



Planning Commission Action Agenda

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2215 • (907) 714-2378 Fax
Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

Robert Ruffner, Planning Director • Charlie Pierce, Borough Mayor

Blair Martin, Chair – District 2-Kenai ~ **Jeremy Brantley**, Vice Chair – District 5 Sterling/Funny River ~ **Syverine Abrahamson-Bentz**, Parliamentarian – District 9 – South Peninsula

Pamela Gillham, District 1 – Kalifornsky ~ **John Hooper**, District 3 Nikiski ~ **Michael Horton**, District 4 – Soldotna ~ **Jeremy Brantley**, District 5 – Sterling/Funny River

Virginia Morgan, District 6 – East Peninsula ~ Vacant, District 7 – Central ~ **David Strutzer**, District 8 – Homer

Franco Venuti, City of Homer ~ **Charlene Tautfest**, City of Soldotna ~ **Troy Staggs**, City of Seward ~ Vacant, City of Seldovia

June 27, 2022

7:30 p.m.

Zoom Meeting Link: <https://us06web.zoom.us/j/9077142200>
Zoom Toll Free Phone Numbers: 888-788-0099 or 877-853-5247
Zoom Meeting ID: 907 714 2200

To join the meeting from a computer, visit the Zoom meeting link above. If you connect by computer and do not have speakers or a microphone, connect online and then select phone for audio. A box will come up with toll free numbers, the meeting ID, and your participant number. To attend the Zoom meeting by telephone, use the Zoom toll free phone numbers listed above.

The hearing procedure for Planning Commission public hearings is as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for the 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 must begin by stating his or her name and mailing 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. If participating via Zoom the testifier will need to use the Zoom "raise hand" feature or press *9 by phone to speak.

A. CALL TO ORDER

1. Appointment of New Commissioner
 - a. Troy Staggs – City of Seward

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDAS

All items marked with an asterisk (*) are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and may be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner removes the item from the consent agenda. The removed item will then be considered in its normal sequence on the regular agenda.

If you wish to comment on a consent agenda item, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.

- *1. Time Extension Request - None**
- *2. Planning Commission Resolutions - None**

***3. Plats Granted Administrative Approval**

- a. Duncan Subdivision No. 5; KPB File 2021-142
- b. Folz Subdivision 2021 Addition; KPB File 2021-036
- c. Gold Acres Subdivision 2022 Replat; KPB File 2022-014
- d. Poachers Cove PDM 2022 Replat; KPB File 2022-002

***4. Plats Granted Final Approval**

- a. Riverview Deluxe Subdivision; KPB File 2022-012
- b. Seward Original Townsite 2021 Replat; KPB File 2021-105
- c. Soldotna Junction Subdivision Creekside Estates; KPB File 2022-049

***5. Plat Amendment Request – None**

***6. Commissioner Excused Absences**

- a. City of Seldovia, Vacant
- b. District 7 – Central, Vacant

***7. Minutes**

- a. June 13, 2022 Planning Commission Meeting Minutes

Motion to pass the consent and regular agendas passed by unanimous vote (11-Yes, 1-Absent, 2-Vacant)

D. OLD BUSINESS - None

E. NEW BUSINESS

Public Hearing: Quasi-Judicial Matters *(Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application)*

1. Utility Easement Vacation; KPB File 2022-070V
 Request: Vacate a portion of a 10' utility easement along the west boundary of Lot 4, Block 2, Bruhn Subdivision, Plat KN 86-143
 Petitioner/Landowner: Tanley Jo Martinez
 Surveyor: Johnson Surveying
 Sterling Area

Motion to approve the vacation as petitioned **FAILED by unanimous vote (11-No, 1-Absent, 2-Vacant)**

2. ROW Vacation: KPB File 2022-076V
 Request: Vacate a portion of Hough Road, a 60' right-of-way and associated utility easement
 Petitioners/Landowners: Michael & Shila Hough
 Surveyor: Geovera, LLC
 City of Homer

Motion to approve the vacation as petitioned passed by unanimous vote (11-Yes, 1-Absent, 2-Vacant)

- 3. ROW Vacation; KPB File 2022-077V
Request: Vacate Hanks Mill Road, formerly known as Old Sterling Highway
Petitioners/Landowners: Clifford & Jana Investments LLC / Rosemary Johnson
Surveyor: Edge Survey & Design. LLC
Happy Valley Area

Motion to approve the vacation as petitioned passed by unanimous vote (11-Yes, 1-Absent, 2-Vacant)

- 4. Conditional Use Permit; PC Resolution 2022-24
Request: Bank Stabilization with Rip Rap
Petitioner: AK Dept. of Transportation & Public Facilities
Locations: Kenai River, Anchor River & Two Moose Creek

Motion to adopt PC Resolution 2022-24 passed by unanimous vote (11-Yes, 1-Absent, 2-Vacant)

Public Hearing: Legislative Matters

- 5. Ordinance 2022-XX: Amending Chapter KPB 21.50 Relating to Stop Work Orders & Fine Amounts in Stipulated Agreements.

Motion to forward to the assembly a recommendation to adopt Ordinance 2022-XX passed by unanimous vote (11-Yes, 1-Absent, 2-Vacant)

- 6. Ordinance 2022-XX: Amending KPB Chapters 7.20 & 21.44 Relating to Marijuana Establishments & Processing Application for Marijuana Establishments.

Motion to forward to the assembly a recommendation to adopt Ordinance 2022-XX passed by unanimous vote (11-Yes, 1-Absent, 2-Vacant)

- 7. Ordinance 2022-XX: Amending KPB Chapter 20.65 Relating to Federal Patent Easements.

Motion to table action on the item passed by unanimous vote (11-Yes, 1-Absent, 2-Vacant)

- 8. Ordinance 2022-XX: Amending KPB 21.25 to Add Definition of “Aggrieved Party” and Amending KPB 21.29 to Remove the Term “Impartial”, to Clarify the Well-Monitoring Timeline, to Define “Quarterly”, and to Add a “Definitions” Section.

Motion to forward to the assembly a recommendation to adopt Ordinance 2022-XX passed by unanimous vote (11-Yes, 1-Absent, 2-Vacant)

F. PLAT COMMITTEE REPORT – The plat committee will review 3 Plats

G. OTHER (No Public Hearings)

- 1. Plat Committee – July 18, 2022

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

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, July 18, 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

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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 rights-of-way, 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.