

AMENDMENT A MOTION: Commissioner Ruffner moved, seconded by Commissioner Whitney to grant exception A. KPB 20.30.030- A Private Road not be dedicated as public right-of-way and KPB 20.30.170-block length, citing the finding that all lots in the subject subdivision have legal access, and the unique positioning adjacent to the Moose River creates a unique geography to allow this exception.

Vice Chair Ecklund wanted Commissioner Ruffner to explain his motion. Commissioner Ruffner wants to go along with the applicant and not grant this as a public road. Mr. Huff asked if they want to grant the exception but did not have requirements for a public access easement. Commissioner Ruffner confirmed.

Commissioner Whitney wanted to make sure what the results would be for a "Yes" vote or a "No" vote. Mr. Huff explained that a "Yes" vote would grant an exception to block length and right-of-way continuation the petitioner will not have to dedicate any rights-of-way. The motion did not have any requirements for a public access easement.

AMENDMENT A PASSED BY UNANIMOUS VOTE: 4 Yes; 0 No

Yes: Brantley, Ecklund, Ruffner, Whitney

No: --

Vice Chair Ecklund noted that exception B had been withdrawn. Commissioner Whitney noted there was an exception C. Mr. Huff noted that exception C was no longer needed due to exception A being granted. Vice Chair Ecklund stated that exception B and C would not be addressed by the Plat Committee due to no longer being required.

MAIN MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

8. Lost Lake Subdivision Addition No. 6 (name to be updated)
KPB File No. 2019-040; Segesser Surveys/Rough

Staff Report given by Scott Huff

Plat Committee Meeting: 5/13/19

Location: off Hayden Berlin Road and Judan Road, Bear Creek area
Proposed Use: Residential, Recreational, Agricultural, Commercial
Water/Sewer: On-site
Zoning: Unrestricted
Assessing Use: Improved Land
Parent Parcel Number(s): 125-290-76

Supporting Information:

The proposed plat subdivides a 44-acre tract into 12 lots and 1 tract ranging in size from .650 acres to 6.4 acres. A soils report is required for lots less than 200,000 sq. ft. (4.59 acres), and an engineer will sign the plat. The subdivision fronts Hayden Berlin Road, which is constructed to approximately Lot 1 in the subject plat. Lot 12 also fronts KPB maintained Judan Road.

Notice of the proposed plat was mailed to the beneficial interest holder on April 15, 2019. 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.

Staff recommends that notes be placed on the final plat indicating any exceptions granted by the Plat

Committee with the meeting date.

Exception Requested:

A. Minimum lot size – KPB 20.30.200

Surveyor's Discussion: Tract A is intended to be in a resubdivision of Lot 10 [Staff Note: Tract B, SW 96-20] to resolve a road encroachment (land swap).

Platting Staff Discussion: The most current imagery for this area is dated 2012-2013. Imagery supports the submittal's statement regarding encroachment of a road.

An existing travel way branches off Hayden Berlin Road into the U.S. Forest Service parcel which has a parking area for the Lost Lake Trailhead, a popular hiking trail.

Staff recommends an exception to wastewater review (KPB 20.40) be included with the exception to minimum lot size. In this case, both exceptions are closely related.

Findings

1. Tract A contains 0.650 acres, or 28,314 square feet.
2. Per the submittal, Tract A is intended to be in a resubdivision of Lot 10 (Tract B, SW 96-20) to resolve a road encroachment (land swap).
3. Imagery dated 2012-2013 appears to support the submittal's statement that an improved road or trail is located within Tract A.
4. Tract B, SW 96-20, belongs to the U.S. Forest Service and is used as a trailhead and parking area for Lost Lake Trail, a popular hiking trail.
5. If a road is located within Tract A it will be an encroachment and not comply with KPB 20.25.070.N.
6. The improved traveled ways are not shown on the preliminary plat.
7. Conveyance of Tract A to the U.S. Forest Service will place an improved road into federal owned lands.
8. KPB GIS 4-foot contours indicate much of the subdivision is affected by steep terrain, making it challenging to locate appropriate locations for practical rights-of-way.
9. It appears that moving the traveled way further to the east will be affected by very steep terrain.
10. Plat 2003-13 SRD shows the improved trail for the proposed subdivision wholly within former Tract C1.
11. The updated plat, provided by the surveyor, shows the travel way for Lost Lake Trail crossing proposed Tract A.
12. Staff has no information that the U.S. Forest Service is in agreement to acquiring Tract A.
13. Per the wastewater disposal note on the plat, no wastewater will be generated on Tract A.
14. A licensed professional engineer will sign the plat.
15. Signature by the licensed professional engineer will confirm no wastewater will be disposed on Tract A.

Based on findings 1-11 staff cannot recommend approval. **Staff recommends** Tract A be dedicated to public right of way so that the improved road to the trailhead will be within a dedicated right of way.

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;
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;
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.

Exception Requested:

- B. Block length – KPB 20.30.170

Staff Discussion: Tract C was created in 1996 by Lost Lake Subdivision Addition No. 4, SW 96-20. Tract C was further subdivided by Lost Lake Subdivision Number 5 (SW 98-14). The Planning Commission/Plat Committee did not discuss block length in 1996 or 1998.

KPB GIS 4-foot contours show much of the block is affected by slopes greater than 20 percent. Staff is recommending a centerline profile be provided (KPB 20.30.090), dedicate additional right-of-way (KPB 20.30.120), and/or grant easements for side slopes (KPB 20.30.120) if needed to accommodate terrain constraints.

Findings

1. The proposed subdivision provides a 60-foot dedication for Hayden Berlin Road per KPB 20.30.030.
2. Per KPB GIS 4-foot contours, much of the block is affected by slopes greater than 20 percent.
3. Staff is recommending a centerline profile be provided (KPB 20.30.090), dedicate additional right-of-way (KPB 20.30.120), and/or grant easements for side slopes (KPB 20.30.120) if needed to address terrain constraints.
4. Per Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping, the proposed subdivision is not affected by low wet areas.
5. National Wetlands Inventory indicates the plat may be affective by a minor riverine in the northwest portion of the subdivision.
6. No right-of-way is proposed to be dedicated in the northwest portion of the subdivision.
7. All adjoining lots and tracts front existing rights-of-way.
8. No adjoining or adjacent acreage parcels will be denied access.
9. Lot 12 will be a double fronting parcel but is acceptable due to lot depth greater than 150 feet and topographic conditions.
10. KPB Roads Director provided a review of 'No Comment'.
11. The flag area between Lots 6 and 7 is affected by steep side sloping terrain.
12. A private access easement across Lot 7 and former Tract C-1 provides access to Lot 6 (2009-00081-0 SRD).
13. A 30-foot-wide right of way could be dedicated within former Tract C-1 extending from Judan Road between Lots 6 and 7, then widening to a 60-foot width to connect to the proposed Hayden Berlin Road. This would provide a closed loop block.

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 1-12 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 1-12 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 1-12 appear to support this standard.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Additional information is provided for the following portions of 20.25.070 or additional information, revision or corrections are required

- 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;
 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;
*Platting Staff Comments: The proposed plat's name is too similar to an existing subdivision (Lost Lake Subdivision Number Six). **Staff recommends** a new name be provided for this platting action, such as, Lost Lake Subdivision Addition No. 8, Lost Lake Subdivision Rough Addition, or Lost Lake Subdivision 2019 Addition.*
- 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;
*Platting Staff Comments: **Staff recommends***
 - *The existing right of way of Hayden Berlin Road outside of the subdivision be labeled with a road name and width.*
 - *The existing right of way of Judan Road be labeled with a road name and width.*
- 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;
*Platting Staff Comments: **Staff recommends** the Seward City limits be shown and labeled using a distinctive line style.*
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
*Platting Staff Comments: **Staff recommends:***
 1. *Show and label the 33-foot section line easement.*
 2. *Show and label the easement per SW 2009-000081-0. Include the recording information.*
 3. *Show and label the 20-foot utility easement centered on the existing overhead power line.*

- Cite the source.*
4. *Work with GIS staff to select a new name for the cul-de-sac being dedicated. The suffix is Court.*
- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
*Platting Staff Comments: **Staff recommends:***
1. *Add Unsubdivided for the DNR parcel adjoining the west and north boundaries.*
 2. *Add Block 1 to Lot 12A.*
 3. *Correct the recording information for Lot 10 and Lot 22 Block 3.*
 4. *Correct the plat number for Lot 2A.*
 5. *Correct Lot 10 to Tract B, SW 96-20.*
 6. *Correct the recording information and tract number for Tract C4, SW 2000-8.*
 7. *Correct the lot numbers and recording number for Lot 6A-1 and Lot 7A-1. Include the block number.*
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
Platting Staff Comments: National Wetlands Inventory indicates a minor riverine may cross into the subdivision. Staff requested additional information from the surveyor.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Platting Staff Comments: Lot numbers in the proposed plat are duplicates of existing adjoining lot numbers. Staff could find no combination of renumbering that would eliminate duplicate adjoining lot numbers. The adjoining lots are within blocks so the block numbers will help differentiate the lots.
- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;
Platting Staff Comments: If KPB GIS mapping is correct, a map with contours should have been included with the plat submittal. Staff reminds the surveyor KPB 20.25.070 requires a contour map to be submitted when road grades exceed 6 percent on arterial streets and 10 percent on other streets.
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Platting Staff Comments: KPB GIS 4-foot contours indicates much of the subdivision may be affected by slopes greater than 20 percent. Staff requested additional information from the surveyor and the surveyor submitted an updated drawing showing areas with steep slopes.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval; and
*Platting Staff Comments: Per the submittal, creation of Tract A is intended to resolve the road encroachment for access to Lost Lake Trailhead, but will continue the road encroachment on a separate parcel. **Staff recommends** the encroachment of the roadway be resolved such as a right of way being dedicated that encompasses the roadway.*

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review:
 - No addresses have been assigned to the parent tract.
 - The NW/SE ROW dedication ending in a cul-de-sac needs a name by the final plat (suffix will be Court)
- KPB Planner: No local option zone or material site issues.

- KPB Roads Department: Within KPB jurisdiction. No Comments.
- State Department of Fish & Game: Not available when the staff report was prepared.
- State Parks: No comments.

KPB 20.30 Design Requirements

Platting staff comments: Additional information is provided for the following portions of 20.30 or additional information, revision or corrections are required

20.30.020. Reserved strips prohibited-Exception. There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use, except when the control and disposition of land comprising such strips is placed within the jurisdiction of the borough under conditions specified by the commission and noted on the final plat.

Platting Staff Comments: Proposed Tract A appears to be a reserved strip which would limit access to Forest Service property and the Lost Lake Trail. **Staff recommends** that no reserved strips be created by this platting action.

20.30.030. Proposed street layout-Requirements.

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

Platting Staff Comments: ADL 232731 is public access easement, granted by the State of Alaska, which encompasses the improved roadway that is within State lands. **Staff recommends** 'dedicated by this plat' be included in the label for Hayden Berlin Road being dedicated by this plat.

- C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.

State Department of Transportation Comments: No comment.

Platting Staff Comments: The subdivision does not front a State right-of-way.

20.30.090. Streets-Maximum grades allowed. The subdivider shall demonstrate that streets can be readily constructed in accordance with current borough road standards and that the grades on any such roads shall not exceed 6 percent on arterial streets and 10 percent on other streets, or 4 percent within 130 feet of any centerline intersections. Submittal of centerline profiles and cross-sections may be required to demonstrate that compliant construction in the right-of-way is feasible.

Platting Staff Comments: **Staff recommends** compliance with KPB 20.30.090 if required due to steep terrain.

20.30.100. Cul-de-sacs.

- A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.
- B. Hammerhead or T -type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.
- C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.

Platting Staff Comments: Hayden Berlin Road ends in a parcel that is 6 acres and could possibly be further subdivided. A right of way connection to Judan Road could be possible in the future. **Staff recommends** the end of Hyden Berlin Road terminate with a turnaround area that could still be extended in the future, such as an eye-brow turn around, hammer head, to T type turnaround. The design can be worked out with staff.

ADL 232731, a public access, provides a turnaround area for Hayden Berlin Road. Staff is not recommending a cul-de-sac dedication because Lot 12 contains 6 acres and can be further subdivided.

20.30.120. Streets-Width requirements.

- A. The minimum right-of-way width of streets shall be 60 feet.
- B. Additional right-of-way or easement width may be required to provide for the construction of side slopes or to otherwise accommodate right-of-way construction standards set forth in KPB Title 14.

*Platting Staff Comments: **Staff recommends** compliance with KPB 20.30.120 if required to accommodate steep terrain.*

20.30.130. Streets-Curve requirements.

- A. Where a deflection angle of more than 10 degrees in the alignment of a right-of-way occurs, a curve of minimum radius is required. On streets 100 feet or more in width, the centerline radius of curvature shall be not less than 300 feet; on other streets not less than 200 feet. If it is not possible to design a curve to be radial, or tangential, that curve shall be clearly labeled non-radial or non-tangential.

- B. A minimum 100-foot tangent is required between curves.

*Platting Staff Comments: Road centerline information was not provided. **Staff recommends** compliance with KPB 20.30.130.*

20.30.150. Streets-Intersection requirements.

- A. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than 60 degrees. Where acute street intersections are designed, a minimum 50-foot radius corner at the right-of-way line of the acute angle shall be provided.

*Platting Staff Comments: **Staff recommends** compliance with KPB 20.30.150 by dedicating Tract A to right of way.*

20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10

*Platting Staff Comments: The 285-foot cul-de-sac to Lot 3 will need a street name. **Staff recommends** compliance with KPB 20.30.160.*

20.30.190. Lots-Dimensions.

- B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.

Platting Staff Comments: The 477-foot long flag was created by a 1987 plat (Lost Lake Subdivision Addition No. 1, SW 87-4). The title report indicates the flag may be subject to a 30-foot access easement (SW 2009-000081-0).

Staff recommends the width of the flag be labeled.

Staff recommends the standard note be placed on the plat for the flag lot(s): No structures are permitted within the panhandle portion of the flag lot(s).

Since Lot 12 (the flag lot) has two right-of-way frontages, a plat note about possible limitation on further subdivision is not required in this case.

20.30.280. Floodplain requirements.

Platting Staff Comments: Per River Center review, the plat is not affected by a mapped flood hazard zone.

Per KPB GIS mapping, the proposed subdivision was not affected by the 1986, 1995, or 2006 flood events.

20.30.290. Anadromous habitat protection district.

Platting Staff Comments: Per KPB 21.18.025, all portions of waterways found within the Seward-Bear Creek Flood Service Area are exempt from KPB 21.18.

Per KPB GIS mapping, no anadromous streams flow through the subdivision.

KPB 20.40 -- Wastewater Disposal

*Platting Staff Comments: If the Committee approves the exception to wastewater review for Tract A, **staff recommends** the wastewater disposal note be revised per KPB 20.40.080.*

Subject to exception(s) granted, staff recommends compliance with KPB 20.40.

KPB 20.60 – Final Plat

Platting staff comments: Additional information is provided for the following portions of 20.60 or additional information, revision or corrections are required:

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

*Platting Staff Comments: **Staff recommends** one full-sized paper copy of the plat be submitted for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes and special assessments levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Additionally, the entire balance, or estimated balance of all special assessments or pending special assessments, as provided in KPB 5.35.070(8) and KPB 14.31.080(8), against the property owed to the borough must be paid in full prior to filing of the final plat. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or [HIS] designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Per KPB GIS mapping, the proposed subdivision is not within a special assessment district.

Staff recommends compliance with 20.60.030.

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.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.110.*

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

*Platting Staff Comments: KPB GIS will verify closure complies with 20.60.120. **Staff recommends** boundary and lot closure computations be provided with the paper final plat.*

20.60.180. Plat notes. 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.

Platting Staff Comments: **Staff recommends** the recording district be corrected for the basis of bearing. **Staff recommends** the recording number of the plat used for the basis of bearing be provided.

20.60.200. Survey and monumentation.

Platting Staff Comments: **Staff recommends** compliance with 20.60.200.

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

Vice Chair Ecklund opened the meeting for public comment.

1. Casey Madden, Wince-Corthell-Bryson, 609 Marine Avenue, Kenai
Mr. Madden did the engineering portion of this project. He worked with Mr. and Mrs. Rough and Segesser Surveys. The Roughs asked him to address a few items. One of the comments that staff has on Tract A is that there is no information regarding the Forest Service's position on the road encroachment issue. Last Tuesday he participated in a teleconference with the Roughs and Forest Service's land person and engineer. Several alternatives were discussed. A letter was provided from the Forest Service dated May 10th. There are three alternatives that they have forwarded on. One is the realignment of the Lost Lake trailhead access road. This would require surveying, engineering, bidding, and reconstruction. Another option is acquiring a simple easement for that portion of the road. The Roughs did not like that option. The Roughs proposed another option which it seemed Forest Services were agreeable to. It would be a land trade. The Roughs would relinquish Tract A to the Forest Service and that would take care of some drainage issues and the encroachment problem. They would trade a like value and sized piece of property up by Tract 1. This would require a platting action. He would like the Plat Committee to consider that the Forest Service has responded.

There was discussion about the contours on the map. The soils report was submitted and approved. It contained a working map that had the contours on it. Another worry was the roads being over 10%. In the soils report the road, which is constructed now, it is not an issue of proving constructability as it is already built. As part of the soils work he did inspect the road and checked

the steeper parts of the road. He found them to be nominally 10%. This is a result of when Mr. Rough began putting the road in he had several places were in excess of that. Mr. Madden showed him how to use a clinometer and Mr. Rough used one to help get the road in. There is still some work that needs to be done.

2. John Segesser, 30485 Rosland St., Soldotna

Mr. Segesser is the surveyor on the project and let the Committee know he was available for questions.

Mr. Huff wanted to know if there was a way to bring the Forest Service into the platting action now to resolve the issues. The land swap could be done and not end up with remnant parcels. Mr. Segesser said it would be up to the Forest Service and how fast they want to move forward. Mr. Madden responded that during the teleconference Forest Service mentioned that things do not move real fast. It is not real slow but it could take up to two years to get through the process. He doesn't know but with Federal property it may take an act of Congress like for FAA property. It will take time but the Rough's have other property they will be replatting as more development is done to make some suitable ground to develop. They are willing to pay the taxes on the little tract until they can make the replat happen. They would like to get the subdivision moving and get cash flow coming back in instead of going out. It has been an expense getting the roads in. They would like to get some of the lots moving to get paid back and deal with it at a later time. Right now they would like to leave the Tract until it can be replatted and not dedicate the whole piece of property to right-of-way.

Vice Chair Ecklund noted that in the desk packet there was a red part and a green part. She was not sure what the colors represented. Mr. Huff answered that the green part is the area that would be given to Mr. Rough. Further down the road is 2450 square feet which is red. That is the section that they would acquire from the Forest Service. Vice Chair Ecklund referenced the map on page 145 of the packet. At the top there is a red dotted rectangle. She was unsure of that area and what that was. Mr. Huff stated that the road got constructed by Mr. Rough and he went outside of his boundary in that area. It is state property and it looks like he is working with the state to get an ADL easement so that his road will be within an easement. Mr. Segesser added that the ADL is about to be recorded.

Commissioner Ruffner wanted to know about the request for the minimum lot size exception. He asked if it is wrapped up in the potential deed to trade lands to make this all happen. Mr. Segesser said yes it is for Tract A and is the potential trade parcel from the Roughs.

Mr. Huff asked if the Roughs would be willing to dedicate right-of-way over the existing road that goes to Lost Lake Trailhead. Mr. Segesser said it would still leave them with a sub-sized lot. They are hoping to do a trade. Mr. Huff said there would still be an encroachment across Tract A. Mr. Segesser said yes, until the land swap happens. Mr. Huff said they could dedicate it or grant a public access easement for this platting action to allow open access to the trailhead. Mr. Segesser said a document may work.

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

MAIN MOTION: Commissioner Ruffner moved, seconded by Commissioner Whitney to grant preliminary approval to Lost Lake Subdivision Addition No. 6 based on staff recommendations and compliance with borough code.

AMENDMENT A MOTION: Commissioner Ruffner moved, seconded by Commissioner Whitney to grant exception requested A. Minimum lot size – KPB 20.30.200.

Mr. Huff asked the Committee if they wanted to include an exception to wastewater review since they are both for the small tract.

AMENDMENT A MOTION AMENDED: Commissioner Ruffner amended his motion to include exception to KPB 20.40 for minimum lot size attached to a septic system, Commissioner Whitney concurred.

Commissioner Ruffner is inclined not to support the exception. There are some serious issues to sort out before proceeding. There is a letter that they have not seen yet that give three options. He is agreeing with staff recommendations at this time.

Vice Chair Ecklund asked Mr. Huff about some options he mentioned that would allow this to be approved tonight. She mentioned an easement or right-of-way and she wanted to know if those were things that they could take up tonight if the applicants agree. Mr. Huff stated that the staff report does suggest Tract A become right-of-way. That would clear up the road into the Lost Lake Trailhead. The second portion is Mr. Rough's road that encroaches onto the Forest Service property. Mr. Huff's suggestion was to acquire an access easement from Forest Service for that portion of his road. Vice Chair Ecklund said that would probably take time. Mr. Huff said it probably would.

Vice Chair Ecklund asked the applicant to come forward to answer for a few questions.

3. Dan Rough, 13146 Hayden Berlin Rd. #7, Seward, AK 99664

Vice Chair Ecklund asked Mr. Rough if he would be willing to have Tract A be given as right-of-way. Mr. Rough answered that part of that has to do with having something to trade to make another lot up above. Vice Chair Ecklund wanted to know if this could be postponed until Forest Service does the swap or take parts out of the subdivision that are conflicting. Mr. Rough has worked with Forest Service before. It is not a speedy process and he is not getting any younger. He said it is a beautiful subdivision and if this trade goes through it would smooth up the line. It is rough building roads there since there is bedrock.

Vice Chair Ecklund asked Mr. Huff if the committee does not allow the exception would this plat be able to be approved and could they start selling lots. Mr. Huff said the road is still an encroachment on Tract A and it is required to show how to resolve the encroachments prior to final plat approval per code. Vice Chair Ecklund wanted to know if a statement on how the encroachment would be resolved would be through a land swap with the United States Forest Service would be sufficient. Mr. Huff said it would still be an encroachment until the swap. Vice Chair Ecklund noted the code said a statement on how the encroachment would be resolved. Mr. Huff said that is what the code says.

Commissioner Brantley wanted to know about the intended route of the road. He asked if it was to be the west portion of Tract A. Mr. Huff said that on the plat the road going to Lot 10 is the road to the Lost Lake Trailhead. Mr. Rough's driveway comes off of that and goes to the south of Tract A. He is then within the right-of-way he is dedicating after that. The road going to Forest Service encroaches on Mr. Rough's property from when they put the road in.

AMENDMENT A FAILED BY MAJORITY VOTE: 1 Yes, 3 No

Yes: Ecklund

No: Brantley, Ruffner, Whitney

AMENDMENT TO A MOTION: Commissioner Ruffner moved, seconded by Commissioner Whitney to cite staff report findings 1 through 11, supporting the three standards to support denial of the exception requested.

AMENDMENT TO A PASSED: Seeing and hearing no discussion or objection the motion passed by unanimous consent.

AMENDMENT B MOTION: Commissioner Ruffner moved, seconded by Commissioner Whitney to grant exception requested to KPB 20.30.170, citing staff report findings 1 through 12 in support of the three standards.

AMENDMENT B PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

Commissioner Ruffner stated the Committee's responsibility is to follow through with what the borough code says. Making the lot larger or resolving the encroachment needs to be figured out before they can move forward. The commissioners would like to do this faster but it is up to Forest Service and getting it resolved before the Committee can do their part.

Commissioner Whitney noted an alternative is for Forest Service to move their road. It appears that it is not a significant encroachment.

Vice Chair Ecklund allowed Mr. Rough to come forward. Mr. Rough said that the Forest Service is willing to make the trade it will take time. When they put the road in they knew and admitted that they knew where they were going but it was easier due to wet areas. They hugged the side of the hill knowing they were on his property because it was easier. They are willing to trade.

Commissioner Ruffner let Mr. Rough know that if there is anything that the borough can do to help speed things along to let staff know. It sounds like Forest Service screwed up to begin with by encroaching on Mr. Rough's property so hopefully that will be some motivation for it to not take long.

Vice Chair Ecklund agreed with Mr. Ruffner and suggested that Mr. Rough meet with Mr. Huff and provide the letter from Forest Service. There could be a chance he could meet the code requirement and make a statement of how he would resolve the conflict. Mr. Huff added that they could maybe get Forest Service to work on this by submitting a new plat that includes the land swap.

MAIN MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

9. The Renaissance Phase Two
KPB File No. 2019-043; McLane Consulting, Inc./Salamatof Native Association, Inc.

Staff report given by Scott Huff

Plat Committee Meeting: 5/13/19

Location: off the Escape Route Road, Nikiski
Proposed Use: Residential
Water/Sewer: On-site
Zoning: Unrestricted
Assessing Use: Vacant
Parent Parcel Number(s): 013-122-28

Supporting Information:

The Committee approved a phased development for the subject property in 2014. The first phase was recorded on September 3, 2014. Preliminary approval expired in 2016. Per KPB 20.25.110, the Renaissance Phase Two was submitted as a new preliminary plat.

The proposed plat subdivides an approximate 190-acre tract into 6 blocks with 64 lots and 1 tract. The tract contains 75.5 acres. Lots range in size from 1.3 to approximately 2 acres. A soils report is required for the lots, and an engineer will sign the plat. The proposed subdivision creates five more lots than the phase approved in 2014, but the basic subdivision design is approximately the same. This platting action is providing the following dedications:

1. 60-foot wide extension of Edwardian Loop, making it a full looped access.
2. 60-foot right-of-way (unnamed) from Edwardian Loop to Moody Avenue.