

C. CONSENT AGENDA

- *7. Minutes
September 26, 2022 Planning Commission Meeting

Kenai Peninsula Borough Planning Commission

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

September 26, 2022

7:30 P.M.

UNAPPROVED MINUTES

Please note: The recoding for this meeting cut out midway through agenda item E2

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, District 5 – Sterling/Funny River
Diane Fikes, City of Kenai
Pamela Gillham, District 1 – Kalifornsky
John Hooper, District 3 – Nikiski
Blair Martin, District 2 – Kenai
Virginia Morgan, District 6 – East Peninsula
Troy Staggs, City of Seward
Dawson Slaughter, District 9 – South Peninsula
Charlene Tautfest, City of Soldotna
Franco Venuti, City of Homer

With 10 members of a 12-member seated commission in attendance, a quorum was present.

Staff Present

Robert Ruffner, Planning Director
Walker Steinhage, Deputy Borough Attorney
Vince Piagentini, Platting Manager
Julie Hindman, Platting Specialist
Marcus Mueller, Land Management Officer
Derek Haws, Addressing Officer
Ryan Raidmae, Borough Planner
Ann Shirnberg, Planning Administrative Assistant
Rhonda Foster-Deskins, LMD Administrative Assistant.

AGENDA ITEM C. CONSENT & REGULAR AGENDAS

- *3. Plats Granted Administrative Approval**
- a. Alaskan Wildwood East; KPB File 2021-126
 - b. Alaskan Wildwood West Subdivision; KPB File 2021-127
 - c. Moose Range Meadows Penny's Place; KPB File 2021-167
- *4. Plats Granted Final Approval**
- a. Denise Lake Estates 2022 Replat; KPB File 2022-103
 - b. Kristine Subdivision Jahrig Addition; KPB File 2022-090

***6. Commissioner Excused Absences**

- a. David Stutzer, District 8 - Homer
- b. Michael Horton, District 4 – Soldotna
- c. City of Seldovia, Vacant
- d. District 7 – Central, Vacant

***7. Minutes**

- a. September 12, 2022 Planning Commission meeting minutes.

Chair Brantley asked if anyone wished to speak to any of the items on the consent agenda.

Commissioner Venuti noted that his name needed to be removed from under commissioner excused absences.

Hearing no one else wishing to comment Chair Brantley asked Ms. Shirnberg to read into the record the consent agenda items.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Morgan to approve the consent agenda, to amend the regular agenda by removing item #5 from under new business, and approving the regular agenda as amended.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Brantley, Fikes, Gillham, Hooper, Martin, Morgan Slaughter, Staggs, Taufest, Venuti
No - 0	

AGENDA ITEM E. NEW BUSINESS

Chair Brantley asked Ms. Shirnberg to read into the record the procedures for public hearings.

ITEM E1 - UTILITY EASEMENT ALTERATION
VACATE AN EASEMENT LOCATED ON LOT 2-A-1 SCENIC VIEW SUBDIVISION

KPB File No.	2022-133V
Planning Commission Meeting:	September 26, 2022
Applicant / Owner:	Bill Hand, Liberty Investments, LLC of Homer, Alaska
Surveyor:	Kenton Bloom / Seabright Survey + Design
General Location:	Adams Drive, East End Road, City of Homer

Staff report given by Platting Manager Vince Piagentini.

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 commission.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Gillham, to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code and adopting Planning Commission Resolution 2022-43.

Commissioner Venuti informed the commission that he had voted on this item as a planning commissioner for the City of Homer and asked to be recused. Chair Brantley approved his request.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Slaughter, Staggs, Tautfest
Recused	Venuti
No - 0	

**ITEM E2 - RIGHT OF WAY VACATION
CUL-DE-SAC BULB OF IVY AVENUE**

KPB File No.	2022-130V
Planning Commission Meeting:	September 26, 2022
Applicant / Owner:	Alain R and Virginia J Wilkinson of Ninilchik, AK
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Lothrop Park Drive and Ivy Avenue, Ninilchik
Legal Description:	Ivy Avenue, Leisure Time Estates HM 80-32, Township 2 South, Range 14 West, Section 3

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Alain Wilkinson, Petitioner; P.O. Box 39404, Ninilchik, AK 99639: Mr. Wilkinson requested that staff's recommendation for a 30' x 30' portion of Ivy cul-de-sac bulb remain be removed. He would request that the commission approve the vacation of the entire cul-de-sac bulb. He noted that over time Deep Creek's alignment has moved. The realignment of Deep Creek has negatively affected his property by limiting the usable space on his lot. The only useable area left is the radius of the cul-de-sac bulb. He understands that staff is recommending leaving a 30' x 30' portion of the bulb for the possibility of a future dedication for Ivy Street, should the lot to the south ever be subdivided. He noted there is a slew on the adjacent property that runs down to the river. If the adjacent lot were to subdivide, and a road was built in the area that staff is proposing for a dedication, it would block the runoff from the slew and cause the area to flood. He stated it would not be a good area to build a road.

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

MOTION: Commissioner Staggs moved, seconded by Commissioner Gillham, to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

Commissioner Morgan stated she did not feel comfortable approving the petitioner's request without additional information. Platting Specialist Hindman then pulled up several maps and displayed them on the room screens and explained in greater detail what the petitioner was requesting. Commissioner Morgan then noted for the commission that on page E2-6 (page 3 of the staff report) of the packet materials there was a small map showing the area that the petitioner is referring to.

Commissioner Slaughter stated he would support the petitioner's request to vacate the entire bulb. The usable area of his lot is small and vacating the entire cul-de-sac bulb would give him more usable space and would not create any access issues for neighboring lots.

AMENDMENT MOTION: Commissioner Slaughter moved, seconded by Commissioner Tautfest to remove staff's recommendation for a 30' x 30' portion of the Ivy Avenue dedication to remain.

Commissioner Gillham stated she is inclined to support the petitioner's request to vacate the entire cul-de-sac bulb. His property has been negatively affected by the realignment of Deep Creek, which is something that was beyond his control. She will be voting in support of the petitioner's request.

Commissioner Brantley stated he would be supporting the petitioner's request to vacate the entire cul-de-sac bulb. He understands staff's recommendation to keep the 30' x 30' area, on paper it makes sense and

looks good. However, vacating the entire cul-de-sac bulb does not create any access issues. It also would not create any issues related to road maintenance or snow removal.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Slaughter, Staggs, Taufest, Venuti
No - 0	

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

MOTION PASSED AS AMENDED BY UNANIMOUS VOTE:

Yes - 10	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Slaughter, Staggs, Taufest, Venuti
No - 0	

**ITEM E3 – CONDITIONAL LAND USE PERMIT – MATERIAL SITE
TUTKA, LLC – MOOSE PASS APREA
PLANNING COMMISSION RESOLUTION 2022-44**

PC Resolution	2022-44
Planning Commission Meeting:	September 26, 2022
Applicant	Tutka, LLC
Landowner	State of Alaska Department of Natural Resources
Mailing Address	2485 E. Zak Circle, Suite A, Wasilla, AK 99654
KPB Parcel Number	125-324-13
Legal Description:	T04N R01W SEC 24 Seward Meridian SW Govt. Lot 13

Staff report given by Planner Ryan Raidmae.

Chair Brantley opened the item for public comment.

John Sommer, Tutka, LLC; 5485 E. Zak Circle, Suite A, Wasilla, AK 99654: Mr. Sommer represents the applicant and made himself available for questions.

Commissioner Morgan asked Mr. Sommer if he had seen the Moose Pass APC additional recommendations for the permit. Mr. Sommer stated that he had not. Commissioner Morgan then read the conditions into the record.

- Limit hours of operation to 9-5, Monday through Friday.
- Notification of when blasting is going to occur to everyone within a 1.5-mile radius of the quarry.
- Indemnification of \$50,000 cash bond to compensate damage to properties/wells.
- Test wells installed to protect water quality.
- Security provisions to prevent unauthorized access.

Mr. Sommer replied that Tutka would be willing to limit blasting operations to 9:00 am to 5:00 pm, Monday through Friday but Tutka will keep regular operation hours of 7:00 am to 6:00 pm Monday through Saturday. He also agreed to notification of blasting for landowners within a 1.5-mile radius of the quarry.

Chair Brantley asked Mr. Sommer if he understood that these two additional conditions are voluntary and not required by code. Mr. Summers replied that he did. He stated that it was Tutka’s desire to be a good neighbor.

Gina DeBardelaben, McLane Consulting; P.O. Box 468, Soldotna, AK 99669: Ms. DeBardelaben was the engineer who worked with Tutka on the site development plan and she made herself 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 Morgan moved, seconded by Commissioner Slaughter, to adopt Planning Commission Resolution 2022-44 granting a conditional land use permit to operate a sand, gravel, or material site for a parcel described Township 4 North, Range 1 West, Section 24, Seward Meridian, SW Government Lot 13, Seward Recording District., Third Judicial District, State of Alaska.

AMENDMENT MOTION: Commissioner Morgan moved, seconded by Commissioner Slaughter to add the following two voluntary conditions to the permit:

1. Limit the hours of blasting to 9:00 am to 5:00 pm, Monday through Friday.
2. Provide notification of blasting to landowners within a 1.5-mile radius of the quarry.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Slaughter, Staggs, Taufest, Venuti
No - 0	

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

MOTION PASSED AS AMENDED BY UNANIMOUS VOTE:

Yes - 10	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Slaughter, Staggs, Taufest, Venuti
No - 0	

E3 – STREET NAMING RESOLUTION 2022-03

DESCRIPTION	FROM	TO
SECTION A Joe Super St originally named by plat HM 2002-06, Tulin West Highlands; Section 02, T06S, R14W; Seward Meridian, Kenai Peninsula Borough, AK; in the Diamond Ridge community; ESN 202	Joe Super St	Blissful Acres St
SECTION B Kayeway Rd originally named by resolution SN 2006-04; Section 02, T04N, R11W; Seward Meridian, Kenai Peninsula Borough, AK; in the Kalifornsky community; ESN 302	Kayeway Rd	Kayeway Rd N Kayeway Rd S
SECTION C An unnamed section line easement and a portion of Sierer Ave originally named by plat HM 72-452, Kachemak Bay Rancho; Section 33, T05S, R14W; Seward Meridian, Kenai Peninsula Borough, AK; in the Diamond Ridge community; ESN 202	Unnamed SLE & Sierer Ave (western portion)	Jolly Ave
SECTION D An unnamed section line easement; Section 33, T05S, R14W; Seward Meridian, Kenai Peninsula Borough, AK; in the Anchor Point community; ESN 401	Unnamed SLE	Little Creek St

Staff report given by Addressing Officer Derek Haws. Mr. Haws stated that due to public comments received, he would request to postpone action until brought back by staff, on the renaming of Kayeway Road and Little Creek Street.

Chair Brantley opened the item for public comment.

Olen Moyer; P.O. Box 433 Kenai, AK 99611: Mr. Moyer requested that the borough not do anything to the original Kayeway addresses but only change the street name associated with the new subdivision. He has

owned his property on the original Kayeway Road for 25 years. The original section of Kayeway Road dead ends and he does not see the road ever going through and connecting to the one in the newer subdivision. He believes that renaming these two roads North/South Kayeway will only cause confusion.

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 Slaughter, to adopt Street Naming Resolution 2022-03 renaming certain public rights-of-way within Emergency Service Number (ESN) 202, and to postpone action on Sections B & D until brought back by staff.

Commissioner Fikes stated that she supports postponing action on the two road names. She agreed with Mr. Moyer’s comments and supports his request.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Slaughter, Staggs, Taufest, Venuti
No - 0	

E5 – ORDINANCE 2022-19-17

Authorizing the Acquisition of Real Property Located at 3964 Bartlett Street, Homer Alaska on Behalf of the South Peninsula Hospital Service Area, appropriating \$640,000.00 From the South Peninsula Hospital Plant Replacement and Expansion Fund for the Purchase, and Authorizing a Third Amendment to the Operating Agreement with SPH, Inc.

This item was pulled from the agenda. Planning Director Robert Ruffner informed the commission this purchased was pulled late last week due to significant issues exposed by the building inspection.

AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Gillham reported the plat committee reviewed & granted preliminary approval to 8 plats.

AGENDA ITEM G.

AGENDA ITEM H. PUBLIC COMMENT/PRESENTATIONS

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

AGENDA ITEM J. COMMISSIONER COMMENTS

AGENDA ITEM K. ADJOURNMENT

Commissioner Martin moved to adjourn the meeting at 9:05 PM.

Ann E. Shirnberg
Administrative Assistant

UNAPPROVED