

Kenai Peninsula Borough

*144 North Binkley Street
Soldotna, AK 99669*



Meeting Agenda

Tuesday, February 1, 2022

6:00 PM

Zoom Meeting ID: 884 7373 9641 Passcode: 671108

Betty J. Glick Assembly Chambers

Assembly

Brent Johnson, President

Brent Hibbert, Vice President

Jesse Bjorkman

Lane Chesley

Tyson Cox

Richard Derkevorkian

Cindy Ecklund

Bill Elam

Mike Tupper

CALL TO ORDER**PLEDGE OF ALLEGIANCE****INVOCATION**

Any invocation that may be offered at the beginning of the assembly meeting shall be a voluntary offering of a private person, to and for the benefit of the assembly. No member of the community is required to attend or participate in the invocation.

[Clerk's Note: The invocation was given by Rebecca Hinsberger.]

ROLL CALL**COMMITTEE REPORTS****APPROVAL OF AGENDA AND CONSENT AGENDA**

(All items listed with an asterisk () are considered to be routine and non-controversial by the Assembly and will be approved by one motion. Public testimony will be taken. There will be no separate discussion of these items unless an Assembly Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.)*

ACTION ITEMS CURRENTLY ON CONSENT AGENDA:

KPB 3916 - January 18, 2022 Regular Meeting Minutes
Resolution 2022-008 2022 Foreclosure List Publication
Resolution 2022-009 \$100,000 Spending Plan
Resolution 2022-010 2022 Capital Project Priorities
Resolution 2022-011 Supporting Homer's Port & Harbor Study
Ordinance 2021-19-36 Lookout Drive USAD
Ordinance 2022-02 Planning Commission Bylaws & Defining Quorum
Ordinance 2022-03 Amending Effective Date of O2021-19-30
KPB 3903 - Limited Marijuana Cultivation Facility – Rock Solid Buds
KPB 3907 - Brewery License – Kenai Kombucha
KPB 3909 - Petition to Vacate Arneson Avenue
KPB 3917 - Planning Commission Appointments

ACTION ITEMS ELIGIBLE TO BE ADDED TO THE CONSENT AGENDA:

Ordinance 2021-19-34 Fisheries Business Tax Funds
Ordinance 2021-19-35 CPH Hot Lab Upgrade

APPROVAL OF MINUTES

[KPB-3916](#) January 18, 2022 Regular Assembly Meeting Minutes

Attachments: [January 18, 2022 Regular Assembly Meeting Minutes](#)

COMMENDING RESOLUTIONS AND PROCLAMATIONS

- [KPB-3922](#) A Resolution Commending Rachel M. Parra, Director, North Peninsula Recreation Service Area for her Contribution, Dedication, and Many Years of Public Service to the North Peninsula Recreation Service Area and Borough

Attachments: [Commending Resolution](#)

PRESENTATIONS WITH PRIOR NOTICE

(20 minutes total)

1. [KPB-3918](#) South Peninsula Hospital Quarterly Report, Ryan Smith, CEO (10 Minutes)

Attachments: [Quarterly Report](#)

2. [KPB-3919](#) Kenai Peninsula Peace Crane Garden Update, Sarah Pyhala (10 Minutes)

Attachments: [Presentation](#)

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

(3 minutes per speaker; 20 minutes aggregate)

ITEMS NOT COMPLETED FROM PRIOR AGENDA**PUBLIC HEARINGS ON ORDINANCES**

(Testimony limited to 3 minutes per speaker)

Ordinances referred to Finance Committee

- [2021-19-34](#) An Ordinance Accepting and Appropriating Fisheries Business Tax Funds Received from the State of Alaska under the Federal Pass-Through Program, American Rescue Plan Act of 2021 in the Amount of \$86,408.54 for the Purpose of Supplementing the Radio Consultant Project to Address Public Safety Communications (Mayor)

Attachments: [Ordinance 2021-19-34](#)
[Memo](#)
[Advisory Board Recommendations](#)
[Email Award Notification](#)
[ARPA Copy of Radio Maint Allocation 010322](#)

[2021-19-35](#) An Ordinance Appropriating Funding from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Central Peninsula Hospital Hot Lab Upgrade to ISO Cleanroom Project (Mayor)

Attachments: [Ordinance 2021-19-35](#)
[Memo](#)
[Advisory Board Recommendations](#)
[Reference Copy Ordinance 2021-19-04](#)

Ordinances referred to Policies and Procedures Committee

[2021-41](#) An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Mayor, Johnson) [Tabled on 02/01/22]

(Elam, Derkevorkian) Substitute: An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Elam, Derkevorkian) [Tabled on 02/01/22]

Attachments: [Ordinance 2021-41](#)
[Elam Amendment #2 \(notice of reconsideration given\)](#)
[Ecklund Tupper Amendment \(amendments pending\)](#)
[Ordinance 2021-41 \(Elam, Derkevorkian\) Substitute](#)
[Memo](#)
[Material Site Work Group Timeline](#)
[Legal Memo re Assembly Questions](#)
[Public Comments 021522](#)
[Public Comments 020122](#)
[Public Comments 020122](#)
[Public Comment 011822](#)
[Reference Copy Ordinance 2006-01 SUB](#)
[Reference Copy Resolution 2018-004 SUB](#)
[Reference Copy Resolution 2018-025](#)
[Elam Amendment #1 \(dealt with on 011822\)](#)

UNFINISHED BUSINESS

NEW BUSINESS

1. Resolutions

Resolutions referred to Finance Committee

[2022-008](#) A Resolution Designating the Newspaper and Authorizing Award of a Contract for the Publication of the 2022 Foreclosure List, and the Delinquent Leasehold, Mobile Homes, Personal and Other Tax Lists for the Tax Year 2021 and Prior (Mayor)

Attachments: [Resolution 2022-008](#)
[Memo](#)

[2022-009](#) A Resolution Approving the Spending Plan for the Remaining Balance of \$100,000 from the State of Alaska for the Healthy and Equitable Communities Program, a Federal Pass-Thru Award under the Centers for Disease Control and Prevention (Mayor)

Attachments: [Resolution 2022-009](#)
[Memo](#)
[Reference Copy Ordinance 2021-19-32](#)

[2022-010](#) A Resolution Establishing the Kenai Peninsula Borough State Capital Project Priorities for the Year 2022 (Mayor)

Attachments: [Resolution 2022-010](#)
[Memo](#)
[CAPSIS Entries](#)
[Central Emergency Services Fire Station](#)
[KPBSD District Office and School Relocation](#)
[Basargin Road Upgrade](#)
[Japanese Creek Flood Mitigation](#)
[Nikiski Fire Service Area Radio Replacement](#)
[Kwechak Creek Flood Mitigation](#)
[Hope Transfer Site Relo](#)
[Anchor Point Flood and Storm Water Mitigation Project](#)
[Seldovia Susan B School Sport Court Upgrades](#)
[North Pen Rec Ice Rink Improvement](#)
[Expansion and Renovation of WESA Station 3](#)

[2022-011](#) A Resolution in Support of the City of Homer's Request to the U.S. Army Corps of Engineers for \$1.5 Million to Complete the Homer Port and Harbor Expansion General Investigation Study (Mayor, Assembly)

Attachments: [Resolution 2022-011](#)

2. Ordinances for Introduction

Ordinances for Introduction and referred to the Finance Committee

[2021-19-36](#) An Ordinance Appropriating \$78,978.78 to the Special Assessment Fund for the Lookout Drive Utility Special Assessment District (Mayor)

Attachments: [Ordinance 2021-19-36](#)
[Memo](#)

[2022-03](#) An Ordinance Amending the Effective Date of Ordinance 2021-19-30 Relating to the Staffing for Adequate Fire and Emergency Response Grant (Mayor)

Attachments: [Ordinance 2022-03](#)
[Memo](#)
[Reference Copy Ordinance 2021-19-30](#)

Ordinances for Introduction and referred to the Policies and Procedures Committee

[2022-02](#) An Ordinance Enacting KPB 2.40.110 and 2.40.120 Authorizing the Planning Commission to Adopt Bylaws and Defining Quorum (Chesley)

Attachments: [Ordinance 2022-02](#)
[Memo](#)
[LAYDOWN Advisory Board Recommendations](#)

3. Other

Other items referred to Finance Committee

[KPB-3903](#) Approving the Issuance of a Letter of Non-Objection to the Marijuana Control Board Regarding the New Limited Marijuana Cultivation Facility, Rock Solid Buds License No. 21463, Filed by Steve Duprey, Subject to the Standard Conditions

[Clerk's Note: Standard Conditions for Commercial Marijuana Facilities are as follows: 1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough. 2. There shall be no parking in the borough rights-of-way generated by the marijuana establishment. 3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020 (A).]

Attachments:

[21463 - Memo to Assembly](#)

[21463 - Planning Memo](#)

[21463 - Complete Application](#)

[21463 - Acknowledgment Form and Site Plan](#)

[21463 - Aerial Map](#)

[KPB-3907](#) Approving a Letter of Non-Objection to the Issuance of the New Brewery License as Requested by Kenai Kombucha, LLC, License No. 6011

Attachments:

[6011 - Complete Application](#)

[6011 - Memo to Assembly](#)

[6011 - Planning Memo](#)

Other items referred to Lands Committee

[KPB-3909](#) Petition to Vacate a 424 Foot Portion of Arneson Avenue and Associated Utility Easements Located within the Ninilchik Area. KPB File 2021-160V

[Clerk's Note: The Planning Commission approved the referenced petition to vacate at is January 10, 2022 meeting by unanimous consent.]

Attachments:

[Petition to Vacate - Arneson Ave](#)

Other items referred to Policies and Procedures Committee

[KPB-3917](#) Confirming Appointments to the Planning Commission (Mayor)

John Hooper, District 3 - Nikiski, Term Expires 07/31/2023
Michael Horton, District 4 - Soldotna, Term Expires 07/31/2022
David Stutzer, District 8 - Homer, Term Expires 07/31/2024

Attachments: [Appointments](#)

MAYOR'S REPORT

[KPB-3912](#) Mayor's Report - Cover Memo

Attachments: [Cover Memo](#)

1. Assembly Requests/Responses - None
2. Agreements and Contracts - None
3. Other
 - a. [KPB-3913](#) Community Wildfire Protection Plan Update - Draft
Attachments: [Community Wildfire Protection Plan Update - Draft](#)
 - b. [KPB-3914](#) Revenue - Expenditure Report - December 2021
Attachments: [Revenue - Expenditure Report - December 2021](#)
 - c. [KPB-3915](#) Budget Revisions - December 2021
Attachments: [Budget Revisions - December 2021](#)

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

ASSEMBLY COMMENTS

PENDING LEGISLATION

(This item lists legislation which will be addressed at a later date as noted.)

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. February 15, 2022 Regular Assembly Meeting
6:00 PM Betty J. Glick Assembly Chambers Borough Administration Building
Remote participation available through Zoom Meeting ID: 884 7373 9641 Passcode: 671108

2. February 23, 2022 Reapportionment Committee**1:00 PM Betty J. Glick Assembly Chambers Borough Administration Building****Remote participation available through Zoom Meeting ID: 830 1392 2779 Passcode: 247558****ADJOURNMENT**

This meeting will be broadcast on KDLL-FM 91.9 (Central Peninsula), KBBI-AM 890 (South Peninsula), K201AO(KSKA)-FM 88.1 (East Peninsula).

The meeting will be held through Zoom, the Meeting ID: 884 7373 9641 Passcode: 671108 and in-person from the Betty J. Glick Assembly Chambers, Borough Administration Building, Soldotna, Alaska. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247 and enter the Meeting ID: 884 7373 9641 Passcode: 671108. Detailed instructions will be posted on at the Kenai Peninsula Borough's main page at kpb.us: "Meeting and Public Notices" "Current Assembly Agenda".

Copies of the agenda and ordinances to be considered can be viewed on the website referenced above or at the Public Bulletin Board located on the window right of the double doors in the back of the Borough Administration Building. For further information, please call the Clerk's Office at 714-2160 or toll free within the Borough at 1-800-478-4441, Ext. 2160. Visit our website at www.kpb.us for copies of the agenda, meeting summaries, ordinances and resolutions.



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Minutes

Assembly

Brent Johnson, President

Brent Hibbert, Vice President

Jesse Bjorkman

Lane Chesley

Tyson Cox

Richard Derkevorkian

Cindy Ecklund

Bill Elam

Mike Tupper

Tuesday, January 18, 2022

6:00 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 884 7373 9641 Passcode: 671108

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

[Clerk's Note: The invocation was given by Iris Fontana.]

ROLL CALL

Present: 8 - Jesse Bjorkman, Tyson Cox, Brent Johnson, Richard Derkevorkian, Bill Elam, Lane Chesley, Cindy Ecklund, and Mike Tupper

Excused: 1 - Brent Hibbert

Also present were:

Charlie Pierce, Mayor

Aaron Rhoades, Chief of Staff

Brandi Harbaugh, Finance Director

Sean Kelley, Borough Attorney

Johni Blankenship, Borough Clerk

Michele Turner, Deputy Borough Clerk

COMMITTEE REPORTS

Assembly Member Cox stated the Finance Committee met and discussed its agenda items.

Assembly Member Derkevorkian stated the Lands Committee met and discussed its agenda items.

Assembly Member Chesley stated the Policies and Procedures Committee met and discussed its agenda items.

Assembly Member Bjorkman stated the Legislative Committee met and discussed its agenda item.

APPROVAL OF AGENDA AND CONSENT AGENDA

[KPB-3872](#) January 4, 2022 Regular Assembly Meeting Minutes
approved.

[2022-01](#) An Ordinance Authorizing A Communication Tower Agreement with Vertical Bridge S3 Assets, LLC at Nikiski Fire Station 1 (Mayor)
This Ordinance was enacted.

[2022-006](#) A Resolution Establishing Kenai Peninsula Borough 2021 State Capital Project Priorities in Response to the Infrastructure Investment and Jobs Act (Mayor)
[Clerk's Note: The title was amended to read, "Establishing the Kenai Peninsula Borough 2021 State Capital Project Priorities in Response to the Infrastructure Investment and Jobs Act"]
This Resolution was adopted as amended.

[2021-19-34](#) An Ordinance Accepting and Appropriating Fisheries Business Tax Funds Received from the State of Alaska under the Federal Pass-Through Program, American Rescue Plan Act of 2021 in the Amount of \$86,408.54 for the Purpose of Supplementing the Radio Consultant Project to Address Public Safety Communications (Mayor)
This Budget Ordinance was introduced and set for public hearing.

[2021-19-35](#) An Ordinance Appropriating Funding from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Central Peninsula Hospital Hot Lab Upgrade to ISO Cleanroom Project (Mayor)
This Budget Ordinance was introduced and set for public hearing.

[KPB-3873](#) Confirming Appointments to the Advisory Planning Commissions (Mayor)

Funny River Advisory Planning Commission
Jerry Herring, Seat C, Term Expires 09/30/24

Hope/Sunrise Advisory Planning Commission
Flip Foldager, Seat A, Term Expires 09/30/24
Richard “Levi” Hogan, Seat B, Term Expires 09/30/24
approved.

Approval of the Agenda and Consent Agenda

President Johnson called for public comment with none being offered.

The motion to approve the agenda and consent agenda as amended carried by the following vote:

Yes: 8 - Bjorkman, Cox, Johnson, Derkevorkian, Elam, Chesley, Ecklund, and Tupper

Absent: 1 - Hibbert

COMMENDING RESOLUTIONS AND PROCLAMATIONS

PRESENTATIONS WITH PRIOR NOTICE

1. [KPB-3874](#) Kenai Peninsula Borough School District Quarterly Report, Clayton Holland, Superintendent of Schools (10 Minutes)
[Clerk's Note: Clayton Holland, Superintendent of Schools gave a quarterly report to the assembly.]

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

President Johnson called for public comment.

Jennifer Kindred spoke on comments at public meetings.

Chandra Caffroy, Homer spoke in support of Mayor Pierce and in opposition to regional segregation and hospital personnel.

The following people spoke in opposition to the hospital COVID-19 treatments:

Waynette Coleman, Happy Valley

Ray Southwell, Nikiski

Katherine Uei, Soldotna

Christine Hutchinson, Beaver Loop

There being no one else who wished to speak, the public comment period was closed.

ITEMS NOT COMPLETED FROM PRIOR AGENDA

PUBLIC HEARINGS ON ORDINANCES

[2021-19-33](#) An Ordinance Appropriating Additional Funds to Support Results of the Nikiski Senior Service Area FY2020 and FY2021 Due Diligence Audit or Review Cost Proposal (Mayor)

Cox moved to enact Budget Ordinance 2021-19-33.

President Johnson called for public comment.

George Pierce, Kasilof spoke in support of Budget Ordinance 2021-19-33.

The following people spoke in opposition to Budget Ordinance 2021-19-33:

Sasha Fallon, Nikiski Senior Center Director

Bill Hartline, Nikiski

Wayne Ogle, Nikiski

There being no one else who wished to speak, the public comment period was closed.

Assembly Member Bjorkman spoke in opposition to Budget Ordinance 2021-19-33.

The motion to enact Budget Ordinance 2021-19-33 failed by the following vote:

Yes: 1 - Elam

No: 7 - Bjorkman, Cox, Johnson, Derkevorkian, Chesley, Ecklund, and Tupper

Absent: 1 - Hibbert

[2021-41](#) An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Mayor, Johnson)

(Elam, Derkevorkian) Substitute: An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Elam, Derkevorkian)

Chesley moved to enact Ordinance 2021-41.

President Johnson called for public comment.

The following people spoke in opposition to Ordinance 2021-41:

Nikki Pererra

Ken Killian, Sterling

Ed Martin III

Emmitt Trimble, Anchor Point

Mary Trimble, Anchor Point
David Yragui, Kenai
Robert Peterkin, Kenai
Queen Parker, Sterling
Chandra Caffroy, Homer
Jake Denbrock, Sterling
Ann Hoffman, Sterling
Katherine Uei
Mike Rosso, Sterling
Hans Bilben, Anchor Point
Lynn Whitmore
Larry Smith
Gina Debardelaben

There being no one else who wished to speak, the public comment period was closed.

Elam moved to amend Ordinance 2021-41 as follows:

Section 3 to read,

"21.29.030 Application Procedure.

...

h. Location of any water body on the parcel, including the location of any riparian wetland as determined by best available data ["WETLAND MAPPING AND CLASSIFICATION OF THE KENAI LOWLAND, ALASKA" MAPS CREATED BY THE KENAI WATERSHED FORUM];"

Assembly Member Chesley spoke in favor of the amendment.

The motion to amend Ordinance 2021-41 carried by the following vote:

Yes: 8 - Bjorkman, Cox, Johnson, Derkevorkian, Elam, Chesley, Ecklund, and Tupper

Absent: 1 - Hibbert

Elam moved to amend Ordinance 2021-41 as follows:

Amend Section 2 to read,

"2.29.040 standards for sand, gravel or material sites.

A. These material site regulations are intended to protect against aquifer disturbance, road damage, physical damage to adjacent properties, dust, noise, and visual impacts.

[ONLY THE CONDITIONS SET FORTH IN KPB 21.29.050 MAY BE IMPOSED TO MEET THE STANDARDS:] The mandatory conditions of 21.29.050 are express conditions precedent to the granting of any conditional land use permit and after a public hearing, the planning commission must find, in writing, that the imposition of all the mandatory conditions under KPB 21.29.050 that the following standards are met:

1. [PROTECTS AGAINST THE LOWERING OF WATER SOURCES SERVING OTHER PROPERTIES:] The use is not inconsistent with the applicable comprehensive plan;
2. [PROTECTS AGAINST PHYSICAL DAMAGE TO [OTHER] ADJACENT PROPERTIES:] The use will preserve the value, spirit, character, and integrity of the surrounding area;
3. [[MINIMIZES] PROTECTS AGAINST OFF SITE MOVEMENT OF DUST:] The applicant has met all other requirements of this chapter pertaining to the use in question;
4. [[MINIMIZES] PROTECTS AGAINST NOISE DISTURBANCE TO OTHER PROPERTIES;]] That granting the permit will not be harmful to the public health, safety and general welfare; and
5. [[MINIMIZES] PROTECTS AGAINST VISUAL IMPACTS OF THE MATERIAL SITE; AND]] The sufficient setbacks, lot area, buffers or other safeguards are being provided to meet the conditions listed in KPB 21.29.050.
- [6. PROVIDES FOR ALTERNATE POST-MINING LAND USES[.];]
- [7. PROTECTS RECEIVING WATERS AGAINST ADVERSE EFFECTS TO FISH AND WILDLIFE HABITAT;]
- [8. PROTECTS AGAINST TRAFFIC IMPACTS; AND]
- [9. PROVIDES CONSISTENCY WITH THE OBJECTIVES OF THE KENAI PENINSULA BOROUGH COMPREHENSIVE PLAN AND OTHER APPLICABLE PLANNING DOCUMENTS.]"

Assembly Member Ecklund spoke in opposition to the amendment.

The motion to amend Ordinance 202141 failed by the following vote:

Yes: 4 - Bjorkman, Derkevorkian, Elam, and Tupper

No: 4 - Cox, Johnson, Chesley, and Ecklund

Absent: 1 - Hibbert

Elam gave notice of reconsideration to the amendment of Section 2, KPB 21.29.040(A).

Ecklund moved to amend Ordinance 2021-41 as follows:

Amend Section 2 to read,

"21.29.050 Permit Conditions.

A. The following mandatory conditions apply to counter permits and CLUPs issued for sand, gravel, or material sites:

...

2. Buffer Area. Material sites shall maintain buffer areas in accord with this section.

a. A buffer area of a maximum of 100 feet shall be established between the area of excavation and the parcel boundaries. The buffer area may include one or more of the following: undisturbed natural vegetation, a minimum six-foot fence, [A MINIMUM SIX-FOOT BERM] a minimum six-foot earthen berm with at least a 2/1 slope or a combination thereof."

The motion to amend Ordinance 2021-41 carried by the following vote:

Yes: 8 - Bjorkman, Cox, Johnson, Derkevorkian, Elam, Chesley, Ecklund, and Tupper

Absent: 1 - Hibbert

Assembly Members Ecklund moved to amend Ordinance 2021-41 as follows:

Amend Section 2 to read,

21.29.050. Permit conditions.

A. The following mandatory conditions apply to counter permits and CLUPs issued for sand, gravel, or material sites:

...

2. Buffer Area. Material sites shall maintain buffer areas in accord with this section.

c. Where an easement exists, a buffer shall not overlap the easement, unless otherwise conditioned by the planning commission or planning director, as applicable.

d. The vegetation and fence shall be of sufficient height and density to provide visual

and noise screening of the proposed use as deemed appropriate by the planning commission or the planning director.

Re-letter all remaining paragraphs.

The motion to amend Ordinance 2021-41 carried by the following vote:

Yes: 5 - Cox, Johnson, Chesley, Ecklund, and Tupper

No: 3 - Bjorkman, Derkevorkian, and Elam

Absent: 1 - Hibbert

Bjorkman moved to postpone Ordinance 2021-41 to February 1, 2022.

Assembly Member Cox spoke in opposition to postponement.

The motion to postpone Ordinance 2021-41 to February 1, 2022 carried by the following vote:

Yes: 5 - Bjorkman, Johnson, Derkevorkian, Elam, and Tupper

No: 3 - Cox, Chesley, and Ecklund

Absent: 1 - Hibbert

UNFINISHED BUSINESS

2022-004

A Resolution Supporting the Constitutional Right of Alaska Grand Juries to Investigate and Make Recommendations on Public Welfare and Safety Concerns (Bjorkman, Elam) (Hearing on 01/18/22)

[Clerk's Note: The sponsors of Resolution 2022-004 requested introduction at the 01/04/22 meeting and public hearing at the 01/18/22 meeting.]

Bjorkman moved to adopt Resolution 2021-004.

President Johnson called for public comment.

The following people spoke in support of Resolution 2021-004:

David Haeg

Marty Anderson, Sterling

Ray Metcalfe

James Price, Nikiski

George Pierce, Kasilof

Patricia Write

Donovan Fritz, Funny River

Tom Submoski, Sterling

Douglas, Mackey Lake

Holly Sheldon Lee, Talkeetna

Michelle Williams
Chandra Caffroy, Homer
Clint Hall
David Bremmel
Scott Edgar
Garret Innes, Kenai

Assembly Members Bjorkman and Ecklund spoke in support of Resolution 2022-004.

Chesley moved to amend Resolution 2022-004 as follows:

Section 1 to read, "That the assembly supports the need for a mechanism for grand juries to investigate and make recommendations concerning the public welfare or safety pursuant to Article 1, Section 8 of the Constitution of the State of Alaska. The assembly requests the legislature enact [SB15 of the 31st LEGISLATURE, INTRODUCED BY SENATOR MICCICHE MARCH 2019, OR ENACT DIFFERENT] legislation that provides an adequate mechanism under state law for the public to trigger independent grand jury investigations.

The motion to amend Resolution 2022-004 carried as follows:

Yes: 8 - Bjorkman, Cox, Johnson, Derkevorkian, Elam, Chesley, Ecklund, and Tupper

Absent: 1 - Hibbert

The motion to adopt Resolution 2022-004 as amended carried by the following vote:

Yes: 8 - Bjorkman, Cox, Johnson, Derkevorkian, Elam, Chesley, Ecklund, and Tupper

Absent: 1 - Hibbert

NEW BUSINESS

1. Resolutions

[2022-007](#)

A Resolution Providing Input to the Alaska Department of Environmental Conservation on Proposed Changes to Regulations on Oil Discharge Prevention and Contingency Plans (Johnson, Chesley)

Bjorkman moved to adopt Resolution 2022-007:

President Johnson passed the gavel to President Pro Tem Cox and declared a possible conflict of interest as he has done oil spill clean up before and could do it again. Per legal advice, President Pro Tem Cox ruled a conflict did not exist. President Pro Tem returned the gavel to President Johnson.

President Johnson called for public comment.

The following people spoke in support of Resolution 2022-007:

Shaylon Cockrin, Cook Inlet Regional Citizens Advisory Council (CIRCAC)

Vinnie Catalano, Cook Inlet Regional Citizens Advisory Council (CIRCAC)

There being no one else who wished to speak, the public comment period was closed.

Cox moved to suspend the rules and extend the legislative deadline by one half hour until midnight.

The motion to suspend the rules carried by the following vote:

Yes: 8 - Bjorkman, Cox, Johnson, Derkevorkian, Elam, Chesley, Ecklund, and Tupper

Absent: 1 - Hibbert

The motion to adopt Resolution 2022-007 carried by the following vote:

Yes: 5 - Cox, Johnson, Chesley, Ecklund, and Tupper

No: 3 - Bjorkman, Derkevorkian, and Elam

Absent: 1 - Hibbert

MAYOR'S REPORT

[KPB-3867](#) Mayor's Report - Cover Memo

1. Assembly Requests/Responses
2. Agreements and Contracts
 - a. [KPB-3868](#) Authorization to Award a Contract for ITB22-025 Central Peninsula Hospital Sterile Radio Pharmaceuticals Processing Room to Blazy Construction, Inc.
 - b. [KPB-3869](#) Authorization to Award a Contract for RFP22-010 Homer High School Roof Phase 2 Professional Design Services to K+A Designstudios, Kenai, AK.
3. Other
 - a. [KPB-3870](#) Tax Adjustment Request Approval
 - b. [KPB-3871](#) Litigation Status Report - Quarter Ending 12/31/21

PUBLIC COMMENTS AND PUBLIC PRESENTATIONS

President Johnson called for public comment.

David Haeg, spoke in support of the passage of Resolution 2022-004.

Chandra Caffroy, Homer spoke on discrimination and segregation.

Wynette Coleman, spoke on monoclonal antibodies.

There being no one else who wished to speak, the public comment period was closed.

ASSEMBLY COMMENTS

Assembly Member Elam thanked everyone for attending the meeting and providing public testimony.

Assembly Member Bjorkman thanked the public for attending and sharing their thoughts throughout the evening. He stated he was hopeful that amendments would be made to the Material Site Ordinance. He would like the Assembly and Planning Department to work together on the Ordinance in a work session prior to the February 1, 2022 assembly meeting. He wished everyone a good night.

Assembly Member Derkevorkian thanked the members of the public for their involvement throughout the evening.

Assembly Member Tupper thanked everyone for their involvement throughout the evening.

Assembly Member Cox encouraged people to apply for the Kenai Peninsula Borough Planning Commission. He encouraged everyone to be kind to teachers and administrators. He wished everyone a good evening.

Assembly Member Ecklund stated her appreciation for the work that took place throughout the evening. She thanked the public for their participation.

Assembly Member Chesley encouraged members of the public to speak to the hospital boards directly.

President Johnson thanked Borough staff for their support throughout the night and the members of the public for their participation. He wished everyone a good night.

PENDING LEGISLATION

INFORMATIONAL MATERIALS AND REPORTS

ASSEMBLY MEETING AND HEARING ANNOUNCEMENTS

1. February 1, 2022 Regular Assembly Meeting
6:00 PM Betty J. Glick Assembly Chambers
Borough Administration Building Remote participation available through Zoom
Meeting ID: 884 7373 9641 Passcode: 671108

ADJOURNMENT

With no further business to come before the assembly, President Johnson adjourned the meeting at 11:57 p.m.

I certify the above represents accurate minutes of the Kenai Peninsula Borough Assembly meeting of January 18, 2022.

Johni Blankenship, MMC, Borough Clerk

Approved by the Assembly: _____

LAYDOWN

Introduced by:

Mayor, Bjorkman

Date:

02/01/22

Action:

Vote:

KENAI PENINSULA BOROUGH COMMENDING RESOLUTION

A RESOLUTION COMMENDING RACHEL M. PARRA, DIRECTOR, NORTH PENINSULA RECREATION SERVICE AREA FOR HER CONTRIBUTION, DEDICATION, AND MANY YEARS OF PUBLIC SERVICE TO THE NORTH PENINSULA RECREATION SERVICE AREA AND BOROUGH

WHEREAS, Rachel M. Parra has been volunteering and working with the North Peninsula Recreation Service Area for a quarter century starting in 1997, and as Director since 2005; and

WHEREAS, while Director, Rachel M. Parra has worked tirelessly to secure state and borough funding for significant capital improvement projects for the North Peninsula Recreation Service Area like Nikiski Community Recreation Center, Nikiski Community Playground, and Nikiski Disc Golf Course and Trail System; and

WHEREAS, during her tenure Rachel and North Peninsula Recreation Service Area received multiple awards and accolades. including the “Professional of the Year” award from Alaska Recreation and Parks Association, which is the highest recognition level for AR&PA; and

WHEREAS, the leadership qualities Rachel lives by guided her responsibilities as a Director in a way that supported the values of the community; while being fiscally responsible to those invested. She set the bar high; challenged her team to strive for their best, and worked together to achieve those goals. She valued perseverance and enabled the vision of thinking outside the box; and

WHEREAS, she would like to be remembered for the role she has played in shaping the many youth, families, volunteers and employees, and the overall the quality of life for the community in to what it is today. She is proud to have been instrumental in overseeing the “world-class” recreation complex; and

WHEREAS, Rachel would like to impart three simple bits of wisdom and advice. First, act with integrity, inspire others and own it. Rewards will come later. Next, you can’t get there alone. Develop relationships, focus on others, not yourself. Last of all, smile, it feels good and makes others feel good;

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

SECTION 1. That the Kenai Peninsula Borough commends Rachel Parra for her many years of exceptional public service and dedication to the North Peninsula Recreation Service Area and Borough.

SECTION 2. The assembly and the borough administration extend its best wishes to Rachel and her family upon her retirement.

SECTION 3. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 1ST DAY OF FEBRUARY, 2022.

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

SPH, Inc. Quarterly Report

Prepared for

The Kenai Peninsula Borough
Assembly and Administration

February 1, 2022

South Peninsula Hospital is the healthcare provider of choice, with a dynamic and dedicated team committed to service excellence.

SOUTH PENINSULA HOSPITAL Ownership and Governance

KENAI PENINSULA BOROUGH

South Kenai Peninsula Hospital Service Area Board

Kathryn Ault, Helen Armstrong, Ralph Broshe, Amber Cabana, Tim Daugharty, Willy Dunne, Roberta Highland, Judith Lund, Tim Whip

[Ordinance 69-4](#)
[Ordinance 73-3](#)
[Ordinance 2013-31](#)

Kenai Peninsula Borough Assembly



Lands Committee · Finance Committee

Borough Mayor's Office

Borough Mayor
Charlie Pierce

Departments
Finance
Purchasing
Capital Projects

Operating Agreement

City of Homer

Homer City Mayor
Ken Castner

City Council
Donna Aderhold, Shelly Erickson, Storm Hansen-Cavasos, Caroline Venuti, Rachel Lord, Jason Davis

South Peninsula Hospital, Inc.

Board of Directors



Committees
Executive · Finance · Governance

SPH Foundation, Inc.

Executive Director
Jeffrey Eide

Board of Trustees

Clyde Boyer, Kelly Cooper, Angie Newby, Dottie Harness-Foster, Judith Lund, Mary Ann Rowe, Jessica Williams

[SPHFI Articles of Incorporation](#)

SPH Medical Staff

Chief of Staff



Christopher Landess, MD

Medical Executive Committee

Sarah Roberts, MD; Bill Bell, MD; Cherie Ingles, MD; Brent Adcox, MD; Julie McCarron, CNM, ANP; Paula Godfrey, DO

Medical Providers

Teamsters

Local 959
[Collective Bargaining Agreement](#)

Operational needs & strategies



SPH CEO
Ryan Smith

Funding & directives

Leadership Team of SPH



DIRECT REPORTS

STAFF, RESOURCES & DEPARTMENTS

COMMITTEES

SPH Auxiliary

2022 SPH Board of Directors



Kelly Cooper



Bernadette Wilson



Walter Partridge



Keri-Ann Baker



Dr. Todd Boling



Julie Woodworth



Matthew Hambrick



Dr. Edson Knapp



Melissa Jacobsen



Beth Wythe



Aaron Weisser

Welcome
Aaron!!

2022 Medical Staff Executive Committee



Christopher Landess, MD
Chief of Staff



Sarah Roberts, MD
Vice Chief of Staff



Bill Bell, MD
Credentials Chair



Cherie Ingles, MD
MEC Member-at-Large



Brent Adcox, MD
MEC Member-at-Large



Julie McCarron, CNM
MEC APP Member-at-Large



Paula Godfrey, DO
Peer Review Cmte Chair

New in Leadership

Christy Tuomi, DO
Chief Medical Officer



Stacy Froese
HR Director



Rachael Kincaid
Long Term Care Director/
Interim CNO



Scott Mullen
Support Services Director



The Moneyball Metric

What is the single most important performance metric to manage that has the greatest impact on your overall business objectives?

1. A consistent performance and environment of high quality and safety (first do no harm).
2. A consistent high quality patient experience (a leading edge delight factor to most accurately predict loyalty).
3. A consistent positive net operating margin (no margin = no mission). Keeping to doors open = access to care.
4. Being considered a “destination of choice” for physicians to practice, employees to work and for patients to receive care.

Hospital Compare

South Peninsula Hospital

4300 Bartlett St
Homer, AK 99603

(907) 235-8101

 Save to Favorites

Central Peninsula...

250 Hospital Place
Soldotna, AK 99669

(907) 262-4404

 Save to Favorites

Providence Alaska Medical...

3200 Providence Drive
Anchorage, AK 99508

(907) 562-2211

 Save to Favorites

HOSPITALS

Patient survey rating



Hospital type

Critical Access Hospitals

Acute Care Hospitals


Acute Care Hospitals

Nursing Home Compare

South Peninsula Hospital Ltc

4300 Bartlett Street
Homer, AK 99603


(907) 235-0235

 Save to Favorites

Heritage Place

232 Rockwell Avenue
Soldotna, AK 99669

(907) 262-2545

 Save to Favorites

Providence Extended Care

920 Compassion Circle
Anchorage, AK 99504

(907) 212-9200

 Save to Favorites

NURSING HOMES

Overview



Overall rating



Much above average



Much above average



Above average

Employee Engagement

Engagement Indicator



+0.15 vs. Nat'l Healthcare Avg (Employee) 2021

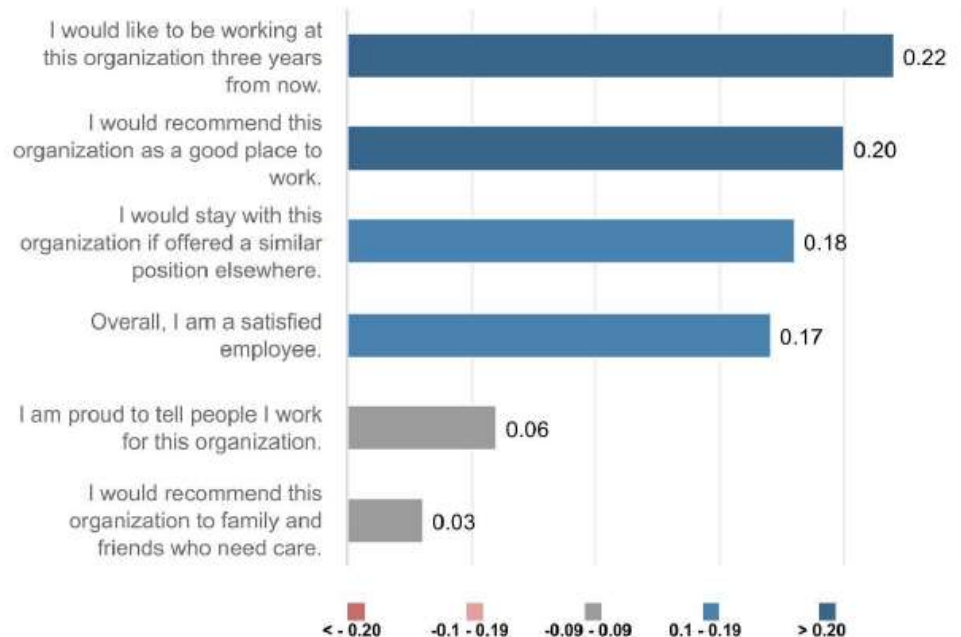
Historical Performance

2019 4.12



The Engagement Indicator is a composite metric of six (6) items that measure employees' degree of pride in the organization, intent to stay, willingness to recommend, and overall workplace satisfaction.

vs. Nat'l Healthcare Avg (Employee) 2021



Medical Staff Engagement

Engagement Indicator



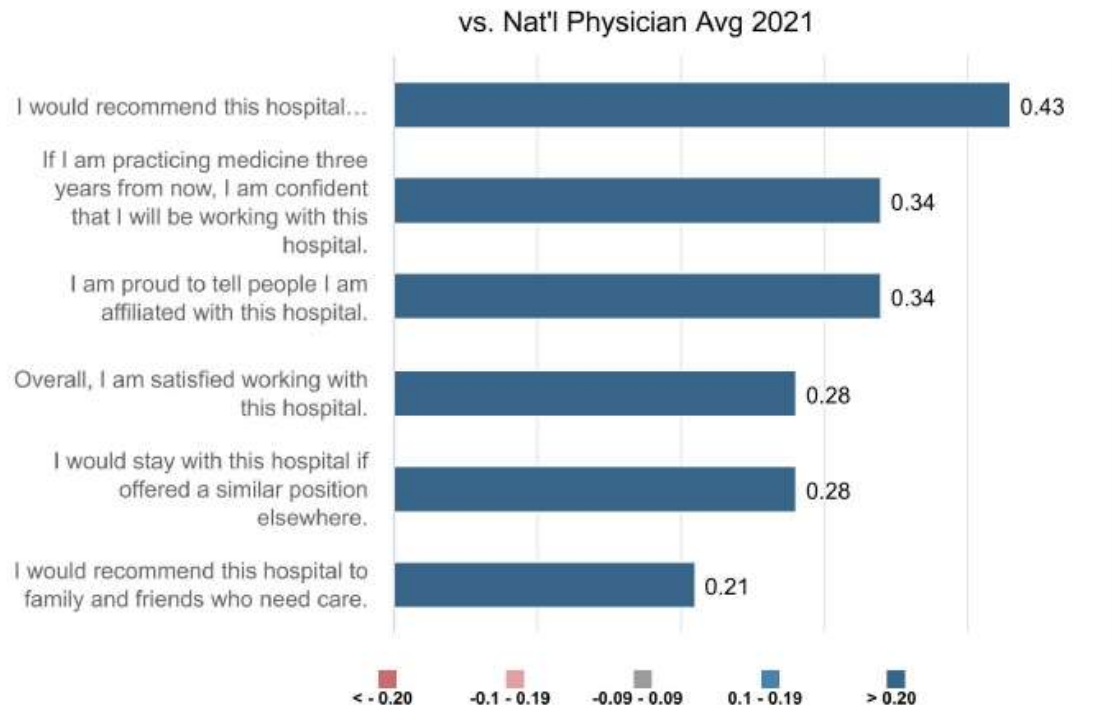
+0.32 vs. Nat'l Physician Avg 2021

Historical Performance

2019 4.32



The Engagement Indicator is a composite metric of six (6) items that measure employees' degree of pride in the organization, intent to stay, willingness to recommend, and overall workplace satisfaction.



New Providers



Lucy Fisher, MD
Psychiatry



Kurt Mentzer, MD
Orthoepdic Surgery

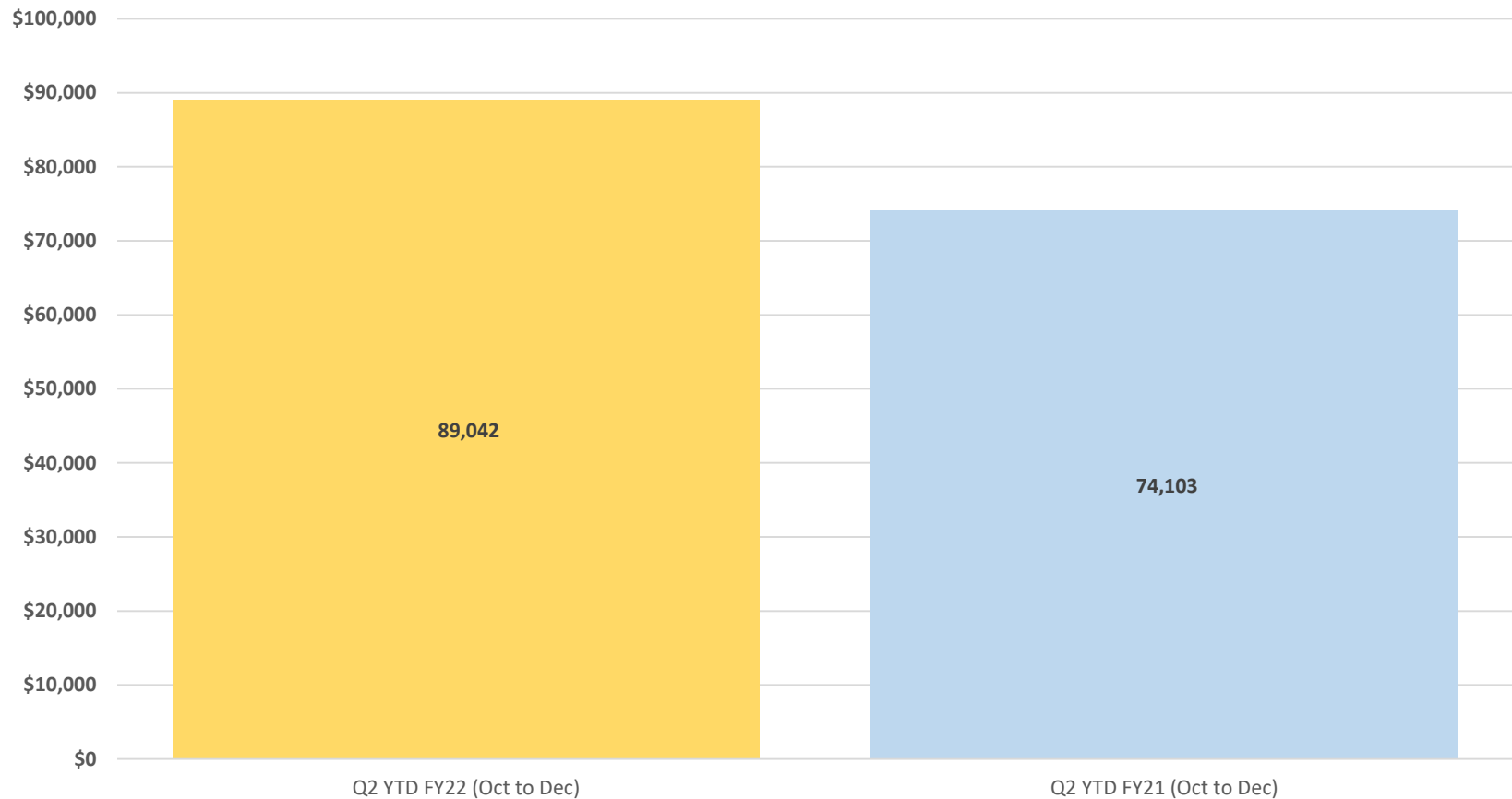


Nathan Kincaid, MD
General Surgery
Starts March 1, 2022

Second Quarter YTD FY 2022
(Oct – Dec 2021)
Financial Results

Gross Patient Revenue-Q2 YTD FY22

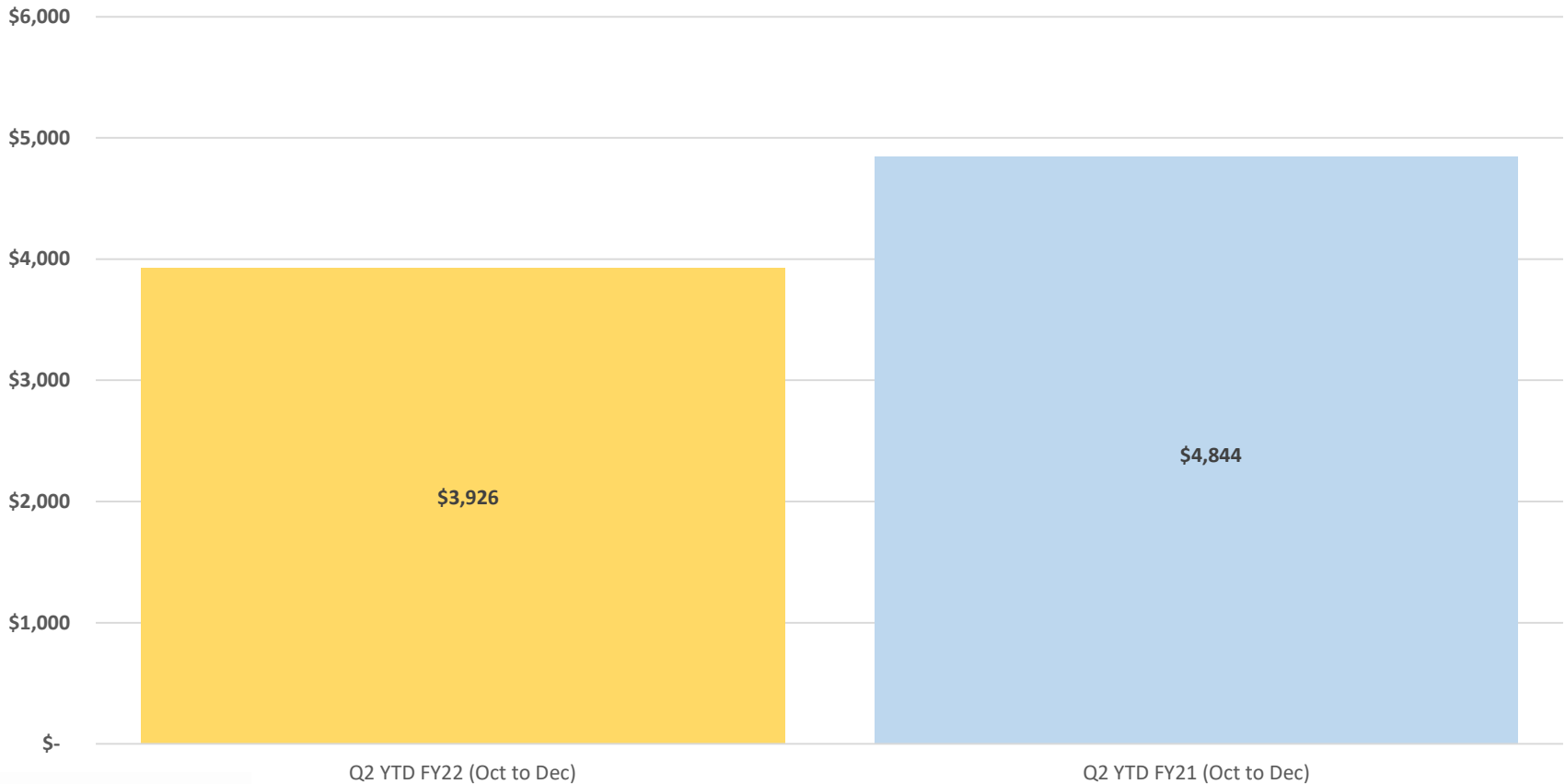
(in thousands)



South Peninsula Hospital is the healthcare provider of choice, with a dynamic and dedicated team committed to service excellence.

Net Income-Q2 YTD FY22

(in thousands)

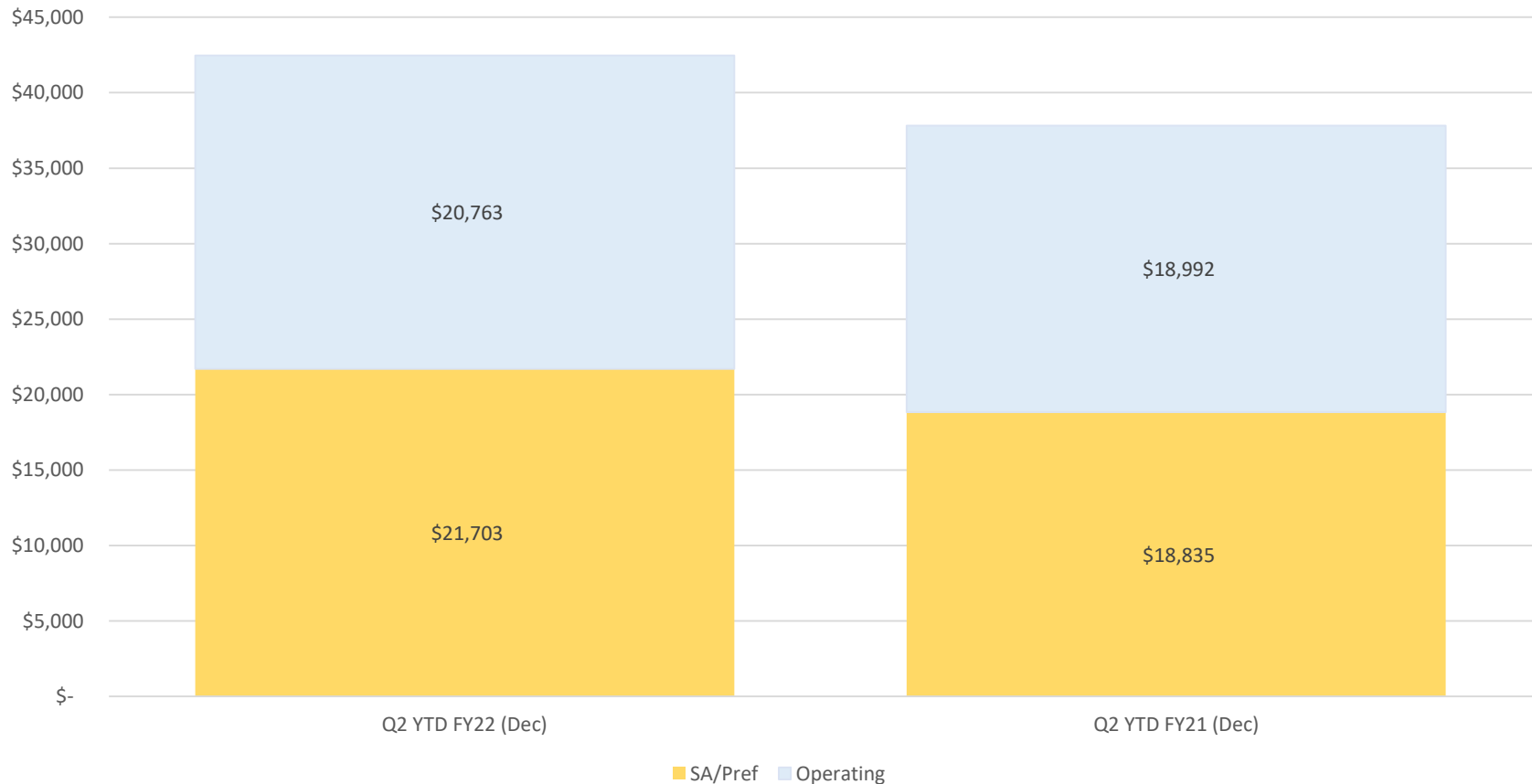


South Peninsula Hospital is the healthcare provider of choice, with a dynamic and dedicated team committed to service excellence.

Cash & Cash Equivalents-Q2 YTD FY22

Operating Cash, SA Cash, PREF

(in thousands)

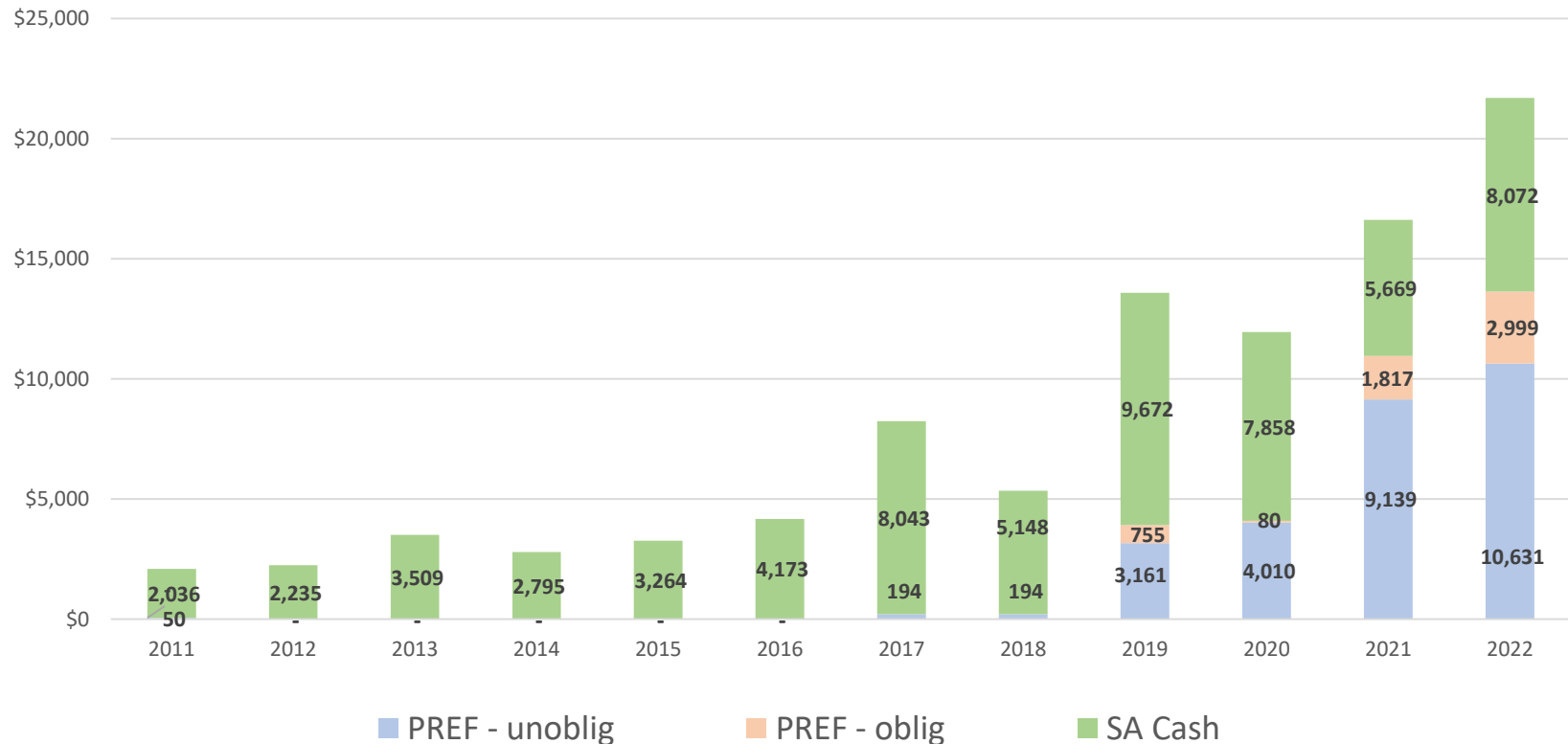


- Q2 FY22 – No Transfer ending 12/31/2021 as Cash on Hand was fewer than 90 days

South Peninsula Hospital is the healthcare provider of choice, with a dynamic and dedicated team committed to service excellence.

South Peninsula Hospital Service Area and Plant Replacement Cash held at KPB

(in thousands)



South Peninsula Hospital is the healthcare provider of choice, with a dynamic and dedicated team committed to service excellence.

Hohe Street Building



Serene Waters



Vicki Jackson, LCSW



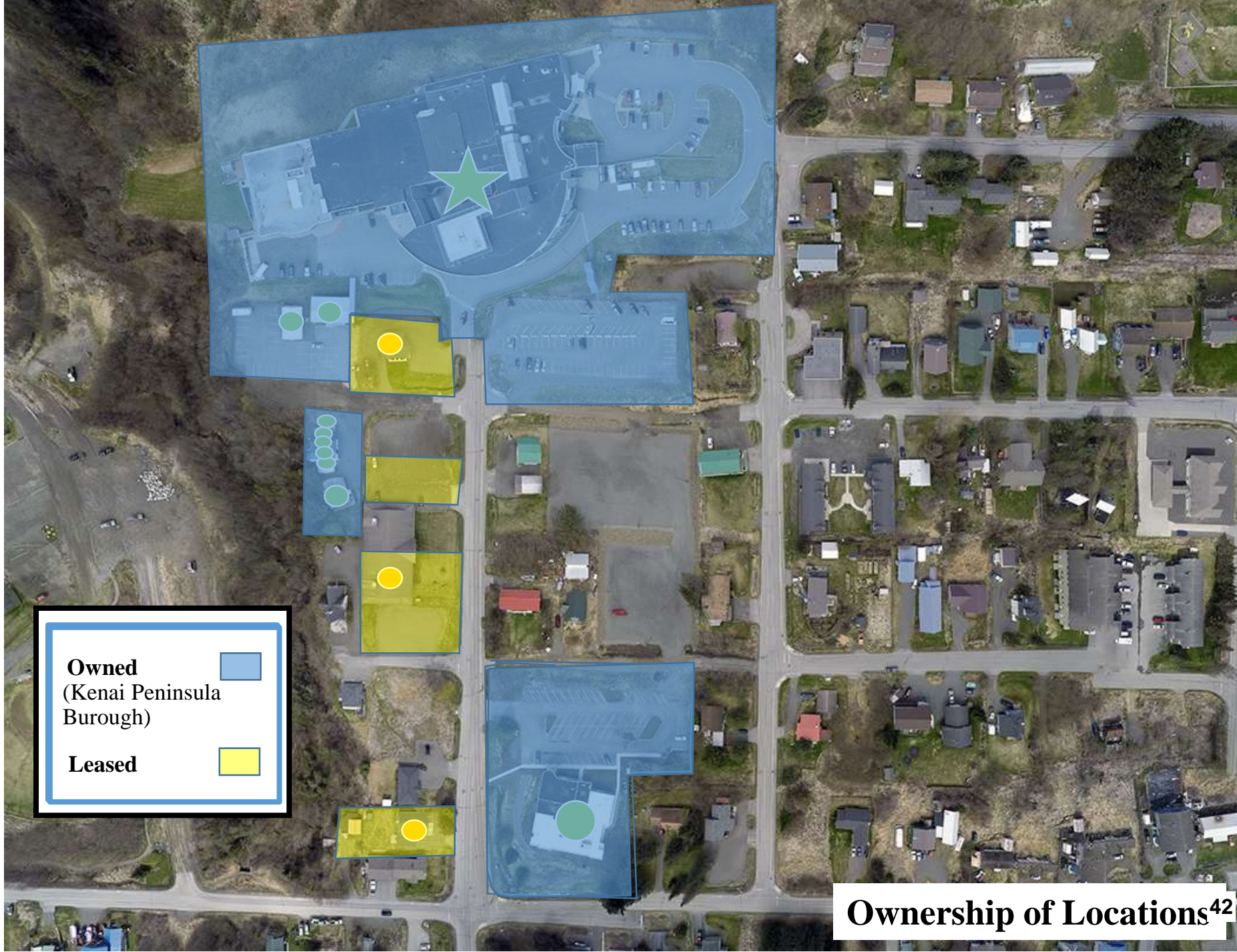
Lucy Fisher, MD



Donna Rollins, FPMHNP-
BC

Master Facility Planning





Owned
(Kenai Peninsula
Borough)

Leased

SPH Retirements

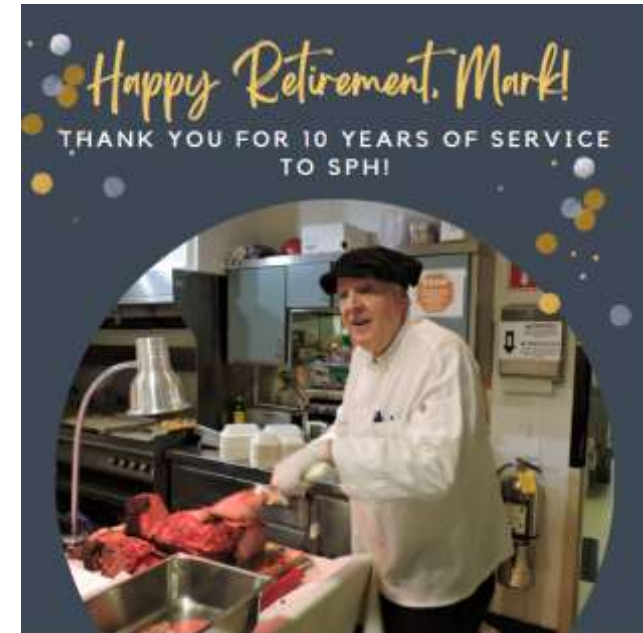


Robbie Coffey – 33 years

Claire Almond – 15 years

Laura Hansen – 10 Years

Mark Steven – 10 years





In Memory of Devon Kennelty

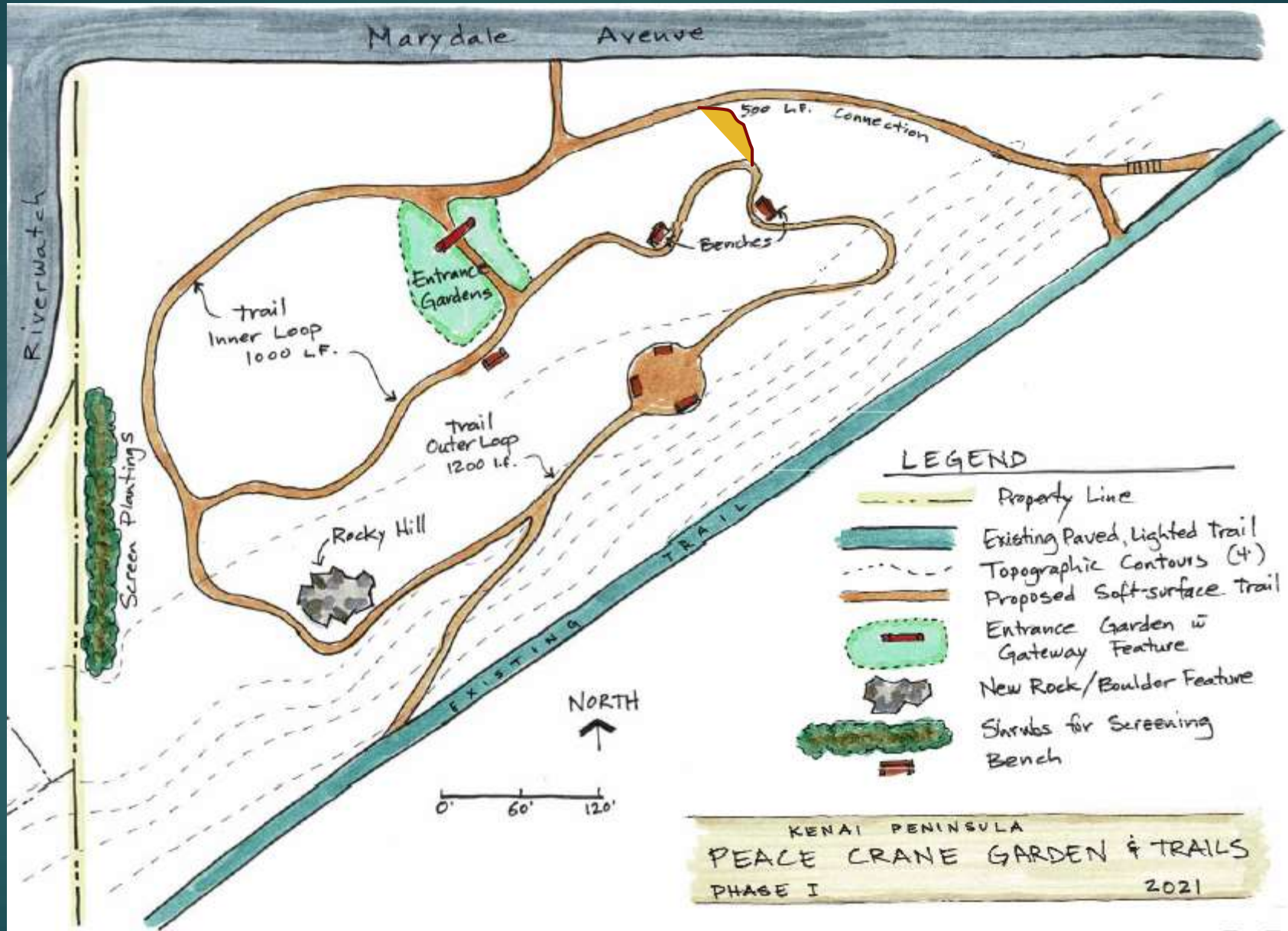
Thank you, KPB Mayor and Assembly

QUESTIONS?

平和鶴庭園散策路
キーナイ半島



Kenai Peninsula Peace
Crane Garden Trails









Partnerships

- ROTARY CLUB OF SOLDOTNA
- KENAI RIVER ROTARY CLUB
- KENAI ROTARY CLUB
- WILDWOOD OUTDOOR WORK PROGRAM
- 6TH GRADERS FROM REDOUBT AND SOLDOTNA ELEMENTARY AS PART OF A CARING FOR THE KENAI PLANTING PROJECT
- SALAMANTOF NATIVE ASSOCIATION, INC.
- KALUSH FAMILY

OVER 310 VOLUNTEER HOURS WORKED THIS SUMMER

Funding

- ▶ Rasmuson Tier 1 Grant
- ▶ 100 Women Who Care of Kenai, Soldotna, Sterling
- ▶ Hilcorp Employees
- ▶ City of Soldotna mini-grant
- ▶ Mini-Fundraiser – Evening of Sake Tasting
 - ▶ Specialty Imports and Sake One
 - ▶ Flats Bistro
 - ▶ Declination Studios
 - ▶ Promethean Cuisine
- ▶ Several Local Donors with continued support of KPPCGT

Coming Year

- ▶ Focus on completing Rotunda and placing Peace Crane sculpture.
- ▶ Improving mulched trails, removing debris, and laying gravel as funding comes in (approximately 2200lf of trail remain).
- ▶ Defining borders and planning specific planting sites.
- ▶ Gate Construction
- ▶ Signage
- ▶ Expand volunteer and member base.

Introduced by:	Mayor
Date:	01/18/22
Hearing:	02/01/22
Action:	Enacted as Amended
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-19-34**

**AN ORDINANCE ACCEPTING AND APPROPRIATING FISHERIES BUSINESS TAX
FUNDS RECEIVED FROM THE STATE OF ALASKA UNDER THE FEDERAL
PASS-THROUGH PROGRAM, AMERICAN RESCUE PLAN ACT OF 2021,
IN THE AMOUNT OF \$86,408.54 FOR THE PURPOSE OF SUPPLEMENTING
THE RADIO CONSULTANT PROJECT TO ADDRESS
PUBLIC SAFETY COMMUNICATIONS**

WHEREAS, House Bill 69, which appropriated funding to the Business Fisheries Tax program, was passed by the State Legislature and signed by the Governor, with line item vetoes, on June 30, 2021; and;

WHEREAS, House Bill 69 appropriated funds from the American Rescue Plan Act of 2021, Coronavirus State and Local Fiscal Recovery Program (“Recovery Program”) to refund local governments and other entities their share of the fisheries business tax collected in the fiscal year ending June 30, 2019; and

WHEREAS, the borough fire and emergency services service areas and the office of emergency management (hereinafter referred to as “departments” or a “department”) intend to hire a radio consultant to conduct maintenance or installation of radios, tower repeaters, and borough communications plans to ensure interoperability and functionality (Project); and

WHEREAS, the Recovery Program funds will be appropriated by percentage to each department’s account to address areawide interoperability among borough entities, municipalities or federal agencies, is an integral function of public safety, and addresses the eligible use of these funds by way of the Recovery Plan federal guidance; and

WHEREAS, the Project cost difference will be met through already budgeted operating funds in each respective department as listed in Section 3; and

WHEREAS, at its regularly scheduled meeting held January 20, 2022, the Central Emergency Services Board recommended approval of the grant acceptance and cost share; and

WHEREAS, at its regularly scheduled meeting held January 26, 2022, the Nikiski Fire Service Area Board recommended approval with amendments by unanimous consent of the grant acceptance and cost share; and

WHEREAS, at its regularly scheduled meeting held January 20, 2022, the Kachemak Emergency Service Area Board recommended approval by unanimous cosent of the grant acceptance and cost share; and

WHEREAS, at its regularly scheduled meeting held January 11, 2022, the Bear Creek Fire Service Area Board recommended approval by unanimous consent of the grant acceptance and cost share; and

WHEREAS, at its regularly scheduled meeting held January 12, 2022, the Western Emergency Service Area Board recommended approval by unanimous consent of the grant acceptance and cost share; and

WHEREAS, it is in the best interests of the borough to accept these funds;

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

SECTION 1. That the mayor is authorized to execute grant agreements and any other documents deemed necessary to expend the funds and to fulfill the intents and purposes of this ordinance.

SECTION 2. That \$86,408.54 received from the State of Alaska under the federal pass-through program, American Rescue Plan Act of 2021 to refund fiscal year 2019 Fisheries Business Tax funds be appropriated to 100.00000.21FSH.33115 and transferred to department accounts as follows:

Department	%	Amount	Account
Central Emergency Services	30	\$25,940.64	211.51610.22FSH.43011
Nikiski Fire	22	\$19,525.11	206.51110. 22FSH.43011
Kachemak Emergency Services	15	\$13,196.28	212.51810. 22FSH.43011
Bear Creek Fire	8	\$6,778.91	207.51210. 22FSH.43011
Western Emergency Services	19	\$16,540.55	209.51410. 22FSH.43011
Office of Emergency Management	5	\$4,700.05	100.11250. 22FSH.43011

SECTION 3. That the project difference will be met by use of FY2022 appropriated operating funds from each department as follows:

Department	%	Amount	Account
Central Emergency Services	30	\$16,359	211.51610.00000.43011
Nikiski Fire	22	\$12,141	206.51110. 00000.43011
Kachemak Emergency Services	15	\$8,322	212.51810. 00000.43011
Bear Creek Fire	8	\$4,275	207.51210. 00000.43011
Western Emergency Services	19	\$10,431	209.51410. 00000.43011

Office of Emergency Management	5	\$2,964	100.11250. 00000.43011
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SECTION 4. That \$86,408.54 received from the State of Alaska under the federal pass-through program, American Rescue Plan Act of 2021 do not lapse at the end of the fiscal year.

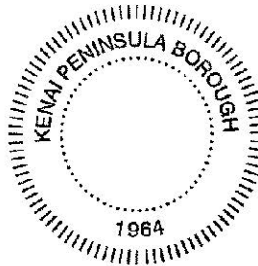
SECTION 5. This ordinance shall become effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 1ST DAY OF FEBRUARY, 2022.


Brent Johnson, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



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

Kenai Peninsula Borough

Fire Service Areas & Office of Emergency Management

MEMORANDUM

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

THRU: Charlie Pierce, Mayor *CP*
Brandi Harbaugh, Finance Director *BH*

FROM: Roy Browning, Chief – Central Emergency Services *RB*
Richard Brackin, Chief - Bear Creek Fire Service Area *RB*
Bob Ciccarella, Chief - Kachemak Emergency Service Area *RWC*
Trent Burnett, Chief - Nikiski Fire Service Area *TB*
Jon Marsh, Chief - Western Emergency Service Area *JM*
Brenda Ahlberg, Emergency Manager *BA*

DATE: January 6, 2022

RE: Ordinance 2021-19-34, Accepting and Appropriating Fisheries Business Tax Funds Received from the State of Alaska under the Federal Pass-Through Program, American Rescue Plan Act of 2021 in the Amount of \$86,408.54 for the Purpose of Supplementing the Radio Consultant Project to Address Public Safety Communications (Mayor)

The Fisheries Business Tax Program (Program) was created in 1990 to help municipalities impacted by the effects of the rapidly expanding offshore fish processing industry. A previously existing fish tax sharing program, commonly referred to as the Raw Fish Tax Program, administered by the Department of Revenue, shares back to municipalities half of the state fisheries business tax collected from fish processors operating inside municipal boundaries. The Department's program extends tax sharing to include a sharing of fish taxes collected outside of municipal boundaries, primarily from floating processors.

This year, the State of Alaska fiscal year 2022 operating budget funded the Program using the American Rescue Plan Act (ARPA) of 2021; the borough's allocation for fiscal year 2019 is \$86,408.54. The U.S. Treasury Interim Guidance restricts the use of these funds for eligible public safety projects under the revenue replacement category.

The borough administration recommends that the Program funds be used to supplement the cost to hire a consultant that will address the radio

Page -2-

January 6, 2022

RE: O2021-19- 34

communications, maintenance and repair needs among all of the fire and emergency service areas and the office of emergency management (hereinafter "department" or "departments"). The contract cost is projected at \$140,900 for one year (additional contract details should be available by the 02/15/22 Mayor's Report).


Upon approval of this ordinance, each department will transfer operating funds to meet the cost difference, which is based upon department equipment and estimated contractual obligations (see schedule for the percentage of revenues by department).

The service area board recommendations will be provided for public hearing scheduled February 15, 2022. Brenda Ahlberg, Emergency Manager will be the project manager for the Fisheries Business Tax grant.

Your consideration of this ordinance is appreciated.

Attachments: State of Alaska notification; Schedule of revenue sources by department

FINANCE DEPARTMENT: FUNDS/ACCOUNT VERIFIED

Department	%	Operating	Account
Central Emergency Services	30%	\$16,359.00	211.51610.00000.43011
Nikiski Fire	22%	\$12,141.00	206.51110.00000.43011
Kachemak Emergency	15%	\$8,322.00	212.51810.00000.43011
Bear Creek Fire	8%	\$4,275.00	207.51210.00000.43011
Western Emergency	19%	\$10,431.00	209.51410.00000.43011
Emergency Management	5%	\$2,964.00	100.11250.00000.43011
	100%	\$54,492.00	
Verified By: 		Date: 1/6/2022	

Kenai Peninsula Borough
Office of the Borough Clerk

MEMORANDUM

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

THRU: Johni Blankenship, Borough Clerk (JB)

FROM: Michele Turner, Deputy Borough Clerk (MT)

DATE: February 1, 2022

RE: Ordinance 2021-19-34: Accepting and Appropriating Fisheries Business Tax Funds Received from the State of Alaska under the Federal Pass-Through Program, American Rescue Plan Act of 2021 in the Amount of \$86,408.54 for the Purpose of Supplementing the Radio Consultant Project to Address Public Safety Communications (Mayor)

Per KPB 22.40.050(F), the borough clerk, or the clerk's designee in his or her absence, has the authority to revise pending resolutions and ordinances prior to assembly action, by filling in any blanks in the legislation stating advisory board recommendations made concerning the legislation. This serves as our memorandum to advise the assembly of same.

Conforming to the advisory boards' actions, the last five Whereas clauses have been updated to read:

"WHEREAS, at its regularly scheduled meeting held January 20, 2022, the Central Emergency Services Board recommended approval of the grant acceptance and cost share; and

WHEREAS, at its regularly scheduled meeting held January 26, 2022, the Nikiski Fire Service Area Board recommended approval with amendments by unanimous consent of the grant acceptance and cost share; and

WHEREAS, at its regularly scheduled meeting held January 20, 2022, the Kachemak Emergency Service Area Board recommended approval by unanimous consent of the grant acceptance and cost share; and

WHEREAS, at its regularly scheduled meeting held January 11, 2022, the Bear Creek Fire Service Area Board recommended approval by unanimous consent of the grant acceptance and cost share; and

WHEREAS, at its regularly scheduled meeting held January 12, 2022, the Western Emergency Service Area Board recommended approval by unanimous consent of the grant acceptance and cost share; and"

Thank you.

02021-19-34

Turner, Michele

From: Kapp, Glenda
Sent: Thursday, January 27, 2022 11:51 AM
To: Turner, Michele
Cc: Blankenship, Johni
Subject: Ordinance2021-19 Approval

Hi Michele,

Not sure who to send this to but per Chief Browning I am to let you know. The CES Service Area Board met January 20th and voted to accept the ordinance.

Ordinance 2021-19 American Rescue Plan Act was reviewed and discussed. Mr. Linn made a MOTION to accept the ARPA funding grant meeting the cost difference of \$16,359.00 Ms. Morton seconded. MOTION passed

THX

Glenda

Glenda Kapp
Administrative Assistant
Central Emergency Services
231 S. Binkley St.
Soldotna, AK 99669

gkapp@kpb.us
(907) 262-4792
Fax (907) 260-6236

Turner, Michele

From: Burnett, Trent
Sent: Monday, January 31, 2022 3:59 PM
To: Turner, Michele
Cc: Ledahl, Bryan
Subject: RE: KPB Ordinance 2021-19-34

Michele,

Our board had two motions: The first was to change the word "address" in the 3rd whereas to "Conduct", Assemblyman Bjorkman was at the meeting and is aware of this.

Then, our board voted unanimous in support of the ordinance 21-19-34

This was at our January 26th meeting.

Thank you,

Trent Burnett
Fire Chief
Nikiski Fire Dept.
(907)776-6401
(907)398-4101

From: Turner, Michele <MicheleTurner@kpb.us>
Sent: Monday, January 31, 2022 3:40 PM
To: Burnett, Trent <TBurnett@kpb.us>; Cicciarella, Bob <bCicciarella@kpb.us>; Brackin, Richard <RBrackin@kpb.us>; Marsh, Jon <JMarsh@kpb.us>
Cc: Ledahl, Bryan <BLedahl@kpb.us>; Schultz, Eric <ESchultz@kpb.us>; Petersen, Traci <tpetersen@kpb.us>; Mathis, Robert <RMathis@kpb.us>
Subject: KPB Ordinance 2021-19-34
Importance: High

RE: Ordinance 2021-19-34: Accepting and Appropriating Fisheries Business Tax Funds Received from the State of Alaska under the Federal Pass-Through Program, American Rescue Plan Act of 2021 in the Amount of \$86,408.54 for the Purpose of Supplementing the Radio Consultant Project to Address Public Safety Communications (Mayor)

Good afternoon Chiefs,

Tomorrow, the Assembly will be considering the referenced ordinance.

We are needing to know if your fire service area voted on the ordinance and if so, which meeting was it heard, and was the board's vote unanimous?

Thank you for your help!

Michele Turner, CMC

Deputy Clerk / Records Manager
(907) 714-2165 direct

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669



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.

Turner, Michele

From: Cicciarella, Bob
Sent: Monday, January 31, 2022 3:59 PM
To: Turner, Michele; Burnett, Trent; Brackin, Richard; Marsh, Jon
Cc: Ledahl, Bryan; Schultz, Eric; Petersen, Traci; Mathis, Robert
Subject: RE: KPB Ordinance 2021-19-34

KESA Board voted Unanimously to support in the January 20, 2022 meeting

*Robert Cicciarella
Chief
Kachemak Emergency Services
53048 Ashwood Avenue
Homer, Alaska 99603
(907) 235-9811*

"Act as if what you do makes a difference. IT DOES." ~

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From: Turner, Michele <MicheleTurner@kpb.us>
Sent: Monday, January 31, 2022 3:40 PM
To: Burnett, Trent <TBurnett@kpb.us>; Cicciarella, Bob <bCicciarella@kpb.us>; Brackin, Richard <RBrackin@kpb.us>; Marsh, Jon <JMarsh@kpb.us>
Cc: Ledahl, Bryan <BLedahl@kpb.us>; Schultz, Eric <ESchultz@kpb.us>; Petersen, Traci <tpetersen@kpb.us>; Mathis, Robert <RMathis@kpb.us>
Subject: KPB Ordinance 2021-19-34
Importance: High

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Thank you for your help!

Michele Turner, CMC

Deputy Clerk / Records Manager
(907) 714-2165 direct

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669



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Turner, Michele

From: Brackin, Richard
Sent: Monday, January 31, 2022 3:55 PM
To: Turner, Michele
Subject: RE: KPB Ordinance 2021-19-34

That meeting was on January 11

From: Turner, Michele <MicheleTurner@kpb.us>
Sent: Monday, January 31, 2022 3:43 PM
To: Brackin, Richard <RBrackin@kpb.us>
Subject: RE: KPB Ordinance 2021-19-34

Perfect! Thank you!!

Michele Turner, CMC
Deputy Clerk / Records Manager
Kenai Peninsula Borough
(907) 714-2165 direct

From: Brackin, Richard <RBrackin@kpb.us>
Sent: Monday, January 31, 2022 3:42 PM
To: Turner, Michele <MicheleTurner@kpb.us>
Cc: Burnett, Trent <TBurnett@kpb.us>; Cicciarella, Bob <bCicciarella@kpb.us>; Marsh, Jon <JMarsh@kpb.us>; Ledahl, Bryan <BLedahl@kpb.us>; Schultz, Eric <ESchultz@kpb.us>; Petersen, Traci <tpetersen@kpb.us>; Mathis, Robert <RMathis@kpb.us>
Subject: Re: KPB Ordinance 2021-19-34

They did.

Last board meeting. It was unanimous.

Thought there was a new vote needed due to change in wording but found out today that the January vote was adequate.

Sent from my iPhone

On Jan 31, 2022, at 15:39, Turner, Michele <MicheleTurner@kpb.us> wrote:

RE: Ordinance 2021-19-34: Accepting and Appropriating Fisheries Business Tax Funds Received from the State of Alaska under the Federal Pass-Through Program, American Rescue Plan Act of 2021 in the Amount of \$86,408.54 for the Purpose of Supplementing the Radio Consultant Project to Address Public Safety Communications (Mayor)

Good afternoon Chiefs,

Tomorrow, the Assembly will be considering the referenced ordinance.

We are needing to know if your fire service area voted on the ordinance and if so, which meeting was it heard, and was the board's vote unanimous?

Thank you for your help!

Michele Turner, CMC

Deputy Clerk / Records Manager
(907) 714-2165 direct

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669



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.

Turner, Michele

From: Marsh, Jon
Sent: Monday, January 31, 2022 3:51 PM
To: Turner, Michele; Burnett, Trent; Cicciarella, Bob; Brackin, Richard
Cc: Ledahl, Bryan; Schultz, Eric; Petersen, Traci; Mathis, Robert
Subject: RE: KPB Ordinance 2021-19-34

Michelle,

WES board voted unanimously in support at the January 12th meeting.

Jon Marsh
Fire Chief
Western Emergency Services
15727 Kingsley Road
Ninilchik, AK 99639
(907) 567-3342 Station 1
(907) 235-6700 Station 3
(907) 299-4446 Cell
JMarsh@kpb.us



From: Turner, Michele
Sent: Monday, January 31, 2022 3:40 PM
To: Burnett, Trent <TBurnett@kpb.us>; Cicciarella, Bob <bCicciarella@kpb.us>; Brackin, Richard <RBrackin@kpb.us>; Marsh, Jon <JMarsh@kpb.us>
Cc: Ledahl, Bryan <BLedahl@kpb.us>; Schultz, Eric <ESchultz@kpb.us>; Petersen, Traci <tpetersen@kpb.us>; Mathis, Robert <RMathis@kpb.us>
Subject: KPB Ordinance 2021-19-34
Importance: High

RE: Ordinance 2021-19-34: Accepting and Appropriating Fisheries Business Tax Funds Received from the State of Alaska under the Federal Pass-Through Program, American Rescue Plan Act of 2021 in the Amount of \$86,408.54 for the Purpose of Supplementing the Radio Consultant Project to Address Public Safety Communications (Mayor)

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Thank you for your help!

Michele Turner, CMC

Deputy Clerk / Records Manager
(907) 714-2165 direct

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669



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: Bowman, Karmen M (DOR) <karmen.bowman@alaska.gov>
Sent: Wednesday, November 10, 2021 10:06 AM
To: Harbaugh, Brandi <BHarbaugh@kpb.us>
Cc: Glover, Colleen M (DOR) <colleen.glover@alaska.gov>; Headings, Mary Anne S (DOR) <maryanne.headings@alaska.gov>
Subject: <EXTERNAL-SENDER>Additional Fish Business Share per HB69
Attachments: CSLFRF Fisheries Business Tax Relief Expenditure Report Template and Instructions
Radio Maint Allocation 010322

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

Good morning!

With the passage of the FY2022 Operating Budget (HB69), there were supplemental funds appropriated to communities negatively impacted by the Coronavirus and had a reduction in lost revenue for FY2021 Fisheries Business Tax (FBT) sharing. As stated in the bill, tax collections in FY2021 are compared to tax collections from FY2019 with the reduction in collections to be appropriated using federal funds per the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF), American Rescue Plan Act (ARPA) of 2021.

Disbursements processed last night and should present to your account in a couple of days.

The amount for the Kenai Peninsula Borough is \$86,408.54

Attached are two documents pertaining to the funds you received for additional FBT Share from the CSLFRF appropriation and related reporting requirements. These reports are due to the Office of Management and Budget (OMB) Quarterly by the dates spelled out in the instruction document. These reports should be sent to OMB and not the Tax Division.

Please direct all questions about these documents to Paloma Harbor (OMB) @ (907) 465-4690 or paloma.harbour@alaska.gov

Thank you,

Karmen M Bowman
Accounting Manager
Alaska Department of Revenue, Tax Division
907-465-3776 (Office)
907-500-2191 (Cell)
karmen.bowman@alaska.gov

Assigned Value	Radios/Mobile Units			Towers			Repeater		
CES - 141 Portable/Mobile Units and 1 Repeater Tower		141		1		1		0	
NFD - 99 Portable/Mobile Units and 3 Repeater Towers		99		3		3		0	
KESA - 68 Portable/Mobile Units, 1 Repeater Tower and 1 short-haul booster repeater		68		1		1		1	
BCFSA - 35 Portable/Mobile Units and 1 Repeater Tower		35		1		1		0	
WESA - 89 Portable/Mobile Units and 1 Repeater Tower		89		1		1		0	
OEM - 26 Portable/Mobile Units		26						0	
		458		7		7		1	

Sample allocation									
Assigned Value									
CES	\$	114	\$	285	\$	285			
NFD		16,074		285		-		16,359	
KESA		11,286		855		-		12,141	
BCFSA		7,752		285		285		8,322	
WESA		3,990		285		-		4,275	
OEM		10,146		285		-		10,431	
		2,964		-		-		2,964	
	\$	52,212	\$	1,995	\$	285	\$	54,492	
								\$	140,900
									FALSE

Operating	Grant	Operating	Total
86,408.54			
30%	25,940.64	16,359.00	42,299.64
22%	19,252.11	12,141.00	31,393.11
15%	13,196.28	8,322.00	21,518.28
8%	6,778.91	4,275.00	11,053.91
19%	16,540.55	10,431.00	26,971.55
5%	4,700.05	2,964.00	7,664.05
100%	86,408.54	54,492.00	140,900.54

	\$	86,408
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Introduced by:	Mayor
Date:	01/18/22
Hearing:	02/01/22
Action:	Enacted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-19-35**

**AN ORDINANCE APPROPRIATING FUNDING FROM THE CENTRAL PENINSULA
HOSPITAL PLANT REPLACEMENT AND EXPANSION FUND FOR THE CENTRAL
PENINSULA HOSPITAL HOT LAB UPGRADE TO AN ISO CLEANROOM PROJECT**

- WHEREAS,** the Kenai Peninsula Borough ("KPB") has entered into an Operating Agreement with Central Peninsula General Hospital, Inc. ("CPGH, Inc.") for the operation of Central Peninsula Hospital ("CPH") and other medical facilities, and to provide other healthcare programs and services, on a nonprofit basis, in order to ensure the continued availability to the service area residents; and
- WHEREAS,** CPH provides a nuclear medicine service that utilizes small amounts of radioactive material or tracer (radiopharmaceuticals), a special gamma camera and a computer to form images; and
- WHEREAS,** the small amount of radioactive material or tracer is generated in a hot lab found within the CPH Imaging Department next to the nuclear medicine gamma camera; and
- WHEREAS,** radiopharmaceuticals fall under the control of the US Nuclear Regulatory Commission, which has updated *US Pharmacopeia (USP) 825 Radiopharmaceuticals – Preparation, Compounding, Dispensing, and Repackaging*, following ISO guidelines; and
- WHEREAS,** USP 825 regulations require increased environmental controls as they relate to radiopharmaceuticals, resulting in the need for CPH to provide for an updated hot lab; and
- WHEREAS,** CPH administration has engaged PDC Engineering to perform a gap analysis and concept scope to bring CPH into compliance with enforceable ISO guidelines; and
- WHEREAS,** CPH administration has developed a project cost estimate of \$568,194 to provide for the scope of the project, which includes: design and construction administration, construction (with contingency), a dose calibrator, a compounding isolator and KPB administrative/project management fees; and

WHEREAS, KPB Purchasing and Contracting released the construction project for bidding and two responsive and responsible bids were received that were significantly higher than original professional cost estimate; and

WHEREAS, actual total costs for the Hot Lab Upgrade Project are expected to be \$869,778, which is \$301,584 over the amount approved in Ordinance 2021-19-04; and

WHEREAS, there are sufficient funds available in the Central Peninsula Hospital Plant Replacement and Expansion Fund (PREF) to fund the additional \$301,584 cost of the Hot Lab Upgrade Project and CPH would like to utilize PREF funds for the additional cost of the project; and

WHEREAS, under Section 16(b) of the Operating Agreement, transfers in or out of the Central Peninsula Hospital's Plant Replacement and Expansion Fund shall first be considered by the CPGH, Inc. Board and its recommendations forwarded to the assembly; and

WHEREAS, at its meeting held on January 27, 2022, the CPH, Inc. Board recommended approval by the passage of CPH Resolution 2022-03 of the transfer of funds from the PREF in the amount of \$301,584 for the project;

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

SECTION 1. Funds in the amount of \$301,584 are appropriated from the Central Peninsula Hospital Plant Replacement and Expansion Fund account number 490.20602 to account number 490.81110.22LAB for the purpose of completing the Hot Lab Upgrade to an ISO Cleanroom Project.

SECTION 2. That the appropriations made in this ordinance are project length nature and as such do not lapse at the end of any particular fiscal year.

SECTION 3. This ordinance takes effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 1ST DAY OF FEBRUARY, 2022.

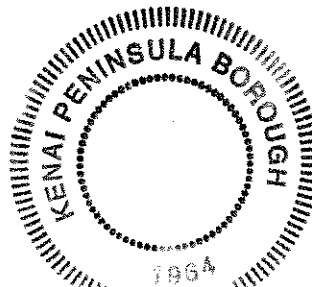


Brent Johnson, Assembly President

ATTEST:



Johni Blankenship, MMC, Borough Clerk



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

Kenai Peninsula Borough

Purchasing & Contracting Department

MEMORANDUM

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

THRU: Charlie Pierce, Mayor *CP*
Brandi Harbaugh, Finance Director *BH*

FROM: John Hedges, Purchasing & Contracting Director *JH*

DATE: January 6, 2022

RE: Ordinance 2021-19-35, Appropriating Funding from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Central Peninsula Hospital Hot Lab Upgrade to ISO Cleanroom Project (Mayor)

Central Peninsula Hospital currently provides nuclear medicine as a service. This service requires a small amount of radioactive material or tracer, which is a radiopharmaceutical, to be produced. Radiopharmaceuticals fall under the control of the US Nuclear Regulatory Commission, which publishes regulations and guidance for compliance. These regulations can be found in *US Pharmacopeia (USP) 825 Radiopharmaceuticals – Preparation, Compounding, Dispensing, and Repackaging* and follow ISO guidelines.

Central Peninsula Hospital is looking to upgrade the Nuclear Medicine Hot Lab to comply with new regulations, creating a safer environment. In order to comply with the new regulations, CPH administration has identified the scope of the project, provided for a gap analysis, and project cost estimate to include remodeling of space, a compounding isolator and dose calibrator.

The original budget appropriated for the project was \$568,194. After design and purchase of the compounding isolator were completed, the project was released for bidding. Two responsive and responsible bids were received, with the low bidder being \$483,939. Reviewing the total budget of the project with the construction cost identified, an additional \$301,584 is needed to complete the project. KPB and CPH will work with the contractor after they are under contract to identify possible cost savings.

Assembly approval of the additional appropriation to complete this project using the Central Peninsula Hospital Plant Replacement and Expansion Fund is requested.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Account:	<u>490.20602</u>
Amount:	<u>\$301,584</u>
By: <i>CP</i>	Date: <u>1/6/2022</u>

Kenai Peninsula Borough
Office of the Borough Clerk

MEMORANDUM

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

THRU: Johni Blankenship, Borough Clerk (JB)

FROM: Michele Turner, Deputy Borough Clerk (MT)

DATE: February 1, 2022

RE: Ordinance 2021-19-35: Appropriating Funding from the Central Peninsula Hospital Plant Replacement and Expansion Fund for the Central Peninsula Hospital Hot Lab Upgrade to ISO Cleanroom Project (Mayor)

Per KPB 22.40.050(F), the borough clerk, or the clerk's designee in his or her absence, has the authority to revise pending resolutions and ordinances prior to assembly action, by filling in any blanks in the legislation stating advisory board recommendations made concerning the legislation. This serves as our memorandum to advise the assembly of same.

Conforming to the advisory board's actions, the last Whereas clause have been updated to read:

"**WHEREAS**, at its meeting held on January 27, 2022, the CPH, Inc. Board recommended approval by the passage of CPH Resolution 2022-03 of the transfer of funds from the PREF in the amount of \$301,584 for the project;"

Thank you.



RESOLUTION 2022-03

A RESOLUTION APPROVING ADDITIONAL FUNDS REQUIRED FOR THE COMPLETION OF THE CENTRAL PENINSULA HOSPITAL HOT LAB UPGRADE TO AN ISO CLEANROOM PROJECT

- 1. WHEREAS**, the Kenai Peninsula Borough has entered into an Operating Agreement with Central Peninsula General Hospital, Inc. (CPGH, Inc.) for the operation of Central Peninsula Hospital and other Medical Facilities, and to provide other healthcare programs and services on a nonprofit basis in order to ensure continued availability to the Service Area residents; and
- 2. WHEREAS**, CPGH, Inc. is a "Rural" entity as that term is defined in 42 CFR §411.351, and the CPGH, Inc. Board of Directors has determined that it is in the best interests of the Hospital and of the patients that it serves to provide Anesthesia services to patients; and
- 3. WHEREAS**, Central Peninsula Hospital provides a Nuclear Medicine service that utilizes small amounts of radioactive material or tracer (radiopharmaceuticals), a special gamma camera and a computer to form images; and
- 4. WHEREAS**, the small amount of radioactive material or tracer is generated in a Hot Lab found within the Imaging Department next to the Nuclear Medicine gamma camera; and
- 5. WHEREAS**, Radiopharmaceuticals fall under the control of the US Nuclear Regulatory Commission, which has updated *US Pharmacopeia (USP) 825 Radiopharmaceuticals – Preparation, Compounding, Dispensing, and Repackaging*, following ISO guidelines; and
- 6. WHEREAS**, USP 825 regulations require increased environmental controls as they relate to radiopharmaceuticals, resulting in the need for CPH to provide for an updated Hot Lab; and
- 7. WHEREAS**, CPH Administration engaged PDC Engineering to perform a Gap Analysis and Concept Scope to bring CPH into compliance with enforceable ISO guidelines; and
- 8. WHEREAS**, CPH Administration developed an initial Project Cost Estimate of \$568,194 to provide for the scope of the project, which included: Design and Construction Administration, Construction (with contingency), a dose calibrator, a compounding isolator and Borough Admin/PM fee; and
- 9. WHEREAS**, CPGH, Inc. Board Resolution 2021-22 approved the Hot Lab Upgrade Project and authorized the transfer from the Plant Replacement and Expansion Fund (PREF) in the amount not to exceed \$568,194; and

10. WHEREAS, Actual costs quotes for the Hot Lab Upgrade Project came in at \$869,778, which is \$301,584 over the amount approved in Resolution 2021-22; and

11. WHEREAS, CPH Administration has determined that there are sufficient funds available in the Central Peninsula Hospital Plant Replacement and Expansion Fund (PREF) to fund the additional \$301,584 cost of the Hot Lab Upgrade Project and would like to utilize PREF funds for additional cost of the project; and

12. WHEREAS, under Section 16(b) of the Operating Agreement, neither the Borough or CPGH, Inc. shall obligate or attempt to spend or transfer funds from the PREF without approval and appropriation by the Borough Assembly; and,

13. WHEREAS, under Section 16(b) of the Operating Agreement, any transfer in or out of the PREF shall first be considered by the CPGH, Inc. Board and its recommendation shall be forwarded to the Assembly.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF DIRECTORS OF CENTRAL PENINSULA GENERAL HOSPITAL, INC., A NOT-FOR-PROFIT ALASKA CORPORATION, THAT:

SECTION 1. The Board of Directors of Central Peninsula General Hospital d/b/a Central Peninsula Hospital ("CPH") approves the additional funds required for the Central Peninsula Hospital Hot Lab Upgrade to an ISO Cleanroom to meet current guidelines, and authorizes the additional transfer of funds from the Plant Replacement and Expansion Fund (PREF) in the amount not to exceed \$301,584.

SECTION 2. The Board of Directors requests the Kenai Peninsula Borough Assembly approve the additional funding in the amount not to exceed \$301,584 and appropriate additional PREF funds for the project.

SECTION 3. This resolution becomes effective immediately upon adoption by the CPGH, Inc. Board of Directors.

I certify that the above resolution was approved by vote of the Board of Directors of Central Peninsula General Hospital, Inc. at the 01/27/22 Board meeting.

Dated: 01/27/22

Carrie Couey, Secretary/Treasurer
CPGH, Inc. Board of Directors

Introduced by:	Mayor
Date:	07/06/21
Hearing:	08/03/21
Action:	Enacted as Amended
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-19-04**

**AN ORDINANCE APPROPRIATING FUNDING FROM THE CENTRAL PENINSULA
HOSPITAL PLANT REPLACEMENT AND EXPANSION FUND FOR THE CENTRAL
PENINSULA HOSPITAL HOT LAB UPGRADE TO AN ISO CLEANROOM PROJECT**

- WHEREAS,** the Kenai Peninsula Borough has entered into an Operating Agreement with Central Peninsula General Hospital, Inc. for operation of Central Peninsula Hospital and other Medical Facilities, and to provide other healthcare programs and services, on a nonprofit basis in order to ensure the continued availability to the Service Area residents; and
- WHEREAS,** Central Peninsula Hospital provides a Nuclear Medicine service that utilizes small amounts of radioactive material or tracer (radiopharmaceuticals), a special gamma camera and a computer to form images; and
- WHEREAS,** the small amount of radioactive material or tracer is generated in a Hot Lab found within the Imaging Department next to the Nuclear Medicine gamma camera; and
- WHEREAS,** Radiopharmaceuticals fall under the control of the US Nuclear Regulatory Commission, which has updated *US Pharmacopeia (USP) 825 Radiopharmaceuticals – Preparation, Compounding, Dispensing, and Repackaging*, following ISO guidelines; and
- WHEREAS,** USP 825 regulations require increased environmental controls as they relate to radiopharmaceuticals, resulting in the need for CPH to provide for an updated Hot Lab; and
- WHEREAS,** CPH Administration has engaged PDC Engineering to perform a Gap Analysis and Concept Scope to bring CPH into compliance with enforceable ISO guidelines; and
- WHEREAS,** CPH Administration has developed a Project Cost Estimate of \$568,194 to provide for the scope of the project, which includes: Design and Construction Administration, Construction (with contingency), a dose calibrator, a compounding isolator and Borough Admin/PM fees; and

WHEREAS, the estimated amount also includes design development costs incurred to date for which CPGH, Inc. will be reimbursed; and

WHEREAS, CPH Administration has determined that there are sufficient funds available in the Central Peninsula Hospital Plant Replacement and Expansion Fund (PREF) to fund the project and would like to utilize PREF funds for this project; and

WHEREAS, under Section 16(b) of the Operating Agreement, transfers in or out of the Central Peninsula Hospital's Plant Replacement and Expansion Fund shall first be considered by the Central Peninsula General Hospital, Inc. Board and its recommendations forwarded to the assembly; and

WHEREAS, at its meeting of June 24, 2021, the CPGH, Inc. Board of Directors voted to approve the transfer of funds from the Plant Replacement and Expansion Fund in the amount of \$568,194 for the purpose of completing the Hot Lab Upgrade to an ISO Cleanroom Project;

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

SECTION 1. Funds in the amount of \$568,194 are appropriated from the Central Peninsula Hospital Plant Replacement and Expansion Fund account number 490.20602 to account number 490.81110.22LAB.49999 for the purpose of completing the Hot Lab Upgrade to an ISO Cleanroom Project.

SECTION 2. That the appropriations made in this ordinance are project length nature and as such do not lapse at the end of any particular fiscal year.

SECTION 3. This ordinance takes effect retroactively on June 23, 2021.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF AUGUST, 2021.



Brent Hibbert, Assembly President

ATTEST:



Jonni Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Carpenter, Chesley, Cox, Derkevorkian, Dunne, Elam, Johnson, Hibbert
No: None
Absent: None

Introduced by:	Mayor, Johnson
Date:	12/07/21
Hearing:	01/18/22
Action:	Postponed as Amended to 02/01/22
Vote:	5 Yes, 3 No, 1 Absent
Date:	02/01/22
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-41**

**AN ORDINANCE AMENDING KPB 21.29, KPB 21.25, AND KPB 21.50.055
REGARDING MATERIAL SITE PERMITS, APPLICATIONS, CONDITIONS, AND
PROCEDURES**

- WHEREAS,** Goal 2, Focus Area: Land Use and Changing Climate, Objective A of the 2019 Kenai Peninsula Borough Comprehensive Plan is to establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms; and
- WHEREAS,** Goal 2, Focus Area: Land Use and Changing Climate, Objective A, Strategy 1 of the 2019 Comprehensive Plan is to adopt limited development standards for specific areas and uses to reduce potential off site impacts of development on adjoining uses and the natural environment; and
- WHEREAS,** Goal 2, Focus Area: Land Use and Changing Climate, Objective A, Strategy 2 of the 2019 Comprehensive Plan is to update the Borough’s existing conditional use regulations for gravel extraction and other uses to better address reoccurring land use conflicts; and
- WHEREAS,** Goal 2, Focus Area: Land Use and Changing Climate, Objective A, Strategy 2a of the 2019 Comprehensive Plan is to clarify the broad purpose of the conditional use process and clear parameters for allowable conditional uses that include reasonable, project-specific conditions that reduce impacts on surrounding uses, and if/when a conditional use permit can be denied and consider establishing conditions that require larger setbacks, safety and visual screening, control on access routes, control on hours of operation, and address environmental concerns; and
- WHEREAS,** Goal 2, Focus Area: Land Use and Changing Climate, Objective A, Strategy 2d of the 2019 Comprehensive Plan is to complete improvements to the rules guiding gravel extraction, with the goal of providing an appropriate balance between providing access to affordable materials for development and protecting quality of life for borough residents; and

- WHEREAS,** Goal 1 of the Mining and Minerals Processing section of the 1990 Kenai Peninsula Borough Coastal Management Program is to provide opportunities to explore, extract and process minerals, sand and gravel resources, while protecting environmental quality and other resource users; and
- WHEREAS,** an assembly subcommittee was formed in 2005 to review the material site code; and
- WHEREAS,** Ordinance 2006-01 (Substitute) codified as KPB 21.29 was adopted in 2006 after consideration of the subcommittee's report; and
- WHEREAS,** the planning department has been administering Ordinance 2006-01 (Substitute), codified as KPB 21.29 for 13 years; and
- WHEREAS,** KPB 21.25.040 requires a permit for the commencement of certain land uses within the rural district of the Kenai Peninsula Borough; and
- WHEREAS,** the planning department has recognized that certain provisions of the material site ordinance could be better clarified for the operators, public, and staff; and
- WHEREAS,** the planning commission and planning department received comments expressing concerns about dust, noise, safety, and aesthetics; and
- WHEREAS,** approximately 253 registered prior existing use material sites and approximately 99 conditional land use permits for material sites have been granted since 1996;
- WHEREAS,** the planning department receives numerous complaints regarding unreclaimed parcels registered as nonconforming prior existing material sites which have not been regulated by KPB; and
- WHEREAS,** the assembly established a material site work group by adoption of Resolution 2018-004 (Substitute) to engage in a collaborative discussion involving the public and industry to make recommendations regarding the material site code; and
- WHEREAS,** assembly Resolution 2018-025 extended the deadline for the final report to be submitted to the assembly, administration and planning commission to April 30, 2019; and
- WHEREAS,** certain additional conditions placed on material site permits would facilitate a reduction in the negative secondary impacts of material sites, e.g. dust, noise, safety, and unsightliness of material sites; and
- WHEREAS,** at its regularly scheduled meeting of November 12, 2019, the planning commission recommended approval by unanimous consent;

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

SECTION 1. That KPB 21.25.030 is hereby amended, as follows:

21.25.030. - Definitions.

Unless the context requires otherwise, the following definitions apply to CLUPs:

Abandon means to cease or discontinue a use without intent to resume, but excluding short-term interruptions to use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure. An "intent to resume" can be shown through continuous operation of a portion of the facility, maintenance of utilities, or outside proof of continuance, e.g., bills of lading or delivery records. Abandonment also means the cessation of use, regardless of voluntariness, for a specified period of time.

Animal feeding operation means a lot or facility (other than an aquatic animal production facility) where animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period.

- a. The same animals need not remain on the lot for 45 days or more; rather, some animals are fed or maintained on the lot 45 days out of any 12-month period, and
- b. Animals are "maintained" for purposes of this ordinance when they are confined in an area where waste is generated and/or concentrated or are watered, cleaned, groomed, or medicated in a confined area, even if the confinement is temporary.
- c. Two or more animal feeding operations under common ownership are considered, for the purposes of these regulations, to be a single animal feeding operation if they adjoin each other.
- d. Slaughterhouses are animal feeding operations.

Animal unit means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighting [weighing] over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

Animal waste means animal excrement, animal carcasses, feed wasted, process wastewaters or any other waste associated with the confinement of animals from an animal feeding operation.

Animal waste management system means a combination of structures and nonstructural practices serving an animal feeding operation that provides for the collection, treatment, disposal, distribution, storage and land application of animal waste.

Aquifer means a subsurface formation that contains sufficient water-saturated permeable material to yield economical quantities of water to wells and springs.

Aquifer-confining layer means that layer of relatively impermeable soil below an aquifer, typically clay, which confines water.

Assisted living home means a residential facility that serves three or more adults who are not related to the owner by blood or marriage, or that receives state or federal payment for service of the number of adults served. The services and activities may include, but are not limited to, housing and food services to its residents, assistance with activities of daily living, and personal assistance, and that complies with Alaska Statutes 47.32.0101 – 47.60.900, as amended.

Child care facility means a place where child care is regularly provided for children under the age of 12 for periods of time that are less than 24 hours in duration and that is licensed pursuant to AS 47.35.005 et seq., excluding child care homes and child care group homes, as currently written or hereafter amended.

Commercial means any provision of services, sale of goods, or use operated for production of income whether or not income is derived, including sales, barter, rental, or trade of goods and services.

Concentrated animal feeding operation (CAFO) means an animal feeding operation confining at least: (1) 1,000 swine weighing at least approximately 55 pounds; (2) 1,000 slaughter and feeder cattle; (3) 700 mature dairy cattle; (4) 500 horses; (5) 10,000 sheep or lambs; (6) 55,000 turkeys; (7) 100,000 laying hens or broilers (if the facility has continuous overflow watering); (8) 30,000 laying hens or broilers (if the facility has a liquid manure system); (9) 5,000 ducks; (10) 1,000 animal units; or (11) a combination of the above resulting in at least 1,000 animal units. Each individual parcel upon which a CAFO is located is a separate CAFO unless they adjoin each other.

Conditioning or processing material means a value-added process including batch plants, asphalt plants, screening, washing, and crushing by use of machinery.

Correctional community residential center (CCRC) means a community residential center, other than a correctional institution, for the short-term or temporary detention of prisoners in transition from a correctional institution, performing restitution, or undergoing rehabilitation or recovery from a legal infirmity. CCRCs may not be used for detention of prisoners who pose a threat or danger to the public for violent or sexual misconduct without imprisonment or physical confinement under guard or twenty-four-hour physical supervision. The determination of whether a prisoner poses a threat or danger to the public for violent or sexual misconduct without imprisonment or physical confinement under guard or twenty-four-hour physical supervision shall be made by the commissioner of corrections for state prisoners and the United States Attorney General, or the U.S. Director of Bureau of Prisons for federal prisoners.

Correctional institution means a facility other than a correctional community residential center providing for the imprisonment or physical confinement or detention of prisoners under guard or twenty-four-hour physical supervision, such as prisons, prison farms, jails, reformatories, penitentiaries, houses of detention, detention centers, honor camps, and similar facilities.

Development plan means a plan created to describe a proposed development on a specific building site excluding material sites under KPB 21.29.020.

Disturbed includes active excavation and all areas necessary to use a parcel as a material site including but not limited to berms, stockpiles, and excavated areas excluding all areas reclaimed for alternate post mining land uses.

[EXHAUSTED MEANS THAT ALL MATERIAL OF A COMMERCIAL QUALITY IN A SAND, GRAVEL, OR MATERIAL SITE HAS BEEN REMOVED.]

Federal prisoners means offenders in the custody or control or under the care or supervision of the United States Attorney General or the Bureau of Prisons.

Groundwater means, in the broadest sense, all subsurface water, more commonly that part of the subsurface water in the saturated zone.

Haul route includes the roads used to haul materials from the permit area to a roadway designated as collector, arterial or interstate by the Alaska Department of Transportation & Public Facilities.

Liquid manure or liquid animal waste system means any animal waste management system which uses water as the primary carrier of such waste into a primary retention structure.

Multi-purpose senior center is a facility where persons 60 years of age or older are provided with services and activities suited to their particular needs. The

services and activities may include, but are not limited to, health examinations, legal assistance, recreation programs, general social activities, telephone reassurance programs, nutrition classes, meals at minimum cost, counseling, protective services, programs for shut-ins and education programs, and that complies with Alaska Statutes 47.60.010—47.60.090, as currently written or hereafter amended.

Permit area includes all excavation, processing, buffer and haul route areas of a CLUP or counter permit.

Person shall include any individual, firm, partnership, association, corporation, cooperative, or state or local government.

Prisoner means:

- a. a person held under authority of state law in official detention as defined in AS 11.81.900;
- b. includes a juvenile committed to the custody of the Alaska Department of Corrections Commissioner when the juvenile has been charged, prosecuted, or convicted as an adult.

Private school is a school comprised of kindergarten through 12th grade, or any combination of those grades, that does not receive direct state or federal funding and that complies with either Alaska Statute 14.45.030 or 14.45.100—14.45.130, as currently written or hereafter amended.

Public school is a school comprised of kindergarten through 12th grade, or any combination of those grades, that is operated by the State of Alaska or any political subdivision of the state.

Sand, gravel or material site means an area used for extracting, quarrying, or conditioning gravel or substances from the ground that are not subject to permits through the state location (mining claim) system (e.g., gold, silver, and other metals), nor energy minerals including but not limited to coal, oil, and gas.

Seasonal high groundwater table means the highest level to which the groundwater rises on an annual basis.

Senior housing project means senior housing as defined for purposes of construction or operation in 15 Alaska Administrative Code 151.950(c), as currently written or hereafter amended.

Stable condition means the rehabilitation, where feasible, of the physical environment of the site to a condition that allows for the reestablishment of

renewable resources on the site within a reasonable period of time by natural processes.

Surface water means water on the earth's surface exposed to the atmosphere such as rivers, lakes, and creeks.

Topsoil means material suitable for vegetative growth.

Vicinity means the same as the area of notification.

Waterbody means any lake, pond, stream, riparian wetland, or groundwater into which storm water runoff is directed.

Water source means a well, spring or other similar source that provides water for human consumptive use.

SECTION 2. That KPB 21.29 is hereby amended, as follows:

CHAPTER 21.29. MATERIAL SITE PERMITS

21.29.010. Material extraction exempt from obtaining a permit.

- A. Material extraction which disturbs an area of less than one acre that is not in a mapped flood plain or subject to 21.29.010(B), does not enter the water table, and does not cross property boundaries, does not require a permit. There will be no excavation within 20 feet of a right-of-way or within ten feet of a lot line.
- B. Material extraction taking place on dewatered bars within the confines of the Snow River and the streams within the Seward-Bear Creek Flood Service Area does not require a permit, however, operators subject to this exemption shall provide the planning department with the information required by KPB 21.29.030(A)(1), (2), (6), (7) and a current flood plain development permit prior to beginning operations.
- C. A prior existing use under KPB 21.29.120 does not require a material extraction permit, but a floodplain development permit is required for all activities within any mapped special flood hazard area.
- D. Material extraction incidental to site development does not require a permit when an approved site development plan is on file with the planning department. Site development plans are approved by the planning director and are valid for one year. The site development plan may be renewed on an annual basis subject to the planning director's approval.

21.29.020. Material extraction and activities requiring a permit.

- A. *Counter permit.* A counter permit is required for material extraction which disturbs no more than 2.5 cumulative acres and does not enter the water table. Counter permits are approved by the planning director, and are not subject to the notice requirements or planning commission approval of KPB 21.25.060. A counter permit is valid for a period of 12 months, with a possible 12-month extension.
- B. *Conditional land use permit.* A conditional land use permit (CLUP) is required for material extraction which disturbs more than 2.5 cumulative acres, or material extraction of any size that enters the water table. A CLUP is required for materials processing. A CLUP is valid for a period of five years. The provisions of KPB Chapter 21.25 are applicable to material site CLUPS and the provisions of KPB 21.25 and 21.29 are read in harmony. If there is a conflict between the provisions of KPB 21.25 and 21.29, the provisions of KPB 21.29 are controlling.

21.29.030. Application procedure.

- A. In order to obtain a counter permit or CLUP, an applicant shall first complete and submit to the borough planning department a permit application, along with the fee listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees. The planning director may determine that certain contiguous parcels are eligible for a single permit. The application shall include the following items:
 - 1. Legal description of the parcel, KPB tax parcel ID number, and identification of whether the permit is for the entire parcel, or a specific location within a parcel;
 - 2. Expected life span of the material site;
 - 3. A buffer plan consistent with KPB 21.29.050(A)(2);
 - 4. Reclamation plan consistent with KPB 21.29.060;
 - 5. The depth of excavation;
 - 6. Type of material to be extracted and type of equipment to be used;
 - 7. Any voluntary permit conditions the applicant proposes. Failure to include a proposed voluntary permit condition in the application does not preclude the applicant from proposing or agreeing to voluntary permit conditions at a later time;

8. Surface water protection measures, if any, for adjacent properties designed by a civil engineer, including the use of diversion channels, interception ditches, on-site collection ditches, sediment ponds and traps, and silt fence;
9. A site plan and field verification prepared by a professional surveyor licensed and registered in the State of Alaska, including the following information:
 - a. Location of excavation, and, if the site is to be developed in phases, the life span and expected reclamation date for each phase;
 - b. Proposed buffers consistent with KPB 21.29.050(A)(2), or alternate buffer plan;
 - c. Identification of all encumbrances, including, but not limited to easements;
 - d. Points of ingress and egress. Driveway permits must be acquired from either the state or borough as appropriate prior to the issuance of the material site permit;
 - e. Anticipated haul routes;
 - f. Location and [DEPTH] elevation of test holes, and depth of groundwater, if encountered between May and December. At least one test hole per ten acres of excavated area is required to be dug. The test holes shall be at least four feet below the proposed depth of excavation;
 - g. Location of wells of adjacent property owners within 300 feet of the proposed parcel boundary;
 - h. Location of any water body on the parcel, including the location of any riparian wetland as determined by ["WETLAND MAPPING AND CLASSIFICATION OF THE KENAI LOWLAND, ALASKA" MAPS CREATED BY THE KENAI WATERSHED FORUM] best available data;
 - [I. SURFACE WATER PROTECTION MEASURES FOR ADJACENT PROPERTIES, INCLUDING THE USE OF DIVERSION CHANNELS, INTERCEPTION DITCHES, ON-SITE COLLECTION DITCHES, SEDIMENT PONDS AND TRAPS, AND SILT FENCE; PROVIDE DESIGNS FOR SUBSTANTIAL STRUCTURES; INDICATE WHICH

STRUCTURES WILL REMAIN AS PERMANENT FEATURES AT THE CONCLUSION OF OPERATIONS, IF ANY;]

[J]i. Location of any processing areas on parcel, if applicable;

[K]j. North arrow;

[L]k. The scale to which the site plan is drawn;

[M]l. Preparer's name, date and seal;

[N]m. Field verification shall include staking the boundary of the parcel at sequentially visible intervals. The planning director may grant an exemption in writing to the staking requirements if the parcel boundaries are obvious or staking is unnecessary.

B. In order to aid the planning commission or planning director's decision-making process, the planning director shall provide vicinity, aerial, land use, and ownership maps for each application and may include additional information.

21.29.040. Standards for sand, gravel or material sites.

A. These material site regulations are intended to protect against aquifer disturbance, road damage, physical damage to adjacent properties, dust, noise, and visual impacts. Only the conditions set forth in KPB 21.29.050 may be imposed to meet these standards:

1. Protects against the lowering of water sources serving other properties;
2. Protects against physical damage to [OTHER] adjacent properties;
3. [MINIMIZES] Protects against off-site movement of dust;
4. [MINIMIZES] Protects against noise disturbance to other properties;
5. [MINIMIZES] Protects against visual impacts of the material site; [AND]
6. Provides for alternate post-mining land uses[.];
7. Protects Receiving Waters against adverse effects to fish and wildlife habitat;
8. Protects against traffic impacts; and

9. Provides consistency with the objectives of the Kenai Peninsula Borough Comprehensive Plan and other applicable planning documents.

21.29.050. Permit conditions.

- A. The following mandatory conditions apply to counter permits and CLUPs issued for sand, gravel or material sites:

1. [PARCEL]Permit boundaries. [ALL BOUNDARIES OF THE SUBJECT PARCEL] The buffers and any easements or right-of-way abutting the proposed permit area shall be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter. Field verification and staking will require the services of a professional land surveyor. Stakes shall be in place [AT TIME OF APPLICATION] prior to issuance of the permit.

- [2. *BUFFER ZONE.* A BUFFER ZONE SHALL BE MAINTAINED AROUND THE EXCAVATION PERIMETER OR PARCEL BOUNDARIES. WHERE AN EASEMENT EXISTS, A BUFFER SHALL NOT OVERLAP THE EASEMENT, UNLESS OTHERWISE CONDITIONED BY THE PLANNING DIRECTOR OR PLANNING COMMISSION.

- A. THE BUFFER ZONE SHALL PROVIDE AND RETAIN A BASIC BUFFER OF:

- I. 50 FEET OF UNDISTURBED NATURAL VEGETATION, OR

- II. A MINIMUM SIX-FOOT EARTHEN BERM WITH AT LEAST A 2:1 SLOPE, OR

- III. A MINIMUM SIX-FOOT FENCE.

- B. A 2:1 SLOPE SHALL BE MAINTAINED BETWEEN THE BUFFER ZONE AND EXCAVATION FLOOR ON ALL INACTIVE SITE WALLS. MATERIAL FROM THE AREA DESIGNATED FOR THE 2:1 SLOPE MAY BE REMOVED IF SUITABLE, STABILIZING MATERIAL IS REPLACED WITHIN 30 DAYS FROM THE TIME OF REMOVAL.

- C. THE PLANNING COMMISSION OR PLANNING DIRECTOR SHALL DESIGNATE ONE OR A COMBINATION OF THE ABOVE AS IT DEEMS APPROPRIATE. THE VEGETATION AND FENCE SHALL BE OF SUFFICIENT HEIGHT AND DENSITY TO PROVIDE VISUAL AND NOISE SCREENING OF THE PROPOSED USE AS DEEMED

APPROPRIATE BY THE PLANNING COMMISSION OR PLANNING DIRECTOR.

- D. BUFFERS SHALL NOT CAUSE SURFACE WATER DIVERSION WHICH NEGATIVELY IMPACTS ADJACENT PROPERTIES OR WATER BODIES. SPECIFIC FINDINGS ARE REQUIRED TO ALTER THE BUFFER REQUIREMENTS OF KPB 21.29.050(A)(2)(A) IN ORDER TO MINIMIZE NEGATIVE IMPACTS FROM SURFACE WATER DIVERSION. FOR PURPOSES OF THIS SECTION, SURFACE WATER DIVERSION IS DEFINED AS EROSION, FLOODING, DEHYDRATION OR DRAINING, OR CHANNELING. NOT ALL SURFACE WATER DIVERSION RESULTS IN A NEGATIVE IMPACT.
- E. AT ITS DISCRETION, THE PLANNING COMMISSION MAY WAIVE BUFFER REQUIREMENTS WHERE THE TOPOGRAPHY OF THE PROPERTY OR THE PLACEMENT OF NATURAL BARRIERS MAKES SCREENING NOT FEASIBLE OR NOT NECESSARY. BUFFER REQUIREMENTS SHALL BE MADE IN CONSIDERATION OF AND IN ACCORDANCE WITH EXISTING USES OF ADJACENT PROPERTY AT THE TIME OF APPROVAL OF THE PERMIT. THERE IS NO REQUIREMENT TO BUFFER THE MATERIAL SITE FROM USES WHICH COMMENCE AFTER THE APPROVAL OF THE PERMIT.]

2. Buffer Area. Material sites shall maintain buffer areas in accord with this section.

- a. A buffer area of a maximum of 100 feet shall be established between the area of excavation and the parcel boundaries. The buffer area may include one or more of the following: undisturbed natural vegetation, a minimum six-foot fence, a minimum six-foot earthen berm with at least a 2/1 slope or a combination thereof.
- b. A 2:1 slope shall be maintained between the buffer zone and excavation floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
- c. Where an easement exists, a buffer shall not overlap the easement, unless otherwise conditioned by the planning commission or planning director, as applicable.
- d. The vegetation and fence shall be of sufficient height and density to provide visual and noise screening of the proposed

use as deemed appropriate by the planning commission or the planning director.

- e. The buffer area may be reduced where the planning commission or planning director, as applicable, has approved an alternate buffer plan. The alternate buffer plan must consist of natural undisturbed vegetation, a minimum six-foot berm, or a minimum six-foot fence or a combination thereof; unless the permittee proposes another solution approved by the planning commission or planning director, as applicable, to meet this condition.
- f. The buffer requirements may be waived by the planning commission or planning director, as applicable, where the topography of the property or the placement of natural barriers makes screening not feasible or unnecessary.
- g. There is no requirement to buffer a material site from uses that commence after approval of the permit.
- h. When a buffer area has been denuded prior to review of the application by the planning commission or planning director revegetation may be required.

- 3. *Processing.* In the case of a CLUP, any equipment which conditions or processes material must be operated at least 300 feet from the parcel boundaries. At its discretion, the planning commission may waive the 300-foot processing distance requirement, or allow a lesser distance in consideration of and in accordance with existing uses of [OF ADJACENT PROPERTY AT THE TIME] the properties in the vicinity at the time of approval of the permit.

4. *Water source separation.*

- a. All permits shall be issued with a condition which prohibits any material extraction within 100 horizontal feet of any water source existing prior to original permit issuance.
- b. All counter permits shall be issued with a condition which requires that a four-foot vertical separation [FROM]between extraction operations and the seasonal high water table be maintained.
- c. All CLUPS shall be issued with a condition which requires that a [TWO] four-foot vertical separation [FROM]between

extraction operations and the seasonal high water table be maintained.

- d. There shall be no dewatering either by pumping, ditching or some other form of draining unless an exemption is granted by the planning commission. The exemption for dewatering may be granted if the operator provides a statement under seal and supporting data from a duly licensed and qualified impartial civil engineer, that the dewatering will not lower any of the surrounding property's water systems and the contractor posts a bond for liability for potential accrued damages.
5. *Excavation in the water table.* Excavation in the water table greater than 300 horizontal feet of a water source may be permitted with the approval of the planning commission based on the following:
- a. Certification by a qualified independent civil engineer or professional hydrogeologist that the excavation plan will not negatively impact the quantity of an aquifer serving existing water sources.
 - b. The installation of a minimum of three water monitoring tubes or well casings as recommended by a qualified independent civil engineer or professional hydrogeologist adequate to determine flow direction, flow rate, and water elevation.
 - c. Groundwater elevation, flow direction, and flow rate for the subject parcel, measured in three-month intervals by a qualified independent civil engineer or professional hydrogeologist, for at least one year prior to application. Monitoring tubes or wells must be kept in place, and measurements taken, for the duration of any excavation in the water table.
 - d. Operations shall not breach an aquifer-confining layer.
6. *Waterbodies.*
- a. An undisturbed buffer shall be left and no earth material extraction activities shall take place within [100] 200 linear feet from excavation limits and the ordinary high water level of surface water bodies such as a lake, river, stream, [OR OTHER WATER BODY, INCLUDING] riparian wetlands and mapped floodplains as defined in KPB 21.06. This regulation shall not apply to man-made waterbodies being constructed during the course of the materials extraction activities. In order to prevent

discharge, diversion, or capture of surface water, an additional setback from lakes, rivers, anadromous streams, and riparian wetlands may be required.

- b. Counter permits and CLUPS may contain additional conditions addressing surface water diversion.
7. *Fuel storage.* Fuel storage for containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
8. *Roads.* Operations shall be conducted in a manner so as not to damage borough roads as required by KPB 14.40.175 and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
9. *Subdivision.* Any further subdivision or return to acreage of a parcel subject to a conditional land use or counter permit requires the permittee to amend their permit. The planning director may issue a written exemption from the amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.
10. *Dust control.* Dust suppression is required on haul roads within the boundaries of the material site by application of water or calcium chloride.
11. *Hours of operation.* [ROCK CRUSHING EQUIPMENT SHALL NOT BE OPERATED BETWEEN 10:00 P.M. AND 6:00 A.M.]
 - a. Processing equipment shall not be operated between 7:00 p.m. and 6:00 a.m.
 - b. The planning commission may grant exceptions to increase the hours of operation and processing based on surrounding land uses, topography, screening the material site from properties in the vicinity and conditions placed on the permit by the planning commission to mitigate the noise, dust and visual impacts caused by the material site.

12. *Reclamation.*

- a. Reclamation shall be consistent with the reclamation plan approved by the planning commission or planning director as appropriate in accord with KPB 21.29.060.
- b. [AS A CONDITION OF ISSUING THE PERMIT, THE APPLICANT SHALL SUBMIT A RECLAMATION PLAN AND POST A BOND TO COVER THE ANTICIPATED RECLAMATION COSTS IN AN AMOUNT TO BE DETERMINED BY THE PLANNING DIRECTOR. THIS BONDING REQUIREMENT SHALL NOT APPLY TO SAND, GRAVEL OR MATERIAL SITES FOR WHICH AN EXEMPTION FROM STATE BOND REQUIREMENTS FOR SMALL OPERATIONS IS APPLICABLE PURSUANT TO AS 27.19.050.] The applicant shall operate the material site consistent with the approved reclamation plan and provide bonding pursuant to 21.29.060(B). This bonding requirement shall not apply to sand, gravel or material sites for which an exemption from state bond requirements for small operations is applicable pursuant to AS 27.19.050.

13. *Other permits.* Permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC air and water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives. Any violation of these regulations or permits reported to or observed by borough personnel will be forwarded to the appropriate agency for enforcement.

14. [~~VOLUNTARY~~]Volunteered *permit conditions.* Conditions may be included in the permit upon agreement of the permittee and approval of the planning commission for CLUPs or the planning director for counter permits. Such conditions must be consistent with the standards set forth in KPB 21.29.040(A). Planning commission approval of such conditions shall be contingent upon a finding that the conditions will be in the best interest of the borough and the surrounding property owners. [~~VOLUNTARY~~] Volunteered permit

conditions apply to the subject parcel and operation, regardless of a change in ownership. A change in [VOLUNTARY] volunteered permit conditions may be proposed [AT] by permit [RENEWAL OR AMENDMENT] modification.

15. *Signage.* For permitted parcels on which the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit, the permittee shall post notice of intent on parcel corners or access, whichever is more visible. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.
16. *Appeal.* No clearing of vegetation shall occur within the 100-foot maximum buffer area from the permit boundary nor shall the permit be issued or operable until the deadline for the appeal, pursuant to KPB 21.20, has expired.
17. *Sound level.*
 - a. No sound resulting from the materials extraction activities shall create a sound level, when measured at or within the property boundary of the adjacent land, that exceeds 75 dB(A).
 - b. For any sound that is of short duration between the hours of 7 a.m. and 7 p.m. the levels may be increased by:
 - i. Five dB(A) for a total of 15 minutes in any one hour; or
 - ii. Ten dB(A) for a total of five minutes in any hour; or
 - iii. Fifteen db(A) for a total of one and one-half minutes in any one-hour period.
 - c. At its discretion, the planning commission or planning director, as applicable, may reduce or waive the sound level requirements on any or all property boundaries. Sound level requirements shall be made in consideration of and in accordance with existing uses of the properties in the vicinity at the time of approval of the permit.
 - d. Mandatory condition KPB 21.29.050(A)(17) shall expire 365 days from adoption of KPB 21.29.050(A)(17) unless extended or modified by the assembly.

18. Reverse signal alarms. Reverse signal alarms, used at the material site on loaders, excavators, and other earthmoving equipment shall be more technically advanced devices; such as, a multi-frequency “white noise” alarms rather than the common, single (high-pitch) tone alarms. At its discretion, the planning commission or planning director, as applicable, may waive this requirement or a portion of this requirement. The waiver of this requirement shall be made in consideration of and in accordance with existing uses of the properties in the vicinity at the time of approval of the permit.
19. Ingress and egress. The planning commission or planning director may determine the points of ingress and egress for the material site. The permittee is not required to construct haul routes outside the parcel boundaries of the material site. Driveway authorization must be acquired, from either the state through an “Approval to Construct” or a borough road service area as appropriate, prior to issuance of a material site permit when accessing a public right-of-way.
20. Dust suppression. Dust suppression shall be required when natural precipitation is not adequate to suppress the dust generated by the material site traffic on haul routes. Based on surrounding land uses the planning commission or planning director, as applicable, may waive or reduce the requirement for dust suppression on haul routes.
21. Surface water protection. Use of surface water protection measures as specified in KPB 21.29.030(A)(8) must be approved by a licensed civil engineer.
22. Groundwater elevation. All material sites must maintain one monitoring tube per ten acres of excavated area four feet below the proposed excavation.
23. Setback. Material site excavation areas shall be 250-feet from the property boundaries of any local option zoning district, existing public school ground, private school ground, college campus, child care facility, multi-purpose senior center, assisted living home, and licensed health care facility. If overlapping, the buffer areas of the excavation shall be included in the 250-foot setback.

21.29.055. Decision.

The planning commission or planning director, as applicable, shall approve permit applications meeting the mandatory conditions or shall disapprove permit applications that do not meet the mandatory conditions. The decision shall include written findings supporting the decision, and when applicable, there shall be written findings supporting any site-specific alterations to the mandatory condition as

specifically allowed by KPB 21.29.050(A)(2)(a), (2)(c), (2)(d), (2)(e), (2)(g), (3), (4)(d), (5), (11)(b), (12), (14), (17)(c), (18), (19), and (20) and as allowed for the KPB 21.29.060 reclamation plan.

21.29.060. Reclamation plan.

- A. All material site permit applications require an overall reclamation plan along with a five-year reclamation plan. A site plan for reclamation shall be required including a scaled drawing with finished contours. A five-year reclamation plan must be submitted with a permit extension request.
- B. The applicant shall revegetate with a non-invasive plant species and reclaim all disturbed land [UPON EXHAUSTING THE MATERIAL ON-SITE, OR WITHIN A PRE-DETERMINED TIME PERIOD FOR LONG-TERM ACTIVITIES, SO AS TO LEAVE THE LAND IN A STABLE CONDITION. RECLAMATION MUST OCCUR FOR ALL EXHAUSTED AREAS OF THE SITE EXCEEDING FIVE ACRES BEFORE A FIVE-YEAR RENEWAL PERMIT IS ISSUED, UNLESS OTHERWISE REQUIRED BY THE PLANNING COMMISSION. IF THE MATERIAL SITE IS ONE ACRE OR LESS IN SIZE AND HAS BEEN GRANTED A CLUP DUE TO EXCAVATION IN THE WATER TABLE, RECLAMATION MUST BE PERFORMED AS SPECIFIED BY THE PLANNING COMMISSION OR PLANNING DIRECTOR IN THE CONDITIONAL USE OR COUNTER PERMIT] within the time period approved with the reclamation plan so as to leave the land in a stable condition. Bonding shall be required at \$2,000.00 per acre for all acreage included in the current five-year reclamation plan. In the alternative, the planning director may accept a civil engineer's estimate for determining the amount of bonding. If the applicant is bonded with the state, the borough's bonding requirement is waived. Compliance with reclamation plans shall be enforced under KPB 21.50.
- C. The following measures must be considered in the [PREPARING] preparation, approval and [IMPLEMENTING] implementation of the reclamation plan, although not all will be applicable to every reclamation plan.
 - 1. Topsoil that is not promptly redistributed to an area being reclaimed will be separated and stockpiled for future use. [THIS MATERIAL WILL BE PROTECTED FROM EROSION AND CONTAMINATION BY ACIDIC OR TOXIC MATERIALS AND PRESERVED IN A CONDITION SUITABLE FOR LATER USE.]
 - 2. The area will be backfilled, graded and recontoured using strippings, overburden, and topsoil [TO A CONDITION THAT ALLOWS FOR THE REESTABLISHMENT OF RENEWABLE RESOURCES ON THE SITE WITHIN A REASONABLE PERIOD OF TIME. IT WILL BE STABILIZED TO A CONDITION THAT WILL ALLOW SUFFICIENT MOISTURE FOR

REVEGETATION] so that it will be stabilized to a condition that will allow for the revegetation as required by KPB 21.29.060(B).

3. [SUFFICIENT QUANTITIES OF STOCKPILED OR IMPORTED TOPSOIL WILL BE SPREAD OVER THE RECLAIMED AREA TO A DEPTH OF FOUR INCHES TO PROMOTE NATURAL PLANT GROWTH THAT CAN REASONABLY BE EXPECTED TO REVEGETATE THE AREA WITHIN FIVE YEARS. THE APPLICANT MAY USE THE EXISTING NATURAL ORGANIC BLANKET REPRESENTATIVE OF THE PROJECT AREA IF THE SOIL IS FOUND TO HAVE AN ORGANIC CONTENT OF 5% OR MORE AND MEETS THE SPECIFICATION OF CLASS B TOPSOIL REQUIREMENTS AS SET BY ALASKA TEST METHOD (ATM) T-6.] The [MATERIAL] topsoil used for reclamation shall be reasonably free from roots, clods, sticks, and branches greater than 3 inches in diameter. Areas having slopes greater than 2:1 require special consideration and design for stabilization by a licensed engineer.
4. Exploration trenches or pits will be backfilled. Brush piles and unwanted vegetation shall be removed from the site, buried or burned. Topsoil and other organics will be spread on the backfilled surface to inhibit erosion and promote natural revegetation.
5. [PEAT AND T]Topsoil mine operations shall ensure a minimum of [TWO] four inches of suitable growing medium is left or replaced on the site upon completion of the reclamation activity (unless otherwise authorized).
6. Ponding may be used as a reclamation method as approved by the planning commission.

- D. The five-year reclamation plan shall describe the total acreage to be reclaimed [EACH YEAR, A LIST OF EQUIPMENT (TYPE AND QUANTITY) TO BE USED IN RECLAMATION, AND A TIME SCHEDULE OF RECLAMATION MEASURES] relative to the total excavation plan.

21.29.070. Permit extension and revocation.

- A. Conditional land use permittees must submit a request in writing for permit extension every five years after the permit is issued. Requests for permit extension must be made at least 30 days prior to permit expiration. Counter permittees must submit any request for a 12-month extension at least 30 days prior to the expiration of the original 12-month permit period.
- B. A permit extension certificate for a CLUP may be granted by the planning director after 5 years, and after one year for a counter permit where no modification to operations or conditions are proposed.

- C. Permit extension may be denied if: (1) reclamation required by this chapter and the original permit has not been performed; (2) the permittee is otherwise in noncompliance with the original permit conditions; or (3) the permittee has had a permit violation in the last two years and has not fulfilled compliance requests.
- D. A modification application shall be processed pursuant to KPB 21.29.030-050 with public notice given as provided by KPB 21.25.060 when operators request modification of their permit conditions based on changes in operations set forth in the modification application.
- E. There shall be no fee for permit extensions approved by the planning director. The fee for a permit modification processed under KPB 21.29.070(D) will be the same as an original permit application in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees.
- F. Failure to submit a request for extension will result in the expiration of the permit. The borough may issue a permit termination document upon expiration pursuant to KPB 21.29.080. Once a permit has expired, a new permit application approval process is required in order to operate the material site.
- G. Permits may be revoked pursuant to KPB 21.50. 21.29.080. - Permit termination.

When a permit expires, is revoked, or a permittee requests termination of their permit, a review of permit conditions and site inspections will be conducted by the planning department to ensure code compliance and verify site reclamation prior to termination. When the planning director determines that a site qualifies for termination, a termination document shall be issued to the permittee.

21.29.090. Permit modifications.

If a permittee revises or intends to revise operations (at a time other than permit extension) so that they are no longer consistent with the original application, a permit modification is required. The planning director shall determine whether the revision to operations requires a modification. Permit modification shall be processed in the same manner as original permits.

21.29.100. Recordation.

All permits, permit extensions, modified permits, prior existing uses, and terminations shall be recorded. Failure to record a material site document does not affect the validity of the documents.

21.29.110. Violations.

- A. Violations of this chapter shall be governed by KPB 21.50.
- B. In addition to the remedies provided in KPB 21.50, the planning director may require bonding in a form and amount adequate to protect the borough's interests for an owner or operator who has been cited for three violations of KPB 21.50, 21.25, and 21.29 within a three-year period. The violations need not be committed at the same material site. Failure to provide requested bonding may result in permit revocation proceedings.

21.29.120. Prior existing uses.

- A. Material sites are not held to the standards and conditions of a CLUP if a prior existing use (PEU) determination was granted for the parcel in accordance with KPB 21.29.120(B). To qualify as a PEU, a parcel's use as a material site must have commenced or have been operated after May 21, 1986, and prior to May 21, 1996, provided that the subject use continues in the same location. In no event shall a prior existing use be expanded beyond the smaller of the lot, block, or tract lines as they existed on May 21, 1996. If a parcel is further subdivided after May 21, 1996, the pre-existing use may not be expanded to any lot, tract, or parcel where extraction had not occurred before or on February 16, 1999. If a parcel is subdivided where extraction has already occurred, the prior existing use is considered abandoned, and a CLUP must be obtained for each parcel intended for further material site operations. The parcel owner may overcome this presumption of abandonment by showing that the subdivision is not inconsistent with material site operation. If a parcel subject to a prior existing use is conveyed, the prior existing use survives the conveyance.
- B. Owners of sites must have applied to be registered as a prior existing use prior to January 1, 2001.
- C. [ANY PRIOR EXISTING USE THAT HAS NOT OPERATED AS A MATERIAL SITE BETWEEN MAY 21, 1996, AND MAY 21, 2011, IS CONSIDERED ABANDONED AND MUST THEREAFTER COMPLY WITH THE PERMIT REQUIREMENTS OF THIS CHAPTER. THE PLANNING DIRECTOR SHALL DETERMINE WHETHER A PRIOR EXISTING USE HAS BEEN ABANDONED. AFTER GIVING NOTICE TO THE PARCEL OWNER THAT A PEU IS CONSIDERED ABANDONED, A PARCEL OWNER MAY

PROTEST THE TERMINATION OF THE PEU BY FILING WRITTEN NOTICE WITH THE PLANNING DIRECTOR ON A FORM PROVIDED BY THE PLANNING DEPARTMENT. WHEN A PROTEST BY A PARCEL OWNER IS FILED, NOTICE AND AN OPPORTUNITY TO MAKE WRITTEN COMMENTS REGARDING PRIOR EXISTING USE STATUS SHALL BE ISSUED TO OWNERS OF PROPERTY WITHIN A ONE-HALF MILE RADIUS OF THE PARCEL BOUNDARIES OF THE SITE. THE OWNER OF THE PARCEL SUBJECT TO THE PRIOR EXISTING USE MAY SUBMIT WRITTEN INFORMATION, AND THE PLANNING DIRECTOR MAY GATHER AND CONSIDER ANY INFORMATION RELEVANT TO WHETHER A MATERIAL SITE HAS OPERATED. THE PLANNING DIRECTOR MAY CONDUCT A HEARING IF HE OR SHE BELIEVES IT WOULD ASSIST THE DECISION-MAKING PROCESS. THE PLANNING DIRECTOR SHALL ISSUE A WRITTEN DETERMINATION WHICH SHALL BE DISTRIBUTED TO ALL PERSONS MAKING WRITTEN COMMENTS. THE PLANNING DIRECTOR'S DECISION REGARDING TERMINATION OF THE PRIOR EXISTING USE STATUS MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN 15 DAYS OF THE DATE OF THE NOTICE OF DECISION.]

The owner of a material site that has been granted a PEU determination shall provide proof of compliance with AS 27.19.030 – 050 concerning reclamation to the planning department no later than July 1, 2022. The proof shall consist of an Alaska Department of Natural Resources (DNR) approved reclamation plan and receipt for bonding or a letter of intent filed with DNR.

1. The planning department may request proof of continued compliance with AS 27.19.030 – 050 on an annual basis.
2. Pursuant to KPB 21.29.110 the enforcement process and remedies set forth in KPB 21.50 shall govern if the proof that the statutory requirements contained in AS 27.19.030-050 is not provided to the planning department.

SECTION 3. That KPB 21.50.055 is hereby amended, as follows:

21.50.055. Fines.

- A. Following are the fines for violations of this title. Each day a violation occurs is a separate violation. Violations begin to accrue the date the enforcement notice is issued and continue to the date the enforcement is initially set for hearing. The fine for a violation may not be reduced by the hearing officer to less than the equivalent of one day's fine for each type of violation.

CODE CHAPTER & SECTION	VIOLATION DESCRIPTION	DAILY FINE
KPB 20.10.030(A)	Offering land for sale without final plat approval	\$300.00
KPB 20.10.030(B)	Filing/recording unapproved subdivision/plat	\$300.00
KPB 20.10.030(C)	Violation of subdivision code or condition	\$300.00
KPB 21.05.040(C)	Violation of variance conditions	\$300.00
KPB 21.06.030(D)	Structure or activity prohibited by KPB 21.06	\$300.00
KPB 21.06.040	Failure to obtain a Development Permit/Floodplain Management	\$300.00
KPB 21.06.045	Failure to obtain a SMFDA Development Permit/Violation of SMFDA permit conditions/Floodplain Management	\$300.00
KPB 21.06.050	Violation of permit conditions/Floodplain Management	\$300.00
KPB 21.18.071	Failure to obtain staff permit/Violation of staff permit/Anadromous Streams Habitat Protection	\$300.00
KPB 21.18.072	Failure to obtain limited commercial activity permit/Violation of permit conditions/Anadromous Streams Habitat Protection	\$300.00
KPB 21.18.075	Prohibited use or structure/Anadromous Streams Habitat Protection	\$300.00
KPB 21.18.081	Failure to obtain Conditional Use Permit/Violation of Conditional Use Permit Condition/Anadromous Streams Habitat Protection	\$300.00
KPB 21.18.090	Failure to obtain prior existing use/structure permit/Violation of permit conditions/Anadromous Streams Habitat Protection	\$300.00
KPB 21.18.135(C)	Violation of emergency permit conditions/anadromous stream habitat protection	\$300.00

CODE CHAPTER & SECTION	VIOLATION DESCRIPTION	DAILY FINE
KPB 21.25.040	Failure to Obtain a Permit/Material Site/Correctional community residential center/Concentrated Animal Feeding Operation	\$300.00
KPB 21.28.030	Violation of permit conditions/Concentrated Animal Feeding Operations	\$300.00
KPB 21.29.020	Failure to Obtain a counter permit/Material Site Permits	\$300.00
KPB 21.29.050	Violation of Conditional Land Use Permit Conditions/Material Site Permits Also applies to KPB 21.26 material site permits	\$300.00
KPB 21.29.060	Violation of Reclamation Plan/Material Site Permits Also applies to KPB 21.26 material site permits	\$300.00
<u>KPB 21.29.120</u>	<u>Failure to Provide Reclamation Plan and Proof of Bonding or Letter of Intent</u>	<u>\$300.00</u>
KPB 21.44.100	Violation of Pre-existing structures/Local Option Zoning	\$300.00
KPB 21.44.110(D)	Prohibited expansion of nonconforming use/Local Option Zoning	\$300.00
KPB 21.44.110(E)	Prohibited Change in Use/Local Option Zoning	\$300.00
KPB 21.44.110(G)	Violation of Conditions on Nonconforming Use/Local Option Zoning	\$300.00
KPB 21.44.130(C)(D)	Violation of Home Occupation Standards and Conditions/Local Option Zoning	\$300.00
KPB 21.44.130(F)	Disallowed Home Occupation/Local Option Zoning	\$300.00
KPB 21.44.135	Failure to file development notice	\$300.00
KPB 21.44.160(A)(B)	Prohibited use	\$300.00

CODE CHAPTER & SECTION	VIOLATION DESCRIPTION	DAILY FINE
KPB 21.44.160(C)	Violation of Development Standards/Single Family Zoning/Local Option Zoning	\$300.00
KPB 21.44.165(A)(B)	Prohibited use	\$300.00
KPB 21.44.165(C)	Violation of Development Standards/Small Lot Residential Zoning/Local Option Zoning	\$300.00
KPB 21.44.170(A)(B)	Prohibited use	\$300.00
KPB 21.44.170(C)	Violation of Development Standards/Rural Residential District/Local Option Zoning	\$300.00
KPB 21.44.175(B)(C)	Prohibited Use	\$300.00
KPB 21.44.175(D)	Violation of Development Standards/Residential Waterfront	\$300.00
KPB 21.44.180(A)(B)	Prohibited Use	\$300.00
KPB 21.44.180(C)	Violation of Development Standards/Multi-Family Residential District/Local Option Zoning	\$300.00
KPB 21.44.190(A)(B)	Prohibited Use	\$300.00
KPB 21.44.190(C)	Violation of Development Standards/Industrial District/Local Option Zoning	\$300.00
KPB 21.46.030(b)	Failure to maintain bear-resistant garbage cans/Local option zone/Birch and Grove Ridge subdivisions Rural Residential District	\$300.00
KPB 21.50.100(F)	Removal of posted enforcement notice	\$300.00
KPB 21.50.100(G)	Violation of enforcement notice	\$1,000.00
KPB 21.50.130(I)	Violation of an enforcement order	\$1,000.00

SECTION 4. That this ordinance shall become effective upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF *, 2022.**

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes: Bjorkman, Derkevorkian, Elam, Tupper, Johnson

No: Chesley, Cox, Ecklund

Absent: Hibbert

Kenai Peninsula Borough Assembly

[Clerk's Note: At the 01/18/22 meeting this amendment failed 4 Yes, 4 No, 1 Absent. Notice of reconsideration was given by Mr. Elam.]

MEMORANDUM

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

FROM: Bill Elam, Assembly Member *BE*

DATE: January 18, 2022

SUBJECT: Elam Amendment #2 to Ordinance 2021-41, Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Johnson, Mayor)

[Please note the bold underlined language is new and the strikeout bold language in brackets is to be deleted.]

- Amend Section 2, KPB 21.29.040(A), as follows:

21.29.040. Standards for sand, gravel or material sites.

- A. These material site regulations are intended to protect against aquifer disturbance, road damage, physical damage to adjacent properties, dust, noise, and visual impacts. ~~**[Only the conditions set forth in KPB 21.29.050 may be imposed to meet these standards:]**~~ **The mandatory conditions of 21.29.050 are express conditions precedent to the granting of any conditional land use permit and after a public hearing, the planning commission must find, in writing, that through imposition of all the mandatory conditions under KPB 21.29.050 that the following standards are met:**
1. ~~**[Protects against the lowering of water sources serving other properties;]**~~
The use is not inconsistent with the applicable comprehensive plan;
 2. ~~**[Protects against physical damage to [other] adjacent properties;]**~~
The use will preserve the value, spirit, character, and integrity of the surrounding area;

Page 2 of 2

Date: January 18, 2022

RE: Elam Amendment #2 to O2021-41

3. ~~[[Minimizes] Protects against off-site movement of dust;]~~
The applicant has met all other requirements of this chapter pertaining to the use in question;
4. ~~[[Minimizes] Protects against noise disturbance to other properties;]]~~
That granting the permit will not be harmful to the public health, safety and general welfare; and
5. ~~[[Minimizes] Protects against visual impacts of the material site; [and]]~~
The sufficient setbacks, lot area, buffers or other safeguards are being provided to meet the conditions listed in KPB 21.29.050.
- ~~[6. Provides for alternate post-mining land uses[.];]~~
- ~~[7. Protects Receiving Waters against adverse effects to fish and wildlife habitat;]~~
- ~~[8. Protects against traffic impacts; and]~~
- ~~[9. Provides consistency with the objectives of the Kenai Peninsula Borough Comprehensive Plan and other applicable planning documents.]~~

Your consideration of this amendment is appreciated.

Kenai Peninsula Borough Assembly

MEMORANDUM

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

FROM: Cindy Ecklund, Assembly Member ^{1st}
Mike Tupper, Assembly Member ^{MT}

DATE: January 18, 2022

SUBJECT: Amendment to Ordinance 2021-41, Amending KPB 21.29, KPB 21.25,
and KPB 21.50.055 Regarding Material Site Permits, Applications,
Conditions, and Procedures (Johnson, Mayor)

[Please note the bold underlined language is new and the strikeout bold language in brackets is to be deleted.]

- Amend Section 2, KPB 21.29.050(A)(2)(a), as follows:

21.29.050. Permit conditions.

- A. The following mandatory conditions apply to counter permits and CLUPs issued for sand, gravel, or material sites:

...

2. Buffer Area. Material sites shall maintain buffer areas in accord with this section.

- a. A buffer area of a maximum of 100 feet shall be established between the area of excavation and the parcel boundaries. The buffer area may include one or more of the following: undisturbed natural vegetation, a minimum six-foot fence, ~~a minimum six-foot berm~~ **a minimum six-foot earthen berm with at least a 2/1 slope** or a combination thereof.

Clerk's Note: This amendment was approved at the 01/18/22 meeting. 8 Yes, 0 No, 1 Absent

Page 2 of 3

January 18, 2021

Re: Ecklund and Tupper Amendments to O2021-41

- Amend Section 2, KPB Section 21.29.050(A)(2)(c), as follows:

21.29.050. Permit conditions.

- A. The following mandatory conditions apply to counter permits and CLUPs issued for sand, gravel, or material sites:

...

2. Buffer Area. Material sites shall maintain buffer areas in accord with this section.

Clerk's Note: This amendment was approved at the 01/18/22 meeting. 5 Yes, 3 No, 1 Absent

- c. Where an easement exists, a buffer shall not overlap the easement, unless otherwise conditioned by the planning commission or planning director, as applicable. **d. The vegetation and fence shall be of sufficient height and density to provide visual and noise screening of the proposed use as deemed appropriate by the planning commission or the planning director.**

- Amend Section 2, KPB Section 21.29.050(A)(2)(d), as follows:

- A. The following mandatory conditions apply to counter permits and CLUPs issued for sand, gravel, or material sites:

...

2. Buffer Area. Material sites shall maintain buffer areas in accord with this section.

...

- d. The buffer area may be reduced where the planning commission or planning director, as applicable, has approved an alternate buffer plan. The alternate buffer plan must consist of natural undisturbed vegetation, ~~[a minimum six-foot berm]~~, **a minimum six-foot earthen berm with at least a 2/1 slope** or a minimum six-foot fence or a combination thereof; unless the permittee proposes another solution approved by the planning

Page 3 of 3

January 18, 2021

Re: Ecklund and Tupper Amendments to O2021-41

commission or planning director, as applicable, to meet this condition.

➤ Amend Section 2, KPB 21.29.055, as follows:

21.29.055. Decision.

~~[The planning commission or planning director, as applicable, shall approve permit applications meeting the mandatory conditions or shall disapprove permit applications that do not meet the mandatory conditions. The decision shall include written findings supporting the decision, and when applicable, there shall be written findings supporting any site-specific alterations to the mandatory condition as specifically allowed by KPB 21.29.050(A)(2)(a), (2)(c), (2)(d), (2)(e), (2)(g), (3), (4)(d), (5), (11)(b), (12), (14), (17)(c), (18), (19), and (20) and as allowed for the KPB 21.29.060 reclamation plan.]~~

The planning commission or planning director, as applicable, shall approve permit applications whereby mandatory standards under KPB 21.29.040 have been met through implementation of imposed and volunteered conditions set forth in KPB 21.29.050, or shall disapprove permit applications when the imposed and volunteered conditions do not meet the mandatory standards in KPB 21.29.040.

The decision shall include written findings detailing how the imposed and volunteered condition under KPB 21.29.050 meet, or do not meet the mandatory standards set forth in KPB 21.29.040, and evidence to support those findings. When applicable, there shall be written findings supporting any site-specific alterations to the mandatory condition as specifically allowed by KPB 21.29.050(A)(2)(a), (2)(c), (2)(d), (2)(e), (2)(g), (3), (4)(d), (5), (11)(b), (12), (14), (17)(c), (18), (19), and (20) and as allowed for the KPB 21.29.060 reclamation plan.

Your consideration of these amendments is appreciated.

Introduced by: Elam, Derkevorkian
Substitute Introduced: 02/01/22
O2021-41 (Mayor, Johnson) See Original Ordinance for Prior History
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-41
(ELAM, DERKEVORKIAN) SUBSTITUTE**

**AN ORDINANCE AMENDING KPB 21.29, KPB 21.25, AND KPB 21.50.055
REGARDING MATERIAL SITE PERMITS, APPLICATIONS, CONDITIONS, AND
PROCEDURES**

- WHEREAS,** Goal 2, Focus Area: Land Use, Objective A of the 2019 Kenai Peninsula Borough Comprehensive Plan is to establish policies to minimize land use conflicts, protect natural systems, and support individual land use freedoms; and
- WHEREAS,** Goal 2, Focus Area: Land Use, Objective A, Strategy 2 of the 2019 Comprehensive Plan is to update the Borough's existing conditional use regulations for material extraction to better address reoccurring land use conflicts; and
- WHEREAS,** Goal 2, Focus Area: Land Use, Objective A, Strategy 2a of the 2019 Comprehensive Plan is to clarify the broad purpose of the conditional use process and clear parameters for allowable conditional uses that include reasonable, project-specific conditions that reduce impacts on surrounding use; and
- WHEREAS,** Goal 2, Focus Area: Land Use, Objective A, Strategy 2d of the 2019 Comprehensive Plan is to complete improvements to the rules guiding gravel extraction, with the goal of providing an appropriate balance between providing access to affordable materials for development and quality of life for borough residents; and
- WHEREAS,** Goal 1 of the Mining and Minerals Processing section of the 1990 Kenai Peninsula Borough Coastal Management Program is to provide opportunities to explore, extract and process minerals, sand and gravel resources, while protecting environmental quality and other resource users; and
- WHEREAS,** an assembly subcommittee was formed in 2005 to review the material site code; and
- WHEREAS,** Ordinance 2006-01 (Substitute) codified as KPB 21.29 was adopted in 2006 after consideration of the subcommittee's report; and
- WHEREAS,** the planning department has been administering Ordinance 2006-01 (Substitute), codified as KPB 21.29 for 13 years; and

WHEREAS, KPB 21.25.040 requires a permit for the commencement of certain land uses within the rural district of the Kenai Peninsula Borough; and

WHEREAS, the planning department has recognized that certain provisions of the material site ordinance could be better clarified for the operators, public, and staff; and

WHEREAS, the planning commission and planning department received comments expressing concerns about dust, noise, safety; and

WHEREAS, approximately 253 registered prior existing use material sites and approximately 99 conditional land use permits for material sites have been granted since 1996;

WHEREAS, the planning department receives numerous complaints regarding unreclaimed parcels registered as nonconforming prior existing material sites which have not been regulated by KPB; and

WHEREAS, the assembly established a material site work group by adoption of resolution 2018-004 (Substitute) to engage in a collaborative discussion involving the public and industry to make recommendations regarding the material site code; and

WHEREAS, at its regularly scheduled meeting of November 12, 2019, the planning commission recommended approval by unanimous consent;

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

SECTION 1. That KPB 21.25.030 is hereby amended, as follows:

21.25.030. Definitions.

Unless the context requires otherwise, the following definitions apply to CLUPs:

Abandon means to cease or discontinue a use without intent to resume, but excluding short-term interruptions to use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure. An "intent to resume" can be shown through continuous operation of a portion of the facility, maintenance of utilities, or outside proof of continuance, e.g., bills of lading or delivery records. Abandonment also means the cessation of use, regardless of voluntariness, for a specified period of time.

Animal feeding operation means a lot or facility (other than an aquatic animal production facility) where animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period.

- a. The same animals need not remain on the lot for 45 days or more; rather, some animals are fed or maintained on the lot 45 days out of any 12-month period, and
- b. Animals are "maintained" for purposes of this ordinance when they are confined in an area where waste is generated and/or concentrated or are watered, cleaned, groomed, or medicated in a confined area, even if the confinement is temporary.
- c. Two or more animal feeding operations under common ownership are considered, for the purposes of these regulations, to be a single animal feeding operation if they adjoin each other.
- d. Slaughterhouses are animal feeding operations.

Animal unit means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighting [weighing] over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

Animal waste means animal excrement, animal carcasses, feed wasted, process wastewaters or any other waste associated with the confinement of animals from an animal feeding operation.

Animal waste management system means a combination of structures and nonstructural practices serving an animal feeding operation that provides for the collection, treatment, disposal, distribution, storage and land application of animal waste.

Aquifer means a subsurface formation that contains sufficient water-saturated permeable material to yield economical quantities of water to wells and springs.

Aquifer-confining layer means that layer of relatively impermeable soil below an aquifer, typically clay, which confines water.

Assisted living home means a residential facility that serves three or more adults who are not related to the owner by blood or marriage, or that receives state or that receives state or federal payment for service of the number of adults served. The services and activities may include, but are not limited to, housing and food services to its residents, assistance with activities of daily living, and personal assistance, and that complies with Alaska Statutes 47.32.0101 – 47.60.900, as amended.

Child care facility means a place where child care is regularly provided for children under the age of 12 for periods of time that are less than 24 hours in duration and that is licensed pursuant to AS 47.35.005 et seq., excluding child care homes and child care group homes, as currently written or hereafter amended.

Commercial means any provision of services, sale of goods, or use operated for production of income whether or not income is derived, including sales, barter, rental, or trade of goods and services.

Concentrated animal feeding operation (CAFO) means an animal feeding operation confining at least: (1) 1,000 swine weighing at least approximately 55 pounds; (2) 1,000 slaughter and feeder cattle; (3) 700 mature dairy cattle; (4) 500 horses; (5) 10,000 sheep or lambs; (6) 55,000 turkeys; (7) 100,000 laying hens or broilers (if the facility has continuous overflow watering); (8) 30,000 laying hens or broilers (if the facility has a liquid manure system); (9) 5,000 ducks; (10) 1,000 animal units; or (11) a combination of the above resulting in at least 1,000 animal units. Each individual parcel upon which a CAFO is located is a separate CAFO unless they adjoin each other.

Conditioning or processing material means a value-added process including batch plants, asphalt plants, screening, washing, and crushing by use of machinery.

Correctional community residential center (CCRC) means a community residential center, other than a correctional institution, for the short-term or temporary detention of prisoners in transition from a correctional institution, performing restitution, or undergoing rehabilitation or recovery from a legal infirmity. CCRCs may not be used for detention of prisoners who pose a threat or danger to the public for violent or sexual misconduct without imprisonment or physical confinement under guard or twenty-four-hour physical supervision. The determination of whether a prisoner poses a threat or danger to the public for violent or sexual misconduct without imprisonment or physical confinement under guard or twenty-four-hour physical supervision shall be made by the commissioner of corrections for state prisoners and the United States Attorney General, or the U.S. Director of Bureau of Prisons for federal prisoners.

Correctional institution means a facility other than a correctional community residential center providing for the imprisonment or physical confinement or detention of prisoners under guard or twenty-four-hour physical supervision, such as prisons, prison farms, jails, reformatories, penitentiaries, houses of detention, detention centers, honor camps, and similar facilities.

Development plan means a plan created to describe a proposed development on a specific building site excluding material sites under KPB 21.29.020.

Disturbed includes active excavation and all areas necessary to use a parcel as a material site including but not limited to berms, stockpiles, and excavated areas excluding all areas reclaimed for alternate post mining land uses.

[*EXHAUSTED* MEANS THAT ALL MATERIAL OF A COMMERCIAL QUALITY IN A SAND, GRAVEL, OR MATERIAL SITE HAS BEEN REMOVED.]

Federal prisoners means offenders in the custody or control or under the care or supervision of the United States Attorney General or the Bureau of Prisons.

Groundwater means, in the broadest sense, all subsurface water, more commonly that part of the subsurface water in the saturated zone.

Liquid manure or liquid animal waste system means any animal waste management system which uses water as the primary carrier of such waste into a primary retention structure.

Multi-purpose senior center is a facility where persons 60 years of age or older are provided with services and activities suited to their particular needs. The services and activities may include, but are not limited to, health examinations, legal assistance, recreation programs, general social activities, telephone reassurance programs, nutrition classes, meals at minimum cost, counseling, protective services, programs for shut-ins and education programs, and that complies with Alaska Statutes 47.60.010—47.60.090, as currently written or hereafter amended.

Permit area includes all excavation, processing, buffer and haul route areas of a CLUP or counter permit.

Person shall include any individual, firm, partnership, association, corporation, cooperative, or state or local government.

Prisoner means:

- a. a person held under authority of state law in official detention as defined in AS 11.81.900;
- b. includes a juvenile committed to the custody of the Alaska Department of Corrections Commissioner when the juvenile has been charged, prosecuted, or convicted as an adult.

Private school is a school comprised of kindergarten through 12th grade, or any combination of those grades, that does not receive direct state or federal funding and that complies with either Alaska Statute 14.45.030 or 14.45.100—14.45.130, as currently written or hereafter amended.

Public school is a school comprised of kindergarten through 12th grade, or any combination of those grades, that is operated by the State of Alaska or any political subdivision of the state.

Sand, gravel or material site means an area used for extracting, quarrying, or conditioning gravel or substances from the ground that are not subject to permits through the state location (mining claim) system (e.g., gold, silver, and other metals), nor energy minerals including but not limited to coal, oil, and gas.

Seasonal high groundwater table means the highest level to which the groundwater rises on an annual basis.

Senior housing project means senior housing as defined for purposes of construction or operation in 15 Alaska Administrative Code 151.950(c), as currently written or hereafter amended.

Stable condition means the rehabilitation, where feasible, of the physical environment of the site to a condition that allows for the reestablishment of renewable resources on the site within a reasonable period of time by natural processes.

Surface water means water on the earth's surface exposed to the atmosphere such as rivers, lakes, and creeks.

Topsoil means material suitable for vegetative growth.

Waterbody means any lake, pond, stream, riparian wetland, or groundwater into which storm water runoff is directed.

Water source means a well, spring or other similar source that provides water for human consumptive use.

SECTION 2. That KPB 21.29 is hereby amended, as follows:

CHAPTER 21.29. MATERIAL SITE PERMITS

21.29.010. Material extraction exempt from obtaining a permit.

- A. Material extraction which disturbs an area of less than one acre that is not in a mapped flood plain or subject to 21.29.010(B), does not enter the water table, and does not cross property boundaries, does not require a permit. There will be no excavation within 20 feet of a right-of-way or within ten feet of a lot line.
- B. Material extraction taking place on dewatered bars within the confines of the Snow River and the streams within the Seward-Bear Creek Flood

Service Area does not require a permit, however, operators subject to this exemption shall provide the planning department with the information required by KPB 21.29.030(A)(1), (2), (6), (7) and a current flood plain development permit prior to beginning operations.

- C. A prior existing use under KPB 21.29.120 does not require a material extraction permit, but a floodplain development permit is required for all activities within any mapped special flood hazard area.
- D. Material extraction incidental to site development does not require a permit when an approved site development plan is on file with the planning department. Site development plans are approved by the planning director and are valid for one year. The site development plan may be renewed on an annual basis subject to the planning director's approval.

21.29.020. Material extraction and activities requiring a permit.

- A. *Counter permit.* A counter permit is required for material extraction which disturbs no more than 2.5 cumulative acres and does not enter the water table. Counter permits are approved by the planning director, and are not subject to the notice requirements or planning commission approval of KPB 21.25.060. A counter permit is valid for a period of 12 months, with a possible 12-month extension.
- B. *Conditional land use permit.* A conditional land use permit (CLUP) is required for material extraction which disturbs more than 2.5 cumulative acres, or material extraction of any size that enters the water table. [A CLUP IS REQUIRED FOR MATERIALS PROCESSING.] A CLUP is valid for a period of five years. The provisions of KPB Chapter 21.25 are applicable to material site CLUPS and the provisions of KPB 21.25 and 21.29 are read in harmony. If there is a conflict between the provisions of KPB 21.25 and 21.29, the provisions of KPB 21.29 are controlling

21.29.030. Application procedure.

- A. In order to obtain a counter permit or CLUP, an applicant shall first complete and submit to the borough planning department a permit application, along with the fee listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees. The planning director may determine that certain contiguous parcels are eligible for a single permit. The application shall include the following items:
 - 1. Legal description of the parcel, KPB tax parcel ID number, and identification of whether the permit is for the entire parcel, or a specific location within a parcel;

2. Expected life span of the material site;
3. A buffer plan consistent with KPB 21.29.050(A)(2);
4. Reclamation plan consistent with KPB 21.29.060;
5. The depth of excavation;
6. Type of material to be extracted and type of equipment to be used;
7. Any voluntary permit conditions the applicant proposes. Failure to include a proposed voluntary permit condition in the application does not preclude the applicant from proposing or agreeing to voluntary permit conditions at a later time;
8. Surface water protection measures, if any, for adjacent properties designed by a SWPPP certified individual, including the use of diversion channels, interception ditches, on-site collection ditches, sediment ponds and traps, and silt fence;
9. A site plan prepared by the site operator and field verification prepared by a professional surveyor licensed and registered in the State of Alaska, including the following information:
 - a. Location of excavation, and, if the site is to be developed in phases, the life span and expected reclamation date for each phase;
 - b. Proposed buffers consistent with KPB 21.29.050(A)(2), or alternate buffer plan;
 - c. Identification of all encumbrances, including, but not limited to easements;
 - d. Points of ingress and egress. Driveway permits must be acquired from either the state or borough as appropriate prior to the issuance of the material site permit;
 - e. Anticipated haul routes;
 - f. Location and [DEPTH] elevation of test holes, and depth of groundwater, if encountered between May and December. At least one test hole per ten acres of excavated area is required to be dug.

- g. Location of wells of adjacent property owners within [300]
200 feet of the proposed parcel boundary;
- h. Location of any water body on the parcel,
- [I. SURFACE WATER PROTECTION MEASURES FOR ADJACENT PROPERTIES, INCLUDING THE USE OF DIVERSION CHANNELS, INTERCEPTION DITCHES, ON-SITE COLLECTION DITCHES, SEDIMENT PONDS AND TRAPS, AND SILT FENCE; PROVIDE DESIGNS FOR SUBSTANTIAL STRUCTURES; INDICATE WHICH STRUCTURES WILL REMAIN AS PERMANENT FEATURES AT THE CONCLUSION OF OPERATIONS, IF ANY;]
- [J]i. Location of any processing areas on parcel, if applicable;
- [K]j. North arrow;
- [L]k. The scale to which the site plan is drawn;
- [M]l. Preparer's name, date
- [N]m. Field verification shall include staking the boundary of the parcel at sequentially visible intervals. The planning director may grant an exemption in writing to the staking requirements if the parcel boundaries are obvious or staking is unnecessary.

- B. In order to aid the planning commission or planning director's decision-making process, the planning director shall provide vicinity, aerial, land use, and ownership maps for each application and may include additional information.

21.29.040. Standards for sand, gravel or material sites.

- A. These material site regulations are intended to Minimize aquifer disturbance, road damage, physical damage to adjacent properties, dust, and noise. Only the conditions set forth in KPB 21.29.050 may be imposed to meet these standards:
 - 1. [PROTECTS AGAINST] Minimizes the lowering of water sources serving other properties;
 - 2. [PROTECTS AGAINST] Minimizes physical damage to [OTHER] adjacent properties;

3. Minimizes off-site movement of dust;
4. Minimizes noise disturbance to other properties;
5. [MINIMIZES VISUAL IMPACTS] Provides for alternate post-mining land uses.

21.29.050. Permit conditions.

A. The following mandatory conditions apply to counter permits and CLUPs issued for sand, gravel or material sites:

1. [~~PARCEL~~]Permit boundaries. [ALL BOUNDARIES OF THE SUBJECT PARCEL] The buffers and any easements or right-of-way abutting the proposed permit area shall be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter. Field verification and staking will require the services of a professional land surveyor. Stakes shall be in place [AT TIME OF APPLICATION] prior to issuance of the permit.

[2. BUFFER ZONE. A BUFFER ZONE SHALL BE MAINTAINED AROUND THE EXCAVATION PERIMETER OR PARCEL BOUNDARIES. WHERE AN EASEMENT EXISTS, A BUFFER SHALL NOT OVERLAP THE EASEMENT, UNLESS OTHERWISE CONDITIONED BY THE PLANNING DIRECTOR OR PLANNING COMMISSION.

A. THE BUFFER ZONE SHALL PROVIDE AND RETAIN A BASIC BUFFER OF:

I. 50 FEET OF UNDISTURBED NATURAL VEGETATION, OR

II. A MINIMUM TEN FOOT EARTHEN BERM WITH AT LEAST A 2:1 SLOPE, OR

III. A MINIMUM SIX-FOOT FENCE.

B. A 2:1 SLOPE SHALL BE MAINTAINED BETWEEN THE BUFFER ZONE AND EXCAVATION FLOOR ON ALL INACTIVE SITE WALLS. MATERIAL FROM THE AREA DESIGNATED FOR THE 2:1 SLOPE MAY BE REMOVED IF SUITABLE, STABILIZING MATERIAL IS REPLACED WITHIN 90 DAYS FROM THE TIME OF REMOVAL.

C. THE PLANNING COMMISSION OR PLANNING DIRECTOR SHALL DESIGNATE ONE OR A COMBINATION OF THE ABOVE AS IT DEEMS APPROPRIATE. THE VEGETATION AND FENCE SHALL BE OF SUFFICIENT HEIGHT AND DENSITY TO PROVIDE VISUAL AND NOISE SCREENING OF THE PROPOSED USE AS DEEMED

APPROPRIATE BY THE PLANNING COMMISSION OR PLANNING DIRECTOR.

- D. BUFFERS SHALL NOT CAUSE SURFACE WATER DIVERSION WHICH NEGATIVELY IMPACTS ADJACENT PROPERTIES OR WATER BODIES. SPECIFIC FINDINGS ARE REQUIRED TO ALTER THE BUFFER REQUIREMENTS OF KPB 21.29.050(A)(2)(A) IN ORDER TO MINIMIZE NEGATIVE IMPACTS FROM SURFACE WATER DIVERSION. FOR PURPOSES OF THIS SECTION, SURFACE WATER DIVERSION IS DEFINED AS EROSION, FLOODING, DEHYDRATION OR DRAINING, OR CHANNELING. NOT ALL SURFACE WATER DIVERSION RESULTS IN A NEGATIVE IMPACT.
- E. AT ITS DISCRETION, THE PLANNING COMMISSION MAY WAIVE BUFFER REQUIREMENTS WHERE THE TOPOGRAPHY OF THE PROPERTY OR THE PLACEMENT OF NATURAL BARRIERS MAKES SCREENING NOT FEASIBLE OR NOT NECESSARY. BUFFER REQUIREMENTS SHALL BE MADE IN CONSIDERATION OF AND IN ACCORDANCE WITH EXISTING USES OF ADJACENT PROPERTY AT THE TIME OF APPROVAL OF THE PERMIT. THERE IS NO REQUIREMENT TO BUFFER THE MATERIAL SITE FROM USES WHICH COMMENCE AFTER THE APPROVAL OF THE PERMIT.]

2. *Buffer Area.*

- a. A 2:1 slope shall be maintained between the buffer zone and excavation floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 90 days from the time of removal.
- b. The buffer area may be reduced where the planning commission or planning director, as applicable, has approved an alternate buffer plan introduced by the applicant. The alternate buffer plan must consist of natural undisturbed vegetation, or a minimum ten foot berm, or a minimum six-foot fence or a combination thereof, consisting of only one option in a single geographical location; unless the permittee proposes another solution approved by the planning commission or planning director, as applicable, to meet this condition.
- c. The buffer requirements may be waived by the planning commission or planning director, as applicable, where the topography of the property or the placement of natural barriers makes screening not feasible or unnecessary.

- d. There is no requirement to buffer a material site from uses that commence after approval of the permit.
- 3. *Processing.* In the case of a CLUP, any equipment which conditions or processes material must be operated at least 300 feet from the parcel boundaries. At its discretion, the planning commission may waive the 300-foot processing distance requirement, or allow a lesser distance in consideration of and in accordance with existing uses of adjacent properties at the time.
- 4. *Water source separation.*
 - a. All permits shall be issued with a condition which prohibits any material extraction within 100 horizontal feet of any water source existing prior to original permit issuance.
 - b. All counter permits shall be issued with a condition which requires that a four-foot vertical separation [FROM THE SEASONAL HIGH WATER TABLE BE MAINTAINED] an excavation distance a maximum of 15 feet below the seasonal high-water table must be maintained under these conditions:
 - 1. No dewatering is allowed.
 - 2. The edge of any water body must be 200 feet from any DEC septic or well.
 - 3. A spill response kit must be maintained onsite.
 - 4. Operations shall stay 2 foot above an aquifer-confining layer.
 - 5. A 200-foot separation from any water body and any stored hazardous material.
 - [C. ALL CLUPS SHALL BE ISSUED WITH A CONDITION WHICH REQUIRES THAT A TWO-FOOT VERTICAL SEPARATION FROM THE SEASONAL HIGH WATER TABLE BE MAINTAINED.]
 - c. There shall be no dewatering either by pumping, ditching or some other form of draining unless an exemption is granted by the planning commission. The exemption for dewatering may be granted if the operator provides a statement under seal and supporting data from a duly licensed and qualified impartial civil engineer, that the dewatering will not lower any of the surrounding property's water systems and the contractor posts a bond for liability for potential accrued damages.

5. *Excavation in the water table.* Excavation in the water table greater than ~~[300]~~200 horizontal feet of a water source and 15 feet below water table may be permitted with the approval of the planning commission based on the following:
 - a. Certification by a qualified independent civil engineer or professional hydrogeologist that the excavation plan will not negatively impact the quantity of an aquifer serving existing water sources.
 - b. The installation of a minimum of three water monitoring tubes or well casings as recommended by a qualified independent civil engineer or professional hydrogeologist adequate to determine flow direction, flow rate, and water elevation.
 - c. Groundwater elevation, flow direction, and flow rate for the subject parcel, measured in three-month intervals by a qualified independent civil engineer or professional hydrogeologist, for at least one year prior to application. Monitoring tubes or wells must be kept in place, and measurements taken, for the duration of any excavation in the water table.
 - d. Operations shall not breach an aquifer-confining layer.
6. *Waterbodies.*
 - a. An undisturbed buffer shall be left and no earth material extraction activities shall take place within 100 linear feet [FROM] of excavation limits and the ordinary high water level of surface water bodies such as a lake, river, stream, [OR OTHER WATER BODY, INCLUDING] riparian wetlands [AND MAPPED FLOODPLAINS AS DEFINED IN KPB 21.06]. This regulation shall not apply to ponds less than one acre on private land, man-made waterbodies being constructed during the course of the materials extraction activities. In order to prevent discharge, diversion, or capture of surface water, an additional setback from lakes, rivers, anadromous streams, and riparian wetlands may be required.
 - b. Counter permits and CLUPS may contain additional conditions addressing surface water diversion.
7. *Fuel storage.* Fuel storage for containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for

uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface. Double wall tanks are also acceptable.

8. *Roads.* Operations shall be conducted in a manner so as not to damage borough roads as required by KPB 14.40.175 and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
9. *Subdivision.* Any further subdivision or return to acreage of a parcel subject to a conditional land use or counter permit requires the permittee to amend their permit. The planning director may issue a written exemption from the amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.
10. *Dust control.* Dust suppression is required on haul roads within the boundaries of the material site by application of water or calcium chloride.
11. *Hours of operation.* [ROCK CRUSHING EQUIPMENT SHALL NOT BE OPERATED BETWEEN 10:00 P.M. AND 6:00 A.M.]
 - a. Processing equipment shall not be operated between 10:00 p.m. and 6:00 a.m.
 - b. The planning commission may grant exceptions to increase the hours of operation and processing based on surrounding land uses, topography, screening the material site from properties in the vicinity and conditions placed on the permit by the planning commission to mitigate the noise, dust and ~~visual impacts~~ caused by the material site.
12. *Reclamation.*
 - a. Reclamation shall be consistent with the reclamation plan approved by the planning commission or planning director as appropriate in accord with KPB 21.29.060.
 - b. [AS A CONDITION OF ISSUING THE PERMIT, THE APPLICANT SHALL SUBMIT A RECLAMATION PLAN AND POST A BOND TO COVER THE ANTICIPATED RECLAMATION COSTS IN AN AMOUNT TO BE DETERMINED BY THE PLANNING DIRECTOR. THIS BONDING REQUIREMENT SHALL NOT APPLY TO SAND, GRAVEL OR MATERIAL SITES FOR WHICH AN EXEMPTION FROM STATE BOND REQUIREMENTS FOR SMALL OPERATIONS IS APPLICABLE

PURSUANT TO AS 27.19.050.] The applicant shall operate the material site consistent with the approved reclamation plan and provide bonding pursuant to 21.29.060(B). This bonding requirement shall not apply to sand, gravel or material sites for which an exemption from state bond requirements for small operations is applicable pursuant to AS 27.19.050.

13. *Other permits.* Permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC air and water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives. Any violation of these regulations or permits reported to or observed by borough personnel will be forwarded to the appropriate agency for enforcement.
14. [VOLUNTARY]Volunteered permit conditions. Conditions may be included in the permit upon agreement of the permittee and approval of the planning commission for CLUPs or the planning director for counter permits. Such conditions must be consistent with the standards set forth in KPB 21.29.040(A). Planning commission approval of such conditions shall be contingent upon a finding that the conditions will be in the best interest of the borough and the surrounding property owners. [VOLUNTARY] Volunteered permit conditions apply to the subject parcel and operation, regardless of a change in ownership. A change in [VOLUNTARY] volunteered permit conditions may be proposed [AT] by permit [RENEWAL OR AMENDMENT] modification.
15. *Signage.* For permitted parcels on which the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit, the permittee shall post notice of intent on parcel corners or access, whichever is more visible. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.

16. Appeal. No clearing of vegetation shall occur within the 50 ~~100~~-foot maximum buffer area from the permit boundary nor shall the permit be issued or operable until the deadline for the appeal, pursuant to KPB 21.20, has expired.
17. Reverse signal alarms. Reverse signal alarms, used at the material site on loaders, excavators, and other earthmoving equipment may be more technically advanced devices; such as, a multi-frequency “white noise” alarms rather than the common, single (high-pitch) tone alarms. At its discretion, the planning commission or planning director, as applicable, may waive this requirement or a portion of this requirement. The waiver of this requirement shall be made in consideration of and in accordance with existing uses of the properties in the vicinity at the time of approval of the permit.
19. Dust suppression. Dust suppression may ~~shall~~ be required when natural precipitation is not adequate to suppress the dust generated by the material site traffic on haul routes within property boundaries. Based on surrounding land uses the planning commission or planning director, as applicable, may waive or reduce the requirement for dust suppression on haul routes within property boundaries.
21. Surface water protection. Use of surface water protection measures as specified in KPB 21.29.030(A)(8) must be approved by a licensed civil engineer or SWPPP certified individual.
22. Setback. Material site excavation areas shall be 250-feet from the property boundaries of any local option zoning district, existing public school ground, private school ground, college campus, child care facility, multi-purpose senior center, assisted living home, and licensed health care facility. If overlapping, the buffer areas of the excavation shall be included in the 250-foot setback. At the time of application.

21.29.060. Reclamation plan.

- A. All material site permit applications require an overall reclamation plan.
- B. The applicant may revegetate with a non-invasive plant species and reclaim all disturbed land [UPON EXHAUSTING THE MATERIAL ON-SITE, OR WITHIN A PRE-DETERMINED TIME PERIOD FOR LONG-TERM ACTIVITIES, SO AS TO LEAVE THE LAND IN A STABLE CONDITION. RECLAMATION MUST OCCUR FOR ALL EXHAUSTED AREAS OF THE SITE EXCEEDING FIVE ACRES BEFORE A FIVE-YEAR RENEWAL PERMIT IS ISSUED, UNLESS OTHERWISE REQUIRED BY THE PLANNING COMMISSION. IF THE MATERIAL SITE IS ONE ACRE OR LESS IN SIZE AND HAS BEEN GRANTED A CLUP DUE TO EXCAVATION IN THE WATER TABLE,

RECLAMATION MUST BE PERFORMED AS SPECIFIED BY THE PLANNING COMMISSION OR PLANNING DIRECTOR IN THE CONDITIONAL USE OR COUNTER PERMIT] within the time period approved with the reclamation plan so as to leave the land in a stable condition. Bonding shall be required at \$750.00 per acre for all acreage included in the current five-year reclamation plan. In the alternative, the planning director shall accept a civil engineer's estimate for determining the amount of bonding. If the applicant is bonded with the state, the borough's bonding requirement is waived. Compliance with reclamation plans shall be enforced under KPB 21.50.

- C. The following measures must be considered in the [PREPARING] preparation, approval and [IMPLEMENTING] implementation of the reclamation plan, although not all will be applicable to every reclamation plan.
1. The area will be backfilled, graded and recontoured using strippings, overburden, and topsoil [TO A CONDITION THAT ALLOWS FOR THE REESTABLISHMENT OF RENEWABLE RESOURCES ON THE SITE WITHIN A REASONABLE PERIOD OF TIME. IT WILL BE STABILIZED TO A CONDITION THAT WILL ALLOW SUFFICIENT MOISTURE FOR REVEGETATION] so that it will be stabilized to a condition that will allow for the revegetation as required by KPB 21.29.060(B).
 2. [SUFFICIENT QUANTITIES OF STOCKPILED OR IMPORTED TOPSOIL WILL BE SPREAD OVER THE RECLAIMED AREA TO A DEPTH OF FOUR INCHES TO PROMOTE NATURAL PLANT GROWTH THAT CAN REASONABLY BE EXPECTED TO REVEGETATE THE AREA WITHIN FIVE YEARS. THE APPLICANT MAY USE THE EXISTING NATURAL ORGANIC BLANKET REPRESENTATIVE OF THE PROJECT AREA IF THE SOIL IS FOUND TO HAVE AN ORGANIC CONTENT OF 5% OR MORE AND MEETS THE SPECIFICATION OF CLASS B TOPSOIL REQUIREMENTS AS SET BY ALASKA TEST METHOD (ATM) T-6.] The [MATERIAL] topsoil used for reclamation shall be reasonably free from roots, clods, sticks, and branches greater than 3 inches in diameter. Areas having slopes greater than 2:1 require special consideration and design for stabilization by a licensed engineer.
 4. Exploration trenches or pits will be backfilled. Brush piles and unwanted vegetation shall be removed from the site, buried or burned. Topsoil and other organics will be spread on the backfilled surface to inhibit erosion and promote natural revegetation.
 5. [PEAT AND T] Topsoil mine operations shall ensure a minimum of [TWO] four inches of suitable growing medium is left or replaced on the site upon completion of the reclamation activity (unless otherwise authorized).

6. Ponding may be used as a reclamation method as approved by the planning commission.

[D. THE PLAN SHALL DESCRIBE THE TOTAL ACREAGE TO BE RECLAIMED EACH YEAR, A LIST OF EQUIPMENT (TYPE AND QUANTITY) TO BE USED IN RECLAMATION, AND A TIME SCHEDULE OF RECLAMATION MEASURES.]

21.29.070. Permit extension and revocation.

- A. Conditional land use permittees must submit a request in writing for permit extension every five years after the permit is issued. Requests for permit extension must be made at least 30 days prior to permit expiration. Counter permittees must submit any request for a 12-month extension at least 30 days prior to the expiration of the original 12-month permit period.
- B. A permit extension certificate for a CLUP may be granted by the planning director after 5 years, and after one year for a counter permit where no modification to operations or conditions are proposed.
- C. Permit extension may be denied if: (1) reclamation required by this chapter and the original permit has not been performed; (2) the permittee is otherwise in noncompliance with the original permit conditions; or (3) the permittee has had a permit violation in the last two years and has not fulfilled compliance requests.
- D. A modification application shall be processed pursuant to KP.B 21.29.030-050 with public notice given as provided by KP.B 21.25.060 when operators request modification of their permit conditions based on changes in operations set forth in the modification application.
- E. There shall be no fee for permit extensions approved by the planning director. The fee for a permit modification processed under KP.B 21.29.070(D) will be the same as an original permit application in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees.
- F. Failure to submit a request for extension will result in the expiration of the permit. The borough may issue a permit termination document upon expiration pursuant to KP.B 21.29.080. Once a permit has expired, a new permit application approval process is required in order to operate the material site.
- G. Permits may be revoked pursuant to KP.B 21.50.

21.29.080. Permit termination.

When a permit expires, is revoked, or a permittee requests termination of their permit, a review of permit conditions and site inspections will be conducted by the planning department to ensure code compliance and verify site reclamation prior to termination. When the planning director determines that a site qualifies for termination, a termination document shall be issued to the permittee.

21.29.090. Permit modifications.

If a permittee revises or intends to revise operations (at a time other than permit extension) so that they are no longer consistent with the original application, a permit modification is required. The planning director shall determine whether the revision to operations requires a modification. Permit modification shall be processed in the same manner as original permits.

21.29.100. Recordation.

All permits, permit extensions, modified permits, prior existing uses, and terminations shall be recorded. Failure to record a material site document does not affect the validity of the documents.

21.29.110. Violations.

- A. Violations of this chapter shall be governed by KPB 21.50.
- B. In addition to the remedies provided in KPB 21.50, the planning director may require bonding in a form and amount adequate to protect the borough's interests for an owner or operator who has been cited for three violations of KPB 21.50, 21.25, and 21.29 within a three-year period. The violations need not be committed at the same material site. Failure to provide requested bonding may result in permit revocation proceedings.

21.29.120. Prior existing uses.

- A. Material sites are not held to the standards and conditions of a CLUP if a prior existing use (PEU) determination was granted for the parcel in accordance with KPB 21.29.120(B). To qualify as a PEU, a parcel's use as a material site must have commenced or have been operated after May 21, 1986, and prior to May 21, 1996, provided that the subject use continues in the same location. In no event shall a prior existing use be expanded beyond the smaller of the lot, block, or tract lines as they existed on May 21, 1996. If a parcel is further subdivided after May 21, 1996, the pre-existing use may not be expanded to any lot, tract, or parcel where extraction had not occurred before or on February 16, 1999. If a parcel is subdivided where extraction has already occurred, the prior existing use is considered

abandoned, and a CLUP must be obtained for each parcel intended for further material site operations. The parcel owner may overcome this presumption of abandonment by showing that the subdivision is not inconsistent with material site operation. If a parcel subject to a prior existing use is conveyed, the prior existing use survives the conveyance.

- B. Owners of sites must have applied to be registered as a prior existing use prior to January 1, 2001.
- C. [ANY PRIOR EXISTING USE THAT HAS NOT OPERATED AS A MATERIAL SITE BETWEEN MAY 21, 1996, AND MAY 21, 2011, IS CONSIDERED ABANDONED AND MUST THEREAFTER COMPLY WITH THE PERMIT REQUIREMENTS OF THIS CHAPTER. THE PLANNING DIRECTOR SHALL DETERMINE WHETHER A PRIOR EXISTING USE HAS BEEN ABANDONED. AFTER GIVING NOTICE TO THE PARCEL OWNER THAT A PEU IS CONSIDERED ABANDONED, A PARCEL OWNER MAY PROTEST THE TERMINATION OF THE PEU BY FILING WRITTEN NOTICE WITH THE PLANNING DIRECTOR ON A FORM PROVIDED BY THE PLANNING DEPARTMENT. WHEN A PROTEST BY A PARCEL OWNER IS FILED, NOTICE AND AN OPPORTUNITY TO MAKE WRITTEN COMMENTS REGARDING PRIOR EXISTING USE STATUS SHALL BE ISSUED TO OWNERS OF PROPERTY WITHIN A ONE-HALF MILE RADIUS OF THE PARCEL BOUNDARIES OF THE SITE. THE OWNER OF THE PARCEL SUBJECT TO THE PRIOR EXISTING USE MAY SUBMIT WRITTEN INFORMATION, AND THE PLANNING DIRECTOR MAY GATHER AND CONSIDER ANY INFORMATION RELEVANT TO WHETHER A MATERIAL SITE HAS OPERATED. THE PLANNING DIRECTOR MAY CONDUCT A HEARING IF HE OR SHE BELIEVES IT WOULD ASSIST THE DECISION-MAKING PROCESS. THE PLANNING DIRECTOR SHALL ISSUE A WRITTEN DETERMINATION WHICH SHALL BE DISTRIBUTED TO ALL PERSONS MAKING WRITTEN COMMENTS. THE PLANNING DIRECTOR'S DECISION REGARDING TERMINATION OF THE PRIOR EXISTING USE STATUS MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN 15 DAYS OF THE DATE OF THE NOTICE OF DECISION.]

The owner of a material site that has been granted a PEU determination shall provide proof of compliance with AS 27.19.030 – 050 concerning reclamation to the planning department no later than July 1, 2021. The proof shall consist of an Alaska Department of Natural Resources (DNR) approved reclamation plan and receipt for bonding or a letter of intent filed with DNR.

- 1. The planning department may request proof of continued compliance with AS 27.19.030 – 050 on an annual basis.
- 2. Pursuant to KPB 21.29.110 the enforcement process and remedies set forth in KPB 21.50 shall govern if the proof that the statutory requirements contained in AS 27.19.030-050 is not provided to the planning department.

SECTION 3. That KPB 21.50.055 is hereby amended, as follows:

21.50.055. Fines.

- A. Following are the fines for violations of this title. Each day a violation occurs is a separate violation. Violations begin to accrue the date the enforcement notice is issued and continue to the date the enforcement is initially set for hearing. The fine for a violation may not be reduced by the hearing officer to less than the equivalent of one day's fine for each type of violation.

CODE CHAPTER & SECTION	VIOLATION DESCRIPTION	DAILY FINE
KPB 20.10.030(A)	Offering land for sale without final plat approval	\$300.00
KPB 20.10.030(B)	Filing/recording unapproved subdivision/plat	\$300.00
KPB 20.10.030(C)	Violation of subdivision code or condition	\$300.00
KPB 21.05.040(C)	Violation of variance conditions	\$300.00
KPB 21.06.030(D)	Structure or activity prohibited by KPB 21.06	\$300.00
KPB 21.06.040	Failure to obtain a Development Permit/Floodplain Management	\$300.00
KPB 21.06.045	Failure to obtain a SMFDA Development Permit/Violation of SMFDA permit conditions/Floodplain Management	\$300.00
KPB 21.06.050	Violation of permit conditions/Floodplain Management	\$300.00
KPB 21.18.071	Failure to obtain staff permit/Violation of staff permit/Anadromous Streams Habitat Protection	\$300.00
KPB 21.18.072	Failure to obtain limited commercial activity permit/Violation of permit conditions/Anadromous Streams Habitat Protection	\$300.00
KPB 21.18.075	Prohibited use or structure/Anadromous Streams Habitat Protection	\$300.00

CODE CHAPTER & SECTION	VIOLATION DESCRIPTION	DAILY FINE
KPB 21.18.081	Failure to obtain Conditional Use Permit/Violation of Conditional Use Permit Condition/Anadromous Streams Habitat Protection	\$300.00
KPB 21.18.090	Failure to obtain prior existing use/structure permit/Violation of permit conditions/Anadromous Streams Habitat Protection	\$300.00
KPB 21.18.135(C)	Violation of emergency permit conditions/anadromous stream habitat protection	\$300.00
KPB 21.25.040	Failure to Obtain a Permit/Material Site/Correctional community residential center/Concentrated Animal Feeding Operation	\$300.00
KPB 21.28.030	Violation of permit conditions/Concentrated Animal Feeding Operations	\$300.00
KPB 21.29.020	Failure to Obtain a counter permit/Material Site Permits	\$300.00
KPB 21.29.050	Violation of Conditional Land Use Permit Conditions/Material Site Permits Also applies to KPB 21.26 material site permits	\$300.00
KPB 21.29.060	Violation of Reclamation Plan/Material Site Permits Also applies to KPB 21.26 material site permits	\$300.00
<u>KPB 21.29.120</u>	<u>Failure to Provide Reclamation Plan and Proof of Bonding or Letter of Intent</u>	<u>\$300.00</u>
KPB 21.44.100	Violation of Pre-existing structures/Local Option Zoning	\$300.00
KPB 21.44.110(D)	Prohibited expansion of nonconforming use/Local Option Zoning	\$300.00
KPB 21.44.110(E)	Prohibited Change in Use/Local Option Zoning	\$300.00
KPB 21.44.110(G)	Violation of Conditions on Nonconforming Use/Local Option Zoning	\$300.00

CODE CHAPTER & SECTION	VIOLATION DESCRIPTION	DAILY FINE
KPB 21.44.130(C)(D)	Violation of Home Occupation Standards and Conditions/Local Option Zoning	\$300.00
KPB 21.44.130(F)	Disallowed Home Occupation/Local Option Zoning	\$300.00
KPB 21.44.135	Failure to file development notice	\$300.00
KPB 21.44.160(A)(B)	Prohibited use	\$300.00
KPB 21.44.160(C)	Violation of Development Standards/Single Family Zoning/Local Option Zoning	\$300.00
KPB 21.44.165(A)(B)	Prohibited use	\$300.00
KPB 21.44.165(C)	Violation of Development Standards/Small Lot Residential Zoning/Local Option Zoning	\$300.00
KPB 21.44.170(A)(B)	Prohibited use	\$300.00
KPB 21.44.170(C)	Violation of Development Standards/Rural Residential District/Local Option Zoning	\$300.00
KPB 21.44.175(B)(C)	Prohibited Use	\$300.00
KPB 21.44.175(D)	Violation of Development Standards/Residential Waterfront	\$300.00
KPB 21.44.180(A)(B)	Prohibited Use	\$300.00
KPB 21.44.180(C)	Violation of Development Standards/Multi-Family Residential District/Local Option Zoning	\$300.00
KPB 21.44.190(A)(B)	Prohibited Use	\$300.00
KPB 21.44.190(C)	Violation of Development Standards/Industrial District/Local Option Zoning	\$300.00

CODE CHAPTER & SECTION	VIOLATION DESCRIPTION	DAILY FINE
KPB 21.46.030(b)	Failure to maintain bear-resistant garbage cans/Local option zone/Birch and Grove Ridge subdivisions Rural Residential District	\$300.00
KPB 21.50.100(F)	Removal of posted enforcement notice	\$300.00
KPB 21.50.100(G)	Violation of enforcement notice	\$1,000.00
KPB 21.50.130(I)	Violation of an enforcement order	\$1,000.00

SECTION 4. That this ordinance shall become effective upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2022.

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough

Planning Department

MEMORANDUM

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

THRU: Charlie Pierce, Mayor CP

FROM: Melanie Aeschliman, Planning Director MA

DATE: November 23, 2021

SUBJECT: Ordinance 2021-41 Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Mayor)

On December 13, 2019, the assembly failed to enact Ordinance 2019-30(SUB). As requested, this proposed ordinance reintroduces, word for word, O2019-30(SUB). Any amendments to this proposed ordinance will be proposed as separate amendment memorandums.

A timeline regarding the material site work group recommendations, planning commission recommendations, and the history of O2019-30(SUB) is attached.

Your consideration of these amendments is appreciated.

MEMORANDUM

TO: Blair Martin, Planning Commission Chair
Members, Kenai Peninsula Borough Planning Commission

THRU: Melanie Aeschliman, Planning Director *MA*
Samantha Lopez, River Center Manager *SL*

FROM: Bryan Taylor, Planner *BT*

DATE: November 17, 2021

RE: Reintroduction of Ordinance 2019-30 SUB; An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures

The mayor would like to reintroduce the above ordinance at the December 7, 2021, Assembly meeting. The Planning Commission reviewed the original ordinance at its regularly scheduled November 12, 2019 meeting. Prior to that, the Planning Commission reviewed an ordinance proposed by the Material Site Work Group and recommended amendments. Ordinance 2019-30 Substitute incorporates all changes recommended by the Planning Commission. Below is a timeline of the ordinance's development and legislative history.

- **January 16, 2018:** KPB Assembly established a Material Site Work Group (MSWG) through Resolution 2018-004 Substitute.
- **January 31, 2018 through April 30, 2019:** The MSWG held work session meetings and took public comment. (Meetings were not held between May 23 and October 10, 2018, to avoid overlapping with the construction season when operators would not be available to participate.) At its second meeting on February 14, 2018, the MSWG adopted the following mission statement: *"To evaluate our existing KPB codes with respect to material sites (gravel extraction) to ensure that we collectively believe the appropriate balance exists to meet the need for affordable development while also protecting quality of life for our residents."*
- **May 15, 2018:** Through Resolution 2018-25, the Assembly extended the deadline for the MSWG to produce a report until April 30, 2019.
- **April 30, 2019:** At its final meeting, the MSWG forwarded a proposed ordinance to the Planning Commission for review.
- **May 13, 2019:** The Planning Commission held a regular meeting and the MSWG's proposed ordinance was placed on the Planning Commission's agenda under "Pending Items for Future Action". There was some commission discussion of the item. The minutes noted that the commission would consider it at its June 24, 2019, meeting when

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Date: November 17, 2021

To: Blair Martin, Planning Commission Chair
Members, Kenai Peninsula Borough Planning Commission

RE: Reintroduction of Ordinance 2019-30 SUB; An Ordinance Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures

key staff and commissioners could be present.

- **June 18, 2019:** The chair of the MSWG, Robert Ruffner, gave a presentation to the Assembly during its regularly scheduled meeting.
- **June 24, 2019:** The Planning Commission held a public hearing on the unnumbered ordinance proposed by the MSWG entitled "An Ordinance Amending KPB Chapter 21.25, Conditional Land Use Permits and Amending KPB Chapter 21.29, Material Site Permits".
- **July 15, 2019:** The Planning Commission held a work session on the ordinance proposed by the MSWG.
- **August 26, 2019:** The Planning Commission held a public hearing on the ordinance proposed by the MSWG. The commission voted to postpone further consideration until its September 9, 2019, regular meeting.
- **September 9, 2019:** The Planning Commission continued deliberation on the ordinance proposed by the MSWG. After voting on a number of proposed amendments to the ordinance, the commission requested staff arrange a work session with the Assembly and postponed further deliberation.
- **October 24, 2019:** A memo providing a sectional analysis of proposed amendments was sent from Sean Kelly, Deputy Borough Attorney, and Max Best, Planning Director, to KPB Assembly. The memo outlined amendments to the MSWG ordinance proposed by the Planning Commission. All amendments outlined within the memo were later included within Ordinance 2019-30 Substitute.
- **November 5, 2019:** A joint work session between the Assembly and the Planning Commission was held regarding Ordinance 2019-30. At its regularly scheduled meeting, Ordinance 2019-30 was introduced and the Assembly set a public hearing for December 3, 2019.
- **November 12, 2019:** At its regular meeting, the Planning Commission recommended approval of Ordinance 2019-30 and several amendments.
- **November 20, 2019:** In a memo to the KPB Assembly, Max Best, Planning Director, notified the Assembly of the Planning Commission's recommendation of approval and outlined recommended amendments proposed by the Planning Commission at its November 12, 2019, meeting. All amendments outlined within the memo were included within Ordinance 2019-30 Substitute.
- **December 3, 2019:** The Assembly held a public hearing on Ordinance 2019-30. A motion to amend by substitute was carried but the motion to enact the substitute ordinance failed. Assembly member Bjorkman gave notice of reconsideration of Ordinance 2019-30 Substitute.
- **January 7, 2020:** At the Assembly's regularly scheduled meeting, a motion to reconsider Ordinance 2019-30 Substitute failed.

Kenai Peninsula Borough

Legal Department

MEMORANDUM

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

FROM: A. Walker Steinhage, Deputy Borough Attorney *AW*
Sean Kelley, Borough Attorney *SK*

CC: Charlie Pierce, Mayor
Melanie Aeschliman, Planning Director

DATE: January 14, 2022

RE: Questions for the Assembly to consider regarding Ordinance 2021-41

Appeals from Planning Commission decisions approving or denying material site conditional land use permit (CLUP) applications, and remands to the Commission which sometimes follow such appeals, cost the Borough time, resources, and money.

In response to inquiries from KPB Assembly members, the purpose of this memo is to present some questions for the Assembly to consider as it reviews Ordinance 2021-41. If the Assembly is able to resolve some or all of these questions, the costs associated with appeals from the Commission's CLUP decisions may be alleviated. The questions are as follows:

1) Should the Planning Commission continue to have the discretion to deny a CLUP application?

Current Code: The Planning Commission is vested with discretion to deny a permit application. Under KPB 21.25.050(B) the Planning Commission shall either "approve, modify or disapprove the permit application."

O2021-41 as proposed: The new section KPB 21.29.055 provides that the Planning Commission shall approve permit applications that meet all the mandatory conditions under KPB 21.29.050 and shall disapprove a permit application that does not meet all the conditions under KPB 21.29.050.

2) If the Planning Commission has the discretion to deny a CLUP application, what is the scope of that discretion?

- a. Should the Planning Commission have the discretion to deny a CLUP application which otherwise meets or exceeds all the conditions under KPB 21.29.050 if the Commission finds that the application does not meet the standards established under KPB 21.29.040?
- b. Should the Planning Commission have the discretion to deny a CLUP application which otherwise meets or exceeds all the conditions under KPB 21.29.050 **and** even if the Commission finds that the application meets the standards established under KPB 21.29.040?

3) If the Assembly decides the Planning Commission should have the discretion to deny a CLUP application, how can the applicable KPB Code (specifically KPB 21.29.040 and 21.29.050) be improved to best equip the Commission to make findings of fact, based on substantial evidence in the record, to withstand scrutiny on appeal and thereby reduce remands after appellate review?

Several tables are appended to this memo comparing current KPB Code language and the language proposed in Ordinance 02021-41¹ with the language drawn from the analogous codes from other second-class boroughs; namely, the Matanuska-Susitna Borough (Appendix A), the Ketchikan Gateway Borough (Appendix B), the Kodiak Island Borough (Appendix C), and the Fairbanks North Star Borough (Appendix D).

4) If the Assembly decides to eliminate the Planning Commission's discretion to deny CLUP applications, then what is the purpose of the Planning Commission's review of CLUP applications?

- a. If the Planning Commission's discretion is eliminated, then should review of CLUP applications simply become an administrative process?
- b. What effect will eliminating the Planning Commission's discretion to deny CLUP applications have on the public's ability to be heard?

Enclosures:

- (1) Appendix A
- (2) Appendix B
- (3) Appendix C
- (4) Appendix D
- (5) Sectional Analysis provided when O2019-30 was originally considered

¹ New Text Underlined; [DELETED TEXT BRACKETED]

APPENDIX A

KPB/MATANUSKA-SUSITNA BOROUGH

KPB 21.29.040. Standards for sand, gravel or material sites. (As proposed in O2021-41)	MSB 17.30.060 General Standards for Approval
A. These material site regulations are intended to protect against aquifer disturbance, road damage, physical damage to adjacent properties, dust, noise, and visual impacts. Only the conditions set forth in KPB 21.29.050 may be imposed to meet these standards:	(A) In granting an administrative permit or a conditional use permit, the director or commission must make the following findings:
1. Protects against the lowering of water sources serving other properties;	(1) that the use is not inconsistent with the applicable comprehensive plan;
2. Protects against physical damage to [OTHER] <u>adjacent</u> properties;	(2) that the use will preserve the value, spirit, character, and integrity of the surrounding area;
3. [MINIMIZES] <u>Protects against</u> off-site movement of dust;	(3) that the applicant has met all other requirements of this chapter pertaining to the use in question;
4. [MINIMIZES] <u>Protects against</u> noise disturbance to other properties;	(4) that granting the permit will not be harmful to the public health, safety and general welfare; and
5. [MINIMIZES] <u>Protects against</u> visual impacts of the material site; [AND]	(5) that the sufficient setbacks, lot area, buffers or other safeguards are being provided to meet the conditions listed in MSB 17.30.050 (B).
6. Provides for alternate post-mining land uses[.];	
<u>7. Protects Receiving Waters against adverse effects to fish and wildlife habitat;</u>	
<u>8. Protects against traffic impacts; and</u>	
<u>9. Provides consistency with the objectives of the Kenai Peninsula Borough Comprehensive Plan and other applicable planning documents.</u>	

APPENDIX B
KPB/KETCHIKAN GATEWAY BOROUGH

KPB 21.29.040. Standards for sand, gravel or material sites. (As proposed in O2021-41)	KGB Code 18.55.050
A. These material site regulations are intended to protect against aquifer disturbance, road damage, physical damage to adjacent properties, dust, noise, and visual impacts. Only the conditions set forth in KPB 21.29.050 may be imposed to meet these standards:	(a) Purpose. A conditional use permit, issued hereunder, is a device which gives flexibility to the zoning ordinance in a uniform and controlled manner. It permits inclusion, in zones where it is permitted by the zoning ordinance (of which this chapter is part), of uses which are basically desirable to the community, but where the nature of the use will not permit its location at every location in the said zones without restrictions and conditions designed to fit the special problems which the use presents. A conditional use permit allows a landowner to put his property to a use which the zoning ordinance expressly permits: It does not allow a landowner to use his property in a manner forbidden by the zoning ordinance.
1. Protects against the lowering of water sources serving other properties;	(b) Standards. As express conditions precedent to the granting of any conditional use permit, a majority of the planning commission members (not merely a majority of the members present), after a public hearing, must find in writing that:
2. Protects against physical damage to [OTHER] <u>adjacent</u> properties;	(1) The requested conditional use is reasonably necessary for the public health, safety, and general welfare; and
3. [MINIMIZES] <u>Protects against</u> off-site movement of dust;	(2) The requested conditional use will not permanently or substantially injure the lawful use of neighboring uses; and
4. [MINIMIZES] <u>Protects against</u> noise disturbance to other properties;	(3) The requested conditional use will generally be in harmony with the comprehensive plan; and
5. [MINIMIZES] <u>Protects against</u> visual impacts of the material site; [AND]	(4) The requested conditional use is a conditional use expressly permitted by the zoning ordinance in the zone in which the conditional use permit is requested.
6. Provides for alternate post-mining land uses[.];	
<u>7. Protects Receiving Waters against adverse effects to fish and wildlife habitat;</u>	
<u>8. Protects against traffic impacts; and</u>	
<u>9. Provides consistency with the objectives of the Kenai Peninsula Borough Comprehensive Plan and other applicable planning documents.</u>	

APPENDIX C

KPB/KODIAK ISLAND BOROUGH

KPB 21.29.040. Standards for sand, gravel or material sites. (As proposed in O2021-41)	KIB 17.200.050 General Standards for Approval²
A. These material site regulations are intended to protect against aquifer disturbance, road damage, physical damage to adjacent properties, dust, noise, and visual impacts. Only the conditions set forth in KPB 21.29.050 may be imposed to meet these standards:	A. <i>Approval.</i> If it is the finding of the commission, after consideration of staff's report and receipt of testimony at the public hearing, that the use proposed in the application, or under appropriate conditions or restrictions, meets all of the following, the conditional use permit shall be granted:
1. Protects against the lowering of water sources serving other properties;	1. That the conditional use will preserve the value, spirit, character and integrity of the surrounding area;
2. Protects against physical damage to [OTHER] <u>adjacent</u> properties;	2. That the conditional use fulfills all other requirements of this chapter pertaining to the conditional use in question;
3. [MINIMIZES] <u>Protects against</u> off-site movement of dust;	3. That granting the conditional use permit will not be harmful to the public health, safety, convenience and comfort;
4. [MINIMIZES] <u>Protects against</u> noise disturbance to other properties;	4. That the sufficient setbacks, lot area, buffers or other safeguards are being provided to meet the conditions listed in subsections <u>(A)(1)</u> through <u>(3)</u> of this section;
5. [MINIMIZES] <u>Protects against</u> visual impacts of the material site; [AND]	5. If the permit is for a public use or structure, the commission must find that the proposed use or structure is located in a manner which will maximize public benefits.
6. Provides for alternate post-mining land uses[.];	
<u>7. Protects Receiving Waters against adverse effects to fish and wildlife habitat;</u>	
<u>8. Protects against traffic impacts; and</u>	
<u>9. Provides consistency with the objectives of the Kenai Peninsula Borough Comprehensive Plan and other applicable planning documents.</u>	

² Interestingly, KIB Code 17.200.050 contains the following subsection: "B. Denial. If the commission finds, after consideration of staff's report and receipt of testimony at the public hearing, that it cannot make all of the required findings in subsection A of this section it shall deny the conditional use permit."

APPENDIX D
KPB/FAIRBANKS NORTH STAR BOROUGH

KPB 21.29.040. Standards for sand, gravel or material sites. (As proposed in O2021-41)	FNSB 18.104.050 Procedures for conditional uses.
A. These material site regulations are intended to protect against aquifer disturbance, road damage, physical damage to adjacent properties, dust, noise, and visual impacts. Only the conditions set forth in KPB 21.29.050 may be imposed to meet these standards:	C. Hearing and Decision by the Planning Commission. The Planning Commission shall review, hear and decide whether or not to approve a request for a conditional use. The Planning Commission shall also consider and adopt findings in each of the following:
1. Protects against the lowering of water sources serving other properties;	1. Whether or not the proposed conditional use conforms to the intent and purpose of this title and of other ordinances and state statutes;
2. Protects against physical damage to [OTHER] <u>adjacent</u> properties;	2. Whether or not there are adequate existing sewage capacities, transportation facilities, energy and water supplies, and other public services to serve the proposed conditional use;
3. [MINIMIZES] <u>Protects against</u> off-site movement of dust;	3. Whether or not the proposed conditional use will protect the public health, safety and welfare.
4. [MINIMIZES] <u>Protects against</u> noise disturbance to other properties;	
5. [MINIMIZES] <u>Protects against</u> visual impacts of the material site; [AND]	
6. Provides for alternate post-mining land uses[.];	
7. <u>Protects Receiving Waters against adverse effects to fish and wildlife habitat;</u>	
8. <u>Protects against traffic impacts; and</u>	
9. <u>Provides consistency with the objectives of the Kenai Peninsula Borough Comprehensive Plan and other applicable planning documents.</u>	

Kenai Peninsula Borough

Legal Department

MEMORANDUM

TO: Kelly Cooper, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Mayor

FROM: Sean Kelley, Deputy Borough Attorney
Max Best, Planning Director

DATE: October 24, 2019

RE: Material Site Sectional Analysis

Please find following a sectional analysis of the amendments to the material site ordinance proposed by the Kenai Peninsula Borough Planning Commission.

1. In KPB 21.25.030. - Definitions.

A definition of "assisted living home" is added because a setback is proposed to be required from those facilities. A definition for "development plan" is added to support a new exemption from the material site ordinance that allows extraction for on-site development. A definition of "disturbed" is added and the definition of "exhausted" is eliminated. This change is made to avoid the situation where reclamation is delayed or avoided by asserting a material site is not yet exhausted, instead reclamation is in reference to disturbed areas. The term "disturbed" is also consistent with the state of Alaska reclamation language. A definition of "haul route" is added to support the proposed requirement for off-site dust suppression. A definition of "permit area" is added—this clarifies that a portion of a parcel, as opposed to an entire parcel, may be subject to a material site permit and defines what attributes will be considered part of the permitted area. A definition of "vicinity" is added to include all existing uses within the ½-mile notification area. This defines the area that should be considered when waiving or lessening the conditions on the permit.

Material Site Sectional Analysis
October 24, 2019
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2. KPB 21.29.010. -Material extraction exempt from obtaining a permit.

Subsection (D) adds a new exemption for parcels with a development plan on file with the planning department. This provision exempts from the ordinance short-term extraction that is incidental to site development for a building project.

3. KPB 21.29.030. -Application procedure.

Surface water protection measures are moved from the site plan section of the application to Paragraph (A)(8) because a surveyor is required to prepare the site plan, but an engineer is necessary to design the surface water protection measures.

Paragraph (A)(9)(f) is clarified to require more than 1 test hole placed anywhere on the parcel as that requirement allowed for taking the test hole at the highest elevation on a parcel which may not be the most accurate measurement of depth to groundwater. The proposed ordinance requires a test hole for every ten acres of excavated area and the test holes must be four feet below the proposed depth of excavation. This is consistent with the proposed increased requirement that excavation remain four feet above ground water which is consistent with Alaska DEC User's Manual Best Management Practices for Gravel/Rock Aggregate Extraction Projects – Protecting Surface Water & Groundwater Quality in Alaska (Sept. 2012) (hereinafter "Best Management Practices") and is also consistent with the current requirement for counter permits.

4. KPB 21.29.040. -Standards for sand, gravel or material sites.

Three new standards are added that either existing or proposed conditions will meet. Receiving waters are protected for fish and wildlife. This standard is consistent with mandatory condition #6 which requires a setback from waterbodies for material site extraction. Standard #8 is added to protect against traffic impacts which is consistent with the conditions regarding damage to borough roads, proposed ingress and egress, noise, and dust. Standard #9 is added because planning decisions should be consistent with the comprehensive plan.

Material Site Sectional Analysis

October 24, 2019

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5. KPB 21.20.050(A)(1) is changed to require staking the permit boundaries, rather than the parcel boundaries prior to issuance of the permit. (Staking the boundaries of the parcel is currently required at time of application.)
 6. KPB 21.20.050(A)(2) is changed to require a maximum buffer of 100 feet unless the operator can demonstrate to the planning commission that there are good reasons for a reduced buffer. A fence, vegetation, or berm or a combination thereof may be used as a buffer. Unlike the current code, the maximum vegetative buffer is not 50 feet but could be up to the entire 100 foot of buffer required. Another new requirement is that when a buffer area has been denuded prior to review of the application by the planning commission or planning director revegetation may be required. This is to avoid the practice of making application and then destroying the vegetation that could have served as a buffer. Finally, there is a new condition allowing the buffer to be reduced with an approved alternate buffer plan which may consist of a berm, vegetation, fence or other type of buffer solution. For example, a moveable wall that would screen noise and the visual impact of the material site could be allowed.
 7. Language is revised in KPB 21.29.050(A)(3) for consistency by using the term "vicinity" rather than the term "adjacent".
 8. In KPB 21.20.050(A)(6) the buffer from waterbodies is increased to 200 feet. This condition is consistent with the Alaska DEC User Manual Best Management Practices and the newly proposed standard regarding the protection of "receiving waters".
 9. Paragraph KPB 21.29.050(A)(11) is revised to prohibit processing from 7 p.m. to 6 a.m. The current prohibition is 10 p.m. to 6 a.m. for rock crushing. Paragraph (b) is added to allow the planning commission to grant exceptions to the restrictions on processing hours based on a variety of factors including surrounding land uses, topography, screening the material site from adjacent properties and conditions placed on the permit by the planning commission to mitigate the noise, dust, and visual impacts caused by the material site.
 10. Paragraph KPB 21.29.050(A)(12)(b) clarifies the requirement for a reclamation plan and bonding for material sites that are not exempt from the state bonding requirements. This condition is further detailed in KPB 21.29.060(B) addressing reclamation.

Material Site Sectional Analysis

October 24, 2019

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11. Air quality is added to the list of other regulations in condition KPB 21.29.050(A)(13) that a material site is responsible for following.
 12. Language is revised in KPB 21.29.050(A)(14) for consistency by using the term "volunteered" rather than the term "voluntary".
 13. In KPB 21.29.050(A)(16), a new condition clarifies that a material site permit shall not be issued until the 15-day appeal period has passed to avoid someone operating prior to an appeal being filed only to be required to cease because of the stay required by KPB 21.20.260.
 14. A new condition is added in KPB 21.29.050(A)(17), Sound Level. The condition requires that sounds levels from material site activities not exceed 75 dB(A), measured at or within the property boundary of the material site. Some exceptions are made to increase that limit for sound of a short duration between 7 a.m. and 7 p.m. The planning commission may reduce the sound level requirements in consideration of the existing land uses in the vicinity. This sound level requirement has a sunset clause of 365 days after adoption unless extended by the assembly in order to gather information on noise levels and ensure that this new requirement is workable for site operations. This condition meets the standard regarding reduction of noise impacts generated by a material site.
 15. KPB 21.29.050(A)(18) is a new requirement that white noise devices be used instead of high-pitched tone alarms. This requirement may be waived based on existing land uses in the vicinity of the material site. This condition meets the standard regarding reduction of noise impacts generated by a material site.
 16. KPB 21.29.050(A)(19) is a new condition allowing the planning commission or planning director as appropriate to determine the points of ingress and egress of a material site as concerns regarding the direction of haul route traffic are frequently raised. Driveway authorizations for access to public roads must be received prior to permit issuance. This condition meets the standards regarding traffic, noise, and dust.
 17. KPB 21.29.050(A)(20) is a new condition requiring dust suppression on haul routes. The condition can be relaxed based on surrounding land uses. This condition meets the standard regarding reduction of dust generated by material sites.

Material Site Sectional Analysis

October 24, 2019

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18. KPB 21.29.050(A)(21) provides that if surface water protection measures are to be provided as defined in KPB 21.29.030(A)(8), they must be approved by a licensed civil engineer.
 19. KPB 21.29.050(A)(22) is a new condition requiring material sites to maintain one monitoring tube per ten acres of excavated area four feet below the proposed excavation. This condition is consistent with the new requirement that excavation remain four feet above groundwater. This condition addresses the standard of protection of surrounding water sources.
 20. KPB 21.29.050(A)(23) is a new requirement for a setback from local option zoning districts, schools, child care facilities, senior centers, assisted living homes and licensed health care facilities.
 21. KPB 21.20.055, Decision, is added which clarifies the planning commission's authority to approve or disapprove a permit application and authority to modify permit conditions.
 22. KPB 21.29.060 is amended to clarify that reclamation plans last for five years consistent with the five-year renewal requirement for material site permits. Bonding is required at \$2000.00 per acre for all acreage included in the five-year reclamation plan, or the planning director may accept a civil engineer's estimate for determining the amount of the bond. If the applicant is bonded with the state, the applicant need not be bonded with the borough.
 23. KPB 21.29.120, Prior Existing Uses, is amended to delete the provision regarding terminating abandoned material site permits since it was only applicable to permits that did not operate between May 21, 1996 and May 21, 2011. New language is added requiring PEUs to provide proof of compliance with the state reclamation, bonding, and letter of intent requirements. Failure to file this documentation may result in an enforcement action.
 24. KPB 21.50.055, Fines, is amended to include a \$300.00 fine for failure to provide a reclamation plan and proof of bonding or letter of intent pursuant to KPB 21.29.120.

Broyles, Randi

From: Hans Bilben <catchalaska@alaska.net>
Sent: Tuesday, February 8, 2022 6:12 PM
To: Blankenship, Johni
Subject: <EXTERNAL-SENDER>Info for 2/15/22 Committee of the Whole (Material Site Ordinance)

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.

Date:
2/8/2022

To:
KPB Assembly Members

Subject:
KPB 21.29.050 (A)(2) Buffer Area/Zone

Assembly Members,

During the January 18th Assembly meeting Gina DeBardelaben of McLane Consulting spoke concerning the proposed material site ordinance revision. She followed up with a letter to the Assembly dated January 19th. While most of Gina's proposals have merit and should be considered, her proposal to allow an applicant to extract material from under and within the Buffer Zone is seriously flawed.

The Buffer Zone is just what the name implies, a buffer to protect neighboring property owners from noise, visual, and to some degree dust impacts. The buffer zone is designed in accordance with existing uses of neighboring properties, and may consist of fifty feet of undisturbed natural vegetation, a six foot earthen berm with a 2/1 slope, a six foot fence, or a combination of the three. In cases where there are no neighboring properties that will have negative impacts, the buffer zone can be minimal or nonexistent. When existing uses dictate the need for protections the Buffer Zone is designed accordingly. The reason for the entire CLUP ordinance is stated in **KPB 21.25.020 Purpose**. It says "...impose minimum standards for certain land uses which may be damaging to the public health, safety, and welfare..." Those minimum standards are spelled out in **KPB 21.29.040** and need to be adhered to during all aspects of the proposed use.

Gina's final statement that allowing excavation in the Buffer Zone will reduce need for additional material sites has no merit, as the need for additional sites will be totally demand driven. Another oversight in her proposal is just where is all of the material going to come from to replace and rebuild the Buffer Zone after excavating twenty feet or more in depth.

Allowing excavation in the Buffer Zone deprives borough residents of the protections spelled out in the ordinance, contradicts the stated Purpose of the entire ordinance, and should not be allowed under any circumstances.

Thank you for your service to the people of the Kenai Peninsula,

Broyles, Randi

From: Hans Bilben <catchalaska@alaska.net>
Sent: Wednesday, February 9, 2022 10:52 AM
To: Blankenship, Johni
Subject: <EXTERNAL-SENDER> Supporting Documents for proposed material site amendments.

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

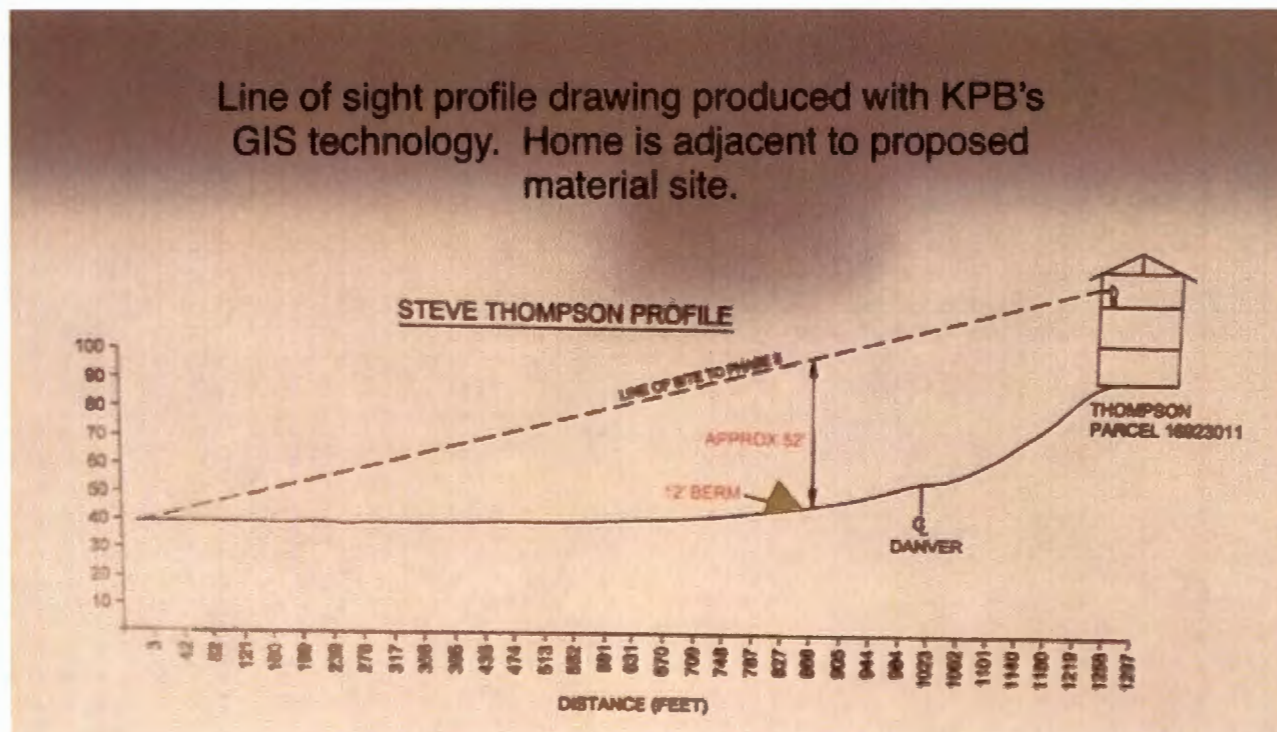
Hi Johni,

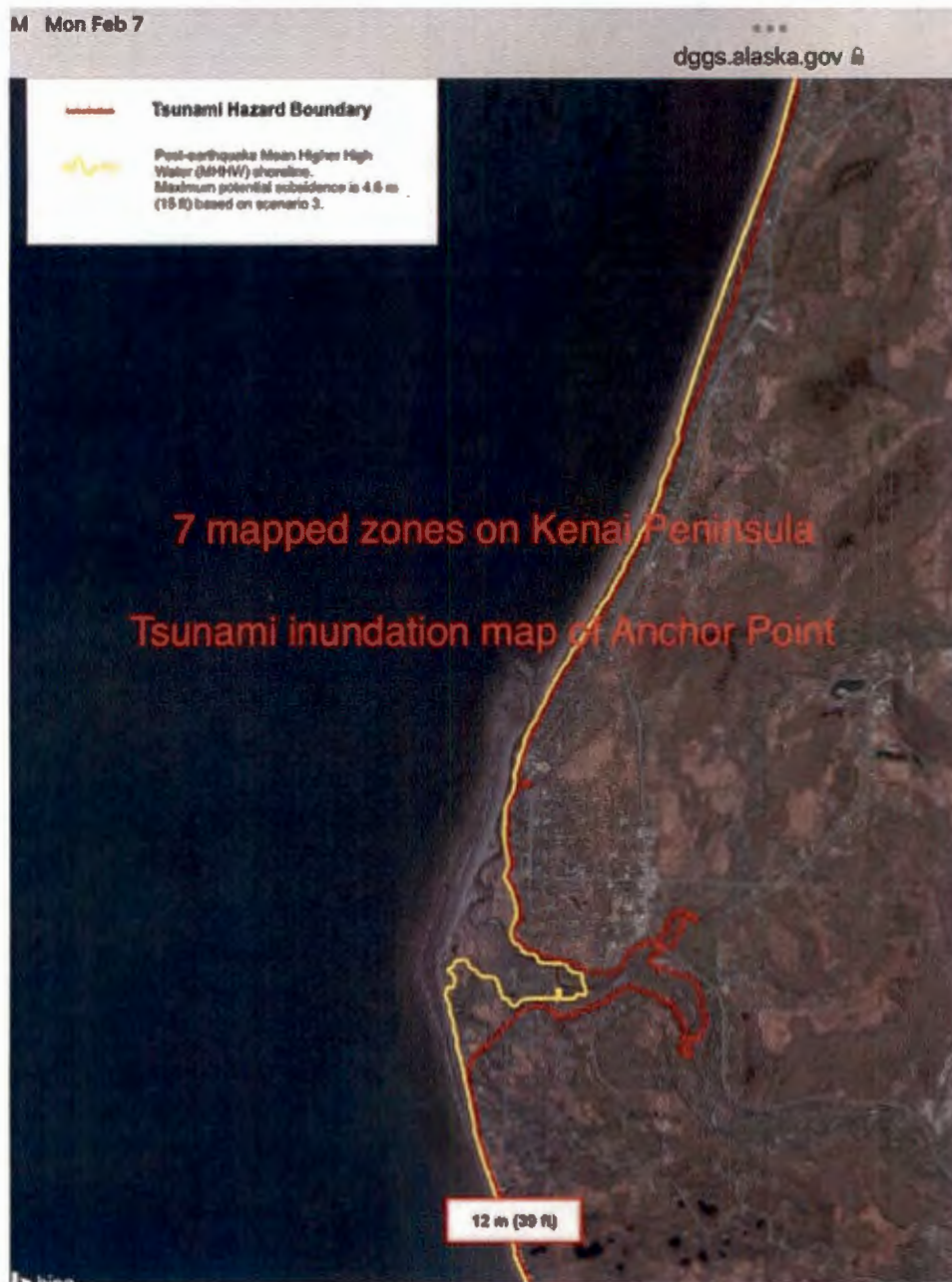
I should have sent these with the proposed amendments yesterday, but OOPS! If you could include these supporting documents with my proposed amendments to the material site ordinance for the Committee of the Whole session on 2/15/2022 that would be great!!

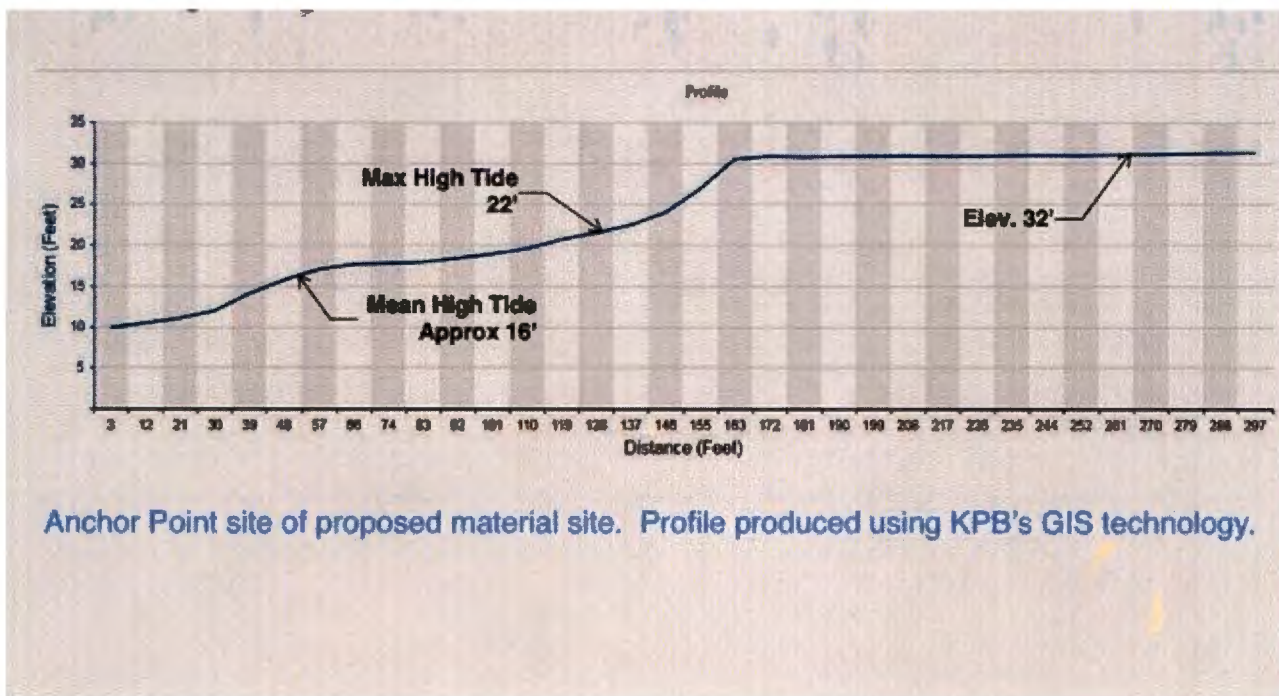
Thanks,

Hans Bilben

Document in support of proposed amendment 21.29.050 (A)(2)(b) Buffer Area.







8:37 AM Wed Feb 9

sms-tsunami-warning.com

100%

rebuilding and road reconstruction) are critical.



Image: Tsunami environmental impact

Combined with the issue of waste is that of hazardous materials and toxic substances that can be inadvertently mixed up with ordinary debris. These include asbestos, oil fuel, and other industrial raw materials and chemicals. Rapid clean-up of affected areas can result in inappropriate disposal methods, including air burning and open dumping, leading to secondary impacts on the environment.

Contamination of soil and water is the second key environmental impact of a tsunami. Salination of water bodies such as rivers, wells, inland lakes, and groundwater aquifers can occur in most cases. This also affects the soil fertility of agricultural lands due to salination and debris contamination, which will affect yields in the medium and long term. Sewage, septic tanks and toilets are damaged contaminating the water supply.

Last but not least, there may be radiation resulting from damage to nuclear plants, as it happened in Japan in March 2011. Since radiation exists for a long time, it has the capacity to inflict damage upon anything exposed to it. Radiation is most dangerous to animals and humans causing destruction as molecules lose their electrons. The damage caused by radiation to the DNA structure determines birth defects, cancers even death.

Cost

Massive costs hit communities and nations when a tsunami happens. Victims and survivors of the tsunami need immediate help from rescue teams.

Broyles, Randi

From: Hans Bilben <catchalaska@alaska.net>
Sent: Tuesday, February 8, 2022 6:00 PM
To: Blankenship, Johni
Cc: Aeschliman, Melanie; Kelley, Sean; Chesley, Lane
Subject: <EXTERNAL-SENDER>Material Site Ordinance Amendments
Attachments: Standard #1 Amendment.pages; CLUP Category Amendment.pages; Buffer Area amendments.pages; Waterbody Amendments.pages

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

Hi Johni,

Please provide these proposed amendments to the Committee of the Whole dealing with the Material Site Ordinance on 2/15/2022. If there is any trouble opening these because of format, let me know and I'll adjust accordingly!

Thanks,

Hans Bilben

1. 21.29.050 (A)(2) Buffer Area (3 amendments)

Replace (a) with:

- a. A buffer area shall be established between the area of excavation and the parcel boundaries. The buffer area for a Class 1 (processing) CLUP shall consist of the following: A minimum fifty feet of undisturbed natural vegetation and a minimum twelve-foot earthen berm with a minimum 2/1 slope. The buffer area for a Class 2 (non-processing) CLUP shall consist of one or any combination of the following: Fifty feet of undisturbed natural vegetation, a minimum six-foot fence, a minimum six-foot earthen berm with a minimum 2/1 slope.
-

- 2. Add a new paragraph to 21.29.050 (A)(2) Buffer Area—maybe call it (b) and move remainder of letters down one?**

- b. KPB's Geographic Information System (GIS) technology will be utilized in the design of the buffer area when differing elevations exist between the proposed site and neighboring property owners. Using this technology, line of sight profile drawings from the uppermost inhabitable level of existing properties located within one thousand feet of the proposed parcel boundary shall be utilized in the determination of sufficiency of the buffer area.
-

3. In the revised proposal under Buffer Area (c) the word “**not**” is omitted from what the wording was in the current (**see 21.29.050 (A)(2) in original**) ordinance. This is a huge takeaway from borough residents and I believe that when it was discussed at the material site group they decided to keep the word “**not**”. As worded, the proposed revision would include any easements between a property owner and a gravel pit as part of the Buffer Area.

21.29.050 (A)(2)(c) Should be amended to read:

c. Where an easement exists, a buffer shall **not** overlap the easement, unless otherwise conditioned by the planning commission or planning director.

1. Three Amendments to create two Categories of CLUPs.

21.29.020 (B) Conditional Land Use Permit.

B. A conditional land use permit (CLUP) is required for material extraction which disturbs more than 2.5 cumulative acres, or material extraction of any size that enters the water table. [~~A CLUP IS REQUIRED FOR MATERIALS PROCESSING.~~] **CLUPs will be categorized at the time of application as: Class 1 (Processing), or Class 2 (Non-Processing).** A CLUP is valid for a period of five years. The provisions of KPB Chapter 21.25 are applicable to material site CLUPs and the provisions of 21.25 and 21.29 are read in harmony. If there is a conflict between the provisions of KPB 21.25 and 21.29, the provisions of 21.29 are controlling.

2. 21.29.050 (A) Permit Conditions.

A. The following mandatory conditions apply to counter permits, [~~CLUPs~~] **Class 1 CLUPs, and Class 2 CLUPs** issued for sand, gravel, or material sites:

3. 21.29.050 (A)(3) Permit Conditions

3. Processing. In the case of a [~~CLUP~~] **Class 1 (processing) CLUP**, any equipment which conditions or processes material must be operated at least [~~300~~] **500** feet from the parcel boundaries. At its discretion, the planning commission may waive the [~~300~~] **500** foot processing distance requirement, or allow a lesser distance in consideration of and in accordance with existing uses of adjacent property at the time.

Amendment to Standards

21.29.040 (A)(1) Standards for sand, gravel, or material sites.

1. Protects against the lowering and/or contamination of water sources serving other properties;

Add new paragraphs (c) and (d) to this section:

21.29.050 (A)(6) Waterbodies.

c. No material site extraction shall be allowed within the boundaries of a tsunami inundation area. These areas are mapped by the Alaska DNR, in partnership with the Alaska Earthquake Center and the Alaska Division of Homeland Security and Emergency Management.

d. When material sites are proposed near waterways and estuaries which support salmon rearing habitat existing ground water flow information shall be utilized to determine if standards will be met.

Mr. Brent Johnson, President,
Kenai Peninsula Borough Assembly
and Assembly members

Dear Mr. Johnson and Assembly Members,

Reading about the wish of the Assembly to review the Gravel Pit Ordinance, reminded me of my years of involvement with this.

Drew Scalzi wrote the first one, which the Gravel folks hated, they did not feel it was necessary to control their businesses, and deeply resented the efforts. I got involved thanks to Ann Byes of Anchor Point, who lives near a prime example of gravel pit abuse, where a house stands totally isolated by the deep extractions all around it. She and I were concerned that future extraction would not affect residents nearby, and had asked for at least a 300 ft. distance from a well and the proposed gravel pit.. Before it was voted on, that was changed to 100 ft. At that time Committee meetings were behind closed doors and discussion at the meetings very limited. (During my tenure we changed that.)

So, during my tenure we took another look at it and rewrote it, again to the utter chagrin of the businesses. At that time, as you are now, we came up against a subdivision that faces a busy gravel pit just outside the quiet subdivision, and those folks are not happy about it. They can get local option zoning within the subdivision, but no protection outside the subdivision.

It is time for the Assembly to consider zoning certain areas as residential, that would not allow gravel pits, or commercial businesses. It is the only way to ensure established subdivisions will be protected from commercial disturbances.

In the past there has been a huge outcry against zoning, but I think the time has come. I see the planning committee listening to impassioned cries against proposed gravel pits, and I can empathize. It is impossible to create an ordinance that will protect them.

And somehow we have to recognize there is a need for gravel in order to build anything, roads, homes, etc. That is a vital business on the Peninsula.

I do not envy you what lies ahead. I wish you the best in your endeavors.

Sincerely,

Milli Martin
P.O. Box 2652
Homer, Alaska 99603

Broyles, Randi

From: Blankenship, Johni
Sent: Wednesday, January 26, 2022 11:54 AM
To: Broyles, Randi
Subject: FW: <EXTERNAL-SENDER>Fwd: KPB Ordinance 2021 - 41

From: Larry Smith <dlconst.smith@gmail.com>
Sent: Wednesday, January 26, 2022 11:52 AM
To: Blankenship, Johni <JBlankenship@kpb.us>
Subject: <EXTERNAL-SENDER>Fwd: KPB Ordinance 2021 - 41

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Please include this in the Assembly packet for the next meeting wherein KPB Ordinance 2021-41 is considered. Thank you.

----- Forwarded message -----

From: **Larry Smith** <dlconst.smith@gmail.com>
Date: Wed, Jan 26, 2022 at 11:47 AM
Subject: KPB Ordinance 2021 - 41
To: <bjohnson@kpb.us>, <bhibbert@kpb.us>, <rderkevorkian@kpb.us>, <bjorkman@kpb.us>, <tysoncox@kpb.us>, <belam@kpb.us>, <cecklund@kpb.us>, <lchesley@kpb.us>, <mtupper@kpb.us>, Pierce, Charlie <cpierce@kpb.us>, Kpac Association <kpacassociation@yahoo.com>

Ladies and Gentlemen,

I attended the KPB Assembly meeting on January 18, 2022 and testified against this Ordinance. I do not know how many emails you received in support of this Ordinance but seem to recall that everyone (at least a majority) who testified in person that evening testified against the Ordinance. And yet at the conclusion of the public testimony the Assembly introduced the Ordinance and offered a number of amendments; some of which were adopted and others rejected.

Therefore I wonder who it is that you are representing? Certainly not the public or your constituents since in my view they requested that you vote down the Ordinance. Are you representing the KPB Planning Commission or the KPB Administration? Why are you moving forward with this Ordinance?

--

Larry Smith

President
D & L Construction Co., Inc.
(907) 262-6160
(907) 262-6163 Fax
(907) 398-4284 Cell

--

Larry Smith

President

D & L Construction Co., Inc.

(907) 262-6160

(907) 262-6163 Fax

(907) 398-4284 Cell

Dibble Creek Rock Ltd.

January 20, 2022

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

RE: Review of Ordinance 2021-41

Dibble Creek Rock Ltd. (DCR) does not support the current proposed changes regarding KPB Ordinance 2021-41. We simply feel that the Borough needs to put more research into logical, effective changes to the ordinance that make sense. Not only economic sense, but changes that are geared towards efficiency, usefulness, and overall production for the operators and to stop acting upon the skewed emotions of landowners.

The proposed changes to the ordinance currently read very distorted. It is very misguided and will ultimately result in more complaints to the Borough, which is why the code was written in the first place, to reduce complaints. Wording within the code should be heavily modified, eliminating wording or phrases that have nothing to do with working within a material site or phrases that relay unattainable results. Wording such as "other uses, protects against, minimizes, vicinity" are just a few examples that are vague and subject to interpretation. Possibly more appropriate wording could be considered. It also appears there is potential for unnecessary overlap in regulation between the Borough and other State and Federal agencies.

As one of the larger gravel processors on the Kenai Peninsula, we are highly disappointed that no one from the KPB Material Site Work Group reached out to Dibble Creek Rock Ltd. in the past two years for our input or suggestions for modifications to the ordinance. What operators did they reach out to for input?

The growing need for **quality** processed gravel throughout the Kenai Peninsula will become increasingly difficult to attain. Product specifications need to be met to ensure that aggregates of superior quality are produced for not only maintaining roads, but for home and building foundations on less than favorable land conditions. Quality aggregates are a big part of the ready-mix concrete and asphalt manufacturing process. Products that prove to be crucial components in the road building and general construction industry. Challenging demands put forth in the new ordinance would drive the cost of doing business through the roof. In turn, dramatically increasing the price of materials to the end user (State, Feds, Borough, Homeowners).

We do hope that our thoughts, along with others on the Kenai Peninsula are genuinely taken into consideration.

Respectfully,

Cap Shafer
President

Quality Washed Rock Products • Ready Mix Concrete

34481 North Fork Road • Anchor Point, AK 99556 • 907.235.7126 - Phone • 907.235.0682 - Fax



To the Kenai Peninsula Borough Assembly,

The Kenai Peninsula Aggregate and Contractors Association has received over a hundred phone calls from our members and the public in regard to the actions of the assembly at the meeting conducted on the 18th of January, 2022. All these calls asked us two things. What is going on?!? Why did the assembly go against the will of the people? Specifically, callers are concerned about the Assembly's decision to do so.

Several of our members have asked the Association to write a letter as a plea of communication and education, asking members of the assembly to contact them before any further amendments are considered. Most of our members and the public are concerned about what damage to the industry, economy, property rights, and equal protection any further amendments will do without industry input.

Many calls received have a consensus that further amendments without education of the industry will result in negative impacts. These impacts have varied from the closure of existing material sites, closure to the public, doubling or tripling of material costs, or significant increase in the cost of material. This will unnecessarily impact the economy of the Kenai peninsula and quite possibly affect the safety of the residents in many ways. Many worried that if the cost of sand increases dramatically, roads will receive less maintenance, causing potentially fatal accidents. That is just the most obvious concern, as we are in the season of slick roads and the residents have already experienced cutbacks in road maintenance during the Walker administration at the state level. We can see how voters responded when Government made decisions that affected basic needs and took advice from special interests. One might note the current situation and reaction of the trucking industry in Canada, due to adverse regulation.

As a plea for communication and education, these members of our association below have asked their names and phone numbers be included. Thank you for your full consideration in this matter.

Ed Martin III, President, KPACA 252-2554.

Cap Shafer, Dibble Creek Rock, 399-4550

Larry Smith, D&L Construction, 398-4284

Robert Peterkin, Northwind Properties LLC, 252-7482

Dave Yragui, 252-1891

Dan Michel, Valley View Gravel, 252-1833

Jake Denbrock, SND Enterprises, 252-0156

Glen Martin, Great Northern Construction and Management, 252-5326



Lou Oliva, L&J Enterprises, 252-1300

Marty Oberg, Peninsula Construction, 398-6331

Matt Letzring, Letzring Inc., 398-5263

Mark Rozak, Steam on Wheels, 252-2335

Troy Jones, East Road Services Inc., 235-6574, 399-1297

Terry Best, 398-1268

Chad Hammond, Hammond Trucking, 398-6715

Scott Foster, Foster Construction, 394-1977

Dennis Merkes, Merkes Builders, 398-3369

Richard Encelewski, Ninilchik Native Assoc., 348-0884, 567-3866

Cole Peterson, Metco Alaska llc, 362-7142

Randy Chumley, A&L Construction, 398-3048

Sean McKeown, Knik Construction, 907-545-3637

From: K, E, & E Martin <keeconstructionllc@yahoo.com>
Sent: Sunday, January 30, 2022 12:14 PM
To: Pierce, Charlie <CPierce@kpb.us>; Planning Dept, <planning@kpb.us>; Kelley, Sean <skelley@kpb.us>; Blankenship, Johni <JBlankenship@kpb.us>
Subject: Fw: <EXTERNAL-SENDER>The Doctrine of Estoppel

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KPB Assembly & Borough Mayor,
 Please consider a no vote on 2021-41 or any substitution.

Go back to square one, with a work group made up of 4 individuals from the Industry & 4 Concerned Property Owners only. Allow them to find consensus on the issues that the Government has powers to enforce **& only those powers (ie: ZONING or not under a second class Borough ?)** . Anything beyond lawful KPB Code & Enforcement powers needs to be resolved in Civil Court. The KPB Administration shouldn't become referee for conflicts ahead or after citizen civil controversies regarding Private Property Rights. .

The government should provide assistance (information) of Law, Jurisdiction & by what means to the KPB can Enforce Code! We feel this is the only equitable solution to this controversy now appearing currently before the Administration, Assembly & it's citizens.

As far as the requested "REMAND " on the civil cases , stay out of it entirely regardless of any demand of the Superior Court order(s). The only response should be "we did our job now do yours & we advise consideration of applying the Doctrine of ESTOPPEL.

It appears to us the time to defend the permits the KPB has issued has maybe long past! You failed to honestly do any defense for the Permit Holders. Why is that ? Being the party who issued the permit(s), you should defend it/them!

No Government should be the catalyst for controversy! Please consider our views.
 Ed & Kathleen Martin.

KEE Construction, LLC

January 6, 2022

Mr. Ed Martin III
President
Kenai Peninsula Aggregate and Contractors Association
via email: Kpac Association [kpacassociation@yahoo.com]

Re: Comments on KPB proposed material site ordinance amendments

Dear Mr. Martin:

You have requested that I review the recently proposed Kenai Peninsula Borough material site ordinance amendments introduced December 7, 2021, by the Mayor along with your suggested revisions to the amendments and provide comments. You and I have also discussed the process leading up to these proposed amendments. My comments are provided pro bono as a courtesy to your organization, as well as to the Kenai Peninsula Borough and all residents and businesses interested in this topic.

I do not have any current clients or projects in the Borough that I would consider a conflict of interest, however I do have more than 39 years of experience performing hydrogeologic work in Alaska with some of it on the Kenai Peninsula, as well as relevant experience being involved in the regulation and management of complex resource development issues from both government and private sector perspectives.

My comments are grouped into two areas: 1) the process of developing these amendments; and 2) technical considerations regarding gravel pits and groundwater resources.

Process

The draft ordinance amendments state that:

the assembly established a material site work group by adoption of resolution 2018-004 (Substitute) to engage in a collaborative discussion involving the public and industry to make recommendations regarding the material site code;

From our discussion, it is obvious that the material site work group did not operate on a level playing field, but rather produced its findings through majority vote. In my opinion, this is a fatal flaw of the process that resulted in the current proposals.

As background, I have been involved in two work groups regarding very complex and controversial topics that were highly successful as a result of operating on a level playing field. By this I mean that all decisions, large and small, were made by consensus, not majority rule.

In the 1980s, there was considerable concern over potential and actual groundwater and water well contamination issues on the Kenai Peninsula related to the oil and gas industry. The result was that I, as an employee of the Alaska Division of Geological and Geophysical Surveys, co-

5701 PENNY CIRCLE, ANCHORAGE, AK, 99516

jamunter@arctic.net

PHONE (907) 345-0165; FAX (907) 348-8592

chaired the Kenai Peninsula Groundwater Task Force. This task force obtained considerable funding from the oil and gas industry that was operating on the peninsula at the time to conduct groundwater studies to better understand groundwater resources and disposal sites such as the Sterling Special Waste Management Site. The condition placed on the task force by industry representatives in order to participate and provide funding was that of a "level playing field". While sometimes it took quite a bit of time to achieve consensus, the results were durable and not very controversial.

More recently, the Alaska Department of Environmental Conservation initiated a statewide effort to regulate the drilling of single-family domestic wells. A Stakeholders Working Group (SWG) was convened to explore the issues, and again, all work was conducted by consensus. The group was hugely successful in developing a set of Best Management Practices for drilling private single-family wells, in developing another document for properly decommissioning wells and in creating a new website with numerous resources for well owners:
<https://dec.alaska.gov/eh/dw/dwp/private-wells/>.

I bring these examples to your attention because, in reviewing the proposed amendments and your comments, it is apparent that these proposed amendments are complex and controversial, often interrelate to one another, and would benefit greatly from more work by a working group operating collaboratively by consensus prior to being considered for adoption.

It is worth noting that in our society ever-tightening environmental regulations are typically a one-way street. The long-term harm from over-regulating resource extraction is increasing costs and increasing scarcity of the resource on the open market. Sand and gravel resources are fundamentally important to the orderly economic development of the Kenai Peninsula Borough, are not highly transportable from other locations, and are dependent on time-limited extraction activities at most sites as a result of resource depletion. In south-central Alaska, there are many examples of reclaimed former gravel pits (some with ponds) that are important assets for long-term community development and wildlife.

A working group operating by consensus should be afforded whatever time it takes to achieve results. They should self-organize, with Chairs or Co-Chairs selected on the basis of impartial administration of the group. A potentially long timeframe should be considered for this important work because the KPB currently has a functional ordinance governing gravel resource extraction to serve in the interim. While many would likely consider the existing ordinances imperfect, it seems that it is far more important to get revisions right, rather than to get them fast.

In a nutshell, the existing proposed amendments should be scrapped and the whole process should start over with a level playing field amongst all stakeholders who agree to work in a collaborative and productive atmosphere towards improvements to the existing ordinances.

Technical considerations

There are many legitimate issues associated with gravel pits such as noise, dust, traffic, visual impacts, etc. which I will not address. One of the key concerns that commonly arises with gravel pits is impacts to groundwater or surface water resources. This is important, because while land

and gravel resources are typically privately owned, water resources in Alaska are reserved to the people for common use and responsibility for their management is delegated to agencies. Also, water has the uncanny habit of moving from place to place. So what happens to water at a gravel pit does not stay at the gravel pit.

The existing ordinance allows excavation into the water table under certain conditions. Proposed revisions by Kpac suggest loosening those restrictions and allowing more general mining of sand and gravel to a depth of up to 15 feet below the water table.

There is not a clear-cut answer to how mining of aggregate resources below the water table should be regulated. As described above, this should be subjected to deliberation by a stakeholder working group operating under consensus rules. Below, however are some considerations.

First, mining resources below the water table is not inherently "bad" or "not permissible" by agencies. The recently completed and approved Environmental Impact Statement for the proposed Donlin gold mine in southwest Alaska, for example, proposes digging an open pit about two miles long, one mile wide and more than 1/4 mile deep that would fill almost to the brim after mining to form a pit lake. With mining below the water table, however, precautions are warranted to protect nearby users of groundwater and potentially-affected surface water resources, wetlands and wildlife.

Throughout south-central Alaska, and notably in the Anchor Point area, numerous old gravel pits are now flooded to form small lakes or ponds. Some of these features provide wildlife habitat and potential visual and recreational enhancement for neighboring homes and businesses.

During gravel pit operations, one of the largest concerns about groundwater contamination comes from accidental fuel spills. All gravel pits should have rigorous and robust measures in place to prevent such spills and some degree of capacity to clean up spills if they occur.

The current ordinance calls for a two-foot vertical separation between the bottom of a pit and the seasonal high water table under most conditions. The rationale for this separation is not clear. In the event of a sizeable fuel spill, such a buffer would not be very useful in preventing fuel from reaching the water table. In a gravel pit, fuel would tend to infiltrate vertically downward from the spill point and "pancake" out on the surface of the water table two feet or more below the ground. The pore-space storage that would capture spilled fuel before reaching the water table could be as low as about 10 gallons. Once a spill encountered the water table, dissolved fuel components would begin to migrate in a downgradient direction along with the groundwater. To be most effective, cleanup should be rapid and may entail excavating a large quantity of contaminated sand and gravel. In contrast, if a fuel spill reached a gravel pit pond, the resulting sheen and/or floating product would likely be immediately obvious. Sorbents and/or booms stored on-site could be rapidly deployed to contain and mop up the bulk of the contamination.

Some perspective on regulatory requirements for two- or four-foot separation to the water table may be useful. It is a common regulatory requirement that the distance between the bottom of a septic system leachfield and the top of the seasonal high water table must be at least four feet.

The reason for this requirement is that wastewater percolating downward from leachfields needs to receive aerobic (i.e. oxygenated) subsurface treatment in the unsaturated zone between the bottom of the leachfield and the low-oxygen saturated sediments below the water table in order to treat and removed certain compounds and microorganisms from the wastewater. Such logic does not apply to gravel pits where no wastewater treatment occurs.

Part of Kpac's proposed revision to ordinances is that, in order to make wider and taller surrounding berms (10 ft high rather than 6 feet high) and simultaneously preserve the economic viability of extracting aggregate resources, excavation below the water table should be considered along with appropriate protective measures.

A consequence of extracting sand and gravel below the water table is that the total footprint of gravel pits in any given area may be reduced. This could occur because if there is a fixed market demand for aggregate the aggregate has to come from somewhere. If pits were able to extract an additional 17 vertical feet (two feet above and 15 feet below the water table) of aggregate resources from part of their operation, then it follows that fewer net acres of land surface would need to be disturbed to meet the market demand.

One useful protective measure for water table excavation would be the prohibited distance to surrounding water wells or even potential water well locations on nearby undeveloped property. A gravel pit should not "shadow" a potential well location on a nearby property such that the property is undevelopable using a well and a septic system. A large public water-supply well, for example, must be sited more than 200 feet from certain potential sources of contamination, and that distance should be considered as suitably applicable for private well distances from gravel pit ponds, as well.

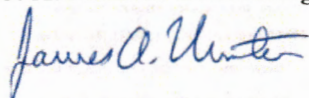
Another potential contaminant source from excavating below the water table is fine silt or clay that could become entrained in groundwater and travel some distance towards a well. Again, a protective distance to surrounding wells, especially if groundwater flow directions can be determined, would likely be the most practical way of reducing risk from entrained silt or clay in groundwater.

The concept of requiring the bottom of an excavation to be 15 feet above nearby private well intake openings is only marginally protective. This is because, if a contaminant plume should develop in groundwater, lateral and vertical dispersion (i.e. spreading) of the plume could readily exceed this amount. Also, the construction details of nearby wells are not always known.

Should you have any questions, please call me at 907-345-0165 or 907-727-6310 (cell).

Sincerely,

J. A. Munter Consulting, Inc.



James A. Munter, CPG

Certified Ground Water Professional No. 119481

Alaska Licensed Professional Geologist No. 568

Comments on KPB materials site revisions

Page 4 of 4

January 6, 2022

Turner, Michele

Subject: FW: <EXTERNAL-SENDER>Fw: DEC Drinking Water regulations related to gravel extraction
Attachments: image001.png

From: Kpac Association <kpacassociation@yahoo.com>
Sent: Thursday, January 20, 2022 2:08 PM
To: G_Notify_AssemblyClerk <G_Notify_AssemblyClerk@kpb.us>
Subject: <EXTERNAL-SENDER>Fw: DEC Drinking Water regulations related to gravel extraction

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Hi Johni,
Please forward to the assembly.
Ed Martin III
President
KPACA
252-2554

----- Forwarded Message -----

From: Palmer, Charley (DEC) <charley.palmer@alaska.gov>
To: kpacassociation@yahoo.com <kpacassociation@yahoo.com>
Cc: Rypkema, James (DEC) <james.rypkema@alaska.gov>; Miller, Christopher C (DEC) <chris.miller@alaska.gov>
Sent: Monday, January 10, 2022, 10:06:57 AM GMT-9
Subject: DEC Drinking Water regulations related to gravel extraction

Hi Ed Martin,

As mentioned before, we have little authority with respect to land use activities near a public water system in our current regulations, 18 AAC 80. For that reason, we did work with the Division of Water to update a Best Management Practices document found at <https://dec.alaska.gov/water/wastewater/stormwater/gravel/>, to include consideration of nearby public water systems. I've cc'd Jim Rypkema in case he has anything to add regarding the BMP document. I've also cc'd my supervisor, Chris Miller, just so he's aware of our communication.

As requested, below are relevant regulations that could apply:

18 AAC 80.015. Well protection, source water protection, and well decommissioning.

(a) A person may not

(1) cause pollution or contamination to enter a public water system; or

(2) create or maintain a condition that has a significant potential to cause or allow the pollution or contamination of a public water system.

(d) A person who owns or is responsible for a well, hole, or excavation into a water supply source or potential water supply source for a public water system shall use appropriate methods as follows to protect the water supply source as required under (a) of this section:

(1) if the well, hole, or excavation is either active or temporarily inactive, the person shall maintain the well, hole, or excavation using appropriate methods, including methods set out in (b) of this section;

(2) if the well, hole, or excavation is permanently inactive or abandoned, the person shall protect, seal, or fill the well, hole, or excavation using appropriate methods approved by the department as set out in (e) of this section;

(3) in this subsection “wells, holes, or excavations” include

(A) a well that may or may not be used for potable water;

(B) a hole drilled, augured, or jetted for the purpose of subsurface exploration or sampling;

(C) a cathodic protection well; or

(D) another form of excavation that might contaminate a public water supply source.

18 AAC 80.020. Minimum separation distances.

(a) A person may not construct, install, maintain, or operate a public water system unless the minimum separation distances in Table A, in this subsection, are maintained between a potential source of contamination and a drinking water source for the public water system.

TABLE A.
Minimum Separation Distances^a Between Drinking
Water Sources and Potential Sources of Contamination
(Measured horizontally in feet)

Type of Drinking Water System	
Potential Sources of Contamination	Community Water Systems, Non-transient Non-Community Water Systems, and Transient Non-Community Water Systems
Wastewater treatment works, ^b wastewater disposal system, ^b pit privy, ^b sewer manhole, lift station, cleanout	200
Community sewer line, holding tank, ^b other potential sources of contamination ^c	200
Private sewer line, petroleum lines and storage tanks, ^d drinking water treatment waste ^e	100

Notes to Table A:

^a These minimum distances will be expanded, or additional monitoring will be required under 18 AAC 80.020(b) and (e)(2).

^b Distance to a drinking water source is measured from the nearest edge of the drinking water source to the nearest edge of the potential source of contamination.

^c Other potential sources of contamination include [but are not limited to] sanitary landfills, domestic animal and agricultural waste, and industrial discharge lines.

^d The minimum separation distances for petroleum storage tanks do not apply to tanks that contain propane, or to above-ground storage tanks or drums that, in the aggregate, have a storage capacity of less than 500 gallons of petroleum products, and that store only petroleum products necessary for the operation and maintenance of pumps, power generation systems, or heating systems associated with a potable water source.

^e Drinking water treatment wastes include the backwash water from filters and water softeners, and the reject water from reverse osmosis units.

(b) The department will require a greater separation distance than that required by Table A in (a) of this section if the department determines that additional distance is necessary to protect surface water, groundwater, or a drinking water source. The department will make this decision after considering soil classifications, groundwater conditions, surface topography, geology, past experience, or other factors relevant to protection of surface water, groundwater, or drinking water.

Regards,



Charley Palmer

Hydrologist 3

FAA Certified sUAS (drone) Pilot

DEC-EH | Drinking Water Program

Drinking Water Source Protection

PHONE 907-269-0292

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555 CORDOVA STREET

ANCHORAGE, AK 99501

Turner, Michele

Subject: FW: <EXTERNAL-SENDER>Fw: Gravel pits with waterbodies

From: Kpac Association <kpacassociation@yahoo.com>
Sent: Thursday, January 20, 2022 2:11 PM
To: G_Notify_AssemblyClerk <G_Notify_AssemblyClerk@kpb.us>
Subject: <EXTERNAL-SENDER>Fw: Gravel pits with waterbodies

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Hi Johni,
Please forward to the assembly as comment on 2021-41
Ed Martin III
President
KPACA
252-2554

----- Forwarded Message -----

From: Peterson, Ryan E (DEC) <ryan.peterson@alaska.gov>
To: Kpac Association <kpacassociation@yahoo.com>
Cc: Wilfong, David L (DEC) <david.wilfong@alaska.gov>; Bear, Tonya (DEC) <tonya.bear@alaska.gov>
Sent: Friday, January 7, 2022, 01:34:23 PM GMT-9
Subject: RE: Gravel pits with waterbodies

Good Afternoon Ed,

Thank you so much for the inquiry. In regards to your question of what applicable regulations of the wastewater disposal regulations 18 AAC 72 could apply during the development of a materials site resulting in the creation of surface water and/or steep slopes, the sections that come to mind are:

18 AAC 72.020(b) which goes over separation distances from a wastewater disposal system to surface water sources; and

18 AAC 72.035(9) which goes over separation distances from a conventional onsite system to a ground surface slope greater than 25 percent with a drop in the surface height greater than 10 feet.

These will cover most private residential systems. If the nearby property or development is a commercial facility, additional restrictions based on site specific considerations may apply.

Please let me know or the Soldotna wastewater review engineer Dave Wilfong, 262-3405, david.wilfong@alaska.gov, know if you have any additional questions. Thank you!

Ryan Peterson
Dept of Environmental Conservation / Division of Water
Engineering Support and Plan Review Section
43335 Kalifornsky Beach Road, STE 11 Soldotna AK 99669
ryan.peterson@alaska.gov
Phone: 907-262-3402 Fax: 907-262-2294
septic.alaska.gov

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

From: Kpac Association <kpacassociation@yahoo.com>

Sent: Friday, January 7, 2022 7:24 AM
To: Peterson, Ryan E (DEC) <ryan.peterson@alaska.gov>
Subject: Gravel pits with waterbodies

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Ryan. Per our conversation yesterday, could you write me back something referring to the DEC waste water divisions regulations regarding waterbodies and slopes that could occur in the development of a material site? Thanks, Ed.

Sent from my iPhone

02021-41

Turner, Michele

Subject: FW: <EXTERNAL-SENDER>Fw: [External Email]Info on gravel pit habitat
Attachments: Gravel Pit Ponds as Habitat Enhancement for Juvenile Coho Salmon pnw_gtr212.pdf;
Guidelines for Gravel-Pit Wetland Creation 0653-Prange.pdf; Nancy St Article.pdf; Nancy
St As-Built-lowres (002).pdf

From: Kpac Association <kpacassociation@yahoo.com>
Sent: Thursday, January 20, 2022 2:03 PM
To: G_Notify_AssemblyClerk <G_Notify_AssemblyClerk@kpb.us>
Subject: <EXTERNAL-SENDER>Fw: [External Email]Info on gravel pit habitat

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Hi Johni,

Could you send this to the assembly for comment on 2021-41? It is from the forest service about some amazing uses they have done with old gravel pits that have been excavated into the water table. Reclamation benefits and options.

Ed Martin III
President
KPACA
252-2554

----- Forwarded Message -----

From: Cross, Adam -FS <adam.cross@usda.gov>
To: Kpac Association <kpacassociation@yahoo.com>
Sent: Thursday, January 13, 2022, 02:40:43 PM GMT-9
Subject: RE: [External Email]Info on gravel pit habitat

Good Afternoon Ed,

I wanted to share some of the literature my co-workers located. Some of it is a bit older but still relevant. Unfortunately, the FS has not published much if anything about the work of transitioning gravel ponds into salmon habitat or even recreational areas in Portage Valley. The area is a great "show me" example for folks who may be interested.

I hope the attached will be helpful.

Best Regards,
Adam

Adam Cross
KPZ Aquatics Program Manager
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Chugach National Forest, Kenai Peninsula Zone
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33599 Ranger Station Spur
Seward, AK 99664
www.fs.fed.us

Caring for the land and serving people

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

From: Kpac Association <kpacassociation@yahoo.com>
Sent: Thursday, January 6, 2022 10:52 AM
To: Cross, Adam -FS <adam.cross@usda.gov>
Subject: [External Email]Info on gravel pit habitat

[External Email]

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Great conversation with you today! Any info you have on any pits converted to habitat would be appreciated. A simple letter explaining your success in that area would be excellent to start a discussion in the presentation I'm producing for the KPB. Thank you so much! Ed Martin. 252-2554.

Sent from my iPhone

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United States
Department of
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Forest Service

Pacific Northwest
Research Station

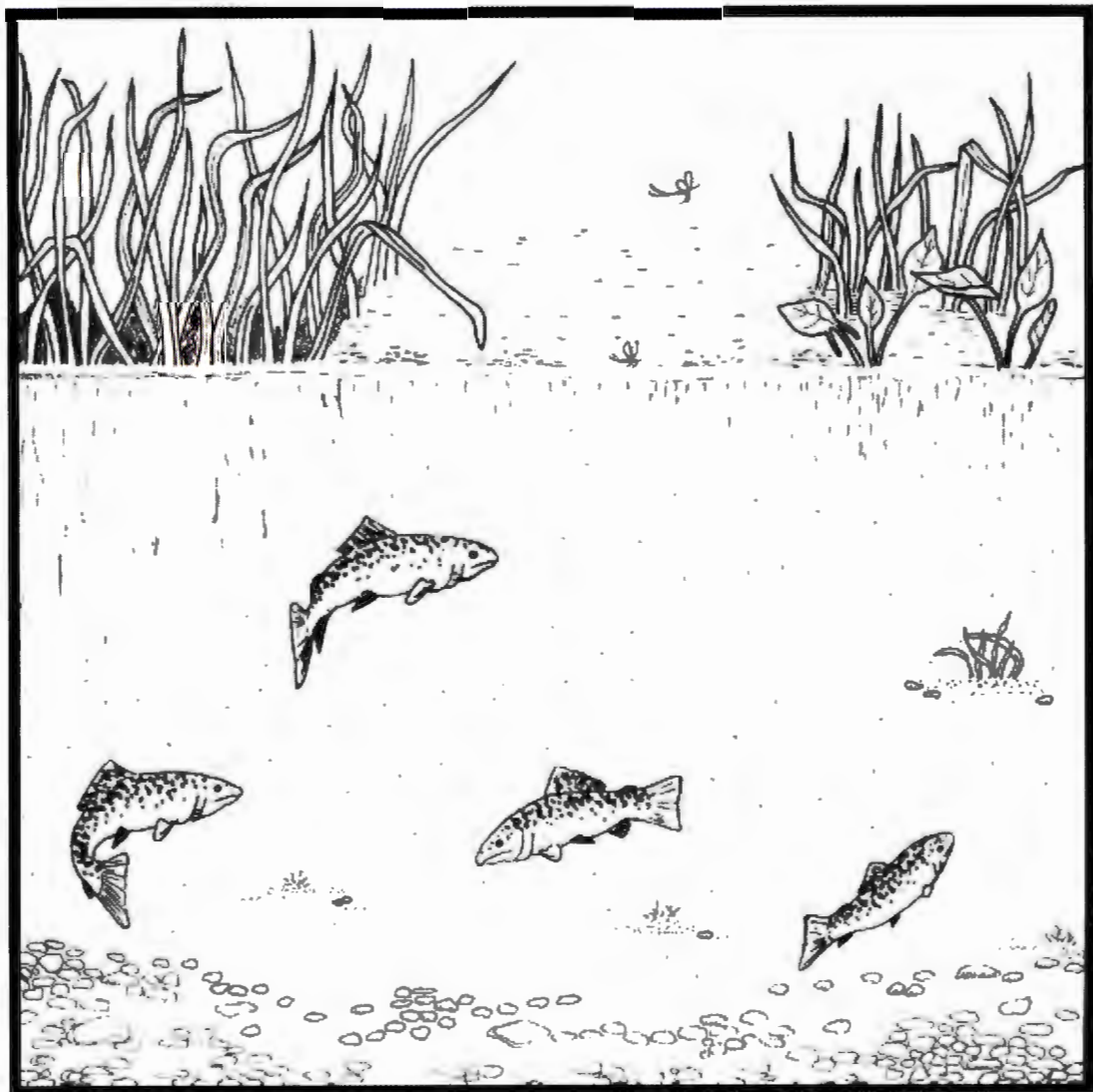
General Technical
Report

PNW-GTR-212



Gravel Pit Ponds as Habitat Enhancement for Juvenile Coho Salmon

Mason D. Bryant



Author

MASON D. BRYANT is a research fishery biologist, Forestry Science Laboratory, P.O. Box 20909, Juneau, Alaska 99802.

Abstract

Bryant, Mason D. 1988. Gravel pit ponds as habitat enhancement for juvenile coho salmon. General Technical Report PNW-GTR-212. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 10 p.

Gravel pits built during road construction in the early 1970's near Yakutat, Alaska, filled with water and were connected to nearby rivers to allow juvenile salmonids to enter. Seasonal changes in population size, length and weight, and length frequencies of the coho salmon population were evaluated over a 2-year period. Numbers of coho salmon fluctuated, but two of the ponds supported high populations, more than 2,000 fish, throughout the study. These ponds appeared to support coho salmon throughout the winter. The range of physical measurements of the ponds did not seem to account for differences in numbers of salmon, but low concentrations of dissolved oxygen were detected in all ponds near the bottom. Aquatic vegetation, water exchange rate, and access may have affected the number of coho salmon in the less-productive ponds.

Keywords: Fish habitat, salmonids, stream habitat management, southeast Alaska, Alaska (southeast).

Contents

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1	Methods
2	Results
8	Discussion
10	Literature Cited

Introduction

Road construction and forest development are commonly associated with detrimental effects on salmonid habitat; with proper planning, however, such effects can be avoided. In this paper, I discuss a method to improve salmonid production in conjunction with road construction.

Juvenile coho salmon (*Oncorhynchus kitsuch*) are aggressive, invasive, and mobile (Allee 1974, Chapman 1962, Skeesick 1970). Sheridan¹ suggested that the gravel pits, created during road construction on the glacial outwash of the Yakutat forelands (Alaska Department of Fish and Game 1984), would be exploited by juvenile coho salmon if the ponds were connected to river systems containing coho salmon. Several gravel pits that had filled with water were connected by artificial channels to nearby rivers during the 1970's. Coho salmon fry were observed in the ponds, but no systematic effort was undertaken to estimate the number of fish in the ponds or to evaluate their effectiveness as rearing habitat.

The purpose of this study was to determine if these ponds were suitable rearing habitat for juvenile coho salmon. Numbers of juvenile coho in four ponds were estimated over several seasons. Size and ages were determined. Selected chemical and physical measurements were taken on the ponds to identify factors that could account for differences in salmon populations.

Although ponds are not generally associated with coho salmon habitat, beaver ponds and riverine ponds have been identified as productive coho habitat in Alaska and in Washington in recent years² (Bryant 1984, Peterson 1982). Russell and Schramek (1984) found about 2,500 coho salmon fry and 500 fingerlings in a gravel pit associated with a beaver pond during the summer of 1977. They did not follow the populations through the winter, however. Both Peterson (1982) and Russell and Schramek (1984) reported seasonal migrations to and from the ponds. Although most of these studies were on natural ponds, their results indicate that ponds created by gravel borrow pits can support juvenile coho salmon; such ponds may be an inexpensive method to increase coho salmon production.

Methods

Four ponds-Nine-Mile, Green, Twenty-Two-Mile, and Beanbelly-were sampled monthly from July through October 1983 and during spring or early summer and autumn in 1984 and 1985. Minnow traps (mesh size = 6.3 mm) were baited with salmon eggs and distributed along the edge of the ponds, usually within a few meters of the bank, 1 to 2 m deep. A few were placed in the middle of the ponds. Between 26 and 30 traps were sufficient to sample each of the ponds. In 1984, Twenty-Two-Mile Pond was not sampled because of low coho salmon populations. Green Pond was not sampled in 1985 for the same reason. Traps were allowed to fish for 1 hour, long enough to capture a sufficient sample. Longer periods occasionally resulted in high mortalities. Mortalities incurred during handling were identified and removed from the experiment.

All fish were identified and measured (total length). Scales and weights were taken from a subsample of the salmonid population. Salmonids were marked by punching a hole in the caudal fin. In the fall of 1984, salmonids were marked by freeze branding (Bryant and Walkotten 1980).

¹ Sheridan, W.L. 1970. Coho salmon habitat improvement-on glacial outwash plains. U.S. Department of Agriculture, Forest Service, Region 10. Unpublished.

² Sanders, G.H. Movement and territoriality in juvenile coho salmon (*Oncorhynchus kisutch*) in a southeast Alaska pond. Alaska Department of Fish and Game, Juneau, AK. Unpublished report.

Population size was estimated either with the Schnabel multiple mark and recapture method or the Bailey modification of the Peterson estimate (Ricker 1975). The Schnabel method was used in all the 1983 samples. The method varied in later samples because of limited sampling time. The multiple mark and recapture experiments were conducted over a period of 5 days or less. Emigration and immigration were negligible during the summer. During of the summer sampling periods, water levels were low and streams into and out of the ponds were either not running or had small flows. Increased rainfall in the autumn resulted in higher flows, but mark and recapture samples were done over a period of 2 or 3 days to minimize the effect of fish moving into or out of the ponds.

All four ponds were surveyed to determine surface area. Depth profiles were not made, but maximum depths were determined during secchi disk and oxygen measurements. Temperature and oxygen were measured with a YSI³ oxygen meter in 1983 and 1984. Oxygen measurements in June 1985 were made with the Alsterburg modification of the Winkler method (U.S. Environmental Protection Agency 1974).

Results

The number of coho salmon in Nine-Mile and Beanbelly Ponds increased from July to October in 1983. Each pond supported more than 3,500 coho salmon in the fall of 1983 (fig. 1). Green and Twenty-Two-Mile Ponds were not sampled after October 1983 because few fish were captured. The number of coho salmon in Green Pond declined from an estimated 2,700 in August to a point where no estimate was possible in October (fig. 1). The number of coho salmon in Twenty-Two-Mile Pond was consistently low.

³ Use of trade names is for the information and convenience of the reader. Such use does not imply endorsement by the U.S. Department of Agriculture of any product or service to the exclusion of others that may be suitable.

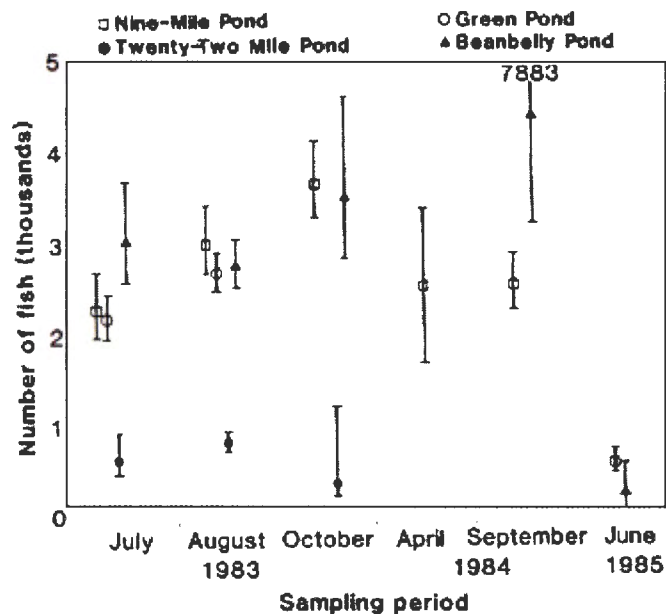


Figure 1—Population estimates of coho salmon captured in Nine-Mile, Green, Twenty-Two-Mile, and Beanbelly Ponds from 1983 to 1985.

Population estimates in Nine-Mile and Beanbelly Ponds were made October 1983, April 1984, September 1984, and June 1985 to assess overwinter use of the ponds. Beanbelly Pond was not sampled in April, 1984 because snow on the road made it inaccessible. In Nine-Mile Pond, the number of juvenile coho salmon decreased from 3,666 to 2,547 between October 1983 and April 1984. Fin punches applied in October were observed in the April sample; therefore, coho salmon overwintered in the pond, but emigration and immigration likely occurred between the sample periods. Because of heavy snow, the ponds were not sampled until the 1st week in June 1985. The low populations in both ponds in June may be attributed to smolt migration. Comparison of length frequencies in September 1984 and June 1985 in Beanbelly Pond corroborate this migration (fig. 2). In September 1984, the median length of coho salmon in Beanbelly Pond was 88 mm (total length), and more than 10 percent of the total catch was longer than 100 mm; in June 1985, the median length was 82 mm, and less than 2 percent of the total catch was longer than 100 mm.

A few coho salmon marked with freeze brands in September 1984 were recovered from both ponds in June 1985, but they numbered less than 1 percent of the total catch; therefore, overwinter survival cannot be estimated. Recovery of marked fish in June 1985 and the persistence in the ponds of coho salmon that were at least 1 year old in the spring and early summer of 1984 and 1985 indicate that the ponds are used over the winter.

Recruitment to the ponds appears to be the result of upstream migration of juvenile coho, except in Beanbelly Pond which is fed by a stream with spawnable habitat. Recruitment of fry into the ponds appears to begin in June. During May 1984, fewer than 5 percent of the coho salmon caught in Nine-Mile Pond were smaller than 62 mm (total length); by September, more than 16 percent were smaller than 62 mm (fig. 3). Between July and September, the percentage of smaller coho salmon increased slightly in Nine-Mile Pond, indicating that fry moved into the pond. In Beanbelly Pond, the percentage of smaller coho salmon decreased slightly from July to September in 1983, suggesting that smaller fish did not move into the pond and that the difference in size was the result of growth.

Significant differences occurred among the length-weight regressions computed for the coho salmon captured in the four ponds in July and August 1983 (table 1). Throughout the analysis, Nine-Mile Pond shows a consistently higher slope than the other ponds, indicating more robust fish and better growth. In September 1983, large differences appear in the slope of the regression for Twenty-Two-Mile Pond (2.2) compared to those of Nine-Mile and Beanbelly Ponds (2.8 and 2.7). The lack of significance in September 1983 may result from the smaller sample size in Twenty-Two-Mile Pond compared to that in the other two ponds.

Although depths of each pond varied, each had a relatively uniform profile tapering from a deep end to a shallow end with steep sides. The least productive pond, Twenty-Two-Mile, was also the shallowest. Green Pond and Nine-Mile Pond were similar in depth and shape (table 2); both are connected to the Situk River. Beanbelly, the largest and deepest of the four ponds, has an irregular shape and is more like a natural pond. It is fed by a perennial stream.

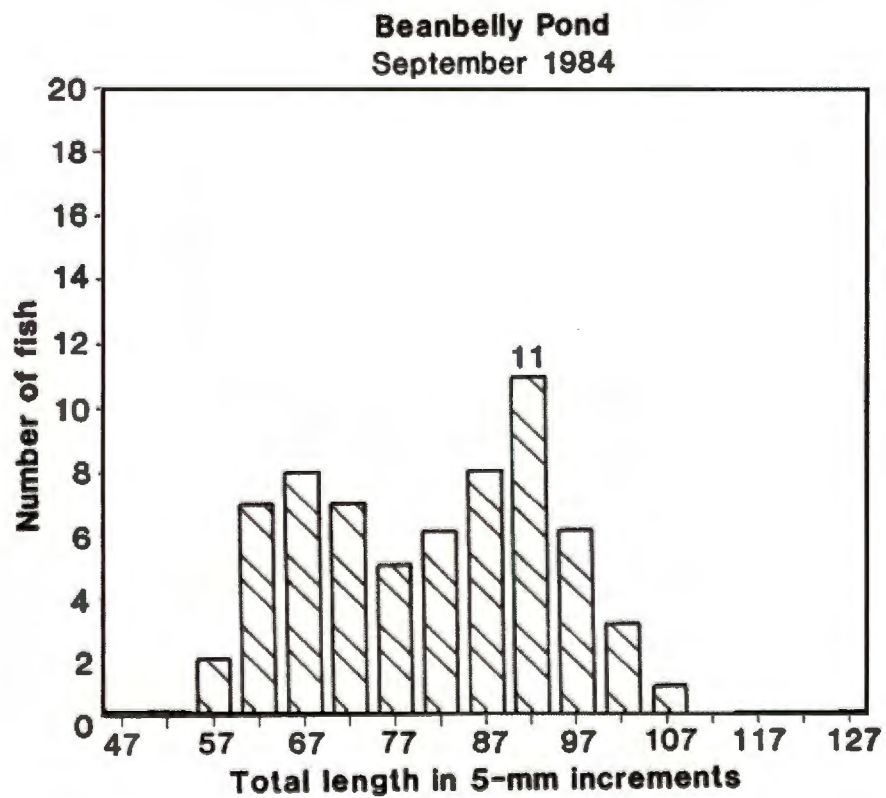
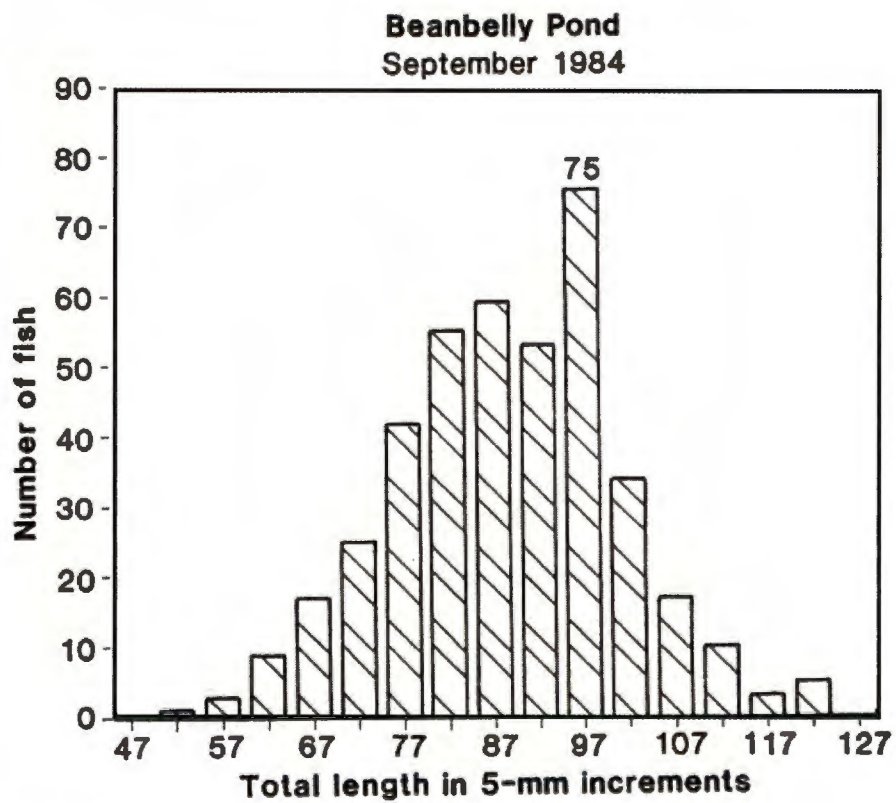


Figure 2—Length frequency distribution of coho salmon captured in Beanbelly Pond in September 1984 and June 1985.

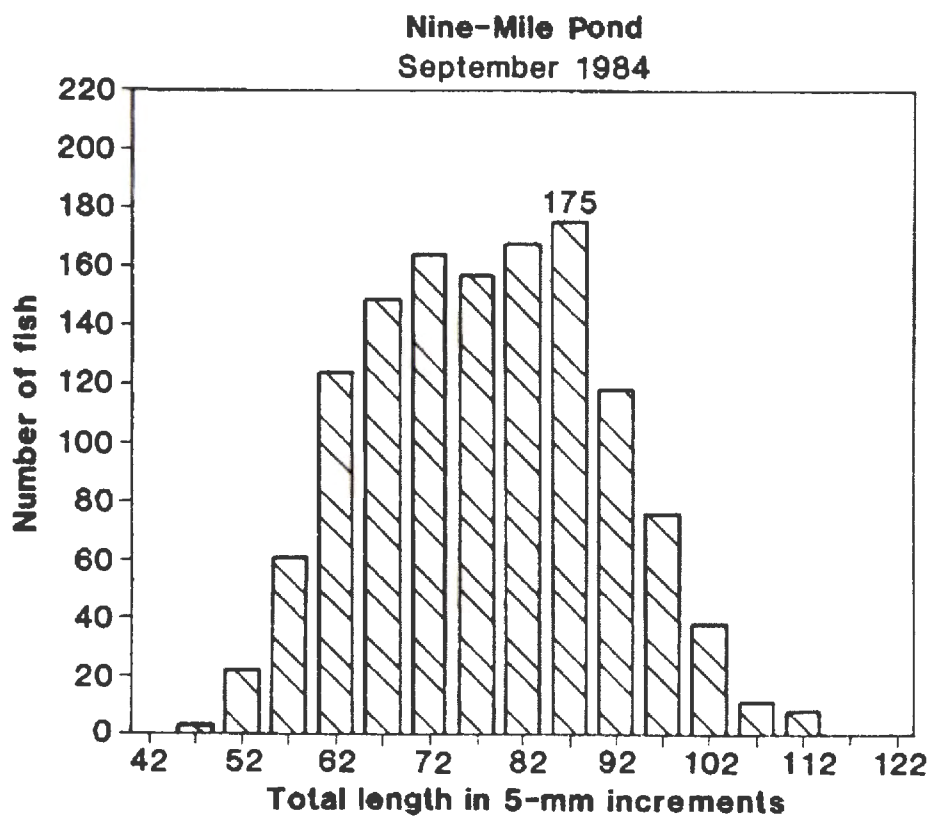
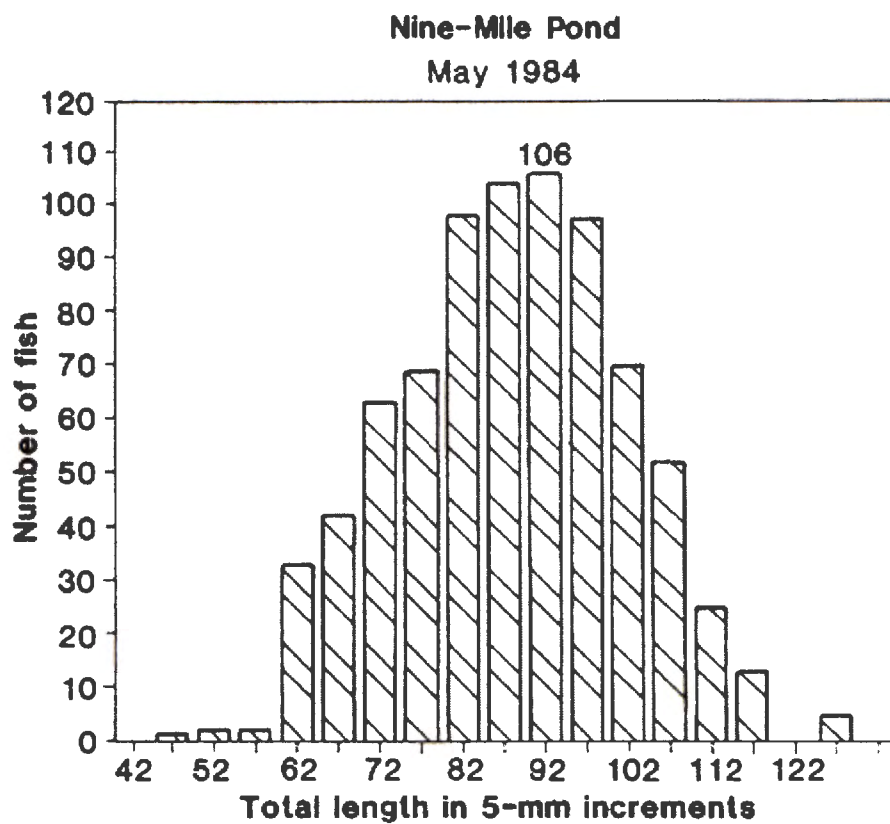


Figure 3—Length frequency distribution of coho salmon captured in Nine-Mile Pond in May and September 1984.

Table 1-Differences among ponds in length-weight regressions

Date and pond	Intercept	Slope	Significance	
	a	b	Level	Slope
July 1983:				
Nine-Mile	-5.3683	3.157		
Green	-4.0452	2.482	≤ .05	≥ .05
Twenty-Two-Mile	-4.1865	2.5663		
Beanbelly	-3.9622	2.4281		
August 1983:				
Nine-Mile	-5.1244	3.0233		
Green	-4.153	2.5325	≤ .05	≥ .05
Twenty-Two-mile	-4.844	2.867		
Beanbelly	-5.1789	3.0326		
Sept. 1983				
Nine-Mile	-4.783	2.8378		
Green	—	—		
Twenty-Two-Mile	-3.6585	2.2101	≤ .05	≥ .20 (NS)
Beanbelly	-4.5538	2.7266		
April 1984				
Nine-Mile	-5.1337	2.9813		
Green	-4.6439	2.7453	≤ .05	≥ .05
Twenty-Two-Mile	—	—		
Beanbelly	—	—		

— = no data: NS = not significant

Table 2—Yakutat gravel pit ponds morphology

	Area	Volume ^a	Maximum depth	Average depth ^b
	<u>Square meters</u>	<u>Cubic meters</u>	<u>-----Meters-----</u>	
Green	7,644	9,500	2.5	1.25
Nine-Mile	10,010	12,513	2.5	1.25
Twenty-Two-Mile	27,972	27,513	2.0	1.0
Beanbelly	34,954	61,170	3.5	1.75

^a Volume = area times average depth.

^b Average depth = maximum depth divided by 2

Temperature and oxygen were slightly stratified in all ponds during the summer and winter. The ponds were isothermal in the spring and fall (fig. 4). Oxygen supply depends partly on the water-exchange rate in each of the ponds during periodic thaws throughout the winter. Oxygen levels near the bottom of the ponds were lowest during December but were above 5 p/m at the surface in all four ponds. The dissolved oxygen supply may have become critically low later in the winter after a thick layer of ice formed.

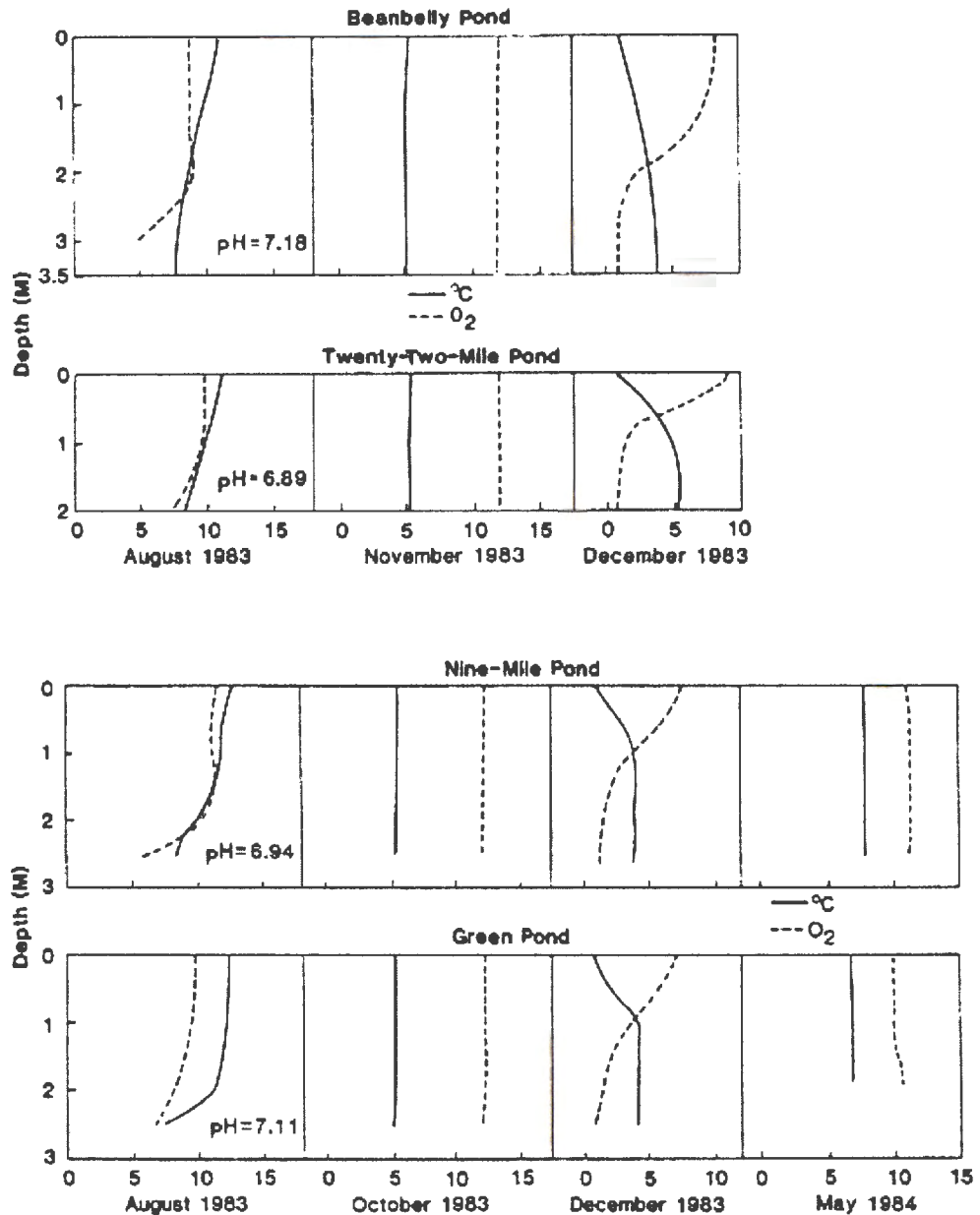


Figure 4—Seasonal temperature and oxygen profiles for Green, Nine-Mile, Twenty- Two-Mile, and Beanbelly Ponds.

Discussion

All four ponds were used to a greater or lesser extent by juvenile coho salmon during the study. Even over the short period of this study, populations fluctuated from year to year. In Green Pond, the salmonid population virtually disappeared after the fall of 1983. The population at Twenty-Two-Mile Pond was consistently low. Beanbelly and Nine-Mile Ponds consistently supported the highest populations of coho salmon.

None of the morphological or chemical features measured during the study appear to account for the differences and changes in the coho salmon population in the ponds. A more likely explanation may be the connection between the ponds and the river. Both Nine-Mile Pond and Beanbelly Pond had well-defined channels between the ponds and the river. The outlet to Twenty-Two-Mile Pond was poorly defined. Neither Twenty-Two-Mile Pond nor Green Pond had a defined inlet channel. Although ground water is an important source of water for the ponds, flow of surface water into and out of the ponds may be an important factor determining the water quality of the ponds as habitat for juvenile coho salmon.

Because all juvenile coho salmon immigrated into the ponds, the channel between the river and the ponds is critical to their use by coho salmon. All ponds were apparently accessible at high-flow periods (spring and fall) to juvenile coho salmon in the adjacent rivers, but the less well-defined channels connecting Twenty-Two-Mile Pond and Green Pond may have contributed to the low populations in these ponds. A poorly defined channel has lower velocity and is less likely to be found by the fish. Once found, it may not offer a clear path to the pond.

The coho salmon in the less productive ponds appeared to be less robust than those in the other two ponds. Where significant differences among length-weight regressions occurred, the lower values were associated with the ponds that had fewer coho salmon; therefore, factors other than access may be affecting productivity in the ponds. Among possible factors that were observed but not evaluated in this study are food and competition. Food may be a limiting factor and the differences in length-weight ratios may reflect fewer aquatic organisms available for food in these ponds. Large populations of threespine sticklebacks (*Gasterosteus aculeatus*) were observed in all the ponds. Beanbelly, Nine-Mile, and Twenty-Two-Mile Ponds had a dense cover of aquatic plants, and the bottom of Green Pond was covered with a dense mat of algae. The dense cover of aquatic vegetation would contribute to a large stickleback population by providing excellent habitat for reproduction and cover for newly hatched sticklebacks. The effect of competition for space and food between sticklebacks and coho salmon was not studied. Aquatic plants and algal growth would also contribute to low concentrations of benthic dissolved oxygen during fall and winter as the vegetation died and began to decompose. In addition, sticklebacks may be able to tolerate lower dissolved oxygen concentration than coho salmon.

Timber along the bank was apparently not a factor in any of the ponds. Twenty-Two-Mile Pond was the only one with large trees along the bank. These trees did not appear to influence the pond. Willow (*Salix* sp.) and alder (*Alnus* sp.) were the dominant vegetation along the banks of the other ponds. Based on observations of numbers of coho salmon captured near vegetation in the water, coho salmon do not appear to prefer brush habitat associated with these ponds. Nevertheless, shrubs along the bank may provide cover and a source of terrestrial insects to coho salmon.

Although the results of this study show differences among the ponds, specific factors controlling numbers of coho salmon in the ponds were not identified. The range of morphological and chemical differences measured in the ponds did not appear to affect numbers of coho salmon. The ponds apparently provide habitat for juvenile coho salmon although low dissolved oxygen sometimes may increase mortality. Coho salmon apparently remain in the ponds through winter.

The design of artificial ponds for juvenile coho salmon habitat should include several important morphological features. Adequate water quality is necessary throughout the year, particularly during the winter. A perennial flow of surface water into the pond may satisfy this requirement. The second requirement is access. An effective method for providing both these features is to construct an upstream inlet from the stream to the pond and a downstream outlet from the pond to the stream. Other favorable features include an average depth greater than 2 meters and bank vegetation for shade and cover.

Additional study on the effects of competitive interaction between salmonids and other species such as sticklebacks, the role of aquatic vegetation as cover and its effect on water quality, and the effects of pond morphology and water exchange rates could improve the design of artificial ponds. As projects are effectively evaluated, design criteria will be improved to increase the effectiveness of similar ponds. Ponds have not been extensively used as an enhancement tool for increasing coho salmon production, but they offer a promising and often low-cost enhancement method.

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Gravel pits built during road construction in the early 1970's near Yakutat, Alaska, filled with water and were connected to nearby rivers to allow juvenile salmonids to enter. Seasonal changes in population size, length and weight, and length frequencies of the coho salmon population were evaluated over a 2-year period. Numbers of coho salmon fluctuated, but two of the ponds supported high populations, more than 2,000 fish, throughout the study. These ponds appeared to support coho salmon throughout the winter. The range of physical measurements of the ponds did not seem to account for differences in numbers of salmon, but low concentrations of dissolved oxygen were detected in all ponds near the bottom. Aquatic vegetation, water exchange rate, and access may have affected the number of coho salmon in the less-productive ponds.

Keywords: Fish habitat, salmonids, stream habitat management, southeast Alaska, Alaska (southeast).

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Recycled Soils Enhance Wetland Habitat in Juneau, Alaska

by Michele Elfers

IN disturbed ecosystems needing reclamation, excess materials from development projects offer new opportunities for wildlife habitat enhancement. The Nancy Street Wetland Enhancement Project pioneered a creative strategy to partner the development needs of a fill disposal site with desirable conservation goals. The project utilized clean native soils generated by a high school construction project in the Mendenhall Valley of Juneau, Alaska, to reclaim a 1950s era gravel pit into a functional wetland. Clean fill material was deposited and shaped to create mixed wetland topography, including a stream channel, deep and shallow water areas, and small islands. Plantings of emergent wetland, riparian, and upland vegetation improved habitat for fish and wildlife and water quality in what is part of a state designated impaired waterbody.

Located along Duck Creek in the Mendenhall Valley, the enhancement of the Nancy Street gravel pit was identified as a priority project in the Duck Creek Watershed Management Plan (National Marine Fisheries Service, 1999). Intense residential development over the past forty years in the Mendenhall Valley has impacted Duck Creek significantly. The increase of nonpoint source pollution, channelization, and above-grade stream crossings has degraded water quality and habitat. In 2002, the Alaska Biological Monitoring and Water Quality Assessment Program Report rated Duck Creek the lowest for habitat variables of all

streams studied in Southeast Alaska (Alaska Department of Environmental Conservation, 2003). Poor habitat quality has reduced anadromous fish populations such as coho and chum salmon, and has impacted habitat for the large number of mallards and other waterfowl that use these wetlands as refuge from nearby popular hunting zones.

In the 1950s and 1960s, gravel extraction created three adjacent, open water pits on the East Fork of Duck Creek. The most downstream pit is located at Nancy Street. Groundwater flowing into the pit carries dissolved iron from soil strata, which reacts with atmospheric oxygen upon reaching the surface. The resulting formation of iron oxide precipitate (iron "floc") decreases the concentration of dissolved oxygen in the water column, impacting aquatic inverte-

brates and fish. While not inherently toxic, iron floc also settles into the substrate, clogging gravel beds that might

The gravel pit at Nancy Street is located less than one mile from the high school construction site, and the enhancement project opportunity required a substantial amount of fill that had previously not been available.

otherwise provide good spawning habitat for fish.

The Engineering Department at the



Emergent wetlands are created along the perimeter of a deep water pool for juvenile coho salmon habitat.

City and Borough of Juneau (CBJ) initiated the wetland enhancement project in 2005 when designs for a new high school indicated a large amount of excess soil would be generated during construction. Transport of the fill for disposal would have required a three mile drive to a privately owned waste site. The gravel pit at Nancy Street is located less than one mile

Using the Nancy Street pit as a fill disposal site, the CBJ Engineering Department charged the high school construction contractor a lower rate for fill disposal and used the revenue to recover a portion of the land purchase cost.

from the high school construction site, and the enhancement project opportunity required a substantial amount of fill that had previously not been available. CBJ



The construction of a new high school contributed 64,000 cubic yards of clean fill to the wetland enhancement of the former gravel pit.

began coordinating with the U.S. Fish and Wildlife Service (USFWS) and the Natural Resources Conservation Service (NRCS) to use the clean native soil for wetland enhancement at the Nancy Street pit.

Consolidation of land ownership was the first step toward reclaiming the pit. CBJ owned most of the seven acre site, but a large parcel encompassing both open water wetland and upland areas was privately owned. The parcel was purchased for \$137,000. Using the Nancy Street pit as a fill disposal site, the CBJ Engineering Department charged the high

school construction contractor a lower rate for fill disposal and used the revenue to recover a portion of the land purchase cost. The cost to the CBJ of filling the Nancy Street site, including the land purchase, was \$319,000. The cost of the typical market alternative was \$572,000. By undertaking the wetland enhancement project partially funded by USFWS and NRCS cost share programs, the CBJ saved \$253,000 on the cost of the high school construction.

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and wetland enhancement project, the CBJ contracted the engineering firms Toner-Nordling Associates for the initial fill design and R&M Engineering, Inc. for the design development of the filling process. Glacier State Contractors, Inc. executed the design. To maintain flow through Duck Creek, a stream channel at a minimum of four feet deep was designed to meander through the wetland. From the perimeter of the wetland, shallow platforms, or marsh "fingers", were filled to allow for the planting of emergent marsh vegetation for fish and wildlife foraging and protective habitat. During construction, the fingers provided functional benefit by allowing access for dump trucks to the center of the wetland for filling. At each end of the wetland, two deep water areas were left in place to provide overwintering habitat for juvenile coho. After nine months of filling in 2005, 64,000 cubic yards were placed to create the wetland, resulting in increased savings for the CBJ.

An earthen dam was constructed to control water levels at the project site and in the two upstream pits. This occurred



AmeriCorps workers, with a local youth agency, SAGA, transplanted over 5,000 native plants from nearby wetlands into the former gravel pit.

after the filling and revegetation phase to create more stable and drier conditions during construction and planting. A meandering outlet stream was excavated

to allow fish passage through the earthen dam. Both the dam and the outlet stream were constructed using an impermeable liner to prevent water loss. Layers of

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became an important component in gaining public approval and support of the project. Adjacent landowners initially viewed the enhancement project as disruptive, but through the process of filling, planting and trail construction, many neighbors and community members have expressed that the enhancement is an improvement to the neighborhood. It offers recreational opportunities for a neighborhood composed of streets and private property, and provides access to a successional landscape with a fantastic view of the Mendenhall Glacier.

To encourage neighborhood use of the site, CBJ and Trail Mix Inc, constructed a six foot wide gravel trail, and a deck was sited at the south end to capture a remarkable view across the wetland of the Mendenhall Glacier. The decking on the observation deck and boardwalk, railings, and benches were built with recycled plastic lumber. An island at the north end is accessed by a bridge and boardwalk and offers a bench and viewing point south. The 70' bridge is a steel gangway recycled from a CBJ Docks and Harbors improvement project.

Throughout the construction process, volunteers donated time, materials and money to the project. Neighbors began appearing during the summer construction to comment on how excited they were about the project. The CBJ Ports and Harbors Department donated the bridge and benches and the U.S. Coast Guard Engineering Division volunteered to construct the observation deck.

As a result of the success of this project, a similar process is planned for the Allison Pond upstream of the Nancy Street Wetland. The process will be improved based on the lessons learned and applied to the Allison Pond site needs. The strategy and process developed by the Engineering Department at the CBJ has saved the taxpayer's money by pioneering this alternative option to fill disposal. The support of resource agencies, local organizations, and citizen volunteers has enhanced habitat for fish and wildlife and reclaimed a valuable community resource. **L&W**

For more information contact Michele Elfers, City & Borough of Juneau, Alaska, (907)586-0931, e-mail: michele_elfers@ci.juneau.ak.us.

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cobbles and gravel for spawning were placed on top of the stream channel liner to create riffles and shallow pools.

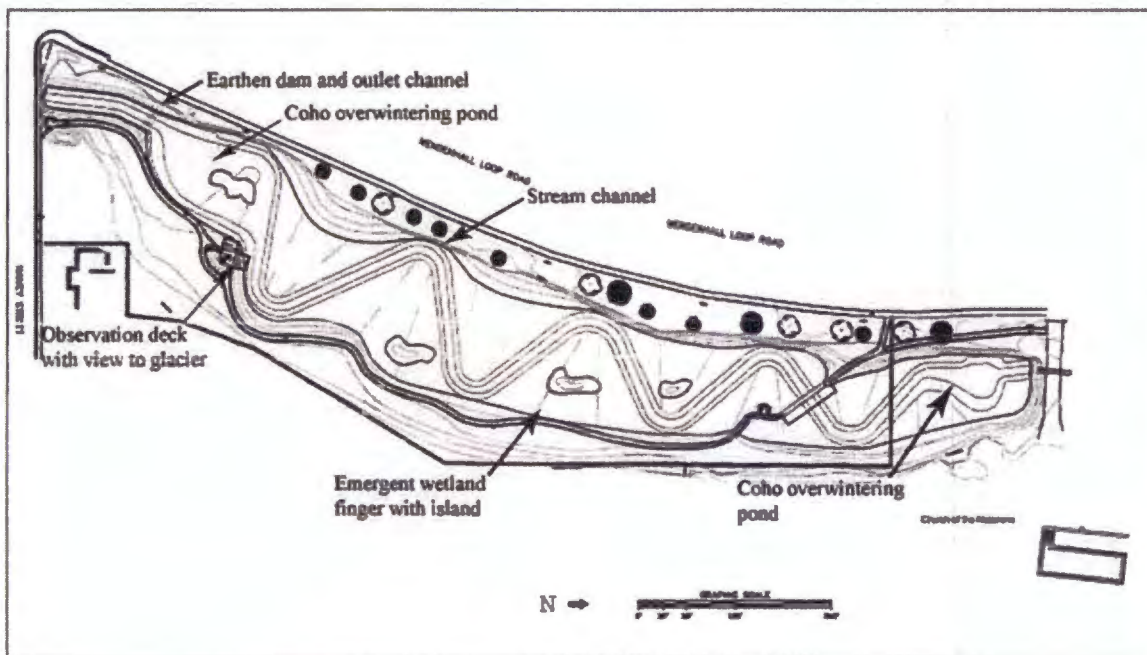
The site design and implementation plans of the filling process determined both habitat improvement and operational efficiency. By filling and completing

tric zones based on the depth of water in which they grow. Although the Nancy Street Wetland is primarily ground water fed, precipitation and surface runoff influence the water level and will therefore affect the survival and composition of the site's wetland plant community.

Alaska and British Columbia. All planting work was done by hand using shovel bulb planters, and pulaskis.

Lessons Learned:

To improve the revegetation process for future projects, better planning for irrigation should be in place prior to transplanting. As mentioned earlier, the dam was constructed after the completion of the planting of the emergent vegetation. Revegetation occurred between the months of April and August when Juneau received thirty inches of rain. However, a two-week period of unusually warm, sunny weather desiccated the high marsh area. Watering was necessary, but difficult to accomplish on such a large site. Crews used buckets and a garden quality



each "finger" and section of the wetland individually, greater variety and attention to each landform was introduced. Initially the option of filling the entire site and then returning to dredge the stream channel had been considered, but would have resulted in less diversity of habitat and less attention to the design details. The chosen approach facilitated meeting the design elevations to within 3 inches to provide necessary habitat for emergent wetland plants—a difficult task on a large project where over 60,000 cubic yards of fill are being placed.

Revegetation planning began in early 2006 by researching and evaluating three locally constructed wetlands and interviewing local naturalists experienced in reclamation and revegetation projects. There was no previously documented information on constructed wetlands in Southeast Alaska, so this project is being carefully monitored to provide baseline information that can be used for development of future wetland enhancement projects. For the purpose of planting design, plants were divided into concen-

During the planting season of 2006, volunteers from the community and Americorps workers funded by USFWS planted over 5,000 emergent plugs and cuttings, and 150 lbs of grass and forb seeds. As there are no native plant nurseries in Juneau or Southeast Alaska, the workers transplanted plugs and cuttings from local wetlands to maintain native gene stock and minimize the possibility of importing invasive plants. Seeds were purchased or donated from sources in

gasoline-powered water pump to irrigate the wetland. Some plant mortality occurred, and it is likely that a prolonged period of hot, dry weather would have significantly impacted plant survival. To prevent this from happening on future projects, fill and topsoil with a higher organic content than what was used in this project would help retain moisture. Other strategies include controlling water levels to keep soil saturated while planting, or the delaying of planting until July when precipitation is more reliable and frequent in Juneau.

There is some concern that the water level is higher than the designed level. However, the rainfall was higher than average in 2006, so it is difficult to tell the water levels in the wetland will drop. For this reason, designing a dam with adjustability to account for the discrepancy in water level would improve the function and success of the project.

Recreational Use of the Site:

The design and development of a community trail through the wetland

There was no previously documented information on constructed wetlands in Southeast Alaska, so this project is being carefully monitored to provide baseline information that can be used for development of future wetland enhancement projects.

Guidelines for Gravel-Pit Wetland Creation

by

Bonnie Baldwin Prange

Abstract. The frequent colonization of the margins of abandoned and unreclaimed wet sand and gravel pits by typical marsh vegetation indicates the feasibility of a created wetlands component in gravel/sand reclamation planning. Using the natural pit wetlands as models and examining the pertinent literature, guidelines were developed for: (1) selecting promising sites, (2) planning with a regional perspective, and (3) construction and monitoring. Key concepts are: hydrological stability and adjacent land uses that will not have an adverse impact; consideration given to how a pit wetland will interact with adjacent ecosystems on a regional level; grading of pit perimeters to produce irregular contours and no more than a 0.6 m change of elevation within the proposed wetland; a combination of limited deliberate planting along with natural colonization whenever the reclamation permit can be adjusted to allow the 3 to 4 years commonly necessary for such colonization; the establishment of self-perpetuating marsh vegetation confirmed over a 3-year period of observation as a minimum requirement for determining permit compliance. Longer term monitoring of pits reclaimed under these guidelines could provide information that would increase and refine post-mining land-use options for wet sites. Research projects could focus on learning more about development of wetland functions within created systems, eventually providing standards for evaluation on a functional level.

Introduction

Wetland creation is still in its infancy as an applied science and is not yet capable of producing predictable results. It is, consequently, a subject of considerable controversy. To some it appears to be a relatively simple, repeatable process; to others a minefield of assumptions regarding ecosystem structure and function. The experimental nature of wetland-creation has made it less attractive for mine reclamation proposals, resulting in very little effort made to purposefully create gravel-pit wetlands, even where conditions are very favorable. The vast majority of wetlands and waterbodies on mined lands nationwide exist not because they were planned for, but by accident as a result of the mining of gravel for highway and other construction projects (Brooks, 1990). As examples

of natural regeneration, these sites can provide valuable information regarding the species composition, life-support functions, and long-term persistence that might be expected in future "successful" wetland creations.

Without substantial scientific evidence, which we do not have, there is no reason to assume that these volunteer wetlands function on the same level or provide the benefits of the long-established ecosystems which have been filled-in and lost to agriculture and development. It seems likely, however, that even disturbed and degraded wetland sites may have unknown value. Increasingly, studies indicate that these sites may be very significant for rare species, migratory birds, and regional hydrological functions (Josselyn and others, 1990). "Sites presumed to have little value may provide vital

refuge for species during storm events or support rare and endangered species due to lower interspecific competition within these marginal habitats" (Josselyn and others, 1990).

Scientists have now begun to study wetland creation and restoration in an effort to manage and accelerate processes which may take generations to occur naturally. From these experimental studies will come information which may ultimately allow true replacement of lost or damaged ecosystems. More research is needed, and sand/gravel pits are in many instances ideal as test sites. Excavations that expose the water table commonly create the hydrological features necessary for a wetland, and they eliminate the need for diking and high-maintenance pumping and drainage systems.

The gradual colonization of numerous abandoned wet pits by wetland species indicates both their suitability for subsequent use as a planned wetland and the potential to add to the wetland resource base. Innovative reclamation could supply valuable habitat, contribute to regional hydrological resources, and provide research opportunities to improve our understanding of artificial wetlands. Sand/gravel-pit wetlands offer benefits to society with which mining companies could be pleased to be associated and identified.

Minimum Site Requirements

Hydrology

Hydrology is the key to long-term functioning of wetland ecosystems (Kusler and Kentula, 1990). Since establishment of hydrophytic vegetation will depend on both the predictability and controlled fluctuation of water levels, wetland creation should be restricted to those sites for which seasonal water-level elevations have been determined and where some manipulation is possible. Freshwater gravel-pit wetlands not in river or stream beds will be dependent on ground water and variable surface water flows.

Ground water and surface runoff do not always provide dependable water sources, but in most situations they will satisfy the requirements of a wetland project (Van Egmond and Green, 1992).

Assessing the reclamation potential of sand or gravel excavations as wetlands should involve monitoring test pits for annual water-level fluctuations. The amount of fluctuation depends on the nature of the aquifer and on how much water mining operations and nearby users consume. Ranges of 2 meters per year are not uncommon in porous sand and gravel aquifers with local recharge zones (Michalski and others, 1987). Some gravel-pit sites may not be suitable for wetland development due to extreme variations of the water table. Suitability can not be determined until the expected range of the water-table elevation has been established with statistically sound data. Since a successful wetland design incorporates many site-specific variables, it is not possible to generalize acceptable range maximums or periodicity. A decision must be based on project goals and the requirements and tolerances of the wetland-plant communities that project designers want to establish (T. S. Miller, King County Services, oral commun., 1992). The widely varying flooding tolerances among wetland species can be used to advantage in increasing wetland creation options for a particular site. A flexible plan that can accommodate unexpected changes in plant community composition will have a greater chance of success, especially where ground water flows are seasonally unstable.

Potential Land-Use Conflicts

Social considerations may be just as important determinants of site suitability as physical ones. "Adjacent land use . . . could detrimentally impact functioning of wetlands or the wetlands may have detrimental impacts on current or planned uses of neighboring lands" (Hammer, 1992). Intensive agriculture or heavy industry adjacent to the site might produce sediment or chemical-loaded runoff that would prevent wetland establishment.

Wetlands themselves can be unwelcome neighbors. Although some new housing developments and office complexes are planned around preserved sections of wetlands, residents of established communities may well object when wetland alternatives are proposed. Neighborhood opposition often focuses on the prospect of public use, with fears of noise, traffic, and vandalism paramount. Several mining companies have shelved plans to donate lands to the public when faced with organized community opposition (Morris, 1982).

Planning Pit-to-Wetland Conversions

Pre-planning for Realistic Goals

Wetland conversion plans should be "integrated with mining operations and reclamation at the beginning of any project" (Brooks, 1990). This ideal should not preclude adding wetlands to an existing reclamation plan. Wetland creation could be added to a previously permitted proposal for a post-mining open-water pond, for instance, assuming the hydrologic conditions to support the pond had already been established. Reclamation designed around an aquatic ecosystem goal provides direction in the early planning stages, but the decision to attempt creation of specific wetland functions might best be left until mining is nearly complete. At that point the altered hydrology of the site could be re-evaluated, and objectives could be based on several seasons of hydrological data-gathering plus assessment of regional land-use trends over the same time-span. When objectives have been established, they should be clearly described and recorded, along with any subsequent amendments, because on-site modifications during construction and planting are commonly necessary (Hammer, 1992).

Michalski and others (1987) recommend detailed studies to determine surficial characteristics of the site before, during, and after extraction. If pumping of ground water is part of the extraction process, the output could be monitored to estimate in-flow rates and the potential

area of ground-water influence after mining (Michalski and others, 1987). Pre-mining planning could include provisions for hydrological monitoring and record-keeping at various stages over the life of the mine. This provides the database from which to determine the most feasible final configuration. The information would be useful for establishing other reclamation endpoints if it did not ultimately support the proposed wetland goal.

Regional Reference Wetlands as Guidelines

The most fundamental goal, regardless of the specific chosen objectives, is to develop self-maintaining systems that mimic natural ones in as many ways as possible. The study of local natural wetlands is important because artificial wetlands must closely imitate natural systems adapted to the region if a creation project is to succeed without continual operating and maintenance costs (Hammer, 1992). This means that design parameters must be appropriate to local hydrology, climate, and soil conditions. Measurements of elements of wetland structure at a natural site within the region or watershed that shares these conditions will provide insights into what is obtainable and how to evaluate progress at the constructed site (Hammer, 1992). In the context of comparisons of natural to artificial, the objectives for a created wetland must encompass "only a very early successional stage if the evaluation period is short (less than 10 years for a marsh)" (Hammer, 1992).

Landscape Considerations

Even if the physical parameters of a site are favorable for reclamation as wetland, the result will be counterproductive if it conflicts with regional land-use priorities or overall ecological balance. "Land managers need to establish their mitigation policies in the context of what changes are occurring in wetland types throughout a given physiographic region, not just on a particular mine site" (Brooks, 1990). Assessing these trends to determine regional need for specific wetland types requires coordination among

federal and state agencies. Cooperating agencies must then see that this information is transferred to those who will be planning wetland construction, including the mining industry (Brooks and others, 1988).

Constructing a Gravel-pit Wetland

Site-specific Considerations and Grading Plans

Since each site presents a particular combination of hydrology, topography, and substrate, only generalized instructions can be provided. There are no exact guidelines yet accepted in the very young science of wetland creation. Given favorable site hydrology, however, it is possible to proceed with assurance that the creation of gentle slopes at pit perimeters plus restoration of topsoil, or even moderately amended subsoil, will result in establishment of wetland vegetation. Many abandoned wet pits have, over time, acquired typical wetland vegetational characteristics with far less encouragement.

Although many mine reclamation plans are submitted in the initial permitting process, it may not be practical to plan the specifics of a post-mining pit wetland until the extraction is nearly complete. At that point it should be possible to draw up a detailed site grading plan which will take the site variables into account. The final hydrological parameters, in particular, may not be fully anticipated or understood until the alterations that mining imposes have actually been realized. The site grading plan is an essential element in engineering the site for wetlands because it will determine basin morphometry, which in turn determines vegetational composition (Garbisch, 1986). Because many wetland plants are sensitive to water depths within a low range of tolerance, the most useful plan would have contours of 1 foot or less at a scale of 1 inch equals 20 to 50 feet (Miller, 1987).

The precision grading required to bring the site to the final grade within the established tolerances may not be possible if water cannot

be excluded from the pit (Garbisch, 1986). In these instances, "the site grading plan should reflect this . . . and specify the scattered mounding of fill materials in order to diversify the wetland habitat" (Garbisch, 1986).

Shorelines and Slopes

A common recommendation for sand-or-gravel-mine wetland construction is to increase the area of the pit basin by creating an irregular shoreline. Bays, inlets, coves, peninsulas, and islands increase topographic heterogeneity and habitat diversity and provide more "edge" by increasing percentage of shoreline per unit area (Crawford and Rossiter, 1982). Pit floors should also have an irregular topography with mounds and depressions (Norman and Lingley, 1992; Van Egmond and Green, 1992; Michalski and others, 1987). Dumping overburden in irregularly spaced piles will create rough bottom contours and perimeter landforms (Van Egmond and Green, 1992).

Construction of some of these landforms can take place during mining to simplify post-mining reclamation. Overburden and waste materials (including boulders and tree debris) can be graded into landforms above and below the water line (Michalski and others, 1987). Islands for protection of waterfowl and general ecosystem diversity can be developed in undrained pits during operations (Michalski and others, 1987). They should be separated from the shore by a permanent water depth of 1-to-2 m and a width of 4-or-5 m, with tops at least 1 m above the estimated highwater mark (Van Egmond and Green, 1992).

Slopes for a true marsh community need to be almost flat — no more than a 0.6-m change of elevation between the deep and shallow marsh (Miller, 1987). Shallow slopes maximize flooding and minimize erosion (Kruczynski, 1990). Brooks (1990) and Crawford and Rossiter (1982) recommend gentle slopes at 10H:1V or 20H:1V; Kruczynski (1990) suggests that a range of 5H:1V to 15H:1V is acceptable. Since it is unlikely that efficient mining will be possible at

these angles, the cut-and-fill method can be used to create recommended slopes (Norman and Lingley, 1992).

Unless slopes have been left ungraded and unstabilized, gravel-pit waterbodies typically have two distinct habitats: the shoreline wetland and open water. Grading plans will determine how much area will be allotted for each. Fifty percent open water to 50% marsh or swamp is often cited as optimal for fish and wildlife habitat (Van Egmond and Green, 1992; Crawford and Rossiter, 1982). Norman and Lingley (1992) suggest 25% of the waterbody in shallow water less than 0.6 m deep, 25% in shallow water 0.6-2 m deep, and 50% in water greater than 3 m as a general guideline for use by fish and waterfowl. If wetland communities are the objective, however, "the higher percentage of shallow areas the better" (Norman and Lingley, 1992).

Water Level Adjustment

Gravel and sand pit-wetland creations are primarily ground water-fed and therefore may not require elaborate water-control mechanisms. According to Van Egmond and Green (1992), "natural cycles of drought and wet spells will sometimes provide adequate changes in water levels." An outlet with a controllable weir will increase management options, however, and will enable periodic partial drainage which helps re-establish wetland vegetation. Van Egmond and Green (1992) recommend that a water-level drawdown should occur every 3 to 10 years. Boule (1988) emphasizes the importance of simple systems which are more likely to be self-regulating and self-maintaining. He advocates relatively inexpensive weirs or other similar devices which are unlikely to fail and disrupt the entire system. Outlets should be identified on-site and recorded in plans so that they can be periodically inspected and protected from erosion (Norman and Lingley 1992).

Branch (1985) reported successful vegetation establishment on a 5-ha portion of an abandoned sand and gravel mine in Maryland using a

device with a removable weir plate which controlled the top 0.3 m of water in the basin. Removal of the weir plate exposed perimeter areas for planting; once this was complete, the plate was reinstalled to restore the project design water levels. Garbisch (1986) suggests that incorporation of an adjustable weir in the project design may compensate for less-than-precise grading.

Although periodic "drawdowns" are important for waterbodies that function as waterfowl habitat, many pit ponds lack surface drainage and "cannot be drawn down using standard dikes and weirs" (Michalski and others, 1987). For landlocked ponds receiving supplemental water from surface runoff, a partial drawdown can be engineered by periodically diverting this surface flow (Michalski and others, 1987). Unless there are concerns about contaminants in the surface water, it can be directed toward the pit-pond impoundments (Van Egmond and Green, 1992). The drainage channels "should have a natural sinuosity and gradient", should be stabilized with riprap or vegetation, and should be directed through upland "vegetated areas to slow runoffs and aid in water filtration" (Norman and Lingley, 1992).

Sealing and Lining

Since "most natural wetlands are perched above an impervious layer that reduces or prevents water loss", Hammer (1992) believes that there are few situations in which a basin can sustain a wetlands ecosystem without an impermeable lining. Brooks (1990), on the other hand, states that "basins constructed below the water table rarely need to be sealed." Wet pits have an advantage as wetland creation sites not only because they are filled primarily by ground water flow, but also because natural sealing is common. The material left behind after gravel mining usually has a fairly high percentage of clay or silt, especially if aggregate was washed on site (Bradshaw and Chadwick, 1980). These "fines" will contribute to the blocking of water movement, and over time additional fine sediments will be eroded or carried into the pit lake

with surface runoff (Evoy and Holland, 1989). The extent of this natural sealing will vary from site to site depending on the shape of the pit, bank materials, perimeter vegetation and water turbidity (Durbec and others, 1987). It seems likely, however, that even a partial lining of sediments within the pit would be beneficial from a wetland creation perspective.

Soils

An appropriate substrate for plant establishment can be created by placing topsoil on banks, islands, and submerged areas that have the recommended shallow grade. Norman and Lingley (1992) recommend a 15-to-20 cm layer of topsoil over a thicker layer of subsoil; Hammer (1992) suggests a 40-to-60 cm total soil layer (topsoil and subsoil) will be needed to provide adequate substrate for root growth. This soil layer should be placed on islands and down to 1.5 m below the expected highwater mark for the wetland perimeter (Van Egmond and Green, 1992). If grading-plan configurations are to remain accurate, the pre-final grades will have to be made lower than the final design elevations to allow room for the topsoil (Miller, 1987).

Stripping and stockpiling of topsoil before mining will reduce reclamation costs later on. To maximize efficient use of on-site materials, clean process-waste fines can be used to augment salvaged topsoil (Hart and Keammerer, 1992). Structural damage can be minimized if soil stripping and replacement is limited to dry periods and if proper machinery (e.g., wide-track crawler bulldozers) is used in re-application (Norman and Lingley, 1992). Any sort of unnecessary equipment movement over the soil should be avoided.

There are varied estimations of appropriate topsoil storage periods. Brooks (1990) specifies a maximum of 3 months. Garbisch (1986) says stockpile duration must be less than 4 weeks. Segmental reclamation is the only procedure that will be compatible with these storage times,

because it allows transfer of topsoil directly from an active mining segment to another segment which is in the process of being reclaimed. This reclamation approach is ideal for larger sites and long-term operations, but it is not always an option where deposit heterogeneity and market fluctuations prevent continual movement of the operation from one segment to the next (Norman and Lingley, 1992). Where longer storage periods are necessary, Michalski and others (1987) suggest seeding of the piles as a way to reduce loss of quality.

For mined sites that have no salvaged topsoil available, the partially weathered subsoil may be an acceptable substitute (Michalski and others, 1987). Garbisch (1986) goes so far as to say that most clean (uncontaminated) inorganic borrow and dredged fill materials will be satisfactory substrates for wetland establishment. Hammer (1992) agrees that "most common substrates are suitable for wetland establishment" and that "wetland plants thrive in a broad range of soil types", but adds that topsoil replacement may eliminate the need for soil amendments.

If subsoil or overburden material is the only planting medium available, then a controlled time-release fertilizer that performs in saturated soils should be put into the substrate together with the transplant (Garbisch, 1986). If the planting is occurring underwater, Garbisch (1986) suggests placing the fertilizer in burlap sacks underneath the transplant. Fertilizers should never be broadcast or spread on the soil surface of wetlands (Shapiro and Associates, 1991). The cost and additional labor necessary to apply these fertilizers would seem to argue for on-site salvaging or site-to-site transfer of topsoil whenever possible.

Straw or hay mulch is another option to consider for any reclaimed site where the substrate lacks organic matter (Brooks, 1990) and could be an inexpensive adjunct or alternative to commercial fertilizer for wetland applications. Street (1982) recommends 1 kg straw mulch per square meter.

Wetland Vegetation

For wetland creations, there are only two basic reasons for choosing managed revegetation over natural colonization: timing and species composition (Josselyn and others, 1990). Composition, especially, is a factor in many mitigation proposals. Revegetation by artificial means may be required, for example, if a specific wetland plant community is necessary to replace habitat for wildlife species that are losing habitat elsewhere. In these situations it may be advisable to salvage plants from wetland sites that are being destroyed and transfer them to a new site where their genetic diversity is likely to be preserved.

Managed revegetation programs are also generally more successful in controlling exotic species which commonly invade disturbed areas and become established first (Josselyn and others, 1990). These exotics usually have a competitive edge over native marsh species and may form extensive monotypic or low diversity stands that decrease the wildlife habitat or nutrient processing functions of the wetlands they take over. Reed canarygrass (*Phalaris arundinacea*) and purple loosestrife (*Lythrum salicaria*) are notorious local examples in freshwater wetlands.

There are also a few ubiquitous native wetland plants which may be considered undesirable due to their aggressive, weedy characteristics. Many wetland ecologists would advise control of dominants such as common cattail (*Typha latifolia*), willow (*Salix* spp.), and cottonwood (*Populus* spp.) because of their tendency to reduce system diversity and crowd out plants more valuable to wildlife (Hammer, 1992; Odum, 1988; Erwin and Best, 1985). These pioneer colonizers are adapted to invade disturbed sites, and "creation projects often behave like disturbed wetlands" (Odum, 1988). Nonetheless, dominant natives such as cattail, willows and cottonwoods remain popular components of revegetation projects and are found on many lists of suggested species for wetland plantings. As naturally occurring features on most disturbed

freshwater wetland sites, they would seem to be far preferable to weedy exotics and perhaps not worth great effort and expense to control unless their establishment would conflict with project goals.

If a natural seed source is nearby, or if the substrate contains a seedbank from another location, periodic manipulation of water levels in the constructed wetland basin can be sufficient to start germination and retard growth of terrestrial species. Miller (1987) suggests that a seed source can be obtained from mud removed from shorelines of existing ponds and marshes and spread in the shallows (water depth less than 10 cm) of the created site. Brooks (1990) mentions the possible transfer of seed-bearing hydric soils from wetlands scheduled to be altered or filled-in for development. The removal of plants or soil can be justified only when the destruction of the natural wetland is a legally sanctioned certainty and all relevant government regulations have been followed. If these conditions are met, salvaging of plants and hydric soils from nearby development sites or during segmental reclamation should be encouraged as a means of preserving what would otherwise be lost.

A post-reclamation study comparing treatments in a central Florida marshland reclaimed from a phosphate mine provides support for the use of relocated hydric soils. The study determined that topsoiling with a 2-to-10cm-thick layer of "mulch" containing seed and root material obtained from a wetland borrow site showed "distinct advantages over natural revegetation of overburden" (Erwin and Best, 1985). After two full growing seasons, the mulched areas had higher species diversity and more complete vegetative cover than the untreated overburden areas. More importantly, this topsoiling method "appears to encourage the accelerated establishment of late successional plants in sufficient quantities to compete with aggressive weedy species" (Erwin and Best, 1985).

Natural hydric soil seedbanks thus obtained should not be stockpiled for longer than 1 month to avoid desiccation and possible re-oxidation of

metals (Brooks, 1990). Hammer (1992) advises that any wetlands soil reserved for later use should be stored underwater to prevent release of bound metals.

If a legally and ecologically acceptable donor site is available, Hammer (1992) recommends an alternative to digging out and spreading a layer of wetland soils. This method involves collecting cores of wetland soil (10-12 cm diameter and 15-25 cm long) and inserting them in the substrate at the reclamation site. The cores contain seeds as well as roots, tubers and rhizomes and can rapidly develop into a complex wetland community. They are also a reservoir of propagules that may produce additional plant growth for several years after they are installed at the new site. Disadvantages center around labor costs involved in collecting, transporting, and installing the cumbersome and somewhat fragile cores.

If species composition for a particular mitigation purpose is not a concern, and if establishment within a limited time frame and budget is the priority, then a combination of natural colonization and deliberate planting may be the most effective way to establish vegetation on gravel-pit wetlands. Natural regeneration, while not "manageable" enough for situations where precise control over outcome is important (Garbisch, 1986), may provide the best long-term results because the plants will grow where they are best adapted (Clewell and Lea, 1990). The availability of natural seed sources adjacent to the project site or the possibility of seed transport into the site via flood waters needs to be evaluated if natural revegetation is part of the reclamation plan (Clewell and Lea, 1990). The amount of hand planting undertaken should depend on the proximity or reliability of a seed source, labor and materials costs, and time allotted to complete the project.

For those pit wetlands that can or must be hand planted, the best guide for species selection will be found in the vegetative composition of similar nearby wetlands (Hammer, 1992). Local native-plant nurseries, a few of which specialize in wetland vegetation, are sources of advice on

what species combinations will produce the most natural plant communities. The objectives of the reclamation plan, which might include wildlife habitat, aesthetic enhancement, and/or storm-water detention and purification, will also help determine appropriate plant species (McMullen, 1988). The limiting factors, however, will be the physical conditions at the site and the environmental tolerances of available nursery stock.

The type of plant stock chosen will influence timing of planting and vice versa. Spring is usually the best time to plant, with fall the next best choice (McMullen, 1988). Propagules planted in late spring may be less susceptible to wildlife damage due to the shorter time to be expected between planting and germination. These timing recommendations generally apply to the seeds, rhizomes, corms, and tubers of herbaceous species, as well as to the whole plants. Woody vegetation such as trees and shrubs should be planted in the dormant state which generally extends from November through March in the Pacific Northwest (Norman and Lingley, 1992).

A biologist familiar with local wetlands should review the proposed planting design. "The number of each plant species to be used will be based on the type of community, the plant's position in the community, and the required spacing between plants" (Miller, 1987). Miller (1987) generally recommends that trees planted on 4.6-to-7.6-m centers, shrubs on 0.9-to-2.4-m centers and groundcovers on 1.0-m centers would be appropriate for the emergent shorelines of created freshwater wetlands. Marshes created in standing water deeper than 10 cm are most easily established using sprigs (culms), tubers, or rhizomes (Miller, 1987). These propagules are pushed into the mud/mulch substrate on 0.3-to-1.5-meter centers (Brooks, 1990). Plantings should be irregularly spaced in clumps to mimic natural spacing as closely as possible.

The cost of managed revegetation with nursery stock and labor intensive hand planting can be substantial (Brooks and others, 1988). Miller (1987) estimates that approximately 27,000

transplants per hectare will be necessary to establish a created marsh wetland. Costs can be greatly reduced if time expectations and reclamation objectives allow at least partial natural colonization. If the hydrological aspects of a site are favorable to begin with, precise grading and substrate preparation should be enough to assure emergence of at least a few native and/or naturalized wetland species. On sites being created as a diversity-enhancing feature of a mine reclamation plan and not as mitigations for specific wetland losses, this may be all that is needed.

Buffer areas consisting of native upland vegetation and at least 30 meters wide will increase habitat diversity and protect the shoreline and should be planted/seeded on the higher ground surrounding the pit impoundment and created perimeter wetland (Norman and Lingley, 1992). According to Munro (1991), vegetated areas should be provided as buffers between wetlands and adjacent developed land or as transition zones between wetlands and adjacent natural areas even if not required by regulations.

Post-construction Monitoring

Evaluating Success

The construction process, if carefully planned and well executed, should produce a site on which the altered hydrologic conditions favor wetland development. The introduction of wetland plant species, whether by natural colonization or managed revegetation, is only the first step in that development. Wetland functions for which the project was designed might not develop for decades, if at all. According to Hammer (1992), it is "grossly unrealistic to expect to create even the simplest type of natural wetlands systems" within 2 or 3 years after construction. This makes it very difficult for regulators to determine whether a wetland reclamation has been "successful", particularly if the site is part of a mitigation effort to replace the functions of natural wetlands sacrificed to development.

The time limits for completion of revegetation that are specified by many surface-mine regulatory programs are inadequate for the evaluation of created wetlands. Washington State allows 2 years or "such later date as may be authorized by the department" (Chapter 332-18-050 WAC). The literature on wetland creation and restoration indicates that 2 years is not sufficient time for stabilization of new emergent marsh ecosystems. Boule (1988) suggests that establishment and natural perpetuation of plants in marsh and shrub-swamp systems would require 3 to 5 years. Brooks (1990) states that "there is some scientific evidence for the stabilization of emergent marsh systems after three years." Josselyn and others (1990) report their observations that many San Francisco Bay area wetland restoration projects which had been considered revegetation failures became fully vegetated when allowed a 3-to-4-year period of natural regeneration.

Past experience with restored or created wetlands also indicates that revegetation over 1 or 2 years is "no guarantee that the area will continue to function over time" (Kusler and Kentula, 1990). Active monitoring, with periodic review by qualified personnel, would provide some perspective on the direction that site development is following and would allow for timely mid-course corrections if necessary. Reports, submitted within 90 days following sampling, should document any vegetation changes including percent survival and cover of planted and/or volunteer species (Erwin, 1990). Monitoring reports should also document issues related to water levels, water quality, and sedimentation and discuss recommendations for improving the degree of success observed (Erwin, 1990).

Short-term vs. Long-term Monitoring

The evidence regarding the establishment of marsh vegetation seems to indicate a minimum 3-year monitoring program for wetland creation projects. Brooks (1990) suggests that expenses for a 3-year monitoring period be included in the cost projections for any mine reclamation plan

with a wetlands component. This allows for assessing of varying conditions over three growing seasons and should not result in unbearable economic burdens on the permittee (Brooks, 1990). Boule (1988) feels that annual monitoring of wetland creations over a 3-year period is the minimum acceptable term; 5 years would be more appropriate for some complex projects. Erwin (1990) agrees that post-construction monitoring should be conducted over a 5-year period, with a minimum of 3 years, and with annual inspections at the end of each wet season.

The short-term monitoring proposed here will not be sufficient for scientific research and data collection, and it will not help redirect evaluations toward establishment of wetland functions rather than appearance. Success in a 3-year time-frame may have to be measured in terms of survival and growth of plant species characteristic of a wetland community with no consideration of functional attributes.

Long-term research projects that will enhance our ability to predict the outcomes of mitigation policy should be encouraged and carried out whenever possible. These projects can focus on learning more about development of wetland functions within created systems and may eventually provide standards for evaluating function. Until such standards exist, personnel responsible for judging compliance with permit requirements will have to rely on the tools at hand. For wetlands created outside a mitigation context the establishment of self-perpetuating marsh vegetation, confirmed over a 3-year period of observation, seems a realistic and appropriately flexible reclamation objective.

Correcting Problems

In addition to verifying compliance with reclamation plan requirements, monitoring programs can also identify problems which might eventually lead to failure. Miller (1987)

and Garbisch (1986) list several reasons for poor results at some wetland creation projects: improper final grade, invasion or deliberate planting of nonnative plant species, poor planting techniques, inadequate water levels, vandalism, and wildlife predation. Mid-course corrections can often mitigate these problems before the project becomes a lost cause, but corrective measures are best determined by professionals qualified in fields such as wetland science or restoration ecology.

Some created wetlands need long-term management to survive and function as they were intended. This "may include water level manipulation, control of exotics, controlled burns, predator control, and periodic sediment removal" (Kusler and Kentula, 1990). Management of this type beyond a 3-to-5-year program coordinated with annual monitoring is probably not feasible for most reclaimed pit sites. Once the mine operator is released from further obligations under the reclamation permit, the site will have to be self-sustaining. This means that problems that are not correctable within the proposed 3-year monitoring period will continue to have a detrimental influence, perhaps a regional one.

This further emphasizes the importance of site-specific project designs developed from data gathered both before and during the mining operation. Although each site is an experiment within which complete control is never possible, development of a practical, self-sustaining design that uses knowledge of site characteristics is the best defense against the unexpected. Larson (1988) suggests that minimum data requirements for freshwater wetland creation projects include a baseline of information on land-use history, macrotopography, general surficial geology, streamflow, lake hydraulics, and ground water levels and quality. Hart and Keammerer (1992) stress the importance of accurate historical project records documenting the techniques used, including a detailed photographic record. "This information is of paramount importance relative to understanding successes or failures" (Hart and Keammerer, 1992).

Conclusions

The sand and gravel industry, increasingly under public scrutiny as its operations are encroached upon by suburban development, must now focus on the long-term regional implications of post-mining land-use decisions. It has been proven that worked-out pits lend themselves to a wide range of subsequent uses, but the majority of these uses have come about by accident rather than intent through planning. The natural regeneration that has occurred at many abandoned wet-pit sites indicates tremendous potential for increasing the nation's freshwater aquatic ecosystem resources, but this potential is not being fully used. Wetlands, in particular, have been neglected or overlooked in sand-and-gravel-mine reclamation planning.

Opportunities to balance use of an essential non-renewable resource with development of new resources may in time prove more valuable than the materials which have been extracted. Wetlands are in short supply and increasingly threatened. While creations are not a substitute for mature natural systems, they have the potential to initiate functional wetlands for future generations. For the immediate future, they can add to regional ecosystem diversity and provide habitat for many species of plants and animals. The hydrology of worked-out sand and gravel pits is typically ideal for wetland creation projects. What is needed is industry commitment, cooperation among government agencies, and support from an informed public.

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Nancy Street Wetland Enhancement: Assessment of Design and Construction

Prepared by the City and Borough of Juneau
Engineering Department
2006

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I. Introduction and Site Description

The Nancy Street Reclamation Project pioneers a creative strategy to partner development needs of a fill disposal site with conservation needs of wetland habitat and water quality enhancement. Six acres of wetlands along an impaired anadromous salmon stream became the site of fill disposal for a high school construction project in the Mendenhall Valley in Juneau, Alaska. The filling was designed to provide a platform for wetland emergent plantings and a meandering stream with riffles and deep water pools for juvenile salmon. For the City and Borough of Juneau (CBJ), the purchase of this parcel from a private landowner meant \$137,000 dollars to provide a disposal site only one mile from the construction site. Otherwise, the transport of the fill would require a three mile drive to Lemon Creek. The CBJ Engineering Department charged the contractor a lower rate for fill disposal and used this revenue to partially recover the cost of the land purchase (Appendix 3).

From the conservation perspective, this strategy met goals of a ten year old community watershed plan and the Juneau Wetland Management Plan to improve the habitat and water quality of the Nancy Street Wetland. In the 1950s and 1960s, the land was dredged to extract gravel deposits. The pit filled with groundwater that was high in iron and low in dissolved oxygen. The water from this system enters the Duck Creek system and ultimately flows into the valuable Mendenhall Wetlands. By filling to create an emergent wetland, the plants act as water filters and improve salmon and bird habitat.

The integration of a community participation component to the project raised support and enthusiasm for the creation of the wetland. Local volunteers planted willow and cottonwood in the wetland and various community groups donated time and money to the revegetation and the construction of a trail. Since the construction of the trail, nearby property owners have expressed approval and gratitude for the wetland reclamation.

This document summarizes the planning, design, and construction of the Nancy Street Wetland Reclamation Project. The site description presents the history and ecological problems found in the former gravel pit. Then the design and process of filling, revegetation and trail creation is discussed. Finally, a plan for monitoring and maintenance is proposed in order to measure the functionality and the success of the design and construction. Future plans to fill the Allison Pond as a wetland depend on the economic and ecological success of the reclamation as well as the public perception of the project. This document provides a guide to measure this success.

Site Description

The Nancy Street Wetland is located in the East Mendenhall Valley along Duck Creek, ten miles south of downtown Juneau. As part of a glacial valley, the land has been in flux for centuries, the most prominent example of this being glacial rebound. Only in the past century have people been continuously inhabiting this land. Juneau, as a gold rush town, formed in the late 19th century around two mines located near the downtown area. Prior to the arrival of the gold miners in Juneau, the Tlingit people had established a summer village a few miles north of the Mendenhall Valley. It is believed that the Tlingit only visited the valley occasionally. In 1885, the first record of land use in the valley identifies Daniel Foster as a homesteader. He raised animals and farmed the land at the mouth of the valley (Koski and Lorenz, 1999).

In the next 40 years, development of the valley occurred rapidly. A road was built to access a hydroelectric plant constructed near the glacier. Fox and mink farms, common in this part of Alaska in the 1920s, occupied much of the flat valley land. Salmon harvested from Duck Creek fed the animals. In the mid-1900s the Juneau airport was constructed on the land where Duck Creek flowed into the ocean. The creek was diverted to empty into the Mendenhall River. Along the creek bed, gravel pits were dug and homes, schools, and commercial areas were developed (Koski and Lorenz, 1999).

In the 1950s and 1960s the current Nancy Street wetland including land to the north and south of the site were dug for gravel extraction to support the rapid development of the city. After the mining was completed, the holes were left to fill with water. The pond then supported a stump dump and the neighborhood dumping of yard waste and many other household items. A private owner of the Nancy Street site sold the land to the City and Borough of Juneau to be used as a fill disposal site and reclaimed wetland. The northern portion of the site is still owned by the Church of the Nazarene

Photo from Koski and Lorenz, 1999.
Duck Creek, early 1900s



who has agreed to allow city access to the wetland for the reclamation project. From this early industrial history of the landscape, the only visible remnants are piles of gravel mining waste along the southern end of the Nancy Street Pond.

Currently, the Nancy Street Wetland is surrounded by dense suburban development with supporting infrastructure such as roads, schools, churches, and a commercial center. According to a study done by the Department of Parks and Recreation



Photo taken by Michele Elfers.

Nancy Street Pond 2005, prior to reclamation, Thunder Mountain is seen on the right

in Juneau, 11,000 people live in the East Mendenhall Valley with a higher than average density of 5 to 18 residential units per acre (1996). Immediately surrounding the Nancy Street Wetland is a church to the north, single family home developments to the east and south, and the collector road through the valley to the west that separates the wetland from a mobile home community. The dense development limits access to off street recreation for residents. It is difficult to move through this part of the valley without crossing streets or private property.

The Nancy Street Wetland site is seven acres of wetlands and uplands located on the East Fork of Duck Creek in the Mendenhall Valley in Juneau, Alaska. The East Fork drains 266 acres of land into the mainstem of Duck Creek. The entire Duck Creek Watershed drains 1.7 square miles of land into the Mendenhall River just upstream of the largest tidal wetland in Southeast Alaska. As part of this larger system, the water quality and habitat resources of this stream are vitally important to the ecosystem of Southeast Alaska. The Duck Creek Watershed has been recognized for its valuable habitat for salmon and its poor water quality. It is classified by the state as anadromous fish waters (Alaska Department of Fish and Game Catalog No. 111-50- 10500-2002) for its run of coho salmon. It is also designated an impaired water body by the Alaska 303(d) list of Impaired Waters, Alaska Department of Environmental Conservation. These two factors have motivated the city of Juneau and federal agencies to focus on the improvement of the stream system.

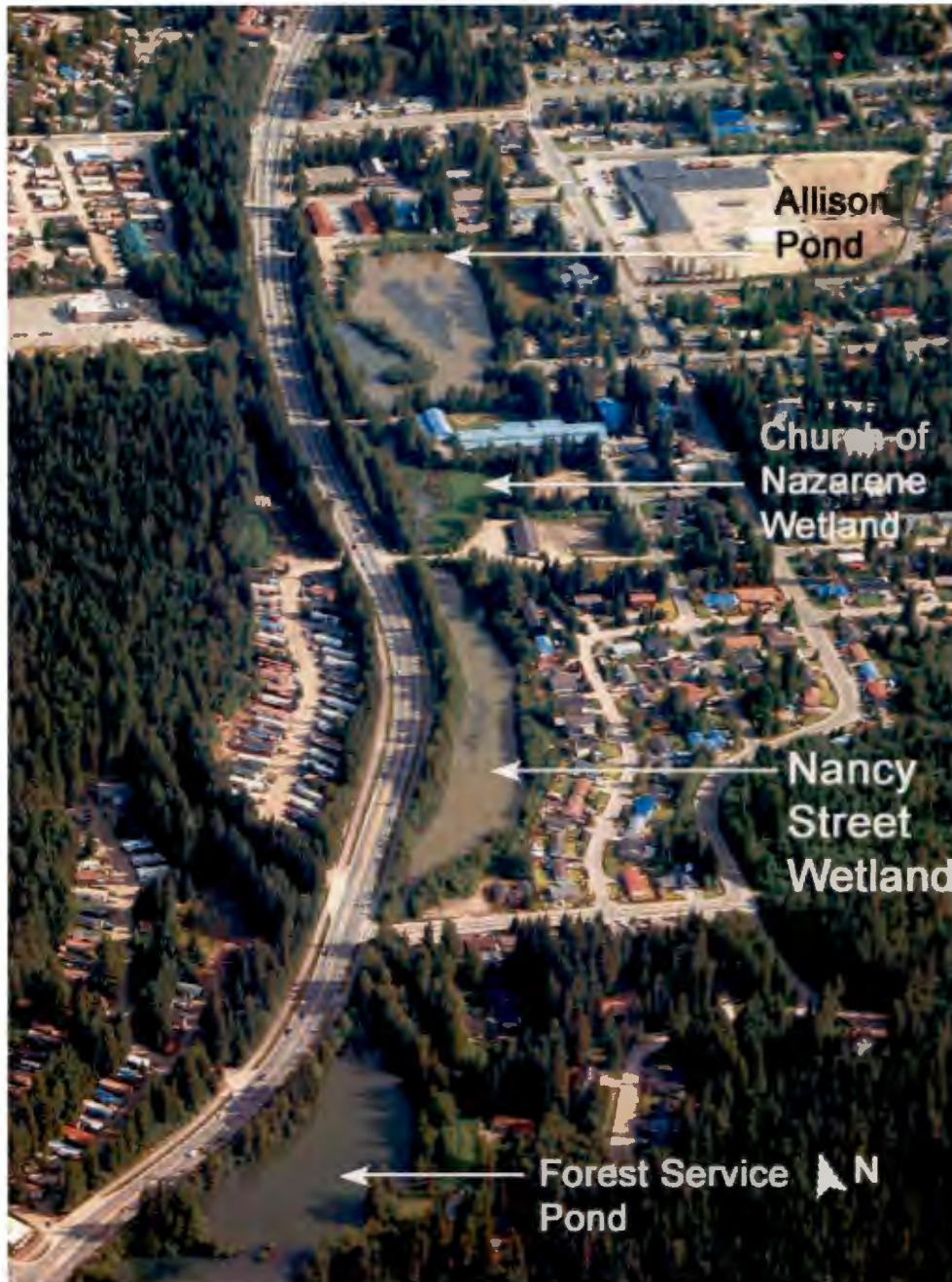


Photo from Koski and Lorenz, 1999.

The East Fork of Duck Creek flows through a chain of ponds and wetlands that were once gravel mines. Currently dense development crowds the ponds and wetlands into a narrow corridor along the main commuter road through the Mendenhall Valley.



Throughout its 250 year history as a watershed, the topography, stream flow and vegetation have massively changed due to glacial rebound, glacial succession and human influence. In its current state, the densely populated residential areas surrounding the wetland contribute to problems of turbidity, heavy metals, iron floc, fecal coliform and low dissolved oxygen rates within the watershed (Koski and Lorenz, 1999). However, many of the current water quality problems result from the geologic and cultural history within the Mendenhall Valley.

The known geologic history began during the Pleistocene Era 18,000 years ago. Metamorphosed igneous and sedimentary rock composed the Mesozoic bedrock under what is now the Mendenhall Valley. Glaciers advanced and covered the land with 4000-5000 feet of ice. When the glacier retreated, it carved out the depression that is now called the Mendenhall Valley. The glacial moraine deposited marine sediments, sand, gravel and organic materials in the valley. The most recent glacial advance in this valley began 700 years ago during the Wisconsin Age. The glacier advanced until 1750, and covered at least half of the current Duck Creek watershed. As the glacier retreated, Duck Creek gushed from the face and created an outwash plain as it flowed to the ocean. Several terminal moraines were deposited throughout the current watershed. As the glacier continued to melt, however, it formed a basin and a lake. The melt water from the glacier filled what is now Mendenhall Lake and spilled out into the Mendenhall River, cutting off the flow to Duck Creek. Today, groundwater is the primary source of the Duck Creek stream flow.

Since the retreat of the glacier, isostatic rebound has significantly impacted the landscape. In 1965, Hicks and Shofnos reported the rates of .05 feet/year uplift of land between 1936 and 1962. They believed the deglaciation of the land caused this uplift. The water table lowered relative to the surface of the land as a result of this process. Currently, low stream flow levels pose problems for fish habitat in Duck Creek. There is speculation that the isostatic rebound may contribute to this problem (Host and Neal, 2004).

In addition to isostatic rebound, the highly permeable soils in this area contribute to low flow. The soils characteristics of this flat landscape are common to alluvial plains and stream valleys: well to excessively well draining. The USDA, Soil Conservation Service, surveyed the soils in 1974 in the Juneau area and found along Duck Creek primarily soils in the He and Be series.

The He series of soils are composed of silty and sandy sediments that are generally waterlaid. For this reason, the soil is stratified. The stratification is generally 40 inches to 6 feet deep and is composed of silt, very fine sand, fine sand, deposits of organic matter, and coarse sand and pebbles. The depth to water table is usually greater than 4 feet, but can be less at times. HeA is the specific soil type in this series found along Duck Creek; this signifies slopes of 0 to 3 percent and a texture of Fine Sandy Loam.

The second series found in the Duck Creek watershed, the Be series, is also common on alluvial plains and terraces as well as hilly moraine landscapes. The gravelly sandy soils indicate an excessively well drained substrate. The first layer of the soil is very gravelly sand. The material 10 inches below the surface is 50 to 75 percent gravel and cobblestone by volume. Some large stones and boulders will be present. The water table, like the He series, is greater than 4 feet, but in some areas may be close to the surface. Flooding is rare in these soils; however, close to streams flooding may occur (Schoephorster and Furbush, 1974). Field testing close to the Nancy Street Wetland revealed a layer of approximately twenty inches of fine silt underlain by five feet of sand (Beilharz, 1998). This type of soil is highly permeable and contributes to the loss of stream flow to groundwater. In some reaches of Duck Creek, the stream goes dry or becomes puddles of standing water. Low flow destroys aquatic habitat and prevents aquatic life from moving through the stream.

The geologic conditions that create low flow in Duck Creek are compounded by the suburban land use within the watershed. The upper reaches of the stream flow through residential neighborhoods of primarily single family houses, while the lower sections abut commercial centers and the Juneau airport. According to studies done in the 1980s and 1990s, residential land use covers 540 acres of the watershed, commercial/industrial uses cover 282 acres, transportation 83 acres, and recreation/wetland cover 175 acres (TMDL, 2000). In 1969, the watershed was mapped to be 3.42 square miles. In 1988, it was estimated at 1.7 square miles. Riparian buffers and wetland areas have decreased as a result of the development (Koski and Lorenz, 1999). There is speculation that the moving of stream segments as a result of development may have moved the stream onto more permeable substrates. Stream flow is lost to groundwater when this occurs.

The water quality problems of turbidity, heavy metals, fecal coliform and low dissolved oxygen rates within the watershed in Duck Creek are largely caused by the suburbanization of the valley. Approximately 36 percent of the land cover is impervious surface and in 1997, there were a total of 39 road crossings over the creek. Stormwater runoff from the

impervious surface carries sediment, metals, oils and fluids from vehicles, and de-icing agents into the creek (Koski and Lorenz, 1999).

Within the Nancy Street Wetland, one of the most detrimental results of the gravel extraction is the increase in groundwater that is high in iron content seeping into the Nancy Street Pond and the other ponds along Duck Creek. Iron is commonly found in glacial outwash plains. While underground, it remains in a soluble form of Fe(II) because of the lack of oxygen in groundwater. When groundwater carries the iron to the surface, iron oxidizing bacteria are believed to oxidize the iron and create Fe(III). This oxidized form of iron is insoluble and settles on the ground surface as orange sediment known as iron floc (Megonigal, 2001). The process of conversion of Fe(II) to Fe(III) is detrimental to the Nancy Street Wetland because it robs the water of dissolved oxygen. Fish, macro invertebrates, and other animals require high levels of dissolved oxygen for survival. Additionally, the iron floc is small sediment that clogs interstitial spaces between gravel on the floor of the stream and prevents salmon eggs from accessing the oxygen and water flow they need to develop.

Wetland vegetation promotes the conversion of Fe(II) to Fe(III) and retains the iron floc in the roots of the plants. The roots of wetland plants leak oxygen into the soil. This zone surrounding the roots that contains oxygen is called the rhizosphere. Within the rhizosphere, Fe(II) is converted to Fe(III) by oxidizing bacteria. The Fe(III) precipitates to form a solid that sticks to the plant roots, called iron plaque (Megonigal, 2001). This characteristic of wetland plants creates the iron sink in the Church of Nazarene wetland. However, there may be some problems with this strategy in the long term. Wetland plants have been found to have high root turnover rates. Root turnover is the dying off of root hairs as part of a regular cycle of plant nutrient cycling and growth. Wetland plants are estimated to have 55% of their fine roots turnover annually (Gill and Jackson, 2000). If these roots are dislodged and carried downstream, the iron plaque may also be carried downstream, thereby negating the effects of the iron sink. Additionally, iron is known to diminish the uptake by plants of other metals or organic compounds. The iron plaque covers the root hairs, reduces oxygen in the rhizosphere, and minimizes the ability of microbes to interact with chemicals excreted by root hairs. This prevents the roots from uptaking other metals or organic compounds and reduces the phytoremediative effect of wetlands. The presence of iron could negate any other degradation of pollutants (Lanza lecture, 2005).

Historically, the Duck Creek Watershed was a rich habitat for coho, chum, and pink salmon. In its current state it provides limited habitat for coho spawning and overwintering as well as some habitat for birds and waterfowl (Koski and Lorenz, 1999). The Alaska Biological Monitoring and Water Quality Assessment Program Report rated Duck Creek the lowest of all streams studied in Southeast Alaska for habitat variables in 2003. The study measured dissolved oxygen, Ph, conductivity, temperature, taxa richness and stream structure characteristics. The mean habitat assessment value for urban streams was 157 and Duck Creek scored 96. Poor quality habitat resulting from an urban watershed with high erosion and low canopy cover combined with the geologic history have degraded habitat for the fish that once used the stream system.



Iron seepage in the Nancy Street Pond

The iron itself does not seem to harm fish and wildlife. However, the conversion process of Fe(II) to Fe(III) removes dissolved oxygen from the water. The photo is taken at Nancy Street Pond in July 2005.



Photos taken by Michele Elfers.

II. Design and Layout of Earthwork

The impetus for this partnership formed around the need for a waste disposal site for material extracted from the Mendenhall Valley high school construction project at Dimond Park. The initial design completed by Toner-Nordling Associates estimated the placement of 52,000 cubic yards of silty fill in the Nancy Street Pond. The proximity of the Nancy Street disposal site to Dimond Park ensured that this would be a cost effective fill site.

In 2004, Toner-Nordling worked with CBJ and the U.S. Fish & Wildlife Service to design the fill placement to achieve hydrologic, habitat and operational needs (See Figure 1 and 2). As part of a long-term plan to convert the upstream Allison Pond to a wetland through a similar filling process, this pond and the Church of the Nazarene water levels were designed to be controlled by an earthen dam at the southern end of the Nancy Street Wetland. The design of the Nancy Street fill and dam elevations were critical to the success of these three waterbodies. Additionally, the fill design determined habitat diversity. Low marsh and high marsh areas supported wetland emergent plants, deep water holes and the stream channel allowed for water flow and fish habitat, and the edge of the marsh maintained upland habitat. The need for efficient hauling of material required a haul road along the edge of the wetland and protruding fingers that would allow trucks access to the middle of the wetland to dump material. These access fingers became the low and high marsh habitat zones. The filling elevations below water surface elevation will be discussed in Chapter IV, Design and Layout of Vegetation.

In 2005, the design was revised by CBJ Engineering staff to enhance habitat and maximize fill placement (See Figure 3-7). As a former mining site, the extraction of gravel resulted in steep slopes at the edges of the pit. By modifying the design to increase the fill at the edges of the wetland, the slopes would be reduced to improve habitat and safety, as well as provide economic benefit through the disposal of fill. The modification reduced slopes on average from 30 to 60 percent to 7 to 15 percent throughout most of the wetland. Steep slopes were maintained where the stream channel curves at the edge of the pond to allow for overhanging vegetation that provides thermal protection for the water. The revegetation section discusses the variety of plant communities that are able to grow on the moderate slopes. The increase in fill along the slopes provided incentive for the expansion of the coho overwintering ponds by reducing the amount of fill added to these areas. The larger deep water areas benefit the juvenile coho salmon as well as providing more open water habitat for macro invertebrates.

To maintain the necessary water levels and provide a diversity of habitat, the U.S. Fish & Wildlife Service worked with R&M Engineering to design an earthen dam and outlet channel. The design of the dam called for an impermeable liner to wrap around the upstream side of the dam and fold back. The outlet stream design also included this liner to prevent water loss in the stream channel. The channel included a meander and two riffle sections for aeration. A combination of cobbles and gravel for spawning formed the streambed.

As an urban wetland, the heavy construction at the site required public meetings and compromises with adjacent property owners. The Church of Nazarene owns the northern portion of the wetland as well as the driveway needed to access the haul road (See Figure 1). To gain access to the wetland for filling, CBJ paved the Church's driveway and constructed the extension of their parking lot after construction along the northeast edge of the wetland. The property owners along the east edge of the wetland requested that the tree buffer be preserved along the Mendenhall Loop Road. For this reason, the haul road was built on the east edge of the wetland.

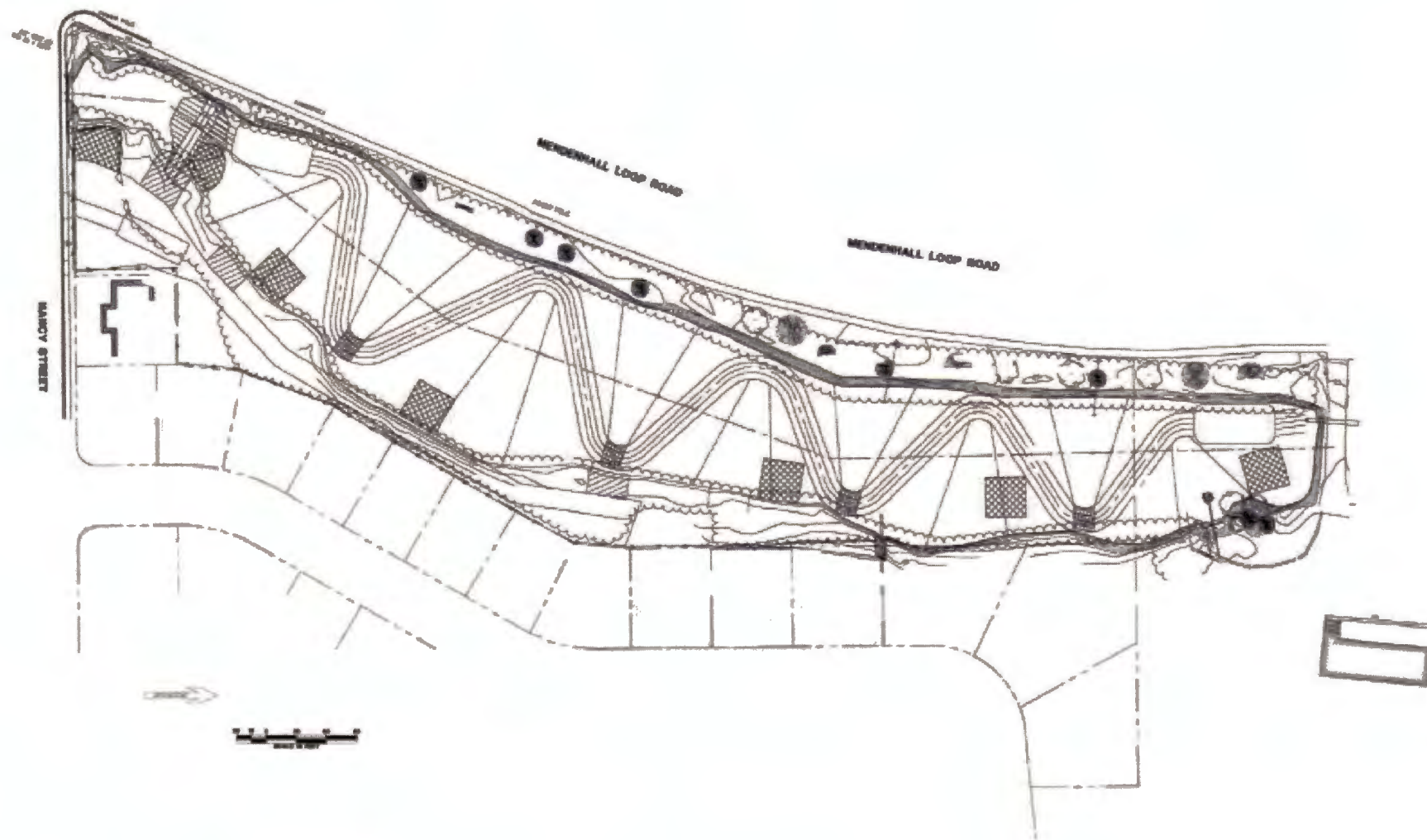


Figure 2. Initial Design for the Nancy Street Wetland Enhancement Project

R&M Engineering and Toner Nordling Associates worked with the U.S. Fish & Wildlife Service, the Natural Resource Conservation Service, and The Nature Conservancy to design the wetland enhancement. A meandering stream channel 4' deep flows from the North to the South through shallow marsh.

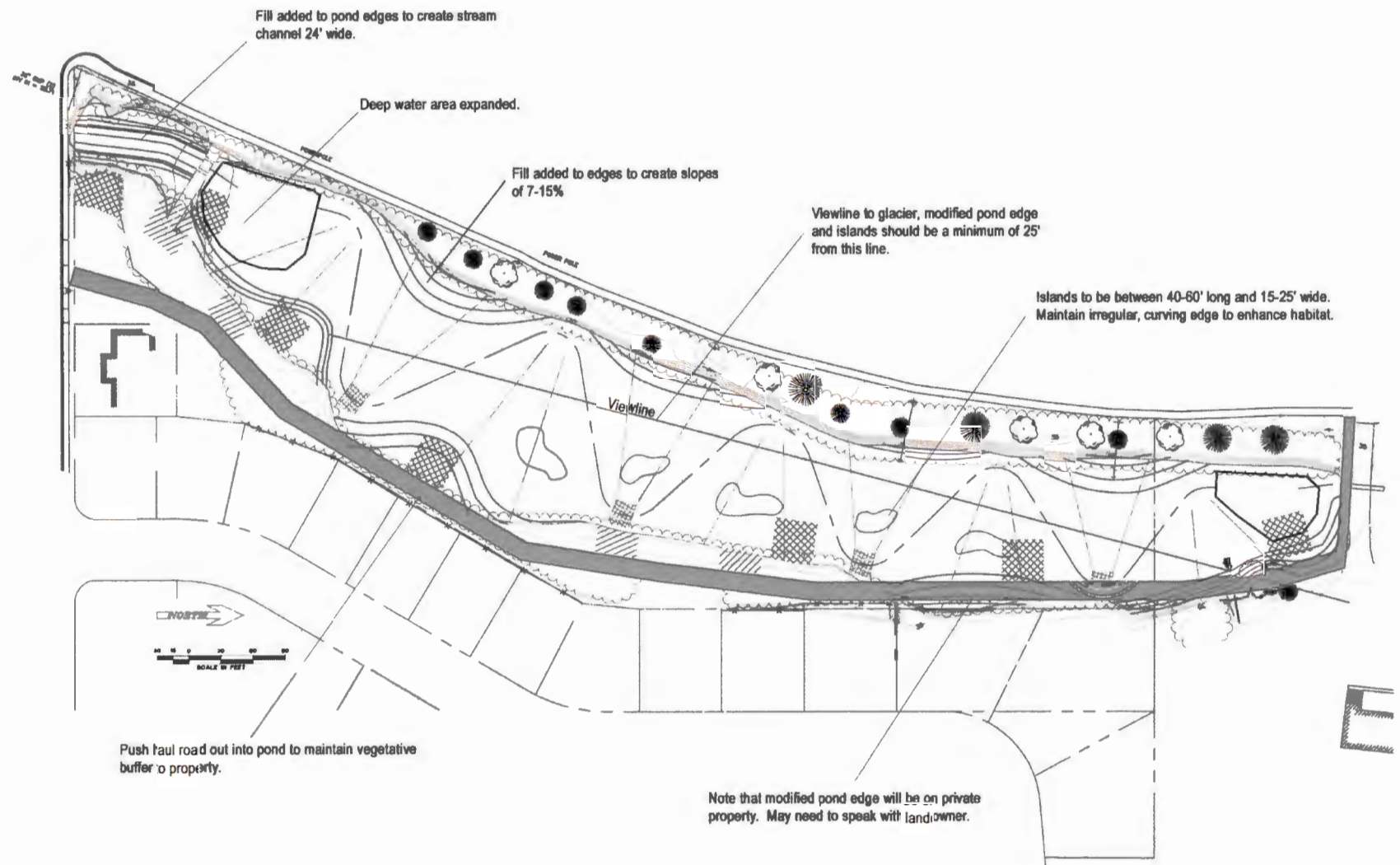


Figure 3. Modifications to the Nancy Street Wetland Design

In the summer of 2005, changes to the grading plan were proposed by CBJ to improve habitat by reducing the grade of the edges of the wetland. In anticipation of developing a trail plan, the islands were moved to allow for a view of the glacier.



Figure 4. Cross Section of the Coho Salmon Overwintering Pond

Fill is added to modify the steep wetland edge and cut is removed to allow the truck hauling road for the construction phase.



Figure 5. Cross Section of the Stream Channel, Marsh, and Island

Fill is added to create wetland emergent plant zones. The upland island will create protected bird nesting habitat.



Figure 6. Cross Section of the High marsh, Low Marsh, and Stream Channel

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Figure 7. Cross Section of the Outlet Stream Channel
Fill and gravel is added to create a stream channel with salmon spawning habitat.

III. Earthmoving Process and Commentary

Based upon discussions among Glacier State, R&M Engineering, CBJ, and the U.S. Fish & Wildlife Service, the process of filling was undertaken by shaping the fingers around the stream channel without filling in the stream channel or coho overwintering ponds. The alternative, to fill the entire pond and then dig out the stream channel and deep ponds would result in much less habitat diversity and variety in landform.

Glacier State began hauling and placing fill in September, 2005 and placed 64,000 cubic yards of fill by May. Ten cubic yard capacity dump trucks were used requiring approximately 6400 trips. One excavator operator worked filling and spreading the material. The material excavated from the highschool site varied from silty, to rocky mineral soil, to sandy depending on the area of excavation. At the Nancy Street pond, the excavator operator completed the filling by section, working and finishing one finger at a time. For this reason, the type of fill varies by section. After the completion of each finger, a 6-8" lift of topsoil was added for re-vegetation purposes. The unscreened topsoil came from Stabler's Quarry and was delivered at no cost to the project as part of an EPA mitigation penalty to a local company. The topsoil quality was low in organic content and high in cobble rock and woody debris content.

At the time of filling, the dam was not constructed. The fingers were filled to approximately 1-4 inches above the summer water level. The heavy rainfall received during the summer helped to compact the fingers. Usually within two weeks of shaping a finger, it would compact and solidify enough to walk easily on it. In many areas, the rocky silty fill would compact with the rains, dry out and harden to a cement like substance.

The dam and outlet channel construction began in early July, 2006 and required approximately 1-2 weeks of work. Fill was placed through the entire area where the stream channel would be located except for a narrow channel along the west edge of the wetland. This channel maintained water flow from the wetland to the culverts. After filling the area, the stream channel was excavated according to survey markers placed by Toner-Nordling Associates. The liner was secured in place under the streambed and the cobbles placed on top of it. The dam was shaped with fill, but the liner was never folded across the upstream face of the dam. It was determined by the Glacier State Contracting, R&M Engineering, CBJ, and the U.S. Fish & Wildlife Service that the fill was stable enough to maintain its integrity. The water flow in the wetland is minimal and so erosion is not a concern.

After completion of the initial dam and outlet structures, the area was given two weeks to rest. After this period, it was observed that the liner in the stream channel was surfacing due to upwelling of air and water from the substrate. Also, the established dam elevation was determined to be high relative to the elevations of the fingers. This resulted in high water levels in the wetland emergent area which could affect plant growth.

Glacier State Contracting went back into the wetland, lowered the dam level by removing fill from under the liner, re-layed the liner, added more cobbles and gravel to settle it, and reworked the stream channel meandering form. After this second effort, the liner is less visible and the effect is much more aesthetically pleasing. Due to high precipitation levels, it is unknown if the lowering of the dam will result in lowered water surface elevation.

Early stages of filling in November, 2005.
Logs are used to support machinery as the
fill the fingers.

Photo taken by Neil Stichert.



Early stages of filling in November, 2005. Photo looks south at the filling of the fingers.
Photo taken by Alan Steffert.



Photos taken in April, 2006 by Michele Elfers.

Hay bales and silt fence used to control sediment at downstream end of wetland.



In May, 2006 the channel sinuosity begins to take shape.

Photos taken by Michele Elfers.





Digging of outlet stream channel, laying of impermeable fabric and initial stream shaping in July 2006.



Glacier State returned to the outlet channel and dam 2 weeks after initial construction and added more cobble, lowered the dam elevation, and reshaped the channel.

Photos taken by Michele Elfers.

IV. Design and Layout of Vegetation

To plan for the process of revegetation, native plant communities that will thrive in the conditions at the Nancy Street Wetland must be understood. There is little to no documentation or literature on the revegetation of wetland reclamation projects in Southeast Alaska. Interviews and qualitative evaluations of three constructed wetlands during the summer of 2005 form the foundation for the planning of the revegetation process. The Church of the Nazarene Wetland, the Floyd Dryden Middle School Wetland, and Kingfisher Pond are studied to understand the successes and failures of native species and transplants within constructed wetlands. The results are applied to the planning for the revegetation of the Nancy Street Wetland.

1. Church of the Nazarene (CoN) Wetland, Mendenhall Valley

The Church of the Nazarene Wetland is located immediately upstream of the Nancy Street Wetland. The two wetlands are separated by a culvert. Similar to the Nancy Street Wetland, most of the water comes from groundwater seepages which carry iron into the surface water. The soils, geologic and human use are the same for both wetlands. The Church of the Nazarene wetland was part of the gravel pit and then filled in 1997 as part of a wetland reclamation project headed by K Koski of the Duck Creek Advisory Group. The reclamation utilized 20,000 cubic yards of fill composed mostly

Church of the Nazarene Wetland

Photo taken by Michele Elfers.



of sand and gravel from a stormwater improvement project in the floodplain of Duck Creek. Approximately 1000 cubic yards of peat were placed on top of the fill in a 6-10 inch lift. To accomplish the filling and planting, the water level in the pond was lowered using pumps. The fill was then added to allow for a stream channel 2-4 feet below the water surface elevation that covered 20 percent of the wetland. The remainder of the wetland was graded to allow for three different levels: 50 percent of the wetland is high marsh at 0-3 inches below water surface elevation, 15 percent of the wetland is mid-level marsh at 0-6 inches below water surface elevation, and 15 percent of the wetland is low marsh at 6-18 inches below water surface elevation. Plants were chosen for revegetation based on the established elevations.

Low Marsh 6-18" water depth

Nuphar luteum,
Yellow Pond Lily
Potamogeton gramineus,
Grass-Leaved Pondweed
Sparganium emersum,
Narrow-Leaved Burrweed

Mid-Level Marsh 0-6" water depth

Carex aquatilis,
Water sedge
Equisetum fluviatile,
Swamp Horsetail
Caltha palustris,
Yellow Marsh Marigold
Menyanthes trifoliata,
Buckbean
Beckmania syzigachne,
American Slough Grass

High Marsh 0-3" water depth

Carex aquatilis,
Water Sedge
Equisetum fluviatile,
Swamp Horsetail
Caltha palustris,
Yellow Marsh Marigold
Menyanthes trifoliata,
Buckbean
Beckmania syzigachne,
American Slough Grass
Carex sitchensis,
Sitka sedge
Calamagrostis canadensis,
Bluejoint Reed Grass

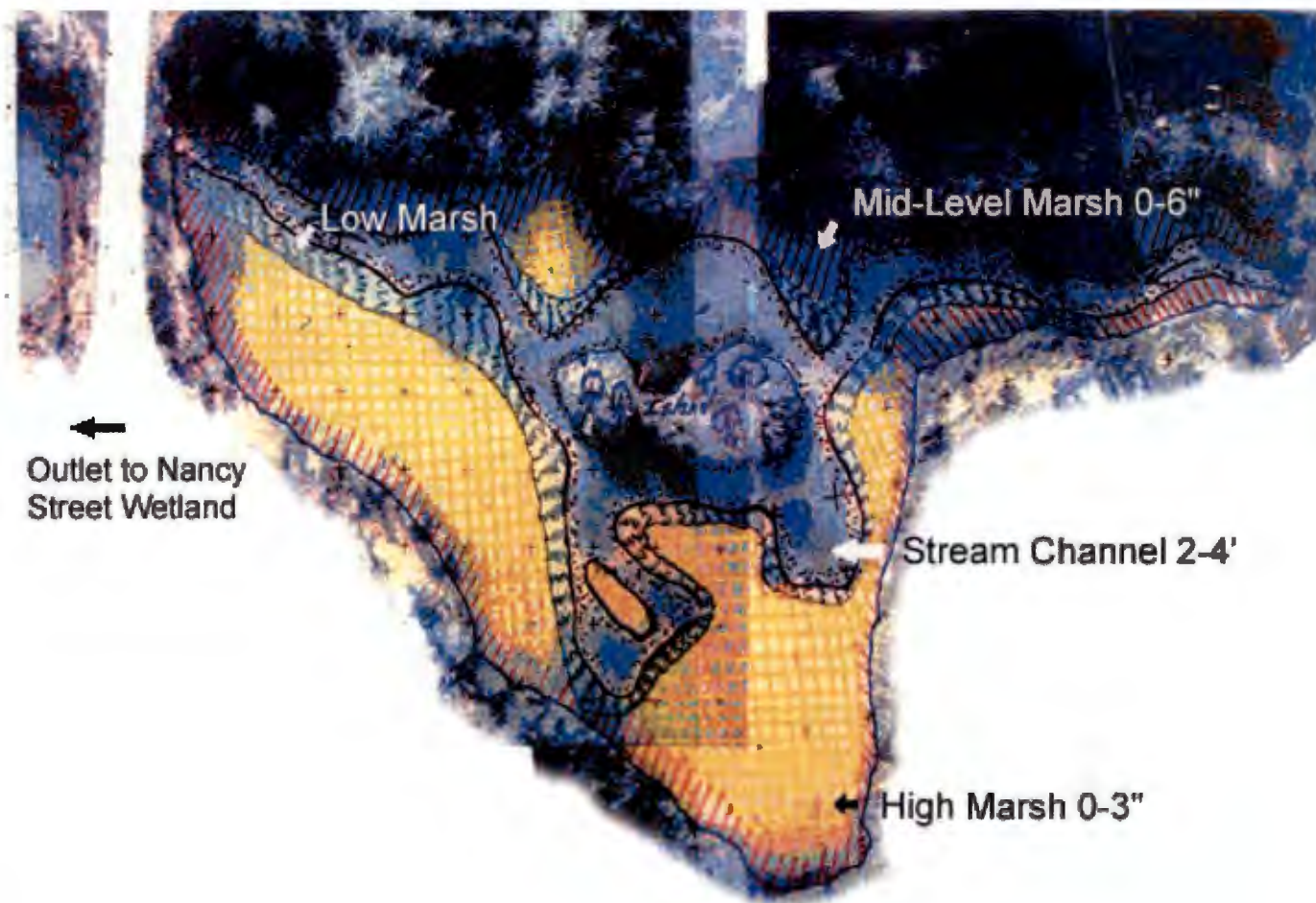


Figure 8. Church of the Nazarene Plan
Plan by K Koski.

The Wetland Enhancement Project for the Church of Nazarene Pond shows a grading plan that was developed to accomodate different plant communities. A meandering stream channel provides water to the marsh areas.

Table 1. Church of the Nazarene Plant Evaluation

site	water depth (cm)	% cover	live stems	description of quadrant	plant species
1a	7.5	90	57	saturated mud	horsetail, sitka sedge
1b	4	60	104	saturated mud	horsetail, sitka sedge
1c	3	95	14	saturated mud	horsetail, sitka sedge, blue joint grass
1d	14.5	35	17	standing water, iron oxide	horsetail, yellow marsh marigold
2a	5	75	50	saturated mud	horsetail, sitka sedge
2b	10.5	75	50	standing water	horsetail, sitka sedge
2c	6.5	35	37	saturated mud	horsetail, sitka sedge, western black willow, moss
2d	37.5	90	116	standing water, iron oxide	horsetail
3a	15	50	69	standing water	horsetail, sitka sedge, blue joint grass, bullrush
3b	35.5	95	89	standing water	horsetail, sitka sedge
3c	47.5	30	48	standing water	horsetail
3d	15.5	80	78	standing water	horsetail, sitka sedge
3e	12	20	9	standing water	sitka sedge
4a	13.5	40	90	standing water	carex, merten's sedge
4b	21.5	80	76	standing water	horsetail, sitka sedge
4c	22	40	32	standing water	horsetail

Table from "Inventory of Created Wetland and Baseline Data for Future Wetland Creation Sites". Hoferkamp, Lisa. Prepared for United States Fish and Wildlife Service, 2004-2005.

A combination of seeding, transplanting and planting of container grown stock were used for revegetation. During the transplanting, the plants that were dug from nearby wetlands were based more on availability and less on the planned species list. The plants were planted in rows four feet apart and with a spacing of two feet. Additionally, a local nursery planted upland species from container stock on a bank of the wetland (notes and plans from K Koski, 2005). Salix and Alder species were planted but did not survive. The wetland vegetation was counted and evaluated in 2004 by Lisa Hoferkamp, an assistant professor and a student at the University of Alaska, Southeast as part of a study of the water quality in the constructed wetland. Sixteen quadrants of .5 square meters were delineated within the saturated zone. Estimates of vegetative cover and an analysis of dominant species cover were performed.

The report estimates overall vegetative coverage of the wetland at 30-95 percent in 2004. This is an increase from an estimated 1 percent coverage in 1997 when it was first planted. The current plant community in the Church of Nazarene Wetland is dominated by Horsetail and Sitka Sedge with a few other species growing. According to the report by Lisa Hoferkamp, it is functioning as an iron sink and so the lack of diversity may not be a problem for this objective.

From the perspective that Nancy Street Wetland is part of ongoing experimentation and research into constructed wetlands in Southeast Alaska, expanding the diversity of the plant community may be beneficial to learn which types of plants colonize rapidly and if there are species that retain iron more efficiently. Species of Horsetail have long, thin root systems that may not be the most effective option for the trapping and retention of iron. Sedges, with dense fibrous root systems may be a better choice. Also, increasing the diversity of the plant community will allow for increased forage and habitat options for various species of birds and macro invertebrates.

2. Floyd Dryden Middle School Wetland, Mendenhall Valley

The Floyd Dryden Wetland is located north of the Nancy Street Wetland in the Mendenhall Valley. It occupies the post-glacial landscape but it does not have the same gravel extraction history. The constructed wetland is on school grounds and has been a wet area since the creation of the school. Surrounded by playfields and a building, it has become a detention



Photo taken by Michele Elfers.
View of the Floyd Dryden Wetland in July 2005

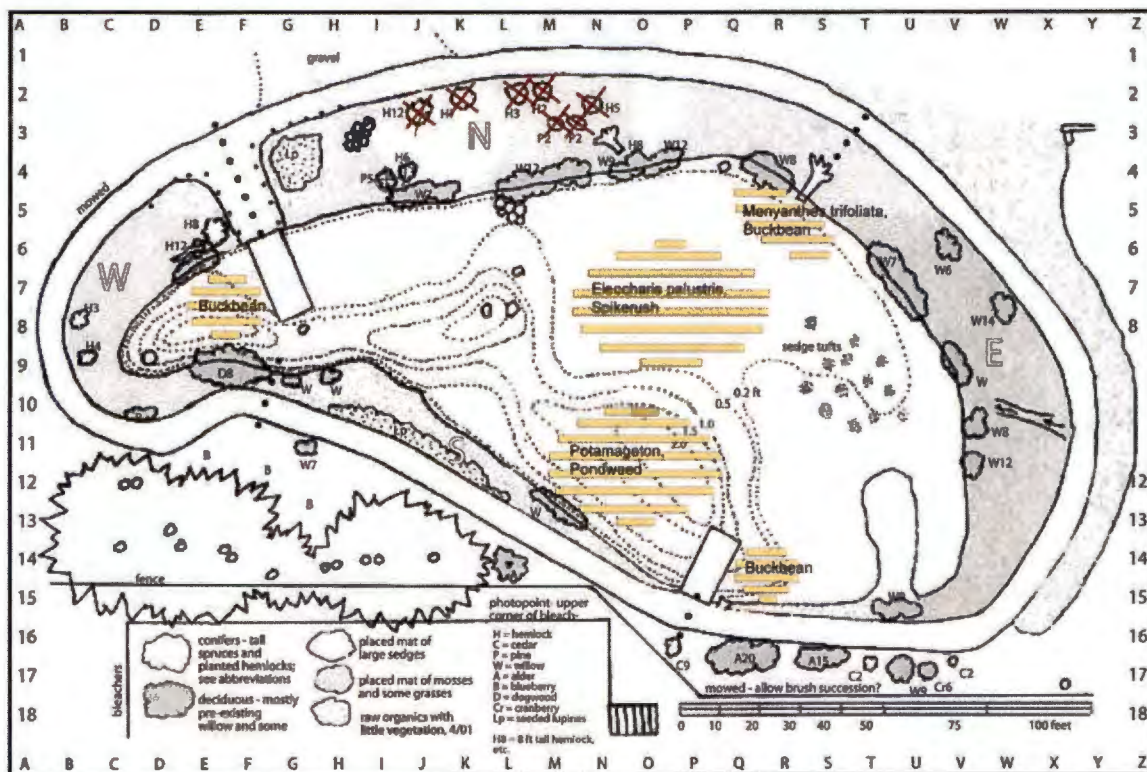


Figure 9. Floyd Dryden Pond

Original plan from Richard Carstensen of Discovery Southeast.

Observation of major species colonization in July 2005 shows that the Hemlocks and Pines did not survive, the Sedge, Spikerush, Buckbean, and Pondweed did very well.

area for stormwater. Between 1999 and 2001 the current wetland was graded and planted. The deepest area is roughly 450 square feet at a depth of 2 feet below water surface elevation and the grade rises to approximately 2.5 inches below water surface elevation within a large area of the wetland.

Richard Carstensen of Discovery Southeast, a nature education organization in Juneau, developed a vegetation plan for the wetland. Hemlock, Cedar, Pine, Willow, Alder, Blueberry, Dogwood, Cranberry, mats of Sedges, mats of Moss and Grasses, and Lupine seeds were used for the revegetation. Observation in August of 2005 showed that within the saturated zone the plants that are thriving are species of *Carex* (Sedge), *Equisetum* (Horsetail), *Eleocharis palustris* (Spikerush), *Menyanthes trifoliata* (Buckbean), and species of *Juncus* (Rush). Moving out of the saturated zone into the uplands, Willows, Alders, and Dogwood are thriving. The Hemlocks and Pines are either dying or are very small plants and there are very few Lupine plants. There is little open water in the wetland and a species of *Potamogeton* densely covers a significant amount of surface area in the deeper water areas.

The failure of the Hemlock and Pine trees may be due to the lack of adequate soil conditions. Hemlock requires a soil with a high organic content that is rare in the recently deglaciated Mendenhall Valley. Native Pine trees only grow in peat bogs in this part of Southeast Alaska. Sedges, Spikerush and Buckbean have thrived in this wetland at water depths of 2-6 inches for the Spikerush and Sedges and 2.5 inches for the Buckbean. These species are potential candidates for the Nancy Street Wetland.

It is important to note in this wetland that the deepest water is 2 feet and that there is little open water without vegetation. Potamogeton as well as other aquatic species such as Nuphar polysepalum are able to grow in 2 feet of water. In order to diversify habitat at Nancy Street and encourage the macro invertebrate population, open water is desired and the deep water levels must be greater than 2 feet deep. A study by Nelson, Roline, et al. shows that in constructed wetlands for wastewater treatment, the most productive habitat for invertebrates is open water with oxygen producing submerged plants. The least productive habitat is open water that has a continuous cover of duckweed and low dissolved oxygen levels (2000).

3. Kingfisher Pond at the Juneau Police Department, Lemon Creek

Kingfisher Pond at the Juneau Police Department is located at the mouth of a glacial valley, Lemon Creek. The primary source of water is groundwater supplemented by runoff as well as a small amount of brackish tidal water that enters through a faulty control structure at the outlet of the pond. As a reclaimed gravel pit, iron seepage is a problem in this wetland as well as pre-reclamation dumping of oil and other contaminants.



Photo taken by Michele Elfers.
View of Kingfisher Pond in July 2005

Between 2002 and 2003, the pond was filled and shaped to create a wetland and then planted with seeds, vegetative mats, and limited container stock plants. A section of the saturated zone was delineated to study the success of the seeding and the colonization of plants. The evaluation of the twelve study plots is recorded in Table 2. The evaluation is taken from observation in July 2005 of the plants growing compared to a seeding plan done at the time of revegetation. In the uplands area, Alder dominates, in some areas it is growing in dense thickets. There is also some Lupine, Dogwood, and

Highbush Cranberry in the upland areas. Both Tufted Hairgrass and Merten's Sedge have spread from saturated lowlands into well-draining upland areas. In the saturated areas to standing water, Small Leaf Bulrush, and Mare's Tail have colonized.

Table 2.
Kingfisher Pond
Plant Evaluation

Plot	Conditions	Seeded in 2000	Growing in 2005	Plot	Conditions	Seeded in 2000	Growing in 2005
1	Saturated	Merten's Rush	Merten's Rush	7	Moist ground, upslope	Hardtack Steeplebush	Merten's Sedge
			Merten's Sedge			Goat's Beard	Tufted Hairgrass
			Tufted Hairgrass				Lupine Alder
2	Saturated	Merten's Rush	Merten's Rush	8	Moist ground, upslope	Hardtack Steeplebush	Merten's Sedge
		Small Leaf Bulrush	Merten's Sedge				Tufted Hairgrass
			Tufted Hairgrass				Lupine Alder
3	Saturated	Control, no seeding	Merten's Rush	9	Moist ground, upslope	Control, no seeding	Merten's Sedge
			Merten's Sedge				Tufted Hairgrass
			Tufted Hairgrass				Lupine Alder
4	Saturated, beginning of upslope	Sawbeak Sedge	Merten's Sedge	10	Well-drained, upland	Tufted Hairgrass	Tufted Hairgrass
			Tufted Hairgrass				
5	Saturated, beginning of upslope	Control, no seeding	Merten's Sedge	11	Well-drained, upland	Tufted Hairgrass	Tufted Hairgrass
			Tufted Hairgrass			Meadow Barley	Meadow Barley
			Sawbeak Sedge				
6	Saturated, beginning of upslope	Merten's Sedge	Merten's Sedge	12	Well-drained, upland	Control, no seeding	Lupine
		Sawbeak Sedge					Alder

Data from observation in July 2005 and a Seeding Plan provided by the U.S. Fish & Wildlife Service.

A few species did not survive and many showed only one or two plants. *Spiraea douglasii*, or Hardtack Steeplebush was seeded but not growing on the site. This plant grows in southern Southeast Alaska, but it is not native to the northern part of the region. It will grow only in certain microclimates in this area and is therefore not hardy enough for a reclamation project. Meadow Barley, although native in this area, did not colonize successfully. The seeds may not have been viable, or the ground may have been too wet for the plants. This plant will not be recommended for revegetation of Nancy Street Wetland as literature suggests it is most successful in maritime areas (Pojar and Mackinnon, 1994). Sawbeak Sedge was only found in one area and may not be hardy enough to start from seed in a reclamation project.

By documenting the evaluation of these three constructed wetlands, interviews with local naturalists experienced in reclamation and revegetation projects, and literature pertinent to Southeast Alaskan plant communities, a table was created to document the successes, failures and potential for freshwater wetland species in reclamation wetlands. (See Appendix 1).

At the Nancy Street Wetland, plants have been selected based on the assessment and evaluation of their success in constructed wetlands in the region, experience of local naturalists, their ability to be transplanted or seeded, and their potential for the phytoremediation of iron. For the purpose of a planting design the plants were divided into zones based on the depth of water in which they grow. (See Table 3). The Nancy Street Wetland is designed with a water surface elevation of 28 feet. Although the Nancy Street Wetland is primarily ground water fed, runoff has been observed to affect water levels significantly in different seasons. However, the water level will fluctuate throughout the season with the rise and fall of precipitation rates. Rainfall increases between July and November and decreases between January and April. For this reason, the communities and water depths are general and meant as guidelines only. The zones are delineated on the wetland planting plan in Figures 10 and 11.

The deep water zone consists of the stream channel that flows from the inlet culvert to the outlet culvert as well as two deep pools at either end. This zone covers 55,000 square feet and is 28 percent of the total area to be revegetated. However, less than 5 percent of this area will be planted. Water will be 4 feet deep through most of this area with greater depths in each deep pool. This zone will be planted with *Potamogeton natans* (Floating Pondweed), *Sparganium angustifolium* (Narrow Leaved Burreed) , and *Nuphar polysepalum* (Yellow Pond Lily). The first two species were observed growing in the Nancy Street Pond prior to filling. Both are present upstream in the Church of the Nazarene



Figure 10. Planting Communities

The revegetation plan for the Nancy Street Wetland incorporates different plant communities based on elevation above the water surface. This revegetation plan was developed prior to the completion of the trail design.

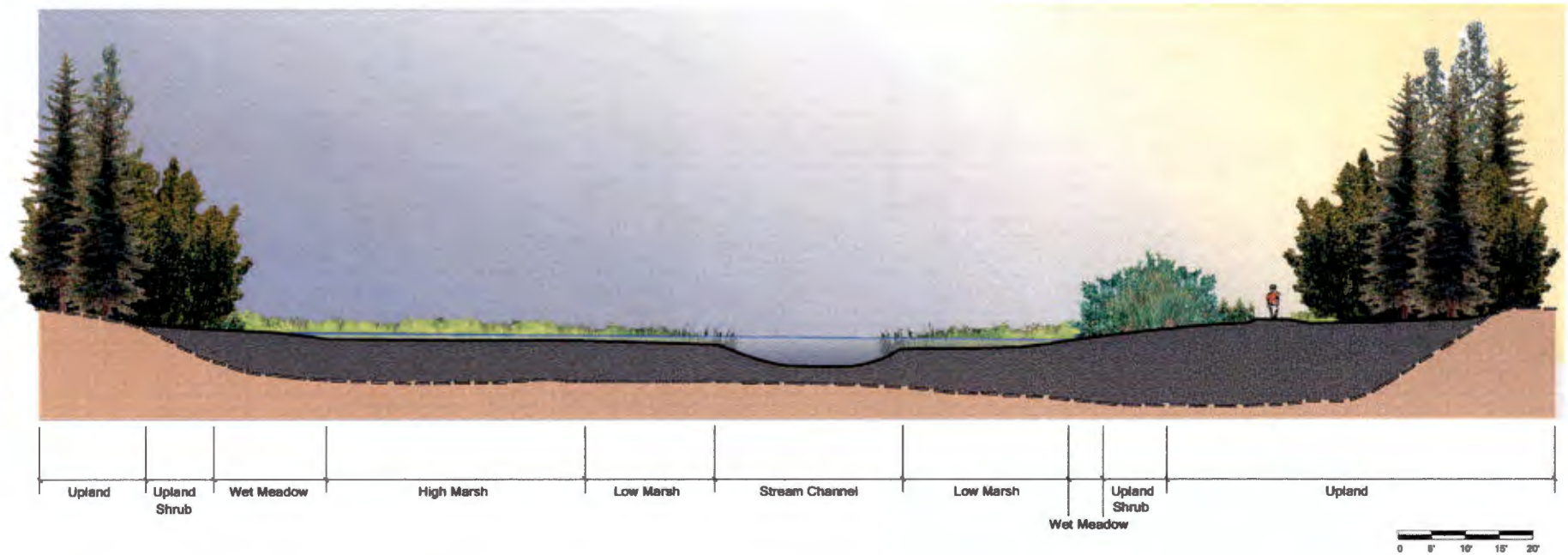


Figure 11. Typical Planting Zone Elevation

The revegetation plan for the Nancy Street Wetland is based on the elevation of the land above or below the water surface.

Pond. *Sparganium* is known to be a local food for muskrat. *Nuphar polysepalum* is found in a nearby pond downstream of the Nancy Street Wetland.

The low marsh zone covers 30,000 square feet and comprises 15 percent of the total area to be revegetated. The land between the stream channel and the high marsh 'fingers' is designed to the elevation of 27 feet to 27.5 feet. The plants in this zone include *Carex sitchensis* (Sitka Sedge), *Eleocharis palustris* (Spikerush), *Juncus mertensianus* (Merten's Rush), and *Scirpus microcarpus* (Small Leaf Bulrush). All of these plants have been successful at colonizing constructed wetlands in Juneau and can be transplanted or started by seed. *Carex sitchensis* is one of the two dominant plants in the Church of the Nazarene Wetland. The dense root system of this plant may be capable of retaining large amounts of iron.

The stream channel winds around fingers of high marsh zone areas at an elevation of 27.5 feet to 28 feet. The high marsh zone encompasses 35,000 square feet and covers 18 percent of the total area to be revegetated. *Carex sitchensis* and *Eleocharis palustris* have exhibited the ability to survive in a variety of water levels. They will transition the communities from low marsh to high marsh zones. Other plants in this zone include *Carex mertensii* (Merten's Sedge), *Juncus effusus* (Common Rush), *Lysichiton americanum* (Skunk Cabbage), *Deschampsia cespitosa* (Tufted Hairgrass), and *Menyanthes trifoliata* (Buckbean). All of these plants have been grown successfully in the constructed wetlands in Juneau. The *Lysichiton americanum* grows throughout Juneau in shaded wetland edges or stream banks. In the early spring it 'blooms' with a yellow spadex that is very attractive and provides food for animals. It has been transplanted successfully by naturalists in the region.

At the edge of the standing water zones is the transition zone of wet meadow. This zone is at an elevation of 28 feet to 29 feet and will be saturated most of the time and may flood during parts of the year. The wet meadow covers 12,000 square feet and comprises 6 percent of the total area to be revegetated. Many plants that can tolerate different water levels and periodic flooding are planted here. *Carex mertensii*, *Deschampsia cespitosa* ssp. *beringensis*, and *Juncus effusus* will all do well closer to the water's edge. Moving up through this zone, grasses and flowering plants that do well in wet meadows are planted. *Calamagrostis canadensis* (Bluejoint Reedgrass), *Festuca rubra* (Red Fescue), *Viola palustris* (Marsh Violet), *Frittilaria camschatcensis* (Chocolate Lily), *Iris setosa* (Wild Flag), *Lupinus nootkatensis* (Lupine), and *Aquilegia formosa* (Columbine) thrive in saturated soils and provide color during the summer season.

The wet meadow zone and the upland shrub zone will be indistinguishable in many areas as many of these plants thrive in saturated to moist soils. The upland shrub zone is delineated from 29 feet to 30 feet and covers 11,500 square feet. It comprises 6 percent of the total area to be revegetated. Many grasses and flowering plants including *Deschampsia cespitosa* (Tufted Hairgrass), *Calamagrostis canadensis* (Bluejoint Reedgrass), *Festuca rubra* (Red Fescue), *Aquilegia Formosa* (Columbine), and *Lupinus nootkatensis* (Lupine) will form the transition from wet meadow to upland shrub. Also in this zone will be *Cornus stolonifera* (Dogwood), *Salix barclayii* (Barclay's Willow), *Salix sitchensis* (Sitka Willow), *Alnus viridus* (Sitka Alder), *Aruncus dioicus* (Goat's Beard), *Rubus spectabilis* (Salmonberry), and *Viburnum edule* (Highbush Cranberry). The *Salix*, *Alnus*, *Aruncus* and *Viburnum* species were all observed on this site prior to filling.

Above 30 feet elevation is the well-drained upland zone. The uplands to be revegetated cover 52,500 square feet and 27 percent of the total area to be revegetated. The plants include many of the shrubs from the upland shrub zone: *Aruncus dioicus*, *Cornus stolonifera*, *Rubus spectabilis*, *Viburnum edule*, *Alnus viridus*, *Salix barclayi*, and *Salix sitchensis*. Additional trees to be planted that exist elsewhere on the site are *Populus balsamifera* (Cottonwood), *Alnus rubra* (Red Alder) and *Picea sitchensis* (Sitka Spruce). An understory of grasses and herbaceous perennials include *Festuca rubra*, *Calamagrostis canadensis* and *Aquilegia formosa*.

From this general planting zone plan in Figure 10, a detailed planting design for the uplands and upland shrub zones was created. This allows for numbers of each species needed for transplant, purchase or seeding. The design strives to create diversity in plantings to allow for habitat diversity while also considering the experience of the visitor along the trail, and the relationship of the adjacent private property owners to the wetland and the trail. For example, Detail 5 in Appendix 5 shows clusters of *Rubus spectabilis*, *Cornus stolonifera*, and *Viburnum edule*. These shrubs fruit from mid summer into fall and provide food into the winter for birds and small animals. Also, a combination of *Picea sitchensis* groupings as well as deciduous trees of *Alnus* and *Populus balsamifera* allow for varied habitat for birds. Detail 3 in Appendix 3 shows a narrow buffer between the adjacent property owners and the trail and wetland. The large cluster of *Alnus* and *Picea* is in front of homes with fencing. This choice of trees will further separate the homes from the wetland and trail.

The diverse planting communities represent the ideal revegetation plan. However, the objective of using only native plants limits the availability and spectrum of species that can be obtained and planted in the wetland. Native plant

nurseries and native seed sources do not exist in Southeast Alaska. Small amounts of native seeds are available in the area from individuals who collect seed seasonally. A few native species of grasses are sold commercially in the northern part of Alaska. The best solution to the reclamation of wetlands in Juneau is to gather wetland seed in the years prior to the reclamation of the wetland and then start them in greenhouses based on the specific needs of the plants. This process works well if the reclamation of the wetland is planned at the time of the surface mining or land disturbance. However, the circumstances of the Nancy Street Enhancement Project do not allow for the gathering and starting of seed. Therefore, transplanting of plugs will be the major source of revegetation, with some hardwood cuttings and seeding.

V. Vegetation Process and Commentary

The planning and design of the revegetation process provided a guide for the actual implementation. However, the decision by the resource agencies to focus on transplanting of local plants to preserve local gene stock and minimize the purchase of plants largely determined the revegetation process. For a 6 acre revegetation, transplanting is feasible, but for a freshwater emergent wetland that is much larger, the limitations of transplanting may warrant a different strategy.

For the Nancy Street Wetland revegetation, the availability, accessibility, and diversity of source wetlands determined the process (See Tables 3,4). Source wetlands were selected in the Mendenhall Valley and Lemon Creek to minimize cost and driving time to Nancy Street. Additionally, only wetlands that were accessible for a crew with a vehicle were considered. The ownership of the wetlands ranged from CBJ land, U.S. Coast Guard land to private land. In all cases, permission for access and transplanting was granted. Another consideration in choosing source wetlands was the size of plant population present for the targeted species. The population had to be large enough to be able to remove a sizable quantity without decimating or affecting the source wetland population.

With all of these limitations, it was difficult to find appropriate wetlands to source plants. The majority of the Nancy Street wetland is freshwater marsh with emergent species, however in Juneau there is much more forested wetland habitat than emergent wetland. The revegetation of an emergent wetland much larger than Nancy Street would be very difficult using only transplants. The source wetlands used for Nancy Street should not be used again for at least two years and finding adequate populations of emergent species may be difficult. A potential source that exists for this type of wetland is along Department of Transportation (DOT) Right of Ways. There are many drainage ditches along Glacier Highway, particularly between Fred Meyer's and McDonald's in the Valley that are sedge and bulrush emergent wetlands. DOT utilizes SAGA crews for maintenance of Right of Ways to prune and remove shrubs and trees. An opportunity exists for a partnership to be formed with DOT where SAGA crews maintain and transplant simultaneously on future reclamation projects.

In addition to the transplanting of emergent wetland species, the revegetation included cuttings of willow and cottonwood, transplanting of berry shrubs and alder, and seeding. To accomplish these tasks, various sources of labor were used over a period of five months. Volunteers cut stakes in April and planted in June, paid SAGA workers transplanted emergent species and seeded in June and July, and paid Trail Mix workers transplanted trees and shrubs in August (See Table 4).

While the volunteers only worked for two days, their work in taking cuttings of willow, cottonwood and high bush cranberry was very important to the revegetation of the upland shrub and upland zones. Also, the involvement of community volunteers raised enthusiasm and support for the project. The volunteers were members of Full Circle Farms, a farm and distributor of organic produce in Juneau. The farm solicited volunteers through emails and donated \$5000 to the project. The cuttings were taken on April 8 with twenty volunteers. The group divided in three and went to sites near Back Loop Road. With pruners, 1000 Barclay's Willow stakes, 200 High Bush Cranberry stakes, and 75 Black Cottonwood stakes were cut. Full Circle Farms donated the use of their cold storage facility in Lemon Creek to hold the cuttings until planting. On June 7, fifteen volunteers planted the cuttings at Nancy Street. Many of the stakes were cut in half or thirds. Steel rods with mallets or sharp pointed shovels were used to plant single stakes or bouquets of 3-5 stakes. The High Bush Cranberry stakes all died in storage, however many of the willow and cottonwoods sent out roots and shoots.

For the next phase in planting, the U.S. Fish & Wildlife Service contracted a SAGA crew for 4 weeks. In 13 days, the crew worked approximately 650 labor hours. They accomplished 70% of the revegetation process by planting 3600 plugs, shrubs and small trees and seeding portions of the wetland. The crew developed efficient methods for transplanting and solved problems effectively throughout the four weeks. Each day, two workers stayed at the wetland and used an augur to dig holes in the soil for planting. The other six crew members went to the source wetland. To extract plants they found that a sharp shovel was most effective. Often they would take small mats and then cut them into plugs using a knife or sharp shovel. They suggested using a hand held shovel to cut the mats in the future. They found that bulb planters were time consuming and difficult to use in gravel or dense mud. To remove shrubs, pulaskis were the most efficient and shovels were used for trees. Despite the efficient work of the crew, the lack of proper gear and equipment at the start of the project slowed down progress. The crew needed shoulder length waterproof gloves, hip waders, rubber boots, and five gallon buckets for transporting plants. Additionally, throughout the four weeks, the augur would break down and slow progress. Better preparation and support for the crew is needed in the future.

SAGA accomplished most of the remaining revegetation work; however the grading and shaping of the outlet channel, earthen dam, and trail were not completed in time to finish the planting. Trail Mix crews transplanted alders and berry bushes into the upland and upland shrub areas and a small amount of sedges along the boardwalk and earthen dam using similar techniques as SAGA. Additionally, CBJ staff purchased and planted *Cornus stolonifera* plugs along the steep

northeast slope on the Church of the Nazarene property. These plants were purchased because of the significant benefit to the project and the lack of an appropriate population from which to take cuttings in Juneau. They grow rapidly in the Juneau climate, provide berries for birds, and control erosion with spreading rhizomes. CBJ also purchased and spread seed throughout the five month period of revegetation for erosion control and habitat enhancement.

To improve on the revegetation process for future projects, better planning for irrigation should be in place prior to transplanting. This summer in Juneau was very rainy with only a few periods of sunny dry weather. However, for two weeks in June, the sun came out and dried the high marsh area. During the revegetation period, the water level was approximately 1-3 inches below the high marsh elevation. The rocky and sandy topsoil combined with the silty fill dried in sunny conditions to form a cement like consistency. Watering was necessary to keep the plants alive during this period. SAGA crews used buckets and a garden quality gasoline powered water pump to irrigate the wetland. If the dry sunny weather persisted, these methods would not be able to keep the plants alive. To prevent this from happening on future projects a soil with a higher organic content would help to retain moisture better in dry conditions. Also, working with the Department of Public Works to obtain a permit for fire hydrant access would allow for an appropriate water source. Other strategies include the control of water levels to keep soil saturated while planting or the delay of planting until July when precipitation is more frequent.

Table 3: Recommended Plant Species

Actual Planted Species

Low and High Marsh		Low and High Marsh	
<i>Species</i>	<i>Common Name</i>	<i>Species</i>	<i>Common Name</i>
<i>Caltha palustris</i>	Marsh Marigold	<i>Caltha palustris</i>	Marsh Marigold
<i>Carex sitchensis</i>	Sitka Sedge	<i>Carex sitchensis</i>	Sitka Sedge
<i>Eleocharis palustris</i>	Spike Rush	<i>Eleocharis palustris</i>	Spike Rush
<i>Scirpus microcarpus</i>	Small Leaved Bulrush	<i>Scirpus microcarpus</i>	Small Leaved Bulrush
<i>Juncus mertensianus</i>	Merten's Rush	<i>Carex lyngbae</i>	Lyngby's Sedge
<i>Lysichiton americanum</i>	Skunk Cabbage		
<i>Menyanthes trifoliata</i>	Buckbean		
<i>Carex mertensii</i>	Merten's Sedge		
<i>Calamagrostis canadensis</i>	Blujoint Reedgrass		
<i>Deschampsia cespitosa</i>	Tufted Hairgrass		
Wet Meadow		Wet Meadow	
<i>Aquilegia formosa</i>	Western Columbine	<i>Aquilegia formosa</i>	Western Columbine
<i>Calamagrostis canadensis</i>	Bluejoint Reedgrass	<i>Calamagrostis canadensis</i>	Bluejoint Reedgrass
<i>Deschampsia cespitosa</i>	Tufted Hairgrass	<i>Deschampsia cespitosa</i>	Tufted Hairgrass
<i>Fritillaria camschatcensis</i>	Chocolate Lily	<i>Fritillaria camschatcensis</i>	Chocolate Lily
<i>Iris setosa</i>	Iris	<i>Iris setosa</i>	Iris
<i>Aconitum delphinifolium</i>	Monkshood	<i>Lupinus nootkatensis</i>	Lupine
<i>Dodecatheon pulchellum</i>	Shooting Star	<i>Hierchloe odoratum</i>	Sweet Grass
<i>Eriophorum angustifolium</i>	Cottongrass		
<i>Viola palustris</i>	Marsh Violet		
Upland Shrub		Upland Shrub	
<i>Alnus viridus</i>	Sitka Alder	<i>Alnus viridus</i>	Sitka Alder
<i>Aruncus dioicus</i>	Goat's Beard	<i>Aruncus dioicus</i>	Goat's Beard
<i>Cornus stolonifera</i>	Red Twig Dogwood	<i>Cornus stolonifera</i>	Red Twig Dogwood
<i>Rubus spectabilis</i>	Salmonberry	<i>Rubus spectabilis</i>	Salmonberry
<i>Salix barclayi</i>	Barclay's Willow	<i>Salix barclayi</i>	Barclay's Willow
<i>Salix sitchensis</i>	Sitka Willow	<i>Festuca rubra</i>	Red Fescue
<i>Viburnum edule</i>	High Bush Cranberry	<i>Rubus parviflorus</i>	Thimbleberry
		<i>Alnus rubra</i>	Red Alder
Upland		Upland	
<i>Alnus rubra</i>	Red Alder	<i>Alnus rubra</i>	Red Alder
<i>Alnus viridus</i>	Sitka Alder	<i>Alnus viridus</i>	Sitka Alder
<i>Cornus stolonifera</i>	Red Twig Dogwood	<i>Cornus stolonifera</i>	Red Twig Dogwood
<i>Picea sitchensis</i>	Sitka Spruce	<i>Picea sitchensis</i>	Sitka Spruce
<i>Populus balsamifera</i>	Black Cottonwood	<i>Populus balsamifera</i>	Black Cottonwood
<i>Rubus spectabilis</i>	Salmonberry	<i>Rubus spectabilis</i>	Salmonberry
<i>Salix barclayi</i>	Barclay's Willow	<i>Salix barclayi</i>	Barclay's Willow
<i>Salix sitchensis</i>	Sitka Sedge	<i>Rubus parviflorus</i>	Thimbleberry
<i>Viburnum edule</i>	High Bush Cranberry	<i>Festuca rubra</i>	Red Fescue

Table 4: Record of Planting Quantity, Source and Labor

Date	Species	Type	Quantity	Source	Labor
18-Apr	<i>Festuca rubra</i>	seed	10 lbs	Alaska Mill and Feed	USFWS
7-Jun	<i>Salix barclayi</i>	cutting	1500	Wren Drive/Back Loop Road	volunteer
7-Jun	<i>Populus balsamifera</i>	cutting	150	Behind Community Gardens	volunteer
13-Jun	<i>Carex lyngbae</i>	plug	130	Coast Guard Wetland	SAGA
14-Jun	<i>Carex sitchensis</i>	plug	450	Duck Creek by Superbear	SAGA
14-Jun	<i>Caltha palustris</i>	plug	40	Duck Creek by Superbear	SAGA
15-Jun	<i>Carex</i>	plug	300	Coast Guard Wetland	SAGA
15-Jun	<i>Carex sitchensis</i>	plug	375	Church of Nazarene Wetland	SAGA
15-Jun	<i>Carex sitchensis</i>	plug	200	Church of Nazarene Wetland	SAGA
19-Jun	<i>Calamagrostis/ Deschampsia</i>	plug	164	Lemon Creek Wetland	SAGA
19-Jun	<i>Fritillaria camschatensis</i>	plug	34	Lemon Creek Wetland	SAGA
19-Jun	<i>Hierchloe odoratum</i>	plug	31	Lemon Creek Wetland	SAGA
19-Jun	<i>Iris nootkatensis</i>	plug	31	Lemon Creek Wetland	SAGA
20-Jun	<i>Calamagrostis/Deschampsia</i>	plug	276	Lemon Creek Wetland	SAGA
20-Jun	<i>Fritillaria camschatensis</i>	plug	83	Lemon Creek Wetland	SAGA
20-Jun	<i>Hierchloe odoratum</i>	plug	49	Lemon Creek Wetland	SAGA
20-Jun	<i>Iris nootkatensis</i>	plug	60	Lemon Creek Wetland	SAGA
21-Jun	<i>Rubus spectabilis</i>	transplant	200	Duck Creek by Superbear	SAGA
22-Jun	<i>Carex sitchensis</i>	plug	20	Duck Creek by Superbear	SAGA
22-Jun	<i>Picea sitchensis</i>	transplant	8	DOT ROW Loop Rd	SAGA
23-Jun	<i>Lupinus nootkatensis</i>	seed	unweighed	US Forest Service, Ketchikan	NRCS
26-Jun	<i>Eleocharis palustris</i>	plug	100	Coast Guard Wetland	SAGA
26-Jun	<i>Scirpus microcarpus</i>	plug	100	Lemon Creek Wetland	SAGA
27-Jun	Thimbleberry	transplant	55	DOT land on channel by GCI	SAGA
27-Jun	<i>Rubus spectabilis</i>	transplant	35	Duck Creek by Superbear	SAGA
29-Jun	<i>Carex</i>	plug	175	DOT ROW north of SE Vet	SAGA
29-Jun	<i>Festuca rubra</i>	seed	20 lbs	Alaska Mill and Feed	SAGA
29-Jun	<i>Calamagrostis canadensis</i>	seed	10 lbs	Alaska Mill and Feed	SAGA
29-Jun	<i>Deschampsia cespitosa</i>	seed	10 lbs	Alaska Mill and Feed	SAGA
30-Jun	<i>Cornus sericea</i>	plug	216	Nat's Nursery, BC	CBJ
30-Jun	<i>Festuca rubra</i>	seed	10 lbs	Alaska Mill and Feed	CBJ
30-Jun	<i>Calamagrostis canadensis</i>	seed	10 lbs	Alaska Mill and Feed	CBJ
30-Jun	<i>Deschampsia cespitosa</i>	seed	8 lbs	Alaska Mill and Feed	CBJ
5-Jul	<i>Carex</i>	plug	490	DOT ROW north of SE Vet	SAGA
6-Jul	<i>Carex</i>	plug	245	DOT ROW north of SE Vet	SAGA
20-Jul	<i>Picea sitchensis</i>	transplant	?	DOT ROW Loop Rd	CBJ
20-Jul	<i>Festuca rubra</i>	seed	20 lbs	Alaska Mill and Feed	CBJ
20-Jul	<i>Calamagrostis canadensis</i>	seed	5 lbs	Alaska Mill and Feed	CBJ

cont. Table 4: Record of Planting Quantity, Source and Labor

Date	Species	Type	Quantity	Source	Labor
20-Jul	<i>Deschampsia cespitosa</i>	seed	5 lbs	Alaska Mill and Feed	CBJ
24-Jul	<i>Cornus stolonifera</i>	transplant	17	old Fred Meyer landscape	CBJ
26-Jul	<i>Rubus spectabilis</i>	transplant	24	Duck Creek by Superbear	Trail Mix
7-Aug	<i>Carex sitchensis</i>	plug	50	Church of Nazarene Wetland	Trail Mix
8-Aug	<i>Alnus</i>	transplant	100	Duck Creek by Superbear	Trail Mix
9-Aug	<i>Rubus spectabilis</i>	transplant	60	Duck Creek by Superbear	Trail Mix
15-Aug	<i>Festuca rubra</i>	seed	40 lbs	Alaska Mill and Feed	CBJ
15-Aug	<i>Deschampsia cespitosa</i>	seed	10 lbs	Alaska Mill and Feed	CBJ
		Total Quantity	4993		



Above: Volunteer planting of willow and cottonwood cuttings in June. Right: Cuttings send out leaves in August.



Above: SAGA extracts sedges from a wetland in Lemon Creek. Right: Transport of sedges and marsh marigold in buckets.



Above: SAGA plants wet meadow grasses.
 Right: Low marsh and high marsh sedges
 and bulrushes.



Left: Alders transplanted along
 stream channel.

Photos taken by Michele Elfers.

VI. Trail Design and Construction

The design and development of a community trail through the wetland has become an important component to gaining public approval and support of the project. Adjacent landowners initially viewed the reclamation project as disruptive, but through the process of filling, planting and trail construction, many neighbors and community members have expressed that the reclamation is an improvement to the neighborhood. It offers recreational opportunities for a neighborhood of streets and private property and it allows access to a successional landscape with a fantastic view of the Mendenhall Glacier (See Figure 12-14).

CBJ applied for a Recreational Trails Grant through the Department of Natural Resources, Division of Parks and Outdoor Recreation. To administer the grant funds, the CBJ Engineering Department, the CBJ Department of Parks and Recreation, and Trail Mix formed a partnership to accomplish the administration, construction and management of the trail. The Engineering Department was responsible for the design, permitting and construction oversight, the Department of Parks and Recreation provided equipment, design review, and maintenance and management of the completed trail, and Trail Mix constructed the trail and administered the grant.

The trail construction began in July 2006 and continued through August. A few details will be completed in late fall and early spring such as the installation of trash cans and interpretive signage. Silty gravel forms a compact base for the six foot wide trail. A deck is sited at the south end to capture a remarkable view across the wetland of the Mendenhall Glacier. An island at the north end is accessed by a bridge and boardwalk and offers a bench and viewing point south. Eight steel pilings and a frame of treated lumber support the observation deck. The decking on the observation deck and boardwalk, railings, and benches are recycled plastic lumber. The 70' bridge is a steel gangway removed over the summer from a CBJ Ports and Harbors project.

Many of the materials and labor were donated to allow completion of the trail with only grant funding. The bridge and benches were donated by CBJ Ports and Harbors, the rough grading and shot rock placement on the trail was donated by Glacier State Contractors, and the construction of the observation deck was done by the U.S. Coast Guard Engineers in Juneau.



Figure 12. Trail Master Plan

The trail design includes the extension north of the trail to the Church of Nazarene Wetland. This extension was not constructed. Currently, the trail connects to the Mendenhall Bike Loop Path.

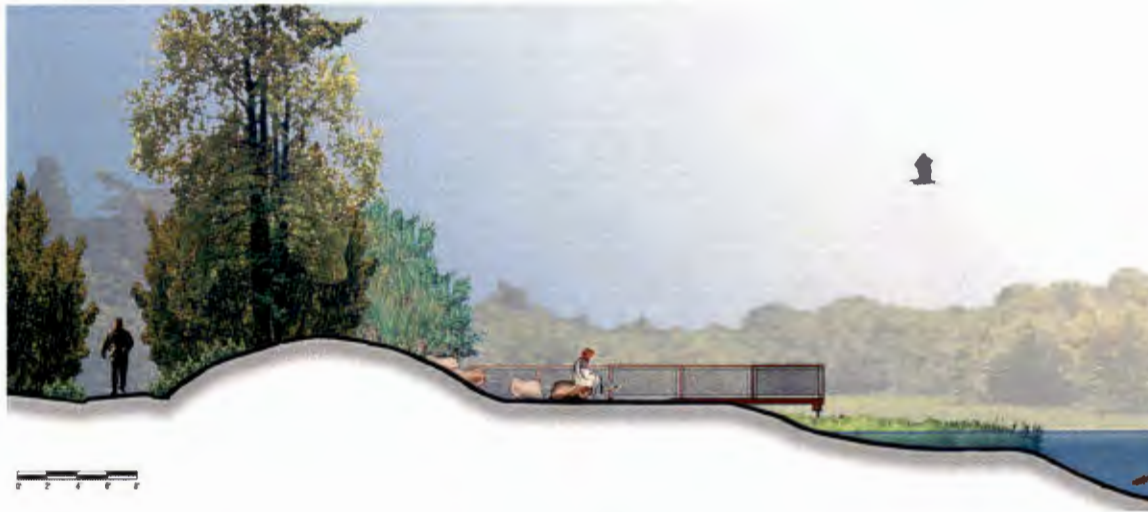


Figure 13. Cross Section of the Observation Deck

The deck is sited to allow for close viewing of open water and to capture a magnificent view of the Mendenhall Glacier as a backdrop to the wetlands.



Figure 14. Cross Section of the Bridges

The two bridges across the wetland are connected by an island. The first is a 25' wooden boardwalk across emergent wetlands, the second is a 70' steel bridge with metal grate decking across the stream channel. On the island, a gravel seating area with boulders allows for resting and wildlife viewing.

The constructed trail represents Phase I of the Duck Creek Greenway Trail that will extend through the Nancy Street Wetland and the upstream Church of Nazarene Wetland and the Allison Pond (See Figure 15). Ultimately, it will connect from the north and south to the Under Thunder trail to form a loop. The creation of a trail that links the three wetlands will raise awareness of the ecological connection for fish, birds and other wildlife among these stepping stone habitats.

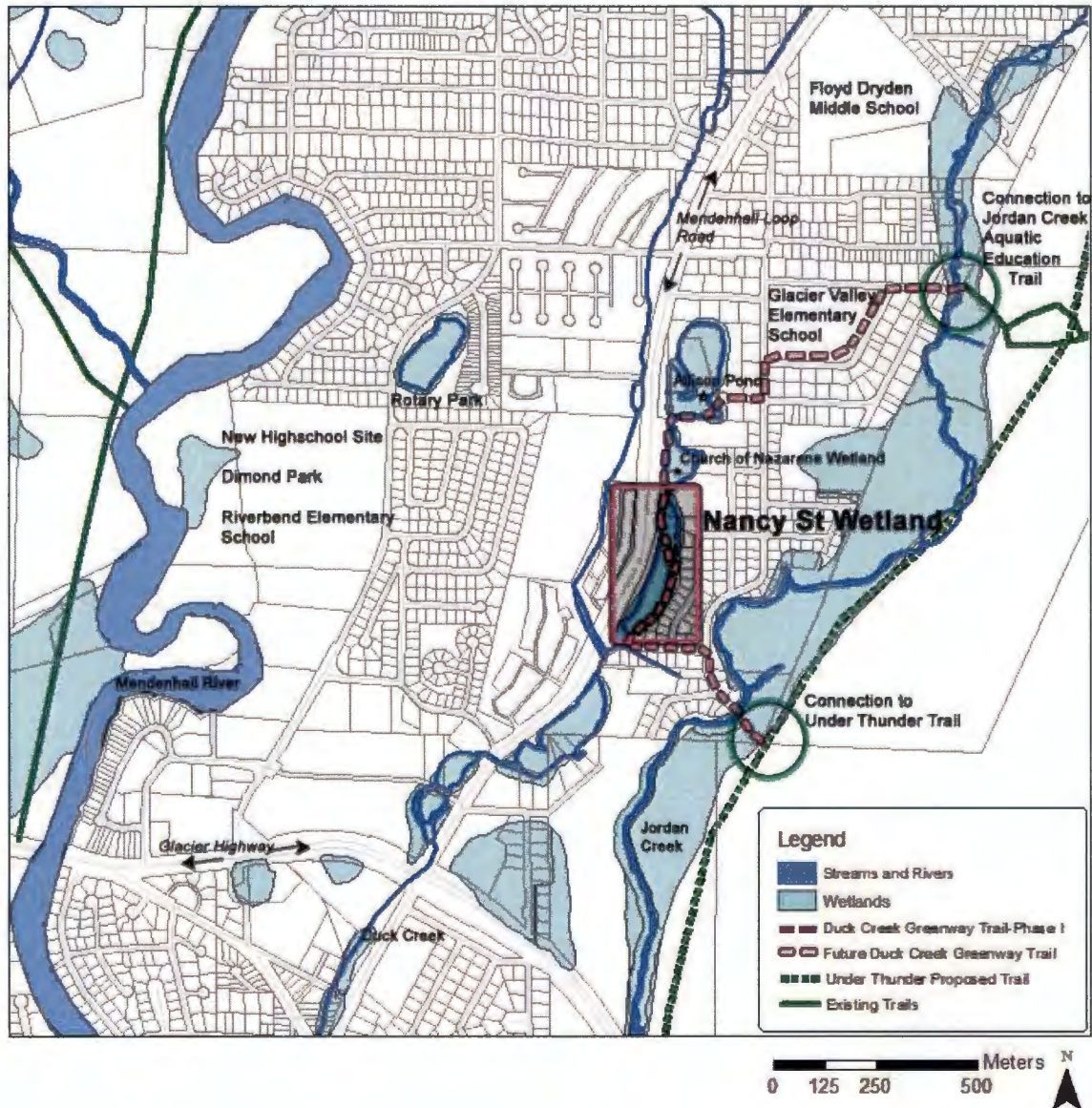


Figure 15. Duck Creek Greenway Trail Master Plan.

The trail through Nancy Street will connect the three former gravel pits to provide neighborhood connections, recreational opportunities, and to increase awareness of the ecological connections among the enhanced wetlands.

Glacier State shaped the rough trail bed and placed shot rock in May.



Trail Mix hauls gravel to build the trail across the island in August.

Trail Mix drives pilings for the observation deck and shapes the gathering area.





The finished bridge and boardwalk cross the wetland to an island with a bench for viewing.

Right: The steel gangway donated by CBJ Ports and Harbors extends from the northwest end of the trail to the east side. Trail Mix built new cedar rails for safety.



Below: The finished observation deck and gathering area.



VII. Monitoring and Maintenance

The monitoring and maintenance plan for the Nancy Street Wetland addresses issues of survival and performance of wetland vegetation, changes in wetland composition, the control of invasive species, and the general upkeep of the trail and interpretive areas. The plan for monitoring of wetland vegetation is informed by a plan for wetland monitoring in Bellevue, Washington by Herrera Environmental Consultants, a guide to “Wetland Restoration, Creation, and Enhancement” written by various federal resource agencies, and research done by Elzinga, Salzer, and Willoughby in Measuring and Monitoring Plant Populations. The plan for trail maintenance is based on observations of wetland trail requirements over time in Juneau.

Monitoring Plan

It is proposed that this work be performed in conjunction with the existing UAS water and fish monitoring plan and the data be combined into one report.

1. Establish plots in different plant community zones to measure species composition, aerial cover, and vegetative density. Measure water level above ground surface. Take measurements once per year in late July from 2007 to 2012. See Appendix XX for plot locations.
 - a. Plot 1 Upland - monitor a 5 meter radius around stake.
 - b. Plot 2 Island – monitor the entire island.
 - c. Plot 3 Emergent – monitor a 1 meter radius around stake.
 - d. Plot 4 Emergent – monitor a 1 meter radius around stake.
2. Establish 4 photopoints that capture each plot and 2 photopoints that capture emergent wetland, one from the observation deck looking north to the glacier and the second from the bench on the island looking south to the observation. See Appendix 2b and 2c for photopoints and 2006 photographs.
3. Complete table of information and draw maps recording the location, density and cover of each plot. See Appendix 2a for baseline data and sample table.

Maintenance Plan

The Nancy Street Wetland will be transferred to the CBJ Parks and Recreation Department for management. This department and Trail Mix can coordinate to maintain the trail using the excess trail grant money.

1. Prune and clear shrubs and trees obstructing passage along the trail.
2. Empty garbage cans, refill doggy bag dispenser and remove garbage from the trail.
3. Clear drainage culverts along trail.

VIII. Conclusion

The Nancy Street Wetland Enhancement Project offers an economically feasible, ecologically beneficial, and socially supported model of wetland reclamation for municipalities. Based on the data and assessment of the design and construction presented in this report, the project has been successful in the aspects of earthwork, transplanting, cost benefit and public participation. However, areas of improvement include the refining of final water levels, soil quality, and irrigation strategies during transplanting.

The design and implementation of the filling process determined largely the improvement of habitat, the efficiency of operations, and the accuracy of the as-built site to the design. By filling and completing each finger and section of the wetland individually, greater variety and attention to each landform was introduced. The other option, filling the entire site and then returning to dredge the stream channel would have resulted in less diversity of habitat and less attention to the design details. There is some concern that the water level is higher than the designed level. However, the rainfall was higher than average in 2006, so it is difficult to tell if the water levels in the wetland will drop. Designing elevations to within 3 inches to allow for necessary habitat for plants and wildlife is very difficult on a project where over 60,000 CY of fill are being placed. For this reason, designing a dam with adjustability to account for the discrepancy in water level would improve the function and success of the project.

The high rainfall this summer maintained a moist planting substrate throughout most of the summer. In late June, a sunny period of two weeks revealed the problems that would have been encountered had it been a drier summer. The soil dried and cracked around the newly transplanted plants and a hasty irrigation plan of buckets and a garden pump with hose was used to keep the plants alive. An irrigation plan should be in place prior to the revegetation phase. Tapping into city water through fire hydrants, or a private source are two potential solutions. Also, improving the quality of topsoil will improve moisture retention. The mineral topsoil had little organic content and was full of rock and cobble. Plant survival in 2007 will reveal whether higher quality topsoil is needed. At the end of the 2006 planting season, there was approximately 70% survival rate of transplanted species. Based on this estimate, the revegetation effort was very successful.

In addition to the improvement of fish and wildlife habitat, the other measure of success of the Nancy Street Wetland Enhancement is the strong base of public support. Throughout the construction process, volunteers donated time,

materials and money to the project. Many neighbors began to come out during the summer construction and comment on how happy they were about the project.

As a result of the success of this project, a similar process is planned for the Allison Pond upstream of the Nancy Street Wetland. The process will be improved based on this assessment and applied to the Allison Pond site needs. The CBJ has saved the community money by pioneering this alternative option to fill disposal. The support of the U.S. Fish & Wildlife Service and the Natural Resource Conservation Service has enhanced habitat for fish and wildlife and reclaimed a valuable community resource.

Plant List for Freshwater Wetlands											
Scientific Name	Common Name	Recommendation by	Water Level	Height	Transplant Potential	Seed Potential	Wildlife Benefits	Human Benefits	Iron phytoremediation	Liabilities	Other Issues
Deep Water											
<i>Caltha natans</i>	Floating Marsh Marigold	Book	aquatic floating	1-3'				attractive flower			floats or creeps in mud, stolons root at nodes
<i>Nuphar polysepalum</i>	Yellow pond-lily	Patti Krosse, Ed Buyarski	3-4' average water depth, up to 6' stalk		successful, use fork or clam digger to dig up entire root, or monofilament tied to root with rock to get plant it.		food, habitat for fish, cover for ducklings, frog habitat	very attractive open water flower		Patti-very difficult to dig roots, often extensive, and hard to get roots back into the water completely	found in pond near Superbear, very shallow water, may be easy to remove
<i>Potamogeton natans</i>	Floating Pondweed	Observed at Nancy Street	aquatic floating from bottom 3-8'		yes		very valuable food source for mallards and other marsh birds		Existed in Nancy Street Pond so it is tolerant of iron	In CoN it forms a dense cover in open water areas, too much shade and it may limit macroinvertebrate population	present at Nancy Street Pond prior to filling, present at CoN, Floyd Dryden, becomes very dense in areas, keep deep water areas in pools if open water habitat is desired
<i>Sparganium angustifolium</i>	Narrow-Leaved Bur-reed	Observed at Nancy Street	aquatic floating	1-3'			nesting, cover, seeds, muskrats		Existed in Nancy Street Pond so it is tolerant of iron		present at Nancy Street Pond prior to filling
Marsh											
<i>Caltha palustris</i>	Yellow Marsh Marigold	Book	wet areas with slow running water	variable	divide rootball	seed direct sow in fall		attractive flower			limited survival at CoN
<i>Carex mertensii</i>	Mertens's Sedge	Patti Krosse	upland, more dry conditions, in transition zone	4'	one of the easiest types of carex to transplant	yes		attractive colorful, large spikes	dense root system may hold more iron	Carex more difficult to dig roots	germinates easily, some found in CoN, planted in Kingfisher Pond, growing very well in low saturated soil, but also growing on wet slopes.
<i>Carex sitchensis</i>	Sitka Sedge	Observed at CoN Wetland	emergent	1-5'	yes	yes	excellent waterfowl habitat		dense root system may hold more iron	hard to dig up because of root system	transplanted into CoN, excellent survival rate
<i>Carex stipata</i>	Sawbeak Sedge	Observed at Kingfisher Pond	marsh and bog	1-3'		yes		attractive seed head	dense root system may hold more iron		planted in Kingfisher Pond (seed), found only a few plants, did not do well
<i>Eleocharis palustris</i>	Spike Rush	Observed at Floyd Dryden Wetland	in shallow standing water, 1-2"	8-24"				attractive head			spread very well in Floyd Dryden Pond and has an attractive head and reddish hue to the stems
<i>Equisetum</i>	Horsetail sp.	Patti Krosse	aquatic to semi-aquatic		yes				the roots are small and probably do not trap much iron, roots do not hold much soil	Has shown invasive tendencies in the CoN wetland	probably easy to transplant some rhizomes, excellent survival rate in CoN(dominates wetland-maybe too aggressive), also abundant in Floyd Dryden
<i>Hordeum brachyantherum</i>	Meadow Barley	Observed at Kingfisher Pond	moist soils	3'		yes	food for blacktail deer			Primarily a maritime species, along beaches and meadows	planted in Kingfisher Pond (seed), found only one plant

Scientific Name	Common Name	Recommendation by	Water Level	Height	Transplant Potential	Seed Potential	Wildlife Benefits	Human Benefits	Iron phytoremediation	Liabilities	Other Issues
Juncus effusus	Common Rush	Patti Krosse	some water-a little drier, gravelly disturbed land	1-4'	Difficult	yes		less attractive, smaller			germinates easily
Juncus mertensianus	Merten's Rush	Observed at Kingfisher Pond	marsh and bog	1'		yes		attractive seed head			planted in Kingfisher Pond (seed), growing in saturated soil
Lysichiton americanum	Skunk Cabbage	Observed at CoN, Ed Buyarski	wet edges of water	1-4'	thick root, need to get down deep to dig it out	yes, direct sow in fall	food for deer, bear, and gnats	attractive flower, color		Shady, forested areas	present at edges of CoN
Menyanthes trifoliata	Buckbean	Patti Krosse	aquatic to semi-aquatic	1'	easy to dig up but difficult to establish in soil	yes	fruit is food for flies, beetles, bees, and birds	attractive flower		rhizomes	planted in past with water around it at all times, creeping rhizomes should be separated in fall or early spring. Transplanted into Floyd Dryden wetland, has spread and is doing well there
Scirpus Microcarpus	Small-Leaf Bulrush	Patti Krosse, Dave Maddix	water with a gradient	4'	very easy to dig roots and transplant successfully	yes	nesting, cover, seeds	attractive seed heads, medium height	root uptake potential		some bulrush present in CoN, believed to be this type, planted in Kingfisher Pond. It is doing very well and has spread
Wet Meadow											
Aconitum delphinifolium	Monkshood	Book	wet meadow, streambanks	3'				attractive flowers		poisonous	needs the drier upslope of wet meadow, often found at higher elevations
Aquilegia formosa	Columbine	Ed Buyarski	wet meadow, streambanks, often in rocky areas	2'	yes	yes	food for hummingbirds, cover for nesting species	attractive flower			prefers drier areas, well-drained, Ed Buyarski says seeding works very well
Calamagrostis canadensis	Bluejoint Reedgrass	Book, Dave Maddix	wet meadows and well-drained uplands	3'	yes with sprigs	limited, grassroots or sprigging plugs	bird seed, nesting, cover for small mammals		dense fibrous root system, slightly rhizomatous		forms overhanging banks, aggressive colonizer in disturbed areas
Deschampsia cespitosa ssp. beringensis	Tufted Hairgrass	Book	moist soils	1-4'		yes, but high demand	low to moderate fishery and habitat value			Must be careful with seed, none being collected in SE AK. DNA issues with new varieties.	adaptable to many conditions, tufted growth form, seeded in Kingfisher Pond did well from low saturated locations moving up on wet slopes
Dodecatheon pulchellum	Shooting Star	Patti Krosse, Ed Buyarski	moist soil but not standing water	1-1.5'	very easy	difficult, needs to be wet and cold through winter		attractive flower			challenging to start from seed

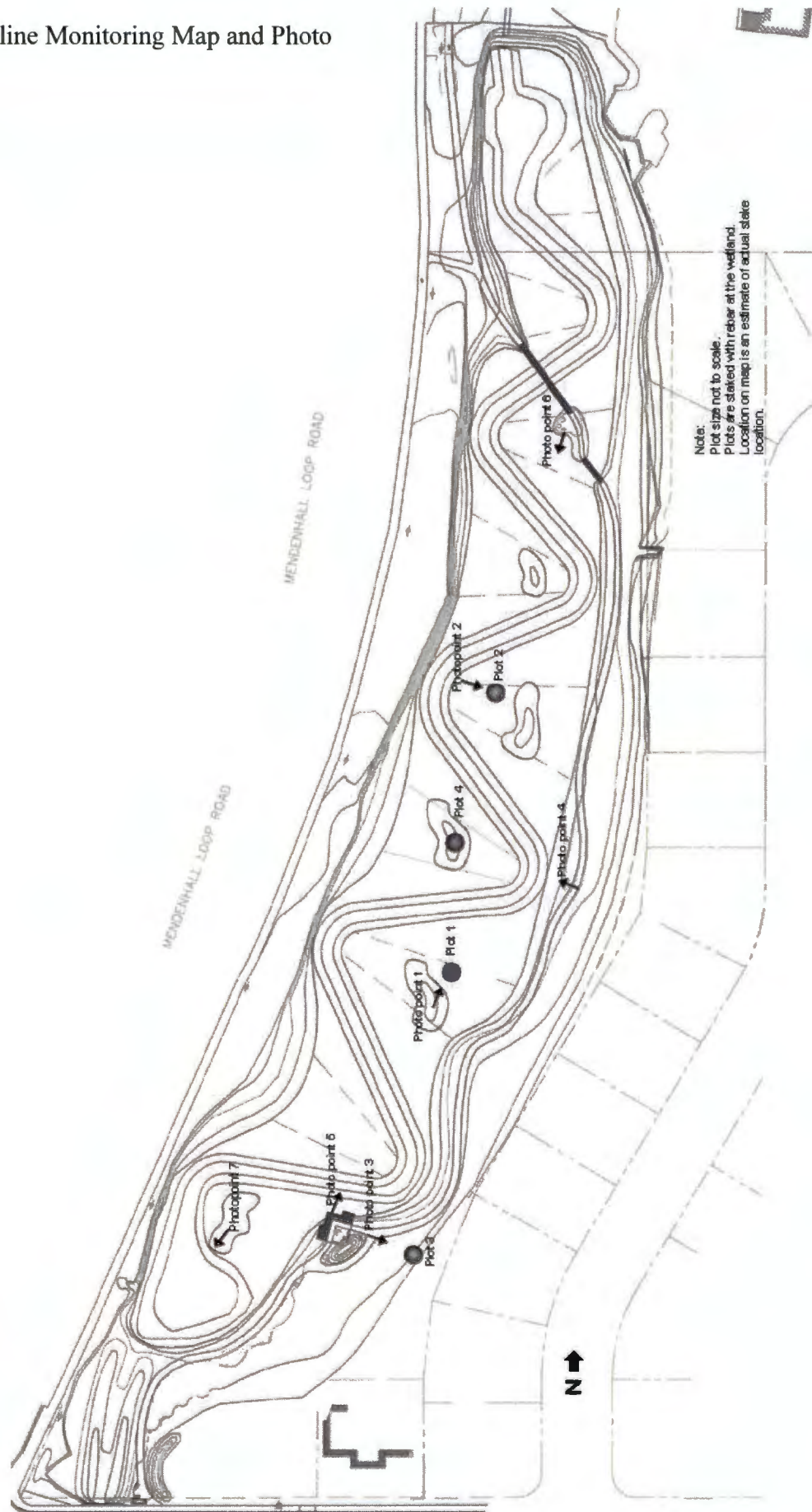
Scientific Name	Common Name	Recommendation by	Water Level	Height	Transplant Potential	Seed Potential	Wildlife Benefits	Human Benefits	Iron phytoremediation	Liabilities	Other Issues
Eriophorum angustifolium	Narrow-Leaved Cotton Grass	Book	wet, moist soil	2'				attractive seed head		rhizomes	
Festuca rubra	Red Fescue	Book	moist to well-drained	6"-40"		yes	low habitat and fishery value	reddish hue			very common in Alaska in low elevation meadows and mountain meadows, easy to seed, used for agriculture, horticulture, lawns, tolerates flooding
Fritillaria camschatcensis	Chocolate Lily	Patti Krosse	moist soil but not standing water	2.5'	Patti Krosse says it is very easy, and they take well (bulb form)			attractive flower			
Iris Setosa	Wild Flag	Book	moist soil	1-3'	easy			attractive flowers			Rhizomes can be divided and gathered in spring or in fall in mild areas
Lupinus nootkatensis	Nootka Lupine	Ed Buyarski	moist soils	2-3'	very difficult to transplant because of extensive root system	yes-gather in pods, dry out pods so they pop and capture the seeds	food for hummingbirds, cover for nesting species	attractive flowers		Needs mineral soil, likes gravel, well-drained	Fixes nitrogen, volunteered at Kingfisher Pond, seeded areas at Floyd Dryden did not take well, only a few plants
Rubus spectabilis	Salmonberry	Book	wet areas	3-9'	dig up rhizomes with many root off shoots, fairly easy		berries good for food	attractive flowers and berries, good screening		attracts bear	
Valeriana sitchensis	Sitka Valerian	Book	moist soil	1-3'				attractive flowers			
Viola palustris	Marsh Violet	Ed Buyarski	saturated soils	low	yes, easy			attractive flowers			
Tree/Shrub											
Acer glabrum	Douglas Maple		floodplain, moist, into uplands	30'	Seed, transplant, softwood cutting	yes	birds eat seeds, cover	attractive fall foliage, yellow-crimson		found mostly in Juneau on rocky coast	
Alnus rubra	Red Alder	Book	wet soils	75'	Hedge layer, transplant, seed, hardwood cutting	yes	food, cover				nitrogen fixing, good on steep slopes
Alnus viridus (Alnus sinuata)	Sitka Alder	Book	wet soils	18'	Hedge layer, transplant, seed, hardwood cutting	yes	food, cover				nitrogen fixing, longpointed teeth of two sizes
Aruncus dioicus	Goat's Beard	Observed at Kingfisher Pond	wet soils to dry uplands	3-8'	yes	yes					Planted in Kingfisher Pond (seed), no mature plants found

Scientific Name	Common Name	Recommendation by	Water Level	Height	Transplant Potential	Seed Potential	Wildlife Benefits	Human Benefits	Iron phytoremediation	Liabilities	Other Issues
<i>Cornus stolonifera</i>	Red Osier Dogwood	Book	moist soils	3-18'	dormant cutting, live stakes, bundles, brush layer, hedge layering, rooted cuttings, transplants, seed	yes	berries provide winter food for deer	attractive white flowers, berries, and red twigs			2-4 specimens planted in Kingfisher Pond, looks like the original shoots died, but root base survived and is sending up new shoots.
<i>Picea sitchensis</i>	Sitka Spruce	Book	wet soils to dry uplands	200'	transplant, seed	yes	birds eat seed, habitat, winter nesting	evergreen, good screen			
<i>Populus balsamifera</i>	Black Cottonwood	Book	water edge	150'	dormant cuttings, live stakes, bundles, brush layer, hedge layering, rooted cuttings, transplants, seed	yes	birds eat seed, habitat				
<i>Salix barclayi</i>	Barclay's Willow	Ellen Anderson	water edge	6-8'		yes	habitat				often has 'willow roses' at end of twigs from deformed leaves and insects
<i>Salix sitchensis</i>	Sitka Willow	Book	water edge	3-24'	dormant cutting, live stakes, bundles, brush layer, live stiltation, hedge layering, rooted cuttings, transplants, seed	yes	habitat				
<i>Spirea douglasii</i>	Hardhack Steeplebush	Observed at Kingfisher Pond	wet soils							Juneau is north of its zone	Seeded in Kingfisher Pond, no plants found.
<i>Tsuga heterophylla</i>	Western Hemlock		wet soils	180'	transplant, seed	yes	habitat	evergreen, good screen			needs significant organic content on site to grow, does not do well in recently deglaciated areas, shade tolerant
<i>Viburnum edule</i>	Highbush Cranberry	Observed at Nancy Street in uplands	wet soils and streambanks to dry uplands	5-8'	cuttings possible		berries	attractive and edible berries			Ed Buyarski says its easy to take cuttings, similar to willow
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Appendix 2a. Baseline Monitoring Data
October 2006

Sample Plot	Dominant Species	Common Name	Coverage (%)	Density (number count of species)	Standing water (in)
Plot 1	Carex sitchensis	Sitka sedge		17	11.5
	Caltha palustris	Marsh marigold		1	11.5
Plot 2	Carex sitchensis	Sitka sedge		12	10
	Scirpus microcarpus	Small-Leaf Bulrush		2	10
	Equisetum	Horsetail		2	10
Plot 3	Salix barclayi	Barclay's Willow		11	0
	Alnus	Alder		3	0
	Rubus spectabilis	Salmonberry		2	0
	Athyrium filix-femina	Lady Fern		2	0
	Festuca rubra	Red Fescue			
Plot 4	Salix barclayi	Barclay's Willow		11	0
	Rubus spectabilis	Salmonberry		1	0
	Cornus stolonifera	Red-Twig Dogwood		1	0
	Deschampsia cespitosa	Tufted Hairgrass			0
	Calamagrostis canadensis	Blue-Joint Reed Grass			0
	Festuca rubra	Red fescue			0

Appendix 2b. Baseline Monitoring Map and Photo Point Locations



Appendix 2c. Photo points
October 2006



Photo point 1



Photo point 2



Photo point 3

Photo point 4



Photo point 5



Photo point 6



Photo point 7



Appendix 3A. Budget - CBJ Cost Benefit for New High School Project

Option 1: Typical Cost for Filling at Lemon Creek					
	Price	per Unit	Quantity	Unit	Cost
<i>Filling Lemon Creek 52,000 cy</i>					
tipping fee	\$2.50	cy	52,000	cy	\$130,000
trucking fee	\$68	load (8 cy)	6,500	loads	\$442,000
				Total Cost for Lemon Creek Filling	\$572,000
Option 2: Nancy Street Wetland Filling					
	Price	per Unit	Quantity	Unit	Cost
<i>Filling Nancy Street 52,000 cy</i>					
tipping fee	\$1	cy	52,000	cy	\$52,000
trucking fee	\$20	load (8 cy)	6,500	loads	\$130,000
				Total Cost for Nancy Street Filling	\$182,000
				Total Cost for Lemon Creek Filling	\$572,000
				Total Cost for Nancy Street Filling	-\$182,000
				CBJ cost of land purchase of Nancy Street Wetland	-\$137,000
				Savings for CBJ after land purchase	\$253,000

The City and Borough of Juneau saved \$253,000 by purchasing, filling and enhancing the Nancy Street Wetland instead of following the following the typical process of fill disposal at Lemon Creek. The reasons for the savings include:

1. The distance from the construction site to the Nancy Street Wetland is approximately 3 miles shorter than the distance to the Lemon Creek disposal site. This reduces fuel and transportation costs.
2. The CBJ owned the disposal property and could reduce the tipping fees considerably, thereby saving the project money.
3. The process of enhancing the Nancy Street Wetland was funded entirely by the U.S. Fish & Wildlife Service, the Natural Resource Conservation Service, and other grants and donations. The involvement of the resource agencies at all stages of planning, design and construction facilitated the filling and enhancement process. See Appendix 3B for contribution details.

Appendix 3B. Budget - Contributions

	Entity	Program	Task	Amount
1.	Land Purchase			
	CBJ	Street Sales Tax	Land Purchase	\$137,000
			Total	\$137,000
2.	Earthwork			
	USFWS	Partners for Fish and Wildlife Program	Intern	\$9,000
			Earthwork	\$31,000
	NRCS	Wildlife Habitat Improvement Program	Fill placement and rough grading	\$75,000
			Total	\$115,000
3.	Planting, Final Grading, Outlet Channel and Control Structure			
	USFWS	Partners for Fish and Wildlife Program	Outlet Design, Final Grading	\$45,000
			SAGA-FWS Contract - Reveg	\$26,800
			Intern	\$10,000
	NRCS	Wildlife Habitat Improvement Program	Fish passage channel	\$6,000
			Structure for water control	\$3,750
			Final grading, topsoil placement, planting	\$42,000
	Full Circle Farms	Donation-Cash	Plant Materials	\$5,000
	Full Circle Farms	Donation-Labor	Collection and Planting	\$5,600
	Full Circle Farms	Donation-In Kind	Plant Storage	\$3,000
	Duran Construction Co.	Third Party EPA Mitigation Compliance	Topsoil Delivery, 5500cy	\$30,000
			Total	\$177,150
4.	Trail Construction			
	DNR	Recreational Trails Grant	Trail materials, construction	\$46,746
	Glacier State Contractors	Private Donor	Trail grading and gravel	\$14,000
	Juneau Docks and Harbors	Donation- In Kind	Bridge and Delivery	\$14,900
			Total	\$75,646
			GRAND TOTAL	\$504,796

Timeline for Purchase, Filling and Enhancement

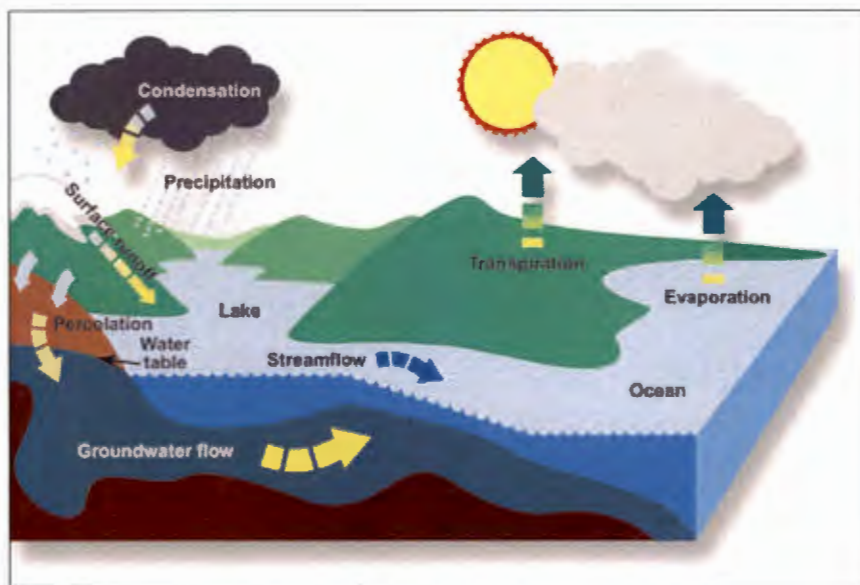
				2005												2006				
	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Land Purchase																				
Planning and Design for Filling																				
Planning and Design for Revegetation																				
Earthwork and Filling																				
Outlet Channel and Control Structure																				
Planting																				
Trail Construction																				

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GROUNDWATER IN THE AGGREGATE INDUSTRY

Groundwater is a renewable resource that is in constant motion as part of the hydrologic cycle. Above-water pits and quarries have little or no effect on water levels or the flow of groundwater.



What is Groundwater?

Just as the name implies, groundwater is water contained in the pores and fissures of the earth. Groundwater is a renewable resource. It is in constant motion, part of the hydrologic cycle (see Hydrologic Cycle on the cover page). Rainfall and snowmelt infiltrate into the earth to recharge groundwater, which then flows as baseflow into streams and lakes. Evaporation from open water, and transpiration from plants, returns water to the atmosphere to complete the cycle.

A common misconception is that groundwater flows in underground rivers and lakes like surface water. Instead, groundwater seeps very slowly through the pore spaces and small fissures in the soil and rock. Materials such as clay have a low permeability, and hence very slow groundwater flow, while sand and gravel, or highly fractured rock, have high permeability and permit groundwater to flow faster. These more permeable layers are called aquifers.

The water table is the depth at which the soils or rock become completely saturated with groundwater. If a hole were dug, and left to stand for a while for groundwater to seep in, the water level in the hole would represent the water table. The water table elevation is not static, though, and it can fluctuate in different seasons and from year-to-year, depending on the amount of recharge. Natural depressions can intersect the water table to form lakes, ponds and wetlands.

Water Wells

Groundwater is a critical resource in Ontario - nearly one quarter of us rely on wells for our water supply. Some of these are municipal wells serving urban communities, but the vast majority are private water wells, mainly in the rural parts of the province. Two common types of wells are shallow dug wells which draw water from the water table, and bored or drilled wells which draw water from deeper aquifers.

The *Ontario Water Resources Act* and the *Environmental Protection Act* both serve to protect the quality and quantity of groundwater. They are administered by the Ontario Ministry of the Environment, which will respond to public complaints regarding interference with water wells. The Ministry has several excellent publications available to

Fact Sheet

Groundwater at Pits and Quarries

- Groundwater is a renewable resource.
- Water wells are protected under provincial legislation.
- Above-water pits and quarries can have a beneficial effect on groundwater and aquatic resources.
- Below-water pits and quarries can be operated without significant groundwater impacts if they are carefully designed and operated.
- Permits to Take Water ensure that aggregate wash plants do not harm water resources.

Aggregate extraction and processing is a clean industry that does not provide groundwater contaminants.

homeowners on subjects including proper water well construction and maintenance, protecting water quality in wells and managing water shortages (1-800-565-4923 or www.ene.gov.on.ca).

Wells and their associated equipment require ongoing maintenance. Even with the best maintenance, though, they still tend to degrade naturally over a period of years, through mechanical wear and clogging of the well screen, pump and pipes, .

Can Pits and Quarries Affect the Flow of Groundwater?

The answer depends on the type of pit or quarry.

Above-Water Pits and Quarries

Most of Ontario's sand and gravel pits, and a few of its rock quarries, are excavated entirely above the water table. This type of operation has little or no effect on water levels or the flow of groundwater because there is no direct, physical alteration of the water table or any aquifers. Monitoring programs at above-water pits and quarries across Ontario have confirmed that groundwater is unaffected.

In some ways, above-water pits and quarries can actually be beneficial to groundwater. They create a "bowl" that captures and infiltrates all rainfall and snowmelt rather than allowing some of it to run off across the ground surface. A study on the Oak Ridges Moraine documented a number of benefits related to this extra groundwater recharge (Hunter/Raven Beck,

1996). One of the important benefits is to reduce direct run-off to surface water streams and increase cold groundwater baseflow which is critical to fish habitat.

Below-Water Pits

Below-water pits usually use large excavators or draglines to dredge sand and gravel from the *pit ponds* that form below the water table level. Generally, this type of extraction does not have major impacts because most of the groundwater remains in the pit, or drains back into the pit. This type of pit also captures surface water run-off and promotes more groundwater recharge, but these benefits are offset by the increased evaporation that will occur from the surface of a pit pond. Minor water losses also occur due to residual moisture contained in the aggregate products that are shipped from the site. Finally, the removal of solid sand and gravel particles from below the water table has the effect of temporarily lowering the water level in a pit pond (imagine removing a rock from a bucket of water).

The water surface in very large below-water pit ponds will stabilize at a uniform level, whereas the groundwater table before extraction may have been irregular or sloping. Therefore, the water table around the pit will have to “adjust” to the water level in the pit pond, possibly resulting in slightly different groundwater flow patterns. Fortunately, there is a simple solution where this may be a problem – digging several smaller pit ponds rather than one large pond (Ostrander *et al.*, 1998).

When all of these factors are combined, the net effects of below-water extraction are normally minor and very localized. However, in certain circumstances they could still be significant if there are sensitive features such as wetlands or shallow wells in close proximity. As a result, a detailed and careful hydrogeological study is necessary when licencing this type of pit (Ministry of Natural Resources, 1997), and mitigation (solutions) to any negative impacts will be required. An ongoing groundwater monitoring program may be required.

Below-Water Quarries

Most quarries that extract from below the water table pump water out of the excavation so that the work of blasting and recovering the bedrock can be done on a dry floor. *Dewatering* usually does affect groundwater levels and flow patterns around the site, since it artificially lowers the water table to at least the base of the quarry. Hydrogeologists call the area around the quarry that is affected by the dewatering the *drawdown cone* or the *radius of influence*. Wells, streams, wetlands, or other sensitive features within

this area must be carefully studied to predict the impacts and devise mitigation measures before the quarry can be licenced (Ministry of Natural Resources, 1997) and a groundwater monitoring program will normally be required.

There are many locations in Ontario where below-water quarries are successfully operated while sensitive water uses continue nearby – it depends very much on the specific hydrogeological setting. Recently, some innovative technologies have been introduced in Ontario to lessen the effects of quarry dewatering, such as pumping the water from the quarry back into the groundwater system around the quarry to artificially recharge the water table. This has so far proven to be quite successful (Gartner Lee Limited, 2001).

Other Water Takings

Pits and quarries have uses for water, similar to other businesses, such as supplying offices and shops with drinking water, watering lawns and gardens, etc., but these tend to be relatively minor. Most types of aggregate processing, such as crushing and screening, are dry operations and do not require water supply.

However, to minimize dust (which is a byproduct of excavation in a pit or quarry) spray water is used on internal haul roads, processing equipment, stockpiles and trucks.

One exception is aggregate washing plants, which are used at some sites, and do require relatively large quantities of water. Most plants recycle wash water through a “closed loop” series of holding ponds and settling ponds (i.e., the water is re-circulated, with no off-site discharge), so that the amount of water actually consumed in the process is usually less than about 10%. This *make-up water* normally comes from local groundwater or surface water sources. A common configuration would be to have a well that would be used occasionally during the production season to “top up” the ponds.

These water takings are regulated separately from the pit licence under the *Ontario Water Resources Act*, and controlled through Permits to Take Water. The applications and related hydrogeological studies are carefully reviewed by the Ministry of the Environment, other government agencies, and the interested public through the Environmental Bill of Rights process to ensure there will be no unacceptable impacts from these water takings, before the permit is issued.

GROUNDWATER IN THE AGGREGATE INDUSTRY

Can a Pit or Quarry Contaminate Groundwater?

It surprises some people to learn that aggregate extraction is a clean industry. Processing aggregates is a purely mechanical process of crushing, screening, blending, and sometimes washing (with water), without the need for chemicals. At most sites, fuels and lubricants for the equipment are the only potential sources of groundwater contamination, and these are closely regulated under the *Technical Standards and Safety Act*. A spills contingency plan is a standard condition of every new aggregate licence.

Bacteriological contamination of the type responsible for the Walkerton tragedy comes from human and animal wastes. Aggregate extraction and processing is not a source of this type of contamination.

As a result, water quality in and around pits and quarries is not normally an issue. This was confirmed through a study in 1989 as part of the Ontario government's MISA program, where monitoring at a selected number of pits and quarries found good water quality, with only sporadic traces of organic compounds at some sites that might indicate the use of petroleum products (SENES, 1989). In addition, there are many site specific monitoring programs in place at aggregate operations.

What About Water Temperature?

Water temperature concerns are occasionally raised in conjunction with below-water pits. A pit pond warmed through the summer months could result in a flow of warmer groundwater to nearby points of baseflow discharge and, in turn, affect cold water fisheries resources. An analysis conducted on behalf of the Credit

Valley Conservation Authority in 1998 concluded that pit ponds have minimal impact on groundwater temperatures, and that these minor effects are completely dissipated within a few hundred metres from a pit (Ostrander *et al*, 1998). Field monitoring has also confirmed that groundwater returns to its normal background temperature within tens of metres of pit ponds (Harden Environmental, 1995).

As a result of the research to-date, thermal effects of pits and quarries is not considered to be a major issue in most cases. However, where there are cold water fisheries close to a pit pond, appropriate investigations and studies are required, and the setbacks and buffer zones will be adjusted accordingly.

For further information, please contact the OSSGA Environment and Resources Manager, at (905) 507-0711 or visit the OSSGA website at www.ossga.com.

Prepared by Gartner Lee Limited in consultation with OSSGA's Environment Committee.

References

- Gartner Lee Limited, 2001. *2001 Groundwater and Surface Water Monitoring*, Kirkfield Quarry, Carden Township.
- Harden Environmental Services Limited, 1995. *Hydrology Report – Caledon Sand and Gravel Inc.* January 18, 1995.
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- Ostrander, M.D., Martin, P.J., Blackport, B. and Picotti, M., 1998. *Impact of Aggregate Extraction Activities on Cold Water Discharge. Groundwater in a Watershed Context*. Canadian Water Resources Association.
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The "About Aggregates" series:

1. Aggregates and the Law
2. Bronze Plaque Award
3. Rehabilitation of Pits and Quarries
4. Being a Good Neighbour
5. Importance of Aggregates
6. Geology and Aggregate Extraction
7. Controlled Blasting at Quarries
8. Groundwater in the Aggregate Industry
9. Management of Abandoned Aggregate Properties (MAAP) Program



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January 17, 2022

Mr. Ed Martin III, President
Kenai Peninsula Aggregate and Contractors Association
Via email: Kpac (kpacassocoation@yahoo.c0m)

Subject: Comments on KPB proposed material site ordinance amendments

As requested, I have reviewed the ordinance proposed to amend KPB 21.25 and 21.50.055 regarding material site permits, applications, conditions and procedures and offer the following comments, observations and suggestions. These comments are provided pro bono as a courtesy to your organization as well as to the Kenai Peninsula Borough and its residents.

I have been retired, as a principal partner with the engineering firm of Wince-Corthell-Bryson in Kenai, for the past three years and therefore have no further interest in contracts or projects within the Borough. I have been a Kenai Peninsula resident since childhood when my parents homesteaded the Kasilof area in 1957 and have over 50 years of construction and engineering experience in the central, southcentral and southwestern regions of Alaska.

I have over 40 year's experience in the planning, design, and management of federally funded highway and airport projects where the National Environmental Protection Policy Act (NEPA) procedures are followed to evaluate and mitigate environmental impacts caused by construction and use of the resulting infrastructure.

All this being said I will offer my comments from a engineering prospective and as a good neighbor in the order of the documents you provided.

Whereas #1and2: Not clear to me what Climate Change has to do with this ordinance

Whereas #3: I assume "other uses" refers to material production. I.e.. Crushing, screening, asphalt and concrete supply.

Whereas #4: I agree larger setbacks are not the answer where a material barrier will address impacts off site.

Whereas #5: Protecting, maximizing, minimizing is not a very definitive word, perhaps mitigating should be considered.

Whereas #12: *Dust, noise, traffic and visual aesthetics appears to me to be the crux of this ongoing debate and as a good neighbor is a reasonable topic. Its how they are reasonably addressed is the issue to me.*

Whereas #17: I agree this catchall statement that additional requirements may be required casts uncertainty in the process and should be removed. The permit process should establish the conditions up front.

SECTION 1. KPB 21.25.030

21.25.030. – Definitions

Permit Area and Haul routes I think this is a valid issue that should be addressed in the permit process. While I agree all vehicles have the right to use the borough roads, most of the Borough roads are not designed and built to carry high numbers of heavy trucks on a daily basis. Alternate access and/or upgrading existing roads may be something to consider to mitigate damage to existing roads as well as other traffic concerns.

21.29.020 Material extraction and activities requiring a permit

B. Conditional land use permit (CLUP) I see no problem with including material processing in with the site plan as crushing and screening operations can be noisy and dusty and can be addressed with effective barrier plans such as earth berms. For the smaller pits processing is not usually not going on so would be a non applicable item on a checklist.

21.29.030 Application Procedure

9. Site Plan. The Site plan along with accompanying SWEPP, Traffic, and Environmental mitigation proposals should be prepared or at least reviewed and signed off on by a Alaska registered Civil Engineer. A checklist would be convenient with this process.

9f. Test Holes. Perhaps the mining plan should be limited to the depth of test holes with provisions to amend the plan later or utilize a drill rig to bore the test holes.

9h. Waterbodies and wetlands. The Borough GIS source provides good planning level information on wetlands. Definitive designations can easily be requested with a two-page application to the local Corp of Engineers office in Soldotna for little to no cost and only takes 2-4 weeks to obtain.

21.29.040. Standards for sand, gravel or material sites. This section addresses protecting or minimizing environmental conditions again perhaps mitigating would be an acceptable term. Regarding damage to adjacent properties, I believe that goes with out saying. Any damage to another person's property is protected under state law and pursuable in civil court.

21.29.050. Permit Conditions

2. Buffer Zone. A) I don't believe a 50-foot strip of trees affectively buffers adjacent property and ROW from visual, noise or dust impacts. A 10-foot minimum, neatly shaped and seeded, earth berm would affectively mitigate those three impacts and is readily available from site stripping as well as being available for reclamation activities. The buffer should not overlap ROW utility easements as those are dedicated for utility use.

I think it might be a good idea to establish some parameters to be achieves with the buffer such as visibility level which a 10-foot berm achieves. Noise levels which the borough proposes late at 75 decibels should be achievable considering FAA noise standards for airport noise is 65 decibels and easily measured with a decibel meter which I have can loan you. Airborne particulate is a difficult to measure without special equipment so maybe a visible standard could be used.

4. Water Source Separation b. I don't believe a few feet of gravel separation to the ground water protects it at all from fuel and oil spills, on the contrary. Minor spills that can be obscured by pit operations can build up over time and steadily leach into the water table not showing up for quite some time and well down gradient resulting in a long term impact.

Dredging operations below water table can be boomed off and if a spill occurs is immediately visible and can be quickly boomed in, skimmed and absorbed.

5. Excavation in the water table. Simply dredging into the water table should have little affect on its level or down gradient wells. I agree some horizontal separations is required and would think the 200-foot separation required by ADEC would be sufficient.

If dewatering is proposed, then the following requirements address those impacts .

6. Waterbodies. I believe a 100-foot buffer with appropriate SWEPP practices will adequately protect surface water and wetlands.

11. Hours of Operation. Over my career I have only been involved with a few double shifting projects and they were on airports well away from residential areas. From what I have observed most operations run about 12 hours a day 5-7 days a week. Perhaps a special use permit could be utilized for unusual working hours.

17. Sound Level. The 75 decibel limit may be impossible to meet during initial pit development until the clearing, stripping, berming and the pit is to a depth below grade. Perhaps the permit could allow the 1.5 increase during initial development. This should be achievable during the first season of operation.

The smaller pits (1-2.5 acres) should be exempt from this requiremen, as I don't believe they can ever meet the requirement and they are normally project specific, only operating for a few weeks to a few months.

19. Ingress and Egress. Should be addressed in the permit process to assure existing Borough roads are capable of accommodating the increase in heavy truck traffic.

I have no comments on the Decision and Reclamation sections as that is housekeeping between the operators and the Borough in m my mind.

I also think that the final product of this ordinance should be a result of a consensus of the stakeholders and not simply a mater of majority vote rule. In the end a Permit Checklist should be provided that addresses all the impacts, their limits and provides a template for proposed mitigation .

One last observation is that considering how important gravel borrow sites are to the long term development and economics of the Peninsula I think the Borough and State should be encouraged to set aside some suitable land in proximity to the road system but buffered from private holding for land lease or sale. Making land available that is more neighbor friendly would solve not only this current issue but insure the continued growth of our area.

I hope my comments provide some ideas for consideration and wish you and the Borough success with the continued process to address this matter

Sincerely

A handwritten signature in cursive script, reading "Casey Madden". The signature is written in dark ink and is positioned above a horizontal line.

Casey Madden, P.E.
Alaska Registered Civil Engineer No. 7235



Broyles, Randi

From: Blankenship, Johni
Sent: Monday, January 24, 2022 10:52 AM
To: Broyles, Randi
Subject: FW: New Public Comment to Assembly Members

Public comment

From: Kenai Peninsula Borough <webmaster@borough.kenai.ak.us>
Sent: Monday, January 24, 2022 10:48 AM
To: BoroughAssembly <Borough-Assembly@kpb.us>; Mayor's Department <MayorDepartmental@kpb.us>
Subject: New Public Comment to Assembly Members

Your Name: Joseph Ross

Your Email: smokeross@alaska.net

Subject: Gravel ordinance

Message:

No other industry in the borough is regulated to the extent that you are considering for our local gravel producers. Where are the regulations for the dirt burner? There was an immense amount of public outcry about it, but no task force was formed by KPB to address it. Homeless shelters? Same deal. Marijuana growers? Crickets. What you are attempting is spot zoning, and will cripple the gravel industry. One item you are considering in the new list of zoning is back up alarms. Will you be making rules about back up alarms for everyone, or just gravel producers? I hear back up alarms from Peak Construction every day. Sometimes even at night. How about the back up alarms on the graders out plowing snow at night?

Need to look @
18 AAC 80 SOA Drinking
Water Dept - there are
some source water provisions
80.015.

- differentiate Bt major
and minor extraction operations
and those in GWT
stay above GWT

and are valid for one year. The site development plan may be renewed on an annual basis subject to the planning director's approval.

21.29.020. Material extraction and activities requiring a permit.

- A. *Counter permit.* A counter permit is required for material extraction which disturbs no more than 2.5 cumulative acres and does not enter the water table. Counter permits are approved by the planning director, and are not subject to the notice requirements or planning commission approval of KPB 21.25.060. A counter permit is valid for a period of 12 months, with a possible 12-month extension.
- B. *Conditional land use permit.* A conditional land use permit (CLUP) is required for material extraction which disturbs more than 2.5 cumulative acres, or material extraction of any size that enters the water table. A CLUP is required for materials processing. A CLUP is valid for a period of five years. The provisions of KPB Chapter 21.25 are applicable to material site CLUPS and the provisions of KPB 21.25 and 21.29 are read in harmony. If there is a conflict between the provisions of KPB 21.25 and 21.29, the provisions of KPB 21.29 are controlling. (Material processing occurs on every civil construction jobsite. This is a burden to the public at large to develop their property)

21.29.030. Application procedure.

- A. In order to obtain a counter permit or CLUP, an applicant shall first complete and submit to the borough planning department a permit application, along with the fee listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees. The planning director may determine that certain contiguous parcels are eligible for a single permit. The application shall include the following items:
 1. Legal description of the parcel, KPB tax parcel ID number, and identification of whether the permit is for the entire parcel, or a specific location within a parcel;
 2. Expected life span of the material site;
 3. A buffer plan consistent with KPB 21.29.050(A)(2);
 4. Reclamation plan consistent with KPB 21.29.060;
 5. The depth of excavation;

6. Type of material to be extracted and type of equipment to be used;
7. Any voluntary permit conditions the applicant proposes. Failure to include a proposed voluntary permit condition in the application does not preclude the applicant from proposing or agreeing to voluntary permit conditions at a later time;
8. Surface water protection measures, if any, for adjacent properties designed by a SWPPP certified individual civil engineer (many of the operators are certified), including the use of diversion channels, interception ditches, on-site collection ditches, sediment ponds and traps, and silt fence;

DEC Regs
on "Certified
Individual"
may not incl
Civil Engr

Don't know what this means

9. A site plan and field (verification) prepared by the site operator or a professional surveyor licensed and registered in the State of Alaska, including the following information: (surveyors don't offer this service, nor are qualified)

Should separate
site plan from other issues
calling it a "site plan" may
bring other state requirements
into play

- a. Location of excavation, and, if the site is to be developed in phases, the life span and expected reclamation date for each phase;
- b. Proposed buffers consistent with KPB 21.29.050(A)(2), or alternate buffer plan;
- c. Identification of all encumbrances, including, but not limited to easements;
- d. Points of ingress and egress. Driveway permits must be acquired from either the state or borough as appropriate prior to the issuance of the material site permit;
- e. Anticipated haul routes;
- f. Location and [DEPTH] elevation of test holes, and depth of groundwater, if encountered between May and December. At least one test hole per ten acres of excavated area is required to be dug. The test holes shall be at least four feet below the proposed depth of excavation; (can't dig that deep many times, if resource is deeper than conventional equipment can dig without stage excavation)
- g. Location of wells of adjacent property owners within 300 feet of the proposed parcel boundary;

may not be enough for
Public wells
- separate Private
From public sources

- h. Location of any water body on the parcel, including the location of any riparian wetland as determined by "Wetland Mapping and Classification of the Kenai Lowland, Alaska" maps created by the Kenai Watershed Forum; (wetland mapping by KWF under contestment and found unreliable)
- [I]. SURFACE WATER PROTECTION MEASURES FOR ADJACENT PROPERTIES, INCLUDING THE USE OF DIVERSION CHANNELS, INTERCEPTION DITCHES, ON-SITE COLLECTION DITCHES, SEDIMENT PONDS AND TRAPS, AND SILT FENCE; PROVIDE DESIGNS FOR SUBSTANTIAL STRUCTURES; INDICATE WHICH STRUCTURES WILL REMAIN AS PERMANENT FEATURES AT THE CONCLUSION OF OPERATIONS, IF ANY;]
- [J]i. Location of any processing areas on parcel, if applicable;
- [K]i. North arrow;
- [L]k. The scale to which the site plan is drawn;
- [M]l. Preparer's name, date and seal; (A site operator may not have a seal)
- [N]m. Field verification shall include staking the boundary of the parcel at sequentially visible intervals. The planning director may grant an exemption in writing to the staking requirements if the parcel boundaries are obvious or staking is unnecessary.

Separate Site Plan From other Requirements

- B. In order to aid the planning commission or planning director's decision-making process, the planning director shall provide vicinity, aerial, land use, and ownership maps for each application and may include additional information.

21.29.040. Standards for sand, gravel or material sites.

- A. These material site regulations are intended to protect against (protects against is an absolute term and most of the time is unobtainable) Minimize aquifer disturbance, road damage, physical damage to adjacent properties, dust, and, noise, and visual impacts. (See explanation below) Only the conditions set forth in KPB 21.29.050 may be imposed to meet these standards:
 - 1. Protects against Minimizes the lowering of water sources serving other properties;

- properties;
2. Protects against Minimizes physical damage to [OTHER] adjacent
 3. [MINIMIZES] Protects against off-site movement of dust;
 4. [MINIMIZES] Protects against noise disturbance to other properties;
 5. [MINIMIZES] Protects against visual impacts of the material site; [AND] (visual impacts implies the taking of visual rights from one citizen and giving to another. I have done extensive research on this and found the KPB just doesn't have the authority. Keeping this language puts the KPB at risk of litigation.)
 6. Provides for alternate post-mining land uses[.];
 7. Protects Minimizes Receiving Waters against adverse effects to fish and wildlife habitat;
 8. Minimizes Protects against traffic impacts; and
 9. Provides consistency with the objectives of the Kenai Peninsula Borough Comprehensive Plan and other applicable planning documents. (Possible Zoning)

21.29.050. Permit conditions.

- A. The following mandatory conditions apply to counter permits and CLUPs issued for sand, gravel or material sites:

1. [PARCEL] Permit boundaries. [ALL BOUNDARIES OF THE SUBJECT PARCEL] The buffers and any easements or right-of-way abutting the proposed permit area shall be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter. Field verification and staking will require the services of a professional land surveyor or site operator. Stakes shall be in place [AT TIME OF APPLICATION] prior to issuance of the permit. (Many site operators have GPS capability accurate to +/- 1".)

2. BUFFER ZONE. A BUFFER ZONE SHALL BE MAINTAINED AROUND THE EXCAVATION PERIMETER OR PARCEL BOUNDARIES. WHERE AN EASEMENT EXISTS, A BUFFER SHALL NOT OVERLAP THE EASEMENT, UNLESS OTHERWISE CONDITIONED BY THE PLANNING DIRECTOR OR PLANNING COMMISSION.

A. THE BUFFER ZONE SHALL PROVIDE AND RETAIN A BASIC BUFFER OF:

I. 50 FEET OF UNDISTURBED NATURAL VEGETATION, OR

II. A MINIMUM TEN SIX-FOOT EARTHEN BERM WITH AT LEAST A 2:1 SLOPE, OR (THIS 10FT BERM IS CONTINGENT ON THE SETTLEMENT OF THE WATER TABLE ACCESS)

III. A MINIMUM SIX-FOOT FENCE.

B. A 2:1 SLOPE SHALL BE MAINTAINED BETWEEN THE BUFFER ZONE AND EXCAVATION FLOOR ON ALL INACTIVE SITE WALLS. MATERIAL FROM THE AREA DESIGNATED FOR THE 2:1 SLOPE MAY BE REMOVED IF SUITABLE. STABILIZING MATERIAL IS REPLACED WITHIN 90 DAYS FROM THE TIME OF REMOVAL.

C. THE PLANNING COMMISSION OR PLANNING DIRECTOR SHALL DESIGNATE ONE OR A COMBINATION OF THE ABOVE AS IT DEEMS APPROPRIATE. THE VEGETATION AND FENCE SHALL BE OF SUFFICIENT HEIGHT AND DENSITY TO PROVIDE VISUAL AND NOISE SCREENING OF THE PROPOSED USE AS DEEMED APPROPRIATE BY THE PLANNING COMMISSION OR PLANNING DIRECTOR.

D. BUFFERS SHALL NOT CAUSE SURFACE WATER DIVERSION WHICH NEGATIVELY IMPACTS ADJACENT PROPERTIES OR WATER BODIES. SPECIFIC FINDINGS ARE REQUIRED TO ALTER THE BUFFER REQUIREMENTS OF KPB 21.29.050(A)(2)(A) IN ORDER TO MINIMIZE NEGATIVE IMPACTS FROM SURFACE WATER DIVERSION. FOR PURPOSES OF THIS SECTION, SURFACE WATER DIVERSION IS DEFINED AS EROSION, FLOODING, DEHYDRATION OR DRAINING, OR CHANNELING. NOT ALL SURFACE WATER DIVERSION RESULTS IN A NEGATIVE IMPACT.

E. AT ITS DISCRETION, THE PLANNING COMMISSION MAY WAIVE BUFFER REQUIREMENTS WHERE THE TOPOGRAPHY OF THE PROPERTY OR THE PLACEMENT OF NATURAL BARRIERS MAKES SCREENING NOT FEASIBLE OR NOT NECESSARY. BUFFER REQUIREMENTS SHALL BE MADE IN CONSIDERATION OF AND IN ACCORDANCE WITH EXISTING USES OF ADJACENT PROPERTY AT THE TIME OF APPROVAL OF THE PERMIT. THERE IS NO REQUIREMENT TO BUFFER THE MATERIAL SITE FROM USES WHICH COMMENCE AFTER THE APPROVAL OF THE PERMIT.]

with a
steeper not steeper
than 2:1

Comply w/
18 AAC 70-50A
Water Quality
Regulations

2. Buffer Area. Material sites shall maintain buffer areas in accord with this section.

- a. A buffer area of a maximum of 100 feet shall be established between the area of excavation and the parcel boundaries. The buffer area may include one or more of the following: undisturbed natural vegetation. (Historically, choosing the natural vegetation buffer has almost always ended with both neighbors disappointed. The home owner doesn't realize that the forest isn't very dense and can see and hear the material operation.) a minimum six-foot fence, a minimum six-foot berm or a combination thereof. (The berms are historically the best tool. Does a great job of minimizing the dust and noise, as well as providing a visual screen. A ten-foot berm will add 280% more in size and reclaimable material stored for later use in reclamation.)
- b. A 2:1 slope shall be maintained between the buffer zone and excavation floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 90 30days from the time of removal. (30 days may not be enough time to move the amount of material)
- c. Where an easement exists, a buffer shall not overlap the easement, unless otherwise conditioned by the planning commission or planning director, as applicable. (Basically, stacking buffers)
- d. The buffer area may be reduced where the planning commission or planning director, as applicable, has approved an alternate buffer plan introduced by the applicant. (This is necessary to clarify that the planning commission or director cannot make an alternate plan at will) The alternate buffer plan must consist of natural undisturbed vegetation, or a minimum ten six-foot berm, or a minimum six-foot fence or a combination thereof, consisting of only one option in a single geographical location; (prevents stacking of buffers, and provides consistency in permit requirements) unless the permittee proposes another solution approved by the planning commission or planning director, as applicable, to meet this condition.
- e. The buffer requirements may be waived by the planning commission or planning director, as applicable, where the

topography of the property or the placement of natural barriers makes screening not feasible or unnecessary.

f. There is no requirement to buffer a material site from uses that commence after approval of the permit.

g. When a buffer area has been denuded prior to review of the application by the planning commission or planning director revegetation may be required. (Could be a lot cleared years before or an old wildfire site)

3. *Processing.* In the case of a CLUP, any equipment which conditions or processes material must be operated at least 300 feet from the parcel boundaries. At its discretion, the planning commission may waive the 300-foot processing distance requirement, or allow a lesser distance in consideration of and in accordance with existing uses of [OF ADJACENT PROPERTY AT THE TIME] the properties in the vicinity at the time of approval of the permit. (Until vicinity is better defined, we can't consider this)

4. *Water source separation.*

a. All permits shall be issued with a condition which prohibits any material extraction within 100 horizontal feet of any water source existing prior to original permit issuance.

b. All counter permits shall be issued with a condition which requires that an excavation distance of 15 feet below the seasonal high-water table must be maintained under these conditions:

1. No dewatering is allowed.

2. The bottom of excavation must be 15 feet above the nearest, shallowest private wells intake, within 500 ft of operation.

3. A spill response kit.

4. Operations shall not breach an aquifer-confining layer.

A four-foot vertical separation [FROM] between extraction operations and the seasonal high-water table be maintained. (I

have talked with multiple hydrologists and engineers and have come to a conclusion that this is not only possible, but preferable in regard to reclamation, spill response and potential clean up. I will have letters of opinion in favor. The ponds or lakes created will be reclaimed upon existence, provide habitat for wetlands and wildlife, potentially raise property values as lake front property, etc.)

He above seems conflicting - Allows operator to excav. 15' into GWT but requires a 4' vert separation to GWT?

Drinking water source - 700' for public well / source

who provides the adjacent well information? How is it obtained? What if adjacent property owner refuses to give that info? well drillers will not provide a log for someone's well who owns a well - especially in a contested situation.

see 18 AAC 80.1990(A)

- c. All CLUPS shall be issued with a condition which requires that a [TWO] four-foot vertical separation [FROM] between extraction operations and the seasonal high-water table be maintained. (Null and void if minimum water table excavation regulation is considered)
- d. There shall be no dewatering either by pumping, ditching or some other form of draining unless an exemption is granted by the planning commission. The exemption for dewatering may be granted if the operator provides a statement under seal and supporting data from a duly licensed and qualified impartial civil engineer, that the dewatering will not lower any of the surrounding property's water systems and the contractor posts a bond for liability for potential accrued damages.

5. Excavation in the water table. Excavation in the water table greater than 15 vertical 300 horizontal feet of a water source may be permitted with the approval of the planning commission based on the following: (15 vertical feet is better measurement if minimum water table excavation regulation is considered)

- a. Certification by a qualified independent civil engineer or professional hydrogeologist that the excavation plan will not negatively impact the quantity of an aquifer serving existing water sources.
- b. The installation of a minimum of three water monitoring tubes or well casings as recommended by a qualified independent civil engineer or professional hydrogeologist adequate to determine flow direction, flow rate, and water elevation.
- c. Groundwater elevation, flow direction, and flow rate for the subject parcel, measured in three-month intervals by a qualified independent civil engineer or professional hydrogeologist, for at least one year prior to application. Monitoring tubes or wells must be kept in place, and measurements taken, for the duration of any excavation in the water table.
- d. Operations shall not breach an aquifer-confining layer.

6. Waterbodies.

- a. An undisturbed buffer shall be left and no earth material extraction activities shall take place within [100] 200 linear feet from excavation limits and the ordinary high water level

of surface water bodies such as a lake, river, stream, [OR OTHER WATER BODY, INCLUDING] riparian wetlands and mapped floodplains as defined in KPB 21.06. This regulation shall not apply to ponds less than one acre on private land, man-made waterbodies being constructed during the course of the materials extraction activities. In order to prevent discharge, diversion, or capture of surface water, an additional setback from lakes, rivers, anadromous streams, and riparian wetlands may be required. (Again, we can not trust the current adopted wetland mapping. It has been found incorrect. Also, we would like to manipulate and possibly enlarge waterbodies within private land. Promoting wetland expansion and environmental habitat.)

- b. Counter permits and CLUPS may contain additional conditions addressing surface water diversion.

Containment Areas
are problematic bk
they collect water
that will prob. stain
a sheep - then what?

7. *Fuel storage.* Fuel storage for containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface. Double wall tanks are also acceptable. (Double wall tanks are an acceptable standard for many other agencies)
8. *Roads.* Operations shall be conducted in a manner so as not to damage borough roads as required by KPB 14.40.175 and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
9. *Subdivision.* Any further subdivision or return to acreage of a parcel subject to a conditional land use or counter permit requires the permittee to amend their permit. The planning director may issue a written exemption from the amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.
10. *Dust-control.* Dust suppression is required on haul roads within the boundaries of the material site by application of water or calcium chloride.
11. *Hours of operation.* [ROCK CRUSHING EQUIPMENT SHALL NOT BE OPERATED BETWEEN 10:00 P.M. AND 6:00 A.M.]
- a. Processing equipment shall not be operated between 10:00 7:00 p.m. and 6:00 a.m. (Construction season is short and

processing operations are usually job specific. This puts a burden on development at all levels and can extend the length of days on a job that effects public safety.)

- b. The planning commission may grant exceptions to increase the hours of operation and processing based on surrounding land uses, topography, screening the material site from properties in the vicinity and conditions placed on the permit by the planning commission to mitigate the noise, dust and visual impacts caused by the material site.

12. *Reclamation.*

- a. Reclamation shall be consistent with the reclamation plan approved by the planning commission or planning director as appropriate in accord with KPB 21.29.060.
- b. [AS A CONDITION OF ISSUING THE PERMIT, THE APPLICANT SHALL SUBMIT A RECLAMATION PLAN AND POST A BOND TO COVER THE ANTICIPATED RECLAMATION COSTS IN AN AMOUNT TO BE DETERMINED BY THE PLANNING DIRECTOR. THIS BONDING REQUIREMENT SHALL NOT APPLY TO SAND, GRAVEL OR MATERIAL SITES FOR WHICH AN EXEMPTION FROM STATE BOND REQUIREMENTS FOR SMALL OPERATIONS IS APPLICABLE PURSUANT TO AS 27.19.050.] The applicant shall operate the material site consistent with the approved reclamation plan and provide bonding pursuant to 21.29.060(B). This bonding requirement shall not apply to sand, gravel or material sites for which an exemption from state bond requirements for small operations is applicable pursuant to AS 27.19.050.

13. *Other permits.* Permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC air and water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives. Any violation of these regulations or permits reported to

or observed by borough personnel will be forwarded to the appropriate agency for enforcement.

14. ~~[VOLUNTARY]~~Volunteered permit conditions. Conditions may be included in the permit upon agreement of the permittee and approval of the planning commission for CLUPs or the planning director for counter permits. Such conditions must be consistent with the standards set forth in KPB 21.29.040(A). Planning commission approval of such conditions shall be contingent upon a finding that the conditions will be in the best interest of the borough and the surrounding property owners. ~~[VOLUNTARY]~~ Volunteered permit conditions apply to the subject parcel and operation, regardless of a change in ownership. A change in ~~[VOLUNTARY]~~ volunteered permit conditions may be proposed ~~[AT]~~ by permit ~~[RENEWAL OR AMENDMENT]~~ modification.
15. *Signage.* For permitted parcels on which the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit, the permittee shall post notice of intent on parcel corners or access, whichever is more visible. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.
16. Appeal. No clearing of vegetation shall occur within the 50 100-foot maximum buffer area from the permit boundary nor shall the permit be issued or operable until the deadline for the appeal, pursuant to KPB 21.20, has expired. (No need for this regulation as the natural vegetative buffer is not and should not be a best choice. If the need for additional buffing is required, the ten foot berm will suffice.)
17. Sound level.
 - a. No sound resulting from the materials extraction activities shall create a sound level, when measured at or within the property boundary of the adjacent land, that exceeds 75 dB(A).
 - b. For any sound that is of short duration between the hours of 7 a.m. and 7 p.m. the levels may be increased by:
 - i. Five dB(A) for a total of 15 minutes in any one hour; or
 - ii. Ten dB(A) for a total of five minutes in any hour; or
 - iii. Fifteen dB(A) for a total of one and one-half minutes in any one-hour period.

- c. At its discretion, the planning commission or planning director, as applicable, may reduce or waive the sound level requirements on any or all property boundaries. Sound level requirements shall be made in consideration of and in accordance with existing uses of the properties in the vicinity at the time of approval of the permit.
- d. Mandatory condition KPB 21.29.050(A)(17) shall expire 365 days from adoption of KPB 21.29.050(A)(17) unless extended or modified by the assembly.
(There is no science behind this. Almost every instance, it will be impossible to achieve with OSHA and MSHA standards. Also, will be further managed by the introduction of larger 10ft berms)
18. Reverse signal alarms. Reverse signal alarms, used at the material site on loaders, excavators, and other earthmoving equipment may shall be more technically advanced devices; such as, a multi-frequency "white noise" alarms rather than the common, single (high-pitch) tone alarms. At its discretion, the planning commission or planning director, as applicable, may waive this requirement or a portion of this requirement. The waiver of this requirement shall be made in consideration of and in accordance with existing uses of the properties in the vicinity at the time of approval of the permit. (May is the proper term and gives flexibility)
19. Ingress and egress. The planning commission or planning director may determine the points of ingress and egress for the material site. The permittee is not required to construct haul routes outside the parcel boundaries of the material site. Driveway authorization must be acquired, from either the state through an "Approval to Construct" or a borough road service area as appropriate, prior to issuance of a material site permit when accessing a public right-of-way. (This can only be instituted with strict standards and limitations of the planning commissions discretionary power. As written, it gives the planning commission discretion at will in an area of construction that they don't have the expertise.)
20. Dust suppression. Dust suppression may shall be required when natural precipitation is not adequate to suppress the dust generated by the material site traffic on haul routes within property boundaries. Based on surrounding land uses the planning commission or planning director, as applicable, may waive or reduce the requirement for dust suppression on haul routes within property boundaries. (As explained before)

21. Surface water protection. Use of surface water protection measures as specified in KPB 21.29.030(A)(8) must be approved by a licensed civil engineer or SWPPP certified individual.

22. Groundwater elevation. All material sites must maintain one monitoring tube per ten acres of excavated area four feet below the proposed excavation. (This will be unnecessary as the material site will be digging in the water table or unable to reach it and not effecting its formation.)

23. Setback. Material site excavation areas shall be 250-feet from the property boundaries of any local option zoning district, existing public school ground, private school ground, college campus, child care facility, multi-purpose senior center, assisted living home, and licensed health care facility. If overlapping, the buffer areas of the excavation shall be included in the 250-foot setback. At the time of application. (This gives consistency in the regulation)

21.29.055. Decision.

The planning commission or planning director, as applicable, shall approve permit applications meeting the mandatory conditions or shall disapprove permit applications that do not meet the mandatory conditions. The decision shall include written findings supporting the decision, and when applicable, there shall be written findings supporting any site-specific alterations to the mandatory condition as specifically allowed by KPB 21.29.050(A)(2)(a), (2)(c), (2)(d), (2)(e), (2)(g), (3), (4)(d), (5), (11)(b), (12), (14), (17)(c), (18), (19), and (20) and as allowed for the KPB 21.29.060 reclamation plan. (This is written that the planning commission will disapprove of applications that do not meet the mandatory conditions. It contradicts many previous languages that gives the planning commission discretion to approve applications that may need special modifications.)

21.29.060. Reclamation plan.

- A. All material site permit applications require an overall reclamation plan along with a five-year reclamation plan. A site plan for reclamation shall be required including a scaled drawing with finished contours. A five-year reclamation plan must be submitted with a permit extension request. (Why the need for a five-year reclamation plan? As site operators, we cannot foresee the market in a five-year span, therefore, cannot provide an accurate plan for five years.)
- B. The applicant may shall revegetate with a non-invasive plant species and reclaim all disturbed land (There are many ways to reclamation. This limits it to one method) [UPON EXHAUSTING THE MATERIAL ON-SITE, OR WITHIN A

What's the purpose of the monitoring well? Is it (are they?) down gradient? Testing?



To whom it may concern:

The Kenai Peninsula Aggregate and Contractors Association does not support ordinance 2021-41. We feel that it is flawed in many ways, and in some respects, impossible to follow.

The lack of all information or slanted information in the whereas is misleading. The use of Changing Climate has nothing to do with material extraction nor is scientifically proven without a doubt. The lack of mention that this exact document other than its previous designation of 2019-30 mayor substitute, was voted down, reconsidered, then voted down again, is important to note.

We feel the creation of this document was not done in a fair, well educated, and well represented way. The Material Site Work Group was formed using 8 members, and only 2 from the industry it would regulate. A 6 to 2 vote was all too common, as the majority of its members had limited experience if any at all. This ultimately created an ordinance that no one could support. That being said, we feel if such document should be created, this ordinance should not be considered as a guide whatsoever, as it would be counterproductive. Our reasoning is stated below.

The use of aesthetics, view, unsightliness, or any term that insinuates regulating view shed rights is not a power afforded to the KPB. After many hours of research, we have found that there are only 3 ways view shed rights have been regulated or transferred in the USA. The federal government regulates view shed on federal land containing historical sites and parks. Local first-class governments have zoning power. Some local governments have regulated through zoning, view shed rights over large zones containing all parcels of land within. There is no precedent of any government regulating view shed on singular parcels of land pertaining to one industry. The KPB is a second-class government with no zoning power. Last, we have found some instances where view shed rights have been transferred in the private sector through purchase.

This ordinance was founded by its initial goals. Those goals contained view shed language and concerns. Therefore, the ordinance was given wrong direction from its inception. All language concerning view must be stricken from its contents.

The definition of "disturbed" should not include "stockpiles" as it is used in 21.29.060 (b). The intent of reclamation is to put the land back to a suitable condition after operations have ceased. If operations have truly ceased, and the land has been put back to a suitable condition, there will be no stockpiles.

Eliminating the term "exhausted" was counterproductive in the intent of the original use of the land.

The definition of "haul route" and its use in the ordinance is unfairly singling out one industry as many others haul commercially in the KPB. Also, we are already regulated by KPB 21.29.050 (8), KPB 14.40.175, and subject to KPB 14.40.

The definition of "vicinity" is too broad and can give other residents not effected by operations by geographic and topographic locations the ability to diminish operations such as processing. Adjacent was a better term used.

21.29.030 (8) is already regulated by the federal government through SWPPP plans. This is unneeded, and a further burden to the KPB and the operator.

21.29.030 (9) (f) the timeframe from May to December does not coincide with construction season. Many bids come out before May for the upcoming season and a contractor will have to speculate and possibly apply for a permit before bidding a project. This will only burden the public to unnecessary costs and safety by denying the opportunity to obtain a close source of material.

21.29.040 (a) (3,4,5) the definition of “minimizes” and the inclusion of “protects against” is an unobtainable condition. “Minimizes” allowed the operator the ability to mitigate the situation. “Protects against” insinuates the absolute disbursements of, and is an impossible and unfair condition. It also contradicts other conditions levied in this ordinance. (3) is impossible as written, as dust moves naturally. It is not only unfair, because everyone creates dust, such as a parking lot on a windy day, or a homeowner mowing their lawn, but impossible to comply to because one particle across the property line defies the law. (4) is already regulated by the federal government agency MSHA. This is a further burden on the KPB and the operator. (5) is unlawful for the KPB to regulate as it insinuates the taking of view shed rights and the KPB is a second-class government with no zoning power.

(8) also includes the term “protects against” and is an impossible condition. As soon as an operator uses a public road to travel, they will impact traffic just by their presence. We have the right to travel by federal law, 5th amendment to the U.S. constitution.

21.29.050 (2) we feel the changes in the buffer zones were negotiated on incorrect information by KPB staff. Our representatives were misinformed as well as the rest of the MSWG and public as to the current distance and application of buffers conditioned to the applicant. As we read the current law, you may impose a combination of buffer requirements on an application, but only one in any geographical location. “Stacking” is prohibited. For instance, you may have a 50ft natural vegetative buffer on the north border and a minimum 6ft fence on the west, and a minimum 6ft berm on the east, but not all on one border. The word “or” in (2) (a) supports that. The KPB has already misused this law by asking for or requiring operators to comply with “stacking”. We feel the MSWG and the public did not receive the correct data to make an informed decision or to give public comment. A 100ft maximum buffer is an unnecessary burden to the applicant as it locks up a rare and high demanded commodity.

(2) (b) is in conflict with other conditions such as noise and undisturbed natural vegetation. How can we remove and replace material near or on the border of our site with heavy machinery if we cannot make noise, dust, or disturb vegetation?

(3) the use of “vicinity” is too broad. A property over a large hill, across a forest, on another road, may affect the use of processing even though they cannot see, hear, or be troubled in any way.

(4) we feel that the changes from 2 vertical ft. to 4ft is unnecessary. We don’t feel the MSWG was really given the option to go the other way and scientific data to make an informed decision. To our knowledge, there has been no conflict proven in the KPB with a 2ft separation. Many sites in Alaska mine in the water table. Some right here in the KPB. There is no precedent to support the taking of 2ft of resources away from an operator. We feel this section could have been abolished in its entirety and section (5) is sufficient.

(6) Again, we feel this is a product of lack of scientific data and there is no precedence to support the taking of 100ft of horizontal distance. State mining law is very different and allows for a much closer distance.

(17) this is also conceived by lack of scientific knowledge. Also, we are already regulated by the federal agency MSHA. This should be abolished in its entirety.

(18) this is unfairly enforcing a regulation on one industry. The KPB doesn't want to get involved in the type of safety equipment used. If an accident occurred, the KPB could be held liable. Also, we cannot control other possible members of the industry from outside the KPB who may not have these devices and come here to work for the season.

(19) this is unfair to the operator as we have the right to travel on any road. The possible burden to an operator could be massive because of topography and diminish the opportunity to access resources.

(20) this is unfair to the industry. We already supply dust suppression as good neighbors and stewards of the land. This is singling out one industry as almost all industries on the KPB are involved with a heavy truck creating dust on a road at some point. School busses create the same dust.

(21) Again, already regulated by federal SWPPP plans.

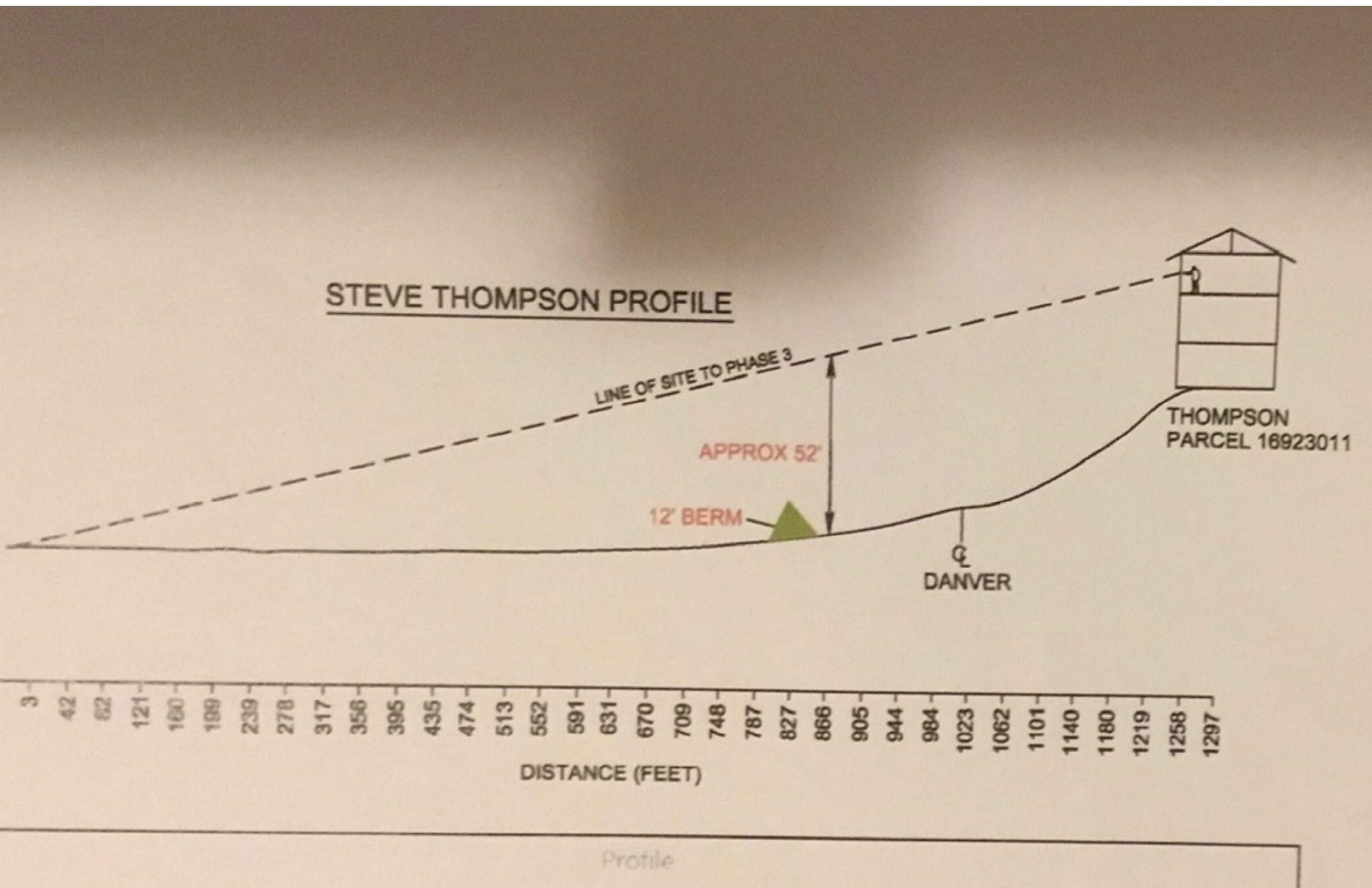
(22) unnecessary. Mining in the water table is common throughout Alaska.

21.29.060 (b) the use of "disturbed" includes basically, the whole site, including stockpiles. This is unrealistic. If there was more industry input, the MSWG would know that in general, the geology on the KPB is quite scarce of suitable topsoil. Every time you move it, you lose some. If we constantly reclamated our sites, we won't have the material to finish the job. Also, this doesn't have the provisions for other uses of the site such as a commercial property or parking lot needing no reclamation. The bonding requirement is also an undue burden as the State requires only \$750.

21.29.120 (c) we feel this is unjust to current operators. While to all it is reneging on the deal they agreed to at time of origin, some PEU's aren't required to submit a reclamation plan with the state and have no way of complying. This is just a way for government to not hold up their end of a deal struck with a citizen and harass them. It is not very becoming of the KPB to do so.

So, as you can see, the Kenai Peninsula Aggregate and Contractors Association and its members, families, and dependents, can find inconsistencies and faults in almost every aspect of this ordinance. It is inconsistent with industry standards, lacks scientific merit, isn't in harmony with other government agencies such as MSHA, OSHA, and DEC. This ordinance lacks an avenue for operators to complete discovery and reclamation that coincides with best management practices. In many areas it is based on false or inconsistent fact and overreach of regulatory power. Such as viewshed rights and wetland mapping. We consider this document as a form of a taking without just compensation and a form of zoning to a specific industry. We urge you to vote no on 2021-41 to save us all the conflict and burden it will surely cause.

Thank you for your consideration, Ed Martin III, President, KPACA.



Turner, Michele

From: Blankenship, Johni
Sent: Tuesday, January 18, 2022 4:23 PM
To: Turner, Michele
Subject: FW: <EXTERNAL-SENDER>Please provide to the Assembly for tonight's meeting on Ord. 2021-14

From: K, E, & E Martin <keeconstructionllc@yahoo.com>
Sent: Tuesday, January 18, 2022 4:02 PM
To: Blankenship, Johni <JBlankenship@kpb.us>
Subject: <EXTERNAL-SENDER>Please provide to the Assembly for tonight's meeting on Ord. 2021-14

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 all it may concern :

Below is a Opinion of Jim Valenine of Reno ,NV Posted last Sunday Jan.16th in the "Nevada Appeal " News paper serving Carson City , NV I could not better put one's Rights to Private Property & the Constitutional Rights of Ownership & Due Process unobstructed by Government or anyone else!

Please review all Whereas's for facts & truth before considering any Therefore(s) that don't meet constitutional muster!

This second Class Borough shouldn't legislate ZONING without the power to do so & then only if a" taking is warranted " for a public good , then be prepared to pay just compensation . As I have told several Assembly members " Have the courage" to introduce new Zoning Powers for a vote of the people of this Borough. Otherwise this appears as a " BACK DOOR " way to those means. Ed Martin Jr., 702 Lawton Drive , Kenai, Ak

The Fifth Amendment of the U.S. Constitution includes a provision known as the Takings Clause, which states that "private property (shall not) be taken for public use, without just compensation."

This is a very important component of our Constitution that effects all property owners. Some governmental agencies in recent years have implemented laws, rules, policies and procedures that have impacted the quiet enjoyment of the property and the owner's use of the property which is, in fact, an uncompensated taking. More are being proposed as efforts to redistribute wealth become more commonplace. These often include giving rights to tenants that are adverse to the interest of the property owner with no compensation for their loss(es). Richard B. Sanders, Washington State Supreme Court justice, wrote a treatise about the "Fifth Amendment" wherein he wrote, "Our State, and most other states, define property in an extremely broad sense." He continued, "Property in a thing consists not merely in its ownership and possession, but in the unrestricted right of use, enjoyment, and disposal. Anything which destroys any of the elements of property, to that extent, destroys the property itself. The substantial value of property lies in its use. If the right of use be denied, the value of the property is annihilated and ownership is rendered a barren right."

Two more statements we find relevant: Founding Father John Adams, "The moment the idea is admitted into society that property is not as sacred as the law of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence."

From Nevada's own Wayne Hage, property rights activist, "If you don't have the right to own and control property then you are property."

It is so important to those of us living in the free world environment of the United States to understand that you can own real estate and you can enjoy all of the components of the bundle of rights of real estate ownership, as long as you don't willingly, or unwillingly, let them take them from you.

The bundle of rights affords the owner the right of possession, the right of control, the right of exclusion, the right of enjoyment and the right of disposition. We take it for granted that we have this with our property ownership because of the Fifth Amendment, but like all of the freedoms we enjoy in these United States, we must work to protect them.

.[One must be diligent in protecting private property rights for all of us.

If you willingly allow a governing body to make a change that adversely affects you, then you cannot claim an uncompensated taking. If a body such as a Local Planning Commission makes changes to which you don't agree that have a negative impact on your, your use of your property and ultimately the value of your property, then you may be the victim of a Fifth Amendment breach.] Other factors can come into play so it is best to do your best to avoid such actions gaining any traction.

Don't let others push their agenda to your detriment. Your real property is yours, yours to do what you want with, not what you are told to do with it. That's why you bought it and that's why others still aspire to experience the American dream of home ownership without it being given to them.

KEE Construction, LLC



DATE: January 19, 2022

TO: KPB Assembly Members

SUBJECT: KPB 2021-41 Version 1
Material Site Permits, Applications, Conditions and Procedures

RE: Assembly Mtg January 18th Testimony

I was asked by multiple Assembly Members to discuss or provide my testimony regarding KPB2021-41 V1. Below are the talking points that I prepared prior to the Assembly meeting. Not all this information was included in my testimony due to time constraints and/or the climate of the chambers.

21.29.030.A.9 (Application Requirements)

Requiring that the site plan be prepared by a licensed surveyor is outside the Surveyors' area of work. Surveyors don't offer site development plan services. The portion of the application that should require a licensed and registered surveyor should be limited to the boundary survey, encumbrances, location and elevation of test holes, adjacent well locations, and location of water bodies. Essentially, a property as-built and boundary survey.

If KPB wants to require a professional to prepare the CLUP site development plan, then the ordinance should specify that a licensed Civil Engineer prepare the remainder of the required items.

The ordinance should require that site elevations (including those of test holes and groundwater) tie to a published datum or benchmark. Otherwise, each site may reference an assumed elevation and not a real-world elevation.

21.29.030.A.9(m) says 'field verification shall include staking the boundary of the parcel as sequentially visible intervals'. This conflicts with 21.29.050.A.1 which says 'stakes shall be in place prior to the issuance of the permit'. It is my recommendation that staking the parcel should be part of the field verification process otherwise prior to application.

21.29.050.A (Permit Conditions)

21.29.050.A.2. Buffer Zones. I caution the Assembly on continuing to increase buffer width requirements without granting the Applicant a means to extract the material that is under or within the buffer zone. Gravel is a commodity that is utilized by all and will continue to be so. By providing the mechanisms for a material site to responsibly extract as much gravel as possible from said site, there becomes less need for additional material sites.

21.29.050.A.6 Waterbodies. The US Army Corps of Engineers no longer has jurisdiction on wetlands that are not connected to Waters of the US. Waterbody setbacks should not apply to these isolated wetlands. These isolated wetlands are often ideal locations of peat mining and often have marketable sand or gravel beneath the peat.

Page 1 of 2



21.29.050.A.21 Groundwater Elevation. Recommend adding that the groundwater monitoring tube be installed when excavation is within 10' or such of the groundwater elevation. Many of the area material sites exceed 20' of usable material and installing a monitoring tube to this depth is a major undertaking. As an example, installing a 25' deep monitoring tube would require an excavation of approximately 2,500 SF hole to gain that depth utilizing traditional excavation equipment.

21.29.050.A.13. Other Permits. Alaska Department of Natural Resources (Division of Land and Water) should be added to this list.

21.29.060 Reclamation Plan. ADNR updated their requirements for Material Sales Reclamation Plans in June 2021. This should be reviewed in context to KPB's reclamation requirements. ADNR has set per-acre bond amount at \$750/acre. ADNR allows for an operator to post bond with another government agency as allowed by a cooperative management agreement between that agency and ADNR Division of Land and Water. Does the Borough have a cooperative management agreement with ADNR? Otherwise, there is the potential for material site operators to have to 'double-bond' for reclamation.

Please feel free to contact me if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina DeBardelaben".

Gina DeBardelaben, P.E.
Vice President
McLane Consulting, Inc.

Introduced by:	Martin
Substitute Introduced:	03/14/06
O2006-01 (Long, Martin, Superman)	See Original Ord for Prior History
Hearing:	03/14/06
Action:	Substitute Introduced and Set for Public Hearings on 04/04/06 and 04/18/06
	Additional Hearing on 05/16/06
Action:	Postponed until 04/18/06
Action:	Time did not Allow for Action
Date:	05/02/06
Action:	Postponed until 05/16/06
Action:	Additional Hearing on 08/01/06
Date:	05/16/06
Action:	Postponed until 08/01/06
Action:	Enacted as Amended
Vote:	8 Yes, 0 No, 0 Absent, 1 Abstention

**KENAI PENINSULA BOROUGH
ORDINANCE 2006-01 (MARTIN) SUBSTITUTE**

**AN ORDINANCE REPEALING KPB CHAPTER 21.26 AND ENACTING KPB
CHAPTER 21.29, MATERIAL SITE PERMITS**

WHEREAS, Goal 6.5, Objective 1 of the 2005 Kenai Peninsula Borough Comprehensive Plan is to ensure that land use regulations adopted by the borough are necessary to control uses that affect public health and safety and address adverse impacts on the rights of adjacent property owners; and

WHEREAS, Goal 6.5, Objective 1, Implementation Action A, is to continue to periodically review and update existing regulations to reflect changing conditions and policies in the borough; and

WHEREAS, Goal 6.6 of the 2005 comprehensive plan is to reduce land use conflicts outside of the cities; and

WHEREAS, Goal 6.6, Objective 1, Implementation Action D, is to improve the land use regulations currently in existence including those related to material sites to minimize the impacts of erosion and flooding of neighboring properties and to minimize conflicts with surrounding land uses; and

WHEREAS, Goal 7.1, Objectives 1 and 2, of the 2005 comprehensive plan are to work with other agencies to protect public health and environment, to avoid duplications of other agencies' regulations, and to provide input to federal and state agencies on local conditions and opinions; and

WHEREAS, Goal 1 of the Mining and Minerals Processing section of the 1990 Kenai Peninsula Borough Coastal Management Program is to provide opportunities to explore, extract and process minerals, sand and gravel resources, while protecting environmental quality and other resource users; and

WHEREAS, a review of the material site ordinance was undertaken in 1998 after a citizen task force comprised of citizens and industry made recommendations; and

WHEREAS, the mayor sponsored Ordinance 98-33 after considering the task force recommendations and supplementing the same; and

WHEREAS, assembly members sponsored a substitute Ordinance 98-33 which was ultimately adopted in 1999; and

WHEREAS, the planning department has been administering Ordinance 98-33, codified as KPB 21.26 as amended, for six years; and

WHEREAS, KPB 21.25.040 requires a permit for the commencement of certain land uses within the rural district of the Kenai Peninsula Borough; and

WHEREAS, the planning department has recognized that certain provisions of the material site ordinance could be better clarified for the operators, public, and staff; and

WHEREAS, the planning department receives comments expressing concerns about dust, noise, and aesthetics which are minimally addressed by the current code; and

WHEREAS, there are parcels registered as nonconforming prior existing uses which have not been operated as material sites for a number of years; and

WHEREAS, certain additional conditions placed on material site permits would facilitate a reduction in the negative secondary impacts of material sites, e.g. dust, noise, and unsightliness; and

WHEREAS, an assembly subcommittee was formed in 2005 to review the material site code; and

WHEREAS, at its regularly scheduled meeting of July 17, 2006, the Planning Commission recommended enactment of the amended ordinance by unanimous consent.

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

SECTION 1. KPB 21.26 Material Site Permits is hereby repealed and KPB 21.29, Material Site Permits, is adopted as follows:

CHAPTER 21.29. MATERIAL SITE PERMITS

21.29.010. Material extraction exempt from obtaining a permit.

- A. Material extraction which disturbs an area of less than one acre that is not in a mapped flood plain or subject to 21.29.010(B), does not enter the water table, and does not cross property boundaries, does not require a permit. There will be no excavation within 20 feet of a right-of-way or within 10 feet of a lot line.
- B. Material extraction taking place on dewatered bars within the confines of the Snow River and the streams within the Seward-Bear Creek Flood Service Area does not require a permit, however, operators subject to this exemption shall provide the planning department with the information required by KPB 21.29.030(A)(1), (2), (6), (7) and a current flood plain development permit prior to beginning operations.
- C. A prior existing use under KPB 21.29.120 does not require a permit.

21.29.020. Material extraction and activities requiring a permit.

- A. Counter permit. A counter permit is required for material extraction which disturbs no more than 2.5 cumulative acres and does not enter the water table. Counter permits are approved by the planning director, and are not subject to the notice requirements or planning commission approval of KPB 21.25.060. A counter permit is valid for a period of 12 months, with a possible 12-month extension.
- B. Conditional land use permit. A conditional land use permit (CLUP) is required for material extraction which disturbs more than 2.5 cumulative acres, or material extraction of any size that enters the water table. A CLUP is required for materials processing. A CLUP is valid for a period of five years. The provisions of KPB Chapter 21.25 are applicable to material site CLUPS and the provisions of KPB 21.25 and 21.29 are read in harmony. If there is a conflict between the provisions of KPB 21.25 and 21.29, the provisions of KPB 21.29 are controlling.

21.29.030. Application procedure.

- A. In order to obtain a counter permit or CLUP, an applicant shall first complete and submit to the borough planning department a permit application, along with the appropriate fee as established by resolution of the planning commission and approved by the borough assembly. The planning director may determine that certain contiguous parcels are eligible for a single permit. The application shall include the following items:

1. Legal description of the parcel, KPB tax parcel ID number, and identification of whether the permit is for the entire parcel, or a specific location within a parcel;
2. Expected life span of the material site;
3. A buffer plan consistent with KPB 21.29.050(A)(2);
4. Reclamation plan consistent with KPB 21.29.060;
5. The depth of excavation;
6. Type of material to be extracted and type of equipment to be used;
7. Any voluntary permit conditions the applicant proposes. Failure to include a proposed voluntary permit condition in the application does not preclude the applicant from proposing or agreeing to voluntary permit conditions at a later time;
8. A site plan and field verification prepared by a professional surveyor licensed and registered in the State of Alaska, including the following information:
 - a. location of excavation, and, if the site is to be developed in phases, the life span and expected reclamation date for each phase;
 - b. proposed buffers consistent with KPB 21.29.050(A)(2), or alternate buffer plan;
 - c. identification of all encumbrances, including, but not limited to easements;
 - d. points of ingress and egress. Driveway permits must be acquired from either the state or borough as appropriate prior to the issuance of the material site permit.
 - e. anticipated haul routes;
 - f. location and depth of test holes, and depth of groundwater, if encountered;
 - g. location of wells of adjacent property owners within 300 feet of the proposed parcel boundary;

- h. location of any water body on the parcel, including the location of any riparian wetland as determined by “Wetland Mapping and Classification of the Kenai Lowland, Alaska” maps created by the Kenai Watershed Forum;
 - i. surface water protection measures for adjacent properties, including the use of diversion channels, interception ditches, on-site collection ditches, sediment ponds and traps, and silt fence; provide designs for substantial structures; indicate which structures will remain as permanent features at the conclusion of operations, if any;
 - j. location of any processing areas on parcel, if applicable;
 - k. north arrow;
 - l. the scale to which the site plan is drawn;
 - m. preparer's name, date and seal;
 - n. field verification shall include staking the boundary of the parcel at sequentially visible intervals. The planning director may grant an exemption in writing to the staking requirements if the parcel boundaries are obvious.
- B. In order to aid the planning commission or planning director’s decision-making process, the planning director shall provide vicinity, aerial, land use, and ownership maps for each application and may include additional information.

21.29.040. Standards for sand, gravel or material sites.

- A. These material site regulations are intended to protect against aquifer disturbance, road damage, physical damage to adjacent properties, dust, noise, and visual impacts. Only the conditions set forth in KPB 21.29.050 may be imposed to meet these standards:
- 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; and
6. provides for alternate post-mining land uses.

21.29.050. Permit conditions.

- A. The following mandatory conditions apply to counter permits and CLUPs issued for sand, gravel or material sites:
 1. **Parcel Boundaries.** All boundaries of the subject parcel shall be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter. Field verification and staking will require the services of a professional land surveyor. Stakes shall be in place at time of application.
 2. **Buffer Zone.** A buffer zone shall be maintained around the excavation perimeter or parcel boundaries. Where an easement exists, a buffer shall not overlap the easement, unless otherwise conditioned by the planning director or planning commission.
 - a. The buffer zone shall provide and retain a basic buffer of:
 - i. 50 feet of undisturbed natural vegetation, or
 - ii. A minimum six-foot earthen berm with at least a 2:1 slope, or
 - iii. A minimum six-foot fence.
 - b. A 2:1 slope shall be maintained between the buffer zone and excavation floor on all inactive site walls. Material from the area designated for the 2:1 slope may be removed if suitable, stabilizing material is replaced within 30 days from the time of removal.
 - c. The planning commission or planning director shall designate one or a combination of the above as it deems appropriate. The vegetation and fence shall be of sufficient height and density to provide visual and noise screening of the proposed use as deemed appropriate by the planning commission or planning director.
 - d. Buffers shall not cause surface water diversion which negatively impacts adjacent properties or water bodies. Specific findings are required to alter the buffer requirements of KPB 21.29.050(A)(2)(a) in order to minimize negative impacts from surface water diversion. For purposes of this section, surface

water diversion is defined as erosion, flooding, dehydration or draining, or channeling. Not all surface water diversion results in a negative impact.

- e. At its discretion, the planning commission may waive buffer requirements where the topography of the property or the placement of natural barriers makes screening not feasible or not necessary. Buffer requirements shall be made in consideration of and in accordance with existing uses of adjacent property at the time of approval of the permit. There is no requirement to buffer the material site from uses which commence after the approval of the permit.
- 3. Processing. In the case of a CLUP, any equipment which conditions or processes material must be operated at least 300 feet from the parcel boundaries. At its discretion, the planning commission may waive the 300-foot processing distance requirement, or allow a lesser distance in consideration of and in accordance with existing uses of adjacent property at the time.
 - 4. Water Source Separation.
 - a. All permits shall be issued with a condition which prohibits any material extraction within 100 horizontal feet of any water source existing prior to original permit issuance.
 - b. All counter permits shall be issued with a condition which requires that a four-foot vertical separation from the seasonal high water table be maintained.
 - c. All CLUPS shall be issued with a condition which requires that a two-foot vertical separation from the seasonal high water table be maintained.
 - d. There shall be no dewatering either by pumping, ditching or some other form of draining unless an exemption is granted by the planning commission. The exemption for dewatering may be granted if the operator provides a statement under seal and supporting data from a duly licensed and qualified impartial civil engineer, that the dewatering will not lower any of the surrounding property's water systems and the contractor posts a bond for liability for potential accrued damages.

5. Excavation in the Water Table. Excavation in the water table greater than 300 horizontal feet of a water source may be permitted with the approval of the planning commission based on the following:
 - a. certification by a qualified independent civil engineer or professional hydrogeologist that the excavation plan will not negatively impact the quantity of an aquifer serving existing water sources.
 - b. the installation of a minimum of three water monitoring tubes or well casings as recommended by a qualified independent civil engineer or professional hydrogeologist adequate to determine flow direction, flow rate, and water elevation.
 - c. groundwater elevation, flow direction, and flow rate for the subject parcel, measured in three-month intervals by a qualified independent civil engineer or professional hydrogeologist, for at least one year prior to application. Monitoring tubes or wells must be kept in place, and measurements taken, for the duration of any excavation in the water table.
 - d. operations shall not breach an aquifer-confining layer.
6. Waterbodies.
 - a. An undisturbed buffer shall be left and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including riparian wetlands and mapped floodplains as defined in KPB 21.06. This regulation shall not apply to man-made waterbodies being constructed during the course of the materials extraction activities. In order to prevent discharge, diversion, or capture of surface water, an additional setback from lakes, rivers, anadromous streams, and riparian wetlands may be required.
 - b. Counter permits and CLUPS may contain additional conditions addressing surface water diversion.
7. Fuel Storage. Fuel storage for containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.

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8. Roads. Operations shall be conducted in a manner so as not to damage borough roads as required by KPB 14.40.175 and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
9. Subdivision. Any further subdivision or return to acreage of a parcel subject to a conditional land use or counter permit requires the permittee to amend their permit. The planning director may issue a written exemption from the amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.
10. Dust control. Dust suppression is required on haul roads within the boundaries of the material site by application of water or calcium chloride.
11. Hours of Operation. Rock crushing equipment shall not be operated between 10 p.m. and 6 a.m.
12. Reclamation.
 - a. Reclamation shall be consistent with the reclamation plan approved by the planning commission or planning director as appropriate in accord with KPB 21.29.060.
 - b. As a condition of issuing the permit, the applicant shall submit a reclamation plan and post a bond to cover the anticipated reclamation costs in an amount to be determined by the planning director. This bonding requirement shall not apply to sand, gravel or material sites for which an exemption from state bond requirements for small operations is applicable pursuant to AS 27.19.050.
13. Other permits. Permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives. Any violation of these regulations or permits

reported to or observed by borough personnel will be forwarded to the appropriate agency for enforcement.

14. Voluntary permit conditions. Conditions may be included in the permit upon agreement of the permittee and approval of the planning commission for CLUPs or the planning director for counter permits. Such conditions must be consistent with the standards set forth in KPB 21.29.040(A). Planning commission approval of such conditions shall be contingent upon a finding that the conditions will be in the best interest of the borough and the surrounding property owners. Voluntary permit conditions apply to the subject parcel and operation, regardless of a change in ownership. A change in voluntary permit conditions may be proposed at permit renewal or amendment.
15. Signage. For permitted parcels on which the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit, the permittee shall post notice of intent on parcel corners or access, whichever is more visible. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.

21.29.060. Reclamation plan.

- A. All material site permit applications require a reclamation plan.
- B. The applicant shall revegetate with a non-invasive plant species and reclaim all disturbed land upon exhausting the material on-site, or within a pre-determined time period for long-term activities, so as to leave the land in a stable condition. Reclamation must occur for all exhausted areas of the site exceeding five acres before a five-year renewal permit is issued, unless otherwise required by the planning commission. If the material site is one acre or less in size and has been granted a CLUP due to excavation in the water table, reclamation must be performed as specified by the planning commission or planning director in the conditional use or counter permit.
- C. The following measures must be considered in preparing and implementing the reclamation plan, although not all will be applicable to every reclamation plan.
 1. Topsoil that is not promptly redistributed to an area being reclaimed will be separated and stockpiled for future use. This material will be protected from erosion and contamination by acidic or toxic materials and preserved in a condition suitable for later use.

2. The area will be backfilled, graded and recontoured using strippings, overburden, and topsoil to a condition that allows for the reestablishment of renewable resources on the site within a reasonable period of time. It will be stabilized to a condition that will allow sufficient moisture for revegetation.
 3. Sufficient quantities of stockpiled or imported topsoil will be spread over the reclaimed area to a depth of four inches to promote natural plant growth that can reasonably be expected to revegetate the area within five years. The applicant may use the existing natural organic blanket representative of the project area if the soil is found to have an organic content of 5% or more and meets the specification of Class B topsoil requirements as set by Alaska Test Method (ATM) T-6. The material shall be reasonably free from roots, clods, sticks, and branches greater than 3 inches in diameter. Areas having slopes greater than 2:1 require special consideration and design for stabilization by a licensed engineer.
 4. Exploration trenches or pits will be backfilled. Brush piles and unwanted vegetation shall be removed from the site, buried or burned. Topsoil and other organics will be spread on the backfilled surface to inhibit erosion and promote natural revegetation.
 5. Peat and topsoil mine operations shall ensure a minimum of two inches of suitable growing medium is left or replaced on the site upon completion of the reclamation activity (unless otherwise authorized).
 6. Ponding may be used as a reclamation method as approved by the planning commission.
- D. The plan shall describe the total acreage to be reclaimed each year, a list of equipment (type and quantity) to be used in reclamation, and a time schedule of reclamation measures.

21.29.070. Permit extension and revocation.

- A. Conditional land use permittees must submit a request in writing for permit extension every five years after the permit is issued. Requests for permit extension must be made at least 30 days prior to permit expiration. Counter permittees must submit any request for a 12-month extension at least 30 days prior to the expiration of the original 12-month permit period.
- B. A permit extension certificate for a CLUP may be granted by the planning director after 5 years, and after one year for a counter permit where no modification to operations or conditions are proposed.

- C. Permit extension may be denied if: (1) reclamation required by this chapter and the original permit has not been performed; (2) the permittee is otherwise in noncompliance with the original permit conditions; or (3) the permittee has had a permit violation in the last two years and has not fulfilled compliance requests.
- D. A modification application shall be processed pursuant to KPB 21.29.030-050 with public notice given as provided by KPB 21.25.060 when operators request modification of their permit conditions based on changes in operations set forth in the modification application.
- E. There shall be no fee for permit extensions approved by the planning director. The fee for a permit modification processed under KPB 21.29.070(D) will be the same as an original permit application.
- F. Failure to submit a request for extension will result in the expiration of the permit. The borough may issue a permit termination document upon expiration pursuant to KPB 21.29.080. Once a permit has expired, a new permit application approval process is required in order to operate the material site.
- G. Permits may be revoked pursuant to KPB 21.25.080.

21.29.080. Permit termination.

When a permit expires, is revoked, or a permittee requests termination of their permit, a review of permit conditions and site inspections will be conducted by the planning department to ensure code compliance and verify site reclamation prior to termination. When the planning director determines that a site qualifies for termination, a termination document shall be issued to the permittee.

21.29.090. Permit modifications.

If a permittee revises or intends to revise operations (at a time other than permit extension) so that they are no longer consistent with the original application, a permit modification is required. The planning director shall determine whether the revision to operations requires a modification. Permit modification shall be processed in the same manner as original permits.

21.29.100. Recordation.

All permits, permit extensions, modified permits, prior existing uses, and terminations shall be recorded. Failure to record a material site document does not affect the validity of the documents.

21.29.110. Violations.

- A. Violations of this chapter shall be governed by KPB 21.24.
- B. In addition to the remedies provided in KPB 21.24, the planning director may require bonding in a form and amount adequate to protect the borough's interests for an owner or operator who has been cited for three violations of KPB 21.24, 21.25, and 21.29 within a three-year period. The violations need not be committed at the same material site. Failure to provide requested bonding may result in permit revocation proceedings.

21.29.120. Prior existing uses.

- A. Material sites are not held to the standards and conditions of a CLUP if a prior existing use (PEU) determination was granted for the parcel in accordance with KPB 21.29.120(B). To qualify as a PEU, a parcel's use as a material site must have commenced or have been operated after May 21, 1986, and prior to May 21, 1996, provided that the subject use continues in the same location. In no event shall a prior existing use be expanded beyond the smaller of the lot, block, or tract lines as they existed on May 21, 1996. If a parcel is further subdivided after May 21, 1996, the pre-existing use may not be expanded to any lot, tract, or parcel where extraction had not occurred before or on February 16, 1999. If a parcel is subdivided where extraction has already occurred, the prior existing use is considered abandoned, and a CLUP must be obtained for each parcel intended for further material site operations. The parcel owner may overcome this presumption of abandonment by showing that the subdivision is not inconsistent with material site operation. If a parcel subject to a prior existing use is conveyed, the prior existing use survives the conveyance.
- B. Owners of sites must have applied to be registered as a prior existing use prior to January 1, 2001.
- C. Any prior existing use that has not operated as a material site between May 21, 1996, and May 21, 2011, is considered abandoned and must thereafter comply with the permit requirements of this chapter. The planning director shall determine whether a prior existing use has been abandoned. After giving notice to the parcel owner that a PEU is considered abandoned, a parcel owner may protest the termination of the PEU by filing written notice with the planning director on a form provided by the planning department. When a protest by a parcel owner is filed, notice and an opportunity to make written comments regarding prior existing use status shall be issued to owners of property within a one-half mile radius of the parcel boundaries of the site. The owner of the parcel subject to the prior existing use may submit written information, and the planning director may gather and consider any information relevant to whether a material site has operated. The planning director may conduct a hearing if he or she

believes it would assist the decision-making process. The planning director shall issue a written determination which shall be distributed to all persons making written comments. The planning director's decision regarding termination of the prior existing use status may be appealed to the planning commission within 15 days of the date of the notice of decision.

SECTION 2. That KPB 21.24.030(C) is hereby amended as follows:

- C. Fine Schedule. The following fines are the scheduled fines for violations. The scheduled fine for an offense may not be judicially reduced.

<i>Code Chapter Section Citation</i>	<i>Chapter / Section Title</i>	<i>Scheduled Fine</i>
KPB 21.06.040	Failure to obtain a development permit	\$75.00
KPB 21.09.060	Violation of nonconforming use/structure provisions	\$50.00
KPB 21.09.070	Prohibited use	\$100.00
KPB 21.09.080	Violation of development standards	\$50.00
KPB 21.09.090(A)	Violation of home occupation standards	\$100.00
KPB 21.09.090(B)	Sign size violation	\$50.00
KPB 21.09.090(C)	Prohibited home occupations	\$100.00
KPB 21.14.030	Failure to obtain a mobile home park permit	\$75.00
KPB 21.18.050(A)	Failure to obtain fuel storage/logging permit	\$75.00
KPB 21.18.060	Prohibited activity in habitat protection area	\$100.00
KPB 21.18.072	Failure to obtain commercial activity permit	\$75.00
KPB 21.18.080	Failure to obtain a conditional use permit	\$75.00
KPB 21.18.090(D)	Failure to obtain expansion/enlargement conditional use permit	\$100.00
KPB 21.24.050	Violation of or removal of an enforcement order	\$100.00
KPB 21.25.040	Failure to obtain land use permit	[\$75.00] <u>\$300.00</u>
<u>KPB 21.29.050</u>	<u>Violation of conditions</u>	<u>\$300.00</u>
KPB 21.42.060	Violation of nonconforming use/structure provisions	[\$75.00] <u>\$300.00</u>
KPB 21.42.090	Prohibited use	\$100.00
KPB 21.42.100	Violation of development standards	\$50.00
KPB 21.42.110(D)	Failure to obtain a home occupation permit	\$75.00
KPB 21.44.110	Violation of nonconforming use standards	\$75.00
KPB 21.44.130	Failure to obtain a home occupation permit	\$75.00
KPB 21.44.160(A)(B)	Prohibited use	\$100.00
KPB 21.44.160(C)	Violation of development standards	\$50.00
KPB 21.44.170(A)(B)	Prohibited use	\$100.00
KPB 21.44.170(C)	Violation of development standards	\$50.00
KPB 21.44.180(A)(B)	Prohibited use	\$100.00
KPB 21.44.180(C)	Violation of development standards	\$50.00
KPB 21.44.190(A)(B)	Prohibited use	\$100.00
KPB 21.44.190(C)	Violation of development standards	\$50.00

KPB 21.44.200(A)	Prohibited use	\$100.00
KPB 21.44.200(B)	Violation of development standards	\$50.00
KPB 21.44.210(B)(C)	Prohibited use	\$100.00
KPB 21.44.210(D)	Violation of development standards	\$50.00

SECTION 3. That KPB 21.24.070 is hereby amended as follows:

21.24.070. Civil fine.

The Borough code compliance officer may assess a [\$100.00] \$300.00 civil fine for each violation of this chapter. Notice of a fine shall be served personally or by certified mail on the property owner, lessee, operator, or occupant of the parcel upon which the violation occurs. The fine may be appealed to the Planning Commission pursuant to the terms of KPB 21.20. Each day a violation occurs is a separate violation. Citations for fines may be included in an enforcement order. Appeals from the planning commission's determination shall not be taken to the board of adjustment, but shall proceed to the superior court pursuant to the Alaska Rules of Appellate Procedure, Part 6.

SECTION 4. KPB 21.25.030, Definitions, is amended to add the following definitions in alphabetical order:

Abandon means to cease or discontinue a use without intent to resume, but excluding short-term interruptions to use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure. An "intent to resume" can be shown through continuous operation of a portion of the facility, maintenance of utilities, or outside proof of continuance, e.g., bills of lading or delivery records. Abandonment also means the cessation of use, regardless of voluntariness, for a specified period of time.

Commercial means any [USE] provision of services, sale of goods, or use operated for production of income whether or not income is derived, including sales, barter, rental, or trade of goods and services[, AND INCLUDING ALL ACTIVITIES DIRECTLY SUBSIDIARY].

Conditioning or processing material means a value-added process including batch plants, asphalt plants, screening, washing, and crushing by use of machinery.

Groundwater means, in the broadest sense, all subsurface water, more commonly that part of the subsurface water in the saturated zone.

[ON-SITE USE MEANS MATERIAL USED ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL IT WAS EXTRACTED FROM, OR WHEN

DEVELOPMENT OF THE PARCEL REQUIRES DISPOSAL OF THE MATERIAL OFF-SITE THROUGH BARTERING.]

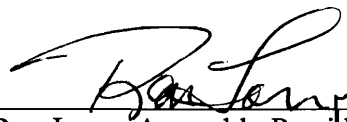
Surface Water means water on the earth's surface exposed to the atmosphere such as rivers, lakes, and creeks.

Topsoil means material suitable for vegetative growth.

Waterbody means any lake, pond, stream, riparian wetland, or groundwater into which stormwater runoff is directed.

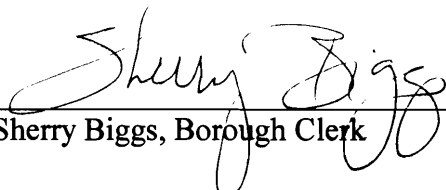
SECTION 5. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 1ST DAY OF AUGUST, 2006.

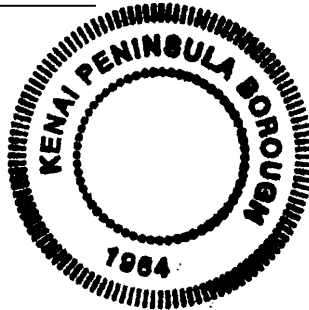


Ron Long, Assembly President

ATTEST:



Sherry Biggs, Borough Clerk



Yes: Chay, Fischer, Germano, Gilman, Martin, Sprague, Superman, Long
No: None
Absent: None
Abstained: Merkes

Introduced by:	Mayor
Substitute Introduced:	01/16/18
Resolution 2018-004 (Mayor)	See Original for Prior History
Action:	Adopted
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2018-004
(MAYOR) SUBSTITUTE**

A RESOLUTION ESTABLISHING A MATERIAL SITE WORK GROUP

WHEREAS, KPB 21.25.040(A)(2) requires a permit for the commencement of commercial sand, gravel or material sites within the rural district of the Kenai Peninsula Borough; and

WHEREAS, KPB 21.29 provides for a permit process to extract material from the ground; and

WHEREAS, with the exception of one minor change relating to floodplain permits, the material site code was last updated in 2006; and

WHEREAS, the assembly, administration, planning department and the planning commission have recognized that certain provisions of the material site ordinance can be clarified for the operators, public, and staff; and;

WHEREAS, the public has expressed many concerns about dust, noise, water, and negative secondary impacts of material sites; and

WHEREAS, it is the intent of the assembly and administration to involve the public and industry in a collaborative discussion designed to incorporate possible changes to the material site code;

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

SECTION 1. That a work group is established for the purpose of examining the current material site permit process and potentially recommending amendments to the material site code provisions.

SECTION 2. That the work group shall consist of at least two assembly members; two planning commissioners; two members of the public; and, two material site industry members. The group shall elect from among its members a chair and a vice-chair who may serve in the absence of the chair. The two members of the assembly shall be appointed by the assembly. The remaining members shall be appointed by the mayor.

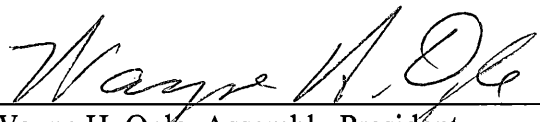
SECTION 3. That each meeting time and place shall be advertised, open to the public and subject to the Open Meetings Act.

SECTION 4. The material site work group shall have no authority to act on behalf of the assembly or the administration or communicate on the borough's behalf other than to make recommendations to the planning commission, administration and assembly.


SECTION 5. The work group shall provide a final report to the planning commission, administration and assembly by June 5, 2018, and then discontinue unless extended by the assembly.

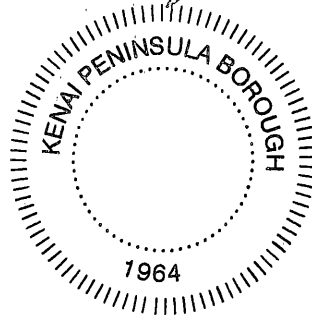
SECTION 6. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF JANUARY, 2018.


Wayne H. Ogle, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bagley, Blakeley, Carpenter, Dunne, Fischer, Hibbert, Smalley, Ogle
No: None
Absent: Cooper

Introduced by:	Ogle
Date:	05/15/18
Action:	Adopted as Amended
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2018-025**

**A RESOLUTION EXTENDING THE DEADLINE FOR SUBMISSION OF THE
MATERIAL SITE WORKING GROUP'S FINAL REPORT**

WHEREAS, a material site working group ("MSWG") was formed by Resolution 2018-004 on January 16, 2018; and

WHEREAS, a final report is due to the administration, planning commission and assembly by June 5, 2018; and

WHEREAS, the MSWG needs additional time to consider proposed revisions to the material site code, explore additional revisions, and hear and consider public testimony regarding the same; and

WHEREAS, the summer months are the most active for material site operators who may not have time to be involved in the public process during that time frame; and

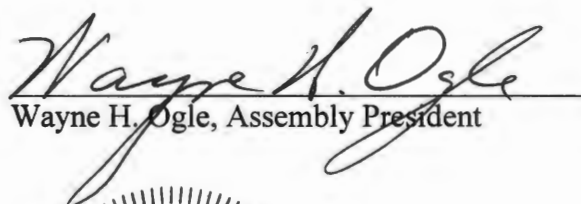
WHEREAS, the planning commission considered this resolution at its May 14, 2018 meeting and recommended approval by majority consent;

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

SECTION 1. The deadline for the final report of the MSWG is extended to April 30, 2019. Meetings of the MSWG are suspended from June 1, 2018 through September 30, 2018.

SECTION 2. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
15TH DAY OF MAY, 2018.


Wayne H. Ogle, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle
No: None
Absent: None

Kenai Peninsula Borough Assembly

MEMORANDUM

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

FROM: Bill Elam, Assembly Member *BE*

DATE: January 18, 2022

SUBJECT: Elam Amendment #1 to Ordinance 2021-41, Amending KPB 21.29, KPB 21.25, and KPB 21.50.055 Regarding Material Site Permits, Applications, Conditions, and Procedures (Johnson, Mayor)

[Please note the bold underlined language is new and the strikeout bold language in brackets is to be deleted.]

➤ Amend Section 3, KPB 21.29.030(A)(9)(h), as follows:

21.29.030. Application procedure.

...

- h. Location of any water body on the parcel, including the location of any riparian wetland as determined by **best available data** [~~**"WETLAND MAPPING AND CLASSIFICATION OF THE KENAI LOWLAND, ALASKA" MAPS CREATED BY THE KENAI WATERSHED FORUM**~~];

Your consideration of this amendment is appreciated.

Introduced by:	Mayor
Date:	02/01/22
Action:	Adopted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2022-008**

**A RESOLUTION DESIGNATING THE NEWSPAPER AND AUTHORIZING AWARD
OF A CONTRACT FOR THE PUBLICATION OF THE 2022 FORECLOSURE LIST,
AND THE DELINQUENT LEASEHOLD, MOBILE HOMES, PERSONAL AND OTHER
TAX LISTS FOR THE TAX YEAR 2021 AND PRIOR**

WHEREAS, the Kenai Peninsula Borough (Borough) is required by statute to publish an annual foreclosure list in a newspaper of general circulation setting forth the names and amounts of all delinquent real property taxes and special assessments; and

WHEREAS, the Borough requested quotes from a newspaper of general circulation for the performance of all work required to print, publish, and distribute the 2022 property tax and special assessments foreclosure list, the delinquent leasehold, mobile homes, personal and other tax lists for the tax year 2021 and prior; and

WHEREAS, the Borough's finance department estimates the contractor will be required to publish approximately 20 tabloid pages for the 2022 foreclosure list for \$6,705.25, approximately 12 tabloid pages for the delinquent tax lists for \$1,122.18, for a total cost of \$7,827.43; and

WHEREAS, the finance department requested a quote from all area newspapers of general circulation; and

WHEREAS, the assembly is required by KPB 5.12.260 to designate the newspaper that will publish the foreclosure list and delinquency lists together with the days of publication;

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

SECTION 1. That the *Peninsula Clarion* is designated as the newspaper of general circulation to perform all work necessary to print, publish, and distribute the 2022 foreclosure list for a price of \$6,705.25. The delinquent tax lists will be published for a price of \$1,122.18, and the mayor is authorized to enter a contract for this work to the designated newspaper. The total contract price shall be \$7,827.43. All expenditures for this contract shall be charged to account 100.11440.43310.

SECTION 2. That beginning on March 1, 2022, the foreclosure list shall be published one (1) time per week for four (4) consecutive weeks. The delinquent tax lists shall be published one (1) time.

SECTION 3. That if payment for delinquent leasehold, mobile homes, personal and other tax is not received by March 15, 2022, the Borough will institute further proceedings to collect the delinquent taxes.

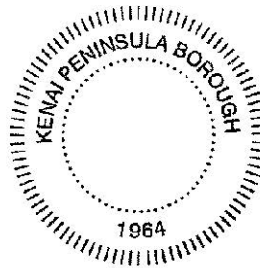
SECTION 4. That this resolution is effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 1ST DAY OF FEBRUARY, 2022.


Brent Johnson, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



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

Kenai Peninsula Borough

Finance Department

MEMORANDUM

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

THRU: Charlie Pierce, Mayor *AP*
Brandi Harbaugh, Finance Director *BH*

FROM: Jennifer VanHoose, Property Tax & Collections Manager *JV*

DATE: January 20, 2022

RE: Resolution 2022-008 Designating the Newspaper and Authorizing Award of a Contract for the Publication of the 2022 Foreclosure List, and the Delinquent Leasehold, Mobile Homes, Personal and Other Tax Lists for the Tax Year 2021 and Prior (Mayor)

Attached is a resolution for consideration designating the *Peninsula Clarion* (*Clarion*) as the newspaper for the publication of the 2022 Foreclosure List and Delinquent Leasehold, Mobile Homes, Personal and Other Tax Lists for the tax year 2021 and prior per AS 29.45.330 and authorizing the award of a contract to the *Clarion*.

Your consideration of this resolution is appreciated.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>100.11440.43310</u>
Amount	<u>\$7,827.43</u>
By: <u><i>CJ</i></u>	Date: <u>1/18/2022</u>

Introduced by:	Mayor
Date:	02/01/22
Action:	Adopted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2022-009**

**A RESOLUTION APPROVING THE SPENDING PLAN FOR THE REMAINING
BALANCE OF \$100,000 FROM THE STATE OF ALASKA FOR THE HEALTHY AND
EQUITABLE COMMUNITIES PROGRAM, A FEDERAL PASS-THRU AWARD
UNDER THE CENTERS FOR DISEASE CONTROL AND PREVENTION**

WHEREAS, Ordinance 2021-19-32 authorized the mayor to accept the Healthy and Equitable Communities Program award in the amount of \$153,940.61 from the State of Alaska for testing and recovery activities based upon COVID-19 impacts, authorized the distribution of \$53,940.61 to the Kenai Peninsula Homeless Coalition, and required further approval for the remaining \$100,000; and

WHEREAS, the borough's application for the Healthy and Equitable Communities Program provided that the borough would enter into a contract for testing and treatment of COVID-19; and

WHEREAS, the borough will seek qualified proposals from licensed professionals with appropriate knowledge and expertise on the subject matter on sustainable options for testing and treating COVID-19; and

WHEREAS, it is in the borough's best interests to seek proposals from qualified individuals on sustainable testing and treatment options for COVID19;

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

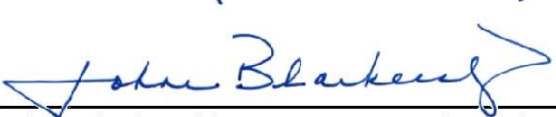
SECTION 1. That the use of the remaining \$100,000 of the Healthy and Equitable Communities Program Grant for testing and treatment of COVID-19, in accordance with requirements and protocols established by the Centers for Disease Control, is hereby approved. The mayor is authorized to execute any documents deemed necessary to fulfill the intent and purposes of the Healthy and Equitable Communities Program Grant.

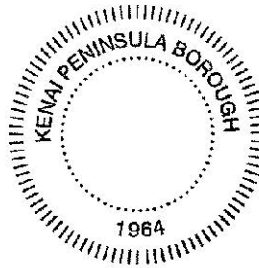
SECTION 2. This resolution shall become effective immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 1ST DAY OF FEBRUARY, 2022.


Brent Johnson, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



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

Kenai Peninsula Borough

Community & Fiscal Projects

MEMORANDUM

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

THRU: Charlie Pierce, Mayor *AK*
Brandi Harbaugh, Finance Director *BH*

FROM: Rachel Chaffee, Community & Fiscal Projects Manager *RC*

DATE: January 20, 2022

RE: Resolution 2022- 009, Approving the Spending Plan for the Remaining Balance of \$100,000 from the State of Alaska for the Healthy and Equitable Communities Program, a Federal Pass-Thru Award under the Centers for Disease Control and Prevention (Mayor)

The State of Alaska Department of Health and Social Services announced funding to local governments through memorandums of agreements with the intent of supporting and creating healthy and equitable communities throughout Alaska. The funds were intended to increase capacity for communities to prevent illness and death from current and future pandemics among their underserved communities.


Ordinance 2021-19-31 authorized the Mayor to accept the Healthy and Equitable Communities Program award in the amount of \$153,940.61 from the State of Alaska for testing and recovery activities based upon COVID-19 impacts. It further authorized the distribution of \$53,940.61 to the Kenai Peninsula Homeless Coalition, and required further approval for the remaining \$100,000.

The Borough's application for the Healthy and Equitable Communities Program stated that the Borough's intent is to enter into contract for testing and treatment of COVID-19. The State of Alaska Department of Health and Human Services must approve the RFP to ensure federal requirements are met.

Page -2-
January 20, 2022
RE: R2022- 009

Understanding that there is a need for additional testing and treatment options in the community, the Administration's plan is to use these funds as follows:

1. Seek qualified proposals from licensed professionals on how to provide sustainable testing and treatment options for COVID-19.
 - a. The proposals must provide options that meet the U.S. Department of Health and Human Services, Centers for Disease Control (CDC) requirements.
 - b. The RFP must be approved by the State of Alaska Department of Health and Social Services
 - c. The contract must also be in accordance to State and Federal regulations.

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Account:	<u>271.94910.22VAC.49999</u>
Amount:	<u>\$100,000.00</u>
By: 	Date: <u>1/19/2022</u>

Introduced by:	Mayor
Date:	12/07/21
Hearing:	01/04/22
Action:	Enacted as Amended
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-19-32**

**AN ORDINANCE ACCEPTING AND APPROPRIATING FUNDING FROM THE
STATE OF ALASKA IN THE AMOUNT OF \$153,940.61 FOR THE HEALTHY AND
EQUITABLE COMMUNITIES PROGRAM, A FEDERAL PASS-THRU AWARD
UNDER THE CENTERS FOR DISEASE CONTROL AND PREVENTION**

WHEREAS, the Alaska Department of Health and Social Services has notified municipalities of funding through the “Healthy and Equitable Communities Program” that is a federal pass-thru program under the Centers for Disease Control and Prevention ; and

WHEREAS, the borough was notified of a grant in the amount of \$153,940.61 that may be used to assist COVID-19 testing and recovery activities; and

WHEREAS, the grant stipulates that \$53,940.61 must be subawarded to the Kenai Peninsula Homeless Coalition to support homelessness facilities; and

WHEREAS, it is in the best interest of the borough to accept the grant to help defray costs resulting from the impacts of the coronavirus pandemic; and

WHEREAS, the Kenai Peninsula Borough is not in a state of emergency and approval of the assembly is prudent for spending any federal grant or COVID-19 related funding;

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

SECTION 1. That the mayor is authorized to accept the Healthy and Equitable Communities Program award in the amount of \$153,940.61 from the State of Alaska for testing and recovery activities based upon COVID-19 impacts.

SECTION 2. That the mayor is authorized to execute any documents deemed necessary to accept and expend the funds and to fulfill the intents and purposes of this ordinance.

SECTION 3. That the mayor is authorized to distribute \$53,940.61 to the Kenai Peninsula Homeless Coalition to support homelessness facilities from the Healthy and Equitable Communities Program award from the State of Alaska.

SECTION 4. That any use of the remaining \$100,000.00, which is the balance of the award from the State of Alaska under this program after \$53,940.61 is distributed to the Kenai Peninsula Homeless Coalition, shall be subject to assembly approval.

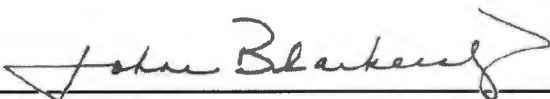
SECTION 5. That the federal pass-thru funds in the amount of \$153,940.61 are appropriated to account 271.94910.22VAC.49999, contingent upon actual award amount.

SECTION 6. This ordinance shall become effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 4TH DAY OF JANUARY, 2022.


Brent Johnson, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



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

Introduced by: Mayor
Date: 02/01/22
Action: Adopted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2022-010**

**A RESOLUTION ESTABLISHING THE KENAI PENINSULA BOROUGH STATE
CAPITAL PROJECT PRIORITIES FOR THE YEAR 2022**

WHEREAS, the 32nd Alaska State Legislature, Second Regular Session, will consider adoption of the State of Alaska's operating and capital budget during the session convening January 18, 2022; and

WHEREAS, the Assembly finds it is in the best interests of the Kenai Peninsula Borough to establish priorities for capital projects which can be submitted to the State for possible funding;


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

SECTION 1. That the Kenai Peninsula Borough priorities for capital projects for the year 2022, as shown in the documents titled, "2022 Kenai Peninsula Borough State Capital Improvement Projects," on file in the Clerk's Office, are hereby incorporated by reference and adopted.

SECTION 2. That a copy of this resolution and accompanying priority list shall be provided to Governor Dunleavy and all legislators representing the Kenai Peninsula Borough.

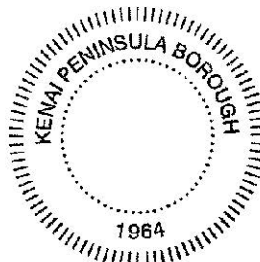
SECTION 3. That this resolution is effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 1ST DAY FEBRUARY, 2022.


Brent Johnson, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



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



KENAI PENINSULA BOROUGH STATE FUNDING PRIORITIES - 2022

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Kenai Peninsula Borough

Year 2022 State Capital Improvement Projects

SERVICE AREA: CENTRAL EMERGENCY SERVICE AREA

Funding Recipient:	Kenai Peninsula Borough/ Central Emergency Service Area		
Project Name:	Soldotna Fire-Rescue Station	Project Priority Ranking:	1

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$16,582,830 for the Construction of a New Public Safety Fire-Rescue Station to Replace the existing **Central Emergency Service (CES) Soldotna-Fire Station #1**. Currently located at 231 South Binkley Street, Soldotna.

Background

The Central Emergency Service Area (CES) provides services to the City of Soldotna and the unincorporated communities of Ridgeway, Sterling, K-Beach, Kasilof, Cohoe, and Funny River. CES also provides auto-aid to the City of Kenai. This represents services to a combined central peninsula population of over **32,000 residents**. The Kenai Peninsula Borough has completed a preliminary engineering report and study that has documented many issues indicating that the current facility is undersized, and that the current facility has structural and building code deficiencies. The current building was constructed in 1956 as a community hall and was later modified as a volunteer fire department and was never intended to become the central location for a main Fire Response Center as it is operating currently.

Justification

This new Public Safety Fire-Rescue Station would provide emergency life-saving services to many **communities in the Central Peninsula and create greater lifesaving support systems** for a combined central population of **32,000 residents**. This facility would be the Central Emergency Services-Soldotna Fire/Rescue Station #1 and be the Headquarters for the entire Central Emergency Services ICS command and emergency response team. The station would also include a multi-use training and conference room that would be used as a community-meeting place. This project would give the space and operational capacity to serve in an all-hazard emergency environment providing services well into the future as the demands continue to grow for the central Kenai Peninsula.

The station provides nearly 3,000 responses annually and cannot keep pace with the ever-changing demands of the emergency services. It is the busiest fire station on the Kenai Peninsula. The current station is outdated, antiquated and fails to meet the operational needs of the organization. Larger issues associated with the facilities compliance with life safety code and/or building code also exist and are difficult to address while still maintaining the current level of service to the community. In addition to operational capacity and while recognizing that the Service Area has invested heavily in capital improvements, major maintenance and minor maintenance needs, the facility has simply reached the end of its useful life.

An investment in a new fire station will improve the physical environment for the employees, the citizens, and the community as a whole. It will reduce the cost of operations, create the opportunity for a more eco-friendly facility and allow for a more ADA friendly building. It will create the opportunity to effectively respond to emergencies and disasters as needed well into the future. This project includes: land acquisition, architectural design, engineering, site development, construction, interior finish, furniture, appliances, and firefighting equipment. A new facility would include: apparatus bays, training/conference room, kitchen, common living area, individual sleeping quarters, gender specific locker rooms, showers and rest rooms. Currently male and female fire fighters share a common bunk room where privacy is at a minimum.

Methodology

Should funding become available the Borough would quickly advance on land acquisition, design development, and construction consistent with the current program and schematic design details that the Borough has already completed. The cost estimate of \$16,582,830.00 would provide a station that meets the needs of the service area well into the foreseeable future.

Funding Requested:	\$16,582,830
Total Project Cost:	\$16,582,830
Local Match (if any):	\$

Election District:	Senate:	O
	House:	30

CONTACT

INFORMATION

Name, Title:	Roy Browning, Fire Chief
Address:	231 S. Binkley St.
City, State Zip:	Soldotna, Ak. 99669

Phone:	907 262-4792
Fax:	
E-mail:	rbrowning@kpb.us

r.

Funding Plan:

Total Project Cost:	\$ 16,582,830	This should be the most accurate estimate of how much this project will cost.
Funding Secured:	\$	How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.
Funding Requested:	\$ 16,582,830	How much is being requested from this year's capital budget.
Pending Requests	\$	Amount requested from other sources not yet received.
Project Deficit:	\$	Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?Yes: ☐ No: ☒**Please describe the project time-line and when the expenditures will occur:****Has this project gone through a public review process at the local level?**

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒ No: ☐
Yes: ☒ No: ☐**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?**

**NOTE: the clerk's office has the meeting specifics and would be happy to complete this question for you **

Who will own the project or facility? Kenai Peninsula Borough**Entity responsible for providing ongoing operation and maintenance of this project?** Central Emergency Services**How will operations and maintenance be funded after the project is complete?** Central Emergency Services, Operating Budget, Kenai Peninsula Borough**Please select a project type** (chosed only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☐ Remodel, Reconstruction and Upgrades
- ☒ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:

Recipients Federal Tax ID: 92-0030894



Kenai Peninsula Borough

Year 20XX State Capital Improvement Projects

CAPITAL PROJECT: KPBSD District Office and School Relocation

Funding Recipient: Kenai Peninsula Borough

Project Name: KPBSD District Office and School Relocation

Tier:

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$14,500,000 to relocate the KPBSD district administration building from the Navarre Borough Administration building to the old Soldotna Prep School Building. This will allow the Borough to address the over crowding issues in the Borough building, improve air quality and employee spacing.

Background

The Kenai Peninsula Borough and School District work together to establish priorities for the Capital improvement projects. The old Soldotna Prep School Building has been vacant but is still is a viable structure that needs to be used for educational purposes. A minor remodel is required to accommodate the relocation of District Office Personnel, River City Academy, Connections School, and Soldotna Montory charter schools to the site as well. The space will also provide for Community Schools Adult Basic Education and a more efficient Professional development for the district.

Justification

The Borough Administration Building is currently overcrowded, and relocation of the School District administration will alleviate the situation and provide a better work environment for both the Borough and district employees. This will also address the overcrowding at Skyview Middle School, and connections and prepare the way for the replacement of a smaller (consolidated) Soldotna Elementary School facility.

In 2019 the Soldotna Preparatory School was surplusd due to low enrolment and consolidation of School District Program services. The currently vacant Soldotna Prep building is a durable structure that includes recent roof and boiler replacement and retains much of its useful life. In August 2020 the Borough and the School District hired a professional Architectural and Engineering team to confirm the buildings viability for future use and alternatives for repurposing

The Kenai Peninsula Borough is currently expending approximately \$300,000.00 annually to maintain and preserve the Soldotna Preparatory School Facility. The facility is currently under used and this repurposing project would address multiple School District, Borough and community issues while make the building operational cost expenditures much more effectively applied. The project will also serve to address both Borough and School district needs without expanding Borough infrastructure and thus creating more efficiencies in facility use.

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately launch a design and construction project to renovate the Old Soldotna Preparatory School Facility. Based on the already completed feasibility study design work would commence as soon as funding is available in 2022 with a construction renovation project beginning in early 2023. The completion of this project will address a critical Borough and School District need for decades to come.

Funding Requested:	\$	14,500,000.00
Total Project Cost:	\$	14,500,000.00
Local Match (if any):	\$	

Election District:	Senate:
	House:

CONTACT INFORMATION

Name, Title:	John Hedges, Purchasing & Contracting Director
Address:	47140 E Poppy Ln
City, State Zip:	Soldotna AK, 99669

Phone:	1 (907) 262-2037
Fax:	
E-mail:	jhedges@kpb.us

Funding Plan:

Total Project Cost:	\$ 14,500,000	This should be the most accurate estimate of how much this project will cost.
Funding Secured:	\$	How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.
Funding Requested:	\$ 14,500,000	How much is being requested from this year's capital budget.
Pending Requests	\$	Amount requested from other sources not yet received.
Project Deficit:	\$	Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?Yes: ☐ No: ☒**Please describe the project time-line and when the expenditures will occur:****Has this project gone through a public review process at the local level?**

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒ No: ☐
Yes: ☒ No: ☐**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?**

**NOTE: the clerk's office has the meeting specifics and would be happy to complete this question for you **

Who will own the project or facility? Kenai Peninsula Borough**Entity responsible for providing ongoing operation and maintenance of this project?** Central Emergency Services**How will operations and maintenance be funded after the project is complete?** Central Emergency Services, Operating Budget, Kenai Peninsula Borough**Please select a project type** (chosed only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☐ Remodel, Reconstruction and Upgrades
- ☒ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:

Recipients Federal Tax ID: 92-0030894



Kenai Peninsula Borough

Year 2022 State Capital Improvement Projects

CAPITAL PROJECT: Basargin Road Upgrade

Funding Recipient: Kenai Peninsula Borough

Project Name: Road Service Area – Barsargin Road Upgrade

Tier:

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$3,200,000 to rehabilitate the portion of Basargin Road that does not meet Borough Road Service Area Standards.

Background

The Kenai Peninsula Borough Road Service Area provides for year-round maintenance of over 650 miles of Roads in the Kenai Peninsula Borough. Each year the KPB seeks professional design and construction services to upgrade Borough Roads to meet established Road Service Area Standards. Roughly, 2% of the Roads in the system are paved surfaces. The majority of the roads in the system were adopted by the Kenai Peninsula Borough from the State of Alaska. Since Adoption, the KPB has worked to upgrade these roads to provide safer access to homes and businesses throughout the Borough.

Justification

The Kenai Peninsula Borough Road Service Area is committed to capital improvement of its road system and appropriates approximately \$2,300,000.00 in RSA funds each fiscal year to address road deficiencies. Basargin Road is a rural road reaching the villages of Razdolna And Voznesenka to the DOT maintained East End Road.

Currently poor existing conditions, poor conveyance of water, tight switchbacks, large snow volumes, limited room for maintenance, and large traffic volume make this road a high priority for the KPB and village residents to upgrade. Approximately 2 miles of Basargin Road have been designed and constructed to meet established RSA standards.

Approximately 2.5 miles of Basargin road remain to improve. Significant data and a historical knowledge of the site conditions from the previous phases of improvement have been gathered. This knowledge will be utilized for the remainder of the project to help anticipate challenges, risks, and to keep costs within budget.

The completed improvement project would lower service area maintenance costs as well as drastically improve safety along the route.

Methodology

Should funding be made available, the Kenai Peninsula Borough would immediately launch a capital improvement project. This action would consolidate the already existing phased plan for the Barsargin Road improvements. This work would begin in the construction season of 2022.

Funding Requested:	\$	
Total Project Cost:	\$	3,200,000.00
Local Match (if any):	\$	

Election District:	Senate:	
	House:	

CONTACT INFORMATION

Name, Title:	Andrew Walsh, Project Manager
Address:	47140 E. Poppy Lane,
City, State Zip:	Soldotna, AK 99669

Fax:	
E-mail:	

Funding Plan:

Total Project Cost:	\$ 3,200,000	This should be the most accurate estimate of how much this project will cost.
Funding Secured:	\$	How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.
Funding Requested:	\$ 3,200,000	How much is being requested from this year's capital budget.
Pending Requests	\$	Amount requested from other sources not yet received.
Project Deficit:	\$	Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?Yes: ☐ No: ☒**Please describe the project time-line and when the expenditures will occur:****Has this project gone through a public review process at the local level?**

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒ No: ☐
Yes: ☒ No: ☐**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?**

**NOTE: the clerk's office has the meeting specifics and would be happy to complete this question for you **

Who will own the project or facility? Kenai Peninsula Borough**Entity responsible for providing ongoing operation and maintenance of this project?** Central Emergency Services**How will operations and maintenance be funded after the project is complete?** Central Emergency Services, Operating Budget, Kenai Peninsula Borough**Please select a project type** (chosed only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☒ Remodel, Reconstruction and Upgrades
- ☒ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:

Recipients Federal Tax ID: 92-0030894



Kenai Peninsula Borough

Year 2022 State Capital Improvement Projects

CAPITAL PROJECT: Japanese Creek Flood Mitigation

Funding Recipient: Kenai Peninsula Borough

Project Name: Seward Flood Service Area – Japanese Creek Drainage Improvements

Tier:

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$1,680,000 to complete drainage improvements in the Japanese Creek floodplain located in Seward.

Background

The Kenai Peninsula Borough Seward-Bear Creek Flood Service Area provides planning, protection and mitigation of flooding, sedimentation and erosion hazards in the community of Seward, Bear Creek and Lowell Point. The Service area prioritizes its mitigation projects through the use of an identified mitigation needs list. The list is evaluated annually by the Flood Service Area Board and a recommendation for yearly priority projects is sent to the Borough administration for inclusion in the annual budget at the wishes of the assembly. Long term mitigation of flooding in the Japanese Creek watershed has been the top priority of the Flood Service Area since 2018.

Justification

As glaciers retreat in the high reaches of the Japanese Creek watershed, rain events cause erosion and landslides, transporting massive amounts of sedimentation into the lower reaches of the alluvial fan. Deposition of sediments have filled the active corridor, causing flood waters to divert to new areas, including the northern neighborhoods of Seward. Recent events have caused flood waters to overtop the existing levee at Japanese, causing damages and closure of Dieckgraeff Road. Dieckgraeff Road provides access to the Kenai Peninsula Borough Solid Waste Transfer Facility and inert waste landfill, this facility serves the solid waste disposal needs of the entire Seward area. In addition to the solid waste facility, Dieckgraeff road also provides the only access to the Borough owned Rock Quarry, a critical resource in times of flood emergencies.

In 2020, the Kenai Peninsula Borough Flood Service Area, Solid Waste Department and the City of Seward partnered with the U.S. Army Corps of Engineers (USACE) to compete a feasibility study of the Japanese Creek floodplain. The USACE provided recommendations and cost estimates of alternatives to reduce the risk of flooding, erosion and sedimentation. The design and engineering of the preferred alternatives are anticipated to be completed in 2022 with local sponsor funds. The total estimated cost for construction of alternatives, including Dieckgraeff Road modifications, construction of a debris basin, and installation of an early warning system is estimated at \$1,680,000.00.

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately issue an invitation to bid on the construction of the flood risk reduction alternatives. The drainage and road improvements will be designed to have an estimated 50-year useful life.

Funding Requested:	\$	1,680,000.00
Total Project Cost:	\$	2,177,000.00
Local Match (if any):	\$	497,000.00

Election District:	Senate:
	House:

CONTACT INFORMATION

Name, Title:	Stephanie Presley
Address:	PO Box 1554
City, State Zip:	Seward, AK 99664

Phone: (907) 224-3340

Fax:

E-mail: spresley@kpb.us

Funding Plan:

Total Project Cost:	\$ 2,177,000	This should be the most accurate estimate of how much this project will cost.
Funding Secured:	\$	How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.
Funding Requested:	\$ 1,680,000	How much is being requested from this year's capital budget.
Pending Requests	\$	Amount requested from other sources not yet received.
Project Deficit:	\$	Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?Yes: ☐ No: ☒**Please describe the project time-line and when the expenditures will occur:****Has this project gone through a public review process at the local level?**

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒ No: ☐
Yes: ☒ No: ☐**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?**

**NOTE: the clerk's office has the meeting specifics and would be happy to complete this question for you **

Who will own the project or facility? Kenai Peninsula Borough**Entity responsible for providing ongoing operation and maintenance of this project?** Central Emergency Services**How will operations and maintenance be funded after the project is complete?** Central Emergency Services, Operating Budget, Kenai Peninsula Borough**Please select a project type** (chosed only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☒ Remodel, Reconstruction and Upgrades
- ☒ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:

Recipients Federal Tax ID: 92-0030894



Kenai Peninsula Borough

Year 2023 State Capital Improvement Projects

CAPITAL PROJECT: Nikiski Fire Service Area Portable Radio Replacement

Funding Recipient: Kenai Peninsula Borough-Nikiski Fire

Project Name: Nikiski Fire Portable Radio Replacement

Tier:

Detailed Project Description and Justification:

The Kenai Peninsula Borough-Nikiski Fire Service Area is seeking \$300,000 to replace Public Safety Communications Portable Radios.

Background

The Nikiski Fire Service Area provides year-round Fire and Emergency Services to a population of about 5,500 within 6,000 square miles. Nikiski Fire Service Area currently operates out of 3 fire stations in the Nikiski area and 2 stations located on the west side of the Cook-Inlet in Beluga and Tyonek. The Nikiski Fire Service Area responds to over 1000 emergency calls per year and provides Mutual-Aid to the City of Kenai Fire Department and Central Emergency Services.

Justification

This RADIO project is intended to replace 50 aging 25+ year old Emergency Response Portable Handheld Radios and all accessories that will be non-compatible to the new upgrades to the State of Alaska ALMR TDMA P25 Phase 2 Communications System. Currently we have 15+ portable radios that are out of service and unrepairable. Motorola will no longer support the APX 1500's and the APX 2500's are getting harder and harder to repair and get parts. We will be replacing the portable radios with the Motorola APX 6000XE Public Safety radio. This radio comes standard with Bluetooth/Wi-Fi capabilities which will be compatible with our new SCOTT Self-Contained Breathing Apparatus mask integrated communications. Also, radio options for GPS Accountability feature and Emergency Distress Button feature.

Methodology

Should funding be made available the Kenai Peninsula Borough-Nikiski Fire Service Area would immediately launch an Emergency Response Portable Radio replacement project that would have an estimated 25-year useful life.



Funding Requested:	\$	300,000.00
Total Project Cost:	\$	300,000.00
Local Match (if any):	\$	

Election District:	Senate:
	House:

CONTACT INFORMATION

Name, Title:	Trent Burnett, Fire Chief
Address:	PO Box 8508
City, State Zip:	Nikiski, AK 99635

Phone:	907-776-6401
Fax:	907-283-8404
E-mail:	tburnett@kpb.us

Funding Plan:

Total Project Cost:	\$ 300,000	This should be the most accurate estimate of how much this project will cost.
Funding Secured:	\$	How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.
Funding Requested:	\$ 300,000	How much is being requested from this year's capital budget.
Pending Requests	\$	Amount requested from other sources not yet received.
Project Deficit:	\$	Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?Yes: ☐ No: ☒**Please describe the project time-line and when the expenditures will occur:****Has this project gone through a public review process at the local level?**

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒ No: ☐
Yes: ☒ No: ☐**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?**

**NOTE: the clerk's office has the meeting specifics and would be happy to complete this question for you **

Who will own the project or facility? Kenai Peninsula Borough**Entity responsible for providing ongoing operation and maintenance of this project?** Central Emergency Services**How will operations and maintenance be funded after the project is complete?** Central Emergency Services, Operating Budget, Kenai Peninsula Borough**Please select a project type** (chosed only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☐ Remodel, Reconstruction and Upgrades
- ☐ New Construction and Land Acquisition
- ☒ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:

Recipients Federal Tax ID: 92-0030894



Kenai Peninsula Borough

Year 2022 State Capital Improvement Projects

CAPITAL PROJECT: Kwechak Creek Flood Mitigation

Funding Recipient: Kenai Peninsula Borough

Project Name: Seward Flood Service Area – Bruno Rd Armoring & Drainage Improvements

Tier:

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$1,800,000 to complete armoring along 1,000 feet of embankment of Kwechak Creek, adjacent to Bruno Road and drainage improvements in the Questawoods neighborhood located in Seward.

Background

The Kenai Peninsula Borough Seward-Bear Creek Flood Service Area provides planning, protection and mitigation of flooding, sedimentation and erosion hazards in the community of Seward, Bear Creek and Lowell Point. The Service area prioritizes its mitigation projects through the use of an identified mitigation needs list. The list is evaluated annually by the Flood Service Area Board and a recommendation for yearly priority projects is sent to the Borough administration for inclusion in the annual budget at the wishes of the assembly.

Justification

As glaciers retreat in the high reaches of the Kwechak Creek watershed, rain events cause erosion and landslides, transporting massive amounts of sedimentation throughout the active stream corridor. A series of armored banks and gravel embankments channelize flows through neighborhoods and bridge crossings. The Kenai Peninsula Borough Flood Service Area maintains 2,600-foot-long gravel embankments in the Questawoods neighborhood, with assessed values of over \$31 million, to channelize Kwechak Creek flows. Recent storm events have caused flood waters to rapidly erode existing gravel berms, undermining the adjacent road, and causing damages to infrastructure and private properties and closure of Bruno Road, the only egress for the neighborhood. Though maintenance operations are completed annually, emergency response activities have been necessary five times in the last five years to reduce the impacts of flooding in the neighborhood.

The total cost for this project is estimated at \$1,800,000.

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately solicit for the design and engineering of approximately 1,000 liner feet of armored embankment, along 1,000 feet of paved Bruno Road that includes excavation, drainage ditching and culvert improvements throughout the neighborhood. The drainage and road improvements will be designed to compliment and maximize the ongoing mitigation efforts conducted by the Seward-Bear Creek flood service area on a regular basis, while maximizing the useful life of both the constructed revetment and the surrounding infrastructure.

Funding Requested:	\$	1,800,000
Total Project Cost:	\$	1,800,000.00
Local Match (if any):	\$	

Election District:	Senate:
	House:

CONTACT INFORMATION

Name, Title:	Stephanie Presley
Address:	PO Box 1554
City, State Zip:	Seward, AK 99664

Phone:	(907) 224-3340
Fax:	
E-mail:	spresley@kpb.us

Funding Plan:

Total Project Cost:	\$ 1,800,000	This should be the most accurate estimate of how much this project will cost.
Funding Secured:	\$	How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.
Funding Requested:	\$ 1,800,000	How much is being requested from this year's capital budget.
Pending Requests	\$	Amount requested from other sources not yet received.
Project Deficit:	\$	Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?Yes: ☐ No: ☒**Please describe the project time-line and when the expenditures will occur:****Has this project gone through a public review process at the local level?**

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒ No: ☐
Yes: ☒ No: ☐**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?**

**NOTE: the clerk's office has the meeting specifics and would be happy to complete this question for you **

Who will own the project or facility? Kenai Peninsula Borough**Entity responsible for providing ongoing operation and maintenance of this project?** Central Emergency Services**How will operations and maintenance be funded after the project is complete?** Central Emergency Services, Operating Budget, Kenai Peninsula Borough**Please select a project type** (chosed only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☒ Remodel, Reconstruction and Upgrades
- ☐ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:

Recipients Federal Tax ID: 92-0030894



Kenai Peninsula Borough

Year 2023 State Capital Improvement Projects

CAPITAL PROJECT: Hope Transfer Site Relocation

Funding Recipient: Kenai Peninsula Borough

Project Name: Solid Waste Department – Hope Transfer Site Relocation

Tier:

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$670,525 to construct a new transfer station site in Hope.

Background

The Kenai Peninsula Borough (KPB) Solid Waste Department is responsible for developing and implementing programs for disposal of all solid waste generated within the Borough in an economically feasible and environmentally responsible manner. Transfer sites for collection of waste at various locations around the Borough allow for the public to dispose of their waste close to their residence so that Solid Waste can have it hauled to the landfill for final disposal or through other methods for items such as recyclables.

The transfer station in Hope is currently located on land owned by the Department of Natural Resources (DNR). They have requested that the transfer site on their land be relocated to vacate their property. A new site has been selected on KPB owned land within Hope to complete the relocation project.

Justification

KPB Solid Waste is committed to providing solid waste programs for disposal across the peninsula. The Borough has established a standard remote transfer site development program. Costs for this relocation have been developed using the standard program that match other communities around the peninsula. The project will improve site capacity, vehicle circulation, lighting, disposal access, and site monitoring/controls.

Methodology

Should funding be made available, the Kenai Peninsula Borough would immediately complete a design and solicit for construction contractor to complete the work in as timely a fashion as possible.

Funding Requested:	\$	
Total Project Cost:	\$	670,525.00
Local Match (if any):	\$	

Election District:	Senate:	
	House:	

CONTACT INFORMATION

Name, Title:	Lee Frey, Solid Waste Director
Address:	47140 East Poppy Lane
City, State Zip:	Soldotna, AK 99669

Phone:	907-262-2036
Fax:	
E-mail:	lfrey@kpb.us

Funding Plan:

Total Project Cost:	\$ 670,525	This should be the most accurate estimate of how much this project will cost.
Funding Secured:	\$	How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.
Funding Requested:	\$ 670,525	How much is being requested from this year's capital budget.
Pending Requests	\$	Amount requested from other sources not yet received.
Project Deficit:	\$	Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?Yes: ☐ No: ☒**Please describe the project time-line and when the expenditures will occur:****Has this project gone through a public review process at the local level?**

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒ No: ☐
Yes: ☒ No: ☐**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?**

**NOTE: the clerk's office has the meeting specifics and would be happy to complete this question for you **

Who will own the project or facility? Kenai Peninsula Borough**Entity responsible for providing ongoing operation and maintenance of this project?** Central Emergency Services**How will operations and maintenance be funded after the project is complete?** Central Emergency Services, Operating Budget, Kenai Peninsula Borough**Please select a project type** (chosed only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☐ Remodel, Reconstruction and Upgrades
- ☒ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:

Recipients Federal Tax ID: 92-0030894



Kenai Peninsula Borough

Year 20XX State Capital Improvement Projects

CAPITAL PROJECT: Anchor Point Flood and Storm Water Mitigation Project

Funding Recipient: Kenai Peninsula Borough

Project Name: Road Service Area – Anchor Point Flood and Storm Water mitigation project

Tier:

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$1,800,000.00 to mitigate seasonal flooding and stormwater conveyance issues in the Granross Grove Unit 1 subdivision in Anchor Point.

Background

The Kenai Peninsula Borough Road Service Area provides for year-round maintenance of over 650 miles of Roads in the Kenai Peninsula Borough. Roughly, 98% of the Roads in the system are gravel surfaces. The majority of the roads in the system were adopted by the Kenai Peninsula Borough from the State of Alaska. The remained were either adopted into the program by the property owners through a road maintenance application process.

The Kenai Peninsula Road Service area prioritizes its Capital improvement projects through the use of a Tier list that is generated by the department through their operational assessment. The list is then evaluated by the Road Service Area Board and a recommendation for yearly priority projects, extending out to 5 years is sent to the Borough administration for inclusion in the annual budget at the wishes of the assembly.

Justification

Every year the Granross Grove Unit 1 subdivision experiences seasonal flooding and stormwater conveyance issues that overtake local roads and private property within and adjacent too the subdivision. The Kenai Peninsula Borough Road Service Area is committed to capital improvements of its road system and appropriates approximately \$2,300,000.00 in RSA funds each fiscal year to address road and stormwater conveyance deficiencies.

In addition to the highest priority roads and storm water conveyance issues listed above, seasonal flooding and stormwater conveyance continues to threaten the road system and private property in the area of and adjacent tothe Granross Grove Unit 1 Subdivision. Maintenance in this subdivision will steadily increase over the next 5 years and will most likely lead to poor, unsafe travel conditions, and damage to private property. The total estimated cost of rehabilitation to this drainage system is estimated at \$1,800,000.00.

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately launch a seasonal flooding and stormwater conveyance rehabilitation project, using ditching, Road development, and strategic culvert placement to safely route seasonal flood water and stormwater away from the subdivision. The project will begin in the construction season of 2022 with an estimated completion date sometime in the construction season of 2023..

Funding Requested: \$
Total Project Cost: \$ 1,800,000.00.
Local Match (if any): \$

Election District: Senate:
House:

CONTACT INFORMATION

Name, Title: John Hedges, Purchasing and Contracting Director
Address: 47140 E Poppy Lane
City, State Zip: Soldotna, AK 99669

Phone: 907-262-2037
Fax:
E-mail: Jhedges@kpb.us

Funding Plan:

Total Project Cost:	\$ 1,800,000	This should be the most accurate estimate of how much this project will cost.
Funding Secured:	\$	How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.
Funding Requested:	\$ 1,800,000	How much is being requested from this year's capital budget.
Pending Requests	\$	Amount requested from other sources not yet received.
Project Deficit:	\$	Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?Yes: ☐ No: ☒**Please describe the project time-line and when the expenditures will occur:****Has this project gone through a public review process at the local level?**

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒ No: ☐
Yes: ☒ No: ☐**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?**

**NOTE: the clerk's office has the meeting specifics and would be happy to complete this question for you **

Who will own the project or facility? Kenai Peninsula Borough**Entity responsible for providing ongoing operation and maintenance of this project?** Central Emergency Services**How will operations and maintenance be funded after the project is complete?** Central Emergency Services, Operating Budget, Kenai Peninsula Borough**Please select a project type** (chosed only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☒ Remodel, Reconstruction and Upgrades
- ☐ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:

Recipients Federal Tax ID: 92-0030894



Kenai Peninsula Borough

Year 20XX State Capital Improvement Projects

CAPITAL PROJECT:

Funding Recipient: Seldovia Recreational Service Area

Project Name: Susan B. English School Sport Court Upgrades

Tier:

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$ 190,000.00 to rehabilitate the Sport Court of Susan B English School as a recreational asset to the service area residents.

Background

The Kenai Peninsula Borough's Seldovia Recreational Service Area(SRSA) provides year-round recreational opportunities and assets to the service area residents. The community has expressed the desire to upgrade the court prior to the outbreak of COVID-19. The pandemic has further reinforced the need for outdoor recreation opportunities. Susan B. English School(SBE) campus also houses a ball field where the community gathers year-round for field games and recreation. The upgrades to the sport court will help further nurture the love of being active as it contributes greatly to the physical and mental health of individuals, bonds family and friends, instills pride in heritage and provides economic benefits to our communities not to mention creates a more desirable school for students to enroll and thrive in.

Justification

The Seldovia Recreational Service Area funds the Sea Otter Community Center(SOCC) in Seldovia. Due to many factors over the years, the pandemic, staffing issues and inconsistency in management of the SOCC, fiscal budgeted funds have not been fully utilized building the SRSA fund balance to over \$100,000. The SRSA understands the need to maintain a healthy fund balance in the event of an emergency or capital repair, however, the current balance is beyond those needs. With public-public partnerships the SRSA hopes to source funding that will accomplish the communities desire to bring the court back to its former glory and support healthy choices for Seldovia's youth and greater community.

Over the last year, the SRSA and the SOCC have held several meetings and gatherings to get a feel from the service area residents as to what type of recreational asset they would like to see the SRSA fund for the community with some of the excess funds in the SRSA's fund balance. The overall thought was to upgrade the sport court on the SBE school campus.

Methodology

Should funding be made available the Kenai Peninsula Borough would source bids to contract the necessary repairs which include; 1-2" lift to the concrete for better surface & drainage, replace the tennis posts, paint lines for 2 basketball courts, 2 tennis courts and a pickle ball court, replace the tennis rebound wall of 52'x11'6", purchase and mount second set of middle school height basketball hoops and backboards on current power poles, install 200' of debris blockers in existing chain link fence to keep rocks off court from snowplow and existing playground areas, purchase spectator benches and ball storage bins, pull power from the SOCC to the benches and install power pedestal for charging laptops and phones.

Funding Requested:	\$	190,000.00
Total Project Cost:	\$	210,000.00
Local Match (if any):	\$	

Election District:	Senate:
	House:

CONTACT INFORMATION

Name, Title:	John Hedges, Purchasing and Contracting Director
Address:	47140 E. Poppy Ln
City, State Zip:	Soldotna AK, 99669

Phone:	1-907-262-2037
Fax:	
E-mail:	jhedges@kpb.us

Funding Plan:

Total Project Cost:	\$ 210,000	This should be the most accurate estimate of how much this project will cost.
Funding Secured:	\$	How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.
Funding Requested:	\$ 190,000	How much is being requested from this year's capital budget.
Pending Requests	\$	Amount requested from other sources not yet received.
Project Deficit:	\$	Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?Yes: ☐ No: ☒**Please describe the project time-line and when the expenditures will occur:****Has this project gone through a public review process at the local level?**

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒ No: ☐
Yes: ☒ No: ☐**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?**

**NOTE: the clerk's office has the meeting specifics and would be happy to complete this question for you **

Who will own the project or facility? Kenai Peninsula Borough**Entity responsible for providing ongoing operation and maintenance of this project?** Central Emergency Services**How will operations and maintenance be funded after the project is complete?** Central Emergency Services, Operating Budget, Kenai Peninsula Borough**Please select a project type** (chosed only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☒ Remodel, Reconstruction and Upgrades
- ☐ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:

Recipients Federal Tax ID: 92-0030894



Kenai Peninsula Borough

Year 20XX State Capital Improvement Projects

CAPITAL PROJECT: NPRSA- Ice Rink Repairs/Improvements

Funding Recipient: Kenai Peninsula Borough

Project Name: North Peninsula Recreation Service Area-Ice Rink Improvements

#1

Detailed Project Description and Justification:

The North Peninsula Recreation Service Area is seeking \$6,250,000 to make repairs and building improvements to the Jason Peterson Memorial Ice Rink.

Background

The North Peninsula Recreation Service Area maintains approximately 128 acres of grounds including trails, disc golf course, playgrounds and multi-use fields. It is also responsible for the upkeep of approximately 93,000 sq ft of buildings, to include and an indoor swimming pool complex with fitness area, community center and ice rink. The Service Area is frequented by over 55,000 visitors annually, and is considered a quality of life service.

In 2017, the North Peninsula Recreation Service Area developed a 10-year master plan. The number one priority was to enhance quality and functionality, whilst maintaining facilities and grounds. The majority of the community survey participants (members of the public) indicated the primary goal should be ongoing maintenance and improvement of current facilities.

Justification

As part of the ongoing maintenance of current facilities, there are a number of improvements required at the Jason Peterson Memorial Ice Rink that will improve safety, provide better access for the public and reduce maintenance costs:

- Replace rink surface with asphalt
- Replace dasher boards
- Enclose all four sides of the rink
- Extend the roof line and construct attached player's huts and coaches' huts to the rink building
- Construct an attached ice resurfacer operator shop to the rink
- Installation of a refrigeration system

Methodology

Should funding be made available, the North Peninsula Recreation Service Area would immediately begin contracting for the design and construction services per the Kenai Peninsula Borough procurement processes. Contingent upon funding availability at the start of FY2023 the project would take place in the construction season of 2023 with an anticipated substantial completion of September 30.

Funding Requested:	\$	6,250,000
Total Project Cost:	\$	6,250,000
Local Match (if any):	\$	

Election District:	Senate:
	House:

CONTACT INFORMATION

Name, Title:	John Hedges, Purchasing And Contracting Director
Address:	47140 E Poppy Ln
City, State Zip:	Soldotna Ak 99669

Phone:	1 (907) 262-2037
Fax:	
E-mail:	jhedges@kpb.us

Funding Plan:

Total Project Cost:	\$ 6,250,000	This should be the most accurate estimate of how much this project will cost.
Funding Secured:	\$	How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.
Funding Requested:	\$ 6,250,000	How much is being requested from this year's capital budget.
Pending Requests	\$	Amount requested from other sources not yet received.
Project Deficit:	\$	Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?Yes: ☐ No: ☒**Please describe the project time-line and when the expenditures will occur:****Has this project gone through a public review process at the local level?**

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒ No: ☐
Yes: ☒ No: ☐**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?**

**NOTE: the clerk's office has the meeting specifics and would be happy to complete this question for you **

Who will own the project or facility? Kenai Peninsula Borough**Entity responsible for providing ongoing operation and maintenance of this project?** Central Emergency Services**How will operations and maintenance be funded after the project is complete?** Central Emergency Services, Operating Budget, Kenai Peninsula Borough**Please select a project type** (chosed only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☒ Remodel, Reconstruction and Upgrades
- ☐ New Construction and Land Acquisition
- ☒ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:

Recipients Federal Tax ID: 92-0030894



Kenai Peninsula Borough

Year 20XX State Capital Improvement Projects

CAPITAL PROJECT: Expansion and Renovation of WES Station 3

Funding Recipient: Kenai Peninsula Borough

Project Name: Expansion and Renovation of WES Station 3 – Anchor Point

Tier:

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$3,200,000.00 to expand and renovate the Fire Station (WES station 3) in Anchor Point, Alaska.

Background

The Western Emergency Services was formed in 2020 when two Rural Fire Departments; Anchor Point Fire and Emergency Services and Ninilchik Emergency Services combined into one department and is the sole provider of fire and Advanced Life Support for the communities of Anchor Point, Nikolaevsk, Happy Valley, Ninilchik and Clam Gulch. With this combination, the area which we serve jumped to an overall size of 826 square miles of the western Kenai Peninsula of Alaska. The area has one major travel artery, the Sterling Highway that connects several communities and cities to the major metropolitan area of Anchorage. 45 miles of this highway runs through our service area. The department consists of 10 ten career staff and approximately 40 volunteer firefighters and EMTs. The department provides full fire protection and Advanced Life Support medical services to all of the residents as well as visitors. Due to the expansion of the fire service area, the addition of career staff who are on duty 24 hrs a day 7 days a week, and the addition of services the existing station has outgrown the use as it was originally designed some 30 years ago. Additionally, the station does not meet current NFPA standards for station design per NFPA 1500, 1, and 72 and is past the point of possible retrofit without significant expansion and renovation.

Western Emergency Services' prioritizes its Capital improvement projects through the use of a Tier list that is generated by the department through their operational assessment. The list is then evaluated by the Fire Service Area Board and a recommendation is made for yearly priority projects, the project list is extended out to 5 years and is sent to the Borough administration for inclusion in the annual budget at the wishes of the assembly.

Justification

Western Emergency Services is committed to the capital improvement of its protection area and to the safety of its personnel. The service area is funded by a 2.95 mil rate and through various competitive grants and ambulance billing with an estimated total budget of \$2,500,000.00 annually. The service area has identified several deficiencies with the current fire station (WES Station 3) in Anchor Point. The expansion and renovation (addition of 6,400 sqft) of this station will allow for safer working conditions for the employees by allowing for the needed space for equipment storage, a medical clean room, equipment cleaning room, decontamination area, bunker gear storage, sleeping/cooking/dining facilities, office spaces, a multi-use training and conference room which will double as a community meeting space, a dedicated ambulance parking garage, and additional fire apparatus parking stalls. The improvements would additionally include vehicle exhaust recovery systems in the vehicle bays to assist with the removal of carcinogens. The total estimated cost of the expansion and renovation of the station is estimated at \$3,200,000.00 The land the existing fire station is located on is already owned by the Kenai Peninsula Borough and the purchase of the adjacent properties is already being actively pursued by the Kenai Peninsula Borough.

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately launch a Design/Construction project through a competitive bid process. The station would be expanded and renovated or constructed to meet all applicable NFPA standards at the time of construction. The facility if expanded or renovated constructed would have an estimated minimum useful life of 30 years.

Funding Requested:	\$		Election District:	Senate:	
Total Project Cost:	\$	3,200,000.00		House:	
Local Match (if any):	\$				

CONTACT INFORMATION

Name, Title:	John Hedges, Purchasing and Contracting Director	Phone:	907-262-2037
Address:	47140 E Poppy Lane	Fax:	
City, State Zip:	Soldotna, AK 99669	E-mail:	jhedges@kpb.us

Funding Plan:

Total Project Cost:	\$ 3,200,000	This should be the most accurate estimate of how much this project will cost.
Funding Secured:	\$	How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.
Funding Requested:	\$ 3,200,000	How much is being requested from this year's capital budget.
Pending Requests	\$	Amount requested from other sources not yet received.
Project Deficit:	\$	Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?Yes: ☐ No: ☒**Please describe the project time-line and when the expenditures will occur:****Has this project gone through a public review process at the local level?**

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒ No: ☐
Yes: ☒ No: ☐**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?**

**NOTE: the clerk's office has the meeting specifics and would be happy to complete this question for you **

Who will own the project or facility? Kenai Peninsula Borough**Entity responsible for providing ongoing operation and maintenance of this project?** Central Emergency Services**How will operations and maintenance be funded after the project is complete?** Central Emergency Services, Operating Budget, Kenai Peninsula Borough**Please select a project type** (chosed only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☒ Remodel, Reconstruction and Upgrades
- ☐ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:

Recipients Federal Tax ID: 92-0030894

Kenai Peninsula Borough Purchasing & Contracting Department

MEMORANDUM

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

THRU: Charlie Pierce, Mayor *CP*

FROM: John Hedges, Purchasing & Contracting Director *JH*
Rachel Chaffee, Community & Fiscal Projects Manager *RC*

DATE: January 28, 2022

RE: Resolution 2022-010, Establishing the Kenai Peninsula Borough State Capital Project Priorities for the Year 2022 (Mayor)

This resolution adopts the Kenai Peninsula Borough's funding priorities for the 2022 legislative session. The document titled "Kenai Peninsula Borough State Funding Priorities – 2022" contains capital priorities for the Borough, the School District, and our Service areas. Emergency response and mitigation, as well as improving school facilities are paramount concerns throughout our requests for state funding.

Each of the projects listed within the "Kenai Peninsula Borough State Funding Priorities – 2022" list as incorporated into this resolution represent a solution to address needs identified by Borough operational assessment, the School District Planning, and service area boards and includes input from the public.

In establishing this list of projects we have tried to identify and prioritize projects that address problems areawide and with the greatest benefit to all the taxpayers of the Kenai Peninsula Borough.

Your help in promoting these priorities and your consideration of this resolution is appreciated.

Project Title: Kenai Peninsula Borough - Central Emergency Service Area: Soldotna Fire Rescue Station

TPS Number: 66885

Priority: 5

Agency: Commerce, Community and Economic Development
Grants to Municipalities (AS 37.05.315)

Grant Recipient: Kenai Peninsula Borough

FY2023 State Funding Request: \$16,582,830

One-Time Need

Brief Project Description:

The Kenai Peninsula Borough is seeking \$16,582,830 for the Construction of a New Public Safety Fire-Rescue Station to Replace the existing Central Emergency Service (CES) Soldotna-Fire Station #1. Currently located at 231 South Binkley Street, Soldotna.

Funding Plan:

Total Project Cost:	\$16,582,830
Funding Already Secured:	(\$0)
FY2023 State Funding Request:	(\$16,582,830)
Project Deficit:	\$0

Detailed Project Description and Justification:

Background

The Central Emergency Service Area (CES) provides services to the City of Soldotna and the unincorporated communities of Ridgeway, Sterling, K-Beach, Kasilof, Cohoe, and Funny River. CES also provides auto-aid to the City of Kenai. This represents services to a combined central peninsula population of over 32,000 residents. The Kenai Peninsula Borough has completed a preliminary engineering report and study that has documented many issues indicating that the current facility is undersized, and that the current facility has structural and building code deficiencies. The current building was constructed in 1956 as a community hall and was later modified as a volunteer fire department and was never intended to become the central location for a main Fire Response Center as it is operating currently.

Justification

This new Public Safety Fire-Rescue Station would provide emergency life-saving services to many communities in the Central Peninsula and create greater lifesaving support systems for a combined central population of 32,000 residents. This facility would be the Central Emergency Services-Soldotna Fire/Rescue Station #1 and be the Headquarters for the entire Central Emergency Services ICS command and emergency response team. The station would also include a multi-use training and conference room that would be used as a community-meeting place. This project would give the space and operational capacity to serve in an all-hazard emergency environment providing services well into the future as the demands continue to grow for the central Kenai Peninsula.

The station provides nearly 3,000 responses annually and cannot keep pace with the ever-changing demands of the emergency services. It is the busiest fire station on the Kenai Peninsula. The current station is outdated, antiquated and fails to meet the operational needs of the organization. Larger issues associated with the facilities compliance with life safety code and/or building code also exist and are difficult to address while still maintaining the current level of service to the community. In addition to operational capacity and while recognizing that the Service Area has invested heavily in capital improvements, major maintenance and minor maintenance needs, the facility has simply reached the end of its useful life.

An investment in a new fire station will improve the physical environment for the employees, the citizens, and the community as a whole. It will reduce the cost of operations, create the opportunity for a more eco-friendly facility and allow for a more ADA friendly building. It will create the opportunity to effectively respond to emergencies and disasters as needed well into the future. This project includes: land

acquisition, architectural design, engineering, site development, construction, interior finish, furniture, appliances, and firefighting equipment. A new facility would include: apparatus bays, training/conference room, kitchen, common living area, individual sleeping quarters, gender specific locker rooms, showers and rest rooms. Currently male and female fire fighters share a common bunk room where privacy is at a minimum.

Methodology

Should funding become available the Borough would quickly advance on land acquisition, design development, and construction consistent with the current program and schematic design details that the Borough has already completed. The cost estimate of \$16,582,830 would provide a station that meets the needs of the service area well into the foreseeable future.

Project Timeline:

Should funding become available the Borough would quickly advance on land acquisition, design development, and construction consistent with the current program and schematic design details that the Borough has already completed. The cost estimate of \$16,582,830 would provide a station that meets the needs of the service area well into the foreseeable future.

Entity Responsible for the Ongoing Operation and Maintenance of this Project:

Central Emergency Services

Grant Recipient Contact Information:

Name: Roy Browning
Address: 231 S Binkley
Soldotna, AK 99669
Phone Number: (907)262-4792
Email: rbrowning@kpb.us

This project has been through a public review process at the local level and it is a community priority.

Project Title: Kenai Peninsula Borough - Kenai Peninsula Borough School District Office and School Relocation

TPS Number: 66888

Priority: 6

Agency: Commerce, Community and Economic Development
Grants to Municipalities (AS 37.05.315)

Grant Recipient: Kenai Peninsula Borough

FY2023 State Funding Request: \$14,500,000

One-Time Need

Brief Project Description:

The Kenai Peninsula Borough is seeking \$14,500,000 to relocate the KPBSD district administration building from the Navarre Borough Administration building to the old Soldotna Prep School Building. This will allow the Borough to address the over crowding issues in the Borough building, improve air quality and employee spacing.

Funding Plan:

Total Project Cost:	\$14,500,000
Funding Already Secured:	(\$0)
FY2023 State Funding Request:	(\$14,500,000)
Project Deficit:	\$0

Detailed Project Description and Justification:

Background

The Kenai Peninsula Borough and School District work together to establish priorities for the Capital improvement projects. The old Soldotna Prep School Building has been vacant but is still is a viable structure that needs to be used for educational purposes. A minor remodel is required to accommodate the relocation of District Office Personnel, River City Academy, Connections School, and Soldotna Monitory charter schools to the site as well. The space will also provide for Community Schools Adult Basic Education and a more efficient Professional development for the district.

Justification

The Borough Administration Building is currently overcrowded, and relocation of the School District administration will alleviate the situation and provide a better work environment for both the Borough and district employees. This will also address the overcrowding at Skyview Middle School, and connections and prepare the way for the replacement of a smaller (consolidated) Soldotna Elementary School facility.

In 2019 the Soldotna Preparatory School was surplusd due to low enrolment and consolidation of School District Program services. The currently vacant Soldotna Prep building is a durable structure that includes recent roof and boiler replacement and retains much of its useful life. In August 2020 the Borough and the School District hired a professional Architectural and Engineering team to confirm the buildings viability for future use and alternatives for repurposing

The Kenai Peninsula Borough is currently expending approximately \$300,000 annually to maintain and preserve the Soldotna Preparatory School Facility. The facility is currently under used and this repurposing project would address multiple School District, Borough and community issues while make the building operational cost expenditures much more effectively applied. The project will also serve to address both Borough and School district needs without expanding Borough infrastructure and thus creating more efficiencies in facility use.

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately launch a design and construction project to renovate the Old Soldotna Preparatory School Facility. Based on the already completed feasibility study design work would commence as soon as funding is available in 2022 with a construction renovation project beginning in early 2023. The completion of this project will address a critical Borough and School District need for decades to come.

Project Timeline:

Should funding be made available the Kenai Peninsula Borough would immediately launch a design and construction project to renovate the Old Soldotna Preparatory School Facility. Based on the already completed feasibility study design work would commence as soon as funding is available in 2022 with a construction renovation project beginning in early 2023. The completion of this project will address a critical Borough and School District need for decades to come.

Entity Responsible for the Ongoing Operation and Maintenance of this Project:

Kenai Peninsula Borough School District

Grant Recipient Contact Information:

Name: John Hedges
Address: 47140 E Poppy Lane
Soldotna, AK 99669
Phone Number: (907)262-2037
Email: jhedges@kpb.us

This project has been through a public review process at the local level and it is a community priority.

Project Title: Kenai Peninsula Borough - Fox River- Road Service Area: Basargin Road Upgrade

TPS Number: 67051

Priority: 7

Agency: Commerce, Community and Economic Development
Grants to Municipalities (AS 37.05.315)

Grant Recipient: Kenai Peninsula Borough
FY2023 State Funding Request: \$3,200,000
One-Time Need

Brief Project Description:

The Kenai Peninsula Borough is seeking \$3,200,000 to rehabilitate the portion of Basargin Road that does not meet Borough Road Service Area Standards

Funding Plan:

Total Project Cost:	\$3,200,000
Funding Already Secured:	(\$0)
FY2023 State Funding Request:	<u>(\$3,200,000)</u>
Project Deficit:	\$0

Detailed Project Description and Justification:

Background

The Kenai Peninsula Borough Road Service Area provides for year-round maintenance of over 650 miles of Roads in the Kenai Peninsula Borough. Each year the KPB seeks professional design and construction services to upgrade Borough Roads to meet established Road Service Area Standards. Roughly, 2% of the Roads in the system are paved surfaces. The majority of the roads in the system were adopted by the Kenai Peninsula Borough from the State of Alaska. Since Adoption, the KPB has worked to upgrade these roads to provide safer access to homes and businesses throughout the Borough.

Justification

The Kenai Peninsula Borough Road Service Area is committed to capital improvement of its road system and appropriates approximately \$2,300,000 in RSA funds each fiscal year to address road deficiencies. Basargin Road is a rural road reaching the villages of Razdolna And Voznesenka to the DOT maintained East End Road.

Currently poor existing conditions, poor conveyance of water, tight switchbacks, large snow volumes, limited room for maintenance, and large traffic volume make this road a high priority for the KPB and village residents to upgrade. Approximately 2 miles of Basargin Road have been designed and constructed to meet established RSA standards.

Approximately 2.5 miles of Basargin road remain to improve. Significant data and a historical knowledge of the site conditions from the previous phases of improvement have been gathered. This knowledge will be utilized for the remainder of the project to help anticipate challenges, risks, and to keep costs within budget.

The competed improvement project would lower service area maintenance costs as well as drastically improve safety along the route.

Methodology

Should funding be made available, the Kenai Peninsula Borough would immediately launch a capital improvement project. This action would consolidate the already existing phased plan for the Barsargin Road improvements. This work would begin in the construction season of 2022.

Project Timeline:

Methodology

Should funding be made available, the Kenai Peninsula Borough would immediately launch a capital improvement project. This action would consolidate the already existing phased plan for the Barsargin Road improvements. This work would begin in the construction season of 2022.

Entity Responsible for the Ongoing Operation and Maintenance of this Project:

Kenai Peninsula Borough

Grant Recipient Contact Information:

Name: Andrew Walsh
Address: 47140 E Poppy Lane
Soldotna, AK 99669
Phone Number: (907)262-2037
Email: awalsh@kpb.us

This project has been through a public review process at the local level and it is a community priority.

Project Title: Kenai Peninsula Borough - Seward Flood Service Area: Japanese Creek Drainage Improvements

TPS Number: 67052

Priority: 8

Agency: Commerce, Community and Economic Development
Grants to Municipalities (AS 37.05.315)

Grant Recipient: Kenai Peninsula Borough

FY2023 State Funding Request: \$1,680,000

One-Time Need

Brief Project Description:

Methodology

Should funding be made available, the Kenai Peninsula Borough would immediately launch a capital improvement project. This action would consolidate the already existing phased plan for the Barsargin Road improvements. This work would begin in the construction season of 2022.

Funding Plan:

Total Project Cost:	\$2,177,000
Funding Already Secured:	(\$497,000)
FY2023 State Funding Request:	(\$1,680,000)
Project Deficit:	\$0

Detailed Project Description and Justification:

Background

The Kenai Peninsula Borough Seward-Bear Creek Flood Service Area provides planning, protection and mitigation of flooding, sedimentation and erosion hazards in the community of Seward, Bear Creek and Lowell Point. The Service area prioritizes its mitigation projects through the use of an identified mitigation needs list. The list is evaluated annually by the Flood Service Area Board and a recommendation for yearly priority projects is sent to the Borough administration for inclusion in the annual budget at the wishes of the assembly. Long term mitigation of flooding in the Japanese Creek watershed has been the top priority of the Flood Service Area since 2018.

Justification

As glaciers retreat in the high reaches of the Japanese Creek watershed, rain events cause erosion and landslides, transporting massive amounts of sedimentation into the lower reaches of the alluvial fan. Deposition of sediments have filled the active corridor, causing flood waters to divert to new areas, including the northern neighborhoods of Seward. Recent events have caused flood waters to overtop the existing levee at Japanese, causing damages and closure of Dieckgraeff Road. Dieckgraeff Road provides access to the Kenai Peninsula Borough Solid Waste Transfer Facility and inert waste landfill, this facility serves the solid waste disposal needs of the entire Seward area. In addition to the solid waste facility, Dieckgraeff road also provides the only access to the Borough owned Rock Quarry, a critical resource in times of flood emergencies.

In 2020, the Kenai Peninsula Borough Flood Service Area, Solid Waste Department and the City of Seward partnered with the U.S. Army Corps of Engineers (USACE) to compete a feasibility study of the Japanese Creek floodplain. The USACE provided recommendations and cost estimates of alternatives to reduce the risk of flooding, erosion and sedimentation. The design and engineering of the preferred alternatives are anticipated to be completed in 2022 with local sponsor funds. The total estimated cost for construction of alternatives, including Dieckgraeff Road modifications, construction of a debris basin, and installation of an early warning system is estimated at \$1,680,000

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately issue an invitation to bid on the construction of the flood risk reduction alternatives. The drainage and road improvements will be designed to have an estimated 50-year useful life.

Project Timeline:

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately issue an invitation to bid on the construction of the flood risk reduction alternatives. The drainage and road improvements will be designed to have an estimated 50-year useful life.

Entity Responsible for the Ongoing Operation and Maintenance of this Project:

Kenai Peninsula Borough

Grant Recipient Contact Information:

Name: Stephanie Presley
Address: Po Box 1554
Seward , AK 99664
Phone Number: (907)224-3340
Email: spresley@kpb.us

This project has been through a public review process at the local level and it is a community priority.

Project Title: Kenai Peninsula Borough - Nikiski Fire Portable Radio Replacement

TPS Number: 67053

Priority: 9

Agency: Commerce, Community and Economic Development
Grants to Municipalities (AS 37.05.315)

Grant Recipient: Kenai Peninsula Borough

FY2023 State Funding Request: \$300,000

One-Time Need

Brief Project Description:

The Kenai Peninsula Borough-Nikiski Fire Service Area is seeking \$300,000 to replace Public Safety Communications Portable Radios.

Funding Plan:

Total Project Cost:	\$300,000
Funding Already Secured:	(\$0)
FY2023 State Funding Request:	<u>(\$300,000)</u>
Project Deficit:	\$0

Detailed Project Description and Justification:

Background

The Nikiski Fire Service Area provides year-round Fire and Emergency Services to a population of about 5,500 within 6,000 square miles. Nikiski Fire Service Area currently operates out of 3 fire stations in the Nikiski area and 2 stations located on the west side of the Cook-Inlet in Beluga and Tyonek. The Nikiski Fire Service Area responds to over 1000 emergency calls per year and provides Mutual-Aid to the City of Kenai Fire Department and Central Emergency Services.

Justification

This RADIO project is intended to replace 50 aging 25+ year old Emergency Response Portable Handheld Radios and all accessories that will be non-compatible to the new upgrades to the State of Alaska ALMR TDMA P25 Phase 2 Communications System. Currently we have 15+ portable radios that are out of service and unrepairable. Motorola will no longer support the APX 1500's and the APX 2500's are getting harder and harder to repair and get parts. We will be replacing the portable radios with the Motorola APX 6000XE Public Safety radio. This radio comes standard with Bluetooth/Wi-Fi capabilities which will be compatible with our new SCOTT Self-Contained Breathing Apparatus mask integrated communications. Also, radio options for GPS Accountability feature and Emergency Distress Button feature.

Methodology

Should funding be made available the Kenai Peninsula Borough-Nikiski Fire Service Area would immediately launch an Emergency Response Portable Radio replacement project that would have an estimated 25-year useful life.

Project Timeline:

Methodology

Should funding be made available the Kenai Peninsula Borough-Nikiski Fire Service Area would immediately launch an Emergency Response Portable Radio replacement project that would have an estimated 25-year useful life.

Entity Responsible for the Ongoing Operation and Maintenance of this Project:

Nikiski Fire Service Area

Grant Recipient Contact Information:

Name: Trent Burnett-Fire Chief

Address: Po Box 8508
Nikiski, AK 99635

Phone Number: (907)776-6401

Email: tburnett@kpb.us

This project has been through a public review process at the local level and it is a community priority.

Project Title: Kenai Peninsula Borough - Seward Flood Service Area: Kwechak Creek Flood Mitigation

TPS Number: 67054

Priority: 10
Agency: Commerce, Community and Economic Development
Grants to Municipalities (AS 37.05.315)

Grant Recipient: Kenai Peninsula Borough
FY2023 State Funding Request: \$1,800,000
One-Time Need

Brief Project Description:

The Kenai Peninsula Borough is seeking \$1,800,000 to complete armoring along 1,000 feet of embankment of Kwechak Creek, adjacent to Bruno Road and drainage improvements in the Questawoods neighborhood located in Seward.

Funding Plan:

Total Project Cost:	\$1,800,000
Funding Already Secured:	(\$0)
FY2023 State Funding Request:	<u>(\$1,800,000)</u>
Project Deficit:	\$0

Detailed Project Description and Justification:

Background

The Kenai Peninsula Borough Seward-Bear Creek Flood Service Area provides planning, protection and mitigation of flooding, sedimentation and erosion hazards in the community of Seward, Bear Creek and Lowell Point. The Service area prioritizes its mitigation projects through the use of an identified mitigation needs list. The list is evaluated annually by the Flood Service Area Board and a recommendation for yearly priority projects is sent to the Borough administration for inclusion in the annual budget at the wishes of the assembly.

Justification

As glaciers retreat in the high reaches of the Kwechak Creek watershed, rain events cause erosion and landslides, transporting massive amounts of sedimentation throughout the active stream corridor. A series of armored banks and gravel embankments channelize flows through neighborhoods and bridge crossings. The Kenai Peninsula Borough Flood Service Area maintains 2,600-foot-long gravel embankments in the Questawoods neighborhood, with assessed values of over \$31 million, to channelize Kwechak Creek flows. Recent storm events have caused flood waters to rapidly erode existing gravel berms, undermining the adjacent road, and causing damages to infrastructure and private properties and closure of Bruno Road, the only egress for the neighborhood. Though maintenance operations are completed annually, emergency response activities have been necessary five times in the last five years to reduce the impacts of flooding in the neighborhood.

The total cost for this project is estimated at \$1,800,000.

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately solicit for the design and engineering of approximately 1,000 liner feet of armored embankment, along 1,000 feet of paved Bruno Road that includes excavation, drainage ditching and culvert improvements throughout the neighborhood. The drainage and road improvements will be designed to compliment and maximize the ongoing mitigation efforts conducted by the Seward-Bear Creek flood service area on a regular basis, while maximizing the useful life of both the constructed revetment and the surrounding infrastructure.

Project Timeline:

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately solicit for the design and engineering of approximately 1,000 liner feet of armored embankment, along 1,000 feet of paved Bruno Road that includes excavation, drainage ditching and culvert improvements throughout the neighborhood.

Entity Responsible for the Ongoing Operation and Maintenance of this Project:

Kenai Peninsula Borough

Grant Recipient Contact Information:

Name: Stephanie Presley
Address: Po Box 1554
Seward, AK 99664
Phone Number: (907)224-3340
Email: spresley@kpb.us

This project has been through a public review process at the local level and it is a community priority.

Project Title: Kenai Peninsula Borough - Solid Waste Department- Hope Transfer Site Relocation

TPS Number: 67056

Priority: 11

Agency: Commerce, Community and Economic Development
Grants to Municipalities (AS 37.05.315)

Grant Recipient: Kenai Peninsula Borough

FY2023 State Funding Request: \$670,525

One-Time Need

Brief Project Description:

The Kenai Peninsula Borough is seeking \$670,525 to construct a new transfer station site in Hope.

Funding Plan:

Total Project Cost:	\$670,525
Funding Already Secured:	(\$0)
FY2023 State Funding Request:	<u>(\$670,525)</u>
Project Deficit:	\$0

Detailed Project Description and Justification:

Background

The Kenai Peninsula Borough (KPB) Solid Waste Department is responsible for developing and implementing programs for disposal of all solid waste generated within the Borough in an economically feasible and environmentally responsible manner. Transfer sites for collection of waste at various locations around the Borough allow for the public to dispose of their waste close to their residence so that Solid Waste can have it hauled to the landfill for final disposal or through other methods for items such as recyclables.

The transfer station in Hope is currently located on land owned by the Department of Natural Resources (DNR). They have requested that the transfer site on their land be relocated to vacate their property. A new site has been selected on KPB owned land within Hope to complete the relocation project.

Justification

KPB Solid Waste is committed to providing solid waste programs for disposal across the peninsula. The Borough has established a standard remote transfer site development program. Costs for this relocation have been developed using the standard program that match other communities around the peninsula. The project will improve site capacity, vehicle circulation, lighting, disposal access, and site monitoring/controls.

Methodology

Should funding be made available, the Kenai Peninsula Borough would immediately complete a design and solicit for construction contractor to complete the work in as timely a fashion as possible.

Project Timeline:

Methodology

Should funding be made available, the Kenai Peninsula Borough would immediately complete a design and solicit for construction contractor to complete the work in as timely a fashion as possible.

Entity Responsible for the Ongoing Operation and Maintenance of this Project:

Kenai Peninsula Borough-Solid Waste Department

Grant Recipient Contact Information:

Name: Lee Frey
Address: 47140 E Poppy Lane
Soldotna, AK 99669
Phone Number: (907)262-2036
Email: lfrey@kpb.us

This project has been through a public review process at the local level and it is a community priority.

Project Title: Kenai Peninsula Borough - Road Service Area: Anchor Point Flood and Storm Water Mitigation Project

TPS Number: 67058

Priority: 12

Agency: Commerce, Community and Economic Development
Grants to Municipalities (AS 37.05.315)

Grant Recipient: Kenai Peninsula Borough
FY2023 State Funding Request: \$1,800,000
One-Time Need

Brief Project Description:

The Kenai Peninsula Borough is seeking \$1,800,000 to mitigate seasonal flooding and storm water conveyance issues in the Granross Grove Unit 1 subdivision in Anchor Point.

Funding Plan:

Total Project Cost:	\$1,800,000
Funding Already Secured:	(\$0)
FY2023 State Funding Request:	(\$1,800,000)
Project Deficit:	\$0

Detailed Project Description and Justification:

Background
<p>The Kenai Peninsula Borough Road Service Area provides for year-round maintenance of over 650 miles of Roads in the Kenai Peninsula Borough. Roughly, 98% of the Roads in the system are gravel surfaces. The majority of the roads in the system were adopted by the Kenai Peninsula Borough from the State of Alaska. The remained were either adopted into the program by the property owners through a road maintenance application process.</p> <p>The Kenai Peninsula Road Service area prioritizes its Capital improvement projects through the use of a Tier list that is generated by the department through their operational assessment. The list is then evaluated by the Road Service Area Board and a recommendation for yearly priority projects, extending out to 5 years is sent to the Borough administration for inclusion in the annual budget at the wishes of the assembly.</p>
Justification
<p>Every year the Granross Grove Unit 1 subdivision experiences seasonal flooding and stormwater conveyance issues that overtake local roads and private property within and adjacent too the subdivision. The Kenai Peninsula Borough Road Service Area is committed to capital improvements of its road system and appropriates approximately \$2,300,000 in RSA funds each fiscal year to address road and stormwater conveyance deficiencies.</p> <p>In addition to the highest priority roads and storm water conveyance issues listed above, seasonal flooding and stormwater conveyance continues to threaten the road system and private property in the area of and adjacent tothe Granross Grove Unit 1 Subdivision. Maintenance in this subdivision will steadily increase over the next 5 years and will most likely lead to poor, unsafe travel conditions, and damage to private property. The total estimated cost of rehabilitation to this drainage system is estimated at \$1,800,000.</p>
Methodology

Should funding be made available the Kenai Peninsula Borough would immediately launch a seasonal flooding and stormwater conveyance rehabilitation project, using ditching, Road development, and strategic culvert placement to safely route seasonal flood water and stormwater away from the subdivision. The project will begin in the construction season of 2022 with an estimated completion date sometime in the construction season of 2023.

Project Timeline:

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately launch a seasonal flooding and stormwater conveyance rehabilitation project, using ditching, Road development, and strategic culvert placement to safely route seasonal flood water and stormwater away from the subdivision. The project will begin in the construction season of 2022 with an estimated completion date sometime in the construction season of 2023..

Entity Responsible for the Ongoing Operation and Maintenance of this Project:

Kenai Peninsula Borough

Grant Recipient Contact Information:

Name: John Hedges-Purchasing and Contracting Director
Address: 47140 E Poppy Lane
Soldotna, AK 99669
Phone Number: (907)262-2037
Email: jhedges@kpb.us

This project has been through a public review process at the local level and it is a community priority.

Project Title: Kenai Peninsula Borough - Susan B. English School Sport Court Upgrades- Seldovia Recreation Service Area

TPS Number: 67062

Priority: 13

Agency: Commerce, Community and Economic Development
Grants to Municipalities (AS 37.05.315)

Grant Recipient: Kenai Peninsula Borough

FY2023 State Funding Request: \$190,000

One-Time Need

Brief Project Description:

The Kenai Peninsula Borough is seeking \$ 190,000 to rehabilitate the Sport Court of Susan B English School as a recreational asset to the service area residents.

Funding Plan:

Total Project Cost:	\$210,000
Funding Already Secured:	(\$0)
FY2023 State Funding Request:	(\$190,000)
Project Deficit:	\$20,000

Detailed Project Description and Justification:

Background

The Kenai Peninsula Borough's Seldovia Recreational Service Area(SRSA) provides year-round recreational opportunities and assets to the service area residents. The community has expressed the desire to upgrade the court prior to the outbreak of COVID-19. The pandemic has further reinforced the need for outdoor recreation opportunities. Susan B. English School(SBE) campus also houses a ball field where the community gathers year-round for field games and recreation. The upgrades to the sport court will help further nurture the love of being active as it contributes greatly to the physical and mental health of individuals, bonds family and friends, instills pride in heritage and provides economic benefits to our communities not to mention creates a more desirable school for students to enroll and thrive in.

Justification

The Seldovia Recreational Service Area funds the Sea Otter Community Center(SOCC) in Seldovia. Due to many factors over the years, the pandemic, staffing issues and inconsistency in management of the SOCC, fiscal budgeted funds have not been fully utilized building the SRSA fund balance to over \$100,000. The SRSA understands the need to maintain a healthy fund balance in the event of an emergency or capital repair, however, the current balance is beyond those needs. With public-public partnerships the SRSA hopes to source funding that will accomplish the communities desire to bring the court back to its former glory and support healthy choices for Seldovia's youth and greater community.

Over the last year, the SRSA and the SOCC have held several meetings and gatherings to get a feel from the service area residents as to what type of recreational asset they would like to see the SRSA fund for the community with some of the excess funds in the SRSA's fund balance. The overall thought was to upgrade the sport court on the SBE school campus.

Methodology

Should funding be made available the Kenai Peninsula Borough would source bids to contract the necessary repairs which include; 1-2"

lift to the concrete for better surface & drainage, replace the tennis posts, paint lines for 2 basketball courts, 2 tennis courts and a pickle ball court, replace the tennis rebound wall of 52'x11'6", purchase and mount second set of middle school height basketball hoops and backboards on current power poles, install 200' of debris blockers in existing chain link fence to keep rocks off court from snowplow and existing playground areas, purchase spectator benches and ball storage bins, pull power from the SOCC to the benches and install power pedestal for charging laptops and phones.

Project Timeline:

Should funding be made available, the Kenai Peninsula Borough would be able to begin the process to start the project immediately.

Entity Responsible for the Ongoing Operation and Maintenance of this Project:

Kenai Peninsula Borough-Seldovia Recreation Service Area

Grant Recipient Contact Information:

Name: John Hedges
Address: 47140 E Poppy Lane
Soldotna, AK 99669
Phone Number: (907)262-2037
Email: jhedges@kpb.us

This project has not been through a public review process at the local level and it is not a community priority.

Project Title: Kenai Peninsula Borough - North Peninsula Recreation Service Area- Ice Rink Improvements

TPS Number: 67065

Priority: 14

Agency: Commerce, Community and Economic Development
Grants to Municipalities (AS 37.05.315)

Grant Recipient: Kenai Peninsula Borough

FY2023 State Funding Request: \$6,250,000

One-Time Need

Brief Project Description:

The North Peninsula Recreation Service Area is seeking \$6,250,000 to make repairs and building improvements to the Jason Peterson Memorial Ice Rink.

Funding Plan:

Total Project Cost:	\$6,250,000
Funding Already Secured:	(\$0)
FY2023 State Funding Request:	<u>(\$6,250,000)</u>
Project Deficit:	\$0

Detailed Project Description and Justification:

Background

The North Peninsula Recreation Service Area maintains approximately 128 acres of grounds including trails, disc golf course, playgrounds and multi-use fields. It is also responsible for the upkeep of approximately 93,000 sq ft of buildings, to include and an indoor swimming pool complex with fitness area, community center and ice rink. The Service Area is frequented by over 55,000 visitors annually, and is considered a quality of life service.

In 2017, the North Peninsula Recreation Service Area developed a 10-year master plan. The number one priority was to enhance quality and functionality, whilst maintaining facilities and grounds. The majority of the community survey participants (members of the public) indicated the primary goal should be ongoing maintenance and improvement of current facilities.

Justification

As part of the ongoing maintenance of current facilities, there are a number of improvements required at the Jason Peterson Memorial Ice Rink that will improve safety, provide better access for the public and reduce maintenance costs:

Replace rink surface with asphalt

Replace dasher boards

Enclose all four sides of the rink

Extend the roof line and construct attached player's huts and coaches' huts to the rink building

Construct an attached ice resurfacers operator shop to the rink

Installation of a refrigeration system

Methodology

Should funding be made available, the North Peninsula Recreation Service Area would immediately begin contracting for the design and construction services per the Kenai Peninsula Borough procurement processes. Contingent upon funding availability at the start of FY2023 the project would take place in the construction season of 2023 with an anticipated substantial completion of September 30.

Project Timeline:

Methodology

Should funding be made available, the North Peninsula Recreation Service Area would immediately begin contracting for the design and construction services per the Kenai Peninsula Borough procurement processes. Contingent upon funding availability at the start of FY2023 the project would take place in the construction season of 2023 with an anticipated substantial completion of September 30.

Entity Responsible for the Ongoing Operation and Maintenance of this Project:

North Peninsula Recreation Service Area

Grant Recipient Contact Information:

Name: John Hedges
Address: 47140 E Poppy Lane
Soldotna, AK 99669
Phone Number: (907)262-2037
Email: jhedges@kpb.us

This project has been through a public review process at the local level and it is a community priority.

Project Title: Kenai Peninsula Borough - Expansion and Renovation of Western Emergency Services Station 3

TPS Number: 67068

Priority: 15

Agency: Commerce, Community and Economic Development
Grants to Municipalities (AS 37.05.315)

Grant Recipient: Kenai Peninsula Borough

FY2023 State Funding Request: \$3,200,000

One-Time Need

Brief Project Description:

The Kenai Peninsula Borough is seeking \$3,200.00 to expand and renovate the Fire Station (WES station 3) in Anchor Point, Alaska.

Funding Plan:

Total Project Cost:	\$3,200,000
Funding Already Secured:	(\$0)
FY2023 State Funding Request:	<u>(\$3,200,000)</u>
Project Deficit:	\$0

Detailed Project Description and Justification:

Background

The Western Emergency Services (WES) was formed in 2020 when two Rural Fire Departments; Anchor Point Fire and Emergency Services and Ninilchik Emergency Services combined into one department and is the sole provider of fire and Advanced Life Support for the communities of Anchor Point, Nikolaevsk, Happy Valley, Ninilchik and Clam Gulch. With this combination, the area which we serve jumped to an overall size of 826 square miles of the western Kenai Peninsula of Alaska. The area has one major travel artery, the Sterling Highway that connects several communities and cities to the major metropolitan area of Anchorage. 45 miles of this highway runs through our service area. The department consists of 10 ten career staff and approximately 40 volunteer firefighters and EMTs. The department provides full fire protection and Advanced Life Support medical services to all of the residents as well as visitors. Due to the expansion of the fire service area, the addition of career staff who are on duty 24 hrs. a day 7 days a week, and the addition of services the existing station has outgrown the use as it was originally designed some 30 years ago. Additionally, the station does not meet current NFPA standards for station design per NFPA 1500, 1, and 72 and is past the point of possible retrofit without significant expansion and renovation.

Western Emergency Services' prioritizes its Capital improvement projects through the use of a Tier list that is generated by the department through their operational assessment. The list is then evaluated by the Fire Service Area Board and a recommendation is made for yearly priority projects, the project list is extended out to 5 years and is sent to the Borough administration for inclusion in the annual budget at the wishes of the assembly.

Justification

Western Emergency Services is committed to the capital improvement of its protection area and to the safety of its personnel. The service area is funded by a 2.95 mil rate and through various competitive grants and ambulance billing with an estimated total budget of \$2,500,000 annually. The service area has identified several deficiencies with the current fire station (WES Station 3) in Anchor Point. The expansion and renovation (addition of 6,400 sqft) of this station will allow for safer working conditions for the employees by allowing for the needed space for equipment storage, a medical clean room, equipment cleaning room, decontamination area, bunker gear storage, sleeping/cooking/dining facilities, office spaces, a multi-use training and conference room which will double as a community meeting space, a dedicated ambulance parking garage, and additional fire apparatus parking stalls. The improvements would additionally

include vehicle exhaust recovery systems in the vehicle bays to assist with the removal of carcinogens. The total estimated cost of the expansion and renovation of the station is estimated at \$3,200,000. The land the existing fire station is located on is already owned by the Kenai Peninsula Borough and the purchase of the adjacent properties is already being actively pursued by the Kenai Peninsula Borough.

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately launch a Design/Construction project through a competitive bid process. The station would be expanded and renovated or constructed to meet all applicable NFPA standards at the time of construction. The facility if expanded or renovated constructed would have an estimated minimum useful life of 30 years.

Project Timeline:

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately launch a Design/Construction project through a competitive bid process. The station would be expanded and renovated or constructed to meet all applicable NFPA standards at the time of construction. The facility if expanded or renovated constructed would have an estimated minimum useful life of 30 years.

Entity Responsible for the Ongoing Operation and Maintenance of this Project:

Western Emergency Service Area

Grant Recipient Contact Information:

Name: John Hedges
Address: 47140 E Poppy Lane
Soldotna, AK 99669
Phone Number: (907)262-2037
Email: jhedges@kpb.us

This project has been through a public review process at the local level and it is a community priority.



Kenai Peninsula Borough

Year 2022 State Capital Improvement Projects

SERVICE AREA: CENTRAL EMERGENCY SERVICE AREA

Funding Recipient: Kenai Peninsula Borough/ Central Emergency Service Area
Project Name: Soldotna Fire-Rescue Station

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$16,582,830 for the Construction of a New Public Safety Fire-Rescue Station to Replace the existing **Central Emergency Service (CES) Soldotna-Fire Station #1**. Currently located at 231 South Binkley Street, Soldotna.

Background

The Central Emergency Service Area (CES) provides services to the City of Soldotna and the unincorporated communities of Ridgeway, Sterling, K-Beach, Kasilof, Cohoe, and Funny River. CES also provides auto-aid to the City of Kenai. This represents services to a combined central peninsula population of over **32,000 residents**. The Kenai Peninsula Borough has completed a preliminary engineering report and study that has documented many issues indicating that the current facility is undersized, and that the current facility has structural and building code deficiencies. The current building was constructed in 1956 as a community hall and was later modified as a volunteer fire department and was never intended to become the central location for a main Fire Response Center as it is operating currently.

Justification

This new Public Safety Fire-Rescue Station would provide emergency life-saving services to many **communities in the Central Peninsula and create greater lifesaving support systems** for a combined central population of **32,000 residents**. This facility would be the Central Emergency Services-Soldotna Fire/Rescue Station #1 and be the Headquarters for the entire Central Emergency Services ICS command and emergency response team. The station would also include a multi-use training and conference room that would be used as a community-meeting place. This project would give the space and operational capacity to serve in an all-hazard emergency environment providing services well into the future as the demands continue to grow for the central Kenai Peninsula.

The station provides nearly 3,000 responses annually and cannot keep pace with the ever-changing demands of the emergency services. It is the busiest fire station on the Kenai Peninsula. The current station is outdated, antiquated and fails to meet the operational needs of the organization. Larger issues associated with the facilities compliance with life safety code and/or building code also exist and are difficult to address while still maintaining the current level of service to the community. In addition to operational capacity and while recognizing that the Service Area has invested heavily in capital improvements, major maintenance and minor maintenance needs, the facility has simply reached the end of its useful life.

An investment in a new fire station will improve the physical environment for the employees, the citizens, and the community as a whole. It will reduce the cost of operations, create the opportunity for a more eco-friendly facility and allow for a more ADA friendly building. It will create the opportunity to effectively respond to emergencies and disasters as needed well into the future. This project includes: land acquisition, architectural design, engineering, site development, construction, interior finish, furniture, appliances, and firefighting equipment. A new facility would include: apparatus bays, training/conference room, kitchen, common living area, individual sleeping quarters, gender specific locker rooms, showers and rest rooms. Currently male and female fire fighters share a common bunk room where privacy is at a minimum.

Methodology

Should funding become available the Borough would quickly advance on land acquisition, design development, and construction consistent with the current program and schematic design details that the Borough has already completed. The cost estimate of \$16,582,830.00 would provide a station that meets the needs of the service area well into the foreseeable future.

Funding Requested: \$16,582,830
Total Project Cost: \$16,582,830
Local Match (if any): \$

Election District: Senate: 0
House: 30

**CONTACT
INFORMATION**

Roy Browning, Fire Chief
Name, Title: 231 S. Binkley St.
Address: Soldotna, Ak. 99669
City, State Zip:
r.

907 262-4792
Phone:
Fax:
E-mail: rbrowning@kpb.us

Funding Plan:

Total Project Cost:	\$ 16,582,830	This should be the most accurate estimate of how much this project will cost.
Funding Secured:	\$	How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.
	16,582,830	
Funding Requested:	\$	How much is being requested from this year's capital budget.
Pending Requests	\$	Amount requested from other sources not yet received.
Project Deficit:	\$	Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?Yes: ☐ No: ☒**Please describe the project time-line and when the expenditures will occur:****Has this project gone through a public review process at the local level?**Yes: ☒ No: ☐

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒ No: ☐**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?******NOTE:** the clerk's office has the meeting specifics and would be happy to complete this question for you ****Who will own the project or facility?** Kenai Peninsula Borough**Entity responsible for providing ongoing operation and maintenance of this project?** Central Emergency Services**How will operations and maintenance be funded after the project is complete?** Central Emergency Services, Operating Budget, Kenai Peninsula Borough**Please select a project type (chosed only one):**

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☐ Remodel, Reconstruction and Upgrades
- ☒ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:



Kenai Peninsula Borough

Year 2022 State Capital Improvement Projects

CAPITAL PROJECT: KPBSD District Office and School Relocation

Funding Recipient: Kenai Peninsula Borough

Project Name: KPBSD District Office and School Relocation

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$14,500,000 to relocate the KPBSD district administration building from the Navarre Borough Administration building to the old Soldotna Prep School Building. This will allow the Borough to address the over crowding issues in the Borough building, improve air quality and employee spacing.

Background

The Kenai Peninsula Borough and School District work together to establish priorities for the Capital improvement projects. The old Soldotna Prep School Building has been vacant but is still is a viable structure that needs to be used for educational purposes. A minor remodel is required to accommodate the relocation of District Office Personnel, River City Academy, Connections School, and Soldotna Monitory charter schools to the site as well. The space will also provide for Community Schools Adult Basic Education and a more efficient Professional development for the district.

Justification

The Borough Administration Building is currently overcrowded, and relocation of the School District administration will alleviate the situation and provide a better work environment for both the Borough and district employees. This will also address the overcrowding at Skyview Middle School, and connections and prepare the way for the replacement of a smaller (consolidated) Soldotna Elementary School facility.

In 2019 the Soldotna Preparatory School was surplused due to low enrolment and consolidation of School District Program services. The currently vacant Soldotna Prep building is a durable structure that includes recent roof and boiler replacement and retains much of its useful life. In August 2020 the Borough and the School District hired a professional Architectural and Engineering team to confirm the buildings viability for future use and alternatives for repurposing

The Kenai Peninsula Borough is currently expending approximately \$300,000.00 annually to maintain and preserve the Soldotna Preparatory School Facility. The facility is currently under used and this repurposing project would address multiple School District, Borough and community issues while make the building operational cost expenditures much more effectively applied. The project will also serve to address both Borough and School district needs without expanding Borough infrastructure and thus creating more efficiencies in facility use.

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately launch a design and construction project to renovate the Old Soldotna Preparatory School Facility. Based on the already completed feasibility study design work would commence as soon as funding is available in 2022 with a construction renovation project beginning in early 2023. The completion of this project will address a critical Borough and School District need for decades to come.

Funding Requested: \$ 14,500,000.00
Total Project Cost: \$ 14,500,000.00
Local Match (if any): \$

Election District: Senate:
House:

CONTACT INFORMATION

Name, Title: John Hedges, Purchasing & Contracting Director
Address: 47140 E Poppy Ln
City, State Zip: Soldotna AK, 99669

Phone: 1 (907) 262-2037
Fax:
E-mail: jhedges@kpb.us

Funding Plan:

Total Project Cost: \$ 14,500,000

This should be the most accurate estimate of how much this project will cost.

Funding Secured: \$

How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.

14,500,000

Funding Requested: \$

How much is being requested from this year's capital budget.

Pending Requests \$

Amount requested from other sources not yet received.

Project Deficit: \$

Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?

Yes: ☐No: ☒

Please describe the project time-line and when the expenditures will occur:

Has this project gone through a public review process at the local level?

Yes: ☒No: ☐

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒No: ☐

If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?

Who will own the project or facility? Kenai Peninsula Borough

Entity responsible for providing ongoing operation and maintenance of this project? Central Emergency Services

How will operations and maintenance be funded after the project is complete? Central Emergency Services, Operating Budget, Kenai Peninsula Borough

Please select a project type (choose only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☐ Remodel, Reconstruction and Upgrades
- ☒ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:



Kenai Peninsula Borough

Year 2022 State Capital Improvement Projects

CAPITAL PROJECT: Basargin Road Upgrade

Funding Recipient: Kenai Peninsula Borough

Project Name: Road Service Area – Basargin Road Upgrade

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$3,200,000 to rehabilitate the portion of Basargin Road that does not meet Borough Road Service Area Standards.

Background

The Kenai Peninsula Borough Road Service Area provides for year-round maintenance of over 650 miles of Roads in the Kenai Peninsula Borough. Each year the KPB seeks professional design and construction services to upgrade Borough Roads to meet established Road Service Area Standards. Roughly, 2% of the Roads in the system are paved surfaces. The majority of the roads in the system were adopted by the Kenai Peninsula Borough from the State of Alaska. Since Adoption, the KPB has worked to upgrade these roads to provide safer access to homes and businesses throughout the Borough.

Justification

The Kenai Peninsula Borough Road Service Area is committed to capital improvement of its road system and appropriates approximately \$2,300,000.00 in RSA funds each fiscal year to address road deficiencies. Basargin Road is a rural road reaching the villages of Razdolna And Voznesenka to the DOT maintained East End Road.

Currently poor existing conditions, poor conveyance of water, tight switchbacks, large snow volumes, limited room for maintenance, and large traffic volume make this road a high priority for the KPB and village residents to upgrade. Approximately 2 miles of Basargin Road have been designed and constructed to meet established RSA standards.

Approximately 2.5 miles of Basargin road remain to improve. Significant data and a historical knowledge of the site conditions from the previous phases of improvement have been gathered. This knowledge will be utilized for the remainder of the project to help anticipate challenges, risks, and to keep costs within budget.

The completed improvement project would lower service area maintenance costs as well as drastically improve safety along the route.

Methodology

Should funding be made available, the Kenai Peninsula Borough would immediately launch a capital improvement project. This action would consolidate the already existing phased plan for the Basargin Road improvements. This work would begin in the construction season of 2022.

Funding Requested:	\$	Election District:	Senate:
Total Project Cost:	\$ 3,200,000.00		House:
Local Match (if any):	\$		

CONTACT INFORMATION

Name, Title:	Andrew Walsh, Project Manager	
Address:	47140 E. Poppy Lane,	Fax:
City, State Zip:	Soldotna, AK 99669	E-mail:

Funding Plan:

Total Project Cost: \$ 3,200,000

This should be the most accurate estimate of how much this project will cost.

Funding Secured: \$

How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.

3,200,000

Funding Requested: \$

How much is being requested from this year's capital budget.

Pending Requests \$

Amount requested from other sources not yet received.

Project Deficit: \$

Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?

Yes: ☐No: ☒

Please describe the project time-line and when the expenditures will occur:

Has this project gone through a public review process at the local level?

Yes: ☒No: ☐

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒No: ☐

If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?

Who will own the project or facility? Kenai Peninsula Borough

Entity responsible for providing ongoing operation and maintenance of this project? Central Emergency Services

How will operations and maintenance be funded after the project is complete? Central Emergency Services, Operating Budget, Kenai Peninsula Borough

Please select a project type (choose only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☒ Remodel, Reconstruction and Upgrades
- ☒ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:



Kenai Peninsula Borough

Year 2022 State Capital Improvement Projects

CAPITAL PROJECT: Japanese Creek Flood Mitigation

Funding Recipient: Kenai Peninsula Borough

Project Name: Seward Flood Service Area – Japanese Creek Drainage Improvements

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$1,680,000 to complete drainage improvements in the Japanese Creek floodplain located in Seward.

Background

The Kenai Peninsula Borough Seward-Bear Creek Flood Service Area provides planning, protection and mitigation of flooding, sedimentation and erosion hazards in the community of Seward, Bear Creek and Lowell Point. The Service area prioritizes its mitigation projects through the use of an identified mitigation needs list. The list is evaluated annually by the Flood Service Area Board and a recommendation for yearly priority projects is sent to the Borough administration for inclusion in the annual budget at the wishes of the assembly. Long term mitigation of flooding in the Japanese Creek watershed has been the top priority of the Flood Service Area since 2018.

Justification

As glaciers retreat in the high reaches of the Japanese Creek watershed, rain events cause erosion and landslides, transporting massive amounts of sedimentation into the lower reaches of the alluvial fan. Deposition of sediments have filled the active corridor, causing flood waters to divert to new areas, including the northern neighborhoods of Seward. Recent events have caused flood waters to overtop the existing levee at Japanese, causing damages and closure of Dieckgraeff Road. Dieckgraeff Road provides access to the Kenai Peninsula Borough Solid Waste Transfer Facility and inert waste landfill, this facility serves the solid waste disposal needs of the entire Seward area. In addition to the solid waste facility, Dieckgraeff road also provides the only access to the Borough owned Rock Quarry, a critical resource in times of flood emergencies.

In 2020, the Kenai Peninsula Borough Flood Service Area, Solid Waste Department and the City of Seward partnered with the U.S. Army Corps of Engineers (USACE) to compete a feasibility study of the Japanese Creek floodplain. The USACE provided recommendations and cost estimates of alternatives to reduce the risk of flooding, erosion and sedimentation. The design and engineering of the preferred alternatives are anticipated to be completed in 2022 with local sponsor funds. The total estimated cost for construction of alternatives, including Dieckgraeff Road modifications, construction of a debris basin, and installation of an early warning system is estimated at \$1,680,000.00.

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately issue an invitation to bid on the construction of the flood risk reduction alternatives. The drainage and road improvements will be designed to have an estimated 50-year useful life.

Funding Requested:	\$	1,680,000.00	Election District:	Senate:
Total Project Cost:	\$	2,177,000.00		House:
Local Match (if any):	\$	497,000.00		

CONTACT INFORMATION

Name, Title: Stephanie Presley
Address: PO Box 1554
City, State Zip: Seward, AK 99664

Phone: (907) 224-3340
Fax:
E-mail: spresley@kpb.us

Funding Plan:

Total Project Cost:	\$ 2,177,000	This should be the most accurate estimate of how much this project will cost.
Funding Secured:	\$	How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.
Funding Requested:	\$ 1,680,000	How much is being requested from this year's capital budget.
Pending Requests	\$	Amount requested from other sources not yet received.
Project Deficit:	\$	Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?

Yes: ☐ No: ☒

Please describe the project time-line and when the expenditures will occur:

Has this project gone through a public review process at the local level?

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒ No: ☐Yes: ☒ No: ☐

If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?

Who will own the project or facility? Kenai Peninsula Borough

Entity responsible for providing ongoing operation and maintenance of this project? Central Emergency Services

How will operations and maintenance be funded after the project is complete? Central Emergency Services, Operating Budget, Kenai Peninsula Borough

Please select a project type (choose only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☒ Remodel, Reconstruction and Upgrades
- ☒ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:



Kenai Peninsula Borough

Year 2022 State Capital Improvement Projects

CAPITAL PROJECT: Nikiski Fire Service Area Portable Radio Replacement

Funding Recipient: Kenai Peninsula Borough-Nikiski Fire

Project Name: Nikiski Fire Portable Radio Replacement

Detailed Project Description and Justification:

The Kenai Peninsula Borough-Nikiski Fire Service Area is seeking \$300,000 to replace Public Safety Communications Portable Radios.

Background

The Nikiski Fire Service Area provides year-round Fire and Emergency Services to a population of about 5,500 within 6,000 square miles. Nikiski Fire Service Area currently operates out of 3 fire stations in the Nikiski area and 2 stations located on the west side of the Cook-Inlet in Beluga and Tyonek. The Nikiski Fire Service Area responds to over 1000 emergency calls per year and provides Mutual-Aid to the City of Kenai Fire Department and Central Emergency Services.

Justification

This RADIO project is intended to replace 50 aging 25+ year old Emergency Response Portable Handheld Radios and all accessories that will be non-compatible to the new upgrades to the State of Alaska ALMR TDMA P25 Phase 2 Communications System. Currently we have 15+ portable radios that are out of service and unrepairable. Motorola will no longer support the APX 1500's and the APX 2500's are getting harder and harder to repair and get parts. We will be replacing the portable radios with the Motorola APX 6000XE Public Safety radio. This radio comes standard with Bluetooth/Wi-Fi capabilities which will be compatible with our new SCOTT Self-Contained Breathing Apparatus mask integrated communications. Also, radio options for GPS Accountability feature and Emergency Distress Button feature.

Methodology

Should funding be made available the Kenai Peninsula Borough-Nikiski Fire Service Area would immediately launch an Emergency Response Portable Radio replacement project that would have an estimated 25-year useful life.



Funding Requested: \$ 300,000.00
Total Project Cost: \$ 300,000.00
Local Match (if any): \$

Election District: Senate:
House:

CONTACT INFORMATION

Name, Title: Trent Burnett, Fire Chief
Address: PO Box 8508
City, State Zip: Nikiski, AK 99635

Phone: 907-776-6401
Fax: 907-283-8404
E-mail: tburnett@kpb.us

Funding Plan:

Total Project Cost:	\$ 300,000	This should be the most accurate estimate of how much this project will cost.
Funding Secured:	\$	How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.
	300,000	
Funding Requested:	\$	How much is being requested from this year's capital budget.
Pending Requests	\$	Amount requested from other sources not yet received.
Project Deficit:	\$	Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?

Yes: ☐ No: ☒

Please describe the project time-line and when the expenditures will occur:

Has this project gone through a public review process at the local level?

Yes: ☒ No: ☐

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒ No: ☐

If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?

Who will own the project or facility? Kenai Peninsula Borough

Entity responsible for providing ongoing operation and maintenance of this project? Central Emergency Services

How will operations and maintenance be funded after the project is complete? Central Emergency Services, Operating Budget, Kenai Peninsula Borough

Please select a project type (choose only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☐ Remodel, Reconstruction and Upgrades
- ☐ New Construction and Land Acquisition
- ☒ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:



Kenai Peninsula Borough

Year 2022 State Capital Improvement Projects

CAPITAL PROJECT: Kwechak Creek Flood Mitigation

Funding Recipient: Kenai Peninsula Borough

Project Name: Seward Flood Service Area – Bruno Rd Armoring & Drainage Improvements

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$1,800,000 to complete armoring along 1,000 feet of embankment of Kwechak Creek, adjacent to Bruno Road and drainage improvements in the Questawoods neighborhood located in Seward.

Background

The Kenai Peninsula Borough Seward-Bear Creek Flood Service Area provides planning, protection and mitigation of flooding, sedimentation and erosion hazards in the community of Seward, Bear Creek and Lowell Point. The Service area prioritizes its mitigation projects through the use of an identified mitigation needs list. The list is evaluated annually by the Flood Service Area Board and a recommendation for yearly priority projects is sent to the Borough administration for inclusion in the annual budget at the wishes of the assembly.

Justification

As glaciers retreat in the high reaches of the Kwechak Creek watershed, rain events cause erosion and landslides, transporting massive amounts of sedimentation throughout the active stream corridor. A series of armored banks and gravel embankments channelize flows through neighborhoods and bridge crossings. The Kenai Peninsula Borough Flood Service Area maintains 2,600-foot-long gravel embankments in the Questawoods neighborhood, with assessed values of over \$31 million, to channelize Kwechak Creek flows. Recent storm events have caused flood waters to rapidly erode existing gravel berms, undermining the adjacent road, and causing damages to infrastructure and private properties and closure of Bruno Road, the only egress for the neighborhood. Though maintenance operations are completed annually, emergency response activities have been necessary five times in the last five years to reduce the impacts of flooding in the neighborhood.

The total cost for this project is estimated at \$1,800,000.

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately solicit for the design and engineering of approximately 1,000 liner feet of armored embankment, along 1,000 feet of paved Bruno Road that includes excavation, drainage ditching and culvert improvements throughout the neighborhood. The drainage and road improvements will be designed to compliment and maximize the ongoing mitigation efforts conducted by the Seward-Bear Creek flood service area on a regular basis, while maximizing the useful life of both the constructed revetment and the surrounding infrastructure.

Funding Requested:	\$	1,800,000.00	Election District:	Senate:
Total Project Cost:	\$	1,800,000.00		House:
Local Match (if any):	\$			

CONTACT INFORMATION

Name, Title: Stephanie Presley
Address: PO Box 1554
City, State Zip: Seward, AK 99664

Phone: (907) 224-3340
Fax:
E-mail: spresley@kpb.us

Funding Plan:

Total Project Cost: \$ 1,800,000

This should be the most accurate estimate of how much this project will cost.

Funding Secured: \$

How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.

1,800,000

Funding Requested: \$

How much is being requested from this year's capital budget.

Pending Requests \$

Amount requested from other sources not yet received.

Project Deficit: \$

Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?Yes: ☐No: ☒**Please describe the project time-line and when the expenditures will occur:****Has this project gone through a public review process at the local level?**Yes: ☒No: ☐

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒No: ☐**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?****Who will own the project or facility?** Kenai Peninsula Borough**Entity responsible for providing ongoing operation and maintenance of this project?** Central Emergency Services**How will operations and maintenance be funded after the project is complete?** Central Emergency Services, Operating Budget, Kenai Peninsula Borough**Please select a project type (choose only one):**

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☒ Remodel, Reconstruction and Upgrades
- ☐ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:



Kenai Peninsula Borough

Year 2022 State Capital Improvement Projects

CAPITAL PROJECT: Hope Transfer Site Relocation

Funding Recipient: Kenai Peninsula Borough

Project Name: Solid Waste Department – Hope Transfer Site Relocation

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$670,525 to construct a new transfer station site in Hope.

Background

The Kenai Peninsula Borough (KPB) Solid Waste Department is responsible for developing and implementing programs for disposal of all solid waste generated within the Borough in an economically feasible and environmentally responsible manner. Transfer sites for collection of waste at various locations around the Borough allow for the public to dispose of their waste close to their residence so that Solid Waste can have it hauled to the landfill for final disposal or through other methods for items such as recyclables.

The transfer station in Hope is currently located on land owned by the Department of Natural Resources (DNR). They have requested that the transfer site on their land be relocated to vacate their property. A new site has been selected on KPB owned land within Hope to complete the relocation project.

Justification

KPB Solid Waste is committed to providing solid waste programs for disposal across the peninsula. The Borough has established a standard remote transfer site development program. Costs for this relocation have been developed using the standard program that match other communities around the peninsula. The project will improve site capacity, vehicle circulation, lighting, disposal access, and site monitoring/controls.

Methodology

Should funding be made available, the Kenai Peninsula Borough would immediately complete a design and solicit for construction contractor to complete the work in as timely a fashion as possible.

Funding Requested: \$
Total Project Cost: \$ 670,525.00
Local Match (if any): \$

Election District: Senate:
House:

CONTACT INFORMATION

Name, Title: Lee Frey, Solid Waste Director
Address: 47140 East Poppy Lane
City, State Zip: Soldotna, AK 99669

Phone: 907-262-2036
Fax:
E-mail: lfrey@kpb.us

Funding Plan:

Total Project Cost: \$ 670,525

This should be the most accurate estimate of how much this project will cost.

Funding Secured: \$

How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.

670,525

Funding Requested: \$

How much is being requested from this year's capital budget.

Pending Requests \$

Amount requested from other sources not yet received.

Project Deficit: \$

Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?

Yes: ☐No: ☒

Please describe the project time-line and when the expenditures will occur:

Has this project gone through a public review process at the local level?

Yes: ☒No: ☐

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒No: ☐

If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?

Who will own the project or facility? Kenai Peninsula Borough

Entity responsible for providing ongoing operation and maintenance of this project? Central Emergency Services

How will operations and maintenance be funded after the project is complete? Central Emergency Services, Operating Budget, Kenai Peninsula Borough

Please select a project type (chosed only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☐ Remodel, Reconstruction and Upgrades
- ☒ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:



Kenai Peninsula Borough

Year 2022 State Capital Improvement Projects

CAPITAL PROJECT: Anchor Point Flood and Storm Water Mitigation Project

Funding Recipient: Kenai Peninsula Borough

Project Name: Road Service Area – Anchor Point Flood and Storm Water mitigation project

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$1,800,000.00 to mitigate seasonal flooding and stormwater conveyance issues in the Granross Grove Unit 1 subdivision in Anchor Point.

Background

The Kenai Peninsula Borough Road Service Area provides for year-round maintenance of over 650 miles of Roads in the Kenai Peninsula Borough. Roughly, 98% of the Roads in the system are gravel surfaces. The majority of the roads in the system were adopted by the Kenai Peninsula Borough from the State of Alaska. The remained were either adopted into the program by the property owners through a road maintenance application process.

The Kenai Peninsula Road Service area prioritizes its Capital improvement projects through the use of a Tier list that is generated by the department through their operational assessment. The list is then evaluated by the Road Service Area Board and a recommendation for yearly priority projects, extending out to 5 years is sent to the Borough administration for inclusion in the annual budget at the wishes of the assembly.

Justification

Every year the Granross Grove Unit 1 subdivision experiences seasonal flooding and stormwater conveyance issues that overtake local roads and private property within and adjacent too the subdivision. The Kenai Peninsula Borough Road Service Area is committed to capital improvements of its road system and appropriates approximately \$2,300,000.00 in RSA funds each fiscal year to address road and stormwater conveyance deficiencies.

In addition to the highest priority roads and storm water conveyance issues listed above, seasonal flooding and stormwater conveyance continues to threaten the road system and private property in the area of and adjacent too the Granross Grove Unit 1 Subdivision. Maintenance in this subdivision will steadily increase over the next 5 years and will most likely lead to poor, unsafe travel conditions, and damage to private property. The total estimated cost of rehabilitation to this drainage system is estimated at \$1,800,000.00.

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately launch a seasonal flooding and stormwater conveyance rehabilitation project, using ditching, Road development, and strategic culvert placement to safely route seasonal flood water and stormwater away from the subdivision. The project will begin in the construction season of 2022 with an estimated completion date sometime in the construction season of 2023.

Funding Requested: \$

Total Project Cost: \$ 1,800,000.00.

Local Match (if any): \$

Election District: Senate:

House:

CONTACT INFORMATION

Name, Title: John Hedges, Purchasing and Contracting Director

Address: 47140 E Poppy Lane

City, State Zip: Soldotna, AK 99669

Phone: 907-262-2037

Fax:

E-mail Jhedges@kpb.us

Funding Plan:

Total Project Cost:	\$ 1,800,000	This should be the most accurate estimate of how much this project will cost.
Funding Secured:	\$	How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.
	1,800,000	
Funding Requested:	\$	How much is being requested from this year's capital budget.
Pending Requests	\$	Amount requested from other sources not yet received.
Project Deficit:	\$	Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?Yes: ☐ No: ☒**Please describe the project time-line and when the expenditures will occur:****Has this project gone through a public review process at the local level?**Yes: ☒ No: ☐

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒ No: ☐**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?****Who will own the project or facility?** Kenai Peninsula Borough**Entity responsible for providing ongoing operation and maintenance of this project?** Central Emergency Services**How will operations and maintenance be funded after the project is complete?** Central Emergency Services, Operating Budget, Kenai Peninsula Borough**Please select a project type (choose only one):**

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☒ Remodel, Reconstruction and Upgrades
- ☐ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:



Kenai Peninsula Borough

Year 2022 State Capital Improvement Projects

CAPITAL PROJECT: Susan B English School Sport Court Upgrades

Funding Recipient: Seldovia Recreational Service Area

Project Name: Susan B. English School Sport Court Upgrades

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$ 190,000.00 to rehabilitate the Sport Court of Susan B English School as a recreational asset to the service area residents.

Background

The Kenai Peninsula Borough's Seldovia Recreational Service Area(SRSA) provides year-round recreational opportunities and assets to the service area residents. The community has expressed the desire to upgrade the court prior to the outbreak of COVID-19. The pandemic has further reinforced the need for outdoor recreation opportunities. Susan B. English School(SBE) campus also houses a ball field where the community gathers year-round for field games and recreation. The upgrades to the sport court will help further nurture the love of being active as it contributes greatly to the physical and mental health of individuals, bonds family and friends, instills pride in heritage and provides economic benefits to our communities not to mention creates a more desirable school for students to enroll and thrive in.

Justification

The Seldovia Recreational Service Area funds the Sea Otter Community Center(SOCC) in Seldovia. Due to many factors over the years, the pandemic, staffing issues and inconsistency in management of the SOCC, fiscal budgeted funds have not been fully utilized building the SRSA fund balance to over \$100,000. The SRSA understands the need to maintain a healthy fund balance in the event of an emergency or capital repair, however, the current balance is beyond those needs. With public-public partnerships the SRSA hopes to source funding that will accomplish the communities desire to bring the court back to its former glory and support healthy choices for Seldovia's youth and greater community.

Over the last year, the SRSA and the SOCC have held several meetings and gatherings to get a feel from the service area residents as to what type of recreational asset they would like to see the SRSA fund for the community with some of the excess funds in the SRSA's fund balance. The overall thought was to upgrade the sport court on the SBE school campus.

Methodology

Should funding be made available the Kenai Peninsula Borough would source bids to contract the necessary repairs which include; 1-2" lift to the concrete for better surface & drainage, replace the tennis posts, paint lines for 2 basketball courts, 2 tennis courts and a pickle ball court, replace the tennis rebound wall of 52'x11'6", purchase and mount second set of middle school height basketball hoops and backboards on current power poles, install 200' of debris blockers in existing chain link fence to keep rocks off court from snowplow and existing playground areas, purchase spectator benches and ball storage bins, pull power from the SOCC to the benches and install power pedestal for charging laptops and phones.

Funding Requested:	\$	190,000.00	Election District:	Senate:
Total Project Cost:	\$	210,000.00		House:
Local Match (if any):	\$			

CONTACT INFORMATION

Name, Title:	John Hedges, Purchasing and Contracting Director	Phone: 1-907-262-2037
Address:	47140 E. Poppy Ln	Fax:
City, State Zip:	Soldotna AK, 99669	E-mail: jhedges@kpb.us

Funding Plan:

Total Project Cost: \$ 210,000

This should be the most accurate estimate of how much this project will cost.

Funding Secured: \$

How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.

190,000

Funding Requested: \$

How much is being requested from this year's capital budget.

Pending Requests \$

Amount requested from other sources not yet received.

Project Deficit: \$

Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?Yes: ☐ No: ☒**Please describe the project time-line and when the expenditures will occur:****Has this project gone through a public review process at the local level?**Yes: ☒ No: ☐

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒ No: ☐**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?****Who will own the project or facility?** Kenai Peninsula Borough**Entity responsible for providing ongoing operation and maintenance of this project?** Central Emergency Services**How will operations and maintenance be funded after the project is complete?** Central Emergency Services, Operating Budget, Kenai Peninsula Borough**Please select a project type** (chosed only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☒ Remodel, Reconstruction and Upgrades
- ☐ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:



Kenai Peninsula Borough

Year 2022 State Capital Improvement Projects

CAPITAL PROJECT: NPRSA- Ice Rink Repairs/Improvements

Funding Recipient: Kenai Peninsula Borough

Project Name: North Peninsula Recreation Service Area-Ice Rink Improvements

Detailed Project Description and Justification:

The North Peninsula Recreation Service Area is seeking \$6,250,000 to make repairs and building improvements to the Jason Peterson Memorial Ice Rink.

Background

The North Peninsula Recreation Service Area maintains approximately 128 acres of grounds including trails, disc golf course, playgrounds and multi-use fields. It is also responsible for the upkeep of approximately 93,000 sq ft of buildings, to include and an indoor swimming pool complex with fitness area, community center and ice rink. The Service Area is frequented by over 55,000 visitors annually, and is considered a quality of life service.

In 2017, the North Peninsula Recreation Service Area developed a 10-year master plan. The number one priority was to enhance quality and functionality, whilst maintaining facilities and grounds. The majority of the community survey participants (members of the public) indicated the primary goal should be ongoing maintenance and improvement of current facilities.

Justification

As part of the ongoing maintenance of current facilities, there are a number of improvements required at the Jason Peterson Memorial Ice Rink that will improve safety, provide better access for the public and reduce maintenance costs:

- Replace rink surface with asphalt
- Replace dasher boards
- Enclose all four sides of the rink
- Extend the roof line and construct attached player's huts and coaches' huts to the rink building
- Construct an attached ice resurfacer operator shop to the rink
- Installation of a refrigeration system

Methodology

Should funding be made available, the North Peninsula Recreation Service Area would immediately begin contracting for the design and construction services per the Kenai Peninsula Borough procurement processes. Contingent upon funding availability at the start of FY2023 the project would take place in the construction season of 2023 with an anticipated substantial completion of September 30.

Funding Requested:	\$	6,250,000	Election District:	Senate:
Total Project Cost:	\$	6,250,000		House:
Local Match (if any):	\$			

CONTACT INFORMATION

Name, Title:	John Hedges, Purchasing And Contracting Director	Phone: 1 (907) 262-2037
Address:	47140 E Poppy Ln	Fax:
City, State Zip:	Soldotna Ak 99669	E-mail: jhedges@kpb.us

Funding Plan:

Total Project Cost: \$ 6,250,000

This should be the most accurate estimate of how much this project will cost.

Funding Secured: \$

How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.

6,250,000

Funding Requested: \$

How much is being requested from this year's capital budget.

Pending Requests \$

Amount requested from other sources not yet received.

Project Deficit: \$

Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?Yes: ☐No: ☒**Please describe the project time-line and when the expenditures will occur:****Has this project gone through a public review process at the local level?**Yes: ☒No: ☐

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒No: ☐**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?****Who will own the project or facility?** Kenai Peninsula Borough**Entity responsible for providing ongoing operation and maintenance of this project?** Central Emergency Services**How will operations and maintenance be funded after the project is complete?** Central Emergency Services, Operating Budget, Kenai Peninsula Borough**Please select a project type (chosed only one):**

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☒ Remodel, Reconstruction and Upgrades
- ☐ New Construction and Land Acquisition
- ☒ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:



Kenai Peninsula Borough

Year 2022 State Capital Improvement Projects

CAPITAL PROJECT: Expansion and Renovation of WES Station 3

Funding Recipient: Kenai Peninsula Borough

Project Name: Expansion and Renovation of WES Station 3 – Anchor Point

Detailed Project Description and Justification:

The Kenai Peninsula Borough is seeking \$3,200.00 to expand and renovate the Fire Station (WES station 3) in Anchor Point, Alaska.

Background

The Western Emergency Services was formed in 2020 when two Rural Fire Departments; Anchor Point Fire and Emergency Services and Ninilchik Emergency Services combined into one department and is the sole provider of fire and Advanced Life Support for the communities of Anchor Point, Nikolaeusk, Happy Valley, Ninilchik and Clam Gulch. With this combination, the area which we serve jumped to an overall size of 826 square miles of the western Kenai Peninsula of Alaska. The area has one major travel artery, the Sterling Highway that connects several communities and cities to the major metropolitan area of Anchorage. 45 miles of this highway runs through our service area. The department consists of 10 ten career staff and approximately 40 volunteer firefighters and EMTs. The department provides full fire protection and Advanced Life Support medical services to all of the residents as well as visitors. Due to the expansion of the fire service area, the addition of career staff who are on duty 24 hrs a day 7 days a week, and the addition of services the existing station has outgrown the use as it was originally designed some 30 years ago. Additionally, the station does not meet current NFPA standards for station design per NFPA 1500, 1, and 72 and is past the point of possible retrofit without significant expansion and renovation.

Western Emergency Services' prioritizes its Capital improvement projects through the use of a Tier list that is generated by the department through their operational assessment. The list is then evaluated by the Fire Service Area Board and a recommendation is made for yearly priority projects, the project list is extended out to 5 years and is sent to the Borough administration for inclusion in the annual budget at the wishes of the assembly.

Justification

Western Emergency Services is committed to the capital improvement of its protection area and to the safety of its personnel. The service area is funded by a 2.95 mil rate and through various competitive grants and ambulance billing with an estimated total budget of \$2,500,000.00 annually. The service area has identified several deficiencies with the current fire station (WES Station 3) in Anchor Point. The expansion and renovation (addition of 6,400 sqft) of this station will allow for safer working conditions for the employees by allowing for the needed space for equipment storage, a medical clean room, equipment cleaning room, decontamination area, bunker gear storage, sleeping/cooking/dining facilities, office spaces, a multi-use training and conference room which will double as a community meeting space, a dedicated ambulance parking garage, and additional fire apparatus parking stalls. The improvements would additionally include vehicle exhaust recovery systems in the vehicle bays to assist with the removal of carcinogens. The total estimated cost of the expansion and renovation of the station is estimated at \$3,200,000.00 The land the existing fire station is located on is already owned by the Kenai Peninsula Borough and the purchase of the adjacent properties is already being actively pursued by the Kenai Peninsula Borough.

Methodology

Should funding be made available the Kenai Peninsula Borough would immediately launch a Design/Construction project through a competitive bid process. The station would be expanded and renovated or constructed to meet all applicable NFPA standards at the time of construction. The facility if expanded or renovated constructed would have an estimated minimum useful life of 50 + years.

Funding Requested: \$
Total Project Cost: \$ 3,200,000.00
Local Match (if any): \$

Election District: Senate:
House:

CONTACT INFORMATION

Name, Title: John Hedges, Purchasing and Contracting Director
Address: 47140 E Poppy Lane
City, State Zip: Soldotna, AK 99669

Phone: 907-262-2037
Fax:
E-mail: jhedges@kpb.us

Funding Plan:

Total Project Cost:	\$ 3,200,000	This should be the most accurate estimate of how much this project will cost.
Funding Secured:	\$	How much of the project costs are in hand, secured, guaranteed, appropriated, etc. You may include in-kind contributions and volunteer labor. Do not include hypothetical funds.
	3,200,000	
Funding Requested:	\$	How much is being requested from this year's capital budget.
Pending Requests	\$	Amount requested from other sources not yet received.
Project Deficit:	\$	Additional funding needed to complete the project.

Please list Secured Funding Sources and Amounts:

N/A

If this project is funded this year, will you be requesting state funding again?Yes: ☐ No: ☒**Please describe the project time-line and when the expenditures will occur:****Has this project gone through a public review process at the local level?**

Is it a community or service area priority demonstrated by resolution or other official action?

Yes: ☒ No: ☐
Yes: ☒ No: ☐**If a community or service area meeting was conducted, how was it advertised? When and where was it held? Who attended?****Who will own the project or facility?** Kenai Peninsula Borough**Entity responsible for providing ongoing operation and maintenance of this project?** Western Emergency Services**How will operations and maintenance be funded after the project is complete?** Western Emergency Services, Operating Budget, Kenai Peninsula Borough

Please select a project type (chosed only one):

- ☐ Planning and Research
- ☐ Maintenance and Repairs
- ☒ Remodel, Reconstruction and Upgrades
- ☐ New Construction and Land Acquisition
- ☐ Equipment and Materials
- ☐ Information System and Technology
- ☐ Other:

Introduced by:	Mayor, Assembly
Date:	02/01/22
Action:	Adopted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2022-011**

**A RESOLUTION IN SUPPORT OF THE CITY OF HOMER’S REQUEST TO THE U.S.
ARMY CORPS OF ENGINEERS FOR \$1.5 MILLION TO COMPLETE THE HOMER
PORT AND HARBOR EXPANSION GENERAL INVESTIGATION STUDY**

WHEREAS, the recently enacted Infrastructure Investment and Jobs Act (“IIJA”) provides supplemental appropriations to the U.S. Army Corps of Engineers (“USACE”) and directed the USACE to develop a workplan within 60 days of enactment; and

WHEREAS, this resolution supports the City of Homer’s (“City”) request to the USACE for \$1.5 million and for inclusion in the USACE’s IIJA workplan for a new start General Investigation study to analyze the expansion of the City’s existing port and harbor; and

WHEREAS, the General Investigation study will cover planning aspects needed to build a large vessel port at the Homer Spit including, but not limited to: breakwater basin design, economic, environmental and geo-physical factors, construction methods and costs and

WHEREAS, the estimated cost of the General Investigation study is \$3 million and it is a necessary initial step toward completion of the City’s port and harbor expansion project that will be designed to support large vessel and multi-modal cargo operations allowing it to serve as a backup port in the event of a major disaster at the Port of Alaska and also serves as the region’s only ice-free gateway to Cook Inlet; and

WHEREAS, the City has committed \$750,000 in local cost share (25% of the total cost) and has requested \$750,000 from the State of Alaska (25% of the total cost) to complete the General Investigation study; and

WHEREAS, the City’s port, first constructed in 1965 and expanded to 50-acres, is centrally located in the Gulf of Alaska and is a marine transportation and industrial hub for Central and Western Alaska; and

WHEREAS, over the last 15 years this port has seen a 42 percent increase in large vessel traffic with a current 414-vessel moorage waiting list and has the second highest amount of commercial fishing vessels in the state, over 50 maritime charter companies, and Alaska Marine Highway vessels; and

WHEREAS, the City's harbor serves as a port of refuge for large vessels transiting the Gulf of Alaska, Cook Inlet and Kennedy Entrance and has the potential to accommodate layover, repairs and provisioning needs of U.S. Coast Guard ships deployed under the Arctic Security mission; and

WHEREAS, the City's port and harbor expansion would meet the marine industry's growing market demands, address navigational hazards and capture new economic opportunities with a positive impact on the lives and livelihoods of thousands of Alaskans through job creation, economic development, and strengthened national security well into the future;

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

SECTION 1. The Kenai Peninsula Borough Assembly respectfully requests that the U.S. Army Corps of Engineers ("USACE") approve the City of Homer's request for \$1,500,000 (\$1.5 million) for a new start General Investigation study for the expansion of the existing port and harbor.

SECTION 2. Copies of this resolution will be sent to Michael Connor, Assistant Secretary of the Army for Civil Works, Office of the Under Secretary of the Army, U.S. Department of the Army, 108 Army Pentagon, Washington, DC 20310; Congressman Don Young, Senator Sullivan, Senator Murkowski and our local and state representatives.

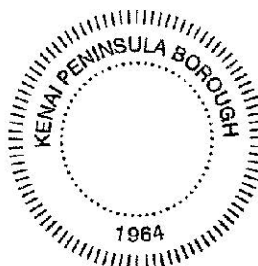
SECTION 3. That this resolution is effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 1ST DAY OF FEBRUARY, 2022.

ATTEST:


John Blankenship, MMC, Borough Clerk


Brent Johnson, Assembly President



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

Introduced by:	Mayor
Date:	02/01/22
Hearing:	02/15/22
Action:	Enacted as Amended
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-19-36**

**AN ORDINANCE APPROPRIATING \$78,978.78 TO THE SPECIAL ASSESSMENT
FUND FOR THE LOOKOUT DRIVE UTILITY SPECIAL ASSESSMENT DISTRICT**

WHEREAS, KPB 5.35 provides authority for creating and financing utility special assessment districts for utility line extensions; and

WHEREAS, a petition has been received requesting the formation of a special assessment district in the Diamond Ridge area for construction of a natural gas mainline; and

WHEREAS, on February 15, 2022, the assembly adopted Resolution 2022-005 to form the Lookout Drive Utility Special Assessment District and proceed with the improvement; and

WHEREAS, financing is necessary to complete the administrative requirements of the ordinance and regulations; and

WHEREAS, pursuant to KPB 5.10.040(A)(13) the Kenai Peninsula Borough may invest in special assessment districts; and

WHEREAS, the estimated total cost of the project of \$78,978.78 is to be provided as an investment by the general fund which will be repaid with interest by assessments on the parcels within the district;

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

SECTION 1. That the amount of \$78,978.78 is authorized to be advanced to the assessment fund from the general fund and appropriated into Account No. 842.94912.LOOKD.49999 for the Lookout Drive Utility Natural Gas Line project.

SECTION 2. That the special assessment fund shall repay the full amount with interest to the general fund through payments made on the special assessments levied.

SECTION 3. That the appropriations made in this ordinance are of project length nature and as such do not lapse at the end of any particular fiscal year.

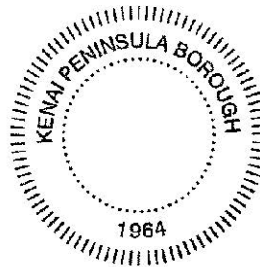
SECTION 4. That this ordinance is effective immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15TH DAY OF FEBRUARY, 2022.

Brent Johnson
Brent Johnson, Assembly President

ATTEST:

John Blankenship
John Blankenship, MMC, Borough Clerk



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

Kenai Peninsula Borough

Finance Department

MEMORANDUM

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

THRU: Charlie Pierce, Borough Mayor *CP*

FROM: Brandi Harbaugh, Finance Director *BH*

DATE: January 20, 2022

SUBJECT: Ordinance 2021-19- 36, Appropriating \$78,978.78 to the Special Assessment Fund for the Lookout Drive Utility Special Assessment District (Mayor)

A petition has been received requesting the formation of a special assessment district for installing a natural gas mainline in the Diamond Ridge area. This petition process is the first step of the process. A resolution is scheduled to be heard at the February 15, 2022, assembly meeting to authorize the formation of the Lookout Drive Utility Special Assessment District (Lookout Drive USAD).

The second step in the process is this ordinance that will appropriate the necessary funds should the assembly approve the project with adoption of the resolution to form the Lookout Drive USAD and proceed with the improvement. The third and final step in the legislative process will be an ordinance of assessment following the completion of the project.

In order for the assembly to consider the formation, KP.B 5.35.107(C)(a) and (b) requires petition signatures of at least 60% of the owners of record of the parcels subject to assessment in the proposed USAD; and, the signatures of owners of at least 60% in value of the property to be benefited. Owners of record of 77.18% percent of the parcels within the proposed USAD and owners of 80.18% in value of the property to be benefited have signed the petition.

The total cost of the Lookout Drive USAD is estimated to be \$78,978.78. This ordinance appropriates \$78,978.78 to the special assessment fund as an interfund loan from the Borough General Fund. The loan will be repaid through assessments levied on property located within the Lookout Drive USAD, which may be paid in ten annual installments. Billings will include an interest charge equal to the


January 20, 2022

Page -2-

Re: O2021-19- 36

published prime rate in effect at the time of the loan plus 2%. The prime rate is currently 3.25%. If it remains unchanged through project completion, residents of the USAD will be charged an interest rate of 5.25% (3.25 + 2%). This is the same formula used to determine the rate of interest on the interfund loans used to finance other USAD and RIAD projects. Penalties are not imposed for accelerated payments.

If for any reason the USAD is not formed, the loan will not be made and the General Fund will absorb administrative costs that exceed the \$1,000 filing fee received with the petition.

FINANCE DEPARTMENT FUNDS VERIFIED	
Acct. No.	<u>100.27910</u>
Amount	<u>\$78,978.78</u>
By: 	Date: <u>1/18/2022</u>

Introduced by: Mayor
Date: 02/01/22
Hearing: 02/15/22
Action: Enacted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-03**

**AN ORDINANCE AMENDING THE EFFECTIVE DATE OF ORDINANCE 2021-19-30
RELATING TO THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY
RESPONSE GRANT**

WHEREAS, Ordinance 2021-19-30 accepted and appropriated the funds from the U.S. Department of Homeland Security's Staffing for Adequate Fire and Emergency Response Grant with an effective date of October 26, 2021; and

WHEREAS, after further review of expenditures related to the grant, there are expenditures that could be applied up to July 1, 2021 that are reimbursable through the grant; and

WHEREAS, modification of the effective date is required in order to apply the qualified expenditures upon approval of the U.S. Department of Homeland Security;

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


SECTION 1. That Section 4 of Ordinance 2021-19-30 is amended, as follows:

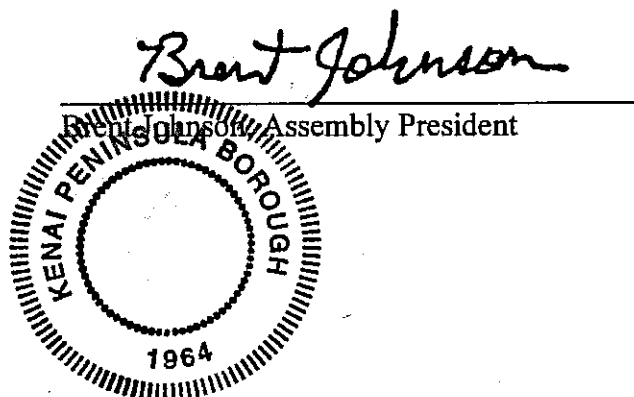
SECTION 4: Upon approval of the U.S. Department of Homeland Security, the granting agency, this ordinance shall become effective retroactively on [OCTOBER 26] July 1, 2021.

SECTION 2. This ordinance is effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15TH DAY OF FEBRUARY, 2022.

ATTEST:


Johni Blankenship, MMC, Borough Clerk



[Handwritten signature]

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

Kenai Peninsula Borough Community & Fiscal Projects

MEMORANDUM

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

THRU: Charlie Pierce, Mayo *CP*

FROM: Rachel Chaffee, Community & Fiscal Projects Manager *RC*

DATE: January 20, 2022

RE: Ordinance 2022-03, Amending the Effective Date of Ordinance 2021-19-30 Relating to the Staffing for Adequate Fire and Emergency Response Grant (Mayor)

Ordinance 2021-19-30 accepted and appropriated funds from the U.S. Department of Homeland Security's Staffing for Adequate Fire and Emergency Response Grant with an effective date of October 26, 2021.

Upon review of expenditures related to the grant, there are expenditures that could be applied up to July 1, 2021 that are reimbursable through the grant.

A modification of the effective date is required in order to apply the qualified expenditures subject to the U.S. Department of Homeland Security's approval.

Introduced by:	Mayor
Date:	12/07/21
Hearing:	01/04/22
Action:	Enacted as Amended
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2021-19-30**

**AN ORDINANCE ACCEPTING AND APPROPRIATING THE REMAINING
BALANCE OF \$255,854.84 FROM THE U.S. DEPARTMENT OF HOMELAND
SECURITY'S STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE
GRANT, AND APPROPRIATING \$5,117.10 FOR THE ADMINISTRATIVE FEE ON
BEHALF OF WESTERN EMERGENCY SERVICE AREA**

WHEREAS, the Western Emergency Service Area ("WESA") is committed to recruiting new volunteer firefighters and retaining existing members in order to best protect and serve the service area; and

WHEREAS, the U.S. Department of Homeland Security ("DHS") provides an annual application through the Assistance to Firefighters, "Staffing for Adequate Fire and Emergency Response" grant (SAFER), which assists fire departments with funding for operations and safety; and

WHEREAS, the Ninilchik Emergency Services was the original recipient of the 2018 SAFER award in the amount of \$298,650 to promote recruitment and retention of volunteer firefighters; and

WHEREAS, DHS approved the amendment request transferring the \$255,854.84 balance of the 2018 SAFER grant to WESA; and

WHEREAS, pursuant to Resolution 2013-022 an administrative fee of 2% of the grant amount will be charged to the service area for "grants and projects that do not allow an indirect cost to be charged" and is available in the WESA fund balance; and

WHEREAS, at its regularly scheduled meeting held January 13, 2021, the WESA Board recommended grant acceptance; and

WHEREAS, it is in the best interest of the borough to receive these funds for the purpose of completing the SAFER program objectives;

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

SECTION 1. The mayor is authorized to accept a grant from the U.S. Department of Homeland Security in the amount of \$255,854.84 for promoting the recruitment and retention of volunteer firefighters in Western Emergency Service Area, and is authorized to execute a grant agreement and any other documents deemed necessary to accept and expend the grant funds and to fulfill the intent and purpose of this ordinance.

SECTION 2. That funds in the amount of \$260,971.94 are appropriated as follows:


\$255,854.84 to account number 209.51410.SAFR2.49999 project account number for the SAFER grant program; and

\$5,117.10 from the WESA Operating Fund fund balance account number 209.27910 to account 209.51410.SAFR2.61990 for the administrative service fee account.


SECTION 3. That due to the length and nature of this project, the appropriations established through this ordinance shall not lapse at the end of any particular fiscal year.

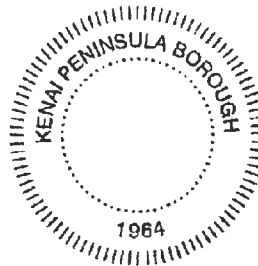
SECTION 4. This ordinance shall become effective retroactively on October 26, 2021.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 4TH DAY OF JANUARY, 2022.


Brent Johnson, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Tupper, Johnson

No: None

Absent: None

Introduced by: Chesley
Date: 02/01/22
Hearing: 03/01/22
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-02**

**AN ORDINANCE ENACTING KPB 2.40.110 AND KPB 2.40.120 AUTHORIZING THE
PLANNING COMMISSION TO ADOPT BYLAWS AND DEFINING QUORUM**

WHEREAS, current code does not authorize the planning commission to adopt bylaws; and

WHEREAS, the code authorizes other bodies to adopt bylaws and regulations governing the conduct of their affairs so long as their bylaws are procedural in nature and do not conflict with the rules, ordinances, statutes and regulations governing them; and

WHEREAS, current code does not define a quorum for the planning commission; and

WHEREAS, in the absence of a definition of quorum under borough code, and due to recent changes to membership, the planning commission has necessarily been taking action based on quorum being a majority of the members of the commission who have been appointed by the mayor and confirmed by the assembly; and

WHEREAS, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of February 28, 2022 recommended approval by unanimous consent;

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

SECTION 1. That KPB 2.40.110 is hereby added as follows:

2.40.110. Bylaws.

The planning commission may adopt bylaws governing the conduct of its affairs so long as these bylaws are procedural in nature and do not conflict with the rules, ordinances, statutes and regulations governing the planning commission. The commission may establish various committees and appoint members to them.

SECTION 2. That KPB 2.40.120 is hereby amended as follows:

2.40.120. Quorum.

A majority of the members of the commission who have been appointed by the mayor and confirmed by the assembly shall constitute a quorum. All commission actions shall be by vote of a majority of the members of the commission who are present and voting. No hearing may be held or decision made in the absence of a

quorum, except that a member disqualified by law from voting on a question may be considered present for purposes of constituting a quorum.

SECTION 3. This ordinance is effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2022.

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Assembly

MEMORANDUM

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

FROM: Lane Chesley, Assembly Member *LC*

DATE: January 18, 2022

SUBJECT: Ordinance 2022-02, Enacting KPB 2.40.110 and 2.40.120 Authorizing the Planning Commission to Adopt Bylaws and Defining Quorum (Chesley)

This ordinance amends KPB 2.40 by adding 2.40.110 to authorize the planning commission to adopt bylaws, and further amends KPB 2.40 by adding 2.40.120 to define "quorum" for the purposes of the planning commission's transaction of business.

Your consideration of this ordinance is appreciated.

Kenai Peninsula Borough
Office of the Borough Clerk

MEMORANDUM

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

THRU: Johni Blankenship, Borough Clerk (JB)

FROM: Michele Turner, Deputy Borough Clerk (MT)

DATE: March 1, 2022

RE: Ordinance 2022-02: Enacting KPB 2.40.110 and KPB 2.40.120
Authorizing the Planning Commission to Adopt Bylaws and Defining
Quorum (Chesley)

Per KPB 22.40.050(F), the borough clerk, or the clerk's designee in his or her absence, has the authority to revise pending resolutions and ordinances prior to assembly action, by filling in any blanks in the legislation stating advisory board recommendations made concerning the legislation. This serves as our memorandum to advise the assembly of same.

Pursuant to the Planning Commission's actions at their meeting February 28, 2022, the last Whereas clause has been updated to read:

"WHEREAS, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of February 28, 2022 recommended approval by unanimous consent;"

Thank you.

Turner, Michele

From: Shirnberg, Ann
Sent: Tuesday, March 1, 2022 8:43 AM
To: Blankenship, Johni; Turner, Michele
Subject: Ordinance 2022-02

Importance: High

Good Morning,

The planning commission at their regularly scheduled meeting of February 28, 2022 unanimously (9-Yes, 1 Absent) recommended that the assembly adopt Ordinance 2022-02 enacting KPB 2.40.110 & KPB 2.40.120 authorizing the planning commission to adopt bylaws and defining quorum.

Thank You,

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

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669



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

Kenai Peninsula Borough

Office of the Borough Clerk

MEMORANDUM

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

THRU: Johni Blankenship, Borough Clerk (JB)

DATE: Tuesday, February 1, 2022

RE: Rock Solid Buds– Limited Marijuana Cultivation Facility - New License 21463

Kenai Peninsula Borough Code 7.30.010 provides that the Assembly shall review and make recommendations to the state on applications for new licenses located within the Borough. Accordingly, the attached application filed by Rock Solid Buds is being submitted to you for review and recommendation.

The Borough Finance Department reviewed the application and has no objection to the new license based on unpaid taxes. The Planning Commission reviewed the application at its Monday, January 24, 2022 meeting and has no objection to the new license based on the standards set forth in KPB 7.30.

RECOMMENDATION:

That the Assembly approves the issuance of a letter of non-objection to the Alcohol Marijuana Control Office regarding the new Limited Marijuana Cultivation Facility license as requested by **Rock Solid Buds** with the recommendation that the following conditions be placed on the state license pursuant to 3 AAC 306.060(b):

1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.
2. There shall be no parking in borough rights-of-way generated by the marijuana establishment.
3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020(A).


Kenai Peninsula Borough

Planning Department

MEMORANDUM

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

THRU: Charlie Pierce, Borough Mayor

FROM: Melanie Aeschliman, Planning Director 

DATE: January 25, 2022

RE: Application for a new marijuana cultivation license; Applicant/Owner: Steve Duprey, dba Rock Solid Buds; PIN: 055-282-39; Location: 48235 Miracle Ave., Kalifornsky Beach Area.

The Kenai Peninsula Borough Planning Commission reviewed the subject application during their regularly scheduled January 24, 2022 meeting.

A motion to recommend approval of the *marijuana* cultivation license for *Steve Duprey, dba Rock Solid Buds* application passed by unanimous vote (7-Yes, 0-No, 1-Absent) subject to the following conditions:

1. The marijuana establishment shall conduct their operations consistent with the site plan submitted to the Kenai Peninsula Borough.
2. There shall be no parking in borough rights-of-way generated by the marijuana establishment.
3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020(A).

Minutes are not yet available for this meeting.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce,
Community,
and Economic Development

Alcohol and Marijuana Control Office

550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 8, 2021

Kenai Peninsula Borough

Attn: Borough Clerk

VIA Email: jblankenship@kpb.us; micheleturner@kpb.us; sness@kpb.us; mjenkins@kpb.us; maldridge@kpb.us; slopez@kpb.us; ncarver@kpb.us; jvanhooose@kpb.us

License Number:	21463
License Type:	Limited Marijuana Cultivation Facility
Licensee:	STEVE DUPREY
Doing Business As:	ROCK SOLID BUDS
Physical Address:	48235 Miracle Ave Soldotna, AK 99669
Designated Licensee:	STEVE DUPREY
Phone Number:	907-394-5297
Email Address:	stevenduprey@live.com

☒ **New Application** ☐ **New Onsite Consumption Endorsement Application (Retail Only)**

AMCO has received a complete application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.025(d)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant. If the protest is a "conditional protest" as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license, but require the applicant to show to the board's satisfaction that the requirements of the local government have been met before the director issues the license.

3 AAC 306.010, 3 AAC 306.080, and 3 AAC 306.250 provide that the board will deny an application for a new license if the board finds that the license is prohibited under AS 17.38 as a result of an ordinance or election conducted under AS 17.38 and 3 AAC 306.200, or when a local government protests an application on the grounds that the proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

This application will be in front of the Marijuana Control Board at our January 19-21, 2022 meeting.

Sincerely,

Glen Klinkhart, Director

amco.localgovernmentonly@alaska.gov

PUBLISHER'S AFFIDAVIT

UNITED STATES OF AMERICA,
STATE OF ALASKA

} SS:

Jeff Hayden being first duly sworn, on oath deposes and says:

That I am and was at all times here in this affidavit mentions, Supervisor of Legals of the Sound Publishing / Peninsula Clarion, a newspaper of general circulation and published at Kenai, Alaska, that the advertisement, a printed copy of which is hereto annexed was published in said paper on the dates listed below:

Mrijuana License

09/28/21

10/05/21

10/12/21

**NEW LIMITED MARIJUANA
CULTIVATION FACILITY LICENSE**

STEVE DUPREY is applying under 3 AAC 306.400(a)(2) for a new Limited Marijuana Cultivation Facility license, license #21463, doing business as ROCK SOLID BUDS, located at 48235 Miracle Ave, Soldotna, AK, 99669, UNITED STATES.

Interested persons may object to the application by submitting a written statement of reasons for the objection to their local government, the applicant, and the Alcohol & Marijuana Control Office (AMCO) not later than 30 days after the director has determined the application to be complete and has given written notice to the local government. Once an application is determined to be complete, the objection deadline and a copy of the application will be posted on AMCO's website at <https://www.commerce.alaska.gov/web/amco>. Objections should be sent to AMCO at marijuana.licensing@alaska.gov or to 550 W 7th Ave, Suite 1600, Anchorage, AK 99501.

Pub: Sept. 28, Oct. 5 & 12, 2021

939158

x 

SUBSCRIBED AND SWORN before me on this

13th day of October, 2021.



NOTARY PUBLIC in favor for the State of Alaska.

My commission expires 3/6/2024.

Elizabeth A. McDonald
Notary Public, State of Alaska
Commission #200306009
My Commission Expires March 6, 2024

AMCO

DEC - 6 2021

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE

[SOA](#) / [DCCED](#) / [Marijuana](#) / [Account](#) / #21463

Your application has been submitted.

LICENSE NUMBER 21463

License Number:

21463

License Status:

Initiated

License Type:

Limited Marijuana Cultivation Facility

Business License Number:

1050703

Doing Business As:

ROCK SOLID BUDS

Issue Date:

Effective Date:

Expiration Date:

Designated Licensee:

STEVE DUPREY

Email Address:

stevenduprey@live.com

Local Government:

Kenai Peninsula Borough

Community Council:

Latitude, Longitude:

60.496551, -151.183909

Physical Address:

48235 Miracle Ave
Soldotna, AK 99669
UNITED STATES



Actions & Documents

[Advertisement Notice - License](#)
[Public Notice - License](#)
[Standard Cover Page](#)

Licensees

First Name:	STEVE
Last Name:	DUPREY
Suffix:	
Date of Birth:	10/30/1968
Alaska Entity Name:	
Alaska Entity Number:	
Phone Number:	907-394-5297
Email Address:	stevenduprey@live.com

Events

► Initial Application

▼ All
Status: Incomplete

User Access

User Name:	sneekysteve
First Name:	STEVEN
Last Name:	DUPREY
Email Address:	sneekysteve1488@hotmail.com
	Delete Access

Above is a list of the users that currently have access to this license. You may allow other users to access and modify this license by sending them an invitation email. Please note that all users have the ability to add and remove users from a license. Enter their email address in the box below and click the Send Invite button.

Email Address:

[Send Invite](#)



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DEVELOPMENT · EMAIL THE WEBMASTER



Alaska Business License # 1050703

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806

This is to certify that

ROCK SOLID BUDS

P.O. BOX 1494 KENAI AK 99611

owned by

STEVE DUPREY

is licensed by the department to conduct business for the period

March 13, 2017 through December 31, 2018
for the following line of business:

11 - Agriculture, Forestry, Fishing and Hunting

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.

Chris Hladick
Commissioner





Alaska Marijuana Control Board

Form MJ-00: Application Certifications

What is this form?

This application certifications form is required for all marijuana establishment license applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306.

This form must be completed and submitted to AMCO's main office by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) before any license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Steven Duprey	License Number:	21463		
License Type:	Limited Marijuana Cultivation Facility				
Doing Business As:	Rock Solid Buds				
Premises Address:	48235 Miracle Ave				
City:	Soldotna	State:	AK	ZIP:	99669

Section 2 – Individual Information

Enter information for the individual licensee.

Name:	Steven Duprey
Title:	Owner/ Operator

Section 3 – Other Licenses

Ownership and financial interest in other licenses:

Yes No

Do you currently have or plan to have an ownership interest in, or a direct or indirect financial interest in another marijuana establishment license?

☐☒

If "Yes", which license numbers (for existing licenses) and license types do you own or plan to own?





Alaska Marijuana Control Board

Form MJ-00: Application Certifications

Section 4 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that I have not been convicted of a felony in any state or the United States, including a suspended imposition of sentence, for which less than five years have elapsed from the time of the conviction to the date of this application.

SD

I certify that I am not currently on felony probation or felony parole.

SD

I certify that I have not been found guilty of selling alcohol without a license in violation of AS 04.11.010.

SD

I certify that I have not been found guilty of selling alcohol to an individual under 21 years of age in violation of 04.16.051 or AS 04.16.052.

SD

I certify that I have not been convicted of a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty within the five years preceding this application.

SD

I certify that I have not been convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed within the two years preceding this application.

SD

I certify that my proposed premises is not within 500 feet of a school ground, recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility, as set forth in 3 AAC 306.010(a).

SD

I certify that my proposed premises is not located in a liquor licensed premises.

SD

I certify that I meet the residency requirement under AS 43.23 for a permanent fund dividend in the calendar year in which I am initiating this application.

SD

I certify that all proposed licensees (as defined in 3 AAC 306.020(b)(2)) have been listed on my online marijuana establishment license application. Additionally, if applicable, all proposed licensees have been listed on my application with the Division of Corporations.

SD

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by AMCO is grounds for denial of my application.

SD





Alaska Marijuana Control Board

Form MJ-00: Application Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify and understand that I must operate in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

SD

I certify and understand that I must operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of this state and the local government in which my premises is located.

SD

Read each line below, and then sign your initials in the box to the right of only the applicable statement:

Initials

Only initial next to the following statement if this form is accompanying an application for a marijuana testing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility.

Only initial next to the following statement if this form is accompanying an application for a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a marijuana testing facility license.

SD

All marijuana establishment license applicants:

As an applicant for a marijuana establishment license, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that the online application and this form, including all accompanying schedules and statements, is true, correct, and complete.



Signature of licensee

STEVEN DUPREY

Printed name of licensee




Notary Public in and for the State of Alaska

My commission expires: 10/23/2022

Subscribed and sworn to before me this 23rd day of March, 2021.





Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

What is this form?

An operating plan is required for all marijuana establishment license applications. Applicants should review **Title 17.38 of Alaska Statutes and Chapter 306 of the Alaska Administrative Code**. This form will be used to document how an applicant intends to meet the requirements of those statutes and regulations. If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020(c).

What must be covered in an operating plan?

Applicants must identify how the proposed premises will comply with applicable statutes and regulations regarding the following:

- Control plan for persons under the age of 21
- Security
- Business records
- Inventory tracking of all marijuana and marijuana product on the premises
- Employee qualification and training
- Health and safety standards
- Transportation and delivery of marijuana and marijuana products
- Signage and advertising

Applicants must also complete the corresponding operating plan supplemental forms (**Form MJ-03, Form MJ-04, Form MJ-05, or Form MJ-06**) to meet the additional operating plan requirements for each license type.

Section 1 – Establishment & Contact Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Steven Duprey	MJ License #:	21463		
License Type:	Limited Marijuana Cultivation Facility				
Doing Business As:	Rock Solid Buds				
Premises Address:	48235 Miracle Ave				
City:	Soldotna	State:	Alaska	ZIP:	99669
Mailing Address:	P.O. Box 1494				
City:	Kenai	State:	Alaska	ZIP:	99611
Designated Licensee:	Steven Duprey				
Main Phone:	907-394-5297	Cell Phone:	907-394-5297		
Email:	stevenduprey@live.com				



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Section 2 – Control Plan for Persons Under the Age of 21

2.1. Describe how the marijuana establishment will prevent persons under the age of 21 from gaining access to any portion of the licensed premises and marijuana items:

1. Any person allowed entry into the premises or allowed around any marijuana items will be required to provide valid identification. 2. Any person that does not meet requirements of any portion of 3AAC 306 shall be DENIED access. 3. All "visitors" shall be escorted at the ratio not to exceed 1 escort to 5 visitors in accordance with 3 AAC 306.710. Any person under the age of 21 shall be denied entry This shall satisfy the standards set forth in 3 AAC 306.710

Section 3 – Security

Restricted Access Areas (3 AAC 306.710):

3.1. Describe how you will prevent unescorted members of the public from entering restricted access areas:

1. All exterior doors shall be locked 2. Exterior shall have lighting to help with surveillance. 3. Cameras shall be installed and monitored off site by a professional security company. the company will be required to notify me immediately as to any issues detected by calling my cell phone which will allow an appropriate response. 4. The Cultivation Facility will be in Close proximity of my home, which is Private Property. No trespassing signage shall be posted. 5. Restricted Access Areas shall have signage posted open all entrances. All "Restricted Access Areas" signs shall include "Visitors must be Escorted and Rock Solid Buds Lic # 21463" on them. 6. All doors will be commercial grade, with dead bolts lock sets installed, along with a locking push bar on the inside of the door that will self lock when a person exits. 7. Doors shall also be alarmed thru the same professional security company that will monitor the cameras. 8. The facility shall have no windows that will allow a person to physically enter thru them. If an unauthorized entry occurs Law Enforcement shall be called and the M.C.B. shall be notified within 24 hours per 3 AAC 306.715

3.2. Describe your recordkeeping and processes for admitting visitors into and escorting them through restricted access areas:

Only "visitors" that shall be allowed access to the Restricted Access Area will be those on Official Business: Law Enforcement, Members of the M.C.B. , Owners of dispensaries whom are perspective clients, or Craftsmen to do building maintenance. This is a Restricted Access Area and my first priority is SECURITY.

1. All "visitors" shall be required to provide valid Identification. 2. They will be entered into a visitors log, which shall record the date, time of entry/exit, their full name, and the reason for the visit. 3. I will make them a visitors badge which they shall be required to wear which will be collected when they exit the area.

this is per 3 AAC 306.710

AMCO

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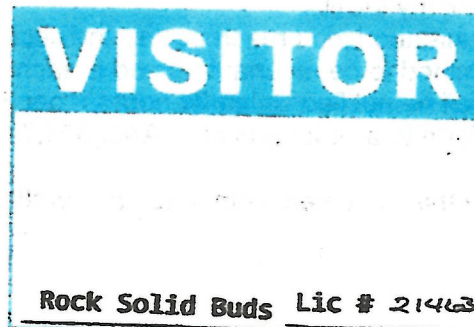
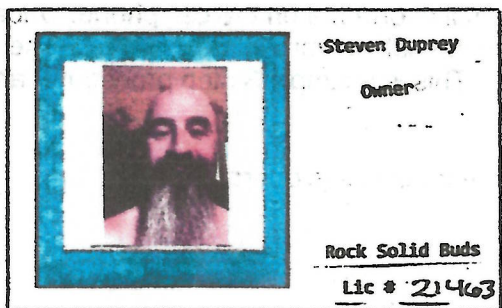
Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

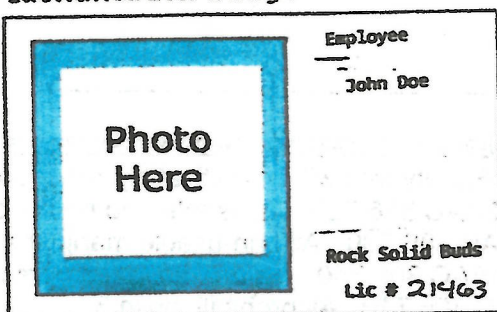
3.3. Provide samples of licensee-produced identification badges that will be displayed by each licensee, employee, or agent while on the premises, and of visitor identification badges that will be worn by all visitors while in restricted access areas:

Prior to entry any "visitor" shall be issued a visitors badge AFTER the visitor provides a valid form of Identification proving they are at least 21 years of age. The visitor shall be escorted the whole duration. Upon leaving my facility I will retain the visitors badge.

PLEASE SEE SAMPLE BADGES for Owner, Employee, Agent and "visitor". This shall satisfy 3AAC 306.710



Identification Badge



Identification Badge



Security Alarm Systems and Lock Standards (3 AAC 306.715):

3.4. Exterior lighting is required to facilitate surveillance. Describe how the exterior lighting will meet this requirement:

1. All exterior lights shall be LED. 2. There shall be "eyes" on them that will turn them on when low light occurs to facilitate surveillance. 3. The installed cameras shall be able to operate in low light situations, both internal and external cameras shall be employed. as required by 3 AAC 306.715 (b)

(1)



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

3.5. An alarm system is required for all license types that must be activated on all exterior doors and windows when the licensed premises is closed for business. Describe the security alarm system for the proposed premises, explain how it will meet all regulatory requirements, and outline your policies and procedures regarding the actions to be taken by a licensee, employee, or agent when the alarm system alerts of an unauthorized breach:

1. All entrances/exits and any openings including windows shall be alarmed and monitored by a professional security company of my choosing. Monitoring and storage of video shall be offsite for enhanced security reasons. This will allow a better response should an incident occur while I am away from the site and the video will not be able to be stolen or tampered with..
2. The system can also be upgraded due to business needs or regulation changes, to insure the security of my facility.
3. If an unauthorized breach occurs the security company shall inform me on the cell phone. Once it is determined to be an unauthorized breach, Law Enforcement shall be immediately notified. The MCB shall be notified within 24 hours per 3 AAC 306.715 This is a simple 3 step procedure and will conform to all subparts of 3 AAC 306.715.

I will use this documents language in a written policy after the business is operational.

3.6. Describe your policies and procedures for preventing diversion of marijuana or marijuana product, including by employees:

Video Surveillance shall be conducted in all areas of the Facility that will be cultivating, processing or storing Marijuana. Video will be randomly viewed per 3AAC 306.720. All usable and non-usable marijuana parts shall be inventoried and tracked per 3 AAC 306.730. All non-usable marijuana waste shall be rendered unusable and disposed of per 3 AAC 306.740. No unauthorized persons shall be allowed into the restricted access area per 3 AAC 306.710 All prohibitions in 3 AAC306.405(c) and 3 AAC 306.715 shall be followed. No visitors shall be allowed to handle any Marijuana

3.7. Describe your policies and procedures for preventing loitering:

Private property signs shall be posted every 20 to 50 feet around the perimeter of my property. Restricted access area signs shall be posted on the doors to the Facility in accordance with 3AAC 306.770. all "Restricted Access Areas " signs shall include "Visitors must be Escorted and Rock Solid Buds Lic # 21463" on them. The restricted access area building shall also have no loitering signs on the exterior and a strict 0 tolerance policy will be followed. Loiterers shall have Law Enforcement call and they shall be prosecuted to the fullest extent possible.
3 AAC305.725 (e)

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

Initials

3.8. I certify that if any additional security devices are used, such as a motion detector, pressure switch, and duress, panic, or hold-up alarm, to enhance security of the licensed premises, I will have written policies and procedures describing their use.

SD



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan**Video Surveillance (3 AAC 306.720):**

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

3.9. The video surveillance and camera recording system for the licensed premises covers each restricted access area, and both the interior and exterior of each entrance to the facility.

SD

3.10. Each video surveillance recording: is preserved for a minimum of 40 days, in a format that can be easily accessed for viewing (consistent with the Alcohol & Marijuana Control Office's approved format list); clearly and accurately displays the time and date; and is archived in a format that does not permit alteration of the recorded image.

SD

3.11. The surveillance room or area is clearly defined on the Form MJ-02: Premises Diagram that is submitted with this application.

SD

3.12. Surveillance recording equipment and video surveillance records are housed in a designated, locked, and secure area or in a lock box, cabinet, closet or other secure area where access is limited to the licensee(s), an authorized employee, and law enforcement personnel (including an agent of the Marijuana Control Board).

SD

3.13. Describe how the video cameras will be placed to produce a clear view adequate to identify any individual inside the licensed premises, or within 20 feet of each entrance to the licensed premises:

Video Cameras on the exterior of the building shall be placed within 8 feet of all entry/exit points along with exterior lighting that shall facilitate surveillance

All interior cameras shall be placed to allow no blind spots while allowing full area coverage allowing adequate coverage of any activities conducted by proprietor or possible employees.

This shall/will allow for the IDENTIFICATION of anyone within 20 feet of both entrances and any person whom enters the Restricted Access Area

All cameras must be able to identify any employees, the owner, or visitors. Should it be discovered not to be the case for any reason additional cameras shall be installed as an upgrade to facilitate security needs and regulatory requirements 3 AAC 306.720

3.14. Describe the locked and secure area where video surveillance recording equipment and original copies of surveillance records will be housed and stored, and how you will ensure the area is accessible only to authorized personnel, law enforcement, or an agent of the Marijuana Control Board. If you will be using an offsite monitoring service and offsite storage of video surveillance records, your response must include how the offsite facility will meet these security requirements:

I will be using Simpisafe for cameras and door alarms. Their systems allow for remote viewing, remote responses like notification to Law Enforcement. Their systems record for 30 Straight Days then are Archived within their system. On a set day every month I will Download the 30 days of recordings to a harddrive, which shall be kept in a fireproof safe and immediately accessible should the need arise. The current 30 days is immediately accessible and reviewable. The added bonus of the company "archiving" the recordings is that if any portion of what I save gets damaged the company will supply the archived recordings

This will allow me to meet all requirements set forth in 3 AAC 306.7



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Section 4 – Business Records

Review the requirements under 3 AAC 306.755. All licensed marijuana establishments must maintain, in a format that is readily understood by a reasonably prudent business person, certain business records.

4.1. I certify that the following business records will be maintained and kept on the licensed premises:

Initials

- a. all books and records necessary to fully account for each business transaction conducted under my license for the current year and three preceding calendar years (*records for the last six months must be maintained on the licensed premises; older records may be archived on or off-premises*); SD
- b. a current employee list setting out the full name and marijuana handler permit number of each licensee, employee, and agent who works at the marijuana establishment; SD
- c. the business contact information for vendors that maintain video surveillance systems and security alarm systems for the licensed premises; SD
- d. records related to advertising and marketing; SD
- e. a current diagram of the licensed premises, including each restricted access area; SD
- f. a log recording the name, and date and time of entry of each visitor permitted into a restricted access area; SD
- g. all records normally retained for tax purposes; SD
- h. accurate and comprehensive inventory tracking records that account for all marijuana inventory activity from seed or immature plant stage until the retail marijuana or retail marijuana product is sold to a consumer, to another marijuana establishment, or destroyed; SD
- i. transportation records for marijuana and marijuana product, as required by 3 AAC 306.750(f); and SD
- j. registration and inspection reports of scales registered under the Weights and Measures Act, as required by 3 AAC 306.745. SA

4.2. A marijuana establishment is required to exercise due diligence in preserving and maintaining all required records. Describe how you will prevent records and data, including electronically maintained records, from being lost or destroyed:

All records shall be computerized. This will include, but is not limited to, sales, inventory, transport records, and any other regulated activities like taxes. A back up shall be stored on an external/portable hard drive for a minimum of 3 years. These records shall be stored in a secure location in a fire proof safe, with easy access to myself. Any paper copies of any documents shall be stored in a locked metal cabinet Per 3 AAC306.755



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Section 5 – Inventory Tracking of All Marijuana and Marijuana Product

Review the requirements under 3 AAC 306.730. All licensed marijuana establishments must use a marijuana inventory tracking system capable of sharing information with Metrc to ensure all marijuana cultivated and sold in the state, and each marijuana product processed and sold in the state, is identified and tracked from the time the marijuana is propagated from seed or cutting, through transfer to another licensed marijuana establishment, or use in manufacturing a marijuana product, to a completed sale of marijuana or marijuana product, or disposal of the harvest batch of marijuana or production lot of marijuana product.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

5.1. My marijuana establishment will be using Metrc, and if any other tracking software is used, it will be capable of sharing information with Metrc.

SD

5.2. All marijuana delivered to a marijuana establishment will be weighed on a scale registered in compliance with 3 AAC 306.745.

SD

5.3. My marijuana establishment will use registered scales in compliance with AS 45.75.080 (Weights and Measures Act), as required by 3 AAC 306.745.

SD

Section 6 – Employee Qualification and Training

Review the requirements under 3 AAC 306.700. All licensees, and every employee or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, must obtain a marijuana handler permit from the board before being licensed or beginning employment at a marijuana establishment.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

6.1. All licensees, and each employee or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or marijuana product, or who checks the identification of a consumer or visitor, shall obtain a marijuana handler permit from the board before being licensed or beginning employment at the marijuana establishment.

SD

6.2. Each licensee, employee, or agent who is required to have a marijuana handler permit shall keep that person's marijuana handler permit card in that person's immediate possession (or a valid copy on file on the licensed premises) when on the licensed premises.

SD

6.3. Each licensee, employee, or agent who is required to have a marijuana handler permit shall ensure that that person's marijuana handler permit card is valid and has not expired.

SD

6.4. Describe any in-house training that will be provided to employees and agents (apart from a marijuana handler course):

Any training shall be done "On The Job" style. This will include, but is not limited to, reading system monitors, adding nutrients, adjusting lights, general house keeping, waste disposal, product processing, storage and cultivation techniques.

If an employee is hired these are the minimum I shall train for and they shall be expected to learn the requirements under 3 AAC 306.740 for disposal requirements and 3 AAC 306.730 under the recording requirements. They shall be also required to understand all of AS 17.38 as well as all other parts of 3 AAC 306. If an employee cannot do this they can be terminated in accordance with employment laws.



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Section 7 – Health and Safety Standards

Review the requirements under 3 AAC 306.735.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

- 7.1. I understand that a marijuana establishment is subject to inspection by the local fire department, building inspector, or code enforcement officer to confirm that health or safety concerns are not present.
- 7.2. I have policies regarding health and safety standards (including: ensuring a person with an illness or infection does not come into contact with marijuana or marijuana product; good hygienic practices; cleaning and maintenance of equipment and the premises; pest deterrence; chemical storage; sanitation principles; and proper handling of marijuana and marijuana product) and will take all reasonable measures and precautions to ensure that they are met or exceeded.
- 7.3. I have policies to ensure that any marijuana or marijuana product that has been stored beyond its usable life, or was stored improperly, is not salvaged and returned to the marketplace.
- 7.4. I have policies to ensure that in the event information about the age or storage conditions of marijuana or marijuana product is unreliable, the marijuana or marijuana product will be handled in accordance with 3 AAC 306.735(d).

Answer "Yes" or "No" to each of the following questions:

Yes No

- 7.5. Adequate and readily accessible toilet facilities that are maintained and in good repair and sanitary condition are clearly indicated on my Form MJ-02: Premises Diagram. ☒ ☐
- 7.6. Convenient handwashing facilities with running water at a suitable temperature are clearly indicated on my Form MJ-02: Premises Diagram. ☒ ☐

7.7. If you answered "No" to either 7.5 or 7.6 above, describe how toilet and/or handwashing facilities are made accessible, as required by 3 AAC 306.735(b)(2):

hand sanitizer shall be supplied in the facility. If anyone needs to use the restroom they will be able to use the restroom in my house less than 50 feet away.

Section 8 – Transportation and Delivery of Marijuana and Marijuana Products

Review the requirements under 3 AAC 306.750.

8.1. Describe how marijuana or marijuana product will be prepared, packaged, and secured for shipment. Include a description of the type of locked, safe, and secure storage compartments to be used in vehicles transporting marijuana or marijuana product:

All marijuana shall be weighed, then placed into non-breakable containers. Each container shall be labeled. Labels will state: Strain Name, Weight, Business Name, License Number. Each container shall get tamper proof tape applied to it. Each container shall be placed in a locking transportation container. Once shipments are ready a Manifest shall be drafted. The manifest shall be placed into the tote and tote shall be locked with tamper proof tape applied to the tote. Only one tote per transaction shall be used. All information shall be entered into the tracking system per 3 AAC 306.750 (b)(c). Prior to transport a copy of the Manifest, a copy of my Marijuana Handlers Card, all Lab Testing records and any other necessary records, shall be placed into a manilla envelope. This will include Make and model of transport vehicle, plus the license plate number, the type, weight of the marijuana product being transported, name of the transporter, date and time of departure, expected delivery time, per 3AAC 306.750(c). There shall be no unnecessary stops and during transport the tote will be secured in the locked cab of the vehicle and no tampering will be allowed. 3AAC 306.750 (d)



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

8.2. The marijuana establishment from which a shipment of marijuana or marijuana product originates will ensure that any individual transporting marijuana shall have a marijuana handler permit required under 3 AAC 306.700.

SD

8.3. The marijuana establishment that originates the transport of any marijuana or marijuana product will use the marijuana inventory tracking system to record the type, amount, and weight of marijuana or marijuana product being transported, the name of the transporter, the time of departure and expected delivery, and the make, model, and license plate number of the transporting vehicle.

SD

8.4. The marijuana establishment that originates the transport of any marijuana or marijuana product will ensure that a complete printed transport manifest on a form prescribed by the board must be kept with the marijuana or marijuana product at all times during transport.

SD

8.5. During transport, any marijuana or marijuana product will be in a sealed package or container in a locked, safe, and secure storage compartment in the vehicle transporting the marijuana or marijuana product, and the sealed package will not be opened during transport.

SD

8.6. Any vehicle transporting marijuana or marijuana product will travel directly from the shipping marijuana establishment to the receiving marijuana establishment, and will not make any unnecessary stops in between except to deliver or pick up marijuana or marijuana product at any other licensed marijuana establishment.

SD

8.7. When the marijuana establishment receives marijuana or marijuana product from another licensed marijuana establishment, the recipient of the shipment will use the marijuana inventory tracking system to report the type, amount, and weight of marijuana or marijuana product received.

SD

8.8. The marijuana establishment will refuse to accept any shipment of marijuana or marijuana product that is not accompanied by the transport manifest.

SD

Section 9 – Signage and Advertising

Review the requirements under 3 AAC 306.770.

9.1. Describe any signs that you intend to post on your establishment, including quantity, dimensions, graphics, and location on your establishment (photos or drawings may be attached):

Other than the required No Loitering, No trespassing / Private Property signs, the Restricted Access Area/Visitors must be escorted/business name and license number on it signs and video recording in progress signs there will be no advertisements of what the business is being used for for the security of this business.

there will be 2 restricted access area signs one on each entrance, 2 video recording signs within 10 feet of cameras ; no limit on the no trespassing/private property signs as one shall be posted ever 20-50 feet and 4 no loitering signs one on every side of the building.



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

9.2. Describe any advertising you intend to distribute for your establishment. Include medium types and business logos (photos or drawings may be attached):

I will be using a non descript business card. It will be formatted as follows.

Rock Solid Buds
 Owner Steven Duprey
 License # 21463
 907-394-5297
 stevenduprey@live.com

As of this time I do not plan on any other advertisement and these cards will be given to prospective clients only.

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.


 Signature of licensee

STEVEN DUPREY
 Printed name of licensee




 Notary Public in and for the State of Alaska

My commission expires: 07/21/23

Subscribed and sworn to before me this 12 day of November, 2021.

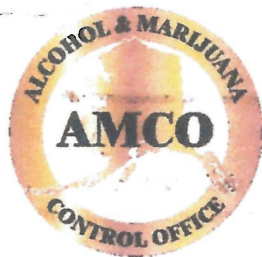


Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

(Additional Space as Needed):

The Proposed Cultivation Facility is fully complete. When my licensing starts to move forward I will schedule the installation of my security system thru a company called Simply Safe . This offers me off site storage of my video that is archived every 30 days and accessible upon request. I feel this enhances my security and allows me to utilize my allotted space more efficiently.



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Marijuana Control Board Form MJ-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(8). All areas designated as the licensed premises of a single license must be contiguous. All diagrams must have the licensed premises area labeled, and outlined or shaded as appropriate.

What must be submitted with this form?

Applicants must attach multiple diagrams to this form, including (as applicable):

- **Diagram 1:**
a diagram showing only the licensed premises areas that will be ready to be operational at the time of your preliminary inspection and license issuance;
- **Diagram 2:**
if different than Diagram 1, a diagram outlining all areas for which the licensee has legal right of possession (a valid lease or deed), and clearly showing those areas' relationship to the current proposed licensed premises (*details of any planned expansion areas do not need to be included; a complete copy of Form MJ-14: Licensed Premises Diagram Change must be submitted and approved before any planned expansion area may be added to the licensed premises*);
- **Diagram 3:**
a site plan or as-built of the entire lot, showing all structures on the property and clearly indicating which area(s) will be part of the licensed premises;
- **Diagram 4:**
an aerial photo of the entire lot and surrounding lots, showing a view of the entire property and surrounding properties, and clearly indicating which area(s) will be part of the licensed premises (*this can be obtained from sources like Google Earth*); and
- **Diagram 5:**
a diagram of the entire building in which the licensed premises is located, clearly distinguishing the licensed premises from unlicensed areas and/or premises of other licenses within the building. If your proposed licensed premises is located within a building or building complex that contains multiple business and/or tenants, please provide the addresses and/or suite numbers of the other businesses and/or tenants (*a separate diagram is not required for an establishment that is designating the entire building as a single licensed premises*).

This form, and all necessary diagrams that meet the requirements on Page 2 of this form, must be completed and submitted to AMCO's main office before any new or transfer license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Steven Duprey	MJ License #:	21463		
License Type:	Limited Marijuana Cultivation Facility				
Doing Business As:	Rock Solid Buds				
Premises Address:	48235 Miracle Ave				
City:	Soldotna	State:	Alaska	ZIP:	99669



Alaska Marijuana Control Board

Form MJ-02: Premises Diagram**Section 2 – Required Information**

For your security, do not include locations of security cameras, motion detectors, panic buttons, and other security devices. Items marked with a double asterisks (**) are only required for those retail marijuana establishments that are also applying for an onsite consumption endorsement.

The following details must be included in all diagrams:

- ☐ License number and DBA
- ☐ Legend or key
- ☐ Color coding
- ☐ Licensed Premises Area Labeled and Shaded, or Outlined as appropriate
- ☐ Dimensions
- ☐ Labels
- ☐ True north arrow

The following additional details must be included in Diagram 1:

- ☐ Surveillance room
- ☐ Restricted access areas
- ☐ Storage areas
- ☐ Entrances, exits, and windows
- ☐ Walls, partitions, and counters
- ☐ Any other areas that must be labeled for specific license or endorsement types
- ☐ ** Serving area(s)
- ☐ **Employee monitoring area(s)
- ☐ **Ventilation exhaust points, if applicable

The following additional details must be included in Diagram 2:

- ☐ Areas of ingress and egress
- ☐ Entrances and exits
- ☐ Walls and partitions

The following additional details must be included in Diagrams 3 and 4:

- ☐ Areas of ingress and egress
- ☐ Cross streets and points of reference

The following additional details must be included in Diagram 5:

- ☐ Areas of ingress and egress
- ☐ Entrances and exits
- ☐ Walls and partitions
- ☐ Cross streets and points of reference

I declare under penalty of unsworn falsification that I have attached all necessary diagrams that meet the above requirements, and that this form, including all accompanying schedules, statements, and depictions is true, correct, and complete.

Signature of licensee

Printed name of licensee

STEVEN DUREY

OFFICIAL SEAL
Randi Broyles

Notary Public State of Alaska

Notary Public in and for the State of Alaska

My commission expires: 07/21/23

Subscribed and sworn to before me this 2nd day of December, 2021.

FORM MJ-02 SUPPLEMENTAL INFORMATION

- 1. Diagram 1-2 does not contain a surveillance room. The reason for this is that all surveillance shall be done thru a third-party company named simplysafe. They shall be instructed to notify me and the local authorities should a security issue arise.**
- 2. Diagram #4 caused questions so I added more information by drawing lines around where my property is. I added 2 more pages from the Kenai Peninsula Borough's interactive map. I added a front view picture to give a visual reference to the MCB of my property and the buildings that are on it. I noted on that picture that neither google maps nor the KPB parcel viewer show my tool/wood shed which were built in the summer of 2016.**
- 3. My lot is 1.08 acres, for the record, and encompasses my house, a tool/wood shed, a deck with a hot tub on it which is attached to the house via stairs that exit from my bedroom, and also the proposed Cultivation Facility.**
- 4. The wording on the google maps overhead that says "approximate placement of licensed premises" used the word approximate only due to the fact that there was no real way to accurately express it on the overhead picture as the overhead picture does not show any other structures that are on my property. Not my deck. Not my wood/tool shed. And not the building for the Cultivation facility. The actual measurements are on Diagram 3, which is hand drawn and show multiple dimensions.**
- 5. I hope this clarifies the information provided. Thanks**

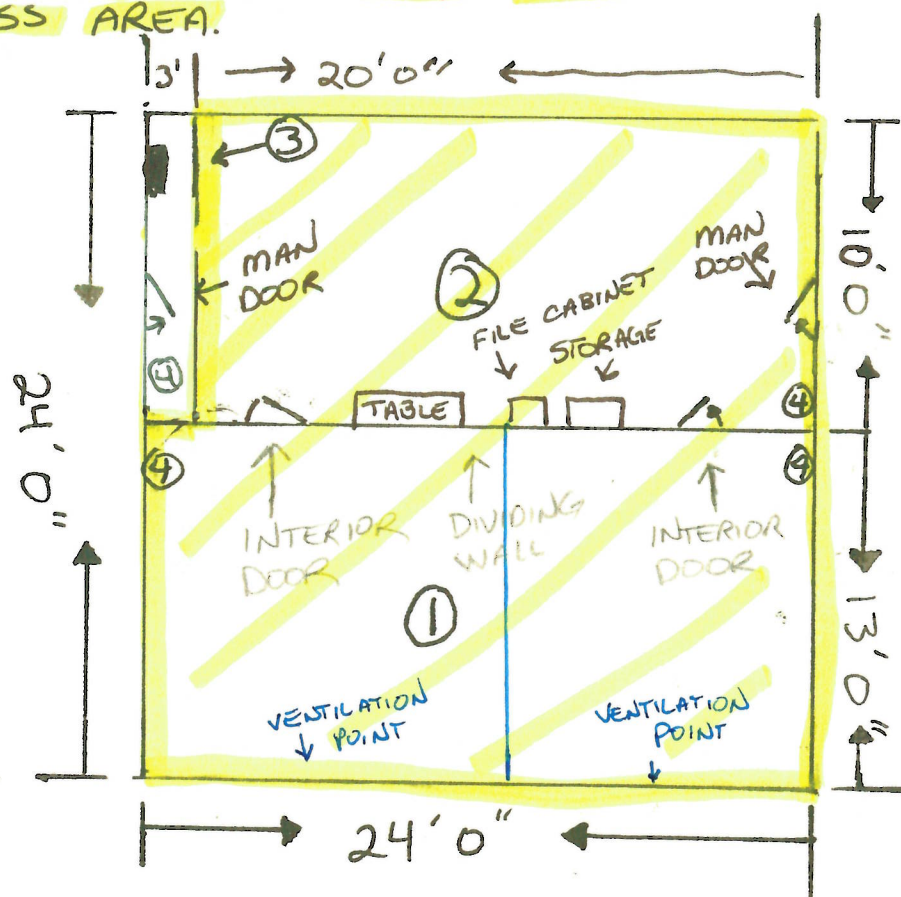
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DIAGRAM # 1/2

- ① RESTRICTED ACCESS AREA FOR FLOWING PLANTS
- ② RESTRICTED ACCESS AREA FOR VEGETATING PLANTS
ALL PROCESSING AND STORAGE SHALL BE IN THIS AREA
- ③ NOT RESTRICTED ACCESS DUE TO BREAKER PANEL PLACEMENT. FLOOR AROUND THIS AREA SHALL BE CLEAR OF ANY OBSTRUCTIONS PER ELECTRICAL BUILDING CODE
- ④ LOCATION OF FIRE EXTINGUISHERS

THE HIGH-LITED AREA DENOTES USABLE/RESTRICTED ACCESS AREA.



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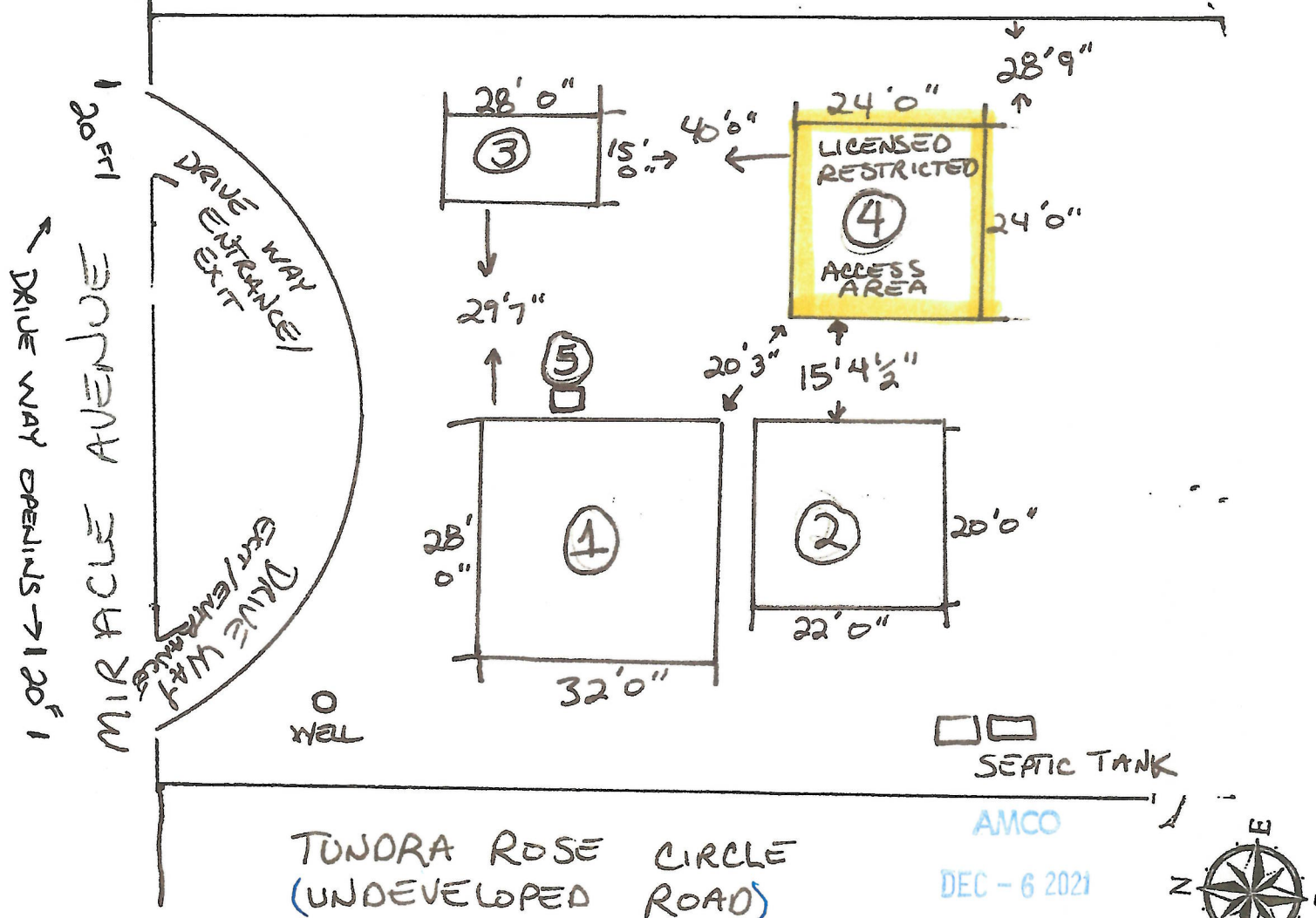


DOING BUSINESS AS: ROCK SOLID BUDS LICENSE # 21463

DIAGRAM # 3 OVER HEAD VIEW OF EXISTING AND PROPOSED BUILDING AKA: "GENERAL SITE INFORMATION"

- ① PRINCIPLE RESIDENCE ② DECK BEHIND THE
RESIDENCE ③ WOOD/TOOL SHED ④ 24 FT X 24 FT
BUILDING FOR PROPOSED CULTIVATION FACILITY
⑤ FUEL OIL TANK

ADDRESS IS 48235 MIRACLE AVE SOLOOTNA
ALASKA OWNED BY THE LICENSEE STEVEN DUPREY



DOING BUSINESS AS ROCK SOLID BUDS LICENSE # 21463

48235 Miracle Ave Ariel View

Write a description for your map.

Legend

DIAGRAM
4

onwood Ave

Tundra Rose Cir

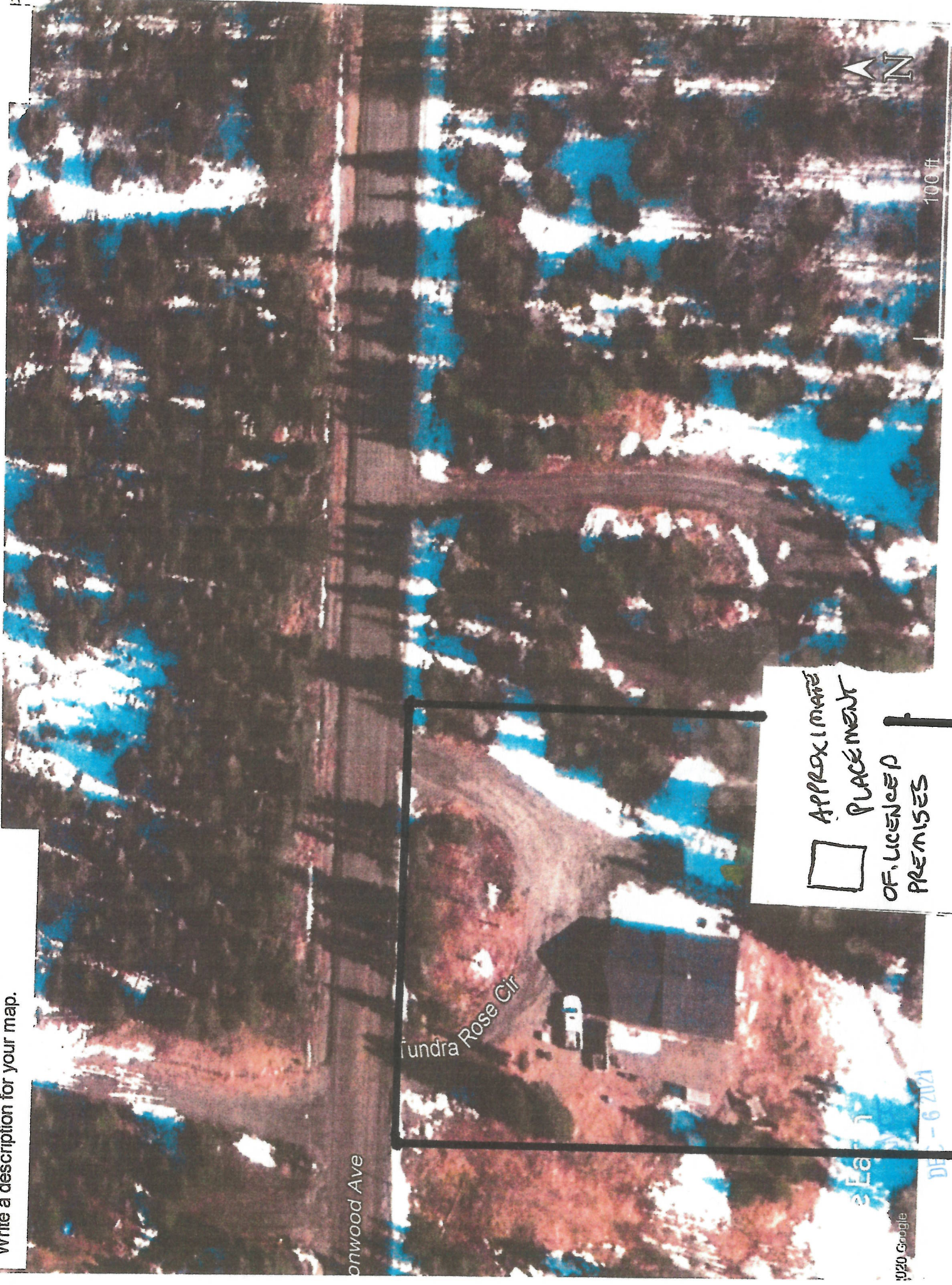
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© 2020 Google

100 ft

463

Write a description for your map.



APPROXIMATE
PLACEMENT
OF LICENSED
PREMISES

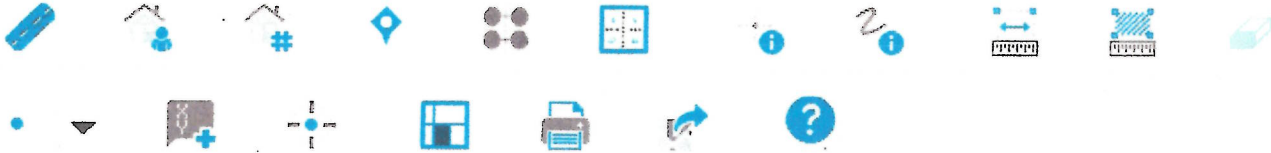


Kenai Peninsula Borough Basic Map Viewer

Search...

Sign in

Basic Tools



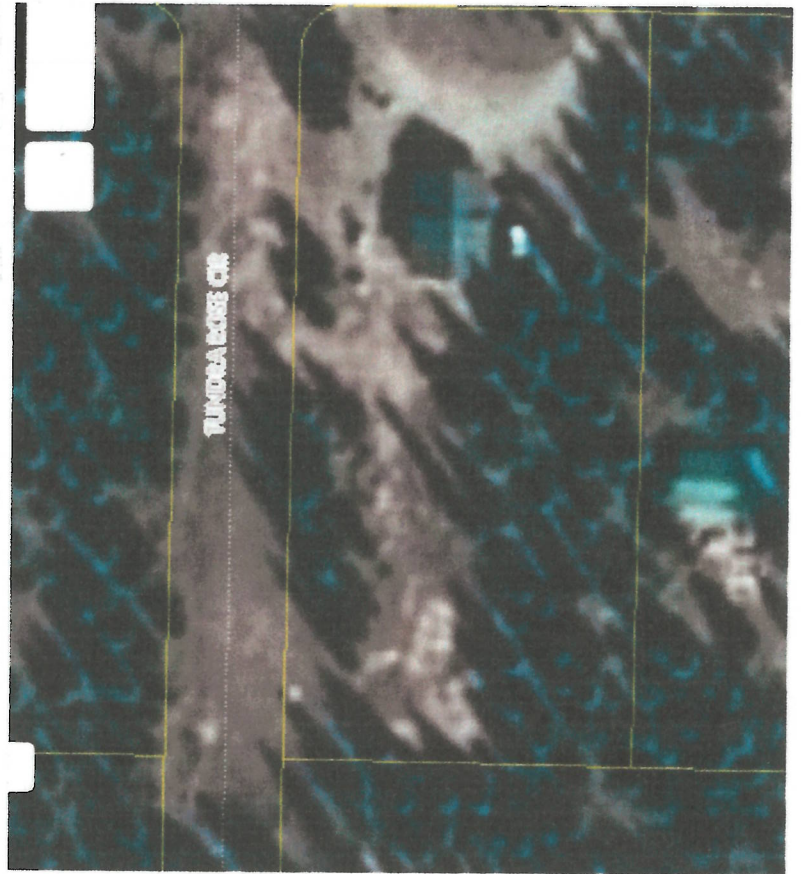
Tool Labels



Filter Layers...

Filter

- ☒ Places
- ☒ Land Records
 - ☐ Local Option Zones
 - ☐ LotLines
 - ☒ Parcel Lines and Ownership Type
 - ☐ Township, Range and Section
- ☒ Transportation
- ☐ Material Sites
- ☒ Water
- ☒ Backgrounds
 - ☐ 2020 Imagery (Limited Coverage)
 - ☒ 2012 / 2013 Imagery
 - ☒ Hillshade

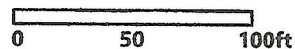


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Layers





Kenai Peninsula Borough Basic Map Viewer

Search...

Sign in

Basic Tools



Tool Labels



Filter Layers...

Filter

- ☒ Places
- ☒ Land Records
 - ☐ Local Option Zones
 - ☐ LotLines
 - ☒ Parcel Lines and Ownership Type
 - ☐ Township, Range and Section
- ☒ Transportation
- ☐ Material Sites
- ☒ Water
- ☒ Backgrounds
 - ☐ 2020 Imagery (Limited Coverage)
 - ☒ 2012 / 2013 Imagery
 - ☒ Hillshade

PARCEL ID:
05528239
Private
Residential

Owner:
DUPREY STEVEN T

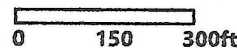
[Add to Results](#)
[View Additional Details](#)
[Run a Report](#)



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Layers



← NORTH



THIS IS A FRONT VIEW. PICTURE WAS TAKEN FROM THE ROAD. IF YOU COMPARE THIS PHOTO WITH GOOGLE MAPS OR EVEN THE KENAI PENINSULA PARCEL VIEWER YOU WILL NOT SEE MY WOOD SHED/TOOL SHED WHICH WAS BUILT 5 SUMMERS AGO IN 2016. I WANTED TO NOTE THIS FOR VISUAL PERSPECTIVE.

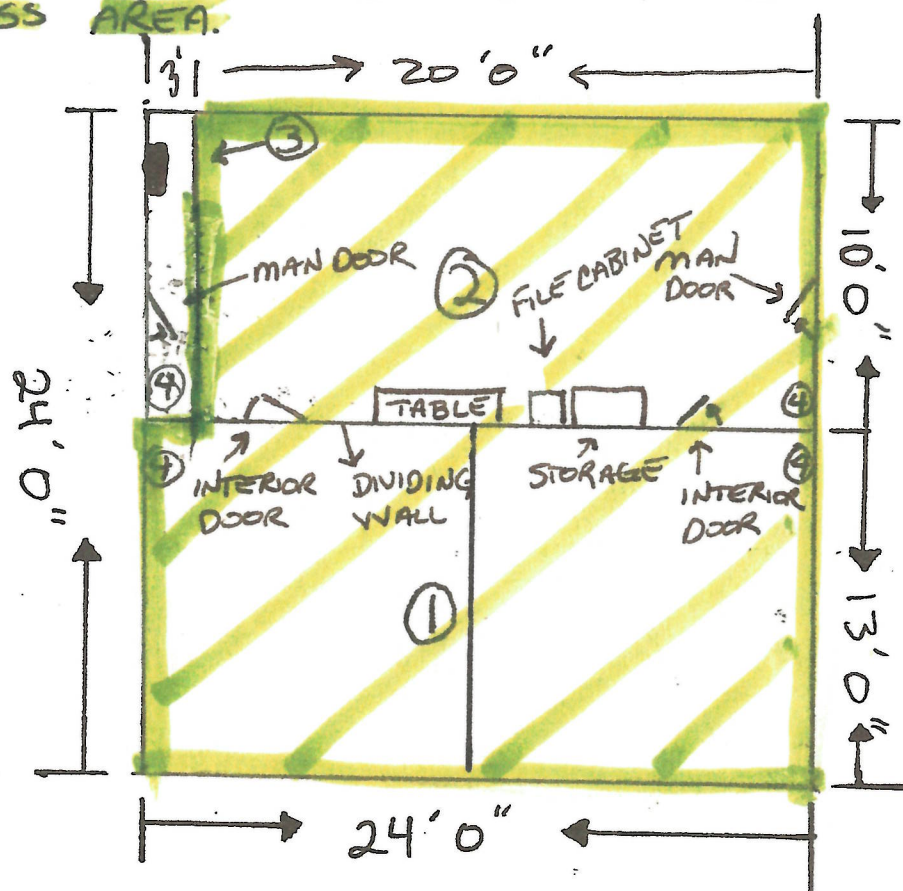
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DIAGRAM # 5

- ① RESTRICTED ACCESS AREA FOR FLOWING PLANTS
- ② RESTRICTED ACCESS AREA FOR VEGETATING PLANTS
ALL PROCESSING AND STORAGE SHALL BE IN THIS AREA
- ③ NOT RESTRICTED ACCESS DUE TO BREAKER PANEL PLACEMENT. FLOOR AROUND THIS AREA SHALL BE CLEAR OF ANY OBSTRUCTIONS PER ELECTRICAL BUILDING CODE
- ④ LOCATION OF FIRE EXTINGUISHERS

THE HIGH LITED AREA DENOTES USABLE/RESTRICTED ACCESS AREA.



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DOING BUSINESS AS: ROCK SOLID BUDS LICENSE# 21463

Map of Kenai Peninsula Borough
 Center Latitude: 60.4963 degrees North. Center longitude: 151.1820 degrees West. Visible Features: 9
 visible on parcels, 4 features visible on Roads, 4 features visible on Addresses.



Express Map Viewer

[Sign in](#)

Tools

Tool Labels X



Search Results: 48235 MIRACL...

No results to display

Items appear after you perform a valid search or other task that returns results.



WKID: 4326 Lat/Long ▲

Lat: 60.49650° N

Lon: 151.18162° W

Scale 1: 97575

Go

0 50 100ft



Search Results: 48235 ...

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Map Dashboard Reports Vehicle History Work Orders Driver Logs

Home

Show: All Vehicles Vehicles Filter

Vehicles Address LSD Work Geofences Facilities
Search Search Alone
Tools Layers

Vehicles

Details Locate Follow

Vehicle	Driver	Address
K285		Tesord Rd, Kenai
K350		51603 Kenai Spur
K355		51516 Kenai Spur
K372	Thomas Wheeler	, Kenai, Alaska
K426		Tesord Rd, Kenai
K445		51603 Kenai Spur
K452		, Kenai, Alaska
K453		, Kenai, Alaska
K456		51301 Curry Ln, Ki
K462		51301 Curry Ln, Ki
K462	Jared Stutsman	48038 Hot Lampie
K483		51502 Kenai Spur
K502		67505 Sterling Hw
K503		51301 Curry Ln, Ki
K510	Jared Rogers	51430 Hailbenton
K517		, Kenai, Alaska
K518		51516 Kenai Spur
K523		, Kenai, Alaska
K524		51458 Kenai Spur
K525		51457 Kenai Spur
P933		51558 Kenai Spur
R1492		51301 Curry Ln, Ki
T032		
T036		
T190		

View Pane

Vehicles LSD Search Work Alone Geofences Facilities

Map Style ☒ Satellite

48334 Miracle Ave, Soldotna, Alaska

Lat: 60.4963 Lon: -151.1836

© 2020 Assetworks LLC, HEBE, GPH, © 2012 DrillingInfo.com, Mentor Engineering

Welcome John (Company: Peak Oilfield Service Company LLC) No unread notifications

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← N



THIS SHOWS THE SECOND ENTRANCE
AND IS THE EAST SIDE OF THE BUILDING

LICENSE # 21463

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↑
N



SIDE VIEW SHOWING 1 OF 2
ENTRANCES. THIS IS THE WEST SIDE
OF THE BUILDING

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LICENSE # 214⁶³~~33~~

← N



THIS IS THE FRONT SIDE OF
MY BUILDING, WHICH IS THE NORTH SIDE OF
THE BUILDING

LICENSE # 21463

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Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Marijuana Control Board Operating Plan Supplemental Form MJ-04: Marijuana Cultivation Facility

What is this form?

This operating plan supplemental form is required for all applicants seeking a marijuana cultivation facility license and must accompany Form MJ-01: Marijuana Establishment Operating Plan, per 3 AAC 306.020(b)(11). Applicants should review Chapter 306: Article 4 of the Alaska Administrative Code. This form will be used to document how an applicant intends to meet the requirements of the statutes and regulations.

If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020 and 3 AAC 306.420(2).

What additional information is required for cultivation facilities?

Applicants must identify how the proposed establishment will comply with applicable regulations regarding the following:

- Prohibitions
- Cultivation plan
- Waste disposal
- Odor control
- Testing procedure and protocols
- Packaging and labeling

This form must be completed and submitted to AMCO's main office before any new or transfer application for a standard marijuana cultivation facility or limited marijuana cultivation facility license will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Steven Duprey	MJ License #:	21463		
License Type:	Limited Marijuana Cultivation Facility				
Doing Business As:	Rock Solid Buds				
Premises Address:	48235 Miracle Ave				
City:	Soldotna	State:	Alaska	ZIP:	99669



Alaska Marijuana Control Board

Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

Section 2 – Overview of Operations

2.1. Provide an overview of your proposed facility's operations. Include information regarding the flow of marijuana from seed or clone to harvest and transfer from your premises:

Marijuana will start from both seed and clone which shall be harvested from mother plants on location. They will be placed in rooting cube like Root Riot Brand rooting cubes and placed in a clone dome. Once rooted they will be put into net pots and placed into the veg system in the "Veg Room" and grown for desired time. They will be trained using different cultivation techniques. They will get transferred to the "Flower Room" and flowered using a 12 hr light/dark cycle for 8 to 9 weeks. Once harvested they will be hung in the "veg room" for drying, then trimmed, sampled, put into labeled containers and stored. Once an order is received the orders shall be processed. Each package shall be a single strain. Each package ordered will be weighed out according to the order. No single package will exceed 5 pounds in weight. All marijuana will be in nonbreakable containers with tamper proof tape placed upon it. All containers will be manifested and all labels shall contain Strain Info, weight etc. The accompanying paper work shall also contain all Lab Testing Paperwork, a statement declaring any crop production aids, medium amendments, pesticides, herbicides or fungicides used which shall be disclosed to any retail or other processing facilities

Section 3 – Prohibitions

Review the requirements under 3 AAC 306.405 and 3 AAC 306.410.

3.1. I certify that the marijuana cultivation facility will not:

Initials

- a. sell, distribute, or transfer any marijuana or marijuana product to a consumer, with or without compensation;
- b. allow any person, including a licensee, employee, or agent, to consume marijuana or marijuana product on the licensed premises or within 20 feet of the exterior of any building or outdoor cultivation facility; or
- c. treat or otherwise adulterate marijuana with any organic or nonorganic chemical or compound to alter the color, appearance, weight, or odor of the marijuana.

SD

SD

SD

Section 4 – Cultivation Plan

Review the requirements under 3 AAC 306.420 and 3 AAC 306.430.

4.1. Describe the size of the space(s) the marijuana cultivation facility intends to be under cultivation, including dimensions and overall square footage. Provide your calculations below:

The Veg Room is where all vegetative growth, including germination of seed, rooting of clones, mother plants, plus it is where harvested plants shall be hung and processed. Its size shall be 20 feet by 10 feet which totals 200 square feet. Where the breaker panel is located that wall will have a 3 foot buffer zone where no regulated activity will occur. The area shall be demarcated using a safety yellow paint.

The Flower Room will be used only for the flower production it will be 23 feet by 13 feet for a 299 Square Foot dimension.

both areas will be under the allowable 500 square foot footprint allowed for a Limited Cultivation Facility



Alaska Marijuana Control Board

Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right: Initials

4.2. The proposed area(s) for cultivation are clearly identified on the Form MJ-02: Premises Diagram that is submitted with this application.



Answer "Yes" or "No" to the following question:

Yes No

4.3. Will the marijuana cultivation facility include outdoor production?

☐ ☒

If "Yes", describe the outdoor structure(s) or the expanse of open or clear ground and how it is fully-enclosed by a physical barrier:

4.4. Describe the method(s) used to ensure that any marijuana at the marijuana cultivation facility, whether indoors or outdoors, cannot be observed by the public from outside the facility:

The primary man door will be facing my home and will not allow anyone to see inside. The dividing wall shall prevent even a look into the "Flowering Room" area. The secondary man door will only be used in cases of emergency.

4.5. Describe the marijuana cultivation facility's growing medium(s) to be used:

All clones and seeds shall start out in Root Riot Rooting cubes. Once rooted they will be inserted into expanded clay pellets. All mother plants will be in organic based soils

4.6. Provide the complete product name and EPA registration # (if applicable) for each of the cultivation facility's pesticide and pest control product to be used. All proposed products must be on DEC's list of approved pesticides in the state of Alaska:

1. Clonex Rooting Gel 79664-1 2. Lost Coast Plant Therapy exempt-25(b) 3. Garden Safe Neem Oil Extract Concentrate 70051-2-39609 4. ProMix BioFungicide plus Mycorrhizae 74267-4 5. Safer Brand Insect Killing Soap Concentrate II 42697-60 6. Bonide Neem Oil Concentrate 70051-2-4

4.7. Describe all other fertilizers, chemicals, gases, and delivery systems, including carbon dioxide management, to be used at the marijuana cultivation facility:

No bottled CO2 shall be used. Breath Brand CO2 bags shall be used. It is a natural means of co2 without the worries of excess co2 in the building. I will include product information.

Nutrients shall come from RX Green Grow part A and Part B. Bloom Part A and Part B. Macronutrients shall be provided with the RX Green products "Bulk" and "Energy". All RX Green Nutrients are naturally made and organic.

I will use General Hydroponics PH Up , PH Down and Cal/Mag products



Alaska Marijuana Control Board

Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

4.8. Describe the marijuana cultivation facility's irrigation and waste water systems to be used:

Irrigation at the facility will be done in contained recirculating manner. The will be a reservoir with a submersible pump and it will be plumbed into the system with pvc and will have a free flowing return system.

The mother plants in dirt I shall manually water them. Same with and starters in the clone dome.

Section 5 – Waste Disposal

Review the requirements under 3 AAC 306.740.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

Initials

5.1. The marijuana cultivation facility shall give the board at least three days written notice required under 3 AAC 306.740(c) before making marijuana waste unusable and disposing of it.

SP

5.2. Describe how you will store, manage, and dispose of any solid or liquid marijuana waste, including wastewater generated during marijuana cultivation, in compliance with any applicable laws. Include details about the material(s) you will mix with ground marijuana waste and the processes that you will use to make the marijuana waste unusable for any purpose for which it was grown:

All solid marijuana waste shall be segregated by plant number, weighed and entered into metric. This includes stems, stalks, roots and general leaf foliage. 3 AAC 306.435 They will be accumulated and held in storage in the regulated area. The Board shall be given at least 3 days notice prior to making wastes unusable. All waste shall be ground up and mixed with a non compostable material like cardboard or perlite (as examples) after the notification time is met. The Kenai Peninsula Landfill shall be contacted and when they give approval plus they have available time to process the waste, said waste shall be mixed, weighed, manifested and transported in accordance with 3 AAC 306.730 and 3 AAC 506.740

The system I grow in is a Recirculating system. "Waste water" shall be at a minimum. Water can be pumped into a tank outside for any holding need while systems are cleaned or maintained then pumped back into the systems reutilizing nutrients and minimizing impacts. Any excesses shall be held for use on my house plants. If I must dispose of any I will go to the DEC Office located on KBeach Road in Soldotna and consult with them and acquire and necessary permits.



Alaska Marijuana Control Board

Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

Section 6 – Odor Control

Review the requirements under 3 AAC 306.430.

Answer "Yes" or "No" to the following question:

Yes No

6.1. Have you received an exemption from your local government for the odor control requirement set forth in 3 AAC 306.430(c)(2)?

☐ ☒

If "Yes", you must be able to certify the statement below. Read the following and then sign your initials in the box:

Initials

I am attaching to this form documentation of my odor control exemption from the local government.

N/A

☐

If "No" to question 6.1., describe the odor control method(s) to be used and how the marijuana cultivation facility will ensure that any marijuana at the facility does not emit an odor that is detectable by the public from outside the facility:
any ventilation to the outside shall have carbon filters in line to scrub any odors

Section 7 – Testing Procedure and Protocols

Review the requirements under 3 AAC 306.455 and 3 AAC 306.465.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box:

Initials

7.1. I understand and agree that the board or director will, from time to time, require the marijuana cultivation facility to provide samples of the growing medium, soil amendments, fertilizers, crop production aids, pesticides, or water for random compliance checks.

SD

7.2. I will ensure that any individual responsible for collecting random, homogenous samples for required laboratory testing under 3 AAC 306.455 will prepare the necessary accompanying signed statement, provide the signed statement to the marijuana testing facility, and maintain a copy as a business record under 3 AAC 306.755.

SD

7.3. Describe the testing procedures and protocols the marijuana cultivation facility will follow:

I shall randomly collect samples of marijuana as proscribed by the Harvest Weight Chart 3 AAC 306.455(a)(1).A statement shall be prepared and signed 3 AAC 306.455 (2)(A)(B)(C) and kept on file. Transport to the testing facility shall be done by these steps. 1. A licensee or designated agent shall prepare the samples. 2. Enter their info into METRC for tracking. 3. Create a manifest. 4. Insure everything is properly labeled and secured. 5. Transportation will occur with all necessary paperwork and credentials for example MJ Handlers Card, Sample Statements, Manifest etc. No unnecessary stops shall be made during the trip to the testing facility. 3AAC 306.750 shall be adhered to.



Alaska Marijuana Control Board

Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

Section 8 – Packaging and Labeling

Review the requirements under 3 AAC 306.470 and 3 AAC 306.475.

Answer "Yes" or "No" to the following question:

Yes No

8.1. Will the marijuana cultivation facility be packaging marijuana for a retail marijuana store to sell to a consumer without repackaging?

☐ ☒

If "Yes", describe how the marijuana cultivation facility will ensure that the marijuana sold will meet the packaging requirements in 3 AAC 306.470, and provide a sample label that the facility will use to meet the labeling requirements set forth in 3 AAC 306.475:

Answer "Yes" or "No" to the following question:

Yes No

8.2. Will the marijuana cultivation facility be packaging marijuana in wholesale packages?

☒ ☐

If "Yes", describe how the marijuana cultivation facility will ensure that the marijuana sold will meet the packaging requirements in 3 AAC 306.470, and provide a sample label that the facility will use to meet the labeling requirements set forth in 3 AAC 306.475:

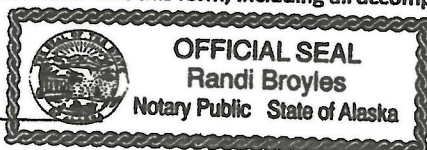
Each package shall be a single strain. Each package ordered will be weighed out according to the order. No single package will exceed 5 pounds in weight. All marijuana will be in nonbreakable containers with tamper proof tape placed upon it. All containers will be manifested and all labels shall contain Strain Info, weight etc. The accompanying paper work shall also contain all Lab Testing Paperwork, a statement declaring any crop production aids, medium amendments, pesticides, herbicides or fungicides used which shall be disclosed to any retail or other processing facilities

please see added "transport label"

I certify that as a marijuana cultivation facility, I will submit monthly reports to the Department of Revenue and pay the excise tax required under AS 43.61.010 and AS 43.61.020 on all marijuana sold or provided as a sample to a marijuana establishment, as required under 3 AAC 306.480.

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.


Signature of licensee




Notary Public in and for the State of Alaska

Printed name of licensee

My commission expires: 07/21/23

Subscribed and sworn to before me this 12th day of November, 2021.



Alaska Marijuana Control Board

Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

(Additional Space as Needed):

LIST OF PESTICIDES THAT MEET ALASKA CRITERIA FOR USE ON MARIJUANA

(additional products not listed may meet criteria)

Product Name	EPA Registration Number	Controls						WPS required
		Fungus	Mites	Insects	Worms	Slugs	Growth Regulator	
1600 X-CLUDE FORMULA 2	499-539			x				
70% NEEM OIL	70051-2-54705	x		x				
ACTINO-IRON BIOLOGICAL FUNGICIDE 0-0-0	73314-2	x						
ACTINOVATE AG BIOLOGICAL FUNGICIDE	73314-1	x						x
ALUDE FUNGICIDE	55146-83	x						x
ATHENA IPM	exempt-25(b)	x		X				
AXIOM PLANT GROWTH STIMULATOR	71771-3-89112						x	
AZAGUARD	70299-17			x	x			x
AZAMAX	71908-1-81268		X	X			X	X
AZASOL	81899-4-74578			x				x
AZERA GARDENING	1021-1872			x				x
AZERA INSECTICIDE	1021-1872			x				x
BIOBIT HP BIOLOGICAL INSECTICIDE WETTABLE POWDER	73049-54			x				x
BONIDE ALL SEASONS HORTICULTURAL AND DORMANT SPRAY OIL CONCENTRATE	4-80			x				
BONIDE BONTONE II ROOTING POWDER	4-489						x	
BONIDE CITRUS FRUIT & NUT ORCHARD SPRAY CONC.	67702-17-4	x		x				
BONIDE CITRUS FRUIT & NUT ORCHARD SPRAY R-T-SPRAY	67702-17-4	x		x				
BONIDE DIATOMACEOUS EARTH CRAWLING INSECT KILLER	73729-1-4			x				
BONIDE INSECTICIDAL SOAP MULTI-PURPOSE INSECT CONTROL R-T-U	67702-13-4			x				
BONIDE LIQUID COPPER FUNGICIDE READY TO USE	67702-1-4	x						
BONIDE MITE X RTU	exempt-25(b)		x					
BONIDE NEEM OIL CONCENTRATE	70051-2-4	x	x	x				

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LIST OF PESTICIDES THAT MEET ALASKA CRITERIA FOR USE ON MARIJUANA

(additional products not listed may meet criteria)

Product Name	EPA Registration Number	Controls						WPS required
		Fungus	Mites	Insects	Worms	Slugs	Growth Regulator	
BONIDE NEEM OIL RTU	70051-13-4	x	x	x				
BONIDE ROSE RX 3 IN 1 RTU	70051-13-4	x	x	x				
BONIDE SLUG MAGIC	67702-3-4					x		
BOTANIGARD ES	82074-1			x				x
BUSHDOCTOR FORCE OF NATURE FUNGICIDE	exempt-25(b)	x						
BUSHDOCTOR FORCE OF NATURE INSECTICIDE	1021-1801-71996			x				
BUSHDOCTOR FORCE OF NATURE MITICIDE	exempt-25(b)		x					
CEASE	264-1155-68539	x						x
CLONEX ROOTING GEL	79664-1						x	
CORRY'S SLUG & SNAIL KILLER	67702-33-8119					x		
DESECT DIATOMACEOUS EARTH INSECTICIDE	7655-1			x				
DR. EARTH FINAL STOP DISEASE CONTROL FUNGICIDE	exempt-25(b)	x						
DR. EARTH FINAL STOP SNAIL & SLUG KILLER SPRAY	exempt-25(b)					x		
DR. EARTH FINAL STOP VEGETABLE GARDEN INSECT KILLER	exempt-25(b)			x				
DR. EARTH FINAL STOP YARD & GARDEN INSECT KILLER	exempt-25(b)		x	x				
ECOLOGIC GARDEN INSECT KILLER CONC	exempt-25(b)			x				
ECOZIN PLUS 1.2% ME	5481-559			x	x			x
ELIMINATOR SNAIL & SLUG KILLER	67702-32-59144					x		
EVERGREEN CROP PROTECTION EC 60-6	1021-1770			x				x
EVERGREEN PRO 60-6	1021-1770			x				x
FORTIFY FUNGICIDE	exempt-25(b)	x						
FOSPHITE FUNGICIDE	68573-2		x					x
GARDEN SAFE INSECTICIDAL SOAP INSECT KILLER	67702-13-39609			x				
GARDEN SAFE NEEM OIL EXTRACT CONC	70051-2-39609	x	x	x				
GARDEN SAFE TAKEROOT ROOTING HORMONE	59807-4-39609						x	

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387 LIST OF PESTICIDES THAT MEET ALASKA CRITERIA FOR USE ON MARIJUANA

(additional products not listed may meet criteria)

Product Name	EPA Registration Number	Controls						WPS required
		Fungus	Mites	Insects	Worms	Slugs	Growth Regulator	
GARDENTECH ROOTBOOST ROOTING HORMONE	59807-4-71004						x	
GNATROL WDG BIOLOGICAL LARVICIDE	73049-56			x				x
GOLDEN PEST SPRAY OIL	57538-11			x				x
GRANDEVO CG	84059-27		x	x	x			x
GRANDEVO PTO	84059-17			x				x
GRANDEVO WDG	84059-27		x	x	x			x
HELICOVEX **Approved for use on Hemp only	69553-2			x				x
HORMEX ROOTING POWDER NO. 1	8281-6						x	
HORMEX ROOTING POWDER NO. 3	8281-3						x	
HORMEX ROOTING POWDER NO. 8	8281-1						x	
HORMODIN 1	59807-4						x	x
KALIGREEN	11581-2	x						x
LOST COAST PLANT THERAPY	exempt-25(b)	X	X	X				
LYNX EC 1.4	82074-6			x				x
LYNX EC 5.0	82074-7			x				x
MILSTOP BROAD SPECTRUM FOLIAR FUNGICIDE	70870-1-68539	x						x
MIRACLE-GRO NATURE'S CARE GARDEN DISEASE CONTROL	67702-1-62355	x						
MIRACLE-GRO NATURE'S CARE INSECTICIDAL SOAP	67702-21-62355			x				
MONTEREY B.t. RTU /ORGANIC GARDENING	70051-113-54705			x				
MONTEREY HORTICULTURAL OIL	48813-1-54705	x		x				
MONTEREY NEEM OIL - RTU/ORGANIC GARDENING	70051-13-54705	x		x				
MONTEREY TAKE DOWN GARDEN SPRAY	67702-5-54705			x				
MONTEREY TAKE DOWN GARDEN SPRAY-RTU	67702-6-54705			x				
NATURE-CIDE ALL PURPOSE INSECTICIDE	exempt-25(b)			x				
NIMBIOSYS NEEM OIL	84181-2			x	x			
NUKE EM	exempt-25(b)	x						

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LIST OF PESTICIDES THAT MEET ALASKA CRITERIA FOR USE ON MARIJUANA

(additional products not listed may meet criteria)

Product Name	EPA Registration Number	Controls						WPS required
		Fungus	Mites	Insects	Worms	Slugs	Growth Regulator	
ORGANOCIDE PLANT DOCTOR	71962-1-70179	x						
ORNAZIN 3% EC BOTANICAL INSECTICIDE	5481-476-67690			x				x
ORTHO TREE & SHRUB FRUIT TREE SPRAY CONC	70051-75-239	x		x				
OXIDATE 2.0	70299-12	x						x
PHOSTROL AGRICULTURAL FUNGICIDE	55146-83	x						x
PRO-MIX BIOFUNGICIDE + MYCORRHIZAE	74267-4	x					x	x
PRO-MIX BRK BIOFUNGICIDE + MYCORRHIZAE	74267-4	x					x	x
PRO-MIX BRK20 BIOFUNGICIDE + MYCORRHIZAE	74267-4	x					x	x
PRO-MIX BX BIOFUNGICIDE + MYCORRHIZAE	74267-4	x					x	x
PRO-MIX BX WITH BIOFUNGICIDE	74267-1	x					x	x
PRO-MIX HP BIOFUNGICIDE + MYCORRHIZAE	74267-4	x					x	x
PRO-MIX WITH BIOFUNGICIDE	74267-1	x					x	x
PYGANIC CROP PROTECTION EC 1.4 II	1021-1771			x				x
PYGANIC CROP PROTECTION EC 5.0 II	1021-1772			x				x
PYGANIC SPECIALTY	1021-1772			x				x
PYRETHRUM TR TOTAL RELEASE INSECTICIDE	499-479			x				x
PYRONYL CROP SPRAY	89459-26			x				x
REGALIA BIOFUNGICIDE	84059-3	x					x	x
REGALIA CG	84059-3	x					x	x
ROOTSHIELD GRANULES	68539-3	x						x
SAFER BRAND BIONEEM MULTI-PURPOSE INSECTICIDE & REPELLENT CONC	70051-6-42697			x				
SAFER BRAND GARDEN FUNGICIDE CONC FOR FLOWERS, FRUITS & VEGETABLES	42697-37	x						
SAFER BRAND INSECT KILLING SOAP CONCENTRATE II	42697-60		x	x				
SAFER BRAND INSECT KILLING SOAP WITH SEAWEED EXTRACT II	42697-59			x				

AMCO
DEC - 6 2021

587 LIST OF PESTICIDES THAT MEET ALASKA CRITERIA FOR USE ON MARIJUANA

(additional products not listed may meet criteria)

Product Name	EPA Registration Number	Controls						WPS required
		Fungus	Mites	Insects	Worms	Slugs	Growth Regulator	
SAFER BRAND PYRETHRIN & INSECTICIDAL SOAP CONCENTRATE II	59913-9			x				
SAFER BRAND TOMATO & VEGETABLE INSECT KILLER II	59913-10			x				
SAFER BRAND YARD & GARDEN INSECT KILLER II	59913-10			x				
SERENADE ASO	264-1152	x						x
SERENADE GARDEN DISEASE CONTROL CONCENTRATE	264-1152	x						x
SERENADE GARDEN DISEASE CONTROL READY TO SPRAY	264-1152	x						x
SERENADE GARDEN DISEASE CONTROL READY TO USE	264-1154	x						x
SERENADE MAX	264-1151	x						x
SERENADE OPTI	264-1160	x						x
SMITE	exempt-25(b)		x					
SNS 217 RTU SPIDER MITE CONTROL	exempt-25(b)		x					
SUBTILEX NG BIOLOGICAL FUNGICIDE	71840-8	x						x
SUNSPRAY ULTRA-FINE SPRAY OIL	86330-11	x		x				x
TERSUS INSECTICIDE	1021-2616			x				x
THE AMAZING DOCTOR ZYMES	exempt-25(b)	x		x				
TRIACT 70	70051-2-59807							x
TRIATHLON BA	70051-107-59807	x						x
TRISHIELD INSECTICIDE, MITICIDE & FUNGICIDE CONCENTRATE	exempt-25(b)	X	X	X				
VENERATE CG	84059-14		x	x	x			x
VENERATE XC BIOINSECTICIDE	84059-14		x	x	x			x
WHITNEY FARMS 3-IN-1 ROSE & FLOWER CARE 1	67702-15-91161	x	x	x				
WHITNEY FARMS INSECTICIDAL SOAP	67702-21-73327			x				
WHITNEY FARMS SLUG & SNAIL KILLER 1	67702-3-91161					x		

AMCO
DEC - 6 2021

987 LIST OF PESTICIDES THAT MEET ALASKA CRITERIA FOR USE ON MARIJUANA

(additional products not listed may meet criteria)

Product Name	EPA Registration Number	Controls						WPS required
		Fungus	Mites	Insects	Worms	Slugs	Growth Regulator	
XPECTRO OD	82074-5			x				x
YEAR ROUND SPRAY OIL	6218-71			x				x
ZEROTOL 2.0	70299-12	x						x
ZONIX BIOFUNGICIDE	72431-1	x						x

AMCC
DEC - 6 2021



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Marijuana Control Board

Form MJ-07: Public Notice Posting Affidavit

What is this form?

A public notice posting affidavit is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(10). As soon as practical after initiating a marijuana establishment license application, an applicant must give notice of the application to the public by posting a true copy of the application for ten (10) days at the location of the proposed licensed premises and one other conspicuous location in the area of the proposed premises, per 3 AAC 306.025(b)(1).

This form must be completed and submitted to AMCO's main office before any new or transfer license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Steven Duprey	License Number:	21463
License Type:	Limited Marijuana Cultivation Facility		
Doing Business As:	Rock Solid Buds		
Premises Address:	48235 Miracle Ave		
City:	Soldotna	State:	AK
		ZIP:	99669

Section 2 – Certification

I certify that I have met the public notice requirement set forth under 3 AAC 306.025(b)(1) by posting a copy of my application for the following 10-day period at the location of the proposed licensed premises and at the following conspicuous location in the area of the proposed premises:

Start Date: 10-01-2021

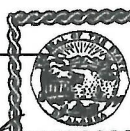
End Date: 10-20-2021

Other conspicuous location: Bulletin Boards @ Save U More and Fred Meyers in Soldotna Alaska

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

STEVEN DUPREY
Printed name of licensee



OFFICIAL SEAL
Randi Broyles
Notary Public State of Alaska

Randi Broyles
Notary Public in and for the State of Alaska
My commission expires: 07/21/23

Subscribed and sworn to before me this 2nd day of December, 2021.



Public Notice

Application for Marijuana Establishment License

License Number: 21463

License Status: Incomplete

License Type: Limited Marijuana Cultivation Facility

Doing Business As: ROCK SOLID BUDS

Business License Number: 1050703

Email Address: stevenduprey@live.com

Latitude, Longitude: 60.496551, -151.183909

Physical Address: 48235 Miracle Ave
Soldotna, AK 99669
UNITED STATES

Licensee #1

Note: No entity officials entered for this license.

Type: Individual

Note: No affiliates entered for this license.

Name: STEVE DUPREY

Phone Number: 907-394-5297

Email Address: stevenduprey@live.com

Mailing Address: PO Box 1494
Kenai, AK 99611
UNITED STATES

Interested persons may object to the application by submitting a written statement of reasons for the objection to their local government, the applicant, and the Alcohol & Marijuana Control Office (AMCO) not later than 30 days after the director has determined the application to be complete and has given written notice to the local government. Once an application is determined to be complete, the objection deadline and a copy of the application will be posted on AMCO's website at

<https://www.commerce.alaska.gov/web/amco>. Objections should be sent to AMCO at marijuana.licensing@alaska.gov or to 550 W 7th Ave, Suite 1600, Anchorage, AK 99501.

POSTING DATE _____

THIS IS WHAT I POSTED ON THE
DATES LISTED START AND END DATES

LICENSE # 21463

AMCO
DEC - 6 2021



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Marijuana Control Board

Form MJ-08: Local Government Notice Affidavit

What is this form?

A local government notice affidavit is required for all marijuana establishment license applications with a proposed premises that is located within a local government, per 3 AAC 306.025(b)(3). As soon as practical after initiating a marijuana establishment license application, an applicant must give notice of the application to the public by submitting a copy of the application to each local government and any community council in the area of the proposed licensed premises. For an establishment located inside the boundaries of city that is within a borough, both the city and the borough must be notified.

This form must be completed and submitted to AMCO's main office before any new or transfer license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Steven Duprey	License Number:	21463
License Type:	Limited Marijuana Cultivation Facility		
Doing Business As:	Rock Solid Buds		
Premises Address:	48235 Miracle Ave		
City:	Soldotna	State:	AK
		ZIP:	99669

Section 2 – Certification

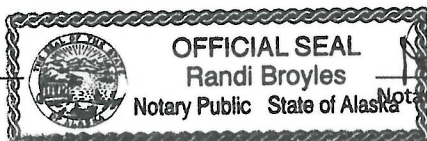
I certify that I have met the local government notice requirement set forth under 3 AAC 306.025(b)(3) by submitting a copy of my application to the following local government (LG) official(s) and community council (if applicable):

Local Government(s): Kenai Peninsula Borough/City of Soldotna Date Submitted: 11-26-2021 and 11/19/2021
Name/Title of LG Official 1: Johni Blankenship, MMC/Borough Clerk Name/Title of LG Official 2: John Czarnecki/ Director of E.P.D
Community Council: None Date Submitted: n/a
(Municipality of Anchorage and Matanuska-Susitna Borough only)

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

[Signature]
Signature of licensee

STEVEN DUPREY
Printed name of licensee



[Signature]
Notary Public in and for the State of Alaska

My commission expires: 07/21/23

Subscribed and sworn to before me this 2nd day of December, 2021.

Clarification of Action for form MJ-08

1. On 11-26-2021 I , Steven Duprey, hand delivered my Local Notice with a Site Development Plan to
Johni Blankenship, whom is the Kenai Peninsula Borough Clerk.

2. On 11-19-2021 I , Steven Duprey, hand delivered my Local Notice with a Site Development Plan to
John Czarnezki, whom is the Director of the conomic Development & Planning department for the City of
Soldotna.


Steven Duprey

12-2-2021
Date

LICENSE # 21463

AMCO

DEC - 6 2021



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

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Alaska Marijuana Control Board

Form MJ-09: Statement of Financial Interest

What is this form?

A statement of financial interest completed by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(4). A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each proposed licensee before any license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Steven Duprey	License Number:	21463		
License Type:	Limited Marijuana Cultivation Facility				
Doing Business As:	Rock Solid Buds				
Premises Address:	48235 Miracle Ave				
City:	Soldotna	State:	AK	ZIP:	99669

Section 2 – Individual Information

Enter information for the individual licensee.

Name:	Steven Duprey
Title:	Owner /Operator
<div style="background-color: black; height: 30px; width: 100%;"></div>	



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

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Alaska Marijuana Control Board

Form MJ-09: Statement of Financial Interest

Section 3 – Certifications

I certify that no person other than a proposed licensee listed on my marijuana establishment license application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which a marijuana establishment license is being applied for.

I further certify that any ownership change shall be reported to the board as required under 3 AAC 306.040.

I understand that my fingerprints will be used to check the criminal history records of the Federal Bureau of Investigation (FBI), and that I have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record.

The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.


Signature of licensee




Notary Public in and for the State of Alaska


Printed name of licensee

My commission expires: 10/23/2022

Subscribed and sworn to before me this 23rd day of March, 2021.

Alcohol & Marijuana Control Office

License #21463
Initiating License Application
4/20/2019 1:06:09 PM

License Number: 21463

License Status: New

License Type: Limited Marijuana Cultivation Facility

Doing Business As: ROCK SOLID BUDS

Business License Number: 1050703

Designated Licensee: STEVE DUPREY

Email Address: stevenduprey@live.com

Local Government: Kenai Peninsula Borough

Community Council:

Latitude, Longitude: 60.496551, -151.183909

Physical Address: 48235 Miracle Ave
Soldotna, AK 99669
UNITED STATES

Licensee #1

Type: Individual

Name: STEVE DUPREY

[REDACTED]

[REDACTED]

Phone Number: 907-394-5297

Email Address: stevenduprey@live.com

Mailing Address: PO Box 1494
Kenai, AK 99611
UNITED STATES

Note: No entity officials entered for this license.

Note: No affiliates entered for this license.



Kenai Peninsula Borough, Alaska

Assessing Department

Search Instructions

This site uses the latest single field search technology. Simply enter your search criteria and hit the "search" button to see your results.

Advanced techniques include targeting specific search criteria e.g., "acreage:1-5", the use of the "*" wildcard character, and sorting options for tailoring the results to your specific needs. Please click on the question mark button for instructions and tips on more advanced search techniques.

Property Search

[Search](#)[Search](#)

Your search returned 2 records / 1 pages [Download](#)

PARCEL: 05528238
ADDRESS:
OWNER: DUPREY STEVEN

Land: \$8,600
Improvement: \$0
Total: \$8,600

PARCEL: 05528239
ADDRESS: 48235 MIRACLE AVE
OWNER: DUPREY STEVEN T

Land: \$15,600
Improvement: \$199,400
Total: \$215,000

AMCO

DEC - 6 2021



Kenai Peninsula Borough, Alaska

Assessing Department

[Go Back](#)
[Property Search](#)
[Print Report](#)
[Property Taxes](#)

General Info

Property Owner:
DUPREY STEVEN T
PO BOX 1494
KENAI AK 99611-1494

[Change of Address](#)
[Owner\(s\)](#)
Property ID

05528239

Address

48235 MIRACLE AVE

Transfer Date

1/19/2011

Document / Book Page

20110005790

Acreage

1.0800

Tax Authority Group

58 - CENTRAL EMERGENCY SERVICES

Legal Description

Description

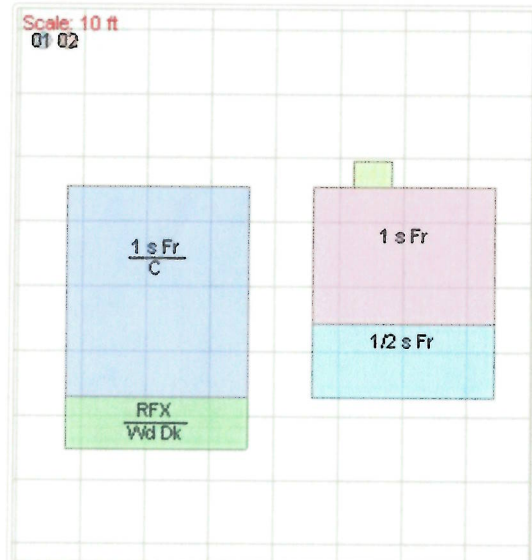
T 5N R 11W SEC 27 Seward Meridian KN 0780224 COTTONWOOD ACRES SUB RESUB OF LO TS 4 & 5 LOT 5-A

Value History

Year	2021	2020	2019	2018	2017	2016	2015	2014	2013
Reason	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification
Land Asstd	\$15,600	\$15,600	\$15,600	\$15,600	\$15,600	\$15,600	\$15,600	\$15,600	\$15,600
Imp Asstd	\$199,400	\$197,000	\$197,600	\$195,000	\$195,500	\$184,500	\$170,700	\$158,700	\$158,700
Total Asstd	\$215,000	\$212,600	\$213,200	\$210,600	\$211,100	\$200,100	\$186,300	\$174,300	\$174,300

Extension Details

R01



Attributes

Floor Areas

Exterior Features

Story	Attribute	Detail
	Type	2+ L LOG
	Occupancy	Single family
	Roof Structure	Gable
	Roof Cover	Metal
	Heating	Space heater
	Stories	2.0
	Bathrooms	1
	Bathrooms (Half)	1
	Feature	Wood Stove
1	Exterior Wall	Log rustic
1	Interior Wall	Normal for Class
1	Interior Flooring	Base Allowance
1.5	Exterior Wall	T 111 plywood-economy
1.5	Interior Wall	Normal for Class
1.5	Interior Flooring	Base Allowance
2	Exterior Wall	T 111 plywood-economy
2	Interior Wall	Normal for Class
2	Interior Flooring	Base Allowance

AMCO

DEC - 6 2021

Address	48235 MIRACLE AVE
Type	2+ L LOG
Grade	A+
Year Built	2000
Value	\$186,900



Sketch Legend

Improvements								
Code	Description	Year	Building	Length	Width	Units	Unit Type	Value
DRIVE	Gravel Driveway	3000	R01	0	0	1	IT	\$2,000
SWL	Residential Sewer Water Landscaping	3000	R01	0	0	1	IT	\$10,500

AMCO
DEC - 6 2021



Kenai Peninsula Borough

Basic Map Viewer

Search...

Sign in

Basic Tools



Tool Labels



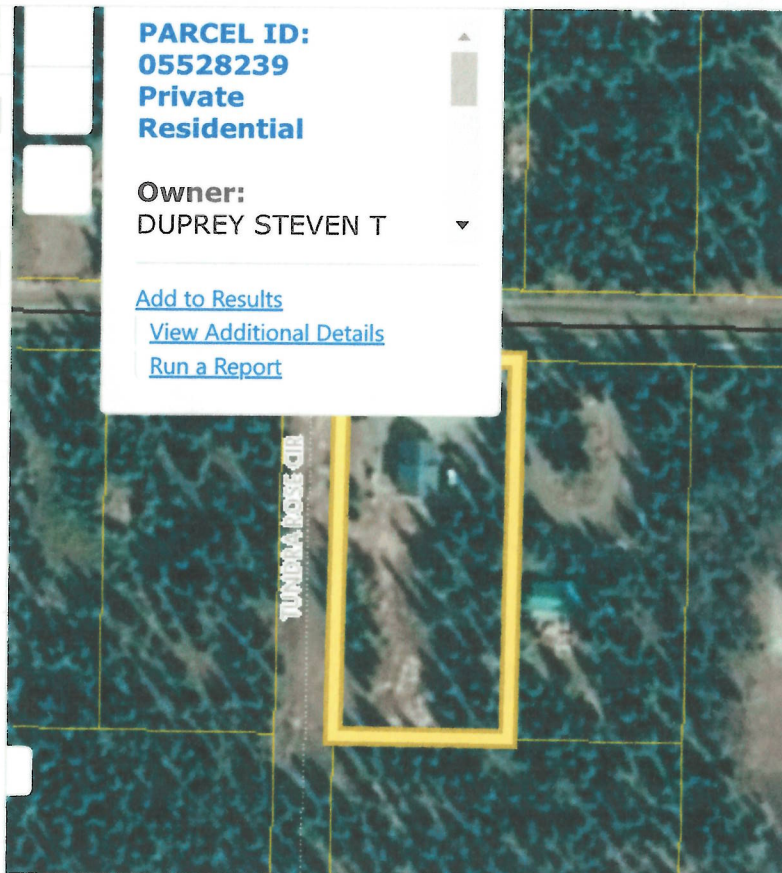
Filter Layers...

Filter

- ☒ Places
- ☒ Land Records
 - ☐ Local Option Zones
 - ☐ LotLines
 - ☒ Parcel Lines and Ownership Type
 - ☐ Township, Range and Section
- ☒ Transportation
- ☐ Material Sites
- ☒ Water
- ☒ Backgrounds
 - ☐ 2020 Imagery (Limited Coverage)
 - ☒ 2012 / 2013 Imagery
 - ☒ Hillshade

PARCEL ID:
05528239
Private
Residential

Owner:
DUPREY STEVEN T

[Add to Results](#)[View Additional Details](#)[Run a Report](#)

AMCO

DEC - 6 2021



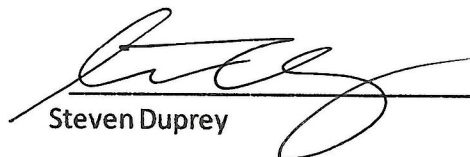
Layers

Still loading Parcels map data...

PROOF OF POSSESSION FOR PROPOSED PREMISES SUPPLIMENTAL

I am including all formerly submitted documents plus 4 more pages pertaining to the property which I printed off from the Kenai Peninsula Borough website Parcel Look up. These documents include the supplemental information which will allow the MCB to better identify ownership/Link the physical address to the legal description of the Deed

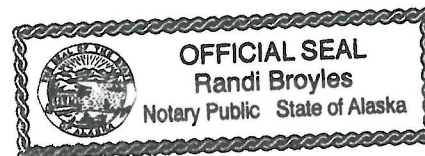
I, Steven Duprey, do hereby certify that all the above statement is true and correct as I am able to do on the 2ND day of November, 20 21.


Steven Duprey


Notary Public

My Commision expires on: 07/21/23

Subscribed and sworn to me on this 2nd Day of December, 2021



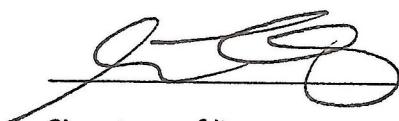
AMCO


DEC - 6 2021

Proof of Possession for Proposed Premises

I have included 3 documents to show the History of my ownership. 1. The original Statutory Warranty Deed where Chad Mills and I purchased the property from Zachary Daniels and Yvonne Ryans in July of 2007. 2. Chad Mills moved out and did a "QUIT CLAIM DEED" relinquishing his Ownership in the Property dated on January 13, 2011. 3. I, Steven Duprey, refinanced my home in December of 2020, which is what the DEED OF RECONVEYANCE is.

I, Steven Duprey, hereby declare under the penalty of perjury that the statements above best reflect the truth as I am able to describe it on this 23 Day of MARCH, 2021.


Signature of licensee


Notary Public in and for the State of Alaska

STEVEN DUPREY

My commission expires: 10/23/2022

Subscribed and sworn to before me on this 23rd day of March, 2021



License # : 21463

AMCO
DEC - 6 2021

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A
S
K
A

2007-007718-0

Recording Dist: 302 - Kenai

7/20/2007 10:56 AM Pages: 1 of 1

File for Record at Request of:

First American Title Insurance Company

AFTER RECORDING MAIL TO:

Name: Steven T. Duprey ETALAddress: ~~148235 Miracle Avenue~~ P.O. 1494~~Soldotna, AK 99669~~ KENAI, AK 99611

File No.: 0221-1080880 (PV)



STATUTORY WARRANTY DEED

THE GRANTOR, Zachary J. Daniels and Yvonne A. Ryans, husband and wife, whose mailing address is P.O. Box 413, Sterling, AK 99672, for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid, conveys and warrants to Steven T. Duprey, an unmarried person and Chad A. Mills, an unmarried person, residing at 48235 Miracle Avenue, Soldotna, AK 99669, the following described real estate, situated in the Kenai Recording District, Third Judicial District, State of Alaska:

Lot 5-A, Block 4, RESUBDIVISION OF LOTS 4 & 5, COTTONWOOD ACRES SUBDIVISION, according to the official plat thereof, filed under Plat Number 78-224, Records of the Kenai Recording District, Third Judicial District, State of Alaska.

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

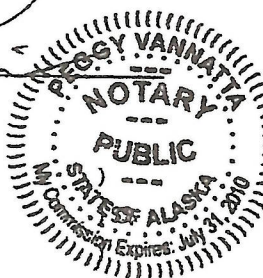
Dated: July 20, 20 07.Zachary J. Daniels

STATE OF

Alaska

Third

Judicial District

Yvonne A. Ryans
Yvonne A. Ryans

THIS IS TO CERTIFY that on this 20th day of July, 2007, before me the undersigned Notary Public, personally appeared Zachary J. Daniels and Yvonne A. Ryans, known to me and to me known to be the individual(s) described in and who executed the foregoing instrument and he/she/they acknowledged to me that he/she/they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

Peggy Vannatta
Notary Public in and for Alaska

My commission expires July 31, 2010

A
L
A
S
K
A**2011-000579-0**

Recording Dist: 302 - Kenai

1/19/2011 10:01 AM Pages: 1 of 2



File for Record at Request of:
First American Title Insurance Company

AFTER RECORDING MAIL TO:

Name: Steven T. DupreyAddress: PO Box 1494Kenai, AK 99611File No.: 0223-1674552 (MG)**QUIT CLAIM DEED**

THE GRANTOR, Chad A. Mills, an unmarried person, whose address is PO Box 871197, Wasilla, AK 99687-1197, for and in consideration of ten dollars, conveys and quit claims to Steven T. Duprey, an unmarried person, whose address is PO Box 1494, Kenai, AK 99611, the following described real estate, situated in the Recording District of Kenai, Third Judicial District, State of Alaska:

**Lot 5-A, Block 4, RESUBDIVISION OF LOTS 4 & 5, COTTONWOOD ACRES
 SUBDIVISION, according to the official plat thereof, filed under Plat Number 78-224,
 Records of the Kenai Recording District, Third Judicial District, State of Alaska.**

together with all after acquired title of the Grantor(s) therein.

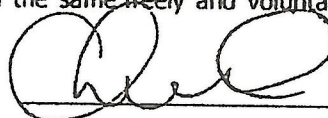
Dated: 1/13, 2011.

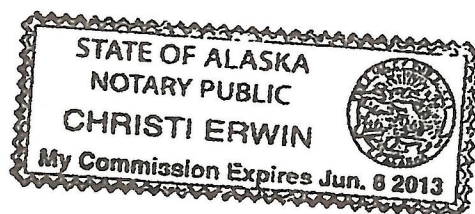
Chad A. Mills
 Chad A. Mills

STATE OF Alaska)
) ss.
 Third Judicial District)

THIS IS TO CERTIFY that on this 13 day of January, 2011, before me the undersigned Notary Public, personally appeared **Chad A. Mills**, known to me and to me known to be the individual(s) described in and who executed the foregoing instrument and he/she/they acknowledged to me that he/she/they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal.


 Notary Public in and for Alaska
 My commission expires 9, 8, 2013



AMCO

DEC - 6 2021



DEED OF RECONVEYANCE

Cenlar FSB #:0035312396 "DUPREY" Lender ID:A82/001/4007488322 Kenai Recording District , Alaska
 MIN #: 100201000000513486 SIS #: 1-888-679-6377

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, all of the indebtedness secured by the Trust Deed executed by STEVEN T DUPREY AN UNMARRIED PERSON as Trustor, to original trustee, FIRST AMERICAN TITLE INSURANCE COMPANY LLC as Trustee, for the benefit of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC AS NOMINEE FOR ALASKA USA MORTGAGE COMPANY, LLC ITS SUCCESSORS AND ASSIGNS, as beneficiary, Dated 01/12/2011 and Recorded 01/19/2011 in the recording district of Kenai, Alaska, as Instrument No.: 2011-000580-0, has been paid; and said Beneficiary has requested in writing that this Deed of Reconveyance be executed and delivered, as confirmed by its endorsement below;

NOW THEREFORE, in consideration of such payment and in accordance with the written request of the Beneficiary, the undersigned Trustee does by these present GRANT, REMISE, RELEASE, AND RECONVEY to the person or persons entitled thereto all the interest and estate derived to said Trustee by or through said Trust Deed in the following described premises, together with all buildings, fixtures, improvements and appurtenances thereunto belonging.

By CENLAR FSB as Trustee
 On 12/30/2020

White

TIFFANY WHITE, TRUSTEE

Property Address: 48235 MIRACLE AVENUE, SOLDOTNA, AK 99669

STATE OF New Jersey
 COUNTY OF Mercer

On 12/30/2020, before me, NARISSA RADCLIFF, a Notary Public in and for Mercer in the State of New Jersey, personally appeared TIFFANY WHITE, TRUSTEE, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal,

Narissa Radcliff

NARISSA RADCLIFF

Notary Expires: 10/09/2025 #50140182

NARISSA RADCLIFF

NOTARY PUBLIC

STATE OF NEW JERSEY

ID # 50140182

MY COMMISSION EXPIRES OCT. 09, 2025

(This area for notarial seal)

When Recorded Return To: SATISFACTIONS, Cenlar FSB PO BOX 77414, EWING, NJ 08628-9829
 Loan #:0035312396

AMCO

DEC - 6 2021



Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Johni Blankenship, MMC
Borough Clerk

MARIJUANA LICENSE LOCAL REVIEW STANDARDS ACKNOWLEDGEMENT FORM

Please review the statements below and acknowledge your understanding of the conditions and intent to comply by your signature below.

There shall be no parking in borough rights-of-way generated by the marijuana establishment.

If I have a retail marijuana license, I will not conduct any business on, or allow any consumer to access, the premises, between the hours of 2:00 a.m. and 8:00 a.m. each day.

I must stay current in obligations owed to the Kenai Peninsula Borough or my license may be subject to a protest by the KPB Assembly.

It is my responsibility to abide by all federal, state, and local laws applicable to my marijuana establishment.

I understand Kenai Peninsula Borough staff will enter my property for purposes of evaluating ongoing compliance with KPB 7.30 and any conditions placed on the license by the State of Alaska Marijuana Control Board.

I have received, read and understand the additional review standards and conditions set out in KPB 7.30.

Rock Solid Buds

48235 Miracle Ave; T 5N R 11W SEC 27 Seward Meridian KN 0780224 COTTONWOOD ACRES SUB RESUB LOTS 4 & 5 BLK 4 LOT 5-A BLK 4

Application for Limited Marijuana Cultivation Facility (License Number: 12428)

Signature

3-28-21

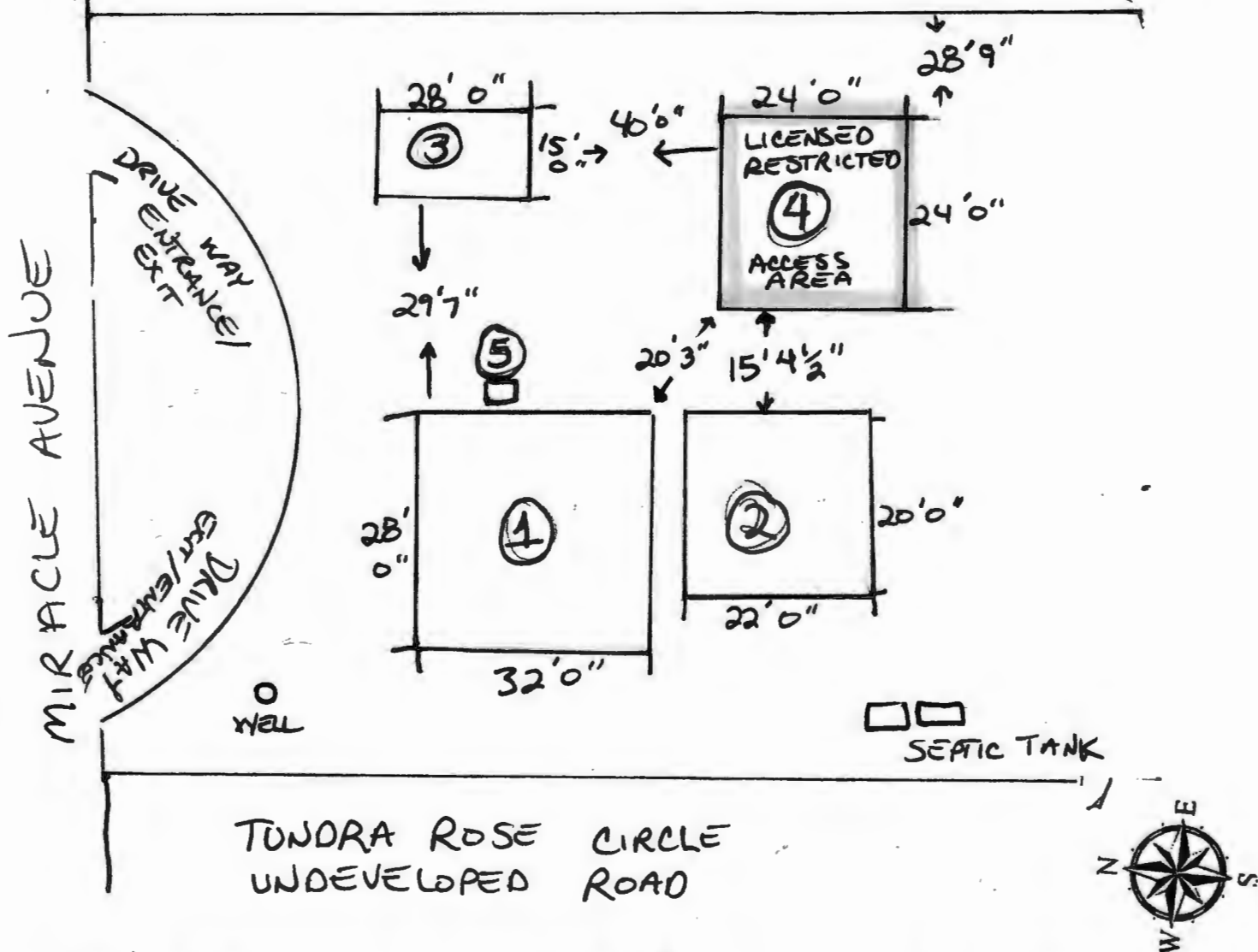
Date

Please return completed form along with site development plan to the KPB Clerk's

DIAGRAM # 3 OVER HEAD VIEW OF EXISTING AND PROPOSED BUILDING AKA: "GENERAL SITE INFORMATION"

- ① PRINCIPLE RESIDENCE ② DECK BEHIND THE
RESIDENCE ③ WOOD / TOOL SHED ④ 24 FT X 24 FT
BUILDING FOR PROPOSED CULTIVATION FACILITY
⑤ FUEL OIL TANK

ADDRESS IS 48235 MIRACLE AVE SOLDOTNA
ALASKA OWNED BY THE LICENSEE STEVEN DUPREY



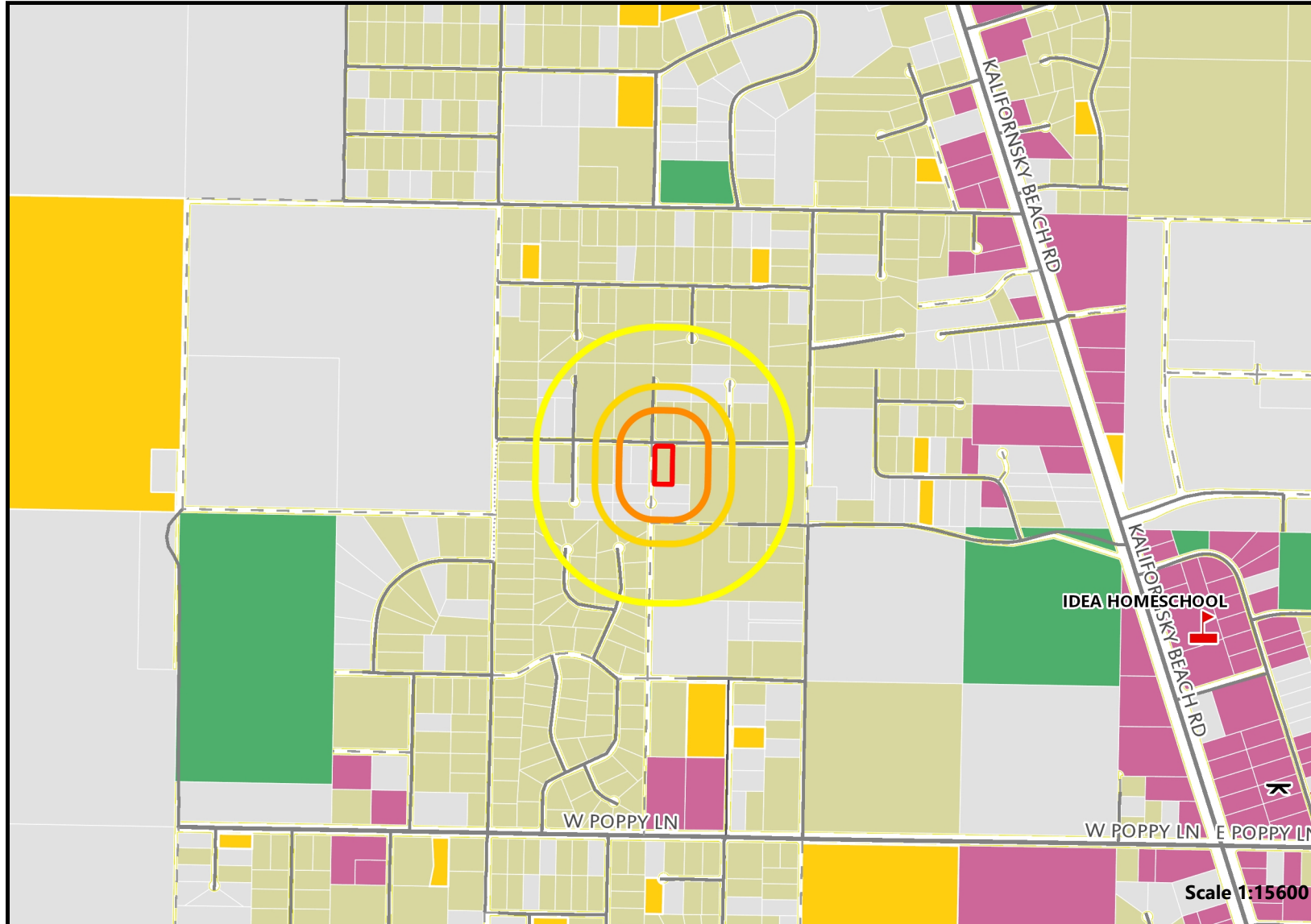
DOING BUSINESS AS ROCKSOLID BUDS LICENSE # 21463



Applicant: Rock Solid Buds

KPB Parcel ID: 05528239

Adjacent Land Use Map



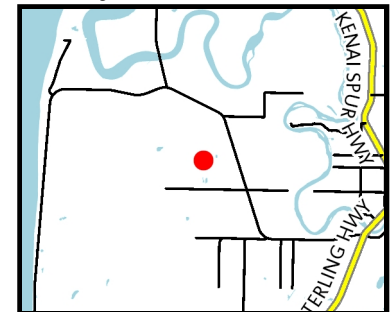
AMCO # 21463

- 1000ft Radius
- 500ft Radius
- 300ft Notification Area
- Parcel Boundary

Land Usage in 1000ft radius

- Residential
52 parcels
- Vacant
19 parcels

Vicinity



Radii shown depict the distance from the parcel boundaries. KPB 7.30 states that the distance must be measured by the shortest pedestrian route. If there were relevant facilities within the 500-foot or 1,000-foot radius, the shortest pedestrian path would be measured and depicted here.

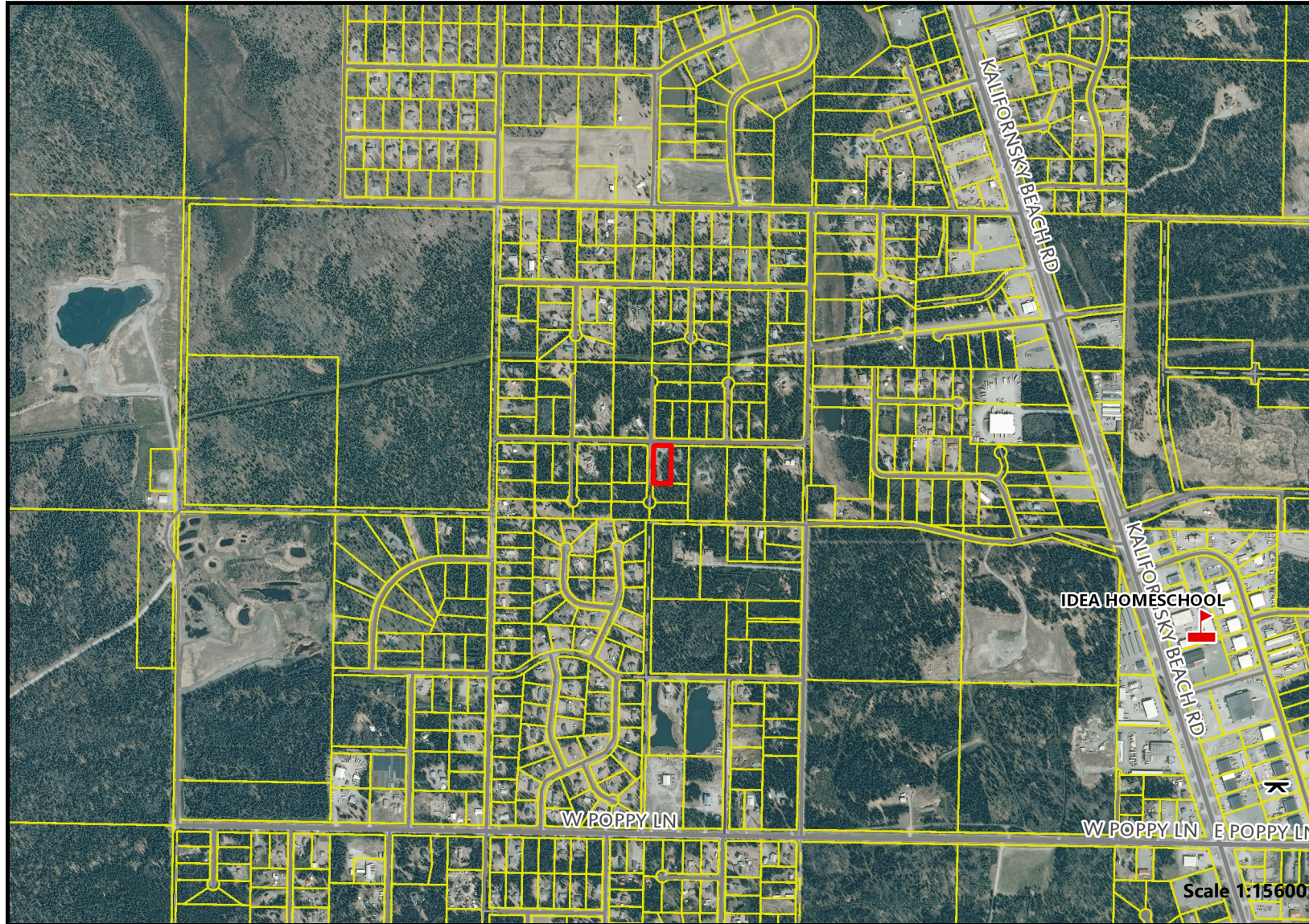


Recommendation on State Application for Limited Marijuana Cultivation Facility

Applicant: Rock Solid Buds

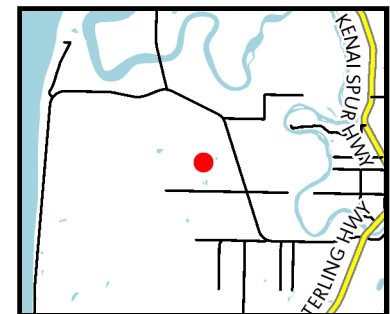
KPB Parcel ID: 05528239

Aerial Imagery Map



- Parcel Boundary
- All Other Parcels

Vicinity





THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

January 5, 2022

Kenai Peninsula Borough

VIA Email: mjenkins@kpb.us; jvanhooose@kpb.us;
maldridge@kpb.us; ncarver@kpb.us; slopez@kpb.us
jblankenship@kpb.us; cjackinsky@kpb.us

License Type:	Brewery	License Number:	6011
Licensee:	Kenai Kombucha LLC		
Doing Business As:	Kenai Kombucha		
Premises Address:	41266 Kalifornsky Beach Road		

☒ **New Application**

☐ **Transfer of Ownership Application**

☐ **Transfer of Location Application**

☐ **Transfer of Controlling Interest Application**

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

What is this form?

This new license application form is required for all individuals or entities seeking to apply for a new liquor license. Applicants should review **Title 04 of Alaska Statutes** and **Chapter 304 of the Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260 and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to be licensed.

Licensee:	Kenai Kombucha LLC		
License Type:	Brewery	Statutory Reference:	04.11.130
Doing Business As:	Kenai Kombucha		
Premises Address:	41266 Kalifornsky Beach Rd		
City:	Kenai	State:	AK
		ZIP:	99611
Local Governing Body:	Kenai Peninsula Borough		
Community Council:	NA		

Mailing Address:	PO BOX 1215		
City:	KENAI	State:	AK
		ZIP:	99611

Designated Licensee:	DEVON GONZALEZ		
Contact Phone:	907-741-2500	Business Phone:	907-741-2825
Contact Email:	KENAIKOMBUCHA@GMAIL.COM		

Seasonal License? ☐ Yes ☒ No
If "Yes", write your six-month operating period: _____

OFFICE USE ONLY

Complete Date:	1-5-2022	License Years:		License #:	6011
Board Meeting Date:	1-18-2022	Transaction #:			100301211
Issue Date:		BRE:			KPS



Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 2 – Premises Information

Premises to be licensed is:

☐

an existing facility

☒

a new building

☐

a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

4.3 miles

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

.2 miles/ 3 minutes walking

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 4.

If more space is needed, please attach a separate sheet with the required information.

The following information must be completed for each licensee and each affiliate (spouse).

This individual is an:

☐

applicant

☐

affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an:

☐

applicant

☐

affiliate

Name:					
Address:					
City:		State:		ZIP:	



Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 4 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 5.

If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:	BRIAN GONZALEZ				
Title(s):	MEMBER	Phone:	907-741-2935	% Owned:	51
Address:	41270 KALIFORNSKY BEACH RD				
City:	KENAI	State:	AK	ZIP:	99611

Entity Official:	DEVON GONZALEZ				
Title(s):	MEMBER	Phone:	907-741-2500	% Owned:	49
Address:	41270 KALIFORNSKY BEACH RD				
City:	KENAI	State:	AK	ZIP:	99611

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	



Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10102544	AK Formed Date:	03-21-2019	Home State:	AK
Registered Agent:	DEVON GONZALEZ	Agent's Phone:	907-741-2500		
Agent's Mailing Address:	PO BOX 1215				
City:	KENAI	State:	AK	ZIP:	99611

Residency of Agent:

Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?

☒ ☐

Section 5 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

☐ ☒

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

N/A

Section 6 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

☒ ☐

If "Yes", disclose the name of the individual and the reason for this authorization:

BRIAN GONZALEZ, HUSBAND, MEMBER 907-741-2935



Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 7 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

JS

I certify that all proposed licensees have been listed with the Division of Corporations.

JS

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

JS

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

JS

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

JS

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

Devon Gonzalez

Signature of licensee

Devon Gonzalez

Printed name of licensee

[Signature]

Signature of Notary Public

Notary Public in and for the State of

Alaska

My commission expires: *09/22/2022*

Subscribed and sworn to before me this *1* day of *October*, 20*21*.

Notary Public
AMANDA S. COELHO
State of Alaska
Commission No.: 180922001
My Commission Expires 09/22/2022

NOV 17 2021



Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 7 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

BFG

I certify that all proposed licensees have been listed with the Division of Corporations.

BFG

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

BFG

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

BFG

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

BFG

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

BFG

Signature of licensee

BRIAN GONZALEZ

Printed name of licensee

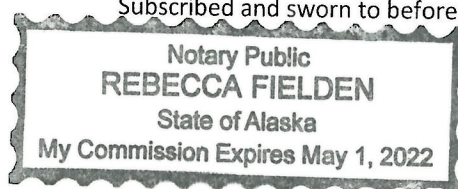
Rebecca Fielden

Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 05/01/2022

Subscribed and sworn to before me this 29th day of December, 20 21.





Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.



Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	KENAI KOMBUCHA LLC	License Number:	6011		
License Type:	BREWERY				
Doing Business As:	KENAI KOMBUCHA				
Premises Address:	41266 KALIFORNSKY BEACH RD				
City:	KENAI	State:	AK	ZIP:	99611



Driveway / parking lot

Kenai Peninsula Borough Assembly

MEMORANDUM

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

THRU: Johni Blankenship, Borough Clerk (B)

DATE: February 1, 2022

RE: New Brewery License – Kenai Kombucha, LLC – License 6011

Kenai Peninsula Borough Code § 7.10.010 provides for mandatory Assembly review of all applications for new liquor licenses located within the Borough. Accordingly, the attached application filed by [Applicant Name] dba [Business Name] located in the Kenai Peninsula Borough, Alaska, is being submitted to you for review and action.

The Borough Finance Department has reviewed the application and has no objection to the new license based on unpaid taxes. The Planning Department has reviewed the application for proximity to churches and/or schools and has no objection to the new license based on location.

RECOMMENDATION: That the Assembly approve the issuance of the New Brewery License requested by Kenai Kombucha, LLC.

cc: kenaikombucha@gmail.com

Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Johni Blankenship, Borough Clerk

THRU: Melanie Aeschliman, Planning Director *MA*
Samantha Lopez, Senior Manager *SL*

FROM: Nancy Carver, Planner *NC*

DATE: January 20, 2022

RE: Kenai Kombucha LLC Liquor License Application

As requested, the Planning Department reviewed the premise location for Kenai Kombucha LLC to determine if churches or schools are within 500 feet (KPB 7.10.020).


A 500-foot radius search was done for Kenai Peninsula Parcel 055-460-10, 41266 Kalifornsky Beach Rd., Kenai.

Kenai Peninsula Borough records show no schools or churches within the 500-foot buffer.

Kenai Peninsula Borough
Planning Department

MEMORANDUM

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

FROM: Melanie Aeschliman, Planning Director 

DATE: January 13, 2022

RE: Right-of-way Vacation: 426' portion of Arneson Avenue including associated utility easements. KPB File 2021-160V

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly.

During their regularly scheduled meeting of January 10, 2022 the Kenai Peninsula Borough Planning Commission granted approval of the above proposed vacation of by unanimous vote based on the means of evaluating public necessity established by KPB 20.65 (6-Yes, 2-Absent, 6-Vacant). This petition is being sent to you for your consideration and action.

A draft copy of the unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

January 10, 2022 Planning Commission Draft Meeting Minutes
January 10, 2022 Agenda Item E3 Meeting Packet Materials

**ITEM 3 - RIGHT OF WAY VACATION
426 FOOT PORTION OF ARNESON AVENUE
INCLUDING ASSOCIATED UTILITY EASEMENTS**

KPB File No.	2021-160V
Planning Commission Meeting:	January 10, 2022
Applicant / Owner:	Freddie's Roadhouse Inc., Freddie Pollard Jr, and Sheila K. Best all of Kenai, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Marquis Street, Arneson Avenue, and Matson Street, Ninilchik
Legal Description:	S1/2 NE1/4 SE1/4 Excluding portion within ROWs, (Parcel 1 of Plat Waiver) per Resolution 93-7 (HM 93-15) and Tracts 3 and 4, Anna's Acres, Plat HM 2007-126, Homer Recording District, Section 9, Township 2 South, Range 12 West

Staff report given by Scott Huff.

Specific Request / Purpose as stated in the petition: We would like to vacate a portion of Arneson Avenue, beginning at Matson Street and extending 424' to the west. There is also a 10' utility easement along each side of the ROW that we would like vacated.

Arneson Avenue is located in a fairly remote area, near the end of Oil Well Road. It currently has not been constructed and it is not being used. There is an existing shop that is built in the section of ROW that we would like to vacate. This vacation would solve the problem of this encroachment. We are offering better access through a new dedication, labeled as Freddie Lane on the preliminary plat. Freddie Lane would follow an existing driveway back to Arneson Avenue.

Notification: Public notice appeared in the December 30, 2021 issue of the Homer News as a separate ad. The public hearing notice was published in the January 6, 2022 issue of the Homer News as part of the Commission's tentative agenda.

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

Library of Ninilchik

Post Office of Ninilchik

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

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

State of AK Dept. of Fish & Game
State of AK DNR
State of AK DOT
State of AK DNR Forestry
Ninilchik Traditional Council
General Communications Inc. (GCI)

Kenai Peninsula Borough Land Management
Kenai Peninsula Borough Office
Emergency Services of Ninilchik
ENSTAR Natural Gas
Alaska Communication Systems (ACS)
Homer Electric Association (HEA)

Legal Access (existing and proposed): The right of way proposed to be vacated is located in the Ninilchik area within the Caribou Hills recreational area. The property is located near Mile 16 of Oil Well Road, a 100 foot wide right of way maintained by the borough. Access to Arneson Avenue is from Anderson Avenue to Matson Street, both of which are 66 foot wide dedicated right of ways. Anderson Avenue and Matson Street are improved roads but are not maintained by KPB.

A driveway from Matson Street that extends through the 18 acre parcel provides physical access to Tracts 1-4 of Anna's Acres, Plat HM 2007-126. Tracts 1-4 contain multiple cabin improvements.

A structure is located within Arneson Avenue. A new 60 foot wide right of way dedication is proposed over the existing driveway that is being used for physical access.

The proposed vacation will affect two blocks. Both blocks will be closed. The northern block, defined by Arneson Avenue, Marquis Street, Anderson Avenue, Matson Street, and proposed Freddie Lane, will be compliant with block lengths. The southern block, defined by Arneson Avenue, Marquis Street, Boley Avenue, seismic line right of way, Matson Street, and proposed Freddie Lane, will have one section of the block longer than allowable lengths by 100 feet. The right of way for both blocks are affected by steep terrain. The right of way vacation and new right of way dedication will not hinder, or improve, the block length issue.

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

Site Investigation: The right of way to be vacated does not contain any steep slopes or low wet areas. The new proposed dedication is over an existing drive and does not contain any steep slopes or low wet areas.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments:</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
-------------------------	--

Staff Analysis: The proposed vacation is within the Caribou Hills area. Right of Way Map, Plat HM 84-115, referred to as the Ninilchik ROW Map, subdivided thirteen sections. The plat dedicated 66 foot wide right of ways centered on seismograph lines as well as 66 foot right of ways on all 1/16 and 1/4 aliquot lines and section lines. Arneson Avenue was created by plat HM 84-115.

Right of Way Map HM 84-115 is a paper plat with no field survey. Terrain was not considered with the right of way dedications and many right of ways are affected by steep terrain or low wet areas. Local trails, although often crossing private lands, are used for physical access. Subsequent subdivisions have divided lands and provided right of ways dedications in practical areas or where trails were already being used for access.

The existing 18 acre parcel on the north of Arneson Avenue was created by a plat waiver per PC Resolution 93-7. Tracts A, B, C, and D were created by Winer Wonderland, Plat HM 2000-64. Tracts 1, 2, 3, and 4, located to the south of Arneson Avenue were created with the recording of Anna's Acres, HM 2007-126.

A dedicated right of way centered on the unnamed seismograph line exists to the south.

Freddie's Roadhouse Inc. is the owner of the parcels north of Arneson Avenue. Freddie Pollard Jr. and Sheila K. Best, owners of Freddie's Roadhouse, own the four lots south of Arneson Avenue.

When right of way is vacated it attaches to the lot or land bordering the area in equal proportions. The proposed sketch shows the vacated area not being attached in equal proportions. The final plat will require

owner acknowledgement that states they understand and agree to allow the vacated right of way to be attached to the neighboring parcels as depicted. This will allow the improvements to be within the parcel boundary and not create an encroachment.

The proposed vacation is not within an advisory planning commission boundary.

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 area to be vacated is not currently being used due to structures within the right of way.
2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: The terrain allows for a road to be constructed but the existing structures do not allow a roadway to be constructed. An alternative access is being provided over an existing travel way.
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: This is located in a recreational area. Multiple right of way dedications were granted in 1984 which provide 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: The right of way does not provide access to a public interest area or provide a connection between existing trails.
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: The proposed vacation would limit interconnectivity but a new right of way dedication will provide an equal or superior access with interconnectivity to adjacent parcels to the south. Proposed Tract 3A will 30 feet of frontage on Arneson Avenue. This will be addressed during the platting process.
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: The use of the existing right of way is limited due to the structures that have been constructed, but pedestrian access is feasible. The proposed dedicated right of way will provide superior access for pedestrian or all-terrain vehicle use.
7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.
Staff comments: New utility easements will be granted along the new dedicated right of way. Staff requests that any issues or concerns by the utility companies be addressed and possible utility easements may need to be granted.
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: existing structures limit the use of the existing right of way. The proposed right of way dedication will provide superior public access.

~~A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission~~

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

The Assembly will hear the vacation at their scheduled February 1, 2022 meeting.

If approved, a plat will finalize the proposed right of way vacations. The Plat Committee is scheduled to the review plat on January 24, 2022.

KPB department / agency review:

Planner	<p>Reviewer: Aldridge, Morgan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
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Assessing	<p>Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.</p>

Utility provider review:

HEA	
ENSTAR	No objections.
ACS	
GCI	

RECOMMENDATION:

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

5. Consent by KPB Assembly.
6. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
7. Grant utility easements requested by the utility providers.
8. 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.
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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*
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Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

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- *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, closed public comment and discussion was opened among the commission.

MOTION: Commissioner Venuti moved, seconded by Commissioner Gillham to approve the vacation a petitioned based on the means of evaluating public necessity established by KPB 20.65, subject to staff recommendation and compliance with borough code.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes	6	Absent	2	Vacant	6
Yes	Bentz, Brantley, Fikes, Gillham, Martin, Venuti				

AGENDA ITEM F. **PLAT COMMITTEE REPORT** – Commissioner Brantley informed the commission that the Plat Committee reviewed and approved 10 plats.

AGENDA ITEM G. **OTHER**

Ms. Shirnberg informed the commission that there would be no Plat Committee needed for the January 24, 2022 meeting.

AGENDA ITEM H. **PUBLIC COMMENT - None**

AGENDA ITEM I. **DIRECTOR'S COMMENTS**

Director Aeschliman introduced new deputy attorney Walker Steinhage to the commission and informed him that Mr. Steinhage will be the attorney working with the Planning Department and Planning Commission.

AGENDA ITEM J. **COMMISSIONER COMMENTS - None**

AGENDA ITEM M. **ADJOURNMENT** – Commissioner Venuti moved to adjourn the meeting 8:55 p.m.

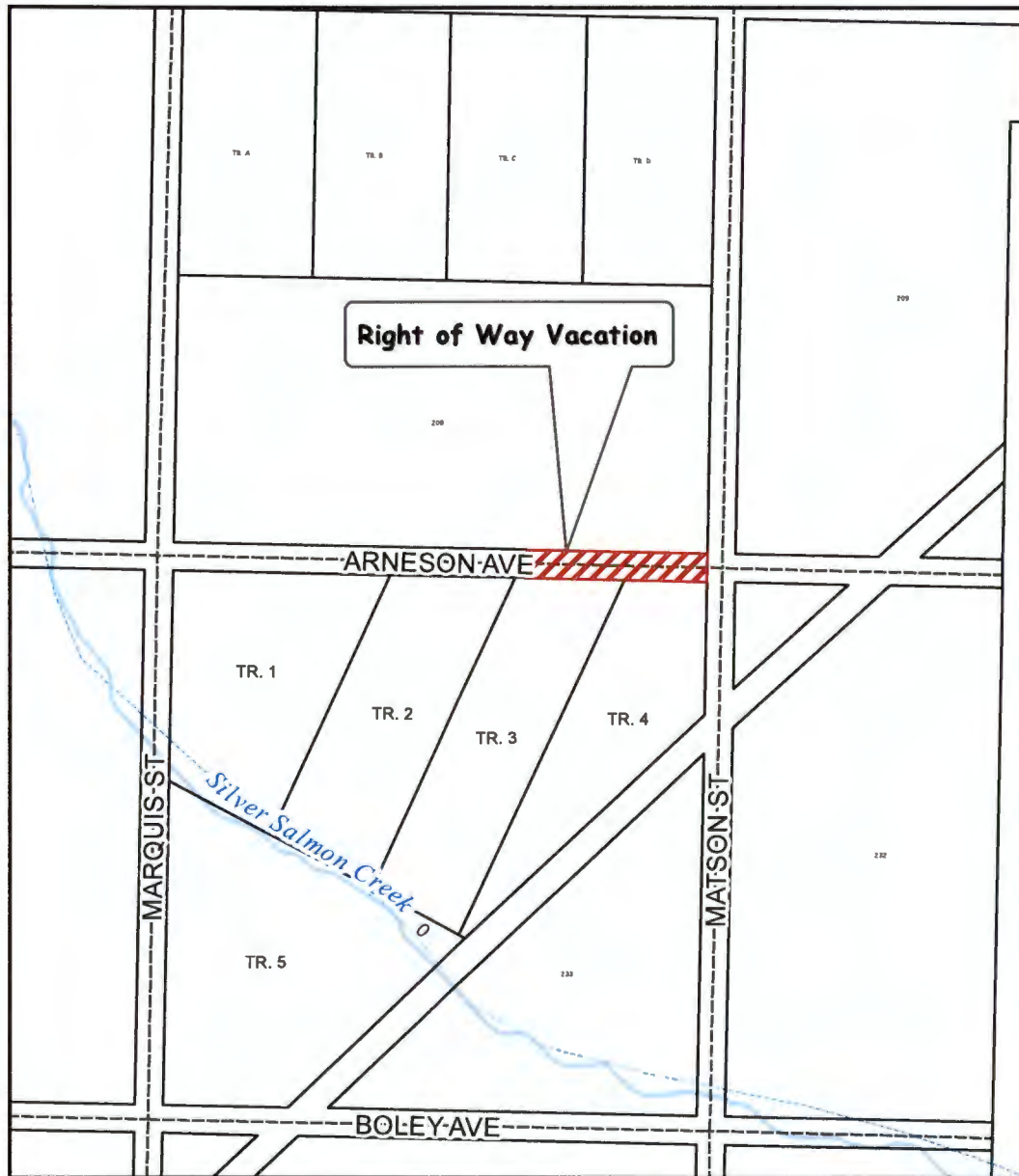
Ann E. Shirnberg
Administrative Assistant

E. NEW BUSINESS

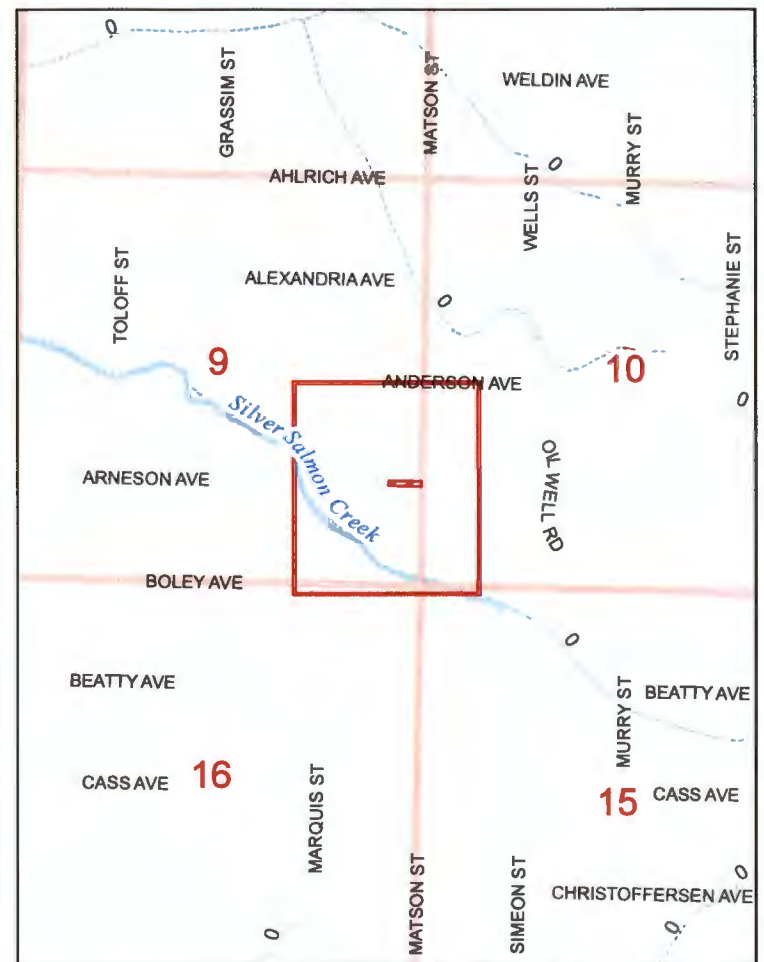
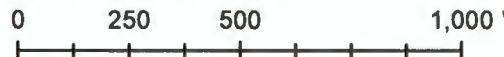
1. Right-Of-Way Vacation; KPB File 2021-160V

Location: Portion of Arneson Ave. & Associated 10 Utility Easements Granted per Ninilchik Right of Way Map (HM 2007-126) in the Fritz Creek Area

Petitioners: Freddie's Roadhouse, Inc., Freddie Pollard Jr. & Sheila K Best of Kenai, AK



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 2021-160V
S09 T02S R12W
Ninilchik

PClements, KPB 2021-160V Date: 12/20/2021

208

MATSON ST

ARNESON AVE

The information depicted hereon
is for a graphical representation
only of best available sources.
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assumes no responsibility
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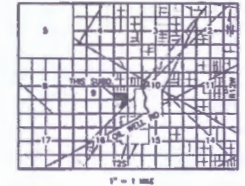
0 25 50 100 '
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Aerial View



 Right of Way Vacation

PClements, KPB 2021-160V
Imagery 2016

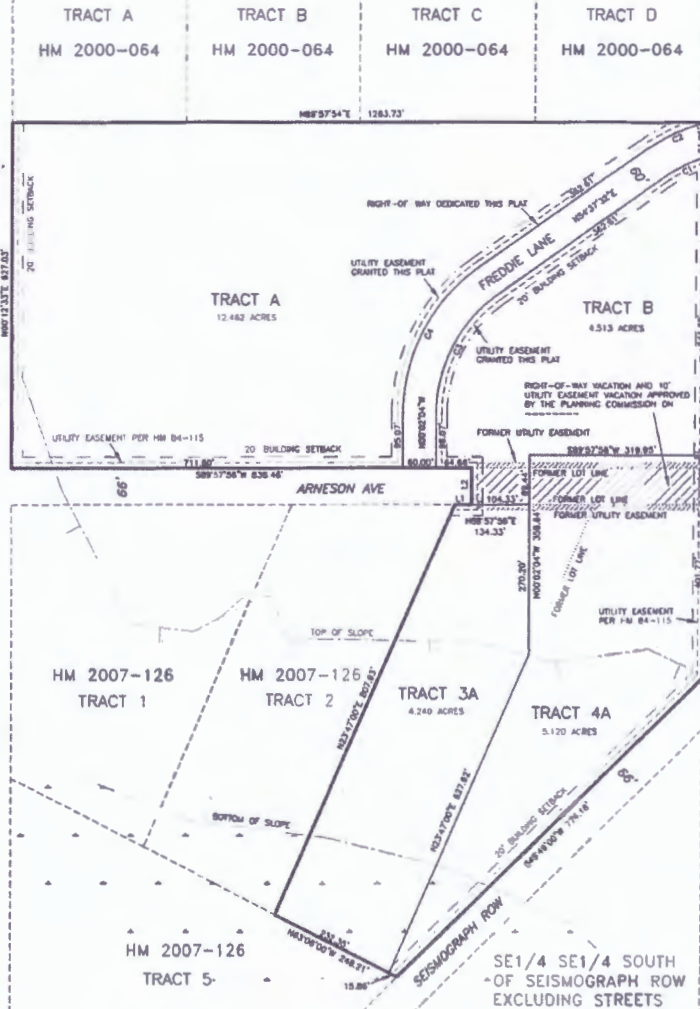


NW1/4 SE1/4 EXCLUDING
THAT PORTION WITHIN ROW

SW1/4 SE1/4 EXCLUDING
THAT PORTION WITHIN ROW

NW1/4 SW1/4 NORTHWEST
OF SEISMOGRAPH ROW
EXCLUDING STREETS & USS
7947

SW1/4 SW1/4 SOUTH OF
SEISMOGRAPH ROW
EXCLUDING STREETS



LINE	BEARING	LENGTH
L1	M82°57'56"E	36.00'
L2	N00°02'04"W	66.00'

CURVE	LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD	CHORD BEARING
C1	63.89	270.00	19°55'24"	47.42	83.41	S64°35'15"W
C2	131.70	330.00	27°52'31"	66.78	130.81	S69°05'58"W
C3	257.98	270.00	54°39'36"	159.54	247.92	S27°17'44"W
C4	314.82	330.00	54°38'38"	170.54	303.02	S27°17'44"W

NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' OF THE BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 6' OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. THE KPB PLAT COMMITTEE GRANTED EXCEPTIONS TO 30.30.100 CUL-DE-SACS, 30.30.180 LOT DIMENSIONS, AND 30.40 WASTEWATER SYSTEM REVIEW AT THE MEETING ON 10/15/2021.
4. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
5. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14.08).

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-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

FREDDIE POLLARD JR.
PO BOX 1360, KEWAH, AK 99611

SHEILA K BEST
PO BOX 1360, KEWAH, AK 99611

NOTARY ACKNOWLEDGMENT

FOR: FREDDIE POLLARD JR. AND SHEILA K BEST
ACKNOWLEDGED BEFORE ME THIS 14th DAY OF DECEMBER, 2021

NOTARY PUBLIC FOR ALASKA
BY COMMISSION EXPIRES: _____

LEGEND

- WETLANDS PER THE KEWAH WATERSHED FORUM COOK BASIN
- WETLANDS MAPPING

WASTEWATER DISPOSAL

WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KEWAH PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____

KEWAH PENINSULA BOROUGH

BY: _____

AUTHORIZED OFFICIAL

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPT ON BEHALF OF THE KEWAH PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:

FREDDIE LANE RIGHT-OF-WAY

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____

KPB FILE NUMBER:

PENINSULA SURVEYING, LLC
10533 KATOWA BOULEVARD, WILHELM, AK 99629
(907)306-7005

PLAT OF
CABIN HOPPERS SUBDIVISION

A SUBDIVISION OF
S1/2 NW1/4 SE1/4 EXCLUDING PORTION WITHIN ROW, PW 93-7 AND TRACTS 3 AND 4 AREA'S ACRES, HM 2007-126

LOCATED WITHIN
SE 1/4 SEC. 8, T.28N., R.128W., S.M.
HOMER RECORDING DISTRICT, KEWAH PENINSULA BOROUGH
COMBING 27.314 ACRES

OWNERS: FREDDIE POLLARD JR. AND SHEILA K BEST

PO BOX 1360, KEWAH, AK 99611

SCALE: 1" = 100'

DATE: DECEMBER 14, 2021

DRAWN: J.S.

SHEET: 1 OF 1

KPB 2021-160V



AGENDA ITEM E. NEW BUSINESS

**ITEM 3 - RIGHT OF WAY VACATION
426 FOOT PORTION OF ARNESON AVENUE
INCLUDING ASSOCIATED UTILITY EASEMENTS**

KPB File No.	2021-160V
Planning Commission Meeting:	January 10, 2022
Applicant / Owner:	Freddie's Roadhouse Inc., Freddie Pollard Jr, and Sheila K. Best all of Kenai, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Marquis Street, Arneson Avenue, and Matson Street, Ninilchik
Legal Description:	S1/2 NE1/4 SE1/4 Excluding portion within ROWs, (Parcel 1 of Plat Waiver) per Resolution 93-7 (HM 93-15) and Tracts 3 and 4, Anna's Acres, Plat HM 2007-126, Homer Recording District, Section 9, Township 2 South, Range 12 West

STAFF REPORT

Specific Request / Purpose as stated in the petition: We would like to vacate a portion of Arneson Avenue, beginning at Matson Street and extending 424' to the west. There is also a 10' utility easement along each side of the ROW that we would like vacated.

Arneson Avenue is located in a fairly remote area, near the end of Oil Well Road. It currently has not been constructed and it is not being used. There is an existing shop that is built in the section of ROW that we would like to vacate. This vacation would solve the problem of this encroachment. We are offering better access through a new dedication, labeled as Freddie Lane on the preliminary plat. Freddie Lane would follow an existing driveway back to Arneson Avenue.

Notification: Public notice appeared in the December 30, 2021 issue of the Homer News as a separate ad. The public hearing notice was published in the January 6, 2022 issue of the Homer News as part of the Commission's tentative agenda.

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

Library of Ninilchik

Post Office of Ninilchik

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

Eighteen 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
Emergency Services of Ninilchik
Kenai Peninsula Borough Office

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

Legal Access (existing and proposed): The right of way proposed to be vacated is located in the Ninilchik area within the Caribou Hills recreational area. The property is located near Mile 16 of Oil Well Road, a 100 foot wide right of way maintained by the borough. Access to Arneson Avenue is from Anderson Avenue to Matson Street, both of which are 66 foot wide dedicated right of ways. Anderson Avenue and Matson Street are improved roads but are not maintained by KPB.

A driveway from Matson Street that extends through the 18 acre parcel provides physical access to Tracts 1-4 of Anna's Acres, Plat HM 2007-126. Tracts 1-4 contain multiple cabin improvements.

A structure is located within Arneson Avenue. A new 60 foot wide right of way dedication is proposed over the existing driveway that is being used for physical access.

The proposed vacation will affect two blocks. Both blocks will be closed. The northern block, defined by Arneson Avenue, Marquis Street, Anderson Avenue, Matson Street, and proposed Freddie Lane, will be compliant with block lengths. The southern block, defined by Arneson Avenue, Marquis Street, Boley Avenue, seismic line right of way, Matson Street, and proposed Freddie Lane, will have one section of the block longer than allowable lengths by 100 feet. The right of way for both blocks are affected by steep terrain. The right of way vacation and new right of way dedication will not hinder, or improve, the block length issue.

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

Site Investigation: The right of way to be vacated does not contain any steep slopes or low wet areas. The new proposed dedication is over an existing drive and does not contain any steep slopes or low wet areas.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments:</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
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Staff Analysis: The proposed vacation is within the Caribou Hills area. Right of Way Map, Plat HM 84-115, referred to as the Ninilchik ROW Map, subdivided thirteen sections. The plat dedicated 66 foot wide right of ways centered on seismograph lines as well as 66 foot right of ways on all 1/16 and 1/4 aliquot lines and section lines. Arneson Avenue was created by plat HM 84-115.

Right of Way Map HM 84-115 is a paper plat with no field survey. Terrain was not considered with the right of way dedications and many right of ways are affected by steep terrain or low wet areas. Local trails, although often crossing private lands, are used for physical access. Subsequent subdivisions have divided lands and provided right of ways dedications in practical areas or where trails were already being used for access.

The existing 18 acre parcel on the north of Arneson Avenue was created by a plat waiver per PC Resolution 93-7. Tracts A, B, C, and D were created by Winer Wonderland, Plat HM 2000-64. Tracts 1, 2, 3, and 4, located to the south of Arneson Avenue were created with the recording of Anna's Acres, HM 2007-126.

A dedicated right of way centered on the unnamed seismograph line exists to the south.

Freddie's Roadhouse Inc. is the owner of the parcels north of Arneson Avenue. Freddie Pollard Jr. and Sheila K. Best, owners of Freddie's Roadhouse, own the four lots south of Arneson Avenue.

When right of way is vacated it attaches to the lot or land bordering the area in equal proportions. The proposed sketch shows the vacated area not being attached in equal proportions. The final plat will require owner acknowledgement that states they understand and agree to allow the vacated right of way to be attached to the neighboring parcels as depicted. This will allow the improvements to be within the parcel boundary and not create an encroachment.

The proposed vacation is not within an advisory planning commission boundary.

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 area to be vacated is not currently being used due to structures within the right of way.
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: The terrain allows for a road to be constructed but the existing structures do not allow a roadway to be constructed. An alternative access is being provided over an existing travel way.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: This is located in a recreational area. Multiple right of way dedications were granted in 1984 which provide 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: The right of way does not provide access to a public interest area or provide a connection between existing trails.
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: The proposed vacation would limit interconnectivity but a new right of way dedication will provide an equal or superior access with interconnectivity to adjacent parcels to the south. Proposed Tract 3A will 30 feet of frontage on Arneson Avenue. This will be addressed during the platting process.
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: The use of the existing right of way is limited due to the structures that have been constructed, but pedestrian access is feasible. The proposed dedicated right of way will provide superior access for pedestrian or all-terrain vehicle use.

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

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	Comments: 17637 MATSON ST on TRACT B will be changed to a FREDDIE LN address.
Assessing	Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.

Utility provider review:

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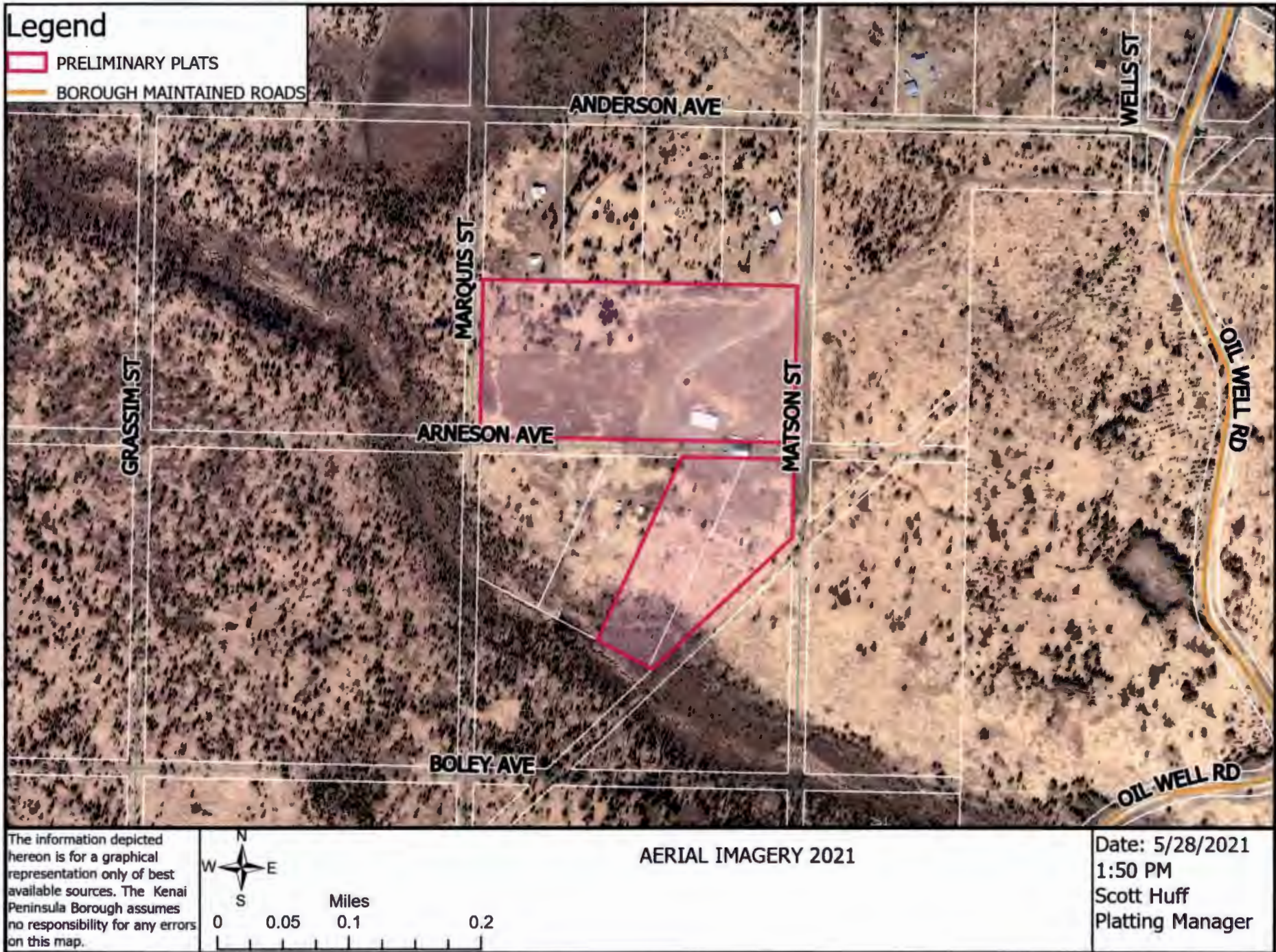
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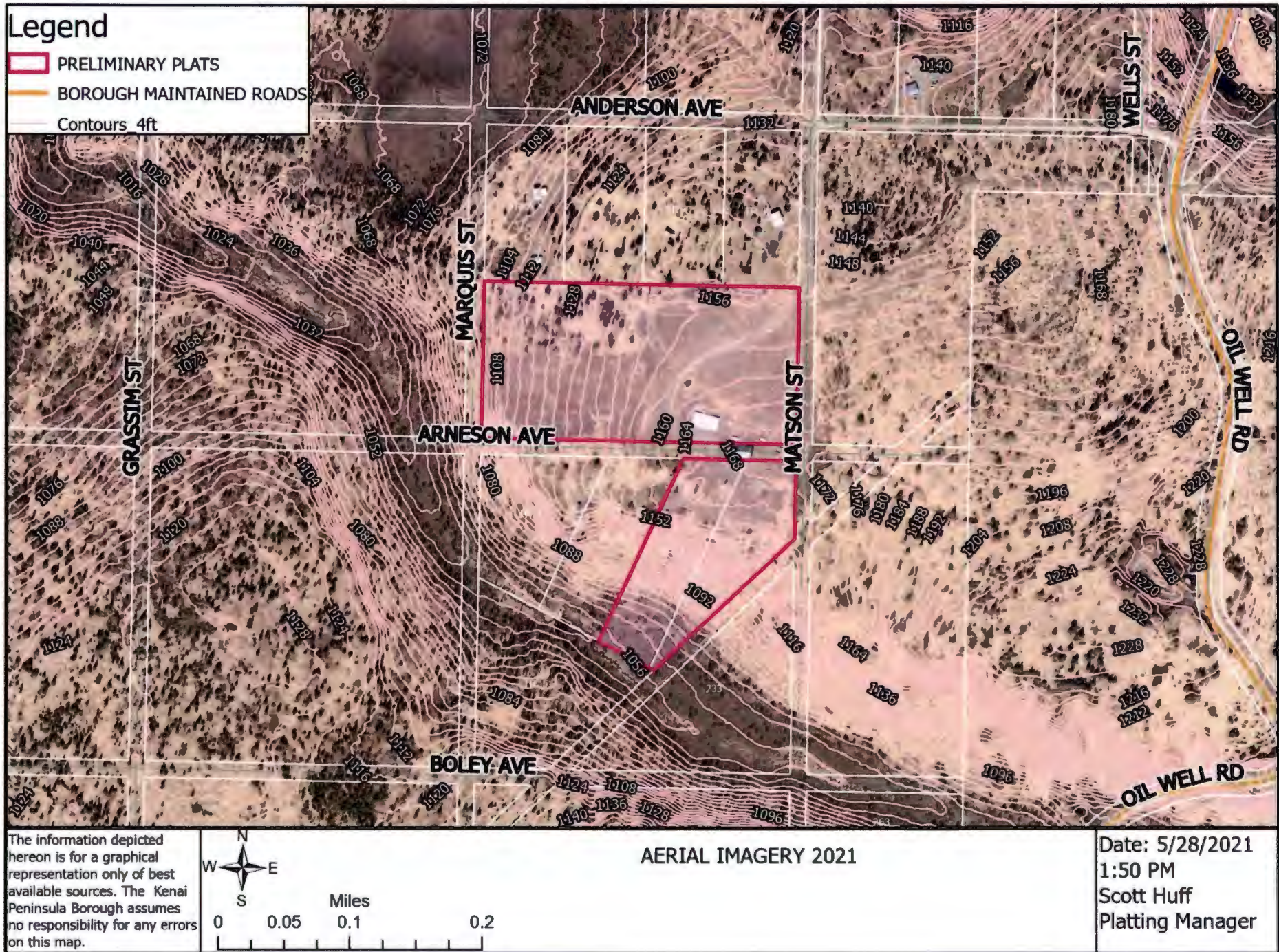
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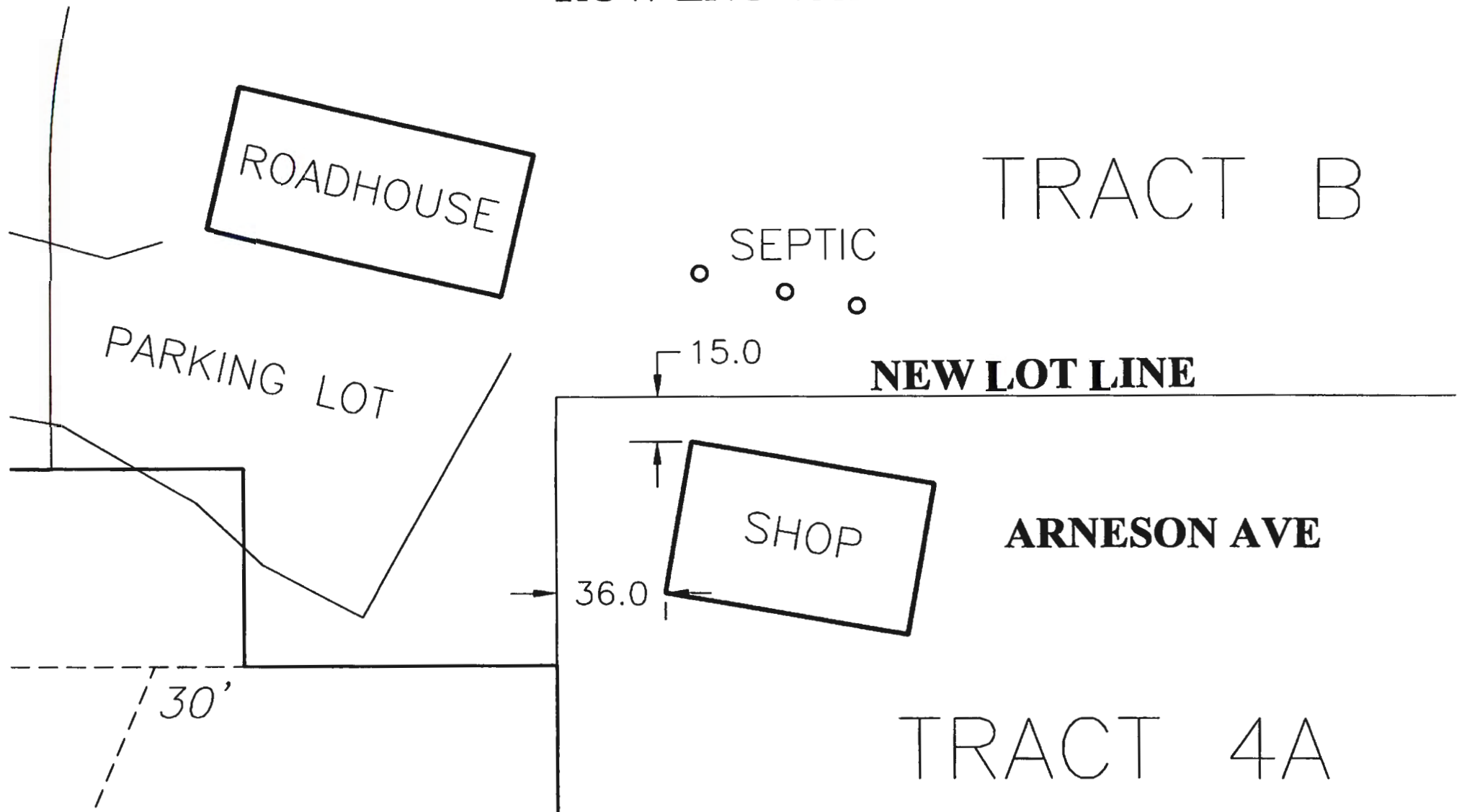
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 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
 - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

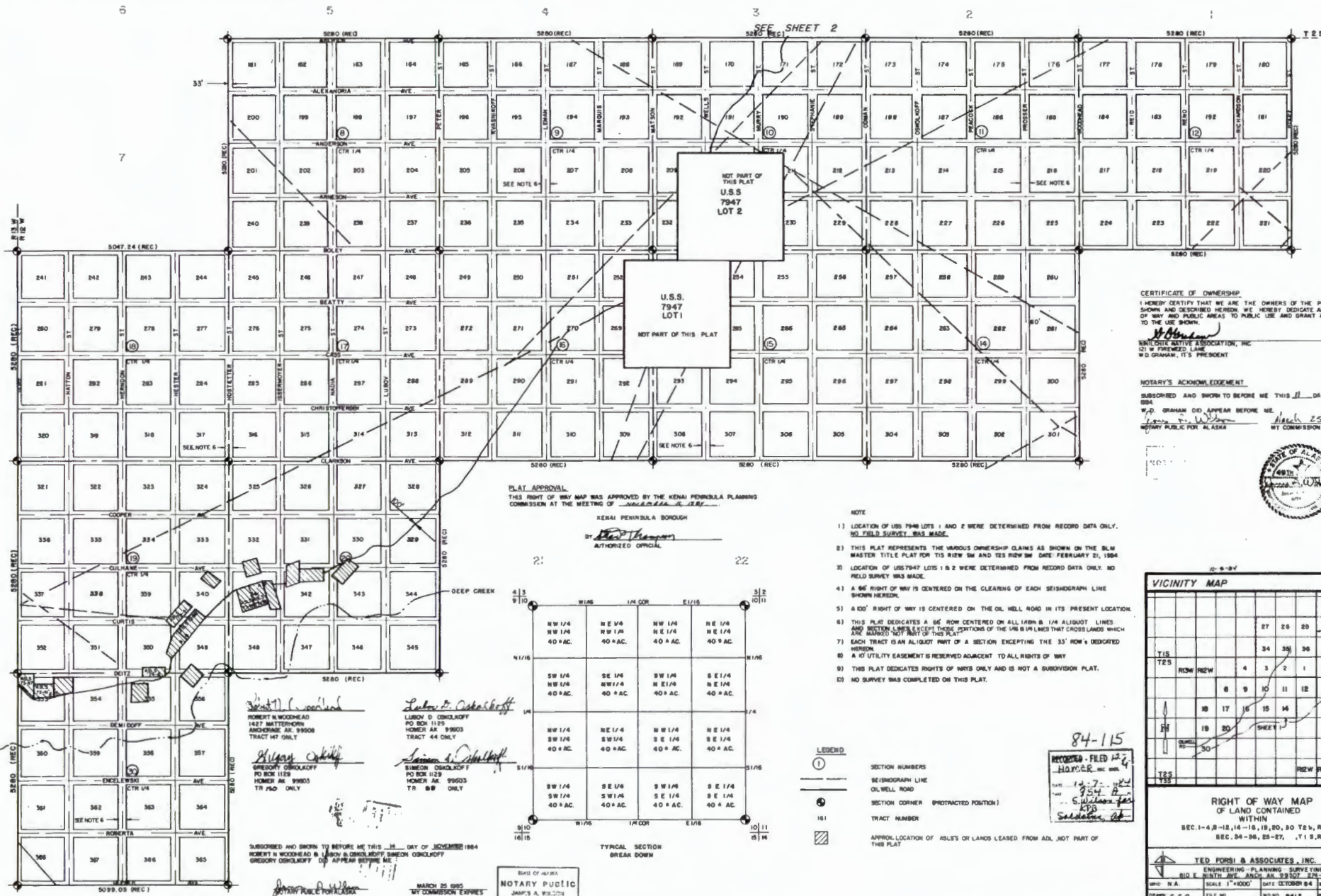
END OF STAFF REPORT





ROW ENCROACHMENT





CERTIFICATE OF OWNERSHIP
I HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON. WE HEREBY DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.
W.D. Graham
KENAI NATIVE ASSOCIATION, INC.
121 W. FREEMAN LANE
W.D. GRAHAM - ITS PRESIDENT

NOTARY'S ACKNOWLEDGMENT
SUBSCRIBED AND SHOWN TO BEFORE ME THIS 11 DAY OF November 1984
W.D. GRAHAM DID APPEAR BEFORE ME.
W.D. Graham
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES March 25, 1985



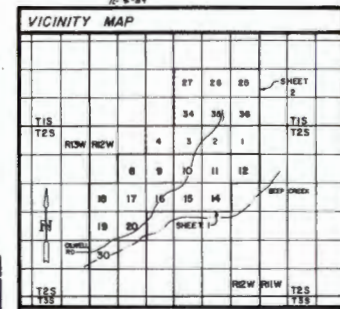
PLAT APPROVAL
THIS RIGHT OF WAY MAP WAS APPROVED BY THE KENAI PENINSULA PLANNING COMMISSION AT THE MEETING OF *March 25, 1985*
KENAI PENINSULA BOROUGH
St. [Signature]
AUTHORIZED OFFICIAL

- NOTE
- 1) LOCATION OF U.S. 7947 LOTS 1 AND 2 WERE DETERMINED FROM RECORD DATA ONLY. NO FIELD SURVEY WAS MADE.
 - 2) THIS PLAT REPRESENTS THE VARIOUS OWNERSHIP CLAIMS AS SHOWN ON THE BLM MASTER TITLE PLAT FOR T15 R12W S4 AND T25 R12W S4 DATE: FEBRUARY 21, 1984
 - 3) LOCATION OF U.S. 7947 LOTS 1 & 2 WERE DETERMINED FROM RECORD DATA ONLY. NO FIELD SURVEY WAS MADE.
 - 4) A 66' RIGHT OF WAY IS CENTERED ON THE CLEARING OF EACH SEISMOGRAPH LINE SHOWN HEREON.
 - 5) A 100' RIGHT OF WAY IS CENTERED ON THE OIL WELL ROAD IN ITS PRESENT LOCATION.
 - 6) THIS PLAT DEDICATES A 66' ROW CENTERED ON ALL 1/4 AND 1/4 ALLOTMENT LINES AND SECTION LINES EXCEPT THOSE PORTIONS OF THE 1/4 AND 1/4 LINES THAT CROSS LINES WHICH ARE ALLOTTED NOT PART OF THIS PLAT.
 - 7) EACH TRACT IS AN ALLOTMENT PART OF A SECTION EXCEPTING THE 35' ROW'S DESIGNATED HEREON.
 - 8) A 10' UTILITY EASEMENT IS RESERVED ADJACENT TO ALL RIGHTS OF WAY.
 - 9) THIS PLAT DEDICATES RIGHTS OF WAY ONLY AND IS NOT A SUBDIVISION PLAT.
 - 10) NO SURVEY WAS COMPLETED ON THIS PLAT.

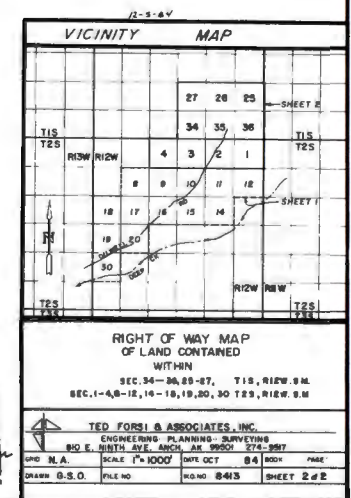
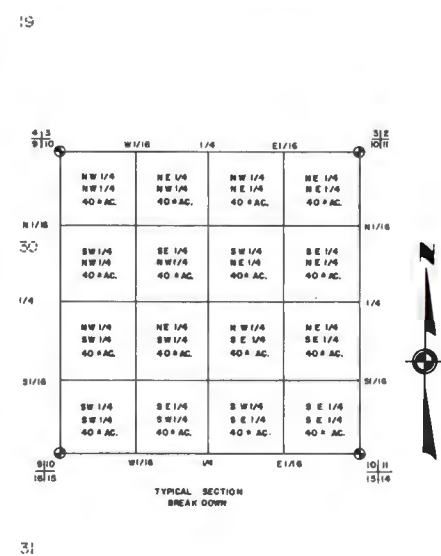
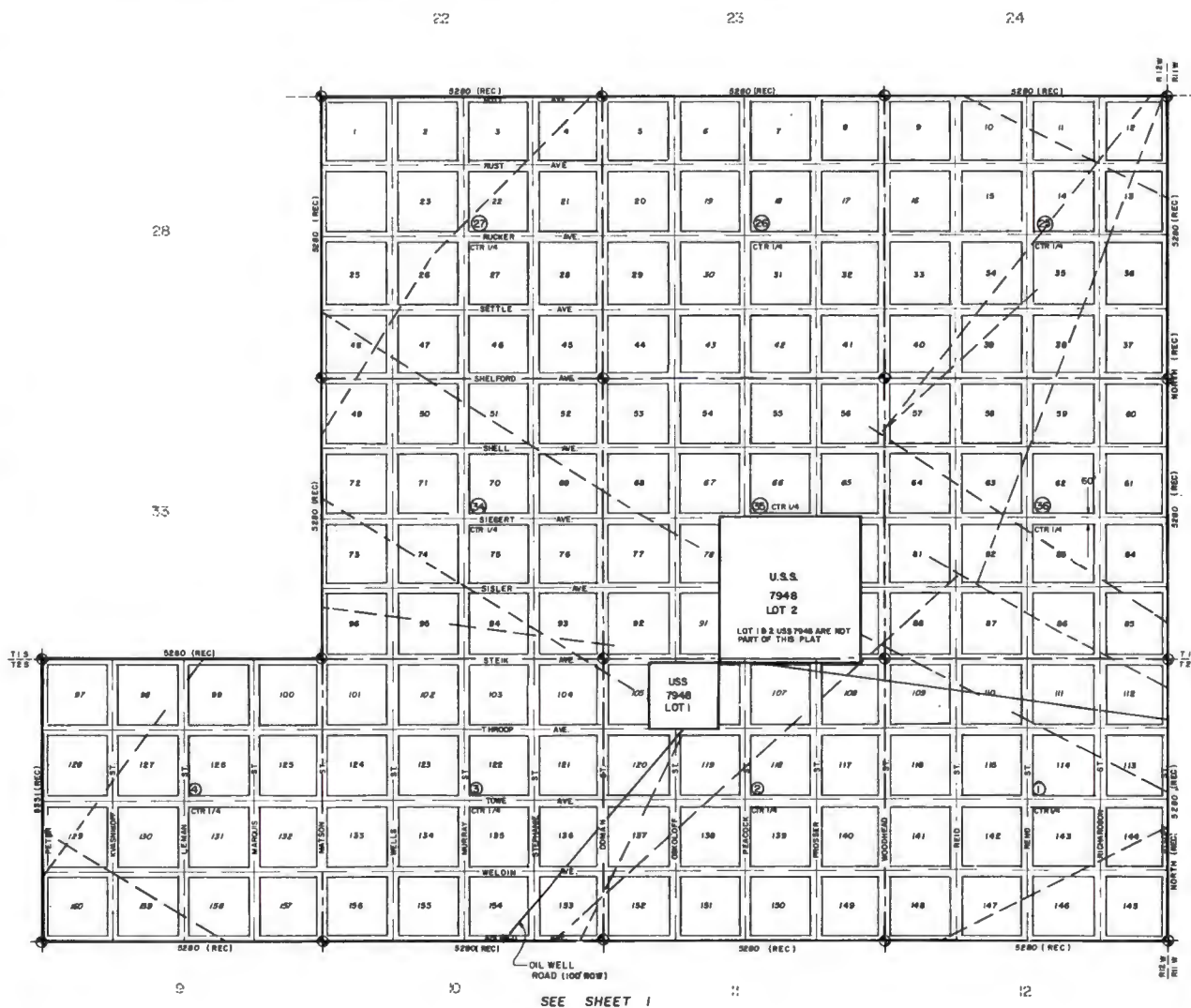
LEGEND

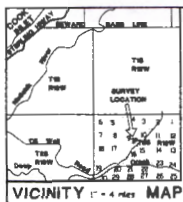
- SECTION NUMBERS
- SEISMOGRAPH LINE
- SECTION CORNER (PROTRACTED POSITION)
- TRACT NUMBER
- APPROX. LOCATION OF ADJ. LOTS OR LANDS LEASED FROM ADJ. NOT PART OF THIS PLAT

84-115
RECORDED - FILED 124
HOMER REC. DIV.
DATE 12-7-84
BY 954 HZ
S. Wilson
KOD - J
Sullivan, Jr.



RIGHT OF WAY MAP OF LAND CONTAINED WITHIN
SEC. 1-4, 8-12, 14-18, 19, 20, 24, 25, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 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1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 20





ANNA'S ACRES

A subdivision of Tract 233 NNW1/4 RDV Map (4-RD 84-1151) portion
northwest of Seismograph Trail RDV
Located in the SE1/4, SE1/4, Section 9, T2S, R22W, S4
Homer Recording District Kenai Peninsula Borough File 2007-113

Prepared for

Anna E. Daniels
8043 Anderson Pl
Custer, VA 98240

Prepared by

Johnson Surveying
Box 27
Don Gulch, AK 99568



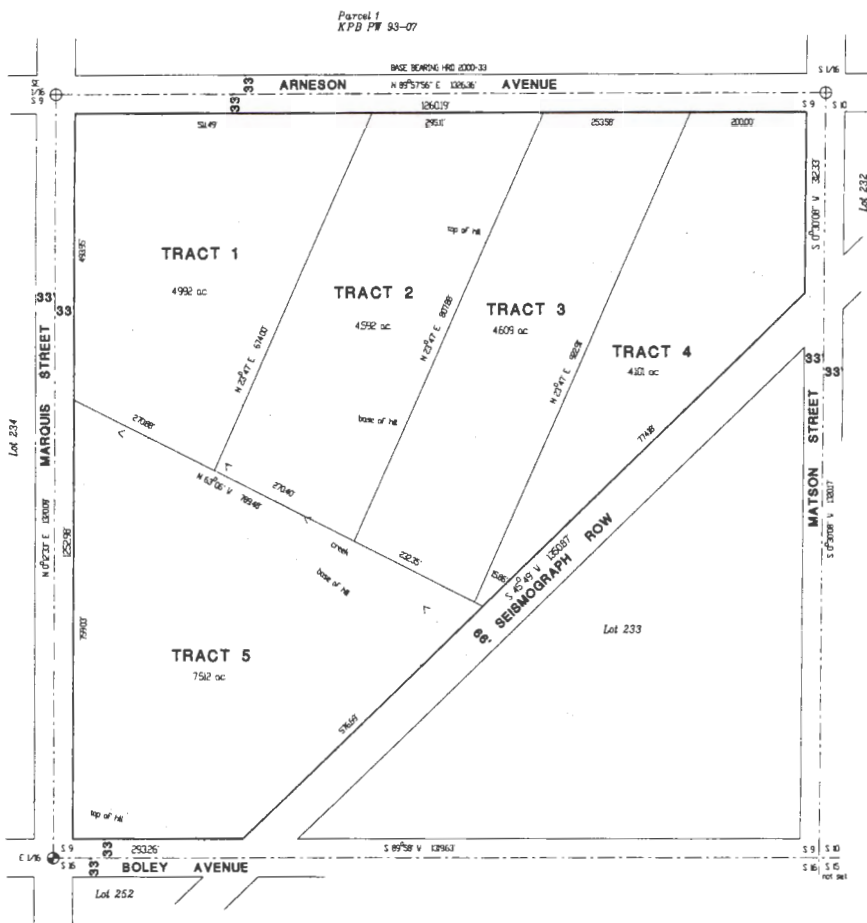
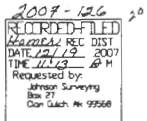
SCALE 1" = 100' AREA = 25.805 acres 10 February, 2007

LEGEND

- ⊕ - 3/4" alcap nonvent, 4928-S, 1998 Found
- ⊕ - 2 1/2" alcap on 5/8" x 8" rebar set
- ⊕ - 1/2" x 4" rebar with 1" plastic cap set

NOTES

1. A building setback of 20' from all street RDVs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. An exception to KPB 2020.180.3 to 1 length/width ratio. For Tract 3 was granted by the KPB Planning Commission at the meeting of 14 May, 2007.



PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 14 May, 2007.

KENAI PENINSULA BOROUGH

By: Mark Bredt 12-18-07
Authorized Official Date

WASTEWATER DISPOSAL

These lots are at least 200,000 square feet or normal 5 acres in size and conditions may not be suitable for on-site wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the real property shown and described herein and that I hereby adopt this plan of subdivision and by my free consent grant all easements to the use shown.

Anna Daniels
Anna E. Daniels
8043 Anderson Pl Custer, VA 98240

NOTARY'S ACKNOWLEDGEMENT

For Anna E. Daniels
Subscribed and sworn to before me this 14
day of December 2007.
[Signature]
Notary Public for Washington
My commission expires 09/12/2011





KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7520
BUSINESS (907) 262-4441 FAX (907) 262-1892

JOHN J. WILLIAMS
MAYOR

CERTIFICATE OF TAX DEPARTMENT

I, Rhonda K. Krohn, Property Tax and Collections Supervisor for the Kenai Peninsula Borough, do hereby certify that all real property taxes levied by the Kenai Peninsula Borough through December 31, 2007 have been paid for the area(s) described as:

ANNA'S ACRES

PARCEL #: 18549805

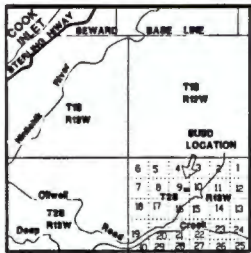
T 2S R 12W SEC 9 Seward Meridian HM SE1/4 SE1/4 N OF SEISMOGRAPH R/W EXC
STREETS

The following assessments (except assessments for the cities of Homer, Kenai, Seward, Seldovia, and Soldotna) levied against this property are outstanding: none.

Witness my hand and seal this 13 December 2007.

Rhonda K. Krohn
Property Tax and Collections Supervisor

Homer 2007-126



VICINITY MAP

WINTER WONDERLAND

A subdivision of Parcel 2 KPB Plat Waiver 93-07.
Located in the SE1/4 Section 9, T2S R12W, SM, Alaska.
Homer Recording District KPB File 2000-182

Prepared for

Will Jahrig
Brent & Tammi Blumentritt
Jody & Tracy Earll
Darrel & Char Mason

Prepared by

Johnson Surveying
Box 27
Clam Gulch, AK 99568



SCALE 1" = 200' AREA = 18.215 acres 18 Sept, 2000

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 9 October, 2000.

KENAI PENINSULA BOROUGH

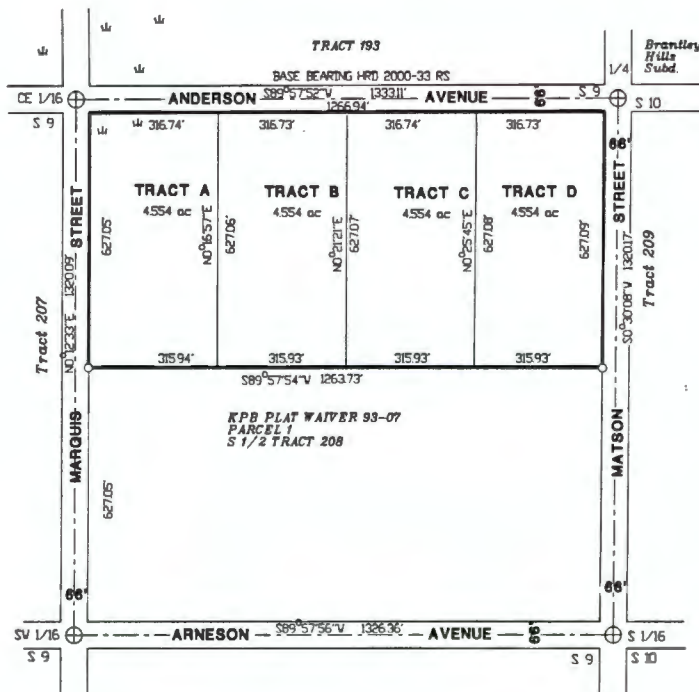
By: Max J. Beut 12/14/00
Authorized Official Date

WASTEWATER DISPOSAL

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

LEGEND

- ⊕ - 2 1/2" alcap monument, 7328-S, 2000. Found.
- - 1" plastic cap lot corner, 7328-S, 2000. Found.
- └ - 1/2" x 4" rebar with 1" plastic cap, set.
- ⋈ - indicates low, wet ground.



OWNERSHIP CERTIFICATE

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

Brent Blumentritt
Brent Blumentritt P.O. Box 2773 Soldotna, AK 99669
Tammi Blumentritt
Tammi Blumentritt P.O. Box 2773 Soldotna, AK 99669
Scott M. Cunningham
Scott M. Cunningham P.O. Box 566 Kenai, AK 99611
Darrel Mason
Darrel Mason P.O. Box 442 Kaslof, AK 99610
Charlene Mason
Charlene Mason P.O. Box 442 Kaslof, AK 99610
Eugene D. Earll
Eugene D. Earll 311 Beluga Street Soldotna, AK 99669-7815
Leatha Earll
Leatha Earll 311 Beluga Street Soldotna, AK 99669-7815
Dena R. Cunningham
Dena R. Cunningham P.O. Box 566 Kenai, AK 99611

NOTARY'S ACKNOWLEDGEMENT

For: Brent & Tammi Blumentritt
Subscribed and sworn to before me this 28th
day of November 2000
Laura Arledge
Notary Public for Alaska
My commission expires June 25, 2002



NOTARY'S ACKNOWLEDGEMENT

For: Scott M. & Dena R. Cunningham
Subscribed and sworn to before me this 12th
day of December 2000.
Laura Arledge
Notary Public for Alaska
My commission expires June 25, 2002



NOTARY'S ACKNOWLEDGEMENT

For: Darrel & Charlene Mason
Subscribed and sworn to before me this 24th
day of Nov 2000
Antia A. Eshleman
Notary Public for Alaska
My commission expires 12-6-2002



NOTARY'S ACKNOWLEDGEMENT

For: Eugene D. & Leatha Earll
Subscribed and sworn to before me this 21st
day of November 2000
Antia A. Eshleman
Notary Public for Alaska
My commission expires 12/25/2002



93-15w

KENAI PENINSULA BOROUGH
PLANNING COMMISSION

PLAT WAIVER RESOLUTION 93-07

HOMER RECORDING DISTRICT

GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTION 9, TOWNSHIP 2 SOUTH,
RANGE 12 WEST, SEWARD MERIDIAN, ALASKA.

WHEREAS, DOUGLAS M. AND GIGI JEANETTE ZOUBEK HAVE PETITIONED FOR A WAIVER OF PLATTING
REQUIREMENTS FOR THE FOLLOWING DESCRIBED PARCEL:

THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, SECTION 9, TOWNSHIP 2 SOUTH, RANGE
12 WEST, SEWARD MERIDIAN, ALASKA; CNTG 36.1 ± ACRES.

WHEREAS, 29.04.090 OF ALASKA STATUTES PROVIDES THAT THE PLATTING AUTHORITY SHALL WAIVE THE
PREPARATION, SUBMISSION FOR APPROVAL, AND RECORDING OF A PLAT UPON SATISFACTORY EVIDENCE THAT CERTAIN
CONDITIONS EXIST.

WHEREAS, IT HAS BEEN DETERMINED THAT ALL REQUIREMENTS HAVE BEEN MET.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSU-
LA BOROUGH:

SECTION 1. THAT A WAIVER OF PLATTING REQUIREMENTS IS HEREBY GRANTED FOR THE ABOVE DESCRIBED
PARCEL.

SECTION 2. THAT THE PLAT WAIVER IS BEING GRANTED FOR THE PURPOSE OF CREATING TWO PARCELS
DESCRIBED AS FOLLOWS:

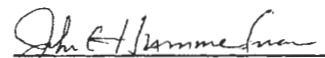
PARCEL 1: THE SOUTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER
OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA; EXCEPTING THEREFROM
33 FOOT RIGHT-OF-WAY ALONG THE SOUTH, EAST AND WEST BOUNDARIES; CNTG 18.05 AC±.

PARCEL 2: THE NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER
OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA; EXCEPTING THEREFROM
33 FOOT RIGHT-OF-WAY ALONG THE NORTH, EAST AND WEST BOUNDARIES; CNTG 18.05 AC±.

SECTION 3. THAT THIS RESOLUTION IS VOID IF NOT RECORDED IN THE APPROPRIATE RECORDING DISTRICT
WITHIN TEN DAYS OF ADOPTION.


SECTION 4. THAT THIS RESOLUTION BECOMES EFFECTIVE UPON BEING PROPERLY RECORDED.

8th ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS
DAY OF March, 1993.


JOHN HAMMELMAN, CHAIRPERSON
KPB PLANNING COMMISSION

NOTARY ACKNOWLEDGEMENT:

SUBSCRIBED AND SWORN BEFORE ME THIS 8th DAY OF March, 1993.


NOTARY PUBLIC FOR STATE OF ALASKA
MY COMMISSION EXPIRES: 10-13-93

Notary Public
St. of ALASKA
NANCY D. JUNGSMANN

93-0708
HOMER REC 20th
DISTRICT
REQUESTED BY D.M. Zoubek

'93 MAR 18 PM 2 13

From: [Horton, George C \(DNR\)](#)
To: [Clements, Peggy](#)
Subject: <EXTERNAL-SENDER>RE: ROW VACATION REVIEW FOR JANUARY 10, 2022 MEETING: ROW State Review Group, HEA, ACS, ENSTAR, GCI, KPB HOMER, NINILCHIK COUNCIL, KPB LAND MANAGEMENT, EMS NINILCHIK
Date: Wednesday, December 29, 2021 10:04:39 AM
Attachments: [image001.png](#)

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

Hi Peggy,

If a section-line easement exists within and along the east boundary of this subdivision, the DNR, DML&W, Survey Section requests it be depicted and labeled on the final plat.

Thank you for the opportunity to comment.

Regards,

George Horton, PLS, CFedS

Land Surveyor I

DNR, DML&W, Survey Section

550 W. 7th AVE; Suite 650

Anchorage, Alaska 99501

(907) 269-8610

<http://dnr.alaska.gov/mlw/survey/>

"It's a dangerous business going out of your door. You step into the Road, and if you don't keep your feet, there is no knowing where you might be swept off to." Bilbo Baggins

From: Clements, Peggy <PClements@kpb.us>

Sent: Wednesday, December 22, 2021 10:50 AM

To: Eaton, Belinda L (DOT) <belinda.eaton@alaska.gov>; Biloon, Joselyn (DOT) <joselyn.biloon@alaska.gov>; Simpson, Danika L (DOT) <danika.simpson@alaska.gov>; Horton, George C (DNR) <george.horton@alaska.gov>; Rinke, Hans J (DNR) <hans.rinke@alaska.gov>; Kastner, Lorraine S (DOT) <lorraine.kastner@alaska.gov>; Keiner, Robert (DOT) <bob.keiner@alaska.gov>; Wilson, Mistee R (DOT) <mistee.wilson@alaska.gov>; 'Zubeck, Brad' <BZubeck@HomerElectric.com>; Byron Jackson <byron.jackson@acsalaska.com>; ENSTAR ROW <row@enstarnaturalgas.com>; Dubour, Adam J (DFG) <adam.dubour@alaska.gov>; 'OSP Design Group' <ospdesign@gci.com>; Percy, Colton T (DFG) <colton.percy@alaska.gov>; Baxter, Tammaron <tbaxter@kpb.us>; 'ivan@niniilchiktribe-nsn.gov' <ivan@niniilchiktribe-nsn.gov>; Mueller, Marcus <MMueller@kpb.us>; 'davidbear68@live.com' <davidbear68@live.com>

Subject: ROW VACATION REVIEW FOR JANUARY 10, 2022 MEETING: ROW State Review Group, HEA, ACS, ENSTAR, GCI, KPB HOMER, NINILCHIK COUNCIL, KPB LAND MANAGEMENT, EMS NINILCHIK

CAUTION: This email originated from outside the State of Alaska mail system.

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Attached sketch to be reviewed for the **January 10, 2022** meeting.

- Cabin Hoppers Subdivision Arneson Avenue Right of Way Vacation KPB 2021-160V

Please provide comments by **DECEMBER 29, 2021** to ensure the comments will be included in a right-of-way vacation staff report.

Right-of-way vacation comments will be accepted until 1:00p.m. Friday before the meeting date.

Peggy Clements

Platting Technician
Planning Department
907-714-2207

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669



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.

Kenai Peninsula Borough
Office of the Borough Mayor

MEMORANDUM

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

FROM: Charlie Pierce, Kenai Peninsula Borough Mayor

AK for CP

DATE: February 1, 2022

RE: Appointments to the *KPB Planning Commission*

In accordance with AS 29.40.020, appointments to the Borough Planning Commission are recommended by the Borough Mayor, subject to confirmation by the Assembly. In accordance with KPB 2.40.030(A), the applicants listed below have been verified as qualified voters of the borough. I hereby submit to the Assembly my recommendation for confirmation of the following re-appointments to the Kenai Peninsula Borough Planning Commission:

<u>Appointment</u>	<u>Commission Seat</u>	<u>Term expires</u>
John Hooper	District 3 – Nikiski Seat	July 31, 2023
Michael Horton	District 4 – Soldotna	July 31, 2022
David Stutzer	District 8 – Homer	July 31, 2024

Cc: Melanie Aeschliman, Planning Director
Ann Shirnberg, Planning Administrative Asst.
Clerk's Office

Kenai Peninsula Borough

Planning Department

District 3 – Nikiski (Term Expires 07/31/2023) PC Application Submitted 2022-01-21 09:32:51

Name: John Hooper

Mailing Address:

PO Box 8032
Nikiski , Alaska 99635

My Residence Address is DIFFERENT from my Mailing Address

Residence Address

51548 Sunset St
Kenai , Alaska 99611

Email: yakmanandyakwoman@gmail.com

Home Phone:

Mobile Phone: 320 685 4489

What knowledge, experience, or expertise will you bring to the Planning Commission?

I have many years of experience working in agriculture and ranching. I have worked with my township and county in Minnesota on land use issues for my farm. I served on two planning committees in my township, to plan construction of a new town hall and to determine long range land use plans. I have been a resident of Nikiski for almost 6 years, and I own several pieces of property in the area. I would like to be involved in planning for the future of our borough.

Voter #

SSN

Date of Birth



Kenai Peninsula Borough

Planning Department

District 4 – Soldotna (Term Expires 07/31/2022) PC Application Submitted 2021-12-21 15:44:13

Name: Michael Horton

Mailing Address:

39548 Grouse Drive
Soldotna, AK 99669

Residence Address

,

Email: mhorton16@gmail.com

Home Phone: 9072629624

Mobile Phone: 9072527367

What knowledge, experience, or expertise will you bring to the Planning Commission?

Extensive experience in horizontal construction, planning, project execution, and construction surveying. The above listed experience is specifically stemmed in Alaska Department of Transportation Capital Improvement Projects as well as Federal Lands and Highway Administration Projects in Alaska. Current experience is project planning, production processes, plan sets built through AutoCAD programs, and operations in the Oil and Gas Industry. Proficient knowledge with Alaska Department of Environmental Conservation and Alaska Department of Transportation regulations. Expertise in project planning, phasing, and execution in both civil construction and oil and gas activities. My hope is to use the accumulation of my experience, knowledge, and expertise for the betterment of the Kenai Peninsula Borough communities as they are my home and where I was born and raised.



MICHAEL HORTON

39548 Grouse Drive Soldotna, AK 99669

Cell: (907) 252-7367

Email: mhorton16@gmail.com
mhorton@hilcorp.com

SUMMARY

Current experience in production, waterflood, and utility operations in the Cook Inlet Oil Field. Extensive experience in horizontal civil construction projects that includes working as a liaison with the Alaska Department of Transportation, developing demolition and assembly plans utilizing CAD programs, managing Storm Water Pollution Prevention Plans, developing and administering traffic control plans, conducting construction surveying and grade-checking utilizing basic surveyor equipment and advanced GPS systems, basic estimating for project bidding, expediting various supplies, and general administration of projects. Continuing experience with AutoCAD drafting of isometric, standard, and P&ID drawings. Excellent oral and written communication skills within the workforce.

EDUCATION

University of Alaska Anchorage, College of Engineering, Anchorage, AK GPA: 3.0 Expected December 2022
Bachelor of Science, Mechanical Engineering

Minor(s): Mathematics

Cook Inlet Academy, Soldotna, AK

June 2011

Awards: Valedictorian of Graduating Class, President of Class, National Honor Society, Alaska Performance Scholarship Award

SPECIALIZED SKILLS

Programming Languages: MATLAB, Simulink

Programs: SolidWorks (novice), Autodesk (advanced), AutoCAD (advanced), AutoCAD 3D Modeling (advanced), AutoCAD Civil 3D (intermediate), Carlson SurvCE (advanced), Carlson Civil Suite (intermediate), Adobe Creative Suite (advanced), Microsoft PowerPoint (advanced), Microsoft Excel (intermediate), Microsoft Word (advanced), Microsoft Projects (intermediate), U.S. Army Corps of Engineers Quality Control System (novice)

Operating Systems: Windows 10, Windows XP, Windows 7, Mac OS 9

Fabrication Skills: Operation of commercial band saws and cutting torches. Experience with arc welding, drills, sawing, wiring, soldering, and welding (novice level).

EXPERIENCE

CCI Industrial Services, LLC

August 2018 – Present

- King Salmon Platform:
 - Production Operator – ESP, Separators, Scrubbers, Shipping Systems
 - Waterflood Operator – Water Injection System
 - Utilities Operator – Chemical Systems, Potable & Drill Water, Sewage
 - Expeditor
 - Emergency Trauma Technician
 - Visible Emissions Technician
 - Liason Between Inspections Department and Welders
 - Rigger-Signalman
 - Helicopter Landing Officer
 - P&ID, Isometric, & Standard AutoCAD Drafter

D & L Construction Co. Inc., Soldotna, AK

June 2013 – August 2018

- Laborer
- Storm Water Pollution Prevention Plan Foreman & Manager:
- Traffic Control Supervisor:
- Construction Surveyor (not licensed) Grade-Checker:
- Office Manager/Engineer:
- Quality Control Technician & Manager:

D & D Equipment & Fabrication, Sterling, AK, Welder's Helper & Apprentice Fitter

May-Aug. 2012

- Welders' Helper

Chumley's Inc., Soldotna, AK, Laborer

May – Aug. 2010, May – Aug. 2011

- Roust-About

ADDITIONAL EXPERIENCE

The Study, Soldotna, AK, Tutor

2015 – 2017

- Tutoring Junior High School and High School Students in the following: -Algebra



REFERENCES

KC Dent – Senior Operator, King Salmon Platform, Cook Inlet Offshore, Hilcorp Alaska LLC.

Tim Stringer, Mechanic, King Salmon Platform, Cook Inlet Offshore, Hilcorp Alaska LLC.

Contact Information Available Upon Request

CERTIFICATIONS

Alaska Certified Erosion & Sediment Control Lead

(SWPPP/AK-CESCL): Expires: 12/14/2020

- Certificate #: AGC-17-0551

AutoCAD:

AutoCAD 2014 & AutoCAD Civil 3D 2015 by Autodesk

Date: Fall 2013, Spring 2014, Present Use

Draftsight 2020 CAD Programs

Present Use

IMSA Temporary Traffic Control Technician

Expires: 6/24/2021

Certificate #: ZZ-111749

Carlson Civil Suite 2016

Carlson Survey Software

- Courses: Carlson Civil Suite, Carlson SurvCE

U.S. Army Corps of Engineers Construction Quality

Management for Contractors

Certificate #: POA-14-17-53547

Expires: 2/3/2022

Emergency Trauma Technician:

Expires: 10/2021

Instructor: Mark Hall

Registered in Alaska Medical System

Visible Emissions Technician:

Certified through October 2020

Coldwater Survival Egress Training:

Completed: 3/8/2019

Certified Rigger-Signaler:

Completed: 2/26/2020

Expires: 2/26/2023

Kenai Peninsula Borough

Planning Department

District 8 – Homer (Term Expires 07/31/2024) PC Application Submitted 2022-01-20 15:04:09

Name: David Stutzer

Mailing Address:

66740 Elliott Ave.
Homer, Alaska 99603

My Residence Address is DIFFERENT from my Mailing Address

Residence Address

40962 Knott Circle
Homer, Alaska 99603

Email: dastutz@pobox.xyz.net

Home Phone: 907-235-7605

Mobile Phone: 907-299-0103

What knowledge, experience, or expertise will you bring to the Planning Commission?

I am a general contractor working in residential construction for over 40 years. Although not directly involved in land use planning, I have seen the results of both good and bad planning in my work. My experience serving on boards includes 10 years on the Kachemak Bay State Park Advisory Board and a short tenure on the Vocational Education Advisory Board in the early 80s.

Voter #

[REDACTED]

SSN

Date of Birth

[REDACTED]

Kenai Peninsula Borough
Office of the Borough Mayor

MAYOR'S REPORT TO THE ASSEMBLY

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

FROM: Charlie Pierce, Kenai Peninsula Borough Mayor

DATE: February 1, 2022

AK for CP

Assembly Request / Response

None

Agreements and Contracts

None

Other

- Community Wildfire Protection Plan Update – Draft
- Revenue-Expenditure Report – December 2021
- Budget Revisions – December 2021

Kenai Peninsula Borough

Office of Emergency Management

MEMORANDUM

TO: Brent Johnson, Assembly President and Assembly Members

THRU: Charlie Pierce, Mayor *AR for CP*

FROM: Brenda Ahlberg, Emergency Manager

DATE: 01/19/2022

RE: Community Wildfire Protection Plan Update – Draft Plan¹

Background: From 2006 to 2009, the borough developed 17 Community Wildfire Protection Plans (CWPPs) representing all landscapes across the borough with the exception of Tyonek, Moose Pass, Bear Creek, Seward and Lowell Point. In 2018, the borough received federal pass-through funds in the amount of \$103,366 (O2018-19-11) and funds from the spruce bark beetle interest account in the amount of \$50,000 (O2019-19-02) to update these plans. This update is being completed by SWCA Environmental Consultants with substantial completion by March 31, 2022.

The 2022 update combines the former 17 plans and encompasses all unincorporated areas and municipalities. The CWPP serves two audiences: 1) provides recommended projects designed to greatly reduce wildfire risk to residents, ensuring that communities live safely in this fire prone environment; and 2) provides guidance to fire and emergency managers, as well as agencies who manage large land holdings.

The intent of this memo is to provide you an opportunity to review the “working draft” and invite you to provide comments through the Office of Emergency Management or on the project story map. I will providing an update to the Planning Commission at their January 24th meeting. Please note that public review is January 24 – February 4, 2022. The draft plan may be found on the project story map at www.kpb.us/cwpp. This story map (an interactive project website designed to tell a story with maps) continues to be used as the primary two-way communication tool, providing information and collecting community input about the project. The story map will remain “live” and be instrumental for current mapping products, data and serve as a repository of completed mitigation projects.

¹ This project is being completed by consulting firm SWCA and funded in part by the Kenai Peninsula Borough, Alaska Division of Forestry and Department of Natural Resources pursuant to USDA Forest Service Award No. 2018-DG-110106-810.

Kenai Peninsula Borough
Finance Department

MEMORANDUM

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

THRU: Charlie Pierce, Borough Mayor *CP*

THRU: Brandi Harbaugh, Finance Director *BH*

FROM: Sarah Hostetter, Payroll Accountant *SH*

DATE: January 10, 2022

RE: Revenue-Expenditure Report – December 2021

Attached is the Revenue-Expenditure Report of the General Fund for the month of December 2021. Please note that 50% of the year has elapsed, 68.32% of budgeted revenues have been collected, and 41.39% of budgeted expenditures have been made.

KENAI PENINSULA BOROUGH
Revenue Report
For the Period
December 1 through December 31, 2021

ACCOUNT NUMBER	DESCRIPTION	ESTIMATED REVENUE	YEAR TO DATE RECEIPTS	MONTH TO DATE RECEIPTS	VARIANCE	% COLLECTED
31100	Real Property Tax	\$ 31,078,028	\$ 30,362,379	\$ 737,932	\$ (715,649)	97.70%
31200	Personal Property Tax	1,928,769	2,129,323	61,506	200,554	110.40%
31300	Oil Tax	6,680,655	6,680,656	2,107	1	100.00%
31400	Motor Vehicle Tax	642,580	116,632	34,617	(525,948)	18.15%
31510	Property Tax Penalty & Interest	697,431	353,478	168,578	(343,953)	50.68%
31610	Sales Tax	36,100,000	17,325,338	1,090,649	(18,774,662)	47.99%
33110	In Lieu Property Tax	3,100,000	-	-	(3,100,000)	0.00%
33117	Other Federal Revenue	160,000	86,409	-	(73,591)	54.01%
33220	Forestry Receipts	500,000	-	-	(500,000)	0.00%
34110	School Debt Reimbursement	1,277,544	-	-	(1,277,544)	0.00%
34221	Electricity & Phone Revenue	155,000	-	-	(155,000)	0.00%
34222	Fish Tax Revenue Sharing	500,000	25,526	-	(474,474)	5.11%
34210	Revenue Sharing	300,000	-	-	(300,000)	0.00%
37350	Interest on Investments	289,673	157,902	7,919	(131,771)	54.51%
39000	Other Local Revenue	279,791	206,640	30,516	(73,151)	73.86%
290	Solid Waste	802,000	283,491	3,412	(518,509)	35.35%
Total Revenues		\$ 84,491,471	\$ 57,727,772	\$ 2,137,236	\$ (26,763,699)	68.32%

KENAI PENINSULA BOROUGH
Expenditure Report
For the Period
December 1 through December 31, 2021

DESCRIPTION	REVISED BUDGET	YEAR TO DATE EXPENDED	MONTH TO DATE EXPENDED	AMOUNT ENCUMBERED	AVAILABLE BALANCE	% EXPENDED
Assembly:						
Administration	\$ 495,116	\$ 295,114	\$ 49,122	\$ 13,095	\$ 186,907	59.61%
Clerk	585,302	252,248	33,723	13,955	319,099	43.10%
Elections	242,758	102,494	296	8,581	131,683	42.22%
Records Management	339,057	153,464	21,168	17,676	167,917	45.26%
Mayor Administration	807,292	280,729	52,487	2,133	524,430	34.77%
Purch/Contracting/Cap Proj	650,877	245,904	38,689	18,522	386,451	37.78%
Human Resources:						
Administration	759,927	346,554	52,517	3,038	410,335	45.60%
Print/Mail	194,590	77,483	11,326	27,461	89,646	39.82%
Custodial Maintenance	125,045	55,542	9,231	294	69,209	44.42%
Information Technology	2,136,877	831,948	139,548	12,770	1,292,159	38.93%
Emergency Management	1,026,834	390,723	41,588	69,888	566,223	38.05%
Legal Administration	1,443,741	335,547	65,072	311,976	796,219	23.24%
Finance:						
Administration	520,870	244,796	41,041	2,956	273,118	47.00%
Services	1,160,504	535,855	60,599	836	623,813	46.17%
Property Tax	1,144,165	497,215	69,252	99,143	547,807	43.46%
Sales Tax	1,005,193	522,212	65,387	1,650	481,331	51.95%
Assessing:						
Administration	1,384,355	622,484	87,703	48,084	713,787	44.97%
Appraisal	1,750,966	633,894	109,370	14,736	1,102,336	36.20%
Resource Planning:						
Administration	1,274,860	474,724	76,752	26,282	773,854	37.24%
GIS	690,573	309,426	27,389	11,959	369,188	44.81%
River Center	721,192	291,520	47,452	22,664	407,008	40.42%
Senior Citizens Grant Program	719,494	213,821	-	505,673	-	29.72%
School District Operations	55,710,125	25,398,788	-	-	30,311,337	45.59%
Solid Waste Operations	14,253,964	3,414,293	661,497	2,021,075	8,818,597	23.95%
Economic Development	400,000	28,986	-	332,935	38,079	7.25%
Non-Departmental	2,848,908	1,688,864	12,369	123,370	1,036,674	59.28%
Total Expenditures	\$ 92,392,586	\$ 38,244,628	\$ 1,773,577	\$ 3,710,753	\$ 50,437,205	41.39%

Kenai Peninsula Borough

Finance Department

MEMORANDUM

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

THRU: Charlie Pierce, Borough Mayor *CP*

THRU: Brandi Harbaugh, Finance Director *BH*

FROM: Sarah Hostetter, Payroll Accountant *SH*

DATE: January 10, 2022

RE: Budget Revisions – December 2021

Attached is a budget revision listing for December 2021. The attached list contains budget revisions between major expenditure categories (i.e., maintenance & operations and capital outlay). Other minor transfers were processed between object codes within major expenditure categories.

LEGAL DEPARTMENT

To purchase office furniture.

100-11310-00000-42210 (Operating Supplies)		\$300.00
100-11310-00000-48710 (Minor Office Equipment)	\$300.00	

MAINTENANCE DEPARTMENT

To cover various expenses including fuel cost increases, repair material purchases, heavy snow year expenses, Nanwalek sewer line and generator emergencies, and other office equip/furniture purchases.

241-41010-00000-40110 (Regular Wages)		\$442,121.80
241-41010-00000-43220 (Car Allowance)	\$621.80	
241-41010-00000-48311 (Machinery & Equipment)	\$30,000.00	
241-41010-00000-42310 (Repair & Maintenance Supplies)	\$100,000.00	
241-41010-00000-42230 (Fuel, Oils & Lubricants)	\$30,000.00	
241-41010-00000-43764 (Snow Removal)	\$200,000.00	
241-41010-00000-48720 (Minor Office Furniture)	\$1,500.00	
241-41010-00000-48710 (Minor Office Equipment)	\$10,000.00	
241-41010-00000-43780 (Building & Grounds Maintenance)	\$60,000.00	
241-41010-00000-48740 (Minor Machines & Equipment)	\$10,000.00	

OFFICE OF EMERGENCY MANAGEMENT

To replace a failed battery backup switch.

100-11250-00000-42310 (Repair & Maintenance Supplies)		\$901.34
100-11250-00000-48740 (Minor Machines & Equipment)	\$901.34	

PLANNING - GEOGRAPHIC INFO SYSTEM

To purchase a GPS Unit for survey control data collection. Funds are available because the staff was able to implement another program without contracting out assistance.

100-11232-00000-43011 (Contract Services)		\$8,686.00
100-11232-00000-48311 (Machinery & Equipment)	\$8,686.00	

RISK MANAGEMENT

To cover Zoom licenses for staff.

700-11234-00000-42210 (Operating Supplies)		\$571.78
700-11234-00000-43019 (Software Licensing)	\$571.78	

DECEMBER 2021 CONTINUED**INCREASE DECREASE****SEWARD BEAR CREEK FLOOD SERVICE AREA**

To purchase new office lamps, surge protectors, kitchen supplies and a laptop bag.

259-21212-00000-48710 (Minor Office Equipment)		\$291.28
259-21212-00000-42410 (Small Tools & Minor Equipment)	\$291.28	

SEWARD BEAR CREEK FLOOD SERVICE AREA

To cover Zoom licenses for staff.

259-21212-00000-48710 (Minor Office Equipment)		\$519.80
259-21212-00000-43019 (Software Licensing)	\$519.80	

SOLID WASTE - HOMER TRANSFER SITE

To cover personnel costs due to the recent need to staff the transfer site with Borough Employees.

290-32310-00000-43011 (Contract Services)		\$39,000.00
290-32310-00000-40110 (Regular Wages)	\$39,000.00	

SOLID WASTE - LANDFILL

To purchase additional anti-scalent supplies for the leachate evaporator. Funds are available after brush burning bid was lower than expected.

290-32122-00000-43011 (Contract Services)		\$16,000.00
290-32122-00000-42210 (Operating Supplies)	\$16,000.00	