



# Planning Commission Action Agenda

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2215 • (907) 714-2378 Fax  
Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

Melanie Aeschliman, Planning Director • Charlie Pierce, Borough Mayor

*Blair Martin*, Chair – District 2-Kenai ~ *Robert Ruffner*, Vice Chair – District 7-Central ~ *Syverine Abrahamson-Bentz*, Parliamentarian – District 9 – South Peninsula

*Pamela Gillham*, District 1 – Kalifornsky ~ *John Hooper*, District 3 Nikiski ~ *Michael Horton*, District 4 – Soldotna ~ *Jeremy Brantley*, District 5 – Sterling/Funny River

*Virginia Morgan*, District 6 – East Peninsula ~ *David Strutzer*, District 8 – Homer ~ *Franco Venuti*, City of Homer ~ Vacant, City of Soldotna ~ Vacant, City of Seward ~ Vacant, City of Seldovia

**April 11, 2022**

**7:30 p.m.**

**ZOOM ONLY MEETING**

**Zoom Meeting Link:** <https://us06web.zoom.us/j/9077142200>

**Zoom Toll Free Phone Numbers:** 888-788-0099 or 877-853-5247

**Zoom Meeting ID:** 907 714 2200

To join the meeting from a computer, visit the Zoom meeting link above. If you connect by computer and do not have speakers or a microphone, connect online and then select phone for audio. A box will come up with toll free numbers, the meeting ID, and your participant number. To attend the Zoom meeting by telephone, use the Zoom toll free phone numbers listed above.

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 must begin by stating his or her name and mailing 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. If participating via Zoom the testifier will need to use the Zoom "raise hand" feature or press \*9 by phone to speak.

## **A. CALL TO ORDER**

## **B. ROLL CALL**

## **C. APPROVAL OF CONSENT AND REGULAR AGENDAS**

All items marked with an asterisk (\*) are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and may be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner removes the item from the consent agenda. The removed item will then be considered in its normal sequence on the regular agenda.

If you wish to comment on a consent agenda item, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.

**\*1. Time Extension Request - None**

**\*2. Planning Commission Resolutions - None**

**\*3. Plats Granted Administrative Approval**

- a. Fourth of July Creek Subdivision Seward Marine Industrial Center Fire Dept. Replat  
KPB File 2021-080

- \*4. Plats Granted Final Approval - None**
- \*5. Plat Amendment Request - None**
- \*6. Commissioner Excused Absences**
  - a. City of Seldovia, Vacant
  - b. City of Soldotna, Vacant
  - c. City of Seward, Vacant
- \*7. Minutes**
  - a. March 21, 2022 Planning Commission Meeting Minutes

**Motion to pass the consent & regular agendas passed by unanimous vote. (Yes-10, Absent-1, Vacant-3)**

#### **D. OLD BUSINESS**

- 1. Conditional Land Use Permit Application; PC Resolution 2022-17  
Applicant: Beachcomber, LLC  
Parcel ID # 169-010-67  
Anchor Point Area

**Motion to adopt PC Resolution 2022-17 passed by majority vote. (Yes-5, No-2, Recused-1, Abstained-2, Absent-1, Vacant-3)**

#### **E. NEW BUSINESS**

**Public Hearing: Quasi-Judicial Matters** *(Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application)*

- 1. Right-of-Way Vacation  
Petitioner(s)/Land Owner(s): No More FYI, LLC, Kenneth Noonan & Mathew Byler  
Request: Vacate a portion of Symphony Lane and the associated utility easements  
Location: Ninilchik Area

**Motion to approve the vacation as petitioned passed by unanimous vote. (Yes-10, Absent-1, Vacant-3)**

- 2. Conditional Land Use Permit; Applicant: Harvest Alaska, LLC; PC Resolution 2022-14  
Request: To install a root wad diversion structure on a parcel within the 50-foot Habitat Protection District of the Chuitna River near Beluga, AK; Location: T12N, R11W, SEC 25, S.M., AN0001865 US Survey 1865 That Portion of SEC 25 Lying Within USS 1865 Moquawkie Indian Reservation.  
Location: Beluga Area

**Motion to adopt PC Resolution 2022-14 passed by unanimous vote. (Yes-10, Absent-1, Vacant-3)**

#### **Public Hearing: Legislative Matters**

- 3. Resolution 2022-XX: Inactivating the Kalifornsky Advisory Planning Commission

**Motion to forward to the assembly a recommendation to adopt Resolution 2022-XX passed by unanimous vote. (Yes-10, Absent-1, Vacant-3)**

4. Ordinance 2022-06: An ordinance authorizing the negotiated sale of 183.234 acres in Cooper Landing as part of the Sterling Highway MP 45-60 Realignment Project to the State of Alaska Department of Transportation and Public Facilities for a negotiated amount over appraised value.

**Motion to forward to the assembly a recommendation to adopt Ordinance 2022-06 passed by unanimous vote. (Yes-10, Absent-1, Vacant-3)**

5. Resolution 2022-XX: A resolution classifying certain parcels of borough owned land in the Diamond Ridge area.

**Motion to forward to the assembly a recommendation to adopt Resolution 2022-XX passed by unanimous vote. (Yes-10, Absent-1, Vacant-3)**

6. Ordinance 2022-09: Authorizing a negotiated lease at less than fair market value of certain real property containing 3.5 acres more or less to the Anchor Point Food Pantry for a food pantry and other community uses.

**Motion to forward to the assembly a recommendation to adopt Ordinance 2022-09 passed by unanimous vote. (Yes-10, Absent-1, Vacant-3)**

7. Resolution 2022-020: A resolution approving a memorandum of understanding for sharing geographic data and imagery with the cities of the borough.

**Motion to forward to the assembly a recommendation to adopt Resolution 2022-020 passed by unanimous vote. (Yes-10, Absent-1, Vacant-3)**

**F. PLAT COMMITTEE REPORT** – The plat committee will review 9 Plats

**G. OTHER (No Public Hearings)**

1. Plat Committee – April 25, 2022
2. Platting Memo Regarding Certificate to Plat Requirements

**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)

1. Ordinance 2022-XX: An ordinance authorizing emergency harvest of spruce bark beetle impacted forestlands and amending KPB 17.08.020(J) to remove limitation of harvestable timber.

**I. DIRECTOR'S COMMENTS**

**J. COMMISSIONER COMMENTS**

**K. ADJOURNMENT**

### **MISCELLANEOUS INFORMATIONAL ITEMS**

#### **NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held **Monday, April 25, 2022** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska to 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.