

C. CONSENT AGENDA

***7. Minutes**

a. June 22, 2026 Planning Commission Meeting Minutes

Kenai Peninsula Borough Planning Commission

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

**JUNE 22, 2026
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

Jeremy Brantley, Sterling / Funny River
Pamela Gillham, Kalifornsky/Kasilof District
Jeffrey Epperheimer, Nikiski District
Virginia Morgan, Cooper Landing/Hope/Eastern Peninsula District
Diane Fikes, City of Kenai
Paul Whitney, City of Soldotna
Franco Venuti, City of Homer (*arrived late, joined meeting after agenda item E1*)

With 7 members present, a quorum was present.

Staff Present

Robert Ruffner, Planning Director
Wayne Cary, Deputy Borough Attorney
Vince Piagentini, Platting Manager
Aaron Hughes, Land Management Officer
Samantha Lopez, River Center Manager
Ryan Raidmae, Planner
Elizabeth Wilder, LMD Administrative Assistant
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDA

***3. Administrative Approvals**

- a. Lind Subdivision Barsargin Addition; KPB File 2025-027

***4. Final Approvals**

- a. Johnson's Landing No. Four; KPB File 2025-176
- b. Shoreline Heights 2025 Replat; KPB File 2025-168
- c. Shoreline Heights Hanson Vacation Within Lot 48; KPB File 2025-169

***6. Excused Absences**

- a. Vacant, City of Seward

***7. Minutes**

- a. June 8, 2026 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 Morgan 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 - 7	Brantley, Epperheimer, Fikes, Gillham, Slaughter, Morgan, Whitney
Absent – 1	Venuti

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Morgan to move Old Business Agenda Item D1 to after new business.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 7	Brantley, Epperheimer, Fikes, Gillham, Slaughter, Morgan, Whitney
Absent – 1	Venuti

AGENDA ITEM E. NEW BUSINESS

**ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT
LOT 10, BLOCK 6, MARINERS WATCH SUBDIVISION PART 1, PLAT KN 87-44, LOCATED WITHIN
SECTION 19, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN**

KPB File No.	2026-057
Planning Commission Meeting:	June 22, 2026
Applicant / Owner:	Applicant: Bette Margaret Swan, Personal Representative Owners: Van B. & Clare M. Swan
Surveyor:	Dmitri Kimbrell, Fineline Surveys
General Location:	Karluk Court off Kalifornsky Beach Road / Kalifornsky Area
Parent Parcel No.:	055-380-19
Legal Description:	T 5N R 11W SEC 19 SEWARD MERIDIAN KN 0780044 MARINERS WATCH SUB PART 1 LOT 10 BLK 6
Assessing Use:	Residential Dwelling
Zoning:	Rural Unrestricted
PC Resolution	2026-33

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Garry Swan: On behalf of the applicant Mr. Swan 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 Gillham moved, seconded by Commissioner Whitney to adopt Planning Commission Resolution 2026-33 granting a building setback encroachment permit t a portion of the 20' building setback for Lot 10, Block 6, Mariners Watch subdivision Part 1, citing findings 1-5 & 16-20 in support of standard one, findings 2, 6-11 & 16-19 in support of standard two and findings 2, 4, 8-10 & 15-18 in support of standard three and subject to the 5 conditions as stated in the staff report.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 7	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney
Absent – 1	Venuti

Commissioner Venuti joined the meeting at 7:45 PM

**ITEM #2 – CONDITIONAL USE PERMIT
PLANNING COMMISSION RESOLUTION 2026-34**

PC Resolution	2026-34
Planning Commission Meeting:	June 22, 2026
Applicant:	Dustin Wearly
Legal Description:	T 5N R 10W SEC 7 SM KN 2005058 RIVERWOOD SUB 2000 ADDN TRACT A1
Physical Address	45439 Catching Silvers Drive
KPB Parcel Number:	05525312

Staff report given by Planner Morgan Aldridge

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: Commission Gillham moved, seconded by Commissioner Slaughter to adopt Planning Commission Resolution 2026-34 granting a conditional use permit pursuant to KPB 21.18 for the construction of a gravel pad and cabin withing the 50' habitat Protection District of the Kenai River

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, Venuti, Whitney
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Chair Brantley stated that the commission would take a 15 minute break, the commission came back into session at 8:00 PM.

AGENDA ITEM D. OLD BUSINESS

**ITEM # 1 - CONDITIONAL LAND US PERMIT MODIFICATION
PLANNING COMMISSION RESOLUTION 2026-29
FINDINGS DISCUSSION**

Chair Brantley opened discussion among the commission.

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Morgan to attached the following findings of fact in support of the denial of PC Resolution 2026-29 requesting a modification to an existing conditional land use permit:

1. The 2019 KPB Comprehensive Plan identified the need to address recurring land use conflicts from gravel extraction, resulting in a rewrite of KPB 21.29 adopted by the KPB Assembly in October 2023.
2. The 2019 KPB Comprehensive Plan's Goal 2 calls for balancing economic development opportunities with the preservation of natural features valued by residents and visitors. It further outlines objectives for which KPB should establish policies to reduce land-use conflicts, protect property values and natural systems, and uphold individual land-use freedoms.
3. Expanding operations outside the currently approved hours of 6:00 AM to 9:00 PM to allow 24-hour operations would cause significant sleep disturbance for the residents of 76 parcels within a 1,000-foot buffer and is therefore harmful to the public health, safety, and general welfare of borough residents.
4. The site is located in an established residential area.

- Staff reported that notice was provided to 76 landowners within 1000 feet and that approximately 30 principal structures are located within the 1000-foot special impact zone. The proposed nighttime activities would therefore occur near a substantial number of developed properties and residences.
5. The requested waiver is broad.
 - The application requests a waiver from the normal 6:00 AM to 9PM hours for material site activities and operations. The request is not limited to trucks traveling on the Sterling Highway. It would allow nighttime extraction, operation of heavy equipment, loading and hauling at the Robinson Loop site.
 6. The applicant acknowledges that nighttime work presents safety concerns.
 - The applicant stated that it seeks to avoid night work whenever practicable because of the associated safety concerns for employees, nearby residents, and the traveling public, as well as the reduced operational efficiency of nighttime activities. The applicant further stated that daytime work is preferred.
 7. The requested nighttime operating schedule is not adequately defined.
 - The applicant generally identified nighttime operations as occurring between May 1 and September 15 but the request does not identify:
 - The exact number of nighttime shifts
 - The particular nights on which would occur
 - The maximum number of consecutive nights
 - A maximum number of nighttime shifts per week or season
 - A guaranteed overnight quiet period for nearby residents

The absence of specific limits makes it difficult to determine the actual duration and intensity of nighttime impacts.

8. The record demonstrates scheduling and economic benefits, but does not establish necessity.
 - The applicant explained that using this site at night would help meet traffic restrictions, control hauling costs and maintain the preferred construction schedule. However, the applicant also stated that after approximately 1.5 to 2 construction seasons, increased hauling costs would result in shifting to another material source towards the eastern end of the project.
 - The applicant's traffic materials also state that work may occur during otherwise restricted periods when it can be performed without restricting traffic, and that project phasing may sometimes allow material hauling without the need for traffic restriction.

These facts demonstrate that nighttime operations at this site may be beneficial and economical, but they do not establish that nighttime operation of this particular site is indispensable to completion of the highway project.

9. The two required affirmative findings cannot be made.
 - KPB 21.29.050(A)(5)(a) requires the commission to find both that the waiver is:
 - Necessary for a specific project
 - Not harmful to the public health, safety and general welfare of borough residents

Based on the above findings the record does not establish that nighttime operation of this particular material site is necessary for completion of the Sterling Highway project. The record also does not provide sufficient evidence to affirmatively find that the requested broadly defined nighttime operations would not be harmful to nearby residents. Because both findings are required, the waiver should be denied.

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, Slaughter, Morgan, Venuti, Whitney
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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 Venuti moved to adjourn the meeting at 8:35 P.M.

Ann E. Shirnberg
Administrative Assistant