



# 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, June 12, 2023

7:30 PM

Betty J. Glick Assembly Chambers

---

**Zoom Meeting ID: 907 714 2200**

The hearing procedure for the Planning Commission public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

#### **A. CALL TO ORDER**

#### **B. ROLL CALL**

#### **C. APPROVAL OF CONSENT AND REGULAR AGENDA**

*All items marked with an asterisk (\*) are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner so requests in which case the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.*

*If you wish to comment on a consent agenda item or a regular agenda item other than a public hearing, please advise the recording secretary before the meeting begins, and she will inform the Chairman of your wish to comment.*

##### **1. Time Extension Request**

##### **2. Planning Commission Resolutions**

[KPB-5279](#)      PC Resolution 2023-08

Attachments:      [C2. PC RES 2023-08](#)

##### **3. Plats Granted Administrative Approval**

[KPB-5280](#)      a. Jack Gist Subdivision No. 3 Phase 1; KPB File 2020-107P1  
b. Mountain Vista Estates 2022 Replat; KPB 2021-147  
c. Wales Subdivision; KPB File 2022-061  
d. Windhaven Estates Phase 4; KPB File 2021-063  
e. Yoder Subdivision; KPB File 2022-113

Attachments:      [C3. Admin Approvals](#)

##### **4. Plats Granted Final Approval (KPB 20.10.040)**

##### **5. Plat Amendment Request**

##### **6. Commissioner Excused Absences**

##### **7. Minutes**

[KPB-5281](#) May 22, 2023 PC Meeting Minutes

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

#### **D. OLD BUSINESS**

#### **E. NEW BUSINESS**

1. [KPB-5282](#) Section Line Easement Vacation; KPB File 2023-053V  
Geovera, LLC / Emmitt & Mary Tribble Joint Revocable Trust  
Request: Vacates approximately 66' by 550' in size in Lot 1,  
Hollywood Kennedy Gibbons 2006 Addition, Plat HM 2007-108  
Location: Long Gone Avenue & Sterling Highway  
Anchor Point Area / Anchor Point APC

Attachments: [E1. SLEV Hollywood Kennedy Gibbons 2006 Addn Packet](#)

2. [KPB-5283](#) Conditional Land Use Permit – Materials Extraction & Processing  
PC Resolution 2023-15  
Applicant: Colaska Inc. – QAP / Landowner: AK Railroad Corporation  
Location: 30986 Seward Highway; KPB Parcel ID: 125-141-01  
Crown Point Area

Attachments: [E2. CLUP QAP-ARRC Packet](#)  
[E2. CLUP-ARRC Desk Packet](#)

3. [KPB-5284](#) Conditional Land Use Permit; Materials Extraction & Processing  
PC Resolution 2023-16  
Applicant: Colaska Inc. – QAP / Landowner: Kenai Peninsula Borough  
Location: Approximately 0.5 miles due North of Milepost 53 of the  
Sterling Highway; KPB Parcel ID: 119-010-30  
Cooper Landing Area / Cooper Landing APC

Attachments: [E3. CLUP QAP-KPB Packet](#)

4. [KPB-5285](#) Hearing on Planning Commission's order to show cause why the  
Zipmart building, located at 38525 Swanson River road in the Sterling  
area, should not be condemned, and removal recommendation.

Attachments: [E4. ZipMart Building Packet](#)  
[E4. ZipMart Desk Packet](#)

#### **F. PLAT COMMITTEE REPORT**

#### **G. OTHER**

[KPB-5286](#) FEMA Presentation ; FEMA Kenai River Flood Map Update

Attachments: [G1. FEMA Presentation Packet](#)  
[G1. FEMA Presentation Desk Packet](#)

## **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-5306](#) Misc. Information Packet

Attachments: [PC Misc. Info Desk Packet](#)

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

The next regularly scheduled Planning Commission meeting will be held Monday, June 26, 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](mailto: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**

- \*2. Planning Commission Resolutions**
  - a. PC Resolution 2023-08

**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 May 4, 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; and
- WHEREAS,** during the public hearing, planning staff requested a postponement until the applicant could obtain an Obstruction Evaluation and/or Airport Airspace Analysis form the FAA; and
- WHEREAS,** on April 28, 2023 the applicant Richard Gregoire, submitted to the Borough Planning Department a Determination of No Hazard from the FAA for the proposed 6-foot-high earthen berms; and
- WHEREAS,** public notice of the application was mailed on or before May 4, 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 May 11, 2023 and May 18, 2023 issues of the Homer News; and
- WHEREAS,** a public hearing was held at the May 22, 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. On April 28, 2023 the applicant submitted to the Borough Planning Department a Determination of No Hazard from the FAA for the proposed 6-foot-high earthen berms.
7. 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.
8. The application indicates that the seasonal high-water table is 16-feet below the surface.
9. The applicant's intended depth of excavation will be 14-feet below the surface.
10. If water is encountered the applicant is required to maintain a 2-foot vertical separation from the seasonal high-water table.
11. The applicant is required not to dewater either by pumping, ditching or some other form of drainage.
12. The site plan indicates that there are no wells located within 100 feet of the proposed excavation and 1 well located within 300 feet.
13. The application states that work is not anticipated to be completed in the water table at this time.
14. The site plan states that there are no wetlands or surface waters within the proposed excavation area.
15. 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.
16. The site plan indicates the property boundary was flagged at visible intervals.

17. 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.
18. 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.
19. 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.
20. The applicant is required to provide dust control by the use of water and calcium chloride.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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).
28. The applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).

29. 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.
30. 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 8 and 9.
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. Extract gravel and sand from the subject parcel;
  - b. Process materials on the subject parcel;
  - c. 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 maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
4. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
5. 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.
6. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
7. The permittee shall maintain a 2-foot vertical separation from the seasonal high-water table.
8. The permittee shall not dewater either by pumping, ditching or any other form of draining unless an exemption is granted by the planning commission.
9. 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.
10. 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.
11. 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.
12. 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.
13. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
14. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am.
15. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
16. 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.
17. 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.

18. 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.
19. 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.
20. 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.

### **Voluntary Permit Conditions**

21. The Planning commission and the Permittee have agreed to the following voluntary condition to further support Standard 21.29.040(A)(4) and has been found to be in the best interest of the Borough and surrounding property owners. The permittee shall not conduct material possessing between the hours of 6:00 pm and 08:00 am.
22. The Planning commission and the Permittee have agreed to the following voluntary condition to further support Standard 21.29.040(A)(2) and has been found to be in the best interest of the Borough and surrounding property owners. The permittee shall maintain the access road while the material site is in operation.

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

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



## **C. CONSENT AGENDA**

### **\*3. Plats Granted Administrative Approval**

- a. Jack Gist Subdivision No. 3 Phase 1; KPB File 2020-107P1**
- b. Mountain Vista Estates 2022 Replat; KPB 2021-147**
- c. Wales Subdivision; KPB File 2022-061**
- d. Yoder Subdivision; KPB File 2022-113**



## Planning Department

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

Mike Navarre  
Borough Mayor

### ADMINISTRATIVE APPROVAL

Subdivision: Jack Gist Subdivision No 3 Phase 1  
KPB File 2020-107P1  
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on September 28, 2020. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on May 25, 2023

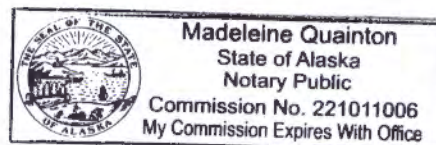
Vince Piagentini  
Platting Manager

State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 25 day of May 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

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

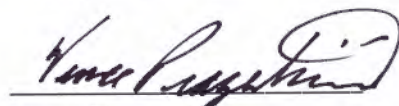
Peter A. Micciche  
Borough Mayor

### ADMINISTRATIVE APPROVAL

Subdivision: Mountain Vista Estates 2022 Replat  
KPB File 2021-147  
Kenai Recording District


The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on November 29, 2021. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Friday, May 26, 2023.

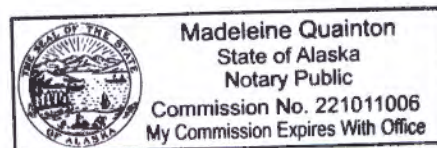
  
Vince Piagentini  
Platting Manager

State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 26 day of May 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

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

Peter A. Micciche  
Borough Mayor

### ADMINISTRATIVE APPROVAL

Subdivision: Wales Subdivision  
KPB File 2022-061  
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on May 23, 2022. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Monday, May 23, 2023.

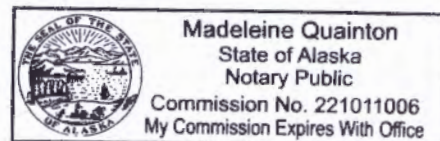
Vince Piagentini  
Platting Manager

State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 23 day of May 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

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

Peter A. Micciche  
Borough Mayor

### ADMINISTRATIVE APPROVAL

Subdivision: Windhaven Estates Phase 4  
KPB File 2021-063  
Kenai Recording District

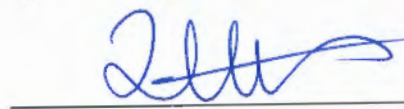
The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on May 31, 2023. Approval for the plat is valid for two years from the date of approval.

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 May 31, 2023.

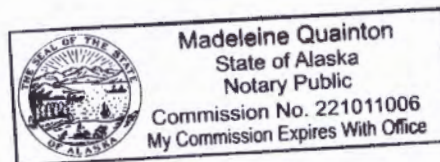
  
Vince Piagentini  
Platting Manager

State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 31 day of May 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

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

Peter A. Micciche  
Borough Mayor

### ADMINISTRATIVE APPROVAL

Subdivision: Yoder Subdivision  
KPB File 2022-113  
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, May 26, 2023.

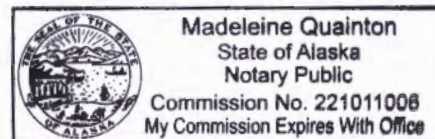
Vince Piagentini  
Platting Manager

State of Alaska  
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 26 day of May 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. May 22, 2023 PC Meeting Minutes

# Kenai Peninsula Borough Planning Commission

---

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

---

May 22, 2023  
7:30 P.M.  
UNAPPROVED MINUTES

## **AGENDA ITEM A.      CALL TO ORDER**

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

## **AGENDA ITEM B.      ROLL CALL**

### *Commissioners Present*

Pamela Gillham, District 1 – Kalifornsky  
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  
Franco Venuti, City of Homer  
Diane Fikes, City of Kenai  
Troy Staggs, City of Seward  
Charlene Tautfest, City of Soldotna

With 10 members of a 12-member seated commission in attendance, a quorum was present.

### *Staff Present*

Samantha Lopez, River Center Manager  
Walker Steinhage, Deputy Borough Attorney  
Todd Sherwood, Deputy Borough Attorney  
Vince Piagentini, Platting Manager  
Madeleine Quainton, Platting Specialist  
Samantha Lopez, River Center Manager  
Morgan Aldridge, Resource Planner  
Ryan Raidmae, Resource Planner  
Ann Shirnberg, Planning Administrative Assistant

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

- \*3.      Plats Granted Administrative Approval**
  - a.   Christensen Tracts 2021 Addition; KPB File 2021-046
  - b.   Questa Woods Subdivision Unrein Addition; KPB File 2022-159
  
- \*6.      Commissioner Excused Absences**
  - a.   Dawson Slaughter, District 9 – South Peninsula
  - b.   City of Seldovia, Vacant
  - c.   District 7 – Central, Vacant

(Unexcused) Blair Martin, District 2 - Kenai
  
- \*7.      Minutes**
  - a.   May 8, 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 Staggs moved, seconded by Commissioner Venuti 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 - 10	Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Martin, Slaughter

**AGENDA ITEM E. NEW BUSINESS**

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

**ITEM 1. – BUILDING SETBACK ENCROACHMENT PERMIT  
LOT 15 BLOCK 5 LAKE VIEW TERRACE NO 2 (KN 87-33)**

<b>KPB File No.</b>	2022-143
<b>Planning Commission Meeting:</b>	May 22, 2023
<b>Applicant / Owner:</b>	Tim & Kathy Crumrine Trust of Lakewood, CO
<b>Surveyor:</b>	John Segesser, Segesser Surveys
<b>General Location:</b>	Holly Avenue, Sterling
<b>Parent Parcel No.:</b>	063-292-01
<b>Legal Description:</b>	Lot 15 Block 5 Lake View Terrace No. 2, Plat KN 87-33
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted

Staff report given by Platting Manager Vince Piagentini.

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

**MOTION:** Commissioner Staggs moved, seconded by Commissioner Venuti to adopt PC Resolution 2022-45 granting a building setback encroachment permit to Lot 15, Block 5, Lake View Terrace No. 2, Plat KN 87-33, based on staff recommendations, adopting and incorporating by reference findings 2 & 4-7 in support of standard one, findings 2, 4-7 & 11 in support of standards two and three, as set forth in the staff report.

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 10	Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Martin, Slaughter

**ITEM 2. CONDITIONAL USE PERMIT  
ANADROMOUS WATER HABITAT PROTECTION DISTRICT OF THE LOWER TRAIL LAKE**

<b>KPB File No.</b>	2023-10
<b>Planning Commission Meeting:</b>	May 22, 2023
<b>Applicant</b>	Alaska Railroad Corporation
<b>Mailing Address</b>	PO Box 107500, Anchorage, AK 99510
<b>Physical Address</b>	ARRC MP 26.2; 60.443917, -149.370399

Staff report given by Planner Morgan Aldridge. Ms. Aldridge noted that this application is being withdrawn at this time and that no action would be required by the planning commission.

Chair Brantley stated that since the item had been publicly noticed he would open the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed. and discussion was opened among the commission.

**ITEM 3. CONDITIONAL LAND USE PERMIT – MATERIALS PROCESSING  
31825 HERMAN LEIRER ROAD, SEWARD AK**

<b>KPB File No.</b>	2023-11
<b>Planning Commission Meeting:</b>	May 22, 2023
<b>Applicant/Landowner</b>	Colaska Inc. - QAP
<b>Parcel Number</b>	144-030-72
<b>Legal Description</b>	T01N, R01W, SEC27, S. M., That Portion Of The East 388' Of The West 718' Of The W1/2, NE1/4, Lying South Of Herman Leirer Road & That Portion Of The East 990' Of The NW1/4, SE1/4, Lying Northeast Of the Seward City Limits
<b>Location</b>	31825 Herman Leirer Road, Seward, AK 99664

Staff report given by Planner Ryan Raidmae.

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

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Stutzer to adopt PC Resolution 2023-11 granting a conditional land use permit for materials processing based on staff recommendations and subject to the conditions listed in the resolution.

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 10	Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Staggs, Stutzer, Tauffest, Venuti
Absent - 2	Martin, Slaughter

**ITEM 4. CONDITIONAL LAND USE PERMIT – MATERIALS EXTRACTION  
MILE 1.4 OF TIME AVENUE, NINILCHIK, AK**

<b>KPB File No.</b>	2023-10
<b>Planning Commission Meeting:</b>	May 22, 2023
<b>Applicant</b>	Richard Gregoire
<b>Landowner</b>	Jerold Vantrease
<b>Parcel Numbers</b>	159-360-09, 10, 11 & 12
<b>Legal Description</b>	T03N R14W SEC04 S.M. HM 2006036 Hoffman Acres Lowell Field Phase 1 Lots 1, 2,3,4
<b>Location</b>	Mile 1.4 of Tim Avenue, Ninilchik, AK

Commissioner Gillham asked to be recused from participating in this agenda item. She stated she has a family member that has a financial interest in the project.

Chair Brantley opened discussion on the recusal request. Hearing no objection or further discussion, Chair Brantley asked the commission for a vote on the recusal request. A vote yes, supports the recusal request. A vote no, opposes the recusal.

**RECUSAL REQUEST APPROVED BY UNANIMOUS VOTE:**

Yes - 9	Brantley, Fikes, Hooper, Horton, Morgan, Staggs, Stutzer, Tauffest, Venuti
Absent - 2	Martin, Slaughter

Staff report given by Planner Ryan Raidmae.

Chair Brantley then opened the item for public comment.

Richard Gregoire, Applicant; P.O. Box 2372, Homer, AK 99603: Mr. Gregoire is the applicant and requested that the commission approve his permit request.

Commissioner Venuti noted one of the main concerns expressed by his neighbors is the potential damage to Tim Avenue by his trucks. He then asked Mr. Gregoire what would he be willing to do to address this concern. Mr. Gregoire replied he has personally invested heavily in the development of the subdivision. He also noted that in order for them to bring materials out of the pit they will have to improve and maintain the road. His company has the resources, equipment and are willing to maintain the road. He stated the road will be maintained in like condition or better.

Commissioner Fikes asked Mr. Gregoire what were his plans on addressing the concerns related to dust and noise. Mr. Gregoire replied they would water down the road to reduce the dust and that they don't plan on working late into the evenings, that they would keep normal business hours. They also do not plan on doing any on site crushing of material. Most of the noise will come from trucks hauling the materials and some minor processing like screening of materials. His trucks are not really any louder than a regular vehicle. He also noted the 6-foot berm will reduce the noise coming from the pit.

Robert Fryer; P.O. Box 39265, Ninilchik, AK 99639: Mr. Fryer is a neighboring landowner and spoke in opposition to approving this permit.

Ken Rucker; P.O. Box 39394, Ninilchik, AK 99639: Mr. Rucker is a neighboring landowner and spoke in opposition to approving this permit.

Jerry Vantrease; P.O. Box 1730, Homer, AK 99603: Mr. Vantrease is the landowner of the lots identified for development and spoke in support of approving this permit. He noted that the lots are not zoned residential, they are zoned unrestricted.

James Lack; P.O. Box 2999, Homer, AK 99603: Mr. Lack is a neighboring landowner and spoke in opposition to approving this permit.

Tiffany Wilkes; 50192 Silverspring Lane, Kenai, AK 99611: Ms. Wilkes is a neighboring landowner and spoke in opposition to approving this permit.

Commissioner Venuti stated for at least the last 10 years borough residents, outside of city limits, have had the opportunity to establish local option zones. Local option zoning, which is generally residential zoning, allows only certain types of activities to occur in the area. Local option zoning is one way to control what kind of development happens in a subdivision. Here is another situation where area residents do not like the proposed development coming into their neighborhood, but there is nothing that prohibits it. This is another example of why local option zones are needed.

Jane Crossett; 67776 Homestead Road, Ninilchik, AK 99639: Ms. Crossett is a neighboring landowner and spoke in opposition to approving this permit.

Areas of concern expressed by neighboring landowners:

- Damage to Tim Avenue
- Tim Avenue is a narrow road and not wide enough to handle large vehicles
- Potential damage to the bridge over Happy Valley Creek
- There are already several material sites in the area – another is not needed
- The lots identified for development were intended for residential use – not commercial
- Noise and the hours of operation
- The existing road is not built to handle the large/heavy equipment associated with material sites

- The reclamation plan lacks specific information
- Air quality issues related to the increase in dust
- The proposed material site is dangerously close in proximity to the existing airstrip
- Decreased property values
- The Anchor Point APC did not have the opportunity to make a recommendation

Gina Debardelaben, McLane Consulting; P.O. Box 468, Soldotna, AK 99669: Ms. Debardelaben was contracted by the applicant to assist with the permit application. She noted the applicant has complied with borough code and spoke in favor of the commission approving the permit.

Richard Gregoire, Applicant; P.O. Box 2372, Homer, AK 99603: Mr. Gregoire stated the vehicles he uses to haul gravel are not much wider than a normal truck, so he does not believe that the width of Tim Avenue is an issue. He does not believe the increased traffic related to the pit is going to be that significant. If dust does become an issue they will alleviate it with the use of water. They are also willing to maintain the road to the current condition or better.

Chair Brantley asked Mr. Gregoire since he was asking for an exemption to the processing distance would he be willing to volunteer, since it is close to a residential area, limiting operation hours for processing to 8:00 AM to 6:00 PM. Mr. Gregoire stated he would be willing to do that.

Planning Manager Samantha Lopez informed the commission the information on this item was sent to the Anchor Point APC for their comment. The Anchor Point APC did not have enough members present to form a quorum at their last meeting, so no formal business could be conducted.

Commissioner Venuti asked Mr. Gregoire if he would be willing to add a voluntary condition to the permit to maintain the unmaintained section of Tim Avenue. Chair Brantley clarified this voluntary condition would only be required when the material site was being actively used. The applicant would not be required to maintain the road outside of those times. Mr. Gregoire stated he would be willing to do that.

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

**MAIN MOTION:** Commissioner Venuti moved, seconded by Commissioner Stutzer to adopt PC Resolution 2023-08 granting approval of a conditional land use permit to operate a sand, gravel, or material extraction site based on staff recommendations and subject to the conditions listed in the resolution.

Commissioner Stutzer noted that in the report to the FAA the applicant stated that the berm on the westside could be upwards of 8 feet. He asked the applicant if he would be willing to add the voluntary condition of the berm on the west side of the pit be 8 feet. Mr. Gregoire replied that in his report to the FAA he did state that the berm could be as tall as 8 feet, knowing that they were most concerned about the vertical height of things. He believed that the FAA would rather the berm be shorter and not higher in that area. Chair Brantley stated it appears that the applicant is not agreeing to this voluntary condition.

**AMENDMENT A MOTION:** Commissioner Fikes moved, seconded by Commissioner Staggs to add the voluntary condition of limiting processing hours to 8:00 AM to 6:00 PM as it would be in the best interest of the borough and the surrounding property owners.

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

**AMENDMENT A MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 9	Brantley, Fikes, Hooper, Horton, Morgan, Staggs, Stutzer, Tautfest, Venuti
Recused - 1	Gillham
Absent - 2	Martin, Slaughter

**AMENDMENT B MOTION:** Commissioner Venuti moved, seconded by Commissioner Fikes to add the voluntary condition that the applicant will maintain the access road, during the times the pit is in operation, as it would be in the best interest of the borough and the surrounding property owners.

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

**AMENDMENT B MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 9	Brantley, Fikes, Hooper, Horton, Morgan, Staggs, Stutzer, Taufest, Venuti
Recused - 1	Gillham
Absent - 2	Martin, Slaughter

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

**MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE:**

Yes - 9	Brantley, Fikes, Hooper, Horton, Morgan, Staggs, Stutzer, Taufest, Venuti
Recused - 1	Gillham
Absent - 2	Martin, Slaughter

**AGENDA ITEM F. PLAT COMMITTEE REPORT**

Commissioner Gillham reported the plat committee reviewed and granted preliminary approval to 5 plats and postponed action on 1 plat.

**AGENDA ITEM H. PUBLIC COMMENT/PRESENTATIONS**

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

**AGENDA ITEM J. COMMISSIONER COMMENTS**

Commissioner Morgan asked to be excused from the June 12, 2023 planning commission meeting.

Commissioner Horton noted that he will be able to attend the June 12, 2023 plat committee meeting.

**AGENDA ITEM K. ADJOURNMENT**

Commissioner Venuti moved to adjourn the meeting at 9:01 P.M.

---

Ann E. Shirnberg  
Administrative Assistant

## **E. NEW BUSINESS**

- 1. Section Line Easement Vacation; KPB File 2023-053V  
Geovera, LLC / Emmitt & Mary Tribble Joint Revocable Trust  
Request: Vacates approximately 66' by 550' in size in Lot 1,  
Hollywood Kennedy Gibbons 2006 Addition, Plat HM 2007-108  
Location: Long Gone Avenue & Sterling Highway  
Anchor Point Area / Anchor Point APC**

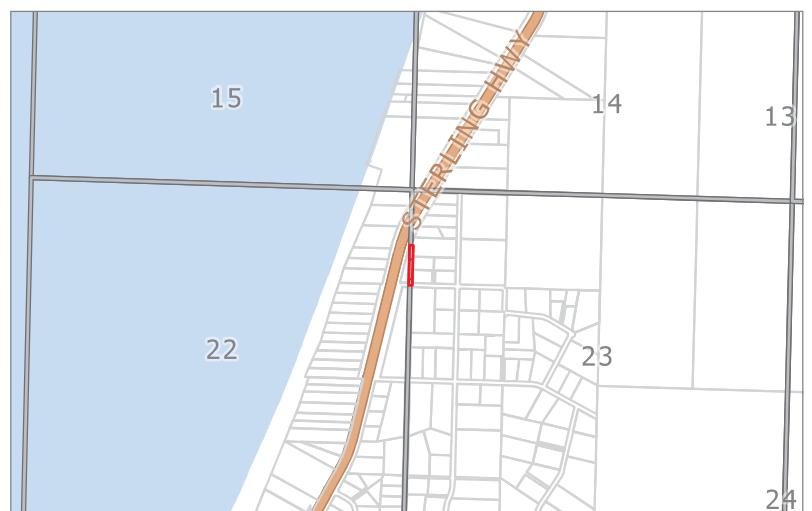
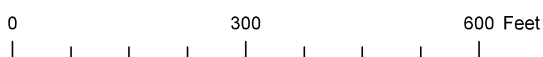


KPB File 2023-053V

T 04S R 15W SEC 22 & 23

Anchor Point

5/17/2023









## NOTES

1. DIAGONALLY HATCHED AREA INDICATES PORTIONS OF THE SECTION-LINE EASEMENT BEING VACATED WITHIN SECTION 22 AND 23, T. 4 S., R. 15 W., S.M. IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS-OF-WAY OR EASEMENTS.

2. NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS SECTION-LINE EASEMENT VACATION PLAT. ALL DIMENSIONS AND OTHER DETAILS AS SHOWN HEREON ARE FROM THE PLAT OF HOLLYWOOD KENNEDY GIBBONS 2006 ADDITION ON FILE AT THE HOMER RECORDING DISTRICT AS PLAT NO. 2007-108.

3. THIS SECTION LINE EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL DECISION EV-3-??? APPROVED ???.

4. THE ALTERNATE ROUTE IN ACCORDANCE WITH AS 19.30.410 AND/OR 11 AAC 51.065 IS VIA THE STERLING HIGHWAY.

## LEGEND:



INDICATES GLO BRASS CAP MONUMENT  
PER HM 2007-108



INDICATES BRASS CAP MONUMENT (268-S)  
PER HM 2007-108



SECTION-LINE EASEMENT VACATED  
BY THIS PLAT

## PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

## SECTION-LINE EASEMENT VACATION CERTIFICATE APPROVAL RECOMMENDATION

### STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE CENTRAL REGIONAL OFFICE AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY \_\_\_\_\_ DATE \_\_\_\_\_  
TITLE: REGIONAL CHIEF RIGHTS-OF-WAY AGENT

### STATE OF ALASKA DIVISION OF MINING, LAND & WATER

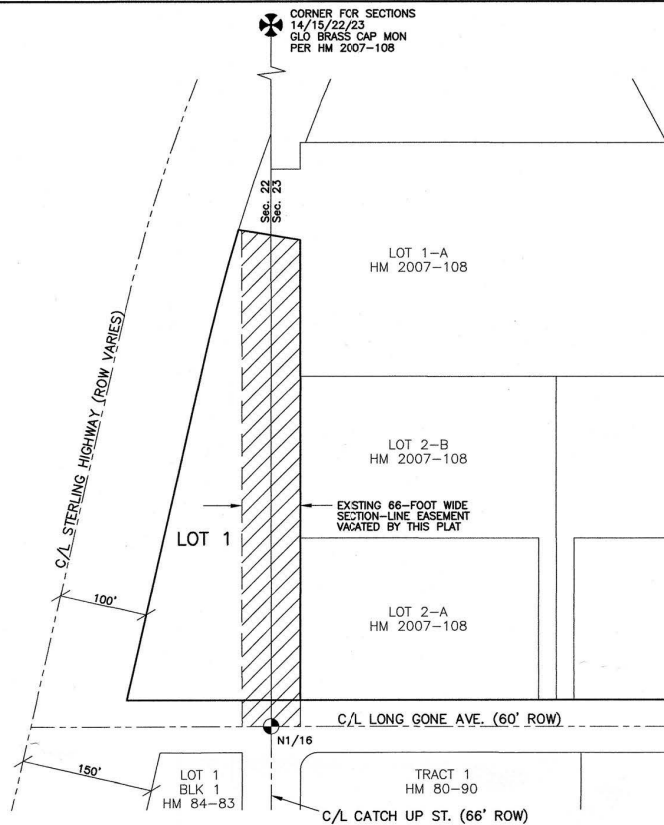
THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE DIVISION OF MINING, LAND & WATER AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY \_\_\_\_\_ DATE \_\_\_\_\_  
TITLE: DIRECTOR, DIVISION OF MINING, LAND & WATER

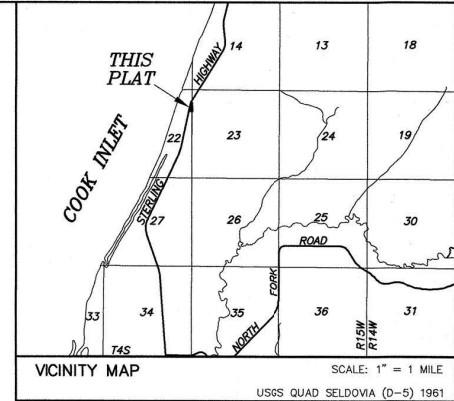
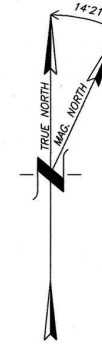
THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES AND THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, DOES HEREBY STATE AND DECLARE THAT THE STATE OF ALASKA VACATES AND RELEASES ALL RIGHTS AND TITLE TO ANY AND ALL PORTIONS OF SECTION-LINE EASEMENTS FOR PUBLIC HIGHWAYS RESERVED TO IT UNDER A.S. 19.10.010 (SPECIFIC AREA DELINEATED BY DIAGONAL HATCHING ON THIS PLAT)

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
COMMISSIONER  
DEPARTMENT OF TRANSPORTATION AND  
PUBLIC FACILITIES

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
COMMISSIONER  
DEPARTMENT OF NATURAL RESOURCES



14°21' EAST CHANGING BY  
0°24' WEST PER YEAR  
NCEI DECLINATION (WMM 2020)  
FEBRUARY 3, 2023



## CERTIFICATE OF OWNERSHIP AND DEDICATION

WE THE UNDERSIGNED, CERTIFY THAT WE ARE THE OWNERS OF LOT 1, HOLLYWOOD KENNEDY GIBBONS 2006 ADDITION. WE HEREBY APPROVE THIS SECTION LINE EASEMENT VACATION PLAT.

EMMITT D. TRIMBLE  
CO-TRUSTEE, EMMITT AND MARY TRIMELE  
JOINT REVOCABLE TRUST  
PO BOX 193  
ANCHOR POINT, ALASKA 99556

MARY E. TRIMBLE  
CO-TRUSTEE, EMMITT AND MARY TRIMELE  
JOINT REVOCABLE TRUST  
PO BOX 193  
ANCHOR POINT, ALASKA 99556

## NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2023.

BY: EMMITT D. TRIMBLE AND MARY E. TRIMBLE  
(PERSONALLY APPEARED)

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: \_\_\_\_\_

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS DRAFTED UNDER MY DIRECT SUPERVISION, AND THAT ALL DATA SHOWN HEREON IS TRUE AND CORRECT AS COMPILED FROM EXISTING RECORD INFORMATION.

DATE: \_\_\_\_\_ REGISTRATION No. AELL 7538

STEPHEN C. SMITH  
REGISTERED LAND SURVEYOR



## GRAPHIC SCALE



1 inch = 100 ft.

1 METER = 3.280833 U.S. SURVEY FEET, 1 U.S. ACRE = 0.4047 HECTARE

DATE OF SURVEY: \_\_\_\_\_  
Beginning: NO FIELD SURVEY  
Ending: \_\_\_\_\_  
SURVEYOR: Geovera, LLC COA# 933  
PO Box 3235  
Homer, Alaska 99603  
(907) 399-4345 www.geovera-ak.com

STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND, AND WATER  
ANCHORAGE, ALASKA

## SECTION-LINE EASEMENT VACATION PLAT

ASSOCIATED WITH  
LOT 1, HOLLYWOOD KENNEDY GIBBONS 2006 ADDITION  
HM 2007-108

Located Within Surveyed  
NE1/4 NE1/4 Sec. 22 & NW1/4 NW1/4 Sec. 23, T. 4 S., R. 15 W., S.M., Alaska  
HOMER RECORDING DISTRICT

DRAWN BY: SCS  
DATE: FEB. 2023  
SCALE: 1"=100'  
APPROVAL RECOMMENDED  
STATEWIDE PLATTING SUPERVISOR  
CHECKED: SCS  
DNR FILE NO.  
EV-3-???

KPB 2023-053V

SHEET 1 OF 1

E1-3

AGENDA ITEM E. NEW BUSINESS

**ITEM #1 - SECTION LINE EASEMENT VACATION  
VACATE THE 66 FOOT SECTION LINE EASEMENT ALONG THE EAST LOT BOUNDARY OF LOT 1,  
HOLLYWOOD KENNEDY GIBBONS 2006 ADDITION, PLAT HM 2007-108**

<b>KPB File No.</b>	2023-053V
<b>Planning Commission Meeting:</b>	June 12, 2023
<b>Applicant / Owner:</b>	Stephen Smith / Geovera, LLC
<b>Surveyor:</b>	Emmitt & Mary Trimble Joint Revocable Trust
<b>General Location:</b>	Sterling Highway, Anchor Point, Anchor Point APC
<b>Legal Description:</b>	Lot 1 Hollywood Kennedy Gibbons 2006 Addition HM 2007-108, NW1/4 Section 22, Township 4 South, Range 15 West SM

---

**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:**

Lot 1, Hollywood Kennedy Gibbons 2006 Addition (HM2007-108) is a narrow lot with existing access along its entire west boundary by way of the Sterling Highway, and along its south boundary by way of Long Gone Avenue. A 33 foot right-of-way (Catch Up Street) along the east side of the section line was vacated by the HM 2006-108 plat, but the section line easement on both sides remained. A house was constructed within the easement on the west side of the section line.

The section line easement has not been constructed. It is not used for access to this or any of the adjoining lots. An overhead powerline exists along a portion of the east edge of the 33 foot section line easement within section 23. There is a 20 foot wide electrical distribution line easement centered on the overhead powerline per note 5 of HM 2006-108.

Vacation of this portion of the section line easement would not prevent or alter access to any of the adjoining lots, which all have functional access from existing rights-of-ways. The alternate route in accordance with AS 19.30.410 and/or AAC 51.065 is by way of the Sterling Highway adjoining the west edge of Lot 1.

**Notification:** The public hearing notice was published in the June 7<sup>th</sup> issue of the Clarion as part of the Commission's tentative agenda.

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

Library of Anchor Point

Post Office of Anchor Point

Sixteen 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 fifteen owners within 600 feet of the proposed vacation.

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

State of Alaska Dept. of Fish and Game  
State of Alaska DNR  
State of Alaska DOT  
State of Alaska DNR Forestry  
Anchor Point Advisory Planning Commission

Emergency Services of Anchor Point  
Kenai Peninsula Borough Homer Office  
Ninilchik Traditional Council  
Alaska Communication Systems (ACS)  
ENSTAR Natural Gas

**Legal Access (existing and proposed):**

Legal access to the property is by state maintained Sterling Highway on the west and Long Gone Avenue to the south. Sterling Highway is a varied width right-of-way, but is 100 feet from centerline directly adjacent to the property. Long Gone Avenue is a 60 foot right-of-way. Vacation of the section line easement will have no effect on the access to the property. The lots to the east have access from Long Gone Avenue to the south or Whiskey Gulch Street further to the east.

No new dedication is being proposed with this vacation request.

The section line easement has an overhead power line constructed through it on the easterly side of the property with a 20 foot electrical distribution line easement centered over it. This easement was dedicated on Hollywood Kennedy Gibbons 2006 Addition HM 2007-108.

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Griebel, Scott Comments: No comments
SOA DOT comments	No comments to provide at this time. - Engineering

**Site Investigation:**

There are no low wet area within the proposed vacation area nor within the direct vicinity nearby.

Drainage is relatively flat with a slight slope towards the Sterling Highway to the west.

KPB River Center review	<p>A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: D Map Panel: 02122C-1880E In Floodway: False Floodway Panel:</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: VACANT Comments:</p>
-------------------------	--

**Staff Analysis:**

Lot 1 Hollywood Kennedy Gibbons 2006 Addition HM 2007-108 was created from Government Lot 1 Section 22 lying east of the Right-of-way of the Sterling Highway and a vacation of a portion of the right-of-way of Catch Up Street located in the NE1/4 of Section 22 all in Township 4 South, Range 15 West, SM HRD, State of Alaska. To the east are Lots 1-A, 2-A through 2-D of Hollywood Kennedy Gibbons Addition HM 2007-108 located in the NW1/4 of Section 23, Township 4 South, Range 15 West SM HRD, State of Alaska.

## 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 easement does not appear to be in use.
2. A road is impossible or impractical to construct, and alternative access has been provided;  
**Staff comments:** There is a house built in the easement blocking use, alternate access is from Sterling Highway.
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;  
**Staff comments:** Lots to the east are developed and have their own access already in use with no interruption shown by the vacation.
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 a public area.
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;  
**Staff comments:** All lots have existing access.
6. Other public access, other than general road use, exist or are feasible for the right-of-way;  
**Staff comments:** Road use is not feasible.
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:** No requests at the time of writing this report.
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.  
**Staff comments:**

The petition presented to the Kenai Peninsula Borough Planning Commission is a state managed easement. Per KPB 20.65.020, the Planning Commission does not have the authority to vacate easements under state jurisdiction. The planning commission will be providing a recommendation to the state on this easement petition. The vacation of this public easement vacation will be under the jurisdiction of the state and the final decision rests with the state.

A recommendation to approve the vacation will be subject to consent or veto by the Kenai Peninsula Borough Assembly. The petition to vacate is tentatively scheduled for the June 20, 2023 Assembly meeting.

A Planning Commission decision recommending denial will not require a hearing by the Kenai Peninsula Borough Assembly.

If approved, a Section Line Easement Vacation Plat may finalize the proposed section line easement vacation. Per KPB Code 20.10.080, if the sole purpose of the plat is to depict an area approved for vacation the plat does not require review by the planning commission. It will be reviewed as a final plat by the Planning Department.

**KPB department / agency review:**

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 31190 STERLING HWY</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: STERLING HWY, LONG GONE AVE, CATCH UP ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: THIS ACTION WILL NOT AFFECT ADDRESS</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>
Anchor Point Advisory Planning Commission	

**Utility provider review:**

HEA	An overhead primary single phase electric line is located within the section line easement. The approximate location has been depicted. Please provide a label or plat note stating, "The existing overhead powerline is the centerline of a 30-foot-wide electrical easement, including guys and anchors, granted this plat."
ENSTAR	No comments or recommendations
ACS	After review ACS has no conflicts with vacating the 66' section line easement.
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 the KPB Assembly.
2. Approval by the State of Alaska.
3. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
4. Grant utility easements requested by utility providers.



5. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.65.050).
- 

#### **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*

- *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**





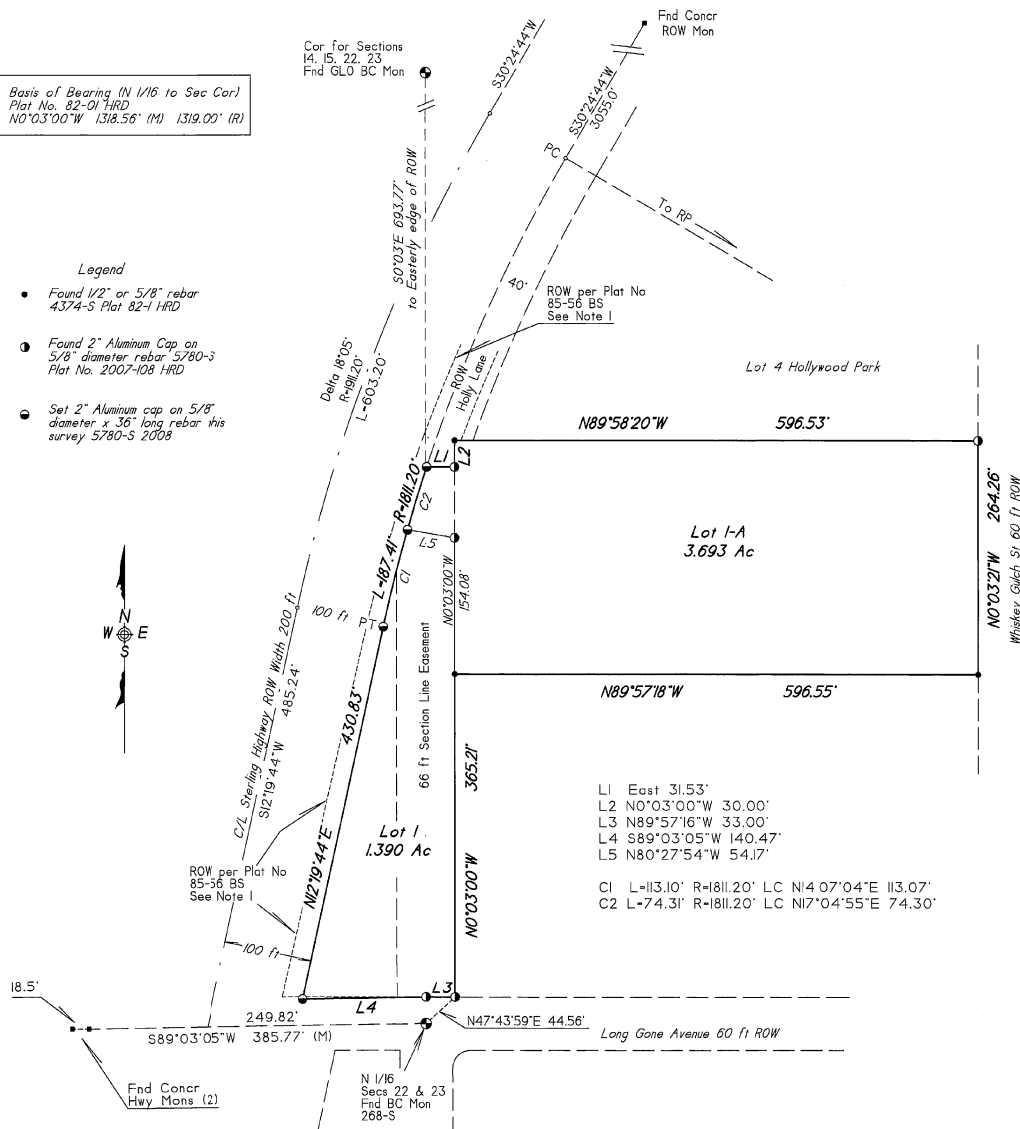
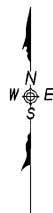






Basis of Bearing (N 1/16 to Sec Cor)  
 Plat No. 82-01 HRD  
 N0°03'00"W 1318.56' (M) 1319.00' (R)

- Legend**
- Found 1/2" or 5/8" rebar  
 4374-S Plat 82-1 HRD
  - Found 2" Aluminum Cap on  
 5/8" diameter rebar 5780-S  
 Plat No. 2007-108 HRD
  - Set 2" Aluminum cap on 5/8"  
 diameter x 36" long rebar this  
 survey 5780-S 2008



# Notes

- The "Deed of Record Boundary Survey" Plat No. 85-56 BS has been found to contain errors regarding the correct location of the Sterling Highway. The subdivision plat of Hollywood Kennedy Gibbons 2006 Addition Plat No. 2007-108 HRD was based in part on the now erroneous Plat No. 85-56 BS. This Record of Survey makes the appropriate correction along the east side of the Sterling Highway and corrects the area of the 2 effected lots. The ROW monuments set per Plat No. 2007-108 have been removed. No other changes to the effected lots have been made.
- Centerline and ROW data based on State of Alaska Dept of Highways "Right of Way Plat" Project No. F-021121 Sheet 33 of 36 as shown on Plat No. 63-423 HRD.
- Catch Up Street vacated by Plat No. 2007-108 HRD
- This survey does not constitute a subdivision as defined by A.S. 40.15.190.2.

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

Roger W. Imhoff  
 LS 5780 Date 4-23-08



2008-19  
 (Name) REC DIST  
 Date 4/2 2008  
 Time 2:38 P.M.  
 Requested to Imhoff  
 Address

## Record of Survey

Being a resurvey of Lots 1 and 1-A, Hollywood Kennedy Gibbons 2006 Addition as shown on Plat No. 2007-108 HRD located within NE 1/4 Section 22 and the NW 1/4 Section 23, T4S, R15W, S1M Kenai Peninsula Borough Homer Recording District, Third Judicial District State of Alaska

Containing 5.083 Acres, more or less

Current Owner Lot 1-A  
 Brain & Charlotte Carper  
 3150 Catch Up Street  
 Anchor Point Ak 99556

Current Owner Lot 1  
 Emmitt & Mary Joint Revocable Trust  
 PO Box 193  
 Anchor Point Ak 99556

Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer Ak 99603	FB 2006-4 2007-2 2008-1 Drawn RWI Scale 1" = 100 ft
--	--

File landofgibbonsrecofsurvey.vcd  
 gibbons.cgo gibbons3.grp

Date 4-23-08

Basis of Bearing (N 1/16 to Sec Cor)  
 Plat No. 82-01 HRD  
 N0°03'00"W 1318.56' (M) 139.00' (R)

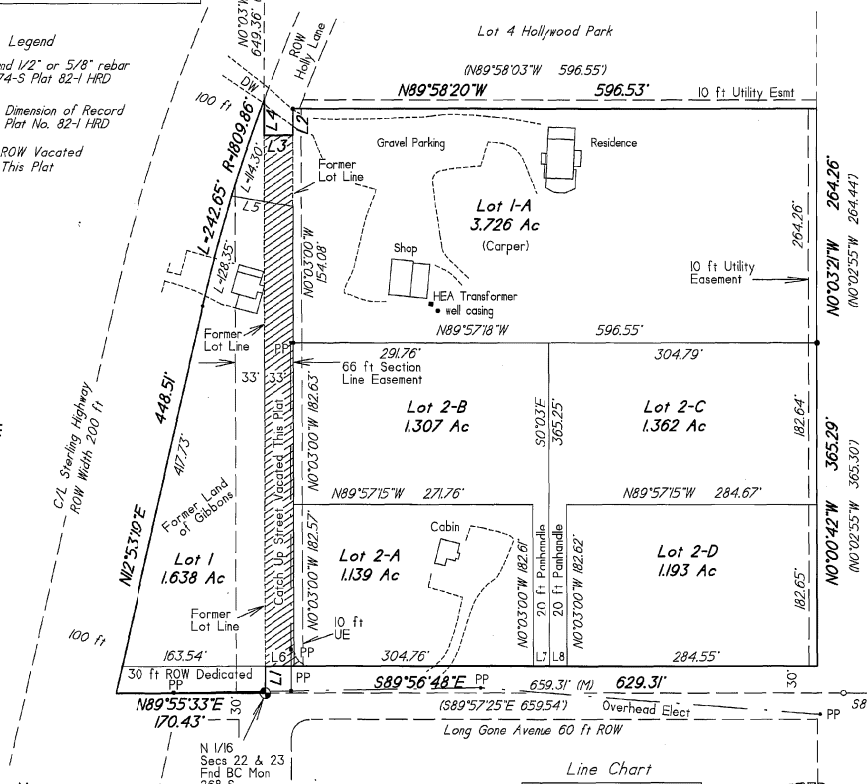
#### Legend

- Found 1/2" or 5/8" rebar  
 4374-S Plat 82-1 HRD

Dimension of Record  
 Plat No. 82-1 HRD

ROW Vacated  
 This Plat

Cor for Sections  
 14, 15, 22, 23  
 Find GLO BC Mon



#### Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- A building setback of 20 feet for all new buildings is required from the edge of street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- The front 10 ft. and the entire building setback within 5 ft. of side lot lines is a utility easement.
- Existing overhead powerlines are centerline of a 20 ft. wide electrical distribution line easement.
- Set 2" self identifying Aluminum cap on 5/8" x 36" long steel rebar at all lot corners unless noted otherwise.
- 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.
- No structures are permitted within the panhandle portion of any flag lots.
- No new direct access to the Sterling Highway is allowed without prior written consent of the Alaska Dept of Transportation.
- Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.
- No portion of the 66 ft wide section line easement as shown hereon is vacated by this plat.
- At its meeting on August 24, 2007, the Kenai Peninsula Borough approved the vacation of Catch Up Street as shown hereon.

#### Line Chart

L1	N0°03'00"W 30.00'
L2	S0°03'00"E 30.00'
L3	West 33.00'
L4	N0°03'00"W 39.94'
L5	N80°27'54"W 70.85'
L6	S89°56'48"E 33.00'
L7	N89°56'48"W 20.00'
L8	N89°56'48"W 20.00'

#### Wastewater Disposal

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.

W. W. Williams 3380-E 11 Sep 07  
 Engineer Licence No. Date

13. Source of data for the location of the Sterling Highway is 'Deed of Record Boundary Survey' per Plat No. 85-56 BS

#### 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.

We further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

Brian E. Carper, Charlotte L. Carper 4-7-07  
 Owner of Former Lot 1 Hollywood Kennedy Addition  
 Brian E. Carper Date Charlotte L. Carper Date  
 3150 Catch Up Street  
 Anchor Point Ak 99555-9614

Notary's Acknowledgment  
 Subscribed and sworn to me before me this 7th day of September 2007

for Brian E. Carper and Charlotte L. Carper

Notary Public for Alaska  
 My Commission Expires 12-21-10



#### Surveyors Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

August 24, 2007 R. W. Imhoff  
 Date Roger W. Imhoff LS 5780

#### Plat Approval

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

October 9, 2006

KENAI PENINSULA BOROUGH

By: Mary E. Trimble  
 Authorized Official

2007-108 REC DIST	
Date	11/29/2007
Time	4:31:08 PM
Requested By	Imhoff
Address	

Sheet 1 of 3  
 Sheets 2 and 3 are  
 Signature Sheets Only

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.

We further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

Emmitt D. Trimble 9-7-07  
 Owner of Former Land of Gibbons (Portion Gov Lot 1 Sec 22)  
 Emmitt & Mary Trimble Joint Revocable Trust, UTAD February 6, 2006  
 by Emmitt D. Trimble, Co-Trustee Date  
 PO Box 193  
 Anchor Point Ak 99555

Mary E. Trimble  
 Owner of Former Land of Gibbons (Portion Gov Lot 1 Sec 22)  
 Emmitt & Mary Trimble Joint Revocable Trust, UTAD February 6, 2006  
 by Mary E. Trimble, Co-Trustee Date 9-7-07  
 PO Box 193  
 Anchor Point Ak 99555

Notary's Acknowledgment  
 Subscribed and sworn to me before me this 7th day of September 2007

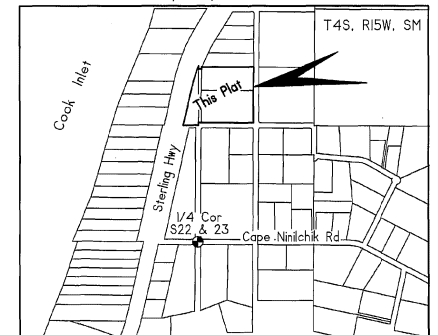
for Emmitt D. Trimble  
Emmitt D. Trimble  
 Notary Public for Alaska  
 My Commission Expires 12-21-10

Notary's Acknowledgment  
 Subscribed and sworn to me before me this 7th day of September 2007

for Mary E. Trimble  
Mary E. Trimble  
 Notary Public for Alaska  
 My Commission Expires 12-21-10



Vicinity Map 1" = 1000 ft



#### Hollywood Kennedy Gibbons 2006 Addition

Being a subdivision Lots 1 and 2 Hollywood Kennedy Addition as shown on Plat No. 82-01 HRD and that portion of Gov Lot 1 Section 22 lying east of the ROW of the Sterling Highway and a vacation of a portion of the right-of-way of Catch Up Street located within NE 1/4 Section 22 and the NW 1/4 Section 23, T4S, R15W, S1M Homer Recording District, Third Judicial District State of Alaska

Containing 10.481 Acres, more or less

Clients: Emmitt & Mary Trimble PO Box 193 Anchor Point Ak 99555	Surveyor: Roger W. Imhoff, RLS PO Box 2568 Homer Ak 99503	FB 2006-4 2007-2 Draw RWI Scale 1" = 100 ft
Date 6-30-06	File landofgibbons.vcd	KPB File No. 06-273

# OWNERSHIP CERTIFICATE

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN HEREON AND THAT WE HEREBY ADOPT THIS PLAN.

Tommy A. Gibbons Emily Gibbons  
TOMMY A. GIBBONS EMILY GIBBONS  
A.K.A. TOM GIBBONS  
BOX 993, HOMER, AK.

## NOTARY'S ACKNOWLEDGEMENT

SIGNED AND SWORN TO BEFORE ME THIS 22<sup>nd</sup>  
DAY OF October, 1980.

Patricia L. Quinn  
NOTARY FOR ALASKA

MY COMMISSION EXPIRES 10-13-82

## KENAI PENINSULA BOROUGH

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON July 21, 1980 FOR RECORDING BY THE STATE RECORDER AS A DEED OF RECORD BOUNDARY SURVEY.

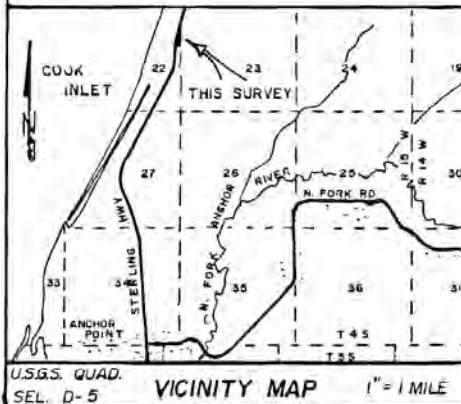
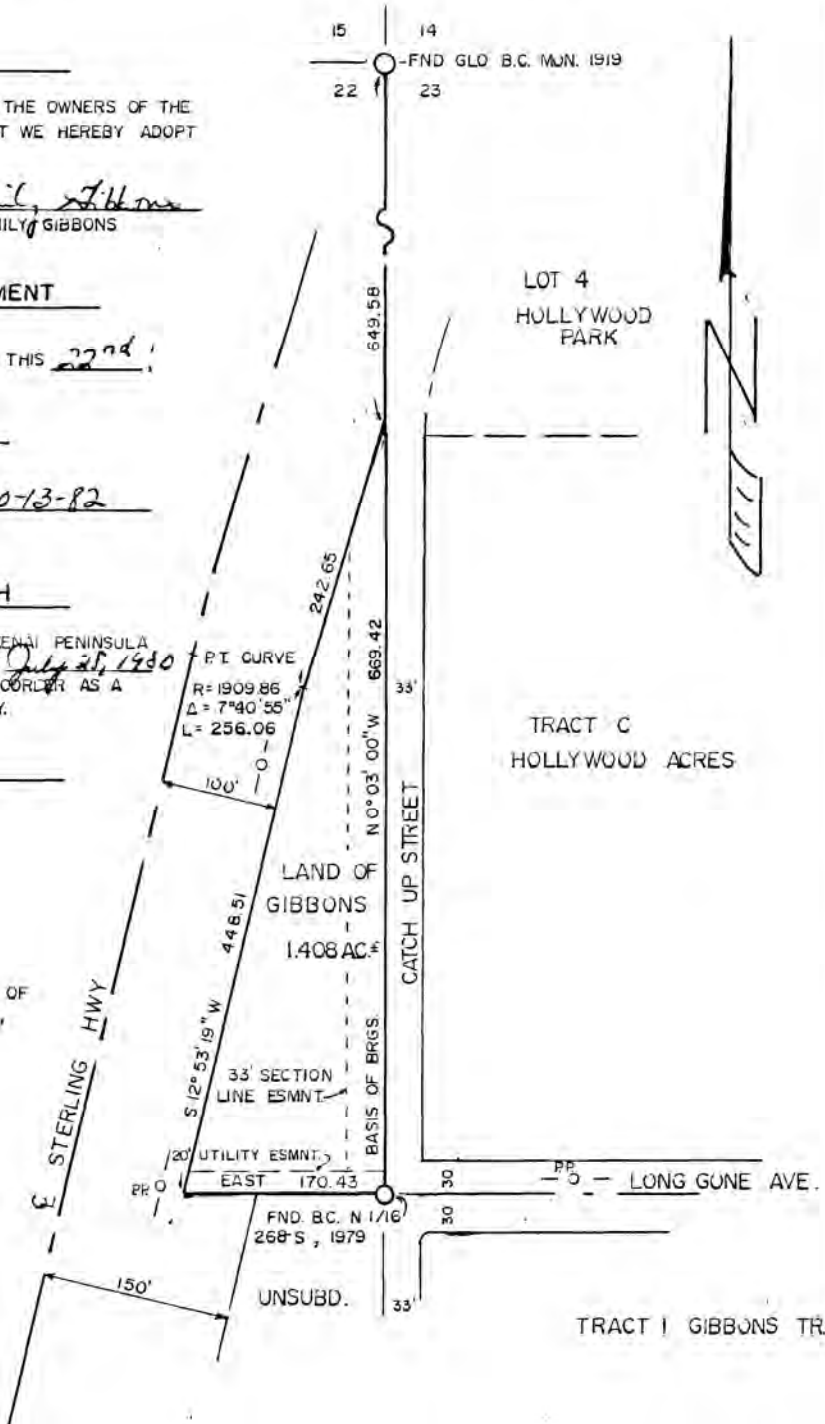
BY [Signature]  
ADMINISTRATIVE OFFICER

LEGAL DESCRIPTION: THAT PORTION OF GOV'T. LOT 1, OF SECTION 22, T 4 S, R 15 W, S.M. LYING EAST OF THE STERLING HWY.

81-56 BS

FILED 10-
Homer REC. DIST.
DATE 7-27-1981
TIME 7:24 A
Requested by [Signature]
Reference [Signature]

NOTE: 1/2" 24" REBAR SET AT ALL LOT CORNERS.



PAT MARQUIS 6/16/80  
R.L.S. 4374-S

## P & R LAND SURVEYING

STAR ROUTE, BOX 550  
ANCHOR POINT, ALASKA 99556  
(907) 235-7440

## DEED OF RECORD BOUNDARY SURVEY

THAT PORTION OF THE SE 1/4, NE 1/4, NE 1/4, SEC. 22 LYING EAST OF THE STERLING HWY., T 4 S, R. 15 W, S.M., ALASKA, CONTAINING 1.408 AC. \*

SCALE: 1" = 100'

DATE: 16 JUNE 1980

PREPARED FOR:

MR. TOM GIBBONS  
P.O. BOX 993  
HOMER, ALASKA





## **E. NEW BUSINESS**

- 2. Conditional Land Use Permit – Materials Extraction & Processing  
PC Resolution 2023-15  
Applicant: Colaska Inc. – QAP  
Landowner: AK Railroad Corporation  
Location: 30986 Seward Highway; KPB Parcel ID: 125-141-01  
Crown Point Area**

## Conditional Land Use Permit for a Material Site STAFF REPORT

PC MEETING: June 12, 2023

**Applicant:** Colaska INC - QAP  
**Landowner:** Alaska Railroad Corporation  
**Parcel Number:** 125-141-01  
**Legal Description:** T 4N R 1W SEC 13 & 24 SEWARD MERIDIAN SW 0007391 USS 7391 LOT 2  
**Location:** 30986 Seward Hwy, Moose Pass, Alaska 99631

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

The submitted site plan proposes a material haul route that will utilize the existing access to the subject parcel and then travel South following the Railroad's maintenance road. Once the maintenance road reaches the Lawing Airport runway, the haul route will shift East and connect to Lawing Airport access road that runs on the East side of the runway. At the Southern end of the runway the haul road merges with the existing access and exits onto Rock Ptarmigan Road, a Borough maintained facility. From here, the route turns West and makes its way to the Seward Highway, a State maintained facility.

**Note:** Due to conflicting operations at the Lawing Airport, the proposed haul route is unavailable and QAP is in the process of finding alternative routes.

The site plan and application propose the following buffers:

North: 50-foot native vegetation and a 6-foot berm on the interior limits.  
South: 50-foot native vegetation and a 6-foot berm on the interior limits.  
East: 50-foot native vegetation and a 6-foot berm on the interior limits.  
West: 50-foot native vegetation and a 6-foot berm on the interior limits.

The subject property is bordered on the Northside by parcels owned by the Bureau of Land Management and the Alaska Department of Natural Resources. On the Eastside of the property is land owned by the Alaska Department of Natural Resources. To the South is a privately owned and occupied lot and to the West is the Rights of Way for the Alaska Railroad Corporation.

The site plan completed by McLane Consulting Inc., claims that the depth of ground water is unknown, but is believed to be deeper than the proposed excavation depth of 10 feet. Well Logs from adjacent wells state that water was encountered around 15 feet below the surface, but the same wells harvest ground water from a depth of 40 – 60 feet. Test holes were dug to a depth of 7 feet with no water recorded. Monitoring wells were not installed for this site. Plan notes state that there are no wet lands or surface waters within the property boundaries.

A central area will be maintained for sorting, crushing and processing of material. This area is greater than 300 feet from all property lines. The applicant is requesting a variance from the specified Hours of Operation for which rock crushing can be performed. Kenai Peninsula Borough 21.29.050(A)(11) Hours of Operation states, "Rock crushing equipment shall not be operated between 10:00pm and 6:00am." The applicant would like to perform this task between the hours of 8:00pm and 8:00am from May 15th to September 15th in accordance with Alaska Department of Transportation's required hours of operation.

Native vegetation will provide surface water protection by way of phytoremediation, according to the McLane report. The site plan also indicates that there are no wells located within 100 or 300 feet from the proposed use area.

Plan notes state that reclamation will include recontouring using strippings and overburden to a condition that allows for establishment of natural vegetation. Graded slopes will not exceed 2:1 and will be seeded.

The applicant estimates using the material site for approximately 3 years and the annual quantity to be extracted will be about 60,000 cubic yards. This amount of material will make the site ineligible for a Small Operation Exemption pursuant to AS 27.19.050 and therefore bonding will be required. The amount of bond will be according to AS 27.19.040 unless the State of Alaska waives these requirements. In the case of a waiver the Kenai Peninsula Borough would require the applicant to post bond to cover the anticipated reclamation cost and will be in the amount to be determined by the planning director as stated in KPB 21.29.050.

**PUBLIC NOTICE:** Public notice of the application was mailed on May 26, 2023 to the 77 landowners or leaseholders of the parcels within 1/2 mile of the subject parcel. Public notice was also sent to the postmaster covering the Moose Pass 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 May 18, 2023.

### **ATTACHMENTS**

- Conditional Land Use Permit - application and associated documents
- Aerial map
- Area Land Use map
- Ownership map
- Liar 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 May 18, 2023 the applicant, Colaska INC - QAP, submitted a conditional land use permit application to the Borough Planning Department for KPB Parcel 125-141-01, 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 14.4 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 unknown, but well logs from adjacent parcels indicate ground water at a depth greater than 15 feet.
8. The applicants intended depth of excavation will be 10 feet.
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 or 300 feet of the proposed excavation area.
12. The application states that work is not anticipated to be completed in the water table.
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 boundaries were flagged at visible intervals when the excavation perimeter was within 300 feet of the parcel boundary.
16. The site plan and application propose the following buffers:
  - North: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - South: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - East: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - West: 50-foot native vegetation and a 6-foot berm on the interior limits.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 submitted site plan proposes a material haul route that will utilize the existing access to the subject parcel and then travel South following the Railroad's maintenance road. Once the maintenance road reaches the Lawing Airport runway, the haul route will shift East and connect to Lawing Airport access road that runs on the East side of the runway. At the Southern end of the runway the haul road merges with the existing access and exits onto Rock Ptarmigan Road, a Borough maintained facility. From here, the route turns West and makes its way to the Seward Highway, a State maintained facility.

**Note:** Due to conflicting operations at the Lawing Airport, the proposed haul route is unavailable and QAP is in the process of finding alternative routes. All routes will comply with Kenai Peninsula Borough 21.29.30(A)(8)(d), Points of ingress and egress.
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: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - South: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - East: 50-foot native vegetation and a 6-foot berm on the interior limits.

West: 50-foot native vegetation and a 6-foot berm on the interior limits.  
These buffers shall not overlap an easement.

23. The applicant indicates that material processing will take place on the property. Any equipment used for processing, screening and sorting of materials will be operated at least 300 feet from all property lines. The applicant is requesting a variance from the required Hours of Operation for which rock crushing can be performed. The applicant would like to perform this task between the hours of 8:00pm and 8:00am from May 15th to September 15th in accordance with Alaska Department of Transportation's required hours of operation.
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: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - South: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - East: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - West: 50-foot native vegetation and a 6-foot berm on the interior limits.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 apply to this material site, because extraction is expected to be around 60,000 cubic yards of material. The amount of bond will be according to AS 27.19.040 unless the State of Alaska waives these requirements. In the case of a waiver the Kenai Peninsula Borough (KPB) would require the applicant to post bond to cover the anticipated reclamation costs and will be in the amount to be determined by the planning director as stated in KPB 21.29.050.
29. A public hearing of the Planning Commission was held on June 12, 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: 50-foot native vegetation and a 6-foot berm on the interior limits.
- South: 50-foot native vegetation and a 6-foot berm on the interior limits.
- East: 50-foot native vegetation and a 6-foot berm on the interior limits.
- West: 50-foot native vegetation and a 6-foot berm on the interior limits.

These buffers shall not overlap an easement.

3. The permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
4. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
5. The permittee shall operate all equipment which conditions or processes material at least 300 feet from the parcel boundaries.
6. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
7. The permittee shall maintain a 2-foot vertical separation from the seasonal high-water table.
8. The permittee shall not dewater either by pumping, ditching or any other form of draining unless an exemption is granted by the planning commission.
9. 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.
10. 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.
11. 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.
12. 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.
13. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
14. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am. A variance has requested to allow rock crushing between the hours of 8:00pm and 8:00am from May 15th to September 15th in accordance with Alaska Department of Transportation's required hours of operation.
15. The permittee shall update their reclamation plan to include all provisions listed in the State of Alaska Department of Natural Resources reclamation plan. If there are any conflicts between the reclamation plans, the more site-specific provision shall control.
16. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
17. The permittee shall post a bond to cover the anticipated reclamation costs in an amount determined by AS 27.19.040 unless the State of Alaska waives their requirements. In the case of a waiver the Kenai Peninsula Borough would require the applicant to post bond in the amount to be determined by the planning director and as stated in KPB 21.29.050.
18. 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.
19. 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.
  20. 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.
  21. 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.
  22. 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 Colaska Inc. dba QAP POC: Daryl Belanger Landowner Alaska Railroad Corp POC: Kristen Gratrix  
Address 240 W 68th Avenue Address PO Box 107500  
City, State, Zip Anchorage, Alaska 99518 City, State, Zip Anchorage, Alaska 99510  
Telephone 907-522-2211 Cell 907-350-8467 Telephone 907-265-2465 Cell \_\_\_\_\_  
Email dbelanger@colaska.com Email GratrixK@akrr.com

**II. PARCEL INFORMATION**

KPB Tax Parcel ID# 12514101 Legal Description T4N R1W S13 & 24 Seward Meridian

SW0007391 USS 7391 Lot 2

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".

Northeast 14.4 acres

**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.

[Signature]  
Applicant

5/17/2023

Date

Landowner (required if not applicant)

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 Colaska Inc. dba QAP Owner Alaska Railroad Corporation

KPB Tax Parcel ID # 12514101 Parcel Acreage 80.9

1. Cumulative acres to be disturbed (excavation plus stockpiles, berms, etc.) 14.4 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):

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> 50 ft. of natural or improved vegetation | <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/> S <input checked="" type="checkbox"/> E <input checked="" type="checkbox"/> W |
| <input checked="" type="checkbox"/> minimum 6 ft. earthen berm               | <input checked="" type="checkbox"/> N <input checked="" type="checkbox"/> S <input checked="" type="checkbox"/> E <input checked="" type="checkbox"/> W |
| <input type="checkbox"/> minimum 6 ft. fence                                 | <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W   |
| <input type="checkbox"/> other _____   | <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W   |

5. Proposed depth of excavation: 7 - 10' ft. Depth to groundwater: >15' ft.
6. How was groundwater depth determined? Groundwater & wells on adjacent properties. Testholes to 7'.
7. A permit modification to enter the water table will be requested in the future: \_\_\_ Yes X No
8. Approx. annual quantity of material, including overburden, to be mined: 60,000 cubic yards
9. Is parcel intended for subdivision? \_\_\_ Yes X No
10. Expected life span of site? 3 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)  
See attached Mining & Reclamation Plan prepared by QAP and submitted to ARRC & ADNR. It includes mining, reclamation, schedule and hours of operation.  
Operation hours variance requested for May 15th to September 15th in accordance with DOT hours of construction requirements of 8pm to 8am (night shift).
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: 2-12 acres
4. List equipment (type and quantity) to be used in reclamation:

Hitachi Excavator x2, Cat dozer x2, Loader x2,

---

---

---

5. Describe time schedule of reclamation measures:

Upon completion of material extraction, site will be reclaimed by spreading and grading berms across disturbed areas to promote drainage and vegetation. This may be altered if ARRC chooses to utilize the site for other use.

---

See attached Mining and Reclamation Plan for more information.

---

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.)

---

Kindly see attached Mining/Reclamation Plan for ARRC Material Source dated May 1, 2023

---

---

Haul route will be south along the railroad corridor to join the haul road constructed from Lawing Material Site to Rock Ptarmigan Road in order to utilize a ARRC approved location to cross the railroad track to the Seward Highway.

---





**General Contractors**  
240 West 68th Avenue  
Anchorage, Alaska 99518  
(907) 522-2211 Office  
(907) 344-5798 Fax

May 1, 2023

**RE: Mining/Reclamation Plan for AKRR Material Source**  
State of AK DOT – Seward Hwy MP 17-22.5 Rehabilitation Project  
Project No. 0311032/Z536100000

To Whom It May Concern:

The attached Mining/Reclamation Plan is for a gravel material source on AKRR Parcel 12514101 in support of the Seward Hwy MP 17-22.5 Rehabilitation project. The following documents are included:

- Mining/Reclamation Plan Narrative
- Mining/Reclamation Equipment List
- Schedule of Mining Events

If you have any questions regarding this plan, please contact the undersigned.

Thank you,

Daryl Belanger  
QAP Project Engineer  
907-350-8467

**Mining/Reclamation Plan Narrative**

### Mining/Reclamation Equipment List

Mining/Reclamation Equipment (As Needed)	
Description	Quantity
Hitachi 470 Excavator	1
Hitachi 800 Excavator	1
Cat D8 Dozer	1
CAT D10 Dozer	1
Metso Screen Deck	1
Light Plants	4
Volvo L220 or CAT 988G Loader	1
Truck Scales	1

### Schedule of Mining Events

Schedule of Mining Events	
Event	Timeframe
Continue to explore mining area	Spring 2023 (March)
Mine & Stabilize material site, 2023 (~60,000CY)	May 2023 to October 2023
Mine/reclaim material site, 2024 (remaining 33,175CY)	March 2024 to October 2024

Anticipated Shift Schedule			
Work Period	Start Time	End Time	
Spring Start Until May 15 <sup>th</sup>	8:00 am	8:00 pm	Shift occurring during daytime hours
May 15 <sup>th</sup> to September 15 <sup>th</sup>	8:00 pm	8:00 am	Shift occurring during nighttime hours
September 16 <sup>th</sup> to Winter Shutdown	8:00 am	8:00 pm	Shift occurring during daytime hours

**ALASKA**  
RAILROAD

**REAL ESTATE DEPARTMENT**  
TEL 907.265.2465  
FAX 907.265.2450

May 17, 2023

Mr. Daryl Belanger  
Colaska Inc. dba QAP  
240 W 68th Avenue  
Anchorage, Alaska 99518

Ref: Non-objection to Mine - Alaska Railroad Corporation (ARRC) Crown Point, Alaska

Dear Mr. Belanger:

Subject to the conditions noted below, the Alaska Railroad Corporation has no objection to your request to mine gravel at the Crown Point ARRC Reserve. This non-objection is conditioned upon and subject to the execution of the pending gravel extraction agreement, ARRC Contract No. 20912 ("Extraction Agreement"). All mining operations shall be strictly in compliance with the terms and conditions contained in the pending Extraction Agreement. Please note that this letter of non-objection does not constitute permission to begin mining operations, which permission shall be granted by means of the Extraction Agreement and shall be effective upon execution of that document.

If you have any questions regarding the above, please feel free to contact me directly at (907)265-2465 or GratrixK@akrr.com.

Sincerely,



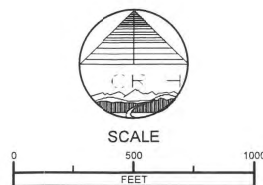
Kristen Gratrix  
Manager, Real Estate Contracts



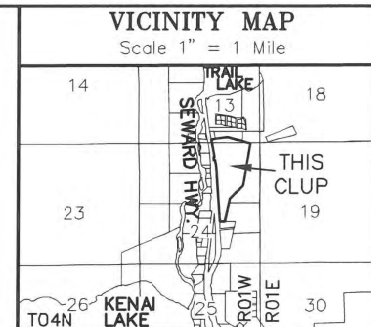
# CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

APPLICANT:  
COLASKA INC. DBA QAP  
240 W. 68TH AVE  
ANCHORAGE AK, 99518

PROPERTY OWNER:  
ALASKA RAILROAD CORPORATION  
PO BOX 107500  
ANCHORAGE AK, 99510



LEGEND	
	PROPERTY LINE
	BUFFER LIMITS - VEGETATION 14.4 ACRES
	BUFFER LIMITS - BERM
	PROPERTY CORNERS
	INTERVISIBLE FLAGGING
	EXCAVATION AREA 12.1 ACRES
	PROCESSING AREA 5.2 ACRES



		BY	DATE	REV	DESCRIPTION
		DATE	REV	DESCRIPTION	
QAP - ARRC PID 12514101 CONDITIONAL LAND USE PERMIT		JOB NO.	234016	FIELD BOOK NO.	22-02
		FIELD WORK DATE	5/4/2023	ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 488 SOLDOTNA, AK 99669 VOICE: (907) 283-4218 FAX: (907) 283-3285 WWW.MCLANECO.COM	
DRAWN BY: BGB/GMD CHECKED BY: JAH HORIZ. SCALE: 1" = 500' VERT. SCALE: N/A		SHEET: P1 of 3			

- ### CLUP DEVELOPMENT NOTES
1. THIS PERMIT APPLICATION IS FOR KPB PARCEL 12514101, LOT 2 US SURVEY 7391 SITUATED IN TOWNSHIP 4 NORTH, RANGE 1 WEST, SECTION 13 & 24 SEWARD MERIDIAN.
  2. THIS PARCEL IS OWNED BY ALASKA RAILROAD CORPORATION AND UNDER A USE AGREEMENT WITH COLASKA INC. dba QAP.
  3. THIS SITE IS BEING PERMITTED AS AN EXTRACTION, PROCESSING, STORAGE, AND LAYDOWN FACILITY TO BE UTILIZED DURING AN ALASKA DOT SEWARD HIGHWAY PROJECT.
  4. THE PROPOSED AREA OF THE PROPERTY IS UNDEVELOPED AND COVERED IN HEAVY NATIVE VEGETATION.
  5. PROPOSED INGRESS/EGRESS IS SOUTH ALONG THE EAST SIDE OF THE RAILROAD RIGHT-OF-WAY TO ADNR PROPERTY. CONTINUING SOUTH IMMEDIATELY EAST OF LAWING RUNWAY TO KPB ROCK PTARMIGAN ROAD. THIS HAUL ROUTE IS APPROVED BY ARRC AND ADNR. IT IS BEING UTILIZED BY THE ADNR LAWING MATERIAL SITE. SAID ROUTE LIMITS TRUCK TRAFFIC TO AN ARRC APPROVED RAILROAD CROSSING LOCATION.
  6. THE PREFERRED BUFFERS ARE 50' (OR GREATER) NATIVE VEGETATION ON ALL SIDES WITH A 6' BERM ON THE INTERIOR LIMITS.
  7. THERE ARE NO WELLS LOCATED WITHIN 100' OR 300' OF THE CLUP USE AREA. EXCAVATION BELOW WATER TABLE IS NOT PROPOSED.
  8. THERE ARE NO WETLANDS OR SURFACE WATERS.
  9. NATIVE VEGETATION WILL PROVIDE SURFACE WATER PROTECTION OF ANY SITE RUN-OFF BY WAY OF PHYTOREMEDIATION.
  10. TEST HOLES FOUND SUITABLE GRAVELS BEGINNING AT 2' DEPTH. PROPOSED DEPTH OF EXCAVATION DOES NOT EXCEED 10' DEPTH.
  11. GROUNDWATER DEPTH IS NOT KNOWN; IT EXCEEDS THE 10' PROPOSED EXCAVATION DEPTH. ADJACENT WELLS HARVEST GROUNDWATER FROM 40'-65' DEPTH (INFORMATION FROM ADNR WELLS RECORDS). MONITOR WELLS HAVE NOT BEEN INSTALLED.
  12. RECLAMATION WILL INCLUDE RECONTOURING USING STRIPPINGS AND OVERBURDEN TO A CONDITION THAT ALLOWS FOR ESTABLISHMENT OF NATURAL VEGETATION. GRADE SLOPES NOT TO EXCEED 2:1 AND SEED.
  13. A CENTRAL PROCESSING AREA WILL BE MAINTAINED. THIS PROCESS AREA IS GREATER THAN 300' FROM ALL PROPERTY LINES.
  14. THE PROPERTY CORNERS WERE LOCATED AND THE PARCEL BOUNDARY HAS BEEN FLAGGED AT VISIBLE INTERVALS AT LOCATIONS WITHIN 300' OF THE PROPOSED EXTRACTION AREA, AS SHOWN ON THE EXHIBIT.



# CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

APPLICANT:  
COLASKA INC. DBA QAP  
240 W. 68TH AVE  
ANCHORAGE AK, 99518

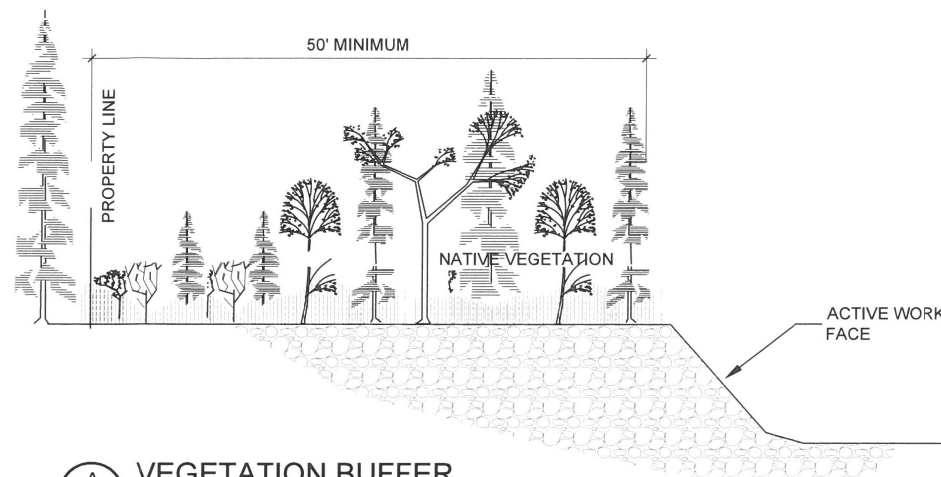
PROPERTY OWNER:  
ALASKA RAILROAD CORPORATION  
PO BOX 107500  
ANCHORAGE AK, 99510



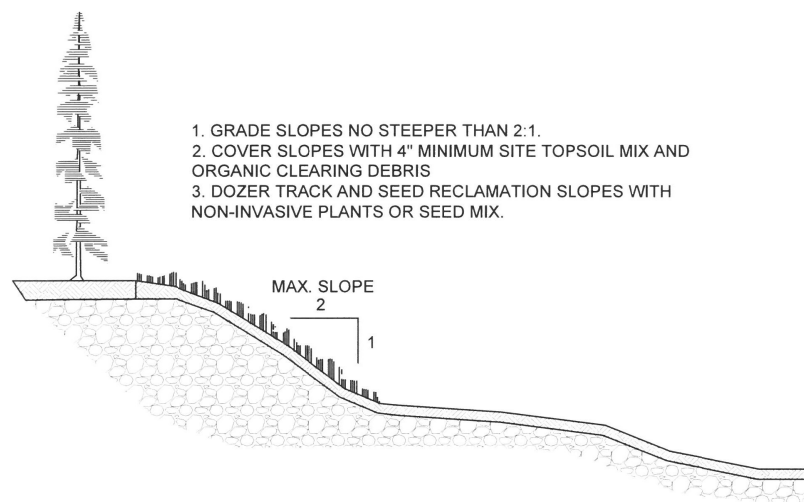
QAP - ARRC PID 12514101 CONDITIONAL LAND USE PERMIT		REV	DATE	DESCRIPTION	BY
FIELD BOOK NO. 23-52		1	5/15/2023	CLIENT REVIEW	GMG
FIELD WORK DATE 5/4/2023					
JOB NO. 234916					
 <b>McLANE</b> Consulting Inc. ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 488 SOLDOTNA, AK 99669 VOICE: (907) 283-4218 FAX: (907) 283-3265 WWW.MCLANECG.COM					
DRAWN BY: BGB/GMD					
CHECKED BY: JAH					
HORZ SCALE: NTS					
VERT SCALE: N/A					
SHEET:					
P2 of 3					

APPLICANT :  
COLASKA INC. DBA QAP  
240 W. 68TH AVE  
ANCHORAGE AK. 99518

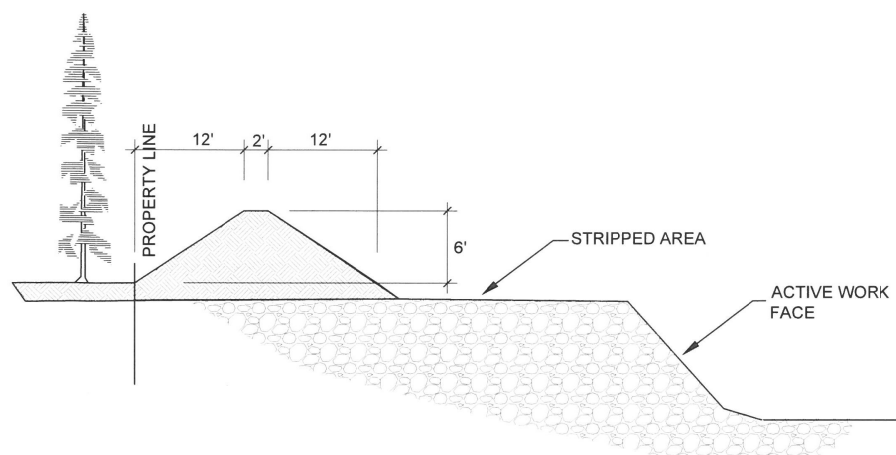
PROPERTY OWNER:  
ALASKA RAILROAD CORPORATION  
PO BOX 107500  
ANCHORAGE AK. 99510




**VEGETATION BUFFER**  
SCALE: 1" = 10 FT.



RECLAMATION SLOPE  
SCALE: 1" = 10 FT.



 **EARTHEN BERM BUFFER**  
SCALE: 1" = 10 FT.

[illegible]

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2023-15  
SEWARD RECORDING DISTRICT**

**A resolution granting approval of a conditional land use permit to operate a sand, gravel, or material site for a parcel T 4N R 1W SEC 13 & 24 SEWARD MERIDIAN SW 0007391 USS 7391 LOT 2, Seward 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 May 18, 2023 the applicant, Colaska Inc - QAP, submitted to the Borough Planning Department a conditional land use permit application for a portion of KPB Parcel 125-141-01, which is located within the rural district; and
- WHEREAS,** public notice of the application was mailed on or before May 26, 2023 to the 77 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 Moose Pass area requesting that it be posted at the local Post Office; and
- WHEREAS,** public notice of the application was published in the May 31, 2023 and June 7, 2023 issues of the Seward Journal; and
- WHEREAS,** a public hearing was held at the June 12, 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 May 18, 2023 the applicant, Colaska INC - QAP, submitted a conditional land use permit application to the Borough Planning Department for KPB Parcel 125-141-01, 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 14.4 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 unknown, but well logs from adjacent parcels indicate ground water at a depth greater than 15 feet.
8. The applicants intended depth of excavation will be 10 feet.
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 or 300 feet of the proposed excavation area.
12. The application states that work is not anticipated to be completed in the water table.
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 boundaries were flagged at visible intervals when the excavation perimeter was within 300 feet of the parcel boundary.
16. The site plan and application propose the following buffers:
  - North: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - South: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - East: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - West: 50-foot native vegetation and a 6-foot berm on the interior limits.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 submitted site plan proposes a material haul route that will utilize the existing access to the subject parcel and then travel South following the Railroad's maintenance road. Once the



maintenance road reaches the Lawing Airport runway, the haul route will shift East and connect to Lawing Airport access road that runs on the East side of the runway. At the Southern end of the runway the haul road merges with the existing access and exits onto Rock Ptarmigan Road, a Borough maintained facility. From here, the route turns West and makes its way to the Seward Highway, a State maintained facility.

**Note:** Due to conflicting operations at the Lawing Airport, the proposed haul route is unavailable and QAP is in the process of finding alternative routes. All routes will comply with Kenai Peninsula Borough 21.29.30(A)(8)(d), Points of ingress and egress.

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: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - South: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - East: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - West: 50-foot native vegetation and a 6-foot berm on the interior limits.These buffers shall not overlap an easement.
23. The applicant indicates that material processing will take place on the property. Any equipment used for processing, screening and sorting of materials will be operated at least 300 feet from all property lines. The applicant is requesting a variance from the required Hours of Operation for which rock crushing can be performed. The applicant would like to perform this task between the hours of 8:00pm and 8:00am from May 15th to September 15th in accordance with Alaska Department of Transportation's required hours of operation.
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: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - South: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - East: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - West: 50-foot native vegetation and a 6-foot berm on the interior limits.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 apply to this material site, because extraction is expected to be around 60,000 cubic yards of material. The amount of bond will be according to AS 27.19.040 unless the State of Alaska waives these requirements. In the case of a waiver the Kenai Peninsula Borough (KPB) would require the applicant to post bond to cover the anticipated reclamation costs and will be in the amount to be determined by the planning director as stated in KPB 21.29.050.
29. A public hearing of the Planning Commission was held on June 12, 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 even though the seasonal high-water table is unknown, well logs from adjacent parcels indicate ground water at a depth greater than 15 feet. The applicant's intended depth of excavation is 10 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 50-foot buffer of native vegetation and shall not allow buffers to cause surface water diversion too negatively impact adjacent properties.  
Material site standard 21.29.040(A)(2) is further met because the permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls.
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: 50-foot native vegetation  
South: 50-foot native vegetation  
East: 50-foot native vegetation  
West: 50-foot native vegetation  
Material site standard 21.29.040(A)(4) is further met, because any equipment used for conditioning, processing and crushing materials will be operated at least 300 feet from all parcel boundaries.
5. Material site standard 21.29.040(A)(5) is met because the site plan indicates the following visual screening buffers:  
North: 50-foot native vegetation  
South: 50-foot native vegetation  
East: 50-foot native vegetation  
West: 50-foot native vegetation
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 125-141-01. The disturbed area within the parcel is approximately 14.4 acres;
2. Legal Description: **T 4N R 1W SEC 13 & 24 SEWARD MERIDIAN SW 0007391 USS 7391 LOT 2**, Seward Recording District., Third Judicial District, State of Alaska.
3. The applicant, Colaska Inc - QAP, proposes to:
  - a. Extract gravel and sand from the subject parcel;
  - b. Process materials on the subject parcel;
  - c. 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: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - South: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - East: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - West: 50-foot native vegetation and a 6-foot berm on the interior limits.These buffers shall not overlap an easement.
3. The permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
4. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
5. The permittee shall operate all equipment which conditions or processes material at least 300 feet from the parcel boundaries.
6. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
7. The permittee shall maintain a 2-foot vertical separation from the seasonal high-water table.
8. The permittee shall not dewater either by pumping, ditching or any other form of draining unless an exemption is granted by the planning commission.
9. 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.
10. 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.
11. 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.
12. 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.
13. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
14. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am. A variance has requested to allow rock crushing between the hours of 8:00pm and 8:00am from May 15th to September 15th in accordance with Alaska Department of Transportation's required hours of operation.
15. The permittee shall update their reclamation plan to include all provisions listed in the State of Alaska Department of Natural Resources reclamation plan. If there are any conflicts between the reclamation plans, the more site-specific provision shall control.
16. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
17. The permittee shall post a bond to cover the anticipated reclamation costs in an amount determined by AS 27.19.040 unless the State of Alaska waives their requirements. In the case of a waiver the Kenai Peninsula Borough would require the applicant to post bond in the amount to be determined by the planning director and as stated in KPB 21.29.050.
18. 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.
19. 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.
  20. 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.
  21. 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.
  22. 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

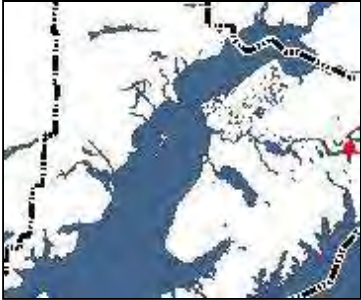
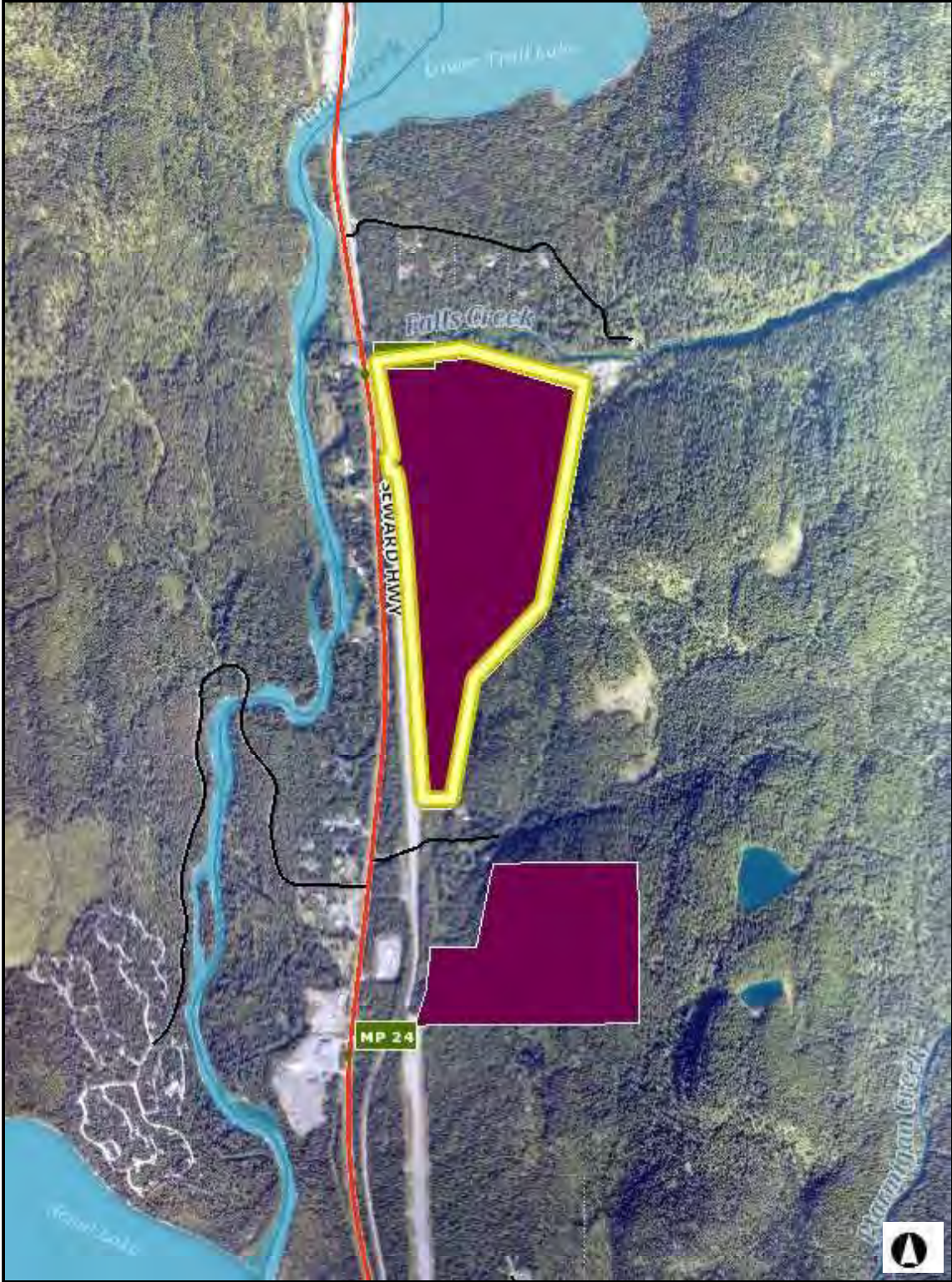
PLEASE RETURN  
Kenai Peninsula Borough  
Planning Department  
144 North Binkley St.  
Soldotna, AK 99669







# Area Land Use Map: 125-141-01



**Legend**

- Mileposts
- City Limits
- Highways
- Major Roads

**Roads**

- Town Medium Volume
- Town Low/Seasonal; Other
- Proposed

**Material Sites**

- Conditional Land Use Permit
- Counter Permit
- Dewatered Bar Exemption
- Prior Existing Use

**Image**

- Red: Red
- Green: Green
- Blue: Blue

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. It is not to be used for navigation.

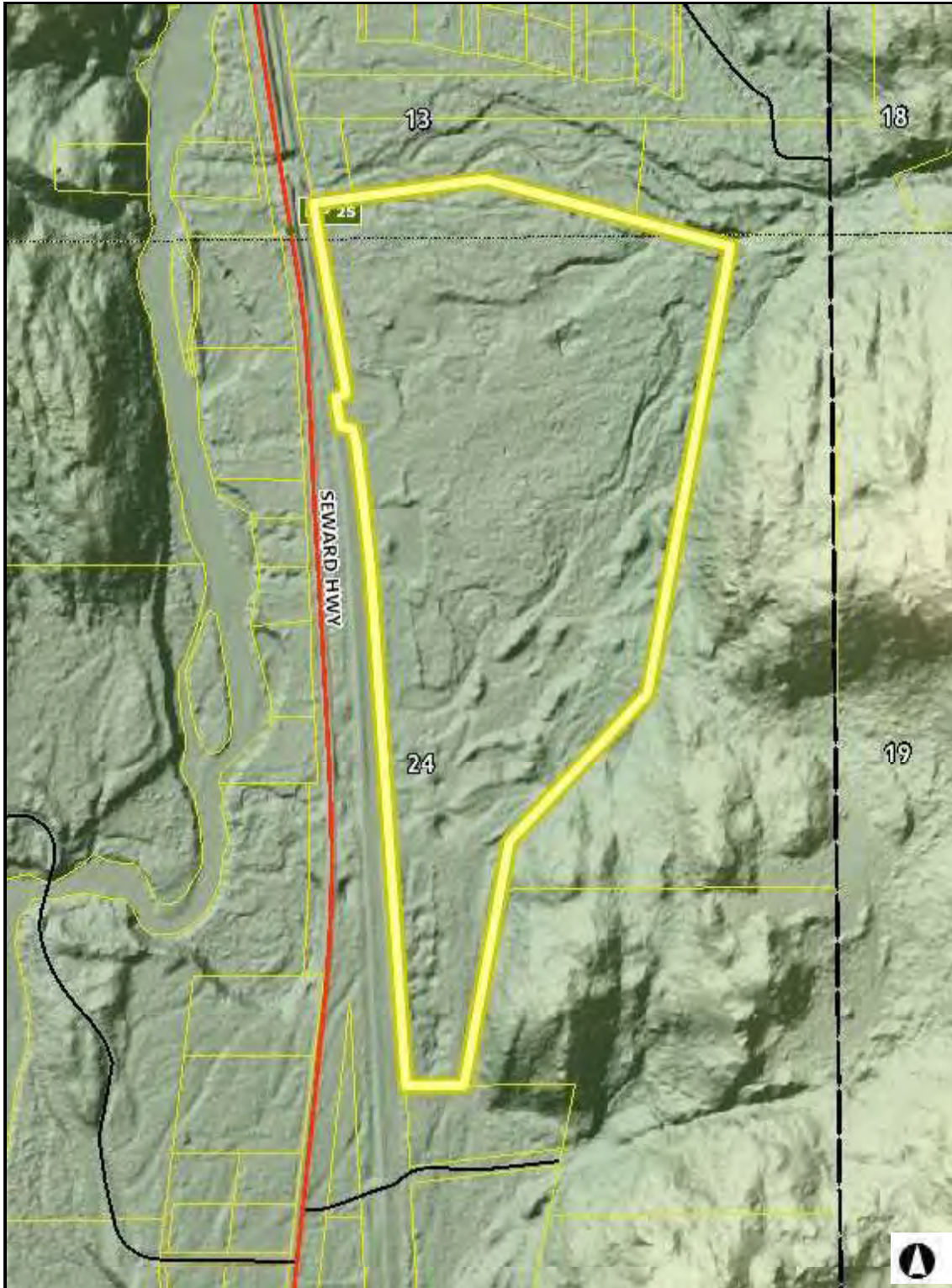
Notes

DATE PRINTED: 6/1/2023





# Lidar Map: 125-141-01



## 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

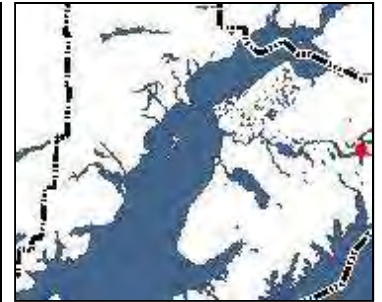
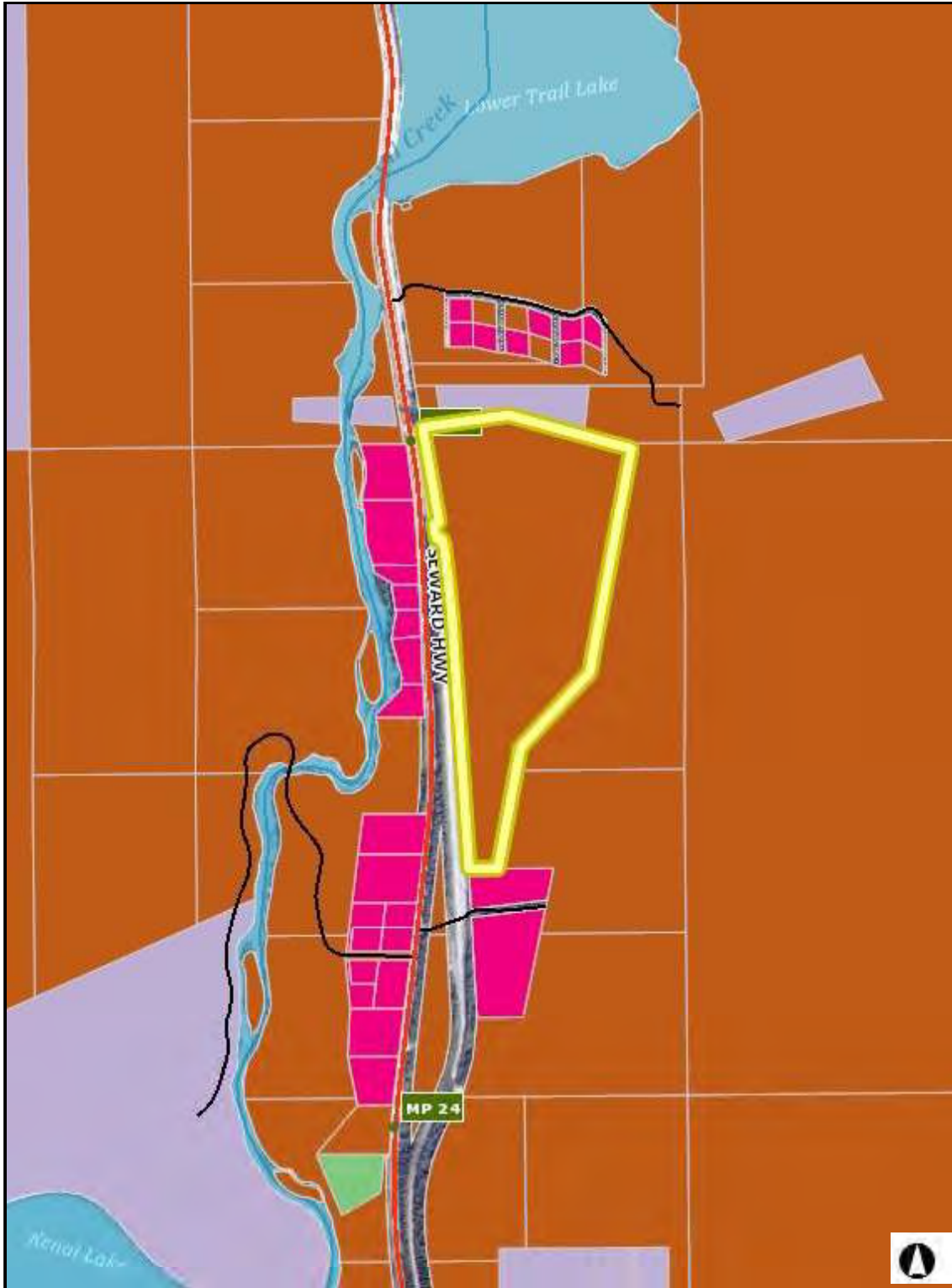
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. It is not to be used for navigation.

## Notes

DATE PRINTED: 6/1/2023



# Ownership Map: 125-141-01



## Legend

- Mileposts
- City Limits
- 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

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. It is not to be used for navigation.

## Notes

Type any notes here.

DATE PRINTED: 6/1/2023





# 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» «ZIPCODE»

## 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 the Crown Point Area. This notice is being sent to landowners located within ½ mile of the subject property. All members of the public are invited to comment. The projects under consideration are described as follows:

**Applicant:** Colaska INC - QAP

**Landowner:** Alaska Railroad Corporation

**Parcel Number:** 125-141-01

**Legal Description:** T 4N R 1W SEC 13 & 24 SEWARD MERIDIAN SW 0007391 USS 7391 LOT 2

**Location:** 30986 Seward Hwy, Seward, Alaska 99664

Please turn over for map.

**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>

**Notice Requirements:** According to KPB Code 21.25.060, 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.

**Public Hearing:** A hearing will be held by the Kenai Peninsula Borough Planning Commission to consider the application on **Monday June 12, 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: [raidmae@kpb.us](mailto:raidmae@kpb.us), or faxed to (907) 262-5992. **Written statements must be provided by 1:00 pm Friday, June 9, 2023.** 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.

**Additional Information:** 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). You may also go to <https://kpb.legistar.com/Calendar.aspx> one week before the hearing to view/download documentation attached to the Planning Commission Agenda.

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



Kenai Peninsula Borough

**Parcels Within 1/2 Mile of Proposed CLUP**

5/22/2023 3:45





# **DESK PACKET**

**(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)**

## **E. NEW BUSINESS**

2. Conditional Land Use Permit - Materials Extraction & Processing  
PC Resolution 2023-15  
Applicant: Colaska Inc. – QAP  
Landowner: AK Railroad Corporation  
Location: 30986 Seward Highway  
KPB Parcel ID: 125-141-01  
Crown Point Area

## Conditional Land Use Permit for a Material Site

### STAFF REPORT – Amended

PC MEETING: June 12, 2023

**Applicant:** Colaska INC - QAP  
**Landowner:** Alaska Railroad Corporation  
**Parcel Number:** 125-141-01  
**Legal Description:** T 4N R 1W SEC 13 & 24 SEWARD MERIDIAN SW 0007391 USS 7391 LOT 2  
**Location:** 30986 Seward Hwy, Moose Pass, Alaska 99631

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

The submitted site plan proposes a material haul route that will utilize the existing access to the subject parcel and then travel South following the Railroad's maintenance road. Once the maintenance road reaches the Lawing Airport runway, the haul route will shift East and connect to Lawing Airport access road that runs on the East side of the runway. At the Southern end of the runway the haul road merges with the existing access and exits onto Rock Ptarmigan Road, a Borough maintained facility. From here, the route turns West and makes its way to the Seward Highway, a State maintained facility.

**Note:** Due to conflicting operations at the Lawing Airport, the proposed haul route is unavailable and QAP is in the process of finding alternative routes.

The site plan and application propose the following buffers:

North: 50-foot native vegetation and a 6-foot berm on the interior limits.  
South: 50-foot native vegetation and a 6-foot berm on the interior limits.  
East: 50-foot native vegetation and a 6-foot berm on the interior limits.  
West: 50-foot native vegetation and a 6-foot berm on the interior limits.

The subject property is bordered on the Northside by parcels owned by the Bureau of Land Management and the Alaska Department of Natural Resources. On the Eastside of the property is land owned by the Alaska Department of Natural Resources. To the South is a privately owned and occupied lot and to the West is the Rights of Way for the Alaska Railroad Corporation.

The site plan completed by McLane Consulting Inc., claims that the depth of ground water is unknown, but is believed to be deeper than the proposed excavation depth of 10 feet. Well Logs from adjacent wells state that water was encountered around 15 feet below the surface, but the same wells harvest ground water from a depth of 40 – 60 feet. Test holes were dug to a depth of 7 feet with no water recorded. Monitoring wells were not installed for this site. Plan notes state that there are no wet lands or surface waters within the property boundaries.

A central area will be maintained for sorting and processing of material. This area is greater than 300 feet from all property lines. Native vegetation will provide surface water protection by way of phytoremediation, according to the McLane report. The site plan also indicates that there are no wells located within 100 or 300 feet from the proposed use area.

Plan notes state that reclamation will include recontouring using strippings and overburden to a condition that allows for establishment of natural vegetation. Graded slopes will not exceed 2:1 and will be seeded.

The applicant estimates using the material site for approximately 3 years and the annual quantity to be extracted will be about 60,000 cubic yards. This amount of material will make the site ineligible for a Small Operation Exemption pursuant to AS 27.19.050 and therefore bonding will be required. The amount of bond

will be according to AS 27.19.040 unless the State of Alaska waives these requirements. In the case of a waiver the Kenai Peninsula Borough would require the applicant to post bond to cover the anticipated reclamation cost and will be in the amount to be determined by the planning director as stated in KPB 21.29.050.

**PUBLIC NOTICE:** Public notice of the application was mailed on May 26, 2023 to the 77 landowners or leaseholders of the parcels within 1/2 mile of the subject parcel. Public notice was also sent to the postmaster covering the Moose Pass 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 May 18, 2023.

### **ATTACHMENTS**

- Conditional Land Use Permit - application and associated documents
- Aerial map
- Area Land Use map
- Ownership map
- Liar 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 May 18, 2023 the applicant, Colaska INC - QAP, submitted a conditional land use permit application to the Borough Planning Department for KPB Parcel 125-141-01, 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 14.4 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 unknown, but well logs from adjacent parcels indicate ground water at a depth greater than 15 feet.
8. The applicants intended depth of excavation will be 10 feet.
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 or 300 feet of the proposed excavation area.
12. The application states that work is not anticipated to be completed in the water table.

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 boundaries were flagged at visible intervals when the excavation perimeter was within 300 feet of the parcel boundary.
16. The site plan and application propose the following buffers:
  - North: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - South: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - East: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - West: 50-foot native vegetation and a 6-foot berm on the interior limits.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 submitted site plan proposes a material haul route that will utilize the existing access to the subject parcel and then travel South following the Railroad's maintenance road. Once the maintenance road reaches the Lawing Airport runway, the haul route will shift East and connect to Lawing Airport access road that runs on the East side of the runway. At the Southern end of the runway the haul road merges with the existing access and exits onto Rock Ptarmigan Road, a Borough maintained facility. From here, the route turns West and makes its way to the Seward Highway, a State maintained facility.  
**Note:** Due to conflicting operations at the Lawing Airport, the proposed haul route is unavailable and QAP is in the process of finding alternative routes. All routes will comply with Kenai Peninsula Borough 21.29.30(A)(8)(d), Points of ingress and egress.
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: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - South: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - East: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - West: 50-foot native vegetation and a 6-foot berm on the interior limits.These buffers shall not overlap an easement.
23. The applicant indicates that material processing will take place on the property. Any equipment used for processing, screening and sorting of materials will be operated at least 300 feet from all property lines. 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: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - South: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - East: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - West: 50-foot native vegetation and a 6-foot berm on the interior limits.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 apply to this material site, because extraction is expected to be around 60,000 cubic yards of material. The amount of bond will be according to AS 27.19.040 unless the State of Alaska waives these requirements. In the case of a waiver the Kenai Peninsula Borough (KPB) would require the applicant to post bond to cover the anticipated reclamation costs and will be in the amount to be determined by the planning director as stated in KPB 21.29.050.
29. A public hearing of the Planning Commission was held on June 12, 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: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - South: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - East: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - West: 50-foot native vegetation and a 6-foot berm on the interior limits.These buffers shall not overlap an easement.
3. The permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing



- material is replaced within 30 days from the time of removal.
4. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
  5. The permittee shall operate all equipment which conditions or processes material at least 300 feet from the parcel boundaries.
  6. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
  7. The permittee shall maintain a 2-foot vertical separation from the seasonal high-water table.
  8. The permittee shall not dewater either by pumping, ditching or any other form of draining unless an exemption is granted by the planning commission.
  9. 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.
  10. 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.
  11. 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.
  12. 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.
  13. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
  14. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am.
  15. The permittee shall update their reclamation plan to include all provisions listed in the State of Alaska Department of Natural Resources reclamation plan. If there are any conflicts between the reclamation plans, the more site-specific provision shall control.
  16. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
  17. The permittee shall post a bond to cover the anticipated reclamation costs in an amount determined by AS 27.19.040 unless the State of Alaska waives their requirements. In the case of a waiver the Kenai Peninsula Borough would require the applicant to post bond in the amount to be determined by the planning director and as stated in KPB 21.29.050.
  18. 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.
  19. 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.
  20. 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.

21. 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.
22. 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

**From:** David Pearson  
**To:** [Planning Dept.](#); [Ecklund, Cindy](#); [Mayor Peter Micciche](#)  
**Subject:** <EXTERNAL-SENDER>Please deny Coalaska Inc -QAP the condition use permit requested for the site at 30986 Seward Highway.  
**Date:** Friday, June 9, 2023 10:26:18 AM

---

**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.

---

## Planning Commission

Please read this into the meeting record.

Deny Coalaska Inc- QAP the conditional use permit requested for the site at 30986 Seward Highway. This application is both incomplete and flawed.

The largest is the conflict with the minimize the noise to other properties under the six standards for 21.29. Screening gravel from 8 pm to 8 am is in direct conflict with this. Operations of loading trucks and moving screened material is reasonable for the logistics of the project during those hours, however, the actual screening should not occur during the hours between 8 pm and 8 am. The northern area of the project is within 1000' feet of residents. The evening screening is not in line with this standard to minimize noise to other property owners in the area.

The application states desired depth of excavation is 10' yet they only dug 7' test pits. For a project this size it seems the minimum should be test pits to two feet below the proposed excavation depth to ensure they are staying 2 feet above the water table. The fact that they dug any test pits means that they know they should not rely on off-site well data alone. This shows that they are unaware if they are in conflict with the standard of protecting local water sources.

Lastly, their application states that their planned haul route is not feasible. Until the public and borough have a chance to understand and comment on their actual haul route plan the commission should deny this permit.

QAP had three years to plan their logistics; a last minute poorly articulated and poorly planned project application should be unacceptable. There are other options for QAP to get gravel. The borough should not overlook the many flaws and unreasonable timetable of this request for a conditional land use permit and deny QAP this permit until hours of screening, proper test pits, and an actual haul route is included in this application.

--

David E. Pearson  
907-205-0824  
[davidelipearson@gmail.com](mailto:davidelipearson@gmail.com)

## Raidmae, Ryan

---

**From:** Dan Mico <danmico@hotmail.com>  
**Sent:** Friday, June 9, 2023 10:35 AM  
**To:** Raidmae, Ryan  
**Subject:** <EXTERNAL-SENDER>Colaska INC - QAP Material 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.

---

I am a resident of Crown Point living across the road from the proposed material extraction area. I oppose granting this permit as there is already extraction occurring at the pit located on the north end of the Lawing airstrip and extensive road construction just to the south. We hear noise from equipment and blasting all day already and don't need more. I also oppose granting the variance to allow for rock processing between 8 PM and 8 AM since that would mean active extraction and the noise associated with it would be occurring 24 hours a day in Crown Point with the other work that is already occurring.

Dan Mico  
30391 Seward Hwy.  
Moose Pass, AK 99631

*Sent from my Verizon LG Smartphone*



To: Ryan Raidmae, Kenai Peninsula Borough Planning Commission Chairman  
From: Ellen O'Brien

June 8, 2023

I request that the following statement be provided to the KPB Planning Commission for review prior to any decision made on the Coalaska, INC – QAP Conditional Land Use Permit Application for Parcel #125-141-01.

I and my husband own and reside on a parcel in T 4N R 1W Sec 24 Seward Meridian immediately south of the proposed materials extraction and processing site described in the Coalaska, Inc – QAP's pending application. My concerns are listed below followed by my request for changes to the Borough's requirements to moderate the serious impacts to Crown Pont residents that will occur from the current application plans. I will refer to the applicant as QAP to make this as brief as possible.

**Concerns:**

**Water table effects** – McLane Consulting Co. wrote in their results that the "depth of groundwater unknown" at the planned site. QAP's one test well only went to 7 ft, but their plan is for up to 10 ft excavation. The permit requires excavation to be at least 2 ft above groundwater. Surrounding residential well depths are inadequate for determining location of the upper level of groundwater. No monitoring of wells is planned. The fact that the application lists a contingency if excavation reaches the water table tells me there is not confidence in the current plan to ensure groundwater is not breached.

Correction: Require QAP to do at least four test wells widely separated over the 14 acre site to at least 2 ft below actual plans for excavation (i.e. 12 ft). If QAP plans to excavate deeper, then additional and deeper test wells would be needed. Monitoring of wells should be required.

**Hours of Operation Variance** –The KPB 21.29.050 specifies hours for ceasing operations, including "rock crushing", from 10pm to 6 am. The variance requested would allow QAP to cause excessive noise from 8 pm to 8 am from May 15th until September 15<sup>th</sup> for the next five years. The noise reduction ordinance recognizes that no one wants quality of life to be degraded at night by noise, especially in a residential area. No matter what the activity is called, excessive noise at night should not be allowed. I find it an insult to think noise would not matter to the residents here.

Correction: Maintain current KPB ordinance and deny the variance requested and require that any loud noises, including "rock shaking" and "rock crushing", be prohibited from 10 pm to 6 am.

**Haul Route** – The original haul route proposed in the plan is not an option for this company, and was known to be such prior to the application. QAP has no alternative haul route plan yet. For these reasons alone the permit should not be approved yet. The original plan had large heavy trucks traveling on the Alaska Railroad maintenance road. This road was not constructed for this kind of heavy traffic over possibly 5 years. The only other route is Solar Mountain Road,

a gravel road crossing the railroad tracks. Both of these routes bring into question which agency will be responsible to properly maintain the roadways and crossings to protect other users.

Correction: Without a chosen route mitigation measures can't be addressed definitively. For that reason alone this permit should not be approved.

**Asphalt processing** – I find no asphalt processing details in this application, though Chairman Raidmae referenced this during a conversation, today, Thursday, June 8<sup>th</sup>. With no details to address, I will just state for the record that asphalt processing is known to produce air pollution and the odor is extremely unpleasant to be near. It also has more risks of ground and water pollution than strictly material extraction. I understand it to also be a very noisy process which should not be allowed in a residential area such as Crown Point, especially at night.

Correction: Until an application specifically for this activity is made, asphalt processing should not be allowed within the area identified for this permit.

Thank you for your attention to my comments. I would like to believe the permitting process is not just a cover for letting companies do whatever they want no matter what. I am not protesting materials extraction from the defined site. I would be happy to see my concerns addressed and would appreciate information on how this will be done and how it will be enforced.

Sincerely,

Ellen O'Brien  
33749 Solar Mountain Road, Mile 24 & ¼ Seward Highway  
Seward, Alaska 99664

## Raidmae, Ryan

---

**From:** Lisa Slepetski <lslepets@alumni.colostate.edu>  
**Sent:** Friday, June 9, 2023 11:08 AM  
**To:** Raidmae, Ryan  
**Subject:** <EXTERNAL-SENDER>Public comment on CLUP for Colaska/QAP, Crown Point area Parcel 125-141-01

---

**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.

---

KPB Planning Commission,

Please consider my comments and concerns for the CLUP in the Crown Point area. I am not opposed to material extraction, however, please - for our sanity, sleep, and well being - do NOT grant the applicant the requested variance from the required Hours of Operation for rock crushing. The Crown Point residents already contend with the noise from two major projects going on - Tutka is blasting/material extraction near the Lawing Airport, and the Seward Highway construction. Thankfully thus far, the loudest work we hear at mile 24 is performed during normal hours of operation. If a variance were granted for this project, though, we would suffer the direct and indirect effects of constant, chronic noise exposure **literally** around the clock, and negatively affect the value, use, and enjoyment of my property. I am a first responder and having a good night's sleep is vital to my job as a public servant. Upholding KPB hours of operation for rock crushing at least ensures it won't be AS loud at night.

Please allow public input on any changes to the haul route they propose, since it sounds like the route in the permit may not be an option? The community/neighborhood should be notified and able to weigh in on changes that were not in the original application. Also, since there are so many multi-year CLUPs in the area, it is a perfect opportunity for inspection and compliance checks and show that KPB takes these things seriously to protect the health and wellbeing of the public and environment.

Thank you for your consideration,  
Lisa Slepetski  
30391 Seward Highway  
PO Box 51  
Moose Pass AK 99631

## Raidmae, Ryan

---

**From:** Planning Dept,  
**Sent:** Friday, June 9, 2023 11:38 AM  
**To:** Raidmae, Ryan  
**Subject:** FW: <EXTERNAL-SENDER>Deny site at 30986 Seward Highway; Deny Coalaska Inc -QAP the condition use permit request

---

**From:** Claire Shipton <claireshipton@gmail.com>  
**Sent:** Friday, June 9, 2023 11:27 AM  
**To:** Planning Dept, <planning@kpb.us>; Ecklund, Cindy <CEcklund@kpb.us>; Mayor Peter Micciche <pmicciche@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Deny site at 30986 Seward Highway; Deny Coalaska Inc -QAP the condition use permit request

---

**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.

---

Dear Planning Commission,

I am writing to request that you deny Coalaska Inc- QAP the conditional use permit requested for the site at 30986 Seward Highway.

The application does not indicate that they have fully planned out the project, and may very well result in an additional misguided and abandoned gravel pit next to the 10 or so cleared acres just to the southwest of this proposed area along the railroad tracks.

Besides the application looking rushed and thrown together, I am concerned mainly about 3 things: the lack of a feasible determined haul route, the lack of proper test pits to ensure the water table is not disturbed, and the noise violation from 8pm-8am that is in conflict with minimizing noise to other property owners in the area.

Tutka, operating a few miles down the road, was forced to adhere to minimizing disturbance to the surrounding neighborhood; and Coalaska and QAP should be made to do the same.

QAP had three years to plan their logistics. A last minute, poorly articulated, and poorly planned project application should be unacceptable and denied. There are other options for QAP to get gravel.

The borough should not overlook the many flaws of this request for a conditional land use permit. They should deny Coalaska/ QAP this permit until an actual haul road, proper test pits, and reasonable hours of screening are included in this application.

Thank you for your thorough consideration in making this important decision. I trust you will do right by the borough's property owners.

Sincerely,  
Claire Shipton  
907-288-4111



## Raidmae, Ryan

---

**From:** Gary Lindquist <gvlindquist@hotmail.com>  
**Sent:** Friday, June 9, 2023 11:44 AM  
**To:** Raidmae, Ryan  
**Subject:** <EXTERNAL-SENDER>Re: Conditional land use permit comments. Permit #202315. Co-Alaska Inc - QAP,

---

**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: Kenai Peninsula planning commissioners:

Please find my comments below regarding the proposed material extraction and rock crushing on parcels in the Crown point area (Parcel #125-141-01)

It has come to my attention that the applicant Co-Alaska INC - QAP has submitted a proposal to the Kenai Peninsula Borough Planning Commission for a waiver to allow for rock crushing during evening hours. Per Moose pass APC meeting on 6/8/23 please restrict excessive noise (per Kenai Borough noise ordinance and in accordance with OSHA standards for noise and vibration) such as rock crushing - rock shaking etc. during the evening hours of 8:00 pm - 8:00 am. as we operate a lodging service (Jewel of the North) located directly across the Seward Highway from where the proposed activity would take place.

Our residence and business are located at mile 25 of the Seward Highway and have operated our business here for over 25 years. We have paid clients booked throughout the summer and into this fall. Our lodging guests and ourselves SLEEP AT NIGHT, so rock crushing, shaking etc. during the evening hours would not be acceptable.

Also, please consider a 100' native vegetation and a 6' berm on the interior limits to provide additional protection for the view shed so the clearing activity would not be visible from the highway. We also do have some concern about excavation depth and the potential effects on our nearby water well.

Thank you, Gary Lindquist

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2023-15  
SEWARD RECORDING DISTRICT**

**A resolution granting approval of a conditional land use permit to operate a sand, gravel, or material site for a parcel T 4N R 1W SEC 13 & 24 SEWARD MERIDIAN SW 0007391 USS 7391 LOT 2, Seward 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 May 18, 2023 the applicant, Colaska Inc - QAP, submitted to the Borough Planning Department a conditional land use permit application for a portion of KPB Parcel 125-141-01, which is located within the rural district; and
- WHEREAS,** public notice of the application was mailed on or before May 26, 2023 to the 77 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 Moose Pass area requesting that it be posted at the local Post Office; and
- WHEREAS,** public notice of the application was published in the May 31, 2023 and June 7, 2023 issues of the Seward Journal; and
- WHEREAS,** a public hearing was held at the June 12, 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 May 18, 2023 the applicant, Colaska INC - QAP, submitted a conditional land use permit application to the Borough Planning Department for KPB Parcel 125-141-01, 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 14.4 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 unknown, but well logs from adjacent parcels indicate ground water at a depth greater than 15 feet.
8. The applicants intended depth of excavation will be 10 feet.
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 or 300 feet of the proposed excavation area.
12. The application states that work is not anticipated to be completed in the water table.
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 boundaries were flagged at visible intervals when the excavation perimeter was within 300 feet of the parcel boundary.
16. The site plan and application propose the following buffers:
  - North: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - South: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - East: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - West: 50-foot native vegetation and a 6-foot berm on the interior limits.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 submitted site plan proposes a material haul route that will utilize the existing access to the subject parcel and then travel South following the Railroad's maintenance road. Once the

maintenance road reaches the Lawing Airport runway, the haul route will shift East and connect to Lawing Airport access road that runs on the East side of the runway. At the Southern end of the runway the haul road merges with the existing access and exits onto Rock Ptarmigan Road, a Borough maintained facility. From here, the route turns West and makes its way to the Seward Highway, a State maintained facility.

**Note:** Due to conflicting operations at the Lawing Airport, the proposed haul route is unavailable and QAP is in the process of finding alternative routes. All routes will comply with Kenai Peninsula Borough 21.29.30(A)(8)(d), Points of ingress and egress.

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: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - South: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - East: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - West: 50-foot native vegetation and a 6-foot berm on the interior limits.These buffers shall not overlap an easement.
23. The applicant indicates that material processing will take place on the property. Any equipment used for processing, screening and sorting of materials will be operated at least 300 feet from all property lines. 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: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - South: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - East: 50-foot native vegetation and a 6-foot berm on the interior limits.
  - West: 50-foot native vegetation and a 6-foot berm on the interior limits.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 apply to this material site, because extraction is expected to be around 60,000 cubic yards of material. The amount of bond will be according to AS 27.19.040 unless the State of Alaska waives these requirements. In the case of a waiver the Kenai Peninsula Borough (KPB) would require the applicant to post bond to cover the anticipated reclamation costs and will be in the amount to be determined by the planning director as stated in KPB 21.29.050.
29. A public hearing of the Planning Commission was held on June 12, 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 even though the seasonal high-water table is unknown, well logs from adjacent parcels indicate ground water at a depth greater than 15 feet. The applicant's intended depth of excavation is 10 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 50-foot buffer of native vegetation and shall not allow buffers to cause surface water diversion too negatively impact adjacent properties.  
Material site standard 21.29.040(A)(2) is further met because the permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls.
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: 50-foot native vegetation  
South: 50-foot native vegetation  
East: 50-foot native vegetation  
West: 50-foot native vegetation  
Material site standard 21.29.040(A)(4) is further met, because any equipment used for conditioning, processing and crushing materials will be operated at least 300 feet from all parcel boundaries. 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: 50-foot native vegetation  
South: 50-foot native vegetation  
East: 50-foot native vegetation  
West: 50-foot native vegetation
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 125-141-01. The disturbed area within the parcel is approximately 14.4 acres;
2. Legal Description: **T 4N R 1W SEC 13 & 24 SEWARD MERIDIAN SW 0007391 USS 7391 LOT 2**, Seward Recording District., Third Judicial District, State of Alaska.
3. The applicant, Colaska Inc - QAP, proposes to:
  - a. Extract gravel and sand from the subject parcel;
  - b. Process materials on the subject parcel;
  - c. 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: 50-foot native vegetation and a 6-foot berm on the interior limits.  
South: 50-foot native vegetation and a 6-foot berm on the interior limits.

East: 50-foot native vegetation and a 6-foot berm on the interior limits.

West: 50-foot native vegetation and a 6-foot berm on the interior limits.

These buffers shall not overlap an easement.

3. The permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
4. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
5. The permittee shall operate all equipment which conditions or processes material at least 300 feet from the parcel boundaries.
6. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
7. The permittee shall maintain a 2-foot vertical separation from the seasonal high-water table.
8. The permittee shall not dewater either by pumping, ditching or any other form of draining unless an exemption is granted by the planning commission.
9. 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.
10. 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.
11. 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.
12. 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.
13. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
14. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am.
15. The permittee shall update their reclamation plan to include all provisions listed in the State of Alaska Department of Natural Resources reclamation plan. If there are any conflicts between the reclamation plans, the more site-specific provision shall control.
16. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
17. The permittee shall post a bond to cover the anticipated reclamation costs in an amount determined by AS 27.19.040 unless the State of Alaska waives their requirements. In the case of a waiver the Kenai Peninsula Borough would require the applicant to post bond in the amount to be determined by the planning director and as stated in KPB 21.29.050.
18. 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.
19. 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.
20. 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.
  21. 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.
  22. 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

## **E. NEW BUSINESS**

### **3. Conditional Land Use Permit**

**Materials Extraction & Processing; PC Resolution 2023-XX**

**Applicant: Colaska Inc. – QAP**

**Landowner: Kenai Peninsula Borough**

**Location: Approximately 0.5 miles due North of Milepost 53  
of the Sterling Highway**

**KPB Parcel ID: 119-010-30**

**Cooper Landing Area / Cooper Landing APC**



## Conditional Land Use Permit for a Material Site STAFF REPORT

PC MEETING: June 12, 2023

**Applicant:** Colaska INC - QAP  
**Landowner:** Kenai Peninsula Borough  
**Parcel Number:** 119-010-30  
**Legal Description:** T 5N R 4W SEC 25 26 27 SEWARD MERIDIAN SW W1/2 NW1/4 & NW1/4 SW1/4 IN SEC 25 & N1/2 & N1/2 S1/2 IN SEC 26 & N1/2 & N1/2 S1/2 IN SEC 27  
**Location:** Approximately 0.5 miles due North of Milepost 53 of the Sterling Highway, Cooper Landing, Alaska 99572

**BACKGROUND INFORMATION:** The applicant wishes to obtain a Conditional Land Use Permit for material extraction and processing on a portion of the parcel listed above. Material from this site is planned to be used on adjacent Alaska Department of Transportation projects. Once the project is completed the material site will be maintained by the Kenai Peninsula Borough for future use.

The submitted site plan indicates that the material haul route will utilize a United States Forest Service Pioneer Road that intersects the Sterling Highway just after Mile Post 53 (Approx. MP 53.2). The Sterling Highway is a State of Alaska maintained facility.

The site plan and application proposes the following buffers:

North: Greater than 50-foot native vegetation  
South: Greater than 50-foot native vegetation  
East: Greater than 50-foot native vegetation  
West: Greater than 50-foot native vegetation

The subject property is bordered on all sides by lands owned by the United States Forest Service.

The site plan completed by McLane Consulting Inc., claims ground water is deeper than 18 feet below the existing surface based on 13 test holes. Water was not recorded in any of the test holes and no monitoring wells were installed. The application states that the proposed depth of material excavation will equal 18-feet. Plan notes state that there are no wet lands or surface waters within the property boundaries. Material Processing is not expected to take place at this time, but a 300-foot buffer has been established in case it is necessary. Native vegetation will provide surface water protection by way of phytoremediation, according to the McLane report. The site plan also indicates that there are no wells located within 100 or 300 feet from the proposed use area.

Plan notes state that reclamation will include recontouring using strippings and overburden to a condition that allows for establishment natural vegetation. Graded slopes will not exceed 2:1 and will be seeded.

The applicant estimates using the material site for approximately 1 year and the annual quantity to be extracted 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 will not require bonding.

**PUBLIC NOTICE:** Public notice of the application was mailed on May 26, 2023 to the 5 landowners or leaseholders of the parcels within 1/2 mile of the subject parcel. Public notice was also sent to the postmaster covering the Cooper Landing 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 May 15, 2023.

## **ATTACHMENTS**

- Conditional Land Use Permit - application and associated documents
- Aerial map
- Area Land Use map
- Ownership map
- Liar 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 May 15, 2023 the applicant, Colaska INC - QAP, submitted a conditional land use permit application to the Borough Planning Department for KPB Parcel 119-010-30, 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 6 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 unknown, but test holes were dug to a depth of 18 feet and ground water was not encountered.
8. The applicants intended depth of excavation will be 18 feet.
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 or 300 feet of the proposed excavation area.
12. The application states that work is not anticipated to be completed in the water table.
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 boundaries were not flagged due to the 310-foot distance

between the property boundary and proposed excavation limits. The excavation area has been delineated with GPS by the applicant.

16. The site plan and application propose the following buffers:  
North: Greater than 50-foot native vegetation.  
South: Greater than 50-foot native vegetation.  
East: Greater than 50-foot native vegetation.  
West: Greater than 50-foot native vegetation.  
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 the material haul route will utilize a United States Forest Service Pioneer Road that intersects the Sterling Highway just after Mile Post 53 (Approx. MP 53.2). The Sterling Highway is a State of Alaska maintained facility.
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: Greater than 50-foot native vegetation.  
South: Greater than 50-foot native vegetation.  
East: Greater than 50-foot native vegetation.  
West: Greater than 50-foot native vegetation.  
These buffers shall not overlap an easement.
23. The applicant indicates that material processing may take place on the property. Any equipment used for processing, screening and sorting of riprap materials will be operated at least 300 feet from all property lines. 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: Greater than 50-foot native vegetation.  
South: Greater than 50-foot native vegetation.  
East: Greater than 50-foot native vegetation.  
West: Greater than 50-foot native vegetation.  
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 June 12, 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: Greater than 50-foot native vegetation.
  - South: Greater than 50-foot native vegetation.
  - East: Greater than 50-foot native vegetation.
  - West: Greater than 50-foot native vegetation.These buffers shall not overlap an easement.
3. The permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
4. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
5. The permittee shall operate all equipment which conditions or processes material at least 300 feet from the parcel boundaries.
6. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
7. The permittee shall maintain a 2-foot vertical separation from the seasonal high-water table.
8. The permittee shall not dewater either by pumping, ditching or any other form of draining unless an exemption is granted by the planning commission.
9. 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.
10. 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.
11. 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.



12. 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.
13. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
14. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am.
15. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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 Colaska Inc. DBA QAP c/o Bryan Gallagher Landowner Kenai Peninsula Borough  
Address 240 W 68th Avenue Address 144 North Binkley Street  
City, State, Zip Anchorage, Alaska 99518 City, State, Zip Soldotna, Alaska, 99669  
Telephone 907-230-3904 Cell \_\_\_\_\_ Telephone 907-235-8840 Cell \_\_\_\_\_  
Email bgallagher@colaska.com Email \_\_\_\_\_

### II. PARCEL INFORMATION

KPB Tax Parcel ID# 11901030 Legal Description T 5N R 4W SEC 25 26 27 SEWARD MERIDIAN SW  
W1/2 NW1/4 & NW1/4 SW1/4 IN SEC 25 & N1/2 & N1/2 S1/2 IN SEC 26 & N1/2 & N1/2 S1/2 IN SEC 27

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".

6 acres in Northeast portion of parcel adjacent to existing USFS road.

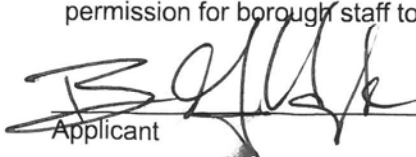
### III. APPLICATION INFORMATION ☒ "Check" boxes below to indicate items included.

- ☒ \$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 checked="" type="checkbox"/> parcel boundaries  | <input checked="" 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 checked="" type="checkbox"/> proposed buffers, or requested buffer waiver(s)  | <input type="checkbox"/> location of water bodies on parcel, including riparian wetlands                  |
| <input checked="" 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 checked="" type="checkbox"/> north arrow and diagram scale   |
| <input checked="" type="checkbox"/> all encumbrances, including easements  | <input checked="" type="checkbox"/> preparer's name, date and seal  |
| <input checked="" 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

5.15.23  
Date

Landowner (required if not applicant)

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 Colaska, Inc. DBA QAP Owner Kenai Peninsula Borough

KPB Tax Parcel ID # 11901030 Parcel Acreage 1080

1. Cumulative acres to be disturbed (excavation plus stockpiles, berms, etc.)  $\leq 6$  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 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            |
| <input type="checkbox"/> N            | <input type="checkbox"/> S            | <input type="checkbox"/> E            | <input type="checkbox"/> W            |

5. Proposed depth of excavation:  $^{18}$  ft. Depth to groundwater:  $>^{18'}$  ft.
6. How was groundwater depth determined? Test holes excavated by applicant to 18' depth
7. A permit modification to enter the water table will be requested in the future: \_\_\_ Yes X 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?  $\geq 1$  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)

See attached narrative

---

---

---

---

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:  $\leq 6$  \_\_\_\_\_ acres
4. List equipment (type and quantity) to be used in reclamation:

Loader, dozer, excavator, hydroseeder

---

---

---

5. Describe time schedule of reclamation measures:

Reclamation will be completed before the growing season ends (September). Seeding will be applied

as necessary each season to areas that are depleted, are not being utilized as staging or processing, and achieve final stabilized grade in order to minimize erosion and dust.

---

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.)



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

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

## **KPB 21.29 Conditional Land Use Permit Application**

### **Site Development Plan Narrative**

#### **Supplement to Application Page 4 Additional Application Comments**

##### **Purpose and Need**

QAP is proposing to utilize 6-acres of the 1,080-acre parcel (KPB PID 11901030) as a support site for the Alaska DOT&PF's adjacent Sterling Highway MP 45-60: Phase 3 & 4 Early Works Project.

The purpose of this application is to utilize the property as Borrow A source. This material would be used for bedding and backfill of minor structures throughout the project.

Subsurface exploration has been performed and suitable sand and gravel materials have been found up to 18 feet in depth with no groundwater present. Test hole data and modeling have indicated that there is approximately 81,500 CY of available Borrow A within the 6-acre footprint. The project requires 15,000 CY of material and it is estimated that up to 6 acres of the site would be disturbed to extract this quantity. Approximately 66,500 CY will remain for KPB use after the required project quantity is extracted.

Beginning in June of 2023, QAP anticipates clearing the property leaving a vegetative buffer between the disturbed area and existing USFS roadway. The organics and sand layer will be excavated and stockpiled within the source footprint for future reclamation efforts.

Following completion of Borrow A extraction, QAP will reclaim the material source in accordance with the Reclamation Plan. Any material not utilized in the reclamation process will be stabilized at the site for future use by others.

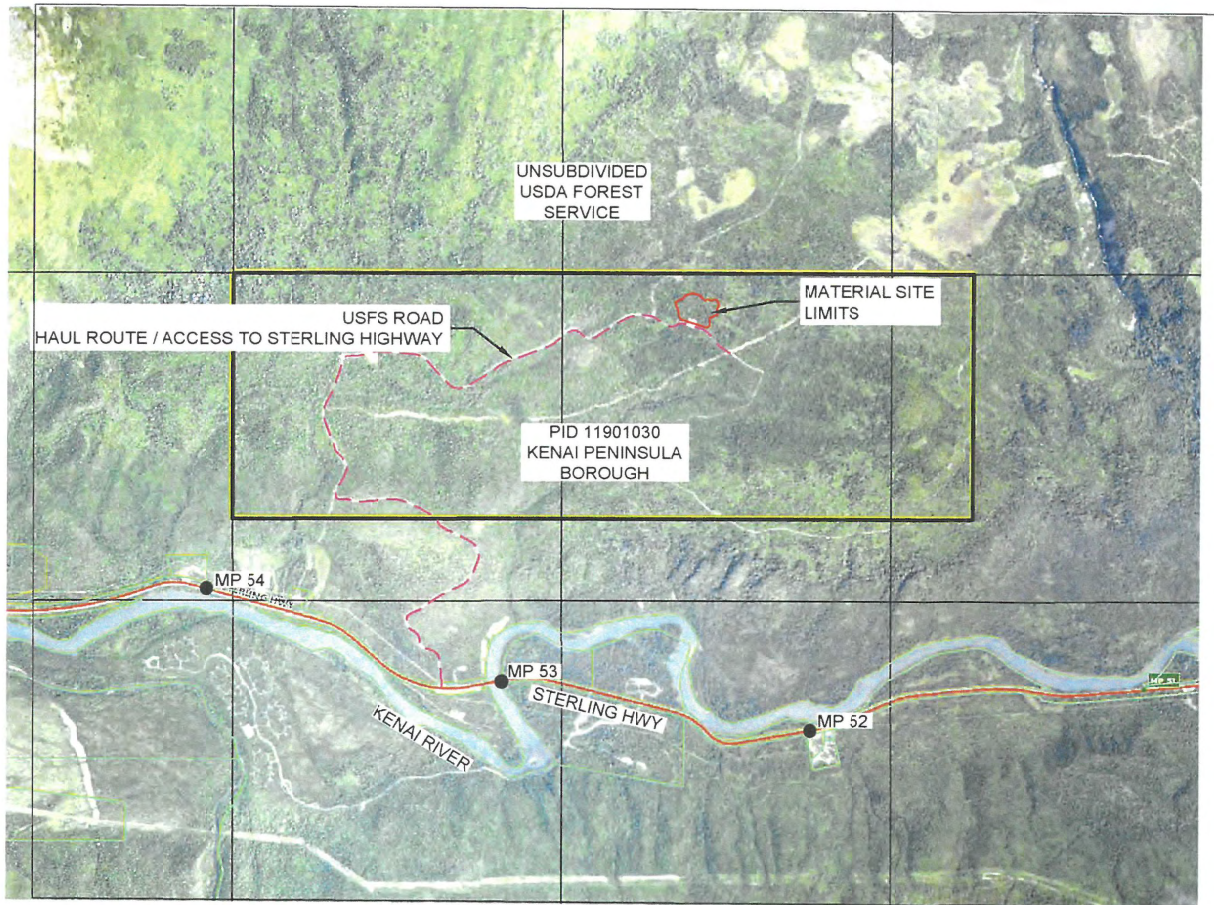
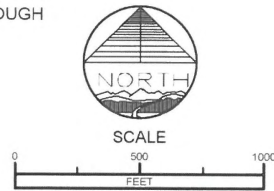
A Stormwater Pollution Prevention Plan (SWPPP) will be developed and implemented for the site along with a Hazardous Material Control Plan (HCMP). Stormwater, sediment, and dust will be controlled using best management practices in conjunction with the work. The site will be shutdown seasonally, stabilized, and gated for security and safety during non-work hours.



# CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

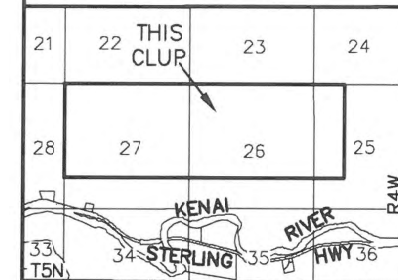
APPLICANT:  
COLASKA INC. DBA QAP  
240 W. 68TH AVE  
ANCHORAGE AK, 99518

PROPERTY OWNER:  
KENAI PENINSULA BOROUGH  
144 N BINKLEY STREET  
SOLDOTNA, AK 99669

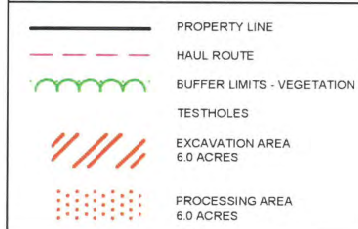


## VICINITY MAP

Scale 1" = 1 Mile



## LEGEND



## CLUP DEVELOPMENT NOTES

1. THIS PERMIT APPLICATION IS FOR KPB PARCEL 11901030, LOCATED IN SECTIONS 25-27, TOWNSHIP 5 NORTH, RANGE 4 WEST, SEWARD MERIDIAN.
2. THE PROPOSED MATERIAL EXTRACTION AREA IS 6 ACRES LOCATED IN NE 1/4 NW 1/4 SECTION 26.
3. THIS PARCEL IS OWNED BY THE KENAI PENINSULA BOROUGH AND UNDER A USE AGREEMENT WITH COLASKA INC. dba QAP.
4. THIS SITE IS BEING PERMITTED AS AN EXTRACTION, PROCESSING, STORAGE, AND LAYDOWN FACILITY TO BE UTILIZED DURING AN ALASKA DOT SEWARD HIGHWAY PROJECT.
5. THE PROPOSED AREA OF THE PROPERTY IS UNDEVELOPED AND COVERED IN HEAVY NATIVE VEGETATION.
6. INGRESS/EGRESS IS US FOREST SERVICE ROAD TO STERLING HIGHWAY NEAR MILEPOST 532.
7. THE PREFERRED BUFFERS ARE 50' (OR GREATER) NATIVE VEGETATION ON ALL SIDES.
8. THERE ARE NO WELLS LOCATED WITHIN 100' OR 300' OF THE CLUP USE AREA. EXCAVATION BELOW WATER TABLE IS NOT PROPOSED.
9. THERE ARE NO WETLANDS OR SURFACE WATERS WITHIN OR IMMEDIATELY ADJACENT TO THE MATERIAL SITE.
10. NATIVE VEGETATION WILL PROVIDE SURFACE WATER PROTECTION OF ANY SITE RUN-OFF BY WAY OF PHYTOREMEDIATION.
11. TEST HOLES FOJND SUITABLE GRAVELS TO A DEPTH OF 18". PROPOSED DEPTH OF EXCAVATION DOES NOT EXCEED 18" DEPTH.
12. GROUNDWATER DEPTH IS NOT KNOWN; IT EXCEEDS THE 18" PROPOSED EXCAVATION DEPTH. MONITOR WELLS HAVE NOT BEEN INSTALLED.
13. RECLAMATION WILL INCLUDE RECONTOURING USING STRIPPINGS AND OVERBURDEN TO A CONDITION THAT ALLOWS FOR ESTABLISHMENT OF NATURAL VEGETATION. GRADE SLOPES NOT TO EXCEED 2:1 AND SEED.
14. A CENTRAL PROCESSING AREA WILL BE MAINTAINED. THIS PROCESS AREA IS GREATER THAN 300' FROM ALL PROPERTY LINES.
15. THE PROPERTY LINES HAVE NOT BEEN FLAGGED AS THE EXCAVATION AREA IS GREATER THAN 300' FROM THE PARCEL BOUNDARY, AS SHOWN ON THE EXHIBIT. THE EXCAVATION AREA HAS BEEN DELINEATED WITH GPS BY THE APPLICANT.



REV	DATE	DESCRIPTION	BY	CHKD

QAP	PID 11901030	CONDITIONAL LAND USE PERMIT
JOB NO. 234018	N/A	FIELD BOOK NO.
FIELD WORK DATE	N/A	



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

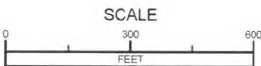
DRAWN BY: BBS/GMD  
CHECKED BY: JAH  
HORZ SCALE: 1" = 2000'  
VERT SCALE: N/A  
SHEET



CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

APPLICANT:  
COLASKA INC. DBA QAP  
240 W. 68TH AVE  
ANCHORAGE AK, 99518

PROPERTY OWNER:  
KENAI PENINSULA BOROUGH  
144 N BINKLEY STREET  
SOLDOTNA, AK 99669



LEGEND

- PROPERTY LINE
- HAUL ROUTE
- BUFFER LIMITS - VEGETATION
- TESTHOLES
- EXCAVATION AREA  
6.0 ACRES
- PROCESSING AREA  
6.0 ACRES

CLUP DEVELOPMENT NOTES

1. THIS PERMIT APPLICATION IS FOR KPB PARCEL 11901030, LOCATED IN SECTIONS 25-27, TOWNSHIP 5 NORTH, RANGE 4 WEST, SEWARD MERIDIAN.
2. THE PROPOSED MATERIAL EXTRACTION AREA IS 6 ACRES LOCATED IN NE 1/4 NW 1/4 SECTION 26.
3. THIS PARCEL IS OWNED BY THE KENAI PENINSULA BOROUGH AND UNDER A USE AGREEMENT WITH COLASKA INC. dba QAP.
4. THIS SITE IS BEING PERMITTED AS AN EXTRACTION, PROCESSING, STORAGE, AND LAYDOWN FACILITY TO BE UTILIZED DURING AN ALASKA DOT SEWARD HIGHWAY PROJECT.
5. THE PROPOSED AREA OF THE PROPERTY IS UNDEVELOPED AND COVERED IN HEAVY NATIVE VEGETATION.
6. INGRESS/EGRESS IS US FOREST SERVICE ROAD TO STERLING HIGHWAY NEAR MILEPOST 53.2.
7. THE PREFERRED BUFFERS ARE 50' (OR GREATER) NATIVE VEGETATION ON ALL SIDES.
8. THERE ARE NO WELLS LOCATED WITHIN 100' OR 300' OF THE CLUP USE AREA. EXCAVATION BELOW WATER TABLE IS NOT PROPOSED.
9. THERE ARE NO WETLANDS OR SURFACE WATERS WITHIN OR IMMEDIATELY ADJACENT TO THE MATERIAL SITE.
10. NATIVE VEGETATION WILL PROVIDE SURFACE WATER PROTECTION OF ANY SITE RUN-OFF BY WAY OF PHYTOREMEDIATION.
11. TEST HOLES FOUND SUITABLE GRAVELS TO A DEPTH OF 18'. PROPOSED DEPTH OF EXCAVATION DOES NOT EXCEED 18' DEPTH.
12. GROUNDWATER DEPTH IS NOT KNOWN; IT EXCEEDS THE 18' PROPOSED EXCAVATION DEPTH. MONITOR WELLS HAVE NOT BEEN INSTALLED.
13. RECLAMATION WILL INCLUDE RECONTOURING USING STRIPPINGS AND OVERBURDEN TO A CONDITION THAT ALLOWS FOR ESTABLISHMENT OF NATURAL VEGETATION. GRADE SLOPES NOT TO EXCEED 2:1 AND SEED.
14. A CENTRAL PROCESSING AREA WILL BE MAINTAINED. THIS PROCESS AREA IS GREATER THAN 300' FROM ALL PROPERTY LINES.
15. THE PROPERTY LINES HAVE NOT BEEN FLAGGED AS THE EXCAVATION AREA IS GREATER THAN 300' FROM THE PARCEL BOUNDARY, AS SHOWN ON THE EXHIBIT. THE EXCAVATION AREA HAS BEEN DELINEATED WITH GPS BY THE APPLICANT.



REV	DATE	DESCRIPTION	BY
1	2/15/2023	CLIENT REVIEW	QAP

QAP	PID 11901030	CONDITIONAL LAND USE PERMIT	JOB NO. 234018
FIELD BOOK NO.	N/A	FIELD WORK DATE	N/A



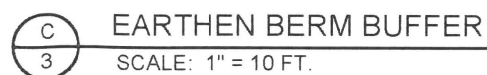
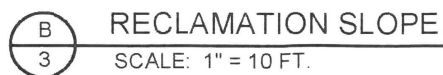
ENGINEERING - TESTING  
SURVEYING - MAPPING  
P.O. BOX 458  
SOLDOTNA, AK 99669  
VOICE: (907) 283-4218  
FAX: (907) 283-3286  
WWW.MCLANECG.COM

DRAWN BY: BSB/GMD
CHECKED BY: JAH
HORIZ. SCALE: 1" = 300'
VERT. SCALE: N/A
SHEET



APPLICANT:  
COLASKA INC. DBA QAP  
240 W. 68TH AVE  
ANCHORAGE AK, 99518

PROPERTY OWNER:  
KENAI PENINSULA BOROUGH  
144 N BINKLEY STREET  
SOLDOTNA, AK 99669



 <p><b>McLANE</b> Consulting Inc</p> <p>ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 408 SCILEOTNA, AL 36063 VOICE: (907) 263-5118 FAX: (907) 263-5265 WWW.MCLANECG.COM</p>		FIELD WORK DATE:	TBA	FIELD BOOK NO.:	N/A	JOB NO.:	234010	DATE:	11/24/2009	CHECKED BY:	JAN
DRAWN BY:		BGB/BMD		CHECKED BY:		JAM		HORIZ. SCALE:		1" = 10'	
VERT. SCALE:		N/A		SHEET		P3 of 3					

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2023-16  
SEWARD RECORDING DISTRICT**

**A resolution granting approval of a conditional land use permit to operate a sand, gravel, or material site for a parcel T 5N R 4W SEC 25 26 27 SEWARD MERIDIAN SW W1/2 NW1/4 & NW1/4 SW1/4 IN SEC 25 & N1/2 & N1/2 S1/2 IN SEC 26 & N1/2 & N1/2 S1/2 IN SEC 27, Kenai 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 May 15, 2023 the applicant, Colaska Inc - QAP, submitted to the Borough Planning Department a conditional land use permit application for a portion of KPB Parcel 119-010-30, which is located within the rural district; and
- WHEREAS,** public notice of the application was mailed on or before May 26, 2023 to the 5 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 Cooper Landing area requesting that it be posted at the local Post Office; and
- WHEREAS,** public notice of the application was published in the June 1, 2022 and June 8, 2023 issues of the Peninsula Clarion; and
- WHEREAS,** a public hearing was held at the June 12, 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 May 15, 2023 the applicant, Colaska INC - QAP, submitted a conditional land use permit application to the Borough Planning Department for KPB Parcel 119-010-30, which is located within the rural district.
4. KPB 21.29 provides that a conditional land use permit is required for material extraction that

5. disturbs more than 2.5 cumulative acres or processes material.
6. The proposed cumulative disturbed area within the parcel is approximately 6 acres.
7. 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.
8. The application indicates that the seasonal high-water table is unknown, but test holes were dug to a depth of 18 feet and ground water was not encountered.
9. The applicants intended depth of excavation will be 18 feet.
10. If water is encountered the applicant is required to maintain a 2-foot vertical separation from the seasonal high-water table.
11. The applicant is required not to dewater either by pumping, ditching or some other form of drainage.
12. The site plan indicates that there are no wells located within 100 or 300 feet of the proposed excavation area.
13. The application states that work is not anticipated to be completed in the water table.
14. The site plan states that there are no wetlands or surface waters within the proposed excavation area.
15. 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.
16. The site plan indicates the property boundaries were not flagged due to the 310-foot distance between the property boundary and proposed excavation limits. The excavation area has been delineated with GPS by the applicant.
17. The site plan and application propose the following buffers:
  - North: Greater than 50-foot native vegetation.
  - South: Greater than 50-foot native vegetation.
  - East: Greater than 50-foot native vegetation.
  - West: Greater than 50-foot native vegetation.These buffers shall not overlap an easement.
18. 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.
19. 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.
20. The applicant is required to provide dust control by the use of water and calcium chloride.
21. The site plan indicates that the material haul route will utilize a United States Forest Service

Pioneer Road that intersects the Sterling Highway just after Mile Post 53 (Approx. MP 53.2). The Sterling Highway is a State of Alaska maintained facility.

22. 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.
23. The site plan and application propose the following buffers:  
North: Greater than 50-foot native vegetation.  
South: Greater than 50-foot native vegetation.  
East: Greater than 50-foot native vegetation.  
West: Greater than 50-foot native vegetation.  
These buffers shall not overlap an easement.
24. The applicant indicates that material processing may take place on the property. Any equipment used for processing, screening and sorting of riprap materials will be operated at least 300 feet from all property lines. 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.
25. 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.
26. The site plan and application propose the following buffers:  
North: Greater than 50-foot native vegetation.  
South: Greater than 50-foot native vegetation.  
East: Greater than 50-foot native vegetation.  
West: Greater than 50-foot native vegetation.  
These buffers shall not overlap an easement.
27. 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).
28. The applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).
29. 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.
30. A public hearing of the Planning Commission was held on June 12, 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 even though the seasonal high-water table is unknown, the applicant has excavated 13 test holes to a depth of 18 feet and water was not encountered. The applicant's intended depth of excavation is 18 feet below the existing grade, as set forth in Finding 8 and 9.
2. Material site standard 21.29.040(A)(2) is met because the permittee shall maintain a 50-foot



- buffer of native vegetation 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: 50-foot native vegetation
    - South: 50-foot native vegetation
    - East: 50-foot native vegetation
    - West: 50-foot native vegetation
 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 all parcel boundaries. 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: 50-foot native vegetation
    - South: 50-foot native vegetation
    - East: 50-foot native vegetation
    - West: 50-foot native vegetation
  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 119-010-30. The disturbed area within the parcel is approximately 6.0 acres;
2. Legal Description: **T 5N R 4W SEC 25 26 27 SEWARD MERIDIAN SW W1/2 NW1/4 & NW1/4 SW1/4 IN SEC 25 & N1/2 & N1/2 S1/2 IN SEC 26 & N1/2 & N1/2 S1/2 IN SEC 27**, Kenai Recording District., Third Judicial District, State of Alaska.
3. The applicant, Colaska Inc - QAP, proposes to:
  - a. Extract gravel and sand from the subject parcel;
  - b. Process materials on the subject parcel;
  - c. 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' 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: Greater than 50-foot native vegetation
  - South: Greater than 50-foot native vegetation
  - East: Greater than 50-foot native vegetation
  - West: Greater than 50-foot native vegetation
 These buffers shall not overlap an easement.
3. The permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
4. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
5. 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 all property boundaries.

6. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
7. The permittee shall maintain a 2' vertical separation from the seasonal high-water table.
8. The permittee shall not dewater either by pumping, ditching or any other form of draining unless an exemption is granted by the planning commission.
9. 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.
10. 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.
11. 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.
12. 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.
13. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
14. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am.
15. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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

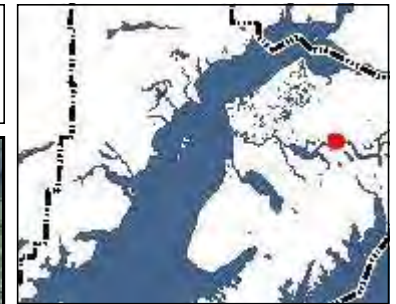


# Aerial Map: 119-010-30





# Area Land Use Map: 119-010-30



## 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



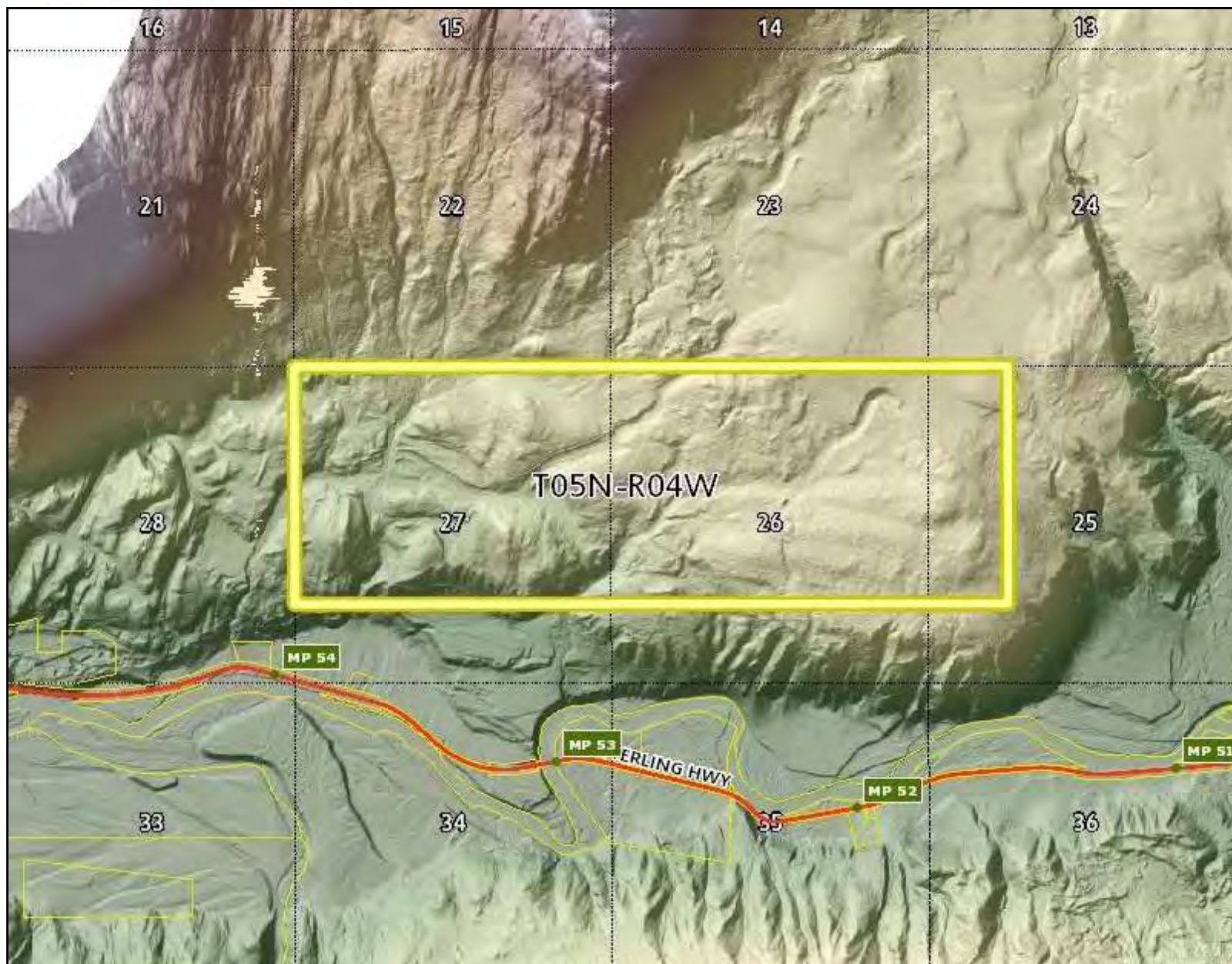
## Notes

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: 5/30/2023



# Lidar Map: 119-010-30



## 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

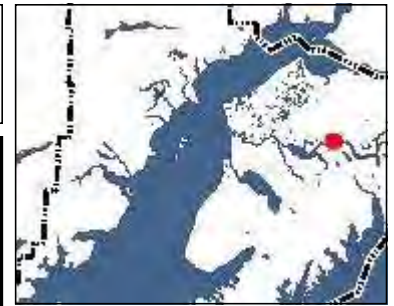


## Notes

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: 5/30/2023

# Ownership Map: 119-010-30



## Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads**
  - Town Medium Volume
  - Town Low/Seasonal; Other
  - Proposed
- Ownership**
  - Borough
  - Federal
  - Municipal
  - Native
  - Native Allotment
  - Private
  - State
- 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: 5/30/2023





# 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» «ZIPCODE»

## 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 Cooper Landing area. This notice is being sent to landowners located within ½ mile of the subject property. All members of the public are invited to comment. The projects under consideration are described as follows:

**Applicant:** Colaska INC - QAP

**Landowner:** Kenai Peninsula Borough

**Parcel Number:** 119-010-30

**Legal Description:** T 5N R 4W SEC 25 26 27 SEWARD MERIDIAN SW W1/2 NW1/4 & NW1/4 SW1/4 IN SEC 25 & N1/2 & N1/2 S1/2 IN SEC 26 & N1/2 & N1/2 S1/2 IN SEC 27

**Location:** Approximately 0.5 miles due North of Milepost 53 of the Sterling Highway, Cooper Landing, Alaska 99572

Please turn over for map.

**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>

**Notice Requirements:** According to KPB Code 21.25.060, 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 with 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.

**Public Hearing:** A hearing will be held by the Kenai Peninsula Borough Planning Commission to consider the application on **Monday June 12, 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](mailto:rraidmae@kpb.us), or faxed to (907) 262-5992. **Written statements must be provided by 1:00 pm Friday, June 9, 2023.** 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.

**Additional Information:** 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). You may also go to <https://kpb.legistar.com/Calendar.aspx> one week before the hearing to view/download documentation attached to the Planning Commission Agenda.

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

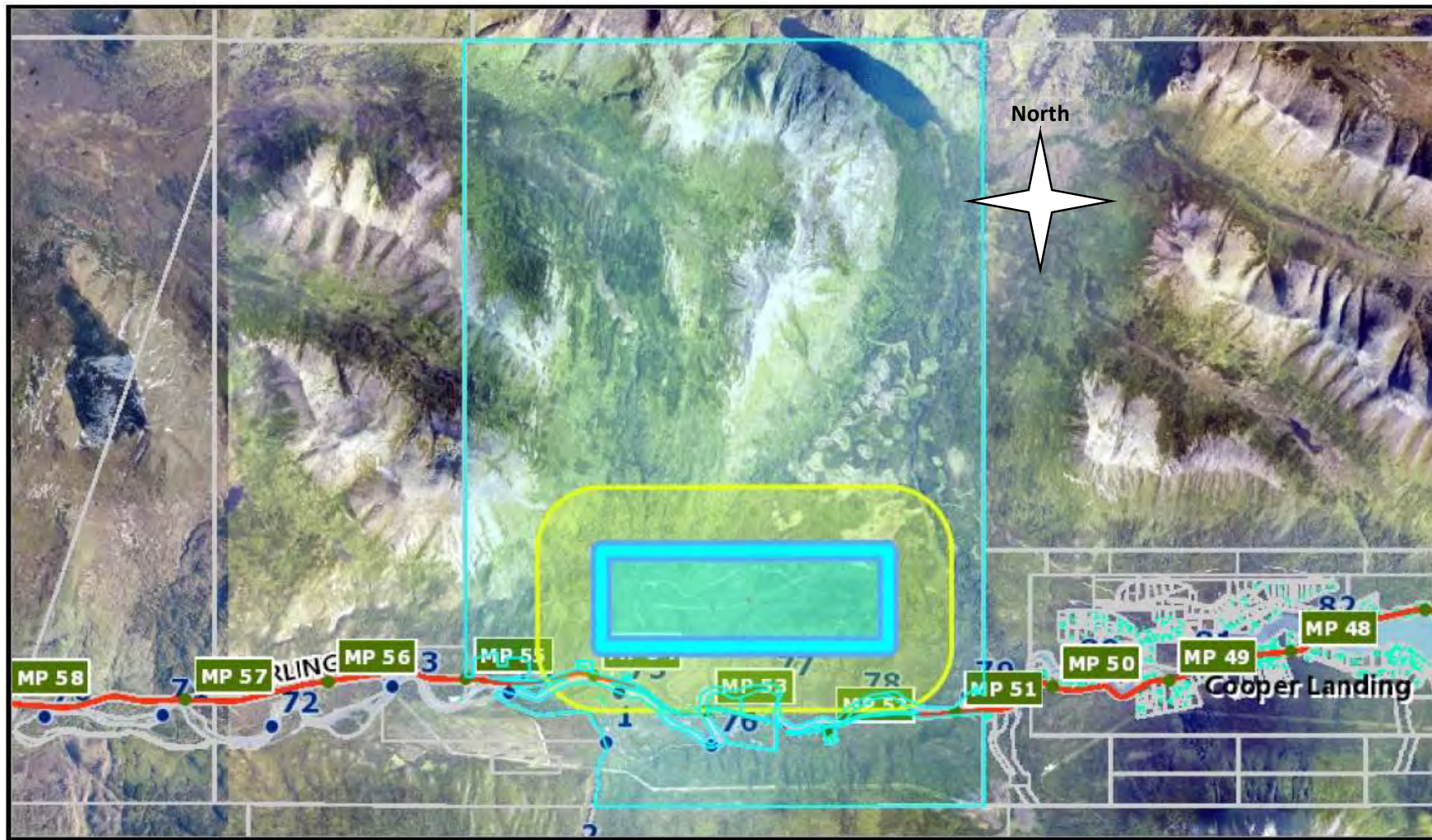




Kenai Peninsula Borough

# Parcels Within 1/2 Mile of Proposed CLUP

5/23/2023 4:50



## **E. NEW BUSINESS**

4. PC Resolution 2023-12: Hearing on the Planning Commission's order to show cause why the ZipMart building, located at 38525 Swanson River Road in the Sterling area, should not be condemned, and removal recommendation.

# Kenai Peninsula Borough

## Planning Department

---

### MEMORANDUM

**TO:** Jeremy Brantley, Planning Commission Chairperson  
Members, Kenai Peninsula Borough Planning Commission

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

**FROM:** Robert Ruffner, Planning Director  
A. Walker Steinhage, Deputy Borough Attorney

**DATE:** June 12, 2023

**RE:** Resolution 2023-12, Recommending an Assembly Order of Condemnation and for Removal of a Hazardous and Dangerous Building, and Hearing Thereon

---

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

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

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

During the regularly-scheduled Planning Commission meeting on May 8, 2023, the Planning Commission issued an order to show cause why the Zipmart building should not be condemned as a fire and health hazard and as a public nuisance, and it set this matter for a public hearing during its June 12, 2023. The owner of Zipmart may attend the hearing and may present oral testimony and written documentation for the Planning Commission's consideration. At the hearing, the Planning Commission will also hear from Planning Department staff and any members of the public who provide oral testimony. At the conclusion of the hearing the Planning Commission should consider all information presented, including any written documentation in the packet and oral testimony at the hearing, and determine whether the Zipmart owner has shown cause why the Zipmart building should not be condemned by voting on Resolution 2023-12.

The Resolution recommends the Assembly issue an order of condemnation and removal so that the Borough Administration may immediately proceed with removal of the hazardous building as it is in the best interests of the Borough for the Assembly to issue an order of condemnation and

order the removal of the hazardous Zipmart building in order to protect citizens against threats to public health, safety, and general welfare.

Your consideration is appreciated.



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

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

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

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

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

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

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

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

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

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

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

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

---

Jeremy Brantley, Chairperson  
Planning Commission

ATTEST:

---

Ann Shirnberg  
Administrative Assistant

# Kenai Peninsula Borough

## Planning Department

---

### MEMORANDUM

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

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

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

**DATE:** May 25, 2023

**RE:** Resolution 2023- \_\_\_\_, Authorizing the Mayor to Enter into an Agreement with Alaska's Department of Environmental Conservation regarding the Zipmart Site (Mayor)

---

This Resolution authorizes the Mayor to enter into a Memorandum of Agreement (MOA) with Alaska Department of Conservation (ADEC) to ensure that the Borough will not have liability for the current environmental contamination at the site by using its condemnation powers to potentially demolition and remove the recently collapsed and hazardous Zipmart building.

In the event the Borough moves forward with demolishing and removing the collapsed Zipmart building, it is in the best interests of the Borough to enter into an MOA with the State regarding this site and the current environmental condemnation.

Your consideration is appreciated.

Introduced by:

Mayor

Date:

06/06/23

Action:

Vote:

**KENAI PENINSULA BOROUGH  
RESOLUTION 2023-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT  
WITH ALASKA’S DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
REGARDING THE ZIPMART SITE**

**WHEREAS,** the Kenai Peninsula Borough (“Borough”) has instituted condemnation proceedings regarding the collapsed Zipmart building in Sterling, Alaska; and

**WHEREAS,** the Zipmart building sits on a contaminated site due to the release of gasoline into soil, which was first discovered in 2002; and

**WHEREAS,** the building on the property recently collapsed and the Borough has been working with the Alaska Department of Conservation (“ADEC”) to ensure that the Borough will not have liability for the current environmental contamination at the site by using its condemnation powers to potentially demolition and remove the hazardous building so long as the parameters (no excavation in the contaminated soil) of the Memorandum of Agreement (“MOA”) are adhered to; and

**WHEREAS,** should the Borough proceed to demolish and remove the building it is in the best interests of the Borough to enter into a MOA with the State regarding this site;

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

**SECTION 1.** That the Mayor is authorized to enter into an MOA, in a form similar to the agreement provided with this resolution, and other necessary documents, agreements, or amendments to effectuate the purpose of this resolution which is to facilitate the potential removal of the collapsed Zipmart building with the State of Alaska without the Borough incurring liability for the contaminated site and to also have agreements in place regarding successor liability should the Borough ever decide to take Clerk’s Deed to the property for unpaid real property taxes pursuant to its annual tax foreclosure proceeding.

**SECTION 2.** That this resolution is effective immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \_\_\_\_  
DAY OF \_\_\_\_\_ 2023.**



---

Brent Johnson, Assembly President

ATTEST:

---

Michele Turner, CMC, Acting Borough Clerk

## MEMORANDUM OF AGREEMENT

### BETWEEN

THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF SPILL PREVENTION AND RESPONSE

### AND

THE KENAI PENINSULA BOROUGH

This Memorandum of Agreement (MOA) is made between the Alaska Department of Environmental Conservation (DEC) Division of Spill Prevention and Response (SPAR) and the Kenai Peninsula Borough (KPB) (collectively, the Parties) for the purpose of addressing hazardous substance contamination at the contaminated site known as Zipmart Store-Sterling with DEC Hazard ID 23620 and street address 38525 Swanson River Road, KPB Parcel ID No. 06349049 (Property). The legal description of the Property is:

Sterling Heights Subdivision Addition No. 2 Part 4 Amended Lot 9-  
A Block 3. KPB Parcel Number 06349049

A description of the Zipmart site and activities that have been conducted can be found on the Contaminated Sites database at the following URL:  
<https://dec.alaska.gov/Applications/SPAR/PublicMVC/CSP/SiteReport/23620>

This MOA provides for coordination and commitments between KPB and DEC relating to KPB's intent to:

1. Remove the recently collapsed Zipmart store through condemnation, agreement, or other legal process, and;
2. Possibly acquire the Property through the KPB's annual foreclosure proceeding for nonpayment of taxes pursuant to AS 29.45;

even as DEC continues environmental cleanup and monitoring at the Property, which is the source of contamination at the larger Zipmart site.

### BOTH PARTIES MUTUALLY AGREE THAT:

1. The structure located at the Property has collapsed, potentially creating a public health hazard, and KPB has not identified a property owner able to take action to address the structure hazard.
2. KPB intends to remove the collapsed structure, possibly take title to the Property, and implement activity and use limitations but is concerned about liability for the current environmental contamination.

3. DEC wishes to continue remediation and monitoring of contamination on the Property to protect human health and the environment.

NOW, THEREFORE, THE PARTIES AGREE TO THE FOLLOWING:

1. KPB has initiated a process pursuant to KPB Code and its condemnation powers to issue an order of condemnation due to the collapsed Zipmart building being a potential fire hazard, health hazard, or public nuisance. This process may result in the KPB demolishing and removing the building. The building was built in 1985 and it is currently believed that the structure does not contain any asbestos, lead paint, or other hazardous materials. If the KPB does demolish and remove the property, the KPB agrees to be responsible for all costs and requirements related to removing and disposing of the Zipmart building. The KPB will only remove the building to the concrete slab and will not excavate earthen or any contaminated materials on the Property. DEC agrees that, based on the fact that KPB will not excavate, the demolition down to the concrete slab and structure removal activities as described will not make the KPB liable for environmental contamination currently existing at the Property.
2. In future years, the KPB may, but is not required (as part of this MOA) to, obtain a Clerk's Deed to the property pursuant to AS 29.45 and the KPB's annual foreclosure proceeding for unpaid real property taxes. Under the terms of this MOA, KPB is neither committed to, nor required to, take title to the Property.
3. In the event that KPB forecloses on the Property, DEC will not consider KPB liable for environmental contamination at the site that was present prior to KPB taking ownership in accordance with Alaska Statute (AS) 46.03.822(k)<sup>1</sup> as long as KPB does not cause or contribute to the release or threatened release of a hazardous substance at the Property. Continued migration of the plume is documented and expected. The failure to prevent passive leaching or migration at the Property is not considered causing or contributing to the release.

---

<sup>1</sup> A unit of state or local government that acquired ownership or control of a vessel or facility through bankruptcy, foreclosure, deed in lieu of foreclosure, tax delinquency proceeding, abandonment, escheat, the exercise of eminent domain authority by purchase or condemnation, or circumstances in which the governmental unit involuntarily acquired title by virtue of its function as a sovereign is not liable as an owner or operator under this section unless the governmental unit has caused or contributed to the release or threatened release of a hazardous substance at or from the facility or vessel, in which case, the governmental unit is subject to liability under this section in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity. A hazardous substance release shall be determined to have occurred as provided in this section. For purposes of this subsection, "caused or contributed to the release or threatened release of a hazardous substance"

(1) does not include the failure to prevent the passive leaching or migration at or from a facility or vessel of a hazardous substance in the air, land, or water that had first been released to the environment by a person other than the governmental unit that acquired the facility or vessel;

(2) does not include the exercise or failure to exercise regulatory or enforcement authority;

(3) after the ownership or control of the facility or vessel has been acquired by the governmental unit, includes

(A) the spilling, leaking, pumping, pouring, emptying, injecting, escaping, or dumping of a hazardous substance from barrels, tanks, containers, or other closed receptacles; or

(B) the abandonment or discarding of barrels, tanks, containers, or other closed receptacles containing a hazardous substance.

4. In the event that KPB takes title to the Property with a Clerk's Deed, in accordance with AS 46.04.300 and within 120 days, KPB will file an environmental covenant in coordination with DEC. The covenant will provide for activity and use limitations intended to mitigate risk from exposure to contamination at the site and inform potential future owners or operators of the presence of contamination.
5. In the event the KPB takes title to the Property with a Clerk's Deed, the KPB will allow Property access to DEC personnel, contractors, and others approved by DEC for the purpose of operating and maintaining remediation systems, conducting sampling of environmental media, and conducting other cleanup and related activities. When possible, DEC will provide 48 hours' notice to the KPB when DEC needs physical access in and to the Property.
6. DEC will keep KPB informed of the status of DEC's activities at the Property through updates and attachments to the Contaminated Sites database at the URL listed above for Hazard ID 23620. In addition, upon request, the DEC will make available to KPB reports and analytical information produced from investigation, site work and remedial activities.
7. This MOA may be executed in counterparts, and may be executed using verified electronic signatures in compliance with AS 09.80, each of which when so executed will constitute an original and all of which together constitute one and the same instrument.

STATE OF ALASKA

KENAI PENINSULA BOROUGH

\_\_\_\_\_  
Tiffany M. Larson, Director  
Division of Spill Prevention and Response  
Department of Environmental  
Conservation

\_\_\_\_\_  
Peter A. Micciche, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

\_\_\_\_\_  
Sean Kelley, Borough Attorney

ATTEST:

\_\_\_\_\_  
Michele Turner, CMC  
Acting Borough Clerk



# Kenai Peninsula Borough

## Planning Department

---

### MEMORANDUM

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

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

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

**DATE:** May 25, 2023

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

---

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

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

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

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

Your consideration is appreciated.

Introduced by:	Mayor
Date:	06/06/23
Hearing:	06/20/23
Action:	
Vote:	

**KENAI PENINSULA BOROUGH  
ORDINANCE 2023-13**

**AN ORDINANCE ISSUING AN ORDER OF CONDEMNATION AND PROVIDING AN  
EXCEPTION TO KPB 21.16.010 TO ALLOW FOR EXPEDITED REMOVAL OF A  
HAZARDOUS AND DANGEROUS BUILDING**

**WHEREAS,** Zipmart, owned and operated by Whittier Properties, Inc., was a vehicle fueling station business that began operations in 1985; and

**WHEREAS,** according to a report published by the State of Alaska’s contractor that was engaged to monitor and perform remediation work at the Zipmart site, soil and groundwater contamination was first discovered in 1995; in 2001, an assessment found 13 inches of fuel in groundwater monitoring wells at the Zipmart property due to a break in the gasoline tank fill pipe which caused an estimated 53,000 gallons of fuel to be released to the environment; and

**WHEREAS,** in early 2002, the State of Alaska’s Department of Environmental Conservation (ADEC) assumed management of cleanup activities related to the Zipmart site, soil, and groundwater contamination; and

**WHEREAS,** the recently collapsed Zipmart building is a hazard to public health, safety, and general welfare; and

**WHEREAS,** the collapsed Zipmart building is a danger and attractive nuisance to the Sterling area youth and local residents; and

**WHEREAS,** this ordinance provides for an exception to code to waive the requirement to wait 30 days between the Planning Commission’s show cause hearing and the Assembly’s order of removal so that the Borough Administration may immediately proceed with removal of the hazardous building; and

**WHEREAS,** as further justification for providing an exception to Borough Code to allow for immediate removal, the Borough will not charge the cost of the removal to the property which is already in significant arrears to the Borough for unpaid property taxes and to the State for costs of site cleanup and remediation; and

**WHEREAS,** at its regularly scheduled meeting on June 8, 2023, the Planning Commission issued an order for the property owner to show cause why the Zipmart building should not be condemned and set the show cause hearing for June 12, 2023;

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

**WHEREAS,** it is in the best interests of the Borough for the Assembly to issue an order of condemnation and order the removal of the hazardous Zipmart building in order to protect citizens against threats to public health, safety, and general welfare;

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

**SECTION 1.** That the Assembly issues this order of condemnation and declares the building, known as the Zipmart building located at 38525 Swanson River Road, Sterling, Alaska, KPB Parcel Identification No. 06349049, to be a health hazard or public nuisance. The Assembly, in consideration of the Planning Commission's recommendation, further orders that the Zipmart building be demolished and removed.

**SECTION 2.** That, notwithstanding KPB 21.16.010, the Assembly finds it is in the best interest of public safety, health, and general welfare to provide an exception to the requirement to wait 30 days between the hearing before the Planning Commission and the Borough removes or demolishes the collapsed, hazardous building based on the following findings:

1. The Zipmart building is a public health hazard and attractive nuisance that must be removed as soon as possible.
2. The Zipmart owners are not willing or able to take action to address the structure hazard and no longer have site control at the property and have not responded to any Borough notices regarding the condemnation of the building.
3. Upon enactment of this ordinance, the Borough may immediately proceed with demolition and removal of the building on the condition that the charges of the removal will not be charged back to the property.
4. By not charging the removal costs to the property, it is appropriate to provide for an exception to allow the Borough to remove the hazard. The building is not salvageable.

**SECTION 3.** That Whitter Properties, LLC was first provided notice, by certified mail, of the condemnation proceedings on May 10, 2023.

**SECTION 4.** 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

Yes:

No:

Absent:





## Planning Department

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

Peter A. Micciche  
Borough Mayor

May 10, 2023

SENT BY CERTIFIED MAIL, RETURN SERVICE

**Notice of Condemnation Proceeding before the Kenai Peninsula Borough Planning Commission and Opportunity to Show Cause why the Borough Should not issue an Order of Condemnation recommendation**

Attention:  
Whittier Properties, Inc.  
446 Endicott Dr.  
Soldotna, AK 99669

Last Known Registered Agent:  
Whittier Properties, Inc. (dissolved)  
Lynn Baker  
P.O.B. 1102  
Sterling, AK 99672

Physical address of property subject to condemnation proceeding:

38525 Swanson River Road, Sterling AK 99672

Legal description of property subject to condemnation proceeding:

Sterling Heights Subdivision Addition No. 2 Part 4 Amended Lot  
9-A Block 3. KPB Parcel Number 06349049

The building referred to herein as the ZipMart building located on the above-described property is close to Sterling Elementary School, Sterling Community Center, Sterling Baptist Church and residential properties. The ZipMart building is in irreparable collapse. It is creating a fire and health hazard, it is a public nuisance, and it poses a personal injury threat. There is no site control, and the above-named owner does not appear to be maintaining or securing the property. Photographic evidence of the hazardous condition of the ZipMart building is enclosed.

Pursuant to KPB 21.16.010, the Kenai Peninsula Borough's (Borough) Planning Commission has issued an order to show cause why an order of condemnation of the ZipMart building should not be entered. As you may be aware following our initial conversation, the Planning Commission issued the order to show cause at its regularly-scheduled meeting on May 8, 2023.

The show cause hearing will be held in the Borough Assembly Chambers at the regularly-scheduled Planning Commission meeting on June 12, 2023, at 7:30 p.m. or as soon thereafter as the conduct of business according to the agenda allows. The Planning Commission will conduct a hearing to determine whether the ZipMart building will be condemned. If condemned, removal and demolition of the ZipMart building may occur as soon as June 21, 2023. You are hereby provided notice that the Borough Assembly may grant an exception to code that provides that the owner will have 30 days from the Planning Commission show cause hearing to remove the

Page -2-

Date: May 10, 2023

To: Whittier Properties, Inc./Lynn Baker

RE: Notice of Condemnation Proceeding  
and Order to Show Cause

---

building, and order that the Borough remove the building forthwith and less than 30 days after the Planning Commission hearing due to public safety, health and general welfare concerns and the hazard the building poses.

If a condemnation order is issued and if an exception to Borough code is approved by the Assembly, the Borough may proceed with demolition and removal of the building as soon as June 21, 2023. If an exception to code is granted the removal costs will not be charged to the property.

You are hereby on notice of the following:


**Show Cause Hearing Before the Planning Commission: June 12, 2023**

**Order of Condemnation Hearing before the Borough Assembly: June 20, 2023**

You may attend both hearings and present oral testimony and any written documentation you wish to provide.

Please contact Robert Ruffner, Planning Director, at (907) 714-2201 if you have any questions about this proceeding.

Sincerely,



Robert Ruffner  
Director of Planning  
Kenai Peninsula Borough  
Tel. 907. 714-2201

Enc. - stated

## Site Photos



View facing Swanson River Road



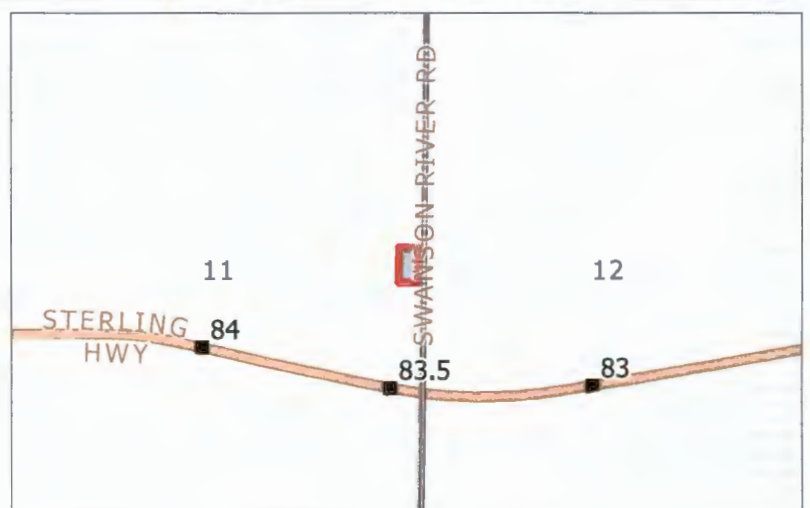
Rear entrance, still standing and nothing to block access





PIN 063-490-49  
Zip Mart Location

4/28/2023





KPB PLANNING DEPARTMENT  
144 N. BINKLEY STREET  
SOLDOTNA, AK 99669

CERTIFIED MAIL



7020 0640 0001 8326 8032

7020 0640 0001 8326 8032

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)™.

**OFFICIAL USE**

Certified Mail Fee  
\$

Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage  
\$

Total Postage and Fees  
\$

Sent To  
Street and Apt. No., or PO Box No.  
City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address so that we can return the card to you.
- Attach this card to the back of or on the front if space permits.

1. Article Addressed to:

Whittier Properties Inc.  
446 Endicott Drive  
Soldotna, AK 99669



9590 9402 7411 205

2. Article Number (Transfer from service label)

7020 0640 0001 8326 8032

PS Form 3811, July 2020 PSN 7530-02-000-9053

OFFICIAL USE

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

Agent  
Addressee  
of Delivery

Yes  
No

Express®  
Mail™  
Mail Restricted

Confirmation™  
Restricted Delivery

- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt



KPB PLANNING DEPARTMENT  
144 N. BINKLEY STREET  
SOLDOTNA, AK 99669

**CERTIFIED MAIL**



7020 0640 0001 8326 8049

7020 0640 0001 8326 8049

**SENDER: COMPLETE**

- Complete Items 1,
- Print your name and address so that we can return it to you if needed.
- Attach this card to the back of the envelope or on the front if space permits.

1. Article Addressed to:

Whittier Properties  
Lyn Baker  
P.O.  
Sterling, AK



9590 9402 7

2. Article Number (Transfer from service label)

7020 0640 0001 8326 8049

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)™.

**OFFICIAL USE**

Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	
\$	
Total Postage and Fees	
\$	

Sent To	Lynn Baker - Whittier Properties
Street and Apt. No., or PO Box No.	P.O. Box 1102
City, State, ZIP+4®	Sterling, AK 99672

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



**OFFICIAL USE**

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)™.

**DELIVERY**

- ☐ Agent
- ☐ Addressee

C. Date of Delivery

Item 1? ☐ Yes  
below: ☐ No

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

Postmark  
Here

Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Total Postage and Fees

\$

Postage

\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Lynn Baker - Whittier Properties  
P.O. Box 1102  
Sterling, AK 99672

# **DESK PACKET**

**(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)**

## **E. NEW BUSINESS**

4. Hearing on Planning Commission's order to show cause why the ZipMart building, located at 38525 Swanson River road in the Sterling area, should not be condemned, and removal recommendation.

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

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

**WHEREAS,** Zipmart, owned and operated by Whittier Properties, Inc., was a vehicle fueling station business that began operations in 1985; and

**WHEREAS,** according to a report published by the State of Alaska's contractor that was engaged to monitor and perform remediation work at the Zipmart site, soil and groundwater was first discovered in 1995, then in 2001 an assessment found 13 inches of fuel in groundwater monitoring wells at the Zipmart property due to a break in the gasoline tank fill pipe which caused an estimated 53,000 gallons of fuel to be released to the environment; and

**WHEREAS,** in early 2002, the State of Alaska's Department of Environmental Conservation (ADEC) assumed management of cleanup activities related to the Zipmart site, soil, and groundwater contamination; and

**WHEREAS,** the Zipmart building recently collapsed which has created a hazard to public health, safety, and general welfare;

**WHEREAS,** the collapsed Zipmart building is a danger and attractive nuisance to the Sterling area youth and local residents; and

**WHEREAS,** during its regularly-scheduled meeting of May 8, 2023, the Planning Commission issued an order to show cause why the Zipmart building should not be condemned as a fire and health hazard and as a public nuisance and set this matter for public hearing during its June 12, 2023, regularly-scheduled meeting; and

**WHEREAS,** the Planning Commission held a public hearing as scheduled on this matter; and

**WHEREAS,** at the conclusion of the public hearing, the owner of the Zipmart building has not shown cause why the Zipmart building should not be condemned as a fire and health hazard, as a danger, and as a public nuisance; and

**WHEREAS,** at the conclusion of the public hearing and after considering all information presented at the public hearing, the Planning Commission has concluded the



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

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

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

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

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

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

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

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

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

---

Jeremy Brantley, Chairperson  
Planning Commission

ATTEST:

---

Ann Shirnberg  
Administrative Assistant

Kenai Peninsula Borough  
Kenai Peninsula Borough School District  
Office of Risk Management

---

**MEMORANDUM**

**TO:** Robert Ruffner, Director of Planning  
**FROM:** Teela King, Safety Manager  
**DATE:** May 01, 2023  
**RE:** Sterling ZipMart Building

---

On April 30, 2023, Kenai Peninsula Borough Risk Management examined the building at the following address:

Physical Address: 38525 Swanson River Rd, Sterling AK 99672

Legal Address: T 5N R 9W SEC 11 SEWARD MERIDIAN KN 0860094 STERLING HEIGHTS SUB ADDN NO 2 PART 4 AMENDED LOT 9-A BLK 3

Risk Management observed the building formerly known as ZipMart convenience store and gas station to be in irreparable collapse. The property is in close proximity to Sterling Elementary School, Sterling Community Center, Sterling Baptist Church, and residential properties.

Remnants of the building including conduit, signs, and insulation were found scattered throughout the property. Remaining walls are diverging dangerously outward. The inner and outer walls of the remaining structure are riddled with graffiti, indicating access before and/or after collapse. The rear door of the building was found open, also indicating access. Broken, uninstalled windows and miscellaneous building and supply materials stored near the rear access posed additional hazards.

Kenai Peninsula Borough Risk Management formerly recommends condemnation and removal of the collapsed building due to the hazards posed to the public by the current condition and accessibility of the building.

## **G. OTHER**

- 1. FEMA Presentation ; FEMA Kenai River Flood Map Update**

# KENAI PENINSULA BOROUGH, AK

## Flood Map Update

- Kenai Peninsula Borough – Planning Commission Meeting – June 12, 2023
- Kenai Peninsula Borough – Assembly Meeting – June 20, 2023



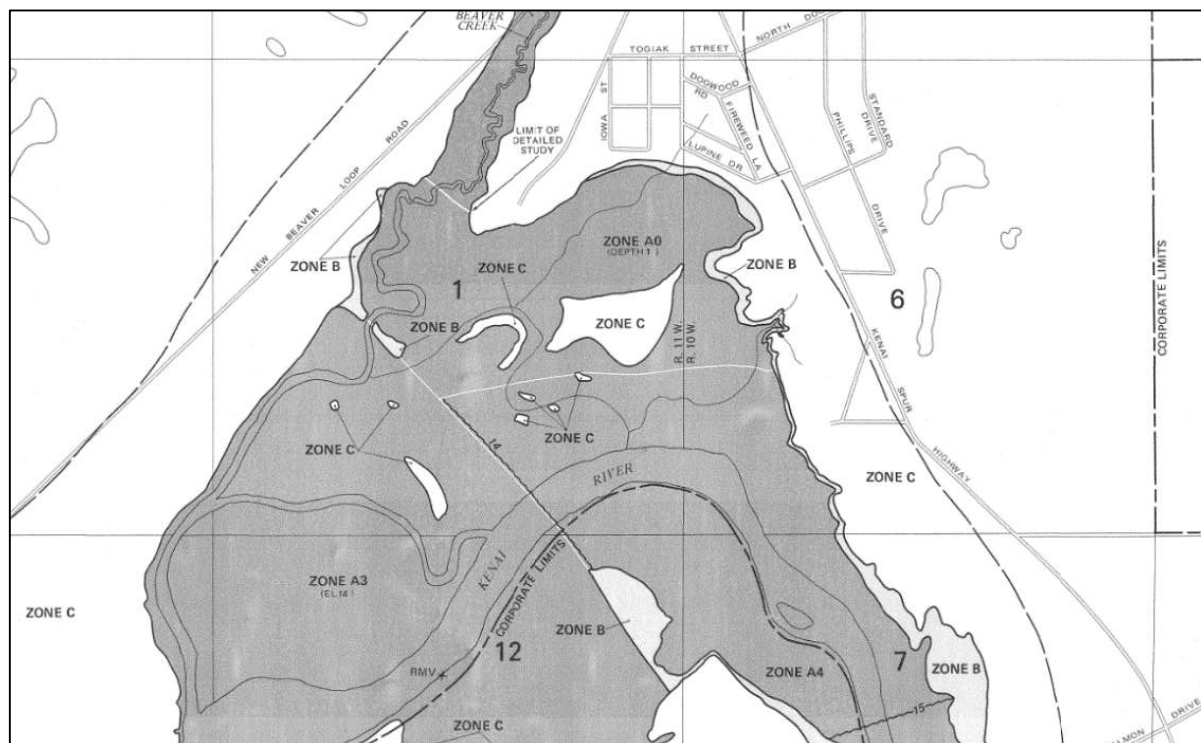
# FEMA



# WHY ARE THE FLOOD MAPS CHANGING?

Flooding is the most costly and deadly natural hazard in the U.S.

- 1 Flood risk changes over time.
- 2 New data is released and technology improves.
- 3 Policies and national priorities are updated.



(sample) Kenai Peninsula Borough Paper Flood Insurance Rate Map, developed in 1981



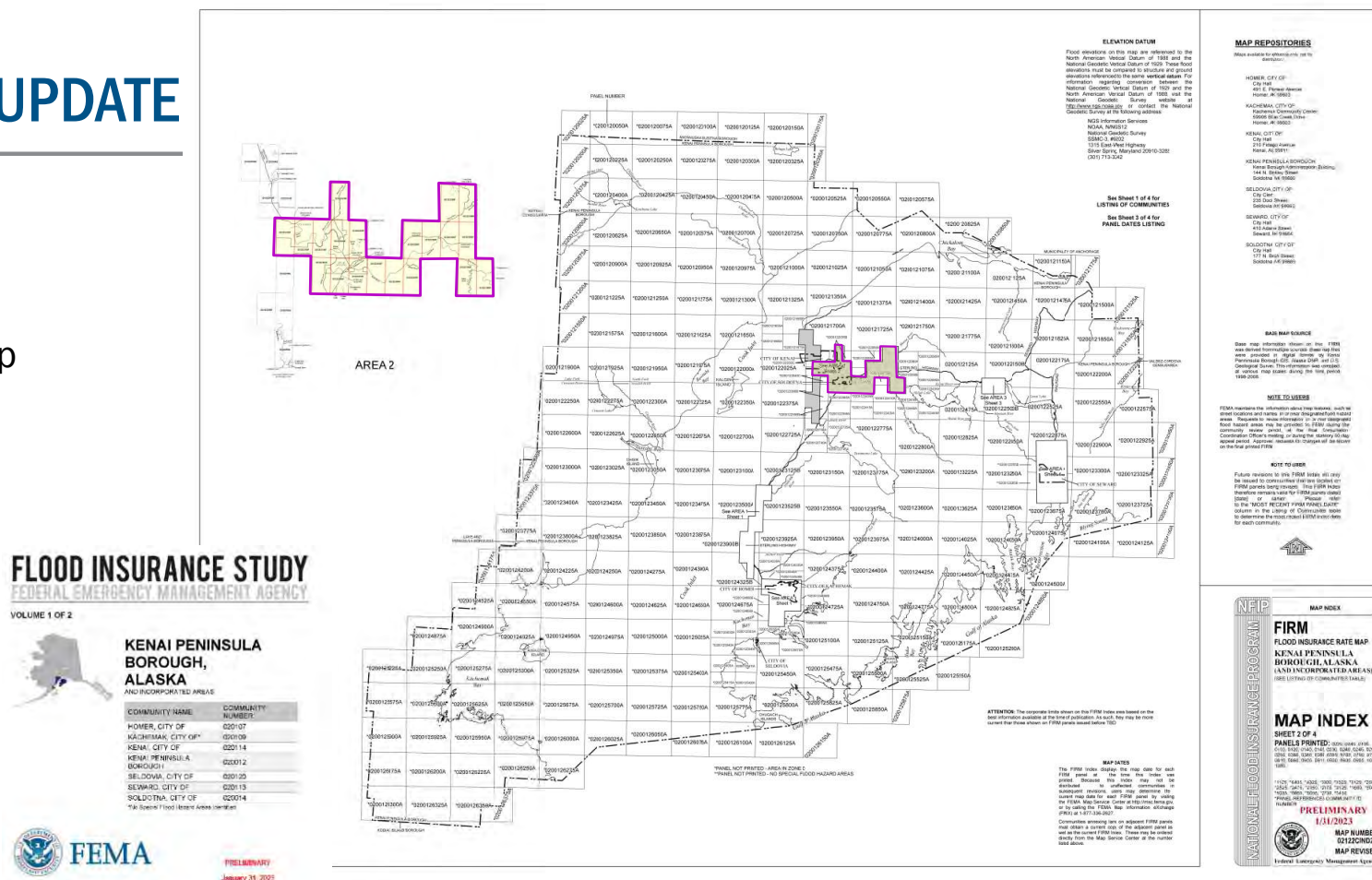
**FEMA**

Federal Emergency Management Agency

2

## THIS MAPPING UPDATE

- Four index pages.
- Total of 20 Flood Insurance Rate Map (FIRM) panels.
- Two volumes of the Updated Flood Insurance Study (FIS).



# FEMA

**REVISED:**  
TBD  
FLOOD INSURANCE STUDY NUMBER  
02122CN0010  
Version 1 June 2010

PRELIMINARY  
January 31, 2021

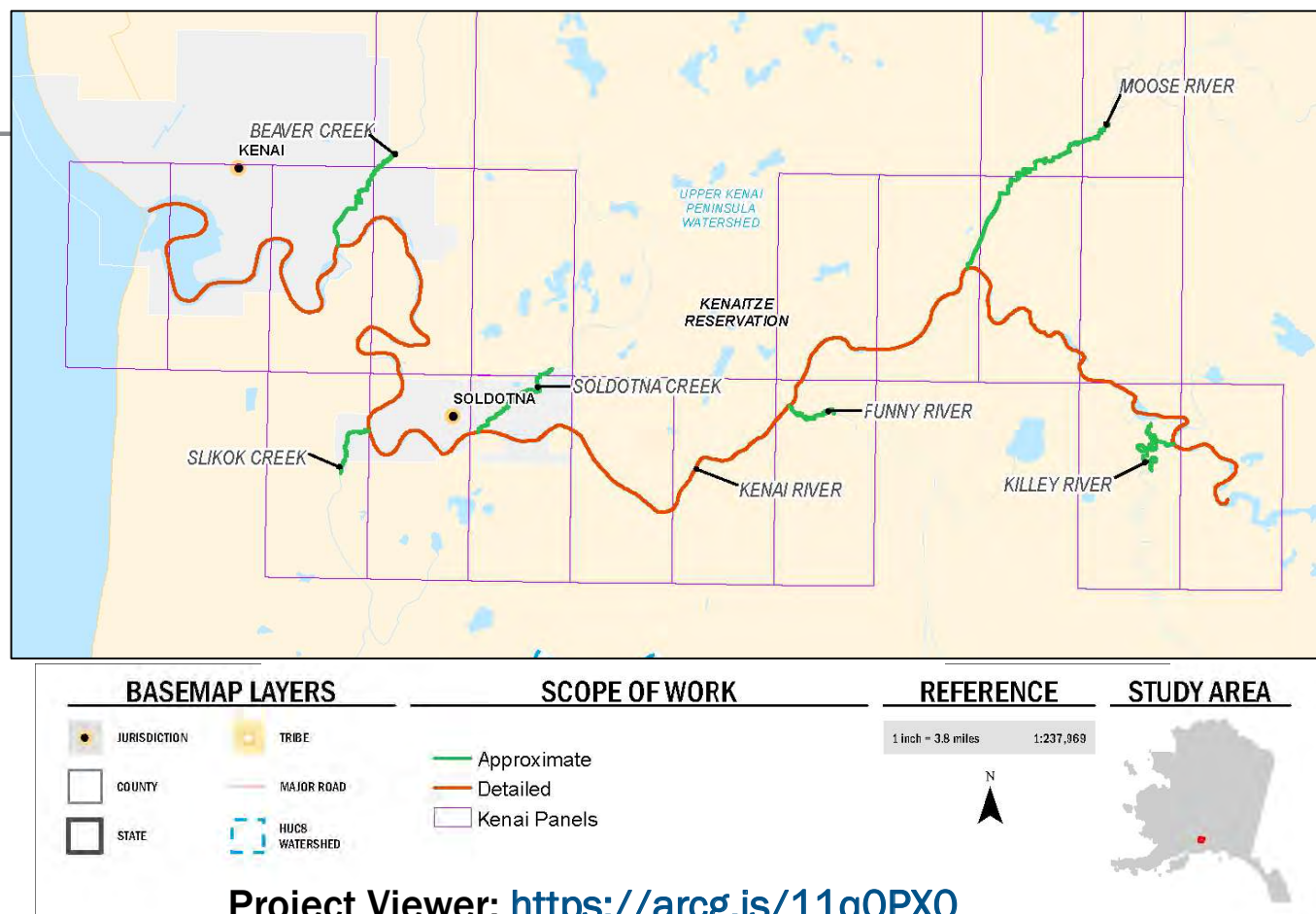
Federal Emergency Management Agency

CV

## SCOPE OF WORK

This study covered:

- Detailed streams.
  - Kenai River (47.3 mi.)
- Approximate streams.
  - Beaver Creek (3.3 mi.)
  - Funny River (1.7 mi.)
  - Killey River (2.7 mi.)
  - Moose River (6.0 mi.)
  - Slikok Creek (1.8 mi.)
  - Soldotna Creek (3.1 mi.)



**FEMA**

Federal Emergency Management Agency

4

## WHAT ARE THE BENEFITS OF FLOOD MAPS?



**Identify and  
Assess  
Flood Risk**



**Establish Flood  
Insurance  
Purchase  
Requirements**



**Support  
Local Land Use  
& Floodplain  
Management**



**Inform Engineers  
and Developers**



**Equip Emergency  
Managers**



**FEMA**

Federal Emergency Management Agency

5



## WHAT IS THE NFIP?

The National Flood Insurance Program (NFIP) aims to reduce the impact of flooding by:

- Reducing disaster costs.
- Reducing loss of life and property.
- Providing insurance to property owners, renters, and businesses.
- Supporting community adoption and enforcement of floodplain management regulations.

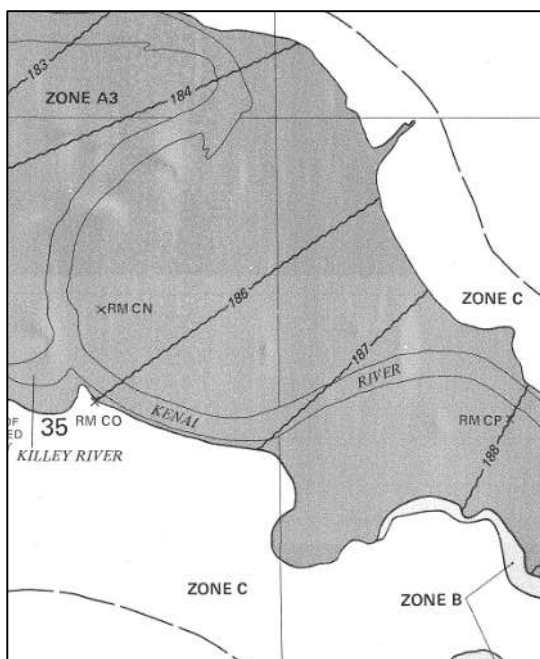


FEMA

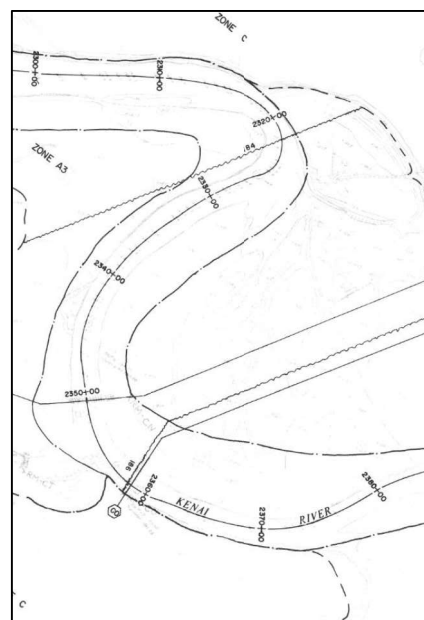
Federal Emergency Management Agency

6

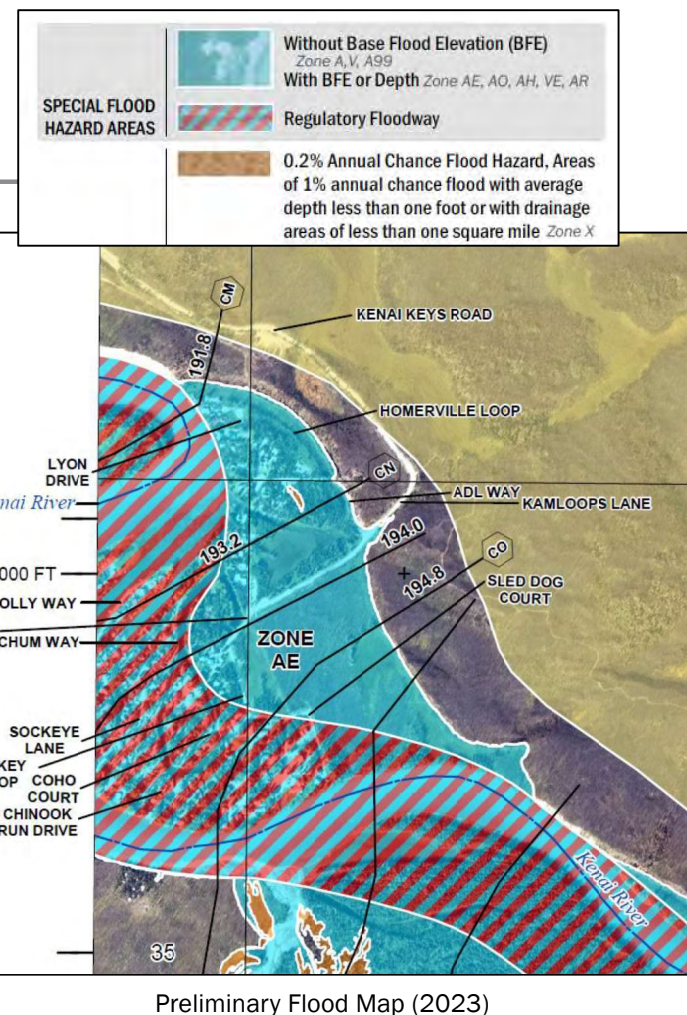
# EFFECTIVE TO PRELIMINARY MAP EXAMPLES



Sample Effective Map (1981)



Sample Effective Floodway Boundary Map (1981)



Preliminary Flood Map (2023)



FEMA

Federal Emergency Management Agency

7

Structure Assessment (Map Viewer):  
<https://arcg.is/1a4naT>

## ESTIMATED PROPERTY IMPACTS

### Effective vs. Preliminary: Estimated Impacts Within the Special Flood Hazard Area (SFHA)

INDIVIDUAL STRUCTURES:					
JURISDICTION	STRUCTURE COUNT (STUDY AREA)	REMAINS OUTSIDE SFHA	REMAINS IN SFHA	ADDED TO SFHA	REMOVED FROM SFHA
Kenai, City of	159	147	3	4	5
Soldotna, City of	234	171	3	2	58
Kenai Peninsula Borough, Unincorporated Areas of	1,793	759	766	161	107
<b>Total</b>	<b>2,186</b>	<b>1,077</b>	<b>772</b>	<b>167</b>	<b>170</b>

TOTAL COUNTS:						
JURISDICTION	STRUCTURE COUNT (STUDY AREA)	IN SFHA (EFFECTIVE)	OUT SFHA (EFFECTIVE)	IN SFHA (PRELIMINARY)	OUT SFHA (PRELIMINARY)	NET CHANGE
Kenai, City of	159	8	151	7	152	-1
Soldotna, City of	234	61	173	5	229	-56
Kenai Peninsula Borough, Unincorporated Areas of	1,793	873	920	927	866	54
<b>Total</b>	<b>2,186</b>	<b>942</b>	<b>1,244</b>	<b>939</b>	<b>1,247</b>	<b>-3</b>



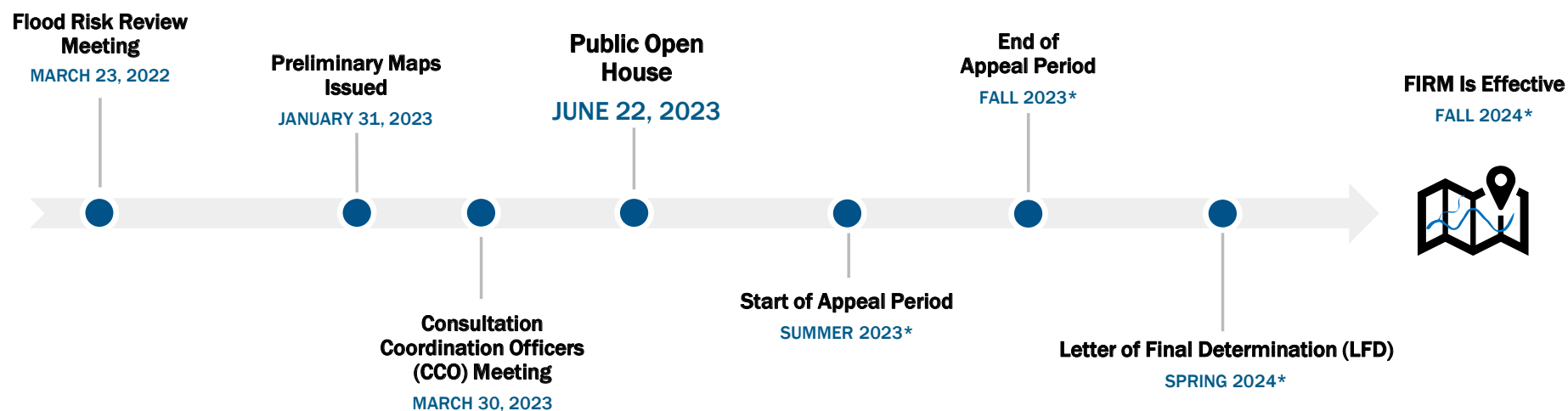
FEMA

Federal Emergency Management Agency

8

## TIMELINE TO EFFECTIVE MAPS

Once FEMA issues the Letter of Final Determination (LFD), communities have six months to update their regulations. They must adopt the study before the data become effective. *If they do not, they can be suspended from the NFIP.*



\* All projected dates may change as the project progresses.



**FEMA**

Federal Emergency Management Agency

9



## PUBLIC OPEN HOUSE

### PROPERTY ID and DIGITAL MAPPING

- Provides property owners with a map of their property and explains the flood zone and risks on or near it.

### FLOOD STUDY/ENGINEERING

- Explains the methodology, data, and technical analysis details of the study.
- Discusses the comments and appeals process.

### FLOODPLAIN REGULATIONS

- Describes the NFIP and building requirements and restrictions.

### FLOOD INSURANCE

- Details insurance policy options and rating methods.

Thursday, June 22  
5:30-7:30 p.m.  
Donald E. Gilman River Center  
514 Funny River Road

#### KENAI PENINSULA BOROUGH FLOOD RISK OPEN HOUSE RESOURCE TABLES



##### PROPERTY IDENTIFICATION AND DIGITAL MAPPING / PROPERTY LOOKUP

At the Property Identification and Digital Mapping station we offer by-request printing of maps which show individual properties and the flood zone. These maps can help you to determine if you're in a flood zone or floodway and what the risks are on, or near, your property. You can take that map to the other stations to get more detail on specifics about your property.



##### FLOOD INSURANCE / INSURANCE INFORMATION

The Flood Insurance table is your go-to resource to speak with insurance specialists. You can find out if your property must have flood insurance, how insurance can benefit you, what the insurance rate structures are in your zone, and how you can get the lowest rate.



##### FLOOD STUDY AND ENGINEERING / ENGINEERING STUDY

At the Flood Study and Engineering station you can speak with experts about the flood mapping process. You can also learn how Special Flood Hazard Areas (SFHAs) are determined, ask about your property and designated flood zone, and learn what to do if you think your house is outside of the SFHA.



##### FEMA FLOODPLAIN REGULATIONS

Visit the FEMA Floodplain Regulations station to learn about building requirements and restrictions in your flood zone or floodway. This will help you stay in compliance with the National Flood Insurance Program.



FEMA

## SUBMITTAL OF APPEALS AND COMMENTS

---

### Appeals:

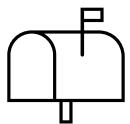
- Technical information or data that result in further analysis and a major change to the preliminary map.

### Comments:

- Other information that does not result in a major map change.

### Procedure:

- Submit to the community (preferred) to forward on to FEMA  
or
- directly to the FEMA Regional Service Center via mail or email ([RSC10@STARR-team.com](mailto:RSC10@STARR-team.com)).



FEMA Region 10 Service Center  
20700 44th Ave W, Suite 130  
Lynnwood, WA 98036

Please also consider a cc to:

- Dale Meck, [dale.meck@fema.dhs.gov](mailto:dale.meck@fema.dhs.gov) (FEMA Project Monitor)
- Matt Witosky, [matt.witosky@stantec.com](mailto:matt.witosky@stantec.com) (STARR II Project Manager)

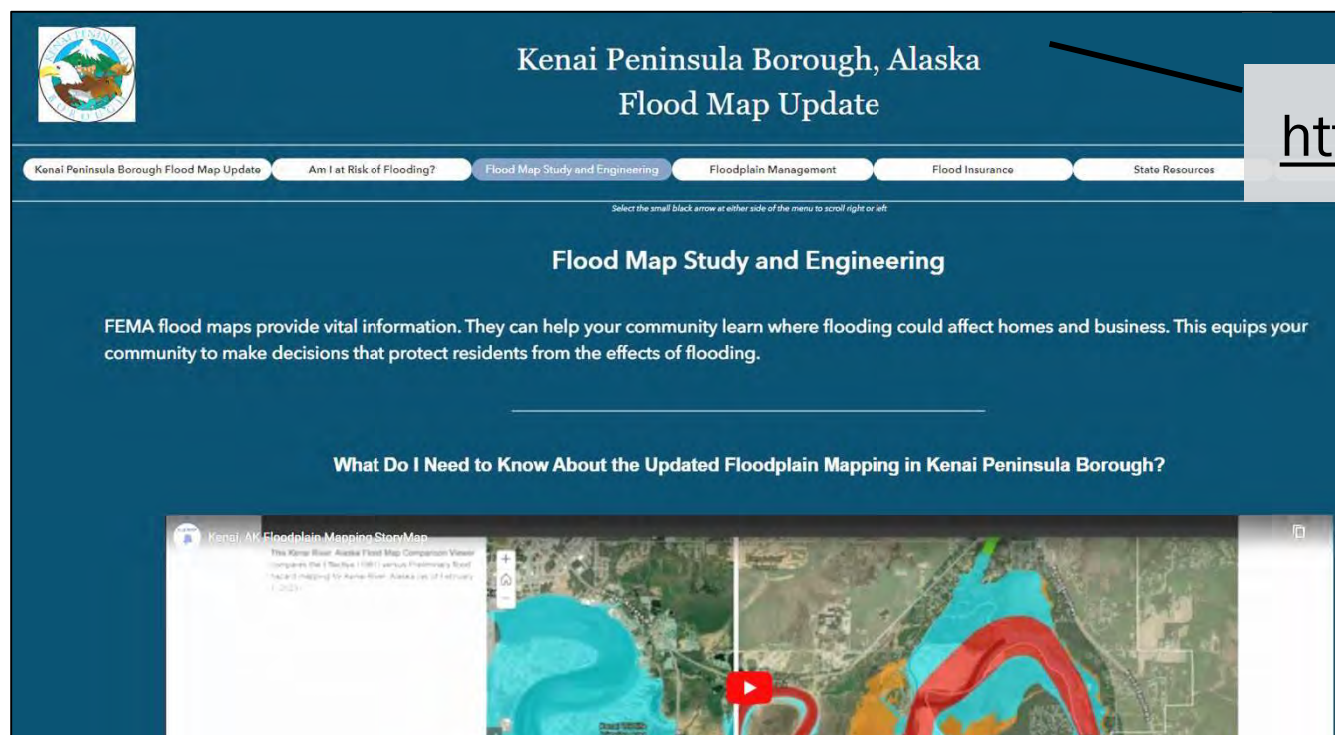


**FEMA**

Federal Emergency Management Agency

11

## VIRTUAL RESOURCE - FLOOD MAP UPDATE SITE (“STORY MAP”)



**Kenai Peninsula Borough, Alaska  
Flood Map Update**

Kenai Peninsula Borough Flood Map Update   Am I at Risk of Flooding?   **Flood Map Study and Engineering**   Floodplain Management   Flood Insurance   State Resources

Select the small black arrow at either side of the menu to scroll right or left

### Flood Map Study and Engineering

FEMA flood maps provide vital information. They can help your community learn where flooding could affect homes and business. This equips your community to make decisions that protect residents from the effects of flooding.

#### What Do I Need to Know About the Updated Floodplain Mapping in Kenai Peninsula Borough?

Kenai, AK Floodplain Mapping Story Map

This Kenai River, Alaska Flood Map Comparison Viewer compares the 1984 FIRM (1) versus Preliminary Flood Hazard Mapping for Kenai River, Alaska (as of February 1, 2023).

<https://arcg.is/1yzGbq>



**FEMA**

Federal Emergency Management Agency

12

## STORY MAP FEATURES

---

- 1 View, download or request a personalized map of your property or land.
- 2 Visit the Flood Study/Engineering tab to learn more about the science behind the map update.
- 3 Learn more about flood insurance and contact a specialist to talk about your policy options.
- 4 Learn more about the NFIP and local floodplain regulations.
- 5 Find contact information for the person or team that can best answer your flood map and NFIP questions.



**FEMA**

Federal Emergency Management Agency

13



# THANK YOU!



FEMA

# **DESK PACKET**

**(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)**

## **G. OTHER**

1. FEMA Presentation; FEMA Kenai River Flood Map Update

# KENAI PENINSULA BOROUGH'S FLOOD MAP IS CHANGING

## DO YOU KNOW YOUR RISK?

ATTEND THE FLOOD RISK OPEN HOUSE TO  
SPEAK WITH A SPECIALIST AND ASK  
QUESTIONS.

JOIN US:  
**THURSDAY,  
JUNE  
22**

5:30–7:30 p.m.



The Donald E.  
Gilman River Center  
514 Funny River  
Road, Soldotna, AK  
99669

### NO TIME LIKE THE PRESENT

Flooding can happen without warning. Everyone, regardless of their property's flood zone, should take steps to protect themselves from disaster.



### ALL ARE WELCOME

Understanding flood risk may seem complicated, but it does not have to be. An open house is a great time for you to connect and engage with community officials and FEMA representatives to better understand your flood risk.



Questions? Visit [Floodsmart.gov](https://www.floodsmart.gov) to learn more.

To view the revised map and find your

property online, visit: [bit.ly/kpbmapupdate](https://bit.ly/kpbmapupdate)



# **DESK PACKET**

**(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)**

## **MISC. INFO**

- Cooper Landing APC 06-07-23 Meeting Minutes
- Hope/ Sunrise APC 06-07-23 Meet Minutes
- Kachemak Bay APC 06-05-23 Meeting Minutes
- Moose Pass APC 06-08-23 Meeting Minutes
- KPB Slash Disposal Flyer



**COOPER LANDING ADVISORY PLANNING COMMISSION  
REGULAR MEETING  
LOCATION: COMMUNITY HALL AND ZOOM TELECONFERENCE  
WEDNESDAY, JUNE 7, 2023  
6:00 PM  
UNAPPROVED MINUTES**

1. CALL TO ORDER – 6:01pm
2. ROLL CALL - --H. Harrison, Y. Galbraith, D. Story present. K. Recken, L. Johnson, attending via Zoom. J. Cadieux, C. Degernes excused.
  - a. Patrick Cotter – RESPEC, Alice Rademacher - HDR, Alvin Talbert – DOT&PF, Shawn Combs – DOT&PF, Bryan Gallagher – QAP, Marcus Mueller – KPB Land Management Officer, Ryan Raidmae – KPB Planner
  - b. Candy Fitzpatrick, Alex Kime, David Nees, Christine Nees
3. APPROVAL OF AGENDA - Y. Galbraith moves to approve the agenda as written, L. Johnson seconds. All approve by roll call vote.
4. APPROVAL OF MINUTES for May 3, 2023 – Y. Galbraith moves to approve the minutes as written. L. Johnson seconds. All approve by roll call vote.
5. BOROUGH BUSINESS
  - a. REPORTS
    - i. PLANNER REPORT – none.
    - ii. Draft Unit 395 Land Plan, Patrick Cotter, RESPEC Principal Planner gave a presentation on the plan:
      1. P. Cotter said the goal of presentation tonight is to provide an overview of the project with info on edits made since the March presentation.
      2. He said the current plan and appendices are available online. [\[https://www.unit395planning.com/plan-draft\]](https://www.unit395planning.com/plan-draft)
      3. He said the public comment period is through July 22.
      4. P. Cotter said some of the general highlights of the plan itself include:
        - a. Resource management
        - b. Recreation
        - c. Cultural preservation
        - d. Wildlife management
    5. Existing Plan Review
      - a. Available online as a plan appendix.
      - b. The review looked at previous plans and appendix lists the relevant plans used.
    6. Public Involvement Summary
      - a. Listed the public meetings held and number of participants at each.

- i. 9/20/2022 at the Cooper Landing Brewery, 10 attendees.
    - ii. 9/21/2022 – Community Hall, 20 attendees.
    - iii. 11/16/2022 – Community Hall (with hybrid Zoom) - 10 attendees.
    - iv. 3/8/2023 – Community Hall (with hybrid Zoom) - 25 attendees
    - v. Approximately monthly updates via Zoom at the CLAPC meetings since that time with varied attendees
  - b. P. Cotter described areas that public involvement demonstrated conflicting ideas:
    - i. Affordable Housing
      - 1. Highly variable opinions regarding how to address this issue.
  - c. He also described where there was general agreement between participating members of the public:
    - i. Need for more housing for year-round residents.
    - ii. Protecting Squilantnu Archeological District
    - iii. Protecting wildlife
    - iv. Supporting recreation
    - v. Maintaining Cooper Landing’s character
    - vi. Preventing access to Unit 395 from bypass – no “Cooper Landing West”
- 7. P. Cotter presented the plan’s Development Recommendations
  - a. Planning use for recreation and resource management with a slice included for potential residential development.
  - b. Long term plan would be to take advantage of the use and reclamation of the materials sites planned to be used as a part of the Sterling Hwy. MP 45-60 Project to build out potential residential and recreation areas.
- 8. He said other elements that are to be added to the final draft include:
  - a. A very high level cost benefit analysis
  - b. A tailored narrative including services and information, voices and images of the community if desired.
  - c. Updates based on public comment period.
- 9. He said next steps include:
  - a. Public comment period through July 22
  - b. Edits based on public feedback
  - c. Review by Planning Commission
  - d. Land classification recommendation presented to Assembly.
- 10. Pat Cotter
  - a. [Patrick.cotter@respec.com](mailto:Patrick.cotter@respec.com)
  - b. 907-978-8596

11. Commissioner Questions

a. None

12. Public Questions

a. None

13.

iii. Conditional Land Use Permit (CLUP) Colaska Inc- QAP KPB 395

1. Ryan Raidmae, KPB Planner

- a. Application for material extraction and processing planned to be used on the Sterling Hwy MP 45-60 project. After use of this materials site is completed for this purpose it will be maintained by the KPB.
  - b. Site is to be accessed via pioneer road near MP 53.2
  - c. Buffers are planned to be 50' or greater of vegetation.
  - d. No groundwater found with test wells less than 18' deep and surface water will be protected using processes listed in the application plan.
  - e. Expected volume of material harvested is 40,000 cubic yards. Small operation exception will waive bonding needs.
2. Y. Galbraith moves to recommend approval of the CLUP. L. Johnson seconds. All approve by roll call vote.

b. PLATTING

- i. ANY NEW PLATS – none.
- ii. NOTICE OF DECISION ON PLATS – none.

6. OLD BUSINESS

- i. OLD BUSINESS ITEMS – none.

7. NEW BUSINESS

- i. NEW ITEMS – none.

8. PUBLIC COMMENT/PRESENTATION if any

- a. PRESENTATIONS: DOT&PF Sterling Hwy MP 45-60 Project report and questions/answers. Jonathan Tymick, PE, Project Manager
  - i. Site visit from Federal Highways to look at Stage 1A and other components planned.
  - ii. Project managers will also meet with the USFS at the Juneau Falls Trailhead and overlook to assess the USFS needs for the overlook and parking facility.
    - 1. To determine the needs for a geotechnical assessment of the overlook plan.
    - 2. Hoping to learn more about how facility will be managed ex. planning for overnight parking etc. to support typical use of Resurrection Pass in addition to intermittent day traffic.

iii. Juneau Creek Bridge is nearing 95% design. On track to have it stamped and finalized in August but state fiscal year budget may not fully allow for its funding.

1. Y. Galbraith asked for clarification of the budget issue.

a. J. Tymick said that the AK legislature did not fully fund the project budget for FY 2023-2024 which may not allow the award of the bridge project contract for up to 18 months.

b. He said one potential outcome of the bridge project not able to be awarded may mean existing contractors could end up demobilizing in the interim which could have significant effects on the overall cost of the project.

c. He said the two major portions of the requested [approximately] \$300 million are Phase 2 - the Juneau Creek Bridge - and Phase 1B.

b. KPB Land Management- Land surveyor working in Quartz Creek Area (along the road and waterways) throughout the summer beginning the week of June 12<sup>th</sup> and notice will be published in the crier on June 8<sup>th</sup>. Contact KPB LM division at 907-714-2205 for more information

i. M. Mueller said Edge Surveying is starting as early as next week along Quartz Creek Road and Quartz Creek itself.

1. He said it is a step that is required before the State will issue patent to the KPB.

2. He said that the State will retain 200' along Quartz Creek and this is a part of the surveying.

3. Y. Galbraith asked what the KPB wants to do with the property.

a. M. Mueller said

i. the Cooper Landing Land Use plan classifies most of it as preservation and recreation.

ii. There are not specific plans past yet past getting the lands transferred.

4. D. Nees asked how much land is being surveyed.

i. M. Mueller said 300 Acres.

5. L. Johnson asked if a map is available.

i. M. Mueller said he would send it to commissioners and asked for the APC to post it to the Cooper Landing Crier.

## 9. COMMISSIONER COMMENTS

a. D. Story said that it seems like it makes sense to ask our state legislators for more clarification on the Legislature's decision to not fully fund the Sterling Highway MP 45-60 project when it could delay progress by more than a year and end up costing more money to complete.

10. ADJOURNMENT – Y. Galbraith moves to adjourn. K. Recken seconds. All approve.  
6:43pm



For more information or to submit comments please contact:

Contact the Cooper Landing APC at:

- For email visit: <https://www.kpb.us/planning-dept/planning-commissions/cooper-landing-apc/email-cooper-landing-apc>
- Send USPS mail to: Kenai Peninsula Borough Planning Department, Attn: CLAPC 144 N Binkley, Soldotna, AK 99669

Hope/Sunrise Advisory Planning Commission Meeting  
Regular Meeting Unapproved Minutes  
7 P.M. June 7, 2023  
Hope Social Hall and via Zoom

1. The meeting was Called to Order by Jim Skogstad at 7:02 P.M.
2. Members present were Jim Skogsted, Flip Foldager, Jessie Maguire and Johnny Sorenson
3. The agenda was approved
4. The minutes of the April 5, 2023 Meeting and the Minutes of the March 31, 2023 work session were approved. The planned Meeting of May 3, rescheduled to May 10, 2023 did not have a quorum and had been canceled.
5. There was no Borough business and no Borough representative via Zoom. There was no public present or on Zoom.
6. Old Business: The proposed 2023 Hope Land Use Plan is posted on the borough website. It is accessed via the Kenai Peninsula Borough Planning Home, then Advisory Planning Commissions, Hope/Sunrise APC, 2023 Meetings, June 7, 2023 Meeting, Supporting Documents. Members will review and possibly make minor changes at the next meeting. It is open for the public to review and make comments to the Commission.
7. New Business: The Sunrise Land Use Plan will be reviewed after the Hope section of the plan has been finalized. The schedule will be sometime this fall.
8. There were no public announcements.
9. The next meeting date will be July 5, 7:00 P.M.
10. The meeting was adjourned at 7:30 P.M.

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

**KACHEMAK BAY ADVISORY PLANNING COMMISSION**  
**Unapproved Meeting Minutes**  
**MONDAY JUNE 5, 2023 - 7:00 PM**

1. CALL TO ORDER, called to order 7:05 pm

2. ROLL CALL

Present: Penelope Haas, Seat A; Hal Shepherd, Seat B; Owen Meyer, Seat C; Courtney Cox Brod, Seat D; Willy Dunne, Seat G

Excused: Louise Seguela, Seat E

Staff: Ryan Raidmae, KPB Planner

3. APPROVAL OF AGENDA

Agenda approved with the addition of Fox Sparrow plat, KPB 2023-060

4. APPROVAL OF May 1, 2023 MINUTES

Minutes approved as submitted

5. BOROUGH BUSINESS

a. REPORTS

i. PLANNER

Nothing to report

b. PLATTING

i. NOD for KPB 2023-026V, no comment

ii. NOD for KPB 2023-026, no comments

iii. NOD for KPB 2023-042

General discussion regarding exceptions made by PC to accommodate steep slopes which are difficult or impossible to develop. Ryan indicated the PC often approves exceptions to plats, otherwise properties could not be transferred. He also said Borough has no authority or duty to warn potential buyers about site limitations. There is a concern among the APC members that buyers could be stuck with land they cannot develop even though the PC approved plats with steep slopes and/or wetlands.

iv. NOD for KPB 2023-024V, no additional comments

v. NOD for KPB 2023-044, no additional comments

vi. Patch Subdivision, KPB 2023-030R1:

**Motion: The KBay APC recommends that before approval, the Plat Committee and Planning Commission require wetlands be indicated on this plat as required by KPB Code 20.25.070 h.**

Discussion around the “drainage” indicated on plat and if that is a creek, KPB Code requires adjacent wetlands be delineated. **Motion passed without objection.**

There are also concerns about the low lying nature of the parcel resulting in poor drainage and potential flooding if a road is constructed in the proposed ROW. Site conditions also could result in wastewater systems having adverse effects on neighboring parcels.

vii. Fox Sparrow Subdivision KPB 2023-060

It was noted that the easternmost portion of this parcel is extremely wet.

**Motion: The KBay APC recommends the Planning Commission consider ways to protect wetlands in light of the recent SCOTUS decision in Sackett v EPA.** Discussion included ideas for potential Code changes to protect wetlands if the EPA no longer has that authority. If we (the Borough) continues to approve plats with substandard drainage and steep slopes, the taxpayers will be faced with paying to fix problems like the flooding being mitigated by KPB in the KBeach area. Poor drainage and adverse site conditions can also result in septic systems adversely impacting adjacent residents. **Motion passed without objection.**

6. OLD BUSINESS

a. Future meeting location and format:

Louise will continue to work with KBNERR to have a space for hybrid in person/Zoom meetings.

7. NEW BUSINESS

a. Schedule site visit to Gibson Ag Lease on Basargin Rd.

Commissioners indicated an interest in visiting the site in early August. Courtney will contact the lease holder to schedule a time to meet on site.

b. FY24 APC budget discussion

The FY24 budget being considered by KPB Assembly includes \$15,800 for APCs under “Contractual Services”. Ryan indicated these funds can be used to cover costs for meeting spaces and incidental supplies like paper, ink cartridges, mailings, etc. Equipment cannot be purchased with these funds.

8. PUBLIC COMMENT/PRESENTATION: none

9. COMMISSIONER COMMENTS

We thanked Owen Meyer for his service on the APC and wish him well as incoming President of the local Rotary Club.



## 10. ADJOURNMENT

Adjourned at 8:08 pm.

Next meeting will be at 7:00 pm on Monday August 7, 2023 (no meeting in July)

**MOOSE PASS ADVISORY PLANNING COMMISSION**  
**REGULAR MEETING**  
**LOCATION: MOOSE PASS SPORTSMAN CLUB AND ZOOM TELECONFERENCE**  
**THURSDAY, DATE June 8<sup>th</sup> 2023**  
**6:00 P.M.**  
**Draft meeting notes**

Monica Adams, Jennifer Boyle, Kevin Dunham, Jeff Estes, Jeff Hetrick, Bruce Jaffa, David Pearson

In accordance with the changing COVID-19 pandemic and CDC guidelines, the Thursday, May 4, 2023 meeting will be both physically open to the public and available for online or telephone participation.

To join the meeting from a computer, visit <https://us06web.zoom.us/j/5787372110>. To attend the Zoom meeting by telephone, call toll-free **1-888-788-0099** or **1-877-853-5247** and enter the Meeting ID **578 737 2110**. If you connect by computer and do not have speakers or a microphone, connect online and then select phone for audio. A box will come up with toll free numbers, the Meeting ID, and your participant number. You may join the meeting physically at the Moose Pass Sportsman Club.

1. CALL TO ORDER: 6:00 pm
2. ROLL CALL: Monika A., Bruce J, Jeff E., **Dave Pearson**, Kevin D., Julie H., Ryan R, (KPB Permitting), Jeff H.
3. APPROVAL OF AGENDA: Dave motion, Kevin 2<sup>nd</sup>. All approved
4. APPROVAL OF MINUTES
  - a. "MEETING DATE" May 4<sup>th</sup> 2023. Jeff H. motion. Jeff E. 2<sup>nd</sup>. All approved
5. BOROUGH BUSINESS
  - a. REPORTS
    - i. PLANNER REPORT: Julie H: 48 responses to survey. No platting items at this time.
  - b. PLATTING: None
  - c. Application by QAP for Gravel at Crown Point
    - Ryan R. described application: applications submitted by QAP. Material from RR Corp land. Used by Bristol corp in 2012. Proposed route is unavailable at this time due to other activity. QAP is investigating alternative route. Applicant requested night work. But variance is not necessary for what they are proposing. So variance is withdrawn. Reclamation will be done. Use will occur for approx. 3 years. Bonding will be required. Public notice went to landowners ~~on May 17<sup>th</sup>~~. **In Late May or early June** KPB **PC Staff** determined that application meets standards and recommends that Planning Commission approve CLUP.

Dave P: Is the work they are doing different than the work described in the public notice. Ryan: They will not be doing any rock crushing. Will likely not be doing any asphalt at this location.

Jeff E: Will they be sorting/shaking Gravel at night? Ryan: Yes

Dave P.: Is there a decibel standard? Ryan: No. It is loud but not as loud as crushing.

Jeff E: Question about DOT requirements for night work. Ryan: DOT requirements only apply to road work. Not gravel sorting.

John S: Contractor can do whatever they want on site, with no oversight from DOT. What do we need to do to impose standards to protect local residents? Ryan: It is written into the ordinance that if DOT does not have oversight, they do not need to get clearance for their activities.

Bruce J: What are the six borough standards that need to be adhered to

- protects against lowering w water source
- protection to adjacent properties
- protection against noise disturbance
- protection for dust abatement
- allow for post mining resource use
- (missed by recorder) **Protection of visual impacts** .

Bruce emphasized the noise disturbance.

Julie mentioned that the crushing is the only thing that would violate the noise ordinance. But they are not doing that. We can request voluntary cooperation.

David P: What is meant by allow for post mining resource use? Ryan: Looking for stabilized condition of the area once the resource is removed.

David P: Is it common to do test pits for a project this size. Ryan: They did do tests, but shallow. Because there are existing wells nearby they did not need to do test wells.

Jeff E: When did they do test wells? April and May are low water months? Ryan: didn't know.

David P: They do not have egress plan? Would you issue a permit for a project without an egress? Ryan: They gave us a proposed ingress/egress, but then said it would not work. Ordinance requires submission of plan, but it does not need to work. Concerns about QAP using Solar Mountain road. The RR does not want them to do this. Is the borough going to let them build a new road? That is their new proposal. It has not been vetted by other agencies. If it is on RR property borough cannot stop it. It would be up to DOT to approve another entrance to the highway.

Dave P: What is our action on this tonight? Bruce: we can approve, disapprove, or request conditions.

Gary Lindquist: Brings up noise ordinance and why it is in place. Call it what you will but it is meant to prevent loud noises at night. Also, the 50-foot green screen is too small. Suggest 100–150-foot screen.

John S. IF there is no decibel requirement, how do we enforce anything?

Bruce J: Odd that applicant waited until the 17<sup>th</sup> of May to file application and asked for it to be valid on the 15<sup>th</sup>. They knew they were going to need this gravel for years. How does this mesh with the Tutka quarry permit, who altered their hours of operation in deference to the community? Two similar operations in the same area are not being held to the same conditions. Poorly thought-out application, not enough research done. Static levels of wells around there is 15 feet.

Jeff E: This site is much closer to the bedrock than any of the adjacent wells that they are comparing to. It is likely that the water table will be shallower. Ryan: If they dig down and hit water, they have to reduce their level of digging to stay 2 feet above the water table.

Dave P: Why do they need to sort the gravel at night? Thinks it should be denied.

Jeff motion to approve CLUP. Dave P 2<sup>nd</sup>.

Discussion: Jeff H. DOT has not allowed anyone to build driveways to access to Seward Highway, but now they are willing to approve new road for truck access in a residential notion. Question the "public meeting held June 12 and clup was approved". Julie. When they know it is coming to a meeting they put it in there as if it is approved.

Jeff motion to amend motion to **add voluntary compliance of 10 foot test holes, addition dust and noise controls. No operation between 8pm and 8am. Dave P 2<sup>nd</sup>. Motion carries with approval from 5 apc commissioner. Jeff Hetrick opposed.**

Monika: Solar Mountain road is FS easement to cross the railroad. Borough has not done due diligence if they are considering approval of a permit that would allow contractors to access road easement that is not the borough's.

Vote on motion to approve CLUP.

**Unanimous opposition to motion to approve CLUP. APC does not support approval of CLUP.**

David P: Question as to what the borough is willing to accept for permit proposals given that QAP knows that their egress plan will not work. Julie H encouraged us to reach out to our assembly person to re-write the codes to be more specific and address these specific concerns. The assembly has been having these discussions for months to try and re-write the codes.

Julie H: If community members submitting written comments the Planning Commission 1pm tomorrow.

## 6. OLD BUSINESS

- a. Discuss status of MPAPC Survey: about 48 online surveys have been submitted. Majority of folks want to see bike path extended. Most people are ok with existing speed limits. Lots of support for school, library, sportsmans club. Most comments want to see preservation of historic nature of community and beautify community (get rid of junkyards etc.). Wants to see affordable long term rentals and housing over short term rentals. Online survey open until July 31.



**7. NEW BUSINESS:** None

**8. PUBLIC COMMENT/PRESENTATION**

- a. Russ (mile 24). Came in late but wanted to express concerns about noise associated with CLUP.
- b. Steve: Thinks we should consider becoming a 2<sup>nd</sup> class city so that we have more control over situations like this.

**9. COMMISSIONERS' COMMENTS**

**a. REPORT FROM THE CHAIR: 4 public attend 2 call-ins.**

Bruce: Encouraged people to submit written comments by 1 tomorrow or tune into KPB Planning commission meeting on June 12 (can zoom in).

Kevin: Thanks to Julie for providing contact information for DOT to discuss primrose road. DOT did not respond as they had hoped.

David P: Thanks to Ryan R for being here and answering hard questions. Not opposed to gravel extraction there but frustrated with all the operations.

Monika A: Encourage borough to investigate easements for Solar Mountain and possibly Rock Ptarmigan. Major complications with the fact that FS has the easement for the railroad crossings. Really shocked that the borough accepted the application with an ingress/egress plan that they knew would not work

**10. MISCELLANEOUS:**

**a. MPVFC & EMS status and options**

- i. Non-Profit Community Association: Sportsman's club is currently a non-profit organization but could become a non-profit community association. This could help to fund the VFD.
- ii. Second Class City: Bruce shared publication from the State defining organized boroughs, first class, and second-class cities. We should revisit the discussion to become a second-class city. It would help us in our dealings with the borough. It could also help out the Moose Pass VFD (which is in big trouble). There are pros and cons to this, though. Cost and commitment from community members. We would have to pay a mill rate.
- iii. Becoming a service area. Could help with funding and recruitment. Potential for merging with Cooper Landing Emergency service and Bear Creek Fire department.

**11. ADJOURNMENT:** Jeff H. motion to adjourn. Dave P. 2<sup>nd</sup>. All approved 7:51

**NEXT REGULARLY SCHEDULED MOOSE PASS  
ADVISORY PLANNING COMMISSION MEETING**

The next regularly scheduled Moose Pass Advisory Planning Commission meeting will be held Thursday, DATE in the Moose Pass Sportsman Club, 33675 Depot Road, Moose Pass, AK 99631 and through Zoom at 6:00 p.m.

**CONTACT INFORMATION**

Contact the Moose Pass Advisory Planning Commission at:

Email - visit: <https://www.kpb.us/planning-dept/planning-commissions/moose-pass-apc/email-moose-pass-apc>

On the far right-hand side of the page is a box titled, "Commissioner Information". Scroll to the bottom of the box and select, "Contact the Moose Pass APC".

Send USPS mail to:

Kenai Peninsula Borough Planning Department, Attn: Moose Pass APC,  
144 N Binkley, Soldotna, AK 99669

# SLASH DISPOSAL SITES

## SAVE YOURSELF THE TRIP!

No need to drive all the way across town - KPB is opening three conveniently located sites to make slash disposal even easier

## WATCH FOR THESE SIGNS!

### PUBLIC SLASH DISPOSAL



**OPEN 8am to 6pm Thursday to Sunday**  
TURN HERE and FOLLOW SIGNS



## FREE TO PUBLIC

- For private, non-commercial use
- Accepting slash & small woody debris
- Trunks 5" or smaller in diameter
- **NO** stumps, trash, dirt, or animal waste

## LOCATIONS

- K-Beach
- Ridgeway
- Kasilof

## HOURS

- May 26 - September 3
- Thursday - Sunday
- 8 AM - 6 PM
- Closed on holidays

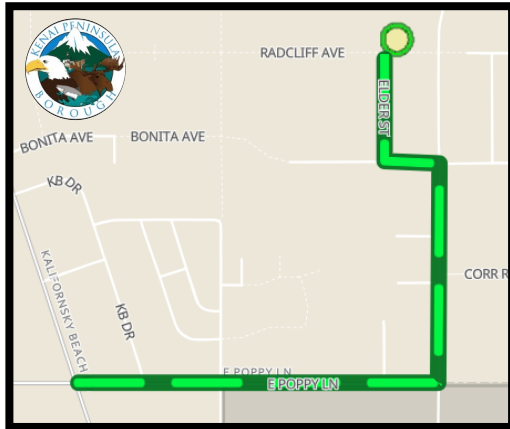
## MORE INFO AT

**KPB.US**



# Slash Disposal Site Locations

## K-Beach



### Directions from K-Beach Rd:

Turn on E Poppy Ln.

(L) Poppy Ridge Rd.

(L) Bonita Ave.

(R) Elder St.

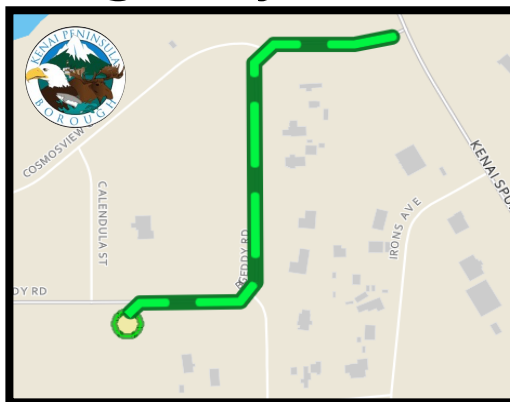
Straight into Site

### Contractor:

Foster Construction, LLC.

(907) 262-1609

## Ridgeway



### Directions from Kenai Spur Hwy:

Turn on Big Eddy Rd.

Follow bends

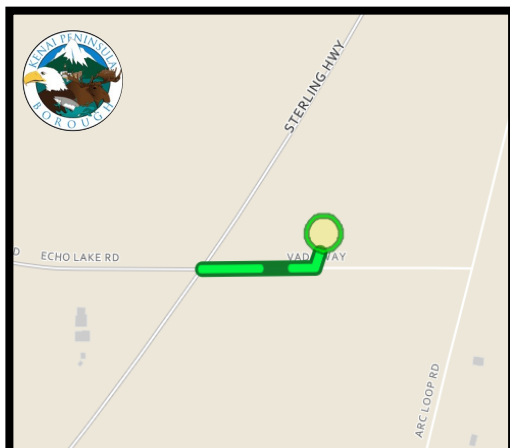
(L) into Site

### Contractor:

Great Northern Construction

(907) 398-3776

## Kasilof



### Directions from Sterling Hwy:

Turn on Vada Way

(L) into Site

### Contractor:

Steam on Wheels, LLC.

(907) 252-2335

Contact the site's contractor with questions/concerns.