



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Planning Commission

Jeremy Brantley, Chair – District 5 Sterling/Funny River
Blair Martin, Vice Chair – District 2 Kenai
Pamela Gillham – District 1 Kalifornsky
Virginia Morgan, Parliamentarian – District 6 East Peninsula
John Hooper – District 3 Nikiski
Michael Horton – District 4 Soldotna
VACANT – District 7 Central
David Stutzer – District 8 Homer
Dawson Slaughter – District 9 South Peninsula
Diane Fikes – City of Kenai
Franco Venuti – City of Homer
Charlene Tautfest – City of Soldotna
Troy Staggs – City of Seward
VACANT – City of Seldovia

Monday, February 27, 2023

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

The hearing procedure for the Planning Commission public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

A. CALL TO ORDER**B. ROLL CALL****C. APPROVAL OF CONSENT AND REGULAR AGENDA**

All items marked with an asterisk () are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner so requests in which case the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.*

If you wish to comment on a consent agenda item or a regular agenda item other than a public hearing, please advise the recording secretary before the meeting begins, and she will inform the Chairman of your wish to comment.

1. Time Extension Request
2. Planning Commission Resolutions
3. Plats Granted Administrative Approval
4. Plats Granted Final Approval (KPB 20.10.040)
5. Plat Amendment Request
6. Commissioner Excused Absences
7. Minutes

[KPB-4958](#) February 13, 2023 Planning Commission Meeting Minutes

Attachments: [C7. 021323 PC Meeting Minutes_Draft](#)

D. OLD BUSINESS**E. NEW BUSINESS****F. PLAT COMMITTEE REPORT****G. OTHER**

[KPB-4957](#) Discussion On Planning Commission Bylaws

Attachments: [G1. PC Bylaws Info Desk Packet](#)

H. PUBLIC COMMENT/PRESENTATION

(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NO ACTION REQUIRED

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, March 20, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

Phone: toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: planning@kpb.us

website: <http://www.kpb.us/planning-dept/planning-home>

A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees. Vacations of right-of-ways, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly.

Vacations within city limits cannot be made without the consent of the city council. The assembly or city council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received within the specified period, it shall be considered that consent was given.

A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

C. CONSENT AGENDA

***7. Minutes**

- a. February 13, 2023 Planning Commission Meeting Minutes**

Kenai Peninsula Borough Planning Commission

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

February 13, 2023
7:30 P.M.
UNAPPROVED MINUTES

AGENDA ITEM A. **CALL TO ORDER**

Chair Brantley called the meeting to order at 7:40 p.m.

AGENDA ITEM B. **ROLL CALL**

Commissioners Present

Pamela Gillham, District 1 – Kalifornsky
Blair Martin – District 2, Kenai
John Hooper, District 3 – Nikiski
Jeremy Brantley, District 5 – Sterling/Funny River
Virginia Morgan – District 6, East Peninsula
Franco Venuti, City of Homer
Diane Fikes, City of Kenai
Troy Staggs, City of Seward

With 8 members of a 12-member seated commission in attendance, a quorum was present.

Staff Present

Robert Ruffner, Acting Planning Director
Marcus Mueller, Land Management Officer
Walker Steinhage, Deputy Borough Attorney
Vince Piagentini, Platting Manager
Julie Hindman, Platting Specialist
Morgan Aldridge, Planner
Ann Shirnberg, Planning Administrative Assistant

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

***6. Commissioner Excused Absences**

- a. David Stutzer, District 8 – Homer
- b. Dawson Slaughter, District 9 – South Peninsula
- c. Michael Horton, District 4 - Soldotna
- d. Charlene Tautfest, City of Soldotna
- e. City of Seldovia, Vacant
- f. District 7 – Central, Vacant

***7. Minutes**

- a. January 23, 2023 Planning Commission meeting minutes.

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record.

Chair Brantley 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 Gillham moved, seconded by Commissioner Staggs 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 - 8	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Staggs, Venuti
Absent - 4	Horton, Slaughter, Stutzer, Tautfest

AGENDA ITEM E. NEW BUSINESS

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

ITEM E1 - UTILITY EASEMENT ALTERATION

VACATE A PORTION OF A 40-FOOT-WIDE UTILITY EASEMENT ASSOCIATED WITH TRACT B-2C OF MULLEN HOMESTEAD SUBDIVISION SOLDOTNA CREEK ADDITION, PLAT KN 2015-47

KPB File No.	2023-007V
Planning Commission Meeting:	February 13, 2023
Applicant / Owner:	City of Soldotna
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Designs, LLC
General Location:	Near the Mullen Drive and Kenai Spur Highway intersection, City of Soldotna

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 Gillham to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, based on staff recommendations and adopting and incorporating by reference findings 1-10, 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 - 8	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Staggs, Venuti
Absent - 4	Horton, Slaughter, Stutzer, Tautfest

ITEM E2 - RIGHT OF WAY VACATION

VACATE A PORTION OF MCNAMARA COURT CUL-DE-SAC BULB

KPB File No.	2023-009V
Planning Commission Meeting:	February 13, 2023
Applicant / Owner:	George and Laurel Lastinger of Soldotna, Alaska
Surveyor:	Jason Schollenberg
General Location:	Royce Street, McNamara Court, Funny River, Funny River APC
Legal Description:	McNamara Court, McNamara Acres Subdivision, Plat KN 81-151

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 Gillham to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, based on staff recommendations and compliance to borough code.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Staggs, Venuti
Absent - 4	Horton, Slaughter, Stutzer, Tautfest

**ITEM E3 – CONDITIONAL USE PERMIT
PC RESOLUTION 2023-04**

KPB File No.	2023-04
Planning Commission Meeting:	February 13, 2023
Applicant	Alaska Department of Transportation and Public Facilities
Mailing Address	4111 Aviation Avenue, Anchorage, AK 99516-6900
Legal Description	ADOT Right-of-Way (ROW) Easement, Cooper Landing, AK
Physical Address	T 05N, R 05W, Section 35, Seward Meridian
KPB Parcel Number	025-180-03

Staff report given by Borough Planner Morgan Aldridge.

Chair Brantley opened the item for public comment.

Irene Turlets, HDR; 582 East 36th Avenue, Suite 500, Anchorage AK, 99503: Ms. Turlets is one of the individuals working on this project and made herself available for questions.

Johnathan Tymick, Engineer, AK DOT&PF; P.O. Box 196922, Anchorage, AK 99515: Mr. Tymick is project manager for this project and made himself available for questions.

Lynnda Khan, Kenai National Wildlife Refuge; 33398 Ski Hill Road, Soldotna, AK 99669: Ms. Kahn had several concerns regarding the project for Ms. Turlets to address. Ms. Turlets addressed Ms. Khan's concerns.

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 Gillham to adopt PC Resolution 2023-04, granting a conditional use permit pursuant to KPB 21.18 for the construction of highway improvements within the 50-foot Habitat Protection District of the Kenai River.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Staggs, Venuti
Absent - 4	Horton, Slaughter, Stutzer, Tautfest

ITEM E4 – ORDINANCE 2023-06
APPROVING AN AMENDMENT TO SNOMADS COMMUNITY TRAIL MANAGEMENT AGREEMENT

Staff report given by Land Management Officer Marcus Mueller.

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 Gillham to forward to the Assembly a recommendation to adopt Ordinance 2023-06, approving an amendment to Snomads Community Trail Management Agreement.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Staggs, Venuti
Absent - 4	Horton, Slaughter, Stutzer, Tautfest

AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Gillham reported the plat committee reviewed and granted preliminary approval to 6 plats.

AGENDA ITEM G. OTHER (No Public Hearing)

1. Cooper Landing Unit 395 Land Planning Presentation

Land Management Officer Marcus Mueller
Project Lead Patrick Cotter from RESPEC

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

AGENDA ITEM K. ADJOURNMENT

Commissioner Martin moved to adjourn the meeting at 8:31 PM.

Ann E. Shirnberg
Administrative Assistant

DESK PACKET ITEMS

(Items received after the meeting packet publish date of 02/17/2023)

G. OTHER

Planning Commission Bylaws Discussion

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BYLAWS OF THE KENAI PENINSULA BOROUGH PLANNING COMMISSION A Commission of the Kenai Peninsula Borough A Municipal Corporation

PREAMBLE

The Kenai Peninsula Borough Planning Commission shall provide for the systematic and organized development of the borough

ARTICLE I

Planning Commission Establishment- Government-Name

- Section 1. Name: The name of the commission is the "KENAI PENINSULA BOROUGH PLANNING COMMISSION," hereinafter referred to as the "commission."
- Section 2. Establishment: The COMMISSION is required by AS 29.40.020 and was established by Kenai Peninsula Borough Ordinance **[INSERT RELEVANT ORD]**.
- Section 3. Government: The COMMISSION operations are governed by Alaska Statutes, particularly Title 29.40; and the Kenai Peninsula Borough Code of Ordinances, broad duties are described in KPB Chapter 2.40. The COMMISSION further administers, in full or in part, Kenai Peninsula Borough Titles 20 and 21 and other provisions of the borough code as may be adopted by the assembly and made applicable to the COMMISSION.

ARTICLE II

Commissioners

- Section 1. Establishment - Appointment: As provided for by A.S. 29.40.020 and KPB 2.40.015
- Section 2. Powers and Duties of the Commission: Per A.S. 29.40.020 The COMMISSION shall:
- 1) Prepare and submit to the assembly a proposed comprehensive plan in accordance with AS [29.40.030](#) for the systematic and organized development of the borough
 - 2) Review, recommend, and administer measures necessary to implement the comprehensive plan, including measures provided under AS [29.40.040](#)

In addition, the planning commissions duties as prescribed by ordinance:

- A. Consistent with the provisions of KPB 2.40.040 The commission shall prepare from time-to-time plans for the systematic development and betterment of the borough as a place of residence or for business. It

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may employ engineers, attorneys, clerks and a secretary, or other personnel considered necessary, subject to the approval of the assembly. The assembly shall fix the compensation of persons employed by the planning commission. The compensation and necessary expenses of the planning commission shall be paid out of the borough treasury in the same manner as other expenses of the borough government, within the limits of appropriations by the assembly for that purpose. In no event may the planning commission be authorized to create a deficiency.

- B. Consistent with the provisions of KPB 2.40.050, may consider and investigate subject matter tending to the development and betterment of the borough and make recommendations as it considers advisable to any department of the borough government and to the assembly. The commission may make or have made surveys, maps or plans.
- C. Consistent with the provisions of KPB 2.40.060, Before final action is taken by the borough or a department of it, on the location and design of any public building, dock, beach, ski ground, statue, memorial park, parkway, boulevard, street or alley, playground, public street, alley or the grade thereof, the matter shall be submitted to the planning commission for investigation and report.
- D. Place holder.
- E. Consistent with KPB 2.40.080; The planning commission in its capacity as the platting board is authorized to delegate powers to hear and decide cases involving platting to a **plat committee** composed of those members of the planning commission present for such hearing so long as there are at least 4 members of the planning commission present. The following procedures are prescribed for hearings and reviews:
 - 1) Cases may be decided by a majority vote of the plat committee members present.
 - 2) Review of a decision of the plat committee may be heard by the planning commission acting as platting board by filing written notice thereof with the borough planning director on a form provided by the borough planning department. The request for review shall be filed within fifteen days of date of distribution of the decision of the plat committee by personal service or service by mail. A request for review may be filed by any person or agency that was sent a notice of decision. The request for review must briefly state the reason for the review request and applicable provisions of borough code or other law upon which the request for review is based. Notice of the review hearing will be issued by staff to the original recipients of the plat committee public hearing notice.
 - 3) Cases reviewed shall be heard de novo by the planning commission acting as the platting board.
- F. Perform other functions as delegated by the assembly.

Section 3. Terms and Qualifications: As provided for in KPB 2.10.015 (D)

Bylaw creation authorized by KPB 2.40.110

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Section 4. Vacancies: As provided for in KPB 2.10.015 (E)

Section 5. Absences: [should be addressed]

ARTICLE III Meetings

Section 1. Commission Meetings: The Commission shall meet periodically at a regularly scheduled time and place designated by the administration?. Special meetings of the commission may be called by the chairperson, planning director or by three members upon one day's notice thereof published in a newspaper or via radio having general public distribution. The notice shall state the specific matter or matters to be included on the agenda and include the time and the place of the meeting and shall be emailed, mailed or telephoned to each member. The attendance of a member at a meeting constitutes a waiver of notice of the meeting. All meetings, with the exception of executive sessions or adjudicative sessions, are open to the public as provided in AS 29.20.20 and AS 44.62.310 and in accordance with the policies set forth in AS 44.62.312.

Section 2. Quorum: a majority of sitting members shall constitute a quorum; however; any action shall require the affirmative vote of ___ or more commission members. In the absence of a quorum, a majority of those present may adjourn the meeting to a later date.

Section 3. Work Session: Work session meetings of the commission may be called at any time by the chairperson, planning director or any three members of the commission, upon at least one day's notice. The commission cannot take any official action at a work session. The commission need not, but may, provide for audience participation at a work session. Public notice is required.

Section 4. Adjudicatory Session: The commission, may from time to time, convene meetings of quasi-judicial matters to make decisions in adjudicatory proceedings. The planning commission is exempt from the OMA when meeting solely to make a decision in an adjudicatory proceeding. An "adjudicatory proceeding" is generally one in which the rights of specific, identified individuals are being determined, such as a request for a zoning matter, or a variance request. To be exempt from the OMA means that the commission, in such cases, may meet in adjudicative session to deliberate and make a decision in the pending case.

Section 5. Agenda: An agenda for the meetings shall be distributed to all commissioners prior to the meeting, including a packet of any supporting documentation.

Section 6. Minutes: All proceedings of meetings and work sessions will be electronically recorded, and minutes permanently recorded in print. The electronic

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recording shall be maintained for a period of one year, and the written record shall be distributed to commissioners. After the minutes are approved, a copy shall be forwarded to the Borough Clerk for the Borough Mayor and the assembly.

- Section 7. Order of Business: The order of business at all meetings and work sessions of the commission shall be in accordance with the adopted agenda for that meeting; however, the commission may change the order of business by motion to accommodate the public, commissioners, or the business being conducted. The chair may limit or alter the time periods for commission's debate and public presentation.
- Section 8. Chair: The chair or vice-chair shall preside at all meetings of the commission and shall remain a voting member of the commission.
- Section 9. Procedure: Meetings shall be conducted in accordance with Robert's Rules of Order Newly Revised unless other procedural rules for the conduct of meetings have been adopted by the COMMISSION. Meetings may be held by teleconference in compliance with AS 44.62.310. NEED DISCUSSION HERE ABOUT ZOOM AND REMOTE MEETING ATTENDANCE.

ARTICLE IV Commission Officers

- Section 1. Election of Officers- Terms- Qualifications: (NEEDS DISCUSSION)
- Section 2. Resignation-Vacancies: Should an officer's seat become vacant, the commission shall elect, by majority vote of the remaining commissioners, a successor to fill that office for the rest of the term at the first meeting following the notice of resignation.

ARTICLE V Personnel

Placeholder

ARTICLE VI Records

- Section 1. Commission Records. The COMMISSION records shall be open for public inspection as provided for in Alaska Statutes, borough ordinances, resolutions and policies. COMMISSION records are maintained and retained in accordance with borough ordinance, resolutions and policies and procedures.

ARTICLE VII Amendments

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Section 1. Bylaws Adoption, Amendments or Repeal: The commission may adopt, amend, or repeal bylaws at any regular or special meeting of the commission provided that no bylaw shall be inconsistent with Alaska Statutes or borough ordinances or resolutions.

Section 2. Voting Requirements: No bylaw may be adopted, amended, or repealed except by majority vote of sitting members.

These bylaws are hereby approved unanimously by the commission and adopted on _____.

Chair

Attest:

Director