



Meeting Agenda Planning Commission

Monday, July 18, 2022

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

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

[KPB-4407](#)

- a. Barbara Heights Subdivision Griffith Addition; KPB File 2021-156
- b. Barnett's South Slope Subdivision Evans Addition; KPB File 2022-015
- c. Inglebrook 2022 Replat; KPB File 2022-021
- d. Paces Pleasant Haven Subdivision Addition No. 3; KPB File 2022-013
- e. Timber Hills Subdivision 2022 Replat; KPB File 2022-07
- f. Towle Subdivision 2021 Replat; KPB File 2021-153
- g. Tulchina Point Estates 2022 Replat; KPB File 2022-023

Attachments:[C3. Admin Approvals](#)

4. Plats Granted Final Approval (KPB 20.10.040)
5. Plat Amendment Request
6. Commissioner Excused Absences
7. Minutes

[KPB-4408](#)

June 27, 2022 Planning Commission Meeting Minutes

Attachments:[C7. 062722 PC Minutes](#)**D. OLD BUSINESS****E. NEW BUSINESS**

1. [KPB-4409](#) Building Setback Permit - Lot 39, Stariski Meadows; Plat HM 97-62
KPB File 2022-079; PC Resolution 2022-28

Attachments: [E1. BSP Stariski Meadows](#)
2. [KPB-4410](#) Utility Easement Vacation - Lot 39, Stariski Meadows; Plat HM 97-62
KPB File 2022-086V; PC Resolution 2022-31

Attachments: [E2. UEV Stariski Meadows](#)
3. [KPB-4411](#) Building Setback Permit
Lot 18, Block 4, Soldotna South Sub Ophein Replat; Plat KN 85-162
KPB File 2022-084; PC Resolution 2022-30

Attachments: [E3. BSP Soldotna South Sub](#)
4. [KPB-4412](#) Utility Easement Vacation
Lot 58 of Lillian Walli Estates Subdivision; Plat HM 88-16
KPB File 2022-087V; PC Resolution 2022-29

Attachments: [E4. UEV Lillian Walli Sub](#)
5. [KPB-4413](#) Seismograph Trail Vacation; KPB File 2022-091V

Attachments: [E5. Seimograph Trail Vacation](#)
[E5 PC Comment KPB 2022-091V Syverson](#)
6. [KPB-4414](#) Location: Between MP 157-169 Sterling Hwy.
PC Resolution 2022-27

Attachments: [E6. CUP Alaska DOT&PF](#)
7. [KPB-4415](#) Ordinance 2022-30: Approving Stephenkie Alaska Sub Block 8
Residential Waterfront Local Option Zoning District & Amending KPB
21.46.110

Attachments: [E7. LOZD Stephenkie AK Sub](#)

F. PLAT COMMITTEE REPORT

G. OTHER

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS**K. ADJOURNMENT****MISCELLANEOUS INFORMATIONAL ITEMS
NO ACTION REQUIRED**

[KPB-4433](#) Advisory Planning Commission Meeting Minutes

Attachments: [Anchor Point APC 07-14-22 Unapproved Minutes](#)
[Moose Pass APC 071422 Unapproved Minutes](#)

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, August 8, 2022 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

**CONTACT INFORMATION
KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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

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

C. CONSENT AGENDA

***3. Plats Granted Administrative Approval**

- a. Barbara Heights Subdivision Griffith Addition; KPB File 2021-156
- b. Barnetts South Slope Subdivision Evans Addition; KPB File 2022-015
- c. Inglebrook 2022 Replat; KPB File 2022-021
- d. Paces Pleasant Haven Subdivision Addition No 3; KPB File 2022-013
- e. Timber Hills Subdivision 2022 Replat; KPB File 2022-007
- f. Towle Subdivision 2021 Replat; KPB File 2021-153
- g. Tulchina Point Estates 2022 Replat; KPB File 2022-023



Planning Department

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

Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Barabara Heights Subdivision Griffith Addition
KPB File 2021-156
Seldovia Recording District

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

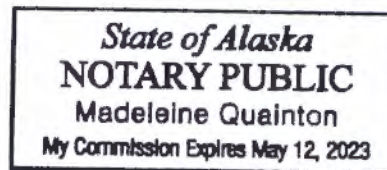
The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Friday, June 17, 2022.

Julie Hindman
Acting Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 17 day of June 2022 by Julie Hindman.

Notary Public for the State of Alaska



My commission expires: 5/12/23

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



Planning Department

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Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Barnetts South Slope Subdivision Evans Addition
KPB File 2022-015
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on February 28, 2022. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Tuesday, June 28, 2022.

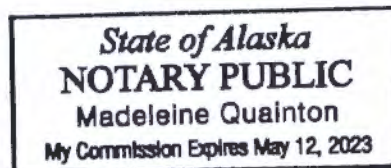
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

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

Notary Public for the State of Alaska

My commission expires: 5/12/23



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



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Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Inglebrook 2022 Replat
KPB File 2022-021
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on March 21, 2022. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Tuesday, June 28, 2022.

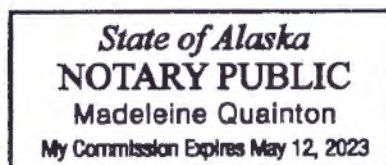
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

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

Notary Public for the State of Alaska

My commission expires: 5/12/23



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



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Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Paces Pleasant Haven Subdivision Addition No 3
KPB File 2022-013
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on February 28, 2022. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Tuesday, June 28, 2022.

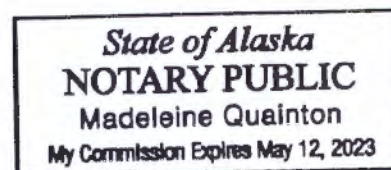
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

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

Notary Public for the State of Alaska

My commission expires: 5/12/23



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



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Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Timber Hills Subdivision 2022 Replat
KPB File 2022-007
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on March 21, 2022. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Tuesday, June 28, 2022.

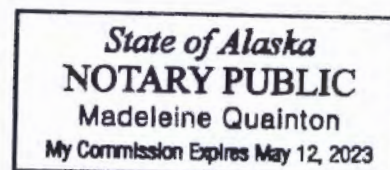
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

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

Notary Public for the State of Alaska

My commission expires: 5/12/23



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



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Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Towle Subdivision 2021 Replat
KPB File 2021-153
Seward Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on December 13, 2021. Approval for the plat is valid for two years from the date of approval.

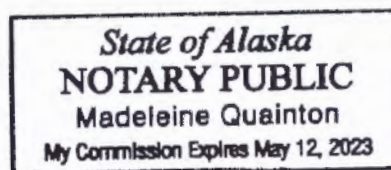
The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Tuesday, July 5, 2022.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

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

Notary Public for the State of Alaska



My commission expires: 5/12/23

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



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Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Tulchina Pointe Estates 2022 Replat
KPB File 2022-023
Kenai Recording District

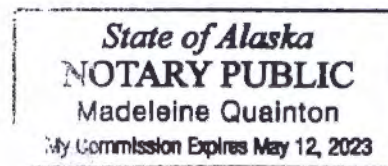
The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on May 23, 2022. Approval for the plat is valid for two years from the date of approval.

The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Friday, July 1, 2022.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 1 day of July 2022 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: 5/12/23

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

C. CONSENT AGENDA

***7. Minutes**

a. June 27, 2022 Planning Commission Meeting

Kenai Peninsula Borough Planning Commission

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

**JUNE 27, 2022
7:30 P.M.
UNAPPROVED MINUTES**

AGENDA ITEM A. CALL TO ORDER

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

Chair Martin asked Ms. Shirnberg to administer the oath of office to the new planning commissioner representing the City of Seward, Troy Staggs.

AGENDA ITEM B. ROLL CALL

Commissioners Present

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

With 11 members of a 12-member seated commission in attendance, a quorum was present.

Staff Present

Robert Ruffner, Planning Director
Walker Steinhage, Deputy Borough Attorney
Vince Piagentini, Platting Manager
Julie Hindman, Platting Specialist
Samantha Lopez, Planner Manager
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDAS

***3. Plats Granted Administrative Approval**

- a. Duncan Subdivision No. 5; KPB File 2021-142
- b. Folz Subdivision 2021 Addition; KPB File 2021-036
- c. Gold Acres Subdivision 2022 Replat; KPB File 2022-014
- d. Poachers Cove PDM 2022 Replat; KPB File 2022-002

***4. Plats Granted Final Approval**

- a. Riverview Deluxe Subdivision; KPB File 2022-012
- b. Seward Original Townsite 2021 Replat; KPB File 2021-105
- c. Soldotna Junction Subdivision Creekside Estates; KPB File 2022-049

***6. Commissioner Excused Absences**

- a. Pamela Gillham, District 1 – Kalifornsky
- b. District 7 – Central, Vacant
- c. City of Seldovia, Vacant

***7. Minutes**

- a. June 13, 2022 Planning Commission meeting minutes.

Chair Martin asked if anyone wished to speak to any of the items on the consent agenda. Hearing no one wishing to comment he asked Ms. Shirnberg to read into the record the consent agenda items.

MOTION: Commissioner Brantley moved, seconded by Commissioner Tautfest to approve the consent and regular agendas.

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

MOTION PASSED BY UNANIMOUS VOTE:

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

Commissioner Venuti, attending via Zoom, lost connection and did not participate in the vote regarding the approval of the consent and regular agendas. He rejoined the meeting several minutes later at 7:34 PM.

AGENDA ITEM E. NEW BUSINESS

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

KPB File No.	2022-070V
Planning Commission Meeting:	June 27, 2022
Applicant / Owner:	Tanley Martinez of Sterling, AK
General Location:	Bruhn Road, Sterling

Chair Martin asked Ms. Shirnberg to read into the record the rules for public hearing.

Staff report was given by Platting Specialist Julie Hindman.

Chair Martin opened the item for public comment.

Greg Pickens; 8411 Blackberry Street, Anchorage, AK 99502: Mr. Pickens is a neighboring landowner and the applicant has numerous encroachments on to his land in the area where the utility easement is being vacated. These encroachments do not allow him to develop his land in the way he wants to. He would like to see the encroachments resolved before he supports this utility easement vacation.

Sharon Brown; 211 W. 123rd Ave., Anchorage, AK 99515: Ms. Brown is a neighboring landowner. Ms. Brown supports Mr. Pickens' request that the encroachments on to his property be resolved before approving the vacation of the utility easement.

Kevin Brown; 211 W. 123rd Ave., Anchorage, AK 99515: Mr. Brown is a neighboring landowner. Mr. Brown supports Mr. Pickens' request that the encroachments on to his property be resolved before approving the vacation of the utility easement.

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

MOTION: Commissioner Brantley moved, seconded by Commissioner Fikes to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, subject to staff recommendations and compliance with borough code.

Commissioner Stutzer stated that the vacation of the utility easement is not the main issue here. The applicant has several structures encroaching on the neighbor's property that he believes should be resolved first. He would not support the vacation request until the encroachments are remedied.

Chair Martin asked staff if the commission would need to develop findings if they chose to deny the vacation request. Ms. Hindman replied that the applicant is in violation of multiple KPB codes and those violations have not been resolved at this time. She noted some of the encroachments do go into the neighbor's utility easement. A denial in this case would not require findings, but if this matter were to be reviewed at a later date, any findings the commission has to support their denial would be appreciated.

Commissioner Horton asked staff if the applicant would still be required to petition for a vacation if they purchased the lot they are encroaching on. Ms. Hindman replied should the applicant purchase the neighboring lot they would not be required to petition for the vacation. They could choose not to put any utilities in those easements. Where there would be issues is if they were to seek bank financing, the bank may require that the encroachments into the utility easements be resolved before financing the purchase.

Director Ruffner noted when it comes to quasi-judicial matters like these it is helpful for the commission to attach findings to support their decision. The commission could review and cite findings supplied by staff to support their decision, but it also could be helpful for the commission to develop additional findings, should a decision be appealed. The commission could vote on the motion on the floor now, and if needed could go into an adjudicative session to develop additional findings or the commission could develop additional findings on the floor.

Commissioner Brantley noted that findings 7 & 8 from the staff report support a denial.

Commissioner Bentz added an additional finding that the neighboring owner on Lot 5 objects to the vacation as the encroachments negatively impact the utility easement on his property.

Commissioner Brantley moved, seconded by Commissioner Fikes to attach the following findings in support of a denial.

- i. Several violations to KPB Code exist due to the shed shown within Bruhn Road, the building setback, and the utility easement.
- ii. Encroachments appear to exist within Lot 5.
- iii. The owner of neighboring lot, Lot 5, objects as the encroachments effect his ability to bring utilities on to his property.

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

MOTION FAILED BY UNANIMOUS VOTE:

No - 11	Bentz, Brantley, Fikes, Hooper, Horton, Martin, Morgan, Staggs, Stutzer, Taufest, Venuti
Absent - 1	Gillham

**ITEM E2 - RIGHT OF WAY VACATION
VACATE A PORTION OF HOUGH ROAD AND ASSOCIATED UTILITY EASEMENTS**

KPB File No.	2022-076V
Planning Commission Meeting:	June 27, 2022
Applicant / Owner:	C. Michael and Shila A. Hough of Homer Alaska
Surveyor:	Stephen Smith / Geovera, LLC
General Location:	East End Road, Hough Road, City of Homer
Legal Description:	Hough Road, Tract F of Stream Hill Park Unit 2, HM 2008-048 and Tract 1 of Christensen Tracts 2009 Addition, HM 2006-44, Section 16, Township 6 South, Range 13 West.

Staff report was given by Platting Specialist Julie Hindman.

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

MOTION: Commissioner Horton moved, seconded by Commissioner Fikes to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, subject to staff recommendations and compliance with borough code.

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

MOTION PASSED BY UNANIMOUS VOTE:

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

**ITEM E3 - RIGHT OF WAY VACATION
VACATE PORTION OF HANKS MILL ROAD (FORMALLY OLD STERLING HIGHWAY)**

KPB File No.	2022-077V
Planning Commission Meeting:	June 27, 2022
Applicant / Owner:	Rosemary Johnson of Anchor Point, Alaska and Cliff and Jana Johnson of Mesa, Arizona
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Hanks Mill Road, Natascha Avenue, Sterling Highway / Happy Valley, Anchor Point, APC
Legal Description:	Hanks Mill Road, formally known as Old Sterling Highway, within Section 7, Township 3 South, Range 14 West.

Staff report was given by Platting Specialist Julie Hindman.

Chair Martin open the item for public comment.

Jason Young, Edge Survey & Design; P.O. Box 208, Kasilof, AK 99610: Mr. Young is the surveyor for this project. He noted this section is part of an old historic right-of-way (ROW) and is not used any more. The culverts are washed out. It drops over 50' down to the creek and is basically not safe to use. This section of Hanks Mill Road dead ends onto his client's property. There is a history of trespass related to this road. There is a waterfall on Happy Creek. The public will park on this section of road and trespass across the owner's property to get to the falls. His clients wish to vacate this section of the ROW to reduce the amount of trespass occurring on their property.

Chair Martin asked Mr. Young if he knew what year the new section of the Sterling Highway, which replaced this old section, was constructed. Mr. Young replied he thought it was sometime in the 1950s. He again noted that no one has used this section of ROW for many years.

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

MOTION: Commissioner Brantley moved, seconded by Commissioner Fikes to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, subject to staff recommendations and compliance with borough code.

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

MOTION PASSED BY UNANIMOUS VOTE:

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

E4 – CONDITIONAL USE PERMIT PC RESOLUTION 2022-24

PC Resolution	2022-24
Planning Commission Meeting:	June 27, 2022
Applicant	Alaska Department of Transportation and Public Facilities
Mailing Address	PO Box 196900, Anchorage, AK 99519-6900
Legal Description	NA
Physical Address	Alaska Department of Transportation Right of Way
KPB Parcel Number	NA

Staff report given by Planner Morgan Aldridge.

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

MOTION: Commissioner Brantley moved, seconded by Commissioner Fikes, to adopt PC Resolution 2022-24, granting a conditional use permit pursuant to KPB 21.18 for the construction of bank stabilization within the 50-foot Habitat Protection District of the Kenai River, Anchor River & Two Moose Creek.

Commissioner Stutzer noted the permit does not note any seasonal time period restrictions related to when work can be done. For instance, time restrictions related to salmon spawning times or eagle nesting times. Ms. Aldridge replied that borough permits do not typically have restrictions related to when work can be done. Permitting related to these types of projects are multi-agency. While the borough does not address this in their permit, the Department of Fish & Game's permit would address those types of issues. Commissioner Stutzer then asked if DOT was going to be doing any work in the water, such as placing riprap in the river. Director Ruffner clarified that the Borough has permitting authority for the land within the 50-foot Habitat Protection District. The Alaska Department of Fish and Game permits activities occurring within the water.

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

MOTION PASSED BY UNANIMOUS VOTE:

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

E5 – ORDINANCE 2022-XX

AN ORDINANCE AMENDING KPB CHAPTER 21.50 RELATING TO STOP-WORK ORDERS AND FINE AMOUNTS IN STIPULATED AGREEMENTS

Staff report was given by Planning Director Robert Ruffner.

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

MOTION: Commissioner Venuti moved, seconded by Commissioner Fikes, to forward to the Assembly a recommendation to adopt Ordinance 2022-XX amending KPB Chapter 21.50 relating to stop-work orders & fine amounts in stipulated agreements.

Commissioner Horton noted that he will be supporting the recommendation to adopt this ordinance. He then asked if he was correct in understanding that this ordinance would get rid of the ½ day fine limitation and grants stop work authority for activities that break code. Director Ruffner replied that is correct, however this ordinance would still allow the director discretion when setting fines. This ordinance will not prohibit the borough from having a soft approach to code violations, if that is what is warranted. It also will allow for code violations to have more “teeth” should the situation be warranted.

Commissioner Hooper asked if this ordinance put any limits on penalties. Director Ruffner replied that the

schedule for fines is included with the ordinance. The penalties can add up per day as well as the individual could have several violations that could be fined at the same time. Again, the director would have discretion depending on the situation. The goal is not to use a giant hammer when a small one would accomplish the same outcome.

Commissioner Stutzer asked Director Ruffner if he was correct in understanding that the fines listed in the schedule can accumulate on a per day basis. Director Ruffner replied that he was correct. He then noted that the Stop Work Order would make clear what the penalties would be if the violator continued with the infraction. Commissioner Stutzer then asked if the fines could be applied retrospectively. Director Ruffner replied that the ordinance limits the time period that they can go back to six years. However, he does not envision using this tool in that manner.

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

MOTION PASSED BY UNANIMOUS VOTE:

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

E6 – ORDINANCE 2022-XX

AN ORDINANCE AMENDING KPB CHAPTERS 7.20, 7.30 AND 21.44 RELATING TO MARIJUANA ESTABLISHMENTS AND PROCESSING APPLICATIONS FOR MARIJUANA ESTABLISHMENTS.

Staff report was given by Planning Director Robert Ruffner.

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

MOTION: Commissioner Horton moved, seconded by Commissioner Fikes, to forward to the Assembly a recommendation to adopt Ordinance 2022-XX, amending KPB Chapters 7.20, 7.30 & 21.44 relating to marijuana establishments and processing applications for marijuana establishments.

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

MOTION PASSED BY UNANIMOUS VOTE:

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

E7 – ORDINANCE 2022-XX

AN ORDINANCE AMENDING KPB CHAPTER 20.65 RELATING TO FEDERAL PATENT EASEMENTS AND PUBLIC RIGHTS-OF-WAY

Staff report was given by Planning Director Robert Ruffner. Director Ruffner noted that the Assembly had pulled this ordinance off their agenda to allow for additional time to address several concerns expressed by the public. Since this item had been advertised as having a he would request that the commission open public to see if anyone wished to comment and the move to table the item.

Chair Martin open the item for public comment.

Kristine Schmidt: Ms. Schmidt is a local attorney and has a number of concerns related to this ordinance. she would like to action on this ordinance postpone to allow for additional review and to address concerns.

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

MOTION: Commissioner Brantley moved, seconded by Commissioner Fikes, to table action on this item until it is brought back by staff.

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

MOTION PASSED BY UNANIMOUS VOTE:

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

E8 – ORDINANCE 2022-XX

AN ORDINANCE AMENDING KPB 21.25 TO ADD DEFINITION OF “AGGRIEVED PARTY” AND AMENDING KPB 21.29 TO REMOVE THE TERM “IMPARTIAL”, TO CLARIFY THE WELL-MONITORING TIMELINE, TO DEFINE “QUARTERLY”, AND TO ADD A “DEFINITIONS” SECTION

Staff report was given by Planning Director Robert Ruffner.

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

MOTION: Commissioner Brantley moved, seconded by Commissioner fikes, to forward to the Assembly a recommendation to adopt Ordinance 2022-XX, amending KPB 21.25 to add definition of “Aggrieved Party”, and amending KPB 21.29 to remove the term “Impartial”, to clarify the well monitoring time, to define “Quarterly”, and to add a “Definitions” section.

Commissioner Brantley stated that he would be supporting the recommendation to adopt this ordinance. He believes this ordinance will clean up a few issues the commission has had with the material site ordinance.

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

MOTION PASSED BY UNANIMOUS VOTE:

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

AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Brantley reported the plat committee reviewed and granted preliminary approval to two plats.

AGENDA ITEM G.

1. Plat Committee – July 18, 2022

- Brantley
- Fikes
- Horton
- Morgan
- Venuti

AGENDA ITEM H. PUBLIC COMMENT/PRESENTATIONS

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

AGENDA ITEM I. DIRECTOR’S COMMENTS

AGENDA ITEM J. COMMISSIONER COMMENTS

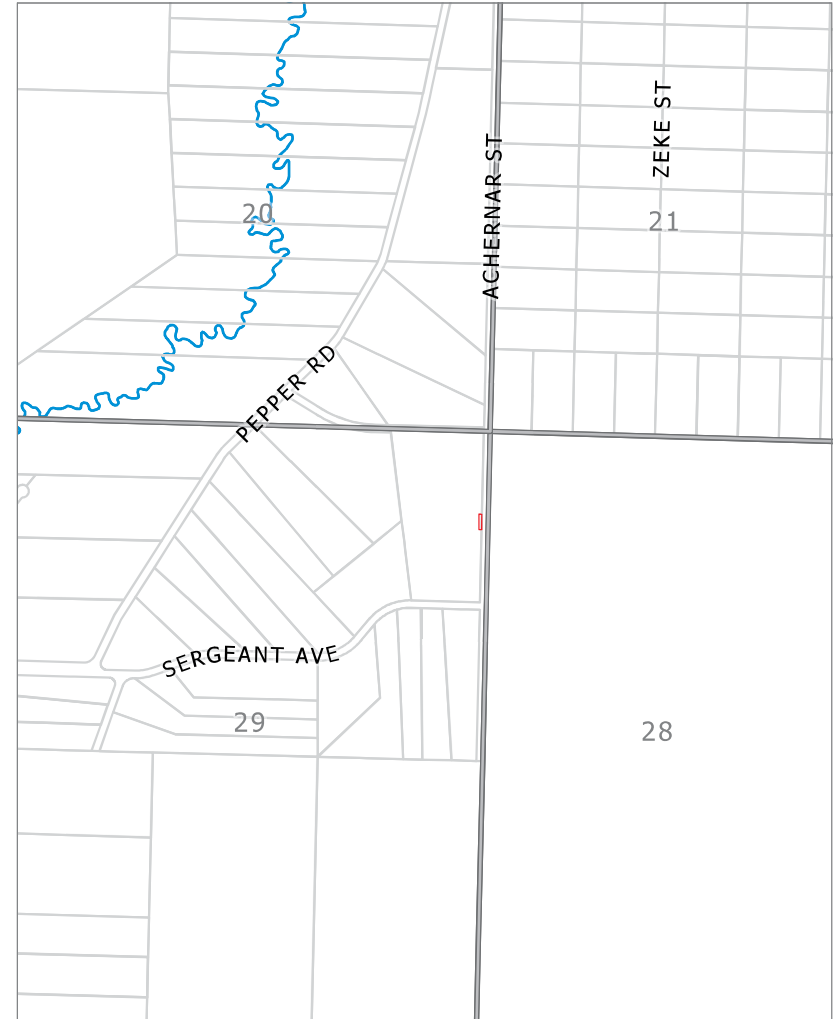
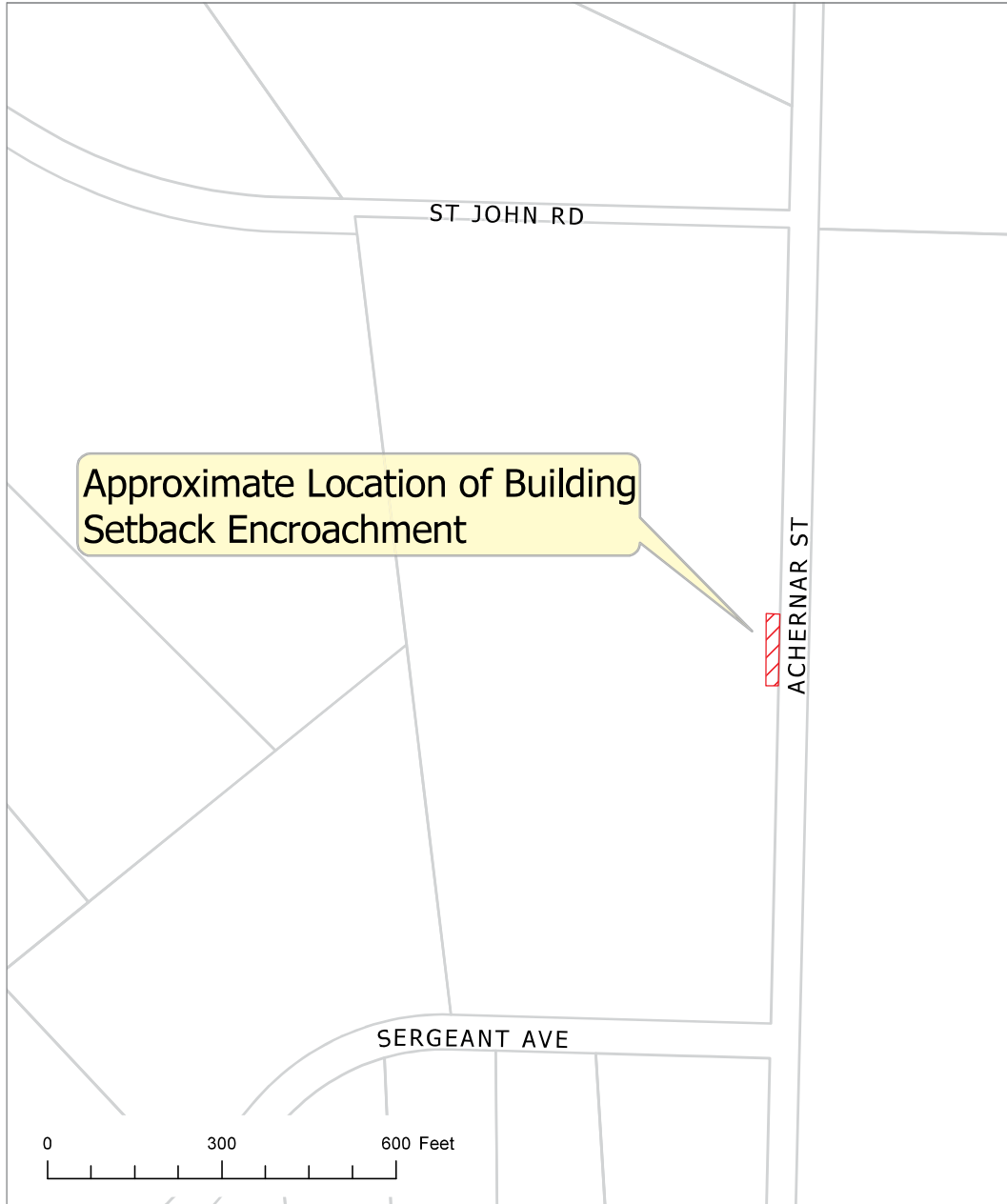
AGENDA ITEM K. ADJOURNMENT

Commissioner Brantley moved to adjourn the meeting at 8:54 PM.

Ann E. Shirnberg
Administrative Assistant

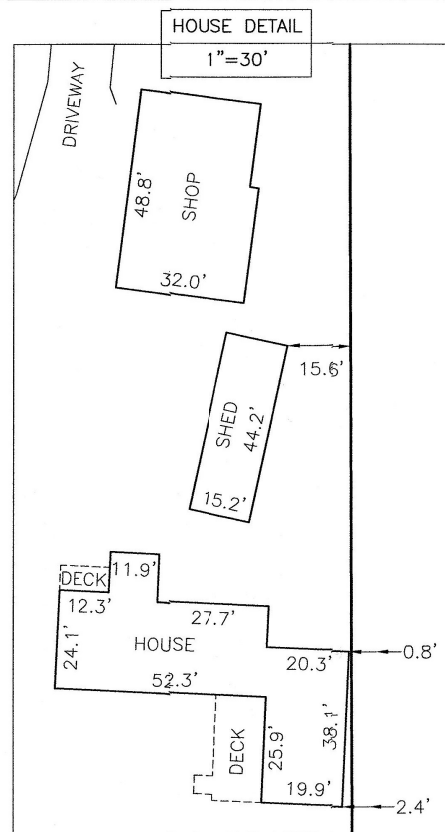
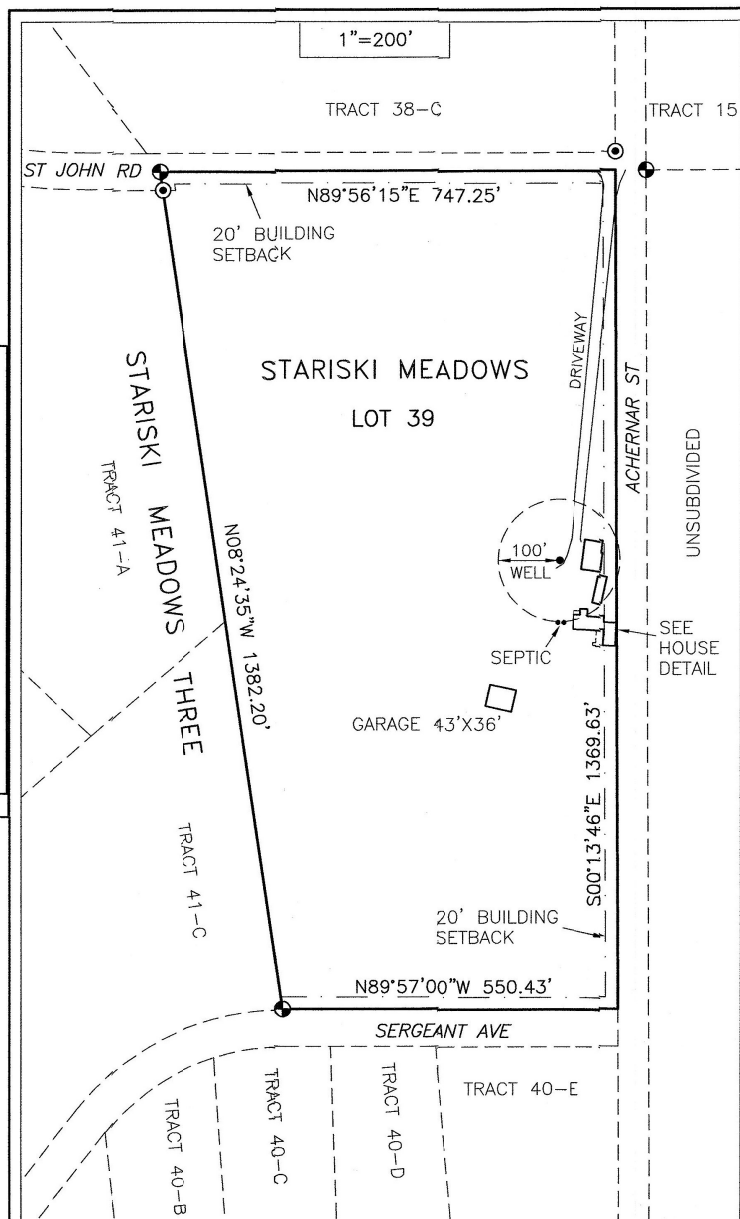
E. NEW BUSINESS

- 1. Building Setback Permit; KPB File 2022-079; PC RES 2022-28
Ehlers / Peninsula Surveying. LLC
Location: Lot 39, Stariski Meadows; Plat HM 97-62
Anchor Point Area / Anchor Point APC**



KPB File # 2022-079
S29 T03S R14W
Happy Valley





LEGEND

- FOUND REBAR
- FOUND ALUMINUM MONUMENT

NOTES

1. A TITLE REPORT WAS NOT PREPARED FOR THIS SURVEY. ADDITIONAL RECORDED AND UNRECORDED EASEMENTS MAY EXIST.
2. BEARINGS AND DISTANCES ARE FROM FIELD MEASUREMENTS AND PLAT 97-62 HOMER RECORDING DISTRICT.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE PERFORMED AN AS-BUILT SURVEY ON THE PROPERTY SHOWN HEREON, AND THE IMPROVEMENTS EXIST AS SHOWN. FIELD SURVEY ON 06/03/2022.

Jason Schollenberg 06/04/2022

JASON L. SCHOLLENBERG DATE
PLS 14488-S



PENINSULA SURVEYING, LLC

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

AS-BUILT SURVEY
LOT 39, STARISKI MEADOWS
SECTION 29, T3S, R14W, S.M.

SCALE: VARIES	DATE: 06/04/2022
DRAWN: JLS	SHEET: 1 OF 1

AGENDA ITEM E. NEW BUSINESS

ITEM 1. – BUILDING SETBACK ENCROACHMENT PERMIT
LOT 39 STARISKI MEADOWS PLAT HM 97-65

KPB File No.	2022-079
Planning Commission Meeting:	July 18, 2022
Applicant / Owner:	John and Pamela Ehlers of Ninilchik, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	St. John Road, Achernar Street, Happy Valley / Anchor Point APC

Parent Parcel No.:	159-200-72
Legal Description:	Lot 39 Stariski Meadows, Plat HM 97-62
Assessing Use:	Residential
Zoning:	Rural Unrestricted

STAFF REPORT

Specific Request / Purpose as stated in the petition: Home and shed are sitting in the 20' set back. Owner/builder did not realize they had built in the 20' set back. Property is being sold and a variance is required to secure title insurance.

Site Investigation: Per the KPB Assessing information there are multiple structures present on the property. The oldest structure listed is from 1965. All other structures, additions, and improvements are dated 2002 or newer.

The existing driveway is located off St. John Road and per the as-built, is not within the dedication. The right-of-way for Achernar Street is not constructed. Only the western portion of the right-of-way has been dedicated and is 50 feet wide that coincides with a section line easement. The eastern portion of the right-of-way has not been dedicated as it is part of a 1,161 acre parcel owned by the Ninilchik Native Association, Inc. KPB information indicates that it may be subject to a 33 foot wide section line easement that will increase the access width to 83 feet.

Achernar Street, and the section line easement, continue south past this property to connect with dedicated Sergeant Avenue. Sergeant Avenue is a 60 foot wide right-of-way that is not constructed in this area. The portions to the west are constructed and accessed by other dedicated rights-of-way in the area.

There are wetlands present to the south of the encroachments. Slopes appear to be near 25 percent within the right-of-way near the structures within the setback. The property is 20 acres in size and contains multiple areas of wetlands and steep contours.

As the right-of-way and section line easement are not constructed there are no maintenance issues or line of sight concerns at this time.

Staff Analysis: Stariski Meadows, Plat HM 97-62, was a subdivision plat of aliquot lands. Plat HM 97-62 created Lot 39 and put into place 20-foot building setbacks from all dedicated rights-of-way.

The front 10 feet of the setback was also designated as a utility easement. A petition to alter the utility easements due to encroachments has been received and is scheduled for a hearing at the July 18, 2022 Planning Commission meeting.

The as-built indicates a shed and a portion of a house are within the setback. The buildings are angled along the property line. The shed's widest encroachment distance is 4.4 feet. The house is 19.2 feet into the setback and reduces to 17.6 into the setback.

Concerns regarding encroachments into the right-of-way and section line easement had been brought to the attention of the KPB Code Compliance Officer and the KPB Roads Department. As shown on the as-built, all permanent improvements are within the boundary of the lot but are within the setback and utility easement.

Findings:

1. Plat HM 97-62 created Lot 39.
2. Plat HM 97-62 granted a 20 foot building setback along the eastern boundary of Lot 39.
3. Plat HM 97-62 granted a 10 foot utility easement along the eastern boundary of Lot 39.
4. Achernar Street is a 50 foot wide dedication that coincides with a section line easement.
5. Achernar Street is not constructed at this time.
6. Lots to the south have other means of access although not fully constructed.
7. There are some steep slopes present within the dedication near the structures.
8. Wetlands are present to the south of the improvements.
9. KPB GIS imagery indicates possible right-of-way encroachments, the as-built indicates there are no right-of-way encroachments.
10. Various structure improvements have been done through the years within the setback.
11. At their closest distance inside the 20-foot building setback, the structures sit 0.8 feet from the eastern boundary line and at their furthest 15.6 feet.

20.10.110. – Building setback encroachment permits.

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

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

Findings 4-9 appear to support this standard.

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

Findings 4-9 appear to support this standard.

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

Findings 4-9 appear to support this standard.

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

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

KPB department / agency review:

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comment

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located within a non-regulatory D Zone</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	No objections
Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 68115 ST JOHN RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: SERGEANT AVE ACHERNAR ST ST JOHN RD</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 68115 ST JOHN RD will remain with lot 39.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: Encroachments to Achernar St ROW and building set back</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>
Advisory Planning Commission	Comments not received when the staff report was prepared.

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** to adopt Resolution 2022-28, subject to compliance with KPB 20.10.110 sections F and G.

NOTE:

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

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2022-28
HOMER RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE 20-FOOT BUILDING SETBACK ADJOINING THE EAST BOUNDARY OF LOT 39, STARISKI MEADOWS (HM 97-62), GRANTED BY STARISKI MEADOWS (HM 97-62); IN NE1/4 NE1/4 SECTION 29, TOWNSHIP 3 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH. KPB FILE 2022-079

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

WHEREAS, Pamela and John Ehlers of Ninilchik, AK requested a building setback encroachment permit for portions of a shed and house on said lot; and

WHEREAS, per the petition, the owner/builder did not realize that had built into the setback and the shed is located up to 4.4 feet into the setback and the house is located up to 19.2 feet into the setback.

WHEREAS, the existing buildings will not obstruct line of sight for traffic; and

WHEREAS, on July 18, 2022, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed exception; and

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

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

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

Section 1. Approved a permit to allow only the encroaching portion of the shop that extends 4.4 feet into the 20-foot building setback and the encroaching portion of the house along the east side that extends 19.2 feet into the 20-foot building setback both adjoining Achernar Street right-of-way on the east boundary of Lot 39, Stariski Meadows (HM 97-62).

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

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

Section 4. That an exhibit drawing or as-built survey prepared by a licensed land surveyor, showing the location of the portion of the building setback exception to be granted be attached to and made a part of this Resolution, becoming page 2 of 2.

Section 5. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

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

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 18th DAY OF JULY, 2022.

Blair J. Martin, Chairperson
Planning Commission

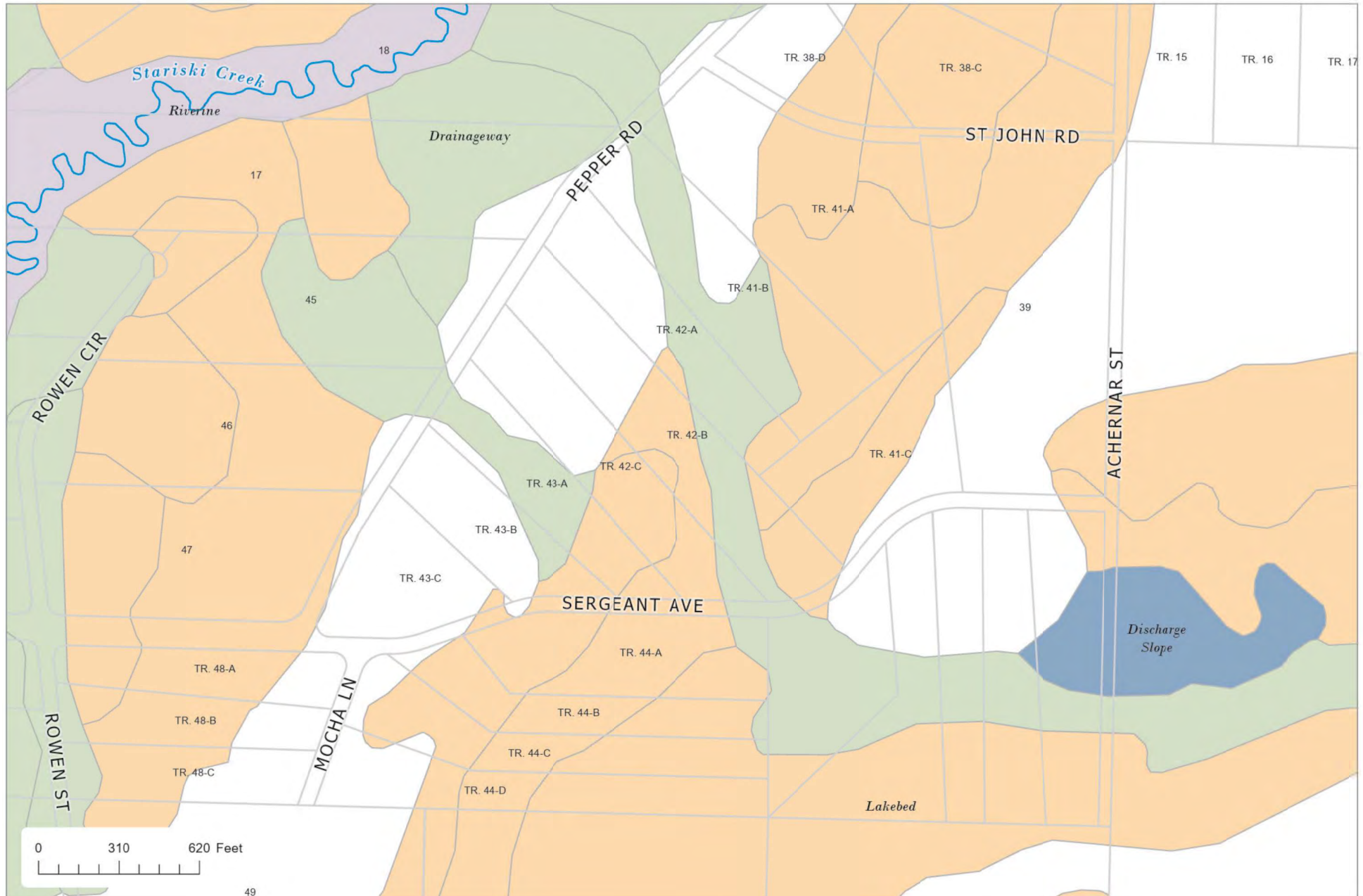
ATTEST:

Ann Shirnberg
Administrative Assistant

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



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.



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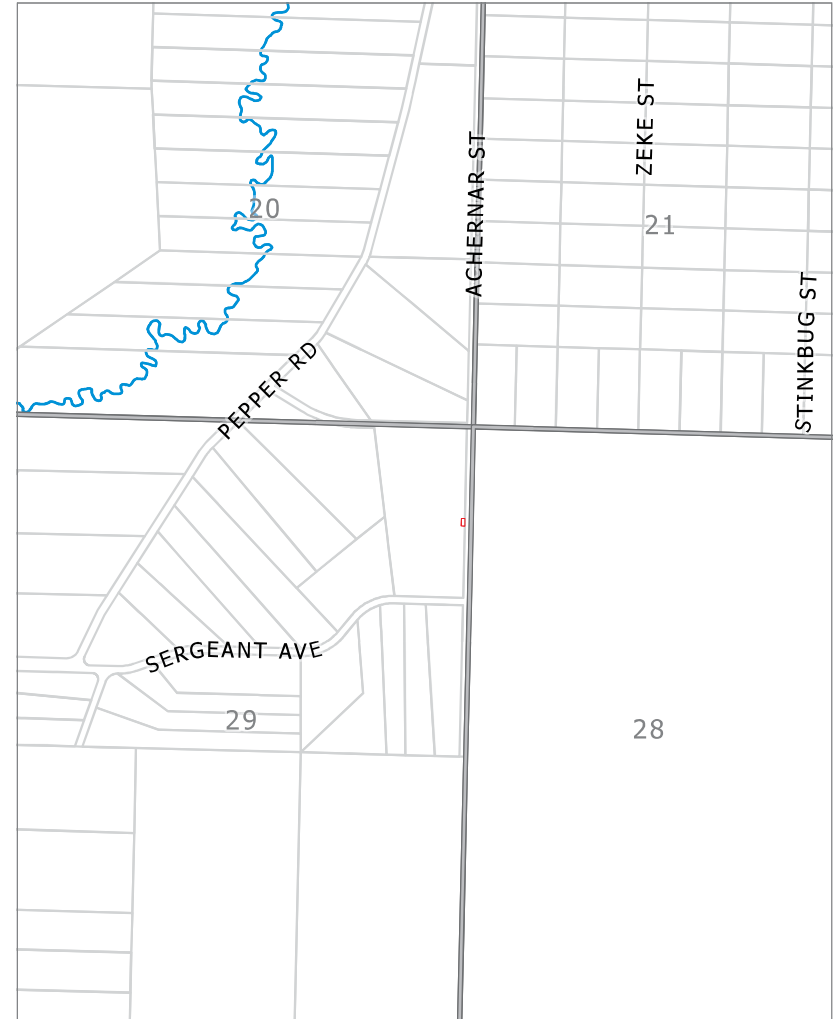
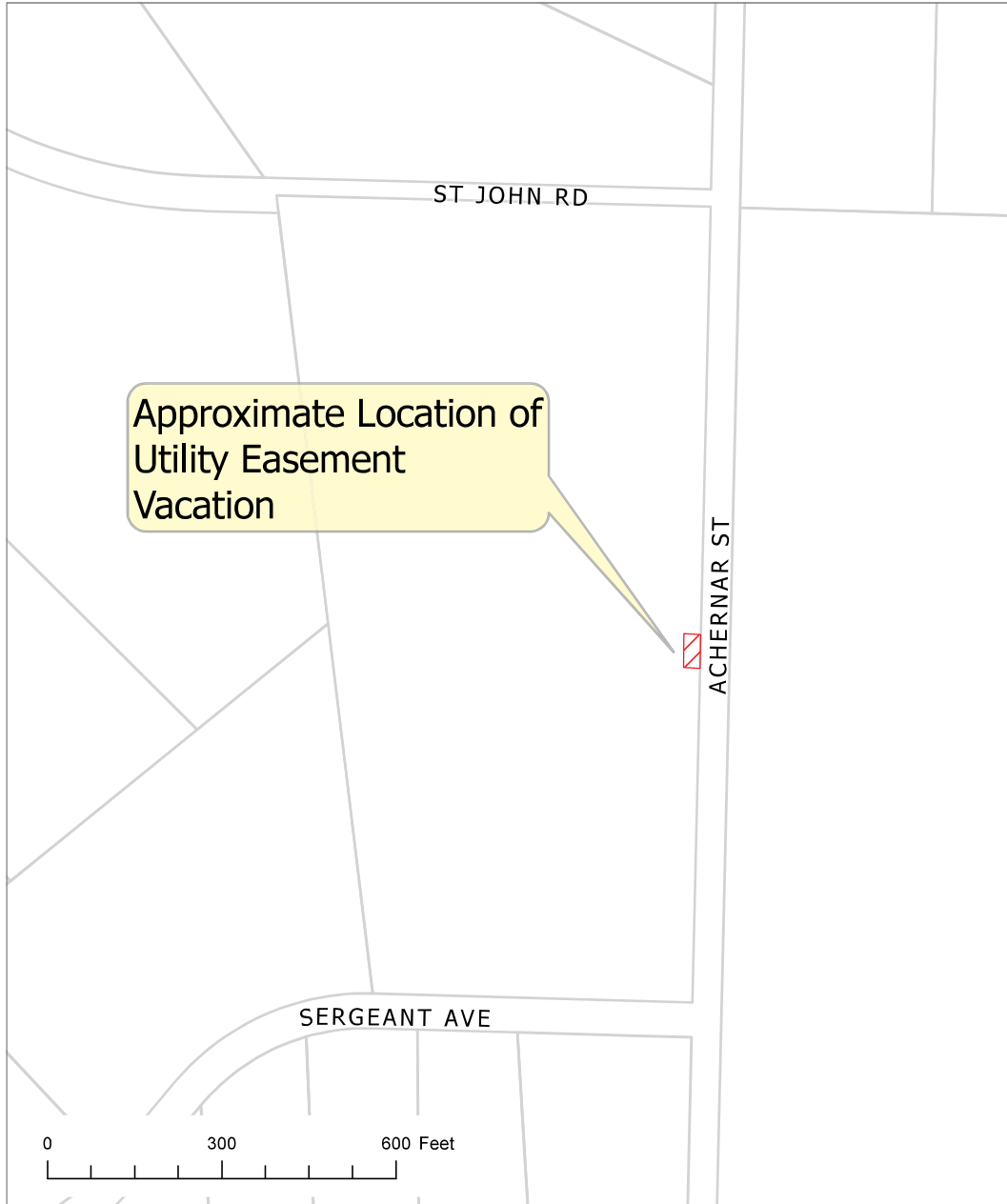


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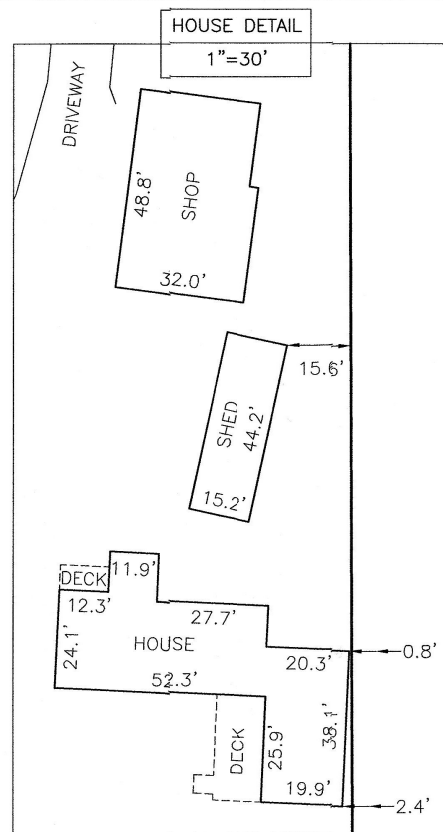
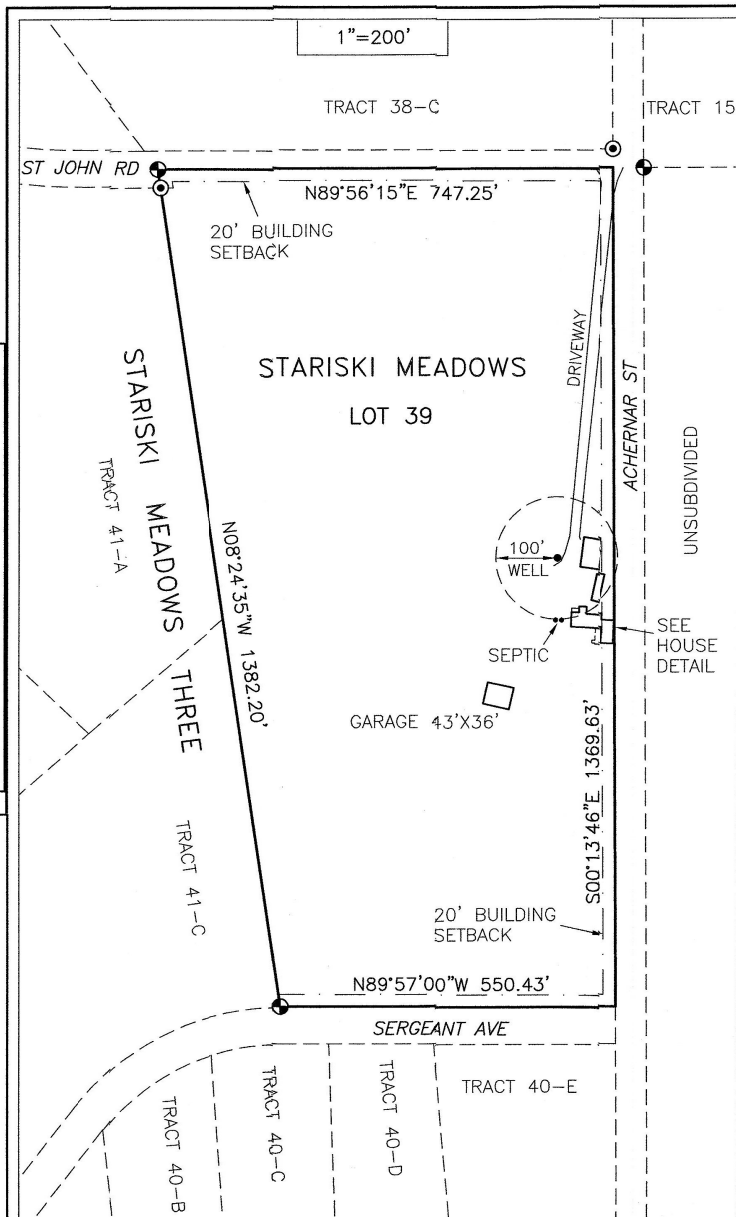
E. NEW BUSINESS

- 2. Utility Easement Vacation; KPB File 2022-086V; PC RES 2022-31
Ehlers / Peninsula Surveying, LLC
Location: Lot 39, Stariski Meadows; Plat HM 97-62
Anchor Point Area / Anchor Point APC**



KPB File # 2022-086V
S29 T03S R14W
Happy Valley





AGENDA ITEM E. NEW BUSINESS

**ITEM 2 - UTILITY EASEMENT ALTERATION
LOT 39 STARISKI MEADOWS PLAT HM 97-62**

KPB File No.	2022-086V
Planning Commission Meeting:	July 18, 2022
Applicant / Owner:	John and Pamela Ehlers of Ninilchik, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	St. John Road, Achernar Street, Happy Valley / Anchor Point APC

STAFF REPORT

Specific Request / Purpose as stated in the petition: (None stated on petition) Vacate a portion of the 10 foot utility easement along the eastern boundary of Lot 39 of Stariski Meadows, Plat HM 97-62, for a portion of a house within the easement.

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

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

Staff Analysis: Stariski Meadows, Plat HM 97-62, was a subdivision plat of aliquot lands. It created Lot 39 and put into place 20 foot building setbacks from all dedicated rights-of-way with the front 10 feet of the setback granted as a utility easement. The as-built submitted indicates a shed and house are within the setback. An application for a setback encroachment permit has been received and is scheduled for a hearing at the July 18, 2022 Planning Commission meeting. The house is also within the 10 foot wide utility easement.

The house is angled to the property line that is adjacent to the dedication of Achernar Street. The location of the house only allows a .8 foot easement width that widens to 2.4 feet along the structure. The proposal will vacate the entire 10 foot width for the portion of the encroaching house.

The 10 foot utility easement will remain along the Achernar Street dedication to the north and south of the house. The vacation will result in a break of the utility easement but access will be available from the north and south. Utility providers are allowed to receive permits to place utilities within dedicated rights-of-way and that would allow a possible connection if required.

Utility provider review:

HEA	HEA has no objection to the vacation of the platted utility easement where affected by the residential structure.
ENSTAR	No comment or recommendation
ACS	No objection.
GCI	No objection to the alteration of the existing 10' utility easement.

KPB Department and Agency reviews:

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comment
KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area

	<p>Comments: Located within an non-regulatory D Zone</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	No objections
Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 68115 ST JOHN RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: SERGEANT AVE ACHERNAR ST ST JOHN RD</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 68115 ST JOHN RD will remain with lot 39.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>
Advisory Planning Commission	Comments not available when the staff report was prepared.

Findings:

1. The petition states that the utility easement proposed to be vacated is not in use by a utility company.
2. ACS, ENSTAR, GCI, and HEA provided written non-objection to the proposed vacation.
3. Stariski Meadows, Plat HM 97-62, granted a 10 foot wide utility easement along the eastern boundary of Lot 39, adjacent to Achernar Street.
4. A house has been constructed within the utility easement that reduces a portion down to a .8 foot width.
5. 10 foot wide utility easements will remain to the north and south of the encroaching structure.
6. Utility providers may request permits to use dedicated rights-of-way.
7. No surrounding properties will be denied utilities.

RECOMMENDATION:

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

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

20.65.070 Alteration of platted utility easements

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

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

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

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

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2022-31
HOMER RECORDING DISTRICT**

Vacate a 38.1' X 10' portion of a 10' utility easement for a house 9.2' into utility easement, within Lot 39 as granted by Stariski Meadows (HM 0970062); within S29, T03S, R14W, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2022-086V

WHEREAS, a request has been received from Pamela Ann Ehlers and John J Ehlers of Ninilchik, AK to vacate a 38.1' X 10' portion of a 10' utility easement for a house 9.2' into utility easement within Lot 39 and granted by Stariski Meadows (HM 0970062); and

WHEREAS, affected utility companies have provided written non-objection to the proposed vacation; and

WHEREAS, the Kenai Peninsula Borough Roads Department provided written non-objection to the proposed vacation; and

WHEREAS, the easement is not in use by the utility companies; and

WHEREAS, no surrounding properties will be denied utilities; and

WHEREAS, on July 18, 2022, the Kenai Peninsula Borough Planning Commission addressed all concerns about the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the utility easement will not be detrimental to the public interest; and

WHEREAS, 20.65.070 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

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

Section 1. That the above described 38.1' x 10' portion of a 10' utility easement for a house 9.2' in the utility easement is hereby vacated.

Section 2. That an as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the locations of the portions of the utility easements being vacated be attached to, and made a part of this resolution, becoming page 2 of 2.

Section 3. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

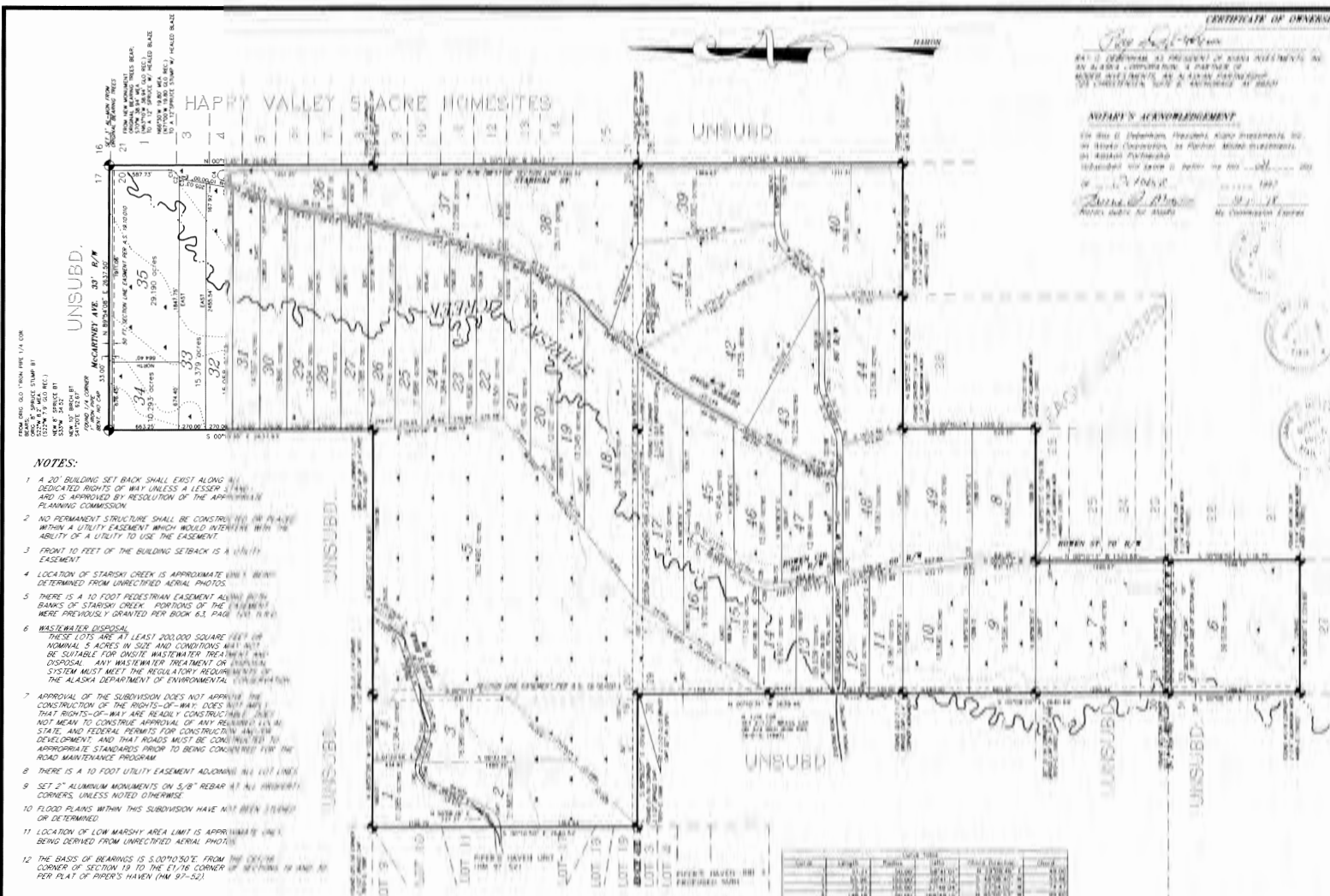
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 18TH DAY OF JULY, 2022.

Blair J. Martin, Chairperson
Planning Commission

ATTEST:

Ann Shirmberg,
Administrative Assistant

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



CERTIFICATE OF GRADUATION AND DEDICATION

BY: Robert L. Galt FOR: Robert L. Galt

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE AND IS BEING RELEASED TO THE PUBLIC IN ACCORDANCE WITH THE NATIONAL ARCHIVES RELEASE PROGRAM.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE AND IS BEING RELEASED TO THE PUBLIC IN ACCORDANCE WITH THE NATIONAL ARCHIVES RELEASE PROGRAM.

APPLIED POLYMER SYMPOSIA

[illegible]

NOTARI'S ACKNOWLEDGMENT

The Court of Claims hereby certifies that the above-mentioned claimant has been paid the sum of \$100.00 for the use of the land.

Witness my hand and seal of office this 10th day of May, 1900.

 J. H. H. H.
 My commission expires _____

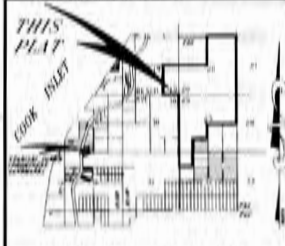
NOTES AND ACKNOWLEDGEMENTS

For more Money, Payroll, Money Investments
Subscribe and start to follow up this
or
Name
Address
City
State
Zip
My Commission Expires

PLATE 1000

This card was prepared at the Royal University through
 Ministry Commission of the meeting of 1984-85

AGRICULTURE & FORESTRY


$$\text{IR (Nujol): } \text{MAD} = 3341, 1715, 1601, 1501, 1451, 1401, 1351, 1301, 1251, 1201, 1151, 1101, 1051, 1001, 951, 901, 851, 801, 751, 701, 651, 601, 551, 501, 451, 401, 351, 301, 251, 201, 151, 101, 51, 1 \text{ cm}^{-1}$$

DATE SEPTEMBER 1983	
TO: SAC, FBI	
FROM: SAC, NEW YORK	
RE: NEW YORK	
NY 100-100000	
NY 100-100000	

STARBUCKS MEADOWS

[illegible]

4444 J. Neurosci., September 24, 2008 • 28(39):4438–4445

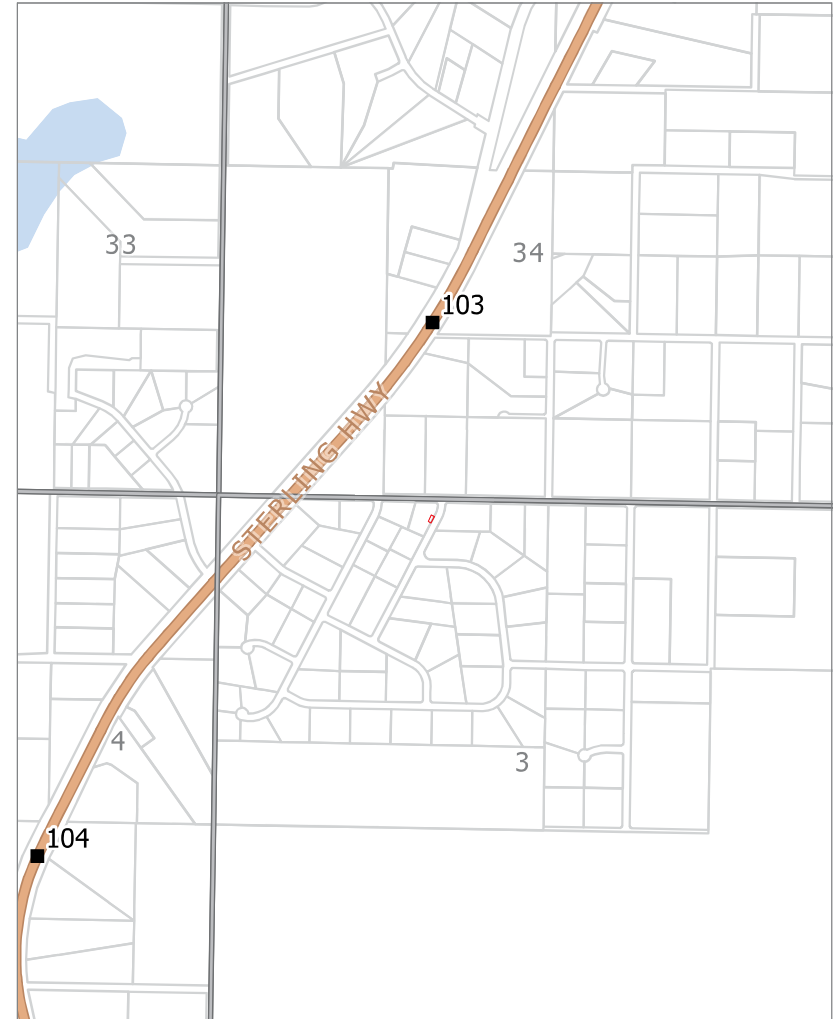
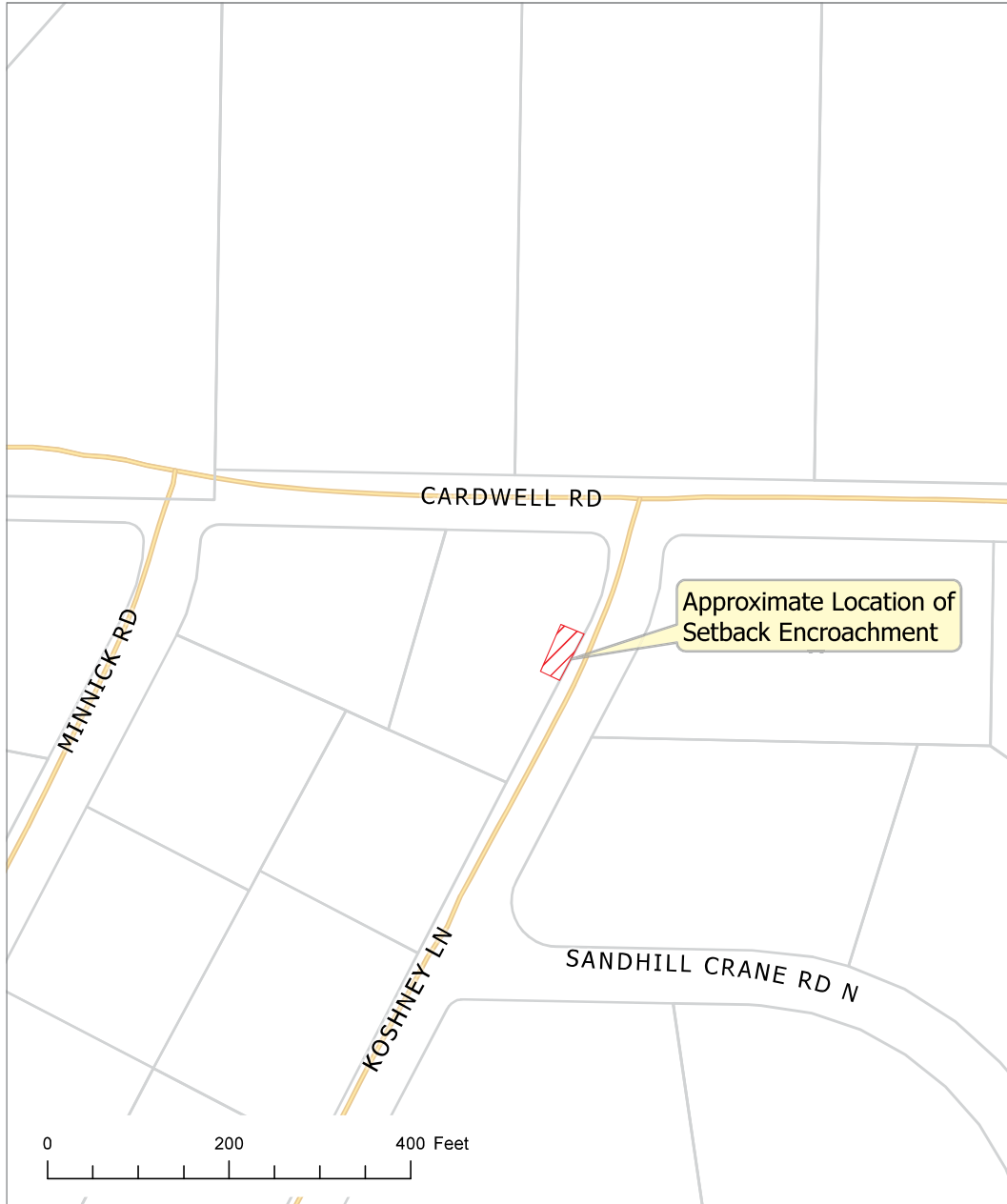
194 (17) 235-8801
194 (17) 235-8801

Circle Data					
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2	154.83	5.5000	97.1244	1.0000	1.0000
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K.P.H. FILE No. 0-100

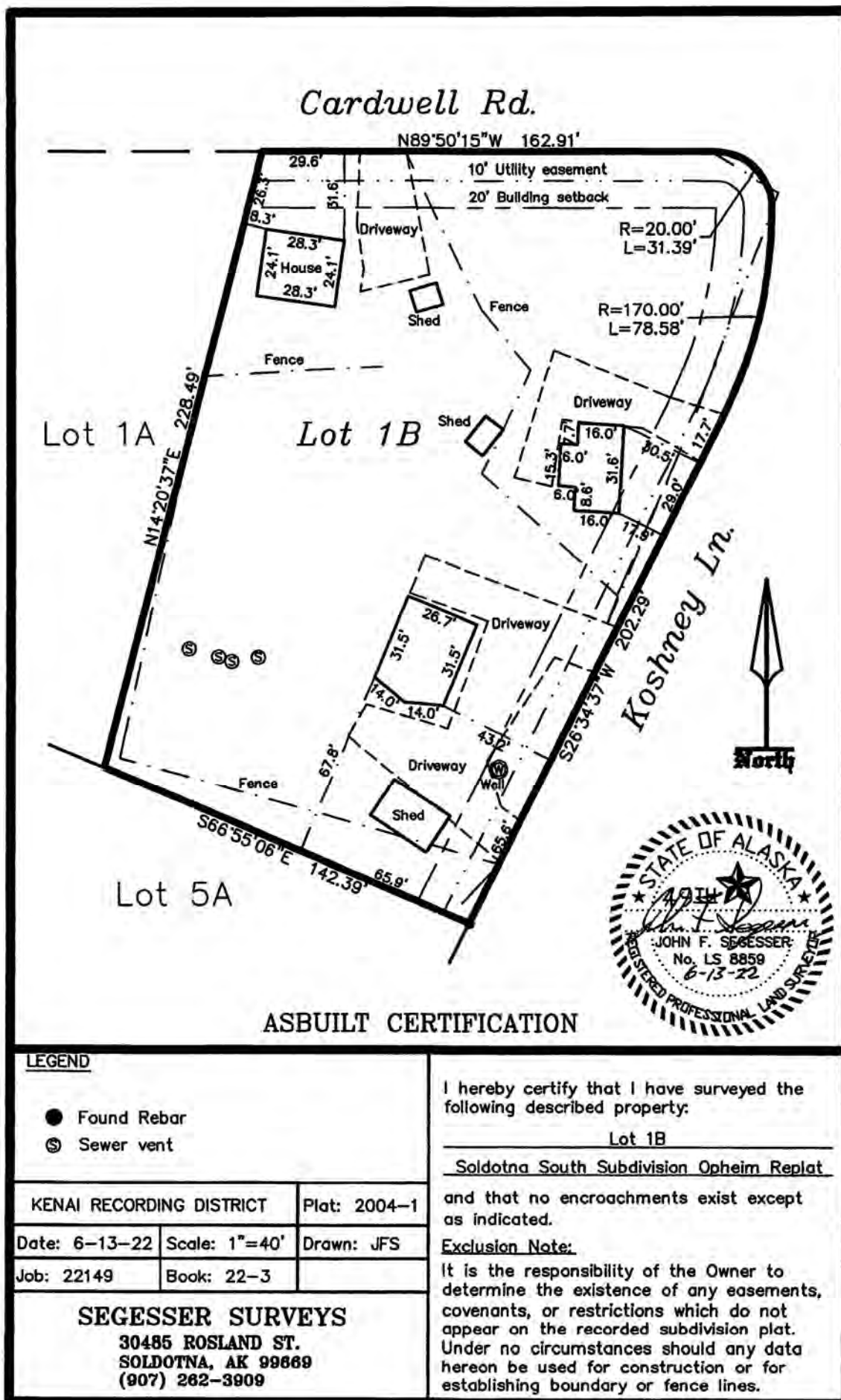
E. NEW BUSINESS

- 3. Building Setback Permit; KPB File 2022-084; PC RES 2022-30
Opheim / Segesser Surveys
Location: Lot 18, Block 4, Soldotna South Subdivision
Opheim Replat; Plat KN 85-162
Kalifornsky Area**



KPB File # 2022-084
S03 T03N R11W
Kalifornsky





KPB 2022-084

E3-3

AGENDA ITEM E. NEW BUSINESS

**ITEM 3. – BUILDING SETBACK ENCROACHMENT PERMIT
LOT 1B BLOCK 4 SOLDOTNA SOUTH SUBDIVISION OPHEIM REPLAT**

KPB File No.	2022-084
Planning Commission Meeting:	July 18, 2022
Applicant / Owner:	Chris, Timothy, Megaera, Kathleen Opheim of Kasilof, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Cardwell Road, Koshney Lane, Kalifornsky / Kalifornsky APC

Parent Parcel No.:	133-381-56
Legal Description:	Lot 1B Block 4, Soldotna South Subdivision Opheim Replat, Plat KN 2004-1
Assessing Use:	Residential
Zoning:	Rural Unrestricted

STAFF REPORT

Specific Request / Purpose as stated in the petition: Existing building encroaches about 2.1 feet into 20' building setback. We must get a KPB variant for sale of property. Also, 20' wood fence encroaches on 20' setback.

Site Investigation: The lot is located on the corner of Cardwell Road and Koshney Lane. Both roads are constructed and maintained by the Kenai Peninsula Borough. There are no wetlands or steep slopes present within the right-of-way dedications or within the subject areas.

Along the edge of the constructed road, the area is cleared with trees between the structures and the cleared areas. There does not appear to be any concerns with the line of sight.

Staff Analysis: Soldotna South Subdivision, Plat KN 85-160, subdivided some aliquot lands and created Lot 1 Block 4. The plat created a 20 foot setback from all dedicated rights-of-way with the front 10 feet granted as utility easements. This would have created a setback and easement for the property along the north adjacent to Cardwell Road and along the east adjacent to Koshney Lane. The lot was replatted with the plat Soldotna South Subdivision Opheim Replat, KN 2004-1. The setback and the utility easements along the dedicated rights-of-way were carried over to the new plat.

Multiple structures are present on the property. Per KPB assessing records the structures dates from 1998 to 2016. Per the as-built done on June 13, 2022, a structure is 2.1 feet into the 20 foot building setback. The as-built also indicates that a well is present within the setback and a wood plank fence within the setback, utility easement, and a small portion within the right-of-way.

Per KPB Code 20.90.010, "Building setback is the area of the lot where permanent structures are not allowed. The purpose of the setback is to promote safe public access, areas for emergency response, and traffic sight distance. (See "Permanent Structures" definition.)". The definition within the same area of code for permanent structures is "for purposes of the building setback shall mean anything of a permanent nature that requires footings, foundations or pilings. Improvements of a minor nature that do not interfere with the sight distance from the right-of-way are allowed. Examples of allowable improvements are well casings, low retaining walls, vent pipes, individual mailboxes, address sign posts and transparent fencing such as metal chain link." Per the definitions the well is an allowable improvement. The fence appears to be a wood plank fence and would not fall under the allowable improvements.

The fence encroachment into the right-of-way will require resolution. Staff would also like to advise the owners that the fence encroachment into the utility easement, even if it is a code compliant style fence, cannot interfere with the use of the utility easement. The utility providers have the right to remove or have the fence removed at the expense of the owner and they are not liable for any damages. The fence within the setback is not a compliant fence. Staff recommends that the fence be replaced with a code compliant fence.

Looking at KPB GIS imagery, there does not appear to be any line of sight issues with the house or the fence.

Staff recommendations to approve the setback encroachment for the structure only.

Findings:

1. Soldotna South Subdivision, Plat KN 85-160, put a 20 foot building setback into place along Cardwell Road and Koshney Lane.
2. Soldotna South Subdivision Opheim Replat, Plat KN 2004-1, carried over the setback.
3. The fence is within the dedicated right-of-way.
4. The fence is within the utility easement and building setback.
5. The fence is a wood plank fence that does not meet code requirements.
6. The well is shown within the setback and is an allowable improvement.
7. The structure is 2.1 feet within the 20 foot building setback.
8. There does not appear to be any line of sight issues with the encroachments.
9. KPB Roads Department had no comments.

20.10.110. – Building setback encroachment permits.

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

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

Findings 7-9 appear to support this standard.

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

Findings 7-9 appear to support this standard.

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

Findings 7-9 appear to support this standard.

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

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

KPB department / agency review:

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comments
KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments

	<p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	No objections
Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 48705 CARDWELL RD 27955 KOSHNEY LN</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: CARDWELL RD KOSHNEY LN</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 48705 CARDWELL RD will remain with lot 1B 27955 KOSHNEY LN will remain with lot 1B</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: Encroachments with neighboring property</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>
Advisory Planning Commission	Kalifornsky APC is inactive

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** to adopt Resolution 2022-30 subject to compliance with KPB 20.10.110 sections F and G.

NOTE:

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

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2022-30
KENAI RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 1B BLOCK 4, SOLDOTNA SOUTH SUBDIVISION OPHEIM REPLAT (KN 2004-1); IN NW 1/4 S03, T03N, R11W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2022-084

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

WHEREAS, Chris R Opheim and Kathleen Ophiem of Kasilof, AK requested a building setback encroachment permit to the 20-foot building setback granted by Soldotna South Subdivision (KN 85-160); and

WHEREAS, per the petition, existing building encroaches about 2.1 feet into 20' building setback. We must get a KPB variant for sale of property; and

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

WHEREAS, on Monday, July 18, 2022, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed exception; and

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

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

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

Section 1. That the 20-foot building setback limit on KN 85-160, and carried over to KN 2004-1 onto Lot 1B Block 4 is hereby excepted to accommodate only the encroaching portion of the building.

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

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

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

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

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

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 18TH DAY OF JULY, 2022.

Blair J. Martin, Chairperson
Planning Commission

ATTEST:

Ann Shirmberg,
Administrative Assistant

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

Kenai Peninsula Borough Planning Commission Resolution 2022-30

Page 1 of 2

133-381-56



05/14/2021

E3-8

E. NEW BUSINESS

4. Utility Easement Vacation: KPB File 2022-087V

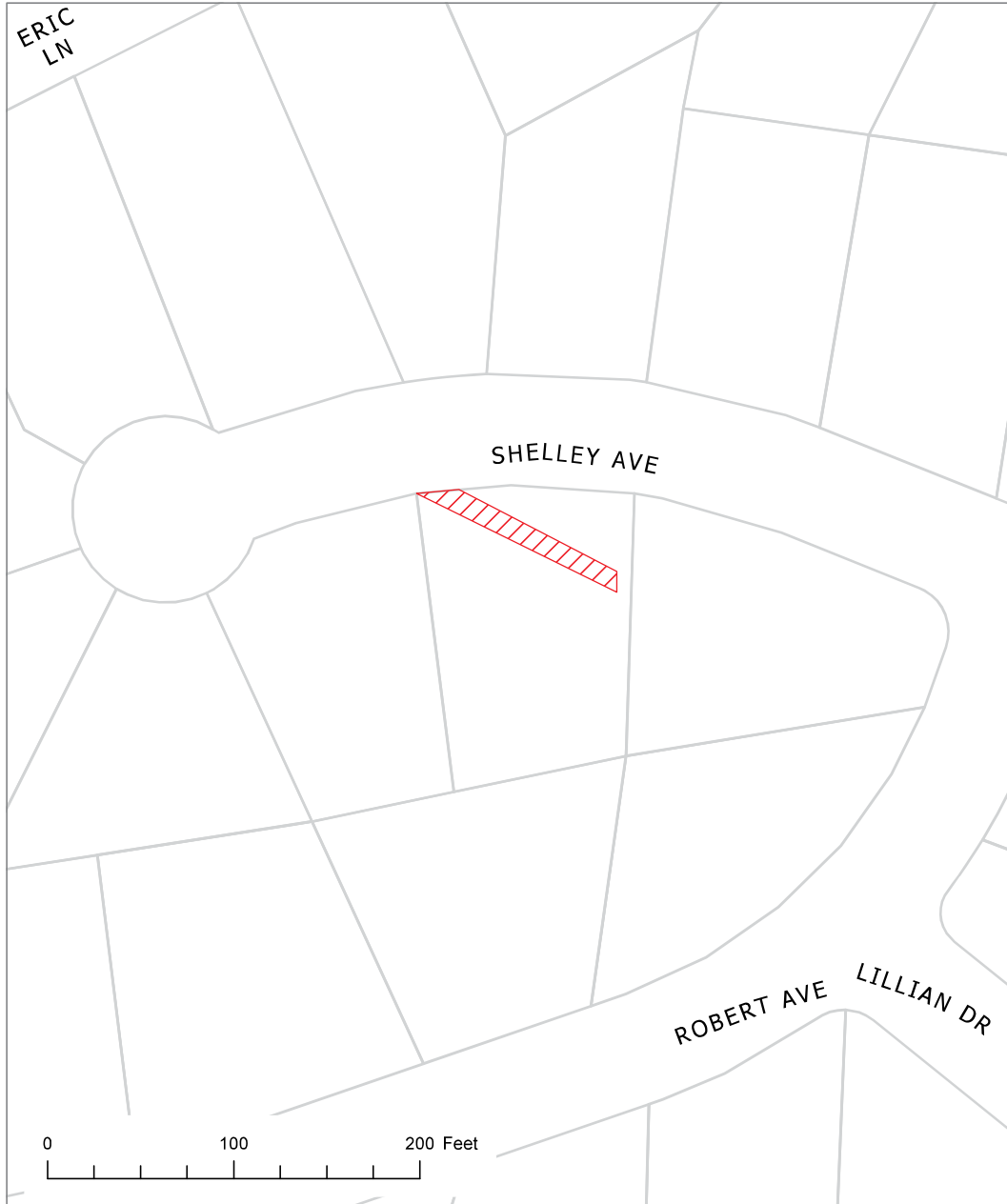
PC RES 2022-29

Peninsula Builders LLC / Peninsula Surveying, LLC

Location: Lot 58 of Lillian Walli Estates Subdivision;

Plat HM 88-16

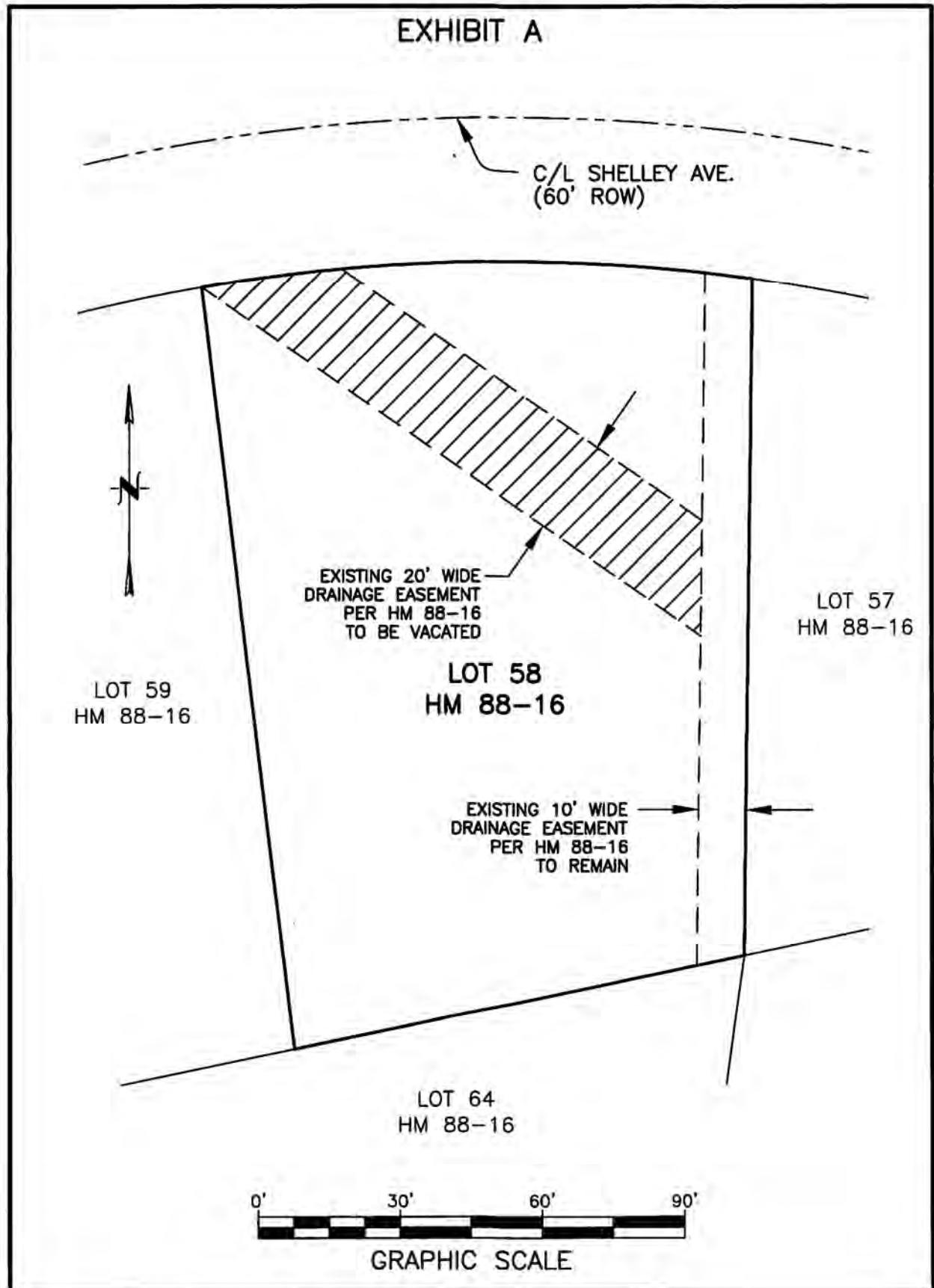
Happy Valley Area / Anchor Point APC



KPB File # 2022-078V
S24 T06S R14W
Homer



EXHIBIT A



KPB 2022-078

E4-3

AGENDA ITEM E. NEW BUSINESS

**ITEM 4 - DRAINAGE EASEMENT ALTERATION
LOT 58 OF LILLIAN WALLI ESTATE, PLAT HM 88-16**

KPB File No.	2022-078V
Planning Commission Meeting:	July 18, 2022
Applicant / Owner:	Maxim Matveev / Peninsula Builders, LLC of Homer, Alaska
General Location:	Shelly Avenue, City of Homer

STAFF REPORT

Specific Request / Purpose as stated in the petition: The easement being vacated is a drainage easement that the City of Homer no longer needs or wants. Road construction has taken place recently in the adjoining Shelley Avenue right-of-way and the drainage pattern no longer goes through the easement area.

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

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

Staff Analysis: A 20 foot wide drainage easement was granted within Lot 58 of Lillian Walli Estate, Plat HM 88-16. This drainage easement was granted to connect from the Shelley Avenue right-of-way to a drainage easement that is 20 feet wide and centered on the common lot line of Lot 58 and Lot 57.

The application was received with a proposal to remove the 20 foot drainage easement from within Lot 58 but the 10 foot wide drainage easement along the eastern boundary will remain. The easement currently crosses the property and limits the development on the property.

The drainage easement is located within the City of Homer. The Kenai Peninsula Borough reviews drainage easements under 20.65.070, and follows the same process for utility easement alterations. This is an easement that is managed by the City of Homer to address their drainage issues. The KPB also notified other utility providers to make sure all requirements of 20.65.070 are being met.

The City of Homer Planning and Zoning Commission reviewed the application at their May 18, 2022 meeting. At the meeting they had numerous questions and discussion. Per the Homer Staff Report 22-38, the easement does not appear to have actual water flow. The supporting documents prepared by the City of Homer are within the packet for review.

The City of Homer Planning and Zoning Commission recommended the vacation of the drainage easement be approved with the following conditions noted in their public works zoning permit review.

1. The property owner must maintain maximum building setback from the natural drainage that was delineated by the Army Corps of Engineers ("ACOE").
2. The property owner must apply for an ACOE permit to ensure compliance with the clean water act, if their construction activities impact natural drainage patterns.

If approved, KPB staff will notify the City of Homer and will verify prior to recording the resolution that their requirements have been satisfied.

Utility provider review:

HEA	No comment
ENSTAR	
ACS	No objections

GCI	Approved as shown
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KPB and agency reviews:

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comment
KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located within a non-regulatory D Zone B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections
Addressing	Reviewer: Haws, Derek Affected Addresses: 1101 SHELLEY AVE Existing Street Names are Correct: Yes List of Correct Street Names: SHELLEY AVE Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: The City of Homer will advise on affected address.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required
Assessing	Reviewer: Windsor, Heather Comments: No comment

Findings:

1. Per the City of Homer, the easement is not being used to direct water flow.
2. The parent plat, HM 88-16 granted a 20 foot wide drainage easement within Lot 58.
3. A 10 foot drainage easement will remain within Lot 58 along the eastern property line.
4. The City of Homer approved the request for vacation subject to two criteria provided by their public works department in Staff report 22-38.
5. Development and improvements have taken place within the right-of-way and neighboring subdivisions to provide adequate drainage.
6. The location of the easement has limited the development of the lot.

RECOMMENDATION:

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

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

20.65.070 Alteration of platted utility easements

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

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

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

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

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

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2022-29
HOMER RECORDING DISTRICT**

Finalizes the vacation of a 20' wide drainage easement dedicated on Lot 58 of Lillian Walli Estate Subdivision HM 88-16, granted by Lillian Walli Estate Plat Number HM 88-16 (HM 0880016); within S24, T06S, R14W, City of Homer, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2022-078V

WHEREAS, a request has been received from Peninsula Builders LLC of Homer, AK to vacate a 20' wide drainage easement dedicated on Lot 58 of Lillian Walli Estate Subdivision HM 88-16 that was granted by Lillian Walli Estate Plat Number HM 88-16 (HM 0880016); and

WHEREAS, affected utility companies have provided written non-objection to the proposed vacation; and

WHEREAS, the Kenai Peninsula Borough Roads Department provided written non-objection to the proposed vacation; and

WHEREAS, the easement is not in use by the utility companies; and

WHEREAS, the City of Homer Planning and Zoning Commission recommended approval at their May 18, 2022 regular meeting; and

WHEREAS, on July 18, 2022, the Kenai Peninsula Borough Planning Commission addressed all concerns about the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the drainage easement will not be detrimental to the public interest; and

WHEREAS, 20.65.070 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

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

Section 1. That the above described 20' wide drainage easement dedicated on Lot 58 of Lillian Walli Estate Subdivision, HM 88-16 is hereby vacated.

Section 2. That an as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the locations of the portions of the utility easements being vacated be attached to, and made a part of this resolution, becoming page 2 of 2.

Section 3. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 18th DAY OF JULY, 2022.

Blair J. Martin, Chairperson
Planning Commission

ATTEST:

Ann Shirmberg,
Administrative Assistant

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

NEW BUSINESS

A. Staff Report 22-38, Drainage Easement Vacation Request Affecting Lot 58, Lillian Walli Estate Subdivision

Chair Smith introduced the item by reading the title and deferred to City Planner Abboud.

City Planner Abboud provided a summary of Staff Report 22-38. He noted that the City is perceived to be a utility provider and this offers anyone the opportunity to provide comment. He then summarized the review provided by Public Works in the supplemental packet noting that it pointedly spoke about the requirements, possible drainage impacts and their recommendation of approval.

Chair Smith requested a motion and second.

HIGHLAND/VENUTI MOVED TO BRING STAFF REPORT 22-38 VACATION OF A DRAINAGE EASEMENT TO THE FLOOR FOR DISCUSSION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud facilitated questions from the Commission on the following:

- Clarification of jurisdictional waters versus non-jurisdictional waters
- Corps of Engineer requirements
- Notes on the drawing indicate wetlands filled completely and wetlands put into culvert were most likely conditions at that time and would have required permits at that time.
- Clarification on the differences in jurisdictional permit vs Corp of Engineers permit regarding the Clean Waters Act.
- Damage sustained by property owners from previous drainage issues, historical issues regarding the drainage causes hesitation in removing or changing any drainage easements before substantial studies have been completed.
 - City Engineer review of the proposed vacation
 - Proposed vacation is 20 feet
- Clarified the lines depicted on the map provided in the packet
- Where culverts would be located and where they are supposed to be located in accordance with the drawing
 - Clarification that the action is focused on Lot 58, the 20 foot green line depicted on the drawing located in the NE corner of the lot.
- Why the drainage easement was dedicated in 1986-1988 initially was questioned with no information to provide a knowledgeable response

Chair Smith requested a motion and second.

HIGHLAND/BARNWELL MOVED TO ADOPT STAFF REPORT 22-38 AND RECOMMEND THAT THE VACATION OF THE DRAINAGE EASEMENT BE APPROVED WITH THE CONDITIONS NOTED IN THE PUBLIC WORKS ZONING PERMIT REVIEW AS FOLLOWS:

1. THE PROPERTY OWNER MUST MAINTAIN MAXIMUM BUILDING SETBACK FROM THE NATURAL DRAINAGE THAT WAS DELINEATED BY THE ARMY CORPS OF ENGINEERS (“ACOE”).
2. THE PROPERTY OWNER MUST APPLY FOR AN ACOE PERMIT TO ENSURE COMPLIANCE WITH THE CLEAN WATER ACT, IF THEIR CONSTRUCTION ACTIVITIES IMPACT NATURAL DRAINAGE PATTERNS.

There was no discussion.

VOTE. NO. VENUTI.

VOTE. YES. SMITH, CHIAPPONE, HIGHLAND, CONLEY, BARNWELL

Motion carried.

~~B. Decisions and Findings for a Request for Conditional Use Permit 22-03, to Allow Additional Dwellings at 1678 Sterling Highway~~

~~Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.~~

~~City Planner Abboud apologized for the inconsistency, the finding and condition questioned by Commissioner Highland regarding the water and sewer community system, but this is actually a requirement that they'll need to do, whether we put a condition on it or not. Technically if the Commission wanted to be correct, it would just be the sewer system, so all the structures on the site need to comply with the DEC regulations for Community sewer they're actually technically using a Community water. So if you want to make an amendment it should be along the lines of all structures on the site should comply with DEC requirements for Community sewer.~~

~~Commissioner Highland reading from the Decision & Findings document in the packet on pages 11 and 13 respectively, reviewed Finding e was correct where it referred to sewer and under Conclusion in Condition 1 the words water and should be removed.~~

~~City Planner Abboud concurred. He noted that this is a reminder for the applicant that it be done properly in response to additional question on adding language referring to the DEC.~~

~~HIGHLAND/VENUTI MOVED TO AMEND THE DECISIONS AND FINDINGS CONCLUSION CONDITION ONE TO REMOVE THE REFERENCE TO WATER.~~

~~There was no discussion.~~

~~VOTE. NON-OBJECTION. UNANIMOUS CONSENT.~~

~~Motion carried.~~

~~There was no further discussion.~~

~~Deputy City Clerk Krause requested a motion to adopt the amended Decisions and Findings.~~



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report 22-38

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner AICP
FROM: Julie Engebretsen, Economic Development Manager
DATE: May 18, 2022
SUBJECT: Vacation of a Drainage Easement

Requested Action: Take public comment and make a recommendation on the vacation of a drainage easement.

General Information:

Applicants:	Maxim Matveev 3080 Kilokak Ave Homer, AK 99603
Location:	South side of Shelly Avenue, between Soundview Ave and West Hill Road
Parcel ID:	17524128
Zoning Designation:	Rural Residential District (rezone to Urban Residential in process)
Existing Land Use:	vacant
Surrounding Land Use:	Vacant land. New single family homes are under construction in the immediate area.
Wetland Status:	See Drainage Overview Map
Flood Plain Status:	Zone D, flood hazards undetermined
BCWPD:	Not within the Bridge Creek Watershed Protection District.
Utilities:	City water and sewer are available
Public Notice:	Notice was sent to 19 property owners of 50 parcels as shown on the KPB tax assessor rolls.

Analysis: The borough includes drainage easements in their definition of utility easements. The city has two roles in the utility easement vacation process; the Planning Commission makes a recommendation, and the City (Public Works) also makes a recommendation as the local utility provider. The Planning Commission has the opportunity to hear from nearby land owners if they have concerns, followed by a recommendation to the Kenai Peninsula Borough.

A statement of objection or non-objection from Public Works was not available at the time of packet publication. Comments will be provided as part of the supplemental packet before or at the meeting. Public Works comments are independent of the Planning Commission under the Borough process.

The easement requested for vacation does not appear to have actual water flow; the Army Corps of Engineer delineation shows actual flow is on the western lot line. The drainage easement along the eastern lot line will remain unchanged. The portion requested for vacation crosses the building site of the lot, and it is no longer needed – see application statement. Staff recommends hearing any public comments, and making a recommendation to the Kenai Peninsula Borough to vacate the drainage easement.

Public Works Comments: Will be in the supplemental packet.

Staff Recommendation:

Planning Commission recommend approval of the easement vacation.

Attachments:

1. Vacation petition with map and statement of vacation request
2. City of Homer Planning Staff map of actual drainages and easements
3. Public Notice
4. Aerial Map



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Planning Commission recommend approval of the easement vacation.

Attachments:

1. Vacation petition with map and statement of vacation request
2. City of Homer Planning Staff map of actual drainages and easements
3. Public Notice
4. Aerial Map

Lot 58, Lillian Walli Estate (HM 88-16)
Drainage Easement Vacation
REASON FOR ALTERATION

The easement being vacated is a drainage easement that the City of Homer no longer needs or wants. Road construction has taken place recently in the adjoining Shelley Avenue right-of-way and the drainage pattern no longer goes through the easement area. This is not a public utility easement so no public utilities have been contacted.



Planning Department

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

PETITION FOR ALTERATION TO PLATTED UTILITY EASEMENT

PUBLIC HEARING REQUIRED

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the Planning Commission hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of a complete application.

SUBMITTAL REQUIREMENTS

A utility easement alteration application will be scheduled for the next available planning commission meeting after a complete application has been received.

- ☒ non-refundable fee to help defray costs of advertising public hearing.
- ☒ Utility easement requested to be altered was granted by subdivision plat, filed as Plat No. 88-16 in Homer Recording District. **OR**
- ☐ Comments from _____ Electric Association attached.
- ☐ Comments from _____ Gas Company attached.
- ☐ Comments from _____ Telephone Company attached.
- ☐ Comments from _____ Cable Company attached.
- ☐ Comments from KPB Roads Department attached.
- ☐ Comments from City Advisory Planning Commission (if located within a city). Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- ☒ 1 copy of the plat or map showing the utility easement to be altered. Must not exceed 11 x 17 inches in size. Area to be altered shall be marked clearly with cross hatching or other identifiable markings.
- ☐ If an existing improvement is encroaching into the easement, an As-Built drawing depicting the encroachment must be attached.
- ☐ Yes ☒ No Is the utility easement in use by any utility company? If yes, which utility? _____
- ☒ **REASON FOR ALTERATION** The petitioner must attach a statement with reasonable justification for the alteration utility easement.
- Alteration of utility easement will be finalized by ☒ resolution ☐ plat

LEGAL DESCRIPTION OF PARCEL CONTAINING THE UTILITY EASEMENT TO BE ALTERED:

Lot 58, Lillian Walli Estate	
Section, township, range <u>E1/2 NE1/4 Section 24, T. 6 S., R. 14 W., S.M., AK</u>	
City (if applicable) <u>Homer</u>	General area <u>West Hill Road</u>

Owners of the parcel affected by the platted utility easement must sign the petition. Each petitioner must include address and legal description of his/her property. Attach additional signature sheets if needed.

Submitted by: <input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Representative	
Name (printed): <u>Maxim Matveev</u>	Signature: <u>[Signature]</u>
e-mail: <u>faceoffak@gmail.com</u>	Address: <u>3080 kilokak ave homer ak 99603</u>
Owner of: <u>Peninsula Builders, LLC</u>	

Petitioners:

Name (printed):	Signature
e-mail:	Address:
Owner of:	

Petitioners:

Name (printed):	Signature
e-mail:	Address:
Owner of:	

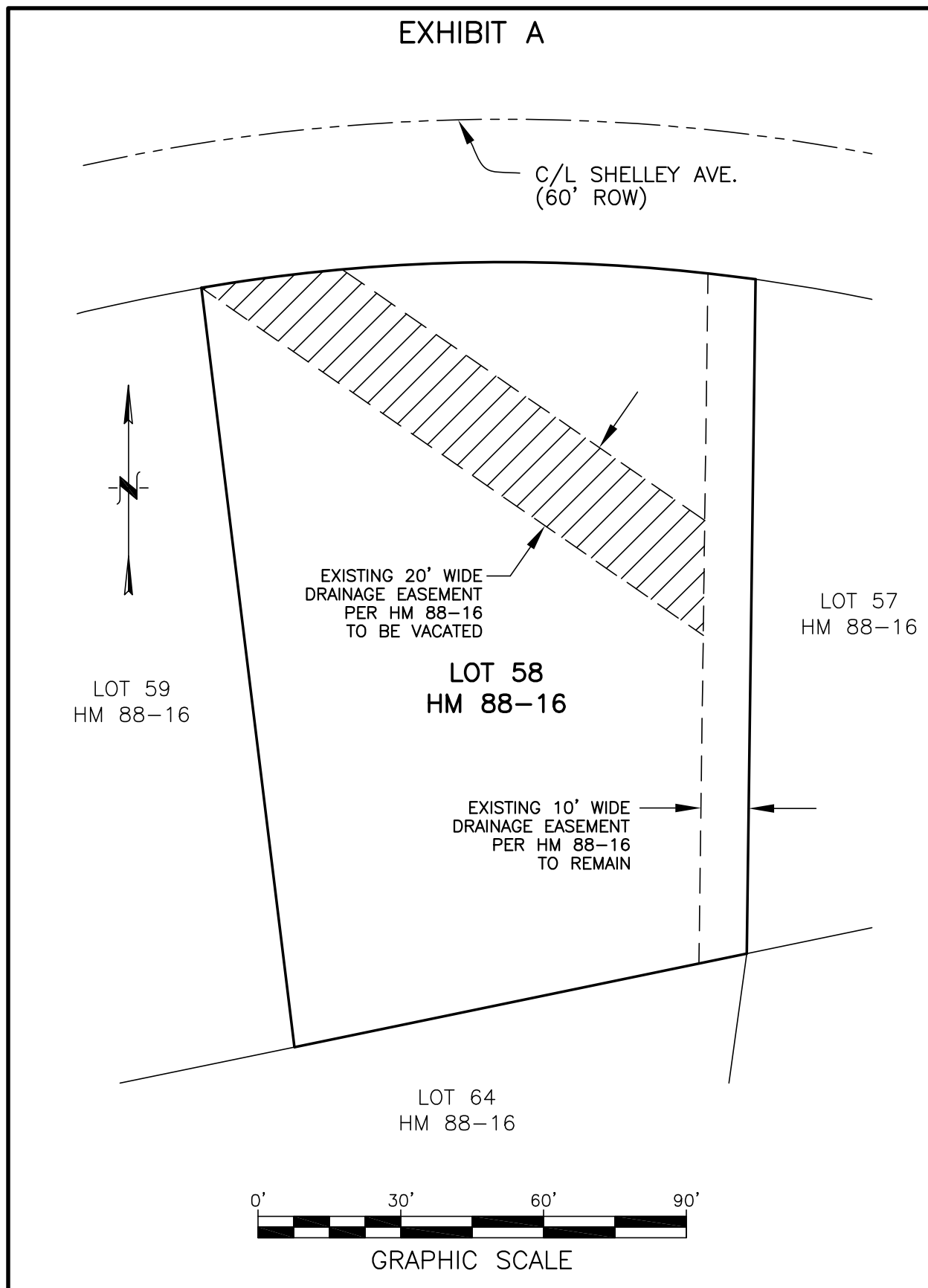
FOR OFFICE USE ONLY

RECEIVED BY _____

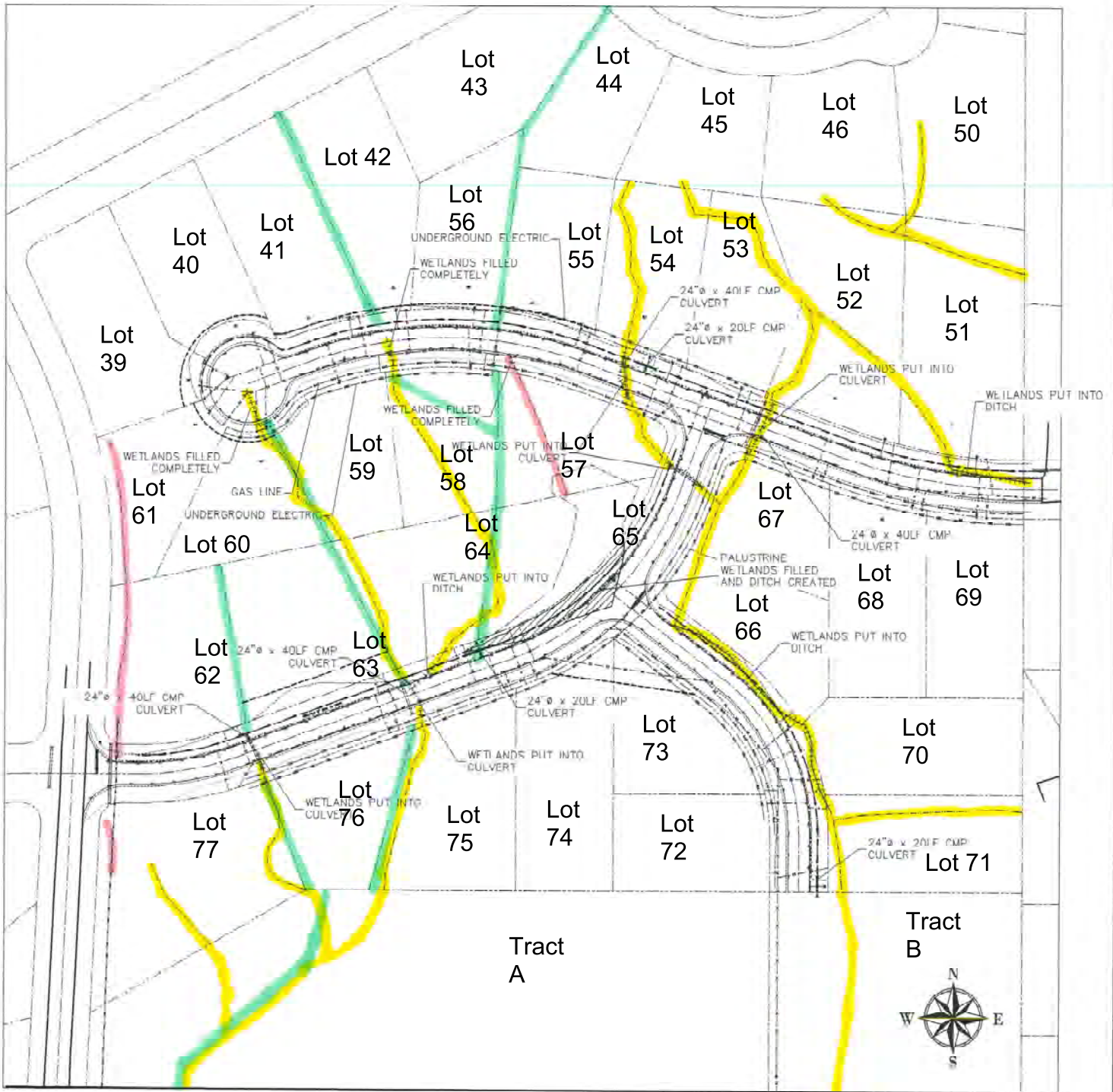
DATE SUBMITTED _____

KPB FILE # _____

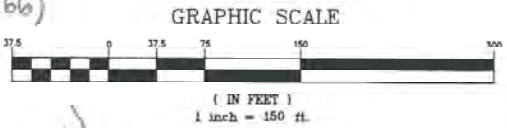
EXHIBIT A



Lillian Walli South Regulatory Drainage Overview Map - TB Oct. 2021



- Non-Jurisdictional Waters (POA-2020-00566)
- Jurisdictional Waters (POA-2020-00566)
- 20 ft. Drainage Easement, City (Plat HM 88-16)



NOTES:		PANNONE ENG SVC, LLC (C.I. 1088) P.O. BOX 1807 PALMER, AK 99645 PHONE (907) 745-8200 FAX (907) 745-8201	POA-2020-00566 Kachemak Bay 59.6449° N; 151.574° W Sheet 2 of 4 February 17, 2021
LILLIAN WALLI SUBDIVISION			
WETLANDS			
DRAWN	XXX		
SITE PLAN		SITE PLAN LILLIAN WALLI SUBDIV	43

NOTICE OF PETITION FOR ALTERATION TO PLATTED UTILITY EASEMENT

Public notice is hereby given that a petition has been received proposing to vacate an existing drainage easement. You are being sent this notice because you are a property owner within 500 feet of the affected parcel and are invited to comment. The drainage easement is located on the property described as:

Lot 58 Lillian Walli Estate Subdivision Sec. 24, T. 6 S., R. 14 W., S.M., HM 0880016

The location of the proposed drainage easement vacation affecting you is provided on the attached map. A recorded plat showing the existing drainage easement may be viewed at the City of Homer Planning and Zoning Office. Utility Easement Alterations and Vacations are conducted in accordance with the City of Homer Subdivision Ordinance and the Kenai Peninsula Borough Subdivision Ordinance. A copy of the Ordinance is available from the Planning and Zoning Office. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Planning Commission on Wednesday, May 18, 2022 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit zoom.us and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903

Passcode: 976062

Additional information regarding this matter will be available by 5pm on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for May 18, 2022 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

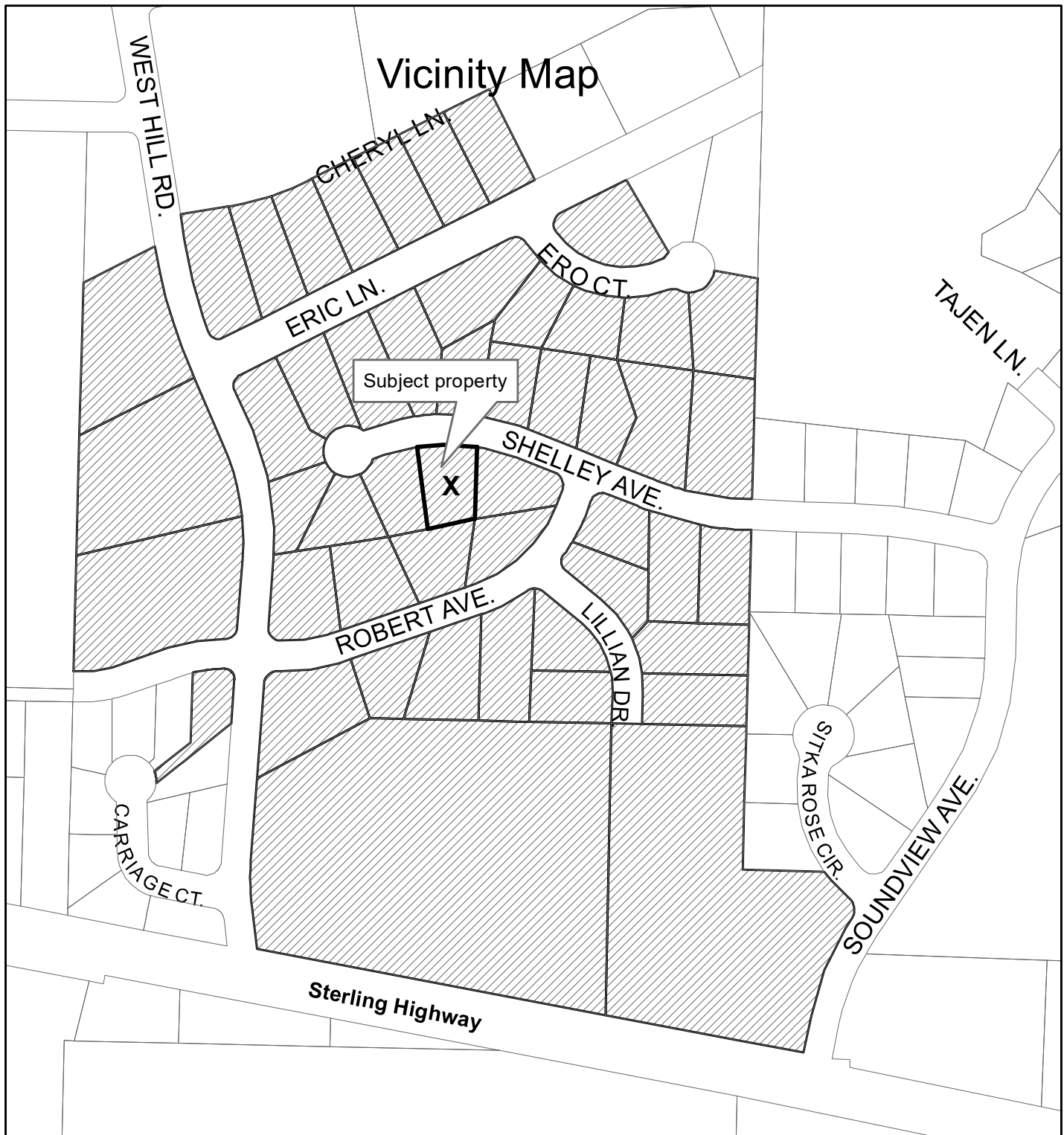
Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4pm on the day of the meeting.

If you have questions or would like additional information, contact Rick Abboud at the Planning and Zoning Office. Phone: (907) 235-3106, email: planning@ci.homer.ak.us, or in-person at Homer City Hall.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.

.....

VICINITY MAP ON REVERSE



City of Homer
Planning and Zoning Department

May 5, 2022

Vacation of a Drainage Easement Lot 58

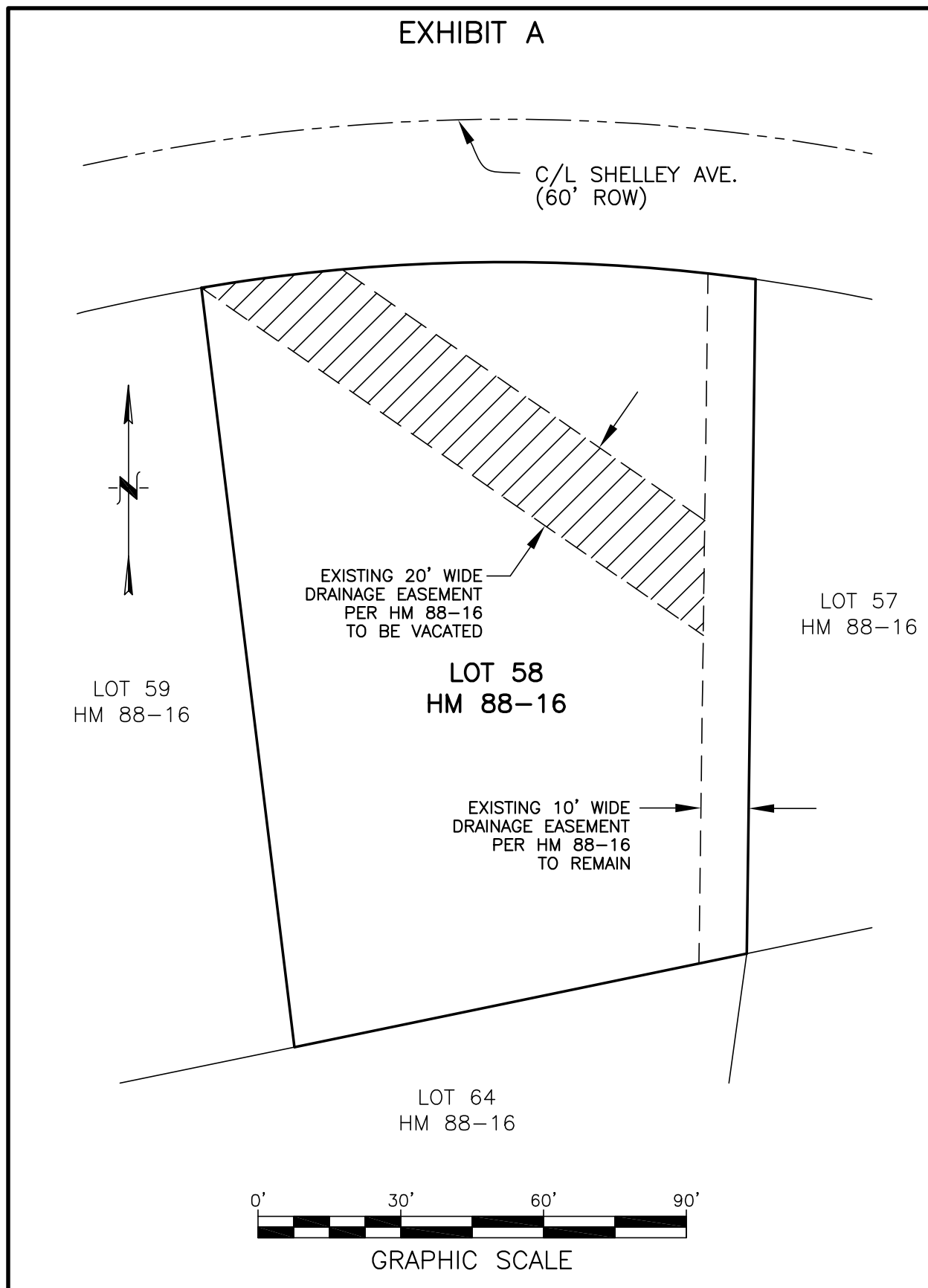
Marked lots are within 500 feet
and property owners notified.

0 250 500
Feet



*Disclaimer:
It is expressly understood the City of
Homer, its council, board,
departments, employees and agents are
not responsible for any errors or omissions
contained herein, or deductions, interpretations
or conclusions drawn therefrom.*

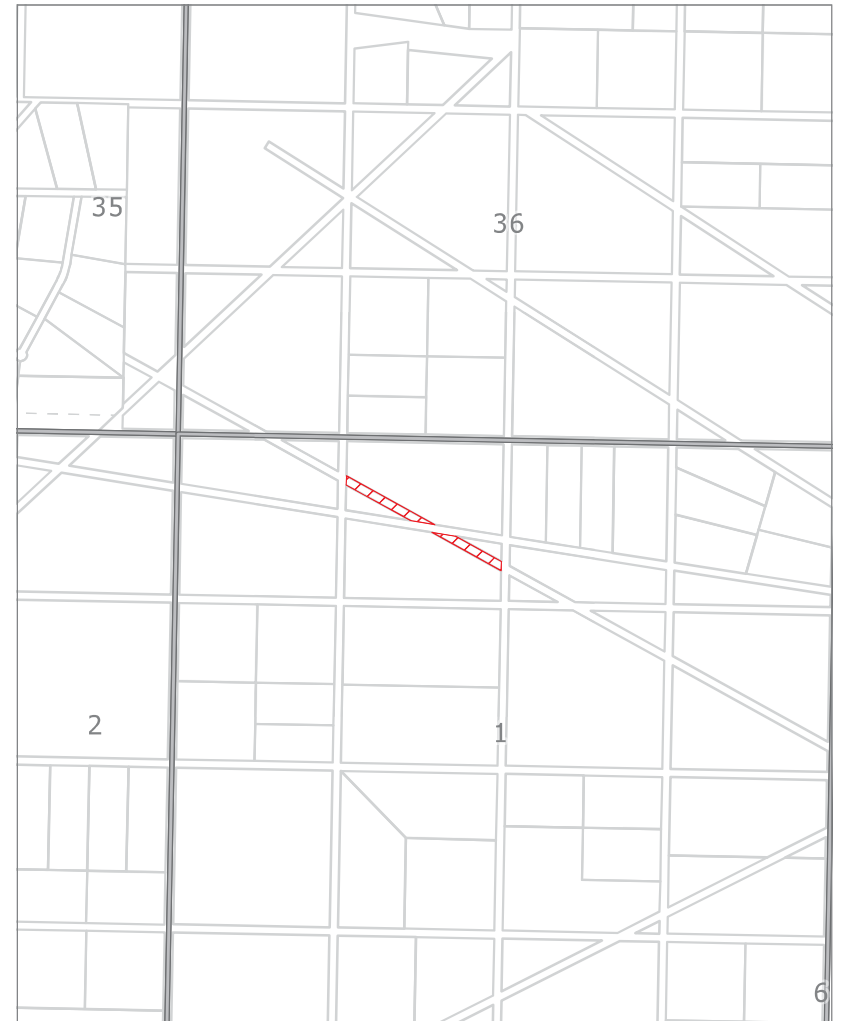
EXHIBIT A





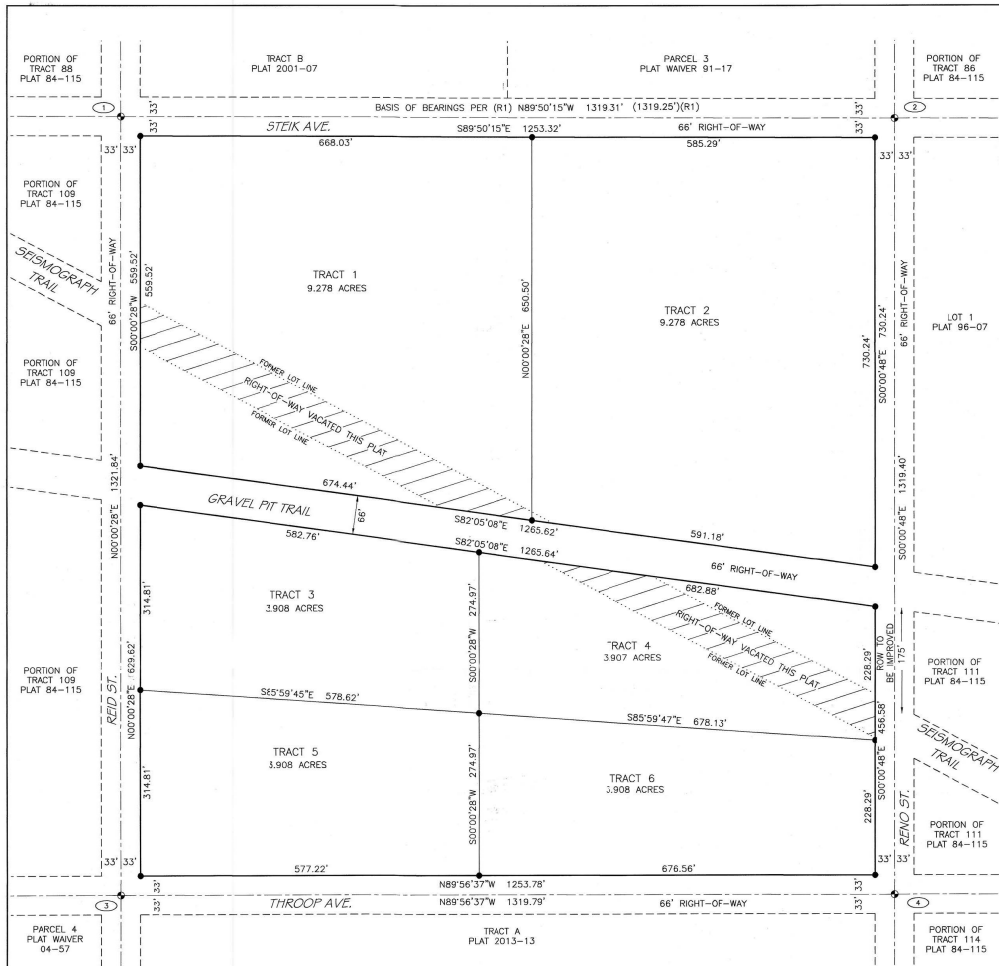
E. NEW BUSINESS

- 5. Seismograph Trail Vacation; KPB File 2022-091V
Ranquette / Edge Survey & Design, LLC
PINs: 18550924 & 18550926
Ninilchik Area**

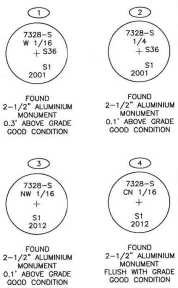


KPB File # 2022-091V
S01 T02S R12W
Ninilchik

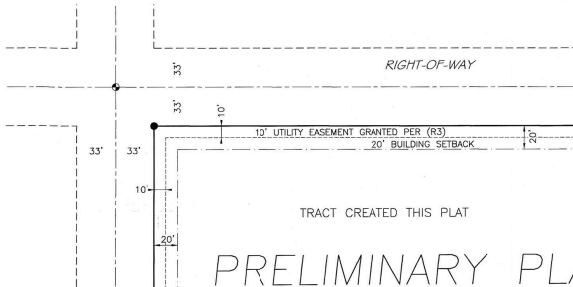




MUNIMENT SUMMARY



BUILDING SETBACK AND UTILITY EASEMENT TYPICAL - SCALE 1" = 50'



PRELIMINARY PLAT

KPB 2022-091V

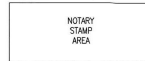
NOTES

1. THERE MAY BE FEDERAL, STATE, OR LOCAL REQUIREMENTS GOVERNING LAND USE. ANY PERSONS DEVELOPING THIS PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED FEDERAL, STATE, OR LOCAL PERMITS, INCLUDING THE U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
2. BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 10 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT, PER (R3), 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.
4. THIS SUBDIVISION IS SUBJECT TO TERMS, COVENANTS, CONDITIONS AND PROVISIONS, INCLUDING RIGHT OF WAYS AND EASEMENTS AS CONTAINED IN THE ALASKA NATIVE CLAIMS SETTLEMENT ACT, DATED DECEMBER 18, 1971, U.S. PUBLIC LAW 92-203, 85 STAT. 688, U.S.C. 1601 ET SEQ.
5. THIS SUBDIVISION SUBJECT TO RESERVATIONS OF THE SUBSURFACE ESTATE IN SAID LAND INCLUDING, BUT NOT LIMITED TO, RIGHTS OF ENTRY TO EXPLORE, DEVELOP OR REMOVE MINERALS FROM SAID SUBSURFACE ESTATE, AS SET FORTH IN SECTION 14(F) AND 14(G) OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT.
6. THIS SUBDIVISION SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED JUNE 7, 1985, VOLUME 153 PAGE 252.
7. THIS SUBDIVISION IS SUBJECT TO RESERVATIONS, RESTRICTIONS, CONDITIONS AND EASEMENTS AS CONTAINED IN INTERIM CONVEYANCE, RECORDED JUNE 19, 1978, VOLUME 100 PAGE 226, AND AS CONTAINED IN DEED RECORDED APRIL 12, 1983 AND OCTOBER 4, 1983, VOLUME 134 PAGE 950 HOMER RECORDING DISTRICT.
8. THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 20.50.170.
9. THIS SUBDIVISION IS SUBJECT TO EASEMENT OVER EXISTING RIGHT-OF-WAY, RECORDED MAY 31, 1991, VOLUME 206 PAGE 609. HOMER RECORDING DISTRICT
10. EXCEPTION TO KPB CODE 20.40 WAS GRANTED BY THE KPB PLAT COMMITTEE AT THE MEETING OF JULY 18, 2022.
11. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF SEISMOGRAPH TRAIL AND THE ASSOCIATED UTILITY EASEMENTS AT THE MEETING OF JULY 18, 2022.
12. WASTEWATER DISPOSAL: AN WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

NOTARY ACKNOWLEDGEMENT

FOR: JESSICA RANGUETTE
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022

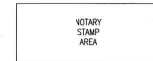
PUBLIC NOTARY SIGNATURE



NOTARY ACKNOWLEDGEMENT

FOR: BRIAN RANGUETTE
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2022

PUBLIC NOTARY SIGNATURE



LEGEND

- FOUND PRIMARY MONUMENT AS REFERENCED
- SET PROPERTY CORNER 5/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13021 2022
- ① MONUMENT REFERENCE NUMBER
- (R1) RECORD DATA, SEE REFERENCE

- SUBDIVISION BOUNDARY
- INTERIOR LOT LINE
- ADJACENT PROPERTY LINE
- CENTERLINE
- 20 FOOT BUILDING SETBACK
- 10 FOOT UTILITY EASEMENT
- ▨ RIGHT-OF-WAY VACATED

REFERENCES

- (R1) LAS VEGAS SUBDIVISION, PLAT 2001-07, HOMER RECORDING DISTRICT
- (R2) PORTER-SYVERSON SUBDIVISION, PLAT 2013-13, HOMER RECORDING DISTRICT
- (R3) RIGHT OF WAY MAP, PLAT 84-115, HOMER RECORDING DISTRICT

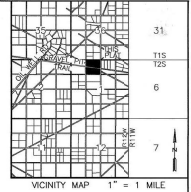
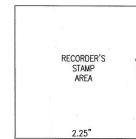
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JULY 18, 2022.
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

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



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 OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JESSICA RANGUETTE
PO BOX 7181
NIKISKI, ALASKA 99635

BRIAN RANGUETTE
PO BOX 7181
NIKISKI, ALASKA 99635

KPB FILE No. 2022-XXX

R SUBDIVISION

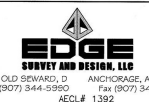
A SUBDIVISION OF
TRACT 110
RIGHT OF WAY MAP
PLAT 84-115
HOMER RECORDING DISTRICT

OWNERS:

JESSICA RANGUETTE
AND
BRIAN RANGUETTE
PO BOX 7181
NIKISKI, ALASKA 99635

LOCATED WITHIN NW 1/4 SECTION 1,
T.25N., R.12W. S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
HOMER RECORDING DISTRICT

CONTAINING 34.187 ACRES



DRAWN BY: JY
CHECKED BY: MA
DATE: 6/22/2022
SCALE: 1" = 100'

PROJECT: 22-542
SHEET: 1 OF 1

**ITEM 5 - RIGHT OF WAY VACATION
PORTIONS OF SEISMOGRAPH TRAIL AND ASSOCIATED UTILITY EASEMENTS
WITHIN LOT 110 OF PLAT 84-115**

KPB File No.	2022-091V
Planning Commission Meeting:	July 18, 2022
Applicant / Owner:	Brian and Jessica Ranguette of Nikiski, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Gravel Pit Trail, Throop Avenue, Reid Street, Steik Avenue, Reno Street, Ninilchik Area
Legal Description:	Seismograph Trails within Lot 110 of Right of Way Map (also known as the Ninilchik Right of Way Map), HM 84-115

STAFF REPORT

Specific Request / Purpose as stated in the petition: Vacate portions of a 66 foot wide seismograph trail within Lot 110. Right-of-way vacation justification.

1. Right of way granted per plat 84-115, in which trails were located via air photos depicting old seismograph trails.
2. Dedication of seismograph trails divided Tract 110 into 4 separate parcels, two of which are small, the smallest being .06 acres.
3. Vacating the trails will provide more space for the new parcels.
4. Trails to be vacated have not had the surface improved, trails are organic soils.
5. Trail to the North West is grown shut with vegetation and not practical for use.
6. Trail to the South East is passable but narrow with vegetation.
7. Right of way granted per plat 84-115 provides sufficient access to adjacent parcels and adjoining right of ways.
8. A 175' section of right of way from Gravel Pit Trail south along Reno Avenue, will be improved to provide access to remaining seismograph trail heading South East and the new southern parcels created this plat. Area to be improved is flat terrain with minimal vegetation. Landowner has the equipment and skill level to make improvements, with the proper permitting process. Improvements will be made August 2022.

Notification: Public notice appeared in the July 7, 2022 issue of the Homer News as a separate ad. The public hearing notice was published in the July 14, 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

Fifteen certified mailings were sent to owners of property within 600 feet of the proposed vacation. Two receipts had been returned when the staff report was prepared.

Nineteen 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
Ninilchik Traditional Council
Alaska Communication Systems (ACS)

Legal Access (existing and proposed): The proposed vacation is within the area known as Caribou Hills. The Ninilchik Right-of-Way map, Plat HM 84-115, dedicated 66 foot wide rights-of-way on the depicted seismograph trails in additions to dedicating 66 foot wide rights-of-way centered on all 1/16th and 1/4 aliquot lines and section lines except for some lands that were not subject to the plat.

The area with the proposed vacation has 66 foot wide dedications along all four sides. They are named Steik Avenue, Reid Street, Throop Avenue, and Reno Street. An additional seismograph trail is dedicated through the property and is known as Gravel Pit Trail. The trail proposed for vacation does not have a name assigned.

Gravel Pit Trail is located north of mile 18 of Oil Well Road, the main access to the Caribou Hills area. Gravel Pit Trail appears to be in use and provides access to other trails and dedications for lots in the area. Gravel Pit Trail is proposed to remain in place with no changes to the dedication. A small portion of Reno Street appears to be in use south of a section of the vacation. The portion of the trail proposed for vacation does appear to be in use. This is the southern portion that connects Gravel Pit Trail to Reno Street and then continues further to the southeast.

Access will still be available from Gravel Pit Trail and the dedications surrounding the property. The owner is proposing to construct a new access from Gravel Pit Trail to the south within the Reno Street dedication to allow a connection to the existing trail that continues to the southeast.

The block is closed. Some portions are currently smaller than allowed by code but the proposed vacation will bring the block into compliance.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comment

Site Investigation: The Caribou Hills area is a remote area with various types terrain. The creation of the rights-of-way and dedications on the seismograph trails did not take slopes or wetlands into consideration. The existing rights-of-way in this area as well as the lots appear to be free of wetlands per the KPB GIS data. Some steep slopes are present within the Steik Avenue and Reid Street dedications. The portion of Gravel Pit Trail within this area appears to be relatively flat and the proposed area within Reno Street that the owner intends to construct new access is relatively flat.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
Alaska Fish and Game	No objections

Staff Analysis: The proposed is within the Caribou Hills recreational area. The plat that dedicated the rights-of-way created various lots that were not surveyed but were aliquot descriptions that excluded dedications. The map did however indicate numbers to help tell the lots apart on the plat due to the scale. The property that is associated with this vacation is split into four parcels that are aliquot descriptions that exclude the dedications. The title block is simply referring to the lot number shown on the right-of-way map.

The dedications split the NE1/4 NW1/4 of Section 1, Township 2 South, Range 12 West into four parcels. The existing four parcels are 16.19, 14.33, 1.21, and .6 acres. The smallest parcel is approximately 26,000 square feet and is not compliant in size. Additional 10 feet along the three sides will further limit development on the lot. Per KPB Code 20.30.200, the minimum lot size should be 40,000 square feet if onsite water and wastewater disposal are required. The new configuration will bring all proposed lots into compliance.

The right-of-way map did not put into place building setbacks but did grant 10 foot utility easements adjacent to the rights-of-way. The proposal will vacate those adjacent easements if the right-of-way vacation is approved. Utility easements will remain adjacent to the remaining rights-of-way.

The southern portion of the proposed vacation does appear to be in use and provides a connection to other portions of trails that are used for access. While many of the lots in this area have additional access routes, the existing trails have been used for years as some of the dedications go through steep terrain or wetland areas.

The owner is proposing to construct a new connection within existing dedications to not deprive land owners access to their property. The construction of this new travelway should be done in accordance with KPB Code and the proper permitting will be required. As the existing right-of-way is currently in use, staff will be suggesting that one of the conditions will be the proper permit must be received from the KPB Roads Department and that the finalization of the vacation may not be done until the roads department notifies staff that the terms of the permit have been met and a new travelway is in place that is considered equal or better to the existing travelway.

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: A portion is currently being used for access.
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: Additional access is available but not currently constructed, the owner intends to provide alternative access through existing dedications.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: This is a remote area with minimal development or utilities in place. Utility easements will still be in place along all other dedications within the proposed area and comments have been solicited from the utility providers for the area.
 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: It provides access to private recreational lands that do connect to state lands that surround the area. Dedications and other trails are present for access and the owner is planning to construct some access connections.

5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: The owner intends to replat the lots adjacent and all lots will be provided with required access to dedicated rights-of-way. The area is surrounded by multiple dedications that provide additional undeveloped access and the owner will be providing some newly constructed access.
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: This is a recreational area with heavy snowmachine and ATV usage. Pedestrian use is feasible also.
7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.
Staff comments: No utilities appear to be present in the area. Existing easements in the area will remain in place and only vacate those along the requested vacated portion of the right-of-way.
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: The layout of the current dedications limit the use of the parcels and the vacation will provide additional options that will bring lots into compliance with KPB Code and the owner intends to construct access to accommodate adjacent parcels.

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.

KPB department / agency review:

Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: Vacation will create access to other properties unless ROW are developed.</p>
Addressing	<p>Reviewer: Haws, Derek Affected Addresses: None</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: THROOP AVE REID ST STEIK AVE RENO ST SEISMOGRAPH TRAIL</p>

	<p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: No addresses affected by this subdivision.</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: Public appears to use this portion of the trail across Tract 1 and Tract 4</p>

Utility provider review:

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

RECOMMENDATION:

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

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the utility providers.
4. A permit must be received from the Kenai Peninsula Borough Roads Department and it is demonstrated that all requirements have been met of said permit.
5. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

KPB 20.65.050 – Action on vacation application

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

except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

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

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

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

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

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

END OF STAFF REPORT



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.

Quinton, Madeleine

From: Planning Dept,
Sent: Thursday, July 14, 2022 3:38 PM
To: Quinton, Madeleine
Subject: FW: <EXTERNAL-SENDER>Caribou Hills Seismograph Trail Off Gravel Pit Trail - 2022-091V

Madeleine

From: Todd Syverson <starjumper.ts@gmail.com>
Sent: Thursday, July 14, 2022 3:20 PM
To: Planning Dept, <planning@kpb.us>
Subject: <EXTERNAL-SENDER>Caribou Hills Seismograph Trail Off Gravel Pit Trail - 2022-091V

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

My name is Todd Syverson (254 W Katmai Ave Soldotna AK). Back in 2013 my wife and I purchased 18 acres in Caribou Hills (Tract B, Porter-Syverson Subdivision Plat No. 2013-13). In 2015 we started to develop the property. For the past 9 years we have parked at Gravel Pit Pad and driven down Gravel Pit trail to a Seismograph trail that connects us with Reno St (we are about 1 1/2 miles off Gravel Pit Pad). We are primarily a 4-wheeler family and use the property May, June, July, August, September and October with August and September being our most used months. During June, July, August and September the current trail has allowed us to pull trailers with supplies, lumber, equipment, etc. in and out of the property. Even Home Depot (Kenai) delivered a 12 by 20 ft shed kit to the property using this trail. We have taken good care of the Seismograph trail and Reno St keeping it in grass and staying off the trails during the wet months. It is our understanding that a connection (good or better trail) between Gravel Pit Trail and Reno St will be developed in the future eliminating the current seismograph trail access. We would request that we continue to have access to our property during this development, if approved. I will send supporting pictures in another email for your review.

Thank you for your consideration.

Todd & Lana Syverson
254 W. Katmai Ave
Soldotna, AK 99669
907-398-6312





E. NEW BUSINESS

- 6. Conditional Use Permit; PC Resolution 2022-27**
Petitioner: Alaska Dept. of Transportation & Public Facilities
Location: Between MP 157-169 Sterling Hwy
Anchor Point Area



May 5, 2022

Samantha Lopez
River Center Manager
Donald E. Gilman River Center
514 Funny River Road
Soldotna, AK 99669

**Subject: River Center Multi-Agency Permit Application
Sterling Highway MP 157 to 169 Rehabilitation, Anchor Point to Baycrest Hill**

Dear Ms. Lopez:

Alaska Department of Transportation and Public Facilities (DOT&PF) has assumed the responsibilities of the Federal Highway Administration under Section 327 of amended Chapter 3 of Title 23, United States Code (23 USC 327), and is submitting a Multi-Agency Permit Application for the Sterling Highway MP 157 to 169 Rehabilitation, Anchor Point to Baycrest Hill project. The proposed project is located between Anchor Point and Homer on U.S. Geological Survey Quad Maps Seldovia C-5 and D-5 (Attachment A; Figure 1).

Project Description

In addition to improving the structural integrity, reducing congestion, and improving the drivability and safety of the Sterling Highway, the proposed work would:

- Rehabilitate the roadway;
- Replace the existing culverts at North Fork Anchor River with a new bridge;
- Replace the Anchor River bridge with a new bridge;
- Realign vertical and horizontal curves and modify grades to improve sight distance and upgrade the roadway to current highway design standards in accordance with the DOT&PF Preconstruction Manual and AASHTO;
- Construct passing and climbing lanes;
- Improve turning movements and sight distance at intersections by construction of right/left turn lanes and realigning side roads, as needed;
- Widen shoulders;
- Install erosion control measures;
- Clear vegetation, as needed; and
- Repair, replace or improve as needed: existing culverts, including fish passage culverts; erosion protection; drainage facilities; utilities; guardrail and guardrail end treatments; approaches; signing; and striping.

"Keep Alaska Moving through service and infrastructure."

Purpose and Need

The purpose of the proposed project is to restore structural integrity, reduce congestion, and improve the drivability and safety of the Sterling Highway from MP 157 to 169, Anchor Point to Baycrest Hill. The Sterling Highway is the primary land surface transportation connection between the western coast of the Kenai Peninsula and the rest of Alaska's highway system. The highway provides a critical economic, recreational, and cultural link for central Alaska by providing access to the Kenai River and Cook Inlet, popular fisheries, and commercial interests. This twelve-mile section of the Sterling Highway has remained largely unimproved since 1966.

Segments within the project corridor are structurally deteriorating, in need of safety improvements for passing and turning movements, and do not meet current vertical and horizontal design standards. Bridge structures show visible signs of wear and have been damaged in flood events.

Most culverts and roadside ditches are in poor condition and do not provide sufficient drainage. Traffic operations are impacted due to the lack of passing lanes, climbing lanes, and dedicated turn lanes at intersections. These conditions contribute to traffic congestion, particularly in the summer months when traffic volumes increase due to construction, commercial fishing, and recreational activities on the Kenai Peninsula.

Required Permits

A River Center Multi-Agency Permit application is included as Attachment B. Floodplain (Zone AE) impacts are localized to the beginning of the project at the North Fork Anchor River bridge and along an approximately one-mile stretch of highway adjacent to the Anchor River (Attachment B; Figures 1 and 2). Impacts to 8.6 acres of floodplain consist of the placement of 23,776 cubic yards of substrate, embankment material and riprap.

Section 690-3.04: if trees are cut down within the KPB Habitat Protection District (within 50 feet of the ordinary high water mark of an anadromous river/stream), requires replacement of removed trees by planting two seedlings less than 5.5 feet tall. The project team anticipates removal of trees within the KPB Habitat Protection District can be met.

The proposed project will also require the following permits, which are included as attachments.

Section 404 Department of the Army Permit (wetlands)

DOT&PF is submitting an individual permit application to the U.S. Army Corps of Engineers (USACE) as Attachment C. The project would permanently place approximately 145,500 cubic yards (cy) of fill (rip rap, stream substrate, class A/C fill, and structures) into 14.50 acres of wetlands and 35,704 (1.67 acres) linear feet of waters of the U.S. to accommodate roadway improvement. A wetland delineation report was prepared for the project in April 2015 with an addendum in 2019; an electronic copy is provided. According to the Alaska Department of Natural Resources' Navigable Waters Mapper (reviewed January 20, 2022), the Anchor River is the only traditionally navigable water near the project area and is considered navigable downstream of the confluence with North Fork Anchor River. The Anchor River has a direct surface connection to Cook Inlet which is a traditionally navigable water according to the US Army Corps of Engineers.

Title 16 Fish Habitat Permit

DOT&PF is submitting eight separate Title 16 permit application packets for work to replace five culverts, two bridges, and improve embankments along the Anchor River. Table 1 summarizes the Title 16 permit applications by waterway, proposed action, and provides anadromous stream identification number and project stationing. The eight Title 16 permit applications are included in Attachment D.

Table 1: Title 16 Fish Habitat Permit Applications

Waterway	Proposed Action	Anadromous Stream ID	DOT&PF Stationing	
Two Moose Creek	Replace Culvert	244-10-10010-2021	"STH" 149+97	
Beaver Creek	Replace Culvert	244-10-10010-2025	"STH" 189+74	
Ruby Creek #1	Replace Culvert	244-10-10010-2088	"STH" 371+47	
Ruby Creek #2	Replace Culvert	244-10-10010-2088	"STH" 382+76	
Diamond Creek	Replace Culvert	N/A - Resident Fish Only	"STH" 550+99	
Anchor River	Replace Bridge	244-10-10010	"STH" 216+285	
North Fork Anchor River	Replace Culvert with Bridge	244-10-10010-2011	"STH" 19+50	
Anchor River	Improve Embankments	244-10-10010	Varies	

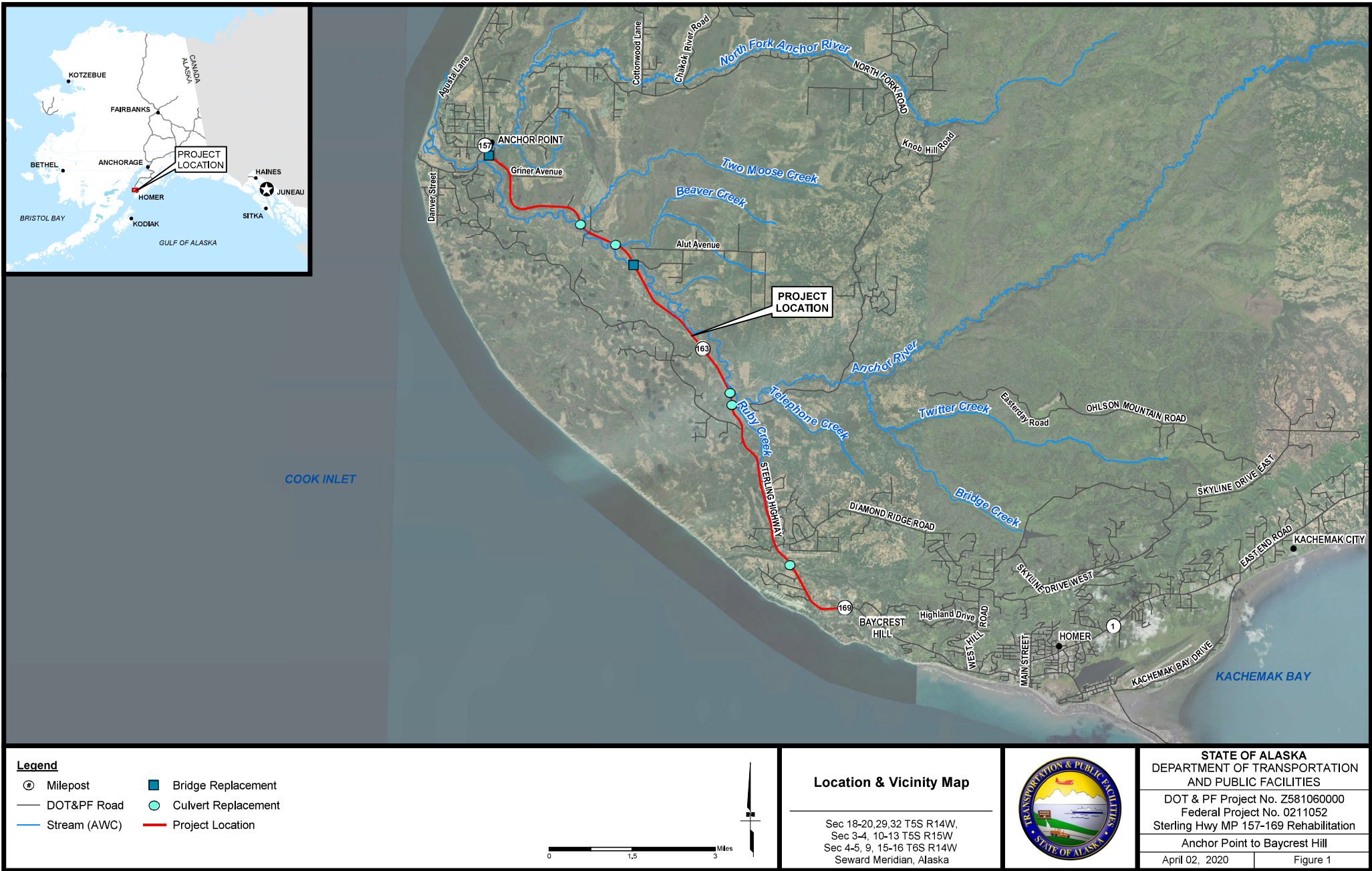
If you have any questions regarding this application or need more information, please contact me at (907) 269-0529 or at heidi.zimmer@alaska.gov.

Sincerely,

Heidi Zimmer
Environmental Impact Analyst
DOT&PF Central Region

Attachments:

- A. Location and Vicinity Map
- B. Multi-Agency Permit Application
 - 1. Floodplains (Location Hydraulic Study and Figures)
- C. Section 404 Permit Application: USACE Cover Letter
 - 1. Plan Sheets and Cross-Section Sheets
 - 2. Pre-Construction Notification Form
 - 3. Supplemental Information
 - 4. 2015 Wetland Delineation
 - 5. 2019 Wetland Delineation Addendum
- D. Title 16 Fish Habitat Permit Application: ADF&G Cover Letter
 - 1. Location and Vicinity Map
 - 2. Two Moose Creek Application Culvert Replacement Packet
 - 3. Beaver Creek Application Culvert Replacement Packet
 - 4. Ruby Creek #1 Application Culvert Replacement Packet
 - 5. Ruby Creek #2 Application Culvert Replacement Packet
 - 6. Diamond Creek Application Culvert Replacement Packet
 - 7. Anchor River Bridge Replacement Application Packet
 - 8. North Fork Anchor River Bridge Application Packet
 - 9. Anchor River Embankment Improvements Application Packet

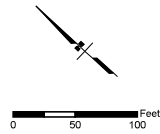


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 Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Legend

— Stream (AWC) Proposed Culvert



**Project Habitat Map:
Two Moose Creek**

Sec 18-20, 29, 32 T5S R14W,
Sec 3-4, 10-13 T5S R15W
Sec 4-5, 9, 15-16 T6S R14W
Seward Meridian, Alaska

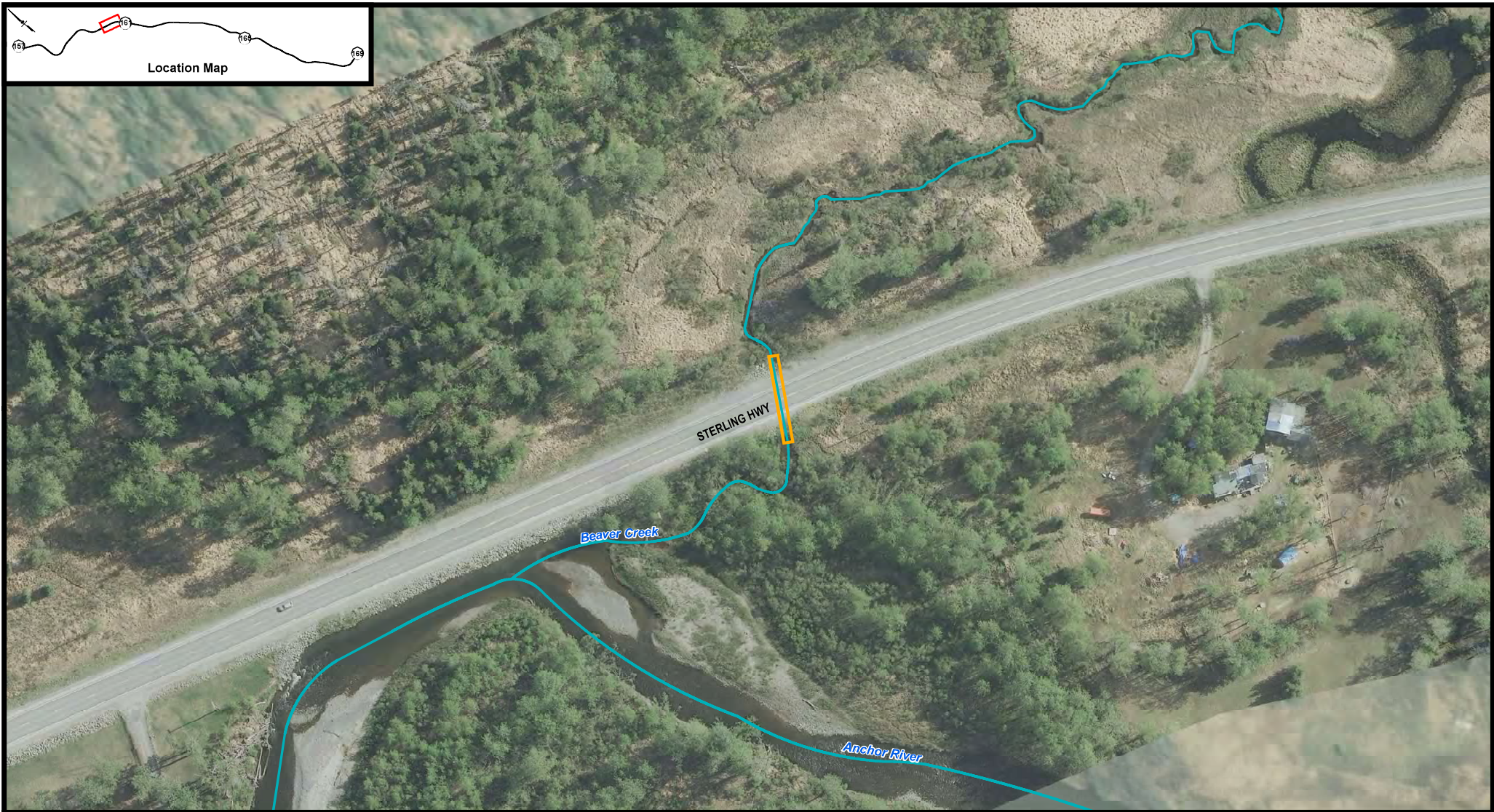


STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

DOT & PF Project No. Z581060000
Federal Project No. 0211052
Sterling Hwy MP 157 to 169 Rehabilitation

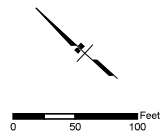
Anchor Point to Baycrest Hill

April 02, 2020



Legend

— Stream (AWC) Proposed Culvert



**Project Habitat Map:
Beaver Creek**

Sec 18-20, 29, 32 T5S R14W,
Sec 3-4, 10-13 T5S R15W
Sec 4-5, 9, 15-16 T6S R14W
Seward Meridian, Alaska



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

DOT & PF Project No. Z581060000
Federal Project No. 0211052
Sterling Hwy MP 157 to 169 Rehabilitation

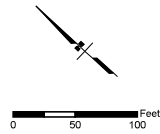
Anchor Point to Baycrest Hill

April 02, 2020



Legend

— Stream (AWC) Proposed Culvert



**Project Habitat Map:
Ruby Creek #1**

Sec 18-20, 29, 32 T5S R14W,
Sec 3-4, 10-13 T5S R15W
Sec 4-5, 9, 15-16 T6S R14W
Seward Meridian, Alaska



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

DOT & PF Project No. Z581060000
Federal Project No. 0211052
Sterling Hwy MP 157 to 169 Rehabilitation

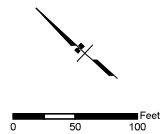
Anchor Point to Baycrest Hill

April 02, 2020



Legend

— Stream (AWC) Proposed Culvert



**Project Habitat Map:
Ruby Creek #2**

Sec 18-20, 29, 32 T5S R14W,
Sec 3-4, 10-13 T5S R15W
Sec 4-5, 9, 15-16 T6S R14W
Seward Meridian, Alaska

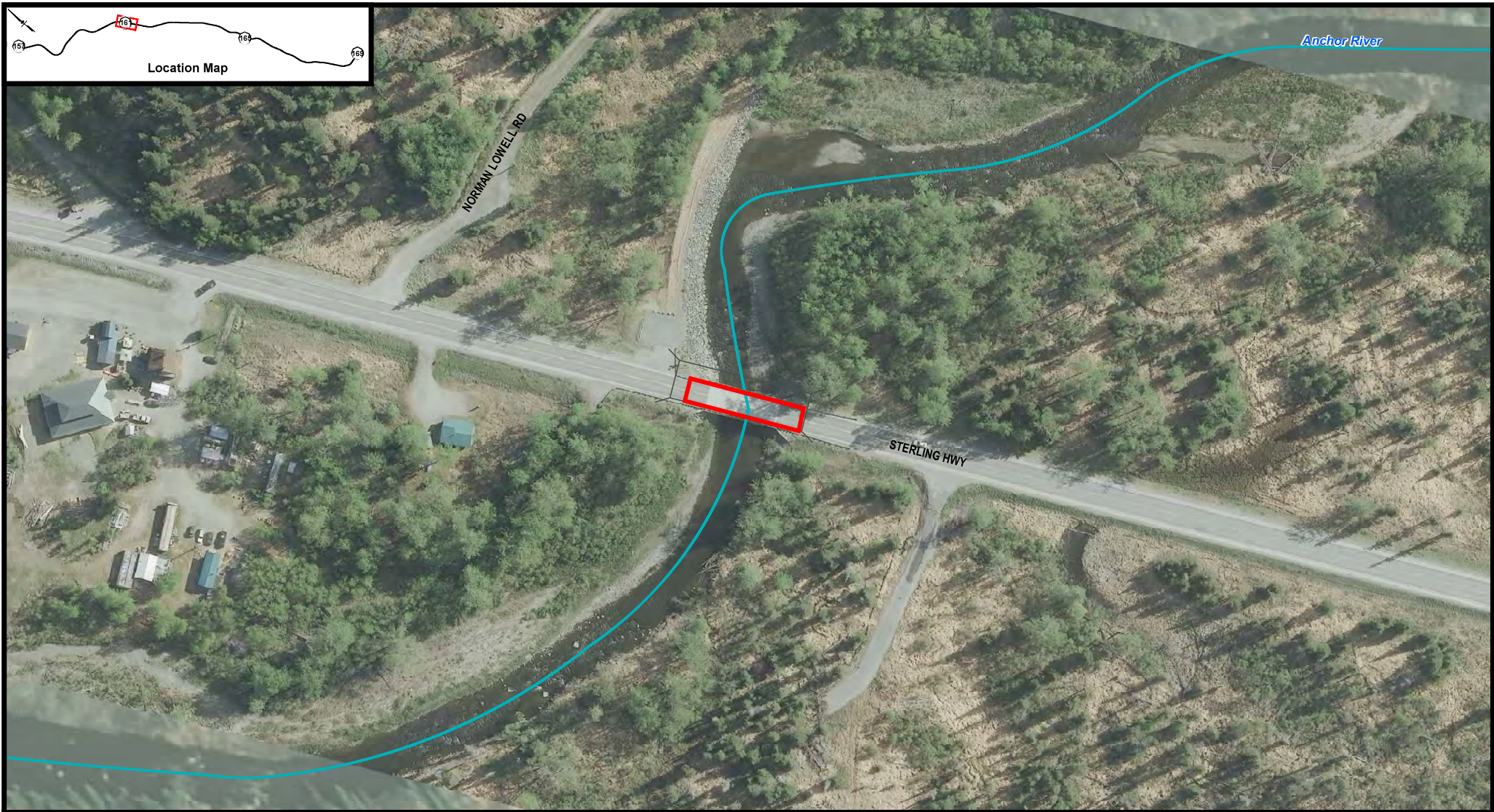


STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

DOT & PF Project No. Z581060000
Federal Project No. 0211052
Sterling Hwy MP 157 to 169 Rehabilitation

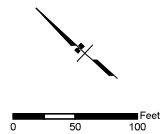
Anchor Point to Baycrest Hill

April 02, 2020



Legend

— Stream (AWC) Proposed Bridge



**Project Habitat Map:
Anchor River**

Sec 18-20, 29, 32 T5S R14W,
Sec 3-4, 10-13 T5S R15W
Sec 4-5, 9, 15-16 T6S R14W
Seward Meridian, Alaska



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

DOT & PF Project No. Z581060000
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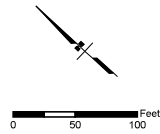
Anchor Point to Baycrest Hill

April 02, 2020



Legend

— Stream (AWC) Proposed Bridge



**Project Habitat Map:
North Fork Anchor River**

Sec 18-20, 29, 32 T5S R14W,
Sec 3-4, 10-13 T5S R15W
Sec 4-5, 9, 15-16 T6S R14W
Seward Meridian, Alaska



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

DOT & PF Project No. Z581060000
Federal Project No. 0211052
Sterling Hwy MP 157 to 169 Rehabilitation

Anchor Point to Baycrest Hill

April 02, 2020

**Conditional Use Permit
Anadromous Waters Habitat Protection District
Staff Report**

KPB File No. 2022-27

Planning Commission Meeting: July 18, 2022

Applicant Alaska Department of Transportation and Public Facilities

Mailing Address PO Box 196900
Anchorage, AK 99519

Location Between MP 157 and 169 of the Sterling Highway
Anchor Point, AK

Waterway Two Moose Creek, Beaver Creek, Ruby Creek, Anchor River and North Fork Anchor River

Project Description

A Conditional Use Permit is sought pursuant to KPB 21.18 for the construction of highway rehabilitation activities within the 50-foot Habitat Protection District of: Two Moose Creek, Beaver Creek, Ruby Creek, Anchor River and North Fork Anchor River, as established in KPB 21.18.040.

Background Information

ADOT is rehabilitating a portion of the Sterling Highway, between Mile Posts 157 and 169 in the Anchor Point area. Five Anadromous Streams will be impacted by this work, as outlined in the table below.

<u>Waterway</u>	<u>Crossing Installation</u>	<u>Lineal Feet of Revegetation</u>	<u>Cubic Yards Placed (+) Removed (-)</u>	<u>Fill Type Cobble (C) Gravel (G) Rip Rap (RR)</u>
Two Moose Creek	Culvert	157	+2,400	RR, C, G
Beaver Creek	Culvert	285	+940	RR, C
Ruby Creek 1	Culvert	119	+705	RR, C
Ruby Creek 2	Culvert	219	+870	RR, C, G
Anchor River	Replace culvert with 150x43-foot bridge		+2,521	Class III RR
			+12,123	Class I RR
			-1,284	HPD Material
North Fork Anchor River	Replace culvert with 306x100-foot bridge	583	+3,273	Class II RR
			+68,783 -40,000	Class I RR HPD Material

Project Details within the 50-foot Habitat Protection District

1. Replacement of 2 bridges: along the Anchor River and North Fork Anchor River
2. Replacement of 4 culverts: along Two Moose Creek, Ruby Creek and Beaver Creek
3. Placement of fill: consisting of cobble, gravel and rip rap in each location above

General Standards

Pursuant to 21.18.081(D) General Standards, the following standards shall be met before conditional use approval may be granted:

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems;
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough;
3. The development of the use or structure shall not physically damage the adjoining property;
4. The proposed use or structure is water-dependent;
5. Applicant's or owner's compliance with other borough permits and ordinance requirements.

Findings of fact pursuant to KPB 21.18.081 Conditional Use Permit

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
2. Pursuant to KPB 21.18.081(B)(5), construction of critical transportation and utility infrastructure may be approved as conditional structures within the habitat protection district.
3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.
5. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
6. Culverts are intended to improve drainage across the corridor for critical infrastructure.
7. All dredged and excavated material will be re-used to the greatest extent practicable in the area immediately adjacent to the excavation site; material not re-used will be disposed of at an offsite approved facility.
8. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
9. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:
"...a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways."
10. The River Center found the application complete and scheduled a public hearing for July 18, 2022.
11. Agency review was distributed on July 1, 2022. No comments or objections have been received from resource agencies to date.
12. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on July 1, 2022. A total of 24 mailings were sent.
13. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on July 7, 2022 and July 14, 2022.
14. The applicant is currently in compliance with Borough permits and ordinances.

Permit Conditions

1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to: Two Moose Creek, Beaver Creek, Ruby Creek, Anchor River and North Fork Anchor River.
2. The highway rehabilitation projects must be designed and installed to meet KPB floodplain requirements.
3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
4. For each tree removed, two seedlings less than 5.5-feet tall of a species native to the region will be planted within the 50-foot HPD.
5. Storage or use of fuel is prohibited within 50-feet of any open water.
6. The River Center shall be notified at least 3 days prior to the start of the project.
7. If changes to the approved project described above are proposed prior to or during its siting, construction, or operation, the permittee is required to notify the River Center to determine if additional approval is required.
8. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
9. The construction or installation phase of this Conditional Use Permit must be completed within one calendar year from the date of the permit's issuance, or the Conditional Use Permit shall expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).
10. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
11. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
12. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081 (G)).

Attachments

Multi-Agency Application
Draft Resolution 2022-27

Recommendation

Based on the findings, staff finds that the proposed project meets the five general standards of KPB 21.18.081. The Planning Commission could consider additional permit conditions to mitigate for any habitat loss if it chooses.

Staff recommends the Planning Commission grant a Conditional Use Permit for the proposed project details subject to adopted conditions as set forth in 2022-27.

Note: An appeal of a decision of the Planning Commission may be filed to the Hearing Officer, in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.

END OF STAFF REPORT



Donald E. Gilman River Center

514 Funny River Road, Soldotna, Alaska 99669 • (907) 714-2460 • (907) 260-5992 Fax

A Division of the Planning Department

Charlie Pierce
Borough Mayor

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that an application for a Conditional Use Permit has been received to rehabilitate a portion of the Sterling Highway Corridor between MP 157 and 169, in the Anchor Point area of the Kenai Peninsula. Portions of this project fall within the Borough's 50-foot Habitat Protection District (HPD), the proposed actions are as follows:

<u>Waterway</u>	<u>Crossing Installation</u>	<u>Lineal Feet of Revegetation</u>	<u>Cubic Yards Placed (+) Removed (-)</u>	<u>Fill Type Cobble (C) Gravel (G) Rip Rap (RR)</u>
Two Moose Creek	Culvert	157	+2,400	RR, C, G
Beaver Creek	Culvert	285	+940	RR, C
Ruby Creek 1	Culvert	119	+705	RR, C
Ruby Creek 2	Culvert	219	+870	RR, C, G
Anchor River	Replace culvert with 150x43-foot bridge		+2,521	Class III RR
			+12,123	Class I RR
			-1,284	HPD Material
North Fork Anchor River	Replace culvert with 306x100-foot bridge	583	+3,273	Class II RR
			+68,783 -40,000	Class I RR HPD Material

Pursuant to KPB 21.18.081(B)(5) Transportation and Utility Infrastructure and KPB 21.18.091 Mitigation measures, projects within the 50-foot Habitat Protection District are not permitted unless a Conditional Use Permit (CUP) is approved by the Planning Commission. This project is located between MP 157 and 169 of the Sterling Highway, near Anchor Point, Alaska.

Petitioner: Alaska Department of Transportation and Public Facilities
PO Box 196900
Anchorage, AK 99519

Public Hearing: The Kenai Peninsula Borough Planning Commission meeting will hold a public hearing on July 18, 2022 commencing at 7:30 p.m., or as soon thereafter as business permits. The meeting is to be held in the Borough Administrative Building, 144 N. Binkley St., Soldotna, Alaska. The public may also attend the meeting via Zoom. To join the meeting from a computer visit <https://us06web.zoom.us/j/9077142200>. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247, Meeting ID 907 714 2200.

Public Comment: Anyone wishing to testify may attend the above meeting to give testimony. They may also submit written comment **by 1:00 pm Friday, July 15, 2022 via:**

Mail comments to:

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

Fax comments to:

(907) 260-5992

Email comments to:

KenaiRivCenter@kpb.us

For additional information, contact Morgan Aldridge at maldridge@kpb.us or (907) 714-2465.

KENAI PENINSULA BOROUGH PLANNING COMMISSION

RESOLUTION 2022-27

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE CONSTRUCTION OF HIGHWAY REHABILITATION ACTIVITIES WITHIN THE 50-FOOT HABITAT PROTECTION DISTRICT OF THE TWO MOOSE CREEK, BEAVER CREEK, RUBY CREEK, ANCHOR RIVER AND NORTH FORK ANCHOR RIVER.

WHEREAS, Chapter 21.18 provides for the approval of Conditional Use Permits for certain activities within the habitat protection district; and

WHEREAS, KPB 21.18.081 provides that a conditional use permit is required for construction not meeting the standards of KPB 21.18.071; and

WHEREAS, KPB 21.18.091 provides for mitigation measures by the planning department staff to address impacts to the Habitat Protection District from a proposed, ongoing, or completed project; and

WHEREAS, public notice was sent to all property owners within a 300-foot radius of the proposed activity as provided in Section 21.11.030; and

WHEREAS, public notice was published in the Peninsula Clarion on July 7, 2022 and July 14, 2022 as provided in Section 21.11.020; and

WHEREAS, public testimony was received at the July 18, 2022 meeting of the Kenai Peninsula Borough Planning Commission;

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

That the Planning Commission makes the following findings of fact pursuant to KPB 21.18:

Section 1. Project Details Within the 50-foot Habitat Protection District

1. Replacement of two bridges: along the Anchor River and North Fork Anchor River.
2. Replacement of four culverts: along Two Moose Creek, Ruby Creek and Beaver Creek.
3. Placement of fill consisting of cobble, gravel and rip rap in each above location.
4. See Table 1 below.

<u>Waterway</u>	<u>Crossing Installation</u>	<u>Lineal Feet of Revegetation</u>	<u>Cubic Yards Placed (+) Removed (-)</u>	<u>Fill Type Cobble (C) Gravel (G) Rip Rap (RR)</u>
Two Moose Creek	Culvert	157	+2,400	RR, C, G
Beaver Creek	Culvert	285	+940	RR, C
Ruby Creek 1	Culvert	119	+705	RR, C
Ruby Creek 2	Culvert	219	+870	RR, C, G
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North Fork Anchor River	Replace culvert with 306x100-foot bridge	583	+3,273	Class II RR
			+68,783	Class I RR
			-40,000	HPD Material

Table 1.

Section 2. Findings of fact pursuant to KPB 21.18.081

1. Portions of this proposed project are within the 50-foot habitat protection district as defined by KPB 21.18.040.
2. Pursuant to KPB 21.18.081(B)(5) construction of critical transportation and utility infrastructure may be approved as conditional structures within the habitat protection district
3. Pursuant to 21.18.081(D) General Standards, staff finds that the proposed project meets the five general standards.
4. Pursuant to KPB 21.18.020(A), this chapter was established to protect and preserve the stability of anadromous fish through controlling shoreline alterations and disturbances along anadromous waters and to preserve nearshore habitat.
5. Pursuant to KPB 21.18.20(B)(5), one purpose of this chapter was established to separate conflicting land uses.
6. Culverts are intended to improve drainage across the corridor for critical infrastructure.
7. All dredged and excavated material will be re-used to the greatest extent practicable in the area immediately adjacent to the excavation site; material not re-used will be disposed of at an offsite approved facility.
8. Pursuant to KPB 21.06.081(D)(3), the proposed work will occur on the applicant's property and shall not have an adverse effect on adjoining properties.
9. Kenai Peninsula Borough Planning Commission Resolution 2015-35 defines water-dependent as:

"...a use or structure located on, in or adjacent to water areas because the use requires access to the waterbody. The definition is applicable to facilities or activities that must be located at or near the shoreline and within the 50-foot buffer. An activity is considered water dependent if it is dependent on the water as part of the intrinsic nature of its operation. Examples of water dependent facilities may include, but are not limited to, piers, boat ramps, and elevated walkways."

10. The River Center found the application complete and scheduled a public hearing for July 18, 2022.
11. Agency review was distributed on July 1, 2022. No comments or objections have been received from resource agencies to date.
12. Pursuant to KPB 21.11.030, public notice was mailed to all property owners within a radius of 300 feet of the project on July 1, 2022. A total of 24 mailings were sent.
13. Pursuant to KPB 21.11.020, public notice was published in the Peninsula Clarion on July 7, 2022 and July 14, 2022.
14. The applicant is currently in compliance with Borough permits and ordinances.

Section 3. Permit Conditions

1. Construction techniques and best management practices shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to the Two Moose Creek, Beaver Creek, Ruby Creek, Anchor River and North Fork Anchor River.
2. A temporary silt fence will be installed prior to ground disturbance and stream work to minimize erosion and sediment discharge to the stream during culvert installation and associated work.
3. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation. Construction techniques and best management practices (BMP's) shall be utilized to ensure that land disturbing activities do not result in runoff or sedimentation to all streams.
4. All bank cuts, slopes, fills, or other exposed earthworks attributable to this project shall be stabilized to prevent erosion, both during and after construction.
5. Access to the site and all construction activities will occur from the DOT&PF right of way easement of the Sterling Highway and will not affect neighboring parcels.
6. The highway rehabilitation project must be designed and installed to meet KPB floodplain requirements.
7. The permittee shall minimize damage to all vegetation and shall revegetate all disturbed areas with native vegetation.
8. For each tree removed, two seedlings less than 5.5-feet tall of a species native to the region will be planted within the 50-foot HPD.
9. Storage or use of fuel is prohibited within 50-feet of any open water.
10. The River Center shall be notified at least 3 days prior to the start of the project.
11. If changes to the approved project described above are proposed prior to or during its siting, construction, or operation, the permittee is required to notify the River Center to determine if additional approval is required.
12. The permittee shall be held responsible for the actions of the contractors, agents, or others who perform work to accomplish the approved plan.
13. The construction or installation phase of this Conditional Use Permit must be completed within three calendar years from the date of the permit's issuance, or the Conditional Use Permit shall expire unless the Planning Commission finds that more time is necessary to effectuate the purposes of this chapter, in which case the commission may

extend the deadline for a maximum of six years from the date of issuance. Prior to its expiration date and upon written request, the Planning Director may grant a Conditional Use Permit extension for 12 months (KPB 21.18.081 (H)).

14. In addition to the penalties provided by KPB 21.18.110, and pursuant to KPB 21.50, the permit may be revoked if the permittee fails to comply with the provisions of this chapter or the terms and conditions of a permit issued under this chapter. The Borough Clerk shall provide at least 15 day's written notice to the permittee of a revocation hearing before the hearing officer (KPB 21.18.082).
15. The permittee shall comply with the terms, conditions and requirements of the Kenai Peninsula Borough Code of Ordinances Chapter 21.18, and any regulations adopted pursuant to this chapter.
16. The permittee is responsible for abiding by all other federal, state, and local laws, regulations, and permitting requirements applicable to the project (KPB 21.18.081 (G)).

Section 4. Pursuant to 21.18.081(D) General Standards, the following standards shall be met before conditional use approval may be granted:

1. The use or structure will not cause significant erosion, sedimentation, damage within the habitat protection district, an increase in ground or surface water pollution, and damage to riparian wetlands and riparian ecosystems; **Conditions 1-8 and Finding 5 appear to support this standard.**
2. Granting of the conditional use shall be consistent with the purposes of this chapter, the borough comprehensive plan, other applicable chapters of the borough Code, and other applicable planning documents adopted by the borough; **Findings 1-5 appear to support this standard.**
3. The development of the use or structure shall not physically damage the adjoining property; **Conditions 2, 5 and Finding 5 appear to support this standard.**
4. The proposed use or structure is water-dependent; **Finding 9 appear to support this standard.**
5. Applicant's or owner's compliance with other borough permits and ordinance requirements. **Findings 15, 16 appears to support this standard.**

THIS CONDITIONAL USE PERMIT EFFECTIVE ON _____ DAY OF _____, 2022.

Blair Martin, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg
Administrative Assistant

Note: An appeal of a decision of the Planning Commission may be filed to the hearing officer, in accordance with the requirements of the KPB Code of Ordinances, Chapter 21.20.250. An appeal must be filed with the Borough Clerk within 15 days of date of the notice of the decision using the proper forms and be accompanied by the filing and records preparation fee.

E. NEW BUSINESS

- 7. Ordinance 2022-30: Approving Stephenkie Alaska Sub Block 8 Residential Waterfront (R-W) Local Option Zoning District and amending KPB 21.46.110**

**Application to Form
Local Option Zoning District Stephenkie Alaska Sub Block 8 (R-W)
STAFF REPORT**

KPB File No. Ordinance 2022-30
PC Meeting: July 18, 2022
Applicant: Aaron Hughes, Kenai Peninsula Borough, Land Management

Owner: Kenai Peninsula Borough
144 Binkley St
Soldotna, AK 99669

Legal Description: T 5N R 8W SEC 26 SEWARD MERIDIAN KN 0790083 STEPHENKIE ALASKA
SUB LOT 1-12 BLK 8

Location: Near the Intersection of Kenai Keys Rd and Slough Ave, Sterling Ak 99672

Parcel ID: 065109060 - 065109071

BACKGROUND INFORMATION:

The Kenai Peninsula Borough, who is the sole applicant and has management authority over the subject parcels, has submitted a Local Option Zoning District (LOZD) (R-W) application. The proposed LOZD encompasses 12 lots with at least 30 percent of those being waterfront as required by KPB 21.44.040.

On May 25, 2022, a community meeting was held, as required by KPB 21.44.040(C), at the Donald E. Gilman River Center. The notice was sent to property owners within the proposed LOZD or within the 300-foot notification area.

The Planning Department has reviewed the application for the proposed district using the criteria contained in KPB 21.44.040A. Based upon land use, location, access, soils, topography, availability of utilities, encumbrances and permits, staff has determined the boundaries of the proposed LOZD is appropriate as requested.

PUBLIC NOTICE:

Public notice of the hearing was mailed on June 28, 2022 to the owners of the 11 parcels within the boundaries of the LOZD and the 13 parcels within 300 feet of the proposed LOZD. A public hearing was held on the July 18, 2022, meeting of the Kenai Peninsula Borough Planning Commission and public notice of the application was published in the July 7th and 14th, 2022 issues of the Peninsula Clarion.

ATTACHMENTS

Application
Proposed Boundaries
Aerial Map
Ownership Map
LiDAR Map

STAFF RECOMMENDATION

Staff recommends that the planning commission forward this application to the assembly with the recommendation to approve the creation of the Residential Waterfront District as described in the legal description above.

END OF STAFF REPORT



LOCAL OPTION ZONING DISTRICT APPLICATION

(KPB 21.44.030A)

Kenai Peninsula Borough
Planning Department
144 N. Binkley St.
Soldotna, AK 99669
907-714-2205
1-800-478-4441 ext 2206
(Toll Free within Borough)

Formation Requirements: An LOZD formed under KPB 21.44.030(A) requires an application signed by the record owners of at least six lots within the proposed LOZD. The applicants shall be owners of parcels proposed for regulation. The formation of the LOZD may include portions of subdivisions.

Please fill in the following information.

PRIMARY CONTACT		SECONDARY CONTACT	
Name	Aaron Hughes, KPB Land Management	Name	Marcus Mueller (Land Management Officer)
Mailing Address	144 North Binkley Street	Mailing Address	
	Soldotna, AK 99669		
Contact Phone (Day)	907-714-2200 (Mobile)	Contact Phone (Day)	(Mobile)
Email	aaronhughes@kpb.us	Email	mmeuller@kpb.us

PROPERTY INFORMATION			
KPB Parcel ID # (000-000-00)	06519060-06519071	TOWNSHIP	5N RANGE 8W SECTION 26
SUBDIVISION	Stephenkie Alaska Sub Block 8	LOT	BLOCK ACREAGE
If the permit is not being requested for the entire parcel, describe the specific location within the parcel to be permitted. e.g. N1/2 SW1/4 NE1/4			
All of Block 8 of Said Subdivision			
KPB Parcel ID # (000-000-00)	Acreage		
Physical Address	NHN Kenai Keys Road		
Legal Description	Lots 1-12, Block 8, Stephenkie Alaska Subdivision		

LOCAL OPTION ZONING DISTRICT		
<input type="checkbox"/> R-1 Single-Family Residential District	<input type="checkbox"/> R-2 Small Lot Residential District	<input type="checkbox"/> R-R Rural Residential District
<input checked="" type="checkbox"/> R-W Residential Waterfront District	<input type="checkbox"/> R-M Multi-Family Residential District	<input type="checkbox"/> C-3 Mixed Use District

STRUCTURE TYPE	
<input checked="" type="checkbox"/> Single-Family Dwelling	<input type="checkbox"/> Garage <input type="checkbox"/> Storage Shed <input checked="" type="checkbox"/> Other With Amendments to established R-W LOZ

I hereby certify that I am (or I have been authorized to act for) the owner of the property described above and that the construction will be completed as shown on the attached site plan.

Date 4/14/2022	Signature
-------------------	---------------

Introduced by: Mayor
Date: 07/05/22
Hearing: 08/09/22
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-**

**AN ORDINANCE APPROVING STEPHENKIE ALASKA SUB BLOCK 8
RESIDENTIAL WATERFRONT (R-W) LOCAL OPTION ZONING DISTRICT AND
AMENDING KPB 21.46.110**

- WHEREAS,** an application was submitted to the Kenai Peninsula Borough (Borough) Planning Department signed by the Borough's Land Management Division of all lots within the proposed local option zoning district ("LOZD"); and
- WHEREAS,** pursuant to KPB 21.44.040(A), a minimum 12 lots are included in the proposed LOZD. and contain at least 30 percent waterfront lots as required in a Residential Waterfront district; and
- WHEREAS,** the Borough currently has management authority over the subject parcel and the fee patent conveyance from the State of Alaska is imminent; and
- WHEREAS,** the Planning Department held a community meeting at the Donald E. Gilman River Center on May 25, 2022, regarding this proposed LOZD as required by KPB 21.44.040(C); and
- WHEREAS,** Goal 2, Focus Area: Land Use, Objective A of the Kenai Peninsula Borough's 2019 Comprehensive Plan is to establish policies which better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms; and
- WHEREAS,** the Kenai Peninsula Borough Planning Commission reviewed the proposed LOZD at its regularly-scheduled meeting of July 18, 2022, and recommended _____;

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

SECTION 1. That the assembly finds the adoption of Stephenkie Alaska Sub Block 8 LOZD to be consistent with surrounding land uses and the 2019 Kenai Peninsula Borough Comprehensive Plan.

SECTION 2. That KPB 21.46.110 is hereby amended as follows:

21.46.110. Residential Waterfront Lot Residential (R-W) Districts.

A. The following Residential Waterfront (R-W) districts and official maps are hereby adopted:

...

2. Stephenkie Alaska Sub Block 8 is described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Block 8, Stephenkie Alaska Subdivision, according to Plat KN 79-83

a. Setbacks for permanent structures shall be 50-feet from the top of the bluff.

b. The local option zoning applies to any further replats within the Stephenkie Alaska Sub Block 8 LOZD.

SECTION 4. That Stephenkie Alaska Sub Block 8 LOZD will be recorded in the proper recording district.

SECTION 5. That 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

Kenai Peninsula Borough

Planning Department

MEMORANDUM

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

THRU: Charlie Pierce, Mayor CP
Robert Ruffner, Planning Director MMR
Samantha Lopez, Planning & River Center Manager SL

FROM: Ryan Raidmae, Planner RR

DATE: June 23, 2022

RE: Ordinance 2022-___, Approving Stephenie Alaska Sub Block 8 Residential Waterfront (R-W) Local Option Zoning District and Amending KPB 21.46.110 (Mayor)

This ordinance approves the formation of a Residential Waterfront (R-W) Local Option Zoning District (LOZD) and, if approved, amend KPB 21.46.110 to include the Stephenie Alaska Sub Block 8 LOZD.

An application was submitted to the Kenai Peninsula Borough Planning Department signed by the Kenai Peninsula Borough (Borough). The Borough currently has management authority over the subject parcels and the fee patent conveyance from the State of Alaska is imminent. If patent is not received prior to public hearing on the ordinance, then a request will be made to postpone public hearing until patent is received from the State of Alaska. The proposed LOZD contains the necessary 12-lot minimum according to KPB 21.44.040. At least 30 percent of those are waterfront lots as required in an R-W district.

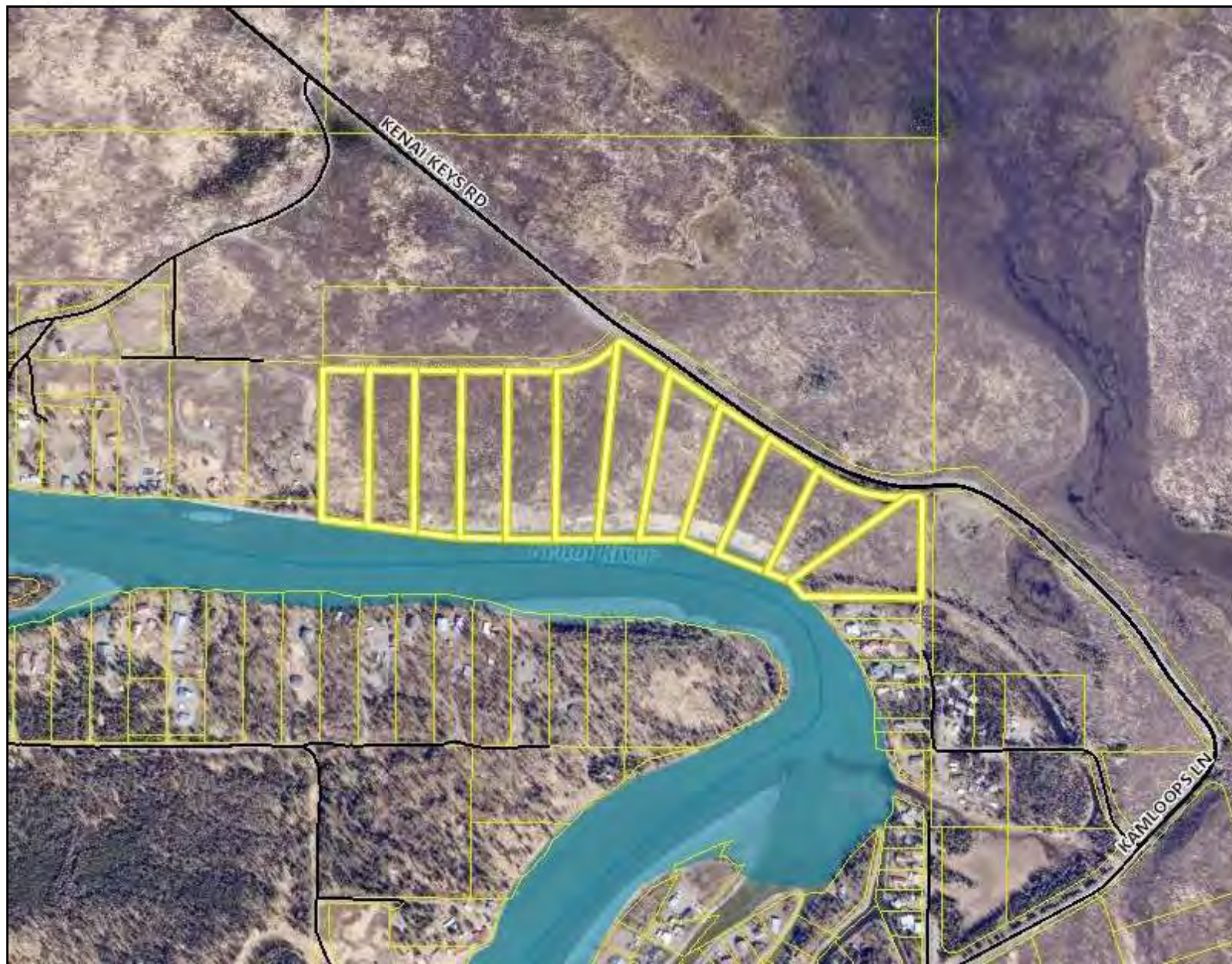
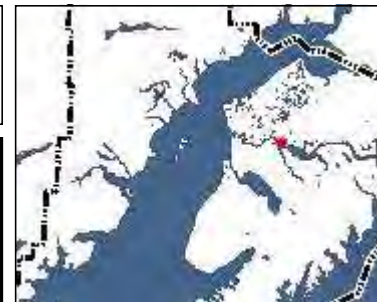
On May 25, 2022, the planning department held a neighborhood meeting at the Donald E. Gilman River Center.

This proposal is consistent with the 2019 Kenai Peninsula Borough Comprehensive Plan which states, "Establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms".

KPB 21.44.060(A) states, "The assembly shall approve, disapprove, or modify the proposed LOZD. The assembly, in its legislative capacity, may disapprove an LOZD notwithstanding the district's meeting the criteria of this chapter."

Your consideration of the ordinance is appreciated.

Aerial View
 Stephenkie Alaska Sub Block 8
 065-109-060 Through 065-109-071



Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads**
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed
- Parcels

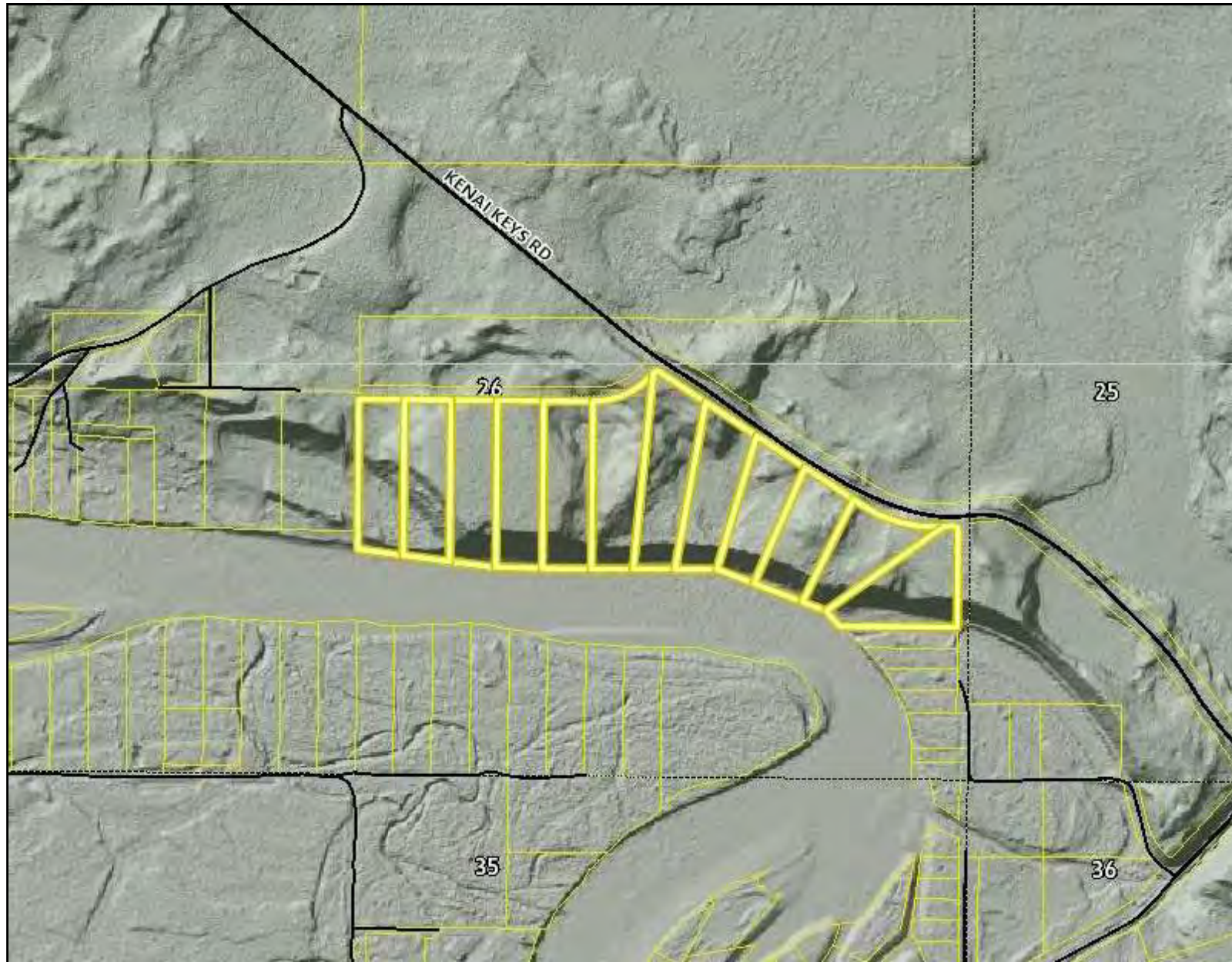


Notes

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

DATE PRINTED: 5/23/2022

LiDAR View
 Stephenkie Alaska Sub Block 8
 065-109-060 Through 065-109-071



Legend

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

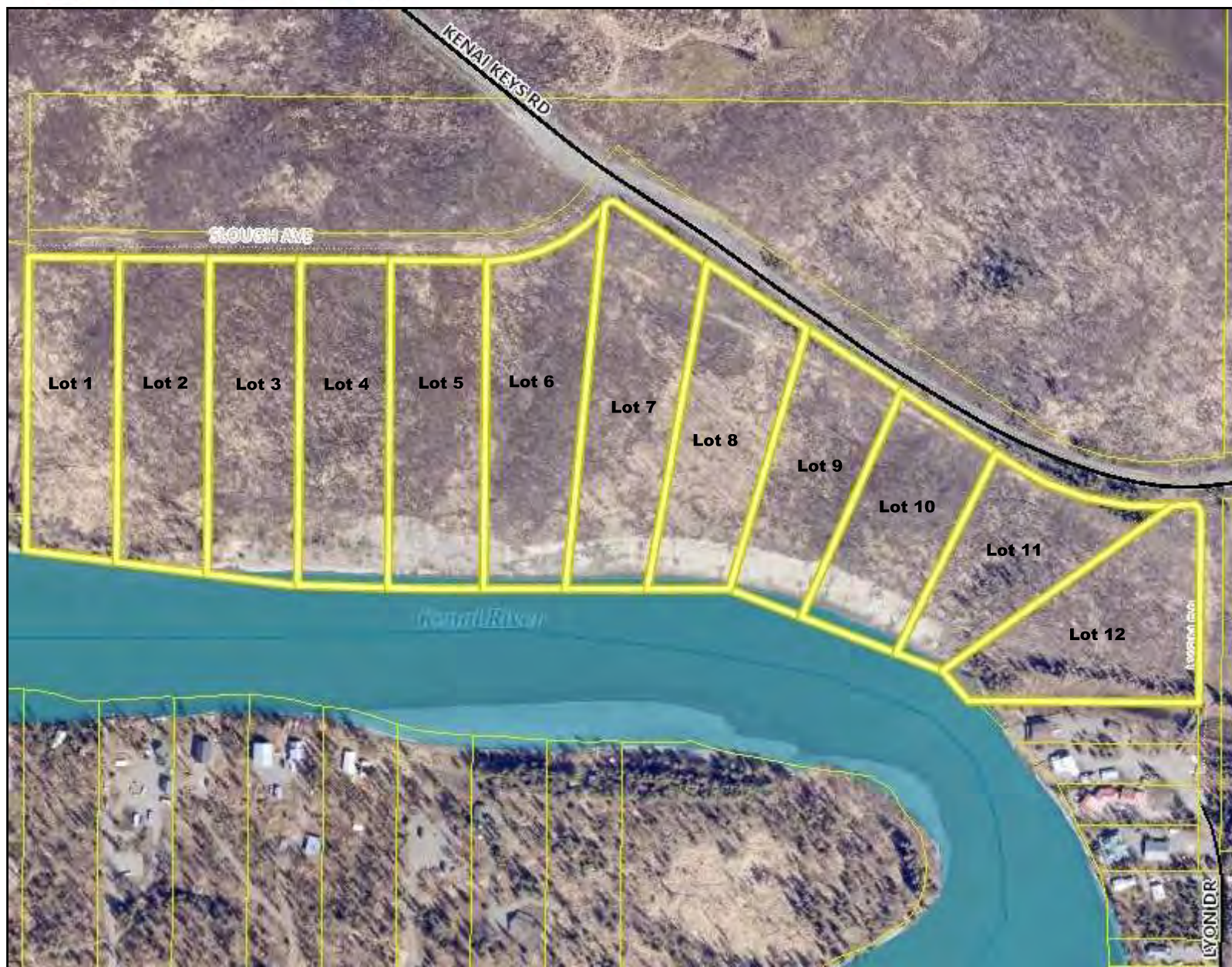
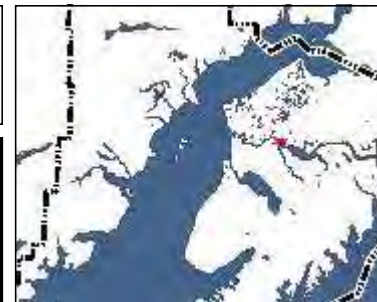


Notes

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DATE PRINTED: 5/23/2022

Proposed
 Stephenkie Alaska Sub Block 8
 R-W, Residential Waterfront Local Option Zoning District



Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads**
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed
- Parcels

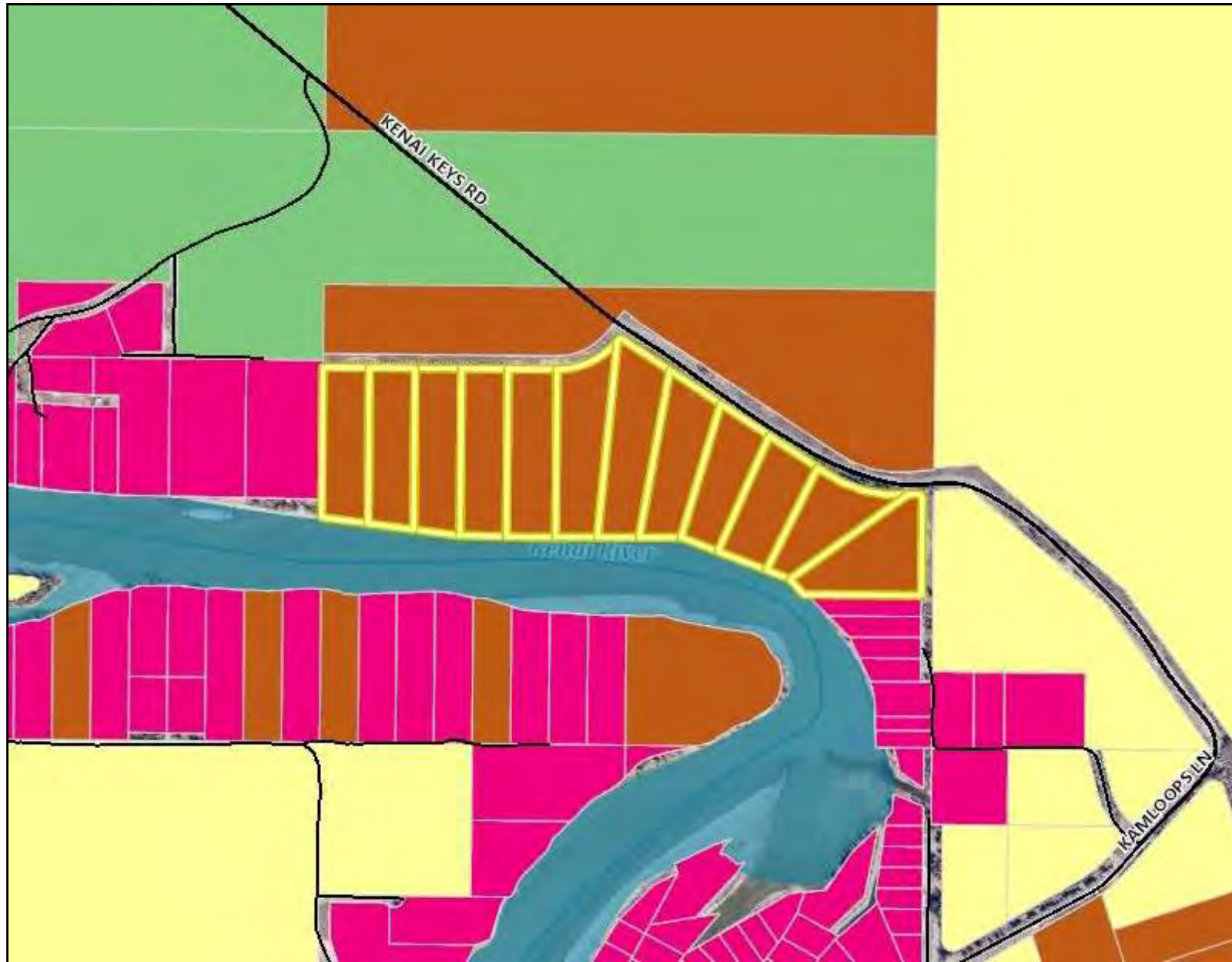
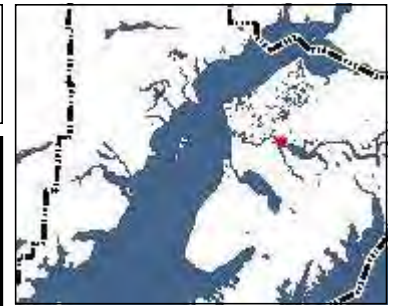
Notes

Enter map notes here.

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DATE PRINTED: 5/3/2022

Ownership View
 Stephenkie Alaska Sub Block 8
 065-109-060 Through 065-109-071



Legend

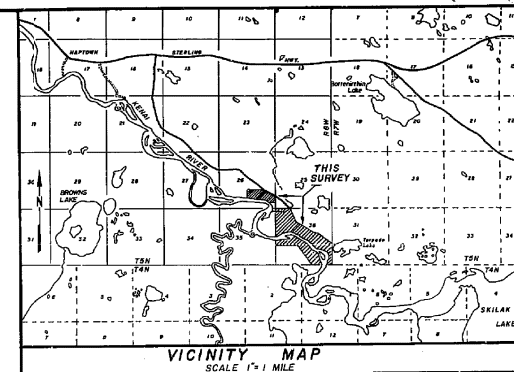
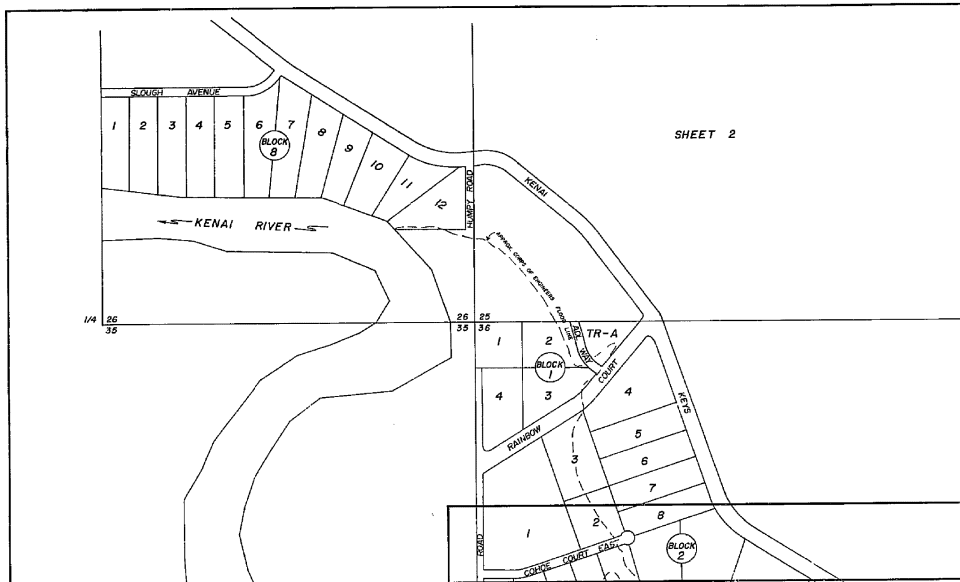
- Mileposts
- City Limits
- Highways
- Major Roads
- Roads**
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed
- Ownership**
 - Borough
 - Federal
 - Municipal
 - Native
 - Native Allotment
 - Private
 - State



Notes

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DATE PRINTED: 5/23/2022



SELECTION INFORMATION
 Sec. 26: Mental Health Selection-25
 Tentative Approval dated 7/2/63
 Patent No. 1232769 dated 5/1/63
 Sec. 36: School Selection-13
 State Grant dated 1/3/79

SURVEYORS CERTIFICATE:

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

Date August 12, 1974
 Registration No. 610-S
 Registered Land Surveyor Stanley S. McLean

Date of plot preparation August 12, 1974



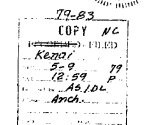
OWNERSHIP CERTIFICATE:

I, the undersigned, hereby certify that I am the Director, Alaska Division of Lands and that the State of Alaska is the owner of Stephenkie Alaska Subdivision, Alaska State Land Survey No. 73-146 as shown hereon. I hereby approve this survey and plat for the State of Alaska.

Date 12/21/74
 Acting Director, Alaska Division of Lands David P. Tindall

NOTARY'S ACKNOWLEDGMENT:

Subscribed and sworn to before me this 31 day of December, 1974.
 My commission expires 3/29/75
 Notary Public for Alaska: [Signature]



(This Project accomplished under 6.S.C. 74)

DATE OF SURVEY Beginning: May 6, 1974 Ending: July 15, 1974	NAME OF SURVEYOR Stanley S. McLean Sitka, Alaska
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF LANDS NENAH, ALASKA	
ALASKA STATE LAND SURVEY NO. 73-146 SE1/4 SEC. 26, SEC. 36, T5N, R8W, S.M. AK.	
DRAWN BY S.M. Y.S.	APPROVAL RECOMMENDED: [Signature]
DATE APPROVED: 12/21/74	APPROVED: [Signature]
SCALE: 1" = 400'	CHECKED: [Signature] FILE NO. 73-146

DEDICATION OF EASEMENTS, PUBLIC UTILITIES AND RIGHTS-OF-WAY

I hereby dedicate for public or private use, as noted, all easements, public utility areas, and rights-of-way as shown and described hereon.

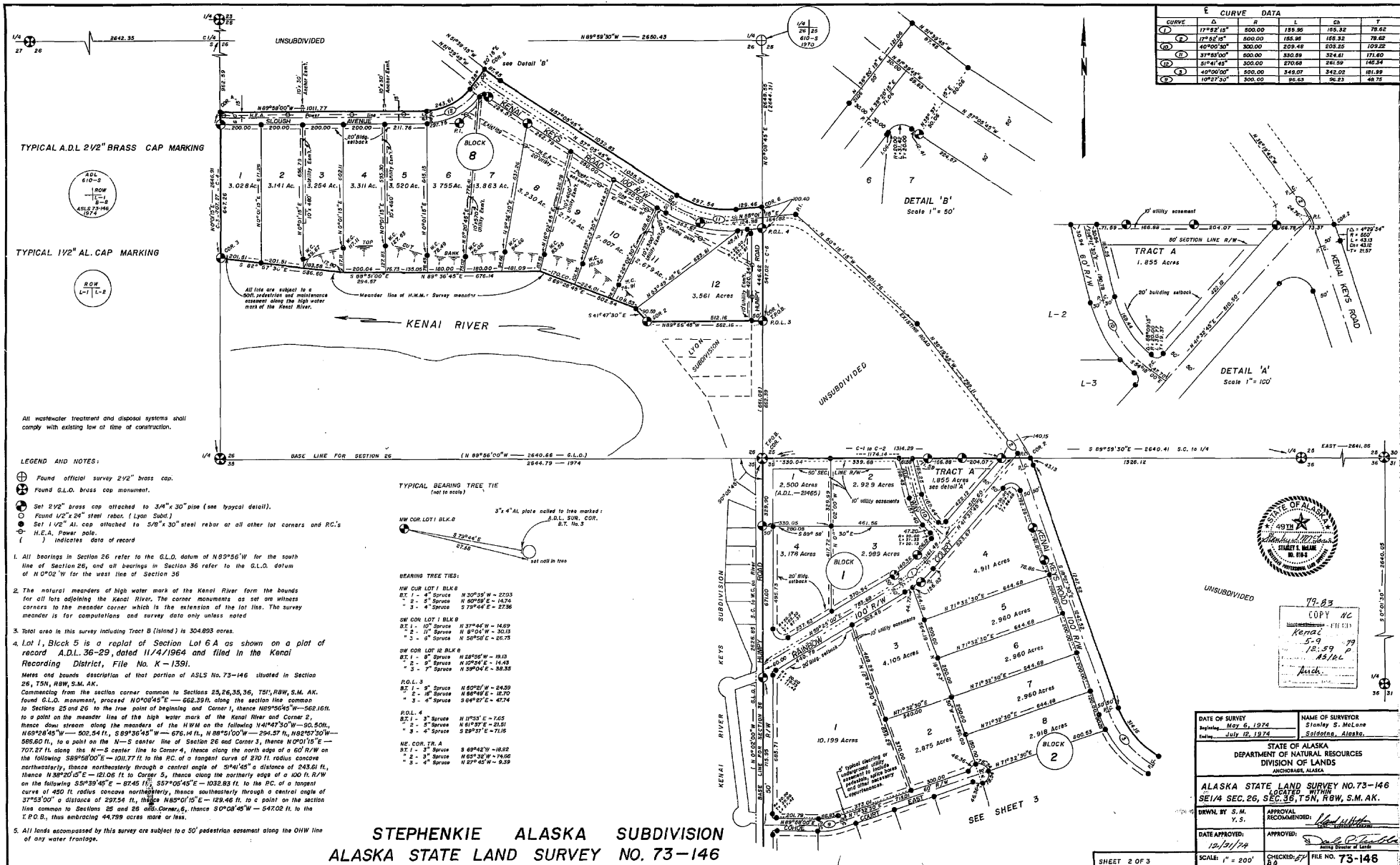
Date: 5/1/79
 Director, Alaska Division of Lands [Signature]

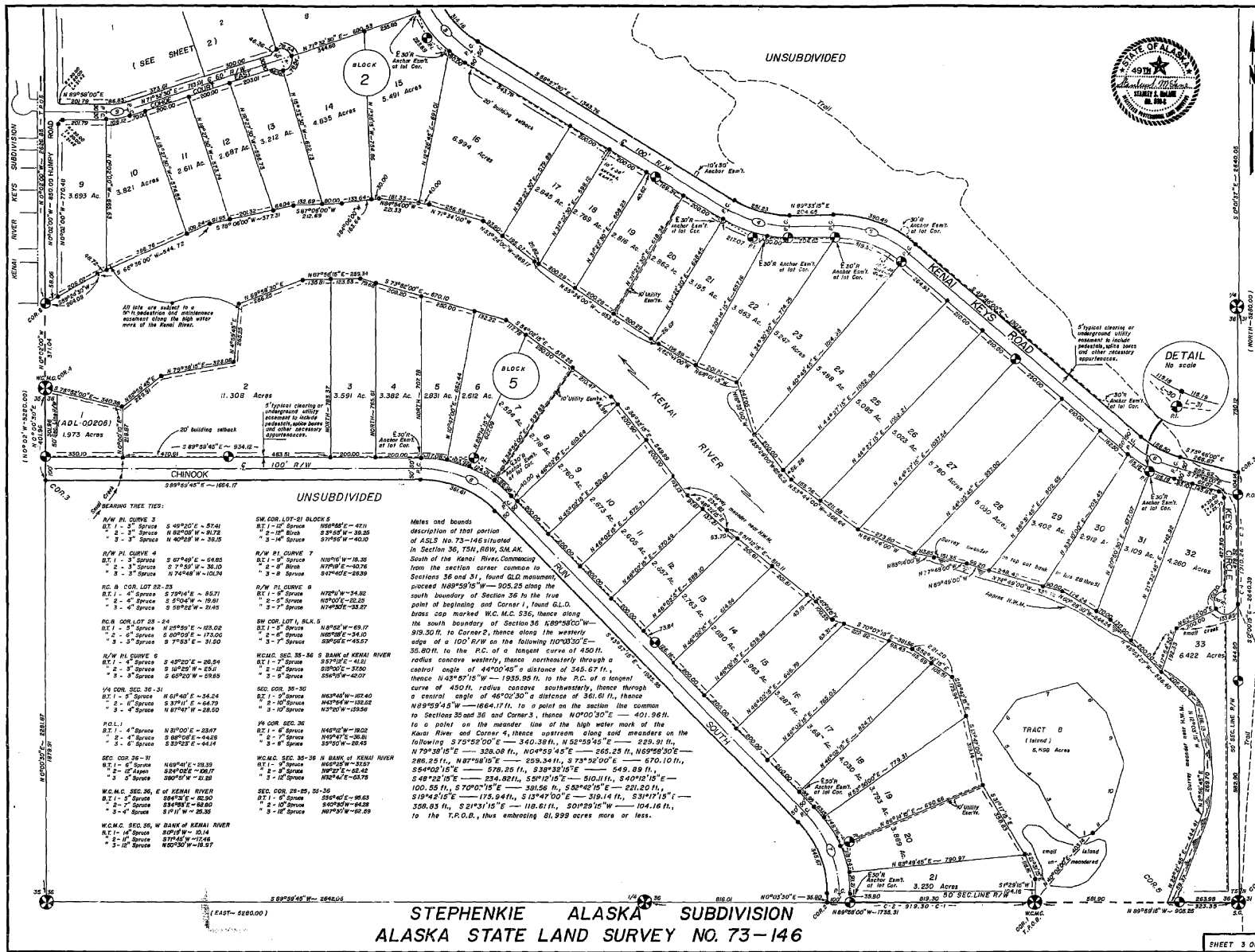
PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Planning Commission as recorded in the official minutes of the meeting of [Signature] 255, 1977, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law pertaining thereto.

KENAI PENINSULA BOROUGH
 By: [Signature]

**STEPHENKIE ALASKA SUBDIVISION
 ALASKA STATE LAND SURVEY NO. 73-146**





CURVE	Δ	R	L	Cb	T
(1)	40°00'00"	500.00	349.07	342.08	181.99
(2)	34°00'00"	500.00	319.14	312.15	161.81
(3)	40°00'00"	500.00	354.99	347.58	183.38
(4)	34°00'00"	500.00	309.44	302.91	156.28
(5)	40°00'00"	500.00	354.99	347.58	183.38
(6)	34°00'00"	500.00	309.44	302.91	156.28
(7)	40°00'00"	500.00	354.99	347.58	183.38
(8)	34°00'00"	500.00	309.44	302.91	156.28

Mets and bounds description of that portion of ASLS No. 73-146 situated in Section 36, T5N, R6W, S.M. AK, north of the Kenai River. Commencing from the section corner common to Sections 35, 36, 37, T5N, R6W, S.M. AK, this being the true point of beginning and Corner 1, found G.L.O. monument, proceed S 89°59'30"E—1314.29 ft. along the section line common to Sections 35 and 36 to the intersection with the easterly edge of a 100' R/W and Corner 2, thence along said R/W on the following, southeasterly along a curve of 550 ft. radius concave to the southeasterly through a central angle of 42°53'4", distance of 43.31 ft., thence S 18°22'30"E—1247.52 ft. to the P.C. of a tangent curve of 450 ft. radius concave northerly, thence southeasterly through a central angle of 40°00'00" a distance of 54.16 ft., thence S 69°23'30"E—1343.76 ft. to the P.C. of a tangent curve of 450 ft. radius concave northerly, thence southeasterly through a central angle of 31°59'15" a distance of 25.23 ft., thence N 89°33'15"E—204.65 ft. to the P.C. of a tangent curve of 550 ft. radius concave southerly, thence southeasterly through a central angle of 40°00'00" a distance of 39.03 ft., thence S 49°46'00"E—1207.43 ft. to the P.C. of a tangent curve of 450 ft. radius concave northerly, thence through a central angle of 24°00'00" a distance of 188.50 ft., thence S 73°46'00"E—266.87 ft. to a point on the section line common to Sections 36 and 37 and Corner 3, thence S 0°15'15"—1910.28 ft. to the section corner common to Sections 36 and 37 and Corner 4 found G.L.O. monument, thence along the south boundary of Section 36 N 89°59'30"W—323.35 ft. to a point on the meander line of the high water mark of the Kenai River and Corner 5, thence downstream along the meanders of the HWM on the following N 22°21'45"E—164.41 ft., N 62°15'15"E—701 ft., N 12°03'15"W—216.13 ft., N 45°53'27"W—536.40 ft., N 69°28'30"W—244.24 ft., N 74°49'00"W—338.42 ft., N 69°49'00"W—93.20 ft., N 77°49'00"W—151.35 ft., N 83°44'00"W—65.55 ft., N 68°44'00"W—273.00 ft., N 53°44'00"W—166.64 ft., N 39°59'00"W—256.56 ft., N 16°36'00"W—247.05 ft., N 69°01'15"W—201.51 ft., N 68°49'00"W—186.59 ft., N 59°34'00"W—653.30 ft., N 53°44'00"W—289.17 ft., N 77°34'00"W—256.59 ft., N 69°49'00"W—221.31 ft., N 69°00'30"W—163.64 ft., S 87°06'00"W—212.69 ft., S 70°06'00"W—377.31 ft., S 60°36'00"W—544.72 ft., S 59°24'30"W—264.08 ft., to a point on the section line common to Sections 35 and 36 and Corner 6, N 0°00'00"W—262.62 ft., to the T.R.O.D. thus embracing 178.458 acres more or less.

MEASUREMENT OF TRAIL B (Meters)	
1. S 72°45'43"W	62.03
2. N 61°33'30"W	132.64
3. N 20°48'30"W	166.77
4. N 49°03'30"W	119.13
5. N 35°03'30"W	188.04
6. N 37°42'00"E	178.60
7. N 07°18'18"E	281.23
8. S 43°17'30"E	185.49
9. S 19°17'30"E	241.92
10. S 15°18'18"E	282.25
11. S 49°03'00"W	65.11

DATE OF SURVEY May 6, 1974	NAME OF SURVEYOR Stanley S. McLean
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF LANDS	
ALASKA STATE LAND SURVEY NO. 73-146 SEV4 SEC 26, SEC 36, T5N, R6W, S.M. AK.	
DRWN. BY S.W. J.S.	APPROVAL RECORDED: [Signature]
DATE APPROVED 12/31/74	APPROVED: [Signature]
SCALE 1" = 200'	CHECKED FILE NO. 73-146

STEPHENKIE ALASKA SUBDIVISION
ALASKA STATE LAND SURVEY NO. 73-146



Planning Department

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

Charlie Pierce
Borough Mayor

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that the Kenai Peninsula Borough's property in the Sterling area is being considered for the adoption of a Residential Waterfront (R-W) local option zoning district (LOZD). **You are being sent this invitation because you are a property owner within the proposed district or within 300 feet of the proposed district and are being invited to provide your input at the below public meeting.**

Pursuant to KPB 21.44.050, the planning department shall hold a public hearing on local option zoning applications. The property under consideration is Stephenkie Alaska Sub Block 8 Lots 1-12, located at T 5N R 8W SEC 26 SEWARD MERIDIAN KN 0790083 STEPHENKIE ALASKA SUB LOT 1-12 BLK 8, on Kenai Keys Road in Sterling, Alaska.

Petitioner: Kenai Peninsula Borough
144 N. Binkley St.
Soldotna, AK 99669

Public Hearing: The Kenai Peninsula Borough Planning Commission will hold a public hearing on July 18, 2022 commencing at 7:30 p.m., or as soon thereafter as business permits. The meeting is to be held in the Borough Administrative Building, 144 N. Binkley St., Soldotna, Alaska. The public may also attend the meeting electronically/telephonically via Zoom. To join the meeting from a computer visit <https://us06web.zoom.us/j/9077142200>. To attend the Zoom meeting by telephone call toll free 1-888-788-0099 or 1-877-853-5247. When calling in you will need the Meeting ID **907 714 2200**.

Public Comment: Anyone wishing to testify may attend the above meeting to give testimony, or may submit written comment via the methods below. **Written comments must be submitted by 1:00 pm Friday, July 15, 2022.**

Mail comments to:
KPB Planning Department
144 N Binkley St.
Soldotna, Alaska 99669

Fax comments to:
(907) 260-5992

Email comments to:
planning@kpb.us

For additional information, contact Ryan Raidmae at rraidmae@kpb.us or (907) 714-2462.

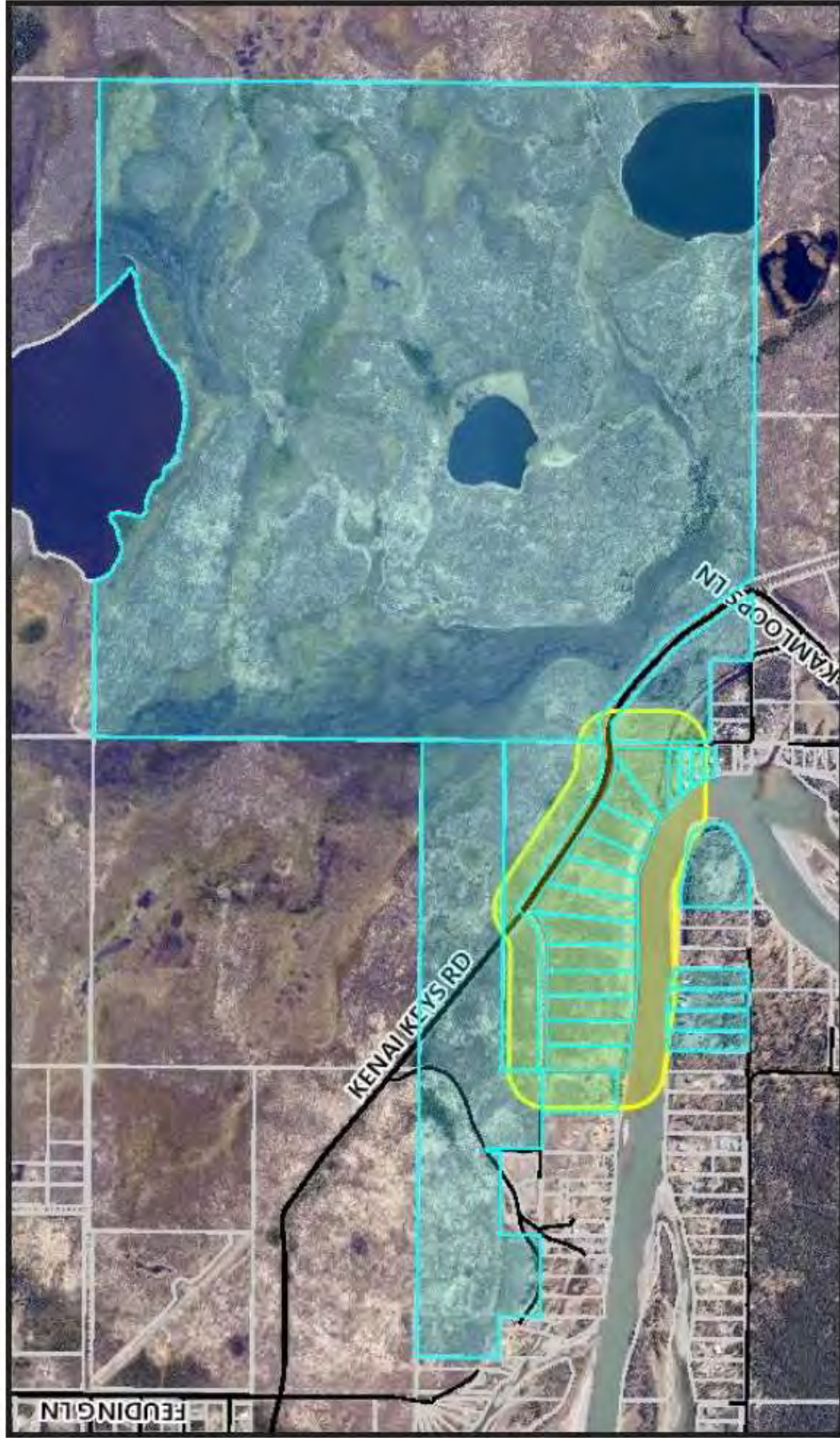
Ryan Raidmae
KPB Planner



Kenai Peninsula Borough

Parcels Within 300 feet of proposed LOZD

Kenai Peninsula Borough 05/09/2022



Anchor Point Advisory Planning Commission

Meeting Minutes: Ju 14, 2022

Call to Order: Meeting called to order at 7:00 pm

Roll Call: Dawson Slaughter, John Cox, Maria Bernier, Raymond Drake, Jay Wright and Donna White were present. Mary Trimble was absent.

Approval of minutes. John Cox made a motion to approve the minutes of June 9, 2022 and motion was seconded by Jay Wright. Motion passed.

Approval of Agenda: The agenda was amended to include New Business, item D: Reorganization of Board

Correspondence: None

Public Comment: None

Reports from Borough: None.

Old Business: None.

New Business:

A. Plat Prelim. KPB 2022-079

Granting exemption to the 20' building setback.

Donna White made a motion to recommend approval of tithe exemption Borough, the motion was seconded. The motion passed.

B. Plat Prelim. KPB 2022-086V

Vacates a portion of a 10' utility easement.

The Borough indicated that the utility has no objection to vacating the easement. Based on this information, a motion was made to recommend approval, the motion was seconded. The motion passed.

C. Review of State CLUP permit application for Sterling Highway MP 157 to 169

Donna White made a motion to recommend approval for the plans that are in the Anchor Point area. The motion was seconded. The motion passed

D. Reorganization of Board

Dawson Slaughter resigned from the Board as President as he has been appointed to the KPB Planning Commission.

Donna White resigned from the Board as Secretary.
Both resignations are effective immediately.

Jay Wright will serve as the President until the vacant positions are filled.

Announcements: None

Next Regular meeting: August 4, 2022

Commissioner's comments: None.

Adjournment: John Cox made the motion to adjourn, the motion was seconded. The motion passed. Adjournment was 7:25

Announcements: None

Next Regular Meeting: July 14, 2022

Commissioner's comments: John Cox questioned the Boroughs procedure for subdividing private property. Currently, the property owner is required to have land surveyed at quite an expense prior to being submitted to the Borough for approval. If the subdivision is not approved, the land owner has paid thousands of dollars for nothing. Why couldn't the Borough give a temporary approval prior to the outlay of money by the private property owner?

Adjournment: Meeting adjourned at 7:25

**MOOSE PASS ADVISORY PLANNING COMMISSION
REGULAR MEETING**

Monica Adams, Kevin Dunham, Jeff Estes, Jeff Hetrick, Bruce Jaffa, Tsali Janek, David Pearson

Thursday, July 14th 2022, – 6:00 PM

MOOSE PASS SPORTSMENS HALL

Unapproved Minutes

1. CALL TO ORDER 6:06 pm
2. ROLL CALL:
 - **Present:** Jeff Hetrick, Jeff Estes, Kevin Dunham and Bruce Jaffa
 - **Excused:** Monika Adam, David Pearson and Tsali Janek
 - **Kenai Peninsula Borough (KPB):** Robert Ruffner, Planning Director, Cindy Ecklund, Assembly Member, Virginia Morgan, Planning Commissioner, Nancy Carver, APC Liaison, via phone,
 - **Agencies/local :** Maura Schumacher, Kenai Watershed Forum (KWSF), Kirsten Valentine and Chris Bentz, State of Alaska ADOT/PF (ADOT)
 - **Public:** Jan Odner, John Smarts, Moose Pass Sportsman's Club (MPSC) & Preserve & Protect Moose Pass (PPMP) Lead, Bryan Anderson, Amanda Goss and Richard Jackson
3. APPROVAL OF MINUTES OF PREVIOUS MEETING: June 9, 2022 - Unanimous consent
4. APPROVAL OF AGENDA: Unanimous consent
5. CORRESPONDENCE:
 - **Notice of Decision Planning Commission Postponement of ADOT/PF ROW Plat**
 - Robert Ruffner explained the process and timing required on plat reviews. He will come up with a better way on communicating and working with APC for timely submission on plat comments.
 - Cindy Ecklund: the Borough has a minimal time frame to complete plat approvals.
 - Jeff Estes, questioning that the minimal time given for complicated plats like ADOT/PF plat prompted request for postponement.
 - Bruce Jaffa, asked if it was possible for the APC to get early notice of platting during the KPB plat review by staff process so that we have advance notice of plats to come to give us more preparation time.
 - Robert Ruffner, had some concerns about possible problems inherent with early release of inaccurate data.
 - Jeff Estes, commented on lot size and it's relation to sub surface quality of lower mine road vs. the upper mine road or west of the Moose Pass town site being mentioned in the Moose Pass Comprehensive Plan being 1 to 5 acres due to shallow bedrock being a challenge for responsible Development in regards to sewer and water.
 - Bruce Jaffa, asked about the ability to use some search to find older and current documents on the KPB website.
 - Nancy Carver, stated that documents were searchable through the APC's KPB webpage.
 - Virginia Morgan, stated once a document is approved it is likely on the website.

- Cindy Ecklund, commented that there is still 13,000 acres of State land that the Borough can select.
 - **Letter from Derek Haws regarding Local MP Subdivision ROW Naming**
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE: None
 7. PRESENTATION: None
 8. REPORT FROM THE BOROUGH: None
 9. OLD BUSINESS
 - **Review MP Demographics from 2020 MPSC**
 - Bruce Jaffa gave Robert Ruffner a copy of the Moose Pass Development Plan 2020 as demographics for Moose Pass by Jeff Hetrick. The document has valuable information which in part could be use in part to update then Moose Pass Comprehensive Plan.
 - i. This document was used by MPSC for funding the Library.
 - ii. It also provided historic landmark information Moose Pass.
 - iii. Emphasized the importance of the history of Moose Pass through its buildings and stories.
 - Moose Pass Comprehensive Plan Transportation and Historic landmarks
 - **Discussion of DOT ROW process and letters from PPMP group in Moose Pass**
 - DOTPF process discussion - letter from John Smarts on mi 25.5-36 plan. PPMP wants to work with DOT to maintain the historic Moose Pass, and referenced the large NEPA (263 pages) document from 2018 and the response to questions where the answers should have been yes and not no effect, referencing the Moose Pass Comprehensive Plan.
 - Bruce Jaffa asked Robert Ruffner if DOTPF had postponed the 25.5-36 project, He said he'd received a letter to that effect.
 - i. Chris Bentz said the letters were slightly different to Moose Pass.
 - ii. Robert Ruffner added that there are few requirements for preliminary plats and there are about 6 points which can be found in the code. Final plats are done by administrative action with no public review! But he said this plat will be postponed.
 - Kirsten Valentine: planned DOTPF next action is to meet by hyperlink on August 2, 2022, and meet individuals the next two days from 9-6 PM.
 - i. John Smart: request advance notice of their agenda, scope, and objective so that we can be properly ready to respond.
 - ii. John Smarts wants to delay this further to possibly the 14th if not a problem with their funding schedule.
 - iii. Chris Bentz: National Environmental Policy Act (NEPA) study is being updated during the preliminary platting process to match the expected final design. 106 historic requirements also reviewed.
 - iv. He further explained why preliminary plat to avoid iterative negotiations and mistakes with multiple design phases.
 10. NEW BUSINESS

- **KPB Resolution 2022-02 Naming Public A-G ROW in MP Area**
 - Bruce Jaffa motion to discuss, Jeff Hetrick 2nd on Resolution 2022-02 Renaming streets in Trail Lake group of home sites
 - i. Jeff Estes mentioned that one of the streets had George Linsey's original cabin on it.
 - ii. Bruce Jaffa motion to approve, Jeff Hetrick 2nd.
Motion passed 4-0.
- 11. ANNOUNCEMENTS: None
- 12. NEXT MEETING: August 4, 2022, 6pm
 - Deadline for items is July 28, 2022
 - KPB Planning Commission – August 8, 2022
- 13. COMMISSIONERS' COMMENTS:
 - Kevin Dunham commented on the good job PPMP did!
- 14. ADJOURNMENT: 7:30 pm

pt/planning-commissions/moose-pass-apc

Participants may join By ZOOM or phone:

<https://us06web.zoom.us/j/5787372110>

To Attend the Zoom meeting by telephone,
call toll-free **888 788 0099** or **877 853 5247**
Meeting ID: 578 737 2110