

of plat is sought between January 1 and the tax due date, the full amount of the estimated taxes will be on deposit with the Finance Department.

NOTE: A NOTICE OF RECONSIDERATION MAY BE TAKEN FROM THE DECISION OF THE PLAT COMMITTEE TO THE PLANNING COMMISSION ACTING AS PLATTING BOARD BY FILING WRITTEN NOTICE THEREOF WITH THE BOROUGH PLANNING DIRECTOR ON A FORM PROVIDED BY THE BOROUGH WITHIN 10 DAYS AFTER NOTIFICATION OF THE DECISION OF THE PLAT COMMITTEE BY PERSONAL SERVICE, SERVICE BY MAIL, OR PUBLICATION 2.40.080 BOROUGH CODE OF ORDINANCES).

THE NOTICE OF RECONSIDERATION SHALL BRIEFLY STATE THE REASON RECONSIDERATION IS REQUESTED AND THE APPLICABLE PROVISIONS OF THE BOROUGH CODE OR OTHER LAW UPON WHICH RECONSIDERATION IS BASED.

END OF STAFF REPORT

Chairman Massion opened the meeting for public comment. Seeing and hearing no one wishing to comment, Chairman Massion closed the public hearing and opened discussion among the Committee.

MOTION Commissioner Tauriainen moved, seconded by Commissioner Martin to approve the plat per staff recommendations.

VOTE: The motion passed by unanimous consent.

FOSTER YES	HEIMBUCH YES	JOHNSON ABSENT	MARTIN YES	MASSION YES	TAURIAINEN YES	5 YES 1 ABSENT
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AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

5. Mahan Subdivision Birch Ridge Estates Addition
KPB 2006-147; Johnson/Linson, Hanson

Staff Report reviewed by Patti Hartley

Plat Committee Meeting: 6/26/06

Location: North of Sterling Highway in Soldotna
Proposed Use: Residential, Commercial
Zoning: Unrestricted
Sewer/Water: On-site
Assessing Use: Residential, Vacant

Supporting Information:

The proposed plat subdivides two tracts containing approximately 66 acres into 27 lots and 2 tracts. A soils report will be required for the lots, and an engineer will sign the plat. **Staff recommends** the appropriate wastewater disposal notes be placed on the final plat.

The proposed plat provides a 60-foot dedication along the northern boundary of Tract B-1. A 60-foot dedication provides a looped right-of-way, an access route preferred by emergency service providers.

The eastern portion of the right-of-way along the northern boundary of Tract B-1 is a 30-foot half dedication. The parcel to the south, which KPB records show is vacant, contains five acres. Imagery shows improvements in or near the portion that would be the eventual match. Half dedications are accepted only when it is reasonable to expect a matching dedication in the future. **Staff recommends** the surveyor clarify the improvements on the adjoining parcel; **staff recommends** the surveyor verify that a matching dedication is a reasonable expectation. If the half dedication does not appear to be reasonable, staff recommends redesign to provide a full dedication.

Raspberry Street is a full right-of-way. Subdivision of the parcels to the east will require dedication from Raspberry Street through them to access Pine Street.

Raspberry Street name is incompatible with Borough requirements. **Staff recommends** the surveyor/owner work with KPB GIS or Planning to select street names for all rights-of-way provided by this plat in compliance with KPB 14.10.

Staff requests the following note be placed 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).*

Per the submittal, the property is affected by steep terrain. Contour information has been provided. **Staff recommends** the surveyor verify that a road can be constructed to Borough grade standards within the dedications or provide lateral support easements if needed.

Development within the subdivision may be subject to the administrative policies and/or enforceable policies of the KPB Coastal Zone Management Program (Ordinance 90-20).

The Material Site Review was not available when the staff report was prepared. The approximate location of a gravel extraction site within Tract A-1 has been carried forward from the parent plat. The May 24, 2004 Plat Committee minutes indicate a prior existing use permit had been granted for the gravel site. Per KPB 21.26.040(A), if a parcel is further subdivided after May 21, 1996, the pre-existing use may not be expanded beyond the boundaries of the lots, tracts, or parcels it occupied on February 16, 1999. The entire extraction site appears to be within Tract A-1 and the PEU status will remain only with that Tract. A note may be required on the final plat.

The centerline of Ken May Avenue is a section line. **Staff recommends** the surveyor verify whether a section line easement extends past the dedication into Tract B-1.

Satellite imagery shows a large cleared area within Tract B-1. **Staff recommends** the area be shown and labeled on the preliminary plat, or be described in a submittal letter.

Per the parent plat, a portion of the proposed subdivision may be affected by restrictive covenants. **Staff recommends** the recording information of the private covenants and restrictions of record in effect at the time the final plat is approved be noted on the plat (KPB 20.16.140).

Per Planning Commission Resolution 2000-25, if the Certificate to Plat indicates any beneficial interests affect this property, they will be notified and 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.

Exception(s) Requested: Block length (KPB 20.20.160) along Mayoni Street due to topography and existing building location.

Staff discussion: KPB 20.20.160 allows a maximum block length of 1400 feet unless existing conditions justify a variation. The block is a little over 1600 feet long. The development (structure on Lot 4, gravel pit on Tract A-1) as well as the steep terrain leads staff to conclude that the existing conditions justify the variation and no exception is required.

STAFF RECOMMENDATIONS: Grant approval of the preliminary plat subject to any above recommendations, and the following conditions:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

1. Confirm the names and addresses of the owners.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF THE FINAL PLAT IN ACCORDANCE WITH TITLE 20 INCLUDE:

2. Correct Louise Avenue to Ken May Avenue per SN 2005-11.

3. Correct status to the south to Shady Grove Estates.
4. Provide or correct the dedication and/or approval statement(s) with the notary's acknowledgement as needed (KPB 20.16.155).
5. Survey and monumentation must meet the ordinance requirements (KPB 20.16.160).
6. Provide the building setback statement in accordance with KPB 20.20.230.
7. Conform to conditions of KPB Planning Commission Resolution 78-6.
8. Comply with Chapter 20.16.155 D and 20.14 Wastewater Disposal regulations.
9. Compliance with Ordinance 90-38 (Substitute) - Ownership.
10. Compliance with Ordinance 90-43 Easement Definition.
11. Compliance with Ordinance 93-59 - Payment of all taxes due prior to final approval. If final approval and filing of plat is sought between January 1 and the tax due date, the full amount of the estimated taxes will be on deposit with the Finance Department.

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THE NOTICE OF RECONSIDERATION SHALL BRIEFLY STATE THE REASON RECONSIDERATION IS REQUESTED AND THE APPLICABLE PROVISIONS OF THE BOROUGH CODE OR OTHER LAW UPON WHICH RECONSIDERATION IS BASED.

END OF STAFF REPORT

STAFF REPORT ADDENDUM

Staff Report Addendum read by Patti Hartley

Plat Committee Meeting: 6/26/06

Staff has received comments from the landowner adjoining the proposed half right-of-way along the south boundary of proposed Lots 21 and 22. He has improvements located on his property that will prevent his eventual match of the half dedication. **Staff recommends** the right-of-way be redesigned to be a full 60 feet. The remainder of the original staff report is unchanged.

END OF STAFF REPORT ADDENDUM

Chairman Massion opened the meeting for public comment.

1. Jerry Johnson, Johnson Surveying
Mr. Johnson interpreted the letter from the owner to the south that he had a slab that was poured that was within 20 feet of the line. It appeared to him that the owner requested that they stay away from that particular spot of where the slab is.

Chairman Massion asked for staff's interpretation.

Commissioner Foster asked if the surveyor had seen the aerial on page 54-2 in the packet and if the slab was shown in the aerial. Mr. Johnson replied that he didn't think anything in the photo was the slab. Chairman Massion referred to the aerial on page 47 and asked if the slab was on the Shirley Heights Subdivision No. 2. Mr. Johnson replied that it is not down by Ken May Avenue. He stated the green horizontal line in the aerial was where the half right of way was located. Chairman Massion asked if the slab was shown in the aerial. Mr. Johnson replied probably not but stated they would locate where the slab was and would stay away from it.

Mr. Best agreed with Mr. Johnson and would support that, if the slab was located and the required distance away from it was maintained as long as there was no encroaching in the building setback or into a right of way. He felt that 30 feet could be reasonably expected as long as a full 60 feet could be obtained in the future.

Seeing and hearing no one else wishing to comment, Chairman Massion closed the public hearing and opened discussion among the Committee.

MOTION: Commissioner Foster moved, seconded by Commissioner Martin to grant approval of Mahan Subdivision Birch Ridge Estates Addition with staff recommendations and comments.

VOTE: The motion passed by unanimous consent.

FOSTER YES	HEIMBUCH YES	JOHNSON ABSENT	MARTIN YES	MASSION YES	TAURIAINEN YES	5 YES 1 ABSENT
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~~AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS~~

6. Thompson Park Myers Replat No. 2
KPB 2006-148; Integrity/Myers

Staff Report reviewed by Patti Hartley

Plat Committee Meeting: 6/26/06

Location: City of Kenai
Proposed Use: Residential, Recreational, Commercial, Agricultural
Zoning: RR – Rural Residential
Sewer/Water: City
Assessing Use: Residential, Vacant

Supporting Information:

The proposed subdivision is a simple replat of two lots into one lot containing 35,075 square feet. The replatted lot exceeds the minimum lot size for the zoning district. City water and sewer serve the property. The appropriate wastewater disposal note is on the plat. The replatted lot fronts constructed right-of-way.

Kenai Planning and Zoning Commission reviewed and granted conditional approval on May 24, 2006. An installation agreement is not required.

The Kenai Commission recommended the plat verify that there are no encroachments. The plat is not creating any new lot lines and cannot create any encroachments. It is the duty of a surveyor to report any encroachments found during a survey to his client. No survey is required for a replat that simply removes lot lines, under KPB 20.16.160 (A). In this case, Borough staff cannot request the surveyor verify that no encroachments exist.

Staff recommends the bluff line be carried forward from the parent plat unless better information is available.

KPB GIS mapping indicates low wet areas may affect the southern portion of the subdivision. **Staff recommends** the approximate location of low wet areas, if any, be shown and labeled.

Development within the subdivision may be subject to the administrative policies and/or enforceable policies of the KPB Coastal Zone Management Program (Ordinance 90-20).

The Certificate to Plat was provided in accordance with Planning Commission Resolution 2000-25. The Certificate to Plat indicates beneficial interests affect this property. They were notified and 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.

If the final Certificate to Plat shows the property is affected by private covenants, **staff recommends** the recording information of the private covenants and restrictions of record in effect at the time the final plat is approved be noted on the plat (KPB 20.16.140).

No exceptions have been requested.

STAFF RECOMMENDATIONS: Grant approval of the preliminary plat subject to any above recommendations, and the following conditions: