



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, October 10, 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

[KPB-4621](#) Planning Commission Resolution 2022-44
Street Naming Resolution 2022-03

Attachments: [C2. Resolutions Packet](#)

3. Plats Granted Administrative Approval

[KPB-4649](#) a. Cohoe Estates Subdivision 2021 Addition; KPB File 2021-117
b. Herrin Subdivision Red Lake Replat; KPB File 2022-042
c. Murray Subdivision 2022 Replat; KPB File 2021-154
d. Townsley Subdivision; KPB File 2022-030

Attachments: [C3. Administrative Approvals Packet](#)

4. Plats Granted Final Approval (KPB 20.10.040)

5. Plat Amendment Request

6. Commissioner Excused Absences

7. Minutes

[KPB-4650](#) September 26, 2022 Planning Commission Meeting Minutes

Attachments: [C7. 092622 PC Meeting Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4651](#) Build Setback Encroachment Permit; KPB File 2022-143
Lot 15, Block 5 Lake View Terrace No. 2
PC Resolution 2022-45

Attachments: [E1. Lake View Terrace No. 2 Packet](#)

2. [KPB-4652](#) Right-Of-Way Vacation; KPB File 2022-136V
Ciccone Street & Associated Utility Easement

Attachments: [E2. ROWV Ciccone St. Packet](#)

F. PLAT COMMITTEE REPORT

G. OTHER

[KPB-4653](#) Annual Review of KPB 21.18
Kenai River Center

Attachments: [G. KPB 21.18 Presentation](#)

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NO ACTION REQUIRED

[KPB-4655](#) Advisory Planning Commission Meeting Minutes

Attachments: [MISC INFO APC Minutes](#)

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, October 24, 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

- *2. Planning Commission Resolutions**
 - a. PC Resolution 2022-44**
 - b. SN Resolution 2022-03**

**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.
23. 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 detonate explosives or blasting agents between the hours of 5:00 pm and 9:00 am Monday through Friday and will not detonate explosives or blasting agents on Saturday or Sunday.
24. The Planning commission and the Permittee have agreed to the following voluntary condition to further support Standard 21.29.040(A)(2) and 21.29.040(A)(4): The permittee shall notify all residential or commercial properties within one and one-half miles (1.5 miles) of the blasting site prior to each blast.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 10TH DAY OF OCTOBER, 2022.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg
Administrative Assistant

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

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 33, T05S, R14W; SEWARD MERIDIAN; WITHIN EMERGENCY SERVICE NUMBER (ESN) 202

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
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

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.

Jeremy Brantley, Chairperson
Planning Commission

State of Alaska
Kenai Peninsula Borough

Signed and sworn to (or affirmed) in my presence this 10th day of October 2022 by Jeremy Brantley.

Notary Public

My Commission expires: With Office

C. CONSENT AGENDA

- *3. Plats Granted Administrative Approval**
 - a. Cohoe Estates Subd 2021 Addition; KPB File 2021-117**
 - b. Herrin Subdivision Red Lake Replat; KPB File 2022-042**
 - c. Murray Subdivision 2022 Replat; KPB File 2021-154**
 - d. Townsley Subdivision; KPB File 2022-030**



Planning Department

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

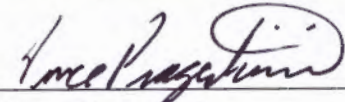
Charlie Pierce
Borough Mayor

ADMINISTRATIVE APPROVAL

Subdivision: Cohoe Estates Subd 2021 Addition
KPB File 2021-117
Kenai Recording District

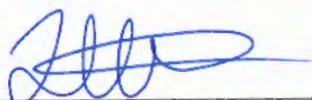
The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on September 13, 2021. Approval for the plat is valid for two years from the date of approval.

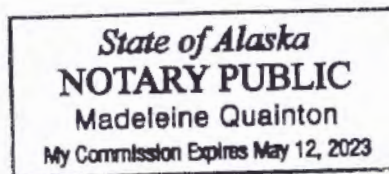
The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Thursday, September 29, 2022.


Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 29 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: Herrin Subdivision Red Lake Replat
KPB File 2022-042
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on April 25, 2022. Approval for the plat is valid for two years from the date of approval.

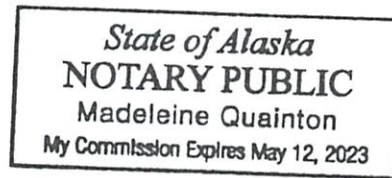
The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Wednesday, September 21, 2022.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 21 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: Murray Subdivision 2022 Replat
KPB File 2021-154
Kenai Recording District

The Kenai Peninsula Borough Planning Commission conditionally approved the preliminary subdivision plat on February 14, 2022. Approval for the plat is valid for two years from the date of approval.

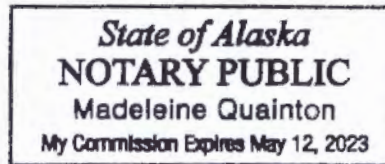
The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Thursday, September 29, 2022.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 29 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: Townsley Subdivision
KPB File 2022-030
Kenai 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.

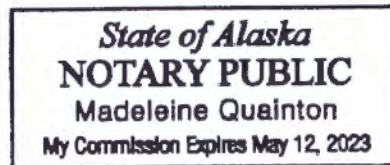
The final plat complied with conditions of preliminary approval and KPB Title 20 (Subdivisions); therefore, per KPB 20.60.220, administrative approval has been granted by the undersigned on Thursday, September 29, 2022.

Vince Piagentini
Platting Manager

State of Alaska
Kenai Peninsula Borough

Signed and sworn (or affirmed) in my presence this 29 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
September 26, 2022 Planning Commission Meeting

Kenai Peninsula Borough Planning Commission

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

September 26, 2022

7:30 P.M.

UNAPPROVED MINUTES

Please note: The recoding for this meeting cut out midway through agenda item E2

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
John Hooper, District 3 – Nikiski
Blair Martin, District 2 – Kenai
Virginia Morgan, District 6 – East Peninsula
Troy Staggs, City of Seward
Dawson Slaughter, District 9 – South Peninsula
Charlene Tautfest, City of Soldotna
Franco Venuti, City of Homer

With 10 members of a 12-member seated commission in attendance, a quorum was present.

Staff Present

Robert Ruffner, Planning Director
Walker Steinhage, Deputy Borough Attorney
Vince Piagentini, Platting Manager
Julie Hindman, Platting Specialist
Marcus Mueller, Land Management Officer
Derek Haws, Addressing Officer
Ryan Raidmae, Borough Planner
Ann Shirnberg, Planning Administrative Assistant
Rhonda Foster-Deskins, LMD Administrative Assistant.

AGENDA ITEM C. CONSENT & REGULAR AGENDAS

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

***6. Commissioner Excused Absences**

- a. David Stutzer, District 8 - Homer
- b. Michael Horton, District 4 – Soldotna
- c. City of Seldovia, Vacant
- d. District 7 – Central, Vacant

***7. Minutes**

- a. September 12, 2022 Planning Commission meeting minutes.

Chair Brantley asked if anyone wished to speak to any of the items on the consent agenda.

Commissioner Venuti noted that his name needed to be removed from under commissioner excused absences.

Hearing no one else wishing to comment Chair Brantley asked Ms. Shirnberg to read into the record the consent agenda items.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Morgan to approve the consent agenda, to amend the regular agenda by removing item #5 from under new business, and approving the regular agenda as amended.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Brantley, Fikes, Gillham, Hooper, Martin, Morgan Slaughter, Staggs, Taufest, Venuti
No - 0	

AGENDA ITEM E. NEW BUSINESS

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

**ITEM E1 - 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 given by Platting Manager Vince Piagentini.

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 Slaughter moved, seconded by Commissioner Gillham, to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code and adopting Planning Commission Resolution 2022-43.

Commissioner Venuti informed the commission that he had voted on this item as a planning commissioner for the City of Homer and asked to be recused. Chair Brantley approved his request.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Slaughter, Staggs, Tautfest
Recused	Venuti
No - 0	

**ITEM E2 - 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 given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Alain Wilkinson, Petitioner; P.O. Box 39404, Ninilchik, AK 99639: Mr. Wilkinson requested that staff's recommendation for a 30' x 30' portion of Ivy cul-de-sac bulb remain be removed. He would request that the commission approve the vacation of the entire cul-de-sac bulb. He noted that over time Deep Creek's alignment has moved. The realignment of Deep Creek has negatively affected his property by limiting the usable space on his lot. The only useable area left is the radius of the cul-de-sac bulb. He understands that staff is recommending leaving a 30' x 30' portion of the bulb for the possibility of a future dedication for Ivy Street, should the lot to the south ever be subdivided. He noted there is a slew on the adjacent property that runs down to the river. If the adjacent lot were to subdivide, and a road was built in the area that staff is proposing for a dedication, it would block the runoff from the slew and cause the area to flood. He stated it would not be a good area to build a road.

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 Gillham, to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

Commissioner Morgan stated she did not feel comfortable approving the petitioner's request without additional information. Platting Specialist Hindman then pulled up several maps and displayed them on the room screens and explained in greater detail what the petitioner was requesting. Commissioner Morgan then noted for the commission that on page E2-6 (page 3 of the staff report) of the packet materials there was a small map showing the area that the petitioner is referring to.

Commissioner Slaughter stated he would support the petitioner's request to vacate the entire bulb. The usable area of his lot is small and vacating the entire cul-de-sac bulb would give him more usable space and would not create any access issues for neighboring lots.

AMENDMENT MOTION: Commissioner Slaughter moved, seconded by Commissioner Tautfest to remove staff's recommendation for a 30' x 30' portion of the Ivy Avenue dedication to remain.

Commissioner Gillham stated she is inclined to support the petitioner's request to vacate the entire cul-de-sac bulb. His property has been negatively affected by the realignment of Deep Creek, which is something that was beyond his control. She will be voting in support of the petitioner's request.

Commissioner Brantley stated he would be supporting the petitioner's request to vacate the entire cul-de-sac bulb. He understands staff's recommendation to keep the 30' x 30' area, on paper it makes sense and

looks good. However, vacating the entire cul-de-sac bulb does not create any access issues. It also would not create any issues related to road maintenance or snow removal.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Slaughter, Staggs, Taufest, Venuti
No - 0	

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

MOTION PASSED AS AMENDED BY UNANIMOUS VOTE:

Yes - 10	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Slaughter, Staggs, Taufest, Venuti
No - 0	

**ITEM E3 – CONDITIONAL LAND USE PERMIT – MATERIAL SITE
TUTKA, LLC – MOOSE PASS APREA
PLANNING COMMISSION RESOLUTION 2022-44**

PC Resolution	2022-44
Planning Commission Meeting:	September 26, 2022
Applicant	Tutka, LLC
Landowner	State of Alaska Department of Natural Resources
Mailing Address	2485 E. Zak Circle, Suite A, Wasilla, AK 99654
KPB Parcel Number	125-324-13
Legal Description:	T04N R01W SEC 24 Seward Meridian SW Govt. Lot 13

Staff report given by Planner Ryan Raidmae.

Chair Brantley opened the item for public comment.

John Sommer, Tutka, LLC; 5485 E. Zak Circle, Suite A, Wasilla, AK 99654: Mr. Sommer represents the applicant and made himself available for questions.

Commissioner Morgan asked Mr. Sommer if he had seen the Moose Pass APC additional recommendations for the permit. Mr. Sommer stated that he had not. Commissioner Morgan then read the conditions into the record.

- Limit hours of operation to 9-5, Monday through Friday.
- Notification of when blasting is going to occur to everyone within a 1.5-mile radius of the quarry.
- Indemnification of \$50,000 cash bond to compensate damage to properties/wells.
- Test wells installed to protect water quality.
- Security provisions to prevent unauthorized access.

Mr. Sommer replied that Tutka would be willing to limit blasting operations to 9:00 am to 5:00 pm, Monday through Friday but Tutka will keep regular operation hours of 7:00 am to 6:00 pm Monday through Saturday. He also agreed to notification of blasting for landowners within a 1.5-mile radius of the quarry.

Chair Brantley asked Mr. Sommer if he understood that these two additional conditions are voluntary and not required by code. Mr. Summers replied that he did. He stated that it was Tutka’s desire to be a good neighbor.

Gina DeBardelaben, McLane Consulting; P.O. Box 468, Soldotna, AK 99669: Ms. DeBardelaben was the engineer who worked with Tutka on the site development plan and she 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 Morgan moved, seconded by Commissioner Slaughter, to adopt Planning Commission Resolution 2022-44 granting a conditional land use permit to operate a sand, gravel, or material site for a parcel described Township 4 North, Range 1 West, Section 24, Seward Meridian, SW Government Lot 13, Seward Recording District., Third Judicial District, State of Alaska.

AMENDMENT MOTION: Commissioner Morgan moved, seconded by Commissioner Slaughter to add the following two voluntary conditions to the permit:

1. Limit the hours of blasting to 9:00 am to 5:00 pm, Monday through Friday.
2. Provide notification of blasting to landowners within a 1.5-mile radius of the quarry.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Slaughter, Staggs, Taufest, Venuti
No - 0	

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

MOTION PASSED AS AMENDED BY UNANIMOUS VOTE:

Yes - 10	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Slaughter, Staggs, Taufest, Venuti
No - 0	

E3 – STREET NAMING RESOLUTION 2022-03

DESCRIPTION	FROM	TO
<p>SECTION 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</p>	Joe Super St	Blissful Acres St
<p>SECTION 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</p>	Kayeway Rd	Kayeway Rd N Kayeway Rd S
<p>SECTION 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</p>	Unnamed SLE & Sierer Ave (western portion)	Jolly Ave
<p>SECTION D An unnamed section line easement; Section 33, T05S, R14W; Seward Meridian, Kenai Peninsula Borough, AK; in the Anchor Point community; ESN 401</p>	Unnamed SLE	Little Creek St

Staff report given by Addressing Officer Derek Haws. Mr. Haws stated that due to public comments received, he would request to postpone action until brought back by staff, on the renaming of Kayeway Road and Little Creek Street.

Chair Brantley opened the item for public comment.

Olen Moyer; P.O. Box 433 Kenai, AK 99611: Mr. Moyer requested that the borough not do anything to the original Kayeway addresses but only change the street name associated with the new subdivision. He has

owned his property on the original Kayeway Road for 25 years. The original section of Kayeway Road dead ends and he does not see the road ever going through and connecting to the one in the newer subdivision. He believes that renaming these two roads North/South Kayeway will only cause confusion.

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

MOTION: Commissioner Gillham moved, seconded by Commissioner Slaughter, to adopt Street Naming Resolution 2022-03 renaming certain public rights-of-way within Emergency Service Number (ESN) 202, and to postpone action on Sections B & D until brought back by staff.

Commissioner Fikes stated that she supports postponing action on the two road names. She agreed with Mr. Moyer’s comments and supports his request.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Slaughter, Staggs, Taufest, Venuti
No - 0	

E5 – 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 and Expansion Fund for the Purchase, and Authorizing a Third Amendment to the Operating Agreement with SPH, Inc.

This item was pulled from the agenda. Planning Director Robert Ruffner informed the commission this purchased was pulled late last week due to significant issues exposed by the building inspection.

AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Gillham reported the plat committee reviewed & granted preliminary approval to 8 plats.

AGENDA ITEM G.

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

AGENDA ITEM J. COMMISSIONER COMMENTS

AGENDA ITEM K. ADJOURNMENT

Commissioner Martin moved to adjourn the meeting at 9:05 PM.

Ann E. Shirnberg
Administrative Assistant

UNAPPROVED

E. NEW BUSINESS

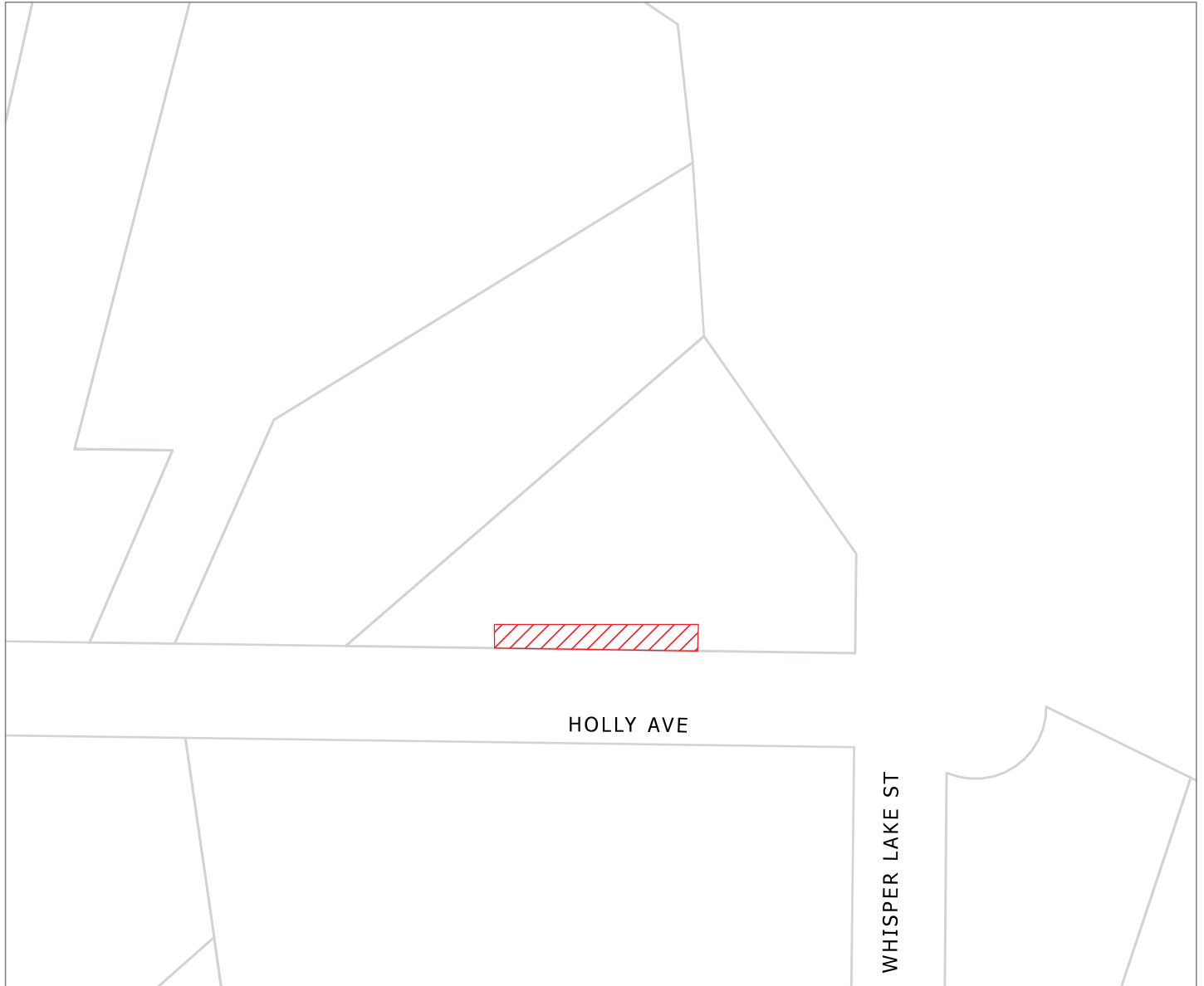
1. Building Setback Encroachment Permit; KPB File 2022-143

Lake View Terrace No. 2; Plat KN 87-33

**Request: Permits a house to be built into the building
setback by a length of 47-feet by a width of
10-feet**

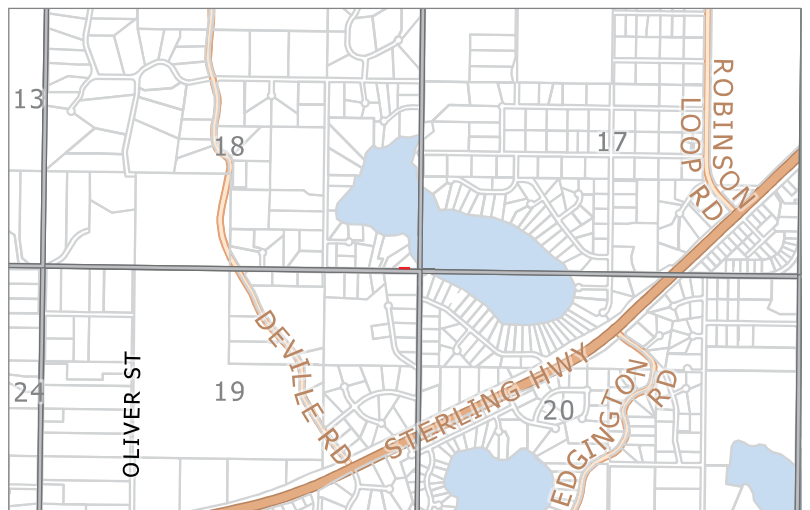
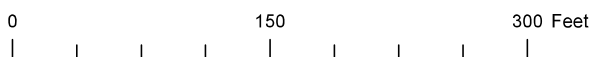
No Survey Company/Crumrine

Sterling Area



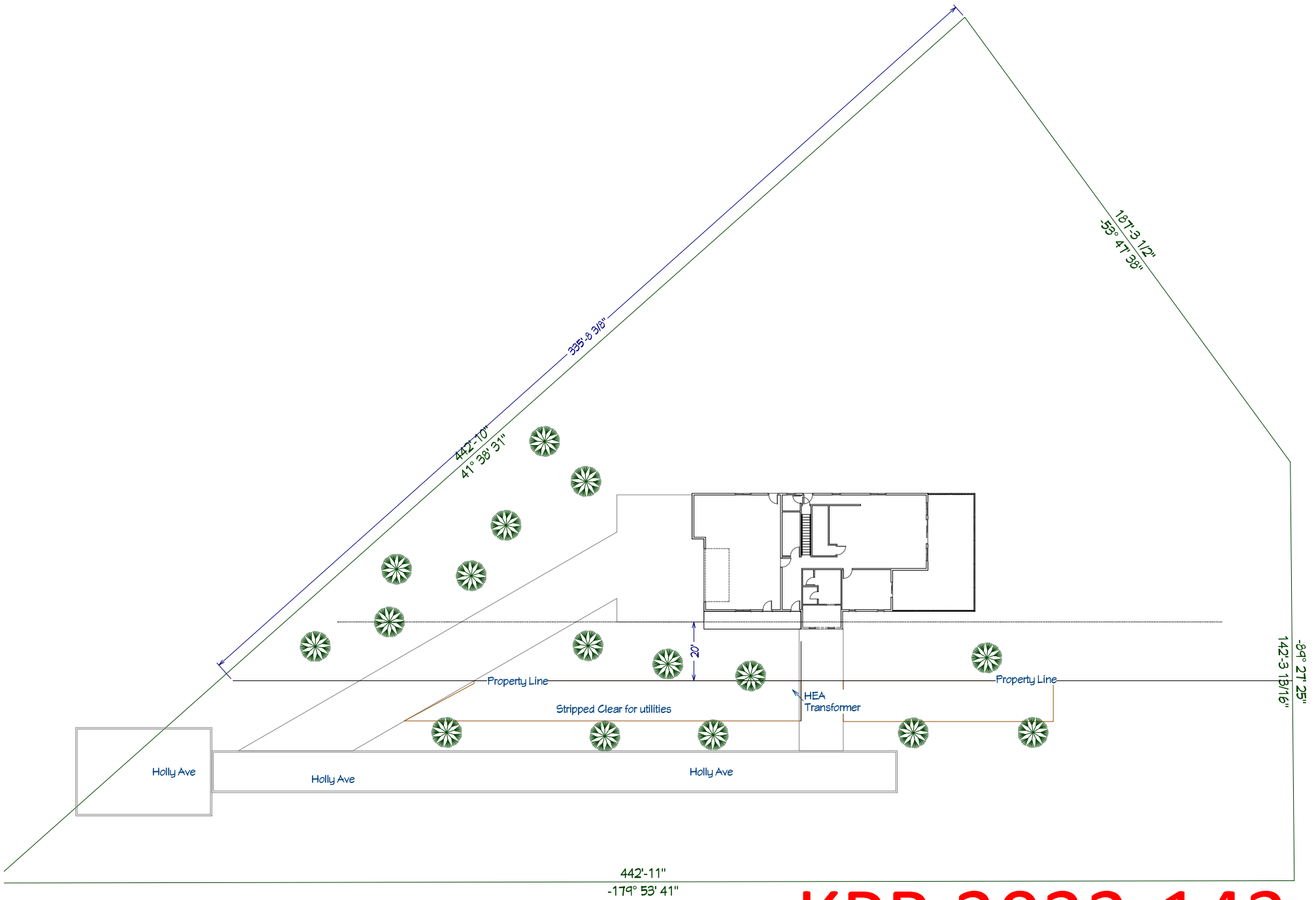
KPB File 2022-143
 T 05N R 09W SEC 18
 Sterling

9/18/2022





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 2022-143

AGENDA ITEM E. NEW BUSINESS

ITEM 1. BUILDING SETBACK ENCROACHMENT PERMIT
LOT 15 BLOCK 5 LAKE VIEW TERRACE NO 2 (KN 87-33)

KPB File No.	2022-143
Planning Commission Meeting:	October 10, 2022
Applicant / Owner:	Tim & Kathy Crumrine Trust of Lakewood, CO
Surveyor:	None
General Location:	Holly Avenue, Sterling

Parent Parcel No.:	063-292-01
Legal Description:	Lot 15 Block 5 Lake View Terrace No. 2, Plat KN 87-33
Assessing Use:	Residential
Zoning:	Rural Unrestricted

STAFF REPORT

Specific Request / Purpose as stated in the petition: Lot is steep and narrow with limited area for septic system. Requesting variance to put a 14' wide section of the home into the setback about 2.5' about 33' x 2.5' of side walk, plus about 7.5 for a retaining wall. Utilities are in and not in the setback. Holly Avenue stops at this address. Holly Avenue is not borough maintained. No site lines are impacted and no safety hazards created.

Site Investigation: There are no existing structures currently on the property. A new house is proposed for the property.

Holly Avenue was created by the plat Lake View Terrace #2 KN 87-33. Holly Avenue is located off borough maintained Deville Road, which connects to state maintained Sterling Highway near mile 89. Holly Avenue is constructed to the southwest corner of the subject lot but is not maintained by the borough. The right-of-way dedication for Holly Avenue varies but is 66 feet wide along the portion being discussed and lies atop a section line easement. The southern half of Holly Avenue was created by Replat of Whisper Lake Subdivision and Addition No 1, Plat KN 72-47.

Holly Avenue is along the southern boundary of the subject lot and it continues to the east where it connects with additional section line easements, right-of-way dedications, Whisper Lake, and ends with a partial right-of-way cul-de-sac bulb along Whisper Lake. The section line easements that connect to Holly Avenue run along the eastern boundary of the subject lot and connect to Whisper Lake. The north-south section line easements have dedications atop them that is known as Whisper Lake Street. Only portions of Whisper Lake Street are constructed and only borough maintained from the Sterling Highway to Ben Court. Ben Court is a cul-de-sac that use to connect to Holly Avenue but was partial vacated by Replat of Whisper Lake Subdivision and Addition No 1, Plat KN 72-47. Per KPB GIS Imagery, it appears that Ben Court ends south of an airstrip.

Lot 15 Block 5 is subject to a 20 foot building setbacks along Holly Avenue south of the lot. The lot is also subject to a 20 foot building setback along the eastern lot line along the dedication for Whisper Lake Street. A minimum separation distance from Whisper Lake is required of 100 feet for any wastewater treatment system.

Except along the lake there are no low wet areas present on the property. The property slopes down towards the lake. The slopes appear to slope consistently throughout with some steeper slopes present along the northwestern portion of the lot and along the subject area. In the northwest there is an area with slopes that are close to 30 percent that are about 23 percent as the terrain is followed south to Holly Avenue. These slopes are in the main location for the house to be built. These slopes Sight distance does not appear to be affected by the structure being built as indicated.

Staff Analysis: The parcel was created by Lake View Terrace #2, Plat KN 87-33 a subdivision of Government Lot 8. The plat also created 20 foot setbacks along dedicated rights-of-way. The front 10 feet of the 20 foot setbacks was also granted as utility easements.

The existing terrain on the lot is steep where the house is being built. The house will occupy the majority of the high spot of the lot leaving little room left on the top portion. The land will slope quickly away from the house towards Whisper Lake to the east and a valley / drain way to the north.

There is little traffic on Holly Avenue as Holly Avenue stops at this house location and continues no further. Homes along this stretch of Holly Avenue appear to be the only users of the roadway. There is no continuation to Whisper Lake. Whisper Lake Street does not currently continue north to connect with Holly Avenue. KPB required right-of-way width is 60 feet wide. The portion of Holly Avenue along the request is dedicated as 66 feet wide and coincides with the 66 section line easements. Sight distance should not be an issue.

The owners have started clearing but construction has not begun on the main area of concern. The description provided is not clear on the exact distance they were requesting. After a few conversations it was determined that they are looking for a permit for a length of 47 feet to be 10 feet into the setback. If following this for their building footprint they will not be within the utility easement.

If the encroachment permit is approved, an as-built will be required that shows the exact measurements of the encroachments as outlined in KPB 20.10.110(G). The permit will only be for those portions encroaching and not a removal of the entire 10 foot wide portion being requested, KPB 20.10.110(F). The encroachments may not exceed the approved 10 foot into the setback without additional approval from the Planning Commission.

Findings:

1. A 20 foot building setback line was created along Holly Avenue by Lake View Terrace #2 KN 87-33.
2. The house is proposed to be built on the high point of the lot.
3. Portions of the house, a retaining wall, and sidewalk are proposed to be within the setback.
4. Holly Avenue is a 66 foot wide dedicated right-of-way.
5. Holly Avenue is not constructed along this stretch of right -of-way.
6. Holly Avenue is not maintained by the borough.
7. The KPB Roads Department had no objection.
8. The lot is 1 acre in size.
9. There are 20 foot building setbacks along the south and the east.
10. There is a 100 foot setback from the lake for any wastewater systems.
11. There does not appear to be any sight issues.

20.10.110. – Building setback encroachment permits.

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

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

Findings 2 and 4-7 appear to support this standard.

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

Findings 2, 4-7, and 11 appear to support this standard.

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

Findings 2, 4-7, and 11 appear to support this standard.

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

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

KPB department / agency review:

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: RSA has no objection at this time.
SOA DOT comments	
KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections
Addressing	Reviewer: Haws, Derek Affected Addresses: 39046 HOLLY AVE Existing Street Names are Correct: Yes List of Correct Street Names: HOLLY AVE Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 39046 HOLLY AVE will remain with lot.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** to adopt Resolution 2022-45, subject to compliance with KPB 20.10.110 sections F and G.

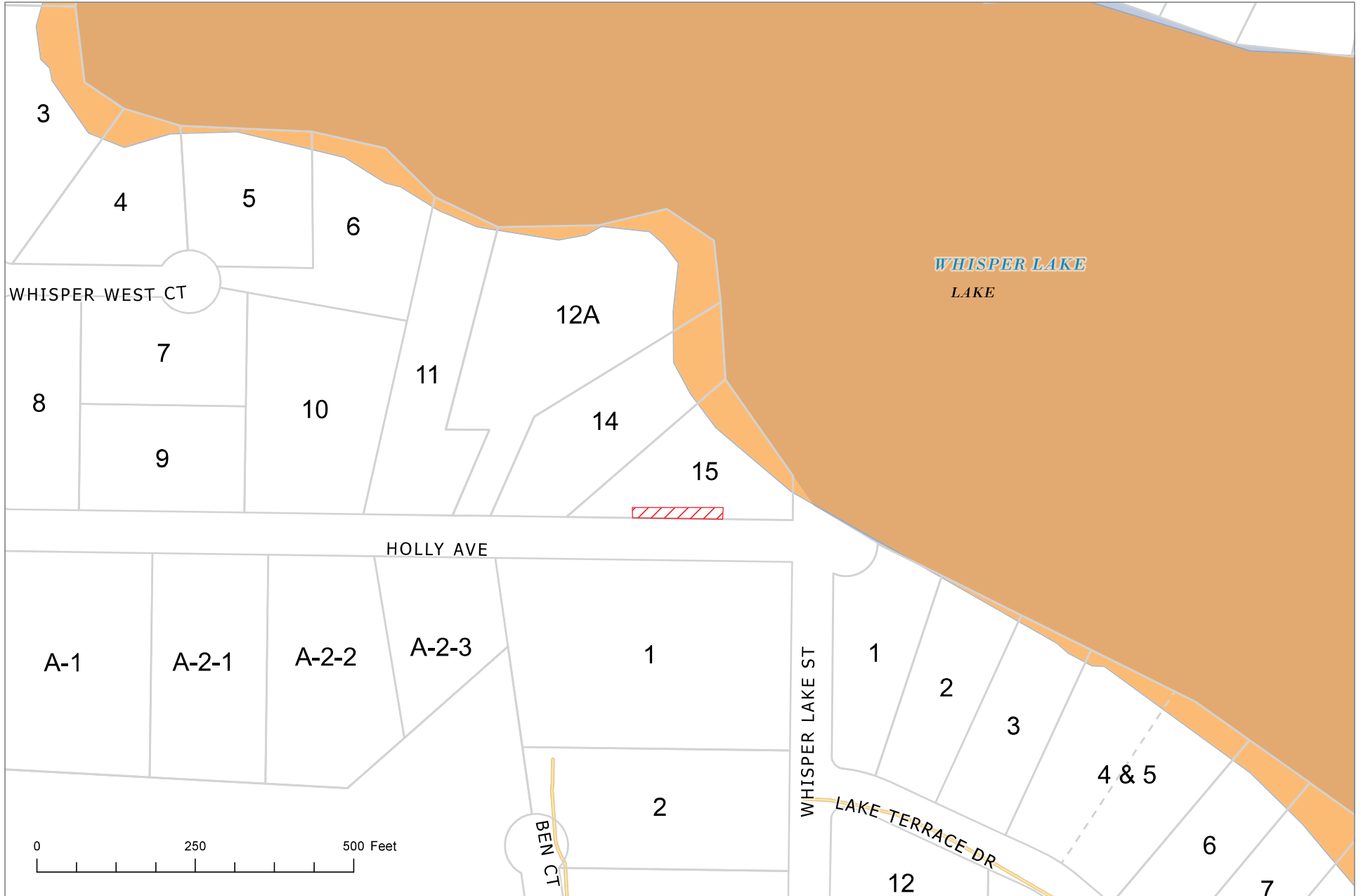
NOTE:

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

END OF STAFF REPORT



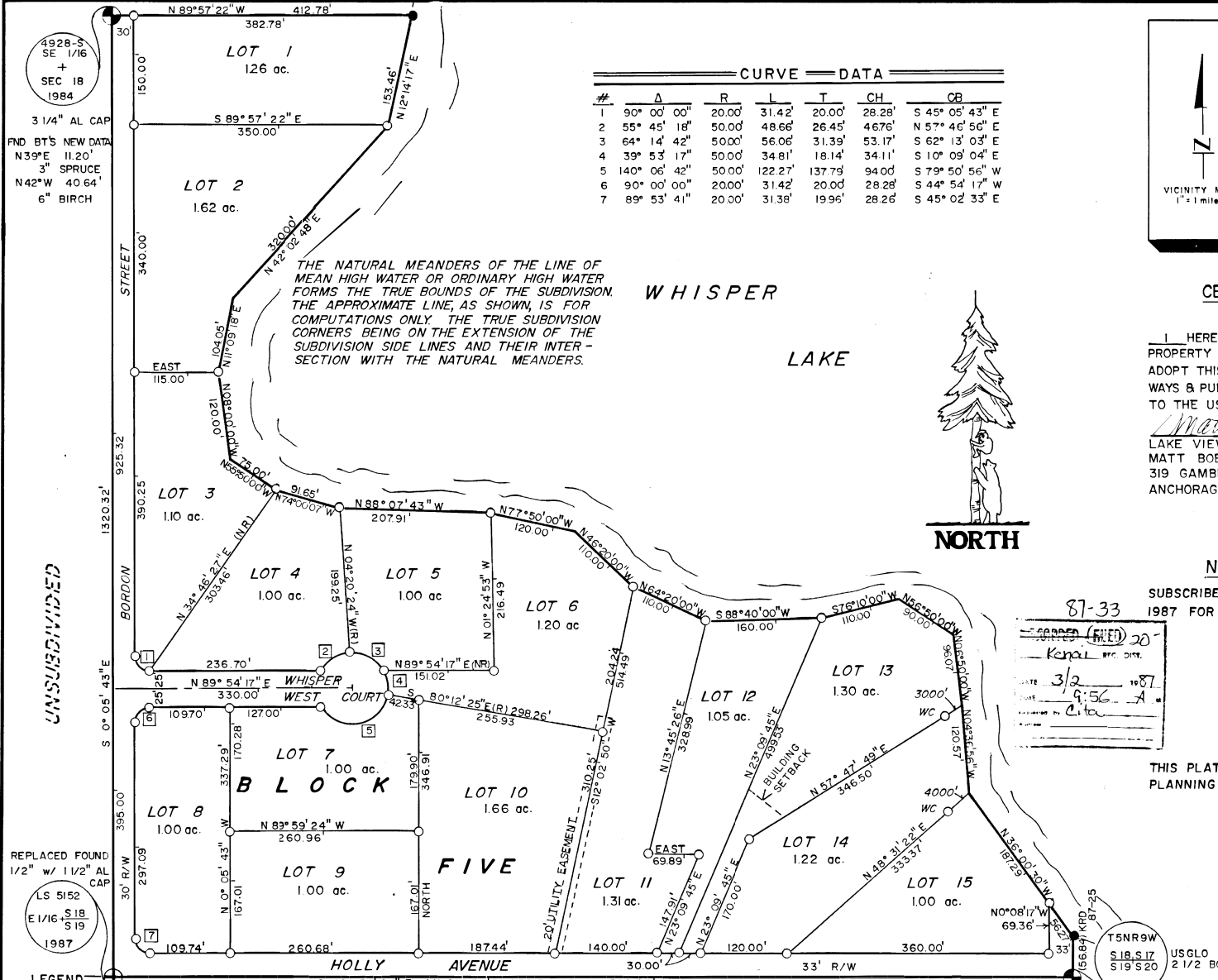
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



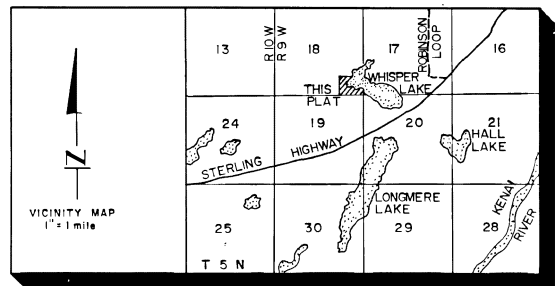
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



51890



#	Δ	R	L	T	CH	CB
1	90° 00' 00"	20.00'	31.42'	20.00'	28.28'	S 45° 05' 43" E
2	55° 45' 18"	50.00'	48.66'	26.45'	46.76'	N 57° 46' 56" E
3	64° 14' 42"	50.00'	56.06'	31.39'	53.17'	S 62° 13' 03" E
4	39° 53' 17"	50.00'	34.81'	18.14'	34.11'	S 10° 09' 04" E
5	140° 06' 42"	50.00'	122.27'	137.79'	94.00'	S 79° 50' 56" W
6	90° 00' 00"	20.00'	31.42'	20.00'	28.28'	S 44° 54' 17" W
7	89° 53' 41"	20.00'	31.38'	19.96'	28.26'	S 45° 02' 33" E



CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

Matt Bobich
 LAKE VIEW PARTNERSHIP
 MATT BOBICH, MANAGING PARTNER
 319 GAMBELL ST.
 ANCHORAGE, AK 99501



NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 25th DAY of February, 1987 FOR MATT BOBICH

Rein Olson
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 2-25-1992

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF 9-8-86

KENAI PENINSULA BOROUGH
Richard P. Toney
 AUTHORIZED OFFICIAL

K.P.B. FILE NO. 86-287

LAKE VIEW TERRACE # 2

A SUBDIVISION OF GOVERNMENT LOT 8.
 LOCATED WITHIN THE SE 1/4 SE 1/4, SECTION 18, T5N, R9W, S.M., KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

CONTAINING 20.12 ACRES INTO 15 LOTS

INTEGRITY SURVEYS

SURVEYORS		PLANNERS	
JOB NO.:	86-38	FIELD BOOK:	86-6
DISK NO.:	3-5	FILE NAME:	LAKE VIEW TERRACE
SURVEYED:	FEB 87	PLATTED:	FEB 87
DRAFTED:	CB	SCALE:	1" = 100'
CHECKED:	CB	SHEET:	

- LEGEND**
- MONUMENT (Found this survey)
 - ⊕ MONUMENT (Set this survey)
 - 5/8" REBAR (Found this survey) W/ 2" AL CAP
 - 5/8" x 30" REBAR (Set this survey)
 - () RECORD DATUM
 - (R,NR) RADIAL, NON-RADIAL



- 5) NO STRUCTURES PERMITTED WITHIN PANHANDLE PORTION OF LOTS 6, 12 & 13.
- 6) FRONT 10' FEET OF BUILDING SETBACK MAY BE USED AS A UTILITY EASEMENT.
- 7) BASIS OF BEARING IS TAKEN FROM PLAT NO. KR0 87-25, "LAKE VIEW TERRACE" BETWEEN SEC. CORNER 17, 18, 19 & 20 AND N 1/16 CORNER 19 & 20 AS N 0° 08' 17" W.

- NOTES:**
- 1) PROPOSED LAND USES ARE RECREATIONAL, RESIDENTIAL & AGRICULTURAL.
 - 2) A SETBACK OF 20 FEET IS REQ'D FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
 - 3) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
 - 4) SOILS ON THESE LOTS MAY OR MAY NOT BE SUITABLE FOR CONVENTIONAL ON-SITE WASTE DISPOSAL SYSTEM. NO PERSON MAY CONSTRUCT, INSTALL, MAINTAIN, OR OPERATE A PRESSURIZED WATER SYSTEM OR A WATERBORNE WASTE DISPOSAL SYSTEM UNLESS APPROVED ALASKA DEPT. OF ENVIRONMENTAL CONSERVATION.







922

41

E1-14



**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2022-45
KENAI RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE 20-FOOT BUILDING SETBACK ADJOINING THE SOUTH BOUNDARY OF LOT 15, BLOCK 5, LAKE VIEW TERRACE #2 (KN 87-33), GRANTED BY LAKE VIEW TERRACE #2 (KN 87-33); IN SE1/4 SE1/4 SECTION 18, TOWNSHIP 5 NORTH, RANGE 9 WEST, SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH. KPB FILE 2022-143

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

WHEREAS, Tim and Kathy Crumrine Trust of Lakewood, Colorado requested a building setback permit for a portion of a home, sidewalk, and retaining wall; and

WHEREAS, the construction has not occurred at the time of the request but the exception permit will be for the actual footprints shown on the required as-built to not exceed 47 feet in length and 10 feet within the setback,

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

WHEREAS, on October 10, 2022, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed exception; and

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

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

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

Section 1. Approved a permit to allow only the encroaching portion of the house, sidewalk, and retaining wall into the 20 foot building setback adjoining Holly Avenue right-of-way on the south boundary of Lot 15 Block 5, Lake View Terrace #2 (KN 87-33) as created by the same plat.

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

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

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

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

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

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 10th DAY OF OCOTOBER, 2022.

Jeremy Brantley, Chairperson
Planning Commission

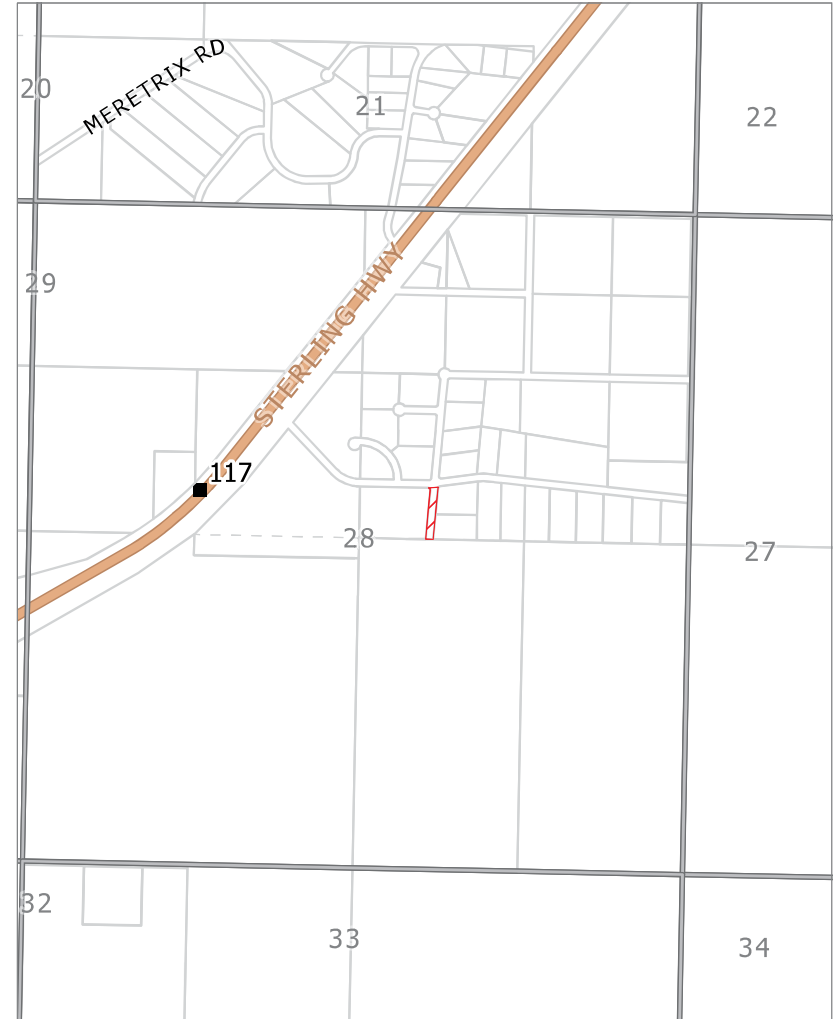
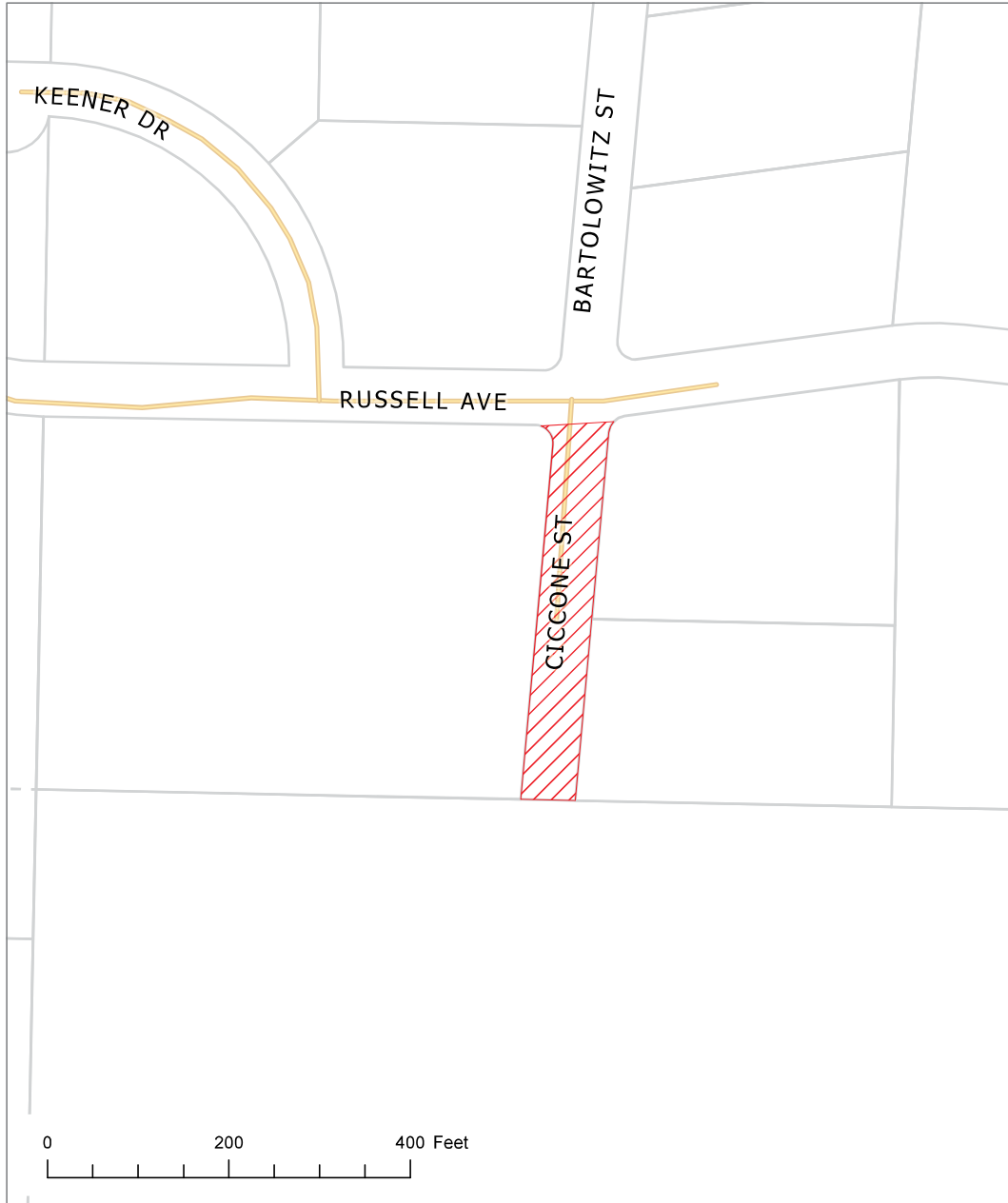
ATTEST:

Ann Shirnberg
Administrative Assistant

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

E. NEW BUSINESS

- 2. Right-Of-Way Vacation; KPB File 2022-136V
Request: Ciccone Street & Associated Utility Easements
Johnson Surveying / Jim & Debbie Wann Family Trust, Ciccone
Clam Gulch Area**



KPB File # 2022-136V
 S28 T02N R12W
 Clam Gulch

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.



Aerial View



Clam Gulch Heights 2022 Addition

Preliminary Plat

A replat of Lots 11 & 12 Clam Gulch Heights, Glendening 1979 Subd. of Tracts 12,13, 14, 15, 16, 17, 18 (KRD 81-135), and Lot 8A Clam Gulch Heights 2011 Addition (KRD 2011-60) 17, 18 (KRD 81-135), including a vacation of Ciccone St. & associated utility easements. Located in the NE1/4 Section 28, T2N R12W, SM, Clam Gulch, Alaska. Kenai Recording District Kenai Peninsula Borough



Prepared for
Jim & Debbie Wann
Family Trust
P.O. Box 269
Clam Gulch, AK 99568

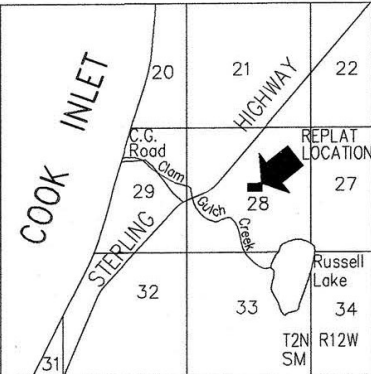
Prepared by
Anthony W Ciccone
Kathleen S Ciccone
16111 Pasadero Dr.
Houston, TX 77083

Prepared by
Johnson Surveying
P.O. Box 27
Clam Gulch, Ak 99568
(907) 262-5772

NOTES

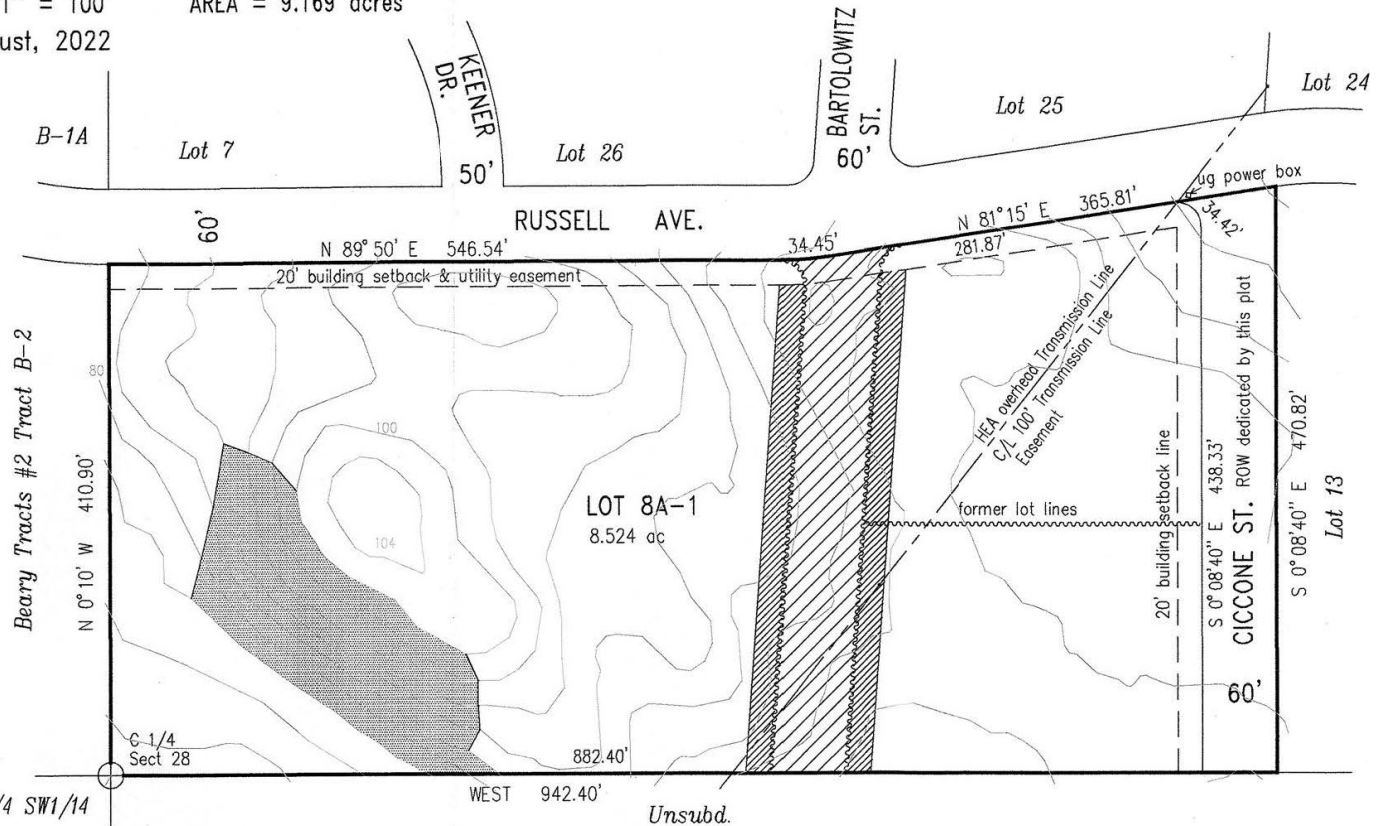
1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Building setback is also a utility easement as granted by plat KRD 85-135.
2. No permanent structures shall be constructed or placed within a utility easement that would interfere with the ability of a utility to use the easement.
3. Contour interval 4'. Shaded areas indicate grades over 25%. there are no wet areas on the property.

-  - indicates Ciccone St. ROW being vacated.
-  - indicates utility easement being vacated.



SCALE 1" = 100'
3 August, 2022

VICINITY 1" = 1 mile MAP



WASTEWATER DISPOSAL

20.40.020(A)(2)
The parent subdivision for lots resulting from this platting action was approved by the Alaska Department of Environmental Conservation on 4/30/1980. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

N1/2 N1/2 N1/2 NE1/4 SW1/4

KPB 2022-136V

**ITEM 2 - RIGHT OF WAY VACATION
60 FOOT WIDE CICCONE STREET RIGHT OF WAY AND ASSOCIATED UTILITY EASEMENTS**

KPB File No.	2022-136V
Planning Commission Meeting:	October 10, 2022
Applicant / Owner:	Jim & Debbie Wann Family Trust of Clam Gulch, AK Anthony & Kathleen Ciccone of Houston, TX
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Russell Avenue, Clam Gulch
Legal Description:	Ciccone Street between Lot 8A Clam Gulch Heights 2011 Addition KRD 2011-60 and Lots 11 & 12 Clam Gulch Heights, Glendening 1979 Subdivision of Tracts 12, 13, 14, 15, 16, 17 18 KRD 18-135, Kenai Recording District, Section 28, Township 2 North, Range 12 West Seward Meridian

STAFF REPORT

Specific Request / Purpose as stated in the petition: ROW is being moved to a more desirable location to the adjacent owners.

Notification: Public notice appeared in the September 29, 2022 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the October 6, 2022 issue of the Peninsula Clarion 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 Clam Gulch

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

Seventeen 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
Central Emergency Services
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 for approximately 400 feet of the 60 foot wide Ciccone Street and the associated utility easements located south of Russell Avenue. Russell Avenue is a borough maintained 60 foot wide right-of-way located near mile 117 of the Sterling Highway. Ciccone Street provides access to one lot along the west, two lots along the east, and dead ends at an 80 acre parcel. Approximately half the length of Ciccone Street is constructed and maintained by the borough and is used by Lot 8A of Clam Gulch Heights 2011 Addition.

New access is proposed with the plat Clam Gulch Heights 2022 Addition. The proposal is to combine the three lots that are along Ciccone Street to create one lot and provide a new 60 foot wide dedication for Ciccone Street to the east of the new lot.

The Sterling Highway, Russell Avenue, and section line easements define a closed block that exceeds allowable lengths. Ciccone Street, if continued south could help the block length. The block length with Ciccone Street where it is currently approximately 1,460 feet. Moving the right-of-way to the east will lengthen the block to approximately 1,800 feet. The only constructed portions of the block are the Sterling Highway and Russell Avenue. Large acreage tracts are to the south that can provide additional rights-of-way to improve the block when they are subdivided. A dedication existed along the southern boundary that improved the block. That right-of-way was granted on Clam Gulch Heights, Plat KN 72-61 and was vacated by Clam Gulch Heights Glendening 1979 Subdivision of Tracts 12-18, Plat KN 81-135.

Ciccone Street currently provides access to an 80 acre parcel with improvements located on it. An 80 acre parcel to the east of that land contains improvements and is owned by the same owner. The large acreage tracts are accessed directly from the Sterling Highway through University of Alaska lands. The existing location of Ciccone Street is the closest dedication to the structures and existing travelway on the property. The replat will move the access to the east approximately 400 feet.

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

Site Investigation: The existing right-of-way has some sloping within the dedication but nothing extremely steep. The slopes within the new proposed location are less steep and appear to improve the slope associated with the dedication. There are steep slopes found further south within the abutting 80 acre parcel. Continuation of the right-of-way in the future may require some meandering, slope easements, or additional widths to provide for a feasible right-of-way.

There are not low wet areas present in the area to affect the vacation or the new proposed dedication. There are no flood hazard areas present.

A travelway is located within Lots 11 and 12 from Russell Avenue. This travelway runs through the lots to the south and then turns east and runs through Lots 13 and 14 and appears to end within or near Lot 15. Lots 13 and 14 are owned by the petitioners of the vacation. The proposed relocation will allow portions of the existing travelway to be within the dedication.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Soldotna/Kenai Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
Alaska Fish and Game	No objections

Staff Analysis: The original dedication of Ciccone Street was on Clam Gulch Heights Glendening 1979 Subdivision of Tracts 12, 13, 14, 15, 16, 17, 18 KN 81-135 and was named Barbara Street. The road is partially constructed and maintained but is used as a driveway as it is currently only providing access to one lot with improvements.

As a portion of the existing drive is maintained by the borough, staff would request that the new right-of-way dedication be built to borough standards prior to finalization of the vacation with KPB Roads agreeing that the new construction is acceptable. The creation of the new right-of-way will help provide a good access to the large acreage lot to the south if it is later needed. The new right-of-way will also provide an access to Lot 13 within a dedication and not through parcels.

Homer Electric Association has requested an additional easement but this is not along or within the vacation area and will be addressed on the preliminary plat.

Alaska Communications (ACS) does not approve of the vacation due to equipment along Ciccone Street. Relocation of the equipment can occur at the expense of the land owners. Staff would recommend the owners work with the utility provider to grant utility easements for the existing equipment. If the vacation is approved, staff will not allow the vacation to be finalized without written acceptance by ACS.

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: The right-of-way is only being used by the property to the west as a driveway. ACS has equipment within the associated utility easement.
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: The road is not impossible to construct and portions are but more practical to be dedicated and constructed to the east.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: The lots on both sides of the vacation are residential usage. The new dedication will provide the same amount of access to the lots to the south as the existing but terrain will need to be considered in future dedications.
 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: Does not provide access to any public interest area.
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: The new dedication will allow for development to the south and allow for access to the lots to the east.
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: Other access is not needed.
 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: Utility easements along new dedications must remain and work with utility providers for any requested easements. Acquire approval from ACS by relocating equipment or granting of additional utility easements.

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

Staff comments: This will allow the owners to combine some of their lots.

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 25, 2022 meeting.

If approved, Clam Gulch Heights 2022 Addition will finalize the proposed right of way vacations. The Plat Committee is scheduled to review Clam Gulch Heights 2022 Addition on October 10, 2022.

KPB department / agency review:

Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Addressing	<p>Reviewer: Haws, Derek Affecte Addresses: 17565 CICCONE ST 17570 CICCONE ST 17556 CICCONE ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: CICCONE ST RUSSELL AVE KEENER DR BARTOLOWITZ ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names;</p> <p>List of Street Names Denied:</p> <p>Comments: 17565 CICCONE ST, 17570 CICCONE ST, and 17556 CICCONE ST will be deleted. New Russell Ave address will be assigned to lot 8A-1.</p>
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No Comment</p>

Utility provider review:

HEA	Locate the overhead single phase electric line and provide a 30 foot easement centered on the overhead line including any down guy anchors within this subdivision boundary.
ENSTAR	No comments or recommendations
ACS	Not approved. ACS has plants along Ciccone St. If they will need to be relocated approval upon contractor for reimbursement.
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. Construction of the new right-of-way built to the satisfaction of the KPB Road's Department.
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*

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

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

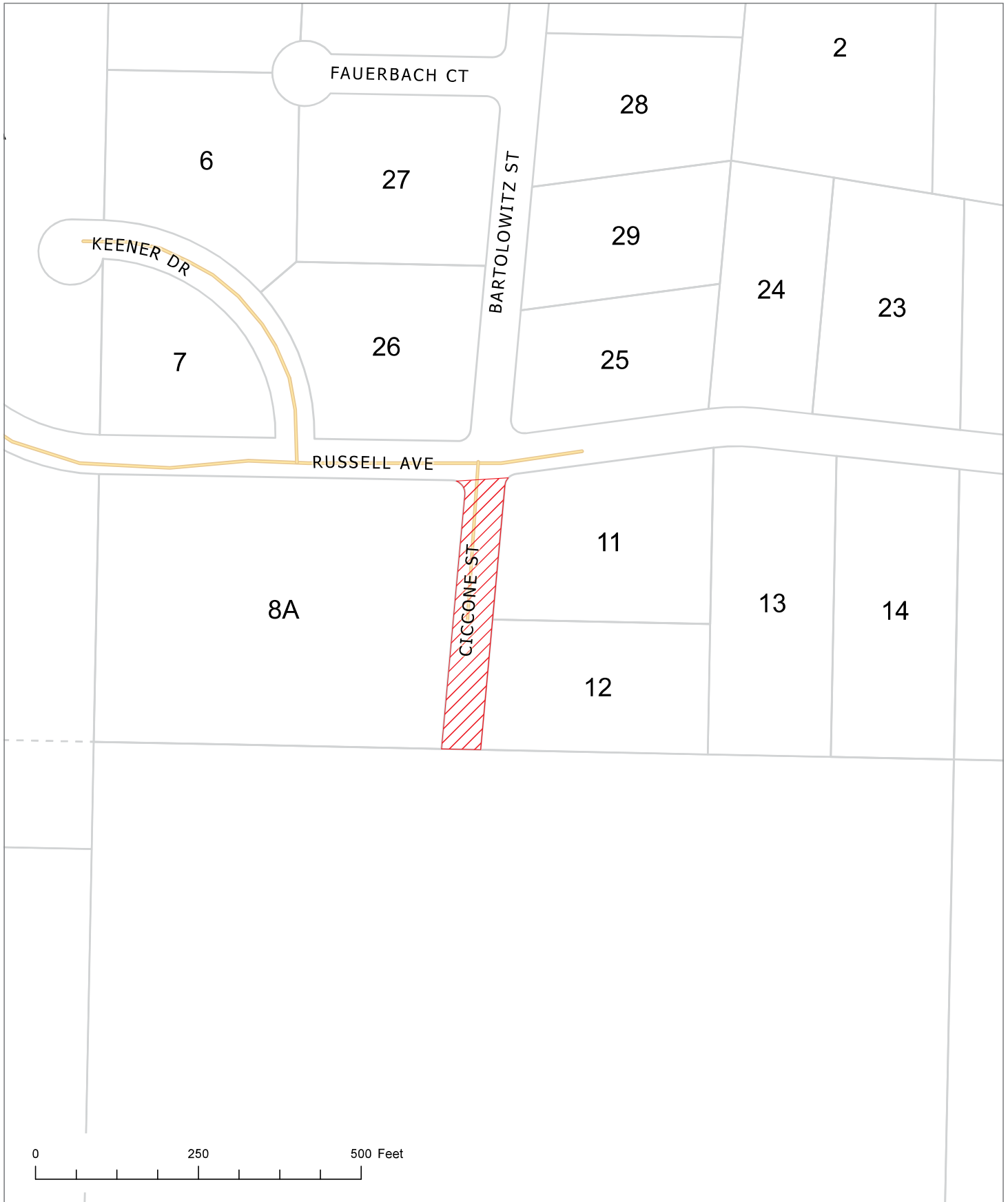


Aerial View





Wetlands





CLAM GULCH HEIGHTS 2011 ADDITION

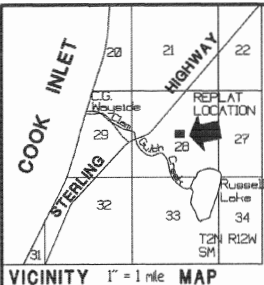
A replat of Lots 8, 9, & 10 Clam Gulch Heights, Glendening 1979
 Subd. of Tracts 12, 13, 14, 15, 16, 17, 18 (KR D 81-135)
 Located in the NE1/4 Section 28, T2N R12W, SM, Clam Gulch, Alaska.
 Kenai Recording District Kenai Peninsula Borough File 2011-084

Prepared for
 James Glendening
 694 Sycamore Circle
 Kenai, AK 99611

Prepared by
 Johnson Surveying
 Box 27
 Clam Gulch, AK 99568



SCALE 1" = 100' **AREA = 5.184 acres**
13 June, 2011



VICINITY 1" = 1 mile MAP

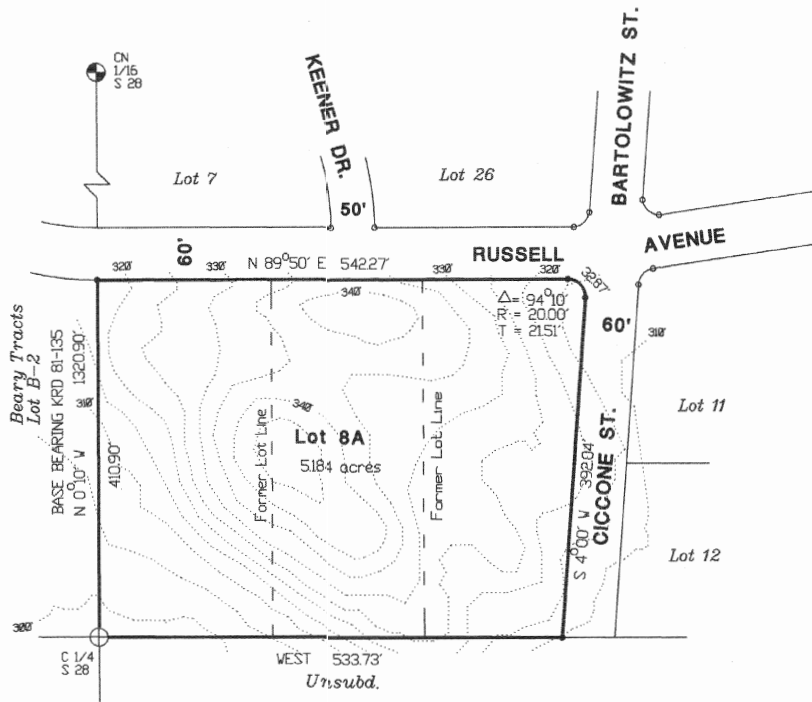
LEGEND

- ⊕ - 2 1/2" brass cap monument, 918-S, 1962, Found.
- ⊙ - 2 1/2" brass cap monument, 268-S, 1978, Found.
- - 1/2" rebar lot corner, Found.

RECORDED-FILED	
REC. DIST.	2011-60
DATE	2011
TIME	M
Requested by:	Kenai
Johnson Surveying	Plat #
Box 27	10-28
Clam Gulch, Ak 99568	2011
	Time 8:34 AM

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. 20' building setback is to be limit of utilities easement.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. Restrictive covenants affecting this property are filed with the Kenai District Recorder in Book 513 Page 542 and amended in Book 536 Page 510.



PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 18 July, 2011.

KENAI PENINSULA BOROUGH

By: Max West Oct. 26, 2011
 Authorized Official Date

WASTEWATER DISPOSAL

This Lot is at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the real property shown and described hereon; and that I hereby adopt this plan of replat, and by my free consent grant all easements to the use shown.

James E. Glendening
 James E. Glendening 694 Sycamore Circle Kenai, AK 99611

NOTARY'S ACKNOWLEDGEMENT

For: James E. Glendening
 Subscribed and sworn to before me this 3
 day of October 2011.

Karen Fuller
 Notary Public for Alaska
 My commission expires 9-25-2012



CLAM GULCH HEIGHTS

GLENDENING 1979 SUBDIVISION OF TRACTS 12, 13, 14, 15, 16, 17, 18

LOCATED IN S1/2 NE1/4 SEC. 28, T2N R12W S.M. CLAM GULCH, ALASKA 99568
SCALE 1" = 200' AREA = 70.058 AC. DEC. 26, 1980

BY: JAMES E. AND BARBARA E. GLENDENING BOX 38 KASLOF, AK. 99568

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of
AUGUST 6 19 79 By [Signature]

KENAI PENINSULA BOROUGH ADMINISTRATIVE OFFICE

CERTIFICATE OF OWNERSHIP AND DEDICATION

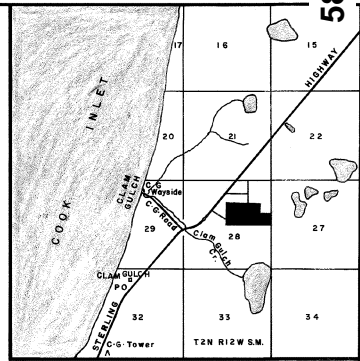
We hereby certify that we are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision, and dedicate all right of ways to public use, and grant all easements to the use shown.

[Signature] JAMES E. GLENDENING
[Signature] BARBARA E. GLENDENING

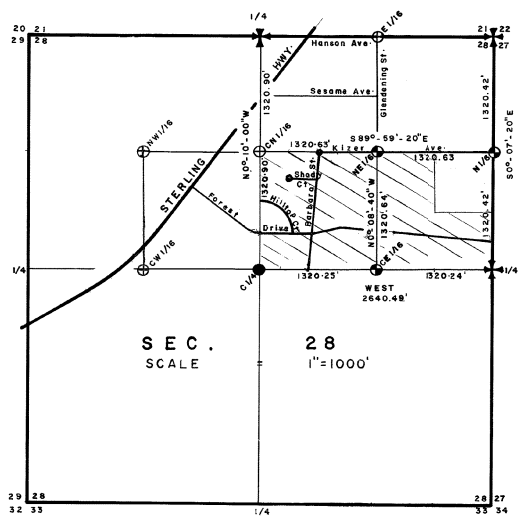
NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 4th day of September 19 81

[Signature] Jane M. Gabler
NOTARY PUBLIC FOR ALASKA, for James E. and Barbara E. Glendenning
My commission expires Sept. 13, 1981



VICINITY SCALE 1" = 1 MILE MAP

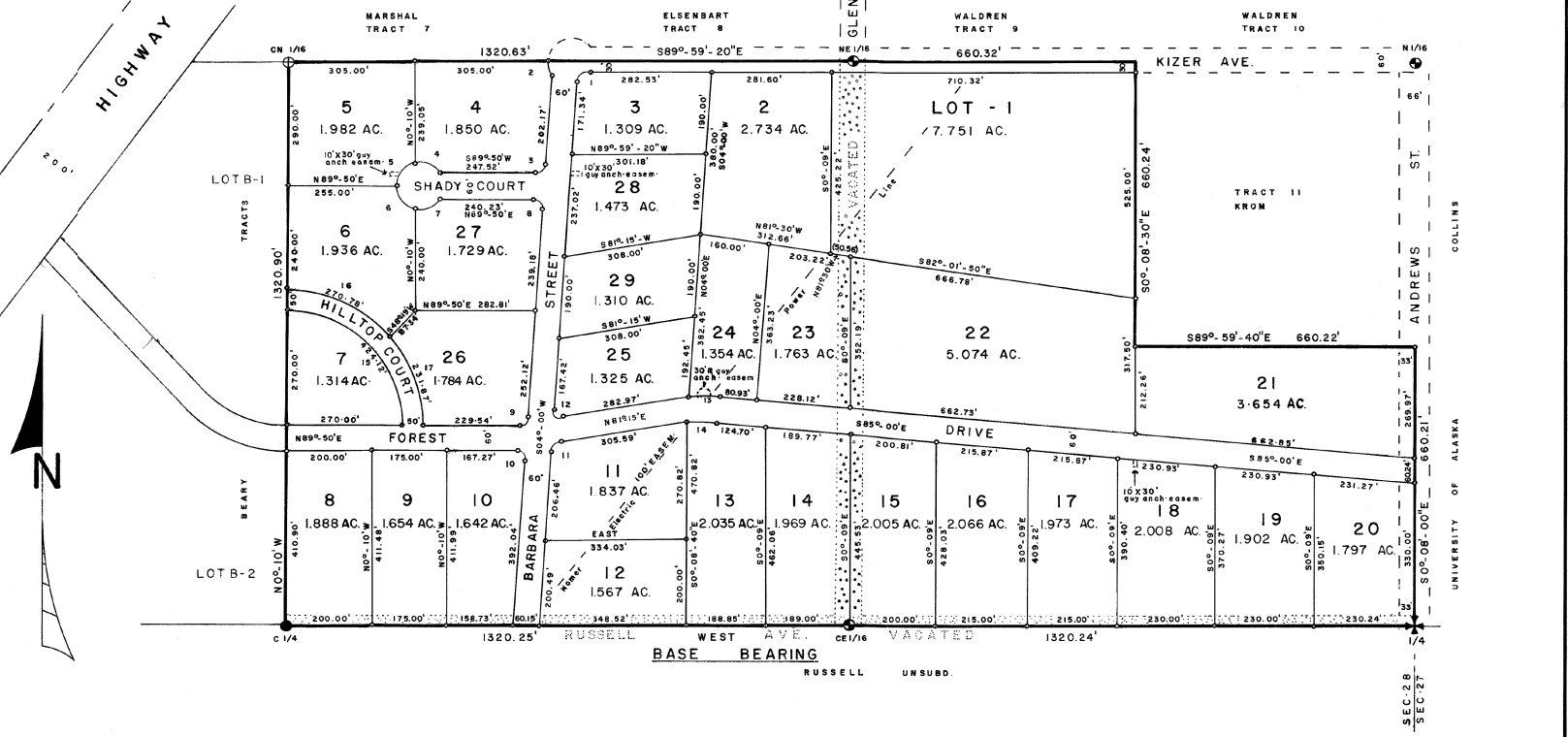


CURVES	
1 A=88°-00'-48" R=20.00' C=27.28' T=18.45' L=30.02' CB=N47°-00'-20"E	2 A=49°-12'-09" R=50.00' C=41.63' T=22.89' L=42.94' CB=S23°-35'-25"E
3 A=85°-50' R=20.00' C=27.24' T=18.60' L=29.96' CB=S44°-55'W	4 A=53°-08' R=50.00' C=44.72' T=25.00' L=46.37' CB=N63°-36'-06"W
5 A=80° R=50.00' C=70.71' T=18.80' L=29.96' CB=S44°-55'W	6 A=90° R=50.00' C=70.71' T=18.80' L=29.96' CB=S44°-55'W
7 A=53°-08' R=50.00' C=44.72' T=25.00' L=46.37' CB=N63°-36'-06"E	8 A=94°-02' R=20.00' C=29.29' T=21.51' L=32.87' CB=S43°-05'E
9 A=85°-50' R=20.00' C=27.24' T=18.60' L=29.96' CB=S44°-55'W	10 A=94°-10' R=20.00' C=29.29' T=21.51' L=32.87' CB=S43°-05'E
11 A=77°-15' R=20.00' C=24.97' T=18.98' L=26.97' CB=N42°-37'-30"E	12 A=102°-45' R=20.00' C=31.25' T=25.00' L=35.87' CB=N47°-22'-30"W
13 A=15°-45' R=330.00' C=78.00' T=39.79' L=78.19' CB=S88°-07'-30"W	14 A=15°-45' R=270.00' C=64.64' T=32.95' L=64.80' CB=N88°-07'-30"E
15 A=90°-00' R=270.00' C=381.84' T=127.00' L=424.12' CB=N88°-07'-30"E	16 A=49°-29' R=330.00' C=262.77' T=144.00' L=270.78' CB=N65°-55'-29"W
17 A=41°-31' R=330.00' C=226.83' T=121.29' L=231.87' CB=N20°-55'-51"W	

NOTE: BUILDING SETBACKS - A setback of 20' is required from all street right of ways unless a lesser standard is approved by resolution of appropriate planning commission.
UTILITY EASEMENTS - 20' building setback line is to be limit of utilities easements.

LEGEND

- ⊕ - Brass cap monument set by 268-S
- ⊕ - 1978 brass cap mon. by 268-S found
- - brass cap by Claud Hoffman, found
- ⊕ - 1919 brass cap by G.L.O., found
- - 1/2" x 2' rod set.



81-135

RECORDED - FILED 100

Kenai

DATE 10-2-81

TIME 3:48 P

Prepared by KPB

Subdiv



DESK PACKET

(ITEMS THAT CAME IN AFTER MEETING PACKET WAS POSTED)

**KPB 21.18 ANADROMOUS WATERS HABITAT PROTECTION
ANNUAL REVIEW**

KPB 21.18 ANADROMOUS WATERS
HABITAT PROTECTION
ANNUAL REVIEW

River Center Manager

Samantha Lopez

October 10, 2022



K-Beach Elementary
Kenai Watershed Forum's
Adopt-a-Stream Program, 2002

DONALD E. GILMAN RIVER CENTER

The Donald E. Gilman River Center is a multi-agency permitting and education center.

We house several permitting agencies, streamlining the permitting process:

- KPB Planning & Zoning
- KPB Floodplain Management
- KPB Habitat Management
- ADFG Habitat
- ADNR – State Parks

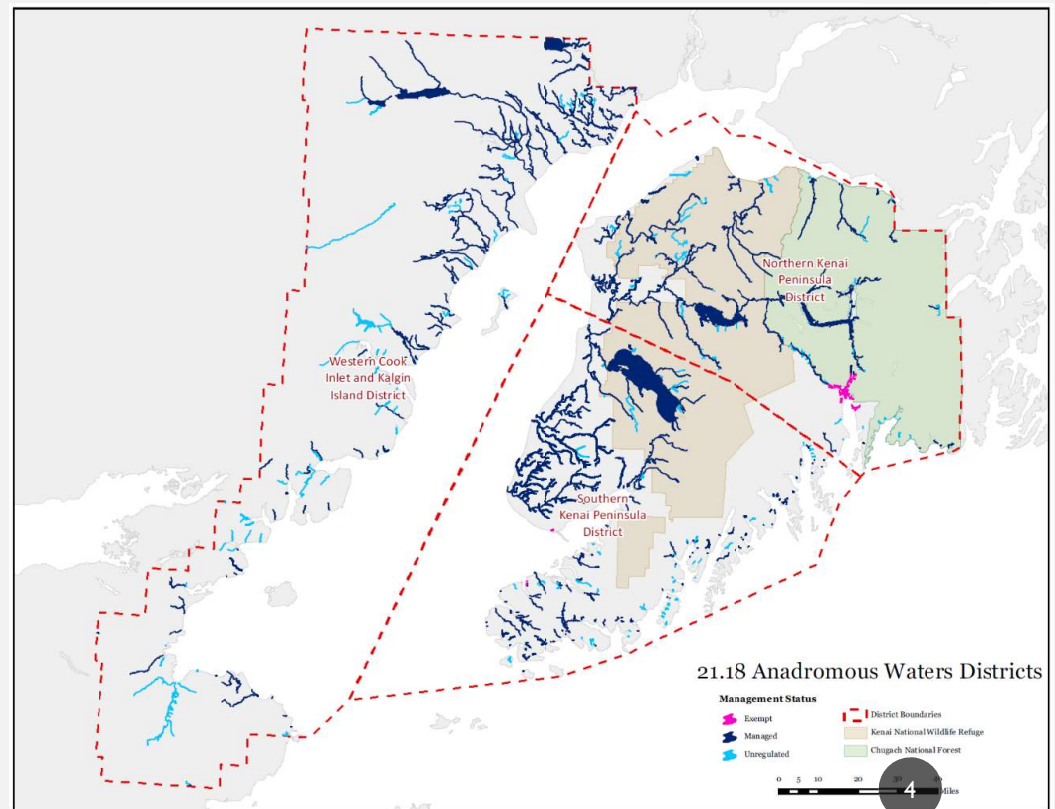


KPB 21.18 ANADROMOUS WATERS

Habitat Protection District

“all lands within 50 horizontal feet of anadromous water bodies”

- 793 waterbodies
- 2,337 miles of streams & rivers
- 70 lakes
- Over 28,000 acres



WHAT DO YOU NEED A PERMIT FOR?

Permit Needed

- Bank Restoration
 - Spruce Tree Revetments
 - Root Wads
 - Brush Layering
 - Elevated, light-penetrating walkways (ELP's)
 - Tree Cutting
- General Construction
 - Permanent structures, filling, grading
- Infrastructure
 - Culverts, bridges, roads

No Permit Needed

- Vegetation Maintenance
 - Trimming, pruning
 - Planting native vegetation
 - Removing naturally downed trees
- Maintenance of prior-existing uses
- Removing derelict structures
- Flagpoles

RESTORATION PROJECTS



INFRASTRUCTURE PROJECTS



7

RIP RAP

- Impervious surfaces are not allowable
 - Accelerates erosion
 - Can damage adjoining properties
 - Provide significantly less fish habitat
- When do we allow rip rap?
 - Public Infrastructure
 - Transportation (highways, railroads)
 - Utilities (power stations)
 - i.e. for the protection of essential public services



A photograph of a pink salmon in a stream. The fish is in the foreground, swimming towards the viewer. The water is clear, and the streambed is covered with rocks and fallen branches. A white text box is overlaid on the upper part of the image.

THE PURPOSE OF KP.B 21.18

THE PURPOSE OF KPB 21.18



Before & after restoration

THE PURPOSE OF KPB 21.18



TYPES OF PERMITS

Permit Types

- Tree Cutting Permits
 - Same day – counter, email, etc.
- Staff Permits
 - New projects
 - Prior existing uses
 - Emergency authorizations
- Conditional Use Permits

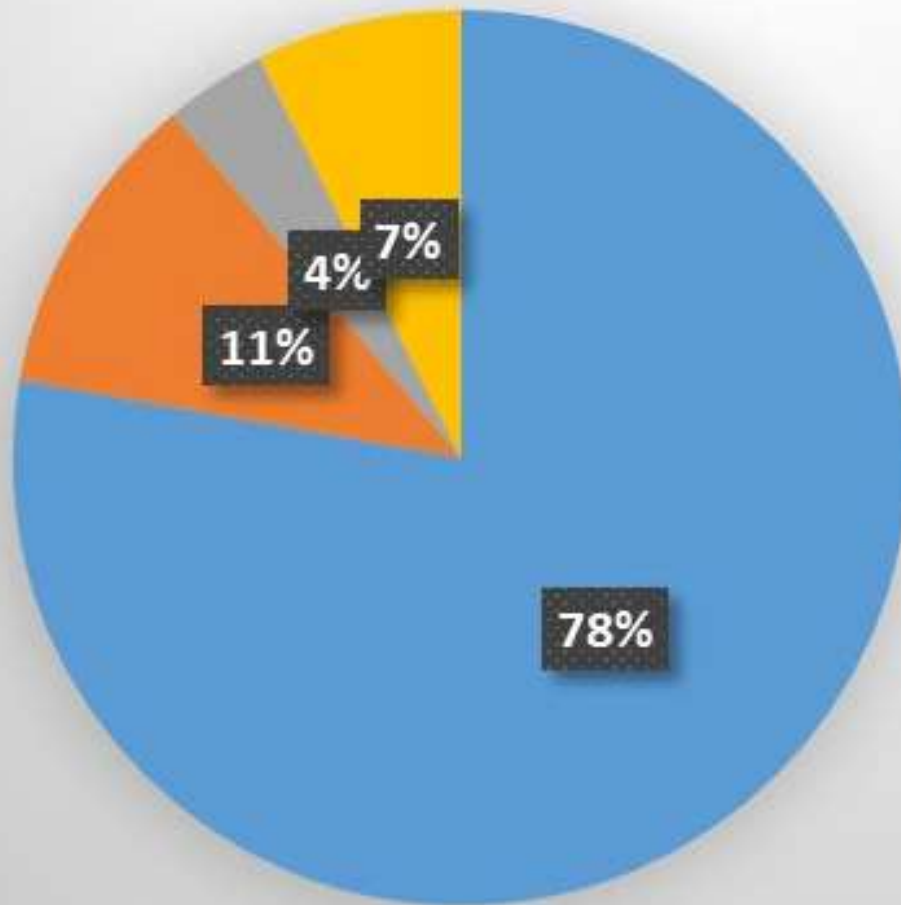
Conditional Use Permits

- Issued by the KPB Planning Commission
 - Fish cleaning stations
 - Fences
 - Signs
 - Public facilities and infrastructure
 - Wells and waterlines
 - ADA structures
 - Boat launches*

HPD Permits Issued



Staff Permits by Waterbody



■ Kenai River

■ Rivers

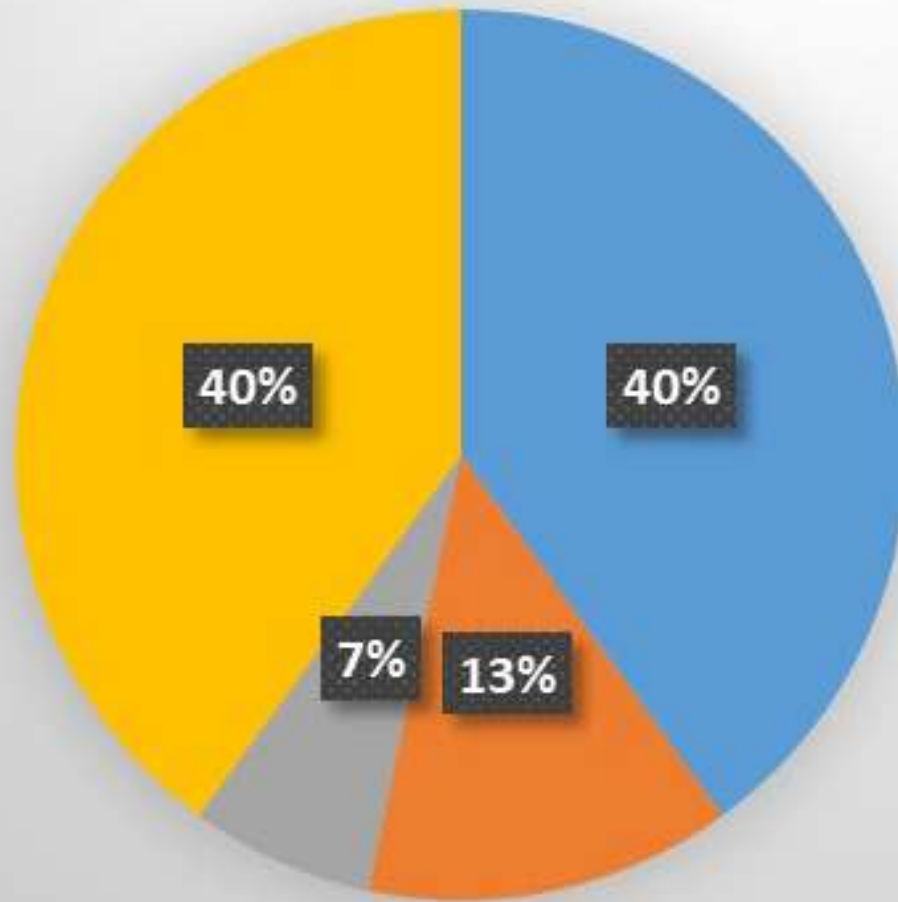
■ Lakes

■ Creeks

Conditional Use Permits Over Time



Conditional Use Permits by Waterbody



- Kenai River
- Rivers
- Lakes
- Creeks

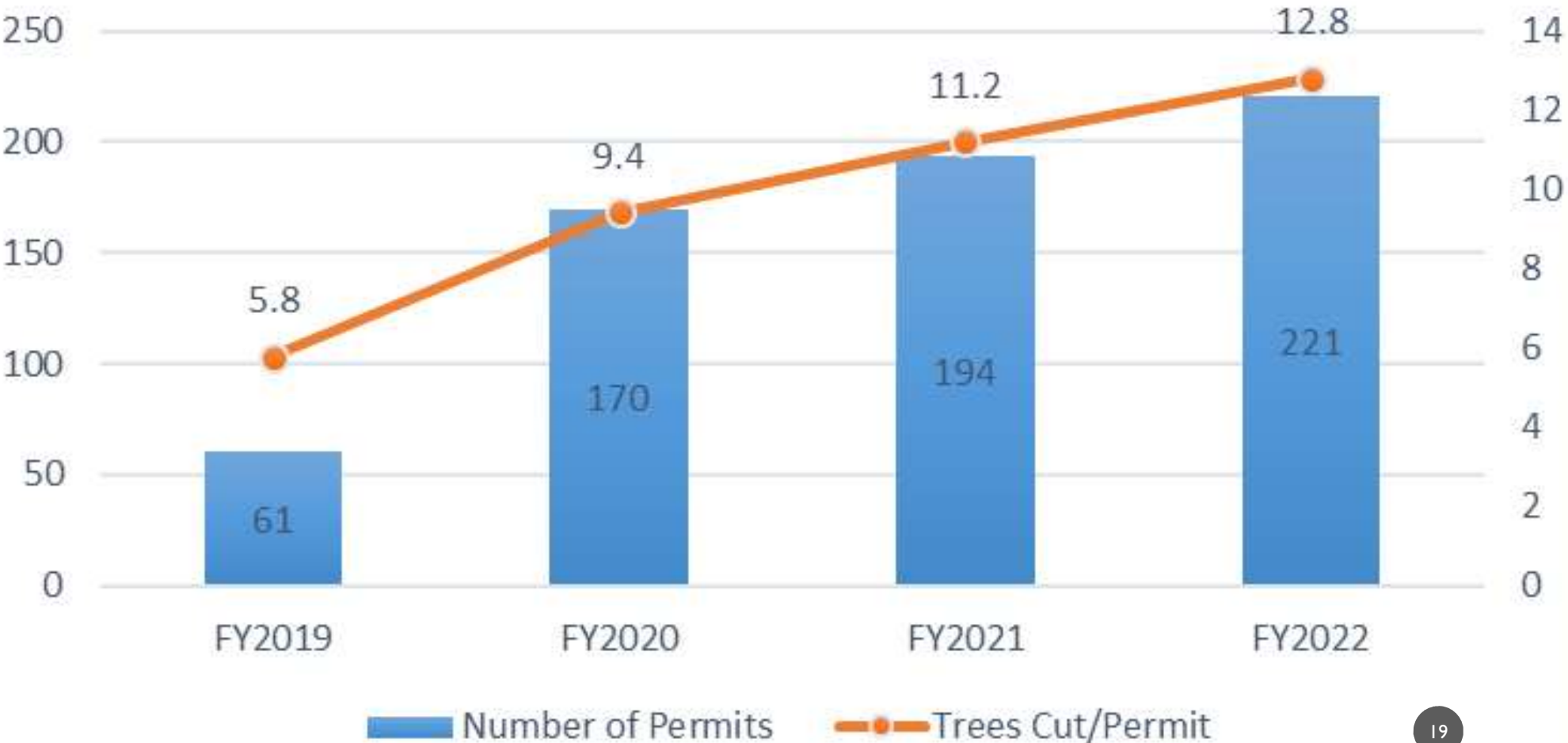
Habitat Tax Credits Issued



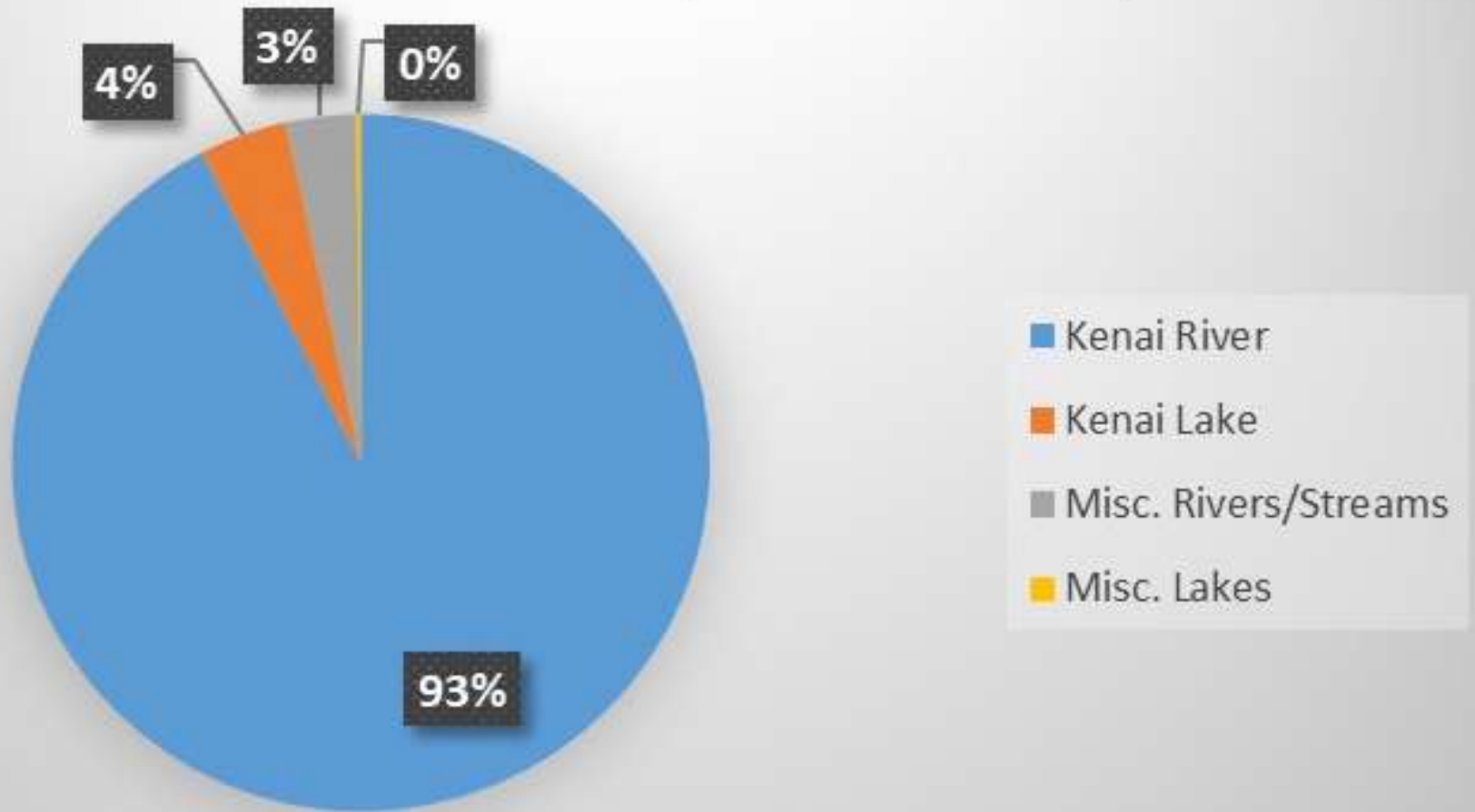
Trees Cut in the 50' Habitat Protection District



Tree Cutting by FY



FY22 Trees Cut by Waterbody



LOOKING FORWARD

- Spruce Bark Beetle Outbreak
 - Trees cut within 50' HPD have increased 10x
 - Public Outreach
 - Agency Coordination
 - KPB Land Management's Spruce Bark Beetle Mitigation Plan
 - OEM's Community Wildfire Protection Plan
- Address additions/deletions to the ADFG Anadromous Waters Catalog
- Habitat Conversion



HABITAT CONVERSION



Pre-1959



2022



COMMENTS/QUESTIONS

MISCELLANEOUS INFORMATION

**COOPER LANDING ADVISORY PLANNING COMMISSION
REGULAR MEETING
LOCATION: ZOOM TELECONFERENCE OR
COOPER LANDING COMMUNITY HALL
WEDNESDAY, SEPTEMBER 7, 2022
6:00 PM
APPROVED MINUTES**

1. CALL TO ORDER 6:00pm
2. ROLL CALL –
 - a. Y. Galbraith, J. Cadieux, D. Story, L. Johnson, K. Recken present. H. Harrison, C. Degernes excused.
 - b. Nancy Carver (APC Liason), Alice Rademacher HDR Sterling Hwy. MP 45-60 Public Involvement Coordinator, Jonathan Tymick (DOT&PF), Patrick Cotter (Project Manager at RESPEC for the Unit 395 Planning Project), Jesse Bjorkman (KPB Assembly and Candidate for State Senate)
 - c. Rev. Steven, Melissa Brennan, Sherrie Peckham, Jerry Fox, Rhonda Lynn, Al Nirenberg
3. APPROVAL OF AGENDA – K. Recken moves to approve the agenda as written, L. Johnson seconds. All approve via roll-call vote.
4. APPROVAL OF MINUTES for August 03, 2022 – Y. Galbraith moves to approve the minutes as written. L. Johnson seconds. All approve via roll-call vote.
5. CORRESPONDENCE
 - a. Notice of Decision regarding Quartz Creek Subdivision Outfitters Way Replat Preliminary Plat
6. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE
 - a. None
7. REPORT FROM BOROUGH
 - a. DOT&PF Sterling Hwy MP 45-60 Project report and questions/answers. Jonathan Tymick, PE, Project Manager, AKDOT&PF.
 - i. The open house earlier this month went well. 22 members of the public attended. Much of the feedback was regarding the value of and need for more imagery to show locations on the maps and roll plots.
 - ii. The phases 3 and 4 package was awarded to QAP. They anticipate working through Thanksgiving and shutting down after that for the season.
 - iii. Q: K. Recken asked about the work they will be doing.

1. A: J. Tymick said that they will be trying to excavate and fill in the highs in the terrain and fill-in the lows spots of the terrain within Phases 3 and 4.
 - iv. Q: K Recken asked what MP the two alignments will intersect?
 - v. A: J Tymick answered just about 800' west of the steep hill across from Sportsman's Landing. Though the "tight diamond" option was the most expensive it has allowed them to avoid wetlands and cultural resources while providing material for the bridge site.
- b. Marcus Mueller, KPB Land Manager
- i. Compost Dump, Stumpy's Tree Service (Shane Cottam) was awarded the contract to
 - a. separate trash,
 - b. burn,
 - c. move unburned debris off site,
 - d. grade the site.
 2. The goal of the contract is to "hit the reset button on the site" and be prepared for being able to use the site again as intended.
 3. There will be an announcement in the Crier with information about continued use of the site during the burn.
 4. Concern was raised by K Recken and seconded by Y Galbraith about wind events and vulnerability of the burning material. CLES is aware of the burn but if winds occur the fire could be difficult to control. M Mueller indicated they were counting largely on the weather being so wet right now.
 5. The next management opportunity will occur when needed as there is now funding for the management of the green materials site.
 6. J Cadieux indicated it is highly valued in the community and we are happy that our site can continue where it is now.
 7. K Recken thanked M Mueller for the KPB's action.
 - ii. Mayor C. Pierce signed his resignation. The Assembly nominated Mike Navarre as interim mayor until a special election can be held. M. Navarre will take office on October 1st and efforts will be made to make the transition smooth and attend to "housekeeping." The next elected mayor will serve to the end of C Pierce's original term in October, 2023.
 - iii. KPB Forestry Project to mitigate spruce bark beetle kill has been a bit on hold since D Truitt left. Her position has not yet been filled. Community Wildfire Defense funding has come available from the USFS that many communities in the KPB qualify for. A grant application will be submitted and Cooper Landing will be some component of that grant. The application is due Oct 7th. Awards will be announced in Spring, 2023 for action in Summer 2023. HEA and CEA will be included for powerline clearing.

1. Y. Galbraith asked whether the KPB might be increasing the amount of trees per acre that can be removed given the beetle kill in the borough.
 - a. M. Mueller said that two written policies may be referenced online on the KPB Land Management website: 1. The Hazard Tree and Firewise Policy and 2. The Firewood Gathering Policy.
 - b. Dispersed use is a big part of the design of the limits of the Firewood Gathering Policy. It is structured to encourage folk to not take from all one area. If it is 5 trees, you fill up your truck and move to a different spot.
 - c. If there is a tree on KPB land that poses a direct threat to a structure or driveway than the Hazard Tree and Firewise Policy allows the tree to be removed. It can also extend a landowner's Firewise plan to adjacent KPB property.

8. OLD BUSINESS – none

9. NEW BUSINESS

a. Patrick Cotter, RESPEC Unit 395 Public Participation Plan

- i. The public information packet is a map for public participation. It is not rigid and can flex to include other elements.
- ii. The first event will occur on September 20th will be an informal drop-in session at the Cooper Landing Brewery with maps on the wall and sticky notes so people can step in and express how the community feels about the project and the parcel.
- iii. The next event will be at the Community Hall on September 21st and will be more like an open house with some guiding questions and ideas and folks will be able to vote on how much they like or dislike each.
- iv. In the meantime they are developing an online interactive map and a website. People will be able to make comments on the map and others can like or dislike the comments in each area to gauge community sentiment.
- v. The goal for the first two events is to help learn of the community's vision and values for Unit 395, Juneau Bench lands.
- vi. The next event would be in October or November and will include the first iteration or summary of what they learned from the community. It would present alternatives and ideas.
- vii. August 4th was the first site visit with M. Mueller and A. Hughes of KPB Land Management, D. Story representing the CLAPC and Respec planner P. Cotter and his geotechnical partner where the Respec planners were first introduced to the physical lay of the land.

- viii. 40 test holes will be excavated to determine the feasibility of construction options, gather geotechnical data, etc. This will occur when the team comes to Cooper Landing for the Sep 20-21 events.
- ix. Interviews with individuals will be scheduled starting from the stakeholder list but others can be included.
 - 1. K. Recken asked who P. Cotter worked for.
 - a. P. Cotter explained that Respec is a planning and engineering company that works with other groups to do planning projects around the state.
- x. Respec has pulled together the land use plans, geotechnical data, EIS information etc. to set the stage for the rest of the planning process.
 - 1. J. Cadieux asked whether the Landscape Linkages document is included in those plans and explained that it is an important source of information to determine the wildlife and natural systems information of the area and the help understand why some parcels were given protective classification.
 - 2. P. Cotter said he has not reviewed that one yet but is interested in including it.
- xi. One of the initial documents they produce will be a summary of the documents they used as sources and will create a bibliography of sorts.
- xii. J. Cadieux asked for comments from the commissioners
 - 1. D. Story said the project timeline is pretty short for the scope of this 1000 acre unit. More time will be needed for the community to reflect on ideas and discuss them, learn about data that is gathered by the team and decide what they like and do not like in a potential plan.
 - 2. P Cotter responded that the target of 6 months is aggressive and they would be flexible if more time is needed. Adjustments can be made.
- xiii. K. Recken said the immediate nature of the meetings is something that is concerning because of the seasonal nature of the community. She suggested possibly holding the two planned dates of the 20th and 21st further apart.
- xiv. D Story advocated for the importance of imagery, not just roll plots but other photographic images, etc. to help people align their knowledge of the areas with plans and ideas that are suggested.
 - 1. P. Cotter said Corvus Design is on the team and they are very good at providing the landscape level context of imagery.
- xv. K. Recken said that the public notice locations may need to change.

1. D. Story mentioned that we will just need to adjust the locations that we post on our website to reflect where we are actually doing so.
 2. J. Cadieux said that she would follow up with N. Carver to adjust those.
 3. N Carver will contact KPB Clerk for guidance and copy J Cadieux.
- xvi. Y. Galbraith asked whether it would be appropriate to include Alaska Housing Finance Corporation or Kenai Peninsula Housing Initiative,
1. D Story asked if Rural Cap would be appropriate to include.
 2. P. Cotter said that it a stand-alone task of the project to assess Affordable Housing possibilities that can be included the plan.
- xvii. K. Recken said she thinks the draft plan should come back to the community and probably including a public meeting before it goes to the Planning Commission and Assembly.
1. J. Cadieux said that the public will need to have an opportunity to give feedback after feasibility studies have been done since early comments may become irrelevant after a feasibility study determines certain aspects are not viable. People’s ideas may change from their first opportunities to provide input to when data starts rolling in.
- xviii. A. Nirenberg asked about the costs to the borough.
1. P. Cotter said that this is really the beginning of the assessments. Costs will become known once more investigation is carried out.
- xix. J. Cadieux indicated the people of Cooper Landing want the details including data that is gathered on e.g. geotechnical drilling. Please be ready to answer questions and provide details.
- xx. J Cadieux asked to confirm whether it the 20th and 21st would be the next time we hear from RESPEC.
1. P. Cotter said that is correct and suggested adding RESPEC to the agenda for the October CLAPC meeting and for each month that CLAPC meets.
- xxi. Northern Economics will be doing cost estimates, Information Insights, J Hansen from Cold Climate Housing Research Center will be working on the affordable housing assessment, ABR, Inc will be working on the habitat review, specialty wildlife and wetlands analysis and reviews.
- xxii. Patrick.cotter@respec.com Respec will also have an email list to be included on any project communications. The website, once up, will also be a means to reach out to the team.
- xxiii. P. Cotter asked about the best name for the project.

1. J Cadieux and L Johnson both expressed the importance of “Unit 395” as it is from the Kenai Area Plan and has been long associated with the parcel and is widely known.
2. D Story indicated some members of the community know the unit by “West Juneau Bench” or “Juneau Bench” area.

10. PLAT REVIEW – none

11. INFORMATION and ANNOUNCEMENTS

- a. Seward Highway and Alyeska Highway Intersection Improvements: See information on that website, posted on the Crier, or CLAPC website to provide public input on that project.

12. COMMISSIONER’S COMMENTS

- a. J. Cadieux thanked everyone

13. ADJOURNMENT – L. Johnson moves to adjourn. Y. Galbraith seconds. All approve via roll-call vote. 7:21pm

For more information or to submit comments please contact:

David Story, Secretary Treasurer or Janette Cadieux, Chair, P.O. Box 694, Cooper Landing, 99572 CooperLandingAPC@gmail.com

Hope/Sunrise Advisory Planning Commission
Meeting Unapproved Minutes
7 P.M. September 7, 2022
Hope Library and via Zoom

- A) The meeting was called to order at 7:00 P.M. by Jim Skogstad
- B) Members present were Jim Skogstad, Peter Smith, Jesse Maguire, Levi Hogan and G. Johnny Sorenson
- C) There was no oath of office however Nancy Carver from the Borough told the commission that although Johnny and Peter had submitted applications to have their term extended, a public notice should have been posted to encourage others in the community to apply. In the future a notice will be posted 30 days before the end of application period.
- D) The agenda was approved
- E) Minutes of August 3 meeting were approved
- F) There were no participants at the meeting or via zoom
- G) There was no correspondence
- H) There was no report from the Borough
- I) Unfinished business of preparing a Hope community questionnaire continued. The questionnaire asked "How long have you "owned" property in Hope. This question seemed to eliminate people who rent and are a part of the community. Question 1 and two changed numbers which should clarify the issue. Two questions approved at the last meeting had also been omitted.. One question was "Is there a need to form a service area for fire/ems funding?" with a choice of 1 through 10. Another question concerning priorities for road maintenance had been missed. The question added will be "concern for dust/potholes on local roads." This question was again discussed since the borough had funds to reconstruct Ferrin Drive but did not have money for dust control on Resurrection Creek Road. This was discussed at length with ideas of "Why ask it because everyone will say 9" to "Why ask it because these are two different pots of money (Construction & Maintenance) and money can not be interchanged between the two." so the question is pointless. Is it dusty every summer? In the end, both questions were added to the community survey. There was a limited discussion of vote collection. The questionnaire will be mailed out only to property owners and can be filled out online. Renters and others who do not want to respond on line will be able to pick up the survey at the library. Jim Skogstad will supply a box and that brings up the question of who will read the individual's hard copy questionnaires and enter them into the Borough DataBase. Jim Skogstad will collect the responses and mail them to Nancy Carver at the Borough to be entered into the database. The survey will be mailed out in October and responses must be received by the end of December.
- J) There was no new business, no correspondence or announcements
- K) The next meeting will be October 6, at 7:00 P.M.
- L) The meeting was adjourned at approximately 7:45 P.M.

Any questions, please contact: Chair Jim Skogstad 1-907-229-1430 or email:
akskogstad@aol.com

KACHEMAK BAY ADVISORY PLANNING COMMISSION
Regular (VIDEO CONFERENCE) MEETING
LOCATION: ZOOM
Thursday, August 4, 2022
7:00 P.M.

APPROVED MINUTES

A. CALL TO ORDER: 7:00 pm

B. ROLL CALL

Present: Eric Knudtson, Courtney Cox Brod, Owen Meyer, and Louise Seguela.
Quorum has been met to move forward with the meeting.
Also present are Ryan Raidmae and Mike Tupper.

C. APPROVAL OF MINUTES

D. PUBLIC COMMENT/PRESENTATION WITHOUT PREVIOUS NOTICE

E. REPORT FROM THE BOROUGH

F. NEW BUSINESS

1. We discussed how to recruit new commissioners. Louise will solicit commissioners through the community calendar and others will verbally spread the word. We will meet next month but might pause meetings if no new commissioners are recruited.

G. OLD BUSINESS

1. We talked about our next steps with the East End Rd Snowmads parking lot. Ryan will find out the next steps the KPB planning department will take regarding land planning and classification for this area. We also discussed holding a meeting to collect public input on the best use of this land.
2. We discussed further the development of our survey. Ryan will see if he can find anyone in the KPB who might help us with producing a survey.

H. ANNOUNCEMENTS

1. None

I. COMMISSIONERS' COMMENTS

J. ADJOURNMENT – 7:32 pm.

called 6:00

Dave Pearson and Monica excused

Hetrick had mailed he might be late but was on time

Attendance = Monica not in attending

PPMP J.S report, subd. report F+G seats to expire
com. council option,

New Bus ARRC Falls Ck bridge

JH motion to approve JE 2nd

agenda read

JH motion KD 2nd

Jeff Hetrick, Kevin Dunham

~~Arron~~ Rhodes contacted Bruce Jaffa

MP VFC situation

Letter in messenger

Peter Michickie who can head for Rd Proj,

Steve Wilson supports bypass

Nancy on Line

Land use permit for rock at 4 GLH

JE moved to ad 2 items KD, passed

Talk about incorporation of

Moose Pass Community Dev Plan

int comprehensive plan

Dec 6 work session

JD to work on questionnaire for

comprehensive plan

QAP Update sept. 19 day shift starts

Blast 9-10AM

Darrell

Till May 15 in spring

Finish 2024

Matt superintendent

9-8-22

Comprehensive Plan work session's
DNR community garden
Fire Company Property is DNR
ROW access issues

New Bus

Community Survey for Comp Plan

Open seat for APC F&G

Grant Lake Hydro

Open for Comment On KPB website

Rock Quarry at USFS boneyard
Size increase

Jeff H. Tsali To ~~table~~

Passes 6-0 5-0

Meeting Oct 6 be soon enough 6 PM next meet

15 yr, Stone contract

^{next} PC meet Sept 19,

If PC passe DOT ROW map
We can Appeal

Kevin D. Primrose road goes
submarine in Jokeaulup. Should
DOT RT

MOOSE PASS ADVISORY PLANNING COMMISSION
SPECIAL MEETING

Monica Adams, Kevin Dunham, Jeff Estes, Jeff Hetrick, Bruce Jaffa, ~~Tsali Janek~~, David Pearson
Thursday, September 15th 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 Permitter: 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. PASSED 6-0

-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