

C. CONSENT AGENDA

***7. Minutes**

- a. March 20, 2023 Planning Commission Meeting**

Kenai Peninsula Borough Planning Commission

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

March 20, 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. (Late start due to plat committee meeting running over)

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
Virginia Morgan – District 6, East Peninsula
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 12 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
Ann Shirnberg, Planning Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDAS

- *3. Administrative Approvals**
 - a. Fort Raymond Subdivision Replat Number 5; KPB File 2022-029
- *6. Commissioner Excused Absences**
 - a. City of Seldovia, Vacant
 - b. District 7 – Central, Vacant
- *7. Minutes**
 - a. February 27, 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 Slaughter moved, seconded by Commissioner Gillham 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 - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Taufest, Venuti
Absent - 0	

AGENDA ITEM E. NEW BUSINESS

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

**ITEM 1 - UTILITY EASEMENT ALTERATION
VACATE ENTIRE 10 FOOT UTILITY EASEMENT ON THE EAST BOUNDARY OF LOT 8, BLUFF POINT SUBDIVISION, PLAT HM 83-81**

KPB File No.	2023-021V1
Planning Commission Meeting:	March 20, 2023
Applicant / Owner:	David Shapiro of Homer, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Lookout Drive, Diamond Ridge, Kachemak Bay APC

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Gary Nelson, Ability Surveys; 152 Dehel Avenue, Homer, AK, 99603: Mr. Nelson was the surveyor on this project and made himself available for questions.

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 Martin to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, based on staff recommendations, adopting and incorporating by reference findings 1-11, as set forth in the staff report and adopting PC Resolution 2023-05.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Taufest, Venuti
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**ITEM 2 – SECTION LINE EASEMENT VACATION
VACATE THE 33 FOOT SECTION LINE EASEMENT ALONG THE NORTHERN LOT BOUNDARY OF LOT 8, BLUFF POINT SUBDIVISION, PLAT HM 83-81**

KPB File No.	2023-021V
Planning Commission Meeting:	March 20, 2023
Applicant / Owner:	David Shapiro of Homer, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Lookout Drive, Diamond Ridge, Kachemak APC
Legal Description:	Lot 8, Bluff Point Subdivision, Plat HM 83-81, Section 16, Township 6 South, Range 14 West

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Gary Nelson, Ability Surveys; 152 Dehel Avenue, Homer, AK, 99603: Mr. Nelson was the surveyor on this project and spoke in support of granting the section line easement request and made himself available for questions.

Commissioner Stutzer asked a clarification question of the surveyor.

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

MAIN MOTION: Commissioner Staggs moved, seconded by Commissioner Slaughter to recommend the approval of the vacation as petitioned. based on the means of evaluating public necessity established by KPB 20.65.

Commissioner Gillham asked a clarification question of staff.

Commissioner Horton stated that he is inclined to support this vacation request. He noted that on page E2-6 of the meeting packet the majority of staff recommendations seem to support approving this request. He also stated that he felt approving this vacation lined up with KPB 20.65.050(D) which states that land may be vacated if the dedication is no longer necessary for present or future public use. The original plat never intended that Lookout should ever connect with Ness. The cul-de-sac was never intended to be opened up. So the original intent was to never develop this section of the section line easement. Supporting this vacation also appears to support Objective A within the Borough Comprehensive Plan. He understands that DNR & DOT have not done their full review of this request, but he does not see how this section of the section line easement is serving the public at this time. He will be voting in favor of recommending approval of the vacation to both the Assembly & the State.

Commissioner Stutzer asked staff if the section line easement extends over to the east and connects with Ness. He also asked if there was another 33-foot section line easement adjacent to the north. Ms. Hindman replied that there is a 33-foot section line easement adjacent to the north that would connect Lookout Drive to Ness Circle. The section line easement in this area is 66-feet wide. Commissioner Stutzer then stated that all the lots in this subdivision already have access with developed roads so he would be inclined to support this vacation request.

Commissioner Martin stated that he agrees with Commissioner Horton. He supports recommending approval of the vacation as petitioned and push it forward to the State for them to have their say on the matter. He does not see any logical use for that piece of dedication.

Commissioner Morgan noted that in the bottom corner of the map on page E2-1, the section line easements in the area are depicted.

Chair Brantley reminded the commission that he believes if the commission decides to approve this request, they will have to come up with findings to support their decision, even though this is considered a legislative matter. Borough Attorney Steinhage replied that this vacation is considered a legislative matter that will be going to the Assembly and then on to the State. It might be helpful for them to know the basis of the commission's decision. Best practice is certainly to have findings that would support your recommendation.

Ms. Hindman stated should the commission choose to approve the vacation staff would recommend an additional motion amending the language to attach the five items in the staff report that the vacation should be subject to. She also noted that item 5 had a mistake, it should state that the submittal of a final plat within a timeframe such that the plat can be recorded within 4 years of the vacation consent.

AMENDMENT MOTION: Commissioner Staggs moved, seconded by Commissioner Martin to amend the motion to add, based on the means of evaluating public necessity established by KPB 20.65, subject to the 5 recommendations as set forth in the staff report and changing recommendation 5 to state that the plat can be recorded within 4 years of the vacation consent.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE:

Yes - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Taufest, Venuti
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Hearing no objection or further discussion, the motion was carried by the following vote:

MAIN MOTION PASSED BY UNANIMOUS VOTE:

Yes - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Taufest, Venuti
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FINDINGS MOTION: Commissioner Martin moved, seconded by Commissioner Slaughter, to attach findings 1-6 from the staff report under 20.65.050(D), with finding 6 stating the area could be used for pedestrian access if required, due to the existing 33-foot section line easement adjacent to the north.

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

FINDINGS MOTION PASSED BY UNANIMOUS VOTE:

Yes - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Taufest, Venuti
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**ITEM 3 - PEDESTRIAN EASEMENT VACATION
VACATE ENTIRE 20 FOOT PEDESTRIAN EASEMENT GRANTED ON MULLEN HOMESTEAD
SUBDIVISION NO. 3, KN 2000-44**

KPB File No.	2023-007V2V
Planning Commission Meeting:	March 20, 2023
Applicant / Owner:	City of Soldotna
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Homestead Lane, City of Soldotna
Legal Description:	Tract B-2C, Mullen Homestead Subdivision Soldotna Creek Addition, KN 2015-47

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Jason Young, Edge Survey & Design; PO Box 208, Kasilof, AK 99610: Mr. Young was the surveyor on this project and made himself available for questions.

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

Commissioner Taufest informed the chair that she had voted on this item in her role as a planning commissioner for the City of Soldotna and requested to be recused from this matter. Chair Brantley approved the request.

MAIN MOTION: Commissioner Slaughter moved, seconded by Commissioner Staggs 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 4 recommendations as set forth in the staff report.

EXCEPTION REQUEST: Commissioner Slaughter moved, seconded by Commissioner Staggs to approve the exception request to KPB 20.65.040(D) – Vacation Application, Appropriate Fees, citing findings 1, 2, 8 & 9 in support of standards one, two and three.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Venuti
Recused - 1	Tautfest

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

MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE:

Yes - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Venuti
Recused - 1	Tautfest

**ITEM 4 - RIGHT OF WAY VACATION
VACATE PORTIONS OF TWO SEISMOGRAPH TRAILS GRANTED ON NINILCHIK RIGHT-OF-WAY
MAP, PLAT HM 84-115 and ASSOCIATED UTILITY EASEMENTS**

KPB File No.	2023-020V
Planning Commission Meeting:	March 20, 2023
Applicant / Owner:	Patrick Carmody of Nikiski, Alaska
Surveyor:	Jason Young, Mari Aimonetti / Edge Survey and Design, LLC
General Location:	Oil Well Road, Beatty Avenue, Grassim Street, Ninilchik
Legal Description:	Seismograph Trails within Lot 270, Section 16, Township 2 South, Range 12 West, Right of Way Map (also known as the Ninilchik Right of Way Map), HM 84-115

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Jason Young, Edge Survey & Design; PO Box 208, Kasilof, AK 99610: Mr. Young was the surveyor on this project. He stated the purpose for this vacation is to clean up some of the old seismographic trails from the HM 84-115 plat that created several oddly shaped, small and unusable parcels. In this case the vacations are close to existing intersections and it made sense to give and take a little. He noted that the trails are not improved and are not really used. The seismographic trails are overgrown with vegetation and are not practical for use.

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

MOTION: Commissioner Venuti moved, seconded by Commissioner Slaughter to recommend the approval of 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 4 recommendations as set forth in the staff report.

Commissioner Stutzer asked what was the history behind the dedication of these seismographic trails. Ms. Hindman replied that these easements were dedicated in 1984 as rights-of-way. They were logging roads before that and she does not know how long they were in existence before then. She believed that the surveyors back in 1984 used arial photos to find what they thought were heavily used trails. She then noted that the surveyor may have additional history on these dedications. Mr. Young replied that he personally knows several of the surveyors who worked on the 1984 plat. It was kind of willy-nilly – they used aerial photos to try and guess which trails were used and which were not. As far as he knows there was no research done on which trails were being used. These seismographic trails have been an issue for a lot of landowners in the area as these trails have split up parcels, creating odd little unusable lots of land. There was really no hard science regarding which trails were being used. The surveyors literally used tracing paper and old photos back in 1984 to create these dedications.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
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AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Gillham reported the plat committee reviewed and granted preliminary approval to 5 plats.

Ms. Shirnberg asked for volunteers for the Plat Committee for the second quarter (April-May-June). The plat committee for the second quarter:

- Commissioner Gillham
- Commissioner Staggs
- Commissioner Stutzer
- Commissioner Venuti
- Commissioner Fikes (Alternate)
- Commissioner Brantley (Alternate)

Chair Brantley called for a 10-minute recess before the Planning Commission discussion on bylaws.

Commission came back on record at 9:10 P.M.

AGENDA ITEM G. OTHER (No Public Hearing)

1. Planning Commission Bylaws

Planning commission continued their discussion regarding the development of bylaws. Gave some feedback to Planning Director Ruffner and Borough Attorney Steinhage. Revisions will be made and it will be brought back to the planning commission for review at a later date.

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.

1. Malan Paquette, Anchor Point Area – Ms. Paquette spoke on social issues unrelated to the Planning Commission.

AGENDA ITEM J. COMMISSIONER COMMENTS

Commissioner Morgan asked to for an excused absence for the April 10, 2023 Planning Commission meeting.

AGENDA ITEM K. ADJOURNMENT

Commissioner Martin moved to adjourn the meeting at 9:40 PM.

Ann E. Shirnberg
Administrative Assistant