



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Planning Commission

Jeremy Brantley, Chair – District 5 Sterling/Funny River
Blair Martin, Vice Chair – District 2 Kenai
Pamela Gillham – District 1 Kalifornsky
Virginia Morgan, Parliamentarian – District 6 East Peninsula
John Hooper – District 3 Nikiski
Michael Horton – District 4 Soldotna
VACANT – District 7 Central
David Stutzer – District 8 Homer
Dawson Slaughter – District 9 South Peninsula
Diane Fikes – City of Kenai
Franco Venuti – City of Homer
Charlene Tautfest – City of Soldotna
Troy Staggs – City of Seward
VACANT – City of Seldovia

Monday, September 26, 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-4610](#)
- a. Alaskan Wildwood East; KPB File 2021-126
 - b. Alaskan Wildwood West Subdivision; KPB File 2021-127
 - c. Moose Range Meadows Penny's Place; KPB File 2021-167

Attachments: [C3. Administrative Approvals](#)

4. Plats Granted Final Approval (KPB 20.10.040)

- [KPB-4611](#)
- a. Denise Lake Estates 2022 Replat; KPB File 2022-103
 - b. Kristine Subdivision Jahrig Addition; KPB File 2022-090

Attachments: [C4. Final Approvals](#)

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

[KPB-4612](#) September 12, 2022 Planning Commission Minutes

Attachments: [C7. 091222 PC Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4613](#) Utility Easement Vacation; KPB File 2022-133V
Request: Vacate a 112.2' by 3' portion of a utility easement granted on Scenic View Subdivision Scenic Grow Addn. No. 1 2013 Replat; Plat HM 2013-43

Attachments: [E1. UEV Scenic View Subdivision](#)
2. [KPB-4614](#) Right-of-way Vacation; KPBFil 2022-130V
Request Vacate the entire cul-de-sac where Lothrop Park Dr. & Ivy Ave meet at Lot 1, Block 4 of Leisure Time Estates; Plat HM 80-32

Attachments: [E2. ROWV Leisure Time Estate](#)
3. [KPB-4615](#) Conditional Use Permit; PC Resolution 2022-44
Applicant; Tutka, LLC
Landowner: Alaska Department of Natural Resources
PIN 125-324-13; Moose Pass Area

Attachments: [E3. CLUP Lawing Airport Quarry](#)
[E3. CLUP Desk Packet](#)
4. [KPB-4616](#) Street Naming Resolution 2022-03
Renaming certain public rights-of-way within Emergency Service Numbers 202, 302 & 401 (Kalifornsky, Diamond Ridge & Anchor Point Communities)

Attachments: [E4. SN RES 2022-03](#)
5. [KPB-4617](#) Ordinance 2022-19-17: Authorizing the acquisition of real property located at 3964 Bartlett Street, Homer, Alaska on behalf of the South Peninsula Hospital Service Area, appropriating \$640,000.00 from the South Peninsula Hospital Plant Replacement & Expansion Fund for the purchase, and authorizing a third amendment to the operating agreement with SPH, Inc.

Attachments: [E5. Bartlett Acquisition Packet](#)

F. PLAT COMMITTEE REPORT

G. OTHER**H. PUBLIC COMMENT/PRESENTATION**

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

I. DIRECTOR'S COMMENTS

[KPB-4618](#) 9/26/22 Director's Report

Attachments: [Director's Report_092622](#)

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

[KPB-4619](#) Advisory Planning Commission Meeting Minutes

Attachments: [Misc. Info_APC Meeting Minutes](#)

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, October 10, 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. Alaskan Wildwood East; KPB File 2021-126**
 - b. Alaskan Wildwood West Subdivision; KPB File 2021-127**
 - c. Moose Range Meadows Penny's Place; KPB File 2021-167**



Planning Department

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

Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Alaskan Wildwood East
KPB File 2021-126
Homer Recording District

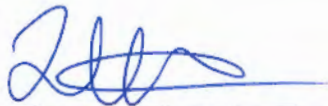
The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on April 11, 2022. Approval for the plat is valid for two years from the date of approval.

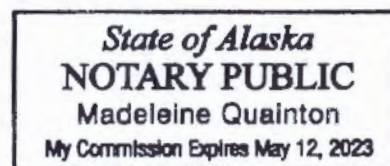
The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, September 7, 2022.


Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 7 day of September 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.



Planning Department

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

Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Alaskan Wildwood West Subdivision
KPB File 2021-127
Homer Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on October 11, 2021. Approval for the plat is valid for two years from the date of approval.

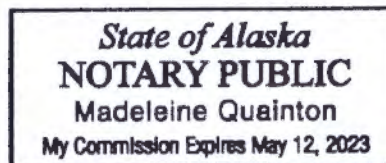
The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, September 7, 2022.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 7 day of September 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.



Planning Department

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Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Moose Range Meadows Pennys Place
KPB File 2021-167
Kenai 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 Wednesday, September 7, 2022.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 7 day of September 2022 by
Vince Piagentini.

Notary Public for the State of Alaska

My commission expires: 5/12/23

State of Alaska
NOTARY PUBLIC
Madeleine Quinton
My Commission Expires May 12, 2023

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

C. CONSENT AGENDA

- *4. Plats Granted Final Approval**
 - a. Denise Lake Estates 2022 Replat; KPB File 2022-103**
 - b. Kristine Subdivision Jahrig Addition; KPB File 2022-090**



Planning Department

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

Charlie Pierce
Borough Mayor

FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision: Denise Lake Estates 2022 Replat
KPB File 2022-103
Kenai Recording District

The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.040 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Wednesday, September 7, 2022.

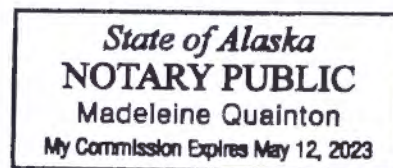
Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 7 day of September 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.



Planning Department

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

Charlie Pierce
Borough Mayor

FINAL APPROVAL OF PLAT SUBMITTED UNDER 20.10.040

Subdivision: Kristine Subdivision Jahrig Addition
KPB File 2022-090
Kenai Recording District

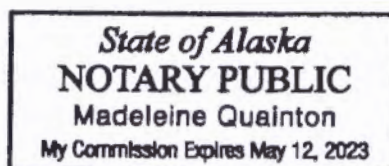
The Kenai Peninsula Borough Planning Department has reviewed the above referenced subdivision plat in accordance with 20.10.040 Borough Code of Ordinances. The final plat meets the conditions of the preliminary approval and complies with KPB Title 20; therefore, final approval has been granted by the undersigned on Tuesday, September 6, 2022.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 6 day of September 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

09-12-2022 Planning Commission Meeting

Kenai Peninsula Borough Planning Commission

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

September 12, 2022
7:30 P.M.
UNAPPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

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

AGENDA ITEM B. ROLL CALL

Commissioners Present

Jeremy Brantley, District 5 – Sterling/Funny River
Diane Fikes, City of Kenai
Pamela Gillham, District 1 – Kalifornsky
Michael Horton, District 4 – Soldotna
Blair Martin, District 2 – Kenai
Troy Staggs, City of Seward
Dawson Slaughter, District 9 – South Peninsula
Charlene Tautfest, City of Soldotna

With 8 members of a 12-member seated commission in attendance, a quorum was present.

Staff Present

Robert Ruffner, Planning Director
Walker Steinhage, Deputy Borough Attorney
Morgan Aldridge, Resource Planner
Ann Shirnberg, Planning Administrative Assistant
Rhonda Foster-Deskins, LMD Administrative Assistant.

AGENDA ITEM C. CONSENT & REGULAR AGENDAS

***3. Plats Granted Administrative Approval**

- a. Cook Estates Iverslie Addition; KPB File 2022-028
- b. Lost Lake Subdivision 2022 Addition: KPB File 2022-003
- c. Skyview Heights Subdivision Spellman Addition; KPB File 2021-146
- d. Tatum Denise Subdivision; KPB File 2021-122R1
- e. Tulin West Highlands Replat 2022; KPB File 2022-019
- f. Woody Acres 2022 Replat; KPB File 2022-006

***6. Commissioner Excused Absences**

- a. David Stutzer, District 8 - Homer
- b. John Hooper, District 3 – Nikiski
- c. Franco Venuti, City of Homer
- d. Virginia Morgan, District 6 – East Peninsula
- e. City of Seldovia, Vacant
- f. District 7 – Central, Vacant

***7. Minutes**

- a. August 22, 2022 Planning Commission meeting minutes.

Chair Brantley 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 Slaughter 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 - 8	Brantley, Fikes, Gillham Horton, Martin, Slaughter, Staggs, Tautfest
No - 0	

AGENDA ITEM E. NEW BUSINESS

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

**ITEM E1 – CONDITIONAL USE PERMIT
ANADROMOUS WATERS HABITAT PROTECTION DISTRICT OF CROOKED CREEK
PLANNING COMMISSION RESOLUTION 2022-42**

KPB File No.	2022-42
Planning Commission Meeting:	September 12, 2022
Applicant / Owner:	Alaska Department of Fish & Game
Mailing Address	43691 Kalifornsky Beach Rd., Suite B, Soldotna, AK 99669
KPB Parcel Number	137-021-21
Physical Address	21880 Johnson Lake Road
Legal Description:	T02N R12W SEC 1 Seward Meridian KN A 10-Acre parcel within the NE1/4 Lying East of Sterling Hwy & South of Old Sterling Hwy & North & West of Helens Haven Sub

Staff report given by Planner Morgan Aldridge

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

MOTION: Commissioner Horton moved, seconded by Commissioner Slaughter, to adopt Planning Commission Resolution 2022-42 granting a conditional use permit pursuant to KPB 21.18 for the construction of rip rap within the 50-foot Habitat Protection District of Crooked Creek.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Fikes, Gillham, Horton, Martin, Slaughter, Staggs, Tautfest
No - 0	

**ITEM E2 – CONDITIONAL USE PERMIT
ANADROMOUS WATERS HABITAT PROTECTION DISTRICT OF THE KENAI RIVER
PLANNING COMMISSIONER RESOLUTION 2022-15**

KPB File No.	2022-15
Planning Commission Meeting:	September 12, 2022
Applicant	US Fish & Wildlife & Kenai National Wildlife Refuge
Mailing Address	P.O. Box 2139, Soldotna, AK 99669
KPB Parcel Number	025-180-02
Legal Description	T05N R05W & R06W SEC 1-36 Seward Meridian KN All SEC 2 thru 11&14 Thru 22 & 27 thru 34 & PTN Sec 1 12 13 23 26 & 35 In T05N R05W Sec 1 thru 36 in T05N R06W

Staff report given by Morgan Aldridge.

Chair Brantley opened the item for public comment.

Steve Miller; PND Engineers, 1506 W. 36th Ave., Anchorage, AK 99503: Mr. Miller is the project manager for this project and made himself available for questions.

Alex Jefferies; PND Engineers, 1506 W. 36th Ave., Anchorage, AK 99503: Ms. Jefferies is an engineer on this project and made herself available for questions.

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

MOTION: Commissioner Slaughter moved, seconded by Commissioner Staggs, to adopt Planning Commission Resolution 2022-15 granting a conditional use permit pursuant to KPB 21.18 for improvements to public use facilities within the 50-foot Habitat Protection District of the Kenai River.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Slaughter, Staggs, Stutzer, Tautfest,
No - 0	

AGENDA ITEM F. PLAT COMMITTEE REPORT

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

AGENDA ITEM G.

1. Seward Highway & Alyeska Highway Intersection Improvements Project:
Director Ruffner stated that this was just an informational item for the commission, no action by the commission was required.

AGENDA ITEM H. PUBLIC COMMENT/PRESENTATIONS

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

AGENDA ITEM I. DIRECTOR'S COMMENTS

Director Ruffner informed the commission that the Borough Assembly appointed former borough mayor, Mike Navarre, as the interim mayor until the mayoral special election sometime early next year.

AGENDA ITEM J. **COMMISSIONER COMMENTS****AGENDA ITEM K.** **ADJOURNMENT**

Commissioner Horton moved to adjourn the meeting at 8:05 PM.

Ann E. Shirnberg
Administrative Assistant

E. NEW BUSINESS

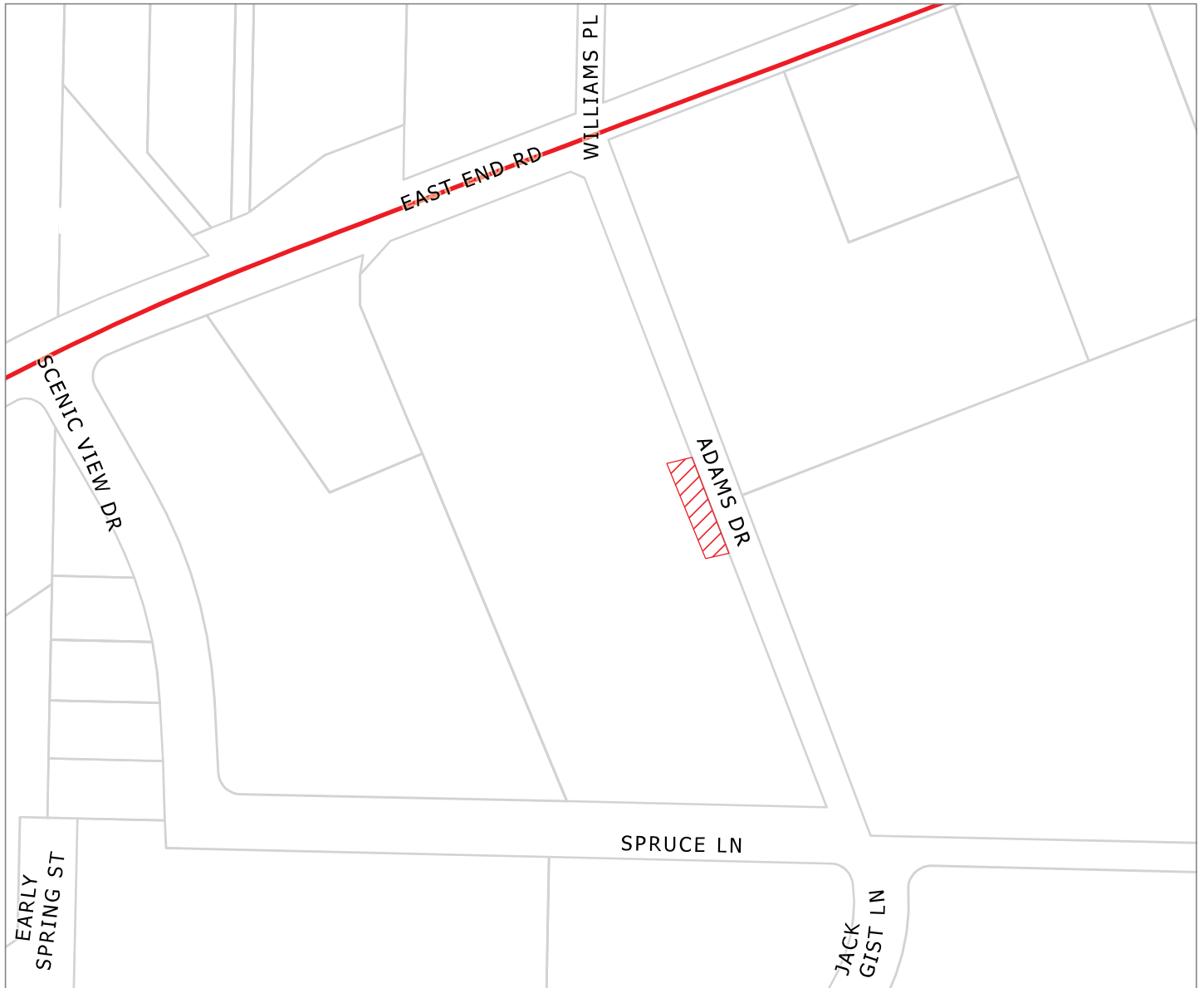
1. Utility Easement Vacation – KPB File 2022-133V

PC Resolution 2022-43

Seabright Surveying / Liberty Investments, LLC

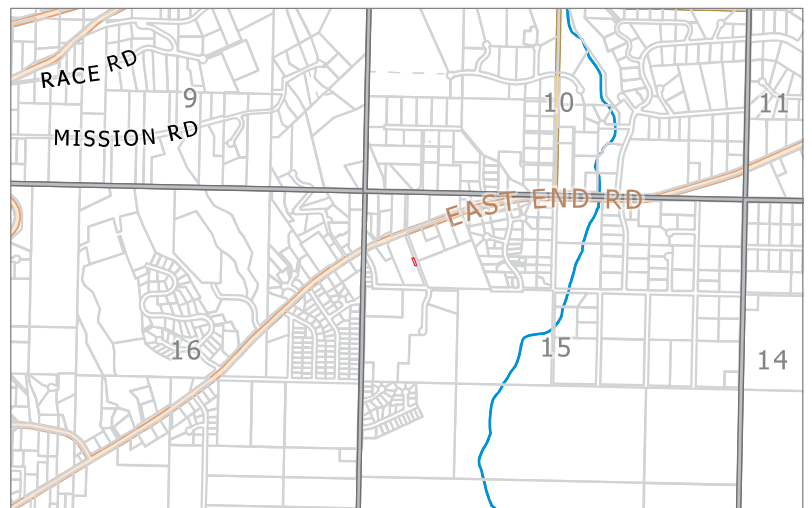
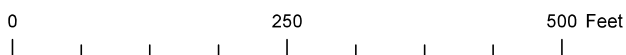
**Request: Vacate a 112.2' by 3' portion of a utility
easement granted on Scenic View Subdivision Scenic
Grove Addn. No. 1 2013 Replat HM 2013-43**

City of Homer



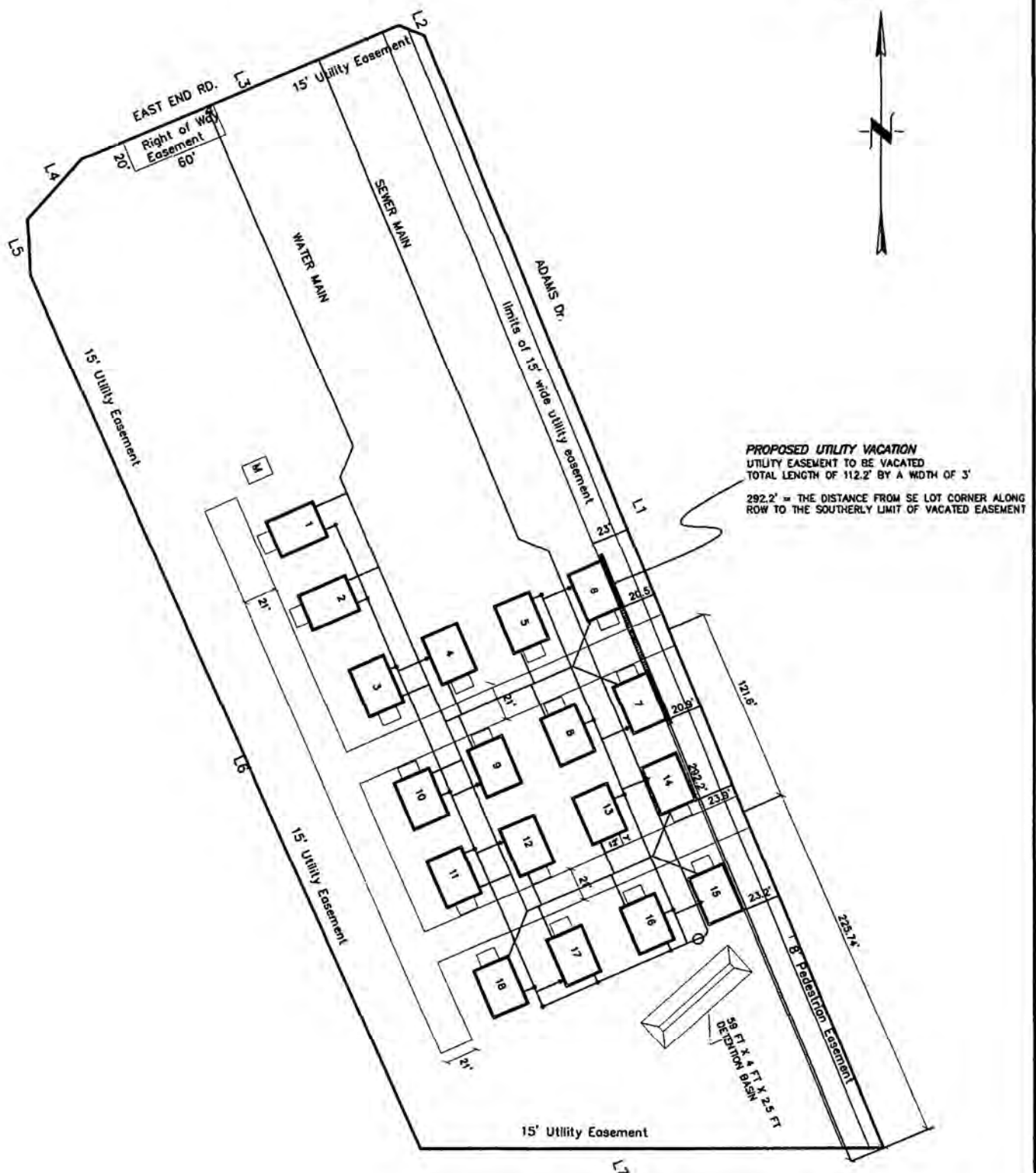
KPB File 2022-133V
T 06S R 13W SEC 15
Homer

9/2/2022





SEABRIGHT SURVEY + DESIGN KENTON T. BLOOM, P.L.S. 1044 EAST ROAD, SUITE A HOMER, ALASKA 99603 (907) 299-1091		
DATE: 5/25/2022	SCALE: 1"=40'	SHEET #1 OF 1



KPB 2022-133V

AGENDA ITEM E. NEW BUSINESS

ITEM 1 - UTILITY EASEMENT ALTERATION
VACATE AN EASEMENT LOCATED ON LOT 2-A-1 SCENIC VIEW SUBDIVISION

KPB File No.	2022-133V
Planning Commission Meeting:	September 26, 2022
Applicant / Owner:	Bill Hand, Liberty Investments, LLC of Homer, Alaska
Surveyor:	Kenton Bloom / Seabright Survey + Design
General Location:	Adams Drive, East End Road, City of Homer

STAFF REPORT

Specific Request / Purpose as stated in the petition: I purchased the property at 2161 East End Road (where 18 homes are being built) and the drawing that came with the sale was not the same as the Kenai Borough drawing. The borough drawing has an 8 foot pedestrian easement and a 15 foot utility easement for a total of 23 feet. I assumed there was just a 15 foot utility easement, and I put my buildings back an extra 6 foot from the 15 foot utility easement (I thought), but unfortunately, I am still 2 feet into the utility easement. Both easements total to 23 feet and I currently have a structure approximately 2 feet into the utility corridor portion of the easement. I met with the City of Homer, City of Homer Planning, and Bishop Engineering; the group suggested that I try to vacate 3 feet of the 15 foot utility easement. Kenton Bloom at Seabright Survey has made a drawing included, that shows the proposed vacation of a 3 foot by 113 foot part of the utility easement.

To complete this task, I needed to have a letter from all the utilities from all the utilities stating that is ok with them to vacate the 3 foot section of the easement. I have completed the previous items and I am asking that this utility easement vacation be approved. I am embarrassed by my mistake and apologize for my error in planning. So, I am coming to you today, hat in hand, hoping that this would be an option to correct my mistake? Thank you.

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

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

Staff Analysis: The property was originally subdivided by Scenic View Subdivision, Plat HM 52-587. The plat did not create any platted utility easements. Scenic View Subdivision Scenic Grove Addition No. 1, Plat HM 2006-18, replatted the original lot and provided a 3.75 width dedication to Adams Drive as the width for Adams Drive is not compliant in portions. The plat also granted an 8 foot City of Homer Trail easement along the Adams Drive dedication. Adjacent to the trail was a 15 foot utility easement that was granted. In addition that plat granted a 10 foot utility easement along East End Road.

Scenic View Subdivision Scenic Grove Addition No. 1 2013 Replat, Plat HM 2013-43, replatted the lots created by the previous plat into one lot. This plat increased the utility easement width along East End Road to 15 feet and granted a 15 foot utility easement along the southern boundary that is adjacent to Spruce Lane. Per plat note 7, the easement extends to 20 feet within 10 feet of the side lot lines. The trail easement and utility easement along Adams Drive was carried over.

The sketch presented notes a 15 foot utility easement along the western lot line. Staff did not locate the easement on the parent plats. Per the parent plat an undisclosed location utility easement was granted by document and in existence at that time the plat was finalized. A title search could determine if the easement has been released.

The owner has stated in his reason for the alteration that he did take into account the 15 feet for the utility easement but did not account for the 8 foot trail easement. This has resulted in some structures being about 2 feet into the utility easement. The proposal is to alter the easement by vacating a 3 foot width of the easement for a length of 112.2 feet to accommodate the structures encroaching into the utility easement. The remainder of the lot will still

Page 1 of 3

be subject to the full 15 foot wide utility easement. KPB Code 20.30.060(D), only requires a 10 foot utility easement along dedicated rights-of-way. Even with the vacation, the remaining portion will comply with KPB Code.

The owners provided the required comments from the utility providers and no objections were received. However, the GCI letter does not address the alteration or vacation but states they do not object to the encroachments. Staff has reached out to GCI for clarification. If approved, the alteration will not be finalized until GCI has submitted their support for the vacation as proposed.

The City of Homer Planning Commission reviewed the alteration at their August 17, 2022 meeting. The request was approved as part of their consent agenda. Per their staff report, there was no objections from the Planning Staff or Public Works department.

Utility provider review:

HEA	HEA is not opposed to the utility easement vacation as depicted. It appears that the labels for the 15' utility easement on the westerly boundary may be incorrect. Please confirm before the exhibit drawing is finalized.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	No objection

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. Scenic View Subdivision Scenic Grove Addition No. 1, Plat HM 2006-18, granted the 15 foot utility easement adjacent to the trail easement along Adams Drive.
4. Scenic View Subdivision Scenic Grove Addition No. 1, Plat HM 2006-18, granted an 8 foot trail easement adjacent to Adams Drive.
5. The portion to be vacated is 3 foot by 112.2 feet and remaining portion will remain.
6. The width of the remaining utility easement in the area proposed for vacation will be 12 feet in width.
7. KPB Code requires a 10 foot utility easement.
8. The City of Homer Planning Commission approved the vacation as proposed.
9. The City of Homer Public Works had no objections to the vacation.
10. Utility easements will remain on the property along East End Road and Adams Drive.
11. 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 Homer City Council and utility providers.
2. Finalizing the approval of the easement alteration by either;
 - a. The recording of a subdivision plat within 12 months or,
 - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
 - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
 - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
 - iii. The Planning Department is responsible for filing the Planning Commission resolution.

20.65.070 Alteration of platted utility easements

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

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

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

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - 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 2022-43
HOMER RECORDING DISTRICT**

Vacate a 112.2 foot by 3 foot portion of a utility easement within Lot 2-A-1 of Scenic View Subdivision Scenic Grove Addition No 1 2013 Replat HM 2013-43, as granted on Lot 2-A of Scenic View Subdivision Scenic Grove Addition No 1 HM 2006-18; within S15, T06S, R13W, Seward Meridian, City of Homer, Alaska, within the Kenai Peninsula Borough. KPB File 2022-133V

WHEREAS, a request has been received from Liberty Investments LLC of Homer, AK to Vacate a 112.2 foot by 3 foot portion of a utility easement within Lot 2-A-1 of Scenic View Subdivision Scenic Grove Addition No 1 2013 Replat HM 2013-43, as granted on Lot 2-A of Scenic View Subdivision Scenic Grove Addition No 1 HM 2006-18; 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 September 26, 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 112.2 foot by 3 foot portion of a utility easement within Lot 2-A-1 of Scenic View Subdivision Scenic Grove Addition No. 1 2013 Replat, HM 2013-43 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 26th DAY OF SEPTEMBER, 2022.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shirmberg,
Administrative Assistant

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

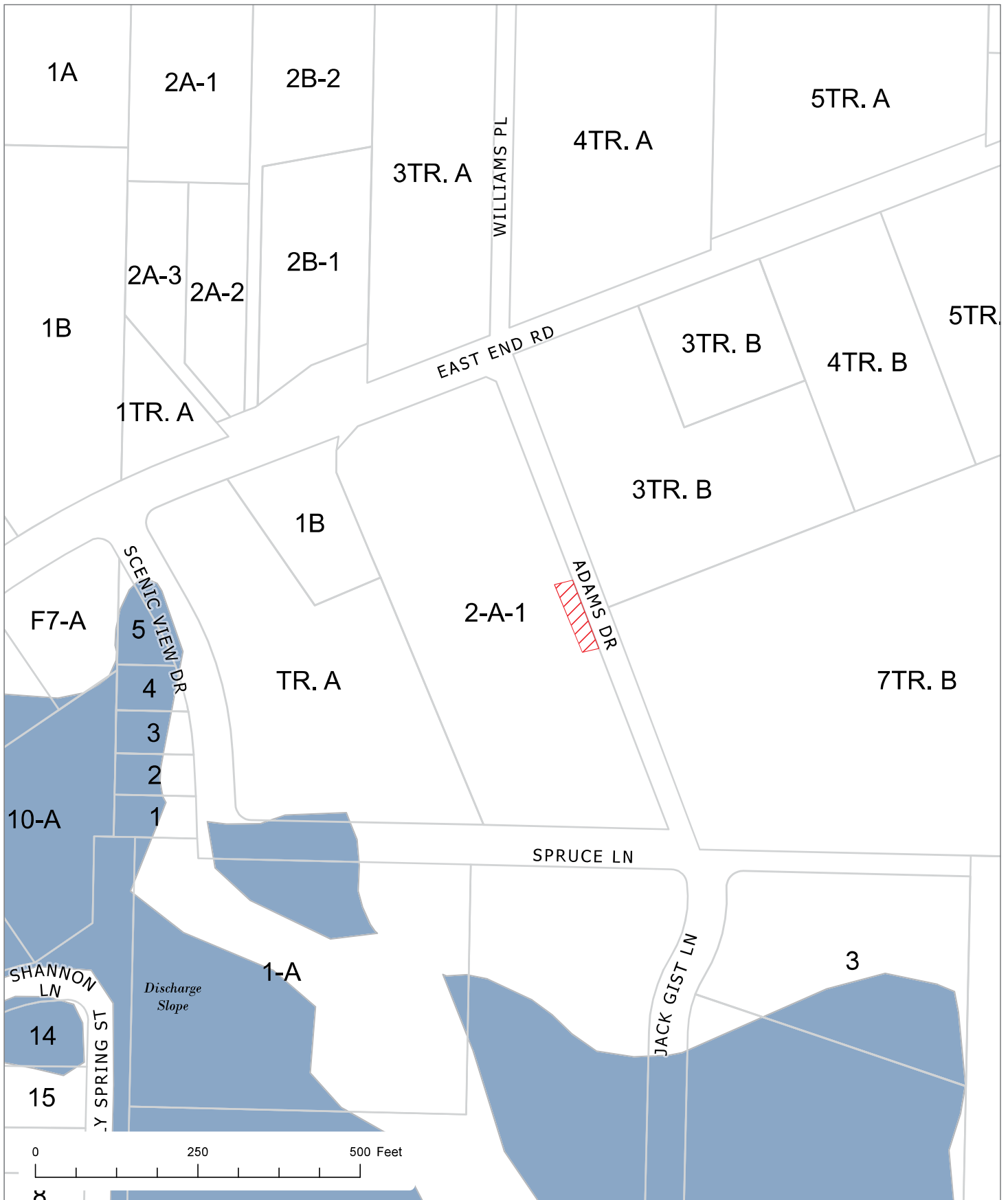


Aerial View



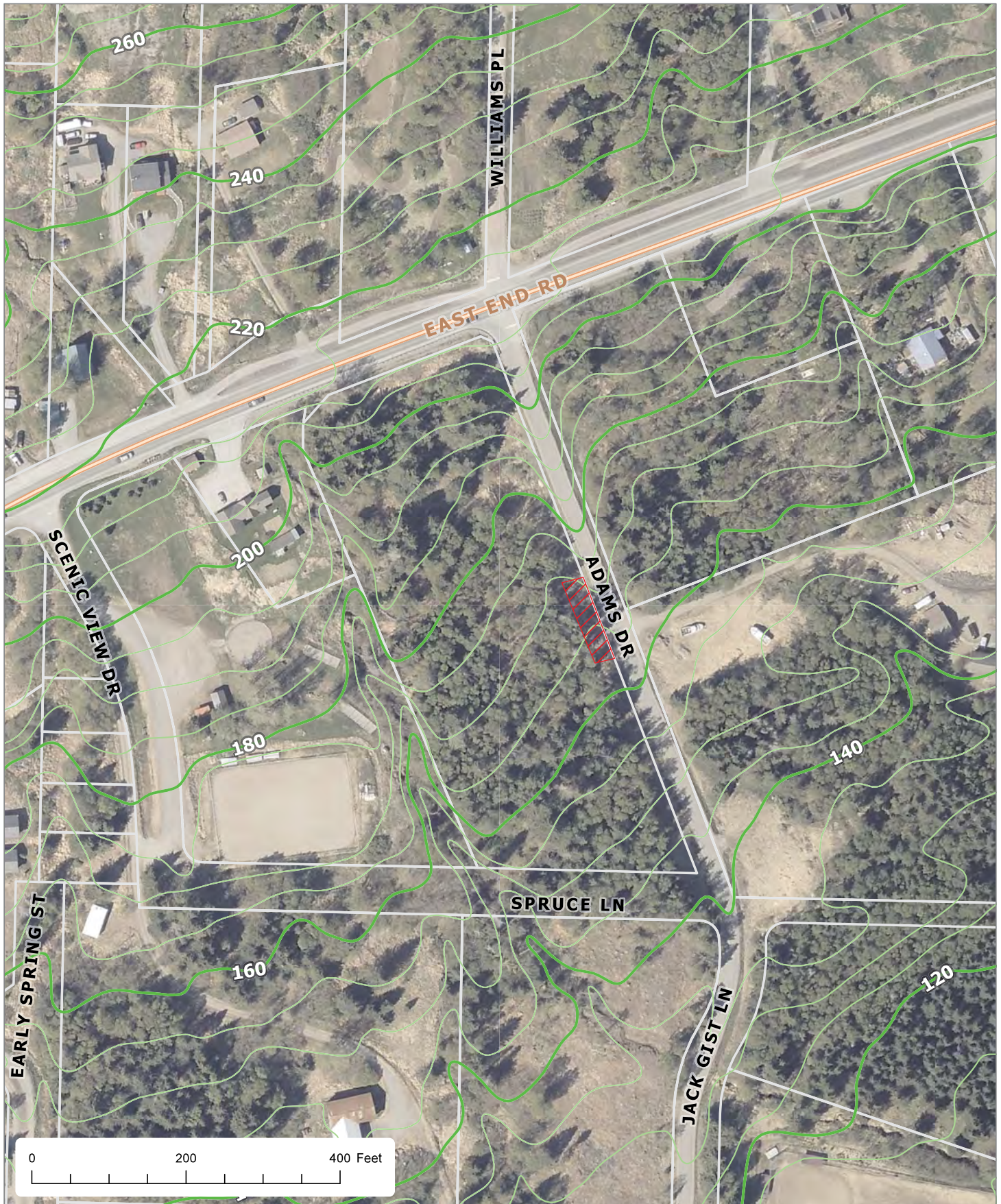


Wetlands





Aerial with 5-foot Contours



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF June 24, 2013

BY: Mark L. Bell 12-3-13
AUTHORIZED OFFICIAL DATE
KENAI PENINSULA BOROUGH

NOTES

1. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
3. THIS SUBDIVISION IS SUBJECT TO THE ZONING REGULATIONS OF THE CITY OF HOMER.
4. THIS PLAT WAS PREPARED FOR THE REMOVAL OF LOT LINES ONLY. NO SURVEY WAS PERFORMED FOR THE PREPARATION OF THIS PLAT. ALL LOT DIMENSIONS SHOWN ON THIS PLAT ARE FROM RECORD DATE AS SHOWN ON PLAT #2006-18 (HRD).
5. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY IS ALLOWED WITHOUT PRIOR WRITTEN CONSENT OF THE ALASKA STATE DOT.
6. THERE IS AN EXISTING BLANKET EASEMENT WHICH WAS GRANTED TO HOMER ELECTRIC ASSOCIATION, INC., RECORDED BK 19 P 100 HRD.
7. THE FRONT 15' ALONG THE EXISTING RIGHTS-OF-WAY AND 20' WITHIN 10' OF THE ONLY SIDE LOT LINE IS A UTILITY EASEMENT.

WASTEWATER DISPOSAL

SOIL CONDITIONS IN THIS SUBDIVISION HAVE BEEN FOUND UNSUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. PLANS FOR A TYPICAL ALTERNATE WASTEWATER SYSTEM FOR USE IN THIS SUBDIVISION ARE INCLUDED IN THE ENGINEER'S SUBDIVISION AND SOILS REPORT AND ARE AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ALL ALTERNATE ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST BE DESIGNED BY A PROFESSIONAL ENGINEER REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PRIOR TO CONSTRUCTION.

THIS NOTE WAS CARRIED FORWARD FROM THE PARENT PLAT (SCENIC GROVE ADDITION NO. 1, HM 2006-18) ENGINEER CE5460. DATED 3/20/06.

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF 23 September 2013.

Paul J. Hall
R. Lynn Monroe
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 10-17-18

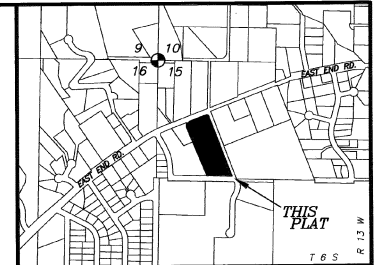
STATE OF ALASKA
NOTARY PUBLIC
R. LYNN MONROE
My Commission Expires 10-17-18

LEGEND

- RECORD 2" ALUMINUM CAP ON 5/8" DIA. REBAR 5780-S 2005
- RECORD PRIMARY MON. OF RECORD
- ① RECORD 2" ALUMINUM CAP ON 5/8" REBAR 5780-S 2005 SET IN 2006 (PLAT #2006-18 HRD)

LINE CHART

L1	N 67°46'32" W	16.84'
L2	S 40°43'33" W	49.55'
L3	S 01°14'31" E	34.03'



VICINITY MAP

SCALE: 1" = 1000' U.S.G.S. QUAD. SELDOWA (C-4 & C-5)

CERTIFICATE OF OWNERSHIP

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

Paul J. Hall
PAUL J. HALL AKA PAULI HALL
64362 BRIDGER RD.
HOMER, ALASKA 99603

HARMON HALL
64362 BRIDGER RD.
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF 23 September, 2013.

FOR: Harmon Hall
R. Lynn Monroe
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 10-17-18
STATE OF ALASKA
NOTARY PUBLIC
R. LYNN MONROE
My Commission Expires

HOMER RECORDING DISTRICT KPB FILE No. 2013-100

SCENIC VIEW SUBDIVISION SCENIC GROVE ADDITION NO. 1 2013 REPLAT

A REPLAT OF LOT 1, LOT 2, AND LOT 2-A TRACT B (PLAT #2006-18 HRD), SCENIC VIEW SUB., SCENIC GROVE ADDITION NO.1, SITUATED IN THE NW 1/4, SEC 15, T6S, R13W, S.M., LOCATED WITHIN THE CITY OF HOMER BOROUGH THIRD JUDICIAL DISTRICT, STATE OF ALASKA

CONTAINING 4.322 ACRES MORE OR LESS

SEABRIGHT SURVEY + DESIGN KENTON T. BLOOM, P.L.S.

1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 235-4247

DRAWN BY: KK	CHKD BY: KB	JOB #13-07
DATE: 03/2013	SCALE: 1"=60'	SHEET #1 OF 1



2013-43
HOMER
DIST
12/11/2013
DATE
3:46 PM
TIME

Legend

- Found Primary Monument of Record
- Found 2" Alum Cap on 5/8" Steel Rebar 5780-S 2005
- Set Witness Corner 2" Alum Cap on 5/8" Steel Rebar 5780-S 2005

LINE CHART

L1 N67°46'32"W 22.11'
L2 S40°43'33"W 49.55'
L3 S01°4'31"E 34.03'
L4 N67°46'32"W 16.84'

Plat Approval

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

July 18, 2005

KENAI PENINSULA BOROUGH

By: Max Beest
Authorized Official

By our free consent the City of Homer accepts the Trail Easement as shown hereon.

Walt Wrede 3/10/06
City of Homer by
Walt Wrede, City Manager Date
491 East Pioneer Ave
Homer AK 99603

Notary's Acknowledgement
Subscribed and sworn to me before me this 12th day of March 2006

for Walt Wrede
Walt Wrede
Notary Public for Alaska
My Commission Expires 12-14-2007

Ownership Certificate

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

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

Se 3-20-06
Sergey Yakunin Date
Box 5044
Nikolaevsk Ak 99556

Notary's Acknowledgement
Subscribed and sworn to me before me this 20th day of March 2006

for Sergey Yakunin
Carrie Henson
Notary Public for Alaska
My Commission Expires 1-1-09



Vicinity Map 1" = 1000 ft



Surveyor's Certificate

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

R. W. Imhoff March 9, 2006
Roger W. Imhoff LS 5780 Date



Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- These lots are subject to the zoning regulations of the City of Homer.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- Set self identifying 2" aluminum cap on 5/8" diameter steel rebar at all lot corners and ROW points of curvature for this survey, unless otherwise noted. Corner positions within the creek drainage were not monumented.
- No direct access to State maintained rights-of-way is allowed without prior written consent of the Alaska State DOT.
- Basis of Bearing Plat No. 2004-106 Record of Survey (same boundary). Rights-of-Way were calculated from "Scenic View Replat of Lot 1", and DOT ROW Taking per Bk 320 Pg 522.
- 10 ft Utility Easement fronting on East End Road (graphically depicted).

Wastewater Disposal

Soil conditions in this subdivision have been found unsuitable for conventional onsite wastewater treatment and disposal systems. Plans for a typical alternate wastewater system for use on lots in this subdivision are included in the Engineer's Subdivision and Soils Report and are available from the Kenai Peninsula Borough. All alternate onsite wastewater treatment and disposal systems must be designed by a professional engineer registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation prior to construction.

R. W. Imhoff CE5460 3/20/06
Engineer License No. Date

Scenic View Subdivision Scenic Grove Addition No. 1

Lot 2 Tract B Scenic View Subdivision
Plat No. 52-587 HRD excepting Alaska State
Dept. of Transportation Right-of-Way
per Bk 320 Page 522

Located in the
NW 1/4 Section 15, T6S, R13W, S1M
within the City of Homer
Homer Recording District

Third Judicial District, Alaska
Contains 4.584 Acres, more or less

Client: Sergey Yakunin Box 5044 Nikolaevsk Ak 99556	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer AK 99603
File tr2b2scenicvwyakunin.vcd	Drawn: RWI
Scale 1" = 100 ft	Date: 4-07-05 KPB File No. 2005-165



TRACT- "A"

TRACT - "B"

I hereby dedicate all of the roadways as shown on this Plot Plan to the use of the Public and to the Territory of Alaska -

Signed J. E. Slavin

Witnessed
John A. Pate
Ray Hedlund

ORIGINAL PLOT PLAN
SCENIC VIEW
SUBDIVISION
HOMER, ALASKA

PLANNED BY LARRY SLAVIN
SURVEYED BY HARRY SAINDON
& JOHN A. PATE AUG. 1952.

SCALE - 1" = 200'

J.A.P. 9-5-52

Session 22-12, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:36 p.m. on August 17, 2022 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONERS VENUTI, SMITH, CHIAPPONE, CONLEY, HIGHLAND, BARNWELL AND STARK

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK KRAUSE

The Planning Commission met at 5:30 p.m. for a training session with City Clerk Jacobsen on conducting efficient and effective meetings using motions, applications of regulations and following Robert's Rules of Order and continued review of Conditional Uses and Structures in each zoning district for reduction of conditional use permits.

AGENDA APPROVAL

HIGHLAND/VENUTI MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

Jason Davis, city resident and Council member, commented that Councilmember Erickson read his prepared statement at the end of the worksession and he hoped that they have a really good discussion and develop recommendations on Ordinance 22-42, to tell City Council on how they can make sure that there are no more neighborhoods without sidewalks on main streets planned and built in Homer going forward. He acknowledged that it was a complicated issue. Mr. Davis noted that the City Planner expressed some good points in his memorandum about addressing districts other than urban residential, but recognized that there is currently roads being constructed without sidewalks after having discussed that very issue for several years now. Mr. Davis continued by stating that the worst case scenario would be a moratorium issued on approval for new subdivisions until this can be worked out. He continued avowing that they need to figure out how to change the parameters to allow the Planning Department, the Commission, and the Borough to say no to plats that do not have a sidewalk included on the main streets. Mr. Davis additionally stated that the recommendations did not have to relate to Ordinance 22-42 as it was presented. He advocated that there has to be some way to stop the millions of dollars that are being poured into elevated roads that are narrow and have no sidewalks on them if they lead to a school.

Mr. Bill Hand, commented on his vacation request noting he made a small error on the property line and contacted all the utility companies. This request was for a utility easement vacation for three feet by 120 feet and once it passes this body it will go before the Borough.

RECONSIDERATION

CONSENT AGENDA

- A. Unapproved Regular Meeting Minutes for July 20, 2022
- B. Unapproved Regular Meeting Minutes for August 3, 2022
- C. Staff Report 22-51 Utility Easement Vacation Request Lot 2-A-1 Scenic View Subd. Scenic Grove And. No. 1 HM 2013-43

Chair Smith requested a motion and second to approve the Consent Agenda.

City Planner Abboud responded to a Commission question regarding the utility vacation request being on the Consent Agenda, briefly explaining that the request was non-controversial, did not require a public hearing and is a standard request that did not require debate.

HIGHLAND/BARNWELL MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS / VISITORS

STAFF & COUNCIL REPORT/COMMITTEE REPORTS

- A. Staff Report 22-51, City Planner's Report

City Planner Abboud provided a summary of Staff Report 22-51 for the Commission. He facilitated discussion on the following:

- Demolishing the smaller building on the HERC site
- Funding appropriated for the Transportation Plan update, working on the scope of work, definitions, etc.
- Ordinance regarding items encroaching or impeding rights of way
- Planning Technician Brown's resignation and impacts to the Planning Office

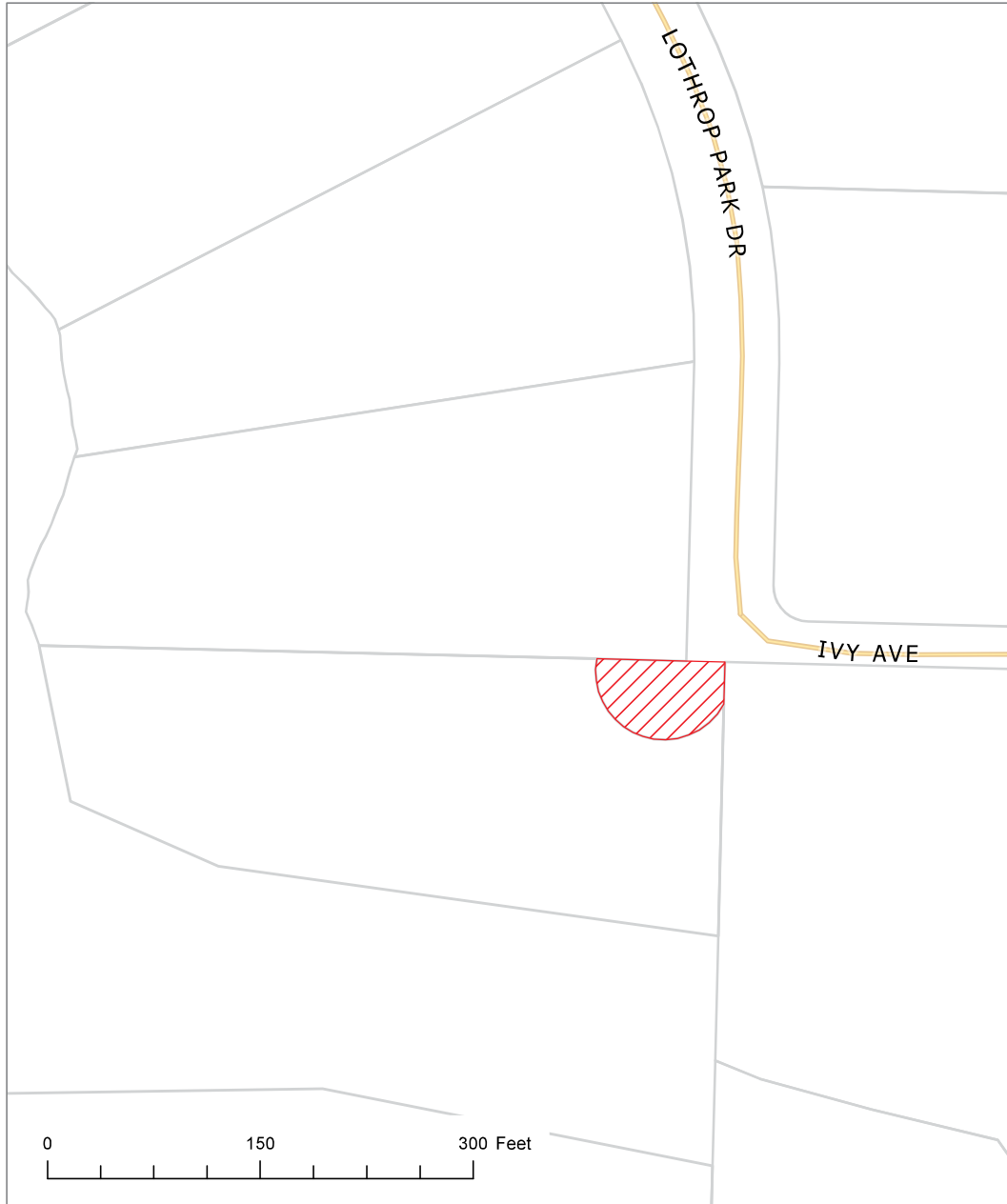
Commissioner Stark with assistance from Chair Smith will report at the Council meeting on Monday.

City Planner Abboud facilitated a robust discussion on the following items from his report:

- Fairview (Eric Lane) Pathway funding
- Transportation Plan update general scope of work is people first focus, the implementation plan created by Public Works will be used as a separate document and will not be thrown out.
- Dedication of 60 foot width is adequate for roads with sidewalks and a requirement for a wider street may be due to elevations involved, if bike lanes were desired and sidewalks.
- Permitting software scope of performance
 - o Difficulties in setting up the payment portal
 - o Creates and maintains a database of all properties
 - o Connecting to Public Works for water, sewer, etc.
- Proposed grading ordinance

E. NEW BUSINESS

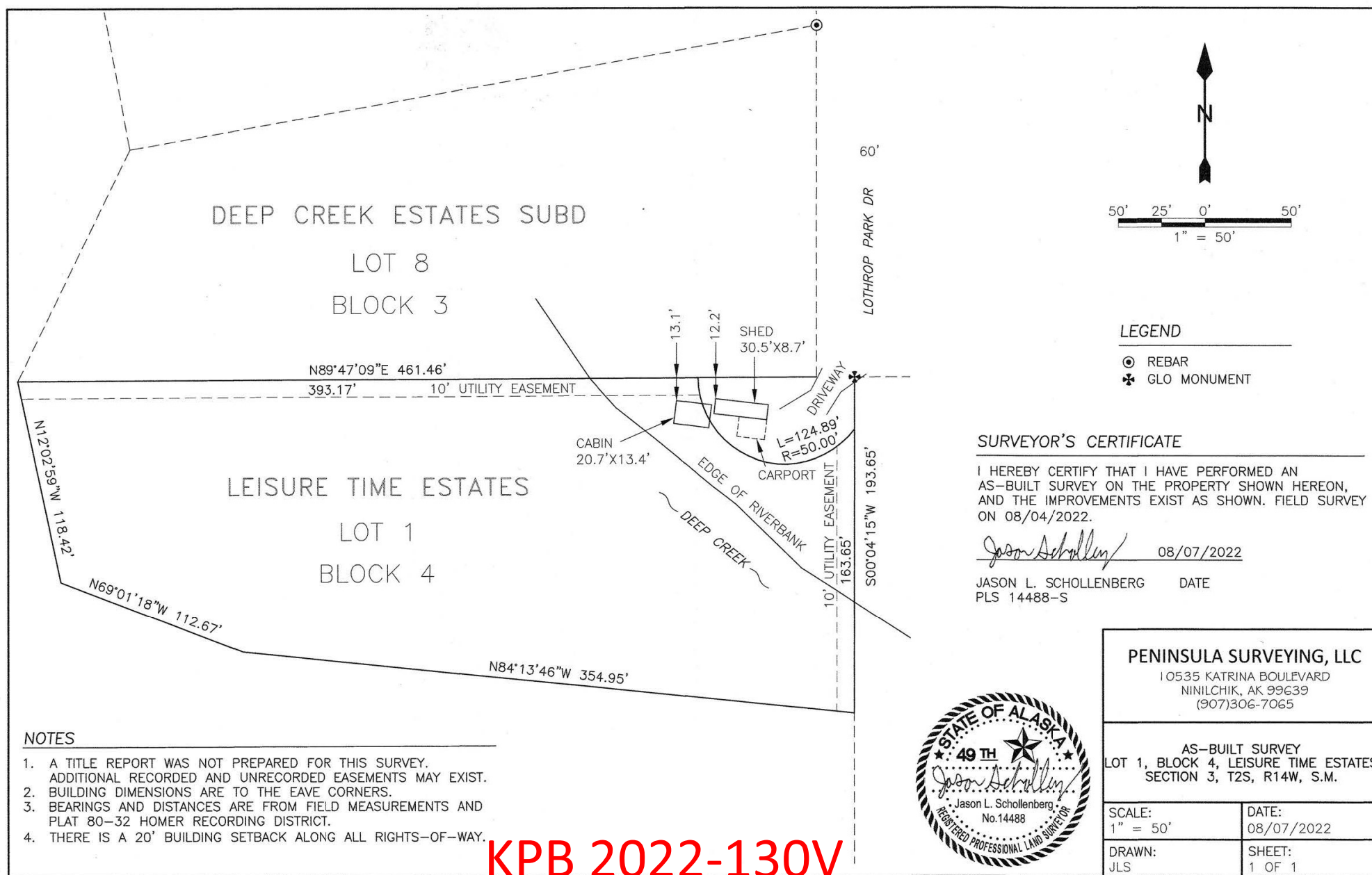
- 2. Right-of-Way Vacation – KPB 2022-130V**
Peninsula Surveying, LLC / Wilkinson, Leonard & Johnson
Request: Vacate the entire cul-de-sac where Lothrop
Park Dr. & Ivy Ave. meet at Lot 1, Block 4 of
Leisure Time Estates HM 80-32
Ninilchik Area



KPB File # 2022-130V
S03 T02S R14W
Ninilchik



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



KPB 2022-130V

AGENDA ITEM E. NEW BUSINESS

**ITEM 2 - RIGHT OF WAY VACATION
CUL-DE-SAC BULB OF IVY AVENUE**

KPB File No.	2022-130V
Planning Commission Meeting:	September 26, 2022
Applicant / Owner:	Alain R and Virginia J Wilkinson of Ninilchik, AK
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Lothrop Park Drive and Ivy Avenue, Ninilchik
Legal Description:	Ivy Avenue, Leisure Time Estates HM 80-32, Township 2 South, Range 14 West, Section 3

STAFF REPORT

Specific Request / Purpose as stated in the petition: Lot 1, Blk 4, Leisure Time Estate, sits on the edge of Deep Creek at the intersection of Ivy Avenue and Lothrop Park Drive. In 2002, there was a flood that drastically moved the alignment of the river. Deep Creek now flows only 30 feet from Ivy Avenue as it crosses this property. With such limited usable space on the lot, the owner's cabin encroaches in the right-of-way. There is also a shed that is entirely within the right-of-way.

This portion of Ivy Avenue is only used to access Lot 1. The lots to the north and to the east have more practical access that is not affected by this part of Ivy Avenue near Lot 1.

Notification: Public notice appeared in the September 14, 2022 issue of the Homer News as a separate ad. The public hearing notice was published in the September 21, 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

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

Public hearing notices were sent by regular mail to seven owners within 600 feet of the proposed vacation. One receipt had been returned when the staff report was prepared.

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

State of Alaska Dept. of Fish and Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry
Emergency Services of Ninilchik
Kenai Peninsula Borough Office

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

Legal Access (existing and proposed): The proposed vacation is located at the intersection of Lothrop Park Drive, a 60 foot wide borough maintained right-of-way, and Ivy Avenue, a 30 foot wide borough maintained right-

of-way. Ivy Avenue is located at the end of borough maintained Bluff Drive that is off state maintained Oil Well Road that is near mile 136 of the Sterling Highway.

The portion to be vacated is a partial right-of-way bulb located to the southwest of the Lothrop Park Drive and Ivy Avenue intersection. Three lots abut portions of the bulb. The lot to the north and east have existing access from Lothrop Park Drive and Ivy Avenue respectively. The lot to which the land would revert back to, uses the right-of-way as their access. The vacation of the right-of-way will not impact the others access as it is only Lot 1 driveway within the dedication. The lot will continue to have access to Ivy Avenue. The access width appears to be around 22 feet in width.

The bulb was dedicated on Leisure Time Estates, Plat HM 80-32. The dedications of Ivy Avenue and Lothrop Park Drive had already been dedicated by previous plats. The southern 30 foot dedication for Ivy Avenue has not yet been granted. If the lot located to the east of this proposal is ever subdivided, a 30 foot dedication of Ivy Avenue will be required per KPB code. This will provide additional access to the lot.

The block length is not compliant due to the location of Deep Creek. The right-of-way bulb as it exists does not improve the block length. The vacation will not change the status of the block compliance.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: This partial cul-de-sac is not necessary. RSA supports the vacation
SOA DOT comments	

Site Investigation: The proposed vacation is for a partial right-of-way bulb that currently has encroachments within the dedication. When the lot was created in 1980 Deep Creek, an anadromous stream, defined the western and southern boundary of the lot. Staff reviewed older available imagery for the area and between 2000 and 2003, Deep Creek changed course and has split the lot. This resulted in the portion with the proposed vacation to be the only portion accessible by right-of-way. Per KPB Assessing data, the structures on the property were added in 2009 and 2014. Due to the location of Deep Creek, the lot has minimal area for improvements.

Per the supplied as-built, there is a cabin and shed located on the property. The shed is completely within the right-of-way and the cabin has a portion within the cul-de-sac. The location of the cabin appears to be closer than allowed to the edge of Deep Creek. The owner has stated to staff that he has documentation that allowed the location. This is an issue to be reviewed by the River Center and KPB Code Compliance.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w kpb\maldridge</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
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Staff Analysis: The right-of-way was dedicated by Leisure Time Estates, Plat HM 80-32. The dedication occurred at the end of Lothrop Park Drive and Ivy Avenue. Both of those rights-of-way were dedicated as currently exists by Deep Creek Estates, Plat HM 76-84. Staff is not aware of the intent of the dedication. Lot 8 Block 3 of Deep Creek

Estates did not provide a portion of the bulb when created. Staff has reviewed the bulb and does not see an advantage to the area existing as the rights-of-way in the area are dedicated, constructed, and borough maintained.

Due to the location of Deep Creek, both when the dedication occurred and as it is now, there is no need for access for the bulb. There does not appear to have a future continuation of right-of-way in this area.

Ivy Avenue was dedicated as a 30 foot wide right-of-way by Deep Creek Estates, Plat HM 76-84. The lot south of the dedication and east of the proposal is an unsubdivided piece of property. If this thirty-one acre parcel is ever subdivided, a 30 foot wide dedication will be required by KPB Code. The future dedication will result in an offset if this area is vacated. **Staff recommends a portion of the right-of-way remain that will be in line with existing Lothrop Park Drive dedication that goes south 30 feet in line with the future Ivey Avenue dedication.** (Please see image for approximate location.)



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: *It is currently being used as driveway to the subject lot.*
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: *Construction is possible as currently used as a driveway. No other lots require this for access.*
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: *Lots surrounding or abutting the proposed vacation currently have improvements and utility easements will be requested along the new lot lines adjacent to rights-of-way and any requests for easements will be reviewed.*
 4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
Staff comments: *The cul-de-sac provides access to private property and does not abut or provide access to Deep Creek.*
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: *This is a partial bulb that does not impact or limit adjacent parcels.*
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: *Would not provide access to any public use areas to justify other public use.*
 7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.

Staff comments: *Provide for requested easements and grant easements along any portions of right-of-way as outlined in KPB Code 20.30.060(D).*

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

Staff comments: *This will provide more useable area for a lot that has been greatly impacted by an unforeseen natural occurrence of the Deep Creek meandering.*

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

The Assembly will hear the vacation at their scheduled October 11, 2022 meeting.

If approved, the vacation will need to be finalized by a plat. A right-of-way vacation plat does not require a hearing by the Plat Committee but due to the requests and some of the issues with the subject property, staff will bring the preliminary plat before the Plat Committee once a complete application is submitted.

KPB department / agency review:

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.
Code Compliance	Reviewer: Ogren, Eric Comments: Is currently a Code Compliance case for structure in the ROW and In the 20ft Building Setback
Addressing	Reviewer: Haws, Derek Affected Addresses: 66247 IVY AVE Existing Street Names are Correct: Yes List of Correct Street Names: LOTHROP PARK DR Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 66247 IVY AVE will remain with lot 1 block 4.
Assessing	Reviewer: Windsor, Heather Comments: No comment

Utility provider review:

HEA	Provide a 10 foot wide easement adjoining the right of way dedication that extends 20 feet west of Lothrop Park ROW to coincide with the 20 foot platted utility easement within Lot 8 Block 3.
ENSTAR	No requests 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. Provide an approximate 30 by 30 portion of right-of-way to remain.
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.*

Page 5 of 6

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

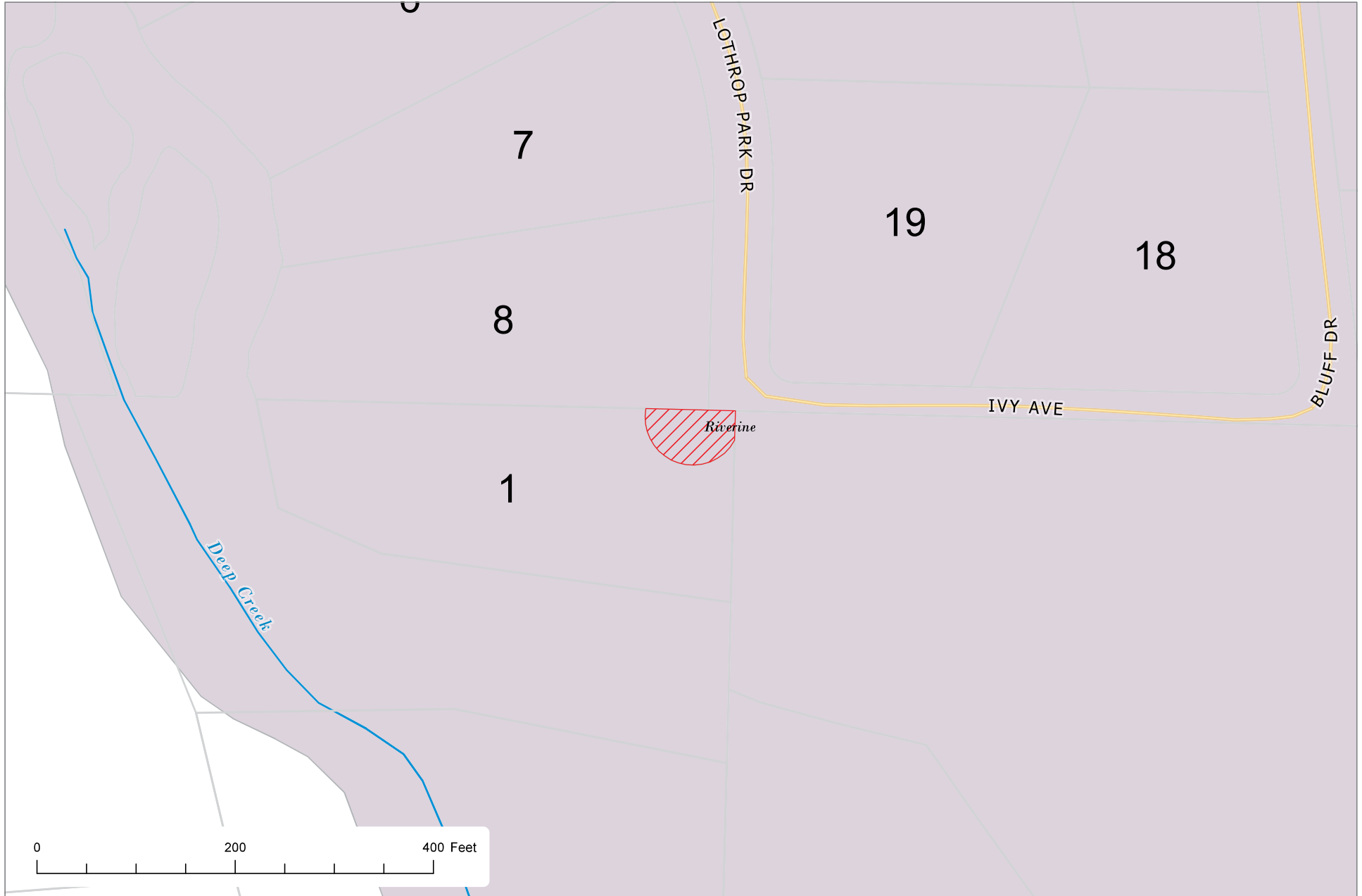
Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

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

END OF STAFF REPORT



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.

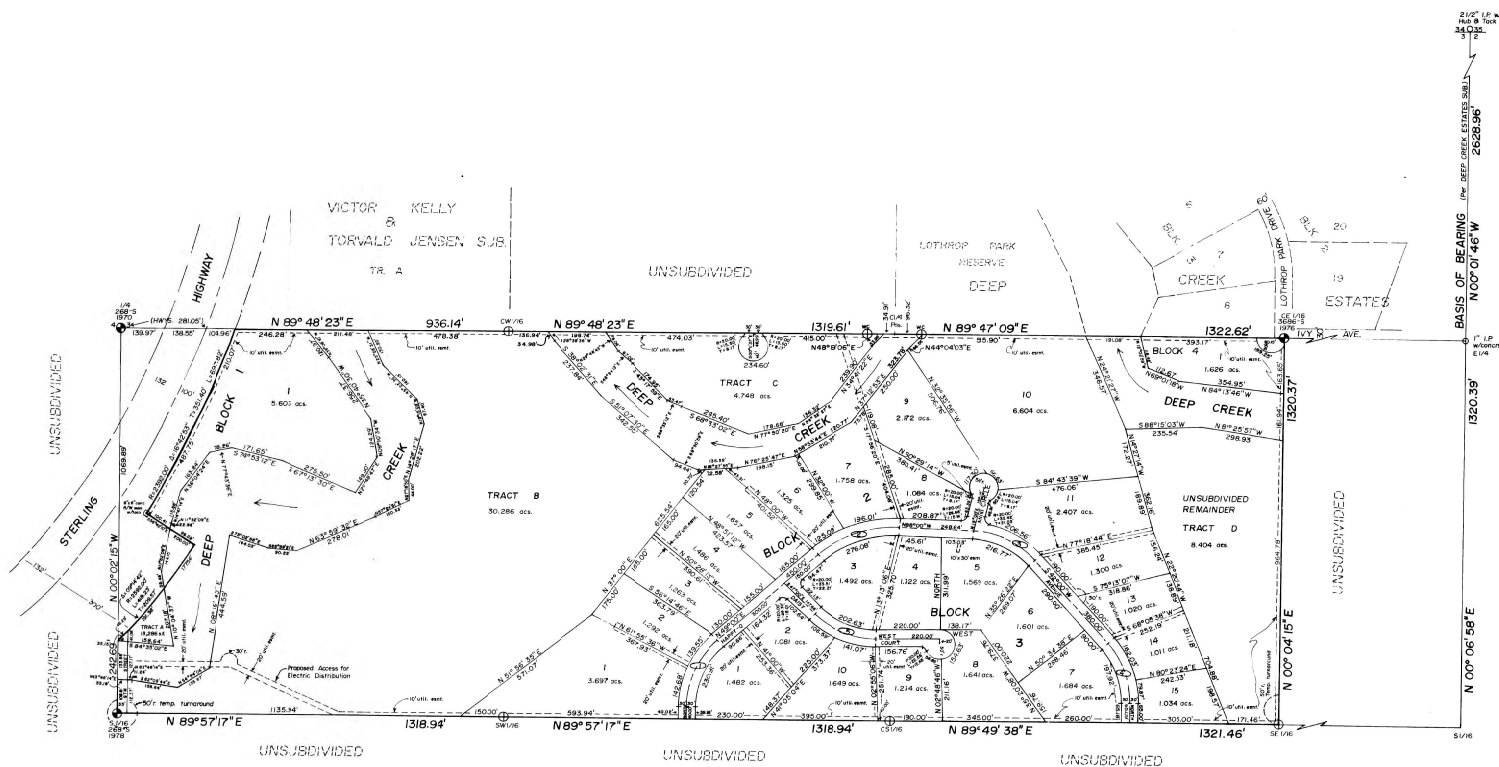


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



KPB NOTE: See PC Resolutions 84-8 Amended and 95-14

CURVE	DELTA	RADIUS	LENGTH	TANGENT
1	49°06'00"	300.00'	256.57'	156.79'
2	43°06'00"	397.86'	298.59'	156.72'
3	44°06'00"	300.00'	157.18'	121.34'
4	42°06'00"	300.00'	119.91'	115.16'
5	43°06'00"	300.00'	125.15'	118.11'



LEGEND AND NOTES

- ① Found Brass Cap monument
- ② Found Iron Pipe
- ③ Set 1/2" x 30" steel rebar
- ④ Set 1/2" Aluminum Cap monument (1300-S 1979)

All lots are subject to a 20' strip setback along all dedicated R/W's.

All datum of record shown thus ().

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

Lots 1 and 2, Block 1 shall share a single common drive.

Tract A cannot be conveyed separately except as a portion of Tract B.

80-32

RECORDED 11/10

DATE 11-25-80

TIME 11:09

RECORDED BY [Signature]

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of December 4, 1980, is hereby acknowledged and accepted as the official plat, subject to city and all conditions and requirements of ordinances and law pertaining thereto.

KENAI PENINSULA BOROUGH

By: Philip Hanning

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described herein and that we hereby adopt this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

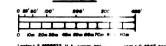
William J. Forteau Sharon L. Forteau
 William J. Forteau, Rte. 1 Box 205, Sharon L. Forteau
 Kenai, AK 99611

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 9th day of January, 1980.

Carlton L. Thompson
 Notary Public for Alaska
 My Commission Expires: 9-21-80

SCALE



LEISURE TIME ESTATES

DESCRIPTION: Located within the NW1/4SE1/4 and the NW2SW1/4 lying Easterly of the Sterling Highway in Sec. 3, T15S, R14W, S1E, AK and the Kenai Peninsula Borough containing 119.771 acres more or less

OWNER: William J. and Sharon L. Forteau
 Rte. 1 Box 205
 Kenai, AK 99611

P.O. Box 478 Kenai, Alaska 99608

Geologist, Registered Land Surveyor

Date Surveyed: November 1979 Scale: 1" = 800' Sh. No.:

Map by: P & T Surveyors, Inc.

E. NEW BUSINESS

- 3. Conditional Land Use Permit For Materials Processing
PC Resolution 2022-
Applicant: Tutka, LLC / Landowner: AK DNR
Location: Northeast of the Lawing Airport, Seward, AK
Parcel ID 125-324-13
Moose Pass Area**

Conditional Land Use Permit for a Material Site STAFF REPORT

PC MEETING: September 26, 2022

Applicant: Tutka LLC
Landowner: State of Alaska, Department of Natural Resources
Parcel Number: 125-324-13
Legal Description: T 4N R 1W SEC 24 SEWARD MERIDIAN SW GOVT LOT 13
Location: Northeast of the Lawing Airport, Seward, AK 99664

BACKGROUND INFORMATION: The applicant wishes to obtain a Conditional Land Use Permit for material extraction on a portion of the parcel listed above. This parcel was previously used as a material site by Tutka LLC in 2019 through a now expired counter permit.

The newly submitted site plan indicates that the material haul route will be to the Southwest of the subject parcel leading to a newly constructed haul road. The haul road will be located on the Eastside of the runway and run parallel with it. At the Southern end of the runway the haul road merges with the existing access and exits onto Rock Ptarmigan Road, a Borough maintained facility. From here, the route turns West and makes its way to the Seward Highway, a State maintained facility.

The site plan and application proposes the following buffers:

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

The subject property is bordered on the North, East and South sides by parcels owned by the State of Alaska, Department of Natural Resources. On the Westside of the property, is the Right of Way for the Alaska Railroad and a parcel that is privately owned and occupied.

The site plan completed by McLane Consulting Inc., states that ground water is not anticipated due to the manufacture of materials from the rock face. Water has also not been encountered during past mining activities most recently in 2019. The application states that the proposed vertical excavation will be 30 feet up into the cliff face. Plan notes state that there are no wet lands or surface waters within the proposed excavation area. A central area will be maintained for processing, screening and sorting of riprap. This processing area meets or exceeds the 300-foot setback from the property line. Native vegetation will provide surface water protection by way of phytoremediation, according to the McLane report. The site plan also indicates that there are no wells located within 100 or 300 feet from the proposed use area.

Plan notes state that reclamation will include leaving the rock face in a safe and stable form, stockpiling any unused materials and re-grading the processing area floor. This site will also be subject to Alaska Department of Natural Resources material site agreement and reclamation standards.

The applicant estimates a life span of 15 years for the site and an annual quantity will be approximately 53,000 cubic yards. This amount of material will make the site ineligible for a Small Operation Exemption pursuant to AS 27.19.050 and therefore will require bonding. The amount of bond will be according to AS 27.19.040 unless the State of Alaska waives these requirements. In the case of a waiver the Kenai Peninsula Borough would require the applicant to post bond to cover the anticipated reclamation cost and will be in the amount to be determined by the planning director as stated in KPB 21.29.050.

PUBLIC NOTICE: Public notice of the application was mailed on September 9, 2022 to the 28 landowners

or leaseholders of the parcels within 1/2 mile of the subject parcel. Public notice was sent to the postmaster covering the Crown Point area of Moose Pass requesting that it be posted at the Moose Pass Post Office.

The application was presented to the Moose Pass Advisory Planning Commission at their regularly scheduled meeting on September 8th and again at their special meeting on September 15th. During their September 15th meeting the Moose Pass Advisory Planning Commission voted to approve the CLUP with stipulations. These stipulations included increased bonding for water well replacement, reduced hours of operation, reduced expected life span, residential blasting notification and increased site security.

KPB AGENCY REVIEW: Application information was provided to pertinent KPB staff and other agencies on September 2, 2022.

ATTACHMENTS

- Conditional Land Use Permit - application and associated documents
- Aerial map
- Ownership map
- Liar map
- Alaska Department of Natural Resources – Draft Reclamation Documents

FINDINGS OF FACT

1. KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough.
2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
3. On September 2, 2022 the applicant, Tutka LLC, submitted a conditional land use permit application to the Borough Planning Department for KPB Parcel 125-324-13, which is located within the rural district.
4. KPB 21.29 provides that a conditional land use permit is required for material extraction that disturbs more than 2.5 cumulative acres or processes material.
5. The proposed cumulative disturbed area within the parcel is approximately 6 acres.
6. To meet material site standard 21.29.040(A)(1), the proposed activity must protect against lowering of water sources serving other properties by complying with required permit conditions KPB 21.29.050(A)(4), Water Source Separation; KPB 21.29.050(A)(5), Excavation in The Water Table; KPB 21.29.050(A)(6), Waterbodies.
7. The application indicates that the seasonal high-water table is unknown, but a visual inspection of the rock face, found no evidence of water.
8. The applicants intended depth of excavation will be 30 feet vertically up into the cliff face.
9. If water is encountered the applicant is required to maintain a 2-foot vertical separation from the seasonal high-water table.
10. The applicant is required not to dewater either by pumping, ditching or some other form of drainage.
11. The site plan indicates that there are no wells located within 300 feet of the proposed excavation area.
12. The application states that work is not anticipated to be completed in the water table.

13. The site plan states that there are no wetlands or surface waters within the proposed excavation area.
14. To meet material site standard 21.29.040(A)(2), the proposed activity must be conducted in a manner to protect against physical damage to adjacent properties by complying with the required permit conditions of KPB 21.29.050 (A)(1), Parcel Boundaries; KPB 21.29.050(A)(2), Buffer Zone; KPB 21.29.050(A)(7), Fuel Storage.
15. The site plan indicates the property boundary within 300 feet of the work area was flagged in 2019.
16. The site plan and application propose the following buffers:
 - North: Greater than 50-foot native vegetation.
 - South: Greater than 50-foot native vegetation.
 - East: Greater than 50-foot native vegetation.
 - West: Greater than 50-foot native vegetation.These buffers shall not overlap an easement.
17. The applicant is required to store fuel containers larger than 50 gallons in impermeable berms and basins capable of retaining 110 percent of storage capacity. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
18. To meet material site standard 21.29.040(A)(3), the proposed activity must be conducted in a manner which minimizes the off-site movement of dust by complying with required permit condition KPB 21.29.050(10), Dust Control.
19. The applicant is required to provide dust control by the use of water and calcium chloride.
20. The site plan indicates that the material haul route will be to the Southwest of the subject parcel leading to a newly constructed haul road. The haul road will be located on the Eastside of the runway and run parallel with it. At the Southern end of the runway the haul road merges with the existing access and exits onto Rock Ptarmigan Rd., a Borough maintained facility. From here, the route turns West and makes its way to the Seward Highway a State maintained facility.
21. To meet material site standard 21.29.040(A)(4), the proposed activity must be conducted in a manner which minimizes noise disturbance to other properties by complying with required permit conditions KPB 21.29.050(2), Buffer Zone; KPB 21.29.050(3), Processing; and KPB 21.29.050(11), Hours of Operation.
22. The site plan and application propose the following buffers:
 - North: Greater than 50-foot native vegetation.
 - South: Greater than 50-foot native vegetation.
 - East: Greater than 50-foot native vegetation.
 - West: Greater than 50-foot native vegetation.These buffers shall not overlap an easement.
23. The applicant indicates that material processing will take place on the property. Any equipment used for processing, screening and sorting of riprap materials will be operated at least 300 feet from all property lines. Any equipment used for crushing rock or other materials will not be operated between 10:00 p.m. and 6:00 a.m., to minimize noise disturbance to other properties.
24. The applicant has voluntarily agreed not to conduct material site operations between the hours of 6:00 pm and 07:00 am. Monday through Saturday and will not conduct operation on Sunday.
25. To meet material site standard 21.29.040(A)(5), the proposed activity must be conducted in a

manner which minimizes visual impacts by complying with the permit condition KPB 21.29.050(2), Buffer Zone.

26. The site plan and application propose the following buffers:
North: Greater than 50-foot native vegetation.
South: Greater than 50-foot native vegetation.
East: Greater than 50-foot native vegetation.
West: Greater than 50-foot native vegetation.
These buffers shall not overlap an easement.
27. To meet material site standard 21.29.040(A)(6), the proposed activity must be conducted in a manner which provides for alternate post-mining land uses by complying with the permit condition KPB 21.29.050(12).
28. The applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).
29. The bonding requirement of KPB 21.29.050(12)(b) will apply to this material site, because extraction is expected to be around 53,000 cubic yards of material. The amount of bond will be according to AS 27.19.040 unless the State of Alaska waives these requirements. In the case of a waiver the Kenai Peninsula Borough (KPB) would require the applicant to post bond to cover the anticipated reclamation costs and will be in the amount to be determined by the planning director as stated in KPB 21.29.050.
30. A public hearing of the Planning Commission was held on September 26, 2022 and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060 and KPB 21.11.

STAFF RECOMMENDATION

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

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

PERMIT CONDITIONS

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter.
2. The permittee shall maintain the following buffers around the excavation perimeter or parcel boundaries as shown in the approved site plan:
North: Greater than 50-foot native vegetation.
South: Greater than 50-foot native vegetation.
East: Greater than 50-foot native vegetation.
West: Greater than 50-foot native vegetation.
These buffers shall not overlap an easement.
3. The permittee shall not allow buffers to cause surface water diversion which negatively impacts adjacent properties or water bodies.
4. The permittee shall operate all equipment which conditions or processes material at least 300 feet from the parcel boundaries.

5. The permittee shall not extract material within 100 horizontal feet of any water source existing prior to issuance of this permit.
6. The permittee shall maintain a 2-foot vertical separation from the seasonal high-water table.
7. The permittee shall not dewater either by pumping, ditching or any other form of draining unless an exemption is granted by the planning commission.
8. The permittee shall maintain an undisturbed buffer, and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including riparian wetlands and mapped floodplains.
9. The permittee shall ensure that fuel storage containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
10. The permittee shall conduct operations in a manner so as not to damage borough roads as required by KPB 14.40.175, and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
11. The permittee shall notify the planning department of any further subdivision or return to acreage of this parcel. The planning director may issue a written exemption from the permit amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.
12. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
13. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am.
14. The permittee shall update their reclamation plan to include all provisions listed in the State of Alaska Department of Natural Resources reclamation plan. If there are any conflicts between the reclamation plans, the more site-specific provision shall control.
15. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
16. The permittee shall post a bond to cover the anticipated reclamation costs in an amount determined by AS 27.19.040 unless the State of Alaska waives their requirements. In the case of a waiver the Kenai Peninsula Borough would require the applicant to post bond in the amount to be determined by the planning director and as stated in KPB 21.29.050.
17. The permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives.
18. The permittee shall post notice of intent on parcel corners or access, whichever is more visible if the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.
19. The permittee shall operate in accordance with the application and site plan as approved by the planning commission. If the permittee revises or intends to revise operations so that they are no longer consistent with the original application, a permit modification is required in accordance with KPB 21.29.090.
20. This conditional land use permit is subject to annual review by the planning department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.25.090, the planning commission may revoke a permit issued pursuant to this chapter if the permittee fails to comply with the provisions of this chapter or the conditions of the permit. The planning director shall provide at least 30 days written notice to the permittee of a revocation

- hearing before the planning commission.
21. Once effective, this conditional land use permit is valid for five years. A written request for permit extension must be made to the planning department at least 30 days prior to permit expiration, in accordance with KPB 21.29.070.

Voluntary Permit Conditions

22. The Planning commission and the Permittee have agreed to the following voluntary condition to further support Standard 21.29.040(A)(4): The permittee shall not conduct material site operations between the hours of 6:00 pm and 07:00 am. Monday through Saturday and will not conduct operation on Sunday.

NOTE: Any party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances, Chapter 21.20.250. A “party of record” is any party or person aggrieved by the decision where the decision has or could have an adverse effect on value, use, or enjoyment of real property owned by them who appeared before the planning commission with either oral or written presentation. Petition signers are not considered parties of record unless separate oral or written testimony is provided (KPB Code 21.20.210.A.5b1). An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the \$300 filing and records preparation fee. (KPB Code 21.25.100)

END OF STAFF REPORT

KPB 21.29

Conditional Land Use Permit Application

For a Sand, Gravel or Material Site

I. APPLICANT INFORMATION

Applicant Tutka, LLC Landowner State of Alaska Dept. of Natural Resources
Address 2485 E Zak Circle, Suite A Address 550 W 7th Avenue, Suite 1260
City, State, Zip Wasilla, Alaska 99654 City, State, Zip Anchorage, Alaska 99501
Telephone 907-357-2238 Cell 907-671-7998 Telephone 907-269-8400 Cell _____
Email kyle@tutkallc.com Email dnr.pic@alaska.gov

II. PARCEL INFORMATION

KPB Tax Parcel ID# 12532413 Legal Description SW Gov't Lot 13 T4N R1W Sec 24 Seward Meridian

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

Southwesterly section

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

- ☒ \$300.00 permit processing fee payable to: Kenai Peninsula Borough. (Include Parcel # on check comment line.)
- ☒ Site Plan, to scale, prepared by a professional surveyor (licensed and registered in Alaska) showing, where applicable:
- | | |
|--|--|
| <input type="checkbox"/> parcel boundaries | <input type="checkbox"/> location/depth of testholes, and depth to groundwater, if encountered |
| <input type="checkbox"/> location of boundary stakes within 300 ft. of excavation area (to be in place at time of application) | <input type="checkbox"/> location of all wells within 300 ft. of parcel boundary |
| <input type="checkbox"/> proposed buffers, or requested buffer waiver(s) | <input type="checkbox"/> location of water bodies on parcel, including riparian wetlands |
| <input type="checkbox"/> proposed extraction area(s), and acreage to be mined | <input type="checkbox"/> surface water protection measures |
| <input type="checkbox"/> proposed location of processing area(s) | <input type="checkbox"/> north arrow and diagram scale |
| <input type="checkbox"/> all encumbrances, including easements | <input type="checkbox"/> preparer's name, date and seal |
| <input type="checkbox"/> points of ingress and egress | |
| <input type="checkbox"/> anticipated haul routes | |
- ☒ Site Plan Worksheet (attached)
- ☒ Reclamation Plan (attached) and bond, if required. Bond requirement does not apply to material sites exempt from bonding requirements pursuant to AS 27.19.050

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

IV. CERTIFICATION STATEMENT

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

Kyle Johnson
Applicant

6 / 08 / 2022
Date

Samantha Carroll for
Landowner (required if not applicant)

8/2/22
Date

Site Plan Worksheet for Conditional Land Use Permit Application

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

Applicant Tutka LLC Owner State of Alaska DNR

KPB Tax Parcel ID # 12532413 Parcel Acreage 46.06

1. Cumulative acres to be disturbed (excavation plus stockpiles, berms, etc.) ~ 6.0 acres
2. Material to be mined (check all that apply): ☐ gravel ☐ sand ☐ peat ☒ other(list) Rock
3. Equipment to be used (check all that apply): ☒ excavation ☒ processing ☒ other Rock Drill / Shoot
4. Proposed buffers as required by KPB 21.29.050.A.2 (check all types and directions that apply):

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

5. Proposed depth of excavation: 30 ft. Depth to groundwater: N/A ft.
6. How was groundwater depth determined? Visible observation of rock face. No water present.
7. A permit modification to enter the water table will be requested in the future: Yes ☒ No
8. Approx. annual quantity of material, including overburden, to be mined: +/- 53,000 cubic yards
9. Is parcel intended for subdivision? Yes ☒ No
10. Expected life span of site? 15 years
11. If site is to be developed in phases, describe: the excavation acreage, anticipated life span, and reclamation date for each phase: (use additional space on page 4 if necessary)
Fall 2022: Haul Road Const. (Single lane, ~2,600 LF at 22-ft wide w/14-ft traveled way)
Fall/Winter 2022: Rock Production (Drilling, Blasting, Sorting) to prepare for hauling rock in 2023
Winter/Summer/Fall 2023 & 2024: Rock Hauling to Ninilchik Harbor - concurrent with cont. production/sorting
Winter/Summer/Fall 2025 - 2026: Rock production and hauling for future project on the Peninsula
[See Page 4]
12. Voluntary permit conditions proposed (additional buffers, dust control, limited hours of operation, etc.)
 - A. Hours of Operation - 7am to 6pm Monday through Saturday
 - B. Dust control
 - C.

Material Site Reclamation Plan for Conditional Land Use Permit Application

1. All disturbed land shall be reclaimed upon exhausting the material on-site, so as to leave the land in a stable condition.
2. All revegetation shall be done with a "non-invasive" plant species.
3. Total acreage to be reclaimed each year: < 2.0 acres
4. List equipment (type and quantity) to be used in reclamation:

Excavator (1-2), Front-end Loader (1), Side Dumps (1-2), Rock Truck (1), Rock Drill (1)

5. Describe time schedule of reclamation measures:

Site will be stabilized by November 2023 for the extent of rock extraction in that year. Rock placement at Ninilchik may extend into the 2024 season per the project specs. depending on 2023 progress. Site will be left clean, with any extra blasted material stockpiled per ADNR requirements. Rock face will be left in stable condition.

[See Page 4]

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

ADDITIONAL APPLICATION COMMENTS

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

[Page 1, Item # 11]

The Lawing Airport Quarry is designated under the LAS as Master Material Site ADL 231623.

Site access is approved parallel to the runway through ADOT&PF Right-of-Way Maintenance and Operations.

[Page 2, Item # 11]

The initial intended use of this site is project specific; Rock from this site will be processed on site and sorted for

classified riprap to be utilized on US Army Corps of Engineers project Ninilchik Harbor Revetment Replacement.

Material drilling and blasting will take place through Fall 2023. Material haul-off will immediately follow drilling and blasting

and concurrent to material sorting. Rock drilling, blasting, sorting, and hauling may extend into the 2024 season dependent

on progress made in 2023.

[Page 3, Item # 5]

All site work is schedule to be completed by November 2024 in connection with the Ninilchik Harbor Revetment Project.

Reclamation of the site will be as and where needed per ADNR requirements, as this is a rock quarry, not a pit mine.

Tutka anticipates the need for additional rock on future Peninsula projects and would like to maintain this CLUP for

an extended period. Use of this material site would be on an as-need basis, ~~and it would likely be dormant for extended~~

~~periods of time.~~

by Tutka, LLC

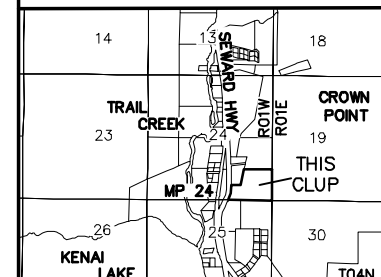
APPLICANT :
TUTKA LLC.
2485 E. ZAK CIRCLE
WASILLA, AK 99654



SCALE



Scale 1" = 1 Mile

[illegible]

1. PERMIT APPLICATION IS FOR KPB PARCEL 12532413, TOWNSHIP 4N, RANGE 1W, SECTION 24 SEWARD MERIDIAN.
2. THE PROPERTY IS OWNED BY STATE OF ALASKA AND MANAGED BY DEPARTMENT OF NATURAL RESOURCES AS A MATERIAL SITE. TUTKA, LLC, THE APPLICANT, HAS PREVIOUSLY UTILIZED THE SITE UNDER A 2019 KPB COUNTER PERMIT.
3. THE PRIMARY MATERIAL SITE USE OF THIS SITE IS AS A ROCK QUARRY FOR RIPRAP MATERIALS. THE MAJORITY OF THE PROPERTY IS UNDEVELOPED AND COVERED IN NATIVE VEGETATION.
4. PROPOSED PRIMARY INGRESS/EGRESS IS TO DEPARTMENT OF TRANSPORTATION PROPERTY, EAST OF AND ADJACENT TO THE MOOSE PASS RUNWAY AND THEN PTARMIGAN PASS ROAD TO THE SEWARD HIGHWAY.
5. THE PREFERRED BUFFER IS MAINTAINING GREATER THAN 50' OF NATIVE VEGETATION ON ALL SIDES.
6. THE EXISTING DISTURBED AREA WILL BE UTILIZED FOR SORTING AND STOCKPILING ROCK.
7. THERE ARE NO WELLS LOCATED WITHIN 100' OR WITHIN 300' OF THE WORK AREA. EXCAVATION BELOW WATER TABLE IS NOT PROPOSED.
8. THERE ARE NO WETLANDS OR SURFACE WATERS.
9. TEST HOLES WERE NOT EXCAVATED. NO GROUNDWATER WAS ENCOUNTERED IN THE 2019 USE OF THIS SITE. THIS PROJECT IS UTILIZING A ROCK FACE TO MANUFACTURE MATERIALS, NOT EXCAVATION.
10. NATIVE VEGETATION WILL CONTINUE TO PROVIDE SURFACE WATER PROTECTION OF ANY SITE RUN-OFF BY WAY OF PHYTOREMEDIATION.
11. RECLAMATION WILL INCLUDE LEAVING THE ROCK FACE IN A SAFE AND STABLE FORM. STOCKPILING ANY UNUSED MATERIALS AND RE-GRADING THE PROCESSING AREA FLOOR. THIS SITE WILL ALSO BE SUBJECT TO ADNIR MATERIAL SITE AGREEMENT RECLAMATION STANDARDS.
12. THE PROPERTY BOUNDARIES WITHIN 300' OF THE WORK AREA, AS SHOWN, WERE FLAGGED IN 2019.
13. A CENTRAL PROCESSING AREA WILL BE UTILIZED TO HOUSE A RIPRAP SORTING SCREEN. PROPOSED PROCESSING AREA MEETS OR EXCEEDS 300' SETBACK FROM PROPERTY LINE.

— · — · — · — · — · — · —	PROPERTY LINE
— — — — —	SECTION LINE
	PRIMARY MONUMENT
	PROPERTY CORNERS
— — — — —	EXISTING DISTURBED
	PROPOSED BUFFER TREELINE
XX	BOUNDARY STAKES (2019)

**Consulting Inc**

ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 468
SOLDOTNA, AK, 99669
VOICE: (907) 283-4218
FAX: (907) 283-3265
WWW.MCLANECG.COM

DRAWN BY: BGB/GMD

CHECKED BY: GMD

HORZ. SCALE: 1" = 250'

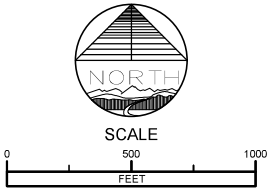
VERT. SCALE: N/A

SHEET:

P1 of 2

CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

APPLICANT :
TUTKA LLC.
2485 E. ZAK CIRCLE
WASILLA, AK 99654



REV	DATE	DESCRIPTION	BY
1	05/02/22	CLIP APPLICATION	
2	05/02/22	REVIEW AND PROCESSING AREA	

JOB NO.	224017
FIELD BOOK NO.	N/A
FIELD WORK DATE	N/A



ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 488
SOLDOTNA, AK 99689
VOICE: (907) 283-4218
FAX: (907) 283-3265
WWW.MCLANECO.COM

DRAWN BY:	BGB/GMD
CHECKED BY:	GMD
HORZ. SCALE:	1" = 500'
VERT. SCALE:	N/A
SHEET:	P2 OF 2

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2022-44
SEWARD RECORDING DISTRICT**

A resolution granting approval of a conditional land use permit to operate a sand, gravel, or material site for a parcel described T 4N R 1W SEC 24 SEWARD MERIDIAN SW GOVT LOT 13, Seward Recording District., Third Judicial District, State of Alaska.

- WHEREAS,** KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough; and
- WHEREAS,** KPB 21.29 provides that a conditional land use permit is required for material extraction which disturbs more than 2.5 cumulative acres; and
- WHEREAS,** on September 2, 2022 the applicant, Tutka LLC, submitted to the Borough Planning Department a conditional land use permit application for a portion of KPB Parcel 125-324-13, which is located within the rural district; and
- WHEREAS,** public notice of the application was mailed on or before September 9, 2022 to the 28 landowners or leaseholders within ½ mile of the subject parcel pursuant to KPB 21.25.060; and
- WHEREAS,** public notice was sent to the postmaster in the Crown Point area of Moose Pass requesting that it be posted at the Moose Pass Post Office; and
- WHEREAS,** a public hearing of the Advisory Planning Commission in Moose Pass was held on September 15, 2022 wherein the Advisory Planning Commission voted to approve the CLUP with stipulations including increased bonding for water well replacement, reduced hours of operation, reduced expected life span, residential blasting notification, increased site security; and
- WHEREAS,** public notice of the application was published in the September 14, 2022 and September 21, 2022 issues of the Seward Journal; and
- WHEREAS,** a public hearing was held at the September 26, 2022 meeting of the Kenai Peninsula Borough Planning Commission;

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

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

FINDINGS OF FACT

1. KPB 21.25 allows for land in the rural district to be used as a sand, gravel or material site once a permit has been obtained from the Kenai Peninsula Borough.
2. KPB 21.29 governs material site activity within the rural district of the Kenai Peninsula Borough.
3. On September 2, 2022 the applicant, Tutka LLC, submitted a conditional land use permit application to the Borough Planning Department for KPB Parcel 125-324-13, which is located within the rural district.
4. KPB 21.29 provides that a conditional land use permit is required for material extraction that disturbs more than 2.5 cumulative acres or processes material.

5. The proposed cumulative disturbed area within the parcel is approximately 6 acres.
6. To meet material site standard 21.29.040(A)(1), the proposed activity must protect against lowering of water sources serving other properties by complying with required permit conditions KPB 21.29.050(A)(4), Water Source Separation; KPB 21.29.050(A)(5), Excavation in The Water Table; KPB 21.29.050(A)(6), Waterbodies.
7. The application indicates that the seasonal high-water table is unknown, but a visual inspection of the rock face, found no evidence of water.
8. The applicants intended depth of excavation will be 30 feet vertically up into the cliff face.
9. If water is encountered the applicant is required to maintain a 2-foot vertical separation from the seasonal high-water table.
10. The applicant is required not to dewater either by pumping, ditching or some other form of drainage.
11. The site plan indicates that there are no wells located within 300 feet of the proposed excavation area.
12. The application states that work is not anticipated to be completed in the water table.
13. The site plan states that there are no wetlands or surface waters within the proposed excavation area.
14. To meet material site standard 21.29.040(A)(2), the proposed activity must be conducted in a manner to protect against physical damage to adjacent properties by complying with the required permit conditions of KPB 21.29.050 (A)(1), Parcel Boundaries; KPB 21.29.050(A)(2), Buffer Zone; KPB 21.29.050(A)(7), Fuel Storage.
15. The site plan indicates the property boundary within 300 feet of the work area was flagged in 2019.
16. The site plan and application propose the following buffers:
 - North: Greater than 50-foot native vegetation.
 - South: Greater than 50-foot native vegetation.
 - East: Greater than 50-foot native vegetation.
 - West: Greater than 50-foot native vegetation.These buffers shall not overlap an easement.
17. The applicant is required to store fuel containers larger than 50 gallons in impermeable berms and basins capable of retaining 110 percent of storage capacity. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
18. To meet material site standard 21.29.040(A)(3), the proposed activity must be conducted in a manner which minimizes the off-site movement of dust by complying with required permit condition KPB 21.29.050(10), Dust Control.
19. The applicant is required to provide dust control by the use of water and calcium chloride.
20. The site plan indicates that the material haul route will be to the Southwest of the subject parcel leading to a newly constructed haul road. The haul road will be located on the Eastside of the runway and run parallel with it. At the Southern end of the runway the haul road merges with the

existing access and exits onto Rock Ptarmigan Rd., a Borough maintained facility. From here, the route turns West and makes its way to the Seward Highway a State maintained facility.

21. To meet material site standard 21.29.040(A)(4), the proposed activity must be conducted in a manner which minimizes noise disturbance to other properties by complying with required permit conditions KPB 21.29.050(2), Buffer Zone; KPB 21.29.050(3), Processing; and KPB 21.29.050(11), Hours of Operation.
22. The site plan and application propose the following buffers:
North: Greater than 50-foot native vegetation.
South: Greater than 50-foot native vegetation.
East: Greater than 50-foot native vegetation.
West: Greater than 50-foot native vegetation.
These buffers shall not overlap an easement.
23. The applicant indicates that material processing will take place on the property. Any equipment used for processing, screening and sorting of riprap materials will be operated at least 300 feet from all property lines. Any equipment used for crushing rock or other materials will not be operated between 10:00 p.m. and 6:00a.m., to minimize noise disturbance to other properties.
24. To meet material site standard 21.29.040(A)(5), the proposed activity must be conducted in a manner which minimizes visual impacts by complying with the permit condition KPB 21.29.050(2), Buffer Zone.
25. The site plan and application propose the following buffers:
North: Greater than 50-foot native vegetation.
South: Greater than 50-foot native vegetation.
East: Greater than 50-foot native vegetation.
West: Greater than 50-foot native vegetation.
These buffers shall not overlap an easement.
26. To meet material site standard 21.29.040(A)(6), the proposed activity must be conducted in a manner which provides for alternate post-mining land uses by complying with the permit condition KPB 21.29.050(12).
27. The applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a).
28. The bonding requirement of KPB 21.29.050(12)(b) will apply to this material site, because extraction is expected to be around 53,000 cubic yards of material. The amount of bond will be according to AS 27.19.040 unless the State of Alaska waives these requirements. In the case of a waiver the Kenai Peninsula Borough (KPB) would require the applicant to post bond to cover the anticipated reclamations costs and will be in the amount to be determined by the planning director as stated in KPB 21.29.050.
29. A public hearing of the Planning Commission was held on September 26, 2022 and notice of the meeting was published, posted, and mailed in accordance with KPB 21.25.060 and KPB 21.11.

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

CONCLUSIONS OF LAW

1. Material site standard 21.29.040(A)(1) is met because even though the seasonal high-water table is unknown, a visual inspection of the rock face, found no evidence of water, as set forth in Finding

- 7.
2. Material site standard 21.29.040(A)(2) is met because the permittee shall maintain a 2:1 slope between the buffer zone and pit floor on all inactive site walls and shall not allow buffers to cause surface water diversion too negatively impact adjacent properties.
3. Material site standard 21.29.040(A)(3) is met because the permittee will use water and calcium chloride on the driveways throughout the excavation area to minimize the movement of off-site dust.
4. Material site standard 21.29.040(A)(4) is met because site plan indicates the following noise buffers:
 - North: Greater than 50-foot native vegetation.
 - South: Greater than 50-foot native vegetation.
 - East: Greater than 50-foot native vegetation.
 - West: Greater than 50-foot native vegetation.

Material site standard 21.29.040(A)(4) is also met, because any equipment used for conditioning or processing materials will be operated at least 300 feet from the parcel boundaries and any equipment used for crushing rock or other materials will not be operated between 10:00 p.m. and 6:00 a.m., to minimize noise disturbance to other properties.
5. Material site standard 21.29.040(A)(5) is met because the site plan indicates the following visual screening buffers:
 - North: Greater than 50-foot native vegetation.
 - South: Greater than 50-foot native vegetation.
 - East: Greater than 50-foot native vegetation.
 - West: Greater than 50-foot native vegetation.
6. Material site standard 21.29.040(A)(6) is met because the applicant has submitted a reclamation plan consistent with KPB 21.29.050(12)(a) and (b).

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

1. A portion of KPB Tax Parcel Number 125-324-13. The disturbed area within the parcel is approximately 6 acres;
2. Legal Description: **T 4N R 1W SEC 24 SEWARD MERIDIAN SW GOVT LOT 13, Seward Recording District.,** Third Judicial District, State of Alaska.
3. The applicant, Tutka, LLC proposes to:
 - a. Process materials on the subject parcel;
 - b. Reclaim the site to a stable condition upon completion of the project.

PERMIT CONDITIONS

1. The permittee shall cause the boundaries of the subject parcel to be staked at sequentially visible intervals where parcel boundaries are within 300 feet of the excavation perimeter.
2. The permittee shall maintain the following buffers around the excavation perimeter or parcel boundaries as shown in the approved site plan:
 - North: Greater than 50-foot native vegetation.
 - South: Greater than 50-foot native vegetation.
 - East: Greater than 50-foot native vegetation.
 - West: Greater than 50-foot native vegetation.

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

8. The permittee shall maintain an undisturbed buffer, and no earth material extraction activities shall take place within 100 linear feet from a lake, river, stream, or other water body, including riparian wetlands and mapped floodplains.
9. The permittee shall ensure that fuel storage containers larger than 50 gallons shall be contained in impermeable berms and basins capable of retaining 110 percent of storage capacity to minimize the potential for uncontained spills or leaks. Fuel storage containers 50 gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface.
10. The permittee shall conduct operations in a manner so as not to damage borough roads as required by KPB 14.40.175, and will be subject to the remedies set forth in KPB 14.40 for violation of this condition.
11. The permittee shall notify the planning department of any further subdivision or return to acreage of this parcel. The planning director may issue a written exemption from the permit amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.
12. The permittee shall provide dust suppression on haul roads within the boundaries of the material site by application of water or calcium chloride.
13. The permittee shall not operate rock crushing equipment between the hours of 10:00 pm and 06:00 am.
14. The permittee shall update their reclamation plan to include all provisions listed in the State of Alaska Department of Natural Resources reclamation plan. If there are any conflicts between the reclamation plans, the more site-specific provision shall control.
15. The permittee shall reclaim the site as described in the reclamation plan for this parcel and approved by the planning commission.
16. The permittee shall post a bond to cover the anticipated reclamation costs in an amount determined by AS 27.19.040 unless the State of Alaska waives their requirements. In the case of a waiver the Kenai Peninsula Borough would require the applicant to post bond in the amount to be determined by the planning director and as stated in KPB 21.29.050.
17. The permittee is responsible for complying with all other federal, state and local laws applicable to the material site operation, and abiding by related permits. These laws and permits include, but are not limited to, the borough's flood plain, coastal zone, and habitat protection regulations, those state laws applicable to material sites individually, reclamation, storm water pollution and other applicable Environmental Protection Agency (EPA) regulations, clean water act and any other U.S. Army Corp of Engineer permits, any EPA air quality regulations, EPA and ADEC water quality regulations, EPA hazardous material regulations, U.S. Dept. of Labor Mine Safety and Health Administration (MSHA) regulations (including but not limited to noise and safety standards), and Federal Bureau of Alcohol, Tobacco and Firearm regulations regarding using and storing explosives.
18. The permittee shall post notice of intent on parcel corners or access, whichever is more visible if the permittee does not intend to begin operations for at least 12 months after being granted a conditional land use permit. Sign dimensions shall be no more than 15" by 15" and must contain the following information: the phrase "Permitted Material Site" along with the permittee's business name and a contact phone number.
19. The permittee shall operate in accordance with the application and site plan as approved by the planning commission. If the permittee revises or intends to revise operations so that they are no longer consistent with the original application, a permit modification is required in accordance with KPB 21.29.090.
20. This conditional land use permit is subject to annual review by the planning department to ensure compliance with the conditions of the permit. In addition to the penalties provided by KPB 21.25.090, the planning commission may revoke a permit issued pursuant to this chapter if the permittee fails to comply with the provisions of this chapter or the conditions of the permit. The planning director shall provide at least 30 days written notice to the permittee of a revocation hearing before the planning commission.
21. Once effective, this conditional land use permit is valid for five years. A written request for permit extension must be made to the planning department at least 30 days prior to permit expiration, in accordance with KPB 21.29.070.

Voluntary Permit Conditions

22. The Planning commission and the Permittee have agreed to the following voluntary condition to further support Standard 21.29.040(A)(4): The permittee shall not conduct material site operations between the hours of 6:00 pm and 07:00 am. Monday through Saturday and will not conduct operation on Sunday.

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

Blair Martin, Chairperson
Planning Commission

ATTEST:

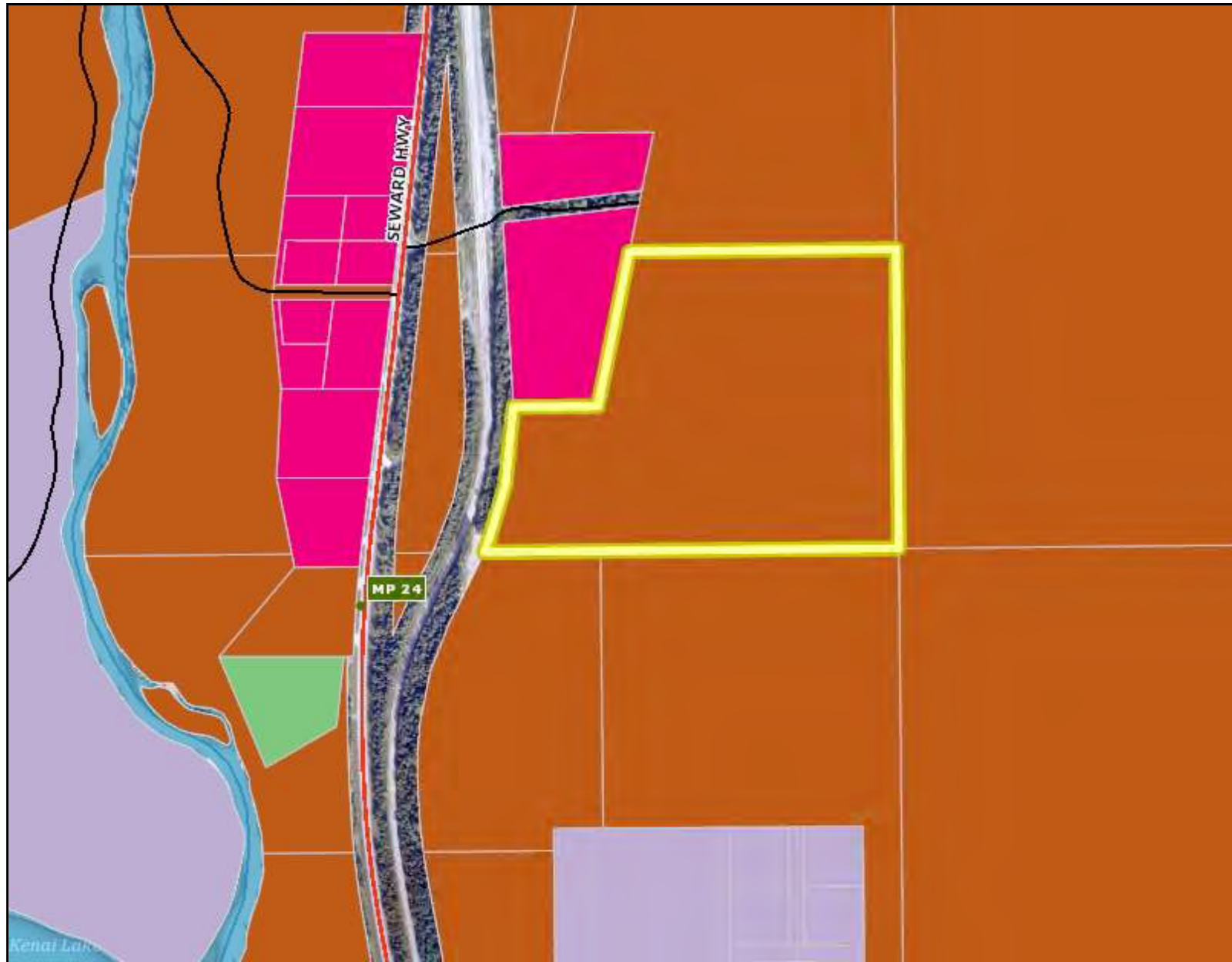
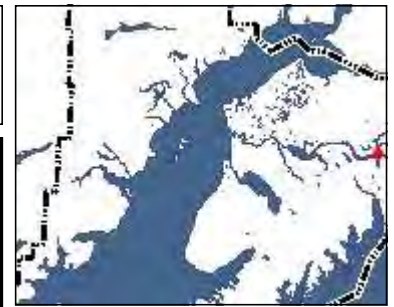
Ann Shirnberg
Administrative Assistant

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

Aerial Map: 125-324-13



Ownership Map:125-324-13



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



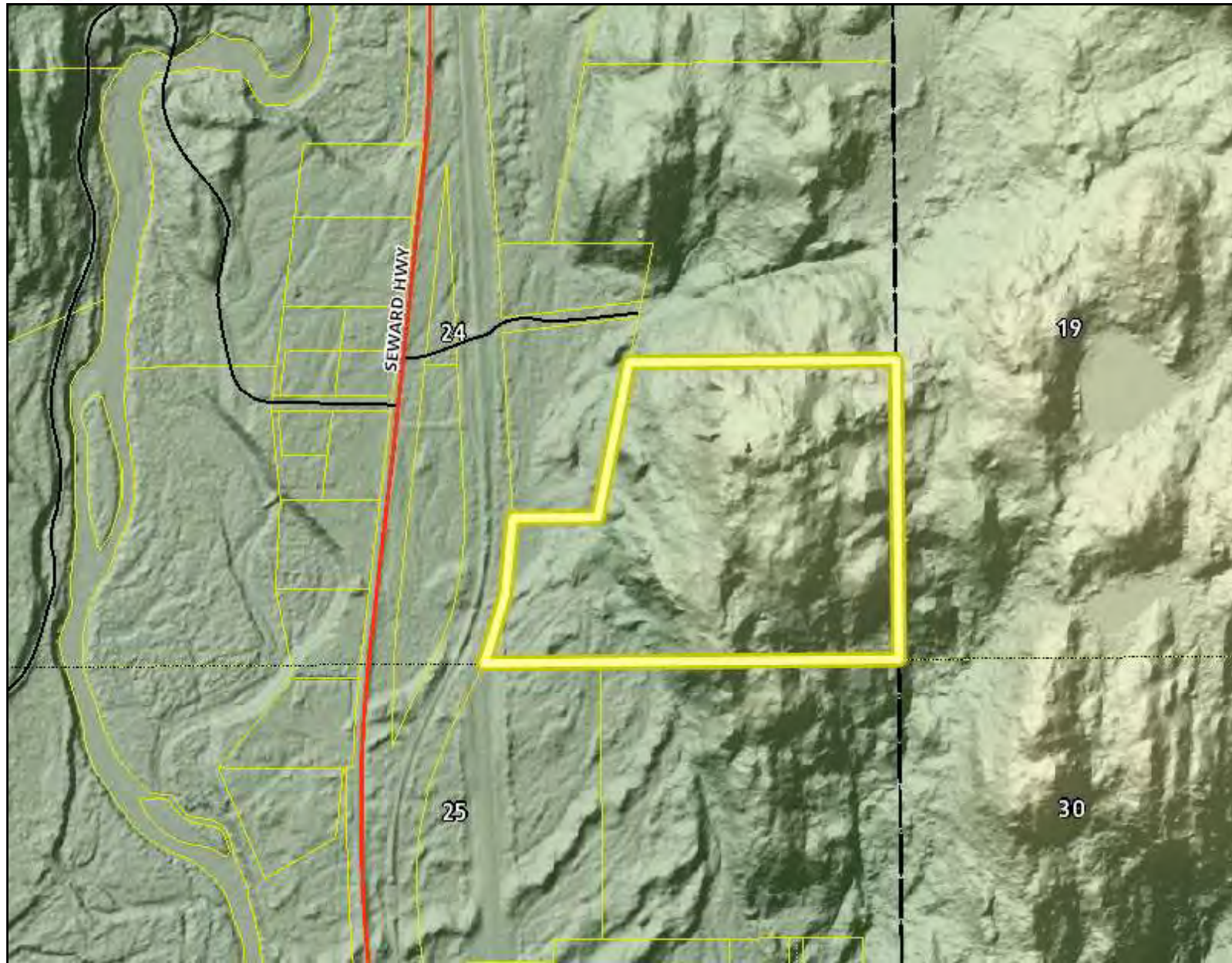
Notes

Enter map notes here.

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

DATE PRINTED: 8/18/2022

Lidar Map: 125-324-13



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

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: 8/18/2022



August 15, 2022

Kenai Peninsula Borough

ATTN: Ryan Raidmae
KPB Planner
(907) 714-2462
Planning Department
514 Funny River Road
Soldotna, AK 99669

Department of Natural Resources

ATTN: Amber-Lynn Taber
Natural Resource Specialist
(907) 269-8560
Div. of Mining, Land & Water-Land Office
550 West 7th Avenue Suite 900c
Anchorage, AK 99501

RE: **MATERIAL SITE RECLAMATION PLAN / ADL 231623 / MS 31-1-016-1 / Parcel 12532413**

Ryan and Amber-Lynn,

Tutka, LLC (Tutka) proposes to use the above referenced site as a material source for the following United States Army Corps. of Engineers project that requires Rock (Riprap) B, & C. Ninilchik Harbor Revetment Replacement (Project No. NIL003 / Solicitation No. W911KB22C00030004).

Additional Owners/Operators: The material site is located within the Kenai Peninsula Borough and Tutka will complete and comply with a KPB Conditional Land Use Permit for mining operations. The ADOT Airport Right-of-Way controls access to the material site across the Lawing Airport property. Tutka has coordinated with the ADOT Airport Leasing office for site access approval via a Boundary Crossing Permit. Advanced Blasting Services will be subcontracted by Tutka to perform rock drilling and shooting.

KPB Contact:	ADOT Airport Leasing Contact:
Ryan Raidmae (rraidmae@kpb.us) Planner 514 Funny River Road Soldotna, AK 99669 907-714-2462	Jarod Urban (jarod.urban@alaska.gov) Airport Leasing Specialist 411 Aviation Ave. Anchorage, AK 99502 907-269-0742
Advanced Drilling Contact (Sub.):	ADOT&PF Contact:
Billy Rosseau (billy@advancedblastingak.com) Superintendent 281 S Conquest Circle Wasilla, AK 99623 907-357-2930	Sean Montgomery (sean.montgomery@alaska.gov) Peninsula District Superintendent M&O P.O. Box 1327 Soldotna, AK 99669 907-262-2199

Maps: A USGS quadrangle map from the DOT&PF Material Site Report is attached depicting the material site location. The material site is located off of the northeast corner of Lawing Airport near Crown Point, AK.

Diagram of Mined Area: The previously mined area and proposed mining area are depicted in an attached layout plan sheet that shows the extraction site, property boundaries of the site, and other pertinent site layout information. No stream diversions or settling ponds are anticipated at the mining location as mining will be performed into an open rock face and no groundwater discharge has been observed in the local geography.

List of Equipment: Equipment listed below will be available for reclamation of the material site.

Equip Type	Qty
Excavator	2
Front End Loader	1
Side Dump	2-4
Rock Truck	1

Mining Schedule:

- | | |
|---|-------------------------------------|
| 1) Haul Road Construction | 20 Sep 22 → 30 Sep 22 |
| 2) Clear and Grub | 20 Sep 22 → 24 Sep 22 |
| 3) Drilling & Blasting | 26 Sep 22 → 30 Sep 22 (& as needed) |
| 4) Sorting & Hauling (Ninilchik Harbor) | 03 Oct 22 → 30 Oct 24 |
| 5) Sorting & Hauling (Future project) | 01 Nov 24 → 30 Oct 26 |
| 6) Final Reclamation | 30 Nov 26 |

Material drilling and blasting will take place through the Fall of 2023. The site will be stabilized by November 2023 for the extent of rock extraction in that year. Rock placement at Ninilchik Harbor may extend into the 2024 season per project specs., depending on 2023 progress. The site will be left clean, with any extra blasted material stockpiled per ADNR requirements and the rock face will be left in a stable condition.

Reclamation of the site at locations along the mining face where rock is depleted will be finished on conclusion of all off-site rock hauling activities including re-spreading of conserved topsoil.

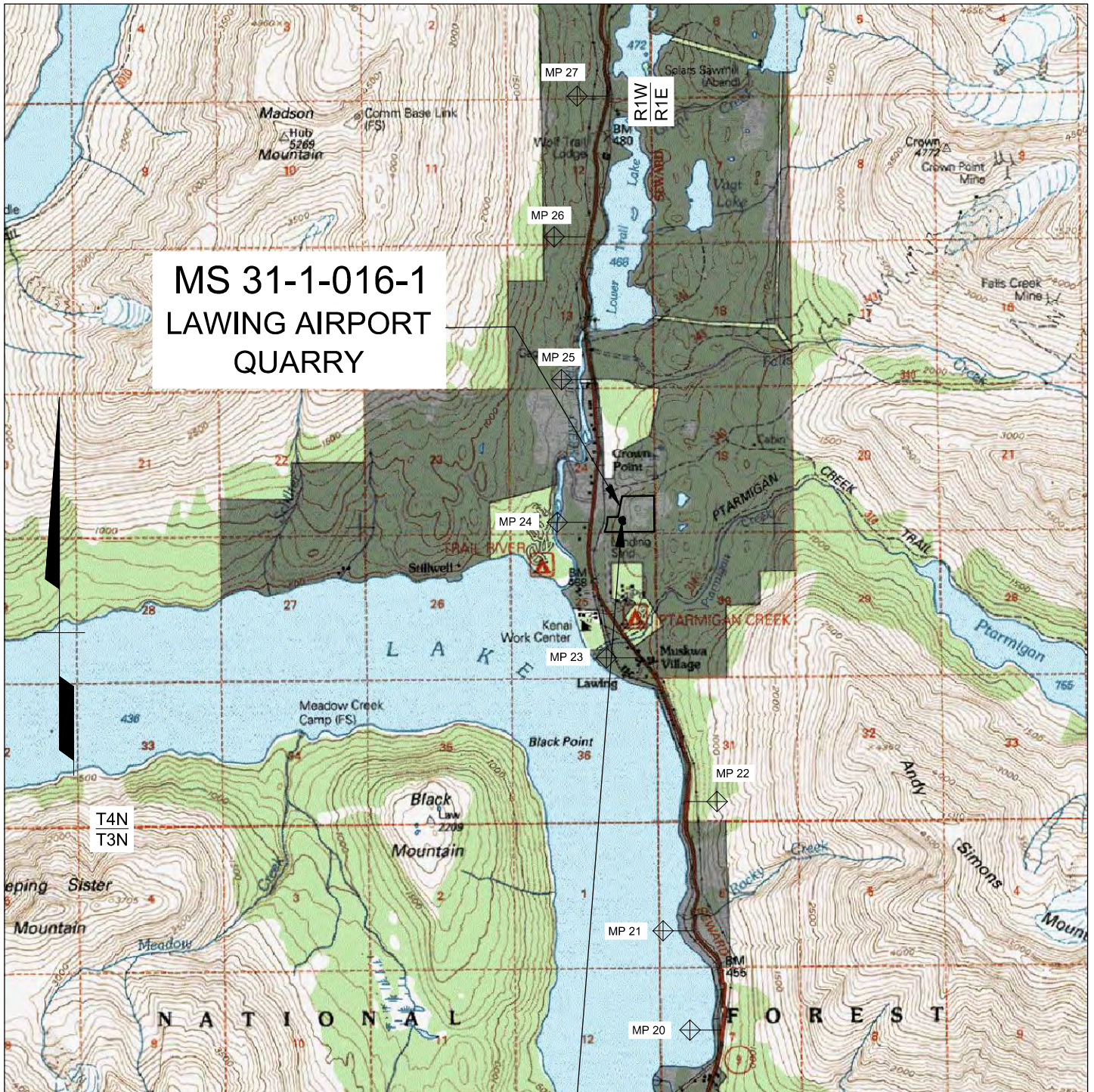
Please call or e-mail if you require additional information or have any questions.

Sincerely,



Kyle Johnson
Environmental Scientist
Tutka, LLC
kyle@tutkallc.com

LOCATION MAP



U.S.G.S. QUADRANGLE: SEWARD (B-7)

GPS COORDINATES FROM GOOGLE EARTH PRO

ACTIVE - STATUS UNKNOWN

UTM (WGS84-METERS)
ZONE 6: N6,700,109 E369,658
AK STATE PLANE (NAD83-US SURVEY FT)
ZONE 4: N2,344,573 E1,754,837



GRAPHIC SCALE IN MILES

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES			
STATEWIDE MATERIAL SITE INVENTORY			
MS 31-1-016-1			
SCALE AS SHOWN	DESIGNED P.K.H. CHECKED C.H.R.	DRAWN P.K.H. DATE MAY 2007	PAGE 2

BASE MAP CREATED WITH TERRAIN NAVIGATOR PRO

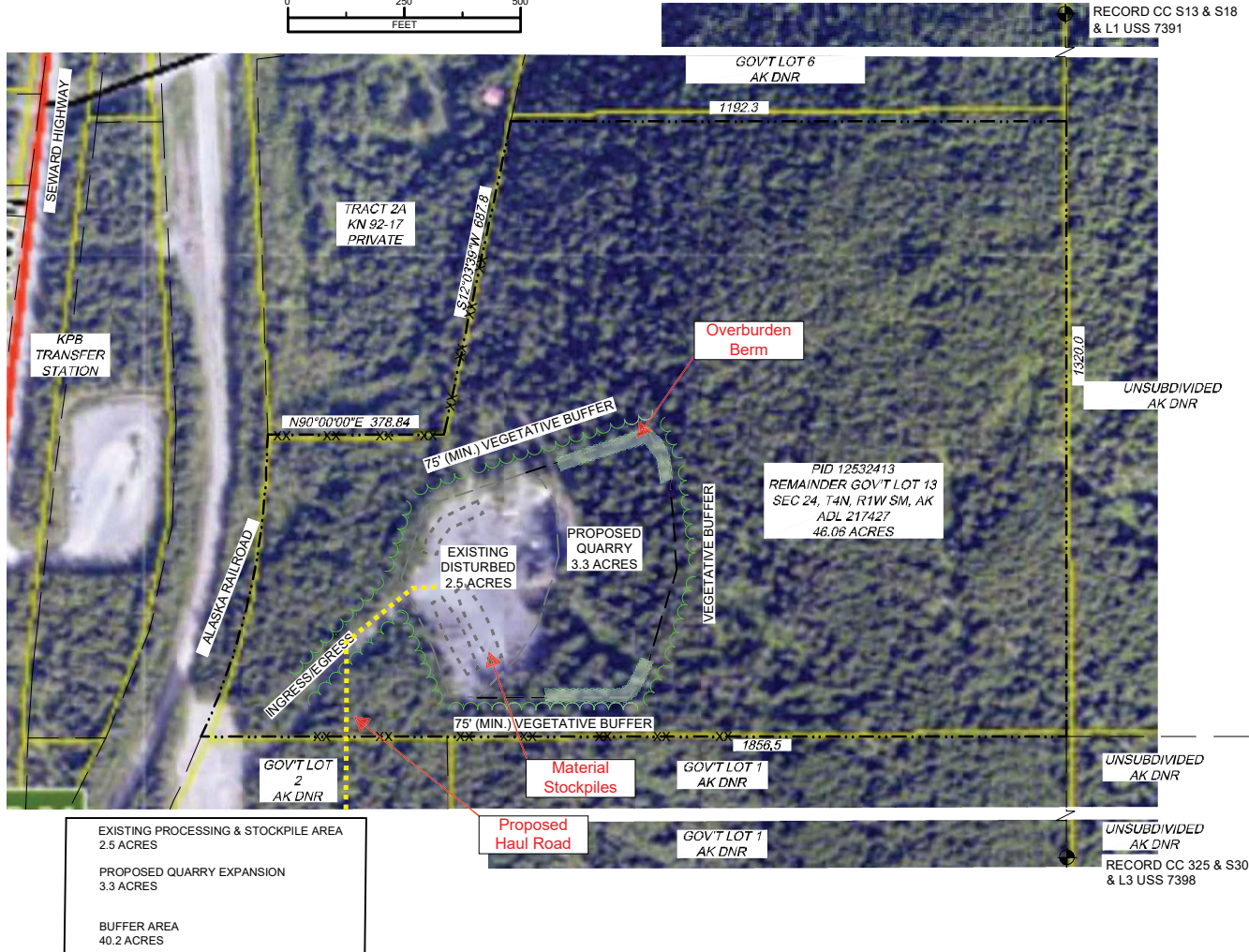
E3-24

CONDITIONAL LAND USE PERMIT FOR MATERIAL SITE

APPLICANT :
TUTKA LLC.
2485 E. ZAK CIRCLE
WASILLA, AK 99654

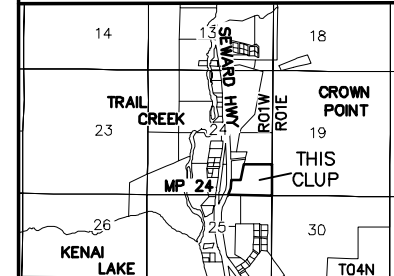


SCALE
0 250 500
FEET



VICINITY MAP

Scale 1" = 1 Mile



CLUP DEVELOPMENT NOTES

1. PERMIT APPLICATION IS FOR KPB PARCEL 12532413, TOWNSHIP 4N, RANGE 1W, SECTION 24 SEWARD MERIDIAN.
2. THE PROPERTY IS OWNED BY STATE OF ALASKA AND MANAGED BY DEPARTMENT OF NATURAL RESOURCES AS A MATERIAL SITE. TUTKA, LLC, THE APPLICANT, HAS PREVIOUSLY UTILIZED THE SITE UNDER A 2019 KPB COUNTER PERMIT.
3. THE PRIMARY MATERIAL SITE USE OF THIS SITE IS AS A ROCK QUARRY FOR RIPRAP MATERIALS. THE MAJORITY OF THE PROPERTY IS UNDEVELOPED AND COVERED IN NATIVE VEGETATION.
3. PROPOSED PRIMARY INGRESS/EGRESS IS TO DEPARTMENT OF TRANSPORTATION PROPERTY, EAST OF AND ADJACENT TO THE MOOSE PASS RUNWAY AND THEN PTARMIGAN PASS ROAD TO THE SEWARD HIGHWAY.
4. THE PREFERRED BUFFER IS MAINTAINING GREATER THAN 50' OF NATIVE VEGETATION ON ALL SIDES.
5. THE EXISTING DISTURBED AREA WILL BE UTILIZED FOR SORTING AND STOCKPILING ROCK.
6. THERE ARE NO WELLS LOCATED WITHIN 100' OR WITHIN 300' OF THE WORK AREA. EXCAVATION BELOW WATER TABLE IS NOT PROPOSED.
7. THERE ARE NO WETLANDS OR SURFACE WATERS.
8. TEST HOLES WERE NOT EXCAVATED. NO GROUNDWATER WAS ENCOUNTERED IN THE 2019 USE OF THIS SITE. THIS PROJECT IS UTILIZING A ROCK FACE TO MANUFACTURE MATERIALS, NOT EXCAVATION.
9. NATIVE VEGETATION WILL CONTINUE TO PROVIDE SURFACE WATER PROTECTION OF ANY SITE RUN-OFF BY WAY OF PHYTOREMEDIATION.
10. RECLAMATION WILL INCLUDE LEAVING THE ROCK FACE IN A SAFE AND STABLE FORM, STOCKPILING ANY UNUSED MATERIALS AND RE-GRADING THE PROCESSING AREA FLOOR. THIS SITE WILL ALSO BE SUBJECT TO ADNRR MATERIAL SITE AGREEMENT RECLAMATION STANDARDS.
11. THE PROPERTY BOUNDARIES WITHIN 300' OF THE WORK AREA, AS SHOWN, WERE FLAGGED IN 2019.

LEGEND

- PROPERTY LINE
- - - SECTION LINE
- PRIMARY MONUMENT
- PROPERTY CORNERS
- - - EXISTING DISTURBED
- PROPOSED BUFFER TREELINE
- XX BOUNDARY STAKES (2019)

TUTKA LLC.
MP 24.1 SEWARD HIGHWAY
CONDITIONAL LAND USE PERMIT



McLANE
Consulting Inc.

ENGINEERING - TESTING
SURVEYING - MAPPING
P.O. BOX 468
SOLDOTNA, AK 99669
VOICE: (907) 283-4218
FAX: (907) 283-3265
WWW.MCLANECO.COM

DRAWN BY: BGB/GMD

CHECKED BY: GMD

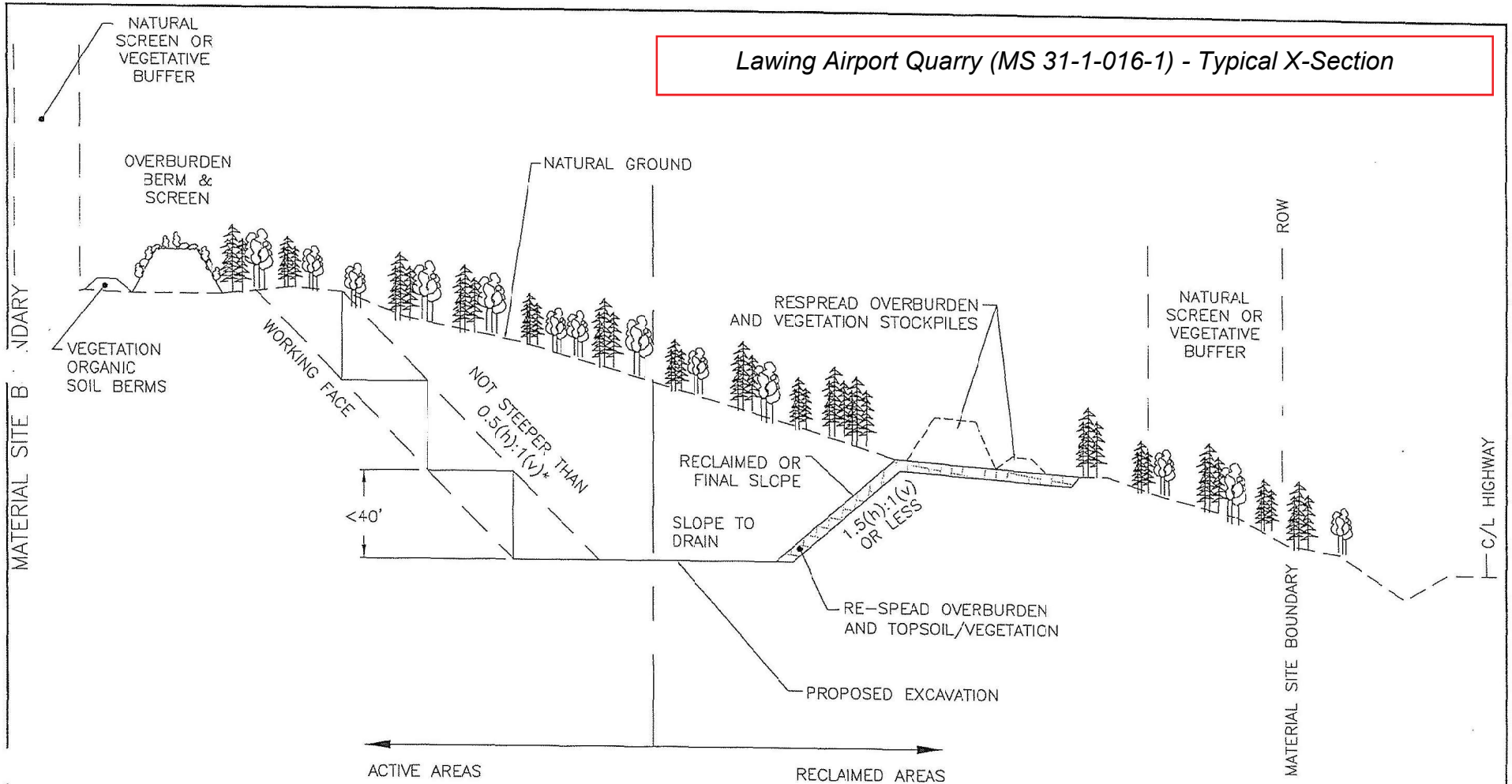
HORIZ. SCALE: 1" = 250'

VERT. SCALE: N/A

SHEET:

P1 of 2

Lawing Airport Quarry (MS 31-1-016-1) - Typical X-Section



* MAXIMUM SLOPE ANGLE DEPENDS ON SITE-SPECIFIC PARAMETERS AND SHOULD BE DETERMINED FOR INDIVIDUAL SITES.

TYPICAL CROSS SECTION OF ROCK EXCAVATION

NOT TO SCALE

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

DATA: SM	
DRAWN: RDP	
APPROVED:	
DATE: JAN 2008	Q:\Geo\62622\Drafting\Xsect_rock_excavation-1



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 a conditional land use permit application has been received for materials extraction on a parcel in the Crown Point area of Moose Pass. This notice is being sent to landowners located within 2640 feet of the subject property. All members of the public are invited to comment. The projects under consideration are described as follows:

Applicant: Tutka, LLC

Please turn over for map.

Landowner: State of Alaska, Department of Natural Resources

Parcel Number: 125-324-13

Legal Description: T 4N R 1W SEC 24 SEWARD MERIDIAN SW GOVT LOT 13

Location: Northeast of the Lawing Airport, Seward, AK 99664

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

KPB Code: Conditional land use permit applications for materials processing are reviewed in accordance with KPB Code 21.25 and 21.29. Copies of these ordinances are available from the Planning Department or on the KPB website at: borough.kenai.ak.us

Public Hearing: A hearing will be held by the Kenai Peninsula Borough Planning Commission to consider the application on **Monday September 26, 2022** commencing at 7:30 p.m., or as soon thereafter as business permits. The meeting will be held in the assembly chambers of the borough administration building located at 144 N. Binkley Street, Soldotna, Alaska and through Zoom, **Meeting ID 907 714 2200**. To attend the Zoom meeting via computer, visit : <https://us06web.zoom.us/j/9077142200>. To attend by telephone call toll free **1-888-788-0099 or 1-877-853-5247**.

Public Comment: Those wishing to comment may come to the above meeting to give testimony or may submit a written statement addressed to: Planning Commission Chairman, 144 N Binkley St, Soldotna, AK 99669. A statement addressed to the chairman may also be emailed to: rmaidmae@kpb.us, or faxed to (907) 262-5992. **Written statements must be provided by 1:00 pm Friday, September 23, 2022.** Persons, who participate in the public hearing, either by written or oral statement, may appeal the Planning Commission's decision within 15 days of the date of notice of the decision.

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

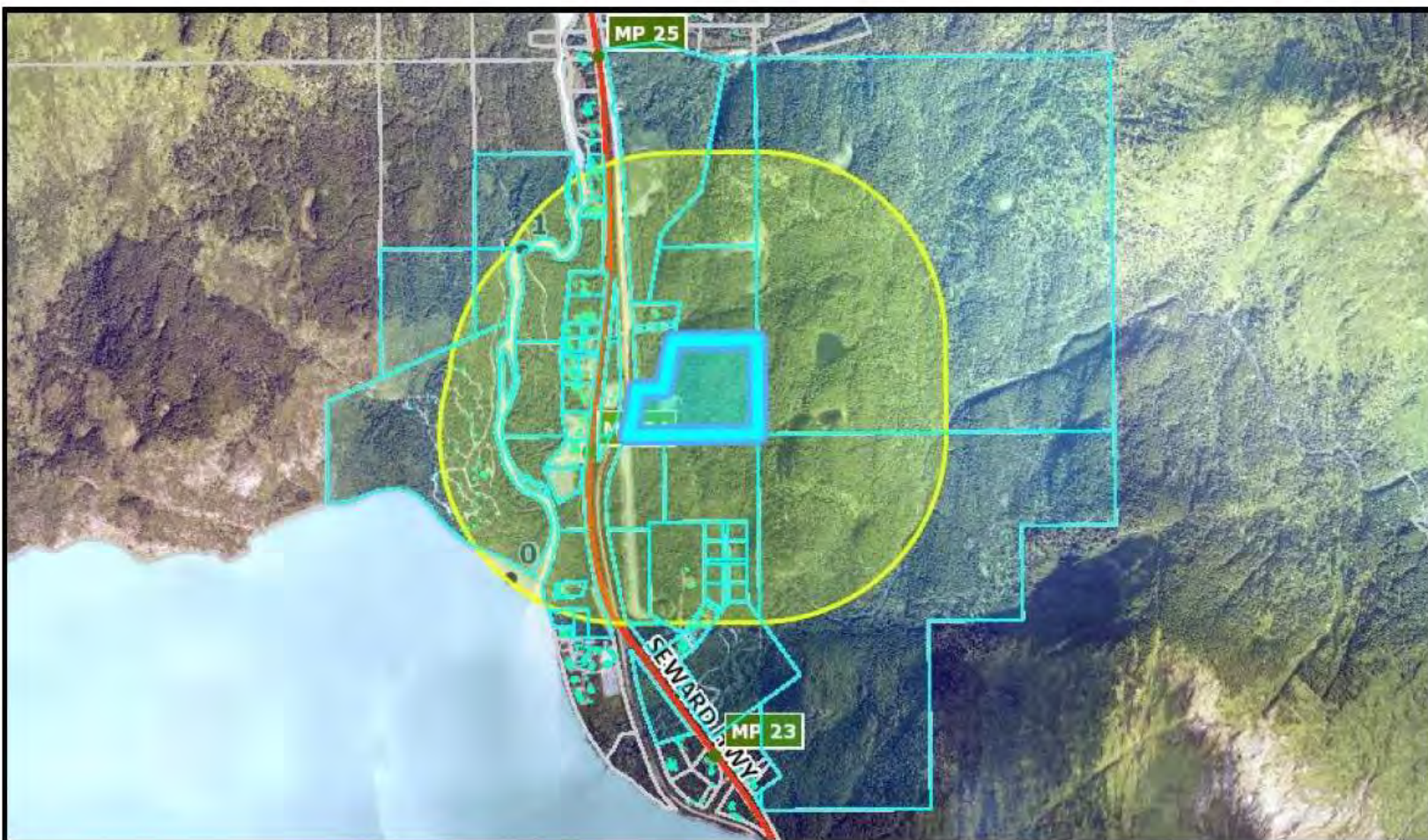
Ryan Raidmae
KPB Planner **Ph:** (907) 714-2462



Kenai Peninsula Borough

Parcels Within 1/2 mile of Proposed CLUP

8/4/2022 3:39

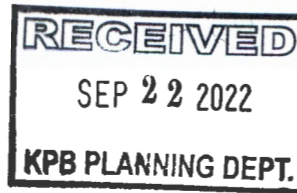


DESK PACKET

(ITEMS THAT CAME IN AFTER MEETING PACKET WAS POSTED)

3. Conditional Land Use Permit For Materials Processing
PC Resolution 2022-44
Applicant: Tutka, LLC
Landowner: Alaska Department of Natural Resources
Location: Northeast of the Lawing Airport, Seward, AK
Parcel ID 125-324-13
Moose Pass Area

Blair Martin, Planning Commission Chairman
Kenai Peninsula Borough
144 N. Binkley St.
Soldotna, AK 99669



September 18, 2022

Chairman Martin:

I reside on property adjacent to the DNR property identified in the Planning Dept. notice of gravel pit extension as parcel #125-324-13. My husband and I own and have resided on the adjacent Ptarmigan Lake Subdivision Tracts, Tax parcel #125-140-22 for over 35 years. We fear our home and property will be harmed because of our experiences, listed below, from the current blasting work in the primary site so far. Expansion will only increase our risk. The lack of information on any further expansion provided to neighboring residents and the Moose Pass Advisory Planning Committee add to these concerns.

At this point I request that the Planning Commission deny indefinitely this conditional use permit to Tutka LLC, that would allow expansion for materials extraction on parcel #125-324-13, until those of us who will be harmed can understand the full impact to our community and have input to the decision.

Our experiences with the materials extraction so far are as follows:

1. Insufficient warning of planned blasting
2. Blasting causing our house windows to rattle, which no earthquake has caused, raising concern about foundation integrity and damage to our well and water quality
3. Debris from activities rolling downhill onto our property (includes 55-gallon metal drum)

Our experiences due to lack of oversight and unauthorized use of gravel pits:

1. Garbage dumping, especially of household appliances and vehicles
2. Shooting of guns, especially loud, semi-automatics late at night
3. Fires and partying with potential risks of wildfires

Potential damage to property values if expansion occurs due to:

1. Visual eyesore due to location adjacent to our property and on scenic highway
2. Potential water/well damage (turbidity, contamination, water table damaged),
3. Diversion of surface water drainage

Again, I request that the KPB Planning Commission vote no, and deny the permit for materials extraction on Parcel #125-324-13 at the location "Northeast of the Lawing Airport". I also request more detailed information including geological and hydrological information on possible negative environmental impacts, that you surely would have obtained before making this decision.

I look forward to your responses.

Sincerely,

Ellen O'Brien

33749 Solar Mountain Road, Mile 24 & ¼ Seward Highway
Seward, Alaska 99664

Cc: Moose Pass Advisory Planning Commission, Jason Aigeldinger

From: [Jason Aigeldinger](#)
To: [Raidmae, Ryan](#)
Subject: <EXTERNAL-SENDER>Public comment statement regarding conditional land use permit application, materials extraction, parcel number 125-324-13
Date: Friday, September 23, 2022 6:12:49 AM

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

Dear Ryan Raidmae,
Below is my family's statement regarding the proposed materials extraction project slated for the Crown Point area.
Please share this statement with the planning commission and our expectation is that it be added to the public record.
Thank you,
The Aigeldinger Family

To: Planning Comission Chairman
144 N Binkley St.
Soldotna, Ak 99669

From: Jason and Laura Aigeldinger
31010 Trail River Road
Moose Pass, Ak 99631

Our written statement in response to the conditional land use permit application for materials extraction submitted by Tutka LLC situated on parcel # 125-324-13.

Chairman,

Both my wife and I have concerns regarding the above application that you and your planning commission colleagues will approve on Monday September 26, 2022.

Our main concern is how the longer term, larger, expanded operation at the quarry site situated less than a 1/2 mile from our home will effect our building foundations and we worry that five years of blasting at the quarry site may cause turbidity in the aquifer we pull our water from via the well on our property. We worry that the potential increased turbidity as a result of frequent and long term blasting operations may degrade or eliminate our ability to draw water from our well.

It is our expectation that if you ideed approve the application on Monday September 26, that the quarrying operations will not cause damage to our structures or impede our ability to access or compromise the quality of our drinking water.

It is unclear if the Kenai Peninsula Borough, Alaska Department of Natural Resources or Tutka LLC would assume the liability if our above expectations are negatively altered as a result of Tutka LLC's

expanded, multi year operation on DNR land enabled to be carried out with the approval of the Kenai Peninsula Borough Planning Commission.

It is unclear which government entity, either DNR or KPB is tasked with insuring that

the blasting operations are carried out in compliance with the Federal Office of Surface Mining guidelines which stipulate that ground vibration must not exceed 1.0 inch per second, and airblast (an audible increase in air pressure) must not exceed 133 decibels at any dwelling.

Those federal guidelines are in place to insure that blasting operations do not damage structures or compromise access to subsurface drinking water to properties in close proximity to areas where blasting operations are occurring.

In summary, both my wife and I are very concerned that our personal property and access to subsurface potable water run the risk of being negatively altered as a result of Tutka LLC's expanded, longer duration material extraction and processing operations at the site here Crown Point.

We're also concerned because the KPB Code 21.25 as well as 21.29 do not address adherence to Federal Office of Surface Mining guidelines concerning blasting operations or set out protocols to insure water quality will not be effected as a result of operations carried out on material sites adjacent to or in close proximity to occupied private properties situated in the Borough.

For the record, we'd like to note as Borough residents and taxpayers that we feel strongly that this project is being pushed through with alarming speed. We, as a family are concerned that the burden of haste will fall on us.

KPB Code, in relation to our concerns associated with the proposed project, does not safeguard our family's property assets which we pay annual tax on to the Borough. The Borough tax we pay on our property should insure that the preservation of our privately owned structures and on site, accessible potable water not be jeopardized by an expanded operation slated to be carried out on non Borough public lands by a limited liability corporation.

Liability. Who is to assume it? Who is to be at fault if material extraction operations your commission is slated to approve effect my daily activities or degrade my property, thus decreasing its value. I guess we are all forced to hope for the best. Thank you for your time and attention concerning this matter.

Sincerely,
The Aigeldinger Family
Crown Point, Ak

E. NEW BUSINESS

4. Street Naming Resolution 2022-03: Renaming certain public rights-of-ways within Emergency Services Numbers 202, 302 & 401 (Kalifornsky, Diamond Ridge & Anchor Point Communities)

AGENDA ITEM NEW BUSINESS

- A. Joe Super St; Section 02, T06S, R14W; Seward Meridian, Kenai Peninsula Borough, AK; in the Diamond Ridge community; ESN 202

STAFF REPORT

PC MEETING: September 26, 2022

Applicant: Stephanie Green of Homer, AK

Existing right-of-way names: Joe Super St

Name proposed by petitioner: Blissful Acres St

Reason for Change: Petition from adjoining property owners

Background: Originally named by plat HM 2002-06, Tulin West Highlands

Name	Joe Super St
ESN	202
Community	Diamond Ridge
YR Named	2002
Constructed	Yes
Total Lots	17
Residential	17
Commercial	0
E911 Address	6
Decision	Rename

Review and Comments:

Notice was sent by regular mail to the property owners fronting Joe Super St, as listed on the KPB tax roll.

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

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

Staff Discussion:

A petition was received from a property owner living on Joe Super St.

Per KPG GIS data, Joe Super St is an unmaintained road approximately ½ mile in length and provides access to several residential homes.

The petitioner has stated that the property owners would like a street name that represents the area surrounding and families living on the street.

The petition included signatures from 83% of owners fronting Joe Super St.

Staff reviewed the suggested name and found no conflict. There are no similar sounding or identically named streets within the same or adjacent emergency service zone.

STAFF RECOMMENDATION: Rename Joe Super St to **Blissful Acres St** by adoption of Resolution SN 2022-03.

END OF STAFF REPORT



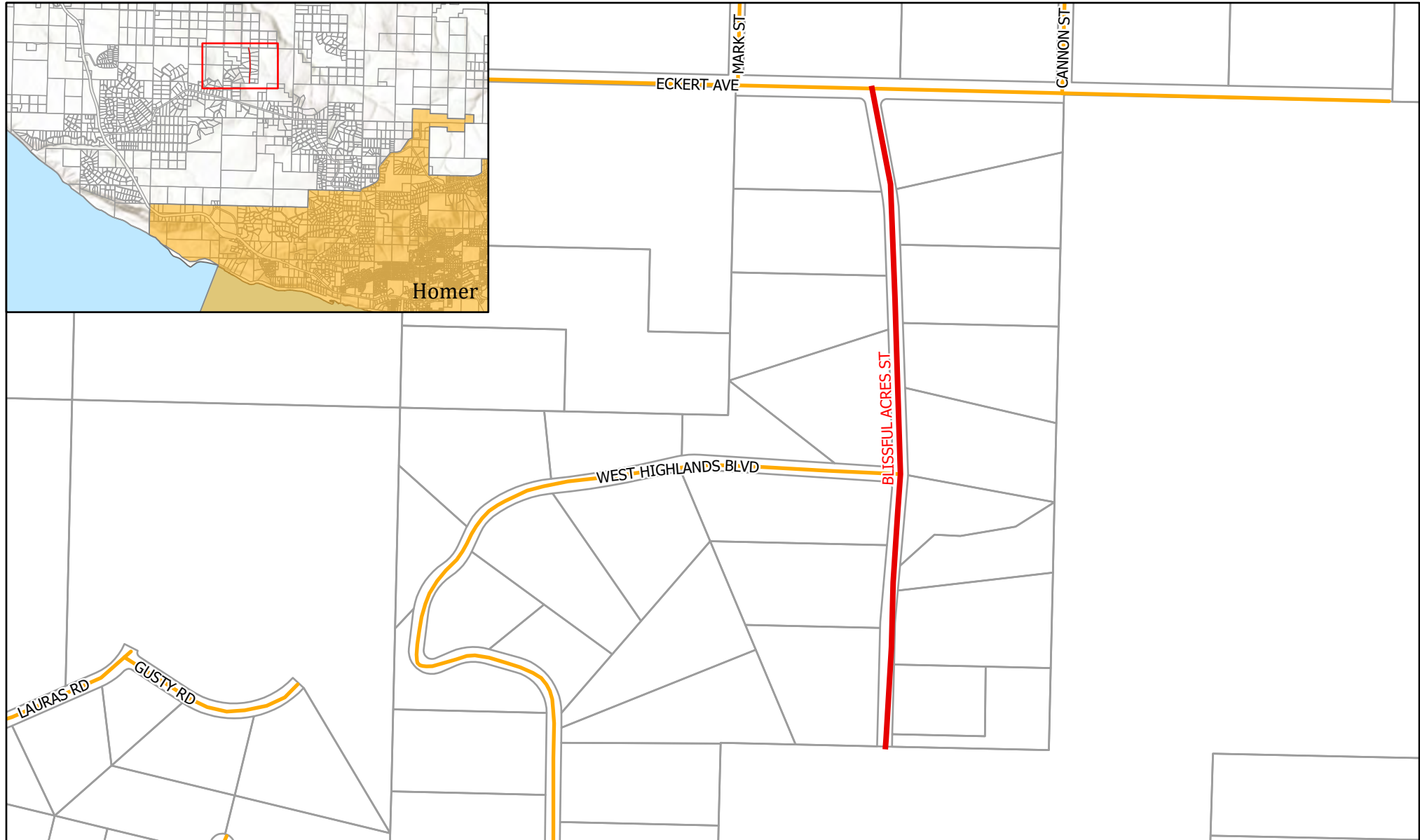
Kenai Peninsula Borough Planning Department

Vicinity Map

Date: 8/25/2022



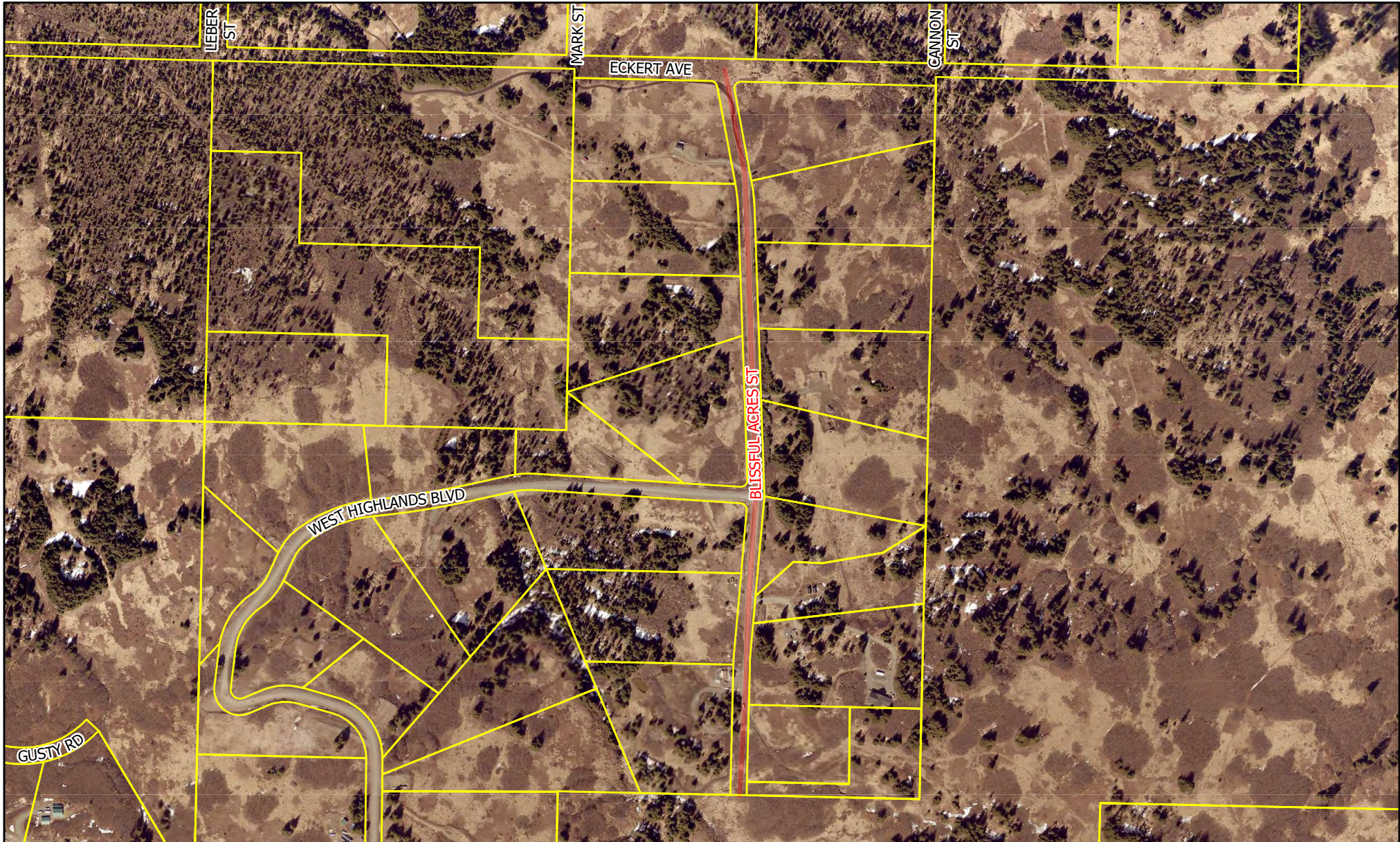
Street Naming
Resolution SN 2022-03

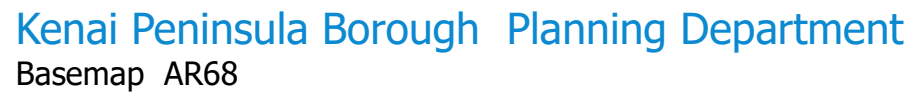


The information depicted hereon is for a geographical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility of any errors on this map. **83**

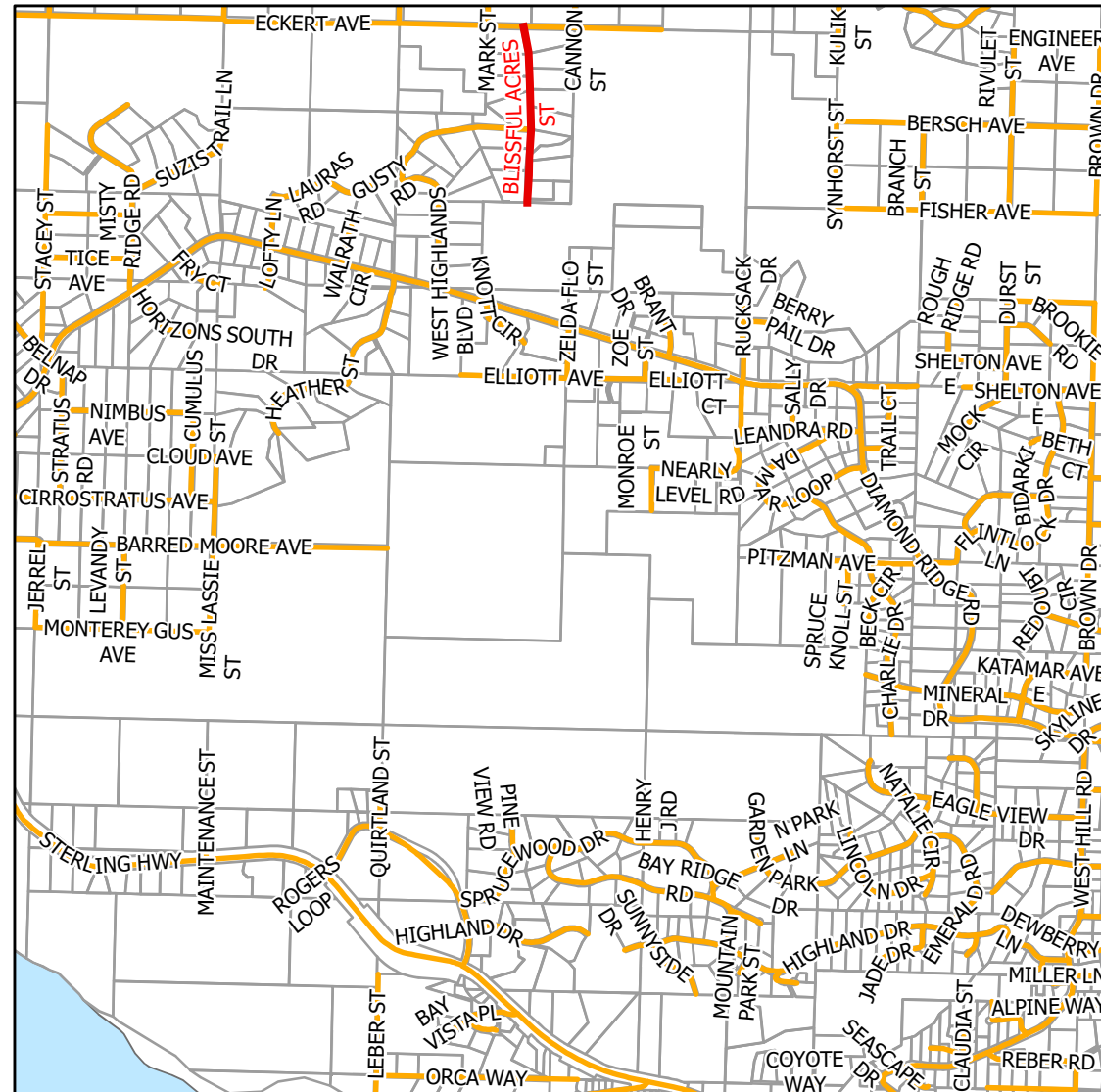


Street Renaming
Resolution SN 2022-03





Street Renaming Resolution SN 2022-03





Planning Department

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

PETITION TO NAME / RENAME A STREET

Kenai Peninsula Borough Planning Department
ATTENTION: E911 Addressing Officer
144 North Binkley Street Soldotna, AK 99669-7520 (907) 714-2200

Petitioner's Name: (Please Print) STEPHANIE GREEN
Mailing Address: 509 STERLING HWY STE. 201, HOMER, AK 99603
E-mail Address: sgreen@homerinscenter.com
Telephone: 907-398-6996
Current Street Name: JOE SUPER ST.
Proposed Street Name: BLISSFUL ACRES ST.
Location of Current Street: Township: _____ Range: _____ Section: _____
Subdivision: T6SR14WSEC2SEWARD MERIDIAN HM 2002006
TULIN WEST HIGHLANDS TRACT 17, 18a & b, 19, 20a & b - Lots
The Right-of-Way is: (Please Check) Public Private 9, 10, 11, & 21
Is the Right-of-Way in use? ☒ Yes ☐ No
Is the road constructed? ☒ Yes ☐ No
Is there a street sign along the Right-of-Way? ☒ Yes ☐ No

Reason for Requested Change: THE NAME JOE SUPER ST. DOES NOT FIT
IN WITH THE NEIGHBORHOOD RESIDENTS. WE WOULD LIKE A
NAME MORE FITTING TO THE AREA SURROUNDING & THE
FAMILIES LIVING HERE.

List Three (3) Choices for a new Street Name, in order of preference.

1. BLISSFUL ACRES ST.
2. FOILAGE ACRES ST.
3. SPLendid ACRES ST.

New Name Suggestions must not be on the Road Inventory List which can be found at:
https://www.kpb.us/images/KPB/PLN/911/Road_Inventory.pdf

New Street Names must be checked, and approved by the E911 Addressing Officer by email addressing@kpb.us; fax 714-2378; or phone 714-2200.

To be considered complete, the application must be accompanied by the following items:

1. Petition signed by property owners (see instructions).
2. A map showing the road to be named and surrounding property.
3. The filing and sign fees are established by KPB Planning Commission Resolutions 96-22 and 85-3, as follows:

- (A) For name changes or naming of public street dedications other than those named during the subdivision process:

- | | | <u>Check Applicable Boxes</u> |
|-----|--|---|
| (1) | Street Naming Petition and Hearing Advertising Fee | \$300 <input checked="" type="checkbox"/> |
| (2) | Installation of each new Borough Service Area Sign, Post, etc. (per sign) | \$150 <input type="checkbox"/> |
| (3) | Replacement of existing Borough Service Area Sign, due to change where no post is needed. (per sign) | \$ 80 <input checked="" type="checkbox"/> |

The minimum fee shall be either a combination of 1 and 2 OR 1 and 3 above; however, all signs that need to be changed and / or maintained by a Borough Service Area must be paid for upon completion of the project.

Check already sent in. Derek has my check for \$380

- (B) For Private Road Naming:

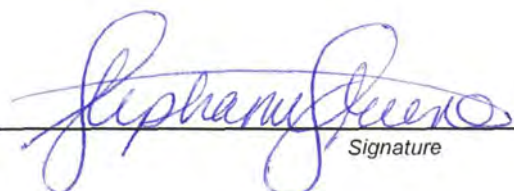
- | | | |
|-----|--|---------------------------------|
| (1) | Street Naming Petition and Hearing Advertising Fee | \$300 <input type="checkbox"/> |
| (2) | Installation of each new Borough Service Area sign, Post, etc. (per sign) | \$150 <input type="checkbox"/> |
| (3) | Replacement of existing Borough Service Area Sign, due to change where no post is needed. (per sign) | \$ 80 <input type="checkbox"/> |
| (4) | If no signs are required | No Fee <input type="checkbox"/> |

TOTAL FEE SUBMITTED \$ _____

Additionally, if the Right-of-Way was created by a document other than a recorded plat, a copy of that document must be submitted with this application.

NOTE: INCOMPLETE APPLICATIONS WILL BE RETURNED.

I, the undersigned, hereby affirm that all information made part of this application is true, correct and complete to the best of my knowledge.


Signature

7.21.22
Date

& These signers represent 83% of the Subdivision Owners
PETITION FOR RENAMING A STREET

Existing Road Name: 40410 JOE SUPER ST.
Proposed Road Name: BLISSFUL ACRES ST.
Name of Primary Petitioner: STEPHANIE GREEN

Identify the Owners of Land affected (include mortgage holders, contract holders and, if owned by a corporation or partnership, provide the needed authority to sign):

Name (print): STEPHANIE GREEN Phone: 907-398-6996

Signature: *Stephanie Green*

Mailing Address: 509 STERLING HWY. STE. 201 - HOMER, AK 99603

Legal Description: T6SR14WSEC2SEWARD MERIDIAN HM 2002006 TULIN WEST HIGHLANDS TRACT 17, 18 & 19, 20 & 21

Name (print): TERRY HANSEN Phone: 801-669-2201

Signature: *Terry Hansen*

Mailing Address: PO Box 668 HOMER, AK 99603

Legal Description: T6SR14WSEC2SEWARD MERIDIAN HM 2002006 TULIN WEST HIGHLANDS TRACT 21

Name (print): KATHY OR TODD GREEN Phone: 907-299-0124

Signature: *Kathy or Todd Green*

Mailing Address: PO Box 358, HOMER, AK 99603

Legal Description: T6SR14WSEC2SEWARD MERIDIAN HM TULIN WEST HIGHLANDS TRACT 9, 10 & 11

Name (print): Allen White Phone: 907 299-2156

Signature: *Allen White*

Mailing Address: PO Box 1486, HOMER, AK 99603

Legal Description: T6SR14WSEC2SEWARD MERIDIAN HM 2002006 TULIN WEST HIGHLANDS TRACT 9

Name (print): Bert Eric B Johnson Phone: 907 301 6132

Signature: *Bert Johnson*

Mailing Address: 4801 Zenith St Anchorage AK 99507

Legal Description: T6SR14WSEC2SEWARD MERIDIAN HM 2002006 TULIN WEST HIGHLANDS TRACT 12

AGENDA ITEM NEW BUSINESS

- B. Kayeway Rd; Section 02, T04N, R11W; Seward Meridian, Kenai Peninsula Borough, AK; in the Kalifornsky community; ESN 302

STAFF REPORT

PC MEETING: September 26, 2022

Applicant: Kenai Peninsula Borough Staff

Existing right-of-way names: Kayeway Rd

Name proposed by petitioner: Kayeway Rd N & Kayeway Rd S

Reason for Change: Jump Street

Background: Named by resolution SN 2006-04

Name	Kayeway Rd
ESN	302
Community	Kalifornsky
YR Named	2006
Constructed	Incomplete
Total Lots	32
Residential	32
Commercial	0
E911 Address	24
Decision	Rename

Review and Comments:

Notice was sent by regular mail to the property owners fronting Kayeway Rd, as listed on the KPB tax roll.

Three written comments were received from two property owners by the writing of this staff report.

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

Staff Discussion:

A recent subdivision, 2020-045 Betty Goodrich Churchill Meadows, extended Kayeway Road to the north and added Kayeway Circle. Homes in the new subdivision are currently under construction, and several homes have been completed. The road has been partially constructed, but leaves a 300-foot unconstructed portion between the original Kayeway Rd and the new extension.

A property owner along the original section of Kayeway Rd contacted borough staff identifying Kayeway Rd as a jump street. A jump street is a street that is not constructed all the way through therefore creating separate access points to locate addresses assigned to the street. Jump streets are confusing for emergency response and mail delivery when there is no way to determine which access point will get them to the correct address.

Because it is unclear if the unconstructed portion may be constructed in the future staff, is proposing to add the post directional N & S.

STAFF RECOMMENDATION: Rename Kayeway Rd to **Kayeway Rd N & Kayeway Rd S** by adoption of Resolution SN 2022-03.

END OF STAFF REPORT

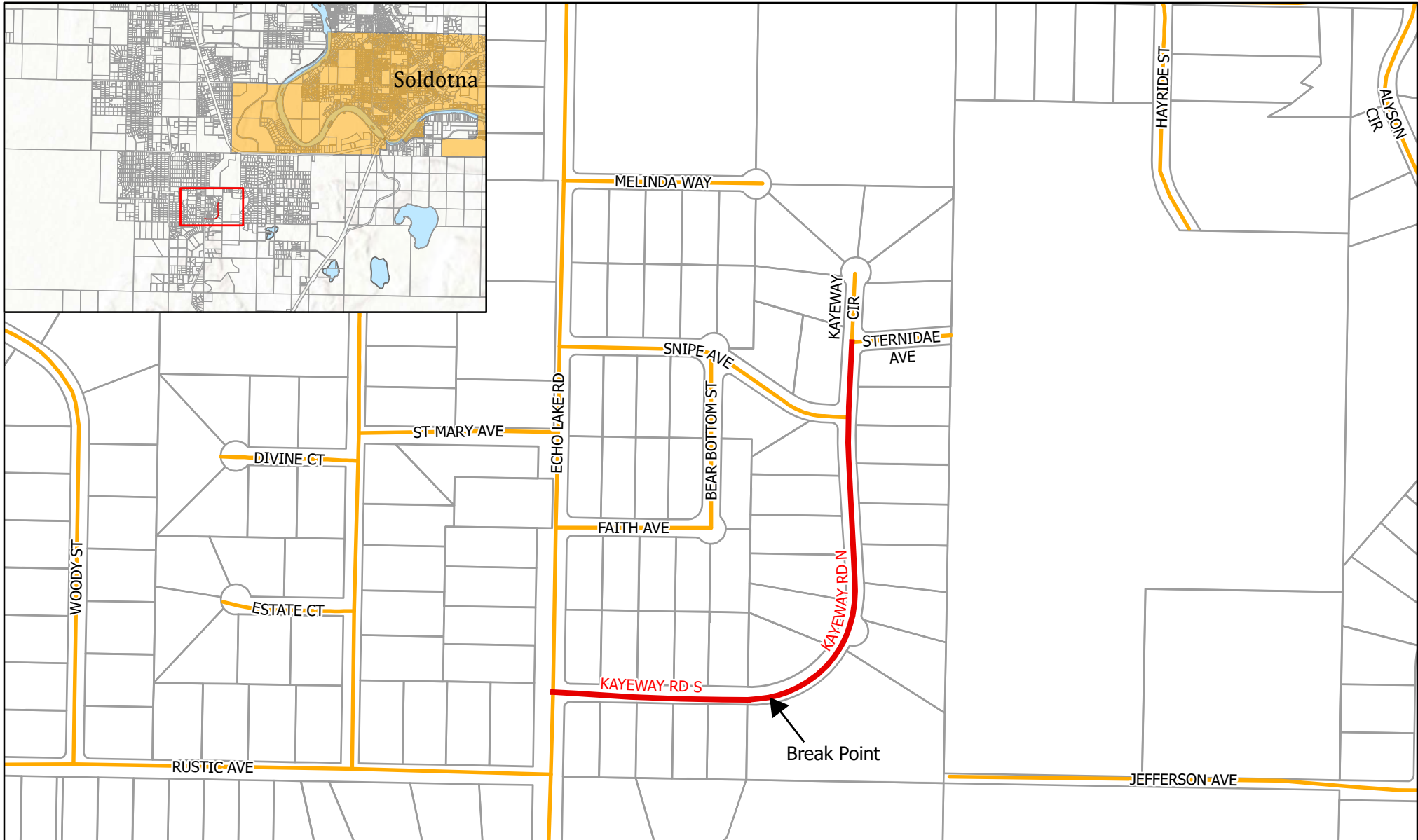


Kenai Peninsula Borough Planning Department

Vicinity Map

Date: 8/25/2022

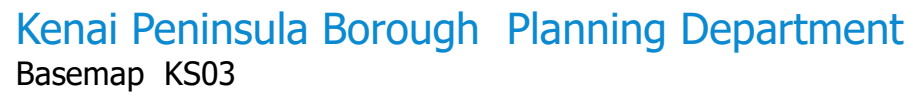
Street Naming
Resolution SN 2022-03





Street Renaming
Resolution SN 2022-03





Received 9/13/2022

KPB PLANNING DEPT

144 N. Binkley St, Soldotna, Alaska 99669

REFERRING TO: KAYEWAY RD, SOLDOTNA, ALASKA, SECTION 02, T04N, R11W: SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AK. NAME CHANGE.

PROBLEM: DUPLICATE NAME. Original Kayeway Rd, running East and West off Echo Lake Rd has been there for over 30 years. I have owned property on this road over 25 years.

A new subdivision started approx. 3 years ago and is growing with several houses, and more being constructed. This Rd is also named Kayeway Rd, is running North and South.

This has caused many problems for the original Rd Residences. Lots of traffic, now on this old rd. No one seems to understand that the original road is DEAD ended and does not connect to the new subdivision.

Daily truck traffic, lost cars, UPS, Fed-X, Home Depot, SBS. This has caused increase damages to this road, that is not a KPB maintained rd.

The proposal of N and S will only cause more problems.

There are 23 lots/addresses in the new subdivision, there are 11/lots with 13 address addresses on the original Kayeway road.

Why force everyone on this Kayeway Road to change address, when it can be corrected by changing only the new subdivision road addresses, that has caused this problem, before all the new houses are built.

Proposal: DO NOT DO ANYTHING TO THE Original Kayeway road addresses. Change only the new subdivision road/circle Name.

Proposal #1: Change new Subdivision KAYEWAY RD to STERNIDAE ROAD AND KAYEWAY CIRCLE TO STERNIDAE CIRCLE. Leave the original Kayeway road alone.

Proposal #2: Change new Subdivision KAYEWAY RD TO SNIPE ROAD AND KAYEWAY CIRCLE TO SNIPE CIRCLE.

Proposal #3: Change new Subdivision KAYEWAY RD/KAYEWAY CIRCLE TO ANY ROAD THAT DOES NOT REFLECT ANYTHING ABOUT KAYEWAY RD.

Proposal #4: DON'T DO ANYTHING AND LET THE PROBLEMS GET WORSE.

Thank you

Olen Moyer

47940 KAYEWAY RD. Soldotna, Alaska Residents address

PO Box 433, Kenai, Alaska, Mailing address

907-690-0830

Received 9/13/2022

KPB PLANNING DEPT

144 N. Binkley St, Soldotna, Alaska 99669

REFERRING TO: KAYEWAY RD, SOLDOTNA, ALASKA, SECTION 02, T04N, R11W: SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AK. NAME CHANGE.

PROBLEM: DUPLICATE NAME. Original Kayeway Rd, running East and West off Echo Lake Rd has been there for over 30 years. We have owned property on this road over 25 years.

A new subdivision started approx. 3 years ago and is growing with several houses, and more being constructed. This Rd is also named Kayeway Rd, is running North and South.

This has caused many problems for the original Rd Residences. Lots of traffic, now on this old rd. No one seems to understand that the original road is DEAD ended and does not connect to the new subdivision.

Daily truck traffic, lost cars, UPS, Fed-X, Home Depot, SBS. This has caused increase damages to this road, that is not a KPB maintained rd.

The proposal of N and S will only cause more problems.

There are 23 lots/addresses in the new subdivision, there are 11/lots with 13 address addresses on the original Kayeway road.

Why force everyone on this Kayeway Road to change address, when it can be corrected by changing only the new subdivision road addresses, that has caused this problem, before all the new houses are built.

Proposal: DO NOT DO ANYTHING TO THE Original Kayeway road addresses. Change only the new subdivision road/circle Name.

Proposal #1: Change new Subdivision KAYEWAY RD to STERNIDAE ROAD AND KAYEWAY CIRCLE TO STERNIDAE CIRCLE. Leave the original Kayeway road alone.

Proposal #2: Change new Subdivision KAYEWAY RD TO SNIPE ROAD AND KAYEWAY CIRCLE TO SNIPE CIRCLE.

Proposal #3: Change new Subdivision KAYEWAY RD/KAYEWAY CIRCLE TO ANY ROAD THAT DOES NOT REFLECT ANYTHING ABOUT KAYEWAY RD.

Proposal #4: DON'T DO ANYTHING AND LET THE PROBLEMS GET WORSE.

Thank you

Olen Moyer

Manager: Crane-Moyer ENT LLC

PO Box 433, Kenai, Alaska, Mailing address

907-690-0830

Received 9/14/2022

Addressing, Planning Department

Please do not use the Kayeway name on the new subdivisions. The original Kayeway Rd and the new subdivision roads using that name **do not connect**, it is already **causing great confusion** with delivery drivers and people looking for a friend's house. I've already helped many drivers figure out how to get from Kayeway to the new division, and several of them were heavy delivery trucks that damage our non-borough-maintained road.

The borough map is misleading. The "break point" on the map is a very large, impassable area of private property.

The ONLY entrance to the new development is Snipe Rd, connecting from the main road (Echo Lake) to the subdivision. Why not name the connecting roads by the Snipe name (i.e. Snipe Circle) or something completely new? **Using the Kayeway name is inherently going to cause chronic trouble for every resident and for most visitors.**

Using the Kayeway name on the new roads might seem sensible on a drawing, but the living example shows much more trouble than it would be worth. Please change the names of the new roads so that KAYEWAY RD remains unmolested.

Thanks!
Greg Madden
47920 Kayeway Rd
PO Box 1914
Soldotna, AK 99669

AGENDA ITEM NEW BUSINESS

- C. Unnamed section line easement and a portion of Sierer Ave; Section 33, T05S, R14W; Seward Meridian, Kenai Peninsula Borough, AK; in the Diamond Ridge community; ESN 202

STAFF REPORT

PC MEETING: September 26, 2022

Applicant: Kenai Peninsula Borough Staff

Existing right-of-way names: Sierer Ave

Name proposed by petitioner: Jolly Ave

Reason for Change: Extend existing street name

Background: Sierer Ave originally named by plat HM 72-452

Name	Unnamed SLE & Sierer Ave
ESN	202
Community	Diamond Ridge
YR Named	1972
Constructed	Yes
Total Lots	8
Residential	8
Commercial	0
E911 Address	1
Decision	Rename

Review and Comments:

Notice was sent by regular mail to the property owners fronting the unnamed SLE and a portion of Sierer Ave, as listed on the KPB tax roll.

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

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

Staff Discussion:

A Newly constructed road from Jolly Ave continues east across an unnamed section line easement and across a portion of Sierer Ave. Borough Staff identified the newly constructed road as a direct extension of Jolly Ave, which provides access to multiple addressed structures.

Because changing street names along a straight road with no defined break point may cause confusion for emergency response, staff is proposing extending Jolly Ave.

STAFF RECOMMENDATION: Rename a portion of Sierer Ave and the unnamed SLE to **Jolly Ave** by adoption of Resolution SN 2022-03.

END OF STAFF REPORT

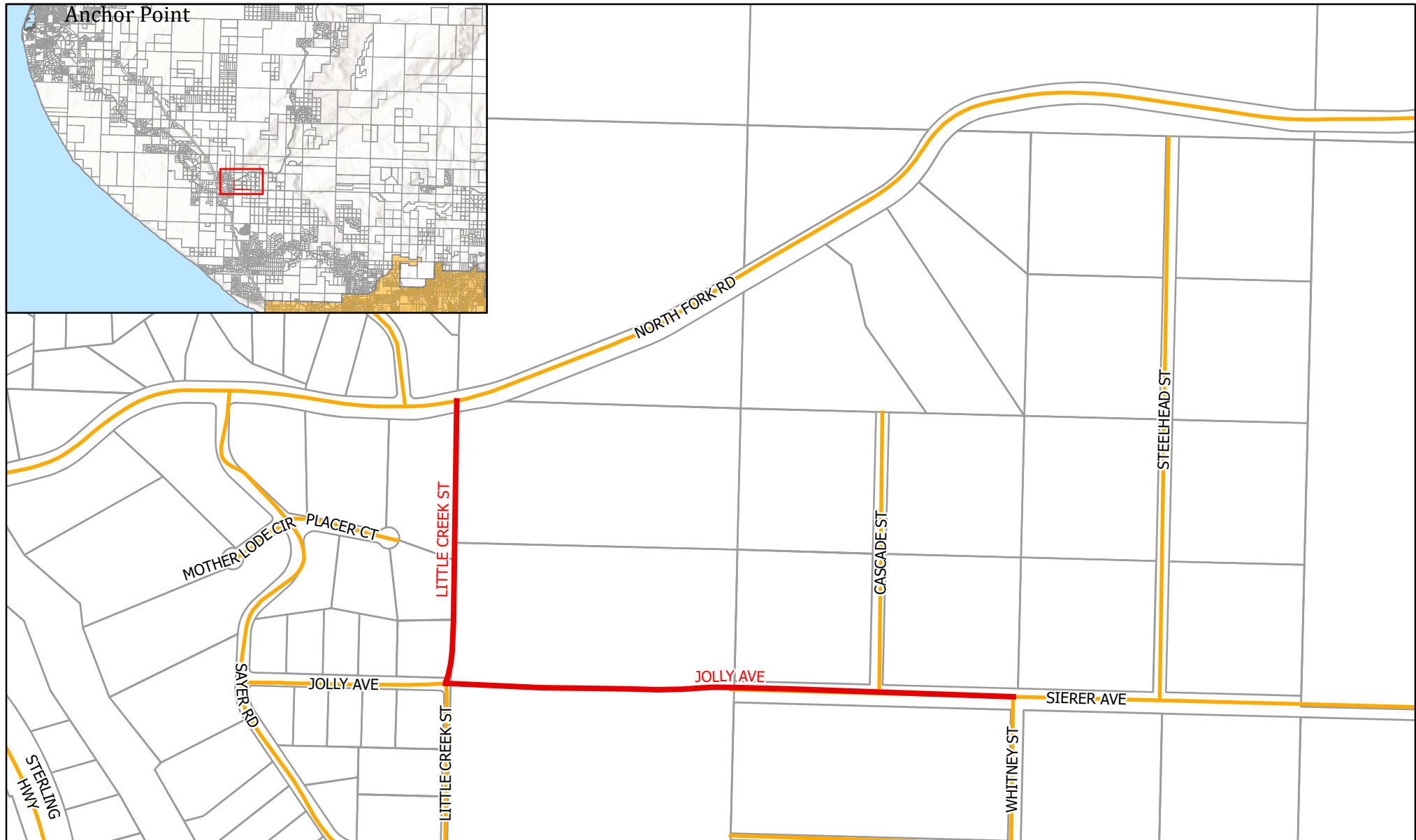


Kenai Peninsula Borough Planning Department

Vicinity Map

Date: 8/25/2022

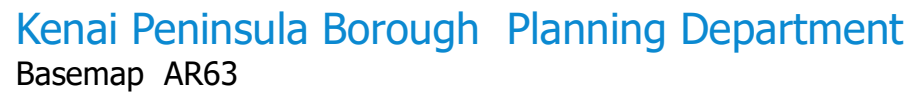
Street Naming
Resolution SN 2022-03





Street Renaming
Resolution SN 2022-03





AGENDA ITEM NEW BUSINESS

- D. Unnamed section line easement; Section 33, T05S, R14W; Seward Meridian, Kenai Peninsula Borough, AK; in the Anchor Point community; ESN 401

STAFF REPORT

PC MEETING: September 26, 2022

Applicant: Kenai Peninsula Borough Staff

Existing right-of-way names: Unnamed

Name proposed by petitioner: Little Creek St

Reason for Change: Extend existing street name

Background:

Name	Unnamed SLE
ESN	401
Community	Anchor Point
YR Named	N/A
Constructed	Partially
Total Lots	11
Residential	11
Commercial	0
E911 Address	5
Decision	Name

Review and Comments:

Notice was sent by regular mail to the property owners fronting Little Creek Street and the unnamed SLE, as listed on the KPB tax roll.

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

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

Staff Discussion:

Borough Staff identified a newly construct road across an unnamed section line easement that is a direct extension of Little Creek St.

Per KPG GIS data, the unnamed road extends approximately 730-feet in length and provides access to three residential homes.

Homes along the unnamed constructed road are using Jolly Ave and Placer Ct addresses, which may cause confusion for dispatch and first responders.

STAFF RECOMMENDATION: Name the unnamed SLE **Little Creek St** by adoption of Resolution SN 2022-03.

END OF STAFF REPORT

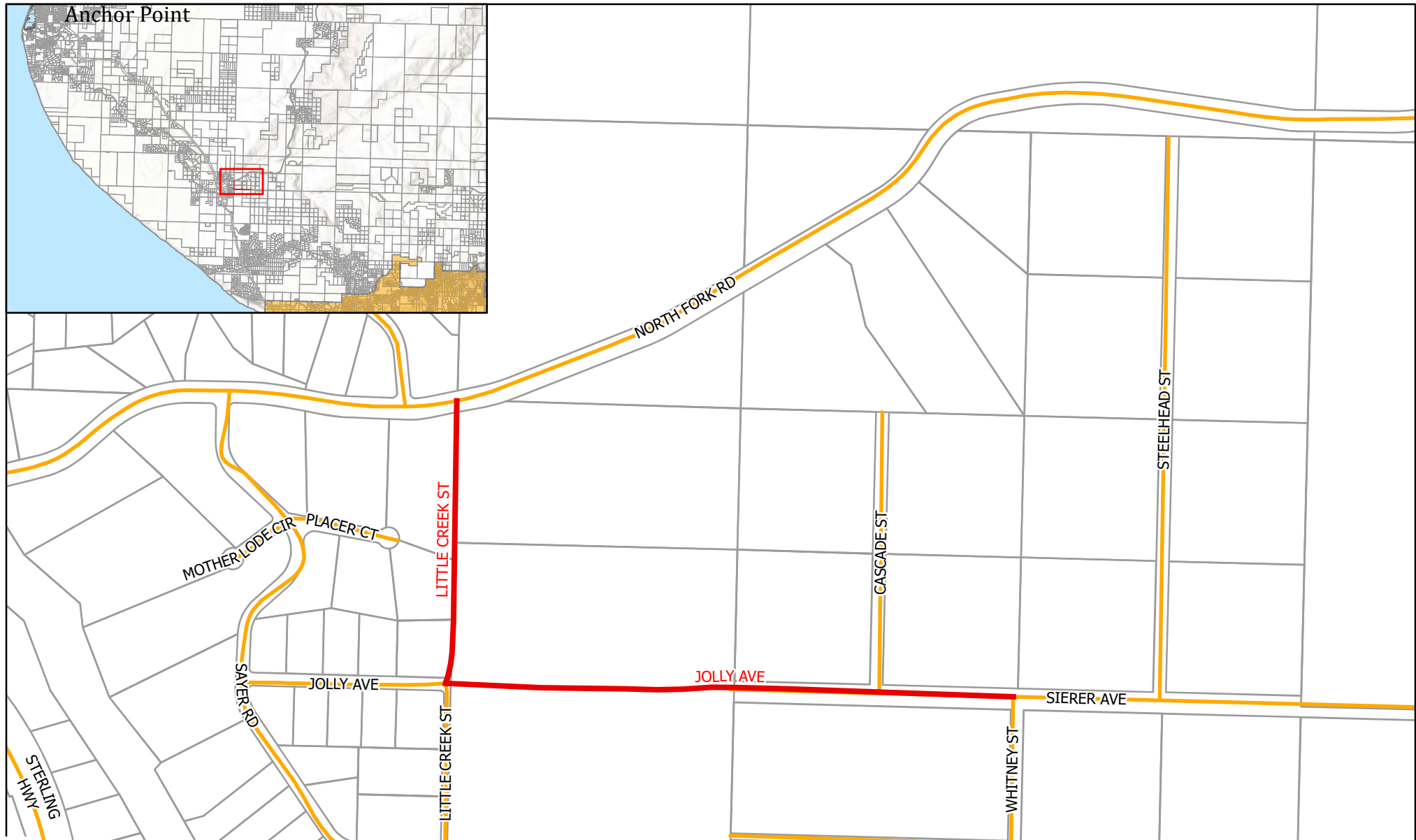


Kenai Peninsula Borough Planning Department

Vicinity Map

Date: 8/25/2022

Street Naming
Resolution SN 2022-03



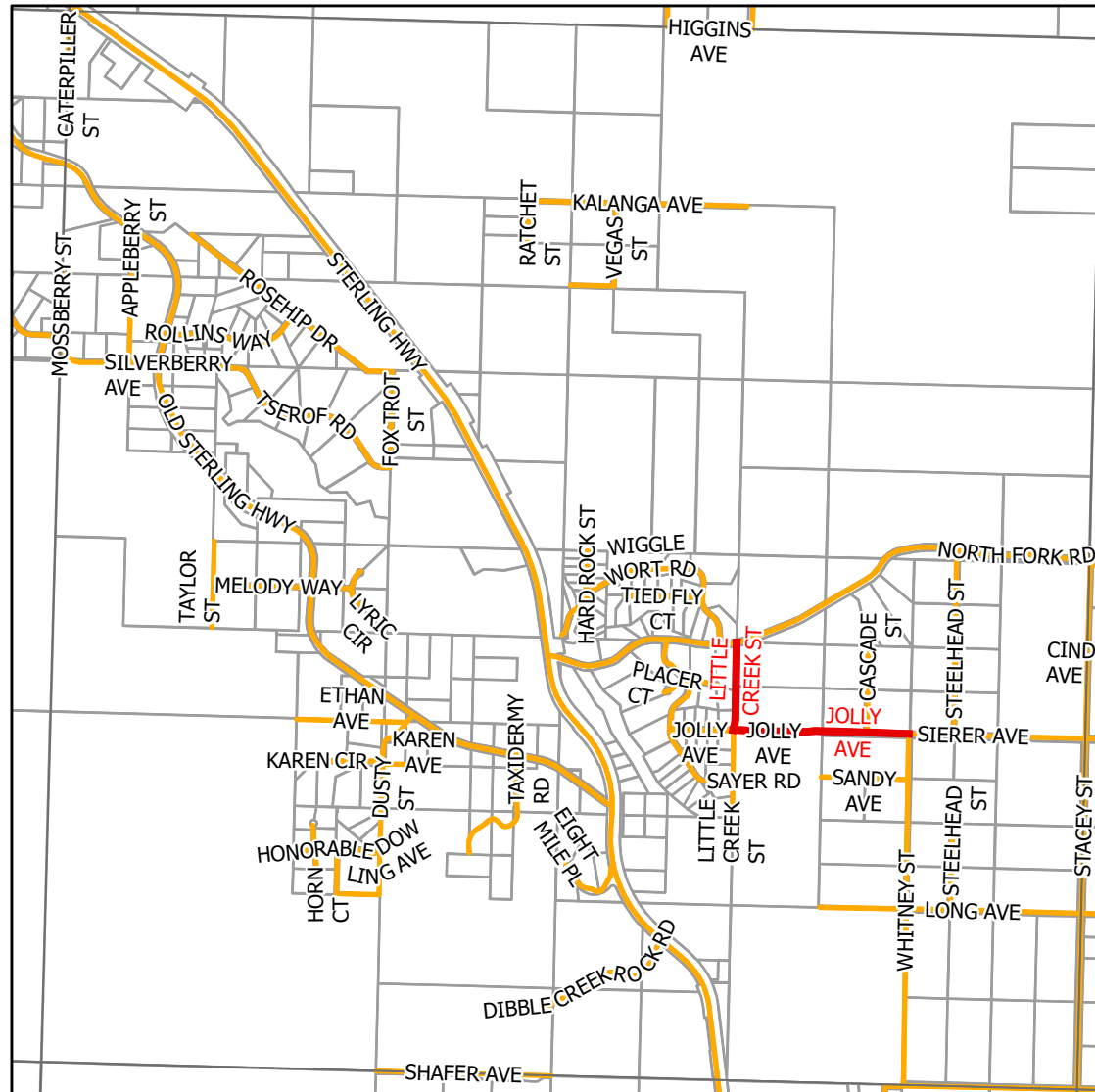


Street Renaming
Resolution SN 2022-03





Street Renaming
Resolution SN 2022-03





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 TO RENAME STREETS

Public notice is hereby given that a petition was received to rename a public road in the Diamond Ridge, Kalifornsky, and Anchor Point communities. Areas under consideration is described as follows:

- A) **Location:** Joe Super St; Section 02, T06S, R14W; Seward Meridian, Kenai Peninsula Borough, AK; in the Diamond Ridge community; ESN 202 **Reason for Naming:** Petition from property owners; **Proposed Name:** Blissful Acres St
- a) Purpose as stated in petition: Owners would like a street name that represents the area surrounding and families living on the street.
- b) Petitioner(s): Stephanie Green
- B) **Location:** Kayeway Rd; Section 02, T04N, R11W; Seward Meridian, Kenai Peninsula Borough, AK; in the Kalifornsky community; ESN 302 **Reason for Renaming:** Jump Street; **Proposed Name:** Kayeway Rd N and Kayeway Rd S
- a) Purpose as stated in petition: Kayeway Rd was identified as a jump street. Kayeway Rd is not constructed all the way through therefore creating separate access points and making it difficult to locate addresses.
- b) Petitioner(s): Kenai Peninsula Borough Staff
- C) **Location:** Unnamed section line easement and a portion of Sierer Ave; Section 33, T05S, R14W; Seward Meridian, Kenai Peninsula Borough, AK; in the Diamond Ridge community; ESN 202 **Reason for Renaming:** Extend existing street name; **Proposed Name:** Jolly Ave
- a) Purpose as stated in petition: Unnamed section line easement and portion of named right-of-way that is a direct extension of an existing named right-of-way and provides access to multiple addressed structures.
- b) Petitioner(s): Kenai Peninsula Borough Staff
- D) **Location:** Unnamed section line easement; Section 33, T05S, R14W; Seward Meridian, Kenai Peninsula Borough, AK; in the Anchor Point community; ESN 401 **Reason for Renaming:** Extend existing street name; **Proposed Name:** Little Creek St
- a) Purpose as stated in petition: Unnamed section line easement that is a direct extension of an existing named right-of-way and provides access to multiple addressed structures.
- b) Petitioner(s): Kenai Peninsula Borough Staff



Planning Department

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

Charlie Pierce
Borough Mayor

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, September 26, 2022**, commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska.

Meeting materials may be found at <https://www.kpb.us/planning-dept/planning-commission> as well as any updates to meeting procedures.

Anyone wishing to testify, but cannot attend the zoom meeting, may submit a written statement to the attention of Addressing, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. The Planning Department recommends that written comments be received by **Friday, September 23, 2022**. [Written comments may also be sent by email to the address below or by Fax to 907-714-2378].

For additional information contact Addressing (addressing@kpb.us), Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough).

New name suggestions must not be on the 911 Street Naming Master Street Address Guide List: https://www.kpb.us/images/KPB/PLN/911/Road_Inventory.pdf AND new name suggestions must be checked and approved by the Planning Department.

PLEASE NOTE: The Planning Commission may approve a name suggested by landowners, interested parties, or the planning staff. An entirely different name can also be suggested and approved by the Commission during the public hearing.

PLEASE NOTE: Upon adoption of a street name change resolution, no reapplication or petition concerning the name of the same street may be filed within one calendar year of the final adoption, except in the case where new evidence or circumstances exist that were not available, present or reasonably ascertainable when the original resolution was adopted (KPB 14.10.050).

KENAI PENINSULA BOROUGH
PLANNING COMMISSION RESOLUTION

RESOLUTION SN 2022-03

RENAMING A CERTAIN PUBLIC RIGHT-OF-WAY WITHIN SECTION 02, T06S, R14W; SEWARD
MERIDIAN; WITHIN EMERGENCY SERVICE NUMBER (ESN) 202

RENAMING A CERTAIN PUBLIC RIGHT-OF-WAY WITHIN SECTION 02, T04N, R11W; SEWARD
MERIDIAN; WITHIN EMERGENCY SERVICE NUMBER (ESN) 302

RENAMING A CERTAIN PUBLIC RIGHT-OF-WAY WITHIN SECTION 33, T05S, R14W; SEWARD
MERIDIAN; WITHIN EMERGENCY SERVICE NUMBER (ESN) 202

NAMING A CERTAIN PUBLIC RIGHT-OF-WAY WITHIN SECTION 33, T05S, R14W; SEWARD
MERIDIAN; WITHIN EMERGENCY SERVICE NUMBER (ESN) 401

WHEREAS, a procedure has been developed to help implement the Enhanced 9-1-1 Street Naming and Addressing project; and

WHEREAS, eliminating duplicate and sound-alike street names will enable 9-1-1 Emergency Services to respond to emergencies in an efficient timely manner, thereby avoiding delays in providing necessary emergency services; and

WHEREAS, adding a post directional or changing the name of portions of jump streets will enable 9-1-1 Emergency Services to respond to emergencies in an efficient timely manner, thereby avoiding delays in providing necessary emergency services; and

WHEREAS, naming private roads that provide access to three or more structures will enable 9-1-1 Emergency Services to respond to emergencies in an efficient timely manner, thereby avoiding delays in providing necessary emergency services; and

WHEREAS, per KPB 14.10.060, the naming of an unnamed road will not constitute a legal dedication for public right-of-way or for road maintenance purposes; and

WHEREAS, on September 26, 2022 public hearings were held by the Kenai Peninsula Borough Planning Commission to address all concerns about the proposed road naming; and

WHEREAS, Chapter 14.10 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish street name changes by Resolution.

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

Section 1. That the streets listed below are named as follows:

DESCRIPTION	FROM	TO	BASE MAP
A. Joe Super St originally named by plat HM 2002-06, Tulin West Highlands; Section 02, T06S, R14W; Seward Meridian, Kenai Peninsula Borough, AK; in the Diamond Ridge community; ESN 202	Joe Super St	Blissful Acres St	AR68

B. Kayeway Rd originally named by resolution SN 2006-04; Section 02, T04N, R11W; Seward Meridian, Kenai Peninsula Borough, AK; in the Kalifornsky community; ESN 302	Kayeway Rd	Kayeway Rd N Kayeway Rd S	KS03
C. An unnamed section line easement and a portion of Sierer Ave originally named by plat HM 72-452, Kachemak Bay Rancho; Section 33, T05S, R14W; Seward Meridian, Kenai Peninsula Borough, AK; in the Diamond Ridge community; ESN 202	Unnamed SLE & Sierer Ave (western portion)	Jolly Ave	AR63
D. An unnamed section line easement; Section 33, T05S, R14W; Seward Meridian, Kenai Peninsula Borough, AK; in the Anchor Point community; ESN 401	Unnamed SLE	Little Creek St	AR63

Section 2. That according to Kenai Peninsula Borough Code of Ordinance 14.10.030, the official street name map, 1:500 scale series base maps, Anchor River 68, 63; and KASILOF 03; is hereby amended to reflect these changes.

Section 3. That the map showing the location of the named road be attached to, and made a permanent part of this resolution.

Section 4. That this Resolution takes effect immediately upon adoption.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH THIS 26th DAY OF SEPTEMBER 2022.

Blair J. Martin, Chairperson
Planning Commission

State of Alaska
Kenai Peninsula Borough

Signed and sworn to (or affirmed) in my presence this _____ day of _____ 2021 by
_____.

Notary Public

My Commission expires _____

E. NEW BUSINESS

- 5. Ordinance 2022-19-17: Authorizing the acquisition of real property located at 3964 Bartlett Street, Homer, Alaska on behalf of the South Peninsula Hospital Service Area, appropriating \$640,000.00 from the South Peninsula Hospital Plant Replacement & Expansion Fund for the purchase, and authorizing a third amendment to the operating agreement with SPH, Inc.**

Kenai Peninsula Borough

Planning Department – Land Management Division

MEMORANDUM

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

THRU: Charlie Pierce, Mayor *AK for CP*
Brandi Harbaugh, Finance Director *BH*
Robert Ruffner, Planning Director *RR*
Marcus Mueller, Land Management Officer *mam*

FROM: Aaron Hughes, Land Management Agent *AH*

DATE: September 8, 2022

RE: Ordinance 2022-19-____, Authorizing the Acquisition of Real Property Located at 3964 Bartlett Street, Homer, Alaska on Behalf of the South Peninsula Hospital Service Area, Appropriating \$640,000 from the South Peninsula Hospital Plant Replacement and Expansion Fund for the Purchase, and Authorizing a Third Amendment to the Operating Agreement with South Peninsula Hospital, Inc. (Mayor)

South Peninsula Hospital ("SPH") currently owns or leases 25 residential rental properties for the benefit of their employees and contractors at an approximate monthly cost of \$35,000.00. An existing six-bedroom residential property near the SPH main hospital campus, commonly referred to as 3964 Bartlett Street, Homer (the "Property"), has become available for purchase. Acquiring the Property would support SPH operations by securing short-term housing options for SPH employees and contractors.

The proposed purchase price is \$570,000.00, which is the independently appraised fair market value. An additional \$50,000.00 is being proposed as consideration for all furnishings and related personal property identified in Exhibit A attached to the Purchase Agreement and up to \$20,000 for closing costs. Prior to completing the purchase, the Property would be inspected for structural and environmental conditions. The Purchase Agreement provides up to 90 days to close with the Borough being responsible for buyer-related closing costs.

This ordinance authorizes the purchase of the Property and appropriates \$640,000.00 from the SPH Plant Replacement and Expansion Fund to cover the costs associated with the purchase. The ordinance also provides for a third amendment to the SPH Operating Agreement ("Operating Agreement") to add the Property to the list of property leased to SPH, Inc. under the Operating Agreement.

Your consideration of the ordinance is appreciated.

E5-1

FINANCE DEPARTMENT FUNDS/ACCOUNT VERIFIED	
Account No. :	491.20602
Amount:	\$640,000
By: <i>CH</i>	Date: 9/8/2022

Introduced by:	Mayor
Date:	09/20/22
Hearing:	10/11/22
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-19-**

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY
LOCATED AT 3964 BARTLETT STREET, HOMER, ALASKA ON BEHALF OF THE
SOUTH PENINSULA HOSPITAL SERVICE AREA, APPROPRIATING \$640,000 FROM
THE SOUTH PENINSULA HOSPITAL PLANT REPLACEMENT AND EXPANSION
FUND FOR THE PURCHASE, AND AUTHORIZING A THIRD AMENDMENT TO
THE OPERATING AGREEMENT WITH SOUTH PENINSULA HOSPITAL, INC.**

WHEREAS, the Kenai Peninsula Borough ("Borough") owns and provides for the operation of South Peninsula Hospital ("Hospital") through the South Kenai Peninsula Hospital Service Area, ("Service Area"); and

WHEREAS, the Borough has entered into an operating agreement with South Peninsula Hospital, Inc. ("SPHI") for the lease and operation of the Hospital and other medical facilities, to operate these medical facilities on a nonprofit basis in order to ensure the continued availability of the medical services to the service area residents and visitors; and

WHEREAS, SPHI learned through a real estate agent of an opportunity to purchase the property located at 3964 Bartlett Street, Homer, Alaska (the "Property"), as a way to address short-term housing challenges confronting SPHI for its employees and contractors; and

WHEREAS, an independent fair market value appraisal was completed by Appraisal Specialist of Kenai on August 3, 2022, who provided an appraised value determination of \$570,000.00; and

WHEREAS, SPHI currently occupies 25 residential rental properties at a monthly cost of approximately \$35,000.00, which are being used for short-term, transitional housing for contractors, visiting physicians and new staff recruits; and

WHEREAS, the Property consists of a .17 acre lot and a 2,404 square foot, six-bedroom residential building; and

WHEREAS, upon purchase it is appropriate to amend the Operating Agreement with SPHI to include the Property; and

WHEREAS, the South Peninsula Hospital Plant Replacement and Expansion Fund has a current balance of approximately \$5.9 million; and

WHEREAS, the SPHI Board of Directors at its meeting of July 27, 2022, adopted Board Resolution 2022-10 approving the purchase of the Property; and

WHEREAS, the Service Area Board, at its meeting of August 11, 2022, recommended approval of the acquisition; and

WHEREAS, the Kenai Peninsula Borough Planning Commission, at its regular meeting of September 26, 2022 recommended _____;

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

SECTION 1. That the assembly finds that purchasing the Property, described below, pursuant to KPB 17.10.040 is in the best interests of the Borough as it furthers the purposes of the Service Area to provide health care services:

LOT TWENTY-SEVEN-C ONE (27-C1) BUNNELL'S
SUBDIVISION FORTIN REPLAT, according to Plat No. 2006-
65, in the Homer Recording District, Third Judicial District, State
of Alaska. (PARCEL NO. 175-133-42)

SECTION 2. That the terms and conditions substantially in the form of the Purchase Agreement accompanying this ordinance are hereby approved. The purchase price shall be \$570,000.00 for the real property, \$50,000.00 for all included furnishings and other related personal property as defined in the Purchase Agreement, plus closing and due diligence costs not to exceed \$20,000.

SECTION 3. That this acquisition is for the purposes of short-term housing for SPHI employees and contractors.

SECTION 4. That the above-described land is zoned "Medical" pursuant to the City of Homer zoning code and therefore is not proposed to be further classified under KPB 17.10.080.

SECTION 5. That the mayor, or his designee, is authorized to execute any and all documents necessary to purchase the Property described in Section 1 in accordance with the terms and conditions contained in this ordinance and the accompanying Purchase Agreement, consistent with applicable provisions of KPB Chapter 17.10.

SECTION 6. That \$640,000.00 is appropriated from the SPH Plant Replacement and Expansion Fund Account No. 491.20602 to Account No. 491.81210.23HOU.49999 for the purchase of the Property, and estimated closing costs.

SECTION 7. That upon closing on the Property described in Section 1, the mayor, or his designee, is authorized to execute an amendment to the SPH Operating Agreement with SPHI substantially in the form of the Third Amendment to the Operating Agreement attached hereto and incorporated herein by reference. This document amends Exhibit A of the Operating Agreement to include the Property described in Section 1 of this ordinance.

SECTION 8. That the appropriations made in this ordinance are of a project length nature and as such do not lapse at the end of any particular fiscal year.

SECTION 9. That this ordinance shall be 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

SPH Acquisition of 3964 Bartlett Street, Homer



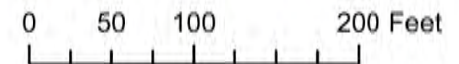
Legend



Subject Property



Tax Parcels



08/03/2022

Angela Hinnegan
South Peninsula Hospital
4300 Bartlett Street
Homer, AK, 99603

File Number: 22109 Bartlett

Dear Client,

In accordance with your request, I have appraised the real property at:

3964 Bartlett St
Homer, AK 99603

The purpose of this appraisal is to develop an opinion of the market value of the subject property, as improved.
The property rights appraised are the fee simple interest in the site and improvements.

In my opinion, the market value of the property as of August 2, 2022 is:

\$570,000
Five Hundred Seventy Thousand Dollars

The attached report contains the description, analysis and supportive data for the conclusions,
final opinion of value, descriptive photographs, limiting conditions and appropriate certifications.



Mark W. Webb
Alaska Certified General Appraiser No. 414

Appraisal Specialist, 1605 Toyon Way, Kenai AK 99611

Cell: 907-394-2617, email: webbmw17@gmail.com

**SOUTH KENAI PENINSULA HOSPITAL
SERVICE AREA BOARD**

RESOLUTION 2022-08

**A Resolution of the South Kenai Peninsula Hospital Service Area Board
Recommending Approval of the
Purchase of Properties for South Peninsula Hospital Staff Housing**

WHEREAS South Peninsula Hospital is currently leasing 25 individual properties throughout the Homer area to provide temporary housing for contract staff and physicians and for new hire relocation; and

WHEREAS the ability to recruit and retain professional staff has been impeded by seasonal housing shortages and high housing costs; and

WHEREAS current SPH facilities do not provide for staff housing nor do future expansion projects; and

WHEREAS the properties located in Homer, AK, at 3964 Bartlett Street, Kenai Peninsula Borough (KPB) Parcel number 17513342, and at 135/151 W. Bayview Avenue, KPB Parcel numbers 17505405/17505406, are for sale; and

WHEREAS these properties respectively consist of 0.17 acres and 0.56 acres (two parcels each of 0.28 acres) and together contain housing which would accommodate a minimum of 11 staff in a location near the hospital campus; and

WHEREAS an independent appraisal will be performed prior to purchase in order to determine the fair market value of the final property purchases, which is currently estimated at \$699,000 for the Bartlett Street property and \$749,000 for the West Bayview properties; and

WHEREAS estimated closing costs for each property would be approximately \$20,000 to \$25,000; and

WHEREAS SPH Management performed a Return on Investment analysis and completed the KPB Real Property Need Questionnaire (RPNQ) for both properties; and

WHEREAS South Peninsula Hospital currently has over \$5.7 million dollars of unobligated Plant Replacement and Expansion Funds (PREF) being held at the Kenai Peninsula Borough; and

WHEREAS SPH Management would like to use up to \$1,500,000 of the unobligated Plant Replacement and Expansion Funds to purchase property which may be used as SPH staff housing; and

WHEREAS, while the properties located at 3964 Bartlett Street and 135/151 W. Bayview Avenue are ideal locations for staff housing, it is understood by SPH Management that purchase of these properties is based upon the successful negotiation of a purchase agreement with the seller and may not be accepted; and

WHEREAS SPH Management would like the opportunity to act upon a comparable property should either or both of these property purchases fall through; and

WHEREAS the South Peninsula Hospital Board Resolution 2022-10 was discussed at the Board of Directors Finance Committee on July 21, 2022, and

WHEREAS the South Peninsula Hospital Board of Directors at their meeting on July 27, 2022 approved South Peninsula Hospital Board Resolution 2022-10, which approved the use of up to \$1,500,000 in unobligated Plant Replacement and Expansion Funds to purchase property located at 3964 Bartlett Street and/or 135/151 W. Bayview Ave, Homer, AK, or other comparable property; and

WHEREAS the South Peninsula Hospital Board of Directors approved at their meeting on July 27, 2022 approved South Peninsula Hospital Board Resolution 2022-10, which requested that the Kenai Peninsula Borough execute a purchase agreement on behalf of South Peninsula Hospital in an amount estimated at \$699,000 for purchase price and up to \$20,000 for closing costs on the property located at 3964 Bartlett Street, Homer AK, or another comparable property; and

WHEREAS the South Peninsula Hospital Board of Directors at their meeting on July 27, 2022 approved South Peninsula Hospital Board Resolution 2022-10, which requested that the Kenai Peninsula Borough execute a purchase agreement on behalf of South Peninsula Hospital in an amount estimated at \$749,000 for purchase price and up to \$25,000 for closing costs on the property located at 135/151 W. Bayview Ave, Homer AK, or another comparable property; and

WHEREAS the South Kenai Peninsula Hospital Service Area Board has reviewed this Service Area Board Resolution 2022-08 at its meeting of August 11, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE SOUTH KENAI PENINSULA HOSPITAL SERVICE AREA BOARD:

- 1 That the South Kenai Peninsula Hospital Service Area Board recommends approval for the Kenai Peninsula Borough to use up to \$1,500,000 in unobligated Plant Replacement and Expansion Funds to purchase property located at 3964 Bartlett Street and/or 135/151 W. Bayview Ave, Homer, AK, or other comparable property;

- 2 That the South Kenai Peninsula Hospital Service Area Board recommends that the Kenai Peninsula Borough execute a purchase agreement on behalf of South Peninsula Hospital in an amount estimated at \$699,000 for purchase price and up to \$20,000 for closing costs on the property located at 3964 Bartlett Street, Homer AK, or another comparable property;
- 3 That the South Kenai Peninsula Hospital Service Area Board recommends that the Kenai Peninsula Borough execute a purchase agreement on behalf of South Peninsula Hospital in an amount estimated at \$749,000 for purchase price and up to \$25,000 for closing costs on the property located at 135/151 W. Bayview Ave, Homer AK, or another comparable property

**PASSED AND ADOPTED BY THE SOUTH KENAI PENINSULA HOSPITAL
SERVICE AREA BOARD AT ITS MEETING HELD ON THIS 11TH DAY OF AUGUST
2022.**

ATTEST:

A handwritten signature in dark ink, appearing to read "Helen Armstrong", is written over a horizontal line.

Helen Armstrong, Chair

South Kenai Peninsula Hospital Service Area Board

Introduced by: Administration
Date: July 27, 2022
Action: Approved
Vote: Yes - 9, No - 0, Excused
- 2

**SOUTH PENINSULA HOSPITAL
BOARD RESOLUTION
2022-10**

**A RESOLUTION OF THE SOUTH PENINSULA HOSPITAL BOARD OF DIRECTORS
APPROVING THE PURCHASE OF PROPERTY FOR STAFF HOUSING**

WHEREAS, South Peninsula Hospital (the Hospital) is currently leasing 25 individual properties throughout the Homer area to provide temporary housing for contract staff and physicians, and new hire relocation, and

WHEREAS, the ability to recruit and retain professional staff has been impeded by seasonal housing shortages and high housing costs, and

WHEREAS, our current facilities do not provide for staff housing nor do our future expansion projects, and

WHEREAS, the properties located at 3964 Bartlett, Homer, AK 99603, KPB Parcel number: 17513342, 135/151 W. Bayview Avenue, Homer, AK 99603, KPB Parcel numbers: 17505405/17505406 are available for sale, and

WHEREAS, these properties consists of .17 acres and .58 acres and both contain staff housing which would accommodate a minimum of 11 staff in a location that is located near the hospital campus; and

WHEREAS, an independent appraisal will be performed prior to purchase in order to determine the fair market value of the final property purchases which is currently estimated at \$699,000 for the Bartlett Street property and \$749,000 for the West Bayview property; and

WHEREAS, the estimated closing costs for each property would be approximately \$20,000 to \$25,000, and

WHEREAS, SPH Management performed a Return on Investment analysis, and completed the KPB Real Property Need Questionnaire (RPNQ) for both properties; and

WHEREAS, South Peninsula Hospital currently has over \$5.7 million dollars of unobligated Plant Replacement and Expansion Funds (PREF) being held at the borough; and

WHEREAS, SPH Management would like to use up to \$1,500,000 of the unobligated Plant Replacement funds to purchase property which may be used as Staff Housing; and

WHEREAS, While the properties located at 3964 Bartlett Street, Homer and 135/151 W. Bayview Ave, Homer are ideal locations for staff housing it is understood by management that the purchase of these

properties is based upon the successful negotiation of a purchase agreement with the seller and may not be accepted,

WHEREAS, SPH Management would like the opportunity to act upon a comparable property should either or both of these property purchases fall through; and

WHEREAS, this resolution was discussed at Finance Committee on July 21, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF SOUTH PENINSULA HOSPITAL:

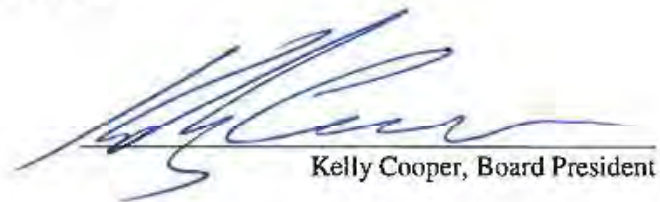
1. That the South Peninsula Hospital Board of Directors approves the use of up to \$1,500,000 in unobligated Plant Replacement and Expansion Funds to purchase the property located at 3964 Bartlett Street and/or 135/151 W. Bayview Ave, Homer, AK 99603 or another comparable property.
2. That the South Kenai Peninsula Hospital Service Area Board please review this resolution and make a recommendation for approval to the Kenai Peninsula Borough Assembly.
3. That the South Peninsula Hospital Board of Directors requests that the Kenai Peninsula Borough execute a purchase agreement on behalf of South Peninsula Hospital in an amount estimated at \$699,000 for purchase price and up to \$20,000 for closing costs on the property located at 3964 Bartlett Street, Homer AK 99603, or another comparable property.
4. That the South Peninsula Hospital Board of Directors requests that the Kenai Peninsula Borough execute a purchase agreement on behalf of South Peninsula Hospital in an amount estimated at \$749,000 for purchase price and up to \$25,000 for closing costs on the property located at 135/151 W. Bayview Ave, Homer AK 99603, or another comparable property.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF SOUTH PENINSULA AT ITS MEETING HELD ON THIS 27th DAY OF JULY, 2022.

ATTEST:



Julie Woodworth, Board Secretary


Kelly Cooper, Board President



Land Management

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2205 • (907) 714-2378 Fax
A Division of the Planning Department

Real Property Need Questionnaire (Part One)

LMD#: 20-05

KPB Agency: South Peninsula Hospital & LTC

Agency Contact: Ryan Smith, CEO

Phone Number: 907-235-0241 Contact Email: rsmith@sphosp.org

Agency Representative Signature: Ryan K Smith Date: 7/1/22

1. Is this a new operational need? ☒ Yes ☐ No
2. If "No", does the agency propose to: ☐ Extend ☐ Replace ☐ Expand
3. Need Type: ☐ Land Only ☐ Facility Space Only ☒ Land & Facility
4. Interest Type: ☒ Fee Title ☐ Lease ☐ Permit ☐ Easement
5. Is this acquisition supported by a campus plan? ☒ Yes ☐ No
6. Is this acquisition to support a planned capital improvement? ☐ Yes ☒ No
7. Briefly describe the purpose and need for the property/facility:

The purpose of this property is to supply staff housing close to campus and relieve us of the burden of managing numerous individual properties for temporary staff.

8. What is the projected timeframe to meet the purpose and need?

Urgent.

9. Term of Need:

Indefinite.

10. Has the agency board taken any formal actions in support of this proposed acquisition?

Yes ☐

No ☒

(If yes, please attach documentation - i.e. meeting minutes, resolution, etc...)

11. Will fulfilling this need result in a surplus real property or a move? ☐ Yes ☒ No

a. How much has been / will be budgeted for the real property? 725,000

b. Initial cost estimate for property type (completed by Land Management):

\$ 725,000 Listed 699,000, Subject to Appraisal, ^{25K} closing

c. Funding plan: (recommendation: discuss the funding plan with the Finance Dept. in advance)

Operating Fund - Fund Balance:

Capital Fund - Fund Balance:

5.7m in unobligated PREF/NO

appropriation
to Date
184

Capital Fund Project #:

public

Operating Fund Account Code:

External Source - Grant:

any provider

External Source - Other:

TBD

To be determined:

LTIF Inter-fund Loan
(10 Years @ Prime Rate)

12. Interim Project Account: ☐ N/A 250 .21210. .49999
(Project #)

ROUTING & ACKNOWLEDGEMENT:

Land Mgmt *MT*
Probable Cost
(2, 3, 4, 8)

Finance *BT*
Funding Plan & Project #
(11c & 12)
NO funds appropriated.

Grant Administration *N/A*
Eligible Expense
(11c Grant Info Only)
No Grants listed federal or otherwise - possible grant notice, resubmit if they are grant funds. fl

Capital Projects *fl*
Project Identified
(6, 7, 8, 11, 12)

Mayor *de*
Purpose & Plan
(All)

for signature
If you have any questions regarding this form please contact the Land Management Division.

Please Return to Land Management



Land Management

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2205 • (907) 714-2378 Fax
A Division of the Planning Department

Real Property Need Questionnaire (Part Two)

LMD#: 20-05

KPB Agency: South Peninsula Hospital & LTC

Agency Contact: Ryan Smith, CEO Phone Number: 907-235-0241

Email Address: ahinnegan@sphosp.org

13. Has a potential property/facility been identified? Yes ☐ No ☐

If yes, please provide the following:

Physical Address: 3964 Bartlett Street, Homer, AK 99603

Parcel Identification Number(s) (PIN-8 digits): 17513342

Lot/Building Size: 7405SF lot / 2405SF bldg Age of Building: 19 yrs - 2003

Condition of Building: ☐ Excellent ☒ Good ☐ Fair ☐ Poor

Is remodeling needed? ☐ Yes ☒ No

If yes, briefly describe proposed remodeling:

This property has been used as a 6br airbnb and is furnished and turnkey. It could be used immediately.

Owner/Agent Contact: Chris Story, Agent 907-299-7653

Phone: 907-299-7653 Email: alaskamattersradio@gmail.com

Mailing Address: www.ILoveHomerAlaska.com

If this site is not available do you wish to pursue other properties? Yes ☒ No ☐

If yes complete questions 14 & 15

If numerous properties/facilities have been identified attach additional sheets with the above information.

14. Location Needs:

Please provide a map showing the target geographic boundary area.

Road Access (check all that apply):

Road Type

☐ Major Highway Frontage

☐ Side Street

☒ Either

Road Surface

☐ Paved

☐ Gravel

☒ Either

Road Maintenance

☐ Maintained Road

☐ Unmaintained Road

☒ Either

Utility Requirements (check all that apply):

☒ Heating (fuel type): ☒ Water/Sewer (on site or public):

☒ Electricity ☒ Phone ☒ Internet (specification):

Location Characteristics:

On Bartlett Street near the hospital

Zoning Considerations:

Housing

Environmental Considerations:

Must be safe and able to provide for private bedrooms for staff.

15. Facility Criteria

Interior Requirements:

Required Square Footage:

ADA/Accessibility Requirement: ☐ Yes ☐ No

Types of rooms needed (check all that apply):

☐ Office(s): Number/Size

☐ Bathroom(s): Number/Size

- ☐ Reception Area(s): Number/Size
- ☐ Conference Room(s): Number/Size
- ☒ Kitchen/Break Area(s): Number/Size
- ☐ Training Room(s): Number/Size
- ☐ Storage Room(s): Number/Size
- ☐ Garage Bay(s): Number/Size
- ☐ Other: Number/Size

Exterior Requirements:

Required Square Footage: Type of areas needed (check all that apply):

- ☒ Parking (number of vehicles):
- ☐ Outside Storage (area size/type)
- ☐ Outside Training Area (area size required):
- ☒ Fenced/Gated Area (area size required):

Required Services/Amenities (check all that apply):

- ☐ Janitorial ☐ Building Maintenance ☐ Ground Maintenance ☐ Snow Removal ☐ Security Alarm

16. Please describe any additional criteria or considerations:

This building will serve as staff housing to alleviate the strain of leasing/maintaining/cleaning multiple properties throughout Homer. We like the idea of multi-family units/apartment complex. This Airbnb does have some shared living/dining spaces, but individual locking bedrooms. It will work well with single contract staffing and new recruits.

ACQUISITION BUDGET WORKSHEET

LMD #: _____

Check All That Apply	Assigned	Option 1:	Option 2:	Option 3:
Sale Price		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rental - Annual		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
INVESTIGATORY				
Appraisal		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Survey		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Inspection		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Preliminary Title Report		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Structural Inspections		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Soils Investigation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Systems Inspections		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CLOSING				
Title Services		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prorated Taxes		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recording Fees		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEVELOPMENT				
Project Management		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Site Preparation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Permits		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Architect Services		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Construction		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utility Development		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Remodeling		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Demolition		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Correction of Deficiencies		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OPERATIONS & MANAGEMENT				
Utilities		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Janitorial		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Snow Removal		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MISC				
Revenue Potential		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Moving Costs		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Contingencies		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTAL ONE TIME		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTAL - ANNUAL		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Taxes Due Oct 15th		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[Back](#) [Contact Agent](#)

3964 Bartlett Street

Homer, AK 99603

6 beds 4 baths 2,404 SF • #22-7103

ACTIVE

\$699,000



1 / 42



Overview

Description

In the Heartbeat of the Medical District, these TownHomes offer you office or residential opportunity or mixed use office/res. Elegant design and thoughtful layouts, just as you'd have planned. Remember...they ain't making any more land in the Medical District. Act now before this is snatched up. Income potential plus appreciation going forward equals Opportunity Knocking!

Features

Reports

ADOM

34

Location, Tax and Legal

Region

HIDE

SAVE

SHARE

CERTIFICATE OF OWNERSHIP

I hereby certify that I am the owner of the real property shown and described hereon, and that I hereby adopt this plan of subdivision, and by my free consent grant all easements to the use shown (excepting easements formerly granted by others).

NOTARY'S ACKNOWLEDGEMENT

For Lana Arlene Fortin

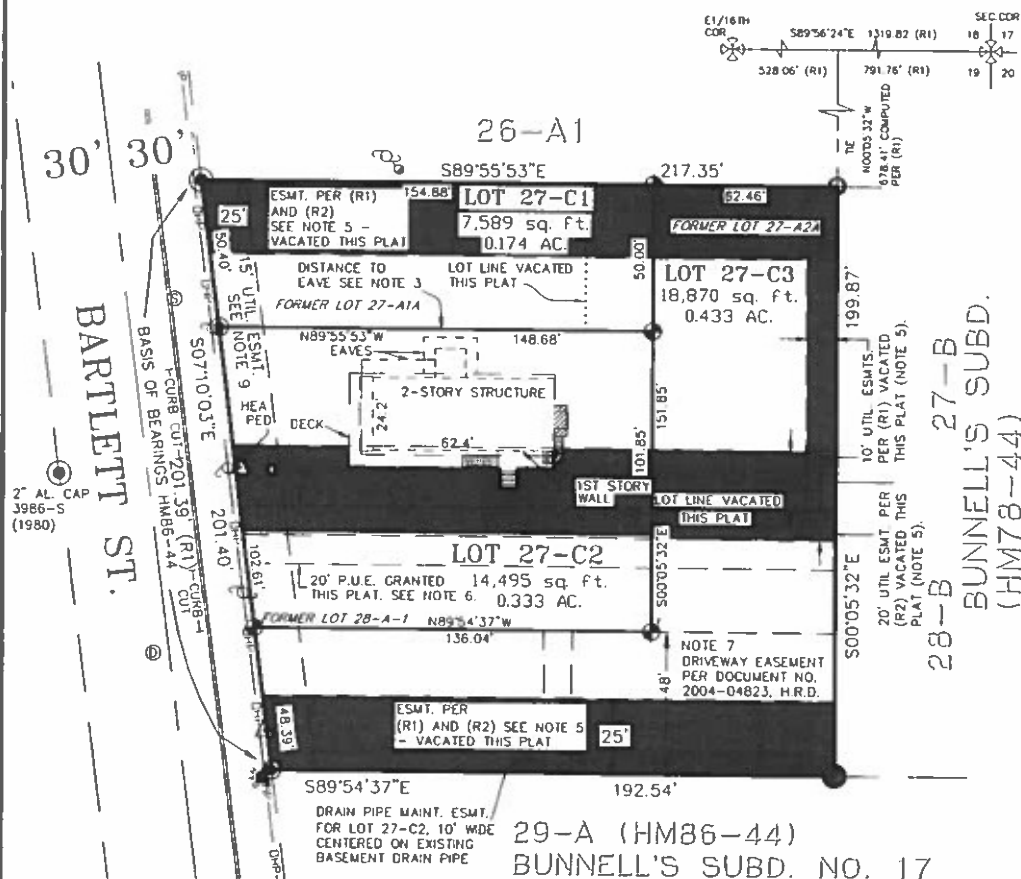
Subscribed and sworn to before me this

12th day of July, 2006.

Notary public for Alaska My Commission Expires

**NOTES**

1. DEVELOPMENT ON THESE LOTS IS SUBJECT TO HOMER CITY CODE
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. DISTANCE FROM FIRST STORY EAVE CORNERS OF HOUSE PERPENDICULAR TO NORTH PROPERTY LINE IS 3 FEET.
4. PER PARENT PLAT HMB6-44, NOTE #6, UTILITY AND RIGHT-OF-WAY EASEMENTS GRANTED TO THE CITY OF HOMER, GLACIER STATE TELEPHONE AND OTHER PUBLIC UTILITY AGENCIES THAT WERE GRANTED IN THE 15 FEET ADJACENT TO THE OLD RIGHT-OF-WAY LINE ARE NOT SHOWN AS THEY HAVE BEEN MERGED WITH THE FULL DEDICATION OF A 60 FOOT RIGHT-OF-WAY FOR BARTLETT STREET.
5. THIS PLAT VACATES THE 20 FOOT WIDE PUBLIC UTILITY EASEMENT PER HM78-44 AND THE 10 FOOT WIDE PUBLIC UTILITY EASEMENT PER HMB6-44, BOTH EASEMENTS BEING ADJACENT TO THE PROPERTY LINE COMMON TO LOTS 28-A-1 AND 27-A2A BEING VACATED THIS PLAT. THIS PLAT ALSO VACATES INGRESS-EGRESS EASEMENTS ACROSS THE NORTHERLY 25 FEET AND THE SOUTHERLY 25 FEET OF THIS REPLAT. SAID EASEMENTS WERE GRANTED ON PLAT #78-44 AND ALSO SHOWN ON PLAT #86-44 (#32 IN TABLE OF RECORDED EASEMENTS). THE EASEMENT VACATIONS SHOWN ON THIS PLAT WERE APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON 7/17/2006.
6. A NEW 20 FOOT WIDE PUBLIC UTILITY EASEMENT IS GRANTED PER THIS PLAT. THE SOUTH BOUNDARY OF SAID EASEMENT BEING PARALLEL TO AND 21.87 FEET, MEASURED AT RIGHT ANGLES, NORTHERLY OF THE SOUTH BOUNDARY OF LOT 27-C2 AND PROJECTS TO THE EAST BOUNDARY OF LOT 27-C3.
7. REFER TO DOCUMENT NO. 2004-04823 H.R.D., WHICH CLAIMS A 15 FOOT DRIVEWAY EASEMENT TO BE LOCATED WITHIN A 48 FEET WIDE AREA, NOW BEING THE SOUTHERLY 48 FEET OF LOT 27-C3.
8. PLAT 78-44 CITES A 35 FOOT BUILDING SETBACK ALONG THE (FORMER) BARTLETT STREET RIGHT-OF-WAY. PLAT 86-44 DEDICATED AN ADDITIONAL 15 FEET OF THE PREEXISTING 35 FEET BUILDING SETBACK AS RIGHT-OF-WAY.
9. THERE SHALL BE A 15 FEET WIDE UTILITY EASEMENT ADJACENT TO THE BARTLETT STREET RIGHT-OF-WAY.

**LEGEND**

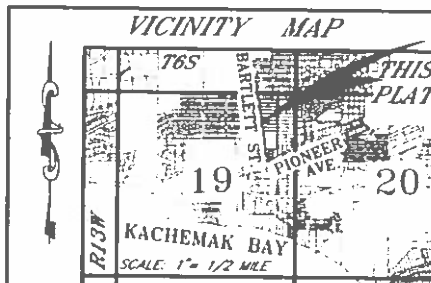
- | | |
|----------------------------------|------------------------------|
| ⊕ SET 2" AL. CAP 5/8" REBAR | — OHP — OHP — OVERHEAD POWER |
| ⊙ FOUND 2" AL. CAP. 3686-S, 1983 | ⊗ RAILROAD SPIKE PER HM91-67 |
| ● FOUND YELLOW PLASTIC CAP | ⚡ FIRE HYDRANT |
| ○ FOUND 1/2" REBAR | Ⓢ SEWER MANHOLE |
| ⚡ POWER POLE | Ⓢ STORM DRAIN MANHOLE |
| ⚡ POWER POLE ANCHOR | (R1) RECORD DATA PER HM86-44 |
| ⚡ PHONE PEDESTAL | (R2) RECORD DATA PER HM78-44 |

WASTEWATER DISPOSAL
PLANS FOR WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS,
ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

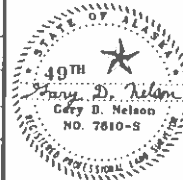
PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meetings of 6-12-06 and 7-17-2006.
KENAI PENINSULA BOROUGH

By Mary G. Oud
Authorized Official



DATE 7-18-2006
SCALE 1" = 30'
GRID No. AR-73
JOB No. 4021
DRAWING: 4021-FLAG.dwg

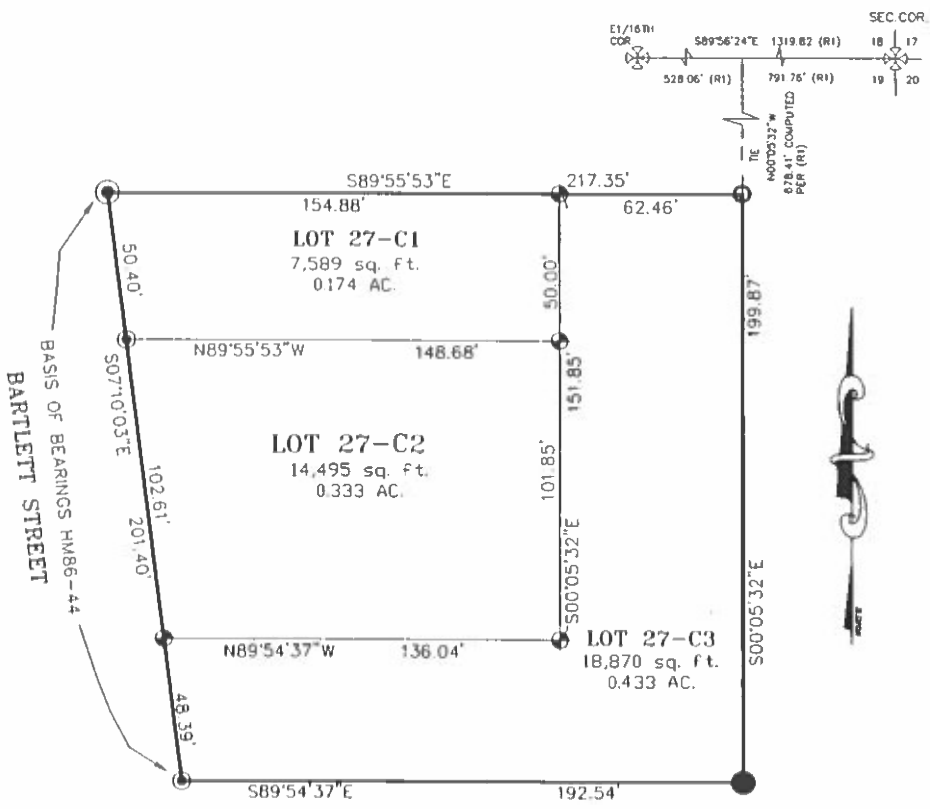
**BUNNELL'S SUBDIVISION
FORTIN REPLAT**

A REPLAT OF LOTS 27-A1A, 27-A2A AND 28-A1, BUNNELL'S SUBD. NO. 17 (HM86-44), WITHIN THE NE1/4 SEC. 19, T6S, R13W, S.M., CITY OF HOMER, KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, ALASKA, CONTAINING 0.940 ACRES

ABILITY SURVEYS

GARY NELSON, PLS
(907) 235-8440
152 DEWEY AVE., HOMER ALASKA 99603

SHEET 1 OF 2
KPB FILE NO. 2006-130



SHEET 2 OF 2 IS ONLY TO CLEARLY SHOW THIS PROPERTY LINE DIAGRAM.

2006-65
Homer
10-5-06
21-10-06
M. Kelly

SHEET 2 OF 2
KPB FILE No. 2006-130

DATE	7-18-2006	
SCALE	1" = 30'	
GRID No.	AR-73	
JOB No.	4021	
DRAWING	4021-FLAG 2 OF 2.dwg	
BUNNELL'S SUBDIVISION FORTIN REPLAT A REPLAT OF LOTS 27-A1A, 27-A2A AND 28-A1, BUNNELL'S SUBD. NO. 17 (HM86-44), WITHIN THE NE1/4 SEC. 19, T6S, R13W, S.M., CITY OF HOMER, KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, ALASKA, CONTAINING 0.940 ACRES		
ABILITY SURVEYS GARY NELSON, PLS. (907) 235-8440 152 DEHEL AVE., HOMER ALASKA 99603		



PARCEL REPORT

7/1/2022 10:14

PARCEL ID: 17513342

Total Acreage:

0.17



LEGAL DESCRIPTION:

T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2006065 BUNNELL'S SUB FORTIN REPLAT LOT 27-C1

ALL PHYSICAL ADDRESSES ON THIS PARCEL:

3964 BARTLETT ST

LAND VALUE: \$36,700

ASSESSED VALUE: \$291,600

IMPROVEMENT VALUE: \$254,900

TAXABLE VALUE: \$291,600

BUILDINGS ON THIS PARCEL:

Building Type	Square Footage	Year Built
DUPLEX	2,404	2003

OWNERS:

Name:

HUEPER DONALD

Address:

PO BOX 301

HOMER, AK 99603

Name:

HUEPER LORRAINE

The data displayed herein is neither a legally recorded map nor survey and should only be used for general reference purposes. Kenai Peninsula Borough assumes no liability as to the accuracy of any data displayed herein. Original source documents should be consulted for accuracy verification.



Address:

PO BOX 301
HOMER, AK 99603

Name:

HUEPER MARILYN

Address:

895 OCEAN DRIVE LOOP
HOMER, AK 99603

Name:

HUEPER PAUL




Address:


895 OCEAN DRIVE LOOP
HOMER, AK 99603

Kenai Peninsula Borough
Planning Department – Land Management Division

MEMORANDUM

TO: Charlie Pierce, Mayor

THRU: John Hedges, Purchasing & Contracting Director 
Rachel Chaffee, Community and Fiscal Projects Manager
Brandi Harbaugh, Finance Director 
Robert Ruffner, Planning Director 

FROM: Marcus A. Mueller, Land Management Officer 

DATE: July 1, 2022

RE: Real Property Acquisition Proposal- SPH: 3964 Bartlett St, Homer

Enclosed is a Real Property Need Questionnaire (RPNQ) submitted by South Peninsula Hospital Inc (SPHI) to request initiating acquisition of a 6 Bedroom Residential Rental located at 3964 Bartlett Street in Homer. SPH reports that the property is situated to be immediately useful for staff housing needs. The property has recently been listed on the market for sale with Story Real Estate. If approved to proceed with acquisition, SPHI would engage an independent appraisal. A purchase price may be negotiated, subject to the appraisal, all of which would be subject to mayoral and assembly approval and appropriation of funds.

The RPNQ is to provide initial project scoping, interdepartmental coordination, and to establish direction at the beginning of a potential real property acquisition.

Please review and initial the RPNQ, and finally return the form to Land Management to initiate work on the property acquisition process.

PURCHASE AGREEMENT

This Purchase Agreement ("Agreement") is made by and between PAUL HUEPER AND MARILYN HUEPER, husband and wife, and DONALD HUEPER AND LORRAINE HUEPER, husband and wife, as sellers, whose address is PO Box 301, Homer, Alaska 99603, (jointly, "Sellers") and the KENAI PENINSULA BOROUGH, an Alaska municipal corporation, as buyer, whose address is 144 North Binkley Street, Soldotna, Alaska 99669 ("KPB").

WHEREAS, Sellers are the owners of that real property located in the Homer Recording District, Third Judicial District, State of Alaska, and more particularly described as follows:

LOT TWENTY-SEVEN-C ONE (27-C1) BUNNELL'S SUBDIVISION
FORTIN REPLAT, according to Plat No. 2006-65, in the Homer Recording
District, Third Judicial District, State of Alaska.
(PARCEL NO. 175-133-42) ("the Property")

WHEREAS, KPB has offered to buy, and Sellers are willing to sell the Property as evidenced by this Agreement; and

NOW THEREFORE, in consideration of the conditional promises herein contained, Sellers hereby agree to sell to KPB, and KPB hereby agrees to buy from Sellers, the Property on the terms and conditions as set forth below:

1. PURCHASE PRICE

The purchase price of the Property is Five Hundred Seventy Thousand Dollars and NO cents (\$570,000.00), subject to independent appraisal, completed as-built survey, and satisfactory inspection. The purchase price shall be paid by KPB at time of closing. The purchase of the property and appropriation for the purchase are subject to approval by the KPB Assembly.

In addition to the purchase price referenced above, KPB has agreed to purchase all personal property, fixtures and furniture currently on the Property for Fifty Thousand Dollars and NO cents (\$50,000.00). A detailed inventory of the included personal property is attached to this offer as Exhibit A. All personal property shall be conveyed by bill of sale at the time of closing free of any claims or encumbrances.

2. EXPIRATION OF OFFER

Sellers shall sign and return this Agreement to KPB on or before **August 29, 2022**; otherwise, this offer shall terminate.

3. TITLE

Title shall be delivered at time of closing by statutory warranty deed, which shall be issued to KPB. Sellers warrant and covenant that at the time of closing there shall be no liens or judgments recorded against Sellers in the same recording district in which the Property subject to this Agreement is situated. Title shall be clear of liens and encumbrances except title is subject to reservations, easements, rights-of-way, covenants, conditions and restrictions of record as agreed to by buyer.

4. ESCROW AND CLOSING COSTS

Except as described in this Section, in addition to the purchase price, KPB agrees to pay for buyer-related closing costs in connection with this Agreement, including appraisal and inspection fees. Sellers agree to pay for seller-related closing costs, including the ALTA owner's policy of title insurance and as-built survey. Property taxes for the current year, if any, will be prorated to the date of closing. Sellers are responsible for realtor's commission, if any; all unpaid taxes for prior years, if any; and all unpaid outstanding assessments, if any. All costs will be paid in full at the time of closing.

5. CLOSING

Unless otherwise agreed in writing, closing will occur within 90 days, or as specifically agreed to by both parties. At closing, KPB will pay the balance of the purchase price. Both parties will execute all documents required to complete the Agreement and, if applicable, establish an escrow account.

6. POSSESSION

Possession shall be delivered to KPB at time of recording unless otherwise agreed to in writing by all parties.

7. KENAI PENINSULA BOROUGH ASSEMBLY APPROVAL

Purchase of the Property by KPB is subject to authorization by the KPB Assembly and appropriation of funds. If the KPB Assembly fails to authorize the purchase of the subject land and appropriate funds, this Agreement shall be terminated without penalty.

8. DISCLOSURES

Sellers hereby agree to provide property disclosures including any and all information regarding known defects, deficiencies, legal matters, environmental issues or hazards, that may be personally known by the Sellers in writing. If said disclosure presents a matter unsatisfactory to KPB, KPB may terminate this agreement without penalty.

9. CONTINGENT ON INSPECTION

This offer and Agreement are contingent upon the completion of a property inspection satisfactory to KPB for its use and at KPB's expense. Sellers shall, upon reasonable notice, provide access to the property for inspection purposes to KPB and its representatives. Any

invasive inspection procedures shall require Sellers' express permission and shall be promptly repaired or replaced by KPB in a workman-like manner. KPB shall have 60 days from the execution of this Agreement to complete inspections and determine its satisfaction unless otherwise provided in writing.

10. HAZARDOUS MATERIAL

Sellers covenant to the best of Seller's knowledge, that as of the date of this Agreement, except as specifically identified herein, the Property is free of all contamination from petroleum products or any hazardous substance or hazardous waste, as defined by applicable state or federal law, and there are no underground storage tanks or associated piping on the Property. Seller agrees that no hazardous substances or wastes shall be located on or stored on the Property, or any adjacent property owned or leased by the Seller, owner or contractors, nor shall any such substance be owned, stored, used, or disposed of on the Property or any adjacent property by Seller, its agents, employees, contractors, or invitee's, prior to KPB'S ownership, possession, or control of the Property.

11. ENVIRONMENTAL CONTINGENCY

If during the course of KPB's due diligence inspection of the Property pursuant to Section 9, KPB discovers the presence of environmental hazards on or released from the Property in any quantity or concentration exceeding the limits allowed by applicable law, or that are deemed undesirable by KPB, KPB shall have the right to give notice to Sellers, accompanied by a copy or copies of the Third-Party Report(s) disclosing and confirming the presence of such hazardous materials. The notice and accompanying Third-Party Report must be given no later than 60 days from receipt of said report. The notice under this section shall state:

- (i) that KPB is terminating this Agreement due to the presence of such hazardous materials on or adversely affecting the Property; OR
- (ii) provide Sellers 30 days from notice to provide a mitigation plan outlining steps taken by seller to remedy said hazards to KPB satisfaction at seller's expense.

Following KPB sending the notice and report described in this Section, the parties may negotiate other resolutions as may be agreeable to both parties in writing to be included as a part of this Agreement. In the event the parties cannot agree in writing on a resolution to remedy any environmental concerns within 90 days of the notice, this Agreement shall automatically terminate.

It is expressly understood that, by execution of this Agreement, Sellers hereby indemnify KPB for any and all CERCLA-related claims, liabilities or matters, unless otherwise provided for in this Agreement. Said indemnification shall survive closing and termination of this Agreement. Upon successful close of escrow said indemnification shall continue for a period of not less than 12 months, from the date of closing unless otherwise provided for in this Agreement.

If this Agreement is terminated pursuant to any report detailing environmental conditions that may or may not exist on the Property, such report(s) shall remain confidential and proprietary. The report(s) will be marked as confidential and will not be released to a private individual, entity, or non-profit without express agreement of the parties hereto. Notwithstanding, the report will be released pursuant to a valid court order and may be released to the State of Alaska upon request.

12. ENTIRE AGREEMENT

This Agreement and the documents referred to herein contain the entire agreement of the parties with respect to the subject matter hereof. Any changes, additions or deletions hereto must be made in writing and signed by both KPB and Sellers or their respective successors in interest. Provisions of this Agreement, unless inapplicable on their face, shall be covenants constituting terms and conditions of the sale, and shall continue in full force and effect until the purchase price is paid in full or this Agreement is earlier terminated.

13. BREACH REMEDY

Prior to closing of the sale, in the event that KPB or Sellers fail to make any payment required, or fail to submit or execute any and all documents and papers necessary for closing and transfer of title within the time period specified in this Agreement, the Sellers or KPB may terminate this Agreement.

14. MISCELLANEOUS

- A. Time. Time is of the essence in performance of this Agreement.
- B. Cancellation. This Agreement, while in good standing, may be canceled in whole or in part, at any time, upon mutual written agreement by Sellers and the KPB mayor. This Agreement is subject to cancellation in whole or in part if improperly issued through error in procedure or with respect to material facts. KPB may cancel this Agreement without penalty in the event additional contracts required of this project are not secured.
- C. Notice. Any notice or demand, which under the terms of this Agreement or under any statute must be given or made by the parties thereto, shall be in writing, and be given or made by registered or certified mail, addressed to the other party at the address shown on the contract. However, either party may designate in writing such other address to which such notice of demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed received when deposited in a U.S. general or branch post office by the addressor.
- D. Interpretation. This Agreement shall be deemed to have been jointly drafted by both parties. It shall be construed according to the fair intent of the language as a whole, not for or against any party. The interpretation and enforcement of this Agreement shall be governed by the laws of the State of Alaska. Any lawsuit brought arising from this Agreement shall be filed in the court of the Third Judicial District, State of Alaska, located in the City of Homer, Alaska.. The

titles of sections in this Agreement are not to be construed as limitations of definitions but are for identification purposes only.

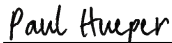
- E. Condition of Property.
Sellers shall deliver the Property in its as-is condition.
- F. Confidentiality. This Agreement shall be considered proprietary to the parties until closing occurs. Following closing, this Agreement may be considered a public record.
- G. Counterparts. This Agreement may be executed in counterpart, and may be executed by way of copy, facsimile or verified electronic signature in compliance with AS 09.80, and if so, each of which shall be deemed an original but all of which together will constitute one and the same instrument

This Agreement has been executed by the parties on the day and year first above written.

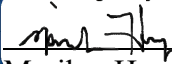
KENAI PENINSULA BOROUGH:

SELLERS:


Charlie Pierce, Mayor

DocuSigned by:


Paul Hueper

DocuSigned by:


Marilyn Hueper

Donald Hueper
DocuSigned by:


Lorraine Hueper

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Johni Blankenship,
Borough Clerk

A. Walker Steinhage
Deputy Borough Attorney

Kenai Peninsula Borough, Alaska

Hueper / KPB – Purchase Agreement

Page 5 of 5

Exhibit A

Evergreen Townhouses Furnishings Inventory

Townhouse West:

<u>Bedroom #1:</u>	<u>Replacement Value</u>
Bed set with headboard	2600
Mattress	1500
Bedside Stands-2	800
Dresser	1200
Loveseat	1400
32' Flatscreen TV	400
Wall mirror	300
Designer Lamp Shades	300
Custom Floor Rug	500
Small decorative wall mirror	200
Patio furniture set	400
Large/oversize bathroom mirror	400
End stand/foot of bed	300
Foot controlled garbage can	100
Bedding-Comforter, 2 sets of sheets	300
Custom Pillow set-6	200
 <u>Bedroom #2:</u>	
Bed Set with headboard	2500
Mattress	1500
Dresser	1200
Designer lamp shades	400
Patio Furniture set	700
Custom original painting #1	700
Custom original painting #2	600
Decorative vase set	200
Comforter and sheet sets-2	300
Custom Pillow set-6	300
Unattached blackout curtains	700

(Cont.)

<u>Bedroom #3-</u>	<u>Replacement Value:</u>
Bed Set with Headboard	2700
Mattress	1500
Comforter and sheet sets	300
Decorative Mirror	300
Night Stands	600
Custom Lamps	400
Black Out curtains- removable	500
Custom pillow set-6	300
 <u>Living Room/Dining Room-</u>	
Dining Set with tall chairs	1600
Sofa w/sleeper function	1500
Floor hutch	900
Oversized Mirror	400
28" Samsung TV with wall mount	400
Metal sculpture in entry	300
Lupin painting-original	700
Homer spit painting-original	900
Salmon painting- Reidel original	900
2 additional stools	500
 <u>Kitchen Area-</u>	
Refrigerator-Whirlpool	1400
Microwave	400
Dish Washer-Amanda	700
Dishes and utensils and glassware	600
Cooking Items	500
Bella Coffee Maker/Electric tea pot/toaster	200

Total-Townhouse West: \$38,500

Townhouse East:

Replacement Value:Bedroom #1-

Custom bed set	3200
Mattress	1500
Dresser	1200
Bed side stands	800
Designer lamp shades	500
Comforter and sheet sets	300
Patio furniture on deck	400
Designer Lamp-dresser	500
Unattached black out curtains	700
Custom pillow set-6	300

Bedroom #2-

Custom Bed set	2900
Mattress	1500
Dresser	1200
Bed Side stands	1100
In-room table set	900
Custom Persian Rug	1300
Table top lamp	300
Non-permanent black out curtains	700
Fireweed wall painting	600
Love seat and Ottoman	1200
32" Samsung Flat Screen TV	400
Custom Pillow set-6	300
Comforter and sheet sets	300
Patio Furniture on private deck	700
Foot controlled garbage can	100
Decorative corner stand	300

Upstairs Hallway & Bathroom-Replacement Value:

Master Hutch	1500
Bathroom Floor Cabinet	300
Custom Lamp	400
Oversized Mirror	400
Bowls w/Japanese fishing balls	300
Floor dresser/hutch	500
Mariner-style lamp	400

Bedroom #3-

Bed set w/built-in drawer set	2700
Mattress	1500
Bedside stand	400
Blackout curtains/removable/custom rods	700
Mariner-style lamp	400
Floor dresser	400
Comforter and sheet sets	300
Custom pillow set-6	300

Kitchen/Dining Area-

Refrigerator	1400
Switzer limited edition print	800
Reidel original flower painting	1200
Lounging area table/chair set	1100
Custom bird lamp	500
Dining Room set	2200
Front Deck patio furniture	700
Closet storage hut	600
Reidel original painting #2	900
Dishes and utensils	400
Cooking items, coffee maker, etc.	600
Microwave	300

Living Room-

Sofa with pull out sleeper	1600
Floor cabinet	600

Custom Wooden Lamp	500
Entertainment center	1400
32" Samsung flat screen TV	400
Flower set	200
Ottoman	400
2nd floor cabinet	600
2nd Custom Wooden Lamp	500
Shag floor rug	400
Oversized decorative mirror	600

Total- Townhouse East: \$52,100

Utility Room:

Washer/Dryer set	1500
Guest Towel sets	400
Vacuum	200
Extra sheets for all bedrooms	900
Small tools, cleaners, supplies	400
Internet system with modem	400
Shelving system for storage	300

Total- Utility Room: \$4100

Total- Replacement Value of Furnishings: \$94,700

Planning Director Report

September 26, 2022

Current issues of immediate concern - Localized minor flooding is currently occurring on K-Beach and Big Eddy. Roads, OEM, Purchasing and Contracting are all collaborating on a response. As of this date, we have engaged an engineer and are evaluating options, understanding the present limitations are on KPB road protection and using ditches to alleviate concerns on private property. Two cease and desist orders have been issued, in response to flooding issues. Both have been compliant. We are one 2-3" rainfall event from an OEM response.

Legislative items – Material site ordinance in the works. Next public hearing at the Assembly is 10/25

Assembly authorized the Nikiski APC as petitioned, this will be our largest APC in the borough. We will be soliciting for members in the coming week. Application period will be open for 30 days and the Mayor will appoint seats.

Upcoming items:

- Modernizing our public notice requirements in an effort to reduce the costs related to advertising. More closely aligning our public notice with what's required of the State, working across multiple departments
- Will discuss reducing the # of planning commissioners from 14 to 9; presently this is on hold.

Grant items – submission of highway safety grant in collaboration with all KPB municipalities. Upcoming will be a grant in response to Spruce Bark Beetle impacts, again working with multiple departments following on our recently completed community wildfire protection plan. Will need to discuss organizational structure should large funds be secured. We were not well positioned this past summer and are very fortunate that no fires popped on the Peninsula.

Land items – multiple efforts across the KPB for emergency services and Homer hospital. Planning efforts for unit 395 (1000 acre parcel in Cooper Landing). The land trust fund is established and making its first interdepartmental loan. Struggles for affordable housing is an issue of concern from Seward to Hope and Cooper Landing – emerging issue in Homer as well.

Working on identifying a gravel source for Anchor Point and South is putting pressure on the RSA.

KPB is beginning the search for a new solid waste site for the Southern Peninsula.

Enforcements - Multiple cases of trespass onto KPB are being addressed, even more cases are encroachments into road setbacks, these are weekly and the number of cases is daunting, and we are only picking up those that come to us from other entities.

We are working on a site cleanup in Hope where items were left on our property in a trespass situation.

GIS – maintaining the parcel viewer and working with assessing to keep our parcel fabric up to date, two staff. Have discussed with multiple departments an initiative that would improve the accuracy of the parcel fabric on the aerial imagery, needed as the reliance of the public on mobile apps and the efforts of

assessing to utilize high resolution imagery rather than working in the field. Benefits to E911 and roads also.

Platting – new platting officer, Max will be helping improve our understanding of complex cases and help us with efficiency

Mayor's office – Interim Mayor Navarre will assume duties on 10/1; Chief of Staff will be Max Best, former planning Director. An ordinance will be coming forward soon to schedule the special election for the Mayor's office. Seems most likely to occur in January, but that remains to be decided by the Assembly.

MISC. INFORMATION

Funny River Advisory Planning Commission

September 6, 2022 Agenda

A. Call to Order (Invocation, Pledge)

Don Fritz 7:07pm

B. Roll Call

Don F. Jerry, Jim, Kevin, Julie and Glenda (Mike Masters not present)

C. Approval of Unapproved minutes August 4, 2022

Don 1st, Julie 2nd, all approve

D. Approval of Agenda

Don 1st, Julie 2nd, all approve

E. Public Comment(5 minute limit)

None

F. Welcome our new commissioner

Glenda Radzinsky

G. Report

a. Fire station update *Sept 8th Roy Browning will attend the FRCA meeting and give an update on the FR fire station. October 1st the FR fire station will be staffed and fully operational.*

b. Post officeFR

Jim called 13 times to Tim Bruno Post Office Operations USPS, with no return calls. Still attempting to setup a follow up meeting on more specifics.

c. FR Survey results

Online survey is officially closed and the data was compiled as an excel document. The document was sent to all the commissioners to review the data and work on how to present the metrics from it. Julie said there are still 36 to 40 paper surveys that have yet to be added to the excel data table. It was also determined that the data needs to be closely examined for duplicates before proceeding further.

d. Transfer station

Jerry is sending out a rough draft of an ordinance that would penalize individuals or companies that don't follow the rules of the transfer

station. Tabled until next meeting once all members can review and make edits.

H. New Business

a. Plat review

We would like to table the motion until we receive more information.

We reject the exception request to platt number KPB 2022-127.

Granting the request is detrimental to future public welfare and is not in support of KPB code 20.50.010 section A3. The letter from Kuna dated July 11, 2022 does not provide sufficient justification for the exception.

I. Adjournment

Julie 1st, Jerry 2nd All approve 8:28pm

MOOSE PASS ADVISORY PLANNING COMMISSION
SPECIAL MEETING

Monica Adams, Kevin Dunham, Jeff Estes, Jeff Hetrick, Bruce Jaffa, Tsali Janek, David Pearson
Thursday, September 26th 2022, – 6:00 PM

Draft Minutes

1. CALL TO ORDER 6:03 pm
2. ROLL CALL: Bruce Jaffa, Kevin Dunham, Monika Adam, David Pearson, Jeff Hetrick, Jeff Estes, Nancy Carver (KPB), Ryan Raidmae (KPB planner)
3. APPROVAL OF MINUTES OF PREVIOUS MEETING: Postponed until next regular meeting.
4. APPROVAL OF AGENDA: Bruce Jaffa motion to edit agenda to remove items 7,8 and 10 as this is a special meeting (and presentation from QAP was done at last meeting). Jeff Hetrick 2nd. Unanimous approval.
5. CORRESPONDENCE: None
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE:
 - Rick Smiriglio (resident at mile 24 ¼). Has no confidence in the Borough or the State to manage this land. He has seen it in the past. There is no on the ground presence to enforce the permit stipulations. CLUPs are not what actually happens on the ground.
 - In the past they have not always been warned of blasting as required by permits.
 - Geologists have explained to him that his house is on the same vein of rock that they quarry, so he is particularly impacted by blasting and fears for his foundation.
 - Gating. Gates have not been locked and/or are not effective at keeping public. The area turns into a shooting range and a garbage dump with the mining is completed.
 - Concerns that buffer zones will not be adhered to and there is no enforcement.
 - He is downhill of the quarry. Has found 55-gallon drums that have rolled onto his property. He fears more of this will happen, and rocks and other items that may damage his land
 - Jason Aigledinger. Many questions about how this may affect the quality of his well water and his property values. Most of the wells in the area are very shallow (~40 feet deep).
 - Inadequate notification and dissemination of information. Cannot find the info he needs from the borough website.
 - Are they consulting with geologists or hydrologists to understand the impact to local water table and fisheries resources?
 - This could negatively impact property values. There are more people living in the area than there were previously.
 - Concerns about pollution/spill containment. Negative impacts on residents and natural resources, such as the salmon run in Trail River.
7. PRESENTATION: None
8. REPORT FROM THE BOROUGH: None
9. OLD BUSINESS
 - a. **Discussion on CLUP for Tax parcel 12532413**
 - The Crown Pint Rock Quarry adjacent to the Lawing Airstrip**
 - Jeff Hetrick motion to approve the application. Kevin Dunham 2nd. Rules suspended for discussion.
 - Bruce Jaffa expressed concerns about the notification and postmining of information. Most people live just outside the ½ mile radius that did not receive mail notifications and it was not posted at the Post Office with adequate timing.
 - Ryan Raidmae- KPB planner Gravel Pit Permit: The land is owned by DNR but there is a lot of overlap with DOT, Borough and FAA. They are navigating the responsibilities of the varied ownership.

FAA and DNR have more say in the blasting plan. DPB Ordinance under section 2129 gives the Borough authority to permit any quarry development that is more than an acre within the Borough. Pits that are older than 1996 do not fall under this ordinance.

-The borough does have the ability to enforce permit stipulations through fines.. Ryan is the one doing the monitoring. He makes it out to the pits about once a year and tries to respond to public reporting of infractions. They cannot pull a permit until there have been three infractions.

-Who is actually the lead agency for this? Ryan does not know, but presumably the state DNR since it is their land.

-What would happen if the Borough denied the permit? It would probably get appealed.

- The borough ordinance does not address water quality concerns. This is something that needs to get changed.

- Jason Aigledinger had a question about the commission that was created to consult with the borough about issues and concerns specifically related to gravel pits. Who are this people and whatever came of this commission? Ryan did not know. There was an article in the Peninsula Clarion about this committee, from June 23 of 2018.

-How much consultation has happened with DNR? Minimal. DNR cannot move forward with their permitting until they get more info from DOT/FAA. The borough does not have access to any environmental review that the state is doing.

-Conditions put forth in the CLUP are voluntarily submitted by TUKA. The Borough cannot ask for voluntary conditions, but the Kenai Borough Plan does address “noxious and onerous activities”.

-When did the State DNR designate this as a quarry? Before or after people purchased property there. **Need more info on the time frame of the Land Use Designation.**

-Ellen Obrien question about what recourse they have if damage is done to their house or property. DNR requires a bond, but it is usually just for a small amount and only for reclamation. Jeff Estes shared that if you put your concerns in writing and send them to the State before they authorize the activity, you will have legal standing.

-Jeff Estes did an informal poll of the residents in the area. Polled 18 people. Heard back from 8. **3 for it and 5 opposed to the quarry development.**

-Bruce Jaffa motion to amend the previous motion to include the following conditions in the permit granted by the permit:

- **Limit hours of operation to 9-5 Monday through Friday.**
- **Notification of when blasting is going to occur to everyone within a 1 ½ mile radius of the quarry.**
- **Indemnification by 50,000 cash bond to compensate damage to properties/wells.**
- **Test wells installed to protect water quality**
- **Security provisions to prevent unauthorized access.**

-This motion was 2nd by David Pearson.

-Final vote: 5 in favor. 1 opposed. David Pearson decided to oppose based on process. The borough should not be shorting the public to accommodate the business. (Referring to the timing of notifications and rush to vote on this).

(Jaffa commented that this has to do with the time constraints legally required turnover times for the processing of these permits).

10. NEW BUSINESS: None

11. ANNOUNCEMENTS: None

12. NEXT MEETING: October 6th, 2022 6PM

13. COMMISSIONERS’ COMMENTS

-Kevin Dunham: Decided to approve because he recognizes how rare and hard to get this particular kind of rock is.

-Jeff Estes: Decided to approve because he sees the scale as being small enough to fall within the Moose

Pass Comprehensive Plan goals, which discusses limiting large scale industrial/commercial development.

-Bruce Jaffa: Economic drivers are important but should not overcome local goals.

-No other commissioners had comment.

14. ADJOURNMENT: Jeff Hetrick motion to adjourn. David Pearson 2nd. Adjourned at 7:35PM

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