

AGENDA ITEM E. NEW BUSINESS

**ITEM 3 - Fourth of July Creek Subdivision
Seward Marine Industrial Center
Fire Department Replat**

KPB File No.	2021-080
Plat Committee Meeting:	June 28, 2021
Applicant / Owner:	City of Seward, Seward, Alaska
Surveyor:	Stacy M. Wessel / Enterprise Engineering, Inc.
General Location:	Delphin Street, Nash Road and Jellison Avenue, City of Seward
Parent Parcel No.:	145-340-20, 145-340-28, 145-340-41
Legal Description:	Block 2 and Block 5, Fourth of July Creek Subdivision, Seward Marine Industrial Center, Plat SW 97-27 and; Tract A3, Fourth of July Creek Subdivision, Seward Marine Industrial Center, Polar Seafood Replat, Amended, Plat SW 2007-2.
Assessing Use:	Residential and Commercial
Zoning:	Industrial Zoning District
Water / Wastewater	City

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will reconfigure lot lines between two lots and a private road tract. A portion of the private road tract will be removed and will be added to one of the proposed parcels. The private road tract is approximately 9.7 acres and the new lots will be 2.7 and 4.0 acres.

Legal Access (existing and proposed): The subdivision is located at the end of the dedicated portion of Nash Road, a 100 foot wide, State of Alaska DOT right of way. The subdivision is bordered to the north by 60 foot wide Jellison Avenue, 150 foot wide Delphin Street along the east, and 60 foot wide Sorrel Road along the south. Resurrection Bay is located to the west.

Internal lot access is via the private road tract and is designated as a service road. The private road tract contains Mustang Avenue, Morris Avenue, Olga Street in addition to Nash Road and Sorrel Road extensions. **Staff recommends** a plat note regarding Tract A4's use and designation be added to the plat.

Due to the access being a tract versus dedicated right of ways the block length is not compliant. An exception has been requested in addition to an exception request for proposed street layout.

KPB Roads Dept. comments	Out of jurisdiction; no comments
SOA DOT comments	No comments.

Site Investigation: Per KPB GIS data, there are no steep slopes within the proposed subdivision. Per KPB GIS data for National Wetlands Inventory, portions of the subdivision are subject to wetlands. Portions of Tract A4 are within the mapped Seward Bear Creek Flood area. Per code, any area of a subdivision within the Seward Mapped Flood Data Area is to be shown and labeled on the plat. **Staff recommends** that the plat depict and label any areas affected by the Seward Bear Creek Flood area.

Per KPB 21.18.025, all portions of waterways found within the Seward – Bear Creek mapped flood service area are exempt from KPB 21.18.

Floodplain Hazard Review	Within the City of Seward, no comments.
Anadromous Waters Habitat Protection District Review	Is not within an AWHPD
State Parks Review	No comments

Staff Analysis The proposed subdivision is a replat of a tract and two lots. The lots, designated only as blocks, were created on plat SW 97-27. The parent subdivision divided a large acreage tract including part of a US Survey. Parent plat SW 97-27 created Tract A to be used as a private access road.

All lands within the subdivision are owned by the City of Seward. The lots that are surrounded by proposed Tract A4 are owned by the City of Seward.

Two preliminary plats have been approved in the area. They are Fourth of July Creek Subdivision Seward Marine Industrial Center Polar Seafoods Replat KPB 2021-039 and Fourth of July Creek Subdivision Seward Marine Industrial Center Rainbow Replat #2 KPB 2019-015. **Staff recommends** current adjacent parcel information be shown on the final plat.

The City of Seward Planning and Zoning Commission heard the plat at their March 2, 2021 meeting. Resolution 2021-03 was adopted, which recommended approval of the preliminary plat. The resolution states the purpose of the replat is to create a new parcel to support training for the Seward Fire Department. Block 2 is currently serviced by public roads, municipal water, and electric. Block 5 is served by public roads and electric. An installation agreement with the City of Seward is not required.

Per the City of Seward P&Z Agenda Statement, the area consists of lots used for the City boat storage yard, AVTEC maritime training, improvements to support marine industrial trades, and the other parcels are currently undeveloped.

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.

A soils analysis report will not be required and an engineer will not need to sign the plat.

Utility Easements The plat is depicting the vacation of a utility vacation along the former lot lines. A petition to vacate has not been received by the planning department. The City of Seward resolution and agenda statement did not address the utility vacation. To proceed with the vacation will require the petition be approved by the City of Seward prior to being scheduled for the KPB Planning Commission. While the agenda statement did not discuss the utility easement vacation it does include comments regarding additional utility easements. The electric department stated they wanted to maintain existing utility easement and add 5 foot utility easements on interior lot lines of Lot 1 Block 5 and Lot 1 Block 2 in accordance with Plat 97.27. The public works department commented that they wanted to create a 30 foot public utility easement in that portion of Tract A3 to be eliminated for the purpose of future utility expansion. The requested easements do not appear to be present on the preliminary plat notes nor depiction. **Staff recommends** that the surveyor work with the utility providers and the City of Seward to provide the requested easements or approval from the utility providers.

A 25 foot drainage easement was granted along Block 2 and Block 5 but not within Tract A. **Staff recommends** the plat grant a 25 foot drainage easement within Lot 1 Block 2 over the portion of former Tract A3 to provide a continuous easement.

The plat SW 97-27 created 10 foot utility easements along all right of ways and 5 feet on all interior property lines. **Staff recommends** the 10 foot utility easement be depicted and labeled where Tract A4 abuts the Jellison Avenue and Sorrel Road right of ways.

The plat is showing a 10 foot utility easement within the new lots where they abut Tract A4 and states that the 10 foot utility easement is per plat 97-27. Parent plat SW 97-27 granted 5 foot utility easement along all interior lot lines. **Staff recommends** the 5 foot utility easement per SW 97-27 be depicted and labeled within Lot 1 Block 2, Lot 1 Block 5 and Tract A4.

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 comment or recommendations
ACS	
GCI	Approved as shown.
SEWARD ELECTRIC	Per the City of Seward staff report – Maintain existing utility easements and add 5-foot utility easements on interior lot lines of Lot 1 Block 5 and Lot 1 Block 2 in accordance with plat 91-27.
CHUGACH ELECTRIC	
TELALASKA	

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 3500 Mustang Avenue, 205 Delphin Street Street Names listed are correct. The City of Seward will advise on affected addresses.
Code Compliance – Eric Ogren	No Comment
Planner – Bryan Taylor	In the City of Seward, no review required.
Assessing – Adeena Wilcox	No comment
City of Seward – Fire Chief	No comment.

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

KPB 20.25.070 - Form and contents required.

- 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:

- *The subdivision name does not to include the new lot descriptions. If you wish to include the new parcel information within the title block make it clear that the parcels are being created with this platting action. The text should not be the same size as the subdivision name and should say "Creating Lot 1, Block 2...etc."*
- *The Polar Seafoods Replat was Amended. "Amended" needs to be added to the subdivision name.*
- *The acreage will need to be verified prior to final. KPB records show the acreage as 16.83.*
- *The name of owner is missing with the title block. Add the City of Seward and their address.*

- 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: *A township label needs added.*

- 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:

- All plat numbers depicted with SW 2014-7 will need corrected to Plat SW 2017-17.
- All plat numbers depicted with SW2015-4 will need corrected to Plat SW 2015-14.
- To the east, Block 6 has a plat number showing 97-27, correct to Plat SW 2001-2.
- North of Morris Avenue, correct Lot 3 to Lot 3A.
- South of Morris Avenue, correct Lot 1A-1 to Lot 1-A.
- Lot 3 Block 8, located west of Sorrel Road, needs the plat number corrected to SW 2002-22.
- Lots 1 and 2, located at the southern end of proposed Tract A4, need a “Block 8” label added and the recording number SW 97-27. Due to the lot size it may be best to label to the side and provide a leader to each lot.
- Block 10 surrounds the subdivision along the west. The existing labels, there are three, should include “Portion” as the legal description is for a remaining portion of block 10.
- Per code, the parcels east of Delphin Street should have labels.
- Per code, the parcels north of Jellison Avenue and south of Sorrel Road should also be labeled due to Tract A4’s design. **Staff recommends**, due to the size of the plat and the design of Tract A4, the Plat Committee concur that further lot labels and depictions north and south of the subdivision are not required.
- The surveyor should check the status of neighboring lots prior to submitting the mylar. There are currently two plat committee approved preliminary designs within the adjacent lands. The preliminary plat states proposed platting action on some of those lots. Current information is required and any potential or tentative land changes should not be reflected on the final.
- Former lot descriptions may be removed from the new lots on the final.

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: Add a plat note for being within a Special Flood Hazard Area. Per code, any area of a subdivision within the Seward Mapped Flood Data Area is to be shown and labeled on the plat.

KPB 20.30 Design Requirements

Platting staff comments: Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:

20.30.050. Legal access.

A. The applicant shall provide an access plan to the planning department verifying the existence of legal access to the subdivision boundary. The plan shall consist of the documents depicting the access, a map depicting the location of the access, and topographic information indicating that construction which meets the design requirements set forth in KPB Chapter 20.30 is practical and economical. In this title, legal access exists where an unrestricted, public right-of-way connects the subdivision to the state highway system, the state marine highway system or a regularly served public airport, and one of the following is met:

1. Ingress and egress will be provided over section line easements located within a surveyed section;
2. The applicant provides copies of borough-accepted recorded conveyances creating the public easement or right-of-way where the access is located;
3. That access is a State of Alaska maintained road or municipal maintained road;
4. The applicant provides documentation satisfactory to the borough demonstrating that public legal access is guaranteed through judicial decree; or
5. The right-of-way is an easement or fee interest at least 60 feet in width dedicated or irrevocably conveyed to the public and acceptable to the planning commission.

B. The following situations may qualify for a waiver of the legal access requirement:

1. Upon finding that no practical means of providing road access to a proposed subdivision exists and upon presentation of credible and convincing evidence by the applicant that permanent public access by air, water, or railroad is both practical and feasible, the planning commission may waive the legal access requirements of KPB 20.30.050(A). If access other than by road is approved, the mode of access shall be noted on the plat. .

2. Where only a 30-foot dedication exists over all or a portion of the legal access to a subdivision, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the other 30 feet will be dedicated in the future.

3. Where a road is in use for physical access but there is no right-of-way document for all or part of the access road, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the right-of-way will be dedicated in the future.

Staff recommendation: *All lots within this subdivision have legal access via Delphin Street, Jellison Avenue, and Nash Road. Interior lots are accessed by Tract A4. The plat note regarding the use of Tract A4 should be carried over from the parent plat.*

20.30.060. Easements-Requirements.

A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.

B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.

C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.

D. Unless a utility company requests additional easements, the front ten feet adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers.

Staff recommendation: *The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. Add a plat note for the 5 foot utility easements from parent plat. Depict and label the 5 foot utility easement on all interior lines per the parent plat. If difficult to depict due to scale a typical depiction can be used to show how the parent plat note applies. Per SW97-27 there were 10 foot utility easements granted along all right of ways. This would include the portions of Tract A4 that abuts dedicated right of ways. Depict and label the 10 foot utility easement where adjoining the Jellison Avenue and Sorrel Road right of way. **Grant utility easements requested by the utility providers.***

The plat is depicting a utility easement vacation. A petition to vacate has not been received. The City minutes, Resolution and staff report do not address the vacation. The agenda statement contains comments from public works and electric department requesting to leave existing utility easements and to create a new easement. This will need to be worked out with the city and utility providers.

The drainage easement should be continued over the portion of Tract A3 that is being combined into the lots.

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: *The curve at the intersection of Morris Avenue and Sorrel Road as an 80 foot radius. Concur that this platting action cannot provide additional area to create a curve with a radius of 200 feet at the intersection of Morris Avenue and Sorrel Road and an exception is not required.*

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: *A plat note that this falls under City of Seward zoning must be added to the plat.*

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 Seward does not meet the specified requirements for the application and consideration of different standards.*

20.30.280. Floodplain requirements.

B. Any area of the subdivision within the floodplain, floodway or Seward Mapped Flood Data Area (SMFDA) is to be shown and labeled on the plat.

Staff recommendation: *Depict and label the area affected by the Seward Mapped Flood Data Area.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Lots are/will be serviced by City of Seward sewer. A wastewater note must be added to the plat.

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: *There is a certificate of acceptance on the plat which can be removed as no public areas are being dedicated with this plat.*

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

Staff recommendation: *Per code, the boundary of the subdivision must be continuous line that is wider than any interior lot lines. The boundary depiction needs to be corrected along the 60 foot width of Tract A4 where Olga Street meets Jellison Avenue. A continuous, but thinner, line style must be used for interior lines specifically proposed Lot 1 Block 2 and Lot 1 Block 5.*

20.60.140. Block and lot numbering. Blocks and lots within each block shall be numbered consecutively or all lots shall be numbered consecutively. If possible, each block should be shown entirely on one sheet. Each lot shall be shown entirely on one sheet.

Staff recommendation: To avoid confusion, the former lot label, plat information, and acreage, can be removed from Lot 1 Block 2 and Lot 1 Block 5. Remove the zoning information for the final plat.

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: Place the following notes on the plat.

- Development of these lots is subject to the City of Seward's zoning regulations.
- Lots within this subdivision may be located within a designated flood hazard area; if such is the case, development must comply with Title 15 of the City of Seward's Charter and Code of Laws. A survey to determine the elevation of the property may be required prior to construction.
- Tract A4 is a service road access easement restricted to lessees, City, and other authorized personnel.
- WASTEWATER DISPOSAL: Plans for wastewater disposal that meet regulatory requirements are on file at the Alaska Department of Environmental Conservation.
- The front 10 feet adjacent to right-of-ways are a utility easement as granted by plat SW97-27. Additional 5 foot utility easements were granted on interior property lines. 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.
- Add a plat note for any exceptions granted and the date granted.

Plat note 1 can be removed prior to final plat submittal.

Plat notes 3A-3C will need to be removed unless a petition to vacate is submitted and approved. A blanket vacation as stated in 3C is not allowable. Easements to be vacated must be clearly depicted, or referenced and presented for a public hearing by the KPB Planning Commission. If easements were granted by separate documents they must be vacated or removed by the benefiting party by other means such as recording a document that terminates or releases the utility easement.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Update the certificate of ownership so correct pronouns are used. "I hereby certify that the City of Seward is the owner of the real property shown and described hereon and that I on behalf of the City of Seward hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-way and public areas to public use and grant all easements to the use shown." Staff also recommends adjusting the spacing within the Notary Acknowledgment as the current spacing will be difficult to sign and fill in information to be legible and not cover printed words. Acknowledgment is misspelled in "Notary Acknowledgment". Comply with 20.60.190.

20.60.200. Survey and monumentation.

Staff recommendation: Locate or reestablish survey markers at all property corners. Comply with 20.60.200

KPB 20.70 – Vacation Requirements

Staff Comments: A petition to alter or vacate the utility easements of record has not been submitted to KPB for review.

Staff recommendation. Approval from the City of Seward and a petition must be submitted for hearing.

EXCEPTIONS REQUESTED:

A. KPB 20.30.030 – Proposed street layout – requirements,
KPB 20.30.170 – Blocks – Length requirements
KPB 20.30.190 – Lots - Dimensions (Tract A3)

Surveyor's Discussion:

20.30.030 Proposed Street Layout

The new subdivision will be accessed by developed Tract A3 to the west and south, Jellison Avenue to the north and undeveloped Right-of-Way, Delphin Street to the east. Tract A3 is a developed 60' wide service road access easement restricted to lessees, City and other authorized personnel. The service access easement serves as legal access to many industrial parcels around this area.

20.30.170 Block length requirements

Tract A3 is a service access easement that is restricted to lessees, City, and other authorized personnel. The traffic is low volume and is not an arterial street or state-maintained road. Block 2 and Block 5 are not less than 330 feet and is no more than 1,320 feet.

20.30.190 Lots Dimensions for Tract 3

The purpose of Tract A3 is a service access easement that is restricted to lessees, City and other authorized personnel. The service access easement serves as legal access to many industrial parcels around this area.

Staff Discussion: Staff grouped these three exceptions as denial of any one of these will require a redesign of the subdivision and all are due to the design of the private access tract.

The creation of a tract for access purposes was created with Fourth of July Creek Subdivision Seward Marine Industrial Center, SW 97-27. The tract has been modified through the years to provide additional access, dedicate portions, or remove access that is no longer required, this platting action will be removing a portion of the private access tract where it is no longer needed.

An exception to block length was granted to Fourth of July Creek Subdivision Seward Marine Industrial Center Washdown Pad Replat, Plat SW 2014-17. That plat reconfigured lots contained within the boundary of Tract A3. Fourth of July Creek Subdivision Seward Marine Industrial Center Rainbow Replat, Plat SW 2015-14, also received an exception to block length and the lots were also surrounded by Tract A3.

The preliminary plat, Fourth of July Creek Subdivision Seward Marine Industrial Center Coastal Lots Replat KPB File 2021-039, received exceptions on April 26, 2021 to 20.30.030 projection of right of way and 20.30.170 Block Length.

If denied, this platting action will be required to dedicate a 60 foot wide right of way for Tract A4.

Findings:

1. Proposed Lot 1 Block 2 has dedicated access from Jellison Avenue and Delphin Street.
2. Proposed Lot 1 Block 5 has dedicated access from Delphin Street.
3. Proposed Tract A4 has dedicated access from Nash Road, Jellison Avenue, Sorrel Road, and Delphin Street.
4. The proposed lots will have restricted access available from Tract A4.
5. Tract A4 contains a developed service road which provides restricted physical access for the lessees, City officials, and other authorized personnel.
6. The service access easement serves as legal access to many industrial parcels around the area.
7. The City of Seward is the owner of the subdivision.
8. The City of Seward is the owner of Tract A4, which provides access to the subdivision.
9. The Seward Planning and Zoning Commission reviewed and recommended approval of the preliminary plat on March 2, 2021.
10. Lots bordered by Tract A4 are owned and managed by the City of Seward.
11. Previous plats in the area were approved with similar design.
12. Tract A4 is 60 feet in width and designed so that it could be dedicated in the future if the need arises.

13. A dedication to right of way in place of Tract A4 will provide adequate right of way, compliant blocks, and required access for neighboring lots.

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 1-13 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 1-13 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 1-13 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 Ecklund opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

Ms. Hindman asked Commissioner Ecklund if she had heard and acted on this item at the City of Seward Planning Commission. Commissioner Ecklund replied yes and recused herself from voting on this item.

MOTION: Commissioner Venuti moved, seconded by Commissioner Gillham to grant preliminary approval to Fourth of July Creek Subdivision Seward Marine Industrial Center Fire Department Replat based on staff recommendations and compliance to borough code.

AMENDMENT: Commissioner Venuti moved seconded by Commissioner Gillham to grant exception request to KPB 20.30.030-Proposed Street Layout Requirements, KPB 20.30.17-Block Length Requirements & KPB 20.30.190-Lot Dimensions for Tract A3, citing findings 1-13 in support of standards one, two & three.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

Yes	5	No	0	Recused	1	Absent	1
Yes	Gillham, Martin, Morgan, Venuti						
No							
Recused	Ecklund						
Absent	Carluccio						

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

MAIN MOTION PASSED BY UNANIMOUS VOTE

Yes	5	No	0	Recused	1	Absent	1
Yes	Gillham, Martin, Morgan, Venuti						
No							
Recused	Ecklund						
Absent	Carluccio						

AGENDA ITEM E. NEW BUSINESS

ITEM 4 - Kings Creek 2021 Replat

KPB File No.	2021-081
Plat Committee Meeting:	June 28, 2021
Applicant / Owner:	John A. Baker of Elko, Nevada
Surveyor:	Stephen C. Smith / Geovera, LLC
General Location:	Mile 9.5 East End Road Wilderness Lane and Sarah Street / Kachemak APC
Parent Parcel No.:	172-460-25
Legal Description:	Lot 5, King's Creek 5 Plat HM 84-79
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 6.6 acre lot into two lots, one being 1.5 acres and the other 5.134 acres.

Legal Access (existing and proposed): The subdivision is located on Wilderness Lane, a 60 foot right of way maintained by the borough. Wilderness Lane is off KPB maintained Walters Street, which is located around mile 9.5 of state maintained East End Road. Wilderness Lane is constructed past the subdivision but per KPB GIS data is only maintained to Sarah Street.