



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, April 10, 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-5056](#)

- a. ASLS No. 2021-25 Tip Levarg Subdivision; KPB File 2022-072
- b. Brown's Acre Estates; KPB File 2022-088R1
- c. Centennial Shores Subdivision 2023 Replat; KPB File 2022-156
- d. Fisherwood Place 2022 Replat; KPB File 2022-107
- e. Heath Subdivision No. 5; KPB File 2022-153
- f. Jaynes Subdivision 2022 Replat; KPB File 2022-040
- g. Levan-Sterling Subdivision; KPB File 2022-125R1
- h. McReed Subdivision 2022 Replat; KPB File 2022-097
- i. R Subdivision; KPB File 2022-091R1
- j. Stutes Estates; KPB File 2022-139

Attachments:

[C3. Admin Approvals](#)

4. Plats Granted Final Approval (KPB 20.10.040)

[KPB-5057](#)

- a. Pilot's Bend Subdivision Tom Addition Section Line Easement Vacation
KPB File 2019-056

Attachments:

[C4. Final Approvals](#)

5. Plat Amendment Request
6. Commissioner Excused Absences
7. Minutes

[KPB-5058](#) March 20, 2023 Planning Commission Minutes

Attachments: [C7. 032023 PC Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-5059](#) Building Setback Encroachment Permit; KPB File 2023-025
Lot 2, Block 5 Ninilchik Townsite Jackinsky Vanek Replat, Plat HM 97-79
Attachments: [E1. BSEP Ninilchick Townsite Jakinsky-Vanek Replat Lot 2A Block 5 Packet](#)
2. [KPB-5060](#) Utility Easement Vacation; KPB File 2023-004V
Fourth of July Creek Subdivision Seward Marine Industrial Center Rainbow Replat, Plat SW 2015-14
Attachments: [E2. UEV Fourth of July Creek Subd Seward Marine Industrial Ctr Raibow Pack](#)
3. [KPB-5061](#) Utility Easement Vacation; KPB File 2023-024V2
Lot 4 Stanley's Meadow #7, Plat HM 87-45
Attachments: [E3. UEV Stannley Meadow 2023 Packet](#)
4. [KPB-5062](#) Right-Of-Way Vacation; KPB File 2023-024V
Perkins Road & Associate Utility Easements
Attachments: [E4. ROWV Stanley Meadow Perkins ROW Packet](#)
5. [KPB-5063](#) Right-Of-Way Vacation; KPB File 2023-026V
Waterman Road
Attachments: [E5. ROWV Skippers View Packet](#)
6. [KPB-5064](#) Conditional Land Use Permit - Materials Extraction
Parcel Numbers: 159-360-09, 10, 11 & 12
PC Resolution 2023-08
Attachments: [E6. CLUP PC RES 2023-08 Gregoire Packet](#)
[E6. CLUP Desk Packet](#)

7. [KPB-5065](#) Ordinance 2023-09: Amending borough code, KPB 21.04.020, to clarify required notice to property owners within a zoning district when there is a proposal to change the district boundary.

Attachments: [E7. ORD 2023-09 Amending KPB 21.04.020 Packet](#)

8. [KPB-5066](#) Ordinance 2022-46: Amending KPB 21.02.230 to modify the boundaries of the Nikiski Advisory Planning Commission.

Attachments: [E8. ORD 2022-46 Nikiski APC Boundaries Packet](#)

F. PLAT COMMITTEE REPORT

G. OTHER

H. PUBLIC COMMENT/PRESENTATION

(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NO ACTION REQUIRED

[KPB-5067](#) APC Meeting Minutes

Attachments: [Misc Info Desk Packet](#)

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, April 24, 2023 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. ASLS No. 2021-25 Tip Levarg Subdivision; KPB File 2022-072
- b. Brown's Acre Estates; KPB File 2022-088R1
- c. Centennial Shores Subdivision 2023 Replat; KPB File 2022-156
- d. Fisherwood Place 2022 Replat; KPB File 2022-107
- e. Heath Subdivision No. 5; KPB File 2022-153
- f. Jaynes Subdivision 2022 Replat; KPB File 2022-040
- g. Levan-Sterling Subdivision; KPB File 2022-125R1
- h. McReed Subdivision 2022 Replat; KPB File 2022-097
- i. R Subdivision; KPB File 2022-091R1
- j. Stutes Estates; KPB File 2022-139



Planning Department

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

Peter A. Micciche
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: ASLS No 2021-25 Tip Levarg Subdivision
KPB File 2022-072
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, March 21, 2023.

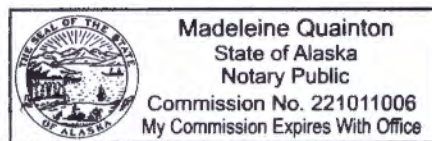
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 21 day of March 2023 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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Peter A. Micciche
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Brown's Acre Estates
KPB File 2022-088R1
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on August 22, 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, March 17, 2023.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 17 day of March 2023 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

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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Peter A. Micciche
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Centennial Shores Subdivision 2023 Replat
KPB File 2022-156
Kenai Recording District

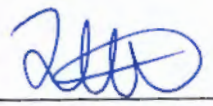
The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on November 14, 2022. Approval for the plat is valid for two years from the date of approval.

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, March 17, 2023.

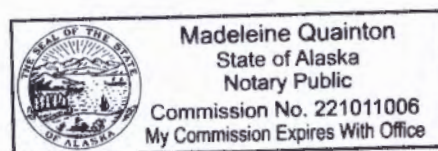

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 17 day of March 2023 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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Peter A. Micciche
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Fisherwood Place 2022 Replat
KPB File 2022-107
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, March 16, 2023.

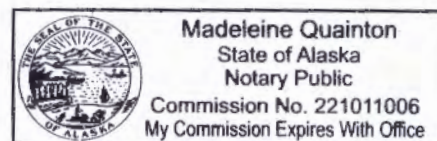
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 16 day of March 2023 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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Peter A. Micciche
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Heath Subdivision No 5
KPB File 2022-153
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on November 14, 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, March 22, 2023.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 22 day of March 2023 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

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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Peter A. Micciche
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Jaynes Subdivision 2022 Replat
KPB File 2022-040
Kenai 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 Monday, March 28, 2023.

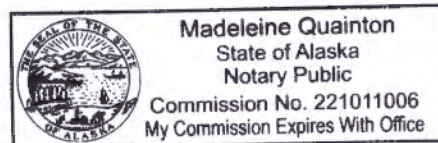
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 28 day of March 2023 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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Peter A. Micciche
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Levan-Sterling Subdivision
KPB File 2022-125R1
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on November 14, 2022. Approval for the plat is valid for two years from the date of approval.

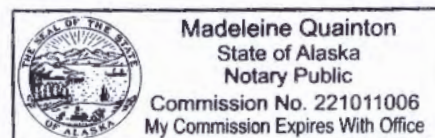
The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Friday, March 17, 2023.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 17 day of March 2023 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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Peter A. Micciche
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: McReed Subdivision 2022 Replat
KPB File 2022-097
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, March 17, 2023.

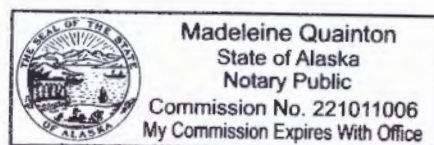
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 17 day of March 2023 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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Peter A. Micciche
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: R Subdivision
KPB File 2022-091R1
Homer Recording District

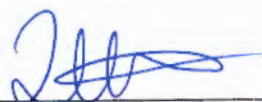
The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on October 24, 2022. Approval for the plat is valid for two years from the date of approval.

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 Friday, March 17, 2023.

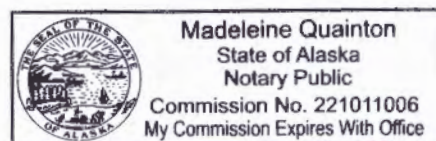

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 17 day of March 2023 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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Peter A. Micciche
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Stutes Estate
KPB File 2022-139
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on October 10, 2022. Approval for the plat is valid for two years from the date of approval.

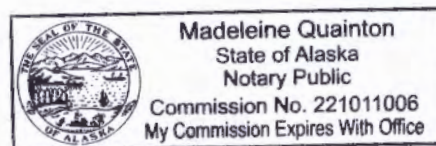
The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Friday, March 17, 2023.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 17 day of March 2023 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

***4. Plats Granted Final Approval**

- a. Pilot's Bend Subdivision Tom Addition Section Line Easement Vacation
KPB File 2019-056



Planning Department

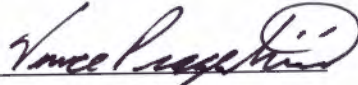
144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Peter A. Micciche
Borough Mayor

FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.080

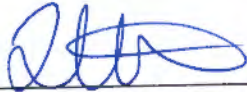
Subdivision: Pilot's Bend Subdivision Tom Addition Section Line Easement Vacation
KPB File 2019-056
Kenai Recording District

The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.080 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, March 29, 2023.

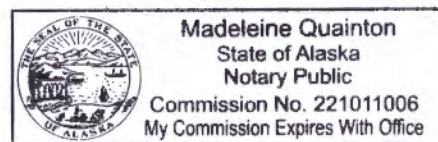

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 29 day of March 2023 by
Vince Piagentini.


Notary Public for the State of Alaska

My commission expires: With office



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

C. CONSENT AGENDA

***7. Minutes**

- a. March 20, 2023 Planning Commission Meeting

Kenai Peninsula Borough Planning Commission

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

March 20, 2023
7:30 P.M.
UNAPPROVED MINUTES

AGENDA ITEM A. **CALL TO ORDER**

Chair Brantley called the meeting to order at 7:40 p.m. (Late start due to plat committee meeting running over)

AGENDA ITEM B. **ROLL CALL**

Commissioners Present

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

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

Staff Present

Robert Ruffner, Acting Planning Director
Marcus Mueller, Land Management Officer
Walker Steinhage, Deputy Borough Attorney
Vince Piagentini, Platting Manager
Julie Hindman, Platting Specialist
Ann Shirnberg, Planning Administrative Assistant

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

- *3. Administrative Approvals**
 - a. Fort Raymond Subdivision Replat Number 5; KPB File 2022-029
- *6. Commissioner Excused Absences**
 - a. City of Seldovia, Vacant
 - b. District 7 – Central, Vacant
- *7. Minutes**
 - a. February 27, 2023 Planning Commission meeting minutes.

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record. Chair Brantley then asked if anyone wished to speak to any of the items on the consent agenda. Seeing and hearing no one wishing to comment, Chair Brantley brought it back to the commission for a motion.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Gillham 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 - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent - 0	

AGENDA ITEM E. NEW BUSINESS

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

**ITEM 1 - UTILITY EASEMENT ALTERATION
VACATE ENTIRE 10 FOOT UTILITY EASEMENT ON THE EAST BOUNDARY OF LOT 8, BLUFF
POINT SUBDIVISION, PLAT HM 83-81**

KPB File No.	2023-021V1
Planning Commission Meeting:	March 20, 2023
Applicant / Owner:	David Shapiro of Homer, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Lookout Drive, Diamond Ridge, Kachemak Bay APC

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Gary Nelson, Ability Surveys; 152 Dehel Avenue, Homer, AK, 99603: Mr. Nelson was the surveyor on this project and made himself available for questions.

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

MOTION: Commissioner Staggs moved, seconded by Commissioner Martin to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, based on staff recommendations, adopting and incorporating by reference findings 1-11, as set forth in the staff report and adopting PC Resolution 2023-05.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
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**ITEM 2 – SECTION LINE EASEMENT VACATION
VACATE THE 33 FOOT SECTION LINE EASEMENT ALONG THE NORTHERN LOT BOUNDARY OF
LOT 8, BLUFF POINT SUBDIVISION, PLAT HM 83-81**

KPB File No.	2023-021V
Planning Commission Meeting:	March 20, 2023
Applicant / Owner:	David Shapiro of Homer, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Lookout Drive, Diamond Ridge, Kachemak APC
Legal Description:	Lot 8, Bluff Point Subdivision, Plat HM 83-81, Section 16, Township 6 South, Range 14 West

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Gary Nelson, Ability Surveys; 152 Dehel Avenue, Homer, AK, 99603: Mr. Nelson was the surveyor on this project and spoke in support of granting the section line easement request and made himself available for questions.

Commissioner Stutzer asked a clarification question of the surveyor.

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

MAIN MOTION: Commissioner Staggs moved, seconded by Commissioner Slaughter to recommend the approval of the vacation as petitioned. based on the means of evaluating public necessity established by KPB 20.65.

Commissioner Gillham asked a clarification question of staff.

Commissioner Horton stated that he is inclined to support this vacation request. He noted that on page E2-6 of the meeting packet the majority of staff recommendations seem to support approving this request. He also stated that he felt approving this vacation lined up with KPB 20.65.050(D) which states that land may be vacated if the dedication is no longer necessary for present or future public use. The original plat never intended that Lookout should ever connect with Ness. The cul-de-sac was never intended to be opened up. So the original intent was to never develop this section of the section line easement. Supporting this vacation also appears to support Objective A within the Borough Comprehensive Plan. He understands that DNR & DOT have not done their full review of this request, but he does not see how this section of the section line easement is serving the public at this time. He will be voting in favor of recommending approval of the vacation to both the Assembly & the State.

Commissioner Stutzer asked staff if the section line easement extends over to the east and connects with Ness. He also asked if there was another 33-foot section line easement adjacent to the north. Ms. Hindman replied that there is a 33-foot section line easement adjacent to the north that would connect Lookout Drive to Ness Circle. The section line easement in this area is 66-feet wide. Commissioner Stutzer then stated that all the lots in this subdivision already have access with developed roads so he would be inclined to support this vacation request.

Commissioner Martin stated that he agrees with Commissioner Horton. He supports recommending approval of the vacation as petitioned and push it forward to the State for them to have their say on the matter. He does not see any logical use for that piece of dedication.

Commissioner Morgan noted that in the bottom corner of the map on page E2-1, the section line easements in the area are depicted.

Chair Brantley reminded the commission that he believes if the commission decides to approve this request, they will have to come up with findings to support their decision, even though this is considered a legislative matter. Borough Attorney Steinhage replied that this vacation is considered a legislative matter that will be going to the Assembly and then on to the State. It might be helpful for them to know the basis of the commission's decision. Best practice is certainly to have findings that would support your recommendation.

Ms. Hindman stated should the commission choose to approve the vacation staff would recommend an additional motion amending the language to attach the five items in the staff report that the vacation should be subject to. She also noted that item 5 had a mistake, it should state that the submittal of a final plat within a timeframe such that the plat can be recorded within 4 years of the vacation consent.

AMENDMENT MOTION: Commissioner Staggs moved, seconded by Commissioner Martin to amend the motion to add, based on the means of evaluating public necessity established by KPB 20.65, subject to the 5 recommendations as set forth in the staff report and changing recommendation 5 to state that the plat can be recorded within 4 years of the vacation consent.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE:

Yes - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
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Hearing no objection or further discussion, the motion was carried by the following vote:

MAIN MOTION PASSED BY UNANIMOUS VOTE:

Yes - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
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FINDINGS MOTION: Commissioner Martin moved, seconded by Commissioner Slaughter, to attach findings 1-6 from the staff report under 20.65.050(D), with finding 6 stating the area could be used for pedestrian access if required, due to the existing 33-foot section line easement adjacent to the north.

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

FINDINGS MOTION PASSED BY UNANIMOUS VOTE:

Yes - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
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**ITEM 3 - PEDESTRIAN EASEMENT VACATION
VACATE ENTIRE 20 FOOT PEDESTRIAN EASEMENT GRANTED ON MULLEN HOMESTEAD
SUBDIVISION NO. 3, KN 2000-44**

KPB File No.	2023-007V2V
Planning Commission Meeting:	March 20, 2023
Applicant / Owner:	City of Soldotna
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Homestead Lane, City of Soldotna
Legal Description:	Tract B-2C, Mullen Homestead Subdivision Soldotna Creek Addition, KN 2015-47

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Jason Young, Edge Survey & Design; PO Box 208, Kasilof, AK 99610: Mr. Young was the surveyor on this project and made himself available for questions.

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

Commissioner Tautfest informed the chair that she had voted on this item in her role as a planning commissioner for the City of Soldotna and requested to be recused from this matter. Chair Brantley approved the request.

MAIN 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 20.65, based on staff recommendations and subject to the 4 recommendations as set forth in the staff report.

EXCEPTION REQUEST: Commissioner Slaughter moved, seconded by Commissioner Staggs to approve the exception request to KPB 20.65.040(D) – Vacation Application, Appropriate Fees, citing findings 1, 2, 8 & 9 in support of standards one, two and three.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Venuti
Recused - 1	Tautfest

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

MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE:

Yes - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Venuti
Recused - 1	Tautfest

**ITEM 4 - RIGHT OF WAY VACATION
VACATE PORTIONS OF TWO SEISMOGRAPH TRAILS GRANTED ON NINILCHIK RIGHT-OF-WAY
MAP, PLAT HM 84-115 and ASSOCIATED UTILITY EASEMENTS**

KPB File No.	2023-020V
Planning Commission Meeting:	March 20, 2023
Applicant / Owner:	Patrick Carmody of Nikiski, Alaska
Surveyor:	Jason Young, Mari Aimonetti / Edge Survey and Design, LLC
General Location:	Oil Well Road, Beatty Avenue, Grassim Street, Ninilchik
Legal Description:	Seismograph Trails within Lot 270, Section 16, Township 2 South, Range 12 West, Right of Way Map (also known as the Ninilchik Right of Way Map), HM 84-115

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Jason Young, Edge Survey & Design; PO Box 208, Kasilof, AK 99610: Mr. Young was the surveyor on this project. He stated the purpose for this vacation is to clean up some of the old seismographic trails from the HM 84-115 plat that created several oddly shaped, small and unusable parcels. In this case the vacations are close to existing intersections and it made sense to give and take a little. He noted that the trails are not improved and are not really used. The seismographic trails are overgrown with vegetation and are not practical for use.

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

MOTION: Commissioner Venuti moved, seconded by Commissioner Slaughter to recommend the approval of the vacation as petitioned, based on the means of evaluating public necessity established by KPB 20.65, based on staff recommendations and subject to the 4 recommendations as set forth in the staff report.

Commissioner Stutzer asked what was the history behind the dedication of these seismographic trails. Ms. Hindman replied that these easements were dedicated in 1984 as rights-of-way. They were logging roads before that and she does not know how long they were in existence before then. She believed that the surveyors back in 1984 used arial photos to find what they thought were heavily used trails. She then noted that the surveyor may have additional history on these dedications. Mr. Young replied that he personally knows several of the surveyors who worked on the 1984 plat. It was kind of willy-nilly – they used aerial photos to try and guess which trails were used and which were not. As far as he knows there was no research done on which trails were being used. These seismographic trails have been an issue for a lot of landowners in the area as these trails have split up parcels, creating odd little unusable lots of land. There was really no hard science regarding which trails were being used. The surveyors literally used tracing paper and old photos back in 1984 to create these dedications.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
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AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Gillham reported the plat committee reviewed and granted preliminary approval to 5 plats.

Ms. Shirnberg asked for volunteers for the Plat Committee for the second quarter (April-May-June). The plat committee for the second quarter:

- Commissioner Gillham
- Commissioner Staggs
- Commissioner Stutzer
- Commissioner Venuti
- Commissioner Fikes (Alternate)
- Commissioner Brantley (Alternate)

Chair Brantley called for a 10-minute recess before the Planning Commission discussion on bylaws.

Commission came back on record at 9:10 P.M.

AGENDA ITEM G. OTHER (No Public Hearing)

1. Planning Commission Bylaws

Planning commission continued their discussion regarding the development of bylaws. Gave some feedback to Planning Director Ruffner and Borough Attorney Steinhage. Revisions will be made and it will be brought back to the planning commission for review at a later date.

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.

1. Malan Paquette, Anchor Point Area – Ms. Paquette spoke on social issues unrelated to the Planning Commission.

AGENDA ITEM J. COMMISSIONER COMMENTS

Commissioner Morgan asked to for an excused absence for the April 10, 2023 Planning Commission meeting.

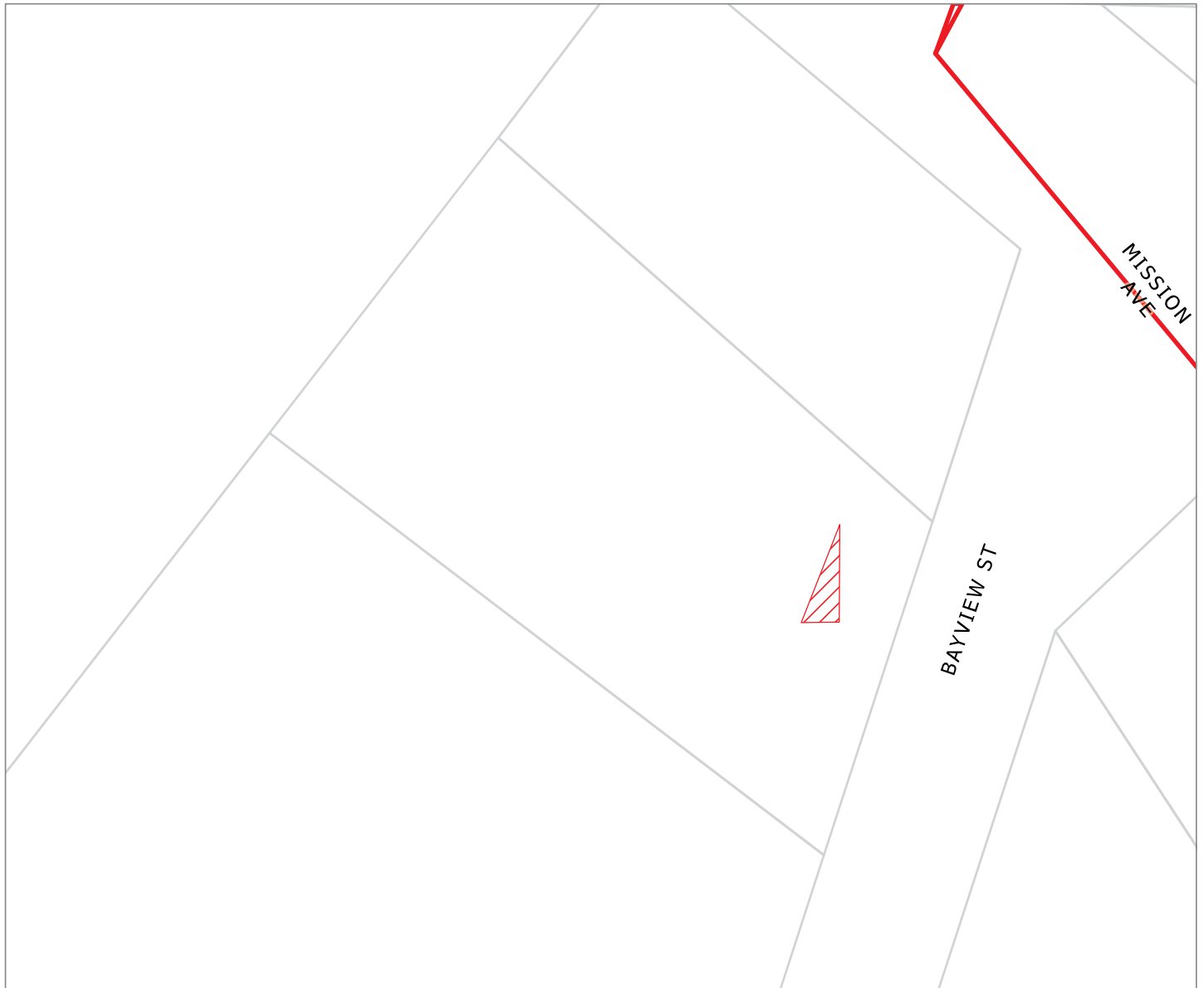
AGENDA ITEM K. ADJOURNMENT

Commissioner Martin moved to adjourn the meeting at 9:40 PM.

Ann E. Shirnberg
Administrative Assistant

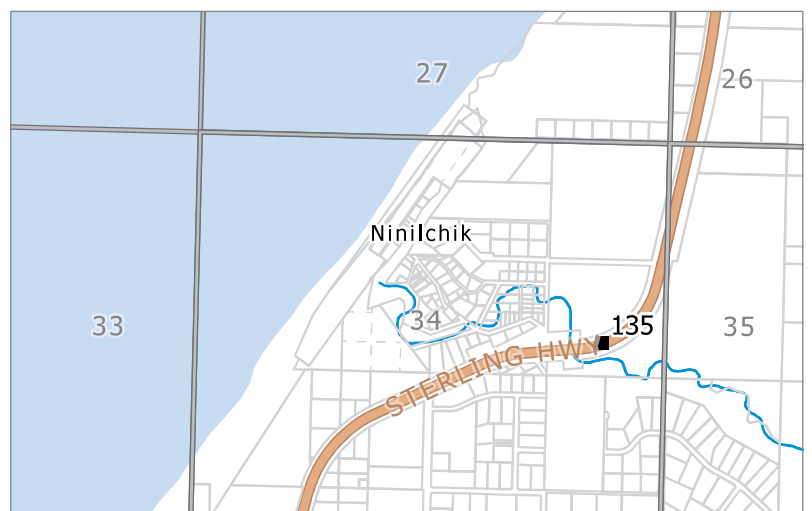
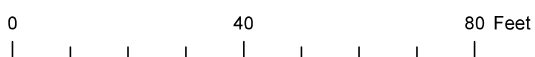
E. NEW BUSINESS

- 1. Building Setback Encroachment Permit; KPB File 2023-025
Peninsula Surveying / Vanek
Request: Permits a portion of a house to remain 6.5' and a
portion of a deck to remain 8.3' in the building setback of
Lot 2A, Block 5, granted on Ninilchik Townsite Jackinsky
Vanek Replat, Plat HM 97-79
Ninilchik Area**

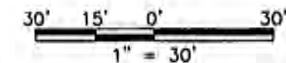
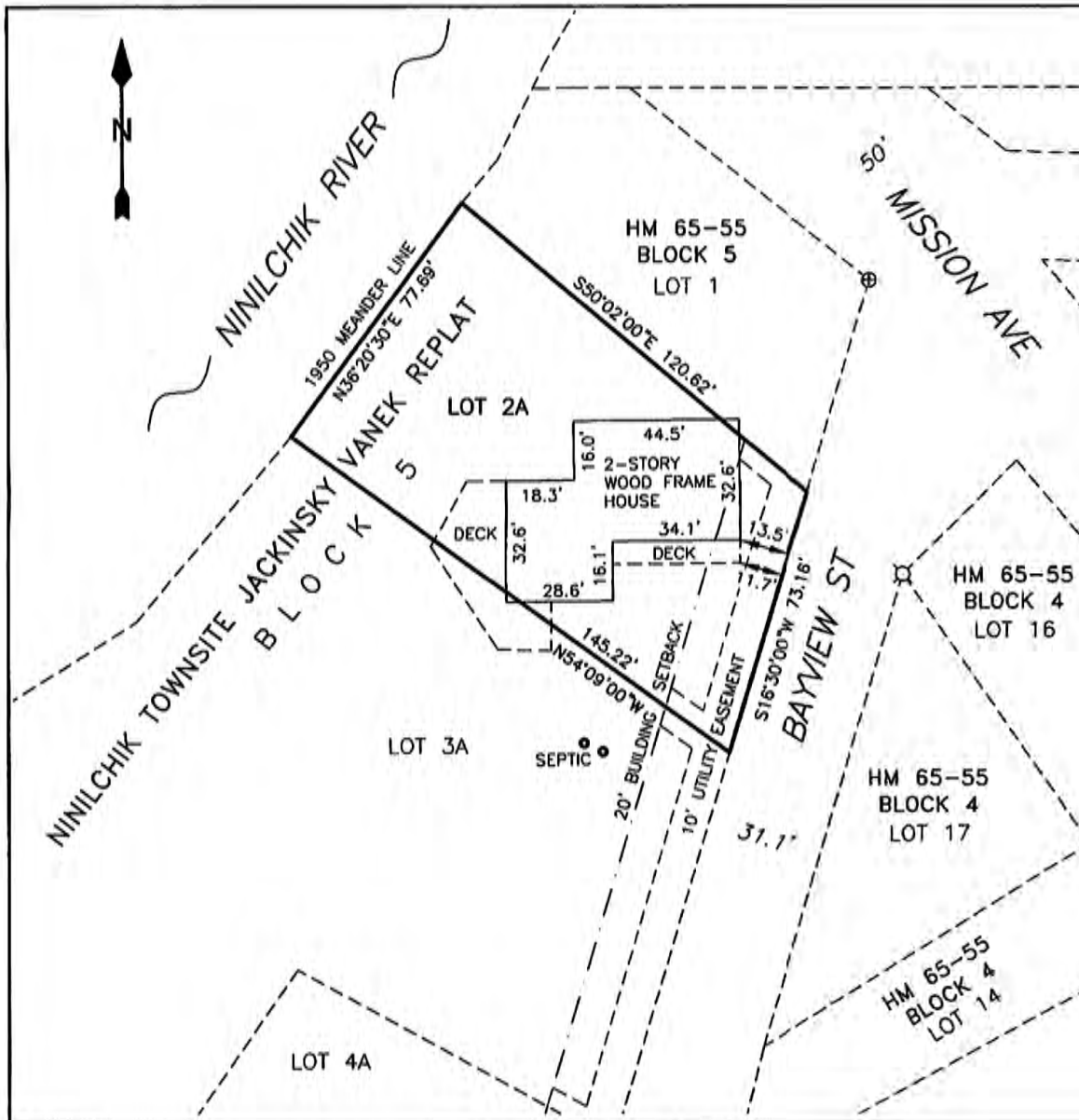


KPB File 2023-025
T 04S R 11W SEC 34
Fritz Creek

3/1/2023







LEGEND

- ⊕ FOUND 6" IRON PIPE
- ⊠ FOUND 1/2" REBAR

NOTES

1. A TITLE REPORT WAS NOT PREPARED FOR THIS SURVEY. ADDITIONAL RECORDED AND UNRECORDED EASEMENTS MAY EXIST.
2. DIMENSIONS ARE TO THE FACE OF THE BUILDING.
3. BEARINGS AND DISTANCES ARE FROM FIELD MEASUREMENTS AND PLAT HM 97-79.

SURVEYOR CERTIFICATE

I HEREBY CERTIFY THAT I HAVE PERFORMED AN AS-BUILT SURVEY ON THE PROPERTY SHOWN HERON, AND THE IMPROVEMENTS EXIST AS SHOWN.

Jason L. Schollenberg 03/01/2023

JASON L. SCHOLLENBERG DATE
PLS 14488-S

PENINSULA SURVEYING, LLC

10535 KATRINA BOULEVARD, NINILCHIK, AK 99639
(907)306-7065

AS-BUILT SURVEY
LOT 2A, BLOCK 5, NINILCHIK TOWNSITE
JACKINSKY VANEK REPLAT
NW1/4 SECTION 34, T1S, R14W, S.M.



SCALE:
1" = 30'

DATE:
03/01/2023

DRAWN:
JLS

SHEET:
1 OF 1

AGENDA ITEM E. NEW BUSINESS

**ITEM 1. – BUILDING SETBACK ENCROACHMENT PERMIT –
NINILCHIK TOWNSITE JAKINSKY VANEK REPLAT LOT 2A, HM 97-79**

KPB File No.	2023-025
Planning Commission Meeting:	April 10, 2023
Applicant / Owner:	Rion and Betsy Vanek of Ninilchik, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Bayview Street, Ninilchik

Parent Parcel No.:	157-071-05
Legal Description:	Lot 2A Block 5, Ninilchik Townsite Jackinsky-Vanek Replat, HM 97-79
Assessing Use:	Residential
Zoning:	Rural Unrestricted

STAFF REPORT

Specific Request / Purpose as stated in the petition: We started construction of our house in 1996 before the 1997 replat. There wasn't a setback requirement before that. We finished the house without realizing we encroached on the new setback. There will be no new encroachments on the 20 foot setback for either of the 2 new lots. After the new replat, there will only be one lot beyond the lot our house is on and the road is not a through road, as it ends at the river. Also, the corner of the house is still 13.5 feet from the property line.

Site Investigation: Lot 2A, Block 5, Ninilchik Townsite Jackinsky-Vanke Replat, HM 97-79, is located between the Ninilchik River and the Bayview Street dedication within the Ninilchik Townsite. There is currently a home within the lot that crosses over the existing lot lines and is within the 20 foot building setback. Ninilchik Townsite Vanek 2023 Replat, KPB File 2022-182 was heard and received conditional approval at the January 23, 2023 Kenai Peninsula Borough Plat Committee meeting. The plat will be reconfiguring lots and will correct the building's encroachments onto neighboring properties. The approval was subject to determining if any structures were found within rights-of-way, setbacks, or utility easements.

The distances of the structure to the north has not yet been disclosed but the lot is not currently subject to a setback. If the building will be within the newly granted setback by the new plat, it will be required to be depicted with a note that it predates the setback.

An additional structure appears on KPB GIS imagery and may possibly be within the right-of-way. It is unknown currently if that is a permeant structure. The status of that building will be required to be provided prior to final plat. If the building encroaches into the right-of-way, the owners will need to work with the KPB Roads department on possible permitting or the building will need to be moved. If the structure is moved, even if not permeant in status, staff would recommend it be moved back behind the utility easement and setback.

Bayview Street is a 31 foot wide dedication that provides access to the Ninilchik River from state maintained Mission Avenue. Bayview Street is currently being used as access to the improvements on the four lots. It does appear that a clearing exists to the Ninilchik River. The road is not maintained by the borough or the state. This is a narrow dedication with several lots using it for access. Due to the location of the Ninilchik River to the south, the right-of-way will not be a through right-of-way. It will be difficult to widen the right-of-way dedication due to the location of improvements.

The house is constructed at an angle to the front property line. The southeast corner of the house is 6.5 feet within the setback with a 13.5 foot setback remaining. Attached to the house is a deck that is also within the setback. The southeast corner of the deck extends into the setback by 8.5 feet and leaves a 11.7 setback.

Street view photos were not available for this area to determine if there are any line of sight issues. Looking at the KPB GIS imagery, the building located to the southeast of the house in question appears to be more of a line of sight issue than the house based on the existing drivable surface.

Staff Analysis: The lot that the house is on was originally part of U.S. Survey No. 3036, HM 65-55. The plat created the Ninilchik Townsite with narrow rights-of-way, small lots, and no standard setbacks. The lot, Lot 2 Block 5, was replatted by Ninilchik Townsite Jackinsky-Vanek Replat, HM 97-79. That plat finalized a partial vacation of Bayview Street and placed a 20 foot building setback and 10 foot utility easement along the new lot line adjacent to the new Bayview Street right-of-way edge. Per the statement from the owners, they started the construction prior to the existence of the setback but did not finish construction until the setback was in place. Due to the timing and the question of timing for any additional improvements such as decks, the application for a building setback encroachment permit is being processed.

There does not appear to be any low wet areas within the dedication but the entire area is designated as wetlands. The lot and right-of-way are within a minimal flood risk area. The terrain is relatively flat.

Findings:

1. The property was first subdivided by U.S. Survey No. 3036, HM 65-55.
2. U.S. Survey No. 3036 did not create building setbacks or utility easements in this location.
3. Ninilchik Townsite Jackinsky-Vanek Replat, HM 97-79, vacated a portion of Bayview Street.
4. Ninilchik Townsite Jackinsky-Vanek Replat created a 20 foot setback and 10 foot utility easement along the new lot line adjacent to Bayview Street.
5. The new setback was created with Ninilchik Townsite Jackinsky-Vanek Replat when it recorded on December 19, 1997.
6. Per the owners' statement, the construction began in 1996 prior to the creation of the setback.
7. The 2-story house located on Lot 2A, Block 5, Ninilchik Townsite Jackinsky-Vanek Replat has a portion that extends into the 20 foot building setback by 6.5 feet.
8. A deck attached to the house extends into the 20 foot building setback by 8.3 feet.
9. A 13.5 foot portion of the setback remains next to the house.
10. A 11.7 foot portion of the setback remains next to the deck.
11. Bayview Street is not a through street due to location of the Ninilchik River.
12. Bayview Street is used for access to several improvements in the area and to the Ninilchik River.
13. Bayview Street is not maintained by the State of Alaska or the Kenai Peninsula Borough.
14. The lot is subject to setbacks along the west due to the location of the Ninilchik River.
15. Ninilchik Townsite Vanek 2023 Replat, KPB File 2022-182, has been approved and will adjust lot lines to correct other encroachment 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 3, and 9-13 appear to support this standard.

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

Findings 9-13 appear to support this standard.

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

Findings 9-13 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

Page 2 of 4

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 Roads Director: Griebel, Scott Comments: No comments
SOA DOT comments	No comment
KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: AE, X (shaded) Map Panel: 02122C-1620E In Floodway: False Floodway Panel: B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w kpb\maldridge C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	
Addressing	Reviewer: Robinson, Celina Affected Addresses: 15251 BAYVIEW ST Existing Street Names are Correct: Yes List of Correct Street Names: BAYVIEW ST; MISSION AVE Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: Comments: NO ADDRESSING COMMENTS
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
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	
ENSTAR	
ACS	
GCI	

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** to adopt Resolution 2023-6, 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 2023-6
HOMER RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 2A BLOCK 5, NINILCHIK TOWNSITE JACKINSKY-VANEK REPLAT ((HM 97-79); IN NE 1/4 S34, T01S, R14W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2023-025

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

WHEREAS, Rion and Betsy Vanek of Ninilchik, AK requested a building setback encroachment permit to the twenty-foot building setback granted by Ninilchik Townsite Jackinsky-Vanek Replat (HM 97-79); and

WHEREAS, per the petition, a portion of the house is within the setback at a maximum distance of 6.5 feet and the attached deck is within the setback at a maximum distance of 8.3 feet; and

WHEREAS, the encroaching structure will not obstruct line of sight for traffic; and

WHEREAS, on Monday, April 10, 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 twenty-foot building setback limit on (HM 97-79) Lot 2A Block 5, Ninilchik Townsite Jackinsky-Vanek Replat is hereby excepted to accommodate only the encroaching portion of the house and deck within the setback along Bayview Street.

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

Section 3. That the twenty-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



NINILCHIK TOWNSITE, JACKINSKY-VANEK REPLAT

Replat of lots 2, 3, & 4 block 5 of Ninilchik Townsite. (USS 3036B HR 65-55):
vacating a portion of Bayview Street.
Located in the NW 1/4 Section 34, T1S R14W, SM, Ninilchik, Alaska.
Homer Recording District KPB File 97-088

Prepared for

Gary Jackinsky
P.O. Box 127
Ninilchik, Ak 99639

Prepared by

Johnson Surveying
Box 27
Clan Gulch, Ak 99568

Steve VaneK
P.O. Box 103
Ninilchik, Ak 99639



SCALE 1" = 50'

AREA = 1.096 acres

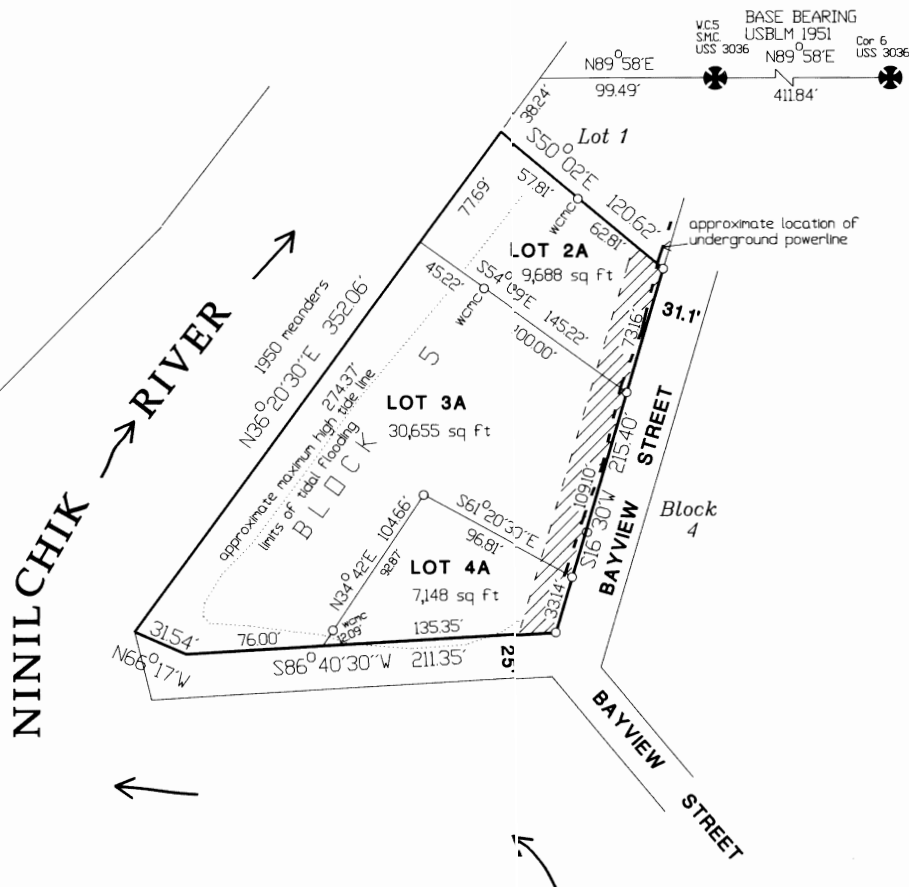
24 Aug, 1997

LEGEND

- ✱ - 1950 USBLM brass cap monument found.
- ⊕ - 1/2" rebar lot corner found.
- - 1/2" x 2" or 4" rebar with 1" plastic cap, set.
- () - Record information HR 55-55.
- indicates ROW being vacated by this plat.

NOTES

- A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
- No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- Bayview Street vacation approved by the Kenai Peninsula Borough Planning Commission on 12 May 1997.
- This vacation does not constitute a subdivision as defined by 20.08.150 Borough Code of Ordinances.
- All wastewater disposal systems shall comply with existing law at time of construction.
- Lots within this subdivision may be within a designated tidal flood hazards area; if such is the case, development must comply with Title 21, Chapter 05 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction.
- Underground powerline shown is the centerline of a 15' wide electrical distribution line easement.



PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 13 October, 1997.

KENAI PENINSULA BOROUGH

BY: Max J. Gunt Dec. 18, 1997
Authorized Official Date

OWNERSHIP CERTIFICATE & DEDICATION

We hereby certify that we are the owners of the real property shown and described hereon; and that we hereby adopt this plan of replat, and by our Free consent dedicate and grant all easements to the use shown.

Gary W. Jackinsky 12-10-97
Gary W. Jackinsky P.O. Box 127 Ninilchik, Ak 99639

Stephen VaneK, JR. 6-12-97
Stephen VaneK, JR. P.O. Box 103 Ninilchik, Ak 99639

Monica J. VaneK 12-10-97
Monica J. VaneK P.O. Box 103 Ninilchik, Ak 99639

We further certify that Deeds of Trust affecting this property do not contain restrictions which would prohibit this replat, or require signature and approval of beneficiaries.

Ron T. VaneK 12-10-97
Ron T. VaneK P.O. Box 251 Ninilchik, Ak 99639

Betsy A. VaneK 12/10/97
Betsy A. VaneK P.O. Box 251 Ninilchik, Ak 99639

NOTARY'S ACKNOWLEDGEMENT

For: Stephen VaneK, JR.
Subscribed and sworn to before me this 14th

day of December, 1997.

Katherine L. Bowden
NOTARY PUBLIC STATE OF MISSOURI
SHANNON COUNTY
Notary Public for Missouri
MY COMMISSION EXPI. MAR. 14, 2000

My commission expires 3-14-2000.

NOTARY'S ACKNOWLEDGEMENT

For: Ron T. & Betsy A. VaneK, & Monica J. VaneK
Subscribed and sworn to before me this 10th

day of Dec, 1997.

Sharon A. Suberthel
Notary Public for Alaska
My commission expires 11/25/2001

NOTARY'S ACKNOWLEDGEMENT

For: Gary W. Jackinsky
Subscribed and sworn to before me this 10th

day of Dec, 1997.

Sharon A. Suberthel
Notary Public for Alaska
My commission expires 11/25/2001

HOMER
Serial No. 65-55

U. S. SURVEY No. 3036A (BOUNDARIES) AND 3036 B (SUBDIVISION)

TRACT A and TRACT B
TOWNSITE OF NINILCHIK, ALASKA

NET AREA TRACT A: 47.648 ACRES
AREA U.S. SURVEY No. 367, Tract B: 0.216 "

TRACT C: 0.310 "

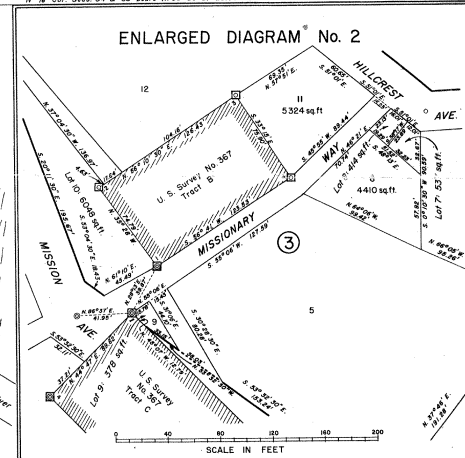
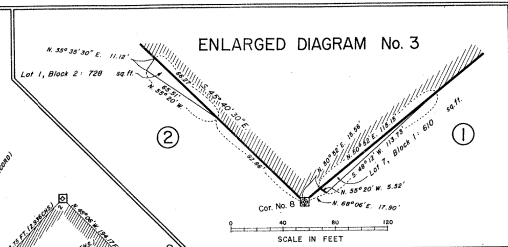
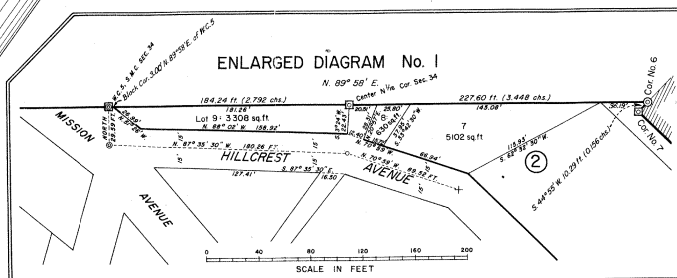
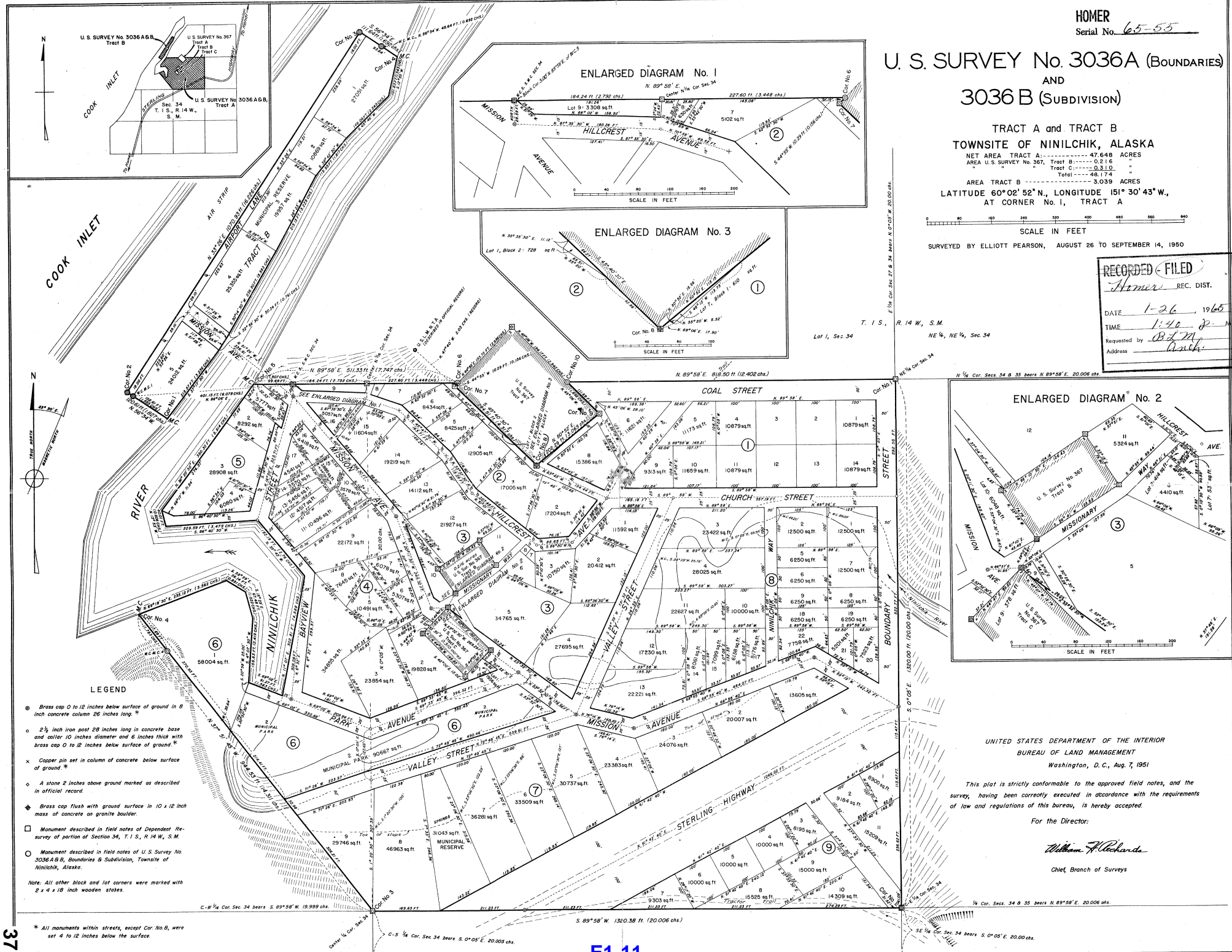
Total: 48.174 ACRES

AREA TRACT B: 5.039 ACRES
LATITUDE 60°02'52"N, LONGITUDE 151°30'43"W,
AT CORNER No. 1, TRACT A

SCALE IN FEET
0 80 160 240 320 400 480 560 640

SURVEYED BY ELLIOTT PEARSON, AUGUST 26 TO SEPTEMBER 14, 1950

RECORDED - FILED
Homer FILED. DIST.
DATE 1-26-1965
TIME 1:40 P.
Requested by B. J. M.
Address Anch.



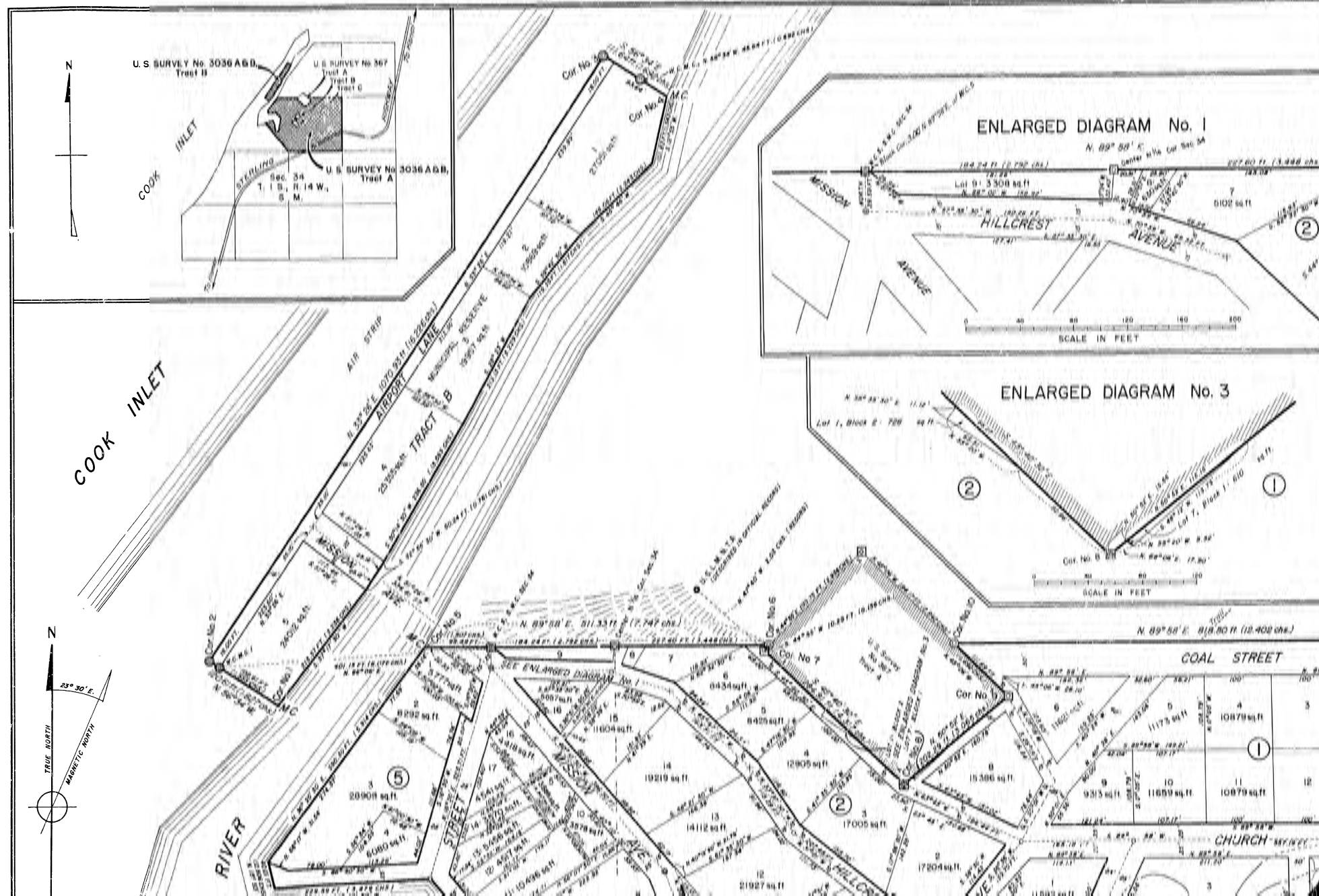
- LEGEND**
- Brass cap 0 to 12 inches below surface of ground in 8 inch concrete column 26 inches long.
 - 2 1/2 inch iron post 28 inches long in concrete base and collar 10 inches diameter and 6 inches thick with brass cap 0 to 12 inches below surface of ground.
 - ✕ Copper pin set in column of concrete below surface of ground.
 - ◇ A stone 2 inches above ground marked as described in official record.
 - ◆ Brass cap flush with ground surface in 10 x 12 inch mass of concrete on granite boulder.
 - Monument described in field notes of Dependent Survey of portion of Section 34, T. 1 S., R. 14 W., S. M.
 - Monument described in field notes of U.S. Survey No. 3036A & B, Boundaries & Subdivision, Townsite of Ninilchik, Alaska.
- Note: All other block and lot corners were marked with 2 x 4 x 10 inch wooden stakes.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D. C., Aug. 7, 1951

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and regulations of this bureau, is hereby accepted.

For the Director:

William F. Richards
Chief, Branch of Surveys



E. NEW BUSINESS

2. Utility Easement Vacation; KPB File 2023-004V

AK Lands / City of Seward

**Request: Vacates entire 10' x 393' utility easement granted
on the Fourth of July Creek Subdivision Seward Marine
Industrial Center Rainbow Replat, Plat SW 2015-14
City of Seward**

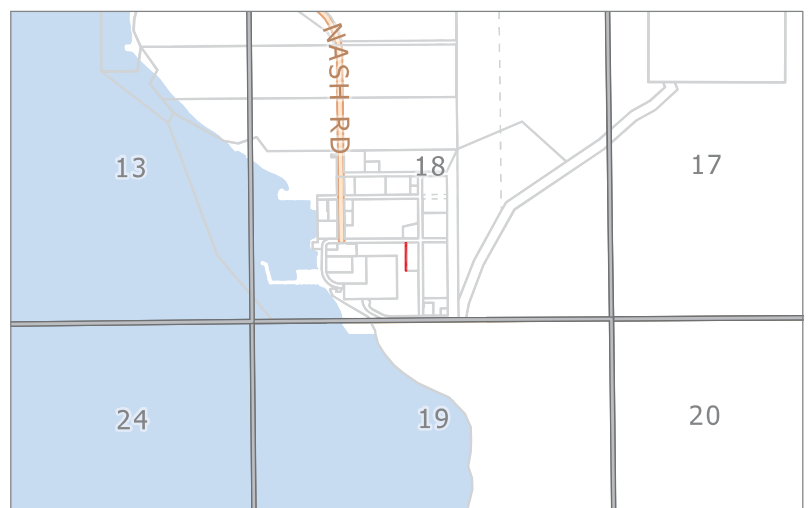
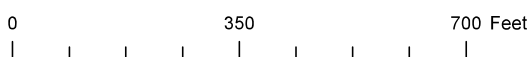


KPB File 2023-004V

T 01S R 01E SEC 18

Seward

1/17/2023





AGENDA ITEM E. NEW BUSINESS

ITEM 2 - UTILITY EASEMENT ALTERATION

VACATE 5 FOOT UTILITY EASEMENTS ASSOCIATED WITH LOT 4D AND LOT 4A-1, BLOCK 7, FORTH OF JULY CREEK SUBDIVISION SEWARD MARINE INDUSTRIAL CENTER RAIOW REPLAT, SW 2015-14

KPB File No.	2023-004V
Planning Commission Meeting:	April 10, 2023
Applicant / Owner:	City of Seward
Surveyor:	Stacy Wessel / AK Lands Land Surveying LLC
General Location:	Tract A3, Fourth of July Creek Sub Seward Marine Industrial Center Fire Department Replat, SW 2022-02 (Portion of Tract A3 known as Olga Street and Morris Avenue)

STAFF REPORT

Specific Request / Purpose as stated in the petition: A purpose was not stated within the petition.

The petition is to vacate the west 5 foot utility easement of Lot 4D, Block 7, and the east 5 foot utility easement of Lot 4A-1, Block 7, both of Fourth of July Creek Subdivision Seward Marine Industrial Center Raibow Replat. A replat has been submitted that will be reconfiguring the lot.

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

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

Staff Analysis: A 10 foot utility easement was granted by Fourth of July Creek Subdivision Seward Marine Industrial Center Raibow Replat, SW 2015-14. The easement was centered on a common lot line between Lot 4D and Lot 4A-1 of Block 7. A replat has been submitted that will shift that common lot line to the west. The owner wishes to remove the utility easement as it could limit development.

A request for a new easement along the new common lot line have not been requested by providers. Fourth of July Creek Subdivision Seward Marine Industrial Center Seward Ship's Drydock Replat, SW 2002-22, granted some 10 foot utility easements around portions of Block 7. A 10 foot utility easement will remain along the north and east of the new Lot 4D-1. An additional 10 foot easement was granted by Plat SW 2015-14 centered on the southern lot line of Lot 4D and Lot 4A-1. That easement will remain. Additional easements are located around the block.

The City of Seward City Council reviewed the proposed replat along with the utility easement vacations at their December 12, 2022 meeting. Recommendations for approval passed unanimously.

A preliminary plat has been submitted. If the utility easement vacation is approved it is intended to finalize by the new plat, Fourth of July Creek Subdivision Seward Marine Industrial Center Jag Replat, KPB File 2023-004. The preliminary plat is scheduled to be heard by the Kenai Peninsula Borough Plat Committee on April 10, 2023.

Utility provider review:

ENSTAR	No comments or recommendations
GCI	No comment. No services on that side of Seward
SEWARD ELECTRIC	I've reviewed the plats and find that to surround a whole lot with an easement is not needed. I am for vacating those easements.
CHUGACH ELECTRIC	
TELALASKA	No objections or concerns

Findings:

1. The petition states that the utility easement proposed to be vacated is not in use by a utility company.
2. ENSTAR, GCI, TelAlaska, and Seward Electric provided written non-objection to the proposed vacation.
3. Fourth of July Creek Subdivision Seward Marine Industrial Center Rainbow Replat, SW 2015-14, granted a 10 foot utility easement centered between Lot 4D and Lot 4A-1 of Block 7.
4. Additional utility easements are in place.
5. The lots are leased properties owned by the City of Seward.
6. A preliminary plat has been submitted for review.
7. If approval of the preliminary plat is granted it will result in the easement running through a lot.
8. No surrounding properties will be denied utilities.

RECOMMENDATION:

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends **APPROVAL** of the utility easement alteration as petitioned, subject to:

1. Grant utility easements requested by the Seward City Council and utility providers.
2. Finalizing the approval of the easement alteration by either;
 - a. The recording of a subdivision plat within 12 months or,
 - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
 - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
 - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
 - iii. The Planning Department is responsible for filing the Planning Commission resolution.

20.65.070 Alteration of platted utility easements

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

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

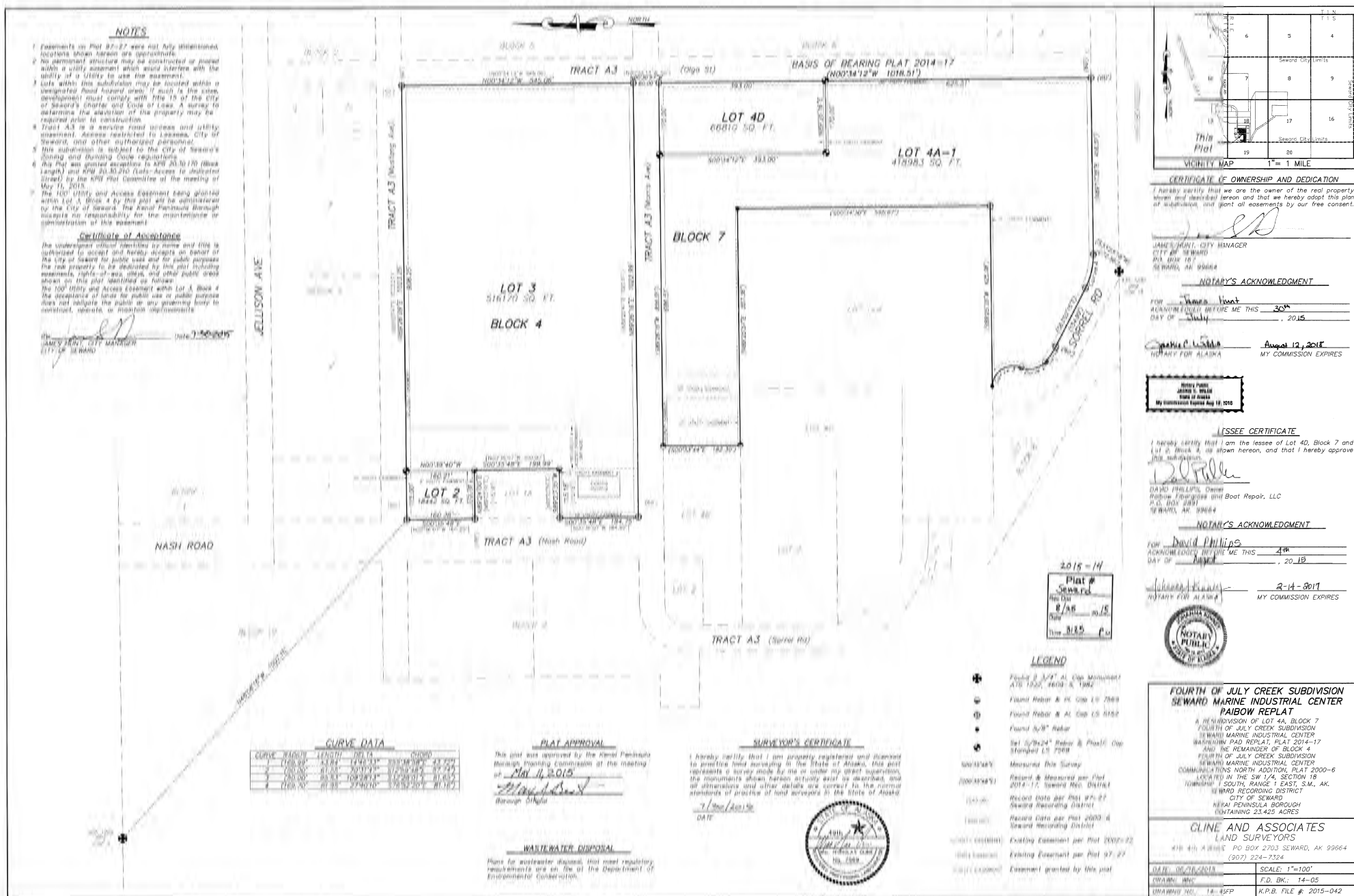
Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*

- *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
- *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

END OF STAFF REPORT





WASTEWATER DISPOSAL

Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.

TRACT A3 (Oiga St)

NOTES

- 1 All Easements shown hereon were granted by plat 2002-22 and plat 97-27. Easements on Plat 97-27 are not fully dimensioned, locations shown hereon are approximate.
- 2 No permanent structure may be constructed or placed within a utility easement which would interfere with the ability of a Utility to use the easement.
- 3 Lots within this subdivision may be located within a designated flood hazard area; if such is the case, development must comply with Title 15 of the City of Seward's Charter and Code of Laws. A survey to determine the elevation of the property may be required prior to construction.
- 4 Tract A3 is a service road access and utility easement. Access restricted to Lessees, City of Seward, and other authorized personnel.
- 5 This subdivision is subject to the City of Seward's Zoning and Building Code regulations.
- 6 This Plat was granted exceptions to KPB 20.30.170 (Block Length) and KPB 20.30.210 (Lots-Access to dedicated Street) by the KPB Plat Committee at the meeting of April 28, 2014.

LEGEND

- ⊗ Found 2 3/4" Al. Cap Monument
ATS 1222, 4609-S, 1982
 - ⊙ Found Rebar & Pl. Cap LS 7569
 - ⊕ Found Rebar & Al. Cap LS 5152
 - Found 5/8" Rebar
 - ⊙ Found Rebar & Pl. Cap, LS 7328
 - ⊙ Set 5/8x30" Rebar & Plastic Cap
Stamped LS 7569
- S00°35'48"E Measured This Survey
- (S00°35'48"E) Record & Measured per Plat 2002-22, Seward Rec. District
- <10' UTILITY EASEMENTS> Existing Easement per Plat 2002-22
- Utility Easement Existing Easement per Plat 97-27

BLOCK 4

TRACT A3 (Nash Road)

BLOCK 9

N27°08'16"W 1436.22'

ATS 1222
RP2
COR 3

BLOCK 6

BASIS OF BEARING PLAT 2002-22
(N00°34'12"W 1018.51')LOT 4A
11.152 Acres

BLOCK 7

LOT 1-A

LOT 4C
2.827 AcresLOT 4B
1.452 Acres

LOT 3

LOT 2

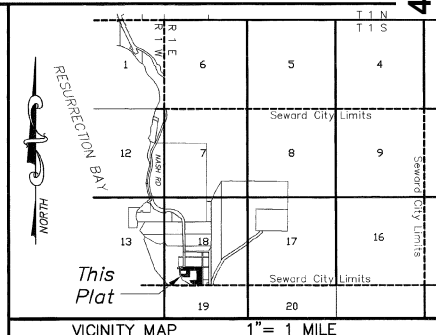
TRACT A3 (Sorrel Rd)

CURVE DATA

CURVE	RADIUS	LENGTH	DELTA	CHORD
1	169.99'	43.84'	14°46'33"	S55°38'58"E 43.72'
2	50.00'	61.55'	70°31'47"	S12°59'48"E 57.74'
3	50.00'	95.53'	109°28'13"	S32°28'01"E 81.65'
4	198.47'	267.22'	77°08'32"	S51°37'41"E 247.49'
5	169.70'	81.95'	27°40'10"	S76°52'20"E 81.16'

SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska.

06/01/2014
DATE

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision.

JAMES HUNT, CITY MANAGER
CITY OF SEWARD
PO BOX 167
SEWARD, AK 99664



NOTARY'S ACKNOWLEDGMENT

FOR James Hunt
ACKNOWLEDGED BEFORE ME THIS 10th
DAY OF June, 2014

Donna L. Slings 10/22/2015
NOTARY FOR ALASKA MY COMMISSION EXPIRES

2014-17

Plat #
SEWARD
Rec Dist
6/20 2014
Date
Time: 12:28 P.M.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of: APRIL 28, 2014

Maya A. Burt
Borough Official

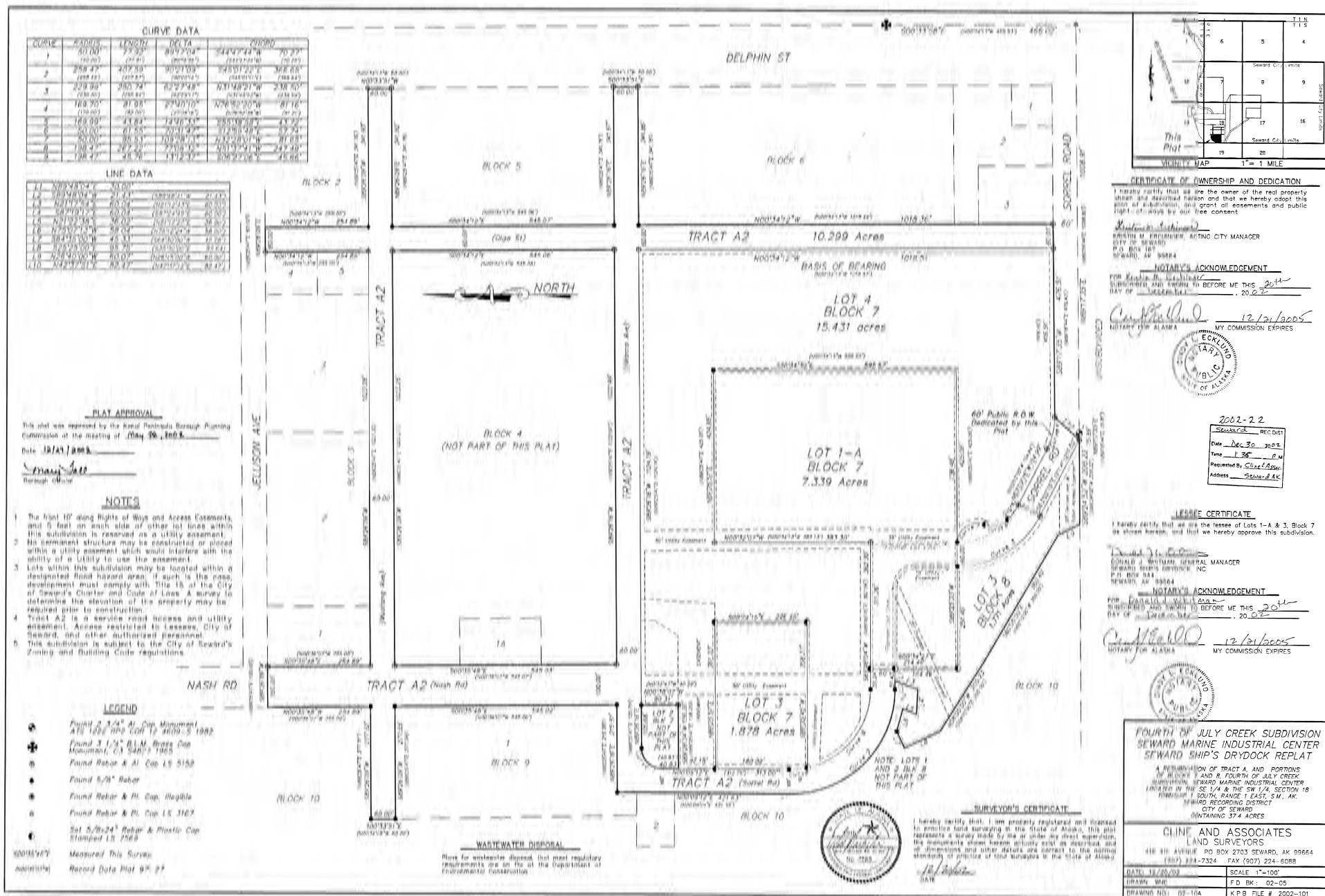
FOURTH OF JULY CREEK SUBDIVISION
SEWARD MARINE INDUSTRIAL CENTER
WASHDOWN PAD REPLAT

A RESUBDIVISION OF LOT 4, BLOCK 7
FOURTH OF JULY CREEK SUBDIVISION
SEWARD MARINE INDUSTRIAL CENTER
SEWARD SHIP'S DRYDOCK REPLAT, PLAT 2002-22
LOCATED IN THE SW 1/4, SECTION 18
TOWNSHIP 1 SOUTH, RANGE 1 EAST, S.M., AK.
CITY OF SEWARD
KENAI PENINSULA BOROUGH
CONTAINING 15.431 ACRES

CLINE AND ASSOCIATES
LAND SURVEYORS

416 4th AVENUE PO BOX 2703 SEWARD, AK 99664
(907) 224-7324 FAX (907) 224-6088

DATE: 04/30/14 SCALE: 1"=100'
DRAWN: WNC F.D. BK.: 13-05
DRAWING NO.: 13-49FP K.P.B. FILE #: 2014-039



CALL TO ORDER

The December 12, 2022 regular meeting of the Seward City Council was called to order at 7:00 p.m. by Mayor Sue McClure.

OPENING CEREMONY

Police Chief Alan Nickell led the Pledge of Allegiance to the flag.

ROLL CALL

There were present:

Sue McClure presiding and

John Osenga

Mike Calhoon

Kevin Finch

~~Liz DeMoss~~

Randy Wells

Robert Barnwell

comprising a quorum of the Council; and

Janette Bower, City Manager

Brenda Ballou, City Clerk

Brooks Chandler, City Attorney (*telephonically*)

Excused – DeMoss

Absent – None

CITIZEN COMMENTS ON ANY SUBJECT EXCEPT THOSE ITEMS SCHEDULED FOR PUBLIC HEARING

Marc Swanson, outside the city, said it was a sad day last week when Mike Olson passed away. He remembered him fondly and recalled that Olson used his coffee shop to showcase local artists; he was also the founder of what evolved into the Seward Music & Arts Festival.

Tim McDonald, inside the city, wanted to talk about the Lowell Creek Diversion Tunnel project again. He said the city owned the mountain, and the tunnel belonged to the city. It was a \$185 million project, and the US Army Corps of Engineers was building it for us. Another \$150 million was being spent on the new 1,200-foot Alaska Railroad dock. McDonald said these were huge amounts of money, and he wondered what those projects were doing for Seward. He asked where the synergy was; the walls of the tunnel could be mounted with water generators to produce electricity. He thought the tunnel project belonged to the city, even if the city wasn't putting a penny into it. McDonald said it was no way to run a government to spend \$150 or \$200 million bucks and only get one thing done, and a new tunnel wasn't really that important because we already had a tunnel.

Kat Sorensen, inside the city, thanked public works for snow plowing, and the city for all the holiday lights around town. The Chamber of Commerce was creating a holiday lights map;

residents could vote for their favorite locations. The New Year's Eve fireworks show would be held at 8:00 p.m. this year.

Skip Reierson, inside the city, said the town looked great with all the holiday lights. Regarding the electric utility department, he reminded council of the laydown he had passed out at a previous meeting where he made suggestions about funding infrastructure projects. He believed the 2022 sales tax revenue, which was projected to be \$1.3 million over projected, would provide the opportunity to pay off the Seward Marine Industrial Center (SMIC) interdepartmental loan from the electric enterprise fund. He encouraged council to take action and pay off the outstanding interdepartmental loan balance of approximately \$1 million before the end of 2022. He also said there was no reason to build up cash reserves in the hospital fund, and asked council to transfer \$2 million from the hospital fund to the Mt. Haven reserves fund in order to mitigate risk to the city for the bond.

Mica Van Buskirk, inside the city, was impressed with the current administration and council and the attention that was being given to city infrastructure. She wished council would make a community recreation center a priority; she referenced several city plans that all referred to an indoor recreation facility, including the 1999 Strategic Plan, 2030 Comprehensive Plan, and the Parks & Recreation Master Plan. She asked council to put the recreation center back on the capital improvement list tonight; she also asked council to set aside property for this purpose.

APPROVAL OF AGENDA AND CONSENT AGENDA

Motion (Osenga/Wells)

Approval of Agenda and Consent Agenda

Calhoon removed Resolutions 2022-123 and 2022-128 from the consent agenda.

Motion Passed

Unanimous

The clerk read the following approved consent agenda items:

Ordinance 2022-017, Amending Seward City Code, Title 4 – Elections. *This ordinance was introduced and will come for public hearing and enactment on January 9, 2023.*

Ordinance 2022-018, Amending the Land Use Plan to Rezone Lot AT, Forest Acres Subdivision, located at 2607 Dimond Blvd, from Rural Residential (RR) Zoning District to Resource Management (RM) Zoning District. *This ordinance was introduced and will come for public hearing and enactment on January 9, 2023.*

Resolution 2022-124, Authorizing The City Manager To Enter Into A Contract With Cornerstone Credit Services, LLC For The Provision Of Collection Agency Services.

Resolution 2022-125, Accepting Grant Funds in the Amount of \$20,000 from the American Society for the Prevention of Cruelty to Animals (ASPCA), For the Purchase of Veterinary Equipment for the Animal Shelter.

Resolution 2022-126, Adopting the Calendar Year 2023 City of Seward Fee Schedule.

Resolution 2022-127, Authorizing the 2023/2024 City of Seward Employee Positions.

Action Memorandum 2022-015, Approving Amendment No. 2 to the Contract with Chandler, Falconer, Munson, & Cacciola for the Provision of Basic Legal Services through August 1, 2023, for a Total of \$96,000 Annually.

November 28, 2022 City Council Special Meeting Minutes.

November 28, 2022 City Council Regular Meeting Minutes.

Non-Objection to Renewal of Liquor License, Non-Objection to the Transfer of Liquor License Ownership, and Approval of Restaurant Designation Permit for Ms. Gene's Place #4696 – Beverage Dispensary – Tourism.

Non-objection to the Renewal of Liquor License for Yukon Bar #1245 – Beverage Dispensary.

SPECIAL ORDERS, PRESENTATIONS AND REPORTS

Proclamations and Awards – None

City Manager Report

City Manager Janette Bower said she and the electric utility director had a meeting with the city attorney today regarding due diligence items for the potential sale to Homer Electric Association (HEA). She anticipated having a report on the due diligence process ready for council by February.

Bower reported that she signed the closing documents for the sale of the property at Fort Raymond to Chugachmiut.

Harbormaster Norm Regis received an offer from the US Coast Guard for land at SMIC. This would come to council in January, 2023 for consideration.

In response to Wells, Bower explained that the community's responsibility for snow removal was for business owners to remove snow from sidewalks within 24 hours. Wells said in many communities in the lower 48, he found that business owners were often required to remove snow.

McClure thanked Bower for the holiday lights; many community members had reached out to commend the city.

City Clerk Report – None

City Attorney Report

City Attorney Brooks Chandler (*telephonically*) reported that November had been a fairly

busy month: the sale of the property to Chugachmiut had been finalized, the appeal hearing for an administrative decision had been settled, and tonight there was the potential for selling another piece of property to the Alutiiq Pride Marine Institute (APMI) on the agenda. The sale to HEA was currently in the due diligence phase, which involved quite a bit of work; he expected to receive an initial draft of a sale agreement soon. His firm had worked on some personnel matters, a lease assignment, and ordinances, as well.

Other Reports and Announcements

Kenai Peninsula Assembly Borough Representative Cindy Ecklund reported tomorrow night the assembly would be considering ordinances for supplemental funding of the Seward Bear Creek Flood Service Area (SBCFSA) Fund to replenish the emerging situations budget and to fund site maintenance projects for Lost Creek and Sawmill Creek. Another ordinance would provide interim funding for preliminary design and development of the 13 bond-funded school projects; this appropriation would allow five of the 13 projects to get started, and among those five projects was the Seward High School track and field.

Ecklund said another ordinance would be accepting Year Two Opioid Settlement Funds; she hoped there would be a healthcare entity in the eastern peninsula that would be interested in applying for those grant funds, otherwise the funds may simply go to the Central and South Peninsula Hospitals. The assembly would be accepting grant funds for the fish passage project; the partnership with US Fish & Wildlife would result in planning, prioritizing, conceptual design, and stakeholder meetings to improve fish passages within the KPB road service area.

In addition, Ecklund reported there would be an ordinance for introduction to eliminate the requirement for mailing informational election brochures, and also to eliminate the requirement for the borough clerk to seek authorship of pro/con ballot proposition statements. The KPB special election for borough mayor would be held on February 14, 2023 and the candidates were David Carey, Linda Farnsworth Hutchings, Peter Micciche, and Zachary Hamilton; the term would expire in October, 2023. There was only two weeks between the special election on February 14th and the potential runoff election on March 7th, so the borough clerk's office was requesting to have the three-week ballot testing requirement waived for that election.

Ecklund stated that there were two recreational service areas within the borough: Seldovia and Nikiski. Both areas were funded by service area mill rates. She suggested council consider researching the potential for a new recreational service area from the Y to Lowell Point before making a final decision to forgo pursuing a recreation center.

Barnwell asked for elaboration on having a recreation service area from Tern Lake to Lowell Point. In response, Ecklund said if a recreation service area was considered, she would recommend the boundaries be from the Y to Lowell Point; she had asked for the borough finance director to provide figures for what a .25 mill rate could generate and had provided that to McClure.

Presentations – None

PUBLIC HEARINGS

Ordinances for Enactment – None

Resolutions Requiring Public Hearing

Resolution 2022-117, Adopting the City of Seward 2023 and 2024 Operating Budget and Setting the Mill Rate. *This resolution had a public hearing on November 28, 2022 and is coming tonight for a second public hearing and approval. The original motion was made by DeMoss and seconded by Wells; the main motion is on the floor.*

Bower reminded council that this resolution would have to be approved tonight to stay in keeping with the city's Charter.

Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened.

Stephanic Millane, outside the city, thanked council for their work on the budget. She was a small business owner and she depended on the Chamber of Commerce to help with marketing. The chamber provided a beautiful website for visitors to use in planning their visit to Seward, and those visitors provided revenue through sales tax and bed tax. Millane asked council to provide the chamber full funding in their budget.

Melissa Schutter, outside the city, had served on the Chamber of Commerce board since 2014. She wished to provide her support for the chamber's budget. The chamber earned the funding it was provided by the city, as a pass through of the bed tax revenues that the chamber directly impacted. The chamber worked year-round to bring visitors to Seward, and many local businesses relied on the chamber to promote tourism, something that non-chamber members benefitted from.

Kat Sorensen, inside the city, was the Executive Director of the Chamber of Commerce. She thanked council for their ongoing support of the chamber. Since the last council meeting, she and the board had worked to hone the chamber's budget. There were nearly 300,000 visitors who passed through Seward each year. The chamber's lean team who worked diligently on behalf of the community.

Cliff Krug, inside the city, owned a business in Seward. He thanked the city for the holiday lights and for the snow clearing. This year his store had processed over 29,000 transactions. He believed his business was in better place with the Chamber of Commerce than it would be without the chamber. The chamber was run professionally and effectively; the chamber's work touched every business in town year-round. In his opinion, the chamber needed more funding rather than less. Marketing was a dynamic industry; getting the messaging out to a multitude of platforms was critical, and he thought the chamber did a wonderful job.

Tim McDonald, inside the city, urged council to fund at least a portion of a recreation center, and wondered if the Jesse Lee Home property could be used as a location for the facility. He thought an open-walled, roofed area could be sufficient as a basketball area or an ice rink and wouldn't cost a fortune. He believed the maintenance on something like that would be minimal.

No one else appeared and the public hearing was closed.

Wells didn't want to reduce the chamber's budget below \$300,000; he believed the chamber earned every penny.

Finch thought the chamber should have a complete list of businesses on their website.

In response to Osenga, Bower said the chamber's budget was proposed to be set at \$300,000.

Wells said COVID-19 has severely impacted the chamber's budget, yet they still managed to win the Chamber of the Year Award. Wells said if the chamber's budget wasn't being set at \$300,000 in this budget, the chamber would receive 50% of the bed tax revenues, which would actually be more than \$350,000.

Barnwell thought it would be advantageous for the chamber to be able to count on a set budget amount. The chamber did a lot for the community, and it was important that they had consistency.

McClure said budgets were fluid documents, and there would be mid-year budget amendments.

Motion Passed

Unanimous

Resolution 2022-121, Recommending Kenai Peninsula Borough Approval of the Preliminary Replat of Lot 4A-1 and Lot 4D, Block 7, Fourth of July Creek Subdivision, Seward Marine Industrial Center (SMIC), Raibow Replat, Creating Four Lots; Lot 4D-1, Lot 4A-2, Lot 4A-3, and Lot 4A-4; Vacating the West 5' Utility Easement of Lot 4D, Block 7, Fourth of July Creek Subdivision SMIC, Raibow Replat, and East 5' Utility Easement of Lot 4A-1, Block 7, Fourth of July Creek Subdivision SMIC, Raibow Replat.

Motion (Osenga/Calhoon)

Approve Resolution 2022-121

Community Development Director Jason Bickling said this was a preliminary replat at SMIC to allow JAG to lease a larger parcel in order to expand their current operations.

Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened. No one appeared and the public hearing was closed.

Motion Passed

Unanimous

Resolution 2022-122, Authorizing The City Manager To Enter Into And Execute The Purchase And Sale Agreement And Related Documents With Chugach Regional Resource Commission (CRRC) For The Sale Of 1.52 Acres Of Land And The Related Improvements And Fixtures, Physical Address 101 Railway Avenue, Parcel 14920016, In The Amount Of \$500,000.

Motion (Osenga/Calhoon)

Approve Resolution 2022-122

Assistant City Manager Stephen Sowell said the sale of this property was in the public's best interest, and the sale amount was appraised at fair market value. The property was required to continue to be used for mariculture purposes.

Bower said this facility had a global impact and was an amazing facility.

Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened.

Willow Hetrick, outside the city, was the executive director for the Chugach Regional Resources Commission (CRRC). Ownership of the property and the building would provide CRRC with the opportunity to expand and make improvements of the Alutiiq Pride Mariculture Institute (APMI) facility; it also provided opportunity to seek new financial support and funding sources. Hetrick said owning the asset would provide a permanent home for APMI and would enable APMI to become an anchor in the community. APMI had a relationship with the Bureau of Indian Affairs (BIA) that enabled them to cover their mortgage payments and make improvements. Hetrick thanked the city for being a great landlord for many years.

Jeff Hetrick, outside the city, was the director of APMI. He was excited about the prospect of owning the property because it would enable them to expand by adding office space and research lab space. APMI produced a wide variety of mariculture. APMI assisted with the ocean monitoring program by identifying harmful algae and toxicity; partners around the state sent samples to the lab in Seward for testing. The success of APMI contributed to the community with its growing employee base, most of whom were long-time Seward residents. Hetrick invited the community to take a tour of the facility and see what they did.

No one else appeared and the public hearing was closed.

Wells appreciated the detailed explanations on why this sale would benefit the community.

Motion Passed

Unanimous

UNFINISHED BUSINESS – None

NEW BUSINESS

Resolutions

Resolution 2022-123, Authorizing The City Manager To Extend The Contract With Carmen Jackson CPA, LLC For Finance And Accounting Services Until December 31, 2023.

Motion (Osenga/Calhoon)

Approve Resolution 2022-123

Bower said this resolution would add \$75,000 in 2023 to retain the Carmen Jackson firm as the finance director; the city continued to actively advertise the open position.

Calhoon had requested this resolution to be removed from consent so that the public understood that this contract was in place only until a finance director could be found and hired.

Bower added that Carmen Jackson also assisted with audit preparation and refining processes and procedures. She said the firm had been valuable to the city.

Motion Passed

Unanimous

Resolution 2022-128, Adopting the City of Seward Six-Year Capital Improvement Plan.

Motion (Osenga/Calhoon)

Approve Resolution 2022-128

Bower said the city code required that a six-year Capital Improvement Plan (CIP) be provided to council for approval; the CIP did not appropriate any funding. She said this was a living document that could be amended as necessary.

Motion to Amend (Calhoon/Osenga)

Amend Resolution 2022-128 in the Capital Improvement Plan under the Water section for the item “Distribution Piping Upgrades (Ductile Iron Pipe)” by moving the amount of \$3 million under the column for 2023.

Motion to Amend Passed

Unanimous

Primary Motion to Amend (Calhoon/Barnwell)

Amend Resolution 2022-128 in the Capital Improvement Plan under the Parks & Rec section by adding a new item for “Community Recreation Center” and adding the amount of \$20 million under the column for 2026.

Calhoon wanted to keep a Community Recreation Center on the radar in an official capacity. Barnwell concurred.

Secondary Motion to Amend (Finch/)

Strike the amount of \$20 million and replace it with \$100,000.

Secondary Motion to Amend died for lack of second.

Bower said the CIP was used as a planning tool, so it was helpful to have realistic figures to work with.

Primary Motion to Amend Passed

Unanimous

Main Motion Passed

Unanimous

Action Memoranda – None

Other New Business – None

INFORMATIONAL ITEMS AND REPORTS

Boards and Commissions Minutes – None

Other Items

City Clerk's Travel Report for the Alaska Association of Municipal Clerks (AAMC) Conference in Anchorage.

CITIZEN COMMENTS

Cindy Ecklund, inside the city, said Capital Improvement Plans were a tool that could be used when speaking to legislators. Now that a community recreation center was on the CIP, if a potential funding opportunity came up, the city had a realistic plan.

Tim McDonald, inside the city, was truly concerned about the Lowell Point Sewage Lagoon. He suggested the city run a study on the effluent from the lagoon to test for toxicity. McDonald said one cruise ship had 10 acres of painted hull below the water surface, and those ships represented a hazard to the bay as well.

Tanguy Libbrecht, inside the city, appreciated all the work.

Skip Reiersen, inside the city, wished everyone an enjoyable holiday season. He wondered what council wanted the town to look like in the future; there were many, many projects that the city had built and supported for the benefit of the community. He said a community recreation center was one thing that had never been completed, although he recalled around 1990 the price tag was about \$4 million.

Kat Sorensen, inside the city, thanked council for getting through the budget cycle and for supporting the Chamber of Commerce. Happy Holidays.

Doug Schoessler, inside the city, thanked everyone for their support; the public works crews worked hard on snow clearing. He reminded everyone that parking downtown was restricted on certain days to enable snow removal.

Mica Van Buskirk, inside the city, thanked council for continuing the discussion about the recreation center. She appreciated the snow removal crews.

COUNCIL AND ADMINISTRATION COMMENTS & RESPONSE TO CITIZEN COMMENTS

Bower thanked public works for the snow removal crews working so hard; there were only four employees removing snow and they were doing a great job. She was trying to find a good date for the council retreat.

Finch appreciated the crews clearing snow. Have a safe and Merry Christmas.

Barnwell was in Anchorage last week for the AML Conference. He had taken a tour of the city last week and was impressed with the operations. He was very proud of the city.

Calhoon appreciated all the hard work done by the city crews. He was glad to be done with the budget; there would be tweaks in the future. On December 17, 2022 at the American Legion there would be a Santa parade and gifts for kids starting at 11:00 a.m. On Christmas day, there would be a free community meal starting at 1:30 p.m. at the American Legion; meal deliveries could be made by contacting the legion. New Year's Eve would be the 101st Birthday for Post 5. Have a great holiday.

Wells thanked the American Legion for their service, the borough assembly report, and all the citizen comments. Have a great holiday and a happy solstice.

Osenga thanked everyone for coming to the meeting and thanked the crews for clearing the snow so quickly. Happy Holidays.

McClure echoed all the sentiments. She had been in Anchorage last week and witnessed the terrible road conditions; in Seward, the roads were cleared beautifully. She enjoyed the open house last weekend at the museum. The New Year's Eve fireworks would be at 8:00 p.m. so everyone could enjoy them. She attended the Alaska Conference of Mayors last week. Merry Christmas.

ADJOURNMENT

The meeting was adjourned at 9:16 p.m.

Brenda Ballou
City Clerk

(City Seal)

Sue McClure
Mayor

**CITY OF SEWARD, ALASKA
RESOLUTION 2022-121**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, RECOMMENDING KENAI PENINSULA BOROUGH APPROVAL OF THE PRELIMINARY REPLAT OF LOT 4A-1 AND LOT 4D, BLOCK 7, FOURTH OF JULY CREEK SUBDIVISION, SEWARD MARINE INDUSTRIAL CENTER (SMIC), RAIOW REPLAT, CREATING FOUR LOTS; LOT 4D-1, LOT 4A-2, LOT 4A-3, AND LOT 4A-4; VACATING THE WEST 5' UTILITY EASEMENT OF LOT 4D, BLOCK 7, FOURTH OF JULY CREEK SUBDIVISION SMIC, RAIOW REPLAT, AND EAST 5' UTILITY EASEMENT OF LOT 4A-1, BLOCK 7, FOURTH OF JULY CREEK SUBDIVISION SMIC, RAIOW REPLAT

WHEREAS, JAG Alaska Inc. has requested to expand their current lease located in the Seward Marine Industrial Center; and

WHEREAS, on November 8, 2022, the Seward Planning and Zoning Commission passed Resolution 2022-025, recommending City Council and Kenai Peninsula Borough approval of the preliminary replat of Lot 4A-1 and Lot 4D, Block 7, Fourth of July Creek Subdivision SMIC, Raibow Replat; and

WHEREAS, proposed Lot 4A-3 is where JAG Alaska Inc. has requested to expand their lease in order to extend the existing rail system to create additional ship berthing and employee parking; and

WHEREAS, the parcels are zoned Industrial (I); and

WHEREAS, the property is in accessible proximity to municipal road, water, sewer, and electric; and is within the required 500-foot distance from a fire hydrant; and

WHEREAS, all conditions required by Seward City Code §16.01.015, Conditions to plat approval, were met; the property owners within 300 feet of the requested replat were notified of the proposed subdivision, and the property was posted with public notice signage; and

WHEREAS, Seward City Code §16.01.015(b) states that City Council is required to review all platting actions of city-owned property and provide a recommendation to the Kenai Peninsula Borough.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA that:

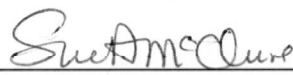
**CITY OF SEWARD, ALASKA
RESOLUTION 2022-121**

Section 1. The Seward City Council hereby recommends Kenai Peninsula Borough approval of the Preliminary Replat of Lot 4A-1 and Lot 4D, Block 7, Fourth of July Creek Subdivision SMIC, Raibow Replat, Creating four lots; Lot 4D-1, Lot 4A-2, Lot 4A-3, and Lot 4A-4; Vacating the West 5' Utility Easement of Lot 4D, Block 7, Fourth of July Creek Subdivision SMIC, Raibow Replat, and East 5' Utility Easement of Lot 4A-1, Block 7, Fourth of July Creek Subdivision SMIC, Raibow Replat.

Section 2. This resolution shall take effect thirty (30) days upon approval.

PASSED AND APPROVED by the City Council of the City of Seward, Alaska, this 12th day of December, 2022.


THE CITY OF SEWARD, ALASKA



Sue McClure, Mayor

AYES: Osenga, Wells, Finch, Barnwell, Calhoon, McClure
NOES: None
ABSENT: DeMoss
ABSTAIN: None

ATTEST:



Brenda J. Ballou, MMC
City Clerk



City Council Agenda Statement



Meeting Date: December 12, 2022

To: City Council

Through: Janette Bower, City Manager

From: Jason Bickling, Community Development Director

Agenda Item: Resolution 2022-121: Recommending City Council and Kenai Peninsula Borough Approval of the Preliminary Replat of Lot 4A-1 and Lot 4D, Block 7, Fourth of July Creek Subdivision Seward Marine Industrial Center (SMIC), Raibow Replat, Creating Four Lots; Lot 4D-1, Lot 4A-2, Lot 4A-3, and Lot 4A-4; Vacating the West 5' Utility Easement of Lot 4D, Block 7, Fourth of July Creek Subdivision SMIC, Raibow Replat, and East 5' Utility Easement of Lot 4A-1, Block 7, Fourth of July Creek Subdivision SMIC, Raibow Replat

Background and justification:

Attached for the Council's review and recommendation to the Kenai Peninsula Borough Planning Commission is a preliminary replat submitted by the Seward City Harbor on behalf of JAG Alaska, Inc. This platting action creates four new parcels, Lot 4D-1, Lot 4A-2, Lot 4A-3, and Lot 4A-4 by subdividing Lot 4A-1 and Lot 4D, Block 7, Fourth of July Creek Subdivision, SMIC, Raibow Replat, also known as 3305 & 3409 Morris Avenue Seward, Alaska in the Seward Marine Industrial Center.

JAG Alaska, Inc requested this platting action in order to increase the footprint of the land they are currently leasing at the Seward Shipyard. This would allow them to extend the existing rail system on Lot 4A-3 to create additional ship berthing and much needed additional employee parking that together will support increased annual volume of work that can be performed at the facility.

On November 8, 2022 the Planning and Zoning Commission approved Resolution 2022-025, which recommended this platting action to the City Council and Kenai Peninsula Borough for approval.

All conditions required by Seward City Code §16.01.015, conditions to plat approval, were met; the property owners within 300 feet of the requested replat were notified of the proposed subdivision, and the property was posted with public notice signage.

In accordance with Borough requirements, the City must review and comment on a plat before submittal to the Borough for approval.

Comprehensive and Strategic Plan Consistency Information

This legislation is consistent with (citation listed):

Comprehensive Plan: *Vol 1 Ch 2.2.11* - The Comprehensive Plan encourages completing the development of SMIC as a revenue source with year-round employment opportunities.

Vol 1 Ch 3.5.1.2 - Support the SMIC Development Plan to include new market trends and modern technologies for ship repair and

construction, shipping of natural resource products, boat storage, and other compatible industries, soliciting support from Alaska Industrial Development and Export Authority (AIDEA) and the US Economic Development Administration (EDA).

Strategic Plan: "Expand development in the Seward Marine Industrial Center" (page 7).

Other: _____

Certification of Funds

Total amount of funds listed in this legislation: \$ **NA**

This legislation (✓):

- | | | |
|-------------------------------------|-------------------------------------|----------|
| <input type="checkbox"/> | Creates revenue in the amount of: | \$ _____ |
| <input type="checkbox"/> | Creates expenditure in amount of: | \$ _____ |
| <input type="checkbox"/> | Creates a savings in the amount of: | \$ _____ |
| <input checked="" type="checkbox"/> | Has no fiscal impact | |

Funds are (✓):

- | | | |
|-------------------------------------|----------------|---------------------|
| <input type="checkbox"/> | Budgeted | Line item(s): _____ |
| <input type="checkbox"/> | Not budgeted | _____ |
| <input checked="" type="checkbox"/> | Not applicable | |

Fund Balance Information

Affected Fund (✓):

- | | | | |
|--------------------------------------|----------------------------------|-----------------------------------|-------------------------------------|
| <input type="checkbox"/> General | <input type="checkbox"/> SMIC | <input type="checkbox"/> Electric | <input type="checkbox"/> Wastewater |
| <input type="checkbox"/> Boat Harbor | <input type="checkbox"/> Parking | <input type="checkbox"/> Water | <input type="checkbox"/> Healthcare |
| <input type="checkbox"/> Motor Pool | <input type="checkbox"/> Other | _____ | |

Note: amounts are unaudited

Unassigned Fund Balance

Net position – restricted \$ _____

Net position – unrestricted \$ _____

Available Unrestricted Cash Balance: \$ _____

Finance Director Signature: Sully Jusino

Attorney Review

- | | |
|--|---------------------------|
| <input type="checkbox"/> Yes | Attorney Signature: _____ |
| <input checked="" type="checkbox"/> Not applicable | Comments: _____ |
| | _____ |

Administration Recommendation

- | | |
|--|-------|
| <input checked="" type="checkbox"/> Adopt Resolution | |
| <input type="checkbox"/> Other: | _____ |

Stacy Wessel

From: Patrick Burnett <pburnett@cityofseward.net>
Sent: Thursday, January 5, 2023 9:16 AM
To: Stacy Wessel; Doug Schoessler; Rob Montgomery
Cc: Courtney Bringhurst; Norm Regis; tim.jagielski@jag-ind-marine.com; dward.ktn@gmail.com
Subject: RE: Preliminary Plat comments-JAG Replat

Stacy,

I've reviewed the Plats and find that to surround a whole Lot with an easement is not needed. I am all for vacating those easements.

Patrick Burnett
Operations Supervisor
City of Seward
Cell: 907-362-3001
Office: 907-224-4065

From: Stacy Wessel <stacy@aklands.com>
Sent: Thursday, January 5, 2023 9:14 AM
To: Doug Schoessler <doug@cityofseward.net>; Rob Montgomery <rmontgomery@cityofseward.net>; Patrick Burnett <pburnett@cityofseward.net>
Cc: Courtney Bringhurst <cbringhurst@cityofseward.net>; Norm Regis <nregis@cityofseward.net>; tim.jagielski@jag-ind-marine.com; dward.ktn@gmail.com
Subject: RE: Preliminary Plat comments-JAG Replat

External Email: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Patrick,
AK Lands, is seeking to vacate 5' Utility Easements that surround said Lot 4D, Block 7, Fourth of July Creek Subdivision at the Seward Industrial Marine Center. KPB is requiring your comments before the preliminary plat is submitted. See comments below.
Once I receive your comments, I will be submitting the preliminary plat package to KPB.
Thank you,

AK Lands, Land Surveying LLC
Stacy Wessel, PLS

From: Stacy Wessel
Sent: Tuesday, December 20, 2022 4:30 PM
To: Doug Schoessler <doug@cityofseward.net>; Rob Montgomery <rmontgomery@cityofseward.net>
Cc: Courtney Bringhurst <cbringhurst@cityofseward.net>; Norm Regis <nregis@cityofseward.net>; tim.jagielski@jag-ind-marine.com

ind-marine.com; dward.ktn@gmail.com

Subject: RE: Preliminary Plat comments-JAG Replat

Hi Doug,

Thank you for the quick response. 😊

I suggest, the new utility easements should be adjacent to the new proposed lot lines. I will touch base after KPB Public Hearing and after I receive their comments.

Happy Holidays.

AK Lands, Land Surveying LLC

Stacy Wessel, PLS

From: Doug Schoessler <doug@cityofseward.net>

Sent: Tuesday, December 20, 2022 4:04 PM

To: Stacy Wessel <stacy@aklands.com>; Rob Montgomery <rmontgomery@cityofseward.net>

Cc: Courtney Bringhurst <courtney.bringhurst@gmail.com>; Norm Regis <nregis@cityofseward.net>; tim.jagielski@jag-ind-marine.com; dward.ktn@gmail.com

Subject: RE: Preliminary Plat comments-JAG Replat

Public Works is ok with this vacation but would like to where you intend to place them (in a more useful location).



Doug Schoessler - PUBLIC WORKS DIRECTOR

City of Seward 434 6th Avenue, PO Box 167 Seward, AK 99664

Office: 907-224-4058 Direct: 907-224-4093

Cell: 907-422-7118 Email: doug@cityofseward.net

From: Stacy Wessel <stacy@aklands.com>

Sent: Tuesday, December 20, 2022 12:27 PM

To: Doug Schoessler <doug@cityofseward.net>; Rob Montgomery <rmontgomery@cityofseward.net>

Cc: Courtney Bringhurst <courtney.bringhurst@gmail.com>; Norm Regis <nregis@cityofseward.net>; tim.jagielski@jag-ind-marine.com; dward.ktn@gmail.com

Subject: Preliminary Plat comments-JAG Replat

External Email: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Doug and Rob,

KPB requires your comments for a preliminary plat at the Seward Marine Industrial Center. AK Lands is requesting the vacation of 5' Utility Easements that surround Lot 4D, Block 7, Fourth of July Creek Subdivision. Lot 4D is proposed to be expanded 40' westward. On the preliminary plat, I show the vacation of these easements. If the current easements remain in place, the utility easements can obstruct development, use and expansion at proposed Lot 4D-1. At this time, there are no utilities within these easements. I propose to vacate these easements and place them in a more useful location. Please provide any comments you may have. Contact me if you have any questions.

Thank you for your time.

AK Lands, Land Surveying LLC

Stacy Wessel, PLS

aklands.com

stacy@aklands.com

(907) 744-LAND



E. NEW BUSINESS

3. Utility Easement Vacation; KPB File 2023-024V2

Ability Surveys / Jones

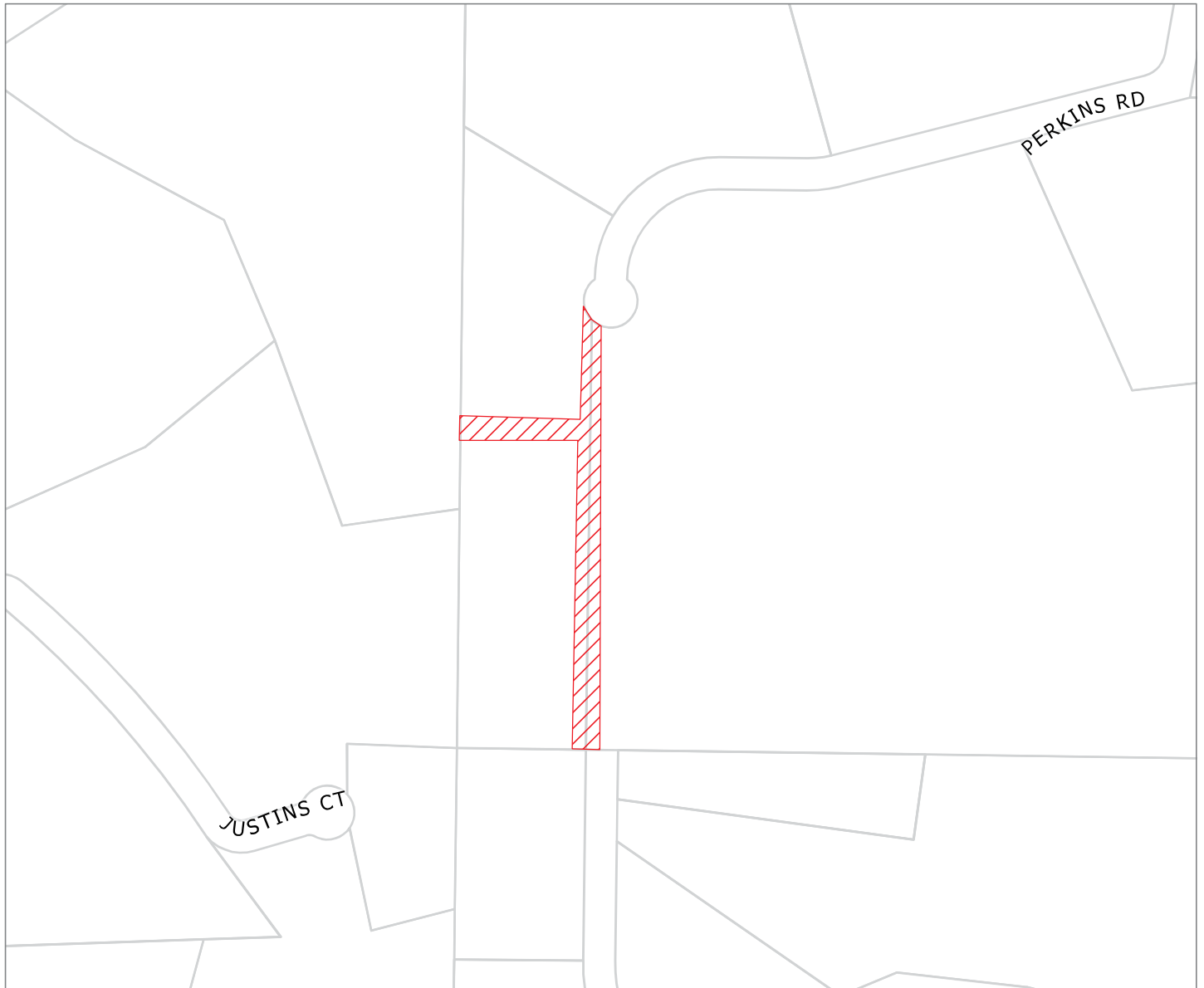
Request: Vacates entire utility easement on boundaries of Lot 4 granted on Stanley's Meadow #7, Plat HM 87-45

Fitz Creek Area / Kachemak Bay APC



Kenai Peninsula Borough Planning Department

Vicinity Map

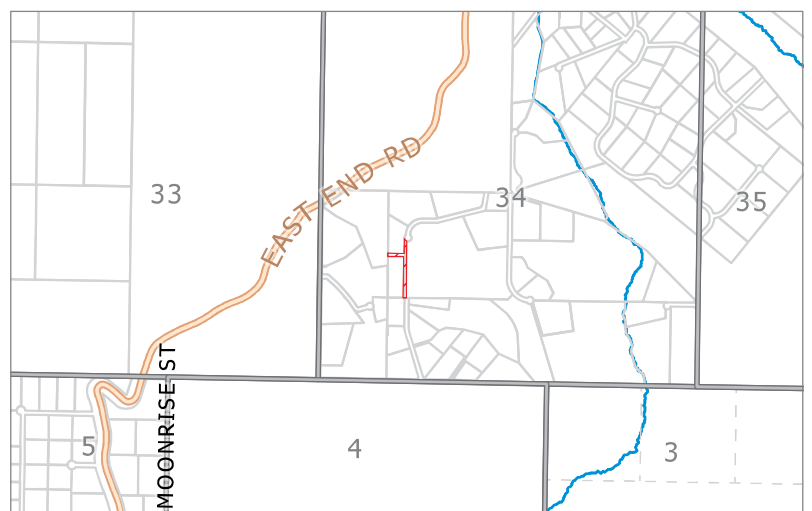
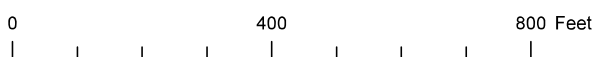


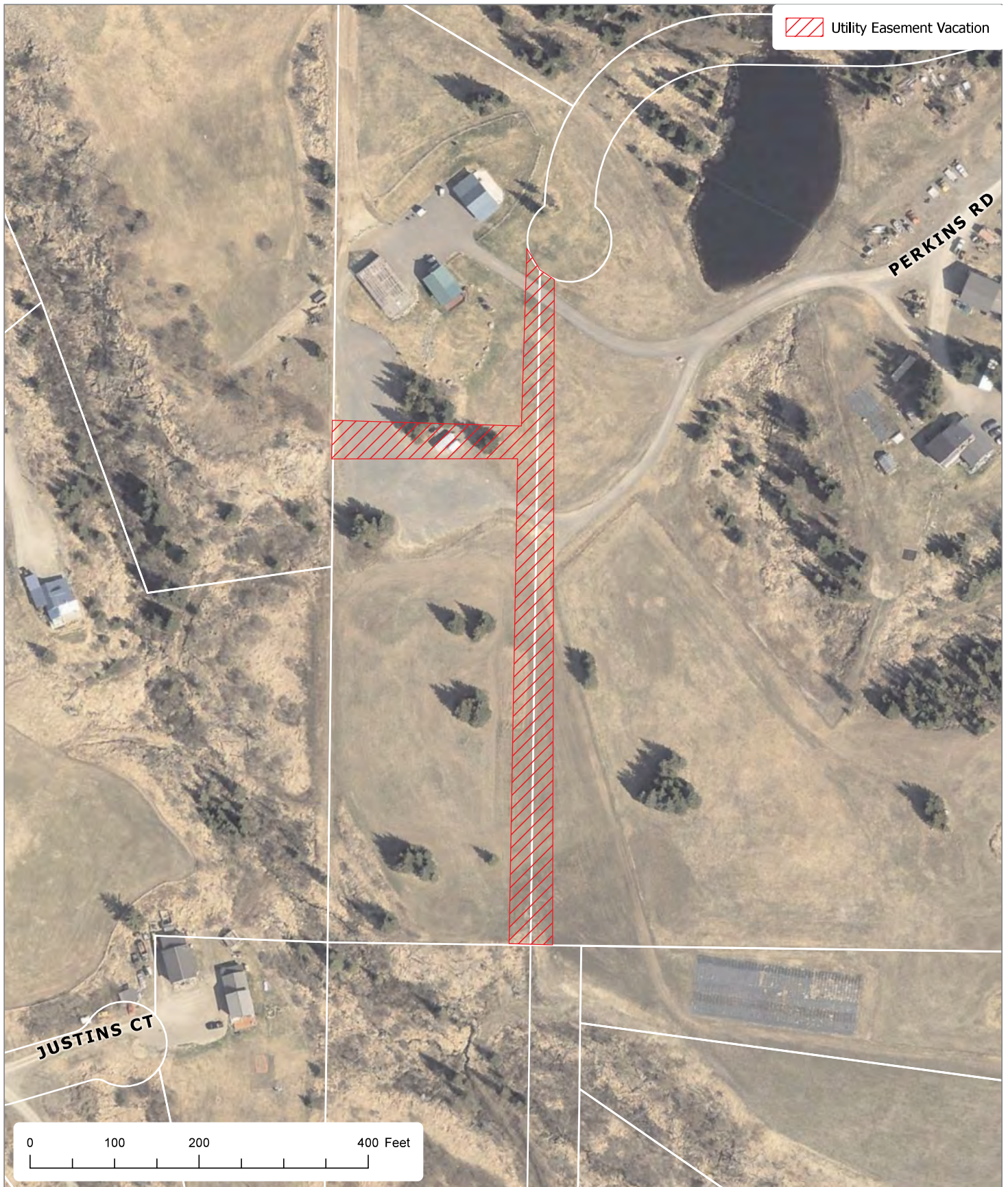
KPB File 2023-024V2

T 04S R 11W SEC 34

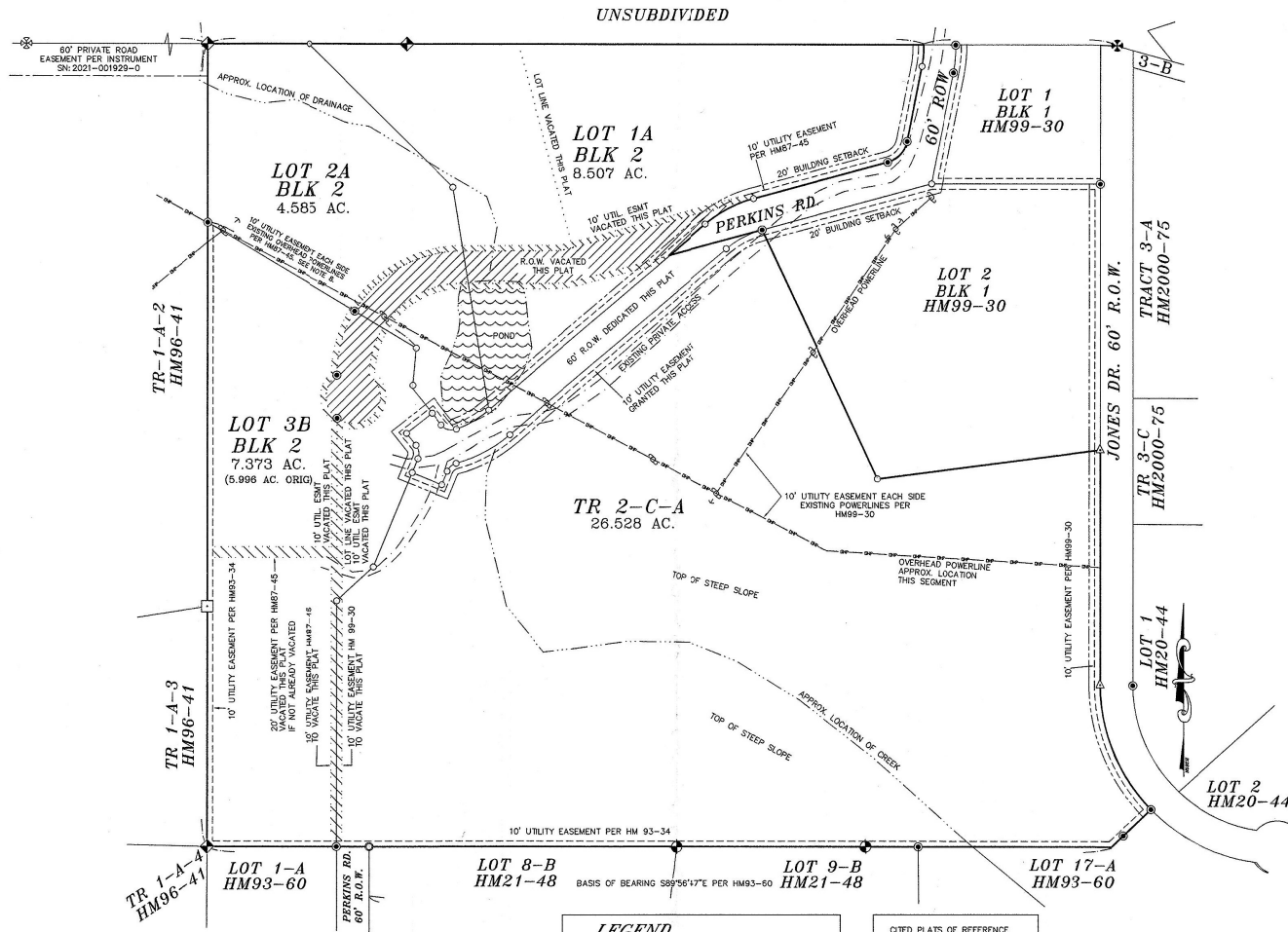
Fritz Creek

3/13/2023



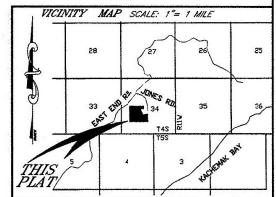


UTILITY EASEMENT VACATION EXHIBIT



LEGEND	
✱	FOUND 5.2" BRASS CAP ON 3/4" O.P., 3686-S, 1979
⊙	FOUND 3" ALUM ADL MON, 3686-S, 1971
⊙	FOUND 5/8" REBAR
⊙	2" AL-CAP ON 5/8" REBAR, 7610-S, 2021
⊙	3" RED PVC CAP ON 5/8" REBAR, 3686S, 1991
⊙	1.5" AL-CAP ON 5/8" REBAR BY 5276-S PER (R1)
⊙	FOUND 2" AL-CAP ON 1/8" REBAR BY 7968-S, 1996
⊙	FOUND 2-1/2" AL-CAP ON 5/8" REBAR BY 4469-S, 1999
⊙	2" AL-CAP ON 5/8" REBAR TO SET
⊙	POWER POLE
⊙	ANCHOR FOR POLE

CITED PLATS OF REFERENCE	
R1	HM97-45
R2	HM93-34
R3	HM93-60
R4	HM99-30



DATE	3-2-2023
SCALE	1"=100'
GRID No.	AK-21
JOB No.	5450
DRAWING	5450-541

STANLEY'S MEADOW 2023
 A REPLAT OF LOTS 1 & 2 BLOCK 2, STANLEY'S MEADOW SUBD. NO. 2 (HM97-45), TRACT 3-D STANLEY'S MEADOW WRT'S REPLAT (HM99-30), AND LOT 3-A BLOCK 2, STANLEY'S MEADOW SUBD. NO. 13 (HM93-34), AND VACATING A PORTION OF PERKINS ROAD RIGHT-OF-WAY AS SHOWN ON STANLEY'S MEADOW NO. 13 (HM93-34), WITHIN THE SW1/4 SEC. 34, T4S, R11W, S14, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, HOMER RECORDING DISTRICT, STATE OF ALASKA, CONTAINING 47.998 ACRES.

OWNERS:	CEOL R. JONES MA L. JONES PO BOX 15401 FRITZ CREEK, AK 99603	BILLY R. JONES STEPHANIE J. JONES 13875 PERKINS RD HOMER, AK 99603
---------	---	---

ABILITY SURVEYS
 GARY NELSON, PLS
 1000 135th AVE
 1000 135th AVE, HOMER ALASKA 99603

KPB 2023-024V2

AGENDA ITEM E. NEW BUSINESS

**ITEM 3 - UTILITY EASEMENT ALTERATION
VACATE MULTIPLE UTILITY EASEMENTS ASSOCIATED WITH LOT 13-A, BLOCK 2, STANLEY'S MEADOW
SUBDIVISION NO. 13, HM 93-34**

KPB File No.	2023-024V2
Planning Commission Meeting:	April 10, 2023
Applicant / Owner:	Billy and Stephanie Jones of Homer, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Perkins Road, Fritz Creek, Kachemak Bay APC

STAFF REPORT

Specific Request / Purpose as stated in the petition: This letter is to state the reasons for vacation of the utility easements as shown on the enclosed Exhibit and Preliminary Plat.

- The portion of utility easements adjacent the existing Perkins Dr ROW would be vacated and replaced with new dedicated easements adjacent to the new ROW alignment.
- These parcels have been the subject of a few different replats including HM 87-45, HM 93-34, HM 93-60, and HM 99-30. With this replat, each parcel would be served easements, and the remaining 10' utility easement along the west boundary of proposed Lot 3B Block 2 and the 10' utility easement along the west boundary of proposed Lot 3B Block 2 and the 10' utility easement along the entire south boundary of this subdivision.
- Based on the proposed Lot 3B Block 2 boundary the easements being requested for vacation are no longer needed to serve the parcels.
- Vacating these easements would clear the title of the affected parcel.
- Any future ROW dedications would require additional utility easements to serve potential future lots.
- This petition is being made in conjunction with a replat of the affected parcels. All owners are in agreement with the proposed alignment and would benefit from the suitability of the layout.

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

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

Staff Analysis: The property has been subdivided multiple times over the years. Some of the reconfigurations have resulted in remaining utility easements that encumber the current lots and will possibly impede development on newly proposed lot configurations.

There are existing utility easements present along the western boundary of Lot 3-A Block 2, Stanley's Meadow No. 13. Utility easements have also been granted over existing services on previous plats. Any portions of those services that do not have an easement will be required to have an easement granted over them with the replat. Part of the replat is vacating and realigning and existing dedication. The vacation will include the associated utility easements but new easements will be required along the new dedication.

KPB Roads Department did not have an objection to the vacation but does not that there do appear to be some concerns with the new right-of-way placement. These will be addressed within the staff report for the right-of-way vacation and plat.

Utility provider review:

HEA	HEA has no objection to the vacation of the platted utility easements as depicted on this utility easement vacation exhibit drawing.
-----	--

	HEA will request a 30 foot wide utility easements on all single phase overhead electric lines during the platting review.
ENSTAR	No comment for the proposed vacation.
ACS	No objections
GCI	Approved as shown

Findings:

1. The petition states that the utility easement proposed to be vacated is not in use by a utility company.
2. ACS, ENSTAR, GCI, and HEA provided written non-objection to the proposed vacation.
3. Stanley's Meadow #7, Plat HM 87-45, granted a 10 foot utility easement along the eastern and northern boundary of Lot 4, Block 2.
4. Stanley's Meadow #7, Plat HM 87-45, granted a 10 foot utility easement along the eastern and southern boundary of Lot 3, Block 2.
5. Stanley's Meadow No. 13, Plat HM 93-34, vacated a portion of Perkins Road and combined Lot 3 and Lot 4, Block 2 but left utility easements in place.
6. Stanley's Meadow Vikki's Replat, Plat HM 99-30, vacated some of the utility easements along the former right-of-way and granted a new easement along the western boundary of Tract 2-C.
7. Lot 3-A Block 2 of Stanley's Meadow No. 13, Plat HM 93-34 has a 20 foot utility easement running through the middle of the lot.
8. A preliminary plat has been submitted that will reconfigure several lots in the area and the vacation will allow for the new lots to not be encumbered by multiple utility easements running through the middle of lots.
9. Any requested utility easements shall be granted.
10. No surrounding properties will be denied utilities.

RECOMMENDATION:

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends **APPROVAL** of the utility easement alteration as petitioned, subject to:

1. Grant utility easements requested by the utility providers.
2. Finalizing the approval of the easement alteration by either;
 - a. The recording of a subdivision plat within 12 months or,
 - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
 - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
 - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
 - iii. The Planning Department is responsible for filing the Planning Commission resolution.

20.65.070 Alteration of platted utility easements

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

court in accordance with the Alaska Rules of Appellate Procedure.

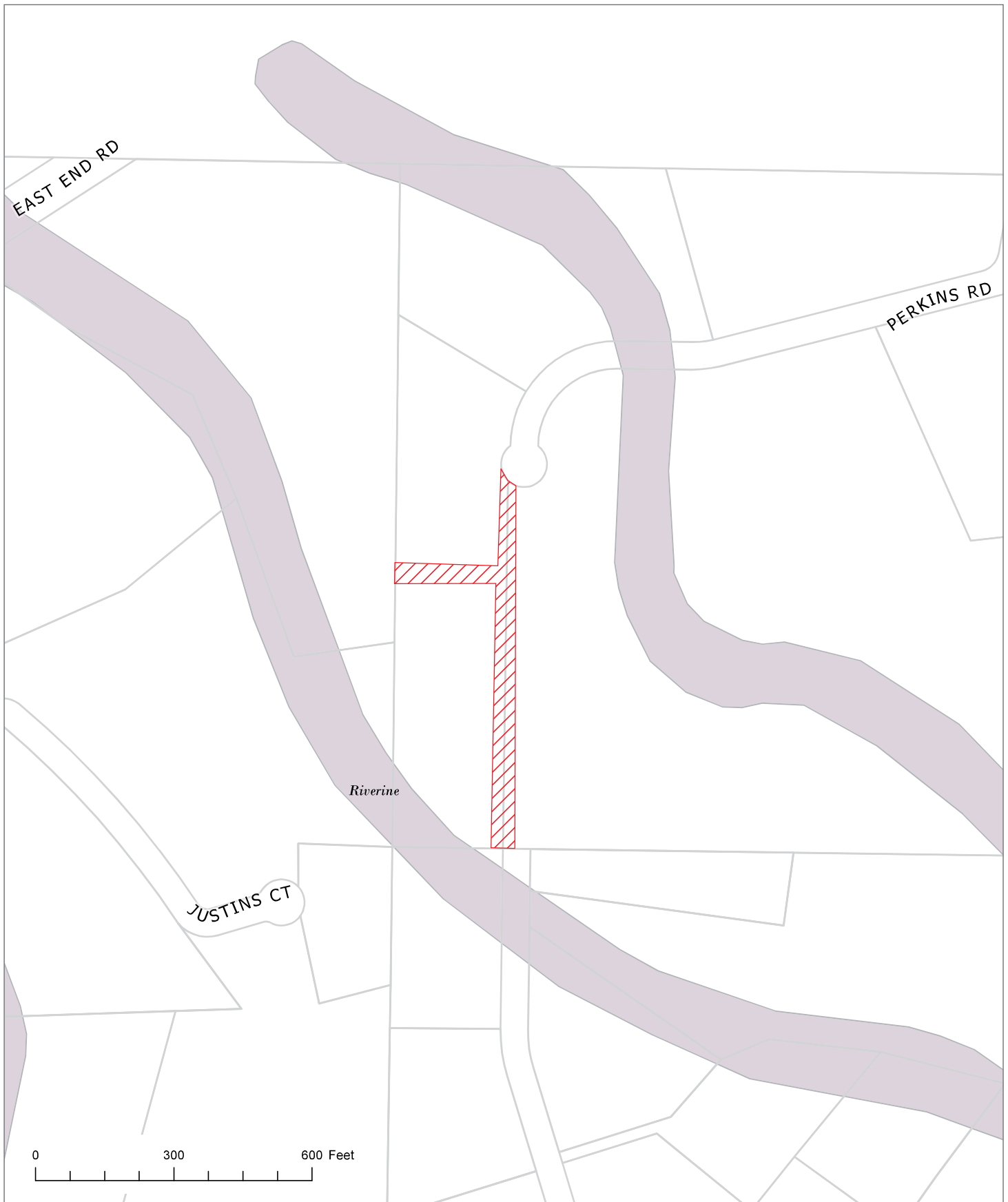
The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

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

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

END OF STAFF REPORT

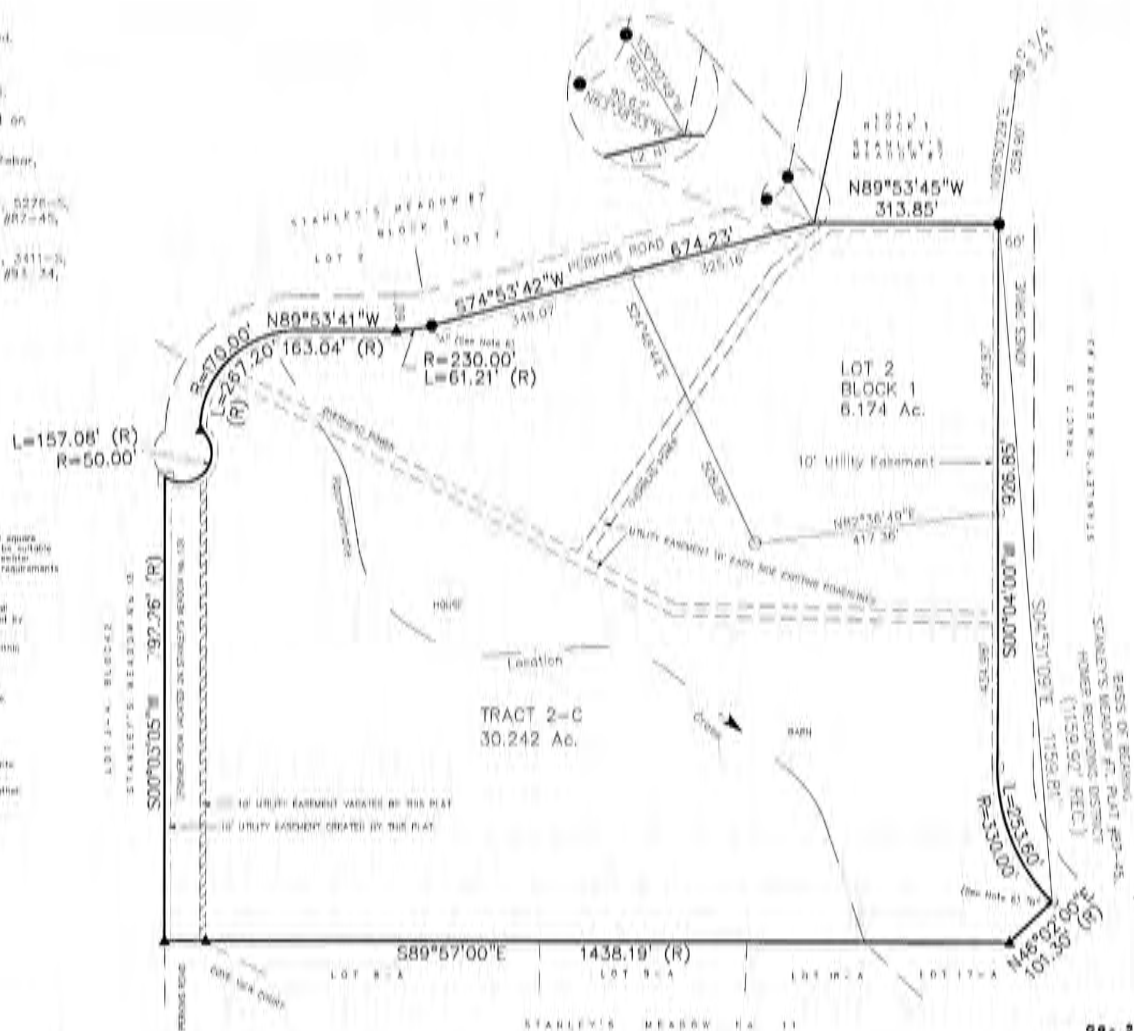
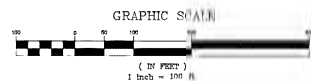




Nothing Found or Set except as noted.

- ✱ Found Brass Cap, 3686-S, 1979.
- Found 5/8" Rebar, 5276-S, 1986.
- ⊖ Found 3/4" Iron Bar, as reported on plot #91-47.
- Set 2 1/2" Alum. Cap on 5/8" Rebar, 4469-S, 1999.
- ▲ Monument of Record, 5/8" Rebar, 5276-S, 1987, NOT RECOVERED (See Plot #87-45, Stanley's Meadow #7)
- Monument of Record, 5/8" Rebar, 3411-S, 1993, NOT RECOVERED (See Plot #93-34, Stanley's Meadow No. 1)

1. **WASTEWATER DISPOSAL:** These lots are of least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
2. **Building Setback:** A setback of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
3. No permanent structure shall be constructed or placed within an easement which would interfere with the utility of a utility to use the easement.
4. The State of Alaska requires that all wastewater disposal systems have a minimum 100 foot from any public source.
5. The utility easement vacation was approved in the May 12, 1999 meeting of the Kenai Peninsula Borough Planning Commission.
6. Distances associated with (5) are record from Windsor's Meadow No. 13. Closing line between measured monument Chalky Creek A and B is S47°59'59"E, 144.57'.
7. Great bottom may be subject to flooding extreme weather.
8. There is an electric and water line crossing across the lot location, described on Page 167, Box 90.



Certificate of Membership and Dedication

I hereby certify that I am the owner of the real property shown and described herein and that I hereby grant this plan of subdivision and by my free consent dedicates all rights of way to public use and grant all easements to the use shown. I further certify that Deed(s) of trust affecting this property do not contain restrictions which would prohibit this subdivision, or require signature and approval of beneficiary(ies).

Official(s)
C. R. K...

Carl B. Jones
3387A Janan Drive
Homer, AK 99603

History's Acknowledgment

Subscribed and sworn before me this 22nd day of April, 1999 for Cecil R. Jones.

José M. Martínez
Notary Public for Alaska
My Commission Expires - 6-18

SON OF JOHN
NATHAN B. SMITH
JUDITH A. SMITH

PLAT APPROVAL

This plot was approved by the Kenal Peninsula Borough Planning Commission at the meeting of March 22, 1995

KENA PENINSULA BOROUGH

By Elmer J. Best
Authorized Official

Revised Note:
 (See also parent note Starling's Mountain No. 5
 207-15, Starling's Mountain No. 5 207-14)

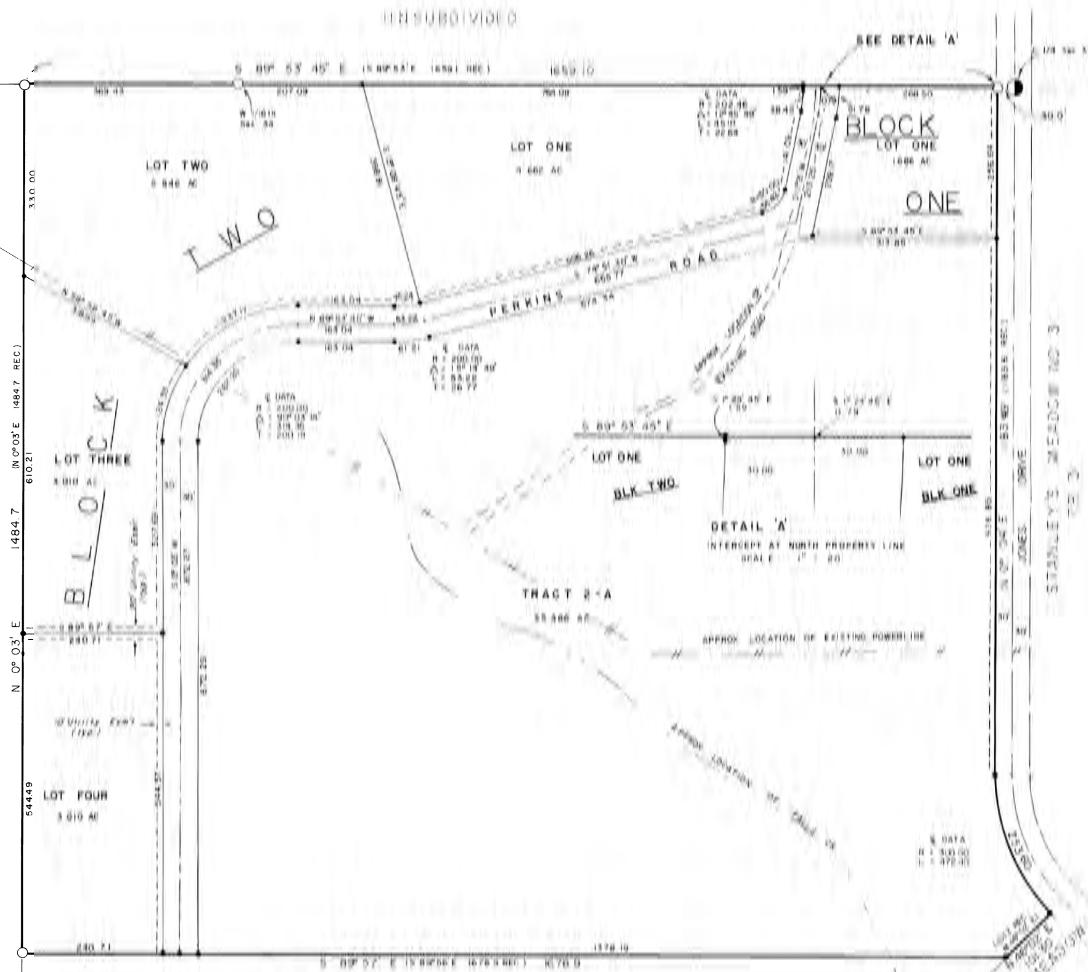
STANLEY'S MEADOW
WIKKI'S REPLAT

WATTS REPORT
Subdivision of Tract 2-B, Grangeville Highway,
No. 14, Map 201-14, Mineral Recording District,
2nd Judicial District, Blaine, and 1/20th eastern
portion, situated in NE 1/4 SW 1/4, S17/2, E17/2,
S17/2 SW 1/4, S17/2 SW 1/4, S17/2 SW 1/4,
SECTION 14, T4S, R10E, BEAVER HOLLOW

SURVEYOR	BOUNDARY
MILLION 7800 VS H.O. Pgs 790 Harris, AR 00603	CTOL R. JAMES 35675 Jones Price Harris, AR 00603
Scale: 1" = 100'	Date: Dec. 15, 1988
Base Map: AR 21	Dwg File: 100000
Book No. 148	K.P. File No. 99-03
Drawn by: R.M.	Checked by: RFM

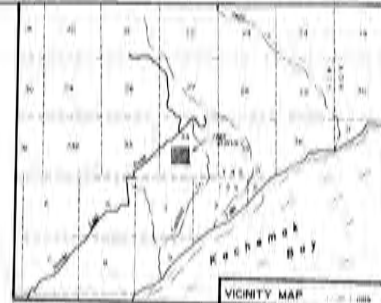
PLAT NO 81-84, H & D
BASIS OF BEARING
N 0° 03' E
2639.5
Sec 33
Sec 34
Cor.
T 4 S
R 4 W
S 5

STANLEY'S MEADOW NO 6



- FOUND BC. MONUMENT, H.M., 1904
- FOUND AX. ALUM. MONUMENT, 1971
- FOUND BC. MONUMENT, SERIES, 1978
- SET 5/8\"/>

- NOTES:
1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL RIGHTS OF WAY LINES & LINES SHOWN & APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
 2. A 10' UTILITY EASEMENT EXISTS ALONG THE LINE OF ANY POWERLINES THAT WERE CONSTRUCTED PRIOR TO 1978.
 3. FRONT 10' OF THE BUILDING SETBACK TO ALSO A UTILITY EASEMENT.
 4. THIS PLAT WAS APPROVED BY ADEC AS PER LETTER DATED MARCH 20, 1987 AND MEETS THE REQUIREMENTS OF 16 AAC 75.010.



CERTIFICATE OF OWNERSHIP
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I HEREBY ADAPT THIS PLAN OF SUBDIVISION AND LOCATE ALL RIGHTS OF WAY TO PUBLIC USE AND ALL EASEMENTS TO THE USE SHOWN.

Cecil B. Jones 6-19-86
CECIL B. JONES, OWNER, JR. 1986
DATE

NOTARY'S ACKNOWLEDGEMENT
I SUBSCRIBED AND SWORN TO BEFORE ME THIS 19TH DAY OF June, 1986
My Commission Expires 11/1/87
Notary Public for Alaska

SURVEYOR'S CERTIFICATE
I, THE UNDERSIGNED REGISTERED SURVEYOR, HEREBY CERTIFY THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME, AND THAT ALL MONUMENTS SHOWN ON THIS PLAT WERE DISCOVERED BY ME, OR BY ME, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE BEST OF MY KNOWLEDGE.

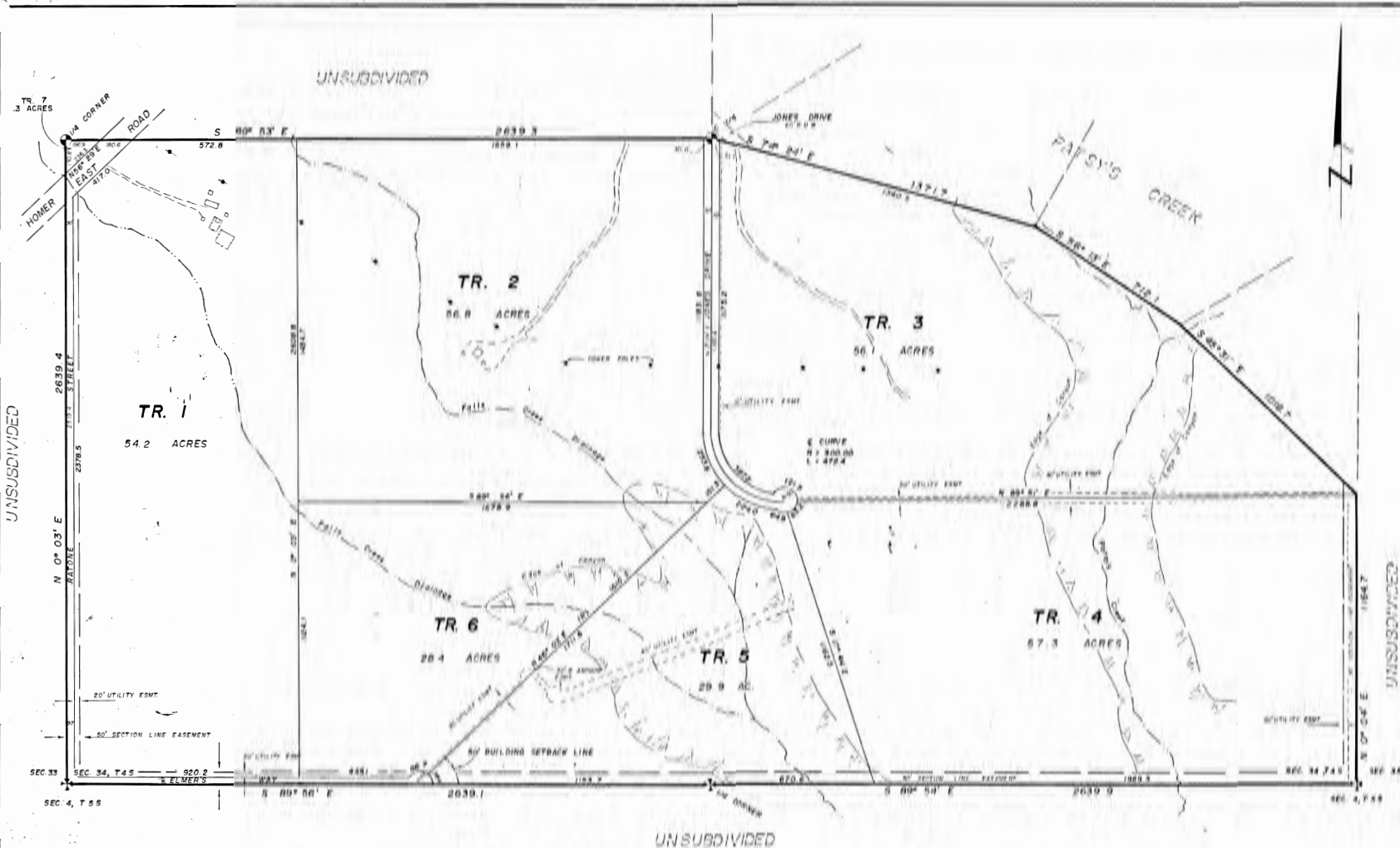
PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF 6-21-86
KENAI PENINSULA BOROUGH
By: *Richard P. Tange*
AUTHORIZED OFFICIAL



87-45
Homer 20'
6-30-87
345 P
Jury
Shelley
Cecil B. Jones

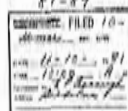
SCALE 1" = 100'	JANUARY, 1980	USED BY	DWIGD SW
STANLEY'S MEADOW #7			
REMS & RESUBDIVISION OF TRACT 2, STANLEY'S MEADOW NO. 5, PLAT NO. 81-84, H & D, SITUATED IN THE S 1/4, SECTION 34, T4S, R1W, SEWARD MERIDIAN, ALASKA.			
CONTAINS 26.757 ACRES			
David Fluitt, L.S. SPA Box 5PA Homer, AK 99603			

HOMER RECORDING DISTRICT



NOTES

1. NO MONUMENTS WERE FOUND OR SET EXCEPT AS SHOWN.
2. A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION, OR UNLESS SHOWN OTHERWISE.
3. THERE IS A 10' UTILITY EASEMENT ALONG EACH SIDE OF EXISTING POWERLINES.



CERTIFICATE OF OWNERSHIP
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN
AND DESCRIBED HEREON. I HEREBY REQUEST APPROVAL OF THIS PLAN
SHOWING SUEE EASEMENTS FOR PUBLIC UTILITIES AND RECORDS MAINTAINED
BY ME FOR PUBLIC USE.

RANDEL L JONES 101 2ND ST WOODRIDGE, AL 36691
 LINDA L JONES 81 RANDEL L JONES, TRUSTEE

Carl R. Jones and wife

Troy A. Jones Helen L. Jones
TROY & JONES HELEN L. JONES

NOTARY PUBLIC
COMMISSION EXPIRES ON THE 15th DAY OF July 1919

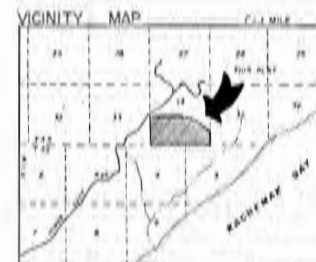
INDY A. JONES AND WILEY LOOSLI PERSONALLY AP-
PEARED BEFORE ON THE ABOVE SHOWN DATE.

SURVEYOR'S CERTIFICATE
I, THE UNDERSIGNED REGISTERED SURVEYOR, HEREBY CERTIFY THAT
A LAM SURVEY HAS BEEN COMPLETED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT CORNERS AND MONUMENTS HAVE BEEN LOCATED

JOHN L. HUNTER, JR. 1988-9 DATE 7/8/88

PLAT APPROVAL
THIS PLAT WAS SUBMITTED BY THE SERIAL PENINSULA & DEVELOPMENT ASSOCIATION
FOR REVIEW AT THE MEETING OF February 2, 1974
SERIAL PENINSULA & DEVELOPMENT

Wm. L. G. H. G. _____



DATE: MAY 1981



U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

DESIGNED BY: J.A.

DRAWN BY: S.W.

JOB NO. 1000

NO. 100-100000-100000

FLO	BR	NO	P	A	
-----	----	----	---	---	--

STANLEY'S MEASUREMENTS

STANLEY'S MEADOW NO.3

SITUATED IN THE S 1/2, SEC 34, T 4 S, R 11 W, S 4 M
AND BEING A RESUBDIVISION OF A PART-50 OF S 31 S

NO 75-226 CONTAINING 28747 ACRES

ABILITY SURVEYS

年份	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100																																																															
总人口	115,000,000	116,000,000	117,000,000	118,000,000	119,000,000	120,000,000	121,000,000	122,000,000	123,000,000	124,000,000	125,000,000	126,000,000	127,000,000	128,000,000	129,000,000	130,000,000	131,000,000	132,000,000	133,000,000	134,000,000	135,000,000	136,000,000	137,000,000	138,000,000	139,000,000	140,000,000	141,000,000	142,000,000	143,000,000	144,000,000	145,000,000	146,000,000	147,000,000	148,000,000	149,000,000	150,000,000	151,000,000	152,000,000	153,000,000	154,000,000	155,000,000	156,000,000	157,000,000	158,000,000	159,000,000	160,000,000	161,000,000	162,000,000	163,000,000	164,000,000	165,000,000	166,000,000	167,000,000	168,000,000	169,000,000	170,000,000	171,000,000	172,000,000	173,000,000	174,000,000	175,000,000	176,000,000	177,000,000	178,000,000	179,000,000	180,000,000	181,000,000	182,000,000	183,000,000	184,000,000	185,000,000	186,000,000	187,000,000	188,000,000	189,000,000	190,000,000	191,000,000	192,000,000	193,000,000	194,000,000	195,000,000	196,000,000	197,000,000	198,000,000	199,000,000	200,000,000	201,000,000	202,000,000	203,000,000	204,000,000	205,000,000	206,000,000	207,000,000	208,000,000	209,000,000	210,000,000	211,000,000	212,000,000	213,000,000	214,000,000	215,000,000	216,000,000	217,000,000	218,000,000	219,000,000	220,000,000	221,000,000	222,000,000	223,000,000	224,000,000	225,000,000	226,000,000	227,000,000	228,000,000	229,000,000	230,000,000	231,000,000	232,000,000	233,000,000	234,000,000	235,000,000	236,000,000	237,000,000	238,000,000	239,000,000	240,000,000	241,000,000	242,000,000	243,000,000	244,000,000	245,000,000	246,000,000	247,000,000	248,000,000	249,000,000	250,000,000	251,000,000	252,000,000	253,000,000	254,000,000	255,000,000	256,000,000	257,000,000	258,000,000	259,000,000	260,000,000	261,000,000	262,000,000	263,000,000	264,000,000	265,000,000	266,000,000	267,000,000	268,000,000	269,000,000	270,000,000	271,000,000	272,000,000	273,000,000	274,000,000	275,000,000	276,000,000	277,000,000	278,000,000	279,000,000	280,000,000	281,000,000	282,000,000	283,000,000	284,000,000	285,000,000	286,000,000	287,000,000	288

1000

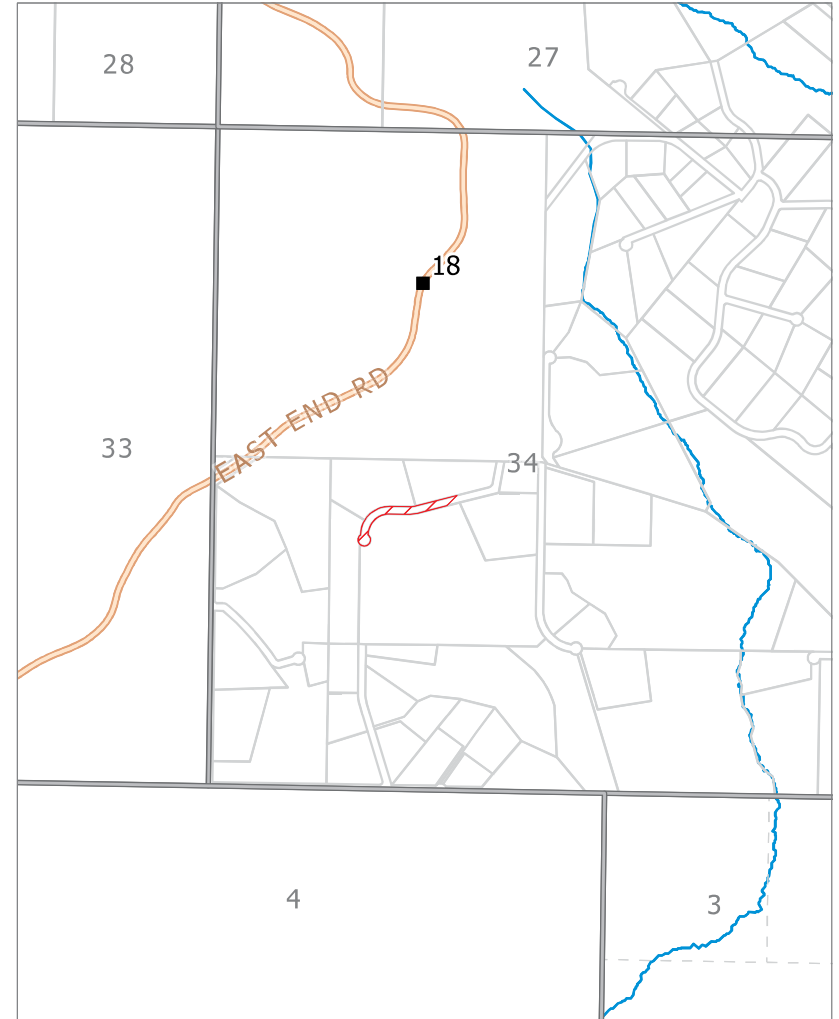
E. NEW BUSINESS

4. Right-of-Way Vacation; KPB File 2023-024V

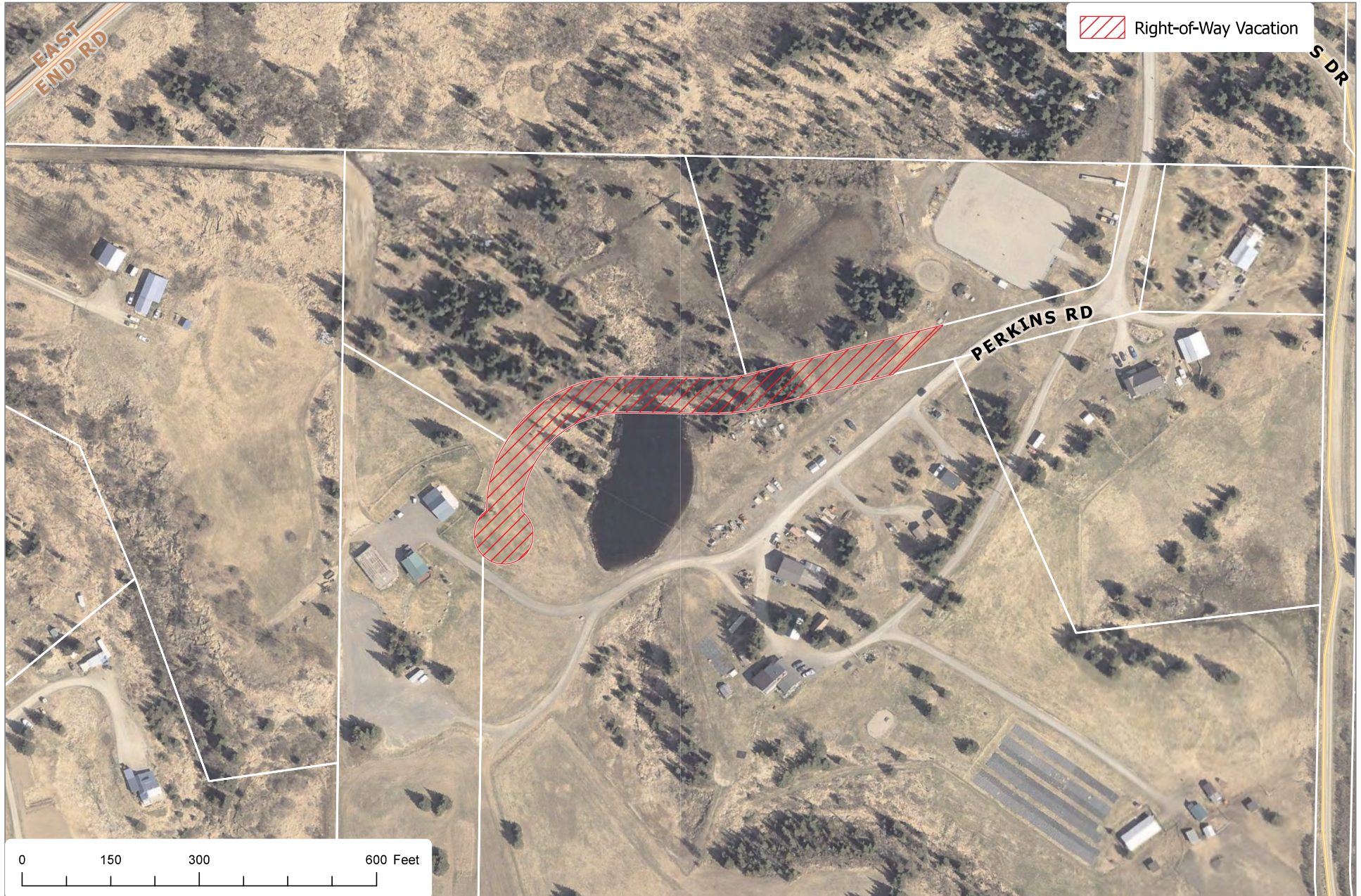
Ability Surveys / Jones

Request: Vacates a portion of Perkins Road and associated utility easements granted on Stanley's Meadow Vikki's Replat, Plat HM 99-30

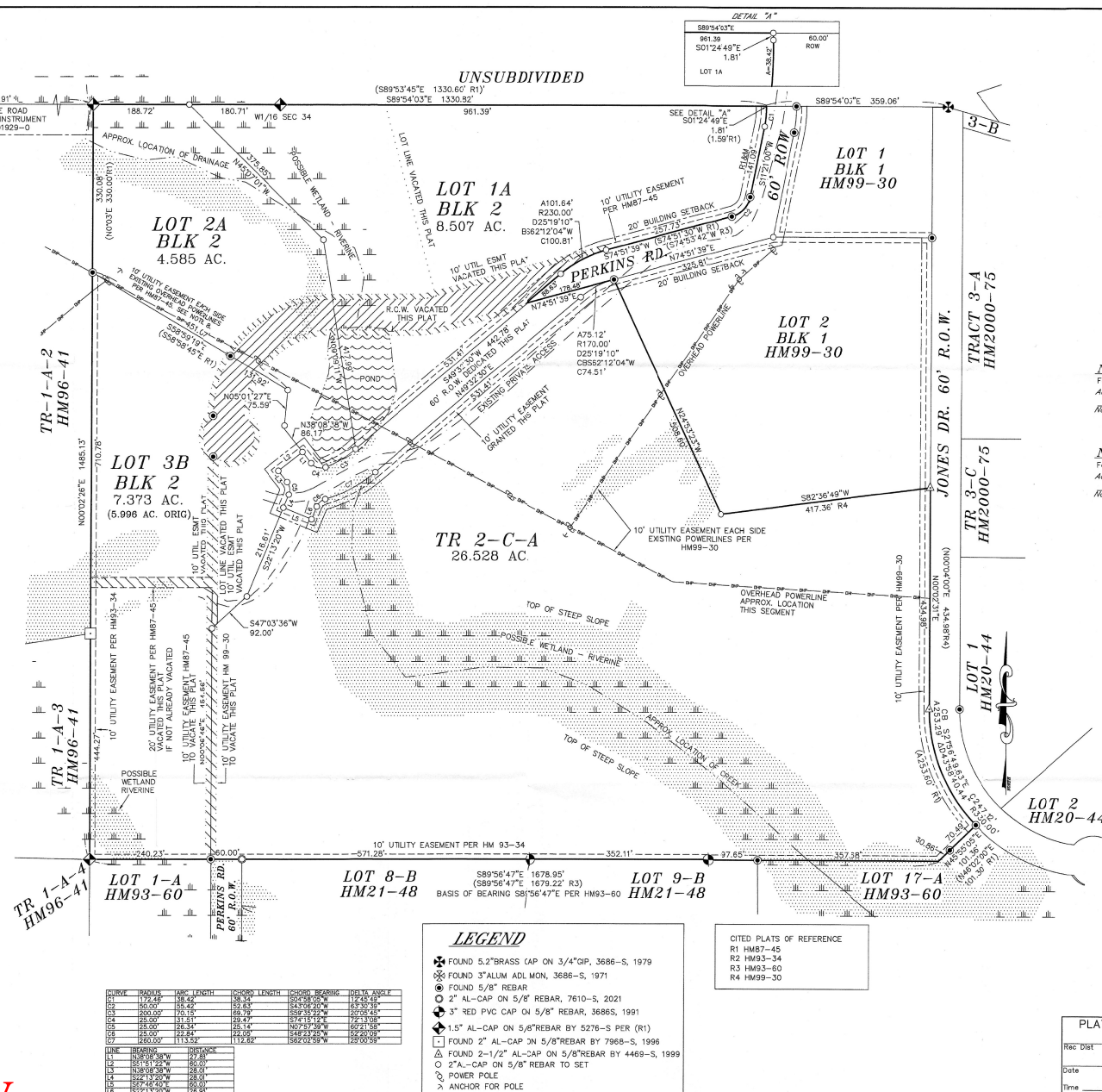
Fritz Creek Area / Kachemak Bay APC



KPB File # 2023-024V
S34 T04S R11W
Fritz Creek



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.



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

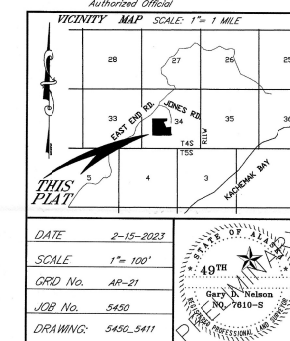
STEPHANIE J JONES
33675 PERKINS RD
HOMER AK 99603

For Cecil R Jones and Ina L Jones
Acknowledged before me this _____ day of _____ 2023.

Notary public for Alaska My Commission Expires _____

For Billy R Jones and Stephanie J Jones
Acknowledged before me this ____ day of _____, 2023.
Notary public for Alaska My Commission Expires _____

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____
KENAI PENINSULA BOROUGH
BY _____

BY _____
Authorized Official

STANLEY'S MEADOW 2020
A REPLAT OF LOTS 1 & 2 BLOCK 2, STANLEY'S MEADOW
SUBD. NO. 7 (HWB7-45), TRACT 2-C STANLEY'S MEADOW
WVKS REPEAT (HWB99-30), AND LOT 3-A BLOCK 2,
STANLEY'S MEADOW SUBD. NO. 13 (HWB93-34), AND
VACATING A PORTION OF PERKINS ROAD RIGHT-OF-WAY
AS SHOWN ON STANLEY'S MEADOW NO. 13 (HWB93-34),
WITHIN THE SW1/4 SEC. 34, T45S, R111W, S3M, KENAI
PENINSULA & BEAVER CREEK TARDIOWAY DISTRICT,
HOMER RECORDING DISTRICT, STATE OF ALASKA
CONTAINING 47.996 ACRES.

ABILITY SURVEYS

GARY NELSON, PLS
(907) 235-8440
152 DEHEL AVE. HOMER ALASKA 9960

KPB 2023-024V

**ITEM 4 - RIGHT OF WAY VACATION
PORTION OF PERKINS ROAD DEDICATED ON STANLEY'S MEADOW #7 (PLAT HM 87-45) AND
STANLEY'S MEADOW NO. 13 (PLAT HM 93-34)**

KPB File No.	2023-024V
Planning Commission Meeting:	April 10, 2023
Applicant / Owner:	Billy and Stephanie Jones of Homer, Alaska and Cecil and Ina Jones of Fritz Creek, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Perkins Road, Fritz Creek, Kachemak Advisory Planning Commission
Legal Description:	Perkins Road, Stanley's Meadow #7 (Plat HM 87-45) and Stanley's Meadow No. 13 (Plat HM 93-34), Section 34, Township 4 South, Range 11 West.

STAFF REPORT

Specific Request / Purpose as stated in the petition:

- As originally platted, Perkins Road crosses relatively low and wet ground. This portion of the ROW has not been constructed or utilized for travel.
- The proposed alignment would shift the ROW to a more suitable location for construction and make use of a portion of an existing hardened surface, a former runway as well as a portion of the existing access road.
- This petition is being made in conjunction with a replat of the affected parcels. All owners are in agreement with the proposed alignment and would benefit from the suitability of the layout.
- Each lot would maintain adequate access, which includes a portion of the private access road depicted on the map.
- This adjustment would not significantly alter the overall length of Perkins Road from its intersection with Jones Drive to the north.
 - The current alignment of Perkins Dr. measures approximately 2,000' from the centerline of Jones Dr. to the center of the cul-de-sac.
 - The proposed alignment of Perkins Dr. measure approximately 1,850' from the centerline of Jones Dr. to the center of the Y-Type intersection.
 - From the north boundary the proposed realignment of Perkins Dr. measures approximately 1,285'.
- Plat HM 93-34 vacated a portion of the original ROW that connected Perkins Rd to the south boundary of current Tract 2-C (HM 99-30) due to the steep terrain located to the south and unlikely need to construct the road from north to south.
- The owners of all parcels are family and do not intend to subdivide the proposed 26.5 acre Tract 2-C-A any further. However, if a subdivision was pursued, additional ROW's could be dedicated east and/or west of the creek shown thereby reducing the overall block length.

Notification: The public hearing notice was published in the April 6, 2023 issue of the Homer News as part of the Commission's tentative agenda.

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

Library of Homer

Post Office of Homer

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

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

Eighteen public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game	Ninilchik Traditional Council
State of Alaska DNR	Alaska Communication Systems (ACS)
State of Alaska DOT	ENSTAR Natural Gas
State of Alaska DNR Forestry	General Communications Inc, (GCI)
Kachemak Advisory Planning Commission	Homer Electric Association (HEA)
Kachemak Emergency Services	

Legal Access (existing and proposed): The right-of-way petitioned for vacation is located near mile 18 of state maintained East End Road. Jones Drive provides access from East End Road. Jones Drive splits and continues with the western road being Perkins Road. Jones Drive is borough maintained but Perkins Road is not maintained. The road is constructed with most of the constructed roadway that is being used for access not falling within a dedication. Approximately 500 feet of the road is within a dedication portion.

Along the Perkins Road dedication there are currently six lots fronting along the dedication. It appears one of the lots does not have any improvements in place and access will be difficult due to a pond along the edge of the dedication. The other five lots are accessed from the constructed road way with three where the road is within the dedication. Lot 1 Block 1, Stanley's Meadow No. 7, Plat HM 87-45, and Tract2-C and Lot 2 Block 1, Stanley's Meadow Vikki's Replat, Plat HM 99-30, are using Perkins Road but also front along constructed and borough maintained Jones Drive.

The Perkins Road dedication formally extended beyond the current cul-de-sac bulb to connect to a portion of Perkins Road located to the south. There is approximately 780 feet between the end of the cul-de-sac and the dedication to the south. There is steep terrain within the northern portion of the southern dedication that will make a connection difficult.

The Perkins Road has been developed within an area outside the dedication but where there is better suited terrain. Due to the length of the road and the proposed size of the lots, staff had advised that the new dedication should not end with a cul-de-sac but end with a t-type or hammerhead turnaround. The proposal to relocate the right-of-way has the road ending with a y. Looking at the existing constructed surface the y matches what is currently being used.

KPB Roads Dept. comments	Existing access is outside the proposed ROW. There appears to be a large amount of debris within the proposed ROW.
SOA DOT comments	No comment - engineering

Site Investigation: There appears to be some open water adjacent to the existing dedication and possibly slightly within the dedication. The relocation will avoid the open water but it will still be adjacent to the dedication. Per the Kenai Watershed Forum Wetlands Assessment, there is Riverine that runs northwest to the southeast through the property including across the current dedication and the proposed dedication. Per the plat submitted, a creek is located within that area south of the constructed right-of-way.

The current dedication is free of steep terrain. The proposed dedication appears to comply with KPB Code slope requirements.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan</p>
-------------------------	--

	Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
--	---

Staff Analysis: The property within this area is seen multiple replats through the years and several changes to the dedication of Perkins Road. A preliminary plat has been submitted to reconfigure the lots around Perkins Road and to finalize the vacation.

A few concerns have been mentioned by the KPB Roads Department. The plat intends to dedicate the new right-of-way but portions will be parallel to a private access. The concern will be that the right-of-way will start within a public use dedication and then will begin to meander onto private property and then back into the dedication. This could cause some trespass issues. The Roads Department additionally mentioned that there appears to be multiple items within the proposed dedication area.

Staff will be recommending that the vacation be subject to the currently constructed roadway be within the newly proposed dedication. Staff usually recommends the dedication be centered on the existing travelway but due to some existing improvements that may cause encroachment issues. Staff will be satisfied if the roadway is within the dedication. The approval of the plat will require confirmation that the dedication will not cause any encroachment issues. If permanent structures are determined to be within the new dedication, the owners will need to work with staff to resolve the issue. Any items that are not permanent will be required to be moved with proof provided showing there will be no encroachments within the new dedication prior to finalizing the plat.

20.65.050 – Action on vacation application

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;
Staff comments: Only a portion of the dedicated right-of-way is in use. Remainder is outside the dedication
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: The terrain appears to be similar within the vacation area compared to the new dedication. A constructed roadway is already present.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: The area still contains large acreage lots that could be further subdivided and the proposed y design will allow for right-of-way continuations if needed.
 4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
Staff comments: Does not provide access to public interest areas.
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;

Staff comments: Due to terrain there are already issues with connections. The proposal will allow for better lot configuration with better access.

6. Other public access, other than general road use, exist or are feasible for the right-of-way;

Staff comments: Could be used for other use but the new location will provide better use.

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

Staff comments: Associated easements will be vacated with new easements granted along the new dedication. Many utilities are within the area with their own easements already granted. Any easements requested by the utility providers should be granted.

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

Staff comments: The new proposed area appears to provide a better location.

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

The Assembly or City Council will hear the vacation at their scheduled May 2, 2023 meeting.

If approved, Stanley's Meadow 2023 will finalize the proposed right of way vacations. The Plat Committee is scheduled to review the preliminary plat on April 10, 2023.

KPB department / agency review:

Addressing	Reviewer: Robinson, Celina Affected Addresses: 33675 PERKINS RD; 33566 PERKINS RD; 33602 PERKINS RD Existing Street Names are Correct: Yes List of Correct Street Names: PERKINS RD, JONES DR Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 33675 PERKINS RD; 33566 PERKINS RD; 33602 PERKINS RD WILL NOT BE AFFECTED
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
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:

HEA	HEA has no objection to the vacation of the platted utility easements as depicted on this utility easement vacation exhibit drawing. HEA will request 30 foot wide utility easements on all single phase overhead electric lines during the platting review.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	

RECOMMENDATION:

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

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).
5. The new dedication encompasses the existing travelway.
6. No encroachments may be created with the new dedication.

KPB 20.65.050 – Action on vacation application

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

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

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

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

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

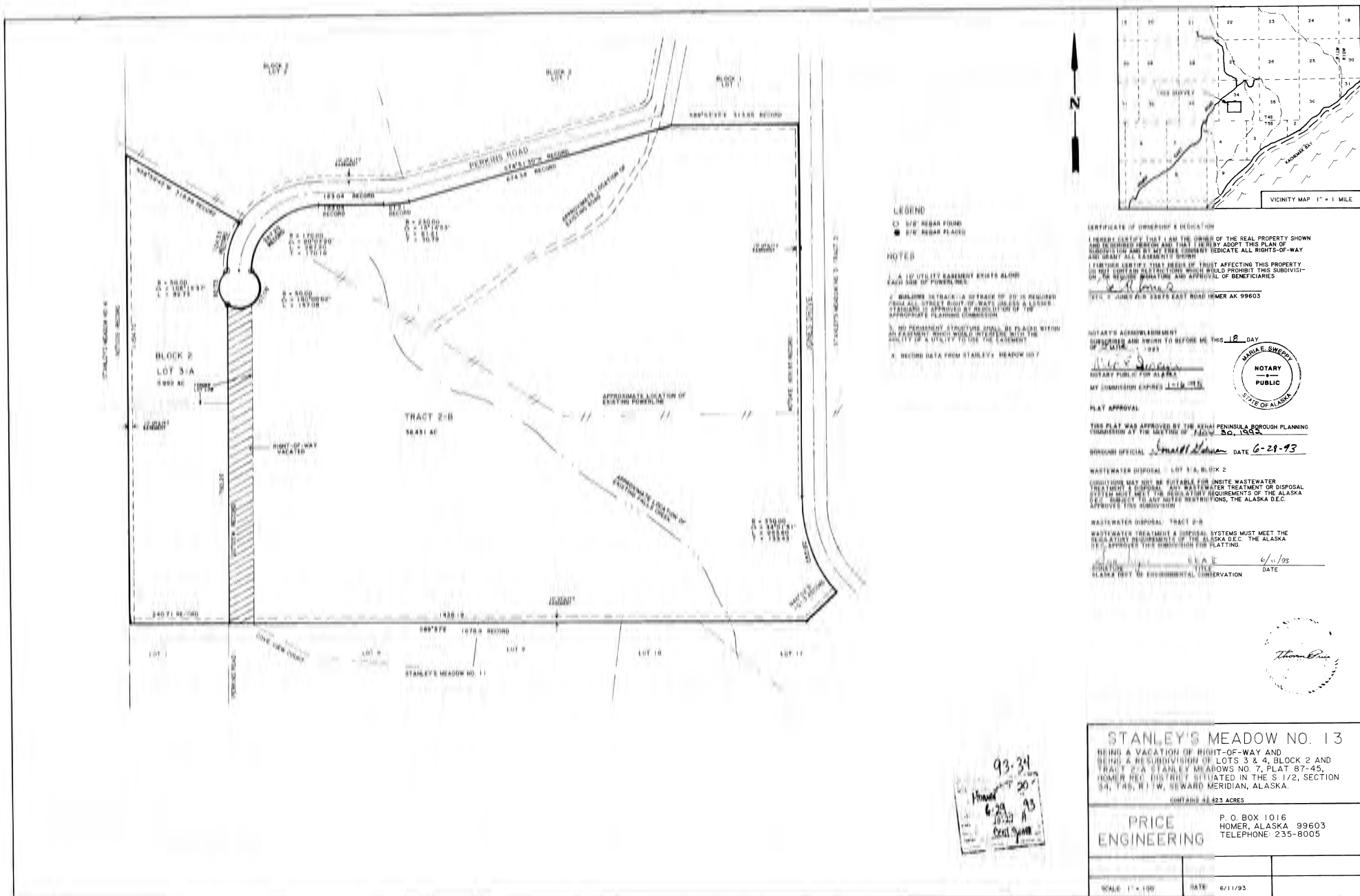
- *Focus Area: Transportation*
 - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*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

END OF STAFF REPORT

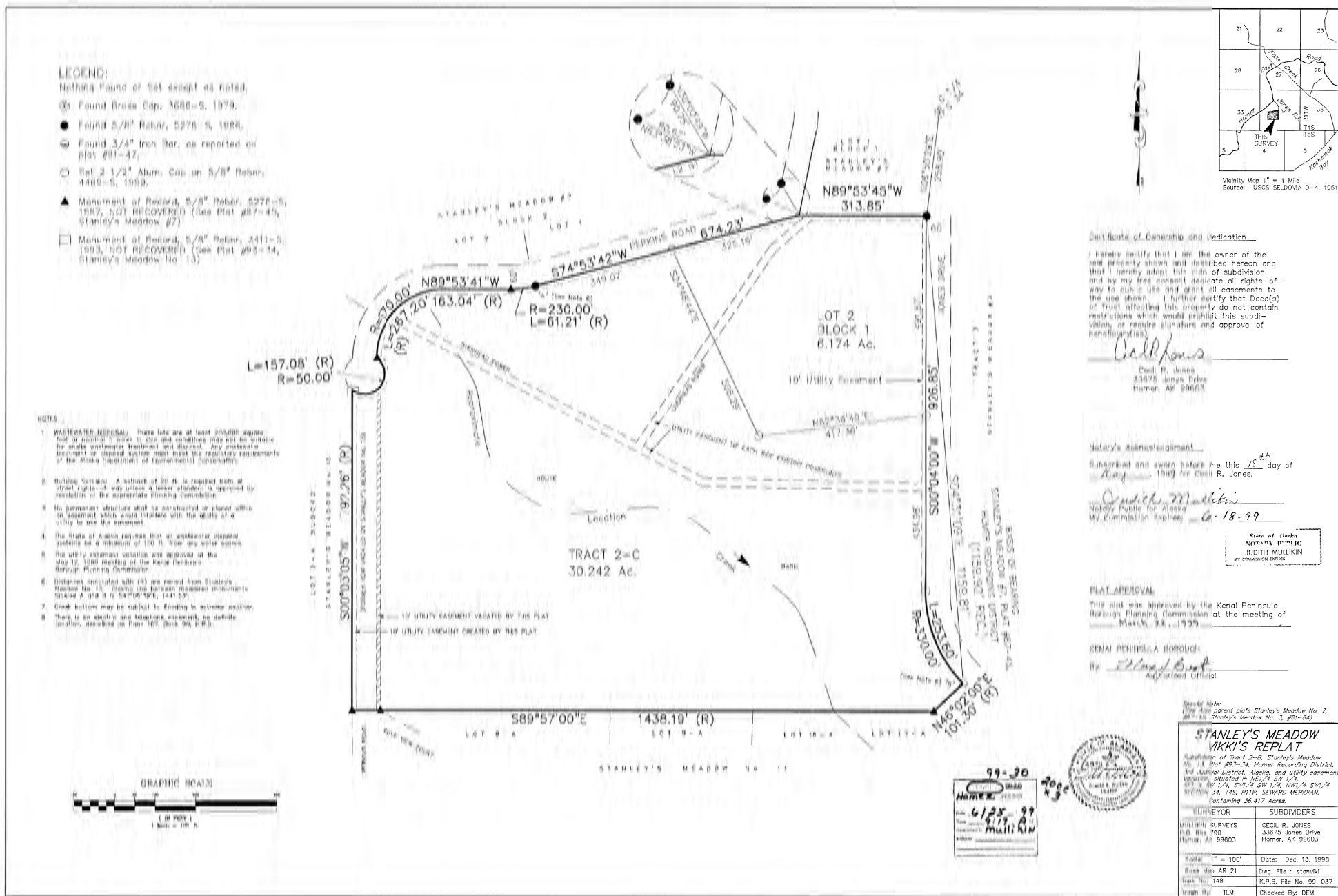


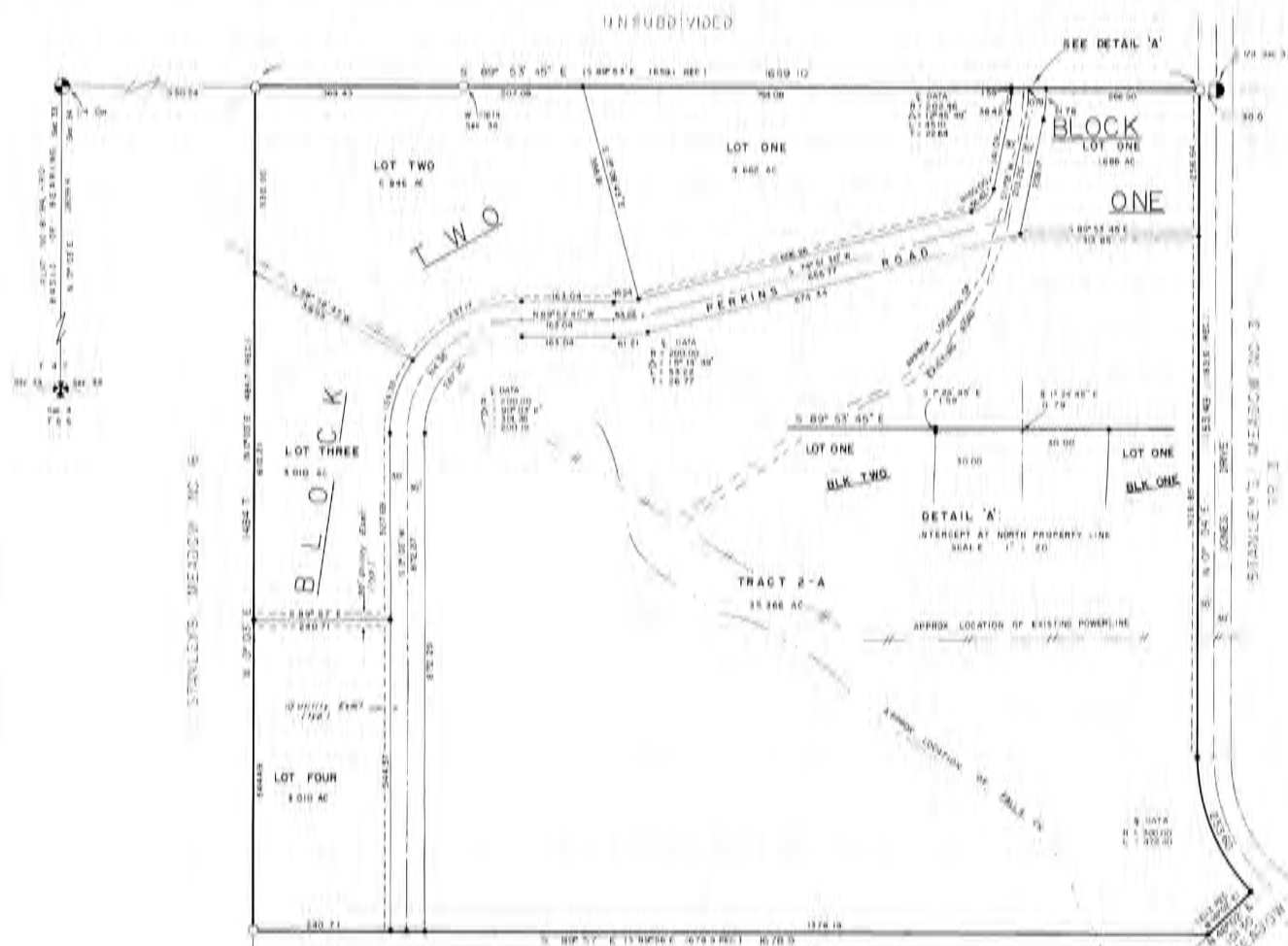
Aerial with 5-foot Contours





HM 99-30

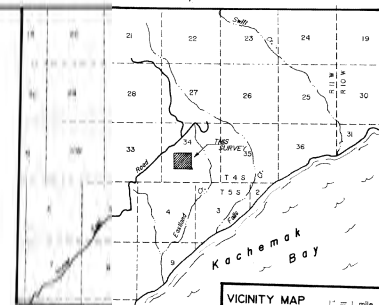




- FOUND S.E. MONUMENT, H.M., 1964
 FOUND S.E. MONUMENT, 1971
 FOUND S.E. MONUMENT, 1966-5, 1978
 SET 50' REBAR WITH 1" IET AL CAP
 SET 50' REBAR

NOTES:

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL RIGHTS-OF-WAY LINES. A CEDED EASEMENT IS APPROVED BY THE BOARD OF THE APPROPRIATE PLANNING COMMISSION.
 2. A 10' UTILITY EASEMENT EXISTS ALONG THE RIGHT-OF-WAY LINES THAT WERE CONSTRUCTED PRIOR TO 1970.
 3. FRONT 10' OF THE BUILDING SETBACK IS ALSO A UTILITY EASEMENT.
 4. THIS PLAT WAS APPROVED BY ARES AS PER A LETTER DATED MARCH 20, 1986 AND MEETS THE REQUIREMENTS OF 18 AAC 73.065.



CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE ALL RIGHTS-OF-WAY TO PUBLIC USE AND ALL EASEMENTS TO THE USE SHOWN.

Cecil B. Jones 6-19-86
 Cecil B. Jones, JR. 33675 EAST ROAD HOMER, AK 99603 DATE

NOTARY ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 19th day of June, 1986
 Notary Public for Alaska

By *Virginia L. Wilson* Virginia L. Wilson
 Notary Public
 State of Alaska

SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED REGISTERED SURVEYOR, HEREBY CERTIFY THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME, AND THAT ALL MONUMENTS SHOWN ON THIS PLAT WERE RECOVERED OR SET BY ME, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE BEST OF MY KNOWLEDGE.



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF 2-24-86

KENAI PENINSULA BOROUGH

By *Cecil B. Jones*
 AUTHORIZED OFFICIAL

87-45

Homer 20-

6-30-87

345 P

Shirley

Chadwick

KPB FILE NO. 86-40

SCALE 1" = 100' JANUARY, 1986 DES: DF DRAW: CW

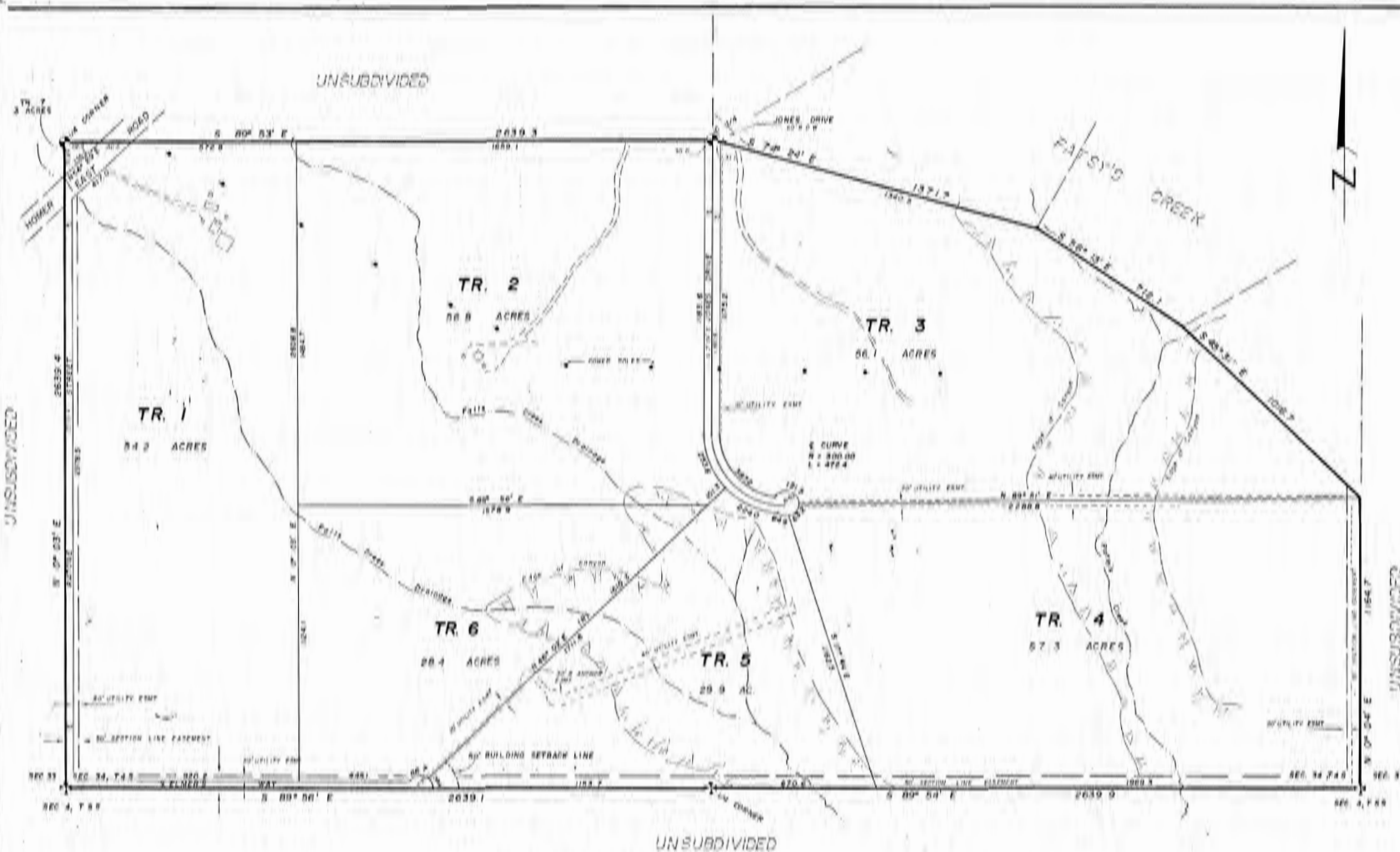
STANLEY'S MEADOW #7

BEING A RESUBDIVISION OF TRACT 2, STANLEY'S MEADOW NO. 3, PLAT NO. 81-84, H.R.D., SITUATED IN THE S 1/4, SECTION 34, T4S, R1W, SEWARD MERIDIAN, ALASKA.

CONTAINING 56.757 ACRES

David H. Wilson, L.S. SRA Box 52A Homer, AK. 99603

HOMER RECORDING DISTRICT



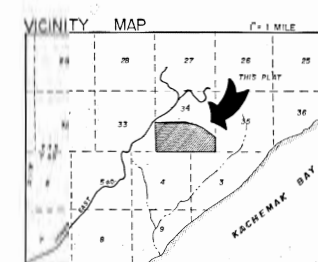
NOTES

- 1 NO MONUMENTS WERE FOUND OR SET EXCEPT AS SHOWN
2 A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-
3 OF WAY UNLESS A LESSER STANDARD IS APPROVED BY
4 RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION, OR
5 UNLESS SHOWN OTHERWISE.
6
7 THERE IS A 10' UTILITY EASEMENT ALONG EACH SIDE OF EXISTING
8 POWER LINES

[illegible]

PLAT. APPROVAL
THIS PLAN WAS APPROVED BY THE KEWA PENINSULA BOROUGH PLANNING
COMMISSION AT THE MEETING OF June 8, 1991
KEWA PENINSULA BOROUGH

Frank S. Leger



DATE	MAY, 1981
SCALE	1" = 200'
DESIGNED BY	J. A.
DRAWN BY	S. W.
JOB NO.	1288
FLD BK NO.	83-A

The seal is circular with a double-lined border. The outer ring contains the text "STATE OF ALASKA" at the top and "LICENSED PROFESSIONAL ENGINEER" at the bottom. Inside the ring, a five-pointed star is positioned above the number "49th". Below the star, the name "Jerry A. Anderson" and the number "NO. 3885" are inscribed.

STANLEY'S MEADOW NO. 3
SITUATED IN THE S 1/2, SEC. 34, T.4S, R.11W, S.M.
BEING A RESUBDIVISION OF A PORTION OF ASLS
9-225
CONTAINING 287.847 ACRES

ABILITY SURVEYS

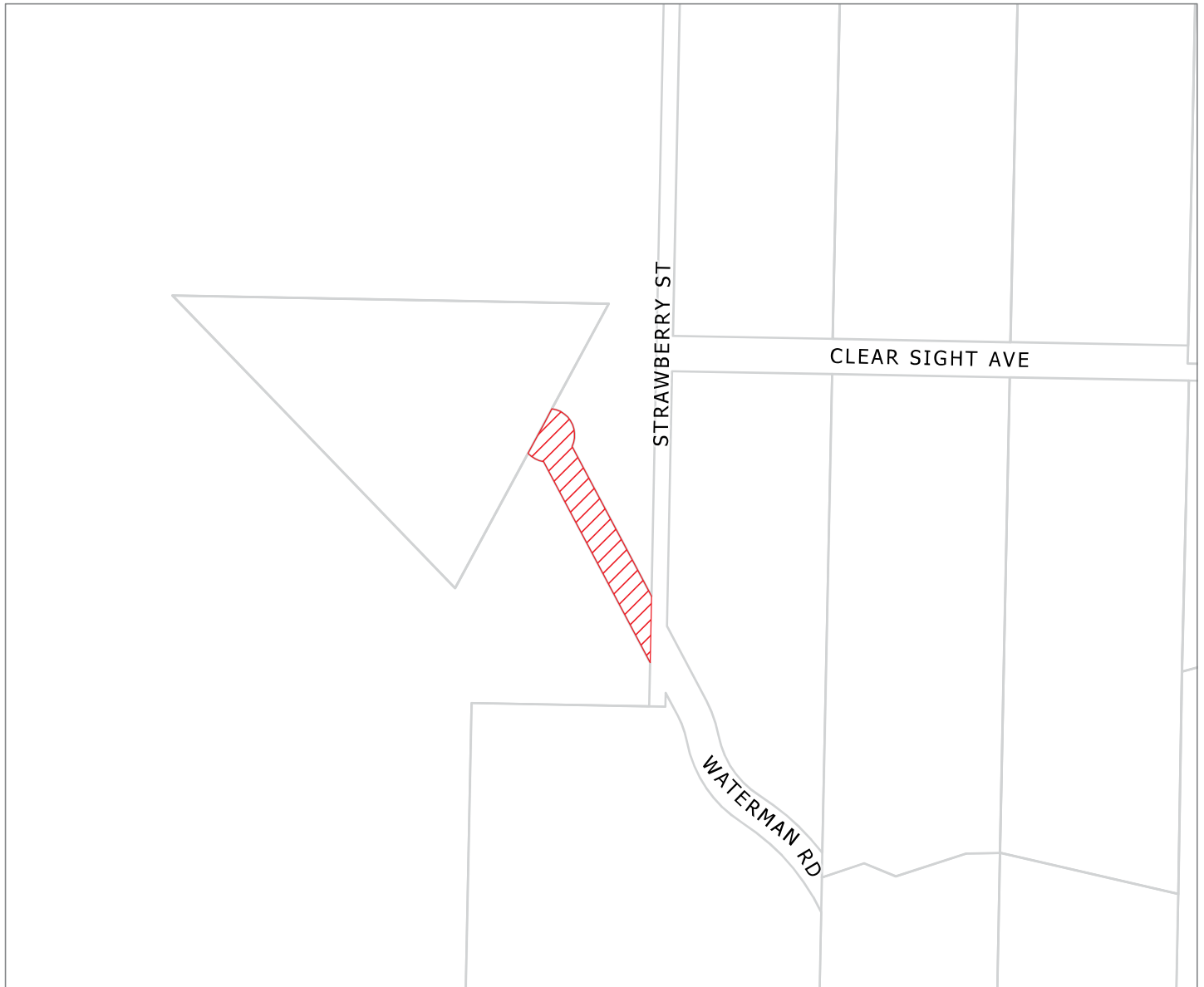
E. NEW BUSINESS

5. Right-of-Way Vacation; KPB File 2023-026V

Orion / Canyon Creek Trust

**Request: Vacates entire north portion of Waterman Road
dedicated on Skipper's View, Plat HM 81-32**

Fritz Creek Area / Kachemak APC

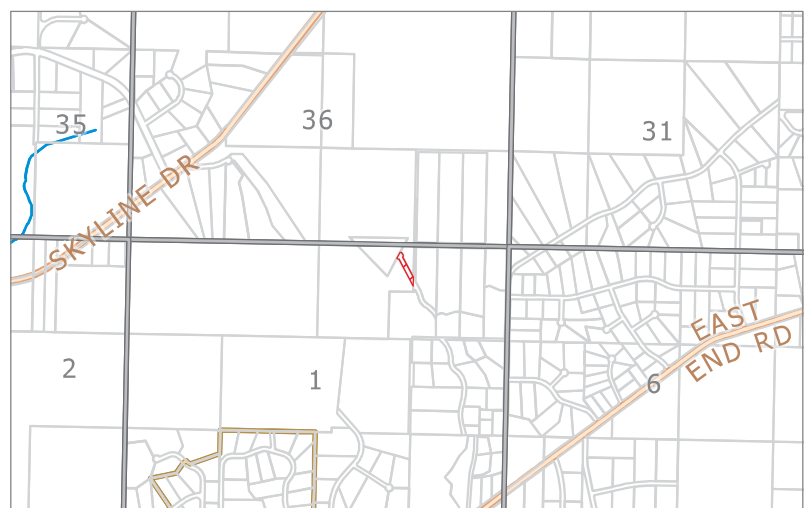
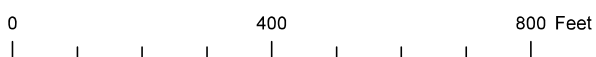


KPB File 2023-026V

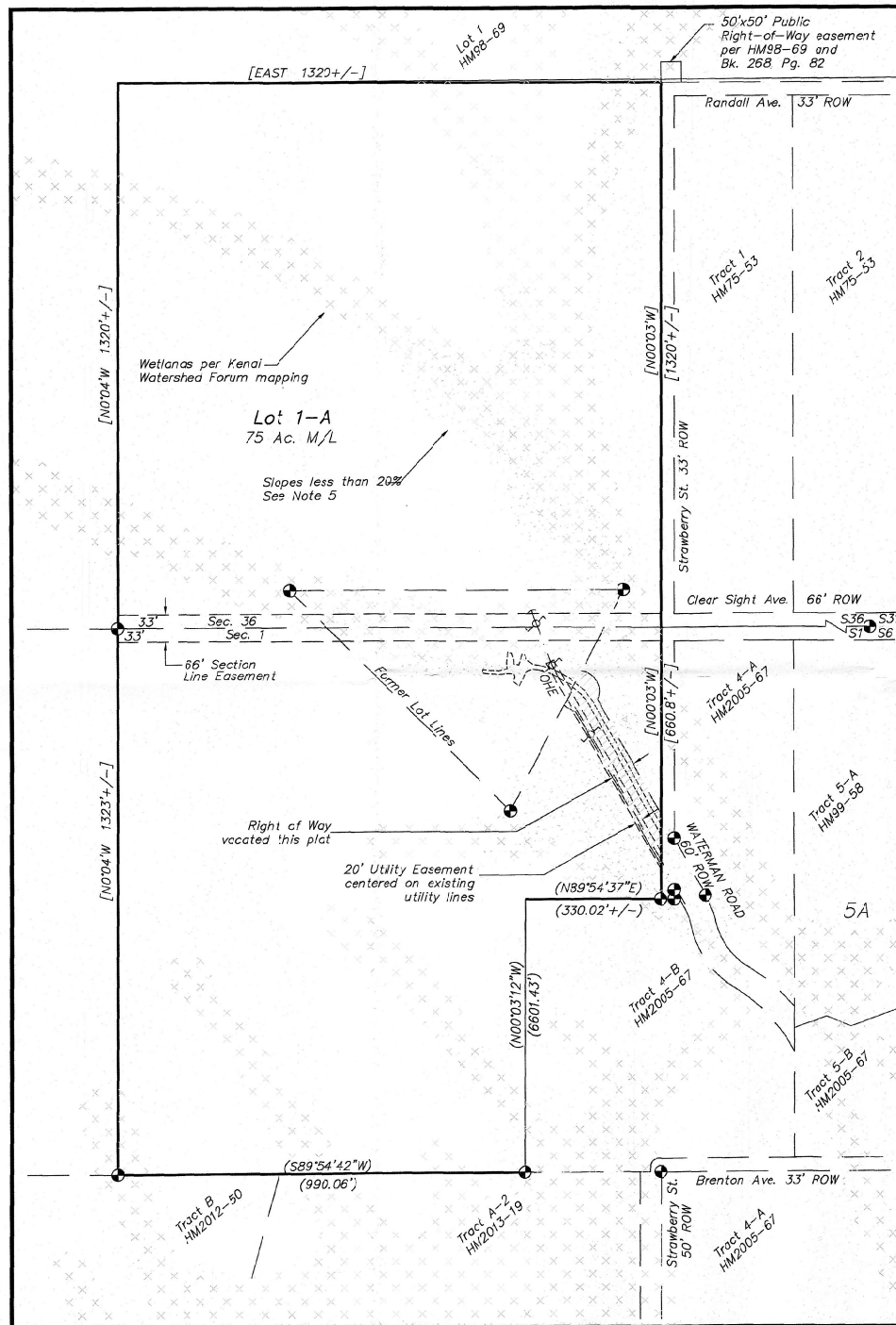
T 06S R 13W SEC 1

Fritz Creek

3/9/2023











NOTES:

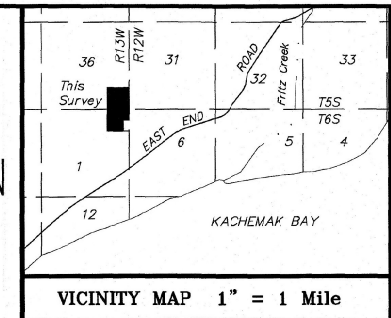
1. A building setback of 20' is required from all street rights-of-way unless a lesser standard is approved by the appropriate Planning Commission.
2. The front 15' and the entire setback within 5 ft. of side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. Any person developing this property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps. of Engineers wetland determination, if applicable.
4. Existing overhead powerlines as shown hereon are the centerlines of 20' electrical distribution line easements per HM81-32. These easements include guys and anchors.
5. Most of this subdivision has slopes in excess of 20%. The dotted hatched area shows slopes less than 20%.
6. No field survey was conducted and no monuments were found or set.

LEGEND

-  *Monument of Record*
 *Utility pole*
 *Record dimension per HM81-32*
 *Record dimension per HM2005-67*

Wastewater Certificate:

These lots at least 200,000 square feet or a nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Conservation.



Ownership Certificate:

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

Garrett Walker
for The Canyon Creek Trust
40015 Waterman Road
Homer, AK 99603

Notary's Acknowledgement:

For

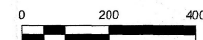
Acknowledged before me this _____ day of _____, 20__.

Notary Public for _____
My Commission expires: _____

Plat Approval:

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____, 2023
Kenai Peninsula Borough

By: _____
Authorized Official



SKIPPER'S VIEW
2023 ADDITION

*A Vacation of a portion of the Right-of-Way
of Waterman Road and
Replat of Lots 1 and 2, Skipper's View Subdivision, HM81-32,
within NW1/4 NE1/4 Sec 36, T.6S., R.13W., and
SW1/4 SE1/4, Sec. 1, T5S, SM,
Kenai Peninsula Borough, Homer Recording District,
Third Judicial District, Alaska
Containing 75.9 Acres more or less*

Prepared for:
The Canyon Creek Trust
40015 Waterman Road
Homer, AK 99603

Prepared by:
Orion Surveys
PO Box 15025,
36570 Mara Road,
Fritz Creek, AK 99603
(907) 399-7028
tom@orionsurveys.com

Scale: 1"=200'

Date: 1/15/2023

FB:

Job # 991

KPB File No. 2023-

KPB 2023-026V

AGENDA ITEM E. NEW BUSINESS

**ITEM 5 - RIGHT OF WAY VACATION
VACATE APPROXIMATELY 425 FEET OF THE NORTHERN PORTION OF WATERMAN ROAD AS
DEDICATED BY SKIPPER'S VIEW, PLAT HM 81-32**

KPB File No.	2023-026V
Planning Commission Meeting:	April 10, 2023
Applicant / Owner:	The Canyon Creek Trust of Homer, Alaska
Surveyor:	Tom Latimer / Orion Surveys
General Location:	Waterman Road, Mile 5 of East End Road, Fritz Creek, Kachemak Bay Advisory Planning Commission
Legal Description:	Waterman Road, Skipper's View, Plat HM 81-32, Township 6 South, Range 13 West, Section 1

STAFF REPORT

Specific Request / Purpose as stated in the petition: The portion of Waterman Road being vacated lies entirely within this subdivision and does not connect to any surrounding properties. The owners wish to consolidate Lots 1 and 2 HM 81-32 into a single lot. The right of way will no longer be needed to serve former Lot 1. No other parties will be affected by this vacation.

Notification: The public hearing notice was published in the April 6, 2023 issue of the Homer News as part of the Commission's tentative agenda.

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

Library of Homer

Post Office of Homer

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

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

Twenty public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry
Kachemak Bay Advisory Planning Commission
Kachemak Emergency Services

Kenai Peninsula Borough Office
Ninilchik Traditional Council
Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)

Legal Access (existing and proposed): The portion of right-of-way proposed for vacation is the northern portion of a right-of-way with the partial cul-de-sac bulb. The road has been dedicated with several names but is now named as Waterman Road. Waterman Road is located near mile 5 of state maintained East End Road. Waterman Road is constructed and borough maintained until it reaches the dedicated right-of-way, Brenton Avenue. The maintained portion of Waterman Road is approximately 2,700 feet in length. The right-of-way continues north via a 25 foot ingress-egress easement over the roadway as granted by Pease Subdivision Red Rock Addition, HM 99-58. The constructed roadway continues north within a right-of-way dedication. The end of the right-of-way ends with a

partial bulb to provide access to a lot. The proposed vacation will vacate the northern portion starting at the intersection of Strawberry Street. Access for all lots will remain the same. A proposed replat will combine the two lots that front along the proposed vacation and will not require additional access.

Section line easements are present that runs through the subdivision. The section line easements do not appear to be in use.

There are many undeveloped and incomplete right-of-way dedications and section line easements within the area. The terrain in this area will make the ability to get feasible roads to create a complete block minimal.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: No comments
SOA DOT comments	No comment – DOT Engineering

Site Investigation: The right-of-way proposed for vacation is constructed and used to access improvements on Lot 1. The right-of-way is not maintained. It appears that there are areas within the dedication where the slope exceeds 10 percent. Lot 1 and Lot 2 have limited areas not affected by steep terrain. Some of the areas of Lot 2 that have slopes that are not as steep are not accessible due to the current lot configurations.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</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>
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Staff Analysis: Skipper's View, Plat HM 81-32, dedicated the right-of-way proposed for vacation. The plat named the right-of-way Strawberry Street but was changed by Resolution SN 2003-10 to Hanging Circle. Resolution SN 2012-04 then changed it to Waterman Road.

Skipper's View, HM 81-32, was a subdivision of aliquot lands. The 75 acre parcel created Lot 2, a 69.5 acre lot, and Lot 1, a 5 acre lot. The design of Lot 1 is unusual as it is a triangle with section line easement that intersect the lot. The placement of Lot 1 was over the best terrain found within in the subdivision. Steep slopes are throughout with limited use. The dedication was to comply with code and provide access to a dedicated street to Lot 1. Looking at older aerial photos it appears the area dedicated was already in use for access to the improvements that are located on Lot 1.

There are steep slopes throughout the subdivision. Some are within Lot 1 but most of the steep terrain is within Lot 2. There are some areas with slopes that are not as steep. Some of those may be accessed from the right-of-way but others are on the other side of Lot 1 and can only be accessed through Lot 1 or by section line easements. The section line easement along the east with a partial dedication for Strawberry Street is subject to very steep slopes and the ability for this to be used for access is minimal.

There are dedications and easements available to neighboring lands. Some will be difficult to access due to terrain. The area proposed for dedication only provides access to two lots that are proposed to be combined into one lot.

The parent plat did not grant utility easements adjacent to the right-of-way. An existing powerline was in place that provided service to Lot 1. This powerline appears to be within a portion of the dedication. Per Skipper's View, HM 81-32, the powerline is center of a 20 foot utility easement. The existing easement will remain in place on the replat of the property.

20.65.050 – Action on vacation application

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

1. The right-of-way or public easement to be vacated is being used;
Staff comments: The right-of-way is currently being used as a driveway to improvements on Lot 1.
2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: Road is constructed as a driveway. The terrain does not comply with KPB Code for maintained roads and would require work to be entered into the KPB maintenance program. The two lots using the road will be combined and share the driveway. All other lots appear to have some form of access.
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: There are numerous large acreage lots in the area but due to terrain will have limited access. It appears most lots in the general area have some form of access but all may not be feasible. The design of this road only benefits two lots that are to be combined.
4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
Staff comments: Does not provide access to public interest areas.
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: Only benefits two lots. Ends as a cul-de-sac and due to terrain limited ability to be dedicated any further.
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments:
7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.
Staff comments: An easement is in place over the existing powerlines and will be carried over. Any easements requested by the utility providers shall be considered.
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: The vacation will place the driveway back onto private property and it currently only provides access to improvements that are in the middle of 75 acres.

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

The Assembly will hear the vacation at their scheduled May 2, 2023 meeting.

If approved, Skipper's View 2023 Addition will finalize the proposed right of way vacations. The plat has been submitted but at the time the staff report was prepared the application was incomplete based on KPB Code 20.25 requirements. Once the application is complete the plat will be scheduled for the first available Plat Committee meeting.

KPB department / agency review:

Addressing	<p>Reviewer: Robinson, Celina Affected Addresses: 40015 WATERMAN RD, 40025 WATERMAN RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: STRAWBERRY ST, CLEAR SIGHT AVE, WATERMAN RD</p> <p>Existing Street Name Corrections Needed: RANDALL AVE SHOULD BE RANDAL AVE (ONE "L"); REFER TO PLAT HM 1975-53</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: 40015 WATERMAN RD, 40025 WATERMAN RD WILL NOT BE AFFECTED; THE VACATED PORTION OF WATERMAN RD WILL BE PORTRAYED BY DRIVEWAY DATA FOR DISPATCH PURPOSES</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan 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 Comments: No comment</p>
Advisory Planning Commission	

Utility provider review:

HEA	
ENSTAR	No comments or recommendations
ACS	
GCI	Approved as shown

RECOMMENDATION:

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

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

KPB 20.65.050 – Action on vacation application

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

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

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

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*

- *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

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

- Focus Area: Transportation

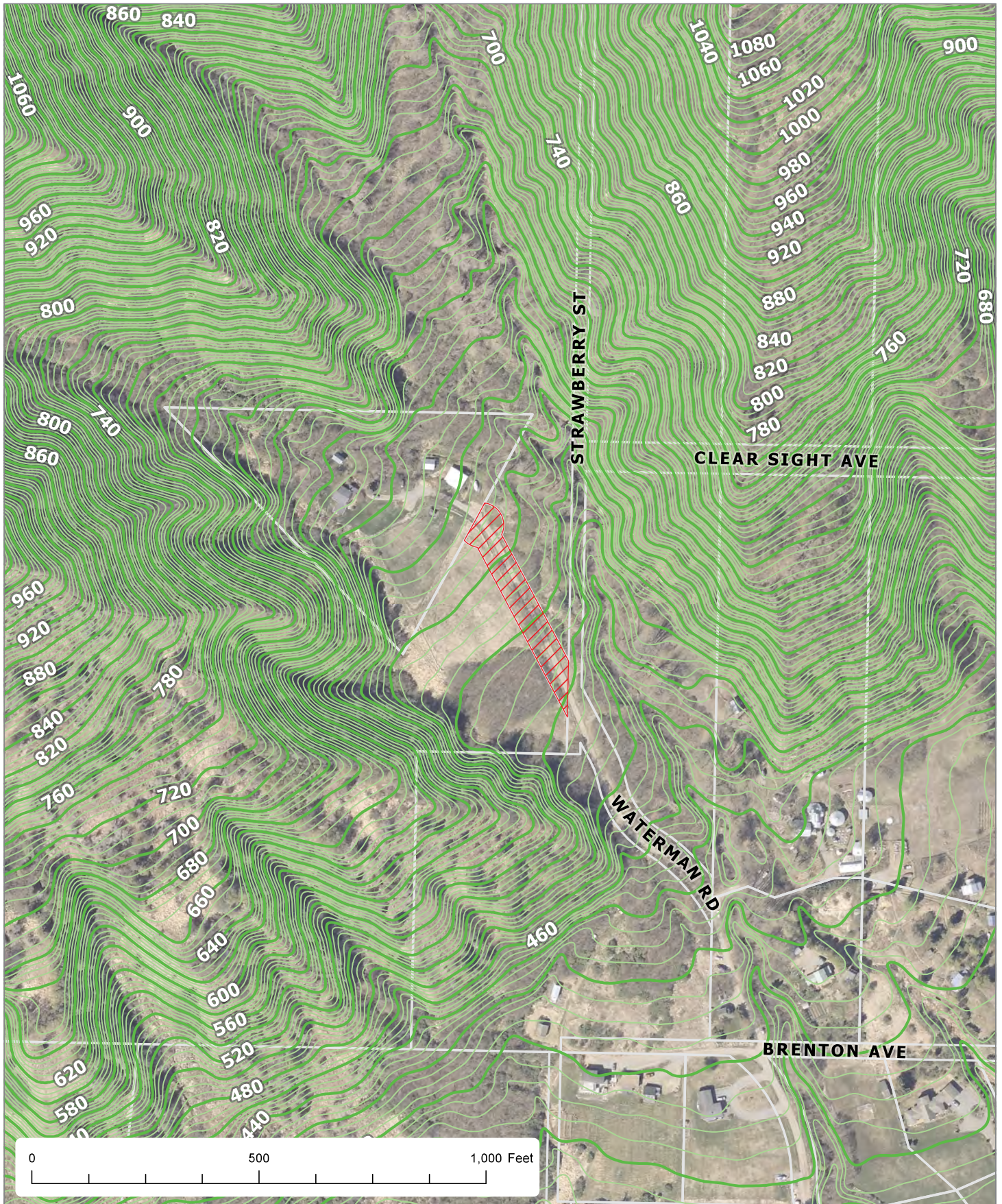
- *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
 - *Strategy 3. Near – Term: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

END OF STAFF REPORT





Aerial with 5-foot Contours



EAST 1320 ±

10' UTILITY ESMT.

RANCA AVE

NOTES:

1. A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

LEGEND :

● SET 3/4" I.P.

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 DEDICATED BY ME FOR PUBLIC
USE.


LARRY J. HOLLINSHED
BOX 1055
HOMER, AK.

Sandra J. Hollinshead
SANDRA J. HOLLINSHEAD

NOTARY'S ACKNOWLEDGEMENT
SUBSCRIBED AND SWORN TO BEFORE ME THIS 21 DAY OF April 1979

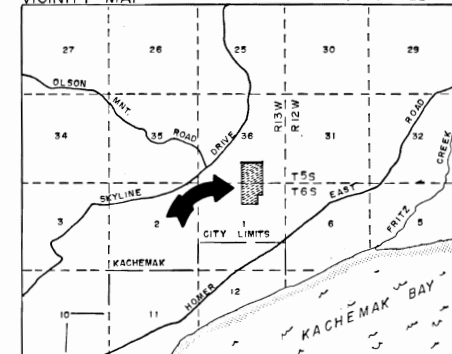
NOTARY PUBLIC
SHIRLEY ANN Wilson 23, 1984
NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES

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.


JERRY ANDERSON 3686-S DATE 4/21/81

PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF April 6, 1981

BY Jeddy B. Labak
AUTHORIZED OFFICIAL

VICINITY MAP 1" = 1 MILE

DATE: MARCH, 1981

SCALE: 1" = 20'

DRAWN BY: S. W

FLD. BK. NO.: 97 8 91

JOB NO.: 1290



SKIPPER'S VIEW

SITUATED IN THE NW 1/4 NE 1/4, SEC. 1, T 6 S,
R 13 W, S.M. & BEING THE SW 1/4 SE 1/4, SEC. 36,
T 5 S, R 13 W, S.M.

CONTAINING 75 ± ACRES

ABILITY—SURVEYS

JERRY ANDERSON, RLS BOX 1263 HOMER, ALASKA

UNSUBSIDIZED

LOT 2
69.5 ± AC

STRAWBERRY
STREET

N 89°55' E
330 ±

1. \mathbb{R}^n
 2. \mathbb{R}^n
 3. \mathbb{R}^n
 4. \mathbb{R}^n
 5. \mathbb{R}^n

APPROXIMATE LOCATION OF EXISTING
POWERLINE. THERE IS A 10' UTILITY
EASEMENT ALONG EACH SIDE OF EXISTING
LINES

10' UTILITY ESMT.

N 89
CNJ/16 (NOT FOUND)
B.C. AS SHOWN ON PLAT
OF JODI - LYNN HEIGHTS

UNSUBDIVIDED

81-32

RECORDED - FILED 10-
Homer REC. DIST.
DATE 5-7-1981
TIME 4:36 A
Requested by J P Barange
Address Salsitra



E. NEW BUSINESS

6. CLUP; Materials Extraction; PC RES 2023-08

Legal Description: T03S R14W SEC4 Seward Meridian HM 2006036, Hoffman Acres Lowell Field Phase 1, Lots 1, 2, 3, 4

**Applicant: Richard Gregoire / Landowner: Jerold Vantrease
Happy Valley Area**

Conditional Land Use Permit for a Material Site STAFF REPORT

PC MEETING: April 10, 2023

Applicant: Richard Gregoire
Landowner: Jerold Vantrease
Parcel Number: 159-360-09, 10, 11, 12
Legal Description: T 3S R 14W SEC 4 SEWARD MERIDIAN HM 2006036 HOFFMAN ACRES
LOWELL FIELD PHASE 1 LOT 1, 2, 3, 4
Location: Mile 1.4 of Tim Ave, Ninilchik, Alaska 99639

BACKGROUND INFORMATION: The applicant wishes to obtain a Conditional Land Use Permit for material extraction and processing on a portion of the parcels listed above.

The submitted application and site plan indicates that 4 contiguous parcels be combined under one permit. The ingress and egress of the parcels will utilize Tim Ave a Kenai Peninsula Borough Road. The material haul route will then travel East on Tim Ave. to the Sterling Highway a State Maintained facility.

The site plan and application proposes the following buffers:

North: 6-foot-high earthen berm
South: 6-foot-high earthen berm
East: 6-foot-high earthen berm
West: 6-foot-high earthen berm

Note: The applicant proposes to excavate the material under the earthen berm in 100-foot sections prior to its construction.

The subject property is bordered on the North side by the 66-foot-wide Tim Ave. On the East side of the property is the 120-foot undeveloped right of way for Jacob Samuel St. To the South is a large undeveloped lot that is privately owned. On the Westside of the property is the 150-foot-wide airstrip owned by Hoffman Acres Homeowners association Inc.

The site plan completed by McLane Consulting Inc., claims ground water is approximately 16 feet below the existing surface based on 9 test holes. The application states that the proposed depth of material excavation will equal 14-feet. Plan notes state that there are no wet lands or surface waters within the property boundaries. A Northern Central area will be maintained as a processing, staging and stockpile area. This processing area is at least 300-feet from the North, East and South property lines. The applicant requests a waiver from the 300-foot processing distance on the West side of the property due to the approximately 150-foot-wide adjacent airstrip. The applicant also requests a buffer waiver to remove the required buffers from between Lots 1, 2, 3, and 4. Native vegetation will provide surface water protection by way of phytoremediation, according to the McLane report. The site plan also indicates 1 well located within 300-feet from the proposed use area.

The application indicates that a permit modification to enter the water table will be submitted in the future. Accompanying notes state groundwater monitoring wells will be installed and a ground water study will be completed as weather permits.

Plan notes state that final reclamation will include a float plane basin with appurtenances. Grading and re-contouring will incorporate strippings, overburden, and topsoil to a condition that allows for the re-establishment of natural vegetation. Slopes steeper than 2:1 will be seeded. The application also states that 2-5 acres will be reclaimed each year and reclamation will be completed annually before the growing seasons ends.

The applicant estimates a life span of 15 years for the site and an annual quantity will be about 40,000 cubic yards. This amount of material will make the site eligible for a Small Operation Exemption pursuant to AS 27.19.050 and therefore bonding will not be required.

PUBLIC NOTICE: Public notice of the application was mailed on March 22, 2023 to the 123 landowners or leaseholders of the parcels within 1/2 mile of the subject parcel. Public notice was also sent to the postmaster covering the Happy Valley area and requested that the notice be placed in the nearest Post Office.

KPB AGENCY REVIEW: Application information was provided to pertinent KPB staff and other agencies on March 6, 2023.

ATTACHMENTS

- Conditional Land Use Permit - application and associated documents
- Aerial map
- Ownership map
- Lidar map

FINDINGS OF FACT

1. KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough.
2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
3. On March 6, 2023 the applicant, Richard Gregoire, submitted a conditional land use permit application to the Borough Planning Department for KPB Parcel 159-360-09, 10, 11, 12, which is located within the rural district.
4. KPB 21.29 provides that a conditional land use permit is required for material extraction that disturbs more than 2.5 cumulative acres or processes material.
5. The proposed cumulative disturbed area within the parcel is approximately 52 acres.
6. To meet material site standard 21.29.040(A)(1), the proposed activity must protect against lowering of water sources serving other properties by complying with required permit conditions KPB 21.29.050(A)(4), Water Source Separation; KPB 21.29.050(A)(5), Excavation in The Water Table; KPB 21.29.050(A)(6), Waterbodies.
7. The application indicates that the seasonal high-water table is 16-feet below the surface.
8. The applicant's intended depth of excavation will be 14-feet below the surface.
9. If water is encountered the applicant is required to maintain a 2-foot vertical separation from the seasonal high-water table.
10. The applicant is required not to dewater either by pumping, ditching or some other form of drainage.
11. The site plan indicates that there are no wells located within 100 feet of the proposed excavation and 1 well located within 300 feet.
12. The application states that work is not anticipated to be completed in the water table at this time.

13. The site plan states that there are no wetlands or surface waters within the proposed excavation area.
14. To meet material site standard 21.29.040(A)(2), the proposed activity must be conducted in a manner to protect against physical damage to adjacent properties by complying with the required permit conditions of KPB 21.29.050 (A)(1), Parcel Boundaries; KPB 21.29.050(A)(2), Buffer Zone; KPB 21.29.050(A)(7), Fuel Storage.
15. The site plan indicates the property boundary was flagged at visible intervals.
16. The site plan and application propose the following buffers:
 - North: 6-foot-high earthen berm.
 - South: 6-foot-high earthen berm.
 - East: 6-foot-high earthen berm.
 - West: 6-foot-high earthen berm.These buffers shall not overlap an easement.
17. The applicant is required to store fuel containers larger than 50 gallons in impermeable berms and basins capable of retaining 110 percent of storage capacity. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
18. To meet material site standard 21.29.040(A)(3), the proposed activity must be conducted in a manner which minimizes the off-site movement of dust by complying with required permit condition KPB 21.29.050(10), Dust Control.
19. The applicant is required to provide dust control by the use of water and calcium chloride.
20. The site plan indicates that an access will be constructed onto Tim Ave. and the haul route will then then travel East to the Sterling Highway.
21. To meet material site standard 21.29.040(A)(4), the proposed activity must be conducted in a manner which minimizes noise disturbance to other properties by complying with required permit conditions KPB 21.29.050(2), Buffer Zone; KPB 21.29.050(3), Processing; and KPB 21.29.050(11), Hours of Operation.
22. The site plan and application propose the following buffers:
 - North: 6-foot-high earthen berm.
 - South: 6-foot-high earthen berm.
 - East: 6-foot-high earthen berm.
 - West: 6-foot-high earthen berm.These buffers shall not overlap an easement.
23. The applicant indicates that material processing will take place on the property. Any equipment used for conditioning or processing materials will be operated at least 300 feet from the North, East and South parcel boundaries. The applicant requests a waiver to the 300-foot processing distance on the West side of the property. Any equipment used for crushing rock or other materials will not be operated between 10:00 p.m. and 6:00 a.m., to minimize noise disturbance to other properties.
24. To meet material site standard 21.29.040(A)(5), the proposed activity must be conducted in a manner which minimizes visual impacts by complying with the permit condition KPB 21.29.050(2), Buffer Zone.

25. The site plan and application propose the following buffers:
North: 6-foot-high earthen berm.
South: 6-foot-high earthen berm.
East: 6-foot-high earthen berm.
West: 6-foot-high earthen berm.
These buffers shall not overlap an easement.
26. To meet material site standard 21.29.040(A)(6), the proposed activity must be conducted in a manner which provides for alternate post-mining land uses by complying with the permit condition KPB 21.29.050(12).
27. The applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).
28. The bonding requirement of KPB 21.29.050(12)(b) will not apply to this material site if extraction in any one year does not exceed 50,000 cubic yards of material.
29. A public hearing of the Planning Commission was held on April 10, 2023 and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060 and KPB 21.11.

STAFF RECOMMENDATION

In reviewing the application staff has determined that the six standards contained in KPB 21.29.040 will be met and recommends that the Planning Commission approve the conditional land use permit with listed conditions, and adopt the findings of fact subject to the following:

1. Filing of the PC Resolution in the appropriate recording district after the deadline to appeal the Planning Commission's approval has expired (15 days from the date of the notice of decision) unless there are no parties with appeal rights.
2. The Planning Department is responsible for filing the Planning Commission resolution.
3. The applicant will provide the recording fee for the resolution to the Planning Department.
4. Driveway, roadway and entry permits must be acquired from either the state or borough as appropriate prior to the issuance of the material site permit.

PERMIT CONDITIONS

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter.
2. The permittee shall maintain the following buffers around the excavation perimeter or parcel boundaries as shown in the approved site plan:
North: 6-foot-high earthen berm.
South: 6-foot-high earthen berm.
East: 6-foot-high earthen berm.
West: 6-foot-high earthen berm.
These buffers shall not overlap an easement.
3. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
4. The permittee shall operate all equipment which conditions or processes material at least 300 feet from the North, East and South parcel boundaries. The applicant requests a waiver to the 300-foot processing distance on the West side of the property
5. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
6. The permittee shall maintain a 2-foot vertical separation from the seasonal high-water table.
7. The permittee shall not dewater either by pumping, ditching or any other form of draining unless an exemption is granted by the planning commission.

8. The permittee shall maintain an undisturbed buffer, and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including riparian wetlands and mapped floodplains.
9. The permittee shall ensure that fuel storage containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
10. The permittee shall conduct operations in a manner so as not to damage borough roads as required by KPB 14.40.175, and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
11. The permittee shall notify the planning department of any further subdivision or return to acreage of this parcel. The planning director may issue a written exemption from the permit amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.
12. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
13. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am.
14. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
15. The permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives.
16. The permittee shall post notice of intent on parcel corners or access, whichever is more visible if the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.
17. The permittee shall operate in accordance with the application and site plan as approved by the planning commission. If the permittee revises or intends to revise operations so that they are no longer consistent with the original application, a permit modification is required in accordance with KPB 21.29.090.
18. This conditional land use permit is subject to annual review by the planning department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.25.090, the planning commission may revoke a permit issued pursuant to this chapter if the permittee fails to comply with the provisions of this chapter or the conditions of the permit. The planning director shall provide at least 30 days written notice to the permittee of a revocation hearing before the planning commission.
19. Once effective, this conditional land use permit is valid for five years. A written request for permit extension must be made to the planning department at least 30 days prior to permit expiration, in accordance with KPB 21.29.070.

NOTE: Any 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, Chapter 21.20.250. A “party of record” is any party or person aggrieved by the decision where the decision has or could have an adverse effect on value, use, or enjoyment of real property owned by them who appeared before the planning commission with either oral or written presentation. Petition signers are not considered parties of record unless separate oral or written testimony is provided (KPB Code 21.20.210.A.5b1). 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 \$300 filing and records preparation fee. (KPB Code 21.25.100)

END OF STAFF REPORT

KPB 21.29

Conditional Land Use Permit Application

For a new or modified Sand, Gravel or Material Site

I. APPLICANT INFORMATION ☒ New ☐ Modification

Applicant <u>Richard Gregoire</u>	Landowner <u>Jerold Vantrease</u>
Address <u>PO Box 2372</u>	Address <u>PO Box 1730</u>
City, State, Zip <u>Homer, Alaska 99603</u>	City, State, Zip <u>Homer, Alaska 99603</u>
Telephone <u>907-235-1588</u> Cell <u>907-399-1526</u>	Telephone _____ Cell _____
Email <u>gregoireconstruction@gmail.com</u>	Email _____

II. PARCEL INFORMATION

KPB Tax Parcel ID# 15936009 thru 15936012 Legal Description T3S R14W Section 4 Seward Meridian
Hoffman Acres Lowell Field Phase 1 Lot 1, Lot 2, Lot 3 and Lot 4

If permit is not for entire parcel, describe specific location within parcel to be material site, e.g.; "N1/2 SW1/4 NE1/4 - 10 acres", or "5 acres in center of parcel".

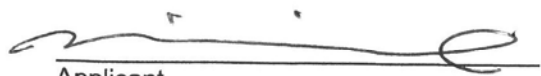
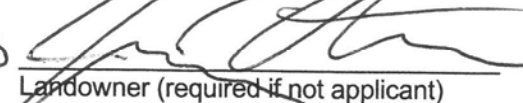
III. APPLICATION INFORMATION ☒ "Check" boxes below to indicate items included.

- ☒ \$1,000.00 permit processing fee payable to: Kenai Peninsula Borough. (Include Parcel # on check comment line.)
- ☒ Site Plan, to scale, prepared by a professional surveyor (licensed and registered in Alaska) showing, where applicable:
- | | |
|--|--|
| <input type="checkbox"/> parcel boundaries | <input type="checkbox"/> location/depth of testholes, and depth to groundwater, if encountered |
| <input type="checkbox"/> location of boundary stakes within 300 ft. of excavation area (to be in place at time of application) | <input type="checkbox"/> location of all wells within 300 ft. of parcel boundary |
| <input type="checkbox"/> proposed buffers, or requested buffer waiver(s) | <input type="checkbox"/> location of water bodies on parcel, including riparian wetlands |
| <input type="checkbox"/> proposed extraction area(s), and acreage to be mined | <input type="checkbox"/> surface water protection measures |
| <input type="checkbox"/> proposed location of processing area(s) | <input type="checkbox"/> north arrow and diagram scale |
| <input type="checkbox"/> all encumbrances, including easements | <input type="checkbox"/> preparer's name, date and seal |
| <input type="checkbox"/> points of ingress and egress | |
| <input type="checkbox"/> anticipated haul routes | |
- ☒ Site Plan Worksheet (attached)
- ☐ Reclamation Plan (attached) and bond, if required. Bond requirement does not apply to material sites exempt from bonding requirements pursuant to AS 27.19.050

Please Note: If a variance from the conditions of KPB 21.29 is requested, a variance application must be attached. (A variance is NOT the same thing as a waiver.)

IV. CERTIFICATION STATEMENT

The information contained on this form and attachments are true and complete to the best of my knowledge. I grant permission for borough staff to enter onto the property for the purpose of processing the permit application.

 Applicant	<u>3/3/2023</u> Date	 Landowner (required if not applicant)
		<u>03/03/2023</u> Date

Site Plan Worksheet for Conditional Land Use Permit Application

Use additional space provided on next page, if necessary. Indicate item # next to comments.

Applicant Gregoire Owner Vantrease

KPB Tax Parcel ID # 15936009 thru 15936012 Parcel Acreage 50.6

1. Cumulative acres to be disturbed (excavation plus stockpiles, berms, etc.) 50.6 acres
2. Material to be mined (check all that apply): ☒ gravel ☒ sand ☒ peat ☐ other(list) _____
3. Equipment to be used (check all that apply): ☒ excavation ☒ processing ☐ other _____
4. Proposed buffers as required by KPB 21.29.050.A.2 (check all types and directions that apply):

- ☐ 50 ft. of natural or improved vegetation
☒ minimum 6 ft. earthen berm
☐ minimum 6 ft. fence
☐ other _____

- | | | | |
|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| <input type="checkbox"/> N | <input type="checkbox"/> S | <input type="checkbox"/> E | <input type="checkbox"/> W |
| <input checked="" type="checkbox"/> N | <input checked="" type="checkbox"/> S | <input checked="" type="checkbox"/> E | <input checked="" type="checkbox"/> W |
| <input type="checkbox"/> N | <input type="checkbox"/> S | <input type="checkbox"/> E | <input type="checkbox"/> W |
| <input type="checkbox"/> N | <input type="checkbox"/> S | <input type="checkbox"/> E | <input type="checkbox"/> W |

5. Proposed depth of excavation: 14 ft. Depth to groundwater: 16 ft.
6. How was groundwater depth determined? Testholes at time of platting
7. A permit modification to enter the water table will be requested in the future: X Yes No
8. Approx. annual quantity of material, including overburden, to be mined: +/- 40,000 cubic yards
9. Is parcel intended for subdivision? Yes X No
10. Expected life span of site? 15 years
11. If site is to be developed in phases, describe: the excavation acreage, anticipated life span, and reclamation date for each phase: (use additional space on page 4 if necessary)
Phase I consists of the northern 25 acres to be excavated and reclaimed over approximately 5 years. Phase I
is the southern 25 acres to be excavated and reclaimed after. Development of both phases will begin at the
northerly limits and proceed south.

12. Voluntary permit conditions proposed (additional buffers, dust control, limited hours of operation, etc.)
 - A. _____
 - B. _____
 - C. _____

Material Site Reclamation Plan for Conditional Land Use Permit Application

1. All disturbed land shall be reclaimed upon exhausting the material on-site, so as to leave the land in a stable condition.
2. All revegetation shall be done with a "non-invasive" plant species.
3. Total acreage to be reclaimed each year: 2-5 acres
4. List equipment (type and quantity) to be used in reclamation:
Excavator, loader, dozer, hydroseeder

5. Describe time schedule of reclamation measures:
Reclamation will be completed on an annual basis prior to fall freeze-up. Areas to be seeded will be seeded prior to August 15th annually.

6. The following measures must be considered in preparing and implementing the reclamation plan, although not all will be applicable to every plan – ☒ **"check" all that apply to your plan.**
 - ☒ Topsoil that is not promptly redistributed to an area being reclaimed will be separated and stockpiled for future use. This material will be protected from erosion and contamination by acidic or toxic materials and preserved in a condition suitable for later use.
 - ☒ The area will be backfilled, graded and recontoured using strippings, overburden, and topsoil to a condition that allows for the reestablishment of renewable resources on the site within a reasonable period of time. It will be stabilized to a condition that will allow sufficient moisture for revegetation.
 - ☐ Sufficient quantities of stockpiled or imported topsoil will be spread over the reclaimed area to a depth of four inches to promote natural plant growth that can reasonably be expected to revegetate the area within five years. The applicant may use the existing natural organic blanket representative of the project area if the soil is found to have an organic content of 5% or more and meets the specification of Class B topsoil requirements as set by Alaska Test Method (ATM) T-6. The material shall be reasonably free from roots, clods, sticks, and branches greater than 3 inches in diameter. Areas having slopes greater than 2:1 require special consideration and design for stabilization by a licensed engineer.
 - ☒ Exploration trenches or pits will be backfilled. Brush piles and unwanted vegetation shall be removed from the site, buried or burned. Topsoil and other organics will be spread on the backfilled surface to inhibit erosion and promote natural revegetation.
 - ☐ Peat and topsoil mine operations shall ensure a minimum of two inches of suitable growing medium is left or replaced on the site upon completion of the reclamation activity (unless otherwise authorized).
 - ☐ Ponding will be used as a reclamation method. (Requires approval by the planning commission.)

ADDITIONAL APPLICATION COMMENTS

(Please indicate the page and item # for which you are making additional comments.)

Site access is from KPB maintained gravel road, Tim Avenue to Sterling Highway.

The proposed CLUP is comprised of 4 adjacent parcels. Buffer waivers are requested for the interior lot lines of the site.

Proposed buffers are 6' berms on all site boundaries. It is proposed that marketable material be extracted from under the berm area prior to construction of the berm. This will be conducted in sections not to exceed 100' length.

Due to the width of the property, a processing setback waiver is being requested for the west property line that abuts a gravel airstrip which is part of a recognized airport. The processing area will be maintained for the life of the CLUP.

The Applicant plans to install monitoring wells when weather permits and begin a groundwater study. If the hydrology allows, an MCLUP will be submitted to mine below groundwater. The ultimate reclamation of the material site would be development of a float plane basin with appurtenances. This development plan aligns with the subdivision development as it is immediately east of a platted air strip.

CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

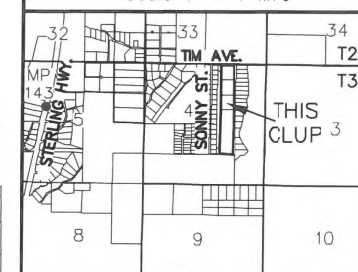
APPLICANT / PROPERTY OWNER:
GREGOIRE CONSTRUCTION
P.O. BOX 2372
60866 EAST END ROAD
HOMER AK, 99603



SCALE
0 300 600
FEET

VICINITY MAP

Scale 1" = 1 Mile



REV	DATE	DESCRIPTION	CLIENT REVIEW
1	12/20/10	CLIENT REVIEW	

GREGOIRE CONSTRUCTION
L1 - L4 HOFFMAN ACRES LOWELL FIELD PHASE 1
CONDITIONAL LAND USE PERMIT

FIELD BOOK NO. 23-02 JOB NO. 23-004



Consulting Inc

ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 468
SOLDOTNA, AK 99669
VOICE (907) 283-4218
FAX (907) 283-3285
WWW.MCLANECO.COM

DRAWN BY: BGB/GMD

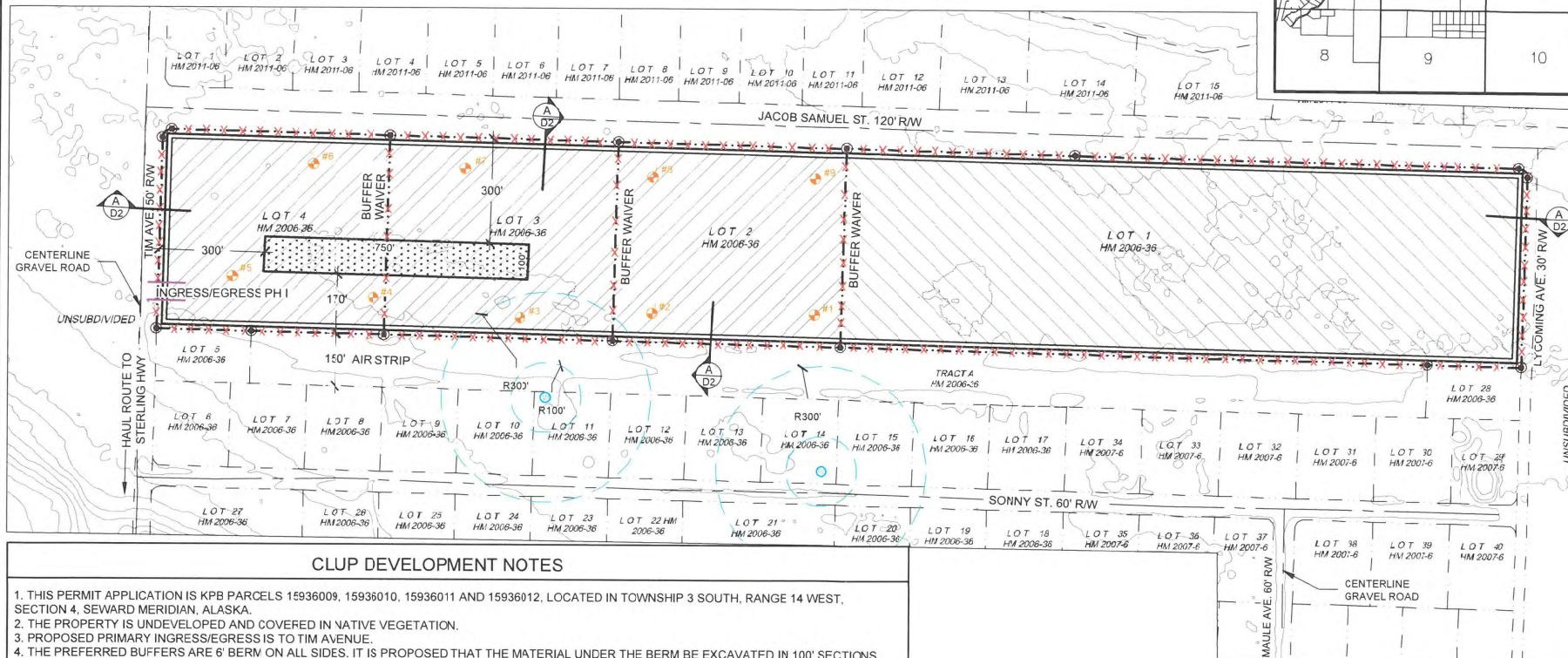
CHECKED BY: GMD

HORZ. SCALE: 1" = 300'

VERT. SCALE: N/A

SHEET:

P1 of 2



CLUP DEVELOPMENT NOTES

1. THIS PERMIT APPLICATION IS KPB PARCELS 15936009, 15936010, 15936011 AND 15936012, LOCATED IN TOWNSHIP 3 SOUTH, RANGE 14 WEST, SECTION 4, SEWARD MERIDIAN, ALASKA.
2. THE PROPERTY IS UNDEVELOPED AND COVERED IN NATIVE VEGETATION.
3. PROPOSED PRIMARY INGRESS/EGRESS IS TO TIM AVENUE.
4. THE PREFERRED BUFFERS ARE 6' BERM ON ALL SIDES. IT IS PROPOSED THAT THE MATERIAL UNDER THE BERM BE EXCAVATED IN 100' SECTIONS PRIOR TO CONSTRUCTING THE BERM.
5. THE NORTHERN CENTRAL AREA WILL BE MAINTAINED AS A PROCESSING, STAGING AND STOCKPILE AREA. THIS PROCESS AREA IS GREATER THAN 300' FROM THE NORTH, EAST AND SOUTH PROPERTY LINES. IT IS 170' FROM THE WEST PROPERTY LINE WHICH ADJOINS A 150' WIDE GRAVEL AIR STRIP.
6. THERE ARE NO WELLS LOCATED 100' OF THE EXCAVATION AREA. THERE IS ONE WELL LOCATED WITHIN 300' OF THE EXCAVATION AREA. EXCAVATION BELOW WATER TABLE IS NOT PROPOSED AT THIS TIME.
7. THERE ARE NO WETLANDS OR SURFACE WATERS.
8. NATIVE VEGETATION WILL PROVIDE SURFACE WATER PROTECTION OF ANY SITE RUN-OFF BY WAY OF PHYTOREMEDIATION.
9. TEST HOLES WERE EXCAVATED AND LOGGED IN NINE (9) LOCATIONS BY THE PREVIOUS PROPERTY OWNER AND SOILS LOGS WERE PROVIDED TO THE APPLICANT. TEST HOLES WERE EXCAVATED TO 18' BELOW EXISTING GROUND.
10. GROUNDWATER WAS ENCOUNTERED AT APPROXIMATELY 16' BELOW EXISTING GROUND. MONITOR WELLS HAVE NOT BEEN INSTALLED AT THIS TIME BUT ARE PLANNED.
11. THE PROPERTY CORNERS WERE LOCATED AND THE PARCEL BOUNDARY HAS BEEN FLAGGED AT VISIBLE INTERVALS, AS SHOWN ON THE EXHIBIT.
12. CLUP RECLAMATION WILL INCLUDE RECONTOURING USING STRIPPINGS, OVERBURDEN, WASTE IMPORT AND TOPSOIL TO A CONDITION THAT ALLOWS FOR RE-ESTABLISHMENT OF NATURAL VEGETATION. SLOPES STEEPER THAN 2:1 WILL BE SEEDED.

PHASING

PHASE I PROCESSING AREA
1.2 ACRES

PHASE I
2.6 ACRES BERM
22.8 ACRES INSIDE BERM

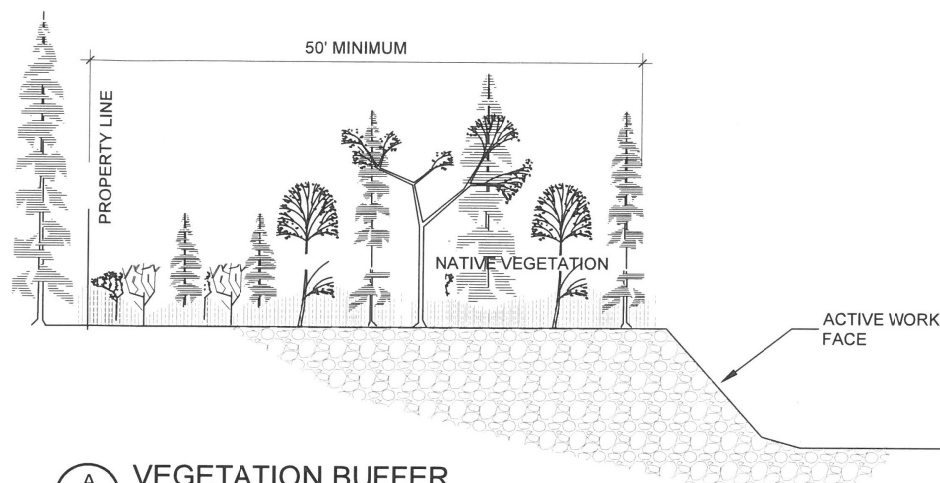
PHASE II
2.6 ACRES BERM
22.8 ACRES INSIDE BERM

LEGEND

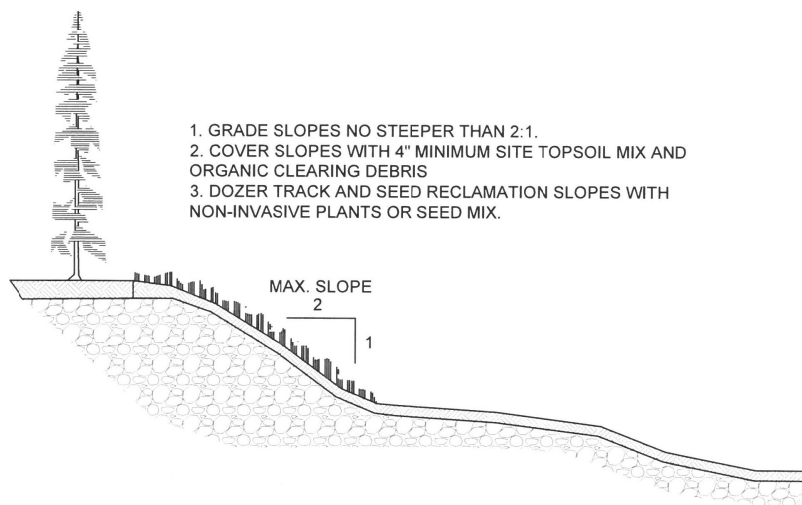
- PROPERTY LINE
- - - CENTERLINE
- PROPERTY CORNERS
- X INTERVISIBLE FLAGGING
- TESTHOLE (APPROX.)

CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

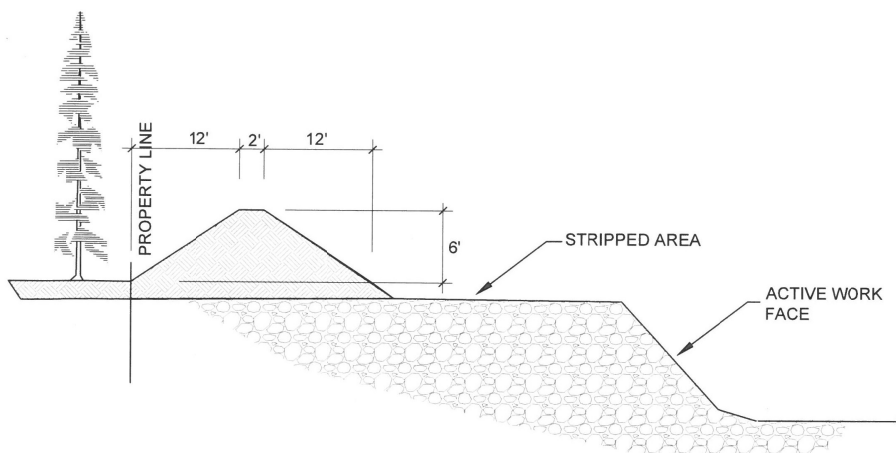
APPLICANT / PROPERTY OWNER:
GREGOIRE CONSTRUCTION
P.O. BOX 2372
60866 EAST END ROAD
HOMER AK, 99603



A VEGETATION BUFFER
3 SCALE: 1" = 10 FT.



B RECLAMATION SLOPE
3 SCALE: 1" = 10 FT.



C EARTHEN BERM BUFFER
3 SCALE: 1" = 10 FT.

REV	DATE	DESCRIPTION	BY
1	1/15/2023	CLIENT REVIEW	GMD

GREGOIRE CONSTRUCTION
L1 - L4 HOFFMAN ACRES LOWELL FIELD PHASE 1
CONDITIONAL LAND USE PERMIT

JOB NO. 234004
FIELD BOOK NO. 23-02
FIELD WORK DATE: JANUARY/FEBRUARY 2023



Consulting Inc

ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 468
SOLDOTNA, AK 99663
VOICE: (907) 283-4218
FAX: (907) 283-3265
WWW.MCLANECO.COM

DRAWN BY: BOB/GMD

CHECKED BY: GMD

HORIZ. SCALE: 1" = 10'

VERT. SCALE: N/A

SHEET: P2 of 2

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2023-08
HOMER RECORDING DISTRICT**

A resolution granting approval of a conditional land use permit to operate a sand, gravel, or material site for a parcel T 3S R 14W SEC 4 SEWARD MERIDIAN HM 2006036 HOFFMAN ACRES LOWELL FIELD PHASE 1 LOT 1, 2, 3, 4, Homer Recording District., Third Judicial District, State of Alaska.

- WHEREAS,** KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough; and
- WHEREAS,** KPB 21.29 provides that a conditional land use permit is required for material extraction which disturbs more than 2.5 cumulative acres; and
- WHEREAS,** on March 6, 2023 the applicant, Richard Gregoire, submitted to the Borough Planning Department a conditional land use permit application for a portion of KPB Parcels 159-360-09, 10, 11, 12, which is located within the rural district; and
- WHEREAS,** public notice of the application was mailed on or before March 22, 2023 to the 123 landowners or leaseholders within ½ mile of the subject parcel pursuant to KPB 21.25.060; and
- WHEREAS,** public notice was sent to the postmaster in the Happy Valley area requesting that it be posted at the local Post Office; and
- WHEREAS,** public notice of the application was published in the March 30, 2023 and April 6, 2023 issues of the Clarion News; and
- WHEREAS,** a public hearing was held at the April 10, 2023 meeting of the Kenai Peninsula Borough Planning Commission;

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

SECTION 1. That the Planning Commission makes the following findings of fact pursuant to KPB 21.25 and 21.29:

FINDINGS OF FACT

1. KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough.
2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
3. On March 6, 2023 the applicant, Richard Gregoire, submitted a conditional land use permit application to the Borough Planning Department for KPB Parcel 159-360-09, 10, 11, 12, which is located within the rural district

4. KPB 21.29 provides that a conditional land use permit is required for material extraction that disturbs more than 2.5 cumulative acres or processes material.
5. The proposed cumulative disturbed area within the parcel is approximately 52 acres.
6. To meet material site standard 21.29.040(A)(1), the proposed activity must protect against lowering of water sources serving other properties by complying with required permit conditions KPB 21.29.050(A)(4), Water Source Separation; KPB 21.29.050(A)(5), Excavation in The Water Table; KPB 21.29.050(A)(6), Waterbodies.
7. The application indicates that the seasonal high-water table is 16-feet below the surface.
8. The applicant's intended depth of excavation will be 14-feet below the surface.
9. If water is encountered the applicant is required to maintain a 2-foot vertical separation from the seasonal high-water table.
10. The applicant is required not to dewater either by pumping, ditching or some other form of drainage.
11. The site plan indicates that there are no wells located within 100 feet of the proposed excavation and 1 well located within 300 feet.
12. The application states that work is not anticipated to be completed in the water table at this time.
13. The site plan states that there are no wetlands or surface waters within the proposed excavation area.
14. To meet material site standard 21.29.040(A)(2), the proposed activity must be conducted in a manner to protect against physical damage to adjacent properties by complying with the required permit conditions of KPB 21.29.050 (A)(1), Parcel Boundaries; KPB 21.29.050(A)(2), Buffer Zone; KPB 21.29.050(A)(7), Fuel Storage.
15. The site plan indicates the property boundary was flagged at visible intervals.
16. The site plan and application propose the following buffers:
 - North: 6-foot-high earthen berm.
 - South: 6-foot-high earthen berm.
 - East: 6-foot-high earthen berm.
 - West: 6-foot-high earthen berm.These buffers shall not overlap an easement.
17. The applicant is required to store fuel containers larger than 50 gallons in impermeable berms and basins capable of retaining 110 percent of storage capacity. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
18. To meet material site standard 21.29.040(A)(3), the proposed activity must be conducted in a manner which minimizes the off-site movement of dust by complying with required permit condition KPB 21.29.050(10), Dust Control.
19. The applicant is required to provide dust control by the use of water and calcium chloride.
20. The site plan indicates that an access will be constructed onto Tim Ave. and the haul route will then then travel East to the Sterling Highway.

21. To meet material site standard 21.29.040(A)(4), the proposed activity must be conducted in a manner which minimizes noise disturbance to other properties by complying with required permit conditions KPB 21.29.050(2), Buffer Zone; KPB 21.29.050(3), Processing; and KPB 21.29.050(11), Hours of Operation.
22. The site plan and application propose the following buffers:
 - North: 6-foot-high earthen berm.
 - South: 6-foot-high earthen berm.
 - East: 6-foot-high earthen berm.
 - West: 6-foot-high earthen berm.These buffers shall not overlap an easement.
23. The applicant indicates that material processing will take place on the property. Any equipment used for conditioning or processing materials will be operated at least 300 feet from the North, East and South parcel boundaries. The applicant requests a waiver to the 300-foot processing distance on the West side of the property. Any equipment used for crushing rock or other materials will not be operated between 10:00 p.m. and 6:00 a.m., to minimize noise disturbance to other properties.
24. To meet material site standard 21.29.040(A)(5), the proposed activity must be conducted in a manner which minimizes visual impacts by complying with the permit condition KPB 21.29.050(2), Buffer Zone.
25. The site plan and application propose the following buffers:
 - North: 6-foot-high earthen berm.
 - South: 6-foot-high earthen berm.
 - East: 6-foot-high earthen berm.
 - West: 6-foot-high earthen berm.These buffers shall not overlap an easement.
26. To meet material site standard 21.29.040(A)(6), the proposed activity must be conducted in a manner which provides for alternate post-mining land uses by complying with the permit condition KPB 21.29.050(12).
27. The applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).
28. The bonding requirement of KPB 21.29.050(12)(b) will not apply to this material site if extraction in any one year does not exceed 50,000 cubic yards of material.
29. A public hearing of the Planning Commission was held on April 10, 2023 and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060 and KPB 21.11.

SECTION 2. That based on the above findings, the Planning Commission concludes as a matter of law that the application has met all the requirements of KPB 21.25 and KPB 21.29, and through imposition of the conditions under KPB 21.29.050, the Planning Commission concludes as a matter of law that the application meets the six standards found in KPB 21.29.040:

CONCLUSIONS OF LAW

1. Material site standard 21.29.040(A)(1) is met because the seasonal high-water table is at an approximant depth of 16 feet, and the applicant's intended depth of excavation is 14 feet below the existing grade, as set forth in Finding 7 and 8.
2. Material site standard 21.29.040(A)(2) is met because the permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls and shall not allow buffers to cause surface water diversion too negatively impact adjacent properties.

3. Material site standard 21.29.040(A)(3) is met because the permittee will use water and calcium chloride on the driveways throughout the excavation area to minimize the movement of off-site dust.
4. Material site standard 21.29.040(A)(4) is met because site plan indicates the following noise buffers:
 - North: 6-foot-high earthen berm.
 - South: 6-foot-high earthen berm.
 - East: 6-foot-high earthen berm.
 - West: 6-foot-high earthen berm.

Material site standard 21.29.040(A)(4) is also met, because any equipment used for conditioning or processing materials will be operated at least 300 feet from the North, East and South parcel boundaries. The applicant requests a waiver to the 300-foot processing distance on the West side of the property. Any equipment used for crushing rock or other materials will not be operated between 10:00 p.m. and 6:00 a.m., to minimize noise disturbance to other properties
5. Material site standard 21.29.040(A)(5) is met because the site plan indicates the following visual screening buffers:
 - North: 6-foot-high earthen berm.
 - South: 6-foot-high earthen berm.
 - East: 6-foot-high earthen berm.
 - West: 6-foot-high earthen berm.
6. Material site standard 21.29.040(A)(6) is met because the applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).

SECTION 3. That the land use and operations are described and shall be conducted as follows:

1. A portion of KPB Tax Parcel Number 159-360-09, 10, 11, 12. The disturbed area within the parcel is approximately 52 acres;
2. Legal Description: **T 3S R 14W SEC 4 SEWARD MERIDIAN HM 2006036 HOFFMAN ACRES LOWELL FIELD PHASE 1 LOT 1, 2, 3, 4**, Homer Recording District, Third Judicial District, State of Alaska.
3. The applicant, Richard Gregoire proposes to:
 - a. Process materials on the subject parcel;
 - b. Reclaim the site to a stable condition upon depletion of material.

PERMIT CONDITIONS

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter.
2. The permittee shall maintain the following buffers around the excavation perimeter or parcel boundaries as shown in the approved site plan:
 - North: 6-foot-high earthen berm.
 - South: 6-foot-high earthen berm.
 - East: 6-foot-high earthen berm.
 - West: 6-foot-high earthen berm.

These buffers shall not overlap an easement.
3. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
4. The permittee shall operate all equipment which conditions or processes material at least 300 feet from the North, East and South parcel boundaries. The applicant requests a waiver to the 300-foot processing distance on the West side of the property
5. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
6. The permittee shall maintain a 2-foot vertical separation from the seasonal high-water table.
7. The permittee shall not dewater either by pumping, ditching or any other form of draining unless an exemption is granted by the planning commission.

8. The permittee shall maintain an undisturbed buffer, and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including riparian wetlands and mapped floodplains.
9. The permittee shall ensure that fuel storage containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
10. The permittee shall conduct operations in a manner so as not to damage borough roads as required by KPB 14.40.175, and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
11. The permittee shall notify the planning department of any further subdivision or return to acreage of this parcel. The planning director may issue a written exemption from the permit amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.
12. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
13. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am.
14. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
15. The permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives.
16. The permittee shall post notice of intent on parcel corners or access, whichever is more visible if the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.
17. The permittee shall operate in accordance with the application and site plan as approved by the planning commission. If the permittee revises or intends to revise operations so that they are no longer consistent with the original application, a permit modification is required in accordance with KPB 21.29.090.
18. This conditional land use permit is subject to annual review by the planning department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.25.090, the planning commission may revoke a permit issued pursuant to this chapter if the permittee fails to comply with the provisions of this chapter or the conditions of the permit. The planning director shall provide at least 30 days written notice to the permittee of a revocation hearing before the planning commission.
19. Once effective, this conditional land use permit is valid for five years. A written request for permit extension must be made to the planning department at least 30 days prior to permit expiration, in accordance with KPB 21.29.070.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON
THIS _____ DAY OF _____, 2022.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg
Administrative Assistant

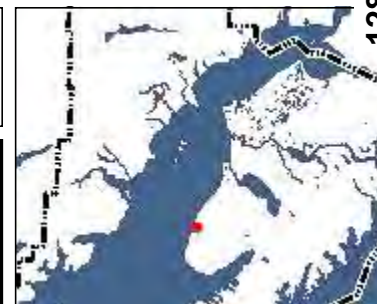
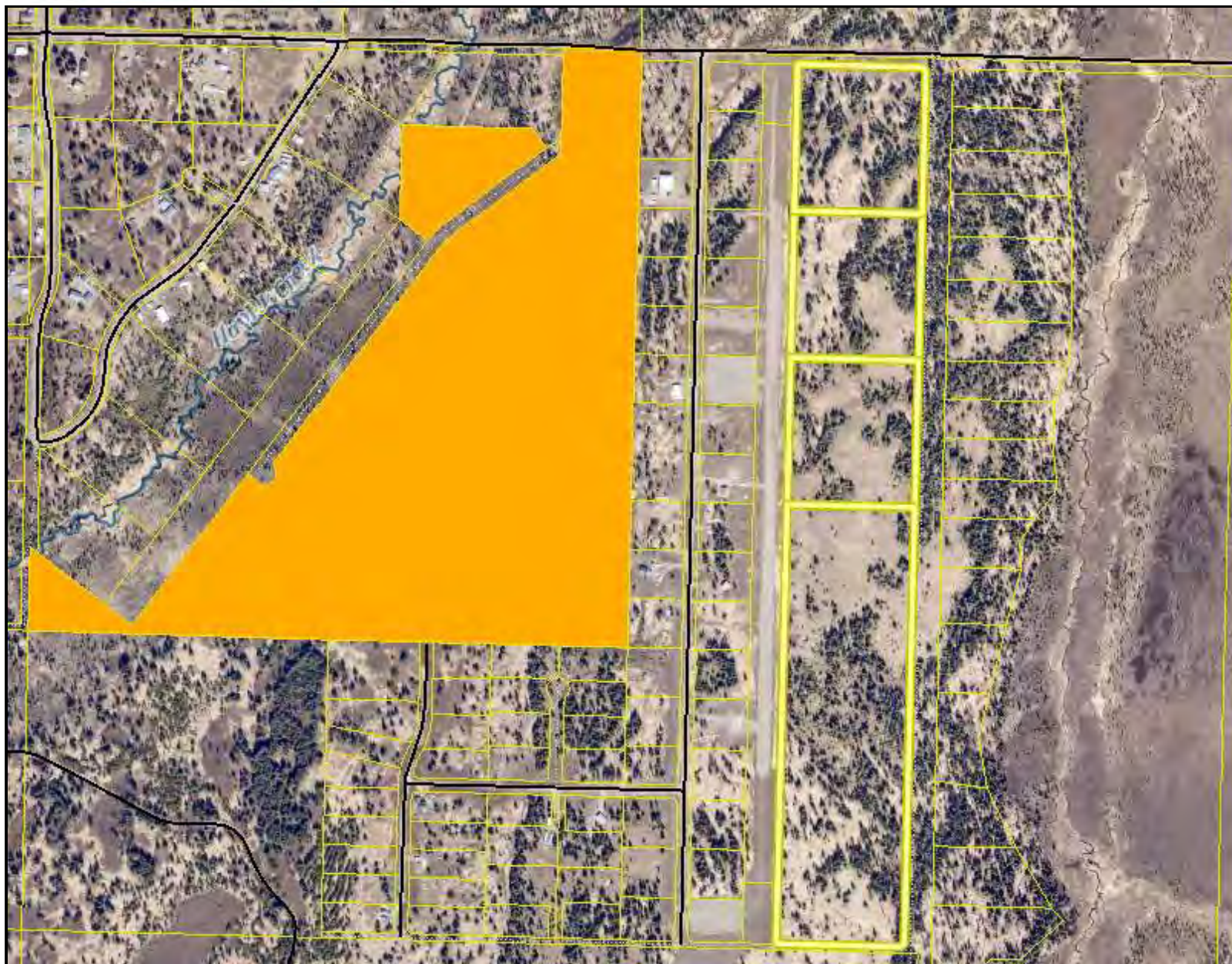
PLEASE RETURN
Kenai Peninsula Borough
Planning Department
144 North Binkley St.
Soldotna, AK 99669

Aerial Map: 159-360-09, 10, 11, 12





Area Land Use Map: 159-360-09, 10, 11, 12



128

Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads**
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed
- Parcels
- Material Sites**
 - Conditional Land Use Permit
 - Counter Permit
 - Dewatered Bar Exemption
 - Prior Existing Use
- Image**
 - Red: Red
 - Green: Green
 - Blue: Blue



Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Do not use for navigation.

DATE PRINTED: 3/27/2023



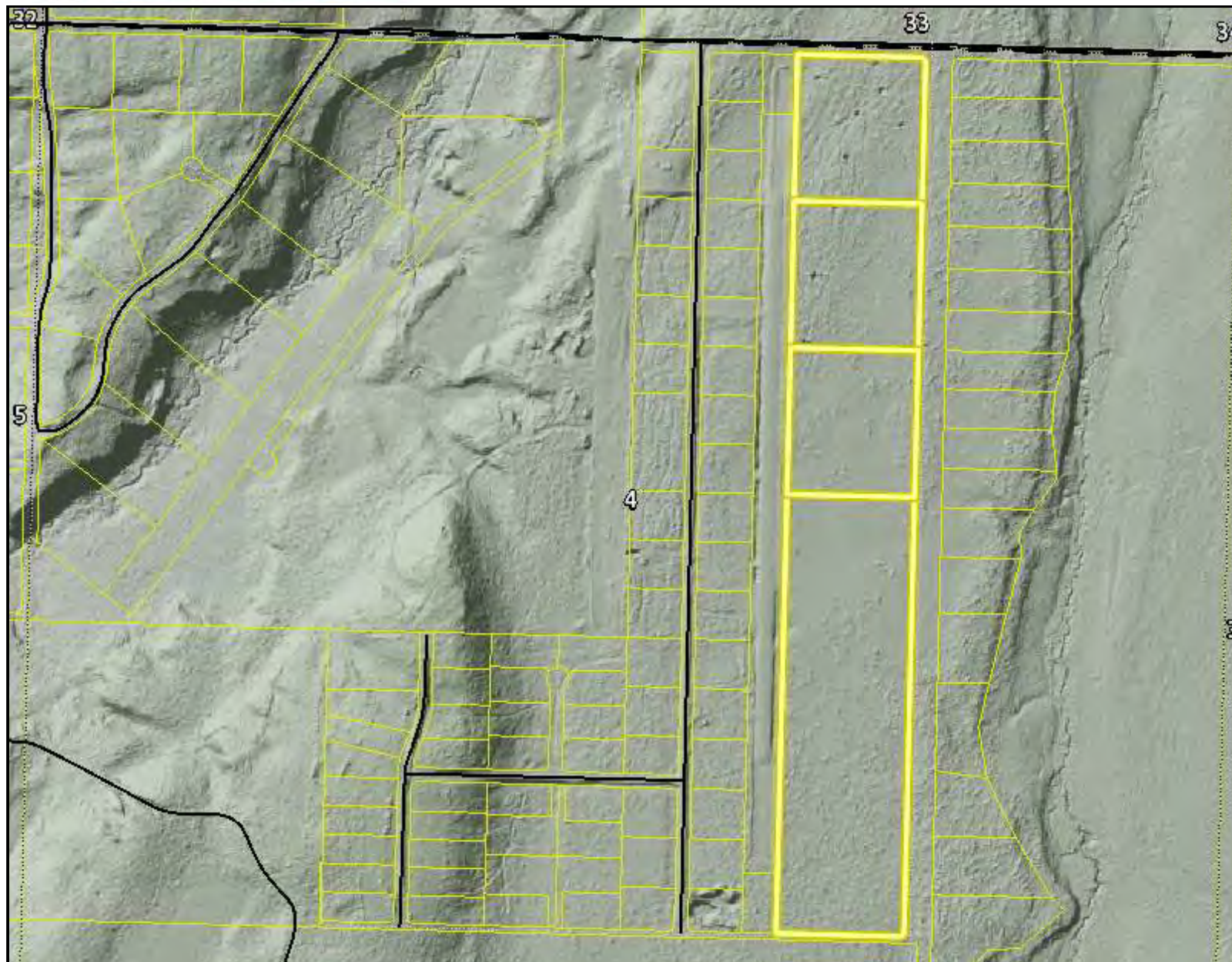
Geographic Information Systems

144 North Binkley Street, Soldotna, Alaska 99669

Lidar Map: 159-360-09, 10, 11, 12



129



Legend

- Mileposts
- Major Roads
- Township Lines
- Section Lines
- Parcels
- Click for LiDAR info - Seward
 - High : 2600
 - Low : 0
- Click for LiDAR elevation info
 - High : 2600
 - Low : 0
- Hillshade
 - High : 254
 - Low : 0
- Hillshade Seward
 - High : 254
 - Low : 0
- HillshadeEast
 - High : 254
 - Low : 0



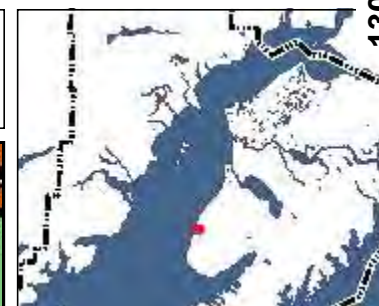
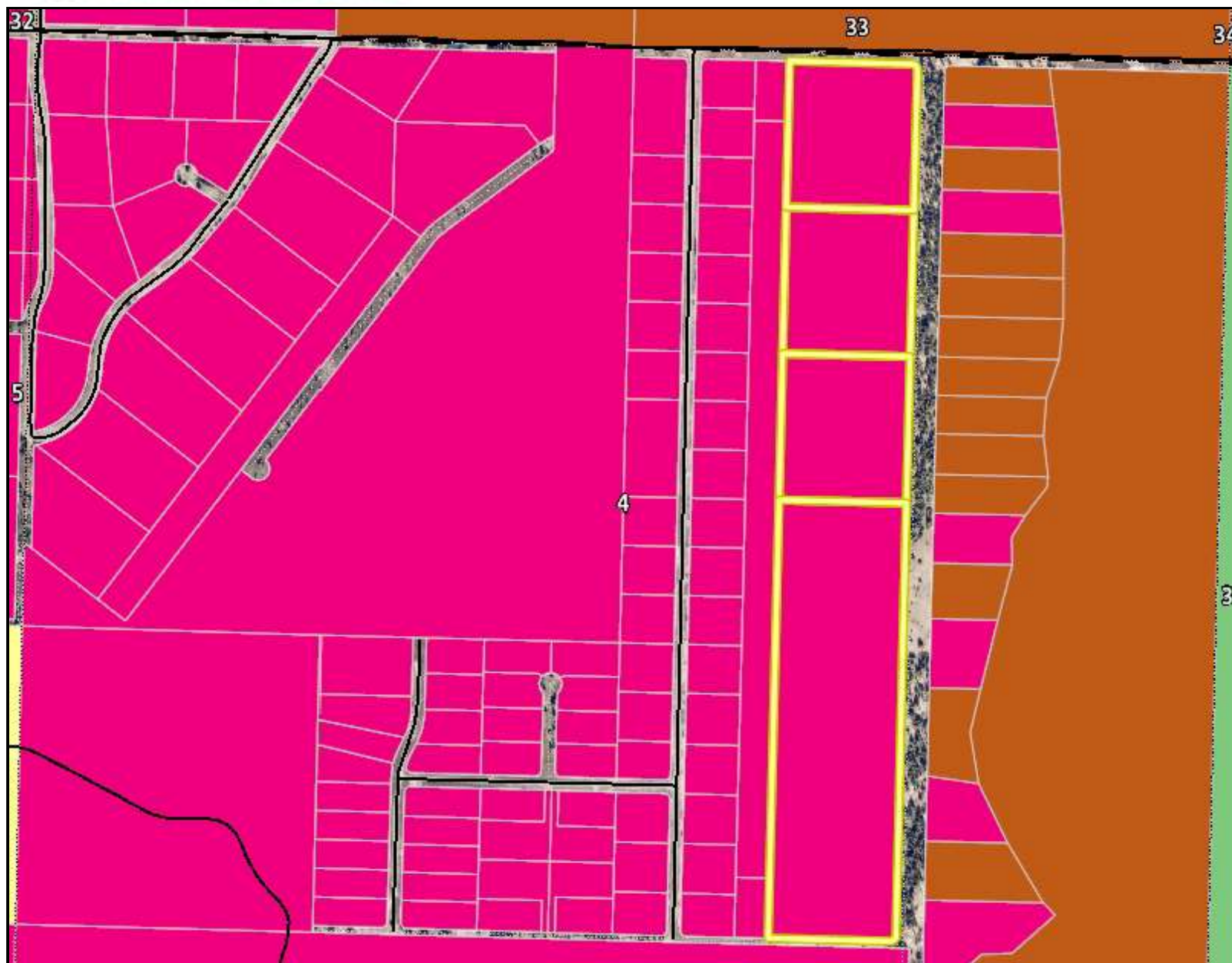
Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Do not use for navigation.

DATE PRINTED: 3/27/2023



Ownership Map: 159-360-09, 10, 11, 12



130

Legend

- Mileposts
- City Limits
- Township Lines
- Section Lines
- Highways
- Major Roads
- Roads
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed
- Ownership
 - Borough
 - Federal
 - Municipal
 - Native
 - Native Allotment
 - Private
 - State
- Image
 - Red: Red
 - Green: Green
 - Blue: Blue



Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Do not use for navigation.

DATE PRINTED: 3/27/2023



Planning Department

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

Peter Micciche
Borough Mayor

«OWNER»
«ATTENTION»
«ADDRESS»
«CITY», «STATE» «ZIP»

KENAI PENINSULA BOROUGH PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

Public notice is hereby given that a conditional land use permit application has been received for materials extraction on parcels in Happy Valley Area. This notice is being sent to landowners located within 2,640 feet of the subject property. All members of the public are invited to comment. The projects under consideration are described as follows:

Applicant: Richard Gregoire

Please turn over for map.

Landowner: Jerold Vantrease

Parcel Number: 159-360-(09, 10, 11, 12)

Legal Description: T 3S R 14W SEC 4 SEWARD MERIDIAN HM 2006036 HOFFMAN ACRES
LOWELL FIELD PHASE 1 LOT 1, 2, 3, 4

Location: Approximately 1.4 miles down Tim Ave. Ninilchik, Alaska 99639

Proposed Land Use: The applicant wishes to obtain a permit for materials extraction and processing on a portion of the parcels listed above.

KPB Code: Conditional land use permit applications for materials extraction and processing are reviewed in accordance with KPB Code 21.25 and 21.29. Copies of these ordinances are available from the Planning Department or on the KPB website at: <https://www.kpb.us>

Public Hearing: A hearing will be held by the Kenai Peninsula Borough Planning Commission to consider the application on **Monday April 10, 2023** commencing at 7:30 p.m., or as soon thereafter as business permits. The meeting will be held only on Zoom, **Meeting ID 907 714 2200**. To attend the Zoom meeting via computer, visit: <https://us06web.zoom.us/j/9077142200>. To attend by telephone call toll free **1-888-788-0099** or **1-877-853-5247**.

Public Comment: Those wishing to comment may attend the above meeting to give testimony or may submit a written statement addressed to: Planning Commission Chairman, 144 N Binkley St, Soldotna, AK 99669. A statement addressed to the chairman may also be emailed to: rraidmae@kpb.us, or faxed to (907) 262-5992. **Written statements must be provided by 1:00 pm Friday, April 7, 2022.** Persons, who participate in the public hearing, either by written or oral statement, may appeal the Planning Commission's decision within 15 days of the date of notice of the decision.

For additional information about this application, please call the planning department at (907) 714-2200, or 1-800-478-4441 (toll free within the Kenai Peninsula Borough).

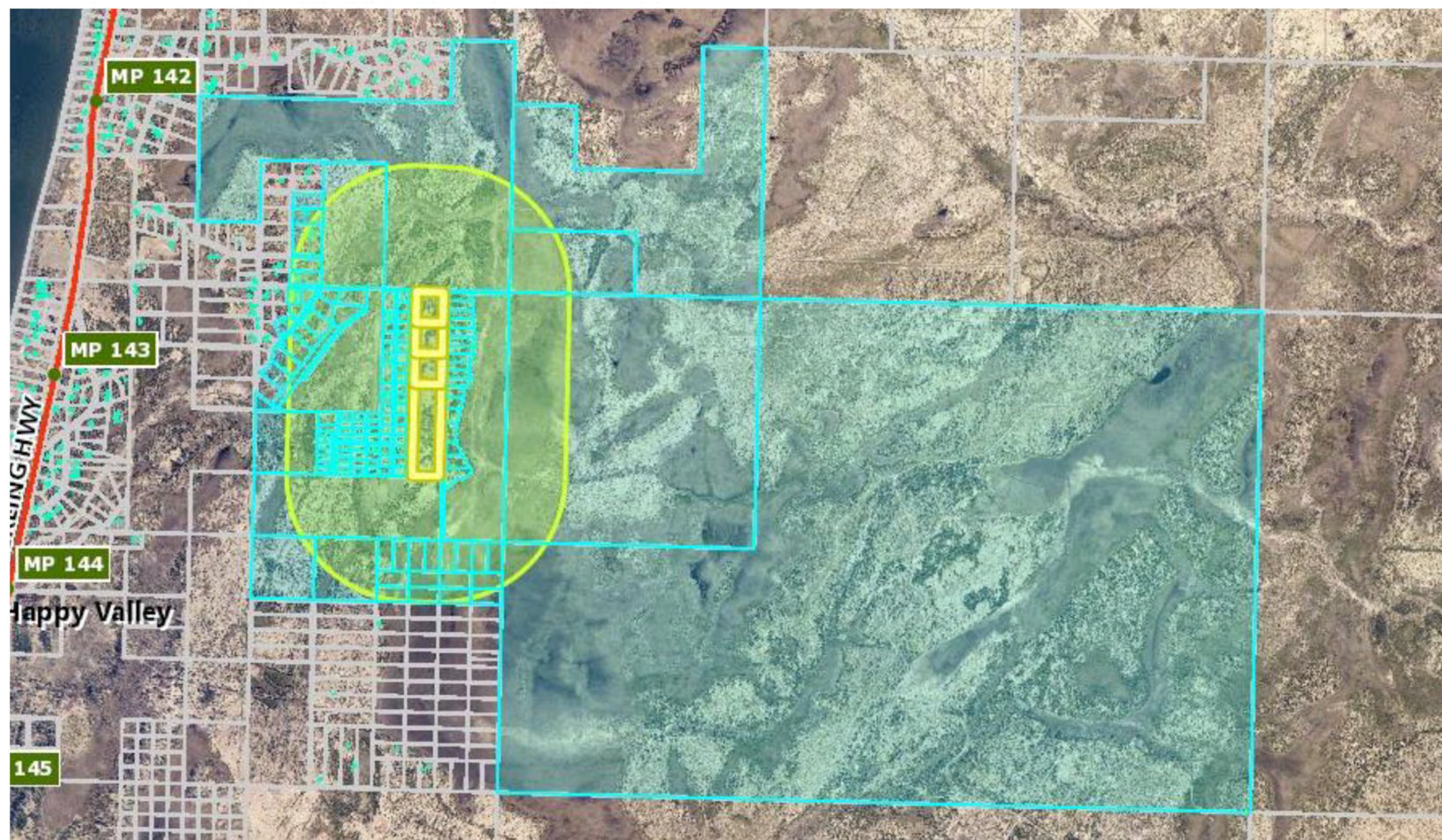
Ryan Raidmae
KPB Planner Ph: (907) 714-2462



Kenai Peninsula Borough

Parcels Within 1/2 Mile of Proposed CLUP

3/20/2023 11:49



DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

E. NEW BUSINESS

**6. CLUP; Materials Extraction
Applicant: Richard Gregoire**

MEMORANDUM

TO: Jeremy Brantley, Planning Commission Chair
Members of the Kenai Peninsula Borough Planning Commission

THRU: Robert Ruffner, Planning Director
Samantha Lopez, Senior Manager

FROM: Ryan Raidmae, Planner

DATE: April 6, 2023

RE: PC Resolution 2023-08: Conditional Land Use Permit for Richard Gregoire -
Request for Postponement

If approved, PC Resolution 2023-08 would grant a Conditional Land Use Permit (CLUP) to Richard Gregoire for material extraction and processing on approximately 52 acres in Happy Valley on Tim Avenue.

The proposed material site is immediately adjacent to Lowell Field Airport, which is classified as a Federal Aviation Administration (FAA) runway.

Comments received through the public noticing process indicated that further information regarding the project's proximity to the runway is needed before the application is reviewed by the Planning Commission. As such, postponement is being requested so the applicant can obtain an Obstruction Evaluation and/or Airport Airspace Analysis from the FAA. This study would help the FAA determine if the proposed material site would affect aircraft operations. Because the outcome of this study could change parameters of the CLUP application, we recommend postponement until brought back by staff.

Also note that once the CLUP application is ready to return to the Planning Commission a second public noticing process, including vicinity mailouts, will occur.

Your consideration is appreciated.

Testimony, Anne Kahn, property owner on Hoffman Acres, Lot 10

This testimony is in regard to the application for a gravel pit adjacent to Lowell Field (Parcel Numbers 159-360-, 09, 10, 11, 12) in Happy Valley, Kenai Peninsula Borough. The applicant is Richard Gregoire, the owner is Jerold Vantrease.

My first comment is that the time frame for adjacent property owners to receive and digest this proposal is wholly inadequate. The borough's allotted two weeks for notifying those potentially negatively impacted by gravel pits needs to be lengthened. The time frame should be one month minimum. Please pass this on to the borough assembly. I understand that this would mean a CODE CHANGE.

The letter was postmarked March 22. We received it on March 29 (Wednesday) and others reportedly received it two days prior, on March 27 (Monday). With the public comment meeting set for April 10 (Monday) we were scrambling to gather information. Written testimony is due even earlier, on April 7.

The "map" on the reverse side of the letter is totally inadequate. There is no legend, no street signage, no directional orientation. Surely the planning department can do better than this. At the very least, letters to property owners should include a link to a detailed and readable map.

Code 21.29.030 B Planning director shall provide vicinity, aerial, land use & ownership maps for each application.

Note mapS (plural). This single fuzzy map does not designate land use and ownership. The airstrip is not visible. This is a violation of code.

Ryan Raidmae in the Planning Department did return a call (both my husband and I left messages) and he led us through how to access the application. It was quite convoluted to navigate the website, and the application was only recently posted. This should be easily accessible and time-considerate public information.

Now that I have actually seen the application, I can quit, to some extent, operating on rumors. The application shows that once the gravel is excavated, a float plane basin will be established. This is not practical. My understanding is that a 105-foot setback for a parallel float plane basin from an existing airstrip is the minimum requirement. The borough should be bound to follow these regulations. I echo concerns of other property owners in the area regarding safety for aircraft.

"Plan notes state that final reclamation will include a float plane basin with appurtenances."

No reclamation plan is present in this application. To state that a float plane basin will be included in the reclamation but no specificities offered regarding how this project will be implemented, is a violation of :

21.29.060. - Reclamation plan.

A. All material site permit applications require a reclamation plan.

KPB 21.29.040 A.2. protects against physical damage to other properties.

With inadequate buffer zones between the airstrip and the mining area (50 feet of natural vegetation, or a 6' earthen berm, or a minimum 6' fence) there is every possibility of sloughing and damaging the shoulder of the airstrip. This is a community airstrip belonging to all residents in Hoffman Acres.

I request that the applicant amend the application to provide for a larger buffer on the west side of the excavation site where it abuts the existing airstrip to include a 50 foot natural vegetation buffer PLUS a 6-foot high berm.

No mention is made in the application of what will happen to all the trees. Will the big spruce and birch be buried? Sold for firewood? I request that the developer consult with property owners who might be interested in purchasing firewood from the clearcutting. This should be offered at a reduced market price to those in proximity, as it would save the developer time from hauling the trees to another location.

According to the original developer, there are differences in the water table levels from one end of the airstrip to another. These need to be documented since they contradict what is cited on the application. Depth of water table should be verified on the South end of the site by the applicant.

With so much subsurface gravel and sand, how will the lake be filled and replenished? There is no stream nearby, and not enough clay to keep the basin from draining and drying up without a liner. NEEDS STUDY& CLARIFICATION, AS WELL AS INPUT FROM PROPERTY OWNERS

If this theoretical float plane basin is ever realized, who will have access to it? Will there be fees for landing? How would it be operated? NEEDS STUDY & CLARIFICATION, AS WELL AS INPUT FROM PROPERTY OWNERS

Access to Hoffman Acres/Sonny Street is difficult due to several factors: 1. The Borough does not maintain the last half-mile 2. The road is quite narrow from the Sterling Hwy and narrows even more on the last, non-borough maintained stretch 3. This last stretch essentially allows for only one vehicle on the road at a time, and big trucks hauling gravel would be a huge

SAFETY hazard 4. The culvert at Happy Creek , where the road dips down, cannot handle huge equipment going back and forth repeatedly. NEEDS STUDY

The creek has washed out the culvert in the past, and Dan Presley and Walt Blauvelt repaired it. At the very least, if the Gregoire application is approved, road improvement needs to be part of the plan. Furthermore, posting as to when this road work would occur is essential. Several people who live in Hoffman Acres have jobs and need to access the road. Those who fly in may unexpectedly find that they can't drive out for supplies because the road is under construction. NEEDS STUDY & INPUT FROM PROPERTY OWNERS

Road noise and fugitive dust are huge concerns for those living adjacent to the proposed gravel site. Everyone with land in the subdivision and beyond, whether living on the property or not, would be affected by a decrease in property values. Tim Avenue is a gravel road. No mention in the application of dust or noise mitigation from the trucks or how to prevent dust damage to properties. This is in conflict with KPB 21.29.040 A. 2, 3, and 4.

Dust Control by water and Calcium Chloride. Water ok, but Calcium Chloride is salt, toxic to wildlife, plant life and airplanes (metal fuselage and engines). How much, and where, would this be spread? Where will the water be pulled from, Happy Creek? Again, how much? NEEDS STUDY & CLARIFICATION Damage to personal property- aircraft and other vehicles would be a violation of KPB 21.29.040 A.2.

-“The site plan indicates that an access will be constructed onto Tim Ave. and the haul route will then travel East to the Sterling Highway.” The Sterling Highway is to the WEST, not the EAST. NEEDS MAP TO SHOW ACTUAL ROUTE

Specific questions regarding things in the application:

-What plants or microbes would be used for phytoremediation? I understand that this method is used to clean up contaminants. Why would this be necessary? What contaminants will the gravel extraction process produce? NEEDS CLARIFICATION

-“The application indicates that a permit modification to enter the water table will be submitted in the future.” What is this modification and why is it necessary? What is “the future”? NEEDS CLARIFICATION

-the float plane basin will be equipped with “appurtenances.” Specificity needs to be made as to what would be offered. NEEDS CLARIFICATION & DEFINITION OF APPURTENANCES

-“slopes steeper than 2:1 will be seeded.” Seeded with what? Grass seed? Would it be Native to Alaska? NEEDS CLARIFICATION

-“Bonding will not be required.” With no bonding, who is responsible if there are accidents or contamination? BONDING SHOULD BE REQUIRED

-“If water is encountered...” What if the excavator digs too deep and the 2-foot high barrier collapses and floods the airstrip? I have severe concerns about the liability here. NEEDS CLARIFICATION & STUDY Potential violation of KPB 21.29.040 A.2.

-“The site plan indicates that an access will be constructed onto Tim Ave. and the haul route will then travel East to the Sterling Highway.” The Sterling Highway is to the WEST, not the EAST. NEEDS MAP TO SHOW ACTUAL ROUTE

-Noise disturbance: Equipment cannot be operated between 10pm and 6pm. That does not leave many potential quiet hours in the day. What about weekends? I recommend a CODE CHANGE

-Please describe the appeals process and timelines.

I urge the borough to turn down this application as written. Specificity is sorely lacking. It does not illustrate thorough planning. It has been rushed, and property owners have been forced to do the homework that the Borough Planning Commission and the applicant should be doing. This takes a tremendous amount of time, for which we are not compensated.

Thank you, Anne Kahn

Raidmae, Ryan

From: Devan Wilson <DWilson@ci.homer.ak.us>
Sent: Tuesday, April 4, 2023 4:53 AM
To: Raidmae, Ryan
Subject: <EXTERNAL-SENDER>Tim Ave Comments about the Conditional Land Use Permit for a Material Site

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

Good morning,

I am a current resident living off of Tim Ave and have some comments about the potential gravel pit.

Tim Ave is not maintained by the borough passed Muir Street. The applicant either lied or was not aware because they failed to do their research or didn't see the "end of borough road maintenance" at Muir Street. From Muir to Sonny street the roads are maintained by the homeowners. Also it is extremely important to know that the culvert placed in Happy Creek is not rated for heavy equipment or oversized vehicles and if that culvert is damaged or becomes unpassable then that would leave multiple families stranded, because that's our only road out. Another thing to take into consideration is that Tim Ave is one of the main access roads to Native and DNR land for multiple recreation uses and hunting. Having more traffic and hazards on this road without borough helping to maintain it is unfair to the homeowners and out right wrong. Please take my comments into consideration before processing this permit.

Thank you.

Respectfully,
Devan Wilson



Homer Police Dept
Public Safety Dispatcher I
625 Grubstake Ave
Homer, AK 99603
P: (907)235-3150
F: (907)235-3151
dwilson@ci.homer.ak.us

My name is Steve Kahn, I am joint owner of a lot in Hoffman Acres on Lowell Field. This is in regard to the application for a gravel pit adjacent to Lowell Field (Parcel Numbers 159-360-, 09, 10, 11, 12) in Happy Valley, Kenai Peninsula Borough. The applicant is Richard Gregoire, the owner is Jerold Vantrease.

I have had a chance to read the application and have some major concerns. But before I address those concerns specifically, I'd like to comment on a few procedural issues. First, the time allowed for public input is inadequate. Two weeks from the time of mail out isn't enough. The notice was mailed to me on March 22, it was in my mailbox on March 29 with a deadline of April 7 for written testimony. That is, in effect, only 9 days to educate oneself on the many aspects covered in the application. If that time frame is written into the rules/codes then the KPB assembly needs to lengthen the time to at least one month. Also the application wasn't available the entire time, but only was posted on or around March 30th.

The application shows several inaccuracies and some downright errors including:

- Page 3 #20). The site plan indicates that an access will be constructed onto Tim Ave. and the haul route will then travel east to the Sterling Highway. THE STERLING HWY IS WEST OF THE SITE IN QUESTION.
- # 7 & 8). The application indicates that the seasonal high-water table is 16-feet below the surface. THERE IS ANECDOTAL EVIDENCE THAT THE WATER TABLE IS HIGHER ON THE SOUTH END AND THE TEST HOLES HAVE ONLY BEEN DRILLED ON THE NORTHERN HALF OF THE AREA IN QUESTION. IF BOTH PHASES ARE PERMITTED WITH THE APPLICATION THEN TEST HOLES FOR BOTH PHASES SHOULD BE PROVIDED WITH THE PERMIT APPLICATION.
- Page 5 #12) The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride. IF THIS MEANS DUST SUPPRESSION IS ONLY REQUIRED ON SITE THEN WHAT ABOUT THE FUGITIVE DUST FROM TRUCKS AS MATERIAL IS HAULED OUT ON TIM AVE. THIS IS UNACCEPTABLE. WHERE WILL THE WATER COME FROM? IF HAPPY CREEK IS PLANNED TO BE THE SOURCE THAT IS ALSO UNACCEPTABLE.
- Page 4, first line: Site access is from KPB maintained gravel road, Tim Avenue to Sterling Highway. THIS IS INCORRECT. KPB ONLY MAINTAINS TIM AVE THE FIRST MILE OR SO. THE LAST SECTION IS NARROW WITH STEEP HILLS AND A CULVERT OVER HAPPY CREEK THAT WOULD NEED TO BE IMPROVED TO KPB STANDARDS BY THE APPLICANT.
- A permit application to enter the water table will be requested in the future is marked "yes". HOW DOES THIS MAKE SENSE WHEN IT IS REQUIRED TO MAINTAIN A 2-FOOT VERTICAL SEPARATION FROM THE SEASONAL HIGH WATER TABLE? IF GRANTED AT A LATER DATE, LIMITS IN DEPTH OF THE EXCAVATION SHOULD BE CLEARLY STATED.
- The ultimate reclamation of the material site would be development of a float plane basin with appurtenances. This development plan aligns with the subdivision development as it is immediately east of a platted air strip. IF APPURTENANCES IN THIS CASE ARE REFERRING TO A RIGHT OF WAY, WHO WOULD BE ENTITLED TO THE USE OF THE FLOAT PLANE BASIN AND HOW WOULD IT BE MANAGED? WHERE WOULD THE WATER COME FROM TO FILL THE BASIN AND WHO WOULD BE RESPONSIBLE FOR MAINTAINING THE BASIN? WITHOUT DETAILED PLANS THIS

SEEMS LIKE A RUSE TO EXTRACT A LARGE QUANTITY OF MATERIAL AND LEAVE A LARGE HOLE IN THE GROUND.

- IT IS REASONABLE TO EXPECT A DECREASE IN PROPERTY VALUES DUE TO NOISE, DUST AND TRAFFIC.
- BONDING SHOULD BE REQUIRED.

Of the many concerns stated above, two stand out as the most egregious:

1) There are safety concerns associated with hauling materials on Tim Ave. Perhaps the applicant wasn't aware of the dangerous conditions he would be subjecting his drivers and local residents who use the road to, but with the testimonies submitted, he should be aware (as it is now in the public record) that the last section of Tim Ave is narrow with a steep blind hill and unsafe for commercial use of this kind. A good faith and prudent action by the applicant would be to improve Tim Ave and the culvert over Happy Creek to KPB standards before any work begins on the gravel pit. This should include several pullouts for passing traffic along the entire length of Tim Ave.

2) Another good faith action would be for the applicant to voluntarily amend the application to provide for a larger buffer on the west side of the excavation site where it abuts the existing airstrip to include 50 foot natural vegetation buffer PLUS a 6 foot high berm.

In summation, I feel strongly that the KPB Planning commission should not approve this application and certainly not without major changes. There are too many unanswered questions and I ask the Planning Commission to, at the very least, delay a decision on this application.

THANK YOU,

STEVE KAHN

Raidmae, Ryan

From: Steven Untiet <suntiet@hotmail.com>
Sent: Wednesday, April 5, 2023 7:47 PM
To: Raidmae, Ryan
Subject: <EXTERNAL-SENDER>Written statement in regards to Hoffman acres/ Lowell field proposed land use permit

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.

To KPB Planning Commission

In reference to Hoffman Acres Gravel Pit Application

Testimony, Steven & Lucy Untiet, property owners on Hoffman Acres, Lot 11

This testimony is regarding the application for a gravel pit adjacent to Lowell Field (Parcel Numbers 159-360-, 09, 10, 11, 12) in Happy Valley, Kenai Peninsula Borough. The applicant is Richard Gregoire, the owner is Jerold Vantrease.

First off, we would like to note that the notification that was given is inadequate, it lacked important details and information that would allow neighboring landowners to make informed decisions. The absence of details created chaos, confusion and rumors that lead to a great deal of distress. It does give the impression that this CLUP application is rushed and ill-informed.

Our main concern is the road safety. Tim Avenue is not borough maintained after Creek View Road. There is a culvert at Happy Creek that is not stable, additionally, the road is just barely a single passenger car wide with steep hills and blind spots. Heavy trucks traveling up, and down Tim Avenue will be extremely dangerous and damaging to the already fragile gravel road not to mention the culvert crossing over the creek.

We are concerned with not only the safe operation of the gravel air strip but also the visual impact this project will have. We moved here to build our home in a beautiful, quiet neighborhood. What are the plans to keep the dust and debris from the airstrip? How will the "float pond" be maintained and by who? How will the downed trees and shrubs be managed?

How will it be handled if an accident happens, or this project causes damage?

For those reasons we would like to have the planning commission in the least not grant the waiver for the east side set back since that is where all the houses are and to ensure safe clearance from the runway that is already in existent and used by current residents. Also, we would like to have the dust mitigation plan changed to something not corrosive to aircraft since this is an active airport.

Thank you,
Steven and Lucy Untiet

Raidmae, Ryan

From: Susie Monte <susanmonte.remax@gmail.com>
Sent: Wednesday, March 29, 2023 2:59 PM
To: Raidmae, Ryan
Subject: <EXTERNAL-SENDER>Hoffman Acres Extraction

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.

Hi Ryan,

I will plan to attend the zoom meeting regarding Gregorie's request to extract gravel. Of course the land owners have questions, but I did want to make you aware of one serious safety concern.

Last summer we were driving west on Tim and were happy to see it was freshly grated. When we veered slightly to the right, our full size truck went off the edge and with no gradual decline, ended up on its side in the ditch. Fortunately we were not hurt and were going slow enough that we didn't roll. The tow company pulled the truck out and we were able to drive away only to come back upon another car on its side in the ditch a ways from where we went in only hours later.

I just thought that the borough should be aware. I would feel awful if the project moved forward without making safety improvements and someone where to be injured.

Thank you~

Helping **you find your way home**~

Susan Monte, REALTOR

ReMax Results

Team Lundeen

Direct: [612.275.7186](tel:612.275.7186)

Team Office: [763.552.7477](tel:763.552.7477)

[Download our FREE Home Finder App](#)

susanmonte.remax@gmail.com

Licensed in the State of MN



P.S. We love helping people buy and sell homes...let us know if we can help someone you know as they make a life move

Raidmae, Ryan

From: inua2@alaska.net
Sent: Wednesday, April 5, 2023 4:04 PM
To: Raidmae, Ryan
Subject: <EXTERNAL-SENDER>Comment on CUP- Parcel number 159-360-(09,10,11,12)

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.

This comment is to strongly oppose the conditional use permit applied for within the Hoffman acres Lowell field. These lots were clearly marketed as a residential area with the use of an airstrip. The applicant obviously knew this when he purchased the lots and is clearly trying to put a gravel pit in a residential area, and allowing any type of materials extraction, i.e.. a gravel pit, will create a tremendously negative impact on any future residential development and real estate prices. There is also an airstrip directly adjacent to the proposed gravel pit, which obviously presents its own set of safety and liability issues. The road accessing Lowell Acres is not borough maintained, and industrial use such as accessing a gravel pit, would destroy access to private property and very possibly make access to your property impossible during certain times of the year. Immediately to the east of the proposed area are large parcels of wetlands, which would be directly affected by the certainty of runoff from a project such as this. The borough commissions top priority should be the protection of an individuals property and their right for enjoyment of that property. Gravel pits and residential areas are certainly not compatible.

Sincerely,
William Lovett
Lots 31,32 Hoffman acres Lowell Field

Raidmae, Ryan

From: wilkesworks@alaska.net
Sent: Monday, April 3, 2023 8:44 PM
To: Raidmae, Ryan
Subject: <EXTERNAL-SENDER>Conditional Land Use Permit Packet for Richard Gregoire Tim Ave. Happy Valley
Attachments: Creek View Rd intersection.JPG; Happy Valley Creek Crossing.JPG; Sonny St intersection.JPG

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

Good evening Planning Commission Chairman,

I would like to bring to your attention that the first sentence on page 4 of Richard Gregorie's CLUP application is not entirely accurate.

"Site access is from KPB maintained gravel road, Tim Avenue to Sterling Highway."

This error is repeated in the Background Information of the Staff Report.

"The ingress and egress of the parcels will utilize Tim Ave a Kenai Peninsula Borough Road."

Only the first mile of Tim Ave. is Borough maintained. After that it is reduced to single lane. Road maintenance from Creek View Rd. to Sonny Street is funded by the residents of Sonny St., Maule Ave and Lowell St. There is no maintenance on Tim Ave., past Sonny Street.

We have strong concerns that the Happy Valley creek crossing will not withstand heavy truck traffic.

Please see attached photos. I have more pictures of the creek crossing construction, if you would like them.

If the application is approved, we request you require the Applicant to bring the road up to Borough Road Standards .

Thank you,
Brian and Tiffany Wilkes

On Mon, 3 Apr 2023 16:30:31 +0000, "Raidmae, Ryan" <rraidmae@kpb.us> wrote:

Hi Tiffany,

Please find the attached Conditional Land Use Permit for Richard Gregoire and the Anchor Point Advisory Planning Commission Agenda for April 6. Please let me know if you have any questions.

Thanks,

Ryan Raidmae



Creek View Rd Intersection



Happy Valley Creek Crossing



Sonny St Intersection

Brian and Tiffany Wilkes
50192 Silverspring Lane
Nikiski, AK 99635

April 6, 2023

Good afternoon Planning Commission Chairman,

This letter concerns the CLUP for material extraction by Richard Gregoire, Parcel No 159-360-09, 10, 11, 12 Happy Valley Area, properties located within a planned recreational/residential airport. Please see attached Plat 2006-36.

9/12/22 we purchased a new log cabin on Lot 14 Hoffman Acres Lowell Field in Happy Valley with the intent to turn it into a VRBO. We are currently enjoying the beautiful, peaceful wooded area on weekends while we prepare the cabin for renters. Our cabin would provide work for local maintenance and cleaning people and potentially provide business to local fishing and flying guides.

10/20/22 and 11/23/22 Mr. Vantrease closed on 4 properties across the airstrip from us. Our realtor had mentioned someone was potentially purchasing them, but nothing was said about turning them into a gravel pit or float plane basin, nor was the Airport Manager notified.

During the winters months a snowmachine crossed our property between our well and a tree so closely that we feared someone would rip the wires out of the well. We installed an orange stake with reflectors to protect it. We have concluded the snowmachiner was hired to measure the distance from the proposed pit, but no one communicated this to us. We have no objections with the measurement, but a notification would have been appreciated.

Our preference would be for you to deny the application, but we have come to understand that as long as the Applicant follows KBP Ordinance that is not an option. With that in mind we propose the following:

- 1) The ridge on which the subdivision is built is very windy and we would appreciate the protection of a 50' buffer of natural undisturbed vegetation along the West border.
- 2) We respectfully request the processing setback waiver be denied. But, if not, please waive the East side instead of the West as no one lives East of the properties.
- 3) As previously submitted, road maintenance from Creek View Road to Sonny Street is funded by the residents of Hoffman Acres. We have strong concerns that the Happy Creek crossing will not withstand heavy truck traffic. Should the Application be approved, we request the Applicant improve the road and creek crossing to ensure everyone's safety, including their workers.

We have purchased gravel from an existing pit near another property and appreciate the service they provide, but this isn't the best location for another one.

Thank you for your consideration of requests,

Brian and Tiffany Wilkes

NOTES

1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A UTILITY EASEMENT.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14.06).
5. 2" ALUMINUM CAP ON 5/8" REBAR PLACED AT ALL PROPERTY CORNERS AND POINTS OF CURVATURE UNLESS OTHERWISE NOTED.
6. THIS PLAT VACATES ALL PROPERTY LINES, RIGHTS-OF-WAY, UTILITY EASEMENTS AND CLEARING EASEMENTS DEDICATED OR GRANTED PER PARENT PLAT OF HOFFMAN ACRES, HM74-2195, APPROVED BY THE BOROUGH PLANNING COMMISSION AT THE MEETINGS OF FEBRUARY 27, 2006 AND MAY 22, 2006.
7. AIRCRAFT USAGE ON A BOROUGH RIGHT-OF-WAY IS NOT A COMPATIBLE USE AND WILL NOT BE PERMITTED.
8. EXCEPTIONS TO KPB CODE GRANTED BY THE KPB PLAT COMMITTEE ON JANUARY 23, 2006; 20.20.180 (3:1 DEPTH TO WIDTH RATIO) FOR TRACT A; MAY 22, 2006; 20.20.200 (ALL LOTS SHALL ABUT A DEDICATED STREET) AND 20.20.16 (MAXIMUM BLOCK LENGTH OF 1400 FEET).
9. THE BASIS OF BEARINGS IS TRUE NORTH FROM GPS OBSERVATION AT THE NORTH 1/4 CORNER OF SECTION 4.

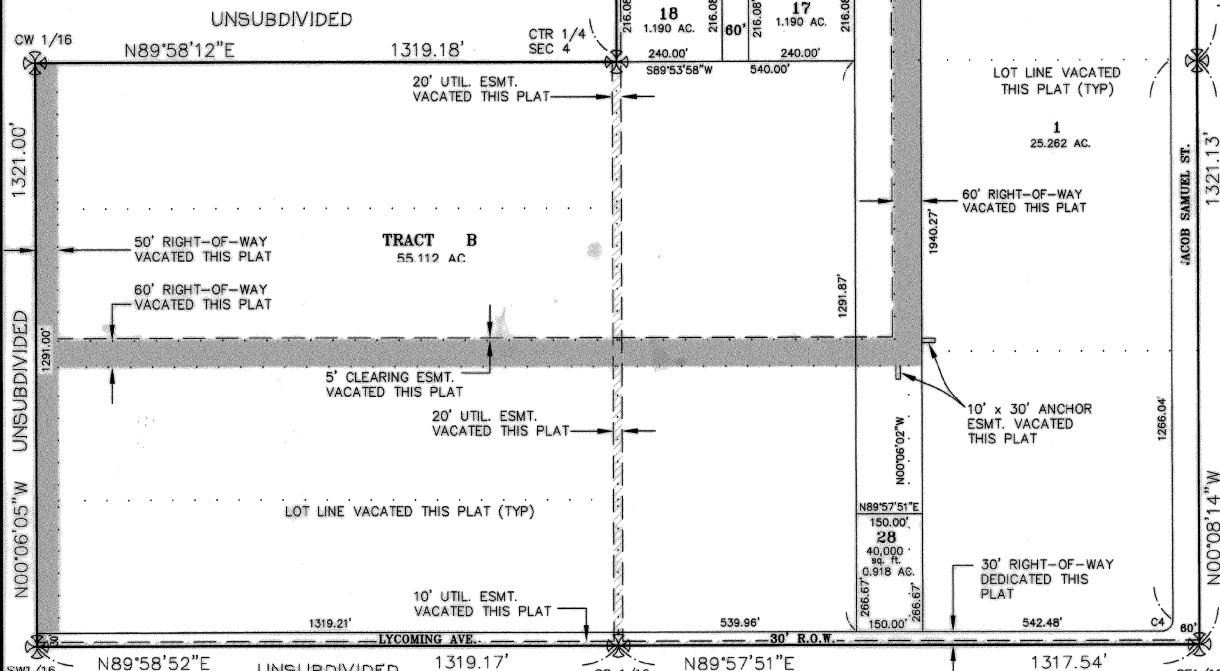
LEGEND

- SET 2" AL. CAP ON 5/8" REBAR AT ALL PROPERTY CORNERS
INDICATES RIGHT-OF-WAY VACATED
- 2-1/2" BRASS CAP ON 3/4" G.I.P. 7610-S (2006) PER RS2006-23
FOUND 2-1/2" GLO BRASS CAP

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	39.23	25.00	89°54'27"
C2	39.31	25.00	90°05'33"
C3	39.26	25.00	89°59'06"
C4	39.31	25.00	90°06'04"

WASTEWATER DISPOSAL - LOTS 1-4, TRACT A & TRACT B:
THESE LOTS ARE AT LEAST 200,000 SQUARE FEET, OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER *James E. Nelson* CE 8300
DATE 6-19-06 LICENSE #



WASTEWATER DISPOSAL - LOTS 5 THROUGH 28:
SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER *James E. Nelson* CE 8300
DATE 6-19-06 LICENSE #

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meetings of January 23, May 8 and May 22, 2006, Kenai Peninsula Borough.

BY *Maya Sall*
Authorized Official

KPB FILE No. 2006-15

CERTIFICATE OF OWNERSHIP and DEDICATION

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

JOEL MUMBY, as President for QUALITY SERVICES INC.
P.O. Box 1071
Anchor Point, AK 99556

NOTARY'S

ACKNOWLEDGEMENT

For Joel Mumby
Subscribed and sworn to before me this 19th day of June, 2006.

Notary public for Alaska.

My Commission Expires

FORMER TRACT 1

Thomas M. Haeg

P.O. Box 4022

Homer, AK 99603

FORMER TRACT 2

Mark D. Wisner

P.O. Box 314

Anchor Point, AK 99556

Margarete Wisner

NOTARY'S

ACKNOWLEDGEMENT

For Thomas M. Haeg Mark D. Wisner and Margarete Wisner
Subscribed and sworn to before me this 19th day of June, 2006.

Notary public for Alaska.

My Commission Expires

2006-12

Homer REC DIST

Date 6-19-06

Time 9:58 A.M.

Requested by Aolity

Address

2006-12

Homer REC DIST

Date 6-19-06

Time 9:58 A.M.

Requested by Aolity

Address

2006-12

Homer REC DIST

Date 6-19-06

Time 9:58 A.M.

Requested by Aolity

Address

2006-12

Homer REC DIST

Date 6-19-06

Time 9:58 A.M.

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2006-12

Homer REC DIST

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2006-12

Homer REC DIST

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Date 6-19-06

Time 9:58 A.M.

Requested by Aolity

Address

2006-12

Homer REC DIST

Date 6-19-06

Time 9:58 A.M.

Requested by Aolity

Address

2006-12

Homer REC DIST

James Lack
PO Box 2999
Homer, Alaska 99603

April 5, 2023

KPB Planning Commission

To Whom it may concern,

I am in receipt of the KPB Planning Commission Notice of Public Hearing on the proposed CLUP for material extraction by Richard Gregoire, Parcel No 159-360-(09,10,11,12)

I have owned lot 13 in the same subdivision as the proposed site for about 10 years with the goal of building a hangar and home to retire in. It is a beautiful peaceful subdivision. I have finally saved sufficient funds to start the project only to be notified of a possible gravel pit 150' from my back yard. Faced with this the lot may no longer be suitable for a residence, and am stuck with paying taxes on a lot I cannot use or sell.

Considerations impacting the community. Tim Ave. has been identified as the access route to the site. There are a large number of residents that use, and live adjacent that will be impacted by the truck traffic that are outside of the 2640' notification area. They should be notified and be given the opportunity to respond considering the safety concerns and potential damage to their properties.

All of Tim Ave is gravel. No mention in the application of dust or noise mitigation from the trucks or how to prevent dust damage to properties. **This is in conflict with KPB 21.29.040 A. 2, 3, and 4.**

The first mile of Tim Road between the Sterling Highway and Creekview Road is just wide enough for two passenger vehicles, and is questionable if wide enough for end dump or other large truck to get by a passenger vehicle. There are no pullouts, only private driveways. This presents a safety issue to vehicles using the road as well as pedestrians, as the shoulder is steep and there is nowhere for pedestrians to get out of the path of trucks.

The remaining section of Tim Ave between Creekview Road and the site is a single lane, with just enough room for one vehicle without any pullouts for trucks to let cars by. It has a steep blind hill and the portion that passes over the culvert at Happy Creek at the base of the hill is very narrow. This presents a significant safety issue to other users expected to share the road with commercial trucks.

This section of road is very fragile, and at times has to be repaired by residents. The section crossing Happy Creek sloughs off into the creek at times, and will not support regular usage by trucks. The crossing has been repaired in the past thanks to efforts of Danny Presley, Walter Blauvelt, and dues collected from the Hoffman Acres Lowell Field Homeowners. Regular use of this section of Tim road by commercial trucks will inevitably damage it. No mention of dealing with this or the previously mentioned issues of dust and noise mitigation.

This is in direct conflict with KPB 21.29.040 A. 2, 3, and 4.

Regarding the runway, a gravel pit on Hoffman Acres, Lowell Field is not consistent with the subdivision's purpose as a residential neighborhood and airpark. The site plan as provided is not conducive to the mentioned intent of a float plane basin.

FAA standards for runways serving small aircraft mandate a Runway Obstacle Free Zone (ROFZ) of 250' with a grade of no more than 50:1. This extends 50' into the lots bordering the runway. **The proposed 6' berm, and 2:1 slope is in direct violation of this standard.** The proposed 6' berm is a significant hazard to aircraft using

the runway, and knowingly violating this standard will open up associated parties to legal liability in the event of a mishap.

The runway is currently usable by small aircraft to include B90, B100, BE18T, and PA31-350.

The proposed 6' berm next to the runway would be an obstruction during takeoff and landing, and the mentioned aircraft would be unable to turn around on the runway due to the lack of wing clearance.

Regarding a possible float basin, AOPA recommends a minimum of 105' between the runway and the float basin. Any closer presents a safety hazard. Pursuant to this; excavation between the runway and float basin would not serve the building of a float plane basin, and would most likely result in a deviation from the 50:1 grade in the areas adjacent to the runway.

Concerns regarding the application:

The provided site plan shows only test holes on lots 2, 3, & 4 with the water table at 16'. There is anecdotal evidence that the original developer found the water table between 8' & 9' at the southern portion of subdivision. The applicant neglected to include test hole information regarding the southern lot #1. Prior to approval of the proposed 14' excavation depth, depth of water table should be verified on the South end of the site.

In the comments section and the site plan, the applicant requests a waiver to KPB 21.29.050 A. 3. Requiring material processing equipment to be operated at least 300' from the parcel boundaries. This deviation should not be allowed as it is apparent that the applicant did not exercise due diligence in the procurement of the property for material processing, or willfully intended to circumvent this requirement. In any event if the applicant cannot meet the 300' standard, material processing should not occur at the site. The applicant has the option of processing the material at another location more suitable to this activity. The burden should fall on the applicant to comply with the standards, not the community to bear the negative safety and quality of life impacts. I would ask, what is the point of having an ordinance if only to grant waivers to it? The planning commission should not grant waivers to the standards that would have such negative impacts on the community.

The CLUP development notes item 4 indicates the applicant intends to excavate the area along the runway where the 6' buffer berm is to be placed. Removal of material in the vicinity and replacement with organic or other material that is potentially not suited for runway construction and disturbing the subject area could damage the shoulder of the runway. **This is a violation of KPB 21.29.040 A.2.** A plan from a civil engineer should be in place prior to excavation in this area as to not damage to the runway.

Other considerations:

The runway adjacent to the site has no significant vegetation or buffers to inhibit disturbances of noise, fugitive dust, and allows an uninhibited view from adjacent properties into the site. Due to this the 50' buffer of natural undisturbed vegetation in addition to a minimum 6' earthen berm with at least a 2:1 slope should be used pursuant to the buffer requirements set forth in KPB 21.29.050 A.1.2.

Findings of fact item 19, dust mitigation. Prevalent East and Northeast winds in the area could drive dust from the project across the runway onto adjacent properties damaging structures and aircraft, and aggravating respiratory ailments of residents. It is doubtful that mitigation of dust through application of Calcium chloride and water will be adequate due to the drying nature of the winds. Calcium chloride is corrosive and poses a threat to aircraft in the vicinity and should not be used. **These are violations of KPB 21.29.040 A.2.3.4.5.**

The applicant should apply dust mitigation products that are not corrosive in nature and damaging to aircraft.

As a result of the winds and significant potential for damage to adjacent properties the applicant should retain the services of an independent contractor specializing in dust mitigation to insure compliance, and to insure measures are sufficient.

Due to the magnitude of the proposed project, and the scope of negative impacts on the community the requirement of bonding per KPB 27.19.050 would be appropriate, and voluntary compliance on the part of the applicant would be an indication of good faith to complete the project in a conscientious manner.

In closing the project seems ill conceived.

There are numerous conflicts with KPB Ordinance 21.29

There are significant deviations from FAA and AOPA safety standards that address runways.

The mention of a float plane basin on the surface appears to be a feeble ruse to grease the wheels of a questionable project.

There is no regard given to the safety of users of the roads in the community.

There is no regard given to the safety of airport operations.

There is little regard given to compliance with KPB ordinances to protect the community from physical damage to properties.

There is little regard for minimizing noise, visual, and dust impacts to the community.

In its' present form I am opposed to the CLUP.

If the applicant is indeed sincere with the intent of building a float plane basin, I would suggest it would more productive to engage in dialogue with property owners in the subdivision to conceive a plan that would be beneficial to the community as well as the developer.

I often use gravel products on the Kenai Peninsula, and in the event that I proceed to develop my lot in the subject subdivision I will need a substantial amount of gravel. Another nearby source would be a resource to utilize. I would be supportive of such developments when done in a proactive manner, and considerate of the community.

Thankyou

James Lack

TESTIMONY AGAINST CLUP FOR MATERIAL EXTRACTION AND PROCESSING AT

PARCEL NUMBER: 159-360-09, 159-360-10, 159-360-11, 159-360-12

**LEGAL DESCRIPTION: T 3S R 14W SEC 4 SEWARD MERIDIAN HM 2006036 HOFFMAN ACRES
LOWELL FIELD PHASE 1 LOT 1,2,3,4**

First I would like to address KPB CODE 21.25.060. - Notice.

Notice of the pending application shall be published two times in a newspaper of general circulation in the local area in which the land use is proposed. The notice shall also be posted in the post office(s) of the impacted community. At the beginning of the notice period a copy of the notice shall be sent by regular mail to all owners and/or leaseholders of record of property located within a radius of one-half mile of the subject property. The notice shall contain a description of the proposed location, the type of proposed land use, the applicant's name, where written comments may be submitted, the last date for which written comments may be submitted, and the date, time and location of the public hearing.

It clearly states that notice shall be posted in the post offices of the impacted community. Our community post office is Ninilchik and it was never posted there and I would have never known about this if it was not for a concerned neighbor. So that leads me to believe that many members of the community have not been given the due notice which goes directly against KPB CODES OF ORDINANCE 21.25.060

The application is supposed to include a list of items per KPB CODE 29.21.030 - Application procedure. 29.21.030(A)4 that a Reclamation plan consistent with KPB 21.29.060 is one of the items to be included. Per the application under number 3 Application Information reclamation plan is not checked and was not included with the application. This is in direct violation of KPB CODE OF ORDINANCE 29.21.060(A) All material site permit applications require a reclamation plan. And KPB CODE 29.21.050(A)12b As a condition of issuing the permit, the applicant shall submit a reclamation plan.

KPB CODE 21.29.050(4)c All CLUPS shall be issued with a condition which requires that a two-foot vertical separation from the seasonal high water table be maintained.

The applicant claims the depth of ground water is at 16ft and their proposed excavation is 14ft. If this is the case then they are well in the code but the problem is per the CLUP development notes included in the application.

Number 9: Test holes were excavated and logged in 9 locations by the previous property owners and soil logs were provided to applicant. Test holes were excavated to 18' below ground.

Number 10: Ground water was encountered at approximately 16' below existing ground.

There are several factors that need to be addressed to prove they are not going to be in violation of KPB CODE 21.29.050(4)c

1. No test holes have been done to lot 1. So there is no data on where the water is on that lot and no way for anyone to know that the applicator will be with in code with out them doing there due diligence and locating the water before a CLUP is approved.
2. Why are the soil logs not included with the application so the community can review them.
3. The CLUP development notes state the ground water was encountered at approximately 16' below existing ground and that this info was provided by the previous land owners. The applicant should have to do there own due diligence in locating the water to make sure its really at 16' and not above as approximately is use to show something not completely accurate or exact.

All of these things should be considered and rectified before the CLUP is approved because it is important to preserve and protect ground water in the state of Alaska for generations to come.

The KPB CODE OF ORDINANCE is already in conflict with the Alaska DEC Best Management Practice for Gravel/Rock Aggregate Extraction Projects. It states they recommend a minimum of four (4) feet of vertical separation distance between extraction operations and the seasonal high water table, and that they restrict activities that could significantly change the natural groundwater gradient.

The applicant has stated in there application they plan to mine +/- 40,000 cubic yards of material. So let break this down.

One cubic yard of a heavy material like gravel can weigh 3,000 pounds on average.

In general, a dump truck can carry 13 to 25 tons of gravel. More specifically:

- A 10-wheeler can carry 13 tons (or 26,000 pounds) (9.28 cubic yards).
- A large flat bed truck can carry 25 tons (or 50,000 pounds) of gravel (17.85 cubic yards).
- A 12-wheeler can carry 16 tons (or 32,000 pounds) of gravel (11.42 cubic yards).
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- An industrial belly dump truck can carry a max of 23 tons (or 46,000 pounds) of gravel (16.42 cubic yards).
- A super 16 and a transfer dump truck can haul 24 tons (or 48,000 pounds) of gravel (17.14 cubic yards).

So in looking at this we can see that for them to move 40,000 cubic yard of gravel they would take any where between 2240-4311 truck loads weighing between 26,000 and 50,000 pounds. If they were to only move half that amount of material you are still talking about 1120 – 2156 truck loads.

In Court Case 3KN-20-00034CI Judge Gist rule that

“... The court finds that the Commission does have the authority under KPV 21.25.050(B) to deny a CLUP if it finds that the standards set forth in KPB 21.29.040 cannot be sufficiently satisfied.”

Knowing that let look at KPB 21.29.040 which states These material site regulations are intended to protect against aquifer disturbance, road damage, physical damage to adjacent properties, dust, noise, and visual impacts.

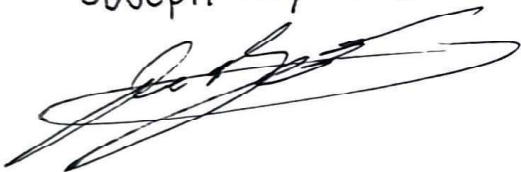
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We all know living here that the mining is not actually happening over a year it will happen in a matter of a months each year. So, over the course of a few month the applicate would be running thousands of load of material down a road barely big enough for 2 standard pickup trucks that necks down to a one lane road with a small culvert crossing Happy Valley Creek. The road is only brough maintained part way down Tims Ave and is not built to handle that amount of big commercial traffic it will result in excess dust and a sever road damage. Truck weighing that much going over a small culvert not rated for that weight load over and over again will smash the culvert and has the potential to get the trucks stuck in the creek when it does finally collapse. Not to mention it will cause a huge safety concern with no where for other drivers to go beside in the ditch when a big dump truck is headed toward them. *With out some detailed plan in place to address these issues there is no way for the applicant to be in compliance with KPB CODE 21.29.040 and there is no way the standards set forth in KPB 21.29.040 can be sufficiently satisfied.*

With all this said I ask the Planning Commission to deny the application for CLUP. Multiple codes have not been met and the standards set forth in code can not be sufficiently satisfied.

Joseph Reynolds



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Kelsea Reynolds



Raidmae, Ryan

From: wilkesworks@alaska.net
Sent: Wednesday, April 5, 2023 5:28 PM
To: Raidmae, Ryan
Subject: <EXTERNAL-SENDER>Hoffman Acres Lowell Field CLUP Wastewater Disposal Concerns
Attachments: Plat 2006-36.pdf

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

Good afternoon Planning Commission!

In reviewing the proposed gravel pit in Hoffman Acres Lowell Field I have come across some notes on the Plat that I wanted to bring to your attention.

Please see attached Plat 2006-36, in particular the notes regarding Wastewater Disposal.

'Wastewater Disposal - Lots 5-28: Soil Conditions, Water Table Levels and Soil Slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough.'...

'Wastewater Disposal - Lots 1-4, Tract A & Tract B: These lots are at least 200,000 square feet, or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment or disposal systems.'

Thank you,
Tiffany Wilkes

NOTES

1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A UTILITY EASEMENT.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14.06).
5. 2" ALUMINUM CAP ON 5/8" REBAR PLACED AT ALL PROPERTY CORNERS AND POINTS OF CURVATURE UNLESS OTHERWISE NOTED.
6. THIS PLAT VACATES ALL PROPERTY LINES, RIGHTS-OF-WAY, UTILITY EASEMENTS AND CLEARING EASEMENTS DEDICATED OR GRANTED PER PARENT PLAT OF HOFFMAN ACRES, HM74-2195, APPROVED BY THE BOROUGH PLANNING COMMISSION AT THE MEETINGS OF FEBRUARY 27, 2006 AND MAY 22, 2006.
7. AIRCRAFT USAGE ON A BOROUGH RIGHT-OF-WAY IS NOT A COMPATIBLE USE AND WILL NOT BE PERMITTED.
8. EXCEPTIONS TO KPB CODE GRANTED BY THE KPB PLAT COMMITTEE ON JANUARY 23, 2006; 20.20.180 (3:1 DEPTH TO WIDTH RATIO) FOR TRACT A; MAY 22, 2006: 20.20.200 (ALL LOTS SHALL ABUT A DEDICATED STREET) AND 20.20.16 (MAXIMUM BLOCK LENGTH OF 1400 FEET).
9. THE BASIS OF BEARINGS IS TRUE NORTH FROM GPS OBSERVATION AT THE NORTH 1/4 CORNER OF SECTION 4.

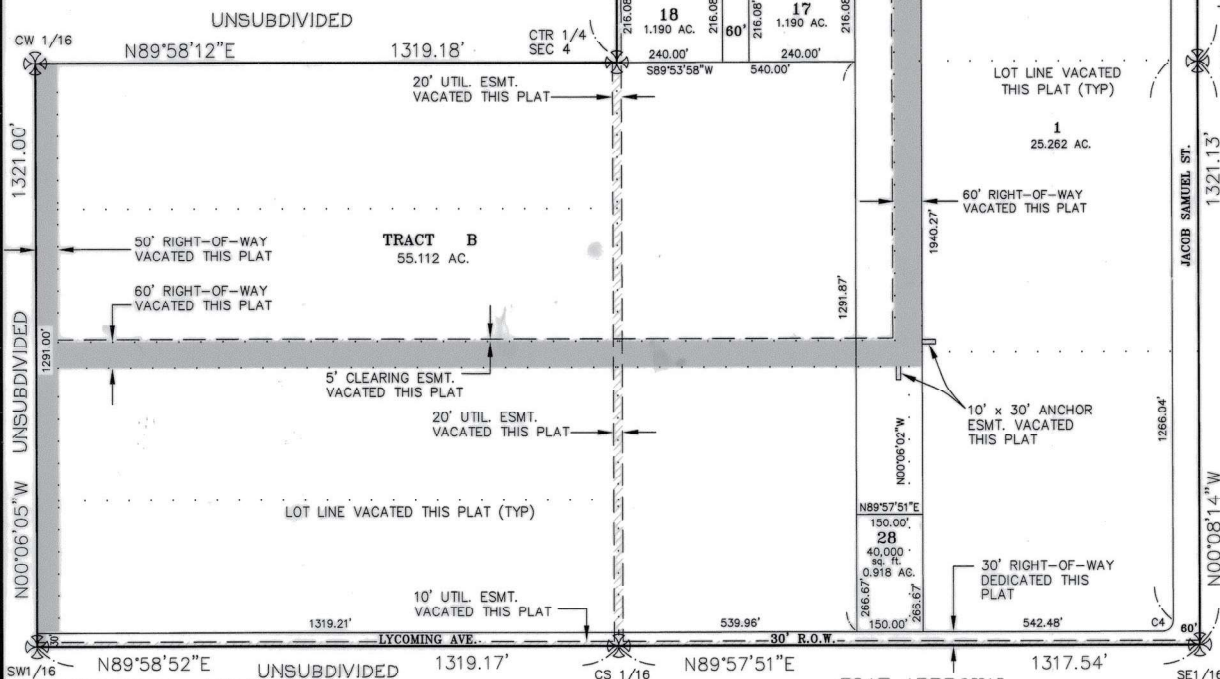
LEGEND

- SET 2" AL. CAP ON 5/8" REBAR AT ALL PROPERTY CORNERS
- INDICATES RIGHT-OF-WAY VACATED
- 2-1/2" BRASS CAP ON 3/4" G.I.P. 7610-S (2006) PER RS2006-23
- FOUND 2-1/2" GLO BRASS CAP

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	39.23	25.00	89°54'27"
C2	39.31	25.00	90°05'33"
C3	39.26	25.00	89°59'06"
C4	39.31	25.00	90°06'04"

WASTEWATER DISPOSAL - LOTS 1-4, TRACT A & TRACT B: THESE LOTS ARE AT LEAST 200,000 SQUARE FEET, OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER *Chris Ed* CE 8300
DATE 6-19-06 LICENSE #



WASTEWATER DISPOSAL - LOTS 5 THROUGH 28: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER *Chris Ed* CE 8300
DATE 6-19-06 LICENSE #

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meetings of January 23, May 8 and May 22, 2006, Kenai Peninsula Borough.

BY *May Hall*
Authorized Official

KPB FILE No. 2006-15

CERTIFICATE OF OWNERSHIP and DEDICATION

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

JOEL MUMF, as President for QUALITY SERVICES INC.
P.O. Box 1071
Anchor Point, AK 99556

NOTARY'S ACKNOWLEDGEMENT

For Joel Mumf
Subscribed and sworn to before me this 19th day of June, 2006.

Notary public for Alaska

My Commission Expires

FORMER TRACT 1

Thomas M. Haeg
P.O. Box 4022
Homer, AK 99603

FORMER TRACT 2

Mark D. Wisner
P.O. Box 314
Anchor Point, AK 99556

Margarete Wisner

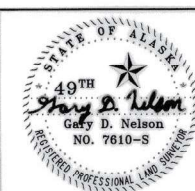
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For Thomas M. Haeg Mark D. Wisner and Margarete Wisner
Subscribed and sworn to before me this 19th day of June, 2006.

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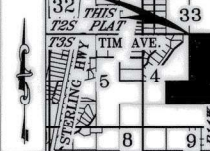
My Commission Expires

2006-16 REC DIST
Date 6/20/06
Time 9:58 AM
Requested by *Ability*
Address



VICINITY MAP

SCALE: 1" = 1 MILE



DATE 6-14-2006
SCALE 1"=200'
JOB No. 3976
DRAWING: 3976

LOWELL FIELD PHASE I

A SUBDIVISION OF TRACTS 1 THROUGH 16, VACATING ALL FORMER PROPERTY LINES AND ALL RIGHTS-OF-WAY WITH THE EXCEPTION OF "EAST ROAD", HOFFMAN ACRES SUBD., (HM74-2195), LOCATED WITHIN THE NE 1/4, THE SW 1/4 AND THE SE 1/4, SEC. 4, T3S, R14W, S. M., KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, HOMER RECORDING DISTRICT, CONTAINING 158.431 ACRES

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

Raidmae, Ryan

From: Tony Hillegeist <thillegeist@hotmail.com>
Sent: Friday, April 7, 2023 7:49 AM
To: Raidmae, Ryan
Cc: TLHillegeist@aeraenergy.com
Subject: <EXTERNAL-SENDER>CLUP; Materials Extraction; PC RES 2023-08 Public Hearing

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.

7 April 2023

To: Ryan Raidmae
From: Tony Hillegeist

Ryan Raidmae,

I, Tony Hillegeist, am a land owner of
PARCEL ID: 1591114 to the East of the
subject properties: T 3S R 14W SEC 4
SEWARD . NO 2009-11 HAPPY CREEK
SUB LOT 12. I am also representing my
brother Tod Hillegeist (HILLEGEIST
FAMILY HOLDING TRUST) **PARCEL. ID:**
15911154 : T 3S R 14W SEC 4

SEWARD MERIDIAN HM 2011006 ASLS NO 2009-11 HAPPY CREEK SUB LOT 12.

I have a couple comments on the CLUP;
Materials Extraction; PC RES 2023-08.

1. I am most concerned about the potential noise levels from the Processing Area which its positioned West my Lot-4. A noise buffer/fence should be included, **if** the land owners around the find the noise levels to be excessive in the future.
2. The second item is a concern about possible ground water contamination, if the subject excavation is deepened in the future, for a float plane strip/basin, including possible fuel spills, engine oil, and other run off into the basin, could become a problem. This is the final goal of this CLUP. If the hydrology is

favorable, then they will submit a MCLUP to mine below the water table.

I also wanted to point out a duplication on page E6-15, items 22 and 25. Also item 20 on E6-14 "East" needs to be changed to **West**, and there is a duplication of "**then**".

Thank you for taking a look at these items. If you have any questions please text, or email.

Tony Hillegeist

(907) 440-4216

thillegeist@hotmail.com

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To the board concerning Hoffman Home Acres Lowell Field Parcel Numbers 159-360-, 1, 2, 3, 4

Hello, I am Dan Presley, manager of the Hoffman Home Owners Association.

The very first thing I noticed is that the KPB Borough ordinance 21.25 060 isn't being totally followed. A note to the borough planning- one thing all the Home Owners will say is that there has not been enough lead time to take all this in. From getting a letter informing us that a gravel pit is about to come, to having any and all comments in by 2 weeks from when the letter was sent- and some didn't even know about, to having a ridiculous zoom meeting rather than a public meeting is absurd.

KPB 21.25 060 states:

Notice of pending application shall be published two times in a newspaper of general circulation in the local area in which the land use is proposed. The notice shall be posted in the post office of the impacted community. At the beginning of notice period, a copy of the notice shall be sent by regular mail to the affected owner and/or leaseholders of record of property with in a radius of ½ mile of the subject property. The notice shall contain a description of the proposed location, the type of land use, the applicants name, where written comments may be submitted, and the date time, and location of the public hearing.

I called the Homer news; on 4/1- they had no notice of application submitted to them for posting. The clarion told me it was posted 3/30. Yet was it twice? There has been no Notice of application for land use posted in the Ninilchik post office or the Anchor Point post office.

Letters did get sent out the 27th or so of March with a comment period of only allowed to April 7th. This quick notice seems way to rushed to be an honest effort.

The 2nd question I have-is how the Applicants Richard Gregoire and owner Jerold Vantrease will address the road and culvert crossing? The culvert is approximately 5' diameter, 20 foot long, steel boiler taken from Valdez and put in beside a smaller galvanized culvert that is half filled with gravel. This road is not in very good shape- it was put in by loggers on the section line and was primarily used during winter operations. The high Sept. rainfall of 12.79" in 2012 nearly washed the road out.

In June of 2013, Walt Blauvelt did some mitigation, of which the Hoffman HOA paid for half, restoring it to its present condition, which is passable for cars and pickups, but not good enough to have a constant stream of trucks hauling gravel. The present road is not able to handle that traffic.

Safety for people that live and travel this road is paramount.

Currently the road west of Sonny Avenue is narrow and steep, on both sides of the Happy Valley creek. When a gravel truck pulling doubles, comes down the hill, there is no place for home owner traffic to get out of the way. If a person is driving East- and there is a huge truck coming West at them: where are they go? There are no pullouts, and the road is not wide enough. For sure, the culvert is not wide enough. Discussions with the developer were that they would put in turnouts, which is a must. They also said they would work on the culvert situation, although they didn't specify. Will a culvert replacement take a review from US Army Corps of Engineers?

The 3rd question is- what is the end game? How will this gravel pit be mitigated? I here rumors of a floatplane basin. If so, where is the plan/application for that? On 4/4 Richard and Jerold met with a couple of us. He did show us a future plan and how they might carry that out. Where will this be put in action, other than on a piece of paper?

Not only that, the original developer said the water observed in the test wholes to the 2nd half of the runway was around 8'.

How close to the Airstrip will be the gravel pit? There should be a buffer of at least 105 feet- the applicant is asking for a waiver of the 300' exclusion and discussions with Richard and Jerold said basically the 45' from the edge of the strip and a 26' foot addition for berm or level ground- after the gravel is extricated below. 45+ 26 is 71' short for a suggested 105'. For me to be ok with this project going forward, the applicant Richard Gregoire and owner Jerold Vantrease should:

1. **Safety!** Upgrade the road to wide enough and thick enough that the road will not deteriorate with gravel truck usage and that 2 vehicles can pass safely. They have assured us that they intend to make it safe with some pullouts and an upgrade on the culverts. Corp of Engineer application? Before this is approved, are the KPB planning commission going to take any of these concerns into consideration? Or will the answer be that it is a private road? Can the homeowners see some kind of assurance in writing that these safety concerns will be addressed?
2. **Safety!** Shallow up the grade of the hills on both the east and west side of Happy Valley creek.
3. **Safety!** Dust mitigation controls- use calcium Chloride or some other option. But that needs more study
4. **Safety!** What about the rest of Tim Avenue? It is barely wide enough for 2 pickups, much less for a large gravel truck and a pickup.
5. What is to be the final outcome? Jerold and Richard showed us a drawing of a proposed floatplane basin. If so what is the time frame for that to be completed? They mentioned a possible 7-8 years. Is there a way for them to put it in part of the Proposed land use? The water table is 16'. The proposed depth is for 14'. How will that be filled with water? How will that be maintained? There was mention of clay as a barrier to keep the water in. All of these things have possibilities, but there is nothing in writing. **Safety!** After talking with AOPA rep, a floatplane basin should be no closer than 105 feet from the edge of the runway.

Dan Watkins
67842 Tim Ave.
Ninilchik, Alaska 99639
907-567-1031

Comments were verbally transmitted by phone to Kenai Peninsula Borough Planner Ryan Raidmae.

Dan Watkins comments are the following:

1. Noise
2. Dust
3. Road Damage
4. Water Contamination
5. Loss of Property Value
6. Loss of privacy, tranquility and solitude
7. Loss or damage to the character of the neighborhood

E. NEW BUSINESS

7. Ordinance 2023-XX: Amending borough code, KPB 21.04.020, to clarify required notice to property owners within a zoning district when there is a proposal to change the district boundary.

Kenai Peninsula Borough

Donald E. Gilman River Center

MEMORANDUM

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

THRU: Peter Micciche, Mayor *PAM*
Robert Ruffner, Planning Director *RR*

FROM: Samantha Lopez, River Center Manager *SL*

DATE: March 23, 2023

RE: Ordinance 2023-____, Amending KPB 21.04.020 to Clarify Required Notice to Property Owners Within a Zoning District When There is a Proposal to Change the District Boundary (Mayor)

The Donald E. Gilman River Center (the “River Center”) administers the Kenai Peninsula Borough (the “Borough”) Floodplain Management Program. One facet of this program is that KPB periodically updates its regulatory floodplain maps, called Flood Insurance Rate Maps (“FIRMs”). The current FIRMs for the Kenai River were drafted in the late 1970’s, adopted in 1981, and are woefully outdated. River Center staff have been working closely with the Federal Emergency Management Agency (“FEMA”) to update the Kenai River FIRMs, and are nearing the public outreach phase of the project.

Because these updated FIRMs will amend the zoned boundaries of the Kenai River floodplain, River Center staff must follow the public noticing requirements in KPB 21.04.020. This section of code is unclear, and could be interpreted to mean that properties in all floodplains must be mailed a public notice regarding the proposed changes to the Kenai River floodplain. This would result in over 8,100 properties receiving notice when the changed boundaries will only affect 4,000 Kenai River properties.

Not only will this amendment avoid sending thousands of notices to unaffected properties, but it will also save the Borough at least \$6,000.00 over the course of the Kenai River FIRM project.

Your consideration is appreciated.

Introduced by: Mayor
Date: 04/04/23
Hearing: 05/02/23
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-**

**AN ORDINANCE AMENDING KPB 21.04.020 TO CLARIFY REQUIRED NOTICE TO
PROPERTY OWNERS WITHIN A ZONING DISTRICT WHEN THERE IS A
PROPOSAL TO CHANGE THE DISTRICT BOUNDARY**

WHEREAS, the Donald E. Gilman River Center (the “River Center”) administers the Kenai Peninsula Borough (the “Borough”) Floodplain Management Program; and

WHEREAS, the Borough must periodically update its regulatory floodplain maps, called Flood Insurance Rate Maps (“FIRMs”); and

WHEREAS, River Center staff have been working closely with the Federal Emergency Management Agency to update the Kenai River FIRMs, and are nearing the public outreach phase of the project; and

WHEREAS, KPB 21.04.020 sets public noticing requirements for proposed changes to zoning district boundaries; and

WHEREAS, KPB 21.04.020 is unclear and could be interpreted to mean that properties in all floodplains across the Borough must be mailed public notice regarding the proposed changes to the Kenai River floodplain; and

WHEREAS, this ordinance clarifies public notices would only be sent to directly-affected properties, saving at least \$6,000.00 over the course of the Kenai River FIRM project; and

WHEREAS, the Borough Planning Commission, at its regular meeting of April 10, 2023, recommended _____.

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

SECTION 1. That KPB 21.04.020 is hereby amended as follows:

21.04.020. Notification of proposed zoning district creation or change and hearing.

- A. When a public hearing is to be held by the Assembly concerning the creation, amendment, or abolishment of a zoning district other than the rural district, a notice containing the following information shall be published at least twice in a newspaper of general circulation in the subject zoning district during each of the [2] two calendar weeks prior to the public hearing date. Additionally, a copy of the notice [SHALL]will be mailed to all real property owners of record [ON THE BOROUGH ASSESSOR'S RECORDS OF] whose property is located in the specific district where the district boundaries overlaying that property are proposed to be created, amended, or abolished. If the subject district is an overlay district this notice by mail requirement [SHALL]will not apply to owners of property in other districts that [IS] are not located in the subject overlay district.

...

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

E. NEW BUSINESS

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

Introduced by:	Johnson, Ecklund, Tupper
Date:	12/13/22
Hearing:	02/07/23
Action:	Failed
Vote:	4 Yes, 4 No, 1 Absent
Action:	Notice of Reconsideration was given by Ecklund
Date:	02/21/23
Action:	Ordinance 2022-46 was Reconsidered
Vote:	7 Yes, 2 No, 0 Absent
Date:	02/21/23
Action:	Postponed to 03/14/23
Vote:	6 Yes, 3 No, 0 Absent
Date:	03/14/23
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

02/07/23 Vote on Motion to Enact Ordinance 2022-46:

Yes: Cox, Ecklund, Tupper, Johnson
No: Chesley, Derkevorkian, Elam, Ribbens
Absent: Hibbert

02/21/23 Vote on Motion to Reconsider Ordinance 2022-46:

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

02/21/23 Vote on Motion to Postpone Ordinance 2022-46 to 03/14/23:

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

Yes:

No:

Absent:

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Brantley, Gillham, Hooper, Horton, Martin, Slaughter, Staggs, Stutzer, Taufest, Venuti
Absent - 2	Fikes, Morgan

ITEM E3 – ORDINANCE 2022-46

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

Staff report given by Senior Planner Samantha Lopez.

Commissioner Gillham asked staff if the Tyonek Native Corporation had made any attempts to secure representation on the APC. Ms. Lopez replied that no applicants for the APC had been received from any residents on the westside. Commissioner Gillham then asked if the reduced boundary size of the APC being put forth, is the same one the Planning Commission initially recommended to the Assembly. Ms. Lopez replied that it was. She noted the ordinance reducing the boundary size was brought forth by several assembly members in response to the letter from the Tyonek Native Association.

Chair Brantley opened the item for public comment.

Len Niesen; PO Box 8485, Nikiski, AK 99635: Ms. Niesen spoke in support of leaving the Nikiski APC boundaries as they are. She noted that the Tyonek Native Corporation had received the same notice about the formation of the APC as the other area residents. They had the same opportunity to make comments then, but they chose not to. They chose to lodge their complaint after the fact, after the APC boundaries were approved. The native corporation actually owns very little land on the westside. In addition, there are energy companies that own lands on the westside that are based in Nikiski, as well as 150-plus properties on the westside that are privately owned. She feels that by reducing the APC boundaries, all the folks who are not a part of the native corporation will be losing a voice that they have been given. The native corporation can choose to participate or not, however they are not losing anything by remaining within the APC boundaries. She noted that most of the lands on the westside are publicly owned lands (Federal, State & Borough) and have the potential of being developed in the future. Some of these public lands may one day be transferred into private hands. She does not believe that the voices of the private landowners in the area should be shut down. She believes the westside is completely attached to Nikiski. The westside is included in their service area and those land should remain within the APC boundary. Making this change, after the fact, does not sit well with her. She would ask that the commission recommend rejecting this proposal.

Commissioner Slaughter asked Ms. Niesen if the APC had reached out to the Tyonek Native Corporation to discuss this matter. Ms. Niesen replied that they had not. She noted that the APC just recently had their first meeting and believed the open meetings act prohibited them from reaching out directly. The APC has not really had the time or opportunity to reach out to them.

Commissioner Slaughter noted that no one from the westside appears to be on the APC. It also sounds like the Tyonek Native Association may not have received any notice about the formation of the APC. He asked staff what resources were put into notifying residents on the westside about the APC. Ms. Lopez replied that once the APC boundaries were set, a notice was sent out to all landowners within the adopted boundary, informing them of the new APC, and that they had lands that resided within the boundary. The notice also contained information on how to apply to be a member of the APC board.

Len Niesen; PO Box 8485, Nikiski, AK 99635: Ms. Niesen wanted it noted that the Nikiski APC would welcome participation from the residents on the westside. She would be happy to relinquish her seat to allow for that to happen

Heidi Covey; 46990 Two Junes Ave., Kenai, AK 99611: Ms. Covey spoke in support of leaving the Nikiski APC boundaries as they are. She stated she keeps hearing concerns being expressed about the size of the APC. She doesn't believe that should be a concern, as there is nothing in code or statute about limiting the size of an APC. The Tyonek Native Association received the same notices as all the other area residents. The native association appears to be saying that they were left out of the process and we know that they were not. They chose to speak up only after the APC was established. The native corporation

states that they are not a part of the borough, however they do receive services paid for by borough tax payers. The native corporation is no different than any other area resident, they can exercise their civic duty and submit an application to be on the APC. She then noted that an owner of a business on the westside did just that, they submitted an application to sit on the APC. She stated that we need to be guided by the law and would encourage the commission to follow the law and allow the APC boundaries to remain as they were initially adopted.

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 forward to the Assembly a recommendation to adopt Ordinance 2022-46, amending KPB 21.02.230 to modify the boundaries of the Nikiski Advisory Planning Commission.

Commissioner Gillham stated that she thought when the commission initially recommended reducing the size of the boundary it was to give the westside the opportunity to create an APC and to have their own voice. It does not appear that the native corporation wants to do that. There are still other lands on the westside that are not apart of the native corporation and it seems to be unwise for them to not have any representation. Initially she supported the small boundary for this APC but she is now leaning towards supporting that the boundaries remain as they are. Just because the native corporation doesn't want a voice doesn't mean the other residents on the westside shouldn't have one. The borough already doesn't tell the native corporations what to do with their lands, so this APC won't negatively affect them.

Commissioner Staggs stated since the native corporation doesn't want to participate in the APC, the commission could just make a recommendation to remove the native corporation lands from the APC boundaries.

Commissioner Martin stated that he agrees with what the two testifiers and commissioner Gillham has said. He is inclined to vote against recommending approval of the ordinance.

Commissioner Stutzer asked what kind of jurisdiction does the borough have over federal and native lands? If we really don't have much jurisdiction over federal and native lands, he doesn't see how the APC would negatively affect them. If that is true, then he is inclined to recommend that the boundaries be left as they currently are. Ms. Lopez replied as far as what kind of lands are subject to the borough, it is her understanding that federal and native lands are still subject to code. For instance, any time there is any type of platting action, whether on private or public lands, those plats will still come before the commission for approval. The same would be true for conditional use and conditional land use permits. However, when it comes to the APC developing a land use plan, it would only apply to borough owned lands. Borough Attorney Walker Steinhage added generally in cases where federal and local laws are in conflict, federal law will control. The issue of the relationship of laws between native corporations/tribes and state/local municipalities are rapidly evolving and changing. Having said that, he doesn't believe that this would be implicated at the APC level, because the purpose of the APC is to give locals a voice and make recommendations. The APC is not a decision-making body.

Commissioner Brantley noted that the last time this came before the commission there was a lot of discussion about why the boundaries of this APC should be smaller. He noted that APCs are not in any way tied to the size of a service area. The service areas and APCs are two different bodies, that perform very different functions. The westside of the inlet is so unique, and while some would say that it is a part of Nikiski, it really isn't. It is a very different place to Nikiski. It would be like claiming that he, as a resident of Sterling, should have a say as to what goes on in Cooper Landing. These are two completely different areas. If the westside wants to represent themselves he believes that another APC would be appropriate. He hasn't changed his mind from the last time this came before the commission. He will be voting to recommend adopting the smaller boundary area. He also reminded the commission that the westside is represented by them. The Planning Commission represents the entire borough, so it is not like the westside is going without any representation.

Commissioner Horton stated he agreed with Commissioner Brantley. It would be like him, a resident of Sterling, saying that he should be making recommendations for the Funny River area.

Commissioner Gillham stated she believes it is beneficial to have a local voice, and she was concerned

that the residents of the westside would be going without a local voice. She has noticed that a number of the APCs have had difficulties finding residents willing to serve. She had been thinking that at least there were folks on the Nikiski APC willing to speak up for the westside. She recognizes that the westside is unique and it would be great if the Nikiski APC could get residents from over there to join their board. However, she agrees that the westside is not without representation, as they are represented by the KPB Planning Commission.

Commissioner Stutzer stated that he agreed with Commissioner Brantley. He doesn't believe that as a Homer resident, that he should be making recommendations for another community further up the peninsula. He is not from the area and the conditions in the area could be very different. Commissioner Brantley stated he understands that the westside is a large area and noted that Tyonek is the town of the westside. Tyonek has stated that they do not want to be a part of the Nikiski APC. Perhaps in the future they may want to form an APC for the westside. The ordinance before us was what we originally recommended to the Assembly.

Commissioner Venuti stated he understands that Tyonek does not want to participate in the APC. One thing he has not heard discussed is how they would participate. Living in Homer he has reliable internet connections, he wonders what it is like on the westside. Being remote, the westside might be at a disadvantage. He wonders if this issue might play into their decision. Commissioner Brantley replied that Tyonek may be showing how much they do not want to participate by choosing to not participate at all.

Commissioner Slaughter says that he supports the smaller APC boundary. He has served on an APC and he believes it is beneficial to have the community involvement. However, if Tyonek does not want to participate in the APC he does not believe they should be forced to. The westside is not without representation, they do have the planning commission and the assembly. He will be voting in favor of adopting this ordinance.

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

MOTION PASSED BY MAJORITY VOTE:

Yes - 9	Brantley, Gillham, Hooper, Horton, Slaughter, Staggs, Stutzer, Tautfest, Venuti
No - 1	Martin
Absent - 2	Fikes, Morgan

ITEM E4 – 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

Staff report given by Marcus Mueller.

Chair Brantley opened the item for public comment.

Steve Latz, Kenai Peninsula Archers; P.O. Box 1892, Kenai, AK 99611: Mr. Latz is the Gaming Officer for the club and spoke in support of approving the lease amendment. He also made himself 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 Gillham to forward to the Assembly a recommendation to adopt Ordinance 2022-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.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Brantley, Gillham, Hooper, Horton, Martin, Slaughter Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Fikes, Morgan

MISC. INFORMATION

- 1. Cooper Landing APC 030823 Minutes**
- 2. Hope/Sunrise APC 0315223 Minutes**
- 3. Kachemak Bay APC 040323 Minutes**
- 4. Nikiski APC 040623 Minutes**
- 5. Anchor Point APC 040623 Minutes**

**COOPER LANDING ADVISORY PLANNING COMMISSION
SPECIAL MEETING
LOCATION: COMMUNITY HALL AND ZOOM TELECONFERENCE
WEDNESDAY, MARCH 08, 2023
UNIT 395 VIRTUAL PRESENTATION 5:00 PM
SPECIAL MEETING 6:00 PM
UNAPPROVED MINUTES**

1. UNIT 395 PROJECT PRESENTATION AND DISCUSSION - Patrick Cotter, RESPEC; Chris Mertl, Corvus Design; Marcus Mueller, KPB Land Manager
2. Attendees: J. Cadieux, D. Story, H. Harrison, C. Degernes, K. Recken, L. Johnson, Y. Galbraith, P. Cotter, Ruby Willoya-Williams, Jonathan Tymick, Alvin Talbert, Megan Flory, Chris Mertl, Marcus Mueller, Robert Ruffner
 - a. Michael Deegan, Gary Galbraith, Bryan Atkins, Paul, Keith Mantey, Phil Weber, Lynnda Kahn, Cheryle James, Jillian Konopa, David Nees, Christine Nees, Marilyn Gravenhorst, Kathleen Kamp, Vince Beltrami, John Almenrode, Kris Inman, Bryan Atkins
- i. P. Cotter began with an overview and explained that maps are just an element of the plan but there are other elements at play.
 1. 1000 acre parcel belongs to KPB.
 2. Contains a large portion of the new Sterling Highway which will divide the parcel in about half.
 3. Slopes and topography in some areas of the parcel also present development challenges.
 4. About half of the parcel falls within the Squilantnu Archeological District.
- ii. P. Cotter shared an explanation of the timeline using the KPB Land Planning Unit 395 Work Plan.
[https://www.unit395planning.com/files/ugd/d2dde5_b2b79a2473554aaeaf529ffd83f1d16e.pdf]
 - b. He said that some of the questions that guided the planning were, “What could this parcel be used for? What do the stakeholders want? What do the stakeholders not want?”
 - c. He said that a standalone project also tasked to the RESPEC group is the Affordable Housing report.
 - d. He called out the project website as a place to find more of this information. [<https://www.unit395planning.com> The affordable housing report may be viewed by hovering on “goals and outcomes” in the bar at the top of the page then click on “documents”. Scroll down to find the Affordable Housing Report Draft.]
- i. P. Cotter said that what RESPEC heard is that the community has a big affordable housing issue and that there were also major desires expressed by community members to have the resources, recreation and wildlife held in place.

- ii. P. Cotter presented the preferred plan layout and development concepts.
 - 1. He said they used a two-pronged approach to the parcel.
 - a. The SE portion of the parcel to be used for recreational opportunities.
 - i. This area is limited for consideration for residential development because it would require an additional access road that would have costs and building challenges.
 - b. The NW portion is the preferred area for residential development because of road access, topography, as well an area eastward identified as a materials site.
 - 2. Phase 1 potential subdivision.
 - a. Appears to be buildable to typical road standards.
 - b. Potential for community septic which would allow smaller parcels by not needing the same setbacks as when each parcel has its own septic system.
 - c. This plan may allow for build out of a second phase to the northeast, nearer the materials site.
 - d. Riparian buffer and protection of wetlands is a part of the planning.
 - e. After the materials site goes through its expected lifespan it may be able to be turned into parking, shelter, trailhead, or provide potential for a bigger recreational facility on this parcel.
 - f. Looking out 20 years or longer in the proposal it may allow for a venue/stadium/grandstand which could be used for outdoor recreation events similar to Kincaid or Birch Hill etc.
 - i. Additional residential potential on the parcel south of the new highway once the steep knobs of potential hard-rock materials sites were flattened out.
 - ii. The loop trail shown is representative of many recreational options though the planners have not gotten very granular about the specific uses.
 - 3. J. Cadieux explained that the normal protocol for presentations facilitated by the APC is to allow the commissioners to speak and ask questions first and public after. She noted that Ruby Willoya-Williams, Kenaitze Indian Tribe representative, is also present and asked her to help begin reactions and questions. She also asked about project planner communications with USFS.
 - a. P. Cotter said that initial discussions with USFS have been good though the full project details presented tonight have not been shared in detail as they are very recent.
 - b. He continued by saying that the USFS talked about the road access and wildlife corridor in the northwest corner and how the USFS didn't want to see development in that area but otherwise he thought the plan represented the understood USFS interests.

- c. J. Cadieux asked about the trails drawn from the parcel onto USFS lands and also said that the 2.5 mile loop helps to show that the scale compared to the proposed area in question is not necessarily enough to support a trail system large enough for a stadium concept.
 - d. C. Myrtl acknowledged this and said that the trails are in line with management for the use of recreation types by the USFS in the adjacent areas but any grandstand type facility would be contained on the Unit 395 parcel.
- 4. Ruby Willoya-Williams, Lead Cultural Coordinator for the Kenaitze Indian Tribe introduced herself and said that she spends a lot of time in Cooper Landing working on the Sterling Highway MP 45-60 Project.
 - a. She said this was the first time seeing this map and layout.
 - b. She said her concern at first was that it would affect the archeological district and had wondered if that was considered in planning and it appears that it has been.
 - c. She asked about land acknowledgements for the area in the project planning.
 - i. C. Myrtl explained that land acknowledgments will be included in the planning documents themselves. He said there is a fair bit of interpretation done in the area but that there will be potential for additional sites and information.
 - d. R. Willoya-Williams explained that interpretation at land use sites and acknowledgments are different.
 - i. J. Cadieux asked for the overlay slide showing the Squilantnu Archeological District.
 - e. R. Willoya-Williams said the Squilantnu Archeological District is huge and wonderful and that the bypass [Sterling Highway MP 45-60] project has been a battle for years because of the district and the amount of historical information present in it. She noted that it has been a place of gathering for the Kenaitze and other Dena'ina people as well as Riverine Katchemak peoples and other peoples pre-contact.
 - f. She explained her job is protecting the cultural and natural resources in the area and giving acknowledgement to the peoples and resources that existed pre-contact with other cultures.
- 5. J. Cadieux asked for commissioner questions.
 - a. K. Recken listed several questions.
 - i. Who came up with Chunkwood Rd name and is that permanent? K. Recken additionally suggested it might be renamed by the Kenaitze Indian Tribe.
 - 1. P. Cotter said that he has seen Chunkwood as well as W. Juneau Rd. referred. He thinks a name from the Kenaitze Indian Tribe would be welcome.
 - ii. Who requested the resource development sites?

1. P. Cotter and J. Cadieux explained the material site on the north edge is in part driven by the Sterling Highway MP 45-60 Project and has come before the CLAPC during the project planning process.
 2. P. Cotter continued that the other two material sites were included to make sure they were considered in the Unit 395 planning.
 3. M. Mueller said that the material site to the north of the alignment was identified with test holes for the MP 45-60 Project. He said the two south of the alignment are bedrock features that the KPB was intending to reserve the hard rock values which are of regional importance to public infrastructure projects such as bridges etc.
 - a. J. Cadieux noted the importance of the timeline and sequencing to avoid potential conflicting uses such as hard rock mining and recreation.
- iii. K. Recken asked why hiking has been moved to the south?
1. P. Cotter said that during site visits the areas were identified as options but they are still conceptual. He said that any future design of trails would involve looking at grades and switchbacks etc.
- iv. J. Cadieux asked about the correlation of this project and forestry actions such as spruce bark beetle mitigation.
1. M. Mueller said that the main aim for areas like this is limited to minimizing “jackstraw” forests that will be problems for many years to come but that this unit may not have a priority since it doesn’t surround the community the same way as KPB lands around the rest of Cooper Landing. He added that forest health would be included in future considerations for the parcel.
- v. C. Myrtl said that the materials present in extraction sites are not yet known but regardless there will be restoration or mitigation measures needed for these areas after the extractive use and so knowing the long-term plan for these sites can allow things like housing or recreation to be included in the planning of the site’s long-term use.
- vi. J. Cadieux cited the existing CL Land Management Plan and asked for an explanation about habitat considerations and why the housing area is north of the highway and close to the wildlife corridor.

1. P. Cotter said that a lot of it was driven by buildability of the area and topography that is just outside of the identified wildlife corridor.
2. J. Cadieux asked about the Kenai Peninsula Brown Bear Project. Had they been able to speak with any of the biologists for input regarding the recommendation for either more expansive lots to allow passage through individual lots or denser lots to promote animals going around the entire area.
 - a. P. Cotter said they had not contacted authors at this point.
 - b. C. Myrtl said that when this subdivision was laid out it was with the aim of making it more-dense. He said the site itself is fairly dense vegetation and that utilizing an already established road is more conducive to affordable housing rather than having to pioneer an additional road.
3. K. Recken asked for clarification of lot sizes.
 - a. P. Cotter said that the lot sizes vary but are as small as 0.4 acres and up to but not quite 1 acre.
4. K. Recken said it is unlikely that any of these are affordable housing.
 - a. M. Mueller said that a lot of the questions on how to facilitate affordable housing would be in front of the borough during this process. We do know how the borough has done the in the past and that the conversation would need to include considerations of tools like local option zoning and others to make those priorities and decisions.
 - b. J. Cadieux said if any portion of this is built, for it to be affordable, it would need to be legislated by the borough.
5. C. Myrtl said that lot sizes can be adjusted but most of them are around 0.5 acres.
- vii. D. Story stated that he feels the process, while done with obvious care and consideration by planners, is still too short of an elapsed time in his opinion to have a good representation of stakeholder feedback and participation in the process for such a large piece of land with so many important features.
6. J. Cadieux asked for questions from the other attendees.

- i. L. Kahn asked how far the development would be from the west parcel boundary.
 - a. P. Cotter said it is just under one half mile.
- ii. L. Kahn asked noted the wildlife corridor is broad and asked for further consideration for human/wildlife interactions including potential for negative ones and whether there would be requirements regarding trash storage etc.
 - a. P. Cotter said that the lines in this map are conceptual but that the layout is intended as a land planning exercise. He said restrictions on use, trash storage, etc. would come from further borough planning processes.
 - b. K. Recken said she agreed with the concern about negative human/wildlife interactions.
- iii. L. Kahn asked where the development would be in relationship to the stream identified with the wetlands.
 - a. P. Cotter said that there are a number of requirements for setbacks from water bodies etc.
 - b. J Tymick noted via chat that an additional stream that flows north/south on the western side of the Unit is a likely wildlife linkage as the wildlife tend to follow drainages.
- iv. P. Weber asked when all this is supposed to happen?
 - 1. P. Cotter said that it is still being determined. As the plan is developed it will include land designation and zoning, road being brought up to standards, USFS agreements etc. He said he imagined the timing of these things will likely be longer than a year or so before they start being worked out.
 - 2. M. Mueller said that timelines are vague but that not much is immediate. He said that what comes out of this planning process will bring us to another drawing board where we get to make priorities. He said the materials site would be the first thing we see since it is related to the highway project. He said a trail system is another possible early result but the KPB is not in the trail building business. He said it does allow community-based proposals to take place and that timelines are almost inherently vague.
- iii. D. Nees asked about the blue line [Chunkwood Road] and whether that is going to be the sole access for the people in the subdivision?
 - 1. P. Cotter said that yes, it is the only access.
 - 2. D. Nees asked if that road is the only access will it become KPB maintained?
 - a. P. Cotter said yes.
 - 3. D. Nees said that it appears this plan provides about 40 acre lots, leaving 980 acres undeveloped. He said people fill out 0.5 acres very quickly with stuff like cars, boats, sheds etc.

and said you can't have that kind of density and expect it will work with wildlife. He added that if the goal is affordable housing this is not the way.

- iv. K. Inman said that you see bears on the road or trails because that is the easiest access and so you may want to reroute the proposed neighborhood trail so it doesn't dump them into the neighborhood.
 - 1. She also said that the restrictions that may be needed to mitigate wildlife issues should be further out front in planning so any potential landowners see those restrictions coming.
 - 2. She also asked why the second phase area is not the first phase area since it is further from wildlife and outside of the archeological district.
 - b. P. Cotter said because its access is provided by new road and has steep grades. Also, we have heard very different things from the community regarding what folk want. He said that everything is a bit of a balance and tradeoff.
 - 3. C. Mertl added that it has been made loud and clear by the community that there should be no additional access to the Unit 395 areas off the new highway alignment. The cost of an area not along existing road will be extremely costly.
- v. J. Konopa thanked planners for protecting the archeological sites, recreational access, and community septic considerations. She asked about how to ensure affordable housing is made affordable.
 - 4. P. Cotter said that the affordable housing study that was part of this looked at mechanisms that have been successful in other communities. See web page access earlier in these minutes.
 - 5. J. Konopa also asked about the materials sites and whether they would go into the building of these homes and whether the homes are prefab homes, other building types, or if that is still being figured out.
 - c. P. Cotter said when we talk about materials we are mainly talking about gravels and rock. Some may be used in the area. He said that the parcels are just raw land.
 - 6. J. Konopa asked if there would be options for commercial zones along the bypass?
 - d. P. Cotter said that they heard from the community that it did not want to have Cooper Landing West and did not want to have major commercial activities in this area.

- e. J. Cadieux noted that with borough land classification some in-home businesses are allowed in lands that have rural residential zoning rules.
- 7. David Nees asked for more information about land classification of this parcel.
 - f. M. Mueller said that the KPB land management is multi-objective driven. He said when we look at adoption of this plan and how to roll it out, the adoption of the plan will include land classification recommendations, the plan would lead the classification and the classification would be adopted with the plan.
 - g. C. Mertl said that this plan will not solve the affordable housing problem. He said it helps to add volume to the market but it won't solve it on its own. He said there are, however, recommendations that have been used by other communities on how to implement mechanisms to address these issues included in the stand-alone report produced in this process. He said the KPB won't be able to do it on their own but will only be able to do it with community partnerships.
 - h. C. Mertl said there were many comments about not wanting housing in certain areas on the plan and asked where those commenters might rather have housing.
- 8. B. Atkins said this plan has a number of small lots with expensive road access. If it can't be accessed by the highway it doesn't really solve the issues.
 - i. D. Story said that as a point of clarification the Affordable Housing Report generated as a component of this planning process is a stand-alone document intended to provide a digest of tools used to provide affordable housing used by other communities that may be able to be applied to Cooper Landing and other communities in the KPB.
 - j. He said that a need for Affordable Housing has been a refrain from this community for a very long time and has been a consistent theme in these public meetings. He said that he encourages everyone attending this evening to continue attending these and other community meetings to help organize solutions to these issues because they will not solve themselves.
 - k. M. Mueller said that the point he heard expressed is that the economics don't self-serve the needs of the

project. He said it is important to recognize the timing. He said his assessment is that the next area for residential development in Cooper Landing is not likely in Unit 395. He said the Tract C project included an assessment of four locations that might be more suitable including Campus Drive, Quartz Creek, Birch Ridge and Grouse Ridge and that one of those areas is more likely to be the next target location for development in Cooper Landing.

1. J. Cadieux asked M. Mueller to review the chat questions in today's Zoom. She also asked whether he had seen Vermont Act 250 and how it addresses ecologically sound development and planning.
 - i. M. Mueller said he had not.
9. D. Story said he would like attendees to note that affordable housing does not typically come from highest bidder land sales in areas like Unit 395. He said that some tools that can create affordable housing include things like local option zoning or other ordinance tools but not all members of ours or other communities here in Alaska are interested in the government telling them what to do. He said that when the KPB and project planners describe the ability to, for instance, convey a piece of land to a partnering organization which can then administer that land in a way that generates a result such as affordable housing – like the Cooper Landing Senior Citizens Corporation or other organizations described in the Affordable Housing Report - it is calling on communities to develop these for themselves in ways that make sense locally. He said that by presenting the costs and tradeoffs of developing a residential area in Unit 395 it helps to contrast whether it makes sense to pursue housing development in this area versus the areas described by M. Mueller earlier and identified in the previous land use plans for the area including the 1996 Land Use Plan. He said that we, as a community, will need to update a new land use plan soon as the dust settles from the bypass project and that all of these issues are things that that require our community members to come together and organize in ways like by attending these and Cooper Landing Community Club meetings and doing the boring but important work that can generate results like affordable housing.
10. J. Cadieux said that participating in these meetings regularly is really important. She said that when the agendas for these meetings are posted on the CL Crier they include the documents like the Affordable Housing Report

that can help answer these questions and shape the input participants can provide when they attend.

11. D. Nees asked if the high school site listed in the 1996 CL Land Management Plan is on KPB land. Answer: Yes, it is.
 12. C. Nees said it would be really nice to have all the board members present as it may draw more of the community. She also mentioned that it is her preference to have face to face contact for these types of meetings.
 13. J. Tymick said that the green area was identified as the natural corridor and that streams are a natural buffer and development may need to be limited to the west of the stream.
 - a. C. Mertil said they will note the wildlife corridor along the stream. He mentioned that there was desire for connecting trails to the subdivisions but that there is conflicting information now regarding wildlife following the trails.
 14. K. Inman reiterated the smaller subdivision is compatible with conservation design but don't kid yourself that it will continue to be so if the whole parcel is filled with additional small subdivisions.
3. CALL TO ORDER of the CLAPC MEETING: 7:30pm
 4. ROLL CALL – J. Cadieux, D. Story, H. Harrison, C. Degernes, K. Recken, L. Johnson, Y. Galbraith present.
 - a. P. Cotter, Jonathan Tymick Alvin Talbert, Megan Flory, Chris Mertil, Marcus Mueller, Robert Ruffner, B Atkins
 5. APPROVAL OF AGENDA – Y. Galbraith moves to approve as written. C. Degernes seconds. All approve by roll call vote.
 6. APPROVAL OF MINUTES for February 8, 2023 – L. Johnson moves to approve as written. K. Recken seconds. All approve by roll call vote.
 7. CORRESPONDENCE – none.
 8. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE – none.
 9. REPORT FROM BOROUGH - none
 10. OLD BUSINESS none
 11. NEW BUSINESS

- a. Unit 395 Plan recommendations
 - i. J. Cadieux asked what commissioners would like to see in this plan.
 - 1. K. Recken said she would like to see the subdivision moved to the south of the highway.
 - 2. C. Degernes thanked RESPEC for listening and acknowledged that there have been different desires listed by different people at different meetings.
 - a. Likes the access coming from the existing Sterling Highway.
 - b. Would like to see the emergency access ramps removed from the design of the new highway alignment.
 - 3. H. Harrison said she knows that the community needs more residential development. She said it needs to make sense for a developer and the KPB to take it on and this plan doesn't look like it makes that sense. She said the other phase areas are so prohibitive they may never come to fruition and that there have been many other planned areas that don't come to fruition. She said we need to have a plan to make development happen.
 - 4. Y. Galbraith said that what it seems like is that this site is not the first development priority. She said there have been other areas that have been identified in the community and they may make more sense to move forward with than this area. She said she believes the steepness of the road is also a consideration for safety and access for CL Emergency Services.
 - 5. K. Recken asked for clarification from M. Mueller that there is an understanding from members of the community that KPB is interested in developing Affordable Housing and that that is not her understanding.
 - a. M. Mueller said that the KPB doesn't have any history of zoning development projects with the exception of Russian Gap. He continued that there may be the opportunity in the future. He said there are other areas, Seward for instance, that have similar needs and that there may be more ideas that come together and stick at this time vs previous attempts. He said a development partnership, with an investor for example, might work where the KPB puts up the land and the developer puts up the development.
 - i. K. Recken asked whether it comes down to the political climate. M. Mueller said that if

it makes sense to the assembly they will vote it up and if it doesn't it will be voted down. He said although Cooper Landing has been talking about affordable housing for a long time, it is just hitting the borough.

6. J. Cadieux asked C. Mertl and P. Cotter if there was any cost benefit estimates etc. for having elevated level recreational assets in this area in terms of benefit to the KPB to leave it for recreation rather than residential development.
 - a. C. Myrtl said it was not a full analysis but it does include the support of the recreational assets that are also compatible with the adjacent USFS land management. He said many of the uses are workable for seasonal and temporary use including the concept of a temporary or seasonal "stadium."
7. Y. Galbraith asked if it is possible to condense this down to whether the CLAPC supports the plan vs. the individual components of the plan.
 - a. D. Story said everyone needs to have enough time time to process the presented plan and ruminate on the concepts without nitpicking the down the road details. He said it would be helpful to have some clarification regarding the mixed messages that planners have heard and perhaps provide those as the contrasting tradeoffs of the components of the plan.
 - b. H. Harrison asked if there would be some closure for the community. There has been so much community involvement will they have an opportunity to make further comment?
 - i. P. Cotter said he needed to confirm the timelines with the KPB.
 - ii. C. Mertl said that if the master plan is not the right direction that is the main thing that needs to be determined first.
 - c. K. Recken said thank you to RESPEC for all the work but she cannot support the housing where it is. She would like to know from M. Mueller if the process can be slowed down.
 - i. M. Mueller said it is important to know where we are at in the timeline. He said we have the master map that shows the major elements but the narrative of the elements has not yet been written. He said if the elements of the master plan/map are the

right results then the language of the plan can be written in a way that explains the considerations i.e. what do you do when you find an archeological resource in an area to be developed and other things that will inevitably happen as any project proceeds.

- ii. K. Recken clarified she was asking if the plan timeline to present a final product to the Assembly in May or June can be pushed back.
 - 1. M. Mueller confirmed it can.
- d. D. Story said that he does not feel comfortable making any kind of recommendation tonight and that it would make more sense to at the very least bring this back to the next CLAPC meeting before it would seem reasonable to make recommendations.
 - i. H. Harrison, Y. Galbraith, J. Cadieux agreed.
 - ii. J. Cadieux suggested it be brought to the Community Club and offered options with CLAPC including the April 5th CLAPC or a Work Session later in April.
 - 1. P. Cotter mentioned the “overemphasis” on wildlife.
 - a. H. Harrison supported P. Cotter.
 - b. D. Story mentioned better delineation of the tradeoffs.
 - c. B. Atkins asked why Unit 395 and described many of the problems he sees as the issues with developing that area.
 - iii. D. Story suggested RESPEC provide a digested version of the plan and the conflicts that planners have identified from community feedback that can be presented as a short presentation akin to information and announcements rather than an hours-long Q&A at the next meeting. He said the point would be to give time for this information to make its way out, for even more of the community to find the resources that already exist so that when people return to something like a work session they can already be informed of the plan, many of its

tradeoffs, and previous work surrounding things like affordable housing in the community and ideally be prepared to make informed comment then or during a public comment period.

- iv. J. Cadieux asked about whether we can put together a Work Session.
 - 1. P. Cotter said an in-person work session between April 5 and May 3 would work.
 - 2. J. Cadieux asked for the commissioners to email the preferred date between April 19th or 26th for the work session.

12. PLAT REVIEW none

13. INFORMATION and ANNOUNCEMENTS

- a. Commissioners please view the virtual training from KPB
- b. CooperLandingAPC email will be shut down by KPB directive
 - i. We will be allowed a transition so that community members understand how to communicate with CLAPC.
 - ii. J Cadieux has a new email address dedicated to CLAPC communication: Cadieux.apc@gmail.com

14. COMMISSIONER'S COMMENTS

- a. Thank you to the planners and everyone for sticking it out.

15. ADJOURNMENT – H. Harrison moves to adjourn. Y. Galbraith seconds. All approve by roll call vote.

For more information or to submit comments please contact:

David Story, Secretary Treasurer or Janette Cadieux, Chair, P.O. Box 694, Cooper Landing, 99572 Contact the CLAPC by submitting your message here:
<https://www.kpb.us/planning-dept/planning-commissions/cooper-landing-apc/email-cooper-landing-apc>

Hope/Sunrise Advisory Planning Commission
Regular Meeting Approved Minutes
7:00 P.M. March 15, 2023

- A. The meeting was called to order at 7:05 P.M.
- B. Members present were: Jim Skogstad, Flip Foldager, Peter Smith, Levi Hogan and Nancy Carver from Borough Planning.
- D. The agenda was approved as submitted
- E. The minutes Feb.8, 2023 were approved as submitted
- F. No Public comments
- G. We received from the Borough in the mail hard copies of the communities Survey Questionnaire Responses.
- H. Nancy Carver announced that the April meeting would be her last with our APC before her retirement.
- I. There was discussion on finalizing the draft of our update of the Land Use Plan and was agreed we would have a work session at the Library on March 31, 2023 at 5:00 to organize the draft land use plan. It was agreed that the Survey results and comments will be included in the land use plan.
- L. Next meeting will be April 5, 2023 at 7:00 P.M. at the Library and zoom.
- M. The meeting adjourned at 8:05 P.M.

Unapproved Minutes, KBay APC meeting 4/3/23 7:00 pm via Zoom

A. CALL TO ORDER

Chair Seguela called meeting to order at 7:00 pm. New members were sworn in by Ryan Raidmae

B. Roll Call

Present: Willy Dunne, Penelope Haas, Hal Shepard, Courtney Brod, Louise Seguela

Absent: Owen Meyer

Staff present: Ryan Raidmae

C. ELECTION OF OFFICERS

Moved and seconded to elect Willy Dunne as Secretary, no objections

Moved and seconded to elect Louise Seguela as Chair, no objections

Moved and seconded to elect Courtney Brod as Vice Chair, no objections

D. APPROVAL OF AGENDA

Approved with the change to move “meeting location and format” to New Business.

E. APPROVAL OF MINUTES

No previous minutes were available for approval

F. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE

None

G. CORRESPONDENCE

Penelope received a question about a material site CLUP in Happy Valley. Ryan reported that application is located in the Anchor Point APC and is on the agenda for their meeting on Thursday of this week.

H. REPORT FROM BOROUGH

Nothing further

I. NEW BUSINESS

1. Discussion regarding location and format of future meetings: Louise reported that we can meet at Kachemak Bay Research Reserve building but Zoom capability needs to be addressed. Until that is resolved, we will plan to meet again via Zoom for the May 1, 2023 meeting.

2. Stanley’s Meadow 2023 KPB 2023-024: There was general discussion indicating frustration with incomplete information (some of which is required by code) not being included on plats

being reviewed by the APC. Commissioners discussed concerns about road construction causing potential drainage/flooding problems.

Moved and seconded: **KBAPC requests information be added to the plat regarding potential flooding between pond and creek with ROW development.** Passed without objection.

3. Graham Ranch KPB 2023-028: no comments

4. Patch Subdivision 2023 KPB 2023-030: Several commissioners were familiar with this parcel and agreed that it is a very wet site with concerns that construction of Shiloh Ave. could cause flooding problems for properties to the north. There are no wetland designations on the plat even though they are likely present. There are existing driveways and buildings on Tract 1-A which are not shown on the plat making it more difficult to evaluate. There were questions about how and why wastewater disposal suitability differed on the proposed lots.

Moved and seconded: **The KBAPC requests additional information regarding standing water, drainage, wetlands designations, wastewater disposal and flooding potential from ROW development. Until additional information is received the APC cannot recommend approval.** Passed without objection.

5. Newell Park East Lot 7 Replat KPB 2023-032: No comments

6. Skipper's View Waterman Road Right-of-Way Vacation KPB 2023-026V: No Comments

7. Stanley's Meadow 2023 Perkins Road Right-of-Way Vacation KPB 2023-024V: Question arose about plat indicating that the existing developed road is outside the proposed new ROW location.

Moved and seconded: **KBAPC requests additional information regarding the consequences of the existing access being located outside the proposed ROW.** Passed without objection.

8. Stanley's Meadow 2023 Utility Easement Vacation KPB 2023-024V2: No comment

9. Waterman Springs Replat 2023 KPB 2023-039: Questions were brought up regarding note 5.

Moved and seconded: **KBAPC requests road and utility easement noted by DNR Register book 80, page 910 be indicated on the plat.** Passed without objection.

J. OLD BUSINESS

Courtney mentioned the previous work on a local area plan for the APC and that continuation of work on that could be added to the May agenda.

K. ITEMS FROM THE COMMISSION.

Willy thanked Ryan and Planning Department staff for their work and glad to hear that Director

Robert Ruffner will continue under our new Borough administration.

Willy suggested our Commission be given more information and/or a presentation from the Land Manager regarding the Agriculture pilot project on Basargin Road and that perhaps we can schedule a site visit later this spring or early summer with KPB staff.

L. ANNOUNCEMENTS

M. ADJOURNMENT

Next meeting: Monday May 1, 2023 7:00 pm via Zoom.

NIKISKI ADVISORY PLANNING COMMISSION

Regular Meeting Agenda

April 6, 2023 at 5:30 pm

Location: North Peninsula Rec Center

1. Call to Order – 5:35
2. Roll Call – present: Patti Williams, Len Niesen, Tom Coursen, Mike Peak, Jason Ross, Ryan Raidmae; guests Peter Micciche, Peter Ribbens, Aaron (planning staff)
3. Approval of Agenda – Mike moved, unanimous
4. Approval of Minutes – Len moved, unanimous
5. Report from Planning Department Staff – no report per Ryan
6. Public Comment/Presentation – no comments
7. Old Business

- a. Review and approval of map to revise Nikiski APC boundaries

Len gave an overview of the map of revised boundaries. Peter Micciche had another version of the map and there was some confusion as to the correct one. Peter Ribbens will go back to Planning and work on a final corrected option with one of the APC members and Mayor Micciche. Mayor Micciche will ask that the item postponed about a month on the Assembly calendar so we can work this out and have time to see it again before it goes to the Planning Commission & Assembly.

Public comment: Lou Oliva said he supported our efforts but hated to see the boundaries continually get whittled away.

8. New Business

Plat Review:

- a. Land to be disposed by the Kenai Peninsula Borough – Kelly moved to approve, Patti seconded; unanimous.
- b. Sunset View Estates Addition No 2 KPB 2023-041 (Oliva/Rappe) – Len moved to approve, Kelly seconded; unanimous.
- c. Right-of-Way Acquisition Park Road KPB 2023-033 (Oliva) – Stacy Oliva spoke: this is part 2 of vacating an earlier easement and bringing this section of Park to a total of 60 feet. Mike moved to approve; Kelly seconded; unanimous.
- d. Jelinek Subdivision KPB 2023-035 (Jelinek) – Doug Field, who lives next to the property, spoke in favor of approval. Len moved to approve, Tom seconded; unanimous.

9. Information and Announcements
 - a. Next Regular Meeting: Thursday May 4, 2023 at 5:30 PM
10. Advisory Planning Commissioner Comments
11. Adjournment – 6:20pm

Anchor Point Advisory Planning Commission Unapproved Minutes

Seat A - Maria Bernier

Seat B - Vacant

Seat C - Barry White

Seat D - Joey Chamberlin

Seat E - Jill Gunnerson

Seat F - John R Cox

Seat G - Angela Roland (Acting Chairperson)

April 6, 2023 7:00 pm – 9:00 pm	To attend via Zoom use meeting link - https://us06web.zoom.us/j/9077142460 To attend by telephone call - 1-888-788-0099 or 1-877-853-5247 Use meeting ID 907 714 2460
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Agenda

1. **Call to Order** – 7:05pm
2. **Roll Call** – Present: Barry White, Jill Gunnerson, Angela Roland, Maria Bernier, Ryan Raidmae, Marcus Mueller, and several members of the public
3. **Approval of Agenda** - Approved
4. **Reading and Approval of Minutes** – No Minutes to approve
5. **Correspondence - Reports of Officers, Boards and Standing committees** - None
6. **Public Comment/Presentation without previous notice** - None
7. **Report from Borough** - None
8. **Unfinished Business** - None

9. New Business

- a. Swearing In of Commissioners – Barry White was sworn in
- b. Election of Officers
 - Chairman – Barry White
 - Vice Chairman – Jill Gunnerson
 - Secretary – Angela Roland
- c. Use of Zoom for meetings – Future Meetings will be held in person at the Chamber of Commerce and on zoom
- d. Future meetings' time and locations – Meeting will continue to be held on Thursday nights and 7:00pm
- e. Land Management – Disposal of Borough Lands – Anchor Point APC recommends to dispose (sell) parcel 169-292-32 that is located in Anchor Point
- f. CLUP – Richard Gregoire
 - CLUP Overview – Ryan Raidmae (KPB)
 - Public Statements
 - 1. Tim Ave Road Damage
 - 2. Buffer Waiver
 - 3. Happy Creek Crossing
 - 4. Buffer
 - 5. Landing Strip Clear Zones
 - 6. Dust
 - 7. Noise
 - 8. Property Values
 - 9. Inadequate Notification to neighbors
 - 10. Ground Water Contamination
 - AP APC recommends to table decision until brought back by staff

10. Announcements and Information - None

11. Commissioners Comments - None

12. Adjournment – 8:30pm

Purpose of an Advisory Planning Commission:

Provide residents with an additional avenue to participate in land use planning activities proposed for their community; and

Provide recommendations to the Kenai Peninsula Borough Planning Commission and, to the Assembly when requested by majority vote of the assembly on land use planning and public land management issues which may affect the existing and/or future character of the community.