

## **\*C-7. MINUTES**

- a. April 25, 2022 Planning Commission Meeting Minutes**

# Kenai Peninsula Borough Planning Commission

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

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April 25, 2022  
7:30 P.M.  
UNAPPROVED MINUTES

## **AGENDA ITEM A.      CALL TO ORDER**

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

### **Oath of Office**

Ms. Shirnberg administered the oath of office to Charlene Tautfest, representing the City of Soldotna.

## **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  
Michael Horton, District 4 – Soldotna  
Blair Martin, District 2 – Kenai  
Virginia Morgan, District 6 – East Peninsula  
David Stutzer, District 8 – Homer  
Charlene Tautfest, City of Soldotna  
Franco Venuti, City of Homer

With 10 members of an 11-member seated commission in attendance, a quorum was present.

### *Staff Present*

Marcus Mueller, Land Management Officer  
Walker Steinhage, Deputy Borough Attorney  
Julie Hindman, Platting Specialist  
Samantha Lopez, KRC Manager  
Ryan Raidmae, Borough Planner  
Ann Shirnberg, Planning Administrative Assistant

## **AGENDA ITEM C.      CONSENT & REGULAR AGENDAS**

### **\*3.      Plats Granted Administrative Approval**

- a. Mackey Lakes Subdivision Douglas Replat; KPB File 2021-109
- b. Tide View Heights No. 2; KPB File 2021-088

### **\*6.      Commissioner Excused Absences**

- a. Syverine Abrahamson-Bentz, District 9 – South Peninsula
- b. District 7 – Central, Vacant
- c. City of Seward, Vacant

d. City of Seldovia, Vacant

**\*7. Minutes**

a. April 11, 2022 Planning Commission meeting minutes.

Chair Martin asked if anyone wished to speak to any of the items on the consent agenda. Hearing no one wishing to comment he asked that Ms. Shirnberg read into the record the consent agenda items.

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Tautfest to approve the consent and regular agendas.

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes	10	Absent	1	Vacant	3
Yes	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Stutzer, Tautfest, Venuti				
Absent	Bentz				

**AGENDA ITEM E. NEW BUSINESS**

**ITEM E1 - RIGHT OF WAY VACATION  
A PORTION OF 60 FOOT WIDE VAN ANTWERP RIGHT OF WAY AND ASSOCIATED UTILITY  
EASEMENTS**

<b>KPB File No.</b>	2022-040V
<b>Planning Commission Meeting:</b>	April 25, 2022
<b>Applicant / Owner:</b>	BMGC LLC and Peninsula Storage LLC all of Kenai, AK
<b>Surveyor:</b>	James Hall / McLane Consulting
<b>General Location:</b>	Bridge Access Road, Childs Avenue, City of Kenai
<b>Legal Description:</b>	Van Antwerp Avenue associated with Tract 4 Jaynes Subdivision Big Mikes Addition, Plat KN 2015-099, and Tract A-1 Bridge Road Subdivision 2019 Replat, Plat KN 2020-015, Kenai Recording District, Section 4 Township 5 North, Range 11 West, Seward Meridian

Staff report was given by Julie Hindman, Acting Platting Manager.

Chair Martin opened the meeting for public comment.

James Hall, McLane Consulting; P.O. Box 468, Soldotna, AK 99669: Mr. Hall was the surveyor on this project and made himself available for questions.

Commissioner Horton noted that there is a natural gas pipeline in this easement and asked Mr. Hall to verify that the pipeline was indeed there. Mr. Hall replied that yes, there is a natural gas pipeline in the easement and that Enstar has requested that the easement be shown on the plat.

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 Venuti to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, subject to staff recommendations and compliance to borough code.

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes	10	Absent	2	Vacant	3
Yes	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Stutzer, Tautfest, Venuti				
Absent	Bentz				

**E2- ORDINANCE 2022-13**

**Amending KPB 21.46.040 to repeal the Kalifornsky Center Single Family Residential (R-1) Local Option Zoning District on an approximately 55-Acre privately owned parcel**

<b>KPB File No.</b>	Ordinance 2022-13
<b>Planning Commission Meeting:</b>	April 25, 2022
<b>Petitioner</b>	Cap Shafer; Dibble Creek
<b>Owner</b>	Trimark Earth Reserve, LLC 34481 N. Fork Rd. Anchor Point, AK 99556
<b>Location</b>	Near Ravenwood Street & Radcliff Avenue – Kalifornsky Area
<b>Tax Parcel ID</b>	055-07-273
<b>Legal Description:</b>	T05N, R11W, SEC 26, Seward Meridian, KN 2020-018 Kalifornsky Center Sub, Tract A

Staff report given by Borough Planner Ryan Raidmae.

- Mr. Raidmae noted that only two comments were received from adjacent landowners, one in favor and one against the approval of the ordinance.
- Mr. Raidmae noted per KPB 21.44.040(c) a public meeting was held regarding this application on April 21, 2022 and no one from the public attended.

Chair Martin opened the meeting for public comment.

Stacy Stone, 125 Willow Street, Kenai, AK 99610: Ms. Stone is the attorney for the landowner and spoke in support of the commission recommending approval of Ordinance 2022-13.

Cap Shafer, Landowner; 34481 N. Fork Road, Anchor Point, AK 99556: Mr. Shafer is the landowner of this lot. He informed the commission that he has submitted a conditional land use application to develop a material site on this lot. He believes the best use for this lot would be as a material site as several of the surrounding parcels currently have material sites on them. He would request that the commission recommend approval of Ordinance 2022-16.

Marcus Mueller, KPB Land Management Officer: Mr. Mueller spoke to the borough’s planning and public process regarding borough owned lands in the area. He noted the borough was the prior owner of parcel 055-07-273 and that it was specifically zoned R-1 before it was placed in the recent borough land sale.

Commissioner Gillham noted this parcel was a part of a 240-acre parcel of land owned by the borough and that there were parcels to the north end that bordered residential areas. She asked Mr. Mueller why parcel 055-07-273 which is bordered on two sides by commercial properties was zoned and sold as residential. To her it would make more sense to zone this property commercial. Mr. Mueller replied that at the time there were several issues that played into the decision to zone this parcel R-1. One was public concern related to gravel pit development in the area, and another was a pipeline that transects this parcel that would limit to some extent gravel extraction. The last was the borough’s overall design plan for the 240 acres. In the planning process to gain a perspective the footprint of the 240-acres was laid over the City of Soldotna and looked at the types of land uses existed within the city. They looked at the land uses within what would be the center of town for Soldotna, which was the Redoubt Ave., Marydale Ave & Kobuk St. areas and planned for similar land uses. It was determined that some lands would be classified institutional/commercial and residential. It was decided that the best use for parcel 055-07-273 would be residential. Then there was a parcel of land which was situated between two existing material sites that was to remain zoned unrestricted making it available for gravel extraction.

Commissioner Martin noted that the applicant mentioned that this parcel of land does not comply with the 12-lot minimum which code requires for the formation of a LOZD. He asked Mr. Mueller to address this issue. Mr. Mueller replied that code does require that at least 12 lots of similar size are needed to establish

a LOZD. While parcel 055-07-273 was not configured into a 12-lot configuration it was determined that this one large tract could be subdivided into anywhere from 30-40 lots. The borough's goal in selling this 55-acre lot was to give the developer some discretion on the design of the residential lot layout. He noted that Ordinance 2019-34 granted an exception to the 12-lot requirement.

Gina DeBardelaben, McLane Consulting; P.O. Box 468, Soldotna, AK 99669: Ms. DeBardelaben is a local civil engineer and spoke in support of the commission recommending approving Ordinance 2022-13. Her testimony included a number of reasons that this parcel should be allowed to be developed as a material site. Allowing this site to be developed as a material site would not prevent other uses for the property in the future after the material site is reclaimed. She also noted that the material site operators in this area have begun discussing working together to build a haul road with direct access via Bonita to Kalifornsky Beach Rd. that would decrease the use of other rights-of-way currently being used. This type of development would benefit not only the material site operators but the area residents as well. She also noted that another CLUP in the area had just recently been approved and had only one public comment opposing it.

Commissioner Fikes asked if the commenter who objected to this ordinance lived in the area, Ms. DeBardelaben replied that the comment that she was referring to was related to another CLUP in the area. Commissioner Fikes then asked if the haul road the operators are proposing would be a public right-of-way or a private road. Ms. DeBardelaben replied the conversation among the area material site operators would be to develop a central road that connected to Bonita Ave. that all area operators would use, thus reducing the current use of other road in the area. Commissioner Fikes stated that she likes that idea. Commissioner Fikes then noted that as far as she can tell there are not many residential areas that back up against the 240-acre parcel.

Commissioner Venuti noted the issue before the planning commission tonight is to amend the LOZD and not to approve a conditional land use permit (CLUP). He then asked if the LOZD is amended that Trimark would have to come back and apply for a CLUP. Chair Martin stated Trimark had submitted a CLUP application but that it is on hold until the zoning issues are resolved.

Lynn Whitmore; P.O. Box 355, Anchor Point, AK 99556: Mr. Whitmore spoke in support of the commission recommending approval of Ordinance 2022-16.

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

**MOTION:** Commissioner Brantley moved, seconded by Commissioner Gillham to forward to the assembly a recommendation to adopt Ordinance 2022-13: Amending KPB 21.46.040 to repeal the Kalifornsky Center Single Family Residential (R-1) Local Option Zoning District.

Chair Martin noted for the record that in his opinion this parcel is well located for a gravel pit. He also noted that the commission has heard a lot of opposition to gravel pits in the past and it is unusual when a CLUP application has little or no opposition.

Commissioner Fikes noted that she is in agreement with Chair Martin. This immediate area already has several gravel pits. Seeing very little objection to removing this LOZD, she would recommend to the assembly the approval of this ordinance.

Commissioner Brantley stated that he supports recommending approval for this ordinance. He is unclear why this LOZD was placed on this parcel. He remembers when the formation of this LOZD initially came through the commission, he voted against it. He believes that this location is an excellent spot for a material site.

Commissioner Gillham stated that she supports recommending approval of this ordinance. She believes that this is a poor area for a residential development. It has a pipeline going right through the middle of it and is bordered on two sides by commercial sites. She believes this area is primed for commercial activities.

Commissioner Morgan stated that she recognizes the need for residential lands as well as the need for material sites. She believes that this parcel is clearly not an ideal location for a residential area. She has

a hard time not recommending approval of this ordinance, the area seems to be a really great spot to have a gravel pit and there are no residential areas that would be impacted. This would not be a gravel pit in the middle of a residential area. In this particular case she will be voting in favor of recommending that the assembly approve this ordinance.

Commissioner Venuti stated that he as always believed that the ability to form a LOZD was of real benefit to a community. Typically, the LOZDs the commission have recommended for approval have been organized by people living in an area in order to protect their way of life. He is surprised that this parcel was zoned as an R-1 without any community living there. He does not like the idea of creating LOZDs and then dismissing them. He sees the need and importance of gravel. He is familiar with this area and he is not convinced that this is a good place for a residential development. He then stated that he supports recommending approval of this ordinance.

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes	10	Absent	1	Vacant	3
Yes	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Stutzer, Tautfest, Venuti				
Absent	Bentz				

**AGENDA ITEM F. PLAT COMMITTEE REPORT**

Commissioner Brantley reported the plat committee reviewed and granted preliminary approval to eight plats.

**AGENDA ITEM G.**

1. Plat Committee – May 9, 2022
  - Commissioner Gillham
  - Commissioner Venuti
  - Commissioner Morgan
  - Commissioner Brantley
  - Commissioner Hooper

**AGENDA ITEM H. PUBLIC COMMENT/PRESENTATIONS**

Chair Martin asked if there was anyone from the public who would like to comment on anything not appearing on the agenda.

**AGENDA ITEM I. DIRECTOR’S COMMENTS**

Mr. Mueller informed the commission that Robert Ruffner has resigned from the planning commission to take the position as Planning Director for the Kenai Peninsula Borough.

**AGENDA ITEM J. COMMISSIONER COMMENTS**

**AGENDA ITEM K. ADJOURNMENT – Commissioner Venuti moved to adjourn the meeting 10:03 PM p.m.**

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Ann E. Shirnberg  
Administrative Assistant