

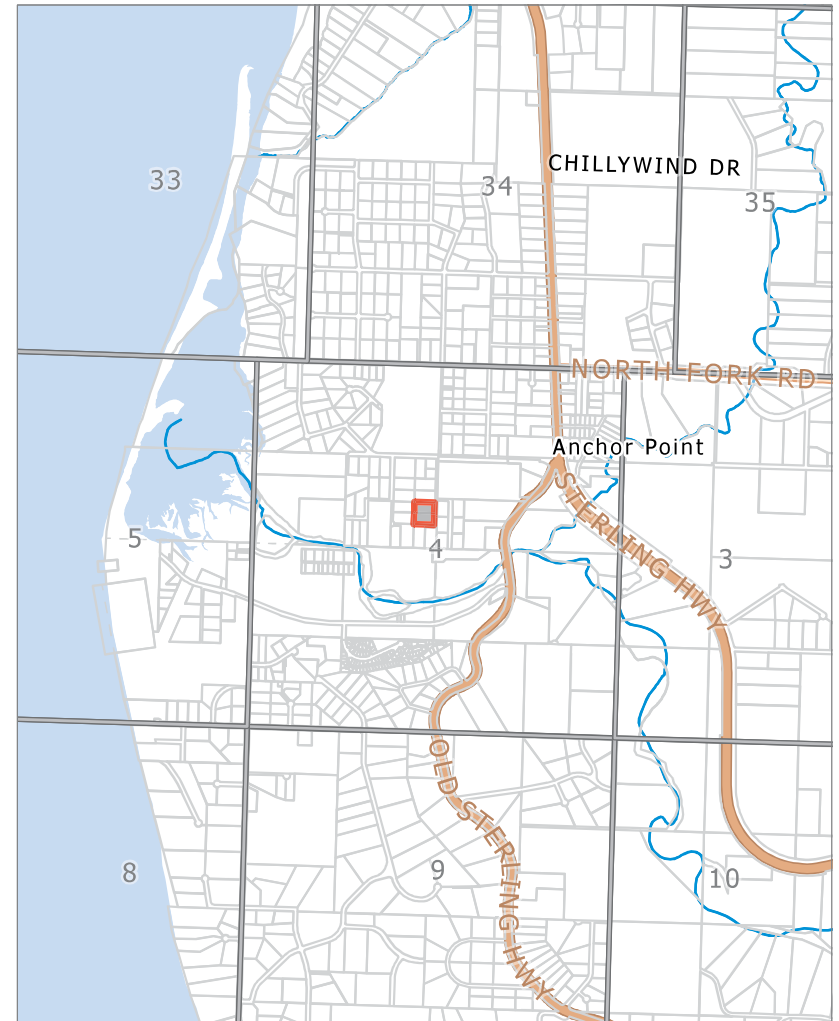
E. NEW BUSINESS

3. Marysville 2023; KPB File 2023-106

Geovera, LLC / Emmitt & Mary Trimble Joint Revocable Trust

Location: Birch Street

Anchor Point Area / Anchor Point APC



KPB File 2023-106
T 05S R 15W SEC 04
Anchor Point



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

1. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.

2. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

3. THE FRONT 10 FEET AND THE ENTIRE BUILDING SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A UTILITY EASEMENT.

3. 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.

4. 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.

5. THESE LOTS ARE SERVED BY THE ANCHOR POINT SAFE WATER CORPORATION PUBLIC WATER SYSTEM (PWS #247490).

6. NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOTS AND THERE COULD BE POSSIBLE LIMITATIONS ON FURTHER SUBDIVISION BASED ON ACCESS ISSUES, DEVELOPMENT TRENDS IN THE AREA, OR TOPOGRAPHY.

7. DEVELOPMENT IN THESE LOTS IS SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED FEBRUARY 9, 2011 (HM 2011-000476-0). THE BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS OR DEED RESTRICTIONS.

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES ON THE LOTS WITHIN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER _____ LICENSE # _____ DATE _____

LINE	BEARING	DISTANCE
L1	N 59°56'18" E	23.10'
L2	N 60°03'42" W	23.09'

- INDICATES 5/8" REBAR WITH 2" ALCAP (5780-S, 2007) RECOVERED THIS SURVEY
- ⊗ INDICATES MONUMENT OF RECORD
- INDICATES 3/4" IRON PIPE (268-S NO DATE) RECOVERED THIS SURVEY
- INDICATES 5/8" REBAR WITH 2" ALCAP (3686-S 1986) RECOVERED THIS SURVEY
- INDICATES 5/8" X 30" REBAR WITH 2" ALCAP (7538-S, 2023) SET THIS SURVEY

() RECORD DIMENSION PER PLAT 2002-77

THIS PLAT WAS APPROVED BY THE KENAI
PENINSULA BOROUGH PLANNING COMMISSION AT
THE MEETING OF

BY: _____
 AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH

 DATE

MONUMENT OF RECORD PLAT 2007-9
CN1/16 COR SEC 4 5780-S 2002
(MONUMENT NOT FOUND)

SCALE 1"=50'

LOT 1, BLK
HM 77-19

LOT 2, BLK
HM 77-19

50' RADIUS TURNAROUND
ESMT. PER HM 2307-000740-0

● C1/4 SEC. 4

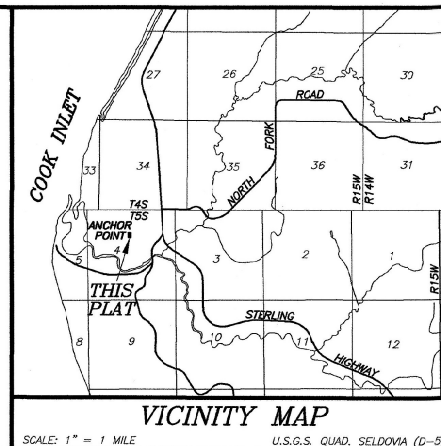
FOR EMMITT D. TRIMBLE AND MARY E. TRIMBLE
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2023.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES:

0 50' 100' 150' 200'

GRAPHIC SCALE



WE, THE UNDERSIGNED, HEREBY CERTIFY THAT THE EMMITT AND MARY TRIMBLE JOINT REVOCABLE TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE EMMITT AND MARY TRIMBLE JOINT REVOCABLE TRUST, WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

EMMITT D. TRIMBLE
CO-TRUSTEE, EMMITT AND MARY TRIMBLE
JOINT REVOCABLE TRUST
PO BOX 193
ANCHOR POINT, ALASKA 99556

MARY E. TRIMBLE
CO-TRUSTEE, EMMITT AND MARY TRIMBLE
JOINT REVOCABLE TRUST
PO BOX 193
ANCHOR POINT, ALASKA 99556

HOMER RECORDING DISTRICT KPB FILE No. 2023-???

BEING A SUBDIVISION OF LOTS 7 AND 8,
MARYSVILLE NO. 4 (2007-9 HRD)
LOCATED WITHIN THE SE1/4 SE1/4 NW1/4, SEC 4,
T. 5 S., R. 15 W., SEWARD MERIDIAN, KENAI PENINSULA
BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA
CONTAINING 1.000 ACRES

OWNERS:
EMMITT AND MARY TRIMBLE JOINT REVOCABLE TRUST
PO BOX 193 ANCHOR POINT, AK 99556

PO BOX 3235
HOMER ALASKA 99603
(907) 399-4345
EMAIL: scsmith@qci.net

DRAWN BY: SCS	DATE: OCTOBER 2023	SCALE: 1" = 50'
CHK BY: SCS	JOB #2023-44	SHEET 1 OF 1

AGENDA ITEM E. NEW BUSINESS

**ITEM #3 - PRELIMINARY PLAT
MARYSVILLE 2023**

KPB File No.	2023-106
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	Emmitt and Mary Trimble Joint Revocable Trust of Anchor Point, Alaska
Surveyor:	Stephen Smith / Geovera, LLC
General Location:	Anchor Point / Anchor Point APC

Parent Parcel No.:	169-040-40 and 41
Legal Description:	T 5S R 15W SEC 4 Seward Meridian HM 2007009 Marysville Sub No 4 Lot 7 and 8
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Community Water / On site Sewer
Exception Request	20.30.120

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide two lots into four lots ranging in size from 21,528 square feet (.494 acres) to 24,780 square feet (.569 acres).

Location and Legal Access (existing and proposed): This subdivision is accessed via Sterling Highway at approximately mile marker 157 to School Avenue to Birch Street. Birch Street has varying widths and is not currently maintained but is constructed to the property. The portion the subdivision fronting along Birch Street is 40-foot-wide along the east boundary. Birch Street was granted an exception on the parent plat for the reduced width. No additional dedication is proposed with this plat.

The Planning Commission granted this exception at the January 24, 2005 meeting. The following paragraph was taken from the minutes of the 2005 meeting "It is not reasonable to assume the proposed Birch Street half dedication will ever be matched from the adjoining small acreage lots. Staff worked with the developer and the subdivision will be redesigned to provide a 40-foot right-of-way. This will require an exception that will be addressed further in this report. The 40-foot dedication will be open-ended, with no cul-de-sac. The owner will reserve a temporary turnaround/maintenance easement large enough to accommodate a 50-foot radius turnaround at the end of the dedication. This will be reserved for emergency vehicle use to satisfy the needs of the Uniform Fire Code, and for road maintenance/snow storage turnaround purposes, if need. The easement will be reserved/granted by document, with the recording information provided on the plat, to allow a change in the easement by document if the status of the right-of-way or adjoining subdivisions ever change."

It is unlikely for additional rights-of-ways to be obtained in this area due to location of existing roads and structures. There are also large unsubdivided parcels to the south and the Anchor River State Recreation Area. ***Staff recommends: the plat committee concur an exception to block length is not required.***

There are patent easements located within the Birch Street right-of-way. At this time KPB does not have any code that addresses vacations of patent easements and removal of those easements would happen outside of KPB platting actions. ***Staff recommends: the depiction of the patent easements be carried forward.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott
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	Comments: Birch St will not qualify for maintenance without additional dedication and alignment corrections. If resolved, it would be positive to see the plat granted turnaround easement formally dedicated.
SOA DOT comments	No comment

Site Investigation:

There is no steep terrain on the plat and land is flat on proposed subdivision with a slight slope to the south.

There are no classified wetlands, the plat note regarding wetland determination is present and can remain. The area is in a flood hazard area as designated by FEMA maps and noted by the River Center below, appropriate plat notes for flood hazard should be added.

According to Assessing records both lots are vacant at this time.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: X (shaded) Map Panel: 02122C-1890E 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: Comments:</p>
State of Alaska Fish and Game	

Staff Analysis These parcels were originally aliquot described parcels subdivided by Marysville No 4 HM 2007-9. No additional platting actions have happened for the subject parcels.

Per KPB Code 20.30.200(C) – Lots-Minimum size there are two conditions that are required to be met if lot size is smaller than 40,000 square feet. Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

C. Subdivisions designed to be served by public wastewater disposal and water systems but not yet served by such systems may be permitted to contain lots of less than 40,000 square feet if the following conditions are met:

1. The available area may be reduced to 20,000 square feet when public water or wastewater disposal system is available, complying with KPB 20.40;

2. A statement from an engineer affixed with his seal and signature attesting that the proposed lot design and associated building restrictions will assure adequate area is available to each building site for safe on-site well and wastewater disposal, including area for a replacement wastewater disposal system.

A soils report will be required and an engineer will be required 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.

Anchor Point Advisory Planning Commission minutes for the November 9, 2023 meeting 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, HM 2007-9, granted ten-foot utility easements along Birch Street and appear to be shown and notated correctly.

The Certificate to Plat did not indicate any additional easements that need to be added to 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	No comment
ENSTAR	
ACS	No comment
GCI	

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn</p> <p>Affected Addresses: 34395 BIRCH ST, 34427 BIRCH ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: BRICH ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 34395 BIRCH ST will remain with lot 8A</p>
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	34427 BIRCH ST will remain with lot 7A
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan 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: Windsor, Heather Comments: No comment
Anchor Point Advisory Planning Commission	

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

- Add KPB No 2023-106 to title block.
- *Correct the numbering of the plat notes.*
- *Add a distance on the back of Lot 8B.*
- *Add the meeting date of November 13th, 2023 to the Plat Approval.*
- *Reference plat in the legend should be HM 2007-9.*

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: *Add labels for Anchor Point Road and Old Sterling highway. It could also be beneficial to reduce the visible area.*

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.*

20.30.280. Floodplain requirements.

- C. All subdivisions which are wholly or partially located within flood hazard areas as defined by KPB 21.06.030 must comply with KPB 21.06.050 standards for Floodplain Management.
- D. All subdivisions or replats within the Flood Insurance Rate Map (FIRM) area or SMFDA, as amended, as defined by KPB 21.06.030, shall contain the following note:

FLOOD HAZARD NOTICE:

Some or all of the property shown on this plat has been designated by FEMA or the Kenai Peninsula Borough Seward Mapped Flood Data Area 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.

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: to comply with 20.40 conditions one and two of 20.30.200I will need to be met.

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.

20.60.090 Improvements-Other public systems. A final plat of a subdivision outside city limits served by a public or existing ADEC approved water or wastewater disposal system shall not be approved prior to provision of documentation from the owner of the system that service to the system is installed and available to each lot in the subdivision, and that connection to all lots will not exceed the capacity of the system.

Staff recommendation: documentation from the Anchor Point Safe Water Corporation Public Water System confirming the lots will be able to connect shall be submitted to staff.

EXCEPTIONS REQUESTED:

A. KPB 20.30.120 – Streets – Width requirements

Surveyor's Discussion: I recently submitted the preliminary plat of Marysville 2023. An exception to KPB 20.20.110 minimum width for the Birch Street right-of-way was granted on 1/24/2005 per plat note 11 of the parent plat, which I carried over on the new plat. I would like to officially request an exception to KPB 20.30.120 Streets – Minimum Width.

Staff Discussion:

20.30.120. - Streets—Width requirements.

A. The minimum right-of-way width of streets shall be 60 feet.

Findings:

1. The exception was previously granted by the Plat Committee at the January 24, 2005 meeting for plat HM 2007-9.
2. Birch Ave is 20' short of minimum width.
3. Lots within the subdivision will all have direct access to Birch Street.
4. Per the cul-de-sac easement recorded under serial number 2007-000740-0: Road maintenance, snow storage and emergency vehicle turnaround area will be accommodated by the easement.
5. Title to the turnaround easement remains with the property owners.
6. The subdivision is creating 4 new lots.
7. Parent plat HM 2007-9 granted the existing portion of Birch Street.

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 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, 3, 4 & 7 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, 3-7 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, 3-7 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.

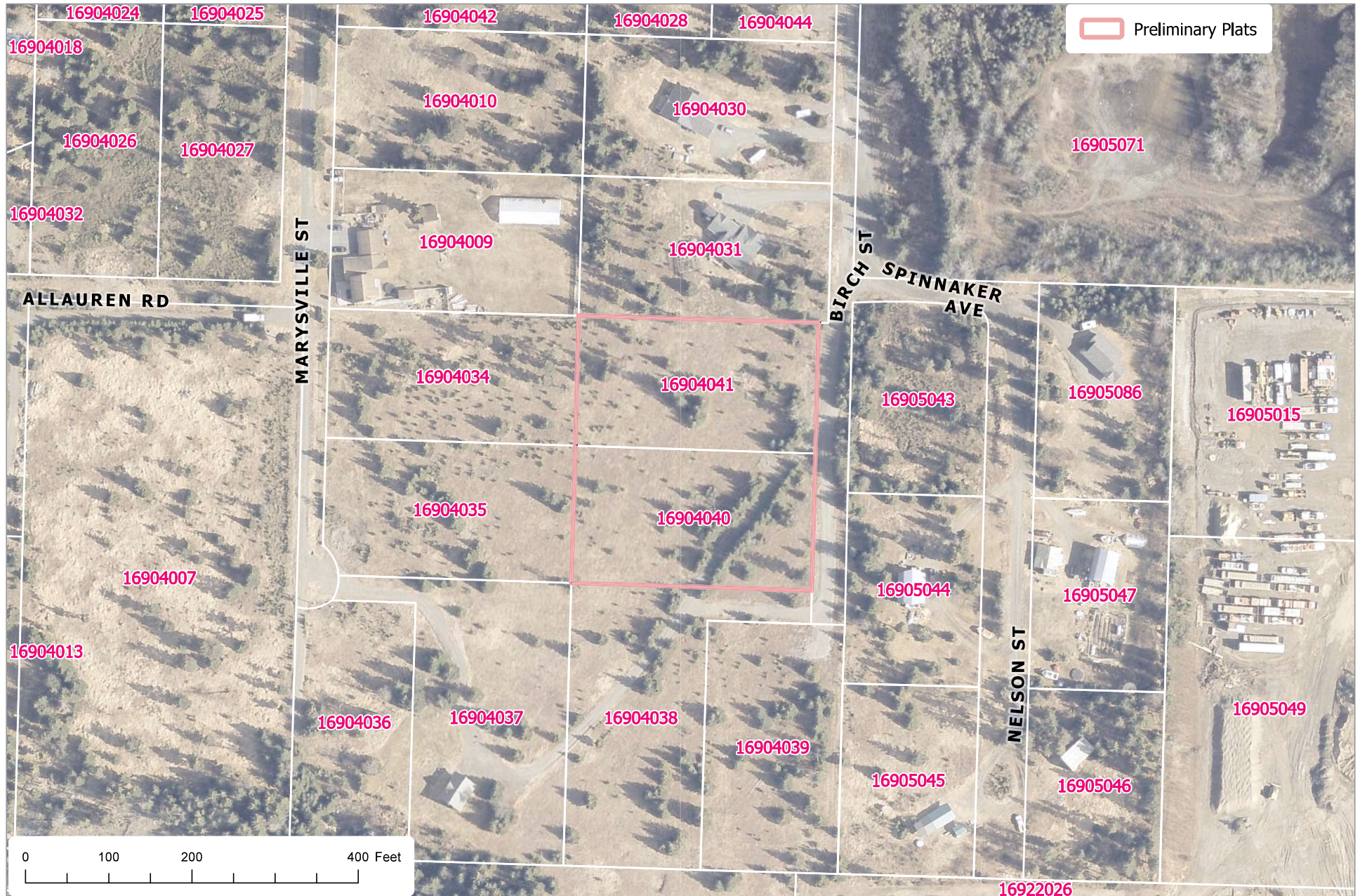
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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



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KENAI PENINSULA BOROUGH PLAT COMMITTEE
ASSEMBLY CHAMBERS
BOROUGH ADMINISTRATION BUILDING
144 NORTH BINKLEY STREET
SOLDOTNA, ALASKA

January 24, 2005 - 6:30 P.M.

APPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

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

AGENDA ITEM B. ROLL CALL

Plat Committee Members

Rick Foster, Homer City
Mari Anne Gross, Southwest Borough
Lynn Hohl, Seward City
Blair Martin, Kalifornsky Beach
Ray Tauriainen, Northwest Borough

Staff Present

Max Best, Planning Director
Mary Toll, Platting Officer
Patti Hartley, Administrative Assistant

Others Present

Jerry Johnson, Johnson Surveying
Emmitt Trimble

AGENDA ITEM C. APPROVAL OF AGENDA

1. Agenda
2. Plat Committee Member/Alternate Excused Absences – None Requested
3. Minutes
 - a. January 10, 2005

MOTION: Commissioner Gross moved, seconded by Commissioner Hohl, to approve the agenda, member/alternate excused absences, and minutes. Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

AGENDA ITEM D. SUBDIVISION PLAT PUBLIC HEARINGS

1. Marysville No 4
 KPB 2004-277; Imhoff/Trimble

Staff Report as read by Patti Hartley

Plat Committee Meeting: 1/24/05

This plat was originally scheduled for review at the October 25, 2004 Plat Committee. At the request of the owner, action was postponed to January 24, 2005 meeting. This gave the owner time to meet with staff and resolve some design concerns.

Half rights-of-way ending in half bulb cul-de-sacs were proposed along both the east and west boundaries. The parcel

to the west has been selected as a Borough municipal entitlement. The state would retain the southern portion of the parcel. The plat shows the 33-foot patent easement on that parcel. The required match would be located within the eventual Borough-owned portion of the parcel. Staff had originally requested an offset bulb into the new subdivision since the fully required 50-radius match would not be encompassed within the 33-foot easement. With the potential for future borough ownership, staff is removing this recommendation for an offset bulb. The proposed half dedication is an acceptable design on the west boundary. **Staff recommends** the surveyor work with KPB GIS to verify the suffix since it will now be a cul-de-sac.

The lots to the east are .86 acre (37,400 SF) subdivided lots. They are served by frontage on Nelson Street. KPB 20.20.100 notes that half streets shall generally not be allowed except where one of the following circumstances applies:

1. The street is identified on the Borough road plan as arterial;
2. The street is a logical extension of an existing street;
3. The remaining half street can reasonably be expected to be dedicated.

It is not reasonable to assume the proposed Birch Street half dedication will ever be matched from the adjoining small acreage lots. Staff worked with the developer and the subdivision will be redesigned to provide a 40-foot right-of-way. This will require an exception that will be addressed further in this report. The 40-foot dedication will be open-ended, with no cul-de-sac. The owner will reserve a temporary turnaround/maintenance easement large enough to accommodate a 50-foot radius turnaround at the end of the dedication. This will be reserved for emergency vehicle use to satisfy the needs of the Uniform Fire Code, and for road maintenance/snow storage turnaround purposes, if need. The easement will be reserved/granted by document, with the recording information provided on the plat, to allow a change in the easement by document if the status of the right-of-way or adjoining subdivisions ever change.

The adjacent lots to the east are effectively double frontage lots even without a dedication, by virtue of the patent easement. The proposed dedication will only change this situation in that it will give regulation and enforcement of that access to a specific public entity – the Kenai Peninsula Borough.

The existing driveway angling through 4 of the 8 lots in the subdivision will be abandoned and the owner will construct access within the proposed dedications.

Both parcels to the south have access provided by existing dedications or public easements. Dedicated access does not appear to be necessary.

The owner may pursue vacation of a portion of the patent easements affecting the subdivision in a future, separate action.

Per the submittal, topography is almost flat to the top of the bluff above the Anchor River. The subdivision is located within uplands, with no low wet areas within the boundaries.

Satellite imagery shows two cleared travel ways or drainages in the western portion. One extends through the subdivision to the area around the Anchor River. **Staff recommends** the travel ways be shown and their uses noted on the plat.

Per Planning Commission Resolution 2000-25, if the Certificate to Plat indicates any beneficial interests affect this property, they will be notified and given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

Anchor Point Advisory Planning Commission recommended approval of the original design.

Staff recommends any exceptions granted by the Plat Committee be noted on the final plat.

Exceptions requested:

A. KPB 20.20.110 Minimum right-of-way width for Birch Street

Staff discussion: A 40-foot right-of-way is acceptable if it serves no more than 3 lots. The owner's proposed 40-foot dedication will serve 4 lots.

Findings:

1. The parcel is served by a 33-foot patented ROW reserve.
2. There is no limit to the amount of development that could take place on the unsubdivided parcel.
3. The amount of use of the easement associated with development of the unsubdivided parcel cannot be estimated.
4. The subdivision will create individual lots, 4 of which will be accessed by way of the proposed dedication.
5. Development will be limited by lot size.
6. Development may be further limited if covenants or restrictions are placed upon the lots by the owner.
7. Regulation authority for use of the patent easement is not clearly defined or accepted by any public entity.
8. Regulation of a Borough accepted dedication is clearly defined and accepted by the Kenai Peninsula Borough.
9. The 40-foot dedication will be approximately 300 feet in length, a short right-of-way.
10. The parcels within the adjacent 1977 subdivision front on Nelson Street, a constructed right-of-way.
11. Road maintenance, snow storage and emergency vehicle turnaround area will be accommodated by easement.

Planning staff has reviewed this request and recommends granting the exception.

20.24.010 provides that the commission may authorize exceptions to any of the requirements set forth in Title 20. This section also states - The commission shall find the following facts before granting any exceptions:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-11 appear to satisfy this condition.
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 satisfy this condition.
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 condition.

Staff requests and recommends the commission make their findings, tying them specifically to each of the above three facts, and vote on the requested exceptions in a separate motion.

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

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

1. Provide a north arrow per KPB 20.12.060.
2. Vicinity Map – label prominent features, such as the Anchor River, Old Sterling Highway.
3. Confirm the names of adjacent subdivisions.

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

4. Correct spelling of Plat in status label to the east.
5. Correct suffix of Marysville Street. Verify with KPB GIS.
6. Survey and monumentation must meet the ordinance requirements.
7. Place a note on the plat for lots with a flag lot design: "No structures are permitted within the panhandle portion of the flag lots."
8. Provide the building setback statement to comply with KPB 20.20.230.
9. Conform to conditions of KPB Planning Commission Resolution 78-6.
10. Comply with Chapter 20.16.155 D and 20.14 Wastewater Disposal regulations.
11. Compliance with Ordinance 90-38 (Substitute) - Ownership.
12. Compliance with Ordinance 93-59 - Payment of all taxes due prior to final approval. If final approval and filing of

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

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

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

END OF STAFF REPORT

Chairman Martin read the rules by which hearings are conducted.

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

There being no discussion, the Committee proceeded to vote.

MOTION: Commissioner Gross moved, seconded by Commissioner Tauriainen to grant approval of exception 20.20.110; Minimum right-of-way width for Birch Street citing the findings stated by staff.

Findings

1. The parcel is served by a 33-foot patented ROW reserve.
2. There is no limit to the amount of development that could take place on the unsubdivided parcel.
3. The amount of use of the easement associated with development of the unsubdivided parcel cannot be estimated.
4. The subdivision will create individual lots, 4 of which will accessed by way of the proposed dedication.
5. Development will be limited by lot size.
6. Development may be further limited if covenants or restrictions are placed upon the lots by the owner.
7. Regulation authority for use of the patent easement is not clearly defined or accepted by any public entity.
8. Regulation of a Borough accepted dedication is clearly defined and accepted by the Kenai Peninsula Borough.
9. The 40-foot dedication will be approximately 300 feet in length, a short right-of-way.
10. The parcels within the adjacent 1977 subdivision front on Nelson Street, a constructed right-of-way.
11. Road maintenance, snow storage and emergency vehicle turnaround area will be accommodated by easement.

VOTE: The motion passed by unanimous consent.

FOSTER YES	GROSS YES	HOHL YES	MARTIN YES	TAURIAINEN YES	5 YES
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MOTION: Commissioner Foster moved, seconded by Commissioner Gross to grant approval of the preliminary plat per staff recommendations and twelve conditions.

Conditions

1. Provide a north arrow per KPB 20.12.060.
2. Vicinity Map – label prominent features, such as the Anchor River, Old Sterling Highway.
3. Confirm the names of adjacent subdivisions.
4. Correct spelling of Plat in status label to the east.
5. Correct suffix of Marysville Street. Verify with KPB GIS.
6. Survey and monumentation must meet the ordinance requirements.
7. Place a note on the plat for lots with a flag lot design: “No structures are permitted within the panhandle portion of the flag lots.”
8. Provide the building setback statement to comply with KPB 20.20.230.
9. Conform to conditions of KPB Planning Commission Resolution 78-6.

10. Comply with Chapter 20.16.155 D and 20.14 Wastewater Disposal regulations.
11. Compliance with Ordinance 90-38 (Substitute) - Ownership.
12. Compliance with Ordinance 93-59 - Payment of all taxes due prior to final approval. If final approval and filing of plat is sought between January 1 and the tax due date, the full amount of the estimated taxes will be on deposit with the Finance Department.

VOTE: The motion passed by unanimous consent.

FOSTER YES	GROSS YES	HOHL YES	MARTIN YES	TAURIAINEN YES	5 YES
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AGENDA ITEM D. SUBDIVISION PLAT PUBLIC HEARINGS

2. Ninilchik Airport Heights 2005 Addition
KPB 2005-025; Imhoff/Trimble

Staff Report as read by Patti Hartley

Plat Committee Meeting: 1/24/05

Location: South of Oilwell Road in Ninilchik
 Proposed Use: Residential, Recreational
 Zoning: Unrestricted
 Sewer/Water: On-site
 Assessing Use: Vacant

Supporting Information:

The parcels proposed for subdivision were presented to the Planning Commission in March and June 1996 and the Plat Committee in April 1997. The plat was repeatedly brought to the Commission and Committee due to staff's strong concerns regarding access and the airstrip. The plat was not finalized.

Ownership of the property and the surveying firm has changed since that time. A new preliminary has been submitted.

The current plat subdivides that portion of the property fronting Oilwell Road, excluding the airstrip area. Ten lots are being created that range in size from 1.6 acres to 2.3 acres. A soils report will be required, and an engineer will sign the plat. Per the submittal, topography is fairly level. The plat proposes the following dedications:

- 30-foot dedication of Brody Street, a section line easement, on the western side of Lot 1,
- 20-foot dedication of Stinson Court on the western side of Lot 4, bringing it to a full 50-foot dedication per the Code, and
- 30-foot half right-of-way of Aeronca Street on the eastern side of Lot 10.

Staff met with the owner regarding the proposed design. He is not proposing any design within the unsubdivided remainder until he can resolve the airstrip easement with the State of Alaska. He will redesign the final subdivision to provide a dedication along the existing travel way, as was shown on the prior 1996 preliminary, unless it is feasible for him to construct the alternate proposed access within the area of Aeronca Street, prior to final plat. The terrain may not be as suitable for road dedication/construction within Aeronca Street as it is in the existing travel way. Access to the unsubdivided remainder will be provided with this plat and access to the surrounding acreage parcels will be provided when the remainder is subdivided. **Staff recommends** Note 7 be removed.

The 33-foot section line easement along the western and southern boundaries of the unsubdivided remainder has been shown.

The surveyor found differences in the location of Oilwell Road among the recorded plats for Handlers Hill, Fishhaven, and Tract B Ninilchik Airpark Heights. He will attempt to resolve the differences for the final plat.

The Certificate to Plat was provided in accordance with Planning Commission Resolution 2000-25. The Certificate to Plat indicates beneficial interests affect this property. The beneficial interests were notified and given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest