may terminate this Agreement.

14. MISCELLANEOUS

- A. Time. Time is of the essence in performance of this Agreement.
- B. Cancellation. This Agreement, while in good standing, may be canceled in whole or in part, at any time, upon mutual written agreement by Seller and the KPB mayor. This Agreement is subject to cancellation in whole or in part if improperly issued through error in procedure or with respect to material facts. KPB may cancel this Agreement without penalty in the event additional contracts required of this project are not secured.
- C. Notice. Any notice or demand, which under the terms of this Agreement or under any statute must be given or made by the parties thereto, shall 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 shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed received when deposited in a U.S. general or branch post office by the addressor.
- D. Interpretation. This Agreement shall be deemed to have been jointly drafted by the Parties. It shall 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 shall be governed by the laws of the State of Alaska. Any lawsuit brought arising from this Agreement shall be filed in the 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 Property. Seller shall deliver the Property in its as-is condition.
- F. Confidentiality. This Agreement shall be considered proprietary to the Parties until closing occurs. Following closing, this Agreement may be considered a public record.

Kenai Peninsula Borough, Alaska

G. 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 shall be deemed an original but all of which together will constitute one and the same instrument

This Agreement has been executed by the Parties on the day and year first above written.

KENAI PENINSULA BOROUGH:	SELLER:			
	Jodi E. Morrison 10/5/2022			
Mike Navarre, Mayor	Jodi E. Morrison			
ATTEST:	APPROVED AS TO FORM			
	AND LEGAL SUFFICIENCY:			
Johni Blankenship,	A. Walker Steinhage			
Borough Clerk	Deputy Borough Attorney			

Morrison Real Property Donation



Legend

BOOK 2 PAGE 210 Seward Recording District

PERSONAL REPRESENTATIVE'S DEED

Grantor, Jodi E. Morrison, Personal Representative of the Estate of Margaret C. Estes, of 3783 Kamp Drive, Pleasanton, California 94588, for and in consideration of Ten Dollars in hand paid, hereby conveys and transfers, without warranties of any kind, to Grantee, Jodi E. Morrison of 3783 Kamp Drive, Pleasanton, California 94588, all of the right, title and interest held by Margaret C. Estes at the time of death in the following:

<u>Parcel 1.</u> Lots 3 & 4, Tract A, CRAWFORD SUBDIVISION, according to Plat S-15, filed in the Seward Recording District, Third Judicial District, State of Alaska

<u>Parcel 2.</u> Lot 2, RIVERSIDE SUBDIVISION, according to Plat S-16, filed in the Seward Recording District, Third Judicial District, State of Alaska

Parcel 3. Lots 5 & 6 Block 1, TERN LAKE ESTATES, according to Plat S-71, filed in the Seward Recording District, Third Judicial District, State of Alaska

Grantor represents that:

- 1. Grantor is the lawfully appointed Personal Representative of the Estate of Margaret C. Estes.
- 2. Grantor has not done or suffered any act since Grantor became

 Personal Representative whereby the above-described property became or will

 become encumbered in any manner.

BOOK 2 PAGE 211
Seward Recording District

DATED this 12 day of July, 2003.

Jadi E. Morrison

Personal Representative of the Estate of Margaret C. Estes

001409 SEWARD 1/8 RECORDING DISTRICT

U

STATE OF CALIFORNIA

) ss.

COUNTY OF ALAMEDA)

THIS IS TO CERTIFY that on the 12 day of 2003, before me, the undersigned, a Notary Public in and for the State of California, duly commissioned and sworn, personally appeared Jodi E. Morrison, to me known and known to me to be the individual named in and who executed the within and foregoing Personal Representative's Deed, and acknowledged to me that signed and sealed the same as free and voluntary act and deed, for the uses and purposes therein specified.

WITNESS my hand and notarial seal hereto affixed the day and year first hereinabove written.

Notary Public in and for the State of California
My commission expires: 21, 200

Return to:

Jodi E. Morrison 3783 Kamp Drive Pleasanton, California 94588



Personal Representative's Deed Estate of Margaret C. Estes Page 2

Regular Board Meeting Minutes

September 20, 2021

A. CALL TO ORDER

A regular meeting of the Seward/Bear Creek Flood Service Area board was held on September 20, 2021 by virtual Zoom. Chairman Mark Ganser called the meeting to order at 7:00 p.m.

B. ROLL CALL

There were present:

BOARD MEMBERS

Mark Ganser, Chairman
Orson Smith, Vice Chairman
Robert Reisner
David Hettick
Steven Taylor

Comprising of a quorum of the Flood Service Area board.

Also in attendance were:

Courtney Bringhurst, City of Seward Planner Brenda Ahlberg, KPB Emergency Manager Nancy Carver, Kenai River Center Planner Dan Kort, Solid Waste Director Stephanie Presley, Service Area Program Lead Heather Cinereski, Service Area Administrative Assistant

C. APPROVAL OF AGENDA (01:10)

Chairman Ganser called for unanimous consent to approve the agenda as displayed with no objection.

D. APPROVAL OF MINUTES (01:30)

1. August 2, 2021 Regular Meeting

Chairman Ganser called for unanimous consent to approve the minutes with no objection.

E. REPORTS & PRESENTATIONS (02:00)

1. City of Seward

Courtney Bringhurst, City of Seward Community Development Planner reported

- a. Since Jackie has resigned from the City, the City no longer has a Certified Floodplain Manager, Ms. Bringhurst will be working towards her certification, and will hopefully be able to take the test in the Spring. In the meantime, any Floodplain permits the City receives, she will be working closely with Ms. Presley to review.
- b. In the past City Council meeting a Resolution was passed approving the City spending \$20 million on Electrical infrastructure. A Resolution was also passed approving the sale of 3 acres of the Fort Raymond property to Chugachmiut to construct another Health Clinic.

Regular Board Meeting Minutes

September 20, 2021

- c. In the last Planning and Zoning meeting, the Airport Preliminary ROW Acquisition Plat was approved with the amendments that were discussed at the joint work session on August 11th.
- d. Absentee voting has opened for voting for City Council. There are two vacancies. Voting will be open until October 5th.

2. Kenai Peninsula Borough

Brenda Ahlberg, KPB Emergency Manager reported

a. She is happy to be part of this meeting and looks forward to being able to support the Flood Service Area in the best way that she can as the new Emergency Manager.

Stephanie Presley, Service Area Program Lead reported

- a. On the Japanese Creek feasibility study, the US Army Corps of Engineers will complete the fiscal close out with a small refund anticipated. Staff will work with city administration and Ms. Ahlberg on a re-appropriation of funds to move forward with private sector contractors for long term hazard mitigation analyses and design plans.
- b. On the Japanese alluvial fan LiDAR collection, two proposals were submitted with NV5 Geospatial powered by Quantum Spatial providing the low bid of \$32,346. Their team collected the 2019 LiDAR. The contract has been signed and the project kick off meeting will be scheduled this week or next.
- c. On the Japanese Creek short-term mitigation project to restore the diversion berm upstream, excavate the downstream main channel an additional 150 feet and, as funding allows, removal of material from the upstream channel and the river left stockpile, all permits have been obtained. Following a meeting with the University of Alaska, they have provided a 2-year permit with insurance requirements to match the boroughs. Project budget was set at \$30,000 and up to \$6,000 for photogrammetry surveys pre- and post-project. The request for quotes is anticipated to be sent out this week.
- d. On the Kwechak Creek sediment management and maintenance pilot project, the notice to proceed to Andrews & Sons was issued September 9th. The project is anticipated to be completed during the next few weeks.
- e. On the sediment management and maintenance program, McLane Consulting provided the only bid for \$28,030. The survey team has established 5 ground control points at Box Canyon Creek and the project station benchmarks along Lost Creek up and downstream of the Forest Road bridge. They have completed an initial survey of the Salmon Creek diversion area above the Clear Creek confluence and are currently working on the baseline design plans for the channel and embankment restoration. Once the plans are completed, we will discuss the maintenance project budget. In the request for quotes, we included the potential addition of re-surveying the FEMA Flood Insurance Study cross sections for future sediment management planning. These two items will be on the agenda at the October meeting for board recommendation. The supplemental appropriation for this project was \$46,000.

Regular Board Meeting Minutes

September 20, 2021

- f. On the Salmon Creek Conservation Area, Kachemak Heritage Land Trust has scheduled the stakeholder group for a strategic conservation planning session tomorrow. The work session will provide a draft action plan for Salmon Creek and tributaries
- g. The US Army Corps of Engineers team completed their annual inspection on the Salmon Creek revetment. The revetment looks to be performing as designed. The sediment loads from the last few years are impressive with some areas of the bench completely covered. The maintenance committee will need to discuss this site to be added to the maintenance program this winter. The site will be monitored during the flood season for potential breakout to the south down the Iditarod Trail to Sawmill Creek.
- h. For Box Canyon Creek long term mitigation planning, staff included a visit to the water diversion structure with the US Army Corps of Engineers team. Staff recommends we request the Alaska district team begin a federal interest determination study for the Box Canyon floodplain. This initial study is 100% federally funded up to \$100,000. If there is a determination of federal interest.
- i. On the agenda for board recommendation, is another Resurrection River floodplain parcel to be donated by the Morrison then we can move to the feasibility study phase under the Continuing Authorities Programs. On the agenda for board recommendation is a request letter to the Alaska district Commander family. Staff recommends the board approve up to \$500 for closing costs.
- j. The borough incident management team has had several planning meetings to prepare for the upcoming flood season. In case of a declared emergency, staff has been asked to serve as division unit leader with Ms. Cinereski serving as logistical support.
- k. Ms. Ahlberg, who is now officially the borough Emergency Manager, and staff toured the floodplain with the Alaska Department of Transportation & Public Facilities Maintenance & Operations Superintendent and the new Providence Emergency Preparedness & Safety Coordinator. We discussed the upcoming flood season, mitigation and partnership opportunities.
- l. The city administration and staff provided a tour of the Lowell Canyon water diversion system this month to Senator Lisa Murkowski. The Alaska congressional delegation has included funding for the design and engineering phase in this year's budget and will continue to advocate for funding construction costs. Staff also discussed Box Canyon site control on U.S. Forest Service land and the need for U.S. Geological Surveys to complete landslide and mass wasting data collection and analyses in the Seward area and other areas of the peninsula.
- m. Next week staff will be attending the Northwest Floodplain Management Association (NORFMA) virtual conference. The office will be open during the conference.
- F. PUBLIC COMMENTS—LIMIT 3 MINUTES
- G. BOARD'S RESPONSE TO PUBLIC COMMENTS
- H. CORRESPONDANCE & REVIEW OF PAYMENT REQUESTS

Regular Board Meeting Minutes

September 20, 2021

1. Section 205 Box Canyon Creek Water Diversion Structure Federal Interest Determination Study

MOTION TO RECOMMEND: Atwood moved to forward the draft letter asking the US Army Corp for a determination study. Reisner seconded.

VOTE ON MOTION: Unanimous.

I. PERMITS FOR REVIEW

1. RC 12834 Fleming Salmon Creek New Structure

MOTION TO RECOMMEND: Atwood moved to recommend approval with comments that the applicant build two feet above designated BFE, that there be a drainage plan around pad, that the applicant backfill the entire foundation to avoid hydrostatic forces and that the quantity of fill placed be changed. Reisner seconded.

VOTE ON MOTION: Unanimous.

2. RC 12830 Alaska Railroad Salmon Creek Bank Stabilization

MOTION TO RECOMMEND: Reisner moved to recommend approval without comments. Taylor seconded.

VOTE ON MOTION: Unanimous.

(Administrative note: Board member Atwood asked Chairman Ganser if he had a conflict of interest, as he works for the Alaska Railroad. Chairman Ganser, after asking several pointed questions, ruled there was no conflict of interest.)

3. RC 12836 Dondono Sawmill Creek Fill

MOTION TO RECOMMEND: Reisner moved to recommend approval with comments that the applicant have a drainage plan to include maintaining or replacing driveway culverts if needed, flood depth is four feet above ground and fill should not exceed height of neighboring property and to clean out culverts and that the grading be toward culvert. VOTE ON MOTION:

Yes: Ganser, Reisner Taylor, Atwood deCastro, Hettick

No: Smith

Motion Passes.

4. 2021-XX Alaska Department of Transportation and Public Facilities Seward Airport Improvements

MOTION TO RECOMMEND: deCastro moved to not recommend approval with comments: Request all development be included in analyses using the effective FIRM model

- Request applicant submit a CLOMR to FEMA to review the analysis, determine flooding impacts and provide information to the community
- Request after project LOMR completed using DOT&PF 2014 lidar /cross section survey dataset
- Recommend for selective clearing of trees on the CAP parcel that root wads are left in place to help stabilize bank/ ground

Regular Board Meeting Minutes

September 20, 2021

- Leave RW 13-31 embankment intact to protect new airport improvements and port from future flood events
- New RW embankment rock should be sized appropriately to not be displaced by high velocity flood waters or coastal storm events
- Encourage DOT&PF to work with City of Seward and flood service area on compensatory mitigation
- If additional utilities are required, review of updated design plans will be necessary. Atwood seconded.

VOTE ON MOTION: Unanimous.

5. POA-1965-00034 US Army Corp of Engineers Resurrection Bay Replace Alaska Railroad Corporation Passenger Dock

MOTION TO RECOMMEND: Reisner moved to recommend approval without comments. Hettick seconded.

VOTE ON MOTION:

Yes: Ganser, Reisner Taylor, Atwood deCastro, Hettick

Abstain: Smith

Motion Passes.

(Administrative note: Board member Atwood once again asked Chairman Ganser if he had a conflict of interest, as he works for the Alaska Railroad. Chairman Ganser, after asking several pointed questions, ruled there was no conflict of interest.)

J. UNFINISHED BUSINESS

K. NEW BUSINESS (10:15)

1. Morrison Resurrection River Parcel Donations & Closing Costs

MOTION TO RECOMMEND: Reisner moved to recommend acquisition of parcel by donation and up to \$500 for closing costs. Atwood seconded.

VOTE ON MOTION: Unanimous.

2. Lost Creek Parcel ID# 12537088 Acquisition

MOTION TO RECOMMEND ACQUISITION: Reisner moved to appropriate up to \$55,000 via supplemental appropriation from fund balance to acquire parcel 12537088. Atwood seconded.

VOTE ON MOTION:

Yes: Reisner, Hettick, Atwood, deCastro, Taylor

No: Ganser

Motion passes.

L. INFORMATIONAL ITEMS AND REPORTS (No action required) (41:25)

- 1. Starr Region X Newsletter
- 2. ASFPM News & Views

M. PUBLIC COMMENT—LIMIT 3 MINUTES

N. BOARD COMMENTS (45:30)

Regular Board Meeting Minutes

September 20, 2021

deCastro thanked the staff, city, borough and the board for the productive, long meeting.

Reisner thanked Ms. Ahlberg, Ms. Carver and Mr. Hammes, Ms. Oliver and Ms. Stockdale for Army Corp their involvement. He said it was always helpful to have outside sources and representatives to help guide the board and to let them know what their needs and concerns are. He also wanted to thank staff for doing a very good work in a very difficult job that was very involved and detailed. He thanked his fellow board members because it is a good and productive board with a lot of different view points and angles. It is a value to the people that a broad mind is kept. He said thank you again to everyone and hoped they stayed safe.

Atwood commented that he wanted to thank everyone who participated in the meeting tonight. He felt they had covered a lot of ground in a longer meeting than usual. He wanted to point out the Risk Rating 2.0 in the Starr Newsletter and the details of the rating methodology. He said he geeked out on is had to go to the website for a while. He said it was interesting because they have breakdowns by zip code. He was interested in what the methodology meant in terms of dollars. He said they actually estimate how many of the insurance premiums would go up and by how much any would go down and by how much. He said some of his suspicions subsided after that. He encouraged people to check that out. He said he also took part of the August 18th training online about the CRS program and activity 610. He said that he was glad to hear Ms. Bringhurst was getting her Certified Floodplain Manager designation because she would be doing this trying to satisfy the CRS requirements to improve insurance rates for local policy holders. His only observation from the last class that he took was that FEMA seems to think that every small municipality has graphics and mapping experts. Because we do not, there are challenges with this program.

Taylor commented thank you for the presentation, it represents a lot of work that often goes unseen. He said he was sorry he could not be there in person after voting to do so. He said is was still fighting to recover from his bout with pneumonia.

Ganser said the meeting would have been longer, except staff decided to cut something out. Ms. Presley took the blame for the long meeting, but she could also take the credit for it not being longer. He said he had set on a lot of boards, and this is a productive one. He said it is a productive board because of good members but also because of staff that prepares the board for the meetings. He wanted to thank staff for the particular effort that went into the meeting tonight.

O. ADJOURNMENT (58:30)

Chairman Ganser called for unanimous consent to adjourn with no objection.

With no further business to come before the board, Chairman Ganser adjourned the meeting at 8:36 p.m.

The next regular board meeting is scheduled for Monday, October 4, 2021 by virtual Zoom at 6:00 p.m.

The next board work session is scheduled for Monday October 18, 2021 by virtual Zoom at 6:00 p.m.

Regular Board Meeting Minutes

September 20, 2021

<u>Heather Cínereskí</u> Administrative Assistant October 4, 2021
Date of Approval

E. NEW BUSINESS

7. Ordinance 2022-XX: Amending the Kenai Peninsula Borough Hazard Mitigation Plan by deleting existing Annex B, City of Kachemak Hazard Mitigation Plan 2015, and adopting 2022 Kachemak City Local Hazard Mitigation Plan Update as the new Annex B.

Kenai Peninsula Borough Planning Department

MEMORANDUM

TO: Brent Johnson, Assembly President

Members, Kenai Peninsula Borough Assembly

THRU: Mike Navarre, Mayor

FROM: Robert Ruffner, Planning Director

DATE: October 31, 2022

RE: Ordinance 2022- , Amending the Kenai Peninsula Borough Hazard

Mitigation Plan by Deleting Existing Annex B, City of Kachemak Hazard Mitigation Plan 2015, and Adopting 2022 Kachemak City Local Hazard

Mitigation Plan Update as the New Annex B (Mayor)

The Federal Emergency Management Agency (FEMA) requires all states to submit a Hazard Mitigation Plan (HMP) to be eligible for any FEMA funding for non-emergency disasters. HMP's are required to be updated every five years to remain current for mitigation planning efforts and successful grant funding applications.

In 2019, the borough adopted an updated HMP as the local mitigation plan for the area. Kachemak City's last HMP was adopted in 2015 and listed as Annex B in the borough's HMP. On July 13, 2022, Kachemak City Council met to review the final draft of their updated local HMP, which was then adopted via City of Kachemak Ordinance 2022-09. The Kachemak City Council then recommended approval of the plan to the borough.

This ordinance will repeal Annex B of the borough's HMP plan and replace it with newly updated plan, "2022 Kachemak City Local Hazard Mitigation Plan".

Your consideration of this ordinance is appreciated.

Introduced by: Mayor
Date: November 15, 2022
Hearing: December 13, 2022

Action: Vote:

KENAI PENINSULA BOROUGH ORDINANCE 2022-

AN ORDINANCE AMENDING THE KENAI PENINSULA BOROUGH HAZARD MITIGATION PLAN BY DELETING EXISTING ANNEX B, CITY OF KACHEMAK HAZARD MITIGATION PLAN 2015, AND ADOPTING 2022 KACHEMAK CITY LOCAL HAZARD MITIGATION PLAN UPDATE AS THE NEW ANNEX B

- WHEREAS, the Federal Emergency Management Agency ("FEMA") requires all states to submit a hazard mitigation plan to be eligible for any FEMA funding for non-emergency disasters; and
- WHEREAS, on December 3, 2019, the borough assembly enacted ordinance 2019-31, adopting an updated Hazard Mitigation Plan ("HMP") as the local mitigation plan for the area within the borough and a required component of the State of Alaska Hazard Mitigation Plan; and
- whereas, the HMP is a multi-jurisdictional plan developed in coordination with the incorporated cities within the borough, the All Lands/All Hands Interagency Wildfire Mitigation Group, the State of Alaska Division of Homeland Security and Emergency Management, and FEMA; and
- WHEREAS, the HMP was designed to assist borough residents, local and private organizations and other parties interested in hazard mitigation planning, as well as to coordinate planning efforts between government agencies; and
- **WHEREAS,** FEMA disaster recovery funding and grant programs require regular updates to the mitigation plans; and
- WHEREAS, the HMP update process is required every five years to remain current for mitigation planning efforts and for successful grant funding applications; and
- WHEREAS, the Kachemak City Council held a public hearing on July 13, 2022 to review the final update of the 2022 Kachemak City Local Hazard Mitigation Plan; and
- WHEREAS, the Kachemak City Council approved and adopted the 2022 Kachemak City Local Hazard Mitigation Plan via City of Kachemak Ordinance 2022-09, and recommended approval to the borough; and

Kenai Peninsula Borough, Alaska

New Text Underlined; [DELETED TEXT BRACKETED]

WHEREAS,	the borough Planning Commission at its regularly scheduled meeting of , 2022 recommended of the 2022 Kachemak City Local Hazard Mitigation Plan;
NOW, THER PENINSULA	EFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI BOROUGH:
SECTION 1.	That the existing <u>Annex B</u> in the borough's HMP plan adopted by KPB 2.80.010 is hereby deleted.
SECTION 2.	That the borough's HMP is hereby amended by adopting the Kachemak City Local Hazard Mitigation Plan 2022 update as the new Annex B.
SECTION 3.	That this ordinance takes effect immediately upon its enactment.
ENACTED BY OF * 2022.	THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
ATTEST:	Brent Johnson, Assembly President
Johni Blankensl	hip, MMC, Borough Clerk
Yes:	
No:	
Absent:	

CITY OF KACHEMAK KACHEMAK, ALASKA ORDINANCE 2022-09

ORDINANCE 2022-09: AN ORDINANCE OF THE CITY OF KACHEMAK, ALASKA, ADOPTING THE 2022 KACHEMAK CITY LOCAL HAZARDOUS MITIGATION PLAN

WHEREAS, The State of Alaska Division of Homeland Security and Emergency Management has reviewed and compiled a Hazardous Mitigation Plan in partnership with the City of Kachemak; and

WHEREAS, the plan identifies hazards which routinely impact a community, defines those hazards so community members understand their nature, determine impact locations within the community, describe their potential impact extent, and identify mitigation opportunities; and

WHEREAS, the Federal Emergency Management Agency (FEMA) requires jurisdictions to submit a plan to be eligible for FEMA Hazard Mitigation Assistance Grants; and

NOW, THEREFORE, THE CITY OF KACHEMAK ADOPTS THE 2022 KACHEMAK CITY LOCAL HAZARDOUS MITIGATION PLAN.

			quorum of the City	Council	of Kachemak,	Alaska,	this
13	_day of	VIU	, 2022.				

CITY OF KACHEMAK

William R. Overway, Mayor

ATTEST:

Debbie Speakman, City Clerk







KACHEMAK CITY 2022 LOCAL HAZARD MITIGATION PLAN

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LIST OF ACRONYMS AND ABBREVIATIONS

°F degrees Fahrenheit

AECOM Technical Services, Inc. AFG Assistance to Firefighters Grant

BRIC Building Resilient Infrastructure and Communities

CFR Code of Federal Regulations
DMA 2000 Disaster Mitigation Act of 2000

FEMA Federal Emergency Management Agency

GIS Geographic Information System
HMA Hazard Mitigation Assistance
HMGP Hazard Mitigation Grant Program
LHMP Local All-Hazard Mitigation Plan
NFIP National Flood Insurance Program

PGA peak ground acceleration SFHA Special Flood Hazard Area

SNAP Scenarios Network for Alaska + Arctic Planning

U.S. United States

USGS United States Geological Survey

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1.0 INTRODUCTION

1.1 COMMUNITY OVERVIEW

Kachemak is a city in the Kenai Peninsula Borough just east of Homer on the northern side of Kachemak Bay (Figure 1). The city comprises 1.6 square miles, all of which is land.

Kachemak was incorporated in 1961. According to the 2020 United States (U.S.) Census, the population of Kachemak is 576, up from 472 in 2010.

1.2 HAZARD MITIGATION PLANNING

As defined in Title 44 of the Code of Federal Regulations (CFR), Subpart M, Section 206.401, hazard mitigation is "any action taken to reduce or eliminate the long-term risk to human life and property from natural hazards." As such, hazard mitigation is any work to minimize the impacts of any type of hazard event before it occurs. Hazard mitigation aims to reduce losses from future disasters. It is a process that identifies and profiles hazards, analyzes the people and facilities at risk, and develops mitigation actions to reduce or eliminate hazard risk. The implementation of the mitigation actions—which include short- and long-term strategies that may involve planning, policy changes, programs, projects, and other activities—is the end result of this process.

Over the past two decades, local hazard mitigation planning has been driven by a federal law, known as the Disaster Mitigation Act of 2000 (DMA 2000). On October 30, 2000, Congress passed the DMA 2000 (Public Law 106-390), which amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Title 42 of the U.S. Code Section 5121 et seq.) by repealing the act's previous mitigation planning section (409) and replacing it with a new mitigation planning section (322). This new section emphasized the need for state, tribal, and local entities to closely coordinate mitigation planning and implementation efforts. This new section also provided the legal basis for the Federal Emergency Management Agency's (FEMA's) mitigation plan requirements for the Hazard Mitigation Assistance grant programs.

1.3 2022 LOCAL HAZARD MITIGATION PLAN SYNOPSIS

The 2022 Local Hazard Mitigation Plan (LHMP) is organized to follow FEMA's Local Mitigation Plan Review Tool (Appendix A), which demonstrates how hazard mitigation plans meet the DMA 2000 regulations. As such, specific planning elements of this review tool are in their appropriate plan sections.

The 2022 LHMP structure has been formatted to include the following sections:

- **Section 1 Introduction**, which introduces Kachemak City and provides information on hazard mitigation planning.
- Section 2 Planning Process, which provides an overview of the planning process, starting with a timeline. Planning team members are identified in this section, along with a description of their involvement with the planning process. Stakeholder outreach, public involvement, and continued public involvement are also described in this section. In addition, an overview of the existing plans and reports, how those documents were incorporated into the 2022 LHMP, and a plan update method and schedule are detailed in this section. Supporting planning process documentation is provided in Appendix C.
- **Section 3 Hazard Identification**, which provides a description of each of the seven hazards addressed in this plan. Hazard figures are provided in Appendix A.

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- **Section 4 Risk Assessment**, which provides hazard impact tables or descriptions for land area, population centers, and critical facilities. An overall summary of vulnerability for each hazard is also provided.
- Section 5 Mitigation Strategy, which provides a description of Kachemak's mitigation goals, potential mitigation actions and projects, and prioritization process. A capability assessment, prioritized action plan, and the process to integrate the 2022 LHMP into other planning mechanisms is also addressed.
- Section 6 Plan Adoption, which includes information about the formal adoption.
- **Section 7 Appendices**, which include Appendix A (Figures), Appendix B (FEMA Documentation), and Appendix C (Planning Process).

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2.0 PLANNING PROCESS

This section addresses Element A of the Local Mitigation Plan Regulation Checklist.

Regulation Checklist - 44 CFR 201.6 Local Mitigation Plans

Element A: Planning Process

- A1. Does the Plan document the planning process, including how it was prepared and who was involved in the process for each jurisdiction? (Requirement §201.6(c)(1))
- A2. Does the Plan document an opportunity for neighboring communities, local and regional agencies involved in hazard mitigation activities, agencies that have the authority to regulate development as well as other interests to be involved in the planning process? (Requirement §201.6(b)(2))
- A3. Does the Plan document how the public was involved in the planning process during the drafting stage? (Requirement §201.6(b)(1))
- A4. Does the Plan describe the review and incorporation of existing plans, studies, reports, and technical information? (Requirement §201.6(b)(3))
- A5. Is there discussion of how the community(ies) will continue public participation in the plan maintenance process? (Requirement §201.6(c)(4)(iii))
- A6. Is there a description of the method and schedule for keeping the plan current (monitoring, evaluating and updating the mitigation plan within a 5-year cycle)? (Requirement §201.6(c)(4)(i))

2.1 OVERVIEW OF THE 2022 LHMP PLANNING PROCESS

The development of the 2022 LHMP was collaborative effort between Kachemak, AECOM Technical Services, Inc. (AECOM), and a planning team. The planning process officially kicked-off in January 2022 and ended in June 2022. A timeline of the major planning tasks and milestones by month, including the when the planning team met, is provided in Table 2-1. A list of the planning team members and how they contributed to the development of the plan is provided in Table 2-2. City team members are not associated with a specific department or agency.

Table 2-1: LHMP Timeline

Date	Tasks	People Involved
January 2022	First planning team meeting; LHMP kick-off call Initial information collected: hazards to be profiled, critical facility information	LHMP project manager, consultant, planning team
February 2022	Hazard profiles drafted, integration of LHMP into other planning documents determined	consultant
March 2022	Initial public outreach and stakeholder involvement	LHMP project manager, consultant, planning team
March 2022	Hazard figures created, hazard impact assessments drafted Draft mitigation actions developed	LHMP project manager, consultant, planning team
March 2022	Second planning team meeting (hazard maps and draft mitigation actions reviewed)	LHMP project manager, consultant, planning team
March 2022	Prioritization action plan developed	LHMP project manager, consultant, planning team

Date Tasks People Involved March/April LHMP project manager, Internal Draft LHMP 2022 consultant, planning team Public Draft LHMP LHMP project manager, April/May 2002 consultant, public Follow-up public outreach and stakeholder involvement LHMP project manager, consultant, Alaska Division of Final Draft LHMP Homeland Security and May/June 2022 Emergency Management, FEMA Region X LHMP project manager, July 2022 Adoption of Final LHMP Kachemak City Council

Table 2-1: LHMP Timeline

Table 2-2: Planning Team

Name	Department/Agency, Title	Contribution
Debbie Speakman	Kachemak, City Clerk, LHMP project manager	Served as the LHMP project manager. Led planning team meetings; reviewed and commented on hazard figures, risk assessment tables, mitigation strategies, and the Internal Draft LHMP.
William Overway	Mayor, Kachemak	Participated in planning team meetings and/or reviewed planning team documents; reviewed and commented on hazard figures, mitigation strategies, and the Internal Draft LHMP.
Jessica Evans	AECOM	Consultant; prepared plan, including hazard figures, risk assessment tables, mitigation strategies, and Draft and Final LHMP.

2.2 OPPORTUNITIES FOR STAKEHOLDERS

On March 2, 2022, the LHMP project manager reached out to stakeholders via email (Appendix C) regarding the 2022 LHMP and invited them to participate in the planning process. Stakeholders included the Alaska Department of Homeland Security and Emergency Management (Hazard Mitigation Planner), City of Homer (City Planner), Alaska Department of Natural Resources Division of Forestry (Forest Planner), the Kenai Peninsula Borough (Emergency Manager), Friends of Kachemak Bay State Park (general), Kachemak Heritage Land Trust (general), Kenai Peninsula Schools (Director of Planning and Operations), Alaska Department of Transportation (Kenai Area Manager), and ENSTAR (Safety Manager). The Emergency Manager with the Kenai Peninsula Borough responded that they wanted to be kept informed because they would plan on annexing this LHMP into the borough Hazard Mitigation Plan on approval.

The LHMP project manager reached out to the stakeholders again via email on April 20, 2022, inviting them to review and provide comments about the Public Draft LHMP (Appendix C). The Emergency Manager at the Kenai Peninsula Borough responded that they wanted to make sure Kenai Peninsula Borough plans were being reviewed and incorporated into the LHMP.

2.3 PUBLIC INVOLVEMENT

On March 7, 2022, Kachemak City sent an email blast to subscribed residents about the 2022 LHMP kickoff. The city also announced it on the city website and posted a flyer in the community. Two members of the public expressed interest and offered to review the draft plan for input.

Also, on April 20, 2022, Kachemak City sent an email blast to subscribed residents, made an announcement on the city website, and posted a flyer about the Public Draft LHMP and comment period. One member of the public requested a copy for review and was emailed one. No other comments were received. Copies of the city's email blasts and flyers are provided in Appendix C.

2.4 REVIEW AND INCORPORATION OF EXISTING PLANS AND REPORTS

A list of the major relevant plans and reports reviewed and incorporated into the 2022 LHMP is provided in Table 2-3.

Plans and Reports	Information to be Incorporated into the 2022 LHMP
Kachemak City 2009, Kachemak City Comprehensive Community Plan	Reviewed to ensure consistency. Document provided community background information, discussed community concerns around natural hazards.
Kenai Peninsula Borough 2005, Kenai Peninsula Borough Comprehensive Plan	Reviewed to ensure consistency. Document provided community background information, discussed community concerns around natural hazards.
Kenai Peninsula Borough 2019, Kenai Peninsula Borough Hazard Mitigation Plan	Information on borough-wide trends and the nature for all hazards were incorporated into the 2022 LHMP hazard profile and risk assessment sections.
FEMA 2017, Kenai Peninsula Borough Risk Report: Kenai Peninsula Borough and the Incorporated Cities of Homer, Kachemak, Kenai, Seldovia, Seward, and Soldotna	Background flood and earthquake information was incorporated into the 2022 LHMP's hazard identification.
Kenai Peninsula Borough 2022, Community Wildfire Protection Plan	Information on borough-wide trends and nature for wildfire were incorporated into the 2022 LHMP hazard profile and risk assessment sections.
U.S. Forest Service Chugach National Forest 2021, Chugach All-Lands Wildfire Risk Assessment: methods and Results	Information on trends and nature for wildfire were incorporated into the 2022 LHMP hazard profile and risk assessment sections.

Table 2-3: Existing Plans and Reports

2.5 CONTINUED PUBLIC PARTICIPATION

A copy of the 2022 LHMP will remain available at Kachemak's City office and the State of Alaska website. The LHMP project manager will use the community's email blast and flyers to notify the public of and seek input on any changes or updates to the 2022 LHMP, including prioritized action plan and the 2027 LHMP kickoff. The public can reach out to the city clerk with comments or questions at cityclerk@kachemak.city.

2.6 PLAN UPDATE METHOD AND SCHEDULE

The 2022 LHMP will be monitored, evaluated, and updated by a subset of the planning team, specifically the city clerk. Should the 2022 LHMP project manager no longer be involved with the LHMP, the mayor and/or city clerk will select a new project manager to oversee the annual reviews and plan update.

The LHMP project manager will receive input from specific planning team members as needed. They will complete the Annual Review Tracker every January and after any major disaster to ensure that the 2022 LHMP is relevant and effective in achieving the plan's goals. Annual review will be tracked in a table in this document (Table 2-4). FEMA-funded mitigation projects will continue to be tracked and reviewed using FEMA Mitigation Progress Report forms; progress summaries will be included in the Annual Review Tracker at the beginning of each year.

Four years after the 2022 LHMP's adoption:

- The mayor/city clerk or designee will complete the Annual Review Tracker.
- The mayor/city clerk or designee will reconvene the planning team and update membership, if necessary.
- The mayor/city clerk or designee will review Table 2-4, which provides annual summaries of the disasters that have occurred; new permanent information that becomes available; implementation measures; and public outreach and response to determine the hazards to be included in the next LHMP.
- The mayor/city clerk or designee will develop a new work plan.
- The mayor/city clerk or designee —with support from the planning team—will begin the plan update process, which is expected to take up to 6 months.

KACHEMAK CITY LOCAL HAZARD MITIGATION PLAN

Table 2-4: Annual Review Tracker

Year	Disasters that Occurred	Mitigation Actions Implemented	New Relevant Studies/Reports to Include in the 2022 LHMP	Public Outreach Conducted	Changes Made to the 2022 LHMP
2023					
2024					
2025					
2026					

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3.0 HAZARD IDENTIFICATION AND RISK ASSESSMENT

This section addresses Element B of the Local Mitigation Plan Regulation Checklist.

Regulation Checklist - 44 CFR 201.6 Local Mitigation Plans

Element B: Hazard Identification and Risk Assessment

- B1. Does the Plan include a description of the type, location, and extent of all natural hazards that can affect each jurisdiction(s)? (Requirement § 201.6(c)(2)(ii))
- B2. Does the Plan include information on previous occurrences of hazard events and on the probability of future hazard events for each jurisdiction? (Requirement § 201.6(c)(2)(i))

Hazard identification consists of describing the nature of the hazard, disaster history, location, extent/severity, and probability of future events. Hazard identification profiles have been developed for each of the seven hazards addressed in Section 3.1 through Section 3.7: climate change, earthquake, flooding, landslide, severe weather, volcano, and wildfire. The hazards profiled for this LHMP are discussed in alphabetical order and not hazard classification, the order does not signify level of risk.

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3.1 CLIMATE CHANGE

Table 3-1: Climate Change

Description
Climate is defined as the average statistics of weather, which includes temperature, precipitation, and seasonal patterns in a particular region. Climate change refers to the long-term and irrevocable shift in these weather-related patterns. The Fourth National Climate Assessment Report (2018) states that Earth's climate is now changing at a faster rate than at any time in the history of modern civilization, primarily due to human activities. The disruption in the climate is already impacting the way people live, the food they grow, their health, the wildlife, the availability of water, and much more.
The impacts of global climate change are being felt today, from sea level rise and storm surge in coastal areas, increased riverine flooding and stormwater inundation; more frequent and prolonged higher temperatures (leading to heat events, wildfires, and permafrost thaw); and more severe and frequent extreme weather events.
Changing climate conditions are more pronounced in the polar regions. Alaska is often identified as being at the forefront of climate change because it is warming faster than any other state and faces multiple issues associated with a changing climate. These climate change impacts include:
 Retreat of sea ice, which will disrupt marine ecosystems and other animals (such as polar bears and walruses), impact local communities where sea ice is important for subsistence or tourism, and contribute to increased storm surge, coastal flooding, and erosion Increase of ocean temperature impacting marine ecosystems and Alaska's fisheries Flooding and erosion of coastal and river areas related to changes in sea ice and increase in storm intensity Increase in ocean acidification, which will impact marine organisms and thereby disrupting the marine food web Increase in the size and frequency of wildfires and droughts Thawing permafrost, melting glaciers, and the associated effects on the state's infrastructure and hydrology Increase of health threats, such as injuries, smoke inhalation, damage to vital infrastructure, decrease of food and water security, and new infectious diseases Kachemak City is vulnerable to an increase in ocean temperature, flooding, and erosion of coastal areas; increase in ocean acidification; increase in the size and frequency of wildfires; and increase of health threats.
The entire area of Kachemak is susceptible to climate change. An increase for the potential of wildfires from the north and debris flow along the bluffs as a result of higher temperature and increased precipitation are a concern.
According to the 2018 National Climate Assessment, the rate at which Alaska's temperature has been warming is twice as fast as the global average since the middle of the twentieth century. Statewide annual average temperatures from 1925 to the late 1970s were variable with no clear pattern of change. However, over the past 40 years (from late 1970s), statewide annual average temperatures began to increase with an average rate of 0.7 degrees Fahrenheit (°F) per decade. The temperature increase was especially strong in the Arctic due to the polar amplification of global warming. At the nearest station to Kachemak (in Homer), the Alaska Climate Research Center has observed a change of annual average temperature from 34.9 °F in 1950 to 38.9 °F in 2020 (11% increase). During the period, the Alaska Climate Research Center also observed an increase of annual precipitation from 18.31 inches to 23.68 inches (29% increase). While historical precipitation and temperature changes in Alaska have been well documented over the past several decades, historical information on sea level rise is less known due to lack of tide

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Table 3-1: Climate Change

Profile	Description
	scale was only 0.04 inches per year; however, for the 1993-2012 reporting period, sea level rise has been 0.12 inches per year.
Extent / Severity	The University of Alaska Fairbanks Scenarios Network for Alaska + Arctic Planning (SNAP) models climate data for mid-range global emissions. SNAP temperature models show that Kachemak will experience a temperature increase of 5°F by the end of the century. Likewise, precipitation models show that for the same reporting period Kachemak will see an average rainfall increase of 2.9 inches (Table 3-2).
	Sea level rise is not modeled for the Kachemak City, but any rise in sea level or storm surge intensity would threaten the coastline of the community.
	Climate change is a significant and lasting change in the statistical distribution of weather patterns over periods, ranging from decades to millions of years. It may be a change in average weather conditions, or in the distribution of weather around the average conditions (i.e., more or fewer extreme weather events).
Recurrence Probability	According to the National Aeronautics and Space Administration, "the current warming trend is of particular significance because most of it is extremely likely (i.e., greater than 95% probability) to be the result of human activity since the mid-twentieth century and proceeding at a rate that is unprecedented over decades to millennia." The National Aeronautics and Space Administration also states that "scientists have high confidence that global temperatures will continue to rise for decades to come, largely due to greenhouse gases produced by human activities."

Table 3-2: Mean Annual Temperature and Precipitation Predictions

	2010-2019	2050-2059	2090-2099
Mean Annual Temperature	40.1°F	43.0°F	45.1°F
Mean Annual Precipitation	27.7 inches	28.7 inches	30.6 inches

3.2 EARTHQUAKE

Table 3-3: Earthquake

Profile	Description
	An earthquake is a sudden motion or trembling caused by a release of strain accumulated within or along the edge of Earth's tectonic plates. The effects of an earthquake can be felt far beyond the site of its occurrence. Earthquakes usually occur without warning and can cause massive damage and extensive casualties in a few seconds. Common effects of earthquakes are ground motion and shaking; surface fault ruptures; and ground failure. Ground motion is the vibration or shaking of the ground during an earthquake. When a fault ruptures, seismic waves radiate, causing the ground to vibrate. The severity of the vibration increases with the amount of energy released and decreases with distance from the causative fault or epicenter. Soft soils can amplify ground motions. In addition to ground motion, several secondary hazards can occur from earthquakes, such as the following:
Nature	 Surface Faulting: Surface faulting is the differential movement of two sides of a fault at the Earth's surface. Displacement along faults—in terms of both length and width—varies but can be significant (e.g., up to 20 feet), as can the length of the surface rupture (e.g., up to 200 miles). Surface faulting can cause severe damage to linear structures including railways, highways, pipelines, tunnels, and dams. Liquefaction: Liquefaction occurs when seismic waves pass through saturated granular soil, distorting its granular structure, and causing some of the empty spaces between granules to collapse. Pore water pressure may also increase sufficiently to cause the soil to behave like a fluid for a brief period and cause deformations. Liquefaction causes lateral spreads (i.e., horizontal movements, typically 10 to 15 feet, but up to 100 feet), flow failures (i.e., massive flows of soil, typically hundreds of feet, but up to 12 miles), and loss of bearing strength (i.e., soil deformations causing structures to settle or tip). Liquefaction can cause severe damage to property. Landslides/Debris Flows: Landslides/debris flows occur as a result of horizontal seismic inertia forces induced in the slopes by the ground shaking. The most common earthquake-induced landslides include shallow disrupted landslides such as rock falls, rockslides, and soil slides. Debris flows are created when surface soil on steep slopes becomes totally saturated with water. Once the soil liquefies, it loses the ability to hold together and can flow downhill at very high speeds, taking vegetation and/or structures with it. Slide risks increase after an earthquake during a wet winter. The two most common measures of earthquake intensity used in the U.S. are the Modified Mercalli Intensity scale, which measures felt intensity; and peak ground acceleration (PGA), which measures instrumental intensity by quantifying how hard the earth shakes in a given location. Magnitude is measured by the amplitude of the earthq
Location	Kachemak is in a region of high seismicity. It is above a boundary between segments of the earthquake-generating Alaska-Aleutian subduction zone with the Kodiak Island segment to the southwest and the Prince William Sound segment to the northeast. While the 1964 Great Alaska Earthquake ruptured both segments, findings from around the region suggest that the two segments may rupture independently. The nearest fault line to Kachemak is the Falls Creek-Ninilchik anticline, which is a quaternary fault (i.e., one event per 1,600,000 years) approximately 35 miles away. Several other fault lines lie around Kachemak and on the Kenai Peninsula but are not studied; therefore, no details are known.

Table 3-3: Earthquake

Profile	Description
History	As stated in the 2018 State of Alaska Hazard Mitigation Plan, Alaska is one of the most seismically active regions in the world and is at risk of societal and economic losses due to damaging earthquakes. On average, Alaska has one "great" (i.e., magnitude of 8 or higher) earthquake every 13 years, one magnitude 7 to 8 earthquake every year, and six magnitude 6 to 7 earthquakes every year. In addition, earthquakes that occur on tectonic plate boundary faults near the coast can generate tsunamis that impact coastal communities, including Kachemak. The effects of the March 27, 1964 Great Alaska Earthquake (which had a magnitude of 9.2) in the Homer and Kachemak areas were thoroughly documented after the event. Observations included general damage caused by tectonic subsidence, as well as earth flows, landslides, fissures, seiches, submarine landslides, and beach changes caused by strong ground shaking during the event. Most of the damage to the community occurred on the Homer Spit as a result of tectonic subsidence (2 to 3 feet). Kachemak relies on the community of Homer for nearly all vital services and access to the Seward Highway. For this reason, large impacts to Homer and its infrastructure also impact Kachemak. Since 2000, there have been 27 earthquakes with a magnitude of 5.0 or greater that occurred within 150 miles of Kachemak City. Two of those earthquakes had a magnitude of 7.0 or greater.
Extent / Severity	The strength of an earthquake's ground movement can be measured by PGA. PGA measures the rate in change of motion relative to the established rate of acceleration due to gravity (g = 980 centimeters per second). PGA is used to predict the risk of damage from future earthquakes by showing earthquake ground motions that have a specified probability (e.g., 10%, 5%, or 2%) of being exceeded in 50 years. The ground motion values are used for reference in construction design for earthquake resistance and can also be used to assess the relative hazard between sites when making economic and safety decisions. The current U.S. Geological Survey (USGS) seismicity model for Alaska was developed in 2007. The PGA values in Kachemak for a 5% probability of exceedance in 50 years are shown on Figure 2. Based on this model, there are 1,065 acres (100% of land area) in the perceived "Severe" shaking zone, with moderate to heavy potential damage.
Recurrence Probability	As shown on Figure 2, the seismic PGA for Kachemak has a 5% probability of severe shaking in Kachemak in the next 50 years. Based on these data, there is a 5% chance of an earthquake occurring in Kachemak that will exceed 49.61 PGA in 50 years.

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3.3 FLOOD

Table 3-4: Flood

Profile	Description
	A flood occurs when the existing channel of a stream, river, canyon, or other water course cannot contain excess runoff from rainfall or snowmelt, resulting in overflow onto adjacent lands. In coastal areas, flooding may occur when high winds or tides result in a surge of seawater into areas that are above the normal high tide line.
	Secondary hazards from floods can include:
Nature	• Erosion or scouring of stream banks, roadway embankments, foundations, footings for bridge piers, and other features
	 Impact damage to structures, roads, bridges, culverts, and other features from high-velocity flow and debris carried by floodwaters (debris may also accumulate on bridge piers and in culverts, increasing loads on these features or causing overtopping or backwater effects) Destruction of crops, erosion of topsoil, and deposition of debris and sediment on croplands Release of sewage and hazardous or toxic materials when wastewater treatment plants are inundated, storage tanks are damaged, and pipelines are severed
	Kachemak City experiences flooding from rainfall runoff (in late summer and early fall), snowmelt (in spring and early summer), groundwater floods, and flash floods. Previous flooding in Kachemak was caused primarily from two sources: culverts that freeze, causing ice jams and overflowing; and heavy precipitation on roads that are not up to current building codes in the Kenai Peninsula Borough. The culverts and roads of concern are spread throughout the community.
Location	The east side of Kachemak tends to be flatter and wetter than the west side, making it more susceptible to flooding during spring snowmelt.
	Kachemak City has no Special Flood Hazard Areas (SFHAs) documented by FEMA. Only properties with buildings (improvements) were incorporated into the flood risk assessment conducted by FEMA; therefore, FEMA did not assess impacts to the shoreline in Kachemak. This does not preclude future determinations of SFHAs that could be necessitated by changed conditions affecting the community (e.g., annexation of new lands or shoreline development) or the availability of new scientific or technical data about flood hazards.
History	As mentioned above, impacts in the city of Homer can also impact Kachemak. Homer has experienced floods on several occasions in the last 20 years. Major events occurred in 2002, 2007, and 2013, resulting in numerous bridges being washed out on the Kenai Peninsula and isolating Homer and Kachemak for several weeks while temporary repairs were made. Two of these events were declared disasters and resulted in disruptions to the economy by preventing the flow of goods and materials except by barge or airplane.
Extent / Severity	Estimated depths of the flooding within the Kachemak City boundaries are approximately 1 foot or less.
Recurrence Probability	Floods can occur at any time in Kachemak but are most common in the spring and summer with heavy snowmelt and rainfall runoff. Based on previous occurrences, flood conditions are likely to occur in Kachemak approximately 2 to 5 days each year.

3.4 LANDSLIDE

Table 3-5: Landslide

Profile	Description
	Landslide is a general term for the dislodging and fall of a mass of soil or rocks along a sloped surface, or for the dislodged mass itself. The term is used for varying phenomena, including mudflows, mudslides, debris flows, rock falls, rockslides, debris avalanches, debris slides, and slump-earth flows. Landslides may result from a wide range of combinations of natural rock, soil, or artificial fill. The susceptibility of hillside and mountainous areas to landslides depends on variations in geology, topography, vegetation, and weather. Landslides may also occur because of indiscriminate development of sloping ground or the creation of cut-and-fill slopes in areas of unstable or inadequately stable geologic conditions.
	In addition, landslides often occur together with other hazards, which can exacerbate conditions as described below:
Nature	Shaking due to earthquakes can trigger events ranging from rock falls and topples to massive slides
	Intense or prolonged precipitation that causes flooding can also saturate slopes and cause failures leading to landslides
	Wildfires can remove vegetation from hillsides, significantly increasing runoff and debris flow potential
	Saturation by water is also a primary cause of landslides; saturation can occur in the form of intense or prolonged rainfall, snowmelt, changes in groundwater levels, and surface water level changes along coastlines, earth dams, and banks of lakes
	Another type of landslide occurs in areas cut by perennial streams; as floodwaters erode channel banks, rivers have undercut clay-rich sedimentary rocks along their south bank, thereby destabilizing the ground and causing the ground above it to slide.
Location	In North America, there is an association between landslides and hilly terrain (particularly with slopes ranging from about 20 to 40 degrees). Areas on the mountainous terrain in the city, which include slopes greater than 20 degrees, are shown on Figure 3. The highest concentration of these slopes is along the bluffs running between Skyline Drive East End Road and along the shoreline.
History	The Alaska Division of Geological and Geophysical Surveys identified over 1,000 slope failure scars using aerial photographs and light detection and ranging data from the Homer and Kachemak areas. Most of these slope failure scars represent relatively small and shallow earthflows. As a result of the 1964 Great Alaska Earthquake, there was one landslide and one earth flow of significance, both north of Kachemak city limits; however, the community was impacted. The community reported a landslide in 2012 above China Poot Street.
	No official landslide dataset exists for Kachemak City. However, in North America, there is an
Extent / Severity	association between landslides and hilly terrain (particularly with slopes ranging from about 20 to 40 degrees). As such, the mountainous terrain in Kachemak that includes slopes greater than 20 degrees is at greatest risk of slide. Approximately 13.5% (144 acres) of Kachemak is in this hazard area.
Recurrence Probability	Landslides have a high probability of recurring in areas where they have occurred in the past. As such, Kachemak can likely expect to experience recurring landslides and rockslides along the bluffs following severe precipitation events. Heavy storm events are likely to occur annually, causing minor landslides.

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3.5 SEVERE WEATHER

Table 3-6: Severe Weather

D CI	
Profile	Description
	Severe weather occurs throughout Alaska with extremes that include thunderstorms; lightning; hail; heavy and drifting snow; freezing rain/ice storm; extreme cold; and high winds. Severe weather events can include the following:
Nature	 A winter storm, which is an event during which the main types of precipitation are snow, sleet, or freezing rain and be accompanied by high winds, cold temperatures, and storm surge. A winter storm can range from a moderate snow over a few hours, to blizzard conditions with blinding wind-driven snow that lasts several days. Some winter storms may be large enough to affect several states, while others may affect only a single community. In more temperate continental climates, these storms are not necessarily restricted to the winter season and may occur in the late autumn and early spring as well. Heavy snow and rain, which occur frequently in coastal areas; snowfall can accumulate 4 inches or more in 12 hours or less. Freezing rain and ice storms, which occur when rain or drizzle freezes on surfaces and can cause damage to powerlines, pipelines, and other infrastructure. Extreme cold varies according to normal regional climate. Alaska's extreme cold usually involves temperatures between -20 to -50°F. Excessive cold may accompany winter storms, occur after storms, or can occur without storm activity. High winds in Alaska can equal hurricane force but fall under a different classification because they are not cyclonic nor possess other hurricane characteristics. Strong winds occasionally occur over the interior due to strong pressure differences, especially where influenced by mountainous terrain; however, the windiest places in Alaska are generally along the coastlines.
Location	The entire Kachemak area is vulnerable to the effects of severe weather. Winter snow may accumulate up to 3 feet per storm, while wind speeds can reach as high as 60 miles per hour.
History	 Notable severe weather events from 2000 through 2021 include: In spring 2003, strong winds across the Kenai Peninsula resulted in widespread power outages, downed trees, and structural damage; and also fanned the flames of a 150-acre wildfire in Anchor Point. In November 2011, a series of major windstorms caused widespread power outages threatening life and property. Power was disrupted to 17,300 homes and businesses. Public infrastructure, commercial property, and personal property damages were reported throughout the borough. In February 2014, a strong low in the southwest Gulf of Alaska produced strong wind in the Kachemak Bay area. The strong wind caused widespread damage from Kenai to Homer. Heavy snow fell in the Kachemak Bay area, combined with high wind and blizzard conditions. In December 2019, a southerly jet stream brought several low-pressure systems to Southcentral Alaska. These were accompanied by above freezing temperatures, abundant rainfall, and high winds as the fronts passed through. A primary impact of this episode was flooding of the Anchor Point River. In addition, North Fork Road was impassable, water was over the Sterling Highway in several locations between mile 161 and 163, there was flooding across East End Road at Bear Creek Drive, and a mudslide on East End Road at Kachemak Bay Drive. In January 2020, a low-pressure system developed south of the Aleutian Chain and then moved northward along the Alaska Peninsula and up Cook Inlet. A strong high pressure system behind it brought a large amount of cold air behind the low. This created high winds

Table 3-6: Severe Weather

Profile	Description
	throughout the Cook Inlet area. Homer reported 8 hours of blizzard conditions and near-whiteout conditions.
Extent / Severity	As noted above, wind, rain and heavy snowfall are common in Kachemak throughout the winter season. According to the National Oceanic Atmospheric Administration, in Kachemak, the average annual precipitation is 24 inches, the average annual snowfall is 57 inches and winds are commonly 40-60 MPH in the area.
Recurrence Probability	Based on historic occurrences, Kachemak can expect to experience severe weather conditions about 5 to 6 days each year.

3.6 VOLCANO

Table 3-7: Volcano

Profile	Description
	A volcano is a vent or opening in the earth's crust from which molten lava (magma), pyroclastic materials, and volcanic gases are expelled onto the surface. The vent may be visible as a small bowl-shaped depression at the summit of a cone or shield-shaped mountain. Through a series of cracks within and beneath the volcano, the vent connects to one or more linked storage areas of molten or partially molten rock.
	There are four general volcano types:
	 Lava domes are formed when lava erupts and accumulates near the vent Cinder cones are shaped and formed by cinders, ash, and other fragmented material accumulations that originate from an eruption
	• Shield volcanoes are broad gently sloping volcanic cones with a flat dome shape that usually encompass several tens or hundreds of square miles, built from overlapping and inter-fingering basaltic lava flows
	Composite or stratovolcanoes are typically steep-sided large dimensional symmetrical cones built from alternating lava, volcanic ash, cinder, and block layers; most composite volcanoes have a crater at the summit containing a central vent or a clustered group of vents
Natura	There are three types of volcanic eruptions, described below. Some volcanoes may exhibit only one type of eruption during an event, while others may display an entire sequence of all three types in one event.
Nature	 Magmatic eruptions are the most well-observed eruptions. Magmatic eruptions produce juvenile clasts (composed fragments) during explosive decompression from gas releases. Magnetic eruption subtypes include: Hawaiian, Strombolian, Vulcanian, Peléan, and Plinian. Phreatomagmatic eruptions are volcanic eruptions resulting from the interaction between magma and water. Grain deposits from phreatomagmatic explosion involving high water to magma ratios are extremely fine-grained and distinctly poorly sorted, while deposits resulting from low water to magma ratios are commonly coarse and relatively well-sorted. Phreatomagmatic eruption subtypes include: Surtseyan, Submarine, and Subglacial. Phreatic eruptions are steam-blast eruptions. These eruptions occur when cold ground or
	surface water come into contact with hot rock or magma. Phreatic eruptions blast out steam, water, ash, volcanic bombs, and volcanic blocks, but no new magma.
	Other hazards potentially caused by a volcanic eruption include:
	 Volcanic Ashfall Lava Flows Lahars (Debris Flows) Volcanic Gas Pyroclastic Surges or Flows Volcanic Landslides
Location	As shown on Figure 4, the entire community of Kachemak is at risk for moderate tephra ashfall hazard, with 0.25 inch to 1 inch of accumulation.
	The Alaska Volcano Observatory is monitoring three volcanoes within 100 miles of Kachemak:
History	 Augustine, 70 miles away, which was last active in 2006 when it had explosive eruptions that produced ash plumes that deposited small amounts of ash in Kachemak. Iliamna, 60 miles away, which was last active in 1953 when it emitted a large cloud of smoke. Redoubt, 80 miles way, which was last active in 2009 when it erupted over several months with multiple ash-producing explosions, culminating in an eruption with an ash cloud that

Table 3-7: Volcano

Profile	Description
	reached 50,000 feet and moved swiftly to the southeast, depositing up to 2 millimeters of ashfall in Kachemak. It had also recorded eruptions in 1968 and 1990.
Extent / Severity	As noted above, all of the Kachemak area is susceptible to moderate tephra ashfall. According to the Alaska Volcano Observatory, ash accumulation of 0.25 inch to 1 inch is likely from moderate tephra ashfall.
Recurrence Probability	Given the proximity of three active volcanoes and history of past events, it is probable that Kachemak City will have an ashfall event within the next 50 years.

3.7 WILDFIRE

Table 3-8: Wildfire

Profile	Description
Nature	A wildfire—sometimes referred to as a wildland fire—is a fire in an area of combustible vegetation occurring in rural areas. Wildfires can be caused by human activities (such as unattended burns, campfires, or off-road vehicles without spark-arresting muffles); or by natural events, such as lightning, drought, or infestation. Wildfires can be classified as forest; urban; tundra; interface or intermix fires; and prescribed burns. The following three factors contribute significantly to wildfire behavior and can be used to identify wildfire hazard areas: • Topography describes slope increases that influence wildfire spread rate increases. South-facing slopes are also subject to more solar radiation, making them drier and thereby intensifying wildfire behavior. However, ridge tops may mark the end of wildfire spread because fire spreads more slowly or may even be unable to spread downhill. • Fuel is the type and condition of vegetation that plays a significant role in wildfire spread occurrence. Certain plant types are more susceptible to burning or will burn with greater intensity. Dense or overgrown vegetation increases the amount of combustible material available as fire fuel (referred to as the "fuel load"). The living-to-dead plant matter ratio is also important. Certain climate changes may increase wildfire risk significantly during prolonged drought periods as both living and dead plant matter moisture content decreases. Both the horizontal and vertical fuel load continuity is also an important factor. • Weather is the most variable factor affecting wildfire behavior. Temperature, humidity, wind, and lightning can affect ignition opportunities and fire spread rate. Extreme weather (e.g., high temperatures and low humidity) can lead to extreme wildfire activity. Climate change increases fire to vegetation ignition susceptibility due to longer dry seasons. By contrast, cooling and higher humidity often signal reduced wildfire occurrence and easier containment. Indirect wildfire effects can be catastrophic.
Location	As shown on Figure 5, the northeast areas of Kachemak are at the highest risk to wildfires. Most of the community has moderate or high wildland fuel risk, with some areas of very high or extreme risk. The northern border of Kachemak is in the wildland-urban interface; these areas, which are primarily residential, are at higher risk from fires on the Kensi Peninsula. The Kensi Peninsula.
	primarily residential, are at higher risk from fires on the Kenai Peninsula. The Kenai Peninsula Borough noted that East End Road, Skyline Drive, Caribou Lake, and Diamond Ridge are at the highest risk for future wildfires.

Table 3-8: Wildfire

Profile	Description
History	Th Alaska Interagency Coordination Center tracks wildfires throughout the state. Each year there are wildfires across the Kenai Peninsula. The fire season in the Kenai Peninsula usually extends from the beginning of April to the end of September, with May through late August being the most active fire months.
	Kachemak, like other areas of the Kenai Peninsula, has been dramatically affected by the spruce bark beetle infestation. The vast majority of wildland fires on the Kenai Peninsula are the result of human activities, with open burning being the most prevalent cause. Although they do occur, lightning-caused fires are infrequent, especially on the south Kenai Peninsula.
	The 2005 Tracy Avenue Fire and the 2009 East End Road Fire were especially threatening to property with potential loss of life. In May 2014, a human-caused fire started along the Funny River Road in the central Kenai Peninsula. Over its course, this fire grew to almost 200,000 acres of black spruce, mixed hardwoods, grass, and areas of beetle kill. Although outside Kachemak City limits, these recent fires demonstrate the potential for rapid fire spread given the weather conditions, topography, and availability of local and state wildfire fighting crews.
	Much of Kachemak is vulnerable to wildfires. The Kenai Peninsula Borough noted that 99.2% of the community is classified as Wildland Urban Interface.
Extent / Severity	As shown on Figure 5, 87% of the land area in Kachemak is in a High/Very High/Extreme fuel risk area. Wildfires can destroy habitat; impact watersheds; burn down homes, buildings, and critical facilities; cause loss of life to humans and animals; and restrict access to recreational areas. In addition, wildfires can cause fire-related injuries; and local and regional transport of smoke, ash, and fine particles, which increase respiratory and cardiovascular risks.
Recurrence Probability	Recorded wildland fires within the past 10 years and 50 miles of Kachemak have an average recurrence rate of approximately 2.5 to 3 years; it is anticipated that this probability will continue into the future or increase infrequency as climate change and bark beetle kills create more fuels for potential fires.

4.0 RISK ASSESSMENT

This section addresses Element B of the Local Mitigation Plan Regulation Checklist.

Regulation Checklist - 44 CFR 201.6 Local Mitigation Plans

Element B: Hazard Identification and Risk Assessment

B3. Is there a description of each identified hazard's impact on the community as well as an overall summary of the community's vulnerability for each jurisdiction? (Requirement §201.6(c)(2)(ii))

B4. Does the Plan address NFIP insured structures within the jurisdiction that have been repetitively damaged by floods? (Requirement $\S 201.6(c)(2)(ii)$)

4.1 HAZARD IMPACT

A hazard impact assessment predicts the current or expected impact of a hazard on a community or given area. This analysis creates quantitative data that may be used to identify and prioritize potential mitigation measures by allowing communities to focus attention on areas with the greatest risk of damage.

For this 2022 LHMP, a conservative exposure-level analysis was conducted to assess the risks associated with the identified hazards. Due to a combination of a lack of adequate information and methodology, a semi-quantitative hazard impact assessment has only been prepared for earthquake, landslide, volcano, and wildfire.

For the 2022 LHMP, hazard impact assessments were prepared for Kachemak City's land area, population center, and critical facilities (Table 4-1). Land area of 1,065 acres (1.66 square miles) was determined using Geographic Information System (GIS). The population center, which is a region is a geographical point that describes a center point of Kachemak's population, of 788 acres (1.2 square miles) was determined using GIS. Critical facilities (Figure 6) are those that provide services and functions essential to Kachemak City, especially during and after a disaster. Common types of critical facilities include fire stations; police stations; hospitals; schools; water and wastewater systems; and utilities. Critical facilities may also include places that can be used for sheltering or staging purposes, such as community centers and libraries; or large public gathering spots and places of worship. For the 2022 LHMP, a list of 10 critical facilities and private critical facilities was provided by the city's planning team. Critical facility names and coordinates were then geocoded to a location and the resulting geographic features were used for hazard impact assessment. Facility-specific information was provided to Kachemak City and will be kept on file.

The overall results of the hazard assessments are provided below. This analysis is a simplified assessment of the potential effects of the hazards on land area (Table 4-2), population center (Table 4-3), and critical facilities (Table 4-4) at risk, without consideration of the probability or level of damage. In addition, elevation data were not available; therefore, additional analysis will need to be conducted to develop a more accurate understanding of hazard vulnerabilities.

Table 4-1: Total Land Area, Population Center and Critical Facilities

Category	Number
Land Area	1,065.00 acres
Population Center	788.12 acres
Critical Facilities	10

Table 4-2: Total Acres of Land in a Hazard Area

Hazard Area	Acres	Percent of Total Acres		
Climate Change	1,065.00	100		
Earthquake				
Weak-Light	0	0		
Moderate	0	0		
Strong-Severe	1065.00	100		
Flood		No mapping data are available for flooding. Based on existing reports and the community planning team, less than 25% of the total land area is susceptible to flooding.		
Landslide	143.63	13.5		
Severe Weather	1,065.00	100		
Volcano				
Low	0	0		
Low-Moderate/Moderate	1065.00	100		
High	0	0		
Wildfire				
Moderate	132.92	12.48		
High	804.39	75.53		
Very High	124.98	11.74		
Extreme	1.11	0.10		

Table 4-3: Total Number of Acres of Population Center in a Hazard Area

Hazard Area	Acres	Percent of Total Acres	
Climate Change	788.12	100	
Earthquake			
Weak-Light	0	0	
Moderate	0	0	
Strong-Severe	788.12	100	
Flood	No mapping data are available for flooding. Based on existing reports and the community planning team, less than 25% of the population center is susceptible to flooding.		
Landslide	89.18	11.32	
Severe Weather	788.12 100		
Volcano			

Table 4-3: Total Number of Acres of Population Center in a Hazard Area

Hazard Area	Acres	Percent of Total Acres
Low	0	0
Low-Moderate/Moderate	788.12	100
High	0	0
Wildfire		
Moderate	128.42	16.29
High	576.02	73.09
Very High	83.45	10.59
Extreme	0.22	0.03

Table 4-4: Total Number of Critical Facilities in a Hazard Area

Hazard Area	Number	Percent of Total Facilities
Climate Change	10	100
Earthquake		
Weak-Light	0	0
Moderate	0	0
Strong-Severe	10	100
Flood	3	30
Landslide	1	10
Severe Weather	10	100
Volcano	·	
Low	0	0
Low-Moderate/Moderate	10	100
High	0	0
Wildfire		
Moderate	1	10
High	7	70
Very High	2	20
Extreme	0	0

4.2 OVERALL SUMMARY OF VULNERABILITY

A list of the key issues or overall summary of vulnerability for each hazard profiled in the 2022 LHMP is provided in Table 4-5.

Table 4-5: Overall Summary of Vulnerability

Table 4-5: Overall Summary of Vulnerability		
Hazard	Vulnerability	
	All of Kachemak is vulnerable to climate change. Over the next century, weather patterns that are considered extreme today are expected to become normal. Kachemak's overall vulnerabilities to climate change include sea level rise, coastal erosion, increased average annual maximum temperature, increased average annual precipitation, and severe moisture deficit/drought, and wildfires.	
Climate Change	 Sea level rise: 10% of the critical facilities and infrastructure in the city are along the shoreline could be at risk of inundation. Flooding due to sea level rise will cause destructive erosion; flooding, and soil contamination with salt; loss of habit for fish, birds, and plants; disruption and/or delay of transportation; and damages to homes and businesses on a more regular basis. Temperature and precipitation: SNAP temperature models show that all of Kachemak will experience a temperature increase of 5°F by the end of the century, while precipitation models show that for the same reporting period, Kachemak will experience an average rainfall increase of 2.9 inches. Drier, hotter conditions can also make wildfires more frequent and intense. Wildfires can burn homes, businesses, and critical facilities; interrupt transportation and utilities; reduce air quality; and cause death to people and animals. Wildfires: Much of Kachemak is vulnerable to wildfires. As shown on Figure 5, 87% of the land area in Kachemak is in a High/Very High/Extreme fuel risk area. Wildfires can destroy habitat; impact watersheds; burn down homes, buildings, and critical facilities; cause loss of life to humans and animals; and restrict access to recreational areas. In addition, wildfires can cause fire related injuries; and local and regional transport of smoke, ash, and fine particles, which increase respiratory and cardiovascular risks. 	
	All of Kachemak City is vulnerable to ground shaking from an earthquake and the entire city is in severe perceived ground shaking hazard areas; 100% of Kachemak's residents live in and 100% of critical facilities and infrastructure are situated in the severe shaking potential areas.	
Earthquake	Those that live in severe shaking potential areas can expect earthquake events to produce moderate to heavy damage. According to USGS, this could mean slight damage in specially designed structures, considerable damage in ordinary substantial buildings with partial building collapse, and considerate damage in poorly built or badly designed structures. Those that live in violent shaking potential areas can expect earthquake events to produce the potential for heavy damage. According to USGS, this could mean that well-designed framed structures could be thrown out of plumb and substantial buildings could experience partial building collapse.	
	An earthquake risk assessment was conducted by FEMA in 2017. Two scenarios were analyzed. The first scenario used the January 2016 magnitude 7.1 Old Iliamna earthquake event and estimated a loss of improved parcels of \$141,658 (0.16%). The second scenario simulated the Great Alaska Earthquake and estimated a loss of \$3,739,163 (4.30%). The estimated value of structure loss is provided in Table 4-6.	
Flood	Kachemak City is most vulnerable flooding from snowmelt and heavy rainfall. Approximately 25% of Kachemak's land mass is susceptible to flooding; those areas are on the east side, which is typically wetter, or are concentrated around culverts and known locations along roads that are not built to code.	
	Floods can block roadways and cause erosion, mudflows, debris flows, and water damage to structures. In addition, floods can result in land loss, injury, and even death. There are no SFHAs documented by FEMA.	

Table 4-5: Overall Summary of Vulnerability

	Table 4-3. Overall Summary of Vulnerability
Hazard	Vulnerability
Landslide	No official landslide dataset exists for the Kachemak City. However, in North America, there is an association between landslides and hilly terrain (particularly with slopes ranging from about 20 to 40 degrees). As such, the mountainous terrain in Kachemak that includes slopes greater than 20 degrees is at greatest risk of slide. Approximately 11% (89.18 acres) of Kachemak is in this hazard area. The critical asset most at risk to landslides is the beach where coal deposits are accessed. Landslides can involve rapidly moving water and debris that can cause damage to buildings
	and critical facilities, including moving them off of their foundations and/or impact water, sewer, and roadways. Landslides may also cause injury or death to those trapped; and lead to flash flooding and additional slides.
Severe Weather	All of Kachemak City is vulnerable to severe weather. The Kachemak area is most vulnerable to high winds during the winter season. Winds may sweep up loose snow and produce blinding blizzards and dangerous wind chills. High winds and high storm surge can cause extensive damage to community facilities and infrastructure, including power lines, roads, and erosion mitigation installments. Kachemak has an extensive history of storm damage. In addition, the Seward Highway between Anchorage and Homer is closed every year in intervals due to an avalanche event or for avalanche control, which can further isolate the community.
Volcano	Ashfall is a public health hazard when humans inhale fine ash. Ash will also interfere with the operation of mechanical equipment including aircraft. In Alaska, this is a major problem because many of the major flight routes are near historically active volcanoes. Ash accumulation may also interfere with the distribution of electricity due to shorting of transformers and other electrically components (ash can conduct electricity). Based on modeling, all of Kachemak is in a moderate ashfall hazard area. Even a small ashfall event could cause significant damage to the built environment (e.g., clogged filters and damaged parts of vehicles and machinery; clogged filters of air-ventilation systems; roof collapse; cellular and radio communication interruption) and the natural environment (e.g., habitat damage, water pollution, weather pattern shifts). In addition, an ashfall event could cause respiratory problems, eye problems, and skin irritation for humans.
Wildfire	Much of is vulnerable to wildfires. As shown on Figure 5, 87% of the land area in Kachemak is in a High/Very High/Extreme fuel risk area. During the summer, the entire community is vulnerable to wildland fire because most of the structures are constructed of wood and other flammable materials. Standing timber and other natural fuels interface with the community. History has demonstrated that fire brands can be carried by local winds up to 0.5 mile, jumping human-made fire lines and spreading fire across large areas. Most areas of Kachemak are immediately adjacent to wildland areas and could be threatened by uncontrolled fire. Without mitigation or preparation efforts, the impacts of a wildland fire in Kachemak could grow into an emergency or disaster. In addition to impacting people, wildland fires may severely impact livestock and pets. Such situations may require emergency life support, evacuation, and alternative shelter. Indirect impacts of wildland fires can be catastrophic. In addition to stripping the land of vegetation and destroying forest resources, large intense fires can harm the soil, waterways, and the land itself. Soil exposed to intense heat may lose its capability to absorb moisture and support life. Exposed soils erode quickly and enhance siltation of rivers and streams, therefore increasing flood and landslide potential, harming aquatic life, and degrading water quality.

Table 4-6: Facilities Most Affected by Earthquake

Category	Number of Structures	Total Value (Building and Contents	Estimated Loss from M9.2 Earthquake	M9.2 Earthquake loss Ratio
Residential	46	\$5,333,162	\$1,012,601	6.01%
Commercial	15	\$1,576,932	\$89,704	5.69%

4.3 NATIONAL FLOOD INSURANCE PROGRAM INSURED STRUCTURES

The National Flood Insurance Program (NFIP), managed by FEMA, provides flood insurance to property owners, and businesses. The Kenai Peninsula Borough participates in the NFIP, and it includes the communities of Kachemak and Seldovia. There are no NFIP-insured structures in Kachemak.

5.0 MITIGATION STRATEGY

This section addresses Element C of the Local Mitigation Plan Regulation Checklist.

Regulation Checklist – 44 CFR 201.6 Local Mitigation Plans

Element C: Mitigation Strategy

- C1. Does the Plan document each jurisdiction's existing authorities, policies, programs and resources and its ability to expand on and improve these existing policies and programs? (Requirement § 201.6(c)(3))
- C2. Does the Plan address each jurisdiction's participation in the NFIP and continued compliance with NFIP requirements, as appropriate? (Requirement § 201.6(c)(3)(i))
- C3. Does the Plan include goals to reduce/avoid long-term vulnerabilities to the identified hazards? (Requirement §201.6(c)(3)(i))
- C4. Does the Plan identify and analyze a comprehensive range of specific mitigation actions and projects for each jurisdiction being considered to reduce the effects of hazards, with emphasis on new and existing buildings and infrastructure? (Requirement §201.6(c)(3)(ii))
- C5. Does the Plan contain an action plan that describes how the actions identified will be prioritized (including cost benefit review), implemented, and administered by each jurisdiction? (Requirement §201.6(c)(3)(iv)); (Requirement §201.6(c)(3)(iii))
- C6. Does the Plan describe a process by which local governments will integrate the requirements of the mitigation plan into other planning mechanisms, such as comprehensive or capital improvement plans, when appropriate? (Requirement §201.6(c)(4)(ii))

5.1 AUTHORITIES, POLICIES, PROGRAMS, AND RESOURCES

Kachemak's existing authorities, policies, programs, and resources available for hazard mitigation are provided in Table 5-1 (human and technical resources), Table 5-2 (financial resources), and Table 5-3 (planning and policy resources). The ways in which Kachemak is looking to expand and improve on its hazard mitigation authorities, policies, programs, and resources are provided in Table 5-4.

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LOCAL HAZARD MITIGATION PLAN

Table 5-1: Human and Technical Resources for Hazard Mitigation

Staff/Personnel	Department/Agency	Principal Activities Related to Hazard Mitigation
Planner(s) and technical staff with knowledge of land development, land management practices, human-caused hazards, and natural hazards	Kenai Peninsula Borough Planning Department	Anticipates and acts on the need for new plans, policies, and code changes. Applies the approved plans, policies, code provisions, and other regulations to proposed land uses.
Engineer(s), building inspectors / code enforcement officers or other professional(s), and technical staff trained in construction requirements	Kachemak City Council, Kenai Peninsula Borough Planning Department	Oversees the effective, efficient, fair, and safe enforcement of the building codes.
Engineer(s), project manager(s), technical staff, equipment operators, and maintenance and construction staff	Kachemak City Council	Maintains and operates of a wide range of local equipment and facilities and assists members of the public. This includes providing sufficient clean fresh water, reliable sewer services, street maintenance, storm drainage systems, street cleaning, streetlights, and traffic signals.
Procurement Services Manager	Kachemak City Clerk	Provides a full range of municipal financial services and administers several licensing measures.
Fire Chief	City of Homer Volunteer Fire Department	Provides fire protection services to Kachemak City.
Public Information Officer	Kachemak City Clerk	Coordinates and facilitates a public information program regarding activities of Kachemak and its various departments; actively promotes the services and successes of operating departments and the benefits to residents; proactively establishes and maintains productive relationships between the community and any media; and performs related duties as required.
Police Chief	Alaska State Troopers	Provides law enforcement services in Kachemak City.

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Table 5-2: Financial Resources for Hazard Mitigation

Type	Source	Purpose	Amount
General Fund	Kachemak City	Program operations and specific projects.	Variable
Renewable Energy Fund	Alaska Energy Authority	Provides funding for the development of qualifying and competitively selected renewable energy projects in Alaska. The program is designed to produce cost-effective renewable energy for both heat and power. For Fiscal Year 2019, \$11 million has been allocated by the governor to fund the Renewable Energy Fund. This program runs through 2023.	Project-specific
Hazard Mitigation Assistance (HMA): Hazard Mitigation Grant Program (HMGP)	FEMA	Supports pre- and post-disaster mitigation plans and projects. Available to communities in Alaska after a presidentially declared disaster has occurred.	Project-specific
HMA: Building Resilient Infrastructure and Communities	FEMA	Focuses on reducing the nation's risk by funding public infrastructure projects that increase a community's resilience before a disaster affects an area.	Project-specific
HMA: Flood Mitigation Assistance	FEMA	Funds projects that reduce or eliminate the risk of repetitive flood damage to buildings insured by the NFIP.	Project-specific
Homeland Security Preparedness Technical Assistance Program	FEMA/Department of Homeland Security	Builds and sustains preparedness technical assistance activities in support of the four homeland security mission areas (i.e., prevention, protection, response, recovery) and homeland security program management.	Project-specific
Assistance to Firefighters Grant (AFG) Program	FEMA/U.S. Fire Administration	Provides equipment, protective gear, emergency vehicles, training, and other resources needed to protect the public and emergency personnel from fire and related hazards. Available to fire departments and nonaffiliated emergency medical services providers.	Project-specific
Community Action for a Renewed Environment	U.S. Environmental Protection Agency	Through financial and technical assistance, this program offers an innovative way for a community to organize and take action to reduce toxic pollution (e.g., stormwater) in its local environment. Through this program, a community creates a partnership that implements solutions to reduce releases of toxic pollutants and minimize exposure to them.	Project-specific
Community Block Grant Program Entitlement Communities Grants	U.S. Department of Housing and Urban Development	Acquisition of real property; relocation and demolition; rehabilitation of residential and nonresidential structures; construction of public facilities and improvements, such as water and sewer facilities, streets, neighborhood centers; and the conversion of school buildings for eligible purposes.	Project-specific

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KACHEMAK CITY

LOCAL HAZARD MITIGATION PLAN

Table 5-3: Planning and Policy Resources for Hazard Mitigation

Name	Description	Hazards Addressed	Emergency Management
Kenai Peninsula Borough Comprehensive Plan	Describes hazard areas and lists goals and policies to reduce the potential risk of death, injuries, and economic damage resulting from natural and human-caused hazards.	Flood, Erosion, Landslide, Avalanche, Earthquake, Volcano, Tsunami, Wildfire	Mitigation, Preparedness, Response
Kenai Peninsula Borough Hazard Mitigation Plan	Describes hazard areas and lists goals and policies to reduce the potential risk of death, injuries, and economic damage resulting from natural and human-caused hazards.	Flood and Erosion, Wildfire, Earthquake, Weather, Tsunami and Seiche, Volcano, Avalanche	Mitigation, Preparedness, Response
Kenai Peninsula Borough Code of Ordinances	Promotes public health, safety, and general welfare through laws enforced by the Borough. Building permits are issued and based on the current edition of the building code and local amendments, which encompass building, electrical, mechanical, plumbing, state energy requirements, and state accessibility laws. The Borough can update and revise local amendments, as needed or required.	Flood, Wildfire	Mitigation
Public Outreach	Kachemak City uses an email distribution list and posts flyer to provide outreach to the community on relevant events, activities, and planning processes happening in the city.	All	All Phases

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Capability	Type/Description	Expansion
Human and Technical	Mitigation Specialist	Appoint or assign someone with the City to oversee hazard mitigation grant opportunities, including notifying the City Council of upcoming grant cycles, and spearheading Notice of Intents applications, grant applications, and grant management requirements.
Financial	HMA funding	Apply for Building Resilient Infrastructure and Communities (BRIC) and HMGP funding as it becomes available. The focus should be on projects that mitigate critical infrastructure, provide protection for disadvantaged areas, and address climate change.
Planning and Policy	Emergency Operations Plan	Develop an Emergency Operations Plan to assign responsibility to organizations and individuals for carrying out specific actions at projected times and places in an emergency that exceeds the capability or routine responsibility of any one agency.
Planning and Policy	Climate Action Plan	Develop a Climate Action Plan to reduce greenhouse emissions through a series of local transportation, land use, building energy, water, waste, and green infrastructure programs and policies.

Table 5-4: Ability to Expand Resources

5.2 NATIONAL FLOOD INSURANCE PROGRAM PARTICIPATION

The NFIP aims to reduce the impact of flooding on residential and nonresidential buildings by providing insurance to property owners and encouraging communities to adopt and enforce floodplain management regulations. Participation in the NFIP is based on an agreement between local communities and the federal government. The Kenai Peninsula Borough participates in the NFIP program and it includes the communities of Seldovia and Kachemak under its participation.

The Kenai Peninsula Borough joined the NFIP on May 19, 1981, the same day the borough was mapped to a Flood Insurance Rate Map. The current Flood Insurance Rate Map date for the borough is October 20, 2016. As a participant of the NFIP, the Kenai Peninsula Borough Department of River Center enforces a floodplain management ordinance and participates in FEMA's Community Assisted Visits, which occur on a 3- to 5-year cycle.

5.3 MITIGATION GOALS

Mitigation goals are defined as general guidelines that explain what an agency wants to achieve in terms of hazard and loss prevention. Goal statements are typically long-range policy-oriented statements representing a community-wide vision. FEMA's 2022 Building Resilient Infrastructure and Communities priorities are the basis for the three goals of the 2022 LHMP, provided in Table 5-5.

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Table 5-5: Mitigation Goals

Goal #	Description		
1	Enhance climate protection and adaptation efforts		
2	Create a healthy and safe community		
3	Protect critical facilities and infrastructure against hazards		

5.4 RECOMMENDED MITIGATION ACTIONS

Mitigation actions help achieve the goals of the LHMP. The recommended mitigation actions provided in Table 5-6 include: education and awareness; structure and infrastructure projects; preparedness and response; local plans and regulations; and floodplain management (which includes preventive, property protection, natural resource protection, structural projects, and public information). This list addresses every hazard profiled in this plan and is based on the plan's risk assessment as well as lessons learned from recent disasters. The list addresses hazards that impact the critical facilities listed in Figure 6 and takes into consideration the built environment. It was developed using FEMA success stories and best management practices; FEMA job aids; local and regional plans and reports; and input from planning team members and sustainability practitioners.

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Table 5-6: Recommended Mitigation Actions

No.	Project Name	Hazard Mitigated	Project Description	Type of Development
1	Community Planning	All	Establish a formal role for the hazard mitigation planning team to develop a sustainable process to implement, monitor, review, and evaluate community-wide mitigation actions.	New and existing
2	Emergency Operations Plan and Centralized Emergency Response Location	All	Prepare an Emergency Operations Plan. As part of that plan, identify a location (potentially the City building) to serve as an emergency command center and evacuation shelter in the event of a natural disaster. This facility would house shelter supplies, provisions, and medical supplies. Identify a person or people in the community to oversee response and logistics of emergency response.	New and existing
3	Creek Restoration	Climate change	Continue to restore creeks to more natural conditions to ensure flood protection and enhance the ability of wildlife species to adapt to climate change.	New and existing
4	Construction Codes	Earthquake	Reduce earthquake damage to structures, facilities, roads, and utilities by requiring that construction practices be adequate for the anticipated earthquake events.	New
5	Seismic Retrofits	Earthquake	Seismically retrofit existing critical facilities to make them more resistant to earthquakes. Repair damage caused by previous earthquakes.	Existing
6	Storm Drains, Channels, and Ditches Improvements	Flood	Continue to repair and make capacity/structural improvements to storm drains, ditches, channels, and pump stations to enable them to perform to their design capacity in handling water flows. Install passive floodproofing measures in existing critical facilities that cannot be elevated and are in a floodplain.	Existing
7	Culvert and Ditch Installation	Flood	Install ditches/culverts for the passage of water in areas of repeat flooding.	New
8	Hillside Protection	Landslide	Stabilize landslide-prone areas through stability improvement measures including interceptor drains, in situ soil piles, drained earth buttresses, and subdrains.	New and existing
9	High Wind Reinforcement	Severe weather	Reinforce critical facilities and homes against high winds.	Existing

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Table 5-6: Recommended Mitigation Actions

No.	Project Name	Hazard Mitigated	Project Description	Type of Development
10	Underground Utility Placement	Severe weather	Develop, implement, and maintain partnership program with electrical utilities to use underground utility placement methods where possible to reduce or eliminate power outages from severe storms. Consider developing incentive programs.	New
11	Air Quality Clean Building	Volcano, Wildfire	Identify a building or room to be a designated "clean building" or "clean room" for use during periods of poor air quality created from wildfires, volcanic ash, or other poor air quality event.	Existing
12	Large-Scale Fuel Break Program	Wildfire	Develop a coordinated fuel break program that maps when and where fuel breaks have been developed and maintained, and carry out fuel break measures where needed.	New and existing
13	Replacement Fire Engine	Wildfire	Acquire a new fire engine to replace the current vehicle that is nearing its "timed-out" date. A new vehicle would provide public safety in the event of a wild or domestic fire.	New

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5.5 PRIORITIZED ACTION PLAN

A prioritized action plan is an itemized list of recommended mitigation actions that a community/agency hopes to put into practice to reduce its risks and vulnerabilities.

For the 2022 LHMP, the planning team created a two-tier prioritization process based on the following:

- High priority mitigation actions are those that address hazards of immediate concern, are cost-effective (positive cost-benefit ratio), and have an identified funding source.
- Medium mitigation actions are those that address hazards that are not of immediate concern and/or those that are of immediate concern but are not cost effective or do not have an identified funding source.

Kachemak City determined the hazards and threats of immediate concern as flood and wildfire based on the 2022 LHMP's hazard profiles, risk assessment, and capability assessment.

The results of the above prioritization process are provided in Table 5-7. For each mitigation action listed, potential funding sources; responsible departments or agencies; and implementation timelines have been identified.

No.	Project Name	Priority	Potential Funding Source	Responsibility	Timing
1	Community Planning	High	Kachemak City	Kachemak City	0 to 5 years
3	Creek Restoration	Medium	FEMA BRIC/HMGP	Kachemak City	0 to 5 years
5	Seismic Retrofits	Medium	FEMA BRIC/HMGP	Kachemak City	0 to 5 years
6	Storm Drains, Channels, and Ditches Improvements	High	FEMA BRIC/HMGP	Kachemak City	0 to 5 years
7	Culvert and Ditch Installation	High	FEMA BRIC/HMGP	Kachemak City	0 to 5 years
8	Hillside Protection	Medium	FEMA BRIC/HMGP	Kachemak City	0 to 5 years
11	Air Quality Clean Building	Medium	FEMA AFG	Kachemak City	0 to 5 years
12	Large-Scale Fuel Break Program	High	FEMA BRIC/HMGP	Kachemak City, Alaska Department of Natural Resources	0 to 5 years
13	Replacement Fire Engine	High	FEMA AFG	Kachemak City	0 to 5 years

Table 5-7: Prioritized Action Plan

5.6 PLAN INTEGRATION

Information regarding how the 2022 LHMP will be integrated into Kachemak's and the Kenai Peninsula Borough's relevant plans and programs moving forward is provided in Table 5-8.

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Table 5-8: Integration of 2022 LHMP

LHMP Section	Existing Plan/Policy/Program	Process/Timeframe
Section 3—Hazard Identification	Kachemak City Comprehensive Community Plan	Update of the Kachemak City Comprehensive Community Plan to address hazards in the LHMP that are not currently included in the Comprehensive Community Plan. Consider creating a hazard profiles section in the Comprehensive Community Plan.
Section 5— Mitigation Strategy	Kenai Peninsula Borough Hazard Mitigation Plan	Incorporate the mitigation actions provided in Table 5-6 into the Kenai Peninsula Borough Hazard Mitigation Plan by further studying and evaluating the underlying problems or using existing studies that outline potential solutions. Begin the design stage to develop a plan for each identified project; the actions to be taken; engineering and construction required; schedule; and estimated costs.

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6.0 PLAN ADOPTION

This section addresses Element E of the Local Mitigation Plan Regulation Checklist.

Regulation Checklist - 44 CFR 201.6 Local Mitigation Plans

Element E: Plan Adoption

- E1. Does the Plan include documentation that the plan has been formally adopted by the governing body of the jurisdiction requesting approval? (Requirement §201.6(c)(5))
- E2. For multi-jurisdictional plans, has each jurisdiction requesting approval of the plan documented formal plan adoption? (Requirement $\S 201.6(c)(5)$)

6.1 FORMAL ADOPTION

The 2022 LHMP was formally adopted on July 13, 2022, by the Kachemak City Council. A copy of the adoption resolution in on file with the community and the Alaska Division of Homeland Security and Emergency Management.

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CITY OF KACHEMAK KACHEMAK, ALASKA ORDINANCE 2022-09

ORDINANCE 2022-09: AN ORDINANCE OF THE CITY OF KACHEMAK, ALASKA, ADOPTING THE 2022 KACHEMAK CITY LOCAL HAZARDOUS MITIGATION PLAN

WHEREAS, The State of Alaska Division of Homeland Security and Emergency Management has reviewed and compiled a Hazardous Mitigation Plan in partnership with the City of Kachemak; and

WHEREAS, the plan identifies hazards which routinely impact a community, defines those hazards so community members understand their nature, determine impact locations within the community, describe their potential impact extent, and identify mitigation opportunities; and

WHEREAS, the Federal Emergency Management Agency (FEMA) requires jurisdictions to submit a plan to be eligible for FEMA Hazard Mitigation Assistance Grants; and

NOW, THEREFORE, THE CITY OF KACHEMAK ADOPTS THE 2022 KACHEMAK CITY LOCAL HAZARDOUS MITIGATION PLAN.

ADOPTED by a duly constituted quorum of the City Council of Kachemak, Alaska, this day of _______, 2022.

CITY OF KACHEMAK

William R. Overway, Mayor

ATTEST:



July 29, 2022

The Honorable William Overlay Mayor, City of Kachemak P.O. Box 958 Homer, Alaska 99603

Dear Mayor Overlay:

The United States Department of Homeland Security's Federal Emergency Management Agency (FEMA) Region 10, approved the *City of Kachemak Hazard Mitigation Plan* approved effective July 26, 2022, through July 25, 2027, in accordance with the planning requirements of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended, the National Flood Insurance Act of 1968, as amended, the Water Infrastructure Improvements for the Nation Act and Title 44 Code of Federal Regulations Part 201. A FEMA-approved local mitigation plan is a condition of receiving certain non-emergency Stafford Act assistance and FEMA mitigation grants from the following programs:

- Hazard Mitigation Grant Program
- Building Resilient Infrastructure and Communities
- Flood Mitigation Assistance
- Rehabilitation of High Hazard Potential Dam Grant Program

FEMA individually evaluates all application requests for funding according to the specific eligibility requirements of the applicable program. Though a specific mitigation activity or project identified in the plan may meet the eligibility requirements, it may not automatically receive approval for FEMA funding under any of the programs.

Approved mitigation plans may be eligible for points under the National Flood Insurance Program's Community Rating System (CRS). For additional information regarding the CRS, please visit: www.fema.gov/national-flood-insurance-program-community-rating-system or contact your local floodplain manager. Over the next five years, we encourage your communities to follow the plan's schedule for monitoring and updating, and to develop further mitigation actions. To continue eligibility, jurisdictions must review, revise as appropriate, and resubmit the plan within five years of the original approval date.

If you have questions regarding your plan's approval or FEMA's mitigation grant programs, please contact Erin Leaders, Hazard Mitigation Plan Manager with Alaska Division of Homeland Security and Emergency Management, at (907) 428-7055, who coordinates and administers these efforts for local entities.

Sincerely,

Kristen Meyers, Director Mitigation Division

cc: Terry Murphy, Alaska Division of Homeland Security and Emergency Management

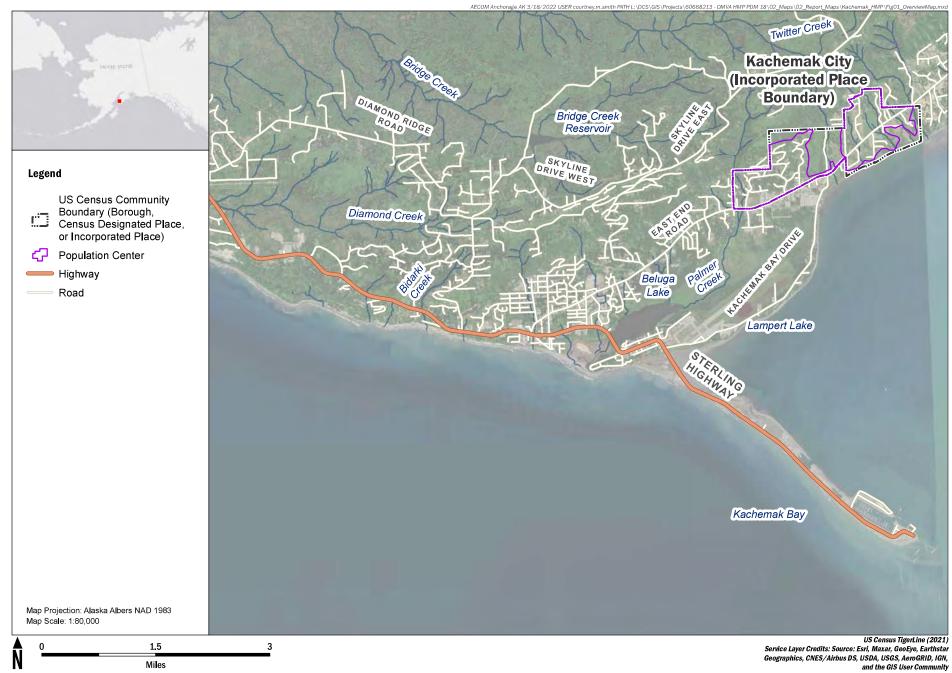
Enclosure

www.fema.gov 210

7.0 APPENDICES

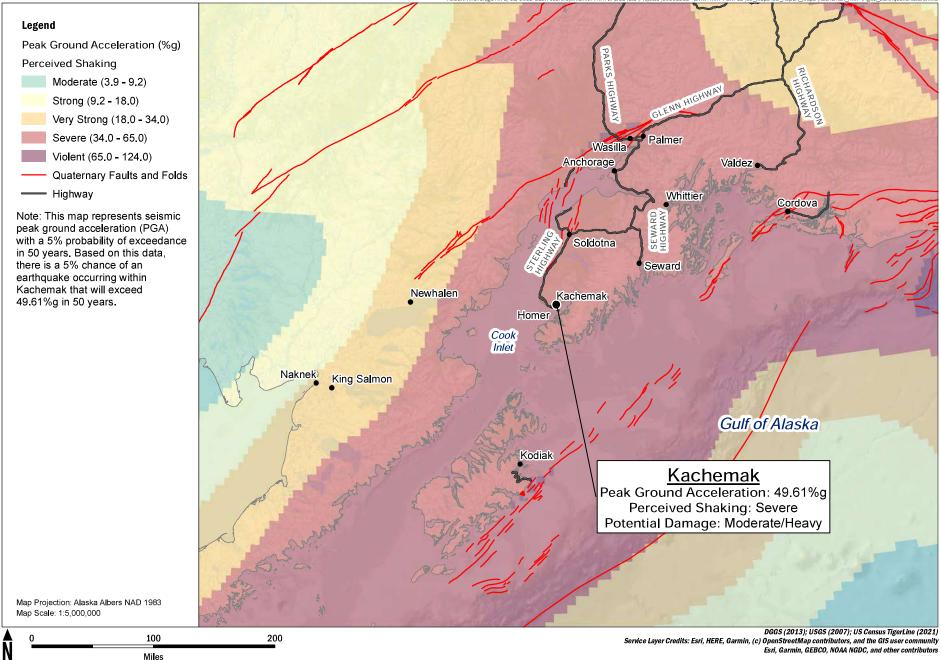
2022 Page | 7-1

APPENDIX A—FIGURES



AECOM

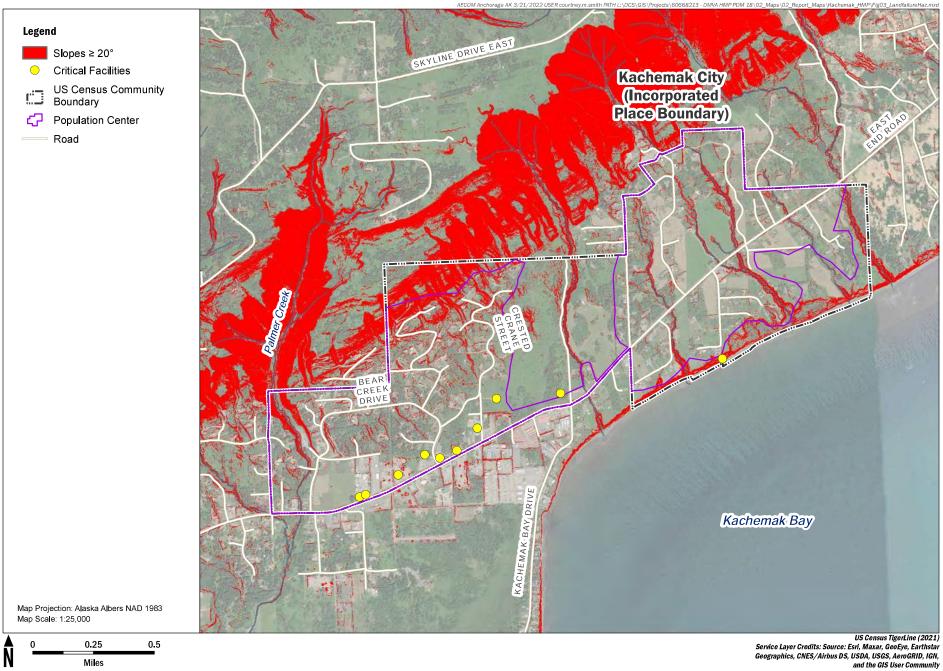
Kachemak City 2022 Local Hazard Mitigation Plan **OVERVIEW MAP**



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Kachemak City 2022 Local Hazard Mitigation Plan

EARTHQUAKE HAZARD AREAS

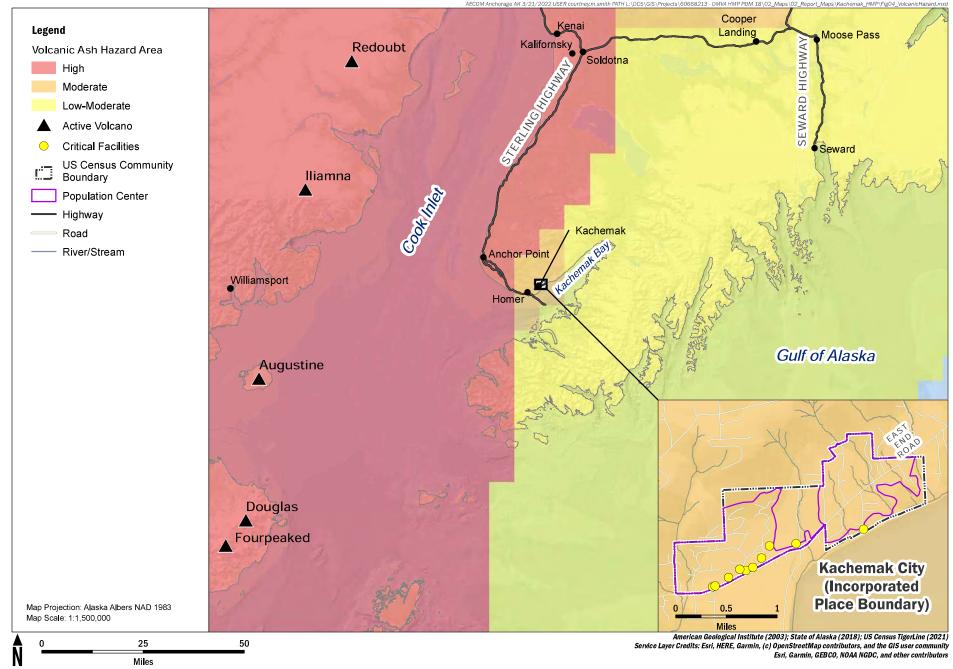


AECOM

Kachemak City 2022 Local Hazard Mitigation Plan

Miles

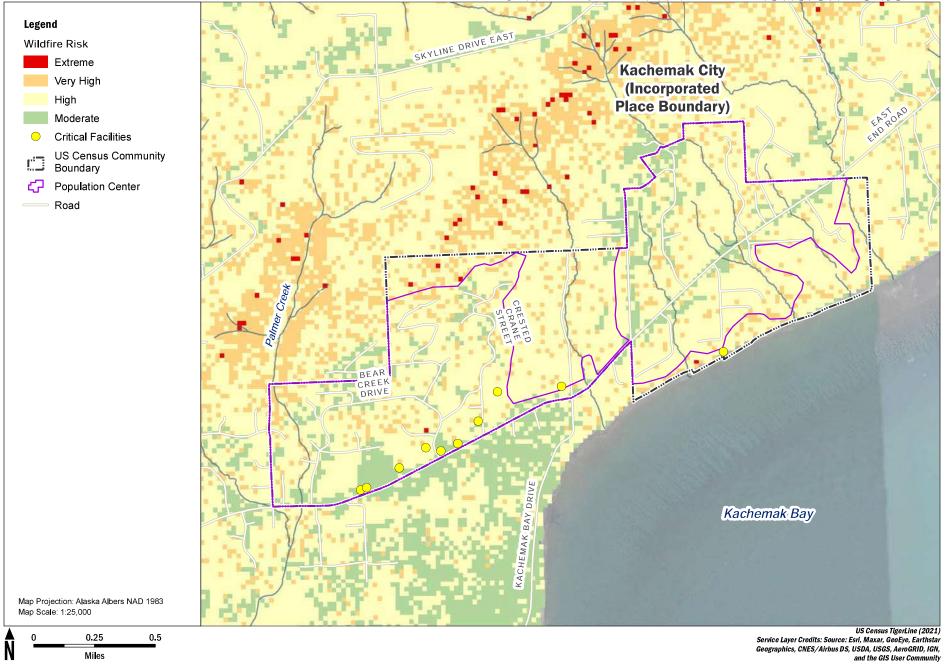
LANDSLIDE HAZARD AREAS



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Kachemak City 2022 Local Hazard Mitigation Plan

VOLCANIC ASH HAZARD AREAS

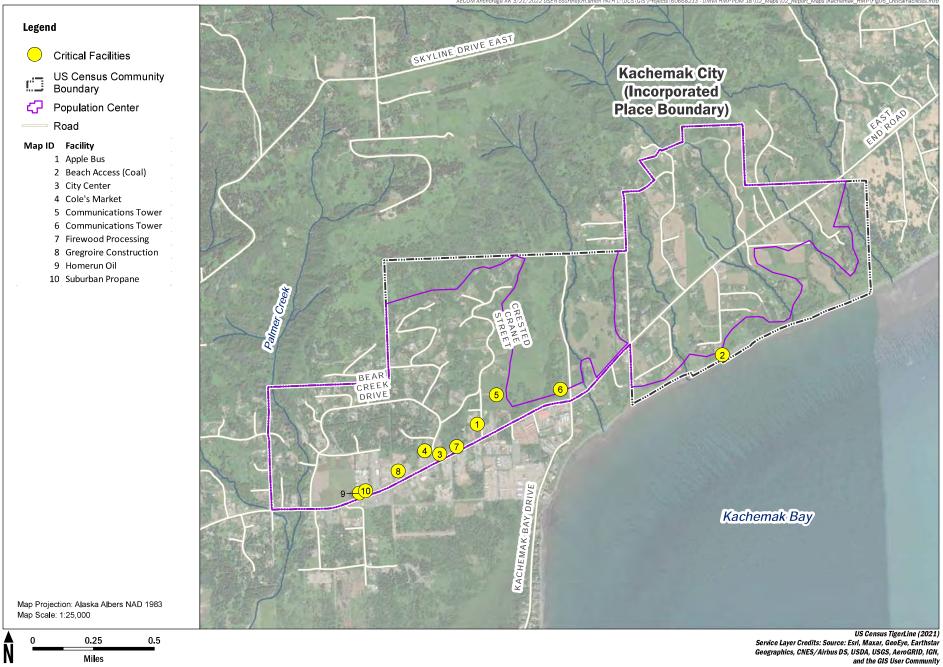


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Kachemak City 2022 Local Hazard Mitigation Plan

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WILDFIRE HAZARD AREAS



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Kachemak City 2022 Local Hazard Mitigation Plan

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CRITICAL FACILITIES

APPENDIX B—FEMA DOCUMENTATION

LOCAL MITIGATION PLAN REVIEW TOOL

The Local Mitigation Plan Review Tool demonstrates how the Local Mitigation Plan meets the regulation in 44 CFR §201.6 and offers States and FEMA Mitigation Planners an opportunity to provide feedback to the community.

- The <u>Regulation Checklist</u> provides a summary of FEMA's evaluation of whether the Plan has addressed all requirements.
- The <u>Plan Assessment</u> identifies the plan's strengths as well as documents areas for future improvement.
- The <u>Multi-jurisdiction Summary Sheet</u> is an optional worksheet that can be used to document how each jurisdiction met the requirements of the each Element of the Plan (Planning Process; Hazard Identification and Risk Assessment; Mitigation Strategy; Plan Review, Evaluation, and Implementation; and Plan Adoption).

The FEMA Mitigation Planner must reference this *Local Mitigation Plan Review Guide* when completing the *Local Mitigation Plan Review Tool*.

Jurisdiction: Kachemak City	Title of Plan: 2022 Kachemak City Local Hazard Mitigation Plan	Date of Plan: May, 2022	
Local Point of Contact: Debbie Speakman	Address:		
Title: Kachemak City Clerk			
Agency:			
Phone Number: 907-235-8897	E-Mail: cityclerk@kachemak.city	1	

State Reviewer: Erin M. Leaders	Title: EMS II/Planner	Date: 5/12/2022	

FEMA Reviewer	Sarah Mahan and John McCandless
Title	Hazard Mitigation Planner
Date:	June 7, 2022
Date Received in FEMA Region 10	June 1, 2022
Plan Not Approved	
Plan Approvable Pending Adoption	6/14/2022
Plan Approved	7/26/2022

SECTION 1: REGULATION CHECKLIST

INSTRUCTIONS: The Regulation Checklist must be completed by FEMA. The purpose of the Checklist is to identify the location of relevant or applicable content in the Plan by Element/sub-element and to determine if each requirement has been 'Met' or 'Not Met.' The 'Required Revisions' summary at the bottom of each Element must be completed by FEMA to provide a clear explanation of the revisions that are required for plan approval. Required revisions must be explained for each plan sub-element that is 'Not Met.' Sub-elements should be referenced in each summary by using the appropriate numbers (A1, B3, etc.), where applicable. Requirements for each Element and sub-element are described in detail in this *Plan Review Guide* in Section 4, Regulation Checklist.

1. REGULATION CHECKLIST	Location in Plan (section and/or page number)	Met	Not Met
Regulation (44 CFR 201.6 Local Mitigation Plans)	Sec 2.0 Planning Process/pp. 2-1 – 2-5 (PDF 8-12)	Met	
ELEMENT A. PLANNING PROCESS			
A1. Does the Plan document the planning process, including how it was prepared and who was involved in the process for each jurisdiction? (Requirement §201.6(c)(1))	Sec 2.1: p. 2-1 – 2-2 (pdf 8-9)	Met	
A2. Does the Plan document an opportunity for neighboring communities, local and regional agencies involved in hazard mitigation activities, agencies that have the authority to regulate development as well as other interests to be involved in the planning process? (Requirement §201.6(b)(2))	Sec 2.2: p. 2-2 (pdf 9) , Appendix C	Met	
A3. Does the Plan document how the public was involved in the planning process during the drafting stage? (Requirement §201.6(b)(1))	Sec 2.3: p. 2-3 (pdf 10), Appendix C	Met	
A4. Does the Plan describe the review and incorporation of existing plans, studies, reports, and technical information? (Requirement §201.6(b)(3))	Sec 2.4: p. 2-3 (pdf 10)	Met	
A5. Is there discussion of how the community(ies) will continue public participation in the plan maintenance process? (Requirement §201.6(c)(4)(iii))	Sec 2.5: p. 2-3 (pdf 10)	Met	
A6. Is there a description of the method and schedule for keeping the plan current (monitoring, evaluating and updating the mitigation plan within a five-year cycle)? (Requirement §201.6(c)(4)(i))	Sec 2.6: p. 2-3 – 2-5 (pdf 10-12)	Met	
ELEMENT A: REQUIRED REVISIONS			
ELEMENT B. HAZARD IDENTIFICATION AND RISK ASSESSMENT			
B1. Does the Plan include a description of the type, location, and extent of all natural hazards that can affect each jurisdiction(s)? (Requirement §201.6(c)(2)(i))	Sec 3.1-3.7: p. 3-2 – 3-13 (pdf 14- 25)	Met	

B2. Does the Plan include information on previous occurrences	Sec 3.1-3.7: p. 3-2 – 3-13 (pdf 14-	
of hazard events and on the probability of future hazard events	25)	Met
for each jurisdiction? (Requirement §201.6(c)(2)(i))	23)	
B3. Is there a description of each identified hazard's impact on		
the community as well as an overall summary of the	Sec 4.1-4.2: p. 4-1 – 4-6 (pdf 26-31)	Met
community's vulnerability for each jurisdiction? (Requirement		Wice
§201.6(c)(2)(ii))		
B4. Does the Plan address (National Flood Insurance Program		
(NFIP) insured structures within the jurisdiction that have been	Sec 4.3: p. 4-6 (pdf 31)	Met
repetitively damaged by floods? (Requirement §201.6(c)(2)(ii))		
ELEMENT B: REQUIRED REVISIONS		
ELEMENT C. MITIGATION STRATEGY		
ELEMENT C. MITIGATION STRATEGY		
C1. Does the plan document each jurisdiction's existing		
authorities, policies, programs and resources and its ability to	Sec 5.1: p. 5-1 – 5-5 (pdf 32-36)	Met
expand on and improve these existing policies and programs?	3ec 3.1. p. 3-1 – 3-3 (pui 32-36)	IVIEL
(Requirement §201.6(c)(3))		
C2. Does the Plan address each jurisdiction's participation in		
the NFIP and continued compliance with NFIP requirements, as	Sec 5.2: p. 5.5 (pdf 36)	Met
appropriate? (Requirement §201.6(c)(3)(ii))		
C3. Does the Plan include goals to reduce/avoid long-term		
vulnerabilities to the identified hazards? (Requirement	Sec 5.3: p. 5-5 – 5-6 (pdf 36-37)	Met
§201.6(c)(3)(i))		
C4. Does the Plan identify and analyze a comprehensive range		
of specific mitigation actions and projects for each jurisdiction	Sec 5.4: p. 5-6 – 5-8 (pdf 37-39);	
being considered to reduce the effects of hazards, with	Appendix A	Met
emphasis on new and existing buildings and infrastructure?	Appendix	
(Requirement §201.6(c)(3)(ii))		
C5. Does the Plan contain an action plan that describes how the		
actions identified will be prioritized (including cost benefit	Sec 5.5: p. 5-9 (pdf 40)	Met
review), implemented, and administered by each jurisdiction?	(530)	
(Requirement §201.6(c)(3)(iv)); (Requirement §201.6(c)(3)(iii))		
C6. Does the Plan describe a process by which local		
governments will integrate the requirements of the mitigation		
plan into other planning mechanisms, such as comprehensive	Sec 5.6: p. 5-9 – 5-10 (pdf 40-41)	Met
or capital improvement plans, when appropriate?		
(Requirement §201.6(c)(4)(ii))		

ELEMENT C: REQUIRED REVISIONS

ELEMENT D. PLAN REVIEW, EVALUATION, AND										
IMPLEMENTATION (applicable to plan updates only)										
D1. Was the plan revised to reflect changes in development? (Requirement §201.6(d)(3))	N/A									
D2. Was the plan revised to reflect progress in local mitigation efforts? (Requirement §201.6(d)(3))	N/A									
D3. Was the plan revised to reflect changes in priorities? (Requirement §201.6(d)(3))	N/A									

ELEMENT D: REQUIRED REVISIONS

ELEMENT E. PLAN ADOPTION

E1. Does the Plan include documentation that the plan has been formally adopted by the governing body of the jurisdiction requesting approval? (Requirement §201.6(c)(5)) E2. For multi-jurisdictional plans, has each jurisdiction requesting approval of the plan documented formal plan adoption? (Requirement §201.6(c)(5)) ELEMENT E: REQUIRED REVISIONS OPTIONAL: HIGH HAZARD POTENTIAL DAM (HHPD) RISKS HHPD1. Did Element A4 (planning process) describe the incorporation of existing plans, studies, reports, and technical information for high hazard potential dams? HHPD2. Did Element B3 (risk assessment) address HHPDs? N/A HHPD3. Did Element C3 (mitigation goals) include mitigation goals to reduce long-term vulnerabilities from high hazard potential dams that pose an unacceptable risk to the public? HHPD4. Did Element C4-C5 (mitigation actions) address HHPDs prioritize mitigation actions to reduce vulnerabilities from high hazard potential dams that pose an unacceptable risk to the public?
E2. For multi-jurisdictional plans, has each jurisdiction requesting approval of the plan documented formal plan adoption? (Requirement §201.6(c)(5)) ELEMENT E: REQUIRED REVISIONS OPTIONAL: HIGH HAZARD POTENTIAL DAM (HHPD) RISKS HHPD1. Did Element A4 (planning process) describe the incorporation of existing plans, studies, reports, and technical information for high hazard potential dams? HHPD2. Did Element B3 (risk assessment) address HHPDs? N/A HHPD3. Did Element C3 (mitigation goals) include mitigation goals to reduce long-term vulnerabilities from high hazard potential dams that pose an unacceptable risk to the public? HHPD4. Did Element C4-C5 (mitigation actions) address HHPDs prioritize mitigation actions to reduce vulnerabilities from high hazard potential dams that pose an unacceptable risk to the public? N/A
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HHPD3. Did Element C3 (mitigation goals) include mitigation goals to reduce long-term vulnerabilities from high hazard potential dams that pose an unacceptable risk to the public? HHPD4. Did Element C4-C5 (mitigation actions) address HHPDs prioritize mitigation actions to reduce vulnerabilities from high hazard potential dams that pose an unacceptable risk to the public? N/A
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prioritize mitigation actions to reduce vulnerabilities from high hazard potential dams that pose an unacceptable risk to the public?
REQUIRED REVISIONS
ELEMENT F. ADDITIONAL STATE REQUIREMENTS (OPTIONAL FOR STATE REVIEWERS ONLY; NOT TO BE COMPLETED BY FEMA)
F1.
F2.
ELEMENT F: REQUIRED REVISIONS

SECTION 2: PLAN ASSESSMENT

INSTRUCTIONS: The purpose of the Plan Assessment is to offer the local community more comprehensive feedback to the community on the quality and utility of the plan in a narrative format. The audience for the Plan Assessment is not only the plan developer/local community planner, but also elected officials, local departments and agencies, and others involved in implementing the Local Mitigation Plan. The Plan Assessment must be completed by FEMA. The Assessment is an opportunity for FEMA to provide feedback and information to the community on: 1) suggested improvements to the Plan; 2) specific sections in the Plan where the community has gone above and beyond minimum requirements; 3) recommendations for plan implementation; and 4) ongoing partnership(s) and information on other FEMA programs, specifically RiskMAP and Hazard Mitigation Assistance programs. The Plan Assessment is divided into two sections:

- 1. Plan Strengths and Opportunities for Improvement
- 2. Resources for Implementing Your Approved Plan

Plan Strengths and Opportunities for Improvement is organized according to the plan Elements listed in the Regulation Checklist. Each Element includes a series of italicized bulleted items that are suggested topics for consideration while evaluating plans, but it is not intended to be a comprehensive list. FEMA Mitigation Planners are not required to answer each bullet item and should use them as a guide to paraphrase their own written assessment (2-3 sentences) of each Element.

The Plan Assessment must not reiterate the required revisions from the Regulation Checklist or be regulatory in nature and should be open-ended and to provide the community with suggestions for improvements or recommended revisions. The recommended revisions are suggestions for improvement and are not required to be made for the Plan to meet Federal regulatory requirements. The italicized text should be deleted once FEMA has added comments regarding strengths of the plan and potential improvements for future plan revisions. It is recommended that the Plan Assessment be a short synopsis of the overall strengths and weaknesses of the Plan (no longer than two pages), rather than a complete recap section by section.

Resources for Implementing Your Approved Plan provides a place for FEMA to offer information, data sources and general suggestions on the plan implementation and maintenance process. Information on other possible sources of assistance including, but not limited to, existing publications, grant funding or training opportunities, can be provided. States may add state and local resources, if available.

A. Plan Strengths and Opportunities for Improvement

This section provides a discussion of the strengths of the plan document and identifies areas where these could be improved beyond minimum requirements.

Element A: Planning Process

Strengths:

- The graphics created for the plan outreach in Appendix C were very concise and visually engaging.
- The planners engaged the public through several modes of communication, including nonelectronic. This broadened the audience and increased the effectiveness of the overall engagement.

Opportunities for Improvement:

- When it is time to update the plan, expand the planning team to include city staff from relevant departments. This can help to strengthen the expertise that goes into the planning process and create an in-depth update.
- When discussing the opportunities for stakeholder participation, include details about which stakeholders chose to participate and how.
- The planners reached out to the public via several means; expand these means to include social media posts. Additionally, specify where the community flyers were posted. Explain why those locations were chosen to maximize engagement with the public.
- Increase the opportunities and methods for engagement for more public participation. Hosting presentations and posting online project updates can provide chances to gather valuable community input on the plan's implementation. This will eventually inform the mitigation strategy during the plan update.

Element B: Hazard Identification and Risk Assessment

Strengths:

- The description of impacts for climate change in the nature section of the hazard profile (Table 3-1) are really good and community-specific. Use this method for each of the hazards profiled to fulfill element B3a when updating the plan. This way, the impacts described for each hazard are more useful when creating the mitigation strategies.
- The descriptions for hazard location are specific. This really ties together the varying risks and impacts to the geography of the community at a more detailed level.

Opportunities for Improvement:

- Discuss how and why the hazards included in the plan were chosen. This will better support sub-element B1b and give a better context of your community's vulnerability.
- Include the figures from the appendix in the risk assessment section, along with additional maps, tables and graphs. This will better support the hazard profiles and make the information easier to understand.

Element C: Mitigation Strategy

Strengths:

• The existing authorities, programs, policies and resources are thoroughly categorized and cataloged in the tables. This created a good layout to review and leverage the various mechanisms for hazard mitigation action implementation.

Opportunities for Improvement:

- Expand the mitigation goals along with the BRIC priorities. Add goals that directly support the identified community-specific risks.
- Add objectives within each mitigation goal to further enhance each goal.
- Be more specific in your action plan. For example, specify the position or title responsible for implementing and administering a mitigation action, and further narrow the timeframe for implementing an action.

Element D: Plan Update, Evaluation, and Implementation (Plan Updates Only) Strengths:

• N/A

Opportunities for Improvement:

N/A

B. Resources for Implementing Your Approved Plan

Ideas may be offered on moving the mitigation plan forward and continuing the relationship with key mitigation stakeholders such as the following:

- What FEMA assistance (funding) programs are available (for example, Hazard Mitigation Assistance) to the jurisdiction(s) to assist with implementing the mitigation actions?
- What other Federal programs NFIP, Community Rating System, Risk MAP, etc.) may provide assistance for mitigation activities?
- What publications, technical guidance or other resources are available to the jurisdiction(s) relevant to the identified mitigation actions?
- Are there upcoming trainings/workshops (Benefit-Cost Analysis), Hazard Mitigation Assistanc, etc.) to assist the jurisdictions(s)?
- What mitigation actions can be funded by other Federal agencies (for example, United.State Forest Service, National Oceanic and Atmospheric Administration, Environmental Protection Agency Smart Growth, Housing and Urban Development Sustainable Communities, etc.) and/or state and local agencies?

SECTION 3: MULTI-JURISDICTION SUMMARY SHEET (OPTIONAL)

INSTRUCTIONS: For multi-jurisdictional plans, a Multi-jurisdiction Summary Spreadsheet may be completed by listing each participating jurisdiction, which required Elements for each jurisdiction were 'Met' or 'Not Met,' and when the adoption resolutions were received. This Summary Sheet does not imply that a mini-plan be developed for each jurisdiction; it should be used as an optional worksheet to ensure that each jurisdiction participating in the Plan has been documented and has met the requirements for those Elements (A through E).

		Mulit- Juridiction	Summary	Sheet				Requirements:		(Met /Not Met)		
Line Num ber	Jurisdiction Name	Jurisdiction Type (city/borough/t ownship/village , etc.)	Plan Point of Contact	Mailing Address	Email	Phone	A. Plannin g Process	B. Hazard Identification and Risk Assessment	C. Mitigation Strategy	D. Plan Review, Evaluation and Implementation	E. Plan Adoption	F. State Require- ments
1												
2												
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APPENDIX C—PLANNING PROCESS

Evans, Jessica

From: Evans, Jessica

Sent: Wednesday, March 2, 2022 1:00 PM

To: Evans, Jessica

Cc: 'Kachemak City Clerk'

Subject: Kachemak Local Mitigation Plan

Good Afternoon,

Kachemak is kicking off the 2022 Kachemak Local Hazard Mitigation Plan (LHMP) process. LHMPs are pre-disaster plans that are focused on reducing the impacts of disasters before they occur. In addition, local governments that prepare LHMPs are eligible for certain types of FEMA funding.

The 2022 LHMP development process will take place over the next several months. Hazards addressed in the plan will include: climate change, earthquake, flood, landslide, severe weather, volcano, and wildfire.

To learn more about hazard mitigation planning, please visit: https://www.fema.gov/hazard-mitigation-planning.

If you would like to participate in our plan development process, please contact me or Debbie Speakman (cityclerk@kachemak.city).

We will send out a follow-up email when our Public Draft is available for review and comment. Thank you.

Sent on behalf of:

Kachemak City Clerk Phone: (907)-235-8897

New email address: cityclerk@kachemak.city

New Website: www.kachemak.city

Jessica Evans

Environmental Scientist/Planner, IAP Practices, Alaska D +1-907-261-6764 jessica.evans@aecom.com

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3900 C Street, Suite 403 Anchorage, Alaska, United States T +1-907-562-3366

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2022 Kachemak Local Hazard Mitigation Plan

Our community is launching an effort known as the 2022 Local Hazard Mitigation Plan. Over the next few months, we will work with a consultant to assess risks posed by natural disasters and develop strategies to protect life and property in Kachemak from future hazard events.

Hazards addressed in our plan include the following:

- Climate Change
- Earthquake
- Flood
- Landslide
- Severe Weather
- Volcano
- Wildfire

Once our plan is completed and approved by FEMA, our community will be eligible to apply for and receive certain types of nonemergency disaster assistance, including funding for mitigation projects identified in our plan.

To learn more about hazard mitigation planning, please visit:

https://www.fema.gov/emergencymanagers/risk-management/hazardmitigation-planning

To learn more about our plan, please contact Debbie Speakman at cityclerk@kachemak.city. We will provide an update once a draft plan is developed.







Evans, Jessica

From: Kachemak City Clerk <cityclerk@kachemak.city>

Sent: Monday, March 7, 2022 1:02 PM

To: Debbie Speakman **Cc:** Evans, Jessica

Subject: [EXTERNAL] Kachemak City Local Hazard Mitigation Plan

Attachments: Haz Mit 2022- Public Flyer 1.docx.pdf; Haz Mit 2022- Public Flyer 1.docx-page-001.jpg

Our community is launching an effort known as the Kachemak City 2022 Local Hazard Mitigation Plan. Over the next few months, we will work with a consultant to assess risks posed by natural disasters and develop strategies to protect life and property in Kachemak from future hazard events.

Hazards addressed in our plan include the following: climate change, earthquake, flood, landslide, severe weather, volcano, and wildfire.

Once our plan is completed and approved by FEMA, our community will be eligible to apply for and receive certain types of nonemergency disaster assistance, including funding for mitigation projects identified in our plan.

To learn more about hazard mitigation planning, please visit: https://www.fema.gov/emergency-managers/risk-management/hazard-mitigation-planning

To learn more about our plan, please contact Debbie Speakman at cityclerk@kachemak.cityat or Jessica Evans at jessica.evans@aecom.com. We will provide an update once a draft plan is developed.

--

Kachemak City Clerk Phone: (907)-235-8897

New email address: cityclerk@kachemak.city

New Website: www.kachemak.city

2022 Kachemak Local Hazard Mitigation Plan

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To learn more about hazard mitigation planning, please visit:

https://www.fema.gov/emergencymanagers/risk-management/hazardmitigation-planning

To learn more about our plan, please contact Debbie Speakman at cityclerk@kachemak.city. We will provide an update once a draft plan is developed.







4/20/22, 1:19 PM City of Kachemak

March 4, 2022

Public Notice

Notice is hereby given that the City of Kachemak Park's Committee is scheduled Tuesday, March 08, 2022 at 6:30 PM, at the Kachemak Community Center Clerk's Office, 59906 Bear Creek Drive.

March 2, 2022: PUBLIC Notice

Notice is hereby given that a *Kachemak City Regular City Council meeting* scheduled for March 09, 2022 at 6:00 PM, at the Kachemak Community Center, 59906 Bear Creek Drive.

PUBLIC NOTICE

Notice is hereby given that the City of Kachemak is accepting applications for Matching Road Grants for the upkeep and repair of road located within the City.

The City of Kachemak is now accepting applications for FY23 Matching Road Grants for the upkeep and maintenance of roads within the City. Applications for Road Grants must be received by April 1, 2022 for consideration by the City Council at the Regular Council Meeting to be held Wednesday, April 13th at 6pm.

Attached are two ordinances relating to City Code, the first is Ord 2009-07 which should be used to apply for matching grants for 2023 noting that Council is accepting public comment on Ordinance 2022-02 which will replace 2009-07.

Council will be discussing Ord 2022-02 at the upcoming Regular Council Meeting this coming Wednesday, March 9th at 6pm. Public comment on this ordinance can be made via email, written comment or public testimony. Emailed and written comments must be received by the Clerk's Office no later than 3pm on March 9th.

**Applications MUST be submitted with all information requested. Applications that do not contain all information required by City Code will be returned to the applicant.

Please note that the applications will change upon the acceptance of Ordinance 2022-02 by the City Council.

Evans, Jessica

From: Evans, Jessica

Sent: Wednesday, April 20, 2022 2:21 PM

To: Evans, Jessica
Cc: Kachemak City Clerk

Subject: Kachemak City Local Hazard Mitigation Plan: Draft for Review

Attachments: Kachemak_LHMP_DRAFT_042022.pdf

Good afternoon,

As you may remember from our last email on March 2, Kachemak City is developing a Local Hazard Mitigation Plan (LHMP). LHMPs are pre-disaster plans that are focused on reducing the impacts of disasters before they occur. In addition, governments that prepare LHMPs are eligible for certain types of FEMA funding.

We have completed a public draft of the 2022 Kachemak LHMP. Over past few months, we have worked with a consultant to assess risks posed by natural disasters and develop strategies to protect life and property in the community from future hazard events. Hazards addressed in the plan include: climate change, earthquake, flood, landslide, severe weather, volcano, and wildfire.

To learn more about hazard mitigation planning, please visit: https://www.fema.gov/hazard-mitigation-planning.

A copy of our plan is attached and available to review until **May 6, 2022**. If you have questions or comments, please contact Debbie Speakman at cityclerk@kachemak.city or myself at jessica.evans@aecom.com.

Thank you for your continued interest and participation.

Sent on behalf of Kachemak City.

Jessica

Jessica Evans

Environmental Scientist/Planner, IAP Practices, Alaska D +1-907-261-6764 jessica.evans@aecom.com

AECOM

3900 C Street, Suite 403 Anchorage, Alaska, United States T +1-907-562-3366

aecom.com

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2022 Kachemak Local Hazard Mitigation Plan

Our community has prepared a public draft of the 2022 Local Hazard Mitigation Plan. Over the past few months, we have worked with a consultant to assess risks posed by natural disasters and develop strategies to protect life and property in Kachemak from future hazard events.

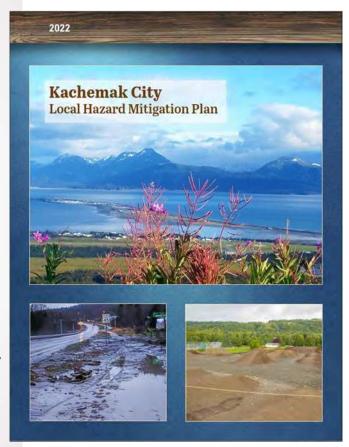
Hazards addressed in our plan include the following:

- Climate Change
- Earthquake
- Flood
- Landslide
- Severe Weather
- Volcano
- Wildfire

Once our plan is finalized and approved by FEMA, our community will be eligible to apply for and receive certain types of nonemergency disaster assistance, including funding for mitigation projects identified in our plan.

To learn more about hazard mitigation planning, please visit: https://www.fema.gov/emergency-managers/risk-management/hazard-mitigation-planning

A copy of our plan is available to review until May 6 and can be found upon request to Debbie Speakman at cityclerk@kachemak.city or Jessica Evans at jessica.evans@aecom.com.



Evans, Jessica

From: Kachemak City Clerk <cityclerk@kachemak.city>

Sent: Wednesday, April 20, 2022 2:47 PM

To: Debbie Speakman
Cc: Evans, Jessica
Subject: [EXTERNAL]

Attachments: Haz Mit Plan-page-001.jpg

We have completed a public draft of the 2022 Kachemak LHMP. Over past few months, we have worked with a consultant to assess risks posed by natural disasters and develop strategies to protect life and property in the community from future hazard events. Hazards addressed in the plan include: climate change, earthquake, flood, landslide, severe weather, volcano, and wildfire.

To learn more about hazard mitigation planning, please visit: https://www.fema.gov/hazard-mitigation-planning.

A copy of our plan is available for public review until **May 6, 2022**. If you have questions or comments, please contact Debbie Speakman at cityclerk@kachemak.city or myself at jessica.evans@aecom.com.

Thank you for your continued interest and participation.

--

Kachemak City Clerk Phone: (907)-235-8897

New email address: cityclerk@kachemak.city

New Website: www.kachemak.city



2022 Kachemak Local Hazard Mitigation Plan

Our community has prepared a public draft of the 2022 Local Hazard Mitigation Plan. Over the past few months, we have worked with a consultant to assess risks posed by natural disasters and develop strategies to protect life and property in Kachemak from future hazard events.

Hazards addressed in our plan include the following:

- Climate Change
- Earthquake
- Flood
- Landslide
- Severe Weather
- Volcano
- Wildfire

Once our plan is finalized and approved by PEMA, our community will be eligible to apply



4/20/22, 2:50 PM City of Kachemak

for and receive certain types of nonemergency disaster assistance, including funding for mitigation projects identified in our plan.

To learn more about hazard mitigation planning, please visit: https://www.fema.gov/emergency-managers/risk-management/hazard-mitigation-planning

A copy of our plan is available to review until May 6 and can be found upon request to Debbie Speakman at cityclerk@kachemak.city or Jessica Evans at jessica.evans@aecom.com.

Notice is hereby given that a *Kachemak City Regular City Council meeting* scheduled for April 13, 2022 at 6:00 PM, at the Kachemak Community Center, 59906 Bear Creek Drive.

Notice is hereby given that a *Kachemak City Parks Committee Meeting* scheduled for Monday, April 11th at 6:00 PM, at the Kachemak Community Center, 59906 Bear Creek Drive.

MISCELLANEOUS INFORMATION

 a. Community Development Block Grant – Disaster & Mitigation (CDBG-DR/MIT) AK Dept. of Commerce, Community & Economic Development – Staff Report

Kenai Peninsula Borough Office of Emergency Management – Staff Report

Community Development Block Grant – Disaster and Mitigation (CDBG-DR / MIT) Alaska Department of Commerce, Community, and Economic Development

Federal Pass-Through – Housing Urban Development (HUD)

On January 6, 2021, HUD made \$2,288,000 in CDBG-MIT funds available to the State of Alaska to address damage caused by the 2018 Cook Inlet Earthquake for the impacted boroughs of Anchorage, Kenai Peninsula and Mat-Su. The CDBG-MIT funding is in addition to the \$35,856,000 in Community Development Blog Grant-Disaster Recovery (CDBG-DR) funds HUD allocated to the State of Alaska on January 27, 2020. The state developed an action plan outlining the use of CDBG-DR funds for housing, infrastructure, and economic development programs.

The purpose of this memo is to provide an update on the current actions regarding both funding sources:

- 1. The CDBG-DR program prioritizes funding to first be used to assist damaged homes within low to moderate income households. Thereafter, funds may be used for repairs, enhancement and restoration of infrastructure for local communities impacted by the 2018 Cook Inlet Earthquake as part of a comprehensive long-term recovery program. The Office of Emergency Management is working with the state to submit eligible mitigation projects that may fall within the HUD guidance.
- 2. The CDBG-MIT funds represent an opportunity for the State of Alaska to use this assistance in areas impacted by the Cook Inlet Earthquake to carry out strategic and high-impact projects that will mitigate disaster risks and reduce future losses. A virtual, public meeting was held August 22, 2022 to gather input on the use of the mitigation funding. It is expected that these funds will be used for the largely impacted areas of Anchorage; however, the Kenai Peninsula may also be eligible to apply for the funds to supplement local mitigation projects identified in the 2019 Hazard Mitigation Plan.

Current plan information for both programs may be found at https://www.commerce.alaska.gov/web/dcra/GrantsSection/CDBG-DR.aspx

Respectfully Submitted,

Brenda Ablberg Emergency Manager