

# Kenai Peninsula Borough

## Plat Committee

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

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May 10, 2021  
6:00 p.m.  
**UNAPPROVED MINUTES**

Meeting started late due to technical difficulties.

### A. CALL TO ORDER

Commissioner Carluccio called the meeting to order at 6:40 p.m.

### B. ROLL CALL

#### *Plat Committee Members/Alternates*

Pamela Gillham, Ridgeway  
Paulette Carluccio, City of Seldovia  
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

- \*2 Member Excused Absences
  - a. Cindy Ecklund, City of Seward
- \*3. Minutes
  - a. April 26, 2021 Plat Committee Meeting Minutes

Chair Carluccio asked if anyone wanted to speak any items on the agenda.

Commissioner Ruffner asked to move item E7 under New Business to the first item after the Grouped Items on the agenda as there were individuals waiting in the audience to speak on this item.

Hearing no one else wanting to speak, public comment was closed.

**MOTION:** Commissioner Ruffner moved seconded by Commissioner Gillham to move Item E7 on the regular agenda to after the grouped items, approve the revised agenda and the minutes from the April 26, 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	1
Yes	Carluccio, Gillham, Ruffner, Venuti				
No					
Absent	Ecklund				

### E. NEW BUSINESS

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

AGENDA ITEM E. NEW BUSINESS

## GROUPED AGENDA

Staff Report given by Scott Huff

Staff grouped the plats located under **AGENDA ITEM E.** They are grouped as:

- A. Simple or non-controversial. The type of plats grouped are lot splits, creating a small number of lots, replats, no exceptions required and no public comments were received. – 3 Plats
  2. Barker Subdivision #2  
KPB File 2021-055; [Johnson Surveying / Naptowne Holdings, LLC]  
Location: On Scout Lake Loop Rd., Greenwood Court & Sterling Highway  
Sterling Area
  3. Willard Point  
KPB File 2021-056; [Johnson Surveying / Willard]  
Location: Near MP 148 Sterling Highway  
Happy Valley Area  
Anchor Point APC

**Staff recommends** the committee determine whether any members of the public, surveyors or committee members wish to speak to any of the plats in this **group (A)** and remove the specific plats from the group, voting on the remainder of plats in the group in a single action to grant preliminary approval to the plats subject to staff recommendations and the conditions noted in the individual staff reports.

## 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 Ruffner, to grant preliminary approval based on staff recommendations and compliance with borough code to Barker Subdivision #2 and Willard Point.

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

**MOTION PASSED BY UNANIMOUS VOTE**

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

AGENDA ITEM E. NEW BUSINESS**ITEM 2 – BARKER SUBDIVISION #2**

<b>KPB File No.</b>	2021-055
<b>Plat</b>	<b>Committee</b> May 10, 2021
<b>Meeting:</b>	
<b>Applicant / Owner:</b>	Naptowne Holdings, LLC
<b>Surveyor:</b>	Jerry Johnson / Johnson Surveying
<b>General Location:</b>	Corner of Sterling Highway, Scout Lake Loop Road, and Greenwood Court; Sterling Area

<b>Parent Parcel No.:</b>	063-680-10, 063-680-11
<b>Legal Description:</b>	Lots 4 and 5, Block 1 of Barker Subdivision, KN 78-199
<b>Assessing Use:</b>	Residential/General Commercial
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On-site

## STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will combine two parcels that are 0.84 acres into one lot that will be 1.682 acres.

### **Legal Access (existing and proposed):**

The proposed subdivision is located at approximate milepost 83.5 of the Sterling Highway in the Sterling area. The subdivision has access by way of the Sterling Highway, Scout Lake Loop Road and Greenwood Court. Sterling Highway is a varying width right of way that is maintained by the State of Alaska DOT. Scout Lake Loop Road is a 100 foot wide right of way that is maintained by the State of Alaska DOT. Greenwood Court is a 60 foot wide right of way that is improved and maintained by the Kenai Peninsula Borough. Greenwood Court was originally named Sterling Drive but due to a vacation on the western end the street name was changed by Resolution SN 1996-04. Per KPB GIS imagery, this subdivision has one driveway on the Sterling Highway and two driveways on Greenwood Court.

KPB Roads Dept. comments	Within jurisdiction; no comments
SOA DOT comments	The ROW for the Sterling Highway is as shown on sheet 48 of 74, Sterling Highway Mile 79-94, plat 2013-26

### **Site Investigation:**

The subdivision appears to be relatively flat and contains no low, wet areas.

Floodplain Hazard Review	Not within a flood hazard area.
Anadromous Waters Habitat Protection District Review	Not within an AWHPD.
State Parks Review	No comments.

### **Staff Analysis**

The proposed subdivision will combine two lots into one lot. These lots were both created by Barker Subdivision, KN 78-199. Per the parent plat, these lots were 40,068 and 40,015 square feet. This plat will increase the lot size and provide more adequate area for on site water and wastewater disposal.

The State of Alaska project IR-0A3-3(3), as seen in KN 2013-26, page 48, acquired additional right of way for the Sterling Highway. This created a change to the lot acreage and these lots currently do not comply with minimum lot size. Parent Lot 4 was reduced to approximately 37,026 square feet and Lot 5 to approximately 36,590 square feet. Combining the lots will create one lot that is compliant with minimum lot size.

Per KPB Code 20.40.020(A)(2), the plat will increase the lot sizes by 1,000 sq. ft. and a soils analysis report is not required. **Staff recommends** the correct wastewater disposal plat note be added to the plat.

“WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.”

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.

The block is not compliant to KPB Code. The block length along Scout Lake Loop Road is approximately 280 feet, which is short of the minimum length. The block length along the Sterling Highway is slightly too long with an approximate length of 1,500 feet. The block length along the Sterling Highway was compliant until a portion of Sterling Drive was vacated by plat KN 94-63. **Staff recommends** that the Plat Committee concur that an exception is not required as any dedications granted will not improve the block length.

The current lots share an access from the Sterling Highway. This platting action will combine the lots to remove issues of encroachment between the two lots, if any exist.

**Staff recommends** the following corrections/edits be made

**CORRECTIONS / EDITS**

Plat notes to be added:

- Provide the correct wastewater disposal note.
- The certificate to plat contains a reservation of easement. "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."

Revise plat note 5 to include the recording information of KN 2013-26.

Within the vicinity map, add road to Scout Lake Loop Road.

Provide the status of adjacent lands within 100 feet of the subdivision boundary.

Include Block One within this subdivision boundary.

**Utility Easements**

The 5 foot utility easement from the parent plat is being carried forward. This platting action will grant the front 10 feet of the building setback and the entire building setback within 5 feet of the side lot lines as a utility easement.

**Utility provider review:**

HEA	No comments.
ENSTAR	No comments or objections
ACS	No objections.
GCI	

**KPB department / agency review:**

Planner – Bryan Taylor	There are not any Local Option Zoning District issues or material site issues with this proposed plat.
Code Compliance – Eric Ogren	No comments
Addressing – Derek Haws	Affected addresses: 35021 Sterling Highway, 35051 Sterling Highway. 35021 Sterling Highway will remain on Lot 4A. All existing street names are correct.
Assessing – Adeena Wilcox	No comments

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

**RECOMMENDATION:**

**SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**

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

**NOTE: 20.25.120. - REVIEW AND APPEAL.**

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

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

### END OF STAFF REPORT

***\*Passed by Grouped Agenda***

### AGENDA ITEM E. NEW BUSINESS

#### ITEM 3 – WILLARD POINT

<b>KPB File No.</b>	2021-056
<b>Plat Committee Meeting:</b>	May 10, 2021
<b>Applicant / Owner:</b>	Richard and Victorine Willard
<b>Surveyor:</b>	Johnson Surveying
<b>General Location:</b>	MP 148 Sterling Highway / Anchor Point APC
<b>Parent Parcel No.:</b>	159-190-51, 159-180-54
<b>Legal Description:</b>	Lot 7A, Rozak Stariski Creek Subd. HM 98-67 Govt. Lot 6 lying W of the Sterling Highway
<b>Assessing Use:</b>	Residential Dwelling
<b>Zoning:</b>	Unrestricted
<b>Water / Wastewater</b>	On - site

#### STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will combine Lot 7 (4.144 Ac.) and Govt. Lot 6 (5 Ac.) into one parcel that will be 8.776 acres in size.

**Legal Access (existing and proposed):**

Legal access to the subdivision is provided by the Sterling Highway. Govt. Lot 6 does not front the Sterling Highway. A single driveway provides shared access for both lots. By combining the two lots into one it will allow legal access to the entire parcel.

The Govt. Lots to the south as west are owned by KPB and have legal access by the Sterling Highway and along the beach.

KPB Roads Dept. comments	Within KPB jurisdiction, no comments.
SOA DOT comments	The ROW for the Sterling Highway is as shown on sheet 23 of 38, F-021-1(2), Homer Serial Number 63-423

**Site Investigation:**

GIS imagery shows buildings on both parcels with driveways and other smaller structures.

This subdivision is very near to Cook Inlet and affected by the steep bluff. Most of Govt. Lot 6 is affected by the bluff with a small upland area that contains a house. The steep slope limits the area that can be developed. **Staff recommends** the usable area be added to the final plat along with the total acreage.

The subdivision does not front Cook Inlet and is not affected by a meander line or any public access easement attached to the mean high water line.

Floodplain Hazard Review	Not within a flood hazard area. Located in a D-zone which is non-regulatory.
Anadromous Waters Habitat Protection District Review	Not within a Habitat Protection District.
State Parks Review	No Comments.

### **Staff Analysis**

Lot 7A was created in 1998 by subdivision plat that subdivided several government lots. No access was given to Gov. Lot 6

A wastewater report was prepared for Lot 7A which stated the soils were suitable for conventional onsite wastewater treatment and disposal systems. This plat will be combining two lots into one, increasing the area available for wastewater disposal installation, and will not require a wastewater review.

Improvements have been made on both parcels and the combining of the lots into one will remove any future encroachment issues as the lots cannot be transferred separately.

This subdivision is located within an incomplete block. **Staff recommends** the plat committee concur that this subdivision cannot provide a right of way dedication to help with block length due to steep terrain, Cook Inlet, development in the area, and the location of the Sterling Highway, and an exception is not required.

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 RECOMMENDATIONS** **CORRECTIONS / EDITS**

#### 20.25.070 Form and contents required

- Typically, the parent plat name is carried forward, however Staff is agreeable to a new subdivision name as this will be a combination of a government Lot and a subdivide parcel. Another option would be to revise the subdivision name to carry forward the parent plat name. i.e. Rozak Stariski Creek Subd Willard Point addition.
- Correct the aliquot description to SE1/4 NW1/4 & SE1/4 NW1/4 of Section 25
- Confirm the total acreage as KPB information shows 9.14 Ac.
- Provide status labels and parcel lines for the government lots to the south and west.
- Remove 'Gov' from the lot label.
- Verify the small remaining portion of the Gov. Lot south of the subdivision as this appears to be Gov. Lot 13.

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

**Staff recommendation:** Clearly show or depict the survey markers that were used to define the boundary of Gov. Lot 6.

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:** Remove 'Gov' from the lot designation.

### **Utility Easements**

The utility easements of record as shown on plat HM 98-67 are being carried forward. **Staff recommends** a reference be added to note the source of the record easements.

A utility easement of record, location undefined, affects the subdivision and is referenced in plat note 5.



**Utility provider review:**

HEA	Reviewed, no comments.
ENSTAR	No comments or recommendations.
ACS	No objections.
GCI	Approved as shown.

**KPB department / agency review:**

Addressing – Derek Haws	Affected Addresses: 26425 STERLING HWY 26365 STERLING HWY No other comments.
Code Compliance – Eric Ogren	No comments.
Planner – Bryan Taylor	There are no local option zoning district issues or material site issues associated with this subdivision.
City Advisory Comments	No comments.
Advisory Planning Commission	

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

**RECOMMENDATION:****STAFF RECOMMENDS:**

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
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A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

*\*Passed by Grouped Agenda*

**AGENDA ITEM E. NEW BUSINESS****ITEM 7 – VAN SKY SUBDIVISION NUMBER 7 - REVISED**

<b>KPB File No.</b>	2021-012R1
<b>Plat Committee Meeting:</b>	May 10, 2021
<b>Applicant / Owner:</b>	Estate of Dennis Van Sky, Kenai, Alaska
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Nikiski

  

<b>Parent Parcel No.:</b>	014-160-54
<b>Legal Description:</b>	Tract C1, Van Sky Subdivision Number 6, KN 2012-50
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural District / Unrestricted
<b>Water / Wastewater</b>	On-Site

Staff report given by Scott Huff

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide an 18.9 acre parcel into two tracts that are 5.2 and 12.7 acres.

This is a revised design of a preliminary plat that was heard and approved by the Plat Committee at the March 15, 2021 meeting. An exception had been requested for KPB Code 20.30.030 and 20.30.170 to not extend Graham Avenue. The Plat Committee unanimously voted to deny the exception and require the extension of Graham Avenue to Van Sky Street on the west boundary. The parcels to the north are 'land locked' as there is no legal access to multiple lots. The extension of Graham Avenue would provide legal and help with block length requirements.

A new design has been submitted with a partial dedication for Graham Avenue. The proposed design will still require an exception to KPB Code.

**Legal Access (existing and proposed):**

Access to the subdivision is via Birchwood Drive and Jeffery Avenue which are KPB maintained dedicated right of ways. Sequoya Drive and Graham Avenue are dedicated right of ways that provide access to the subdivision but have not been improved.

This plat is proposing to provide the following:

- 30 foot half width right of way, Van Sky Street, located on the west boundary. A matching dedication can be obtained when the neighboring 13 acre parcel is further subdivided.
- 30 foot half width right of way, Graham Ave, located on the north boundary. A matching dedication can be obtained when the neighboring parcels are further subdivided.

The subdivision is located in an open block that does not comply with KPB code.

KPB Roads Dept. comments	Not available when the staff report was prepared.
SOA DOT comments	N/A

**Site Investigation:**

The subdivision is generally flat and not affected by steep terrain. A low wet area affects a small portion on the west boundary.

Floodplain Hazard Review	Not within a flood hazard area
Anadromous Waters Habitat Protection District Review	Not affected by a Habitat Protection District
State Parks Review	No comments

**Staff Analysis**

The parent parcel, Tract C1 was created in 2012.

The new lots are larger than 200,000 sq. ft. and a soils analysis report is not required.

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 has reviewed the revised plat under the code requirements the original plat was approved under (pre Ordinance 2020-45). This staff report is only addressing the changes presented on the revised sketch. All requirements laid out in the original staff report that was approved on March 15, 2021 are still required. All corrections and code requirements listed in the original staff report must still be met in order to finalize this plat. A copy of this revision was sent to all reviewers for any comments or concerns regarding the proposed revision.

**CORRECTIONS / EDITS**

The subdivision boundary needs to be updated to include the proposed dedication to the west and in the eastern corner where the Graham Avenue dedication is proposed. The interior lot lines shall be thinner than the subdivision boundary. Correct any overstrikes on the survey markers.



Block 2 label shall be added to Tract 13 located northwest of the subdivision.

Line and curve table needs to be added to the plat.

Update the plat approval note to include both meeting dates. "This plat was approved by the Kenai Peninsula Borough Planning Commission at the meetings of March 15, 2021 and May 10, 2021."

A turnaround area is proposed for Graham Avenue. The southern portion is proposed to be 30 feet wide. This design will allow for future development and extension of the right of way. If this right of way ever extends to Jeffery Avenue, the ability to get a matching 30 foot dedication from Lot 2, KN 2012-50 will be slim as it is already a 1 acre lot. **Staff recommends** the T-type turn around area south of Graham Avenue be 60 feet wide to allow for a future extension.

The request for the exception states there are improvements on proposed Tract C2 that cross the boundary with Tract D to the north. Tract D is owned by Penny Rae Van Sky.

Per KPB 20.25.070(N), apparent encroachments are to be depicted on the preliminary plat and a statement is to be provided indicating how the encroachment will be resolved prior to final plat approval. **Staff recommends** the surveyor provide the location of the encroachments and as well as a statement for how the encroachment will be resolved prior to final plat approval. Tract C2 and Tract D can be combined into one parcel to remedy the encroachment issue.

#### PLAT NOTES -

**Staff recommends** add the following plat notes -

- 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).
- A note for any exceptions granted and the correct meeting date.
- Acceptance of the plat by the Borough does not indicate acceptance of any encroachments.

**Staff recommends** correct the following plat notes –

- Plat note 6, the second "This plat" should not be capital as it is does not start a sentence just located at the start of a line.

#### Utility Easements

Per the parent plat, 10 foot utility easements exist adjoining the dedicate right of ways, with a full 20 feet within 5 feet of the side lot lines. This plat will be granting utility easements within the front 10 of the building setback and the entire setback within 5 feet of the side lot lines.

Two utility easements of record affect this subdivision. The easement recorded in Bk. 2 Pg. 132 KRD is noted on the plat. **Staff recommends** the surveyor determine if the easement of record recorded in Bk. 37 Pg. 23 KRD affects this subdivision and if so, then depict or note the easement of record.

An easement for a public road turn around area has been depicted and labeled on the plat.

#### Utility provider review:

HEA	No Comments
ENSTAR	
ACS	No comments
GCI	

#### KPB department / agency review:

Planner – Bryan Taylor	There are no local option zoning districts associated with this plat. A prior existing use was recognized on November 15, 2000. A letter for the material site was sent to the land owner on March 1, 2021. (letter in packet)
Code Compliance – Eric Ogren	No Comments.
Addressing – Derek Haws	Van Sky St. is approved

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

**EXCEPTIONS REQUESTED:**

**KPB 20.30.030 – Proposed Street Layout – Requirements**

**KPB 20.30.170 – Block Length - Requirements**

Surveyor's Discussion: We need an exception to extending Graham Avenue to Van Sky Street as there are improvements extending from future Tract C2 onto Tract D to the north. Extending Graham Avenue would place improvements in the ROW. Graham Avenue is extended far enough for Lot 5A5 Block 4 to have 60 feet of ROW frontage.

Staff Discussion: Two section of code are being combined into one exception as the two sections of code are both in regards to the extension of Graham Avenue. The Plat Committee may vote on each section separately if they choose.

The proposed design extends a half width right of way dedication of Graham Ave for 1,017 feet to the west but does not connect to Van Sky Street. The proposed Graham Ave. dedication will extend to the southeast corner of Tract 5A5, Block 4 KN 640.

Previous concerns of the Plat Committee was the limited access provided to the lots to the north. The lots to the north front on Conundrum Ave. but there is no legal access to Conundrum Ave. so the lots are 'land locked'

Van Sky Street dedication along the west will provide access to Tract D, Tract D is a 13 acre parcel which fronts on Kendra Avenue on the north boundary. No legal access connects to Kendra Avenue. If the proposed design is granted the block length will improve but without through dedications the block length will not comply with code.

A 'L' shaped turnaround is being provided at the proposed west end of Graham Avenue. This design will allow the right of way to be extended to the west and south in the future.

The applicant has stated that there are improvements on the boundary between proposed Tract C2 and Tract D. No asbuilt survey was provided and aerial imagery from 2019 does not show any type of improvements.

If denied, the plat will require a redesign to extend Graham Avenue to the west and provide a connection to Van Sky Street. A 'L' shaped turn around would not be required.

**Findings:**

1. Graham Avenue is a 60 foot wide right of way located to the northeast of the subdivision.
2. Graham Avenue is not improved at this time and is not maintained by the KPB Roads Dept.
3. 5 parcels front the north boundary of this proposed subdivision.
4. Tract D, Van Sky Subd. No. 4 (KN 2009-23) is 13 acres in size and is large enough to be further subdivided.
5. Tracts 5A5, 5A6, 5A7, and 5A8, Island Lake Subdivision (K-640) are 5 acres in size and are large enough to be further subdivided.
6. Tracts D fronts on Kendra Avenue, a 30 foot wide dedicated right of way.
7. Tracts, 5A5, 5A6, 5A7, and 5A8 front on Conundrum Ave., a 60 foot wide public access easement.
8. Kendra Avenue and Conundrum Avenue do not connect to a public right of way or public access easement.
9. Kendra Avenue and Conundrum Avenue are not improved.
10. If Graham Avenue is extended with this platting action, Tracts 5A5, 5A6, 5A7, an 5A8 would be required to provide a matching 30 foot right of way dedication when they are further subdivided.
11. This subdivision is located within an open block that does not comply with subdivision requirements.
12. An extension of Graham Avenue and a right of way on the west boundary of this proposed plat will bring the block into compliance.
13. An extension of Graham Avenue will improve access.

14. The dedication along the west, Van Sky Street, will improve the block length.
15. Per the submittal, improvements would be located within the right of way if Graham Avenue was to be extended to connect to the western dedication.
16. An asbuilt survey was not provided to show the location of the improvements.
17. Aerial imagery does not show any improvements on the boundary between Tract D and proposed Tract C2.
18. The turnaround area for Graham Avenue is compliant with KPB Code and will also allow future extension.
19. The southern portion of the Graham Avenue turnaround is 30 feet wide.
20. Lot 2 Van Sky Subdivision No. 6 (KN 2012-050) is only one acre and 141 feet wide.
21. Ability to get a matching 30 feet dedication from Lot 2 Van Sky Subdivision No. 6 (KN 2012-050) is not likely.

Staff reviewed the exception request and based on findings 4, 11, 12, 13, 16 and 17 does not recommend approval.

If the exception is granted, Staff recommends the 'L' turnaround portion of Graham Avenue be widened to 60 feet to allow for the right of way to be extended in the future.

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.

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

### **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:

#### **20.30.100. Cul-de-sacs.**

- 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.

*Platting Staff Comments: If the exception is granted the proposed turnaround will provide a turnaround as well as allow for future extension of right of way. Staff requests the width of the southern 'L' extension be widened to 60 feet. The proposed design will allow for future extension to the south to create a compliant block that will connect to Jeffery Avenue.*

**Staff recommendation:** Comply with 20.30.100.

### **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.

20.60.040. 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 for any right of way dedications must be added to the plat to be signed by a Kenai Peninsula Borough Authorized Official.

**Staff recommendation:** Comply with 20.60.040.

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.

*Platting Staff Comments:* The line and curve data is missing from the plat and must be added.

**Staff recommendation:** comply with 20.60.110.

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 revised to include the dedications and the boundary must be wider than the interior lot lines.

**Staff recommendation:** Comply with 20.60.130.

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#### **RECOMMENDATION:**

#### **SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS IN THIS STAFF REPORT AND THOSE FOUND IN THE PREVIOUS STAFF REPORT FOR KPB FILE 2021-012, 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.

#### **STAFF REPORT - ADDENDUM**

After the staff report was prepared, the landowners met with staff to discuss this subdivision. With the information presented by the landowners, Staff has prepared additional findings for the exception requested to KPB 20.30.030 – Proposed Street Layout – Requirements and KPB 20.30.170 – Block Length – Requirements.

22. An estate owns Tract C1 and this plat will subdivide the parcel so two siblings can have separate ownership.

23. Penny Van Sky owns Tract D and will also be the owner of proposed Tract C2. The two tracts will

be adjoining.

24. Lot 5A7, 5A8, and Tract 13, located to the northeast of this subdivision, are under common ownership. The owners of Lot 5A7 and 5A8 can access these lands from their neighboring lots.

25. Larry Van Sky owns Lots 5A5 and 5A6 located to the north.

26. This plat, as submitted, will provide legal access to all five parcels that are located on the north boundary.

Staff reviewed the exception request and recommends granting approval, **subject to** the 'L' turnaround portion of Graham Avenue be widened to 60 feet to allow for the right of way to be extended in the future.

Findings 12-15, 18, 22-24, and 26 appear to support standards 1, 2, and 3

END OF STAFF REPORT ADDENDUM

### END OF STAFF REPORT

Chair Carluccio opened the meeting for public comment.

Kevin Dukowitz – 47191 Wildberry Ct., Kenai AK 99611: Mr. Dukowitz spoke on behalf of his wife who has interests in this subdivision. This property was a part of her grandfather's homestead from the 1950. Tract C1 belonged to his wife's father who passed away last year. This proposed subdivision will split this property between her and her sister. Her sister Penny Van Sky will be the owner of proposed Tract C2 and she also owns Tract D. His sister-in-law has cleared the land to build right on the boundary of Tract D and the proposed Tract C2. His wife will own proposed Tract C3. When his surveyor John Segesser was working on this subdivision he asked him if they wanted to have Graham Ave. extend all the way across Tracts C2 & C3. He told him it couldn't because of his sister-in-law had already started to develop her property on the boundary between Tracts C2 & D. They would only like to extend Graham enough to give access to the lots to the north (Tracts 5A5 thru 5A8). He stated that the individuals who purchased the parcels off Conundrum Ave. knew they were landlocked and he believes that Conundrum Ave. should be extended to Duke St. to give the lots to the north access. This proposed plat will finalize the remaining estate of his father-in-law and they would like to see it approved tonight.

Commissioner Ruffner noted that it appears all involved with this proposed plat are good with the current design, showing that Graham Ave. will be extended out to Tract 5A5. Mr. Dukowitz replied that while extending Graham Ave. was not their first preference, he understands that this current design meets borough code and it will allow them to finalize his father-in-laws estate.

Larry Van Sky – 53832 Forest Lane, Kenai AK 99611: Mr. Van Sky is the son of the man who owned the original 40 acre homestead. He stated he does not support extending Graham Ave. at all. Someone at some time created the eight lots that front along Conundrum Ave. knowing that they were landlocked and some authority at the time approved it. He believes the surveyor of those lots just drew up the plat and never did a land survey. He believes that the persons who have bought these lots on Conundrum are speculators, with him being one of them, and purchased these lots because they were cheap and understood that they were landlocked. He believe the better plan would be to extend Conundrum Ave. across Tract D to Tract E. This makes more sense that extending Graham Ave. While he protests against extending Graham Ave. he would ask that the committee approve the plat before them so his brother's estate can be finalized.

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

**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Gillham to grant preliminary approval to Van Sky Subdivision No. 7 based on staff recommendations and compliance to borough code.

**AMENDMENT:** Commissioner Ruffner moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.030 – Proposed Street Layout Requirements & KPB 20.30.170 – Block Length Requirements, subject to the 'L' turnaround portion of Graham Avenue be widened to 60 feet citing findings 12-15, 18, 22-24, & 26 in support of standards one, two and three.

Commissioner Ruffner stated he understands the concerns expressed about the road not being in an ideal spot and that they would like to see it developed in another location. He understands folks do not like to give up land in the subdivision process but at the same time they are tasked with trying to develop properties in



an orderly manner. This plat will assist with providing legal access to several of the landlocked lots off Conundrum and hopefully promote a more orderly development of the area. Because extending Graham Ave. will provide legal access to the tracts to the north he would support this exception request.

Commissioner Carluccio stated that she agreed with Commissioner Ruffner and noted in the past she has seen where exceptions have been granted to not require public access easements. Many times this has created problems later much like what is seen here with the landlocked parcels off Conundrum Street. She would support the exception request based on the extension of Graham Ave.

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

**AMENDMENT PASSED BY UNANIMOUS VOTE**

Yes	4	No	0	Absent	1
Yes	Carluccio, Gillham, Ruffner, Venuti				
No					
Absent	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	Absent	1
Yes	Carluccio, Gillham, Ruffner, Venuti				
No					
Absent	Ecklund				

**AGENDA ITEM E. NEW BUSINESS**

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

Staff report given by Scott Huff.

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.

**Exception Requested:**

**A. KP20.30.030 – 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.**

**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.

**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.

**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: 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.

#### **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.

**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 dawing, 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.

Mr. Huff then noted that they had received a letter from a beneficiary holder on May 10, 2021 stating they had no objection to this subdivision.

**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.

**MAIN MOTION:** Commissioner Ruffner moved, seconded by Commissioner Gillham to grant preliminary approval to Christensen Tracts 2021 Addition based on staff recommendations and compliance to borough code.

**AMENDMENT A:** Commissioner Ruffner moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.030 – Proposed Street Layout Requirements, matching dedication of Little Fireweed Lane and Rosebud Street, citing 6 & 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 A PASSED BY UNANIMOUS VOTE**

Yes	4	No	0	Absent	1
Yes	Carluccio, Gillham, Ruffner, Venuti				
No					
Absent	Ecklund				

**AMENDMENT B:** Commissioner Ruffner moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.190 – Lot Dimensions, for Tract 1-B, citing findings 2-4, 7, 9 & 10 in support of standards one, two and three.

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

**AMENDMENT B PASSED BY UNANIMOUS VOTE**

Yes	4	No	0	Absent	1
Yes	Carluccio, Gillham, Ruffner, Venuti				
No					
Absent	Ecklund				



**AMENDMENT C:** Commissioner Ruffner moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.130 – Streets - Curve Requirements, citing findings 2-6, 9 & 10 in support of standards one, two and three.

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

**AMENDMENT C PASSED BY UNANIMOUS VOTE**

Yes	4	No	0	Absent	1
Yes	Carluccio, Gillham, Ruffner, Venuti				
No					
Absent	Ecklund				

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

**MAIN MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	No	0	Absent	1
Yes	Carluccio, Gillham, Ruffner, Venuti				
No					
Absent	Ecklund				

**AGENDA ITEM E. NEW BUSINESS**

**ITEM 4 - FOREST ACRES HARMON ADDN**

<b>KPB File No.</b>	2021-049
<b>Plat Committee</b>	May 10, 2021
<b>Meeting:</b>	
<b>Applicant / Owner:</b>	Lawrence and Carol Harmon, Seward, Alaska
<b>Surveyor:</b>	Kenneth Lang / Lang and Associates, Inc.
<b>General Location:</b>	On Hemlock Avenue, Maple Street; City of Seward

  

<b>Parent Parcel No.:</b>	145-043-14, 145-043-15, 145-043-17
<b>Legal Description:</b>	Lots BP, BQ, and BT, Forest Acres Subd., Sec. 34, T01N R01W S.M.
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Residential
<b>Water / Wastewater</b>	City / On-Site

Staff report given by Scott Huff.

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide three 1 acre lots into six lots ranging in size from 20,962 square feet to 21,500 square feet. The total size of the subdivision is 2.9 acres.

**Legal Access (existing and proposed):**

The subdivision is located at the corner of Hemlock Avenue and Maple Street. Both roads have been constructed and are under municipal jurisdiction.

Maple Street varies in width. The portion in front of Lot B5 and B6 is 40 feet in width and the portion in front on Lot B1 – B4 is 45 feet in width. This plat will dedicate an additional 5 feet of right of way.

Hemlock Street is 50 feet in width. This plat will dedicate an additional 5 feet of right of way.

The subdivision is within a compliant block defined by Maple St., Hemlock St., Oak St., and Ash St.

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

**Site Investigation:**

Per GIS Data there are no wetlands or bodies of water within the subdivision. The subdivision does fall into the Flood Hazard Zone X. This is designated as low to moderate risk of flooding. Per the City of Seward Planning and Zoning Commission, the subdivision is not subject to the City of Seward floodplain



development requirements.

Floodplain Hazard Review	Within the City of Seward; In the X zone which is non-regulatory
Anadromous Waters Habitat Protection District Review	Is not within an AWHPD.
State Parks Review	No comments

### **Staff Analysis**

The proposed subdivision is a replat of 3 lots within Forest Acres Subdivision, plat SW 17, that is dated 1950. A Boundary Survey was completed in 1978 to clarify the parcel boundaries, as the original document is difficult to read and was damaged by water.

The City of Seward Planning and Zoning Commission reviewed the subject plat at their March 2, 2021 meeting. They recommended approval subject to the following conditions:

1. Property owner shall enter into a subdivision development agreement with the City.

Below is a summary of the City of Seward Planning and Zoning Commission staff report.

*The property is served by electric and maintained streets. Water and sewer are not located adjacent to the subject area. A water main runs along Hemlock and Ash Streets. Municipal sewer runs along Ash Street and is approximately 250 feet from Lot BT. The lots do meet the city requirements for minimum lot width and buildable lot size for the Rural Residential Zoning District. A subdivision development agreement is required.*

The plat does depict a proposed water main within Maple Street and the existing water line within Hemlock Avenue. The submittal stated the water would be supplied by the city while the wastewater disposal will be onsite. For onsite wastewater disposal a soils report will be required. For connection to the City wastewater system, approval from the City of Seward will be required.

#### **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.

**Staff recommendation:** The proposal states the intent to connect to city water. Wastewater disposal is to be onsite. Per C, the lots proposed are compliant but a soils report is required and an engineer will need to sign the plat.

KPB Assessing records and the City of Seward both state all parent lots are currently vacant. KPB GIS imagery from 2020 indicates a clearing within Lot BQ.

A building setback is not required as this is located within the City of Seward and is subject to the

**CORRECTIONS / EDITS**

**Staff recommends** the following corrections be made.

**KPB 20.25.070**

- Within the title block
  - o Revise the subdivision name to 'Forest Acres Subdivision – Harmon Addition'.
  - o Correct the drawing scale.
  - o Revise the parent parcel description to match the certificate to plat i.e. *"A resubdivision of Lots BP, BQ, and BT, Forest Acres Subdivision (Plat SW 17). (Lots also shown on Boundary Survey Plat SW 78-4)."*
  - o Include the City of Seward for where the subdivision is located.
  - o Lot BM in the northwest has been resubdivided; correct to Lot 3 SW 95-30.
  - o South of Hemlock Avenue is Tract C SW 2007-21; this needs to be labeled.
  - o The plat number should be included for Lots A1- A4, SW 2018-3.
  - o The depiction of Lot B in the northeast corner needs to be updated.
  - o Lot B's top property line is directly across from the northern boundary of the subdivision. Adjust the property line and add a label to the north for "Lot C".
  - o Correct Hemlock Street to Hemlock Avenue.
  - o Dimension the right of way widths.

Update the Certificate of Ownership to be in the plural form.

The Notary certificate includes the term 'sworn' which makes it a jurat. Correct the heading to Notary's Jurat or revise the wording per KPB 20.60.190(A)(7).

Provide a Certificate of Acceptance of the City of Seward to accept the dedicated right of ways and utility easements being granted.

The following plat notes need to be added to the plat:

- The proposed subdivision is subject to a utility easement granted to the Territory of Alaska (State), including the term and provision thereof, for the purpose therein as found in easement located in Book 16, Page 214, SRD, recorded on September 30, 1948.
- The proposed subdivision is subject to street and utility easements granted to the City of Seward, including the terms and provisions thereof, for the purpose set out therein. The area delineated in Book 16, Page 85, SRD, recorded on June 19, 1978 is the 5 feet along Hemlock Avenue and the 5 feet along Maple Street. This is the area being dedicated as right of way.
- 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.
- The front 10 feet adjoining rights-of-way is a utility easement.

If wastewater disposal will be to the City utility then the correct note is on the plat. If the subdivision will have on-site wastewater, **Staff recommends** the wastewater note be corrected to comply with KPB 20.40

**Utility Easements**

Per the Certificate to Plat this subdivision is affected by two easements. One is for a sewer line (Bk. 16 Pg. 214) and one is for a street and utility easement (Bk. 16 PG. 85) which coincides with the right of way being dedicated with this plat. **Staff recommends** plat notes be added for these easements of record describing the location.

**Staff recommends** per KPB 20.30.060 Easements, that the 10 feet adjoin the new right of ways be granted as a utility easement with the location depicted and labeled on the plat.

A plat note is required to grant 10 feet along the right of ways.

**Utility provider review:**

ENSTAR	No comments or recommendations
ACS	Not within ACS area
GCI	

SEWARD ELECTRIC	(this subdivision is served by Seward electric utility)
CHUGACH ELECTRIC	No comment, not located in our service area.
TELALASKA	Has no objection to the preliminary plat. Requests for consideration, the addition of a 10' utility easement along all lot lines adjacent to any road right of way. Essentially identical to the usual KPБ 20' / 10' building setback and utility easement.

**KPB department / agency review:**

Planner – Bryan Taylor	There are no local option zoning district or material site issues with this proposed plat.
Code Compliance – Eric Ogren	No comments
Addressing – Derek Haws	Affected addresses: 2415 Maple Street, 2409 Maple Street, 2403 Maple Street. Affected addresses will need to be reviewed by the City of Seward. Existing Street Names needing correction: Hemlock Street should be Hemlock Avenue
Assessing – Adeena Wilcox City Advisory Comments	No comments

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

**EXCEPTIONS REQUESTED:****KPB 20.30.120 Street Width Requirements****Surveyor's Discussion:**

**Staff Discussion:** The street width currently does not comply with KPB code or City of Seward code.

Seward code 16.05.010 requires a 50 foot width for right of ways while KPB 20.30.120 requires a 60 foot width for right of ways.

Hemlock Ave is 50 feet width and complies with Seward code but not KPB code. This platting action will dedicate an additional 5 feet for a new width of 55 feet.

Maple Street is 40 and 45 feet in width and does not comply with Seward code or KPB code. This platting action will dedicate an additional 5 feet for a width of 45 and 50 feet.

Staff cannot ask the Committee to apply KPB 20.30.270 (different standards in cities) because platting powers have not been delegated to the City of Seward.

If denied, additional right of way dedication will be required so that the right of way width is 60 feet to comply with KPB standards.

**Findings:**

1. The street width currently does not comply with KPB code or City of Seward code.
2. Seward code 16.05.010 requires a 50 foot width for right of ways.
3. KPB 20.30.120 requires a 60 foot width for right of ways.
4. Hemlock Ave is 50 feet width and complies with Seward code but not KPB code. This platting action will dedicate an additional 5 feet for a new width of 55 feet.
5. Maple Street is 40 and 45 feet in width and does not comply with Seward code or KPB code.
6. This platting action will dedicate an additional 5 feet for a width of 45 and 50 feet for Maple Street.
7. This plat was approved by the City of Seward Planning and Zoning Commission on March 2, 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 2, 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 2, 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 2, 4-7 appear to support this standard.**

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

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**RECOMMENDATION:**

**SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**

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

**NOTE: 20.25.120. - REVIEW AND APPEAL.**

**A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 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.

**MAIN MOTION:** Commissioner Venuti moved, seconded by Commissioner Gillham to grant preliminary approval to Forest Acres Harmon Addition based on staff recommendations and compliance to borough code.

**AMENDMENT:** Commissioner Venuti moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.120 Street Width Requirements, citing findings 2 & 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 PASSED BY UNANIMOUS VOTE**

Yes	4	No	0	Absent	1
Yes	Carluccio, Gillham, Ruffner, Venuti				
No					
Absent	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	Absent	1
Yes	Carluccio, Gillham, Ruffner, Venuti				
No					
Absent	Ecklund				

**AGENDA ITEM E. NEW BUSINESS**

**ITEM 5 – SELDOVIA TOWNSITE POLLACK ADDITION**

<b>KPB File No.</b>	2021-053
<b>Plat Committee</b>	May 10, 2021
<b>Meeting:</b>	
<b>Applicant / Owner:</b>	Pollack
<b>Surveyor:</b>	Peninsula Surveying, LLC
<b>General Location:</b>	City of Seldovia, corner of Kachemak Street and Alder Street
<b>Parent Parcel No.:</b>	192-065-17
<b>Legal Description:</b>	Lot 1-A Seldovia Townsite Block 27 Replat U.S. Survey 1771
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	City of Seldovia
<b>Water / Wastewater</b>	Municipal

Staff report given by Julie Hindman.

**Disclosure:** Scott Huff, Platting Manager, did not prepare the staff report, as the owner of the property is a relative. He answered staff questions pertaining directly to code but had minimal input on the contents of this report.

The final review is performed by using this staff report, as approved by the Plat Committee, any additional requirements approved by the Plat Committee, and per code requirements. Staff members of the Platting Department will review the final plat submittal but Mr. Huff is the only licensed surveyor on staff and the final will require a review by him. Mr. Huff will not sign the final plat. The Planning Director or the Mayor will be required to sign the mylar and preform an additional review.

Normally final plats do not come back before the Committee/Commission unless per KPB Code, "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."

If the Plat Committee wishes this plat to be brought back before them during the final approval stage, a motion may be made to make that a condition of approval.

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 0.38 acre lot into two lots that are 0.16 acres (approximately 6,970 square feet) and 0.217 acres (approximately 9,453 square feet).

**Legal Access (existing and proposed):**

Access to the subdivision is by Kachemak Street and Alder Street. Both right of ways have varying widths but in the area abutting the subdivision, Kachemak Street is a 15 foot wide right of way and Alder Street is a 20 foot wide right of way. Both right of ways are constructed and within the City of Seldovia's jurisdiction. The right of ways do not comply with KPB Code width requirements and an exception has been requested.

The block falls short of KPB Code requirements. Willow Street, Cedar Street, Alder Street, and Kachemak Street define the block. The block length along Alder Street does not meet the minimum requirements by being approximately 273 feet in length. This subdivision is within the City of Seldovia, which has several short block lengths. **Staff recommends the Plat Committee concur that an exception is not required as this subdivision is not able to provide a dedication to help comply with the block length requirement.**

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

**Site Investigation:**

Per KPB GIS data, there are no wetlands present within the proposed subdivision. Contour information is not available for the Seldovia area. If any steep slopes are detected during the field survey, they must be depicted on the plat. This may include depicting and labeling the top and toe of any bluffs.

Per KPB GIS data, the proposed subdivision is within the Floodplain Zone C, which is non-regulatory.

Floodplain Hazard Review	Not within flood hazard area
Anadromous Waters Habitat Protection District Review	Is not within an AWHPD
State Parks Review	No comments

**Staff Analysis**

The proposed subdivision is within the City of Seldovia. The lots are proposed to use municipal water and wastewater disposal systems. A soils analysis report is not required and an engineer will not need to sign the plat. An installation agreement will need to be provided or documentation from the City of Seldovia that one is not required.

The parent lot currently has two structures on the property. This subdivision will put one structure on each lot. The proposed plat does not show structures, nor was an as-built submitted to the planning department. A Building and Parking locations map was included with the Seldovia Planning Commission packet, and is included in the KPB packet.

The Seldovia Planning Commission reviewed the proposed plat at their March 3, 201 meeting. At that meeting, discussions were made regarding connections to water and sewer to only one of the structures and that the owner was working with the City to make connections to the other structure. The Seldovia Planning Commission had concerns regarding the zoning and the zoning requirements. The plat was denied based on additional information was needed to determine if the plat would meet zoning setback requirements. The Seldovia Planning Commission heard the plat again at their April 7, 2021 meeting. The plat was approved; no additional requirements or requests were noted in the minutes.

**Staff recommendations:**

**CORRECTIONS / EDITS**

- Make correction to the title block under 20.25.070(A): *Add to the "Located Within" description "City of Seldovia". The description also needs to be updated to "NE ¼ SW ¼"*
- Update the Vicinity Map to include Section 31 label and the shared section line between section 5 and 4.
- Make corrections to surrounding property under 20.25.070(G): *The lots to the west have been replatted. Update the lot numbers to "12-A-1" and "9-A-1". The subdivision name label needs to be*



*moved as it only pertains to Lot 4-A and Lot 5-A and the correct subdivision name label should be added. It is at the discretion of the surveyor how he wishes to label the subdivision information on the neighboring lots. Providing the recording number will be sufficient as the subdivision names can be long. Another option, Lot 4-A and Lot 5-A are part of the same parent subdivision noted in the title block and do not have to have the subdivision information displayed.*

Comply with KPB 20.60 – Final Plat requirements.

Plat Notes –

- An easement was on the certificate to plat. Add a plat note “Easement, including terms and provisions contained therein are granted to the City of Seldovia within Serial Number 2009-000054-0, Seldovia Recording District, recorded on April 6, 2009.” This easement is depicted on the plat. Update the label to refer to the appropriate plat note.
- The note regarding access to state right of ways may be removed. Per KPB GIS data, this subdivision does not abut a state right of way.
- Update the plat note with the appropriate meeting date for any exceptions granted.
- The front 10 feet adjoining all right of ways is being granted by this plat as utility easements.

### **Utility Easements**

A utility easement granted to the City of Seldovia is depicted and the appropriate plat note is requested above. A general easement is noted but the certificate to plat did not include the easement. The easement needs to be verified and plat note updated accordingly.

Per KPB Code 20.30.060(D), the front 10 feet adjoining is to be granted as utility easements. This should be noted and depicted on the final plat.

Plat note 2 refers to an easement granted to HEA by Book 17 Page 375, SRD. This easement was not included in the staff report. The easement does state, in added handwriting the parent Lot 1 Block 27 of Seldovia Townsite. Staff recommends the owner/surveyor work with the title company to have this included in the final certificate to plat and to update records so future owners are aware of the easement if a title search is done.

Grant any additional utility easements requested by providers.

### **Utility provider review:**

HEA	No comments.
ENSTAR	No comments or recommendations
ACS	No objections.
GCI	

### **KPB department / agency review:**

Planner – Bryan Taylor	Review not required; within the City of Seldovia
Code Compliance – Eric Ogren	No comment
Addressing – Derek Haws	Affected address: 370 Alder Street, City of Seldovia will advise on affected address. All existing street names listed are correct.
City Advisory Comments	Plat was approved at their April 7, 2021 meeting.

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

## **EXCEPTIONS REQUESTED:**

### **A. KPB 20.30.120 – Streets – Width Requirements**

Surveyor's Discussion: This subdivision is within Seldovia City Limits. There is a dedicated right-of-way on two sides of the property. The current width of Alder Street is 20 feet and the width of Kachemak Street is 15 feet. Many of the buildings in the area are built very close to the right-of-way. Expanding the right-of-way along these roads to KPB Code would result in multiple encroachments. There are also numerous other

rights-of-way in this area that have already been dedicated and constructed.

Staff Discussion: This is within the City of Seldovia. Many of the roads in this area were dedicated with the Map of Seldovia Townsite Alaska U.S. Survey No. 1771 with the survey performed in 1927. The roads are of varying widths with some being as narrow as 10 feet and others as wide as 60. The right of ways associated with this plat are 15 and 20 feet. Kachemak Street appears to be 15 feet the entire length until the connection with Airport Avenue where it widens at the approach. Alder Street is 20 feet along the subdivision. At the intersection of Alder Street and Cedar Street, the right of way width increases to 40 feet.

If denied, the Plat Committee will need to make a motion to determine the width required to be dedicated. Providing the width needed for 60 feet rights of way is not possible from this subdivision.

**Findings:**

1. The proposed subdivision is within the City of Seldovia.
2. The Seldovia Planning Commission approve the proposed plat on April 7, 2021 and did not request additional right of way.
3. Development within the subdivision must comply with the requirements of the zoning district.
4. Roads are constructed and maintained by the City of Seldovia
5. The street layout was completed in 1927.
6. The parent plat, Seldovia Townsite Block 27 Replat U.S. Survey 1771 (SL 83-9), was approved on July 11, 1983 and recorded on December 20, 1983.
7. The parent plat was not required to grant additional right of way width.
8. The right of ways were granted before existing KPB Code requirements.
9. Using the as-built, the building on Lot 1-A2 is approximately 21 feet from the current right of way, Kachemak Street.
10. Using the as-built, the building on Lot 1-A1 is approximately 12 feet from the current right of way, Alder Street.
11. The Kenai Peninsula Borough Comprehensive Plan  
Goal 3 - Focus Area: Historic Preservation  
Object B: Support efforts to maintain the character of historic towns, districts, and properties while encouraging commercial, tourist, and cultural development.
12. Northwest of the proposed subdivision, Alder Street widens to 40 feet.
13. In order to keep right of way alignment, if an additional 20 feet is needed for Alder Street it should be granted by the property that lies south of the existing dedication.

Staff reviewed the exception request and recommends granting approval.

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

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-11 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-11 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1-11 appear to support this standard.**

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

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**EXCEPTIONS REQUESTED:**

**B. KPB 20.30.190 – Lots-Dimensions** (Lot 1-A1 3:1 depth to width ratio)

Surveyor's Discussion: The proposed dimensions for Lot 1-A1 would result in a 3.3:1 depth to width ratio. All of the lots in the area are very small, with many of them containing less than 0.25 acres. There are also other lots in the area that have a greater than 3:1 depth to width ratio. There is already a building constructed on each of the proposed lots. The proposed dimensions would provide the owners of each lot the best layout for their property.

Staff Discussion: This is within the City of Seldovia. There are many small and irregular lot shapes to accommodate existing structures and improvements.

If denied, a redesign will be required so the lots comply with the 3:1 depth to width ratio and comply with any City of Seldovia zoning requirements.

**Findings:**

1. The proposed subdivision is within the City of Seldovia.
2. The Seldovia Planning Commission approve the proposed plat on April 7, 2021 and reviewed it to their zoning requirements.
3. The Seldovia zoning that would apply to these lots does not have a minimum lot size.
4. Improvements have been constructed on the proposed lots.
5. Measuring from the center of lot lines, staff found the width to depth ratio to be 3.5:1.
6. To be compliant the line would need to be adjusted to provide an average width of 50 feet for Lot 1-A1.
7. The as-built supplied to the City of Seldovia shows the building on Lot 1-A2 is only 9 feet from the proposed property line.
8. Adjusting the property line will cause encroachment issues.
9. The proposed design is the most practical location to separate the improvements.
10. All lots have frontage on dedicated right of way.
11. The propose design provides parking areas for both lots.

Staff reviewed the exception request and recommends granting approval.

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

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-11 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-11 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other

property in the area in which said property is situated.

**Findings 1-11 appear to support this standard.**

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

### **RECOMMENDATION:**

#### **SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**

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

**NOTE: 20.25.120. - REVIEW AND APPEAL.**

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

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

### **END OF STAFF REPORT**

Chair Carluccio recused herself as she had acted on this plat at the Seldovia Planning Commission meeting. The gavel was passed to Commissioner Ruffner for this item only.

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

**MAIN MOTION:** Commissioner Venuti moved, seconded by Commissioner Gillham to grant preliminary approval to Seldovia Townsite Pollack Addition based on staff recommendations and compliance to borough code.

**AMENDMENT A:** Commissioner Venuti moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.120 – Streets – Width Requirements, citing findings 1-11 in support of standards one, two and three.

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

#### **AMENDMENT A PASSED BY UNANIMOUS VOTE**

Yes	3	No	0	Absent	1	Recused	1
Yes		Gillham, Ruffner, Venuti					
Absent		Ecklund					
Recused		Carluccio					

**AMENDMENT B:** Commissioner Venuti moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.190 – Lots-Dimensions – 3:1 Depth to Width Ratio for Lot 1-A1, citing findings 1-11 in support of standards one, two and three.

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

#### **AMENDMENT B PASSED BY UNANIMOUS VOTE**

Yes	3	No	0	Absent	1	Recused	1
Yes		Gillham, Ruffner, Venuti					
Absent		Ecklund					
Recused		Carluccio					

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

**MAIN MOTION PASSED BY UNANIMOUS VOTE**

Yes	3	No	0	Absent	1	Recused	1
Yes		Gillham, Ruffner, Venuti					
Absent		Ecklund					
Recused		Carluccio					

AGENDA ITEM E. NEW BUSINESS

**ITEM 6 – Alaska State Land Survey No. 2020-10  
Captain Cook North Subdivision**

<b>KPB File No.</b>	2021-052
<b>Plat Committee Meeting:</b>	May 10, 2021
<b>Applicant / Owner:</b>	State of Alaska, Dept. of Natural Resources, Division of Mining, Land, and Water
<b>Surveyor:</b>	McLane Consulting Inc.
<b>General Location:</b>	Nikiski area, near Grey Cliff Subdivision, MP 40 Kenai Spur Hwy.
<b>Parent Parcel No.:</b>	025-050-02
<b>Legal Description:</b>	Uplands of Section 36, T9N, R10W, S.M.
<b>Assessing Use:</b>	Residential Vacant
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On-site

Staff report given by Scott Huff.

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a State owned 228 acre parcel into 24 parcels ranging in size from 5.113 to 22.166 acres. The parcels that front Cook Inlet are affected by the bluff. **Staff recommends** the upland, or usable, acreage be added to all lots on the bluff.

**Legal Access (existing and proposed):**

Access to the subdivision is by the Kenai Spur Highway extension. This section of the road has recently been upgraded by KPB with a one-lane gravel road with turnouts. This plat will be dedicating the following right of ways. **Staff recommends** a certificate of acceptance be provided for KPB to accept the public right of ways that this plat is dedicating.

- 100 foot wide ROW on existing Kenai Spur Highway Extension within the subdivision. This coincides with ADL 209574, an easement for public access road to KPB. **Staff recommends** the boundary of the subdivision be corrected to show that the Kenai Spur Highway Extension is within the subdivision boundary and depict the ROW as being dedicated with this plat.
- 60 foot wide ROW loop named Endeavor Loop.

A 50 foot section line easement affects the east and south boundary. Section 2, located to the south, is under KPB management and affected by a 50 foot section line easement. Section 1, is under US Fish & Wildlife management – Kenai Wildlife Refuge, and is not subject to a section line easement. The lands to the east has been subdivided (Grey Cliff Subd. KN 82-80) and the lots are under private ownership. The section line easements within Grey Cliff Subdivision have been vacated.

State lands are subject to a 50 foot public access easement on the mean high water of Cook Inlet and the ordinary high water of the unnamed lake on the east boundary. **Staff recommends** current meander line information be determined and shown for the boundary with Cook Inlet. The meander line information provided is from 1923 and was surveyed almost 100 years ago.

KPB Roads Dept. comments	The Road Service Area has no comments at this time.
SOA DOT comments	No comment



**Site Investigation:**

This subdivision is affected by rolling terrain with small areas of steep slopes. Low wet areas, a lake, and a drainage affect the subdivision and have been depicted and labeled.

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.

Anadromous habit protection districts and flood areas do not affect this development.

Floodplain Hazard Review	Not within a flood hazard area.
Anadromous Waters Habitat Protection District Review	Not within a Habitat Protection District.
State Parks Review	No Comments

**Staff Analysis**

This parcel of land is owned by the State of Alaska DNR. Typically DNR will complete subdivision of their lands so that the lands can be sold into private ownership.

All lots are larger than 200,000 sq. ft. are are not subject to a soils analysis report.

Lot 1, Block 3 is a flag lot. The panhandle width is 473 feet in length but the width is 60 feet and is allowable under KPB code.

The surveyor is parceling out the lake on the east boundary. Staff is under the assumption that this lake will remain under State of Alaska DNR jurisdiction.

**Staff recommendation:****CORRECTIONS / EDITS**

- Update the symbol for the white boulder in Cook Inlet as the symbol is the same as 'found geodetic control monument'.
- 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).
- Within the wastewater disposal review remove the reference to the nominal 5 acres as this has been removed from KPB code.
- Comply with KPB 20.60 Final plats.

**Utility Easements**

The subdivision is affected by the following utility easements.

- ADL 69354 – 10 foot pipeline easement (south side of Kenai Spur Hwy dedication)
- ADL 37591 – 50 foot pipeline easement (south side of Kenai Spur Hwy dedication)

This platting action will be creating a 20 foot building setback and 20 foot utility easement adjoining all right of way dedications.

**Utility provider review:**

HEA	No comments
ENSTAR	No comments or recommendations
ACS	No objections
GCI	

**KPB department / agency review:**

Planner – Bryan Taylor	There are no local option zoning district issues or material site permits associated with this subdivision.
Code Compliance – Eric Ogren	No comments
Addressing – Derrick Haws	KENAI SPUR HWY NORTH should BE KENAI SPUR HWY EXT.

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan. The subdivision requirement checklist is attached to, and part of, this staff report.

**EXCEPTIONS REQUESTED:**

**KPB 20.30.170 – Block Length**

**Staff Discussion:**

This subdivision is located in a 'semi' remote area of the borough. Typical development of nearby lots are for cabins and recreational use. All lots will be provided legal access.

Jacob's Ladder Dr., a dedicated right of way, provides legal access between the beach and Kenai Spur Highway Ext. and is located an additional 1.6 miles along the beach.

The block length along the bluff is 4,190 feet. The block length for Block 2 is 2,575 feet.

If denied, the plat will need to be redesigned with additional right of way to decrease the block length and provide access to the beach.

- Provide a ROW dedication within Block 1 so that the length of the block does not exceed 1,320 feet.
- Revise Block 2 so that it does not exceed 1,320 feet.
- Provide a ROW dedication from Endeavor Loop to the east boundary

**Surveyor Findings:**

1. Endeavor Loop is intended to maneuver around low wet areas and provide access to larger lots that are also encumbered by low wet areas and ponds/lakes/creeks.
2. Section line easements are public access that can be utilized to access the neighboring wildlife refuge which will likely never be subdivided.
3. The bluff to the Cook Inlet is very steep in this area and access can be attained using section line easements for public access.

**Staff Findings:**

4. Development in the area is typically for recreational cabins.
5. This is a 'semi' remote area of the borough.
6. All lots have legal access.
7. The beach is accessible for access beyond this subdivision.
8. Jacob's Ladder Dr., a dedicated right of way, provides legal access between the beach and Kenai Spur Highway Ext. and is located an additional 1.6 miles along the beach.
9. The block length along the bluff is 4,190 feet.
10. The block length for Block 2 is 2,575 feet.

**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 1-8 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 1-8 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 1-8 appear to support this standard.**

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

**RECOMMENDATION:****SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**

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

**NOTE: 20.25.120. - REVIEW AND APPEAL.**

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

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

**END OF STAFF REPORT**

Chair Carluccio opened the meeting for public comment.

James Hall – McLane Consultants, P.O. Box 468, Soldotna, AK 99669: Mr. Hall was the surveyor on this project and made himself available for questions.

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

**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Gillham to grant preliminary approval to Alaska State Land Survey No. 2020-10 based on staff recommendations and compliance to borough code.

**AMENDMENT:** Commissioner Ruffner moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.170 – Block Length, citing findings 1-8 in support of standards one, two and three.

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

**AMENDMENT PASSED BY UNANIMOUS VOTE**

Yes	4	No	0	Absent	1
Yes	Carluccio, Gillham, Ruffner, Venuti				
No					
Absent	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	Absent	1
Yes	Carluccio, Gillham, Ruffner, Venuti				
No					
Absent	Ecklund				

**F. PUBLIC COMMENT – None**

**G. ADJOURNMENT**

Commissioner Ruffner moved to adjourn the meeting 7:38 P.M.

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Ann E. Shirnberg  
Administrative Assistant