

E. NEW BUSINESS

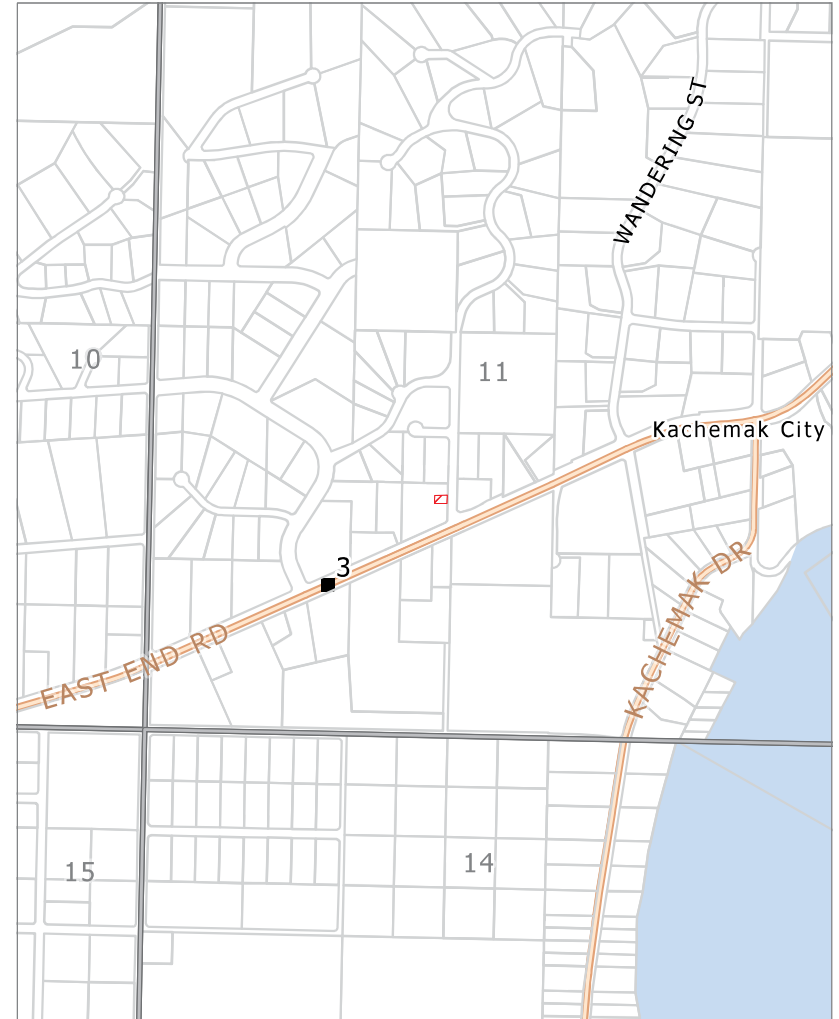
3. Building Setback Encroachment Permit; KPB File 2023-071

Petitioner/Landowner: Ryan K. Hall

Request: Permits an approximately 13.6' encroachment to remain in the 20' setback

**Location: Block 2, Lot 3, Puffin Acres Subdivision,
Plat HM 1985-122**

Kachemak Area

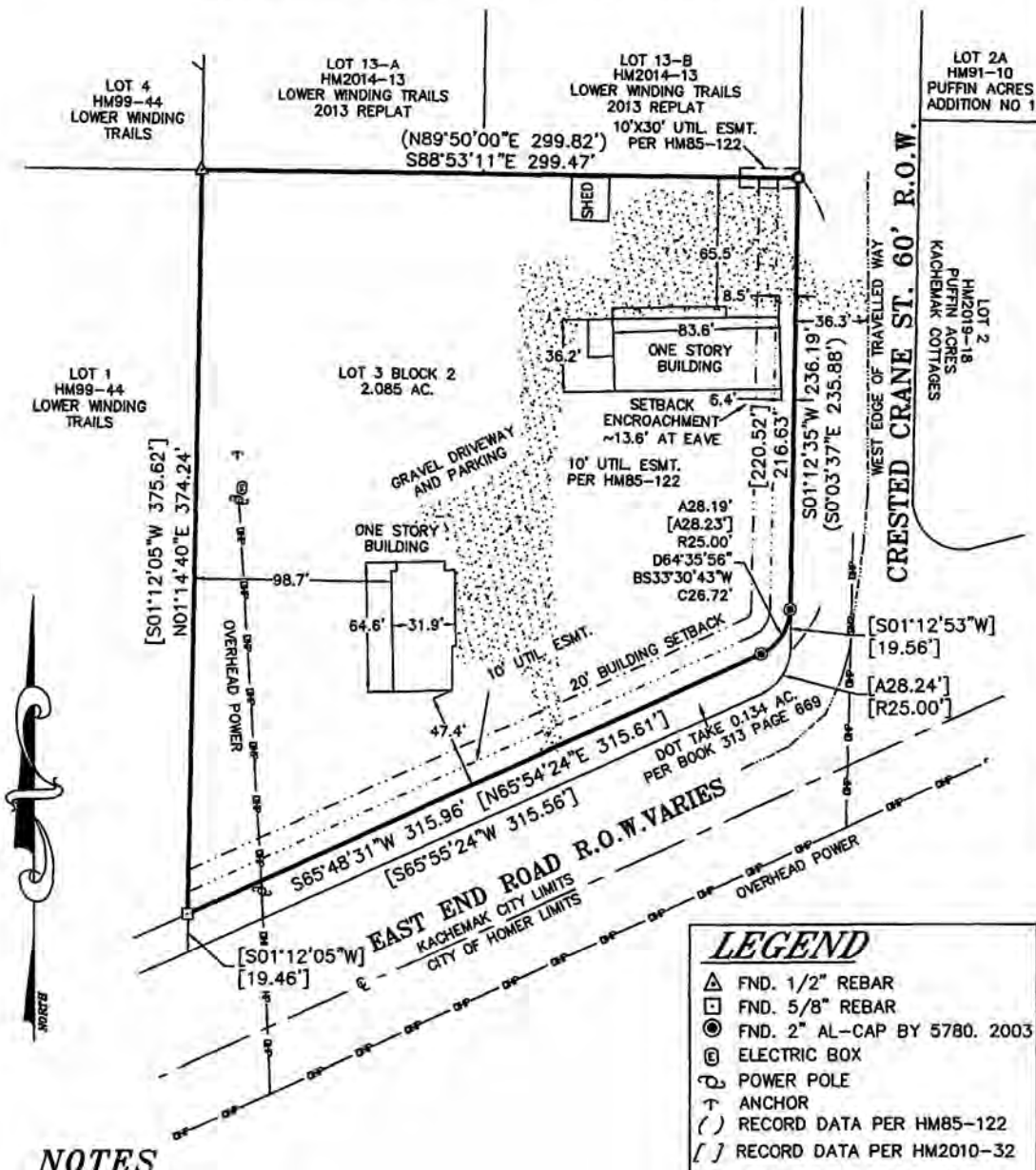


KPB File 2023-071
T 06S R 13W SEC 11
Kachemak



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

AS-BUILT SURVEY



NOTES

1. THIS PLAT SHALL HAS BEEN PREPARED FOR A BUILDING SETBACK ENCROACHMENT PERMIT APPLICATION.
2. ALL BUILDING DIMENSIONS AND DISTANCES ARE TO THE EXTERIOR EAVES OF FINISHED STRUCTURES UNLESS OTHERWISE SHOWN.
3. ALL BOUNDARY DATA IS PER PRELIMINARY PLAT "PUFFIN ACRES 2023", KENAI PENINSULA BOROUGH FILE NO. 2023-46 UNDER FINAL REVIEW.
5. IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS OR CITY ZONING RESTRICTIONS THAT DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT.
6. I HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY: LOT 3 BLOCK 2 OF THE "PUFFIN SUBDIVISION", PLAT #85-122 HOMER RECORDING DISTRICT, THE IMPROVEMENTS SITUATED THEREON ARE LOCATED AS SHOWN ON THIS PLAT AND THERE ARE NO OTHER VISIBLE ABOVE GROUND IMPROVEMENTS OR ENCROACHMENTS ON SAID PROPERTY EXCEPT AS INDICATED HEREON.



KPB 2023-071

DATE	6-26-2023
JOB No.	5469
DWG No.	5469_AS-BUILT
SCALE	1" = 70'
TAX PARCEL	17419214
PLAT No.	HM85-122
SECTION	11
TOWNSHIP	76S
RANGE	R13W (SM)
SITUS	60458 EAST END RD

LOT 3 BLOCK 2 PUFFIN ACRES SUBDIVISION

LOCATED WITHIN THE CITY OF KACHEMAK
HOMER RECORDING DISTRICT, ALASKA

ABILITY SURVEYS

LICENSED LAND SURVEYORS
(907) 235-8440
152 DEHEL AVE., HOMER, ALASKA 99603

ITEM 3. – BUILDING SETBACK ENCROACHMENT PERMIT – PUFFIN ACRES SUBDIVISION

KPB File No.	2023-071
Planning Commission Meeting:	August 14, 2023
Applicant / Owner:	Ryan Hall of Soldotna, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Crested Crane Street, City of Kachemak

Parent Parcel No.:	174-192-14
Legal Description:	Lot 3 Block 2, Puffin Acres Subdivision, HM 85-122
Assessing Use:	Residential
Zoning:	Rural Unrestricted

STAFF REPORT

Specific Request / Purpose as stated in the petition: The building near the east lot boundary has been in place since at least 1996. Crested Crane St. has limited traffic since there is better access to the north via Winding Trails Ln. As constructed, the west edge of the traveled way is ~36.3' from the east boundary of Lot 3 Blk 2 which provides clear sight lines to driveways and East End Rd. There are no other obstructions that impact use or safety of the ROW.

Site Investigation: The Planning Department has received an application for a preliminary plat and at the May 22, 2023 meeting the Plat Committee granted conditional approval of Puffin Acres 2023 KPB 2023-046. In that staff report staff had recommended the surveyor determine if there were any encroachments into the building setback when doing the field survey work. The building setback encroachment permit is to address the encroachments he discovered.

The encroachment is for the structure located along Crested Crane Street, originally named Old Squaw Street, is a 60-foot-wide dedicated right-of-way. Crested Crane Street is a through dedication to East End Road and Winding Trails Lane.

This parcel is located within the city limits of Kachemak and at the time of this report has not adopted any enforcement code for building setbacks. They were sent this as-built and invited to comment. No response has been received.

The KPB Road Service Area does not maintain any roads within the City of Kachemak.

There are street views available for East End Road, but not Crested Crane Street. What is able to be viewed shows a level gravel road with no line-of-sight issues.

Staff Analysis: This parcel was originally aliquot land that was subdivided by parent plat Puffin Acres HM 85-122. This plat granted a 20-foot building setback along all dedicated rights-of-ways. In 2001 the parcel was subject to a State of Alaska DOT & PF acquisition, but this only affected the East End Road boundary of the parcel. The deed was recorded under 2001-001859-0 Homer Recording District.

Several parcels to the north use Crested Crane Street within the block defined by Bear Creek Drive, Winding Trails Lane, and East End Road.

The terrain for the area is relatively flat with gentle slopes running south towards East End Road.

There are some areas of the parcel that have a classification from the Kenai Watershed Forum of Discharge Slope, but do not appear to directly impact the encroachment.

It does appear that the structure is within the 10' utility easement of Crested Crane Street. Staff would advise the owners to investigate the utility easement encroachments. If it is determined that a utility provider needs to use the easement any damage or relocation of items or structures would be at the owner's expense.

Findings:

1. The terrain is level with gentle slopes running north to south towards East End Road.
2. There is a 20-foot building setback on the east and south side of the lot.
3. 6.4 feet of the setback will remain.
4. Visibility is not impaired by the structure.
5. There is 36.3 feet between the property line and the constructed travel surface.
6. The current lot is 2.085 acres.
7. This approval will help towards finalizing a final plat having preliminary approval.

20.10.110. – Building setback encroachment permits.

- E. The following standards shall be considered for all building setback encroachment permit applications. Staff recommends the Commission select the findings they determine are applicable to the standards and vote on them:

1. The building setback encroachment may not interfere with road maintenance.

Findings 1-3, & 6 appear to support this standard.

2. The building setback encroachment may not interfere with sight lines or distances.

Findings 1-4, & 6 appear to support this standard.

3. The building setback encroachment may not create a safety hazard.

Findings 1 - 6 appear to support this standard.

- F. The granting of a building setback encroachment permit will only be for the portion of the improvement or building that is located within the building setback and the permit will be valid for the life of the structure or for a period of time set by the Planning Commission. The granting of a building setback permit will not remove any portion of the 20-foot building setback from the parcel.
- G. The Planning Commission shall approve or deny a building setback encroachment permit. If approved, a resolution will be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to complete the permit. The resolution will require an exhibit drawing showing, and dimensioning, the building setback encroachment permit area. The exhibit drawing shall be prepared, signed and sealed, by a licensed land surveyor.

KPB department / agency review:

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Griebel, Scott Comments: Adjacent ROWs are under the authority of Kachemak City. No KPB RSA Comments.
SOA DOT comments	
KPB River Center review	A. Floodplain Reviewer: Hindman, Julie

	<p>Floodplain Status: IS in flood hazard area Comments: Flood Zone: X (unshaded) Map Panel: 02122C-2115E 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: VACANT Comments:</p>
State of Alaska Fish and Game	
Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 60456 EAST END RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: EAST END RD, CRESTED CRANE 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 comment</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: Encroachment needs to be approved or would need to be moved or modified.</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Other Material Site Type Material Site Comments: There are not any material site issues with this proposed plat, but the Retail Marijuana Store High Seas Homer LLC owned by Ryan Hall is located on the subject parcel. Subject parcel is also located within the City Limits of Kachemak City.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** to adopt Resolution 2023-21, subject to compliance with KPB 20.10.110 sections F and G.

NOTE:

20.10.110.(H) A decision of the planning commission may be appealed to the hearing officer by a party of record, as defined by KPB 20.90, within 15 days of the date of notice of decision in accordance with KPB 21.20.250.

END OF STAFF REPORT



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Street view via Google Earth of Crested Crane Street and East End Road intersection. 7/27/2023 MQ



**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2023-21
HOMER RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR 3, PUFFIN ACRES SUBDIVISION (HM 0085122); IN NE 1/4 S11, T06S, R13W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2023-071

WHEREAS, per KPB 20.30.240 – Building Setbacks, a minimum 20-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities; and

WHEREAS, Ryan K Hall of Soldotna, AK requested a building setback encroachment permit to the 20-foot building setback granted by Puffin Acres Subdivision (HM 0085122); and

WHEREAS, per the petition; and as-built survey the encroachment is a portion of a house 13.6 feet at the eaves into the building setback; and

WHEREAS, 6.4 feet of the building setback will remain; and

WHEREAS, the encroaching structure does not affect sight distance along the right-of-way; and

WHEREAS, on Monday, August 14, 2023, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed exception; and

WHEREAS, the Planning Commission found that granting the building setback encroachment permit will not be detrimental to the public interest; and

WHEREAS, 20.10.110 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish building setback encroachment permits by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1. Approved a permit to allow only the encroaching portion of the one story building that extends 13.6 feet into the building setback adjoining Crested Crane Street right-of-way on the east boundary of Lot 3 Block 2, Puffin Acres Subdivision, (HM0850122).

Section 2. That any new, replacement, and/or additional construction will be subject to the 20-foot building setback limit.

Section 3. That the 20-foot building setback limit shall apply to the remainder of said lot.

Section 4. That a current as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the location of the encroachment within the building setback be attached to, and made a part of this resolution, becoming page 2 of 2.

Section 5. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

Section 6. That this resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fees.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2023.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shirmberg,
Administrative Assistant

Return to:
Planning Department
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, Alaska 99669

Kenai Peninsula Borough

Plat Committee

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

May 22, 2023
6:30 PM
APPROVED MINUTES

A. CALL TO ORDER

Commissioner Gillham called the meeting to order at 6:30 p.m.

B. ROLL CALL

Plat Committee Members/Alternates

Pamela Gillham, District 1 – Kalifornsky
Troy Staggs, City of Seward
David Stutzer, District 8 – Homer
Franco Venuti, City of Homer

Staff Present

Vince Piagentini, Platting Manager
Madeleine Quainton, Platting Specialist
Ann Shimberg, Planning Administrative Assistant

With 4 members of a 4-member committee in attendance, a quorum was present.

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

*3. Approval of Minutes

- a. May 8, 2023 Plat Committee Meeting Minutes

*4. Grouped Plats

1. Bunnell's Subdivision 2023 Replat; KPB File 2023-047
2. Fourth of July Creek Subdivision Seward Marine Industrial Center Duchess Replat; KPB File 2023-045
3. Puffin Acres 2023; KPB file 2023-046
5. Twin Creek 2023; KPB File 2023-44
6. Whisper Lake Subdivision Miller Addition Prather Replat; KPB File 2023-048

Staff report by Platting Manager Vince Piagentini..

Staff has grouped the following plats located under **AGENDA ITEM E**. They are grouped as simple or non-controversial. The type of plats grouped are lot splits, creating a small number of lots, replats, no exceptions required and no public comments were received. – 5 Plats

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

Chair Gillham asked if anyone from the public wished to speak to any of the items under the consent agenda. Hearing no one wishing to comment discussion was opened among the commission

MOTION: Commissioner Staggs moved, seconded by Commissioner Stutzer to approve the agenda, the May 8, 2023 Plat Committee meeting minutes and grouped plates based on staff recommendations and compliance to borough code.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes- 4	Gillham, Staggs, Stutzer, Venuti
No - 0	

D. OLD BUSINESS – None

E. NEW BUSINESS

Chair Gillham asked Administrative Assistant Shirnberg to read the planning commission public hearing procedures into the record.

ITEM #1 - Bunnell's Subdivision 2023 Replat

KPB File No.	2023-047
Plat Committee Meeting:	May 22, 2023
Applicant / Owner:	Susan Malone of Homer, AK and John and Candace Hendrix of Anchorage, AK
Surveyor:	Gary Nelson / Ability Surveys
General Location:	LOCATION / APC
Parent Parcel No.:	175-142-18 and 175-142-23
Legal Description:	PARENT PARCEL DESCRIPTION
Assessing Use:	Residential and Commercial
Zoning:	Central Business District and Medical District
Water / Wastewater	City

**Passed Under Grouped Plats Under The Consent Agenda*

ITEM #2 - Fourth of July Creek Subdivision Seward Marine Industrial Center Duchess Replat

KPB File No.	2023-045
Plat Committee Meeting:	May 22, 2023
Applicant / Owner:	City of Seward of Seward, AK
Surveyor:	Kenneth G. Lang / Lang & Associates Inc.
General Location:	Morris Avenue, Olga Street, and Delphin Street in City of Seward
Parent Parcel No.:	145-340-44
Legal Description:	Unsubdivided remainder of Block 6, Fourth of July Creek Subdivision Seward Marine Industrial Center Addition Number One, SW 2001-2
Assessing Use:	Commercial / Residential
Zoning:	Industrial Zoning District
Water / Wastewater	City

**Passed Under Grouped Plats Under The Consent Agenda*

ITEM #3 - Puffin Acres 2023

AGENDA ITEM E. NEW BUSINESS

ITEM ## - Puffin Acres 2023

KPB File No.	2023-046
Plat Committee Meeting:	May 22, 2023
Applicant / Owner:	Ryan K Hall of Soldotna, AK
Surveyor:	Gary Nelson / Ability Surveys
General Location:	East End Road and Crested Crane Street, City of Kachemak

Parent Parcel No.:	174-192-14
Legal Description:	Lot 3 Block 2 Puffin Acres, HM 85-122 Excepting Therefrom that portion conveyed to the State of Alaska DOT&PF by warranty deed recorded in Book 313 Page 669
Assessing Use:	Residential
Zoning:	Unrestricted
Water / Wastewater	On site / City of Homer

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 2.086 acre parcel into two 1.043 acre lots. No new dedication is proposed with this plat.

Location and Legal Access (existing and proposed): the preliminary plat is located at the northwest corner of East End Road and Crested Crane Street in the City of Kachemak. East End Road is state-maintained with varying widths along its right-of-way. East End Road was originally dedicated as a 100 foot right of way by Puffin Acres HM 85-122. A deed was recorded in Book 313 Page 669 to the Alaska DOT as an acquisition for addition right of way from Lot 3 Block 2 along East End Road. Crested Crane street was originally named Old Squaw Street as dedicated on Puffin Acres HM 85-122 and is a 60-foot dedication.

Lot 3 Block 2 originally had access to both East End Road and Crested Crane Street. With the new lots, Lot 3A Block 2 will have direct access to East End Road, and Lot 3B Block 2 will have access to East End Road and Crested Crane Street. There is a private drive that starts on East End Road inside Lot 3A and exits onto Crested Crane Street through Lot 3B. Both lots appear to use the private drive. **Staff recommends** a plat note be added to the Final Plat concerning the use of the private drive "Private driveway shown, is for use of owners of these lots only and is not dedicated to the use of the public."

The block is closed and compliant as defined by the following roads: East End Road, Bear Creek Drive, Winding Trails Lane and Crested Crane Street.

PER DOT: The platting action voids any previous issued permits. The owners will need to reapply for driveway access permits to state right-of-way East End Road.

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Griebel, Scott Comments: No comments
SOA DOT comments	ROW for East End Rd appears to be shown correctly

Site Investigation: The proposed subdivision has smooth flat terrain from the north towards the south. There are wetlands present in the northwest corner and the southeast corner of the subdivision as shown, they are designated as discharge slopes. **Staff recommends** the wetlands remain identified on the final plat.

There are improvements on both lots of the proposed subdivision. **Staff recommends** the surveyor locate the structures to verify location to setbacks and lot lines. If there is an issue to notify staff and present a solution to the problem.

The proposed subdivision is located in a FEMA Flood Hazard Zone. The property is located in Zone X which is an area of minimal flooding possibility.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: X (unshaded) Map Panel: 02122C-2115E In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: VACANT Comments:</p>
State of Alaska Fish and Game	No Objections

Staff Analysis The subdivision was originally an aliquot part of Section 11, Township 6 South, Range 13 West of the Seward Meridian, City of Kachemak, Alaska. The original subdivision was then platted from the East ½ of the Southwest ¼ of said Section 11 into Puffin Acres HM 85-122, creating two blocks, Lots 1-4 Block 1 and Lots 1 – 11 Block 2 and an unsubdivided remainder. The subdivision also dedicated four street right of ways.

The new subdivision will create two lots and no new dedication.

A soil report not will be required and the correct plat note is shown.

Notice of the proposed plat was mailed to the beneficial interest holder on April 28, 2023. 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.

The property is not within an advisory planning commission.

There does not appear to be any encroachments on the subdivision. Improvements on Lot 3B Block 2 may be located near a setback on the east line. The improvement looks to have been built in 1996 and would be subject to municipal standards of the City of Kachemak Zoning.

Utility Easements

The parent plat dedicated a 10 foot utility easement along the east and south side of the lot. The south is now within the right-of-way dedication in technicality. This plat is dedicating a new 10 foot utility easement along the right of way of East End Rd. Both easements are indicated correctly.

There is a general electrical utility easement granted to Homer Electric Association in Book 30 Page 32 with no specific location given noted on the plat.

A 15 foot sanitary sewer easement granted to the City of Homer at Book 276 Page 702 which now lies within the right of way as dedicated to Alaska DOT in Book 313 Page 669 is noted on the plat.

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	
ENSTAR	No comments or recommendations.
ACS	No Objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Robinson, Celina Affected Addresses: 60456 EAST END RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: EAST END RD; CRESTED CRANE 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>Comments: 60456 EAST END RD ADDRESS WILL REMAIN WITH LOT 3B AFTER RECORDING</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>Material Site Comments: There are not any material site issues with this proposed plat.</p> <p>There is a licensed Marijuana Store located on proposed Lot 3B. The proposed subdivision does not appear to affect the Marijuana site plan, access or pedestrian routes.</p>
Assessing	<p>Reviewer: Windsor, Heather</p>

	Comments: No comment
City of Kachemak	Approved

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

City of Kachemak City Council at the meeting of April 12, 2023 voted unanimously to write a letter of non-objection to the subdivision of Puffin Acres 2023.

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Add KPB file number.

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: *Add City of Kachemak.*

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

Staff recommendation: *If the total width of East End Road cannot be shown please show the centerline and the boundary for Kachemak City within the dedication.*

- 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: *Please add missing section labels.*

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, 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: *Correct the plat number for Lots 1, 4 and 5 of Lower Winding Trails to HM 99-44.*

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.*

- 20.30.250. Building setbacks-Within cities. The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts. Building setbacks as depicted, or noted, on recorded plats shall not be carried forward on a new subdivision plat located within a municipal zoning

district. Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."

Staff recommendation: *Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."*

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:

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.*

20.60.110. 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. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

Staff recommendation: *comply with 20.60.110. Check the distances given, the south line appears to be off.*

Check closure on all parcels, could not get them to close.

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.

If the driveway shown on the plat is a private drive, staff suggests the following note be placed on the final plat to avoid confusion about public use in the future: "Private driveway shown, is for use of owners of these lots only and is not dedicated to the use of the public."

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