

# Kenai Peninsula Borough

## Plat Committee

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

October 25, 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*

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

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

#### \*3. Minutes

##### a. October 11, 2021 Plat Committee Meeting Minutes

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 Brantley moved, seconded by Commission Gillham to approve the minutes from the October 11, 2021 Plat Committee meeting and regular agenda.

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		

### D. OLD BUSINESS - None

### E. NEW BUSINESS

#### ITEM 1 - CAUSEWAY SUBDIVISION 2021 REPLAT

KPB File No.	2021-138
Plat Committee Meeting:	October 25, 2021
Applicant / Owner:	Christopherson Family Trust of Anchorage, Alaska
Surveyor:	James Hall / McLane Consulting, Inc.
General Location:	Hope / Hope-Sunrise APC

Parent Parcel No.:	035-070-19, 035-070-20, 035-070-21, 035-070-22, 035-070-23, 035-070-27, 035-070-28, 035-070-29, 035-070-30, and 035-070-31
Legal Description:	Lots 19-23 and Lots 27-31 Causeway Subdivision Plat No SW-33

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

Staff report given by Scott Huff.

**Specific Request / Scope of Subdivision:** The proposed plat will remove property boundaries to combine 6 lots into a 2.8 acre parcel and combine 4 lots into a 1.9 acre parcel.

**Location and Legal Access (existing and proposed):** The subdivision is located in the Townsite of Hope. The access is located near mile 16.5 of the Hope Highway, a state maintained right of way. Second Street, a borough maintained right of way, intersects the Hope Highway. Shortly after the intersection is Fifth Street, a 30 foot wide dedicated right of way and Fourth Street, a 30 foot wide dedicated right of way. Fifth Street and Fourth Street border each side of the subdivision and will provide two access routes for the new lots. Both right of ways are maintained by the borough and end in cul-de-sacs.

An exception for right of way width has been requested for Fourth Street and Fifth Street.

The block does not close but the distances are compliant. An unnamed right of way did exist that connected Fourth Street and Fifth Street. Plat SW 83-10 vacated that right of way and dedicated cul-de-sacs at the end of Fourth Street and Fifth Street. To the north is Turnagain Arm and floodplains. Other roads in the area are dedicated into the floodplain but not constructed or the roads end in cul-de-sacs south of the wetlands. **Staff recommends the plat committee concur that an exception or dedication is not required as a vacation of right of way occurred in 1983 to remove a right of way that connected Fifth Street and Fourth Street.**

KPB Roads Dept. comments	No comments
SOA DOT comments	

**Site Investigation:** There is no contour information available for the area but this area is not affected by steep terrain. There are no low wet areas within the subdivision. The subdivision is within Floodplain C, a non-regulatory minimal flood risk zone.

Per KPB GIS data, an unnamed anadromous stream runs through former lots 19-21. **Staff recommends an approximate location of the stream be added to the plat in addition to required plat notes.**

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: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: KPB\maldrige</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
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**Staff Analysis** The preliminary plat will be reconfiguring ten lots into two lots. The current lots were created with Causeway Subdivision, SW 33, which was recorded in 1962. The parent plat dedicated 30 foot wide right of ways on either side of the block containing the lots within this proposed subdivision. The proposal will combine former Lots 19, 20, 30, and 31 into one 1.91 acre lot and Lots 21-23 and 27-29 into one 2.866 acre lot.

Locations of structures are not shown on the proposed plat. Per KPB GIS imagery from 2020 there are several structures built on the lots. While it is unknown if any of the structures are encroaching or crossing

current lot lines several appear to be close. If there are any encroachment issues, the reconfiguration should resolve those matters.

As this platting action will be increasing lot size, a soils report will not be required and an engineer will not need to sign the 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.

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

**Utility Easements** The parent plat did not grant any utility easements. As required by KPB Code, 10 foot utility easements will be granted along dedicated right of ways. A 10 foot utility easement will also be granted by this plat within proposed Lot 21A.

A right of way easement was granted to Chugach Electric Association by document located at Book 45R Page 142 in the Seward Recording District. The document, recorded in 1968, granted a 20 foot utility easement centered on the shared lot lines running north and south within the block as well as additional lots within Causeway Subdivision. Chugach Electric Association recorded a release of right of way in 2021, serial number 2021-001092-0, Seward Recording District. The release specifically released the easement affecting the east 10 feet along lots 19, 20, 21, and 22 and the west 10 feet along lots 28, 29, 30, and 31.

A submittal was received to go through the utility easement alteration procedures. It was determined the easements listed within the release no longer exist as of the recording date. A 20 foot utility easement will remain within the southern portion of Lot 21A along the former lot lines of Lots 23 and 27. **Staff recommends remove the hatching, the leader, and label stating the easement is vacated by this plat, and update the legend.**

The existing easement was issued to specifically to Chugach Electric Association by document. **Staff recommends the remaining easement be updated to read "20' utility easement per B45R, PG142 SRD".**

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

**Utility provider review:**

HEA	
ENSTAR	No comments or recommendations
ACS	
GCI	
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
TELALASKA	

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  64850 FOURTH ST  64835 FIFTH ST  64811 FIFTH ST</p> <p>Existing Street Names are Correct: Yes  List of Correct Street Names:  SECOND ST</p>
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Addressing	<p>FOURTH ST FIFTH 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: 64850 FOURTH ST and 64835 FIFTH ST will remain with Lot 19A. 64811 FIFTH ST will remain with Lot 21A.</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>
Advisory Planning Commission	Comments 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 20.30 – Subdivision Design Requirements**

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

#### **20.30.120. Streets-Width requirements.**

- A. The minimum right-of-way width of streets shall be 60 feet.
  1. Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can reasonably be expected to be dedicated in the future.
  2. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoining to the new half right-of-way will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.

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

**Staff recommendation:** *An exception for right of way width has been requested.*

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

#### **ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:**

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

**Staff recommendation:** *Depict and label the anadromous stream and add the required note. Comply with 20.30.290.*

#### **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: As the lots are increasing in size a soils analysis report is not required. The correct plat note is located 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.*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *Update the Certificate of Ownership and Dedication to plural pronouns. Documentation is required that shows the trustees have authority to sign the plat on behalf of the Christopherson Family Trust. Comply with 20.60.190.*

20.60.200. Survey and monumentation.

**Staff recommendation:** *This will be a paper plat prepared from data. If any information is computed, provide appropriate labeling to indicate as such. Comply with 20.60.200*

### **EXCEPTIONS REQUESTED:**

#### **A. KPB 20.30.120 – Streets-Width Requirements**

**Staff Discussion:** Fourth Street and Fifth Street are 30 feet wide. Per KPB Code 20.30.120, the minimum width shall be 60 feet.

Denial of the exception request will require right of way dedications for Fourth Street and Fifth Street.

If the exception is denied it should be determined by the Plat Committee the width they wish to require for each right of way. The current right of way width is 30 feet with a bulb at the end. A 15 foot right of way dedication will allow future subdivisions on the opposite side of the right of way to provide a matching 15 feet, for a full 60 foot width. A 30 foot right of way dedication will provide a full dedication width for this section and will require all future dedications to come from lots within the subdivision block so that the right of way is not offset.

#### **Surveyor's Findings:**

1. Fourth and Fifth Streets are improved 30' wide dedicated rights-of-way (per Plat SW 33-1962) with current maintenance.
2. Lots to North, South, East, & West of this replat are undersized and unlikely to accommodate future matching R/W dedications.
3. R/W dedications per this replat would create multiple encroachment issues. Improvements were constructed to current R/W width of 30'.

#### **Staff Findings:**

4. The Kenai Peninsula Borough maintains the right of ways.
5. No comments were made by the Kenai Peninsula Borough Roads Department.
6. Right of ways in the area that were created by the Hope Townsite Survey No. 1485 (done in 1923), were widths of 30, 40, or 50 feet.
7. Fourth Street and Fifth Street are cul-de-sacs.
8. The right of ways currently provide access to thirty-three lots.
9. Seven of the lots that have Fourth Street for access have additional access.
10. If the subdivision is approved the number of lots using Fourth Street and Fifth Street for access will

be reduced to twenty-five lots.

11. The ability to obtain matching right of way from adjacent lots will be difficult due to their lots sizes and improvements.
12. Other lots have been combined on Fourth Street and additional dedications were not required. (It was not discussed in the minutes from 1994).
13. The road widths fit with the design and feel of the community.
14. Allowing the road widths to remain will comply with the Kenai Peninsula Borough Comprehensive Plan as part of Historic Preservation to maintain the character of the historic town.

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 1-5, 9-14 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 1-5, 9-14 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 1-5, 9-14 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.

**MOTION:** Commissioner Morgan moved, seconded by Commissioner Brantley to grant preliminary approval to Causeway Subdivision 2021 Replat based on staff recommendations and compliance with borough code.

Commissioner Ruffner asked staff that in his understanding all the applicants are wanting to do with this plat is to remove some lot lines to make the lots bigger. Mr. Huff replied that is correct, that applicants are taking six lots and combining them into two lots. One lot will be 2.8 acres and the other will be 1.9 acres. Commissioner Ruffner noted that these lots have acreage within the Habitat Protection District and that by combining lots together will result in there being more usable areas on each lot.

**AMENDMENT MOTION:** Commissioner Morgan moved, seconded by Commission Brantley to grant exception request to KPB 20.30.120 – Street Width Requirements, citing findings 1-5 & 9-14 in support of standards 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	No	0
Yes	Brantley, Gillham, Morgan, Ruffner, Venuti		

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

**MOTION PASSED BY UNANIMOUS VOTE**

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

## ITEM 2 - RIGHT OF WAY ACQUISITION SEWARD AIRPORT IMPROVEMENTS

<b>KPB File No.</b>	2021-047
<b>Plat Committee Meeting:</b>	October 25, 2021
<b>Applicant / Owner:</b>	State of Alaska DOT & PF
<b>Surveyor:</b>	State of Alaska DOT & PF
<b>General Location:</b>	Seward Airport

<b>Parent Parcel No.:</b>	145-02-401 ROW take parcels 145-022-21 Civil Air Patrol 145-024-04 Leirer Enterprises, LLC Resurrection Bay – Alaska Tidal Survey 174
<b>Legal Description:</b>	T 1N & 1S R 1W SEC 34 35 2 & 3 SEWARD MERIDIAN SW THAT PTN KNOWN AS THE SEWARD AIRPORT
<b>Assessing Use:</b>	Leased commercial
<b>Zoning:</b>	Industrial
<b>Water / Wastewater</b>	Municipal water and sewer service

Staff report given by Scott Huff.

**Specific Request / Scope of Subdivision:** The proposed right of way acquisition plat is for a new ROW for Runway 16/34, which will be shifted, lengthened, and raised above the 100-year flood level. The approval of the Right of Way acquisition plat will allow DOT to work with the land owners to obtain additional Airport Right of Way property.

**Location and Legal Access (existing and proposed):** The location is at the Seward Airport. Legal access is from Airport Road which is not a dedicated right of way but is constructed and maintained by the State of

Alaska (SOA). Airport Road is within the State property as well as within Tract 9. The Alaska Railroad Corporation owns Tract 9 which is affected by the airport and Airport Road.

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

**Site Investigation:** The area is located along the alluvial fan of Resurrection River. The airport property is affected by riverine and tidal ecosystems.

Per KPB 21.18.025, all portion of waterways found within the Seward – Bear Creek Mapped Flood Service Area (SMFDA) are exempt from KPB 21.18.

No steep terrain affects the airport.

### **Staff Analysis**

Notice of the right of way acquisition plat was provided to 2 landowners from whom right of way or easements are being acquired. The plat was also sent to utility providers, City of Seward, Seward EMS, KPB Seward office, and various State offices.

The Seward Planning and Zoning Commission heard the plat at their September 7, 2021 meeting. It was originally scheduled to be heard on July 6, 2021 but was hold a joint work session with the Commerce Advisory Board and the Seward Bear Creek Flood Board. The Seward Planning and Zoning Commission approved Substitute Resolution 2021-014 with the following conditions:

1. Public access to the beach to the south of the Airport property is provided.
2. A fire hydrant is installed on the Airport property.
3. Water and sewer are brought to the Airport facilities.

Per the Seward Planning and Zoning Commission minutes, several people spoke in opposition to the project. Prior to the voting of their approval of the resolution it was clarified they were voting only on the acquisition plat and not the other aspects of the project.

One of those that spoke is the owner of the proposed acquisition of 1.986 acres. The owner is not willing to only sell that portion and it would need to be the entire parcel. This is an aspect that will need to be worked on through the DOT acquisition process. **Staff recommends** provide an updated depiction for lands acquired if they differ from what is presented.

The plat is reviewed and approved under KPB 20.10.070, Right of way Acquisition Plat. Preliminary approval of the plat shall be for a period of 24 months. Additional time extensions may be granted by the Planning Director for specified time periods upon finding that it is in the public interest to do so.

The SOA has prepared three alternatives which were evaluated during the scoping and environment process. Alternative 2.2 was chosen at the design to move forward with.

From the State of Alaska DOT & PF Seward Airport Improvements summary.

### **Project Need**

*The Main Runway (13/31) at Seward Airport is frequently overtopped by the Resurrection River, often several times a year, forcing repeated closure and repair of the Main Runway. Recurrent flooding has resulted in a weakened runway embankment, prompting the department to reduce the loading on the runway to service only light aircraft.*

*The frequency and severity of flooding has been steadily increasing. The river is directly adjacent to the Main Runway for over half the runway length. Floodwaters flow over the runway and threaten to cut through the runway embankment during high water.*



*Pavement on aprons and taxiways is old with evident ponding and cracking. The airfield lighting system is beyond its useful life and needs to be replaced.*

### **Project Description**

*The purpose of this project is make improvement that protect the airport form further flood damage while upgrading the airport to current FAA standards.*

*Improvements include:*

- *shift and lengthen Runway 16/34 to 75' x 3,300';*
- *Raise Runway 16/34 above the design flood elevation and provide armor protection;*
- *Close Runway 13/31;*
- *Reconstruct taxiways to meet the new runway elevation, and eliminate taxiways within the center 1/3 of the runway, per FAA guidance;*
- *Install new airfield edge lighting and electrical enclosure building;*
- *Install new airport beacon, segmented circle, and wind cones;*
- *Repave the existing aprons and taxi lane;*
- *Improve airport drainage;*
- *Purpose property for airspace.*

DOT is currently in the process of obtaining approval of the Right of Way acquisition plat and appraisals on the land that may need to be obtained. After this, DOT can contact the land owners with a request to purchase and proceed with negotiations as needed. The size and location of the parcels may be adjusted during the negation process. The final right of way plat will show the updated boundary.

**Utility Easements** The City of Seward provides road, water, sewer, electric, and other utilities.

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:**

ENSTAR	No objection or comment.
ACS	
GCI	
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
TELALASKA	

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

Addressing	<p>Reviewer: Haws, Derek</p> <p>Affected Addresses: 2310 AIRPORT RD, 2300 AIRPORT RD, 2210 AIRPORT RD, 2208 AIRPORT RD, 2202 AIRPORT RD, 2110 AIRPORT RD, 2106 AIRPORT RD, 2104 AIRPORT RD, 2102 AIRPORT RD, 2101 AIRPORT RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: SEWARD HWY</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No</p> <p>List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: City of Seward will advise on affected addresses.</p>
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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. Review Not Required
Assessing	Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.
KPB Roads Department	Out of Jurisdiction: Yes Roads Director: Uhlin, Dil Comments: No comments
State Dept. of Fish & Game	Not available when the staff report was prepared.
River Center	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Seward Comments: No comments  B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments  C. State Parks Reviewer: Russell, Pam Comments: No Comments

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

### **STAFF RECOMMENDATIONS**

#### **CORRECTIONS / EDITS**

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.10.070 AS FOLLOW:

This is an acquisition plat. The depictions of aviation, hazard or clearing easements should be removed as they do not pertain to the acquisition of property. Lease and interagency transfer designations should also be removed. Depictions of neighboring lots with labels should be shown. **Staff recommends these depictions be removed from all sheets and provide accurate depiction of neighboring lots.**

On the last sheet is a table that refers to property status. The designations used are "Tract" or "parcel". A parcel designation is acceptable but not Tract. Tract is a legal designation for some of the parcels in the area. A different project designation should be used and the only "Tract" labels should refer to legal tract designations given by the recording of a plat. **Staff recommends the labels be updated/removed on all sheets.**

1. Correct the following status labels:

#### **SHEET 1**

- Remove the Lot 4 USS 9000 label. This has now been dedicated or acquired as right of way.
- The parcel labeled "Tract IX" should be shown as "Tract 9" as that was the designation given on the parent plat.

#### **SHEET 2**

- Remove the Lot 4 USS 9000 label. This has now been dedicate or acquired as right of way. Provide a reference to the highway project map and the sheet that contains this portion of the project.
- Provide right of way names for the right of way that goes through what is shown as Tract II.
- The depiction of Crawford Subdivision is small but provide a few of the major right of way names within the subdivision or those that about the project.

**SHEET 3**

- The parcel labeled "Tract IX" should be shown as "Tract 9" as that was the designation given on the parent plat.
- Provide some of the street names within Crawford Subdivision.

**SHEET 4**

- Remove the Lot 4 USS 9000 label. This has now been dedicate or acquired as right of way. Provide a reference to the highway project map and the sheet that contains this portion of the project.
- Depict the right of way that goes through what is currently labeled Tract II and provide a street name label.

**STAFF RECOMMENDATIONS: Grant a two-year approval of the preliminary plat subject to any above recommendations, and KPB code:**

**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.

**MOTION:** Commissioner Brantley moved, seconded by Commissioner Gillham to grant a two year preliminary approval to Right-of-Way Acquisition Seward Airport Improvements based on staff recommendations and compliance with borough code.

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

**MOTION PASSED BY UNANIMOUS VOTE**

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

**ITEM E3 - S & S SUBDIVISION YOUNG REPLAT**

<b>KPB File No.</b>	2021-112
<b>Plat Committee Meeting:</b>	October 25, 2021
<b>Applicant / Owner:</b>	Cole B. and Jessica A. Young of Soldotna, Alaska
<b>Surveyor:</b>	John Segesser / Segesser Surveys, Inc.
<b>General Location:</b>	Shane Rae Circle and Riggs Avenue, Ridgeway area

<b>Parent Parcel No.:</b>	058-033-01,058-033-02
<b>Legal Description:</b>	Lots 2 and 3, S & S Subdivision Plat KN 86-112
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

Staff report given by Scott Huff.

**Specific Request / Scope of Subdivision:** The proposed plat will combine two lots and finalize a right of way vacation to create one 2.89 acre lot.

**Location and Legal Access (existing and proposed):** The proposed subdivision is located on Riggs Avenue, a 66 foot wide right of way that coincides with 83 foot wide section line easement. Riggs Avenue is on the City of Soldotna boundary and is maintained by the borough. Riggs Avenue intersect state maintained Mackey Lake Road about a third of a mile from the Sterling Highway.

A petition to vacate Shane Rae Circle was heard and approved by the Planning Commission on September 13, 2021. It was heard and approved by the Kenai Peninsula Borough Assembly on October 12, 2021. This plat will vacate Shane Rae Circle and the new lot will have access via Riggs Avenue. Other lots that had optional access from Shane Rae Circle will continue to have access via Riggs Avenue or Heath Circle.

The block is not compliant and an exception has been requested.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comments.

**Site Investigation:** The land within the proposed subdivision is relatively flat with no low wet areas.

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: Aldridge, Morgan 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 is composed of lots and right of way created by S&S Subdivision, Plat KN 86-112. That plat created four lots and dedicated a 645 foot long right of way. The right of way was given a Circle suffix. That suffix indicates the intent to extend the right of way in the future but for the right of way not to be a through dedication.

On September 13, 2021, the Planning Commission heard a petition to vacate Shane Rae Circle. The vacated right of way was proposed to be combined with Lots 2 and 3 into one parcel. Lot 1 would have access from Riggs Avenue. Lot 4 and the northern unsubdivided lot would have access via Heath Circle. The four lots bordering Shane Rae Circle are currently owned by the same owner. To the north is a 4.8 acre unsubdivided parcel that is also owned by the same owner of the proposed subdivision.

The owners stated in their vacation petition, that they run a company and have expensive equipment on their property. They wish to have a gate in place in the location of Shane Rae Circle to protect their property. It does appear that there may be driveways off the current Shane Rae Circle that provide access to Lots 1 and 4. Access will not be an issue as long as one owner but staff suggests if ownership changes to any of the lots it be disclosed if new access will need to be developed or that a driveway easement or agreement be recorded to protect all parties.

A soils report will be not required and an engineer will not sign the final plat.

Notice of the proposed plat was mailed to the beneficial interest holder on October 5, 2021. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are

given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The property is not within an advisory planning commission.

**Utility Easements** The parent plat, S&S Subdivision KN 86-112, granted a 10 foot utility easement along Riggs Avenue as well as a 10 foot along the western side of Shane Rae Circle and a 10 foot by 10 foot easement centered on the shared lot line of Lots 2 and 3. The petition to vacate the right of way did not include any utility easements to vacate. While the 10 foot utility easement will remain along the eastern boundary of Lots 1 and 4, the vacation of the right of way does not provide access to the 10 x 10 easement that will now be in the middle of proposed Lot 2A. Staff notes there are several options to provide access to the remaining 10' x 10' easement. A 10 foot easement may go across the vacated portion of Shane Rae Circle to connect to the north-south easement along Lots 1 and 2. Another option is to provide a 10 foot wide utility easement along the vacated portion of Shane Rae Circle to connect the 10 x 10 easement to the easement along Riggs Avenue. **Staff recommends** a 10 foot wide utility easement be granted to connect to the 10 x 10 easement either by crossing the vacated right of way to connect to the utility easement of record, or a 10 foot utility easement on the east side of the vacated right of way.

ENSTAR has responded that they have an existing main line within the east side of Shane Rae Circle right of way. They have provided two scenarios in which to grant an easement for the line. **Staff recommends** the depiction and requested note be provided on the plat or record the document and provide the recording information within a plat note.

Per plat note 6, there will be 10 foot utility easements along the right of way and 20 feet within 5 feet of the side lot lines. The plat currently depicts the utility easements granted by the parent plat. The utility easement depiction must show the continuation along the vacated portion of Shane Rae Circle and depict the 20 foot within 5 feet of the side lot lines. **Staff recommends** update the depiction of the utility easements to show the easement extending across the vacated right of way where adjoining Riggs Avenue.

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

**Utility provider review:**

HEA	Reviewed, no comments.
ENSTAR	There are existing natural gas main line which appears to be located within the proposed Shane Rae Circle 60' ROW Vacation. Attached is an approximate ENSTAR as-built for your reference. ENSTAR objects to this plat unless one of the following scenarios is met: 1. Add a note which says, "There is a ten foot (10 FT) wide natural gas easement centered on the existing main line." And draw in the approximate location of the main line on the map and add, "Approximate location of natural gas main and centerline of ten foot (10 FT) wide natural gas easement." 2. Owner signs an ENSTAR Natural Gas Easement document for a ten foot (10 FT) wide natural gas easement, centered on the main line at this location.
ACS	
GCI	

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 42924 RIGGS AVE</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: Heath Cir Riggs Ave</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: 42924 RIGGS AVE will remain with Lot 2A.</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. Vacation of Shane Rae Circle ROW will result in Parcel # 058-033-04 having legal access from Heath Circle only. Parcel # 058-033-05 will have legal access only from Riggs Avenue.</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:** Parent plat number needs corrected to 86-112.
- 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:** Soldotna City Limits is located south of the subdivision, within Riggs Avenue. Depict the boundary and provide a label.
- 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 for Tract C located to the northeast by removing the duplicate C.*

#### **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:** *The new lot does not meet 3:1 requirements. An exception has been requested.*

#### **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 will not be required. Wastewater note is required.*

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

#### **KPB 20.60 – Final Plat**

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

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

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

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

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

- *Add a note for any exceptions granted.*
- *WASTEWATER DISPOSAL: The parent subdivision for lots resulting from this platting action was approved by the Alaska Department of Environmental Conservation on DATE ILLEGIBLE. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.*

*Update the following plat notes.*

- *Note 3, correct “Tha” to “The”.*

- Note 3, add "...September 13, 2021. Consent by the Kenai Peninsula Borough Assembly was given at the meeting of October 12, 2021."
- Notes 4 and 5, add "Misc" prior to the Book and Page listed.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** A statement must be added and signed by the owners that acknowledge the vacation is only being added to Lots 2 and 3. "We hereby certify that we are the owners of Lot 1 and Lot 4 S & S Subdivision and that we hereby forego the opportunity to receive ½ of the vacation of Shane Rae Circle. We are allowing the entire sixty (60) feet of right-of-way to be attached to Lot 2A S & S Subdivision Young Replat." Comply with 20.60.190.

KPB 20.70 – Vacation Requirements

**Staff recommendation.** Must be finalized within one year of Kenai Peninsula Borough Assembly consent, October 12, 2021.

**EXCEPTIONS REQUESTED:**

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

**Staff Discussion:** The subdivision is within a closed block defined by Riggs Avenue, Section Line Easements, Brenda Way, Delcie Drive, and Mackey Lake Road. Not all portions are constructed due to wetlands and terrain. The block lengths are not compliant. There are four other dedications within the block that all end in cul-de-sacs. While Shane Rae Circle could have possibly continued through to improve the block several factors limit that ability. The road was dedicated as a circle, which implies the intent to be a permanently closed right of way that would be no more than 1,000 feet long. There are wetlands that would limit the feasibility of it connecting to other right of ways and there are no other right of ways for it to connect to, as they are cul-de-sacs. If a new dedication would be requested would fall under similar issues and due to the design of some of the lots and the current right of way patterns, a dedication through this subdivision will not improve the block length.

If the exception is denied, a dedication will be required to improve the block length.

**Surveyor's Findings:**

1. An extension could come off of Heath Circle to connect with Frazier Road.

**Staff's Findings:**

2. The block is closed.
3. The block exceeds allowable limits.
4. The vacation does not impact or change the block due to intent to be a closed right of way.
5. There are no existing right of ways to connect or be in line with.
6. There are wetlands located to the north and west.
7. The Planning Commission at the September 13, 2021 meeting approved the vacation of Shane Rae Circle.
8. The KPB Assembly at the October 12, 2021 meeting approved the vacation of Shane Rae Circle.

**Staff reviewed the exception request and recommends granting approval.**

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;

**Findings 4-8 appear to support this standard.**

2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 4-8 appear to support this standard.**
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 4-8 appear to support this standard.**

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

**EXCEPTIONS REQUESTED:****B. KPB 20.30.190(A) – Lots-Dimensions** 3:1 depth to width ratio

Staff Discussion: Per KPB Code, the average depth shall be no greater than three time the average width. The proposed lot configuration of Lot 2A results in a depth to width ration of 3.3:1. Due to the vacation of the right of way the depth to width designations now change as the only frontage is along Riggs Avenue.

If the exception is denied, the current lot configuration will not be allowed and a redesign would be required. The only way to provide lots that meet the depth to width ratio would be to provide a right of way dedication.

**Surveyor's Findings:**

1. The width of Lot 2A is 90% of what would be required to meet the code.

**Staff's Findings:**

2. Code allows for 3:1 depth to width ratio.
3. The depth to width ratio for Lot 2A is 3.3:1.
4. Per the vacation petition, the intent is to combine the lots, vacate the right of way so that a gate may be placed to protect property and equipment.
5. Adding the full right of way width to the new lot improves the ratio.
6. The Planning Commission at the September 13, 2021 meeting approved the vacation of Shane Rae Circle.
7. The KPB Assembly at the October 12, 2021 meeting approved the vacation of Shane Rae Circle.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 4-7 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 4-7 appear to support this standard.**

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.  
**Findings 4-7 appear to support this standard.**

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

**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.

**MAIN MOTION:** Commissioner Gillham moved, seconded by Commissioner Brantley to grant preliminary approval to S & S Subdivision Young Replat based on staff recommendations and compliance with borough code.

**AMENDMENT A MOTION:** Commissioner Gillham moved, seconded by Commission Brantley to grant exception request to KPB 20.30.170 – Block Length Requirements, citing findings 4-8 in support of standards one, two and three.

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

**AMENDMENT A MOTION PASSED BY UNANIMOUS VOTE**

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

**AMENDMENT B MOTION:** Commissioner Gillham moved, seconded by Commissioner Brantley to grant exception request to KPB 20.30.190(A) – Lot Dimensions, 3:1 depth to width ratio, citing findings 4-7 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		

**F. PUBLIC COMMENT - None**

**G. ADJOURNMENT**

Commissioner Brantley moved to adjourn the meeting 6:48 P.M.

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Ann E. Shirnberg  
Administrative Assistant

UNAPPROVED