

# 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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April 12, 2021  
6:00 p.m.  
APPROVED MINUTES

~~Due to COVID-19 pandemic and CDC recommendations, this meeting was held through Zoom and attendance was through teleconferencing methods.~~

**A. CALL TO ORDER**

Commissioner Carluccio called the meeting to order at 6:11 p.m.

**B. ROLL CALL**

1. Election of Officers

Commissioner Ecklund nominated, seconded by Commissioner Gillham, Commissioner Carluccio as Chairperson for the April - May - June 2021 Plat Committee, all were in favor.

Commissioner Ecklund nominated, seconded by Commissioner Gillham, Commissioner Ruffner as Vice Chairperson for the April - May - June 2021 Plat Committee, all were in favor.

*Plat Committee Members/Alternates*

Pamela Gillham, Ridgeway  
Paulette Carluccio, City of Seldovia  
Cindy Ecklund, City of Seward  
Robert Ruffner, Kasilof/Clam Gulch  
Franco Venuti, City of Homer

*Staff Present*

Scott Huff, Platting Manager  
Julie Hindman, Platting Specialist  
Ann Shirnberg, Planning Administrative Assistant

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

\*1. Agenda

\*3. March 15, 2021 Plat Committee Minutes

Chair Carluccio asked if anyone wanted to speak on an item not on the agenda. Hearing no one wanting to speak, public comment was closed.

Chair Carluccio asked Ms. Shirnberg to read the procedures by which public testimony would be taken

**MOTION:** Commissioner moved Ruffner seconded by Commissioner Ecklund, to approve the agenda and the minutes from the March 15, 2021 Plat Committee meeting.

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

**MOTION PASSED BY UNANIMOUS VOTE**

|     |                                      |    |   |        |   |
|-----|--------------------------------------|----|---|--------|---|
| Yes | 4                                    | No | 0 | Absent | 0 |
| Yes | Carluccio, Ecklund, Gillham, Ruffner |    |   |        |   |
| No  |                                      |    |   |        |   |

**E. NEW BUSINESS****SUBDIVISION PLAT PUBLIC HEARINGS**

Staff Report given by Scott Huff

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

- A. 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. – 3 Plats
2. Kachemak Vista Subdivision 2021  
KPB File: 2021-023; [Ability Surveys / Adele Josepho Family Trust]  
Location: Skyline Dr. & Taylor Ave. – Fritz Creek Area  
Kachemak Bay APC
3. Townsite of Kenai 2021 Kenaitze Replat  
KPB File: 2021-13; [Edge Survey & Design / Kenaitze Indian Tribe IRA & Kenaitze Indian Tribe]  
Location: Overland Ave., Mission Ave. & Upland St.  
City of Kenai
8. Folz Subdivision 2021 Addition  
KPB File: 2021-036; [McLane Consulting Group / ZPA, LLC]  
Location: Milepost 3.5 Seward Hwy.  
Bear Creek 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 (A)** 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 Carluccio opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Ecklund, to grant preliminary approval based on staff recommendations and compliance with borough code Kachemak Vista Subdivision 2021, Townsite of Kenai 2021 Kenaitze Replat & Folz Subdivision 2021 Addition.

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

**MOTION PASSED BY UNANIMOUS VOTE**

|     |                                      |    |   |
|-----|--------------------------------------|----|---|
| Yes | 4                                    | No | 0 |
| Yes | Carluccio, Ecklund, Gillham, Ruffner |    |   |
| No  |                                      |    |   |

Commissioner Venuti joined the meeting at 6:16 p.m.

**AGENDA ITEM E. NEW BUSINESS**

1. Bluff Haven Estates 2021 Replat  
KPB File No. 2021-030; Geovera, LLC/ Evensen

Staff report was given by Scott Huff.

Location: Bluff Road near MP 168.5 Sterling Highway  
Proposed Use: Residential  
Water/Sewer: On Site

Zoning: Residential Rural Unrestricted  
Assessing Use: Residential  
Parent Parcel Number(s): 173-580-20, 173-580-21

**Supporting Information:**

The proposed plat will create four lots ranging in size from 1.098 acres to 0.900 acres from two 2 acre lots. Lot 3-B is 39,204 sq. ft. and will need to be adjusted to meet the 40,000 sq. ft. minimum lot size. A soils report is required, and an engineer will sign the plat. The soils report will be required to show the area available for septic installation, including 100 foot radius from proposed wells and a 50 foot setback from the top of steep bluffs. The parent subdivision was approved without a wastewater soils analysis report.

The subdivision is accessed from Bluff Road, a 60 foot wide dedicated right of way that is improved but not maintained by KPB. A 60 foot public access easement, granted by CIRI Inc., provides a connection from dedicated Bluff Road to the Sterling Highway.

The constructed roadway appears to affect a portion of proposed Lot 3-A. **Staff recommend** the surveyor verify the location of the travel way and if necessary provide additional right of way dedication, or a public access easement, to encompass the travel way.

The subdivision is located at the top of the Homer Bluffs. The edge of the bluff affects Lot 2-A and is depicted on the preliminary plat. The parcel to the south is a 96 acre parcel and is also affected by the bluff. Approximately 7.38 acres of usable lands are located above the steep slopes.

This subdivision is located in an open block. **Staff recommends** that the plat committee concur that an exception to KPB 20.30.170 – Block length is not required as this plat is not able to provide a right of way dedication to help with block length due to topographic features and existing access.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

Kachemak Bay Advisory Planning Commission minutes were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

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**KPB Department/Agency Review Comments**

- KPB Addressing/Street Name Review: No addresses will be affected by this platting action.
- KPB Assessing: No comment.
- KPB Code Compliance: No comments.
- KPB Planner: There are no local option zoning issues or material site issues associated with this proposed plat.
- KPB Roads Dept.: Within KPB jurisdiction, no comment.
- State Parks: No comments.

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**KPB 20.25.070 - Form and contents required.**

*Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise noted below:*

- A. Within the Title Block
3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;  
**Staff recommendation:** Within the title block add the second owner, Krystal S. Evenson and confirm the address for Krystal S. Evenson as KPB records show PO Box 1252 Homer, AK as the mailing address.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;  
**Staff recommendation:** Depict and label the Homer City Limits within Section 15.

- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;  
**Staff recommendation:** *Depict and label Government Lot 3 and Government Lot 4 located to the south of the subdivision.*
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;  
*Platting Staff Comments: The top of the steep bluff has been depicted and labeled.*
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**KPB 20.25.080. Petition required.**

*Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.*

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**KPB 20.30 Design Requirements**

*Platting staff comments: Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:*

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**20.30.060. Easements-Requirements.**

- A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.
- B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.
- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.
- D. Unless a utility company requests additional easements, the front ten feet of the building setback shall be designated as a utility easement, graphically or by note.

*Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.*

*Comments from GCI, were not available when the staff report was prepared.*

*HEA, ACS, and ENSTAR supplied reviews of no comments / no objections / no concerns.*

**Staff recommendation:** *grant utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.*

**20.30.100. Cul-de-sacs.**

- C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.

*Platting Staff Comments: Parent plat HM 76-94 granted two 50' temporary turnarounds at the east end and west end of Bluff Road. The turnaround area has been shown and noted.*

**20.30.170. Blocks-Length requirements.** Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

**Staff recommendation:** *concur that an exception to KPB 20.30.170 – Block length is not required as this plat is not able to provide a right of way dedication to help with block length due to topographic features and existing access.*

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**KPB 20.40 -- Wastewater Disposal**

*Platting Staff Comments:* A wastewater soils analysis report will be required for the four new lots within this subdivision.

**Staff recommendation:** comply with 20.40.

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**KPB 20.60 – Final Plat**

*Platting staff comments:* Staff provided additional information to portions of 20.60 as noted below.

**Staff recommendation:** final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20.60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

**Staff recommendation:** comply with 20.60.010.

20.60.020. Filing-Form and number of copies required. The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

*Platting Staff Comments:*

**Staff recommendation:** submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.

20.60.030. Certificate of borough finance department required.

*Platting Staff Comments:* All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

*Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.*

**Staff recommendation:** comply with 20.60.030.

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 11" x 17"; 18" x 24"; and 24" or 30" x 36". When more than one sheet is required, an index map shall be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the total number (e.g. sheet 1 of 3). When more than one sheet is submitted, all sheets shall be the same size. Indelible ink or sealant shall be used to insure permanency.

**Staff recommendation:** comply with 20.60.070.

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled.

**Staff recommendation:** comply with 20.60.110.

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to

the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

*Platting Staff Comments: KPB will verify closure complies with 20.60.120.*

**Staff recommendation:** provide boundary and lot closure computations with the paper final plat.

20.60.150. Utility easements.

- A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.
- B. The following note shall be shown on the final plat:  
No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.

*Platting Staff Comments:*

**Staff recommendation:** comply with 20.60.150.

20.60.160. Easements.

- A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.
1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.

- B. Private easements may not be granted on the plat.

*Platting Staff Comments:*

**Staff recommendation:** comply with 20.60.160.

20.60.170. Other data required by law.

- A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.
- Staff recommendation:** comply with 20.60.170.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** comply with 20.60.190.

20.60.200. Survey and monumentation.

**Staff recommendation:** comply with 20.60.200

20.60.210. Approval-Authority-Certificate issued when.

*Platting Staff Comments:* If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

*Platting Staff Comments:* If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

*The planning director may refer the final plat to the planning commission when:*

1. Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;
2. Final approval by the commission was a condition of preliminary approval; or
3. The planning director determines there are other conditions to support referral to the commission.



**STAFF RECOMMENDS:**

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ABOVE RECOMMENDATIONS, AND**
- **COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND**
- **COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.**

**NOTE: 20.25.120. - REVIEW AND APPEAL.**

**A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.**

**A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.**

END OF STAFF REPORT

**ADDENDUM**

Bluff Haven Estates 2021 Replat

KPB File No. 2021-030; Geovera, LLC/ Evensen

After the packet was published staff noticed that the updated staff report was inadvertently not inserted into the staff report.

The current staff report is included was the desk packet.

The aerial image below was also included.



**Staff recommendation:** Use the updated staff report when reviewing Bluff Haven Estates 2021 Replat.

## END OF STAFF REPORT ADDENDUM

Chair Carluccio opened the meeting for public comment.

Laurie Daniel; P.O. Box 3713, Homer, AK 99603: Ms. Daniels referred the committee to her letter that was in the desk packet. Ms. Daniel expressed concerns about one of the lots in the preliminary plat not meeting the minimum lot size as required by code. She noted that Bluff Road is not a borough maintained road and that the road is maintained by several of neighbors under an informal agreement. She was concerned about the potential increase of traffic and how that could negatively affect the road. She thought it would be helpful if there was a note on the plat regarding the informal road maintenance agreement. She also expressed concerns regarding the instability of the bluff. Ms. Daniel's noted there had been a catastrophic bluff sluffing event at Bluff Point in 2009. She stated that local geologist have expressed concerns about the dangers of residential dwellings being built in the area that includes these lots. Local geologist have stated that future sluffing events are all but certain to occur in this area again. Ms. Daniel then stated that she would be sending the committee additional information on the catastrophic slump event for them to take into consideration.

Ronald Hess; P.O. Box 1357, Homer, AK, 99603: Mr. Hess stated that he built his house in 1989 and he shares many of the same concerns expressed by Ms. Daniel. He expressed concerns that the vibrations from the potential new construction could negatively affect the bluff and possibly cause a new sluffing event.

Denise Dickson; P.O. Box 2221, Homer, AK, 99603: Mr. Dickson stated that he was speaking on behalf of his wife and himself. He noted that Ms. Daniels has addressed many of the same concerns that he has with this development. Mr. Dickson expressed concerns about how Bluff Road will be maintained. He also noted that he does not support any exceptions requests the landowners may request for their plat. He believe that it is very important that this subdivision is done correctly and follows code.

Chair Carluccio informed Mr. Dickson that she is aware that one of the lots on the preliminary plat does not meeting minimum lots size requirements. She wanted Mr. Dickson to understand that even if the committee approves the preliminary plat tonight, the landowner will be required to move lot lines and have all the lots meet the minimum lot size requirements before it can be finalized and recorded.

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

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Ruffner, to grant preliminary approval to Bluff Haven Estates 2021 Replat based on staff recommendations and compliance with borough code.

Commissioner Ruffner had a question for staff regarding the neighbors request to have a note place on the plat regarding participating in road maintenance. Mr. Huff replied they try to keep plat notes to a minimum and noted the Bluff Road is a borough dedicated right-of-way and if the road is brought up to borough standards the neighbors could petition to have it maintained by the borough. He stated if the plat has a note stating road maintenance is done by the landowners in the subdivision and in the future the borough takes over the maintenance of the road, it would take a new platting action to remove the note so the borough can maintain it. Mr. Huff then noted it has not ever been the practice of the borough to place this type of note on a plat. Commissioner Ruffner then asked Mr. Huff if he is aware of any type of existing instrument that could require that the neighboring landowner are required to participate in the road's maintenance. Mr. Huff stated that he is not aware of any governmental instrument that would address this.

Commissioner Gillham asked staff if the aerial view from 2016 provided in the meeting packet reflected the catastrophic bluff sluffing event from 2009. Mr. Huff stated the aerial view in the packet did show the area and that he reviewed an image from 2019 that show the area was pretty much the same as the 2016 image in the meeting packet.

Commissioner Carluccio asked staff if the committee can use the information on the catastrophic bluff sluffing event from 2009 as a reason to deny the subdivision. Mr. Huff stated code requires the upland area be at least 40,000 square feet at the time of the subdivision in order to subdivide. He noted it is not uncommon for bluff erosion to eat away at a subdivisions over time, making lots smaller than the original plat. Commissioner Carluccio stated she wanted the testifiers to know that they have heard and tried to



address their concerns. However in the end, code allows for the landowner to subdivide his property and people have the right to buy and develop the lots. Purchasing a bluff lot is very much a buyer beware type of situation.

Commissioner Venuti stated that a good of the bluff is within the City of Homer and bluff erosion is very much a concern for the city. He has lived in the area for over 40 years and has seen a lot of bluff erosion. He is even aware of a structure going over the bluff and ending up down on the beach. He stated that he believes that the neighboring property owners should be concerned about bluff erosion.

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

**MOTION PASSED BY MAJORITY VOTE**

|     |                                      |    |   |
|-----|--------------------------------------|----|---|
| Yes | 4                                    | No | 1 |
| Yes | Carluccio, Ecklund, Gillham, Ruffner |    |   |
| No  | Venuti                               |    |   |

**AGENDA ITEM E. NEW BUSINESS**

2. Kachemak Vista Subdivision 2021  
KPB File No. 2021-023; Ability Surveys/ Adele Josepho Family Trust

**STAFF REPORT**

Plat Committee Meeting: April 12, 2021

Location: Skyline Drive and Taylor Avenue, Fritz Creek area  
 Proposed Use:  
 Water/Sewer: On site  
 Zoning: Rural Unrestricted  
 Assessing Use: Residential  
 Parent Parcel Number(s): 174-061-02, 174-061-03

**Supporting Information:**

The proposed plat combines two 40,000 sq. ft. lots into one 1.836 acre parcel by removing the interior lot line. The subdivision is fronted on Taylor Drive that connects to Skyline Drive. Taylor Drive is a 30 foot right of way dedication that coincides with a 66 foot wide section line easement.

This subdivision is at the top of steep slopes which has been depicted. The increase in lot size will allow more room for septic installation. Per KPB 20.40.020(A)(2), a soils analysis report is not required. Resolution 2000-03 and 2003-33A recorded under HM 2003-004865-0 and HM (amended) 2016-001645-0 removed the septic system location restrictions imposed by the plat note on the parent plat.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states beneficial interest holders affect the property.

Kachemak Bay Advisory Planning Commission minutes were not available when the staff report at the time the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

**KPB Department/Agency Review Comments**

- KPB Addressing/Street Name Review: Affected address, 59123 Taylor Ave. Existing street names are correct.
- KPB Assessing: No comment.
- KPB Code Compliance: No comment.
- KPB Planner: There are no Local Option Zoning or Material Site issues associated with this subdivision.
- KPB Roads Dept.: Within KPB jurisdiction. The RSA has no comments at this time.
- State Parks: No comments.

**AK DOT Department Review Comments**

Plat 83-93 dedicated the half portion of Skyline Drive that is adjoining this plat.