



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Planning Commission

Blair Martin, Chair – Kalifornsky Beach
Robert Ruffner, Vice Chair – Kasilof/Clam Gulch
Syverine Abrahamson-Bentz, Parliamentarian – Anchor Point/Ninilchik
Jeremy Brantley – Sterling
Cindy Ecklund – City of Seward
Pamela Gillham – Ridgeway
Davin Chesser – Northwest Borough
Diane Fikes – City of Kenai
Virginia Morgan – East Peninsula
Franco Venuti – City of Homer

Monday, September 27, 2021

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID 208 425 9541

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

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

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

A. CALL TO ORDER**B. ROLL CALL****C. APPROVAL OF CONSENT AND REGULAR AGENDA**

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

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

1. Time Extension Request**2. Planning Commission Resolutions****3. Plats Granted Administrative Approval**

- a. [KPB-3534](#) AA Mattox Subdivision Yakunin Addition
 KPB File 2019-126

Attachments: [AA Mattox Subdivision Yakunin Addition](#)

- b. [KPB-3535](#) Clan Maxwell Estates Avalon Heights Addition No. 5
 KPB File 2020-027

Attachments: [Clan Maxwell Estates Avalon Heights Addition No 5](#)

- c. [KPB-3536](#) Cowan McFarland Subdivision Fritz Replat
 KPB File 2021-071

Attachments: [Cowan McFarland Subdivision Fritz Replat](#)

- d. [KPB-3537](#) Don's Place Subdivision Heazlett Replat
 KPB File 2021-060

Attachments: [Don's Place Subdivision Heazlett Replat](#)

- e. [KPB-3538](#) Eagles Landing Subdivision Brassfield Replat

Attachments: [Eagles Landing Subdivision Brassfield Replat](#)

- f. [KPB-3539](#) Fish Creek Subdivision Chartier 2020 Replat
 KPB File 2020-106

Attachments: [Fish Creek Subdivision Chartier 2020 Replat](#)

- g. [KPB-3540](#) Hawkins View Subdivision 2020 Addition
KPB File 2020-093
Attachments: [Hawkins View 2020 Addition](#)
- h. [KPB-3541](#) Oberts Subdivision No. 2
KPB File 2021-082
Attachments: [Oberts Subdivision No 2](#)
- i. [KPB-3542](#) Slate Subdivision Jensen Addition No 2
KPB File 2020-142
Attachments: [Slate Subdivision Jensen Addition No 2](#)
- j. [KPB-3543](#) Stewardship Subdivision 2021 Replat
KPB File 2021-073
Attachments: [Stewardship Subdivision 2021 Replat](#)
- k. [KPB-3544](#) Tesch Subd 2021 Addition
KPB File 2021-032
Attachments: [Tesch Subd 2021 Addn](#)
- l. [KPB-3545](#) TKC2 Subdivision
KPB File 2021-078
Attachments: [TKC2 Subdivision](#)
- m. [KPB-3546](#) Van Sky Subdivision Number 7
KPB File 2021-012R1
Attachments: [Van Sky Subdivision Number 7](#)
- n. [KPB-3547](#) Wintergreen Subdivision 2020 Replat
KPB File 2020-152
Attachments: [Wintergreen Subdivision 2020 Replat](#)
- o. [KPB-3565](#) Bos'n Landing 2021 Replat; KPB File 2021-062
Attachments: [Bos'n Landing 2021 replat KPB 2021-062](#)
- p. [KPB-3566](#) Alaska State Land Survey No. 2018-30
Attachments: [Alaska State Land Survey No 2018-30 Forest Knolls Subdivision KPB File 2019](#)
- q. [KPB-3567](#) Puffin Acres SVH 2021 Replat; KPB File 2021-013
Attachments: [Puffin Acres SVH 2021 Replat](#)

4. Plats Granted Final Approval (KPB 20.10.040)

- a. [KPB-3548](#) Mullen Homestead Gabriel Addition
KPB File 2021-098

Attachments: [Mullen Homestead Gabriel Addition](#)

5. Plat Amendment Request

6. Commissioner Excused Absences

7. Minutes

- a. [KPB-3555](#) Planning Commission 9/13/21 Meeting Minutes

Attachments: [PC Minutes 091321 Draft](#)

D. OLD BUSINESS**E. NEW BUSINESS**

1. [KPB-3549](#) Utility Easement Alteration
Edgington Subdivision No. 2 (KN 79-195) Lots 3 & 4
KPB File 2021-129V1

Attachments: [1. MAP Vicinity with inset](#)
[2. MAP Aerial Map](#)
[3. Plat Prelim KPB 2021-129V1 Reduced](#)
[4. Staff Report Edgington Sub Sherman Addn UEV KPB 2021-129V1](#)
[5. MAP Utilities](#)
[6. Plat Parent KN 79-195](#)

2. [KPB-3550](#) Right-of-Way Vacation
Vacate a Portion of Fannie Mae Avenue
KPB File 2021-129V

Attachments: [1. MAP Vicinity with inset](#)
[2. MAP Aerial Map](#)
[3. Plat Prelim KPB 2021-129V Reduced](#)
[4. Staff Report Edgington Sub Sherman Addn ROWV](#)
[5. MAP Aerial imagery 2021](#)
[6. MAP UTILITY](#)
[7. Plat Parent KN 79-195](#)
[8. Plat Parent KN 78-79](#)

3. [KPB-3551](#) Building Setback Encroachment Permit
 Lot 1 Block 5 Kenai River Keys Amended
 KPB File 2021-131

Attachments: [1. MAP Vicinity with inset](#)
 [2. MAP Aerial Map](#)
 [3. As-Built Survey](#)
 [4. Staff Report Kenai River Keys Lot 1 Block 5 BSE 2021-131](#)
 [5. MAP Aerial 2021](#)
 [6. Photos](#)
 [7. Resolution Kenai River Keys Lot 1 Block 5 BSE 2021-131 Res 2021-30](#)
 [8. Plat Parent KN 92-44 Amended](#)

4. [KPB-3552](#) Resolution 2021-__: A resolution classifying certain parcels of Borough
 owned land in the Anchor Point Area

Attachments: [1 AP Land Classification Memo](#)
 [2 AP Land Classification RESO](#)
 [3 AP Land Class STAFF RPT](#)
 [4 AP APC Recommendation](#)
 [5 Classification Public Comments 9-14-21_R](#)
 [E4 Comments Desk](#)
 [E4 APAPC Minutes Desk](#)

5. [KPB-3553](#) Resolution 2021-29, Establishing a deadline for submitting written
 comments on matter before the Planning Commission

Attachments: [1. Submittal deadline MEMO](#)
 [2. PC RES 2021-29 Draft](#)

F. PLAT COMMITTEE REPORT

G. OTHER

1. [KPB-3554](#) Setting the Remand Hearing Date ITMO; River Resources LLC

Attachments: [1. River Resources Remand Memo w Orders attached](#)

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS**K. ADJOURNMENT****MISCELLANEOUS INFORMATIONAL ITEMS****NO ACTION REQUIRED****NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held Monday, October 11, 2021 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION**KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215

Phone: toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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

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



Planning Department

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Charlie Pierce
Borough Mayor

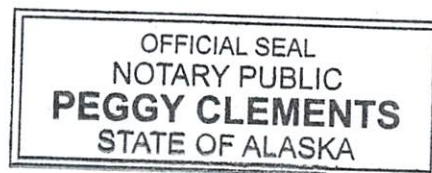
ADMINISTRATIVE APPROVAL

Subdivision: AA Mattox Subdivision Yakunin Addition
KPB File 2019-126
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on **December 16, 2019**. 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 September 9, 2021.

Scott A. Huff
Platting Manager

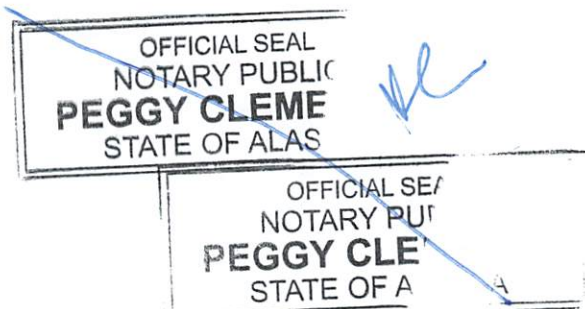


State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 10th day of September 2021
by Scott A. Huff.

Notary Public for the State of Alaska

My commission expires: 7.31.2022



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



Planning Department

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Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Clan Maxwell Estates Avalon Heights Addition No 5
KPB File 2020-027
Seward Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on April 27, 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 September 3, 2021.

Scott A. Huff
Platting Manager

State of Alaska
Kenai Peninsula Borough

OFFICIAL SEAL
NOTARY PUBLIC
PEGGY CLEMENTS
STATE OF ALASKA

Signed and sworn (or affirmed) in my presence this 3rd day of September 2021
by Scott A. Huff.

Notary Public for the State of Alaska

My commission expires: 7.31.2022

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



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Charlie Pierce
Borough Mayor

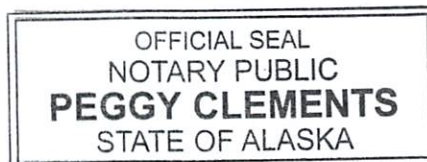
ADMINISTRATIVE APPROVAL

Subdivision: Cowan McFarland Subdivision Fritz Replat
KPB File 2021-071
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on **June 14, 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 September 14, 2021.

Scott A. Huff
Platting Manager



State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 14th day of September 2021
by Scott A. Huff.

Notary Public for the State of Alaska

My commission expires: 9-31-2022

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



Planning Department

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Charlie Pierce
Borough Mayor

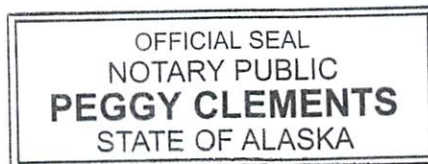
ADMINISTRATIVE APPROVAL

Subdivision: Don's Place Subdivision Heazlett Replat
KPB File 2021-060
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on **May 24, 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 September 14, 2021.

Scott A. Huff
Platting Manager



State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 14th day of September 2021
by Scott A. Huff.

Notary Public for the State of Alaska

My commission expires: 7-31-2022

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Borough Mayor

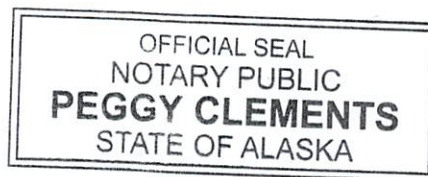
ADMINISTRATIVE APPROVAL

Subdivision: Eagles Landing Subdivision Brassfield Replat
KPB File 2021-070
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on **June 14, 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 September 14, 2021.

Scott A. Huff
Platting Manager



State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 14th day of September 2021
by Scott A. Huff.

Notary Public for the State of Alaska

My commission expires: 7.31.2022

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Charlie Pierce
Borough Mayor

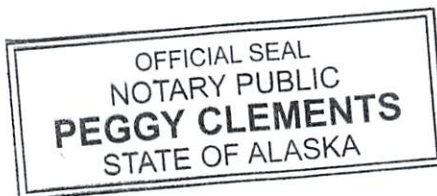
ADMINISTRATIVE APPROVAL

Subdivision: Fish Creek Subdivision Chartier 2020 Replat
KPB File 2020-106
Seldovia Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on September 14, 2020. Approval for the plat is valid for two years from the date of approval.


The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on September 9, 2021.


Scott A. Huff
Platting Manager



State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 9th day of September 2021 by Scott A. Huff.


Notary Public for the State of Alaska

My commission expires: 7.31.2022

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Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

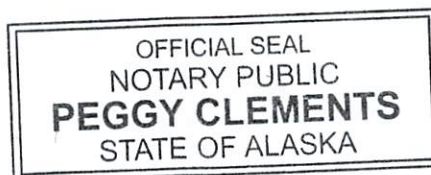
Subdivision: Hawkins View Subdivision 2020 Addition
KPB File 2020-093
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on October 12, 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 September 9, 2021.

Scott A. Huff
Platting Manager

State of Alaska
Kenai Peninsula Borough



Signed and sworn (or affirmed) in my presence this 9th day of September 2021 by Scott A. Huff.

Notary Public for the State of Alaska

My commission expires: 7.31.2022

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Charlie Pierce
Borough Mayor

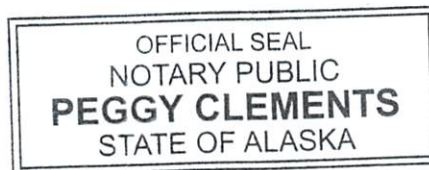
ADMINISTRATIVE APPROVAL

Subdivision: Oberts Subdivision No 2
KPB File 2021-082
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on **June 28, 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 September 15, 2021.

Scott A. Huff
Platting Manager



State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 15th day of September 2021
by Scott A. Huff.

Notary Public for the State of Alaska

My commission expires: 7.31.2022

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Charlie Pierce
Borough Mayor

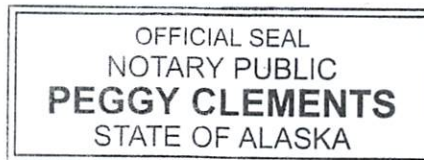
ADMINISTRATIVE APPROVAL

Subdivision: Slate Subdivision Jensen Addition No 2
 KPB File 2020-142
 Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on **December 14, 2020**. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on September 15, 2021.

Scott A. Huff
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State of Alaska
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Borough Mayor

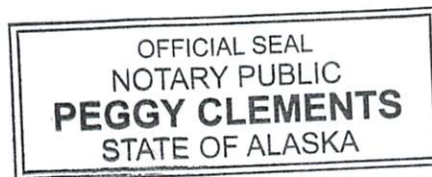
ADMINISTRATIVE APPROVAL

Subdivision: Stewardship Subdivision 2021 Replat
KPB File 2021-073
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on **June 14, 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 September 10, 2021.

Scott A. Huff
Platting Manager



State of Alaska
Kenai Peninsula Borough

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Notary Public for the State of Alaska

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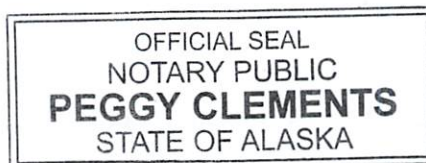
ADMINISTRATIVE APPROVAL

Subdivision: Tesch Subd 2021 Addition
 KPB File 2021-032
 Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on **April 12, 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 September 14, 2021.

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Platting Manager



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Kenai Peninsula Borough

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Charlie Pierce
Borough Mayor

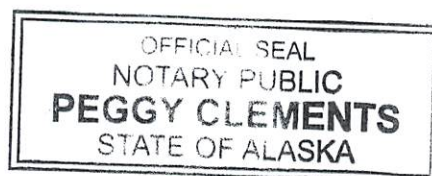
ADMINISTRATIVE APPROVAL

Subdivision: TKC2 Subdivision
KPB File 2021-078
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on **June 28, 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 September 10, 2021.

Scott A. Huff
Platting Manager



State of Alaska
Kenai Peninsula Borough

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by Scott A. Huff.

Notary Public for the State of Alaska

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Charlie Pierce
Borough Mayor

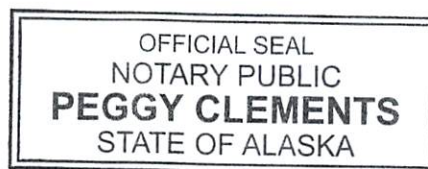
ADMINISTRATIVE APPROVAL

Subdivision: Van Sky Subdivision Number 7
KPB File 2021-012R1
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on **May 10, 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 September 9, 2021.

Scott A. Huff
Platting Manager



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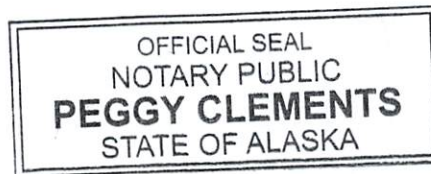
ADMINISTRATIVE APPROVAL

Subdivision: Wintergreen Subdivision 2020 Replat
KPB File 2020-152
Hoer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on January 11, 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 September 9, 2021.

Scott A. Huff
Platting Manager



State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 9th day of September 2021
by Scott A. Huff.

Notary Public for the State of Alaska

My commission expires: 7.31.2022

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

Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Bos'N Landing 2021 Replat
KPB File 2021-062
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on May 24, 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 September 20, 2021.

Scott A. Huff
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 20th day of September 2021
by Scott A. Huff.

Notary Public for the State of Alaska

My commission expires: 05-06-2023

STATE OF ALASKA
JULIE HINDMAN
NOTARY PUBLIC
MY COMMISSION EXPIRES:
05-06-2023

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

Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Alaska State Land Survey No. 2018-30
Forest Knolls Subdivision
KPB File 2019-089
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on August 12, 2019. 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 September 21, 2021.

Scott A. Huff
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 21st day of September 2021
by Scott A. Huff.

Notary Public for the State of Alaska

My commission expires: 5-6-2023

STATE OF ALASKA
JULIE HINDMAN
NOTARY PUBLIC
MY COMMISSION EXPIRES:
05-06-2023

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

Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Puffin Acres SVH 2021 Replat
KPB File 2021-013
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on **March 15, 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 September 16, 2021.

Scott A. Huff
Platting Manager



State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 16th day of September 2021
by Scott A. Huff.

Notary Public for the State of Alaska

My commission expires: 7.31.2022

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

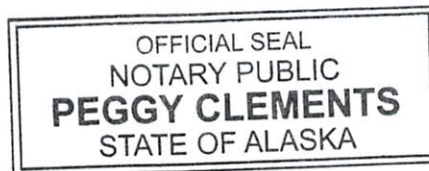
Charlie Pierce
Borough Mayor

FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision: Mullen Homestead Gabriel Addition
KPB File 2021-098
Kenai Recording District

The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.040 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on September 14, 2021.

Scott A. Huff
Platting Manager



State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 14th day of September 2021
by Scott A. Huff.

Notary Public for the State of Alaska

My commission expires: 7-31-2022

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.

Kenai Peninsula Borough Planning Commission

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

September 13, 2021
7:30 P.M.
UNAPPROVED MINUTES

CALL TO ORDER

Chair Martin called the meeting to order at 7:50 p.m. The meeting started late due to the Plat Committee running over time.

ROLL CALL

Commissioners Present

Jeremy Brantley, Sterling
Cindy Ecklund, City of Seward
Diane Fikes, City of Kenai
Pamela Gillham, Ridgeway
Blair Martin, Kalifornsky Beach
Robert Ruffner, Kasilof/Clam Gulch
Franco Venuti, City of Homer

With 7 members of an 11-member commission in attendance, a quorum was present.

Staff Present

Melanie Aeschliman, Planning Director
Sean Kelly, Legal Representative
Marcus Mueller, Land Management Officer
Bryan Taylor, Planner
Derek Haws, Addressing Officer
Ann Shirnberg, Administrative Assistant
Julie Hindman, Platting Specialist

AGENDA ITEM B. ROLL CALL

- *3. Plat Granted Administrative Approval
 - a. Beaver Dam Estates Part Seven; KPB File 2021-025R1
 - b. FBO Subdivision No. 11; KPB File 2021-076
 - c. Marimac Subdivision Eischens Addition; KPB File 2021-044
 - d. Pipers Haven 2021 Replat; KPB File 2021-074
- *6 Commissioner Excused Absences
 - a. Virginia Morgan, East Peninsula
 - b. Syverine Bentz, Anchor Point/ Ninilchik
 - c. Davin Chesser, Northwest Borough
 - d. Vacant, City Seat
- *7 Minutes
 - a. August 23, 2021 Planning Commission Meeting Minutes

Chair Martin asked if anyone present wanted to speak to any of the items on the consent or regular agendas.

Ms. Shirnberg noted that Commissioners Bentz and Chessser had contacted her and informed her that they would not be able to attend tonight's meeting.

Hearing no one else wishing to comment, Chair Martin returned the discussion to the Commission.

MOTION: Commissioner Ecklund moved, seconded by Commissioner Fikes to approve the consent agenda and the regular agenda.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	7	No	0	Absent	3
Yes	Brantley, Ecklund, Fikes, Gillham, Morgan, Ruffner, Venuti				
Absent	Bentz, Chessser, Morgan				

AGENDA ITEM E. NEW BUSINESS

Chair Martin asked Ms. Shirnberg to read the procedure for public testimony.

AGENDA ITEM E. NEW BUSINESS

**ITEM 1 – UTILITY EASEMENT VACATION
TOWNSITE OF KENAI - KENAITZE COURTHOUSE REPLAT**

KPB File No.	2021-118V
Planning Commission Meeting:	September 13, 2021
Applicant / Owner:	Kenaitze Indian Tribe IRA of Kenai, Alaska
Surveyor:	Mark Aimonetti, Jason Young / Edge Survey and Design, LLC
General Location:	City of Kenai

Staff report given by Scott Huff.

Specific Request / Purpose as stated in the petition: The petition did not state a purpose but a plat has been submitted to remove interior lot lines. The request is to remove the platted utility easements that are located on the former lot lines within the new lot.

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

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

Staff Analysis: The preliminary plat supplied for the vacation of utility easements depicts several easements to be vacated. Per the submittal, the intent of the preliminary plat is to combine several lots into one 5 acre tract. Per the City of Kenai staff report, the Kenaitze Indian Tribe wishes to expand their tribal court building and provide additional parking. The extension of the building will not comply with city zoning and will encroach into a utility easement. The proposed changes will allow the building to be compliant.

The original plat, US Survey 2970, did not grant any utility easements. Plat KN 2012-11, Townsite of Kenai Kenaitze Addition Subdivision, vacated some of the right of ways in the area and granted some utility easements. Those easements were also depicted on Plat KN 2021-18, Townsite of Kenai 2021 Kenaitze Replat.

Along the northern boundary, adjacent to Lot 13A Block 5, a 10 foot utility easement, granted by KN 2012-11, centered over the existing underground line will remain as will a 5 foot utility easement granted by book and page.

Along the southeast are utility easements that were granted by KN 2012-11 atop a portion of the right of way vacation of Upland Way and Overland Way. This easement will remain. The easement is labeled as 10 foot utility easement but the width varies and in some areas not 10 feet. **Staff recommends** the label be corrected for the utility easement extending from Upland Street as the width of the easement is not 10 feet and varies with the former right of way width.

A utility easement extends from Overland Avenue into proposed Tract B-1. This request is to vacate the easterly approximately 125 feet. The remaining easement is approximately 13 feet wide and will be approximately 35 feet long.

Plat KN 2012-11 granted utility easements along the property lines in the southwest corner. The northern portion of the 10 foot utility easement adjoining the former lot line is requested to be vacated. When the easement extends to the southeast the width varies. Per KN 2012-11 a 20 foot utility easement was granted centered on the existing utility line. The plat only had the authority to grant the easement within the subdivision boundary. Staff did not find any record of the remaining 20 foot width being granted within Lot 5 Block 5. **Staff recommends** the depiction of the portion being vacated be corrected to match what was actually granted. **Staff recommends** this platting action grant the remaining width for the 20 foot wide utility easement that extends from Mission Avenue.

The City of Kenai Planning and Zoning Commission reviewed the plat at their regularly scheduled meeting on August 11, 2021. They approved the plat including the vacations subject to the Kenai City Council declaring the utility easements to be vacated are not needed for public purpose and approve the vacation as shown. If approved the Kenai City Council must consent or veto the vacation within 30 days from September 13, 2021.

The vacations are proposed to be finalized by plat Townsite of Kenai Kenaitze Courthouse Replat, KPB File 2021-118. The plat has been submitted and will be reviewed by the Plat Committee on September 13, 2021.

Utility provider review:

HEA	No objections
ENSTAR	Approved as shown
ACS	No objections
GCI	Approved as shown

Findings:

1. The petition states a utility company does not use the utility easements proposed for vacation.
2. ACS, ENSTAR, GCI, and HEA provided written non-objection to the proposed vacation.
3. Townsite of Kenai Kenaitze Addition Subdivision, Plat KN 2012-11, granted utility easements coinciding with portions of right of ways vacated by that plat.
4. Townsite of Kenai Kenaitze Addition Subdivision, Plat KN 2012-11, granted utility easements adjoining lot lines with the remainder of Lot 4 Block 5 and Lot 5 Block 5 of US Survey 2970.
5. A portion of the easement extending from Overland Avenue will be vacated with an approximately 35 foot segment to remain.
6. Additional utility easement will be granted within former Lot 5 Block 5 to allow the full 20 foot width centered on the existing electric overhead line.
7. No surrounding properties will be denied utilities.
8. The vacations are proposed to be vacated by plat, Townsite of Kenai Kenaitze Courthouse Replat.
9. The plat, if approved, will create a 5 acre lot with improvements owned by the Kenaitze Indian Tribe.
10. Per the City of Kenai staff report, the lot line removals and vacation of utility easements will allow

the Kenaitze Indian Tribe the ability to add an addition to an existing building and comply with city zoning code requirements.

RECOMMENDATION:

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

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

20.65.070 Alteration of platted utility easements

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

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

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

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

END OF STAFF REPORT

Chair Martin opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

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

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	7	No	0	Absent	3
Yes	Brantley, Ecklund, Fikes, Gillham, Martin, Ruffner, Venuti				
Absent	Bentz, Chesser, Morgan				

AGENDA ITEM E. NEW BUSINESS

ITEM 2 - RIGHT OF WAY VACATION

VACATE SHANE RAE CIRCLE RIGHT OF WAY RUNNING (60' X 645.10') AS SHOWN AND DEDICATED ON S & S SUBDIVISION (PLAT KN 86-112)

KPB File No.	2021-112V
Planning Commission Meeting:	September 13, 2021
Applicant / Owner:	Jessica A and Cole B Young of Soldotna, Alaska
Surveyor:	None at this time
General Location:	Located off of Riggs Avenue from Mackey Lake Road.
Legal Description:	Shane Rae Circle right of way, S & S Sub KN 86-112 E1/2 W1/2 SW1/4 SW1/4, Section 22 Township 5 North Range 10 West Kenai Recording District

Staff report given by Scott Huff.

Specific Request / Purpose as stated in the petition:

We are requesting to vacate Shane Rae Circle. We own all five of the lots in the S & S Subdivision. We are proposing the following changes to the plat:

- Lot 1 currently has access from Riggs Ave. Lot 1 would continue to share the current driveway for access.*
- Lot 2 & 3 to be combined and absorb the Shane Rae Circle land. The combined Lots 2 & 3 will share the current driveway access from Riggs Avenue.*
- Lot 4 is double frontage lot with Shane Rae Circle and Heath Circle. As it is served by both accesses, there will be no impact when Shane Rae Circle is vacated. As it is now, an exception had to be made for the construction of Heath Circle due to the depth of the lot.*
- The back 4.86 unsubdivided acreage of the S & S Subdivision sits on the cul-de-sac of Heath Circle. Vacating Shane Rae Circle will have no impact on this lot. Currently the Shane Rae Circle access is only platted and not fully constructed. The access via Heath Circle is onto an established gravel cul-de-sac.*

As we operate a business with valuable equipment and machinery parked outside, we placed a gate

and fence on our driveway for security reasons. We own all of the surrounding lots, so there is not a reason for anyone to travel down Shane Rae Circle. Vacating Shane Rae Circle will not have a negative impact on future owners or require amendments to the plat because all the properties have accessible entry points.

Notification: Public notice appeared in the September 2, 2021 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the September 9, 2021 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

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

Library of Soldotna
Post Office of Sterling

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

Public hearing notices were sent by regular mail to 14 owners within 600 feet of the proposed vacation.

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

State of Alaska Dept. of Fish & Game	ENSTAR Natural Gas
State of Alaska DNR	General Communication Inc. (GCI)
State of Alaska DOT	Homer Electric Association (HEA)
State of Alaska DNR Forestry	Alaska Communication Systems (ACS)
Central Emergency Services	

Legal Access (existing and proposed): Shane Rae Circle is off Riggs Avenue (originally Spruce Avenue) and is located approximately 920 feet west from the intersection of Riggs Avenue and Mackey Lake Road. Mackey Lake Road is a state maintained right of way. The Kenai Peninsula Borough maintains Riggs Avenue.

Riggs Avenue is the boundary between the Kenai Peninsula Borough (located to the north) and the City of Soldotna (located to the south).

Lots 1 and 2 front Riggs Avenue and Shane Rae Circle. Lot 3 fronts Shane Rae Circle. Lot 4 and the unsubdivided remainder front on Shane Rae Circle and Heath Circle. No other lots use Shane Rae Circle for access.

An overall preliminary design has not been submitted at this time. Per the comments with the vacation petition, no additional right of way is proposed to be dedicated.

KPB Roads Dept. comments	Within KPB jurisdiction, no comments.
SOA DOT comments	No comments.

Site Investigation: The area within the right of way vacation, including the abutting lots, is relatively flat. There are some low wet areas located within the Heath Circle cul-de-sac bulb.

Shane Rae Circle appears to be improved with a driveway but has not been constructed to KPB standards.

Floodplain Hazard Review	Not located within a floodplain.
Anadromous Waters Habitat Protection District Review	Not affected by a Habitat Protection District.
State Parks Review	No comments.

Staff Analysis: Shane Rae Circle is a 60 foot wide by 645 foot long right of way dedicated by S & S Subdivision, Plat KN 86-112.

The right of way was given a suffix of Circle. Per KPB Code 14.10.070, circle is “any right of way laying in a north-south direction and ending in a cul-de-sac.” Based on the naming convention used it would appear there was intent to further subdivide and extend the right of way. Per current code KPB 20.30.100(A), cul-de-sacs are to be permanently closed and no more than 1,000 feet long.

The block is closed but the block length is not compliant. There are numerous dedications in the area that would have improved block length requirements but many end in cul-de-sacs. Due to wetlands and area configurations, the ability to obtain a compliant block length with a continuation of Shane Rae Circle will be difficult.

If the unsubdivided parcel at the north end of Shane Rae Circle were to be subdivided, a right of way connection between Shane Rae Circle and Heath Circle would be required.

Heath Circle, located to the west, received exceptions for length as the right of way was dedicated to avoid wetland areas. A dedication along the section line easement was not required as the section line easement is affected by low wet areas.

From the intersection of Mackey Lake Road and Riggs Avenue to the dedication of Heath Circle, there are three right of way dedications within approximately 1,400 feet. All three are designated as Circles and two currently end with bulbs, Shane Rae Circle is the only one without a bulb or turnaround area dedicated.

KPB GIS imagery shows Shane Rae Circle is partially constructed. Per the submittal, the constructed portion is used as their driveway as all the lots that have access from Shane Rae Circle are under common ownership. Per 2021 imagery, Heath Circle is constructed.

The parent plat granted a 10 foot utility easement adjoining the west side of Riggs Avenue. The application did not indicate any request to vacate the utility easements. Per the submittal, the vacated Shane Rae Circle right of way will be combined into Lot 2 and Lot 3. Lot configurations for Lot 1 and Lot 4, including the utility easement will remain unchanged. There is a 5 x 10 easement on the shared lot line for Lots 2 and 3. If Shane Rae Circle is approved to be vacated, an additional easement will be required to provide a connection to the easement in Lot 1 and Lot 4.

The remainder portion of the S&S Subdivision, and Lot 4 would have legal access on Heath Circle only. The unsubdivided portion is 4.86 acres. The 4.8 acre parcel has 117 feet of frontage on Heath Circle. Lot 4 has 104 feet of frontage on Heath Circle.

The owners of the lands around Shane Rae Circle installed a gate to protect their business equipment. They have been contacted by the Roads Department and were told the gate would need to be removed. If the vacation is approved, the gate may remain but if denied the gate will be required to be removed. Staff would like to note that even if approved, the vacation is not final until the recording of the plat. Compliance issues should be worked out with the Roads Department and Code Compliance.

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 owners are currently using it as access to their property. All surrounding parcels are under common ownership. If the vacation of right of way is approved, a plat will be

- required to alter the property boundaries so that all lots in S and S Subdivision front on a dedicated right of way.
2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: The right of way is able to be constructed to KPB standards. I subdivision plat will be required to change the parcel boundaries so that Heath Circle and Riggs Avenue will provide legal access to all lots.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: The surrounding area is generally developed. The 4.6 acre parcel to the north of Shane Rae Circle can be further subdivided. All nearby lots have legal access.
 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: Shane Rae Circle right of way does not provide access to public interest lands or water bodies.
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: Due to the design of lots, existing structures, wetlands, and nearby right of ways, the ability to connect, or extend, right of ways is limited. The vacation may have an impact on the northern lot, as the access will be reduced to 128 feet along Heath Court. A connection between Shane Rae Circle and Heath Circle would be required if the 4.6 acre parcel were subdivided.
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: All the parcels that front on Shane Rae Circle are currently under common ownership. Shane Rae Circle does not provide a benefit to the public.
 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: There is a 10 foot utility easement along the eastern boundary of Lot 1 and Lot 4 that will remain in place and the petitioner will need to work with the utility providers if additional utility easements are needed.
 8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: A code compliant plat will be required that changes the boundaries so that all lots will have adequate access and utility easements.

A plat has not been submitted at this time. A plat will be required to be submitted for review by the Plat Committee and a final recorded within one year of the vacation consent. Staff notes that exceptions to block length (20.30.170) and depth to width ratio (20.30.190) may be required.

If approved, the vacation is subject to consent or veto by the Kenai Peninsula Borough Assembly. The vacation is tentatively scheduled for the September 21, 2021 Assembly meeting.

KPB department / agency review:

Planner – Bryan Taylor	<p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>There are not any material site issues with this proposed plat.</p>
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Code Compliance – Eric Ogren	Code Compliance review not available.
Addressing – Derek Haws	<p>Affected Addresses: 42924 SHANE RAE CIR 42960 SHANE RAE CIR</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: SHANE RAE CIR</p> <p>Existing Street Name Corrections Needed: SPRUCE AVE should be RIGGS AVE</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: 42924 RIGGS AVE will remain with new combined lot. 42960 RIGGS AVE will be deleted.</p>
Assessing – Matt Bruns	No concerns from Assessing Dept.

Utility provider review:

HEA	
ENSTAR	<p>ENSTAR has reviewed the proposed vacation of Shane Rae Circle under KPB 2021-112V S&S Subdivision and advises that natural gas facilities are installed within the existing right of way as shown on the attached sketch labeled Exhibit B. ENSTAR objects to approval unless one of the following conditions are met.</p> <ul style="list-style-type: none"> - Owner grant ENSTAR document easement for a fifteen feet (15 FT) wide natural gas easement centered on the existing natural gas pipeline facilities. - Add a note to the plat that says, "There is a fifteen feet (15 FT) wide natural gas easement centered on the existing main.", draw in the approximate location of the main on the plat map and add "Approximate location of natural gas main and centerline of fifteen feet (15 FT) wide natural gas easement."
ACS	No objections.
GCI	Approved as shown.

RECOMMENDATION:

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

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

KPB 20.65.050 – Action on vacation application

H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or

city council unless city code specifically provides otherwise.

- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

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

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

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

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

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

END OF STAFF REPORT

Chair Martin opened the meeting for public comment.

Cole Young, Petitioner; POB 723, Soldotna, AK 99669: Mr. Young stated that he operates a business on these parcels with valuable equipment and machinery parked outside. They have placed a gate and a fence on their driveway for security reasons. They own all of the lots surrounding Shane Rae Circle, so he

does not believe there is a reason for anyone to travel down this road. He then made himself available for any questions from the commission.

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

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

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	7	No	0	Absent	3
Yes	Brantley, Ecklund, Fikes, Gillham, Martin, Ruffner, Venuti				
Absent	Bentz, Chesser, Morgan				

AGENDA ITEM E. NEW BUSINESS

**ITEM 3 - RIGHT OF WAY VACATION
VACATE A PORTION OF KUCHTA STREET AND ADJOINING 5' UTILITY EASEMENT
KUCHTA ESTATES HANSEN ADDITION**

KPB File No.	2021-119V
Planning Commission Meeting:	September 13, 2021
Applicant / Owner:	Daniel Hansen and Hara Hansen-Biesiot of Kenai, Alaska
Surveyor:	Mark Aimonetti, Jason Young / Edge Survey and Design LLC
General Location:	Nikiski
Legal Description:	Kuchta Street / Kuchta Estates Subdivision Part One, KN 77-33, and Kuchta Estates Subdivision Part Two, KN 77-189, Kenai Recording District, Section 28, Township 7 North, Range 11 West, S.M.

Staff report given by Scott Huff.

Specific Request / Purpose as stated in the petition: Justification was not included with the petition. A preliminary plat design was submitted as part of the application showing the intent to combine 3 lots into one 8.6 acre parcel. Kuchta Street is between two of the lots. The subdivision plat depicts a new right of way being dedicated on the north and east boundary.

Notification: Public notice appeared in the September 2, 2021 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the September 9, 2021 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

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

- Library of Nikiski
- Post Office of Nikiski

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

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

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

State of Alaska Dept. of Fish & Game	Nikiski Community Council
State of Alaska DNR	Alaska Communications Systems (ACS)
State of Alaska DOT	ENSTAR Natural Gas
State of Alaska DNR Forestry	General Communications Inc. (GCI)
Nikiski Emergency Services	Homer Electric Association (HEA)
KPB Land Management Division	

Legal Access (existing and proposed): Kuchta Street is access from Baun Drive which is located near mile 2.5 of state maintained Holt Lamplight Road. Baun Drive is a 60 foot wide borough maintained right of way.

Additional access is available from the Escape Route Road via Muskrat Street and Betty Warren Avenue/Lynx Avenue. Betty Warren Avenue/Lynx Avenue is an unconstructed east-west right of that is not constructed. Muskrat Street is a right of way that runs north-south and is not constructed south of Betty Warren Avenue/Lynx Avenue.

The proposed plat indicates the intention to dedicate two new right of ways. Biesiot Avenue will be a 60 foot wide right of way that extends east along the north boundary. At the east end of Biesiot Avenue a proposed 30 foot wide dedication extending south and connecting to the end of the Lynx Avenue dedication. Both of those right of ways will require street names approved by the Kenai Peninsula Borough Addressing Officer.

Currently only one of the parent lots is within a closed block. The proposed dedication will allow the entire subdivision to be within a closed and compliant block.

Per staff records, a 33 foot section line easement is located south of Lynx Avenue that runs from the Muskrat Street dedication and to the east. A 50 foot section line easement is present to the east of the subdivision running east-west.

KPB Roads Dept. comments	Within KPB jurisdiction. A portion of this vacate is maintained by the RSA. The current turnaround will be vacated, which will create an issue of maintenance.
SOA DOT comments	No comments.

Site Investigation: The area is relatively flat and not affected by low wet areas.

Floodplain Hazard Review	Not within a flood hazard area.
Anadromous Waters Habitat Protection District Review	Not within a HPD.
State Parks Review	No comments.

Staff Analysis: The lots associated with the vacation and the right of way being vacated were created by two plats. Kuchta Estates Subdivision, Part One, Plat KN 77-33, dedicated the western 30 foot width for Kuchta Street and created Lot 4 Block 4. A 5 foot utility easement adjoins the right of way within Lot 4 Block 4. Kuchta Estates Subdivision, Part Two, Plat KN 77-189, dedicated the eastern 30 feet of Kuchta Street and created Lots 4 and 5 Block 3. The plat did not grant utility easements along Kuchta Street.

Per KPB GIS data, Kuchta Street is constructed and a portion is maintained by the borough. The access map prepared by staff indicates the approximate location road maintenance ends. Per KPB GIS imagery, there are structures possibly within the right of way, building setback, or are very close to the right of way.

Lot 4 Block 4 and Lots 4 and 5 Block 3 are all under the same ownership. The owners are attempting to combine their three lots and allow right of way access to be provided surrounding the north and east edge of their property versus going through the middle.

To the east is a 40 acre lot owned by the Bureau of Indian Affairs. If the vacation and dedication is approved, a matching 30 foot dedication will be required with any future subdivision. To the south of Lynx Avenue is a 465 acre parcel owned by Salamatof Native Association. If the parcel is subdivided, a minimum 30 foot wide dedication will be required along Lynx Avenue.

Plat KN 77-33, granted a 5 foot utility easement along the western boundary of Kuchta Street as well as along Lynx Avenue. Plat KN 77-189 did not grant any easements along Kuchta Street but did grant a 5 foot utility easement along Lynx Avenue. The petition does request to vacate the associated 5 foot easement where adjoining the Kuchta Street vacation. The plat is proposing to grant 15 foot utility easements along new and existing right of way dedications.

Homer Electric Association did comment that they have an existing distribution line along or within the west portion of Kuchta Street. They are requesting a 20 foot wide easement centered on the existing line.

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:
9. The right-of-way or public easement to be vacated is being used;
Staff comments: The portion being vacated is being used but appears to only be providing access to the lots adjacent to the vacation area and does not appear to be used for access to neighboring parcels.
 10. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: The area to be vacated can be constructed to comply with KPB road standards. An alternative access is being dedicated to allow the construction of a new roadway around the applicant's property.
 11. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: The area to the north and west has been subdivided with legal access to all lots. The areas to the east and south remain unsubdivided and will be required to provide a matching right of way dedication with subdivided in the future.
 12. 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: The right of way does not provide access to water body or other public interest area.
 13. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: The vacation will not deny any access as the new dedications will create a complete and compliant block. Large acreage lots to the east and south will be able to dedicate right of ways that fit their design plan.
 14. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: Other public access is feasible within the vacation area but it does not appear to be used by the public at this time. Sufficient right of ways exist for public access.
 15. 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: A power line is located on the west side of the vacation. Homer Electric Association is requesting an easement over an existing line. The proposed plat will be granting a 20 foot utility easement on the existing overhead line as well as 15 foot utility easements adjoining all right of ways.

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

Staff comments: From aerial imagery it appears that the applicant has improvements within the right of way, or within the 20 foot building setback. The vacation and replat will remove any encroachment issues.

If approved, Kuchta Estate Hansen Addition will finalize the proposed right of way vacations. The Plat Committee is scheduled to review the plat on September 13, 2021.

Finalizing the vacation is subject to consent or veto by the Kenai Peninsula Borough Assembly within 30 days. The vacation is tentatively scheduled for the September 21, 2021 Assembly meeting.

KPB department / agency review:

Planner – Bryan Taylor	There are no local option zoning district issues or material site issues associated with this right of way vacation.
Code Compliance – Eric Ogren	Review not available.
Addressing – Derek Haws	<p>Affected Addresses: 47071 KUCHTA ST 47050 KUCHTA ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: KUCHTA ST LYNX AVE</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names: BIESIOT AVE</p> <p>List of Street Names Denied: CARIBOU RUN ST is denied because CARIBOU is on the prohibited names list.</p> <p>Comments: 47071 KUCHTA ST will be deleted. 47050 KUCHTA ST will remain with new Lot 4A. CARIBOU RUN is denied, please contact dhaws@kpb.us for any questions regarding street naming.</p>
Assessing – Matt Bruns	Comments: No concerns from Assessing Dept.
Advisory Planning Commission	N/A

Utility provider review:

HEA	Approximate location shown on map of HEA Overhead Powerline, centerline of a 20 foot wide electrical distribution line easement is requested.
ENSTAR	Approved as shown
ACS	No objections
GCI	No objections

RECOMMENDATION:

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

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

KPB 20.65.050 – Action on vacation application

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

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

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

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

agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.

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

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

END OF STAFF REPORT

Chair Martin opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

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

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	7	No	0	Absent	3
Yes	Brantley, Ecklund, Fikes, Gillham, Martin, Ruffner, Venuti				
Absent	Bentz, Chesser, Morgan				

AGENDA ITEM E. NEW BUSINESS

ITEM 4 - RIGHT OF WAY VACATION VACATE A PORTION OF DERKS LAKE ROAD AND ASSOCIATED UTILITY EASEMENTS

KPB File No.	2021-122V
Planning Commission Meeting:	September 13, 2021
Applicant / Owner:	Gene, George, and Linda Friendshuh of Soldotna, Alaska
Surveyor:	James Hall / McLane Consulting, Inc
General Location:	Ridgeway Area
Legal Description:	Derks Lake Road as dedicated on Denise Lake Estates Part Two, KN 94-27 and Tatum Subdivision, KN 2021-15, Kenai Recording District, Sections 14 and 23 Township 05 North Range 10 West S.M.

Staff report given by Scott Huff.

Specific Request / Purpose as stated in the petition: Lots along south side of Derks Lake Road are pressed between right of way and Soldotna Creek. By re-routing Derks Lake Road the additional property gained will allow the owners space to build homes.

Notification: Public notice appeared in the September 2, 2021 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the September 9, 2021 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

A petition has also been received for section line easement vacations that coincide with the right of way
Kenai Peninsula Borough

vacation. Public notices posted and mailed contained the information for each item so only one notice was required. The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

- Library of Soldotna
- Post Office of Sterling

Fifteen certified mailings were sent to owners of property within 300 feet of the proposed vacation. Six receipt had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to eight owners within 600 feet of the proposed vacation. Nineteen public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish & Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry
Advisory Planning Commission

Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc. (GCI)
Homer Electric Association (HEA)
Central Emergency Services

Legal Access (existing and proposed): Legal access to Derks Lake road is via Mackdy Lake Road to Denise Lake Road. An alternate route is from Denise Lake to Aksala Lane and Arctic Tern Road.

Nearby right of ways Goldeneye Avenue, Big D Road, and Cinnamon Street provide additional access. Cinnamon Street does not appear to be improved. Bid D Road appears to have a constructed road. Neither right of way is maintained by KPB.

Per KPB GIS data, Derks Lake Road maintenance stops approximately 200 feet east of Arctic Tern Road and the portion being requested for vacation is not constructed or maintained. The preliminary plat design shows a realignment of Derks Lake Road. KPB GIS Imagery appears to show a roadway that angles to the north of the dedication and connects to Big D Road. The proposed dedication does not appear to follow the existing trail or drive.

The proposed vacation has an underlying section line easement and a petition has been received to vacate the corresponding area. The public hearing for the section line easement vacation will be heard at the same meeting as this petition.

The parent subdivision Tatum Denise Subdivision, KN 2021-15, did receive an exception for block length. The preliminary plat to finalize the vacation will also need to request an exception for block length.

KPB Roads Dept. comments	Within KPB jurisdiction. The RSA has no comments at this time.
SOA DOT comments	No comments.

Site Investigation: There are no low wet areas or steep terrain within the right of way vacation or within the proposed dedication areas. The area proposed to be vacated and dedicated appear to be relatively flat.

Floodplain Hazard Review	Not within a flood hazard area.
Anadromous Waters Habitat Protection District Review	Not within a HPD.
State Parks Review	No comments.

Staff Analysis: Per the petition, the lots south of Derks Lake Road have limited buildable area due to restrictions associated with Soldotna Creek wetlands and the existing right of way. The realignment of Derks Lake Road will provide additional square footage to develop the lots.

Denise Lake Estates Part Two, KN 94-27, and Tatum Subdivision, KN 2021-15 originally dedicated the portion of Derks Lake Road proposed for vacation. Both of those subdivisions dedicated 50 foot wide right

of way atop 50 foot wide section line easements to create a 100 foot wide right of way. To the west of the 100 foot wide dedication the right of way width is reduced to 66 feet and coincides with section line easements.

This petition is requesting the vacation of the east approximately 1000 feet of Derks Lake Road, and the north 17 foot wide by approximately 570 foot section of Derks Lake Road.

A new dedication for Derks Lake Road is proposed to curve northeasterly and connect to Cinnamon Street. KPB GIS imagery shows a constructed road in this area but it will not align with the new right of way. The location of the proposed right of way will allow the best subdivision design with usable area for all lots.

A 10 foot wide utility easement will adjoin all dedicated right of ways within the proposed subdivision. The vacation of the right of way includes the vacation of associated utility easements. There does appear to be Homer Electric Association utilities running parallel to the proposed vacation. The line appears to be approximately 15 feet from the right of way. The parent plat only granted a 10 foot utility easement along the right of way. **Staff recommends** the utility easement association with the right of way be vacated and the applicant work with the utility provider to determine an agreeable width and grant an easement centered over the existing powerline line.

Approval of the vacation will be subject to consent or veto by the Kenai Peninsula Borough Assembly. The petition to vacate is tentatively scheduled for the September 21, 2021 Assembly meeting.

20.65.050 – Action on vacation application

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;
Staff comments: The portion of right of way being vacated is not being used for vehicular or pedestrian access. An overhead electric line is located to the south of the right of way.
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: The area being vacated is constructible as a roadway. A new right of way dedication is being provided to the north of the vacation and will provide a connection.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: The surrounding area has been subdivided, or will be subdivided with this plat. All needed right-of-ways and utility easements have been provided.
 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: The right of way proposed to be vacated does not provide access to public areas.
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: A proposed right of way dedication in conjunction with the proposed right of way vacation will provide connectivity of the roads and utility easements for nearby parcels.
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments:

7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.
Staff comments: Utility easements will be granted to adjoin the proposed dedicated right of way.
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: A proposed realignment will provide continuation of the right of way.

If approved, Tatum Denise Subdivision Phase 1 will finalize the proposed right of way vacations. A separate action to vacate the section line easement is proposed to finalize the section line easement vacations. The Plat Committee is scheduled to review Tatum Denise Subdivision Phase 1 on September 27, 2021.

KPB department / agency review:

Planner – Bryan Taylor	There are not any Local Option Zoning District issues with this proposed plat. There are not any material site issues with this proposed plat.
Code Compliance – Eric Ogren	Code compliance review not available.
Addressing – Derek Haws	Affected Addresses: None Existing Street Names are Correct: Yes List of Correct Street Names: DERKS LAKE RD CINNAMON ST BIG D RD Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No addresses affected by this subdivision.
Assessing – Matt Bruns	No concerns from Assessing Department.

Utility provider review:

HEA	
ENSTAR	
ACS	
GCI	Approved as shown.

RECOMMENDATION:

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

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.

3. Grant utility easements requested by the utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

KPB 20.65.050 – Action on vacation application

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

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

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

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

Chair Martin opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

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

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	7	No	0	Absent	3
Yes	Brantley, Ecklund, Fikes, Gillham, Martin, Ruffner, Venuti				
Absent	Bentz, Chesser, Morgan				

AGENDA ITEM E. NEW BUSINESS

ITEM 5 – SECTION LINE EASEMENT VACATION VACATE SECTION LINE EASEMENTS ASSOCIATED WITH SE1/4 SE1/4 OF SECTION 14 AND NE1/4 NE1/4 OF SECTION 23, TOWNSHIP 5 NORTH RANGE 10 WEST S.M.

KPB File No.	2021-123V
Planning Commission Meeting:	September 13, 2021
Applicant / Owner:	Gene, George, and Linda Friendshuh of Soldotna, Alaska
Surveyor:	James Hall / McLane Consulting, Inc
General Location:	Ridgeway Area
Legal Description:	50 foot section line easements associated with the SE1/4 SE1/4 of Section 14 and the NE1/4 NE1/4 of Section 23 Township 05 North Range 10 West S.M.

Staff report given by Scott Huff.

Specific Request / Purpose as stated in the petition: Lots along south side of Derks Lake Road are pressed between R/W and Soldotna Creek. By re-routing Derks Lake Road the additional property gained will allow the owners space to build homes.

Notification: Public notice appeared in the September 2, 2021 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the September 9, 2021 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

A petition has also been received for right of way vacations that coincide with the section line easement vacations. Public notices posted and mailed contained the information for each item so only one notice was required. The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

- Library of Soldotna
- Post Office of Sterling

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

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

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

State of Alaska Dept. of Fish & Game	Alaska Communication Systems (ACS)
State of Alaska DNR	ENSTAR Natural Gas
State of Alaska DOT	General Communications Inc. (GCI)
State of Alaska DNR Forestry	Homer Electric Association (HEA)
Advisory Planning Commission	Central Emergency Services

Legal Access (existing and proposed): Legal access to Derks Lake road is via Mackay Lake Road to Denise Lake Road. An alternate route is from Denise Lake to Aksala Lane and Arctic Tern Road.

Nearby right of ways Goldeneye Avenue, Big D Road, and Cinnamon Street provide additional access. Cinnamon Street does not appear to be improved. Bid D street appears to have a constructed road. Neither right of way is maintained by KPBC.

The proposed vacation has associated right of way dedications and a petition has been received to vacate that area and is scheduled for the September 13, 2021 Planning Commission meeting.

KPB Roads Dept. comments	Within KPB jurisdiction. The RSA has no comments at this time.
SOA DOT comments	No comments.

Site Investigation: There are no low wet areas or steep terrain within the right of way vacation or within the proposed dedication areas. The area proposed to be vacated and dedicated appear to be relatively flat.

Floodplain Hazard Review	Not within a flood hazard area
Anadromous Waters Habitat Protection District Review	Not within a HPD.
State Parks Review	No comments

Staff Analysis: Per the petition, the lots south of Derks Lake Road have limited buildable area due to restrictions associated with Soldotna Creek wetlands and the existing right of way. The realignment of Derks Lake Road will provide additional square footage to develop the lots.

This petition is requesting to vacate approximately 1,300 feet of two 50 foot section line easements.

A new dedication for Derks Lake Road is proposed to curve northeasterly and connect to Cinnamon Street. KPB GIS imagery shows a constructed road in this area but it will not align with the new right of way. The location of the proposed right of way will allow the best subdivision design with usable area for all lots.

Approval of the vacation will be subject to consent or veto by the Kenai Peninsula Borough Assembly. The petition to vacate is tentatively scheduled for the September 21, 2021 Assembly meeting.

The State of Alaska has final jurisdiction over the section line easements. Per KPB Code 20.65.020, the planning commission, as the platting authority, has no authority to vacate public easements under the jurisdiction of the state. The planning commission may provide a recommendation to the state on the vacation.

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 portion of section line easement being vacated is not being used for vehicular or pedestrian access. An overhead electric line is located to the south of the section line easement.
2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: The area being vacated is constructible as a roadway. A new right of way dedication is being provided to the north of the vacation and will provide a connection.
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: The surrounding area has been subdivided, or will be subdivided with this plat. All needed right-of-ways and utility easements have been provided.
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: The section line easement proposed to be vacated does not provide access to public areas.
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: A proposed right of way dedication in conjunction with the proposed section line easement vacation will provide connectivity of the roads and utility easements for nearby parcels.
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments:
7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.
Staff comments: Utility easements will be granted to adjoin the proposed dedicated right of way.
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: A proposed realignment will provide continuation of the right of way.

If approved, a Section Line Easement Vacation Plat will finalize the proposed section line easement vacations. 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.

The plat Tatum Denise Subdivision Phase 1 is proposed to finalize the right of way vacation and is scheduled to be heard by the Planning Commission on September 27, 2021.

KPB department / agency review:

Planner – Bryan Taylor	There are not any Local Option Zoning District issues with this proposed plat. There are not any material site issues with this proposed plat.
Code Compliance – Eric Ogren	Code Compliance review not available.
Addressing – Derek Haws	Affected Addresses: None Existing Street Names are Correct: Yes List of Correct Street Names: DERKS LAKE RD CINNAMON ST BIG D RD Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No addresses Affected by this Subdivision.
Assessing – Matt Bruns	No concerns from Assessing Department.

Utility provider review:

HEA	
ENSTAR	
ACS	
GCI	Approved as shown.

RECOMMENDATION:

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

1. Consent by 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 the utility providers.
5. Submittal of a final plat within a timeframe such that the plat can be recorded within four years of vacation consent (KPB 20.25.110).

KPB 20.65.050 – Action on vacation application

H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.

I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit

a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.

- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

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

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

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

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

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

END OF STAFF REPORT

Chair Martin opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

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

Commissioner Ruffner stated he believes the alternative access being provided by the petitioner does

provide equal or better access, so that is why he supports these two vacation requests.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	7	No	0	Absent	3
Yes	Brantley, Ecklund, Fikes, Gillham, Martin, Ruffner, Venuti				
Absent	Bentz, Chesser, Morgan				

AGENDA ITEM E. NEW BUSINESS

ITEM 6 – Marijuana Cultivation Facility License

Applicant: Alaska Off Grid Cannabis Co.
Landowner: Shawn McDonough
Parcel ID#: 165-113-19
Legal Description: T 4S R 14W SEC 13 SEWARD MERIDIAN HM 2000048 - RS CAMPO DE ORO SUB TRACT 19
Location: 30992 Ram Rack Road, Nikolaevsk, AK
 Staff report given by Bryan Taylor.

BACKGROUND INFORMATION: On November 17, 2020, the borough received notification from the Alcohol and Marijuana Control Office (AMCO) that the applicant had initiated the application to the state for a Standard Marijuana Cultivation Facility license. On December 14, 2020, the applicant supplied the borough with a signed acknowledgement form and a site plan of the proposed marijuana cultivation facility on the above-described parcel. The AMCO notified the borough that the application was complete on August 3, 2021. Staff has reviewed the completed license that has been submitted to the state and the site plan submitted to the borough and has found the following concerning the standards contained in KPB 7.30.020:

1. The Borough finance department has been notified of the complete application and they report that the applicant is in compliance with the borough tax regulations.
2. Borough planning department staff has evaluated the application and has determined that the proposed facility will be located greater than 1,000 feet from any school.
3. Borough planning department staff has evaluated the application and has determined that the proposed facility will be located greater than 500 feet from all recreation or youth centers, and all buildings in which religious services are regularly conducted, and all correctional facilities.
4. The proposed facility is not located within a local option zoning district.
5. The proposed facility is not located where there is sufficient ingress and egress for traffic to the parcel.
 - During a site visit on August 19, 2021, staff measured the width of the driveway accessing Ram Rack Road, a dedicated, unmaintained KPB right-of-way, at 12 feet. A perimeter fence around the property allows an opening for access of only 15 feet at the same location.
 - KPB KPB 7.30.020(C)(1)(a) requires that, except for limited cultivation facilities, marijuana establishments shall be located where an approach meeting a borough right-of-way had a minimum width of 24 feet.
 - The signed acknowledgement form indicates that there will not be any parking in borough rights-of-way.
 - The site plan indicates a clear route for delivery vehicles which allows vehicles to turn safely.
 - On-site parking and loading areas are designated at a location that would preclude vehicles from backing out into the roadway.
6. The signed acknowledgement form indicates that the proposed facility will not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises,

between the hours of 2:00 a.m. and 8:00 a.m.

KPB 7.30.020(E) allows the recommendation of additional conditions on a license to meet the following standards:

- protection against damage to adjacent properties,
- protection against offsite odors,
- protection against noise,
- protection against visual impacts,
- protection against road damage,
- protection against criminal activity, and
- protection of public safety.

The Alaska Marijuana Control Board will impose a condition that a local government recommends unless the board finds the recommended condition is arbitrary, capricious, and unreasonable (3 ACC 306.060b). If the Planning Commission recommends additional conditions, additional findings must be adopted to support the conditions.

PUBLIC NOTICE: Public notice of the application was mailed on August 20, 2021, to the 13 landowners of the parcels within 300 feet of the subject parcel. Public notice of the application was published in the September 1, 2021, & September 8, 2021, issues of the Peninsula Clarion.

STAFF RECOMMENDATION

Staff recommends that the planning commission forward this application to the assembly with the findings contained in this staff report and with the recommendation that the following conditions be placed on the state license pursuant to 3 AAC 306.060(b):

1. The approach from the property onto Ram Rack Road be constructed to a minimum width of 24 feet as required by KPB 7.30.020(C)(1)(a) in order to maintain public safety and protect against road damage.
2. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.
3. There shall be no parking in borough rights-of-way generated by the marijuana establishment.
4. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020(A).

END OF STAFF REPORT

Commissioner Ecklund stated that she understands this property is subject to inspections by AMCO but wanted to know if the borough receives a complaint, such as odors or lack of cameras; can the borough also inspect the property? Mr. Taylor replied the borough would report the complaints to AMCO and if requested could possibly coordinate with AMCO regarding inspecting the facility. He also noted if the complaint had to do with the road access that would be under the borough's authority to inspect, since that is condition being requested by the borough. Commissioner Ecklund then asked if the borough received a complaint regarding odor, could he not go out, determine there is an issue, and then report it to AMCO? Mr. Taylor replied that if it was not a condition placed by the borough they would not send someone out to inspect complaint but they would report it to AMCO.

Commissioner Ruffner stated that he is familiar with this area and he doubts that some of these roads would even be 24' wide and some are in pretty rough shape. He then asked staff if they believed that 24' is sufficient to provide access given that the roads in the area are not in the best condition. Mr. Taylor replied that depending on the size of the delivery trucks it could be a bit constricted. Because this is a cultivation facility, the Planning Department does review ingress and egress into the facility for sufficiency. This facility will not be open to the general public so the condition of the road was not considered a problem. He then noted the existing road is 12' wide and the petitioners are planning to widen the road to a minimum of 24' wide to meet borough standards.

Chair Martin opened the meeting for public comment.

Wayne Owens; POB 411, Anchor Point, AK, 99556: Mr. Owens noted that the commission seem concerned about the condition of the road and whether it could handle the traffic of deliver trucks. He also believed there are other concerns to be considered.

Nicole Donham; POB 1263 Homer, AK 99603: Ms. Donham noted several individuals in the neighborhood had sent a letter to commission expressing their concerns and asked if it had been received. Chair Martin replied the letter had been received and was in the meeting packet. Ms. Donham expressed concerns about the roads in the area and how the traffic associated with the facility could affect her road. She asked if they would receive a plan from the applicant stating how the area roads would be maintained or is the borough planning to provide maintenance. Mr. Taylor replied Kostino St., which runs into to Ram Rack Rd., is not a borough-dedicated right-of-way and would not be maintained by the borough. He also noted that there is not a requirement that the applicant be responsible for maintaining Ram Rack Rd. Ms. Donham then stated that there has been a lot of firearm use on this property and that too is a concern of hers since she has small children.

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

MOTION: Commissioner Ruffner moved, seconded by Commissioner Fikes to forward to the Assembly the application for a marijuana cultivation facility license for Alaska Off Grid Cannabis Company with staff's findings and recommending the four conditions be placed on the state license.

Commissioner Ruffner noted again that the commission did receive and read the letter from the area residents expressing their concerns. The concerns expressed related to contamination, odor, road conditions and noise are not things that we have authority over so we cannot consider them when reviewing the application. The areas staff mentions in the report such as access and fencing are things that the commission considers.

Commissioner Ecklund stated that the firearm use on this property is of concern and encouraged the area residents to report this to the State Troopers when it happens. The formal report could then possible have some bearing on stopping this problem.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	7	No	0	Absent	3
Yes	Brantley, Ecklund, Fikes, Gillham, Martin, Ruffner, Venuti				
Absent	Bentz, Chesser, Morgan				

AGENDA ITEM E. NEW BUSINESS

ITEM 7 – SN RESOLUTION 2021-04

An unnamed private road in Section 24, T04S, R11W; Seward Meridian, Kenai Peninsula Borough, AK; in the Fox River Community; ESN 202

Staff report given by Derk Haws.

Applicant: David Reutov of Homer, AK

Existing right-of-way names: None

Name proposed by petitioner: Silver Falls Dr.

Reason for Change: Private road that will serve multiple addresses

Background:

Name	Unnamed
ESN	202
Community	Fox River
YR Named	n/a
Constructed	Yes
Total Lots	2
Residential	2
Commercial	0
E911 Address	1
Mailing	1

Review and Comments:

Notice was sent by mail to the owners of the two parcels fronting the unnamed private road, as listed on the KPB tax roll.

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

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

Staff Discussion:

A petition was received from one of the property owners accessed by the 1,800 ft. unnamed private road. The petition included signatures from 2 out of 2 landowners fronting the private road.

The unnamed private road can be found in the Fox River area and currently provides access to one E911 address. The property owner anticipates several additional family homes will be added to this property in the future. The petitioner has stated that the unnamed private road has been constructed and that the name Silver Falls Dr has been used informally for many years.

The petition contained no additional suggested names. Silver is on the prohibited names list because there are 19 instances of the word silver used for street naming within the Borough; however, none are within neighboring ESNs. The petitioner has stated that the chosen name meets borough code and the requirements of the borough street naming procedure which do not reference the prohibited names list.

On August 3rd, the petitioner called requesting to postpone the resolution until the next planning commission meeting on August 23rd due to a schedule conflict.

STAFF RECOMMENDATION: Choose a different road name (staff preference) or name the unnamed private road **Silver Falls St** due to north-south direction by the adoption of Resolution SN 2021-04.

END OF STAFF REPORT

Chair Martin opened the meeting for public comment.

David F. Reutov, Petitioner; POB 3609 Homer, AK 99603: The petitioner noted that there are no streets in the area that have Silver in the name. They have been using the road name Silver Falls for years and they would now like it to be the official name.

Commissioner Ruffner asked since staff is not recommending that the Silver be used in the street name does he have another name suggestion. Mr. Reutov replied that he did not have another name. They wish to use the name Silver Falls Road.

Commissioner Ecklund stated that due to the direction of the road the borough would request that street be used instead of road. She then asked the petitioner if he had a problem with using street instead of road. Mr. Reutov replied using street would be fine.

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

MOTION: Commissioner Ecklund moved, seconded by Commissioner Fikes adopt SN Resolution 2021-04 Naming a certain private road within Section 24, Township 4 South, Range 11 West, Seward Meridian; within emergency service number 202 to Silver Falls Street.

Commissioner Ecklund stated since there are no other roads in this or the neighboring ESN that use Silver in the name she could support using the name Silver Falls Street. She believed keeping the name that has been used for years would be good for the community.

Commissioner Fikes stated she supports staff recommendation to choose a different name since there are already 19 streets that contain Silver in their name. Even though there are not any in this area, it still could be confusing to emergency services. If part of name is dropped off during the call, it could be difficult identifying where the correct location is.

Commissioner Brantley stated he knows that all 911 calls come into a main call center but he does not understand how dispatcher track the location of emergency call. Do they use GPS or triangulate calls? He asked if staff could explain the process.

Mr. Hawes replied calls come into a centralized dispatch in Soldotna. If the call is within a city limits, they will pass that call on to the city. If the calls come in from a landline, the system will automatically pull up the physical address. If the call comes from cell phone, there are different phases that could lead up to triangulation. However due to the remote nature of many areas within the borough likely that most calls will not get to the triangulation phase. The majority of the time dispatchers have to rely on the street name that they receive over the phone. While the name Silver Falls is not a named used in any other location, there are over 19 different road names with Silver in them. When the dispatcher begins to type the name of the street into the system, it automatically pulls up all the various streets with that word in the name. Having 19 street names with Silver in them makes for a long list to choose from. Commissioner Brantley then replied that while there may not be a street name with Silver in it from within this ESN it still could be problematic for dispatch. Commissioner Brantley then stated that because of this issue he would not be supporting this request.

Commissioner Ruffner then stated would it make sense to postpone action on this and allow the petitioner to come up with another suitable street name. If the commission will not support using Silver in the street name and the petitioners do not have another suggestion ready it would be difficult to come up with another name on the fly. Mr. Hawes then stated that he could support postponement.

Commission Ecklund asked Mr. Hawes if she was correct in understanding that there are only two homes on this street and that both landowner wanted the name to remain Silver Falls. Mr. Hawes replied that she was correct.

Ms. Hindman suggested that since the owners were adamant on the name Silver Falls it might make sense to vote on this name and if it is denied, and then the commission could make a motion to postpone action until staff brings it back with a different name.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

MOTION FAILED BY MAJORITY VOTE:

No	4	Yes	3	Absent	3
No	Brantley, Fikes, Ruffner, Venuti				
Yes	Ecklund, Gillham, Martin				
Absent	Bentz, Chesser, Morgan				

MOTION: Commissioner Fikes moved, seconded by Commissioner Ecklund to bring back to the commission the renaming of the private road along with other name suggestions.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	7	No	0	Absent	3
Yes	Brantley, Ecklund, Fikes, Gillham, Martin, Ruffner, Venuti				
Absent	Bentz, Chesser, Morgan				

AGENDA ITEM E. NEW BUSINESS**ITEM 8 – RESOLUTION 2021-__**

A resolution authorizing the acquisition by bequeath of 41.75 acres of land located in the Nikiski area.

Staff report given by Marcus Mueller.

The Estate of Thomas A. Toloff bequeathed to the Kenai Peninsula Borough a 41.75-acre tract of land in the Nikiski Area “for wildlife preservation”. KPB does not have specific wildlife management programming and cannot commit funds to actively managing the property for wildlife preservation. The borough does however manage land of a similar character and has land classifications that can account for a wide variety of resource management purposes and values. The property, in its current state, has a variety of wildlife habitats. At the same time, the deed provided by the Estate is without any restrictions.

The resolution would authorize the borough to accept the title to Tract B, Thomas Toloff Subdivision, 2018 Addition.

END OF STAFF REPORT

Chair Martin opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Venuti moved, seconded by Commissioner Ecklund to forward to the assembly a recommendation to adopt Resolution 2021-__, a resolution authorizing the acquisition by bequeath of 41.75 acres of land located in the Nikiski area.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes	7	No	0	Absent	3
Yes	Brantley, Ecklund, Fikes, Gillham, Martin, Ruffner, Venuti				
Absent	Bentz, Chesser, Morgan				

AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Ecklund informed the commission the plat committee approved 9 preliminary plats.

AGENDA ITEM G. OTHER

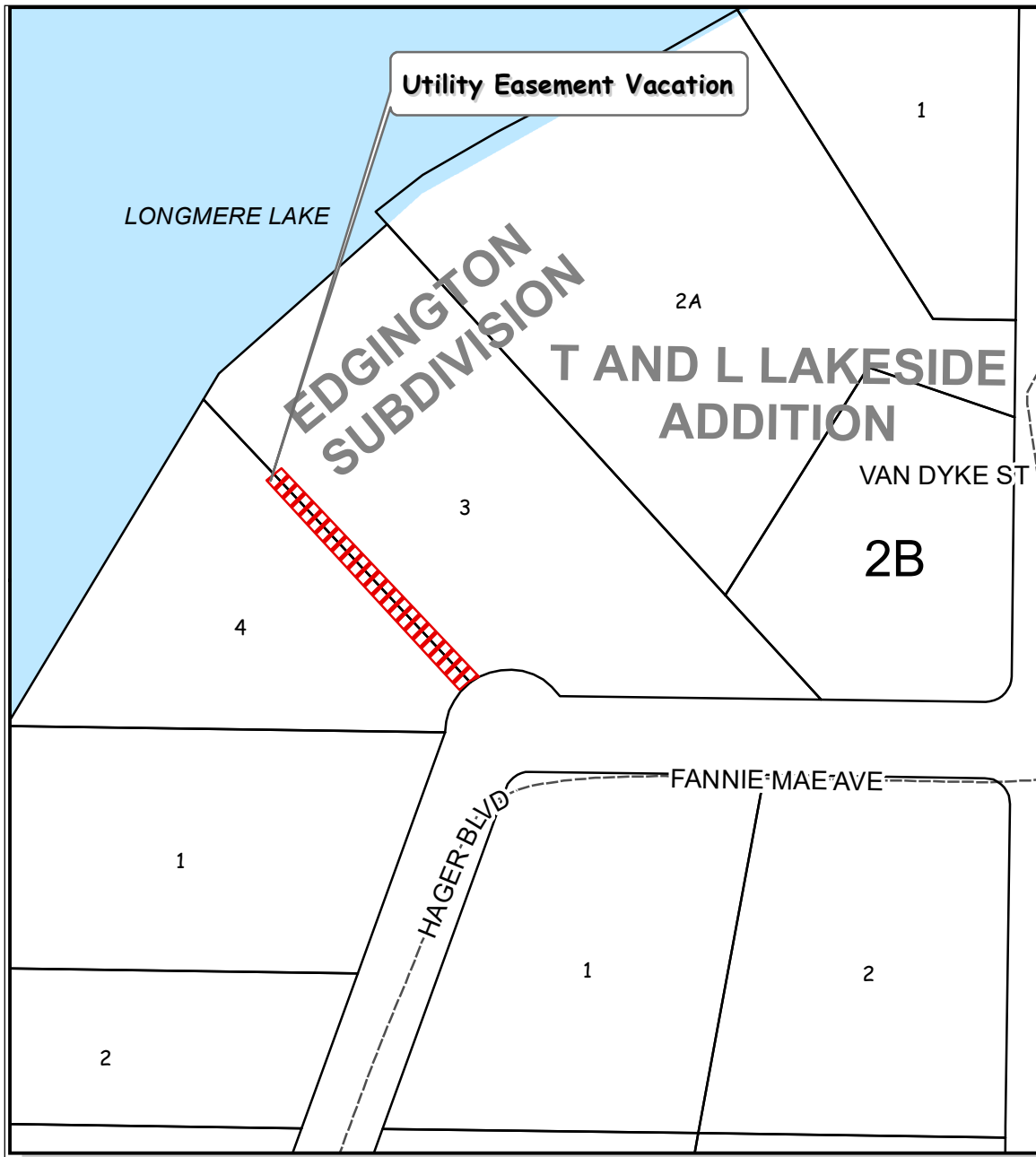
1. Plat Committee members for September 27, 2021 Plat Committee meeting.
 - Gillham, Brantley, Ecklund, Ruffner, Venuti

AGENDA ITEM I. DIRECTOR'S COMMENTS - None

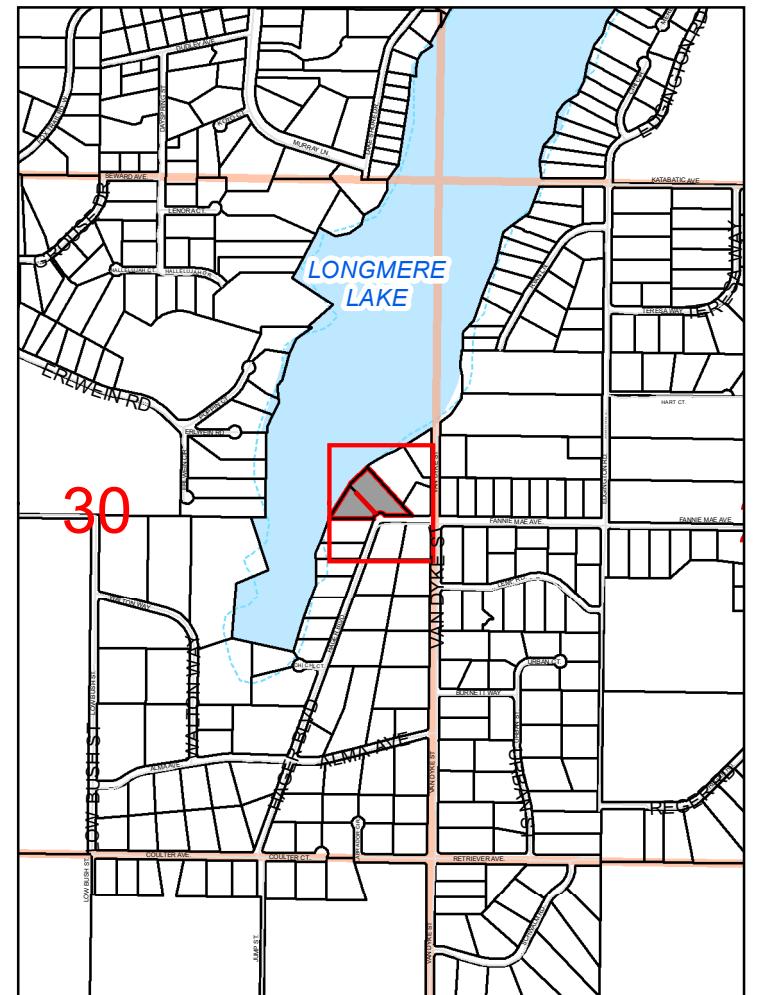
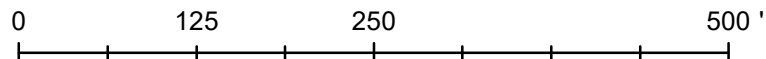
AGENDA ITEM J. COMMISSIONER COMMENTS – None

AGENDA ITEM M. ADJOURNMENT – Commissioner Ecklund moved to adjourn the meeting at 8:52 p.m.

Ann E. Shirnberg
Administrative Assistant



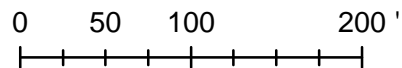
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



KPB 2021-129V1
S30 T05N R09W
STERLING




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



Aerial View



 Utility Easement Vacation

PClements, KPB 2021-129V1
Imagery Sterling 2018

REFERENCES

- (R1) EDGINGTON SUBD. NO. 2 PLAT NO. 79-195, KENAI RECORDING DISTRICT
(R2) SLEEPY HOLLOW SUBDIVISION, PLAT NO. 78-19, KENAI RECORDING DISTRICT
(R3) EDGINGTON SUBDIVISION T AND L LAKESIDE ADDITION, PLAT NO. 2016-29, KENAI RECORDING DISTRICT

LINE TABLE

LINE	BEARING	DISTANCE
L1	N19°01'25"E	17.46'
L2	N00°00'00"W	11.24'
L3	N45°59'06"E	25.00'

NOTES

- BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- THE FRONT 15 FEET ADJACENT TO THE RIGHTS-OF-WAY IS A UTILITY EASEMENT. PLAT KN 79-195 GRANTED 5 FEET ALONG FORMER LOT 3. THIS PLAT WILL GRANT ADDITIONAL 10 FEET AS UTILITY EASEMENTS TO BRING THE 5 FOOT UTILITY EASEMENT TO A WIDTH OF 15 FEET. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF FANNIE MAE AVE. AND UTILITY EASEMENT GRANTED BY PLAT KN 79-195, AT THE MEETING OF SEPTEMBER 27, 2021.
- EXCEPTION TO KENAI PENINSULA BOROUGH CODE KPB 20.40.040 WAS GRANTED AT THE PLAT COMMITTEE MEETING OF SEPTEMBER 27, 2021.
- A 20 FOOT ELECTRIC DISTRIBUTION LINE EASEMENT CENTERED ON EXISTING POWER LINE GRANTED THIS PLAT.
- A 15 FOOT GAS DISTRIBUTION LINE EASEMENT CENTERED ON EXISTING GAS LINE GRANTED THIS PLAT.
- RIGHTS OF THE PUBLIC AND OR GOVERNMENTAL AGENCIES IN AND TO THAT PORTION OF SAID PREMISES LYING BELOW THE MEAN HIGH WATER MARK OF LONGMERE LAKE AND ANY QUESTIONS OF RIGHT OF ACCESS TO THE LAKE IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE LAKE.
- ANY PROHIBITION OR LIMITATION ON THE USE, OCCUPANCY OR IMPROVEMENT OF THE LAND RESULTING FROM THE RIGHTS OF THE PUBLIC OR RIPARIAN OWNERS TO USE ANY WATERS WHICH MAY COVER THE LAND OR TO USE ANY PORTION OF THE LAND WHICH IS NOW OR MAY FORMERLY HAVE BEEN COVERED BY WATER.
- THE CUL-DE-SAC PORTION OF THE RIGHT OF WAY BEING VACATED THIS PLAT WILL REMAIN AS A PUBLIC UTILITY EASEMENT.
- WASTEWATER DISPOSAL: ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAYS AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

COLLEEN M. SHERMAN
43420 KALIFORNISKY BEACH RD.
SOLDOTNA, ALASKA 99669

GUY F. SHERMAN
43420 KALIFORNISKY BEACH RD.
SOLDOTNA, ALASKA 99669

JESSICA SEYMOUR
43420 KALIFORNISKY BEACH RD.
SOLDOTNA, ALASKA 99669

PAUL KELLY
43420 KALIFORNISKY BEACH RD.
SOLDOTNA, ALASKA 99669

NOTARY ACKNOWLEDGEMENT

FOR: COLLEEN M. SHERMAN
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2021

NOTARY PUBLIC SIGNATURE

NOTARY
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AREA

NOTARY ACKNOWLEDGEMENT

FOR: JESSICA SEYMOUR
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2021

NOTARY PUBLIC SIGNATURE

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NOTARY ACKNOWLEDGEMENT

FOR: GUY F. SHERMAN
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2021

NOTARY PUBLIC SIGNATURE

NOTARY
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AREA

NOTARY ACKNOWLEDGEMENT

FOR: PAUL KELLY
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2021

NOTARY PUBLIC SIGNATURE

NOTARY
STAMP
AREA

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 27, 2021.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

RECORDER'S
STAMP
AREA

LONGMERE LAKE

LOT 2A
PLAT 2016-29

LOT 3A
1.749 ACRES

LOT 4A
1.284 ACRES

LOT 2B
PLAT
2016-29

LOT 1
BLOCK 1
PLAT 79-195

LOT 1
BLOCK 2
PLAT 79-195

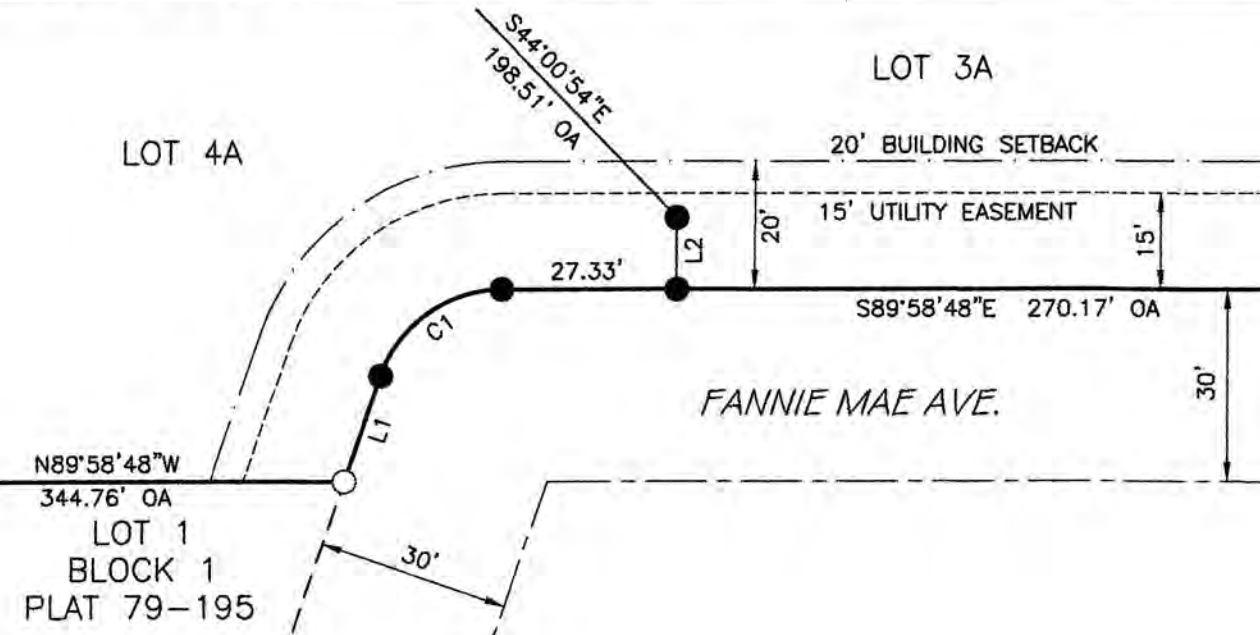
LOT 2
BLOCK 2
PLAT 79-195

LEGEND

- FOUND BLM MONUMENT AS REFERENCED
FOUND SECONDARY MONUMENT
5/8" REBAR
SET PROPERTY CORNER
5/8" X 30" REBAR
WITH 2" ALUMINUM CAP
STAMPED EDGE SURVEY LS-13022 2021
OA OVER ALL
(R#) RECORD DATA, SEE REFERENCE

- SUBDIVISION BOUNDARY
INTERIOR LOT LINE
ADJACENT PROPERTY LINE
CENTERLINE RIGHT OF WAY
20 FOOT BUILDING SETBACK
EASEMENT
FORMER LOT LINE
OVERHEAD ELECTRIC LINE
RIGHT OF WAY BEING VACATED
UTILITY EASEMENT BEING VACATED

UTILITY EASEMENT AND BUILDING SETBACK TYPICAL



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	20.00'	24.78'	70°59'47"	S54°31'19"W	23.23'

CERTIFICATE OF SURVEYOR

I, MARK AIMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



KPB FILE No. 2021-000

EDGINGTON
SUBDIVISION
SHERMAN
ADDITION

A SUBDIVISION OF
LOTS 3 AND 4
PLAT 79-195
KENAI RECORDING DISTRICT

OWNERS:
COLLEEN M. AND GUY F. SHERMAN
JESSICA SEYMOUR
PAUL KELLY
43420 KALIFORNISKY BEACH RD.
SOLDOTNA, ALASKA 99669

LOCATED WITHIN NE 1/4 SECTION 30,
T.5N., R.9W. S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT

CONTAINING 3.303 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
AECL# 1392

DRAWN BY: DATE: PROJECT:
JY 8/11/2021 21-574
CHECKED BY: SCALE: SHEET:
MA 1" = 50' 1 OF 1

KPB 2021-129V1

AGENDA ITEM E. NEW BUSINESS

ITEM 1 - UTILITY EASEMENT ALTERATION
EDGINGTON SUBDIVISION NO. 2 (KN 79-195) LOTS 3 AND 4

KPB File No.	2021-129V1
Planning Commission Meeting:	September 27, 2021
Applicant / Owner:	Jessica Seymour, Paul Kelly, Guy and Colleen Sherman, all of Soldotna, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Sterling

STAFF REPORT

Specific Request / Purpose as stated in the petition: None was stated. A preliminary plat to adjust the shared lot line the easement is centered on has been submitted.

Notification: Notice of vacation mailings were sent by regular mail to 34 owners of property within 600 feet. Notice of the proposed vacation was emailed to Borough agencies and interested parties.

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

Staff Analysis: The petition requests to vacate the entire utility easement that is on the common boundary between Lot 3 and Lot 4. It does not appear that any utility lines are currently located within the easement.

The petition was accompanied with a petition to vacate a portion of Fannie Mae Avenue and a preliminary subdivision plat. The preliminary plat will adjust the lot line between Lot 3 and 4 as well as finalize both the utility and right of way vacations.

The right of way vacation is scheduled to be heard by the Planning Commission on the September 27, 2021 meeting. The preliminary plat is scheduled to be heard by the Plat Committee at the September 27, 2021 meeting.

Edgington Subdivision No. 2, Plat KN 79-195 created the current lot configuration for lots 3 and 4 and the owners at that time granted the utility easements. That plat granted a 5 foot utility easement along the straight portion of Midway Drive, now named Fannie Mae Avenue, within Lot 3. In addition, a 20 foot utility easement centered on the shared lot line for lots 3 and 4 was granted. Each lot has a 10 foot wide utility easement that is approximately 225 feet long.

The right of way vacation is proposing to vacate the bulb portion of Fannie Mae Avenue only and to grant that area as a utility easement. The plat will also be granting additional utility easements along Fannie Mae Avenue. The additional easements will provide full 15 foot wide utility easements abutting the dedicated right of way. The plat will also be granting a 20 foot electric distribution line easement and a 15 foot gas distribution line easement each centered on existing services.

The petition did not state the reason for the vacation request. Looking at KPB GIS Imagery, a structure on Lot 4 appears to be very close to the lot line if not crossing and within the utility easement. The preliminary plat will be adjusting a portion of the shared lot line by moving it to the east 25 feet. Leaving the utility easement in place will create a 20 foot utility easement running through a portion of proposed Lot 4A and may create a possible encroachment.

No objections were received from the utility providers.

Utility provider review:

HEA	Approved as shown
-----	-------------------

ENSTAR	Approved as shown
ACS	No objections
GCI	Approved as shown

Findings:

1. The petition states the easement is not in use by any utility companies.
2. ACS, ENSTAR, GCI, and HEA provided written non-objection to the proposed vacation.
3. The Roads Service Area had no comment.
4. Edgington Subdivision No. 2, Plat KN 79-195, granted a 20 foot wide utility easement approximately 225 feet long on the shared lot line of lots 3 and 4.
5. Additional easements are proposed to be granted over existing services by platting action.
6. A 15 foot utility easement will be granted along the dedicated right of way, Fannie Mae Avenue.
7. The area of the cul-de-sac bulb right of way proposed for vacation will be granted as utility easement by platting action.
8. No surrounding properties will be denied utilities.
9. The property is located on Longmere Lake.
10. The utility easement runs along the lot line towards Longmere Lake.

RECOMMENDATION:

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

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

20.65.070 Alteration of platted utility easements

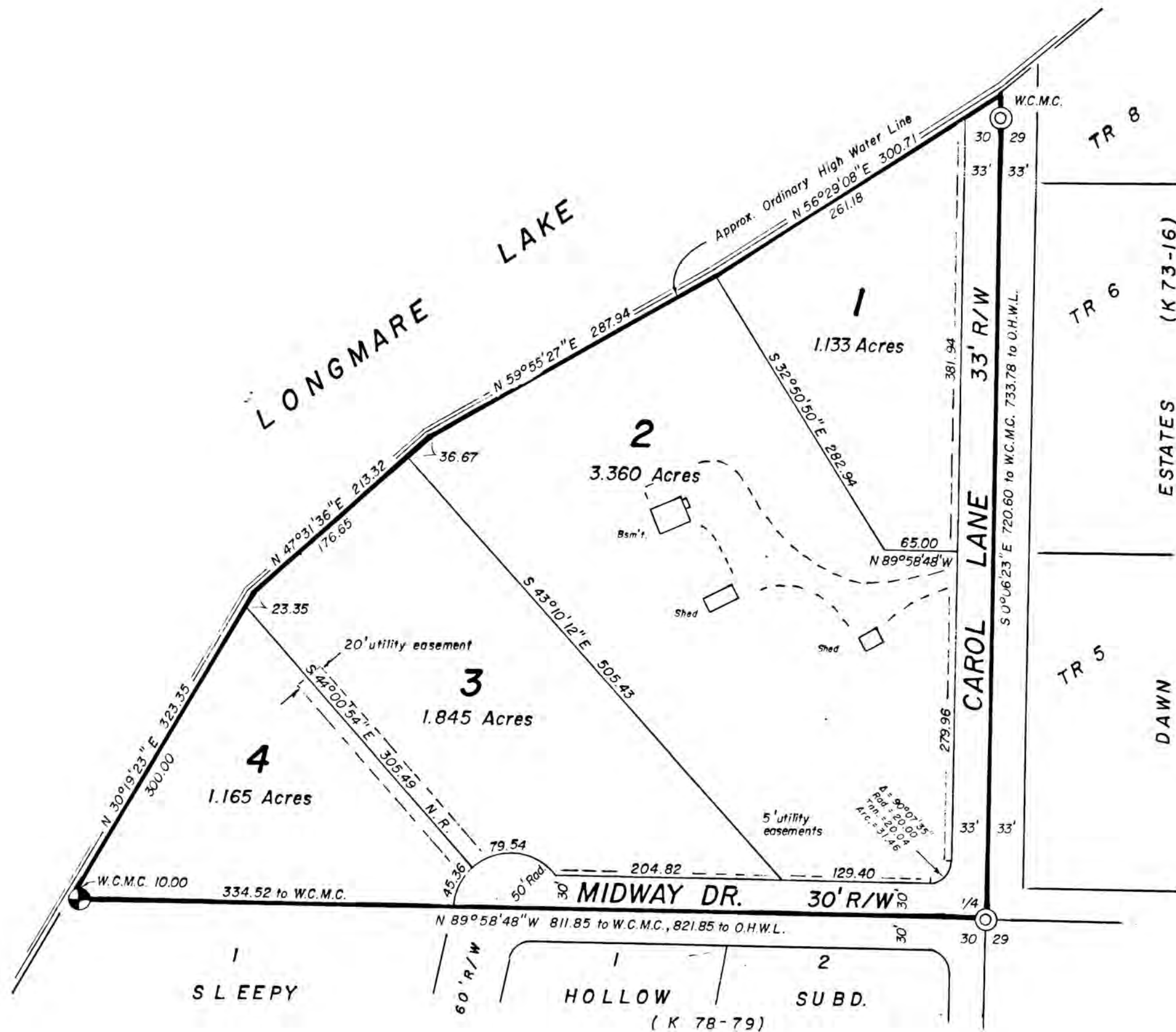
- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement may be filed within one calendar year of the date of the final denial action except in the case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

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

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

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

END OF STAFF REPORT



LEGEND AND NOTES

- ⊙ Found G.L.O. brass cap monument (1939).
- ⊕ Found official survey monument (1300-S-1977)
- ⊥ Set 1/2" x 24" rebar at all lot corners.

Basis of bearing is S 0°06'23"E for the east boundary of this subd.

The ordinary high water line forms the true bounds of these lots. The approximate O.H.W.L. shown is for computation purposes only.

All waste water treatment and disposal systems shall comply with existing law at time of construction.

Building set back - A building set back of 20' is required from all street rights of ways unless a lesser standard is approved by resolution of the appropriate planning commission.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of September 24, 1979.

Kenai Peninsula Borough

By Philip Waring
Authorized Official

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Lyle C. Edgington
Lyle C. Edgington, owner
Box 1444, Soldotna, AK.

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 22^d day of Nov, 1979

My commission expires 8/2/83

Stanley S. McLane
notary public for Alaska

STATE OF ALASKA
NOTARY PUBLIC
STANLEY S. McLANE
My Commission Expires 8/2/83

79-195
RECORDED - FILED 300
Alaska REC. DIST.
DATE 11-9-79
PAGE 3142 P
Reviewed by KPB
Address

EDGINGTON SUBD. NO. 2

Lyle Edgington, owner
Box 1444 Soldotna, Ak. 99669

DESCRIPTION - LOCATION

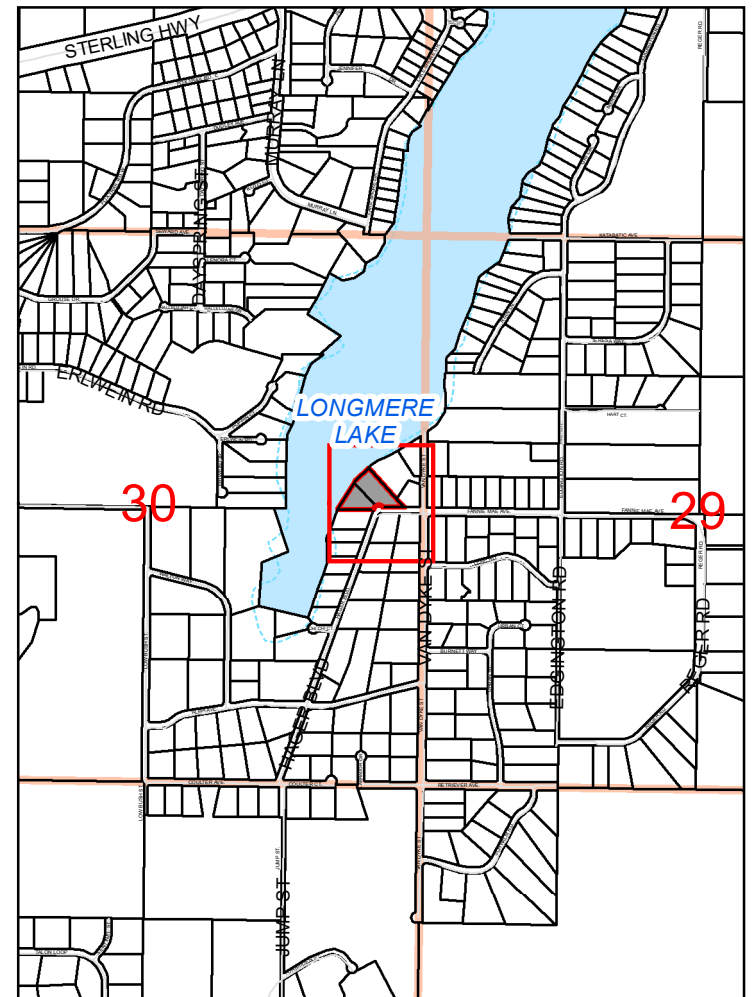
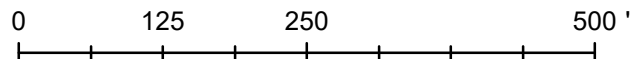
All of Gov't Lot 5 Section 30 T5N, R9W, S.M. AK. containing 8.351 acres in the SE 1/4 NE 1/4 Sec. 30

Surveyed by: McLane & Associates, Inc.
Soldotna, AK.

DATE OF SURVEY 7/31/79 to 9/5/79	SCALE 1" = 100'	BK. NO. 79-20
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The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

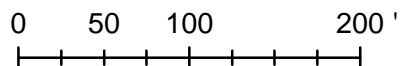


KPB 2021-129V
S30 T05N R09W
STERLING

PClements, KPB 2021-129V Date: 9/7/2021




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



Aerial View



 Right of Way Vacation

PClements, KPB 2021-129V
Imagery STERLING 2018

REFERENCES

- (R1) EDGINGTON SUBD. NO. 2 PLAT NO. 79-195, KENAI RECORDING DISTRICT
(R2) SLEEPY HOLLOW SUBDIVISION, PLAT NO. 78-19, KENAI RECORDING DISTRICT
(R3) EDGINGTON SUBDIVISION T AND L LAKESIDE ADDITION, PLAT NO. 2016-29, KENAI RECORDING DISTRICT

LINE TABLE

LINE	BEARING	DISTANCE
L1	N19°01'25"E	17.46'
L2	N00°00'00"W	11.24'
L3	N45°59'06"E	25.00'

NOTES

- BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- THE FRONT 15 FEET ADJACENT TO THE RIGHTS-OF-WAY IS A UTILITY EASEMENT. PLAT KN 79-195 GRANTED 5 FEET ALONG FORMER LOT 3. THIS PLAT WILL GRANT ADDITIONAL 10 FEET AS UTILITY EASEMENTS TO BRING THE 5 FOOT UTILITY EASEMENT TO A WIDTH OF 15 FEET. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF FANNIE MAE AVE. AND UTILITY EASEMENT GRANTED BY PLAT KN 79-195, AT THE MEETING OF SEPTEMBER 27, 2021.
- EXCEPTION TO KENAI PENINSULA BOROUGH CODE KPB 20.40.040 WAS GRANTED AT THE PLAT COMMITTEE MEETING OF SEPTEMBER 27, 2021.
- A 20 FOOT ELECTRIC DISTRIBUTION LINE EASEMENT CENTERED ON EXISTING POWER LINE GRANTED THIS PLAT.
- A 15 FOOT GAS DISTRIBUTION LINE EASEMENT CENTERED ON EXISTING GAS LINE GRANTED THIS PLAT.
- RIGHTS OF THE PUBLIC AND OR GOVERNMENTAL AGENCIES IN AND TO THAT PORTION OF SAID PREMISES LYING BELOW THE MEAN HIGH WATER MARK OF LONGMERE LAKE AND ANY QUESTIONS OF RIGHT OF ACCESS TO THE LAKE IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE LAKE.
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PAUL KELLY
43420 KALIFORNISKY BEACH RD.
SOLDOTNA, ALASKA 99669

NOTARY ACKNOWLEDGEMENT

FOR: COLLEEN M. SHERMAN
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2021

NOTARY PUBLIC SIGNATURE

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NOTARY ACKNOWLEDGEMENT

FOR: JESSICA SEYMOUR
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2021

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ACKNOWLEDGED BEFORE ME

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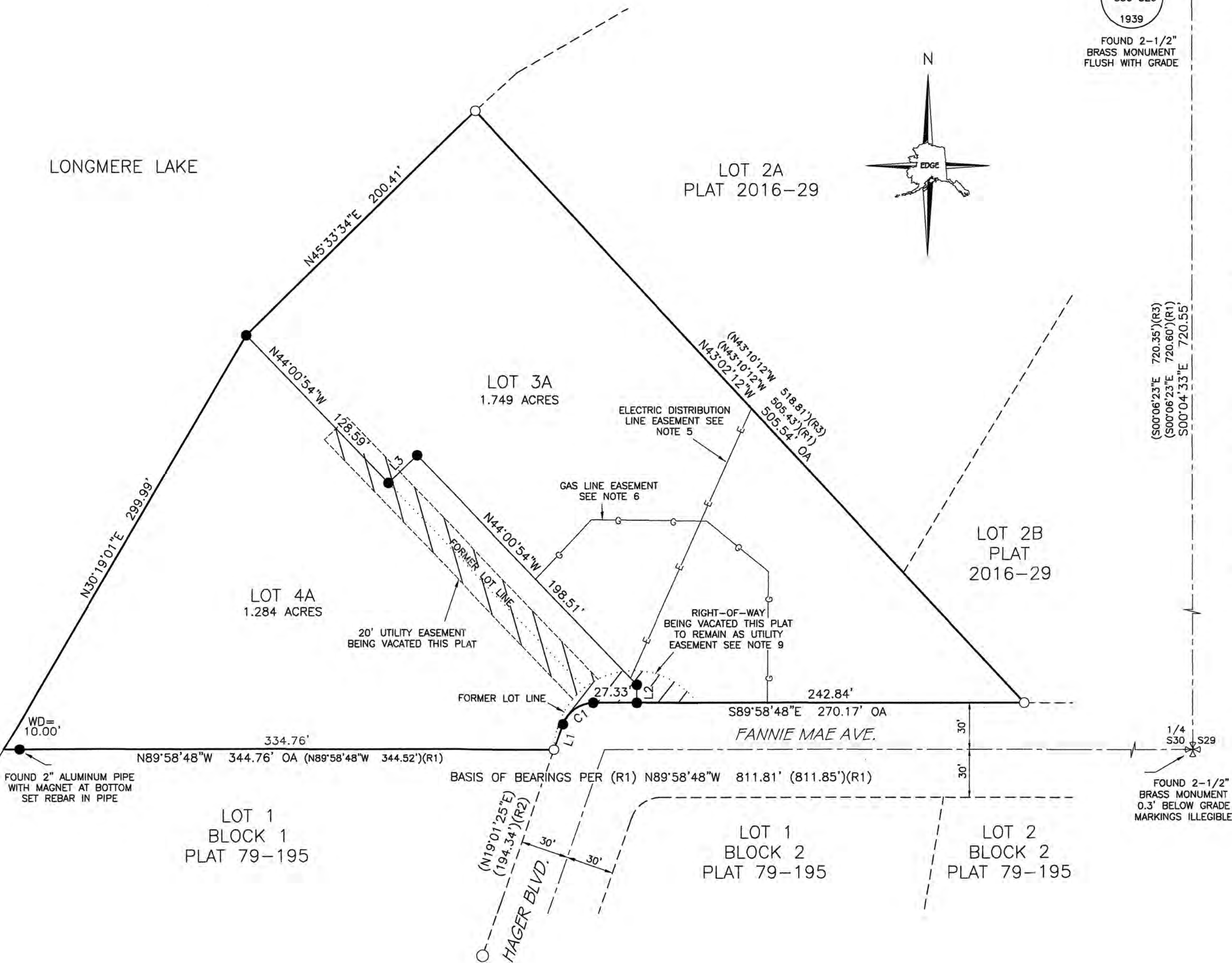
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 27, 2021.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

RECORDER'S
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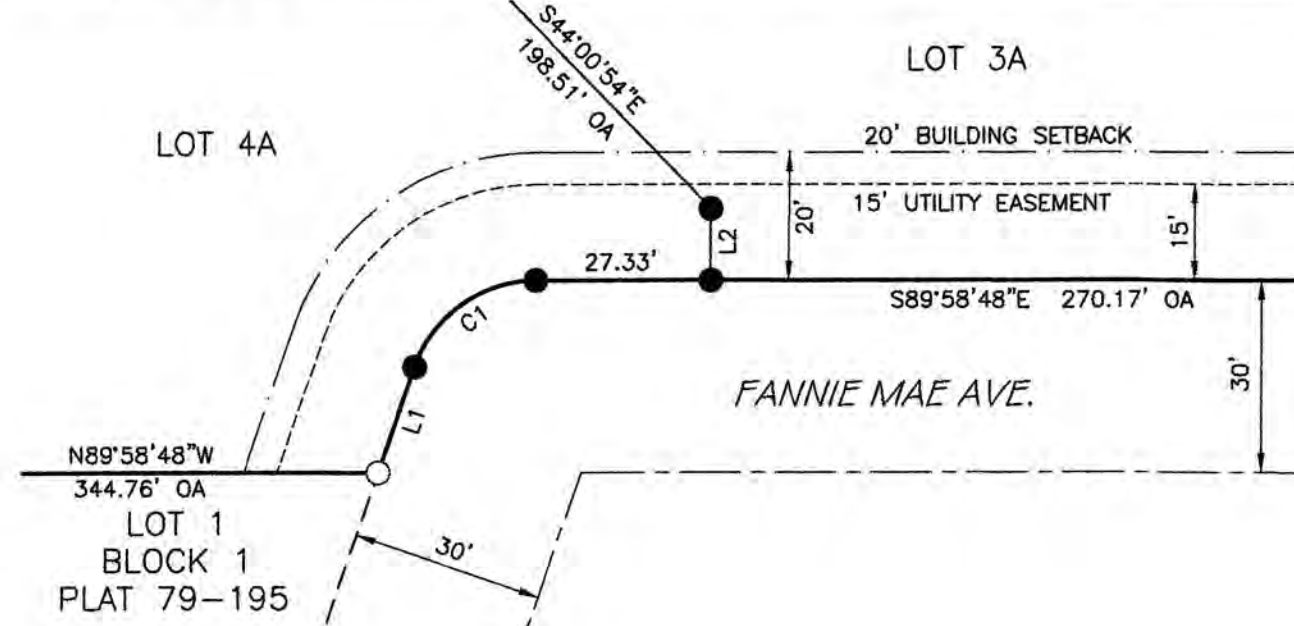


LEGEND

- FOUND BLM MONUMENT AS REFERENCED
FOUND SECONDARY MONUMENT 5/8" REBAR
SET PROPERTY CORNER 5/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2021
OVER ALL
RECORD DATA, SEE REFERENCE

- SUBDIVISION BOUNDARY
INTERIOR LOT LINE
ADJACENT PROPERTY LINE
CENTERLINE RIGHT OF WAY
20 FOOT BUILDING SETBACK
EASEMENT
FORMER LOT LINE
OVERHEAD ELECTRIC LINE
RIGHT OF WAY BEING VACATED
UTILITY EASEMENT BEING VACATED

UTILITY EASEMENT AND BUILDING SETBACK TYPICAL



CURVE TABLE

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CERTIFICATE OF SURVEYOR

I, MARK AIMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



KPB FILE No. 2021-000

EDGINGTON
SUBDIVISION
SHERMAN
ADDITION

A SUBDIVISION OF
LOTS 3 AND 4
PLAT 79-195
KENAI RECORDING DISTRICT

OWNERS:
COLLEEN M. AND GUY F. SHERMAN
JESSICA SEYMOUR
PAUL KELLY
43420 KALIFORNISKY BEACH RD.
SOLDOTNA, ALASKA 99669

LOCATED WITHIN NE 1/4 SECTION 30,
T.5N., R.9W. S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT

CONTAINING 3.303 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
AECL# 1392

DRAWN BY: JY	DATE: 8/11/2021	PROJECT: 21-574
CHECKED BY: MA	SCALE: 1" = 50'	SHEET: 1 OF 1

KPB 2021-129V

AGENDA ITEM E. NEW BUSINESS

**ITEM 2 - RIGHT OF WAY VACATION
VACATE A PORTION OF FANNIE MAE AVENUE**

KPB File No.	2021-129V
Planning Commission Meeting:	September 27, 2021
Applicant / Owner:	Jessica Seymour, Paul Kelly, Guy F. Sherman, and Colleen M. Sherman all of Soldotna, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Sterling
Legal Description:	Cul-de-sac portion of Fannie Mae Avenue / Edgington Subdivision No. 2, Plat KN 79-195 / Section 30 Township 5 North Range 9 West S.M.

STAFF REPORT

Specific Request / Purpose as stated in the petition: None stated. A preliminary plat has been submitted that depicts a shift in the shared lot line, the vacation of a utility easement on the shared boundary, and the vacation of the bulb portion of Fannie Mae Avenue.

Notification: Public notice appeared in the September 16, 2021 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the September 23, 2021 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

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

Library of Soldotna

Post Office of Soldotna

14 certified mailings were sent to owners of property within 300 feet of the proposed vacation. 0 receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to 22 owners within 600 feet of the proposed vacation.

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

State of Alaska Dept. of Fish and Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry
Central Emergency Services

Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)

Legal Access (existing and proposed): The proposed vacation is located at the west end of Fannie Mae Avenue and adjoins Lots 3 and 4 of Edgington Subdivision No. 2, Plat KN 79-195. Access to this location is from mile post 88 of the Sterling Highway to St. Theresa Road to Edgington Road Fannie Mae Avenue.

Fannie Mae Avenue constructed and maintained by the Kenai Peninsula Borough.

Lots 3 and 4 front Longmere Lake on their west boundary, which provides water access and is commonly used by floatplanes.

The petition wishes to vacate only the bulb portion of Fannie Mae Avenue with a full 60 foot width right of way to remain. Fannie Mae Avenue was granted by Edgington Subdivision No. 2, Plat KN 79-195.

The block is not closed nor compliant in length due to the location of Longmere Lake. The proposed vacation does not affect the block, as it is only a portion of a bulb and the 60 foot wide right of ways will remain.

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	No comments.

Site Investigation: There does not appear to be any low wet areas within the lots or the proposed vacation area. Steep terrain does not affect the area requested to be vacated. It does not appear that the area to be vacated is needed or required for slope or maintenance easements.

Floodplain Hazard Review	Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments
Anadromous Waters Habitat Protection District Review	Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
State Parks Review	Reviewer: Russell, Pam Comments: No Comments

Staff Analysis: The subdivision Edgington Subdivision No. 2, Plat KN 79-195, dedicated a 30 foot width for Fannie Mae Avenue as well as a 50 foot radius partial bulb. The bulb is located on the northern side of the intersection with Hager Boulevard. The 30 foot dedication created a full 60 foot wide right of way as Sleepy Hollow Subdivision, Plat KN 78-79, dedicated the southern 30 foot width of the right of way.

The constructed roadways do not appear to be within the bulb portion proposed for vacation. Edgington Subdivision No. 2 was heard and approved at the September 24, 1979 plat committee meeting. The minutes from the September 24, 1979 meeting do not include any discussion or notes regarding the bulb dedication. It was not dedicated with the intent of a closed cul-de-sac as the right of way dedications already existed to the south.

The proposed lot line reconfiguration will increase the right of way frontage for Lot 4 by 23 feet (45 feet to 68 feet) and decrease the frontage for Lot 3 by 43 feet (285 feet to 242 feet).

There does not appear to be steep slopes along the right of way that would need that portion for slope or maintenance easements.

Lot 3 and 4 have existing constructed access. Having driveways access on an intersection is not ideal. The access is on the outside of the intersection providing a better line of sight. The vacation of the right of way will not change current access to their property.

A preliminary plat has been submitted to be heard by the Plat Committee on September 27, 2021. It appears that a structure is within the utility easement along the shared lot line and possibly across the property line. The preliminary plat is proposing to shift a portion of the shared lot line approximately 25 feet to the northeast. The lot line adjustment should resolve the encroachment issue if it exists or at least provide a buffer between the structure and the neighboring lot.

A petition to alter a platted utility easement has been submitted and is scheduled for hearing at the September 27, 2021 Planning Commission meeting. The easement to be vacated is the 20 foot easement along the shared lot line of lots 3 and 4 of Edgington Subdivision No. 2.

The preliminary plat states in plat note 2 the intent to dedicate additional utility easements along the dedicated right of ways to provide 15 foot easements. Plat note 9 as well as a label on the plat indicate the intent to grant a utility easement in place of the right of way vacation. Additional easements are proposed over existing service lines.

Neighboring lands will not be denied access nor utilities if the vacation is approved.

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: While Fannie Mae Avenue is constructed and maintained, it appears that the bulb area is not being used by the public for access.
2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: The bulb portion of the right of way is able to be constructed. Fannie Mae Avenue and Hager Boulevard are full width dedicated right of ways with constructed roads maintained by the borough.
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: The area is developed with dedicated right of ways to all private lands.
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: The portion to be vacated does not provide public access to a lake, river or other area with public interest or value.
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: Right of ways have been dedicated to provide connectivity to adjacent parcels.
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: The bulb area is not generally used for other public access.
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: The preliminary plat is proposing to grant easements atop existing services as well as full 15 feet along the dedicated right of way. The right of way to be vacated is proposed to be granted as a utility easement.
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments:

If approved, Edgington Subdivision Sherman Addition will finalize the proposed right of way vacation. The Plat Committee is scheduled to review the preliminary plat on September 27, 2021.

Approval of the vacation is required to receive consent by the Kenai Peninsula Borough Assembly within 30 days. The vacation, if approved, will be scheduled for the October 12, 2021 Assembly meeting.

KPB department / agency review:

Planner	
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Addressing	Reviewer: Robinson, Celina Affected Addresses: 39084 FANNIE MAE AVE 35495 HAGER BLVD Existing Street Names are Correct: Yes List of Correct Street Names: FANNIE MAE AVE HAGER BLVD Comments: 39084 FANNIE MAE AVE will remain on LOT 3A 35495 HAGER BLVD should be changed to FANNIE MAE AVE address due to shared driveway with 39084 FANNIE MAE AVE
Assessing	Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.
Advisory Planning Commission	

Utility provider review:

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

RECOMMENDATION:

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

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

KPB 20.65.050 – Action on vacation application

H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides

otherwise.

- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

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

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

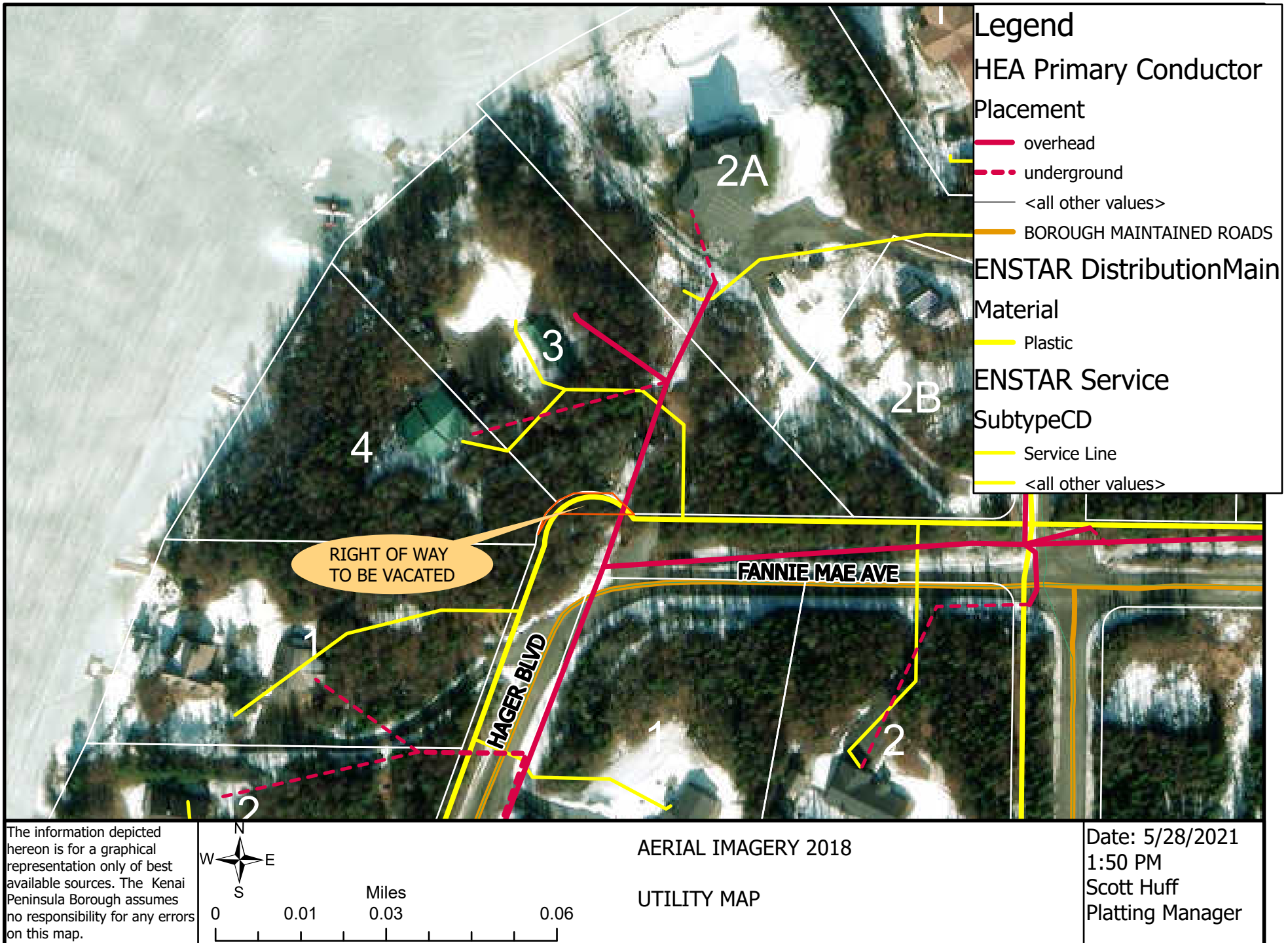
- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing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

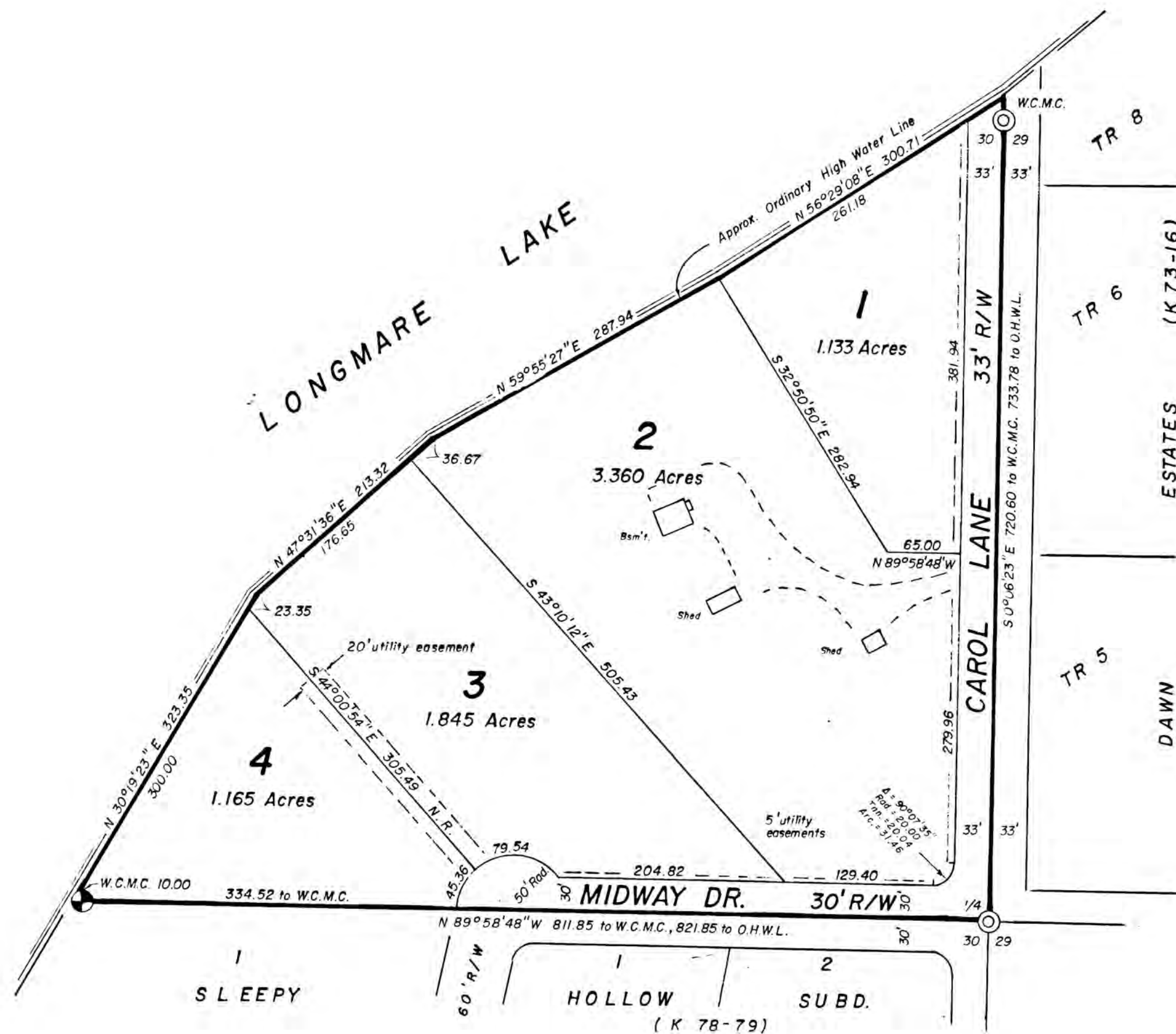
Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

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

END OF STAFF REPORT







LEGEND AND NOTES

- Found G.L.O. brass cap monument (1939).
- ⊕ Found official survey monument (1300-S-1977)
- ⊥ Set 1/2" x 24" rebar at all lot corners.

Basis of bearing is $S 0^{\circ}06'23"E$ for the east boundary of this subd.

The ordinary high water line forms the true bounds of these lots.
The approximate O.H.W.L. shown is for computation purposes only.

All waste water treatment and disposal systems shall comply with existing law at time of construction.

Building set back - A building set back of 20' is required from all street rights of ways unless a lesser standard is approved by resolution of the appropriate planning commission.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough
Planning Commission at the meeting of September 24,
1979.

Kenai Peninsula Borough

By Philip Warren
Authorized Official

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Lyle C. Edgington, owner
Box 1444, Soldotna AK.

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this
2nd day of Nov., 1977

My commission expires 9/2/53

Stanley P. McLane
notary public for Alaska

STATE OF ALASKA
NOTARY PUBLIC
STANLEY S. McLANE
My Commission Expires 8/2/83

79-195
~~RECORDED~~ - FILED 30
 Anna REC. DIST.
 DATE 11-9 1979
 TIME 3:42 P
 RECEIVED BY APB
 ADDRESS _____

EDGINGTON SUBD.
NO. 2

Lyle Edgington, owner
Box 1444 Soldotna, Ak. 99669

DESCRIPTION — LOCATION

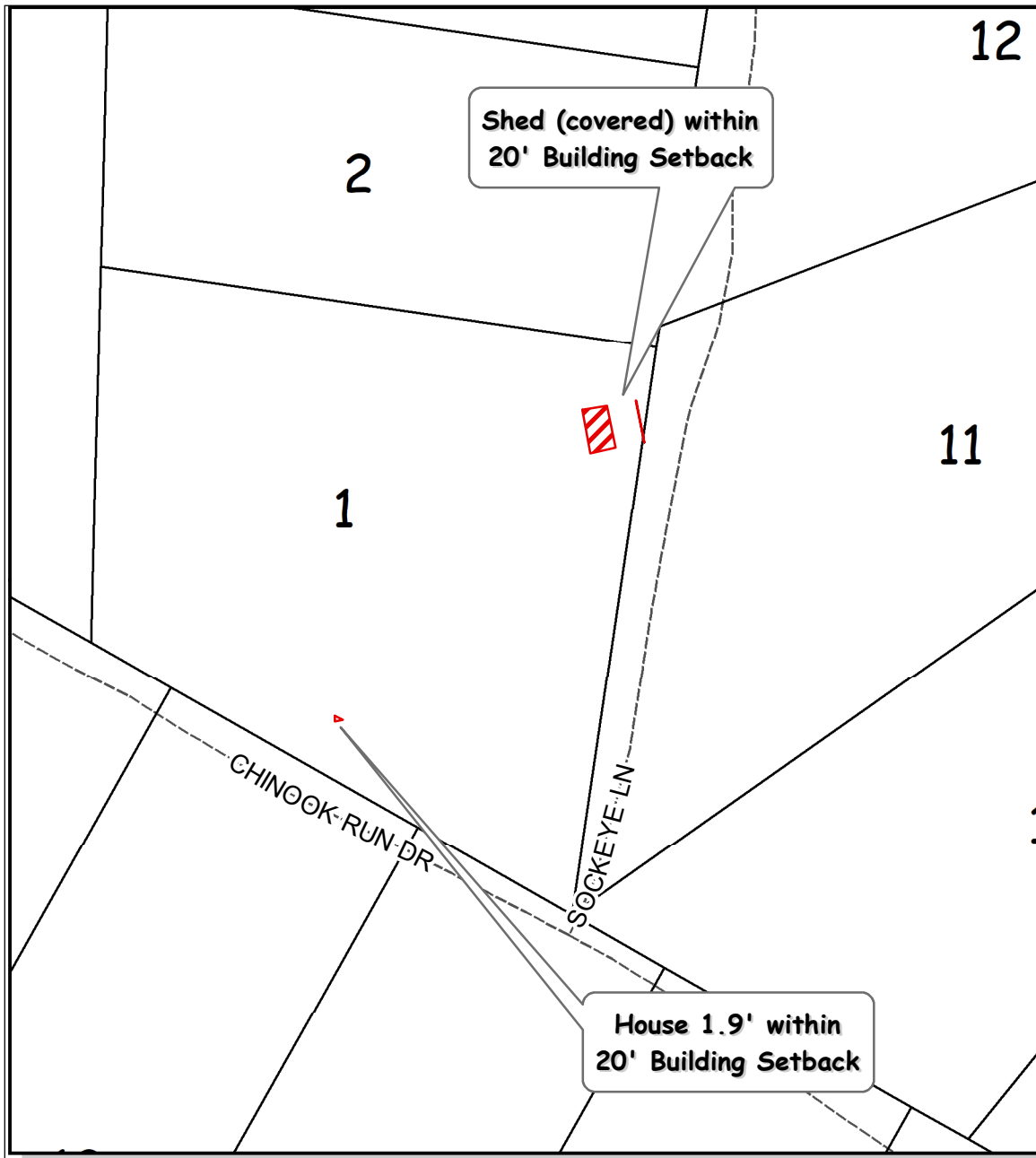
All of Gov't Lot 5 Section 30 T5N, R9W, S.M.
AK. containing 8.351 acres in the SE 1/4 NE 1/4
Sec. 30

Surveyed by: McLane & Associates, Inc.
Soldotna, AK.

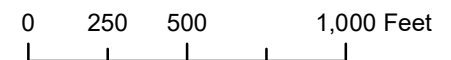
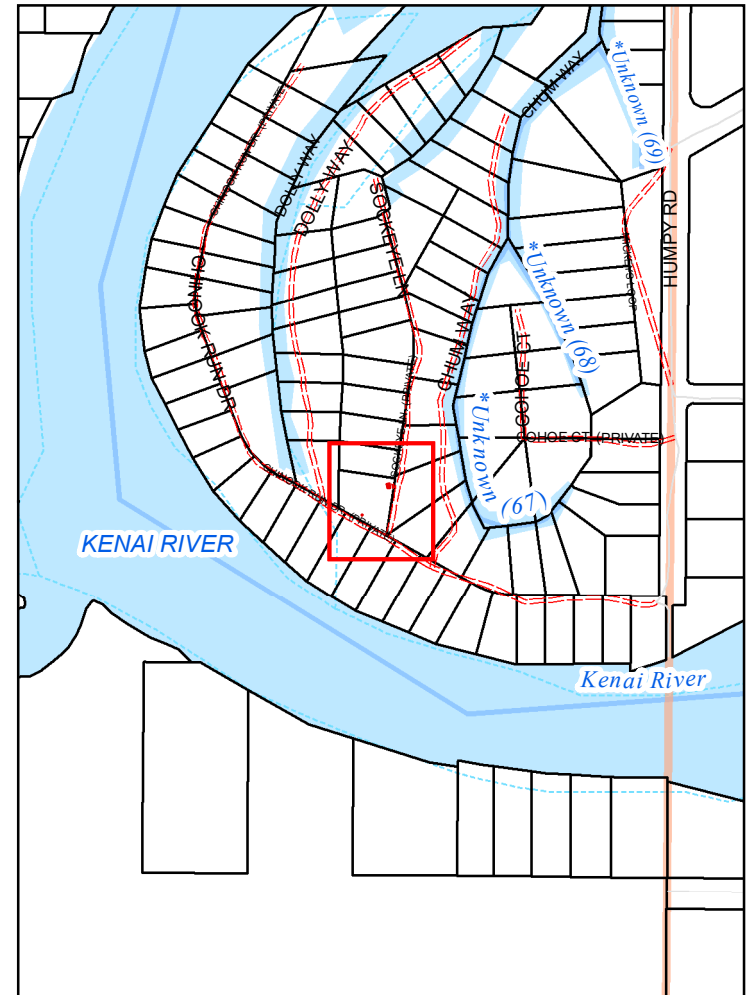
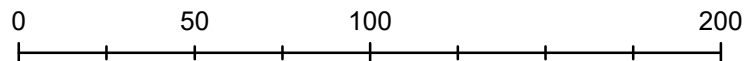
DATE OF SURVEY
7/31/79 to 9/5/79

SCALE
1" = 100'

BK. NO.
79-20



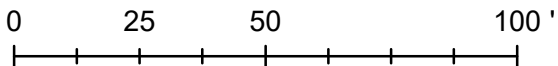
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



KPB 2021-131
S35 T05N R08W
STERLING




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



Aerial View



 Building Setback

PClements, KPB 2021-131
Imagery ANADROMOUS 2014

NOTES

THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

ALL BOUNDARY DATA SHOWN IS OF RECORD INFORMATION UNLESS OTHERWISE NOTED.

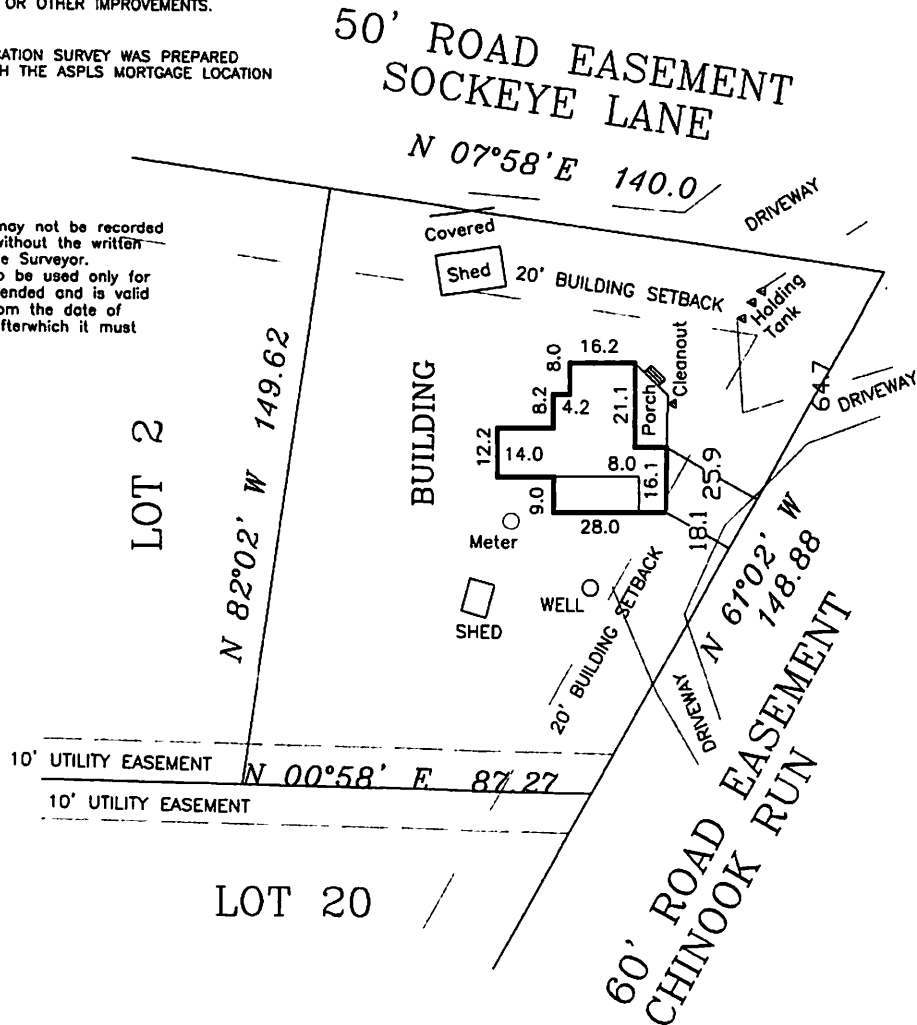
THIS MORTGAGE LOCATION SURVEY IS A REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME OF THE LOCATION SURVEY WAS PERFORMED, THIS DOCUMENT DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS SUBJECT TO ANY INACCURACIES THAT A SUBSEQUENT BOUNDARY SURVEY MAY DISCLOSE. INFORMATION CONTAINED ON THE DRAWING SHALL NOT BE USED TO ESTABLISH ANY FENCE, STRUCTURE, OR OTHER IMPROVEMENTS.

THIS MORTGAGE LOCATION SURVEY WAS PREPARED IN ACCORDANCE WITH THE ASPLS MORTGAGE LOCATION SURVEY STANDARDS.

SEE ANY LOCAL ZONING AUTHORITIES OR COVENANTS THAT MAY APPLY TO THIS PARCEL FOR BUILDING SETBACKS

SPECIAL NOTE

This document may not be recorded or copies sold without the written permission of the Surveyor. This Survey is to be used only for the purposes intended and is valid for 120 days from the date of original survey after which it must be recertified.



08-23-21



Swan Surveying

Michael Swan R.L.S.

P.O. Box 987 • Soldotna, AK 99669 • 907-257-6816

JN 21-142 FB DATE 08-23-21 SCALE 1"=30' DRWN M.S. CHK

I hereby certify that I have performed a Mortgage Inspection of the following described property

LOT 1 Block 5

KENAI RIVER KEYS AMENDED

Located in the Kenai Recording District, Kenai, AK, and that the improvements situated thereon are within the property lines and do not overlap or encroach on the property lying adjacent thereto, that no improvements on property lying adjacent thereto encroach on the premises in question and that there are no roadways, transmission lines or other visible easements on said property except as indicated hereon.

Dated at S.W. Alaska This 23 day of August 2021

AS-BUILT

AGENDA ITEM E. NEW BUSINESS

**ITEM 3. - BUILDING SETBACK ENCROACHMENT PERMIT
LOT 1 BLOCK 5 KENAI RIVER KEYS AMENDED**

KPB File No.	2021-131
Planning Commission Meeting:	September 27, 2021
Applicant / Owner:	Conatser Family Trust
Surveyor:	As-built completed by Swan Surveying
General Location:	Sterling

Parent Parcel No.:	065-280-01
Legal Description:	Lot 1 Block 5 Kenai River Keys Amended, KN 92-44
Assessing Use:	Residential
Zoning:	Rural Unrestricted

STAFF REPORT

Specific Request / Purpose as stated in the petition: Owner is selling house and the title company needs a waiver on the corner of the house being in the 20 foot building set back. Melissa Daugherty, our realtor, talked to Michael Swan of Swan Surveying and he gave permission to use the attached as built survey dated 8/23/21, in this permit application.

We purchased the property from the man that built it in the early 1970s. Cash sale, no as-built, therefore, no knowledge of the 20' setback.

Site Investigation: Per the as-built a corner of the house is up to 1.9 feet within the 20 foot building setback adjoining Chinook Run Drive private road easement. Also depicted on the as-built drawing is an approximately 16 x 10 shed with a covered portion that is nearly entirely within the 20 foot building setback adjoining Sockeye Lane private road easement.

The lot is within the Kenai Keys Subdivision. The property is located on the corner of Chinook Run and Sockeye Lane. These roads are constructed and located within the private road easements. Jurisdiction of the roadways is with the homeowners association. Per the parent plat "The road easements may be dedicated to public use if the majority of the lot owners so desire, this can be done by only the majority of the lot owners." The property lines extend to the center of the road easement but 20 foot building setbacks adjoin the roadway easements.

Photos were submitted of the house. The encroachments do not appear to create any line of sight issues for the traffic in this area.

Staff Analysis: The lot is within Kenai River Keys Subdivision Amended (KN 92-44) and is located on the Kenai River in the Sterling area. The subdivision is not within an Advisory Planning Commission boundary.

The building setbacks were put in place with the recording of the original plat (KN 72-62) in 1972. Per KPB Assessing records, the first structure was constructed in 1977. Per KPB Assessing records, all structures in place on the subject property were constructed after the setback was created.

Photos were submitted of the building but no photos were submitted of the shed. The foundation type of the shed is not known. The covered portion attached to the shed is difficult to detect within the 2014 aerial map. The 2021 image does show that there is a significant area covered that is attached to the shed.

Per aerial imagery, the encroaching structures do not create an issue with sight distances. The shed is located along a straight stretch and the house does not appear to create a sight obstruction.

Notice was sent to 84 landowners within 600 feet of the subject lot. New owners have acquired the property and they have notified us their desire to proceed with the application.

Findings:

1. The applicant purchased the property in 2012.
2. The house was constructed in 1977.
3. The 20 foot building setbacks are from the edge of private road easements.
4. The setbacks were created by plat KN 72-62, which was later amended as KN 92-44.
5. The house is 1.9 feet into the setback.
6. The shed is almost entirely within the setback.
7. Trees are between the buildings and the roadway.
8. It does not appear the structures create a line of sight issue.
9. The roads are under private jurisdiction.

20.10.110. – Building setback encroachment permits.

E. The following standards shall be considered for all building setback encroachment permit applications:

1. The building setback encroachment may not interfere with road maintenance.

Findings 2, 7, 8, 9 appear to support this standard.

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

Findings 2, 7, 8, 9 appear to support this standard.

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

Findings 2, 7, 8, 9 appear to support this standard.

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

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

KPB department / agency review:

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Painter, Jed Comments: No comments
Planner	
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Addressing	Reviewer: Haws, Derek Affected Addresses: 34595 SOCKEYE LN Existing Street Names are Correct: Yes List of Correct Street Names: SOCKEYE LN

	CHINOOK RUN DR Comments: 34595 SOCKEYE LN will remain with LOT 1
Assessing	Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.

Utility provider review:

HEA	
ENSTAR	
ACS	
GCI	

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** APPROVAL and to adopt Resolution 2021-30, subject to compliance with KPB 20.10.110 sections F and G.

NOTE:

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

END OF STAFF REPORT

Building Setback Encroachment Permit KPB File 2021-131₈₃









**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2021-30
KENAI RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 1 BLOCK 5, KENAI RIVER KEYS SUBDIVISION AMENDED PLAT (KN 92-44); IN NE1/4 S35, T05N, R08W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2021-131

WHEREAS, the plat for Kenai River Keys Subdivision was recorded on November 3, 1972 (KN 72-62) and created 20 foot building setbacks from private road easements, and the plat was amended with no changes to the 20 foot building setback on September 16, 2021 (KN 92-44); and

WHEREAS, Patty E. Conatser and James W. Conatser of Sterling, AK requested a building setback encroachment permit to the 20-foot building setback granted by Kenai River Keys Subdivision Amended Plat (KN 92-44); and

WHEREAS, the owners are selling the house and the title company needs a waiver on the corner of the house being in the 20 foot building setback. They purchased the property from the man that built it in the early 1970s. It was a cash sale with no as-built, therefor, no knowledge of the 20 foot setback; and

WHEREAS, the encroaching structures do not affect sight distance along the private right-of-way; and

WHEREAS, on Monday, September 27, 2021, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed exception; and

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

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

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

Section 1. That the 20-foot building setback limit on KN 92-44 Lot 1 Block 5 is hereby excepted to accommodate only the encroaching portions of the existing house and shed.

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

Section 3. That the 20-foot building setback is not being removed or altered.

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

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

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

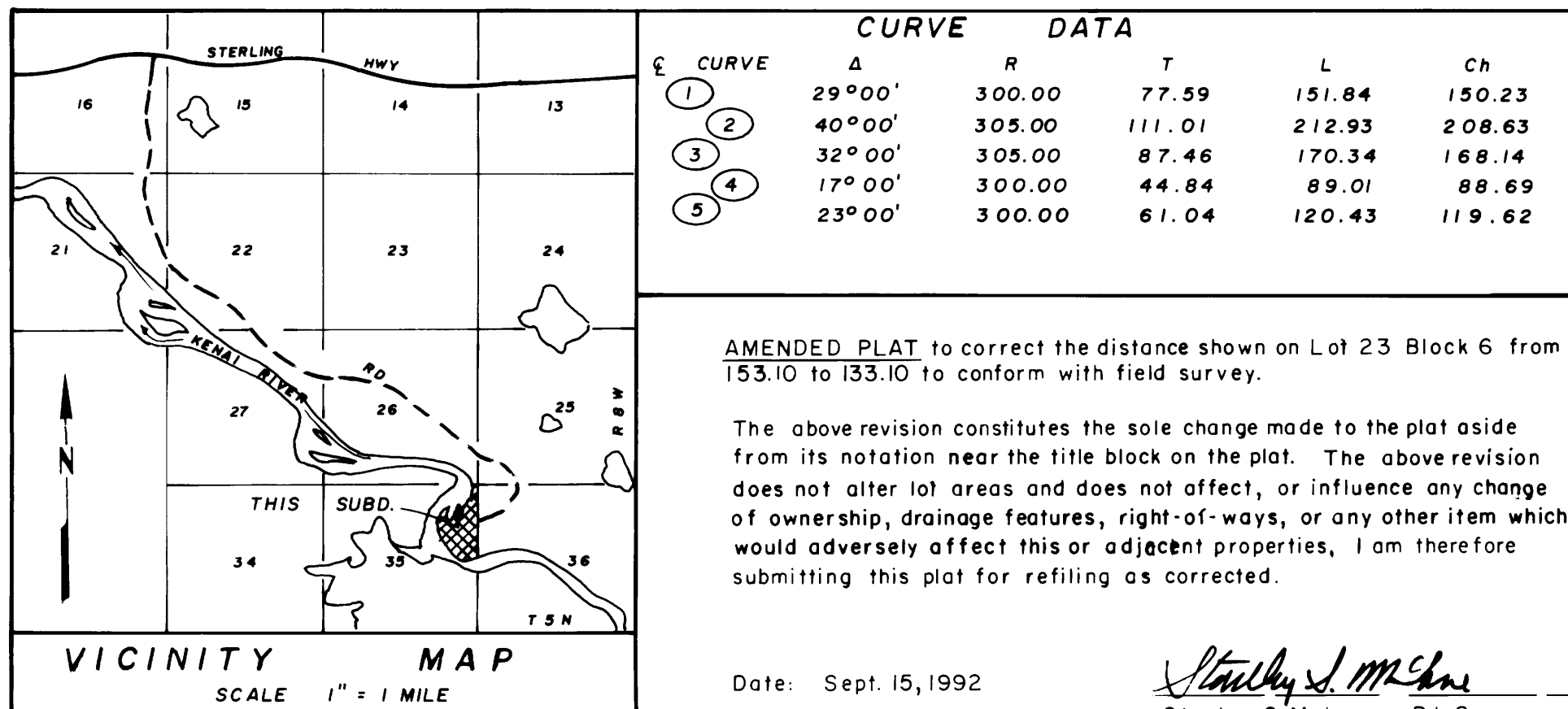
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 27th DAY OF SEPTEMBER 2021.

Blair J. Martin, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg,
Administrative Assistant

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



LEGEND AND NOTES.

- Found G.L.O. brass cap monument.
- Set 1" Al. cap.
- Set 1/2"x24" steel rebar at all lot corners or on the road easement line.

All bearings refer to the G.L.O. datum of N 0°02' W for the east line of Sec 35, as shown, and G.L.O. datum of record ().

The lot areas shown are exclusive of road easements and land below the mean high water mark of this survey.

Lot lines extend to the center lines of road easements and man made channels.

Tract B is reserved for parking use by those lot owners without road easement frontage.

WR Per. 54279, indicates water rights permit by A.D.L. for construction of back water channels.

Tract C is reserved for a boat launching area for the lot owners without road access or any other lot owner in this subd.

The private road easements as shown do not prohibit their use for utilities.



RIVER

KENAI



COVENANTS.

The road easements shown may be dedicate to public use if the majority of the lot owners so desire, this can be done by only the majority of the lot owners.

All residential dwelling units shall be constructed or placed on the properties in such a manner that the first floor will be no less than three feet above the 1969 flood line as shown.

Additional covenants are recorded in Bk 68 page 277

CERTIFICATE OF OWNERSHIP AND DEDICATION.

We hereby certify that we are the owners of said property, and request the approval of this plat showing such easements for public utilities, roadways, and channels for use by lot owners of this subd. only, except Humpy Road which is dedicated to public use.

Date September 11, 1992

John J. Huggins
Owner
J.M. Linton
Owner
Stanley S. McLane
Owner

NOTARY'S ACKNOWLEDGEMENT.

Subscribed and sworn before me this 18th day of September, 1972.

My commission expires 6-19-73

Elaine J. Allen
notary public for Alaska

Plat approved by the Kenai Peninsula Borough planning commission this 11th day of SEPTEMBER, 1972

Charles F. Thompson
Chairman

SECTION LINE EASEMENT VACATION CERTIFICATE.

APPROVAL RECOMMENDATION.

STATE DEPARTMENT OF HIGHWAYS.

The vacation statement as shown hereon has been reviewed by the Central District Office and is hereby recommended for approval by the Commissioner.

RECOMMENDED BY: *Deputy* DATE 9/18/72

TITLE Dist. Highway

STATE DIVISION OF LANDS.

The vacation statement as shown hereon has been reviewed by the Division of Lands and is hereby recommended for approval by the Commissioner.

RECOMMENDED BY: *Director* DATE 9-27-72

TITLE Director

The State of Alaska, acting by and through the Commissioner of the Department of Natural Resources and the Commissioner of the Department of Highways, 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 Alaska Statute 19.10.010, (specific area delineated).

APPROVED:

DATE 10/3/72 *B. A. Campbell*
Commissioner
Department of Highways

APPROVED:

DATE 10/3/72 *Charles F. Thompson*
Commissioner
Department of Natural Resources

AMENDED PLAT

KENAI RIVER KEYS
SUBDIVISION

G.J. Huggins, J.M. Linton, and J. Groseclose
4412 Spennard Rd., Anchorage, AK. 99503.
owners

DESCRIPTION
LOTS 1 AND 4 OF SECTION 35, T5N, R8W, S.M.
AK., CONTAINING 69.38 ACRES IN THE
KENAI PENINSULA BOROUGH.

Surveyed by, *S.S. McLane, R.L.S.*
Soldano, AK.

DATE OF SURVEY June 29-Aug 23, 1972 SCALE 1" = 100' BK. NO. 39-72

Kenai Peninsula Borough

Planning Department – Land Management Division

MEMORANDUM

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

THRU: Charlie Pierce, Mayor
Melanie Aeschliman, Planning Director

FROM: Marcus Mueller, Land Management Officer

DATE: September 14, 2021

RE: Resolution 2021-____, Classifying Certain Parcels of Borough Owned Land in the Anchor Point Area (Mayor)

This resolution proposes to classify two adjoining parcels of borough owned land comprising approximately 16.2 acres. The attached staff report provides information regarding the classification process and detailed information regarding the parcels proposed for classification.

This resolution classifies the two adjoining parcels of borough land consistent with the findings contained in the staff report and the Plan of Classification Map contained in the staff report.

Your review and consideration of this resolution is appreciated.

Introduced by: Mayor
Date: 10/12/21
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2021 - ____**

**A RESOLUTION CLASSIFYING CERTAIN PARCELS OF BOROUGH OWNED LAND
IN THE ANCHOR POINT AREA**

WHEREAS, the Kenai Peninsula Borough (“borough”) is the title owner of the subject land; and

WHEREAS, pursuant to KPB 17.10.080 classification provides guidance for the management of borough land; and

WHEREAS, public notice was published and notification was sent to land owners and/or leaseholders of record within a one-half mile radius of the land proposed for classification, including applicable borough departments, government agencies, and interested parties; and

WHEREAS, the Anchor Point Advisory Planning Commission at its meeting held on September 9, 2021, recommended _____;

WHEREAS, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of September 27, 2021 recommended _____;

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

SECTION 1. Based on the findings of fact, analysis, and conclusions contained in the staff report of September 27, 2021 the following classifications for borough lands described below are compatible with the surrounding land use and shall be classified as follows consistent with the Plan of Classification map contained in the staff report:

Assessor's Parcel No.	General Location	Legal Description	Acres	Classification
169-050-71	Anchor Point	That portion of S1/2 NE1/4 as per WD Book 143, Page 830 Homer Recording District, Excluding that Portion as per Commissioners QCD Book 194, Page 990 T5S, R15W. S.M.	14.43	Waste Handling/ Institutional/ Residential/ Utility Transportation
169-050-67	Anchor Point	That portion of S1/2 NE1/4 as per QCD Book 194, Page 985	1.49	Waste Handling/ Institutional/

		Homer Recording District, T5S, R15W. S.M.		Residential/ Utility Transportation
--	--	--	--	--

SECTION 2. This resolution shall take effect immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS _____
DAY OF _____, 2021.**

Brent Hibbert, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

AGENDA ITEM __. PUBLIC HEARINGS

__. Proposed Classification of Certain Borough Land, Pursuant to KPB Code of Ordinances, Chapter 17.10.080.

STAFF REPORT

PC Meeting September 27, 2021

KPB Land Management proposes to classify certain parcels of borough owned land.

Basis for Classification: Subject parcels are being considered for future management decisions including disposal or lease. Classification provides guidance for the management of borough land. KPB land must be classified prior to disposal or leasing pursuant to KPB Code of Ordinances, Chapter 17.10.090.

Assessor's Parcel No.	General Location	Legal Description	Acres	Proposed Classification	Current Zoning
169-050-71	Anchor Point	That portion of S1/2 NE1/4 as per WD Book 143, Page 830 Homer Recording District, Excluding that Portion as per Commissioners QCD Book 194, Page 990 T5S, R15W. S.M.	14.43	Waste Handling/ Institutional/ Residential/ Utility Transportation	Rural
169-050-67	Anchor Point	That portion of S1/2 NE1/4 as per QCD Book 194, Page 985 Homer Recording District, T5S, R15W. S.M.	1.49	Waste Handling/ Institutional/ Residential/ Utility Transportation	Rural

Public Notice: Public notice was published in the Homer News, August 26, 2021, and September 3, 2021 and the Peninsula Clarion, August 31, 2021 and September 2, 2021. Public notice was sent to all land owners and/or leaseholders within a one-half mile radius of the land proposed to be classified, applicable agencies, and interested parties. Written public comments were requested to be returned by 5:00 p.m., September 14, 2021.

Overview: Subject properties are adjoining each other totaling approximately 16 acres. The parcels are located in Anchor Point bounded on the east by the Old Sterling Highway, north by School Ave, West by Birch Street, and South by Spinaker Ave and a private parcel. The property was acquired from the State of Alaska Department of Transportation and was formerly used as a materials site. Part of the property is currently used as the Anchor Point Solid Waste Transfer Facility which is accessed from the Old Sterling Highway. The Anchor Point Food Pantry has submitted an application for a negotiated lease of a portion of the property.

Findings of Fact:

1. Property Status: Borough received title by Commissioner's Quitclaim Deed through a land exchange authorized by Ordinance 2001-23 in accordance with a Memorandum of Agreement dated April 30, 2002. The memorandum of agreement references a public water well in the Northwest Corner of the Parcel with associated setbacks. WELTS ID 7497 and 7594 has been researched by the KPB Environmental Compliance Manager to determine the current well status. The wells have been identified as test wells that are not in use and can be decommissioned. The east side of the parcel is used the Anchor Point Solid Waste Transfer Facility, accessed from the Old Sterling Highway. The remainder of the property is vacant, serving partly as buffer to the solid waste activity. KPB receives occasional community-member complaints about trespass, squatting, and dumping on the parcel. This parcel is currently not classified (undesignated).
2. Zoning: Rural District pursuant to KPB 21.04.010(B).
3. Topography: Parcel topography is shaped by prior material site uses, which includes various berms and

depressions and areas without topsoil or having low vegetation. Some areas on the parcel are relatively flat and are forested. Water table appears to be about 10 feet below original ground elevation. Parcel is within the Anchor River Watershed.

4. Soil: The parent soil type on the parcel is Whitsol Silt Loam 0-4 percent slopes, which is a well-drained soil underlain by gravelly coarse sand found on till plains.

Source Data: Web Soil Survey, provided by the U.S.D.A. Natural Resources Conservation Service, Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed [Aug 31, 2021].
(Note: Soil information is not site-specific and does not eliminate the need for onsite testing and sampling).

5. Surrounding Land Use: No comprehensive land use plan has been developed for this area. Jacque Street is the nearest platted, undeveloped road located to the South of the both subject parcels. Surrounding land use includes residential single-family homes, commercial business, school, church, and light industrial development. Subject parcel is large for the area and is unplatted. Street Right-of-way dedications to match existing streets will be required if the property becomes platted.
6. Surrounding Land Ownership: Surrounding land is primarily in private ownership with a borough owned school parcel across School Ave to the northeast.
7. Access: Parcels are accessible from several location including frontage along School Avenue, Birch Street and Spinaker Avenue and a point of access along the Old Sterling Highway which is the location of the entrance to the Solid Waste Transfer Facility.
8. Utilities: Gas, electric and water utilities are in the area.
9. Public Comment: One public comment was received expressing concern in future development of these parcels, potential impacts on residents, wildlife and the atmosphere the area provides. Requested properties be retained in a preserved status.
10. Advisory Planning Commission Review: The Anchor Point Advisory Planning Commission held a public hearing on September 9, 2021 and defeated a motion to recommend approval of the land classification as proposed by a vote of 2 yes and 4 no.
11. Department / Agency Comments: No Comment or Non Objection to the plan of classification was received from the Kenai Peninsula School District, Western Emergency Service Area, Office of Emergency Management, the KPB Road Service Area, and the Kenai River Center.

Analysis:

This a large parcel of land with significant vacant areas. Some areas of the surface appear to be undisturbed from historic gravel pit excavations and some areas would become more useful with re-contouring the surface. A water table may be encountered at approximately 10-feet below original grade. The parcel is centrally located on the southern side of downtown Anchor Point and would have many potential uses based on the location and qualities of the land. The Solid Waste Transfer Site uses are well established and the KPB Solid Waste intends to continue to operate the Anchor Point Solid Waste Transfer facility at the current location.

A plan of classification has been prepared by Land Management staff with considerations given to future right of way dedications, the solid waste transfer facility uses, residential use potential along birch street, and community type institutional uses such as the Anchor Point Food Pantry proposal.

The plan of classification includes a Transportation/Utility Classification for areas that would become dedicated to road right-of-way for School Avenue, Birch Street and Spinaker Ave. A 60' wide area is shown along Spinaker to provide connectivity options along the south side of the parcel.

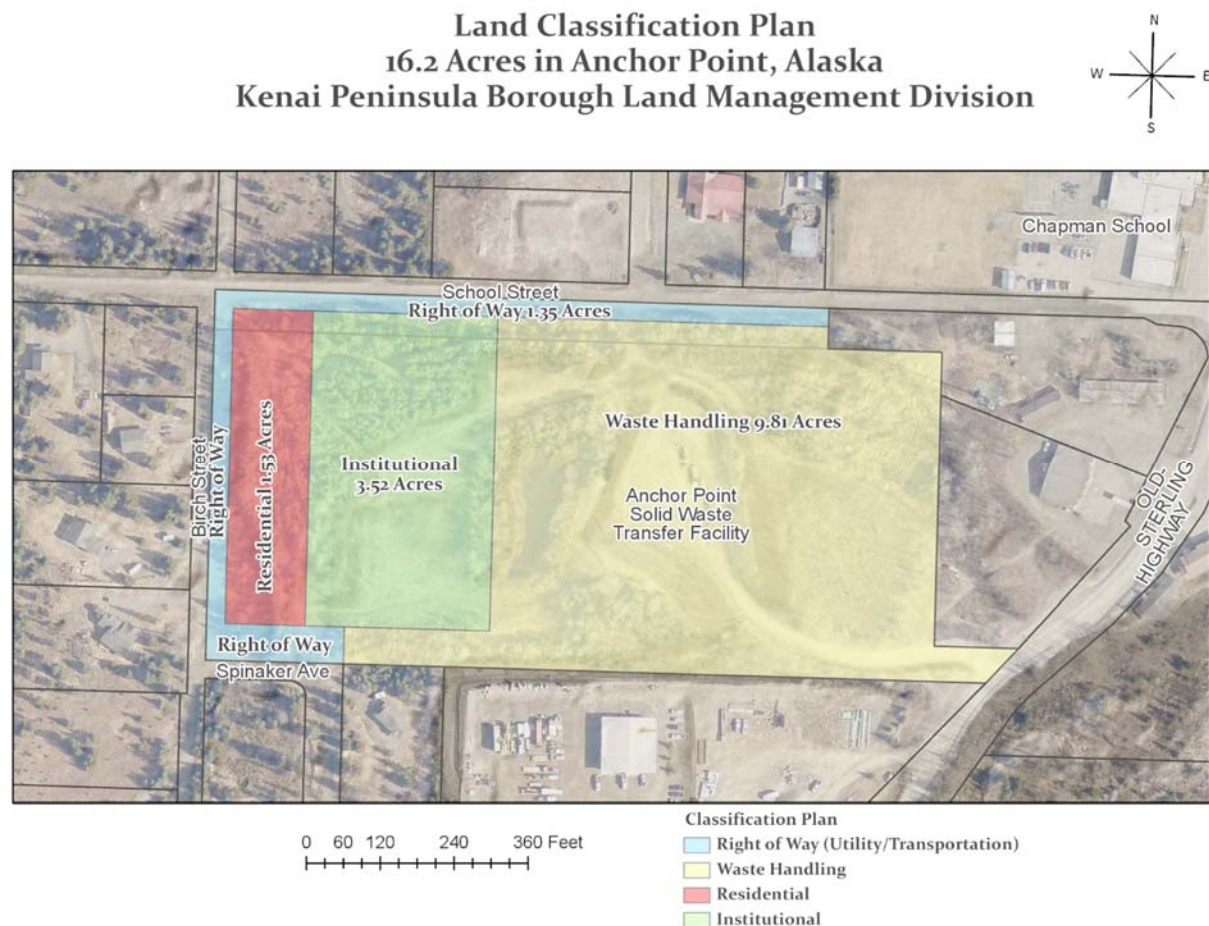
The plan of classification includes a Waste Handling classification for any area that contains the Solid Waste Transfer site footprint, including its access, and surrounding land that provides an immediate buffer to the Solid Waste facility uses and contains space that may become useful for other purposes. Included in this classification is a strip of land to Spinaker Avenue to maintain access connectivity options for future design and uses. The area of land proposed for Waste Handling Classification is approximately 9.81 Acres.

The Birch street frontage is wooded and has newly developed ½ acre residential lots across the street. The lots are served by a public water system. The plan of classification includes a Residential Classification along Birch Street. A strip of land as 130 feet wide is shown for a total of 1.53 Acres. This would provide for up to three lots that could be subdivided and offered in a general land sale. Without specific zoning the actual use of the land would not be restricted by regulation, meaning that use of the land other than residential would be lawful. This classification would prompt Land Management to prepare the land for sale, but would not create a land use regulation if the land were sold.

The plan of classification includes an Institutional Classification in the west-center of the parcel, fronting School Avenue and Spinaker Ave. The area shown is approximately 300 feet-wide and includes about 3.52 acres. The location and area could be useful for community type uses fitting with the land classification. If the land were classified as institutional, the borough could consider Anchor Point Food Pantry's proposal to lease the area.

Conclusions:

This parcel contains land that is important for right-of-ways and KPB solid waste operations. The parcel contains additional land that is available for the borough to consider options such as making land available for sale or lease. Adopting land classifications will guide the management actions by KPB.



END OF STAFF REPORT

Mueller, Marcus

From: Fletcher, Sandra
Sent: Friday, September 10, 2021 3:51 PM
To: Mary Trimble; Dawson Slaughter; dewwhite55@gmail.com
Cc: Taylor, Bryan; Shirnberg, Ann
Subject: Recommendations for the Planning Commission from APC Anchor Point

Hi Mary,

Ann Shirnberg is gone for the day. Hopefully, it can be put in as a lay down next week. I've included Ann in this email.

Ann, this is from the Advisory Planning Commission Anchor Point from their meeting last night (Thursday the 9th) to be submitted for the next Planning Commission meeting.

Please see below.

Sandra Fletcher, B.A.

Assistant Planner
Donald E. Gilman River Center
907-714-2464

KENAI PENINSULA BOROUGH

514 Lunny River Road
Soldotna, Alaska 99663



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

From: Mary Trimble <maryetrimble@gmail.com>
Sent: Friday, September 10, 2021 3:42 PM
To: Taylor, Bryan <BTaylor@kpb.us>
Cc: Dawson Slaughter <slaughterdawson1@gmail.com>; Fletcher, Sandra <sfletcher@kpb.us>
Subject: <EXTERNAL-SENDER>Re: APC Recommendations for Planning Commission

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Brian,

The Anchor Point Advisory Planning Commission met on September 9, 2021 and came up with the following recommendations for the KPB Planning Commission on the agenda items presented.

1. Motion to recommend approval of an unnumbered Assembly resolution classifying parcels 169-050-71 and 169-050-67 as proposed by staff failed to be approved by a vote of 4-2.
2. Motion to recommend approval of KPB Plat 2021-115, Pipers Haven Unit 3 2021 Replat passed by a unanimous vote.
3. Motion to forward the Alaska Off Grid Cannabis Co. Standard Marijuana Cultivation Facility license to the Assembly with the findings and conditions contained in the staff report passed by unanimous vote.

Mary Trimble, Acting Secretary
APAPC

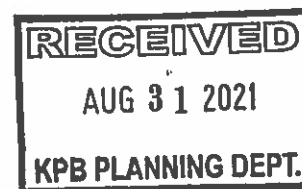
Sandra Fletcher, B.A.
Assistant Planner
Donald E. Gilman River Center
907-714-2464

KENAI PENINSULA BOROUGH
5141 Unny River Road
Soldotna, Alaska 99663



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

August 26, 2021



Kenai Peninsula Planning commission:

I would like to express my concerns with the Anchor Point Food Pantry and their desire to obtain borough property on School street. I do not want my name or family publicly involved as this is a small town and we fear retribution. Therefore, we are submitting this anonymously.

Our concerns:

- There are too many non-profits in the area. They should partner with other local non-profits. The Senior Center and the VFW have plenty of space, along with property for expansion, and kitchens that could be implemented for their use. The Chamber of Commerce office has a nice office and plenty of property to expand.
- There are several empty commercial buildings in town that could be converted for their use.
- If the borough has this property as surplus, why don't they sell it and get it on the tax rolls. If they lease it to the pantry, it will be exempt from property taxes.
- The borough property is near residential homes. This area is being developed with single family affordable housing. We believe that the Food Pantry will be a detriment to the property values and neighborhood. It does not belong in a residential neighborhood.
- The food pantry needs to vet the people obtaining free food. I believe that some of these people could be paying for their food at the local stores. The local stores are losing customers when they think they are giving to the truly needy. Again, they need to vet the clients. If they vetted the clients, they may find that their need will decrease substantially.
- Are the principals in the food pantry qualified to take on this project? Do they have a business plan, cash flow forecast and other financial worksheets to prove the need? Who and how will the funding be obtained to build and maintain the activities?
- My family and I do not have a problem with the Food pantry or the service they provide. We would like to see if there is truly a need, and if so, in a proper location.

Thank you for your time,

Concerned local citizen.

Mueller, Marcus

From: Alaine Hallam <bluemacc66@yahoo.com>
Sent: Wednesday, September 8, 2021 8:06 AM
To: Planning Land Management
Subject: <EXTERNAL-SENDER>Anchor Point Food Pantry

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To whom it may concern,

I was just sent information regarding the Anchor Point Food Pantry and their need for land as well as notification of opposition.

The AP Food Pantry is a worthwhile entity that needs proper land and facilities in order to continue the work they provide to the community. There are many people who need just a little assistance while there are others who are in dire need of much more. The AP Food Pantry helps meet that need. However, without land, buildings and electricity, they aren't able to fully provide the items that need refrigeration like meats, dairy and vegetables; nor are they able to provide a hot meal.

I believe in the work the AP food pantry does and would like to see them on their own land.

Please forward this to all necessary parties

Thank you.

Concerned citizen

Sent from my iPhone

Mueller, Marcus

From: suecox@acsalaska.net
Sent: Tuesday, September 7, 2021 4:10 PM
To: Planning Land Management
Subject: <EXTERNAL-SENDER>Anchor Point Food Pantry

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 Kenai Peninsula Assembly,

. I am a volunteer at the food pantry in Anchor Point. We have been a valuable part of this community since 2006. We do vet our clients and are proud of our clientele. Because they are not wealthy like some concerned citizens does not make them any less important to our community. Not everyone can be affluent and afford their basic needs.

Our plans are for a beautiful structure that will address our needs as we have grown exponentially. As the land is zoned as industrial it is perfect for our desired plans.

. We are unable to combine with the senior center or the VFW as they do not have room for us to work and store our goods, freezers, refrigerators and other equipment. The VFW is a private club club, in addition they do not have the facilities to accommodate the requirements set by state and health organizations for a food pantry.

. If you would like to discuss current eye sore in our community, You could take the currently occupied coastal reality building.. The roof looks as though it'll fall through at any point. The boundary they set between themselves and the library is nothing more than a cyclone fence and mechanical equipment. We by no means plan on something as detrimental to the community as our goal is to serve with respect.

We are an asset to this community.

I would sign my name but I fear reprisal from the other particular participants in this land dispute.

Sincerely,
Another Concerned Citizen

Mueller, Marcus

From: Cathy Kremer <jackies57@icloud.com>
Sent: Tuesday, September 7, 2021 1:59 PM
To: Planning Land Management
Subject: <EXTERNAL-SENDER>Anchor Point Food Pantry

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Hi there! My name is Cathy Kremer , and I work at the Pantry .. I know all the good we do for our community and think it is very important that we carry on . So to all the powers that be , or people who determine our fate, please remember how many people are being helped by our organization . Thank You :)

Sent from my iPhone

Mueller, Marcus

From: Marie Carlton <seaburyroad@live.com>
Sent: Tuesday, September 7, 2021 1:53 PM
To: Planning Land Management
Subject: <EXTERNAL-SENDER>Anchor PointFood Pantry support document

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Attention: Anchor Point Advisory Planning Commission and Kenai Planning Department.

Hello, I am Marie Carlton. I reside in Anchor Point. I have been volunteering for the Anchor Point Food Pantry for about three years. However, the hard work, generosity, compassion and sense of loyalty expressed and delivered by the AP pantry volunteers is nothing short of a miracle. We serve and support the hungry people from Homer, Ninilchik, Nikolaevsk to Happy Valley, even delivering meals and other goods to home bound folks (the volunteers also use their own vehicles, fuel as well as extra time needed to serve those in need in the aforementioned communities). There is no surrogate for the endless loyalty and energy expressed by the Anchor Point Food Pantry. I fully endorse and support this organization and it's future. I recall a free Thanksgiving community dinner provided by the AP pantry, resulting in an outstanding turn out. We serve all clients no matter their income or situation. Mutual respect to all is paramount and prevails.

With an ever increasing need, it is our goal to continue to embrace Anchor Point's needs and it's future. From a successful recent local town hall meeting of support to the youth and holiday events provided, it is clear to me this community is positively enhanced by the many services offered by the AP pantry. We feel that supporting those in need to be the highest honor in respectfully embracing and serving Anchor Point.

Thank you for allowing me a voice.

Marie Carlton, Anchor Point Food Pantry volunteer.

Sent from my iPhone

Mueller, Marcus

From: Chris Syme <casyme88@gmail.com>
Sent: Tuesday, September 7, 2021 11:52 AM
To: Planning Land Management
Subject: <EXTERNAL-SENDER>Anchor Point Food Pantry

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 whom it may concern,

I would like to voice my opinion on the application for land on School street by the Anchor Point Food Pantry.

- The Pantry is a much needed support system for the Anchor Point Community as noted from the number of people who came to a Town Hall Meeting put on by the pantry in June of this year at the local Senior Center.
- The APFP has very competent ladies with a variety of skills from past & present jobs and are very capable of managing & sustaining the pantry. Grants & community support will fund & maintain our future plans of building on the site of which we are applying.
- The architect who has already donated his time has given us a site plan for our building, parking lot, playground, high tunnels and this will add to the beauty of the neighborhood unlike some other buildings in the area.
- The households we support in this community are not making more than the government standard as noted by the Federal Civil Rights Laws and the USDA civil rights regulations.
- The property value of the area will not be affected as the area in question is a mixture of commercial & residential buildings with more commercial east and more residential west. We are seeking The property east of the residential area closer to the Greatland Worship Center, Campbell Elementary School, Waste drop off site and the Anchor River Inn.
- The commitment of the APFP and the support it is receiving is evident by the temporary site it is operating out of which was donated by a prominent citizen. Obstacles that arise are immediately resolved by this board. There is not a single problem that this Pantry isn't able to solve which is a testimony to their commitment to keep this pantry open & their ability to obtain grants and donations to ensure it remains open into the coming years.

Sincerely,
Chris Ann Syme, Secretary APFP

Sent from my iPhone

Mueller, Marcus

From: Planning Land Management
Sent: Tuesday, September 14, 2021 10:03 AM
To: Mueller, Marcus
Subject: FW: <EXTERNAL-SENDER>Parcel id#16905071

Does the lease need to incorporate other "community center" type uses (ie: weddings, funerals, Boys & Girls Club, etc?)

-----Original Message-----

From: Deanna Chesser <rddcr@acsalaska.net>
Sent: Tuesday, September 14, 2021 8:58 AM
To: Planning Land Management <LMWeb@kpb.us>
Subject: <EXTERNAL-SENDER>Parcel id#16905071

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 whom it may concern:

I am an Anchor Point resident, and I use the Anchor Point Food Pantry weekly, as I pick up for several folks who can't. I think that a food pantry in Anchor Point, and hopefully a community center included in it, would be a huge benefit to our community. I grew up here, and we used to have a community center. I have great memories of it. It brought this community together.

I support the Anchor Point Food Pantry in receiving this property, and in establishing their own building. I support the Anchor Point Food Pantry in building something for this whole community. I can see it being a gathering place, where people can receive a hot meal, gather with neighbors, and even rent out the community room/space for weddings, funerals, and just as a place to entertain the youngsters. Schools are quickly becoming out of our grasp, as they require insurance and a short safety class to access, in addition to fees. A community center, along with the Anchor Point Food Pantry would be ideal!

Please don't sell the property to anyone! Please give it to our food pantry. Thank you!

Deanna Chesser

Mueller, Marcus

From: Planning Land Management
Sent: Tuesday, September 14, 2021 10:04 AM
To: Mueller, Marcus
Subject: FW: <EXTERNAL-SENDER>Anchor Point food pantry

-----Original Message-----

From: Cathy Kremer <jackies57@icloud.com>
Sent: Monday, September 13, 2021 11:37 AM
To: Planning Land Management <LMWeb@kpb.us>
Subject: <EXTERNAL-SENDER>Anchor Point food pantry

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 Whom it may concern,

Hello! My name is Cathy Kremer and I am a part of Anchor Point Food Pantry . This is a small organization with big goals and hopefully a bright future! We are driven in our goal to help people who have very little in the way of food, some of them with little children . Many years ago I was in that situation and every bit of kindness afforded me , I hope to repay ..Every week we help people and sometimes it's in a small way , but sometimes it's big . By big I mean it's more than just food . A kind word means a lot to some people . And the look of gratitude they give us says it all ..

So I guess I just wanted you, anyone, and everyone to know that we appreciate any support given us , not unlike the appreciation we receive from the people we serve .:)

Thank You for your time !

Sent from my iPhone

Mueller, Marcus

From: Planning Dept,
Sent: Tuesday, September 14, 2021 5:00 PM
To: Shirnberg, Ann
Cc: Mueller, Marcus
Subject: FW: <EXTERNAL-SENDER>Classification of Land in Anchor Point

From: Mary Trimble <maryetrimble@gmail.com>
Sent: Tuesday, September 14, 2021 1:54 PM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>Classification of Land in Anchor Point

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'm Lauren Isenhour, general contractor of Home Grown Construction. We've built the spec homes along Birch St next door to this borough property. If this property is going to be classified, it should be classified for residential. The Anchor Point community has the long term goal of moving the dump transfer site outside of Anchor Point and utilizing that portion of this property for commercial use. Long term, it is the best use of this property for it to be classified as residential and commercial, and have it generate money for the borough, and growth for our community. Approximately 1% of Alaska is privately owned. Creating more residential lots and making them available for sale in a residential neighborhood is the best use of this land. There is always a need for the Borough to generate income – that income benefits ALL our residents. There are plenty of lots alongside the highway in Anchor Point that are wonderfully suited for business or institutional development, and in a thriving community, we need a balance of ALL growth: business, institutional, and residential. This borough land should be classified residential.

We see a lot of new buyers interested in living in Anchor Point because its awesome to live here, but they commute to Homer for work and so aren't interested in being down the North Fork or further north of town. There is limited acreage that makes up the "Anchor Point Proper" area, basically the land between School St and Ester Ave, where you are within walking distance to the school and other amenities. A lot of us love living in Anchor Point because we like having acreage, privacy, etc. But there is a population of people who like living with neighbors, having quick access to amenities, and having smaller lots to care for. We can accommodate both types here in Anchor Point! We need the residential growth to build up our community. We all want more activities and things to do here, more restaurant options, and more business development. We need residential growth to have that. And there is prime neighborhood growth potential in this borough acreage that we're discussing now.

Here are some ballpark numbers from my construction standpoint on the value of residential development:

*Subdivided, these are nice building lots in a prime neighborhood location. Because city water has been extended down Birch St, the land could be subdivided into .5 acre parcels and sold, generating hundreds of thousands of dollars of revenue for the Borough.

*Construction creates jobs and generates money for our local contractors and laborers – at approx \$100K per house in labor cost, the 5 spec houses we've built along Birch St (4 on Birch St, 1 on Nelson St) have put \$500K into the pockets of local laborers and contractors

*Those same 5 houses have a combined tax assessment value of \$1.2 million. For the life of those homes, the Borough continues to generate revenue from property taxes

Location, location, location! This property is in a prime location for residential development that allows for community growth in a positive direction, as well as creates jobs and income for our local contractors and laborers. There are many other locations in Anchor Point suitable for the Transfer Facility, as well as for Institutional development. All development is important to our community. It is my opinion as a general contractor, business owner, and Anchor Point resident that the westerly 5 acres of this particular parcel is best classified and used for residential development.

Respectfully submitted,

Lauren Isenhour 9/13/21

907-435-7822

Mueller, Marcus

From: Planning Dept,
Sent: Tuesday, September 14, 2021 5:01 PM
To: Shirnberg, Ann
Cc: Mueller, Marcus
Subject: FW: <EXTERNAL-SENDER>Classification of Borough Land

From: Mary Trimble <maryetrimble@gmail.com>
Sent: Tuesday, September 14, 2021 4:44 PM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>Classification of Borough Land

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Re: Classification of 2 parcels in Anchor Point

KPB Planning Commission,

I am Mary Trimble, a 45 year resident of Anchor Point. I am a Realtor, business owner and property owner. I care about the community and have recently become a commissioner on the Anchor Point Advisory Planning Commission. The main reason I applied was hearing the directive from Planning, Bryan Taylor, that the advisory commissions outside the cities were to create a comprehensive plan for their community.

The Borough land department has put the cart before the horse when it proposed to classify this 16 acres based solely upon a request of a nonprofit wanting a lease. I propose that this issue be tabled until the community has input on this valuable property that partially adjoins a residential area. Our community is changing with new folks coming and they are buying homes unlike we have ever seen in the past. In the last year, there have been 9 sales over \$400,000 with a high of \$899,000. There are currently 4 pendings over \$400,000 with the high at \$699,000. I understand the needs of the non-profit that wants to lease this property but I also feel that these new tax payers should also have a voice and that would happen through the process of comprehensive planning.

I would also ask Planning to consider another Borough parcel that is a better site location for an industrial site in a more commercial area. This idea was brought up at the AP Advisory Planning meeting on September 9 by the non-profit. Parcel 16572006 is 30 acres located off the Sterling Hwy behind the post office and gas station. The ground is level and has power, gas and public water adjoining. It should also be noted that the non-profit that has requested a lease, has been given use of private land (very close to this Borough parcel) at no cost and that is also available to them to purchase. It is 1.84 acres and has gas, power and water within easy access. My husband and I have the adjoining property and have offered to extend temporary power to them but at this point they have not taken our offer.

My opinion is that if the Borough is going to classify this parcel now then the westerly 5 acres adjoining the transfer site should be residential which would be in alignment with the existing use. Anchor Point is growing and needing more homesites in town close to amenities. Considering the 'Highest and Best Use' principle should be paramount when it comes to disposing of borough lands and I expect that should happen.

There is no urgency here. The proposed non profit would be in no better situation with a borough lease than where they are at. This is not about whether the nonprofit is valuable, that is not questionable. You should expect to see much emotional input by the group in hopes to sway you into making a premature decision. Anchor Point deserves to have the opportunity to develop our comprehensive plan and have the entire community involved.

Respectfully,

Mary Trimble
299-2677
maryetrimble@gmail.com

Mary Trimble, Broker
Coastal Realty
maryetrimble@gmail.com
907.299.2677

Mueller, Marcus

From: Planning Dept,
Sent: Tuesday, September 14, 2021 5:01 PM
To: Shirnberg, Ann
Cc: Mueller, Marcus
Subject: FW: <EXTERNAL-SENDER>Anchor Point KPB Land Classification.

From: Emmitt Trimble <emmitttrimble@gmail.com>
Sent: Tuesday, September 14, 2021 4:53 PM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>Anchor Point KPB Land Classification.

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.

My family first bought a property on School St. 330 feet from the KPB 14+ acre parcel in question in October of 1978. Over the ensuing years we purchased every property that became available, 8 parcels in a 40 acre square of Federally patented OTE homesites. With one exception, those properties have all been re-plated into 1 acre plus parcels and now, with water available, some ½ acre parcels.

My Daughter, who was raised on that property, along with her sister, has constructed, and sold 6 new construction homes as a licensed, bonded and insured General Contractor Home Grown Construction. At our own substantial expense we extended the APSW water main from Milo Fritz along Birch St. to near the bluff overlooking the River.

The Borough property for all those many years has been a haven for drug dealers and users and many camps have been removed or abandoned. The Borough has been responsive in policing, with the Troopers, that 14+ acres including the transfer site, or as I call it the shopping mall. At this time it is littered badly with household garbage, furniture, and needles, and crisscrossed with ATV trails.

This property is an important and integral parcel in the center of town. It's highest and best use is residential, along all of Birch Street and a portion along School St. at least one residential lot deep. Four one acre parcels of rectangular configuration running East and West parallel to School St. The proximity of this property to Chapman School and the Greatland Church and their outdoor recreational lots is of critical concern for the families we have sold to, and also the members of the church, I assume.

The balance of this property would be best utilized as Commercial and/or Light Industrial. All of this property could be sold by the Borough at an outcry Auction after Classification. It should not be leased or sold over the counter to a non-profit without offering it to any other property tax payer.

Of equal importance is the critical reality that the transfer site should be moved out of the center of town where it leaches into the aquifer and shortly thereafter into the Anchor River that some want protected from the soles of your shoes or boots. This is an abandoned UNRECLAIMED STATE DOT GRAVEL PIT.

The Planning Department has encouraged the Advisory Planning Commission to institute a local comprehensive plan, even though Anchor Point is not Incorporated. This critical property should be thoroughly vetted through that process before any classification is decided.

Emmitt Trimble

Anchor Point Food Pantry

PO Box 266

Anchor Point, AK 99556

(907)299-8437

September 7, 2021

Addressed to:

AP Advisory Planning Commission

C/O AP Chamber of Commerce

Anchor Point, AK 99556



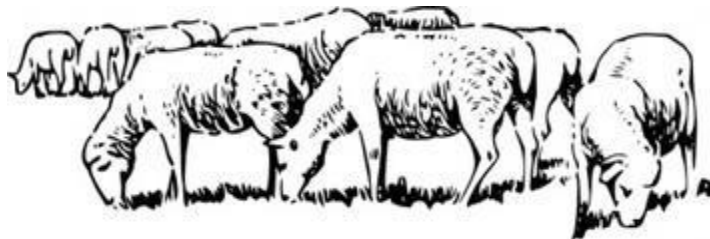
With all due respect,

We, at the Anchor Point Food Pantry, believe that we have shown the grit and determination of a true Alaskan pioneer. We are willing to endure the hardships to accomplish the goal of helping others during their times of distress. We have been doing so since 2006. True compassion in action.

We have about 190 households on our list this year. Recently, the Anchor Point Food Pantry has been handing out approximately 70 meals each Monday night, as well as serving on the average of 60 households with food each week. Just this week (the first week of Sept.) 2021 due to not having electricity, we cannot keep our freezers and fridge on site, and this prevents us from having produce, dairy, and meat to serve our clients.

We have sought for temporary electricity. We have sought housing in our area, including the churches, the AP Senior Center, the school, the museum, and the old video store. Excluding only one with good reason. We offered each of them \$1500 a month because we were given a grant to do so.

We have enough evidence in a packet to show that both the community and funders want to help us. The borough had introduced us to this land back in March or April. It was shown to four of us from the pantry board on July 1, 2021. We agreed on the boundary lines. We discussed that the lease would be for the taxes, keeping in mind that it must go before the KPB Assembly. Then, because a wealthy land developer claimed interest, the boundary lines were changed, zoning is in question. Although it doesn't make sense to us that a community need like a food pantry should have to succumb to such an individual, we don't wish to contest the boundary lines drawn up for us by the borough. The plans we have set in place have the community in mind as well. There are drawings in our packet.



Sincerely,

Melissa Martin,
President
(907)299-8437

Anchor Point Food Pantry

PO Box 266
Anchor Point, AK 99556
907-299-8437



September 13, 2021

RE: Concern about the AP Advisory PC meeting September 9, 2021 not being fair -

To the KPB Planning Commission and the KPB Assembly:

To begin, **the Anchor Point Food Pantry (APFP) has a Negotiated Land Lease Application that was sent into the borough June 2021 for the five acres proposed for land classification.**

The APFP was not aware that the proposed classification of tax parcel ID#16905071, in AP, was going to be presented as a yea or nay decision only. This was stated by Dawson Slaughter, chair, at the end of the discussion about the parcel. Although, with further insight and understanding we realized that Mary Trimble had attempted to motion that it be classified as residential only. No one had seconded the motion.

The pantry sought the help of the KPB land manager back in March of 2021. He suggested this piece of land to us because of it being a good piece of land to accommodate our building plans. On July 1, 2021, he gave us a tour of these 5 acres and confirmed that this is what we are seeking. At that time, he had asked that we leave a buffer along Birch St. at the request of the owner on the other side (the Trimble family), (dividing the residential from the institutional). We disclosed from the beginning our interest in building a food pantry that could also satisfy Anchor Point's desire for a community center. This would also help the food pantry to be self-sustainable.

The chair of the AP Advisory Planning Commission (APAPC), Dawson Slaughter, knows that **the Trimbles are seeking the same property** for their daughter, Lauren Eisenhauer, that is building up the area east of the plat with, presently, at least eight subdivided lots; and her family has recently purchased the land, over 50 acres, diagonal to the proposed lot. **With this knowledge Dawson still asked that the newly sworn in commissioner, Mary Trimble, take the minutes to the meeting.** Even before he asked Mary to take the minutes, **I, Melissa Martin, asked that she be excluded from the part of the meeting that involved this plat, because it would be a conflict of interest,** but it was rejected by Brian Taylor of the KPB. He didn't know the whole story, though.

July 28, 2021, **Mary and Emmett Trimble invited me to their Coastal Realty office** to receive a check that their recent concert had raised on July 18, 2021. I have the whole conversation typewritten and a text to confirm our meeting. We had a chit-chat conversation about the pantry, the town meeting, and plans they had tried to accomplish for AP. They said that they are retiring soon, but they are now thinking of their children. **They asked about where the pantry planned on setting up. After I told them on the corner of School Ave. and Birch, they told me that they had interest in that property, that they were trying to contact the borough and didn't get an answer. Long story short, they told me that if we tried to acquire that piece of land, that they would oppose us.** They suggested that we try for the piece of land between the ARI liquor store and the dump – telling me what a nice piece of land it is with water and all. Come to find out that piece of land is a

hole that isn't big enough for our plans of a pantry with the intention of making it large enough for a community center (of which I had mentioned to them when speaking of the town meeting), and the water source he had mentioned was abandoned due to some contamination, let alone being right upside the dump.

Backing up, on May 5, 2021, we had called a town meeting to see if there was interest in **our idea of a pantry/community center. It is undoubtedly an interest to the community. It attracted 50 locals with positive interest. We formed a planning committee from that meeting.** On the APFP Planning Committee is Greg Meyer, Executive Director of the Kenai Peninsula Food Bank, and Dawson Slaughter, chair of both the Chamber of Commerce and the AP Advisory.

One concern is that with Mary Trimble, being involved with the part of the APAPC meeting and taking the minutes, is that she would fail to include what was mentioned to the positive by both commissioners Jay Wright and Sunshine – both showed interest in the community center being near the school. **The pantry, itself, has been near the school for the past 9 years.**

Dawson Slaughter had told us twice that he was going to excuse himself from that part of the meeting because of his conflict of interest, but he didn't even attempt it. His conflict of interest is because of his close ties to the Trimbles. Dawson is seeking his real estate license, and a few of the Trimbles are on the chamber board with Emmett, Mary's husband, being the vice president.

Bryan Taylor didn't consider Mary as having a conflict of interest, but he didn't know of the conversation where the Trimbles told me they would oppose us. How could we explain in such a short notice? I read that she was going to be sworn in later in September.

We, the board of the Anchor Point Food Pantry, believe that this was an unfair meeting, as is the vote of the AP Advisory PC, and ask that you, the KPB Planning Commission, not consider their meeting in your decision process about said parcel.

The 1.5 acres was originally part of the full 5 acres shown to us, because it was favorable for building. We have a negotiated land lease agreement to the KPB already in place for the full 5 acres. This application was suggested to us, and we submitted it in June 2021.

We are out in the cold because we outgrew the church that housed us. **Presently, we assist over 220 households**. The Anchor Point Food Pantry hands out approximately 70 meals each Monday night, as well as serving on the average of 60 households with food each week. **It is getting cold, and because we don't have a permanent place, it is hindering us getting the grants needed to build and have electricity.** We cannot keep our freezers and fridge on site, and this prevents us from having produce, dairy, and meat to serve our clients.

Whereas the vote of the APAPC of September 9, 2021, on the proposed classification for parcel #16905071 was tainted by being compromised as stated above, and because the parcel of 5 acres was originally proposed to the Anchor Point Food Pantry for it to continue its much-needed assistance to the Anchor Point community; we, the board of the Anchor Point Food Pantry ask that the KPB Planning commission disregard the decision made by the APAPC and, if possible, grant us the full five acres that was originally proposed to us – especially because this additional 1.5 acres is the part of the property that is more suitable for building and will keep us as far as possible from the dump with our greenhouses, the playground, and all. It will also create a good buffer between the residential and the institutional properties.

Thank you for your consideration,

Melissa Martin, APFP President

Sept. 8, 2021

Attn. Marcus Mueller
Land Management.

8 pages following

Please attach these to
the other set of pages

you showed me.
+ send to A.P. Planning

Thank you!

KPB
C/o Planning Dept.
714-2378

Re: Classification

1 message

Steve Theno <stevethenoak@gmail.com>
To: Anchor Point Food Pantry <apfp.266@gmail.com>

Wed, Aug 25, 2021 at 1:26 PM

Oops - here is my email with the sketches I was referring to.....

Steve Theno
Retired - at the end of the Road
907-360-1868
Stevethenoak@gmail.com

On Aug 25, 2021, at 1:25 PM, Steve Theno <stevethenoak@gmail.com> wrote:

Hi Missy:

I have a simple design program so I sketched up a simple site plan. It is to scale. I plugged in the main elements of your project; building, parking lots, playground, etc. The overall size of the site plan corresponds to the 3.52 acre parcel in the email you sent. I then also overlayed this site plan on google maps. Its not exact, but gives a pretty good idea of how the site fits with the surroundings.

I'm not suggesting this is the ideal site layout. Its just a starting point. Its pretty easy for me to move blocks around on the drawings so we can use it to try different building shapes and arrangements and different site layouts.

Its still really early in the process to be doing site layouts. We should work our way through the facility programming first, then begin to discuss what's important about the site layout and start trying different site plan arrangements. But, I did this quick site layout to help decide if the parcel offered will work ok for APFP. It looks to me like the 3.52 acres still offers plenty of flexibility and options for accommodating APFP and the elements you would like to include on the site.

Let me know if you would like to discuss.

Steve

Steve Theno
Retired - at the end of the Road
907-360-1868
Stevethenoak@gmail.com

On Aug 24, 2021, at 5:04 PM, Steve Theno <stevethenoak@gmail.com> wrote:

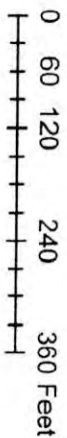
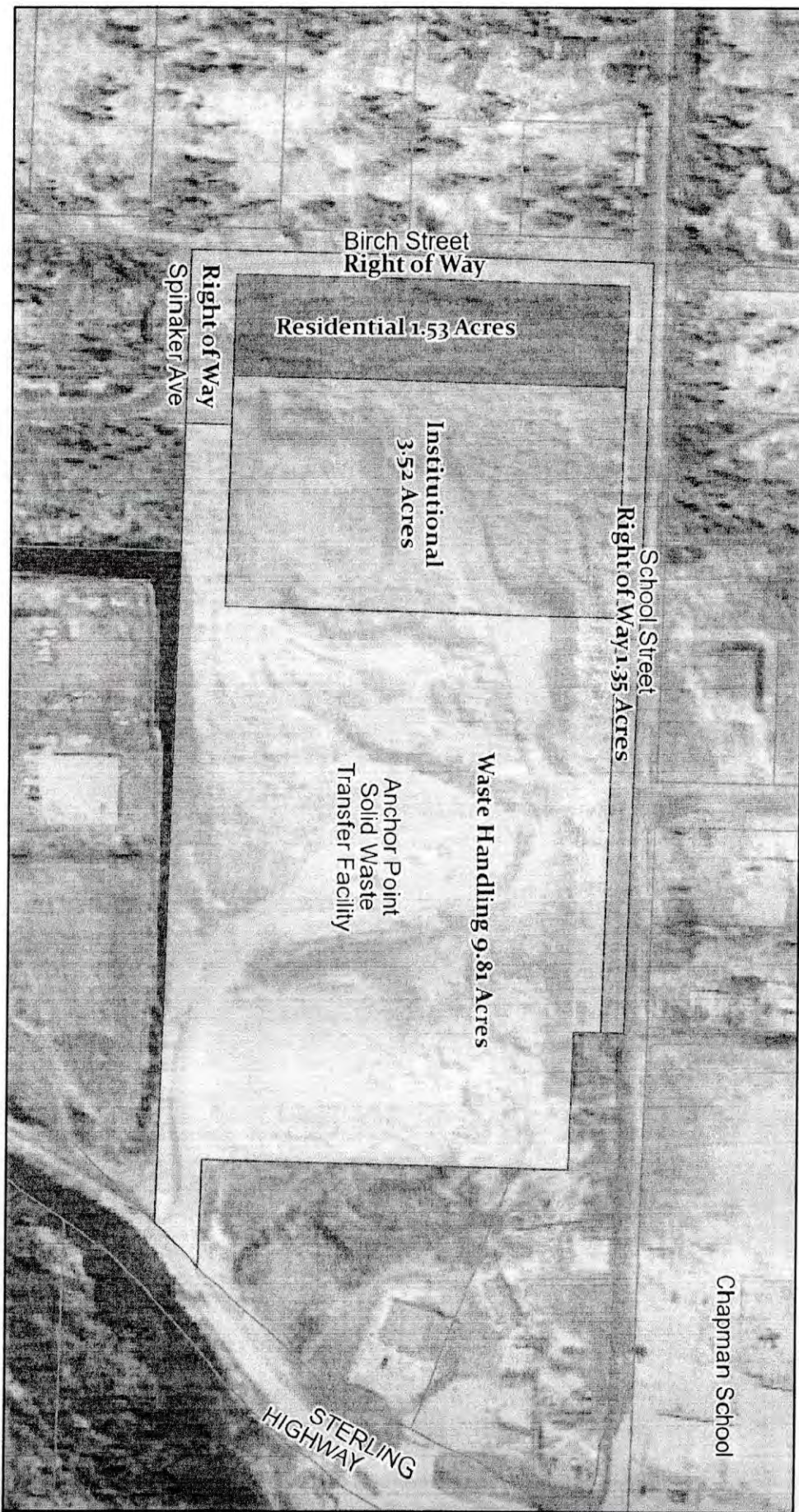
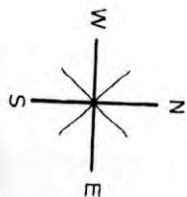
Hi Missy:

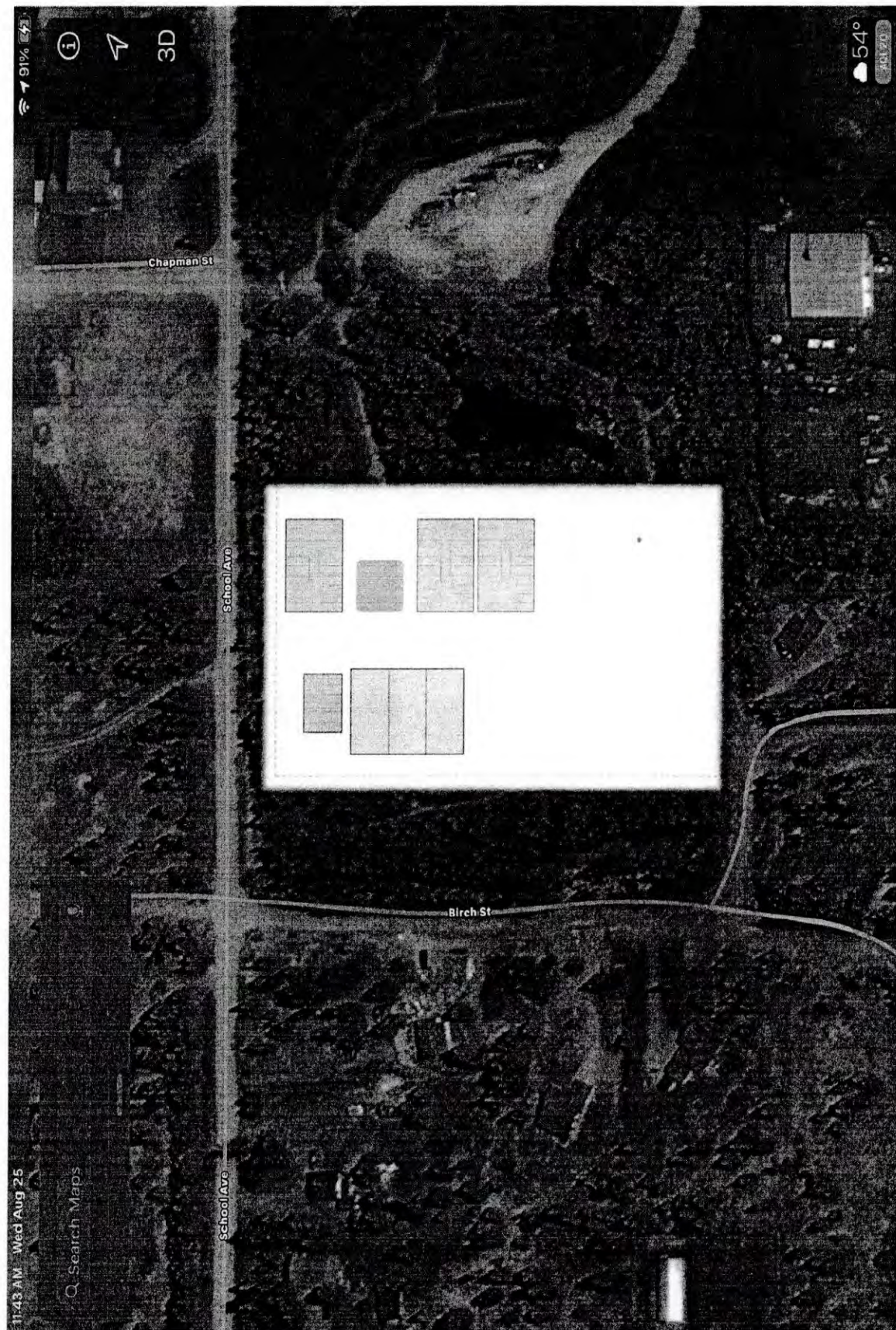
Interesting. I will take a look and get back to you, probably tomorrow morning. A couple questions:

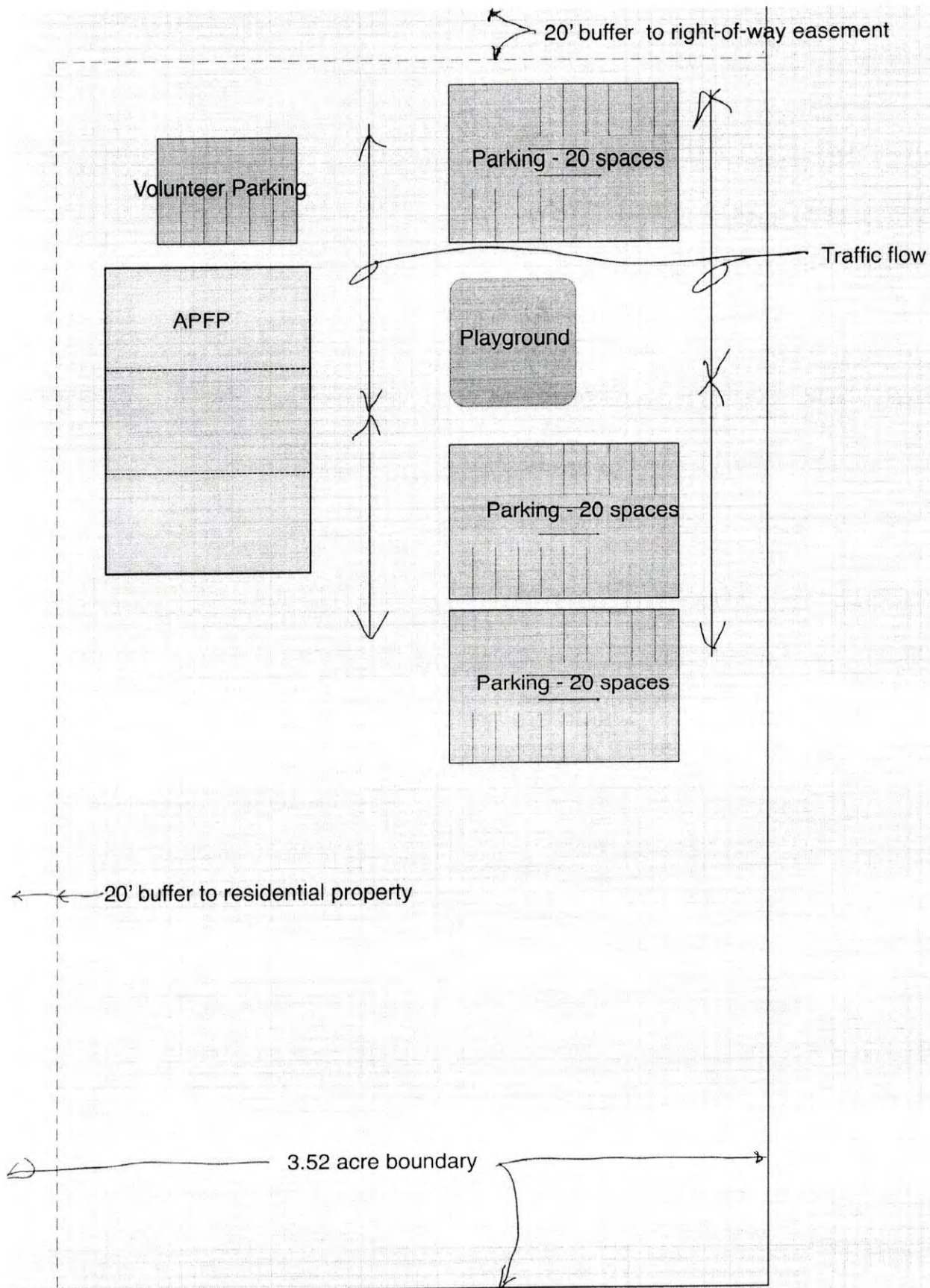
Land Classification Plan 16.2 Acres in Anchor Point, Alaska Kenai Peninsula Borough Land Management Division

Parcel ID # 1690571

8/24/2021







Guests

A.P. TOWN MEETING

MAY 6, 2021

Anchor Point Food Pantry needs a new home. We wish to merge it with Anchor Point's desire for a community center.

NO. NAME	PHONE (CELL)	EMAIL OR MAIL ADDRESS	AREA OF EXPERTISE/INTEREST
1 TEND Neville		john.neville@horizon-satellite.com	help
2			
3 Melissa Martin	299-8437	apfp.266@gmail.com	volunteer/office
4 Zach Martin			
5 Quin Folkestad	299-9231	folkestadquin@gmail.com	Volunteer/Draftsman
6 Laurie Rudy	717-805-3948	laurierudy@gmail.com	Volunteer
7 Sherrie Blood	907-299-8948		
8 Cheryl Richardson	235488	3582 North Fork Rd.	
9 David Craig	967/399-7371	34039 N Fork Rd	craig67a@gmail.com
10 Cassandra Howard	299-290-3631		
11 Patricia Steingere	907-394-1270		
12 Ruth Mitchell			
13 Matthew Mitchell			
14 Denise White	907-444-8879		
15 Bobby Nees	907-299-4071		
16 Jennifer Dress	907-299-9052		
17 Josh Dress			

9A Town meeting
Guests
on 4.

	Name	Phone	Email	Area of Interest
18	Lynn Whitmore	907 299 1760		
19	Bob Stark	907. 435. 4181		
20	SARAHNA STARK	907 435-4181		
21	DAVE HENDER	235-8881		
22	Marilyn Hendren	235-8881		
23	Richard Finney	947-8239		
24	Greg Lewis	947-8239		
25	Mary Poy	835-7910		
26	Chris Kerner	907 767 9030		
27	Norbert Itelack	907-299-8000		
28	Ulucen Mercader	299-1356		Human
29	Andrew Brooke	360 787 1092		
30	Rob Johnson	907-299-7461	Robert.johnson@720 gmail.com	Building + 4159
31	Parvett Seaton	(907) 395-7939		Community garden lot
32	KELZIE / DAWSON SUGGILLER	907 394 9917		
33	Soot Lewis White (SCFSEAT)	907-399-7077		
34	Robert Ruten	319-8015		Mount H. 2015
35	Wm Newcomb	235-1954		
36	Bob Stark	435-4181		
37	Savanna Stark	435-4181		
38	Primrose Stark	435-4181		
	Cindy Buels	235-7780		

Anchor Point Food Pantry (APFP) Planning Committee Meeting Minutes

Wednesday, May 19, 2021

Call to order 6:30pm.

Planning Committee members: Quin Folkestad; PJ Stringer; Sue Cox; Greg Meyer; Bob Stark; Dawson Slaughter; Cassandra Kwell; and Rob Johnson (absent). Missy Martin chairing meeting but would like other members to chair the meetings on a rotating basis. Five other people also attended. Attendance is attached.

All agreed the importance of **developing the subject of a food pantry first** with a plan of sustainability before including the topic of a Community Center.

Signatures for support from the community is suggested to bring before the Assembly.

Quin will make a **Facebook Page** to organize donations and mailing distributions.

Dawson Slaughter has agreed to allow the pantry to **lease his property** as his donation to the success of the pantry. Also, Dawson suggested to contact "Share the Wealth" (CAP Grant) from Kenai Peninsula Borough as a possible source of donations. Missy noted that we already get this grant.

Bob Stark will contact **the Tribal Association** for assistance.

Application to submit to the Borough is almost complete. Need to secure an **established fund-raising plan**, meaning possible **monthly or yearly contributions from community**.

Greg suggested to apply to the **Rasmuson Foundation first**. A tier 1 allotment including a pantry plan.

As we move forward with plans and donations, our budgets will want to be reviewed.

Greg will **help** with information from Anchorage to use **templates** for appropriate accounting.

Business donations: **Quin** will approach **Tutka and Enstar**. **Missy** is approaching **Hilcorp** and is waiting on their reply. Other possibilities include **Essential One**. **Homer Foundation**. **Cinda Martin** will approach **"100 Women Who Care"** for donations but a well procured plan is instrumental for success.

P.J.'s store proprietor will place a **donation box** in their store as well as placing donation boxes **around town** and will approach the **Elks** organization.

Conoco Phillips timeline for donations is now.

Greg can help with newspaper advertising (template) for **letters to the editor**. Radio advertising is also a possibility.

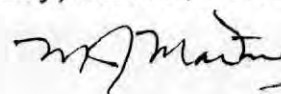
Greg suggested a **"soup bowl awareness meal."**

John will ask the **VFW** to use their **gaming license** if they host a **fund-raising dinner**. He has also attempted to contact the **"Cares Act Fund"** people, as well as the **Alaska Legislature**, and the **Borough Assembly** and has suggested that we approach them as a group.

Dawson will ask the **Chamber of Commerce** for possible donations as well as approaching **South Peninsula Hospital**. He, too, has been in contact with the **Borough Assembly**.

Minutes taken by Marie Carlton; edited by Melissa (Missy) Martin, President APFP

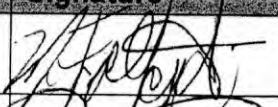
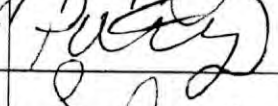
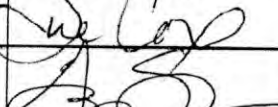
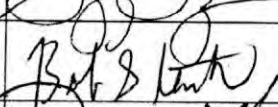


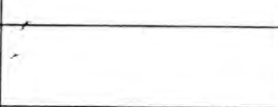
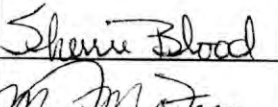
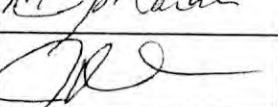
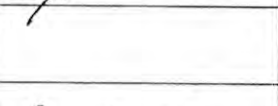
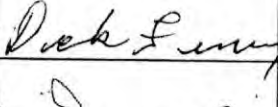

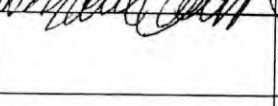
Ended at 7:27pm
Cheeky Moose
mm



Planning Committee
meeting minutes 121

PLANNING COMMITTEE MEETING SIGN-IN

Project:	Anchor Point Food Pantry Relocation	Meeting Date:	5/19/2021
Facilitator:	Melissa Martin	Place/Room:	Cheeky Moose

Name	Signature	Company	Phone	E-Mail
Quin Folkestad		Northern Reflections Design		
Patricia Stringer		PJ's Thrift Store	9073941270	*
Sue Cox		Race for Veteran's Recovery		
Greg Meyer		Kenai Peninsula Food Bank, Ex.Dir.		
Bob Stark		—	435-4181	* bob.alaska@gmail.com
Dawson Slaughter		Chamber of Commerce, Chair	2994775	"
Cassandra Kwell		APFP Volunteer		*
Rob Johnson			*	*
Marie Carlton				
Cassie Kwell				
Sherrie Blood		Anchor Pt. Food Pantry (APFP), VP		
Melissa Martin		APFP President		
John Cox			399 3410	
Diane Meyer				
Dick Finney				
Tecce Scovell			299-6286	8mamamoose@gmail.com
Wesley Carlton			509-430-4304	



Anchor Point Food Pantry

Feeding the hungry with food and a smile

KPB land lease application
with supporting documents
17 pgs. following

ATTN: Marcus Mueller

NEGOTIATED SALE, LEASE OR EXCHANGE OF BOROUGH LAND
KENAI PENINSULA BOROUGH
LAND MANAGEMENT DIVISION

144 N. Binkley Street
Soldotna, AK 99669-7599
lmweb@kpb.us

Phone: 907-714-2205
Fax: 907-714-2378

A \$500.00 fee must be submitted with this application. The \$500.00 is not applied to the purchase price and is refunded only if the application is not found to be in the public's best interest.

This form is to be completed by individuals or organizations wishing to purchase, lease or exchange borough land pursuant to KPB 17.10.100 (C) or (I). The application is to be completed in full to the best of knowledge of the individual or authorized representative. If requested, proprietary and financial information of the applicants, that is so marked, will be kept confidential. The assembly must approve, by ordinance, any disposition of borough land. The application process generally takes between 90-180 days.

Attach separate sheets of paper if more space is needed for explanation. If a section (or portion thereof) is not applicable, mark with the abbreviation "N/A". Contact Kenai Peninsula Borough Land Management staff if you have any questions about the information requested on the application. Please type or print.

Applicant Information

Name: Anchor Point Food Pantry
Organization: _____
Mailing Address: PO Box 266, Anchor Point, AK 99556
Phone: 907-299-8437 Email: apfp.266@gmail.com

Other individuals(s) or organizations(s) party to this application (add additional pages if needed):

Name: _____
Organization: _____
Mailing Address: _____
Phone: _____ Email: _____

Type of Organization (check one):

- | | | |
|--|--|--|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Sole Proprietorship | <input type="checkbox"/> General Partnership |
| <input checked="" type="checkbox"/> Non-Profit | <input type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Limited Partnership |
| <input type="checkbox"/> Corporation | <input checked="" type="checkbox"/> Other: | |

Note: Please submit, as appropriate, the following items with this application:

1. Current Alaska Business License
2. Designation of Signatory Authority to Act for Organization or Individual
3. Non-Profits – IRS Tax Exemption Status
 - ☒ Yes – Please attach letter of determination
 - ☐ No – Please attach certificate, articles of incorporation, by-laws, or other appropriated documentation.

Description of parcel(s) of interest (add additional pages if needed):

Legal Description: T53 R 15W SEC 4 SEWARD MERIDIAN

Plat Number (if applicable): _____ Recording District: _____

Tax Parcel ID: 16905071 Size/Acreage: 5 ACRES

This application is being made for the following (check the appropriate box):

☐ Purchase ☒ Lease ☐ Exchange ☐ Other (please specify)

Complete this section for Negotiated Sales Only:

a. Offer Price: _____

b. Are you wishing to seek Borough financing for this purchase ☐ Yes ☐ No
(If yes, terms will be discussed during the negotiations)

c. Please explain the reasons why you believe the Borough should sell this land to you, be specific (add additional pages if needed):

If the proposal is for other than fair market value, please state why it would be in the public's best interest to approve this proposal. Include all supporting facts & documents.
The Anchor Point Food Pantry and town planning committee are collaborating to build not only a much needed food pantry, but also a much needed community center. Both acknowledge that the Anchor Point Food Pantry will be the owner. Documents provided.

Are there any existing improvements on this land? If yes please describe and provide photos if available.
NONE KNOWN

Attach a site plan depicting the proposed use of the property.

Plan attached ☒ Yes ☐ No

Has the applicant or affiliated entity previously purchased or leased Borough owned land or resources:

☒ No ☐ Yes (If yes provide legal description; type of purchase/lease and its' current status)

Has the applicant or affiliated entity ever filed a petition for bankruptcy, been adjudged bankruptor, or made an assignment for the benefit of a creditor?

☒ No ☐ Yes (If yes please explain, including dates):

Is the applicant or affiliated entity now in default on any obligation to, or subject to any unsatisfied judgment or liens?

☒ No ☐ Yes (If yes, please explain):

Complete the following applicant qualification statement for each individual applicant or organization (*attach additional statements as necessary*):

APPLICANT QUALIFICATION STATEMENT

Name: Anchor Point Food Pantry

Address: PO Box 266, Anchor Point, AK

I hereby swear and affirm to the best of my knowledge:

- That I am eighteen years of age or older; and
- I am a citizen of the United States or a permanent resident who has filed a declaration of intention to become a citizen or a representative of a group, association or corporation which is authorized to conduct business under the laws of Alaska; and
- I am not delinquent on any deposit or payment obligation to the Kenai Peninsula Borough (KPB); and
- I am not currently in breach or default on any contract or lease involving land in which KPB has not acted to terminate the contract or lease or to initiate legal action.
- Unless agreed otherwise in writing and signed by the KPB mayor, the above named applicant agrees to provide a performance bond, general liability insurance, damage deposit, and pay for remote site inspection, if applicable.

I hereby certify that the information contained herein is true to the best of my knowledge and belief.


Signature of Applicant

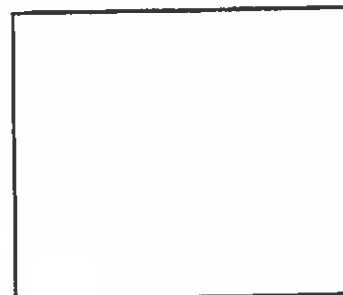
06/22/2021
Date

Melissa J Martin
Print Name

Tax Compliance Certification Kenai Peninsula Borough Finance Department

144 N. Binkley Street
Soldotna, Alaska 99669-7599
www.kpb.us

Phone: (907) 714-2197
or: (907) 714-2175
Fax: (907) 714-2376



Fill in all information requested. Sign and date, and submit with bid or proposal.

For Official Use Only

Reason for Certificate:	Food Pantry Relocation	For Department:	
Business Name:	Anchor Point Food Pantry		
Business Address:	PO Box 266, Anchor Point, AK		
Owner Name(s):			
Business Mailing Address:	PO Box 266, Anchor Point, AK		
Business Telephone:	907-299-8437	Business Fax:	
Email:	apfp.266@gmail.com		

As a business or individual, have you ever conducted business or owned real or personal property within the Kenai Peninsula Borough? If yes, please supply the following account numbers and sign below. If no, please sign below.
☐ Yes ☐ No
 Kenai Peninsula Borough Code of Ordinances, Chapter 5.28.40, requires that businesses/individuals contracting to do business with the Kenai Peninsula Borough be in compliance with Borough tax provisions. No contract will be awarded to any individual or business who is found to be in violation of the Borough Code of Ordinances in the several areas of taxation.

REAL/PERSONAL/BUSINESS PROPERTY ACCOUNTS	
ACCT. NO.	ACCT. NAME

KPB Finance Department (signature required)

SALES TAX ACCOUNTS	
ACCT. NO.	ACCT. NAME

KPB Sales Tax Division (signature required)

TAX ACCOUNTS/STATUS (TO BE COMPLETED BY KPB)	
YEAR LAST PAID	BALANCE DUE

☐ In Compliance ☐ Not in Compliance
Date _____

TAX ACCOUNTS/STATUS (TO BE COMPLETED BY KPB)	
YEAR LAST PAID	BALANCE DUE

☐ In Compliance ☐ Not in Compliance
Date _____

CERTIFICATION: I, Melissa J Martin the President, hereby certify that, to the best of my knowledge, the above information is correct as of 06/22/2021.

(Name of Applicant)

(Title)

(Date)

Signature of Applicant (Required)

IF ANY BUSINESS IS CONDUCTED OR IS AWARDED A BID WITHIN THE KENAI PENINSULA BOROUGH YOU MUST BE REGISTERED TO COLLECT SALES TAX. THE SALES TAX DEPARTMENT CAN BE REACHED AT (907) 714-2175.

Alaska Business License # 2090225

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business, and Professional Licensing

PO Box 110806, Juneau, AK 99811-0806

This is to certify that

Anchor Point Food Pantry

PO Box 266, 73358 School St., ANCHOR POINT, AK 99556-0266

owned by

Anchor Point Food Pantry

is licensed by the department to conduct business for the period

December 3, 2020 to December 31, 2022
for the following line(s) of business:

62 - Health Care and Social Assistance

This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.
This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Julie Anderson
Commissioner

10008094

AK Entity #	Name	Titles	Owned
	DARLENE CAREY	Director	
	DONNA SCOVELL	Director	
	LAURIE RUDY	Assistant Treasurer	
	MARIE CARLTON	Director	
→	MELISSA MARTIN	President	
	PAULETTE SORTOR	Director	
	SHERRIE BREITH-BLOOD	Treasurer, Vice President	
	Susan Cox	Director	

Filed Documents

Date Filed	Type	Filing	Certificate
10/11/2012	Creation Filing	Click to View	Click to View
4/18/2014	Initial Report	Click to View	
10/04/2014	Biennial Report	Click to View	
11/25/2016	Biennial Report	Click to View	
11/28/2016	Entity Address Change	Click to View	
5/11/2018	Biennial Report	Click to View	
7/10/2018	Agent Change	Click to View	
7/10/2018	Change of Officials	Click to View	
5/26/2020	Biennial Report	Click to View	
3/04/2021	Change of Officials	Click to View	

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Authority for signature
Biennial Report 2020
Pg 2

COPY of original 2-2-16

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **DEC 22 2016**

ANCHOR POINT FOOD PANTRY
PO BOX 266
ANCHOR POINT, AK 99556-0266

Employer Identification Number:
46-1962921
DIN:
26051740001066
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
October 31
Public Charity Status:
509(a)(2)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
December 01, 2016
Contribution Deductibility:
Yes
Addendum Applies:
Yes

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devices, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

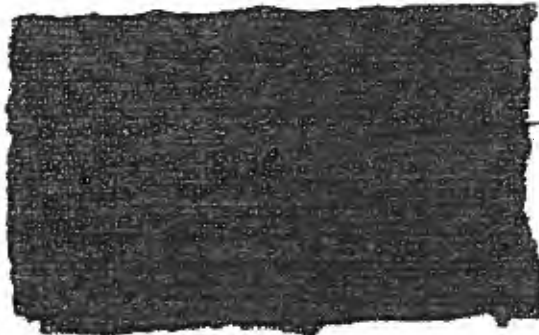
If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4722-PC" in the search bar to view Publication 4722-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 047

Letter of
Determination



Proof of Tax Exempt

*Proof of KPB
Tax Exemption*



Manage Form 990-N (e-Postcard)

[Home](#) | [Security Profile](#) | [Logout](#)

EIN	Organization Name	Tax Year	End Date	Created On	Status	Submission ID	Action
46-1962921	ANCHOR POINT FOOD PANTRY	2015	10-31-2016	01-20-2017	Accepted	10065520170200754309	
46-1962921	ANCHOR POINT FOOD PANTRY	2016	10-31-2017	02-05-2018	Pending	10065520180301701649	Get Updated Status
46-1962921	ANCHOR POINT FOOD PANTRY	2017	10-31-2018	01-28-2019	Accepted	10065520190282516001	
46-1962921	ANCHOR POINT FOOD PANTRY	2018	10-31-2019	02-12-2020	Accepted	10065520200433487049	
46-1962921	ANCHOR POINT FOOD PANTRY	2019	10-31-2020	02-12-2021	Accepted	10065520210434326096	

[«« Prev](#) [Page 1](#) [v Next »»](#)
[CREATE NEW FILING](#)

We keep trying
to fix this.

IRS 990-N
2016 17 18 19 2020

Department of Commerce, Community, and Economic Development
**CORPORATIONS, BUSINESS & PROFESSIONAL
 LICENSING**

State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database Download /
 Corporations / Entity Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	Anchor Point Food Pantry

Entity Type: Nonprofit Corporation

Entity #: 10008094

Status: Good Standing

AK Formed Date: 10/11/2012

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 7/2/2022

Entity Mailing Address: PO BOX 266, ANCHOR POINT, AK 99556

Entity Physical Address: GREATLAND WORSHIP CENTER, 73358 SCHOOL ST., ANCHOR
 POINT, AK 99556

Registered Agent

Agent Name: DONNA (TEECE) SCOVELL

Registered Mailing Address: 69139 SERGEANT AVE, ANCHOR POINT, AK 99556

Registered Physical Address: 69139 SERGEANT AVE, ANCHOR POINT, AK 99556

Officials

☐ Show Former

AK Entity #	Name	Titles	Owned
	ANGIE HICKEL	Director	
	CHRIS SYME	Secretary	

2020 Biennial Report (Pg. 1)
 Statement of "Good Standing"

Project:	Anchor Point Food Pantry Relocation	Meeting Date:	5/19/2021
Facilitator:	Melissa Martin	Place/Room:	Cheeky Moose

Quin Folkestad	<i>[Signature]</i>	Northern Reflections Design			
Patricia Stringer	<i>[Signature]</i>	PJ's Thrift Store	9073941270	*	
Sue Cox	<i>[Signature]</i>	Race for Veteran's Recovery			
Greg Meyer	<i>[Signature]</i>	Kenai Peninsula Food Bank, Ex.Dir.			
Bob Stark	<i>[Signature]</i>	—	435 4181	*	bob.alaska@gmail.com
Dawson Slaughter	<i>[Signature]</i>	Chamber of Commerce, Chair	2994775	-	
Cassandra Kwell	<i>[Signature]</i>	APFP Volunteer		*	
Rob Johnson			*	*	
Marie Carlton					
Cassie Kuehl					
Sherrie Blood	<i>[Signature]</i>	Anchor Pt. Food Pantry (APFP), VP			
Melissa Martin	<i>[Signature]</i>	APFP President			
John Cox	<i>[Signature]</i>		399 3410		
Diane Meyer					
Dick Finney	<i>[Signature]</i>				
Teresa Schnell	<i>[Signature]</i>		299-6296		8manmonse@gmail.com
Vicki Carlton	<i>[Signature]</i>		509-430-4304		

Anchor Point Food Pantry (APFP) Planning Committee Meeting Minutes Wednesday, May 19, 2021

Call to order 6:30pm.

Planning Committee members: Quin Folkestad; PJ Stringer; Sue Cox; Greg Meyer; Bob Stark; Dawson Slaughter; Cassandra Kwell; and Rob Johnson (absent). Missy Martin chairing meeting but would like other members to chair the meetings on a rotating basis. Five other people also attended. Attendance is attached.

All agreed the importance of **developing the subject of a food pantry first** with a plan of sustainability before including the topic of a Community Center.

Signatures for support from the community is suggested to bring before the Assembly.

Quin will make a **Facebook Page** to organize donations and mailing distributions.

Dawson Slaughter has agreed to allow the pantry to **lease his property** as his donation to the success of the pantry. Also, Dawson suggested to contact "Share the Wealth" (CAP Grant) from Kenai Peninsula Borough as a possible source of donations. Missy noted that we already get this grant.

Bob Stark will contact the **Tribal Association** for assistance.

Application to submit to the Borough is almost complete. Need to secure an **established fund-raising plan**, meaning possible **monthly or yearly contributions from community**.

Greg suggested to apply to the **Rasmuson Foundation** first. A tier 1 allotment including a pantry plan.

As we move forward with plans and donations, our budgets will want to be reviewed. **Greg** will **help** with information from Anchorage to use **templates** for appropriate accounting.

Business donations: **Quin** will approach **Tutka and Enstar**. **Missy** is approaching **Hilcorp** and is waiting on their reply. Other possibilities include **Essential One**, **Homer Foundation**. **Cinda Martin** will approach **"100 Women Who Care"** for donations but a well procured plan is instrumental for success.

P.J.'s store proprietor will place a **donation box** in their store as well as placing donation boxes **around town** and will approach the **Elks** organization.

Conoco Phillips timeline for donations is now.

Greg can help with newspaper advertising (template) for **letters to the editor**. Radio advertising is also a possibility.

Greg suggested a **"soup bowl awareness meal."**

John will ask the **VFW** to use their **gaming license** if they host a **fund-raising dinner**. He has also attempted to contact the **"Cares Act Fund"** people, as well as the **Alaska Legislature**, and the **Borough Assembly** and has suggested that we approach them as a group.

Dawson will ask the **Chamber of Commerce** for possible donations as well as approaching **South Peninsula Hospital**. He, too, has been in contact with the **Borough Assembly**.

Minutes taken by Marie Carlton; edited by Melissa (Missy) Martin, President APFP

Ended at 7:27pm

Chucky Moose
mm

WJ Martin

Planning Committee
meeting minutes 5/19/21



144 North Binkley Street, Seldotna, Alaska 99669

5 acres of the far end of Parcel ID#
(attached to the AP transfer site) 169 0571



Legend

- All points
- Area boundary
- Place Names
 - Towns and Villages
 - City
- Highways
- Major Roads
- Roads
 - Town Medium Volume
 - Town Low/Seasonal, Other
 - Proposed
- Tax Parcels
- Boundary
- Footprint
- Image
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

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

Enter map notes here

DATE PRINTED: 5/17/2021

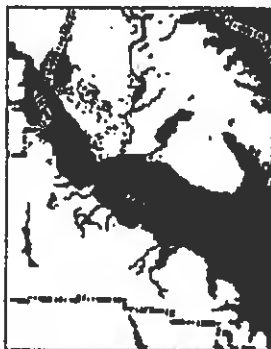
Map title goes here.



Geographic Information Systems
144 North Binkley Street, Soldotna, Alaska 99669



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: 4/20/2021

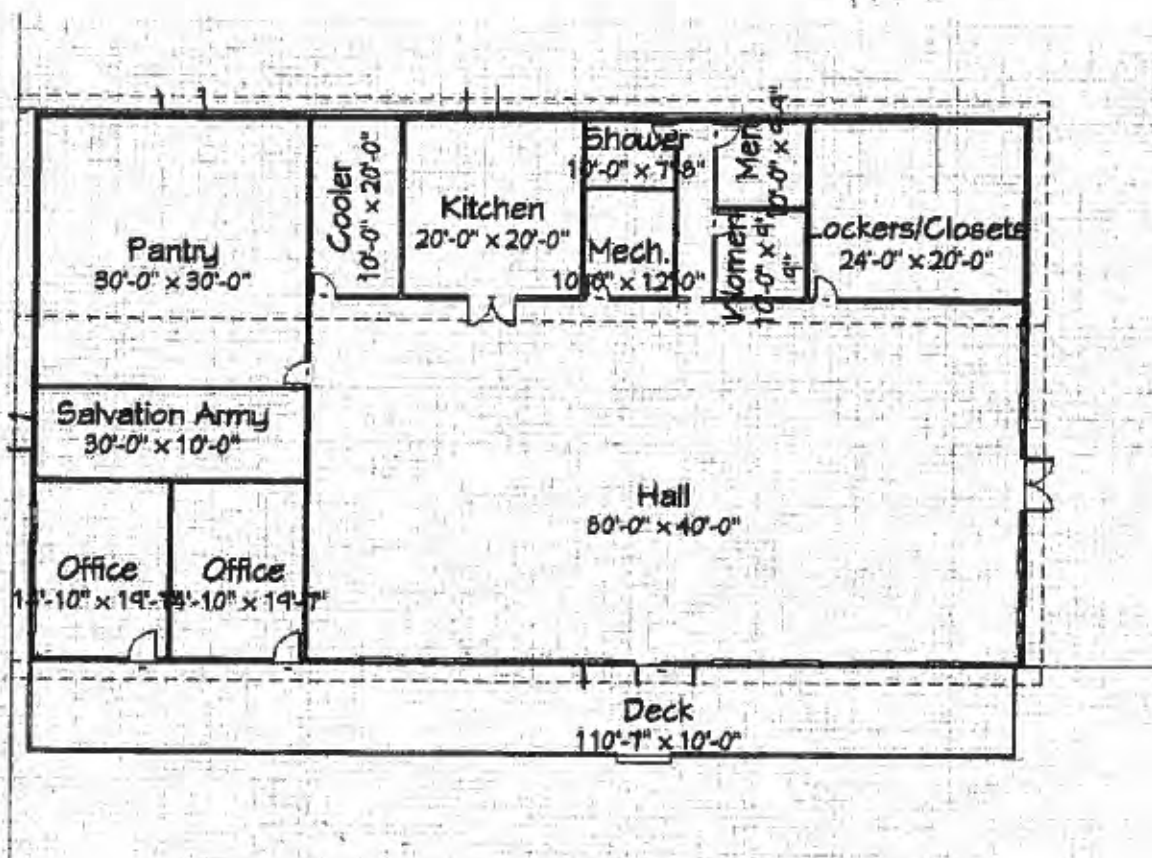


- Legend**
- Mileposts
 - City Limits
 - Highways
 - Major Roads
 - Roads
 - Town Medium Volume
 - Town Low/Seasonal Drive
 - Proposed
 - Parcels
 - Image
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

Parel ID#
16905071



Notes
Enter map notes here



Building Plan

ANCHO-B

OP ID: BV



DATE (MM/DD/YYYY)
05/25/2021

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** is **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

807-435-0689

CONTACT Brian Vecallio

PHONE 907-435-0699

FAX (A/C No.) 907-435-0669

7-11 JAN 1993

INSURER(S) AFFORDING COVERAGE

MAIC #

INSURER A: Umialik Insurance Company

INSURED BY:

INSURER C:

INSURED:

INSURABLE:

INSURER F:

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN EXCEEDED									
INSR LTR	TYPE OF INSURANCE		ADDL (INSR)	SUBP (NOV)	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/>	COMMERCIAL GENERAL LIABILITY			CPP1241753 01 0001161836	06/15/2021	06/15/2022	EACH OCCURRENCE	\$ 1,000,000
	<input type="checkbox"/>	CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Per occurrence)	\$ 100,000
	<input type="checkbox"/>							MED EXP (Any one person)	\$ 5,000
	<input type="checkbox"/>							PERSONAL & ADV INJURY	\$ 1,000,000
	<input type="checkbox"/>							GENERAL AGGREGATE	\$ 2,000,000
	<input checked="" type="checkbox"/>	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COM/POP AGG	\$ 2,000,000
	<input checked="" type="checkbox"/>	POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC							\$
	<input type="checkbox"/>	OTHER:							\$
	<input type="checkbox"/>	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Per accident)	\$
	<input type="checkbox"/>	ANY AUTO OWNED AUTOS ONLY	<input type="checkbox"/>					BODILY INJURY (Per person)	\$
	<input type="checkbox"/>	HIRE AUTOS ONLY	<input type="checkbox"/>					BODILY INJURY (Per accident)	\$
	<input type="checkbox"/>	SCHEDULED AUTOS	<input type="checkbox"/>					PROPERTY DAMAGE (Per accident)	\$
	<input type="checkbox"/>	NON-OWNED AUTOS ONLY	<input type="checkbox"/>						\$
	<input type="checkbox"/>	UMBRELLA LIAB	<input type="checkbox"/>					EACH OCCURRENCE	\$
	<input type="checkbox"/>	EXCESS LIAB	<input type="checkbox"/>					AGGREGATE	\$
	<input type="checkbox"/>	DED	<input type="checkbox"/>						\$
	<input type="checkbox"/>	RETENTION \$	<input type="checkbox"/>					PER STATUTE	OTH-ER
	<input type="checkbox"/>	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						E.I. EACH ACCIDENT	\$
	<input type="checkbox"/>	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/>					E.I. DISEASE - EA EMPLOYEE	\$
	<input type="checkbox"/>	If yes, describe under DESCRIPTION OF OPERATIONS below						E.I. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

In respects to designated operations as listed on the policy. Subject to policy terms and conditions.

This policy covers the following locations:
33200 Sterling Hwy Anchor Point, AK 99556
73358 School Ave Anchor Point, AK 99556

CERTIFICATE HOLDER

CANCELLATION

PROOF OF INSURANCE

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

ACORD 25 (2016/03)

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The ACORD name and logo are registered marks of ACORD

HP Color LaserJet MFP M477fdn

Fax Confirmation

Jun-23-2021 1:14AM

Job	Date	Time	Type	Identification	Duration	Pages	Result
181	6/23/2021	12:58:36AM	Receive	907 235 7842	16:04	18	OK

06/22/21 05:24PM MARTIN 907-235-7842 Page 1



**Anchor
Point
Food
Pantry**

Feeding the hungry with food and a smile

KPB land lease application
with supporting documents
17 pgs. following
Attn: Marcus Mueller



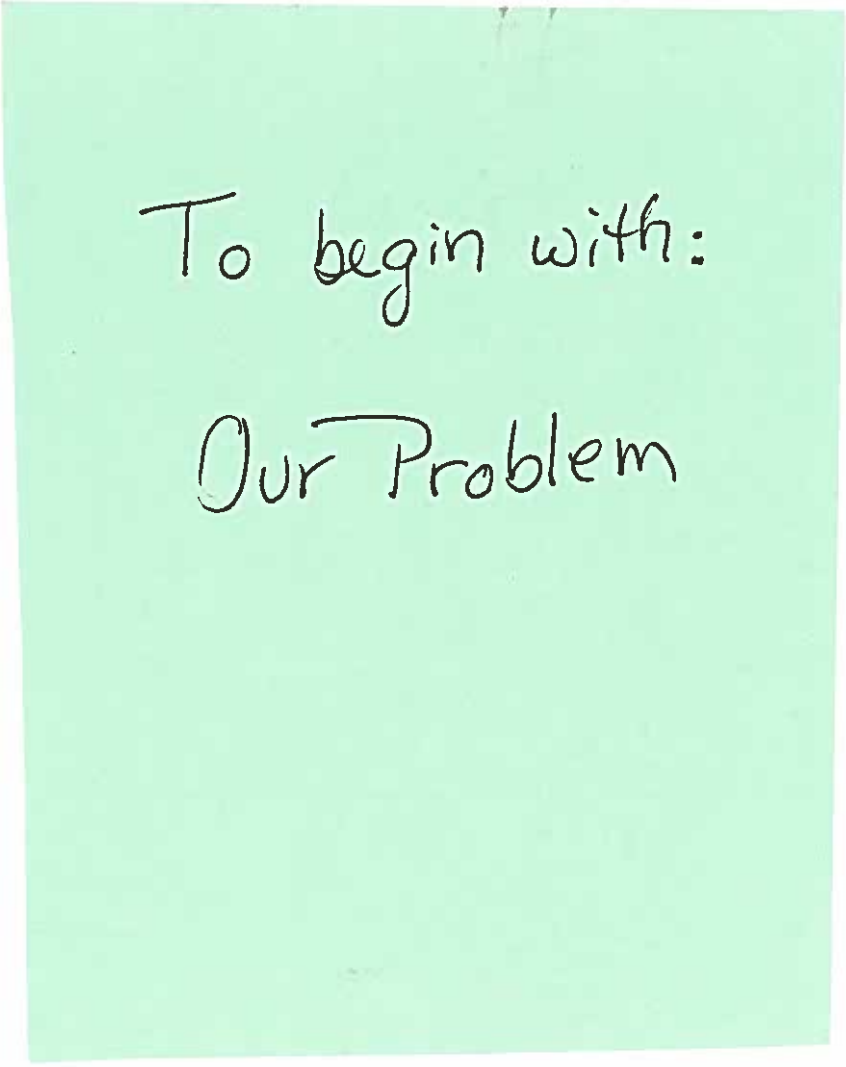
Anchor Point Food Pantry

Feeding the hungry with food and a smile

Development Plan 2021

Attn: Aaron Hugh's

To begin with: Our Problem



To begin with:
Our Problem

GREAT LAND

P.O.Box 308, Anchor Point, AK 99556
907-952-3087

May 19, 2021

To Whom It May Concern,


This letter is regarding the Anchor Point Food Pantry (APFP). They have utilized the old foyer, kitchen, fellowship hall and main storage room inside the church facility for the past 9 years. This ministry has grown from a small number of around 30-40 people being fed a hot meal, as well as packaged goods to take home according to the number in their family, to around 200 meals each week during the height of the Covid Pandemic (approx 70-80 households). With this increase in the number of households, they extended to the new main foyer for table set up and distribution. Our kitchen, fellowship hall and storage room are no longer of an adequate size, nor do we have the cooking equipment to facilitate this weekly ministry at this current number and especially not suitable for any growth. The APFP has maintained our facility very well while they have used it, with only minimal wear and tear.

At the present time, our church is growing in such a way that we are in the beginning stages of discussions on remodeling certain areas for our use and the only space that is available is the storage room. This will totally wipe out the current storage room that is being utilized by APFP. All of these factors - APFP growth, our church growth and probable renovations are the most urgent aspects that mitigated our decision to ask the APFP to look for another location that will allow them to grow to their fullest vision and potential in helping our community.

During our joint Board meeting in January of this year, it was decided that their exit date from our facility would be July 31, 2021. We have had two follow-up meetings to discuss their progress and that our church will continue to support APFP. I hope this letter helps shed more light and information on the great job that the APFP Board and volunteers are doing for our community and for the incredible need they have for grant and foundation funding to help them reach their full potential.

If you have any questions, please do not hesitate to contact me at the address or number listed above.

Regards,



Robert Hallam
Pastor

HOMER ELECTRIC ASSOCIATION, INC.
PROPERTY OWNER PERMISSION FORM

I/we certify that I am/we are the owner(s) of _____

and do hereby grant to Homer Electric Association the right to construct, operate, repair, inspect and maintain facilities on said property for the purpose of providing electric service to the property.

 Owner Signature

 Owner Signature

 Owner Signature

 Owner Signature

Individual Acknowledgment

UNITED STATES OF AMERICA, }
 } ss
 STATE OF _____ }

Please fill this
 out + return
 it to:

A.P.F.P.

P.O. Box 266

Anchor Pt., AK

99556

So we can get electricity

_____ day of _____

Notary Public in and for the State of _____

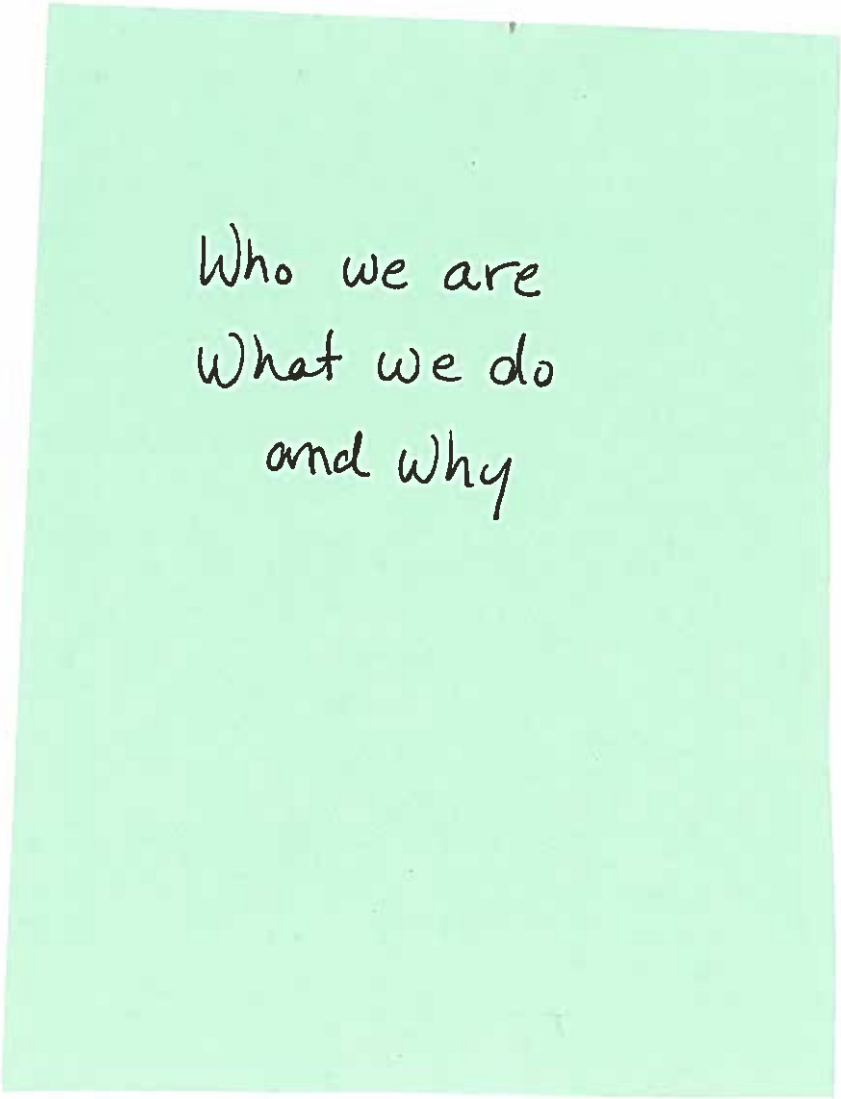
_____ly appeared _____

_____ed in and who executed the above and foregoing
 at he/she signed and sealed the same freely and
 rein mentioned.

_____al the day and year in this certificate first above

_____. My commission expires _____

Who we are
What we do and why



Who we are
What we do
and why

ANCHOR POINT FOOD PANTRY

History

The Anchor Point Food Pantry began before 2006 by Donna Dennis, a local social worker, from the Homer Food Pantry, who started it in her home. She had soon outgrown her home and moved it to the Church of the Nazarene. Here she began providing a hot meal, some staples, and some fresh produce once a week. In 2012 the opportunity came for the pantry to move to the Great Land Worship Center (formerly the Light House) which had more storage space and a larger kitchen. We became a 501c3 organization in 2016. Our pantry is still open to the public, every Monday, from 4-6pm, and we still serve a hot meal, provide a small bag of food staples, and offer a fresh produce line. More programs that we provide are as follows: the Salvation Army Program since 2006; A summer produce program; holiday boxes and meal programs since 2006 (Lions Club/Salvation Army boxes and the Share-the-Spirit Christmas boxes); Children's (Kid's Day) program – providing meals, food bags, and activity items since 2020; Homeless program since 2020; and Several of our volunteers provide a delivery service for the housebound, normally 50+, but as many as 100 in one evening (this past year)—weather and daylight permitting. Local distributors like the Kenai Peninsula Food Bank, the Food Bank of Alaska, and the Homer Food Pantry; as well as local businesses such as the Homer Foundation (in 2020); the Alaska Community Foundation (in 2020); the Kachemak Board of Realtors; a holiday donation from Hilcorp, and individual donors provide with us the ability to purchase the necessary food supplies to keep up with the great demand of the hungry in our community. Our ongoing operational expenses include food, supplies, insurance, and fuel, etc. These have increased exponentially due to this pandemic, and we haven't been able to have fundraisers this past year.

In October 2019, prior to the pandemic, we served approximately 240 adults and 70 children. In October 2020 we served 674 adults and 554 children (the increase of children was due to a kid's program where we provided 250 bags to the local children) In Dec. 2020 We served 854 adults and 427 children – another “Kid’s Day”. (There will be another in March.)

Our pantry's mission is to serve the hungry in our community with empathy, respect, and honesty. To be effective, we believe we must exercise the attitude of kindness and cheerfulness, not that of duty.

Because of our growing need and the church wanting to go in a different direction, we have been asked to find another home for our pantry. This is understandable, but has presented an increased hardship on us.

We appreciate any help you may provide.



REQUEST

We are seeking help to build a new home for our pantry. We have outgrown our present location and have been asked to find a new home. If you could help us purchase a piece of land, we could immediately start the groundwork, apply for available grants, and give our clients hope for the future. This would not only give us a place for our operation, but it would provide us a place for our programs and fundraising. We would be able to offer the community a larger place for community events and town meetings- which is greatly needed in our area.

PROBLEM - Grants are contingent on us having a place to build.

CONTACT

ANCHOR POINT FOOD PANTRY
PO BOX 266
ANCHOR POINT, AK 99556

Melissa Martin, President
(907)756-3719
EMAIL: apfp.266@gmail.com

Find us on Facebook

BOARD MEMBERS

Melissa Martin, President
Sherrie Blood, Vice President/ Treas.
Chris Syme, Secretary
Laurie Rudy, Asst. Treasurer/Grants
Donna (Teece)Scovell, Honorary PP
Angie Hickel
Marie Carlton
Paulette Sartor
Sue Cox
Darlene Carey, Sal. Army Rep.

This is what we do, and
our effort to explain our situation.



MAY - 2021

OPERATION

Monday's from 4-6 since 2006

Every Monday we serve a hot meal, provide a small bag of food staples, and offer a fresh produce line.

We serve 65-100 households every week.

We have served as many as 200 meals in a single night

PROGRAMS

SALVATION ARMY COMMODITIES

THREE WEEKS PER MONTH

[Serves 80 families monthly]

KIDS BAG GIVE-AWAY

THREE TIMES IN THE PAST YEAR

[We served as many as 250 children in one day]

FOOD DELIVERY

EVERY MONDAY

[Many times, there were as many as 100 in one evening.]

HOMELESS PROGRAM - PROJECT HOMELESS CONNECT

SCHOOL BAG PROGRAM

HOLIDAY BOXES AND DINNERS

SUMMER PRODUCE PROGRAM

SHOWER VOUCHERS

Left this here in case we need to add something

[Dates From]-[To]

[Describe your responsibilities and achievements in terms of impact and results. Use examples but keep in short.]

OUR REASON FOR ASKING

We are too large for the church that has so graciously housed us and paid our utilities for the last 9 years, as well as having endured the wear and tear on their building. Because of our growing need and the church wanting to go in a different direction, we are asking for your help so that we can continue our service to the community. In January they asked if we could try to be in another place by the end of July.

We are a 100% volunteer organization - 22 weekly volunteers, with many more occasional volunteers.



Tax ID (EIN) # 46-1962921



33955 Community College Drive, Soldotna, AK 99669 • PHONE: 907-262-3111 • FAX: 907-262-6428

This is the KP Food Bank's description of us.

June 7, 2021

To Whom This May Concern:

The Kenai Peninsula Food Bank provides nutritional support across the Kenai Peninsula. This involves the use of trucks, boats and small airplanes. To fully understand the needs of our neighbors, upon accepting the position of executive director in 2018, my priority was visiting all 70 of the food pantries that the food bank partners with.

The largest underserved population that I saw was in the Anchor Point community. The heart and soul of the Anchor Point Food Pantry are the most dedicated volunteers I have ever had the pleasure of meeting. They provide a hot meal and food bags for their community with joy and respect. What I also witnessed was a lack of resources. The food they provided was what they were able to receive from the end of the Homer Food Pantry distribution and food they could purchase through their fundraising efforts. I was amazed at what they were able to accomplish with limited food resources, but an army of passionate volunteers.

Seeing the huge need, the food bank began running a truck to Anchor Point on Mondays for over a year and a half ago. To help eliminate food waste in our community and to provide additional support to Anchor Point Food Pantry, the food bank began picking up donated food 7 days a week. When the pandemic hit, the need increased, and the food bank provided additional support with produce boxes, shelf stable food and hot meals. The Kenai Peninsula Food Bank provided over 200,000 pounds of food in 2020, in the first 5 months of 2021 we have delivered over 70,000 pounds.

Anchor Point Food Pantry has increased its ability to serve their community in amazing ways, so much so, that they have outgrown their current donated facility. It is not only time for them to obtain a permanent home, but also imperative. Their value to the community is immeasurable and the loss of the weekly meal and food distribution would be devastating.

The Kenai Peninsula Food Bank is 100% supportive and engaged in assisting the Anchor Point Food Pantry to secure property and facilities to continue and expand their mission.

Sincerely,

Greg Meyer
Executive Director

We feed people because no one deserves to be hungry!



Anchor Point Food Pantry <apfp.266@gmail.com>

Thank you letter

1 message

Anchor Point Food Pantry <apfp.266@gmail.com>
 To: assistant HF <assistant@homerfoundation.org>

Wed, Jun 2, 2021 at 9:38 PM

Dear Bluegrass Fund and Opportune Fund;

On behalf of the staff of the Anchor Point Food Pantry, and its clients, thank you so much for the new label on our box truck! It had been gifted to us by the Kenai Peninsula Food Bank. We were so grateful for the gift, but it was a hardship for us to put the label on it. At present we serve an average of 75 households per week. Last year we served many more! Who knows what the future holds? This is of great service to us.

Thank you!!!

Sincerely,

Melissa Martin

President

2 attachments



Our new APFP truck June 2020.jpg
95K



Box Truck - Newly Done 2021.jpg
967K

A picture of
 putting our name on
 our truck

The Lint on the Bed Helped the Gnawing Hunger by Donna Dennis – a True Story – This conversation was between Donna Dennis and me on Face Book messenger. It was difficult for her to sit down and type this up, so, to satisfy my request, she finally resorted to writing it spontaneously on Face Book Messenger:

Have you ever been so hungry as a child that you ate the lint of your blanket to make your stomach stop hurting as bad as it ever has? After delivering food for years to those families that were hungry, I asked Allen (her husband) if he ever minded when I worked a full shift and then bought and delivered food to families I knew were lacking food at home. He was so emphatic when he answered no and said I reminded him of those people that would bring food to him and his younger sibling when his mom was out drinking.

He said if it wasn't for all of those people, they would have gotten sick or died. I was astonished that any child would have to figure out how to make that gnawing pain of hunger go away and even more shocked to find out it was lint that quieted his stomach. I actually had to think that over and then wonder if I was catching all of the hungry children in Anchor Point.

The list of those needing help grew to the point of me delivering until after midnight some nights, but it was worth all the time invested, and I have gained so many true friends over the many years that I served others as Christ served others.

This is one reason
we do what we do.

Donna Dennis started
the Anchor Point Food Pantry

Legal Papers and Insurance



Legal
Papers
+
Insurance

copy of legal papers

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: DEC 22 2016

ANCHOR POINT FOOD PANTRY
PO BOX 266
ANCHOR POINT, AK 99556-0266

Employer Identification Number:
46-1962921
DLN:
26053740003066
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
October 31
Public Charity Status:
509(a)(2)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
December 01, 2016
Contribution Deductibility:
Yes
Addendum Applies:
Yes

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

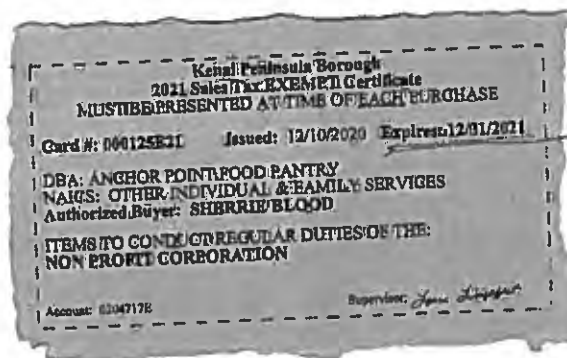
If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 947

Letter of
Determination
501(c)3



Proof of Tax Exempt

Proof of KPB
Tax Exemption

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business, and Professional Licensing

PO Box 110806, Juneau, AK 99811-0806

This is to certify that

Anchor Point Food Pantry

PO Box 266, 73358 School St., ANCHOR POINT, AK 99556-0266

owned by

Anchor Point Food Pantry

is licensed by the department to conduct business for the period

December 3, 2020 to December 31, 2022
for the following line(s) of business:

62 - Health Care and Social Assistance



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.Julie Anderson
Commissioner

Licence

Department of Commerce, Community, and Economic Development
**CORPORATIONS, BUSINESS & PROFESSIONAL
 LICENSING**

State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database Download /
 Corporations / Entity Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	Anchor Point Food Pantry

Entity Type: Nonprofit Corporation

Entity #: 10008094

Status: Good Standing

AK Formed Date: 10/11/2012

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 7/2/2022

Entity Mailing Address: PO BOX 266, ANCHOR POINT, AK 99556

Entity Physical Address: GREATLAND WORSHIP CENTER, 73358 SCHOOL ST., ANCHOR
 POINT, AK 99556

Registered Agent

Agent Name: DONNA (TEECE) SCOVELL

Registered Mailing Address: 69139 SERGEANT AVE, ANCHOR POINT, AK 99556

Registered Physical Address: 69139 SERGEANT AVE, ANCHOR POINT, AK 99556

Officials

☐ Show Former

AK Entity #	Name	Titles	Owned
	ANGIE HICKEL	Director	
	CHRIS SYME	Secretary	

2020 Biennial Report (Pg. 1)
 Statement of "Good Standing"

10008094

AK Entity #	Name	Titles	Owned
	DARLENE CAREY	Director	
	DONNA SCOVELL	Director	
	LAURIE RUDY	Assistant Treasurer	
	MARIE CARLTON	Director	
→	MELISSA MARTIN	President	
	PAULETTE SORTOR	Director	
	SHERRIE BREITH-BLOOD	Treasurer, Vice President	
	Susan Cox	Director	

Filed Documents

Date Filed	Type	Filing	Certificate
10/11/2012	Creation Filing	Click to View	Click to View
4/18/2014	Initial Report	Click to View	
10/04/2014	Biennial Report	Click to View	
11/25/2016	Biennial Report	Click to View	
11/28/2016	Entity Address Change	Click to View	
5/11/2018	Biennial Report	Click to View	
7/10/2018	Agent Change	Click to View	
7/10/2018	Change of Officials	Click to View	
5/26/2020	Biennial Report	Click to View	
3/04/2021	Change of Officials	Click to View	

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Authority for signature
Biennial Report 2020
Pg 2

Manage Form 990-N (e-Postcard)

[Home](#) | [Security Profile](#) | [Logout](#)

EIN	Organization Name	Tax Year	End Date	Created On	Status	Submission ID	Action
46-1962921	ANCHOR POINT FOOD PANTRY	2015	10-31-2016	01-20-2017	Accepted	<u>10065520170200754309</u>	
46-1962921	ANCHOR POINT FOOD PANTRY	2016	10-31-2017	02-05-2018	Pending	<u>10065520180381701649</u>	Get Updated Status
46-1962921	ANCHOR POINT FOOD PANTRY	2017	10-31-2018	01-28-2019	Accepted	<u>10065520190282516001</u>	
46-1962921	ANCHOR POINT FOOD PANTRY	2018	10-31-2019	02-12-2020	Accepted	<u>10065520200433487049</u>	
46-1962921	ANCHOR POINT FOOD PANTRY	2019	10-31-2020	02-12-2021	Accepted	<u>10065520210434326096</u>	

««« Prev Page 1 ▼ Next »»»

CREATE NEW FILING

We keep trying to fix this.

Most recent

IRS 990-N
2016, 17, 18, 19, 2020

Confirmation

[Home](#) | [Security Profile](#) | [Logout](#)

Your Form 990-N(e-Postcard) has been submitted to the IRS

- **Organization Name:** ANCHOR POINT FOOD PANTRY
- **EIN:** 461962921
- **Tax Year:** 2019
- **Tax Year Start Date:** 11-01-2019
- **Tax Year End Date:** 10-31-2020
- **Submission ID:** 10065520210434326096
- **Filing Status Date:** 02-12-2021
- **Filing Status:** Accepted

Our F.Y. is odd

MANAGE FORM 990-N SUBMISSIONS

*IRS 990-N
most recent*

APFP PROPERTY INSURANCE That will be transferred
to KPB School Ave property
ANCHOR-8



CERTIFICATE OF LIABILITY INSURANCE

OP ID: BV

DATE (MM/DD/YYYY)

05/25/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Coastline Insurance Agency
412 E Pioneer Ave, Ste 1
Homer, AK 99603

907-435-0699

CONTACT NAME: Brian Vecellio

PHONE (A/C, No, Ext): 907-435-0699

FAX (A/C, No): 907-435-0669

E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: Umialik Insurance Company

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

INSURED
Anchor Point Food Pantry
PO Box 266
Anchor Point, AK 99556

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			CPP1241753 01 0001161836	06/15/2021	06/15/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Per accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.I. EACH ACCIDENT \$ E.I. DISEASE - EA EMPLOYEE \$ E.I. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

In respects to designated operations as listed on the policy. Subject to policy terms and conditions.

This policy covers the following locations:
33200 Sterling Hwy Anchor Point, AK 99556
73358 School Ave Anchor Point, AK 99556

← This is where we are moving to for 3 months.

CERTIFICATE HOLDER

PROOF OF INSURANCE

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Phase one: Letting people (the community) Know

Most already know.

We will do a mail campaign in
October

Phase One:
Letting People
(the Community)
Know

Most already know.
We will do a mail
campaign in October.

ANCHOR POINT TOWN MEETING

WHERE: Anchor Point Senior Center

WHEN: May 5, 2021, at 6pm

WHY: To address a new home for the
ANCHOR POINT FOOD PANTRY, and
attempt to merge it with the town's
desire for a **COMMUNITY CENTER**

IT IS A GREAT IDEA!

IT'S UP TO YOU!

COME and ENDORSE our EFFORTS!

Influential people that are eager to support such an effort will be at the meeting and **are watching** to see if it is truly of interest to our community.

Show your interest in a community center with a **dining hall half the size of the school gymnasium**, harboring a **nice kitchen** that could be used for **social functions** such as Weddings, Family Reunions, Fundraisers and Community Events
PLEASE at least **DRIVE BY** and **TOOT LOUDLY** to show your **SUPPORT!**

Anchor Point Food Pantry
Meeting Minutes
05/10/2021

Present – Missy Martin, President; Chris Syme, Secretary; Sherrie Blood, Vice President/Treasurer/t; Laurie Rudy, Grant/Financial Treasurer; and board members Marie Carlton, Angie Hickel and Paulette Sortor. Absent: Darlene Carey, Sue Cox and Teece Scovell.
Note: Laurie Rudy was on the phone for the meeting for the 2nd half due to being at work.
Note: she did sign off just before the end of the meeting.

New Business: The Town Meeting held on May 5th, 2021, was a success. The sign in sheet noted that 48 people plus 3 children signed in. The speakers did well and the most important take on the meeting was that the community agree that the pantry is needed in Anchor Point, and they want to see us succeed in finding land to build a new home. Also accomplished was a list of names for a committee to form in which all paperwork and calls needed to be made will be handled by the committee. Attached is a list of names of attendees as well as the list of the committee volunteers along with a copy of the program from the Town Meeting.

There is a **proposed site for the new pantry** on the corner of School on Birch St.

We need to **update our Mission Statement, Articles, and By-Laws**. We will be getting letters from our past Presidents as to the intent of the Pantry. This is because the previous intent of the pantry was to operate under the umbrella of the church. When we find a new home, our intent is to uphold the banner of a loving, kind, welcoming pantry which is in line with Christian teachings but not exclusive to any one or any viewpoint as long as we continue to operate under the banner of a loving and compassionate nature.

Quin Folkstad will be volunteering his time to write up the bylaws and to help with other paperwork. He is also on the building committee. John Neville is volunteering his time in helping with any needed borough paperwork. His wife is a retired judge and will use her knowledge to help with needed verbiage.

The Pick. Click. Give is up and running and so far, we have approximately **\$1400.00** in donations.

The anonymous donor who corresponds with Ruth Mitchell has given a total of **\$2000.00** so far this year.

There was a motion to have 3 people take the class for **Food Safety cards which cost \$300.00**. Chris Syme motioned that Sherrie Blood and Sue Cox take the test. Paulette Sortor 2nd the motion. It was a unanimous vote.

It was asked if when any money that is spent is approved by at least 2 people. There is a bylaw already in place that states no monies over a certain amount must be approved by the board. Sherrie Blood stated that no monies are spent unless a 2nd person approves which is the

Guests

A.P. TOWN MEETING

MAY 6, 2021

Anchor Point Food Pantry needs a new home. We wish to merge it with Anchor Point's desire for a community center.

NO. NAME	PHONE (CELL)	EMAIL OR MAIL ADDRESS	AREA OF EXPERTISE/INTEREST
1 John Neville		john.neville@horizon-satellite.com	helping
2			
3 Melissa Martin	299-8437	apf.p.266@gmail.com	Volunteer/office
4 Zach Martin			
5 Ann Folkestad	299-9231	folkestadfamily@gmail.com	Volunteer/Dietician
6 Laurie Rudy	717-805-3948	lauriearudy@gmail.com	Volunteer
7 Sherrie Blood	907-299-8948		
8 Cheryl Richardson	2354188	3582 North Fork Rd.	
9 Donal J. Craig	967/399-7371	34039 N Fork Rd	craig67a@gmail.com
10 Cassandra Muel	219-290-3631		
11 Patricia Stringer	907-394-1270		
12 Ruth Mitchell			
13 Matthew Mitchell			
14 Denise White	907-444-8875		
15 Bobby Ness	907-299-4071		
16 Jennifer Dress	907-299-9052		
17 Josh Dress			

Name Phone Email

Area of Interest
Expertise

- 18 Lynn Whitman 907 299 1760
- 19 Bob Stark 907. 435. 4181
- 20 SAUNDRA STARK 907 435-4181
- 21 Dave Hendren 235-8881
- 22 Marilyn Hendren 235-8881
- 23 Richard Finley 947-8239
- 24 Craig Davis 947-8239
- 25 Mary Paus 835-7910
- 26 Cathy Frank 907-787 9030
- 27 Norah Edaak 907-299-8002
- 28 Vincent Mercadante 299-1356
- 29 Andrew Brooks 360 787 1092
- 30 Rob Johnson 907-299-7461 Robert.johnson@720@gmail.com
Building 4139
Community garden 10th
- 31 Pavette Sertora (907) 395-7939
- 32 KRIZIE DAWSON SAUGLITER 907 344 9417
- 33 Scott Lewis White (SCFSETH) 907-399-7098
- 34 Robert Ruten 318-8015
- 35 Wm Newcomb 235-1954
- 36 Bob Stark 435-41181
- 37 Savana Stark 435-41181
- 38 Primrose Stark 435-4181

Marta Hells

A Special thank you to the Great Land Worship Center for having housed our pantry for 9 years and for having paid our bills as well as enduring all the wear and tear.

God bless you!

Thank you so much to the A.P. Senior Citizens, Inc. for hosting this town meeting; and to our Speakers who stepped up to help us with this meeting.

We want to especially thank our donors who so generously give to our cause.

Thank you to the Anchor Point Food Pantry Board for their unremitting time and effort.

And we so very much want to thank all our Anchor Point Food Pantry Volunteers! We wouldn't have a food pantry without you!

*Thank you to
Cathy Kremer of ~~Betty~~^{Betty} Jean's Chuck Wagon and
Sue Cox of The Race for Veteran Recovery
and their helpers
for catering this event.*



minutes
Melissa Martini
APFP President
m9.martini

48 adults
3 children

Anchor Point Food Pantry

Town Meeting
May 5th, 2021
6:00pm - 8:00pm

Thank you for being here!!!

Board Members present: Teena + Melissa (Miss)
Paulette, Shonie B., Sue C.

Staff present: Matthew + Ruth, Cassie K.,
Cathy K. + John Cox

over →

Anchor Point Food Pantry

73358 School Ave., PO Box 266
Anchor Point, AK 99556

To whom it may concern:
Anchor Point, AK 99556

RE: Invitation and Request



The Anchor Point Food Pantry is seeking to find a place near the center of town that we can re-set up our pantry. The pantry has been bursting at the seams since last year. Our numbers have tripled at times. We have served as many as 200+ individuals/ 80 households on a single Monday. Yet, even before that, we were outgrowing our present location. At present we are serving an average of 60 households. Who goes to a food pantry? -- *the hungry, the lonely, the one that got laid off, those that have sudden illnesses, those that pay high rents, those that just moved to Alaska, Seniors with high medical bills, and more*

Do you have any suggestions that might help us? We are a 501c3 non-profit organization, so if someone were generous enough to donate a property or building to us, it could be a complete write off for them on their taxes.

You are cordially invited to attend a town meeting that the Senior Center is hosting for the Anchor Point Food Pantry. It is on **Wednesday, May 5 at 6pm.** (Light foods will be provided by the AP Food Pantry staff.)

Our guest speakers include:

Greg Meyer, Executive Director of the Kenai Peninsula Food Bank – on Misconceptions food pantries and Food Bank Partnership.

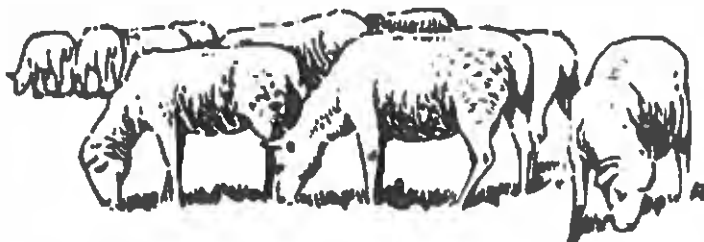
Mike Miller of the Homer Foundation – on how they have helped and what one can do.

Another will speak on our vision of the future –**not only a food pantry, but a community center.**

We have a draftsman that says he will draw up the plans, and JC Johnson & Son says he will do the groundwork. Both say they will wait to get paid, if necessary.

We have three Grant organizations that we can get aid from, but we need something tangible for them to think us credible.

Any help or guidance you could give us for our quest would be deeply appreciated.



Please join us on May 5.

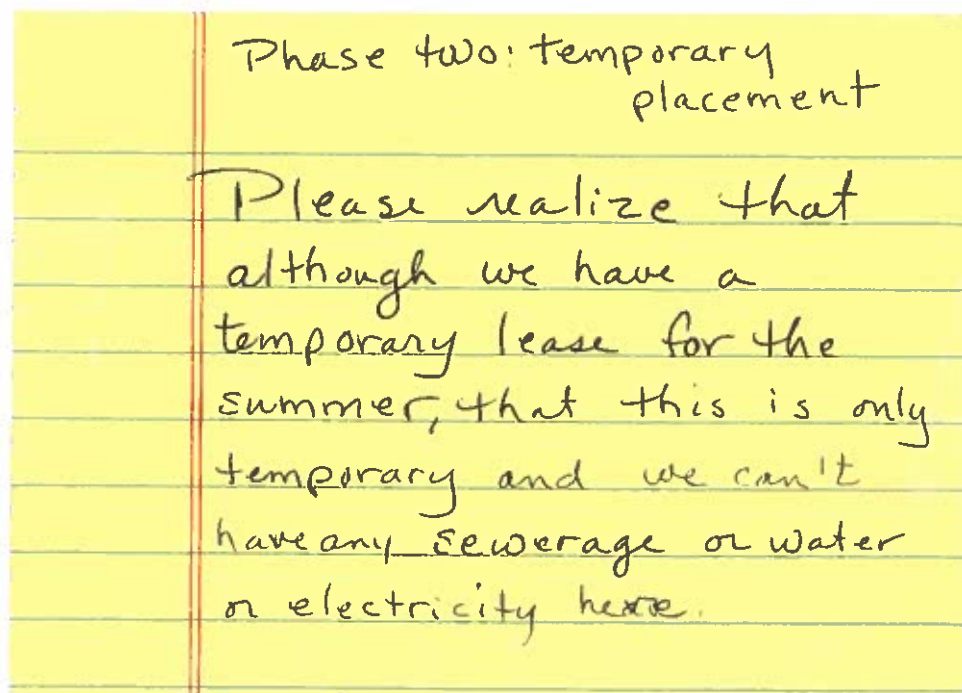
Sincerely,

Melissa Martin,
President

Anchor Point Food Pantry is a 100% volunteer organization.

Phase Two: Temporary Placement

Please realize that although we have a temporary lease for the summer, this is only temporary and we can't have any sewage, water, or electricity here.



CONTRACT FOR LEASE

This lease entered into on this date June 01, 2021, between Lessee(s) Dawson Slaughter, and Lessor, Anchor Point Food pantry. The Lessee gives permission for Anchor Point Food Pantry to use this property located at 33200 Sterling Highway, Anchor Point, AK 99556.

Legal description as follows: Granross Grove Sub Unit 1 Lot 4. For the purpose of a community services under the name of Anchor Point Food Pantry from June 01, 2021 to August 31, 2021.

Beginning September 01, 2021 this lease will immediately change to a month to month lease.

Both Lessee(s) or Leessor(s) must give written 30-day notice to end the month to month lease.

At which time Lessor(s) would have 60 days from date of notice to remove all personal property and leave the property as it was before leased. If Lessor has not removed all personal property within 60 days of notice, Lessor will pay \$500.00 per month for all months leased and or personal property is still on the Lessees property.

The Anchor Point Food Pantry shall not make any changes to the land without prior permission from Lessee (Dawson Slaughter). Any permanent improvements that the lessor makes to the property will remain with the property upon termination of this lease and lessors removal of personal property. If property is damaged in any way while being used by lessors, lessors agree to resolve the issues within 90 days or remove their property within 60 days.

It is the responsibility of Anchor Point Food Pantry to carry a one million-dollar (\$1,000,000) liability insurance policy in case of injury, etc., while leasing this property. A copy of such policy shall be given to Lessee (Dawson Slaughter).

The Lessor (Anchor Point Food Pantry) is responsible for obtaining all licenses, permits, and approvals required by any federal, state or local authority in connection with it's use of the property. Lessee will provide any information available to help Lessor to obtain these licenses, permits or approvals.

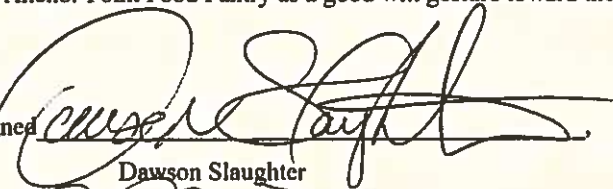
If for any reason Lessee or Lessor are in breach of contract, Lessee will give Lessor 60 days to remove all personal property. If Lessor fails to remove the property, the Lessor will pay the total lease amount owed for duration of their time on the Lessees property.

Lessor will not sublet any portion of the property without the Lessees written consent.

All notices given under this agreement must be in writing. A notice if effective upon receipt of notice by personal delivery or certified mail which is addressed to the Lessee or Lessor.

I, Dawson Slaughter, surrender actual payment of this monthly lease of \$500.00 as a donation to the Anchor Point Food Pantry as a good will gesture toward the community of Anchor Point.

Signed



Dawson Slaughter

Lessee

Date: 6/01/2021

Signed



Lessor

Date: 6/1/21

Anchor Point Food Pantry Representative

Melissa J. Martin, President

Anchor Point Food Pantry

P.O. Box 266

Anchor Point, AK 99556

Temporary lease
June - August



Anchor Point Food Pantry <apfp.266@gmail.com>

Re: Info for 100WWC

1 message

Cinda Martin <duggansdiva@hotmail.com>
 To: Anchor Point Food Pantry <apfp.266@gmail.com>

Tue, Jun 1, 2021 at 8:54 AM

This is great! Thank you Missy! I have a Food Pantry meeting today at 3pm, perhaps we can do a conference call at 2 today? It should be short. I'll make some notes from the previous emails about APFP history and service numbers, you can correct me or make revisions on our call.

Let me know if that works...otherwise I can probably do a call this evening around 6.

(Got your revision too)

Cinda

Sent from my iPhone

On May 29, 2021, at 11:44 PM, Anchor Point Food Pantry <apfp.266@gmail.com> wrote:

Hi there,

Hope your weekend is going well. I have some quotes for you:

We have Dawson Slaughter's donation lease on his property for at least three months. (He is the chairman of the AP Chamber of Commerce). We don't expect to need it long. We expect a yes on our petition to the KPB because Marcus Mueller of Land Management officer of KPB told us this would be a good piece of land to try for, and that it had good ground to work with. He told us who to contact for the help we would need at the assembly. We have a planning committee working with us to help make this happen. Greg Meyer from the KPFB is on this committee.

These are our projected expenses for the next two months:

Freezers' storage and elec. for 3 mos.	1515--
Conex and delivery	8500--
Insurance for truck and property	1165--
Moving our Conex	1500--
New Door for Conex	500--
Mailers to gain monthly support	<u>300--</u>
Total	13,480--

Projected shortly after this is ground work for our new building, water and natural gas hook-up, and sewer. A nice generator and a trailer. A building - probably a metal building kit. It has been recommended by three knowledgeable people. And more to come of course.

What time do you want to meet by phone or zoom (or whatever you use) on Tuesday?

Thank you for all of your help!

Missy

To help our transition
 Grant Application
 We did get it
 13,000

5-16-2021

Bill of Sale

171

Sold on this date one 8'x40' office container van
for the sum of \$6,500.⁰⁰ to Anchor Point Food Pantry.
Sale is AS IS - Where Is - buyer is responsible for
moving the unit. Unit is to be moved within 60 days

Seller: Tim Stenros
956 E Redoubt Ave
Soldotna, AK 99669



Buyer: Anchor Point Food Pantry
PO Box 266
Anchor Pt, AK 99556
Melissa Martin



Bill of Sale
for office
Conex

907-344-1443 Tim

Sold at a ^{report} Holiday Station, E. Redoubt 1/2 mile
left on Road A. (School in Circle)
and Drive on left 986 Road Ave.



Anchor Point Food Pantry <apfp.266@gmail.com>

HEA New Service

1 message

Rich, Nikki <Nrich@homerelectric.com>
To: "APFP.266@GMAIL.COM" <APFP.266@gmail.com>

Thu, May 27, 2021 at 1:05 PM

Thank you for your inquiry for New Electric

I am attaching both the New Service and a New Member application. As well as, a brochure on our procedure for installing new service and information regarding fees to connect to electric once service is installed. We can waive your deposit, should you provide a letter of good pay history with a current utility.

Here is a link to our Section 6 referenced in the Application. Just scroll to the bottom of the page to the **Service Extension Section of the HEA Tariff** and open the document (It is long, so it is hard to attach to an email). Our costs and process are outlined in it.

If any changes are made you can find a newer version on our website under the **MEMBER SERVICES / SERVICE EXTENSIONS/New Home-Business** if this link no longer works

<https://www.homerelectric.com/member-services/service-extensions/new-home-business/>

Please return both applications along with the \$500.00 Design & Engineering fee and a clear copy of your driver's license.

Per HEA tariff in order to receive the secondary service credit, the property must have the following:

- a. Permanent foundation that is poured concrete, concrete footers or sonotubes or steel pilings plus two site improvements (see below)
- b. A site having no permanent foundations must have four site improvements (see below)

- Municipal sewer or DEC approved septic
- Municipal water or drilled well
- Improved gravel driveway
- Gravel pad
- Trailer w/lean to
- A building that is too large to move without special equipment.

We will have
all of these
from JC Johnson

If you would like to scan and email back to me that is fine or you can drop it off in the office.

Feel free to contact our Engineering Dept. if you have any other questions.

Nikki Rich

over →

Phase Three (final):

Combining our need for a pantry with the community's need for a community/event center.

Final Phase (3)
Combining our need
for a pantry with
the community's
need for a
community/event
center

Development Plan for the Anchor Point Food Pantry's relocation:

Through Fall 2021:

+Move over to Dawson Slaughter's lot on the Sterling Hwy. by Aug. 1st, 2021 while waiting for the KP Borough Assembly to make its decision on the School Ave. property. We will continue our service to the community - providing a produce line, some staples, and a meal.

+As soon as the KP Borough Assembly gives its permission to us, we will pay the fees and have the land surveyed and divided.

+Jason Johnson excavation (907-399-1679) will then proceed to remove the trees needing to be removed and make a 100'x100' gravel pad for us to set up our food pantry operation. Plans have already been made. This lot will be part of the parking lot in the end. Jason says he will wait until we find funding to get paid.

+We will move our office unit and Conex over to that lot and have HEA come in and set up a meter. Plans have already been made. Application is in process.

+Unless we have a better offer, we plan on spending the winter on that property continuing our service to the community. We will have a porta-potty (plans have already been made). Meals will be brought in and we will take all trash to the dump (as we do now). We will leave the food that can freeze in the Conex, but we will have our canned goods etc. and refrigerator housed someplace else. (Plans have already been made)

+To bring us through this transition period we have received a grant from the organization 100 Women Who Care in Homer. We are applying to the Rasmuson Foundation, the Anchor Point Foundation, Ninilchik Tribe, Homer Foundation, and others.

+Greg Meyer, the head of the KP Food Bank has been helping us. He is applying to Rasmuson for us. Mike Miller, head of the Homer Foundation has applied to the Anchor Point Foundation for us.

+We have held a town meeting (May 2021) to see if there was interest in making our new food pantry home a community center as well. We had 50 people there that showed positive interest. We presented a draftsman's drawing of a floor plan for the proposed food pantry/community center. Eight of them signed up to be on a planning committee. We have had two meetings thus far. Greg Meyer, Head of the KP Food Bank and Dawson Slaughter, President of the AP Chamber of Commerce, are on that committee. During the winter we are hoping to have a Building Committee in place continuing our plans, as well as doing a mail campaign/public awareness, applying for more grants, approaching businesses for donations, write letters to the editor, and get the news to help us raise awareness of our needs, and our hope for the community center as well. We have created a website

www.anchorpointfoodpantry.com where people can keep up with what is happening with us and our plans, and if they wish - make a donation.

Spring 2022:

+Once it is possible to begin our building plans in the spring, we will make a new gravel pad and a cement pad with in-floor heating. The plan is that it will be 34"x84" to start.

+We plan to have a DEC approved septic system and a cistern put in.

+We have checked into a metal building 110'X80'. For the full building with rain gutters and trim it is \$114,000. We plan to build only a portion of the final plan - 30'x80'. Housing only the Food Pantry to start. The board and the planning committee agrees with this. They are also in agreement that the land will belong solely to the Anchor Point Food Pantry.

+A buffer zone of at least 30' will be left between the property and Birch Street for a time. The plan is to always leave some sort of a buffer zone as a courtesy to the people that live there.

+By the end of 2022 we plan to have a building with a septic system and a cistern, an office unit 8'x40', a Conex 8'x40, our truck, and a shed. We may have a fence around the two Conex. The size of the pad, the foundation, and the building depends on the amount of funding we can obtain.

APFP Board Approved

Melissa J Martin, APFP

President

APFP
To own property?
- Parking Pad & Conex 8/21
- Building, septic, power
by 12/22



Geographic Information Systems

144 North Binkley Street, Soldotna, Alaska 99669

5 acres of the far end of Parcel ID#
(attached to The AP transfer site) 169 0571



Legend

- Mileposts
- KPB Boundary
- Place Names
 - Towns and Villages
 - City
- Highways
- Major Roads
- Roads
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed
- Tax Parcels
- Boundary
- Footprint
- Image
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

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

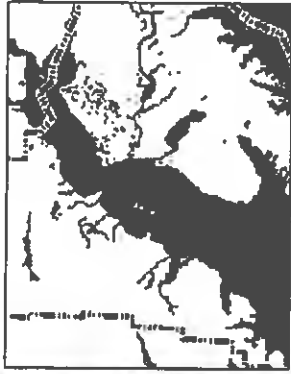
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DATE PRINTED: 5/17/2021



Geographic Information Systems
144 North Binkley Street, Soldotna, Alaska 99669

Map title goes here.



Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads

— Town Medium Volume
— Town Low/Seasonal; Other

Proposed

Parcels

Image

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Parcel ID #
16905071



Notes

Enter map notes here.

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: 4/20/2021

Johnson and Sons Construction

P.O. Box 194

Anchor Point, AK 99556

Estimate

Date	Estimate #
6/3/2021	72

Name / Address
Melissa Martin

			Project
Description	Qty	Cost	Total
Proposed Anchor Point Community Center, School Street, Anchor Point, AK			
Exp work for future Anchor Point Community Center			
100' x 100' parking pad 80 inch minimum gravel depth with two 25' wide drive ways up to 50' in length each	1	31,250.00	31,250.00
60 LF 15" diameter culvert			
13000 SF Typar	13,000	1,440.00	1,440.00
Septic system up to 1500 gallon tank	1	0.095	1.235.00
Clear site, as required to accommodate roads and pad and septic system	1	15,000.00	15,000.00
connect to existing water service (provided)	1	5,000.00	5,000.00
		2,500.00	2,500.00
<p>Johnson said he will put in what is needed for the food pantry to set up on this land before winter (weather permitting) and wait on getting paid</p>			
we really appreciate you allowing us to give an estimate for this project			
Subtotal			\$56,425.00
Sales Tax (2.0%)			\$0.00
Total			\$56,425.00

Anchor Point Food Pantry (APFP) Planning Committee Meeting Minutes

Wednesday, May 19, 2021

Call to order 6:30pm.

Planning Committee members: Quin Folkestad; PJ Stringer; Sue Cox; Greg Meyer; Bob Stark; Dawson Slaughter; Cassandra Kwell; and Rob Johnson (absent). Missy Martin chairing meeting but would like other members to chair the meetings on a rotating basis. Five other people also attended. Attendance is attached.

All agreed the importance of **developing the subject of a food pantry first** with a plan of sustainability before including the topic of a Community Center.

Signatures for support from the community is suggested to bring before the Assembly.

Quin will make a **Facebook Page** to organize donations and mailing distributions.

Dawson Slaughter has agreed to allow the pantry to **lease his property** as his donation to the success of the pantry. Also, Dawson suggested to contact "Share the Wealth" (CAP Grant) from Kenai Peninsula Borough as a possible source of donations. Missy noted that we already get this grant.

Bob Stark will contact the **Tribal Association** for assistance.

Application to submit to the Borough is almost complete. Need to secure an **established fund-raising plan**, meaning possible **monthly or yearly contributions from community**.

Greg suggested to apply to the **Rasmuson Foundation first**. A tier 1 allotment including a pantry plan.

As we move forward with plans and donations, our budgets will want to be reviewed.

Greg will **help** with information from Anchorage to use **templates** for appropriate accounting.

Business donations: Quin will approach **Tutka and Enstar**. Missy is approaching **Hilcorp** and is waiting on their reply. Other possibilities include **Essential One**, **Homer Foundation**. **Cinda Martin** will approach **"100 Women Who Care"** for donations but a well procured plan is instrumental for success.

P.J.'s store proprietor will place a **donation box** in their store as well as placing donation boxes **around town** and will approach the **Elks** organization.

Conoco Phillips timeline for donations is now.

Greg can help with newspaper advertising (template) for **letters to the editor**. Radio advertising is also a possibility.

Greg suggested a **"soup bowl awareness meal."**


John will ask the **VFW** to use their gaming license if they host a fund-raising dinner. He has also attempted to contact the **"Cares Act Fund"** people, as well as the **Alaska Legislature**, and the **Borough Assembly** and has suggested that we approach them as a group.

Dawson will ask the **Chamber of Commerce** for possible donations as well as approaching **South Peninsula Hospital**. He, too, has been in contact with the **Borough Assembly**.

Minutes taken by Marie Carlton; edited by Melissa (Missy) Martin, President APFP





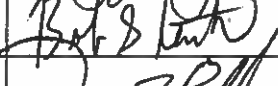

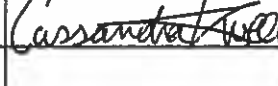
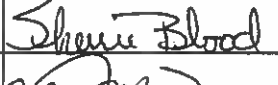
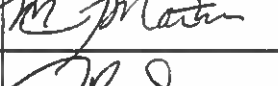

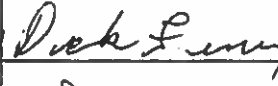
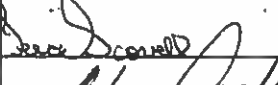

Ended at 7:27pm

Chucky Moose
mm



PLANNING COMMITTEE MEETING SIGN-IN

Project:	Anchor Point Food Pantry Relocation	Meeting Date:	5/19/2021
Facilitator:	Melissa Martin	Place/Room:	Cheeky Moose

Name	Signature	Company	Phone	E-Mail
Quin Folkestad		Northern Reflections Design		
Patricia Stringer		PJ's Thrift Store	9073941270	*
Sue Cox		Race for Veteran's Recovery		
Greg Meyer		Kenai Peninsula Food Bank, Ex.Dir.		
Bob Stark		—	435.4181	* bob.alaska@gmail.com
Dawson Slaughter		Chamber of Commerce, Chair	2994775	*
Cassandra Kwell		APFP Volunteer		*
Rob Johnson			*	*
Marie Carlton				
Cassie Korch				
Sherrie Blood		Anchor Pt. Food Pantry (APFP), VP		
Melissa Martin		APFP President		
John Cox			399 3410	
Diane Meyer				
Dick Finney				
Trece Scovell			399-6296	8mamamoose@gmail.com
1/2021 Carlton			509-430-4304	

[Skip to main content](#)

If you are using a screen reader and having difficulties with the site, call the Member Service Center 24/7 at 800-525-9094.



Relocation/
Building Fund

Sections

Account Information Features

Account History

To view your current or past statements electronically, please go to the [View or Request Statements](#) page.

View Options

Account: 4999707-S10 Share Savings ▼

Show From: 03/12/2021
mm/dd/yyyy

To: 04/11/2021
mm/dd/yyyy

View

Date ▼	Description ▼	Amount ▼	Balance
04/11/2021	<input checked="" type="checkbox"/> ULTRABRANCH-PC TRANSFER 100 Women who care, Homer	\$800.00 ^{old}	\$5,800.00
04/11/2021	<input checked="" type="checkbox"/> ULTRABRANCH-PC TRANSFER Beginning transaction	\$5,000.00	\$5,000.00
* Additional dates in transaction details <input checked="" type="checkbox"/> / <input type="checkbox"/> Click to show or hide transaction details			
4/1/2021	Deposit from anonymous community member	5000.00	6300.00

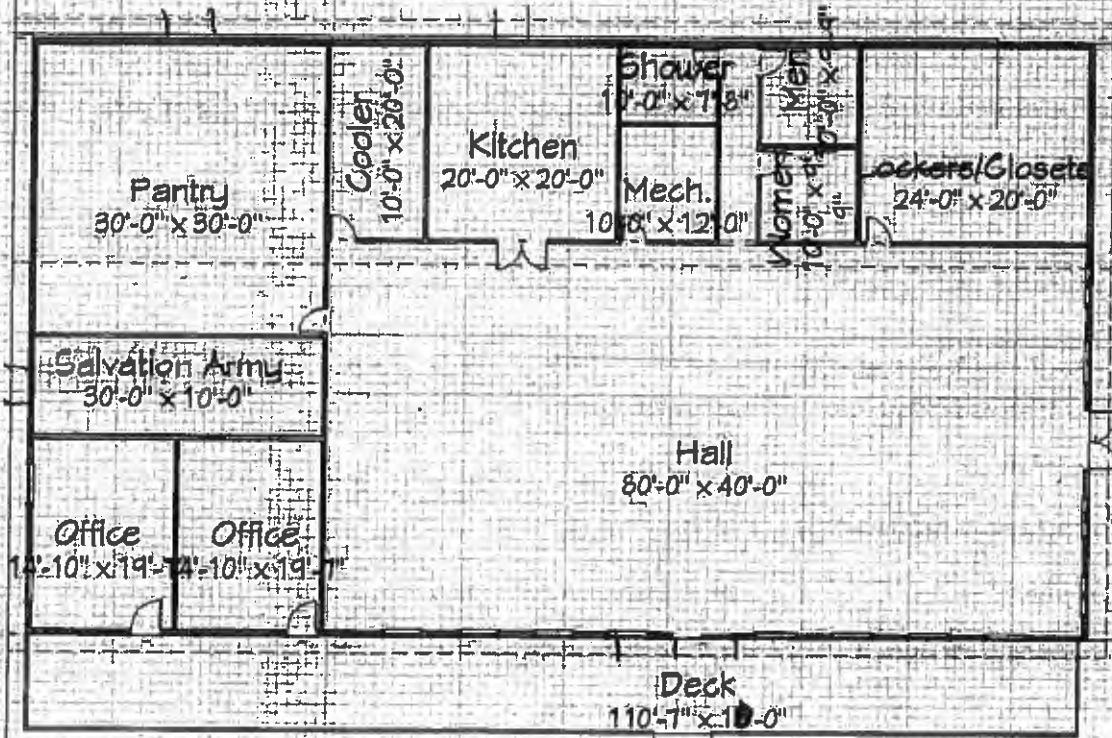
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[Privacy](#)



Federally insured by NCUA



This is our current design. We are in the process of making a change. We are planning on putting the kitchen, pantry and bath rooms at one end so that we can build a metal building as we can afford it.



Anchor Point Food Pantry <apfp.266@gmail.com>

RE: Your metal Building Project with Sarah

1 message

Sarah Blaubach <sarah@metalbuildingoutlet.com>
To: Anchor Point Food Pantry <apfp.266@gmail.com>

Wed, Jun 2, 2021 at 2:33 PM

Good Afternoon Melissa,

I just wanted to let you know that I love the idea that you are putting together here. I'm a volunteer firefighter and we always appreciate what our local communities and the Salvation Army do for us. After adding in all the doors, windows, and the 6' overhang on the frontside of the building the price is at \$114k. I did speak with a coworker of mine and they informed me that we do have a company that ships to your location. I wasn't able to get any prices for that. Just a reminder that this is only for the shell of the building. No door or windows.

I did rerun the insulation now that I had a better idea of doors and windows. We are now looking at \$8511 for the building.

So the break down of what you see in the pictures are as follows:

Size: 60x110x12 4/12 roof pitch

Window framed openings : (1) 3'x3', (6) 4'x3', (3) 10'x6'

Walk door framed openings: (7) 3'4"x7'2"

I hope the board likes what I have put together so far. If you need anything else let me know



SARAH BLAUBACH

PROJECT CONSULTANT

303-948-2038 X 190

sarah@metalbuildingoutlet.com

www.metalbuildingoutlet.com



CHECK OUT THIS VIDEO



Projected Income and Expenses for 7/2021 to 10/2021

Expenses

Monthly Payments

Porta Potty	\$ 175.00
Dumpster	\$ - donated
Utilities	\$ 225.00
Phone	\$ 26.00
Lease	\$ - donated
Heat	\$ 200.00

Total Monthly Payments

\$ 626.00

Income

Actual Income

100 Women Who Care 6/28/21	\$ 10,500.00
4 months of Monthly Donations	\$ 2,200.00
Bank Balance 6/20/2021	\$ 5,107.00

Total

\$ 17,807.00

Itemized Pantry Expenses (for next 4 months)

Monthly Payments (4 mos.)	\$ 2,504.00
Truck Maintenance	\$ 850.00
Truck and Property Ins.	\$ 1,650.00
Fuel Cost	\$ 870.00
Kitchen Paper/Disposable	\$ 2,203.00
Appliances and Reusable Supply	\$ 1,963.00
Office Supplies	\$ 429.00
Move Conex 2x	\$ 2,200.00
Food & meals (with KPFB help)	\$ 2,800.00
Holiday meals and boxes	\$ 2,500.00
Kid's Day and Back to School	\$ 750.00
Door, Window, Cage for Office	\$ 2,100.00
Mallers - request for help	\$ 1,500.00
Leagal Fees & Memberships	\$ 150.00
KPB Filing Fee and Survey Land	\$ 1,005.00
New Conex delivered&upgraded	\$ 15,500.00

Total

\$ 38,974.00

Plans in place:

We are applying to churches
We are applying to businesses
We are currently seeking grants
A mail campaign in October
Hilcorp says they will help.
We have a planning committee that is presently working on fundraising

Conex Upgrade consists of security man door \$1200, lights & wired \$900, insulated \$3200, shelving \$1200, cribbing \$500=

Plus - Plowing + Sanding \$1,200

Petition -
Please hurry. winter
is coming!

To the Kenai Peninsula Borough (KPB) Assembly: -

WHEREAS The community of Anchor Point (and its surrounding area as far as Ninilchik, Happy Valley, Nikolaevsk, and Homer) need the Anchor Point Food Pantry to continue its mission to assist, on a weekly basis, those that are in need of food.

We the undersigned petition the KPB Assembly to grant a lease of 5 acres of the School Ave./Birch St. (property owned by the KPB [parcel # 1690571]) for such a purpose as mentioned above in a timely manor so that they may set up their pantry and provide our area with their much-needed assistance before the winter of 2021.

NAME (Printed)	ADDRESS (Printed)	SIGNATURE
Sherrie Blood	5093 Nikolaevsk AK	Sherrie Blood
Ruth Mitchell	38096 Sterling Hwy ^{AP, AK}	Ruth Mitchell
John Nott	32320 Cottonwood Ln ^{AP, AK}	John Nott
Nathan Isaac	Westwood Dr AP	Nathan Isaac
Matthew Mitchell	38096 Sterling Hwy	Matthew Mitchell
Deanna Chesser	AP. 99556 35020 Scandinavian Dr	Deanna Chesser
Merna Kuchersoff	PO Box 515-B AP	Merna Kuchersoff
Emily Eller	PO Box 515-AK AP	Emily Eller
CLAY Bird	P.O. Box 64 - AK & AP	Clay Bird
TINA CONNER	PO Box 64 - AK + AP	Tina Conner
Mildred Syre	P.O. Box 743 AP AK	Mildred Syre
Chris Syme	PO BOX 1457 AK AK	Chris Syme
Amber Kelly	POB 871 ^{Anchor Pt} 99556	Amber Kelly
MARIE CARLTON	P.O. BOX 29 ^{AP} 99556	Marie Carlton
JAY WRIGHT	P.O. Box 1297 ^{AP, AK} 99556	Jay Wright
PAULETTE SORTOR	PO BOX 34 99556	Paulette Sortor
Terrence R. Hayth	32788 Hedwell St Anchor point	Terrence R. Hayth

NAME (Printed)	ADDRESS (Printed)	SIGNATURE
Richard Bolton	35820 Old ^{Hwy} Starting ^{Anchor Point}	<i>Richard Bolton</i>
<i>William Duncan</i>	<i>Bumble Bee</i>	<i>William Duncan</i>
20 Teese Seavell	69139 Sergeant Ave. Anchor Point 99556	Teese Seavell
Angie Hickel	P.O. Box 470, AP, AK	Angie Hickel
<i>Ray Ruff</i>	Box 5076 ^{Anchor Point}	<i>Ray Ruff</i>
Starlet F. Tangman	P.O. Box 743 ^{Anchor Point} AK	Starlet F. Tangman
Ryan Cohen	P.O. Box 1064 Anchor Point	<i>Ryan Cohen</i>
25 Tuzn Usoltseff	P.O. Box 322 Anchor Point AK 99556	<i>Tuzn Usoltseff</i>
Alan Beasley	P.O. 311 99556	<i>Alan Beasley</i>
ROD BAUES	P.O. Box 5085 NICKOLAEVSK 99556	<i>Rod Baues</i>
Patrick Stake	P.O. Box 561 Anchor point	<i>Patrick Stake</i>
<i>Melvin Cross</i>	P.O. Box 1125 AP	
30 Ashley Treger	P.O. Box 742 AP	Ashley Treger
Melvin Cross	P.O. Box 1147 AP	<i>Melvin Cross</i>
Frank Loos	Frank Loos	Box 1345 anchor point,
Tony Watson	34141 Chapman St	<i>Tony Watson</i>
James Pirkle	67848 St Johns	<i>James Pirkle</i>
35 Jerry Wood	28186 McCrechme Rd	Jerry Wood
Sara Patrick	32651 Comic Circle Anchor Point	<i>Sara Patrick</i>
Rachael Jansen	P.O. Box 195 ^{Anchor Point}	<i>Rachael Jansen</i>
Monica Pelkey	41326 Kay Ct 99603	<i>Monica Pelkey</i>
34 Becky Carr	437 Steidict	<i>Becky Carr</i>

To the Kenai Peninsula Borough (KPB) Assembly: -

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NAME (Printed)	ADDRESS (Printed)	SIGNATURE
JOAN WILSON	POB 161 HOMER AK	Joan Wilson
DEBORAH BROWN	PO Box 294 Anchor Pt	Deborah Brown
Melissa Malcolm	P.O. Box 283 Anchor Point, AK	Melissa Malcolm
EILEEN FAULKNER	3671 POPPY CIRCLE HOMER AK	Eileen Faulkner
Robert Fryer	P.O. Box 39265 Ninilchik AK	Robert Fryer
Bryan Epley	PO BOX 153 A.P.	Bryan Epley
Nielsen H. Miller Jr	72600 mile Fritz #3 Anchor Point AK 99556	Nielsen H. Miller Jr
M. June Picard	PO Box 812 Anchor Point AK	M. June Picard
JOHN C HARRIS	PO BOX 1113 ANCHOR POINT AK	John C Harris
Cindy Burr	PO Box 438 A.P. AK	Cindy Burr
R. D. McChesney	PO BOX 465 A.P. AK	R. D. McChesney
Kim Delay	PO BOX 1197 A.P. AK	Kim Delay
R. J. Austin	PO Box 584 A.P. AK	R. J. Austin
Scott Lewis Wheat	40360 Growing Circle	Scott Lewis Wheat
Tressa Hidden Friend	PO Box 1455, A.P., AK	Tressa Hidden Friend
CHARLESE WIEHER	P.O. Box 949 A.P. AK	Charles E Wieher
Richard M ^E LAUGHLIN	PO Box 564 A.P. AK.	Richard M ^E Laughlin

NAME (Printed)	ADDRESS (Printed)	SIGNATURE
40 Alex Savitsky	P.O. Box 5244 Nikolai VSE AK	Alex Savitsky
Gary Robbins	P.O. Box 523 Homer	Gary Robbins
Sam Stevens	P.O. 195 Anchor Pt.	Sam Stevens
Alicia Claunch	Box 353 A.P. 99556	Alicia Claunch
Robin Crocker	P.O. Box 526 ^{Anchor Point}	Robin Crocker
45 ANGIE NICKEL	P.O. Box 470 A.P. 99556	Angie Nickel
Isaac Blood	P.O. Box 5093 Nikolaevsk AK	Isaac Blood
Tracy Sherwood	(McDaniel St. Anchor Pt) 99603 P.O. Box 984 Homer AK	Tracy Sherwood
Nikita Kuzman	P.O. Box 1004	Nikita Kuzman
Angie Nicole Dunham	P.O. Box ^{Niko} 1263 Homer	Nicole Dunham
50 Larry Paragin	Anchor Point	Larry Paragin
James Shaw	66671 Homer and Naliche	James Shaw
John Vivian	140 109 St. Homer	John Vivian
VARS MARTUSHEV	P.O. Box 5148 Nikolai VSE	VARS MARTUSHEV
Donna Martushev	P.O. Box 5006 Nikolaevsk	Donna Martushev
55 Christina Brown	P.O. Box 39531 ^{NINILCHIK} AK	Christina Brown
Douglas K Pruvett	P.O. Box 39531 ^{NINILCHIK} AK	Douglas K Pruvett
Al Steehout	3850 Homer AK	Al Steehout
Duane Cochran	Hoot Owl Ln.	Duane Cochran
Lori Christensen	P.O. Box 454 ^{Anchor Point}	Lori Christensen
Ken Zimlik	P.O. Box 1373 Anchor Pt.	Ken Zimlik
Zena Badnov	P.O. Box 712 Anchor Point	Zena Badnov
Nikita Kuzman	P.O. Box 712 Anchor Point	Nikita Kuzman

From: [Planning Dept.](#)
To: [Mueller, Marcus](#); [Aeschliman, Melanie](#)
Cc: [Shirnberg, Ann](#)
Subject: FW: <EXTERNAL-SENDER>Anchor Point land classification
Date: Friday, September 24, 2021 1:37:45 PM
Attachments: [image001.png](#)

Julie Hindman

Platting Specialist
Ph: (907) 714-2210
Fx: (907) 714-2378

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669



From: Mary Trimble <maryetrimble@gmail.com>
Sent: Friday, September 24, 2021 12:38 PM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>Anchor Point land classification

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.

Marcus Mueller and Planning Commissioners,

I have read the information and public comments in your packet and feel compelled to comment further.

1. I resent Melissa Martin, as President of the Food Pantry, portraying me as against the Food Pantry and that I said I would oppose the site they wanted - I am not and I did not say that. I am a concerned citizen and a problem solver.
2. I also resent the accusation she made that I would not adequately take the minutes at the Anchor Point Advisory Planning meeting and that I should not have had a voice or vote. The vote was 4 against the motion to approve the resolution and 2 in favor. So, even if I abstained from voting the resolution would not have passed. There was an hour and 13 minutes given to the attendees to express themselves (reflected in the minutes) and adequate time for the commissioners to make a decision. Just because it did not go the way she wanted, Melissa Martin wants our vote not to count?
3. I applied for the advisory planning commission because of the request for our community to come up with a comprehensive plan. I look at the big picture and being a 45 year resident, business and property owner I feel I have an important perspective to offer. I see that more planning needs to be done before a decision is made concerning this borough land disposal

that will have a great and long lasting impact on the community. This classification is putting the cart before the horse.

4. The site that the Food Pantry is currently on (donated by the owner) is available to them for sale and for a continued lease. The 1.84ac parcel is level, all usable and on the highway with public water and natural gas available. My husband and I own the property next door and have offered to supply temporary power but they have not taken us up on the offer. In comparison, the Senior Center is on 1.88ac and the VFW on 2.2 ac and they have property to spare. The claim that the current location is not big enough for what they plan to do which includes a community center (shouldn't this be part of a comprehensive plan?).

5. I support and appreciate what the Food Pantry is doing and my business has financially contributed to their cause. What I object to is the scope of their plan which is way outside their stated purpose "to help feed the hungry of the community". They need to continue to do what they do well and have a permanent spot such as where they are now located.

6. I propose that when this property is classified that the 5 acres to the westerly end be Residential as it is surrounded on 3 sides by residential properties.

7. If the Food Pantry is to occupy Borough land, there is an alternative Borough site just off the Sterling Highway behind the gas station off Ester Ave. that has public water and natural gas - Parcel 165-720-06. The Food Pantry mentioned this site as an alternative site. This would be a better location than what is currently being considered.

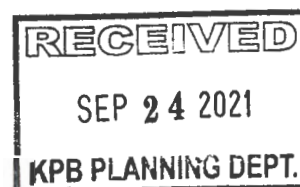
8. One final thought - It came up at the recent Advisory Planning Commission meeting that the site was declared a contaminated hazardous waste site from previous use as a gravel pit. Marcus told us he did not have that historical information and that no soil testing had been done to insure the safety of the land or to be sure that the Borough would not have any future liability.

Thank you for considering my sincere thoughts on this matter.

Mary Trimble
APAPC member and concerned citizen

Harrison, Avery

From: Kimberly Winrod <mer_matron@yahoo.com>
Sent: Wednesday, September 15, 2021 11:23 AM
To: Planning Land Management
Subject: <EXTERNAL-SENDER>AP Food Bank



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 whom it may concern,

My Family has lived here in Anchor Point for about 45 years. As a child I remember going to the community center and meeting all my friends and their families for movie night and fundraisers. I have recently moved back into the Anchor Point area and would love to see the property on School Street used for a community center and Food Bank. I think it would be a great injustice to the community to turn that into residential property and sell it. We are in great need of both a community center at a food bank here so that our community can grow together helping each other.

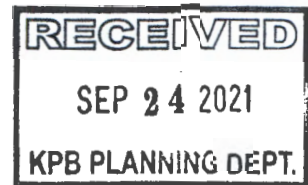
A community cannot grow unless it is a community and without a community center how can that happen?

Thank you for your time

Kimberly

[Sent from Yahoo Mail for iPhone](#)

21 September 2021



SENT VIA E-MAIL

KPB Land Management Division
144 N Binkley Street
Soldotna, AK 99669
E-Mail: lmweb@kpb.us

**RE: Public Notice of Proposed Land Classification – Waste Handling/Institutional/Residential/Utility
Transportation – Solid Waste Transfer Facility**

Dear KPB Planning Commission and Honorable Assembly Members,

I received notice in the mail of KPB's intention to classify two (2) parcels of borough land in Anchor Point, Alaska.

I strongly oppose this classification and the proposed location based on the following:

1. Proposed parcels are in the close vicinity of the Anchor River – a world class fishing river. The Anchor River is Alaska's only major steelhead stream accessible by road. The potential for harm and degradation caused by the Solid Waste Transfer Facility would be devastating to this amazing natural resource.
2. Proposed parcels are in close vicinity to the Chapman School. It is inexcusable to consider putting the health and safety of our children at risk by installing a Solid Waste Transfer Facility adjacent to a school.
3. Proposed location of the Solid Waste Transfer Facility will dramatically drive down property values in the area – impacting numerous homeowners.

As a landowner who will be impacted by the proposed Solid Waste Transfer Facility – I strongly oppose any such development and ask the assembly to deny the land classification proposed by KPB Land Management Division.

The borough has many options and other parcels to consider – I strongly recommend that KPB choose another reasonably practicable location for the proposed Solid Waste Transfer Facility.

Thank you,

Brandi R. Taylor-Kelly

Harrison, Avery



From: Angela Roland <angelaroland@gmail.com>
Sent: Friday, September 24, 2021 9:26 AM
To: Planning Land Management
Subject: <EXTERNAL-SENDER>Resolution 2021-__: A resolution ...Anchor Point area.

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 the Planning Department,

I agree with improving the Anchor Point transfer station and plan for the future, however, I am opposed to this action for the following reasons:

1. It is too close to the school and residents will be impacted by the noise.
The beeping of heavy equipment from all the current activity in the bridge area is almost unbearable, but we tell ourselves it's temporary (we hope).
2. The school and residents would be impacted by the dust and fine air particles that are known to cause cancer.
3. The potential of soil contamination as it relates to ground water and the site's near proximity to the Anchor Point River.

There is a lot of land in the area that would be better suited for an expanded waste facility.

Again, I am opposed to Resolution 2021-__: A resolution classifying certain parcels of borough owned land in the Anchor Point area.

Sincerely,
Angela Roland

From: [Blankenship, Johni](#)
To: [Aeschliman, Melanie](#)
Cc: [Shirnberg, Ann](#); jackies57@icloud.com
Subject: FW: <EXTERNAL-SENDER>Anchor Point Food Pantry
Date: Monday, September 13, 2021 12:14:09 PM
Attachments: [EXTERNAL-SENDER A P Food Pantry .msg](#)

Melanie, Per request in the attached email please distribute to the Planning Commission.

Johni Blankenship, MMC
Borough Clerk
(907) 714-2162 direct

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

-----Original Message-----

From: Cathy Kremer <jackies57@icloud.com>
Sent: Monday, September 13, 2021 12:09 PM
To: Blankenship, Johni <JBlankenship@kpb.us>
Subject: <EXTERNAL-SENDER>Anchor Point Food Pantry

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

Hello! My name is Cathy Kremer and I am proud to be a part of the food pantry ! We are currently operating outside (which could get crazy pretty soon!) , and are seeking help finding a place to be that is healthy and secure for us and all the people we serve !

I believe you might know about this already (I have been quarantined for a bit) but I thought u would like to know about us . We meet every Monday and help many people! They are so very appreciative . Some are quiet about it but their smiles and the looks in their eyes .. say it all .. I don't know if you have ever experienced this, but helping a stranger with the most basic need is very humbling and rewarding . They really need us .. So I felt that everyone involved with us should know we are committed and pure of heart when it comes to giving these people food .. thank u so much for your time and have a good day !

Sent from my iPhone

Anchor Point Advisory Planning Commission

Meeting Minutes September 9, 2021

Anchor Point Chamber of Commerce Building

Meeting was called to order at 7:00pm

Roll Call: Present – Raymond Drake, Jay Wright, Chris Platter, Dawson Slaughter,

Mary Trimble, Sonshine Konovalov (arrived at 7:13pm) Absent: Donna White

Also present were approximately 20 community members.

President Dawson had Marcus Mueller, Borough Land Manager on speaker phone to be available for questions.

Mary Trimble was sworn in by Bryan Taylor from KPB Planning. Dawson asked Mary if she would take the minutes since Donna was absent.

Approval of minutes from July 8, 2021. Chris moved for approval, Jay seconded, and all were in favor.

Dawson added a late item to the agenda under new business concerning a marijuana business application. He stated he had a conflict of interest so he would abstain from any discussion or voting.

Raymond moved to approve the agenda, Mary seconded, and motion carried.

There were no correspondence or public comments without previous notice.

New Business

a. Classification of Borough Lands 16905071 and 16505067. Notice was sent out to all residents in a ½ mile radius of the property. The land is currently used as the transfer site for Anchor Point.

Marcus explained the public process of classifying Borough lands which is necessary before they can be sold or leased. This advisory planning commission will give a recommendation to Planning of either approving or not approving the proposed plan or suggesting an alternate idea. Marcus devised the plan which combined the 2 parcels, dedicated ROW and divided the acreage into 3 separate uses – residential, institutional, and waste handling.

John Cox commented that the institutional 3.5 acres is useless. He expressed the benefits of the food pantry and that they need 5 acres. Marcus explained that the 1.5 residential area was to solve conflicts in land uses. No firm decisions have been made yet on the classification. When the property is sold the classification goes away.

A question was raised as to natural gas leases and Marcus explained the rights were leased with no surface use.

Melissa Miller asked about the water line on Birch St. Emmitt Trimble explained that it was privately installed and there would be cost sharing for anyone hooking up to it. She brought up the idea of another location the food pantry has looked at behind the gas station and post office. Bryan explained it would need to go through the same process

Many of those present made comments concerning the value of the Food Pantry and how important it is for the community and that there have been no issues at the church location they were at for the previous 9 years. They want to build a large community center and want 5 acres.

Buzz Kyllonen expressed that he supported the food pantry but thought an alternative site would be better. Dawson read two letters submitted by Lauren Isenhour and Jeff Hunt expressing their concerns about needing more residential space for the growing population. Emmitt Trimble echoed that idea.

Emmitt offered to supply power to the location they are at on the Highway from his property next door. He thinks the parcel they are on now is more suitable and it is surrounded by commercial uses, and it is available for purchase. He also proposed that the other borough land previously discussed could be classified as an alternative site to be leased to the food pantry.

Melissa Miller suggested that Mary Trimble be recused from voting on this issue because of a conflict of interest but Bryan Taylor said he did not see a conflict.

Bryan explained that after the classification process was completed then the same process would be necessary for the leasing of the land. It is a long process.

After a lot more general discussion of the need for the Food Pantry and how much support they have and the planning done towards a new site, Dawson closed the public comment period at 8:13pm.

The yet to be numbered resolution is to classify KPB 169-050-71 consisting of 9.81 acres waste handling, 3.52 acres institutional and 1.53 acres residential. Raymond Drake moved to recommend approval of the resolution; Chris Platter seconded. Discussion: Raymond expressed that the classification was a tool if the property was to be leased or sold. He talked about moving the transfer site and that it didn't make sense to have it there. Chris said he didn't think the transfer site was suitable for anything else. Dawson said he was in favor of the comprehensive plan and putting it to the broader community. Bryan Taylor explained what the comprehensive plan does and that it takes time 1-2 years. This was really putting the cart before the horse because the application came in from the Food Pantry and it was forcing the borough to take an action. Mary Trimble thought the parcel should be sold and the money used to buy a suitable site for the Food Pantry. There was discussion about the contamination of the site from past uses when it was a gravel pit. Marcus said no soils test or due diligence was done and that he did not have that historical information. If leased is Borough liable? Jay Wright said he likes the dump site where it is because it is convenient. He is 100% behind the Food Pantry but feels like there needs to be more discussion and that thousands of people that live here don't know about what is going on. Sonshine said

she thought the Food Pantry was responsible and that it was positive for the community. Dawson reminded us that this resolution is about classifying the parcel. Chris acknowledged Marcus getting it from both sides and he thought it should be left as presented. Mary asked Marcus why the transfer site was so large, and he said it was a buffer and maintained options for the Borough. Dawson called for the vote of the motion as recommended. Sonny – no, Jay – no, Mary – no, Dawson – no, Raymond – yes, Chris – yes. 4 to 2 motion fails. This will be forwarded to the Planning Commission.

b. Review Preliminary Plat KPB 2021-115 Chris moved to approve, Raymond seconded, and the motion passed.

c. Alaska Off Grid Cannabis Co. Standard Marijuana Cultivation Facility

Bryan read his report and the recommendations of the Borough. The Borough reviews the applications and does have some protective standards – 1000’ from schools and churches, sales tax, zoning, ingress/egress. The Borough is recommending approval to the State with the exception that the driveway is to be 24’ in width. There were concerns from the audience about unsafe and ongoing issues such as shooting and unsafe driving. Bryan said these were outside the Borough responsibility. The motion is to approve a grow farm for industrial hemp for CBD oil as presented by Bryan with the driveway condition. Raymond so moved and Chris seconded. Sonny had concerns about the families in the area. The vote was Raymond – yes, Chris – yes, Mary – yes, Jay – no, Sonny – no, Dawson abstained. The motion passed.

No Announcements

Next meeting shall be on October 14 to help insure a quorum.

Dawson thanked everyone for coming. No other commissioner comments.

Meeting adjourned at 9:30pm.

Respectfully submitted,

Mary Trimble, Substitute Secretary

MEMORANDUM

TO: Blair Martin, Chair
Member, Kenai Peninsula Planning Commission

FROM: Sean Kelley, Deputy Borough Attorney

COPY: Melanie Aeschliman, Planning Director

DATE: September 13, 2021

RE: Resolution 2021-29, Establishing a Deadline for Submitting Written Comments on Matters Before the Planning Commission

This resolution would establish a deadline for submitting written documentation to the Planning Commission. The proposed deadline of the Friday before the Planning Commission meeting would allow the Commissioners and the public sufficient time to review materials in the packet. A deadline would also help to alleviate burden on staff to collate and distribute last-minute "desk packet" items. The deadline would apply to staff submissions as well as documents submitted by the public.

It is anticipated that a code change would eventually be proposed to codify this deadline should it prove to be beneficial to all parties involved.

Individuals that have items they want to submit after the deadline may speak to the item during the meeting and even read from the item verbatim. In addition, of course, anyone that missed the cut-off deadline that has material, relevant information to the matter at hand may also ask that the matter be postponed to allow for consideration of written materials that did not make the cut-off deadline.

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2021-29**

**A RESOLUTION ESTABLISHING A DEADLINE FOR SUBMITTING WRITTEN
COMMENTS ON MATTERS BEFORE THE PLANNING COMMISSION**

WHEREAS, borough code does not establish a specific process or deadline for submission of written comments or documents relevant to matters before the planning commission; and

WHEREAS, late submittals create administrative burdens on staff to collate and distribute late submittals to commissioners and the public; and

WHEREAS, late submittals burden the planning commission by not allowing for adequate review of the comment or document that is submitted late; and

WHEREAS, late submittals do not serve the public interest because the public is not provided adequate time to review comments or documents submitted late; and

WHEREAS, a deadline for submitting written comments is in the best interests of the borough and the public; and

WHEREAS, establishing a deadline for submitting written comments or documents does not limit or restrict the ability of the public to provide verbal comments before the planning commission on the matter;

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

SECTION 1. That the deadline to submit written comments or documents on matters before the planning commission must be submitted by 1:00 p.m. on the Friday before the scheduled planning commission meeting when the matter will be heard;

SECTION 2. The deadline to submit written comments or documents does not impact the public's ability to provide verbal testimony at public hearing.

SECTION 3. This resolution is effective immediately upon its adoption.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH THIS _____ DAY OF _____, 2021.

Blair J. Martin, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg
Administrative Assistant

MEMORANDUM

TO: Blair Martin, Chair
Member, Kenai Peninsula Planning Commission

FROM: Sean Kelley, Deputy Borough Attorney

DATE: September 13, 2021

RE: Setting the Remand Hearing Date ITMO: River Resources, LLC

The purpose of this scheduling discussion is for the Planning Commission to set a date to consider this matter consistent with the Hearing Officer's remand order. The Commission should not discuss the merits during the scheduling discussion.

On August 25, 2021, Z. Kent Sullivan, Administrative Law Judge / Hearing Officer in the matter of the appeal filed by River Resources LLC, issued an *Order Denying Motion to Stay and Granting Motion to Remand to the Kenai Peninsula Borough Planning Commission (Hereinafter "remand order")*. The remand order is attached and provided to the Planning Commission as part of this memorandum. In addition, an early order title *Order Inviting Response and Withdrawing Opening and Reply Statement Briefing Deadlines* is provided for the Commission's awareness and benefit. The remand order provides, in part, that the matter is remanded to the Planning Commission to:

- "1. Make factual findings supporting its decision based on substantial evidence in the record regarding the:
 - a. bonding requirements;
 - b. well monitoring timeline;
 - c. qualifications and independence of McLane Consulting, Inc.; and
 - d. specific criterion contained in KPB Code §§ 21.29.040 and 21.29.050.
 2. To the extent that factual information does not presently exist in the record the Commission shall augment the record by conducting an additional hearing.
- ...

The motion seeking to remand this case to the KPB Planning Commission so that the Commission may provide reasoning and detailed factual findings supporting its decision in this matter is GRANTED." (See, pages 7-8 of Hearing Officer's remand order).

This memo recommends that the planning commission: (1) discuss whether or not it will reopen this matter for public hearing and take new evidence consistent with the above quoted portion of the Hearing Officer's Decision; and (2) set a date certain for the remand hearing and/or public hearing, whatever the case may be.

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON BEHALF
OF THE KENAI PENINSULA BOROUGH**

In the matter of the Kenai Peninsula Borough)
Planning Commission's decision to deny the)
request for modification to a conditional land use)
permit for a material site to allow for excavation)
within the water table on properties described at)
Tract C1, Patson Properties 2019 Replat, according)
to Plat 2019-68, and the Northwest ¼, Southeast ¼,)
Section 34, Township 5 North, Range 10 West,)
Seward Meridian, excluding Patson Road)
right-of-way Kenai Recording District,)
RIVER RESOURCES, LLC,)
Appellant.)
_____)

OAH No. 21-1682-MUN
Agency No. 2021-01-PCA

**ORDER DENYING MOTION FOR STAY AND GRANTING MOTION FOR REMAND
TO THE KENAI PENINSULA BOROUGH PLANNING COMMISSION**

On August 3, 2021, the Appellant, River Resources, LLC, and the Kenai Peninsula Borough Planning Department, jointly filed a motion seeking to remand this matter to the Kenai Peninsula Borough Planning Commission for supplementation of the record with additional findings pursuant to KPB Code Section 21.20.320(3).¹ Following that motion, an order was issued indicating how this Administrative Law Judge was inclined to rule and inviting responses from the parties who had entered appearances in this case, but are neither the appellant, the applicant, nor the Borough Planning Department.²

Several parties submitted responses generally supporting and seeking adoption of the Planning Commission's original decision, but not specifically addressing the motion to remand itself.³ Party Dale McBride, by and through his attorney, did file an opposition to the motion for

¹ Motion to Remand to Planning Commission (August 3, 2021); Memorandum of Law in Support of Motion for Remand (August 3, 2021); and Motion for Extension of Time to File Opening Statements (August 3, 2021).

² Order Inviting Response and Withdrawing Opening and Reply Statement Briefing Deadlines (August 6, 2021).

³ Patrick Nolden Email in Support of Planning Commission's Decision (August 18, 2021); Carol Nolden Email in Support of Planning Commission's Decision (August 18, 2021); William and Karen Ferguson Email Seeking Affirmance of the Planning Commission's Decision (August 19, 2021); Joseph and Billie Hardy Email Seeking Affirmance of the Planning Commission's Decision (August 21, 2021).

remand and a motion seeking to stay this appeal pending the outcome of a Superior Court case in an unrelated proceeding.⁴ This order addresses both the motion seeking to stay this case by Mr. McBride and also, the motion for remand by River Resources and the Planning Department.

A. Order Denying Stay Pending the Outcome of a Superior Court Case in an Unrelated Proceeding.

In his motion seeking to stay this matter, Mr. McBride claims that this case is on all fours with an unrelated matter previously before the KPB Planning Commission and that is now on appeal to Superior Court, titled *Bilben v. Beachcomber, LLC*, 3KN-20-00034CI. Accordingly, he asks that this case be stayed pending the outcome of the *Bilben v. Beachcomber, LLC*, based on judicial comity and efficiency.⁵

The *Bilben* case involves separate appeals from matters before the KPB Planning Commission. The first concerned the Commission's decision to grant Beachcomber's application for a conditional land use permit (CLUP).⁶ That decision was appealed to a hearing officer who ultimately upheld the Commission. The hearing officer's decision was then appealed to the Superior Court.⁷

While the appeal of the CLUP was pending before the Superior Court, Beachcomber applied for a modified conditional land use permit (MCLUP). The MCLUP was approved by the Commission. In doing so, it entered extensive findings. However, the decision was administratively appealed and ultimately, an Administrative Law Judge within the Office of Administrative Hearings (OAH) was asked to decide the appeal.⁸ A decision was then issued concluding that similarities in the factual issues between the *Bilben* CLUP and MCLUP proceedings warranted issuance of a stay of the MCLUP appeal based on considerations of judicial comity, law of the case, and judicial economy and efficiency.⁹ Accordingly, the MCLUP proceeding before OAH in *Bilben v. Beachcomber, LLC*, OAH 20-0673-MUN was stayed pending the outcome of the issues concerning the CLUP appeal before the Superior Court in *Bilben v. Beachcomber, LLC*, 3KN-20-00034CI.¹⁰

⁴ Opposition to Remand and Request for Stay Pending Superior Court Decision (Minor Corrections) (August 23, 2021).

⁵ See generally *id.*

⁶ *Bilben v. Beachcomber, LLC*, OAH 20-0673-MUN, Order Staying Case at 1-4 (September 30, 2020).

⁷ *Id.*

⁸ *Id.* at 4-7.

⁹ *Id.* at 7-23.

¹⁰ *Id.*

Mr. McBride now argues that this case should be similarly stayed pending the outcome of the Superior Court case in *Bilben v. Beachcomber, LLC*, 3KN-20-00034CI.¹¹ He justifies doing so by pointing to the similarities between this case and the *Bilben* cases. Specifically, that:

1. both cases involve interpretation of the same KPB ordinances;¹²
2. both involve CLUP and MCLUPs for materials sites; and
3. the Commission has somehow been operating under a regulatory scheme circumscribed by an OAH interpretation of the KPB Code and that until the Superior Court case in *Bilben* is decided, it would be inappropriate to remand this case back to the Commission.¹³

However, the alleged similarities between this case and *Bilben* have been wholly misconstrued. It is true that both cases involve application of the CLUP and MCLUP provisions of the KPB Code. It is also true that both involve material extraction sites adjacent to neighboring residential properties. But that is where the similarities end. Further, those few similarities are inconsequential when one takes into consideration the reasons behind grant of the stay in *Bilben v. Beachcomber, LLC*, OAH 20-0673-MUN.

In that case, the stay was granted because there were active appeals occurring in separate cases, in separate forums, involving the same materials extraction site, the same applicant, the same appellant, the same Planning Commission and most of the same involved parties. Further, the specific legal issues being appealed before OAH involving the MCLUP and in the Superior Court case involving the CLUP, were largely the same. Under such circumstances, it made no sense from a judicial comity and judicial economy/efficiency standpoint to have both cases occur concurrently, particularly given the risk of different outcomes and the fact that the Superior Court case was likely precedential.¹⁴

But here, other than the limited similarities already mentioned, this case and the *Bilben* case are wholly unrelated. They each involve different sites, facts, parties, and legal issues. There is simply no reason to stay this case based on anything occurring in *Bilben*.

Finally, it is also incorrect to suggest that OAH is somehow responsible for restricting the KPB regulatory scheme regarding material sites and gravel pits and that it would therefore be

¹¹ See generally Opposition to Remand and Request for Stay Pending Superior Court Decision (Minor Corrections).

¹² *Id.* at 1.

¹³ *Id.* at 6, 8.

¹⁴ See generally *Bilben v. Beachcomber, LLC*, OAH 20-0673-MUN, Order Staying Case.

inappropriate to remand this case back to the Commission until after OAH's interpretation of that regulatory scheme is construed by the Superior Court.¹⁵

Specifically, it is alleged that:

As a result of the provisions of order 2018 – 02, the Kenai Peninsula Borough Planning Commission has been proceeding upon prior instruction to the planning commission in OAH order 2018 – 02, at Judicial Notice Materials Bates # 14-16 that the discretion of the KPB planning commission is highly circumscribed by the OAH interpretation of the wording of the KPB Code in the broadest sense.

The KPB planning commission, in deciding sub-water table gravel pit gravel pit permits, has been operating under the OAH statutory construction interpretation and instruction that the KPB Planning Commission does not have the authority to deny an conforming application once filed, about which commissioners commented in the matter underlying the Anchor Point matter currently before the Kenai Superior Court.

...

Under the current circumstances, Superior Court is currently hearing a comprehensive challenge to the entire OAH-ordered interpretation underlying the Kenai Peninsula Borough Planning Commission's authority and the OAH legal interpretation that restricts the entire regulatory scheme and authority for material sites/gravel pits. Until this precedent-setting appeal is resolved by the Superior Court at Kenai, the proposed remand is inefficient, likely superfluous, and potentially mischievous.¹⁶

What is misconstrued is that the decision referenced for the above-referenced statements is from Hearing Officer, Holly C. Wells. Ms. Wells is not an Administrative Law Judge and is not affiliated with OAH. The decision by Ms. Wells was made in the original *Bilben* appeal of the CLUP, Kenai Peninsula Borough Case No. 2018-02.¹⁷ The decision by Hearing Officer Wells was not part of *Bilben v. Beachcomber, LLC*, OAH 20-0673-MUN, and was in no way binding on the Administrative Law Judge in that case, or in this case. As such, the above-referenced assertions that OAH somehow foist an interpretation of the KPB Code on the Commission, and that the Commission is now saddled with that interpretation until such time as a decision is rendered in *Bilben v. Beachcomber, LLC*, 3KN-20-00034CI, are incorrect and without merit. Simply stated, the only substantive decision made by an Administrative Law

¹⁵ Opposition to Remand and Request for Stay Pending Superior Court Decision at 6, 8.

¹⁶ *Id.*

¹⁷ Request to Take Judicial Notice (August 20, 2021), Att. A.

Judge from OAH in any of the *Bilben* proceedings was the order staying the appeal regarding the MCLUP in *Bilben v. Beachcomber, LLC*, OAH 20-0673-MUN.

For these reasons, there is no basis to stay the present case pending the outcome of the Superior Court case in *Bilben v. Beachcomber, LLC*, 3KN-20-00034CI. While there are minor similarities between the two cases, those similarities are limited and of no consequence concerning the present appeal and the matters presently at issue in this case. Consequently, the motion seeking to stay this proceeding is denied.

B. Order Granting Remand to the KPB Planning Commission

Modification applications for conditional land use permits are submitted to the Kenai Peninsula Borough Planning Director. The application is reviewed, and once deemed complete, the Planning Director is required to schedule and notice a public hearing in front of the Planning Commission.¹⁸ Following the public hearing, the Commission is then required to act on the application and issue a decision. In doing so, the Commission may approve, modify, or disapprove the modification application.¹⁹ However, the Commission's decision on the modification application must contain written findings and reasoning for its approval, disapproval, or modification.²⁰

A person aggrieved by the Planning Commission's decision then has a right to appeal.²¹ The appeal is conducted by a hearing officer.²² In this case, this appeal has been referred to OAH and this Administrative Law Judge is serving as the hearing officer.²³

Appeals are heard solely on the established record, unless changed circumstances or new evidence should be considered.²⁴ If there is not enough evidence in the record on a material issue, or if the Commission's findings are insufficient to support its decision, the remedy is to remand the matter to the Commission rather than to take new evidence at the appeal level.²⁵ The KPB Code specifically permits the hearing officer to do so in order to address procedural errors or gaps in the evidence.²⁶

¹⁸ KPB Code §§ 21.25.050, 21.29.020(B), 21.29.090.

¹⁹ *Id.* at § 21.25.050(B).

²⁰ *Id.* at § 21.25.050(C).

²¹ *Id.* at § 21.25.100.

²² *Id.* at § 21.20.220(A).

²³ OAH Administrative Hearings Case Referral Notice (June 29, 2021); Notice of Assignment (July 2, 2021).

²⁴ KPB Code §§ 21.20.340(A), 21.20.320, 21.20.330(A).

²⁵ *Id.* at §§ 21.20.320, 21.20.330, 21.20.340(A).

²⁶ *Id.* at § 21.20.330(B).

The previously issued order inviting response and withdrawing opening and reply statement briefing deadlines is incorporated in its entirety in this order. As it already addressed in detail, there was a lack of factual findings and reasoning supporting the Commission's decision denying the application by River Resources for modification of its conditional land use permit.²⁷ In issuing its decision, the Commission only purported to make three separate, single sentence findings. However, even these purported findings were not factual findings, but instead, were more accurately characterized as conclusions, statements, and questions. They do not provide a reasoned basis for the Commission's decision based on factual findings from substantial evidence in the record, as the KPB Code requires.²⁸

That said, this order should not be construed to suggest that the Planning Commission's decision was otherwise in error or that the Commission must reach a different outcome. A decision on that point is left for another day. Instead, this order simply concludes that the Planning Commission's decision was not adequately reasoned and supported by specific factual findings. To be upheld, the KPB Code requires such findings. The record may or may not already contain the information needed to make the necessary findings. If sufficient facts are already in the record, then the Commission will simply need to articulate in writing specific factual findings based on that information and as addressed in detail in the order inviting response. If the record does not contain sufficient factual detail allowing the Commission to do so, then it may be required to schedule another hearing for such information to be provided.

The order inviting response gives examples of the many questions the Commission may want to consider having addressed and the answers to which may allow the Commission to make factual findings supporting its decision. However, as it now stands, and per KPB Code Section 21.20.330(C), the Planning Commission has not made sufficient findings of fact and conclusions to support its denial of the application for modification of the conditional land use permit. Instead, it must make findings addressing the matters contained in KPB Code §§ 21.29.040 and 21.29.050.

For instance, as to KPB Code Section 21.29.040, the Planning Commission may wish to specifically address whether the project:

- protects against the lowering of water sources serving other properties;

²⁷ See generally Order Inviting Response and Withdrawing Opening and Reply Statement Briefing Deadlines.

²⁸ *Id.*; KPB Code §§ 21.20.330(B), 21.20.320(2), 21.25.050(C).

- protects against physical damage to other properties;
- minimizes off-site movement of dust;
- minimizes noise disturbance to other properties; and
- minimizes visual impacts?

Also, one of the concerns raised by the Planning Commission was regarding the adequacy of the bond for the project.²⁹ The bonding requirement is addressed by KPB Code Section 21.29.050(A)(4)(d).³⁰ It provides that dewatering may occur, if among other things, the contractor/applicant posts a bond for liability for potential accrued damages.

Here, while the Planning Commission determined that the bond was too little, it is unclear what the potential liability may be for accrued damages. In other words, there are no findings of fact to support what potential liability might exist regarding this project or what an appropriate bond might be. Some of the questions the answers to which might help to support a conclusion that the bond is inadequate are:

- how many wells are within 300', 500' and 1000' of the proposed dewatering;
- while the applicant's engineer has concluded that nearby wells will be unimpacted, what sort of impacts might potentially occur assuming a worst-case scenario;
- what might the costs of those impacts be to remedy, on a per-well basis; and
- what is the amount of the bond that the applicant is proposing?³¹

The Planning Commission may wish to consider posing these questions to the applicant and its engineer and have them provide answers. Doing so would then potentially allow the Planning Commission to make appropriate findings of fact regarding the bond issue based on those answers. The answers should also be included in the record in this case.

For these reasons, the motion seeking to remand this matter to the KPB Planning Commission is granted. It is remanded requesting that the Planning Commission:

1. Make factual findings supporting its decision based on substantial evidence in the record regarding the:

²⁹ R. 162.

³⁰ KPB Code § 21.29.050(A)(4)(d).

³¹ It appears that, based on the documentation in the record, the proposed bond may be \$30,000. However, there has not been a factual finding by the Planning Commission identifying that this is proposed bond amount and that, given the answers to the other questions above, it considers this amount too little.

- a. bonding requirements;
 - b. well monitoring timeline;
 - c. qualifications and independence of McLane Consulting, Inc.; and
 - d. specific criterion contained in KPB Code §§ 21.29.040 and 21.29.050.
2. To the extent that factual information does not presently exist in the record, the Commission shall augment the record by conducting an additional hearing.

Conclusion

The motion seeking to stay this case pending the outcome of the Superior Court case in *Bilben v. Beachcomber, LLC*, 3KN-20-00034CI is DENIED. The two cases each involve different sites, facts, parties, and legal issues. Accordingly, there is no justification for entry of a stay.

The motion seeking to remand this case to the KPB Planning Commission so that the Commission may provide reasoning and detailed factual findings supporting its decision in this matter is GRANTED. All further proceedings in this case will be held in abeyance until such time as those findings are issued.

DATED this 25th day of August 2021.



Z. Kent Sullivan
Administrative Law Judge

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By: Stephanie Peterson

Stephanie Peterson
Office of Administrative Hearings

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON BEHALF
OF THE KENAI PENINSULA BOROUGH**

In the matter of the Kenai Peninsula Borough)
Planning Commission's decision to deny the)
request for modification to a conditional land use)
permit for a material site to allow for excavation)
within the water table on properties described at)
Tract C1, Patson Properties 2019 Replat, according)
to Plat 2019-68, and the Northwest ¼, Southeast ¼,)
Section 34, Township 5 North, Range 10 West,)
Seward Meridian, excluding Patson Road)
right-of-way Kenai Recording District,)
RIVER RESOURCES, LLC,)
Appellant.)
_____)

OAH No. 21-1682-MUN
Agency No. 2021-01-PCA

**ORDER INVITING RESPONSE AND WITHDRAWING
OPENING AND REPLY STATEMENT BRIEFING DEADLINES**

On August 3, 2021, the Appellant, River Resources, LLC, and the Kenai Peninsula Borough Planning Department, jointly filed a motion and memorandum in support seeking to remand this matter to the Planning Commission and a motion for extension of time to file opening statements in this case.¹ This order addresses issues raised in both motions. As detailed below, it indicates how I am presently inclined to rule on the motion for remand. Nevertheless, before doing so and based upon due process considerations, responsive briefing is invited from the parties who have entered appearances in this case, but are neither the appellant, the applicant, nor the Borough.

I. Motion Seeking Remand to the Planning Commission

In the parties' memorandum in support of remand to the Planning Commission, they indicate that the Planning Commission issued three findings of fact, none of which was supported or supplemented by KPB ordinances or the record in this case.² Those findings were as follows:

¹ Motion to Remand to Planning Commission (August 3, 2021); Memorandum of Law in Support of Motion for Remand (August 3, 2021); and Motion for Extension of Time to File Opening Statements (August 3, 2021).

² Memorandum of Law in Support of Motion for Remand at 1.

1. The bond was not high enough based upon the number of surrounding wells;
2. KPB Code needs to define impartial and independent more clearly; and
3. The well monitoring timeline is in question as to whether or not it meets the Borough Code.³

As a result, River Resources and the Department contend that “[t]he findings are vague, do not clearly relate to the testimony and/or evidence presented, do not correlate to the KPB Code and appear to be suggestions for Code revision rather than findings. As such, they are difficult to reconcile with the requirements of a CLUP modification.”⁴

KPB Code Section 21.20.330(B) provides that “[a]ppeals from planning commission decisions which lack findings of fact and conclusions by the planning commission or contain findings of fact and conclusions which are not supported by substantial evidence shall be remanded to the planning commission with an order to make adequate findings of fact and conclusions.” In this instance, the Planning Commission’s findings of fact in support of its denial of River Resource’s modification of its conditional land use permit appear to be limited to the three items cited above.⁵

The matters relevant to considering whether to approve or deny an application for modification of a conditional land use permit are contained within KPB Code Sections 21.29.040 and 21.29.050. Consequently, for a decision of the Planning Commission to be upheld, and based on KPB Code Section 21.20.330(B), it should make factual findings and conclusions specifically addressing whether the requirements contained KPB Code Sections 21.29.040 and 21.29.050 are met. Here, that has not yet occurred. In denying the application, the Planning Commission has clearly reached the conclusion that the requirements in these Code Sections are not met, but it has made no factual findings supporting why it believes that to be the case.⁶

Factual findings are important for a variety of reasons. Chief among them is that they provide a reviewing court or judge a clear understanding of the basis for the decision maker’s ruling and enable the reviewing court or judge to determine the grounds on which the decision

³ *Id.*

⁴ *Id.* at 1-2.

⁵ RR. 153-163.

⁶ *Id.*

was made.⁷ But, not all statements made by the decision maker are findings of fact. Instead, “findings of fact” are determinations by the decision maker of facts supported by the evidence in the record, usually presented at trial or hearing.⁸

Here, Planning Commission’s finding number three, as referenced above, simply raises a question. It does not, however, make a finding.⁹ It may be that ultimately, the Planning Commission might conclude that the well monitoring timeline does not satisfy the KPB Code. That would be a conclusion that could be supported by factual findings if those findings are contained in the record. However, that is not the statement made here. Instead, Planning Commission finding number three simply suggests that there is a question regarding the existence of a fact. But a question concerning the existence of a fact is neither a finding, nor even a conclusion.

Similarly, as to Planning Commission finding number two, this statement merely suggests a potential revision to the KPB Code. Once again, however, it does not make a finding. Further, rather than raising a question of fact, it merely poses an interpretation of the law. Interpretations of the KPB Code and legal issues are squarely within the purview of the hearing officer.¹⁰ As such, this purported finding, while not a finding of fact, is also not required for the hearing officer to make a determination in this case on appeal. To the extent that the Planning Commission wishes to make factual findings related to this topic, it certainly can.

For instance, if it concludes that McLane Consulting, Inc. was not a qualified independent engineer for purposes of KPB Code Section 21.29.050(A)(5)(a), it could reach this conclusion. However, once again, and as noted above, findings *and* conclusions need to be supported by the record.¹¹ Further, should the Planning Commission reach such a conclusion, it would be helpful if it made ancillary findings fact justifying this conclusion. For instance, if it ultimately determines that McLane Consulting, Inc. is not a qualified independent engineer for purposes of KPB Code Section 21.29.050(A), it should specify the factual findings it reached in coming to this conclusion. Or, because of its concerns regarding the lack of clarity in the Code, it may not be comfortable in making a conclusion that McLane Consulting, Inc. is not a qualified

⁷ *Fletcher v. Trademark Const., Inc.* 80 P.3d 725, 730 (Alaska 2003).

⁸ *Black’s Law Dictionary* (11th ed. 2019).

⁹ R. 162.

¹⁰ KPB Code Section 21.20.320.

¹¹ KPB Code Section 21.20.320(2) and 21.20.330(B).

independent engineer. However, it could make factual findings regarding the degree of qualifications and independence that McLane does or does not possess. But, simply indicating that the present KPB Code does not adequately define “impartial” or “independent” does not provide a factual finding supporting its denial of the application.

Finally, Planning Commission, finding number one does make a conclusion.¹² However, the challenge with this conclusion is whether it is supported by substantial evidence in the record and in turn by factual findings.¹³ The bonding requirement is addressed by KPB Code Section 21.29.050(A)(4)(d).¹⁴ It provides that dewatering may occur, if among other things, the contractor/applicant posts a bond for liability for potential accrued damages. Here, while the Planning Commission determined that the bond was too little, it is unclear what the potential liability may be for accrued damages. In other words, there are no findings of fact to support what potential liability might exist regarding this project or what an appropriate bond might be. Some of the questions the answers to which might help to support such a finding are:

- A. How many wells are within 300’, 500’ and 1000’ of the proposed dewatering?
- B. While the applicant’s engineer has concluded that nearby wells will be unimpacted, what sort of impacts might potentially occur assuming a worst-case scenario?
- C. What might the costs of those impacts be to remedy, on a per-well basis?
- D. What is the amount of the bond that the applicant is proposing?¹⁵

The Planning Commission may wish to consider posing these questions to the applicant and its engineer and having them provide answers. Doing so would then potentially allow the Planning Commission to make appropriate findings of fact regarding the bond issue based on those answers. The answers should also be included in the record in this case.

The above are simply an example of questions that might be asked and the answers to which might then allow the Planning Commission to make a factual finding that the proposed bond is not high enough. However, as it now stands, it might be difficult to draw such a conclusion based on the facts in the record and the lack of any findings based on those facts.

¹² R. 162.

¹³ *Id.* at 21.20.330(B) and 21.20.320(3).

¹⁴ *Id.* at 21.29.050(A)(4)(d).

¹⁵ It appears that, based on the documentation in the record, the proposed bond is \$30,000. However, there has not been a factual finding by the Planning Commission identifying that this is proposed bond amount and that, given the answers to the other questions above, it considers this amount too little.

Based on the above, and per KPB Code Section 21.20.330(C), I am presently inclined to find that the Planning Commission has not made sufficient findings of fact and conclusions to support its denial of modification of the conditional land use permit. I will likely ask that it do so and that it specifically make findings pursuant to KPB Code Sections 21.29.040 and 21.29.050. For instance, in addition to the matters already addressed above, as to KPB Code Section 21.29.040, the Planning Commission may wish to specifically answer whether the project:

1. Protects against the lowering of water sources serving other properties?
2. Protects against physical damage to other properties?
3. Minimizes off-site movement of dust?
4. Minimizes noise disturbance to other properties?
5. Minimizes visual impacts?

As with the questions posed above, the detailed answers to these questions may allow the Planning Commission to make factual findings supporting its decision denying the requested modification. As indicated with the bonding example, the answers to these questions will allow the Planning Commission to make conclusions. However, each conclusion should be supported by specific factual findings.

For instance, and merely as a potential example as to item 2 above, it may be that the Planning Commission will conclude that the project does not protect against physical damage to other properties. But that is simply a conclusion, not a factual finding. A factual finding would be the factual details supporting that conclusion. For instance, there are X number of wells within Y feet of the proposed project and the Planning Commission believes those wells are at risk of physical damage by the project in specific ways. Once again, however, the findings need to be supported by documentation in the record.¹⁶ In addition to the above addressing KPB Code Section 21.29.040, these same types of questions and the answers to the questions should be considered regarding proposed findings concerning whether the application complies with KPB Code Section 21.29.050.

The above discussion should not be construed as an order in this case. Instead, it merely addresses the issues raised by River Resources and the Planning Department in their joint motion and present impressions concerning that motion. It also addresses how I am presently inclined to rule on the motion. However, because the parties who have made entries of appearance in this

¹⁶ KPB Code Section 21.20.320(2).

case have not yet had an opportunity to weigh in on this issue, they are now invited to do so. All such responses to the joint motion to remand to the Planning Commission are due on or before the close of business on August 23, 2021. No further briefing will be allowed and a ruling on the motion will promptly follow.

II. Motion for Extension of Time to File Opening Statements

The potential remand of this case to the Planning Commission will likely have a significant impact on the timing of these proceedings. Even if this case is not ordered to be remanded to the Planning Commission, it is inappropriate to require River Resources and the Department to prepare opening statements in this matter as was previously ordered without first knowing whether a remand will occur. Consequently, the motion for extension of time to file opening statements is granted. All dates and requirements previously set forth in the notice of briefing procedure and tentative hearing date¹⁷ are withdrawn.

Conclusion

Based on the above considerations, I am presently inclined to grant the motion by River Resources and the Department seeking to remand this matter to the Planning Commission per KPB Code Section 21.20.330(B). In doing so, the Planning Commission would be asked to make specific factual findings supporting its denial of the application for modification of the conditional land use permit. Before making such a ruling, however, any parties who have entered appearances in this matter are invited to respond to the motion for remand, and the above discussion, and explain any opposition to a remand. In doing so, such responses should not attempt to address whether it was appropriate for the Planning Commission to approve or deny the application at issue. Opportunity for that will occur later. Instead, the responses should be limited to whether it is appropriate for this case to be remanded back to the Planning Commission, per KPB Code Section 21.20.330(B), to make specific factual findings supporting its denial of the application.

All such responses are due on or before the close of business on **August 23, 2021**.¹⁸ No further briefing will be allowed and a ruling on the motion will promptly follow.

¹⁷ Notice of Briefing Procedure and Tentative Hearing Date (July 30, 2021).

¹⁸ For instructions on filing documents in this case, please see the Notice of Assignment (July 2, 2021).

Finally, the opening and reply statement briefing deadlines previously imposed are ordered withdrawn. The tentative hearing date is also withdrawn.

DATED this 6th day of August 2021.



Z. Kent Sullivan
Administrative Law Judge

Certificate of Service: I hereby certify that on August 6, 2021, a true and correct copy of this document was served on the following by e-mail to the following listed below:

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