



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Planning Commission

*Jeremy Brantley, Chair – Ridgeway/Funny River/Sterling District*  
*Pamela Gillham – Kalifornsky/Kasilof District*  
*Virginia Morgan, Parliamentarian – Cooper Landing/Hope/East Peninsula District*  
*Dawson Slaughter – South Peninsula District*  
*Jeffery Epperheimer - Nikiski District*  
*Diane Fikes – City of Kenai*  
*Franco Venuti – City of Homer*  
*Charlene Tautfest – City of Soldotna*  
*VACANT – City of Seward*

---

Monday, August 14, 2023

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
3. Plats Granted Administrative Approval

[KPB-5403](#)

- a. Jeanwood Estates Adcock Addition; KPB File 2020-055
- b. Leisure Time Estates Ivy Replat; KPB File 2022-130
- c. Madson Subdivision Trust Land Survey 2020-01; KPB File 2021-164
- d. McCall Subdivision 2022 Replat; KPB File 2022-166
- e. Ninilchik Townsite Vanek 2023 Replat; KPB File 2022-182
- f. Roan Walden Chalets at Johnstone Bay; KPB File 2020-060
- g. Steven Oberts Subdivision No. 1; KPB File 2021-141

Attachments:[C3. Admin Approvals](#)

4. Plats Granted Final Approval (KPB 20.10.040)

[KPB-5404](#)

- a. Moose Range Meadows South Thiede Replat; KPB File 2023-006

Attachments:[C4. Final Approvals](#)

5. Plat Amendment Request
6. Commissioner Excused Absences
  - a. City of Seward, Vacant
7. Minutes

[KPB-5405](#)

July 17, 2023 Planning Commission Meeting Minutes

Attachments:[C7. 071723 PC Minutes](#)

**D. OLD BUSINESS****E. NEW BUSINESS**

1.     [KPB-5406](#)     Conditional Use Permit; PC Resolution 2023-27  
Petitioner: Alaska Rail Road Corporation  
Request: Place rip rap on the Alaska Rail Road right-of-way within the 50-foot Habitat Protection District of the Snow River  
Location: T03N R01E SEC01 S.M. SW That Portion of Chugach National Forest Lying within T03NR01E Excluding Kenai Lake & All US Surveys  
Moose Pass Area  
  
      Attachments:     [PC RES 2023-27 Executed](#)  
                              [E1. CUP 2023-27 ARRC Packet](#)
  
2.     [KPB-5408](#)     Building Setback Encroachment Permit; KPB File 2023-068  
Petitioners/Landowners: Henry & Susan Novak  
Request: Permits a high tunnel to remain the 20' setback  
Location: Block 3, Tract B-5A, Tolum Subdivision No. 5, Plat KN 2002-17  
Cohoe Area  
  
      Attachments:     [E2. BSEP Tolum Sub No 5 Packet](#)
  
3.     [KPB-5409](#)     Building Setback Encroachment Permit; KPB File 2023-071  
Petitioner/Landowner: Ryan K. Hall  
Request: Permits an approximately 13.6' encroachment to remain in the 20' setback  
Location: Block 2, Lot 3, Puffin Acres Subdivision, Plat HM 1985-122  
Kachemak Area  
  
      Attachments:     [PC RES 2023-21 Executed](#)  
                              [E3. BSEP Puffin Acres Sub Packet](#)
  
4.     [KPB-5410](#)     Building Setback Encroachment Permit; KPB File 2023-072  
Petitioners/Landowners: Alexander & Sherry Kime  
Request: Permits a house to remain in the 20' building setback  
Location: Tract E, Quartz Creek Subdivision, Plat SW 1994-11  
Cooper Landing Area / Cooper Landing APC  
  
      Attachments:     [PC RES 2023-22 Executed](#)  
                              [E4. BSEP Quartz Creek Sub Packet](#)

5.     [KPB-5411](#)     Building Setback Encroachment Permit; KPB File 2023-075  
Petitioner/Landowner: James Zwack  
Request: Permits a house to remain in the 20' building setback  
Location: Block 2, Lot 1, Foster Lake Subdivision Amended  
Plat KN 1985-63  
Sterling Area  
  
*Attachments:*     [PC RES 2023-24 Executed](#)  
                          [E5. BSEP Foster Lake Sub Packet](#)
6.     [KPB-5412](#)     Building Setback Encroachment Permit; KPB File 2023-076  
Petitioners/Landowners: Michael Wykis & Karen Hummel  
Request: Permits a garage to be constructed in the 20' building setback  
Location: Block 3, Lot 2, Big Eddy Subdivision, Plat KN 1972-14  
Ridgeway Area  
  
*Attachments:*     [E6. BSEP Big Eddy Sub Packet](#)
7.     [KPB-5413](#)     Building Setback Encroachment Permit; KPB File 2023-083  
Petitioner/Landowner: Fraternal Order of the Eagles Aerie #4317  
Request: Permits construction of an addition to an existing structure in  
the 20' building setback  
Location: Lot 22, Cohoe Corners, Plat KN 1985-118  
Cohoe Area  
  
*Attachments:*     [E7. BSEP Cohoe Corners Packet](#)
8.     [KPB-5414](#)     Right-Of-Way Vacation; KPB File 2023-069V  
Petitioners: Brittany Sanmartin & Olen Moyer  
Request: Vacate an approximate 60' X 343' portion of Kayeway Road  
Kalifornsky Area  
  
*Attachments:*     [E8. ROWV Kayeway Rd.](#)
9.     [KPB-5415](#)     Ordinance 2022-19-80: Appropriating funds for the Land Trust Fund  
to account for the transfer of real property assets to the Land Trust  
Fund that were originally acquired with Central Emergency Service  
FY23 capital project funds.  
  
*Attachments:*     [E9. ORD 2022-19-80 Packet](#)
10.    [KPB-5416](#)     Ordinance 2023-XX: Appropriating \$175,000 from the General Fund  
balance for a professional study concerning high water issues in the  
K-Beach area.  
  
*Attachments:*     [E10. ORD 2023-XX Water Study](#)

**F. PLAT COMMITTEE REPORT****G. OTHER****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-5432](#) 8-9-23 Cooper Landing APC Meeting Minutes

[Attachments:](#) [Misc. Info](#)

**NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held Monday, August 28, 2023 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](mailto: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.