

## AGENDA ITEM E. NEW BUSINESS

1. Christensen Tracts 2009 (2021) Addition  
KPB File No. 2021-046; Geovera, LLC / Hough

### STAFF REPORT

Plat Committee Meeting: May 10, 2021

Location: on East End Road and Hough Road, City of Homer  
Water/Sewer: On site sewer / City Water  
Zoning: City Zoning  
Assessing Use: Residential  
Parent Parcel Number(s): 179-020-86, 179-021-58

### **Supporting Information:**

The subdivision is located approximately at mile 1.5 of state maintained East End Road. Hough Road is a city right of way that is partially constructed. The roadway is constructed outside of the dedicated right of way. This plat will correct the right of way alignment by vacating a portion of the dedicated right of way and dedicating right of way over the constructed portion of Hough Road.

The proposed plat affects two tracts. Along with the change to Hough Road right of way, one tract will be subdivided into two parcels.

This proposed plat was originally heard and approved by the Plat Committee at the April 12, 2010 meeting. Numerous time extensions have been granted along with the approval of the City of Homer. The original surveyor has retired and the owners have found a new surveyor.

The last time extension, due to the age of the file, was approved with the requirement that the plat comply with current code. This plat is being brought back to the Plat Committee for a new preliminary plat approval.

The right of way vacation has expired and required a new submittal. The right of way vacation was heard by the Kenai Peninsula Borough Planning Commission at the April 26, 2021 meeting and was approved by unanimous vote.

The City of Homer has submitted a statement that the plat and Right of Way vacation comply with City approval and no changes have been made.

When the plat was previously heard the plan was to connect to municipal water and have on-site wastewater disposal. Any plans to connect to municipal water or wastewater will require documentation from the City of Homer that an installation agreement is in place or services are installed and in installation agreement is not required. If on-site wastewater will be used a soils analysis report is required for proposed Tract F-1 and Tract 1-A. An engineer will sign the final plat.

The subdivision is subject to a 33 foot section line easement along the northern boundary of the subdivision. Rosebud Street is located to the east of the subdivision. Rosebud Street is a 30 foot wide right of way that is approximately 100 foot long. This right of way is only accessed by section line easements.

The subdivision contains low wet areas in the south portion. Very steep slopes affect the north portion of the subdivision with the entire subdivision sloping downward to the south. The wet areas and slopes are depicted on the plat.

Notice of the proposed plat was mailed to the beneficial interest holder on April 27, 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.

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

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**Exception Requested:**

**A.      KPB 20.30.030 – Proposed Street Layout Requirements** (matching dedication of Little Fireweed Lane and Rosebud Street)

Surveyor's Discussion: The existing 33 foot section line easement along the north boundary of Tract 1-B is not constructible to City of Homer standards due to the steepness of the terrain and the fact that the easement crosses two deep gullies. The section line easement does not provide functional access to any of the adjoining properties. The dedication of a right of way would serve no practical purpose that the section line easement does not already provide.

Staff Discussion: The proposed plat is subject to a 33 foot section line easement along the northern boundary. That section line easement abuts an additional 33 foot lying north of the subdivision for a total width of 66 feet.

The plat Lloyd Race Addition No. 1 (HM 84-36) dedicated a portion of the section line easement naming the right of way Little Fireweed Lane. Little Fireweed Lane connects to Jakes Little Fireweed Lane, located 1,000 feet to the east, by section line easements. Due to terrain and lot design the ability to connect the right of ways will be very challenging.

Rosebud Street is an approximately 100 foot long right of way that is 30 feet wide. Rosebud Street is abuts the proposed subdivision in the northeast corner. Rosebud Street was dedicated by Thompson Subdivision No. 4 (HM 82-95). Rosebud Street does not currently connect to any other dedicated right of ways. It is accessed via section line easements. Rosebud Street is not constructed.

If denied this platting action will require a minimum 30 foot right of way dedication within the section line easement on the north boundary and a 30 foot matching right of way dedication for Rosebud Street

**Findings:**

1. The subdivision is subject to a 33 foot section line easement which abuts an additional 33 foot section line easement for a total width of 66 feet.
2. The portion of Little Fireweed Lane that abuts the subdivision was dedicated in 1984.
3. Little Fireweed Lane is 331 feet long.
4. Rosebud Street was dedicated in 1982.
5. Rosebud Street is 100 feet long.
6. The area where the dedications would be required are affected by steep terrain.
7. The City of Homer approved the plat with no request for additional right of way dedications.

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 6, 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 6, 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 6, 7 appear to support this standard.**

**Exception Requested:**

**B. KPB 20.30.190 – Lot Dimensions (Tract 1-B)**

**Surveyor Discussion:** The flag portion of Tract 1-B as proposed is 35 feet wide. The existing driveway from the Hough Road right-of-way to the upper portion of proposed Tract 1-B runs along the west edge of the proposed flag. There is a 50 foot wide access and utility easement that is centered on the existing driveway. The flag and the easement provide roughly 60 feet of width for legal access to the upper portion of Tract 1-B.

The length to width ratio of Tract 1-B is unchanged from the existing lot boundary (Tract 1 Christensen Tract No. 4). The lower portion of original Tract 1 is being subdivided into a separate lot (Tract 1-A) that adjoins the realigned lower portion of Hough Road. Most of Tract 1-B has slopes exceeding 20% grade and would be unsuitable for supporting access to additional building sites. There is a small bench on Tract 1-B that is accessed by the existing driveway that would support a building site. Tract 1-B is intended to only support that one building site.

**Staff Discussion:** The parent parcel for proposed Tract 1-B is a very long parcel that does not comply with code. The parent parcel is now being divided into two tracts. Due to the dimensions of the parent parcel, and limited right of way dedications, dividing the parcel to comply with the 3:1 depth to width ratio will be difficult. Steep terrain and limited right of way prohibit access to the north portion of Tract 1.

The flag design does not meet code requirements, as the panhandle access is 300 feet long and 35 feet wide. KPB code limits panhandle access at a length of 150 feet and a width of 20 feet.

A private 50 foot wide access easement and utility easement is centered on the boundary common with Tract 2 for the length of the panhandle. A private 20 foot wide easement is centered on the entire boundary common with Tract 2. When including the width of the private access easement the width of the panhandle access is 60 feet and complies with KPB Code.

Per KPB GIS imagery, it appears there may be a trail within the proposed panhandle or within the 50 foot access easement.

If denied, the subdivision will need to be redesigned by either dedicating a 60 foot wide right of way into Tract 1-B or creating a 60 foot wide panhandle access for Tract 1-B.

**Findings:**

1. Parent parcel, Tract 1 Christensen Tracts No. 4 (HM 2006-44), does not comply with 3:1 depth to width ratio.

2. The proposed lot has steep slopes through majority of property.
3. A private 50 foot access easement gives access from Hough Road to the usable area of the parcel.
4. The access easement combined with the proposed panhandle will be 60 feet in width and complies with KPB code.
5. The proposed lot is large enough to be further subdivided.
6. There is legal access via section line easements to the north.
7. The ability to use the section line easement is nearly impossible due to terrain and limited dedicated right of way.
8. Not requiring a 60 foot wide flag will limit future subdivision of Tract 1-B.
9. A private 20 foot right of way easement exists along the shared property line with Tract 2 (HM 2006-44).
10. In order to comply with 3:1 a redesign would be required that dedicates additional right of ways through steep terrain or providing a 60 foot wide panhandle.

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 – 4, 7, 9, 10 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 – 4, 7, 9, 10 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 – 4, 7, 9, 10 appear to support this standard.**

### **Exception Requested:**

#### **C. KPB 20.30.130 – Streets- Curve Requirements**

Surveyor's Discussion: This plat realigns the existing Hough Road right-of-way so that the centerline matches the existing road. To match the existing road alignment it requires a compound curve with a substandard (100') radius. The originally approved Roger Imhoff plat showed a similar compound curve with a substandard radius.

Staff Discussion: The proposed plat was previously approved under old code and complied with the street requirements. The intent of this plat is to dedicate right of way that puts the constructed roadway within a dedicated right of way.

A right of way dedication with a 200 foot radius would not encompass the existing road.

The City of Homer provides street maintenance and has approved the proposed right of way alignment.

If denied, the right of way will require a centerline curve with a radius of 200 feet.

**Findings:**

1. Hough Road will be a 60 foot wide right of way.
2. The plat will shift the location of the platted right of way to align with the constructed road by vacating a portion and then rededicating another portion to maintain a 60 foot width.
3. The KPB Planning Commission heard the right of way vacation at the April 26, 2021 meeting and approved unanimously.
4. The City of Homer did not object to the original design when presented in 2010.
5. The City of Homer will be required to sign the plat to accept the new right of way dedication.
6. The City of Homer provides road maintenance.
7. Per KPB GIS Imagery, Hough Road was not constructed in 1996.
8. Per KPB GIS Imagery, Hough Road was constructed by 2003 to align with the private 50 foot access easement.
9. Per KPB GIS Imagery, Hough Road has been extended to provide physical access to Tract 3 (HM 2006-44).
10. A centerline alignment with a 200 foot radius would not encompass the existing roadway.

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 2-6, 9, 10 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 2-6, 9, 10 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 2-6, 9, 10 appear to support this standard.**

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**KPB Department/Agency Review Comments**

KPB Addressing/Street Name Review: Addresses affected: 4630 Hough Road and 4580 Craftsman Road. Existing street names listed are correct. City of Homer will advise on addresses.

KPB Assessing: No comments.

KPB Code Compliance: No comments.

KPB Planner: Review not required, within the City of Homer.

KPB Roads Dept.: Outside of jurisdiction; no comments

State Parks: No comments.

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**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;  
**Staff recommendation:** Change the name of the subdivision to Christensen Tracts 2021 Addition or an addition name approved by staff.
- 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:** Depict and label the section line easement that is abutting the north boundary of this subdivision.
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;  
*Platting Staff Comments:* There are two easements that are noted on the plat. Per the documents that granted the easements, they are to be considered private.  
**Staff recommendation:** Update the labels to include "private" for the access and right of way easements of record.
- 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:* Original submittal stated the lots would be connected to city water. The water lines are not depicted on the plat.  
**Staff recommendation:** Comply with city requirements and provide proof of installation agreement or documentation that one is not required.
- 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:* Slopes greater than 20 percent are shown. There appears to be none along the right of way dedication. The dedication is atop the constructed right of way.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;  
*Platting Staff Comments:* This plat will correct the roadway encroachment onto private property. No known encroachments will be in place after finalizing the plat. If additional encroachment issues are found during the field survey they must be noted and an explanation of how to resolve must be submitted.

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**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.

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**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: The ROW for East End Road is as shown on Homer East Road MP 0 – 3.75, Lake Street to Kachemak Bay Drive, sheet 12 of 27, Plat 2010-32, Homer RD*

*Platting Staff Comments: An exception has been requested and if denied a redesign will be required.*

**Staff recommendation:** Provide the right of way information for East End Road per the AK DOT review. 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 GCI were not available when the staff report was prepared.*

*HEA and ACS supplied reviews of no comments / no objections / no concerns.*

ENSTAR reviewed the plat and objects to the vacation of the right of way as there is a natural gas line located on the east side of the dedicated right of way. **Staff recommends** the surveyor / land owner work with ENSTAR to obtain approval.

*The proposed right of way vacation will also vacate the associated utility easements. New utility easements will be granted along the front 15 feet along the new dedication.*

*Per the Certificate to Plat, Tract F and Tract 1 are subject to general easements granted to Homer Electric Association, Inc. with no definite locations disclosed. A plat note shall be added that discloses the easement.*

**Staff recommendation:** Add required plat notes, obtain approval from ENSTAR, 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.

20.30.090. 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: No slopes are shown in the area of the right of way dedication. The dedication will be atop the constructed right of way. The City of Homer has approved the plat and will be accepting the right of way dedication. The City of Homer will also provide maintenance if the road qualifies.*

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 proposed subdivision is not within a compliant block. This area is affected by steep slopes, ravines, and drainages making compliant block length nearly impossible. Many of the right of ways dedicated in the area are in a manner to allow construction in the most feasible location. Even if additional right of way is required to attempt to bring the block into compliance, it will not create a compliant block and the roads will not be dedicated in areas where right of ways will likely be built.*

**Staff recommendation:** Concur that an exception is not required as any dedications at this time will not improve the block due to steep terrain, drainage issues, and lack of right of way dedications to connect to.

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 has been requested, if denied a redesign will be required.*

**Staff recommendation:** place the standard note on the plat for the flag lot(s): No structures are permitted within the panhandle portion of the flag lot(s).

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 correct plat note is on the plat.*

**Staff recommendation:** Comply with 20.30.250.

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.*

**Staff recommendation:**

20.30.280. Floodplain requirements.

*Platting Staff Comments: River Center review was not required as the plat is within the City of Homer.*

**Staff recommendation:** Comply with 20.30.280.

20.30.290. Anadromous Waters Habitat Protection District.

*Platting Staff Comments: River Center review determined that the proposed subdivision is not subject to the Anadromous Waters Habitat Protection District.*

**Staff recommendation:** comply with 20.30.290.

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#### **KPB 20.40 -- Wastewater Disposal**

*Platting Staff Comments: A soils analysis report is required for proposed Tract 1-A and Tract F-1 as both lots are less than 200,000 sq. ft. An engineer will need to sign the plat.*

**Staff recommendation:** comply with 20.40.

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#### **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: An acceptance statement is required to be signed by the City of Homer.*

**Staff recommendation:** Provide an acceptance statement for the City of Homer to accept the new Hough Road dedication.

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 a copy of the 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.

20.60.150. 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:**

- *There are two access easements noted on the face of the plat. Both notes should be revised to note the easements as "Private".*
- *The 50 foot access easement recording information should be updated to "Book 237 Page 656, HRD".*
- *Plat note 13 refers to a 50 foot wide road easement located in Book 185 Page 349. The note is incomplete as it states it will be vacated on a specific date. If the easement is released, provide the recording information. Staff requests that the surveyor research and determine if the recording of this plat will terminate the easement or if additional documents will need to be recorded. Per the Access Agreement "The above easement shall be terminated and cease to exist at such time that a dedicated public access right-of-way conforming to City and Borough regulations is finalized and recorded to provide access to the above described W ½ N ½ W ½ NE ¼ Section 16, T6S, R13W S.M. parcel of land." If the recording of this plat terminates the easement add a plat note "The 50 foot wide road easement as described in Book 185 Page 349, HRD is terminated with the recording of this plat." If the easement still affects this subdivision provide a plat that states, "This plat is subject to a 50 foot wide private access agreement as described in Book 185 Page 349, HRD."*
- *Correct the label for the 20 foot wide ROW easement on the common lot line so the full serial number is noted, i.e. HM 2004-000266.*

**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.*

*The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.*

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.*

- *This subdivision is subject to an easement for electric lines or system with right to enter, maintain, repair and clear shrubbery, granted to Homer Electric Association, Inc. as outlined in Book 49 Page 288, HRD. No definite location disclosed.*
- *No structures are permitted within the panhandle portion of the flag lot(s).*

*Make the following corrections.*

- *Plat note 9 and 10 are duplicate. Remove one and update the other to include this meeting date and remove the April 12, 2010 date.*
- *Update the plat note regarding the exceptions granted to include those granted at this meeting and revise the date.*
- *Remove the label on the drawing that states, 'C/L 50' wide road esmt. Vacated (see note 11)*

- On the labels within the dawning, correct the reference to the plat note numbers.

20.60.190. Certificates, statements, and signatures required.

*Platting Staff Comments:* The plat approval note should contain this meeting date. Provide a certificate of acceptance for the City of Homer to sign.

**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.

KPB 20.70 – Vacation Requirements

*Platting Staff comments:* The vacation was heard and approved by the Planning Commission at the April 26, 2021 meeting.

**Staff recommendation:** Comply with 20.70.

**THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.**

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**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