



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, January 9, 2023

7:30 PM ZOOM ONLY MEETING - Meeting Not Physically Open
To Public

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-4829](#)
- a. AA Mattox Subdivision Johnson Addition; KPB File 2022-064
 - b. Bear Run Tract 2 Replat; KPB File 2022-043
 - c. Beaver Creek Alaska Subdivision 2020 Replat; KPB File 2021-006
 - d. Breakfield-McCaughey Subdivision; KPB File 2022-054
 - e. Catkin Subdivision 2021 Replat; KPB File 2021-144
 - f. C L Hatton Subdivision Eagles Crest Addition Byler Replat; KPB File 2022-027
 - g. Crane-France Subdivision; KPB File 2022-096
 - h. D & J subdivision; KPB File 2022-065
 - i. Foothills Subdivision Sunset View Estate 2020 Addition; KPB File 2020-113P2
 - j. Fritz Creek Acres 2022 Replat; KPB File 2022-095
 - k. K.D.M. Subdivision 2022 Addition; KPB File 2022-146
 - l. Kasilof Alaska Subdivision 2022 Replat; KPB File 2022-119
 - m. Lillian Walli Estate 2022 Replat; KPB File 2022-083
 - n. Lobdell Subdivision; KPB File 2022-018
 - o. McClaren Subdivision; KPB File 2016-083
 - p. Monk Acres; KPB File 2022-071
 - q. Puffin Acres Bayweld 2022 Replat; KPB File 2022-046

Attachments: [C3. Admin Approvals](#)

4. Plats Granted Final Approval (KPB 20.10.040)

- [KPB-4830](#)
- a. Alisyn Acres Subdivision McDonald Replat; KPB File 2022-149
 - b. Foster Lake Subdivision Vasilie Replat; KPB File 2022-140
 - c. Golf-Fairway 2022 Replat; KPB File 2022-138
 - d. John Buchanan Subdivision; KPB File 2022-154

Attachments: [C4. Final Approvals](#)

5. Plat Amendment Request

6. Commissioner Excused Absences

7. Minutes

- [KPB-4831](#) December 12, 2022 PC Meeting Minutes

Attachments: [C7. 12-12-22 PC Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4832](#) Building Setback Encroachment Permit; KPB File 2022-176
Petitioner/Landowner: Richard Shreves
Request: Permits a house that is encroaching 12.2;' by 25.9' within the building setback on Lot 2A Spruce Lake Estates Addition No. 2, Plat HM 86-34
Location: Whisky Gulch Street & Cape Ninilchik Avenue
Anchor Point Area

 Attachments: [E1. BSEP Spruce Lake Estates - Lot 2](#)
2. [KPB-4833](#) Building Setback Encroachment Permit; KPB File 2022-181
Petitioner/Landowner: Jay Snow
Request: Permits a 9.1' by 4.3' portion of a house to remain in the building setback granted on Hollywood Subdivision No. 4, Plat HM 86-90
Location: Whisky Gulch Street
Anchor Point Area

 Attachments: [E2. BSE Hollywood Hills Sub No. 4](#)
3. [KPB-4834](#) Ordinance 2022-46: Amending KPB 21.02.230 to modify the boundaries of the Nikiski Advisory Planning Commission.

 Attachments: [E3. ORD 2022-46 Nikiski APC](#)
 [E3. ORD 2022-46 Desk Packet](#)
4. [KPB-4835](#) Ordinance 2023-XX: Authorizing an amendment to the Kenai Peninsula Archers lease to provide a ten-year extension of the term and a ten-year renewal option.

 Attachments: [E4. ORD 2023-XX KP Archers Lease](#)
5. [KPB-4836](#) Resolution 2023-XX: Providing a 30-day application period prior to inactivating the Kachemak Bay Advisory Planning Commission.

 Attachments: [E5. RES 2023-XX Kachemak Bay APC](#)

F. PLAT COMMITTEE REPORT

G. OTHER

- [KPB-4864](#) Advisory Planning Commission Meeting Minutes

 Attachments: [Misc Info](#)

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****NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held Monday, January 23, 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>

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

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

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

C. CONSENT AGENDA

- *3. Plats Granted Administrative Approval
 - a. AA Mattox Subdivision Johnson Addition; KPB File 2022-064
 - b. Bear Run Tract 2 Replat; KPB File 2022-043
 - c. Beaver Creek Alaska Subdivision 2020 Replat; KPB File 2021-006
 - d. Breakfield-McCaughey Subdivision; KPB File 2022-054
 - e. Catkin Subdivision 2021 Replat; KPB File 2021-144
 - f. C L Hatton Subdivision Eagles Crest Addition Byler Replat; KPB File 2022-027
 - g. Crane-France Subdivision; KPB File 2022-096
 - h. D & J subdivision; KPB File 2022-065
 - i. Foothills Subdivision Sunset View Estate 2020 Addition; KPB File 2020-113P2
 - j. Fritz Creek Acres 2022 Replat; KPB File 2022-095
 - k. K.D.M. Subdivision 2022 Addition; KPB File 2022-146
 - l. Kasilof Alaska Subdivision 2022 Replat; KPB File 2022-119
 - m. Lillian Walli Estate 2022 Replat; KPB File 2022-083
 - n. Lobdell Subdivision; KPB File 2022-018
 - o. McClaren Subdivision; KPB File 2016-083
 - p. Monk Acres; KPB File 2022-071
 - q. Puffin Acres Bayweld 2022 Replat; KPB File 2022-046



Planning Department

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Mike Navarre
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: AA Mattox Subdivision Johnson Addition
KPB File 2022-064
Homer 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, December 20, 2022.

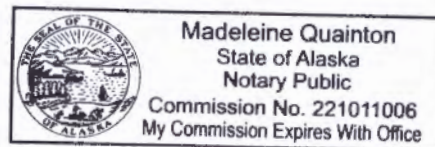
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 20 day of December 2022 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With office



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



Planning Department

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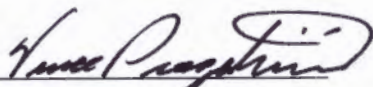
Mike Navarre
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Bear Run Tract 2 Replat
KPB File 2022-043
Homer Recording District

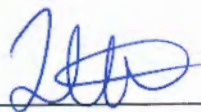
The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on April 25, 2022. Approval for the plat is valid for two years from the date of approval.

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 Wednesday, December 28, 2022.

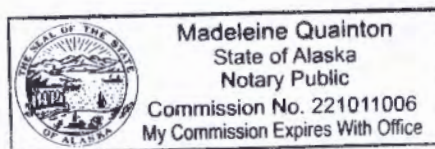

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 28 day of December 2022 by
Vince Piagentini.


Notary Public for the State of Alaska

My commission expires: With Office



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



Planning Department

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Mike Navarre
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Beaver Creek Alaska Subdivision 2020 Replat
KPB File 2021-006
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on May 23, 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, December 5, 2022.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

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

Notary Public for the State of Alaska

My commission expires: With Office



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

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Planning Department

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Mike Navarre
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Breakfield-McCaughey Subdivision
KPB File 2022-054
Homer Recording District

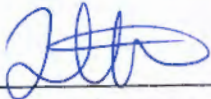
The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on May 9, 2022. Approval for the plat is valid for two years from the date of approval.

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 Thursday, December 8, 2022.

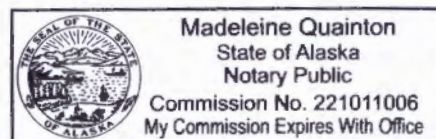

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 8 day of December 2022 by
Vince Piagentini.


Notary Public for the State of Alaska

My commission expires: With Office



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Planning Department

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Mike Navarre
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: C L Hatton Subdivision Eagles Crest Addition Byler Replat
KPB File 2022-027
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on May 9, 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 Wednesday, December 28, 2022.

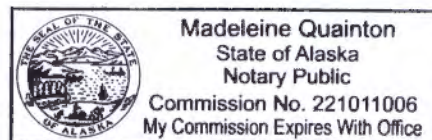
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 28 day of December 2022 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



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



Planning Department

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Mike Navarre
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Catkin Subdivision 2021 Replat
KPB File 2021-144
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on November 29, 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, December 20, 2022.

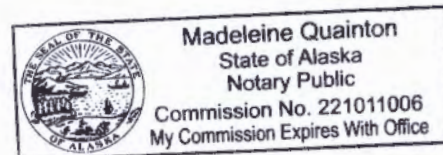
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 20 day of December 2022 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With office



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Planning Department

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Mike Navarre
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Crane-France Subdivision
KPB File 2022-096
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on August 8, 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 Friday, December 23, 2022.

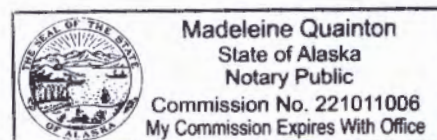
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 23 day of December 2022 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With office



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Planning Department

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Mike Navarre
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: D & J Subdivision 2022 Addition
KPB File 2022-065
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 Tuesday, December 27, 2022.

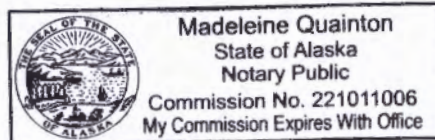
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 27 day of December 2022 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With Office



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Planning Department

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Mike Navarre
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Foothills Subdivision Sunset View Estates 2020 Addition
KPB File 2020-113P2
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on DATE. 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 December 5, 2022.

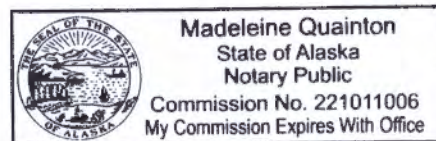
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

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

Notary Public for the State of Alaska

My commission expires: With office



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



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Mike Navarre
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Fritz Creek Acres 2022 Replat
KPB File 2022-095
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on August 8, 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 Thursday, December 22, 2022.

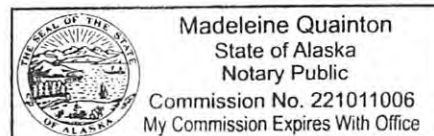
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 22 day of December 2022 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



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Mike Navarre
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: K.D.M. Subdivision 2022 Addition
KPB File 2022-146
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on October 24, 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 Thursday, December 29, 2022.

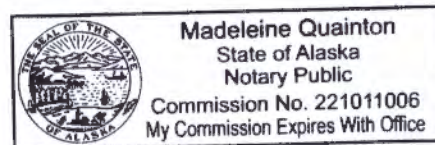
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 29 day of December 2022 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With office



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Planning Department

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Mike Navarre
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Kasilof Alaska Subdivision 2022 Replat
KPB File 2022-119
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on September 12, 2022. Approval for the plat is valid for two years from the date of approval.

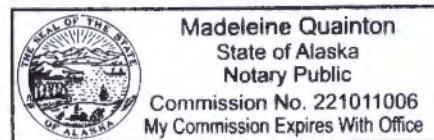
The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Thursday, December 29, 2022.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 29 day of December 2022 by
Vince Piagentini.

Notary Public for the State of Alaska



My commission expires: With office

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Mike Navarre
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Lillian Walli Estate 2022 Replat
KPB File 2022-083
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on July 18, 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 Wednesday, December 28, 2022.

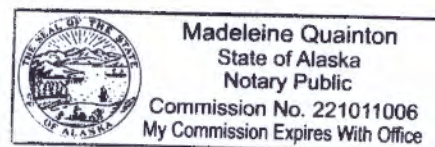
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 28 day of December 2022 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With office



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Mike Navarre
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Lobdell Subdivision
KPB File 2022-018
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on March 21, 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 Friday, December 23, 2022.

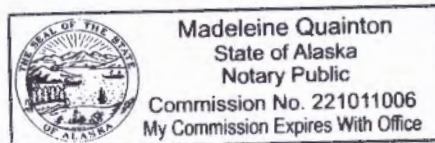
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 23 day of December 2022 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With office



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



Planning Department

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

Mike Navarre
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: McClaren Subdivision
KPB File 2016-083
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 Wednesday, December 28, 2022.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 28 day of December 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

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



Planning Department

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

Mike Navarre
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Monk Acres
KPB File 2022-071
Homer 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 Wednesday, December 14, 2022.

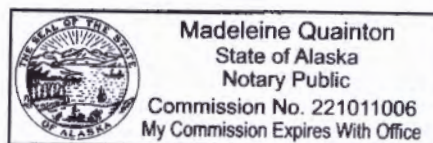
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 14 day of December 2022 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With office



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



Planning Department

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Mike Navarre
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Puffin Acres Bayweld 2022 Replat
KPB File 2022-046
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on May 9, 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, December 20, 2022.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 20 day of December 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

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

C. CONSENT AGENDA

- *4. Plats Granted Final Approval**
 - a. Alisyn Acres Subdivision McDonald Replat; KPB File 2022-149**
 - b. Foster Lake Subdivision Vasilie Replat; KPB File 2022-140**
 - c. Golf-Fairway 2022 Replat; KPB File 2022-138**
 - d. John Buchanan Subdivision; KPB File 2022-154**



Planning Department

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Mike Navarre
Borough Mayor

FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision: Alisyn Acres Subdivision McDonald Replat
KPB File 2022-149
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 Wednesday, December 28, 2022.

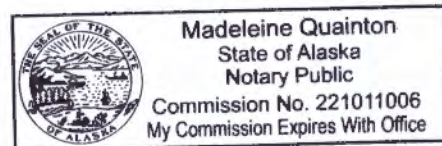
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 28 day of December 2022 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: with office



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



Planning Department

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

Mike Navarre
Borough Mayor

FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision: Foster Lake Subdivision Vasilie Replat
KPB File 2022-140
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 Wednesday, December 28, 2022.

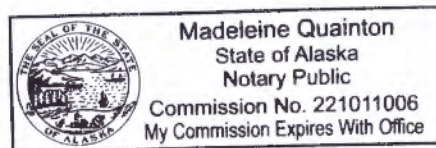
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 28 day of December 2022 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With office



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



Planning Department

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

Mike Navarre
Borough Mayor

FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision: Golf-Fairway 2022 Replat
KPB File 2022-138
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 Thursday, December 8, 2022.

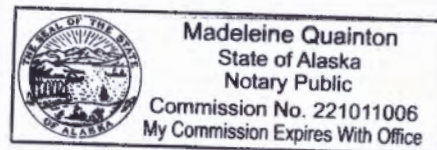
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 8 day of December 2022 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With office



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



Planning Department

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

Mike Navarre
Borough Mayor

FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision: John Buchanan Subdivision
KPB File 2022-154
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, December 19, 2022.

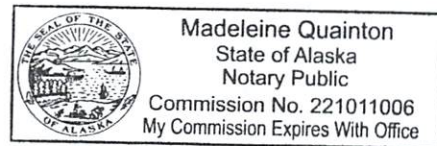
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 19 day of December 2022 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: With office



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

C. CONSENT AGENDA

***7. Minutes: Planning Commission December 12, 2022**

Kenai Peninsula Borough Planning Commission

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

December 12, 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

Pamela Gillham, District 1 – Kalifornsky
Blair Martin – District 2, Kenai
John Hooper, District 3 – Nikiski
Jeremy Brantley, District 5 – Sterling/Funny River
Virginia Morgan, District 6 – East Peninsula
David Stutzer, District 8 - Homer
Dawson Slaughter, District 9 – South Peninsula
Diane Fikes, City of Kenai
Troy Staggs, City of Seward
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
Marcus Mueller, Land Management Officer
Julie Hindman, Platting Specialist
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. **CONSENT & REGULAR AGENDAS**

***3. Plats Granted Administrative Approval**

- a. Barker Subdivision #2, KPB File 2021-055
- b. Coles Corner No. 3; KPB File 2022-052
- c. Eker Estates Lujan 2022 Replat; KPB File 2022-045
- d. Kachemak Vista Subdivision; KPB File 2021-023
- e. Kachemak Wilderness Avrams Replat Phase 1; KPB File 2021-165P1
- f. Katamar Subdivision 2022; KPB File 2022-020
- g. Kenaitze Government Lots Replat; KPB File 2022-009
- h. Kustatan Estates TKC Addition; KPB File 2021-140
- i. Moose Acres; KPB File 2022-087
- j. Mott's Subdivision 2022 Addition; KPB File 2022-059
- k. Pipers Haven Unit 3 2021 Replat; KPB File 2021-115
- l. Saddle Ridge subdivision 2022 Replat; KPB File 2022-036

***6. Commissioner Excused Absences**

- a. Michael Horton, District 4 – Soldotna
- b. City of Seldovia, Vacant
- c. District 7 – Central, Vacant

***7. Minutes**

- a. November 14, 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.

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

MOTION: Commissioner Slaughter moved, seconded by Commissioner Staggs 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, Gillham, Fikes, Hooper, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent - 1	Horton

AGENDA ITEM E. NEW BUSINESS

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

**ITEM E1 – UTILITY EASEMENT ALTERATION
BRUHN SUBDIVISION LOT 4 BLOCK 2**

KPB File No.	2022-169V
Planning Commission Meeting:	December 14, 2022
Applicant / Owner:	Tanley Martinez of Sterling, AK
General Location:	Bruhn Road, Sterling

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Sharon Brown; 211 W. 123rd Avenue, Anchorage, AK 99515: Ms. Brown is a neighboring landowner and wanted to make sure the utility easement vacation would not affect her lot. Platting Specialist Julie Hindman informed Ms. Brown that her lot would not be negatively affected by the proposed vacation.

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

MOTION: Commissioner Gillham moved, seconded by Commissioner Slaughter to adopt PC Resolution 2022-48, approving 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, Hooper, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
No - 1	Horton

**ITEM E2 - RIGHT OF WAY VACATION
VACATE A 2 FOOT WIDTH OF A 15-FOOT-WIDE ALLEY**

KPB File No.	2022-172V
Planning Commission Meeting:	December 12, 2022
Applicant / Owner:	Ancient Basements, LLC of Kasilof, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Mission Avenue, Bayview Street, Ninilchik
Legal Description:	Alley adjacent to Lots 10 and 11, Block 4, Ninilchik Townsite, USS 3036, Plat HM 65-55

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Joan Jackinsky; P.O. Box 1025, Kasilof, AK 99610: Ms. Jackinsky is the petitioner and made herself available for questions.

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

MOTION: Commissioner Slaughter moved, seconded by Commissioner Staggs 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 normally the commission is reluctant to approve a vacation of a right-of-way that leads to a waterway. The petitioners would have to present a compelling case for them to do so. In this case, he believes the petitioners have presented a compelling case in support of their request. He also noted they are not vacating the entire alley, there is still a 13-foot section of the alley remaining that can be used to access the waterway. He then stated that he would 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, Hooper, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent - 1	Horton

**ITEM E3 – ORDINANCE 2022-43
AUTHORIZING A SUBSURFACE OIL & GAS LEASE TO HILCORP ALASKA, LLC,
IN THE NINILCHIK UNIT.**

Staff report given by Land Management Officer Marcus Mueller.

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 Staggs to forward to the Assembly a recommendation to adopt Ordinance 2022-43 authorizing a subsurface oil & gas lease to Hilcorp Alaska, LLC, in the Ninilchik Unit.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 11	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent - 1	Horton

AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Gillham reported the plat committee reviewed & granted preliminary approval to eight plats

AGENDA ITEM G. OTHER

Plat Committee member for January/February/March of 2023 are:

- Gillham
- Stutzer
- Staggs
- Venuti
- Slaughter (Alternate)
- Brantley (Alternate)

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 J. COMMISSIONER COMMENTS

Commissioner Slaughter noted that he will be traveling and will miss the January 9 & 23 and the February 13, 2023 Planning Commission meetings.

Commissioner Morgan noted that she will not be able to attend the January 9, 2022 Planning Commissioner meeting.

Chair Brantley reminded the commission that the next planning commission meeting, January 9, 2023, will be help via Zoom.

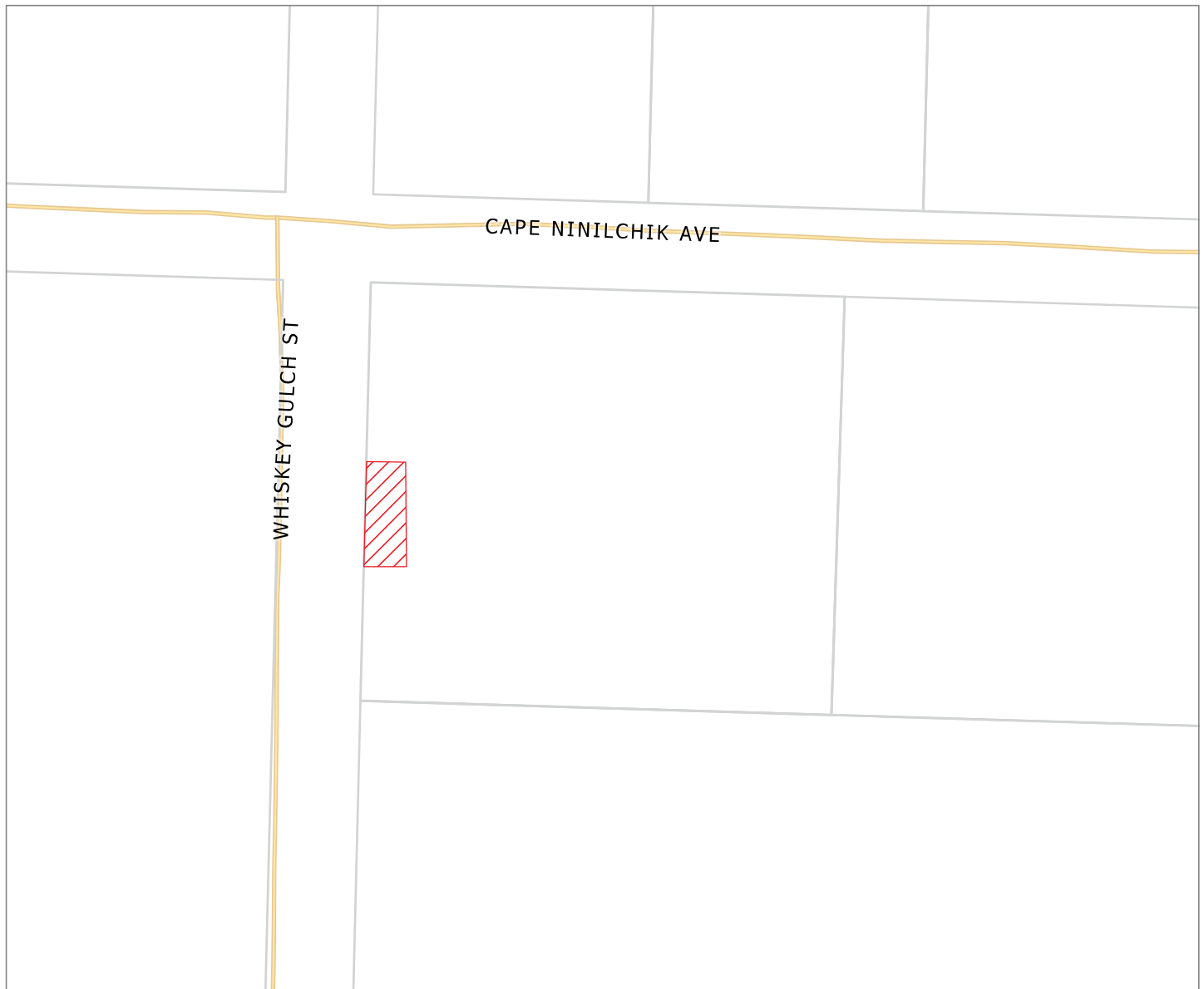
AGENDA ITEM K. ADJOURNMENT

Commissioner Slaughter moved to adjourn the meeting at 8:11 PM.

Ann E. Shirnberg
Administrative Assistant

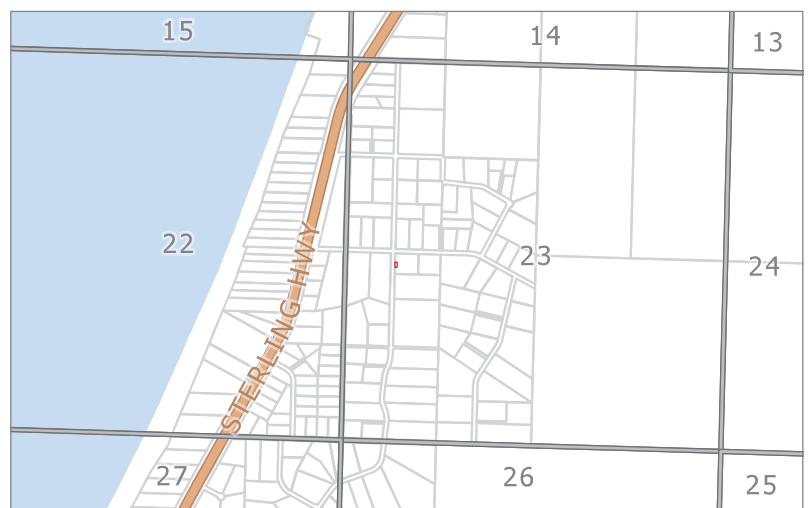
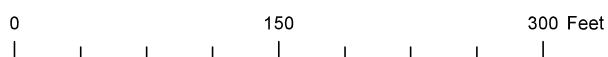
E. NEW BUSINESS

- 1. Building Setback Encroachment Permit; KPB File 2022-176
Petitioner/Landowner: Richard Shreves
Request: Permits a house that is encroaching 12.2;' by 25.9'
within the building setback on Lot 2A Spruce Lake
Estates Addition No. 2, Plat HM 86-34
Location: Whisky Gulch Street & Cape Ninilchik Avenue
Anchor Point Area / Anchor Point APC**



KPB File 2022-176
T 04S R 15W SEC 23
Anchor Point

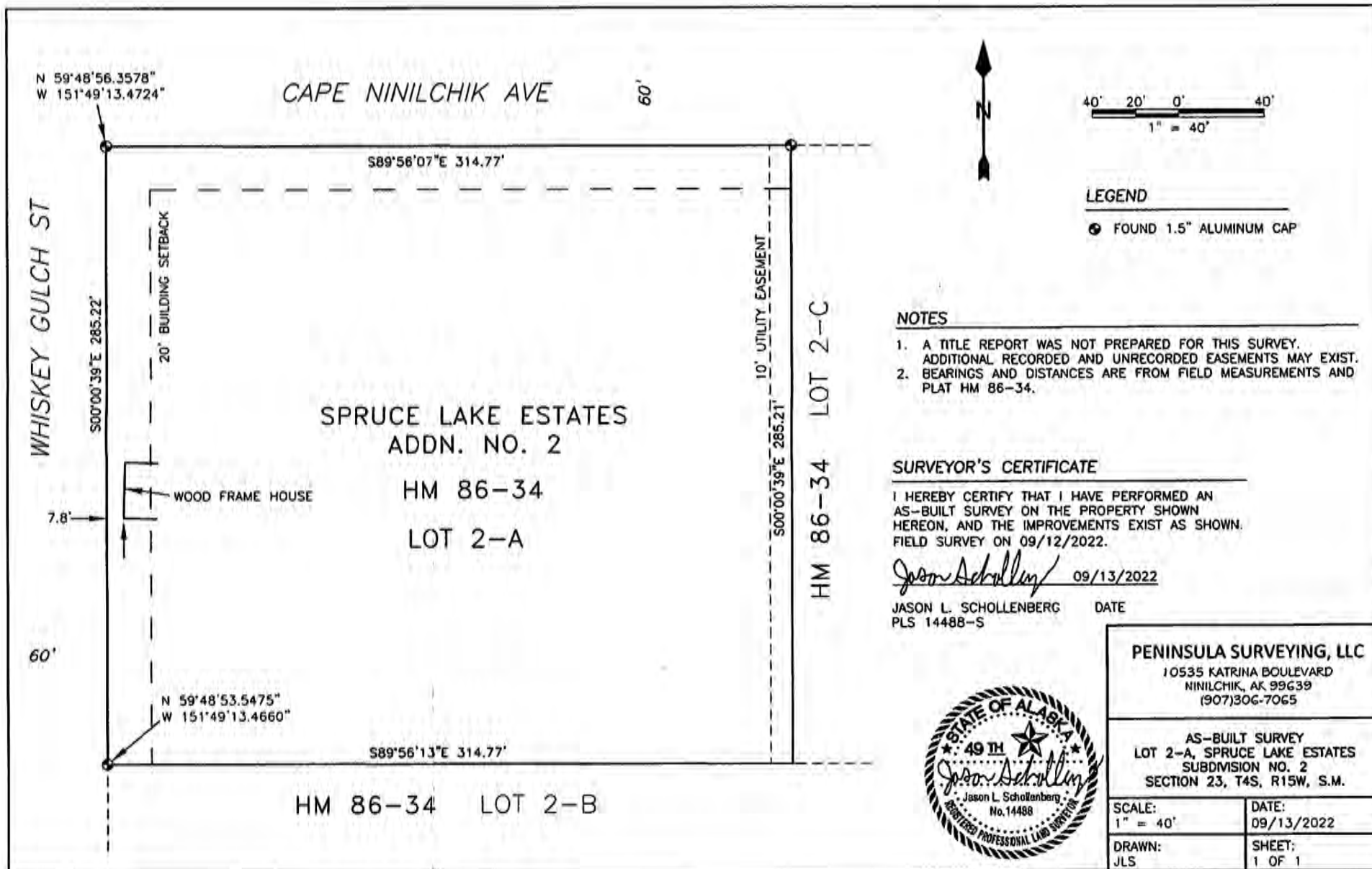
12/13/2022





Aerial View





AGENDA ITEM E. NEW BUSINESS

**ITEM 1. – BUILDING SETBACK ENCROACHMENT PERMIT
LOT 2A SPRUCE LAKE ESTATES ADDN. NO. 2, PLAT HM 86-34**

KPB File No.	2022-176
Planning Commission Meeting:	January 9, 2023
Applicant / Owner:	Richard Shreves of Helena, Montana
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Whiskey Gulch Street, Anchor Point, Anchor Point APC

Parent Parcel No.:	165-610-95
Legal Description:	Lot 2A Spruce Lake Estates Addn. No. 2, Plat HM 86-34
Assessing Use:	Residential
Zoning:	Rural Unrestricted

STAFF REPORT

Specific Request / Purpose as stated in the petition: I am applying for a building setback encroachment permit for my cabin located on Spruce Lake Estates Addition Number 2, HM 86-34 Lot 2A near Anchor Point, AK. The wood frame structure found to be encroaching has been on the property for 16 years. To my knowledge the building has not interfered with road maintenance, has not interfered with sight line or distances and has not created a safety hazard.

I hope the following information will help justify issuance of a setback encroachment permit. Access to my dwelling is from Whiskey Gulch Street which parallels the western boundary of my property. Currently three residents use the street to access their dwellings. Two of us, myself and a neighbor, access on the street usually all summer, June-September. One resident is year round and accesses daily. Where Whiskey Gulch Street is accessed it intersects Cape Ninilchik Avenue. As soon as a driver turns down Whiskey Gulch Street there is a dead end sign – please see attached photo #1. The current road bed is about 18 feet wide. There is no through access for cars and trucks at the south end of the street, however ATVs pass through the end of the road surface. Please see photo #2. The road surface is good all weather without mud.

I made an error when I built my house. I measured over twenty feet to start my place but it was from the edge of the current road surface. I knew I had the place set inside my property boundary. Please see photos 3 and 4. These photos show the current situation.

Trying to move the house would be a true hardship for me. I am 77 years old and physically handicapped. I was lucky to get things done before I got old and had mobility issues. I believe things are good on Whiskey Gulch Street and hope the Commission will issue a building setback encroachment permit.

Site Investigation: Near mile 154 of the Sterling Highway is Cape Ninilchik Avenue, a borough-maintained right-of-way. Approximately 1,250 feet from the intersection with the Sterling Highway, Whiskey Gulch Street is located. This platting action is located south of Cape Ninilchik Avenue. The lot is located on the corner of Whiskey Gulch Street and Cape Ninilchik Avenue. Per the as-built survey performed by Peninsula Surveying, LLC, a wood frame house is within the 20 foot building setback along Whiskey Gulch Street. The width of the structure is 25.9 feet and it is 12.2 feet into the setback leaving 7.8 feet between the structure and the edge of Whiskey Gulch Street dedication.

Whiskey Gulch Street was dedicated as a 60 foot wide right-of-way by Spruce Lake Estates Subdivision, Plat HM 78-111. Additional subdivisions have dedicated additional portions of Whiskey Gulch Street to provide a continuation of Whiskey Gulch Street. The northern 965 foot portion is maintained by the borough. An approximate 620 foot portion is not maintained and appears to be used as a trail. Further south the right-of-way is constructed

Page 1 of 4

and maintained by the borough.

Spruce Lake Estates Subdivision, HM 78-111, dedicated Whiskey Gulch Street and created a 20 foot building setback along all rights-of-way per plat note 4. Lot 2 that was created by that plat was replatted by Spruce Lake Estates Addn. No. 2, Plat HM 86-34. That plat created the current lot configuration for Lot 2A and per plat note 5 carried over the setback. Depiction of the setbacks were not present on either of the plats.

There are no online street views available. Per the images submitted by the owner it appears there is natural vegetation between the constructed right-of-way and the building. The building does not appear to create a line of sight or safety issue.

Staff Analysis: This encroachment issue came to the attention of the Code Compliance Officer and the KPB Roads Department as it appeared the structure may have been encroaching into the right-of-way dedication. Once the as-built was performed it showed that there was no encroachment into the right-of-way but into the building setback. KPB Code Compliance Officer worked with the owners to find a resolution and a petition for an encroachment permit was submitted.

The setback was created by Spruce Lake Estates Subdivision, HM 78-111, and then carried over to the most recent plat for the property on Spruce Lake Estates Addn. No. 2, HM 86-34. Per KPB Assessing information, the dwelling on Lot 2A was constructed in 2006. The owner also stated the house was constructed about 16 years ago.

Per the justification letter submitted by the owner, the owner measured 20 feet from the edge of the constructed roadway for placement of the house. This appears to be a common issue and planning staff tries to stress to land owners that the setback is from their property line not the edge of the roadway. Depictions on plat help clarify the location of the setback but the current plat for the property and the parent plat did not depict the setback and only had notes in place.

There is an area, south of the property, where kettle designated wetlands are present within the dedication for Whiskey Gulch Street. This is in an area already constructed and does not appear to create any issue with construction or maintenance. There are no steep areas present within this area that would impact line of sight or maintenance.

Per KPB GIS imagery, there are only four lots using this portion of Whiskey Gulch Street for access. If the southern portion is constructed in the future it will connect to the other portion of Whiskey Gulch Street that is constructed, borough maintained, and used by approximately eighteen lots at this time. The portion being discussed for this platting action can provide an alternate access in the future and can potentially provide access to other rights-of-way and see an increase in traffic.

Findings:

1. Spruce Lake Estates Subdivision, Plat HM 78-111 created a 20 foot building setback along Whiskey Gulch Street.
2. Spruce Lake Estates Addn. No. 2, Plat HM 86-34 carried over the 20 foot building setback along Whiskey Gulch Street.
3. A house is within the 20 foot building setback along Whiskey Gulch Road for 12.2 feet x 25.9 feet for a total of 315.98 square feet.
4. A 7.8 foot portion of the building setback remains between the structure and the edge of the dedication for Whiskey Gulch Street.
5. The portion of Whiskey Gulch Street for consideration is constructed and maintained by the Kenai Peninsula Borough.
6. The Kenai Peninsula Borough Roads Department reviewed the permit request and had no comments.
7. There are no low wet areas within this portion of Whiskey Gulch Street.
8. Low wet areas are present to the south that have not impacted construction of the right-of-way.
9. The terrain is relatively flat.

10. There does not appear to be any line of sight issues.

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 4-7 and 9 appear to support this standard.

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

Findings 4-6, 9, and 10 appear to support this standard.

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

Findings 4-10 appear to support this standard.

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

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

KPB department / agency review:

KPB Roads Dept. comments	Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	
KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located in a mapped D Zone - Non-regulatory, undetermined flood risk B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	
Addressing	Reviewer: Haws, Derek Affected Addresses: 31342 WHISKEY GULCH ST Existing Street Names are Correct: Yes List of Correct Street Names: WHISKEY GULCH ST CAPE NINILCHIK AVE

	<p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 31342 WHISKEY GULCH ST will remain on lot 2-A.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: Currently a Code compliance case for Encroachment into the 20 ft. building set back</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>
Advisory Planning Commission	

Utility provider review:

Homer Electric Association	
ENSTAR	
ACS	
GCI	

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** to adopt Resolution [2023-01](#), subject to compliance with KPB 20.10.110 sections F and G.

NOTE:

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

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2023-01
HOMER RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 2A, SPRUCE LAKE ESTATES SUBDIVISION NO 2 (HM 0860034); IN SW1/4 S23, T04S, R15W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2022-176

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

WHEREAS, Richard Shreves of Helena, MT requested a building setback encroachment permit for the house within the 20-foot building setback granted by Spruce Lake Estates Subdivision (HM 0780111); and

WHEREAS, per the petition, a house was constructed in 2006 and is located 12.8 feet within the 20 foot building setback adjoining Whiskey Gulch Street; and

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

WHEREAS, on Monday, January 9, 2023, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed exception; and

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

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

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

Section 1. That the 20-foot building setback limit on Lot 2A Spruce Lakes Estates Addn. No. 2 (HM 0860034) is hereby excepted to accommodate only the encroaching portion of the wood frame house.

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

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

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

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

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

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2023.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg,
Administrative Assistant

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

12-7-2022

From: Richard L. Shreeves
1800 LAUREL STREET
HELENA, MT 59601

To: Kenai Peninsula Borough Planning Commission
144 N. Binkley Street
Soldotna, AK 99669

I am applying for a Building Setback Encroachment Permit for my cabin located on Spruce Lake Estates Addition Number 2, H-M 86-34 Lot 2A near Anchor Point, AK. The wood frame structure found to be encroaching has been on the property for 16 years. To my knowledge the building has not interfered with road maintenance, has not interfered with sight lines or distance and has not created a safety hazard.

I hope the following information will help justify issuance of a setback encroachment permit. Access to my dwelling is from Whiskey Gulch Street which parallels the western boundary of my property. Currently three residents use the street to access their dwellings. Two of us, myself & a neighbor, access on the street usually all summer, June - September. One resident is year round and accesses daily. When Whiskey Gulch Street is accessed it intersects

Cape Mimi'chik Avenue. As soon as a driver turns down Whiskey Gulch Street there is a Dead End Sign - please see attached photo #1. The current roadbed is about 18 feet wide. There is no through access for cars and trucks at the south end of the street, however sometimes ATVs pass through the end of the road surface. Please see photo #2. The road surface is good all-weather without mud.

I made an error when I built my house. I measured over twenty feet to start my place but it was from the edge of the current road surface. I knew I had the place set inside my property boundary. Please see photos #3 and 4. These photos show the current situation.

Trying to move the house would be a true hardship for me. I am 77 years old and physically handicapped. I was lucky to get things done before I got old and had mobility issues. I believe things are good on Whiskey Gulch street and hope the Commission will issue a building setback encroachment permit.

Sincerely,
Richard L Shraga



#1



#2



#3



#4



#5



E. NEW BUSINESS

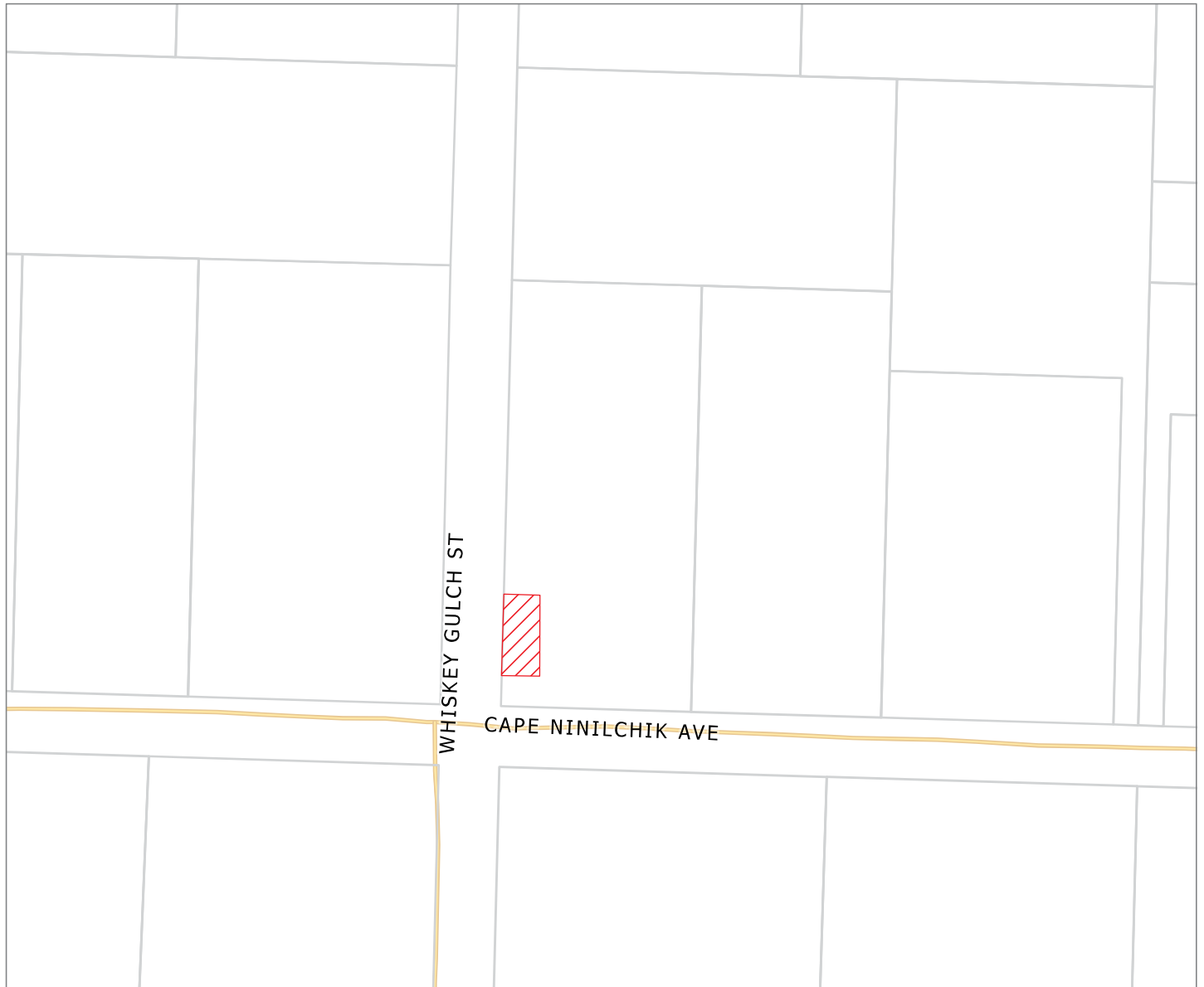
2. Building Setback Encroachment Permit; KPB File 2022-181

Petitioner/Landowner: Jay Snow

**Request: Permits a 9.1' by 4.3' portion of a house to remain
in the building setback granted on Hollywood
Subdivision No. 4, Plat HM 86-90**

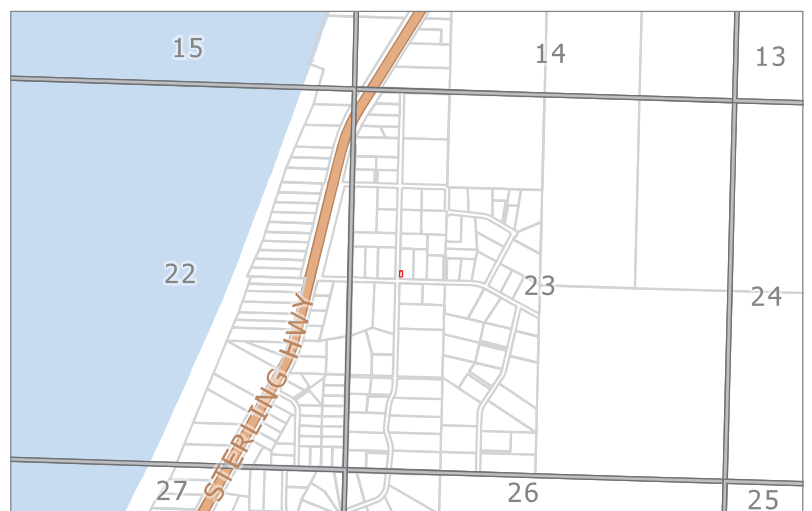
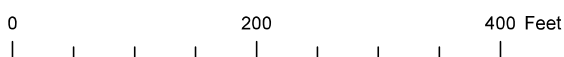
Location: Whisky Gulch Street

Anchor Point Area / Anchor Point APC

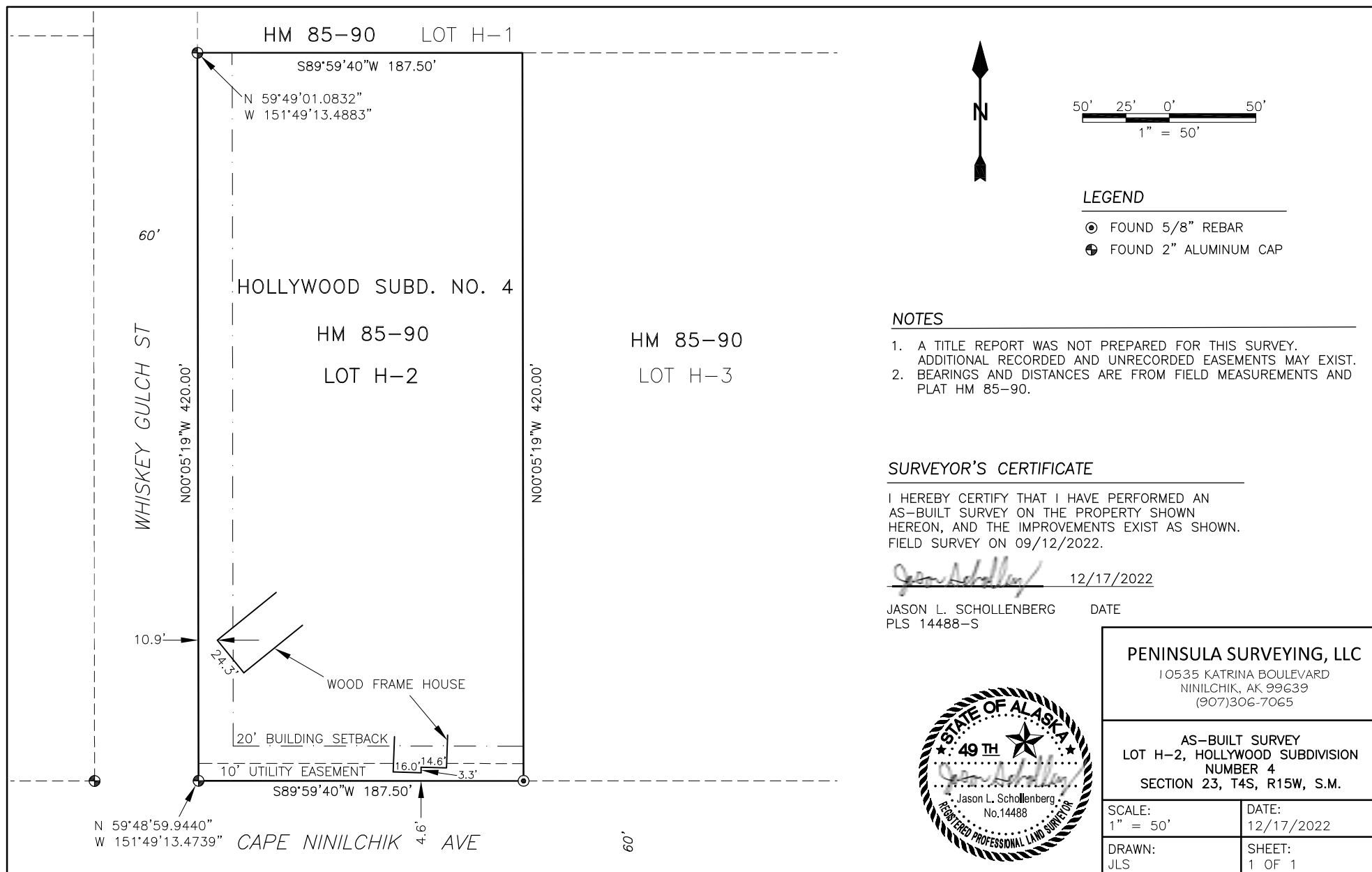


KPB File 2022-181
T 04S R 15W SEC 23
Anchor Point

12/16/2022







AGENDA ITEM E. NEW BUSINESS

ITEM 2. – BUILDING SETBACK ENCROACHMENT PERMIT
LOT H-2 HOLLYWOOD SUBDIVISION #4, PLAT HM 85-90

KPB File No.	2022-181
Planning Commission Meeting:	January 9, 2023
Applicant / Owner:	Jay Snow of Anchor Point, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Whiskey Gulch Street, Anchor Point, Anchor Point APC

Parent Parcel No.:	165-610-84
Legal Description:	Lot H-2 Hollywood Subdivision #4, Plat HM 85-90
Assessing Use:	Residential
Zoning:	Rural Unrestricted

STAFF REPORT

Specific Request / Purpose as stated in the petition: The structure on Cape Ninilchik Avenue constructed in 1955, predates building setback and will not be considered. The house on unconstructed Whiskey Gulch St. right-of-way has a corner that is 9.1 ft into the building setback. The surrounding area is flat and if Whiskey Gulch Street is ever constructed, this will not create any line of sight issues, nor will it cause any hazards.

Site Investigation: Near mile 154 of the Sterling Highway is Cape Ninilchik Avenue, a borough maintained right-of-way. Whiskey Gulch Street is located approximately 1,250 feet from the intersection with the Sterling Highway. This platting action is located north of Cape Ninilchik Avenue. The lot is located on the northeast corner of Whiskey Gulch Street and Cape Ninilchik Avenue. Per the as-built survey performed by Peninsula Surveying, LLC, a wood frame house is within the 20 foot building setback along Whiskey Gulch Street. The width of the structure is 24.3 feet and it is at an angle to the edge of the property line. The corner of the house is 9.1 feet within the setback leaving 10.9 feet between the structure and the edge of Whiskey Gulch Street dedication.

Whiskey Gulch Street was dedicated as a 60 foot wide right-of-way by Hollywood Subdivision Addition No. 1, Plat HM 76-56. That plat dedicated Whiskey Gulch Street from Cape Ninilchik Avenue north to Bourbon Avenue. Portions of Whiskey Gulch Street are being used for access but none are borough maintained. The portion adjacent to the encroachment is not constructed.

Hollywood Subdivision Addition No. 1, Plat HM 76-56, dedicated Whiskey Gulch Street and created a 20 foot building setback along all rights-of-way per a plat note. Tract H, that was created by that plat, was replatted by Hollywood Subdivision Addition No. 4, Plat HM 82-90. That plat created the current lot configuration for Lot H-2 and per plat note 1, carried over the setback. Depiction of the setbacks were not present on either of the plats.

Staff Analysis: This encroachment issue came to the attention of the Code Compliance Officer and the KPB Roads Department as it appeared the structures may have been encroaching into the right-of-way dedications. Once the as-built was performed it showed that there was no encroachment into the right-of-way but into the building setback. The KPB Code Compliance Officer worked with the owners to find a resolution and a petition for an encroachment permit was submitted.

The setback was created by Hollywood Subdivision Addition No. 1, Plat HM 76-56, and then carried over to the most recent plat for the property on Hollywood Subdivision Addition No. 4, Plat HM 82-90. The as-built indicates two structures within the setbacks, one is along Whiskey Gulch Street and the other along Cape Ninilchik Avenue. Per KPB Assessing information, a structure was constructed in 1955. The owners request states the same. The

Page 1 of 4

setback was not put into place until 1976 therefore the structure along Cape Ninilchik Avenue is not subject to the setback. The dwelling along Whiskey Gulch Street, per KPB Assessing information, was constructed in 2007 and is subject to the setback requirement.

There are no street view available for this area. Kettle designated wetlands are present to the north of the encroachment within the dedication. There is no steep terrain in the area located near the encroachment.

This portion of Whiskey Gulch Street is not currently constructed. Portions further north are used for access but are not maintained by the Kenai Peninsula Borough. The dedication for Whiskey Gulch Street provides complete blocks that intersect other rights-of-way that provide multiple access routes to and from the Sterling Highway. The portion being discussed for this platting action can provide another route once constructed through.

Findings:

1. Hollywood Subdivision Addition No. 1, Plat HM 76-56 created a 20-foot building setback along Whiskey Gulch Street and Cape Ninilchik Avenue.
2. Hollywood Subdivision Addition No. 4, Plat HM 85-90 carried over the 20-foot building setback along Whiskey Gulch Street and Cape Ninilchik Avenue.
3. A house is within the 20 foot building setback along Whiskey Gulch Road with the corner being 9.1 feet into the setback.
4. A 10.9 foot portion of the building setback remains between the structure and the edge of the dedication for Whiskey Gulch Street.
5. The portion of Whiskey Gulch Street for consideration is not constructed.
6. The Kenai Peninsula Borough Roads Department reviewed the permit request and had no comments.
7. There are no low wet areas within this portion of Whiskey Gulch Street.
8. Low wet areas are present to the north.
9. The terrain is relatively flat.
10. There does not appear to be any line of sight issues.

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 4-7 and 9 appear to support this standard.

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

Findings 4-7, 9, and 10 appear to support this standard.

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

Findings 4-10 appear to support this standard.

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

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

KPB department / agency review:

KPB Roads Dept. comments	Out of Jurisdiction: No
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	Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	
KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located in a mapped D Zone - Non-regulatory, undetermined flood risk</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	
Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 71850 CAPE NINILCHIK AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: CAPE NINILCHIK AVE WHISKEY GULCH ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 71850 CAPE NINILCHIK AVE will remain with lot H-2.</p>
Code Compliance	Reviewer: Ogren, Eric Comments: Code Compliance Case for encroachment into the 20 ft building set back
Planner	Reviewer: Raidmae, Ryan 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	Reviewer: Windsor, Heather Comments: No comment
Advisory Planning Commission	

Utility provider review:

Homer Electric Association	
ACS	
ENSTAR	
GCI	

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** to adopt Resolution 2023-2, subject to compliance with KPB 20.10.110 sections F and G.

NOTE:

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

END OF STAFF REPORT



Wetlands



**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2023-2
HOMER RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR H-2, HOLLYWOOD SUBDIVISION NO 4 (HM 0760056); IN NE 1/4 S23, T04S, R15W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2022-181

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

WHEREAS, Jay Snow of Anchor Point, AK requested a building setback encroachment permit to the 20-foot building setback granted by Hollywood Subdivision No 1 (HM 0760056); and

WHEREAS, an improvement was constructed in 1955 that predates the creation of the 20 foot building setback adjoining Cape Ninilchik Avenue and is exempt from the 20 foot building setback; and

WHEREAS, per the petition, a house was constructed in 2007 and is located 9.1 feet within the 20 foot building setback adjoining Whiskey Gulch Street; and

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

WHEREAS, on Monday, January 9, 2023, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed exception; and

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

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

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

Section 1. That the 20-foot building setback limit on H-2 Hollywood Subdivision #4 (HM 0760056) is hereby excepted to accommodate only the encroaching portion of the wood frame house.

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

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

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

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

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

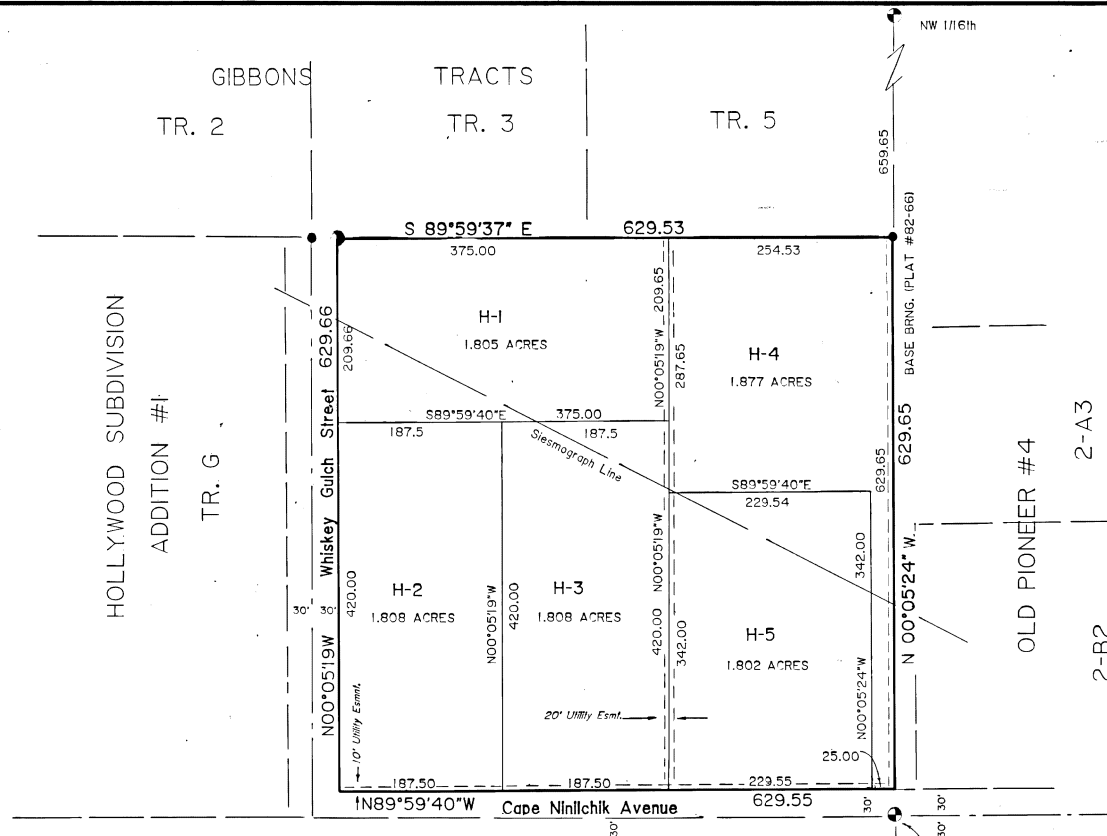
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2023.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg,
Administrative Assistant

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



NOTES:

- 1) A building setback of 20' is required from all street rights of way unless a lesser standard is approved by resolution of the appropriate planning commission.
- 2) No structures are allowed on the panhandle portion of Lot H-4 which is subject to a road and utility easement.
- 3) The soils in this subdivision may be unsuitable for conventional on-site disposal systems. No person may construct, install, maintain or operate a pressurized water system or a waste disposal system without obtaining prior approval of the plans for the system from the Alaska Department of Environmental Conservation. The burden of providing soils data, ground-water table information, engineering designs and any other information required by the Department to complete the review of the proposed system rests solely on the lot owner.
- 4) This plat is an "isolated subdivision" as defined in 18AAC 72.990(27) and is not subject to review under 18AAC 72.065.

SPRUCE LAKE ESTATES

LEGEND

- FOUND 1/2" REBAR, 4374-S, 1979
- FOUND B.C. MONUMENT, 4734-S, 1979
- SET AL. CAP MONUMENT ON 5/8" X 24" REBAR
- FOUND 5/8" REBAR WITH 1 1/2" AL. CAP 4374-S, 1985



85-90

FILED 10 M
HOMER REC DIST

DATE 9-9-85
TIME 8:45 A.M.
Requested By KPB
Address Seldotun

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

Susan Alexander
SUSAN ALEXANDER
BOX 140
ANCHOR POINT, ALASKA 99556

JERRY ANDERSON
NOTARY PUBLIC
STATE OF ALASKA

NOTARY'S ACKNOWLEDGEMENT
Subscribed and sworn to before me this 11th day of Nov 1984
[Signature]
Notary Public for Alaska
My Commission Expires 11-7-87

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

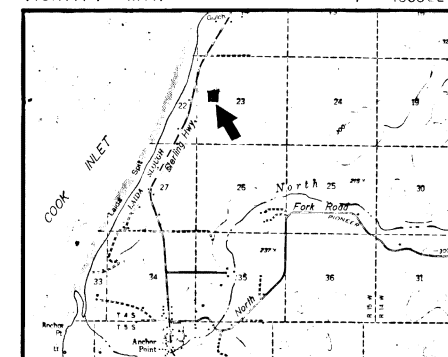
[Signature] 11-11-84
Person, RLS No. 3686-S DATE

PLAT APPROVAL
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of December 14, 1984.
Kenai Peninsula Borough

By *[Signature]* Authorized Official

VICINITY MAP

1" = 1000' E



DATE: NOVEMBER, 1984

SCALE: 1" = 100'

DRAWN BY: SAS

FLD. BK. NO.: 166

JOB NO.: 1710



HOLLYWOOD SUBD. #4

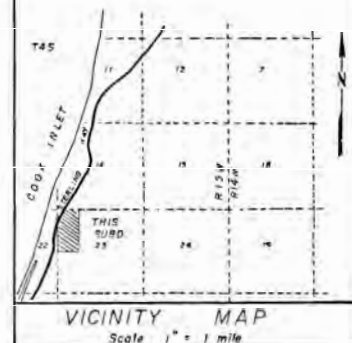
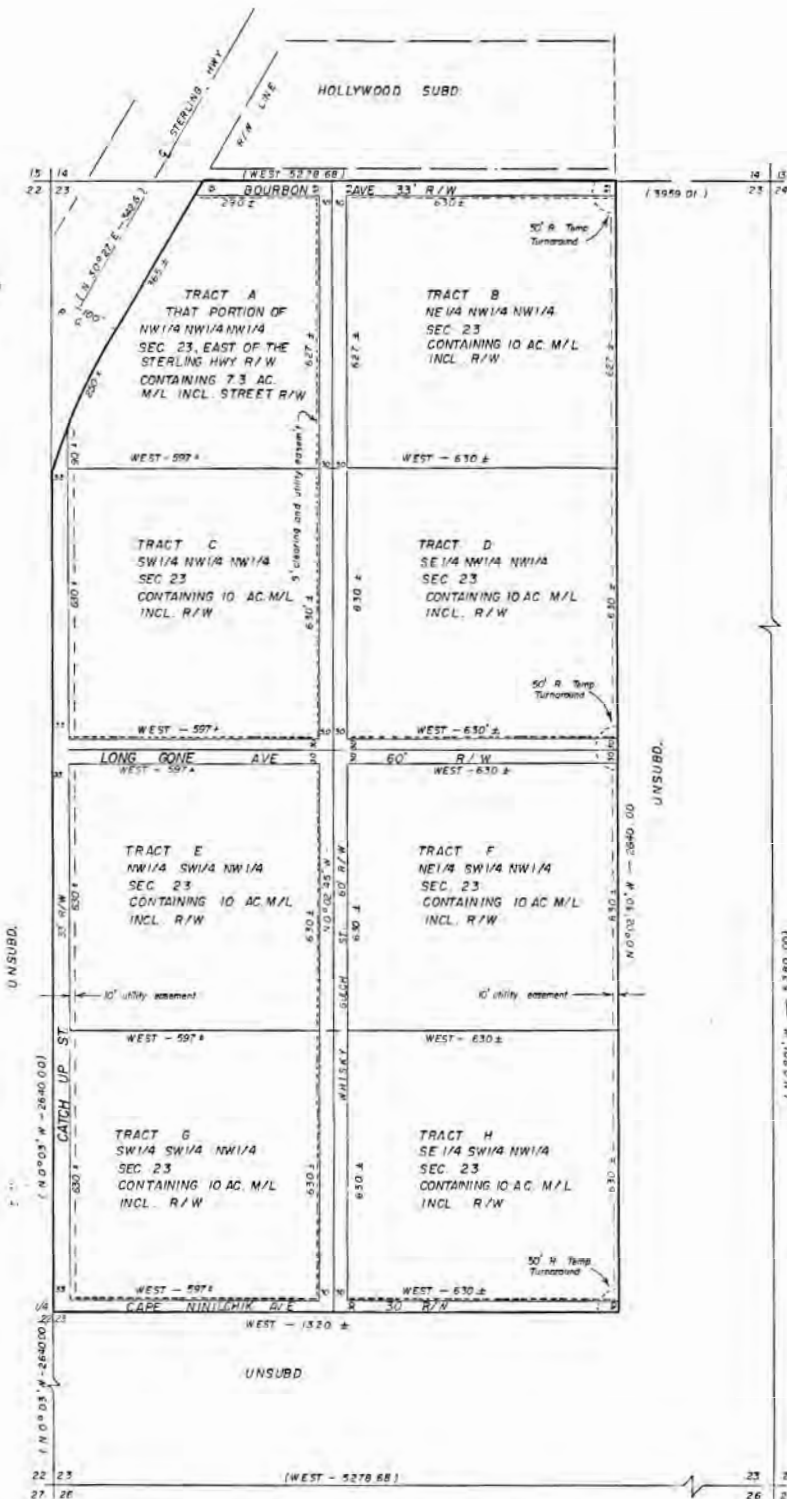
Being a replat of Tract 14, HOLLYWOOD SUBDIVISION; plat #76-56, H.R.D. Situated within the SW 1/4 NW 1/4, Section 23, T4S, R15W, S.M., ALASKA.

CONTAINING 9.100 ACRES

ABILITY SURVEYS

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

DEPT. HWY'S
CURVE DATA
Δ = 18°05'
T = 104.1
L = 603.2
R = 1910.0
S = .06



LEGEND AND NOTES

This is a paper plat of the W1/2 NW1/4 SEC. 23, T4S, R15W SM AK, East of the Sterling Hwy R/W subdivided into aliquot parts.

All bearings and distances refer to the official G.L.O. Township Plat of T4S, R15W SM AK.

Data of record shown within ().

No field survey has been made as of this date and no stakes or monuments set.

All lots are subject to a 20' building set back along all street R/W's. Tract A is subject to a 50' set back along Sterling Hwy R/W.

PLAT APPROVAL
Plat approved by the Commission this 3RD day of May, 1976.
Richard E. Sullivan
Mayor

FILED 34
HOMER REC. DIST.
DATE 7-15-76
TIME 10:17 A.M.
Submitted by KPB
Submitted by Sullivan

FILED
HOMER REC. DIST.
DATE 6/1/76
TIME 1:05 P.M.
Submitted by KPB

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of said property, and request the approval of this plat showing such easements for public utilities, roadways, and/or streets dedicated by us for public use.

Bob B. Knott
Bob B. Knott - owner - 2904 Northern Lights Blvd., Anchorage, AK
Jerry C. Anderson
Jerry C. Anderson - owner - Box 1727, Venet, AK

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 2nd day of May, 1976.
My commission expires 3/13/78
John White
notary public for Alaska

HOLLYWOOD SUBDIVISION ADDITION NO. 1

Hollywood Investments No. 1 - owner
2904 Northern Lights Blvd., Anchorage, AK 99503

DESCRIPTION
77.3 AC. M/L SITUATED IN THE W1/2 NW1/4 SEC. 23, T4S, R15W SM AK EAST OF THE STERLING HWY R/W AND IN THE KENAI PENINSULA BOROUGH.

Prepared by McLane and Associates
Date of Preparation 4/13/76
Scale 1" = 200'

E. NEW BUSINESS

3. Ordinance 2022-46: Amending KPB 21.02.230 to modify the boundaries of the Nikiski Advisory Planning Commission.

Kenai Peninsula Borough Assembly

MEMORANDUM

TO: Members, Kenai Peninsula Borough Assembly

FROM: Brent Johnson, Assembly President *BJ*
Cindy Ecklund, Assembly Member *CE*

DATE: December 1, 2022

SUBJECT: Ordinance 2022-46, Amending KPB 21.02.230 to Modify the
Boundaries of the Nikiski Advisory Planning Commission (Johnson,
Ecklund)

Prior to the enactment of Ordinance 2022-41 the assembly discussed concerns regarding the size of the proposed Nikiski Advisory Planning Commission ("APC"). The Nikiski APC encompasses 3,500,000 acres, which is 13 times larger than the other existing APCs within the Borough.

The Tyonek Native Corporation and the Village of Tyonek object to inclusion within the boundaries. No applicant residing outside of the new boundaries proposed in this ordinance have applied to be on the Nikiski APC.

Your consideration is appreciated.

Introduced by: Johnson, Ecklund
Date: 12/13/22
Hearing: 01/17/23
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-46**

**AN ORDINANCE AMENDING KPB 21.02.230 TO MODIFY THE BOUNDARIES OF
THE NIKISKI ADVISORY PLANNING COMMISSION**

- WHEREAS,** the assembly has previously created local advisory planning commissions (“APCs”) within the Kenai Peninsula Borough (the “Borough”) for the purpose of providing recommendations to the Borough Planning Commission on land use planning and public land management issues which may affect the existing and/or future character of their communities; and
- WHEREAS,** Goal 2 of the 2019 Borough Comprehensive Plan is to “Proactively manage growth to provide economic development opportunities on the Kenai Peninsula Borough while preserving what residents and visitors value about the area’s natural features”; and
- WHEREAS,** Goal 2, Objective E states, “Actively work with interested communities outside of the incorporated cities to help develop locally-driven community plans and Strategy 4: Near-Term: Encourage unincorporated communities to engage with their established local Advisory Planning Commission (“APC”) and encourage establishment of new APCs for communities not currently represented”; and
- WHEREAS,** at its regular meeting on September 20, 2022, the assembly enacted Ordinance 2022-41, which established the Nikiski APC; and
- WHEREAS,** since the Nikiski APC’s establishment, there have been no applicants outside of the new boundaries proposed in this ordinance; and
- WHEREAS,** the Nikiski APC encompasses 3,500,000 acres, which is 13 times larger than the other existing APCs within the Borough; and
- WHEREAS,** the Tyonek Native Corporation and the Native village of Tyonek object to inclusion within the boundaries;

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

SECTION 1. That the Kenai Peninsula Borough Code of Ordinances is hereby amended by adding a new section to be numbered 21.02.230, which shall read as follows:

21.02.230. Nikiski Advisory Planning Commission.

An advisory planning commission is established for the community of the borough known as Nikiski with boundaries as follows:

[COMMENCING AT THE TOWNSHIP LINE BETWEEN T5N AND T6N R17W S.M.,
AND THE MEAN HIGH WATER LINE ON THE WESTERLY SHORE OF COOK INLET;

THENCE WESTERLY ALONG THE TOWNSHIP LINE BETWEEN T5N AND T6N TO
THE WESTERLY BOUNDARY OF THE KENAI PENINSULA BOROUGH;

THENCE NORTHERLY AND EASTERLY ALONG THE BOUNDARY OF THE KENAI
PENINSULA BOROUGH THROUGH COOK INLET TO THE PROTRACTED
NORTHEAST CORNER OF T11N R5W IN TURNAGAIN ARM;

THENCE SOUTHEASTERLY TO THE INTERSECTION OF THE SOUTHERLY MEAN
HIGH WATER LINE OF TURNAGAIN ARM AND THE 150TH MERIDIAN WEST OF
GREENWICH WITHIN T10N R4W S.M.;

THENCE SOUTHERLY ALONG THE 150TH MERIDIAN TO THE TOWNSHIP LINE
BETWEEN T8N AND T9N R4W;

THENCE WESTERLY ALONG THE TOWNSHIP LINE BETWEEN T8N AND T9N TO
THE NORTHWEST CORNER OF T8N R9W S.M.;

THENCE SOUTHERLY ALONG THE RANGE LINE BETWEEN R9W AND R10W TO
THE SOUTHEAST CORNER OF T6N R10W S.M.;

THENCE WESTERLY ALONG THE TOWNSHIP LINE BETWEEN T5N AND T6N TO
THE SOUTHEAST CORNER OF SECTION 32 T6N R10W;

THENCE NORTHERLY ALONG THE SECTION LINE BETWEEN SECTIONS 32 AND
33 TO THE NORTHEAST CORNER OF SECTION 32;

THENCE WESTERLY ALONG THE SECTION LINE TO THE NORTHWEST CORNER OF
SECTION 31 T6N R10W ON THE CORPORATE BOUNDARY OF THE CITY OF
KENAI;

THENCE NORTHERLY AND WESTERLY ALONG THE CORPORATE BOUNDARY OF
THE CITY OF KENAI TO THE INTERSECTION WITH THE MEAN LOW WATER LINE
OF COOK INLET AND THE SECTION LINE BETWEEN SECTIONS 23 AND 26 T6N
R12W S.M.;

THENCE WESTERLY ALONG THE SECTION LINE EXTENDED THREE MILES INTO
COOK INLET;

THENCE SOUTHWESTERLY TO THE PROTRACTED SOUTHEAST CORNER OF T6N
R14W IN COOK INLET;

THENCE WESTERLY ALONG THE PROTRACTED TOWNSHIP LINE BETWEEN T5N AND T6N TO THE MEAN HIGH WATER LINE ON THE WESTERLY SHORE OF COOK INLET THE TRUE POINT OF BEGINNING.]

Beginning at the intersection of the southerly mean high water line of Turnagain Arm and the 150th meridian west of Greenwich within T10N R4W S.M.;

Thence southerly along the 150th meridian to the township line between T8N and T9N R4W;

Thence westerly along the township line between T8N and T9N to the northwest corner of T8N R9W S.M.;

Thence southerly along the range line between R9W and R10W to the southeast corner of T6N R10W S.M.;

Thence westerly along the township line between T5N and T6N to the southeast corner of Section 32 T6N R10W;

Thence northerly along the section line between Sections 32 and 33 to the northeast corner of Section 32;

Thence westerly along the section line to the northwest corner of Section 31 T6N R10W on the corporate boundary of the city of Kenai;

Thence northerly and westerly along the corporate boundary of the city of Kenai to the intersection with the mean high water line of Cook Inlet and the section line between Sections 23 and 26 T6N R12W S.M.;

Thence northerly and easterly along the mean high water line on the easterly shore of Cook Inlet, and easterly along the southerly mean high water line of Turnagain Arm, to the point of beginning.

SECTION 2. That this ordinance shall be effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF *, 2023.**

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Acting Borough Clerk



October 6, 2022

Kenai Peninsula Borough Assembly
144 N. Binkley Street
Soldotna, Alaska 99669

Re: Approval of "Nikiski Area" Advisory Planning Commission

Dear Assembly Members:

Tyonek Native Corporation (TNC) is writing on behalf of the community of Tyonek to express its disapproval of the Kenai Peninsula Borough (KPB) Assembly recent decision to approve the "Nikiski Area" Advisory Planning Commission (APC) under Ordinance 2022-41. Tyonek is the largest community on the West Side of Cook Inlet. As the largest private landowner in the Tyonek area, TNC was not contacted nor invited to comment on a decision that directly affects its interests and the traditional lands of both our shareholders and the Tribal members of the Native Village of Tyonek. Moreover, the record demonstrates a complete lack of—let alone meaningful—West Side input and involvement. Nikiski and Tyonek are separate and distinct people, cultures, and businesses – not the basis for uniform planning.

Tyonek Tribal members and TNC shareholders have been independent from the Kenai Peninsula—and Nikiski—since before Alaska became a territory. Our ancestors used and occupied the Tyonek area for generations. Formal use and occupancy was not only recognized but established as early as 1915 when President Woodrow Wilson created the 25,000-acre Moquawkie Reservation. In 1971, the Alaska Native Claims Settlement Act extinguished the Moquawkie Reservation and made these lands available for selection by TNC. TNC received the surface estate of most of those lands. Both TNC and the Native Village of Tyonek have a long history of involvement with oil and gas activities and timber harvesting. Our people have been promoting and protecting our resources while pursuing economic development far earlier than the establishment of Nikiski or any of the area homesteads. In other words, we have been exercising self-determination and planning functions independently for centuries. We have been performing our own land use planning, land management, and economic development – the same functions as APCs. These efforts are current, proactive, and impactful to our community.

In addition to the KPB's failure to ensure reasonable and complete input into this decision, the expansive APC boundaries prove problematic and bear no relationship to

the actual “area of influence” of the petition organizers and the community of Nikiski. Furthermore, the boundary standards at KPB Code Section 21.02.040 fail to contain any meaningful standards whatsoever. A passing reference to “the area of influence” is arbitrary and capricious, and gives no guiding standards to consider and evaluate. Here, the result is an expansive and unprecedented area that goes so far beyond the “area of influence” of the Nikiski organizers. Thus, the APC should have been rejected immediately or drastically reduced in scope. References to the fire service area, senior service area, and recreation area are hollow references of support. The services provided to the West Side and Tyonek pale in comparison to the resources and services provided to Nikiski.

Given that the history and seeming intent of APCs is to give a community a local voice for planning decisions, Chapter 21.02 does not require any diversity of membership or residency within the boundaries of an APC – it merely requires that a nominee: (A) physically reside within the APC boundaries; and (2) be registered to vote in a precinct within the APC. Given that none of the petitioners are from the West Side, it is likely that none of the Commission members of the APC will reside in the West Side. Again, an arbitrary standard when applied to a region—not a community—like the “Nikiski Area” APC.

Through an August 11, 2022 Memorandum, the KPB Director of Planning identified concern raised at a community meeting about “the ability to meaningfully represent such a large area, particularly the west side of Cook Inlet.” The only other APCs represent distinct communities. These include Moose Pass, Hope, Cooper Landing, Anchor Point, Funny River, and others; not entire regions encompassing diverse areas and communities. Here, as evinced by the petition signatories (none of whom reside in Tyonek or the West Side) the imbalance of residents and political power rests entirely in Nikiski proper, leaving out the West Side of Cook Inlet to meaningfully participate in decisions affecting planning and zoning in Tyonek.

The August 11 memorandum also highlights that the Nikiski Area APC was 10 times larger than the size of the alternative proposal (3,500,000 acres vs. 307,400 acres). But even at 307,400 acres, that would be the largest APC in the Borough. In fact, the average size is just over 99,000 acres, with the smallest at a mere 1,505 acres for Hope. The adopted APC for the “Nikiski Area” is 35 times larger than the average APC. The record contains no justification for this egregious anomaly. In fact, it suggests what can only be viewed as an intentional effort to avoid the voice of the Tyonek area.

In consideration of the arbitrary and capricious inclusion of the West Side of Cook Inlet in Nikiski’s APC, TNC requests immediate reconsideration of the Assembly approval of the “Nikiski Area” APC. Given the significant shortcomings of the process, boundaries, and establishment of the Nikiski Area APC, TNC urges the Assembly, Administration, and Planning Commission to consider the problematic nature of the APC when applied to the West Side of Cook Inlet and community of Tyonek. Tyonek was not asked, and does not

October 6, 2022
Page 3 of 3

support, the Nikiski petition and KPB adoption of the "Nikiski Area" APC. It stands against reason and logic to approve such an ill-conceived and underinformed planning area.

Sincerely,

TYONEK NATIVE CORPORATION

NATIVE VILLAGE OF TYONEK



Stephen Peskosy
Chief Executive Officer



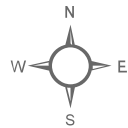
Johann Bartels
President

cc: Mayor Charlie Pierce
Sean Kelley, Borough Attorney
KPB Planning Commission



Boundary
of the Nikiski
Advisory
Planning
Commission

Map Date: 09/23/2022



0 5 10 Miles

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



Introduced by:	Mayor
Date:	08/23/22
Hearing:	09/20/22
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-41**

**AN ORDINANCE AMENDING KPB CHAPTER 21.02 TO ESTABLISH AN ADVISORY
PLANNING COMMISSION IN THE NIKISKI AREA**

WHEREAS, the assembly has previously created local advisory planning commissions (“APCs”) within the Kenai Peninsula Borough (“KPB”) for the purpose of providing recommendations to the KPB Planning Commission on land use planning and public land management issues which may affect the existing and/or future character of their communities; and

WHEREAS, Goal 2 of the 2019 KPB Comprehensive Plan is to “Proactively manage growth to provide economic development opportunities on the Kenai Peninsula Borough while preserving what residents and visitors value about the area’s natural features”; and

WHEREAS, Goal 2, Objective E states, “Actively work with interested communities outside of the incorporated cities to help develop locally-driven community plans and Strategy 4: Near-Term: Encourage unincorporated communities to engage with their established local Advisory Planning Commission (“APC”) and encourage establishment of new APCs for communities not currently represented”; and

WHEREAS, a petition, signed by over 20 qualified voters who are residents within the proposed boundaries of the Nikiski APC, has been received by the KPB Clerk requesting the formation of an APC in the Nikiski community; and

WHEREAS, on July 19, 2022, the KPB Planning Director held a community meeting to discuss the proposed boundaries of the Nikiski APC; and

WHEREAS, the petitioned area of interest is 3,500,000 acres as the proposed boundaries of the Nikiski APC and the KPB Planning Department has indicated that additional community input is needed for the effective management of these lands; and

WHEREAS, at its meeting held on August 22, 2022, the KPB Planning Commission recommended approval as amended;

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

SECTION 1. That the Kenai Peninsula Borough Code of Ordinances is hereby amended by adding a new section to be numbered 21.02.230, which shall read as follows:

21.02.230. Nikiski Advisory Planning Commission.

An advisory planning commission is established for the community of the borough known as Nikiski with boundaries as follows:

Commencing at the township line between T5N and T6N R17W S.M., and the mean high water line on the westerly shore of Cook Inlet;

Thence westerly along the township line between T5N and T6N to the westerly boundary of the Kenai Peninsula Borough;

Thence northerly and easterly along the boundary of the Kenai Peninsula Borough through Cook Inlet to the protracted northeast corner of T11N R5W in Turnagain Arm;

Thence southeasterly to the intersection of the southerly mean high water line of Turnagain Arm and the 150th meridian west of Greenwich within T10N R4W S.M.;

Thence southerly along the 150th meridian to the township line between T8N and T9N R4W;

Thence westerly along the township line between T8N and T9N to the northwest corner of T8N R9W S.M.;

Thence southerly along the range line between R9W and R10W to the southeast corner of T6N R10W S.M.;

Thence westerly along the township line between T5N and T6N to the southeast corner of Section 32 T6N R10W;

Thence northerly along the section line between Sections 32 and 33 to the northeast corner of Section 32;

Thence westerly along the section line to the northwest corner of Section 31 T6N R10W on the corporate boundary of the city of Kenai;

Thence northerly and westerly along the corporate boundary of the city of Kenai to the intersection with the mean low water line of Cook Inlet and the section line between Sections 23 and 26 T6N R12W S.M.;

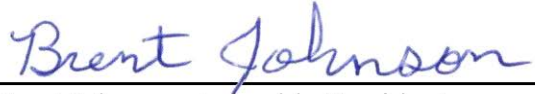
Thence westerly along the section line extended three miles into Cook Inlet;

Thence southwesterly to the protracted southeast corner of T6N R14W in Cook Inlet;

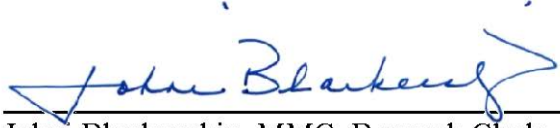
Thence westerly along the protracted township line between T5N and T6N to the mean high water line on the westerly shore of Cook Inlet the true point of beginning.

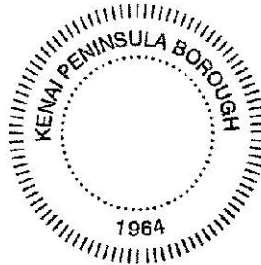
SECTION 2. That this ordinance shall be effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF SEPTEMBER, 2022.


Brent Johnson, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Tupper, Johnson
No: None
Absent: None

DESK PACKET

(Items submitted after the packet publish date of 12-30-22)

5. Ordinance 2022-46: Amending KPB 21.02.230 to modify the boundaries of the Nikiski Advisory Planning Commission.

Raidmae, Ryan

From: richardmcgahan <boulderpoint@alaska.net>
Sent: Friday, January 6, 2023 3:35 AM
To: Raidmae, Ryan
Subject: <EXTERNAL-SENDER>Comments to the Planning Commission re: Ordinance 2022-46

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.

Hello Ryan,
Please forward the following comments to the Planning Commission. I believe they need to be sent by 1:00 today.
These comments are from us as residents of Nikiski.
Thank you,
Karen

Dear Commissioners:

We are asking that your recommendation to the Kenai Peninsula Borough Assembly is NOT to pass Ordinance 2022-46, and NOT to amend the boundaries of the Nikiski Advisory Planning Commission.
The boundaries need to stay the same as the Nikiski Fire Service Area which was created and has been serving the west side of the Inlet, including Tyonek since 1969. This not only includes money, but the Nikiski Fire Department gives Tyonek equipment, monthly training of their volunteers, And a building to house the equipment. The other service areas in Nikiski, (North Peninsula Recreation and Senior Services) also serve Tyonek.
There will be new activity near Tyonek with the new gas line possibly as soon as 2024.
The residents of Tyonek have every opportunity to join any of these boards, including the APC.

Please recommend the boundaries of the Nikiski APC stay as they are currently.
Thank you,

Richard C. McGahan, Sr.
Karen S. McGahan

Nikiski Residents

January 6, 2023

To the Members of the Planning Commission

I am a resident of Nikiski and was very pleased to see that an APC was formed to serve us. I was not involved in the petition and didn't sign it, but I was so happy that it was created that I applied to serve as a commissioner and offer my time to serve. That said, I am writing as an individual and constituent.

I did attend the July meeting where boundaries were discussed with the public. As I understand it, every single person and business that would be within those boundaries received the same notice and the same opportunity to comment, including Tyonek Native Corporation (TNC) and Native Village of Tyonek (NVT). I'm disappointed that we are back once again, discussing the boundaries, because this one group – which forms a very small part of the Nikiski APC (NAPC) area – is complaining after the fact.

While I understand the desire to respond with respect to TNC and NVT, the proposed changes to our boundaries being suggested in Ordinance 2022-46 are overkill. Mr. Johnson and Ms. Ecklund have unfortunately conflated "Tyonek" with "West Cook Inlet." These are not the same. I have provided a map, which was also entered into record at the NAPC meeting, that shows all of the land owned by the two entities, TNC and NVT, on the west side of Cook Inlet, and it is a very small portion of the land in the NAPC boundaries. I counted some 150 properties owned by individuals not apparently affiliated with TNC/TNV located all over the west side of the NAPC's boundary area. The vast majority of lands on the west side within NAPC's boundary are public lands, held by the Federal, State and Borough governments. Even if you decide to recommend to the assembly that TNC/TNV's land be removed, there is no need to remove the rest of the land on the west side of NAPC.

The Kenai Peninsula Borough states that the purpose of an APB is to provide an additional avenue to participate in land use planning. Retaining our current boundaries, including Tyonek land, does not take Tyonek's voice away; it adds an additional avenue to speak. There is really no downside for Tyonek to be included, in that case. On the other hand, you WOULD be removing this additional voice for the many individual landowners on NAPC's west side, and that would be wrong, given that you have already told them they had that voice.

With all of this said, if the Planning Commission feels it is imperative to concede to TNC/NVT in this matter, I would support removing Tyonek Native Corporation's and Native Village of Tyonek's land on the west side of Cook Inlet from NAPC's boundary area. If you feel you must act, then that would be a measured response in keeping with the wishes expressed by TNC/TNV in their letter.

The size of the NAPC area has been mentioned a few times. There are no size limits to an APC in law, statute or ordinance; size is limited only by the vision of the community as to what will affect their future. As to the question of how we would communicate with residents on the west side, including Tyonek, we would do it the same way the Assembly and Planning Commission have done it for many years. In this day of technology, Zoom meetings are a norm. If you think about it, ONE Assembly member has been representing the entire area that the NAPC covers – both sides of Cook Inlet – and that is only one person; we are seven people, so it should be easier.

I'd like to correct a misstatement made by an Assembly member. When Mr. Johnson proposed this new ordinance, he stated in meeting that the Assembly asked about Tyonek and was told that the petitioners

“have checked out the people on the west side and they are all on board with this.” That was a misstatement. The actual question asked by the Assembly when the original boundaries were approved was (from Ms. Ecklund), “Did any citizens from the west side sign the petition?” and clarified that she meant from any community on the West Side; Ms. Broussard answered that of the more than 20 signatures that were needed and provided, none were specifically from any of the villages. Ms. Ecklund asked, “So there are some from people who live on the West Side or have property on the West Side?” and Ms. Broussard answered that yes, she believed so, that they have businesses there, but she would need to check the signatures. Ms. Oliva stated that there are many people in Nikiski who travel back and forth to the West Side regularly. These were the questions that were asked, and the answers given. It is important to note that the petitioners did not misrepresent the facts.

Nikiski’s economy is inextricably linked to the west side. We have businesses and individuals who own land and businesses there, and our workers travel back and forth regularly. My own son’s business requires that he fly over to various locations on the west side of Nikiski regularly. As you know, the boundaries of our fire, senior and Recreation service areas are identical to the boundaries of NAPC. Our budget dollars for those groups serve Tyonek. Our fire personnel went out as first responders for the 2014 wildfire that came within 2 miles of Tyonek and kept the fire away from them. Tyonek votes on the same ballot as Nikiski. If TNC and NVT do not wish to be within the NAPC boundaries, perhaps they should rethink being within the other boundaries. The future plans of Nikiski, particularly in the development of energy resources as described recently by a rep of AGDC, will always be economically linked with the western part of NAPC’s boundary area. This will become apparent when the NAPC is tasked with creating a comprehensive plan.

The NAPC recommended retaining the entire boundary, and I support that decision, as did everyone who attended the meeting from Nikiski. The exclusion of TNC and NVT’s lands would be a concession rather than a preference.

Thank you for your consideration of this subject. It is a matter of importance to Nikiski, and I believe there were good reasons for the boundaries and those reasons have not changed. The decision on this matter will be a reflection of the respect that the Borough has for Nikiski.

Sincerely,

Lenora Niesen

Assembly Members,

Please consider keeping the current Nikiski boundaries set forth in KPB 21.02.230. Our family has commercial land in the area and appreciate the opportunity to be represented by the Nikiski Advisory Planning Commission.

Thank you for your time.

Kelly Brewer

P.O. Box 8223

Nikiski, AK 99635

907-776-7516

E. NEW BUSINESS

- 4. Ordinance 2023-XX: Authorizing an amendment to the Kenai Peninsula Archers lease to provide a ten-year extension of the term and a ten-year renewal option.**

Kenai Peninsula Borough Assembly

MEMORANDUM

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

THRU: Mike Navarre, Borough Mayor
Robert Ruffner, Planning Director
Marcus Mueller, Land Management Officer

FROM: Julie Denison, Land Management Technician

DATE: December 15, 2022

RE: Ordinance 2023-XX, Authorizing an Amendment to the Kenai Peninsula Archers Lease to Provide a Ten-Year Extension of the Term and a Ten-Year Renewal Option

The Kenai Peninsula Archer (KPA) lease has an expiration date of April 30, 2023. KPA would like to continue its lease and management of the archery range and public programs.

KPA has demonstrated its ability to provide facilities for teaching community programs such as trapper training and public archery programs. KPA has kept the current lease in good standing.

The attached ordinance would authorize the mayor to amend the KPA lease to provide a ten-year extension and one 10-year renewal option.

Your consideration is appreciated.

Introduced by:	Mayor
Date:	01/17/23
Hearing:	02/07/23
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-XX**

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE KENAI PENINSULA
ARCHERS LEASE TO PROVIDE A TEN-YEAR EXTENSION OF THE TERM AND A
TEN-YEAR RENEWAL OPTION**

- WHEREAS,** Kenai Peninsula Archers (KPA) manages an archery range located on borough land at Arc Loop Road pursuant to a lease authorized by KPB Assembly Ordinance 2003-09; and
- WHEREAS,** the lease expires on April 30, 2023; and
- WHEREAS,** KPA desires to continue the lease for an additional twenty-year period; and
- WHEREAS,** a ten-year extension with a ten-year renewal option would allow for the continuation of the archery range programs and education and place KPA in a position to obtain funding for the benefit of the archery range; and
- WHEREAS,** KPA is in good standing with the terms and conditions of the lease and its development plan; and
- WHEREAS,** KPA has demonstrated its ability to manage and improve indoor and outdoor bowhunter and crossbow safety courses and shooting opportunities for the benefit of the public; and
- WHEREAS,** the KPB Planning Commission at its regularly scheduled meeting of January 9, 2023, recommended _____.

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

- SECTION 1.** That the mayor is authorized to amend the lease with Kenai Peninsula Archers by extending the term for an additional ten years and provide an option to renew for one additional ten-year term, such that the lease would terminate on April 30, 2043.
- SECTION 2.** That the mayor is authorized to execute any documents necessary to effectuate this ordinance.
- SECTION 3.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF * 2023.**

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Acting Borough Clerk

Yes:

No:

Absent:

LEASE AMENDMENT

RECITALS:

WHEREAS, Ordinance 2003-09 authorized the lease of certain real property owned by the Kenai Peninsula Borough (KPB) to the Kenai Peninsula Archers (KPA); and

WHEREAS, the KPB, Lessor, and the KPA, Lessee, entered a lease dated August 27, 2003; and

WHEREAS, KPA is in good standing with the lease; and

WHEREAS, Ordinance 2023-____ authorized an amendment to extend the term of lease an additional 10-years and provide one 10-year renewal option.

NOW THEREFORE, the Lessor and Lessee agree to amend Section 1 of the Terms and Conditions in the lease as follows:

TERMS AND CONDITIONS:

1. Lease Term. This lease is for a term of ~~20-30~~ years commencing May 1, 2003 and ~~terminating April 30, 2023~~ **contains an option to renew by written mutual agreement, for a renewal term of ten (10) years.**

All other terms and conditions remain in full force and effect.

Dated this ____ day of _____ 2023.

KENAI PENINSULA BOROUGH:

KENAI PENINSULA ARCHERS, INC.

Mike Navarre, Mayor

Steven J. Latz, Gaming Officer

ATTEST:

APPROVED AS TO FORM & SUFFICIENCY:

Michele Turner, CMC, Acting Borough Clerk

A. Walker Steinhage,
Deputy Borough Attorney

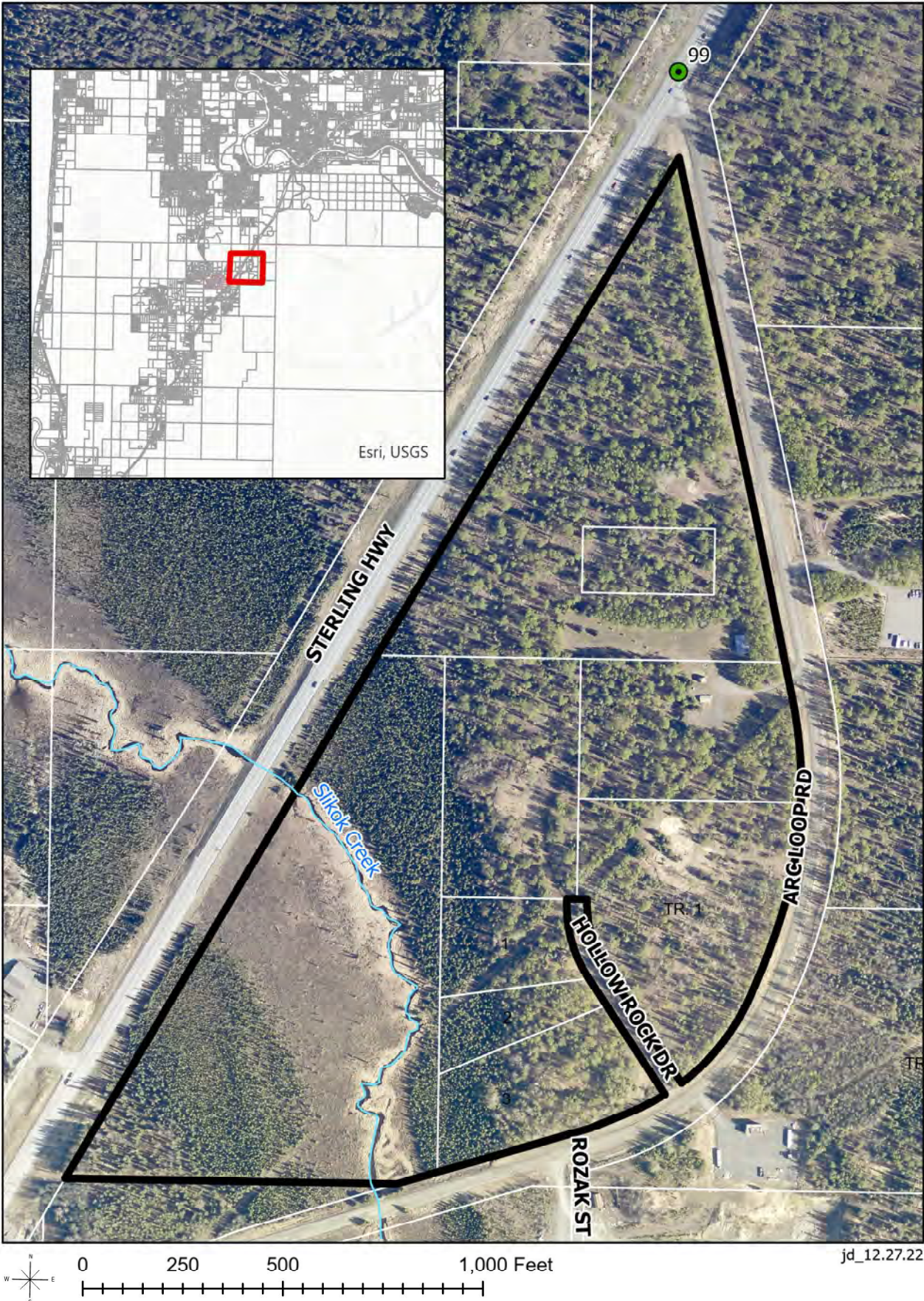
STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

Notary Public in and for Alaska
My commission expires: _____

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

Notary Public in and for Alaska
My commission expires: _____

KENAI PENINSULA ARCHERS LEASE BOUNDARY



KPA Outdoor Range

90

Northern Range

Northern Range Parking

Gate Opened during Events

Field Range

KPA Range Gate

Southern Range

Hollow Rock Dr

Sterling Hwy

Arc Loop Rd

Google Earth





THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

DIVISION OF WILDLIFE CONSERVATION
Hunter Information & Training (HIT) Program
Ginamaria Smith, Program Coordinator

333 Raspberry Road
Anchorage, Alaska 99518-1565
Main: 907.267.2196
Fax: 907.267.2323

October 5, 2022

Kenai Peninsula Borough:

It is my pleasure to write a letter in support of the lease renewal being submitted by the Kenai Peninsula Archers (KPA). The ADF&G Hunter Information & Training (HIT) Program has partnered with KPA for the past 30 years to offer public bowhunter and crossbow education certification classes. The HIT Program is a statewide program, which offers certification courses for Alaskans encouraging firearm/archery safety, ethics, and respect for our natural resources, landowners, and other hunters. These courses also assist in preserving the future of our hunter heritage. The classes are taught mainly by volunteer instructors, and in the Kenai/Soldotna area, many of our volunteers are also actively involved as members or board members of KPA. The certification courses require students to complete not only a classroom portion but a shooting proficiency as well. KPA allows us to store our 3-D archery targets on-site and their well-maintained facilities are easily accessible for all of our students.

Since 2003 (valid online database), we've held the following public classes at KPA:

Class Type	Number of classes	Number of Students Certified
Bowhunter Education	159	1,250
Crossbow Education	11	30

All of our certification courses would not be possible without the cooperation and support of our volunteer instructors and valued partners like the Kenai Peninsula Archers, and we hope with the renewal of KPA's lease that this partnership will continue long into the future.

If you have any questions, feel free to contact me at (907) 267-2196 or Ginamaria.smith@alaska.gov.

Sincerely,

Ginamaria Smith

HIT Program Coordinator
www.huntereducation.alaska.gov



United States Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Kenai National Wildlife Refuge
POBOX 2139
Soldotna, Alaska 99669-2081



In Reply Refer To:

To: Whom it may concern
From: J. Matthew Conner, Supervisory Park Ranger, Kenai NWR
Subject: Support of Kenai Peninsula Archers and archery range.

This letter is to express Kenai National Wildlife's support of the Kenai Peninsula Archers archery range and programs. The KPA is a valuable community asset and vital in partnering with the refuge in various programs. The KPA offers the facilities to the refuge in teaching community programs such as required trapper training and public archery programs. The refuge has also worked with the KPA to train and provide National Archery in the Schools trainings for teachers, educators and the public to offer this program in our schools and communities. The refuge looks forward to working with KPA in the future to provide opportunities for training for our residents on archery, bowhunting and other outdoor pursuits. We are extremely fortunate to have such a well-cared for facility and a team of dedicated volunteers at the KPA!

Sincerely,

Matthew Conner
Supervisory Park Ranger
Kenai National Wildlife Refuge

**KENAI PENINSULA BOROUGH
REAL PROPERTY LEASE**

For good and valuable consideration, and pursuant to Ordinance 2003-09, enacted April 15, 2003, the KENAI PENINSULA BOROUGH, an Alaska municipal corporation whose address is 144 North Binkley Street, Soldotna, Alaska 99669, (hereinafter called "KPB"), grants to the KENAI PENINSULA ARCHERS INCORPORATED, P.O. Box 1892, Kenai, Alaska 99611 (hereinafter called "LESSEE"), use of the following described parcel of real property (hereinafter called "Property") described as follows:

The S½ of the NW¼ and the N½ of the SW¼ lying easterly of the Sterling Highway and westerly of Arc Loop Road, Township 4 North, Range 11 West, Section 13, Seward Meridian, in the Kenai Recording District, Third Judicial District, State of Alaska.

See attachment A, attached hereto and incorporated by reference.

Land is currently designated by Kenai Peninsula Borough
Assessor Parcel Numbers: 131-092-32, 131-092-36, 131-094-22,
23,24,25,27,28, 42, and 43

TERMS AND CONDITIONS

1. Lease Term. This lease is for a term of 20 years commencing May 1, 2003 and terminating April 30, 2023.
2. Lease Rental. Pursuant to KPB Ordinance 2003-09 the annual Lease rental for the term of this lease is \$1.00.
3. Restrictive Covenant. This lease is subject to a restrictive covenant pursuant to KPB Code, Section 17.10.130(D), which requires that all lands or interests in land be conveyed by an instrument containing restrictions that restrict the use of the land to that classification and prohibit the use of the land for any other purpose. The real property described in this conveyance instrument is classified "Government." Government means lands that may be or are required for use by a federal, state or local governmental entity. Such uses include existing and future school sites; sites for service area facilities; or, any governmental use determined to be beneficial to the public. The use of the land for any other purpose, incompatible with governmental use, is prohibited.

4. Purpose. The purpose of this lease is to authorize lessee to conduct archery related activities pursuant to the development plan attached hereto and incorporated by reference as Attachment B. The LESSEE is not authorized to use to the Property for any other purpose unless authorized by the KPB in writing. Any revisions to the development plan or lease terms must be approved by the borough in writing. The property shall be used for the purposes within the scope of the application, the terms and conditions of the lease and in conformity with the lessee's development plan. Use or development for other than allowed purposes shall subject the lease to termination.
5. Waste. LESSEE shall not commit waste or injury upon the lands leased herein.
6. Fire Protection. LESSEE shall take all reasonable precautions to prevent, and take all reasonable actions to suppress destructive and uncontrolled grass, brush, and forest fires on the land under agreement, and comply with all laws, regulations and rules promulgated and enforced by the protection agency responsible for forest protection within the area wherein the demised premises are located.
7. Safety. LESSEE shall be solely responsible for maintaining the premises in a safe and fit condition, including without limitation snow and ice removal from all improvements and areas on the land developed or used for pedestrian traffic.
8. Sanitation. LESSEE shall comply with all laws, regulations or ordinances promulgated for the promotion of sanitation. The subject property shall be kept in a clean and sanitary condition and every effort shall be made to prevent pollution of the waters and lands.
9. Hazardous Materials and Hazardous Waste. Storage, handling and disposal of hazardous waste shall not be allowed on lands under lease from KPB per KPB Code, Section 17.10.240(H).

LESSEE shall comply with all applicable laws and regulations concerning hazardous chemicals and other hazardous materials, and shall properly store, transfer and use all hazardous chemicals and other hazardous materials and not create any environmental hazards on the lands leased herein. In no event may LESSEE utilize underground storage tanks for the storage or use of hazardous chemicals or other hazardous materials.

Should any hazardous chemicals or hazardous materials of any kind or nature whatsoever, or hazardous wastes be released upon the subject lands during the term of this lease, LESSEE shall IMMEDIATELY report such release to the KPB Planning Director or other appropriate KPB official and to any other agency as may

be required by law, and LESSEE shall, at its own cost, assess, contain and clean up such spilled materials in the most expedient manner allowable by law.

As used herein, "hazardous chemical" means a chemical that is a physical hazard or a health hazard.

As used herein, "hazardous material" means a material or substance, as defined in 49 C.F.R. 171.8, and any other substance determined by the federal government, the state of Alaska or KPB, to pose a significant health and safety hazard.

As used herein, "hazardous waste" means a hazardous waste as identified by the Environmental Protection Agency under 40 C.F.R. 261, and any other hazardous waste as defined by the federal government, the state of Alaska or KPB.

The covenants and obligations described in this article shall survive the termination of this lease.

10. Compliance With Laws. The LESSEE agrees to comply with all applicable federal, state, borough and local laws and regulations.
11. Easements and Rights-of-Way. This Lease is subject to all easements, rights-of-way, covenants and restrictions of which LESSEE has actual or constructive notice. KPB reserves and retains the right to grant additional easements for utility and public access purposes across the property and nothing herein contained shall prevent KPB from specifically reserving or granting such additional easements and rights-of-way across the property as may be deemed reasonable and necessary. All trails or roads existing at the time this Lease is executed shall be considered an easement for public use.

As the parties agree that this is a reserved right which is reflected in the annual lease rental, in the event that KPB grants future additional easements or rights-of-way across the property, it is agreed and understood that LESSEE shall receive no damages for such grant.

As established by AS 38.05, KPB lands sold or leased may be subject to a minimum fifty-foot public access easement landward from the ordinary high water mark or mean high water mark.

12. Inspections. LESSEE shall allow KPB, through its duly authorized representative, to enter and inspect the leased premises at any reasonable time, with or without advance notice to LESSEE, to ensure compliance with the terms and conditions of this lease. KPB's right to enter and inspect shall be exercised at KPB's sole discretion and the reservation or exercise of this right, and any related action or

inaction by KPB, shall not in any way impose any obligation whatsoever upon KPB, and shall not be construed as a waiver of any rights of KPB under this agreement.

13. Indemnification and Liability Insurance.

a. Indemnification and Hold Harmless. LESSEE covenants and agrees to indemnify, save, defend, keep and hold harmless KPB, its assembly members, officers, agents, and employees from all damages, costs and expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of or in the course of LESSEE'S use, occupancy and activities on the property, whether or not the activity is authorized. LESSEE also specifically covenants and agrees that it shall indemnify, defend and hold KPB harmless from any and all liability or claims, judgments, damages, costs, or losses, including, but not limited to reasonable attorney's fees, engineers' and consultants' fees, and contractors' fees which arise during or after the term of this lease to the extent such damages are a result of any contamination from hazardous materials, hazardous chemicals and hazardous waste. These covenants shall survive the term of this agreement.

b. Liability Insurance. LESSEE shall purchase at its own expense and maintain in force at all times during the term of this Lease Comprehensive General Liability Insurance, which shall include bodily injury, personal injury, and property damage with respect to the property and the activities conducted by the LESSEE in which the coverage shall not be less than \$1,000,000 per occurrence. The policy purchased shall name LESSEE as the insured and KPB as an additional insured, and shall also require the insurer to provide KPB with thirty (30) days or more advance written notice of any pending cancellation or change in coverage.

c. Proof of Insurance. At the time of executing this agreement, and at the time of each renewal of insurance, LESSEE shall deliver to the KPB Planning Director certificates of insurance meeting the above criterion.

14. Property Taxes. LESSEE shall timely pay all real property taxes, assessments and other debts or obligations owed to KPB. Pursuant to KPB Code, Section 17.10.120(F) this agreement will terminate automatically should LESSEE become delinquent in the payment of any such obligations.

15. Assignments. LESSEE may assign this Lease only if approved in advance by KPB. Applications for assignment shall be made in writing on a form provided by the Land Management Division. The assignment shall be approved if it is found that all

interests of KPB are fully protected. The assignee shall be subject to and governed by the provisions of this agreement and laws and regulations applicable thereto.

16. Subleasing. No LESSEE may sublease lands or any part thereof without written permission of the mayor. A sublease shall be in writing and subject to the terms and conditions of the original lease.
17. Cancellation. At any time that this Lease is in good standing it may be canceled in whole or in part upon mutual written agreement by the LESSEE and either the KPB Mayor or Planning Director when applicable. This Lease is subject to cancellation in whole or in part if improperly issued through error in procedure or with respect to material facts.
18. Termination. Upon termination of this Lease, LESSEE covenants and agrees to return the property to KPB in a neat, clean and sanitary condition, and to immediately remove all items of personal property subject to the terms and conditions of paragraph 22 below. All terms and conditions set out herein are considered to be material and applicable to the use of the property under this Lease. Subject to the following, in the event of LESSEE's default in the performance or observance of any of the agreement terms, conditions, covenants and stipulations thereto, and such default continues thirty (30) calendar days after written notice of the default, KPB may cancel this lease, or take any legal action for damages or recovery of the property. No improvements may be removed during the time in which the contract is in default.

In the event LESSEE breaches any provisions prohibiting the release of hazardous chemicals, hazardous materials or hazardous waste upon the property, and fails to immediately terminate the operation causing such release upon notice from KPB, then KPB may immediately terminate this lease agreement without further notice to LESSEE.

19. Violation. Violation of any of the terms of this lease may expose LESSEE to appropriate legal action including forfeiture of lease/purchase interest, termination, or cancellation of its interest in accordance with state law.
20. Notice of Default. Notice of the default, where required, will be in writing and as provided in the Notice provision of this agreement.
21. Entry or Re-entry. In the event that the Lease is terminated, canceled or forfeited, or in the event that the demised lands, or any part thereof, should be abandoned by the LESSEE during the agreement term, KPB or its agents, servants or representative, may immediately or any time thereafter, enter or re-enter and resume possession of said lands or such part thereof, and remove all persons and

property therefrom either without judicial action where appropriate, by summary proceedings or by a suitable action or proceeding at law or equity without being liable for any damages therefor. Entry or re-entry by KPB shall not be deemed an acceptance of surrender of the contract.

22. Removal or Reversion of Improvements Upon of Lease.

- a. Improvements on the property owned by LESSEE shall, within thirty calendar days after the termination of the agreement, be removed by LESSEE; provided such removal will not cause injury or damage to the land; and further provided that the Mayor, or Planning Director when applicable, may extend the time for removing such improvements in cases where hardship is proven. The LESSEE may dispose of its improvements to a succeeding lessee with the consent of the KPB mayor.
- b. If any improvements and/or chattels having an appraised value in excess of ten thousand dollars, as determined by a qualified appraiser, are not removed within the time allowed, such improvements and/or chattels shall, upon due notice to the LESSEE under the terminated or canceled contract, be sold at public sale under the direction of the mayor and in accordance with the provisions of KPB Code, Chapter 5. The proceeds of the sale shall inure to the LESSEE who placed such improvements and/or chattels on the lands, or its successors in interest, after paying to KPB all monies due and owing plus all costs, fees and expenses incurred in storing the goods and making such a sale. In case there are no other bidders at any such sale, the KPB mayor is authorized to bid, in the name of KPB, on such improvements and/or chattels. The bid money shall be taken from the fund to which said lands belong, and the fund shall receive all moneys or other value subsequently derived from the sale or leasing of such improvements and/or chattels. KPB shall acquire all the rights, both legal and equitable, that any other purchaser could acquire by reason of the purchase.
- c. If any improvements and/or chattels having an appraised value of ten thousand dollars or less, as determined by the KPB mayor, are not removed within the time allowed, such improvements and/or chattels shall revert and absolute title shall vest in KPB. Upon request, the purchaser, lessee, or permittee shall convey said improvements and/or chattels by appropriate instrument to KPB.

23. Rental for Improvements or Chattels not Removed. Any improvements and/or chattels belonging to the LESSEE or placed on the land during its tenure with or without its permission and remaining upon the premises after the termination of the contract shall entitle KPB to charge a reasonable rent therefor.

24. Resale. In the event that this Lease agreement should be terminated, canceled, forfeited or abandoned, KPB may offer said lands for sale, lease or other appropriate disposal pursuant to the provisions of KPB Code, Chapter 17.10 or other applicable regulations. If said land is not immediately disposed of, then said land shall return to the Land Bank.
25. Notice. Any notice or demand, which under the terms of this Lease 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.

All notices shall be sent to both parties as follows:

LESSOR

KENAI PENINSULA BOROUGH
Planning Director
144 N. Binkley
Soldotna, AK 99669-7599

LESSEE

KENAI PENINSULA ARCHERS
P.O. Box 1892
Kenai, AK 99611

26. Responsibility of Location. It shall be the responsibility of the LESSEE to properly locate its self and its improvements on the leased lands.
27. Liens and Mortgages. LESSEE shall not cause or allow any liens of any kind or nature whatsoever to attach to the property during the term of this lease, except in connection with financing transactions as discussed below. In the event that any prohibited lien is placed against the property, LESSEE shall immediately cause the lien to be released. LESSEE shall immediately refund to KPB any monies that KPB may, at its sole discretion, pay in order to discharge any such lien, including all related costs and a reasonable sum for attorneys fees.

For the purpose of interim or permanent financing of improvements to be placed upon the leased property, and for no other purpose, LESSEE, after giving written notice thereof to KPB, may encumber by mortgage, deed of trust, assignment or other appropriate instrument, LESSEE's interest in the leased premises and in and to this Lease, provided such encumbrance pertains only to such leasehold interest and does not pertain to or create any interest in KPB's title to or interest in the leased property. Any such encumbrance shall be entirely subordinate to KPB's rights and interest in the leased property.

A leasehold mortgagee, beneficiary of a deed of trust or security assignee shall have and be subrogated to any and all rights of the LESSEE with respect to the curing of any default hereunder by LESSEE.

In the event of cancellation or forfeiture of this Lease for cause, the holder of a properly recorded mortgage, deed of trust, or assignment will have the option to acquire the Lease for the unexpired term thereof, subject to the same terms and conditions as in the original instrument.

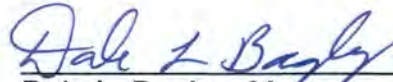
28. Non-Waiver Provision. The receipt of payment by KPB, regardless of KPB's knowledge of any breach by LESSEE, or of any default on the part of the LESSEE in observance or performance of any of the conditions or covenants of this agreement, shall not be deemed to be a waiver of any provision of the agreement. Failure of KPB to enforce any covenant or provision herein contained shall not discharge or invalidate such covenant or provision or affect the right of KPB to enforce the same in the event of any subsequent breach or default. The receipt by KPB of any payment of any other sum of money after notice of termination or after the termination of the agreement for any reason, shall not reinstate, continue or extend the agreement, nor shall it destroy or in any manner impair the efficacy of any such notice of termination unless the sole reason for the notice was nonpayment of money due and the payment fully satisfies the breach.
29. Jurisdiction. Any suits filed in connection with the terms and conditions of this Lease, and of the rights and duties of the parties, shall be filed and prosecuted at Kenai, Alaska and shall be governed by Alaska law.
30. Savings Clause. Should any provision of this Lease fail or be declared null or void in any respect, or otherwise unenforceable, it shall not affect the validity of any other provision of this Lease or constitute any cause of action in favor of either party as against the other.
31. Binding Effect. It is agreed that all covenants, terms and conditions of this agreement shall be binding upon the successors, heirs and assigns of the original parties hereto.
32. Full and Final Agreement. This agreement constitutes the full and final agreement of the parties hereto and supersedes any prior or contemporaneous agreements. This agreement may not be modified orally, or in any manner other than by an agreement in writing and signed by both parties or their **respective successors in interest**. LESSEE avers and warrants that no representations not contained within this agreement have been made with the intention of inducing execution of this agreement.

33. Lessee warrants that the person executing this agreement is authorized to do so on behalf of Kenai Peninsula Archers Incorporated.

KENAI PENINSULA ARCHERS, INC.

KENAI PENINSULA BOROUGH


Steven J. Latz, Gaming Officer



Dale L. Bagley, Mayor


Dated: 4-17-03

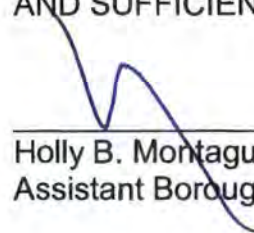
Dated: 8-27-03

ATTEST:

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:


Linda S. Murphy
Borough Clerk

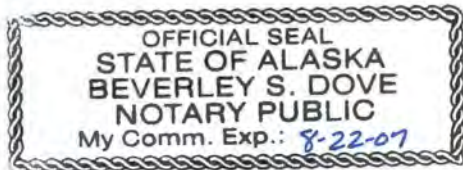



Holly B. Montague
Assistant Borough Attorney

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 27th day of August, 2003, by Dale L. Bagley, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, on behalf of the corporation.



Beverley S. Dove
Notary Public in and for Alaska
My commission expires: 8-22-07

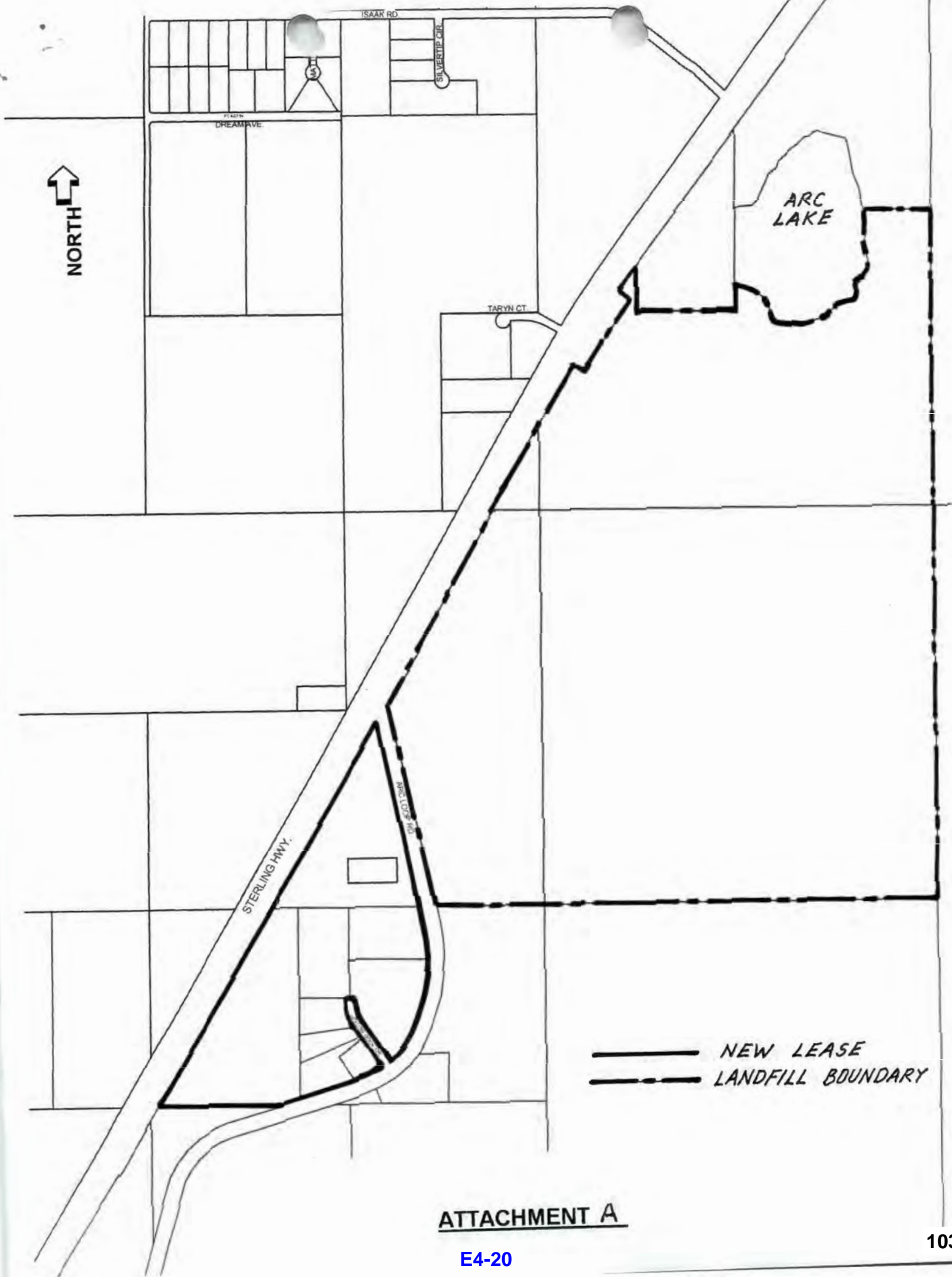
NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 17th day of April, 2003, by Steven J. Latz, Gaming Officer, Kenai Peninsula Archers Incorporated, an Alaska non-profit corporation.



Julie Eggemeyer
Notary Public in and for Alaska
My commission expires: 5-15-06



ATTACHMENT A

E. NEW BUSINESS

5. Resolution 2023-XX: Providing a 30-day application period prior to inactivating the Kachemak Bay Advisory Planning Commission.

Kenai Peninsula Borough

Planning Department

MEMORANDUM

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

THRU: Mike Navarre, Mayor
Robert Ruffner, Planning Director

FROM: Samantha Lopez, Senior Manager

DATE: January 2, 2023

RE: Resolution 2023-____, Providing a 30-Day Application Period Prior to Inactivating the Kachemak Bay Advisory Planning Commission (Mayor)

The Kenai Peninsula Borough (the “Borough”) has established Advisory Planning Commissions (“APCs”) in several communities throughout the Borough, one being the Kachemak Bay APC. The Kachemak Bay APC was established on January 16, 1996, by Ordinance 95-38.

Borough code allows APCs to seat up to seven members, and requires at least four members to constitute a quorum. Since September 30, 2022, there have been two filled seats on this APC (Seats C and D), and five vacancies (Seats A, B, E, F, and G). These vacancies have been posted since October 3, 2022, and no applications have been received to date to fill these seats.

Because only two seats are filled, this APC is unable to form a quorum. Code does not address how or when APCs should be inactivated when a quorum cannot be formed. However, when the Kalifornsky APC did not have enough members to form a quorum, it was deactivated by the same process via Resolution 2022-025 on April 19, 2022.

Through this resolution, Kachemak Bay APC seats A, B, E, F, and G shall be declared vacant and advertised for 30 days. If, during the application period, the Borough receives applicants for the APC but there is still not a sufficient number of qualified applicants to secure a quorum on the APC, then the APC will be listed as inactive.

Your consideration of the Resolution is appreciated.

Introduced by: Mayor
Date: 01/17/23
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2022-**

**A RESOLUTION PROVIDING A 30-DAY APPLICATION PERIOD PRIOR TO
INACTIVATING THE KACHEMAK BAY ADVISORY PLANNING COMMISSION**

- WHEREAS,** the Kenai Peninsula Borough (the “Borough”) has established Advisory Planning Commissions (“APCs”) in several communities throughout the Borough, including the Kachemak Bay APC; and
- WHEREAS,** the Kachemak Bay APC was established on January 16, 1996, by Ordinance 95-38; and
- WHEREAS,** Borough code allows APCs to seat up to seven members, and requires at least four members to constitute a quorum; and
- WHEREAS,** currently there are five declared vacancies on this APC: Seats A, B, E, F, and G; and
- WHEREAS,** no applications have been received to date to fill Seats A, B, E, F or G on this APC; and
- WHEREAS,** there are only two remaining seated members on the Kachemak Bay APC and therefore the APC is unable to form a quorum; and
- WHEREAS,** Borough code does not address how or when APCs should be inactivated when a quorum cannot be constituted; and
- WHEREAS,** the Kalifornsky APC was deactivated by the same process via Resolution 2022-025 on April 19, 2022; and
- WHEREAS,** at its meeting held on January 9, 2023, the Borough Planning Commission recommended _____;
- NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

SECTION 1. That the Assembly declares Kachemak Bay APC Seats A, B, E, F, and G are vacant and the Borough shall, for a period of 30 days, advertise for applicants to fill those vacancies.

SECTION 2. That if, during the 30-day application period, the Borough receives applicants for the Kachemak Bay APC but there remains an insufficient number of qualified applicants to constitute a quorum, the Borough will then list the Kachemak Bay APC as inactive.

SECTION 3. This resolution is effective immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS ____ DAY OF _____ 2023.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, MMC, Borough Clerk

Introduced by:	Mayor
Date:	04/19/22
Action:	Adopted
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2022-025**

**A RESOLUTION PROVIDING A 30-DAY APPLICATION PERIOD PRIOR TO
INACTIVATING THE KALIFORNSKY ADVISORY PLANNING COMMISSION**

WHEREAS, the Kenai Peninsula Borough (“Borough”) has established Advisory Planning Commissions (“APCs”) in several communities throughout the Borough, including the Kalifornsky APC; and

WHEREAS, the Kalifornsky APC was established by Ordinance 2019-21 and held its first meeting on November 18, 2019; and

WHEREAS, APCs may seat up to seven members, and at least four members are required to constitute a quorum; and

WHEREAS, currently there are two declared vacancies on this APC, Seat D and Seat E, due to the fact that the terms for both seats expired on September 30, 2021

WHEREAS, no applications have been received to date to fill Seat D and Seat E on this APC; and

WHEREAS, as of January 2022, four of the five seated Kalifornsky APC members have submitted resignations and/or cannot be reached, those seats being Seats B, C, F, and G; and

WHEREAS, there is only one remaining seated member on the Kalifornsky APC and therefore the APC is unable to hold a meeting to declare vacancies on the APC as required by KPB 21.02.100; and

WHEREAS, Borough code does not address how or when APCs should be inactivated when a quorum cannot be constituted; and

WHEREAS, at its meeting held on April 11, 2022, the Borough Planning Commission recommended adoption by unanimous consent;


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

SECTION 1. That the Assembly declares Kalifornsky APC Seats B, C, F, and G are vacant and the Borough shall, for a period of thirty days, advertise for applicants to fill those vacancies.

SECTION 2. That if, during the 30-day application period, the Borough receives applicants for the Kalifornsky APC but there remains an insufficient number of qualified applicants to constitute a quorum, the Borough will then list the Kalifornsky APC as inactive.

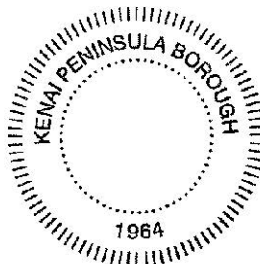
SECTION 3. This resolution is effective immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 19TH DAY OF APRIL, 2022.


Brent Johnson, Assembly President

ATTEST:


Johni Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Hibbert, Tupper, Johnson
No: None
Absent: Elam

MISC. INFO

Hope/Sunrise Advisory Planning Commission
Regular Meeting Unapproved Minutes
7 PM: January 4, 2023
Zoom Not Available

- A. The meeting was Called to Order by Jim Skogstad at 7:20
- B. Members present were Jim Skogstad, Flip Foldager, Jessie Maguire and Johnny Sorenson. Nancy Carver from the borough participated by telephone
- C. The agenda was approved
- D. The minutes of December 7 were approved.
- E. No one from the public was present and there were no public comments.
- F. There was no correspondence
- G. Report from the borough was: 250 cards were mailed out and 74 were electronically returned. Of the 74 returned, 13 were additional family members. February 16 will be a presentation by the KPB attorneys concerning the subject of "open meetings."
- H. Unfinished Business was what to do with the ballots left at the library. Should we take the box with the surveys to the borough? We could take the ballots out and mail them? The borough planner is going to Anchorage tomorrow and will pick up the box, take it to her office and enter the data. The land use plan is still being assembled by Jim and Jessie.
- I. New business: There was none.
- I. Announcements: Johnny mentioned he was pondering a cluster development may fit in with Hope. Jim and Flip thought it wouldn't
- J. The next meeting will be February 8, 2023
- K. The meeting was adjourned at 7:55 P.M.

Any questions, please contact: Chair Jim Skogstad at 907-229-1430
or email akskogstad@aol.com

MOOSE PASS ADVISORY PLANNING COMMISSION
REGULAR MEETING

Monika Adam, Jennifer Boyle, Kevin Dunham, Jeff Estes, Jeff Hetrick, Bruce Jaffa, David Pearson
Thursday, December 08, 2022

DRAFT MINUTES

1. CALL TO ORDER: 6:04 PM
2. ROLL CALL: Monika Adam, David Pearson (zoom), Kevin Dunham, Jeff Estes, Bruce Jaffa (zoom call dropped part way through meeting. David Pearson took over acting as chair), Jennifer Boyle, Jeff Hetrick
3. APPROVAL OF MINUTES OF PREVIOUS MEETING: November 3rd, Meeting. Jeff Hetrick motion to approve, Jeff Estes 2nd. Unanimous approval.
4. APPROVAL OF AGENDA: Monika Adam motion to strike old business (given Bruce Jaffa and Dave Pearson are not able to attend in person due to health issues) Jennifer Boyle 2nd. Unanimous approval to approve agenda with Old Business stricken.
5. CORRESPONDENCE
 - a. Cooper Landing Area 395 report and survey: Jeff Hetrick shared the RESPEC summary from polling local residents in Moose Pass and Cooper Landing. Some findings were that the much of the community would like to see it developed as a Nordic ski area. Concerns about what would happen if the borough auctioned it off as private parcels. They do not want access to the parcel from the new highway reroute.
 - b. Basecamp LLC: Bruce attempted contact several times. They are based in Seattle. Mentioned that they wanted to be a lodge. Possibly for black bear hunting? Bruce would like them to attend an APC meeting to discuss their plans.
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE: None
7. PRESENTATION:
 - a. DNR/ Tutka LLC re Crown Point Rock Extraction
Carol Hasburgh from State permitting discussing the permit to Tukka Corp. to blast and extract rock from the Lawing Rock Quarry. Present for the discussion was Ryan Raine (sp?) from Kenai Borough permitting.
 - Amber Lyn Tabor has been doing the permitting for the rock quarry but has moved on to another position.
 - The Tukka application is going to be noted before a permit will be issued. The public will have the opportunity to comment (unsure of timeline just yet).
 - Tukka has a completed application with the state but is still working on getting the DOT crossing permit. (Borough and State will not issue permit until this is obtained).

-David Pearson brought up concerns expressed by the community at previous meetings. Including concerns about the effects of blasting on local wells and building foundations. The area turning in to a dump site or shooting range if access is still allowed after project (would like it to be gated).

-Tukka's full application will be available with the public notice. Carol can email the notice to the APC directly. It will also be posted on the public comment website.

-Kevin Dunham asked about the ability to sell rock to locals. They did not mention sales to others in their application

-Jeff Estes asked if the access road will be permanent. They have already started cutting trees for it. Some question as to whether or not this is allowed, since they do not have a permit yet.

- Kevin Dunham mentioned the letter the community sent to the Borough during their permit process. It requested specific stipulations regarding the blasting and reparations. Carol said we should forward that letter to the state as well. She will review it.

- Jeff Hetrick asked about the price of the material. The Rock is \$3/cubic yard.

-The site will have set terms for the length of time and amount of material they can get. They would have to reapply if they want more.

-David Pearson brought up the concerns regarding the enforcement (or lack of) of best management practices.

-Jeff Hetrick asked if the community will have access to some of the rock after the project. We can get up to 2 cubic yard for free with permit from the state. Can apply to pay for more up to 200 cubic yards (if there is material available). Any more than that is considered commercial operation.

Carol Hasburgh contact information carol.hasburgh@alaska.gov

8. REPORT FROM THE BOROUGH:

a. Letter re OMA rules – regarding work on the Survey. We will have to do it all in public work sessions.

9. ~~OLD BUSINESS~~

a. ~~Survey Draft review~~

10. NEW BUSINESS

a. Schedule for KPB to print and distribute Survey – postponed until we can complete the final review of the survey

b. MPAPC 2023 Budget. Fiscal year is July – June. We have \$1000 to work with. We can ask for more but it must be approved by the borough. Some of this \$ will go towards survey mailing/printing. We can also request money for rent if the Sportsman's club decides to start charging . Also money for phone/internet/tech needs. Borough will not approve speakers. Monika Adam motion and and Jeff Hetrick second proposal postponing submitting a budget right now David Pearson and Jen Boyle in favor. Kevin Dunham and Jeff Estes disagreed. Motion passed. We need some time to research costs of rent/phone lines etc before we can submit a budget.

11. ANNOUNCEMENTS: None

12. NEXT MEETING: January 5th, 2023 6PM

13. COMMISSIONERS' COMMENTS: Jennifer Boyle – the presentation and discussion were very educational. Jeff Estes-emphasized the importance of finding out permanence of the DNR quarry road. David Pearson – appreciates the borough and DNR for taking the time to talk with us. Agrees that finding out about the access road is very important.

14. ADJOURNMENT: Jeff Hetrick motion to adjourn. Kevin Dunham 2nd. Unanimous approval.
Adjourned at 7:17 PM

NIKISKI ADVISORY PLANNING COMMISSION
REGULAR MEETING AGENDA
THURSDAY JANUARY 5, 2023
5:30 PM
LOCATION: NORTH PENINSULA REC CENTER

The Nikiski APC took action on the following items:

- 1. O2022-46, Nikiski APC Boundaries.**
 - a. The Nikiski APC voted to reject the proposed boundaries as outlined in Ordinance 2022-46.
- 2. Plat Prelim KPB 2022-178 Reduced.**
 - a. The Nikiski APC voted to approve the plat as shown.
- 3. Plat Prelim KPB 2022-179 Reduced.**
 - a. The Nikiski APC voted to approve the plat as shown.
- 4. Plat Prelim KPB 2022-180 Reduced.**
 - a. The Nikiski APC voted to approve the plat as shown.

Nikiski Advisory Planning Commission

Regular Meeting-Location Nikiski Recreation Center

Thursday, January 5, 2023 5:30 PM

1. CALL TO ORDER- 5:35 Jason Ross
2. ROLL CALL- Jason Ross, Michael Peak, Patricia Williams, Lenora Niesen, Karen McGahan, Kelly Brewer
3. APPROVAL OF AGENDA- Karen McGahan made a motion to add under OLD BUSINESS to remove herself as Nikiski APC Secretary. Motion seconded by Kelly Brewer. Approved.
4. APPROVAL OF MINUTES- Approved by All
5. CORRESPONDENCE- none
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE- none
7. REPORT FROM BOROUGH- none
8. OLD BUSINESS- Karen McGahan resigned as secretary. She made a motion to nominate Kelly Brewer to replace her. Seconded by Lenora Niesen. Approved unanimously.
9. NEW BUSINESS
 - a. Open Meetings Act Training Presentation led by Walker Steinhage
 - b. Nikiski APC Boundaries - discussion regarding the October 6, 2022 letter from the Tyonek Native Corporation and Native Village of Tyonek and proposed Ordinance 2022-46 altering Nikiski APC's boundaries.
 - c. Lenora Niesen made a motion, Kelly Brewer seconded. Below is the written motion which also includes a supporting map showing the land owned by Tyonek Native Corporation and Tyonek Village in the current Nikiski APC boundaries (map attached).

I move that the Nikiski APC recommend to the Planning Commission that the boundaries of the Nikiski APC as set forth in the proposed Ordinance 2022-46 be rejected, and that the current Nikiski APC boundaries, as set forth in KPB 21.02.230, be retained with the following amendment:

“The lands on the westside of Cook Inlet within the current boundaries of Nikiski APC that are owned by the Tyonek Native Corporation and by the Native Village of Tyonek shall be excluded from the Nikiski APC in accordance with their request in the letter from Tyonek Native Corporation to the KPB Assembly dated October 6, 2022.”

d. Public comment:

- i. Eric Deland stated he did not agree with the Tyonek Native Corporation/Tyonek Village proposed change of the Nikiski APC boundaries.
- ii. Wayne Ogle, Stacy Oliva, and Heidi Covey each separately agreed to the motion on the table by Lenora Niesen.

e. Discussion by Nikiski APC Committee regarding the proposed change to boundaries

- i. Michael Peak moved to amend the motion made by Lenora Niesen, striking everything after “be retained.” Karen McGahan seconded. Vote: 5 members in favor, 2 opposed; amendment approved.
- ii. The original motion was voted on, unanimous approval to forward the following statement to the Planning Commission:

I move that the Nikiski APC recommend to the planning commission that the boundaries of the Nikiski APC as set forth in the proposed Ordinance 2022-46 be rejected, and that the current Nikiski APC boundaries, as set forth in KPB 21.02.230, be retained.

10. Max Best led the Plat reviews: Plat Prelim KPB 2022-178, KPB 2022-179, KPB 2022-180. After discussion, each plat was unanimously approved.

11. INFORMATION and ANNOUNCEMENTS

- a. Next Regular Meeting February 9, 2022

12. Meeting Adjourned 7:53 PM

Nikiski APC Boundaries (Ord. 2022-41)
(Tyonek Native Corporation & Native Village of Tyonek properties marked)

