

Kenai Peninsula Borough  
Planning Department

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**MEMORANDUM**

**TO:** Wayne Ogle, Assembly President  
Kenai Peninsula Borough Assembly Members

**THRU:** Charlie Pierce, Borough Mayor *chi*

**FROM:** Max Best, Planning Director *mb*

**DATE:** May 14, 2018

**RE:** Resolution 2018-025, Extending the deadline for submission of the Material Site Working Group's Final Report.

The Kenai Peninsula Borough Planning Commission reviewed the subject Resolution during their regularly scheduled May 14, 2018 meeting.

A motion passed by majority consent to recommend approval of Resolution 2018-025, a resolution extending the deadline for submission of the Material Site Working Group's Final Report. (*Bentz, Yes; Carluccio, Absent; Ecklund, No; Ernst, Yes; Fikes, Yes; Foster, Yes; Isham, Absent; Lockwood, Absent; Martin, Yes; Morgan, Yes; Ruffner Yes; Venuti, Yes; Whitney, Yes*)

In the Resolution, please make the following amendment to the last WHEREAS statement:

*WHEREAS, the planning commission considered this resolution at its May 14, 2018 meeting and recommended approval by majority consent.*

Attached are the unapproved minutes of the subject portion of the meeting.

AGENDA ITEM F.

PUBLIC HEARING

6. Resolution 2018-025, Extending the deadline for submission of the Material Site Working Group's Final Report.

The Material Site Working Group ("MSWG") formed by Resolution 2018-004 has been diligently working on its review of the material site regulations. The MSWG has been meeting semi-weekly, has taken public testimony and is considering proposed revisions to the current regulations. We find that in order to thoroughly complete our task including considering additional public testimony and considering and discussing proposed changes to the regulations additional time will be necessary. It is proposed that the MSWG suspend its meetings from June through September during the material site operators' busiest season and resume our work in October. It is respectfully requested that the assembly extend the deadline for the final report to the administration, planning commission and assembly until April 30, 2019. Consideration of this resolution is appreciated.

The planning commission will consider this resolution at its May 14, 2018, meeting and provide the assembly with its recommendations prior to the May 15 assembly meeting.

There has been great progress moving towards revising the ordinance. Staff's recommendation is that the Planning Commission supports this resolution.

END OF MEMORANDUM & STAFF REPORT

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

**MOTION:** Commissioner Morgan moved, seconded by Commissioner Fikes to recommend approval of Resolution 2018-025, Extending the deadline for submission of the Material Site Working Group's Final Report.

Commissioner Ecklund expressed concern that Commissioner Isham was not at this Planning Commission meeting and that Commissioner Ruffner has applied for another public office. She asked if this decision could be postponed until the next meeting to get comments regarding this from Commissioner Isham. Mr. Best replied that the Assembly will be addressing this resolution at their next meeting of May 15, 2018. He stated this is the only meeting prior to the sunset of the current resolution.

Commissioner Ruffner stated that he changed from running for office to running from office. He will not be running for public office.

Commissioner Ruffner stated that they have spent quite a bit of time helping the other members of the working group to come up to speed as to what the concerns are. The Planning Commission knows what it's like having a heated controversial item. A lot of members have not seen that before. He stated they started by going through all of staff's changes, talked about them and held a couple of public hearings. Commissioner Ruffner also stated that they then proceeded to vote on some of the things. As it turns out, there are 57 proposed changes. They have gone through the first 16 proposed changes and got an affirmative vote on 13 changes. They are just now getting to the voting part of it and it is unfortunate that they need a break but several of the members are fishermen and/or work outside construction. It is not ideal but they need additional time.

Commissioner Ruffner had no plans of leaving the Planning Commission and was not sure if Commissioner Isham will continue to sit on the committee. There is just one more scheduled meeting for this season then take a break and come back in the fall.

Commissioner Ecklund felt that it would not make much difference if they delay their decision. She expressed disappointment because this puts the whole process off for another season which is like the pace of a dead snake. This is the hottest topic that the planning commission has to deal with.

Commissioner Bentz stated that she attended the public hearing that was held in Anchor Point. There were a lot of concerns expressed about the timing of the public hearings being so close to the working season. She stated that this seems like a good move as far as being able to keep operators and industry members informed and part of the process.

Commissioner Ecklund asked if they could postpone any modifications to permits until after the new ordinance is done. Mr. Best replied no, not unless the Assembly puts a moratorium on them. Other than that they follow the code.

Commissioner Ecklund asked how many permit modifications were already in process. Mr. Wall replied that he does not have any permit modifications but has several new permit applications coming in.

There being no further comments or questions, Chairman Martin called for a roll call vote.

**VOTE:** The motion passed by majority consent.

BENTZ YES	CARLUCCIO ABSENT	ECKLUND NO	ERNST YES	FIKES YES	FOSTER YES	ISHAM ABSENT
LOCKWOOD ABSENT	MARTIN YES	MORGAN YES	RUFFNER YES	VENUTI YES	WHITNEY YES	9 YES 1 NO 3 ABSENT

AGENDA ITEM G. ANADROMOUS WATERS HABITAT PROTECTION (KPB 21.18) - None

AGENDA ITEM H. VACATIONS NOT REQUIRING A PUBLIC HEARING – None

AGENDA ITEM I. SPECIAL CONSIDERATIONS – None

AGENDA ITEM J. SUBDIVISION PLAT PUBLIC HEARINGS

Chairman Pro Tem Whitney reported that the Plat Committee reviewed and conditionally approved twelve preliminary plats.

AGENDA ITEM K. OTHER/NEW BUSINESS

AGENDA ITEM L. ASSEMBLY COMMENTS – None

AGENDA ITEM M. LEGAL REPRESENTATIVE COMMENTS - None

AGENDA ITEM N. DIRECTOR'S COMMENTS

Mr. Best reported the following actions from the May 1, 2018 Assembly meeting.

1. **APPROVED AS AMENDED** Ordinance 2018-18: Authorizing the Negotiated Sale of Two Tax Foreclosed Retained Parcels to the Last Record Owners at an Amount Equal to Taxes, Fees, Penalties, and Interest
2. **FAILED AS AMENDED – RECONSIDERATION FILED BY FISCHER** Ordinance 2017-19-21: Providing for an Exception to KPB 5.20.080 and Transferring \$4,500,000 from the Land Trust Fund to the General Fund.
3. **APPROVED AS AMENDED** Ordinance 2017-19-25: Accepting and Appropriating \$521,569.64 from the U.S. Department of Transportation, Western Federal Lands Highway Division to Extend a Portion of the Kenai Spur Highway Within the Borough Right-of-Way.

Chairman Martin asked if there were questions for Mr. Best. Hearing none, the meeting continued.