

Kenai Peninsula Borough

Plat Committee

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

September 13, 2021
5:30 p.m.
UNAPPROVED MINUTES

A. CALL TO ORDER

Commissioner Ecklund called the meeting to order at 6:44 p.m. The late start was due to technical difficulties.

B. ROLL CALL

Plat Committee Members/Alternates

Jeremy Brantley, Sterling
Cindy Ecklund, City of Seward
Robert Ruffner, Kasilof/Clam Gulch
Franco Venuti, City of Homer

Staff Present

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

MOTION: Commissioner Ruffner moved, seconded by Commissioner Brantley to appoint Commissioner Ecklund as chair for the 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	Brantley, Ecklund, Ruffner, Venuti		

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

*3. Minutes

a. August 23, 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 Ruffner moved seconded by Commissioner Brantley, to amend the agenda and move item E7-Collins Tustumena Subd. to after the grouped agenda under New Business and then approve the agenda as amended and the minutes from the August 23, 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	Brantley, Ecklund, Ruffner, Venuti		

E. NEW BUSINESS

GROUPED AGENDA

Staff Report given by Scott Huff.

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. – 3 Plats

5. Kuchta Estates Hansen Addition; KPB File 2021-119
Edge Survey & Design, LLC / Hansen & Biesiot-Hansen
Location: Kutcha Street & Lynx Avenue
Nikiski Area
6. Townsite of Kenai Kenaitze Courthouse Replat; KPB File 2021-118
Edge Survey & Design, LLC / Kenaitze Indian Tribe IRA
Location: Overland Mission Avenue & Upland Street
City of Kenai
8. East Cohoe Subdivision Hedger Replat; KPB File 2021-120
Segesser Surveys / Hedger
Location: Drake Drive & Auklet Avenue
Cohoe 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 **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 Ruffner moved seconded by Commissioner Brantley, to grant preliminary approval based on staff recommendations and compliance with borough code to, Kuchta Estates Hansen Addition, Townsite of Kenai Kenaitze Courthouse Replat and East Cohoe Subdivision Hedger Replat.

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	Brantley, Ecklund, Ruffner, Venuti		

ITEM 5 - KUCHTA ESTATES HANSEN ADDITION

KPB File No.	2021-119
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	Daniel Hansen and Hara MK Biesiot-Hansen of Kenai, Alaska
Surveyor:	Mark Aimonetti, Jason Young / Edge Survey and Design, LLC
General Location:	Nikiski
Parent Parcel No.:	013-370-05, 013-370-14, 013-370-15
Legal Description:	Lot 4 Block 4 Kuchta Estates Subdivision Part 1 KN 77-33 and Lots 4 and 5 Block 3 Kuchta Estates Subdivision Part 2 KN 77-189 and vacation of Kuchta Street
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine three lots and finalize a right of way vacation to create an 8.65 acre lot. The plat will also dedicate a 60 foot wide right of way on the north boundary and a 30 foot wide right of way on the east boundary.

Location and Legal Access (existing and proposed): This is located in the North Kenai / Nikiski area on Kuchta Street. Kuchta Street, a 60 foot right of way with the northern portion maintained by the borough, is located off Baun Drive. Baun Drive is located near mile 2.5 of state maintained Holt Lamplight Road.

Additional access is available from the Escape Route Road via Muskrat Street and Betty Warren Avenue/Lynx Avenue. Betty Warren Avenue/Lynx Avenue is an unconstructed east-west right of that is not constructed. Muskrat Street is a right of way that runs north-south and is not constructed south of Betty Warren Avenue/Lynx Avenue.

A petition has been received to vacate the portion of Kuchta Street between Lot 4 Block 3 and Lot 4 Block 4. The vacation has been scheduled to be reviewed by the Planning Commission on the September 13, 2021 meeting. Approval of the vacation will require the plat to be finalized within one year of vacation consent. The right of way currently has structures encroaching within the right of way. The proposed plat indicates the intention to dedicate two new right of ways. Biesiot Avenue, a 60 foot wide right of way that extends east at the end of the remaining portion of Kuchta Street. At the end of Biesiot Avenue, a proposed 30 foot wide dedication extending south will connect to the end of the Lynx Avenue dedication. Both of those streets will required name approval by the Kenai Peninsula Borough Addressing Officer.

Per staff records, a 33 foot section line easement is located south of Lynx Avenue that runs from the Muskrat Street dedication and to the east. A 50 foot section line easement is present to the east of the subdivision running east-west.

Lot 4 Block 4 is currently within a compliant and closed block. Lot 4 and 5 Block 3 are not within a closed block. The proposed vacation and dedication will result in the subdivision being within a compliant and closed block that will be defined by Muskrat Street, Baun Drive, Kuchta Street, the two newly dedication right of ways, and Lynx Avenue.

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

Site Investigation: The area is relatively flat and does not contain any low wet areas.

KPB River Center Review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments
	B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
	C. State Parks Reviewer: Russell, Pam Comments: No Comments

Staff Analysis Kuchta Estates Subdivision Part One, Plat KN 77-33, created Lot 4 Block 4 and dedicated the 30 foot western portion of Kuchta Street. A 5 foot utility easement was granted along Kuchta Street and Lynx Avenue. Kuchta Estates Subdivision Part Two, Plat KN 77-189, created Lot 4 and Lot 5 Block 3 and dedicated the 30 foot eastern portion of Kuchta Street. A 5 foot utility easement was granted along Lynx Avenue. Both of these subdivisions were subdivisions of government lots and an aliquot parcel of land.

The preliminary plat will combine three lots, and include the portion of the right of way vacation, into a single lot. Per KPB GIS imagery, there may be structures within the right of way that limits public use of the right of way. The owners are proposing to grant new right of ways along the northern and eastern boundary of their property to allow public access around their property that will connect to Lynx Avenue.

Per KPB 20.040.20(A), a soils analysis report is not required.

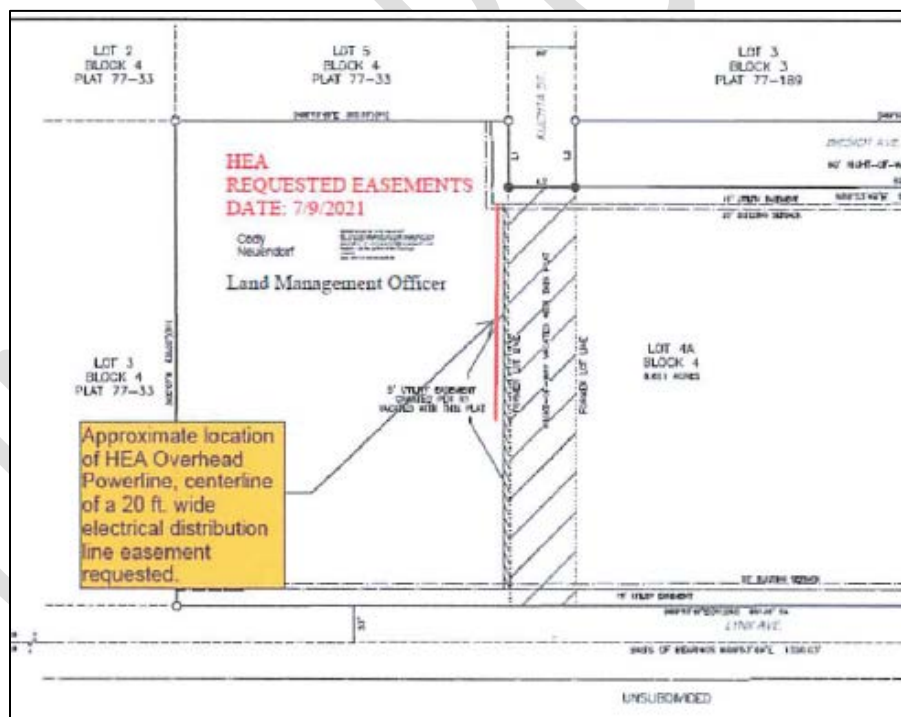
Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

An exception has been requested by the surveyor for 20.30.120 – Streets-Width requirements. Per 20.30.120(A)(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 be reasonably be expected to be dedicated in the future.” Due to the 40 acre lot to the east of the proposed 30 foot wide right of way dedication, it can be reasonably expected that any future subdivision of that lot will be required to dedicate the matching 30 foot dedication. Additionally, the proposed dedication does not need fulfill a requirement of continuation or will result in an offset intersection or roadway if a full width is not granted at this time. **Staff recommends the plat committee concur that the exception requested is not required and a 30 foot wide dedication complies with KPB platting standards.**

Utility Easements Lot 4 Block 4 has a 5 foot utility easement granted along Lynx Avenue and Kuchta Street. Lot 4 Block 3 had a 5 foot utility easement granted along Lynx Avenue but none along Kuchta Street. The proposed right of way vacation of Kuchta Street included the associated utility easements, the 5 foot easement from plat KN 77-33.

The plat is proposing to grant 15 foot utility easements along all dedicated right of ways. Homer Electric Association reviewed the right of way vacation petition and stated that an existing distribution line runs along or within the Kuchta Street right of way. They have requested a 20 foot utility easement centered on the line. Per plat note 3 the preliminary plat will be granting that easement.



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	Approximate location of HEA overhead powerline, centerline of a 20 foot wide electrical distribution line easement requested.
ENSTAR	Approved as shown.

ACS	No objections.
GCI	No objection.

KPB department / agency review:

Addressing – Derek Haws	<p>Reviewer: Derek Haws</p> <p>Affected Addresses: 47071 KUCHTA ST 47050 KUCHTA ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: KUCHTA ST LYNX AVE</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names: BIESIOT AVE</p> <p>List of Street Names Denied: CARIBOU RUN is denied because CARIBOU is on the prohibited names list.</p> <p>Comments: 47071 KUCHTA ST will be deleted 47050 KUCHTA ST will remain with new Lot 4A CARIBOU RUN is denied, please contact dhaws@kpb.us for any questions regarding street naming.</p>
Code Compliance – Eric Ogren	<p>Reviewer: Hindman, Julie</p> <p>Comments: Code Compliance review not available</p>
Planner – Bryan Taylor	<p>Reviewer: Taylor, Bryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing – Matt Bruns	<p>Reviewer: Bruns, Matthew</p> <p>Comments: No concerns from Assessing Dept.</p>
Advisory Planning Commission	

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:

- Adjust the wording to be "AND PORTION OF KUCHTA STREET RIGHT OF WAY VACATION AND ASSOCIATED UTILITY EASEMENTS".

- Correct the owner's last name to "Biesiot-Hansen"
- 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: Update the label to read "Escape Route Road".
- 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: Names will require approval by the Addressing Officer.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Staff recommendation: The combining of lots will resolve current encroachment issues.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Per KPB 20.40.020(A), a soils analysis report is not required as the lot sizes are increasing.

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.

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

Staff recommendation: The acceptance will need to be updated for the correct street names.

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.

Staff recommendation: A distance should be added for the tie to monument "1". 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:

Update plat note 2, "Plats KN 77-33 and KN 77-189 granted 5 foot utility easement along Lynx Avenue. Per this plat the front 15 feet adjacent to dedicated rights-of-way is a utility easement. No permanent structure shall be..."

Please remove plat note 4 as the exception is not required.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *The street names are not required to be listed within the Certificate of Ownership and Dedication but if they are left they names must be updated to approved names. Update the owner's last name to Biesiot-Hansen on the signature line and within the notary acknowledgment. Adjust the location of "Kenai Peninsula Borough" in the Plat Approval. comply with 20.60.190.*

KPB 20.70 – Vacation Requirements

Staff recommendation. *Must be finalized within one year of consent.*

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 6 – TOWNSITE OF KENAI KENAITZE COURTHOUSE REPLAT

KPB File No.	2021-118
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	Kenaitze Indian Tribe IRA of Kenai, Alaska
Surveyor:	Mark Aimonetti, Jason Young / Edge Survey and Design, LLC
General Location:	City of Kenai

Parent Parcel No.:	047-071-07, 047-071-08, 047-071-09, 047-071-35
Legal Description:	Tract B Block 5 of Townsite of Kenai 2021 Kenaitze Replat, Plat KN 2021-18, a portion of Lot 4 Block 5 and all of Lot 5 Block 5 of Original Townsite of Kenai, U.S. Survey 2970.
Assessing Use:	General Commercial
Zoning:	Townsite Historic District
Water / Wastewater	City

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine four parcels into one 5 acre tract and finalize the vacation of multiple utility easements.

Location and Legal Access (existing and proposed): The proposed subdivision is located in the City of Kenai in the area considered Old Town Kenai. The roads in the area vary in width and do not meet minimum width standards. The subdivision will create one large lot with access from Overland Avenue, Mission Avenue, and Upland Street.

The block is closed and compliant in length.

Per KPB Code 20.30.120, minimum right of way width is 60 feet. The right of way dedications in this area vary from 30 feet to 50 feet in width. The right of ways are all constructed and maintained by the City of Kenai. The City of Kenai approved the preliminary plat at their August 11, 2021 meeting. There was no request for additional right of way width. The City of Kenai does have multiple 5 foot street easements around portions of the subdivision that provide additional width if needed. This subdivision is zoned by the City of Kenai as Townsite Historic District. The Kenai Peninsula Borough Comprehensive Plan can support allowing non-compliant right of way widths as the current design supports historic preservation and helps maintain the character of the historic district. ***Staff recommends the plat committee concur that an exception is not required and no additional right of way dedications required unless requested by the City of Kenai.***

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

Site Investigation: The area is relatively flat and does not contain any low wet areas.

River Center Review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Soldotna/Kenai Comments: No comments
	B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
	C. State Parks Reviewer: Russell, Pam Comments: No Comments

Staff Analysis The proposed subdivision is made of parcels originally created with U.S. Survey 2970, Townsite of Kenai. The lots within this block have been combined and right of ways have been vacated over multiple platting actions. The result is one large tract and seven smaller lots. Kenaitze Indian Tribe owns all but two of the lots within the block. This plat will combine four of their lots with the large tract. Lot 4 is only a portion of the lot as a portion was deeded off and is already combined with the tract. Lot 5 has been split as well resulting in two separate parcels. They will both be included in the new tract.

Per the City of Kenai staff report, the Kenaitze Indian Tribe wishes to renovate and expand their tribal court building. The proposed expansion will not meet the City of Kenai's current setback requirements. The combining of lots will allow the expansion to be compliant with zoning codes.

The City of Kenai heard and approved the preliminary plat at their August 11, 2021 meeting subject to the following.

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The Kenai City Council must declare that the portion of the ten-foot utility easement to be vacated is not needed for a public purpose and approve the vacation of the utility easement as shown on the preliminary plat.
3. Prior to issuance of a building permit, a Landscape/Site plan must be submitted to the City of Kenai for review and approval.

Per the City of Kenai Planning and Zoning Commission Resolution 2021-31, the buildings located on the proposed lot are connected to City water and sewer services and an installation agreement is not required. A soils report will not be required.

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

Utility Easements A petition to vacate multiple utility easements has been received and is scheduled to be reviewed by the Planning Commission at the September 13, 2021 meeting. If the vacation is approved by the KPB Planning Commission, per municipal code, the application will be sent to the City of Kenai council for their consent or veto. If the vacation is denied, or vetoed, the plat will be required to correctly depict utility easements of record.

The parent plats granted 10 foot utility easements adjoining sections of the dedicated right of ways but not all right of ways. The proposed plat will grant 10 foot utility easements along all right of ways.

Plat KN 2012-11 granted utility easements along the property lines in the southwest corner. The northern portion of the 10 foot utility easement adjoining the former lot line is requested to be vacated. When the easement extends to the southeast the width varies. Per KN 2012-11 a 20 foot utility easement was granted centered on the existing utility line. The plat only had the authority to grant the easement within the subdivision boundary. Staff did not find any record of the remaining 20 foot width being granted within Lot 5 Block 5. **Staff recommends** the depiction of the portion being vacated be corrected to match what was actually granted. **Staff recommends** this platting action grant the remaining width for the 20 foot wide utility easement that extends from Mission Avenue.

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

Utility provider review:

HEA	
ENSTAR	No comments or objections.
ACS	ACS has no objections to the vacation of the interior lot line. However, records indicate we have fiber optic and/or copper cables for current/future service in the PUEs proposed for abandonment, and would object to their removal.
GCI	Approved as shown.

KPB department / agency review:

Addressing – Derek Haws	<p>Affected Addresses: 1010 MISSION AVE 509 OVERLAND AVE 513 OVERLAND AVE 508 UPLAND ST 510 UPLAND ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: OVERLAND AVE MISSION AVE COOK AVE</p>
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	UPLAND ST HIGHLAND AVE Comments: CITY OF KENAI WILL ADVISE ON AFFECTED ADDRESSES.
Code Compliance – Eric Ogren	Reviewer: Hindman, Julie Comments: Code Compliance review not available
Planner – Bryan Taylor	There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required
Assessing – Matt Bruns	No concerns from Assessing Dept.
ADF&G	No objections.

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:

- *Update the description for Lot 4 and 5 to read "Lot 5 Block 5 and portion of Lot 4 Block 5 Original Townsite of Kenai U.S. Survey 2970 A and B.*
- *Correct the spelling of Kenaitze for the ownership information.*

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

Staff recommendation: *Provide a label for the Kenai River. Adjust the labels for the sections so they stand out more (bolder, halo, etc.)*

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:

- *The plat information east of Upland Street should be made clear to which lots the label applies. 2970 is for Lot 5 and Lot 6 while 83-99 is for Lot 1 and Tract D.*
- *Remove "Block 4" from the US Survey lot located to the northwest.*
- *Remove Block labels from Lot 192-A3 and Lot 16B.*

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:*

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards

in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

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

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: City water and sewer. An installation agreement is not required as buildings are already connected.

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.*

20.60.180. 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:

Remove the word “also” from plat note 4.

Plat note 9 states the location is not defined but the easement is depicted on the plat. The label on the plat can be reworded to refer to Plat Note 9 and then remove “location not defined” from the note.

Note 8 should have “A” removed from the beginning.

Note 10 should make “easements” in the singular.

KPB 20.70 – Vacation Requirements

Staff recommendation. *If the utility easement vacations will be finalized by the plat, it must be finalized within one year of vacation consent.*

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 8 – EAST COHOE SUBDIVISION HEDGER REPLAT

KPB File No.	2021-120
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	Dale Hedger of Kasilof, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Cohoe

Parent Parcel No.:	133-073-02, 133-073-03
Legal Description:	Lots 2 and 3 of East Cohoe Subdivision, KN 84-238
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two lots to create one 2.8 acre lot.

Location and Legal Access (existing and proposed): The subdivision is located in the Cohoe area on constructed and borough maintained Drake Drive. Drake Drive is a 60 foot wide right of way located off Auklet Avenue near mile 13 of Cohoe Loop Road. Auklet Avenue dedications coincide with 66 foot section line easement.

The subdivision is located within an open block. A 106 acre parcel is located to the west. Drake Drive was designed with the ability to continue to the west. If the large acreage tract to the west is subdivided, additional dedications to improve the block will be required. ***Staff recommends the plat committee concur that an exception for KPB 20.30.170 block length is not required, as any dedications within this subdivision would not improve the block length.***

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	No comment, not on the state road system

Site Investigation: The land within the subdivision is relatively flat and there are no low wet areas present.

Floodplain Hazard Review	Not within flood hazard area, no comments
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments
SOA Fish and Game	No objections. Public access to public lands and waters will not be affected.

Staff Analysis East Cohoe Subdivision, Plat KN 84-238, created lots 2 and 3. The parent plat subdivided 40 acres and provided several right of way dedications within the subdivision. The proposed plat is removing a shared lot line between the two lots to create one 2.79 acre lot. Plat note 1 states a field survey will not be performed as allowed under 20.60.200(A). All information presented will be from record data. ***Staff recommends all record information from Plat KN 84-238 should be shown within parenthesis or a plat note that all information is from the parent plat. Any additional record source shall be noted and marked accordingly on the plat and any computed data shall be noted as such.***

A soils report will not be required as the available wastewater area is increasing. The wastewater disposal note is worded correctly to comply with code and refers to the parent plat that received Department of Conservation approval.

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

The property is not within an advisory planning commission.

Utility Easements The parent plat granted the full 20 foot setback as a utility easement. The plat correctly depicts, labels, and notes the existing utility easements. Additional easements have been granted to Homer Electric Association by recorded documents and the information for those easements is within plat note 5.

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

Utility provider review:

HEA	
ENSTAR	No comments or objections
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 24035 Drake Drive (will remain with Lot 2A) Street names listed are correct. No new street names needed.
Code Compliance – Eric Ogren	Code Compliance review not available
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

Staff recommends the survey marker symbols used on the face of the plat should match in size to the symbols used within the legend.

KPB 20.25.070 - Form and contents required

- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
Staff recommendation: *Include a depiction and label to the west for the northern section line easement.*
- 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: *Update the label for Kalifornsky Beach Road. It is either cut off or misspelled.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Per KPB 20.40.020(A), a wastewater review will not be required. The correct plat note is present.

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.

20.60.180. 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:

- Update the code reference within plat note 4 to KPB 20.60.170.

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 7 – COLLINS – TUSTUMENA SUBDIVISION**

KPB File No.	2021-116
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	David and Sherry Collins of Kasilof, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Cohoe

Parent Parcel No.:	137-321-28
Legal Description:	NE1/4 NE1/4 of Section 7, Township 2 North, Range 11 West, SM
Assessing Use:	Residential

Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 40 acres aliquot parcel into three tracts and dedicate multiple right of ways.

Location and Legal Access (existing and proposed): The subdivision is located along Tustumena Lake Road, a 100 foot wide state maintained right of way. Tustumena Lake Road is located off Johnson Lake Road near mile 110 of the Sterling Highway. Tustumena Lake Road continues south and ends at the Kasilof River at the Tustumena Lake Access boat launch. There are multiple legal access points from various right of ways that connect to Tustumena Lake Road, Johnson Lake Road, and Crooked Creed Road.

The state patent in 1984 stated the property was subject to Tustumena Lake Road. This was reserved as a 100 foot wide road, 50 feet each side of centerline. This plat will be dedicating Tustumena Lake Road within the parcel's boundary.

Tustumena Lake Road affects the northern and eastern boundary of the subdivision. Along the eastern portion of the subdivision, a 50 foot wide dedication for Tustumena Lake Road is proposed. That dedication coincides with a 50 foot section line easement. Along the northern boundary, a 50 foot section line easement is present. It is depicted on the plat. Tustumena Lake Road is to the north of the section line easement and outside the boundary of the subdivision. No dedication is proposed along the north.

A new 30 foot wide right of way dedication is proposed along the western boundary. The name proposed is Coyote Street. The KPB Addressing Officer has denied that road name. A new name that is approved by the Addressing Officer will be required. Along the southern boundary of the subdivision, a proposed 30 foot dedication is proposed. The street name of Eastwind Avenue has been approved.

Within the northeast corner of the subdivision are two KPB right of way dedications that are the continuation of existing right of ways Lichen Street and Fisler Avenue. A 50 foot wide section line easement underlies both right of way dedications. The dedications of Lichen Street and Fisler Avenue will create a small remnant triangle parcel.

The proposed right of way dedications will create a compliant and closed block around Tract C and Tract B. The block length around Tract A is less than 300 feet and does not comply with KPB block length. **Staff recommends** that the plat committee concur that an exception request for the block length around Tract A is not required as all the right of ways currently exist and cannot be altered with this platting action.

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	The ROW for Tustumena Lake Road appears to be 100' as shown on KPB Plat 28-26 and appears to be shown correctly. I would request some additional curve data for the ROW be listed on the plat.
SOA Fish and Game comments	No objections. Public access to public lands and waters will not be affected.

Site Investigation: The plat depicts areas with slopes greater than 25 percent with shading. Some portions of the proposed Tustumena Lake Road dedication along the east contain steep slopes. The ROW dedication and section line easements provide 100 foot wide right of ways. As this right of way is already constructed, maintained by the State, and the review by the State did not request additional right of way, staff is not recommending any additional easements.

Along the proposed dedication of Eastwind Avenue there contains areas with steep slopes. Per KPB Code 20.30.090, the slopes should not exceed 6 percent on arterial streets, 10 percent on other streets, or 4 percent within 130 feet of any centerline intersection. **Staff recommends** submittal of centerline profiles and cross-sections to determine if additional easements may be required and if so, provide the additional right of way or road maintenance and back slope easements on the final plat.

The southwest portion of the subdivision is affected by low wet areas. These are depicted on the plat. The presence of the wetlands within the proposed dedications may cause additional cost or planning in the construction of the right of ways.

The preliminary plat depicts the location of an airstrip that will be within Tract C. The borough does not have any regulations for airstrips. The depiction of the airstrip is not required on the final. If the airstrip is depicted it should be noted if it is an approximate location. In addition the airstrip is not allowed with KPB right of ways. The depiction cannot be shown within the dedication. **Staff recommends** if the depiction of the airstrip remains on the final plat to update the depiction of the airstrip to not be within the Eastwind Avenue right of way.

Floodplain Hazard Review	Not within flood hazard area, no comments
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments

Staff Analysis The proposed subdivision will create three tracts from a 40 acre aliquot parcel. The parent parcel is subject to Tustumena Lake Road per the state patent.

The portion of the subdivision located south/west of Tustumena Lake Road will be two large acreage tracts. Tract B is proposed to be 4.7 acres and Tract C will be 30.4 acres. The plat depicts existing structures, driveway, and an airstrip. The driveway appears to be a shared driveway between the two houses. **Staff recommends** if the depiction of the driveway and airstrip remain on the plat, a different line style be selected that is different from the new lot line style.

If the driveway will continue to be a shared drive, staff strongly encourages a driveway easement be put in place when ownership changes to protect all parties.

Tract A is the remaining 'remnant lot' after right of way dedications occur. The proposed lot size is 11,057 square feet. It will be a triangle lot with right of way along all three sides. The lot is also subject to 50 foot section line easements along the north and east.

A soils report is required for Tract A unless the plat committee determines the lot falls under KPB 20.40.080. A soils report is not required for Tract B and C and the correct wastewater note is in place.

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 No platted utility easements exist on this parcel. There are two easements granted by document to Homer Electric Association. The documents disclose the location of the easements. **Staff recommends** the location of the easements be depicted on the plat with a reference either to the document or to a plat note that explains the easements and lists the source.

The plat is proposing to grant in accordance with KPB Code, 10 foot utility easements adjoining all dedicated right of ways. **Staff recommends** the utility easements be depicted on the plat and plat note 1 be adjusted to reflect current code.

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

Utility provider review:

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

KPB department / agency review:

Addressing – Derek Haws	Affected addresses: 20969 Tustumena Lake Road (Address will be deleted and new addresses assigned). Existing street names listed are correct. Eastwind Avenue is approved. Coyote Street is denied. A new name should be chosen.
Code Compliance – Eric Ogren	Code compliance review not available
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.**

- 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: Not required but the Township label within Section 7 can be removed as it is included in Section 1.
- 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: Lot 4 and 5 of Highlander Hills was replatted. Update the labels to Lot 1B and 1C Highlander Hills Sub Fraser Replat.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments:

The preliminary plat contains two wastewater disposal notes. The first note is correct and applies to Tracts B and C. The note for Tract A is referring to 20.40.080 and states no wastewater will be generated on the lot. The surveyor believes this lot falls under this section of code due to the undevelopable size of the lot.

20.40.080. - Subdivisions with no wastewater disposal.

A. This section applies to subdivisions where no wastewater will be generated or disposed, and the land use cannot produce wastewater.

B. Before a final plat is filed for subdivision, the surveyor must complete the following plat note which shall be placed on the plat:

WASTEWATER DISPOSAL: *Conditions might not be suitable for onsite wastewater treatment and disposal systems. No wastewater will be generated or disposed of on these lots as of the date of this plat. If circumstances change to allow lawful onsite wastewater treatment and disposal systems, those systems must meet the wastewater disposal requirements of KPB Chapter 20.40 and regulatory requirements of the Alaska Department of Environmental Conservation.*

Staff Discussion: *A soils analysis report is required for Tract A unless it meets the requirements of 20.40.080 -Subdivision with no wastewater disposal.*

Tract A will qualify to be exempt from soils analysis if the Plat Committee determines Tract A meets the requirements of 20.40.080. Subdivisions with no wastewater disposal are not common and typically apply to burial plots, cemeteries, remnant parcels, or conservations parcels.

The aliquot parcel is subject to Tustumena Lake Road per the State Patent. This plat will dedicate the 100 foot right of way centered on the existing travel way of Tustumena Lake Road. The parcel is also subject to 50 foot section line easements along the north and east.

The plat is proposing to dedicate 50 foot right of ways atop those section line easements. The right of way dedication for Lichen Street can be reduced to 10 feet and Fisler Avenue can be reduced to 30 feet while still meeting the minimum right of way width requirements. This will increase Tract A to approximately 25,000 sq. ft.

Findings:

1. *Tract A is proposed to be 11,057 square feet.*
2. *Tract A is subject to a 50 foot section line easement on the north and east boundary.*
3. *Right of ways will border the property on three sides.*
4. *The dedication of the right of ways are in compliance with KPB Code.*
5. *The design of the lot limits the useable area for improvements.*
6. *The tract is subject to 20 foot building setbacks on right of ways.*
7. *Per KPB Code, well casings, vent pipes are allowable within the setback.*
8. *The wastewater disposal note states no wastewater disposal systems are allowed.*
9. *All wastewater disposal systems must be approved by the State of Alaska DEC.*
10. *The dedication of Lichen Street can be reduced to 10 feet and Fisler Avenue can be reduced to 30 feet while still meeting the 60 foot minimum right of way width requirement.*
11. *Tract A can be increased in size to approximately 25,000 sq. ft. if the proposed right of ways are reduced.*

Staff recommends the Plat Committee make a motion to determine if Tract A meets the requirements of KPB 20.40.080 – Subdivisions with no wastewater disposal.

Findings 2-4, 6, 7, 10, and 11 support Tract A being reviewed per 20.40.080.

If approved, Staff recommends that the right of way dedications be 10 feet for Lichen Street and 30 feet for Fisler Avenue so that both right of ways are a minimum of 60 feet in width.

KPB Code 20.30.200 – Lots-Minimum size, determines the minimum lot sizes acceptable based on the type of wastewater disposal system that will be used. If the Plat Committee determines Tract A complies with KPB 20.40.080, the small lot size will be acceptable as no wastewater will be on site.

If approved the plat note must be revised to match the note found in KPB Code 20.40.080.

Failure to prove to the Committee that 20.40.080 is met will result in the requirement of a soils analysis report and the signature of an engineer on the final plat.

The surveyor has noted that if the Plat Committee fails to determine this meets the requirements of KPB 20.40.080, he would like to request an exception for wastewater review, 20.40, and for lots-minimum size, KPB 20.30.200. Below are the exceptions requested if it is determined that this plat does not fall under KPB 20.40.080.

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: *Acceptance certificates for the State of Alaska and Kenai Peninsula Borough are required.*

20.60.180. Plat notes.

G. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

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

Staff recommendation: Place the following notes on the plat.

- No 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 plat note for any exceptions granted.
- Provide a plat note for recorded easements granted to Homer Electric Association.
- 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.

Revise plat note 1, "The front 10 feet adjacent to right of ways and 20 feet within 5 feet of the side lot lines are granted by this plat as utility easements."

EXCEPTIONS REQUESTED:

KPB 20.30.200 – Lots-Minimum Size (Tract A) and **KPB 20.40.100 – Soils analysis and report** (Tract A)

Surveyor's Discussion: I am requesting an exception to minimum lot size for Tract A due to how required ROW dedications results in the small lot size. With the small lot size no development is planned for the lot and no wastewater will be generated on the lot. I am requesting an exception to wastewater review for Tract A due to the undevelopable size.

Staff Discussion: Staff has combined the exceptions requested as they pertain to the same issue.

The parent parcel is subject to Tustumena Lake Road. This plat will be dedicating right of way atop the existing right of way. This is creating two portions of this subdivision, a large acreage area to be subdivided into two tract on the south/west side of Tustumena Lake Road, and a small triangle tract located north/east of Tustumena Lake Road.

The plat is proposing to dedicate right of way atop existing section line easements, provide continuation of existing right of ways, and provide dedications to improve block lengths. The existing right of ways create a substandard size lot for Tract A. When the building setbacks and utility easements are figured into the area, the area within the lot diminishes greatly.

Approval of the exceptions will require a plat note be added and for the wastewater disposal note for Tract A to be reworded.

Staff would like to note that if the exception is granted there are still some alternatives that could be allowable per KPB Code.

- Work with the State of Alaska to determine if either the northern or eastern section line easement could be vacated or the right of way associated to require one of the dedications in addition to Tustumena Lake Road.
- Per KPB Code, the right of way dedication is only required to be 30 feet wide. The dedication width could be reduced along the north and east. The property would still be subject to the 50 foot section line easements but the width of that would coincide with the 20 foot building setback thus allowing

more usable square footage.

- Continue with the final plat as submitted and reviewed by the plat committee.
- Dedicate the entire Tract A as right of way.

Denial of the exceptions will require a soils analysis report for Tract A.

Findings:

1. Tract A is proposed to be 11,057 square feet.
2. Tract A is subject to a 50 foot section line easement on the north and east boundary.
3. Right of ways will border the property on three sides.
4. The dedication of the right of ways are in compliance with KPB Code.
5. The design of the lot limits the useable area for improvements.
6. The tract is subject to 20 foot building setbacks on right of ways.
7. Per KPB Code, well casings, vent pipes are allowable within the setback.
8. The wastewater disposal note states no wastewater disposal systems are allowed.
9. All wastewater disposal systems must be approved by the State of Alaska DEC.
10. The dedication of Lichen Street can be reduced to 10 feet and Fisler Avenue can be reduced to 30 feet while still meeting the 60 foot minimum right of way width requirement.
11. Tract A can be increased in size to approximately 25,000 sq. ft. if the proposed right of ways are reduced.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 2-4, 6, 7, 10, 11 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 2-4, 6, 7, 10, 11 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 2-4, 6, 7, 10, 11 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

AND

- **COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.**

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

Chair Ecklund opened the meeting for public comment.

Jerry Johnson, Johnson Surveys; PO Box 27, Clam Gulch, AK 99568: Mr. Johnson was the surveyor on this project. He noted it was the landowner's preference to go with a note on the plat. The landowner does not see anyone really developing this property even if the lot becomes a little bigger. The landowners do not want to have to do a soils test.

Rebecca Hinsberger; POB 440, Kasilof, AK 99610: Ms. Hinsberger has property contiguous with the small triangle lot on the proposed plat. This small triangle piece of property has always been a part of the larger lot across the road. It has been too small for them to really do anything with. She is concerned that now with this small triangle property being subdivided off of the larger lots someone will try and develop it. While this lot might be too small for a house, there are other types of development that could occur. For instance a cell tower, tool shed or the state or borough might want to use it to improve the intersection of Lichen and Fisler streets. If there is any type of development on this lot it would be a huge impact on her property. This small lot is full of trees and provides a nice noise and visibility buffer between her property and the highway. She noted the borough owns a large 40 acre parcel across Fisler Ave. from her property. She believes this property would be very difficult to develop due to the topography and doubts that Fisler Ave. could be built to use as access. She thought the borough might want this triangle piece of land to use to create an access to their property. Should this triangle lot ever become available for purchase, she could see herself and the state/borough competing for it. She would buy it to keep her buffer. She is not in favor of allowing this small lot to be created.

Maxine Cloutre; POB 356, Kasilof, AK 99610: Ms. Cloutre owns property adjacent to this small triangle lot. She would not want to see this parcel have any type of development on it. It provides a nice buffer for her property. It really is not big enough to develop anything on. She would be concerned that someone would try. She has lived in this area for 40 years and would really hate to see any additional roads developed near her property. Development of this small area would have a negative impact on her property. Hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Ruffner moved seconded by Commissioner Brantley, to grant preliminary approval Collins Tustumena Subdivision based on staff recommendations and compliance with borough code.

Commissioner Ecklund asked staff if it was possible for Tract A to stay with either Tract B or C. Mr. Huff stated that is not really an option. He noted both the State & Borough like to obtain fee simple dedications on their land whenever they can. Tustumena Road is a state road and both Fisler and Lichen are borough owned roads, both government prefer dedications as opposed to easements. There is an easement that runs along one side of this small lot which will be dedicated as public right-of-way on this plat. This plat is just showing right-of-way dedications over the top of already existing public access easements.

AMENDMENT MOTION: Commissioner Ruffner moved, seconded by Commissioner Brantley, that Tract A meets the requirements of KPB 20.40.080 – Subdivision with no Wastewater Disposal, citing findings 2-4, 6, 7, 10 & 11.

Commissioner Ruffner stated he understands the public testifiers do not want to see this subdivision leave Tract A out there because they are concerned it could be developed in the future. He wanted the testifiers to understand the commission does not have the authority to tell the landowner that they cannot subdivide their land in this manner. He then asked staff if they approve the exception stating Tract A meets the requirements for a subdivision with no wastewater disposal, will a note be attached to the plat stating that? Mr. Huff replied yes there will be a plat note stating that Tract A is a remnant parcel and no wastewater is allowed on that tract. Commissioner Ruffner informed the testifiers if this exception is approved; and they saw some development on this lot such as a house, which would require water, they would know it would not be allowed and could report it. Commissioner Ruffner then stated he would be supporting this exception request.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

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

MOTION AS AMENDED PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

AGENDA ITEM E. NEW BUSINESS

ITEM 1 – PIPER’S HAVEN UNIT 3 2021 REPLAT

KPB File No.	2021-115
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	David and Jessica Talbot, Baxter Poe and Megan Tashash, all of Anchor Point, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Happy Valley / Anchor Point APC
Parent Parcel No.:	159-201-03, 159-204-04
Legal Description:	Lots 3 and 4 Piper’s Haven Unit 3, Plat HM 98-9
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will adjust a lot line between two lots to accommodate a structure crossing the existing lot line. Proposed Lot 4A will increase from 10.8 acres to 10.9 acres. Proposed Lot 3A will reduce in size from 11.2 acres to 11.1 acres.

Location and Legal Access (existing and proposed): This subdivision is located in the Happy Valley area. Cloyds Road, a 60 foot wide right of way that is improved but not KPB maintained, fronts the western boundary. Cloyds Road is located off Resch Avenue, a partially dedicated right of way that is constructed but not maintained. Resch Avenue is located south of mile 147 of state maintained Sterling Highway.

Section line easements exist along the eastern boundary of the subdivision. The easements are depicted and are 50 feet wide for a full width of 100 feet. **Staff recommends the label be revised to depict that the entire width is 100 feet or show that there are two easements 50 feet wide on either side of the section line as this subdivision is only subject to 50 feet easements within its boundary.**

The block is closed but not compliant. An exception to block length has been requested.

KPB Roads Dept. comments	Within jurisdiction, no comments
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SOA DOT comments	No comments.
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Site Investigation: The plat contains Stariski Creek and the associated large areas of wetlands. Stariski Creek is an anadromous water and affected by a habit protection district. Steep slopes appear to be present along the western edge of the wetlands. Stariski Creek and the associated wetlands are depicted on the plat. If the location of Stariski Creek is approximate it should be labeled as such. **Staff recommends** steep slopes be depicted, the source data for the location of Stariski Creek be noted, and add the following plat notes

- Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.
- ANADROMOUS 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.
- FLOOD HAZARD NOTICE: Some or all of the property shown on this plat has been designated by FEMA 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. Map Panel 02122C-1840E.

Floodplain Hazard Review	Is in flood hazard area. Flood Zone D. Map Panel: 02122C-1840E. In not within a floodway
Anadromous Waters Habitat Protection District Review	Is totally or partially within HPD.
State Parks Review	No comments.

Staff Analysis The lots within the preliminary plat were created by Piper's Haven Unit 3, Plat HM 98-9, a subdivision of aliquot lands. The proposed plat will adjust a lot line between lots 3 and 4. The plat will result in 0.11 acres (4,791 sq. ft.) being removed from the Lot 3 and added to Lot 4. Per the Certificate to Plat there was an as-built done on June 20, 2021 that depicted an encroachment onto Lot 3. A copy of the as-built was not provided. The adjustment of the common lot line will resolve the encroachment. Per the Certificate to Plat, the encroachment is also within the utility easement. A petition to vacate has not been submitted and this platting action will not correct the encroachment into the easement if it exists. **Staff recommends** if the utility easement is not vacated a plat note should be added, "Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments."

The certificate to plat shows an easement for the watercourse known as Stariski Creek. **Staff recommends** the surveyor determine if an easement is in existence, if one is found it should be noted what type and depiction should be included on the plat. If the easement is not found, the surveyor should work with the title company to determine if it should show on the title report.

Both lots currently have structures in place and the lots are greater than 200,000 square feet. A soils analysis report was not prepared for the parent plat. The majority of the lots are wetlands but it does appear that the western portion of the lots contain more than 20,000 contiguous square feet for wastewater installation. **Staff recommends** the surveyor provide staff information regarding the usable area on the lots for wastewater disposal, and current systems and any replacement systems will meet all required separation distances.

A soils report will not be required unless the surveyor is unable to provide information as requested above. The plat note should include the wording as found in 20.40.030.

Notice of the proposed plat was mailed to the beneficial interest holders on August 12, 2021. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

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

Utility Easements The parent plat granted 10 foot utility easements and 20 feet within 5 feet of the side lot lines where adjoining the right of way. Those easements are being carried over and should be depicted on the plat. The plat note should also be updated to indicate the parent plat (HM 98-9) granted the easements.

The parent plat also granted utility easements that are 20 feet x 600 feet centered on the western side of the shared lot lines. The easements are depicted but should note the parent plat (HM 98-9) granted them and clarify that it is 10 feet on either side of the lot line. **Staff recommends** the easements of record be noted as granted by Plat HM 98-9.

Per the Certificate to Plat, there is an encroachment into the utility easement. A petition to vacate the utility easement has not been requested and the approval of this plat will not include an acceptance of the encroachment. **Staff recommends** the owners/surveyor work with the utility providers to vacate the easement and grant any new easements required due to the inability to use the existing easement.

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

Utility provider review:

HEA	
ENSTAR	
ACS	
GCI	Approved as shown.

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 27125 Cloyds Road (will remain with Lot 3A), 27155 Cloyds Road (will remain with Lot 4A) Existing street names listed are correct.
Code Compliance – Eric Ogren	Review was not available
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
Advisory Planning Commission	

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:** Please update the owners' addresses to their mailing addresses.
- 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:** Revised the label on the section line easement to make it obvious that it is two 50 foot easements.
- 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: *Provide the depiction and labels for the lots to the west of Cloyds Road.*

- 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: *Steep slopes appear to be present near the western edge of the depicted wetlands. Slopes should be depicted.*

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

Staff recommendation: *This platting action will correct an encroachment issue.*

KPB 20.40 – Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils analysis report was not prepared for the parent plat due to the size of the lots. The lots will remain over 200,000 square feet. Add to the plat note the lots are at least 200,000 square feet.

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.*

20.60.180. Plat notes.

I. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

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

Staff recommendation:

Place the following notes on the plat.

- *Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.*
- *ANADROMOUS 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.*
- *FLOOD HAZARD NOTICE: Some or all of the property shown on this plat has been designated by FEMA 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. Map Panel 02122C-1840E.*
- *Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.*
- *Add a plat note for any exceptions granted.*
- *Add to Wastewater Disposal note, "Lots which are at least 200,000 square feet in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment..."*

Add to plat note 1 that the utility easements were granted per HM 98-9.

EXCEPTIONS REQUESTED:**A. KPB 20.30.190 – Lots-Dimension** 3:1 Average Depth to Width

Surveyor's Discussion: This plat makes a minor change along the lot line between lots 3 and 4. The depth to width ratio will not be changed significantly from the original plat (HM 98-9). The existing lots in the area have similar dimensions to lots 3 and 4. The west half of each lot is the only portion likely to be developed, due to swamp and Stariski Creek along the east side. The section line easement along the entire length of the east boundary is part of a low, swampy area that borders Stariski Creek. It's unlikely that a road could be constructed through this area.

Staff Discussion: The parent plat was completed in 1998 and created lots that do not comply with current 3:1 depth to width requirements. Per KPB 20.30.190, "the average depth shall be no greater than three times the average width." The ratio for Lot 3A is 4.4:1 and for Lot 4A is 4.3:1.

Denial of the exception would greatly affect this subdivision and limit the ability to correct the encroachment, as the length of the lots will make it difficult to create compliant lots without additional lots major changes to configuration or the dedication of a right of way.

Findings:

1. The parent plat was recorded in 1998.
2. The only change from the original configuration is adding 'jog' in the common lot line that will add 4,791 sq. ft. to Lot 4 from Lot 3.
3. The plat is to correct an encroachment issue.
4. The eastern portion of the lots contain Stariski Creek and the associated wetlands.
5. Code requirement is 3:1 depth to width ratio.
6. The lots will have a depth to width ratio of 4.4:1 and 4.3:1.
7. The useable area west of the wetlands comply with the 3:1.

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

B. KPB 20.30.170 – Blocks-Length Requirements

Surveyor's Discussion: This plat makes a minor change along the lot line between lots 3 and 4. The depth to width ratio will not be changed significantly from the original plat (HM 98-9). The existing lots in the area have similar dimensions to lots 3 and 4. The west half of each lot is the only portion likely to be developed, due to swamp and Stariski Creek along the east side. The section line easement along the entire length of the east boundary is part of a low, swampy area that borders Stariski Creek. It's unlikely that a road could be constructed through this area.

Staff Discussion: The block is defined by Sergeant Avenue, Cloyds Road, Sonnichson Avenue, and section line easements on the south and east boundary. Stariski Creek affect the section line easements. Due to existing structures and development, a full 60 foot width dedication would be required on the south boundary as the ability to receive a matching 30 foot dedication from the lot to the south is limited and there are improvements on the parcel to the north.

Denial of the exception will require a 60 foot dedication along the southern boundary of the subdivision to provide a compliant north-south block length and a minimum 30 foot dedication along the eastern boundary of the subdivision to help improve the east-west block length.

Findings:

1. Parent plat was recorded in 1998.
2. The only change from the original configuration is adding 'jog' in the common lot line that will add 4,791 sq. ft. to Lot 4 from Lot 3.
3. The plat is to correct an encroachment issue.
4. The eastern portion of the lots contain Stariski Creek and the associated wetlands.
5. The block is defined by Sergeant Avenue, Cloyds Road, Sonnichson Avenue, and section line easements on the south and east boundary.
6. The north-south block length is approximately 3,300 feet in length.
7. The east-west block length is an average length of approximately 1,482 feet in length from Cloyds Road to the section line easement.
8. Approved right of way names will be required for any dedications required.
9. Sergeant Avenue crosses Stariski Creek.
10. Any improvement along the section line easement will require crossing Stariski Creek.
11. Stariski Creek is an anadromous water body.
12. Section line easements provide additional access to the lots in the area.
13. All lots within the block have access via dedicated right of ways.
14. The lots are long, narrow, and do not comply with 3:1 depth to width ratio.
15. The dedications will improve the block the subdivision is within but the block to the south will still be out of compliance.
16. The lots to the north of Lot 3 were subdivided in 2000 and did not require a dedication atop the section line easement.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 2-4, 10-13, 16 appear to support this standard.

2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 2-4, 10-13, 16 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 2-4, 10-13, 16 appear to support this standard.

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

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 Brantley moved seconded by Commissioner Ruffner, to grant preliminary approval Piper's Haven Unit 3 2021 Replat based on staff recommendations and compliance with borough code.

AMENDMENT A: Commissioner Brantley moved, seconded by Commissioner Ruffner to grant exception request to KPB 20.30.190 – Lot Dimension; 3:1 Average Depth to Width, citing findings 2-4 in support of standards one, two and three.

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

AMENDMENT A PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

AMENDMENT B: Commissioner Brantley moved, seconded by Commissioner Ruffner to grant exception request to KPB 20.30.170 – Block Length Requirements, citing findings 2-4, 10-13 & 16 in support of standards one, two and three.

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

AMENDMENT B PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

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

MOTION AS AMENDED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

AGENDA ITEM E. NEW BUSINESS**ITEM 2 – BODNAR SUBDIVISION 2021 REPLAT**

KPB File No.	2021-114
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	Joel and Kerri Nelson of Soldotna, Alaska
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	City of Soldotna

Parent Parcel No.:	060-052-11, 060-052-12, 060-120-02
Legal Description:	Lot 20 Bodnar Subdivision (K1328), Lot 21A and Tract 4-A Kobuk Street ROW and Parcel Replat (KN 85-125), Section 32, Township 5 North, Range 10 West, S.M.
Assessing Use:	Commercial / Residential
Zoning:	Multi-Family Residential
Water / Wastewater	City of Soldotna

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will combine three lots into one parcel that will be 0.69 acres.

Location and Legal Access (existing and proposed): The subdivision is located at the corner of Marcus Avenue and S Kobuk Street within the City of Soldotna. Both right of ways are 60 foot wide dedications that have been constructed and are maintained by the City. The subdivision is within a closed and compliant block.

KPB Roads Dept. comments	Outside of jurisdiction, no comments
SOA DOT comments	Not on the State road systems, no comment

Site Investigation: The proposed subdivision is within the City of Soldotna. The site is relatively flat and contains no low wet areas.

Floodplain Hazard Review	Within the City of Soldotna, no comments
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments

Staff Analysis The preliminary plat will be combining three lots into one lot. The property was originally subdivided by Bodnar Subdivision, Plat K 1328, and was recorded in 1963. Plat K 1328 created Lot 20, 21, and what was referred to as American Legion property. In 1985 the Kobuk Street ROW and Parcel Replat (Plat KN 85-125) replatted Lot 21 with the American Legion property. The American Legion property was given the lot designation of Tract 4-A. Plat KN 85-125 also dedicated the radius return right of way at the intersections and a small portion of Marcus Avenue right of way from the American Legion property.

This plat was submitted to the Planning Department as an abbreviated plat (per KPB 20.10.040). During the staff review it was determined that the plat did not qualify as a right of way dedication, or an exception to KPB code, would be required in order to comply with 20.30.130. An exception has been requested.

The City of Soldotna Planning and Zoning Commission reviewed the preliminary plat at their August 4, 2021 regular meeting. There was discussion among their members regarding the zoning and uses for the lot. Currently the lots are used for education purposes. A school named The Study is located on the property. The need to combine the lots is to comply with City Municipal Code to allow a second structure. The City of Soldotna Planning and Zoning unanimously adopted Resolution PZ 2021-005 that recommends approval to the Kenai Peninsula Borough Planning Commission.

A soils report will not be required. Municipal water and sewer are available and according to the City Resolution, an installation agreement is not required.

Notice of the proposed plat was mailed to the beneficial interest holders on August 11, 2021. The beneficial interest holders will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

Utility Easements The parent plats did not grant any utility easements. Multiple easements have been recorded by document and are included in the notes found on the plat. Code requires the front 10 feet adjacent to right of ways be granted as a utility easement.

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

Utility provider review:

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

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 220 Marcus Avenue and 212 Marcus Avenue (City of Soldotna will advise on affected addresses). Existing street names listed are correct.
Code Compliance – Eric Ogren	Code Compliance review not available
Planner – Bryan Taylor	Review not required, within the City of Soldotna
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.

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

Staff recommendation:

- Provide a consistent manner in labels neighboring parcels. Some contain plat number while others contain the number and subdivision name.
- Lot 1-A, Block 1 of Schwankl Subd should be corrected to Kobuk Street ROW and Parcel Replat.
- Lot 1-A of Airport Subdivision should be corrected to include "Block 1" and correct Airport Subd to Kobuk Street ROW and Parcel Replat.
- Tract 3-A of Binkley Airport Tracts should be corrected to Kobuk Street ROW and Parcel Replat.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments:

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.

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

Staff recommendation: *If the exception is denied, an acceptance for the right of way dedication will be required to be signed by the City of Soldotna.*

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:

- *The curve data for C1 is required.*
- *The sub distances along the north and south boundary are not a requirement and may be removed.*
- *If the exception is granted a field survey is not required. The information shown on the western subdivision line is not depicted on either of the record plats. If this is a computed bearing and distance please note as such.*
- *Comply with 20.60.110.*

20.60.150. Utility easements.

A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.

B. The following note shall be shown on the final plat:

No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.

Staff recommendation: *Depict and label the 10 foot utility easement being granted by this plat adjoining Marcus Avenue. Comply with 20.60.150.*

20.60.180. Plat notes.

K. 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.

L. 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:

- *Add a plat note for any exceptions granted.*
- *Within note 4.4 include that the access agreement will be terminated with merger of title when the plat is recorded.*
- *The front 10 feet adjoining dedicated right of ways is granted as a utility easement.*

EXCEPTIONS REQUESTED:**KPB 20.30.130 – Streets-Curve Requirements**

Staff Discussion: During the abbreviated review staff determined that the deflection angle of the property along Marcus Avenue is greater than 10 degrees. In order to comply a right of way curve dedication would be required to correct the alignment.

Surveyor's Findings:

1. City of Soldotna will not require the additional R/W.
2. Marcus Avenue is constructed and has a short tangent which is perpendicular to Kobuk Street. This allows for site visibility at the stop sign.
3. The R/W was dedicated as part of a red-dedication of R/W through the area shown on 'Kobuk Street ROW & Parcel Replat' KN 85-125

Staff Findings:

4. Utilities are in place.
5. The area of concern is not at an intersection.
6. The right of way width is 60 feet.
7. The right of way is constructed and been in use for many years.
8. The road is constructed with a slight curve.
9. The current right of way angle is greater than 10 degrees in deflection.

If the exception is denied a curved right of way dedication on the southeast portion along Marcus Avenue will be required. If denied the plat will also require a Certificate of Acceptance to be added to be signed by the City of Soldotna. Per KPB 20.30.200(A), a field survey is not required. If a dedication is required, a field survey will be required.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-8 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-8 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-8 appear to support this standard.

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

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

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS,**

AND

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

Chair 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 Ruffner moved seconded by Commissioner Brantley, to grant preliminary approval Bodnar Subdivision 2021 Replat based on staff recommendations and compliance with borough code.

AMENDMENT: Commissioner Ruffner moved, seconded by Commissioner Brantley to grant exception request to KPB 20.30.130 – Street Curve Requirement, citing findings 1-8 in support of standards one, two and three

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

AMENDMENT PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

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

MOTION AS AMENDED PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

AGENDA ITEM E. NEW BUSINESS**ITEM 3 – COHOE ESTATES SUBDIVISION 2021 ADDITION**

KPB File No.	2021-117
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	Stephen E Smith of Kasilof, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Cohoe

Parent Parcel No.:	133-340-02
Legal Description:	Lot 7 Block 2 of Cohoe Estates Subdivision, Plat K-1646
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On-site

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 3.6 acre parcel into two lots that will be 2.54 acres and 1 acres in size.

Location and Legal Access (existing and proposed): The subdivision is located in the Cohoe Area on Larry Avenue which is a 60 foot wide right of way that appears to be partially constructed but not maintained by KPB. Larry Avenue is located approximately at mile 10.25 of Cohoe Loop Road. Cohoe Loop Road is a 15 mile looped road that is located off the Sterling Highway. The closer access is by the northern Cohoe Loop Road intersection near mile 111 of the Sterling Highway.

Ledoux Road, section line easements, Juliana Street, Hermansen Drive, and Cohoe Loop Road provide a closed but non-compliant length block. Larry Avenue brings the block into compliance for the north-south length but the dedication does not go through at this time to close the block. Ledoux Road is constructed through but only partially dedicated. An 80 acre lot is located at the end of Larry Avenue and has Ledoux Road and Hermansen Drive providing additional access. The development of that lot will required dedications that could improve or bring the blocks in the area into compliance. **Staff recommends the plat committee concur that an exception for KPB 20.30.170 block length is not required, as any dedications at this time will not bring the block into compliance.**

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	Not on the state road system, no comment

Site Investigation: The lands within the proposed subdivision are relatively flat and the subdivision is not affected by low wet areas.

Floodplain Hazard Review	Not within flood hazard area, no comments
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments
SOA Fish and Game Comments	No objection. Public access to public lands and waters will not be affected.

Staff Analysis The proposed subdivision will divide existing Lot 7 into two lots. Lot 7 was created by Cohoe Estates Subdivision, K-1646, a subdivision of aliquot lands recorded in 1969. Lot 7B is proposed to be a 1 acre square fronting on Larry Avenue. Lot 7A is proposed to be a 2.54 acre lot with a 91 foot by 209 foot panhandle.

Per KPB 20.30.190 – Lots-Dimensions, Lot 7B is subject to a building setback along the panhandle of Lot 7A. If there are existing structures within the new setback additional notes will be required. **Staff recommends the setback be depicted and a plat note regarding the setback be added.**

An existing driveway is shown on the preliminary plat that crosses both Lot 7B and 7A. It appears that the driveway currently provides access to multiple improvements as well as being used to access the lot to the east. The applicant does not own the lot to the east. Although not required **Staff strongly encourages** the granting of driveway easements over the existing travel way to eliminate any encroachment issues. Any driveway easement would be private and can be granted by separate document.

If the driveway is depicted on the final plat, **Staff recommends** it be noted as a private drive.

There are numerous structures visible on the aerial imagery. It cannot be determined if they are permanent in nature and if so if they encroach into the building setback. **Staff recommends the surveyor confirm whether an encroachment affects the replat. If a permanent structure or structures cross a lot line, staff requests a note be placed on the final plat to indicate that acceptance of the plat by the Borough does not indicate acceptance of any encroachments.**

A soils report will be required and an engineer will 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 the property is affected by beneficial interest holders.

The property is not within an advisory planning commission.

Utility Easements The parent plat granted several utility easements. The 10 foot easement along the north has been depicted and labeled correctly. The parent plat also granted a 10 foot easement along the western boundary. That easement will need to be depicted and labeled.

This platting action will grant utility easements adjoining the dedicated right of ways.

There are two easements granted to Homer Electric Association, Inc. with no disclosed areas. Those easements will need to be referenced within the plat notes.

Staff recommends the depiction of the eastern easement be added, update the label for existing easements to "10' Utility Easement granted by plat K-1646", depict the new easements being granted, and revise the plat note as noted in the final review portion of the staff report.

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

Utility provider review:

HEA	
ENSTAR	No comments or objections
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing – Derek Haws	Affected addresses: 53592 Larry Avenue (address will be deleted and new addresses assigned). Existing street names listed are correct. No new street names to approve.
Code Compliance – Eric Ogren	Code compliance review not available.
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:** Correct the spelling of 'Alaska' in the description. Update the state abbreviation to "AK" for owner and surveyor.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
- Staff recommendation:** Revise the right of way depiction, as it appears the same as the section lines.
- 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: *Include lot labels for Lot 1 and Lot 4 located to the northeast and northwest.*

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff recommendation: *A block label is needed.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils analysis will be required and an engineer will need to sign the plat.

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.*

20.60.180. Plat notes.

M. 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.

N. 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 note for any exceptions granted.*
- *Subject to easements for electric lines or system and/or telephone lines together with right to enter, maintain, repair, and clear shrubbery as granted to Homer Electric Association, Inc. in documents recorded in Misc. Book 5 Page 52 and Misc. Book 31 Page 144, KRD. No definite location disclosed.*
- *Flag note will be required. Wording is dependent on the approval of an exception.*
- *If the driveway will be shown add, "Private road shown is for use of owners only and is not dedicated to public use."*
- *If encroachments exist add, "Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments."*
- *Add a plat note for any driveway easements granted by recorded documents.*
- *Lot 7B is subject to a 20 foot building setback along the flag portion of Lot 7A.*

EXCEPTIONS REQUESTED:

KPB 20.30.190 (B) – Lots-Dimensions (access portion may not be used for permanent structures or wastewater disposal area)

Surveyor's Discussion: If the 91 foot access for Lot 7A is considered a flag, note to read "no structures permitted to block travel way" not "no structures permitted."

Staff Discussion: Staff has reviewed the plat and has determined that Lot 7A should be considered a flag lot. The surveyor is requesting that the standard note for a flag lot not contain the typical wording.

Per KPB Code 20.30.190(B), the access portion may not be used for permanent structures or wastewater disposal area. The standard note used for flag lots is "No structures are permitted within the panhandle portion of the flag lots(s)." No findings were presented by the surveyor regarding the request.

Per KPB GIS imagery, that appears to be structures within the panhandle of proposed Lot 7A.

The panhandle is 91 feet wide. Lot 7A is 2.5 acres in size and can be further subdivided. If Lot 7A is subdivided it may require a 60 foot wide right of way dedication.

If denied, a note will be required on the plat that states permanent structures will not be allowed within the panhandle portion of Lot 7A. Approval of the exception will result in a plat note to be placed on the plat to read "No structures are permitted to block the travel way within the panhandle portion of Lot 7A."

Findings:

1. The proposed plat will create a flag lot.
2. The flag lot is proposed to be 91 feet wide and 209 feet long.
3. If the flag is at least 60 feet wide, it is subject to a building setback restriction.
4. Per KPB Code, the access portion may not be used for permanent structures or wastewater disposal area.
5. An existing driveway crosses Lot 7B and Lot 7A.
6. The driveway is not entirely within the panhandle portion of the flag lot.
7. There may currently be structures existing within the flag portion of the lot.
8. Allowing structures within a panhandle may limit further subdivision of Lot 7A.
9. Requiring a dedication atop the current driveway would result in a substandard lot within the southeast corner.
10. A dedication within the panhandle portion will result with either structures within the right of way or a 30 foot panhandle that is longer than allowed by code.

Without additional information regarding the status of the existing structures, if there are well are wastewater disposal systems already present, or the intent to develop the panhandle, and based on findings 1, 2, 4, 7, 8, 10 **Staff cannot** support the exception request.

The plat committee could consider with denial of the exception that an additional note be added with the standard plat note. "Structures within the panhandle are allowed for the life of the current structure. No new structures, additions, or modifications to existing structures may occur within the panhandle."

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

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

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

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

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

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.

Jerry Johnson, Johnson Surveys; PO Box 27, Clam Gulch, AK 99568: Mr. Johnson was the surveyor on this project and he made himself available for questions. He stated the owner is looking at this 91' wide panhandle piece of property on Lot 7A and feels it is a bit excessive to not to allow any structures within the panhandle. It does not take a 91' piece of land to provide access the back lot and would like to be able put a structure or two in the panhandle area if wants.

Commissioner Ruffner stated if the panhandle portion was to be used as a road there would be a 30' dedication, then there would be a 20' setback which would account for 50' within the 91' panhandle. Which would leave a 40' wide strip for development. He then asked Mr. Johnson if there were already structures within the panhandle area. Mr. Johnson replied that there were no permanent structures.

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

MOTION: Commissioner Ruffner moved seconded by Commissioner Brantley, to grant preliminary approval Cohoe Estates Subdivision 2021 Addition based on staff recommendations and compliance with borough code.

AMENDMENT: Commissioner Ruffner moved, seconded by Commissioner Brantley to grant exception request to KPB 20.30.190(B) – Lot Dimensions.

Commissioner Ruffner stated he understood the requirement to not allow any structures within the flag portion of the lot was to allow for a possible road dedication in the future. He asked staff if he was correct in his understanding. Mr. Huff replied he was correct. The reason for reserving the flag portion of the lot is to ensure access to the area behind and that the flag area is not encumbered by wastewater, wells or other permanent structures. Mr. Huff then referred to aerial imagery from 2021 which shows structures on the eastern portion of the flag. If landowners were to subdivide the property again and did not want to provide access along the eastern border of the flag, a 60' dedication could be required. Commissioner Ruffner stated he understood where the landowner was coming from but he would need to either see a redesign of the plat or have some additional information from the landowner or surveyor justifying the exception request.

Commissioner Ecklund asked the surveyor if the landowner would be interested and adding 40' from the flag portion to Lot 7B leaving the flag only 50' wide. Mr. Johnson replied the landowner would not be interested in that. The landowner is planning on deeding or selling Lot 7B and does not want to make it larger. Making Lot 7B wider would also encumber more of the existing driveway on Lot 7B and the owner does not want to do that.

Commissioner Ruffner stated unless there is another solution that he is missing he is inclined to support code and go with staff's recommendation to not support this exception request.

Commissioner Ecklund asked staff if the landowner is not happy with the committee's decision could they redesign the plat and bring it back it for reconsideration. Mr. Huff replied yes, the landowners could submit a revised preliminary plat or appeal the plat committee's decision to the whole Planning Commission.

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

AMENDMENT FAILED BY UNANIMOUS VOTE

Yes	0	No	4
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No	Brantley, Ecklund, Ruffner, Venuti
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MOTION: Commissioner Ruffner moved, seconded by Commission Brantley to attach findings 1, 2, 4, 7, 8 & 10 in support of the denial of the exception request.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
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Yes	Brantley, Ecklund, Ruffner, Venuti
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Seeing and hearing no objection or discussion, the motion was carried by the following vote:

MAIN MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
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Yes	Brantley, Ecklund, Ruffner, Venuti
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AGENDA ITEM E. NEW BUSINESS

ITEM 4 - KASILOF ALASKA SUBD 2021 ADDITION

KPB File No.	2021-113
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	Cynthia Jane Hoffman of Anchorage, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Kalifornsky / Kalifornsky APC

Parent Parcel No.:	131-120-54
Legal Description:	Lot 5, Block 4 Kasilof Alaska Subdivision Amended, Plat KN 83-166
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 5 acre parcel into a 2 acre parcel and 3 acre parcel. Per KPB Assessing information, and the parent plat, show the original parcel size as 4 acres. The difference in acreage is due to the updated meander line data.

Location and Legal Access (existing and proposed): The subdivision is located north of the Kasilof River along the coast of Cook Inlet. The road access is via Coastline Street S, a 60 foot wide dedicated right of way that is constructed but is not maintained by KPB. The subdivision is near mile 5 of Kalifornsky Beach Road.

Freeway Lane and Old Setnetter Drive both connect from Kalifornsky Beach Road to Coastline Street with Freeway Lane also connecting to Old Setnetter Drive. Old Setnetter Drive and the portion of Coastline Street north of the intersection are maintained by KPB.

The block is not compliant as it is along the coast. The subdivision and neighboring lots do have multiple access points to provide alternate routes. **Staff recommends the plat committee concur that an exception is not required, as any dedication would not improve the block due to abutting Cook Inlet and all lots front on a dedicated right of way.**

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	Not on the state road system, no comment.

Site Investigation: The property contains wetland areas which have been depicted on the plat. There are

also steep slopes that affect the subdivision. The top and base of a hill are depicted. The proposed subdivision is along the coast of Cook Inlet and within a flood hazard area. The flood zone should be depicted on the plat. **Staff recommendation** update the line style for the slopes and tide lines, as they look similar to the new lot line symbol. Add the following plat notes.

- **FLOOD HAZARD NOTICE:** Some or all of the property shown on this plat has been designated by FEMA 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. This property is within Flood Hazard Zones VE and X as shown on FEMA map panel number 02122C-0795E.
- 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	Is in flood hazard area. Flood Zone X, VE. Map Panel: 02122C-0795E. Not within floodway
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments

Staff Analysis The proposed subdivision will be dividing one bluff lot into two. The lots are subject to wetlands, steep slopes, and coastal floodplains.

The Kasilof, Alaska Subdivision Amended, Plat KN 83-166 created the parent lot. The subdivision was a State of Alaska Department of Natural Resources project that subdivided 303 acres. It was originally recorded in 1963 and was amended in 1983 for a correction.

The preliminary plat shows a change in the overall acreage. The proposed change is a gain of approximately an acre. The change is from the updated 2021 meander line location. **Staff recommends** a plat note be added stating how the meander line was determined.

A soils report will be required and an engineer will 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 the property is affected by beneficial interest holders.

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

Utility Easements The parent plat did not grant any utility easements within the parent lot. Per plat note 1, this plat will be granting the required utility easements. The plat depicts an existing overhead power line. **Staff recommends** the utility easements being granted be depicted and labeled and work with the utility company to grant any easements requested over the existing overhead lines, and plat note 1 be reworded to reflect the wording in new code, "The front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of side lot lines are being granted as utility easements per this plat."

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

Utility provider review:

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

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 28437 Coastline St S (will remain with Lot 5-B) Existing Street Name Corrections Needed: S Coastline St should be Coastline St S
Code Compliance – Eric Ogren	Code compliance review not available
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed subdivision
Assessing – Matt Bruns	No concerns from Assessing Department
Advisory Planning Commission	Comments not received when staff report prepared.
ADF&G	No objections.

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

STAFF RECOMMENDATIONS**CORRECTIONS / EDITS**

Revise the line styles used to make sure depictions of top and top of hills or tide lines are a different line style than the lot line. To the south and northwest of the subdivision there are some wells depicted that may be removed for the final plat.

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:

- Owner of record per KPB Assessing and per Certificate to Plat is Cynthia Jane Hoffman. Verify owner name change to Cynthia Notti, add "Cynthia Notti, who acquired title as Cynthia Jane Hoffman" to title block and for signature line.
- Remove the comma after Kasilof in name of subdivision. ~~and in the description.~~
- Correct the spelling of Alaska within the subdivision description.
- 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: Update the street name to Coastline Street S.

J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff recommendation: A "Block 4" label should be added for the lots.

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

Platting Staff Comments: Soils analysis report will be required and an engineer will need to sign the plat.

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.

20.60.180. Plat notes.

O. 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.

P. 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:

Add the following plat notes:

- *FLOOD HAZARD NOTICE: Some or all of the property shown on this plat has been designated by FEMA 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. This property is within Flood Hazard Zones VE and X as shown on FEMA map panel number 02122C-0795E*
- *Add a note for any exceptions granted.*
- *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.*
- *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.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *If the owner will be signing as Cynthia Notti the signature line and notary should contain that title was taken as Cynthia Jane Hoffman. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

KPB 20.30.190 – Lots-Dimensions (3:1 depth to width ratio for Lot 5A)

Surveyor's Discussion: I am requesting an exception to the 3 to 1 ratio for Lot 5A due to the configuration of the driveway and buildings, and due to the seaward side having limited usage do to wave and tide effects.

Staff Discussion: Staff reviewed the lots and determined Lot 5B complies with the 3:1 requirements. Lot 5A is 3.1:1. Staff has noted in the staff report that the preliminary plat indicates additional acreage than the parent plat. If a change occurs with the location of the meander line, Lot 5A may comply with code and the exception will not be required to be noted on the plat.

If denied, the new lot line will need to be moved approximately 6 feet to the south.

Findings:

1. Lot 5A is an average width of 168 feet.
2. Lot 5A is an average length of 522 feet.
3. Lot 5A has a depth to width ratio of 3.1:1
4. Per KPB Code, the depth to width ratio should be 3.0:1 or less.
5. The parent subdivision was created in 1963 and amended in 1983, Plat KN 83-166.
6. The existing driveway is depicted on the plat.
7. Multiple buildings are constructed.
8. Adjusting the lot line to allow both lots to be compliant may result in encroachments of the driveway or outbuildings. .
9. The lot contains slopes with the top and base of hill depicted.
10. The western portion, approximately 100 feet, is subject to high tides.
11. To comply, the new lot line will need to be shifted approximately 6 feet to the south.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 6-8, 10 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 6-8, 10 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 6-8, 10 appear to support this standard.

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

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.

Jerry Johnson, Johnson Surveys; PO Box 27, Clam Gulch, AK 99568: Mr. Johnson was the surveyor on this project and he made himself available for questions.

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

MOTION: Commissioner Brantley moved seconded by Commissioner Ruffner, to grant preliminary approval Kasilof Alaska Subdivision 2021 Addition based on staff recommendations and compliance with borough code.

AMENDMENT: Commissioner Brantley moved, seconded by Commissioner Ruffner to grant exception request to KPB 20.30.190 - 3:1 Depth to Width Ratio for Lot 5A, citing findings 6-8 & 10 in support of standards one, two, and three.

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

AMENDMENT PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

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

MOTION AS AMENDED PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

AGENDA ITEM E. NEW BUSINESS

ITEM 9 – KALIFORNSKY MEADOWS 2021 ADDITION

KPB File No.	2021-051
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	RCMS, Inc. of Kenai, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Kalifornsky / Kalifornsky APC
Parent Parcel No.:	055-060-29
Legal Description:	SW1/4 SE1/4 and E1/2 SE1/4, Section 29, Township 5 North, Range 11 West
Assessing Use:	Condo Underlying Parcel
Zoning:	Rural Unrestricted
Water / Wastewater	On-Site

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 120 acre parcel into a large tract approximately 80 acres and 20 lots ranging in size from 1.621 to 1.691 acres. Multiple new right of way dedications are proposed and additional right of way dedications are required to bring right of way widths into compliance.

Location and Legal Access (existing and proposed): The proposed subdivision is located near mile 12.5 of Kalifornsky Beach Road, a state maintained right of way. The subdivision is located at the end of borough maintained Buoy Avenue. The subdivision fronts on Buoy Avenue, Discus Street, Tiller Avenue, Farmstead Street and section line easements on the south and east boundary. **Staff recommends** both section line easements be depicted and labeled.

The plat is proposing right of way dedications within the westerly 40 acre portion and no new right of ways within the 80 acre eastern portion. The 80 acre eastern portion is affected by a common interest community with aircraft runway and taxiways. The west 40 acres will be subdivided into lots with fee simple right of way dedications.

The subdivision is within a closed block with the 40 acre western portion complying with block length and the 80 acre eastern section being a larger block than allowed per KPB 20.30.170 – Block Length. The 80

acre eastern section is affected with the common interest community airpark that contains multiple units, utility easements, common elements, and an airstrip. A dedication to improve the block length within the eastern 80 acres will require a dedication crossing the airstrip and through the developed condominium units. There are common elements in place as part of the condominium design that allow private access to the units. **Staff recommends** the plat committee concur that an exception to KPB 20.30.170 – block length, or right of way dedications to comply with block length, for the east 80 acres is not required as any right of way would result in crossing a runway and affect improved condominium units.

KPB Roads Dept. comments	Within jurisdiction. The Road Service Area has no comment at this time.
SOA DOT comments	Not on the state road system, no comment

Site Investigation: The area is relatively flat. Wetland ecosystems are present within portions of the subdivision. **Staff recommends** low wet areas be depicted on the plat and a plat note be added to the plat “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 comments
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments
SOA Fish and Game	No objections. Public access to public lands and waters will not be affected.

Staff Analysis The proposed subdivision will be dividing a 120 acre aliquot parcel into a +/- 80 acre tract and 20 lots along with right of way dedications.

There are some inconsistencies with the Certificate to Plat. The plat states the property is “accepting therefrom” the condominium plan whereas the property is subject to the common interest community. Only one of the condominium plans is listed in the certificate to plat. **Staff recommends** the surveyor work with the title company to make sure all common interest communities are recognized on the final certificate to plat and noted on the plat.

Although allowed by State Statute, the Kenai Peninsula Borough Title 20 does not contain any requirements or address subdivisions that contain common interest communities. Three condominium plats have been



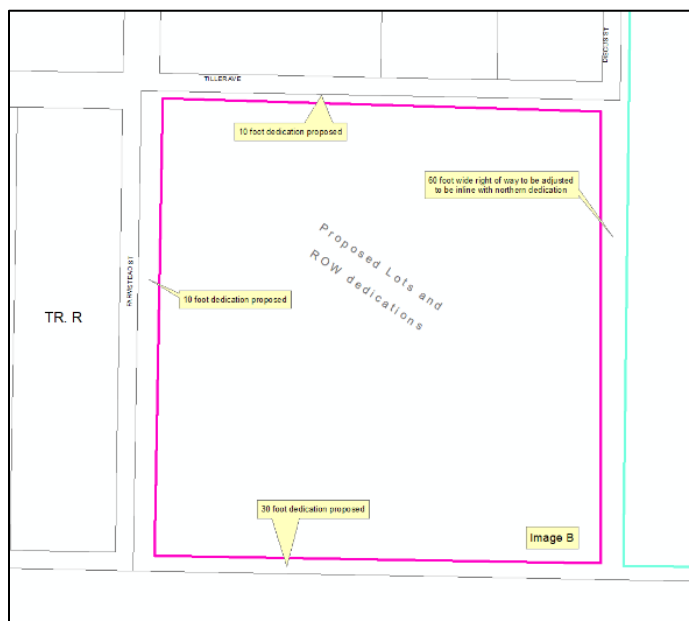
prepared and recorded. The recording numbers are KN 2009-3, KN 2014-5, and KN 2017-45. The plans created units, utility easements, taxiways, an airstrip, and other common elements to allow for property development and transfer of interest in the property. The owners of the property have recorded documents that removed the western 40 acres from the overall condominium plan. The removal of those “develop right reserved” lands by document also terminate the taxiway easements and common elements within the areas designated as ‘development rights reserved’.

Title to the units within the common interest community are able to be transferred to private ownership.

The east 80 acres will be required to be designated as a parcel of land. **Staff recommends** the east 80 acres be designated as a separate Tract similar to Image A.

The preliminary plat that has been submitted shows the existing units and common elements. As those units have not been reviewed and approved by the platting authority, **Staff recommends** the common interest community depiction be removed from the final plat. **Staff recommends** a note or label be added that states Tract A is affected by a common interest community.

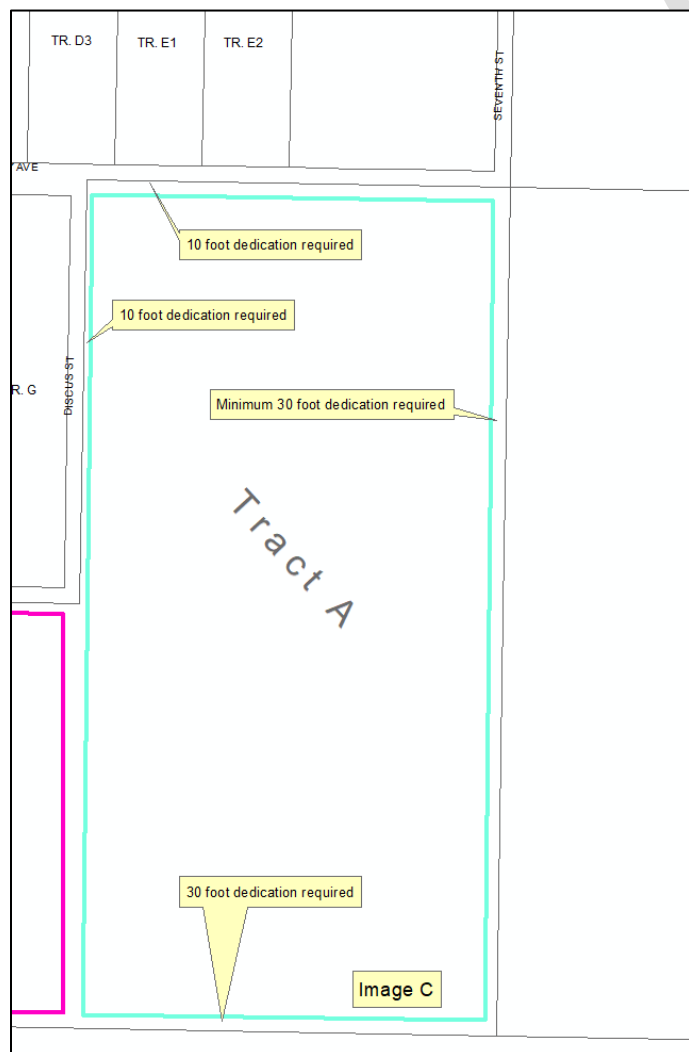
Staff strongly suggests that a new common interest community plat be recorded to show any changes to unit boundaries or to add additional units to the common interest community.



Two full 60 foot wide right of way dedications are proposed with the west 40 acre area.

Tiller Avenue and Farmstead Street are currently 50 foot wide dedications. Sheet 2 indicates that 10 foot dedications are proposed and a 30 foot dedication along the south that coincides with a 50 foot section line easement (Image B).

A 60 foot wide dedication is proposed to provide a continuation of Discus Street. The design proposed shows a 10 foot offset from the northern dedication. This appears to be occurring due to unit locations. As discussed previously, this plat cannot change any unit design. **Staff recommends** the right of way dedication for Discus Street be 60 feet wide and align with the current dedication of Discus Street. (Image B).



Along proposed Tract A several right of ways will be required to comply with code. A 10 foot dedication is required to provide a width of 60 feet for Buoy Avenue and for Discus Street. To be compliant with KPB Code, minimum 30 foot dedications need to be granted along the existing section line easements along the southern and eastern boundary. These dedications will provide a continuation of Seventh Street located to the north and a continuation to the east of a newly proposed dedication (Image C). **Staff recommends** a 10 foot right of way be dedicated for Buoy Avenue and discus Street to comply with KPB 20.30.120 Street width. Exceptions have been requested not to provide dedications along the east and south section line easements within the area affected by the common interest community.

The KPB Addressing Officer must approve new street names. The Addressing Officer commented on the street names labeled to the common elements within the common interest community. Discussions should be had with the Addressing Officer has one of the names used is not available due to E911 requirements. If it is desired to name these common areas to allow addressing for E911, the owners, or the condominium association, should contact the Addressing Officer.

Excluding the common interest community tract, a soils report will be required for the lots and an engineer will sign the final plat. The

current plat note for wastewater disposal should be updated to indicate which lots it applies to. **Staff recommends** the correct wastewater note be added for Tract A that complies with KPB 20.40.

Notice of the proposed plat was mailed to the beneficial interest holder on August 26, 2021. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

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

Utility Easements The proposed plat has not been previously subdivided and no utility easements have been granted by a plat reviewed by KPB platting authority. The plat is proposing to grant 10 foot utility easements adjoining all dedicated right of ways to comply with KPB Code.

The Certificate to Plat contains some inconsistencies with the easements that have been granted by recorded documents. Plat notes 5 and 6 reflect what appears in the certificate to plat but per the documents serial number 2006-00959-0 was granted to ENSTAR Natural Gas and contains a description that should be depicted. An additional easement document granted to ENSTAR Natural Gas was included in the information but is not listed within the Certificate to Plat. It is an easement with the area defined and should be noted within a plat note and depicted on the plat. Plat note 6 refers to a Homer Electric Association easement that is defined and should be depicted.

The common interest community plats granted utility easements. Those easements should be depicted with a labeled referencing the recording document that granted them.

ENSTAR has commented in regards to the easement noted in plat note 4. They are requesting the note be reworded and that the easement be depicted and labeled on the plat.

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

Utility provider review:

HEA	
ENSTAR	Requests that note 4 is revised to read: "A right-of-way for gas transmission pipelines in favor of Alaska Pipeline Company granted by BLM and identified as Serial No. A-051647, and reserved under Federal Patent 1232767 and referenced in Book 40, Page 219, Kenai Recording District. All excavation and ground disturbing activities within the pipeline right-of-way require approval from APC." APC further requests that the easement be shown on the plat.
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing – Derek Haws	Affected addresses: 50123 Buoy Avenue will be deleted and new addresses assigned. Existing street names corrections needed: Trawling Ave should be added. List of Approved Street Names: Quebec Street List of Street Names Denied: Piper Avenue is denied because there is a Piper PI within the same emergency service zone. Street names are required for newly dedicated ROWs on Page 2.
Code Compliance – Eric Ogren	Code compliance review not available.
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	No comments
Advisory Planning Commission	

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:

- *Neighboring subdivisions and the condominium plats associated with this parcel have the name "Kalifonsky Meadows". Determine if the owner wishes to continue with the "r" removed or included.*
- *Update the total subdivision acreage to 120 acres.*
- *Update the pages accordingly to "Sheet 1 of 2" and "Sheet 2 of 2."*
- *The scale for page 1 should be updated.*

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: *On sheet 1, depict and label the section line easements along the eastern and southern boundary.*

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

Staff recommendation: *On sheet 1, correct Tract B in the northwest corner as it has been replatted. Tract B1 of KN 2007-76.*

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: *Wetlands appear to be present but are not depicted on the plat. Verify in the field and if depict label any low wet areas.*

J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff recommendation: *Provide a Tract designation for the large acreage area that will contain the common interest community. The 20 new lot designations are acceptable.*

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:*

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

Staff recommendation: *Approved street names are required for newly dedicated right of ways.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils report required for lots. Engineer will need to sign plat. A separate note will be required for the any Tracts larger than 200,000 sq. ft.

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.*

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.

Staff recommendation: *Comply with 20.60.030.*

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

Staff recommendation: *Acceptance by the borough is required.*

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: *On sheet 1 update the boundary to show be the exterior of the 120 acre parcel.*

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

Staff recommendation: *No unsubdivided areas are allowed within the perimeter of the subdivision. Removed the "unsubdivided" labels and the unit designations. Provide a label for all parcels of land.*

20.60.180. Plat notes.

Q. 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.

R. 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.*

- *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.*

- *Tract A is subject to condominium plats that designate common elements. Tract A is subject to the plans recorded within the Kenai Recording District, KN 2009-2, KN 2014-5, and KN 2017-45.*
- *Provide plat notes for any exceptions granted.*
- *WASTEWATER DISPOSAL (Tract A): Lots which are at least 200,000 square feet in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.*

Changes to the following plat notes.

- *Note 3 should include reference to code "(KPB 14.06)."*
- *Update note 4 as requested by the utility provider.*
- *Note 7, "Front 10 feet adjoining rights-of-way and 20 feet within 5 feet of side lot lines is a utility easement. No permanent..."*
- *Update the wastewater disposal note to pertain to lots only.*

Correct the plat numbers as number 8 is shown on the last line of note 7.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Acceptance for right of ways to be signed by the Kenai Peninsula Borough is required. The certificate of ownership should be reworded as it is being signed on behalf of RCMS, Inc. The documentation submitted did not indicate that the signature of the President was sufficient. A corporate resolution for RCMS, Inc. is required that states the President may be the only signer or correct Mr. Yragui's signature line to state "Officer" and provide a signature line for Mrs. Yragui to also sign as an officer of the company. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed street layout – requirements (dedication of right of way on the east and south boundary within the area affected by the common interest community)

Surveyor's Discussion:

Staff Discussion: Per KPB Code 20.30.030(A), "dedications must provide for the continuation or appropriate projection of all streets surrounding areas and provide reasonable means of ingress for surrounding acreage tracts." Section line easements exist along the eastern and southern boundary of the area affected by the common interest community.

A 30 foot dedication is proposed along the south boundary of the westerly 40 acre section.

If denied, a minimum 30 foot right of way dedication will be required on the south and east boundary of the area affected by the common interest community (Tract A).

Findings:

1. 50 foot wide section line easements exist along the east and south.
2. A 30 foot dedication is proposed along the south boundary of the westerly 40 acre section.
3. Seventh Street is a 50 foot wide dedicated right of way that is located to the north and ends at Buoy Avenue.
4. Tract A is a large acreage lot subject to a common interest community.
5. Common elements provide private access within the common interest community.
6. An airstrip runs north-south on the east 80 acres.
7. Due to an existing airstrip, east-west dedications will be unlikely within Tract A.

Staff reviewed the exception request and recommends approval.

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

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1, 2, 4, 5, 6 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1, 2, 4, 5, 6 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1, 2, 4, 5, 6 appear to support this standard.

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

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 Ruffner moved seconded by Commissioner Brantley, to grant preliminary approval Kalifornsky Meadows 2021 Addition based on staff recommendations and compliance with borough code.

AMENDMENT: Commissioner Ruffner moved, seconded by Commissioner Brantley to grant exception request to KPB 20.30.030 – Proposed Street Layout Requirements for dedication of right-of-way on the east & south boundary within the area affected by the common interest community, citing findings 1, 2, 4, 5 & 6 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	Brantley, Ecklund, Ruffner, Venuti		

Commissioner Ruffner noted the staff report had language regarding the notification to common interest landowners. He asked staff if the state has a process in place for notifying common interest holders regarding all these changes. Mr. Huff replied he was not aware of any state process of notification. The developer did have to remove some of the units out of the existing condominium for this new subdivision. The developer was supposed to have meeting with all the members of that association on this and the association would have had to vote on declaration to remove the units so he believes they should be aware of these changes. Commissioner Ruffner then wanted it noted for the record that this area has had a history of flooding in the past. The staff report noted that there may be future subdivision on the southwesterly corner of this property and he wanted it in the record that the area has been mapped by several different organizations and had been identified as being wet.

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

MOTION AS AMENDED PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Brantley, Ecklund, Ruffner, Venuti		

F. PUBLIC COMMENT – None

G. ADJOURNMENT

Commissioner Ruffner moved to adjourn the meeting 7:41 P.M.

Ann E. Shirnberg
Administrative Assistant:1