

## **C. CONSENT AGENDA**

### **\*3. Minutes**

#### **a. May 23, 2022 Plat Committee Meeting Minutes**

# Kenai Peninsula Borough

## Plat Committee

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

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May 23, 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  
John Hooper, District 3 – Nikiski  
Michael Horton, District 4 – Soldotna  
Charlene Tautfest, City of Soldotna  
Franco Venuti, City of Homer

#### *Staff Present*

Robert Ruffner, Planning Director  
Julie Hindman, Platting Specialist  
Ann Shirnberg, Planning Administrative Assistant

### C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

#### \*3 Minutes

- a. May 9, 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.

Platting Specialist Julie Hindman gave the staff report for the grouped plats and noted the following plats were contained in the report:

- a. King's Creek 2022 Replat; KPB File 2022-056
- b. Bailey Estates Karpik Rice Replat; KPB File 2022-038

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

**MOTION:** Commissioner Venuti moved, seconded by Commissioner Tautfest, to approve the agenda, the May 9, 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, Hooper, Horton, Tautfest, Venuti
No	0	

**E. NEW BUSINESS**

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

**ITEM E1 - LOWER COHOE SUBDIVISION TRACTS 1 THRU 7**

<b>KPB File No.</b>	2022-057
<b>Plat Committee Meeting:</b>	May 23, 2022
<b>Applicant / Owner:</b>	Alaska Mental Health Trust Authority of Anchorage, AK
<b>Surveyor:</b>	David Hale / R & M Consultants
<b>General Location:</b>	Herrin Street, Fairway Avenue, Cohoe Area

<b>Parent Parcel No.:</b>	133-110-98
<b>Legal Description:</b>	Government Lot 6, Section 27 Township 3 North Range 12 West
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

Staff report given by Platting Specialist Julie Hindman. Ms. Hindman noted that a redesign of the plat was submitted and is in the meeting desk packet. The surveyor redesigned the plat to comply with staff's recommendations cited in the staff report. The redesigned plat shows a dedication along the southern boundary that will supply additional access to DNR lands. The revised plat also demonstrates that the lots can be reconfigured to be over 200,000 sf, so no soils report will be required. Staff will also require that a 10-foot utility easement be adjacent along the southern dedication. The owners and the surveyors will need to work with the KPB Addressing Officer to come up with a name for the new southern dedication.

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 committee.

**MOTION:** Commissioner Horton moved and was seconded by Commissioner Venuti to grant preliminary approval to Lower Cohoe Subdivision Tract 1-7, based on staff recommendations and compliance to borough code.

Commissioner Tautfest informed the chair that she serves on the Mental Health Trust Board and they are statutory advisors to the Alaska Mental Health Trust Authorities. She asked the chair if this could be considered a conflict of interest.

Director Ruffner asked Commissioner Tautfest if she or her family would stand to benefit financially or personally in any way by the Plat Committee's decision. She replied that her son is a beneficiary of the Alaska Mental Health Trust. Director Ruffner then asked if her son being a beneficiary of the Trust, would her decision on this matter put her son in a position to gain more than any other member of the public. If her answer was yes, then it possibly could be considered a conflict of interest. Commissioner Tautfest did note that proceeds from Alaska Mental Health Trust Land Sales do fund programs that her son receives services from. Ms. Hindman asked Commissioner Tautfest if in her position with the board, did she vote on anything related to this item. Commissioner Tautfest replied no. Ms. Hindman stated then she believed that she would be fine to participate and vote on this item. Chair Brantley then asked the committee if anyone had any issues with Commissioner Tautfest voting on this matter. There were no objections, so Chair Brantley ruled that Commissioner Tautfest could participate in the discussion and vote on this item.

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

**MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	Brantley, Hooper, Horton, Tautfest, Venuti
No	0	

**ITEM E2 - MORNING PANORAMA SUBDIVISION #2**

<b>KPB File No.</b>	2022-058
<b>Plat Committee Meeting:</b>	May 23, 2022
<b>Applicant / Owner:</b>	Hafiz Rahman of Salt Lake City, UT
<b>Surveyor:</b>	Jerry Johnson / Johnson Surveying
<b>General Location:</b>	Morning Circle, Salamatof area

<b>Parent Parcel No.:</b>	017-110-47
<b>Legal Description:</b>	Lot 5 Morning Panorama Subdivision Richey Replat, Plat KN 2019-9
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

Staff report given by Platting Specialist Julie Hindman.

Chair Brantley opened the item 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.

Chair Brantley asked Mr. Johnson if he knew if the buildings were there before the creation of the utility easement in the middle of the lot. Mr. Johnson replied that he believed that the structures, which were very old, were there before the utility easement. He noted that the utility easement had been granted by the last paper plat.

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

**MOTION:** Commissioner Venuti moved and was seconded by Commissioner Horton to grant preliminary approval to Morning Panorama Subdivision #2, based on staff recommendations and compliance to borough code.

**AMENDMENT MOTION:** Commissioner Venuti moved, seconded by Commissioner Horton to grant exception request to KPB 20.30.190 – Lot Dimensions, 3:1 depth to width ratio for Lot 5B, citing findings 5-10 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, Hooper, Horton, Tautfest, 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, Hooper, Horton, Tautfest, Venuti
No	0	

**ITEM 3 - MOTT'S SUBDIVISION 2022 ADDITION**

<b>KPB File No.</b>	2022-059
<b>Plat Committee Meeting:</b>	May 23, 2022
<b>Applicant / Owner:</b>	Jackson Estate, Wortham Estate, and Priscilla Mott all of Soldotna, AK
<b>Surveyor:</b>	Jason Young, Mark Aimonetti / Edge Survey and Design
<b>General Location:</b>	Kalifornsky Beach Road, Gas Well Road, Price Avenue, Kalifornsky area / Kalifornsky APC

<b>Parent Parcel No.:</b>	131-220-20
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<b>Legal Description:</b>	Unsubdivided remainder of Mott's Farm Subdivision Plat No KN 2000-67
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted

Staff report given by Platting Specialist Julie Hindman.

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 committee.

**MOTION:** Commissioner Venuti moved and was seconded by Commissioner Horton to grant preliminary approval to Mott's Subdivision 2022 Addition, based on staff recommendations and compliance to borough code.

**AMENDMENT MOTION:** Commissioner Venuti moved, seconded by Commissioner Horton to grant exception request to KPB 20.30.030 – Proposed Street Layout Requirements & KPB 20.30.170 – Block Length Requirements, citing findings 1-8, 12 & 14 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, Hooper, Horton, Tautfest, 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, Hooper, Horton, Tautfest, Venuti
No	0	

**ITEM E4 - TULCHINA POINT ESTATES 2022 REPLAT**

<b>KPB File No.</b>	2022-023
<b>Plat Committee Meeting:</b>	May 9, 2022
<b>Applicant / Owner:</b>	LittleKnife, Inc, and Gale Smith all of Soldotna, Alaska
<b>Surveyor:</b>	James Hall / McLane Consulting Inc.
<b>General Location:</b>	Authentic Road, Paper Birch Lane, Foster Avenue, Sterling area

<b>Parent Parcel No.:</b>	058-360-58, 058-360-59, 058-360-62
<b>Legal Description:</b>	Lots 8, 9, & 15 of Tulchina Pointe Estates Subdivision Phase 2 Amended (Plat KN 2009-48)
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

Staff report given by Platting Specialist Julie Hindman.

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 committee.

**MOTION:** Commissioner Horton moved and was seconded by Commissioner Venuti to grant preliminary approval to Tulchina Point Estates 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, Hooper, Horton, Tautfest, Venuti
No	0	

**ITEM E5 - KING'S CREEK 2022 REPLAT**  
*\*Passed Under Grouped Plats on Consent Agenda*

<b>KPB File No.</b>	2022-059
<b>Plat Committee Meeting:</b>	May 23, 2022
<b>Applicant / Owner:</b>	O'Neill Community Property Trust of Fritz Creek, AK
<b>Surveyor:</b>	Steve Smith / Geovera LLC
<b>General Location:</b>	Walters Street and Wilderness Lane, Fritz Creek / Kachemak APC

<b>Parent Parcel No.:</b>	172-460-11 and 172-460-12
<b>Legal Description:</b>	Lots D-4 and D-5 King's Creek 3, Plat HM 82-69
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

**ITEM E6 - WALES SUBDIVISION**

<b>KPB File No.</b>	2022-061
<b>Plat Committee Meeting:</b>	May 23, 2022
<b>Applicant / Owner:</b>	Charles Shenyer of Pateros, WA
<b>Surveyor:</b>	Steve Smith / Geovera LLC
<b>General Location:</b>	Tim Avenue, Sterling Highway, Shegota Loop, Happy Valley

<b>Parent Parcel No.:</b>	159-111-08
<b>Legal Description:</b>	NE ¼ NW ¼ Section 5 Township 3S Range 14W
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

Staff report given by Platting Specialist Julie Hindman.

Chair Brantley opened the item for public comment.

Kurt Marvin; P.O. Box 39293, Ninilchik, AK 99639: Mr. Marvin spoke in opposition to this plat. He was concerned this development would negatively impact the community.

Wynette Coleman; P.O. Box 39222, Ninilchik, AK 99639: Ms. Coleman spoke in opposition to the plat. She was concerned this development would negatively impact the community.

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

**MOTION:** Commissioner Venuti moved and was seconded by Commissioner Hooper to grant preliminary approval to Wales Subdivision, based on staff recommendations and compliance to borough code.

Commissioner Horton asked staff if the committee needed to determine if Tract A should be considered a flag lot. Ms. Hindman replied staff was asking for direction regarding whether or not additional notes associated with flag lots would be needed to be placed on the plat. If the committee did not consider Tract A a flag lot, then no note would be required.

Chair Brantley asked staff how wide the flag was on Tract A and does code address the minimum width required to be considered a flag. Ms. Hindman replied the flag portion was 80 feet. The minimum width of a flag is determined by the length of the flag. The flag portion on Tract A could qualify as a flag. She also noted that should the landowner decide to dedicate this area as a road, it would be wider than required by code. Ms. Hindman recommended if the committee did not consider Tract A a flag lot that they make a motion stating it was not one and that no additional and not additional restrictions would be required at this time.

**AMENDMENT MOTION:** Commissioner Venuti moved, seconded by Commissioner Horton that Tract A is not a flag lot.

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

**AMENDMENT MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	Brantley, Hooper, Horton, Tautfest, Venuti
No	0	

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

**MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	Brantley, Hooper, Horton, Tautfest, Venuti
No	0	

**ITEM E7 – BEAVER CREEK ALASKA SUBDIVISION 2020 REPLAT**

<b>KPB File No.</b>	2021-006
<b>Plat Committee Meeting:</b>	May 23, 2022
<b>Applicant / Owner:</b>	Freedom Indeed LLC and Luke Saven LLC, all of Kasilof, Alaska
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Kenai Spur Highway and Beaver Loop Road, City of Kenai

<b>Parent Parcel No.:</b>	041-071-02 and 041-071-03
<b>Legal Description:</b>	Lot 2 Block G and Lot 3 Block G, Beaver Creek Alaska Subdivision Amended, Plat KN 81-101
<b>Assessing Use:</b>	General Commercial
<b>Zoning:</b>	General Commercial Zone
<b>Water / Wastewater</b>	On-site

Staff report given by Platting Specialist Julie Hindman.

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 committee.

**MOTION:** Commissioner Horton moved and was seconded by Commissioner Hooper to grant exception request to KPB 20.40 – Wastewater Disposal, citing findings 4-8 & 10-12 in support of standards one, two and three.

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

**MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	Brantley, Hooper, Horton, Tautfest, Venuti
No	0	

**ITEM E8 - BAILEY ESTATES KARPIK RICE REPLAT**

*\*Passed Under Grouped Plats on Consent Agenda*

<b>KPB File No.</b>	2022-038
<b>Plat Committee Meeting:</b>	May 23, 2022
<b>Applicant / Owner:</b>	David Karpik and Kathleen Rice all of Kenai, AK
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Lawton Drive, City of Kenai

<b>Parent Parcel No.:</b>	049-160-68 and 049-160-69
<b>Legal Description:</b>	Lots 1 and 2 Bailey Estates Amended, Plat KN 97-33
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Suburban Residential 2
<b>Water / Wastewater</b>	Not disclosed

**ITEM E9 - KENAI MEADOWS ADDITION NO 1**

<b>KPB File No.</b>	2022-035
<b>Plat Committee Meeting:</b>	May 23, 2022
<b>Applicant / Owner:</b>	City of Kenai of Kenai, AK
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Redoubt Avenue City of Kenai

<b>Parent Parcel No.:</b>	039-010-65
<b>Legal Description:</b>	Tract A Kenai Meadows Plat No KN 2017-17
<b>Assessing Use:</b>	Residential Vacant
<b>Zoning:</b>	Rural Residential
<b>Water / Wastewater</b>	City

Staff report given by Platting Specialist Julie Hindman.

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 committee.

**MOTION:** Commissioner Venuti moved and was seconded by Commissioner Tautfest to grant preliminary approval to Kenai Meadows Addition No. 1, 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, Hooper, Horton, Tautfest, Venuti
No	0	

**ITEM E10 - QUARTZ CREEK SUBDIVISION OUTFITTERS WAY REPLAT**

<b>KPB File No.</b>	2022-060
<b>Plat Committee Meeting:</b>	May 23, 2022
<b>Applicant / Owner:</b>	Three Bears of Alaska of Wasilla, AK Kenai Peninsula Borough of Soldotna, AK
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Cooper Landing / Cooper Landing APC

<b>Parent Parcel No.:</b>	119-124-17, 119-124-18, and 119-124-19
<b>Legal Description:</b>	Tracts A, B, and C of Quartz Creek Subdivision Plat No SW 94-11
<b>Assessing Use:</b>	Residential Vacant
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

Staff report given by Platting Specialist Julie Hindman. Ms. Hindman noted that the Cooper Landing Advisory Planning Commission (CLAPC) requested that action on this plat be postpone due to concerns related to the proposed frontage road and proposed changes to the conservation easement which were discussed at their recent meeting. The Kenai Peninsula Borough Land Management Division agreed to the postponement.

Chair Brantley opened the item for public comment.

Dan Steiner; 5900 W. Dewberry Drive, Wasilla, AK 99623: Mr. Steiner is a professional civil engineer working with Three Bears Alaska on the project. He asked staff if they could share what were the CLAPC concerns related to the plat. Ms. Hindman replied that the CLAPC concerns were related to how the frontage



road was depicted on the plat as well as the changes to the existing conservation easement and they wanted more time to discuss them at their next meeting which will be on June 8, 2022. She also noted that the Land Management Division, representing the interests of the KPB, which is a part landowner, conceded to the request. This plat would then come back for consideration at the June 13, 2022 Plat Committee meeting.

Marcus Mueller, KPB Land Management Officer: Mr. Mueller stated he had been in attendance at the CLAPC meeting where this plat had been discussed. He noted that there several things that this platting action does. One was to vacate portions of several section line easements, which he did not believe were controversial. Another is to dedicate a frontage road that will run parallel with the Sterling Highway, which is being required by the AK DOT to address safety concerns at this location. AK DOT also wants to get rid of the section of Persistence Way that intersects with the Sterling Highway. AK DOT only wants controlled access at Quartz Creek and Russian Gap Roads. The dedication of the frontage road would accomplish this. He also noted that there is a conservation easement that runs parallel with the highway across these tracts in the proposed location of the frontage road. The loss of the conservation easement was the main concern of the CLAPC. The CLAPC wanted additional time to discuss a possible redesign to conserve at least a portion of the easement.

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

**MOTION:** Commissioner Venuti moved and was seconded by Commissioner Horton to postpone action on this plat until brought back by staff at the June 13, 2022 Plat Committee meeting.

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

**MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	Brantley, Hooper, Horton, Tautfest, Venuti
No	0	

**F. PUBLIC COMMENT - None**

**G. ADJOURNMENT**

Commissioner Venuti moved to adjourn the meeting 7:23 P.M.

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Ann E. Shirnberg  
Administrative Assistant