



Meeting Agenda Plat Committee

Monday, June 27, 2022

6:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID 907 714 2200

The hearing procedure for the Plat Committee public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

All items marked with an asterisk () are consent agenda items. Consent agenda items are considered routine and noncontroversial by the Plat Committee and may be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner removes the item from the consent agenda. The removed item will then be considered in its normal sequence on the regular agenda. If you wish to comment on a consent agenda item, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.*

1. Agenda
2. Member / Alternate Excused Absences
3. Minutes

[KPB-4375](#) June 13, 2022 Plat Committee Meeting Minutes

Attachments: [Plat Minutes 061322_Draft](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4376](#) Happy Creek Replat; KPB File 2022-077
Attachments: [E1. Happy Creek Replat Packet](#)
2. [KPB-4377](#) Scenic Ridge Lee Addition; KPB File 2022-075
Attachments: [E2 Scenic Ridge Packet](#)

F. PUBLIC COMMENT

(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held Monday, July 18, 2022 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

Phone: toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: planning@kpb.us

website: <http://www.kpb.us/planning-dept/planning-home>

Written comments will be accepted until 1:00 p.m. on the last business day (usually a Friday) before the day of the Plat Committee meeting in which the item is being heard. If voluminous information and materials are submitted staff may request seven copies be submitted. Maps, graphics, photographs, and typewritten information that is submitted at the meeting must be limited to 10 pages. Seven copies should be given to the recording secretary to provide the information to each Committee member. If using large format visual aids (i.e. poster, large-scale maps, etc.) please provide a small copy (8 ½ x 11) or digital file for the recording secretary. Audio, videos, and movies are not allowed as testimony. If testimony is given by reading a prepared statement, please provide a copy of that statement to the recording secretary.

An interested party may request that the Planning Commission review a decision of the Plat Committee by filing a written request within 10 days of the written notice of decision in accordance with KPB 2.40.080.

Kenai Peninsula Borough

Plat Committee

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

June 13, 2022
5:30 PM
UNAPPROVED MINUTES

A. CALL TO ORDER

Chair Brantley called the meeting to order at 5:30 p.m.

B. ROLL CALL

Plat Committee Members/Alternates

Jeremy Brantley, District 5 - Sterling
John Hooper, District 3 – Nikiski
Blair Martin, District 2 - Kenai
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 23, 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. D&J Subdivision 2022 Addition; KPB file 2022-065
- b. Common Ground Subdivision; KPB File 2022-066

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

MOTION: Commissioner Martin moved, seconded by Commissioner Venuti, to approve the agenda, the May 23, 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	4	Brantley, Hooper, Martin, Venuti
No	0	

E. NEW BUSINESS

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

ITEM E1 - AA MATTOX SUBDIVISION JOHNSON ADDITION

KPB File No.	2022-064
Plat Committee Meeting:	June 13, 2022
Applicant / Owner:	Jason and Angela Johnson of Anchor Point, Alaska
Surveyor:	Stephen Smith / Geovera, LLC
General Location:	Pennock Street, City of Homer

Parent Parcel No.:	177-302-91 and 177-302-92
Legal Description:	Lots 22 and 23 of AA Mattox 1958 Addition No. 2, Plat HM 58-3995
Assessing Use:	Residential
Zoning:	Urban Residential District
Water / Wastewater	City

Staff report was given by Platting Specialist Julie Hindman.

Chair Brantley open the meeting for public comment.

Tom Beck; PO Box 37, Homer, AK 99603: Mr. Beck stated that he didn't really have an issue with this plat but he did have concerns about drainage issues in the area. He wanted to know if there was a development plan associated with this plat.

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

Commissioner Venuti informed Chair Brantley that he had voted on this matter at the city level and would request that he abstain from voting on this matter. Chair Brantley approved Commissioner Venuti's request.

MAIN MOTION: Commissioner Martin moved and was seconded by Commissioner Hooper, to grant preliminary approval to AA Mattox Johnson Addition, based on staff recommendations and compliance to borough code.

AMENDMENT A MOTION: Commissioner Martin moved, seconded by Commissioner Hooper, to grant exception request to KPB 20.30.030 – Proposed Street Layout Requirements, extension of Cook Way to Pennock Street, citing findings 1-8 & 10-13 in support of standards one, two and three.

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

AMENDMENT A MOTION PASSED BY UNANIMOUS VOTE

Yes	3	Brantley, Hooper, Martin
Abstain	1	Venuti

AMENDMENT B MOTION: Commissioner Martin moved, seconded by Commission Hooper, to grant exception request to KPB 20.30.100 – Cul-de-sacs, dedicating a cul-de-sac turnaround at the end of Cook Way, citing findings 1-11 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	3	Brantley, Hooper, Martin
Abstain	1	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	3	Brantley, Hooper, Martin
Abstain	1	Venuti

Planning Director Ruffner informed the testifier, who questioned if there had been a development plan submitted with this plat, that KPB code does not require a development plan for subdivision approvals. The borough is only interested in the platting action. He suggested that Mr. Beck contact the City of Homer to see if they have one.

ITEM E2 - D & J SUBDIVISION 2022 ADDITION

KPB File No.	2022-065
Plat Committee Meeting:	June 13, 2022
Applicant / Owner:	Sentinel Properties LLC of Kodiak, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Sterling Highway, Burt Avenue, Kalifornsky Area / Kalifornsky APC

Parent Parcel No.:	131-300-18
Legal Description:	Tract 9 of D & J Subdivision Amended KN 84-40
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

- **PASSED BY GROUP PLAT UNDER CONSENT AGENDA**

ITEM E3 - MONK ACRES

KPB File No.	2022-071
Plat Committee Meeting:	June 13, 2022
Applicant / Owner:	Monica Monk of Ninilchik, AK
Surveyor:	Jason Schollenberg / Peninsula Surveying LLC
General Location:	Tall Tree Avenue, Anchor Point /Anchor Point APC

Parent Parcel No.:	165-030-47
Legal Description:	SW1/4 NW1/4 Section 3, Township 4 South, Range 14 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Platting Specialist Julie Hindman.

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

MOTION: Commissioner Martin moved, seconded by Commissioner Hooper, to grant preliminary approval to Monk Acres, based on staff recommendations and compliance to borough code.

AMENDMENT: Commissioner Martin moved, seconded by Commissioner Hooper, to grant exception request to KPB 20.30.030 – Proposed Street Layout Requirements & KPB 20.30.170 – Block Length Requirements, dedicating the 50-foot section line easement along the west & providing a dedication on the northern boundary, citing findings 1-6 & 9-11 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	4	Brantley, Hooper, Martin, 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	4	Brantley, Hooper, Martin, Venuti
No	0	

ITEM E4 - ALASKA STATE LAND SURVEY NO 2021-25 TIG LEVARG SUBDIVISION

KPB File No.	2022-072
Plat Committee Meeting:	June 13, 2022
Applicant / Owner:	State of Alaska Department of Natural Resources Division of Mining, Land and Water
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Cohoe Loop Road, Cohoe Area

Parent Parcel No.:	133-110-88
Legal Description:	All of Section 36 excluding Rhodes Estates Amended and Excluding Cohoe Road
Assessing Use:	Industrial Mining
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Staff report given by Platting Specialist Julie Hindman.

Chair Brantley open the meeting for public comment.

James Hall, McLane's Consulting; P.O. Box 468, Soldotna, AK 99669: Mr. Hall was the surveyor on this project and made himself available for questions.

Commissioner Martin asked if the street names on this plat, Barrell Stove and Potbelly Stove had been approved. He noted that in the past there had been some issues with the suffix, Stove. Mr. Hall replied the Barrell Stove was an existing street name and that the State of Alaska DNR folks selected Potbelly Stove as a street name. If the commission feels this is an issue, he would be happy to discuss this concern with the State.

Chair Brantley asked staff if the KPB Addressing Officer had reviewed the names and signed off on them. Ms. Hindman replied that yes, the names had been reviewed and approved by the Addressing Officer Derek Haws. She stated she would bring to his attention that there were concerns related to the street names.

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

MOTION: Commissioner Martin moved, seconded by Commissioner Venuti, to grant preliminary approval to ASLS No. 2021-25 Tip Levarg Subdivision, based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commission Martin moved, seconded by Commissioner Venuti, to grant exception request to KPB 20.30.170 – Block Length Requirements & KPB 20.30.030 – Proposed Street Layout Requirements, citing findings 1-11 in support of standards one, two & three.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

Yes	4	Brantley, Hooper, Martin, 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	4	Brantley, Hooper, Martin, Venuti
No	0	

ITEM E5 - DOYLE ESTATES SUBDIVISION SIXTH ADDITION

KPB File No.	2022-062
Plat Committee Meeting:	June 13, 2022
Applicant / Owner:	Doyle Family Revocable Trust of Kenai, AK
Surveyor:	James Hall / McLane Consulting Group
General Location:	Helmsman Avenue, Dalton St S, Kalifornsky / Kalifornsky APC

Parent Parcel No.:	055-181-08
Legal Description:	Tract A-1A Doyle Estates Subdivision Third Addition KN 97-102
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Platting Specialist Julie Hindman.

Chair Brantley open the meeting for public comment.

James Hall, McLane's Consulting; P.O. Box 468, Soldotna, AK 99669: Mr. Hall 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.

MOTION: Commissioner Martin moved, seconded by Commissioner Hooper, to grant preliminary approval to Doyle Estates Subdivision Sixth Addition, based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Martin moved, seconded by Commissioner Hooper, to grant exception request to KPB 20.30.030 – Proposed Street Layout Requirements & KPB 20.30.170 – Block Length Requirements, citing findings 1-3 & 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:

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

Yes	4	Brantley, Hooper, Martin, 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	4	Brantley, Hooper, Martin, Venuti
No	0	

ITEM E6 - TUTL'UH SUBDIVISION CARMODY ADDITION

KPB File No.	2022-068
Plat Committee Meeting:	June 13, 2022
Applicant / Owner:	Frank Gwartney of Anchorage, AK
Surveyor:	James Hall / McLane Consulting
General Location:	Hope Highway, A Street, Hope / Hope/Sunrise APC

Parent Parcel No.:	035-031-10 and 035-031-11
Legal Description:	Lot 6 and 7 of Tutl'uh Subdivision SW 2021-2
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Platting Specialist Julie Hindman.

Chair Brantley open the meeting for public comment.

James Hall, McLane's Consulting; P.O. Box 468, Soldotna, AK 99669: Mr. Hall 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.

MOTION: Commissioner Martin moved, seconded by Commissioner Hooper, to grant preliminary approval to Tutl'uh Subdivision Carmody Addition, based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Martin moved, seconded by Commissioner Hooper, to grant exception request to KPB 20.30.060(D) – Easement Requirements, front 10-feet adjoining rights-of-way, subject to any requested easements from providers granted which may include those adjacent to the rights-of-way, citing findings 2 & 4-9 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	4	Brantley, Hooper, Martin, 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	4	Brantley, Hooper, Martin, Venuti
No	0	

ITEM E7 - COMMON GROUND SUBDIVISION

KPB File No.	2022-066
Plat Committee Meeting:	June 13, 2022
Applicant / Owner:	Kenai Peninsula Borough of Soldotna, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	School Avenue, Old Sterling Highway, Anchor Point / Anchor Point APC

Parent Parcel No.:	169-050-67 and 169-050-71
Legal Description:	Portion of S1/2 NE1/4 Section 4, Township 5 South, Range 15 West, per Deed 2002-006119-0, HRD
Assessing Use:	Residential / Industrial Mining
Zoning:	Rural Unrestricted
Water / Wastewater	On site / Community

****PASSED BY GROUPED PLAT UNDER CONSENT AGNEDA***

ITEM E8 – QUARTZ CREEK SUBDIVISION OUTFITTERS WAY REPLAT

KPB File No.	2022-060
Plat Committee Meeting:	June 13, 2022
Applicant / Owner:	Three Bears of Alaska of Wasilla, AK Kenai Peninsula Borough of Soldotna, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Cooper Landing / Cooper Landing APC

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

Staff report given by Platting Specialist Julie Hindman. Ms. Hindman noted that the Cooper Landing APC had reviewed this plat and made several recommendations which are noted in the staff report addendum. The landowners were supportive of the recommendations. The APC recommended approval of this plat with the recommendations cited in the June 8, 2022 Cooper Landing APC meeting minutes.

Chair Brantley open the meeting for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was open among the committee.

MOTION: Commissioner Martin moved, seconded by Commissioner Hooper, to grant preliminary approval to Quartz Creek Subdivision Outfitters Way Replat, based on staff recommendations and compliance to borough code and subject to items 1-5 found in the staff report addendum.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	Brantley, Hooper, Martin, Venuti
No	0	

ITEM E9 - THORSLAND SUBDIVISION ADDITION NO 1

KPB File No.	2022-069
Plat Committee Meeting:	June 13, 2022
Applicant / Owner:	Evenson Estate of Anchorage, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Holt Lamplight Road, Lake Marie Avenue, Nikiski

Parent Parcel No.:	013-105-12 and 013-105-15
Legal Description:	Lot 7-1 Thorsland Subdivision KN 2016-20, Government Lots 4-6, 8, 9, S1/2 S1/2 S1/2 NW1/4 and S1/2 SW1/4 SW1/4 NE1/4 (excluding Plats KN 2003-71, KN 2006-43, and KN 2010-30, in Section 16, Township 7 North, Range 11 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Platting Specialist Julie Hindman.

Chair Brantley open the meeting for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was open among the committee.

MOTION: Commissioner Martin moved, seconded by Commissioner Hooper, to grant preliminary approval to Thorsland Subdivision Addition No. 1, based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Martin moved, seconded by Commissioner Hooper, to grant exception request to KPB 20.30.030 – Proposed Street Layout Requirements, for the continuation of Lake Marie Ave., citing findings 1, 2, 4 & 7-9 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	4	Brantley, Hooper, Martin, 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	4	Brantley, Hooper, Martin, Venuti
No	0	

ITEM E10 – RIGHT-OF-WAY PROJECT SEWARD HIGHWAY MP 25.5-36 TRAIL RIVER TO STERLING WYE, REHABILITATION 0311(031) / Z546590000

KPB File No.	2022-063
Plat Committee Meeting:	June 13, 2022
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 Specialist Julie Hindman.

Chair Brantley open the meeting for public comment.

Chris Bentz, Engineer; AK DOT, P.O. Box 196900, Anchorage, AK 99519: Mr. Bentz is one of the engineers on this project. He noted receiving preliminary plat approval is the first step in this process. This will allow them to submit the initial funding request. Once funding is secured, they will begin to reach out and enter into negotiations with effected landowners. He then made himself available for questions.

The following individuals spoke in opposition to granting preliminary approval to this plat. General concerns expressed was the lack of transparency, lack proper noticing, important information left off the plat & plat drawings difficult to understand. There were several requests to postpone action on this plat to allow for more time for review and discussions with AK DOT.

Members of the public who testified in-person:

1. John Smart; PO Box 243, Moose Pass, 99631
2. Edward Estes; PO Box 26, Moose Pass, AK 99631
3. Jennifer Boyle; PO Box 121, Moose Pass, AK 99631
4. Nancy Erickson; PO Box 185, Moose Pass, AK 99631
5. Bruce Jaffa; PO Box 107, Moose Pass, AK 99631
6. Joseph Boyle; PO Box 121, Moose Pass, AK 99631
7. Linda Dickerson; PO Box 146, Moose Pass, AK 99631
8. Marla Heilit; Moose Pass
9. Lynne Lawrence; PO Box 122, Moose Pass, AK 99631

Member of the public who testified via Zoom:

10. Melissa Guersey; 41658 Seward Hwy., Moose Pass, AK 99631
11. Wendy Milligan; PO Box 112, Moose Pass, AK 99631
12. Phillip Hendersol, Volunteer Fire Chief; 30305 Toklat Way, Moose Pass, AK 99631
13. Marry Melissa Robinson; 1120 Huffman Road, #24, Anchorage, AK 99515

14. Shannon Martin; Soldotna, AK
15. John Gaule; PO Box 62, Moose Pass, AK 99631

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

MOTION: Commissioner Martin moved, seconded by Commissioner Hooper to grant preliminary approval to ROW Acquisition Seward Hwy. MP 25.5 to 36 Trial River to Sterling WYE Rehabilitation, based on staff recommendations and compliance to borough code.

Commissioner Venuti noted that based on the testimony from the community there seems to be a failure of adequate communication. There is also a suggestion to postpone action on this item. He asked Mr. Bentz what would be the effect on this project. Mr. Bentz replied it would cause a delay in securing needed funding to move the project forward. It would delay the negotiations with area property owners and the ability to address their concerns.

AMENDMENT MOTION: Commissioner Martin moved, seconded by Commissioner Venuti to postpone action on this item until the July 18, 2022 Planning Commission meeting.

Commissioner Brantley stated he believes what is going on here is a misunderstanding. He understands that AK DOT is working to secure funding so that they can begin negotiations with effected landowners; which in turn would result in more details for the public. He is not sure how this situation will be resolved by postponing action on this item, but he will support the postponement request.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

Yes	4	Brantley, Hooper, Martin, Venuti
No	0	

ITEM E11 - EAST OYSTER COVE SUBDIVISION

KPB File No.	2022-047R1
Plat Committee Meeting:	June 13, 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 open the meeting for public comment.

Andre Koeppele, Fixed Height, LLC, Surveyor: 225 W. 23rd Ave., Anchorage, AK 99503: Mr. Koeppele spoke in support of the preliminary approval of this plat. He stated there had been some revisions to the plat from the last meeting. One change was the total number of lots created by the plat was reduced by one. He noted that this is privately owned land and the landowners have a right to subdivide their land according to borough code.

Numerous individuals spoke in opposition to the preliminary approval of this plat. Their concerns have not changed from those expressed at the May 9, 2022 plat committee meeting. Some of the concerns expressed were, water right issues, the negative effect on the environment due to the significant increase of

lots into the area, inadequate access for the proposed new lots and lack of communication with the area residents. Those who spoke in opposition to granting preliminary approval to the plat were:

1. Philip Brudie, P.O. Box 111, Homer, AK 99603
2. Doug Kossler; 2131 Baranoff Dr., Anchorage, AK 99517
3. Zoey Coyle; 350 Mountain View Dr., Homer, AK 99603
4. Mark Pfeffer; 1130 W. 6th Ave., #110, Anchorage, AK 99501 (letter read by Tamara Hopkins)
5. Tom Hopkins; 60112 Nordby Ave., Homer, AK 99603
6. Dan Coyle; 350 Mountain View Dr., Homer, AK 99603
7. William Lanier; 89 S 750 E, Bountiful, UT 84010

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

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

AMENDMENT MOTION: Commissioner Martin moved, seconded by Commissioner Hooper, to grant exception request to KPB 20.30.030 – Proposed Street Layouts, citing findings 4-9 in support of standards one, two and three.

Commissioner Brantley noted that this exception request is in line with other communities similar to this, remote properties without platted streets. These type of exception requests have been routinely granted in the past so he will be supporting this exception request.

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

AMENDMENT MOTION FAILED- TIED VOTE

Yes	4	Brantley, Martin
No	0	Hooper, Venuti

Commissioner Venuti stated he agrees Kachemak Bay is a magical & beautiful place and understands the concerns expressed by the public to this plat. He understands that they do not want to see change, but change is inevitable. He then stated that it was hard for him to support this issue.

Ms. Hindman informed the committee that while they do not have to cite findings to support their denial of an exception request, you are just requiring the petitioner to comply with code. However, she wanted them to understand that by approving the preliminary plat you will be requiring the petitioner to dedicate roads instead of public access easements and that each lot will have to front a dedicated right-of-way.

Commissioner Brantley then stated that he understands that this is a remote area and that it would not be practical to all these lots to front a right-of-way. He then asked if the committee, with this additional information, would like to reconsider the exception request. There was no response.

Commissioner Brantley noted that plats are quasi-judicial matters. That it doesn't really matter so much how they feel about the request but that it complies with code. He understands the objections by the public to this plat, if he had a cabin in this area, he personally would not want these new lots. If this plat is denied the committee will have to come up with findings based in code to support the denial. Code does not require landowners wanting to subdivide their properties to first talk with their neighbors. He then noted the plat meets the code requirements and the he will be supporting preliminary approval of the plat. If this plat were denied and the petitioners appealed the decision, there would be nothing in code to support the denial and the decision would be overturned.

Borough Deputy Attorney Steinhage reminded the committee before they took their vote, AS 29.40.110(b) states the planning authority shall state in writing the findings for disapproval of a plat. Not knowing which way, the vote would go, he wanted to make sure the committee understood that if they denied the plat, they will need to provide good findings that can be reduced into writing

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

MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes	4	Brantley, Hooper, Martin, Venuti
No	0	

Commissioner Brantley stated that now that the motion has passed, he believed it would be appropriate to entertain a reconsideration for the exception request.

RECONSIDERATION: Commissioner Hooper moved and was seconded by Commissioner Venuti to reconsider the exception request to KPB 20.30.030 – Proposed Street Layouts, citing findings 4-9 in support of standards one, two and three.

Commissioner Martin stated he understands that it is disruptive to see all these new lots come in to this quiet and pristine area. He believes granting this exception request will be less destructive and have less of an environmental impact to the area. Building rights-of-way would require that lots of trees be cut down which would cause more harm to the environment. He will be supporting this exception request.

Commissioner Hooper encouraged the other area landowners to contact the AK Mental Health Trust Authority to see if they can negotiate a proposal to remedy some of their concerns.

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

RECONSIDERATION MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

Yes	4	Brantley, Hooper, Martin, Venuti
No	0	

F. PUBLIC COMMENT - None

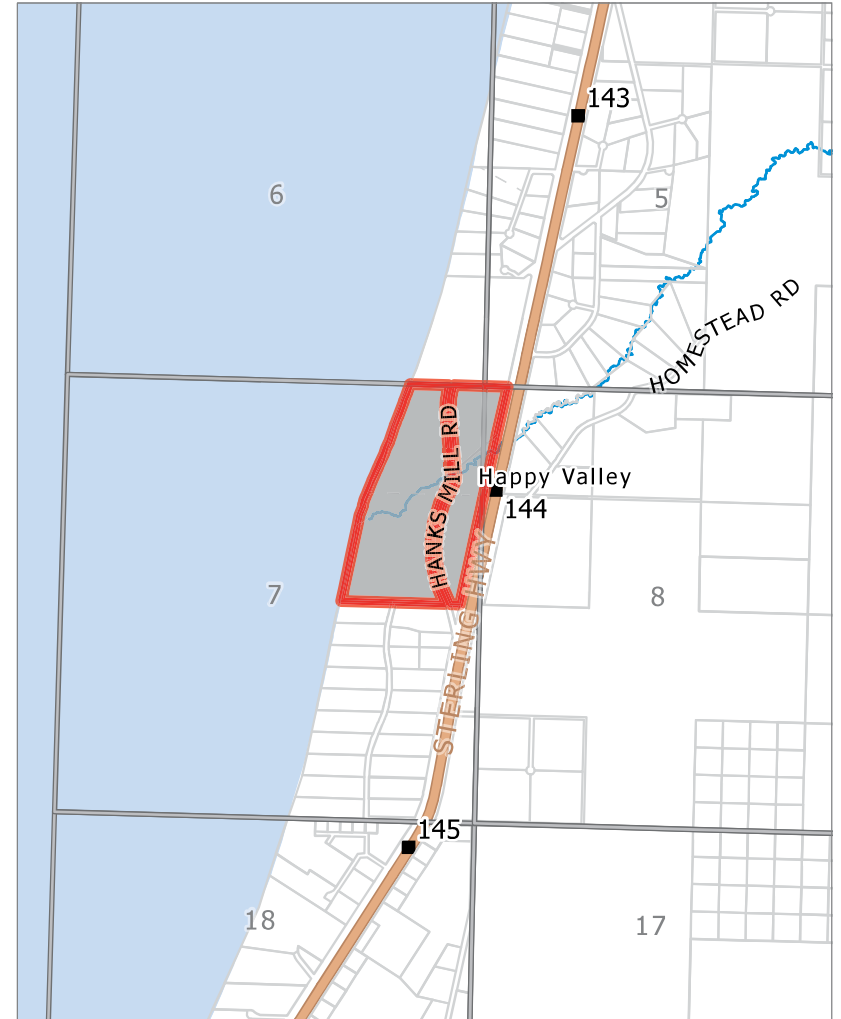
G. ADJOURNMENT

Commissioner Martin moved to adjourn the meeting 8:55 P.M.

Ann E. Shirnberg
Administrative Assistant

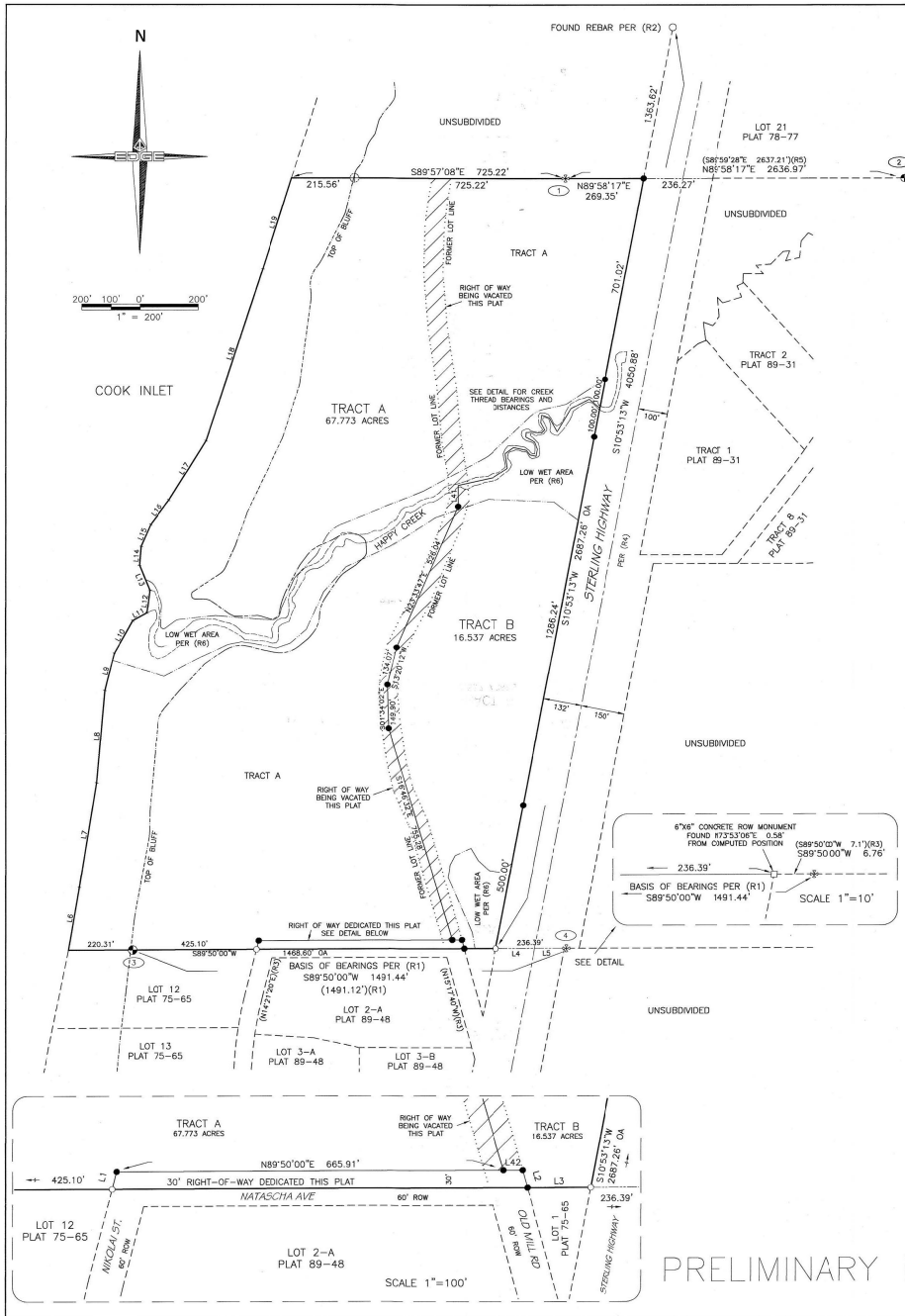
E. NEW BUSINESS

1. Happy Creek Replat; KPB File 2022-077



KPB File # 2022-077
S07 & 08 T03S R14W
Happy Valley





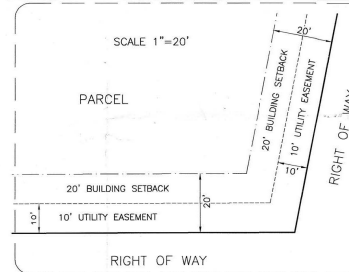
LEGEND

- FOUND BLM MONUMENT AS REFERENCED
- FOUND PRIMARY MONUMENT AS REFERENCED
- FOUND 2" ALUMINUM CAP MARKINGS ILLEGIBLE
- FOUND 5/8" REBAR
- FOUND 6"X6" CONCRETE RIGHT OF WAY MONUMENT
- SET PROPERTY CORNER 5/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2022
- MONUMENT REFERENCE NUMBER
- RECORD DATA, SEE REFERENCE

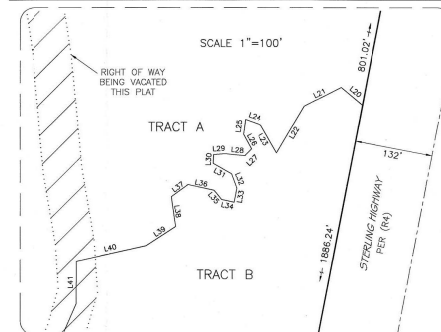
REFERENCES

- (R1) PLAT NO. 89-48, HAPPY VALLEY VISTA TOO, HOMER RECORDING DISTRICT
- (R2) PLAT NO. 78-77, BIG VALLEY SUBDIVISION, HOMER RECORDING DISTRICT
- (R3) PLAT NO. 75-65, HAPPY VALLEY VISTA SUBDIVISION, HOMER RECORDING DISTRICT
- (R4) STATE OF ALASKA, RIGHT OF WAY PLAT, PROJECT NUMBER F-021-1(2) SERIAL NUMBER 63-423, HOMER RECORDING DISTRICT
- (R5) PLAT NO. 89-31, PERRY-VEATER TRACTS, HOMER RECORDING DISTRICT
- (R6) KENAI WATERSHED FORUM WETLANDS INVENTORY DATA

UTILITY EASEMENT AND BUILDING SETBACK TYPICAL



HAPPY VALLEY CREEK THREAD BEARING AND DISTANCE DETAIL



LINE TABLE

LINE	BEARING	DISTANCE
L1	N14°21'20"E	30.99'
L2	N15°17'40"W	31.08'
L3	N89°50'00"E	108.40'
L3(R3)	N89°50'00"E	108.40'
L4	N89°50'00"E	134.50'
L4(R3)	N89°50'00"E	134.50'
L5	N89°50'00"E	101.89'
L5(R3)	N89°50'00"E	101.9'
L6	S09°52'49"W	219.15'
L7	S09°21'35"W	360.78'
L8	S05°07'17"W	317.25'
L9	N13°48'07"E	133.12'
L10	S29°43'26"W	129.34'
L11	S61°19'32"W	55.82'
L12	S07°11'38"W	76.98'
L13	S22°25'33"E	92.37'
L14	S04°53'23"W	64.92'
L15	S23°18'18"W	81.47'
L16	S37°22'27"W	105.38'
L17	N32°03'10"E	238.53'
L18	S18°15'21"W	618.30'
L19	S17°41'03"W	328.86'
L20	N50°07'46"W	47.33'
L21	N62°39'38"E	70.15'
L22	N30°35'50"E	92.18'
L23	N29°39'08"W	54.74'
L24	S70°18'17"E	27.43'
L25	S07°53'14"W	25.28'
L26	N08°41'15"W	28.11'
L27	S45°01'07"W	16.35'
L28	N84°37'38"W	32.91'
L29	N06°38'11"E	19.69'
L30	N04°24'08"E	15.07'
L31	N60°25'31"W	35.90'
L32	S20°31'08"E	26.09'
L33	N10°58'48"E	24.15'
L34	N77°49'31"W	21.80'
L35	N39°12'44"W	20.30'
L36	S77°53'11"E	44.63'
L37	N54°02'19"E	34.94'
L38	N08°15'31"W	51.24'
L39	N56°53'52"E	58.28'
L40	N77°25'29"E	122.69'
L41	N00°29'07"E	71.92'
L42	S89°50'00"W	33.00'

REORDERER'S
STAMP
AREA

APPROVAL RECOMMENDED

DRAWN BY:	SURVEY DATE:	SCALE:	PROJECT NUMBER:
JY	5-20-22	AS SHOWN	21-443
CHECKED BY:	DRAWN DATE:	DNR FILE NO:	PAGE 1 OF 2
MA	06-01-2022	SV-000000	

NOTES

1. BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10 FEET ADJACENT TO THE RIGHTS-OF-WAY IS A UTILITY EASEMENT. 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.
3. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF OLD STERLING HIGHWAY AT THE MEETING OF JUNE 27, 2022. THE VACATION RECEIVED CONSENT BY THE KENAI PENINSULA ASSEMBLY AUGUST 00, 2022.
4. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLANDS DETERMINATION IF APPLICABLE.
5. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROADS MAINTENANCE PROGRAM PER KPB 14.06.
6. NO PRIVATE ACCESS TO STATE MAINTAINED RIGHT OF WAYS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
7. RESERVATIONS AND EXCEPTIONS AS CONTAINED IN U.S. PATENT, AND/OR ACTS AUTHORIZING THE ISSUANCE THEREOF.
8. THIS SUBDIVISION IS SUBJECT TO RIGHTS OF THE PUBLIC AND OR GOVERNMENTAL AGENCIES IN AND TO THAT PORTION OF SAID PREMISES LYING BELOW THE MEAN HIGH WATER MARK OF COOK INLET AND ANY QUESTIONS OF RIGHTS OF ACCESS TO COOK INLET IN THE EVENT SAID LANDS DO NOT IN FACT ADJUT THE INLET.
9. THIS SUBDIVISION IS SUBJECT TO A GENERAL EASEMENT FOR WATER COURSE OVER THAT PORTION OF THE PREMISES WHICH LIES WITHIN THE LINES OF THE HEREIN NAMED CREEK (HAPPY VALLEY CREEK) AND TO ANY CHANGES IN THE BOUNDARY LINES OF SAID CREEK, AS IT NOW EXISTS, BY NATURAL CAUSES.
10. THIS SUBDIVISION IS SUBJECT TO A GENERAL ELECTRICAL EASEMENT, WITH NO DEFINED LOCATION, GRANTED TO HOMER ELECTRIC ASSOCIATION ON JUNE 30, 1959 IN BOOK 17 PAGE 27, HOMER RECORDING DISTRICT.
11. SECTION LINE EASEMENTS AFFECTING THIS SUBDIVISION HAVE BEEN VACATED BY PLAT 68-55, HOMER RECORDING DISTRICT.
12. WASTEWATER DISPOSAL: LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR AN ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JUNE 27, 2022.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

PRELIMINARY PLAT

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT KGA FAMILY TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT ON BEHALF OF CLIFFORD AND JANA JOHNSON INVESTMENTS, LLC, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAYS AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

CLIFFORD AND JANA JOHNSON INVESTMENTS, LLC
CLIFFORD JOHNSON, CO-MANAGER
1564 N. ALMA SCHOOL ROAD
MESA, ARIZONA 85201

NOTARY ACKNOWLEDGEMENT

FOR: CLIFFORD JOHNSON
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2023

NOTARY PUBLIC SIGNATURE

NOTARY
STAMP
AREA

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAYS AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

ROSEMARY H. JOHNSON
PO BOX 114
ANCHOR POINT, ALASKA 99556

NOTARY ACKNOWLEDGEMENT

FOR: ROSEMARY H. JOHNSON
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2023

NOTARY PUBLIC SIGNATURE

NOTARY
STAMP
AREA

KPB FILE NUMBER 2022-000

HAPPY CREEK REPLAT

A REPLAT OF
GOVERNMENT LOTS 1 AND 2
LYING WEST OF THE OLD STERLING HIGHWAY,
PORTION OF GOVERNMENT LOT 1 LYING EAST OF THE OLD STERLING HIGHWAY
& PORTION OF NW 1/4 NW 1/4 IN SECTION 6,
PORTION OF GOVERNMENT LOTS 1 AND 2 IN SECTION 7
& NW 1/4 NW 1/4 IN SECTION 8
AND THE VACATION OF A PORTION OF OLD STERLING HIGHWAY

OWNERS:

CLIFFORD AND JANA INVESTMENTS, LLC
1564 N. ALMA SCHOOL ROAD
MESA, ARIZONA 85201

AND

ROSEMARY H. JOHNSON
PO BOX 114
ANCHOR POINT, ALASKA 99556

LOCATED WITHIN THE NE 1/4 SECTION 7 AND NW 1/4 SECTION 8
T3S R14W, SEWARD MERIDIAN, ALASKA
KENAI PENINSULA BOROUGH
HOMER RECORDING DISTRICT
CONTAINING 84.797 ACRES



12501 OLD SEWARD RD. ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794

APPROVAL RECOMMENDED

STATEWIDE PLATTING SUPERVISOR		DATE	
DRAWN BY:	SURVEY DATE:	SCALE:	PROJECT NUMBER:
JY	5-20-22	AS SHOWN	21-643
CHECKED BY:	DRAWN DATE:	DNR FILE No:	
MA	06-01-2022	EV-000000	PAGE 2 OF 2

KPB 2022-077

AGENDA ITEM E. NEW BUSINESS

ITEM 1 – HAPPY CREEK REPLAT

KPB File No.	2022-077
Plat Committee Meeting:	June 27, 2022
Applicant / Owner:	Clifford and Jana Johnson Investments, LLC of Mesa, Arizona and Rosemary Johnson of Anchor Point, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design LLC
General Location:	Hanks Mill Road, Sterling Highway / Happy Valley / Anchor Point APC

Parent Parcel No.:	159-112-01, 159-112-02, and 159-112-03
Legal Description:	Government Lots 1 and 2 lying west of the Old Sterling Highway, Portion of Government Lot 1 lying east of the Old Sterling Highway and Portion of NW1/4 NW1/4 in Section 8, portions of Government Lots 1 and 2 in section 7 and NW1/4 NW1/4 in Section 8.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure multiple government lots and portions of aliquot portions into two tracts. The plat is also proposing to finalize a right-of-way vacation and dedicate a 30 foot wide matching dedication for an adjacent right-of-way. The new tracts are proposed to be 67.773 acres and 16.537 acres.

Location and Legal Access (existing and proposed): The subdivision is located near mile 144 of the Sterling Highway. The eastern lots front along the Sterling Highway while the existing western lots are located on Hanks Mill Road. The new configuration will both lots to have access via the Sterling Highway with Alaska DOT approval. The tracts will also have access to Natascha Avenue and the remaining portion of Hanks Mill Road.

The proposal is to vacate Hanks Mill Road, formerly Old Sterling Highway that runs between the current pieces of property. A portion of Hanks Mill Road will remain that provides access from the Sterling Highway to Natascha Avenue. This plat proposes to dedicate 30 foot width to Natascha Avenue to bring it into compliance. The portion of Hanks Mill Road to Natascha Avenue is maintained by the borough as is Natascha Avenue and Nikolai Street. ***Staff recommends update the label for the remaining portion of Hanks Mill Road within the detail.***

The section line easements within the bounds of this subdivision as well as within the lot to the north were vacated by Section Line Easement Vacation Plat, HM 88-55.

The block is not compliant. The property is along the Cook Inlet and without the section line easement the block is not closed. The status of the Old Sterling Highway north of this property is currently not known by staff. If an easement still exists in that location it could provide a looped access. At this time that property is a 41 acre parcel with what appears to be remains of the old highway. ***Staff recommends the plat committee concur that an exception is not required for block length as dedications may be granted by large acreage tracts in the future.***

Per the submittal for the right-of-way vacation, there have been issues with the public using the Hanks Mill Road to access the beach by traveling and parking within the right-of-way and then crossing through private property to reach the beach. Due to the years of neglect the right-of-way is not safe with culverts having washed out and steep terrain present specifically near Happy Valley Creek.

The right-of-way vacation is scheduled for hearing at the June 27, 2022 Planning Commission meeting. If approval is granted it will be subject to consent by the KPB Assembly. Based on comments from DOT, the approval will also be subject to any requirements set forth by State of Alaska DOT.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Sterling Highway appears to be shown correctly. However, the vacation area appears to be a portion of the Old Sterling Highway that has not been previously relinquished or vacated by DOT. I have a query into our Property Management group about how they would like to proceed with the action proposed, and what steps would be necessary to vacate the State DOT interest.

Site Investigation: Happy Creek runs through the property. This is not an anadromous stream. There are wetlands present surrounding the creek and are depicted on the plat. The contours vary throughout the property. The top of the bluff along Cook Inlet is depicted and labeled. Additional steep slopes are present within the wetland area near Happy Creek. Some additional areas of terrain areas are present. Based on the sizes of the tracts the depiction of steep slopes throughout are not required. **Staff recommends the wetlands and the top of the bluff remain in the final plat.**

The property fronts along Cook Inlet and mean high water should be labeled. **Staff recommends a mean high water note be added, the boundary be labeled a mean high water, and source of mean high water be provided or note how computed.**

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: VE,D Map Panel: 02122C-1830E In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	No objections. The proposed actions will not affect fish, wildlife, habitat, or public access to public lands and waters.

Staff Analysis The proposed plat is to reconfigure multiple pieces of land and to finalize a vacation. There are no platted streets, utility easements, or building setbacks for the parent parcels. The plat will be dedicating a portion of Natascha Avenue.

The plat will be combining several lots into one as well as adjoining the vacated portions of the right-of-way back to the creation of two lots.

The submittal for the right-of-way vacation indicated that the former Old Sterling Highway, which was renamed to Hanks Mill Road, as fallen into disrepair. Due to the lack of maintenance the culverts in place have washed out

and there are areas of steep terrain that make the usage of the right-of-way a safety hazard. The owners also noted that the right-of-way is being used to provide access to pedestrian traffic through their property to the bluff.

A soils report will not be required due to the size of the tracts.

Notice of the proposed plat was mailed to the beneficial interest holder on June 8, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

Anchor Point 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.

Utility Easements The plat is proposing to grant 10 foot utility easements adjacent to the rights-of-way. This will be along the Sterling Highway and the portions adjacent to the remaining portion of Hanks Mill Road and Natascha Avenue. A typical design of setbacks and utility easements and the correct plat notes are present.

A recorded easement is noted on the plat. The easement does not have a defined location.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

Utility provider review:

HEA	No comments
ENSTAR	No comments or recommendations
ACS	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek</p> <p>Affected Addresses:</p> <p>23215 HANKS MILL RD</p> <p>23015 STERLING HWY</p> <p>23145 STERLING HWY</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names:</p> <p>STERLING HWY</p> <p>NIKOLAI ST</p> <p>NATASCHA AVE</p> <p>Existing Street Name Corrections Needed:</p> <p>OLD MILL RD should be HANKS MILL RD per SN2010-01.</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments:</p>
------------	--

	23215 HANKS MILL RD will be deleted. 23015 STERLING HWY will remain on tract A. 23145 STERLING HWY will remain on tract B. Approximately 520ft of HANKS MILL RD remains connecting STERLING HWY to NATASCHA AVE.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Wilcox, Adeena Comments: No comment

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

KPB 20.25.070 – Form and contents required

Staff recommendation: final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
2. Legal description, location, date, and total area in acres of the proposed subdivision;
3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

Staff recommendation: A new subdivision name will be required. There already exists a Happy Creek Subdivision (ASLS 2009-11), and Happy Creek Homesites. While the legal descriptions do refer to the Old Sterling Highway, staff recommends the description be revised to "...and the vacation of a portion of Hanks Mill Road, formerly known as Old Sterling Highway". Within the ownership, include "Johnson" for the LLC.

KPB 20.30 – Subdivision Design Requirements

Staff recommendation: final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.

KPB 20.40 – Wastewater Disposal

Staff recommendation: final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils analysis report will not be required. Correct plat notes are present.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

Staff recommendation: An acceptance for the dedication of Natascha Ave will be required.

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required. Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation:

Revise plat note 3 to read, "...a portion of Hanks Mill Road, formerly Old Sterling Highway, at the meeting..." and update the meeting date for the Assembly accordingly.

Add the following plat notes:

- The thread for the creek, as shown, is the boundary between Tract A and Tract B.
- The natural meanders of mean high water line is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.
- Additional notes may be required by the State of Alaska for the vacation of the right-of-way.
- FLOOD HAZARD NOTICE:

Some or all of the property shown on this plat has been designated by FEMA as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code. Map panel 02122C-1830E

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Documentation will be required that shows Clifford Johnson may sign solely as a co-manager of the LLC. The other option is to require signature for each of the managers. The Certificate of Ownership makes reference to KOA Family Trust in the first line and should be updated. Designation of which property each is signing on behalf of should be included. The legal descriptions are lengthy but "portions west of former ROW and north of creek" and "portions east of former ROW and south of creek" should be sufficient. Comply with 20.60.190.

KPB 20.70 – Vacation Requirements

Staff recommendation. Must be recorded within one year of consent. Additional requirements may need to be met based on the State of Alaska DOT research.

RECOMMENDATION:

STAFF RECOMMENDS:

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF 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 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

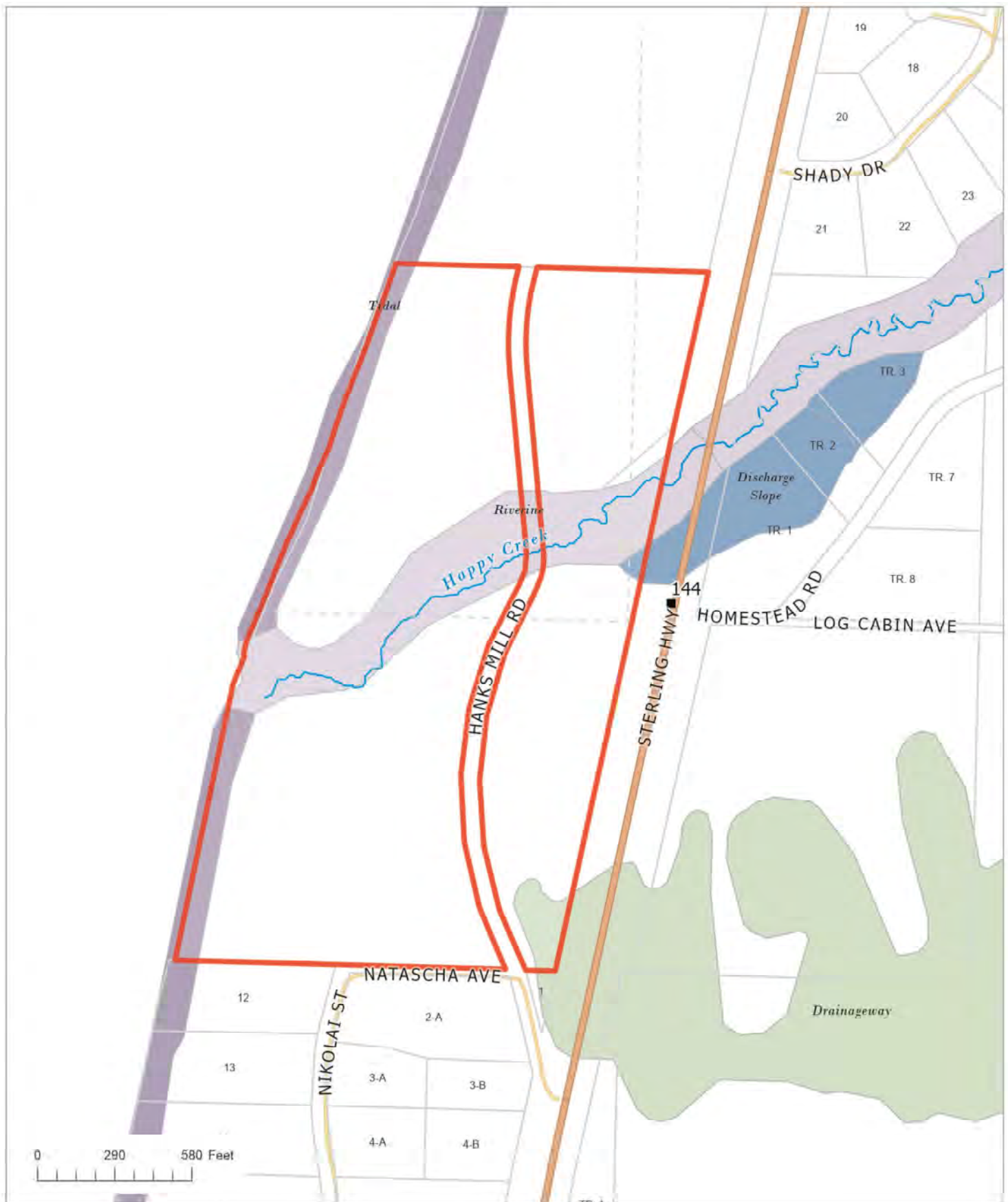
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

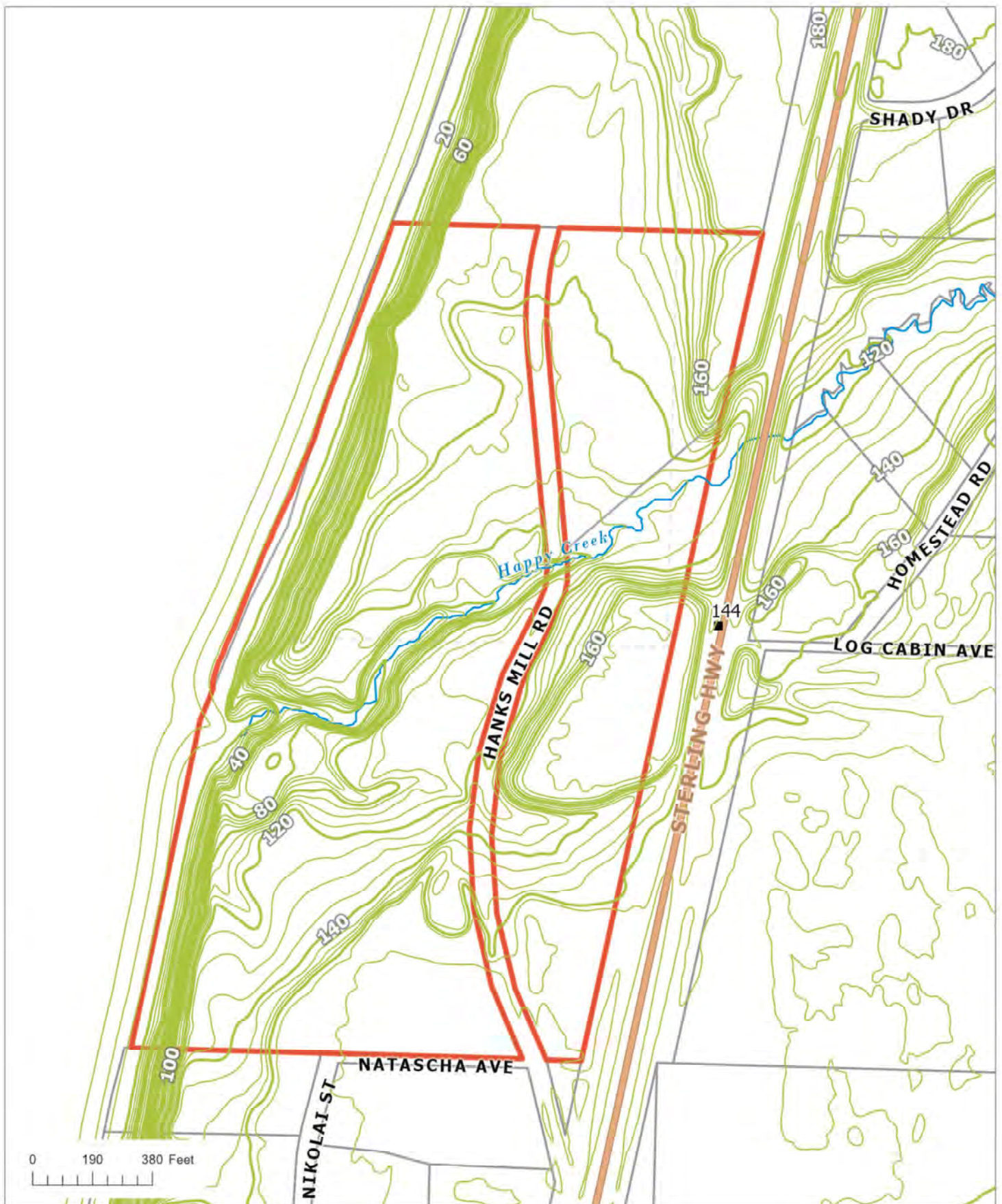
END OF STAFF REPORT





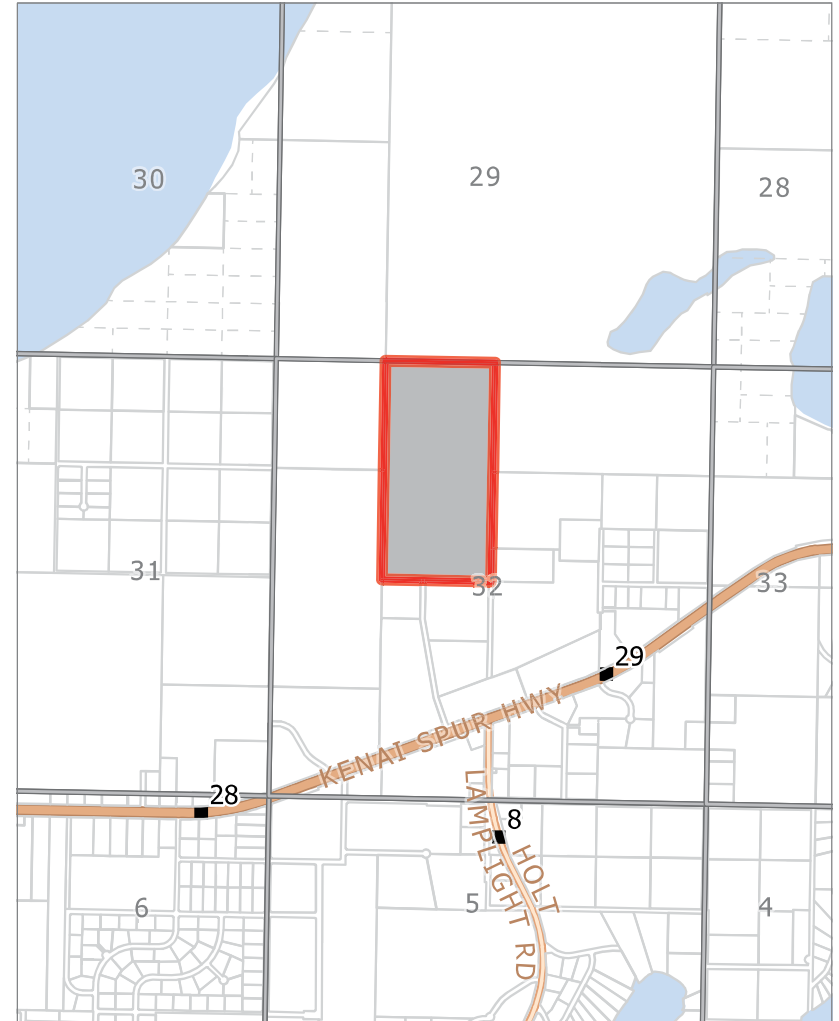
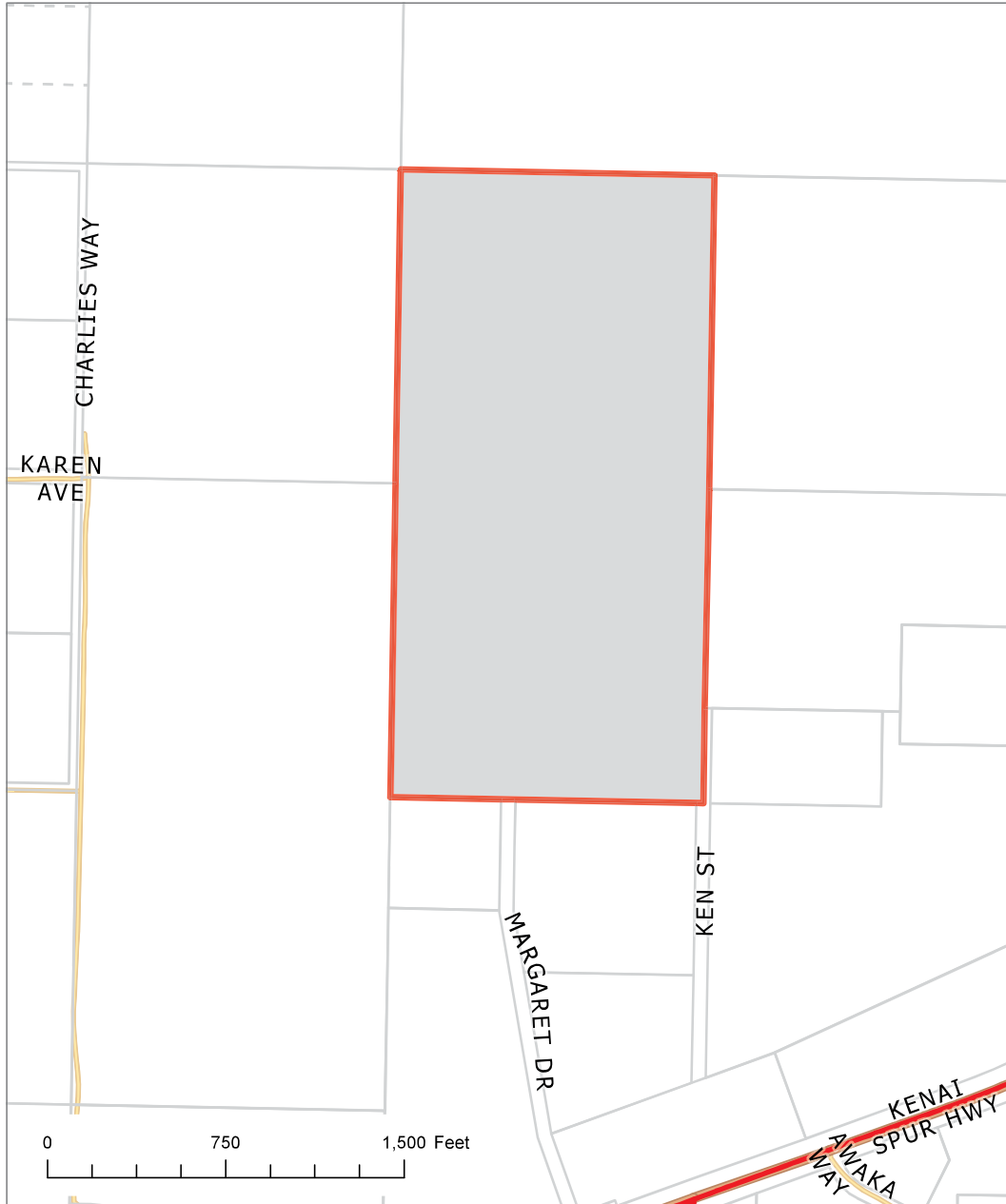
Wetlands





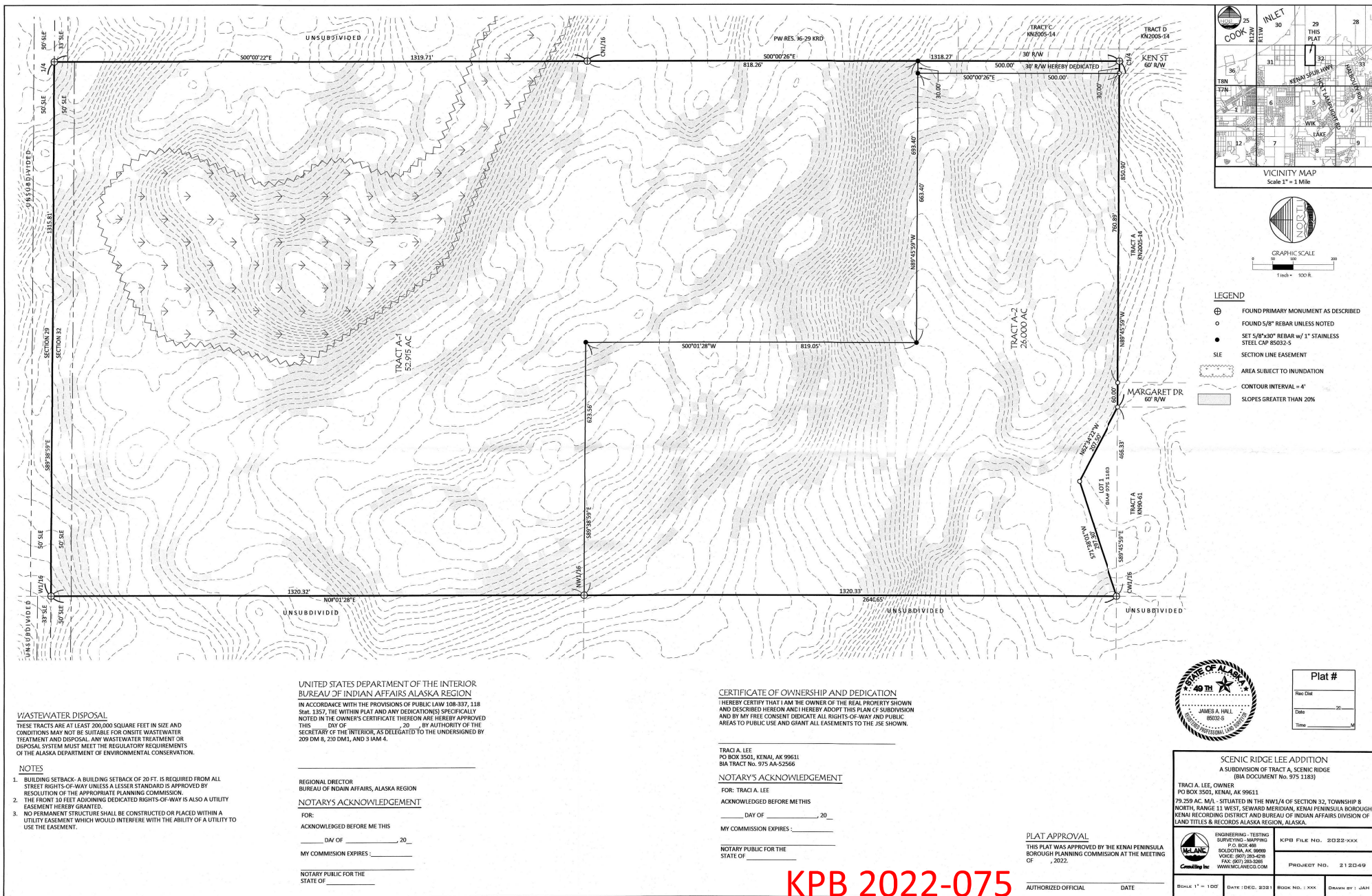
E. NEW BUSINESS

2. Scenic Ridge Lee Addition; KPB File 2022-075



KPB File # 2022-075
S32 T08N R11W
Nikiski





KPB 2022-075

AGENDA ITEM E. NEW BUSINESS

ITEM 2 – SCENIC RIDGE LEE ADDITION

KPB File No.	2022-075
Plat Committee Meeting:	June 27, 2022
Applicant / Owner:	Bureau of Indian Affairs, Alaska and Traci Lee of Kenai, Alaska
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Margaret Drive / Nikiski

Parent Parcel No.:	013-145-02
Legal Description:	E1/2 NW1/4 of Section 32 Township 8 North Range 11 West
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide an 80 acre parcel into two tracts and one lot. The tracts will be 26 and 52.915 acres. The lot will be 22,142 square feet. A matching 30 foot dedication is proposed.

Location and Legal Access (existing and proposed): The subdivision is located near mile 28.5 of the Kenai Spur Highway. Margaret Drive is a 60 foot wide right-of-way that provides access from Kenai Spur Highway. It will provide access to Tract A-2. There is a private non-exclusive easement for a 20 foot wide road through Tract A located to the south to provide access to the tract being subdivided. It appears that Margaret Drive is not constructed fully within the right-of-way and the easement is granting permission to travel outside of the dedication due to some terrain restraints.

Ken Street is a dedicated right-of-way with varying widths. The plat is proposing to dedicate a 500 foot length of Ken Street at 30 feet wide to provide a matching dedication to the eastern portion already dedicated and to continue north to provide access to the northern Tract. There are some concerns regarding if Ken Street connects to the Kenai Spur Highway. There is a deed with a description of land that has been labeled as access on past plats. The deed makes reference to a 100 foot wide northern projection of Lamplight Road. A legal determination will need to be made. If the owners wish to use this for access staff recommends they contact an attorney to help determine if there is legal access. If it is determined that there is not a connection the owners will need to be aware that they will not be able to access the property from Ken Street.

Access from section line easements are available. Rounds Road, Charlies Way, and section line easement provide access from the west and then the north to the northern proposed tract.

Neighbors have informed staff that there are many private travel ways in this area. They constructed these roads to be private and intentionally did not place them within the dedications. Prior to using any of the existing travel way, staff recommends the owners have any travel ways they intent to use surveyed prior to use to make sure they are not trespassing. If any of the private roads fall within dedications they may be used by members of the public.

Due to the size of the subdivision, the block is not compliant. Exceptions have been requested for dedications and block length.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
--------------------------	--

SOA DOT comments	No comment
------------------	------------

Site Investigation: There are some low wet areas present within the northeast portion of Tract A-1. They are depicted on the plat and **staff recommends the wetland depiction remain and the wetland determination note be added.**

Contours are shown on the plat with shading for the steep slopes. Steep areas are present throughout the plat. Some steep slopes are within the proposed dedication and appear to be approximately 22 percent. This dedication is to provide a match to already granted right-of-way. North of the proposed dedication the terrain gets steeper and has approximate slopes of 37 percent.

There are encroachments from the lot to the south onto the property. The encroachments will be contained within the proposed Lot 1.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	No objections

Staff Analysis This is a proposed plat of native lands. Bureau of Indian Affairs has already recorded a subdivision, BIA #975-1183, to create a Tract A and Lot 1 of Scenic Ridge. This was recorded at the federal level and not reviewed by the planning department. This is something that is allowable but the borough does not recognize the changes of property lines and we currently show the property as an aliquot piece of property.

Lot 1 was created to resolve some encroachment issues. The native allotment owners transferred the interest over for that lot but as the borough does not recognize that lot we have no record of an ownership change. Staff is requesting that Lot 1 of the BIA subdivision, Scenic Ridge, be included in this platting item to create the lot and once there is a deed recorded the owner of the lot may combine his property if chosen. Several exceptions will be required.

A soils report will not be required for the tracts and an exception has been requested for the lot. The correct plat notes will be required.

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.

The property is not within an advisory planning commission.

Utility Easements The property had not been previously platted. 10 foot wide utility easements are proposed along the dedications.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

Utility provider review:

HEA	No comment
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: None</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: MARGARET DR KEN ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: No addresses affected by this subdivision.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Conditional Land Use Permit CLUP Resolution Number: 2015-09 CLUP Approval Date: 4/14/2015 Material Site Comments: CLUP 2015-09 is located Southeast of subject parcel at PID 013-300-52. Across Ken St.</p>
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No comment</p>

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Depict the setback and utility easements or provide a typical detail.

KPB 20.25.070 – Form and contents required

Staff recommendation: final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
2. Legal description, location, date, and total area in acres of the proposed subdivision;
3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

Staff recommendation:

- Revise to be a subdivision of the E1/2 NW1/4 of Section 32, also known as Lot 1 and Tract A of Scenic Ridge (BIA Document No. 975 1183)

J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff recommendation: Lot 1 will need to have a new lot number.

KPB 20.30 – Subdivision Design Requirements

Staff recommendation: final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.

KPB 20.40 – Wastewater Disposal

Staff recommendation: final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.

20.40.010 Wastewater disposal.

Platting Staff Comments: The tracts are larger than 200,000 square feet and do not require a wastewater review. Lot 1 – an exception has been requested. Add correct plat notes.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

Staff recommendation: Acceptance of any dedications is required.

20.60.130. Boundary of subdivision. The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data. The boundary of the subdivided area shall clearly show what survey markers, or other evidence, was found or established on the ground to determine the boundary of the subdivision. Bearing and distance ties to all survey markers used to locate the subdivision boundary shall be shown.

Staff recommendation: The boundary must be updated to include Lot 1.

20.60.180. Plat notes.

- A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation: *Place the following notes on the plat.*

- *Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).*
- *Add a note for any exceptions granted.*
- *WASTEWATER DISPOSAL (Tracts A-1 and A-2): Lots which are at least 200,000 square feet in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.*
- *If the exception is granted, "WASTEWATER DISPOSAL (Lot 1): Conditions might not be suitable for onsite wastewater treatment and disposal systems. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation."*
- *Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

A. KPB 2030.030(A) – Proposed street layout-Requirements, continuation or projection of right-of-way and KPB 20.30.170 – Blocks-Length Requirements

Staff Discussion: Staff grouped the two exceptions. If the planning commission wishes to discuss or vote on the code exceptions separately, two motions will be required.

Per code the continuation of Ken Street and Margaret Drive should continue into this subdivision. Additional rights-of-way would be required to bring the block into compliance.

The intent of this subdivision is to divide a large acreage parcel into two large acreage parcels. A dedication is proposed to match the current 30 foot width of Ken Street and to provide a connection to the northern tract. The plat has access from section line easements to the north. The subdivision has areas of steep terrain. The property would benefit at this time from not being required to dedicate rights-of-way or continuations to allow any future roads to be planned with an overall design that will allow the rights-of-way to be created in areas where construction feasibility will be higher.

Findings:

1. There are areas of steep terrain throughout the subdivision.
2. Access from the south may be limited due to access questions and concerns.
3. Developed roads to the west, along with section line easements, provide a northern access.
4. The tracts are proposed to be large acreage tracts.
5. There are wetlands present in the northeast portion of the subdivision.
6. The land could be subdivided again in the future.
7. Lot 1 will be accessed through Tract A to the south.
8. The block is incomplete and is longer than allowable limits.
9. Proper continuation and projections would require extensions of Ken Street and Margaret Drive.

Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-7 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-7 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-7 appear to support this standard.

B. KPB 20.30.200 – Lots-Minimum Size, KPB 2030.210 – Lots-Access to Street, and KPB 20.40 – Wastewater Disposal, requirement for soils analysis report All for Lot 1

Staff Discussion: Staff grouped the three exceptions. If the planning commission wishes to discuss or vote on the code exceptions separately, three motions will be required.

Lot 1 was created by BIA to resolve encroachment issues from the owner of Tract A, KN 90-61. They have recorded a deed to transfer the ownership. The KPB does not recognize the property line change as it did not go through the platting process. Allowing these exceptions to be granted and to create Lot 1 will provide an opportunity for the property to get the title issues worked out. The owner of Tract A would be able to work on combining the lot with their current tract if they wish and all requirements for BIA are met.

Findings:

1. Lot 1 will be 22,142 square feet.
2. Lot 1 will be accessed through Tract A to the south.
3. Leaving Lot 1 from this plat will result in a gap in KPB parcel data and will leave a portion of land we do not recognize.
4. The BIA has recorded their own record at the federal level that created the lot.
5. The lot was created to fix an encroachment issue.

Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 2-5 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 2-5 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 2-5 appear to support this standard.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF 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 15 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



