

Kenai Peninsula Borough

Plat Committee

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

October 11, 2021
6:30 p.m.
APPROVED MINUTES

A. CALL TO ORDER

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

B. ROLL CALL

Plat Committee Members/Alternates

Jeremy Brantley, Sterling
Pamela Gillham, Ridgeway
Virginia Morgan, East Peninsula
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

1. Election of Chair

Commissioner Brantley moved, seconded by Commissioner Venuti to nominate Commissioner Ruffner as Chair. Seeing and hearing no objection, discussion or other nominations, Commissioner Ruffner was appoint Chair.

2. Election of Vice Chair

Commission Gillham moved, seconded by Commission Venuti to nominate Commissioner Brantley as Vice Chair. Seeing and hearing no objection, discussion or other nominations, Commissioner Brantley was appointed Vice Chair.

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

*3. Minutes

- a. September 27, 2021 Plat Committee Meeting Minutes

*4. Grouped Plats

- a. Captain Cook Heights 2021 Addition; KPB File 2021-135 (*Agenda Item E3*)
- b. James Waddell Homestead 2021 Replat; 2021-136 (*Agenda Item E4*)
- c. Mansfield Subdivision Wolter 2021 Replat: KPB File 2021-121 (*Agenda Item E6*)

Chair Ruffner asked if anyone wished to speak to any of the items on the consent agenda. Seeing and hearing no comment he brought it back to the committee for a motion.

MOTION: Commissioner Morgan moved, seconded by Commission Venuti to approve the consent and regular agendas.

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

MOTION PASSED BY UNANIMOUS VOTE

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| Yes | 5 | No | 0 |
| Yes | Brantley, Gillham, Morgan, Ruffner, Venuti | | |

Mr. Huff wanted it noted for the record that the grouped plats, agenda items E3, E4, E6 under the consent agenda were passed based on staff recommendations and compliance to borough code

ITEM E3 - CAPTAIN COOK HEIGHTS SUBDIVISION 2021 ADDITION

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|-------------------------|-----------------------------------|
| KPB File No. | 2021-135 |
| Plat Committee Meeting: | October 11, 2021 |
| Applicant / Owner: | Sharon Blades of Kasilof, Alaska |
| Surveyor: | Jerry Johnson / Johnson Surveying |
| General Location: | Clam Gulch |

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|--------------------|----------------------------------------------------|
| Parent Parcel No.: | 137-300-22 |
| Legal Description: | Lot 35 Captain Cook Heights Subdivision, KN 79-85. |
| Assessing Use: | Residential |
| Zoning: | Rural Unrestricted |
| Water / Wastewater | On-Site |

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 2.2 acre lot into two lots that will be 1 acre and 1.2 acres.

Location and Legal Access (existing and proposed): The proposed subdivision is located south of the Clam Gulch State Recreation Area. Access to the subdivision is by Clam Gulch Road. Clam Gulch Road is maintained by the State DOT and is located south of mile 117 of the Sterling Highway. The lots will be accessed from Resolution Road, a 60 foot wide borough maintained right of way. Resolution Road loops to connect with Discovery Drive, a 60 foot wide borough maintained right of way, which then connects to Clam Gulch Road.

Clam Gulch Road, Resolution Road, and Discovery Drive define the block. Due to the shape of the block, the lengths along Resolution Road and Clam Gulch Road exceed allowable lengths. The parent lot is a pie shaped piece located along a curve. Due to the location of the lot, the shape of the lot, and the existing improvements, obtaining additional dedication to improve the block will be difficult. **Staff recommends the plat committee concur that an exception is not required, as any dedications granted will not improve the block.**

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

Site Investigation: There are no low wet areas present within the proposed subdivision. Contours are depicted on the preliminary plat and the plat note indicates no grades exceed 15 percent.

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| KPB River Center review | <p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Carver, Nancy Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p> |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Staff Analysis The proposed plat will divide one parcel into two parcels that will be 1 acre and 1.2 acres in size. The parent plat, Captain Cook Heights Subdivision KN 79-85, created the current lot configuration. The parent plat was a subdivision of government lots and aliquot portions of land. The design of the lots comply with 20.30.190(A), 3:1 depth to width ratio. Lot 35A is 3:1 and Lot 35B is 2.5:1.

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 the full 20 foot building setback as utility easements. This is being carried over and is depicted and noted in plat note 1. Additional easements were granted by the parent plat, a 10 foot by 30 foot anchor easement and a 10 foot utility easement along the northern boundary. Both of those easements are depicted and labeled. **Staff recommends** the label include that the easements were granted by KN 79-85 or refer to a plat note with the information.

An additional easement has been granted by recorded document to Homer Electric Association. The easement has no definite location and should be noted within a plat note.

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:

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| HEA | No comments |
| ENSTAR | No comments or recommendations |
| ACS | No objections |
| GCI | |

KPB department / agency review:

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| Addressing | <p>Reviewer: Haws, Derek Affected Addresses: 56320 RESOLUTION RD</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: RESOLUTION RD</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 56320 RESOLUTION RD will remain with LOT 35B.</p> |
| Code Compliance | <p>Reviewer: Ogren, Eric Comments: No comments</p> |
| Planner | <p>Reviewer: Taylor, Bryan 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 | <p>Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.</p> |

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**

Staff recommendation: final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.

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:

- Spell out the full name of the parent subdivision, "Captain Cook Heights Subdivision." Subdivision may be abbreviated if needed for space.
- Add "Subdivision" to the subdivision name, "Captain Cook Heights Subdivision 2021 Addition". Subdivision may be abbreviated due to spacing.

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 C.G Wayside to Per Osmars Way or Clam Gulch Road.
- The label for the lake should be removed. Staff did not find reference to that lake name in KPB GIS data or within "Dictionary of Alaska Place Names." This may be a local name that has not been officially named. Depiction of the lake may remain, remove the name label.

KPB 20.40 – Wastewater Disposal

Staff recommendation: final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils analysis report is required and a licensed 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.

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: Provide a plat note to reference the easement of record granted to Homer Electric Association, Inc. on June 5, 1968 in document located in Book 31 Page 147, KRD with no definite location disclosed.

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 Consent Agenda*

ITEM E4 – JAMES WADDELL HOMESTEAD 2021 REPLAT

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|--------------------------------|----------------------------------------------|
| KPB File No. | 2021-136 |
| Plat Committee Meeting: | October 11, 2021 |
| Applicant / Owner: | Jeanne and William Wertanen of Homer, Alaska |
| Surveyor: | Stephen Smith / Geovera, LLC |
| General Location: | City of Homer |

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| Parent Parcel No.: | 179-031-09, 179-031-10 |
| Legal Description: | Lots 10 and 11, James Waddell Homestead Petska 2018 Addition, HM 2020-6 |
| Assessing Use: | Residential |
| Zoning: | Rural Residential District |
| Water / Wastewater | City |

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two lots into one lot that will be 0.8 acres in size.

Location and Legal Access (existing and proposed): The subdivision is located on Nelson Avenue, a 60 foot wide right of way. Nelson Avenue is accessed via Ronda Street, a 60 foot wide right of way located along East End Road. Per KPB GIS Imagery dated 2021, Nelson Avenue, Ronda Street and South Slope Drive are constructed. The subdivision is located to the west of East Hill Road.

East End Road, Ronda Street, Nelson Avenue, South Slope Drive, and East Hill Road define the block. The right of ways appear to be constructed and provide a closed block. The block exceeds allowable length limits. To the north of the subdivision are some steep slopes and constructed homes that would make a through dedication difficult to obtain. *Staff recommends the plat committee concur an exception is not required as any required dedication would not be feasible or improve the block length.*

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

Site Investigation: The land slopes to the southeast. No slopes greater than 20 percent appear to be present on the property. The property does contain areas affected by wetlands, which are indicated on the preliminary plat. The appropriate plat note to contact the U.S. Army Corps of Engineers is present on the plat.

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| KPB River Center review | <p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Homer Comments: No comments</p> <p>B. Habitat Protection Reviewer: Carver, Nancy Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p> |
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Staff Analysis The proposed plat will be combining two lots that were created by James Waddell Homestead Petska 2018 Addition, Plat HM 2020-6. The full width of Nelson Avenue and Ronda Street were granted in 2006 by Nelson Avenue and Ronda Street Right of Way Dedication plat, HM 2006-84. That plat created a tract that was further subdivided by James Waddell Homestead Petska 2014 Addition, HM 2018-3. The most recent and current configuration was then approved and finalized. All easements and required plat notes from parent plats have been carried over or noted.

The proposed subdivision is within the City of Homer. The Homer Planning Commission heard the replat at their August 4, 2021 meeting. The Homer Planning Commission determined that the plat met their city code and recommended approval of the proposed plat. The staff report notes that city water and sewer are available.

A soils report will not be required. An installation agreement has been recorded per HM 2018-002823-0.

Utility Easements The parent plat granted 15 foot utility easements adjoining Nelson Avenue with 20 foot easements within 5 feet of the side lot lines where adjoining Nelson Avenue. The easement is correctly depicted and is referenced in plat note 3. **Staff recommends** that the plat note include that the easements were granted by HM 2020-6.

There are several easements granted by document and are referenced correctly in plat notes 5 and 7.

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:

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| HEA | No comment |
| ENSTAR | No comments or recommendations |
| ACS | No objection |
| GCI | |

KPB department / agency review:

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| Addressing | <p>Reviewer: Haws, Derek Affected Addresses: 1150 NELSON AVE</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: NELSON AVE</p> |
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| Addressing | <p>RONDA ST</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: City of Homer will advise on affected addresses.</p> |
| Code Compliance | <p>Reviewer: Ogren, Eric Comments: No comments</p> |
| Planner | <p>Reviewer: Taylor, Bryan 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. Review Not Required</p> |
| Assessing | <p>Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.</p> |

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

KPB 20.30 – Subdivision Design Requirements

Staff recommendation: *final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as 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 Homer does not meet the specified requirements for the application and consideration of different standards.*

KPB 20.40 – Wastewater Disposal

Staff recommendation: *final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.*

20.40.010 Wastewater disposal.

Platting Staff Comments: An installation agreement has been recorded per HM 2018-002823-0.

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.*

20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

Staff recommendation: *An installation agreement has been recorded per HM 2018-002823-0.*

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 7 by removing "That" and replacing with "A".

Add "WASTEWATER DISPOSAL: "Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation."

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Mr. Wertanen took title as William P. Wertanen and William P. Wertanen, Sr. Add, "aka William P. Wertanen" or "also took title as William P. Wertanen". Comply with 20.60.190.

RECOMMENDATION:

STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

**Passed by Consent Agenda*

ITEM 6 – MANSFIELD SUBDIVISION WOLTER 2021 REPLAT

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|-------------------------|--------------------------------------------------|
| KPB File No. | 2021-121 |
| Plat Committee Meeting: | October 11, 2021 |
| Applicant / Owner: | Randall and Gale Wolter of Springfield, Illinois |
| Surveyor: | Kenton Bloom / Seabright Survey + Design |
| General Location: | Fritz Creek / Kachemak Bay APC |

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| Parent Parcel No.: | 172-240-24, 172-240-25, 172-240-26 |
| Legal Description: | Lots 1, 2, & 3 of Mansfield Subdivision Clark Replat, HM 2007-90 |
| Assessing Use: | Residential |
| Zoning: | Rural Unrestricted |
| Water / Wastewater | On-Site |

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine three lots into one 7.04 acre lot.

Location and Legal Access (existing and proposed): The proposed plat is located near McNeil Canyon to the East of Homer. Legal access is from Hutler Road, a 60 foot wide right of way that is maintained by the Kenai Peninsula Borough. Hutler Road is located near mile 12 of state maintained East End Road.

A 66 foot wide section line easement, 33 feet within the subdivision boundary, adjoins the west side of the subdivision. The section line easement provides a public access connection from Hutler Road to Mansfield Avenue. The section line easement is not improved. Mansfield Avenue has been improved and is maintained by KPB. ***Staff recommends the 33 foot section line easement within section 22, and abutting the subdivision, be depicted and labeled.***

A dirt path is depicted on the plat. The parent plat depicted various trails and labeled them as unauthorized trails. The depiction of the trails was discussed at the Plat Committee for the parent plat. There were concerns regarding showing the trails as they were not authorized by the owners and questions regarding prescriptive rights were discussed. The decision was reached to depict the trails and label as 'unauthorized'. Staff appreciates such depictions on the preliminary plat as it shows existing access that may not be able to be determined from the aerial images. ***Staff recommends the dirt path be labeled "Private path shown is for use of owners only and is not dedicated to public use."***

Hutler Road, East End Road, Mansfield Avenue, and section line easements, define the block. The block is closed but does exceed allowable limits. A dedication along the eastern boundary would help improve the block requirements. A dedication along the eastern portion would go through multiple areas of steep terrain and wetlands. To create a closed block, dedications would be required from the property to the south. The land in the area slopes to the south. Hutler Road and Mansfield Avenue are constructed in a manner that follows the slopes. It was discussed during the parent plat's preliminary review that there were no roads dedicated to provide an additional connection between Hutler Road and East End Road. This may be the result of the terrain in the area. ***Staff recommends the plat committee concur that due to the terrain that a dedication at this time is not advised and an exception is not required.***

The parent plat, Mansfield Subdivision Clark Replat, HM 2007-90, was not required to dedicate along the western boundary. Staff had requested a dedication atop the section line easement to connect Hutler Road and Mansfield Avenue. Per the minutes from October 23, 2006 Plat Committee meeting, "The lack of any existing travel ways between the two roads may be indicative of the unsuitability for access." The surveyor recommended a dedication not be required. Staff stated that documentation could be submitted to support the request. A letter was received from Paul Voeller of Borderline Surveys. The letter dated 11-3-2006 stated that a dedication of half a right of way along the western boundary had been discussed and for supporting information if the topographic conditions were suitable for a roadway. The letter states that although not excessively steep, the route is too steep for a 6 or 10 percent gradient roadway. A dedication along the western boundary that coincides with the section line easement was not required on the parent plat. ***Staff recommends the plat committee concur that the dedication is not required at this time due to the existence of steep terrain, the existence of the section line easement, and there have been no changes within the area.***

If the Plat Committee does not concur with staff regarding the dedication along the western boundary, a minimum 30 foot right of way will be required and submittal of cross-sections and centerline profiles to determine if additional right of way width or slope easements are required.

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

Site Investigation: The land within the proposed subdivision slopes to the south. Multiple areas contain slopes greater than 20 percent and are depicted.

The southern portion of the subdivision contains low wet areas. These areas are depicted and the appropriate U.S. Corps of Engineers note is present.

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| River Center Review | <p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Carver, Nancy Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p> |
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Staff Analysis The proposed preliminary plat will combine three lots into one 7 acre lot. The property associated with the subdivision was originally subdivided by Mansfield Subdivision, HM 78-94. Mansfield Subdivision Clark Replat, HM 2007-90, later replatted it into the current configuration.

A soils analysis report was prepared for the parent lots and was determined to be suitable for onsite wastewater treatment. Per KPB 20.40.020(A), a soils analysis report is not required as it is vacating lot lines and increasing the usable area.

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

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

Utility Easements The parent plat, Mansfield Subdivision HM 78-94, granted a 5 foot underground utility or overhead clearing easement along Hutler Road. Several 30 foot radius guy anchor easements were also granted and one is within the northeast corner of the proposed plat. Mansfield Subdivision Clark Replat, HM 2007-90, increased the utility easement to 10 feet with 20 feet within 5 feet of side lot lines. The guy anchor easement was not depicted on the plat.

The plat is carrying over the plat note regarding the 10 foot utility easements and cites the parent plat HM 2007-90. **Staff recommends** the depiction of the utility easements include 20 feet within 5 feet of the former lot lines and depict the 30 foot radius guy anchor easement and cite plat HM 78-94.

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:

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

KPB department / agency review:

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| Addressing | <p>Reviewer: Haws, Derek Affected Addresses: NONE</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: HUTLER RD</p> <p>Existing Street Name Corrections Needed:</p> |
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| Addressing | All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: NO ADDRESSES AFFECTED BY THIS SUBDIVISION. |
| Code Compliance | Reviewer: Ogren, Eric Comments: No comments |
| Planner | Reviewer: Taylor, Bryan 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. |
| Assessing | Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept. |
| Advisory Planning Commission | Not available when staff report was prepared. |

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

KPB 20.25.070 - Form and contents required.

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 section number for the location of the subdivision to Section 23, Township 5 South, Range 13 West.*
- *Staff would recommend adjusting the legal description so that NW1/4 is together and not split on two lines.*
- *Include Gale L. Wolter's name as an owner within the title block.*

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

Staff recommendation: *Provide depiction and label of the 33 foot section line easement abutting the western boundary within Section 22.*

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

Staff recommendation: *Correct the label shown as Tract A, located to the west of the subdivision, to Lot 1-A, HM 2003-93.*

KPB 20.30 Design Requirements

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

20.30.030. Proposed street layout-Requirements.

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

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

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

Staff recommendation: *The parent plat did not require a dedication along the section line easement due to terrain. Concur that a right of way dedication on the west boundary is not required at this time due to the steep terrain and the existence of a section line easement. If the plat committee determines a dedication is required, a minimum 30 foot dedication will be needed along the western boundary.*

20.30.090. Streets-Maximum grades allowed. The subdivider shall demonstrate that streets can be readily constructed in accordance with current borough road standards and that the grades on any such roads shall not exceed 6 percent on arterial streets and 10 percent on other streets, or 4 percent within 130 feet of any centerline intersections. Submittal of centerline profiles and cross-sections may be required to demonstrate that compliant construction in the right-of-way is feasible.

Staff recommendation: *If a dedication is required, submittal of centerline profiles and cross-sections will be required to determine if additional right of way width or slope easements are required.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: *Per KPB Assessing records the property is currently vacant. Revise the wastewater disposal note to comply with 20.40.020(B)(1) by reading, 'The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on October 23, 2006. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.'*

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.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *If a dedication is required, an acceptance to be signed by the borough will be required. The Certificate of Ownership should be revised from singular person to plural. Gale L. Wolter needs a signature line added. Verify the state in which they will be signing. If unsure, leave the state blank. Comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *A field survey is not required per KPB 20.60.200(A). Unless monuments are removed, include the symbols for the survey markers of record that have been set on the former lot lines. Comply with 20.60.200*

RECOMMENDATION:

STAFF RECOMMENDS:

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

AND

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

**Passed by Consent Agenda*

D. OLD BUSINESS - None**E. NEW BUSINESS**

Chair Ruffner asked Ms. Shirnberg to read into the record the rules and hearing procedures for the Plat Committee public hearings.

ITEM E1 – ALASKAN WILDWOOD PHASE 2

| | |
|--------------------------------|-------------------------------------------------------------------------|
| KPB File No. | 2021-127 |
| Plat Committee Meeting: | October 11, 2021 |
| Applicant / Owner: | Joe Balyeat, 6909 Rising Eagle Rd. Bozeman, MT 59715 |
| Surveyor: | Fixed Height LLC. 225 W 23 rd Ave. Anchorage, AK 99503 |
| General Location: | Nikolaevsk |

| | |
|---------------------------|---------------------------------------------------------------------------|
| Parent Parcel No.: | 165-111-43 |
| Legal Description: | Parcel 1, Plat Waiver Resolution 93-26 Amended, Serial No. 93-3636 HRD |
| Assessing Use: | Residential Vacant |
| Zoning: | Unrestricted |
| Water / Wastewater | On site |

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 40 acre parcel into 8 lots that will be 4.6 acres in size.

Location and Legal Access (existing and proposed): This subdivision is located to the north of the village of Nikolaevsk. Legal access to the subdivision is from North Fork Road to Nikolaevsk Road to Kostino Street. A portion of Kostino Street, south of the subdivision, is constructed outside of the dedicated right of way and within Lot 1, Anchor Point Acres Amended (HM 72-62). Lot 1 Anchor Point acres is owned by the same owner of this subdivision.

A 50 foot section line easement affects the east and south boundary of the subdivision. A matching 50 foot section line easement or 50 foot dedicated right of way exists for a total width of 100 feet on both the east and south boundary. The section line easement has been depicted and labeled correctly.

Aerial imagery shows a seismic line that crosses the property from the southeast corner to the northwest. It appears that Tract 19, located to the west of the subdivision, is using the seismic line trail for physical access to their property. Staff was not able to confirm if any access easements of record exist on the seismic line. A portion of Timberland Circle appears to coincide with the seismic line.

The subdivision is located within a closed block, but the block length does not comply with KPB standards. The block is defined by Turku Avenue, Queen Lane, King Road, and Ram Rack Road. To comply with code a 30 foot right of way is required that connects King Road to the section line easements.

This subdivision is subject to a private access easement on the section of Kontino Street located in the southeast corner of the subdivision. **Staff recommends** a plat note or depiction be added in regards to the easement of record per Bk 226 Pg. 390 HRD.

| | |
|--------------------------|-------------------------------------------------------------------------------------------------|
| KPB Roads Dept. comments | |
| SOA DOT comments | The section line easement between sections 13 14 is shown as 50'/50' and appears to be correct. |

Site Investigation: The terrain slopes from east to west with a drop of 68 feet at approximately a 5% grade.

KPB satellite imagery indicates that this property may contain wet areas, classified as Lake Bed and Discharge Slope, affect the west portion of this subdivision. **Staff recommendation:** place a note on the final plat indicating any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.

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

Staff Analysis

This property was created with a plat waiver (amended) as recorded under serial no. 93-3636 HRD.

The lots being created are larger than 200,000 sq. ft. and do not require a soils analysis report. If additional right of way dedications are required, the size of the lots may be reduced. Any lots less than 200,000 sq. ft. will require a soils analysis report to be prepared and submitted by a licensed engineer.

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

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

Utility Easements

This subdivision is not affected by any utility easements of record. This platting action will be granting a 10 foot utility easement, with 20 feet within 5 feet of side lot lines, adjoining all dedicated right of ways.

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

Utility provider review:

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

KPB department / agency review:

| | |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Addressing | <p>Reviewer: Haws, Derek</p> <p>Affected Addresses: None</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: KING RD QUEEN LN TURKU AVE RAM ROCK RD SERGEF AVE BEREZKA DR KOSTINO ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names: TIMBERLAND CIR</p> <p>List of Street Names Denied:</p> <p>Comments: New street name TIMBERLAND CIR is approved.</p> |
| Code Compliance | <p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p> |
| Planner | <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:

- *Revise the subdivision name to a unique name as another preliminary plat has been approved with the name Alaskan Wildwood.*
- *Correct the parent parcel name to read, 'A subdivision of Parcel 2 per Plat Waiver Resolution 93-26 Amended as recorded under serial no. 93-3636 HRD.'*
- *remove the reference to document 2019-002734-0.*

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

Staff recommendation: *Depict and label the travel way of Kostino Street within this subdivision. Verify if a trail exists within the subdivision, if so, depict and label the trail with a plat note that no public access is being granted on the trail.*

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

Staff recommendation: *Depict and label any areas that are affected by low wetlands on the final plat.*

KPB 20.30 Design Requirements

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

20.30.030. Proposed street layout-Requirements.

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

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

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

Staff comments: *A portion of Kostino Street is constructed across the southeast corner of this subdivision. This road provides physical access to many parcels of land.*

KPB maintenance of Kostino Street ends at the intersection with Tomsyki Avenue. The portion of Kostino Street within this subdivision is not maintained by KPB.

Aerial imagery from 1996 shows that Kostino Street was constructed in this location.

Staff recommendation: Dedicate a minimum 60 foot width right of way centered on the constructed travel way of Kostino Street.

20.30.100. Cul-de-sacs.

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

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

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

Staff recommendation: The cul-de-sac length appears to be just over 1,000 feet in length. Revise the cul-de-sac design so that the centerline length from the intersection with Kostino Street to the center of the cul-de-sac is 1,000 feet or less.

20.30.120. Streets-Width requirements.

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

1. Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can reasonably be expected to be dedicated in the future.
2. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoiners to the new half right-of-way will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.

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

Staff comments: King Acres (HM 74-2192) dedicated Queen Lane is a 30 foot right of way. Queen Lane is not affected by steep terrain. Queen Lane provides a closed block loop. KPB GIS information shows that the area around Queen Lane may be affected by wetlands. The 30 foot matching right of way dedication of Queen Lane will not create any substandard lots within this proposed subdivision.

Staff recommendation: Provide a 30 foot matching right of way dedication for Queen Lane.

20.30.130. Streets-Curve requirements.

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

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

Staff recommendation: Redesign the cul-de-sac right of way so that the centerline curve radius is 200 feet or greater.

20.30.240. Building setbacks.

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

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

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

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

Staff recommendation: *Graphically depict and label the 20 foot building setback adjoining all dedicated right of ways within the subdivision.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: The current lot design shows all lots to be larger than 200,000 square feet. A wastewater analysis report will be required for any lots that are less than 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.*

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

Staff recommendation: *Provide a certificate of acceptance for the Borough to accept all dedicated right of ways.*

20.60.180. Plat notes.

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

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

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

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

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Provide a Certificate of Acceptance for KPB to sign for the dedicated right of way. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

A. KPB 20.30.030 Proposed Street Layout – Kostino Street along the east boundary

Surveyor's Discussion: Multiple North-South ROWs exist. Queens Lane to the West, Timberlane Circle within the parcel, and Konstino / Ram Rack to the East all provide legal North-South access.

Legal and Physical access already exists. Ram Rack Road Provides legal and physical North-South access and is only 600' East of the proposed extension of Kostino Street.

Staff Discussion: Kostino Street is located to the south east of this subdivision. Kostino Street is a combination of a dedicated right of way and section line easement for a total width of 100 feet. The extension of Kostino Street would be along the east boundary of this subdivision.

A 100 foot wide section line easement affects the east boundary of this subdivision. The section line easement can be used for public access and placement of utilities.

Ram Rack Road is a dedicated and constructed road that provides access to the parcels to the north.

The terrain is sloping but not affected by steep slopes greater than 20 %.

No wet lands affect the eastern boundary where the extension of Kostino Street would be located.

The parcels to the north are between 8 and 10 acres. Wetlands affect these parcels and it is unlikely that they will be subdivided in the future to provide an extension of Kostino Street right of way.

If denied, a minimum 30 foot half width right of way is required to be dedicated along the eastern boundary.

Findings:

1. Kostino Street is located to the south east of this subdivision. Kostino Street is a combination of a dedicated right of way and section line easement for a total width of 100 feet.
2. A 100 foot wide section line easement affects the east boundary of this subdivision. The section line easement can be used for public access and placement of utilities.
3. Ram Rack Road is a dedicated and constructed road that provides access to the parcels to the north.
4. The parcels to the north are between 8 and 10 acres. Wetlands affect these parcels and it is unlikely that they will be subdivided in the future to provide an extension of Kostino Street right of way.
5. The terrain is sloping but not affected by steep slopes greater than 20 %.
6. No wet lands affect the eastern boundary where the extension of Kostino Street would be located

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat

Committee with the meeting date.

EXCEPTIONS REQUESTED:

B. KPB 20.30.170 Block Length

Surveyor's Discussion: The large parcels and rural nature of this area lends itself to large sized blocks. Strict conformation to block length requirements would most likely lead to excessive ROW's that would not get developed.

Physical access around the East and North side of the block is already developed. Ram Rack Road and King Road are already developed. They provide legal and physical access from the Southeast corner of the block to the Northwest corner of the block.

Staff Discussion: The subdivision is located within a closed block, but the block length does not comply with KPB standards. The block is defined by Turku Avenue, Queen Lane, King Road, and Ram Rack Road.

The parcels in this area are generally larger parcels in the 8 to 15 acre range. This area is affected by wetlands that limit that amount of area that can be improved on each lot. Tract 13 to the north is large enough to be further subdivided and could provide a matching 30 foot right of way dedication.

To comply with code a 30 foot right of way is required that connects King Road to the section line easements.

Findings:

1. The subdivision is located within a closed block.
2. The block length does not comply with KPB standards.
3. The block is defined by Turku Avenue, Queen Lane, King Road, and Ram Rack Road.
4. The parcels in this area are generally larger parcels in the 8 to 15 acre range.
5. This area is affected by wetlands that limit that amount of area that can be improved on each lot.
6. Tract 13 to the north is large enough to be further subdivided and could provide a matching 30 foot right of way dedication.
7. Tract 13 is affected by wet lands.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1, 4, 5, 7 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1, 4, 5, 7 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1, 4, 5, 7 appear to support this standard.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat

Committee with the meeting date.

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 Ruffner opened the meeting for public comment.

Beth Piltz; P.O. Box 851, Anchor Point, AK 99556: Ms. Piltz spoke in opposition to this plat. She was concerned that with subdividing this parcel into eight tracts it would significantly increase traffic on area roads. The area road is a single lane road is privately maintained and is not in the best shape. She noted that when they had a fire in the area emergency services got stuck on the road. She is concerned that the increase of folks moving into the area will increase the fire risk to the area. The road also crosses a stream with a bridge. She does not believe it can handle the additional traffic. She expressed concerns that these lots are mostly wetlands and are not suitable for building on. Having eight new lots in the area will create a lot of additional noise in the area due the use of generators.

Carl Canard; P.O. Box 5081, Nikolaevsk, AK 99556: Mr. Canard spoke in opposition to this plat. He shares the same concerns as Ms. Piltz. He is also concerned that this new subdivision will deny him access to his property. He is also concerned that when these lots are developed they will bring in heavy equipment and he does not believe that the current road and bridge can handle the traffic and they could end up damaging the salmon bearing stream.

Nora Kuentzel; P.O. Box 822, Anchor Point, AK 99556: Ms. Kuentzel is a neighboring landowner and spoke in opposition to this plat. She also shares the same concerns as Ms. Piltz. She has lived in this area for 16 years and uses the seismic trail across this property to access her land. She is concerned her access could be denied. She believes that they need a better road system if they are going to add eight properties out here. There are 32 families that live out in this area and there is only one road access. In her opinion it would be dangerous to add more development in the area without creating additional road access.

Commissioner Venuti noted that Ms. Kuentzel stated there were 32 families that live in the area and wondered if the area residents have a homeowners association. Ms. Kuentzel stated they did not. Commissioner Venuti encouraged her to look into possibly forming one or an LOZD. Organizing could possibly assist in addressing some of the area residents' concerns and they could have a voice in how the area is being developed. He noted that Ms. Kuentzel decided to live in the area so she must find it to be a nice place so he could understand that other might wish to live there too. He also noted that the peninsula is growing, especially in the Homer and Anchor Point areas.

Buku Saliz, Applicant; 6909 Rising Eagle Road, Bozeman, MT 59715: Mr. Saliz was disappointed that none of his neighbors contacted him directly regarding their concerns. If they had he believed he could have

addressed them. He noted that a portion of the road many of these folks use to access their properties, Kostino St., is not a public right-of-way, it is a private road that crosses through his property. He originally purchase that piece of property to secure that access for the other landowners in the area. He has invested money in the improvement of Kostino St., probably more than the others in the area, and will continue to participate in its' upkeep. While there is no homeowner association in the area there is a road maintenance agreement that signed on to when they bought land in Alaskan Wildwood. The area he is subdividing does have a lot of wetlands and he is working to insure that each lot has suitable land to build on. He does not understand how his neighbors could oppose him doing something reasonable with his property.

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

MAIN MOTION: Commissioner Brantley moved, seconded by Commissioner Gillham to grant preliminary approval to Alaskan Wildwood Phase 2 based on staff recommendations and compliance with borough code.

AMENDMENT A: Commissioner Brantley moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.030-Proposed Street Layout for Kostino Street along the east boundary, citing findings 1-4 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 MOTION PASSED BY UNANIMOUS VOTE

| | | | |
|-----|--------------------------------------------|----|---|
| Yes | 5 | No | 0 |
| Yes | Brantley, Gillham, Morgan, Ruffner, Venuti | | |

AMENDMENT B: Commissioner Brantley moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.170-Block Length Requirement, citing findings 1, 4, 5 & 7 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 MOTION PASSED BY UNANIMOUS VOTE

| | | | |
|-----|--------------------------------------------|----|---|
| Yes | 5 | No | 0 |
| Yes | Brantley, Gillham, Morgan, Ruffner, Venuti | | |

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

MAIN MOTION PASSED BY UNANIMOUS VOTE

| | | | |
|-----|--------------------------------------------|----|---|
| Yes | 5 | No | 0 |
| Yes | Brantley, Gillham, Morgan, Ruffner, Venuti | | |

ITEM E2 – ALASKA STATE LAND SURVEY NO. 2017-23

| | |
|--------------------------------|------------------------------------------------------|
| KPB File No. | 2021-133 |
| Plat Committee Meeting: | October 11, 2021 |
| Applicant / Owner: | State of Alaska Department of Natural Resources |
| Surveyor: | Iain Brown / PND Engineers |
| General Location: | Mile 46 Seward Highway, Summit Lake / Moose Pass APC |

| | |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Parent Parcel No.: | 035-180-04, 035-250-05 |
| Legal Description: | Government Lot 1, excluding ASLS No. 97-32 and 2000-01, Section 5, Township 6 North, Range 1 West, and Portion of Government Lot 1 east of Seward Highway, Section 32, Township 7 North, Range 1 West |
| Assessing Use: | Residential |
| Zoning: | Rural Unrestricted |
| Water / Wastewater | On-Site |

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat is a state municipal entitlement plat. The intent of this plat is to survey the lands to finalize the entitlement process and to allow the lands to be deeded

to the Kenai Peninsula Borough. This plat has been reviewed under KPB Code 20.10.090 Municipal Entitlement Acquisition Plat. This plat must meet the requirements of KPB Chapter 20.25. As this plat is proposing right of way dedication, it is being presented to the Planning Commission for approval. Municipal entitlement plats must meet requirements of KPB Code 20.40.020 – Wastewater System review not required and 20.60 – Final Plats. The Planning Director may determine that portions of 20.60 are not required to finalize the plat.

The proposed plat will subdivide large acreage government lots currently owned by the State. The plat will create five tracts ranging in size from 5 to 119 acres. This platting action will provide two right of way dedications for a portion of the Seward Highway and a continuation of Tenderfoot Lane.

Location and Legal Access (existing and proposed): The subject lands are located north and east of Summit Lake near mile 46 of the Seward Highway. Tenderfoot Lane provides access to a federal lands and Tenderfoot Campground. Summit Avenue is 30 foot wide right of way and provides legal and physical access to Tract C of ASLS 97-32.

Tract A will not have dedicated access. Public lands and section line easements provide the only access to Tract A. KPB will be the owner of Tract B and Tract A. Any development of Tract B will be required to provide access to Tract A.

Tract B will have legal access via the Seward Highway and from Tenderfoot Lane.

Tract C will have legal access from Tenderfoot Lane and Summit Avenue.

Tracts D and E will have legal access via the Seward Highway.

A 50 foot wide public access easement adjoining the ordinary high water of Summit Lake, and on the bed extending upland on the creeks, is reserved to the state per AS 38.05.127. Sheet 4 depicts a 50 foot public access easement affecting the entire shoreline of Tract B ASLS 97-32 (SW 98-03). The record plat depicts the 50 foot access easement stopping near the middle of the shore line and not affecting that portion near the creek. ***Staff recommends that the surveyor confirm the location of the 50 foot public access easement on adjoining Tract B and update this plat accordingly.***

Tract A of ASLS 2000-01 (SW 2001-10) is a parcel of land subdivided for a communications tower. A 20 foot wide private non-exclusive use utility easement is the only legal access to this parcel.

Staff recommends a plat note, or a label within the Seward Highway, note the DOT project map and specific pages pertaining to this portion of the project.

Comments from DOT request that the labels stating, “Seward Highway right of way dedicated this plat” be changed to say “reserved this plat.” The highway reservation has been granted by document. Staff is requesting a plat note with the reservation details. This plat wishes to formally dedicate the highway. ASLS 2014-26 dedicated a portion of the Sterling Highway and ASLS 2006-5 dedicated a portion of the Hope Highway. ***Staff recommends the label state ‘dedicated this plat’ and the surveyor can work with the State of Alaska DOT to determine if it should be a reservation or dedication and update accordingly.***

| | |
|--------------------------|-----------------------------------------------|
| KPB Roads Dept. comments | Within KPB jurisdiction, no comments. |
| SOA DOT comments | Seward Highway appears to be shown correctly. |

Site Investigation: The area is affected by steep terrain sloping up to mountains on the east and west. There is also steep slopes near the creek beds. It does not appear at this time the slopes will pose any issues as the tracts are large acreage and there is adequate area to provide right of way dedications if the large tracts are further subdivided. The right of way dedications are atop already constructed roads and slopes at this time will not affect the use.

| | |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| KPB River Center review | <p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Carver, Nancy</p> |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| KPB River Center review | Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|

Staff Analysis This plat review was performed under 20.10.090, municipal entitlement plat. As this is a State plat, it will need to conform to any regulations and requirements from the state in addition to the applicable portions of KPB Code. The lands within this plat were selected by the Kenai Peninsula Borough through municipal entitlement and were approved by the state. The recording of this plat will allow the tracts created by this plat to be deeded to the borough for ownership.

The lands are within the boundary of the Chugach National Forest and located along the Seward Highway and Summit Lake.

All tracts are larger than 200,000 square feet and a soils report will not be required.

Moose Pass 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 A 100 foot easement has been granted to Chugach Electric and is depicted on the plat within Tract D (as shown on sheet 2). Sheet 5 depicts a 20 foot wide utility easement (as shown on sheet 5) that provides access to Tract A of ASLS 2000-01, a tract designated for communications.

While this plat does not have to comply with requirements of 20.30, staff requests several requirements be considered for inclusion. KPB 20.30.060(D), would provide the granting of ten foot wide utility easements adjoining dedicated right of ways. KPB 20.30.240, a minimum 20 foot building setback along dedicated right of ways. Inclusion of these requirements will provide established utility easements and setbacks for future development and reduce the possibility of encroachments occurring. **Staff recommends a request be made to include plat notes granting 10 foot utility easements and 20 foot building setbacks along dedicated right of ways and provide a depiction and label on all dedicated right of ways or a typical drawing to show the 20 foot building setback and 10 foot utility easement adjoining all right of ways.**

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

Utility provider review:

| | |
|------------------|-------------------------------------|
| HEA | Not within their service territory. |
| ENSTAR | No comment or recommendations |
| ACS | |
| GCI | Approved as shown |
| CHUGACH ELECTRIC | |

KPB department / agency review:

| | |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Addressing | Reviewer: Haws, Derek Affected Addresses: 51925 SEWARD HWY 51927 SEWARD HWY 51869 TENDERFOOT LN Existing Street Names are Correct: Yes List of Correct Street Names: SEWARD HWY TENDERFOOT LN SUMMIT AVE Existing Street Name Corrections Needed: |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 51925 SEWARD HWY and 51927 SEWARD HWY will remain with TRACT D. 51869 TENDERFOOT LN will remain with TRACT C.</p> |
| Code Compliance | <p>Reviewer: Ogren, Eric Comments: No comments</p> |
| Planner | <p>Reviewer: Taylor, Bryan There are not any Local Option Zoning District issues with this proposed plat.</p> |
| Planner | <p>Material Site Comments: There are not any material site issues with this proposed plat.</p> |
| Assessing | <p>Reviewer: Bruns, Matthew Comments: Tract A will not have legal access from a public ROW, otherwise no concerns from Assessing Dept.</p> |
| Advisory Planning Commission | <p>Comments not available when the staff report was prepared</p> |

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

In addition to comments below staff has the following notes/corrections.

All sheets

- Review the monuments depicted and correct any overstrikes on the survey marker symbols.
- The third symbol on the legend does not appear to be on any sheets presented. This may be something the surveyor will add on the final drawing but if not it should be removed or update the map to include the correct symbol.

Sheet 1

- Within Tract D, below the W1/16 monument, there is a random line. Remove the line or provide information regarding its meaning.
- Provide a Tract label and acreage for Tract C. this may need to be located off the parcel with a leader pointing to the tract.

Sheet 2

- Provide a bearing and distance label from the north corner of Tract D (cor. 3) to the found survey marker on the right of way located further to the north.
- Verify the survey marker symbol located to the southwest of the S1/16 S32 T7N R1W survey marker. If this is a correct survey marker provide a bearing and distance tie.
- Provide a bearing and distance label from the north portion of the Seward Highway right of way dedication to the found survey marker which appears to be on the centerline of the Seward Highway further to the north.

Sheet 3

- Remove overstrikes from the survey marker symbols on the east portion of the Seward Highway common with Tract A ASLS 97-32.
- Correct the overstrike on the bearing and distance label located at the south end of the Seward Highway where it overlaps the subdivision boundary.
- Show the meander line boundary for the Seward Highway as a solid bold line as this is the surveyed boundary of the subdivision.

Sheet 4

- Show the meander line boundary for Tract C and the Tenderfoot Lane right of way as a solid bold line as this is the surveyed boundary of the subdivision.
- The bearing and distance label (S32°35'46"W 172.95') showing a tie from the meander line intersection with the right of way to the south corner of Tenderfoot right of way can be removed. The right of way will be less than a 60 foot width in this area as the boundary is the ordinary high water line. The sub distance of 114.97' can be removed as well.
- Verify the 50 foot public access easement depicted and labeled on adjoining Tract B ASLS 97-32. The parent plat does not show the 50 foot public access easement extending the entire length of the parcel.
- Remove overstrikes on the survey marker symbols on Tract C ASLS 97-32 and on the end of the current Tenderfoot right of way dedication.

Sheet 5

- Include a street name and width label for the right of way, Tenderfoot Lane, located between Tract B and Tract C.
- Show the meander line boundary for Tract C and the Tenderfoot Lane right of way as a solid bold line as this is the surveyed boundary of the subdivision.
- The bearing and distance label (S32°35'46"W 172.95') showing a tie from the meander line intersection with the right of way to the south corner of Tenderfoot right of way can be removed. The right of way will be less than a 60 foot width in this area as the boundary is the ordinary high water line. The sub distance of 114.97' can be removed as well.
- Remove overstrike on the survey markers on Tract A ASLS 2000-01.
- Depict and label the 50 foot section line easements that affect Tract A.

KPB 20.25.070 – Form and contents required

Staff recommendation: final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.

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:*All sheets*

- Include the address for Department of Natural Resources.
- On all sheets revise the title block to read

A subdivision of
a portion of Government Lot 1 excluding Alaska State Land Survey No. 97-32 and
No. 2000-01. Section 5, T6N, R1W
and

a portion of Government Lot 1 lying east of the Seward Highway, Section 32,
T7N, R1W,

Located within:

Section 5, Township 6 North, Range 1 West
and Section 32, Township 7 North, Range 1 West, Seward Meridian

- Verify the final acreage and update accordingly
- On all sheets, include the KPB File number 2021-133 within or near the title block.

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

Staff recommendation:

Sheet 1 – Add a plat note that the subdivision is within the Chugach National Forest Boundary.

Sheet 4 – Neighboring Tract B of ASLS 97-32 is shown with a 50 foot public access easement along Summit Lake all the way to Tenderfoot Lane. Per the ASLS 97-32, the easement ends at the meander point between S 44° 36' 10" W and S 34° 50' 05" W. Revise the depiction or provide documentation that the public access easement is for the full length of Tract B.

Sheet 5 – Depict and label the 50 foot section line easement located along the east and southern boundary of proposed Tract A.

- 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 subdivision depiction to include the portion of Government Lot 1 within Section 32. The entire subdivision is within the boundary of the Chugach National Forest. Provide a label within the vicinity map for the Chugach National Forest.*

KPB 20.30 – Subdivision Design Requirements

Staff recommendation: *final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.*

Does not apply to municipal entitlement plats.

KPB 20.40 – Wastewater Disposal

Staff recommendation: *final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.*

20.40.010 Wastewater disposal.

Platting Staff Comments: Remove “or nominal 5 acres” from the note.

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: *Acceptance of Tenderfoot Lane is under US Forest Management. An acceptance will need to be determined. If Seward Highway is dedicated, an acceptance to be signed by DOT shall be included.*

20.60.180. Plat notes.

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

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

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

- *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).
- Reservation of Easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.
- Rights of the public and or governmental agencies in and to that portion of said premises lying below the mean high water mark of Summit Lake, Butcher Creek, Colorado Creek, Canyon Creek, and Tenderfoot Creek and any questions of right of access to the water in the event said lands do not in fact abut the water.
- 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.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Update the year for the notary acknowledgement. KPB 20.60.190 corrected the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat.

Staff recommendation: the Notary's Acknowledgement on the final plat must comply with 20.60.190.

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),; 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 Ruffner opened the meeting for public comment.

Marty Arnoldy; 51826 Seward Hwy., Moose Pass, AK 99631: Mr. Arnoldy is a neighboring landowner and he expressed concerns regarding the 50-foot public access easement that runs along the Summit Lake shoreline. He believes if in the future the borough ever sales any of these lakefront lands, buyers will not want an easement that allows folks to use the land. Mr. Huff explained the State of Alaska is requiring the public access easement and that it is condition included with the survey instructions for these municipal entitlement lands. The easement is to allow for public access to the lake. Mr. Arnold then asked if the easement could be vacated. Mr. Huff replied vacation of any portion of the public access easement would require approval by the State and it unlikely that they would do so.

June Arnoldy; 51826 Seward Hwy., Moose Pass, AK 99631: Ms. Arnoldy is a neighboring landowner

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

MOTION: Commissioner Brantley moved, seconded by Commissioner Gillham to grant preliminary approval to ASLS 2017-23 Tracts A B C D & E based on staff recommendations and compliance with borough code.

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

MOTION PASSED BY UNANIMOUS VOTE

| | | | |
|-----|--------------------------------------------|----|---|
| Yes | 5 | No | 0 |
| Yes | Brantley, Gillham, Morgan, Ruffner, Venuti | | |

AGENDA ITEM E. NEW BUSINESS

ITEM E5 – BUNNELL’S SUBDIVISION HAIGH 2021 REPLAT

| | |
|--------------------------------|----------------------------------------------------------------------|
| KPB File No. | 2021-134 |
| Plat Committee Meeting: | October 11, 2021 |
| Applicant / Owner: | Tim and Ruby Haigh, Tim and Ruby Haigh Living Trust of Homer, Alaska |
| Surveyor: | Kenton Bloom / Seabright Survey and Design |
| General Location: | City of Homer |

| | |
|---------------------------|-------------------------------------------------------------------|
| Parent Parcel No.: | 175-142-21, 175-142-22 |
| Legal Description: | West ½ of Lot 49 and all of Lot 50, Bunnell's Subdivision (HM 49) |
| Assessing Use: | Residential |
| Zoning: | Medical District |
| Water / Wastewater | City water and sewer available |

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will subdivide reconfigure a shared lot line between two lots and dedicate a 30 foot wide dedication.

Location and Legal Access (existing and proposed): Legal, and physical, access to the subdivision is by way of a 20 foot alleyway that connects to W. Pioneer Avenue.

Both lots front a 30 foot wide dedication named Swatzell Street. This plat is proposing, at the City of Homer Planning Commission's request, a matching 30 foot wide dedication of Swatzell Street to provide a full 60 foot dedication along the subdivision. Swatzell Street does not connect to the Swatzell Street to the north as there is a 200 foot gap where the street has not been dedicated. Per Plat HM 2006-57, there is a 30 foot public access easement within the panhandle of Lot 53A1 that connects Swatzell Street to W. Pioneer Ave.

Lot 55A is the Homer Movie Theater. The alley is developed as it provides access to the theater parking area and to the abutting lots.

W Fairview Avenue, Main Street, W Pioneer Avenue, and Bartlett Street define a closed block. The block does exceed allowable limits along the north-south boundary. The east-west block lengths are compliant but the eventual through dedication of Swatzell Street would provide a smaller, but compliant block. In order to bring the block into compliance the plat would be required to dedicate an east-west right of way to provide connection between Swatzell Street and Main Street. Due to existing structures, the ability to get a full dedication will be difficult. **Staff recommends the plat committee concur that an exception is not required as any required dedication would not be feasible or improve the block.**

A comment was received from Roy Thomas, the landowner of Lots 48 and 47 located to the north of the subdivision. He has concerns regarding the requirement to dedicate 30 foot of right of way. He notes that after many years, the right of way remains disconnected and no segment is constructed. He also states there are no land locked parcels as they have access from the existing Swatzell Street dedication and in lieu of access along the dedication, some of the back lots utilize utility easement to access from Bartlett Street. He

requests the acquisition of additional right of way be paused until the need is validated or confirmed by studies or development.

The parent subdivision created many long narrow lots that had access from Bartlett Street and the section line easement that is now Main Street. Through the years, the owners of the long narrow lots wanted to subdivide and they were required to make sure all lots had access. The first portion of the right of way was granted by plat HM 78-44. Subsequent sections were granted by HM 79-58 (Amended by HM 83-122), HM 80-26, HM 83-09, and HM 2013-10. The City Planner, per the minutes from the September 1, 2021 Planning Commission meeting, stated he was not sure of the history of the road but hopefully over time enough right of way would be dedicated to provide a through road.

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

Site Investigation: There are a few areas with steep slopes. Those areas are depicted on the plat. Per KPB GIS data, there are no wetlands present within the subdivision. Per the plat, a creek is present in the eastern portion. The plat is granting a 15 foot wide drainage easement centered on the creek as requested by the City of Homer Planning Commission.

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| KPB River Center review | <p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Homer Comments: No comments</p> <p>B. Habitat Protection Reviewer: Carver, Nancy Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p> |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Staff Analysis The proposed plat will reconfigure the lot lines between two lots. The current lot configuration was created by the parent plat, Bunnell's Subdivision HM 49. Lot 49 was split by deed as shown in a record of survey, HM 97-27. The west half fronted Swatzell Street. The proposed plat will create a flag for the W1/2 of Lot 49 to provide physical and legal access to the 20 foot alleyway.

City water and sewer are available. An installation agreement will be required or documentation from the city that one is not required.

Notice of the proposed plat was mailed to the beneficial interest holder on September 17, 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.

Per the certificate to plat, the subdivision is subject to a public recreational easement granted by recorded document. Both lots were subject to recreational easements but the easement was terminated on Lot 50 by recorded document. The remaining easement on the west portion of Lot 49 appears to still be in existence.

Staff recommends a plat note be added for the recreational easement affecting the West ½ of Lot 49 unless the public recreational easement has been terminated and the recorded document is provided.

The City of Homer Planning Commission heard the preliminary plat at their September 1, 2021 meeting. The Planning Commission recommended approval by unanimous consent with the following comments.

1. Include plat note stating property owner should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all required local, state, and federal permits.

2. Dedicate 30 foot right of way (Swatzell Street) for a full 60 foot right of way.
3. Dedicate a 15 foot utility easement fronting the new 30 foot dedication.
4. Dedicate 15 foot drainage easement centered on the creek over Lot 50A.

The preliminary plat submitted to the Borough for review has met the requests of the City of Homer Planning Commission.

Utility Easements The parent plat did not grant any utility easements within the lots. This plat will be granting a 15 foot utility easement along Swatzell Street.

An easement was granted by recorded document. The document does delineate the location of the easement. **Staff recommends** the easement from recorded instrument be depicted and refer to a note that contains details of the easement.

Homer Electric Association requests a 10 foot wide easement centered on an existing underground electrical line. The line is depicted 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 | Requests 10 foot wide easement centered on existing underground electrical line. |
| ENSTAR | No comments or recommendations |
| ACS | No objections |
| GCI | Approved as shown |

KPB department / agency review:

| | |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Addressing | <p>Reviewer: Haws, Derek Affected Addresses: 3835 MAIN ST</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: MAIN ST SWATZELL ST</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: City of Homer will advise on affected addresses.</p> |
| Code Compliance | <p>Reviewer: Ogren, Eric Comments: No comments</p> |
| Planner | <p>Reviewer: Taylor, Bryan 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. Review Not Required</p> |
| Assessing | <p>Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.</p> |

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**

Staff recommendation: final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.

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 owner's information. The owners should be listed as Tim and Ruby Haigh Living Trust and Timothy A. Haigh and Ruby Haigh.
- Verify the owners' address. KPB Assessing records indicate the address is PO Box 683. If the address shown on the plat is correct, the owners should contact the KPB Assessing Department to update the mailing address.

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

Staff recommendation: Provide a status label for the parcel located to the west of Swatzell Street.

KPB 20.30 – Subdivision Design Requirements

Staff recommendation: final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.

20.30.190. Lots-Dimensions.

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

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

Staff recommendation: place the standard note on the plat for the flag lot(s): No structures are permitted within the panhandle portion of the flag lot(s). An exception has been requested for the flag length.

KPB 20.40 – Wastewater Disposal

Staff recommendation: final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.

20.40.010 Wastewater disposal.

Platting Staff Comments: City water and sewer are available. Correct plat notes are on 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.

20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

Staff recommendation: Installation agreement is required or documentation that one is not needed.

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.

- This subdivision is subject to a public recreational easement as defined by Serial Number 2008-004837-0, HRD, recorded on December 12, 2008.
- Right of way easement was granted to Homer Electric Association, Inc. to construct, operate and maintain an electric transmission and /or telephone distribution line or system as recorded in Book 176 Page 815, HRD.
- Add a plat note for any exceptions granted.
- If the exception is granted the following notes will be required
 - o No structures are permitted within the panhandle portion of the flag lot.
 - o There are possible limitations on further subdivision based on access issues, development trends in the area, or topography.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Update the certificate of ownership to reflect plural pronouns. Verify the owners' addresses. The same person will sign the plat on behalf of both themselves and the trust. Update their signature lines to include single and trustee signatures.

Timothy A. Haugh, signing for former Lot 50 and
as Trustee for the Tim and Ruby Haigh Living Trust for the former W1/2 of Lot 49

Ruby Haigh, who acquired title as Kristie Diane Haight, signing for Former Lot 50 and
as Trustee for the Tim and Ruby Haigh Living Trust for the Former W1/2 of Lot 49.

Comply with 20.60.190

EXCEPTIONS REQUESTED:

KPB 20.30.190 – Lots-Dimensions (length of flag portion of Lot 49-A)

Surveyor's Discussion:

Staff Discussion: The size and shape of proposed Lot 49-A will be irregular. The proposed replat will allow proposed Lot 49-A to have access to the 20 foot alley located to the east of the subdivision. In order to accomplish this the flag for the lot is 20 feet wide and 178 feet long. Per KPB Code 20.30.190(B), "If the

access portion is less than 60 feet wide, it may not exceed 150 feet in length.”

If the exception is denied, a redesign will be required that provides for a code compliant flag or new lot configurations.

Findings:

1. The proposed flag for Lot 49-A will be approximately 178 feet in length.
2. The width of the proposed flag portion of Lot 49-A is 20 feet.
3. Lot 49-A abuts dedicated right of way, Swatzell Street.
4. Swatzell Street is not connected to a dedicated right of way to the north.
5. Swatzell Street is connected to W. Pioneer Ave to the south through dedications and public access easements.
6. Swatzell Street is not constructed.
7. The flag lot will allow legal access to the lot via a 20 foot wide alley.
8. The City of Homer Planning Commission approved the proposed design.
9. The City of Homer Planner noted that the lot design was unusual but provides access until such time Swatzell Street is developed.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 3, 5, 7, 8, 9 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 3, 5, 7, 8, 9 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 3, 5, 7, 8, 9 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

Chair Ruffner opened the meeting for public comment. Hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

Commissioner Venuti informed Chair Ruffner that he had voted on this plat as a member of the City of Homer Planning Commission and requested to be recused. Chair Ruffner approved his request.

MOTION: Commissioner Morgan moved, seconded by Commissioner Gillham to grant preliminary approval to Bunnell's Subdivision Haigh 2021 Replat based on staff recommendations and compliance with borough code.

AMENDMENT MOTION: Commissioner Morgan moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.190-Lot Dimensions, length of flag portion of Lot 4-A, citing findings 3, 5, 7, 8 & 9 in support of standard one, two and three.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

| | | | | | |
|---------|--------------------------------------------|---------|---|----|---|
| Yes | 5 | Recused | 1 | No | 0 |
| Yes | Brantley, Gillham, Morgan, Ruffner, Venuti | | | | |
| Recused | Venuti | | | | |

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

MOTION PASSED BY UNANIMOUS VOTE

| | | | | | |
|---------|--------------------------------------------|---------|---|----|---|
| Yes | 5 | Recused | 1 | No | 0 |
| Yes | Brantley, Gillham, Morgan, Ruffner, Venuti | | | | |
| Recused | Venuti | | | | |

F. PUBLIC COMMENT - None**G. ADJOURNMENT**

Commissioner Venuti moved to adjourn the meeting 7:34 P.M.

Ann E. Shirnberg
Administrative Assistant