



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

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www.kpb.us

MIKE NAVARRE
BOROUGH MAYOR

October 25, 2017

NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE

MEETING OF OCTOBER 23, 2017

RE: Bostwick Subdivision Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of October 23, 2017 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.25; 20.30; 20.40 and 20.60.

AMENDMENT A

An amendment motion to grant exceptions to KPB 20.30.030 and to KPB 20.30.210, ROW Dedications based on the following findings of fact passed by unanimous consent.

Standard 1. That special circumstances or conditions affecting the property have been shown by application.

Findings:

1. The proposed subdivision has 33-foot section line easements along its eastern and northern boundaries.
2. Per KPB Records, the 160-acre parcel to the east is affected by a 33-foot section line easement, and the property to the north is affected by a 50-foot section line easement.
3. Imagery dating back to 2000 shows a constructed road in the 33-foot section line easement along the proposed plat's eastern boundary, which veers to the east adjacent to the top of the slope.
4. The existing road in the 33-foot section line easement is an extension of Michael & Zoyas Road, a subdivision to the south.
5. The subject property has been issued a Michael & Zoyas Road address.
6. The 160-acre adjoining parcel to the east has been issued a Michael & Zoyas Road address.
7. The Ninilchik River, an anadromous stream protected by KPB 21.18, flows through approximately the middle of the subdivision.
8. The Ninilchik River is the boundary between Tract A and Tract B.
9. The top and toe of the slopes in Tract A and Tract B have been shown and labeled.
10. The area between the top and toe of the slopes in Tract A and Tract B exceeds 20 percent.
11. Constructing a road within the section line easement through the Ninilchik River, the Habitat Protection District, and associated low wet areas of the Ninilchik River would require compliance with KPB 14.40, 20.30.040, 20.60.050, and 20.60.060, if the appropriate agencies would allow construction.
12. The section line easements will remain in place for access (if terrain and/or weather allows) as well as utilities.
13. In order to access the southern portion of the 40-acre parcel to the west, the Ninilchik River (an anadromous stream protected by KPB 21.18) would have to be crossed unless a 30-foot half right-of-way is dedicated along the southern boundary of Tract B of the subject plat.
14. Tract A and Tract B contain approximately 20 acres each.
15. The 40-acre DNR parcel to the west fronts a 100-foot wide section line easement.

16. A constructed road locally known as Brody Road crosses the 160-acre and 400-acre Ninilchik Native Association parcels to the north and northeast.
17. KPB records show the Ninilchik Native Association parcels front section line easements 83 or 100 feet in width.
18. The 160-acre Ninilchik Native Association parcel to the south fronts the constructed section line easement that extends to the subject plat.
19. Adjacent acreage parcels front section line easements, some of which are constructed.
20. No surrounding acreage parcels will be denied access.

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. The proposed subdivision has 33-foot section line easements along its eastern and northern boundaries.
2. Per KPB Records, the 160-acre parcel to the east is affected by a 33-foot section line easement, and the property to the north is affected by a 50-foot section line easement.
3. Imagery dating back to 2000 shows a constructed road in the 33-foot section line easement along the proposed plat's eastern boundary, which veers to the east adjacent to the top of the slope.
4. The existing road in the 33-foot section line easement is an extension of Michael & Zoyas Road, a subdivision to the south.
5. The subject property has been issued a Michael & Zoyas Road address.
6. The 160-acre adjoining parcel to the east has been issued a Michael & Zoyas Road address.
7. The Ninilchik River, an anadromous stream protected by KPB 21.18, flows through approximately the middle of the subdivision.
8. The Ninilchik River is the boundary between Tract A and Tract B.
9. The top and toe of the slopes in Tract A and Tract B have been shown and labeled.
10. The area between the top and toe of the slopes in Tract A and Tract B exceeds 20 percent.
11. Constructing a road within the section line easement through the Ninilchik River, the Habitat Protection District, and associated low wet areas of the Ninilchik River would require compliance with KPB 14.40, 20.30.040, 20.60.050, and 20.60.060, if the appropriate agencies would allow construction.
12. The section line easements will remain in place for access (if terrain and/or weather allows) as well as utilities.
14. Tract A and Tract B contain approximately 20 acres each.
15. The 40-acre DNR parcel to the west fronts a 100-foot wide section line easement.
16. A constructed road locally known as Brody Road crosses the 160-acre and 400-acre Ninilchik Native Association parcels to the north and northeast.
17. KPB records show the Ninilchik Native Association parcels front section line easements 83 or 100 feet in width.
18. The 160-acre Ninilchik Native Association parcel to the south fronts the constructed section line easement that extends to the subject plat.
19. Adjacent acreage parcels front section line easements, some of which are constructed.
20. No surrounding acreage parcels will be denied access.

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. The proposed subdivision has 33-foot section line easements along its eastern and northern boundaries.
2. Per KPB Records, the 160-acre parcel to the east is affected by a 33-foot section line easement, and the property to the north is affected by a 50-foot section line easement.
7. The Ninilchik River, an anadromous stream protected by KPB 21.18, flows through approximately the middle of the subdivision.
8. The Ninilchik River is the boundary between Tract A and Tract B.
9. The top and toe of the slopes in Tract A and Tract B have been shown and labeled.
10. The area between the top and toe of the slopes in Tract A and Tract B exceeds 20 percent.

11. Constructing a road within the section line easement through the Ninilchik River, the Habitat Protection District, and associated low wet areas of the Ninilchik River would require compliance with KPB 14.40, 20.30.040, 20.60.050, and 20.60.060, if the appropriate agencies would allow construction.
12. The section line easements will remain in place for access (if terrain and/or weather allows) as well as utilities.
14. Tract A and Tract B contain approximately 20 acres each.
15. The 40-acre DNR parcel to the west fronts a 100-foot wide section line easement.
16. A constructed road locally known as Brody Road crosses the 160-acre and 400-acre Ninilchik Native Association parcels to the north and northeast.
17. KPB records show the Ninilchik Native Association parcels front section line easements 83 or 100 feet in width.
18. The 160-acre Ninilchik Native Association parcel to the south fronts the constructed section line easement that extends to the subject plat.
19. Adjacent acreage parcels front section line easements, some of which are constructed.
20. No surrounding acreage parcels will be denied access.

AMENDMENT B

An amendment motion to grant exception to KPB 20.30.170, Block Length based on the following findings of fact passed by unanimous consent.

Standard 1. That special circumstances or conditions affecting the property have been shown by application.

Findings:

1. The proposed subdivision has 33-foot section line easements along its eastern and northern boundaries.
2. Per KPB Records, the 160-acre parcel to the east is affected by a 33-foot section line easement, and the property to the north is affected by a 50-foot section line easement.
3. Imagery dating back to 2000 shows a constructed road in the 33-foot section line easement along the proposed plat's eastern boundary, which veers to the east adjacent to the top of the slope.
4. The existing road in the 33-foot section line easement is an extension of Michael & Zoyas Road, a subdivision to the south.
5. The subject property has been issued a Michael & Zoyas Road address.
6. The 160-acre adjoining parcel to the east has been issued a Michael & Zoyas Road address.
7. The Ninilchik River, an anadromous stream protected by KPB 21.18, flows through approximately the middle of the subdivision.
8. The Ninilchik River is the boundary between Tract A and Tract B.
9. The top and toe of the slopes in Tract A and Tract B have been shown and labeled.
10. The area between the top and toe of the slopes in Tract A and Tract B exceeds 20 percent.
11. Constructing a road within the section line easement through the Ninilchik River, the Habitat Protection District, and associated low wet areas of the Ninilchik River would require compliance with KPB 14.40, 20.30.040, 20.60.050, and 20.60.060, if the appropriate agencies would allow construction.
12. The section line easements will remain in place for access (if terrain and/or weather allows) as well as utilities.
13. Tract A and Tract B contain approximately 20 acres each.
14. The 40-acre DNR parcel to the west fronts a 100-foot wide section line easement.
15. A constructed road locally known as Brody Road crosses the 160-acre and 400-acre Ninilchik Native Association parcels to the north and northeast.
16. KPB records show the Ninilchik Native Association parcels front section line easements 83 or 100 feet in width.
17. The 160-acre Ninilchik Native Association parcel to the south fronts the constructed section line easement that extends to the subject plat.
18. Adjacent acreage parcels front section line easements, some of which are constructed.
19. No surrounding acreage parcels will be denied access.

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. The proposed subdivision has 33-foot section line easements along its eastern and northern boundaries.
2. Per KPB Records, the 160-acre parcel to the east is affected by a 33-foot section line easement, and the property to the north is affected by a 50-foot section line easement.
7. The Ninilchik River, an anadromous stream protected by KPB 21.18, flows through approximately the middle of the subdivision.
8. The Ninilchik River is the boundary between Tract A and Tract B.
9. The top and toe of the slopes in Tract A and Tract B have been shown and labeled.
10. The area between the top and toe of the slopes in Tract A and Tract B exceeds 20 percent.
11. Constructing a road within the section line easement through the Ninilchik River, the Habitat Protection District, and associated low wet areas of the Ninilchik River would require compliance with KPB 14.40, 20.30.040, 20.60.050, and 20.60.060, if the appropriate agencies would allow construction.
12. The section line easements will remain in place for access (if terrain and/or weather allows) as well as utilities.
14. The 40-acre DNR parcel to the west fronts a 100-foot wide section line easement.
15. A constructed road locally known as Brody Road crosses the 160-acre and 400-acre Ninilchik Native Association parcels to the north and northeast.
16. KPB records show the Ninilchik Native Association parcels front section line easements 83 or 100 feet in width.
17. The 160-acre Ninilchik Native Association parcel to the south fronts the constructed section line easement that extends to the subject plat.
18. Adjacent acreage parcels front section line easements, some of which are constructed.
19. No surrounding acreage parcels will be denied access.

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. The proposed subdivision has 33-foot section line easements along its eastern and northern boundaries.
2. Per KPB Records, the 160-acre parcel to the east is affected by a 33-foot section line easement, and the property to the north is affected by a 50-foot section line easement.
7. The Ninilchik River, an anadromous stream protected by KPB 21.18, flows through approximately the middle of the subdivision.
8. The Ninilchik River is the boundary between Tract A and Tract B.
9. The top and toe of the slopes in Tract A and Tract B have been shown and labeled.
10. The area between the top and toe of the slopes in Tract A and Tract B exceeds 20 percent.
11. Constructing a road within the section line easement through the Ninilchik River, the Habitat Protection District, and associated low wet areas of the Ninilchik River would require compliance with KPB 14.40, 20.30.040, 20.60.050, and 20.60.060, if the appropriate agencies would allow construction.
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18. Adjacent acreage parcels front section line easements, some of which are constructed.
19. No surrounding acreage parcels will be denied access.

This notice and unapproved minutes of the subject portion of the meeting were sent October 25, 2017 to:

City of: N/A

Advisory Planning Commission/Community Council: N/A

Survey Firm: Segesser Surveys
30485 Rosland St
Soldotna, AK 99669

Subdivider/Petitioner: Michael Bostwick
PO Box 39431
Ninilchik, AK 99639-0431

Interested Parties: Ben Mohr
Cook Inlet Region, Inc.
PO Box 93330
Anchorage, AK 99509

Ninilchik Native Association, Inc.
PO Box 39130
Ninilchik, AK 99639

John & Nancy Todd
13320 Crestview Dr.
Anchorage, AK 99516

Dave Bear
PO Box 39283
Ninilchik, AK 99639

KPB File Number: 2017-149

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

1. Bostwick Subdivision
KPB File 2017-149 [Segesser / Bostwick]

Staff Report given by Patti Hartley

Plat Committee Meeting: 10/23/17

Location:	east of Brody Road, Ninilchik
Proposed Use:	Residential, Recreational, Commercial, Agricultural
Water/Sewer:	On-site
Zoning:	Unrestricted
Assessing Use:	Residential
Parent Parcel Number(s):	157-130-06

Supporting Information:

The proposed plat subdivides a 40-acre parcel into two tracts containing approximately 20 acres each. The boundary line between the two tracts follows the Ninilchik River. A soils report is not required. An exception to right-of-way dedications has been requested.

Notice of the proposed plat to the beneficial interest holder was returned due to an undeliverable address. Additional notification will not be required unless the final Certificate to Plat provides a valid address for the beneficial interest holder.

The property is not within an advisory planning commission.

Staff recommends that notes be placed on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

Exception Requested:

- A. ROW dedications (KPB 20.30.030 and KPB 20.30.210)

Surveyor's Discussion: Section line easements are on the north and east sides. South side is abutting Native Association property. West side abuts DNR property.

Staff Discussion: Imagery shows a constructed road off Michael & Zoyas Road crosses a CIRI parcel, is within the section line easements to the proposed plat, adjoins the eastern boundary of Tract B of the subject plat, and then extends to the 160-acre parcel to the east. The existing road is visible in imagery dated back to 2000. The subject property has been issued a Michael & Zoyas Road address.

Section line easements along the northern boundary connect with a constructed travel way, which is locally known as Brody Road; however, the section line easements cross kettle and slopes greater than 20 percent. Staff could not discern if practical access to Tract A could be constructed in the section line easements. Staff is recommending compliance with KPB 20.30.050 for Tract A.

The 40-acre DNR parcel to the west is not included in the Kenai Area Plan so its classification, or intended use, is unknown. The plat's public hearing notice was emailed to DNR. The only apparent feasible access to the southern portion of the 40-acre tract would be via a half right-of-way dedicated along the southern boundary of Tract B.

Findings:

1. The proposed subdivision has 33-foot section line easements along its eastern and northern boundaries.
2. Per KPB Records, the 160-acre parcel to the east is affected by a 33-foot section line easement, and the property to the north is affected by a 50-foot section line easement.

3. Imagery dating back to 2000 shows a constructed road in the 33-foot section line easement along the proposed plat's eastern boundary, which veers to the east adjacent to the top of the slope.
4. The existing road in the 33-foot section line easement is an extension of Michael & Zoyas Road, a subdivision to the south.
5. The subject property has been issued a Michael & Zoyas Road address.
6. The 160-acre adjoining parcel to the east has been issued a Michael & Zoyas Road address.
7. The Ninilchik River, an anadromous stream protected by KPB 21.18, flows through approximately the middle of the subdivision.
8. The Ninilchik River is the boundary between Tract A and Tract B.
9. The top and toe of the slopes in Tract A and Tract B have been shown and labeled.
10. The area between the top and toe of the slopes in Tract A and Tract B exceeds 20 percent.
11. Constructing a road within the section line easement through the Ninilchik River, the Habitat Protection District, and associated low wet areas of the Ninilchik River would require compliance with KPB 14.40, 20.30.040, 20.60.050, and 20.60.060, if the appropriate agencies would allow construction.
12. The section line easements will remain in place for access (if terrain and/or weather allows) as well as utilities.
13. In order to access the southern portion of the 40-acre parcel to the west, the Ninilchik River (an anadromous stream protected by KPB 21.18) would have to be crossed unless a 30-foot half right-of-way is dedicated along the southern boundary of Tract B of the subject plat.
14. Tract A and Tract B contain approximately 20 acres each.
15. The 40-acre DNR parcel to the west fronts a 100-foot wide section line easement.
16. A constructed road locally known as Brody Road crosses the 160-acre and 400-acre Ninilchik Native Association parcels to the north and northeast.
17. KPB records show the Ninilchik Native Association parcels front section line easements 83 or 100 feet in width.
18. The 160-acre Ninilchik Native Association parcel to the south fronts the constructed section line easement that extends to the subject plat.
19. Adjacent acreage parcels front section line easements, some of which are constructed.
20. No surrounding acreage parcels will be denied access.

Based on Findings 1-13, **staff recommends** the following fee rights-of-way be provided per KPB 20.30.030 and 20.30.210:

1. Dedicate a 30-foot half right-of-way in the **section line easement** along the eastern boundary atop the existing travel way in Tract B. Said fee right-of-way dedication is not to extend into the top of the slope as shown on the preliminary plat submittal.
2. Dedicate a 30-foot half right-of-way along the southern boundary of Tract B.

Staff recommends granting approval of the exception to KPB 20.30.030 and 20.30.210, as follows:

3. Grant an exception to dedicating fee right-of-way atop the **section line easements** in Tract A.
4. Grant an exception to dedicating an east/west right-of-way in Tract A.

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 1-20 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 1-12 and 14-20 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, 2, 7-12, and 14-20 appear to support this standard.

Exception Required:

B. Block length – KPB 20.30.170

Staff Discussion: A 30-foot dedication within the section line easement in Tract B south of the top of the slope and a 30-foot half dedication along the southern boundary of Tract B will help with block length. Although Tracts A and B have terrain constraints, both tracts contain approximately 20 acres each, and it appears feasible to further subdivide each tract at least once more.

Findings

1. The proposed subdivision has 33-foot section line easements along its eastern and northern boundaries.
2. Per KPB Records, the 160-acre parcel to the east is affected by a 33-foot section line easement, and the property to the north is affected by a 50-foot section line easement.
3. Imagery dating back to 2000 shows a constructed road in the 33-foot section line easement along the proposed plat's eastern boundary, which veers to the east adjacent to the top of the slope.
4. The existing road in the 33-foot section line easement is an extension of Michael & Zoyas Road, a subdivision to the south.
5. The subject property has been issued a Michael & Zoyas Road address.
6. The 160-acre adjoining parcel to the east has been issued a Michael & Zoyas Road address.
7. The Ninilchik River, an anadromous stream protected by KPB 21.18, flows through approximately the middle of the subdivision.
8. The Ninilchik River is the boundary between Tract A and Tract B.
9. The top and toe of the slopes in Tract A and Tract B have been shown and labeled.
10. The area between the top and toe of the slopes in Tract A and Tract B exceeds 20 percent.
11. Constructing a road within the section line easement through the Ninilchik River, the Habitat Protection District, and associated low wet areas of the Ninilchik River would require compliance with KPB 14.40, 20.30.040, 20.60.050, and 20.60.060, if the appropriate agencies would allow construction.
12. The section line easements will remain in place for access (if terrain and/or weather allows) as well as utilities.
13. Tract A and Tract B contain approximately 20 acres each.
14. The 40-acre DNR parcel to the west fronts a 100-foot wide section line easement.
15. A constructed road locally known as Brody Road crosses the 160-acre and 400-acre Ninilchik Native Association parcels to the north and northeast.
16. KPB records show the Ninilchik Native Association parcels front section line easements 83 or 100 feet in width.
17. The 160-acre Ninilchik Native Association parcel to the south fronts the constructed section line easement that extends to the subject plat.
18. Adjacent acreage parcels front section line easements, some of which are constructed.
19. No surrounding acreage parcels will be denied access.

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 1-19 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, 2, 7-12, and 14-19 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, 2, 7-12, and 14-19 appear to support this standard.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Additional information is provided for the following portions of 20.25.070 or additional information, revision or corrections are required

- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
Platting Staff Comments: The Ninilchik River has been shown and labeled. Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping indicates the northern boundary of Tract A may be affected by kettle. Staff requested additional information from the surveyor.

Staff recommends a note be placed 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.

- 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: Per KPB GIS 4-foot contours, the areas through which the 30-foot fee rights-of-way will extend in Tract B (if approved by the Committee) crosses terrain that is generally flat.

KPB Department/Agency Review Comments

- KPB Addressing Officer:
 - 15435 MICHEAL AND ZOYAS RD - WILL BE RETAINED ON TRACT B.
 - SINCE THERE ARE STRUCTURES IN THIS AREA PERHAPS THE SECTION LINE [EASEMENTS] SHOULD BE NAMED.
- KPB Code Compliance: No comments.
- KPB Planner: No material site or Local Option Zone issues.
- State Parks: No comments.

KPB 20.30 Design Requirements

Platting staff comments: Additional information is provided for the following portions of 20.30 or additional information, revision or corrections are required

- 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: Not in the State road system.

20.30.040. Streets within 100 feet of waterbodies.

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

Platting Staff Comments: If the Committee approves the 30-foot half dedications in Tract B per staff's recommendation, the dedications will comply with KPB 20.30.040.

20.30.050. Legal access.

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

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

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

1. Upon finding that no practical means of providing road access to a proposed subdivision exists and upon presentation of credible and convincing evidence by the applicant that permanent public access by air, water, or railroad is both practical and feasible, the planning commission may waive the legal access requirements of KPB 20.30.050(A). If access other than by road is approved, the mode of access shall be noted on the plat. .
2. Where only a 30-foot dedication exists over all or a portion of the legal access to a subdivision, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the other 30 feet will be dedicated in the future.
3. Where a road is in use for physical access but there is no right-of-way document for all or part of the access road, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the right-of-way will be dedicated in the future.

Platting Staff Comments: Tract B fronts a constructed section line easement. The existing road in the section line easement is an extension of Michael & Zoyas Road to the south.

A letter from CIRI was received who expressed no opposition to the subdivision plat however had concerns regarding legal access. Staff recommends that the applicants work with CIRI regarding the access issues.

Tract A fronts section line easements on the eastern and northern boundaries; however, this tract appears to be isolated by the Ninilchik River, kettle, and slopes greater than 20 percent. Staff recommends an access plan for practical, constructible access to Tract A and Tract B be provided per KPB 20.30.050.

20.30.060. Easements-Requirements.

- 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.

Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. HEA and ENSTAR submitted statements of no comments. ACS submitted a statement of no objection.

If staff's recommendations for a 30-foot half right-of-way within the section line easement and a 30-foot half dedication along the southern boundary of Tract B are not approved, the section line easements are available for utility use.

Staff recommends compliance with 20.30.060.

20.30.070. Lots on major streets-Access requirements.

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

KPB Roads Department Comments: Does not understand the access to Tracts A & B and how that also may relate to the Ninilchik River, an anadromous stream.

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: Per KPB GIS 4-foot contours, terrain in the 30-foot dedications recommended by staff complies with KPB 20.30.090.

20.30.100. Cul-de-sacs.

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

Platting Staff Comments: Staff would not recommend a cul-de-sac on any fee right-of-way dedicated by this plat because of the need for future extension.

20.30.110. Half streets.

- A. Half streets shall generally not be allowed except where one of the following circumstances applies:
1. The street is identified on the borough road plan as an arterial;
 2. The street is a logical extension of an existing street; or
 3. The remaining half street can reasonably be expected to be dedicated.

Platting Staff Comments: A 30-foot half right-of-way in the section line easement and a 30-foot half right-of-way along the southern boundary within Tract B are acceptable because the adjoining parcels contain 160 acres.

- B. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoining to the new half right-of-way are parties of record and will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way. Pursuant to KPB 2.40.080 review of the plat committee decision by the planning commission may be requested by parties of record.

Platting Staff Comments: If the Plat Committee approves staff's recommendation to provide a 30-foot half right-of-way atop the existing road in the 33-foot section line easement within Tract B and along the southern boundary of Tract B, the Plat Committee's minutes and sketch of the new rights-of-way must be sent to the

owners of the 160-acre adjoining parcel to the east and owner of the 160-acre parcel to the south per KPB 20.30.110.B.

20.30.160. Streets-Name requirements.

Streets shall be named to conform to KPB Chapter 14.10

Platting Staff Comments: If the half rights-of-way recommended by staff are approved, new street names will be needed.

If the Committee approves the exception to not dedicating right-of-way, the section line easements could be named. The subject parcel, the adjoining 160-acre parcel to the east, and 80-acre parcel to the east all have residences.

20.30.180. Pedestrian ways required when.

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

Platting Staff Comments: The section line easements can serve as pedestrian ways (terrain and/or weather permitting).

20.30.190. Lots-Dimensions.

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

Platting Staff Comments: The proposed plat is bringing the subject parcel into compliance with the 3:1 depth to width ratio.

20.30.240. Building setbacks.

- B. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

Platting Staff Comments: If the Plat Committee approves staff's recommendation to provide a 30-foot half dedication in the section line easement and along the southern boundary within Tract B, staff recommends compliance with KPB 20.30.240.B.

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

Building setback- A setback of 20 feet is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

Platting Staff Comments: If the Plat Committee approves the exception to KPB 20.30.030 and 20.30.210, staff recommends Plat Note 2 and the first sentence in Plat Note 5 be removed.

20.30.280. Floodplain requirements.

Platting Staff Comments: Per River Center review, the plat is not affected by a mapped flood hazard zone.

20.30.290. Anadromous habitat protection district.

If any portion of a subdivision or replat is located within an anadromous habitat protection district, the plat shall contain the following note:

ANADROMOUS HABITAT PROTECTION DISTRICT NOTE:

Portions of this subdivision are within the Kenai Peninsula Borough 50-foot Anadromous Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision.

Platting Staff Comments: Per the River Center review, the plat is affected by the Anadromous Habitat Protection District. Staff recommends compliance with 20.30.290.

KPB 20.60 – Final Plat

Platting staff comments: Additional information is provided for the following portions of 20.60 or additional information, revision or corrections are required

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 recommends one full-sized paper copy of the plat be submitted for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.

20.60.050. Dedication and construction of anadromous waterbody crossings.

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

Platting Staff Comments: If the Committee approves the half rights-of-way recommended by staff, both will comply with KPB 20.60.050.

20.60.060. Dedications within 100 feet of waterbodies.

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

Platting Staff Comments: If the Committee approves the half rights-of-way recommended by staff, both will comply with KPB 20.60.060.

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 GIS will verify closure complies with 20.60.120. Staff recommends boundary and lot closure computations be provided with the paper final plat.

20.60.200. Survey and monumentation.

Platting Staff Comments: The Ninilchik River forms the boundary between Tract A and Tract B. Since the boundary is a river, no monuments will be set.

As designed, the boundary between the two tracts is fixed. However, the course of the river may not remain fixed. If the thalweg (or middle of the river's channel) of Ninilchik River forms the bounds of the tracts, the boundary will change if the Ninilchik River changes. This is an observation/suggestion. Staff defers to the professional land surveyor to designate the boundary between the two tracts per KPB 20.60.200.

Staff recommends compliance with 20.60.200.

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

Vice Chairman Ernst opened the meeting for public comment.

1. John Segesser, Segesser Surveys, 30485 Rosland St
Mr. Segesser was the surveyor on the project and was available to answer questions.

Mr. Voeller asked if there were any posted signs on the road. Mr. Segesser replied no, it was just a one lane dirt track.

Seeing and hearing no one else wishing to comment, Vice Chairman Ernst closed the public hearing and opened discussion among the Committee.

MAIN MOTION: Commissioner Morgan moved, seconded by Commissioner Lockwood to approve Bostwick Subdivision subject to staff recommendations, conditions, findings and adherence to Borough Code.

Commissioner Whitney referred to the letter from CIRI where they mentioned that both of the roads that were indicated on the plat were not public right-of-ways and was actually on private property. Mr. Voeller replied that a portion of Brody Road has been dedicated according to past platting action. There is a note on the Kinrod 2003 Addition plat, which shows Brody Road going through there. The note states that *"The centerline of a 60 foot wide right-of-way easement granted by HRD deed, Book 72, Page 11."* He was unable to see that page and will need to order it from the Recorder's Office. The Michael and Zoya's Subdivision was also referred to which was surveyed in 1996 and drawn in 2007. They dedicated a portion of that road through there. The July 8, 1996 Planning Commission minutes states that, *"The existing travelway is apparent on photos as early as 1975, which are the earliest photos available to staff. It is staff's understanding the*

travelway has been in use prior to 1955 by homesteaders to the north." Mr. Voeller felt that a little more research needs to be done to see if there was a 17B easement across this so staff referred it back to the surveyor to provide that. He stated that people have been living off of this road for quite a while.

Commissioner Whitney asked if this changed staff's recommendation and if postponement would be appropriate. Mr. Voeller replied that it would not change their recommendation unless they couldn't find another way in there that would be developable to borough code road standards. He thought they may be able to work something out with CIRI. There is a small section that goes through CIRI land that people have been using since the 1950's. In the past, they have approved other plats in the area using that road.

Commissioner Whitney asked if final approval wouldn't be granted until these issues were resolved if the plat committee granted preliminary approval at this meeting. Mr. Voeller replied that was correct.

Commissioner Ernst understood that the approval of the exceptions was pending the investigation with CIRI's concerns regarding access. Mr. Voeller replied that was correct.

AMENDMENT A MOTION: Commissioner Morgan moved, seconded by Commissioner Lockwood to grant exceptions to KPB 20.30.030, and to KPB 20.30.210, ROW Dedications; citing the 20 findings and tying them to the three standards in the following manner.

Standard 1. That special circumstances or conditions affecting the property have been shown by application.

Findings:

1. The proposed subdivision has 33-foot section line easements along its eastern and northern boundaries.
2. Per KPB Records, the 160-acre parcel to the east is affected by a 33-foot section line easement, and the property to the north is affected by a 50-foot section line easement.
3. Imagery dating back to 2000 shows a constructed road in the 33-foot section line easement along the proposed plat's eastern boundary, which veers to the east adjacent to the top of the slope.
4. The existing road in the 33-foot section line easement is an extension of Michael & Zoyas Road, a subdivision to the south.
5. The subject property has been issued a Michael & Zoyas Road address.
6. The 160-acre adjoining parcel to the east has been issued a Michael & Zoyas Road address.
7. The Ninilchik River, an anadromous stream protected by KPB 21.18, flows through approximately the middle of the subdivision.
8. The Ninilchik River is the boundary between Tract A and Tract B.
9. The top and toe of the slopes in Tract A and Tract B have been shown and labeled.
10. The area between the top and toe of the slopes in Tract A and Tract B exceeds 20 percent.
11. Constructing a road within the section line easement through the Ninilchik River, the Habitat Protection District, and associated low wet areas of the Ninilchik River would require compliance with KPB 14.40, 20.30.040, 20.60.050, and 20.60.060, if the appropriate agencies would allow construction.
12. The section line easements will remain in place for access (if terrain and/or weather allows) as well as utilities.
13. In order to access the southern portion of the 40-acre parcel to the west, the Ninilchik River (an anadromous stream protected by KPB 21.18) would have to be crossed unless a 30-foot half right-of-way is dedicated along the southern boundary of Tract B of the subject plat.
14. Tract A and Tract B contain approximately 20 acres each.
15. The 40-acre DNR parcel to the west fronts a 100-foot wide section line easement.
16. A constructed road locally known as Brody Road crosses the 160-acre and 400-acre Ninilchik Native Association parcels to the north and northeast.
17. KPB records show the Ninilchik Native Association parcels front section line easements 83 or 100 feet in width.
18. The 160-acre Ninilchik Native Association parcel to the south fronts the constructed section line easement that extends to the subject plat.

19. Adjacent acreage parcels front section line easements, some of which are constructed.
20. No surrounding acreage parcels will be denied access.

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. The proposed subdivision has 33-foot section line easements along its eastern and northern boundaries.
2. Per KPB Records, the 160-acre parcel to the east is affected by a 33-foot section line easement, and the property to the north is affected by a 50-foot section line easement.
3. Imagery dating back to 2000 shows a constructed road in the 33-foot section line easement along the proposed plat's eastern boundary, which veers to the east adjacent to the top of the slope.
4. The existing road in the 33-foot section line easement is an extension of Michael & Zoyas Road, a subdivision to the south.
5. The subject property has been issued a Michael & Zoyas Road address.
6. The 160-acre adjoining parcel to the east has been issued a Michael & Zoyas Road address.
7. The Ninilchik River, an anadromous stream protected by KPB 21.18, flows through approximately the middle of the subdivision.
8. The Ninilchik River is the boundary between Tract A and Tract B.
9. The top and toe of the slopes in Tract A and Tract B have been shown and labeled.
10. The area between the top and toe of the slopes in Tract A and Tract B exceeds 20 percent.
11. Constructing a road within the section line easement through the Ninilchik River, the Habitat Protection District, and associated low wet areas of the Ninilchik River would require compliance with KPB 14.40, 20.30.040, 20.60.050, and 20.60.060, if the appropriate agencies would allow construction.
12. The section line easements will remain in place for access (if terrain and/or weather allows) as well as utilities.
14. Tract A and Tract B contain approximately 20 acres each.
15. The 40-acre DNR parcel to the west fronts a 100-foot wide section line easement.
16. A constructed road locally known as Brody Road crosses the 160-acre and 400-acre Ninilchik Native Association parcels to the north and northeast.
17. KPB records show the Ninilchik Native Association parcels front section line easements 83 or 100 feet in width.
18. The 160-acre Ninilchik Native Association parcel to the south fronts the constructed section line easement that extends to the subject plat.
19. Adjacent acreage parcels front section line easements, some of which are constructed.
20. No surrounding acreage parcels will be denied access.

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. The proposed subdivision has 33-foot section line easements along its eastern and northern boundaries.
2. Per KPB Records, the 160-acre parcel to the east is affected by a 33-foot section line easement, and the property to the north is affected by a 50-foot section line easement.
7. The Ninilchik River, an anadromous stream protected by KPB 21.18, flows through approximately the middle of the subdivision.
8. The Ninilchik River is the boundary between Tract A and Tract B.
9. The top and toe of the slopes in Tract A and Tract B have been shown and labeled.
10. The area between the top and toe of the slopes in Tract A and Tract B exceeds 20 percent.
11. Constructing a road within the section line easement through the Ninilchik River, the Habitat Protection District, and associated low wet areas of the Ninilchik River would require compliance with KPB 14.40, 20.30.040, 20.60.050, and 20.60.060, if the appropriate agencies would allow construction.

12. The section line easements will remain in place for access (if terrain and/or weather allows) as well as utilities.
14. Tract A and Tract B contain approximately 20 acres each.
15. The 40-acre DNR parcel to the west fronts a 100-foot wide section line easement.
16. A constructed road locally known as Brody Road crosses the 160-acre and 400-acre Ninilchik Native Association parcels to the north and northeast.
17. KPB records show the Ninilchik Native Association parcels front section line easements 83 or 100 feet in width.
18. The 160-acre Ninilchik Native Association parcel to the south fronts the constructed section line easement that extends to the subject plat.
19. Adjacent acreage parcels front section line easements, some of which are constructed.
20. No surrounding acreage parcels will be denied access.

AMENDMENT A VOTE: The motion passed by unanimous consent.

CARLUCCIO ABSENT	ECKLUND ABSENT	ERNST YES	LOCKWOOD YES	MORGAN YES	WHITNEY YES	4 YES 2 ABSENT
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AMENDMENT B MOTION: Commissioner Morgan moved, seconded by Commissioner Lockwood to grant exception to KPB 20.30.170, Block Length; citing the 19 findings and tying them to the three standards in the following manner.

Standard 1. That special circumstances or conditions affecting the property have been shown by application.

Findings:

1. The proposed subdivision has 33-foot section line easements along its eastern and northern boundaries.
2. Per KPB Records, the 160-acre parcel to the east is affected by a 33-foot section line easement, and the property to the north is affected by a 50-foot section line easement.
3. Imagery dating back to 2000 shows a constructed road in the 33-foot section line easement along the proposed plat's eastern boundary, which veers to the east adjacent to the top of the slope.
4. The existing road in the 33-foot section line easement is an extension of Michael & Zoyas Road, a subdivision to the south.
5. The subject property has been issued a Michael & Zoyas Road address.
6. The 160-acre adjoining parcel to the east has been issued a Michael & Zoyas Road address.
7. The Ninilchik River, an anadromous stream protected by KPB 21.18, flows through approximately the middle of the subdivision.
8. The Ninilchik River is the boundary between Tract A and Tract B.
9. The top and toe of the slopes in Tract A and Tract B have been shown and labeled.
10. The area between the top and toe of the slopes in Tract A and Tract B exceeds 20 percent.
11. Constructing a road within the section line easement through the Ninilchik River, the Habitat Protection District, and associated low wet areas of the Ninilchik River would require compliance with KPB 14.40, 20.30.040, 20.60.050, and 20.60.060, if the appropriate agencies would allow construction.
12. The section line easements will remain in place for access (if terrain and/or weather allows) as well as utilities.
13. Tract A and Tract B contain approximately 20 acres each.
14. The 40-acre DNR parcel to the west fronts a 100-foot wide section line easement.
15. A constructed road locally known as Brody Road crosses the 160-acre and 400-acre Ninilchik Native Association parcels to the north and northeast.
16. KPB records show the Ninilchik Native Association parcels front section line easements 83 or 100 feet in width.
17. The 160-acre Ninilchik Native Association parcel to the south fronts the constructed section line easement that extends to the subject plat.
18. Adjacent acreage parcels front section line easements, some of which are constructed.

19. No surrounding acreage parcels will be denied access.

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. The proposed subdivision has 33-foot section line easements along its eastern and northern boundaries.
2. Per KPB Records, the 160-acre parcel to the east is affected by a 33-foot section line easement, and the property to the north is affected by a 50-foot section line easement.
7. The Ninilchik River, an anadromous stream protected by KPB 21.18, flows through approximately the middle of the subdivision.
8. The Ninilchik River is the boundary between Tract A and Tract B.
9. The top and toe of the slopes in Tract A and Tract B have been shown and labeled.
10. The area between the top and toe of the slopes in Tract A and Tract B exceeds 20 percent.
11. Constructing a road within the section line easement through the Ninilchik River, the Habitat Protection District, and associated low wet areas of the Ninilchik River would require compliance with KPB 14.40, 20.30.040, 20.60.050, and 20.60.060, if the appropriate agencies would allow construction.
12. The section line easements will remain in place for access (if terrain and/or weather allows) as well as utilities.
14. The 40-acre DNR parcel to the west fronts a 100-foot wide section line easement.
15. A constructed road locally known as Brody Road crosses the 160-acre and 400-acre Ninilchik Native Association parcels to the north and northeast.
16. KPB records show the Ninilchik Native Association parcels front section line easements 83 or 100 feet in width.
17. The 160-acre Ninilchik Native Association parcel to the south fronts the constructed section line easement that extends to the subject plat.
18. Adjacent acreage parcels front section line easements, some of which are constructed.
19. No surrounding acreage parcels will be denied access.

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. The proposed subdivision has 33-foot section line easements along its eastern and northern boundaries.
2. Per KPB Records, the 160-acre parcel to the east is affected by a 33-foot section line easement, and the property to the north is affected by a 50-foot section line easement.
7. The Ninilchik River, an anadromous stream protected by KPB 21.18, flows through approximately the middle of the subdivision.
8. The Ninilchik River is the boundary between Tract A and Tract B.
9. The top and toe of the slopes in Tract A and Tract B have been shown and labeled.
10. The area between the top and toe of the slopes in Tract A and Tract B exceeds 20 percent.
11. Constructing a road within the section line easement through the Ninilchik River, the Habitat Protection District, and associated low wet areas of the Ninilchik River would require compliance with KPB 14.40, 20.30.040, 20.60.050, and 20.60.060, if the appropriate agencies would allow construction.
12. The section line easements will remain in place for access (if terrain and/or weather allows) as well as utilities.
14. The 40-acre DNR parcel to the west fronts a 100-foot wide section line easement.
15. A constructed road locally known as Brody Road crosses the 160-acre and 400-acre Ninilchik Native Association parcels to the north and northeast.
16. KPB records show the Ninilchik Native Association parcels front section line easements 83 or 100 feet in width.
17. The 160-acre Ninilchik Native Association parcel to the south fronts the constructed section line

- easement that extends to the subject plat.
18. Adjacent acreage parcels front section line easements, some of which are constructed.
 19. No surrounding acreage parcels will be denied access.

AMENDMENT B VOTE: The motion passed by unanimous consent.

CARLUCCIO ABSENT	ECKLUND ABSENT	ERNST YES	LOCKWOOD YES	MORGAN YES	WHITNEY YES	4 YES 2 ABSENT
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MAIN MOTION VOTE: The motion passed by unanimous consent.

CARLUCCIO ABSENT	ECKLUND ABSENT	ERNST YES	LOCKWOOD YES	MORGAN YES	WHITNEY YES	4 YES 2 ABSENT
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AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

2. Dahler Subdivision Isham Addition
KPB File 2017-147 [Segesser / Isham]

Staff Report given by Patti Hartley

Plat Committee Meeting: 10/23/17

Location: east of Forest Lane, Sterling
 Proposed Use: Residential
 Water/Sewer: On-site
 Zoning: Unrestricted
 Assessing Use: Residential
 Parent Parcel Number(s): 063-540-02

Supporting Information:

The proposed plat subdivides an approximate 10-acre tract into two tracts containing 3 and 5.5 acres. An exception to wastewater review has been requested. The subdivision fronts the Sterling Highway.

Notice of the proposed plat was mailed to the beneficial interest holder on October 3, 2017. 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 property is not within an advisory planning commission.

Staff recommends that notes be placed on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

Exception Requested: Soils report (KPB 20.40) – Have a copy of a perc test.

Staff Discussion: A standard percolation test report for Tract K dated August 3, 2012 was included with the submittal. The exception is required for Tract K2.

Findings

1. Per KN 77-16, Tract K contains 9.991 acres.
2. A standard percolation test report for Tract K dated August 3, 2012 was included with the submittal.
3. Per the standard percolation test, no groundwater was apparent.
4. A copy of the Alaska Department of Environmental Conservation 2012 Documentation of Construction for Tract K downloaded from ADEC's Septic Tracking System is in the plat file.
5. Tract K2 contains 3.105 acres (135,254 square feet).