

C. CONSENT AGENDA

***C7. Minutes**

a. May 9, 2022 Planning Commission Meeting Minutes

Kenai Peninsula Borough Planning Commission

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

May 9, 2022

8:00 P.M.

UNAPPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

Commissioner Bentz called the meeting to order at 8:00 p.m.

AGENDA ITEM B. ROLL CALL

Commissioners Present

Syverine Abrahamson-Bentz, District 9 – South Peninsula
Jeremy Brantley, District 5 – Sterling/Funny River
Diane Fikes, City of Kenai
Pamela Gillham, District 1 – Kalifornsky
John Hooper, District 3 – Nikiski
Michael Horton, District 4 – Soldotna
Virginia Morgan, District 6 – East Peninsula
David Stutzer, District 8 – Homer
Charlene Tautfest, City of Soldotna
Franco Venuti, City of Homer

With 10 members of an 11-member seated commission in attendance, a quorum was present.

Commissioner Bentz opened the floor for nominations for Vice Chair.

MOTION: Commissioner Gillham moved, seconded by Commissioner Tautfest nominated Jeremy Brantley for Vice Chair. Commissioner Brantley accepted the nomination.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest, Venuti
Absent - 1	Martin

Commissioner Bentz passed the gavel to Vice Chair Brantley to continue the meeting.

Staff Present

Robert Ruffner, Planning Director
Walker Steinhage, Deputy Borough Attorney
Marcus Mueller, Land Management Officer
Aaron Hughes, Land Management Land Agent
Dakota Truitt, Land Management Land Agent
Julie Hindman, Platting Specialist
Samantha Lopez, KRC Manager
Ryan Raidmae, Borough Planner
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDAS

***3. Plats Granted Administrative Approval**

- a. Cabin Hoppers Subdivision; KPB 2021-160

- b. Canyon Trails Amended Forquer 2021 Replat; KPB File 2021-016
- c. Homewood Subdivision; KPB File 2021-162
- d. Horse Creek Subd. 2021 Addition; KPB File 2021-099
- e. Mackey Lakes Subdivision Douglas Replat; KPB File 2021-109
- f. Voznesenka 2020; KPB File 2020-016R1

***6. Commissioner Excused Absences**

- a. Blair Martin, District 2 – Kenai
- b. District 7 – Central, Vacant
- c. City of Seward, Vacant
- d. City of Seldovia, Vacant

***7. Minutes**

- a. April 25, 2022 Planning Commission meeting minutes.

Vice Chair Brantley asked if anyone wished to speak to any of the items on the consent agenda. Hearing no one wishing to comment he asked Ms. Shirnberg to read into the record the consent agenda items.

MOTION: Commissioner Venuti 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 - 10	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Taufest, Venuti
Absent - 1	Martin

AGENDA ITEM E. NEW BUSINESS

**ITEM E1. – BUILDING SETBACK ENCROACHMENT PERMIT
LOT 17 SUNNY SLOPE SUBDIVISION UNIT 1 PLAT HM 75-33**

KPB File No.	2022-055
Planning Commission Meeting:	May 9, 2022
Applicant / Owner:	Senungetuk Community Property Trust
Surveyor:	Tom Latimer / Orion Surveys
General Location:	Diamond Ridge / Kachemak Bay APC
Parent Parcel No.:	173-520-17
Legal Description:	Lot 17 Sunny Slope Subdivision Plat No HM 75-33
Assessing Use:	Residential
Zoning:	Rural Unrestricted

Staff report given by Platting Specialist Julie Hindman.

Vice Chair Brantley opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Gillham moved, seconded by Commissioner Bentz to adopt PC Resolution 2022-19, granting a building setback encroachment permit to Lot 17, Sunny Slope Subdivision Unit 1 (Plat HM 75.33)

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Taufest, Venuti
Absent - 1	Martin

**ITEM E2 – SEWER EASEMENT ALTERATION
FORT RAYMOND SUBDIVISION REPLAT NO. 1 LOT 7A**

KPB File No.	2022-041V
Planning Commission Meeting:	May 9, 2022
Applicant / Owner:	City of Seward
Surveyor:	A. William Stoll / DOWL
General Location:	Aspen Lane and Seward Highway, City of Seward

Staff report given by Platting Specialist Julie Hindman.

Vice Chair Brantley opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Morgan moved, seconded by Commissioner Bentz to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, subject to staff recommendations and compliance with borough code.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest, Venuti
Absent - 1	Martin

**ITEM E3 - RIGHT-OF-WAY VACATION
VACATE A PORTION OF PAPER BIRCH LANE AND ASSOCIATED UTILITY EASEMENTS**

KPB File No.	2022-023VR1
Planning Commission Meeting:	May 9, 2022
Applicant / Owner:	LittleKnife Inc and Gale Smith of Soldotna
Surveyor:	James Hall / McLane Consulting Group
General Location:	Sterling area, Paper Birch Lane, Mountain Ash Street
Legal Description:	Lots 8, 9, & 15 of Tulchina Pointe Estates Phase 2, Plat KN 2009-48.

Staff report was given by Platting Specialist Julie Hindman. She noted that there were several comments from the public in the laydown packet. She noted that one of the public comments stated that Mr. Johnson would not approve a road going through his lot. Per the minutes from the March 21, 2022 PC meeting, Mr. Johnson stated he has no intention of subdividing his property, but if he did, he understood he would need to dedicate a right of way.

Ms. Hindman also noted there were multiple requests to provide a full right-of-way dedication from the end of Developer Circle that would connect to Paper Birch. Developer Circle is a cul-de-sac and per KPB Code 20.90(D), cul-de-sac streets serve no through traffic and are closed permanently at one end with a vehicular turnaround area. In the past the Planning Commission has allowed for cul-de-sacs to be opened if all landowners on the cul-de-sac agreed. A few other points to consider, one is the width that lots 8 and 9 will provide for a dedication, will be approximately 57 feet at the end of the bulb. The other is neighboring lot, Lot 7, has structures built close to the shared property line. An as-built would be required to determine, if a setback is in place, if the structures will be encroaching. Per KPB 20.30.170 blocks shall be no less than 330 feet. The blocks are measured from centerline intersections. A continuation of Developer Circle as a 60-foot-wide right-of-way will result in a block length of approximately 270 feet. If Quillback receives the other 30-foot dedication the block will then be approximately 285 feet.

END OF STAFF REPORT

Steve Bowen, Petitioner; 36495 Haley's Way, Soldotna, AK 99669: Mr. Bowen is the contractor who build the house that is encroaching into the Paper Birch right-of-way. He spoke in support of the proposed vacation.

Russ Morrison; P.O. Box 4623, Soldotna, AK 99669: Mr. Morrison spoke in opposition to the proposed vacation. Mr. Morrison believes that a better design would be to open Developer Circle, taking land from Lot 8 for the right-of-way, and connect the road to Paper Birch. The other would be to give only a footprint vacation along Paper Birch, not a 30-foot width which the petitioner is requesting.

Janet Morrison; P.O. Box 4623, Soldotna, AK 99669: Ms. Morrison spoke in opposition to the proposed vacation and supports the proposed solutions put forth by Russ Morrison.

Kevin Morrison; 36540 Water Ct., Sterling, AK 99672: Mr. Morrison spoke in opposition to the proposed vacation and shared many of the same concerns as the other testifiers.

Steve Bowen, Petitioner, 36495 Haley's Way, Soldotna, AK 99669: Mr. Bowen noted that there is a very good reason for contractors not to make a mistake like this, which is the cost. This has been a very costly mistake for him. To date he has incurred more than \$30,000 in costs due to this mistake. The goal is not to get "free" land but to resolve the encroachment in the most cost-effective manner. Also, folks seem to think that this section of Paper Birch Lane can be constructed. This section of Paper Birch goes off a bluff, it would be almost impossible to build the road to borough standards, not to mention extremely costly. The plat proposes to leave a 30' wide section of the road which will continue to allow for access. No landowner will lose access with this proposed vacation.

Commissioner Stutzer asked the petitioner why the costs of this mistake have been so high. Mr. Bowen replied that he carries a high interest construction loan on this house and the bank requires that the encroachment be resolved before they will close on the house. Commissioner Stutzer asked Mr. Bowen why he did not have the lot surveyed before he started construction. Mr. Bowen replied that his client showed him some inaccurate flagging on the lot, and that flagging was used to determine the placement of the house.

Attorney Steinhage highlighted for the commission a few points the Assembly had with this vacation. One concern was they wanted to make sure that there was adequate legal access to the properties to the north. The Assembly also expressed concerns about this type of situation creating windfalls for landowners. They had questions regarding how the borough should respond to encroachments into rights-of-ways.

Hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Venuti moved, seconded by Commissioner Bentz, to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, subject to staff recommendations and compliance with borough code.

Commissioner Gillham asked staff why they were recommending a 30' vacation and not just a footprint vacation. Ms. Hindman replied that earlier comments from the public noted that this section of the right-of-way was used by snowmachines, ATVs, horses and hikers. There was also discussion about not wanting a full vacation in this area. This proposal leaves 30' dedication for pedestrian and other uses. Also, while the house only encroaches into the right-of-way by 9', the well encroaches 13'. Generally, code requires a 20' setback and this proposal included footage to help address the setback issue. The 30' vacation would leave the house clear of the setback.

Commissioner Stutzer noted that he has been in the construction business for 40 years and believes that it is in very poor form for the contractor to not verify the property corners and setbacks. He does not believe that the borough should have to be in the position of having to grant exceptions like this on a routine basis. He believes that the borough should give only the very minimal amount of land in this situation and not the whole 30'.

Commissioner Morgan asked staff if they had taken into consideration some of the suggestions from the public. For instance, only giving a footprint vacation or moving the right-of-way to connect to Developer Circle. Ms. Hindman replied staff is presenting the request as it was petitioned. The planning commission has the authority to propose something different if they so choose. The concern with extending Developer Circle is that it is a cul-de-sac. While this proposal would have the landowner giving up the land for the right-of-way, there are other landowners on this circle that purchase and develop their lots on a cul-de-sac, not on a through street. Per code, cul-de-sacs are supposed to be permanently closed. While some

have been opened in the past, it does require all landowners on the road to agree to open the cul-de-sac up to through traffic. Another concern, because of the location of Quillback, is that opening Developer Circle will create a none compliant block length.

Commissioner Venuti asked what would be the repercussions if this vacation is not approved. Mr. Bowen replied that if the vacation is not approved the house remains in the right-of-way and his clients will not be able to close on the house. Commissioner Venuti asked Mr. Bowen if the bank has stated that they will not close on the house until the encroachment is resolved. Mr. Bowen replied that the bank will not close on this property until the encroachment is resolved. Commissioner Venuti noted that while it is not a common practice, he is aware that banks have made exceptions in cases like this and have approved the loans. Mr. Bowen replied that he has not received from the bank any indication that they would make any exceptions in this case.

Commissioner Fikes asked Mr. Bowen what would be the cost to make the house comply with code. Mr. Bowen replied that it would be hard to estimate, but to move or truncate the house so that it is no longer in the right-of-way it could cost somewhere around \$100,000.

Ms. Hindman reminded the commission that code does not take into consideration the costs associated with removing encroachments when considering approval of vacations. The main consideration is whether or not the right-of-way is needed for public use.

Commissioner Brantley stated that when he looks at vacations, he does not take into consideration whether or not there are encroachments. What he looks at is the standards set out in code. The road is not buildable in this section. Developer Circle cannot be extended unless everyone living on the road agrees. Questions as to whether or not Quillback will be developed, have nothing to do with this request. In his opinion this section of Paper Birch is not buildable and vacating it will not impact development in the area. The one landowner who could be affected by this vacation is Mr. Johnson. Mr. Johnson will be given better access to his property in the subdivision Mr. McLane is proposing. He then noted that he will be voting in favor of the petition.

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

MOTION PASSED BY MAJORITY VOTE:

Yes - 8	Bentz, Brantley, Fikes, Gillham, Hooper, Morgan, Tautfest, Venuti
No - 2	Horton, Stutzer
Absent - 1	Martin

**ITEM E4 – CONDITIONAL USE PERMIT
ANADROMOUS WATERS HABITAT PROTECTION DISTRICT**

PC Resolution No.	2022-006
Planning Commission Meeting:	May 9, 2022
Applicant / Owner:	Kent Cushman
Physical Address:	34775 Sockeye Lane
KPB Tax Parcel No.	065-270-05
Request:	For the construction of a 10' chain-link fence within the 50' Habitat Protection District of the Kenai River.

Staff report given by Resource Planner Morgan Aldridge.

Vice Chair Brantley opened the meeting for public comment.

Kent Cushman, Applicant; P.O. Box 449, Sterling, AK 99672: Mr. Cushman made himself available for questions.

Robert Jefferies; P.O. Box 214, Soldotna, AK 99669: Mr. Jefferies is a neighboring landowner and spoke in opposition to the proposed fence project. He noted that he has used a driveway that crosses Mr. Cushman's property since 1972. He believes that adverse possession laws in the State of Alaska allow him continued use of his driveway that crosses over the Cushman property.

Kent Cushman, Applicant; P.O. Box 449, Sterling, AK 99672: Mr. Cushman stated that as the landowner he has the right to improve his property and the fence is an improvement. He noted that Mr. Jefferies does have legal access to his property which does not encroach on his land.

Hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Fikes moved, seconded by Commissioner Morgan to adopt PC Resolution 2022-006 granting a conditional use permit pursuant to KPB 21.18 for the construction of a fence within the 50-foot Habitat Protection District of the Kenai River.

Borough Attorney Steinhage suggested additional language for the motion stating the commission's decision is based solely on the conditions and standards in KPB 21.18.081. The commission is expressly not taking a position regarding who has possessory or use rights.

As the maker of the motion Commissioner Fikes moved, and was seconded by Commissioner Morgan, to amend the motion to include the recommended language suggested by Borough Attorney Walker Steinhage.

AMENDED MOTION: Commissioner Fikes moved, seconded by Commissioner Gillham to adopt PC Resolution 2022-006 granting a conditional use permit pursuant to KPB 21.18 for the construction of a fence within the 50-foot Habitat Protection District of the Kenai River. The commission's decision is based solely on conditions and standards in KPB 21.18.081. The commission is expressly not taking a position on who has possessory or use rights.

Commissioner Morgan asked staff if the meeting materials contained a map showing the other access that Mr. Cushman stated that Mr. Jefferies has to his property.

Vice Chair Brantley stated what was before the commission was the conditional use permit and the section of code that deals with that, which is 21.18. The commission is not being asked to determine the legal access to properties. Commissioner Morgan then withdrew her question.

Borough Attorney Steinhage stated Commissioner Morgan's question was whether there was alternate access and can she see that on a map. He believes that staff could answer that question.

Senior Manager Samantha Lopez replied that all the rights-of-way in this area are private and are not depicted on the borough parcel viewer. There is access on the riverside for both of these lots and the name of the private road is Dolly Way.

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

MOTION PASSED BY MAJORITY VOTE:

Yes - 9	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest
No - 1	Venuti
Absent - 1	Martin

**ITEM E5 – CONDITIONAL LAND USE PERMIT MODIFICATION
PENINSULA RESOURCES, LLC**

PC Resolution No.	2022-18
Planning Commission Meeting:	May 9, 2022
Applicant / Owner:	Peninsula Resources, LLC
Location:	Ravenwood Street & Bonita Avenue
KPB Tax Parcel No.	055-072-93
Legal Description:	T05N, R11W, SEC 25, S.M., Kalifornsky Center Subdivision Tract A-1A

Staff report given by Resource Planner Ryan Raidmae

Vice Chair Brantley opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Gillham moved, seconded by Commissioner Tautfest to approve adopt PC Resolution 2022-18, granting approval of a conditional land use permit to operate a sand, gravel or material site for a parcel described as Tract 1-1A, Kalifornsky Center Subdivision (Plat KN 2020-18).

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest, Venuti
Absent - 1	Martin

ITEM E6 – ORDINANCE 2021-19-51

APPROPRIATING FUNDS FROM THE LAND TRUST FUND, FUND BALANCE, FOR A PROJECT TO CONDUCT SOILS INVESTIGATIONS AND LAND PLANNING ON THE 1,000-ACRE UNIT 395, JUNEAU BENCH, NEAR COOPER LAND

Staff report was given by Land Management Officer Marcus Mueller.

Vice Chair Brantley opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Gillham moved, seconded by Commissioner Tautfest to forward to the assembly a recommendation to adopt Ordinance 2021-19-51 appropriation funds from the Land Trust Fund, fund balance, for a project to conduct soils investigations and land planning on the 100-acre Unit 395, Juneau Bench, near Cooper Landing

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest, Venuti
Absent - 1	Martin

ITEM E7 – ORDINANCE 2022-10

AUTHORIZING A THREE-PARTY LEASE AGREEMENT & REAL PROPERTY LEASE WITH VERIZON WIRELESS & ALASKA PIPELINE COMPANY

Staff report was given by Land Management Officer Marcus Mueller.

Vice Chair Brantley opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Gillham moved, seconded by Commissioner Venuti to forward to the assembly a recommendation to adopt Ordinance 2022-10, authorizing a three-party lease agreement and real property lease with Verizon Wireless and Alaska Pipeline Company.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest, Venuti
Absent - 1	Martin

ITEM E8 – ORDINANCE 2022

AUTHORIZING EMERGENCY HARVEST OF SPRUCE BARK BEETLE IMPACTED FORESTLANDS INCLUDING SPRUCE WHICH ARE DYING, OR SUSCEPTIBLE TO DYING, AND ESTABLISHING A FRAMEWORK TO GUIDE FOREST TREATMENTS.

Staff report was given by Land Management Agent Dakota Truitt.

Vice Chair Brantley opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Gillham moved, seconded by Commissioner Bentz to forward to the assembly a recommendation to adopt Ordinance 2022-11, authorizing emergency harvest of spruce bark beetle impacted forestlands including spruce which are dying, or susceptible to dying, and establishing a framework to guide forest treatments.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest, Venuti
Absent - 1	Martin

ITEM E9 – RESOLUTION 2022-032

CLASSIFYING CERTAIN PARCELS OF BOROUGH OWNED AND BOROUGH MANAGED LAND IN THE POINT POSSESSION, NIKISKI, NORTH KENAI, SOLDOTNA, STERLING, FUNNY RIVER, COOPER LANDING, HOPE, MOOSE PASS, SEWARD, KALIFORNSKY, ANCHOR POINT, HAPPY VALLEY, BEAR COVE & BELUGA AREAS.

Staff report was given by Land Management Officer Marcus Mueller and Land Management Agent Aaron Hughes.

Land Management Officer Marcus Mueller gave a brief presentation on the function of land classification. He then informed the commission that Land Management Agent Aaron Hughes would be giving a brief staff report for the various parcels by area, and that he would suggest taking public comment after each staff report.

Vice Chair Brantley opened the meeting for public comment.

NIKISKI – PINS 013-042-42 & 013-092-76

Commissioner Hooper informed Vice Chair Brantley that he owns property on Daniel's Lake. Vice Chair Brantley asked Commissioner Hooper if he believed this would cause him a conflict of interest or could he be fair and impartial and participate in the deliberations and votes. Commissioner Hooper stated that he did not believe that this caused a conflict of interest for him and that he could be fair. Vice Chair Brantley ruled that Commissioner Hooper did not have a conflict of interest; no members of the commission objected.

Stacy Oliva; P.O. Box 8567, Nikiski, AK 99635: Ms. Oliva spoke in opposition to this classification and requested that these parcels be removed from consideration. She was unhappy that the proposed development plan was not included in the public notice sent out. She also expressed concerns regarding local option zoning prohibiting activities that have always been allowed on this parcel, such as horse riding and hunting. She also stated that Neighbors Rd. while borough maintained is not a public road.

Ryan Broussard; 52557 Geraldine St., Kenai, AK 99611: Mr. Broussard spoke in opposition to this classification and requested that these parcels be removed from consideration. He was unhappy that the proposed development plan was not included in the public notice sent out.

Camille Broussard; 52557 Geraldine St., Kenai, AK 99611: Ms. Broussard spoke in opposition to this classification and requested that these parcels be removed from consideration. She was unhappy that the proposed development plan was not included in the public notice she received.

Amber Douglas; 51345 Earl Drive, Nikiski: Ms. Douglas spoke in opposition to this classification and requested that these parcels be removed from consideration. She was unhappy that the proposed development plan was not included in the public notice she received. She expressed concerns regarding the proposed local option zoning. Zoning is not something that the Nikiski area residents wish to have, lack of zoning is one of the reasons many folks move to the Nikiski area.

Beau Broussard; 52191 Lucille Dr., Nikiski: Mr. Broussard spoke in opposition to this classification and requested that these parcels be removed from consideration. He was unhappy that the proposed development plan was not included in the public notice sent out. He noted that according to the meeting information there were 19 public comments from area residents and none were in support of this classification.

Bianca Chase; 52189 Lucille Drive, Kenai, AK 99611: Ms. Chase spoke in opposition to this classification and requested that these parcels be removed from consideration.

Kristine Schmidt; Kenai, AK: Ms. Schmidt spoke in opposition to this classification and requested that these parcels be removed from consideration. She noted that there are parts of Neighbors Rd. which are not public. She also expressed concerns about placing a local option zone on these lots. She believed that the local option zoning ordinance is poorly written and are too restrictive for the Nikiski area. She was unhappy that the proposed development plan was not included in the public notice she received and believes that the process was not open and transparent.

Vice Chair Brantley asked staff to clarify that what was before the commission tonight is just the land classification only, they are not being asked to review any design concepts or zoning for these lots. Land Management Agent Aaron Hughes stated that is correct. He did note that the design concept included in the packet was a concept design based on the design requirements of the Alaska Mental Health Trust which would allow for access to these lots.

K. Brewer; 51765 Stickleback Rd. Nikiski: Ms. Brewer spoke in opposition to this classification and requested that these parcels be removed from consideration.

Daniel Baeten; 51715 Rendezvous Rd., Nikiski: Mr. Baeten spoke in opposition to this classification and requested that these parcels be removed from consideration. He expressed concern that more development on Daniel's Lake would have a negative impact on area wildlife.

NORTH KENAI – PIN 017-120-06

Stacy Oliva; P.O. Box 8567, Nikiski, AK 99635: Ms. Olivia spoke in support of the classification and disposal of this parcel.

POINT POSSESSION – PIN 025-444-16

Stacy Oliva; P.O. Box 8567, Nikiski, AK 99635: Ms. Olivia spoke in support of the classification and disposal of this parcel.

HOPE – PIN 035-080-11

No Public Comment

SOLDOTNA – PINS 055-101-16 & 057-530-15

No Public Comment

STERLING – PINS 065-190-62 THRU 065-190-72

No Public Comment

Vice Chair Brantley noted that the Office of Emergency Management was requesting that parcels 165-190-69 & 065-190-70 be set aside for the construction of a bridge. What would be the appropriate classification for these lots? Currently the proposal is to classify them as residential. Land Management Officer Marcus Mueller replied that while OEM is requesting a classification of utility/transportation no research on this request has been done and so Land Management has not changed their recommendation to classify the parcels residential.

FUNNY RIVER – PIN 066-310-26

No Public Comment

COOPER LANDING – PINS 119-070-01 & 119-071-06

Land Management Agent Aaron Hughes noted that the Cooper Landing APC requested the land classification on these parcels be changed to Residential

COOPER LANDING – PIN 119-110-19

Land Management Agent Aaron Hughes noted that staff had received numerous comments from area locals that this parcel at one time had a gravel pit and then a waste site on the property. Staff will request that this parcel be pulled from consideration so that additional investigation can be conducted.

Jerry Nice; P.O. Box 595 Cooper Landing, AK 99572: Mr. Nice spoke in opposition to this classification and requested that this parcel be removed from consideration. He and other area residents remember the parcel at one time having a gravel pit and later being used as a dump site. He does not believe this parcel should ever be sold and should remain undeveloped.

Kim Nice; P.O. Box 595 Cooper Landing, AK 99572: Ms. Nice spoke in opposition to this classification and requested that this parcel be removed from consideration. She and other area residents remember the parcel at one time having a gravel pit and later being used as a dump site. She does not believe this parcel should ever be sold and should remain undeveloped.

Vice Chair Brantley noted the time was 11:00 PM. If the commission wish to continue with public testimony and deliberations, he would need a motion to extend the meeting for an hour.

MOTION: Commissioner Gillham moved, seconded by Commissioner Tautfest to extend the meeting to 12:00 AM/midnight.

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

MOTION PASSED BY MAJORITY VOTE:

Yes - 9	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest
No - 1	Venuti
Absent - 1	Martin

MOOSE PASS – PINS 125-160-05, 165-160-07 & 165-160-14

Land Management Agent Aaron Hughes noted that the Moose Pass APC requested that the classification on these parcels be changed to residential.

No Public Comment

KALIFORNSKY – PIN 131-070-32

Ben Jackinsky; P.O. Box 20, Kasilof, AK 99610: Mr. Jackinsky spoke in opposition to this classification and requested that this parcel be removed from consideration.

SEWARD – PIN 144-010-38

No Public Comment

HAPPY VALLEY – PIN 165-130-05

No Public Comment

ANCHOR POINT – PIN 165-250-258

No Public Comment

BEAR COVER – PIN 193-261-14

No Public comment

BELUGA – PINS 211-280-11 & 211-280-13

No Public Comment

Hearing no one else wishing to comment, public comment was closed and discussion was opened among

the commission.

MOTION: Commissioner Bentz moved, seconded by Commissioner Fikes to forward to the assembly a recommendation to adopt Resolution 2022-23, classify certain parcels of Borough owned and Borough managed land in the Point Possession, Nikiski, North Kenai, Soldotna, Sterling, Funny River, Cooper Landing, Hope, Moose Pass, Seward, Kalifornsky, Anchor Point, Happy Valley, Bear Cove & Beluga Areas.

AMENDMENT A MOTION: Commissioner Tautfest moved, seconded by Commissioner Morgan to amend the resolution to remove parcels 013-042-42 & 013-092-76 in the Nikiski area and parcel 119-110-19 in the Cooper Landing area.

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

AMENDMENT A MOTION PASSED AS AMENDED BY UNANIMOUS VOTE:

Yes - 10	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest, Venuti
Absent - 1	Martin

AMENDMENT MOTION B: Commissioner Morgan moved, seconded by Commissioner Horton to amend the resolution to change the classification of parcels 119-070-01, 119-070-02 & 119-071-06 in the Cooper Landing area and parcels 125-160-05, 125-160-07, 125-160-10 & 125-160-14 in the Moose Pass area to Residential.

Commissioner Stutzer asked if the APCs understand land classification. Land classification is not zoning and will no longer exist once the parcel is sold. Is it really necessary to consider changing the land classification of these parcels if they are designated for a land sale?

Commissioner Morgan replied the APCs understand the function of land classification and that the classifications go away once the parcel is sold. These APCs would still like to see the classification change on these parcels to residential as it reflects the community's desired land use for the parcels.

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

AMENDMENT B MOTION PASSED AS AMENDED BY UNANIMOUS VOTE:

Yes - 10	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest, Venuti
Absent - 1	Martin

AMENDMENT MOTION C: Commissioner Horton moved, seconded by Commissioner Stutzer to amend the resolution to change the classification of parcel 165-250-58 in the Anchor Point area to Residential.

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

AMENDMENT C MOTION PASSED AS AMENDED BY UNANIMOUS VOTE:

Yes - 10	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest, Venuti
Absent - 1	Martin

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

MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE:

Yes - 10	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Stutzer, Tautfest, Venuti
Absent - 1	Martin

AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Brantley reported the plat committee reviewed eight plats, granted preliminary approval to seven, and one plat was not granted preliminary approval due to failure to get a second on the motion.

AGENDA ITEM G.

1. Plat Committee – May 23, 2022
 - Commissioner Venuti
 - Commissioner Tautfest
 - Commissioner Brantley

- Commissioner Hooper

AGENDA ITEM H. PUBLIC COMMENT/PRESENTATIONS

Vice Chair Brantley asked if there was anyone from the public who would like to comment on anything not appearing on the agenda. No one wished to comment.

AGENDA ITEM I. DIRECTOR'S COMMENTS

Planning Director Ruffner stated he is excited to be working with the commission in his new role as planning director. He noted that one of his first goals as a planning director was to meet with each member of the planning department staff. The planning department consists of 20 people and he has met with about half of the staff so far.

AGENDA ITEM J. COMMISSIONER COMMENTS

Commissioner Gillham asked to be excused from the May 23, 2022 Planning Commission meeting.

AGENDA ITEM K. ADJOURNMENT

Commissioner Venuti moved to adjourn the meeting 11:55 PM.

Ann E. Shirnberg
Administrative Assistant