

C. CONSENT AGENDA

***7. Minutes**

- a. May 22, 2023 PC Meeting Minutes

Kenai Peninsula Borough Planning Commission

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

May 22, 2023
7:30 P.M.
UNAPPROVED MINUTES

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

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 Stutzer, District 8 - Homer
Franco Venuti, City of Homer
Diane Fikes, City of Kenai
Troy Staggs, City of Seward
Charlene Taufest, City of Soldotna

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

Staff Present

Samantha Lopez, River Center Manager
Walker Steinhage, Deputy Borough Attorney
Todd Sherwood, Deputy Borough Attorney
Vince Piagentini, Platting Manager
Madeleine Quainton, Platting Specialist
Samantha Lopez, River Center Manager
Morgan Aldridge, Resource Planner
Ryan Raidmae, Resource Planner
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDAS

- *3. Plats Granted Administrative Approval**
 - a. Christensen Tracts 2021 Addition; KPB File 2021-046
 - b. Questa Woods Subdivision Unrein Addition; KPB File 2022-159

- *6. Commissioner Excused Absences**
 - a. Dawson Slaughter, District 9 – South Peninsula
 - b. City of Seldovia, Vacant
 - c. District 7 – Central, Vacant

(Unexcused) Blair Martin, District 2 - Kenai

- *7. Minutes**
 - a. May 8, 2023 Planning Commission meeting minutes.

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record. Chair Brantley 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 Staggs moved, seconded by Commissioner Venuti 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	Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Martin, Slaughter

AGENDA ITEM E. NEW BUSINESS

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

**ITEM 1. – BUILDING SETBACK ENCROACHMENT PERMIT
LOT 15 BLOCK 5 LAKE VIEW TERRACE NO 2 (KN 87-33)**

KPB File No.	2022-143
Planning Commission Meeting:	May 22, 2023
Applicant / Owner:	Tim & Kathy Crumrine Trust of Lakewood, CO
Surveyor:	John Segesser, Segesser Surveys
General Location:	Holly Avenue, Sterling
Parent Parcel No.:	063-292-01
Legal Description:	Lot 15 Block 5 Lake View Terrace No. 2, Plat KN 87-33
Assessing Use:	Residential
Zoning:	Rural Unrestricted

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 Staggs moved, seconded by Commissioner Venuti to adopt PC Resolution 2022-45 granting a building setback encroachment permit to Lot 15, Block 5, Lake View Terrace No. 2, Plat KN 87-33, based on staff recommendations, adopting and incorporating by reference findings 2 & 4-7 in support of standard one, findings 2, 4-7 & 11 in support of standards two and three, 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	Brantley, Fikes, Gillham, Hooper, Horton, Morgan, Staggs, Stutzer, Tautfest, Venuti
Absent - 2	Martin, Slaughter

**ITEM 2. CONDITIONAL USE PERMIT
ANADROMOUS WATER HABITAT PROTECTION DISTRICT OF THE LOWER TRAIL LAKE**

KPB File No.	2023-10
Planning Commission Meeting:	May 22, 2023
Applicant	Alaska Railroad Corporation
Mailing Address	PO Box 107500, Anchorage, AK 99510
Physical Address	ARRC MP 26.2; 60.443917, -149.370399

Staff report given by Planner Morgan Aldridge. Ms. Aldridge noted that this application is being withdrawn at this time and that no action would be required by the planning commission.

Chair Brantley stated that since the item had been publicly noticed he would open the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed. and discussion was opened among the commission.

**ITEM 3. CONDITIONAL LAND USE PERMIT – MATERIALS PROCESSING
31825 HERMAN LEIRER ROAD, SEWARD AK**

KPB File No.	2023-11
Planning Commission Meeting:	May 22, 2023
Applicant/Landowner	Colaska Inc. - QAP
Parcel Number	144-030-72
Legal Description	T01N, R01W, SEC27, S. M., That Portion Of The East 388' Of The West 718' Of The W1/2, NE1/4, Lying South Of Herman Leirer Road & That Portion Of The East 990' Of The NW1/4, SE1/4, Lying Northeast Of the Seward City Limits
Location	31825 Herman Leirer Road, Seward, AK 99664

Staff report given by Planner Ryan Raidmae.

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 Gillham moved, seconded by Commissioner Stutzer to adopt PC Resolution 2023-11 granting a conditional land use permit for materials processing based on staff recommendations and subject to the conditions listed in the resolution.

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, Horton, Morgan, Staggs, Stutzer, Taufest, Venuti
Absent - 2	Martin, Slaughter

**ITEM 4. CONDITIONAL LAND USE PERMIT – MATERIALS EXTRACTION
MILE 1.4 OF TIME AVENUE, NINILCHIK, AK**

KPB File No.	2023-10
Planning Commission Meeting:	May 22, 2023
Applicant	Richard Gregoire
Landowner	Jerold Vantrease
Parcel Numbers	159-360-09, 10, 11 & 12
Legal Description	T03N R14W SEC04 S.M. HM 2006036 Hoffman Acres Lowell Field Phase 1 Lots 1, 2,3,4
Location	Mile 1.4 of Tim Avenue, Ninilchik, AK

Commissioner Gillham asked to be recused from participating in this agenda item. She stated she has a family member that has a financial interest in the project.

Chair Brantley opened discussion on the recusal request. Hearing no objection or further discussion, Chair Brantley asked the commission for a vote on the recusal request. A vote yes, supports the recusal request. A vote no, opposes the recusal.

RECUSAL REQUEST APPROVED BY UNANIMOUS VOTE:

Yes - 9	Brantley, Fikes, Hooper, Horton, Morgan, Staggs, Stutzer, Taufest, Venuti
Absent - 2	Martin, Slaughter

Staff report given by Planner Ryan Raidmae.

Chair Brantley then opened the item for public comment.

Richard Gregoire, Applicant; P.O. Box 2372, Homer, AK 99603: Mr. Gregoire is the applicant and requested that the commission approve his permit request.

Commissioner Venuti noted one of the main concerns expressed by his neighbors is the potential damage to Tim Avenue by his trucks. He then asked Mr. Gregoire what would he be willing to do to address this concern. Mr. Gregoire replied he has personally invested heavily in the development of the subdivision. He also noted that in order for them to bring materials out of the pit they will have to improve and maintain the road. His company has the resources, equipment and are willing to maintain the road. He stated the road will be maintained in like condition or better.

Commissioner Fikes asked Mr. Gregoire what were his plans on addressing the concerns related to dust and noise. Mr. Gregoire replied they would water down the road to reduce the dust and that they don't plan on working late into the evenings, that they would keep normal business hours. They also do not plan on doing any on site crushing of material. Most of the noise will come from trucks hauling the materials and some minor processing like screening of materials. His trucks are not really any louder than a regular vehicle. He also noted the 6-foot berm will reduce the noise coming from the pit.

Robert Fryer; P.O. Box 39265, Ninilchik, AK 99639: Mr. Fryer is a neighboring landowner and spoke in opposition to approving this permit.

Ken Rucker; P.O. Box 39394, Ninilchik, AK 99639: Mr. Rucker is a neighboring landowner and spoke in opposition to approving this permit.

Jerry Vantrease; P.O. Box 1730, Homer, AK 99603: Mr. Vantrease is the landowner of the lots identified for development and spoke in support of approving this permit. He noted that the lots are not zoned residential, they are zoned unrestricted.

James Lack; P.O. Box 2999, Homer, AK 99603: Mr. Lack is a neighboring landowner and spoke in opposition to approving this permit.

Tiffany Wilkes; 50192 Silverspring Lane, Kenai, AK 99611: Ms. Wilkes is a neighboring landowner and spoke in opposition to approving this permit.

Commissioner Venuti stated for at least the last 10 years borough residents, outside of city limits, have had the opportunity to establish local option zones. Local option zoning, which is generally residential zoning, allows only certain types of activities to occur in the area. Local option zoning is one way to control what kind of development happens in a subdivision. Here is another situation where area residents do not like the proposed development coming into their neighborhood, but there is nothing that prohibits it. This is another example of why local option zones are needed.

Jane Crossett; 67776 Homestead Road, Ninilchik, AK 99639: Ms. Crossett is a neighboring landowner and spoke in opposition to approving this permit.

Areas of concern expressed by neighboring landowners:

- Damage to Tim Avenue
- Tim Avenue is a narrow road and not wide enough to handle large vehicles
- Potential damage to the bridge over Happy Valley Creek
- There are already several material sites in the area – another is not needed
- The lots identified for development were intended for residential use – not commercial
- Noise and the hours of operation
- The existing road is not built to handle the large/heavy equipment associated with material sites

- The reclamation plan lacks specific information
- Air quality issues related to the increase in dust
- The proposed material site is dangerously close in proximity to the existing airstrip
- Decreased property values
- The Anchor Point APC did not have the opportunity to make a recommendation

Gina Debardelaben, McLane Consulting; P.O. Box 468, Soldotna, AK 99669: Ms. Debardelaben was contracted by the applicant to assist with the permit application. She noted the applicant has complied with borough code and spoke in favor of the commission approving the permit.

Richard Gregoire, Applicant; P.O. Box 2372, Homer, AK 99603: Mr. Gregoire stated the vehicles he uses to haul gravel are not much wider than a normal truck, so he does not believe that the width of Tim Avenue is an issue. He does not believe the increased traffic related to the pit is going to be that significant. If dust does become an issue they will alleviate it with the use of water. They are also willing to maintain the road to the current condition or better.

Chair Brantley asked Mr. Gregoire since he was asking for an exemption to the processing distance would he be willing to volunteer, since it is close to a residential area, limiting operation hours for processing to 8:00 AM to 6:00 PM. Mr. Gregoire stated he would be willing to do that.

Planning Manager Samantha Lopez informed the commission the information on this item was sent to the Anchor Point APC for their comment. The Anchor Point APC did not have enough members present to form a quorum at their last meeting, so no formal business could be conducted.

Commissioner Venuti asked Mr. Gregoire if he would be willing to add a voluntary condition to the permit to maintain the unmaintained section of Tim Avenue. Chair Brantley clarified this voluntary condition would only be required when the material site was being actively used. The applicant would not be required to maintain the road outside of those times. Mr. Gregoire stated he would be willing to do that.

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

MAIN MOTION: Commissioner Venuti moved, seconded by Commissioner Stutzer to adopt PC Resolution 2023-08 granting approval of a conditional land use permit to operate a sand, gravel, or material extraction site based on staff recommendations and subject to the conditions listed in the resolution.

Commissioner Stutzer noted that in the report to the FAA the applicant stated that the berm on the westside could be upwards of 8 feet. He asked the applicant if he would be willing to add the voluntary condition of the berm on the west side of the pit be 8 feet. Mr. Gregoire replied that in his report to the FAA he did state that the berm could be as tall as 8 feet, knowing that they were most concerned about the vertical height of things. He believed that the FAA would rather the berm be shorter and not higher in that area. Chair Brantley stated it appears that the applicant is not agreeing to this voluntary condition.

AMENDMENT A MOTION: Commissioner Fikes moved, seconded by Commissioner Staggs to add the voluntary condition of limiting processing hours to 8:00 AM to 6:00 PM as it would be in the best interest of the borough and the surrounding property owners.

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

AMENDMENT A MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, Fikes, Hooper, Horton, Morgan, Staggs, Stutzer, Tautfest, Venuti
Recused - 1	Gillham
Absent - 2	Martin, Slaughter

AMENDMENT B MOTION: Commissioner Venuti moved, seconded by Commissioner Fikes to add the voluntary condition that the applicant will maintain the access road, during the times the pit is in operation, as it would be in the best interest of the borough and the surrounding property owners.

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

AMENDMENT B MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, Fikes, Hooper, Horton, Morgan, Staggs, Stutzer, Taufest, Venuti
Recused - 1	Gillham
Absent - 2	Martin, Slaughter

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

MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE:

Yes - 9	Brantley, Fikes, Hooper, Horton, Morgan, Staggs, Stutzer, Taufest, Venuti
Recused - 1	Gillham
Absent - 2	Martin, Slaughter

AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Gillham reported the plat committee reviewed and granted preliminary approval to 5 plats and postponed action on 1 plat.

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 J. COMMISSIONER COMMENTS

Commissioner Morgan asked to be excused from the June 12, 2023 planning commission meeting.

Commissioner Horton noted that he will be able to attend the June 12, 2023 plat committee meeting.

AGENDA ITEM K. ADJOURNMENT

Commissioner Venuti moved to adjourn the meeting at 9:01 P.M.

Ann E. Shirnberg
Administrative Assistant