

C. CONSENT AGENDA

***3. Minutes**

May 9, 2022 Plat Committee Meeting Minutes

Kenai Peninsula Borough

Plat Committee

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

May 9, 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
John Hooper, District 3 – Nikiski
Franco Venuti, City of Homer

Staff Present

Julie Hindman, Platting Specialist
Ann Shirnberg, Planning Administrative Assistant

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

*3 Minutes

a. April 25, 2022 Plat Committee Meeting Minutes

Chair Brantley asked if anyone from the public wished to speak to any of the items under the consent agenda. He then requested that Ms. Hindman give the staff report for the grouped plats.

Ms. Hindman gave the staff report for the grouped plats and noted the following plats were contained in the report:

E2. Breakfield-McCaughey Subdivision KPB File 2022-054

Hearing no one wishing to comment discussion was opened among the commission.

MOTION: Commissioner Gillham moved, seconded by Commissioner Venuti, to approve the agenda, the April 25, 2022 Plat Committee meeting minutes and grouped plats 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	5	Brantley, Gillham, Horton, Morgan, Venuti
No	0	

E. NEW BUSINESS

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

ITEM E1 – JAYNES SUBDIVISION 2022 REPLAT

KPB File No.	2022-040
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	BMGC LLC and Peninsula Mini Storage, LLC both of Kenai, Alaska
Surveyor:	James Hall / McLane Consulting Inc
General Location:	Van Antwerp Avenue, Beaver Loop Road, City of Kenai

Parent Parcel No.:	049-013-24, 049-350-12, 049-350-13
Legal Description:	Tract A-1 Bridge Road Subdivision 2019 Replat (KN 2022-15) and Tracts 3 and 4 Jaynes Subdivision Big Mikes Addition
Assessing Use:	Residential / Commercial
Zoning:	Heavy Industrial District
Water / Wastewater	City available

Staff report given by Platting Specialist Julie Hindman.

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

MOTION: Commissioner Venuti moved, seconded by Commissioner Gillham, to grant preliminary approval to Jaynes Subdivision 2022 Replat, 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	5	Brantley, Gillham, Horton, Morgan, Venuti
No	0	

ITEM E2 - BREAKFIELD-MCCAUGHEY SUBDIVISION

KPB File No.	2022-054
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Robert and Karen Andrade of Ninilchik, AK Jeffrey and Pamela Breakfield of Soldotna, AK
Surveyor:	Mark Aimonetti, Jason Young / Edge Survey & Design
General Location:	Shelford Avenue, Woodhead Street, Prosser Street, Ninilchik

Parent Parcel No.:	185-505-16 & 185-505-17
Legal Description:	Parcel 3 and 4 of Plat Waiver Resolution 94-14
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

**Passed by Grouped Agenda*

ITEM E3 - C L HATTON SUBDIVISION EAGLES CREST ADDITION BYLER REPLAT

KPB File No.	2022-027
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Brenda and Kenneth Noonan of Willington, CT No More FYI LLC of Kenai, AK Mathew Byler of Ninilchik, AK
Surveyor:	Jason Schollenberg / Peninsula Surveying LLC
General Location:	Tricia's Court, Symphony Lane, Ninilchik

Parent Parcel No.:	157-032-07, 157-032-08, and 157-032-09
Legal Description:	Tracts B-5, B-6, and B-7 CL Hatton Subdivision Eagles Crest Addition (Plat HM 93-51)
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Platting Specialist Julie Hindman.

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

MOTION: Commissioner Venuti moved, seconded by Commissioner Gillham, to grant preliminary approval to C L Hatton Subdivision Eagles Crest Addition Byler Replat, 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	5	Brantley, Gillham, Horton, Morgan, Venuti
No	0	

ITEM E4 - COLES CORNER NO 3

KPB File No.	2022-052
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Estate of Josephine S. Knapp of Anchorage, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Kalifornsky Beach Road, Capstan Street, Kasilof / Kalifornsky APC

Parent Parcel No.:	133-471-05
Legal Description:	Lot 5 Coles Corner Plat No KN 85-31
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Platting Specialist Julie Hindman.

Chair Brantley opened the meeting for public comment.

Jerry Johnson, Johnson Surveys; P.O. Box 27, Clam Gulch, AK 99568: Mr. Johnson was the surveyor on this project and made himself available for questions.

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 grant preliminary approval to Coles Corner No. 3, 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	5	Brantley, Gillham, Horton, Morgan, Venuti
No	0	

ITEM E5 - EAST OYSTER COVE SUBDIVISION

KPB File No.	2022-047
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Alaska Mental Health Trust of Anchorage, AK
Surveyor:	Andre Kaeppele, Buku Saliz / Fixed Height LLC
General Location:	Remote, Oyster Cove, Kasitsna Bay

Parent Parcel No.:	191-170-70 and 191-170-87
Legal Description:	A Portion of the North ½ of Section 21 and Lot 4 of US Survey No 4700
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Platting Specialist Julie Hindman.

Chair Brantley opened the meeting for public comment.

Donald & Mary Ann Fell; P.O. Box 615 Homer, AK 99603: The Fells are landowners in the near vicinity of this plat and spoke in opposition to this development. They expressed concerns related to water rights, adverse environmental impacts & access to the proposed lots.

Tom Hopkins; 60112 Nordby Ave., Homer, AK 99603: Mr. Hopkins is a landowner in the near vicinity of this proposed plat. He spoke in opposition to this development and shared many of the same concerns as other landowners in the area

Philip Brudie, P.O. Box 111, Homer, AK 99603: Mr. Brudie is an adjacent landowner and spoke in opposition to this development. He expressed concerns related to water rights, identification of trails used by the public and possible septic issues.

Tamera Hopkins; 60112 Nordby Ave. Homer, AK 99603: Ms. Hopkins is a landowner in the near vicinity of this proposed plat. She spoke in opposition to this development and shared many of the same concerns as other landowners in the area.

Sharon Whytal; P.O. Box 1529, Homer, AK 99603: Ms. Whytal is a landowner in the near vicinity of this proposed plat. She spoke in opposition to this development and shared many of the same concerns as other landowners in the area.

Dennis Poirier; 11819 Rockridge Dr., Anchorage, AK 99516: Mr. Poirier is a landowner in the near vicinity of this proposed plat. He spoke in opposition to this development and shared many of the same concerns as other landowners in the area. He also has concerns with an easement on the plat used to access Lots 15 & 16. This easement crosses his property and he would like more information on this easement.

Chair Brantley confirmed with staff that the easement Mr. Poirier is referring to, between Lots 15 & 16 of Little Tuka Bay, was in existence before it was depicted on the preliminary plat. Ms. Hindman responded that this easement was depicted on South Kachemak Alaska Subdivision which was done in 1969, which is centered on the common lot line between Lots 15 & 16.

Dave Messer & Ricki Lebman; 15740 Windsong Dr., Anchorage, AK 99516: Mr. Messer & Ms. Lebman are landowners in the near vicinity of this plat and spoke in opposition to this development. Mr. Messer believes that numerous lots on this proposed plat have inadequate access and that the plat at the very least needs to be redesigned. They also share many of the same concerns expressed by the other landowners in the area.

William Lanier; 89 S 750 E, Bountiful, UT 84010: Mr. Lanier is a landowner in the near vicinity of this proposed plat. He spoke in opposition to this development and shared many of the same concerns as other landowners in the area.

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

MOTION: Commissioner Gillham moved to grant preliminary approval to East Oyster Cove Subdivision, based on staff recommendations and compliance to borough code.

Chair Brantley asked for a second on the motion.

Commissioner Venuti asked if there was not a second, would it mean the plat failed to receive preliminary approval? Chair Brantley responded that is correct.

Ms. Hindman was then asked what the next step would be for the applicants. Ms. Hindman replied she was not sure and suggested Borough Attorney Steinhage be asked to weigh in. She believed at the very least the applicants would need to resubmit the plat, possibly with new information, and the plat would go through another public hearing process. Chair Brantley asked if the applicants could appeal the decision. Ms. Hindman replied she wasn't sure, since the committee hasn't made a decision. Again, she suggested that Borough Attorney Steinhage be asked to weigh in.

Mr. Steinhage noted that KPB 2.40.080 states that a review of the plat committee's decision may be heard by the planning commission acting as a platting board. He is not sure that this applies in this case as it implies that the plat committee has made a decision. Mr. Steinhage then asked for time to research this question.

Chair Brantley then asked if someone would like to make a motion to table the item until the end of new business.

MOTION: Commissioner Gillham moved, seconded by Commissioner Morgan to table the item until the end of new business.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Brantley, Gillham, Horton, Morgan, Venuti
No	0	

ITEM E6 - SOLDOTNA AIRPORT LEASE LOT 2021 REPLAT

KPB File No.	2022-048
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	City of Soldotna of Soldotna, AK
Surveyor:	Max Best / Wince-Corthell-Bryson
General Location:	Soldotna Airport Property, Funny River Road, City of Soldotna
Parent Parcel No.:	060-341-44 & 060-341-45
Legal Description:	Lots H-15 and H-21 Soldotna Airport Lease Lot Subdivision Plat No. KN 87-88
Assessing Use:	Leased Vacant Land
Zoning:	Industrial District
Water / Wastewater	City

Staff report given by Platting Specialist Julie Hindman.

Chair Brantley opened the meeting for public comment.

Max Best, Surveyor; Wince-Corthell-Bryson, P.O. Box 1041, Kenai, AK 99611: Mr. Best was the surveyor on this project and made himself available for questions.

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

MOTION: Commissioner Morgan moved, seconded by Commissioner Venuti, to grant preliminary approval to Soldotna Airport Lease Lot 2021 Replat, based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Morgan moved, seconded by Commissioner Venuti to grant exception request to KPB 20.30.210 – Lots Access to Street, citing findings 1-9 in support of standards one, two and three.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

Yes	5	Brantley, Gillham, Horton, Morgan, Venuti
No	0	

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

MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes	5	Brantley, Gillham, Horton, Morgan, Venuti
No	0	

ITEM E7 - LLOYD RACE AND EKER ESTATES LUJAN 2022 REPLAT

KPB File No.	2022-045
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	Ruben and Jennifer Lujan of Scottsdale, AZ
Surveyor:	Kenton Bloom / Seabright Surveying
General Location:	Mission Road and Race Road, City of Homer

Parent Parcel No.:	174-030-01 and 174-051-15
Legal Description:	Lot 15 Eker Estates Plat No HM 90-43 Lot 1 Lloyd Race Addition Plat No. HM 56-3009
Assessing Use:	Residential
Zoning:	Rural Residential District
Water / Wastewater	On site

Staff report given by Platting Specialist Julie Hindman.

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

Commissioner Venuti informed the commission that he heard this item as planning commissioner for the City of Homer and abstain from deliberations and voting.

MOTION: Commissioner Gillham moved, seconded by Commissioner XX, to grant preliminary approval to Lloyd Race & Eker Estates Lujan 2022 Repat, 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		Brantley, Gillham, Horton, Morgan
Abstained	1	Venuti

ITEM E8 - PUFFIN ACRES BAYWELD 2022 REPLAT

KPB File No.	2022-046
Plat Committee Meeting:	May 9, 2022
Applicant / Owner:	East Road Services Inc and ENT Properties LLC of Homer, AK
Surveyor:	Kenton Bloom / Seabright Surveying

General Location:	East End Road, Little Fireweed Lane, City of Homer
Parent Parcel No.:	174-191-05 and 174-192-87
Legal Description:	Lot 4-A Block 1 Puffin Acres SVH 2021 Replat Plat No HM 2021-33 Lot 5 Commerce Park Plat No HM 1985-14
Assessing Use:	General Commercial
Zoning:	East End Mixed Use
Water / Wastewater	City

Staff report given by Platting Specialist Julie Hindman.

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

Commissioner Venuti informed the commission that he heard this item as planning commissioner for the City of Homer and abstain from deliberations and voting.

MOTION: Commissioner Gillham moved, seconded by Commissioner Morgan, to grant preliminary approval to Puffin Acres Bayweld 2022 Replat, 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		Brantley, Gillham, Horton, Morgan
Abstained	1	Venuti

Chair Brantley asked Borough Attorney Steinhage for the answer to the committee's earlier question regarding East Oyster Cove Subdivision. Mr. Steinhage clarified for the committee that having a second to the motion does not mean that the individual making the second agrees with the motion. It just allows the motion to be brought to the floor for debate and decision. If there is not a second then there is no discussion or decision. In this instance it would mean that the applicant would have to resubmit the plat for reconsideration by the committee. Chair Brantley asked if the applicant could request that the planning commission hear the plat. Mr. Steinhage replied only if there is an actual decision made by the plat committee. The planning commission would need a decision in place to review. An appeal only works if there are findings by the plat committee for the planning commission to review.

MOTION: Commissioner Gillham moved to remove the plat from the table, and to grant preliminary approval to East Oyster Cove Subdivision, based on staff recommendations and compliance to borough code.

MOTION FAILED DUE TO A LACK OF A SECOND

F. PUBLIC COMMENT - None

G. ADJOURNMENT

Commissioner Venuti moved to adjourn the meeting 7:48 P.M.

Ann E. Shirnberg
Administrative Assistant