

Kenai Peninsula Borough Plat Committee

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

August 23, 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

Commissioner Venuti moved, seconded by Commissioner Morgan to appoint Commissioner Ecklund as chair for the meeting.

Plat Committee Members/Alternates

Cindy Ecklund, City of Seward
Pamela Gillham, Ridgeway
Virginia Morgan, East Peninsula
Franco Venuti, City of Homer

Staff Present

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

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

- *3. Minutes
a. August 9, 2021 Plat Committee Meeting Minutes

Commissioner 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 Venuti moved seconded by Commissioner Morgan, to approve the agenda and the minutes from the August 9, 2021 Plat Committee meeting.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Ecklund, Gillham, Morgan, Venuti		
No			

D. OLD BUSINESS - None

E. NEW BUSINESS

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

AGENDA ITEM E. NEW BUSINESS

GROUPED AGENDA

Staff Report given by Julie Hindman

Staff has 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. Mackey Lakes Subdivision Douglas Replat; KPB File 2021-109
 Segesser Surveys / Douglas
 Location: Grayling Court & Dolly Varden Way
 Ridgeway Area
 - 5. Ninilchik River Estates Subdivision Addn. 1 McLean Addn.; KPB File 2021-108
 Finline Surveys, Inc. / Bruce & Charlene McLean Living Trust
 Location: Wild Salmon Way, Garrison Ridge Road and Alice Avenue
 Ninilchik 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.

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 Venuti moved seconded by Commissioner Morgan, to grant preliminary approval based on staff recommendations an compliance with borough code to, Mackey Lakes Subdivision Douglas Replat & Ninilchik River Estates subdivision Addn. 1 McLean Addn.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Ecklund, Gillham, Morgan, Venuti		

AGENDA ITEM E. NEW BUSINESS

ITEM 2 - Mackey Lakes Subdivision Douglas Replat

KPB File No.	2021-109
Plat Committee	August 23, 2021
Meeting:	
Applicant / Owner:	Melody and Denis Douglas of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys, Inc.
General Location:	Ridgeway

Parent Parcel No.:	058-090-17, 058-090-18, 058-170-12
Legal Description:	Lots 22 and 23 Block 2 Mackey Lakes Sub Addn. No 1 Part 3 and Replat of Lot 23 Block 2 Part 2, Plat KN 74-92 And Lot 24 Block 2 Mackey Lakes Sub Addn. No 1 Part 2, Plat K-1759.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Specific Request / Scope of Subdivision: The proposed plat combines three lots into one lot by removing the shared lot lines.

Legal Access (existing and proposed): The proposed plat is located on the northeast side of the Y intersection of Grayling Court, Dolly Varden Way. Grayling Court is a 50 foot right of way, and Dolly Varden Way, a 60 foot wide right of way. Both right of ways are constructed and maintained by the borough.

Grayling Court ends at a cul-de-sac to the north of the subdivision. Dolly Varden Way is off Mackey Lake Road and continues east. Mackey Lake Road is located near mile 92.5 of the Sterling Highway. The property is also located along the south shore of East Mackey Lake, which provides floatplane access.

Grayling Court was dedicated in 1971 as a 50 foot wide right of way with a 50 foot radius bulb. This right of way provides access to lots that are on a peninsula found within East Mackey Lake. The roads department had no comment on the proposed plat. **Staff recommends** the plat committee concur that an exception for street width for Grayling Court is not required as the possibility to obtain a full 60 foot wide dedication will be difficult for the remaining length of Grayling Court as all lots have been developed and will not be further subdivided and KPB is maintaining the roadway with the current right of way width with no issues.

The block length is not compliant or closed. Grayling Court, Dolly Varden Way, Messer Street, and section line easements define the block. Grayling Court is a cul-de-sac that ends on a peninsula within East Mackey Lake. There are lots on each side of the right of way. Any dedication within this subdivision will not improve the block, as it will end at the lake. Due to the location of the lake the ability to get a closed and compliant block will not occur. **Staff recommends** the plat committee concur that an exception is not required as any dedications required will not be able to bring the block into compliance.

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

Site Investigation: The land within the proposed plat is relatively flat. Per the Kenai Watershed Wetlands Assessment, there are some wet areas affecting the southern portion of the subdivision.

Staff recommends carry over the parent plat note regarding the natural meander boundary, site source for meander information on the plat, depict low wet areas and add a plat note "Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable."

Floodplain Hazard Review	Not within flood hazard area. No regulatory mapped floodplain areas intersect this parcel.
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments

Staff Analysis This proposed plat will be combining three lots into one 2.2 acre lot.

Mackey Lakes Subdivision Addition No. 1, Part 2, Plat KN 1759 created parent Lot 24 and an early configuration of Lot 23. That plat dedicated Grayling Court as a 50 foot right of way. There was also a 50 foot dedication for Dolly Varden Way (shown as Mackinaw Place). A 20 foot building setback was put in place but there are no notes or depictions regarding utility easements.

A temporary 50 foot radius turnaround was put in place within Lot 23 designated to be in place until the street was extended. Mackey Lakes Subdivision Addition No 1 Part 3 and Replat of Lot 23 Block 2 Part 2, Plat KN 74-92, created Lot 22 and changed the configuration of Lot 23. That plat vacated a portion of the right of way, changed the right of way design, and added additional width to Dolly Varden Way to make it 60 feet wide. Utility easements were granted by plat KN 74-92 and are discussed under utility easements.

A soils analysis report is not on file for the parent lots. Per KPB 20.40.020(A)(2), the lots are increasing by 1,000 square feet and thus a report will not be required and an engineer will not need to sign the plat.

Utility Easements Plat KN 1759 did not grant any utility easements. Plat KN 74-92 granted specific utility easements that are depicted and labeled. A 10 foot by 30 foot anchor easement was granted within Lot 23. A 10 foot by 238 foot utility easement was granted adjoining the eastern boundary line of Lot 22.

The plat note indicates this plat will grant 10 foot utility easements adjoining right of ways and 20 foot utility easements within 5 feet of side 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, depict and note the previously granted utility easements, and depict the easements along the right of ways being dedicated by this plat.**

Utility provider review:

HEA	No comment
ENSTAR	No comment or recommendations
ACS	
GCI	Approved as shown

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 41840 Dolly Varden Way (will remain with Lot 22A). Existing street names are correct
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There is not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	No concerns from Assessing Department.

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 location of "This Plat" is hard to determine. Make the depiction more noticeable.*
- 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: *Update the plat information east of Minnow Ct. for Lot 17 Block 2, KN 74-92. The plat number is cut off for Lot 18A Block 2, north of Minnow Court.*
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: *Add a block label within Lot 22A.*

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:*

20.30.240. Building setbacks.

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

A. 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.

- B. 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.

- C. 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.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Due to the combining of lots, a soils analysis report is not required.

Staff recommendation: *Revise the wording in the plat note to read "An Engineer's Subdivision and Soils Report is not available for this subdivision..." Comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

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

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

Staff recommendation: *Provide meander information and source. Note if bearing and distances are from record or computed. If from record, the record must be disclosed. Comply with 20.60.110.*

20.60.160. Easements.

A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.

1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.

B. Private easements may not be granted on the plat.

Staff comments: *Per the certificate to plat, there is a 20 foot easement through Lot 23 to Lot 22. This easement was stated within a warranty deed. The deed does not state the intent, use limitations, grantors, or when/how dissolved. This easement is noted within plat note 5. With the lots being combined, the owners may wish to look into removing the easement.*

Staff recommendation: *comply with 20.60.160.*

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: *In addition to additional plat notes and corrections noted throughout the staff report staff recommends the following.*

Place the following notes on the plat.

- *The natural meanders of the lakeshore form the bounds of all lots adjoining the lake. The meander line as established is for survey computations and data only.*

Correct the following plat notes.

- *Note 2, remove the "c" at the end of the sentence.*

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 5 - Ninilchik River Estates Subdivision Addn 1 McLean Addn

KPB File No.	2021-108
Plat Committee Meeting:	August 23, 2021
Applicant / Owner:	Bruce and Charlene McLean Living Trust of Soldotna, Alaska
Surveyor:	Dmitri D. Kimbrell / Fineline Surveys, Inc.
General Location:	Ninilchik
Parent Parcel No.:	157-06-344, 157-06-345
Legal Description:	Lots 1-A and 2-A, Block 1, Ninilchik River Estates Addn No 1, Plat HM 91-71.
Assessing Use:	Residential

Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two lots into one lot by removing the shared lot line. Both lots are under common ownership.

Legal Access (existing and proposed): The proposed subdivision fronts Garrison Ridge Road, Alice Avenue, and Wild Salmon Way. Garrison Ridge Road is located past mile 1 of Oil Well Road. Oil Well Road is a state maintained right of way.

Garrison Ridge Road is a 60 foot wide right of way that has been constructed but not maintained. The roadway crosses over the Ninilchik River and is located within Tract A and a large parcel.

The portion of Wild Salmon Way that abuts the proposed subdivision is a 50 foot wide right of way that terminates with a cul-de-sac. This right of way appears to be used for access to parent parcel Lot 1-A. Wild Salmon Way continues north and winds around to Steelhead Ridge Road, Bear Paw Road, and Alice Avenue. These portions of right of ways are not maintained.

Alice Avenue is a 66 foot wide right of way that has not been improved. Alice Avenue connects to Brody Road, a borough maintained right of way, which intersects Oil Well Road near mile 3.25. Additional 33 foot and 50 foot section line easements provide the connection from Oil Well Road to Garrison Ridge Road.

Per the parent plat access to lots 1-A and 2-A is restricted to Wild Salmon Way.

The block is closed but irregular in shape and exceeds length requirements. Wild Salmon Way used to connect to Alice Avenue but was vacated with the parent plat, HM 91-71. The block is currently defined by Alice Avenue, Garrison Ridge Road, Wild Salmon Way, Steelhead Ridge Road, and Bear Paw Road. Wild Salmon Way and Steelhead Ridge Road are right of ways that both end in cul-de-sacs. Garrison Ridge Road crosses the Ninilchik River. Steep terrain is within the Alice Avenue dedication and crosses the Ninilchik River. **Staff recommends the plat committee concur that an exception is not required as any dedication will not improve the block length and per KPB 20.30.100 a cul-de-sac is designed to have one end permanently closed.**

Per the certificate to plat there is an ingress and egress easement. This easement should be noted in the plat notes. As the easement gives a description of the easement area **staff recommends the easement be depicted with a reference to a descriptive plat note.**

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

Site Investigation: The Ninilchik River, an anadromous water way, is located in the western portion of the subdivision. Portions of the subdivision are also within a flood hazard area. There also appears to be steep slopes within the subdivision that should be depicted. Plat note 3 addresses the possible need for a wetland determination and should remain.

Staff recommends the flood zone boundary be shown and labeled, a plat note referencing the map panel be added, and the anadromous waters habitat protection district note be added to the final plat.

Floodplain Hazard Review	Is in flood hazard area. Flood Zone A, X. Found on Map Panel: 02122C-1620E. Is not within a floodway.
Anadromous Waters Habitat Protection District Review	Is totally or partially within HPD. No comments
State Parks Review	No comments
State Fish and Game	ADF&G has no objections to the platting action.

Staff Analysis The parent lots were originally part of the Ninilchik River Estates Amended, HM 86-12. A portion of Wild Salmon Way was vacated and terminated as a cul-de-sac and the lots were then replatted as part of Ninilchik River Estates Addition No. 1, HM 91-71. The current action will combine Lot 1-A and Lot 2-A to create one lot.

There does not appear to be any improvement that cross the interior lot line, but with the removing of the shared lot line, any issues with an improvement over the boundary line will be resolved.

Per KPB 20.40.020, a soils analysis report is not required and an engineer will not need to sign the plat as this platting action is vacating lot lines. The plat note listed on the plat needs a correction as the Department of Environmental Conservation signed the parent plat.

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, HM 86-112, granted 10 foot utility easements along dedicated right of ways. Plat HM 91-71 vacated a portion of Wild Salmon Way and dedicated Garrison Ridge Road. Plat HM 91-71 granted 10 foot utility easements along all dedicated right of ways. There is not a proposed change to the right of ways and the parent plats did not grant easements along the side lot lines. **Staff recommends plat note 2 be reworded and depict the utility easements. The note shall read "The front 10 feet adjoining dedicated right of ways is a utility easement as granted by plats HM 86-12 and HM 91-71. This platting action will grant 20 foot utility easements within 5 feet of side lot lines as a utility easement. No permanent..."**

The certificate to plat shows easements granted to Homer Electric Association, Inc. Plat note 5 refers to an easement to HEA but contains the incorrect recording information. **Staff recommends update the book and page to Book 27 Page 8, HRD and Book 48 Page 74, HRD.**

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: 15938 Wild Salmon Way (will remain with Lot 1B). Existing street names shown are correct
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are not any local option zoning district or material site issues with this proposed plat.
Assessing – Matt Bruns	No concerns from Assessing Department

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: For simplicity the name of the subdivision can be changed to 'Ninilchik River Estates McLean Addition'. The addition number does not need to be carried forward. Verify the acreage and update accordingly. The scale appears to be off, update the scale listed or update the drawing. Remove the comma after "ADDN" or change to a period.

- 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: Plat note 4 references covenants, conditions, and restrictions of record. Provide an additional plat note for the covenants, conditions, and restrictions of record per item 11 in the certificate to plat as recorded on January 9, 1992 in Bk. 211 Pg. 891 HRD.

- 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: Per the certificate to plat there is a ingress and egress easement. Verify if the easement of record affects this subdivision and if so, depict and label the easement on the drawing. Edit plat note 5 to reference the correct recording information for the easements of record (Bk. 48 Pg. 74 HRD and Bk. 27 Pg. 8 HRD).

- 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: Correct Lot 3-A located to the north of Garrison Ridge Road to Lot 3A1, plat HM 2012-16. Provide a label for Tract A, plat HM 91-71 located on the other side of Garrison Ridge Road and Ninilchik River. Correct the depiction of the former lot line boundary as it extends to the west side of Ninilchik River. The KPB parcel viewer incorrectly depicts the lot line between Lot 1-A and 2-A.

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

Staff recommendation: Provide the flood area boundary and add all required notes. Depict any low wet areas associated around boundary of the river.

- 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: There appear to be steep slopes as the property gets closer to the river. Depict and label any areas affected by steep slopes.

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:

20.30.120. Streets-Width requirements.

- D. The minimum right-of-way width of streets shall be 60 feet.
1. Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can reasonably be expected to be dedicated in the future.
 2. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoiners to the new half right-of-way will be sent a copy of the plat committee minutes and a sketch

showing the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.

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

Staff recommendation: *Wild Salmon Way cul-de-sac provides legal access to Lot 1-A and 2-A only as plat HM 91-71 restricts access for Lots 14-A and 15-A to access from SteelHead Ridge Road. Wild Salmon Way cul-de-sac is not maintained by KPB. Concur that additional width for Wild Salmon Way cul-de-sac to be 60 feet in width is not required at this time and an exception is not required based on the number of lots using Wild Salmon Way for access, development trends, and access restrictions for neighboring lots.*

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.

E. 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.

F. 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.

G. 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 building setback within the drawing or provide a detail drawing.*

20.30.280. Floodplain requirements.

A. All subdivision plats which are within areas where the floodplain has been identified by the Federal Emergency Management Agency (FEMA), and which involve 50 lots or five acres whichever is lesser, shall include the base flood elevation source.

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.

C. All subdivisions which are wholly or partially located within flood hazard areas as defined by KPB 21.06.030 must comply with KPB 21.06.050 standards for Floodplain Management.

D. All subdivisions or replats within the Flood Insurance Rate Map (FIRM) area or SMFDA, as amended, as defined by KPB 21.06.020, shall contain the following note:

FLOOD HAZARD NOTICE:

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

Staff Comments:

To maintain consistency with KPB 21.06.050, **staff requests** the surveyor ensure the proposed subdivision have adequate drainage to reduce exposure to flood damage.

Staff reminds the owner(s), that it is the responsibility of the subdivider to provide all necessary information regarding flood protection measures at the time the preliminary plat is presented for consideration by the planning commission (21.06.050).

Staff recommendation: Add the Flood Hazard Notice to the plat but include "...has been designated by FEMA (Map Panel 02112C-1620E) as a flood hazard area..."

20.30.290. Anadromous Waters Habitat Protection District. If any portion of a subdivision or replat is located within an anadromous waters habitat protection district, the plat shall contain the following note:

ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

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

Platting Staff Comments:

Staff recommendation: Ninilchik River is an anadromous river. Comply with 20.30.290.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils analysis report is not required as this is combining two lots and creating more usable area. The plat note needs to be corrected as a DEC official signed the parent plat. "...was approved by Alaska Department of Environmental Conservation (10/22/19). Wastewater..."

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.170. Other data required by law.

A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat. The borough will not enforce private covenants, easements, or deed restrictions. The borough will not enforce private covenants, easements, or deed restrictions.

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

Staff recommendation: There are covenants as noted in plat note 4. The note needs to be revised to include Book 211 Page 891, HRD, recorded on January 9, 1992. Include in the plat note that the borough does not enforce private covenants per KPB 20.60.170. Comply with 20.60.170.

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: In addition to the plat notes mentioned throughout the staff report, place the following notes on the plat.

- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *Per parent plat, HM 91-71, Lot 1-B shall have access from Wild Salmon Way.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *The trusts lists the trustees as R. Bruce McLean Jr. and Charlene K. McLean. They both must sign the plat. Update the signature lines to match how the trust lists their names and provide an additional signature line. Update the notary to show it is for both trustees. The certificate of ownership needs updated to plural pronouns. Comply with 20.60.190.*

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 - Falls Creek Estates Unit 5

KPB File No.	2021-110
Plat Committee	August 23, 2021
Meeting:	
Applicant / Owner:	Richard L and Lana J Metcalf of Soldotna, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Fritz Creek and Falls Creek / KACHEMAK BAY APC

Parent Parcel No.:	185-210-48
Legal Description:	That portion of Lot 2 US Survey No 4720, EXCEPTING THEREFROM Falls Creek Estates Unit 1 Plat HM 80-12, Falls Creek Estates Unit 2 plat HM 83-100, Falls Creek Estates No. 4 plat HM 96-53 and Falls Creek Estates 2018 plat HM 2018-36.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Staff report given by Julie Hindman.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 61.76 acre parcel into four lots ranging in size from 5.274 to 23.320 acres. A 30 foot wide right of way dedication of Bush Drive is being given to make it a 60 foot wide right of way.

Legal Access (existing and proposed): This is a large acreage subdivision with multiple access points. All access points originate off East End Road, a state maintained right of way.

Access from the south is near milepost 18 of East End Road. Morrison Drive is a 60 foot wide right of way maintained by the borough. The first approximate 1,080 feet of Morrison Drive is not dedicated and crosses through CIRI land. A patent to CIRI states several right of ways existed but without further research staff is unsure if the patent is referring to Morrison Drive. Staff did not find any ADLs for the right of way. Shrub Drive and Furrow Road both connect Morrison Drive to the subdivision boundary. Both Shrub Drive and Furrow Road are 60 foot wide right of ways that provide access to the subdivision from the south. Shrub Drive and Furrow Road appear to be partially constructed but are not maintained by KP. Shrub Drive provides access to proposed Tract L. Furrow Road provides access to proposed Tracts M and N.

The northerly access is from mile post 20 of East End Road. Falls Creek Road is a dedicated 60 foot wide right of way that is maintained by the borough until the intersection with Via Hermosa Drive. Falls Creek Road continues approximately 620 feet from that intersection and provides access to the subdivision. At the end of the Fall Creek Road, there is a 30 foot half width dedication for Bush Drive. This plat will be granting a matching 30 feet right of way to bring Bush Drive into compliance. Bush Drive connects to Linda Lane. Bush Drive provides access to proposed Tracts M and O.

Staff records indicate that there are not any section line easements within the subdivision boundary as the date of entry predated the section survey. There appears to be section line easements outside of the subdivision boundary. Plat note 4 notes that there are 50 foot section line easements on all section lines. The section lines are shown with both dashed and solid line styles. **Staff recommends verify if there are any section line easements within the subdivision. If they are present, depict and label the section line easements. Update the section line style to be the same and the line style can be added to the legend.**

The block length is not compliant. Due to terrain, exiting development, and the size of this subdivision it is not a closed block. An exception has been requested.

An exception has been requested to not continue the dedication of Shrub Drive or Furrow Road at this time.

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

Site Investigation: This is a large acreage subdivision with steep slopes and drainage gullies. The bottom of the gullies are affected by creeks and wetlands. The plat indicates the wetlands areas with a hatching pattern and the steep slopes are shaded grey. The surveyor did prepare an additional plat sheet for preliminary review that includes the contour lines. The majority of the subdivision has either steep slopes, wetlands, or a combination of both. Plat note 5 directs owners to contact the Army Corps of Engineers prior to development.

Floodplain Hazard Review	Not within flood hazard area. No regulatory mapped floodplain areas intersect this parcel.
Anadromous Waters Habitat Protection District Review	Is not within HPD. No comments.
State Parks Review	No comments.
State Fish and Game	No objection.

Staff Analysis This is a large acreage subdivision creating four tracts. The smallest tract will be Tract O with 5.3 acres. The remaining three tracts will be 16.4, 16.6, and 23.3 acres.

The property included in this subdivision was originally Lot 2 of U.S. Survey 4720 that was completed in 1964-1965. In 1980, the first plat was recorded that subdivided original Lot 2. Per the certificate to plat, this survey is for Lot 2 excluding plats HM 80-12, HM 83-100, HM 96-53, and HM 2018-36. An additional plat

was also recorded, HM 92-49. The lots included in that plat were replatted with HM 96-53. There is no reference to HM 92-49 within the certificate to plat. HM 2018-36 was a replat of two lots from HM 96-53. That plat is however mentioned in the certificate to plat. **Staff recommends** owners or surveyor discuss with the title company to clarify which plats should be listed as excluded subdivision from Lot 2 U.S. Survey 4720

All parcel will be 200,000 sq. ft. is size of larger and will not require a soils analysis report.

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

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 As this is the remainder of a previous subdivision, there have not been any utility easements granted with the subdivision boundary. The certificate to plat does not indicate any recorded easements for the property. Plat note 1 does state the intention to grant 10 feet utility easements along right of ways.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval. Revise plat note 1 to read, "The front 10 feet adjacent to dedicated right of ways is granted as a utility easement." Depict the easements being granted.

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: 32940 Falls Creek Road (Address will be deleted and new addresses will be assigned upon request.) Street names listed are correct
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District issues or material site issues with this proposed plat.
Assessing – Matt Bruns	No concerns from Assessing Department
Advisory Planning Commission	Comments note received when the staff report was prepared.

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Along Bush Drive there are overstrikes needing to be corrected.

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: Update the legal description to match the Certificate to Plat by including Falls Creek Estates 2018, HM 2018-36.

- 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: Make the section line styles the same and add to the legend. Provide a label for the 25 foot right of way easement from HM 77-22 that adjoins Tract M. Match the text style for the road names.
- 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: Correct the recording number for the lots south of Morrison Drive as the plat number is cut-off. Some subdivisions have the name listed, recording number listed, or combination. The labels can be edited to be consistent. Add "unsubdivided" for the parcel located southeast of the subdivision.

KPB 20.30 Design Requirements

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

20.30.100. Cul-de-sacs.

- A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.
- B. Hammerhead or T -type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.
- C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.
Staff recommendation: If the exception requests for right of way continuation are approved, the plat will be subject to KPB 20.30.100 Cul-de-sac and the plat will be required to provide a turnaround area at the end of Furrow Road and Shrub Drive. **Staff recommends** the turnaround area be an eyebrow or a hamer head type turn around. This will allow a turnaround area to be constructed if needed as well as allowing the right of way to be extended in the future. **Staff recommends** a plat note be added that states the right of ways are not dead ends and may be extended in the future. Comply with 20.30.100.

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.
- H. 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.
- I. 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.
- J. 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.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Lots are over 200,000 square feet and a soils analysis report is not required.

Staff recommendation: *Correct wastewater disposal note by removing "or nominal 5 acres". Comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.040. 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 right of way dedications to be signed by borough authorized official.*

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.*

- *Add a note for any exceptions granted.*

Revise the following plat notes

- *Plat note 1: Update to "The front 10 feet adjoin dedicated right of ways is granted as a utility easement."*
- *Plat note 4: Update to "The depicted section lines are subject..."*
- *Wastewater Disposal note: remove "or nominal 5 acres".*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Provide a Certificate of Acceptance to be signed by borough for right of way dedications. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed street layout – requirements (Shrub Drive and Furrow Road)

KPB 20.30.170 – Block – Length requirements

Surveyor's Discussion: Shrub Drive, we feel the extension is not warranted at this time as it would serve no purpose. The adjacent Tract 3 (HM 2012-56) is sufficiently served by right of way access and is an agricultural tract subject to subdivision restriction by State of Alaska covenants. Tract L of this plat could provide additional right-of-way during a future subdivision if warranted, though steep canyons prohibit extending across Tract L.

Furrow Road was dedicated by HM 83-100. A portion of that dedication adjacent to Lot 16 exceeds 35% for

nearly 100 feet. For that reason it seems pointless to perpetuate the dedication by adding to it. Steep canyon conditions make it impossible to meet borough code provisions for gradients of roadways to extend Furrow Road or otherwise make blocks comply with code.

If the borough requires some sort of cul-de-sac, we feel the location should be addressed in a request and a code exception be provided (with a plat note) making it clear the cul-de-sac would not be a deterrent or prohibit future right-of-way connection or extension.

Staff Discussion: The two sections of code are being combined into one exception request as both deal with dedication of right of ways. The plat committee can choose to review each item separately if they choose.

Shrub Drive is a 60 foot wide right of way that ends at proposed Tract L and Tract 3 of Deja Vu Subdivision, HM 2012-056. If continuation of Shrub Drive is required, it will be a 30 foot dedication with the matching 30 foot half dedication to be dedicated when Tract 3 is further subdivided. Plat HM 2012-056 states the property is for agricultural purposes and restricted by the State of Alaska. Tract 3 is currently 52 acres and by state restrictions, the lot cannot be smaller than 40 acres. This will greatly limit the ability to receive a matching dedication.

Furrow Road was originally dedicated as Falls Creek Road on Falls Creek Estates Unit 2, HM 83-100. That plat provided the full 60 foot dedication. The current dedication will end at proposed Tract M. Tract M contains large areas with steep slopes and wetlands.

The block is large and not closed. The area contains a lot of steep slope areas and wetlands and ravines. The area tends to have cul-de-sacs to provide access but due to terrain make it difficult to continue the right of ways. The creeks, ravines, and wetlands create a natural division of the subdivision resulting in portions of the subdivision being accessed from different locations.

If denied, this platting action will require a 30 foot half width right of way dedication for Shrub Drive along the southwest boundary and a right of way connection between Furrow Road and Falls Creek Road.

Surveyor Findings:

1. Tract 3 (HM 2012-56) is sufficiently served by right of way access.
2. Tract 3 (H 2012-56) is an agricultural tract subject to subdivision restriction by State of Alaska covenants.
3. Tract L of this plat could provide additional right-of-way during a future subdivision if warranted
4. Steep canyons prohibit extending right of way across Tract L.
5. A portion of Furrow Road dedication adjacent to Lot 16 exceeds 35% for nearly 100 feet.
6. Steep canyon conditions make it impossible to meet borough code provisions for gradients of roadways to extend Furrow Road or otherwise make blocks comply with code.

Findings:

7. Shrub Drive is a 60 foot wide right of way that is approximately 470 feet long.
8. Falls Creek Estates Unit 2, HM 83-100, and Deja Vu Subdivision, HM 2012-056, dedicated Shrub Drive.
9. Tract L is 16.36 acres and can be further subdivided.
10. Per KPB GIS data and imagery, Shrub Drive is being used to access Lot 17.
11. Tract 3 is part of Deja Vu Subdivision, HM 2012-56, which contains a plat note that patent states land is for agricultural purposes. Further subdivision of Tract 3 may be restricted which would limit the ability to receive a matching dedication.
12. Furrow Road is a 60 foot wide right of way that is approximately 1,000 feet long.
13. Fall Creek Estates Unit 2, HM 83-100, dedicated Furrow Road.
14. Tract M is 23.32 acres and can be further subdivided.
15. Tract M contains steep slopes and wetlands.
16. The continuation of Furrow Road is limited by terrain.
17. Per KPB GIS data and imagery, a trail has been constructed near the Furrow Road right of way but follows the natural terrain and is not wholly within the dedicated right of way.
18. The surveyor has requested that any required cul-de-sacs not be permanently closed to allow for

future projects.

19. A 'eyebrow' cul-de-sac with a squared off end, or a T-type turnaround or hammerhead turn around would allow for an adequate turn around area that would also allow for an extension of the right of way in the future.
20. Per KPB 20.30.100(C), temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.
21. No lots are being denied access.
22. All neighboring parcels front on a dedicated right of way.

Staff reviewed the exception request and recommends granting approval **subject to** T-type or hammerhead style turnaround areas be provided at the end of Shrub Drive and Furrow Road with a plat note that states these right of ways are not dead end road and can be extended in the future.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-6, 10, 11, 14-17, 19, 21, 22 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 1-6, 10, 11, 14-17, 19, 21, 22 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 1-6, 10, 11, 14-17, 19, 21, 22 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.

Ms. Hindman noted that a comment had been received and has been included in the desk packet materials from a neighboring landowner Mr. Gustin and stated that he objects to this subdivision without KPB platted and build roads reaching this new subdivision.

END OF STAFF REPORT

Chair Ecklund opened the meeting for public comment.

Heather McHenry; POB 15236 Fitz Creek, AK 99603: Ms. McHenry owns a property that adjoins this new subdivision. She has noted that it appears that Shrub Drive will provide the access to Lot L. She asked if they knew what kind of changes the applicant might be planning from Shrub Drive. She stated she had spent approximately \$20,000 improving Shrub Drive. She understands that it is a public easement but has concerns that if the applicant uses Shrub Drive to bring in heavy equipment to develop their property the will damage the road. She also would like to know what the applicant has planned for these lots. If they are going to be selling any of them would she be notified?

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

MOTION: Commissioner Gillham moved seconded by Commissioner Morgan, to grant preliminary approval Falls Creek Estates Unit 5 based on staff recommendations and compliance with borough code.

AMENDMENT: Commissioner Gillham moved, seconded by Commissioner Venuti to grant exception request to KPB 20.30.030-Proposed Street Layout Requirements for Shrub Dr. & Furrow Rd. and KPB 20.30.170-Block Length Requirements subject to T-type or hammerhead turnarounds & a plat note regarding possible future extensions, citing findings 1-6, 10, 11, 14-17, 19, 21 & 22 in support of standards one, two and three.

Commissioner Ecklund asked staff if they could address any of the concerns about the use of Shrub Drive T-head or the Furrow Road T-head. Ms. Hindman replied that the extension of either road would have to be engineered and thought out carefully due to the terrain and the wetlands. It is normal to request T-type turnarounds on roads that would most likely not be continued. She noted that the T-type turnaround would remain within the bounds of the new subdivision none of the land for these turnaround would come from Ms. McHenry's property.

Commissioner Ecklund stated that the T-head turnarounds will have be shown on the final plat and would be reviewed at that time. Ms. Hindman replied that per code the T-head turnarounds would be depicted on the final plat and would be reviewed by staff. She also stated that the plat committee could also request that the final plat be brought back to them.

Commissioner Venuti asked Ms. McHenry if she understood the discussion about the T-heads. Ms. McHenry stated that she did. The T-heads would not be on any of her property and if Shrub Drive was extended none of her property would be required. She then noted that Shrub Drive ends at a creek and she does not know how the road could be extended any further. It would be extremely difficult to extend the road. She still is worried about heavy equipment using the road, she understands that they do not own Shrub Drive but they have invested quite a bit of money in improving it. She also would hope that she would be contact should any of the properties go up for sale. She would not like to see anyone build right next to them. Commissioner Venuti then encouraged her to contact the landowner and talk with them.

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

AMENDMENT PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Ecklund, Gillham, Morgan, Venuti		

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

MOTION AS AMENDED PASSED AS AMENDED BY UNANIMOUS VOTE

Yes		4	No	0
Yes	Ecklund, Gillham, Morgan, Venuti			

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - Bluesky Subdivision 2021 Addition

KPB File No.	2021-107
Plat Committee Meeting:	August 23, 2021
Applicant / Owner:	Trimark Earth Reserve LLC of Anchor Point, Alaska
Surveyor:	Dmitri D. Kimbrell / Fineline Surveys, Inc.
General Location:	Anchor Point / Anchor Point APC

Parent Parcel No.:	169-320-04
Legal Description:	Tract C, Bluesky Plat HM 81-88
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Julie Hindman.

Specific Request / Scope of Subdivision: The proposed plat will subdivide one tract into two lots. Lot 1 will be 4.796 acres and Lot 2 will be 14.882 acres. A 33 foot wide right of way is proposed to be dedicated atop a section line easement on the north boundary.

Legal Access (existing and proposed): The proposed subdivision is located off the Old Sterling Highway, a state maintained right of way.

A 66 foot wide section line easement affects the north end of the subdivision. A 83 foot section line easement, common with a 30 foot right of way named Deuce Avenue extends to the east. This plat proposes will provide a right of way dedication on the north 33 foot to coincide with the section line easement and provide a continuation of Deuce Avenue.

To the southeast is a 60 foot wide dedicated right of way named Van Seventer Avenue. Deuce Avenue and Van Seventer Avenue are under KPB jurisdiction but neither are constructed at this time.

An additional 30 foot right of way is located in the northwest corner named Skippy Street which provides access from the subdivision to the Old Sterling Highway. Skippy Street it is not maintained. Per KPB GIS Imagery, there appears to be a driveway constructed within Skippy Street that provides access to the structures within proposed Lot 1.

Due to the design of the Old Sterling Highway and the existing development the block is irregular and not closed. Deuce Avenue and section line easements, Old Sterling Highway, Van Seventer Avenue, and additional section line easements define the block. Staff does not recommend a continuation of Van Seventer Avenue as the existing dedication is 60 feet wide and any dedication by this plat will result in an offset right of way. The property to the south is 400 acres in size and owned by the Kenai Peninsula Borough. If the borough divides the property or if a continuation is needed it can be granted by the KPB.

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

Site Investigation: There are low wet areas within the proposed subdivision. Kenai Watershed Forum wetland mapping shows that the entire subdivision is affected by ecosystems identified as wetland / upland complex or kettle. The preliminary plat depicts the approximate limits of the low wet area with a dotted line that shows both proposed lots will be affected. Plat note 4 addresses the need to contact the U.S. Army Corps of Engineers. The parent plat noted that a portion of the low wet areas was considered a lake. Aerial

imagery from 2016 appears to show standing water in that area. **Staff recommends** *If this is a year round waterbody indicate an approximate boundary and label.*

There appears to be several areas within the proposed subdivision with steep slopes. Areas include around the low wet areas and near the proposed dedication. Per KPB 20.30.090, it must be demonstrated that streets can be constructed in accordance with current borough road standards. Submittal of centerline profiles and cross-sections may be required to demonstrate compliant construction is feasible. **Staff recommendation** *depict any steep slopes greater than 20 percent and provide centerline profiles and cross-sections along the dedication to determine if additional easements are required.*

Floodplain Hazard Review	Not within flood hazard area. Portions of parcel are located within a D Zone, an Undetermined Flood Risk
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments
ADF&G	No objections.

Staff Analysis An existing shop and house will be located on Lot 1 as this action will separate them from the remainder of the property. The parent lot was created by Bluesky, HM 81-88, which was a subdivision of aliquot lands. The western boundary contains a small jog on the line due to the existing improvements on Tract A-1.

Both lots will be greater than 200,000 square feet, a soils analysis report is not required, and an engineer will not need to sign the final plat.

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 beneficial interest holders affect the property.

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

Utility Easements The parent plat, Bluesky HM 81-88, granted a 10 foot utility easement along the eastern lot line. This is depicted and labeled correctly. The parent plat also granted a 10 foot utility easement on each side of the existing powerline. The overhead powerline is depicted as well as the 20 foot easement with a label. **Staff recommends** *the label be expanded to say 20 foot utility easement centered on existing powerline as granted by HM 81-88 or a plat note be referenced and added giving the details.*

The certificate to plat shows a blanket easement granted to Homer Electric Association by book 49 pages 269 and 270. **Staff recommends** *a plat note be added, "A right of way easement granted to Homer Electric Association, Inc., and its assigns and/or successors in interest, to construct, operate and maintain an electric transmission and/or telephone distribution line or system by instrument recorded on June 4, 1968 in Book 49 and Pages 269 and 270, HRD. The location is not defined."*

The plat will be granting 15 foot utility easements along dedicated right of ways. **Staff recommends** *reword plat note 2, "The front 15 feet adjoining dedicated right of ways and 20 feet within 5 feet of side lot lines is a utility easement. No permanent..." Depict utility easements if scale will allow without interfering with other required information.*

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: 36633 Old Sterling Highway (will remain with Lot 1). Existing street names are correct. New dedication street name is correct and approved.
Code Compliance – Eric Ogren	No comment.
Planner – Bryan Taylor	There are not any local option zoning district issues or material site issues associated with this subdivision.
Assessing – Matt Bruns	No concerns from Assessing Department.
Advisory Planning Commission	Comments not received when the staff report was prepared.

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

STAFF RECOMMENDATIONS**CORRECTIONS / EDITS**

Staff recommends the depiction of the 20 foot building setback from all dedicated right of ways if it does not interfere with the legibility of the plat as described in KPB 20.30.240.

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:** Add the name of the subdivision, Bluesky and the plat number HM81-88. Verify the acreage and update accordingly.
- 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:** Label the Deuce Avenue dedication to the east of the subdivision and provide a width label. Verify the section line easement, depict, and label the easement to the north of the subdivision. Update the label for Van Seventer to include "Avenue". Depict and label the Old Sterling Highway located northwesterly of this subdivision.
- 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:** Depict the shoreline and label Cook Inlet.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils analysis report will not be required as both lots are greater than 200,000.

Staff recommendation: Correct the existing note to remove "or nominal 5 acres", comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.040. 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: *An acceptance will be required to be signed by a Borough Official.*

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: *Try to have all bearings and distances face the same direction on the plat. Additional lot breakdowns will need distances and bearings. Comply with 20.60.110.*

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.*

- *"No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."*
- *Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).*
- *Add a note for any exceptions granted.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Provide a Certificate of Acceptance for KPB to accept the right of way that is being dedicated with this plat. Add "Member" behind Mr. Shaffer's name on his signature line. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

KPB 20.30.170 – Blocks-Length requirements

Surveyor's Discussion:

Staff Discussion: The block is not closed and exceeds allowable limits. Old Sterling Highway, Deuce Avenue, Van Seventer Avenue and section line easements, define the block.

Skippy Street is a north-south right of way dedication located at the northwest corner of this subdivision. Due to the location of improvements, both on proposed Lot 1 and neighboring Tract A-1, a continuation of that

right of way to improve the block is not practical.

If the exception is denied a dedication will be required. **Staff recommends** that if the exception is denied a 60 foot wide dedication be granted adjoining the eastern boundary to connect Deuce Avenue and Van Seventer Avenue and provide any additional road back slope easements that may be required based on steep terrain.

Findings:

1. The block is not closed due to Van Seventer Avenue not being continued.
2. A dedication of Van Seventer Avenue with this plat will result in an offset right of way.
3. Lot 1 will contain an existing shop and house.
4. Due to the location of the existing shop and the structures on the neighboring lot, a dedication along the western boundary is not practical and difficult to obtain a full dedication.
5. Wetlands are present along the middle and eastern portion of the subdivision.
6. The lot south of the subdivision is a 400 acre parcel owned by the Kenai Peninsula Borough.
7. The large lot owned by the Kenai Peninsula Borough can provide a 60 foot wide continuation of Van Seventer Avenue if ever subdivided or prior to sale.
8. East of the subdivision is Lot 2A and 2D. Both have structures located along the eastern portions of their lots as the western areas contain low wet areas.
9. The lots to the east are large enough to be subdivided but due to existing structure placement and low wet areas future right of way dedications are not anticipated.
10. A dedication from Deuce Avenue to Van Seventer Avenue will improve the block by splitting the current block.
11. The proposed subdivision will not be within a compliant closed block even if a dedication is required.
12. The block length from Deuce Avenue to Van Seventer Avenue if a dedication is required will be approximately 1,340 feet.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 4-9 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 4-9 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 4-9 appear to support this standard.

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

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 Venuti moved seconded by Commissioner Morgan, to grant preliminary approval Bluesky Subdivision 2021 Addition based on staff recommendations and compliance with borough code.

AMENDMENT: Commissioner Venuti Moved, seconded by Commissioner Morgan to grant exception request to KPB 20.30.170-Block Length Requirements, citing findings 4-9 in support of standards one, two and three.

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

AMENDMENT PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Ecklund, Gillham, Morgan, Venuti		

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

MOTION AS AMENDED PASSED AS AMENDED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Ecklund, Gillham, Morgan, Venuti		

AGENDA ITEM E. NEW BUSINESS

ITEM 4 - Green Forest Subdivision Carew Addition

KPB File No.	2021-106
Plat Committee Meeting:	August 23, 2021
Applicant / Owner:	Maria Helen and Robert J. Carew of Nikiski, Alaska
Surveyor:	Dmitri D. Kimbrell / Finline Surveys, Inc
General Location:	Nikiski

Parent Parcel No.:	013-450-25, 013-450-26
Legal Description:	Lots 13 and 14, Green Forest Subdivision Plat KN 84-309
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Staff report given by Julie Hindman.

Specific Request / Scope of Subdivision: The proposed plat will combine two lots into one lot.

Legal Access (existing and proposed): The proposed subdivision is located on Pembroke Drive, a 60 foot right of way that is maintained by the Borough. Pembroke Drive intersects Koala Lane, a 60 foot right of way maintained by the Borough. Koala Lane is located off Halbouty Road, about 3,000 feet from the Halbouty Road intersection with Kenai Spur Highway. Halbouty Road and Kenai Spur Highway are both state maintained roads.

Additional access is available on the west boundary from Dudley Street by way of Wolding Avenue. Dudley Street is a 50 foot wide dedicated right of way that extends into the lake. Per KPB GIS imagery, Wolding Avenue and Dudley Street are not constructed.

The subdivision is located within a closed block. Wolding Avenue (and section line easements), Dudley Street, Koala Lane, and Pembroke Drive define the block. The block lengths do not comply with KPB Code. A freshwater pond is located on the southwestern portion of the subdivision. Due to the size of the northern lots, unless combined, receiving a matching dedication will be difficult. **Staff recommends the plat committee concur that an exception for block length is not required, as a dedication at this time would not improve the block.**

The parent plat, KN 84-309, granted a 20 foot pedestrian easement centered on the shared lot line between Lot 13 and Lot 12 and adjoining the south 20 feet of Lot 13. Lot 13 also has a 10 foot utility easement in conjunction with the pedestrian easement along the boundary line with Lot 12. **Staff recommends the pedestrian easement be labeled along the shared line along with the utility easement and add that the easements were granted by Plat 84-309. That may be done on the label or reference to a plat note with additional information.**

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

Site Investigation: Per KPB GIS data, there appears to be some areas of slopes greater than 20 percent. Some of the slopes are near the lake while some other steeper areas appear about midway through the lot.

The property does contain a portion of a lake. On the plat, this lake is labeled as Georgine Lake. Georgine Lake is a larger lake located to the south/southeast. Staff did not find reference to a name for the lake. **Staff recommends the lake label be revised either to the correct lake name or to "Lake" if there is no documentation to support name.**

There appears to be some low wet areas around the lake. **Staff recommends the low wet areas be depicted on the plat and a note be placed "Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable."**

Floodplain Hazard Review	Not within flood hazard area. No regulatory mapped floodplain areas intersect this parcel.
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments.
State Parks Review	No comments

Staff Analysis The owners have constructed their house on the lot line. The proposed plat will remove this lot line so that it does not intersect the residence. Per KPB 20.60.200(A), a field survey is not required and plat note 5 states a field survey is not being performed. Staff requests the plat note be reworded to include the reference to code. **Staff recommends that the legend be corrected to remove reference to found monuments, all distances, bearings, and monuments be designated as record information or computed data, and unless monuments have been pulled, the existing monuments should be shown on the former lot line.**

A soils analysis report and signature from an engineer are not required. Per KPB 20.40.020, the parent subdivision was approved by DEC and they are vacating a lot line. **Staff recommends the wastewater**

disposal note be updated to read, "The parent subdivision for lots resulting from this platting action was approved by the Alaska Department of Environmental Conservation on November 1, 1984. Wastewater..."

A comment was received from Larry Stearns. He had no concerns with the proposed plat but wanted to note that the lake was incorrectly labeled as Georgine Lake.

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

The property is not within an advisory planning commission.

The plat is affected by private covenants and are reference in plat note 3. **Staff recommends** a plat be note added that states, 'The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.'

Utility Easements The parent plat granted a 10 foot utility easement along the northern lot line of Lot 14 and the southern lot line of Lot 13. A 10 foot utility easement was also granted along the tangent portion of Pembroke Drive (originally named Sherwood Drive). Those easements of record are depicted. The easement along the southern lot line of Lot 13 is also a pedestrian easement. Per the parent plat, a utility easement was not granted along the bulb portion of Pembroke Drive. Per plat note 2, this plat will grant 10' utility easements adjoining all right of ways. **Staff recommends** the new easement be depicted along the bulb and revise the plat note identify the easement being granted by this plat.

An additional easement has been granted to HEA by recorded document. The approximate location is depicted with a reference to plat note 4. **Staff recommends** plat note 4 be revised to show it is Page 839 and was recorded on November 9, 1999.

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

Utility provider review:

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

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 51895 Pembroke Drive (will remain on Lot), 51875 Pembroke Drive (will be deleted). Existing street names listed are correct
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District issues or material site issues associated with this plat.
Assessing – Matt Bruns	No comments.

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

KPB 20.25.070 - Form and contents required.

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly

the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;

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

Staff recommendation: *Revise the lot numbers from lots 12 and 13 to lots 13 and 14. The certificate to plat shows Maria Helen Carew as owner. Correct the owner's name. Revise the spacing or layout of the title block as some of the text is on the plat borderline or outside the block.*

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

Staff recommendation: *Depict and label Dudley Street a 50' ROW on the west boundary of lot 13A.*

- 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 large lakes in the area can be depicted and shown on the vicinity map.*

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

Staff recommendation: *Add Dudley Street a 50' right of way located to the west of the subdivision. Add lot and subdivision labels to the west of Dudley Street and to the south where adjoining this proposed subdivision. The lots to the east are labeled as if the preliminary plat recorded, verify that KPB 2021-010 has recorded and the lot numbers match before recording this plat.*

KPB 20.30 Design Requirements

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

20.30.100. Cul-de-sacs.

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

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

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

Staff recommendation: *Dudley Street is dedicated through the lake. The lake creates a terminus to the right of way. As vehicular traffic cannot cross the lake a turnaround area is required to comply with code. An exception has been requested.*

20.30.120. Streets-Width requirements.

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

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

4. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoiners to the new half right-of-way will be sent a copy of the plat committee minutes and a sketch showing

the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.

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

Staff recommendation: *Dudley Street is only 50 feet wide and an additional 10 foot wide right of way dedication is required to comply with code. An exception has been requested.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Revise the plat note as DEC approved and signed the parent plat. A soils analysis report is not required.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

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

20.60.130. 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: *Provide a bolder or thicker line for the subdivision boundary.*

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 or revise existing notes.*

- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*
- *Update plat note 5. "No field survey performed or monuments set as allowed per KPB 20.60.200(A)."*
- *Add a plat note for any exceptions granted.*
- *Plat note 2 should be revised "The front 10 feet adjoining dedicated right-of-ways and 20 feet within 5 feet of the side lot lines is a utility easement. No..."*
- *If not included on the face of the plat a reference to a plat note number may be added that states, "Plat KN 84-309 granted a pedestrian easement and utility easements as shown."*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *comply with 20.60.190. Move Maria Helen Carew's name under her signature line.*

EXCEPTIONS REQUESTED:

- A. KPB 20.30.100 – Cul-de-sacs**
KPB 20.30.120 – Streets-Width requirements

Surveyor's Discussion:

Staff Discussion: The subdivision to the west, Wolding's Tracts KN 72-6, dedicated Dudley Street as a 50 foot wide right of way. Dudley Street dedication continues south through the freshwater lake. Per KPB Code the right of way width requirement is 60 feet.

As the lake creates a dead end for vehicular traffic, KPB code requires a turnaround area.

If this exception request is denied, this platting action will be required to dedicate a 10 foot wide right of way on the west boundary and dedicate a turnaround area on the south end of Dudley Street before the intersection with the lake. The turnaround area could be a portion of a cul-de-sac bulb or a T-type turn around.

Findings:

1. Wolding's Tracts, Plat KN 72-6, dedicated a 50 foot wide right of way for Dudley Street.
2. The Planning Commission did not discuss or request additional dedication at the August 13, 1984 meeting when Green Forest Subdivision, Plat 84-309, was approved. (It was heard as Clausen Subdivision and required a name change.)
3. The lots to the south of the lake were created with Georgine Lake Subdivision Addition No. 3, KN 79-136.
4. Georgine Lake Subdivision Addition No. 3 was approved at the June 4, 1979 Plat Committee meeting with no discussion about additional right of way width. (Was reviewed as Georgine Lake Subdivision Addn. No. 2).
5. The final plat for Georgine Lake Subdivision Addition No. 3 was approved at the June 13, 1979 Plat Committee meeting with no discussion regarding additional right of way width.
6. Wolding's Tract No. 3, Plat KN 2013-11, was heard at the November 26, 2012 Plat Committee meeting and received an exception for minimum right of way width.
7. Dudley Street is dedicated through low wet areas and through a lake.
8. The northern portion of Dudley Street is the only dedicated access to Tract 3A1 of Wolding's Tract No. 3.
9. Tract 2A1 Wolding's Tract No. 3 and Tract 4A Wolding's Tracts No. 2, and Tract 3A1 are all under the same ownership.
10. The owner of Tract 3A1 has constructed access from the south through his other properties.
11. Tract 3A1 is 8.53 acres and could be further subdivided.
12. If Tract 2A1 is subdivided it can provide a right of way dedication on the north boundary that would intersect with Dudley Street.
13. Dudley Street is not improved at this time.

Staff reviewed the exception request and based on findings recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 2, 9-12 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 2, 9-12 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

Findings 2, 9-12 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 Gillham moved seconded by Commissioner Morgan, to grant preliminary approval Green Forest subdivision Carew Addition based on staff recommendations and compliance with borough code.

AMENDMENT: Commissioner Gillham moved, seconded by Commissioner Morgan to grant exception request to KPB 20.30.100 - Cul-de-sacs and KPB 20.30.120 – Street Width Requirements, citing findings 2 & 9-12 in support of standards one, two and three.

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

AMENDMENT PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Ecklund, Gillham, Morgan, Venuti		

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

MOTION AS AMENDED PASSED AS AMENDED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Ecklund, Gillham, Morgan, Venuti		

F. PUBLIC COMMENT – None

G. ADJOURNMENT

Commissioner Morgan moved to adjourn the meeting 7:14 P.M.

Ann E. Shirnberg
Administrative Assistant