

Kenai Peninsula Borough
Planning Department

MEMORANDUM

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

THRU: Charlie Pierce, Borough Mayor *CP*

FROM: Max J. Best, Planning Director *MB*

DATE: November 26, 2019

RE: Resolution 2019-070; A Resolution Authorizing the Borough to Enter into a Resource Exchange Agreement with Trimark Earth Reserve, LLC for the Construction of a Road to and through Borough Property.

The Kenai Peninsula Borough Planning Commission reviewed the subject Resolution during their regularly scheduled November 25, 2019 meeting.

A motion passed by unanimous consent to recommend approval of Resolution 2019-070.

In the Resolution, please make the following amendment to the last WHEREAS statement:

WHEREAS, the planning commission at its regularly scheduled meeting of November 25, 2019, recommended approval by unanimous consent.

Attached are the unapproved minutes of the subject portion of the meeting.

AGENDA ITEM F. PUBLIC HEARING

2. Resolution 2019-070; A Resolution Authorizing the Borough to Enter into a Resource Exchange Agreement with Trimark Earth Reserve, LLC for the Construction of a Road to and through Borough Property.

Staff Report given by Bryan Taylor

PC MEETING: November 25, 2019

This resolution, if adopted, will allow the Mayor to enter into an resource exchange agreement for sand and gravel resources. This goes in conjunction with a permit on the property. The permit is not before the Planning Commission at this time.

On page 71.1 of the packet, there is a project overview. The borough had an applicant that would like to construct a road across a borough parcel to access land that does not have any dedicated access at this time. The borough received the 400-acre parcel through municipal entitlement in the 80's. It was previously classified as rural and this past spring it was reclassified to residential. Land management is looking ahead to make sure it is prepared for a future land sale. As of now, the dedicated right-of-way is Van Seventer Avenue. The right-of-way is not constructed all the way to the parcel. The applicant wanting to construct the road across the property is Trimark Earth Reserve, LLC. There is an arrangement to get the rest of Van Seventer Avenue constructed and the applicant will be permitted to construct a road for access that will become an easement after construction.

The resource exchange agreement would allow materials to be used from the 400-acre parcel for the construction of the roads. Van Seventer is not fully constructed so materials may need to be brought in from another site to build access to the lot. The resource exchange agreement would extraction of resources from the parcel that are equal to what needs to be brought in to build Van Seventer. That is only up to 10,000 cubic yards. The applicant is under an obligation to build the road and the resource exchange agreement is only in effect if he is able to discover materials on the parcel. Exploration is part of the permit that will allow the road to be constructed.

END OF STAFF REPORT

Chairman Martin asked if anyone from the public wished to comment on this item. Seeing and hearing no one wishing to comment, Chairman Martin closed public comment and opened discussion among the Commission.

MOTION: Commissioner Ruffner moved, seconded by Commissioner Foster, to forward to the Assembly a recommendation to approve Resolution 2019-070; a resolution authorizing the borough to enter into a resource exchange agreement with Trimark Earth Reserve, LLC for the construction of a road to and through borough property.

Commissioner Ruffner wanted to know if the permit stipulates for the completion of Van Seventer and the to and through road to be built to road service area standards and to be part of the maintenance program. Mr. Taylor said that a condition of the permit is that it be built to a category 3, which can serve 20 lots or more. A requirement for the right-of-way is that a permit must be received through road services. They will be overseeing and make sure that the category 3 standard is met on the access to the property as well as the right-of-way.

Commissioner Ecklund referred to the map on page 69 of the packet. She noted that it was mentioned that it was recently classified as residential and wanted to verify that it was the area outlined in red. Mr. Taylor said that was correct. The pink areas on the map show the upland areas and the applicant is limited to explore for gravel in those areas. There are some lowlands on the parcel. Commissioner Ecklund asked if more than one road was being discussed to be built. Mr. Taylor referred to page 71.1 of the desk packet. Van Seventer Avenue is the dedicated road to be built and the yellow corridor is the other road. The second half of Van Seventer Avenue will be constructed to the west. The yellow line is where the road will be constructed to access the parcel to the west, which is the Trimark parcel. Commissioner Ecklund wanted

to know if there was any discussion of Trimark's future material site extraction in the area. The packet says that they will have to go through the process to get a conditional land use permit for material site extraction even on borough land. She wanted to know after the roads were constructed if there was any discussion about them continuing extraction since there is a lot of pink areas on the parcel. Mr. Taylor said there was no discussion about the future and the terms in which they are permitting is for the development of the roads themselves. Due to the classification of residential, there has not been any discussion of material extraction for any other purpose.

MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

UNAPPROVED