

C. CONSENT AGENDA

***7. Minutes**

a. April 10, 2023 PC Meeting Minutes

Kenai Peninsula Borough Planning Commission

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

April 10, 2023
7:30 P.M.
UNAPPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

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

AGENDA ITEM B. ROLL CALL

Commissioners Present

Pamela Gillham, District 1 – Kalifornsky
John Hooper, District 3 – Nikiski
Michael Horton, District 4 - Soldotna
Jeremy Brantley, District 5 – Sterling/Funny River
David Stutzer, District 8 – Homer
Dawson Slaughter, District 9 – South Peninsula
Franco Venuti, City of Homer
Diane Fikes, City of Kenai
Troy Staggs, City of Seward
Charlene Tautfest, City of Soldotna

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

Staff Present

Robert Ruffner, Acting Planning Director
Walker Steinhage, Deputy Borough Attorney
Sam Lopez, River Center Manager
Ryan Raidmae, Planner
Julie Hindman, Platting Specialist
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDAS

***3. Administrative Approvals**

- a. ASLS No. 2021-25 Tip Levarg Subdivision; KPB File 2022-072
- b. Brown's Acre Estates; KPB File 2022-088R1
- c. Centennial Shores Subdivision 2023 Replat; KPB File 2022-156
- d. Fisherwood Place 2022 Replat; KPB File 2022-107
- e. Heath Subdivision No. 5; KPB File 2022-153
- f. Levan-Sterling Subdivision; KPB File 2022-125R1
- g. McReed Subdivision 2022 Replat; KPB File 2022-097
- h. R Subdivision; KPB File 2022-091R1
- i. Stutes Estates; KPB File 2022-139

***6. Commissioner Excused Absences**

- a. Blair Martin, District 2 - Kenai
- b. Virginia Morgan – District 6, East Peninsula

- c. City of Seldovia, Vacant
- d. District 7 – Central, Vacant

***7. Minutes**

- a. March 20, 2023 Planning Commission meeting minutes.

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

MOTION: Commissioner Slaughter moved, seconded by Commissioner Stutzer to approve the regular and consent agendas.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, Gillham, Hooper, Horton, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent - 3	Fikes, Martin, Morgan

Commissioner Fikes joined the meeting at 7:40 p.m.

AGENDA ITEM E. NEW BUSINESS

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

**ITEM 1. – BUILDING SETBACK ENCROACHMENT PERMIT –
NINILCHIK TOWNSITE JACKINSKY VANEK REPLAT LOT 2A, HM 97-79**

KPB File No.	2023-025
Planning Commission Meeting:	April 10, 2023
Applicant / Owner:	Rion and Betsy Vanek of Ninilchik, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Bayview Street, Ninilchik

Parent Parcel No.:	157-071-05
Legal Description:	Lot 2A Block 5, Ninilchik Townsite Jackinsky-Vanek Replat, HM 97-79
Assessing Use:	Residential
Zoning:	Rural Unrestricted

Staff report given by Platting Specialist Julie Hindman.

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 Stutzer moved, seconded by Commissioner Staggs to adopt Planning Commission Resolution 2023-06, granting a building setback encroachment permit to Lot 2A, Block 5, Ninilchik Townsite Jackinsky-Vanek Replat, Plat HM 97-79, based on staff recommendations, adopting and incorporating by reference findings 3 & 9-13 in support of standards one, two and three as set forth in the staff report.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Brantley, Fikes, Gillham, Hooper, Horton, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Martin, Morgan

**ITEM 2 - UTILITY EASEMENT ALTERATION
VACATE 5 FOOT UTILITY EASEMENTS ASSOCIATED WITH LOT 4D AND LOT 4A-1, BLOCK 7,
FORTH OF JULY CREEK SUBDIVISION SEWARD MARINE INDUSTRIAL CENTER RABOW
REPLAT, SW 2015-14**

KPB File No.	2023-004V
Planning Commission Meeting:	April 10, 2023
Applicant / Owner:	City of Seward
Surveyor:	Stacy Wessel / AK Lands Land Surveying LLC Tract A3, Fourth of July Creek Sub Seward Marine Industrial Center Fire Department Replat, SW 2022-02 (Portion of Tract A3 known as Olga Street and Morris Avenue)
General Location:	

Staff report given by Platting Specialist Julie Hindman.

Chair Brantley opened the item for public comment.

Stacy Wessel, AK Lands Surveying, LLC; aklands@aklands.com: Ms. Wessel was the surveyor on this project and made herself available for questions.

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

MOTION: Commissioner Horton moved, seconded by Commissioner Slaughter to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, based on staff recommendations, adopting and incorporating by reference findings 1-8 and subject to the 2 conditions as set forth in the staff report.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes – 10	Brantley, Fikes, Gillham, Hooper, Horton, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Martin, Morgan

**ITEM 3 - UTILITY EASEMENT ALTERATION
VACATE MULTIPLE UTILITY EASEMENTS ASSOCIATED WITH LOT 13-A, BLOCK 2, STANLEY'S
MEADOW SUBDIVISION NO. 13, HM 93-34**

KPB File No.	2023-024V2
Planning Commission Meeting:	April 10, 2023
Applicant / Owner:	Billy and Stephanie Jones of Homer, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Perkins Road, Fritz Creek, Kachemak Bay APC

Staff report given by Platting Specialist Julie Hindman

Chair Brantley opened the item for public comment.

Gary Nelson, Ability Surveys; 152 Dehel Avenue, Homer, AK 99603: Mr. Nelson was the surveyor on this project and made himself 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 Stutzer moved, seconded by Commissioner Tautfest to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, based on staff

recommendations and adopting and incorporating by reference findings 1-10 and subject to the 2 conditions as set forth in the staff report.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Brantley, Fikes, Gillham, Hooper, Horton, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Martin, Morgan

**ITEM 4 - RIGHT OF WAY VACATION
PORTION OF PERKINS ROAD DEDICATED ON STANLEY'S MEADOW #7 (PLAT HM 87-45) AND
STANLEY'S MEADOW NO. 13 (PLAT HM 93-34)**

KPB File No.	2023-024V
Planning Commission Meeting:	April 10, 2023
Applicant / Owner:	Billy and Stephanie Jones of Homer, Alaska and Cecil and Ina Jones of Fritz Creek, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Perkins Road, Fritz Creek, Kachemak Advisory Planning Commission
Legal Description:	Perkins Road, Stanley's Meadow #7 (Plat HM 87-45) and Stanley's Meadow No. 13 (Plat HM 93-34), Section 34, Township 4 South, Range 11 West.

Staff report given by Platting Specialist

Chair Brantley opened the item for public comment.

Gary Nelson, Ability Surveys; 152 Dehel Avenue, Homer, AK 99603: Mr. Nelson was the surveyor on this project. He stated he had concerns about item #5 under the recommendations. He would like to see item 5 changed to; the new dedication will encompass the existing travelway or to work out the issues related to the roadway with staff for the assembly to approve. He noted the new dedication as shown on the plat crosses over an airstrip. The landowner states that the airstrip is not in use and it is the best location for the new dedication.

Commissioner Venuti stated Mr. Nelson's request sounds very reasonable. He asked if it would be appropriate to ask that action on this item be postponed to allow him to work out this issue with staff. Platting Specialist Julie Hindman replied that it would be acceptable to ask for a postponement. She noted there are timeframes that need to be met, but as long as Mr. Nelson agrees with the postponement, there should be no issues. Mr. Nelson stated he would agree to a postponement.

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 postpone until brought back by staff

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, Horton, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Martin, Morgan

**ITEM 5 - RIGHT OF WAY VACATION
VACATE APPROXIMATELY 425 FEET OF THE NORTHERN PORTION OF WATERMAN ROAD AS
DEDICATED BY SKIPPER'S VIEW, PLAT HM 81-32**

KPB File No.	2023-026V
Planning Commission Meeting:	April 10, 2023
Applicant / Owner:	The Canyon Creek Trust of Homer, Alaska
Surveyor:	Tom Latimer / Orion Surveys
General Location:	Waterman Road, Mile 5 of East End Road, Fritz Creek, Kachemak Bay Advisory Planning Commission
Legal Description:	Waterman Road, Skipper's View, Plat HM 81-32, Township 6 South, Range 13 West, Section 1

Staff report given by Platting Specialist Julie Hindman

Chair Brantley opened the item for public comment.

Tom Latimar, Orion Surveys; P.O. Box 15025, Fritz Creek, AK 99603: Mr. Latimar was the surveyor on this project and he made himself 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 Horton moved, seconded by Commissioner Staggs to approve the vacation as petitioned, based on the means of evaluating public necessity established by KPB 20.65, based on staff recommendations and subject to the 4 conditions as set forth in the staff report.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Brantley, Fikes, Gillham, Hooper, Horton, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Martin, Morgan

**ITEM 6 – CONDITIONAL LAND USE PERMIT
TO OPERATE A SAND, GRAVEL OR MATERIAL SITE**

PC Resolution	2023-08
Planning Commission Meeting:	April 10, 2023
Applicant	Richard Gregoire
Landowner	Jerold Vantrease
Parcel Numbers	159-360-09, 10, 11, 12
General Location	Mile 1.4 of Tim Avenue, Ninilchik, AK
Legal Description:	T03S R14W SEC 4 Seward Meridian, HM 2006036 Hoffman Acres Lowell Field Phase 1 Lots 1, 2, 3, 4

Staff report given by Resource Planner Ryan Raidmae. Mr. Raidmae noted information related to the existing airstrip was received after the publication of the staff report. During the public comment period a number of concerns related to the existing airstrip were received. It was also noted that the existing airstrip is registered with the FAA as 00AK/Lowell Field Airport. Due to the material site's proximity to the runway, the FAA was contacted and asked if the applicant should submit additional information for the development and operations of the material site for their review. The FAA requested that the applicant complete an obstruction evaluation or an airport/air space analysis. To give the applicant time to submit this information to the FAA and allow the FAA time to review, the Planning Department would request that action on this item be postponed until brought back by staff.

Chair Brantley opened the item for public comment.

Richard Gregoire, Applicant; P.O. Box 2372, Homer, AK 99603: Mr. Gregoire is the applicant and

requested that the commission approve his permit request, with the condition that he get a statement from the FAA that the material site will not be creating any aviation hazards.

Mike Bernhardt; 12316 Kost Dam Road, North Branch, MN 55056: Mr. Bernhardt is a neighboring landowner and spoke in opposition to approving this permit.

Steve Kahn; P.O. Box 202, Port Alsworth, AK 99563: Mr. Kahn is a neighboring landowner and spoke in opposition to approving this permit.

Ann Kahn; P.O. Box 202, Port Alsworth, AK 99563: Ms. Kahn is a neighboring landowner and spoke in opposition to approving this permit.

Danny Presley; P.O. Box 1247, Homer, AK 99603: Mr. Presley is a neighboring landowner and spoke in opposition to approving this permit.

James Lack; P.O. Box 2999, Homer, AK 99603: Mr. Lack is a neighboring landowner and spoke in opposition to approving this permit.

Kelsea Reynolds; P.O. Box 39391, Ninilchik, AK 99568: Ms. Reynolds is a neighboring landowner and spoke in opposition to approving this permit.

Steve Untiet; 818 Smoky Bay Way, #100, Homer, AK 99603: Mr. Untiet is a neighboring landowner and spoke in opposition to approving this permit.

Tiffany Wilkes; 50192 Silverspring Lane, Kenai, AK 99611: Ms. Wilkes is a neighboring landowner and spoke in opposition to approving this permit.

Brian Wilkes; 50192 Silverspring Lane, Kenai, AK 99611: Mr. Wilkes is a neighboring landowner and spoke in opposition to approving this permit.

Robert Fryer; P.O. Box 39265, Ninilchik, AK 99568: Mr. Fryer is a neighboring landowner and spoke in opposition to approving this permit.

Areas of concern expressed by neighboring landowners:

- Damage to the existing road – Tim Avenue
- The existing road is not built to handle the large/heavy equipment associated with material sites.
- The reclamation plan lacks specific information.
- Air quality issues related to the increase in dust.
- Noise issues related to rock processing.
- Insufficient water level testing of the proposed material site area.
- Deficiency in the public noticing process by the borough.
- Insufficient bonding requirements.
- The proposed material site is too close in proximity to the existing airstrip.
- Decreased property values.

Gina Debardeleben, McLane Consulting; P.O. Box 468, Soldotna, AK 99669: Ms. Debardeleben was contracted by the applicant to assist with the permit application. She noted the applicant has complied with borough code and spoke in favor of the commission approving the permit

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

MOTION: Commissioner Horton moved, seconded by Commissioner Venuti to postpone action on this item until brought back by staff.

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, Horton, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent – 2	Martin, Morgan

ITEM 7 – ORDINANCE 2023-09
AMENDING KPB 21.04.020 TO CLARIFY REQUIRED NOTICE TO PROPERTY OWNERS WITHIN A ZONING DISTRICT WHEN THERE IS A PROPOSAL TO CHANGE THE DISTRICT BOUNDARY

Staff report given by River Center Manager Samantha Lopez.

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

MOTION: Commissioner Horton moved, seconded by Commissioner Slaughter to forward to the Assembly a recommendation to adopt Ordinance 2023-09 amending KPB 21.04.020 to clarify required notice to property owners within a zoning district when there is a proposal to change the district boundary.

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, Horton, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent – 2	Martin, Morgan

ITEM 8 – ORDINANCE 2022-46
AMENDING KPB 21.02.230 TO MODIFY THE BOUNDARIES OF THE NIKISKI APC

Staff report given by Planning Director Robert Ruffner. Director Ruffner noted that the Assembly is still working on this ordinance. The Nikiski APC will meet again to discuss any potential recommendations from the Assembly. Since the item was placed on the agenda he would recommend that the commission open public comment on this item. If there are any amendments to the ordinance he will bring it back to the commission for their review.

Chair Brantley opened the item for public comment.

Steve Speskosky; P.O. Box 873053, Wasilla, AK, 99687: Mr. Speskosky is the CEO of Tyonek Native Corporation and spoke in favor of removing the westside from the Nikiski APC boundary area.

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 postpone until brought back by staff.

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, Horton, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent – 2	Martin, Morgan

AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Gillham reported the plat committee reviewed and granted preliminary approval to nine plats and postponed action on one plat.

AGENDA ITEM G. OTHER (No Public Hearing)

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.

AGENDA ITEM J. COMMISSIONER COMMENTS

- Commissioner Stutzer noted that he will be able to attend the April 24, 2023 Planning Commission meeting and requested an excused absence.

AGENDA ITEM K. ADJOURNMENT

Commissioner Venuti moved to adjourn the meeting at 9:55 p.m.

Ann E. Shirnberg
Administrative Assistant