

Kenai Peninsula Borough

Plat Committee

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

February 14 2022
6:00 PM
UNAPPROVED MINUTES

A. CALL TO ORDER

Chair Brantley called the meeting to order at 6:00 p.m.

B. ROLL CALL

Plat Committee Members/Alternates

Jeremy Brantley, District 5 - Sterling
Pamela Gillham, District 1 – Kalifornsky
Robert Ruffner, District 7 – Central
Franco Venuti, City of Homer

Staff Present

Melanie Aeschliman, Planning Director
Julie Hindman, Platting Specialist
Ann Shirnberg, Planning Administrative Assistant

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

*4. Grouped Plats

Staff report by Julie Hindman.

Staff has grouped the following plats located under **AGENDA ITEM E**. They are grouped as:

Simple or non-controversial. The type of plats grouped are lot splits, creating a small number of lots, replats, no exceptions required and no public comments were received. – 4 Plats

2. Poachers Cove PDM 2022 Replat; KPB File 2022-002
Edge Survey & Design. LLC/ McCarl
Location: Spruce Avenue W.
Ridgeway Area
4. Woody Acres 2022 Replat; KPB File 2022-006
Geovera, LLC / Edens
Location: Melody Way & Old Sterling Hwy
Anchor Area; Anchor Point APC
5. Arrowhead Estates 2022 Replat; KPB File 2022-001
Segesser Surveys / Zweifel, Moore
Location: Half Moon Avenue & Oliver Street
Sterling Area
6. Beluga Bay Estates Barnett Replat; KPB File 2022-008
Segesser Surveys / Barnett, Thornton-Barnett
Location: Cetacea Lane
Kalifornsky Area; Kalifornsky APC
7. Murray Subdivision 2022 Replat; KPB File 2021-154
Segesser Surveys / Martin
Location: Koto Court & Murray Lane
Sterling Area

Staff recommends the committee determine whether any members of the public, surveyors or committee members wish to speak to any of the plats in this group and remove the specific plats from the group, voting on the remainder of plats in the group in a single action to grant preliminary approval to the plats subject to staff recommendations and the conditions noted in the individual staff reports.

END OF STAFF REPORT

Chair Brantley 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 Ruffner moved, seconded by Commissioner Venuti to approve the agenda and grouped plates based on staff recommendations and compliance to borough code.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Gillham, Ruffner, Venuti		

Chair Brantley asked Ms. Shirnberg to read into the record the procedure & rules for planning commission hearings.

AGENDA ITEM E. NEW BUSINESS

ITEM E2 - POACHERS COVE PDM 2022 REPLAT

KPB File No.	2022-002
Plat Committee Meeting:	February 14, 2022
Applicant / Owner:	Pamela Diane McCarl, Anchorage, AK
Surveyor:	Jason Young / Edge Survey and Design, LLC
General Location:	Spruce Avenue W, Ridgeway

Parent Parcel No.:	057-493-66, 057-493-67
Legal Description:	Lots 117 and 118 Poachers Cove PUD Amended Plat No KN 87-69
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Community

**Passed by Consent Agenda*

ITEM E4 - Woody Acres 2022 Replat

KPB File No.	2022-006
Plat Committee Meeting:	February 14, 2022
Applicant / Owner:	Keith Daniel and Kaycee Shea Edens of Homer, Alaska
Surveyor:	Stephen C. Smith / Geovera, LLC
General Location:	Melody Way and Old Sterling Highway / Anchor Point

Parent Parcel No.:	171-440-01 and 171-440-13
Legal Description:	Tract 2, Woody Acres No. 3 Plat HM 82-11 Lot 1, Block 1, Windsong Amended Plat HM 79-38
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

**Passed by Consent Agenda*

ITEM E5 - ARROWHEAD ESTATES 2022 REPLAT

KPB File No.	2022-001
Plat Committee Meeting:	February 14, 2022
Applicant / Owner:	Michael Allen & Raylynn Marie Zweifel of Soldotna, Alaska Nathan D. & Julie A. Moore of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Half Moon Avenue and Oliver Street, Sterling

Parent Parcel No.:	063-094-04, 063-094-13 and 063-094-16
Legal Description:	Lot 8A, Arrowhead Estates Dusek Replat Plat KN 2002-79 Lot 10, Arrowhead Estates Phase 1 Plat KN 2000-7 Lot 11A Arrowhead Estates Moore Replat Plat KN 2010-47
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

**Passed by Consent Agenda*

ITEM E6 – BELUGA BAY ESTATES SUBDIVISION BARTLETT REPLAT

KPB File No.	2022-008
Plat Committee Meeting:	February 14, 2022
Applicant / Owner:	Kevin Richard Barnett and Annette Marie Thornton-Barnett
Surveyor:	John Segesser / Segesser Surveys
General Location:	Cetacea Lane, Kalifornsky

Parent Parcel No.:	055-340-27, 055-340-28
Legal Description:	Lots 10 and 11 Block 3 Beluga Bay Estates Subdivision Part Two Amended KN 83-43
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

**Passed by Consent Agenda*

ITEM E7 - MURRAY SUBDIVISION 2022 REPLAT

KPB File No.	2021-154
Plat Committee Meeting:	February 14, 2022
Applicant / Owner:	Marshall W. Martin of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys, Inc.
General Location:	Koto Court and Murray Lane, Sterling

Parent Parcel No.:	063-460-30 and 063-460-31
Legal Description:	Lot B1 and Lot B2, Murray Subdivision, Buck Addition Plat KN 2017-59
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

**Passed by Consent Agenda*

E. NEW BUSINESS**ITEM E1 - LOST LAKE SUBDIVISION 2022 ADDITION**

KPB File No.	2022-003
Plat Committee Meeting:	February 14, 2022
Applicant / Owner:	Forest Service, U.S. Department of Agriculture, Anchorage Dana S. Rough and Kathie Smith Rough, Seward
Surveyor:	Gates C. Kesler / Forest Service
General Location:	Hayden Berlin Road, Seward

Parent Parcel No.:	125-290-74 and 125-290-76
Legal Description:	Tract B, Lost Lake Sub Add No 4 Plat SW 96-20 Tract C1, Lost Lake Sub No 5 Plat SW 98-14
Assessing Use:	General Commercial Tract B, Residential Tract C1
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Staff report given by Julie Hindman.

Chair Brantley opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was open among the commission.

MOTION: Commissioner Ruffner moved, seconded by Commissioner Gillham to grant preliminary approval to Lost Lake Subdivision 2022 Addition based on staff recommendations and compliance to borough code.

AMENDMENT A: Commissioner Ruffner moved, seconded by Commissioner Gillham to grant the exception request to KPB 20.30.030 – Street Layout & KPB 20.30.170 – Block Length, citing findings 1-5 & 9-11 in support of standards one, two and three.

Commissioner Ruffner questioned staff regarding the length of the panhandle which was approximately 400' and appears not to meet code requirements. Ms. Hindman replied that this panhandle off Judean Rd. was approved without an exception under a prior Lost Lake plat.

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

AMENDMENT A MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Gillham, Ruffner, Venuti		

AMENDMENT B MOTION: Commissioner Ruffner moved, seconded by Commissioner Gillham to grant the exception request to KPB 20.60.200 – Survey & Monumentation, citing findings 1-6 in support of standards one, two and three.

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

AMENDMENT B MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Gillham, Ruffner, Venuti		

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	No	0
Yes	Brantley, Gillham, Ruffner, Venuti		

ITEM E3 – SPRUCE KNOLL

KPB File No.	2022-005
Plat Committee Meeting:	February 14, 2022
Applicant / Owner:	Beachy Revocable Trust PO Box 800 Homer, AK 99603
Surveyor:	Geovera LLC. PO Box 3235 Homer, AK 99603
General Location:	Diamond Ridge Road, Homer

Parent Parcel No.:	173-04-010, 173-04-009, 173-04-011
Legal Description:	Government Lots 2, Government Lot 3, and Government Lot 4 lying south of the southerly right of way of Diamond Ridge Road, Section 12, T6S, R14W, Seward Meridian
Assessing Use:	Residential Dwelling
Zoning:	Unrestricted
Water / Wastewater	On-site

Staff report given by Julie Hindman.

Chair Brantley opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was open among the commission.

MOTION: Commissioner Venuti moved, seconded by Commissioner Gillham to grant preliminary approval to Spruce Knoll based on staff recommendations and compliance to borough code.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Gillham, Ruffner, Venuti		

ITEM 8 - Timber Hills Subdivision 2022 Replat

KPB File No.	2022-007
Plat Committee Meeting:	February 14, 2022
Applicant / Owner:	Michael B. Brunke, Nikiski George F. Brown, Nikiski
Surveyor:	John Segesser / Segesser Surveys
General Location:	Nikiski

Parent Parcel No.:	012-150-21 and 012-150-22
Legal Description:	Lots 3 and 4, Block Four, Timber Hills Sub Plat KN 77-114
Assessing Use:	Residential Usage
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Julie Hindman.

Chair Brantley opened the meeting for public comment.

John Segesser, Segesser Surveys, LLC; 30485 Rosland St., Soldotna, AK 99669: Mr. Segesser was the surveyor on this project. He stated the owners of these parcels object to having dedicated a 60' right-of-

way on the south boundary. Mr. Segesser stated that this proposed road would be in a bad location for sight distance on Middleton. He also noted that proposed road would tie into the 10-acre lot adjacent to these lots which would be of benefit design-wise for the owner of the large lot and not his client. In his opinion it would make more sense design wise, should this 10-acre lot subdivide, to extend the existing access of Diomedes Dr. approximately 500' which would still meet code requirements for cul-de-sacs. The owner's intention in this replat is to adjust a lot line to resolve the issue of a building being extremely close to the lot line and to include the existing lawn area on to one lot.

Commissioner Ruffner asked Mr. Segesser if his client owned Lot 5. Mr. Segesser replied that his client did not but that Lot 5 and the 10-acre lot were owned by the same person. Commissioner Ruffner then asked if his client would be amenable to doing a half dedication instead of a full dedication. Mr. Segesser stated that could be possible.

Hearing no one else wishing to comment, public comment was closed and discussion was open among the commission.

MOTION: Commissioner Gillham moved, seconded by Commissioner Ruffner to grant preliminary approval to Timber Hills Subdivision 2022 Replat based on staff recommendations and compliance to borough code.

Commissioner Ruffner noted that staff was asking for a full 60' road dedication to come out of Lot 4 and asked staff if they could support a 30' dedication instead. Ms. Hindman replied that there were concerns regarding Lot 5 ever being further subdivided which was why they were recommending the full 60' dedication on Lot 4. There was also a concern that a 30' dedication, as opposed to a 60' dedication, would further offset the intersection.

Commission Brantley stated that requiring a full 60' dedication would be taking a lot of land from one lot, almost 1/3 of the property within the lot. He also noted that the owners here are just wanting to adjust a lot line to resolve some existing encroachment issues. Commissioner Ruffner agreed with Commissioner Brantley that the full dedication requirement was a "big ask" on Lot 4.

Commissioner Ruffner asked if Lot B had legal access. Ms. Hindman replied that Lot B has access on the northern boundary via Diomedes Dr. Staff's concern was this large 10-acre lot's only access was a small part of the cul-de-sac bulb. This could create an issue should this 10-acre lot ever be subdivided as code does not allow cul-de-sac to be opened.

Commissioner Brantley asked staff if the same owner of the 10-acre lot owns any of the properties that front Diomedes Dr. Ms. Hindman replied that the same person owns both Lot A1 and Lot B. Lot A1 also fronts Diomedes Dr. which connects to Nikiski Ave. Commissioner Brantley then stated should this large acre lot subdivide in the future they will have options for providing access through their property from Nikiski Ave. Ms. Hindman replied that Lot A1 appears to be heavily developed with what looks like a trailer park with internal roads which might make providing access from Nikiski Ave. more difficult. Commissioner Brantley replied that while there may not be any good options, there are other options for access for the 10-acre lot that would not require the 60' dedication from Lot 4.

Director Aeschliman asked Ms. Hindman if there is anything in code that address trailer parks that would prohibit the landowners providing access through the park. Ms. Hindman replied that was not considered when looking at this preliminary plat. Should the owner of the 10-acre lot wish to subdivide, that is when the access questions would be researched and discussed. She noted that there were a number of different options that could possibly be considered in that scenario, such as seeking the permission of all the landowner on Diomedes Dr. to open up the cul-de-sac.

AMENDMENT A MOTION: Commissioner Ruffner moved, seconded by Commissioner Gillham to remove the requirement of a right-of-way dedication on Lot 4.

Commissioner Ruffner stated that he believed there were other options to provide access in this area without having to requiring Lot 4 to provide a 60' dedication. Taking a 60' dedication out of that lot is a large chunk of land. Particularly since the owners of the 10-acre lot also own Lot 5, which could be used to provide access for the large lot. Commissioner Brantley agreed that going through Lot 5 would be a better solution as it would be farther away from the existing intersection and would not be considered an offset.

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

AMENDMENT A MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Gillham, Ruffner, Venuti		

Ms. Hindman recommend that the committee come up with findings to support the exception granted, since staff had recommended complying with KPB 20.30.030 – Proposed street layout requirements, which required a dedication for the continuation of streets in the surrounding area. Commissioner Ruffner stated he did not believe an exception was required since the large acre lot already had legal access. He did think that they may need to address KPB 20.30.170 – Block length requirements. Commissioner Brantley agreed with Commissioner Ruffner.

AMENDMENT B MOTION: Commissioner Ruffner moved, seconded by Commissioner Gillham to grant an exception to KPB 20.30.170 Block Length citing the following findings in support of standards one, two and three:

- i. A dedication would result in an offset intersection between Village Ave. and the future dedication.
- ii. Concerns regarding the line of sight on the curve.
- iii. Future subdivision of surround lots could result in providing necessary access.

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

AMENDMENT B MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Gillham, Ruffner, Venuti		

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

MAIM MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Gillham, Ruffner, Venuti		

F. PUBLIC COMMENT - None

G. ADJOURNMENT

Commissioner Ruffner moved to adjourn the meeting 7:05 P.M.

Ann E. Shirnberg
Administrative Assistant