

# Kenai Peninsula Borough Planning Commission

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

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June 12, 2023  
7:30 P.M.  
APPROVED 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  
Blair Martin, District 2 - Kenai  
John Hooper, District 3 – Nikiski  
Michael Horton, District 4 - Soldotna  
Jeremy Brantley, District 5 – Sterling/Funny River  
David Stutzer, District 8 – 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 11 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  
Madeleine Quainton, Platting Specialist  
Marcus Mueller, Land Management Officer  
Ryan Raidmae, Resource Planner  
Ann Shirnberg, Planning Administrative Assistant

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

- \*2      Planning Commission Resolution**
  - a. PC Resolution 2023-08
  
- \*3.      Plats Granted Administrative Approval**
  - a. Jack Gist Subdivision No. 3 Phase 1; KPB File 2020-107P1
  - b. Mountain Vista Estates 2022 Replat; KPB 2021-147
  - c. Wales Subdivision; KPB File 2022-061
  - d. Windhaven Estates Phase 4; KPB File 2021-063
  - e. Yoder Subdivision; KPB File 2022-113
  
- \*6.      Commissioner Excused Absences**
  - a. Virginia Morgan – District 6, East Peninsula
  - b. City of Seldovia, Vacant
  - c. District 7 – Central, Vacant

**\*7. Minutes**

- a. May 22, 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 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 - 11	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Slaughter, Staggs, Stutzer, Taufest, Venuti
Absent - 1	Morgan

**AGENDA ITEM E. NEW BUSINESS**

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

**ITEM #1 - SECTION LINE EASEMENT VACATION**

**VACATE THE 66 FOOT SECTION LINE EASEMENT ALONG THE EAST LOT BOUNDARY OF LOT 1, HOLLYWOOD KENNEDY GIBBONS 2006 ADDITION, PLAT HM 2007-108**

<b>KPB File No.</b>	2023-053V
<b>Planning Commission Meeting:</b>	June 12, 2023
<b>Applicant / Owner:</b>	Stephen Smith / Geovera, LLC
<b>Surveyor:</b>	Emmitt & Mary Trimble Joint Revocable Trust
<b>General Location:</b>	Sterling Highway, Anchor Point, Anchor Point APC
<b>Legal Description:</b>	Lot 1 Hollywood Kennedy Gibbons 2006 Addition HM 2007-108, NW1/4 Section 22, Township 4 South, Range 15 West SM

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Todd Travis; 31150 Sterling Highway, Anchor Point, AK 99556: Mr. Travis is a neighboring landowner and wanted to know exactly how much of the section line easement in the area was going to be vacated. He wasn't opposed to the vacation but he was concerned that it might affect the view on his property.

Platting Manager Piagentini replied section line easements belong to the State and they will determine how much of the section line would be vacated which could be different that what is being requested by the applicant.

Mr. Travis then asked how would the land from the section line easement vacation be allotted, would it be split between himself and the other landowner? Planner Julie Hindman replied section line easements are easements that the land is subject to. The determination of who gets the use of that land back is the location of the easement on the property. It appears that this section line easement vacation request is encumbered by the applicant's parcel, which is Lot 1.

Hugh (Unclear); P.O. Box 1118, Anchor Point, AK 99556: Hugh asked for clarification on the approval process. Chair Brantley explained the approval process for section line easements.

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 Venuti 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 - 11	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Slaughter, Staggs, Stutzer, Taufest, Venuti
Absent - 1	Morgan

**ITEM 2. CONDITIONAL LAND USE PERMIT – MATERIALS EXTRACTION  
30986 SEWARD HIGHWAY, MOOSE PASS, AK**

<b>KPB File No.</b>	2023-15
<b>Planning Commission Meeting:</b>	June 12, 2023
<b>Applicant</b>	Colaska Inc. - QAP
<b>Landowner</b>	Alaska Railroad Corporation (ARC)
<b>Parcel Number</b>	125-141-01
<b>Legal Description</b>	T04N, R01W, SEC13, S.M., SW 0007391 USS 7391 Lot 2
<b>Location</b>	30986 Seward Hwy., Moose Pass Alaska

Staff report given by Planner Ryan Raidmae.

Chair Brantley opened the item for public comment.

Darrel Belanger, QAP Project Contact; 240 W. 68<sup>th</sup> Ave., Anchorage, AK 99518: Mr. Belanger is the project contact and made himself available for questions. He also noted that they are working on developing a different site access with ARC to build a road along the eastern boarder of the railroad right-of-way.

Commissioner Fikes asked if they had any noise concerns with processing happening after 8:00 PM. Mr. Belanger noted that any processing after those hours would not involve rock crushing, only the screening of materials. Commissioner Fikes then asked if they were planning to work in the pit after 8:00 PM. Mr. Belanger replied the only work would be the screening of materials. If the neighboring residents complain of noise issues, they do have some flexibility. For instance they could limit the type of activities to only hauling of materials after 8:00 PM.

Chair Brantley stated it was his understanding that screening is a form of processing. Planner Raidmae replied that yes, screening is a form of processing. He noted that code only addresses limiting rock crushing between the hours of 10:00 PM and 6:00 AM. All other types of material processing are allowable during operational hours.

Commissioner Gillham noted the Moose Pass APC requested that the test holes be drilled to a depth of 10'. Could staff address the reasoning behind this request. Planner Raidmae stated that the APC was not happy with the test holes being only drill to a depth of 7' while QAP's proposal was to excavate to a depth of 10'. The APC wanted QAP to drill test holes to the depth they were requesting to excavate to. The APC had concerns since the water depth in the area was unknown the applicant should be required to dig test holes to the depth they planned to excavate.

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 Fikes to adopt PC Resolution 2023-15 granting a conditional land use permit to operate a sand, gravel, or material site based on staff recommendations and subject to the conditions listed in the resolution.

Chair Brantley noted that code states with CLUPs that the operator must stay two feet above the water table. This is not difficult to do. Should an operator hit water while they are excavating they just stop immediately and go back up from that depth. He knows that water table issues are an area of concern

with the public but it can be easily managed by the operator.

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 11	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Slaughter, Staggs, Stutzer, Taufest, Venuti
Absent - 1	Morgan

**ITEM 3. CONDITIONAL LAND USE PERMIT – MATERIALS EXTRACTION  
0.5 MILES DUE NORTH OF MP 53 OF THE STERLING HIGHWAY, COOPER LANDING, AK**

<b>KPB File No.</b>	2023-16
<b>Planning Commission Meeting:</b>	June 12, 2023
<b>Applicant</b>	Colaska Inc. – QAP
<b>Landowner</b>	Kenai Peninsula Borough
<b>Parcel Numbers</b>	119-010-30
<b>Legal Description</b>	T 5N R 4W SEC 25 26 27 SEWARD MERIDIAN SW W1/2 NW1/4 & NW1/4 SW1/4 IN SEC 25 & N1/2 & N1/2 S1/2 IN SEC 26 & N1/2 & N1/2 S1/2 IN SEC 27
<b>Location</b>	0.5 Miles Due North of MP 53 of the Sterling Highway, Cooper Landing, AK

Staff report given by Planner Ryan Raidmae.

Chair Brantley opened the item for public comment.

Jake Hinkle, QAP Project Contact; 240 W. 68<sup>th</sup> Ave., Anchorage, AK 99518: Mr. Gallagher is the project contact and made himself available for question.

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 PC Resolution 2023-16 granting a conditional land use permit to operate a sand, gravel, or material site 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 - 11	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Slaughter, Staggs, Stutzer, Taufest, Venuti
Absent - 1	Morgan

**ITEM 4. PLANNING COMMISSION RESOLUTION 2023-12  
RECOMMENDING AN ASSEMBLY ORDER OF CONDEMNATION AND FOR REMOVAL OF A  
HAZARDOUS & DANGEROUS BUILDING**

Staff report given by Planning Director Robert Ruffner.

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 Slaughter to adopt PC Resolution 2023-12 recommending an assembly order of condemnation and for removal of a hazardous and dangerous building.

Commissioner Slaughter asked staff if the borough was going to be liable for the clean up of the fuel contamination in the water table and soil.

Deputy Borough Attorney Steinhage replied the resolution deals with the recommendation for the condemnation and cleanup of the building down to the concrete pad. He then referred the commission to page E4-8 of the meeting packet materials which is the memorandum of agreement (MOA) between the Alaska Department of Environmental Conservation (DEC) and the Kenai Peninsula Borough. The MOA lays out the steps that the borough is going to take and the steps that the DEC will take in relation to the site cleanup. In accordance with Alaska Statute (AS) 46.03.822(k)1 - in the event that the borough forecloses on the property, the DEC will not consider the borough liable for the environmental contamination at the site that was present prior to the borough taking ownership. He then noted that the DEC has been aware of this situation for some time.

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 11	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Slaughter, Staggs, Stutzer, Taufest, Venuti
Absent - 1	Morgan

**AGENDA ITEM F. PLAT COMMITTEE REPORT**

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

**AGENDA ITEM H. PUBLIC COMMENT/PRESENTATIONS**

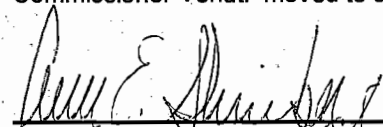
Chair Brantley asked if there was anyone from the public who would like to comment on anything not appearing on the agenda. No one wished to comment

**AGENDA ITEM J. COMMISSIONER COMMENTS**

Commissioner Taufest noted that she will out of town for the next meeting. She will try to Zoom in for the meeting but if there are connectivity issues she might be absent.

**AGENDA ITEM K. ADJOURNMENT**

Commissioner Venuti moved to adjourn the meeting at 9:06 P.M.

  
 Ann E. Shirnberg  
 Administrative Assistant