

Kenai Peninsula Borough

Plat Committee

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

November 29, 2021
6:00 p.m.
UNAPPROVED MINUTES

A. CALL TO ORDER

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

B. ROLL CALL

Plat Committee Members/Alternates

Jeremy Brantley, Sterling
Pamela Gillham, Ridgeway
Virginia Morgan, East Peninsula
Robert Ruffner, Kasilof/Clam Gulch
Franco Venuti, City of Homer

Staff Present

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

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

***4. Grouped Plats**

Staff report by Scott Huff.

2. West Hill Subdivision Harness Addition; KPB File 2021-021R1
Fineline Surveys, Inc. / Palser-Harness LLC & Kallevig
Location: Jeffery Avenue & West Hill Road
City of Homer
7. Mountain Vista Estates 2022 Replat; KPB File 2021-147
Segesser Surveys / Churney, Zahacefski & Link
Location: Chip Court, Missing Link Road & Ludy Avenue
Kalifornsky Area
Kalifornsky APC
8. Skyview Heights Subdivision Spellman Addition; KPB File 2021-146
McLane Consulting Group/ Barbara H. Burke Revocable Trust, O'Connor & Spellman
Location: Torwick Circle & Roosevelt Avenue
Kalifornsky Area
Kalifornsky APC
9. Steven Oberts Subdivision No. 1; KPB File 2021-141
McLane Consulting Group/ LTO Limited Partnership, Oberts, Estate of Leo Thomas
Oberts
Location: Kenai Spur Hwy. & Silver Salmon Drive
City of Kenai

Chair Ruffner noted that there was a member of the public that wished to speak to Kustatan Estates TKC Addition and requested that it be removed from the grouped plats. He then asked if anyone else wished to speak to any of the items on the consent agenda. Seeing and hearing no comment he brought it back to the committee for a motion.

MOTION: Commissioner Brantley moved, seconded by Commission Gillham to approve the agenda 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	5	No	0
Yes	Brantley, Gillham, Morgan, Ruffner, Venuti		

ITEM E2 - WEST HILL SUBDIVISION HARNESS ADDITION

KPB File No.	2021-021R1
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	Palser-Harness LLC, and Josef and Heather Kallevig
Surveyor:	Dmitri Kimbrell / Fineline Surveys
General Location:	City of Homer

Parent Parcel No.:	173-480-10, 173-480-12, 173-480-13
Legal Description:	Lots 2, 3, & 4, Block 1, West Hill Subdivision, HM 75-11
Assessing Use:	Residential
Zoning:	Rural Residential District
Water / Wastewater	On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure three lots into two lots. The new lots will be 4.3 and 7.5 acres. This is a revised preliminary plat that is adding an additional lot to comply with the 3:1 depth to width ratio subdivision design standard. Due to the submittal of this revision after April 1, 2021, this is being reviewed under the current code adopted by Ordinance 2020-45.

Location and Legal Access (existing and proposed): The subdivision is located on the corner of West Hill Road and Jeffery Avenue. West Hill Road is a 100 foot wide right of way (and section line easement) maintained by the State of Alaska DOT and Jeffery Avenue is a 60 foot wide dedicated right of way that is maintained by the City of Homer.

The existing block is irregular in shape but is a closed block. Jeffery Avenue, West Hill Road, Highland Drive, and Emerald Road define the block. Due to the terrain and lot configurations in the area, this subdivision cannot provide any additional right of way to help with block length. **Staff recommends the plat committee concur that an exceptions is not needed, as any dedication required will be affected by steep terrain with a drainage and will not improve the block length requirements.**

KPB Roads Dept. comments	Out of Jurisdiction: Yes
	Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for West Hill Road is shown on DOT Right of Way Map X-14625 West Hill Road (Plat 94-48, HRD), sheet 4 of 4, and appears to be shown correctly.

Site Investigation: The southern and western areas of the subdivision contains steep slopes with a drainage. The top of the steep slopes are depicted and labeled. Per KPB GIS data, there are riverine wetlands along the southern and western portions of the property. Per the City of Homer Planning Commission Staff Report prepared for their September 1, 2021 meeting, a branch of Bidarki Creek runs along the southern lot line, within a steep riverine. Another branch of Bidarki Creek runs along the western lot line, also within a riverine.

30 foot drainage easements are shown to be granted per this plat as requested by the City of Homer. These easements are along the riverine areas along the western and southern boundaries. Plat note 7 states that

the drainage easements contain wetlands. A depiction of the low wet areas are not required as long as plat note 7 remains. **Staff recommends** that the drainage easement be extended across all of the southern boundary, including Lot 4A.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: D Map Panel: 02122C-2015E 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>
-------------------------	---

Staff Analysis The KPB Plat Committee heard a preliminary design for this subdivision on April 26, 2021. The original design was a reconfiguration of parent lots 2 and 3 that resulted in proposed Lot 2A having 61.13 feet of right of way frontage and a request for an exception to KPB 20.30.190 – Lots Dimensions – 3:1 Depth to Width Ratio for Lot 2A. The commissioners discussed and felt that that the subdivision could be designed to comply or provide more frontage for Lot 2A. The exception failed by a tied vote. This submittal is a redesigned preliminary plat that incorporates Lot 4 located to the west. Lot 2A has the same configuration as the original submittal but proposed lot 4A will now comply with KPB Code for the 3:1 depth to width ratio.

Per the City of Homer Planning Commission staff report, city water and sewer are not available at this time. An email was received by the City of Homer Public Works on August 5, 2021 stating an installation agreement would not be required.

A soils report has been received and will be reviewed by staff. Lot 4A is more than 200,000 square feet and a soils report is not required. If soils analysis is not performed for propose Lot 4A, an additional wastewater disposal note will be required and the existing note on the plat will need to specify it is for Lot 2A only.

Notice of the proposed plat was mailed to the beneficial interest holder on October 28, 2021. 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 City of Homer Planning Commission reviewed the revised preliminary plat at their August 5, 2021. They revised their staff recommendations to the following.

1. Include a plat note stating, "Property owner should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all required local, state, and federal permits."
2. Comply with HCC 21.10.051(a) and grant a 15 foot utility easement along all rights of way.
3. Update the vicinity map to show the correct municipal boundaries.
4. Show approximate locations of slopes over 20 percent in grade.
5. Dedicate a 30 foot drainage easement along the southern lot line.

Plat note 3 resolves requested item 1. The plat depicts a 15 foot utility easement along the right of way as requested in item 2. The utility easement depictions does need to be continued to the west within proposed Lot 4A. The city limits are depicted but adjusting the label located in section 8 would make the boundary

clearer as the label is within the portion outside the city limits. The tops of the steep slopes have been depicted as requested in item 4. The plat does depict 30 foot drainage easements along the south and west.

Per the Certificate to Plat, a sauna located on Lot 2 Block 1 of Emerald Highland Estates Sub Unit 2, HM 76-29, encroaches into the southern portion of Lot 4. An easement has been granted to the owners of Lot 2 Block 1 and their heirs or successors. The easement does not run with the lot and any conveyance of the lot will terminate the current easement agreement. **Staff recommends** a plat note be added to disclose the encroachment easement including the recording information.

Utility Easements The City of Homer requested the utility easements along the right of way be increased to 15 feet from the previously granted 10 feet. The plat depicts and notes the 15 foot utility easements. A 20 foot utility easement was also granted by the parent plat centered on the shared lot line between Lot 4 and Lots 3 and 2. A 30' radius anchor easement was also granted. These easements are depicted but the labeling should be revised to make the depiction easier to understand. **Staff recommends** the anchor easement be labeled and noted either in the label or plat note that it was granted by HM 75-11. The former lot line labels should clearly point to the line or add the line style to the legend. The depiction of the 15 foot utility easement should be continued west within Lot 4A.

An additional easement was granted by document and is noted in plat note 5. **Staff recommends** update the date in the note to 1968.

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	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 1131 JEFFERY AVE 1045 JEFFERY AVE 4575 WEST HILL RD</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: JEFFERY AVE WEST HILL RD</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: City of Homer will advise on affected addresses.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan 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. Review Not Required</p>

Assessing	Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.
-----------	--

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Staff recommends a signed copy of the Operation Agreement for Palser-Harness, LLC be included with the final plat submittal.

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 "R1" to the KPB File number.
- Add a space between "Meridian," and "within".

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:

- The scale for the vicinity map appears to be slightly off.
- Fix the overstrikes that occur on the section labels, street names, and City Limits label.
- Adjust the placement of the Homer City Limits label currently found in section 8. It is currently placed outside the city limits. Move to within the boundary or center atop the boundary like the other label.

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: *The parent plat depicted a building setback. 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."*

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

Staff recommendation: *The City of Homer does not meet the specified requirements for the application and consideration of different standards.*

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: Proposed Lot 2A will be increasing in size and the number of developable lots will be decreasing. The plat complies with 20.40.020(A)(2). A soils analysis report has been submitted and staff will review the report. If the report applies to Lot 2A then the corresponding wastewater disposal note as identified in the soils report will be on the plat, otherwise the wastewater disposal note under 20.40.020(B)(2) will suffice.

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 drainage easements is present. Make “easement” plural and correct the spelling of “Governing”.

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to a scale of 1 inch equal to 10, 20, 30, 40, 50, 60, 150 feet or a multiple of 100 feet. The drawing shall be plotted on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear, legible, and in black ink. The minimum text size should be 10 point (0.1”) font or the equivalent. Where necessary, 8 point (0.08”) capitalized font or the equivalent can be used to label features. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Colors, grayscale or shading is not acceptable as it does not show when the drawing is reproduced. Sheets shall be one of these sizes: 11" x 17"; 18" x 24"; and 24" or 30" x 36". When more than one sheet is required, an index map shall be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the total number (e.g. sheet 1 of 3). When more than one sheet is submitted, all sheets shall be the same size. Indelible ink or sealant shall be used to insure permanency.

Staff recommendation: Various text does not appear to comply with the minimum font requirement. Increase text size to 10 point. Comply with 20.60.070.

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.

- Per KPB 20.30.250, the building setback of record has been removed. All development must comply with the municipal zoning requirements.
- Lot 4A is subject to an encroachment easement as described in Serial No. 2015-001754-0, HRD, recorded on June 16, 2015.

Correct the spelling of “drainage” within plat note 8.
Update the wastewater notes as required to comply.

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

*Passed by Consent Agenda

ITEM E7 – MOUNTAIN VISTA ESTATES 2022 REPLAT

KPB File No.	2021-147
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	Richard A. and Lourdes L. Link of Soldotna, AK Ronald Zahacefski Jr and Elizabeth Churney of Kasilof, AK
Surveyor:	John Segesser / Segesser Surveys, Inc.
General Location:	Chip Court, Missing Link Road and Ludy Avenue / Kalifornsky

Parent Parcel No.:	131-420-04, 131-420-31
Legal Description:	Lot 2 Block 4 Mountain Vista Estates Block 4, Plat KN 77-15 and Lot 3A Mountain Vista Estates Link Replat, Plat KN 2008-37
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat reconfigures the shared lot line between two lots. Lot 2A Block 4 will increase from 2.05 acres to 2.140 acres. Lot 3B will decrease from 41.51 acres to 41.42 acres.

Location and Legal Access (existing and proposed): The subdivision is in the Kalifornsky census area near mile 101 of the Sterling Highway. Legal access to the subdivision is from state maintained right of way Sterling Highway to Arc Loop Road to Tobacco Avenue to Missing Link Road. Tobacco Avenue and Missing Link Road are both improved and maintained by the Kenai Peninsula Borough. Lot 2A Block 4 has direct access to Missing Link Road. Chip Court, Swamp Street, Ludy Avenue, and Missing Link Road all provide legal access to Lot 3B with Missing Link Road being the only developed right of way.

Swamp Street is an unconstructed 33 foot right of way dedication that coincides with a 33 foot section line easement. A 50 foot section line easement abuts to the east on State of Alaska DNR land. Any subdivision of the State lands will require a right of way dedication atop the section line easement.

Ludy Avenue is an unconstructed 33 foot wide right of way dedication that coincides with a section line easement. A 50 foot section line easement abuts the dedication and is located within unsubdivided land owned by the Salamatof Native Association. Any future dedication of right of way may be obtained if the lot is subdivided in the future. The eastern portion contains low wet areas and Slikok Creek crosses the right of way. Steep slopes are also present within the right of way.

Chip Court is a 60 foot wide right of way cul-de-sac at the northwest corner of Lot 3B. Per KPB GIS data, it does not appear Chip Court is constructed.

Additional right of way dedications are not being requested at this time. Missing Link Road and Chip Court are full dedications that do not currently require additional width. There are some areas with steep terrain but no slope easements are being requested at this time. Ludy Avenue and Swamp Street have additional widths due to the section line easements. The lot is large enough to be further subdivided to provide additional easements or dedications as needed for future developments.

Brigantine Avenue, Swamp Street, Ludy Avenue, and Missing Link Road provide a closed block. The block lengths do not comply with KPB Code. **Staff recommends** the plat committee concur that an exception is not needed for block length as all lots front on dedicated right of way, any further subdivision can provide right of way dedications, and dedications to improve the block are not needed at this time.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comment

Site Investigation: There are steep slopes within the subdivision and the top of the steep slopes is depicted. Per KPB GIS contour data, the steep slope continues into Lot 2A Block 4. **Staff recommends** the steep slope within Lot 2A Block 4 be verified during the field survey and if existing be depicted on the final plat.

The eastern portion of Lot 3B is marked as area subject to inundation. Per KPB GIS data, the wetlands may be present further to the west than what is depicted on the preliminary plat. A small pond also appears to be present within Lot 3B. The water body and wetlands should be verified and depicted. **Staff recommends** that the wetlands information be verified and an accurate depiction be shown and label the small open body of water located on Lot 3B.

Slikok Creek is an anadromous stream that has its approximate location depicted and labeled. **Staff recommends** the required Anadromous Waters note be added to the plat as well as a note stating a wetland determination may be required for development of the property.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: KPB\MAldridge</p> <p>C. State Parks</p> <p>Reviewer: Russell, Pam Comments: No Comments</p>
-------------------------	---

Staff Analysis This plat will reconfigure a portion of a shared lot line between two lots. KPB GIS imagery shows that there may be improvements near the lot line. Based on that information and the unusual reconfiguration it appears this platting action may be to resolve an encroachment issues or provide additional area around the residence on Lot 2A Block 4.

Current Lot 2 was originally created with the Mountain Vista Estates Block 4 Subdivision, Plat KN 77-15. Lot 3A is a combination of lots from that same plat as well as Tract C from Mountain View Estates Plat KN 78-163. Those plats granted the right of ways for Ludy Avenue, originally named Vista Avenue, and Swamp Street, originally named Woody's Road.

Per KPB Code 20.40.020(A)(2), a wastewater system review is not required as the lot size for Lot 2A is increasing by more than 1,000 square feet and Lot 3B is larger than 200,000 sq. ft. **Staff recommends** that the wastewater disposal note be removed and the appropriate wastewater disposal note per KPB 20.40.020.B.2 be added to the final plat.

Notice of the proposed plat was mailed to the beneficial interest holder on November 8, 2021. 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.

Kalifornsky 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 Plat KN 77-15 depicted the 100 foot Homer Electric Association easement for a transmission line. The depiction is being carried forward. The origins of that easement are not disclosed.

An additional easement was granted to Homer Electric Association by a separate recorded document with the location of the easement undefined. The utility easement of record is identified in plat note 4.

Plat KN 77-15 granted a 10 foot utility easement adjoining Ludy Avenue in the southwest portion of proposed Lot 3B in what was formerly Lot 5. Plat 78-163 granted 5 foot utility easements along Ludy Avenue in the eastern portion of proposed Lot 3B and a 5 foot utility easement along the eastern boundary along Swamp Street in what was known as Tract C. Plat KN 2008-37 carried over the 5 foot utility easement along Swamp Street and provided a 10 foot utility easement along the entire length of Ludy Avenue. Plat KN 2008.37 also granted by plat note a 10 foot utility easement within the building setback that increase to 20 feet within 5 feet of the side lot lines. This provided 10 foot utility easements along the bulb of Chip Court, Swamp Street, and along Missing Link Road within Lot 3-A. With plat note 5, additional 10 foot utility easements will be granted along Missing Link Road within proposed Lot 2A. **Staff recommends to depict and label the utility easements along Missing Link Road and Chip Court and increase the easement along Swamp Street to 10 foot per KN 2008-37.**

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	
GCI	Approved as shown.

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 30040 MISSING LINK RD 30078 MISSING LINK RD
------------	--

Addressing	<p>30170 MISSING LINK RD</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: MISSING LINK RD HOOK LN CHIP CT LUDY AVE</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 30040 MISSING LINK RD will remain with LOT 3B 30078 MISSING LINK RD will remain with LOT 3B 30170 MISSING LINK RD will remain with LOT 2A</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan 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>
Assessing	<p>Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.</p>
Advisory Planning Commission	<p>Comments not received when staff report was prepared.</p>

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.

- 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: Ludy Avenue is only dedicated as a 33 foot right of way. KPB information shows a 50 foot section line easement abutting to the south on the Salamatof Native Association lands. Verify the status of the section line easement to the south and depict and label the section line easement on the plat.
- 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:
- Add "Road" to the Arc Loop Road label.
 - The Kenai National Wildlife Refuge is within sections 25 and 36. Depict the boundary and provide a label. KNWR may be used.
 - The subdivision must be depicted with a label such as "This Plat" or "Subject Plat".
- 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 proposed 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:

- The lot on the corner of Missing Link Road and Hook Lane is Lot 14 not 149.
- The recording number for Lot 1 Block 4, adjacent to the subdivision, has a recording number of 77-15.

- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;

Staff recommendation:

- The depiction of the low wet areas do not match KPB GIS data. It does appear to match previous plats. Verify the wetlands and provide an accurate depiction.
- Per KPB GIS imagery, a small pond or lake appears to be present near Ludy Avenue within proposed Lot 3B. An approximate boundary of the water body should be depicted. A label should be included to note if it is a seasonal waterbody, small pond, lake, etc.

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.

- 20.30.290. Anadromous Waters Habitat Protection District. If any portion of a subdivision or replat is located within an anadromous waters habitat protection district, the plat shall contain the following note:

ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.

Platting Staff Comments: Slikok Creek is an anadromous stream.

Staff recommendation: Provide the above note. Comply with 20.30.290.

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: Wastewater review not required as Lot 3B is larger than 200,000 square feet and per 20.40.020(A)(2), Lot 2A is adding more than 1,000 square feet, approximately 4,300 square feet.

Staff recommendation: Provide the correct wastewater disposal note per KPB 20.40.020.B.2 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.

- 20.60.180. Plat notes.

C. 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.

D. 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:

Add the following plat note "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."

Add the required Anadromous Waters Habitat Protection District plat note.

Update the following plat notes.

- Note 3 needs the code reference updated to 20.60.170.
- Wastewater disposal note currently in place may be removed and the following placed.
 - o WASTEWATER DISPOSAL Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: The Certificate to Plat indicates the Link's signature lines should include "AKA Richard Link" and "AKA Lourdes Link" comply with 20.60.190.

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

**Passed by Consent Agenda*

ITEM E8 – SKYVIEW HEIGHTS SUBDIVISION SPELLMAN ADDITION

KPB File No.	2021-146
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	Rory T. Spellman of Verdi, NV Barbara H Burke Revocable Trust of Portsmouth, OH Edwin and Josselyn O'Connor of Soldotna, AK
Surveyor:	James Hall / McLane Consulting, Inc.
General Location:	Torwick Circle and Roosevelt Avenue / Kalifornsky area
Parent Parcel No.:	131-560-22, 131-560-23 and 131-560-24
Legal Description:	Lots 2, 3 and 4, Block 2 Skyview Heights Subdivision, Addition No 1 Plat KN 79-29
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat reconfigures the lots lines between three lots to create two lots. The parent lots were slightly larger than 1 acre and the new lots will be 1.8 acres and 2 acres.

Location and Legal Access (existing and proposed): The subdivision is in the Kalifornsky area on Torwick Circle. Torwick Circle is a 60 foot wide right of way that is approximately 600 feet long and ends in a partial cul-de-sac. Torwick Circle is located off Roosevelt Avenue, a 60 foot wide right of way. The Kenai Peninsula Borough maintains Torwick Circle and Roosevelt Avenue. Roosevelt Avenue is access from Skyline Drive, a 100 foot wide dedicated State maintained right of way that connects near mile 21 of Kalifornsky Beach Road.

The parent subdivision dedicated the southern portion of the cul-de-sac bulb. The lot to the north is 5 acres in size and will be required to complete the cul-de-sac when it is subdivided.

The subdivision is not within a closed block due to multiple right of ways ending in cul-de-sacs in the area and steep terrain to the north. The subdivision is within a block defined by Roosevelt Avenue, Skyline Drive, Base Road, and Washington Drive. Washington Drive is only partially dedicated and does not connect to Roosevelt Avenue to provide a closed block. Torwick Circle was designed to be a cul-de-sac. Per KPB Code definitions, cul-de-sacs are to be permanently closed. The only way for Torwick Circle to improve the block would require a subdivision to the north and all property owners fronting Torwick Circle agree to the extension of right of way. **Staff recommends** that the Plat Committee concur that an exception is not required nor dedications required for the purpose of trying to improve the block due to the design within the block with multiple cul-de-sacs, steep terrain to the north, and the inability for this subdivision to provide a dedication to improve the block length.

KPB Roads Dept. comments	Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comments

Site Investigation: The land within the subdivision does not contain any low wet areas. Steep slopes are shown on the plat as shaded areas. The dedicated right of way does not appear to be affected by steep slopes and additional right of way is not required for the roadway.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments
KPB River Center review	B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
	C. State Parks Reviewer: Russell, Pam Comments: No Comments

Staff Analysis The parent parcels were created in 1979 with the recording of Skyview Heights Subdivision Addition No. 1, Plat KN 79-29. The proposed plat will reconfigure lots 2, 3, and 4 into two parcels.

A soils report will not be required as outlined per KPB Code 20.40.020(A)(2), the plat is increasing lot sizes by 1,000 square feet or more of area suitable for conventional development. The new lots will increase from 1.386 acres to 1.998 acres and 1.161 acres to 1.791 acres. Looking at the areas being added to the lots and removing the areas with steep slopes, the plat does not require the soils analysis report.

Looking at KPB GIS imagery, there does not appear any encroachment issues and this new lot line will not create any encroachments.

Notice of the proposed plat was mailed to the beneficial interest holder on November 5, 2021. 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.

Kalifornsky 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 parent plat, Skyview Heights Subdivision Addition No. 1, granted a 10 foot utility easement on the north boundary and a 20 foot utility easement centered on a portion of the common boundary between Lot 2 and Lot 3. The easements of record are correctly depicted and labeled on this plat.

The Planning Commission granted a utility easement vacation around a well within the easement located on Lot 2. The vacation portion has been depicted and PC Resolution 93-16 is noted on the face of the plat.

This plat is proposing to grant a 10 foot utility easement along Torwick Circle, excluding an area where a well is located. **Staff recommends** that plat note 3 be revised to exclude the location around the existing well and the area is dimensioned on the face of the plat. **Staff recommends** that plat note 3 is reworded to state that the easement is adjoining the dedicated right of way to follow KPB 20.30.060.D.

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	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 33490 TORWICK CIR 33468 TORWICK CIR 33420 TORWICK CIR</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: TORWICK CIR</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 33490 TORWICK CIR WILL REMAIN WITH LOT 4B 33468 TORWICK CIR WILL BE DELETED 33420 TORWICK CIR WILL REMAIN WITH LOT 2B</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>

Planner	Reviewer: Taylor, Bryan 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: Bruns, Matthew Comments: No concerns from Assessing Dept.
Advisory Planning Commission	Comments not received when the staff report was prepared

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: Verify and update the O'Connor's mailing address. Update the KPB File number to 2021-146.

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: The Kenai National Wildlife Refuge is located within Sections 6, 7, and 18. Provide a boundary and label for KNWR.

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: A soils analysis report is not required. Lots are decreasing in number and increasing in acreage.

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.

20.60.180. Plat notes.

E. 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.

F. 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, "The front 10 feet adjacent to dedicated right of ways is a utility easement." Revise plat note 5.2 to state code 20.60.170*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Verify and update the mailing address for the O'Connor's. Comply with 20.60.190.*

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

**Passed by Consent Agenda*

ITEM E9 - Steven Oberts Subdivision No 1

KPB File No.	2021-141
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	LTO Limited Partnership PO Box 458 Kenai, AK 99611
Surveyor:	James Hall/ McLane Consulting, Inc.
General Location:	Kenai Spur Highway and Silver Salmon Drive, City of Kenai

Parent Parcel No.:	049-370-12
Legal Description:	Portion SE1/4 NE1/4 Section 7 and NW1/4 SW1/4 Section 8 lying West of the Kenai Spur Hwy and lying South and East of Silver Salmon Drive Township 5 North, Range 10 West, Excepting Therefrom any portions lying within Leo T. Oberts Sub and Replat, according to Plat KN 74-4 and further Excepting Therefrom any portion deed to State of Alaska DOT and PF at Serial No 2019-004445-0.
Assessing Use:	Residential
Zoning:	City of Kenai Zoning – Rural Residential
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 45 acre parcel into two tracts ranging in size from 7.6 to 37.6 acres.

Location and Legal Access (existing and proposed): This subdivision is located within the City of Kenai. Legal access is from the Kenai Spur Highway and Silver Salmon Drive. The Kenai Spur Highway is maintained by the State of Alaska (SOA) DOT and Silver Salmon Drive is maintained by the City of Kenai. A 66 foot wide section line easement bisects the eastern portion of the subdivision in a north-south direction. No additional right of way dedication is proposed with this plat.

A 60 foot wide public access easement, granted per KN 2002-91, adjoins the south boundary and provides legal access to the south boundary of Tract B and Tract A, as well as the two parcels to the south.

Per document KN 2019-004445-0 SOA DOT acquired by warranty deed an approximate 100 foot strip of land on the eastern boundary for the Kenai Spur Highway improvement project. **Staff recommends** the portion of land acquired by SOA DOT be shown as the boundary with the Kenai Spur Highway and the acreage be updated accordingly.

A road easement granted to the SOA coincides with Silver Salmon Drive and has been noted on the plat.

Staff recommends a reference to the DOT Right of Way map be provided within a plat note or within a label within the right of way depiction for the Kenai Spur Highway.

The subdivision is located in an open block that is longer then subdivision code standards. **Staff recommends** that the plat committee concur that an exception to KPB 20.30.030 Proposed Street Layout and KPB 20.30.170 Block length is not required as the section line easement, the 60 foot public access easement to the south, and dedicated right of ways provide legal and practical access to all tracts. The owner is put on notice that any further subdivision of the large tracts may require additional right of way dedication to comply with KPB subdivision standards.

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW for Kenai Spur Hwy is as shown on DOT Right of Way Map F-22-1(6) Kenai Spur Highway Mile 2.8 to 10.6 (Plat 2007-7, KRd) and appears to be shown correctly. No direct access Kenai Spur. All access to Silver Salmon. Suggest internal circulation be planned early.

Site Investigation: Per the Kenai Watershed Forum wetland mapping, the subdivision is affected by riverine and depression ecosystems.

The subdivision is generally flat with steep terrain located on the east side and the ground gently sloping to the west.

An anadromous waters drainage bisects the subdivision in an east-west direction. **Staff recommends** that the anadromous water drainage be depicted and labeled on the drawing and the Anadromous Waters Habitat Protection District note be added to the plat.

The subdivision is affected by flood zones but the City of Kenai does not participate in the FEMA floodplain program. No note or

KPB satellite imagery indicates this property may contain wet areas. The correct plat note is on the plat that indicates 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.

KPB River Center Review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Soldotna/Kenai Comments: No comments
-------------------------	---

KPB River Center Review	<p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: KPB\maldrige</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
-------------------------	--

Staff Analysis The parent parcel is a remnant parcel that has not been approved by the platting authority. This platting action will define the boundary of the parent parcel as well as subdivide it into two large tracts. Both tracts are larger than 200,000 sq. ft. and a soils analysis report is not required.

The City of Kenai reviewed the plat at their October 27th, 2021 Planning and Zoning Commission meeting. The staff report states that water and sewer lines are not available on the area and an installation agreement is not required. A resolution was adopted that recommended approval of the preliminary plat subject to

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

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.

Utility Easements Several utility easements of record, with no definite location, affect this subdivision. The utility easements of record have been correctly noted on the plat.

Per KN 2019-004446-0, The SOA DOT acquired utility easements that adjoin the new Kenai Spur Highway right of way. The utility easements have been correctly depicted and labeled.

Staff recommends the 10 foot utility easement that is being granted which adjoins the Kenai Spur Highway be depicted and labeled 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	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 3823 KENAI SPUR HWY</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: KENAI SPUR HWY SILVER SALMON DR CHINOOK CT</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: City of Kenai will advise on affected address.</p>
------------	--

Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Taylor, Bryan 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. Review Not Required
Assessing	Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.

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: Update the total acreage after the boundary is updated to reflect the current Kenai Spur Highway boundary.

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.

20.30.290. Anadromous Waters Habitat Protection District. If any portion of a subdivision or replat is located within an anadromous waters habitat protection district, the plat shall contain the following note:

ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.

Staff recommendation: Provide the Anadromous Waters Habitat Protection District note on the final plat. Comply with 20.30.290.

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: Both tracts are larger than 200,000 sq. ft. and a soils analysis report is not required.

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.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Update the Certificate of Ownership and Dedication owner information to read,

Steven T. Oberts
Member Manager

Steven T. Oberts for
The Estate of Leo T. Oberts
Member manager

LTO Limited Partnership
By its general partner,
LTO Kenai Management LLC.

Comply with 20.60.190.

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

**Passed by Consent Agenda*

D. OLD BUSINESS - None

E. NEW BUSINESS

Chair Ruffner asked Ms. Shirnberg to read aloud the Planning Commission rules for public hearings.

ITEM E1 – CATKIN SUBDIVISION 2021 REPLAT

KPB File No.	2021-144
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	Edwin Otto Kilcher of Homer, AK
Surveyor:	Stephen C. Smith / Geovera, LLC
General Location:	Bobby Rufus Road and Guffers Road / Fritz Creek
Parent Parcel No.:	172-380-35
Legal Description:	Tract B, Catkin Subdivision HM 2009-50
Assessing Use:	Residential

Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 25 acre parcel into three tracts that will be 1.215, 3.873, and 19.671 acres. The plat will also dedicate a 30 foot wide right of way along the western boundary.

Location and Legal Access (existing and proposed): Access to this subdivision is near mile 10 of East End Road, a state maintained right of way. Kilcher Road is a varying width, borough maintained, right of way that connects Guffers Road to East End Road. Guffers Road is a varying width right of way that is not currently maintained by the borough or other government entity. Approximately 130 feet of Guffers Road is not dedicated as it crosses through the deed parcel located northwest of the subdivision. Guffers Road is constructed and provides physical access to the large tract to the east of the subdivision and some additional non-platted roads used for access appear to connect off Guffers Road. Guffers Road is a unique dedication to allow a roadway to be constructed across steep terrain. To allow the roadway to be constructed to cross the ravine, the parent plat was issued an exception for minimum curve radii. Additionally a larger width right of way and back slope maintenance easements were granted so that the road can be maintained.

The existing right of way is outside the proposed plat boundary and due to the prior granted exception, staff is not requesting any exceptions for the road dedication or dedications to improve the design.

Within the subdivision, a private travel way is depicted. This private travel way has been named for 9-1-1 Addressing purposes. The travel way continues south of the subdivision and provides physical access to multiple structures located in the unsubdivided parcel located to the south.

This plat is proposing to dedicate a 30 foot wide right of way along the western boundary. The lot to the west, Tract D-2, is 23 acres and could be further subdivided and provide a matching dedication. The southern portion of the proposed dedication appears to encompass a portion of the private travel way. As the private road goes north, it veers to the east and outside the proposed dedication. The private travel way is not required to be shown on the final plat but if it is chosen to be shown, **Staff recommends** that a plat note be added clarifying the type and intended use.

The block is not compliant. The lots in this area are large and steep slopes are found throughout the area. The dedication on the west boundary will improve the block length and provide legal access to the large parcel to the south. To the east is a 613 acre parcel. Parts of that parcel are located to the south of the unsubdivided parcel located south of this preliminary plat. This 613 acre parcel is along the coast and affected by a conservation easement. If any future subdivisions are created from that 613 acre parcel, additional right of ways will be acquired to help improve the blocks in the area.

There are currently section line easement that provide legal access but may not be practical access. Using those section line easements, the block is improved but still not compliant. Proposed Tract B-1 will be a large acreage lot that is divided by steep terrain. Future subdivision of Tract B-1 will be required to provide right of way that fits the design and terrain. **Staff recommends the plat committee concur that an exception to block length is not required, as any additional dedications will not improve the block at this time.**

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

Site Investigation: The subdivision is affected by sloping terrain with the steepest slopes located near the riverine area at the center of the subdivision. The slopes greater than 20 percent are depicted and labeled on the preliminary plat. **Staff recommends the contour lines be removed from the final plat but the steep slopes remain depicted and labeled.**

The parent plat, Catkin Subdivision Plat HM 2009-50, depicted a drainage corridor with a label that the area is subject to inundation and storm runoff. **Staff recommends** the drainage way be updated and carry over the label from the parent plat. This may be done on the face of the plat or within a plat note.

Due to the steep terrain in the area and near the dedication of Guffers Road, a slope easement was granted on the parent plat. **Staff recommends** that this easement be carried forward and depicted on the plat. Additionally a plat note should be added explaining the uses of the slope easement.

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>
-------------------------	---

Staff Analysis The parent parcel is a 25 acre tract that was created on Catkin Subdivision plat KN 2009-50. The proposed plat will divide the large acreage parcel into three tracts. Tracts B-2 and B-3 will be smaller in size, 3.873 and 1.215 acres respectively. Tract B-3 will have access via Guffers Road, the new right of way dedication, and by the private travel way. Guffers Road will provide frontage to two sides of Tract B-2. A portion of the private travel way goes through the tract and provides access. Tract B-1 is the parcel with the remaining acreage of 19.671. Steep terrain and low wet areas divide Tract B-1. The western portion will have access from the new dedication and the private travel way, the eastern portion will have access from Guffers Road.

A soils report will be required for Tracts B-2 and B-3 and an engineer will sign the final plat. Tract B-1 is larger than 200,000 sq. ft. and a soils analysis report is not required. **Staff recommends** the wastewater disposal note for Tract B-1 be revised by removing "or nominal 5 acres."

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

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

Utility Easements The parent plat granted 10 foot utility easements, increasing to 20 feet within 5 feet of side lot lines, adjoining Guffers Road. This plat has carried over the same note and will thus be creating utility easements along the newly dedicated right of way. **Staff recommends** the utility easements be depicted and labeled along with the 20 foot building setback. If necessary for clarity, the typical utility easement can be depicted and labeled along with the building setback in the detail drawing.

The parent plat granted 20 foot wide utility easements centered on existing power lines. The overhead power lines shown on the eastern portion of this plat were not depicted on the parent plat and easements were not created over them. **Staff recommends** plat note 7 be updated to state the easements are being granted by this plat.

This plat is also depicting the approximate location of an underground electric utility on the west side and states it is centered on a 10 foot utility easement. **Staff recommends** the manner in which that easement came into existence be noted, if being granted by this plat then state such.

A 10' by 20' easement was granted by recorded document and is depicted and the recording information noted on the plat.

One of the overhead lines shown is within the proposed right of way dedication. The reference to plat note 7 stating the overhead power line is also a utility easement is not required as utilities are a permitted use within dedicated right of ways. It would be the utility companies' responsibility to work with Kenai Peninsula Borough Land Management staff to determine if a permit will be required. **Staff recommends** the reference to plat note 7 be removed from the powerline depiction within the proposed right of way dedication.

Staff recommends plat note 3 be reworded to closer match current code. "The front 10 feet adjoining dedicated rights-of-way, and increasing to 20 feet within 5 feet of the side lot lines, shall be designated as a utility easement."

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	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 38126 BOBBY RUFUS RD will remain with TRACT B-2 53413 GUFFERS RD will remain with TRACT B-1</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: GUFFERS RD</p> <p>Existing Street Name Corrections Needed: Private traveled way should be BOBBY RUFUS RD as named via SN 2012-06.</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names: HORIZON ST</p> <p>List of Street Names Denied:</p> <p>Comments: As the Addressing Officer, I am concerned with the parallel and overlapping sections of BOBBY RUFUS RD and HORIZON ST. BOBBY RUFUS RD (private) continues south and provides access to four addresses.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan 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>
Assessing	<p>Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.</p>
Advisory Planning Commission	<p>Comments not received when staff report was prepared.</p>

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: Update the owner's name to match the certificate to plat, Edwin Otto Kilcher.

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: Due to the unique design of Guffers Road, an additional label on the western portion would be a good addition but not required.

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: Some additional lines appear to represent streams and right of ways with no labels present. Not all lines need a label but please provide a label for what appears to be a road through sections 16, 15, 22, and 23.

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: A soils analysis report will be required for Tract B-2 and Tract B-3. An engineer will need to sign the plat. A soils analysis report is not required for Tract B-1. The wastewater note for Tract B-1 needs to be revised by removing "or nominal 5 acres".

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 proposed right of way will be required to be signed by an authorized official of the Kenai Peninsula Borough.

20.60.180. Plat notes.

- G. 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.

H. 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.

- Slope easement means an easement for construction, maintenance and lateral support of road slopes. Slope easement was granted by Plat HM 2009-50.
- Add a plat note for any exceptions granted.

If the travel way shown on the preliminary plat remains on the final, **staff suggests** the following note be placed on the final plat to avoid confusion about public use in the future: Private road shown is for use of owners only and is not dedicated to public use.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Update the owner's name to Edwin Otto Kilcher on the signature line and within the notary's acknowledgment. Comply with 20.60.190.

EXCEPTIONS REQUESTED:

A. KPB 20.60.200 Survey and Monumentation

Surveyor's Discussion: I would like to request an exception to KPB 20.60.200 Survey and Monumentation for nine corners that fall in the extremely steep slope along the south edge of Guffers Road. The nine corners that were set for the original Catkin Subdivision (HM 2009-50) on the steep slope were found to have sluffed down the slope, and were found to be out of record position by nearly a foot. The slope adjacent to the existing road is part of a fill that is steeper than 1:1. It is not a place where monuments can be expected to remain in their original place. I have used the record position of the south edge of the right-of-way through that area for this plat.

Staff Discussion: Per KPB Code, all monuments of record essential to the subdivision should be remonumented if found missing, disturbed or destroyed. Per the surveyor's request, the monuments previously set have shifted due to steep slopes. The surveyor is requesting to not monument a portion of Tract B-2's boundary along Guffers Road due to the terrain. It is not uncommon to set witness monuments in areas when the actual location cannot be set due to terrain. The use of witness monuments will not benefit this subdivision as the areas to place a witness survey marker are within the steep slope areas or within the roadway.

If the exception is denied all monuments along Guffers Road will be required to be set and correctly depicted on the plat.

Findings:

- a. Nine monuments previously set as part of Catkin Subdivision, Plat HM 2009-50, were found disturbed due to sloughing of the steep slopes.
- b. The terrain around that portion of Guffers Road is slopes greater than 20 percent.
- c. A drainage way is located within the steep sloped area and along a portion of the right of way.
- d. Previous monuments shifted from their true location as much as a foot.
- e. Shifting monuments may cause issues related to the correct location of the right of way, the slope easement, utility easements, and property boundaries.
- f. Placing monuments in a location that is shifting or sloughing may cause confusion for land owners and will not be a benefit.

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 1-6 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 1-6 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 1-6 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

Chair Ruffner opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Brantley moved, seconded by Commissioner Gillham to grant preliminary approval to Catkin Subdivision 2021 Replat based on staff recommendations and compliance with borough code.

AMENDMENT: Commissioner Brantley moved, seconded by Commissioner Gillham to grant exception request to 20.30.200 Survey & Monumentation citing findings 1-6 in support of standards one, two & three.

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

AMENDMENT PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Brantley, Gillham, Morgan, Ruffner, Venuti		

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Brantley, Gillham, Morgan, Ruffner, Venuti		

ITEM 3 - SELDOVIA TOWNSITE EAST ADDN WATSON 2021 REPLAT

KPB File No.	2021-148
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	Jennifer E. Watson of Anchorage, AK
Surveyor:	Kenton Bloom / Seabright Surveying
General Location:	Augustine North Avenue and D Street / City of Seldovia

Parent Parcel No.:	192-091-10, 192-091-11
Legal Description:	Lots 2A-1 and 2B-1, Block 39, Seldovia Townsite East Addition 2006 Replat Plat SL 2007-3
Assessing Use:	Residential
Zoning:	Waterfront Commercial Residential
Water / Wastewater	City Water and Sewer

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat reconfigures the shared lot line between two lots.

Location and Legal Access (existing and proposed): The subdivision is within the City of Seldovia. Access is available by water as the Seldovia Slough borders the subdivision along the north. The lots are landlocked. Ingress and egress easements have been granted for access. A 14 foot wide driveway exists through Lot 2C Block 39 located to the east of the subdivision. That driveway provides a connection to D Street and Augustine North Avenue. D Street along Lot 2C Block 39 is 40 feet wide but widens as it approaches the intersection with Augustine North Avenue. D Street is not constructed except for the small portion of the driveway that crosses through to connect to Augustine North Avenue. Augustine North Avenue is a 40 foot wide right of way. The right of ways fall under the City of Seldovia jurisdiction.

The block is not complete due to Seldovia Slough. D Street, Augustine North Avenue, and C Street define the block. The distances are all compliant except for along D Street. It is slightly short of minimum lengths. Due to Seldovia Slough, D Street cannot be lengthened to become compliant. ***Staff recommends the plat committee concur that an exception is not required due to the location along Seldovia Slough; any dedications will not improve the block and would create non-compliant lengths.***

KPB Roads Dept. comments	Out of Jurisdiction: Yes
	Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comments

Site Investigation: KPB GIS does not have contour information available for Seldovia. The plat does have the top of a bluff and the top of a cliff depicted and labeled. The house located on proposed Lot 2B-2 is below the bluff and appears to have a staircase that provides access from the top of the bluff.

Portions of the subdivision are within Flood Zone A. ***Staff recommends the flood line be depicted and the appropriate notes be added to the plat.***

Seldovia Slough is exempt from the Anadromous Waters per KPB GIS data. The mean high water line from 2007 is depicted. ***Staff recommends a plat note be required or label on the plat that states the source of the mean high water line.***

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: A Map Panel: 020012-5065A 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>
-------------------------	---

Staff Analysis The lots within this subdivision were originally included in the original U.S. Survey 1771 that was surveyed in 1927. In 1964 a plat, Seldovia Townsite East Addition SL 66-28, was done that further subdivided lots and tracts created by the U.S. Survey. Neither of those plats granted any easements. The U.S. Survey left an area unsubdivided that abutted the property within this subdivision. That landlocked some of the properties. Plat 66-28 subdivided that unsubdivided portion in addition to subdividing existing lots. It left the lots landlocked but did depict an existing road that is now where the ingress/egress easements are in place. The current lot configuration was created by Seldovia Townsite East Addition 2006 Replat, SL 2007-3. An exception to KPB 20.20.200 (old code), for frontage on a dedicated street was granted by the Planning Commission on November 27, 2006.

This plat will reconfigure the lot line between two lots. Per the memo from the City of Seldovia, the surveyor stated the intent is for the owner to sell the lower house located on the waterfront of proposed Lot 2B-2. That lot will be going from 18,320.4 square feet (.42 acres) to 8,328.4 square feet (.19 acres). The other lot, Lot 2A-2, will increase in size from 23,973.4 square feet (.55 acres) to 33,980.8 square feet (.78 acres). If both lots are, or will be, connected to municipal water and sewer, the lots will meet minimum lot size. The new lot line will be within the ingress and egress easement allowing to both lots to utilize the easement.

The plat depicts sewerline easements as well as a waterline easement. An installation agreement or documentation from the City of Seldovia that one is not required will need to be submitted. **Staff recommendations** the page number needs to be updated per the certificate to plat to Book 25 Page 621 for the easement within Lot 2B-2.

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 subdivision plat is within the boundary of the City of Seldovia. The City of Seldovia Planning Commission heard the proposed plat at their October 6, 2021 regular meeting. The Planning Commission unanimously approved it and they approved that their staff memo be presented to the Kenai Peninsula Borough. The memo address the zoning district and the requirements for that zoning. It was found that the proposed subdivision plat met their requirements and code. No additional recommendations or requests were forwarded to the Kenai Peninsula Borough.

Staff recommends the structures, and parking areas be removed from the final plat to allow required information to be more legible.

Utility Easements The original plats that created the lots within this subdivision did not grant any utility easements. Seldovia Townsite East Addition 2006 Replat, SL 2007-3, stated 10 foot utility easements were granted within the front of the building setback. As this does not front on any dedicated right of ways, no easements were granted by that note.

A powerline was depicted within Lot 2A-1. Plat note 6 states it was center of a 20 foot utility easement. There is no record of how that easement was granted or if the intent was to grant by that plat. The new plat depicts an overhead powerline and contains the same note. This powerline depicted is not in the same location as the parent plat. If it is determined the overhead powerline was removed the easement would still be in place and should be noted "as per SL 2007-3". If a new easement is being created over the overhead powerline depiction, the plat note should state it is being granted by this plat. **Staff recommends** the location of the powerlines be verified and work with the power company to determine the correct locations, provide correct depiction and provide a plat note that states how the easement was granted or if it is being granted by this plat.

The certificate to plat indicates an additional easement was granted to HEA by document. **Staff recommends** the easement location be determined and depict the easement with reference to the recording document. If the easement location cannot be depicted, provide a plat note with the information.

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	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 356 SELDOVIA SLOUGH REM SW 366 SELDOVIA SLOUGH REM SW</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: D ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 356 SELDOVIA SLOUGH REM SW will be deleted and new D ST address assigned. 366 SELDOVIA SLOUGH REM SW will be deleted and new D ST address assigned.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan 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. Review Not Required</p>
Assessing	<p>Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.</p>

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: Per KPB records the lots within this subdivision are .97 acres. The square footage can be listed but include the acreage. Verify the square footage as the acreage shown in KPB records would result in the square footage being 42,253.2 square feet.

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: Provide a label for Seldovia Slough that borders the subdivision along the northern boundary.

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 proposed 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: D Street should contain a label that states the width varies and a dimension can should be shown that the width in that area is 40 feet.

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: Remove specific setback requirements from plat note 1. The lots will fall under the zoning of the City of Seldovia. If changes occur to their code, it could result in changes to the setbacks. Leaving the first sentence of note 1 is sufficient but if elected can add, "Contact the City of Seldovia for current building setback requirements prior to development."

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

Staff recommendation: The City of Seldovia does not meet the specified requirements for the application and consideration of different standards.

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: Municipal water and sewer available. Correct plat note is 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.

20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

Staff recommendation: Provide an installation agreement or documentation from the City of Seldovia that one is not required.

20.60.180. Plat notes.

I. 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.

J. 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.

- Add a plat note for any exceptions granted.
- 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.
- Subject to easements for right to flight granted to State of Alaska, Department of Transportation and Public Facilities recorded in Book 27 Page 431 Seldovia Recording District on March 11, 1985 and Book 28 Page 132 Seldovia Recording District on October 29, 1985.
- Right of Way Easement granted to Homer Electric Association, Inc. to construct, operate and maintain an electric transmission and/or telephone distribution line or system by Book 13 Page 83 Seldovia Recording District recorded on February 25, 1965.
- 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 020012-5065A
- 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.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Update the owner's name for the signature line to match the Certificate to Plat. "Jennifer E. Watson, a.k.a. J.E. Watson". Comply with 20.60.190.

EXCEPTIONS REQUESTED:**A. KPB 20.30.210 – Lots-Access to Street**

Surveyor's Discussion: An exception to former KPB 20.20.200 (Frontage of a dedicated street) was granted by the KPB Planning Commission for the parent plat, SL 2006-329. There are existing easements for ingress and egress (as shown on the plat) that provide legal access to these lots. This replat adjust the interior property line between Lots 2A-1 & 2B-1, in order to make the usable area of Lot 2A-1 more cohesive. Existing physical and legal access will remain unchanged.

Staff Discussion: Per KPB 20.30.10, each lot shall abut on a fee simple dedicated street unless it is classified as agricultural. The property involved with this subdivision was part of the original U.S. Survey that created the Seldovia Townsite. Right of ways were not dedicated to provide access to this property nor did the replat performed in 1964.

Findings:

1. U.S. Survey 1771, surveyed in 1927, subdivided the lands within this subdivision but did not provide dedicated access.
2. Seldovia Townsite East Addition, Plat SL 66-28, was surveyed in 1964 and further subdivided the property within this subdivision and lands surrounding it but did not grant dedicated access.
3. Seldovia Townsite East Addition depicted an existing road that is still being used for ingress and egress.
4. Easements were recorded in 1982 and 1996 to provide ingress and egress.
5. Seldovia Townsite East Addition 2006 Replat, Plat SL 2007-3, depicted the ingress and egress easements.
6. Seldovia Townsite East Addition 2006 Replat was granted an exception by the KPB Planning Commission to KPB Code 20.20.200 for frontage on a dedicated street.
7. The City of Seldovia Planning Commission reviewed the plat at their October 6, 2021 meeting and approved the proposed plan.
8. The City of Seldovia Planning Commission did not provide recommendations or requests for additional items.
9. The Kenai Peninsula Borough owns Lot 2C Block 39 located to the east of the subdivision.
10. The easement recorded in Book 35 Page 313 crosses KPB land to provide access.
11. Water access is available from Seldovia Slough.

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 1-11 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 1-11 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 1-11 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

Chair Ruffner opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Venuti moved, seconded by Commissioner Gillham to grant preliminary approval to Seldovia Townsite East Addn. Watson 2021 Replat based on staff recommendations and compliance with borough code.

AMENDMENT: Commissioner Venuti moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.210 – Lots Access to Street 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 PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Brantley, Gillham, Morgan, Ruffner, Venuti		

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Brantley, Gillham, Morgan, Ruffner, Venuti		

ITEM 4 - DUNCAN SUBDIVISION #5

KPB File No.	2021-142
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	Kelly R. Duncan of Kasilof, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Ariels Lane and Constellation Road N, Kalifornsky/Kalifornsky APC

Parent Parcel No.:	133-031-37
Legal Description:	The SE1/4 SW1/4 Section 7 and the NE1/4 NW1/4 of Section 18 Township 3 North Range 11 West Seward Meridian, Kenai Recording District lying North of Grannie Road aka Ariels Lane and East of Kalifornsky Beach Road; Excepting Therefrom; Duncan Subdivision, Plat KN 75-65 Duncan Subdivision Addition No 1, Plat KN 90-35 Duncan Subdivision Addition No 2, Plat KN 91-30 Duncan Subdivision K and L Addition, Plat KN 2002-28
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 46-acre parcel into two tracts that will be 3 acres and 37.3 acres.

Location and Legal Access (existing and proposed): The subdivision is located in the Kalifornsky area near mile 3 of Kalifornsky Beach Road. Access along the south is provided by 60 foot wide dedicated Ariels Lane, formerly known as Grannies Road. An approximate 200 foot segment of Ariels Lane within Tract A of the original Duncan Subdivision has not been dedicated. Ariels Lane is constructed and continues east to provide physical access to several large acreage tracts. If Tract A is ever subdivided, a full 60 foot wide right of way dedication will be required to be dedicated on the existing roadway to provide a continuous right of way.

A section line, with a corresponding 66 foot section line easement, crosses through proposed Tract E. The section line easement provides legal access but is affected by low wet areas and is unlikely to be constructed. **Staff recommends** an exception not be required to dedicate right of way within the section line easements the section line easement is affected by wetlands, and the lot is large enough to be further subdivided and provide dedications in the future where a roadway can be constructed.

Constellation Road N is a 30 foot wide dedication located off Ariels Lane. The current dedication is only 600 feet in length from the intersection with Ariels Lane extending north to the section line easement. An exception to not dedicate the matching 30 feet, and the extension of Constellation Road N. on the east boundary, has been requested.

Adjoining the north boundary is ADL 223097, a 60 foot wide public access easement. This ADL has been named Ogre Avenue for 9-1-1 addressing purposes. This 60 foot wide ADL is entirely within the state owned land to the north but provides legal access to the lands on the south. The length of the ADL ends about 100 feet east of the subdivision. As the ADL is 60 feet wide and entirely within state lands, this subdivision plat will not be required to dedicate any portion of Ogre Avenue. Future dedications will be granted from the State land. As this is not a dedicated right of way, the building setback depiction should be removed. **Staff recommends** the depiction of the ADL should be revised to show that it is an easement for a public right of way within the State parcel. A dashed or broken line will show that it is not a boundary line.

Ogre Avenue (ADL 223097), Kalifornsky Beach Road, Ariels Lane, and Constellation Road N. define the block. The block is not closed due to the portions of right of way not dedicated and Ogre Avenue not continuing to the east to connect to other existing right of ways. The 66 foot section line easement does provide a closed southern block. Portions of the blocks exceed allowable lengths and an exception has been requested.

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

Site Investigation: The land within this subdivision is relatively flat and it is noted in plat note 4 that there are no grades greater than 3 percent. Wetlands are located on a large portion of the property. The plat does show low wet areas. KPB GIS data indicates there are more wetlands present than what is being shown on the plat. **Staff recommends** the wetland depiction be confirmed during the field survey or provide staff source data for the wetlands shown.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: D Map Panel: 02122C-0860E 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: Russell, Pam Comments: No Comments</p>

Staff Analysis This is a subdivision of a 40 acre parcel that is a remainder from previous subdivisions. Two tracts will be created one being 37.3 acres and the other 3 acres. The larger tract will have access via ADL 223097, section line easements, Ariels Lane, and Constellation Road N. The smaller tract will have access from Ariels Lane and Constellation Road N.

A soils analysis report will be required for Tract D and an engineer will need to sign the final plat.

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

Kalifornsky 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 Plat note 1 states 10 foot utility easements will be granted along dedicated right of ways. The note also states the front 15 feet along Ariels Lane was granted as utility easements on plat KN 2019-75. The property within this subdivision was not within the boundary of KN 2019-75 and thus the utility easements were not granted with that past platting actin. **Staff recommends** removal of the reference to the 15 foot utility easement granted by 2019-75 and note that the 10 foot utility easements adjoining all right of ways (dedications and easements) are being granted with this platting action., and include a depiction and label for the utility easements within the drawing.

The certificate to plat indicates a utility easement has been granted to Homer Electric Association by recorded document. **Staff recommends** a plat note be added that provides the document information for the easement of record.

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	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 51638 ARIELS LN</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: OGRE AVE ARIELS LN KALIFORNSKY BEACH RD CONSTELLATION RD N</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: 51638 ARIELS LN will be deleted and new addresses assigned upon request.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan 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>
Assessing	<p>Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.</p>
Advisory Planning Commission	Comments not available when staff report was prepared.

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: *Update the owner to Kelly R. Duncan as shown on the certificate to plat.*

- 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:

- *ADL 223097 is a 60 foot wide public right of way that lays atop the unsubdivided DNR lands located to the north. The ADL is granted for a length of 1719.18 that extends slightly past the northeast corner of the subject subdivision. Correct the depiction of the ADL with a dashed line as it is not a dedicated right of way. It should be shown atop the unsubdivided parcel to the north, which needs to be labeled.*
- *Provide a broken line or centerline style for the depiction of the centerline for Constellation Road N where located south of the subdivision.*
- *Provide a "Varying Width" label for the Kalifornsky Beach Road right of way. .*
- *Update the Section 11 labels on face of plat to 18.*

- 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:** *There are a few overstrikes on labels. Make sure all labels are easy to read and legible.*

- 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: *Add the 'unsubdivided' status label for the DNR lands to the north and update the depiction of the ADL. Adjust the label for Duncan Sub Addn No. 2 Block 2 so it is clear it applies to both Lot 1 and Lot 2.*

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.*

20.30.240. Building setbacks.

- A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

- A. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

- B. The setback shall be noted on the plat in the following format:

Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

- C. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

Staff recommendation: As Ogre Avenue is not currently a dedicated right of way but an ADL easement; the building setback may be removed along Ogre Avenue. Depict and label the 20 foot building setbacks adjoining Constellation Road N.

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: Tract D is less than 200,000 sq. ft. and will require a soils analysis report. Tract E is larger than 200,000 sq. ft. and a soils analysis report is not required. Add the appropriate wastewater disposal notes and provide for an engineer's signature.

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.

20.60.180. Plat notes.

K. 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.

L. 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.

- If a right of way dedication is required add a plat note that states, "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)."
- An easement for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery as recorded in the Kenai Recording District in Book 33 Page 162 granted to Homer Electric Association, Inc. No definite location disclosed.
- This subdivision is subject to covenants, conditions, and restrictions as recorded on August 6, 1990 in the Kenai Recording District Book 369 Page 296.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- Add a plat note for any exceptions granted.

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed street layout-requirements

KPB 20.30.120 – Street-Width requirements

KPB 20.30.170 – Blocks-Length Requirements

Surveyor's Discussion: Exception requested for matching dedication of Constellation Road N along east boundary. Road enters swamp to the north and descends a steep hill into Coal Creek to the south, not providing access to any property.

Staff Discussion: Loon Lake Subdivision, Plat KN 1686, is a paper plat that dedicated a 30 foot width of Constellation Road N. (originally named Otter Lane in 1970). Constellation Road N. runs north and south of Ariels Lane. Duncan Subdivision, Plat KN 75-65, dedicated an additional width of 30 feet for the portion of Constellation Road south of Ariels Lane.

Street Name Resolution 2006-09 changed Otter Lane to Kenaitze Avenue, which was later changed to Constellation Road N by Street Name Resolution 2015-13.

Per KPB Code, a matching 30 foot dedication is required for Constellation Road to provide a 60 foot wide right of way, as well as providing a 30 foot wide dedication to extend the right of way to the north.

Using the section line easements, the southern block would be defined by the section line easements, Kalifornsky Beach Road, Ariels Lane, and Constellation Rd N. The block lengths along Constellation Road N and Kalifornsky Beach Road are compliant. The length along the section line easements and along Ariels Lane exceed allowable lengths. Ogre Avenue (ADL 223097), Kalifornsky Beach Road, and the section line easements define the northern block. The block is not closed. To connect to another right of way or section line easement is not possible at this time due to some vacated section line easements located to the east. A continuation of Constellation Road N would provide a closed block. The block along Ogre Avenue and the section line easements would still exceed allowable lengths even with the dedication.

Staff has grouped these exceptions but the plat committee may determine the exceptions should be acted on separately. The plat committee may also determine to grant the exceptions but require partial dedications.

The property included in this subdivision contains large areas of wetlands. Tract E is proposed to be 37 acres in size and could be subdivided in the future and provide right of way dedications that will work with the terrain and comply with subdivision design.

Denial of the requested exceptions will require a 30 foot dedication of Constellation Road N all along the entire length of the eastern boundary. An additional north-south dedication would be required to be compliant with block length requirements.

Findings:

1. A 60 foot wide ADL borders the northern boundary of the subdivision.
2. A 66 foot wide section line easement crosses proposed Tract E.
3. It appears the northern portion of proposed Tract E been developed.
4. Tract E is proposed to be 37.3 acres and is large enough to be subdivided in the future.
5. Constellation Road N is currently providing a 30 foot wide access connection to the east-west section line easements.
6. The section line easements may be accessed from Kalifornsky Beach Road.
7. Per KPB GIS data, all but the southern 100 feet of the Constellation Road N dedication north of Ariels Lane is within wetland areas.
8. Tract D is proposed to be 3 acres, the majority of which contains low wet areas.
9. A dedication will further reduce the useable area for Tract D unless a redesign is proposed.
10. The block length along Ariels Lane is approximately 1,480 feet.
11. The block length along the section line easements is approximately 1,530 feet.
12. The block length along Ogre Avenue is approximately 1,720 feet to the northeast corner of the subdivision.
13. A full 60 foot dedication of Constellation Road N is located south of Ariels Lane.
14. Constellation Road N crosses an anadromous stream approximately 330 feet south of the intersection with Ariels Lane.
15. Constellation Road has not been improved and is not currently being used for access.
16. All lots in the surrounding area have legal access.
17. Tract 5, located to the east, is 36 acres in size and has legal and physical access from Ariels Lane.
18. The unsubdivided 40 acre parcel to the east is owned by KPB and has legal access from Ogre Ave, a 60 foot wide ADL easement.

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, 2, 4, 5, 7, 14-18 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, 2, 4, 5, 7, 14-18 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, 2, 4, 5, 7, 14-18 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

Chair Ruffner opened the meeting for public comment.

Gerald Johnson, Surveyor; P.O. Box 27, Clam Gulch, AK 99568: Mr. Johnson was the surveyor on this project and made himself available for questions.

Chris Peterson; 51627 Ariels Lane, Kasilof, AK 99610: Ms. Peterson wanted to know what would be the process if this landowner wanted to build within a wetland area. She noted this area has a lot of wetlands and she is concerned if this landowner builds within the wetlands it might affect drainage. Commissioner Ruffner replied the Planning Commission does not oversee any building permit processes only the subdivision of land. The Army Corps of Engineers are the permitting agency for building within wetlands. If she has concerns regarding building within wetlands she should contact the Army Corps of Engineers.

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

MOTION: Commissioner Gillham moved, seconded by Commissioner Brantley to grant preliminary approval

to Duncan Subdivision No. 5 based on staff recommendations and compliance with borough code.

AMENDMENT: Commissioner Gillham moved, seconded by Commissioner Venuti to grant exception request to KPB 20.30.030-Proposed street layout requirements, KPB 20.30.120-Street width requirements & KPB 20.30.170-Block length requirements, citing findings 1, 2, 4, 5, 7 & 14-18 in support of standards one, two & three.

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

AMENDMENT PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Brantley, Gillham, Morgan, Ruffner, Venuti		

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Brantley, Gillham, Morgan, Ruffner, Venuti		

ITEM 5 – MAHAN SUBDIVISION BIRCH RIDGE ESTATES ADDITION NO. 3

KPB File No.	2021-143
Plat Committee Meeting:	November 29, 2021
Applicant / Owner:	Jake Denbrock of Soldotna, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	West of Soldotna near MP 91.5 of the Sterling Highway
Parent Parcel No.:	058-260-55
Legal Description:	Tract A1 Mahan Subdivision Birch Ridge Estates Addition No 2 KN 2007-130
Assessing Use:	Residential Accessory Bldg
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 39-acre parcel into 31 lots ranging in size from 0.91 acres to 3 acres.

Location and Legal Access (existing and proposed): This plat is located to the east of Soldotna and north of the Sterling Highway near mile post 91.5. The subdivision has legal access from Mayoni Street, Denbrock Street, Padfoot Avenue West, and Burgess Ave.

This platting action will provide the following right of way dedications.

- An extension of Denbrock Street through the subdivision to the northeast corner.
- Two cul-de-sacs will be dedicated on the east side of Denbrock Street.
- A portion of Padfoot Avenue in the southeast corner.
 - o The land to the south of Padfoot Avenue has been developed with an unattached garage that was constructed in 2007. The last platting action in 2007 discussed the 30 foot width of Padfoot Avenue. As that platting action was 14 years ago it appears unlikely that the land to the south will be further subdivided to provide the full width of Padfoot Avenue. **Staff recommends** this platting action dedicate a full 60 foot width for Padfoot Avenue.

The westerly block will be defined by Burgess Avenue, Denbrock Street, Padfoot Avenue, and Mayone Street. The easterly block will be defined by Burgess Avenue, Pine Street, Padfoot Avenue, and Denbrock Street. Both blocks measure +/- 1,600 feet in the north-south length and are longer than allowed per KPB standards. The right of ways are not affected by steep slopes or low wet areas and can be constructed when the needed for physical access. **Staff recommends** that the plat committee concur that an exception is not

required as both blocks are closed blocks that generally comply with subdivision standards, and all lots have legal access to platted right of ways.

Staff recommends that labels be added to the plat to show that the right of ways are being dedicated at this time.

Staff recommends to work with the KPB Addressing officer to obtain approved street names for the two cul-de-sacs that are being dedicated this plat.

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

Site Investigation: An area with steep slopes affects the subdivision from the west boundary to the northeast corner. The plat has been designed so that the lot configuration and right of way layout is not affected by the steep slopes.

Wetland ecosystems do not affect this subdivision.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</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: Russell, Pam Comments: No Comments</p>
-------------------------	--

Staff Analysis The parent parcel was created with Mahan Subdivision Birch Ridge Estates Addition #2 (KN 2007-130). All new lots will be less than 200,000 sq. ft. and a soils analysis report will be required for final plat approval.

Notice of the proposed plat was mailed to the beneficial interest holder on November 3, 2021 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.

Covenants, conditions and restrictions, as recorded on August 3, 1990 in BK. 369 PG. 277 Kenai Recording District, affect this subdivision. **Staff recommends** the covenants of record be noted on the plat and include that per KPB 20.60.170.B, KPB will not enforce private covenants.

An active material site is located in the northwest corner. The land owner can contact Brian Taylor with KPB planning with any questions regarding the material site.

Utility Easements Parent plat KN 2004-58 granted 10 foot utility easements adjoining the dedicated right of ways. Plat KN 2006-78 carried forward the utility easement and granted a 20 foot utility easement adjoining the dedicated right of way when within 5 feet of side lot lines. **Staff recommends** the utility easements of record be depicted and labeled as well as the utility easements that are being granted by this plat.

A general location utility easement granted to HEA on September 4, 1976 in Bk. 79 Pg. 546 KRD affects this subdivision. **Staff recommends** a plat note be added for this easement of record.

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	
GCI	Approved as shown.

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 36378 MAYONI ST</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: MAYONI ST DENBROCK ST PADFOOT AVE W</p> <p>Existing Street Name Corrections Needed: BURGESS AVE should be BURGESS AVE E and BURGESS AVE W slit at RABBIT ST. Newly dedicated 60' ROWs should be named and use the street suffix CT.</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: 36378 MAYONI ST will be deleted and new addresses assigned upon request. Please contact dhaws@kpb.us for new street name approval.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: The property being subdivided is listed as a PEU (prior existing use) in KPB records. A letter warning of presumed abandonment of PEU has been sent to the current property owner (attached). See attachments</p>
Assessing	<p>Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.</p>

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.

- 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: Provide a street name for Raspberry Street located to the northeast of the subdivision.
- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;
Staff recommendation: Work with the addressing officer to obtain approved street names for the two cul-de-sacs that are being dedicated.

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.

20.30.120. Streets-Width requirements.

- D. The minimum right-of-way width of streets shall be 60 feet.
1. Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can reasonably be expected to be dedicated in the future.
 2. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoiners to the new half right-of-way will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.
- 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.

Staff recommendation: Provide a full right of way dedication for Padfoot Avenue.

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.
Staff recommendation: Comply with 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.
- B. Offset intersections are not allowed. The distance between intersection centerline shall be no less than 150 feet.

C. Intersections of access streets with arterial streets or state maintained roads shall be limited to those intersections required for safe access consistent with KPB Title 14.

D. Intersections of access streets with arterial streets or state maintained roads must be designed to the American Association of State Highway and Transportation Officials (AASHTO) standards.

Staff Comments: Denbrock Street will form an intersection with Raspberry Street in the northeast corner. Raspberry Street is a half width right of way. The corresponding 30 foot width will be dedicated on the west side and more nearly line up with Denbrock Street. The alignment generally complies as it is only offset by 30 feet.

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

Staff recommendation: *Work with the KPB addressing officer to obtain approved street names for the two cul-de-sacs that are being dedicated with this plat.*

20.30.240. Building setbacks.

A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

E. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

F. The setback shall be noted on the plat in the following format:

Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

G. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

Staff recommendation: *Depict and label the 20 foot building setback adjoining all dedicated right of ways within the subdivision.*

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: A soils analysis, prepared by a licensed engineer, will be required.

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: *Provide a certificate of acceptance for KPB to sign for the new dedicated right of ways.*

20.60.180. Plat notes.

M. 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.

N. 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).
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: comply with 20.60.190.

20.60.200. Survey and monumentation.

Staff recommendation: comply with 20.60.200

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

Mr. Huff noted he had received a call from the surveyor Gerald Johnson requested staff recommendation that required the plat to dedicate a full 60' width for Padfoot Avenue be removed from the staff report. The surveyor requests a 30' wide dedication be required instead.

Chair Ruffner opened the meeting for public comment.

Gerald Johnson, Surveyor; P.O. Box 27, Clam Gulch, AK 99568: Mr. Johnson requested that the landowner not be required to dedicate the additional 30' along Padfoot Avenue. If the owner is required to dedicate the whole 60' he would lose one of the lots he is trying to create with this plat. It could also potentially create issues with the street alignment going to the west. Mr. Johnson noted the lot to the south of this plat is a large lot and should it ever be subdivided it could dedicate the other 30' for Padfoot make it a full 60' wide right-of-way.

Commissioner Brantley asked Mr. Johnson if the landowner would consider dedicating some area on Lot 27 to help better align Padfoot Avenue. Mr. Johnson replied that he would talk to the landowner and believed that could be possible.

Jake Denbrock, Landowner; 36350 Mayoni Street, Soldotna, AK 99669: Mr. Denbrock stated that he would be willing to give more land on Lot 27 to help better align Padfoot Avenue. He noted at one time he approached his neighbor to the south regarding a dedication for Padfoot Ave. and the neighbor was not interested in giving a 30' match. He did believe that if his neighbor ever does subdivide his land he should be required to dedicate the additional 30' needed to make Padfoot a 60' wide right-of-way.

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

MOTION: Commissioner Gillham moved, seconded by Commissioner Brantley to grant preliminary approval to Mahan Subdivision Birch Ridge Estates Addition No. 3 based on staff recommendations and compliance with borough code.

Commissioner Brantley stated that he supports not requiring the full 60' dedication and not taking any additional land from Lot 23. He noted that there is no real way of making Padfoot align without having to do funny jog. He is not sure how that could be corrected. Mr. Huff agreed that there would be no way of getting around aligning Padfoot without having a jog. He also noted that Lot 23 already exists and so you cannot take right-of-way from them, nor can we force the neighbor to the south to give up land for the right-of-way. Mr. Huff said initially staff's thinking was this was a way for the borough to get a full dedication for the majority of Padfoot right-of-way. He noted that the 5-acre lot to the south was last subdivided in 1992 and it does not appear that it would be subdivided any further. Commissioner Brantley then stated that he is in favor of giving up land for the street transition on Lot 27 and not requiring a full 60' dedication on Lots 25 & 26. Mr. Huff stated that on the preliminary plat staff did interpret that Lot 27 was giving a little land for the Padfoot right-of-way transition.

Commissioner Ruffner then verified with the surveyor and landowner that the transition to Padfoot on Lot 27 as shown on the preliminary plat is acceptable. Both landowner and surveyor agreed.

AMENDMENT MOTION: Commissioner Brantley moved, seconded by Commissioner Gillham to remove staff recommendation that this platting action dedicate a full 60' right-of-way dedication for Padfoot Avenue.

Commissioner Gillham asked if the turnaround for emergency vehicles would still be included on the plat. Mr. Huff replied that the turnaround was not submitted on the preliminary plat and would not be required.

Commissioner Ruffner stated that he understands that it is general practice to have 60' right-of-way dedications to be shared by the landowners. He also understands that in this situation that while it is unlikely that the landowner to the south will further subdivide in the future, that parcel of land could still be further subdivided. Mr. Huff replied he was correct, there is nothing that would prevent the lot to the south from further subdividing. Should the land owners subdivide in the future they would be required to provide a right-of-way dedication for Padfoot Avenue. Commissioner Ruffner wanted the landowner to understand that not having a full dedication on Padfoot Avenue could possibly make it difficult for it to get included into the road maintenance system.

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

AMENDMENT PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Brantley, Gillham, Morgan, Ruffner, Venuti		

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Brantley, Gillham, Morgan, Ruffner, Venuti		

ITEM E6 - KUSTATAN ESTATES TKC ADDITION

KPB File No.	2021-140
Plat Committee Meeting:	Nov. 29, 2021
Applicant / Owner:	TKC LLC, PO Box 10658, Bakersfield, CA 93389
Surveyor:	Segesser Surveys
General Location:	W. Poppy / Kalifornsky Beach APC

Parent Parcel No.:	055-320-66
Legal Description:	Lot 1-A Block 1, Kustatan Estates – Smithy Resubdivision
Assessing Use:	General Commercial
Zoning:	Unrestricted
Water / Wastewater	On site

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 3.1 acre parcel into two lots with Lot 1D being 1.3 acres and Lot 1C being 1.8 acres.

Location and Legal Access (existing and proposed): This subdivision is located in the Kalifornsky Beach Road area within the Kalifornsky Beach APC. Legal access is from W. Poppy Lane and Kustatan Street. W. Poppy Lane is a 100 foot wide dedicated right of way maintained by the State of Alaska DOT. Kustatan Street is a 60 foot wide dedicated right of way maintained by KPB.

The block is defined by Kustatan Street, W. Poppy Lane, Lori Jo St. and Scott Ave. The subdivision is located within an open block. Existing development and low wet areas limit the extension of Kustatan Street to create a closed block. Farr Street is a dedicated right of way located to the east of Kustatan Street that creates a closed block that nearly complies with the block length requirements. **Staff recommends** that the plat committee concur that an exception to block length is not required due to the existing development trends, low wet areas, and the existence of an alternative right of way.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	We do not have any current mapping for West Poppy Lane, however the ROW for West Poppy Lane appears to be shown correctly as 100'.

Site Investigation: The area is generally flat and not affected by wetlands or drainage issues. A majority of the parent has been cleared with vegetation remaining on the west and north areas. Aerial imagery shows a building is located at the south end of proposed Lot 1C.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments
KPB River Center review	B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
	C. State Parks

	Reviewer: Russell, Pam Comments: No Comments
--	--

Staff Analysis The parent parcel is a 3.12 acre parcel that was created by Kustatan Estates – Smith Resubdivision, plat KN 85-52. Both new parcels will be less than 200,000 sq. ft., a soils report will be required, and an engineer will sign the final plat.

Lot 1B, located to the southeast, contains improvements and is under common ownership as this plat.

Lot 1D will have a depth to width ratio of 2.99:1 and complies with KPB subdivision standards.

Notice of the proposed plat was mailed to the beneficial interest holder on October 26, 2021. 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.

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

Utility Easements Parent plat KN 85-52 granted 10 foot utility easements on the north, east, and south boundaries. Parent Plat KN 77-132 granted a 10 foot utility easement on the west boundary. The preliminary plat correctly depicts the platted utility easements of record. **Staff recommends** the first sentence of plat note 4 be removed as it is incorrect and all the utility easements of record have been depicted and labeled on the drawing.

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	
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: None Existing Street Names are Correct: Yes List of Correct Street Names: W POPPY LN KUSTATAN ST Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No addresses affected by this subdivision.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Taylor, Bryan 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: Bruns, Matthew Comments: No concerns from Assessing Dept.
Advisory Planning Commission	Not available at the time the staff report was prepared.

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.

- 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: Correct the shape of the subdivision within the vicinity map.

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: A soils analysis, prepared by a licensed engineer, will be required before final plat approval.

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.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Within the Certificate of Ownership, correct the certificate to read, 'I hereby certify that TKC LLC is the owner of the real property shown and described hereon and on behalf of TKC LLC here by adopt this plat of subdivision ...' Comply with 20.60.190.

20.60.200. Survey and monumentation.

Staff recommendation: Determine the property boundary location and set survey markers at all property corners. Comply with 20.60.200

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

Chair Ruffner opened the meeting for public comment.

Nancy Henning; 34890 Lori Jo St., Soldotna, AK 99669: Ms. Henning lives in the neighborhood and shared concerns about how this lot is used. She stated at times there are unusual odors coming from the lot. There has also been activities going on that she does not believe should be allowed in a residential area. She has tried to contact the landowners to discuss the development plans for the lot but she has been unsuccessful. She does not support this proposed subdivision.

Commissioner Ruffner stated that the Planning Commission only has the authority to oversee issues related to subdividing lands, they do not have the authority to address the other issues she has raised. He encouraged her to contact the State Troopers if she believes that there are illegal activities going on.

MOTION: Commissioner Brantley moved, seconded by Commissioner Gillham to grant preliminary approval to Kustatan Estate TKC Addition based on staff recommendations and compliance with borough code.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Brantley, Gillham, Morgan, Ruffner, Venuti		

F. PUBLIC COMMENT - None

G. ADJOURNMENT

Commissioner Gillham moved to adjourn the meeting 6:55 P.M.

Ann E. Shirnberg
Administrative Assistant