

C. CONSENT & REGULAR AGENDAS

Item: *3. April 26, 2021 Plat Committee Minutes

Kenai Peninsula Borough

Plat Committee

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

April 26, 2021
6:00 p.m.
UNAPPROVED MINUTES

A. CALL TO ORDER

Commissioner Carluccio called the meeting to order at 6:00 p.m.

B. ROLL CALL

Plat Committee Members/Alternates

Pamela Gillham, Ridgeway
Paulette Carluccio, City of Seldovia
Cindy Ecklund, City of Seward
Robert Ruffner, Kasilof/Clam Gulch
Franco Venuti, City of Homer

Staff Present

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

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

*3. April 12, 2021 Plat Committee Meeting Minutes

Chair Carluccio asked if anyone wanted to speak on an item not on the agenda. Hearing no one wanting to speak, public comment was closed.

MOTION: Commissioner moved Ecklund seconded by Commissioner Ruffner, to approve the agenda and the minutes from the April 12, 2021 Plat Committee meeting.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0	Absent	0
Yes	Carluccio, Ecklund, Gillham, Ruffner, Venuti				
No					

E. NEW BUSINESS

Chair Carluccio asked Ms. Shirnberg to read the procedures by which public testimony would be taken

AGENDA ITEM E. NEW BUSINESS

1. Anchor River S J Chapman Jeppesen 2021 Replat
KPB File No. 2021-040; Stephen C. Smith/Kyllonen

Location:	Sterling Hwy and Chapman St, Anchor Point
Proposed Use:	Residential/Commercial
Water/Sewer:	Onsite and City/Onsite
Zoning:	Rural Unrestricted
Assessing Use:	Residential, General Commercial
Parent Parcel Number(s):	169-050-77, 169-050-78, 169-050-81

Staff report given by Scott Huff.

Supporting Information:

The proposed plat creates six tracts from three tracts ranging in size from 1.303 acres to 2.663 acres. Per the preliminary plat, Tract 3-A-1 and Tract 4-A-1 are served by the Anchor Point Safe Water Corporation Public Water System. Staff is requesting proof of connection or proof of approval to connect. A soils report is required for all lots, and an engineer will sign the plat.

Two of the tracts are accessed via State of Alaska DOT maintained Sterling Highway. These tracts have structures in place that are currently leased for the Alaska State Troopers Anchor Point post. Chapman Street provides access to the other four tracts. Chapman Street is a 60 foot dedicated right of way. Per KPB GIS, the right of way is constructed but not maintained by KPB Roads.

Notice of the proposed plat was mailed to the two beneficial interest holders on March 31, 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.

Anchor Point 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.

KPB satellite imagery indicates this property may contain wet areas. The surveyor will need to confirm if the property is affected by any low wet areas. If so. **Staff recommendation:** place a note on the final plat indicating 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.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

Exception Requested:

KPB 20.30.190 – Lots Dimensions (Tract 4-A-1, length to width ratio)

Surveyor's Discussion: Original Tract 4-A is the property where the State Troopers Anchor Point headquarters is located. The septic system for their building is on existing Tract 3B as well as their impound yard. This plat combines a portion of Tract 3B with Tract 4-A so that both the impound yard and the septic system are on the same Tract as the trooper building and vehicle shed. The reconfigured Tract 4-A-1 has a slightly greater depth to width ratio as a result.

Staff Discussion: Per KPB Code 20.30.190(A), "...the average depth shall be no greater than three times the average width." Proposed Tract 4-A-1 has a ratio of 3.6:1.

If denied, the lot configuration will need to be redesigned to comply with the 3:1 depth to width ratio for Tract 4-A-1.

Findings:

1. The proposed design will result in a ratio of 3.6:1.
2. Required ratio is 3:1.
3. State Troopers Anchor Point Post is located on the proposed tract.
4. The proposed design will allow for the septic system to be on the same tract as the State Trooper Building.
5. The proposed design will allow for the impound yard to be on the same tract as the State Trooper Building.
6. To make the tract comply, proposed Tract 3-A-1 will need to be reduced by almost 30 feet resulting in approximately 122 feet of frontage along the Sterling Highway.
7. Current design gives each tract equal frontage along the Sterling Highway.

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 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 4-7 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 4-7 appear to support this standard.

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review:
 - 34115 Sterling Hwy will remain with Tract 4-A-1
 - 34145 Sterling Hwy will remain with Tract 3-A-1
 - 34104 Chapman St will remain with Tract 3-B-1
 - Alder St should be Chapman St.
- KPB Assessing: No comments.
- KPB Code Compliance: No comments.
- KPB Planner: There are no location option zoning district issues or material sites associated with this subdivision.
- KPB Roads Dept.: Within KPB jurisdiction, no comments.
- State Parks: No comments.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise 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;
Platting Staff Comments: Per Resolution SN 2017-01, Alder Street is now Chapman Street. The Sterling Highway centerline information should be shown and the source of the information should be noted. The project may be noted within a plat note or on the face of the plat within the right of way depiction.
Staff recommendation: Update the right of way information 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: Provide labels for the Old Sterling Highway and Anchor River.
- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Staff recommendation: Correct Alder Street to Chapman Street.

- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
Platting Staff Comments: Per KPB GIS data, a portion of proposed Tract 3B-1 contains wetlands.
Staff recommendation: Confirm if the area is affected by low wet areas and if so, depict and label the location on the plat.
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Platting Staff Comments: Per KPB GIS data, there appears to be steep slopes behind the garage on proposed Tract 4-A-1 and into Tract 3-A-1. These slopes appear to be roughly 30 percent but do not appear to affect the use of the lots.
Staff recommendation: Depict any steep slopes found during the field survey.

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

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:

20.30.030. Proposed street layout-Requirements.

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

State Department of Transportation Comments: The ROW for the Sterling Highway is 50' each side of centerline. See various ROW maps, including F-021-1(1), page 1, dated 11/13/1957, F-021-1(10), sheet 1 dated 1982 and F-021-1(366) sheet 6, dated 1994.

Staff recommendation: Update the Sterling Highway ROW information per the State of AK DOT comments. Per the Certificate to Plat, provide a plat note referencing the Reservation of Easement for the Sterling Highway.

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 of the building setback shall be designated as a utility easement, graphically or by note.
Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from ACS and GCI were not available when the staff report was prepared.

HEA and ENSTAR supplied reviews of no comments / no objections / no concerns.

Per parent plat HM 2009-56, utility easements were granted within the front 10 feet of the building setback and the entire 20 foot building setback within 5 feet of the side lot lines. This plat will carry forward the utility easements of record and grant 20 foot easements within 5 feet of the side lot lines for the new parcels along Chapman Street. The plat note needs revised to read "Plat HM 2009-56 granted utility easements along the front 10 feet and the entire building setback within 5 feet of side lot lines. This plat will be granting the utility easements within the full setback within 5 feet of all new side lot lines."

Underground telephone lines are shown on the plat in a thin red line. There is a plat note disclosing that the existing phone line is the center of a 15 foot utility easement per HM 2009-56. Update the underground telephone line to be black and provide a label to see the corresponding plat note.

Per HM 2009-56 an overhead utility line and a corresponding 15 foot utility easement affects the southeast corner of Tract 3-A-1. Depict the overhead electric line and provide a label to see the corresponding plat note.

Per the Certificate to Plat, there are two easements of record with undisclosed locations granted to Homer Electric Association. Provide a plat note for the easements of record.

Staff recommendation: *Update utility easement depictions, plat notes, and grant utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.*

20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

- A. Lots shall contain at least 6,000 square feet if served by public wastewater disposal and water systems.
- B. Lots shall contain at least 40,000 square feet if both the well and wastewater disposal are to be located on the lot unless it can be demonstrated to the satisfaction of the commission that a smaller lot size is adequate for the safe location and operation of an on-site well and wastewater disposal system.
- 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.

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: A soils analysis report is required and an engineer will sign the final plat.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

Staff recommendation: *final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.*

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be

replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20.60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Staff recommendation: *comply with 20.60.010.*

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

Staff recommendation: *submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance. It appears that the parent parcels are part of a utility assessment district and must be paid in full prior to recording of the plat.

Staff recommendation: *comply with 20.60.030.*

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 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: *comply with 20.60.070.*

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: *Provide proof that Tracts 4-A-1 and 3-A-1 are connected or approved for connection to the Anchor Point Safe Water Corporation Public Water System.*

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled.

Staff recommendation: *comply with 20.60.110.*

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

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: *provide boundary and lot closure computations with the paper final plat.*

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.

Platting Staff Comments: Although not required, the lot numbering can be reduced for simplicity. Acceptable options are Tract 4B and Tracts 3C – 3G or the lots can be labeled Lot 8 – 13.

20.60.150. Utility easements.

A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.

B. The following note shall be shown on the final plat:

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.

Staff recommendation: *comply with 20.60.150.*

20.60.160. Easements.

A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.

1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.

B. Private easements may not be granted on the plat.

Staff recommendation: *comply with 20.60.160.*

20.60.170. Other data required by law.

A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Staff recommendation: *comply with 20.60.170.*

20.60.180. Plat notes. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to Plat.

Staff recommendation: *Renumber the plat notes in consecutive order. Place the following notes on the plat.*

- *Former Lots 3-A and 4-A are subject to reservation of easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.*
- *This subdivision may be affected by utility easements granted to Homer Electric Association, Inc. as recorded in Book 28 Page 428, HRD and Book 30 Page 30, HRD with no definite location defined.*
- *Provide Sterling Highway centerline information. This may be done by plat note or label within the right of way.*
- *Add a plat note for any exceptions granted.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *comply with 20.60.190.*

20.60.200. Survey and monumentation.

Platting Staff Comments: Provide a survey marker at all property corners including on the boundary.

Staff recommendation: comply with 20.60.200

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

1. *Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;*
2. *Final approval by the commission was a condition of preliminary approval; or*
3. *The planning director determines there are other conditions to support referral to the commission.*

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

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

MOTION: Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant preliminary approval to Anchor River S J Chapman Jeppesen 2021 Replat based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant exception request to KPB 20.30.190-Lots Dimensions – Length to Width Ratio, for Tract 4-A-1, citing findings 4-7 in support of standards one, two and three.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

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	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

AGENDA ITEM E. NEW BUSINESS

2. West Hill Subdivision Harness Addition
KPB File No. 2021-021; Fineline Surveys / Palser-Harness, LLC

Location: On West Hill Road and Jeffrey Avenue, City of Homer
Proposed Use: Residential
Water/Sewer: On Site
Zoning: Rural Residential District
Assessing Use: Residential
Parent Parcel Number(s): 173-480-12, 173-480-13

Staff report was given by Scott Huff.

Supporting Information:

The proposed plat will reconfigure two lots by changing the dividing line from an east-west line to a north-south line. The lots will change from two lots that are each approximately 3.3 acres to a 4.3 acre lot and a 2.4 acre lot. The new configuration will allow both lots to have a flatter building area and split the area with steep slopes. A soils analysis report will be required and an engineer will need to sign the plat.

The subdivision is located on the corner of state maintained West Hill Road and City of Homer right of way Jeffery Avenue. The subdivision is located within a block defined by Jeffery Avenue, Emerald Road, Highland Road, and West Hill Road. Not all right of ways have been constructed.

The subdivision is within the City of Homer. Homer Planning Commission heard the preliminary plat at their March 17, 2021 regular meeting. The Homer Planning Commission forwarded a recommendation for approval with the following comments:

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 Homer City Code 21.10.051(A) and grant a 15 foot utility easement along all rights of way
3. Update vicinity map to show 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 does addresses comment 1. The plat shows a 30 foot drainage easement to be granted to address item 5. **Staff recommends**

- The utility easements be corrected to 15 feet.
- The vicinity map be updated to show the city boundary within section 8.
- Depict the slopes greater than 20 percent that are present along the southern boundary.

City of Homer city and water are not available at this time. An installation agreement will be required or documentation from the City of Homer stating one is not required. The subdivision is within Flood Zone D which is "flood hazards undetermined". The subdivision is not within the Bridge Creek Watershed Protection District.

The City requested the drainage easement as this area provides significant contribution to the water flow of Bidarki Creek. The easement will help preserve the green infrastructure provided by an undisturbed creek and ravine.

Staff would like to note that this submittal is pre April 1, 2021 and is being reviewed under KPB prior to Ordinance 2020-45. All plats submitted after April 1, 2021 will be reviewed under new code 20.60.070 and will require font size at least 0.1" in size. Future submittals must comply with the new required font size.

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.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

Exception Requested:

KPB 20.30.190 – Lots-Dimensions (3:1 depth to width for proposed Lot 2A)

Staff Discussion: The design of proposed Lot 2A has a depth of 700 feet and a width of 180 feet for a 3.8:1 depth to width ratio. The design will allow both lots access via Jeffery Avenue. The terrain slopes down as you move south with steep slopes found in the southern portion of the subdivision. The design will allow each lot to have some upland area for development and share the area affected by steep slopes with a drainage easement along the south boundary of both lots.

If denied, the lot configuration will need to be changed so that both lots comply with the 3:1 depth to width ratio. Lot 2A will be required to be approximately 233 feet in width.

Findings:

1. Lot 2A has a depth of 700 feet and a width of 180 feet for a 3.8:1 depth to width ratio.
2. The subdivision contains terrain that slopes downward to the southern portion of the subdivision.
3. The City of Homer approved the lot design.
4. A soils analysis report will be required to prove the size and design will provide adequate separation from well and wastewater disposal.
5. Access will be provided for the lot off City of Homer maintained Jeffery Avenue.
6. This design will reduce the need for access off busy and state maintained West Hill Road.
7. The design of the lots will provide a more suitable building areas than the existing design.

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 2-7 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 2-7 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 2-7 appear to support this standard.
-

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review: Affected addresses – 1045 Jeffery Avenue and 4575 West Hill Road. Affected addresses will need to be reviewed by the City of Homer. All existing street names listed are correct.
- KPB Assessing: No comment.
- KPB Code Compliance: No comments.
- KPB Planner: Within the City of Homer, review not required.
- KPB Roads Dept.: Outside jurisdiction; no comment.
- State Parks: No comments.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise noted below:

- A. Within the Title Block
2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;
- Platting Staff Comments: Per the Certificate to Plat the owner is Palser-Sarness, LLC. Add "City of Homer" to the location area. Add the "NE ¼" to the section designation. The hyphen may be removed between Subdivision and Harness. There is a comma after Addition that should be removed.*
- Staff recommendation:** Update the owner information to match the Certificate to Plat and add additional location information.
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
- Platting Staff Comments: There is a 66 foot section line easement that coincides with West Hill Road. The right of way width is wider than the section line easement and does not need to be noted 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 "Homer" to the City Limits label and revise the depiction of the limits within Section 8.
- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
- Platting Staff Comments: DOT referred to DOT ROW Mapping X-14625, sheet 4, dated 1981.*
- Staff recommendation:** Include the DOT ROW Mapping information within the right of way depiction or add a plat note referring to include the information.
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
- Platting Staff Comments: Per KPB GIS data, there are riverine wetlands along the southern part of the property.*
- Staff recommendation:** Show any low wet areas on the plat.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
- Staff recommendation:** Add a Block 1 label to the plat.
- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting

thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

Platting Staff Comments: Per the City of Homer Planning Commission, city water and wastewater disposal are not available.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

Platting Staff Comments: Areas along the southern part of the subdivision have very steep slopes. These slopes should be noted on the top and toe of bluff noted.

Staff recommendation: *Depict and label steep areas.*

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

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:

20.30.030. Proposed street layout-Requirements.

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

State Department of Transportation Comments: The ROW for West Hill Road is as platted, see also DOT ROW Mapping X-14625, Sheet 4, dated 1981.

Staff recommendation: *Provide a reference to the DOT ROW mapping as recorded per HM 94-48.*

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 of the building setback shall be designated as a utility easement, graphically or by note.

Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from ACS were not available when the staff report was prepared.

GCI, HEA, and ENSTAR supplied reviews of no comments / no objections / no concerns.

A 10 foot utility easement was granted by the parent plat along the western boundary of this subdivision. Note that the easement was granted per HM 75-11.

City of Homer municipal code requires 15 foot utility easements along the right of ways. Depict the 15 foot utility easements and adjust plat note 2.

Staff recommendation: Update the label for the existing easement, grant 15 foot utility easements per City of Homer code, and grant utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.

20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

Platting Staff Comments: The existing block is irregular in shape but is a closed block. The block is defined by Jeffery Avenue, West Hill Road, Highland Drive, and Emerald Road. 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 recommendation: Concur that an exception is not needed, as any dedication required will not improve block length requirements.

20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

- A. Lots shall contain at least 6,000 square feet if served by public wastewater disposal and water systems.
- B. Lots shall contain at least 40,000 square feet if both the well and wastewater disposal are to be located on the lot unless it can be demonstrated to the satisfaction of the commission that a smaller lot size is adequate for the safe location and operation of an on-site well and wastewater disposal system.
- 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.

Platting Staff Comments: The lots are within the City of Homer. Municipal water and wastewater disposal are not available at this time. The lots comply with the size requirements for on-site water and wastewater disposal.

Staff recommendation: Complies with 20.30.200.

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.

Platting Staff Comments: The parent plat was finalized when this area was outside the City of Homer. A 20 foot building setback was put in place on the parent plat. As these lots are now subject to the City of Homer zoning, staff requests that the building setback designation not be carried forward. Add a plat note stating, "These lots are subject to City of Homer Zoning Regulations. Refer to the Homer City Code for all current setback and site development restrictions. Owners should check with the City of Homer prior to development activities." Remove plat note 1 and revise plat note 2 to not only update to 15 foot utility easements but remove the reference to the building setback.

Staff recommendation: Concur that an exception is not required, the setback not be carried forward, and appropriate plat notes be added, removed, or corrected.

20.30.270. Different standards in cities. Where cities have been delegated partial platting powers by the borough and 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. The application of the city design standard is subject to the city having an ordinance in place that satisfies the notice requirements of KPB 20.25.090(A) 'through (D) and a process to appeal decisions made by the city regarding application of its subdivision design standards.

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

20.30.280. Floodplain requirements.

Platting Staff Comments: River Center review had no comment as this is within the City of Homer. The City of Homer Planning Commission staff report did state it is within Flood Zone D, which is undermined flood hazards. No additional notes were requested in regards to flood plain requirements.

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: A soils analysis report will be required and an engineer will need to sign the plat. The report will have to show that the irregular design of proposed Lot 2A will meet wastewater requirements.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

Staff recommendation: *final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.*

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20. 60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Staff recommendation: *comply with 20.60.010.*

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

Staff recommendation: *submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.

Staff recommendation: *comply with 20.60.030.*

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.

Platting Staff Comments: An acceptance will need to be included for the drainage easement. Work with the City of Homer to provide the correct name or title to sign the acceptance.

Staff recommendation: *Comply with 20.60.040.*

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 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: *comply with 20.60.070.*

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.

Platting Staff Comments: Provide an installation agreement or documentation from the City of Homer that one is not required.

Staff recommendation: *Comply with 20.60.080.*

20.60.110. Dimensional data required.

- A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled.

Staff recommendation: *comply with 20.60.110.*

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

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: *provide boundary and lot closure computations with the paper final plat.*

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.

Platting Staff Comments: Block label must be added.

Staff recommendation: *Comply with 20.60.140.*

20.60.150. Utility easements.

- A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.
- B. The following note shall be shown on the final plat:
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.

Staff recommendation: *comply with 20.60.150.*

20.60.160. Easements.

- A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.

1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.

Platting Staff Comments: A 30 foot drainage easement has been requested by the City of Homer. The drainage easement is depicted. An acceptance statement must be included on the plat.

Staff recommendation: *Within plat note 5, correct the year for the recording information of the easement of record. Comply with 20.60.160.*

20.60.170. Other data required by law.

A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Staff recommendation: *comply with 20.60.170.*

20.60.180. Plat notes. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to Plat.

Staff recommendation:

- Add - "These lots are subject to City of Homer Zoning Regulations. Refer to the Homer City Code for all current setback and site development restrictions. Owners should check with the City of Homer prior to development activities."
- Remove plat note 1.
- Revise plat note 2. "The front 15 feet along right of ways is a utility easement. No permanent..."
- Revise the date within plat note 5 to 1968.

20.60.190. Certificates, statements, and signatures required.

Platting Staff Comments: Add the City of Homer acceptance of the drainage easement. Provide the title for the person signing on behalf of Palser-Harness, LLC, e.g. Member, Chairman.

Staff recommendation: *comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *comply with 20.60.200*

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

1. Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;
2. Final approval by the commission was a condition of preliminary approval; or
3. The planning director determines there are other conditions to support referral to the commission.

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

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

MOTION: Commissioner Gillham moved, seconded by Commissioner Ecklund to grant preliminary approval to West Hill Subdivision Harness Addition based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Gillham moved, seconded by Commissioner Ecklund to grant exception request to KPB 20.30.190-Lots Dimensions - 3:1 Depth to Width Ratio, for Lot 2A, citing findings 2-7 in support of standards one, two and three.

Commissioner Carluccio referred to the contour map on page 31 of the meeting packet and noted that she believed the lot line could be moved over a bit. Mr. Huff stated replied that the lot line could be moved to comply with the depth to width ratio. Commissioner Carluccio noted that the current design show that Lot 2A will have a 61' road frontage Mr. Huff stated that she was correct and noted that Lot 2B will 320' of road frontage

Commissioner Ecklund asked staff to explain why code requires a 3:1 depth ratio. Mr. Huff stated that the 3:1 depth ratio assures that lots have usage area for construction and discourages long narrow lots which can be difficult to develop. Mr. Huff noted that there is room for the lot line to move east. The current design of Lot 2B is 4.3 acres and could be reduced in size. The width Lot 2A is 169' and for it to comply with code it would have to be 233' in width. Commissioner Ecklund asked if staff discussed with the applicant why they wanted this exception. Mr. Huff replied that they had not, the surveyor just submitted the plat requesting the exception.

Commissioner Carluccio stated she would not be supporting this exception request. She noted she might be able to support the exception request if Lot 2A were bigger and had more frontage.

Ms. Shirnberg asked Commission Venuti if he had reviewed this plat at the City of Homer planning commission meeting. Commissioner Venuti stated that he had already acted on this plat and requested that he be recused. Chair Carluccio approved his recusal.

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

AMENDMENT MOTION FAILED (Tied Vote)

Yes	2	No	2
Yes	Gillham, Ruffner		
No	Carluccio, Ecklund,		
Recused	Venuti		

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Carluccio, Ecklund, Gillham, Ruffner		
No			
Recused	Venuti		

AGENDA ITEM E. NEW BUSINESS**3. Fourth of July Creek Subdivision Seward Marine Industrial Center Coastal Lots Replat
KPB File No. 2021-039; Enterprise Engineering, Inc/City of Seward**

Location: Mustang Avenue, Nash Road, Morris Avenue and Sorrel Road (all within Tract A3), City of Seward
Proposed Use: Industrial
Water/Sewer: City
Zoning: Industrial Zoning District
Assessing Use: Commercial
Parent Parcel Number(s): 145-340-50, 145-340-51

Staff report given by Scott Huff.

Supporting Information:

The proposed plat creates will subdivide Lot 1A Block 9, a 1.871 acre parcel, into two parcels being 0.64 acres and 1.23 acres and subdivide Lot 2A Block 9, a 1.978 acre parcel, into two parcels being 0.402 acres and 1.575 acres.

A soils analysis report is not required, as municipal water and sewer will serve all lots.

Mustang Avenue, Nash Road, Morris Avenue, and Sorrel Road provide access to the property. These roads are within Tract A3, a private Tract owned by the City of Seward. These roads are service road access easements restricted to leases, City, and other authorized personnel. The parent plat has a note that states, 'Tract A3 is a service road access easement restricted to lessees, City and other authorized personnel.' **Staff recommends** this plat note be carried forward.

The parent plat was granted an exception to KPB 20.20.200 (fronting on a dedicated road) at the July 17, 2006 Plat Committee meeting. The exception was requested to limit traffic to industrial uses for the safety of the public.

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 City of Seward Planning and Zoning Commission held a public hearing on February 2, 2021. They recommended approval and made a motion to change the plat name to remove the reference to Polar Seafoods. The City of Seward is the owner of the property; the City Council reviewed the plat at their February 22, 2021 meeting as required by Seward City Code 16.01.015(B). They City Council adopted Resolution 2021-019.

The information from the city states the purpose is to create new lease parcels with the potential to support operations at the Polar Seafoods fish processing plant, and to create a parcel to support operations for the US Coast Guard fast response cutter. The subdivision is zoned Industrial and current development includes Jag Industrial & Marine Services, the Polar Seafoods fish processing plant, newly constructed floats for moorage, and the City boat storage yard and wash down pad parcels.

KPB satellite imagery indicates this property may contain wet areas. **Staff recommendation:** place a note on the final plat indicating 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.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

Exception Requested: needs three – block, street projection, and lot access.

KPB 20.30.030 – Proposed Street Layout
KPB 20.30.170 – Block Length requirements
KPB 20.30.210 – Lots Access to Streets

Surveyor Discussion:

20.30.030 Proposed Street Layout – Requirements

The new subdivision will be accessed by the developed Tract A3 to the north, east and south (Mustang Avenue, Nash Road, Morris Avenue, and Sorrel Road). The proposed subdivision does not create a parcel without access to an adjacent developed roadway. 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 Blocks-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. The proposed subdivision does not change block length as defined by access road spacing, which is about 600 feet north to south, meeting code requirement of between 330 to 1320 feet.

20.30.210 Lots-Access to Streets

As noted above, Tract A3 provides legal access to parcels in this industrial area. It abuts at least one side of all 4 proposed parcels, thus providing legal access, and allows physical access.

Staff Discussion:

All three exception requests are being combined into one exception as all deal with legal access and Tract A3 being a private tract instead of a typical dedicated public right of way. The Plat Committee can act on each item separately if they choose.

Surveyor Findings:

1. The new subdivision will be accessed by the developed Tract A3 to the north, east and south (Mustang Avenue, Nash Road, Morris Avenue, and Sorrel Road).
2. The proposed subdivision does not create a parcel without access to an adjacent developed roadway.
3. Tract A3 is a developed 60' wide service road access easement restricted to lessees, City and other authorized personnel.
4. The service access easement serves as legal access to many industrial parcels around this area.
5. Tract A3 is a service access easement that is restricted to lessees, City, and other authorized personnel.
6. The traffic is low volume and is not an arterial street or state-maintained road.
7. The proposed subdivision does not change block length as defined by access road spacing, which is about 600 feet north to south, meeting code requirement of between 330 to 1320 feet.
8. Tract A3 provides legal access to parcels in this industrial area.
9. Tract A3 abuts at least one side of all 4 proposed parcels, thus providing legal access, and allows physical access.

Staff findings:

10. The City of Seward is the owner of the subdivision.
11. The City of Seward is the owner of Tract A3, which provides access to the subdivision.
12. The Seward Planning and Zoning Commission reviewed and recommended approval of the preliminary plat on February 2, 2021.
13. The Seward City Council reviewed and recommend approval of the preliminary plat on February 22, 2021

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.

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review: Affected Addresses: 209 NASH RD and 3201 SORREL RD. Affected addresses will need to be reviewed by the City of Seward.
- KPB Assessing: No comments.
- KPB Code Compliance: No comments.
- KPB Planner: This plat is located within the City of Seward and is not subject to local option zoning districts or KPB review of material sites.
- KPB Roads Dept.: Not within KPB jurisdiction, no comments.
- State Parks: No comments.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise 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;
 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

Platting Staff Comments: - The subdivision name selected is approved but remove "Lots 1A-1, 1A-2, 2A-1 & 2A-2 Block 9". This is referencing the new lots being created but appears to be part of the subdivision name. It is not needed or required within the title block. If the surveyor or owner wish for the information to be within the title block, use a different font size or style so that it is clearly not part of the subdivision name. Adding the word "Creating" in front of the lot numbers will also help with this subdivisno name. Within the legal description of the land being subdivided, add "Amended" to the parent plat name. The owners name, as found on the certificate to plat, and address must be added to the title block.

Staff recommendation: Update the title block to meet code requirements.

- 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: Within Tract A3 provide a label for the “private service road” or have a reference to the plat note that is being carried over from the parent plat explaining the use of the roads.

- 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: Update the vicinity map to note the township. Depict and label the city limits.
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
Platting Staff Comments: 60 foot public access/moorage easement was granted on the parent plat and are correctly depicted and labeled. The Certificate to Plat mentions reservations or exceptions are within the United States Patents and State of Alaska Patents. Per Plat SW 97-27, Fourth of July Creek Subdivision Seward Marine Industrial Center, several public access easements were vacated. The surveyor needs to determine if any other public access easements are still in effect and depict or note them on the plat.
- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Platting Staff Comments: Correct Lot 3 Block 4 to the east to lot 3A Block 4. Correct the label for Block 10, located to the north, to read “portion of Block 10” and add “excluding lots 1 and 2” to the descriptions. Include Plat no. 2015-14 SW for Lot 2 Block 4 located to the northeast.
Staff recommendation: Correct and update labels.
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
Staff recommendation: Depict and label any flood hazard areas and wetlands. Portions of Block 10, which borders the subdivision, have open water. Depict or label such areas.
- I. Approximate locations of areas subject to tidal inundation and the mean high water line;
Platting Staff Comments: 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.
Staff recommendation: Provide required depictions and labeling.
- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;
Platting Staff Comments: The location of existing utilities were not depicted. Per the City of Seward review, the subdivision is currently serviced by municipal water, sewer, and electricity.

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

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.

Platting Staff Comments: Access to this subdivision is via Nash Road where it meets Tract A3, which is used as a roadway under ownership by the City of Seward. Interior subdivision access is via Tract A3.

Staff recommendation: Carry over the plat note from the parent plat regarding the intended use of Tract A3.

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 of the building setback shall be designated as a utility easement, graphically or by note.

Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from Seward Electric and TelAlaska were not available when the staff report was prepared.

Chugach Electric and ENSTAR supplied reviews of no comments / no objections / no concerns.

Utility easements granted on plats SW 97-27 and SW 2007-2 were 10 feet adjacent to right of ways and 5 feet on all interior lots lines. The 5 foot utility easements are still in place along all lot lines.

Staff recommendation:

- *Depict and label the 5 foot utility easement on all interior property lines per the parent plat.*
- *Provide a label to reference the parent plat, or recorded documents, that granted the easements or record.*
- *Grant utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.*

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.

Platting Staff Comments: The curve at the intersection of Morris Avenue and Sorrel Road has an 80 foot radius

Staff recommendation: 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.

20.30.190. Lots-Dimensions.

- A. The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Generally, lots shall be square or rectangular. Lots shall be at least 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the average depth shall be no greater than three times the average width.

Platting Staff Comments: The lot configuration is to incorporate the existing improvements on separate parcels.

20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

- A. Lots shall contain at least 6,000 square feet if served by public wastewater disposal and water systems.

Platting Staff Comments: All lots are greater than 6,000 and are currently/will be serviced by municipal water and sewer. Per the City of Seward documents, an installation agreement 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.

Staff recommendation: A plat note stating the subdivision is subject to City of Seward zoning must be added to the plat.

20.30.270. Different standards in cities. Where cities have been delegated partial platting powers by the borough and 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. The application of the city design standard is subject to the city having an ordinance in place that satisfies the notice requirements of KPB 20.25.090(A) 'through (D) and a process to appeal decisions made by the city regarding application of its subdivision design standards.

Platting Staff Comments: The City of Seward does not meet the specified requirements for the application and consideration of different standards.

20.30.280. Floodplain requirements.

Platting Staff Comments: Per the KPB River Center review this subdivision is located within VE Zone (high flood risk) and a Floodway (high flood risk).

Staff recommendation: Provide the correct plat note for a flood zone notice and a flood way notice.

Staff reminds the owner(s), that it is the responsibility of the subdivider to provide all necessary information regarding flood protection measures at the time the preliminary plat is presented for consideration by the planning commission (21.06.050).

- A. All subdivision plats which are within areas where the floodplain has been identified by the Federal Emergency Management Agency (FEMA), and which involve 50 lots or five acres whichever is lesser, shall include the base flood elevation source.
- 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.
- C. All subdivisions which are within areas where the floodplain has not been mapped and base flood elevation data is not available shall provide the information in compliance with KPB 21.06.050
- D. All subdivisions or replats within the Flood Insurance Rate Map (FIRM) area or SMFDA, as amended, as defined by KPB 21.06.020, 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.

- E. *All subdivisions or replats that include any portion of the mapped floodway shall contain the following note:*

FLOODWAY NOTICE:

Portions of this subdivision are within the floodway. Pursuant to KPB Chapter 21.06, all development (including fill) in the floodway is prohibited unless certification by an engineer or architect is provided demonstrating that encroachments shall not result in any increases in flood levels during the occurrence of the base flood discharge.

- F. *Each plat within a city which has met the requirements of this section shall contain the following statement: "The first finished and habitable floor of a building constructed within a floodplain shall be built at or above the 100-year flood level."*
- G. *This section applies to all cities which adopt a resolution requesting participation in the FEMA floodplain program and which are subsequently recognized by the state as participants.*
- H. *A city may adopt an ordinance as part of its building code with greater restrictions than those set forth in KPB 20.30.280(A). A note shall be placed on the plat to indicate that the developer is responsible for contacting the city to determine the restrictions prior to any development.*

20.30.290. Anadromous Waters Habitat Protection District.

Platting Staff Comments: Per KPB River Center review, the subdivision is not affected by the Anadromous Waters Habitat Protection District.

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: The lots are currently served by the City of Seward water and septic services. Any improvements to the water or septic must be approved with the City of Seward.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

Staff recommendation: *final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.*

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20. 60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Staff recommendation: *comply with 20.60.010.*

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

Platting Staff Comments:

Staff recommendation: *submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on

deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.

Staff recommendation: *comply with 20.60.030.*

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.

Platting Staff Comments: A certificate of acceptance is on the plat. If this plat is not dedicating any new right of ways or granting any new easements, then the certificate of acceptance for the City of Seward can be removed.

Staff recommendation:

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 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: *comply with 20.60.070.*

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.

Platting Staff Comments: Per the City of Seward documents presented to staff, an installation agreement is not required.

20.60.110. Dimensional data required.

- A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled.

Staff recommendation: *comply with 20.60.110.*

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

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: *provide boundary and lot closure computations with the paper final 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.

Platting Staff Comments: The boundary of the subdivision is using a similar line style for the new lot lines. A wider or bolder, solid line is best for showing the subdivision boundary. A thinner solid line is best for the new lot lines while a faint broken line should represent former lot lines if not under new lot lines.

Staff recommendation: Provide a wider, continuous line for the boundary and a thinner continuous line for the interior boundary lines.

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.

Platting Staff Comments: New lot numbers are allowable. The parent lot descriptions, and the zoning labels, can be removed from the face of the plat.

20.60.150. Utility easements.

A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.

B. The following note shall be shown on the final plat:
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.

Staff recommendation: comply with 20.60.150.

20.60.160. Easements.

A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.

1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.

B. Private easements may not be granted on the plat.

Staff recommendation: comply with 20.60.160.

20.60.170. Other data required by law.

A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Staff recommendation: Comply with 20.60.170.

20.60.180. Plat notes. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to 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 A3 Fourth of July Creek Subdivision Seward Marine Industrial Center Polar Seafood Replat Amended, SW 2007-2, 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.
- Add a plat note for any exceptions granted and the date granted.

Remove plat notes 1 and 5 on the final submittal.

20.60.190. Certificates, statements, and signatures required.

Platting Staff Comments: Previous plats contained the notarized signatures of lease holders. This is not a requirement by KPB Code. It should be determined by the City of Seward if they wish to include the lease holders signatures.

Staff recommendation: comply with 20.60.190.

20.60.200. Survey and monumentation.

Staff recommendation: comply with 20.60.200

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

- 1. Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;*
- 2. Final approval by the commission was a condition of preliminary approval; or*
- 3. The planning director determines there are other conditions to support referral to the commission.*

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

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

Commissioner Ecklund informed the Chair that she had acted on this plat at the City of Seward planning & zoning commission meeting and asked to be recused. Chair Carluccio approved her recusal.

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

AMENDMENT MOTION: Commissioner Venuti moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.030-Proposed Street Layout, KPB 20.30.170-Block Length Requirements and KPB 20.30.210-Lots Access to Streets, citing findings 1-13 in support of standards one, two and three.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Carluccio, Gillham, Ruffner, Venuti		
No			
Recused	Ecklund		

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Carluccio, Gillham, Ruffner, Venuti		
No			
Recused	Ecklund		

AGENDA ITEM E. NEW BUSINESS

4. Marimac Subdivision Eischens Addition
KPB File No. 2021-044; Eischens / Eischens

Location: Off East End RD. & Tremain Ave., Fritz Creek Area; Kachemak Bay APC
Water/Sewer: On-site
Zoning: Rural Unrestricted
Assessing Use: Residential
Parent Parcel Number(s): 172-170-07

Staff report given by Scott Huff.

Supporting Information:

The proposed plat will divide a 4.54 acre lot into three lots. The lot sizes will vary from 1.12 acres to 2.04 acres. Two of the proposed lots will be flag lots. The panhandle portions have a width of 60 feet therefore the length can exceed 150 feet. A soils analysis report will be required and an engineer will need to sign the plat.

The subdivision is located in the Fritz Creek area. The subdivision is at the corner of Tremain Avenue and milepost 10.5 of East End Road. Tremain Avenue is a 60 foot wide right of way, that is constructed and maintained by the Kenai Peninsula Borough. East End Road is a state maintained right of way with varying width but the width in this location is 100 feet.

A portion of Tremain Avenue is constructed outside the right of way dedication. This plat is proposing to dedicate a public access easement to encompass the portion outside the dedicated right of way. If the road is ever relocated into the dedicated right of way area, the owners may remove the public access easement by the Kenai Peninsula Borough vacation process.

The subdivision slopes down to the south but there does not appear to be any steep slopes within the subdivision. The National Wetlands Inventory indicates riverine may be located along the southern portion of the subdivision along the eastern boundary.

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.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

Exception Requested:

KPB 20.30.190 – Lots-Dimensions (3:1 depth to width ratio Lot 8C)

Surveyor's Discussion: The existing sewer line for proposed Lot 8A inhibits moving the proposed east line of Lot 8C further east. We did consider expanding the width of Lot 8C to 128' +/-, which would meet the 3:1 ratio, but this would put a portion of the existing sewer line on Lot 8C. An easement would then be required for the benefit of Lot 8A. We feel that the current design is the cleanest lot configuration.

We've also included a separate half size sheet showing 20' building offsets and design locations for a garage, house and gravel pad on both Lot 8B and 8C. We used the existing house & garage footprint on Lot 8A for our design size. The current subdivision configuration easily allows for a house, garage, parking, septic and well if desired.

Staff Discussion: Proposed Lot 8C is designed as a flag lot. The flag will be 60 feet in width per code requirements. The depth of Lot 8C is 380 feet and the width is 119 feet for a depth to width ratio of 3.2:1.

The exhibit drawing show a possible layout for improvements on all lots while working around existing improvements. This is only a conceptual drawing provided by the owner.

Excluding the flag portion, the buildable area is approximately 45,220 square feet and complies with code requirements. A soils analysis report is required and will need to demonstrate the proposed lot design will meet water and wastewater disposal requirements.

Findings:

1. Lot 8C is proposed as a flag lot.
2. The depth of proposed lot 8C is 380 feet and the width is 119 feet for a depth to width ratio of 3.2:1.
3. The usable area of proposed Lot 8C, excluding the panhandle, is 45,220 square feet.
4. There are existing septic lines and other improvements already in place on proposed Lot 8A.
5. The current configuration has 6 feet between the lot line and existing septic line.
6. In order to comply the lot line would need to be moved east 7.85 feet.
7. Moving the lot line to be compliant would result in septic lines for Lot 8A being on Lot 8C.

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 3-7 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 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 3-7 appear to support this standard.**KPB Department/Agency Review Comments**

- KPB Addressing/Street Name Review: Affected Address: 53782 East End Road which will remain with Lot 8A. Existing street names listed are correct and no new street names to approve.
- KPB Assessing: No comment.
- KPB Code Compliance: No comments.
- KPB Planner: There are not any local option zoning district or material site issues with the proposed plat.
- KPB Roads Dept.: Within jurisdiction; no comments
- State Parks: No comments.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise noted below:

- A. Within the Title Block
Platting Staff Comments: The KPB file number will need to be added to the face of the plat. This is usually placed within or near the title block.
Staff recommendation: Add the KPB File number.
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
Platting Staff Comments: DOT commented that the ROW for East End Road is as platted and referred to DOT ROW mapping 0414(10), sheet 37, dated 2016. Staff would like to have a plat note or a label within the ROW depiction referring to the DOT map. Reference should include "Per DOT Record of Survey Alaska Project 0414(10), sheet 37, HM 2016-3."
Staff recommendation: Add by plat note or label the information for East End Road.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Platting Staff Comments: In an effort to make the map easier to read, the parcel lines can be removed or lightened. Add Section lines to the map.
Staff recommendation: Update the vicinity map per platting staff comments.
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
Platting Staff Comments: Per KPB GIS data there may be wetlands along the eastern boundary. If there are any low areas these should be depicted and labeled.
Staff recommendation: Show low wet areas if applicable.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Platting Staff Comments: Lot numbering complies but a block label needs to be added.
Staff recommendation: Provide a block label within the subdivision.
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Platting Staff Comments: Contours are not depicted and per KPB GIS data there are no slopes over 20 percent in grade.
Staff recommendation: If any steep slopes are detected during the field survey they shall be depicted on the plat.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Platting Staff Comments: The travel way for Tremain Avenue encroaches within this subdivision. The plat will be granting a public access easement to encompass the travel way.

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

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:

20.30.030. Proposed street layout-Requirements.

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

State Department of Transportation Comments: The ROW for East End Road is as platted, see also DOT ROW Mapping 0414(10), sheet 38, dated 2016.

Platting Staff Comments: Incorporate the DOT row map information in a plat note or label within the right of way.

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 of the building setback shall be designated as a utility easement, graphically or by note.

Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from ACS were not available when the staff report was prepared.

HEA, ENSTAR, and GCI supplied reviews of no comments / no objections / no concerns.

The 10 foot utility easement granted by Plat 76-36 is depicted along Tremain Avenue. The parent plat did not grant utility easements along right of ways. A 10 foot utility easement will be required along East End Road. Add a plat note that states "The front 10 feet of the building setback adjacent to the rights-of-way is also a utility easement."

Staff recommendation: grant utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.

20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

Platting Staff Comments: The block is defined by East End Road, Tremain Avenue, Neal Street, and McBride Avenue. The block is compliant along Neal Street and Tremain Avenue but due to the angle of East End Road the block is not compliant along McBride Avenue and East End Road. Requiring a dedication to improve the block along McBride Avenue will not improve the block along East End Road and will create a block that is too short to comply with KPB Code.

Staff recommendation: Concur that an exception is not required as any dedications granted will not improve the block or will create other substandard blocks.

20.30.190. Lots-Dimensions.

- A. The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Generally, lots shall be square or rectangular. Lots shall be at least 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the average depth shall be no greater than three times the average width.
- B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.

Platting Staff Comments: An exception for 3:1 has been requested for proposed Lot 8C. If denied a redesign will be required. Lot 8A and Lot 8C are proposed to be flag lots. The correct plat note is on the plat (note 4). A depiction needs to be placed on Lot 8B for a 20 foot building setback along each of the panhandles. Add a plat note that the panhandle portions of the flag lots are subject to building setback restrictions.

Staff recommendation: Follow Platting Staff Comments and comply with 20.30.190.

20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

- B. Lots shall contain at least 40,000 square feet if both the well and wastewater disposal are to be located on the lot unless it can be demonstrated to the satisfaction of the commission that a smaller lot size is adequate for the safe location and operation of an on-site well and wastewater disposal system.

Platting Staff Comments: All lots comply with the minimum lot size.

20.30.240. Building setbacks.

- A. The commission shall require a building setback of at least 70 feet from the centerline of all fee simple arterial rights-of-way in a subdivision. A minimum 20-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities.
- B. 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.
- C. The setback shall be noted on the plat in the following format:
Building setback- A 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.

Platting Staff Comments: The appropriate note is in place on the plat. An additional note shall be added to reference the setback along the panhandle portions of the flag lots. The panhandle setbacks need to be depicted on each side of Lot 8B. Depict the 20 foot building setback along all dedicated right of ways. Due to the dedication of the public access easement to encompass the existing right of way, staff requests that the building setback be 20 feet adjoining the access easement.

Staff recommendation: Add required notes and depictions. Concur that the setback should be applied to the access easement.

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: A soils analysis report is required and an engineer will need to sign the plat.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

Staff recommendation: final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20.60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Staff recommendation: comply with 20.60.010.

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

Platting Staff Comments:

Staff recommendation: submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.

Staff recommendation: comply with 20.60.030.

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 an Authorized Official of the Kenai Peninsula Borough to accept the public access easement.

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 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: comply with 20.60.070.

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled.

Staff recommendation: comply with 20.60.110.

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary

closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: provide boundary and lot closure computations with the paper final 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.

Platting Staff Comments: The boundary must be wider or darker than the internal lot lines.

Staff recommendation: Comply with 20.60.130.

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.

Platting Staff Comments: A block label needs to be added to the plat.

Staff recommendation: Comply with 20.60.140.

20.60.150. Utility easements.

A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.

B. The following note shall be shown on the final plat:
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.

Staff recommendation: comply with 20.60.150.

20.60.160. Easements.

A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.

1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.

B. Private easements may not be granted on the plat.

Platting Staff Comments: A public access easement is being granted over the existing constructed right of way which is outside the right of way dedication. An acceptance by the Kenai Peninsula Borough shall be added to the plat.

Staff recommendation: comply with 20.60.160.

20.60.170. Other data required by law.

A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Staff recommendation: comply with 20.60.170.

20.60.180. Plat notes. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to Plat.

Staff recommendation: Place the following notes on the plat.

- No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.
- The panhandle portions of the flag lots are subject to building setback restrictions.
- This subdivision may be subject to an easement granted to Homer Electric Association Inc as found in Book 28 Page 22, HRD recorded on February 7, 1963. No definite location given. (The Certificate to Plat contained an easement granted to HEA)

- The front 10 feet of the building setback adjacent to the rights-of-way is also a utility easement.
- 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 a plat note for any exceptions granted that includes the meeting date.

20.60.190. Certificates, statements, and signatures required.

Platting Staff Comments: Add a certificate of acceptance for the public access easement. The certificate of ownership may need to be revised. A power of attorney has been submitted. The notary acknowledgment states Frances H. Eischens will be signing. If she will be signing as POA update the signature line for the Certificate of Ownership to read "Frances Henrietta Eischens, POA for George John Eischens, aka George J. Eischens." Remove George J. Eischens from Notary Acknowledgment. Correct the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and jurat. **Staff recommendation:** comply with 20.60.190.

20.60.200. Survey and monumentation.

Staff recommendation: comply with 20.60.200

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

1. Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;
2. Final approval by the commission was a condition of preliminary approval; or
3. The planning director determines there are other conditions to support referral to the commission.

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

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

MOTION: Commissioner Ecklund moved, seconded by Commissioner Gillham to grant preliminary approval to Marimac Subdivision Eischens Addition based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Ecklund moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.190-Lot Dimensions, 3:1 Depth to Width Ratio, for Lot 8C, citing findings 3-7 in support of standards one, two and three.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

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	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

AGENDA ITEM E. NEW BUSINESS

5. Cliff House Acres Subdivision
KPB File No. 2021-041; Edge Survey & Design, LLC/Dunn, Kenai Peninsula Borough

Location: Approximately Milepost 48.5 of the Sterling Hwy, Cooper Landing
Proposed Use: Recreational
Water/Sewer: submittal did not indicate, assume on site
Zoning: Rural Unrestricted
Assessing Use: Residential
Parent Parcel Number(s): 119-060-06, 119-060-15

Staff report given by Scott Huff.

Supporting Information:

The proposed plat creates two lots from one lot and dedicates a 60 foot wide KPB parcel as a public right of way. A soils report is required, and an engineer will sign the plat.

The subdivision is located on the south side of the Sterling Highway, a State DOT maintained right of way. The subdivision is located across the highway from the Cooper Landing Museum.

The submittal showed 66 foot wide right of way to the west of the subdivision labeled Cliff House Lane that provided access to proposed Lot 2. U.S. Survey No. 2527 depicts this area as a right of way and U.S. Survey No. 2527 Supplemental Plat depicts this area as a separate Lot labeled Lot 6.

Currently Lot 6 is under Kenai Peninsula Borough Land Management authority. After discussing with Land Management it was decided to dedicate the parcel to right of way with this platting action. The parcel is 60 feet in width, too small to be developed, and provides access to additional Kenai Peninsula Borough lands.

The dedication will provide a right of way dedication from the Sterling Highway to the 717 acre parcel owned by KPB. The large parcel has access along other portions of the Sterling Highway and Snug Harbor Road. There is approximately 6,309 feet between highway frontages. This dedication will provide an access approximately half way between the other access points.

A new preliminary was emailed to staff that updated the title block description and ownership information. The boundary of the subdivision will need to be revised but the plat does state the right of way is being dedicated by this 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.

Cooper Landing 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.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

Exception Requested:

KPB 20.30.240 – Building Setback

Surveyor's Discussion: Existing old cabin within 20' building setback. Old cabin may have been there prior to additional ROW acquisition. Wide ROW in place for steep back slopes, building cannot be seen from drivable surface.

Staff Discussion: The surveyor has requested an exception from KPB Code for the building setback due to the existing cabin. Per KPB Assessing records, the year for the dwelling is 1950.

Currently no building setback affects this property. Per KPB Code a 20 foot building setback from dedicated right of way will be required with this plat. Any existing structures will not be subject to the new building setback requirement. Any replacement, or improvement, to the building must comply with the 20 foot building setback and any associated utility easements

If denied, a 20 foot building setback will be established adjoining the right of way. Any existing building will be exempt from the building setback.

Findings:

1. Currently no building setback exists on Sterling Highway right of way.
2. The cabin shown on the drawing was constructed prior to 1950.
3. The subdivision fronts the Sterling Highway on the north.
4. This plat will be dedicated the 60 foot wide KPB property to right of way.
5. Slopes greater than 20% affect the north area of Lot 1 and the proposed right of way dedication.
6. The existing structure will be exempt from the 20 foot building setback.
7. Any addition or improvement to the structure will be subject to the 20-foot building setback.

Staff reviewed the exception request and **based on findings 3 – 7 does not** recommend 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;
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review: Affected Addresses – 17991 Sterling Hwy, will remain with Lot 1. Existing street names are correct. New names have not been approved.
- KPB Assessing: 11906015 appears to become ROW and 11906006 is being divided into 2 parcels. Plat description says one lot become two.
- KPB Code Compliance: No comment.
- KPB Planner: There are no local option zoning districts or material site reviews associated with this subdivision.
- KPB Roads Dept.: Within jurisdiction; no comments
- State Parks: No comments.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise noted below:

- A. Within the Title Block
2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;
- Platting Staff Comments:* The addition of Lot 6 will require and update to the title block. The legal description must include Lot 6. Kenai Peninsula Borough needs to be added as an owner. The revised sketch has updated the title block to include Lot 6 and the KPB as owner. The acreage must be updated. Add “.
- Staff recommendation:** Within the title block, correct to Lot 6 US Survey 2527, include KPB as a land owner and update the acreage accordingly, and the ¼ section for each section that the subdivision is located within (SE1/4 for Section 29 and NE1/4 for Section 32).
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
- Platting Staff Comments:* There is not any section line easements within the proposed lots. Per SW 2006-21, a 100 foot section line easement, centered on the protracted section line, exists within the KPB parcels located to the southeast of this subdivision.
- Staff recommendation:** Depict and label the abutting section line easements.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
- Platting Staff Comments:* Depict and label the Chugach National Forest, which is located in sections north and south of the subdivision.
- Staff recommendation:** Update the vicinity map to show all required information.
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
- Platting Staff Comments:* This plat will dedicate KPB owned Lot 6 as a public right of way. The proposed name for the right of way will approval by the KPB Addressing Officer. The revised plat will need to have the boundary updated to include the right of way.
- Staff recommendation:** Obtain an approved right of way name and update the boundary.
- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
- Staff recommendation:** Add ‘south of Sterling Highway’ to Lot 2 located west of the subdivision. Include a plat number for the Tract A on Blakley Ct. Update the unsubdivided label to Tract A SW 2006-21.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: *The parent parcel is Lot 1, update the proposed Lot numbers so it does not duplicated the parent lot number.*
- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;
Platting Staff Comments: Contours are shown on the plat and slopes over 20 percent are labeled. Within the portion of the dedication, where it connects to the Sterling Highway, are approximately 53% slopes. Additional information will be required.
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Platting Staff Comments: Contours are shown and labeled.

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

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:

20.30.030. Proposed street layout-Requirements.

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.
- C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.

State Department of Transportation Comments:

1. Suggest surveyor contact AK DOT & PF Engineering, Eric Fuglestad.
2. ROW Easement referenced in Note 6 is an easement interest only, not a fee dedication.
3. Boundary of subdivision does not match boundary of Lot 1, USS 2527.
4. Regarding (R3), Blakley sub is recorded in the Seward Recording District.
5. Regarding (R2), ROW maps are not the vehicle by which ROW is acquired. One must review the actual document/deed. The ROW depicted by the mapping for FAP 21 is incorrect. The easement recorded in Bk 16 at Pg 59 is correct.
6. Request more data on establishment of highway centerline.
7. Strongly suggest that the highway easement granted in 1952 be dedicated by this platting action.
8. Request a uniform dedication for the Sterling Highway across this subdivision.

Platting Staff Comments: Provide Sterling Highway project information in a plat note or within the right of way depiction.

Staff recommendation: Work with State of AK DOT to obtain plat approval. Sterling Highway right of way dedication must be accepted by the State of AK DOT. Comply with 20.30.030.

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 of the building setback shall be designated as a utility easement, graphically or by note.

Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from ACS and TelAlaska were not available when the staff report was prepared.

HEA, ENSTAR, GCI, and Chugach Electric supplied reviews of no comments / no objections / no concerns.

If a portion of the existing cabin is within the utility easement being granted with this plat, provide a plat note that the building predates the creation of the utility easement.

Staff recommendation: *grant utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.*

20.30.070. Lots on major streets-Access requirements. Lots fronting on arterial streets with less than 200 feet of right-of-way as identified in the arterial road plan adopted by the borough or lots fronting on state maintained roads with less than 200 feet of right-of-way may be required to provide interior or frontage road access after review and recommendation by the Kenai Peninsula Borough Road Service Area staff and upon a finding by the planning commission that due to size, topography, physical characteristics, or heavy traffic flow, that direct access to the arterial or state maintained road may present a traffic hazard.

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

Staff recommendation: *Steep slopes are present within the right of way where the intersection to the Sterling Highway will be. Centerline profiles and cross-sections must be submitted to show how a road could be constructed including the back slope location. If necessary, provide additional right of way or road easements for the construction and maintenance of the future road. Comply with 20.30.090.*

20.30.100. Cul-de-sacs.

- A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.

- B. Hammerhead or T -type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.

- C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.

Platting Staff Comments: The right of way will be ending without a turn around area or cul-de-sac. This right of way will provide access to future developments on KPB lands and will be able to be extended. At this time it is providing access to one lot and the large KPB parcel.

Staff recommendation: *concur that a turnaround is not required at this time.*

20.30.120. Streets-Width requirements.

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

- B. Additional right-of-way or easement width may be required to provide for the construction of side slopes or to otherwise accommodate right-of-way construction standards set forth in KPB Title 14.
Platting Staff Comments: The proposed width will be 66 feet. Due to terrain additional width or easements may be required.

Staff recommendation: *Comply with 20.30.120.*

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.
- 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 recommendation: *Comply with 20.30.150*

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 and Land Management to obtain an approved street name.*

20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

Platting Staff Comments: The block will be defined by the right of way being dedicated, the Sterling Highway, and the next right of way is Towle Circle. The block length exceeds code requirements and the dedications will not provide a closed block.

Staff recommendation: *Concur that an exception is not required as the proposed dedication improves block lengths but no other dedications can be granted with this subdivision to make a compliant block.*

20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

- B. Lots shall contain at least 40,000 square feet if both the well and wastewater disposal are to be located on the lot unless it can be demonstrated to the satisfaction of the commission that a smaller lot size is adequate for the safe location and operation of an on-site well and wastewater disposal system.

Platting Staff Comments: Both lots are greater than 40,000 square feet.

20.30.210. Lots-Access to street. Each lot shall abut on a fee simple dedicated street except as provided by KPB 20.30.030(B).

Platting Staff Comments: the subdivision fronts on the Sterling Highway. The dedication of the borough parcel will provide a right of way to the proposed one acre lot.

20.30.240. Building setbacks.

- A. The commission shall require a building setback of at least 70 feet from the centerline of all fee simple arterial rights-of-way in a subdivision. A minimum 20-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities.
- B. 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.
- C. The setback shall be noted on the plat in the following format:
Building setback- A 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.

Platting Staff Comments: Plat note 2 needs "With exception granted for existing cabin as shown on the plat" removed. An additional plat note shall be added explaining the structure on Lot 1 predates the setback and is exempt from the new 20 foot building setback.

Staff recommendation: *Revise the building setback note.*

20.30.280. Floodplain requirements.

Platting Staff Comments: River Center review determined the subdivision is not within a flood hazard area. It is within X Zone, which is non-regulatory and minimal flood risk. Plat note 7 states it is outside Flood zones. That should be revised to state "Parcels are outside regulatory flood zones and there are no low wet areas within the subdivision."

Staff recommendation: *Update plat note 7.*

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: Soils analysis report is required and an engineer will need to sign the plat.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

Staff recommendation: *final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.*

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20. 60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Staff recommendation: *comply with 20.60.010.*

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

Staff recommendation: *submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.

Staff recommendation: *comply with 20.60.030.*

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: *If right of way is dedicated for the Sterling Highway, provide a certificate of acceptance for the State of AK, DOT. Update the signature line for the KPB acceptance by removing "Charlie Pierce – Borough Mayor" and replace with "Authorized Official" as the Mayor or a designee may sign the acceptance.*

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 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: *comply with 20.60.070.*

20.60.110. Dimensional data required.

- A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled.

Staff recommendation: *comply with 20.60.110.*

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

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: *provide boundary and lot closure computations with the paper final plat.*

20.60.130. Boundary of subdivision. The boundary of the subdivision shall be designated by a wider border

Staff recommendation: *Include Lot 6, US Survey 2527 within the subdivision boundary.*

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: *Revise the lot numbering to avoid any duplication as the parent lot is Lot 1.*

20.60.150. Utility easements.

- A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.
- B. The following note shall be shown on the final plat:
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.

Staff recommendation: *comply with 20.60.150.*

20.60.160. Easements.

- A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.
1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.

- B. Private easements may not be granted on the plat.

Staff recommendation: *comply with 20.60.160.*

20.60.170. Other data required by law.

- A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.

- B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Platting Staff Comments: The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.

Staff recommendation: *comply with 20.60.170.*

20.60.180. Plat notes. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to Plat.

Staff recommendation: *Place the following notes on the plat.*

- *"No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."*
- *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).*
- *"Improvements on Lot 1 predate the 20' building setback (and 10' utility easement) created by this plat and are not subject to the 20' building setback (and utility easement). Any replacement, or improvement, to the building must comply with the 20 foot building setback (and utility easements) as shown on this plat."*

If the exception request is denied, then update plat note 2 to remove reference to the exception and remove plat note 4.

Add a space in plat note 5 after "Dated" and "September".

Update plat note 7 wording.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *If right of way is dedicated for the Sterling Highway, provide a certificate of acceptance for the State of AK, DOT. Update the signature line for the KPB acceptance by removing "Charlie Pierce – Borough Mayor" and replace with "Authorized Official" as the Mayor or a designee may sign the acceptance. Comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *comply with 20.60.200*

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

1. *Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;*
2. *Final approval by the commission was a condition of preliminary approval; or*
3. *The planning director determines there are other conditions to support referral to the commission.*

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

AND

- **COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.**

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

Mr. Huff noted that comments had been received from Alaska DOT regarding KPB 20.30.030. He stated that believer the surveyor is in communication with Eric Fuglestad, the DOT ROW engineer to go over any of the potential survey issues related to the Sterling Hwy.

END OF STAFF REPORT

Chair Carluccio opened the meeting for public comment.

Jason Young, Edge Survey & Design; P.O. Box 208, Kasilof, AK 99610: Mr. Young was the surveyor on this project and made himself available for questions. He also noted that he had talked to DOT and the right-of-way will be 65' in that area, so the building setback will not be an issue anymore.

Commissioner Carluccio asked Mr. Huff in light of this new information would he be changing his recommendation on the exception request. Mr. Huff stated no, his would still not recommending approving the building setback exception. Mr. Huff noted on the plat it currently shows the subdivision boundary is 100' from the centerline. The revised plat with the correct right-of-way information will move the line to 60' from the centerline and the building setback will no longer be an issue.

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

MOTION: Commissioner Ecklund moved, seconded by Commissioner Gillham to grant preliminary approval to Cliff House Acres Subdivision based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Ecklund moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.240-Building Setback.

Commissioner Ecklund stated that she believes that it would be in error to provide a building setback around this subdivision so she will be voting no on this exception request.

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

AMENDMENT MOTION FAILED BY UNANIMOUS VOTE

Yes	0	No	5
Yes			
No	Carluccio, Ecklund, Gillham, 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	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

AGENDA ITEM E. NEW BUSINESS

6. McCorison Lindholm Subdivision
KPB File No. 2021-042; Edge Survey and Design, LLC / McCorison

Location:	Brody Road, Ninilchik area
Proposed Use:	Residential, Recreational
Water/Sewer:	On site
Zoning:	Unrestricted
Assessing Use:	Residential
Parent Parcel Number(s):	157-130-36

Staff report given by Scott Huff.

Supporting Information:

The proposed plat will divide a large acreage aliquot part and government lot that are under common ownership. The plat will create two tracts and provide a right of way dedication for Brody Road. The tract to the north of Brody Road will be 93.86 acres and the Tract to the south of Brody Road will be 14.11 acres. A soils analysis report is not required and an engineer will not need to sign the plat.

The plat is located at the end of the dedication of Brody Road. Brody Road is a public access road per ADL 62970, serial number 2018-011182-0 HRD. Portions of Brody Road have been dedicated. This plat will be extending the 60 foot wide right of way over the existing constructed Brody Road. KPB maintains Brody Road from Oil Well Road to about 1,450 feet south of the proposed subdivision.

50 foot section line easements affect the west and north boundary. The plat is proposing to dedicate 33 feet wide right of way corresponding with the existing section line easements. These dedications provide for future projection and connection to existing right of ways.

Kinrod Street is located to the south of the west boundary. When the 10 acre parcel to the south is subdivided it will be required to provide a right of way dedication.

Fleetwood Avenue is a proposed 33 foot dedication that is aligned with other dedications named Fleetwood Avenue. These existing dedications are 1.5 miles to the west and separated by an anadromous stream and terrain features. While Fleetwood Avenue could possibly connect in the future and be developed over wetlands and streams, it will most likely be far in the future. **Staff recommends** a new name be provided that is approved by the KPB Addressing Officer.

The property is owned by Brian McCorison and Tiffany M. McCorison as husband and wife. **Staff recommends** the certificate of ownership be revised to reflect both owners and a signature line be added for Tiffany M. McCorison.

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 property is not within an advisory planning commission.

KPB satellite imagery indicates this property may contain wet areas and the areas have been depicted and labeled on the plat. **Staff recommendation:** place a note on the final plat indicating 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.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

Exception Requested:**A. KPB 20.30.030 Proposed street layout – Requirements (dedication and projection of Willy Avenue)**

Staff Discussion: Along the southern portion of the subdivision, west of Brody Road, is a 30 foot dedication named Willy Avenue. Kinrod 1998 Addition, Plat HM 99-8, dedicated approximately Willy Avenue as a 1,067 foot long by 30 feet wide half width right of way. The dedication was on both sides of Brody Road.

Kinrod 2018 Replat, Plat HM 2018-29, finalized the vacation of the portion of Willy Road east of Brody Road. That portion was vacated since it was to serve as access to a deed parcel that was combined with a larger lot.

The owners are requesting an exception to not dedicate a matching 30 foot right of way for Willy Avenue to make a 60 foot wide right of way.

If denied, the plat will require a 30 foot dedication along the southern boundary of the subdivision. This would provide a matching dedication for Willy Ave and a projection of Willy Avenue to Kinrod Street.

Surveyor's Findings:

1. One owner for parcels north and south (10 acre parcel) of extended Willy Avenue.
2. Owner has multiple adjacent parcels used for agricultural purposes.
3. Large Tract to the West is a full section. Adequate legal access from dedicated ROW on East, West, and South sides. Access also provided per section line easement.
4. Same owner for Government Lot 1 to the NW
5. Dedication on block lines would disrupt continuous tract.
6. Parcel boundaries on Southeast corner of subdivision extend to Ninilchik River drainage flood plain. Dedication too close to fragile habitat.
7. Large Tract B2 Plat 2018-29 has adequate access from Brody Road and West and South boundary.
8. Plat 2018-29 vacated portion of common block ROW.
9. Large tract to the East has adequate access from Brody Road.

Staff's Findings:

10. A different owner owns deed parcel per Bk. 316 Pg. 986 HM located directly south of the existing Willy Avenue.
11. Deed Parcel Bk. 316 Pg. 986 HM has access from Brody Road.
12. KPB Assessing records show Deed Parcel Bk. 316 Pg. 986 is vacant.
13. The dedication would provide a connection from Brody Road to Kinrod Street.
14. Property to the west is owned by Cook Inlet Region Inc. and is 640 acres.
15. The owner of the proposed subdivision also owns Deed Parcel Bk. 106 Pg. 786, Tract C, Tract B3, all located to the south of the subdivision and the 32 acre aliquot lot to the northwest of the subdivision.
16. The subdivider owns 162 acres of contiguous lands.
17. There are steep slopes at the western portion of the current Willy Avenue dedication.
18. Willy Avenue currently ends at a 10 acre parcel.
19. All surround lots have legal access and no lots are being denied access.
20. Per KPB GIS data, the area of Willy Avenue and projected continuation to connect to Kinrod Street does not contain low wet areas.
21. Lots are large enough to be further subdivided and provide dedications in the future.

Staff reviewed the exception request and recommends granting approval, **subject to** a matching 30 foot right of way dedication for Willy Avenue to provide a 60 foot wide right of way. **Staff recommends** the landowners be put on notice that any further subdivision may require the a right of way dedication for the extension of Willy Avenue to Kinrod Street.

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 1-5, 11, 15-17, 19, 21 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 1-5, 11, 15-17, 19, 21 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 1-5, 11, 15-17, 19, 21 appear to support this standard.

Exception Requested:

B. KPB 20.30.170 – Block length requirements

Staff Discussion: The proposed subdivision contains Brody Road, a 60 foot right of way easement, that intersects the property. The 60 foot right of way easement, granted by ADL 62970, will be dedicated to the public as a 60 foot right of way. The subdivision is bordered along the south by a partially dedicated right of way, Willy Avenue. The subdivision is then bordered along the west and north by section line easements.

The large unsubdivided lands to the east, northeast, north, and west are owned by CIRI and NNAI.

The block is defined by the following:

- Along the north – section line easements and proposed dedication of Fleetwood Avenue – approximately 3,320 feet
- Along the east – Brody Road dedication and ADL – approximately 3,580 feet
- Along the south – Willy Avenue – approximately 1,301 feet (if the exception is granted to not dedicate Willy Avenue, the block will be incomplete)
- Along the west – Kinrod Street and section line easements – approximately 2,640 feet

If denied, this plat will be required to provide 30 foot, half width, right of way dedications around the exterior of the subdivision boundary.

Surveyor's Findings:

1. One owner for parcels north and south of extended Willy Avenue.
2. Owner has multiple adjacent parcels used for agricultural purposes.
3. Large Tract to the West is a full section. Adequate legal access from dedicated ROW on East, West, and South sides. Access also provided per section line easement.
4. Same owner for Government Lot 1 to the NW, dedication on block lines would disrupt continuous tract.
5. Parcel boundaries on Southeast corner of subdivision extend to Ninilchik River drainage flood plain. Dedication to close to fragile habitat.
6. Large Tract B2 Plat 2018-29 has adequate access from Brody Road and West and South boundary.
7. Plat 2018-29 vacated portion of common block ROW.
8. Large tract to the East has adequate access from Brody Road.

Staff's Findings:

9. Property to the west is owned by Cook Inlet Region Inc. and is 640 acres.
10. The property to the north is owned by Cook Inlet Region Inc and is 320 acres.
11. The property to the east is owned by Cook Inlet Region Inc and is 80 acres.
12. The owner of the proposed subdivision owns approximately 163 acres in the area.
13. Lots are large enough to be further subdivided and provide dedications in the future.
14. There are several locations with steep slopes within the subdivision limiting ideal right of way placement.
15. The northeastern portion of the subdivision contains low wet areas.
16. A 60 foot right of way easement per ADL 62970 provides legal access to the section line to the north.

Staff reviewed the exception request and recommends granting approval. **Staff recommends** the landowners be put on notice that any further subdivision may require the matching right of way dedication and/or the extension of Willy Avenue to Kinrod Street.

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 1-4, 12, 13, 16 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 1-4, 12, 13, 16 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 1-4, 12, 13, 16 appear to support this standard.

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review: 15698 Brody Rd will remain with Tract B. Willie Ave needs to be corrected to Willy Ave. I recommend choosing a different name for Fleetwood Ave due to the distance an terrain between road segments.
- KPB Assessing: No comments.
- KPB Code Compliance: no comments.
- KPB Planner: There are no local option zoning district issues or material site issues associated with this subdivision.
- KPB Roads Dept.: Within KPB jurisdiction, no comments.
- State Parks: No comments.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise 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;

2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;
Platting Staff Comments: Reference to BLM Plat 1921 can be removed. Tiffany M. McCorison needs to be added to the owner's information.
Staff recommendation: Update the title block to be compliant with KPB Code.
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
Platting Staff Comments: Per KPB research, the following section line easements exist.
- 50 foot SLE on the north and west boundary within the subdivision.
 - Government Lot 1 has 33 foot section line easements along the west and north.
 - The deed parcel to the south has a 33 foot section line easement along the west.
 - The unsubdivided lot to the east of the subdivision has a 50 foot section line easement along the north.
- Section line easements abutting the subdivision shall be shown.*
Staff recommendation: Verify, depict and label the section line easements that affect this subdivision and provide access to this subdivision.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Platting Staff Comments: The Brody Road label is on a portion of right of way named Alice Avenue. Adjust the label for section 6 to the center of the section. Remove the label for Ninilchik River from the north drainage. Per KPB GIS data, that is an unnamed anadromous stream/river.
Staff recommendation: Update the vicinity map per staff comments.
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
Platting Staff Comments: Per KPB information the section line easements within the subdivision are 50 feet wide.
Staff recommendation: Verify, depict and label the 50 foot section line easements within the subdivision.
- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Platting Staff Comments: The property to the north is one parcel for assessing purposes.
Staff recommendation: Update the property information to the north to depict and label Government Lot 4 and the unsubdivided aliquot part.
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
Platting Staff Comments: The plat depicts the low wet areas.
- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;
Platting Staff Comments: Contours are shown and areas with slopes greater than 20% are labeled. If additional right of way dedications are required by the Plat Committee, review of the slopes will be needed and additional information may be required to determine if additional dedications are needed.
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Platting Staff Comments: Contours are shown and areas greater than 20 percent are labeled.

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

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:

20.30.060. 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 of the building setback shall be designated as a utility easement, graphically or by note.

Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from HEA were not available when the staff report was prepared.

GCI, ACS, and ENSTAR supplied reviews of no comments / no objections / no concerns.

Staff recommendation: grant any utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.

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

Platting Staff Comments: If additional right of ways are required by the Plat Committee to comply with KPB Code, centerline profiles and cross-sections may be required depending on the placement of right of ways. If a matching 30 feet of Willy Avenue is required additional information will be required to determine if additional easements are required.

Staff recommendation: Comply with 20.30.090.

20.30.100. Cul-de-sacs.

- A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.
- B. Hammerhead or T -type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.

C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.
Platting Staff Comments:

Staff recommendation: *Concur that Willy Avenue may be extended in the future and only provides access to three parcels and a cul-de-sac is not required at this time.*

20.30.110. Half streets.

- A. 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 an arterial;
 2. The street is a logical extension of an existing street; or
 3. The remaining half street can reasonably be expected to be dedicated.

Platting Staff Comments: The neighboring lands are large and will be required to provide a matching right of way dedication when subdivided in the future. Also SLE's provide an areas for road construction, public access, and utility placement.

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

Platting Staff Comments: Due to the distance between Fleetwood Avenue dedications, a new street name has been requested by from the KPB Addressing Officer.

Staff recommendation: *Comply with 20.30.160.*

20.30.180. Pedestrian ways required when. Pedestrian ways not less than 8 feet wide shall be required in blocks longer than 600 feet where reasonably deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

Platting Staff Comments: the SLE's provide pedestrian access.

20.30.240. Building setbacks.

- A. The commission shall require a building setback of at least 70 feet from the centerline of all fee simple arterial rights-of-way in a subdivision. A minimum 20-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities.
- B. 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.
- C. The setback shall be noted on the plat in the following format:
Building setback- A 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.

Platting Staff Comments: The correct plat note is present as well as the depiction along Brody Road. The setback shall be depicted adjoining Kinrod Street, Fleetwood Avenue (name to be changed), Willy Avenue, and any required new dedications.

Staff recommendation: *Comply with 20.30.240.*

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: Correct plat note is present. Due to lot sizes, a soils analysis report is not required.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

Staff recommendation: *final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.*

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20. 60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Staff recommendation: *comply with 20.60.010.*

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

Staff recommendation: *submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.

Staff recommendation: comply with 20.60.030.

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 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: comply with 20.60.070.

20.60.110. Dimensional data required.

- A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled.

Staff recommendation: comply with 20.60.110.

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

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: provide boundary and lot closure computations with the paper final plat.

20.60.150. Utility easements.

- A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.
- B. The following note shall be shown on the final plat:
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.

Staff recommendation: comply with 20.60.150.

20.60.160. Easements.

- A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.
1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.

B. Private easements may not be granted on the plat.

Staff recommendation: *comply with 20.60.160.*

20.60.170. Other data required by law.

A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Platting Staff Comments: There are restrictions found in the native allotment and deed. These documents are noted in the plat notes. Provide a plat note that reads, "The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080." Within plat note 7, correct the year the documents was recorded to 2010.

Staff recommendation: *comply with 20.60.170.*

20.60.180. Plat notes. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to 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).
- Add the recording information for Brody Road. "Brody Road right of way is being dedicated atop of existing ADL 62970, a public access road, as found in serial number 2018-011182-0, KRD, recorded on December 13, 2018.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.

20.60.190. Certificates, statements, and signatures required.

Platting Staff Comments: Provide a signature line and notary acknowledgement for Tiffany M. McCorison. Revise the Certificate of Ownership for multiple owners. Within the Certificate of Acceptance, correct the spelling of Borough. There are multiple right of ways being dedicated, revised "Right of Way dedicated on this plat" to "Rights of way..." and list each dedication separately. Remove the Mayor's name and title. While the Mayor may be the one to sign the Acceptance there are other designees that may sign in his place. Add "Authorized Official" below the signature line. Update the meeting date in the plat approval statement to April 26, 2021.

Staff recommendation: *comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *comply with 20.60.200*

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

1. Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;
2. Final approval by the commission was a condition of preliminary approval; or
3. The planning director determines there are other conditions to support referral to the commission.

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ABOVE RECOMMENDATIONS,**

AND

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

Chair Carluccio opened the meeting for public comment.

Jason Young, Edge Survey & Design; P.O. Box 208, Kasilof, AK 99610: Mr. Young is the surveyor on this project and stated the landowner is requesting to not give the additional 30' of Willy Ave. One landowner owns all the land to the north and west of Brody Rd. The landowner is trying to purchase the small parcel of land to the west of Willy Ave. He understands they do not like to see 30' right-of-ways and he believes the next platting action in the area will be to vacate Willy Ave. as well as some of the lot lines. This area is rural and Willy Ave. is undeveloped. They feel it would be unnecessary to take the addition 30' for the right-of-way at this time.

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

MOTION: Commissioner Ecklund moved, seconded by Commissioner Gillham to grant preliminary approval to McCorison Lindhom Subdivision based on staff recommendations and compliance to borough code.

AMENDMENT A MOTION: Commissioner Ecklund moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.030-Proposed Street Layout Requirement, Dedication & Projection of Willy Avenue, citing 1-5, 11, 15-17, 19 & 21 in support of standards one, two and three.

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

AMENDMENT MOTION A PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

AMENDMENT B MOTION: Commissioner Ecklund moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.170-Block Length Requirements, citing 1-4, 12, 13 & 16 in support of standards one, two and three.

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

AMENDMENT MOTION B PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

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

MAIN MOTION PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

AGENDA ITEM E. NEW BUSINESS**7. River Acres Subdivision
KPB File No. 2021-004R1; Edge Survey and Design, LLC / Swanson**

Location:	South of Kasilof River, Kasilof
Proposed Use:	Residential
Water/Sewer:	On-site
Zoning:	Rural Unrestricted
Assessing Use:	Residential
Parent Parcel Number(s):	133-120-39

Staff report given by Scott Huff.

Supporting Information:

The proposed plat creates four tract from government lots 5 and 8. The parent parcel is 41 acres in size. The proposed subdivision will consist of tracts ranging in size from 5 acres to 20 acres. A soils report is not required, and an engineer will not need to sign the plat.

This design is a revision of a previously approved plat. The original was heard and approved at the February 8, 2021 Plat Committee meeting. The original design dedicated a 60 foot right of way, Swanson Street, within the center of the subdivision. An exception had been requested to KPB Code 20.30.030 – proposed street layout, and was denied. The Plat Committee, based on staff recommendation, requested a 30 foot dedication along the southern border of the subdivision to provide a connection between the Kasilof River and Swanson Street.

The proposed redesign has removed all right of way dedications and the access to each lot will be via the Kasilof River. A 100 foot public access easement exists adjoining the ordinary high water line of the Kasilof River. Exceptions are being requested for block length and street layout so that no right of way dedication will be provided.

The legal access to the proposed subdivision is by way of the Kasilof River. The subdivision is located near river mile 11.5. Public access to the Kasilof River exists up river at Tustumena Lake Campground at river mile 17 and down river at the Sterling Highway boat launch near river mile 8.

The subdivision does not front on a dedicated right of way, or a public access easement, to provide a connection to public roads. The public access easement is depicted and discussed in plat note 6. Please note there are duplicate plat numbers on the preliminary plat.

The subdivision is not within a compliant block. The Kasilof River borders the subdivision on three sides. The southern border abuts a 147 acre lot owned by the State of Alaska Department of Natural Resources. An exception has been requested for block length.

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 property is not within an advisory planning commission.

KPB satellite imagery indicates this property may contain wet areas. **Staff recommendation:** place a note on the final plat indicating 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.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

Exception Requested:**KPB 20.30.030 – Proposed Street layout – requirements****KPB 20.30.170 – Blocks – Length Requirements****KPB 20.30.210 – Lots – access to streets**

Staff Discussion: When reviewing the previous design the plat committee approved the plat but denied the exception and required a 30 foot half right of way be provided along the southern boundary to provide a connection from the Kasilof River to Swanson Street. The current design has removed the internal dedication, Swanson Street, and asking to no longer dedicate any right of way.

All lots will have legal access from the Kasilof River. Having the river provide the only legal access will limit the ability to access the property during certain times of the year. South of the subdivision is a 147 acre parcel owned by DNR. Along the southern boundary of the DNR parcel is a right of way dedication, Cabin Avenue, and section line easements. Owners can petition the state to try to receive private or public access to their land. Walking, hiking, snowshoeing, snow machine, etc. may be viable to provide year round access to the property. Proposed Tract B and C will have limited access as they will not touch the DNR lands nor have any dedications providing them access.

The exceptions have been grouped. If the Plat Committee grants the exception, no street dedications will be required, efforts to improve the block will not be required, and the lots will not front along a dedicated right of way but access will be by the Kasilof River. If the exceptions are denied, streets will be required to be dedicated to provide access to each lot, to provide future projections and needs, and to improve block requirements.

If denied the subdivision will need to provide a right of way access to all lots consisting of a 60 foot wide right of way in the interior of the subdivision and a half width 30 foot right of way adjoining the south boundary of the subdivision.

Surveyor's Findings:

1. Legal access from Kasilof River.
2. Large tract to the South has adequate access from Cabin Avenue and Kasilof River.
3. Large tract south owned by AK DNR which provides public access along south boundary of subdivision.

Staff's Findings:

4. This is a remote subdivision with no dedicated right of way within a half mile.
5. Parcels are large enough to be further subdivided and provide future dedications.
6. After this plat is recorded, it would require approval from all lots to dedicate right of way.
7. The Kasilof River is a public water way.
8. There is a 100 foot public access easement that affects the uplands from the ordinary high water boundary of the Kasilof River.
9. The large 147 acre lot to the south is owned by the State of Alaska.
10. The State of Alaska lands are open to public access to this subdivision.
11. It is possible to obtain a right of way access across the State of Alaska lands to provide access to this subdivision.
12. Dedicated right of ways provide open and legal access to properties.
13. Roads are not required to be constructed within the dedicated right of ways.

Staff reviewed the exception request and based on findings 6, 10 - 13 cannot recommend approval.

If the exception is granted, staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee)

with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review: no comments
- KPB Assessing: No comment.
- KPB Code Compliance: No comment
- KPB Planner: There are no local option zoning district or material site issues with this proposed plat.
- KPB Roads Dept.: Within KPB jurisdiction. No comments.
- State Parks: No comments.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise 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;
 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
Platting Staff Comments: Verify the acreage. The acreage is currently listed differently on sheet 1 and sheet 2. Revise the KPB File number 2021-004R1 on both sheets.
Staff recommendation: Update acreage and KPB file number on both sheets.
- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions, or limitations of reservations that could affect the subdivision;
Platting Staff Comments: The public access easement is depicted and noted in plat note 6.
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
Platting Staff Comments: If the exception is denied, street names will need to be approved by the KPB Addressing Officer for any dedications.
Staff recommendation: Provide approved street names if applicable.
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
Platting Staff Comments: The plat depicts the various flood zones and low wet areas. The plat also states the meander line was surveyed in November 2020. Plat note 5 (second one), 6 (second one), and 8 address the floodplains and meander.
Staff recommendation: Provide any additional notes required by the Floodplain Administrator and update plat note numbers.
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

Platting Staff Comments: Contours are not depicted on this revised plat. The subdivision is not affected by steep slopes.

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

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:

20.30.040. Streets within 100 feet of waterbodies. No dedications are allowed within 100 feet of the ordinary high water line of a waterbody unless necessary for access to a lot where no reasonable alternative access exists or the dedication provides access to a bridge or public facility, waterbody or watercourse. Final plats must comply with KPB 20.60.050 and 20.60.060.

Platting Staff Comments: If the exception to 20.30.030 is denied a redesign will be required. If a 30 foot right of way along the south is required it will allow a common access point to limit multiple river access to the Kasilof River.

Staff recommendation: *Comply with 20.30.040.*

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.

Platting Staff Comments: The subdivision has legal access by means of the Kasilof River.

Staff recommendation: *Concur that access a waiver of legal access is met as access is on the Kasilof River or crossing State lands.*

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 of the building setback shall be designated as a utility easement, graphically or by note.

Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from ACS were not available when the staff report was prepared.

HEA, GCI, and ENSTAR supplied reviews of no comments / no objections / no concerns.

If the exception is granted and no right of way dedications are required, plat note 3 shall be removed. If additional easements are requested the portion of the plat note regarding development shall not interfere with the use needs to be left on the plat.

Staff recommendation: *grant utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.*

20.30.100. Cul-de-sacs.

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

Platting Staff Comments:

Staff recommendation: *If right of way dedications are required, provide a turn around area at the terminus of the right of way.*

20.30.110. Half streets.

- A. 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 an arterial;
 - 2. The street is a logical extension of an existing street; or
 - 3. The remaining half street can reasonably be expected to be dedicated.
- B. 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, adjoining to the new half right-of-way are parties of record and will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way. Pursuant to KPB 2.40.080 review of the plat committee decision by the planning commission may be requested by parties of record.

Platting Staff Comments: If a 30 foot dedication is required along the southern boundary, the adjoining will be notified of the change and will be allowed to request review by the planning commission.

20.30.120. Streets-Width requirements.

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

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

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.

Staff recommendation: *Comply with 20.30.150.*

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

Platting Staff Comments: Any required dedications will need a street name approved by KPB Addressing Officer.

Staff recommendation: *Comply with 20.30.160.*

20.30.180. Pedestrian ways required when. Pedestrian ways not less than 8 feet wide shall be required in blocks longer than 600 feet where reasonably deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

Platting Staff Comments: The subdivision is subject to a 100 foot public access easement upland of the ordinary high water boundary of the Kasilof River.

Staff recommendation: *the access is depicted and noted on the plat.*

20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

- B. Lots shall contain at least 40,000 square feet if both the well and wastewater disposal are to be located on the lot unless it can be demonstrated to the satisfaction of the commission that a smaller lot size is adequate for the safe location and operation of an on-site well and wastewater disposal system.

20.30.240. Building setbacks.

- A. The commission shall require a building setback of at least 70 feet from the centerline of all fee simple arterial rights-of-way in a subdivision. A minimum 20-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities.

- B. 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.

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

Building setback- A 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.

Platting Staff Comments: If the exceptions are granted, the lots will not front along right of ways. If the exception is granted remove plat note 2. If the exception is denied and right of ways are required, depict the setback along all right of ways and plat note 2 will remain on the plat.

Staff recommendation: *Comply with 20.30.240.*

20.30.280. Floodplain requirements.

Platting Staff Comments: River Center review determine the subdivision is within a flood hazard area. It is within flood zones A3, B, and C as found on map panel 020012-2730A. The plat contains the appropriate notes and shows the flood zones. Update plat note numbers.

Staff recommendation: *Comply with 20.30.280.*

20.30.290. Anadromous Waters Habitat Protection District. If any portion of a subdivision or replat is located within an anadromous 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.

Platting Staff Comments: River Center review determined that the proposed subdivision is totally or partially within an Anadromous Waters Habitat Protection District. A plat note is located on the plat but the wording should match the note as above.

Staff recommendation: *comply with 20.30.290.*

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: All proposed lots are larger than 200,000 square feet and a soils analysis report is not required. The appropriate note is located on the plat but may need to be renumbered.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

Staff recommendation: *final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.*

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20.60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Staff recommendation: *comply with 20.60.010.*

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

Staff recommendation: *submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.

Staff recommendation: *comply with 20.60.030.*

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.

Platting Staff Comments: Any right of way dedications required will require an acceptance by an Authorized Official of the Kenai Peninsula Borough.

Staff recommendation: *Comply with 20.60.040.*

20.60.050. Dedication and construction of anadromous waterbody crossings.

- A. Where a dedication crosses a waterbody within the Kenai Peninsula Borough Road Service Area cataloged as important to the protection of anadromous fish under AS 16.05.871 as now enacted or as may be hereinafter amended, additional right-of-way dedication or slope easements may be required by the planning commission as necessary for construction to meet the criteria of KPB 14.40.061(B).

- B. Where a dedication is proposed over an existing road crossing a waterbody within the Kenai Peninsula Borough Road Service Area cataloged as important to the protection of anadromous fish under AS 16.05.871 as now enacted or as may be hereinafter amended, the road and crossing must be brought up to the permitting standards established by KPB 14.40.061(A) prior to planning commission approval of the final plat.
- C. Where a plat dedicates a right-of-way over an existing road which crosses an anadromous waterbody as described in KPB 20.60.050(B), the applicant shall have three years from the approval of the preliminary plat to have the final plat approved. The time frame may be extended by the planning director if the extension is requested prior to the termination of the initial three-year period for final plat approval or any previously granted extension, and only if there has been no change in the design of the subdivision's road system since preliminary plat approval. Extensions may only be granted for one year at a time.
- D. The road service area shall inspect and provide certification to the planning department that waterbody crossings meet the permitting requirements of KPB 14.40.061(A) prior to the approval of the final plat.

Platting Staff Comments: No right of way dedication will be crossing the Kasilof River. The construction of

20.60.060. Dedications within 100 feet of waterbodies. In addition to the criteria set forth in KPB 14.40.061(B), where dedications are proposed within 100 feet of a waterbody, the requirements of KPB 20.30.040 shall be met as part of the subdivision design.

Platting Staff Comments: If additional dedication is required along the southern boundary, comply with 20.60.060.

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 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: *comply with 20.60.070.*

20.60.110. Dimensional data required.

- A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled.
- B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

Platting Staff Comments: The correct note is on the plat.

Staff recommendation: *comply with 20.60.110.*

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

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: *provide boundary and lot closure computations with the paper final plat.*

20.60.150. Utility easements.

- A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.
- B. The following note shall be shown on the final plat:
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.

Staff recommendation: *comply with 20.60.150.*

20.60.160. Easements.

- A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.

1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.

- B. Private easements may not be granted on the plat.

Staff recommendation: *comply with 20.60.160.*

20.60.170. Other data required by law.

- A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.

- B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Staff recommendation: *comply with 20.60.170.*

20.60.180. Plat notes. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to Plat.

Staff recommendation: *Place the following notes on the plat.*

- *If dedications are required the following shall be added. 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).*
- *If the exceptions are not granted, remove plat note 4.*
- *If exceptions are granted a plat note must be added "At the time of the recording of this plat, legal access is by way of the Kasilof River."*

The Anadromous Habitat note needs "Waters" added.

The plat notes need to be renumbered.

20.60.190. Certificates, statements, and signatures required.

Platting Staff Comments: If the plat contains right of way dedications, include a Certificate of Acceptance for KPB to accept dedicated right of ways.

Staff recommendation: *comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *comply with 20.60.200*

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

1. *Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;*
2. *Final approval by the commission was a condition of preliminary approval; or*
3. *The planning director determines there are other conditions to support referral to the commission.*

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

Chair Carluccio opened the meeting for public comment.

Jason Young, Edge Survey & Design; P.O. Box 208, Kasilof, AK 99610: Mr. Young was the surveyor on this project and informed the committee the landowner is withdrawing the exception request and will be reverting back to the design that was previously approved by the plat committee on February 8, 2021.

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

MOTION: Commissioner Ecklund moved, seconded by Commissioner Venuti to grant preliminary approval to River Acres Subdivision as presented and approved at the February 8, 2021 Plat Committee meeting.

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	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

F. PUBLIC COMMENT – None

G. ADJOURNMENT

Commissioner Ecklund moved to adjourn the meeting 7:02 P.M.

Ann E. Shirnberg
Administrative Assistant