

C. CONSENT AGENDA

***7. Minutes**

- a. **November 18, 2024 Planning Commission Meeting**

Kenai Peninsula Borough Planning Commission

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

**NOVEMBER 18, 2024
7:30 P.M.
UNAPPROVED MINUTES**

AGENDA ITEM A. CALL TO ORDER

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

AGENDA ITEM B. ROLL CALL

Commissioners Present

Jeremy Brantley, Sterling / Funny River
Virginia Morgan, Cooper Landing/Hope/Eastern Peninsula District
Pamela Gillham, Kalifornsky/Kasilof District
Jeffery Epperheimer, Nikiski District
Dawson Slaughter, South Peninsula District
Diane Fikes, City of Kenai
Paul Whitney, City of Soldotna
Franco Venuti, City of Homer

With 8 members of a 9-member seated commission in attendance, a quorum was present.

Staff Present

Robert Ruffner, Planning Director
Walker Steinhage, Deputy Borough Attorney
Todd Sherwood, Deputy Borough Attorney
Vince Piagentini, Platting Manager
Samantha Lopez, Kenai River Center Manager
Ryan Raidmae, Planner
Jennifer Robertson, LMD Administrative Assistant
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDA

- *1. Time Extension Request**
 - a. Red Boat Subdivision; KPB File 2022-150

- *3. Plats Granted Administrative Approval**
 - a. Birch Forest No. 3; KPB File 2022-151R1
 - b. Brown's Acre Estates 2024 Addition; KPB File 2024-028
 - c. City Park Subdivision 2023 Replat; KPB File 2023-145
 - d. Glacial Waters Subdivision Camp Addition; KPB File 2023-125
 - e. Hauk's View Subdivision No. 2; KPB File 2024-010
 - f. Jakes Estates ROW Replat; KPB File 2023-115
 - g. Moose Range Meadows 2024 Addition; KPB File 2024-045
 - h. RNK Subdivision; KPB File 2024-032
 - i. Wellness Tract 2023 Replat; KPB File 2024-009

- *4. Plats Granted Final Approval**
 - a. Holiday Park Subdivision 2024 Replat; KPB File 2024-061
 - b. Lost Lake Subdivision 2023 Replat; KPB File 2023-111
 - c. Peakaview subdivision 2024 Replat; KPB File 2024-038
 - d. Slikok Creek Alaska Poindexter-Opperman Replat; KPB File 2023-100
 - e. Whisper Lake Subdivision 2024 Replat; KPB File 2024-055

- *6. Commissioner Excused Absences**
 - a. City of Soldotna – Vacant

- *7. Minutes**
 - a. October 28, 2024 Planning Commission meeting minutes

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record. He 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 Epperheimer moved, seconded by Commissioner Gillham 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 - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti,
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AGENDA ITEM E. NEW BUSINESS

ITEM #1. – ORDINANCE 2024-29

AMENDING KPB 2.56.030 TO INCORPORATE THE 2024 HOMER TRANSPORTATION PLAN AS AN ELEMENT OF THE OFFICIAL COMPREHENSIVE PLAN FOR THAT PORTION OF THE BOROUGH WITHIN THE BOUNDARIES OF THE CITY OF HOMER

Staff report given by Planning Director Robert Ruffner.

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 committee.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Epperheimer to forward to the Assembly a recommendation to adopt Ordinance 2024-29, Amending KPB 2.56.030 to incorporate the 2024 Homer Transportation Plan as an element of the official comprehensive plan for that portion of the borough within the boundaries of the City of Homer.

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

MOTION PASS BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti,
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**ITEM #2. – BUILDING SETBACK ENCROACHMENT PERMIT
LOT 5 TUKAKNA SKY SUBDIVISION**

KPB File No.	2024-116
Planning Commission Meeting:	November 18, 2024
Applicant / Owner:	James Musgrove
Surveyor:	John Segesser, Segesser Surveys
General Location:	Kalifornsky Area

Parent Parcel No.:	131-690-08
Legal Description:	T 4N R 11W SEC 15 SEWARD MERIDIAN KN 0820110 TUKAKNA SKY SUB LOT 5
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Resolution	2024-20

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Katie Uei; 887 Kenai Spur Hwy. Unit #E Kenai, AK 99611: Ms. Uei spoke in favor of approving this setback encroachment permit.

Febra Hensley; 38896 Lake Terrace Drive, Soldotna, AK 99669: Ms. Hensley spoke in favor of approving this setback encroachment permit.

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

MOTION: Commissioner Gillham moved, seconded by Commissioner Slaughter to adopt Planning Commission Resolution 2024-20, granting a building setback encroachment permit to a portion of the 20-foot building setback on Lot 5, Tukakna Sky Subdivision, Plat KN 020110, adopting and incorporating by reference the staff report, staff recommendations and citing findings 5 – 7 in support of standard one, findings 5 & 8-10 in support of standard two and findings 5, 7 & 10-12 in support of standard three.

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

MOTION PASS BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti,
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**ITEM #3 – CONDITIONAL USE PERMIT MODIFICATION
PC RESOLUTION 2024-12**

PC Resolution	2024-12 (Revised)
Applicant	Sean Cude
KPB Parcel Number	05527001
Physical Address	36498 Virginia Drive
Location	Kalifornsky Area

Staff report given by Planner Ryan Raidmae.

Chair Brantley noted that public comment on this item had been closed at the September 9, 2024 meeting. Since there is new information on this item and the public notice sent out stated there would be an opportunity for the public to once again testify on this item, he requested that the commission move to reopen public comment.

MOTION: Commissioner Gillham moved, seconded by Commissioner Slaughter to reopen public comment on this item.

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

MOTION PASS BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti,
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Chair Brantley opened the item for public comment.

Sean Cude, Applicant: 42115 B Kalifornsky Beach Road, Soldotna, AK 99669: Mr. Cude spoke in favor of approving the permit modification application. He also stated that he would withdraw the exemption request for dewatering and would limit hours of operation to between 7:00 am to 7:00 pm.

Gina Debardelaben, Engineer – McLane’s Consulting; 38240 Kenai Spur Hwy., Kenai; Ms. Debardelaben spoke in favor approving the permit modification application.

The following spoke in opposition to the conditional land use permit modification:

- Robert Reiman; P.O. Box 201271, Anchorage AK 99520
- Scott Bloom; 36454 Pelican Road, Kenai, AK 99611
- Travis & Crystal Penrod; 36860 Virginia Drive, Kenai AK 99611
- Tim Agosti; 36894 Virginia Drive, Kenai AK 99611
- Jacob Newton; 46738 Gary Avenue, Kenai AK 99611
- Bill Mabrey; 47356 Birchrim Lane, Kenai AK 99611
- Jeff Webb; 36750 Virginia Drive, Kenai AK 99611
- Kurt Brinkman; 36738 Virginia Drive, Kenai AK 99611
- David Athons; 36655 Riverhills Drive, Soldotna AK 99669
- David Evans; 47425 St. Andrews Court, Kenai AK 99611
- Tom Leydon; 46760 Gadwall Avenue, Kenai AK 99611
- Roger Koppes; 46710 Gary Avenue, Kenai, AK 99611

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

Chair Brantley noted that the resolution for this item had been revised and that the motion on the floor from the September 9, 2024 meeting was no long valid he then requested that the maker of the motion withdraw the motion.

CURRENT MOTION ON THE FLOOR: Commissioner Fikes moved, seconded by Commissioner Whitney to adopt Planning Commission Resolution 2024-12 granting a conditional land use permit to operate a sand, gravel or material site for a parcel described as Tract 13, Diamond Willow Estates Subdivision Part 13, KN 2015-012, Kenai Recording District.

MOTION: Commissioner Fikes as the maker of the motion and Commissioner Whitney as the second on the motion moved to withdraw the motion.

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

MOTION PASS BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti,
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MOTION: Commissioner Gillham moved, seconded by Commissioner Epperheimer to adopt Planning Commission Resolution 2024-12 (Revised) granting a modification to a conditional land use permit to operate a sand, gravel or material site for a parcel described as Tract 13, Diamond Willow Estates Subdivision Part 13, KN 2015-012, Kenai Recording District. *(No Vote Taken)*

MOTION: Commissioner Gillham moved, seconded by Commissioner Epperheimer to go into adjudicative session at the conclusion of the meeting, to have Deputy Borough Attorney Todd Sherwood and Administrative Assistant Ann Shirnberg join the commission and for the vote on the decision to be held at the December 16, 2024 Planning Commission meeting.

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

MOTION PASS BY UNANIMOUS VOTE:

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti,
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AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Gillham report that the committee reviewed and granted preliminary approval to 7 plats.

AGENDA ITEM H. PRESENTATIONS / PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Chair Brantley asked if there was anyone who wished to comment on anything that was not on the agenda.

There was no one who wished to comment.

AGENDA ITEM K. ADJOURNMENT

Commissioner Gillham moved to adjourn the meeting at 9:28 P.M.

Ann E. Shirnberg
Administrative Assistant

UNAPPROVED