



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Dale Bagley, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Mike Navarre, Borough Mayor *MN*

FROM: Max Best, Planning Director *mb*

DATE: March 27, 2015

SUBJECT: Ordinance 2015-06; Ordinance approving Goodrich – Jackson Single-Family Residential R-1 Local Option Zoning District and Amending KPB 21.46.040

The Kenai Peninsula Borough Planning Commission reviewed the subject ordinance during their regularly scheduled March 23, 2015 meeting.

A motion to recommend approval of the formation of a Single-Family Residential (R-1) local option zoning district (LOZ) in the Gas Well Road / Echo Lake Road area failed by unanimous consent.

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

WHEREAS, the Kenai Peninsula Borough Planning Commission held public hearings on February 9 and March 23, 2015 and denied the formation of a local option zone by unanimous consent.

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

AGENDA ITEM F.

PUBLIC HEARING

3. Ordinance 2015-06; Ordinance approving Goodrich – Jackson Single-Family Residential R-1 Local Option Zoning District and Amending KPB 21.46.040

Public hearing for the consideration for the formation of a Single-Family Residential (R-1) local option zoning district (LOZ) in the Gas Well Road / Echo Lake Road area. **Legal Description:** The property included in the LOZ under consideration is: Tract 1, Mott's Farm Subdivision, according to Plat 2000-67; Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 1, E. L. Jackson Subdivision, according to Plat K-1609; Lots 5, 6, 7, 8, 9, and 10, Block 1, and Lots 1, 2, 3, and 4, Block 2, Goodrich Subdivision, according to Plat K-1701; and Lots 11 and 12, Block 1, and Lots 5, 6, 7, & 8, Block 2, Goodrich Subdivision No. 1, according to Plat 75-73; all located in the Kenai Recording District, Third Judicial District, State of Alaska. **Location:** Certain parcels along Gas Well Road, Echo Lake Road, Center Avenue, and Retirement Street.

Staff Report given by Bruce Wall

PC Meeting: 3/23/15

This request for the formation of an R-1, Single-Family Residential local option zoning district was heard at the February 9, 2015 meeting. Following the public testimony it was decided to postpone this item until brought back by staff. During the commission deliberations it was brought up that the commission would like to see the neighbors meet and discuss this prior to further action.

Since the hearing staff has received two additional comment letters which are included in the PC packet. One of those letters is from the petition organizer; it discusses a meeting between him and one of the neighbors opposed to the R-1 zoning.

Based upon that letter, staff recommends that the Planning Commission make a recommendation of disapproval to the assembly on this proposed ordinance.

There is a motion on the floor to recommend adoption of this ordinance approving the formation of a single-family residential (R-1) local option zoning district in the Gas Well Road / Echo Lake area.

There is also a motion on the floor to amend that motion to exclude Tract 1 from the local option zone.

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment.

1. Clinton Mott, 33640 Echo Lake Rd

Mr. Mott was available to answer questions in case there were more questions regarding zoning around the subject property. He stated they met with the petitioners and understand that they have withdrawn their reasons for wanting to zone the property.

Commissioner Holsten asked if he felt there was peace in the valley after they met with the petitioners. Mr. Mott replied yes.

Commissioner Ernst asked if the gravel pit was out of the picture now. Mr. Mott replied that the gravel pit was withdrawn from consideration. There was a neighbor that got concerned who jumped a little quick before he realized what was going on. He stated they were trying to make sure the neighbors knew what was going on so there could be a discussion. This process quickly got a little out of hand.

There being no further comments or questions, the public hearing continued.

Seeing and hearing no one wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

Commissioner Holsten asked if the proposal could be withdrawn. Commissioner Foster replied that the motions need to be voted on.

Commissioner Ruffner felt that it was accurate in that this got a little out of hand. He stated they are trying to sort out how they can effectively do these limited zoning rules and how to make them apply so that they actually make sense.

AMENDMENT MOTION ON THE FLOOR: Commissioner Venuti motioned and Commissioner Isham seconded to exclude Tract 1 from the Local Option Zone.

Commissioner Carluccio asked if all the people that were involved with this were notified that this was going to be on the agenda. Mr. Wall replied that staff mailed out a notice about two weeks ago to all the property owners in the local option zone district informing them of this public hearing.

Commissioner Ruffner clarified that the commission will be voting on an amendment motion removing Tract 1 which is the Mott's lot from the local option zone. The main motion or the second motion will be to enact the entire local option zone. Mr. Wall replied yes.

There being no further comments or questions, Chairman Martin called for a roll call vote.

AMENDMENT VOTE: The motion failed by majority consent.

CARLUCCIO NO	COLLINS NO	ECKLUND NO	ERNST NO	FOSTER NO	HOLSTEN YES	ISHAM NO
LOCKWOOD NO	MARTIN NO	RUFFNER YES	VENUTI YES	WHITNEY NO		3 YES 9 NO

There being no further comments or questions, Chairman Martin called for a roll call vote on the main motion.

MAIN MOTION ON THE FLOOR: Commissioner Ecklund moved, seconded by Commissioner Holsten to approve taking action on the recommend adoption of the Ordinance to approve the formation of a Single-Family Residential (R-1) local option zoning district (LOZ) in the Gas Well Road / Echo Lake Road area for discussion.

MAIN MOTION VOTE: The motion failed by unanimous consent.

CARLUCCIO NO	COLLINS NO	ECKLUND NO	ERNST NO	FOSTER NO	HOLSTEN NO	ISHAM NO
LOCKWOOD NO	MARTIN NO	RUFFNER NO	VENUTI NO	WHITNEY NO		0 YES 12 NO

MOTION: Commissioner Ecklund moved, seconded by Commissioner Isham to recommend to the Assembly that the Single Family Residential (R-1) local option zone in the Gas Well Road / Echo Lake Road area not be approved.

Chairman Martin asked Commissioner Ecklund to elaborate on the intent of her motion. Commissioner Ecklund stated it was to follow staff's recommendations. Mr. Best replied that the motion would be good which would give a reason why the motion to approved was voted down. Chairman Martin stated that the concerned parties are no longer interested in having a local option zone. It best serves everyone concerned.

VOTE: The motion passed by unanimous consent.

CARLUCCIO YES	COLLINS YES	ECKLUND YES	ERNST YES	FOSTER YES	HOLSTEN YES	ISHAM YES
LOCKWOOD YES	MARTIN YES	RUFFNER YES	VENUTI YES	WHITNEY YES		12 YES

Commissioner Holsten explained her reason why she voted to remove Tract 1 from the local option zone. She felt that they need to establish a pattern of not allowing the rural zoning to be used to manage other pieces of property.

Mr. Best introduced Harmony Curtis who is the Floodplain Administrator at the Donald E. Gilman River Center.

AGENDA ITEM G. FLOODPLAIN MANAGEMENT (KPB 21.06)

1. An exception pursuant to KPB 21.06 allowing a portion of the project activities conducted below mean high tide in a VE special flood hazard zone of the floodplain. This project is for the annual maintenance and disposal of dredged material from the Ninilchik Small Boat Harbor. Material has been approved to be excavated from the harbor's entrance channel and suction dredged from the mooring basin then placed in a temporary containment berm/dewatering area constructed above the mean high tide. The majority of the material is removed by the Alaska Department of Transportation. Prior to leaving the site the US Army Corps of Engineers is requesting to knock down the temporary containment berm/dewatering berms and move the settled material around to match the beach contour, this can occasionally occur below the mean high tide line.

This project is located on mouth of the Ninilchik River, Alaska State Land Survey 86-166, Section 34, T1S, R14W, SM, AK, (KPB Parcel #157-090-14).

Staff Report given by Harmony Curtis

Planning Commission Meeting: March 23, 2015

Applicant: Wayne M. Crayton, Project Biologist
Department of the Army, US Army of Engineer District, Alaska
PO Box 6898
JBER, AK 99506

Project Location: Ninilchik Small Boat Harbor KPB Parcel ID# 157-090-14
Legal: State Land Survey 86-166, Section 34, T1S, R14W, SM, AK,
River Center Permit: RC #10792
KPB Assessing Code: 910-Tidelands

Exception(s) Requested: KPB 20.06.050(D)(1)(c) All new construction shall be located landward of the reach of mean high tide.

Supporting Information:

The Proposed Action has been received for the maintenance dredging and disposal of dredged material from the Ninilchik Small Boat Harbor. The total amount of material approved to be excavated from the harbor's entrance channel and suction-dredged from the mooring basin is approximately 8,000 cubic yards. An additional 3,000 cubic yards of dredged material is approved to be removed depending on the amount of shoaling that might form over the winter. Excavated and dredged material will be placed in a temporary 830 feet long by 70 feet wide containment berm/dewatering area, constructed south of the Ninilchik River's south jetty and to the maximum extent possible, constructed above the mean high tide line. The material that is excavated and dredged is requested to be placed within the VE Zone to be dewatered. A majority of the removed material will be used by the Alaska Department of Transportation and prior to leaving the site the US Army Corps of Engineers is requesting to knock down the temporary containment berm/dewatering berms, settled material will be move around to match the beach contour using a dozer and excavator, this can occasionally occur below the mean high tide line.

Application Completeness and Compliance: The proposed project will occur within the VE, AE, and Floodway zones of the special flood hazard area of the floodplain. The current floodplain regulations allow for all portions of this project, excluding the placement of materials in the VE zone below the mean high tide line. The River Center found the application complete and scheduled a public hearing for March 23, 2015.