

Kenai Peninsula Borough Planning Commission

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

February 12, 2024
7:30 P.M.
APPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

Chair Brantley called the meeting to order at 7:40 p.m. Late start was due to the Plat Committee meeting running over time.

AGENDA ITEM B. ROLL CALL

Commissioners Present

Jeremy Brantley, Ridgeway/Sterling District
Jeffery Epperheimer, Nikiski District
Pamela Gillham, Kalifornsky/Kasilof District
Virginia Morgan, Cooper Landing/Hope District
Dawson Slaughter, South Peninsula District
Charlene Tautfest, City of Soldotna
Franco Venuti, City of Homer
Diane Fikes, City of Kenai
Troy Staggs, City of Seward

With 9 members of a 9-member seated commission in attendance, a quorum was present.

Staff Present

Robert Ruffner, Planning Director
Walker Steinhage, Borough Deputy Attorney
Todd Sherwood, Borough Deputy Attorney
Vince Piagentini, Platting Manager
Samantha Lopez, KRC Manager
Morgan Aldridge, Planner
Marcus Mueller, Land Management Manager
Aaron Hughes, Land Agent
Jennifer Robertson, LMD Administrative Assistant
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDAS

***3. Plats Granted Administrative Approval**

- a. Bidarki Creek No. 5; KPB File 2022-160R1
- b. Gateway Subdivision Hilltop Addition; KPB File 2023-014
- c. Soldotna Airport Lease Lot 2021 Replat; KPB File 2022-048
- d. Strawberry Acres 2022 Replat; KPB File 2022-025

***7. Minutes**

- a. February 12, 2024 Planning Commission meeting minutes.

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record. He then asked if anyone wished to speak to any of the items on the consent agenda. Seeing and hearing no one wishing to comment, Chair Brantley brought it back to the commission for a motion.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Staggs 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 - 9	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Staggs, Tautfest, Venuti
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AGENDA ITEM E. NEW BUSINESS

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

**ITEM #1 – ORDINANCE 2024-04
AUTHORIZING A NEGOTIATED LEASE WITH DAVIS BLOCK & CONCRETE COMPANY FOR
CONCRETE BATCH PLANT OPERATIONS IN SUPPORT OF THE STERLING HIGHWAY MP 45-60
CONSTRUCTION PROJECT NEAR COOPER LANDING**

Staff report given by Land Management Land Agent Aaron Hughes.

Chair Brantley open the item for public comment.

Corey Davis; Davis Block & Concrete; 36122 Ravenwood Street, Kenai, AK 99611: Mr. Davis is the applicant and made himself available for questions.

Commissioner Morgan asked Mr. Davis if he could explain why there was only one weeks' notice to the public regarding the special APC meeting, yet the application was received by the borough in July of 2023. She wondered why the community wasn't involved sooner. Mr. Davis replied that when he submitted the initial lease application, he was in the process of putting his bid numbers together for this state project. He did not receive notice that his bid was successful until January 2024, it was then that he submitted his final lease application to the borough.

Commissioner Morgan then asked if it would be possible to put this batch plant nearer the construction site, which would keep the truck traffic off the existing roads. Mr. Davis replied the main problem is the grade on both the east and west sides of the site are too steep. The raw materials, coming in to produce the concrete, will be coming in on double trucks and they would not be able to go up the steep grades. The batch plant needs to be in a flat/level area. He then noted that their operations are not like typical road construction. Their production work will be sporadic, they are looking at producing approximately 150 truckloads of concrete a construction season

Commissioner Morgan then asked if he could explain his plans to keep the area residents and other users of the highway safe. She wondered if he had a plan for traffic control at the Snug Harbor Rd. and highway intersection during high traffic times. Mr. Davis replied they plan to notify the community on days that they will be working by sending out a message via the Cooper Landing Crier and Facebook. They will also put out signage on the road when they are in production. If traffic control is something that is needed, they would be able to accommodate that.

Commissioner Morgan then asked him to describe the routes his trucks will use for this project. Mr. Davis replied that there will be side dump trucks coming from Kenai to the site to supply the aggregate to make the concrete. There will be cement coming to the site from Anchorage. Mr. Davis then noted that since the 1970s Davis Block has run their business in an area that has a high recreational use and they are very used to working in that kind of environment.

Karen Button; 20341 Philadelphia Way, Eagle River, AK 99577: Ms. Button owns property on Snug Harbor Road and spoke in opposition to the concrete batch plant proposal.

David Nees; P.O. Box 867, Cooper Landing, AK 99572: Mr. Nees owns property off Snug Harbor Road and spoke in opposition to the concrete batch plant proposal.

Ed Holsten; P.O. Box 790, Cooper Landing, AK 99572: Mr. Holsten owns property on Snug Harbor Road and spoke in opposition to the concrete batch plant proposal.

Sandra Holsten; P.O. Box 790, Cooper Landing, AK 99572: Ms. Holsten owns property on Snug Harbor Road and spoke in opposition to the concrete batch plant proposal.

Tom Wanat; 37592 Snug Harbor Road, Cooper Landing, AK 99572: Mr. Wanat owns property on Snug Harbor Road and spoke in opposition to the concrete batch plant proposal.

Cynthia Dawson; 38062 Snug Harbor Road, Cooper Landing, AK 99572: Ms. Dawson owns property on Snug Harbor Road and spoke in opposition to the concrete batch plant proposal.

Vince Beltram; 17118 Bean Creek Road, Cooper Landing, AK 99572: Mr. Beltram owns property in the area had several questions for the applicant

General Areas Of Concern Expressed By The Public:

- Not enough/improper notice time
- Safety concerns related to additional heavy equipment traffic on the roads
- Potential road damage due to truck usage
- Lack of exploration of other possible locations

Chair Brantley asked Director Ruffner to explain the lease application and public noticing processes to the public. Director Ruffner shared the process and then reminded the public that the planning commission was only being asked to make a recommendation on the lease application, the Assembly is the decision making body. He encouraged those with concerns to attend the Assembly meetings to make comment. He then shared the Assembly schedule for this piece of legislation.

Corey Davis; Davis Block & Concrete; 36122 Ravenwood Street, Kenai, AK 99611: Mr. Davis stated the plan is to preload the site with aggregate (approximately 40 truckloads) before the construction season, so the double side dumps, which seem to be an area of concern for the public, will be done in the winter/spring time. He plans to use 3 trucks (two hauls per day) to bring the aggregate to the site. He again noted that they are only talking about 150 truckloads of concrete per construction season, which would work out to approximately one truckload a day. The work is going to be sporadic, so work activities will not be going on every day. On the day that they are pouring he plans to have 4 concrete trucks on site, which will transport 5-10 truckloads per pouring days. He noted that the proposed lease site is a mile away (in any direction) from the closest residential property.

Commissioner Gillham asked Mr. Davis to explain how he will be able to ensure that his trucks will obey the area speed limits. Mr. Davis replied that his trucks all have automatic transmissions and should have no issues with speed limits. Drivers not obeying speed limits have not been a significant issue but if his drivers do break the law, he will definitely deal with it. Commissioner Gillham then asked if his heavily loaded trucks going downhill would have any issues maintaining the 25-mile speed limit. Mr. Davis replied they would not.

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 forward to the Assembly a recommendation to adopt Ordinance 2024-04, authorizing a negotiated lease with Davis Block & Concrete Company for a concrete batch plant operations in support of the Sterling Highway MP 45-60 Construction Project near Cooper Landing.

Commissioner Staggs stated that he has done work on concrete batching with Metco. He understands that the community sees this as a loud and intrusive thing. However, outside of the trucks going in and out, he doesn't think they will even notice that the plant is there. He doesn't see any real problems with this.

Commissioner Morgan stated that she doesn't know if she has been convinced that this is the best location for the batch plant. She does believe that there are better suited locations. For that reason, she doesn't feel supportive of this lease application. She then reminded the public the commission is only making a recommendation and that the Assembly will be the ones making the decision. She encouraged members of the public to make their comments known to the Assembly.

Commissioner Gillham asked if staff could go over the other potential sites for the plant and why they were not chosen. Land Management Agent Hughes replied the proposed site was selected by Davis Block. After feedback from some of the concerned community members they looked at other potential locations. Several of the locations were owned by the State and so the borough has no say regarding them. Another borough owned location suggested was off Slaughter Rd. and that location was classified recreational and has a local option zone which would not allow for this kind of use. To make any changes in the classification and zoning on that parcel could take up to six months and would create timeline issues so it did not fit the needs of the applicant.

Commissioner Tautfest state that she would support this application. She felt the applicant address the areas of concerns and the Cooper Landing APC also recommended approval.

Commissioner Gillham stated that she had read through the minutes from the Cooper Landing APC special meeting. The APC had a pretty in-depth conversation on this application. She believes that the lease application has been vetted and thought through thoroughly so she will be supporting the application.

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

MOTION PASSED BY MAJORITY VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Slaughter, Staggs, Tautfest, Venuti
No – 1	Morgan

**ITEM #2 - STREET NAMING RESOLUTION 2024-02
RENAMING ASPEN COURT TO ASPEN LANE
NIKISKI AREA**

Street Naming Resolution	2024-02
Planning Committee Meeting	February 26, 2024
Applicant	Kenai Peninsula Borough
Community / ESN	Nikiski / ESN 501
Constructed	No
Year Named	1983
Total Lots	5
E911 Addresses	None
Mailing Address	None

Staff report given by Planning Director Robert Ruffner.

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

MOTION: Commissioner Staggs moved, seconded by Commissioner Slaughter to adopt Street Naming Resolution 2024-02, renaming a certain right-of-way within Section 10, Township 07 North, Range 12 West, Seward Meridian, within Emergency Service Number 501 to Aspen Lane.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Staggs, Tautfest, Venuti
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**ITEM #3 – CONDITIONAL USE PERMIT
GRANTING A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF A FOOTBRIDGE WITHIN
THE 50’ HABITAT PROTECTION DISTRICT OF THE KENAI RIVER**

PC Resolution	2024-04
Planning Committee Meeting	February 26, 2024
Applicant/Agent:	DeWayne Benton Through Heather Benton
Property Owner	Castaway Cove Homeowners Association

Legal Description	Castaway Cove Sub Amended Tract A & B
KPB Parcel Numbers	055-255-47 & 055-253-42

Staff report given by Kenai River Center Manager Samantha Lopez.

Chair Brantley open the item for public comment.

Heather Benton; 37289 Arctic Tern, Soldotna, AK 99669: Ms. Benton spoke on behalf of the applicant and requested that the commission approve the permit.

Carl Bauman; 35555 Kenai Spur Highway, Soldotna, AK 99669: Mr. Bauman is a landowner in Castaway Cove and spoke in opposition to issuing the permit.

Ron Isaac; P.O. Box 3526, Kenai, AK 99611: Mr. Isaac is a landowner in Castaway Cove and spoke in opposition to issuing the permit.

Nan Beligotti; P.O. Box 174, Kadoka, SD, 57543: Ms. Beligotti is a landowner in Castaway Cove and spoke in support of issuing the permit.

Greg Cox; 552 Chestnut Hill Ct., Woodstock, GA, 30189: Mr. Cox is a landowner in Castaway Cove and spoke in support of issuing the permit.

Marty Weiser; 3535 Akula Drive, Anchorage, AK 99516: Mr. Weiser is a landowner in Castaway Cove and spoke in support of issuing the permit.

Mark Tanner; 45555 Porter Road, Kenai, AK 99611: Mr. Tanner is a landowner in Castaway Cove and spoke in opposition to issuing the permit.

Wayne Broste; 45587 Boardwalk Trail, Kenai, AK 99611: Mr. Broste is a landowner in Castaway Cove and spoke in support of issuing the permit.

Ron Linder; 2168 Sunlight Lane, Wasilla, AK 99654: Mr. Linder is a landowner in Castaway Cove and spoke in support of issuing the permit.

Wyatt Hepper; 45583 Fish On Drive, Kenai, AK 99611: Mr. Hepper is a landowner in Castaway Cove and in opposition to issuing the permit.

Adelle Johnston; 1500 S. Lower Circle, Palmer, AK 99645: Ms. Johnston is a landowner in Castaway Cove and spoke in support of issuing the permit.

William Kruskie; 12040 Johns Road, Anchorage, AK 99515: Mr. Kruskie is a landowner in Castaway Cove and spoke in support of issuing the permit.

Ward Hepper; 45583 Fish On Drive, Kenai, AK 99611: Mr. Hepper is a landowner in Castaway Cove and in opposition to issuing the permit.

Shawn Benner (No address given): Mr. Brenner is a landowner in Castaway Cove and spoke in support of issuing the permit.

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

MOTION: Commissioner Staggs moved, seconded by Commissioner Slaughter to adopt Planning Commission Resolution 2024-04, granting a conditional use permit pursuant to KPB 21.18.081 for the construction of a footbridge within the 50-Foot Habitat Protection District of the Kenai River.

Chair Brantley noted their seems to be some confusion as to whether or not the full Castaway Cove HOA is in support of this project. He then asked legal to clarify that even if the conditional use permit is approved, the bridge cannot be installed without the approval of the landowner which is the HOA.

Deputy Borough Attorney Sherwood asked Ms. Benton, as the agent listed on the application, if she believes that they need the permission of the landowner, the HOA, to build the bridge. Ms. Benton answered yes, they need the landowner’s permission. Deputy Attorney Sherwood then asked if she understood that getting a permit to build the bridge is not the same as getting the permission from the landowner to install the bridge. Ms. Benton answered yes, she understood that. Deputy Attorney Sherwood then asked did she understand that if the permit was granted, the bridge still may never get built. Ms. Benton answered yes. Deputy Sherwood then stated that the commission is the body that grants the permit, if it meets the criteria in code. Granting the permit is not the same as the landowner granting permission to install the bridge. According to code, the commission can grant, postpone or deny the permit. He then reminded the commission if they decide to deny the permit, they can’t reapply for a permit for two years.

Commissioner Staggs stated that he believes the bridge is needed for the island landowners to have safe access to their properties, so he will be voting to grant the permit.

Commissioner Fikes stated she appreciated the clarification from legal and that she will be voting in favor of granting the permit.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Staggs, Tautfest, Venuti
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**ITEM #4 - UTILITY EASEMENT ALTERATION
WESTERLY 260-FOOT BY 20- FOOT PORTION OF A UTILITY EASEMENT**

KPB File No.	2024-008V
Planning Committee Meeting	February 26, 2024
Applicant / Owner	Kenai Peninsula Borough of Soldotna
Surveyor	James Hall / McLane Consulting, Inc
Request	Vacate a 260-foot by 20-foot utility easement located along the back of the lots as shown on preliminary plat Airport Subdivision 2023 replat, KPB File 2024-008
General Location	Warehouse Drive & Wilson Lane in Soldotna

Staff report given by Platting Manager Vince Piagentini.

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

Commissioner Tautfest recused herself as she had voted on this item in her capacity as a planning commissioner for the City of Soldotna.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Staggs to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, based on staff recommendations, citing finding 1-9 in the staff report and subject to the 2 conditions as set forth in the staff report.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Staggs, Venuti
Recused - 1	Tautfest

**ITEM #5 - PRELIMINARY PLAT
SKYLINE HEIGHTS ESTATES KACHEMAK LANDING AIRPARK**

KPB File No.	2023-142
Planning Commission Meeting	February 26, 2024
Applicant / Owner	Kachemak Landing, LLC / Homer, AK
Surveyor	Katherine Kirsis / Seabright Survey + Design
General Location	Diamond Ridge, Homer, Kachemak APC

Parent Parcel No.	173-310-69 thru 173-310-91, 173-310-42 and 173-310-45 thru 173-310-47
Legal Description	Lots 42, 45, 46 & 47 Tulin Heights Estates HM 70-358 and Lots 33A, 33B, 34A, 34B, 35A, 35B, 36A, 36B, 36C, 36D, 37A, 37B, 37C, 37D, 38A, 39A, 40A, 41A, 43A, 44A, & 48A of Tulin Skyline Heights Estates #2 HM 2008-90
Assessing Use	Vacant
Zoning	Rural Unrestricted
Water / Wastewater	Onsite
Exception Request	KPB 20.30.190 – Lot Dimensions

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley open the item for public comment.

John Bouman; 41420 Sterling Hwy., Homer, AK 99603: Mr. Bouman is a neighboring landowner and spoke in opposition to granting the exception request.

Kristina Haynes, Kachemak Landing LLC: P.O. Box 3337, Homer, AK 99603: Ms. Haynes is the landowner and spoke in support of granting the exception request.

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

MAIN MOTION: Commissioner Slaughter moved, seconded by Commissioner Staggs to grant preliminary approval to Skyline Heights Estate Kachemak Landing Airpark based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

EXCEPTION REQUEST: Commissioner Slaughter moved, seconded by Commissioner Staggs to grant the exception request to KPB 20.30.190 – Lot Dimensions, citing findings 1-4 in support of standards one, findings 3-6 in support of standard two and findings 5 & 6 in support of standard three.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Staggs, Tautfest, Venuti
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Seeing and hearing no objection or discussion, the motion was carried by the following vote:

MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes - 9	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Staggs, Tautfest, Venuti
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AGENDA ITEM F. PLAT COMMITTEE REPORT

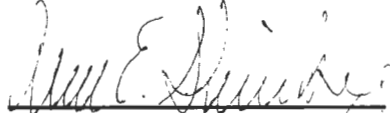
Commissioner Gillham report that the committee reviewed and granted preliminary approval to 12 plats.

AGENDA ITEM H. PRESENTATIONS / PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

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 K. ADJOURNMENT

Commissioner Gillham moved to adjourn the meeting at 10:38 P.M.



Ann E. Shirnberg
Administrative Assistant