

C. CONSENT AGENDA

***3. Minutes**

May 8, 2023 Plat Committee Meeting Minutes

Kenai Peninsula Borough Plat Committee

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

May 8, 2023
6:00 PM
UNAPPROVED MINUTES

A. CALL TO ORDER

Commissioner Horton called the meeting to order at 6:00 p.m.

B. ROLL CALL

Plat Committee Members/Alternates

Michael Horton, District 4 - Soldotna
Troy Staggs, City of Seward
David Stutzer, District
Franco Venuti, City of Homer

Staff Present

Robert Ruffner, Planning Director
Walker Steinhage, Deputy Borough Attorney
Vince Piagentini, Platting Manager
Ann Shirnberg, Planning Administrative Assistant
Rhonda Foster-Deskins, Land Management Administrative Assistant

With 4 members of a 4-member committee in attendance, a quorum was present.

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

- *3. Approval of Minutes
 - a. April 24, 2023 Plat Committee Meeting Minutes

Commissioner Horton asked Ms. Shirnberg to read the consent agenda items into the record.

Commissioner Horton asked if anyone from the public wished to speak to any of the items under the consent agenda. Hearing no one wishing to comment discussion was opened among the commission

MOTION: Commissioner Staggs moved, seconded by Commissioner Venuti to approve the agenda, the April 24, 2023 Plat Committee meeting minutes.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE

| | |
|------------|---------------------------------|
| Yes- 4 | Horton, Staggs, Stutzer, Venuti |
| Absent - 0 | |

D. OLD BUSINESS – None

E. NEW BUSINESS

Commissioner Horton asked Administrative Assistant Shirnberg to read the planning commission public hearing procedures into the record.

ITEM 1 – OBSIDIAN SUBDIVISION

| | |
|--------------------------------|--|
| KPB File No. | 2023-042 |
| Plat Committee Meeting: | May 8, 2023 |
| Applicant / Owner: | Frederick Norman Thomas, Trustee of the Betty Irene Thomas Trust of Meeteetse, Wyoming |
| Surveyor: | Kenton Bloom / Seabright Survey and Design |
| General Location: | Fritz Creek / Kachemak APC |

| | |
|---------------------------|--------------------|
| Parent Parcel No.: | 172-131-10 |
| Legal Description: | W ½ E ½ NW ¼ NE ¼ |
| Assessing Use: | Residential |
| Zoning: | Rural Unrestricted |
| Water / Wastewater | On site |

Staff report given by Platting Manager Vince Piagentini. Mr. Piagentini stated that after the publishing of the staff report an exception request was received. He then referred the committee to the staff report addendum that was in the desk packet.

Commissioner Horton opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Staggs moved, seconded by Commissioner Stutzer to grant preliminary approval to Obsidian Subdivision, based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

EXCEPTION REQUEST: Commissioner Staggs moved, seconded by Commissioner Stutzer to grant the exception request to KPB 20.30.170 – Block Length Requirements, citing findings 1-5 in support of standards one, two, and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

EXCEPTION REQUEST MOTION PASSED BY UNANIMOUS VOTE

| | |
|------------|---------------------------------|
| Yes- 4 | Horton, Staggs, Stutzer, Venuti |
| Absent - 0 | |

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

| | |
|------------|---------------------------------|
| Yes- 4 | Horton, Staggs, Stutzer, Venuti |
| Absent - 0 | |

ITEM 2 – SKIPPER'S VIEW 2023 ADDITION

| | |
|--------------------------------|--|
| KPB File No. | 2023-026 |
| Plat Committee Meeting: | May 8, 2023 |
| Applicant / Owner: | The Canyon Creek Trust of Homer, Alaska |
| Surveyor: | Tom Latimer / Orion Surveys |
| General Location: | Waterman Road, Mile 5 of East End Road, Fritz Creek. |

| | |
|---------------------------|---|
| Parent Parcel No.: | 174-420-01 and 02 |
| Legal Description: | Lots 1 and 2, Skipper's View, Plat HM 81-32, Township 5 South, Range 13 West, Section 36 and Township 6 South, Range 13 West, Section 1 |
| Assessing Use: | Residential |
| Zoning: | Rural Unrestricted |
| Water / Wastewater | On site |

Staff report given by Platting Manager Vince Piagentini.

Commissioner Horton opened the item for public comment.

Tom Latimer, Orion Surveys; P.O. Box 15025, Fritz Creek, AK 99603: Mr. Latimer 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 committee.

MAIN MOTION: Commissioner Staggs moved, seconded by Commissioner Stutzer to grant preliminary approval to Skipper's View 2023 Addition, based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

EXCEPTION REQUEST A : Commissioner Staggs moved, seconded by Commissioner Stutzer to grant the exception request to KPB 20.30.030(A) Proposed Street Layout Requirements and KPB 20.30.120 Street Width Requirements, citing findings 1-4, 6 & 8 in support of standard one and findings 1-4 & 6-9 in support of standards two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

EXCEPTION REQUEST A MOTION PASSED BY UNANIMOUS VOTE

| | |
|------------|---------------------------------|
| Yes- 4 | Horton, Staggs, Stutzer, Venuti |
| Absent - 0 | |

EXCEPTION REQUEST B : Commissioner Staggs moved, seconded by Commissioner Stutzer to grant the exception request to KPB 20.30.100 – Cul-de-sacs, citing findings 1-4 in support of standards one, two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

EXCEPTION REQUEST B MOTION PASSED BY UNANIMOUS VOTE

| | |
|------------|---------------------------------|
| Yes- 4 | Horton, Staggs, Stutzer, Venuti |
| Absent - 0 | |

EXCEPTION REQUEST C : Commissioner Staggs moved, seconded by Commissioner Stutzer to grant the exception request to KPB 20.30.170 – Block Length Requirement, citing findings 2, 4-6 in support of standards one, two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

EXCEPTION REQUEST C MOTION PASSED BY UNANIMOUS VOTE

| | |
|------------|---------------------------------|
| Yes- 4 | Horton, Staggs, Stutzer, Venuti |
| Absent - 0 | |

EXCEPTION REQUEST D : Commissioner Staggs moved, seconded by Commissioner Stutzer to grant the exception request to KPB 20.60.200 – Survey & Monumentation, citing findings 1, 2, 4, 6-8 & 10 in support of standards one, two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

EXCEPTION REQUEST D MOTION PASSED BY UNANIMOUS VOTE

| | |
|------------|---------------------------------|
| Yes- 4 | Horton, Staggs, Stutzer, Venuti |
| Absent - 0 | |

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

| | |
|------------|---------------------------------|
| Yes- 4 | Horton, Staggs, Stutzer, Venuti |
| Absent - 0 | |

**ITEM 3 – RIGHT-OF-WAY ACQUISITION SEWARD HIGHWAY MP 25.5 TO 36
TRAIL RIVER TO STERLING WYE REHABILITATION**

| | |
|--------------------------------|--|
| KPB File No. | 2022-063R1 |
| Plat Committee Meeting: | May 8, 2023 |
| Applicant / Owner: | State of Alaska Department of Transportation and Public Facilities |
| Surveyor: | Travis Test and Robert Keiner / State of Alaska DOT&PF |
| General Location: | Seward Highway, Moose Pass / Moose Pass APC |

| | |
|---------------------------|---|
| Parent Parcel No.: | Multiple |
| Legal Description: | Highway Rehabilitation from MP 25.5 to 36 |

Staff report given by Platting Manager Vince Piagentini.

Commissioner Horton opened the item for public comment.

Kirsten Valentine, Project Engineer - DOT&PF; P.O. Box 196900, Anchorage, AK 99519: Ms. Valentine is the project engineer and she gave a brief update on the project and made herself available for questions.

Roland Dickason; 32598 Seward Hwy., Moose Pass, AK 99631: Mr. Dickason spoke in opposition to this project. He owns land that will be affected by this project. He has a lodge on his property and expressed concerns related to the amount of land he will have to give up. Losing the land will negatively affect his business. Currently he is able to walk out about 100' from his front door to the river and fish for salmon. He is also concerned that this project could negatively affect the area salmon fisheries.

Jacqueline Broyles; 24441 Benson Circle, Anchorage, AK 99503: Ms. Broyles spoke in opposition to this project. She stated she has been working with Mr. Dickason for several years to promote and build his lodge business. She was very concerned about the potential negative environmental impacts from this project. She noted that there was no current environmental study. She requested the commission postpone action on this plat until there was a current environmental study completed. She understands the need to improve the highway but she does not believe that it needs to be widened. She also had been told that there were individuals encouraging folks not to register any anadromous streams on their properties.

Jeff Estes; P.O. Box 26, Moose Pass, AK 99631: Mr. Estes owns the local store in Moose Pass. He stated that many years ago in April of 1951 his father had an agreement with the federal government and the bureau of highways. He noted that the agreement stated that they would provide the fill and the reimbursement of the cost to move the building within an easement of the 80-foot road. He stated that an exception was documented for the 7-foot encroachment of the store into the easement.

Stephanie Wright; P.O. Box 531 Seward, AK 99664: Ms. Wright spoke in opposition to this project. She noted during the August meeting with DOT there was someone there who was advising folks not to register their anadromous streams. She stated she register the stream on her property. She then noted that the redesign on the new plat excluded the area of her stream. She stated she could not say if the two issues are related.

Chris Bentz, Project Manager, DOT&PF; P.O. Box 196900, Anchorage, AK 99519: Mr. Bentz noted that the state does not have any information on an exception for the store's encroachment into the easement. And the encroachment will need to be resolved. He then stated that no one from the State would encourage landowners to not register an anadromous stream on their property.

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

Commissioner Horton stated that per code and state statute he can find no reason not to grant preliminary approval for this plat. He also understands the community's displeasure on the current process. He does not like the process himself. However, he understands that the State needs the preliminary approval of this plat to secure monies that will allow them to conduct appraisals and enter into negotiations with the affected landowners. He then noted that he will vote in favor of granting preliminary approval for this plat.

MOTION: Commissioner Staggs moved, seconded by Commissioner Stutzer to grant preliminary approval to Right-Of-Way Acquisition Seward Highway MP 25.5 to 36 Trail River To Sterling WYE Rehabilitation, based on staff recommendations and compliance to borough code and adopting and incorporating by reference the staff report and staff recommendations.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE

| | |
|------------|---------------------------------|
| Yes- 4 | Horton, Staggs, Stutzer, Venuti |
| Absent - 0 | |

F. PUBLIC COMMENT

Commissioner Horton 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

G. ADJOURNMENT

Commissioner Staggs moved to adjourn the meeting 7:27 P.M.

Ann E. Shirnberg
Administrative Assistant

