



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Kelly Cooper, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Mike Navarre, Borough Mayor *mn*

FROM: Max Best, Planning Director *mb*

DATE: October 25, 2017

SUBJECT: Ordinance 2017-31; An ordinance approving McKinley Single-Family Residential R-1 Local Option Zoning District and amending KPB 21.46.040.

The Kenai Peninsula Borough Planning Commission reviewed the subject Ordinance during their regularly scheduled October 23, 2017 meeting.

A motion passed by unanimous consent to recommend approval of the McKinley Single-Family Residential R-1 Local Option Zoning District.

In the Ordinance, please make the following amendments to the last WHEREAS statements:

WHEREAS, the Kenai Peninsula Borough Planning Commission held a public hearing on October 23, 2017, and recommended approval by unanimous consent.

Attached are the unapproved minutes of the subject portion of the meeting.

AGENDA ITEM F. PUBLIC HEARING

1. Local Option Zoning District; Ridgeway Area

Staff Report given by Bruce Wall

PC MEETING: October 23, 2017

Applicant's Contact: Jeremy and Jill Sorhus

Legal Description: Lot 1 and Tract A, Lakeside Gardens Subdivision, according to Plat 2007-134, Kenai Recording District.

Location: 38220 Conner Road.

BACKGROUND INFORMATION: The applicants have submitted a Local Option Zoning District (LOZD) application signed by the record owners of the above described property. This property has recently received preliminary plat approval. The applicants have requested that the property be zoned Single-Family Residential (R-1). The applicants own 100 percent of the property proposed to be included in the LOZD. KPB 21.44.030B allows an LOZD to be proposed at the time of preliminary or final plat approval.

On September 25, 2017 the Plat Committee approved the McKinley Estates preliminary plat (File 2017-122). The approved preliminary plat consists of 29 lots ranging from 0.999 acres to 2.3 acres with one lot being 6.152 acres. The 6.152 acre lot was larger than the five acre maximum which is allowed because the property owner requested that it be included in the LOZD.

The Planning Department has determined that the proposed boundaries are appropriate based upon land use, location, access, soils, topography, availability of utilities, encumbrances and permits. The subdivision is proposed to be final platted in phases with the first plat consisting of Lots 1 through 8 and Lot 19 with the remainder platted as Tract A.

The proposed ordinance adopting the zoning district was included in the Planning Commission's desk packet. This will be introduced at the next Assembly meeting of October 31, 2017 with an Assembly's public hearing on December 5, 2017.

PUBLIC NOTICE: Public notice of the application was mailed on October 3, 2017 to the 5 landowners within 300 feet of the proposed LOZD. Public notice of the application was published in the October 12, 2017 & October 19, 2017 issues of the Peninsula Clarion News.

ATTACHMENTS

- Application with letter
- McKinley Estates preliminary plat
- Location Map

STAFF RECOMMENDATION

Staff recommends that the planning commission forward this application to the assembly with the recommendation to approve the creation of the Single-Family Residential District as described in the legal description above.

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Morgan moved, seconded by Commissioner Lockwood to recommend approval to the Assembly the McKinley Single-Family Residential R-1 Local Option Zoning District.

VOTE: The motion passed by unanimous consent.

BENTZ YES	CARLUCCIO ABSENT	ECKLUND ABSENT	ERNST YES	FIKES YES	FOSTER YES	ISHAM ABSENT
LOCKWOOD YES	MARTIN YES	MORGAN YES	RUFFNER ABSENT	VENUTI ABSENT	WHITNEY YES	8 YES 5 ABSENT

AGENDA ITEM F. PUBLIC HEARING

2. Conditional Land Use Permit for a Material Site; Ninilchik Area

Staff Report given by Bruce Wall

PC MEETING: October 23, 2017

Applicant: Ninilchik Natives Association, Inc.

Landowner: Ninilchik Natives Association, Inc.

Parcel Number: 185-508-12

Legal Description: That portion of the Northwest ¼ of the Northeast ¼, Section 2, Township 2 South, Range 12 West, Seward Meridian, lying between a seismograph right-of-way (Gravel Pit Trail) and Peacock Street and Throop Avenue and Prosser Street and Lobo Lane.

Location: Milepost 18, near the end of Oil Well Road.

BACKGROUND INFORMATION: The applicant wishes to obtain a permit for gravel extraction on the parcel listed above. This is an old material site that would have been approved if the applicant would have applied for a prior existing use status.

The submitted site plan indicates that the material site haul route is a seismograph right-of-way (Gravel Pit Trail) to Oil Well Road, which is a borough maintained road. The site plan and application proposes the following buffers:

- North: 6-foot high berm.
- South: 50-foot vegetated buffer.
- East: 50-foot vegetated buffer.
- West: 50-foot vegetated buffer.

The application indicates that the depth to groundwater is greater than 18 feet below the existing ground in the proposed excavation areas and that the depth of the proposed excavation is 16 feet. No groundwater was encountered in any of the test holes excavated on the property. The site plan indicates that the processing area is greater than 300 feet from all property lines. The site plan indicates that there are not any wells located within 300 feet of the parcel boundaries. The site plan indicates that the site will adhere to ADEC best management practices for material extraction sites to protect ground and surface waters.

The application and site plan indicates that excavation will be done in four phases begin in the northern portion of the site and then proceed southerly and that reclamation of each phased area will be completed annually before the growing season ends. The applicant estimates a life span of 20 years for the site with an annual excavation quantity of less than 20,000 cubic yards.

The application indicates that reclamation areas will be graded and recontoured using strippings, overburden and topsoil to a condition that allows for reestablishment of natural vegetation. However, the reclamation plan (page 3 of the application) does not include the placement of a minimum of four inches of topsoil with a minimum organic content of 5%, it also does not preclude the use of sticks and branches over 3 inches in diameter from being used in the reclamation topsoil. These measures are generally applicable to this type of