

# 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 28, 2021  
6:30 p.m.  
**UNAPPROVED MINUTES**

### A. CALL TO ORDER

Commissioner Ecklund called the meeting to order at 6:30 p.m.

### B. ROLL CALL

#### *Plat Committee Members/Alternates*

Pamela Gillham, Ridgeway (Joined meeting at 6:45 pm)  
Cindy Ecklund, City of Seward (Acting Chair)  
Virginia Morgan, East Peninsula  
Blair Martin, Kalifornsky Beach  
Franco Venuti, City of Homer

#### *Staff Present*

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

### C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

- \*2 Member Excused Absences
- a. Paulette Carluccio, City of Seldovia
  - b. Robert Ruffner, Kasilof/Clam Gulch
- \*3. Minutes
- a. June 14, 2021 Plat Committee Meeting Minutes

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

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

**MOTION:** Commissioner Martin moved seconded by Commissioner Venuti to approve the consent & regular agendas.

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	2
Yes	Ecklund, Martin, Morgan, Venuti				
No					
Absent	Carluccio, Gillham				

### E. NEW BUSINESS

Chair Ecklund asked Ms. Hindman 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. – 2 Plats
2. Skyline Drive Subdivision No. 7A; KPB File 2021-083  
Ability Surveys / Dubber  
Location: Westhill Rd.  
City of Homer
  5. Oberts Subdivision; KPB File 2021-082  
Segesser Surveys / Oberts  
Location: Adkins Rd. & Akeve Ave.  
Sterling Area

**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 Ecklund 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 Martin moved, seconded by Commissioner Venuti, to grant preliminary approval based on staff recommendations and compliance with borough code to Skyline Drive Subdivision No. 7A and Oberts Subdivision.

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	2
Yes	Ecklund, Martin, Morgan, Venuti				
No					
Absent	Carluccio, Gillham				

**AGENDA ITEM E. NEW BUSINESS****ITEM 2 - Skyline Drive Subdivision No 7A**

<b>KPB File No.</b>	2021-083
<b>Plat Committee Meeting:</b>	June 28, 2021
<b>Applicant / Owner:</b>	Theresa Louise Dubber of Homer, Alaska
<b>Surveyor:</b>	Gary Nelson / Ability Surveys
<b>General Location:</b>	West Hill Road, City of Homer
<b>Parent Parcel No.:</b>	175-030-48
<b>Legal Description:</b>	Tract B-1A, Skyline Drive Subdivision No 7, Plat HM 2019-15.
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Residential District
<b>Water / Wastewater</b>	On Site

## STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 3.5 acre parcel into two lots that will be 1.5 and 2.0 acres.

**Legal Access (existing and proposed):** The proposed subdivision is located on West Hill Road. West Hill Road is a state maintained right of way with varying widths. Any new access must be approved by the State of Alaska DOT. West Hill Road intersects the Sterling Highway near milepost 172.

A 66 foot section line easement is centered on the southern subdivision boundary line. The 33 foot section line easement within the subdivision is depicted and labeled.

Plat note 5 is carried over from the parent plat. This note states that the right of way map for West Hill Road does not harmonize with the right of way on the proposed plat or past plats, which are listed. DOT reviewed the plat and did not comment on that note. A plat note should be added or a label added for West Hill Road that refers to Alaska DOT Right of Way Map X-14625, HM 94-48, sheet 2 of 4.

Block length is not compliant. Using section line easements to define the block, the block would be defined by section line easements along the south, West Hill Road and Claudia Street which is a cul-de-sac. Blue Sky Avenue extends off Claudia Street but does not provide access to this subdivision. Due to the location of Bidarki Creek and the steep terrain to the north, it will be difficult to get constructible right of ways dedicated to make a complete block. **Staff recommends** the plat committee concur that an exception is not required as any required dedications will not improve the block length due to Bidarki Creek drainage and existing development.

KPB Roads Dept. comments	Outside of jurisdiction; no comments
SOA DOT comments	The ROW for West Hill Road is as shown on West Hill Road (X-14625) sheet 2 of 4, and appears to be shown correctly.

**Site Investigation:** There are steep slopes present along the northern portion of the subdivision. The remainder of the subdivision is sloping to the southwest. The steep slopes that are present are sloped towards Bidarki Creek. The creek is not within the boundary of this subdivision. Per KPB GIS data, there are no low wet areas within the subdivision.

Floodplain Hazard Review	Within City of Homer, no comments
Anadromous Waters Habitat Protection District Review	Not within an AWHPD
State Parks Review	No comments

**Staff Analysis** This subdivision will divide one lot into two and is located within the City of Homer. The parent lot, Tract B-1A, was created on Skyline Drive Subdivision No. 7, HM 2019-15. The parent lot was a resubdivision of property contained in a boundary survey.

Notice of the proposed plat was mailed to the beneficial interest holder on June 9, 2021. The beneficial interest holder has provided a letter that they will need to review and approve the plat. The letter was forwarded to the surveyor. **Staff recommends** the surveyor and owner work with the beneficial interest holder to obtain approval of the subdivision plat. The plat will not be allowed to be recorded without a letter of non-objection or the signature of the beneficial interest holder on the plat.

The City of Homer Planning Commission heard this item at their May 19, 2021 regular meeting. Staff Report 21-32 was adopted which recommended approval of the preliminary plat with the following comment:

"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."

Per the City of Homer staff report the subdivision complies with the 2018 Comprehensive Plan as it promotes infill development in all housing districts. The lots are larger than minimum lot size for onsite water and

sewer systems. City water and sewer are not available. The parent plat, HM 2019-15, received an exception to not require a wastewater review on the parent lot, Tract B-1A. A soils report will be required for this subdivision and an engineer will sign the final plat.

**Utility Easements** A 15 foot utility easement along West Hill Road was granted per the parent plat, HM 2019-15. It is correctly depicted and labeled on the plat. There is also additional easements granted by plat HM 82-40. The anchor easement and easement for overhead electric is depicted and labeled correctly.

Per the certificate to plat and parent plats there are two easements granted by document to Homer Electric Association. Reference to these documents is in plat note 4. The certificate to plat states no definite location defined. The 100 foot easement area is defined and is depicted and labeled on the plat. Only a small portion of the 100 foot easement is within the eastern boundary of the proposed subdivision.

The easement found in Book 19 Page 83 has a description of the location which is vague. It only lists aliquot parts. The surveyor should determine if that easement is in reference to the 100 foot, if it pertains to this subdivision and if so if the location is defined. **Staff recommends** the surveyor look into this easement. If it is in reference to the 100 foot the plat note may remain as is except to remove the word "claims". If this easement is not in reference to the 100 foot but is still part of the subdivision the reference to this easement should be removed from the existing plat note and a new plat note should be added. That plat note should contain the known location or "no definite location disclosed".

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	No comments
ENSTAR	No comments or recommendations
ACS	No objections.
GCI	Approved as shown

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

Addressing – Derek Haws	Affected Addresses: 4079 West Hill Road Existing street names listed are correct. No new street names to approve. City of Homer will advise on affected address.
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	Review not required, within the City of Homer
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.

- 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:** *The lot lines can be removed or lightened as they make the vicinity map busy and hard to read important information, which will be more difficult on copies. If the lot lines are left on, make sure that all text is easy to read because information like the range is hard to locate on the map. The leader and "THIS PLAT" should be resized and / or relocated as they are covering section labels. A section label should be added for Section 23.*

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;  
**Staff recommendation:** *The lot numbers are becoming long. Staff recommends shortening the lot designation to "B2" and "B3".*
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;  
**Staff recommendation:** *The shaded area showing the steep slopes need to be lightened to see the details of the plat better. Dark shading will make copies of the original difficult to read.*

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### KPB 20.30 Design Requirements

Platting staff comments: *Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:*

- 20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.  
**Staff recommendation:** *The block is not compliant. The block is defined by section line easements, West Hill Road, and the next intersection is Claudia Street, a cul-de-sac. Due to Bidarki Creek to the north and steep terrain this subdivision is not able to provide a dedication to improve the block. Concur that an exception is not required, as any required dedications will not improve block length due to steep terrain and existing development.*
- 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: A soils analysis report will be required and an engineer will need to sign the plat. The appropriate plat note will need to be added.*  
**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 recommendation:** *Provide documentation from the City of Homer that the land owner has entered into an installation agreement or that an agreement is not required.*
- 20.60.140. Block and lot numbering. Blocks and lots within each block shall be numbered consecutively or all lots shall be numbered consecutively. If possible, each block should be shown entirely on one sheet. Each lot shall be shown entirely on one sheet.  
**Staff recommendation:** *New lot numbers can be used to make them smaller. Example: B2 and B3.*

## 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:** Place the following notes on the plat.

- Property owners 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 require local, state and federal permits.
- Add appropriate wastewater disposal note for a licensed engineer to sign.
- If determined the easement in Book 19 Page 83 is not referring to the 100 foot easement it should be removed from that note and a separate note specific to that easement should be added if determined to be within this subdivision.

Plat note 4 should have the word "claims" removed.

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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 5 - Oberts Subdivision No 2**

<b>KPB File No.</b>	2021-082
<b>Plat Committee Meeting:</b>	June 28, 2021
<b>Applicant / Owner:</b>	Gary P. Oberts of Soldotna, Alaska
<b>Surveyor:</b>	John Segesser / Segesser Surveys, Inc.
<b>General Location:</b>	Adkins Road and Akeve Avenue, Sterling



<b>Parent Parcel No.:</b>	065-075-33
<b>Legal Description:</b>	Tract A, Oberts Subdivision, Plat No 2014-96
<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 63.3 acre parcel into five tracts. Four of the tracts will be 9.2 acres and one will be 23.3 acres. A 30 foot right of way dedication is proposed on the east boundary to connect Oberts Street to Akeve Avenue. A 60 foot right of way is proposed that will connect between Oberts Street and Adkins Road.

**Legal Access (existing and proposed):** The proposed subdivision is located on Adkins Road which is improved and maintained by KPB. Adkins Road coincides with section line easements and the dedicated width varies but the minimum width is 66 feet. Adkins Road is on the north side of the Sterling Highway at mile post 77.

Akeve Avenue is a 66 foot wide SLE/ROW access along the southern boundary of the subdivision. It appears to be cleared but is not improved or maintained by the Kenai Peninsula Borough. The lot to the south is 80 acres and can be expected to provide a matching right of way dedication in the future.

Oberts Street, a 30 foot wide right of way, is located at the northeast corner and will be extended along the eastern boundary. It connects to Bunno Road off of Adkins Road. Oberts Street is not constructed at this time. One parcel to the east is 86 acres and is large that future dedications can be expected when it is subdivided. One parcel is 5 acres in size and it may not be reasonable to expect this parcel to be subdivided in the future. **Staff recommends** that a 60 foot wide right of way be dedicated where adjoining the 5 acre deed parcel at the southeast corner. **Staff recommends** that the centerline alignment of Oberts Street have no more than a 10 percent deflection angle or provide centerline curves with at least a 200 foot radius.

An existing private drive across Tract A1 is depicted on the plat. If this road is to provide private access it should be noted as a private drive.

This plat will bring the block into compliance with the proposed right of way dedications.

KPB Roads Dept. comments	Additional ROW dedication would be beneficial to the RSA. Per 14.06.100 Road Construction Standards Minimum Right-of-Way width shall be 60 feet.
SOA DOT comments	No comments

**Site Investigation:** Some low wet area are depicted along Adkins Road within Tract A1. Per KPB GIS data, there are several areas along the eastern boundary with wetlands. Staff prepared a map that shows the National Wetlands Inventory and the Kenai Watershed Forum Wetlands Assessment. Per the National Wetlands Inventory there is Freshwater Emergent Wetlands across the eastern border where Oberts Street is proposed to be dedicated and within proposed Tract A3. Per the Kenai Watershed Forum Wetlands Assessment there is a depression area along the eastern boundary in the area of Tract A3 that Oberts Street will cross. Any low wet areas should be depicted. If wetlands are found to impact potential right of way construction, adjustments to road alignment or additional easements may be needed.

There does not appear that there are steep slopes present within the proposed subdivision.

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

**Staff Analysis** The proposed subdivision will be subdividing Tract A of Oberts Subdivision, Plat KN 2014-096, which was a subdivision of an aliquot part. Tract A is a 63 acre lot which will be split into 5 tracts. 4 of the tracts will have equal acreage while one will contain 23 acres.

Due to the size of the lots a soils analysis report is not required and an engineer will not need to sign the plat. The current plat note needs to be revised to reflect current code. Remove "or nominal 5 acres".

A soils analysis report was done in 2014 for the parent plat, Oberts Subdivision, for the lots located to the north of the proposed subdivision. Tract A did not require soils testing but the soils for the 5 lots were determined to be suitable for conventional onsite wastewater treatment and disposal.

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** The parent plat granted the front 15 foot of the 20 foot building setback as a utility easement along with the full setback within 5 feet of side lot lines. This plat contains the same wording and new utility easements will be created along the new dedications and the full setback 5 feet on the new lot lines.

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	No comments
ENSTAR	No comments or recommendations
ACS	
GCI	Approved as shown

**KPB department / agency review:**

Addressing – Derek Haws	Affected Addresses: 38250 Adkins Road (will remain with Tract A2) Existing street names listed are correct New street name should be assigned to new 60' ROW
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are no Local Option Zoning District or material site issues with this proposed plat.
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:** Legal description needs to be updated to include the parent information, Tract A of Oberts Subdivision, Plat KN 2014-96.

KPB Assessing information has a different mailing address for the owner. The address should be verified with the owner. If the address listed on the plat is correct the owner should contact the Assessing Department to update their information.

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

**Staff recommendation:** Revise as listed below.

- Canoe Avenue E is cut off, revise to show full name of Canoe.
- Label the width of Oberts Street north of the subdivision.
- Adkins Road is 66 feet wide north of Tract D of Cohee Subdivision.
- Adkins Road is 83 feet wide along Tract D of Cohee Subdivision.
- Adkins Road is 66 feet wide south of Wilbur Avenue.
- Adkins Road is 33 feet wide south of Canoe Avenue E.
- Akeve Avenue is 33 feet wide bordering the subdivision.
- South of Akeve Avenue there is a 33 foot section line easement along Adkins Road.
- Depict and label the 33 foot section line easement that adjoins the south boundary of Akeve Avenue.

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

**Staff recommendation:** Provide a label for Skilak Lake Road. Depict and label the boundary for Kenai National Wildlife Refuge that is within the entire eastern portion of the vicinity map.

- 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:** A KPB approved street name will be required for the new dedication. Work with the KPB Addressing Officer for an approved name.

- 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:** Area subject to inundation is depicted along Adkins Road. Per KPB GIS data, additional wetlands may be present along the eastern boundary and within the Oberts Street dedication as well as an additional wet area within proposed Tract A3. All low wet areas will need to be depicted. If it is found to impact potential right of way construction, adjustments to road alignment or additional easements may be needed.

- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;

**Staff recommendation:** A road is being used to access a gravel pit through proposed Tract A1. Label the existing road as a private drive.

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### KPB 20.30 Design Requirements

Platting staff comments: Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:

#### 20.30.030. Proposed street layout-Requirements.

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

B. Subdivision of land classified as agricultural conveyed subject to AS 38.05.321(a)(2)(B) may provide public access easements in lieu of fee simple dedications if necessary to comply with the minimum lot size restriction of the statute. The public access easements must meet all applicable right-of-way design criteria of Title 20 and are subject to the building setback requirements set forth in KPB 20.30.240.

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

**Staff recommendation:** *Provide an Acceptance Certificate for KPB to accept the right of ways that this plat is dedicating.*

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, adjoining 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:** *The remaining right of way cannot reasonably be expected from the 5 acre parcel located at the southeast corner. Provide a 60 foot wide right of way for Oberts Street where adjoining the 5 acre parcel located at the south east corner. Provide a centerline alignment to have a deflection angel of less than 10 degrees or a centerline curve with a 200 foot radius.*

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

**Staff recommendation:** *An approved name is required for the proposed dedication.*

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#### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

*Platting Staff Comments: The wastewater disposal needs updated to reflect current code by removing "or nominal 5 acres".*

**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 to be signed by an Authorized Official of the Kenai Peninsula Borough.*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *Verify the owner's address and 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**

*\*Passed by Grouped Agenda*

**AGENDA ITEM E. NEW BUSINESS****ITEM 1 - KINDER SUBDIVISION**

<b>KPB File No.</b>	2021-079
<b>Plat Committee Meeting:</b>	June 28, 2021
<b>Applicant / Owner:</b>	Larae A. and Paul D. Bartolowits of Clam Gulch, Alaska Lynda Jean and William Michael Blake of Kasilof, Alaska
<b>Surveyor:</b>	Tony Wilson
<b>General Location:</b>	Cohoe area

  

<b>Parent Parcel No.:</b>	133-110-04. 4
<b>Legal Description:</b>	Portions of the N1/2 SE1/4 and the S1/2 NE1/4, lying West of Cohoe Loop Road and except that parcel per Deed recorded in Book 50 Page 287, Section 26, Township 3 North, Range 12 West.
<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 137 acre parcel (acreage to be verified) into four lots that will be 3.3 acres each and a 126 acre tract. The plat will dedicate a 30 foot wide matching right of way for Cache Street along the western boundary and a 30 foot matching right of way for Fairway Avenue along the north boundary that coincides with a 30 foot public access easement.

**Legal Access (existing and proposed):** Legal access exists from Cohoe Loop Road, Fairway Avenue on the north, and Cache Street on the west and a 33 foot section line easement on the east.

Cohoe Loop Road is a 100 foot wide State of Alaska DOT right of way that is constructed and maintained. Per KPB GIS Imagery there is an existing driveway within proposed Tract A that leads to residential

structures near the lake. Any additional access from Cohoe Loop Road will require State of Alaska Department of Transportation approval as noted in plat note 2.

Fairway Avenue is a 30 foot wide right of way along the north of the subdivision. Fairway Avenue does widen to 60 feet west of the subdivision. A public road easement has been recorded as noted in plat note 5. This subdivision will dedicate atop the public road easement providing a full 60 foot wide dedicated right of way. Fairway Avenue is constructed and maintained by the Kenai Peninsula Borough.

Cache Street is currently a 30 foot wide right of way along the western subdivision boundary. The proposed plat will provide a matching 30 foot dedication to make a code compliant right of way width. Per KPB GIS Imagery, Cache Street is constructed to Mandy Court but is not maintained by the Kenai Peninsula Borough.

A 66 foot wide section line easement affects the eastern boundary and connects between Cohoe Loop Road and Cohoe Silver Street. South of the subdivision, the section line easement width is 83 feet. Cohoe Silver Street is not maintained by the Kenai Peninsula Borough and it appears that only approximately 310 feet is constructed from Aurora Avenue located approximately 1,335 feet south of the proposed subdivision.

The Certificate to Plat contains right of the public and/or government agencies in and to that portion of said premises lying below the mean high water mark of Lakeshore Lake and any questions of right of access to the lake in the event said lands do not in fact abut the lake. The plat shows the lake as unnamed. Staff researched a State Directory and KPB GIS data to find Lakeshore Lake and found no record of that name being associated with the lake present on proposed Tract A. Additional research should be done by the surveyor and/or owners to determine if there is access to the lake. If it is determined that it is not the lake, work with the title company to clear up the Certificate to Plat. If there is access, it should be depicted and/or a plat note be provided explaining the access as contained in the Certificate to Plat.

The block length is not compliant. The block does not close as there is no dedication from Cache Street south to Aurora Avenue. A request has been received for an exemption to block length.

KPB Roads Dept. comments	The Road Service Area has no comment at this time.
SOA DOT comments	Please provide the source of the existing ROW for Cohoe Loop Rd. in a note on the plat. If no source of existing ROW for Cohoe Loop Rd., please dedicate 50' half-width ROW to match Plat 88-88. Please provide methodology of determining centerline of Cohoe Loop Rd. as shown on plat.

**Site Investigation:** The subdivision is flat and not affected by steep slopes. The plat depicts and labels the low wet area and a portion of the unnamed lake. **Staff recommends** the entire lake be depicted with a broken or dashed line as it is not a boundary line.

Plat note 8 is not required and may be removed if the surveyor wishes.

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

### **Staff Analysis**

The proposed subdivision will create four lots and one large acreage tract. The parent parcel is an aliquot parcel with a record of survey that was recorded in 2009, recording number KN 2009-25. A portion of the aliquot parcel was subdivided by deed in 1968. This deed parcel is excluded from the subdivision. It appears that the deed parcel does not front on the lake within proposed Tract A.

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.

Per KPB GIS Imagery, some structures on the deed parcel appear to be close to property lines. If any encroachments are determined during the field survey then provide an explanation on how the encroachment will be resolved with the final plat submittal. **Staff recommends** that if encroachments exist provide a plat note stating, "Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments."

It appears that the scale may be off on the preliminary plat. **Staff recommends** the scale be corrected with the final submittal.

### **Utility Easements**

Per KPB 20.30.060(D), the front ten feet adjoining rights-of-way shall be designated as a utility easement. **Staff recommends** that a plat note be added to comply with KPB 20.30.060(D).

There are two general easements, with no definite location disclosed, that have been granted to Homer Electric Association by recorded documents. These easements are referenced in plat note 6.

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	No comment
ENSTAR	No comments or recommendations
ACS	
GCI	Approved as shown.

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

Addressing – Derek Haws	Affected Addresses: 29074 Cohoe Loop Road 29084 Cohoe Loop Road Existing Street Name Corrections Needed: Cohoe Loop should be labeled Cohoe Loop Road Access Avenue between L1 Blk 2 and L1 Blk 4 should be Rilinda Road.
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are no local option zoning district or material site issues with this proposed plat.
Assessing – Adeena Wilcox	No comment
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:**



- Provide a title block area.
  - Revise the name of the subdivision so it is clear that the name is 'Kinder Subdivision' and this plat will be creating Lots 1-4, Blk. 1 and Tract A and that Lots 1-4, Blk. 1 and Tract A is not part of the subdivision name.
  - The names and addresses of the owners as shown on the certificate to plat and KPB records needs to be added within the title block.
  - The KPB file number, 2021-079, needs to be added within the title block.
  - The acreage needs to be verified as it does not match KPB Assessing records that shows 137.14 acres.
- 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:**
- There are two right of ways labeled as "Access Avenue". The southern right of way label needs corrected to Rilinda Road.
  - Provide a label for the 33 foot section line easement abutting the subdivision within Road River Subdivision.
  - The 66 foot section line easement located north of Cohoe Loop Road is not required and can be removed if the surveyor wishes.
  - Depict and label the 50 foot section line easement next that extends to the south from the southeast corner of the subdivision and adjoining Cohoe Silver Street.
- 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 scale of the vicinity map.
- 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 certificate to plat makes reference to rights of the public to access Lakeshore Lake. Staff did not find reference to that lake name in Dictionary of Alaska Place Names, KPB GIS feature points file, or KPB GIS Water Bodies file. Verify if any public access it provided to the lake and if not work with the title company to remove this item.
- 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:**
- All surrounding subdivisions with the names Ramsel should have two "L's", (Ramsell).
  - On the northeast side of Cohoe Loop Road the Road River Subdivision label should be revised to include "Amended".
  - Tract 8 located to the west of the subdivision is part of Herrin Subdivision KN 76-156. Add the subdivision information.
  - The Herrin Subdivision No. 3 label needs to be moved down or change the layout as it currently makes Tract 8 to the north appear to be part of that subdivision.
  - The labels need to be adjusted as some of them are very hard to read. Code requires all text to be a minimum of 10 point. Please make sure that all text complies. If the labels comply look into adjusting the text style or font type to make it easier to read.
- 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:** Complete the depiction of the lake boundary with a dashed or broken line style.



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**KPB 20.30 Design Requirements**

Platting staff comments: Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:

**20.30.060. Easements-Requirements.**

A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.

B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.

C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.

D. Unless a utility company requests additional easements, the front ten feet adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers.

**Staff recommendation:** The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Grant utility easements requested by the utility providers.** Revise plat note 6 to remove the term "Blanket Easement" and instead add "no definite location disclosed". The front 10 feet along all right of ways is to be granted by this plat as utility easements. Add the appropriate note. Due to the scale of the plat depiction may be difficult. There is a reservation easement in the certificate to plat that should be listed in a plat note. The power line information may be removed from the final plat unless depicting a utility easement.

**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 or provide a typical drawing that depicts and labels the 20 foot building setback.

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**KPB 20.40 -- Wastewater Disposal****20.40.010 Wastewater disposal.**

*Platting Staff Comments:* Lots 1 through 4 are less than 200,000 sq. ft. and will require a soils analysis report. Tract A is greater than 200,000 sq. ft. and will not require a soils analysis report. The wastewater disposal note present on the plat is correct but should contain a reference to Tract A as that note will apply to only the tract.

*The wastewater note needs to be revised. The note currently on the plat should be noted it is for Tract A only. An additional plat note will need to be added for Lots 1-4. A soils analysis report will be required for the lots and an engineer will need to sign the plat.*

**Staff recommendation:** *Provide a wastewater disposal report, and the correct wastewater disposal note for Lots 1-4. 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 State of Alaska DOT to accept the Cohoe Loop Road right of way dedication and a Certificate of Acceptance for KPB to accept the Fairway Avenue, Cache Street, and Hidden Avenue right of way dedications. The KPB statement can have the title "Authorized Official" added.*

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to a scale of 1 inch equal to 10, 20, 30, 40, 50, 60, 150 feet or a multiple of 100 feet. The drawing shall be plotted on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear, legible, and in black ink. The minimum text size should be 10 point (0.1") font or the equivalent. Where necessary, 8 point (0.08") capitalized font or the equivalent can be used to label features. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Colors, grayscale or shading is not acceptable as it does not show when the drawing is reproduced. Sheets shall be one of these sizes: 11" x 17"; 18" x 24"; and 24" or 30" x 36". When more than one sheet is required, an index map shall be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the total number (e.g. sheet 1 of 3). When more than one sheet is submitted, all sheets shall be the same size. Indelible ink or sealant shall be used to insure permanency.

**Staff recommendation:** *Correct the text height so that all text is 10 point (0.1") font size. Where necessary, 8 point (0.08") capitalized font can be used to label features. Comply with 20.60.070.*

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. 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:** *Depict the survey markers used, or provide a note, to show how the Cohoe Loop Road right of way was determined. 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 boundary and lot closure computations with the paper final plat. KPB will verify closure complies with 20.60.120.

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

**Staff recommendation:** Revise the boundary of the subdivision to be the thickest line depicted. The boundary of the subdivision includes the boundary of the Deed Parcel. The adjoining lot lines and the section line easements lines appear to be the same line style. Provide unique line styles for the adjoining lot boundaries that is different from the easements.

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.

D. 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:**

Place the following notes on the plat.

- Add a plat note for any exceptions granted by the Plat Committee and include the meeting date they are granted.
- The front 10 feet of the building setback is a utility easement.
- No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- Reservation of easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.
- A wastewater disposal note should be added for an engineer to sign. "WASTEWATER DISPOSAL: Lots 1-4 – Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences. An Engineer's Subdivision and Soils Report is available from the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a qualified engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation." The signature line for the Engineer should also provide a location for their license number and the date they sign.

Make the following corrections to plat notes.

- Plat note 1 has "Planning" misspelled.
- Plat note 5 needs the date revised to January 4, 2006.
- Revise plat note 6 "This subdivision is subject to general easements with no definite location disclosed granted to Homer Electric Association, Inc. recorded in...."
- Plat note 7 should state "Wastewater Disposal: Tract A which is at least..."
- Plat note 8 needs the word "be" added between "may" and "construed".

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:**

- *Provide an acceptance of right of way dedications to be signed by SOA DOT and KPB.*
- *The certificate of ownership needs to have “am” changed to “are” in the first line and correct to “hereon” in the second line.*
- *The notary’s acknowledgement should include the middle initial for the Bartolowits.*
- *Verify the mailing address for the Blake’s. KPB Assessing records have a PO Box on file. If the Homestead address is correct the owners should contact the KPB Assessing department to update their information.*
- *Providing some additional spacing between lines within the notary will prevent signatures and dates from covering printed words.*
- *The Blake acknowledgments have additional lines that should be moved or removed.*
- *Comply with 20.60.190.*

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**EXCEPTIONS REQUESTED:**

**A. KPB 20.30.030 – Proposed street layout – Requirements** (continuation of Cohoe Silver Street, Hidden Avenue, Mandy Avenue, and Cloudy Avenue)

Owner/Surveyor Discussion: We the owners of the N½ of SE¼, S½ of NE¼ are submitting an application for subdivision as attached. We are asking for an exception to KPB 20.30.030 for the continuation of Cohoe Silver Street and Hidden Avenue. Tract A is a large 126-acre parcel that could be subdivided in the future, not dedicating cul-de-sacs or extending the roads at this time on these two boundaries leaves the widest future design options available.

Staff Discussion: Staff has included all other streets that would be required to be extended per 20.30.030.

Cohoe Silver Street is located at the southeast corner of the subdivision and is a combination of dedicated right of way and section line easements. Hidden Avenue is located at the southwest corner and is a 30 foot dedicated right of way. Mandy Court and Cloudy Court are located on the west boundary.

The extension of right of way dedications will help to provide a closed block. The dedication of Hidden Avenue will also improve the block to the south so that future dedications within the KPB parcel will be compliant with KPB Code.

Tract A will remain a large acreage tract that can be further subdivided. Right of way dedications can be granted when further subdivision of Tract A occurs.

This parcel to the south is a 155 acre Kenai Peninsula Borough owned parcel. If the Plat Committee requires the dedication of Hidden Avenue a matching 30 foot dedication can be expected if/when the KPB parcel is subdivided.

If the extension of Hidden Avenue is denied, a 30 foot right of way dedication will be required along the southern boundary to connect to Cohoe Silver Street. If the extension of Cohoe Silver Street is denied, a 30 foot right of way will be required along the eastern boundary. If the extension of Mandy Ct./Ave. and Cloudy Ct./Ave. is denied then 60 foot right of way dedications will be required to be extended into the subdivision and connect to Cohoe Loop Road.

**Findings:**

1. Proposed Tract A will be approximately 126 acres and can be further subdivided.
2. The subdivision is bordered to the south by a 155 acres owned by the Kenai Peninsula Borough.
3. If, or when, the KPB parcel to the south is subdivided, Hidden Avenue would provide legal access.
4. Cache Street is dedicated along the western boundary with a matching dedication proposed with this subdivision.
5. Section line easements provide access from Cohoe Loop Road to Cohoe Silver Street and further south to Aurora Avenue.
6. The block length along dedicated Cache Street will be approximately 2,660 feet.



7. The southern portion of Tract A contains wetlands and a freshwater pond.
8. Per KPB GIS data, the wetlands are approximately 120 feet from the southern boundary.
9. Dedication was not required on Road River Subdivision Amended, KN 84-329.
10. Cohoe Silver Street will connect to Cohoe Loop Road, a state maintained right of way.
11. The extension of Hidden venue will provide a connection between Hidden Avenue and Cohoe Silver Street.
12. If the Plat Committee requires the dedication of Hidden Avenue a matching 30 foot dedication can be expected if/when the KPB parcel is subdivided.
13. No parcels will be denied legal access.

Staff recommends that the Plat Committee vote on each right of way dedication separately.

Staff reviewed the exception request and **recommends granting approval** to not extend Cohoe Silver Street, Mandy Ct./Ave., and Cloudy Ct./Ave.

Staff reviewed the exception request and based on findings 2, 3, 11, and 12 **recommends denial** to not extend Hidden Avenue as a 30 foot wide half right of way.

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, 5, 13 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1, 4, 5, 13 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1, 4, 5, 13 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**

Owner/Surveyor Discussion: We the owners of the N½ of SE¼, S½ of NE¼ are submitting an application for subdivision as attached. We are asking for an exception to KPB 20.30.170, Block length for the south and west boundary of the parcel. Tract A is a large 126-acre parcel that could be subdivided in the future, not dedicating cul-de-sacs or extending the roads at this time on these two boundaries leaves the widest future design options available.

Staff Discussion: The subdivision is within an open block. The block is defined by section line easements, Cohoe Loop Road, Fairway Avenue, and Cache Street. The southern boundary of the subdivision abuts a 155 acre lot owned by the Kenai Peninsula Borough.

The owners are asking to not be required to provide dedications within the subdivision or along the southern

boundary. A block map has been provided that shows the various lengths of the block.

Tract A will remain a large acreage tract that can be further subdivided. Right of way dedications within the boundary of the subdivision can be granted when the tract is subdivided allowing the dedications to meet the needs of the design.

If the exception is denied, numerous right of way dedications will be required to create compliant blocks.

#### **Findings:**

1. Proposed Tract A will be approximately 126 acres and can be further subdivided.
2. The subdivision is bordered to the south by a 155 acres owned by the Kenai Peninsula Borough.
3. Cache Street is dedicated along the western boundary with a matching dedication proposed with this subdivision.
4. Cache Street ends when it meets Hidden Avenue and does not continue south into the KPB parcel.
5. Cache Street dedications continue south of the KPB parcel.
6. Section line easements provide access from Cohoe Loop Road to Cohoe Silver Street and further south to Aurora Avenue.
7. The block length along Fairway Avenue will be approximately 1,800 feet.
8. The block length along dedicated Cache Street will be approximately 2,660 feet.
9. The block length along Cohoe Loop Road to the section line easements is approximately 1,900 feet.
10. The distance along the section line easement is approximately 900 feet within the subdivision.
11. The distance from the section line easement to the next intersection, Aurora Avenue, along Cohoe Loop Road is approximately 2,400 feet.
12. The southern portion of Tract A contains wetlands and a freshwater pond.
13. Per KPB GIS data, the wetlands are approximately 120 feet from the southern boundary.
14. A right of way dedication and required building setback will be approximately 70 feet from the wetlands.
15. No parcels are being denied access.

Staff reviewed the exception request and recommends granting approval. The owners are put on notice that further subdivision of Tract A will require right of way dedications or approval of an exception request.

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, 3, 6, 15 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, 3, 6, 15 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, 3, 6, 15 appear to support this standard.**

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



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

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

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

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

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

**END OF STAFF REPORT**

Chair Ecklund 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 Martin moved, seconded by Commissioner Venuti, to grant preliminary approval to Kinder Subdivision based on staff recommendations and compliance to borough code.

**AMENDMENT A:** Commission Martin moved, seconded by Commissioner Venuti, to grant exception request to KPB 20.30.030 Proposed Street Layout Requirements for Cohoe Silver Street, citing findings 1, 4, 5 & 13 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	5	No	0	Absent	1
Yes	Ecklund, Gillham, Martin, Morgan, Venuti				
No					
Absent	Carluccio				

**AMENDMENT B:** Commissioner Martin moved, seconded by Commissioner Gillham, to grant exception request to KPB 20.30.030 Proposed Street Layout Requirements for Mandy Ct./Ave., citing findings 1, 4, 5 & 13 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	Absent	1
Yes	Ecklund, Gillham, Martin, Morgan, Venuti				
No					
Absent	Carluccio				

**AMENDMENT C:** Commissioner Martin moved, seconded by Commissioner Venuti, to grant exception request to KPB 20.30.030 Proposed Street Layout Requirements for Cloudy Ct./Ave., citing findings 1, 4, 5 & 13 in support of standards one, two & three.

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

**AMENDMENT C MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	No	0	Absent	1
Yes	Ecklund, Gillham, Martin, Morgan, Venuti				
No					
Absent	Carluccio				

**AMENDMENT D:** Commissioner Martin moved, seconded by Commissioner Venuti, to grant exception request to KPB 20.30.030 Proposed Street Layout Requirements for Hidden Avenue.

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

**AMENDMENT D MOTION *FAILED* BY UNANIMOUS VOTE**

Yes	0	No	5	Absent	1
Yes					
No	Ecklund, Gillham, Martin, Morgan, Venuti				
Absent	Carluccio				

**AMENDMENT E:** Commissioner Martin moved, seconded by Commissioner Morgan to attach findings 2, 3, 11 & 12 in support of the denial for exception request to KPB 20.30.030 Proposed Street Layout Requirements for Hidden Avenue.

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

**AMENDMENT E MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	No	0	Absent	1
Yes	Ecklund, Gillham, Martin, Morgan, Venuti				
No					
Absent	Carluccio				

**AMENDMENT F:** Commissioner Martin moved, seconded by Commissioner Venuti, to grant exception request to KPB 20.30.170 Block Length Requirements, citing findings 1, 3, 6 & 15 in support of standards one, two and three.

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

**AMENDMENT F MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	No	0	Absent	1
Yes	Ecklund, Gillham, Martin, Morgan, Venuti				
No					
Absent	Carluccio				

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	Absent	1
Yes	Ecklund, Gillham, Martin, Morgan, Venuti				
No					
Absent	Carluccio				

**AGENDA ITEM E. NEW BUSINESS**

**ITEM 3 - Fourth of July Creek Subdivision  
Seward Marine Industrial Center  
Fire Department Replat**

<b>KPB File No.</b>	2021-080
<b>Plat Committee</b>	June 28, 2021
<b>Meeting:</b>	
<b>Applicant / Owner:</b>	City of Seward, Seward, Alaska

<b>Surveyor:</b>	Stacy M. Wessel / Enterprise Engineering, Inc.
<b>General Location:</b>	Delphin Street, Nash Road and Jellison Avenue, City of Seward
<b>Parent Parcel No.:</b>	145-340-20, 145-340-28, 145-340-41
<b>Legal Description:</b>	Block 2 and Block 5, Fourth of July Creek Subdivision, Seward Marine Industrial Center, Plat SW 97-27 and; Tract A3, Fourth of July Creek Subdivision, Seward Marine Industrial Center, Polar Seafood Replat, Amended, Plat SW 2007-2.
<b>Assessing Use:</b>	Residential and Commercial
<b>Zoning:</b>	Industrial Zoning District
<b>Water / Wastewater</b>	City

Staff report given by Scott Huff.

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure lot lines between two lots and a private road tract. A portion of the private road tract will be removed and will be added to one of the proposed parcels. The private road tract is approximately 9.7 acres and the new lots will be 2.7 and 4.0 acres.

**Legal Access (existing and proposed):** The subdivision is located at the end of the dedicated portion of Nash Road, a 100 foot wide, State of Alaska DOT right of way. The subdivision is bordered to the north by 60 foot wide Jellison Avenue, 150 foot wide Delphin Street along the east, and 60 foot wide Sorrel Road along the south. Resurrection Bay is located to the west.

Internal lot access is via the private road tract and is designated as a service road. The private road tract contains Mustang Avenue, Morris Avenue, Olga Street in addition to Nash Road and Sorrel Road extensions.

**Staff recommends** a plat note regarding Tract A4's use and designation be added to the plat.

Due to the access being a tract versus dedicated right of ways the block length is not compliant. An exception has been requested in addition to an exception request for proposed street layout.

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

**Site Investigation:** Per KPB GIS data, there are no steep slopes within the proposed subdivision. Per KPB GIS data for National Wetlands Inventory, portions of the subdivision are subject to wetlands. Portions of Tract A4 are within the mapped Seward Bear Creek Flood area. Per code, any area of a subdivision within the Seward Mapped Flood Data Area is to be shown and labeled on the plat. **Staff recommends** that the plat depict and label any areas affected by the Seward Bear Creek Flood area.

Per KPB 21.18.025, all portions of waterways found within the Seward – Bear Creek mapped flood service area are exempt from KPB 21.18.

Floodplain Hazard Review	Within the City of Seward, no comments.
Anadromous Waters Habitat Protection District Review	Is not within an AWHPD
State Parks Review	No comments

**Staff Analysis** The proposed subdivision is a replat of a tract and two lots. The lots, designated only as blocks, were created on plat SW 97-27. The parent subdivision divided a large acreage tract including part of a US Survey. Parent plat SW 97-27 created Tract A to be used as a private access road.

All lands within the subdivision are owned by the City of Seward. The lots that are surrounded by proposed Tract A4 are owned by the City of Seward.

Two preliminary plats have been approved in the area. They are Fourth of July Creek Subdivision Seward Marine Industrial Center Polar Seafoods Replat KPB 2021-039 and Fourth of July Creek Subdivision Seward Marine Industrial Center Rainbow Replat #2 KPB 2019-015. **Staff recommends** current adjacent parcel information be shown on the final plat.

The City of Seward Planning and Zoning Commission heard the plat at their March 2, 2021 meeting. Resolution 2021-03 was adopted, which recommended approval of the preliminary plat. The resolution states the purpose of the replat is to create a new parcel to support training for the Seward Fire Department. Block 2 is currently serviced by public roads, municipal water, and electric. Block 5 is served by public roads and electric. An installation agreement with the City of Seward is not required.

Per the City of Seward P&Z Agenda Statement, the area consists of lots used for the City boat storage yard, AVTEC maritime training, improvements to support marine industrial trades, and the other parcels are currently undeveloped.

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.

A soils analysis report will not be required and an engineer will not need to sign the plat.

**Utility Easements** The plat is depicting the vacation of a utility vacation along the former lot lines. A petition to vacate has not been received by the planning department. The City of Seward resolution and agenda statement did not address the utility vacation. To proceed with the vacation will require the petition be approved by the City of Seward prior to being scheduled for the KPB Planning Commission. While the agenda statement did not discuss the utility easement vacation it does include comments regarding additional utility easements. The electric department stated they wanted to maintain existing utility easement and add 5 foot utility easements on interior lot lines of Lot 1 Block 5 and Lot 1 Block 2 in accordance with Plat 97-27. The public works department commented that they wanted to create a 30 foot public utility easement in that portion of Tract A3 to be eliminated for the purpose of future utility expansion. The requested easements do not appear to be present on the preliminary plat notes nor depiction. **Staff recommends** that the surveyor work with the utility providers and the City of Seward to provide the requested easements or approval from the utility providers.

A 25 foot drainage easement was granted along Block 2 and Block 5 but not within Tract A. **Staff recommends** the plat grant a 25 foot drainage easement within Lot 1 Block 2 over the portion of former Tract A3 to provide a continuous easement.

The plat SW 97-27 created 10 foot utility easements along all right of ways and 5 feet on all interior property lines. **Staff recommends** the 10 foot utility easement be depicted and labeled where Tract A4 abuts the Jellison Avenue and Sorrel Road right of ways.

The plat is showing a 10 foot utility easement within the new lots where they abut Tract A4 and states that the 10 foot utility easement is per plat 97-27. Parent plat SW 97-27 granted 5 foot utility easement along all interior lot lines. **Staff recommends** the 5 foot utility easement per SW 97-27 be depicted and labeled within Lot 1 Block 2, Lot 1 Block 5 and Tract A4.

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	
ENSTAR	No comment or recommendations
ACS	
GCI	Approved as shown.
SEWARD ELECTRIC	Per the City of Seward staff report – Maintain existing utility easements and add 5-foot utility easements on interior lot lines of Lot 1 Block 5 and Lot 1 Block 2 in accordance with plat 91-27.

CHUGACH ELECTRIC	
TELALASKA	

**KPB department / agency review:**

Addressing – Derek Haws	Affected Addresses: 3500 Mustang Avenue, 205 Delphin Street Street Names listed are correct. The City of Seward will advise on affected addresses.
Code Compliance – Eric Ogren	No Comment
Planner – Bryan Taylor	In the City of Seward, no review required.
Assessing – Adeena Wilcox	No comment
City of Seward – Fire Chief	No comment.

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:**

- *The subdivision name does not to include the new lot descriptions. If you wish to include the new parcel information within the title block make it clear that the parcels are being created with this platting action. The text should not be the same size as the subdivision name and should say "Creating Lot 1, Block 2...etc."*
- *The Polar Seafoods Replat was Amended. "Amended" needs to be added to the subdivision name.*
- *The acreage will need to be verified prior to final. KPB records show the acreage as 16.83.*
- *The name of owner is missing with the title block. Add the City of Seward and their address.*

- 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:** *A township label needs added.*

- 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:**

- *All plat numbers depicted with SW 2014-7 will need corrected to Plat SW 2017-17.*
- *All plat numbers depicted with SW2015-4 will need corrected to Plat SW 2015-14.*
- *To the east, Block 6 has a plat number showing 97-27, correct to Plat SW 2001-2.*
- *North of Morris Avenue, correct Lot 3 to Lot 3A.*
- *South of Morris Avenue, correct Lot 1A-1 to Lot 1-A.*
- *Lot 3 Block 8, located west of Sorrel Road, needs the plat number corrected to SW 2002-22.*



- Lots 1 and 2, located at the southern end of proposed Tract A4, need a “Block 8” label added and the recording number SW 97-27. Due to the lot size it may be best to label to the side and provide a leader to each lot.
- Block 10 surrounds the subdivision along the west. The existing labels, there are three, should include “Portion” as the legal description is for a remaining portion of block 10.
- Per code, the parcels east of Delphin Street should have labels.
- Per code, the parcels north of Jellison Avenue and south of Sorrel Road should also be labeled due to Tract A4’s design. **Staff recommends**, due to the size of the plat and the design of Tract A4, the Plat Committee concur that further lot labels and depictions north and south of the subdivision are not required.
- The surveyor should check the status of neighboring lots prior to submitting the mylar. There are currently two plat committee approved preliminary designs within the adjacent lands. The preliminary plat states proposed platting action on some of those lots. Current information is required and any potential or tentative land changes should not be reflected on the final.
- Former lot descriptions may be removed from the new lots on the final.

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:** Add a plat note for being within a Special Flood Hazard Area. Per code, any area of a subdivision within the Seward Mapped Flood Data Area is to be shown and labeled on the plat.

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#### KPB 20.30 Design Requirements

Platting staff comments: Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:

##### 20.30.050. 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:** *All lots within this subdivision have legal access via Delphin Street, Jellison Avenue, and Nash Road. Interior lots are accessed by Tract A4. The plat note regarding the use of Tract A4 should be carried over from the parent plat.*

#### 20.30.060. Easements-Requirements.

A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.

B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.

C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.

D. Unless a utility company requests additional easements, the front ten feet adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers.

**Staff recommendation:** *The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. Add a plat note for the 5 foot utility easements from parent plat. Depict and label the 5 foot utility easement on all interior lines per the parent plat. If difficult to depict due to scale a typical depiction can be used to show how the parent plat note applies. Per SW97-27 there were 10 foot utility easements granted along all right of ways. This would include the portions of Tract A4 that abuts dedicated right of ways. Depict and label the 10 foot utility easement where adjoining the Jellison Avenue and Sorrel Road right of way. **Grant utility easements requested by the utility providers.***

*The plat is depicting a utility easement vacation. A petition to vacate has not been received. The City minutes, Resolution and staff report do not address the vacation. The agenda statement contains comments from public works and electric department requesting to leave existing utility easements and to create a new easement. This will need to be worked out with the city and utility providers.*

*The drainage easement should be continued over the portion of Tract A3 that is being combined into the lots.*

#### 20.30.130. Streets-Curve requirements.

A. Where a deflection angle of more than 10 degrees in the alignment of a right-of-way occurs, a curve of minimum radius is required. On streets 100 feet or more in width, the centerline radius of curvature shall be not less than 300 feet; on other streets not less than 200 feet. If it is not possible to design a curve to be radial or tangential, that curve shall be clearly labeled non-radial or non-tangential.

B. A minimum 100-foot tangent is required between curves.

**Staff recommendation:** *The curve at the intersection of Morris Avenue and Sorrel Road as an 80 foot radius. Concur that this platting action cannot provide additional area to create a curve with a radius of 200 feet at the intersection of Morris Avenue and Sorrel Road and an exception is not required.*

20.30.250. Building setbacks-Within cities. The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts. Building setbacks as depicted, or noted, on recorded plats shall not be carried forward on a new subdivision plat located within a municipal zoning district. Provide a plat note stating, "Per KPB 20.30.250 the building

setback of record has been removed. All development must comply with the municipal zoning requirements.”

**Staff recommendation:** *A plat note that this falls under City of Seward zoning must be added to the plat.*

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 Seward does not meet the specified requirements for the application and consideration of different standards.*

20.30.280. Floodplain requirements.

B. Any area of the subdivision within the floodplain, floodway or Seward Mapped Flood Data Area (SMFDA) is to be shown and labeled on the plat.

**Staff recommendation:** *Depict and label the area affected by the Seward Mapped Flood Data Area.*

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#### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

*Platting Staff Comments: Lots are/will be serviced by City of Seward sewer. A wastewater note must be added to 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:** *There is a certificate of acceptance on the plat which can be removed as no public areas are being dedicated with this plat.*

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

**Staff recommendation:** *Per code, the boundary of the subdivision must be continuous line that is wider than any interior lot lines. The boundary depiction needs to be corrected along the 60 foot width of Tract A4 where Olga Street meets Jellison Avenue. A continuous, but thinner, line style must be used for interior lines specifically proposed Lot 1 Block 2 and Lot 1 Block 5.*

20.60.140. Block and lot numbering. Blocks and lots within each block shall be numbered consecutively or all lots shall be numbered consecutively. If possible, each block should be shown entirely on one sheet. Each lot shall be shown entirely on one sheet.

**Staff recommendation:** *To avoid confusion, the former lot label, plat information, and acreage, can be removed from Lot 1 Block 2 and Lot 1 Block 5. Remove the zoning information for the final plat.*

20.60.180. Plat notes.

E. 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.

F. 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:** Place the following notes on the plat.

- Development of these lots is subject to the City of Seward's zoning regulations.
- Lots within this subdivision may be located within a designated flood hazard area; if such is the case, development must comply with Title 15 of the City of Seward's Charter and Code of Laws. A survey to determine the elevation of the property may be required prior to construction.
- Tract A4 is a service road access easement restricted to lessees, City, and other authorized personnel.
- **WASTEWATER DISPOSAL:** Plans for wastewater disposal that meet regulatory requirements are on file at the Alaska Department of Environmental Conservation.
- The front 10 feet adjacent to right-of-ways are a utility easement as granted by plat SW97-27. Additional 5 foot utility easements were granted on interior property lines. No permanent structure shall be constructed or placed within a utility easement, which would interfere with the ability of a utility to use the easement.
- Add a plat note for any exceptions granted and the date granted.

Plat note 1 can be removed prior to final plat submittal.

Plat notes 3A-3C will need to be removed unless a petition to vacate is submitted and approved. A blanket vacation as stated in 3C is not allowable. Easements to be vacated must be clearly depicted, or referenced and presented for a public hearing by the KPB Planning Commission. If easements were granted by separate documents they must be vacated or removed by the benefiting party by other means such as recording a document that terminates or releases the utility easement.

#### 20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** Update the certificate of ownership so correct pronouns are used. "I hereby certify that the City of Seward is the owner of the real property shown and described hereon and that I on behalf of the City of Seward hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-way and public areas to public use and grant all easements to the use shown." Staff also recommends adjusting the spacing within the Notary Acknowledgment as the current spacing will be difficult to sign and fill in information to be legible and not cover printed words. Acknowledgment is misspelled in "Notary Acknowledgment". Comply with 20.60.190.

#### 20.60.200. Survey and monumentation.

**Staff recommendation:** Locate or reestablish survey markers at all property corners. Comply with 20.60.200

#### KPB 20.70 – Vacation Requirements

**Staff Comments:** A petition to alter or vacate the utility easements of record has not been submitted to KPB for review.

**Staff recommendation.** Approval from the City of Seward and a petition must be submitted for hearing.

### **EXCEPTIONS REQUESTED:**

- A. KPB 20.30.030 – Proposed street layout – requirements,**  
**KPB 20.30.170 – Blocks – Length requirements**  
**KPB 20.30.190 – Lots - Dimensions** (Tract A3)

#### Surveyor's Discussion:

##### 20.30.030 Proposed Street Layout

The new subdivision will be accessed by developed Tract A3 to the west and south, Jellison Avenue to the north and undeveloped Right-of-Way, Delphin Street to the east. Tract A3 is a developed 60' wide service road access easement restricted to lessees, City and other authorized personnel. The service access

easement serves as legal access to many industrial parcels around this area.

#### 20.30.170 Block length requirements

Tract A3 is a service access easement that is restricted to lessees, City, and other authorized personnel. The traffic is low volume and is not an arterial street or state-maintained road. Block 2 and Block 5 are not less than 330 feet and is no more than 1,320 feet.

#### 20.30.190 Lots Dimensions for Tract 3

The purpose of Tract A3 is a service access easement that is restricted to lessees, City and other authorized personnel. The service access easement serves as legal access to many industrial parcels around this area.

Staff Discussion: Staff grouped these three exceptions as denial of any one of these will require a redesign of the subdivision and all are due to the design of the private access tract.

The creation of a tract for access purposes was created with Fourth of July Creek Subdivision Seward Marine Industrial Center, SW 97-27. The tract has been modified through the years to provide additional access, dedicate portions, or remove access that is no longer required, this platting action will be removing a portion of the private access tract where it is no longer needed.

An exception to block length was granted to Fourth of July Creek Subdivision Seward Marine Industrial Center Washdown Pad Replat, Plat SW 2014-17. That plat reconfigured lots contained within the boundary of Tract A3. Fourth of July Creek Subdivision Seward Marine Industrial Center Rainbow Replat, Plat SW 2015-14, also received an exception to block length and the lots were also surrounded by Tract A3.

The preliminary plat, Fourth of July Creek Subdivision Seward Marine Industrial Center Coastal Lots Replat KPB File 2021-039, received exceptions on April 26, 2021 to 20.30.030 projection of right of way and 20.30.170 Block Length.

If denied, this platting action will be required to dedicate a 60 foot wide right of way for Tract A4.

#### **Findings:**

1. Proposed Lot 1 Block 2 has dedicated access from Jellison Avenue and Delphin Street.
2. Proposed Lot 1 Block 5 has dedicated access from Delphin Street.
3. Proposed Tract A4 has dedicated access from Nash Road, Jellison Avenue, Sorrel Road, and Delphin Street.
4. The proposed lots will have restricted access available from Tract A4.
5. Tract A4 contains a developed service road which provides restricted physical access for the lessees, City officials, and other authorized personnel.
6. The service access easement serves as legal access to many industrial parcels around the area.
7. The City of Seward is the owner of the subdivision.
8. The City of Seward is the owner of Tract A4, which provides access to the subdivision.
9. The Seward Planning and Zoning Commission reviewed and recommended approval of the preliminary plat on March 2, 2021.
10. Lots bordered by Tract A4 are owned and managed by the City of Seward.
11. Previous plats in the area were approved with similar design.
12. Tract A4 is 60 feet in width and designed so that it could be dedicated in the future if the need arises.
13. A dedication to right of way in place of Tract A4 will provide adequate right of way, compliant blocks, and required access for neighboring lots.

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-13 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-13 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 1-13 appear to support this standard.**

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

Ms. Hindman asked Commissioner Ecklund if she had heard and acted on this item at the City of Seward Planning Commission. Commissioner Ecklund replied yes and recused herself from voting on this item.

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

**AMENDMENT:** Commissioner Venuti moved seconded by Commissioner Gillham to grant exception request to KPB 20.30.030-Proposed Street Layout Requirements, KPB 20.30.17-Block Length Requirements & KPB 20.30.190-Lot Dimensions for Tract A3, citing findings 1-13 in support of standards one, two & three.



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

**AMENDMENT MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	No	0	Recused	1	Absent	1
Yes	Gillham, Martin, Morgan, Venuti						
No							
Recused	Ecklund						
Absent	Carluccio						

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	Recused	1	Absent	1
Yes	Gillham, Martin, Morgan, Venuti						
No							
Recused	Ecklund						
Absent	Carluccio						

AGENDA ITEM E. NEW BUSINESS

**ITEM 4 - Kings Creek 2021 Replat**

<b>KPB File No.</b>	2021-081
<b>Plat Committee Meeting:</b>	June 28, 2021
<b>Applicant / Owner:</b>	John A. Baker of Elko, Nevada
<b>Surveyor:</b>	Stephen C. Smith / Geovera, LLC
<b>General Location:</b>	Mile 9.5 East End Road Wilderness Lane and Sarah Street / Kachemak APC
<b>Parent Parcel No.:</b>	172-460-25
<b>Legal Description:</b>	Lot 5, King's Creek 5 Plat HM 84-79
<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 6.6 acre lot into two lots, one being 1.5 acres and the other 5.134 acres.

**Legal Access (existing and proposed):** The subdivision is located on Wilderness Lane, a 60 foot right of way maintained by the borough. Wilderness Lane is off KPB maintained Walters Street, which is located around mile 9.5 of state maintained East End Road. Wilderness Lane is constructed past the subdivision but per KPB GIS data is only maintained to Sarah Street.

The block is not compliant. The block is defined by East End Road, Walters Street, Wilderness Lane, Pyrenees Way, Lulu Court, Neal Street, and section line easement. To improve the block a dedication would need to be granted along the western or eastern boundary. A dedication along either side will create issues regarding future dedication and extending the right of way to connect to East End Road. The boundary of the subdivision along the west is angled slightly. Lots to the north are also at angles. It would require a replat of multiple lots to avoid creating non-compliant lots. There are improvements on the lots that will make it difficult to replat. There are similar issues along the eastern boundary as the lots to the north have improvements, are smaller acreage lots, and are not typical shapes. **Staff recommends** the plat committee concur that an exception is not required as any required dedications at this time will not improve the block due to neighboring development.



KPB Roads Dept. comments	No comment
SOA DOT comments	No comment

**Site Investigation:** The submittal from the surveyor states there are no low wet areas or slopes exceeding 20%. The subdivision has sloping terrain to the south.

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

**Staff Analysis** The proposed subdivision will create two lots from Lot 5 of King's Creek 5, HM 84-79. That subdivision divided Tract C from King's Creek, HM 79-112. Appropriate plat notes and easements have been carried forward from the parent plats.

Lot 5-A will be a 1.5 acre lot and will encompass the existing improvements. Per documents provided an alternate wastewater treatment and disposal system is installed within Lot 5-A. An exception has been requested in regards to Lot 5-A so that a soils analysis report is not required due to the existing system. Lot 5-B will be 5.134 acres and a soils report is not required.

Lot 5-B will be a flag lot. The panhandle is proposed to be 40 feet wide and 150 feet long. Due to being less than 60 feet wide **Staff recommends** that additional plat notes will be added that state, 'No structures are permitted within the panhandle portion of the flag lot(s) and further development of Lot 5-B may be limited based on access issues, development trends in the area, or topography.' The panhandle appears to be designed so that the current driveway will remain with Lot 5-A.

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

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

**Utility Easements** Plat note 3 (the second number 3) states the front 10 feet along the right of way is a utility easement. This plat will be granting a 10 foot utility easement along the western boundary of the subdivision. The parent plat granted 10 foot utility easements along the northern and eastern boundary.

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	No comments
ENSTAR	No comments or recommendations
ACS	No objections.
GCI	Approved as shown

**KPB department / agency review:**

Addressing – Derek Haws	Affected Addresses: 54240 Wilderness Lane Existing street names listed are correct. 54240 Wilderness Lane will remain with Lot 5-A.
Code Compliance – Eric Ogren	No comment
Planner – Bryan Taylor	There are no Local Option Zoning District or material site issues with this proposed plat.
Assessing – Adeena Wilcox	Plat note #6 is missing date.
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.

- 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 label for Tract 4, HM 72-1216 located south of Wilderness Lane.*
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;  
**Staff recommendation:** *Per the submittal letter, no steep slopes present. Per KPB GIS data there may be some steep slopes that should be depicted.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;  
**Staff recommendation:** *The preliminary plat does not show existing structures. Per KPB GIS imagery, there is a possible structure on proposed Lot 5-A that is very close to flag portion of proposed Lot 5-B. Provide information regarding the structure to determine if an encroachment is present. Plat note regarding encroachments may be required.*

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**KPB 20.30 Design Requirements**

Platting staff comments: *Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:*

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

**Staff recommendation:** *Block length does not comply. Design of the lots to the north and existing structures do not allow for a right of way dedication to be made that would help with block length. Concur that an exception is not required as any required dedication will not improve the block length due to existing development on neighboring parcels and no lots are being denied access.*

20.30.190. Lots-Dimensions.

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

B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.

**Staff recommendation:** *It appears the limitation to increasing the width of the panhandle may be due to existing structures. Place the standard note on the plat for the flag lot(s): No structures are permitted within the panhandle portion of the flag lot(s). Due to the width of the panhandle an additional note must be added. "Lot 5-B may have possible limitations on further subdivision based on access issues, development trends in the area, or topography."*

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**KPB 20.40 -- Wastewater Disposal****20.40.010 Wastewater disposal.**

*Platting Staff Comments: Plat note 2 should be reworded to match KPB Code. "WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation." The WASTEWATER DISPOSAL note for Lot 5-B needs "or nominal 5 acres" removed.*

*The surveyor asked for an exception to 20.40.050 due to the existence of an alternate onsite wastewater treatment system. The exception requested should be to 20.40.010 for the requirement of a soils analysis report.*

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

**20.40.050 Alternate onsite wastewater treatment and disposal.**

*Platting Staff Comments: An existing system is on proposed Lot 5-A. Documentation has been provided from DEC dated June 18, 2010 which describes the system and provides a site plan. An exception to not require soils analysis has been requested. Lot 5-A has alternate system installed.*

**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.**

G. 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.

H. 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:** *Place the following notes on the plat.*

- *No structures are permitted within the panhandle portion of the flag lot(s).*
- *Lot 5-B may have possible limitations on further subdivision based on access issues, development trends in the area, or topography.*
- *If an encroachment is found, add "Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments."*

*Renumber the plat notes in sequential order.*

*Revise plat note 2 to "WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation."*

*Remove "or nominal 5 acres" from the wastewater disposal note for Lot 5-B.*

*If the exception is approved, update plat note 6 by referencing KPB 20.40.100 and correct the meeting date.*

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**EXCEPTIONS REQUESTED:****A. KPB 20.40.100 – Soils analysis and report (Lot 5-A)**

*(20.40.050 – Alternate onsite wastewater treatment and disposal was requested in error)*

Surveyor's Discussion: I have included the Documentation of Construction for the alternate wastewater treatment and disposal system serving the existing house on Lot 5-A. An exception to KPB 20.40.050 (Alternate Onsite Wastewater Treatment and Disposal) is being requested due to the existence of the engineered wastewater disposal system.

Staff Discussion: The DEC documentation, dated June 8, 2010, granted final approval for an alternate wastewater treatment and disposal system on Lot 5. This is for the southern portion to provide service to the single family residence on the property. This is proposed to be on Lot 5-A.

The site plan included with the system's approval does not provide enough distances to accurately determine the location of the septic system but it does show it approximately 20 feet from the west boundary. The surveyor will need to verify the proposed lot configuration will fully encompass the septic system for residential structure on Lot 5-A.

A soils analysis report was not on file or required for the parent plat, which was subdivided in 1984. West of the parent subdivision is King's Creek Nine Subdivision, Plat HM 2006-031. A soils analysis report was submitted and a licensed engineer signed the plat. The Wastewater Disposal note on that plat stated the soil conditions in the subdivision were found to be unsuitable for conventional onsite wastewater treatment and disposal systems.

If denied, a soils analysis report will be required for Lot 5-A.

#### **Findings:**

1. An alternate wastewater treatment and disposal system has been installed on proposed Lot 5-A.
2. The alternate wastewater disposal system on Lot 5-A has been reviewed and approved by the State of Alaska DEC.
3. Soils in neighboring subdivisions appear to be unsuitable for conventional onsite systems.
4. Per the site plan, an alternate field is located within Lot 5-A.
5. Proposed Lot 5-B and the parcel to the west are larger than 5 acres.
6. Lot 5-A is not affected by slopes greater than 25%.
7. Lot 5-A has a cistern system for drinking water.

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 1-7 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 1-7 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 1-7 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 Ecklund opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

**MAIN MOTION:** Commissioner Venuti moved, seconded by Commissioner Morgan, to grant preliminary approval to King's Creek 2021 Replat based on staff recommendations and compliance to borough code.

**AMENDMENT MOTION:** Commissioner Venuti moved, seconded by Commissioner Morgan to grant exception request to KPB 20.40.100-Soils Analysis & Report for Lot 5-A, citing findings 1-7 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	Absent	1
Yes	Ecklund, Gillham, Martin, Morgan, Venuti				
No					
Absent	Carluccio				

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

**MAIN MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	No	0	Absent	1
Yes	Ecklund, Gillham, Martin, Morgan, Venuti				
No					
Absent	Carluccio				

**AGENDA ITEM E. NEW BUSINESS****ITEM 6 - TKC2 SUBDIVISION**

<b>KPB File No.</b>	2021-078
<b>Plat Committee</b>	JUNE 28, 2021
<b>Meeting:</b>	
<b>Applicant / Owner:</b>	TKC LLC PO Box 969 KENAI, AK 99611
<b>Surveyor:</b>	John Segesser/ Segesser Surveys, Inc.
<b>General Location:</b>	Fourth Avenue, Haller Street and Madison Lane, City of Kenai



<b>Parent Parcel No.:</b>	043-020-07
<b>Legal Description:</b>	Government Lot 26, 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 given by Scott Huff.

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 2.5 acre parcel into 2 lots that are 1.013 acres each. This plat will also dedicate right of way for Haller Street and Fourth Avenue.

**Legal Access (existing and proposed):** The subdivision is located on the corner of Haller Street and Fourth Avenue. The City of Kenai maintains both streets. 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 Haller Street and Fourth Avenue. Both right of ways will comply with width requirements.

Madison Lane, a 30 foot right of way to the north, does not appear to be constructed per KPB GIS imagery. The City of Kenai staff report did not address any concerns with Madison Lane.

The preliminary plat is within a closed block that is defined by Haller Street, 5<sup>th</sup> Avenue, McKinley Street, and Fourth Avenue. The block length is compliant with KPB requirements.

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

**Site Investigation:** The site is generally flat and not affected by low wet areas. Aerial imagery shows the lot as vacant and KPB Assessing records show no improvements on the property. Per the City of Kenai staff report and Resolution 2021-20, there will be eight single family dwellings, 4 building each, located on the lots.

City water and sewer lines are located within Haller Street and Fourth Avenue rights of way. Per City of Kenai Planning and Zoning Commission Resolution 2021-20, an installation agreement is not required.

Floodplain Hazard Review	Within the City of Kenai; no comments.
Anadromous Waters Habitat Protection District Review	Is not within an AWHPD
State Parks Review	No comments

**Staff Analysis** The parent parcel is Government Lot 26 per BLM survey finalized in 1953.

The parent lot is subject to a 33 foot wide right of way for roadway and public utilities along the south and west boundary as described in the federal patent located in Book 40 Page 305, Kenai Recording District. The 33 foot right of way from the patent will now be dedicated right of way with the recording of this plat.

The City of Kenai Planning and Zoning Commission reviewed the plat at their May 26, 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.

This condition can be found on the plat as a plat note.

The City of Kenai staff report included that a conditional use permit had been requested to allow eight single-family dwelling units to be constructed on a 2.5 acre parcel. That permit was heard at the May 26, 2021 Planning and Zoning Commission meeting and was approved.

The City of Kenai staff report included the following analysis:

*Access to the proposed Lot 1 and Lot 2 is provided via Haller Street which is a paved City maintained road.*

*There are water and sewer lines located in the rights-of-way of Haller Street and Fourth Avenue and the eight single family dwellings will connect to those services. The draft site plan identifies sewer and water connecting to Lot 1, and separate sewer and water lines connecting to Lot 2. An installation agreement is not required.*

Resolution 2021-20, which was adopted by the City of Kenai Planning and Zoning Commission, states that the subdivision meets Kenai Municipal Code.

The provisions of municipal zoning districts shall govern the building setback requirement for subdivisions within cities. 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.

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

**Utility provider review:**

HEA	No comments
ENSTAR	No comments or recommendations
ACS	
GCI	Approved as shown.

**KPB department / agency review:**

Addressing – Derek Haws	Affected address: 1714 Fourth Avenue; Existing Street Name Corrections: Fourth Avenue should be Fourth Avenue; City of Kenai will advise on affected addresses.
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	In the City of Kenai, no review required.
Assessing – Adeena Wilcox	No comment
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:** *The plat has a California address for the owner. Per KPB Assessing records, the address is a Kenai, Alaska PO Box. Consult with owners to have the correct address listed on the plat and if the KPB Assessing address is incorrect, contact the Assessing Department to update the mailing address.*

- 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 dedicated widths of Haller Street and Fourth Avenue vary. Provide 66 foot label for the northern and southern portion of Haller Street and the western portion of Fourth Avenue. Provide a 33 foot label for the portion of Haller Street and Fourth Avenue abutting the subdivision. Provide a street name label and width (30') for Madison Lane.*

- 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:** *Madison Lane is located to the north of the subdivision and needs to be labeled and designated as a right of way. Per KPB Addressing Officer, 4<sup>th</sup> Avenue should be updated to Fourth Avenue. The lot to the north needs the label corrected as it is Lot 5 not Lot 1.*

- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;

**Staff recommendation:** *Per KPB GIS Imagery, the lot to the east may have an encroachment onto the subject property. Verify any encroachment issues during the field survey.*

### KPB 20.30 Design Requirements

- 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:** *This subdivision will connect to the City of Kenai water and sewer. The correct wastewater note is located on the plat. The City of Kenai staff report stated that an installation agreement is not required.*

**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:** *If a dedication for Madison Lane is required, it needs to be included in the Certificate of Acceptance.*

- 20.60.180. Plat notes.

I. 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.

J. 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:** Provide a plat note for any exceptions that are granted by the KPB Plat Committee including the meeting date. Place the following notes on the plat.

- Subject to an easement for roadway and/or utilities as reserved in patent recorded on September 13, 1966 in Book 40 Page 305, Kenai Recording District.
- If any encroachments are located during the field survey, provide a note that states "Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments."

*The plat notes need to be renumbered.*

*The plat note granting the 15 foot utility easements should have the word "also" removed.*

*The basis of bearing subdivision needs to be verified and the plat note corrected accordingly.*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** Revise the Certificate of Ownership to show TKC LLC is the land owner and that the members are signing on behalf of the company. Ken Dunbar should have his name listed as found within the Operating Agreement. Patricia Dunbar, as a member should also sign the plat. The address for the signing members needs to be verified. If the members will be signing the mylar in another state the Notary's Acknowledgement should be updated. Comply with 20.60.190.

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### **EXCEPTIONS REQUESTED:**

#### **A. KPB 20.30.030(A) – Proposed street layout – requirements (Continuation of Madison Lane)**

**Surveyor's Discussion:** I would like to get an exception to Madison Lane. TKC2 is being developed as detached 4 plexes and extending the street would take too much developable area. Also, it isn't needed for block length.

**Staff Discussion:** Madison Lane is a 30 foot wide by 277 foot long dedicated right of way located at the northeast corner of the subdivision. This right of way was dedicated with the recording of Peck Subdivision, KN 84-88. The plat named the right of way McKinley Street. This may have been in error as McKinley Street is one street to the east.

The property located to the east is a 1.25 acre lot that has not been subdivided to provide the matching dedication.

If denied, this platting action will be required to extend a 30 foot right of way to connect Madison Lane to Fourth Avenue.

#### **Findings:**

1. Madison Lane is a 30 foot wide right of way that abuts the northeast corner of the proposed subdivision.
2. Per KPB Imagery, it does not appear that Madison Lane is constructed.
3. The City of Kenai minutes and staff report do not address Madison Lane right of way.
4. A complete block exists and is defined by Haller Street, Fifth Avenue, McKinley Street, and Fourth Avenue.
5. The block is compliant to KPB Code requirements.
6. A through dedication will divide the existing block into two equal blocks, the block length will be the minimal distance allowed (300 feet)

7. A matching dedication will be difficult to obtain from the lot to the east due to existing development.
8. No parcels will be denied access if the right of way is not extended.

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.

**EXCEPTIONS REQUESTED:**

**B. KPB 20.30.100 Cul-de-sac**

Surveyor's Discussion: A cul-de-sac or hammer head turnaround would cause one of the units currently under construction to be in the building setback at the very least, possibly encroaching into the ROW.

Staff Discussion: Madison Lane is located at the northeast corner of the subdivision. There is no turn around area provided at the south end of Madison Lane. 3. If the exception to not extend Madison Lane is granted then Madison Lane will be a dead end street and require a turnaround area.

Madison Lane does not appear to be constructed. The City of Kenai did not address any turnaround issues associated with Madison Lane.

Lot 5 is 0.9 acres in size and can provide a turnaround area if or when it is further subdivided.

If denied, this platting action will be required to provide a turnaround area for Madison Lane in the northeast corner of the subdivision.

**Findings:**

1. Madison Lane is located at the northeast corner of the subdivision.
2. There is no turn around area provided at the south end of Madison Lane.
3. If the exception to not extend Madison Lane is granted then Madison Lane will be a dead end street and require a turnaround area.
4. Madison Lane does not appear to be constructed.
5. The City of Kenai did not address any turnaround issues associated with Madison Lane.



6. Lot 5 is 0.9 acres in size and can provide a turnaround area if or when it is further subdivided.
7. A dedicated turn around area may conflict with the current construction of buildings and create an encroachment in the building setback.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 4-7 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 4-7 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 4-7 appear to support this standard.**

**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 Ecklund 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 Gillham moved, seconded by Commissioner Venuti to grant preliminary approval to TKC2 Subdivision based on staff recommendations and compliance to borough code.

**AMENDMENT A MOTION:** Commissioner Gillham moved, seconded by Commissioner Venuti to grant exception request to KPB 20.30.030(A) Proposed Street Layout Requirements for Madison Lane, citing 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 A MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	No	0	Absent	1
Yes	Ecklund, Gillham, Martin, Morgan, Venuti				
No					
Absent	Carluccio				

**AMENDMENT B MOTION:** Commissioner Venuti moved, seconded by Commissioner Morgan to grant exception request to KPB 20.30.100 Cul-de-sacs citing findings 4-7 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	5	No	0	Absent	1
Yes	Ecklund, Gillham, Martin, Morgan, Venuti				
No					
Absent	Carluccio				

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

**MAIN MOTION PASSED BY UNANIMOUS VOTE**

Yes	5	No	0	Absent	1
Yes	Ecklund, Gillham, Martin, Morgan, Venuti				
No					
Absent	Carluccio				

**F. PUBLIC COMMENT – None**

**G. ADJOURNMENT**

Commissioner Martin moved to adjourn the meeting 7:21 P.M.

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Ann E. Shirnberg  
Administrative Assistant