

## **C. Consent Agenda**

**\*3 6-14-24 Plat Committee Meeting Minutes**

# 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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June 14, 2021  
5:30 p.m.  
**UNAPPROVED MINUTES**

### A. CALL TO ORDER

Commissioner Carluccio called the meeting to order at 5:30 p.m.

### B. ROLL CALL

#### *Plat Committee Members/Alternates*

Paulette Carluccio, City of Seldovia

Cindy Ecklund, City of Seward

Pamela Gillham, Ridgeway (*arrived late approximately 6:05 p.m.*)

Robert Ruffner, Kasilof/Clam Gulch

Franco Venuti, City of Homer

#### *Staff Present*

Melanie Aeschliman, Planning Director

Scott Huff, Platting Manager

Julie Hindman, Platting Specialist

Ann Shirnberg, Planning Administrative Assistant

Avery Harrison, Land Management Administrative Assistant

### C. APPROVAL OF AGENDA

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

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

**MOTION:** Commissioner Ruffner moved seconded by Commissioner Ecklund to approve the agenda.

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, Ecklund, Ruffner, Venuti				
No					
Absent	Gillham				

### 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. – 6 Plats

3. Stewardship Subdivision 2021 Replat; KPB File 2021-073  
McLane Consulting Group / SBC Development Group Inc.  
Location: Kalifornsky Beach Rd., Wazzu Ave. & Yale St. / Kalifornsky Area  
Kalifornsky APC
8. Carl F Ahlstrom Subdivision RPM's Replat Number 2; KPB File 2021-054  
Segesser Surveys / RPM's LLC, RPM LLC & Mellish  
Locations: Kenai Spur Hwy. & Wildwood Dr. / City of Kenai
9. Cowan McFarland Subdivision Fritz Replat; KPB File 2021-071  
Segesser Surveys / The Fritz Living Trust  
Location: McFarland Rd. & Owen St. / Funny River Area  
Funny River APC
10. Eagles Landing Subdivision Brassfield Replat; KPB File 2021-070  
Segesser Surveys / Thomas J & Carol A Brassfield Declaration of Trust  
Location: Acacia St. & Eagles Wing Circle
12. FBO Subdivision No. 11; KPB File 2021-076  
Segesser Surveys / City of Kenai  
Location: N. Willow St. / City of Kenai
14. TKC Subdivision; KPB File 2021-065  
Segesser Surveys / TKC LLC  
Location: Second Ave. & McKinley St. / City of Kenai

**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 Venuti moved, seconded by Commissioner Ecklund to grant preliminary approval based on staff recommendations and compliance with borough code to: Stewardship Subdivision 2021 Replat, Carl F Ahlstrom Subdivision RPM's Replat No. 2, Cowan McFarland Subdivision Fritz Replat, Eagles Landing Subdivision Brassfield Replat, FBO Subdivision No. 11 & TKC Subdivision.

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

#### **MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	Absent	1
Yes	Carluccio, Ecklund, Ruffner, Venuti		
Absent	Gillham		

#### AGENDA ITEM E. NEW BUSINESS

##### **ITEM 1 - FOWLERS BENCH**

<b>KPB File No.</b>	2021-067
<b>Plat Committee Meeting:</b>	June 14, 2021
<b>Applicant / Owner:</b>	John G. Fowler 10305 Main Tree Dr. Anchorage, AK 99507
<b>Surveyor:</b>	Seabright Survey + Design/Kenton T. Bloom

<b>General Location:</b>	City of Homer, located north of Bear Creek Drive from East End Road and south of Dorothy Drive from Skyline Drive
<b>Parent Parcel No.:</b>	174-060-11
<b>Legal Description:</b>	The N1/2 NE1/4 Section 10 Township 6 South Range 11 West Excepting Therefrom the West 330'
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Residential
<b>Water / Wastewater</b>	On Site

Staff report given by Scott Huff.

**Specific Request / Scope of Subdivision:** The proposed plat is located within the City of Homer and will subdivide a 70 acre parcel into two tracts. Proposed Tract A will be 55 acres and proposed Tract B will be 15 acres.

**Legal Access (existing and proposed):** The legal access to the subdivision is by way of Birch Lane and Plunging Way right of ways. Both are 33 foot dedicated right of ways with corresponding 33 foot section line easements for a total access width of 66 feet. Both legal access right of ways are affected by very steep terrain / gullies. It is unlikely that either right of way can provide physical access.

33 foot section line easements affect the east and north boundary of this subdivision. **Staff recommends** the section line easements be depicted and labeled on the plat.

A section line easement right of way also exists from the north, but a portion of has been reduced to a 20 foot wide pedestrian easement and it is also affected by steep terrain.

The proposed access to this subdivision will be via a private easement agreement for a shared driveway and utilities per document 2015-002185-0 HM.

This subdivision is subject to a Public Recreational Easement per document 2013-002025-0 HM. **Staff recommends** this easement be depicted if possible or noted within the plat notes.

The City of Homer requested the following, *"Dedicate a north south easement per the Homer Non-Motorized Transportation and Trail Plan, A copy of page 38 of the Homer Non-Motorized Transportation and Trails Plan, part of the City's adopted Comprehensive Plan, is attached."* A copy of the map is included in the packet.

The plat is depicting the existing trail easement as granted per plat 2018-07. The plat is also depicting a new trail easement that will be granted this plat extending from the current trail easement to follow the common boundary between Tract A and Tract B to connect with the section line easement / Birch Lane ROW on the east boundary.

All right of ways will be under the jurisdiction of the City of Homer.

The plat is depicting a new T-type of turnaround easement near the common south boundary of Tract A and Tract B. Private access easements are not allowed to be granted by plat and must be recorded as a separate document.

KPB Roads Dept. comments	Out of jurisdiction, no comments.
SOA DOT comments	No comments provided.

**Site Investigation:** This subdivision is affected by steep terrain with Bear Creek Canyon located on the west side. The two proposed Tract will each contain a bench area where improvements can be located.

Bear Creek drainage is located on the west side and an unnamed drainage is depicted within Tract B. The City of Homer typically requires drainage easement to be thirty feet in width centered on the drainage. The final width of the easement will depend on the ability to access the drainage with heavy equipment. **Staff recommends** the drainage easement location and width be worked out with the City of Homer and provide

an acceptance statement for the City of Homer to sign for the new drainage easements.

Floodplain Hazard Review	Within City of Homer. N/A.
Anadromous Waters Habitat Protection District Review	Not within a HPD.
State Parks Review	No comments.

**Staff Analysis** The parent parcel is an unsubdivided remainder of the N1/2 NE1/4, Section 10, excluding the west 10 acres and has not been through the platting process.

The lands to the east were subdivided in 1976. The lands to the north were originally subdivided in 1993 with a right of way vacation for a portion of Dorothy Drive completed in 2019. The lands to the south were subdivided in 2012. Per HM 2012-13 a trail, utility, and slope easement was granted which provides public, pedestrian access from Kestrel Circle right of way, through lots 17, 16, 14, 13, 15, and Tract A to the south boundary of this subdivision.

Water and wastewater services will be on site. Both new tracts are larger than 200,000 sq. ft. and a soils analysis report will not be required.

Notice of the proposed plat was mailed to the beneficial interest holder on May 14, 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 City of Homer Planning and Zoning Commission reviewed the plat at their meeting of April 21, 2021 and recommended approval with the following comments:

1. Include a plat note stating "Property owner should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation (if any)\_. Property owners are responsible for obtaining all required local, state and federal permits."
2. Dedicate a north south easement per the Homer Non-Motorized Transportation and trail Plan.
3. Label Homer and Kachemak City Limits on the plat.
4. Label Kachemak City on the vicinity map.
5. Depict the approximate location of Bear Creek.
6. Depict the approximate location of the top of the steep canyon banks.

**Utility Easements** The parcel is not subject to any utility easements of record. The private shared driveway easement of record may also be used for underground utilities. This easement allows utilities to be brought to the subdivision boundary but does not provide a connection to Tract B. **Staff recommends** this platting action grant an extension of the utility easement from the end of the shared driveway / utility easement to allow a connection to both Tracts A and B.

This plat is subject to several easements of record for ingress and egress for the use of a water spring. **Staff recommends** the easements of record be depicted or noted on the plat.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** grant utility easements requested by the utility providers.

**Utility provider review:**

HEA	Reviewed, no comments.
ENSTAR	No comments or recommendations.
ACS	Reviewed, no comments.
GCI	Reviewed, no comments.

**KPB department / agency review:**

Addressing – Derek Haws	No affected addresses.
Code Compliance – Eric Ogren	No comments.

Planner – Bryan Taylor	This is located within the City of Homer and not subject to Local Option Zoning Districts or KPB material site reviews.
Assessing – Adeena Wilcox	No comments.

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

## **STAFF RECOMMENDATIONS**

### **CORRECTIONS / EDITS**

KPB 20.25.070 - Form and contents required.

- 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:** *Correct the street name from Shelton Drive to Plunging Way.*

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions, or limitations of reservations that could affect the subdivision;

**Staff recommendation:** *The access easement depicted on the plat appears to be for a future easement. If the easement is recorded before the plat is finalized then add the serial no.*

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.

**Staff comments:** *To comply with this section of code a right of way dedication would be required to match Birch Lane right of way and extend Plunging Way right of way. Both right of ways are affected by steep ravines and gullies. Both right of ways are affected by a 33 foot section line easement which provides access for the public and utility providers. Staff recommends that the plat committee concur that the dedication of right of way to extend Plunging Way and matching right of way for Birch Lane is not required at this time due to difficult terrain features and the existence of 33 foot section line easements.*

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.

*Staff Comments: Legal, public, access to the subdivision exists via the section line easements and right of way dedications for Plunging Way and Birch Lane. Neither of these accesses are viable for physical access due to steep terrain and ravines.*

*A private access easement from Kestrel Circle provides private access to this subdivision. Steep slopes affect the private access easement. A driveway has been constructed within the private access easement which provides physical access to this subdivision. This private access easement is the only practical access to the subdivision.*

**Staff recommendation:** *Concur an exception is not required as legal access exists to the subdivision via the section line easement and right of way dedications of Plunging Way and Birch Lane, but these accesses are not practical or economical. Physical access to the subdivision will be by a private driveway easement within Canyon Trails Subdivision.*

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

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

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

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

**Staff recommendation:** *Concur that the turnaround depicted at the end of the private access easement is not on a dedicated right of way, therefore section 20.30.100 does not apply. Staff would suggest that the private access easement be granted in a way that clearly provides access for Tract A and Tract B and allows for an adequate turnaround area.*

#### 20.30.120. Streets-Width requirements.

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

1. Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can reasonably be expected to be dedicated in the future.

2. 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, adjoiners to the new half right-of-way will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.

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

**Staff recommendation:** *Concur that the existing right of way dedications and section line easements provide a 66 foot wide public access and utility easement on the east and north boundaries and that additional dedication of right of ways is not necessary at this time.*

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.

**Staff recommendation:** *Comply with the City of Homer request to follow the Homer Non-Motorized Transportation and Trails plan and grant the trail easements as shown on the preliminary plat. Provide a Certificate of Acceptance for the City of Homer to accept the Trail easements being granted.*

20.30.270. Different standards in cities. Where cities 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. Any appeal of a city design standard is subject to KPB 21.01.020(E).

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

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

20.40.010 Wastewater disposal.

*Platting Staff Comments: Both parcels will have onsite wastewater disposal and both parcels are larger than 200,000 sq. ft. therefore a soils analysis report is not required.*

**Staff recommendation:** *Within the wastewater note remove the reference to the nominal 5 acres as this has been removed from KPB code. Comply with 20.40.*

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#### **KPB 20.60 – Final Plat**

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

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#### **EXCEPTIONS REQUESTED:**

##### **A. 20.30.090. Streets-Maximum grades allowed.**

###### Owner's Discussion:

Staff Discussion: The legal access to the subdivision is via the section line easements and right of way dedications on Birch Lane and Plunging Way as well as a pedestrian access from Dorothy Drive. All three access points cross very steep terrain and/or ravines. Access from these routes cannot be constructed to comply with the street grade requirements.

Physical access to the subdivision is via a private access easement through Canyon Trails Subdivision. The private access easement traverses steep terrain. The access road has been improved but cannot be constructed to comply with KPB standards for road grade or curve requirements. A private access easement is not under the jurisdiction of the City of Homer or KPB. Any maintenance or improvements within the private access easement is at the discretion of the grantees.

###### **Findings:**

1. The legal access to the subdivision is via the section line easements and right of way dedications on Birch Lane and Plunging Way as well as a pedestrian access from Dorothy Drive.
2. All three access points cross very steep terrain and/or ravines.
3. Access from these routes cannot be constructed to comply with the street grade requirements.
4. Physical access to the subdivision is via a private access easement through Canyon Trails Subdivision.
5. The private access easement traverses steep terrain.
6. The access road has been improved but cannot be constructed to comply with KPB standards for road grade or curve requirements.



7. A private access easement is not under the jurisdiction of the City of Homer or KPB.
8. Any maintenance or improvements within the private access easement is at the discretion of the grantees.

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 1-4, 6-8 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 1-4, 6-8 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 1-4, 6-8 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.

**EXCEPTIONS REQUESTED:**

**B. KPB 20.30.170 Blocks – Length requirements**

Surveyor's Discussion:

Staff Discussion: This subdivision is located within a block that is larger than allowed by KPB standards. The block is defined by Birch Lane on the east and a section line easement on the north.

The entire subdivision is affected by steep terrain. Bear Creek Ravine is located on the west side of the subdivision.

The land to the south has been subdivided without providing a right of way dedication to this parcel of land.

If denied, this platting action will require a 60 foot wide right of way dedication from the section line on the north boundary to Tract A on the south boundary and would need to align with the private access easement.

**Findings:**

1. This subdivision is located within a block that is larger than allowed by KPB standards.
2. The block is defined by Birch Lane on the east and a section line easement on the north.
3. The entire subdivision is affected by steep terrain.
4. Bear Creek Ravine is located on the west side of the subdivision.
5. The land to the south has been subdivided without providing a right of way dedication to this parcel of land.
6. All parcels front on either a dedicated right of way or a section line easement.
7. This subdivision is creating two parcels with each one having a flat 'bench' area that can be developed.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 3-7 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 3-7 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 3-7 appear to support this standard.**

**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 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. 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 Ecklund to grant preliminary approval to Fowlers Bench based on staff recommendations and compliance to borough code.

**AMENDMENT A:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant exception request to KPB 20.30.090 Maximum Grades Allowed, citing findings 1-4 & 6-8 in support of standards one, two & three.

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

**AMENDMENT A MOTION PASSED BY UNANIMOUS VOTE**

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

**AMENDMENT B:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant exception request to KPB 20.30.170 Blocks – Length Requirements, citing findings 3-7 in support of standards one, two & three.

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

**AMENDMENT B MOTION PASSED BY UNANIMOUS VOTE**

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

Commissioner Ruffner verified with staff that this plat had been approved by the City of Homer and they would be the ones to address any right-of-way issues should they come up. Mr. Huff replied that the City of Homer approved the plat and were aware that access to one of the properties is by private easement, which is already constructed. Commissioner Ruffner then asked if any legal issues related to the private access easement were to come up it would be the City of Homer with legal liability and not the borough. Mr. Huff replied that he was correct.

Seeing and hearing no objection or discussion, the main motion passed by the following vote:

**MAIN MOTION PASSED BY UNANIMOUS VOTE**

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

**AGENDA ITEM E. NEW BUSINESS**

**ITEM 2 - Rappe Gallant Subd Unit 5 No 2**

<b>KPB File No.</b>	2021-064
<b>Plat Committee Meeting:</b>	June 14, 2021
<b>Applicant / Owner:</b>	Stephen Rappe
<b>Surveyor:</b>	Jerry Johnson/Johnson Surveying
<b>General Location:</b>	Nikiski, Halbouty Road
<b>Parent Parcel No.:</b>	013-360-45
<b>Legal Description:</b>	Tract A-1C1 Rappe Gallant Subdivision Unit No 5
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

Staff report was given by Scott Huff.

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 10 acre parcel into two tracts. Proposed Tract A-3 will be 6.1 acres and proposed Tract A-4 will be 3.8 acres.

**Legal Access (existing and proposed):** Legal access to the subdivision is from Halbouty Road. Halbouty Road is a 100 foot wide right of way that has been improved and is under the State of Alaska DOT jurisdiction. Any new access drives will require approval from AK DOT. The correct plat note is on the drawing.

This plat is within a block that exceeds the maximum block length. The parent plat was granted an exception to extending Sharp Lane to intersect with Halbouty Road. Sharp Lane, if extended in the future, should align with Hillside Drive so that an offset intersection is not created. The lots to the north are too small to be further subdivided and cannot provide a right of way dedication to Daniel's Lake Road. **Staff recommends** that the committee concur that this platting action does not require an exception to KPB 20.30.170 Block Length as there are not right of way dedications that can be made to help comply due to terrain features, existing material sites, and surrounding development.

KPB Roads Dept. comments	Within KPB jurisdiction, no comments.
SOA DOT comments	The ROW for Halbouty Road is as shown on Kenai Borough ROW Map MA-21037, sheet 4 of 6, and appears to be shown correctly.

**Site Investigation:** This subdivision contains undulating terrain but is not affected by any low wet areas. There is one residential structure, which will be on proposed tract A-3. Proposed Tract A-4 appears to be contain a material extraction site.

Floodplain Hazard Review	Not within a floodplain.
Anadromous Waters Habitat Protection District Review	Not within a HPD.
State Parks Review	No comments.

**Staff Analysis** The parent plat was approved in 2010.

In 2020 a conditional land use permit was granted to operate a sand, gravel, or material site by the KPB Planning Commission. Under permit conditions item 11 it states, *'The permittee shall notify the planning department of any further subdivision or return to acreage of this parcel. The planning director may issue a written exemption from the permit amendment requirement if it is determined that the subdivision is consistent with the use of the parcel as a material site and all original permit conditions can be met.'* The owner will need to work with the KPB Planner, Bryan Taylor, for any modifications to the material site permit.

Proposed Tract A-4 will contain the active material site. Tract A-4 is less than 200,000 sq. ft. and is subject to a wastewater analysis report. Tract A-3 is larger than 200,000 sq. ft. and a wastewater analysis report is not required.

Notice of the proposed plat was mailed to the beneficial interest holder on May 11, 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 property is not within an advisory planning commission.

**Utility Easements** A 10 foot utility easement exists on the north boundary. The front 10 feet of the 20 foot building setback, and the entire setback within 5 feet of the side lot lines, is a utility easement. Both platted easements of record have been carried forward on the preliminary plat.

This plat is affected by a utility easement of record with no defined location per Bk. 31 Pg. 174 KRD. **Staff recommends** the utility easement of record be depicted or noted on the final plat.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

**Utility provider review:**

HEA	Reviewed, no comments.
ENSTAR	No comments or recommendations.
ACS	Reviewed, no comments.
GCI	Reviewed, no comments.

**KPB department / agency review:**

Addressing – Derek Haws	<p>Affected Addresses: 49636 HALBOUTY RD</p> <p>Existing Street Name Corrections Needed: NORTH KENAI RD should be KENAI SPUR HWY on vicinity map LAMPLIGHT RD should be HOLT LAMPLIGHT RD on vicinity map</p> <p>Comments: 49636 HALBOUTY RD will remain with Tract A-3 NORTH KENAI RD should be KENAI SPUR HWY on vicinity map LAMPLIGHT RD should be HOLT LAMPLIGHT RD on vicinity map</p>
Code Compliance – Eric Ogren	This Property has a CLUP for material extraction. The area site plan and CLUP needs to be considered, if necessary an amended CLUP submitted.
Planner – Bryan Taylor	<p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Conditional Land Use Permit CLUP Resolution Number: CLUP Approval Date: 1/1/0001 Material Site Comments: A permit modification or director's exemption is required for the permit.</p>
Assessing – Adeena Wilcox	No comments.
Nikiski Fire Dept.	Nikiski plats look fine for emergency services access. No other comments.
Advisory Planning Commission	N/A

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

**STAFF RECOMMENDATIONS****CORRECTIONS / EDITS**

KPB 20.25.070 - Form and contents required.

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. The parent plat's name shall be the primary name of the preliminary plat.
2. Legal description, location, date, and total area in acres of the proposed subdivision;
3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

**Staff recommendation:** Remove "Alpine Excavation" as this entity is not shown as an owner in the certificate to plat. Remove "Brad Rappe and add Stephen Bradley Rappe who acquired title as Stephan Rappe.

D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;

**Staff recommendation:** Revise "North Kenai Road" to "Kenai Spur Hwy". Add a label for Section 34.

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the proposed subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;  
**Staff recommendation:** *Revise lot numbers to the north 4, 3, 2, and 1 for KN 1731 and relabel as 5, 4, 3 and 2. Add a label "block 6 to KN 1731 to the north."*
- 

#### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

*Platting Staff Comments: Tract A-3 is larger than 200,000 sq. ft. and is not subject to the soils analysis report. Tract A-4 is less than 200,000 sq. ft. and is subject to the soils analysis report. An exception has been requested for Tract A-4 to not require a soils analysis report.*

**Staff recommendation:** *comply with 20.40.*

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#### KPB 20.60 – Final Plat

**Staff recommendation:** *final plat submittals must comply with 20.60.*

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#### **EXCEPTION REQUESTED:**

#### **KPB 20.40 – Wastewater Review for Tract A-4**

Surveyor's Discussion: Lot is being used as a gravel pit and will not generate wastewater.

Staff Discussion: Tract A-4 is 3.817 acres or 166,268 sq. ft. Tract A-4 is 33,731 sq. ft. under the KPB limit for requiring a wastewater review. Moving the north boundary of Tract A-4 approximately 107 feet to the north would make Tract A-4 200,000 sq. ft.

The parcel is currently being used as a material extraction site. Low wet areas do not affect Tract A-4.

The parcel may be used for residential purposes. The parcel is large enough to be further subdivided in the future. Any further subdivision of Tract A-4 would require a soils analysis report.

If denied, there are two options to comply with KPB code. Either an engineer can prepare a soils analysis report for Tract A-4, or Tract A-4 can be adjusted to be at least 200,000 sq. ft. in size.

#### **Findings:**

1. Tract A-4 is 3.817 acres or 166,268 sq. ft.
2. Tract A-4 is 33,731 sq. ft. under the KPB limit for requiring a wastewater review.
3. Moving the north boundary of Tract A-4 approximately 107 feet to the north would make Tract A-4 200,000 sq. ft.
4. The parcel is currently being used as a material extraction site.
5. Low wet areas do not affect Tract A-4.
6. The parcel may be used for residential purposes.
7. The parcel is large enough to be further subdivided in the future.
8. Any further subdivision of Tract A-4 would require a soils analysis report.
9. To comply with KPB code, either an engineer can prepare a soils analysis report for Tract A-4 or Tract A-4 can be adjusted to be at least 200,000 sq. ft. in size.
10. Any installation of a septic system must be approved by DEC.
11. There appears to be at least 20,000 sq. ft. of area available for septic installation.

Staff reviewed the exception request and based on findings 1, 2, 3, 6, and 9 does not recommend approval.

If the plat committee chooses to grant the exception request, it appears that findings 4, 5, 7, 8, 10, and 11 support standards 1, 2, and 3.

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.

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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 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.

Jerry Johnson, Johnson Survey, P.O. Box 27, Clam Gulch, AK 99568: Mr. Johnson is the surveyor for this project. There is a gravel pit on the property, you can see 25 feet down and there is nothing there but sand and gravel. He stated the owner had dug down in the pit trying to locate the water table and never found it. If this property was going to be used as residential lot in the future it would have to be retopped to make it useable and that would be the time for a soils investigation.

Commissioner Ruffner asked Mr. Johnson if he had considered moving the boundary line north to increase the size of this lot so a soils report would not be require. Mr. Johnson replied that moving that boundary line would be eating into the property where the house stands.

Don Rappe; P.O. Box 8164, Nikiski AK 99635: Mr. D. Rappe owns the adjacent property and wanted to know if the applicant would be required to extend Sharp Lane. Mr. Huff replied that Sharp Lane is outside of this subdivision and there is no requirement for Sharp Lane to be extended across his property.

Stephen Rappe; P.O. Box 7354 Nikiski, AK 99635: Mr. S. Rappe is the applicant. He stated when he purchased the property the pit was already there. The excavation level in this pit has remained the same – he has not dug deeper, he had just gone wider.

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

**MAIN MOTION:** Commissioner Ecklund moved, seconded by Commissioner Ruffner to grant preliminary approval to Rappe Gallant Subd. Unit 5 No. 2 based on staff recommendations and compliance to borough code.

**AMENDMENT A:** Commissioner Ecklund moved, seconded by Commissioner Ruffner to grant exception request to KPB 20.40 Wastewater Review for Tract A-4.

Commissioner Ecklund asked if a gravel pit of this same size had come before them would they be required to have a wastewater review. Mr. Huff replied that wastewater reviews are a requirement of subdivision code and not for conditional land use permits.

Commissioner Ecklund asked the applicant if it was his intention to continue to use Tract A-4 as a material site. Mr. Rappe state the reason he is subdividing this property is he is planning to sell the house which is on Tract A-3. He had people interested in purchasing the house but could not get financing because there was a gravel pit on the property. He then decided to subdivide off the piece of property with the gravel pit. He is a residential contractor and plans on continuing to use the gravel from this pit.

Commissioner Ecklund noted staff recommend moving the northern lot line 107' further north. In looking at the information before her she does not see any buildings in that area and she wondered why Mr. Rappe did not want move that line.

Commissioner Ruffner asked Mr. Rappe if it came down to it which would he rather do. Move the lot line 107' north or pay an engineer to do a soils report? Mr. Rappe replied he does not want to move the property line as the pit is already established. Mr. Rappe stated he was not really interested in making the house site smaller. He has been advertising the sale of the house with a certain amount of acreage and he would rather not change it if he does not have too.

Commissioner Ruffner then asked staff if they knew how much a soil report would cost. Mr. Huff replied that he was not sure but thought but he would estimate the cost to be anywhere from \$1200 to \$1800.

Commissioner Ruffner stated he is inclined to support the exception request. The pit is being used for sand and gravel and that use will most likely not change. He does not recall finding a scenario in the past where he has want to support an exception request like this. In this particular case he believes that there are enough unique circumstance that he is inclined to support this request.

Before taking the vote on this amendment Ms. Hindman, noting that Commissioner Gillham came into the meeting late, asked if she had heard enough of the testimony to vote. Commissioner Gillham replied that she had not heard enough of the testimony on this plat and would like to be excused from this vote. Chair Carluccio concurred.

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

**AMENDMENT A MOTION PASSE BY UNANIMOUS VOTE**

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

**AMENDMENT B:** Commissioner Ecklund moved, seconded by Commission Ruffner to attach findings 4, 5, & 7-11 in support of standards one, two and three in support of the exception request.

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

**AMENDMENT B MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	Abstain	1
Yes		Carluccio, Ecklund, Ruffner, Venuti	
Abstain	Gillham		

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

**MAIN MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	Abstain	1
Yes		Carluccio, Ecklund, Ruffner, Venuti	
Abstained	Gillham		

**AGENDA ITEM E. NEW BUSINESS**

**ITEM 3 - STEWARDSHIP SUBDIVISION 2021 REPLAT**

<b>KPB File No.</b>	2021-073
<b>Plat Committee Meeting:</b>	JUNE 14, 2021
<b>Applicant / Owner:</b>	SBC Development Group, Inc. 42115 Kalifornsky Beach Road Suite B Soldotna, AK 99669
<b>Surveyor:</b>	James Hall / McLane Consulting, Inc.
<b>General Location:</b>	Kalifornsky / Kalifornsky APC
<b>Parent Parcel No.:</b>	05517019, 05517020
<b>Legal Description:</b>	Tracts 1 and 2, Stewardship Subdivision Plat KN 72-2.
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 12 acre and 0.77 acre parcel into 11 one acre lots.

**Legal Access (existing and proposed):** Legal access is via Kalifornsky Beach Road on the west boundary, which is a State of Alaska DOT road. Wazzu Avenue fronts on the north boundary and is improved and maintained by KPB. The east boundary is affected by a 33 foot section line easement and an adjoining 50 foot section line easement for a total access width of 83 feet.

This platting action will also dedicate the following right of ways.

- 50 foot right of way for Kalifornsky Beach Road.
- 40 foot right of way frontage road adjoining Kalifornsky Beach Road.
- 30 foot half width right of way for Wazzu Avenue.
- 30 foot half width right of way for Yale Street.
- 60 foot right of way within the subdivision.

The new right of way dedication will comply with KPB block length requirements.

KPB Roads Dept. comments	Within KPB jurisdiction. The RSA has no comments at this time.
SOA DOT comments	No comments provided

**Site Investigation:** This area is generally flat and not affected by steep slopes or low wet areas. Recently this parcel was cleared of all trees and gravel material was excavated from the east side of the parcel and then covered the majority of the subdivision. It appears that two large raised gravel pads have been constructed. Staff is not aware of the proposed development on this subdivision.

Floodplain Hazard Review	Not affected by a flood hazard zone.
Anadromous Waters Habitat Protection District Review	Not affected by a HPD.
State Parks Review	No comments.

**Staff Analysis** The parent parcels were created by a subdivision plat recorded in 1972.

The proposed right of way dedications will comply with KPB standards and complete the right of way width for Kalifornsky Beach Road.

A soils report will be required and an engineer will sign the final plat.

Notice of the proposed plat was mailed to two beneficial interest holders on May 20, 2021. The beneficial interest holders 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.

Kalifornsky Advisory Planning Commission minutes were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

**Utility Easements** The parent parcels are not subject to any platted utility easements. The subdivision is affected by a utility easement of record, with no defined location, and it correctly referenced in plat note 8.

This platting action will be granting utility easements adjoining the dedicated right of ways and complies with KPB standards.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers.

**Utility provider review:**

HEA	Reviewed / no comments.
ENSTAR	No comments or recommendations.
ACS	
GCI	

**KPB department / agency review:**

Addressing – Derek Haws	Affected Addresses: 47115 WAZZU AVE  Comments: New street name needed for 60' unnamed ROW. 47115 WAZZU AVE will be deleted.
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.
Assessing – Adeena Wilcox	No comments.
Advisory Planning Commission	Not available at the time the staff report was prepared.

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

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## **STAFF RECOMMENDATIONS**

### **CORRECTIONS / EDITS**

- 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:** *The lands to the east of the subdivision are State owned lands and subject to a 50 foot section line easement. Correct the depiction and label for the adjoining section line easement.*

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

**Staff recommendation:** *Work with the KPB Addressing Officer to obtain an approved street name for the right of way dedication within the subdivision.*

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

20.40.010 Wastewater disposal.

*Platting Staff Comments: A soils analysis report will be required. Dependent on the soils analysis report, the correct wastewater disposal note is on the plat.*

**Staff recommendation:** *comply with 20.40.*

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### **KPB 20.60 – Final Plat**

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

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

**Staff recommendation:** *Provide a certificate of acceptance for the State of Alaska DOT to accept the portion of Kalifornsky Beach Road right of way dedication and provide a certificate of acceptance for KPB to accept the dedication of the Business Park Frontage Road, Wazzu Avenue, Yale Street, and the yet to be named right of way.*

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### **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**
- **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**

***\*Approved by Grouped Agenda***

AGENDA ITEM E. NEW BUSINESS**ITEM 4 - PIPER'S HAVEN 2021 REPLAT**

<b>KPB File No.</b>	2021-074
<b>Plat Committee Meeting:</b>	June 14, 2021
<b>Applicant / Owner:</b>	Karlin and Kelly Scott PO Box 738 Anchor Point, AK 99556
<b>Surveyor:</b>	Stephen C. Smith/ Geovera, LLC
<b>General Location:</b>	Happy Valley / Anchor Point APC

  

<b>Parent Parcel No.:</b>	159-200-97
<b>Legal Description:</b>	Lot 9, Piper's Haven Unit 4, Plat HM 98-80.
<b>Assessing Use:</b>	Residential
<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 29 acre parcel into two lots with one being 24.6 acres and one being 4.59 acres.

**Legal Access (existing and proposed):** Legal access exists from the Sterling Highway by way of dedicated right of ways and section line easements consisting of Resch Avenue and Cloyds Road. Both roads are improved but not maintained by KPB Roads Department.

Cloyds Avenue, where fronting this subdivision, is a 30 foot wide dedication. It appears that a trail may be located within the right of way but is does not appear to be a roadway. The property to the east is 40 acres in size and will be required to provide a matching 30 foot dedication for a full 60 foot width.

Sonnichson Avenue fronts the subdivision on the south. Sonnichson Avenue is a 60 foot dedicated right of way that coincides with a 100 foot section line easement. This right of way has not been improved.

Physical access to the subdivision has been constructed from the intersection of Cloyds Road and Emily Court then crosses over Lot 8-B to this subdivision plat.

A private airstrip is constructed at a diagonal (NE to SW) across the property. The airstrip extends beyond the end of the parcel and appears to cross Sonnichson Avenue right of way and into Lot 8 to the south.

**Staff recommends** a plat note be added that indicates that acceptance of the plat by the Borough does not indicate acceptance of any encroachments.

The block is defined by Emily Court, Cloyds Road, Sonnichson Avenue, and section line easements. The block length is longer than allowed by KPB subdivision standards.

KPB Roads Dept. comments	Within KPB jurisdiction. The RSA has no comments at this time.
SOA DOT comments	N/A

**Site Investigation:** The parent parcel was created in 1998 with Piper's Haven Unit 4 (HM 98-80). The area is generally flat and not affected by any steep slopes. Per the Kenai Watershed Forum Ecosystem mapping, the southeast corner appears to be affected by Discharge Slope and Lakebed ecosystems.

Per Assessing records, several residential structures have been built on the parcel.

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



**Staff Analysis** The purpose of this subdivision is to subdivide off a 5 acre lot that contains an existing house and improvements from the remainder of the parcel.

Lot 9-A is greater than 200,000 sq. ft. Lot 9-B is 199,983 sq. ft. Any parcel larger than 200,000 sq. ft. will not require a soils analysis report. **Staff recommends** that Lot 9-B be adjusted so that it is at least 200,000 sq. ft.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

Anchor Point Advisory Planning Commission minutes were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

**Utility Easements** The parent plat granted utility easements adjoining the right of ways and along the west boundary. This platting action will carry forward the platted utility easements of record.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers.

**Utility provider review:**

HEA	Approved, no comments.
ENSTAR	Approved, no comments.
ACS	
GCI	Approved, no comments.

**KPB department / agency review:**

Addressing – Derek Haws	Affected Addresses: 27550 CLOYDS RD Comments: 27550 CLOYDS RD will remain with Lot 9-A
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.
Assessing – Adeena Wilcox	No comments.
Advisory Planning Commission	Not available at the time the staff report was prepared.

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

**STAFF RECOMMENDATIONS**  
**CORRECTIONS / EDITS**

KPB 20.25.070 - Form and contents required.

- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;

**Staff recommendation:** *Verify if the southeast corner is affected by low wet areas. If so, depict and label on the final plat.*

**KPB 20.40 -- Wastewater Disposal**

20.40.010 Wastewater disposal.

*Platting Staff Comments: Lot 9-B is slightly under the 200,000 sq. ft. requirement to require a soils analysis report. If the intent is to not submit a soils analysis report, that Lot 9-B should be increased slightly to meet the 200,000 sq. ft. parcel size.*

**Staff recommendation:** *comply with 20.40.*

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#### **KPB 20.60 – Final Plat**

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

##### **20.60.180. Plat notes.**

A. 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.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required. Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

**Staff recommendation:** *Correct the numbering of the plat notes.*

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#### **EXCEPTIONS REQUESTED:**

##### **KPB 20.30.170. Blocks-Length requirements.**

###### Surveyor's Discussion:

Staff Discussion: The subdivision does not comply with the block length requirements as the east-west block length is 3,856 feet. The north-south block length is 1360 feet and generally complies with the subdivision design requirements.

The parcel is generally flat and not affected by steep terrain. The majority of the subdivision is not affected by low wet lands.

The property to the east is a 153 acre parcel owned by the University of Alaska. This parcel has legal access from Sergeant Avenue, Sonnichson Avenue, and section line easements.

Lot 8A to the north is 5.3 acres and has legal access from Emily Court. It is unlikely that Lot 8A will be further subdivided and provide any extension of right of way. The land to the north has been subdivided but no north-south right of way has been dedicated, excluding Cloyds Road.

All surrounding parcels have legal access.

Proposed Lot 9-A is 24.6 acres in size and can be further divided in the future to provide legal access.

If denied, a 30 foot right of way dedication will be required on the west boundary.

###### **Findings:**

1. The subdivision does not comply with the block length requirements as the east-west block length is 3,856 feet.
2. The north-south block length is 1360 feet and generally complies with the subdivision design requirements.
3. The parcel is generally flat and not affected by steep terrain.
4. The majority of the subdivision is not affected by low wet lands.
5. The property to the east is a 153 acre parcel owned by the University of Alaska. This parcel has legal access from Sergeant Avenue, Sonnichson Avenue, and section line easements.
6. Lot 8A to the north is 5.3 acres and has legal access from Emily Court.

7. It is unlikely that Lot 8A will be further subdivided and provide any extension of right of way.
8. The land to the north has been subdivided but, excluding Cloyds Road, no north-south right of way has been dedicated.
9. All surrounding parcels have legal access.
10. Proposed Lot 9-A is 24.6 acres in size and can be further divided in the future to provide legal access.

Staff reviewed the exception request and recommends granting approval. The owner is put on notice that any further subdivision of Lot 9-A may require additional right of way dedication.

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 5 – 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 5 – 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 5 – 10 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 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 21.20.25**

**END OF STAFF REPORT**

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

**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant preliminary approval to Piper's Haven 2021 Replat based on staff recommendations and compliance to borough code.

**AMENDMENT:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant exception request to KPB 20.30.170-Block Length Requirements citing findings 5-10 in support of standards one, two & three.

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

**AMENDMENT MOTION PASSED BY UNANIMOUS VOTE**

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

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

**MOTION PASSED BY UNANIMOUS VOTE**

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

**AGENDA ITEM E. NEW BUSINESS**

**ITEM 5 - Baleen Cove Subdivision**

<b>KPB File No.</b>	2021-045
<b>Plat Committee</b>	June 14, 2021
<b>Meeting:</b>	
<b>Applicant / Owner:</b>	Vann Revocable Trust PO Box 561 Kasilof, AK 99610
<b>Surveyor:</b>	John Segesser/Segesser Surveys
<b>General Location:</b>	City of Kenai

<b>Parent Parcel No.:</b>	040-410-52
<b>Legal Description:</b>	That portion of the S1/2 SE1/4 SW1/4 in Section 17, Township 5 North, Range 11 West, lying North of the Northerly Right of Way of Kalifornsky Beach Road. Excepting Therefrom any portion lying within VIP Country Estates Subdivision, Part 5, KN 85-124.
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Limited Commercial
<b>Water / Wastewater</b>	On Site

Staff report given by Scott Huff.

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 10.6 acre parcel into 7 lots ranging in size from 1.1 acres to 2.1 acres.

**Legal Access (existing and proposed):** The subdivision is fronted by Kalifornsky Beach Road which is a 200 foot wide improved right of way under State of Alaska DOT jurisdiction. Any access directly to Kalifornsky Beach Road must be approved by the State of Alaska DOT, and the correct plat note has been provided. Access is also provided by VIP Dr. and Baleen Avenue, both of which are 60 foot wide dedicated right of way that are improved and under the jurisdiction of the City of Kenai.

This plat is also depicting a record 30 foot public access easement that affects the south and east 30 feet of the subdivision. This public access easement is within the City of Kenai. Any improvement for access within the public access easement is subject to approval by the City of Kenai.

The block is defined by Kalifornsky Beach Road, VIP Drive, Baleen Avenue, and Pirate Lane. All right of ways are improved and used for access. The block length along Kalifornsky Beach Road is 1,750 in length and is longer than allowed by KPB subdivision code.

KPB Roads Dept. comments	Not within KPB jurisdiction, no comments.
SOA DOT comments	None of the concrete ROW monuments are shown as found along Kalifornsky Beach Road. If any of these monuments do still exist in the vicinity of this survey we would like for them to be shown on this plat.

#### **Site Investigation:**

The subdivision is not affected by any steep terrain or low wet areas. The property is generally flat and covered with mature spruce trees.

Floodplain Hazard Review	Within city of Kenai, no comments.
Anadromous Waters Habitat Protection District Review	Not affected by a HPD.
State Parks Review	No comments.

#### **Staff Analysis**

This parcel is an unsubdivided remaining parcel as all property around has been subdivided. The proposed lots comply with minimum lot size and the 3:1 depth to width ratio.

These lots will be served by private water and wastewater systems. An approved soils report, prepared by a licensed engineer, is required for final plat approval.

The property is located within the City of Kenai and is zoned Rural Residential. All development will be subject to the City of Kenai zoning regulations.

The City of Kenai Planning and Zoning Commission met on April 28, 2021 to review the preliminary plat. The Planning and Zoning Commission recommended approval subject to the following:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Delineate the access easement as set forth under Plat Note 4 on the face of the plat.
3. Add to the Plat Note number 4 that the City of Kenai does not recommend that the access easement be used as primary access into the subdivision.
4. Specify the acreage or square footage of each lot on the face of the plat.
5. The surrounding property notation for Lots 8 and 9, Block 3, should be changed to Lot 8A, Block 3, KN 2014-86.

**Staff recommends** the plat comply with the City of Kenai Planning and Zoning Commission recommendations.

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.

#### **Utility Easements**

This parcel is not affected by any utility easements of record.

A 15 foot utility easement adjoining all right of ways will be granted with this platting action.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommendation** is to grant utility easements requested by the utility providers.

**Utility provider review:**

HEA	Reviewed, no comments.
ENSTAR	Reviewed, no comments.
ACS	Reviewed, no comments.
GCI	Reviewed, no comments.

**KPB department / agency review:**

Addressing – Derek Haws	Affected Addresses: 725 BALEEN AVE  Comments: City of Kenai will advise on affected addresses.
Code Compliance – Eric Ogren	No comments.
Planner – Bryan Taylor	This plat is within the City of Kenai and not subject to Local Option Zoning Districts or KPB material site reviews.
Assessing – Adeena Wilcox	No comments.

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

**STAFF RECOMMENDATIONS**

**CORRECTIONS / EDITS**

KPB 20.25.070 - Form and contents required.

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the proposed subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff recommendation:**

- Add Block 3 to lots 13, 14 and 15 for KN 76-169 to the west.
- Add 85-124 and Block 3 to lots 10, 11 and 12 east of VIP Dr.
- Revise lot 1 to lot 6 and add Block 3 to lots west of Seine St.
- KN 2014-86 lot 8 is actually 8A, revise.
- Lot 7 label east of Seine St., Plat is KN 2000-31, Block 2 and lot 7-A, revise.
- Lot 8 and 9 east of Seine St should have plat no. label, KN 85-124.

20.30.270. Different standards in cities. Where cities 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. Any appeal of a city design standard is subject to KPB 21.01.020(E).

**Staff recommendation:** *The City of Kenai does not meet the specified requirements for the application and consideration of different standards.*

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.

**Staff recommendation:**

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.

**Staff recommendation:** *Provide documentation from the City of Kenai that an installation agreement is in place or documentation that an installation agreement is not required.*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *Revise the Certificate of Ownership and Dedication so that it is singular and states that Vann Revocable Trust is the owner of the subdivision. Comply with 20.60.190.*

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

20.40.010 Wastewater disposal.

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

**Staff recommendation:** *comply with 20.40.*

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#### **KPB 20.60 – Final Plat**

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

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#### **EXCEPTIONS REQUESTED:**

#### **KPB 20.30.030 Projection of Right of Way**

#### **KPB 20.30.170 Block Length**

##### **Surveyor's Discussion:**

**Staff Discussion:** These two sections of code are being combined as both deal with the extension of Seine Street right of way. The plat committee may act on each section of code separately if they choose.

The plat is located within a block that exceeds the KPB block length requirements. The block length along Baleen Avenue is 1,897 feet and the block length along Kalifornsky Beach Road is 1,763 feet. The maximum block length allowed per KPB code is 1,320 feet.

Seine Street is a 60 foot wide dedicated right of way that is north of the subdivision and could be extended with this platting action.

Any new right of way connections to Kalifornsky Beach Road would require AK DOT approval.

This platting action can provide for the extension of Seine Street right of way.

If denied, this platting action will be required to extend Seine Street to Kalifornsky Beach Road.

##### **Findings:**

1. The block length along Baleen Avenue is 1,897 feet and the block length along Kalifornsky Beach Road is 1,763 feet. The maximum block length allowed per KPB code is 1,320 feet.
2. Seine Street is a 60 foot wide dedicated right of way that is north of the subdivision and could be extended with this platting action.
3. Any new right of way connections to Kalifornsky Beach Road would require AK DOT approval.
4. This platting action can provide for the extension of Seine Street right of way.
5. All lots within this subdivision will have access on Baleen Avenue.
6. Baleen Avenue and VIP Drive are improved and maintained by the City of Kenai.
7. The City of Kenai recommend that Baleen Avenue be the primary access to the lots within this subdivision.
8. The City of Kenai did not provide comments on the extension of Seine Street and did not mention any concerns with legal 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 3, 5-8 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 3, 5-8 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 3, 5-8 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.

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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 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.

John Segesser, Segesser Surveys: 30485 Rosland St., Soldotna AK, 99669: Mr. Segesser is the surveyor for 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 Ecklund to grant preliminary approval to Baleen Cove Subdivision based on staff recommendations and compliance to borough code.

**AMENDMENT:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant exception request to KPB 20.30.030 Projection of Right-of-Way & KPB 20.30.170 Block Length, citing findings 3 & 5-8 in support of standards one, two & three.

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

**AMENDMENT MOTION PASSED BY UNANIMOUS VOTE**

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

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

**MOTION PASSED BY UNANIMOUS VOTE**

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

**AGENDA ITEM E. NEW BUSINESS**

**ITEM 6 - BOSTWICK SUBDIVISION**

<b>KPB File No.</b>	2021-068
<b>Plat Committee Meeting:</b>	June 14, 2021
<b>Applicant / Owner:</b>	Michael H. Bostwick
<b>Surveyor:</b>	John Segesser / Segesser Surveys, Inc.
<b>General Location:</b>	Ninilchik area

<b>Parent Parcel No.:</b>	157-130-06
<b>Legal Description:</b>	E1/2 E1/2 NE1/4 Sec. 31, T1S, R13W, SM
<b>Assessing Use:</b>	Residential mobile home
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

Staff report given by Scott

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 40 acre parcel into two tracts using the Ninilchik River as the natural dividing line. Each parcel will be nearly 20 acres in size. This plat was reviewed and approved by the KPB plat committee on October 23, 2017. The plat was approved subject to platting requirements being met, specifically KPB 20.30.050 Legal Access. A final plat was submitted, but a legal access plan was not. The plat approval expired. After the expiration of the approval, the preliminary plat is being brought back for approval again.

**Legal Access (existing and proposed):** Legal access to the subdivision is via section line easements. The section line easement crosses the Ninilchik River and is affected by steep terrain. Access via section line easement may not be feasible or economical.

Physical access to the north portion of the subdivision is from Brody Road and section line easements. An ADL easement connects between the dedication of Brody Road and the section line easement. It does not appear that the constructed road is within the easement.

Physical access to the south portion of the subdivision is from Michael and Zoyas Road. Michael and Zoyas road is a local road that appears to have been in existence since the 1950's. Portions of the road are within a dedicated right of way and portions of the road cross over lands owned by Ninilchik Native Association, Inc. (NNAI), and Cook Inlet Region Inc. (CIRI).

This platting action will be providing a 30 foot right of way dedication on the south boundary and along the east boundary for the south 850 feet. The lands to the east and south, if subdivided, will be required to provide a matching 30 foot right of way dedication.

Per KPB 20.30.050 Legal Access, the applicant shall provide an access plan to the planning department verifying the existence of legal access to the subdivision boundary. A plan was not submitted with this application. **Staff recommends** an access plan for practical, constructible access to Tract A and Tract B be provided per KPB 20.30.050.

During the last plat review, CIRI submitted a letter with concerns regarding legal access to this subdivision. Their letter stated,

*"Initial review of both CIRI's records and public records support the position that the constructed roads known as Brody Road and Michael and Zoya's Road are not public rights-of-way. They are in fact private roads, crossing private CIRI property. While KPB 20.30.050(B) offers waivers to the provisions of KPB 20.30.050(A), which the applicant may be erroneously relying upon, as the property owner of the roads CIRI is hereby informing the Borough that CIRI has not dedicated, and is not considering dedicating, either of these roads as public rights-of-way.*

*CIRI does not offer opposition to, or support for, the subdivision under consideration. CIRI must however, make the Borough aware that these constructed roads are private where they cross CIRI's private property. CIRI does not support any action by the Borough to establish these or any other roads as de-facto public rights-of-way absent legal easements or other devices agreed to by CIRI."*

The plat does not comply with KPB 20.30.170 Block Length.

KPB Roads Dept. comments	Within KPB jurisdiction, no comments.
SOA DOT comments	

**Site Investigation:** The Ninilchik River that crosses through middle of the property affects the subdivision. An Anadromous Waters Habitat Protection District affects the area adjoining the Ninilchik River. The low area around the river is classified as a Riverine ecosystem per the Kenai Watershed Forum.

**Staff recommends** the anadromous waters habitat protection note be added to the plat per KPB 20.30.290.

**ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:**

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.

Steep slopes are located to the north and south of the Ninilchik River drainage. Uplands are located to the north and south of the steep slopes.

The south upland area has been developed and appears to contain some residential improvements.

Floodplain Hazard Review	Not within flood hazard area.
Anadromous Waters Habitat Protection District Review	Is totally or partially within HPD.
State Parks Review	No comments.

**Staff Analysis** The parent parcel is an unsubdivided aliquot part of the section. This plat will use the Ninilchik River as the natural boundary between the two parcels. **Staff recommends** a plat note be added that reads, 'The thread of the Ninilchik River is the true bounds between Tract A and Tract B and the location of the

river may change over time. The approximate thread (centerline), as shown, is for computations only. The true property corners being on the extension of the side lot lines and their intersection with the thread of the Ninilchik River.'

Both tracts will be larger than 200,000 sq. ft. and appear to have at least 20,000 sq. ft. of area available for septic installation. A soils analysis report will not be 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.

The property is not within an advisory planning commission.

**Utility Easements** This subdivision is affected by section line easements, which can be used for utility purposes. No other easement of record affect this property.

Utility easements adjoining the right of ways will be granted with this plat. **Staff recommends** that the surveyor verify if any buildings are located where the utility easement will be located. If so, provide a plat note stating that the utility easement is not granted where a building will be affected.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers.

**Utility provider review:**

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

**KPB department / agency review:**

Addressing – Derek Haws	Affected Addresses: 15435 MICHAEL AND ZOYAS RD  Comments: 15435 MICHAEL AND ZOYAS RD will remain on Tract B.
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.
Assessing – Adeena Wilcox	No comments.
Advisory Planning Commission	N/A

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

**STAFF RECOMMENDATIONS**

**CORRECTIONS / EDITS**

KPB 20.25.070 - Form and contents required.

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. The parent plat's name shall be the primary name of the preliminary plat.
2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

**Staff recommendation:** *Revise owners name to Michael H. Bostwick.*

- 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 dedicated right of way for Michael and Zoya's Road adjoining the southeast boundary of this subdivision.*

- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;

**Staff recommendation:** *Provide a street name for the portion of Michael and Zoya's Road that is being dedicated with this plat. Work with the KPB Addressing Officer to obtain an approved street name for the right of way dedication on the south boundary.*

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the proposed subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff recommendation:** *Provide a status label for Tract A, Plat HM 2018-44 located to the east of this subdivision. Depict and label the section line easements that abut this subdivision boundary.*

- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;

**Staff recommendation:** *Label the low wet areas or provide the symbol within the legend.*

#### 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.

**Staff recommendation:** *Comply with 20.30.050 by providing an access plan showing the legal access to both parcels.*

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

**Staff recommendation:** *Work with the KPB addressing officer to obtain an approved street name for the east-west dedication.*

20.30.240. Building setbacks.

A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

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

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

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

D. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

**Staff recommendation:** *Depict and label the 20 foot building setback adjoining the right of ways. Verify if any buildings will be affected by the building setback and the accompanying utility easement and if so, provide a plat note stating that the building predates the building setback.*

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#### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

**Staff recommendation:** *Within the wastewater note, remove the reference to the nominal 5 acres as this reference has been removed from code. Comply with 20.40.*

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#### KPB 20.60 – Final Plat

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

20.60.120. 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.

**Staff recommendation:** *Provide the upland, or usable area, for Tract A and Tract B. Provide boundary and lot closure computations with the paper final plat. KPB will verify closure complies with 20.60.120.*

20.60.180. Plat notes.

C. 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.

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

- Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).

20.60.200. Survey and monumentation.

**Staff recommendation:** Remove any overstrikes from the survey marker symbols. Comply with 20.60.200

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**EXCEPTIONS REQUESTED:**

**A. KPB 20.30.030 Proposed Street Layout  
KPB 20.30.210 Lots – access to street**

**Surveyor's Discussion:**

Staff Discussion: These two section of code are being combined as both deal with the dedication of right of way along the east and north boundary.

It appears that a 66 foot section line easement affects the east boundary and an 83 foot section line easement affects the north boundary.

A road is constructed on the east boundary of this subdivision which provides physical access to this subdivision. The subject property has been issues a Michael and Zoya's Road address.

This platting action will provide a matching right of way dedication for Michael and Zoya's Road on the south portion of the east boundary. The right of way dedication will stop at the top of the steep terrain.

If denied, a right of way dedication will be required along the entire eastern and northern boundary. Per 20.60.050 Dedication and construction of anadromous water body crossings, additional right of way may be required so that a crossing of the Ninilchik River can be constructed that complies with KPB road design.

**Findings:**

1. It appears that a 66 foot section line easement affects the east boundary and an 83 foot section line easement affects the north boundary.
2. A road is constructed on the east boundary of this subdivision which provides physical access to this subdivision.
3. The subject property has been issues a Michael and Zoya's Road address.
4. This platting action will provide a matching right of way dedication for Michael and Zoya's Road on the south portion of the east boundary. The right of way dedication will stop at the top of the steep terrain.
5. Imagery dating back to 2000 depicts a constructed road on the eastern boundary of this proposed plat.
6. The plat is affected by the Ninilchik River, which is affected by an Anadromous Waters Habitat Protection District. Additional right of way may be required so that a road/bridge meeting KPB standards can be constructed in the future.
7. Steep slopes affect both Tract A and Tract B. Additional right of way may be necessary so that a road meeting KPB standards can be constructed in the future.
8. No surrounding parcels will be denied access.
9. One parcel will be created on each side of the Ninilchik River.

**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, 2, 4-9 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, 4-9 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, 4-9 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.

**EXCEPTIONS REQUESTED:**

**B. KPB 20.30.170 Block Length**

Surveyor's Discussion:

Staff Discussion: The block length from north to south is 2,640 feet. The maximum allowed by KPB standards is 1,320 feet.

This plat is affected by the Ninilchik River and the Riverine ecosystem as identified by the Kenai Watershed Forum mapping.

Steep slopes are located on the north side and south side of the Ninilchik River.

The neighboring parcel to the west is access by way of a section line easement on the north side and by way of the right of way dedication from this plat on the south side.

The neighboring parcel to the east is access by way of a section line easement on the north side and by way of right of way dedications on the south side.

If denied, this plat will be required to provide an east-west right of way dedication so that the block does not exceed 1,320 feet in length.

**Findings:**

1. The block length from north to south is 2,640 feet.
2. The maximum allowed by KPB standards is 1,320 feet.
3. This plat is affected by the Ninilchik River and the Riverine ecosystem as identified by the Kenai Watershed Forum mapping.
4. Steep slopes are located on the north side and south side of the Ninilchik River.
5. The neighboring parcel to the west is access by way of a section line easement on the north side and by way of the right of way dedication from this plat on the south side.
6. The neighboring parcel to the east is access by way of a section line easement on the north side and by way of right of way dedications on the south side.
7. Both Tracts are 20 acres and could be further subdivided in the future.
8. No parcel is being denied legal 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 4-8 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 4-8 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 4-8 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.

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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 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**

Mr. Huff noted that there was a comment in the desk packet from the neighbor to the east of the property stating that there was vehicles blocking the access easement and requested that the vehicles be removed before final plat is approval. Mr. Huff then informed the committee that vehicles blocking a road is a Roads Department issue and is not addressed by platting.

Chair Carluccio opened the meeting for public comment.

John Segesser, Segesser Surveys: 30485 Rosland St., Soldotna AK, 99669: Mr. Segesser is the surveyor for this project and made himself available for questions.

Michael Bostwick, P.O. Box 39431, Ninilchik AK, 99639: Mr. Bostwick is the applicant. Mr. Bostwick acknowledged that there are issues with the rights-of-way in the area. He noted that the sections of Brody's Rd. and Zoya & Michael's that CIRI states are private have been used by the public for years. Sections of Brody's Rd have been in use since the 1950s or 60s. He does not see any issues with access as there are section line easements in the area. There have been other subdivisions in the area. He originally had 80 acres and DNR purchased land from him to the east and his property was subdivided then. The property to the east, Todd subdivision has been subdivided. He see no reason why his property cannot be subdivided. He also noted that his property was once a part of an old federal homestead.

Commissioner Ruffner asked Mr. Bostwick if he need to get to Tract A how he would do that. Mr. Bostwick replied that along the north/south section line on his property he has put in a partial road and when finished it will connect with Brody Rd. Commissioner Ruffner then asked if he would have to cross the River to get to Tract A. Mr. Bostwick replied that the road does not cross the river.

Commissioner Ecklund asked Mr. Bostwick to verify that the road he is building is on the section line easement along the northern boundary of his property going west towards Brody Rd. Mr. Bostwick replied no, his road is running on the north/south section line which will connect with Brody Road. His road is going north/south and not east/west.

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

**MAIN MOTION:** Commissioner Ecklund moved, seconded by Commissioner Ruffner to grant preliminary approval to Bostwick Subdivision based on staff recommendations and compliance to borough code.

**AMENDMENT A:** Commissioner Ecklund moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.030 Proposed Street Layout & KPB 20.30.210 Access to Street, citing findings 1, 2 & 4-9 in support of standards one, two & three.

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

**AMENDMENT MOTION PASSED BY UNANIMOUS VOTE**

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

**AMENDMENT B:** Commissioner Ecklund move, seconded by Commissioner Ruffner to grant exception request to KPB 20.30.170 Block Length, citing findings 4-8 in support of standards one, two & three.

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

**AMENDMENT B MOTION PASSED BY UNANIMOUS VOTE**

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

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

**MAIN MOTION PASSED BY UNANIMOUS VOTE**

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

AGENDA ITEM E. NEW BUSINESS**ITEM 7 - BROWNS ACRES SUBDIVISION 2021**

<b>KPB File No.</b>	2021-072
<b>Plat Committee Meeting:</b>	JUNE 14, 2021
<b>Applicant / Owner:</b>	Randal D and Karen K Jensen and Shannon and Tonia Sailer 240 65th Street N Towner ND 58788
<b>Surveyor:</b>	John Segesser/ Segesser Surveys, Inc.
<b>General Location:</b>	STERLING

  

<b>Parent Parcel No.:</b>	058-350-09, 058-350-13, 058-350-16, 058-350-17, 058-350-18
<b>Legal Description:</b>	Tract 5-B, Browns Acres Subdivision, No. 2, Plat 85-49. Tracts 6A and 5A1 and Lot 1A, Block 2, Browns Acres Subdivision, Sims-Jensen Replat Plat 2005-118. SW1/4 SW1/4 Section 25, Township 5 North, Range 10 West, excepting therefrom scenic haven subdivision part one plat 83-258.
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site (Not noted on application)

Staff report given by Scott Huff.

**Specific Request / Scope of Subdivision:** The proposed plat will resubdivide 5 parcel ranging in size from 1.6 acres to 36 acres into 3 new parcels ranging in size from 4.3 acres to 34 acres. This platting action will also provide a matching right of way dedication for Foster Avenue.

**Legal Access (existing and proposed):** Legal access to the subdivision is via Lopez Avenue and Foster Avenue, both of which are 60 foot wide dedicated right of ways. Lopez Avenue is improved and maintained by KPB. Foster Avenue is not improved at this time. Tract C also has legal access from Inner Circle which is a 40 foot wide dedicated cul-de-sac. Inner Circle appears to contain an improved drive but does not extend to the cul-de-sac. Inner Circle is not maintained by KPB.

A 33 foot section line easement exists on the south and west boundary of this subdivision. A 50 foot section line easement adjoins the south and west boundary for a total width of 83 feet.

This plat will provide a 33 foot right of way dedication for Foster Avenue. A right of way vacation and preliminary plat have been approved for the property to the south. The dedicated right of way on Lot 1 Forest Hills Lookout has been approved to be vacated due to the steep terrain. **Staff recommends** that the 33 foot right of way dedication for Foster Avenue only be dedicated to a point 30 feet west of the boundary between Lot 1 and Lot 2 KN 86-204. This will match with the proposed plat to the south and will not create additional right of way that cannot be used. Also, the section line easement will remain to provide legal access and access for utilities, if needed.

The block length does not comply with KPB standards.

KPB Roads Dept. comments	Within KPB jurisdiction. The RSA has no comments at this time.
SOA DOT comments	N/A

**Site Investigation:** The lots in this subdivision were created by three plats with the first one being recorded in 1983. Different right of ways have been dedicated and then vacated with the plat. The large parcel is an unsubdivided remainder.

The area is affected by rolling terrain with a steep slope along the western boundary. Low wet areas also affect a portion of proposed Tract C and a small portion of proposed Tract A.

Currently the only access to the unsubdivided remainder is from Foster Avenue. With the change in the parcel boundary the large parcel will have access from both Lopez Street and Foster Avenue.



Residential improvements exist in the northeast area of the subdivision. With this replat it appears that the house and other improvements will be located on Tract C and the cleared area will be located on Tract B. The removal of the lot lines will help with any encroachment issues.

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

**Staff Analysis** Currently the only access to the unsubdivided remainder is from Foster Avenue. With the change in the parcel boundary, the large parcel will have access from both Lopez Street and Foster Avenue.

Residential improvements exist in the northeast area of the subdivision. With this replat it appears that the house and other improvements will be located on Tract C and the cleared area will be located on Tract B. The removal of the lot lines will help with any encroachment issues.

Lot 1A will be changing from a 3.9 acre parcel to Tract B which is 4.28 acres. This is an increase of 16,552 sq. ft. Per KPB 20.40.020(A)(2) a soils analysis report is not required. Former Tract 5A1, 5-B and 6A are being combined into one parcel, Tract C. Tract C will be 9.45 acres in size. Tract A will be 34.355 acres in size. Both tracts are larger than 200,000 sq. ft. and will not require a soils analysis report. The former parcels within Scenic Haven Subd. Part 1 were not reviewed by DEC.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

**Utility Easements** Per the parent plats, utility easements exist which adjoin the dedicated right of ways. Plat KN 2005-118 also depicts a 20 foot utility easement within former Tract 6A and a 10 foot utility easement on the south boundary of Tract 6A. **Staff recommends** all utility easements of record be depicted and labeled on the final plat.

Plat note 4 correctly identifies a utility easement of record with no defined location.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers.

**Utility provider review:**

HEA	Reviewed, no comments.
ENSTAR	No comments or concerns.
ACS	
GCI	

**KPB department / agency review:**

Addressing – Derek Haws	<p>Affected Addresses: 40707 LOPEZ AVE 35065 INNER CIR 35045 IDAHO ST</p> <p>Existing Street Name Corrections Needed: LOPEZ ST should be LOPEZ AVE</p> <p>Comments: 40707 LOPEZ AVE will remain with Tract C. 35065 INNER CIR will be deleted. 35045 IDAHO ST will be deleted. LOPEZ ST should be changed to LOPEZ AVE.</p>
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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.
Assessing – Adeena Wilcox	No comments.
Advisory Planning Commission	N/A

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

## **STAFF RECOMMENDATIONS**

### **CORRECTIONS / EDITS**

KPB 20.25.070 - Form and contents required.

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. The parent plat's name shall be the primary name of the preliminary plat.
2. Legal description, location, date, and total area in acres of the proposed subdivision;
3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

**Staff recommendation:**

- To avoid confusion revise proposed plat subdivision name to "Browns Acres Subdivision 2021".
- Revise legal description to match CTP by adding Tract 6A, replace KN 2005-118 with KN 83-252 and adding "Excepting Therefrom" per CTP.

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:** Inner Circle is 40' in width, verify and update. Correct Lopez Street to Lopez Avenue.

F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;

**Staff recommendation:** Depict and label the utility easements in former Lot 6A as shown on plat KN 2005-118.

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.

**Staff recommendation:** Submit centerline profiles and cross section data to show the road construction within Foster Avenue that would comply with KPB road standards. Provide additional right of way, or road maintenance easement, so that a roadway that complies with KPB standards can be constructed and maintained in the future.

20.30.120. Streets-Width requirements.

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

3. Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can reasonably be expected to be dedicated in the future.
4. 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, adjoins to the new half right-of-way will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.

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

**Staff recommendation:** Per KPB 20.30.120(B) provide additional right of way or easement as needed to accommodate a road design within Foster Avenue.

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

**Staff recommendation:** Correct Lopez Avenue from Lopez Street.

20.30.240. Building setbacks.

A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

F. 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.

G. The setback shall be noted on the plat in the following format:  
Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

H. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:  
Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

**Staff recommendation:** Depict and label the 20 foot building setback adjoining Lopez Avenue, Inner Circle and Foster Avenue.

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#### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

*Platting Staff Comments:*

**Staff recommendation:** Revise the wastewater disposal note for Tract B to comply with KPB 20.40.020(B)(2). Within the wastewater disposal note, remove the reference to a nominal 5 acres. Comply with 20.40.

#### KPB 20.60 – Final Plat

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

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** Correct the lot information for Randal and Karen Jenson. Verify the state for the Notary's Acknowledgement as the landowners live in North Dakota. Comply with 20.60.190.

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#### **EXCEPTIONS REQUESTED:**

##### **KPB 20.30.030 – Projection of right of way**

(extending Lopez Avenue and right of way dedication on the west boundary)

##### **KPB 20.30.170 - Block Length**

Surveyor's Discussion: We would like to request exceptions to KPB 20.30.030 extending Lopez Avenue and KPB 20.30.10 Block length, due to steep terrain. Foster Avenue looks problematic. If Tract A were to be subdivided in the future, there is flatter terrain within the tract to route streets to meet the borough requirements.

Staff Discussion: The two exceptions are being combined as one as both deal with the extension of Lopez

Avenue and the right of way dedication on the west boundary.

The extension of Lopez Avenue and the right of way dedication on the west boundary are affected by very steep slopes.

The large parcels (40 acres) to the west have legal access by section line easements. The 40 acre parcels have limited physical access due to steep terrain and low wet areas.

Tract A will be 34 acres in size and can be further subdivided in the future. If subdivided, right of way dedications can occur in locations where roads can be constructed to KPB standards.

Walker Street S is a 60 foot wide right of way that has been improved and maintained by KPB. Walker Street South provides a connection from Foster Avenue to Lopez Avenue.

If denied, this platting action will be required to provide a 30 foot right of way dedication for Lopez Avenue and a 30 foot right of way dedication on the west boundary.

#### **Findings:**

1. The extension of Lopez Avenue and the right of way dedication on the west boundary are affected by very steep slopes.
2. The large parcels (40 acres) to the west have legal access by section line easements.
3. The 40 acre parcels have limited physical access due to steep terrain and low wet areas.
4. Tract A will be 34 acres in size and can be further subdivided in the future. If subdivided, right of way dedications can occur in locations where roads can be constructed to KPB standards.
5. Walker Street S is a 60 foot wide right of way that has been improved and maintained by KPB.
6. Walker Street South provides a connection from Foster Avenue to Lopez Avenue.

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, 2, 4-6 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, 4-6 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, 4-6 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 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.

John Segesser, Segesser Surveys: 30485 Rosland St., Soldotna AK, 99669: Mr. Segesser is the surveyor for 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 Ecklund to grant preliminary approval to Browns Acres Subdivision 2021n based on staff recommendations and compliance to borough code.

**AMENDMENT:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant exception request to KPB 20.30.030 Project of Right-of-Way, extending Lopez Ave. and right-of-way dedication on the west boundary & KPB 20.30.170 Block Length, citing findings 1, 2 & 4-6 in support of standards one, two & three.

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

#### **AMENDMENT MOTION PASSED BY UNANIMOUS VOTE**

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

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

#### **MOTION PASSED BY UNANIMOUS VOTE**

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

#### **AGENDA ITEM E. NEW BUSINESS**

##### **ITEM 8 - CARL F AHLSTROM SUBDIVISION RPMS REPLAT NUMBER 2**

<b>KPB File No.</b>	2021-054
<b>Plat Committee Meeting:</b>	JUNE 14, 2021
<b>Applicant / Owner:</b>	RPM's LLC and John Mellish
<b>Surveyor:</b>	John Segesser / Segesser Surveys, Inc.
<b>General Location:</b>	Kenai, corner of Kenai Spur Highway and Wildwood Drive



<b>Parent Parcel No.:</b>	039-081-24, 039-081-25, 039-081-26, 039-081-28 Lots 19, 20 and 21, Block 13, Carl F. Ahlstrom Subdivision Plat KN-216, Excepting Therefrom that portion conveyed to the State of Alaska,
<b>Legal Description:</b>	Department of Highways by Book 61 Page 239. Lot 22A, Block 13, Carl F. Ahlstrom Subdivision, RPM's Replat KN Plat 2017-66
<b>Assessing Use:</b>	General Commercial
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	Lot 22A, Block 13 is connected to City water and sewer. Lots 19, 20 and 21 are not connect to City water and sewer.

## STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will combine a 0.6 acre lot with three 0.21 acre parcels to create one lot that is 1.28 acres in size. This plat is also depicting the vacation of utility easements which are located on the interior lot lines being removed. An application to vacate the utility easements has been submitted but it incomplete. Once the application to vacate the utility easement is complete, it will be scheduled for the next available meeting.

**Legal Access (existing and proposed):** The subdivision is located on the corner of Kenai Spur Highway and Wildwood Drive. Kenai Spur Highway is a State of Alaska DOT road with a width of at least 150 feet. Wildwood Drive is maintained by the City of Kenai and has a minimum width of 120 feet.

This plat is within a block that complies with KPB block length requirements.

KPB Roads Dept. comments	Within KPB jurisdiction, no comments.
SOA DOT comments	The ROW for Kenai Spur Highway is as shown on Kenai Spur F-021-2(7), sheet 13 of 13, and appears to be shown correctly.

**Site Investigation:** The area is generally flat and not affected by low wet areas.

Improvements consist of an auto shop on former Lot 22A and storage unit buildings on Lots 21 and 20. Lot 19 does not appear to contain any improvements.

Floodplain Hazard Review	Within the City of Kenai and not within the scope of review.
Anadromous Waters Habitat Protection District Review	Not affected by a HPD.
State Parks Review	No comments

**Staff Analysis** The parent plat (K-216) was recorded in 1955. Plat K-216 granted 10 foot utility easement on both sides of all lot boundary lines.

A recent replat, Carl F. Ahlstrom Subdivision RPM's Replat, was recorded in 2017. The replat vacated the utility easements on the interior lot lines and combined three lots into one parcel.

Per the City of Kenai staff report; this subdivision is served by a City water main line that runs on the back lot line and by a City wastewater main line that runs within the Kenai Spur Highway right of way. The shop/building on Lot 22A is connected to City water and wastewater services. The buildings on Lot 20 and Lot 21 are not connected to City services. An installation agreement is not required. No soils report will be required. Any connection to the City water or wastewater system will require approval from the City of Kenai.

Improvements exist on the lots but from aerial imagery it does not appear that any improvements encroach on neighboring properties. **Staff requests** the surveyor confirm whether an encroachment affects the replat. If a permanent structure or structures cross a lot line, **staff requests** a note be placed on the final plat to indicate that acceptance of the plat by the Borough does not indicate acceptance of any encroachments. As



this is a replat, a field survey is not required. If not field survey was completed for this platting action, **Staff recommends** that a plat note be added with this information.

Notice of the proposed plat was mailed to the beneficial interest holder on May 21, 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.

**Utility Easements** The parent plat granted 10 foot utility easements on each side of all lot lines. This platting action will carry forward the utility easements of record. The plat is depicting the vacation of the utility easements that adjoin the interior lot lines. The vacation of the utility easements will need to be reviewed and approved by the KPB Planning Commission.

Two utility easements of record affect this subdivision and have been correctly noted on the plat. The utility easements are general easements with no defined location.

Plat KN 2017-66 depicts a covered rood area which is not affected by the 15 foot utility easement. **Staff recommends** the depiction of the utility easement be corrected with a plat note added that carries forward the information from plat KN 2017-66.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

**Utility provider review:**

HEA	Reviewed, no comments.
ENSTAR	Reviewed, no comments.
ACS	Reviewed, no comments.
GCI	Reviewed, no comments.

**KPB department / agency review:**

Addressing – Derek Haws	Affected Addresses: 14096 KENAI SPUR HWY 14080 KENAI SPUR HWY 14064 KENAI SPUR HWY 14032 KENAI SPUR HWY Comments: COOK INLET DR should be COOK INLET VIEW DR. Incorrect location on vicinity map. City of Kenai will advise on affected addresses.
Code Compliance – Eric Ogren	No comments.
Planner – Bryan Taylor	This plat is within the City of Kenai and not subject to location option zoning districts or KPB material site reviews.
Assessing – Adeena Wilcox	No comments.

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

**STAFF RECOMMENDATIONS**  
**CORRECTIONS / EDITS**

KPB 20.25.070 - Form and contents required.

- A. Within the Title Block
3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

**Staff recommendation:** Within the title block correct the owners name to RPM's LLC and John Mellish.

- 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:** Provide a street name label for Augustine Way. Provide right of way widths for Cook Inlet Drive 80', Wildwood Drive "various widths" and Iliamna Road 40'.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;

**Staff recommendation:** Correct the location of the subdivision in the SW1/4 of section 25.

20.30.270. Different standards in cities. Where cities 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. Any appeal of a city design standard is subject to KPB 21.01.020(E).

**Staff recommendation:** The City of Kenai does not meet the specified requirements for the application and consideration of different standards.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** Within the certificate of ownership and dedication, correct RPM LLC to RPM's LLC and capitalize Kenai within the mailing address. Comply with 20.60.190.

20.60.200. Survey and monumentation.

**Staff recommendation:** Verify that the size of the survey marker symbols match between the legend and the drawing. Comply with 20.60.200

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#### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

*Platting Staff Comments: this parcel is served by City of Kenai wastewater services. The existing structure on Lot 22A Block 13 is connected to the City wastewater utility. Any new improvements or connections to the wastewater system will require approval from the City of Kenai. The correct wastewater disposal note is on the plat.*

**Staff recommendation:** comply with 20.40.

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#### KPB 20.60 – Final Plat

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

#### 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
- 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**

*\*Approved by Grouped Agenda*

**AGENDA ITEM E. NEW BUSINESS**

**ITEM 9 - COWAN MCFARLAND SUBDIVISION FRITZ REPLAT**

<b>KPB File No.</b>	2021-071
<b>Plat Committee Meeting:</b>	JUNE 14, 2021
<b>Applicant / Owner:</b>	The Fritz Living Trust 36492 McFarland Road Soldotna, AK 99669
<b>Surveyor:</b>	John Segesser/ Segesser Surveys, Inc.
<b>General Location:</b>	Funny River / Funny River APC

  

<b>Parent Parcel No.:</b>	06607009, 06607010
<b>Legal Description:</b>	Lots 9 and 10, Cowan McFarland Subdivision, No. 1 Plat No K-1660
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site (Application does not indicate)

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will combine a 29,360 sq. ft. lot and a 32,120 sq. ft. lot into one parcel that is 1.411 acres in size.

**Legal Access (existing and proposed):** Legal access is from McFarland Road, a 60 foot wide dedicated right of way that is maintained by KPB Roads Dept.

KPB Roads Dept. comments	Within KPB jurisdiction, no comments.
SOA DOT comments	N/A

**Site Investigation:** This subdivision is not affected by steep terrain. The Kenai River is the north boundary of the parcel.

**Staff recommends** the proper notes per KPB 20.30.280 Floodplain requirements and 20.30.290 Anadromous Waters Habitat Protection District be added to the plat, including the map numbers.

**FLOOD HAZARD NOTICE:**

Some or all of the property shown on this plat has been designated by FEMA or the Kenai Peninsula Borough Seward Mapped Flood Data Area as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code.

**FLOODWAY NOTICE:**

Portions of this subdivision are within the floodway. Pursuant to KPB Chapter 21.06, all development (including fill) in the floodway is prohibited unless certification by an engineer

or architect is provided demonstrating that encroachments shall not result in any increases in flood levels during the occurrence of the base flood discharge.

**ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:**

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.

Floodplain Hazard Review	Is in flood hazard area. Flood Zone A4, Floodway, C Map Panel 020012-2065-A Is within floodway. Floodway panel: 020012-0010
Anadromous Waters Habitat Protection District Review	Is totally or partially within the HPD.
State Parks Review	No comments.

**Staff Analysis** The parent plat was completed in 1969. A soils analysis report was not completed for this platting action. Per 20.40.020(A)(2), this platting action will increase lot size by 1,000 sq. ft. and a soils analysis report is not required.

Notice of the proposed plat was mailed to the beneficial interest holder on May 18, 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.

Funny River Advisory Planning Commission minutes were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

**Utility Easements** The parent plat did not grant any utility easements that affect these lots. The subdivision is affected by an easement of record, with no location defined, and has been referenced in plat note 3.

This plat will grant additional utility easements adjoining the right of ways.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers.

**Utility provider review:**

HEA	No comments
ENSTAR	No comments or concerns.
ACS	
GCI	

**KPB department / agency review:**

Addressing – Derek Haws	Affected Addresses: 36492 MCFARLAND RD Comments: 36492 MCFARLAND RD will remain on lot 9A.
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.
Assessing – Adeena Wilcox	No comments.
Advisory Planning Commission	

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

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## **STAFF RECOMMENDATIONS**

### **CORRECTIONS / EDITS**

KPB 20.25.070 - Form and contents required.

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. The parent plat's name shall be the primary name of the preliminary plat.
2. Legal description, location, date, and total area in acres of the proposed subdivision;
3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

**Staff recommendation:** - Revise owner name to; *The Fritz Living Trust.*  
- Address zip code is Soldotna, revise to 99669

20.30.240. Building setbacks.

- A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.
- B. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.
- C. The setback shall be noted on the plat in the following format:
  - a. Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

**Staff recommendation:** *Depict and label the 20 foot building setback within the drawing.*

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

20.40.010 Wastewater disposal.

*Platting Staff Comments: A soils analysis report is not required as the parcel is gaining 1,000 sq. ft.*

**Staff recommendation:** *Remove the last sentence that reads, 'The State of Alaska DEC approved the parent plat (KN 85-118). Comply with 20.40.'*

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### **KPB 20.60 – Final Plat**

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

20.60.110. 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. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.
- B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

- C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

**Staff recommendation:** Provide a plat note regarding the meander line being the boundary of the subdivision. 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.

**Staff recommendation:** Provide the acreage of the parcel. Provide boundary and lot closure computations with the paper final plat. KPB will verify closure complies with 20.60.120.

### 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
- 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 10 - EAGLES LANDING SUBDIVISION BRASSFIELD REPLAT

<b>KPB File No.</b>	2021-070
<b>Plat Committee Meeting:</b>	JUNE 14, 2021
<b>Applicant / Owner:</b>	Thomas J and Carol A Brassfield Declaration of Trust 7400 Old Hillside Way Anchorage, AK 99516
<b>Surveyor:</b>	John Segesser/ Segesser Surveys, Inc.
<b>General Location:</b>	Sterling area on the north shore of Whisper Lake

  

<b>Parent Parcel No.:</b>	063-095-56, 063-095-57
<b>Legal Description:</b>	Lot 12 and Lot 13, Eagles Landing Subdivision, Plat No. 2000-12 KRD



<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

### STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will replat two 1.1 acre lots into one parcel that will be 2.5 acres.

**Legal Access (existing and proposed):** The subdivision fronts on Eagles Wing Circle, which is a 60 foot wide right of way that is improved but not maintained by KPB. The parcel also fronts on Acacia Street to the east which is a 66 foot wide right of way that is not improved or maintained. It appears that a trail is being used within Acacia Street to access Whisper Lake. Acacia Street coincides with a 66 foot wide section line easement.

KPB Roads Dept. comments	Within KPB jurisdiction, no comments.
SOA DOT comments	N/A

**Site Investigation:** The subdivision is not affected by steep terrain. The plat is affected by a lake on the south boundary and small portions of land may be low wet areas.

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

**Staff Analysis** This plat is a simple replat of two lots into one larger one. The parent plat was approved in 2000.

A house and improvements exist on Lot 12. A soils analysis report will not be required as the parcel will be larger in size, have additional area for a wastewater system, and a report was prepared for the parent plat and approved by DEC.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

The property is affected by covenants, conditions and restrictions and has been noted on the plat.

**Utility Easements** The parent plat granted the front 10 feet adjoining the right of way as a utility easement and is correctly noted under plat note 5. The parent plat also granted a 15 foot utility easement on the interior lot line. **Staff recommends** the 15 foot utility easement of record per KN 2000-12 be depicted and noted on the plat.

The subdivision is also affected by an electric easement of record with no defined location. This easement has been correctly noted under plat note 3.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers.

**Utility provider review:**

HEA	
ENSTAR	No comments or concerns.
ACS	

GCI	
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**KPB department / agency review:**

Addressing – Derek Haws	Reviewer: Haws, Derek Affected Addresses: 39007 EAGLES WING CIR Comments: 39007 EAGLES WING CIR will remain on Lot 12A
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.
Assessing – Adeena Wilcox	No comments.
Advisory Planning Commission	N/A

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

**STAFF RECOMMENDATIONS****CORRECTIONS / EDITS**

KPB 20.25.070 - Form and contents required.

- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;

**Staff recommendation:** *Depict any areas that are affected by low wet lands.*

20.30.240. Building setbacks.

- A. Minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.
- B. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.
- C. The setback shall be noted on the plat in the following format:

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

**Staff recommendation:** *Depict and label the 20 foot building setback from the dedicated right of ways.*

**KPB 20.40 -- Wastewater Disposal**

20.40.010 Wastewater disposal.

*Platting Staff Comments: The parent plat was approved by DEC on March 6, 2000. A copy of the report is on file with KPB Planning Department.*

**Staff recommendation:** *Revise the wastewater note to comply with 20.40.020(B)(1).*

**KPB 20.60 – Final Plat**

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

20.60.110. Dimensional data required.

- B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

**Staff recommendation:** Provide a plat note with the information from 20.60.110(B). Comply with 20.60.110.

20.60.200. Survey and monumentation.

**Staff recommendation:** correct the symbol for the 1/4 corner as it appears the point information from the cad drawing is showing. Comply with 20.60.200

### **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
- 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**

*\*Approved by Grouped Agenda*

#### **AGENDA ITEM E. NEW BUSINESS**

##### **ITEM 11 - FBO SUBDIVISION NO. 10**

<b>KPB File No.</b>	2021-037
<b>Plat Committee Meeting:</b>	June 14, 2021
<b>Applicant / Owner:</b>	City of Kenai 210 Fidalgo Ave. Ste. 200 Kenai, AK 99611
<b>Surveyor:</b>	Segesser Surveys
<b>General Location:</b>	City of Kenai / Airport

  

<b>Parent Parcel No.:</b>	043-360-43 and 043-180-44
<b>Legal Description:</b>	Unsubdivided lands within Section 32, T6N, R11W, SM
<b>Assessing Use:</b>	General Institutional
<b>Zoning:</b>	Airport Light Industrial
<b>Water / Wastewater</b>	City Water and Wastewater

Staff report given by Scott Huff.

#### **Staff Analysis**

The preliminary plat for FBO Subdivision No. 10 was approved at the April 12, 2021 Plat Committee meeting. An exception to KPB 20.30.030 Proposed Street Layout and KPB 20.30.170 Block Length was granted

during the meeting. The surveyor had also requested an exception to KPB 20.60.200 Survey and Monumentation/ Staff inadvertently left off the request and it was not realized until the final plat was submitted for review.

Staff is bringing the plat back to the plat committee to review the request to KPB 20.60.200 Survey and Monumentation.

**EXCEPTION REQUESTED:**

**KPB 20.60.200 Survey and Monumentation**

**Surveyor's Discussion:**

**Staff Discussion:** This platting action is to create two new parcels at the north end of N. Willow Street. The plat will extend the right of way dedication for N. Willow Street and provide a right of way dedication for Floatplane Road along the west boundary.

This survey will set survey markers at the property corners of Lot 5A and Lot 5B as well as the new right of way for N. Willow Street and Floatplane Road. All new property boundaries created by this platting action will be marked with this survey.

Nearly all of the adjoining land has been subdivided with field surveys completed to set survey markers at the boundary corners. The neighboring plats have been completed between 1978 to 2013.

Every parcel that fronts on Tract B (airport) is owned by the City of Kenai. Except for Lot 3A-1 KN 2007-145, Tract A KN 78-225, Tract B KN 84-198, and Tract A KN 2001-56, all lots that front Tract B are owned by the City of Kenai.

If denied, then this survey will be required to locate, and if missing reset, all property corners around the boundary of Tract B (airport) and Tract A (undeveloped green space).

**Findings:**

1. This platting action is to create two new parcels at the north end of N. Willow Street.
2. The plat will extend the right of way dedication for N. Willow Street and provide a right of way dedication for Floatplane Road along the west boundary.
3. This survey will set survey markers at the property corners of Lot 5A and Lot 5B as well as the new right of way for N. Willow Street and Floatplane Road.
4. All new property boundaries created by this platting action will be marked with this survey.
5. Nearly all of the adjoining land has been subdivided with field surveys completed to set survey markers at the boundary corners.
6. The neighboring plats have been completed between 1978 to 2013.
7. Every parcel that fronts on Tract B (airport) is owned by the City of Kenai.
8. Except for Lot 3A-1 KN 2007-145, Tract A KN 78-225, Tract B KN 84-198, and Tract A KN 2001-56, all lots that front Tract B are owned by the City of Kenai.
9. By locating and setting survey markers it perpetuates the boundary location and helps to avoid encroachment issues.

**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.

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**RECOMMENDATION:**

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

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO
- COMPLIANCE WITH THE RECOMMENDATIONS OF PLAT APPROVAL FROM THE APRIL 12, 2021 PLAT COMMITTEE MEETING, AND
- COMPLIANCE WITH THE 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.

John Segesser, Segesser Surveys: 30485 Rosland St., Soldotna AK, 99669: Mr. Segesser is the surveyor for 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 Ecklund moved, seconded by Commissioner Ruffner to grant preliminary approval to FBO Subdivision No. 10 based on staff recommendations and compliance to borough code.

**AMENDMENT:** Commissioner Ecklund moved, seconded by Commissioner Ruffner to grant exception request to KPB 20.60.200 Survey & Monumentation, citing findings 1-8 in support of standards one, two & three.

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

**AMENDMENT MOTION PASSE BY UNANIMOUS VOTE**

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

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

**MOTION PASSE BY UNANIMOUS VOTE**

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

**AGENDA ITEM E. NEW BUSINESS**

**ITEM 12 – FBO SUBDIVISION NO. 11**

<b>KPB File No.</b>	2021-076
<b>Plat Committee Meeting:</b>	June 14, 2021
<b>Applicant / Owner:</b>	City of Kenai 210 Fidalgo Avenue, Suite 200 Kenai, AK 99611
<b>Surveyor:</b>	Segesser Surveys
<b>General Location:</b>	City of Kenai, Airport

<b>Parent Parcel No.:</b>	043-360-39, 043-360-40
<b>Legal Description:</b>	Lot 3 and Lot 4, FBO Subdivision No. 7
<b>Assessing Use:</b>	General Institutional
<b>Zoning:</b>	Airport Light Industrial
<b>Water / Wastewater</b>	City water and wastewater services.

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide adjust the lot boundary between Lot 3 and Lot 4. Lot 3 will increase from 3.6 acres to 4.7 acres and Lot 4 will decrease from 3.6 acres to 2.5 acres.

**Legal Access (existing and proposed):** Legal access to the subdivision is from Willow Street North, a 100 foot wide dedicated right of way that is improved and maintained by the City of Kenai.

The plat is not within a block that complies with KPB design standards. N. Willow Street provides legal access to all nearby parcels. The Kenai Airport is located directly to the northwest and there are no other right of way dedications that can be connected to. **Staff recommends** that the plat committee concur that this platting action does not require an exception to KPB 20.30.170 Block Length due to existing development of the Kenai Airport located to the northwest and all lots have legal access from N. Willow Street.

KPB Roads Dept. comments	Out of KPB jurisdiction, no comments
SOA DOT comments	No comments provided.

**Site Investigation:** The parent lots were created in 2001 by FBO Subdivision No. 7, plat no. KN 2001-34.

The terrain is generally flat and not affected by steep slopes. The Kenai Airport is on the northwest boundary.

Floodplain Hazard Review	Within the City of Kenai and does not participate in the flood hazard program.
Anadromous Waters Habitat Protection District Review	Not within a HPD.
State Parks Review	No comments.



**Staff Analysis** Per the City of Kenai staff report, Lot 3 contains the Airport Operation building. Lot 7 is leased to the State of Alaska, Division of Forestry. The City of Kenai has been issued a building permit to construct an approximately 5,600 sq. ft. building to be used for sand storage for maintenance of the airfield. The change in the boundary line is being requested to accommodate the new building by moving the boundary line 125 feet to the northeast. An installation agreement is not required.

Both lots are served by the City of Kenai water and wastewater utilities.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The City of Kenai Planning and Zoning Commission reviewed and approved the preliminary plat at their May 12, 2021 meeting subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

**Utility Easements** This platting action will grant utility easements on the adjoining right of way. The plat correctly references record utility easements per plat KN 2001-34. A 40 foot drainage easement affects Lot 4A and is correctly depicted on the drawing.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers.

**Utility provider review:**

HEA	Reviewed, no comments.
ENSTAR	Reviewed, no comments.
ACS	Reviewed, no comments.
GCI	Reviewed, no comments.

**KPB department / agency review:**

Addressing – Derek Haws	Affected Addresses: 515 N WILLOW ST 525 N WILLOW ST  Comments: City of Kenai will advise on affected addresses.
Code Compliance – Eric Ogren	No comments.
Planner – Bryan Taylor	This is located within the City of Kenai and not subject to Local Option Zoning Districts or material site reviews.
Assessing – Adeena Wilcox	No comments.
Advisory Planning Commission	N/A

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

**STAFF RECOMMENDATIONS**

**CORRECTIONS / EDITS**

KPB 20.25.070 - Form and contents required.

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the proposed subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff recommendation:** *Correct the width of Geebee Avenue to 75.83 feet (or +/- 75 feet)*

20.30.270. Different standards in cities. Where cities 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. Any appeal of a city design standard is subject to KPB 21.01.020(E).

**Staff recommendation:** *The City of Kenai does not meet the specified requirements for the application and consideration of different standards.*

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

20.40.010 Wastewater disposal.

*Platting Staff Comments: Both lots will connect to the City of Kenai water and wastewater utility. The correct wastewater disposal note is on the plat.*

**Staff recommendation:** *comply with 20.40.*

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#### **KPB 20.60 – Final Plat**

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

20.60.080. 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.

*Staff comment: The City of Kenai staff report stated that an installation agreement is not required.*

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#### **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**
- **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**

***\*Approved by Grouped Agenda***

**AGENDA ITEM E. NEW BUSINESS**

#### **ITEM 13 - ROSS SUBDIVISION GERKE ADDITION**

<b>KPB File No.</b>	2021-075
<b>Plat Committee Meeting:</b>	June 14, 2021

<b>Applicant / Owner:</b>	Keith N. and Edna I. Gerke PO box 8474 Nikiski, AK 99635
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Nikiski

  

<b>Parent Parcel No.:</b>	014-330-03
<b>Legal Description:</b>	Lot 3, Block 4 Ross Subdivision Addition No. 1, Plat KN 77-46.
<b>Assessing Use:</b>	Residential
<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 24 acre parcel into two lots with one being 20.8 acres and one being 3.2 acres.

**Legal Access (existing and proposed):** Legal access to the subdivision is provided from Alexander Road, a 100 foot wide right of way that is improved and maintained by the State of Alaska DOT. Legal access also exists from the south by way of Boondocker Street, a 60 foot wide dedicated right of way that is maintained by KPB Roads Dept.

A 33 foot public access easement affects the south boundary. This easement was labeled as a section line easement per plat KN 77-46. KPB research shows that there was not a legal section line easement, but with the recording of the parent plat it granted an easement with all the same qualities of a section line easement. **Staff recommends** the easement be depicted and labeled on the plat with a note stating that the public access easement is granted per plat KN 77-46.

A section line easement adjoins the south boundary with a 33 foot width in the unsubdivided lands and a 50 foot width in the subdivided lands. **Staff recommends** that the plat depict the 33 foot and 50 foot section line easement adjoining to the south of the subdivision.

The subdivision does not comply with the block length standards. The block is defined by Windy Road, Alexander Road, Sasha Street, and public access easement / section line easements. The public access easement / section line easement is affected by Boondocker Lake.

KPB Roads Dept. comments	Within KPB jurisdiction, no comments.
SOA DOT comments	No review provided

**Site Investigation:** The subdivision is affected by rolling terrain. There are some steep slopes and low wet areas located in the southeast corner which affect Lot 3A and Lot 3B.

The parcel is vacant with no improvements at this time.

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

**Staff Analysis** The parent parcel was created by subdivision plat recorded in 1977.

This plat will create one new 3 acre parcel from the parent parcel. The remainder parcel is 20.8 acres and can be further subdivided in the future.

A soils report will be required for Lot 3B and an engineer will sign the final plat. Lot 3A is larger than 200,000 sq. ft. and will not require a soils analysis report.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

**Utility Easements** This plat will be granting utility easements that adjoin the dedicated right of ways. The parent parcel is affected by a utility easement (not defined), and several pipeline easements. All the easements of record have been described in the plat notes. **Staff recommends** the location of the pipeline easement be located and shown on the final plat.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers.

**Utility provider review:**

HEA	Reviewed, no comments.
ENSTAR	Reviewed, no comments.
ACS	Would like to have the easement clarified for our 1967 cable.
GCI	Reviewed, no comments.

**KPB department / agency review:**

Addressing – Derek Haws	Affected Addresses: None Comments: No affected addresses.
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.
Assessing – Adeena Wilcox	No comments.
Advisory Planning Commission	N/A

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

**STAFF RECOMMENDATIONS**

**CORRECTIONS / EDITS**

KPB 20.25.070 - Form and contents required.

- 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:** *Confirm and then depict and label the following.*
- 33 foot public access easement on the south boundary of Lot 5 Block 4 KN 77-46.
  - The 33 foot section line easement on the north boundary of the unsubdivided parcel.
  - The 50 foot section line easement within, and also extending east, on the north boundary of Lot 1 Block 1 KN 77-187.
- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;  
**Staff recommendation:** *Depict and label the public access easement per plat KN 77-46 that affects the south boundary of this plat.*
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff recommendation:** Lot 4 Block 4 Plat KN 77-46 to the west needs to be revised to Plat KN 83-262 Lot 4D Block 4.

- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;

**Staff recommendation:** Provide a label for the name of Boondocker Lake.

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.

**Staff comments:** The depth of Lot 3B is 640.62 feet and the width is 215 feet. The depth to width ratio of Lot 3B is 2.97:1 and complies with the 3:1 depth to width ratio requirement.

20.30.240. Building setbacks.

- A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.
- B. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.
- C. The setback shall be noted on the plat in the following format:

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

**Staff recommendation:** Depict and label the 20 foot building setback that affects the dedicated right of way of Alexander Road and Boondocker Street.

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**KPB 20.40 -- Wastewater Disposal**

20.40.010 Wastewater disposal.

*Platting Staff Comments:* A soils analysis report will be required for Lot 3B Block 4. The correct wastewater disposal notes are on the plat.

**Staff recommendation:** comply with 20.40.

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**KPB 20.60 – Final Plat**

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

- 20.60.120. 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.

**Staff recommendation:** Provide the total acreage and upland acreage for both Lot 3A and 3B. Provide boundary and lot closure computations with the paper final plat. KPB will verify closure complies with 20.60.120.

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. The borough will not enforce private covenants, easements, or deed restrictions. The borough will not enforce private covenants, easements, or deed restrictions.

C. The plat must adhere to the requirement of the local option zone, where applicable.

**Staff recommendation:** *Correct plat note 4 to reference KPB 20.60.170(B). Comply with 20.60.170.*

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**EXCEPTIONS REQUESTED:**

**KPB 20.30.030. Proposed street layout-Requirements.**

**KPB 20.30.170. Blocks-Length requirements**

Surveyor's Discussion: My client only wants to take Lot 3B from the parent lot and Lot 3A is large enough to be subdivided into smaller lots in the future.

Staff Discussion: These two sections of code are being combined into one request, as both have to do with the extension and/or connection between Boondocker Street and Freda Drive. The plat committee can act on each request separately if they choose.

Boondocker Street is a 60 foot wide right of way that provides access to the south side of the subdivision. Boondocker has been improved and is maintained by KPB Roads Dept. Boondocker Street connects to a 66 foot public access easement / section line easement that connects to Windy Road to the west.

Freda Drive is a 60 foot wide right of way on the north side of Alexander Road. Freda Drive is improved but not maintained by KPB Roads Dept.

The block is defined by Windy Road, Alexander Road, Sasha Street, and public access easement / section line easements. The public access easement / section line easement is affected by Boondocker Lake. The east-west block length is 3,980 feet in length and does not comply with KPB standards.

The subdivision is affected by rolling terrain. The extension of Boondocker Street to Freda Drive does not appear to be affected by steep slopes. An underground high volume gas pipeline crosses from the southwest to the northeast of the subdivision. Any extension of right of way will cross the underground gas pipeline.

Lot 3A is 20.8 acres and can be further subdivided in the future. The future subdivision can provide dedicated right of way to provide a connection.

No lots are denied access.

If denied, this plat will be required to extend Boondocker Street to the north and either connect to Freda Drive or intersect Alexander Road in a location to not form an offset intersection.

**Findings:**

1. Boondocker Street is a 60 foot wide right of way that provides access to the south side of the subdivision.
2. Boondocker has been improved and is maintained by KPB Roads Dept.
3. Boondocker Street connects to a 66 foot public access easement / section line easement that connects to Windy Road to the west.
4. Freda Drive is a 60 foot wide right of way on the north side of Alexander Road.
5. Freda Drive is improved but not maintained by KPB Roads Dept.
6. The block is defined by Windy Road, Alexander Road, Sasha Street, and public access easement / section line easements.
7. The public access easement / section line easement is affected by Boondocker Lake.
8. The east-west block length is 3,980 feet in length and does not comply with KPB standards.
9. The subdivision is affected by rolling terrain.
10. The subdivision, excluding the southeast corner, is not affected by low wet lands.
11. The extension of Boondocker Street to Freda Drive does not appear to be affected by steep slopes.



12. An underground high volume gas pipeline crosses from the southwest to the northeast of the subdivision.
13. Any extension of right of way will cross the underground gas pipeline.
14. Construction of a roadway over a gas line requires approval from the gas company.
15. Lot 3A is 20.8 acres and can be further subdivided in the future.
16. The future subdivision can provide dedicated right of way to provide a connection.
17. No lots are 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 3, 12-16 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 3, 12-16 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 3, 12-16 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 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.

John Segesser, Segesser Surveys: 30485 Rosland St., Soldotna AK, 99669: Mr. Segesser is the surveyor for 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 Ecklund moved, seconded by Commissioner Ruffner to grant preliminary approval to Ross Subdivision Gerke Addition based on staff recommendations and compliance to borough code.

**AMENDMENT:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant exception request to KPB 20.30.030 Proposed Street Layout Requirements & KPB 20.30.170 Block Length Requirements, citing findings 3 & 12-16 in support of standards one, two & three.

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

### AMENDMENT MOTION PASSE BY UNANIMOUS VOTE

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

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

### MOTION PASSE BY UNANIMOUS VOTE

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

## AGENDA ITEM E. NEW BUSINESS

### ITEM 14 - TKC Subdivision

<b>KPB File No.</b>	2021-065
<b>Plat Committee Meeting:</b>	June 14, 2021
<b>Applicant / Owner:</b>	TKC LLC PO Box 10658
<b>Surveyor:</b>	John Segesser/Segesser Surveys
<b>General Location:</b>	City of Kenai

<b>Parent Parcel No.:</b>	043-110-06
<b>Legal Description:</b>	Government Lot 107, Section 31 Township 6 North, Range 11 West
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Suburban Residential
<b>Water / Wastewater</b>	City water and sewer

## STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 2.5 acre parcel into 3 lots ranging in size from 14,770 sq. f.t to 44,577 sq. ft. The plat will also dedicated right of way for Second Avenue and McKinley Street.

**Legal Access (existing and proposed):** The subdivision is located on the corner of Second Avenue and McKinley Street. Both streets have been improved and are maintained by the City of Kenai. This platting action will be providing a 33 foot right of way dedication for each road which will create a 66 foot wide right of way for Second Avenue and a 63 foot wide right of way for McKinley Street. Both right of ways will not comply with the width requirement.

The plat lies within a complete block defined by McKinley Street, Second Avenue, N. Gill Street, and Third Avenue. The block length complies with KPB requirements.

KPB Roads Dept. comments	Not within KPB jurisdiction, no comments.
SOA DOT comments	No comments.

**Site Investigation:** The site is generally flat and not affected by low wet areas. Aerial imagery shows a residential structure as depicted in Lot 3. The preliminary plat depicts the new construction on the plat. The new construction consists of four buildings on proposed Lot 1A and 4 buildings on proposed Lot 4. Asphalt driveways have been constructed to provide access from the buildings to the streets.

The property is served by City of Kenai water and wastewater services.

Floodplain Hazard Review	Within City of Soldotna/Kenai, no comments.
Anadromous Waters Habitat Protection District Review	Not within a HPD.
State Parks Review	No comments.

**Staff Analysis** The parent parcel is Government Lot 107 per BLM survey finalized in 1953.

The City of Kenai Planning and Zoning Commission reviewed the plat at their April 23, 2021 meeting and recommended approval subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The plat number referenced for the Kenai Christian Church lot which lies to the south is labeled incorrectly; the plat number should be changed to KN 2011-52.

The City of Kenai staff report also outlined the following information.

*The Planning and Zoning commission reviewed and passed Resolution PZ 2021-01 on January 27, 2021, allowing for eight additional single family dwelling units to be constructed on a 2.5 acre parcel. Subsequent to the issuance of the Conditional Use Permit, the property owner decided to divide the 2.5 acre parcel into three lots. It is the intent of the property owner, to construct eight family dwellings. The proposed Lot 1A will contain four family dwellings; Lot 3 will contain the existing single family dwelling and the proposed Lot 4 will contain four family dwellings. The proposed plat includes a footprint of the proposed family dwelling to assure that the building setback requirements as set forth under condition number three of the conditional Use Permit, Resolution PZ 2021-01.*

*The existing building on Lot 3 is connected to City water and sewer services. There are water and sewer lines located in the rights-of-way of McKinley Street and Second Avenue and the eight family dwelling units will connect to those services. An installation agreement is not required.*

The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts. The correct plat note is provided.

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.

**Utility Easements** The parent parcel is not subject to any platted utility easements of record or utility easements granted by separate document. This plat will grant 15 foot utility easements adjoining the dedicated right of ways.

**Utility provider review:**

HEA	Reviewed, no comments.
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ENSTAR	Reviewed, no comments.
ACS	Reviewed, no comments.
GCI	Reviewed, no comments.

**KPB department / agency review:**

Addressing – Derek Haws	Affected Addresses: 1614 SECOND AVENUE Comments: City of Kenai will advise on affected addresses. 2ND AVENUE should be SECOND AVENUE.
Code Compliance – Eric Ogren	No comments.
Planner – Bryan Taylor	This is located within the City of Kenai and is not subject to Local Option Zoning Districts or KPB review of material sites.
Assessing – Adeena Wilcox	No comments.
Advisory Planning Commission	N/A

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

**STAFF RECOMMENDATIONS****CORRECTIONS / EDITS**

KPB 20.25.070 - Form and contents required.

- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;

**Staff recommendation:** *Label 2<sup>nd</sup> Avenue as Second Avenue.*

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff recommendation:** *Lot 3 to the north has incorrect plat number, revise from KN 84-69 to KN 84-59. Lot 1 to the east has incorrect label, revise Lot 1 to Lot 1-A and Plat number KN 83-18 to Plat number KN 88-37. Lot 6 to the south has incorrect label, revise Lot 6 to Lot 1A and Plat number KN 83-184 to Plat number 2011-52.*

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.

**Staff Comments:** *The lot size complies with minimum size requirements as all lots will be supplied with City water and wastewater services.*

20.30.270. Different standards in cities. Where cities 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. Any appeal of a city design standard is subject to KPB 21.01.020(E).

**Staff recommendation:** *The City of Kenai does not meet the specified requirements for the application and consideration of different standards.*

**Staff recommends** that the plat notes be numbered sequentially.

**KPB 20.40 -- Wastewater Disposal**

20.40.010 Wastewater disposal.

*Platting Staff Comments: This development is required to connect to the City of Kenai water and wastewater utility. The correct wastewater note is on the plat.*

**Staff recommendation:** *comply with 20.40.*

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**KPB 20.60 – Final Plat**

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

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

**Staff recommendation:** *The correct certificate of acceptance is on the plat and will require signature by the City of Kenai.*

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.

**Staff recommendation:** *The City of Kenai stated that an installation agreement is not required for this platting action.*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *Correct the certificate of ownership and dedication so that the owner is TKC LLC with Kenneth L. Dunbar, member and Patricia Dunbar, member as the individuals signing the plat. Comply with 20.60.190.*

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**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**
- **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**

***\*Approved by Grouped Agenda***

**F. PUBLIC COMMENT – None**

**G. ADJOURNMENT**

Commissioner Ecklund moved to adjourn the meeting 6:52 P.M.

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Ann E. Shirnberg  
Administrative Assistant

UNAPPROVED