

C. CONSENT AGENDA

***7. Minutes**

May 8, 2023 PC Meeting Minutes

Kenai Peninsula Borough Planning Commission

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

May 8, 2023
7:30 P.M.
UNAPPROVED MINUTES

AGENDA ITEM A. **CALL TO ORDER**

Vice Chair Martin called the meeting to order at 7:37 p.m. (Late start due to plat committee meeting running over time)

AGENDA ITEM B. **ROLL CALL**

Commissioners Present

Blair Martin, District 2 - Kenai
John Hooper, District 3 – Nikiski
Michael Horton, District 4 - Soldotna
Virginia Morgan – District 6, East Peninsula
David Stutzer – District 7, Homer
Dawson Slaughter, District 9 – South Peninsula
Franco Venuti, City of Homer
Diane Fikes, City of Kenai
Troy Staggs, City of Seward
Charlene Tautfest, City of Soldotna

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

Staff Present

Robert Ruffner, Acting Planning Director
Walker Steinhage, Deputy Borough Attorney
Vince Piagentini, Platting Manager
Morgan Aldridge, Resource Planner
Aaron Hughes, Land Management Agent
Ann Shirnberg, Planning Administrative Assistant
Rhonda Foster-Deskins, Land Management Administrative Assistant

AGENDA ITEM C. **CONSENT & REGULAR AGENDAS**

***6. Commissioner Excused Absences**

- a. Pamela Gillham, District 1 – Kalifornsky
- b. Jeremy Brantley, District 5 – Sterling/Funny River
- c. City of Seldovia, Vacant
- d. District 7 – Central, Vacant

***7. Minutes**

- a. April 24, 2023 Planning Commission meeting minutes.

Vice Chair Martin asked Ms. Shirnberg to read the consent agenda items into the record. Vice Chair Martin then asked if anyone wished to speak to any of the items on the consent agenda. Seeing and hearing no one wishing to comment, Vice Chair Martin brought it back to the commission for a motion.

MOTION: Commissioner Horton moved, seconded by Commissioner Slaughter to approve the regular

and consent agendas.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Fikes, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Brantley, Gillham

AGENDA ITEM E. NEW BUSINESS

Vice Chair Martin asked Ms. Shirnberg to read the public hearing procedures into the record.

**ITEM 1 - RIGHT OF WAY VACATION
PORTION OF PERKINS ROAD DEDICATED ON STANLEY'S MEADOW #7 (PLAT HM 87-45) AND
STANLEY'S MEADOW NO. 13 (PLAT HM 93-34)**

KPB File No.	2023-024V
Planning Commission Meeting:	May 8, 2023
Applicant / Owner:	Billy and Stephanie Jones of Homer, Alaska and Cecil and Ina Jones of Fritz Creek, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Perkins Road, Fritz Creek, Kachemak Advisory Planning Commission
Legal Description:	Perkins Road, Stanley's Meadow #7 (Plat HM 87-45) and Stanley's Meadow No. 13 (Plat HM 93-34), Section 34, Township 4 South, Range 11 West.

Staff report given by Platting Manager Vince Piagentini.

Vice Chair Martin 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 Staggs moved, seconded by Commissioner Tautfest to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, based on staff recommendations, and subject to the 5 conditions as set forth in the staff report.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Fikes, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Brantley, Gillham

**ITEM 2 - CONDITIONAL USE PERMIT; PC RESOLUTION 2023-03
GRANTING A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF A BRIDGE WITHIN THE 50'
HABITAT PROTECTION DISTRICT OF THE UNNAMED CREEK AWC 244-10-10010-2011-303-4022**

KPB File No.	2023-3
Planning Commission Meeting:	May 8, 2023
Applicant	Daniel T Sweatt and Ronald E Jackson
Mailing Address	PO Box 123, Essex, NY 12936
Location	Kenai Peninsula Borough Road Right of Way on Berezka Drive outside the city of Nikolaevsk, AK

Staff report given by Resource Planner Morgan Aldridge.

Vice Chair Martin opened the item for public comment.

Daniel Sweatt; P.O. Box 125, Essex, NY 12936: Mr. Sweatt is the landowner/applicant and made himself available for questions.

Jason Fitzgearld; 16309 NE 80th Street, Vancouver, WA 98682: Mr. Fitzgearld is a neighboring landowner and he spoke in favor of approving this permit.

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

MOTION: Commissioner Staggs moved, seconded by Commissioner Slaughter to adopt Planning Commission Resolution 2023-03, granting a conditional use permit pursuant to KPB 21.18 for the construction of a bridge within the 50' Habitat Protection District of Unnamed Creek AWC 244-10-10010-2011-3031-4022.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Fikes, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Brantley, Gillham

ITEM 3 – ZIPMART BUILDING ORDER TO SHOW CAUSE WHY THE ZIPMART BUILDING SHOULD NOT BE CONDEMNED

Staff report given by Planning Director Robert Ruffner.

Vice Chair Martin 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 Horton moved, seconded by Commissioner Slaughter to issue an order to show cause why the ZipMart building located at 38525 Swanson River Road in the Sterling area should not be condemned as a fire & health hazard and as a public nuisance, and to set the matter for public hearing during the June 12, 2023 Planning Commission meeting.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Fikes, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Brantley, Gillham

ITEM 4 – ORDINANCE 2023-10 AUTHORIZING THE SALE OF SUBSTANDARD-SIZED LOTS OBTAINED BY THE KENAI PENINSULA BOROUGH THROUGH TAX FORECLOSURE AND PREVIOUSLY RETAINED FOR A PUBLIC PURPOSE.

Staff report given by Land Management Agent Aaron Hughes.

Vice Chair Martin 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 Staggs moved, seconded by Commissioner Slaughter to forward to the Assembly a recommendation to adopt Ordinance 2023-10, authorizing the sale of substandard-sized lots obtained by the Kenai Peninsula Borough through tax foreclosure and previously retained for a public purpose.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Fikes, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Brantley, Gillham

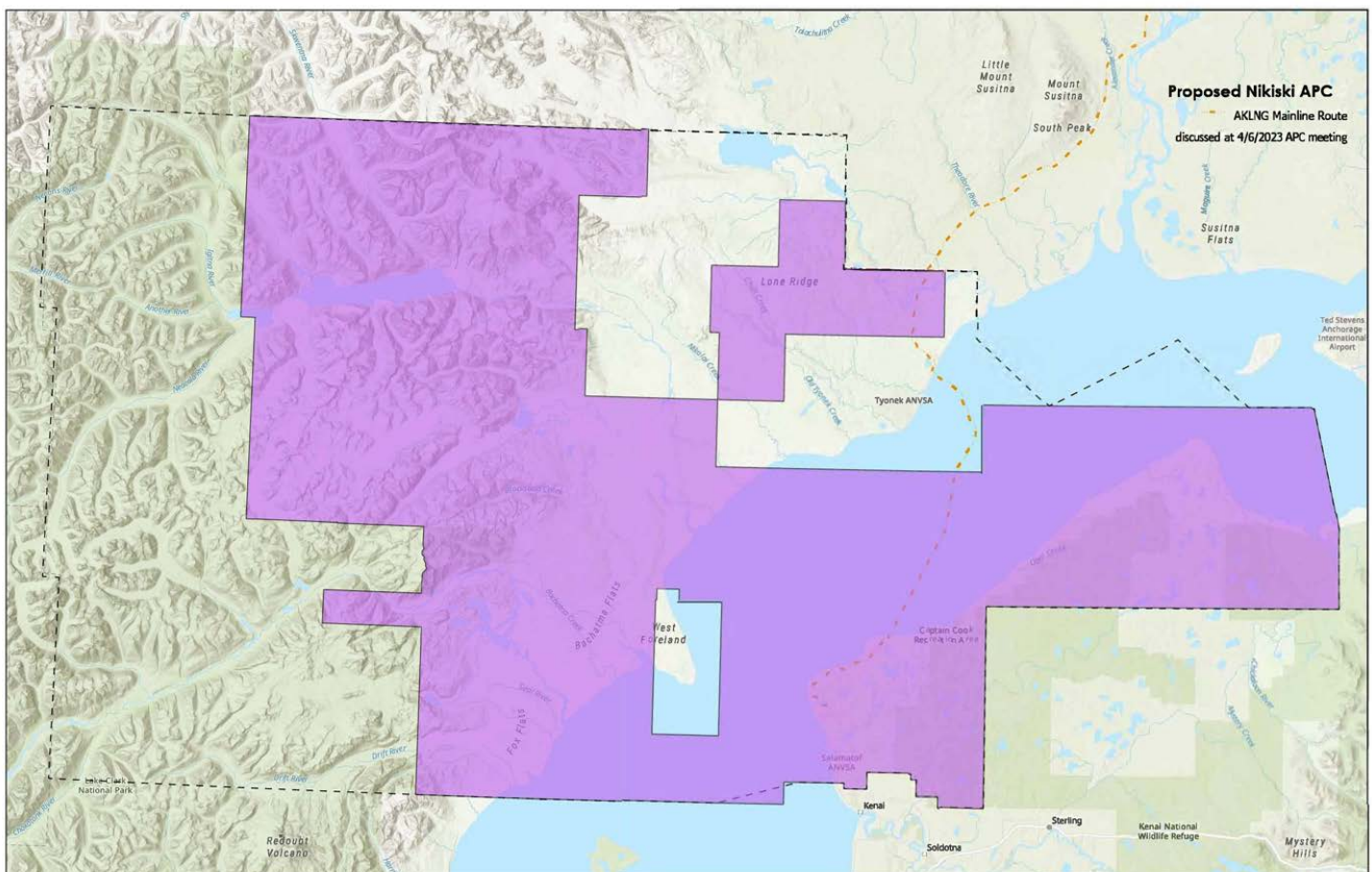
**ITEM 5 – ORDINANCE 2022-46
AMENDING KPB 21.02.230 AND ORDINANCE TO MODIFY THE BOUNDARIES OF THE
NIKISKI ADVISORY PLANNING COMMISSION**

Staff report was given by Planning Director Robert Ruffner. He stated that Planning Department staff had no recommendation for the commission. Planning staff is ready to work and support the Nikiski APC with whatever boundaries are set.

Director Ruffner noted he had received a comment from Assemblyman Tyson Cox (District 4 – Soldotna) after the written comment cutoff on Friday 5/5/23. Mr. Cox was concerned that the information from the Assembly packet was not included in the planning commission meeting packet materials. He requested that the commission hold off on making any recommendations until they had a chance to view all the information contained in the assembly packet.

Director Ruffner then informed the commission that there were three options for the commission's consideration:

- 1) Leave the Nikiski APC boundaries as they currently are, which mirrors the Nikiski Fire Service Area. This includes both the peninsula proper eastside and the westside across the inlet.
- 2) Support ordinance 2022-46 to modify the Nikiski APC boundaries to exclude the westside.
- 3) Support the Nikiski APC compromise, which is represented by the map that was included in the packet materials.



The purple area depicts the proposed boundary for the Nikiski APC compromise which was discussed at the April 6, 2023 Nikiski APC meeting.

Commissioner Slaughter stated he had no desire to draw out action on this item any longer, but another choice for the commission would be to postpone making a recommendation on this item. This would allow the commission a chance to review the information that went before the assembly. He noted that this information has been available online, but if the commission feels it is important for this information to be included in a planning commission packet they could postpone action.

Vice Chair Martin opened the item for public comment.

Steve Speskosky; P.O. Box 873053, Wasilla, AK, 99687: Mr. Speskosky is the CEO of the Tyonek Native Corporation and spoke in favor of removing the westside from the Nikiski APC boundary area. He noted there are numerous objections from landowners on the westside on being included in the Nikiski APC boundary area. He noted that no one from the westside was included in the discussion of the proposed Nikiski APC boundary compromise. Nor was anyone from the westside ever consulted or included in the discussion related to the current boundary area. The residents and landowners on the westside are the best ones to speak to issues related to their lands – not folks from across the inlet.

Peter Ribbons (Assembly Member – District 3 -Nikiski); 51550 Georgine Lake Rd., Kenai AK 99611: Mr. Ribbons stated that he was speaking on his own behalf and requested that the commission vote in favor of the Nikiski APC boundary compromise.

Cindy Ecklund (Assembly Member – District 6 – East Peninsula); P.O. Box 1837, Seward, AK 99664: Ms. Ecklund spoke in favor of the option to modify the APC boundaries to exclude the westside. She noted that no one from the westside was ever included in the discussions regarding the formation of the Nikiski APC. Since Ordinance 2022-46 was brought forward, there have been 75 comments in favor of amending the Nikiski APC boundaries to exclude the westside. Comments of support of Ordinance 2022-46 were also received from Tyonek Native Corporation, CIRI and Furie Operating Alaska. She noted that no other APC covers a whole assembly district. Most APCs cover smaller local communities. In the planning commission meeting packet is a list of all the private landowners on the westside. She noted that there were only 4 westside landowners who live in either Nikiski or Kenai. The members of the other APCs all live in the small communities within the APC boundaries. APCs are made up of local residents and are meant to give the Planning Commission advice and insight on local planning issues. The other APCs are not the size of their assembly districts.

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

MOTION: Commissioner Horton moved, seconded by Commissioner Fikes to forward to the Assembly a recommendation to adopt Ordinance 2022-46, amending KPB 21.02.230 modifying the boundaries of the Nikiski Advisory Planning Commission.

Commissioner Horton stated that the assembly materials are currently available online and can be pulled up for review right now. He then stated after reviewing the materials he still supports removing the westside from the Nikiski APC boundaries.

Commissioner Morgan stated she had reviewed the information in the assembly packet and noted there are amendments being proposed to Ordinance 2022-46. She requested the motion be amended to make sure that the area on the westside of the inlet is excluded. She thanked Planning Director Ruffner for laying out the 3 different options related to this ordinance. She then stated she supports removing the westside from the Nikiski APC boundaries.

Commissioner Horton as the maker of the motion and Commissioner Fikes agreeing as the second, amended the motion to the following:

AMENDED MOTION: Commissioner Horton moved, seconded by Commissioner Fikes to forward to the Assembly a recommendation to adopt the original version of Ordinance 2022-46, amending KPB 21.02.230 modifying the boundaries of the Nikiski Advisory Planning Commission, to include the eastside of the peninsula only.

Commissioner Venuti asked Planning Director Ruffner that even with removing the westside from the APC boundaries, the area would still need to conform to borough regulations and rules. Planning Director

Ruffner replied that is correct. He then noted APCs have limited authority by code. APCs have two main responsibilities; they are to provide advice to the planning commission and to develop a land plan for their area.

Commissioner Stutzer stated he will be voting in favor of the motion, as he did the first time that it was before the commission. He noted APCs are there to advise the planning commission. However, any parties interested in anything before the commission have the right to come and make comment. One does not need to be a part of an APC to do that. He then stated that the westside has the right to form their own APC if they feel the need.

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

MOTION PASSED BY MAJORITY VOTE:

Yes - 9	Fikes, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Taufest, Venuti
No - 1	Hooper
Absent - 2	Brantley, Gillham

AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Horton reported the plat committee reviewed and granted preliminary approval to 3 plats.

AGENDA ITEM H. PUBLIC COMMENT/PRESENTATIONS

Vice Chair Martin 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 J. COMMISSIONER COMMENTS

- Commissioner Slaughter requested an excused absence for the May 22, 2023 Planning Commission meeting.

AGENDA ITEM K. ADJOURNMENT

Commissioner Horton moved to adjourn the meeting at 8:42 PM.

Ann E. Shirnberg
Administrative Assistant