

C. CONSENT AGENDA

***7. Minutes**

- a. October 23, 2023 PC Meeting Minutes

Kenai Peninsula Borough Planning Commission

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

October 23, 2023
7:30 P.M.
APPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

Commissioner Brantley called the meeting to order at 7:30 p.m.

Oath of Office

Commissioner Troy Staggs was reappointed by Mayor Micciche to serve another 3-year term on the commission. Ms. Shirnberg administered the oath of office to Commissioner Staggs

AGENDA ITEM B. ROLL CALL

Commissioners Present

Jeffery Epperheimer, Nikiski District
Virginia Morgan, Cooper Landing/Hope District
Jeremy Brantley, Ridgeway/Sterling District
Dawson Slaughter, South Peninsula District
Charlene Tautfest, City of Soldotna
Troy Staggs, City of Seward
Franco Venuti, City of Homer
Diane Fikes, City of Kenai

With 8 members of a 9-member seated commission in attendance, a quorum was present.

Staff Present

Robert Ruffner, Planning Director
Vince Piagentini, Platting Manager
Madeleine Quainton, Platting Specialist
Jenny Robertson, Land Management Administrative Assistant
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDAS

***3. Plats Granted Administrative Approval**

- a. A.A. Mattox 2023 Replat; KPB File 2023-050
- b. Crossman Ridgeview; KPB File 2022-044
- c. North 20 Subdivision AHO Replat; KPB File 2022-152
- d. Patch Subdivision 2023; KPB File 2023-030R1
- e. Stanley's Meadow 2023; KPB File 2023-024

***6. Commissioner Excused Absences**

- a. Pamela Gillham, Kalifornsky/Kasilof District

***7. Minutes**

- a. October 9, 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 Epperheimer moved, seconded by Commissioner Tautfest 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 - 8	Brantley, Epperheimer, Fikes, Morgan, Slaughter, Staggs, Tautfest, Venuti
Absent -1	Gillham

AGENDA ITEM D. NEW BUSINESS

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

ITEM #1 – BUILDING SETBACK ENCROACHMENT PERMIT – ASHTON PARK SUBDIVISION

KPB File No.	2023-097
PC Resolution	2023-30
Planning Commission Meeting:	October 23, 2023
Applicant / Owner:	Laurel Frison of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Merrywood Avenue, Kalifornsky Area

Parent Parcel No.:	055-081-45
Legal Description:	T 5N R 11W SEC 35 Seward Meridian KN 0970074 Ashton Park Sub Lot 1 Blk 1
Assessing Use:	Residential
Zoning:	Rural Unrestricted

Platting Specialist Vince Piagentini gave the staff report. He noted that in the desk packet was a comment from Road Service Area (RSA) Director Scott Griebel. Mr. Griebel noted that the structure placement does not present an encroachment in to right of way and should not present impact RSA activities. However, the private property to the west may experience sight line issues entering the Merrywood right-of-way (ROW). Accounting for future potential of additional Merrywood ROW dedications and subdivision development of tax parcel # 055-07-337, coupled with the impact of potential development of Herr St. to the south, the structure could present sight line issues that may impact safety.

Chair Brantley opened the item for public comment.

Travis Frison, Applicant; 47490 Merrywood Avenue, Soldotna, AK 99669: Mr. Frison spoke in favor of approving the encroachment permit.

Rosemarie Meza; 34721 Pisces Court, Soldotna, AK 99669: Ms. Meza wanted to make sure that this structure would not impact the safety of her property. Chair Brantley replied that her property was not located on Merrywood Ave. so there would be no impact to the safety of her property.

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 Tautfest to adopt Planning Commission Resolution 2023-30, granting a setback encroachment permit to Block 1, Lot 1, Ashton Park Subdivision, Plat KN 097074.

Commissioner Venuti asked for clarification on RSA Director Griebel's report related to the setback request. RSA Director Griebel replied his approach to encroachment permit requests are to state his concerns and allow the Planning Commission to make their decision. Related to this specific request his comments are related to potential future development. He noted the area is a popular residential area and there are several large properties to the west and south of the subject parcel that could be developed. The proposed

encroachment would not impact RSA activities. However future development of the area and ROWs, sight lines potentially may be impacted, which in turn could also impact safety.

Commissioner Epperheimer asked RSA Director Griebel if he could elaborate on his concerns with potential sight line issues. RSA Director Griebel replied that he had visited the site and noted the proximity of the proposed structure to the ROW could affect the sight lines of vehicles pulling on to the ROW. Currently there is only one residence past the subject property, but there is the potential for future development of many more residences.

Commissioner Morgan referred to page D1-2 in the meeting packet which is an aerial view of the area. She noted that the neighboring parcel has developed their driveway off the end of Merrywood, and asked if a portion of the driveway is actually Merrywood Ave. Chair Brantley replied that Merrywood Ave. is only a 30-foot dedication and that the neighbor's driveway is not in the dedicated ROW. Commissioner Morgan then stated that Merrywood development appears to stop in front of the applicant's parcel. Chair Brantley replied that is correct, the full Merrywood dedication is not developed. However, if the neighboring parcel should ever subdivide, they would be required to provide a matching 30-foot dedication to bring Merrywood up to a full 60-foot ROW.

Commissioner Venuti then stated based on the RSA director's comments he does not believe that this permit meets standards two and three.

Commissioner Tautfest agreed with Commissioner Venuti, base on the RSA director's comment, standards two and three are not met.

Commissioner Staggs noted that in looking at the aerial image on page D1-2 of the meeting packet he doesn't see how the applicant can do anything else with their property, without having to move their house. There does not appear to be room in the back of the property to put the garage. He does not think that the line of sight is completely impacted. He then stated he would be supporting the applicant's request for a setback encroachment permit.

Commissioner Epperheimer noted that in the original staff report staff had recommended approval of this request. There is no additional information showing there is future development plans for the area. The Merrywood ROW appears to be a straight line. He then asked if Herr St. should ever extend north would the proposed building be in the setback? Chair Brantley replied currently there is no ROW dedication along the west boundary of the subject parcel so there is no setback requirement along that boundary.

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

MOTION FAILED DUE TO A TIE VOTE:

Yes – 4	Brantley, Epperheimer, Morgan, Staggs
No – 4	Fikes, Slaughter, Tautfest, Venuti
Absent -1	Gillham

MOTION: Commissioner Tautfest moved, seconded by Commissioner Venuti to attach the following finding in support of denial of the permit:

Standard Two Not Met: The building setback encroachment may not interfere with sight line or distances:

- Sight line and safety concerns identified in the comment from the RSA Director Scott Griebel.
- Finding #1 from staff report – There are several large parcels located west of the subject lot.
- Finding #9 from staff report – Merrywood Avenue is currently not fully developed.

Standard Three Not Met: The building setback encroachment may not create a safety hazard.

- Sight line and safety concerns identified in the comment from the RSA Director Scott Griebel.
- Finding #7 from staff report – Ashton Park Subdivision created the setbacks
- Finding #3 from staff report – there are no wetlands within the boundary of the lot.

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

MOTION PASSED BY MAJORITY VOTE:

Yes – 5	Brantley, Fikes, Slaughter, Tautfest, Venuti
No – 3	Epperheimer, Morgan, Staggs
Absent -1	Gillham

AGENDA ITEM E. UNFINISHED BUSINESS

**ITEM #1 – REMAND HEARING
BUILDING SETBACK ENCROACHMENT PERMIT – LAKE ESTATES SUBDIVISION**

KPB File No.	2022-121
PC Resolution	2023-31
Planning Commission Meeting:	October 23, 2023
Applicant / Owner:	David & Nancy Whitmore
Legal Description	Lot 10, Lake Estates Subdivision, Plat KN 1648
Surveyor:	John Segesser / Segesser Surveys
General Location:	GL Hollier Street – Ridgeway Area

Chair Brantley reminded the members of the audience that public comment was closed on this item. He then brought the item back to the commission for a motion.

Commissioner Staggs requested to be recused from this matter since he had not participated in the adjudicative session on 10/09/23. Chair Brantley approved his request.

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Fikes to go into adjudicative session and requested Administrative Assistant Ann Shirnberg to join them.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 7	Brantley, Epperheimer, Fikes, Morgan, Slaughter, Tautfest, Venuti
Recused – 1	Staggs
Absent -1	Gillham

Chair Brantley informed the audience that this would be a short adjudicative session and when they come back into session the commission would be voting on the item.

The commission went into adjudicative session at 8:20 P.M.

Please Note: There is no video recording of the meeting going forward. The Zoom recording was stopped instead of paused for the the adjudicative session and the clerk was unable to restart the recording when the commission came back into session. The commission came back into session at 8:43 P.M.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Fikes to adopt Planning Commission Resolution 2023-31 along with Attachment A – Finding of Fact & Conclusions of Law, granting a setback encroachment permit to Lot 10, Lakes Estate Subdivision, Plat KN 1648.

Commissioner Slaughter stated he would be supporting this request as he felt that the applicant had provided substantive evidence that the three standards had been met.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 7	Brantley, Epperheimer, Fikes, Morgan, Slaughter, Staggs, Tautfest, Venuti
Recused - 1	Staggs
Absent -1	Gillham

AGENDA ITEM G. OTHER

The Planning Commissioner reviewed the draft of the planning commission bylaws.

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 COMMENTS

Planning Director Ruffner informed the commission that the assembly had passed the rewrite of material site ordinance that has been works since 2017. The ordinance will not go into effect until October of 2024.

AGENDA ITEM J COMMISSIONER COMMENTS

- Commissioner Brantley asked for an excused absence for the 11/13/23 meeting.
- Commissioner Tautfest informed the commission that she would be out of state for the 11/13/23 meeting but she would try to attend via Zoom.

AGENDA ITEM K. ADJOURNMENT

Commissioner Staggs moved to adjourn the meeting at 9:31 P.M.

Ann E. Shirnberg
Administrative Assistant