

C. CONSENT AGENDA

***7. Minutes**

a. 09-09-24 Planning Commission Meeting

Kenai Peninsula Borough Planning Commission

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

SEPTEMBER 9, 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
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 6 members of a 9-member seated commission in attendance, a quorum was present.

Staff Present

Walker Steinhage, Deputy Borough Attorney
Samantha Lopez, Kenai River Center Manager
Ryan Raidmae, Planner, Kenai River Center
Aaron Hughes, Land Management Manager
Jennifer Robertson, LMD Administrative Assistant
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDA

- *3. Plats Granted Administrative Approval**
 - a. Cottonwood Acres Subdivision 2024 Addition; KPB File 2024-024
 - b. Quartz Creek Subdivision Outfitter Way Replat; KPB File 2022-060R1
 - c. Spruce wood Glen Subdivision No. 11; KPB File 2024-001
 - d. Whisper Lake Subdivision Miller Addition Prather Replat; KPB File 2023-048
 - e. Wonder View Subdivision; KPB File 2023-139

- *4. Plats Granted Final Approval**
 - a. Letzring Ridge Subdivision Martinez Addition; KPB File 2022-137
 - b. TLS 2021-06 East Oyster Cove Sub 2024 Replat; KPB File 2024-084

- *5. Commissioner Excused Absences**
 - a. Virginia Morgan, Cooper Landing/Hope/Eastern Peninsula District
 - b. Pamela Gillham, Kalifornsky/Kasilof District
 - c. City of Soldotna – Vacant

- *7. Minutes**
 - a. August 12, 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 Slaughter 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 - 6	Brantley, Epperheimer, Fikes, Slaughter, Whitney, Venuti,
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ITEM #1 – STREET NAMING RESOLUTION 2024-05

Community	Fox River
Applicant	David Reutov
Legal Description	Private Road on Tract A & B, ALASKA STATE LAND SURVEY 91-193, HM 093006, Section 24, T04S, R11W, Seward Meridian, Kenai Peninsula Borough, AK; in the Fox River Community; ESN 202
Total Lots / Use	2 / Residential
Current Name	Unnamed
Proposed Name	Heartland Street

Staff report given by Addressing Officer Rhea Leavitt.

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 Whitney to adopt Street Naming Resolution 2024-05, Naming a private road in the Fox River community, ESN 202, to Heartland Street.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 6	Brantley, Epperheimer, Fikes, Slaughter, Whitney, Venuti,
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ITEM #2 – ORDINANCE 2024-19-07

AUTHORIZING THE ACQUISITION OR REAL PROPERTY LOCATED ADJACENT TO THE NORTH STAR SCHOOL CAMPUS IN NIKISKI NECESSARY FOR FUTURE SCHOOL USE, AND APPROPRIATING \$59,000 FROM THE LAND TRUST FUND FOR THE PURCHASE

Staff report given by Land Management Officer Aaron Hughes.

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 Whitney moved, seconded by Commissioner Epperheimer to forward to the Assembly a recommendation to adopt Ordinance 2024-19-07, authorizing the acquisition of real property located adjacent to the North Star School campus in Nikiski necessary for future school use. And appropriating \$59,000 for the Land Trust Fund for the purchase.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 6	Brantley, Epperheimer, Fikes, Slaughter, Whitney, Venuti,
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**ITEM #3 – CONDITIONAL USE PERMIT MODIFICATION
PC RESOLUTION 2024-13**

PC Resolution	2024-13
Applicant	Colaska Inc. DBA QAP
KPB Parcel Number	12509028, 12509010 & 12509011
Physical Address	27083 Seward Highway
Location	Moose Pass Area

Staff report given by Planner Ryan Raidmae.

Chair Brantley opened the item for public comment.

Matthew Schram, Colaska Inc. DBA QAP; 240 W. 68th Avenue, Anchorage, AK 99518: Mr. Schram represents the applicant, Colaska Inc. and made himself available for questions.

The following individuals spoke in opposition to granting the permit modification:

1. Gary Glasgow; 27177 Seward Highway, Seward
2. Bonny Frier; 27121 Seward Highway, Seward
3. Steven Astillero; 27121 Seward Highway, Seward
4. Marion Glaser; 34271 Lakestar Lane, Seward
5. Victoria Johnson; 26843 Seward Highway, Seward
6. Mary Thompson; 27665 Seward Highway, Seward
7. Celest Rose; 27000 Seward Highway, Seward
8. Anson Wood; 27219 Seward Highway, Seward
9. Janake Schultz; 27181 Seward Highway, Seward
10. Rachel Shubert; 27480 Seward Highway, Seward

General Concerns Expressed:

- Noise issues 24/7 due to blasting, rock crushing and back-up beepers on equipment
- Driveways being blocked by equipment with no notice – creating safety issues and inconvenience for homeowners
- Compliance issues related to the removal of vegetive buffers
- Property values going down because of the location of the material site
- Well issues due to blasting
- Bond needs to be higher
- Destruction of pristine forest
- Local tourist businesses impacted negatively due to the construction in the area
- Residents feel that QAP is not trustworthy

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

MAIN MOTION: Commissioner Whitney moved, seconded by Commissioner Fikes to adopt Planning Commission Resolution 2024-13, granting approval of a conditional land use permit to operate a sand, gravel or material site for parcels described as Renfro’s Lakeside Retreat No. 6, Lot 2F excluding that portion conveyed to the State of Alaska DOT in WD 2017-633, Lakeview Group of Homesites-USS 2534 Lots I and Lot J.

Chair Brantley asked the applicant Mr. Schram if he would agree to the voluntary condition of including a 10’ berm on the inside of the 50’ vegetative buffer along the 100’ railroad access. He also wants them to confirm that the railroad access would only be used until 12/15/24 – then it would be closed. Mr. Schram replied that yes, they would agree to the suggested voluntary condition and that the need for the railroad access would end by mid-December .

AMENDMENT MOTION: Commissioner Epperheimer moved, seconded by Commissioner Fikes to include the voluntary condition to construct a 10’ berm on the inside of the 50’ vegetative buffer and to close down the railroad access by December 15, 2024.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE:

Yes - 6	Brantley, Epperheimer, Fikes, Slaughter, Whitney, Venuti,
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FINDINGS MOTION: Commissioner Epperheimer moved, seconded by Commission Fikes to attach the following finding to the amendment: The voluntary condition will meditate the visual and noise issues for the neighboring properties.

FINDINGS MOTION PASSED BY UNANIMOUS VOTE:

Yes - 6	Brantley, Epperheimer, Fikes, Slaughter, Whitney, Venuti,
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Hearing no objection or further discussion, the motion was carried by the following vote:

MAIN MOTION PASSED BY UNANIMOUS VOTE:

Yes - 6	Brantley, Epperheimer, Fikes, Slaughter, Whitney, Venuti,
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Chair Brantley call for a 10 minute break at 9:24 PM, meeting resumed at 9:35 PM.

**ITEM #4 – CONDITIONAL USE PERMIT MODIFICATION
PC RESOLUTION 2024-12**

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

Staff report given by Planner Ryan Raidmae. Mr. Raidmae noted that the applicant has requested that action on this item be postponed. Staff supports the applicant’s request.

River Center Manager Samantha Lopez also noted that due to a mistake by staff, the dewatering plan did not make it into the meeting packet. Due to this error staff would also request that action on this item be postponed.

Chair Brantley opened the item for public comment.

Gina Debardelaben, Engineer – McLane’s Consulting; 38240 Kenai Spur Hwy., Kenai; Ms. Debardelaben is the engineer on this project and noted that there was a well missing on the site plan which needs to be corrected. Also, the applicant Sean Cude was out of town and would not be able to attend the meeting. She requested that this be postpone so that the site plan correction could be made and that Mr. Cude could attend the meeting.

The following individuals spoke in opposition to granting the permit modification:

1. Scott Bloom; 36454 Pelican Road, Kenai
2. Aaron Morse; 366 30 Virginia Dr., Kenai
3. William Mabrey; 47356 Birchrim Lane, Kenai
4. Jeannine Morse; 36630 Virginia Dr., Kenai
5. Raymond Mabrey; 47356 Birchrim Lane, Kenai
6. Jacob Newton; 46738 Gary Ave., Kenai
7. Jeff Webb; 36750 Virginia Dr., Kenai
8. Daniel & Theresa Franklin; 46731 Gary Ave., Kenai
9. Greg Porkryfki; 46715 Gary Ave., Kenai
10. Travis & Crystal Penrod; 36860 Virginia Dr., Kenai
11. Robert Raymond
12. Chris Wehr; 36680 Virginia Dr., Kenai
13. Ray Oyemi; 200 W. 34th Ave. #367, Anchorage

- 14. Dennis Gease; 36710 Virginia Dr., Kenai
- 15. Kurt Brinkman; 36738 Virginia Dr., Kenai
- 16. Antonio
- 17. Roger Koppes; 46710 Gary Ave., Kenai
- 18. Julie Bunch; 46781 Mooseberry Ave., Kenai
- 19. Jamie Miller; 47405 Augusta National Rd., Kenai

General Concerns Expressed:

- Landowners in the area would like more time to review the materials – one week was not enough time. The area residents did not have time to commission any studies of their own.
- Packet materials were incomplete as there was no dewatering plan.
- Questions were raised about some landowners in the area not receiving public notice
- This gravel pit has a history of being use as a dumping site. If it is dug up again there are concerns that the water table could be contaminated.
- This material site was in the process of being reclaimed – now they want to dig it up again.
- The bond needs to be higher - \$8000 is not enough to replace a well.
- The plan states that they want to use Virginia Drive as ingress/egress – this creates safety concerns as this is the only way in/out for the residents back in this area – there are no other outlets. There were also concerns about road damage from the heavy equipment.
- Residents in the area already have to deal with noise issues from the Davis Block material site, they are very concerned that this proposed material site will make the noise issues much worse.
- There are safety issues related to the site being unsecured. Kids have been known to ride there 4-wheelers and snowmachines in the pit. They could be injured by debris from the old dump site sticking out or the steep edges around the site.

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

MOTION: 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 did not go to a vote)*

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Venuti to postpone to the November 18, 2024 Planning Commission meeting.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 5	Brantley, Epperheimer, Slaughter, Whitney, Venuti,
No – 1	Fikes

AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Brantley reported that the plat committee reviewed and granted preliminary approval to 6 plats.

AGENDA ITEM G. OTHER

- 1. Plat Committee member for the remainder of 2024
 - Paul Whitney

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 Fikes moved to adjourn the meeting at 11:20 P.M.

Ann E. Shirnberg
Administrative Assistant

UNAPPROVED