

Kenai Peninsula Borough

Plat Committee

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

January 10, 2022
5:30 PM p.m.
APPROVED MINUTES

A. CALL TO ORDER

Commissioner Brantley called the meeting to order at 5:30 p.m.

B. ROLL CALL

Plat Committee Members/Alternates

Jeremy Brantley, District 5 - Sterling
Syverine Abrahamson-Bentz, District 9 – South Peninsula
Pamela Gillham, District 1 – Kalifornsky
Robert Ruffner, District 7 – Central
Franco Venuti, City of Homer

Staff Present

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

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

*4. Grouped Plats

Staff report by Scott Huff.

Staff has grouped the following plats located under **AGENDA ITEM E**. They are grouped as:

Simple or non-controversial. The type of plats grouped are lot splits, creating a small number of lots, replats, no exceptions required and no public comments were received. – 4 Plats

3. Moose Range Meadows Pennys Place; KPB File 2021-167
McLane Consulting Group / Salamatof Native Association Inc.
Location: Johnson Drive, Carty Lane & Mann Road
Funny River Area
7. Voznesenka Lot 11 Replat; KPB File 2021-166
Ability Surveys / Martishev
Location: Voznesenka Loop & Chorus Drive
Fox River Area / Kachemak Bay APC
8. Hiridge Subdivision Amended Thompson Addition; KPB File 2021-163
Segesser Surveys / Thompson
Location: Moser Street & Dylan Avenue
Ridgeway Area
9. Homewood Subdivision Grote Replat; KPB File 2021-162
Segesser Surveys / Grote
Location: Joshua Tree Avenue
Sterling Area

Staff recommends the committee determine whether any members of the public, surveyors or committee members wish to speak to any of the plats in this **group (A)** and remove the specific plats from the group,

voting on the remainder of plats in the group in a single action to grant preliminary approval to the plats subject to staff recommendations and the conditions noted in the individual staff reports.

END OF STAFF REPORT

Chair Brantley asked if anyone from the public wished to speak to any of the items under the consent agenda. Hearing no one wishing to comment discussion was opened among the commission

MOTION: Commissioner Bentz moved, seconded by Commissioner Venuti to approve the agenda and grouped plates based on staff recommendations and compliance to 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	Bentz, Brantley, Gillham, Ruffner, Venuti		

AGENDA ITEM E. NEW BUSINESS – GROUPED PLATS

ITEM 3 – MOOSE RANGE MEADOWS PENNY'S PLACE

KPB File No.	2021-167
Plat Committee Meeting:	January 10, 2022
Applicant / Owner:	Salamatof Native Association Inc. of Kenai, Alaska
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Carty Lane and Johnsons Drive, Funny River

Parent Parcel No.:	135-253-37
Legal Description:	Tract A-1 Moose Range Meadows, South Blocks 4 and Portions of 2 Amended, Plat KN 85-40
Assessing Use:	Industrial Mining
Zoning:	Unrestricted
Water / Wastewater	On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 6.13 acre parcel into five lots ranging in size from 1.1 to 1.3 acres.

Location and Legal Access (existing and proposed): The subdivision is located on Carty Lane and Johnsons Drive. Both right of ways are 60 foot wide dedications that are maintained by the Kenai Peninsula Borough. Carty Lane is located at the end of Mann Road, a 60 foot wide borough maintained right of way. Mann Road is off state maintained Funny River Road near mile 4.

Proposed Lots 1-3 will have access via Carty Lane. Lot 4 will be a corner lot with access from Carty Lane and Johnsons Drive. Lot 5 will have access from Johnsons Drive.

Mann Road ends at the intersection with Carty Lane. Per 20.30.030, a continuation of Mann Road would be required. Salamatof Native Association owns several large acreage parcels surrounding this subdivision. Steep slopes are present through portions of the large acreage parcels south of the existing Mann Road and south of the projected continuation. An unsubdivided remainder lot that is approximately 9 acres exists south of the subdivision. There is currently no dedicated access to the parcel and access is through other parcels owned by Salamatof Native Association. **Staff recommends that the Plat Committee concur that an exception to KPB 20.30.030 extension of right of way is not be required by this plat based on the following.**

- Large acreage tracts owned by the same owner surround the area and can provide right of way dedications when further subdivided.
- Steep terrain is present south of the subdivision and road dedications will need to occur in locations that are feasible and meet the future needs of the area.

- *No lots are denied access.*

If the plat committee does not concur with staff's recommendation, staff would advise that a 15 foot dedication be required on the south boundary of proposed Lot 1 as Mann Road is slightly offset. A 15 foot dedication will provide legal access, will allow for the extension of Mann Road to align, and future subdivisions to the south can grant the remaining 45 feet.

Due to the terrain and large acreage unsubdivided and remainder parcels in the area, the block does not close and is not compliant. A dedication along the eastern boundary will create a block length that is less than minimal lengths. A dedication along the south will not improve the block until additional subdivisions occur to the east. **Staff recommends** the plat committee concur that an exception to KPB 20.30.170 Block Length is not required, as any right of way dedication will not improve the block length requirements.

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

Site Investigation: The plat contains contour information. The area within the subdivision and in the immediate vicinity is relatively flat. Steep slopes occur to the south. KPB GIS data does not have Kenai Watershed Forum wetland information for the area as it is within the boundary of the Kenai National Wildlife Refuge. Per the National Wetlands Inventory, there are no low wet areas present within the proposed subdivision or near the subdivision on neighboring lots. Some wetlands are present north of Mann Road and west of Carty Lane that should not affect the proposed subdivision. **Staff recommends** if any low wet areas or drainage ways are found during the field survey that they be depicted on the final plat and the standard plat note regarding the Corps. of Engineers be placed on the plat.

The subdivision is partially within floodplain Zone C. Zone C is a minimal risk designation that is not regulated. The parent plat contained a note regarding the floor of structures and flood lines. **Staff recommends** the plat note not be carried over from the parent plat.

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

Staff Analysis Moose Range Meadows, South Blocks 1 and 2, Plat KN 84-93, originally created what was known as Tract A. That plat also dedicated Carty Lane. Tract A was a 9.7 acre parcel that extended to the north and was adjacent to the Kenai River. Moose Range Meadows, South Blocks 4 and Portions of 2, Plat KN 84-277, created the current parent lot, Tract A-1 and dedicated the continuation of Johnsons Drive. Plat KN 85-40 amended the plat to correct the title block and the lot configuration did not change.

The proposed lot configurations comply with KPB Code. The depth to width ratio for Lots 1-3 is 2.9:1.

KPB GIS data shows the property within the boundary of the Kenai National Wildlife Refuge. This is common and is considered a private inholding and the laws and regulations within the Kenai National Wildlife Refuge do not apply to the property.

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.

The parcel is currently being shown as tax exempt. Per the KPB Assessing Department this parcel will be subject to tax recapture. The tax recapture amount will be required to be paid prior to the issuance of the required tax certificate. **Staff recommend** that the owner and surveyor work with the Assessing Department with any questions regarding tax recapture.

The Kenai Peninsula Borough Assessing Department has the usage on this parcel listed as Industrial Mining. Per KPB GIS data, there are no material sites present on the property and per imagery, it appears to be undisturbed.

Utility Easements The parent plats did not grant utility easements within this subject property nor was a plat note included to grant along the right of ways. Per plat note 3, utility easements will be granted in compliance with borough code adjoining all dedicated right of ways.

Plat note 5.1 refers to a recorded easement. This easement did not appear on the certificate to plat. Staff pulled the easement and determined that the legal description given did not apply to this property. **Staff recommends** plat note 5.1 be removed unless research proves the property is subject to the easement then work with the title company to add to the Certificate to 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	No comment
ENSTAR	No comments or recommendations
ACS	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: None</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: MANN RD CARTY LN JOHNSONS DR</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: No addresses affected by this subdivision.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>

Planner	Reviewer: Aldridge, Morgan 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.

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.

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

Staff recommendation: Provide a label for the Kenai National Wildlife Refuge

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.

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 be required and an engineer will be required 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:

It appears that plat note 5.1 does not apply to this subdivision. It was not on the Certificate to Plat and staff pulled up the document to find it in another TRS.

Staff recommends rewording plat note 3, "The front 10 feet adjoining dedicated right of ways and increasing to 20 feet within 5 feet of the side lot lines is a utility easement hereby granted."

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*

AGENDA ITEM E. NEW BUSINESS – GROUPED PLATS

ITEM 7 – VOZNESENKA LOT 11 REPLAT

KPB File No.	2021-166
Plat Committee Meeting:	January 10, 2022
Applicant / Owner:	Trofim Martishev and Edvokia Martishev (deceased) of Homer, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Voznesenka Loop and Chorus Drive, Fox River

Parent Parcel No.:	185-211-14
Legal Description:	Lot 11 Voznesenka Subdivision, Plat HM 85-31
Assessing Use:	Residential
Zoning:	Unrestricted
Water / Wastewater	Community / On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 3.07 acre parcel into two lots. The lots will be 1.319 acres and 1.754 acres.

Location and Legal Access (existing and proposed): The proposed subdivision is located in the Voznesenka community near milepost 22 of East End Road in the Fox River census region. The subject parcel is located on the corner of Voznesenka Loop, a 60 foot wide borough maintained right of way, and Chorus Drive, a 60 foot wide unmaintained right of way.

Proposed Lot 11A will remain a corner lot with access available from both right of ways. There are improvements in place on Lot 11A and current access is from Chorus Drive. Proposed Lot 11B will have access via Chorus Drive.

The parcel is located within an open block. The 28 acre parcel to the northeast is owned by the State of Alaska and affected by very steep terrain. It is unlikely that the tract to the east will be subdivided in the future. This subdivision is on a corner so providing a dedication to improve the block requirements will be

difficult. Chorus Drive continues to the southeast with a 30 foot wide dedication. Steep terrain is throughout the parent subdivision and right of ways were placed over existing right of ways or within locations that were the most practical. Improvements appear to be in place on other lots making it difficult to receive continuing dedications. Steep slopes are present in the area the road would intersect the existing right of way. **Staff recommends** that the plat committee concur that exceptions to block length and proposed street layout requirements are not required, and no dedications are requested due to existing terrain, existing improvements, and inability to improve the block or provide adequate continuation of the right of way in the future.

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

Site Investigation: The plat shows the areas with low wet areas and the appropriate plat note is in place. The plat also depicts the steep slopes by shading the areas with more than 20 percent slopes. Steep slopes appear to be near the right of way dedications but the right of ways were dedicated and constructed to follow the terrain for the most practical locations. Additional slope easements or rights of way were not requested by the Roads Department.

Older KPB GIS imagery makes it appear that a driveway or ditch exists on Lot 11B and may cross into Lot 11A. Reviewing imagery from 2021, it appears that the area is now grown over. It may at one time had been used as an access or for possible utility needs. Unless determined to be something more significant during the field survey, staff feels this does not need to be addressed.

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>
Alaska State Fish and Game	No objections

Staff Analysis U.S. Survey 3354 created Lot 1, a 160 acre parcel. There were no road dedications or easements granted by US Survey 3354 although the plat did indicate a tractor trail, which would later be the southern portion of East End Road. Voznesenka, Plat HM 85-31, subdivided Lot 1 into various lots, tracts, and dedicated the right of ways within the community. Plat HM 85-31 established the 20 foot building setbacks along the right of way dedications, 10 foot utility easements along all lot lines, and a 40 foot utility easement adjoining the northeast boundary.

A soils report will be required and an engineer will sign the final plat.

Due to an eight week delay with the title companies, the Certificate to Plat has not yet been delivered. In the interest of time, **Staff recommends** that the plat committee concur that the plat can be reviewed at this time and Staff can review the certificate to plat when it is delivered. Staff will bring the plat back to the plat committee if there are any items in the report that need to be addressed.

If a beneficial interest holder affects the property, then staff will send notice of the proposed plat to the beneficial interest holder on. 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.

If the property is not affected by a beneficial interest holder, then notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states beneficial interest holders affect the property.

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, Voznesenka HM 85-31, granted 10 foot utility easements along all lot lines. These easements are depicted and labeled correctly on the plat. An additional 40 foot utility easement exists along the northeastern boundary and an overhead powerline is located within the easement. This easement is also depicted and labeled correctly.

If the Certificate to Plat identifies any additional easements of record then, **Staff recommends that the easements of record be depicted and noted 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	No comment
ENSTAR	No comments or recommendations
ACS	
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 46670 CHORUS DR</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: CHORUS DR VOZNESENKA LOOP</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: 46670 CHORUS DR will remain with lot 11A</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Aldridge, Morgan 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 received prior to the staff report being 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

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:

- *The description of the plat may be shortened as "former Lot 1 U.S. Survey 3354 & the SW1/4 of protracted" can be replaced with "the SW ¼ of Section 25, ..."*
- *The certificate to plat was not available when the staff report was prepared. Ownership will need to match the certificate to plat and/or be updated to depict the correct status of Edvokia Martishev if the title has not been updated.*
- *Verify and update the owner's address. KPB Assessing records indicate a PO Box is being used.*

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

Staff recommendation:

- *Provide a width label for the 30 foot wide portion of Chorus Drive.*
- *It is recommended to include either the subdivision name or the recording number for any surrounding lots that are not within the same parent subdivision of the subject parcel.*
- *Lot 7A, located east of Chorus Drive, has been subdivided into two new lots. Update the lot depiction and labels per HM 2017-38.*

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.*

20.30.240. Building setbacks.

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

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

B. The setback shall be noted on the plat in the following format:

Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

C. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning

Department.

Staff recommendation: *Correct the depiction of the 20 foot building setback at the intersection of Voznesenka Loop and Chorus Dr.*

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 be required and an engineer will need to sign the plat. Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.030. Certificate of borough finance department required.

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

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

Staff recommendation: *comply with 20.60.030.*

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

Staff recommendation: *Within the title block, correct the drawing scale to 1" = 50'. Comply with 20.60.070.*

20.60.090 Improvements-Other public systems. A final plat of a subdivision outside city limits served by a public or existing ADEC approved water or wastewater disposal system shall not be approved prior to provision of documentation from the owner of the system that service to the system is installed and available to each lot in the subdivision, and that connection to all lots will not exceed the capacity of the system.

Staff recommendation: *Per plat note 5, the lots will be served by a public water system. Documentation will be required that states both lots are connected and being served by the public water system or that the system is adequate to allow both lots to connect.*

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

Staff recommendation: *The interior lot line appears to be the same thickness as the boundary. Adjust the thickness so that the boundary is wider.*

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:

- Correct plat note 4 as it contains some additional spacing between “Federal” and “Permits”.
- Correct the spelling of project in plat note 5.
- Plat note 2 is not required unless encroachments are detected during the field survey. If so, those encroachments should be disclosed with the submittal of the final.
- It is suggested to divide plat note 1 into two plat notes. The first portion discusses the setback with no mention of easements as they were previously granted. For that reason, a separate note regarding no permanent structures may read better.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *This will need to be reviewed with the submittal of the certificate to plat. If the title is still in both names, adjust the certificate to plat to the singular and add to the signature line the following.*

*Trofim Martishev, as owner and as
Surviving spouse of Edvokia Martishev*

Verify the address that should be listed for the owner. The notary will need to be revised to comply with the signature requirements. 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*

AGENDA ITEM E. NEW BUSINESS – GROUPED PLATS**ITEM 8 - HIRIDGE SUBDIVISION AMENDED THOMPSON ADDITION**

KPB File No.	2021-163
Plat Committee Meeting:	January 10, 2022
Applicant / Owner:	Curtis D. and Laura W. Thompson of Tucson, Arizona
Surveyor:	John Segesser / Segesser Surveys
General Location:	Moser Street and Dylan Avenue, Ridgway

Parent Parcel No.:	057-57-023
Legal Description:	Lot 14 Block 1 Hiridge Subdivision Amended, Plat KN 76-132
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 2.1-acre parcel into two lots each 1.049 acre in size.

Location and Legal Access (existing and proposed): The proposed subdivision is located in the Sports Lake area on the corner of Dylan Avenue and Moser Street. The Kenai Peninsula Borough maintains both right of ways. Dylan Avenue is dedicated 60 feet wide and Moser Street is dedicated 66 feet wide. Per KPB data, Moser Street dedication coincides with 33 foot wide and 50 foot wide section line easements. Moser Street is located off Sports Lake Road; a 100 foot wide borough maintained right of way located near mile 2.5 of State maintained Kenai Spur Highway.

Both proposed lots will have access via Dylan Avenue and Lot 14B will have additional access from Moser Street.

The subdivision is not within an open block as defined by Sports Lake Road, Moser Street, and Dylan Avenue. Due to the lot configuration design and road design the ability to obtain a closed and compliant block will be difficult. The distance along Moser Street and Dylan Avenue are compliant. ***Staff recommends the plat committee concur that an exception or dedications are not required, as any dedications will not improve the block length requirements due to the existing lot configuration and right of way configuration.***

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

Site Investigation: The subdivision does not appear to contain any low wet areas and the property is relatively flat. No improvements are located on the parcel.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
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Staff Analysis Hiridge Subdivision Amended, Plat KN 76-132, created the parent lot. The plat subdivided 80 acres into 24 lots and dedicated right of ways including a portion of Moser Street and Dylan Avenue.

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 was recorded in 1976. Utility easements were not granted adjoining all right of ways and no easements were granted within the subject parcel. Per plat note 5, a 10 foot utility easement that increase to 20 feet within 5 feet of the side lot lines, will be granted by this plat. **Staff recommends the utility easements being granted be depicted and labeled and add to the plat note that the easements are "granted by this plat."**

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

Utility provider review:

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

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 44015 DYLAN AVE</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: DYLAN AVE MOSER ST SCHMELZY LOOP</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: 44015 DYLAN AVE will remain with lot 14B</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Aldridge, Morgan 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: The range needs updated to 10W.

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

Staff recommendation: Provide a block label within the subdivision boundary.

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.

20.30.240. Building setbacks.

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

D. 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.

E. 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.

F. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

Staff recommendation: Depict and label the setback.

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 an engineer will need to sign the plat.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.110. Dimensional data required.

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

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

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

Staff recommendation: *Provide a distance and bearing label for the new boundary line. The legend states record information is located in parenthesis but there currently is no information presented in parenthesis. Comply with 20.60.110.*

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:

- Revise plat note 3 to include the correct code reference, 20.60.170.
- Include in plat note 4 that the book is "Misc".

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Revise the certificate of ownership and dedication to be plural owners. Documents were submitted for power of attorney. If the power of attorney will be signing on behalf of Laura W. Thompson the signature line should be revised.*

Laura W. Thompson by
Curtis D Thompson as her
Power of Attorney

*The notary's acknowledgements should be for Curtis D. Thompson and Curtis D. Thompson as power of attorney for Laura W. Thompson.
Comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *Provide a tie to a second GLO/BLM survey marker. 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*

AGENDA ITEM E. NEW BUSINESS – GROUPED PLATS

ITEM 9 - HOMEWOOD SUBDIVISION GROTE REPLAT

KPB File No.	2021-162
Plat Committee Meeting:	January 10, 2022
Applicant / Owner:	Timothy R. and Sandra J. Grote of Sterling, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Joshua Tree Avenue, Sterling

Parent Parcel No.:	063-550-76, 063-550-77
Legal Description:	Lots 2A1 and 2A2, Block 1, Homewood Subdivision Howarth Addition, Plat KN 2009-62
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	Application does not state (onsite)

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two lots by removing the shared lot line to create one lot that will be 2.27 acres.

Location and Legal Access (existing and proposed): The replat is located on Joshua Tree Avenue, a 60 foot wide borough maintained right of way. Joshua Tree Avenue connects with the west side of Robinson Loop Road which is a state maintained right of way that intersects the Sterling Highway near mile 87.5.

The subdivision is within an open block defined by Robinson Loop Road, Joshua Tree Ave and Birkenweg Street. To the north and west of the block is a large 100 acre parcel with a prior existing use material site permit that has been in use since 1986. The block length along Joshua Tree Avenue is compliant. The large acreage lot to the north can be further subdivided and will be required to provide dedications that improve the block. The portion of the lot north of the proposed subdivision has improvements that will need to be considered when dedicating right of ways. ***Staff recommends the plat committee concur that a right of way dedication is not required, as any dedication within this subdivision will not improve the block requirements and development to the north would affect the location of right of ways.***

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
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SOA DOT comments	No comments.
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Site Investigation: The property within the subdivision does not appear to contain any low wet areas. The area is relatively flat with no steep slopes present.

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 property within this subdivision was originally a 160 acre homestead that was subdivided by Homewood Subdivision, Plat KN 77-81. Homewood Subdivision Simons Addition No. 2, Plat KN 2006-131, adjusted a shared lot line between two parcels. Those parcels were then part of Homewood Subdivision Howarth Addition, Plat KN 2009-62, and created the current lot configurations. This plat will combine Lots 2A1 and 2A2 into one parcel.

Per KPB 20.60.200(A), a field survey is not required as only a lot line is being removed. Per plat note 1, this is a paper plat only and no field survey is being performed.

A soils report is not required, as this platting action will be combining lots to create more usable area. The parent subdivision did submit a soils report for approval. **Staff recommends the current plat note be revised to reflect a previous soils analysis report was performed.**

Notice of the proposed plat was mailed to the beneficial interest holder on December 13, 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 A five foot clearing easement was granted along Joshua Tree Avenue per Plat KN 77-81, Homewood Subdivision.

Homewood Subdivision Simons Addition No. 2, Plat KN 2006-131, replatted the property, and granted the front 10 feet along the right of way and 20 feet within 5 feet of the side lot lines as a utility easement. A powerline was depicted showing the location to be 2.5 feet south of the north property line. No notes or labels indicate an easement was granted for the existing powerline.

Homewood Subdivision Howarth Addition, Plat KN 2009-62, reconfigured the property and carried over the five foot clearing easement. The plat also granted 10 foot utility easements along the dedicated right of way and 20 feet within 5 feet of side lot lines. Additionally a 20 foot utility easement was granted adjoining the northern boundary. A plat note stated, "Centerline of existing powerline is also the centerline of a 20' wide easement."

The preliminary plat correctly depicts and labels the 5 foot clearing easement with reference to Plat KN 77-81. A plat note indicates the 10 foot utility easement and 20 feet within 5 feet within the side lot lines as previously stated on parent plats. The parent plats had granted 20 foot utility easements within 5 feet of the side lot lines. Those easements still exist and shall be depicted at the location of the former lot lines. **Staff**

recommends the utility easements of record be depicted, including the 20 x 5 (20 x 10) portions along former lot lines and the plat note be revised to read, "Front 10 feet adjacent to dedicated right of ways, increasing to 20 feet within 5 feet of the side lot lines, is a utility easement. No permanent..."

The 20 foot utility easement along the northern boundary is shown and the plat note is carried over regarding the existing powerline. As there is no depiction of a powerline and the easement does not have a note reference, it is unclear that the two items are related. A parent plat stated the powerline was 2.5 feet into the property and later it was stated on a plat that the line was centered within a 20 foot utility easement that would result in a 12.5 foot wide utility easement along the northern boundary. The powerline easement would be fully contained within the 20 foot utility easement that was granted. **Staff recommends** the easement depiction include "as granted per KN 2009-62". **Staff recommends** the power line be depicted and labeled as shown on plat KN. 2006-131.

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

Utility provider review:

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

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 38420 JOSHUA TREE AVE</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: BIRKENWEG ST JOSHUA TREE 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: 38420 JOSHUA TREE AVE will remain with LOT 2B</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Aldridge, Morgan 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

Staff recommends removing overstrikes from the survey marker symbols depicted on the plat.

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.

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

Staff recommendation:

- Lot 3A1, located east of the subdivision, needs a “Block 1” label added.
- South of the subdivision, Lots 2A and 2B, the recording number should be updated to “98-90”
- Lot 3 Block 2, located southeast of the subdivision, has been replatted. Provide the correct depiction and provide a label for Lot 3A Block 2, KN 2014-62. The label for Lot 3B is not required but if the lot is depicted also provide a label.

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.

20.30.240. Building setbacks.

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

- G. 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.

- H. 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.

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

Staff recommendation: Depict and label the building setback.

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: This subdivision is combining two lots, which will provide additional areas for wastewater removal. A soils analysis report is not required. A soils analysis report was prepared for the parent plat.

Staff recommendation: Remove plat note 4 and provide the following plat note, “WASTEWATER DISPOSAL: The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on September 8, 2008. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.” Comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.110. Dimensional data required.

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

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

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

Staff recommendation: *A field survey was not performed and all data is from record. Correct the bearing on the north boundary to match the record plat. If information shown is computed, it should be noted as such. Comply with 20.60.110.*

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.*

- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.*

Remove plat note 6 and reword note 10 to comply with 20.40.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Add Sandra Grote's middle initial to her signature line. Correct the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat. Comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *The subdivision is combining lots and per 20.60.200(A), a field survey is not required. Not required but requested, provide a bearing and distance from the NE1/16 marker to subdivision boundary. 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*

Chair Brantley asked Ms. Shirnberg to read the rules for public testimony.

AGENDA ITEM E. NEW BUSINESS

ITEM 1 - BARABARA HEIGHTS SUBDIVISION GRIFFITH ADDITION

KPB File No.	2021-156
Plat Committee Meeting:	January 10, 2022
Applicant / Owner:	Christina and Russell Griffith of Kenai, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edgy Survey and Design, LLC
General Location:	Marrs Lane, Seldovia Village

Parent Parcel No.:	191-340-11
Legal Description:	Lot 6 Block 14 Barabara Heights Subdivision Plat SL 79-6
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 3.23 acre lot into two lots that will be 1.61 and 1.62 acres. The plat is also proposing to finalize a utility easement vacation.

Location and Legal Access (existing and proposed): The subdivision is located seven miles northeast of the City of Seldovia in the area considered Seldovia Village. The proposed lots will front on Marrs Lane, a 100 foot wide dedicated right of way that is maintained by the Borough. Marrs Lane intersects Mine Loop Road to the east and west. Mine Loop Road is a 100 foot wide dedicated borough maintained right of way. Mine Loop Road connects at two points to Jakolof Bay Road. Jakolof Bay Road is a 100 foot wide right of way that is maintained by the State of Alaska.

The subdivision is within a closed block. The block is unusual in shape as it is a circle made up of two roads with two intersections. The length from intersection to intersection exceed allowable limits. The parent plat, completed in 1979, created this irregular block. Any new dedications from this subdivision will not improve the block length. The lot to the south, Lot 4 Block 14, is a prior existing use gravel pit for the Seldovia Native Association. To improve the block with this subdivision would require a future dedication along or through the prior existing use material site. ***Staff recommends the plat committee concur that an exception or dedications are not required, as the block cannot be improved by this plat.***

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

Site Investigation: Kenai Peninsula Borough GIS Data does not have data for wetlands or contour

information in this area.

The steep slopes have been depicted on the preliminary plat. Steep slopes affect Lot 6A along Marrs Lane and affect both lots at the southern points.

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 subdivision will be dividing Lot 6 Block 14 of Barabara Heights Subdivision, Plat SL 79-6, into two lots. The lot was created with the recording of Barabara Heights Subdivision plat which subdivided 1,100 acres of land owned by the Seldovia Native Association. In 2009, Lot 6 Block 14 was sold as part of the Kenai Peninsula Borough Tax Foreclosure Sale.

Per Kenai Peninsula Borough Assessing information, a dwelling is located on the property. Per Kenai Peninsula Borough GIS imagery the structure will be on proposed Lot 6A.

A prior existing use permit for a material site is located to the south on Lot 4 Block 14 which is owned by the Seldovia Native Association. Lot 5 and Lot 3, which are on each side of Lot 4, are also owned by Seldovia Village Tribe. The existence of the material site should not affect the subject parcel.

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 Barabara Heights Subdivision, SL 79-6, granted 20 foot wide utility easements adjoining dedicated right of ways. The easement adjoining the right of way will remain in place and is depicted and noted on the plat.

The parent plat also granted 15 foot wide utility easements adjoining each side of all other lot lines resulting in a total width of 30 feet. A petition to vacate the 15 foot utility easements has been received and is scheduled to be heard by the Kenai Peninsula Borough Planning Commission at the January 10, 2022 meeting. If the vacation is approved it is proposed to be finalized by this subdivision plat.

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

Utility provider review:

HEA	
ENSTAR	
ACS	
GCI	

KPB department / agency review:

Addressing	
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: 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.

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 owners' address to "47580 Sunflower Street".
- Update the acreage as per KPB records and the acreage listed on the lots it should be 3.239.
- Verify the scale used.
- If finalizing the utility easement vacation by the plat, add to the description "and finalizing utility easement vacations".

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

- Provide a depiction and label for the Seldovia City Limits within Section 32.
- Correct the spelling of the creek name to "Wadsworth".

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.

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 be required and an engineer will need to sign the plat.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

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

20.60.110. Dimensional data required.

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

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

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

Staff recommendation: In the legend (R2) is listed as KPB GIS data. This reference designation is used on the ties to the subdivision from GLO monuments. The tie bearing and distance must be measured in the field, computed, or taken from other survey records. GIS Data does not qualify as an allowable record for bearings and distances. Comply with 20.60.110.

20.60.180. Plat notes.

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

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

Staff recommendation: Place the following notes on the plat.

- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.

The book and page referenced in plat note 4 needs corrected to Book 22 and Page 982.

KPB 20.70 – Vacation Requirements

Staff recommendation. If finalizing the utility easement by plat, it must be recorded within one year of the vacation approval.

EXCEPTIONS REQUESTED:**A. KPB 20.30.190 – Lots-Dimensions** (3:1 depth to width ratio Lot 6A)

Surveyor's Discussion: With the parent parcel being pie shaped and the steep slopes the surveyor was limited on new parcel design to accommodate useful areas for development. The length to width ratio is near borough code requirements being off by just a few feet. The development trend in the area is recreational property, with no development on adjacent parcels at this time therefore the size ratio of the parcel being replatted have no immediate effect on neighboring parcels.

Staff Discussion: The parent lot was created as a triangle lot. The proposed subdivision will create almost two equal sized lots that are also triangle shaped. Lot 6B complies with the depth to width ratio but Lot 6A is 3.3:1.

Findings:

1. KPB Code allows a 3:1 depth to width ratio for lots.
2. Lot 6A has a depth to width ratio of 3.3:1.
3. The parent lot was a compliant triangle shaped lot.
4. The new lots follow the same design of the parent lot but smaller.
5. Lot 6B has a depth to width ratio of 2.9:1.
6. Steep slopes exist along the southern portion of the lots.
7. Both lots will contain areas that can be developed with residential improvements.
8. A wastewater soils analysis will be required to show the soils types and what type of wastewater system can be installed.

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, 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, 7, 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, 7, 8 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

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

MOTION: Commissioner Ruffner moved, seconded by Commissioner Venuti to grant preliminary approval to Barabara Heights Subdivision Griffith Addition based on staff recommendations and compliance with borough code.

AMENDMENT MOTION: Commissioner Ruffner moved, seconded by Commissioner Venuti to grant exception request to KPB 20.30.190 – Lot Dimensions, 3:1 depth to width ratio for Lot 6A, citing findings 4, 7, & 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 MOTION PASSED BY UNANIMOUS VOTE

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

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

MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

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

ITEM 2 - MADSON SUBDIVISION TRACT A AND TRACT B

KPB File No.	2021-164
Plat Committee Meeting:	January 10, 2022
Applicant / Owner:	Alaska Mental Health Trust Authority of Anchorage, Alaska
Surveyor:	Taylor Moore / Kuna Engineering
General Location:	Mile 27.5 of the Seward Highway, Moose Pass

Parent Parcel No.:	125-323-02
Legal Description:	Government Lot 2 in Section 1, Township 4 North, Range 1 West, S.M.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will dedicate a portion of the Seward Highway that bisects Government Lot 2, a 30 acre, L shaped parcel. The dedication of right of way will result in a tract on the east and west side of the highway that will be 3.2 and 22.4 acres respectively.

Location and Legal Access (existing and proposed): This plat will dedicate a 300 wide portion of the Seward Highway. After the dedication, each of the tracts will front on the Seward Highway. Alaska DOT must permit any direct access to the highway.

The Alaska Rail Road Corporation borders the east side of proposed Tract B. No direct access is allowed to the Alaska Rail Road right of way. Tract A has additional access from State of Alaska right of way tracts designated as Lots 36 and 35. These lots were designated on the supplemental plat for US Survey 2528 as right of way. Alaska DNR owns both lots. A 50 foot section line affects the north boundary.

Alaska Mental Health Trust Authority owns the 80 acre parcel located to the west of the subdivision. Chugach National Forest is located further to the west. The only legal access to the 80 acre parcel is via the section line easement on the north boundary. Per KPB 20.30.030, continuation or appropriate projections of right of ways, and KPB 20.30.170 Block Length, right of way dedications are required to be extended west from the State of Alaska right of way tracts, Lot 35 and Lot 36. This would provide adequate access to the 80 acre parcel to the west. **Staff recommends** this plat provide the following right of way dedications.

- A minimum 30 foot wide right of way dedication of right of way extending westerly from Lot 35.
- A 60 foot wide right of way dedication of right of way extending westerly from Lot 36.
- A minimum 30 foot wide dedication along the southern boundary.

Alaska DNR owns the 80 acre parcel located to the southwest and the 31 acre parcel located to the south. Both parcels have been selected by, and have management authority granted to, Kenai Peninsula Borough. A section line easement to the south and the Seward Highway provide legal access to these parcels.

The block is not compliant. This subdivision is located in an area with minimal right of way dedications off the highway. Due to slopes, waterbodies, the railroad, and national parks, dedications are lacking. The right of way tracts provide additional access along with section line easements. Due to the shape of proposed Tract A, the large acreage tract to the west, and the close proximity to the Alaska Railroad to the south, the ability to obtain a compliant and closed block is not available. Continuations of the right of way lots, a dedication along the section line easement, and a southern right of way dedication will improve block lengths but will not provide a closed block due to the large acreage tract to the west.

Staff recommends add a plat note or drawing label within the right of way that includes the right of way information for the Seward Highway project as shown in the DOT comment.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	The ROW dedication for Seward Highway is as shown on Seward Highway MP 25.5-36 Trail River to Sterling Why, Rehabilitation Project No. 0311(031) / Z546590000 (Plat 2019-2 SWD) and appears to be shown correctly.

Site Investigation: The area within this subdivision contains steep areas. An additional map was provided by the surveyor to show the contours for the area. **Staff recommends** any steep bluffs be depicted on the final by showing the top or toe of bluffs.

Per KPB GIS data, the subdivision falls into the Floodplain Zone C. That is a minimal risk zone that is not regulated.

Per KPB GIS data, wetlands are present along the eastern portion of proposed Tract B and near the center of proposed Tract. An additional map was provided by the surveyor to show the wetland areas. **Staff recommends** any wetlands be depicted on the final plat and a plat note be added, "Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable."

The parent parcel is not developed or improved at this time.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
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	C. State Parks Reviewer: Russell, Pam Comments: No Comments
AK Dept. of Fish and Game	No objections to the proposed platting actions.

Staff Analysis The parent parcel is a Government Lot. There are no building setbacks affecting the property.

A soils report and the signature from a licensed engineer are required for Tract B. Tract B is proposed to be 3.2 acres in size. An exception for soils analysis has been requested.

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.

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.

Moose Pass residents have submitted comments. Tsali Janek, a member of the Moose Pass APC, has requested to postpone any action on the plat. In the request, it states they are unclear how this relates to the Grant Lake Hydro Project. The request was to allow the Moose Pass APC time to hear the item at their January 6, 2022 meeting. Their request for postponement is being forwarded to you to determine if a motion for postponement should be made. Any comments delivered to Staff from the January 6, 2022 APC meeting will be provided to the KPB Planning Commission.

Bruce Jaffa submitted a comment and objects to the Platting Commission scheduling a hearing before the local APC can have reasonable time to respond and comment. He rejects the current change suggested in platting to Moose Pass area property.

Utility Easements ADL 219510, a 100 foot wide utility easement, crosses through proposed Tract A. This easement is correctly depicted and labeled on the plat.

As this property has not been through the platting process with the borough, platted utility easements do not affect the parcel. This plat will be required to grant 10 foot utility easements adjoining all dedicated rights of way. In addition to the easements required by code, Chugach Electric has requested additional easements within the subdivision. **Staff recommends** all utility easements be depicted and labeled with appropriate plat notes added. If the scale prevents adequate depiction, a detail drawing may be provided to show the typical easements being granted and reference to the 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:

ENSTAR	No comment or recommendations
ACS	
GCI	Approved as shown
SEWARD ELECTRIC	
CHUGACH ELECTRIC	Chugach has no objection to the subject subdivision, with the following comments: 1. Add 10' Telecommunications & Electric Easement along the north boundary of Tract B. 2. Add 10' Telecommunications & Electric Easement along the south boundary of the 50' Section Line Easement on Tract A. 3. Add 20' Telecommunications & Electric Easements on Tract A along its common boundaries with BLM Lot 9 and USS 2528, Lots 36, 10, and 11, as shown on the plat redline. (sketch provided)
TELALASKA	

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: None</p> <p>Existing Street Names are Correct: No List of Correct Street Names:</p> <p>Existing Street Name Corrections Needed: SEWARD HWY</p> <p>All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: No addresses affected, Seward Hwy should be labeled.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Aldridge, Morgan 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	Minutes or memo not received prior to staff report being prepared.

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

STAFF RECOMMENDATIONS**CORRECTIONS / EDITS**

The legend does not need to contain a depiction for the new lot lines or the proposed parcel boundary. The line labeled river edge is very similar to the lot lines. A different line style should be used to depict the water boundary or the same line style for the adjacent parcels can be used. If a different line style were shown, it would be recommended to change the description to ordinary high water as some may be confused by the fact it is Upper Trail Lake and not a river edge.

Remove the +/- symbols from the acreage values.

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:

- Add the KPB number in or near the title block

- *Revise the name of the subdivision by removing Tract A & Tract B so that the subdivision name is only Madson Subdivision. If you wish for Tract A and Tract B to be shown in the title block it would be suggested to have the name of the subdivision larger include "Creating Tract A and Tract B" with smaller font size.*
 - *Revise the description of the subdivision to match the certificate to plat "A subdivision of Government Lot 2 in Section 1, Township 4 North, Range 1 West, Seward Meridian."*
 - *Remove "more or less" from the acreage on the final plat as the acreage will be known after the field survey is completed.*
 - *Provide the owners name and address 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 a label for the Seward Highway and a width label for the northern portion or a "width varies" label.*
- 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:
 - Remove the "Unsurveyed" labels.
 - Provide leaders for the lake labels.
 - Provide a label and boundary for the Chugach National Forest.
 - Remove the overstrike on the Seward Highway label.
- The following are suggestions and not required.
- Provide the protracted section lines in the areas labeled as 'unsubdivided'.
 - Provide a label for Grant Lake.
- 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: *Include a width label and street name label for all right of way dedications including the Seward Highway. The cross hatching can be removed as cross hatching is typically used to depict right of way vacations.*
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Staff recommendation:
 - *Provide a label for Government Lot 8 to the north of the subdivision.*
 - *BLM may be removed from adjacent lot labels and changed to Government.*
 - *One label for Government Lot 3 along Upper Trail Lake is all that is required.*
 - *The Kenai Peninsula Borough does not designate the Alaska Railroad as a Tract in this area. Revise the label for the rail road right of way to read 'Alaska Rail Road'*
 - *Remove the patent numbers from the lots.*
- 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: *The low wet areas are not depicted on the plat. An additional map was provided that showed the low wet areas. Depiction and label the low wet areas on the final plat.*
- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 1 0 percent on other streets;
Staff recommendation: *The slope information was not presented on the plat. Additional maps were submitted to show the contours for the area. The right of way being dedicated for the Seward*

Highway is 300 feet wide and is sufficient for any drainage or additional area needed for roadway slopes.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Staff recommendation: *The slope information was not presented on the plat. Additional maps were submitted to show the contours for the area. Depict and label the top and toe of steep slopes on the final plat.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Staff recommendation: *The Seward Highway currently crosses this parcel of land. The plat will dedicate the right of way and create two parcels so that the property is not encumbered by roadway.*

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.*

20.30.030. 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: *Lots within US Survey 2528 are designated as right of way lots. A continuation of those lots shall dedicated as well as atop the section line easement located along the northern boundary of the subdivision. Alaska Mental Health Trust owns the land to the 80 acre parcel to the west. Currently the only access to the 80 acre parcel is the 50 foot section line easement on the north boundary. An 80 acre parcel is located to the southwest with the only access being section line easements to the south.*

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.

J. 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.

K. 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.

L. 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: Provide a depiction and label for the 20 foot building setback adjoining all right of way dedications.

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: Tract B is less than 200,000 sq. ft. and will require a soils analysis report. An exception for wastewater review has been requested for Tract B. A soils exception is not required for Tract A as it is larger than 200,000 sq. ft.

Staff recommendation: Add the appropriate plat notes and Comply with 20.40.

KPB 20.60 – Final Plat

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

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

Staff recommendation: An acceptance is in place and will require the signature of the State of Alaska DOT. Include the name of the right of way, Seward Highway, within the plat note. Provide an additional certificate of acceptance for additional right of way dedications that will be under KPB jurisdiction.

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

Staff recommendation: Locate the necessary survey markers to establish the subdivision boundary following the procedures as outlined in the BLM Manual of Survey Instructions. Revise the depiction of the boundary. The boundary must include all lands within the subdivision including the right of way and must be more wider than the other lot boundary line depictions.

20.60.180. Plat notes.

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

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

Staff recommendation: 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).
- The front 10 feet adjoining dedicated right of ways is being granted by this plat as utility easements.
- 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.

- A building 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.
- WASTEWATER DISPOSAL: (Tract A) - Lots which are at least 200,000 square feet in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
- Include a plat note for any exceptions granted and the meeting date they were approved
- If the exception is granted for wastewater review add, "WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
- If the exception for wastewater review is denied add, "WASTEWATER DISPOSAL: Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences. An Engineer's Subdivision and Soils Report is available from the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a qualified engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

(Signature of) Engineer

License #

Date

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Revise the certificate of ownership to remove unneeded pronouns and reflect that the owner is an entity. "I, hereby certify that Alaska Mental Health Trust Authority is the owner of the real property shown and described hereon and that on behalf of the Alaska Mental Health Trust Authority, I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-way and public areas to public use and grant all easements to the use shown." Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

KPB 20.40.040 - required an soils analysis report

Surveyor's Discussion: We are requesting an exception to code 20.40.040 requiring a soils analysis on proposed Tract B, containing less than 200,000 square feet. We request a waiver to this requirement due to the unique circumstance of the subject parcel being divided by the existing Seward Highway ROW. As previously stated, the intention of this platting action is to dedicate existing ROW resulting in the creation of two new parcels with boundaries identical to their current/existing configuration except for the area to be dedicated as ROW. The new parcels will have new legal descriptions and will be separate, but the usable area and configuration will be virtually unaffected. Separately, Tract B contains over four times the area (outside wetlands) required for development. The proposed subdivision will not alter the existing area suitable for development and there is an abundance of area suitable for development.

Staff Discussion: Proposed Tract A will be 22 acres and will not require a soils analysis report. An exception for proposed Tract B has been requested, as it will be 3 acres. Per KPB 20.40.040, lots that will utilize conventional onsite soil absorption systems and are less than 200,000 square feet must submit a soils analysis and report for review. The square footage of Tract B is approximately 139,329 square feet. There is a portion of wetlands in the eastern portion of the lot that appear to be about 51,360 square feet. The tract will be between the Seward Highway right of way and the Alaska Railroad right of way.

Unless exceptions are requested and granted, staff has recommended additional right of way dedications to comply with code. These dedications will create 3 parcels from proposed Tract A. If right of ways are provided on the south and north boundary of Tract A as well as the extension from ROW Lot 36, the lots will exceed

the 200,000 square feet requirement and not require a soils analysis.

If denied, a soils analysis report will be required for Tract B and any other lots less than 200,000 sq. ft.

Findings:

1. Tract B will be approximately 139,329 square feet.
2. Tract B has approximately 87,969 sq. ft. available for wastewater installation, as approximately 51,360 sq. ft. appears to be wetlands.
3. The minimum lot size for onsite well and wastewater is 40,000 sq. ft.
4. If Tract B is further subdivided a soils analysis will be required.
5. All wastewater systems must be approved by the State of Alaska DEC.
6. Tract B will be between the Seward Highway and the Alaska Railroad.
7. The plat intent is to dedicate the right of way and not to change existing boundaries in any other manner.
8. The parcel will be a triangle shape piece that will limit development along the narrow southern border.
9. A 20 foot building setback will be put in place along the Seward Highway.
10. A 10 foot utility easement will be put in place along the Seward Highway.
11. Sewer vent pipes are allowable within the setback.
12. Steep slopes appear to be present within the southern point of the property.

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 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 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 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

STAFF REPORT ADDENDUM

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed street layout – requirements.

- **For the extension of A 60 foot wide right of way dedication of right of way extending westerly from Lot 36.**

Surveyor's Discussion: Dedication of this ROW would divide Tract A into two separate parcels with a significant reduction in value to the northern portion due to its narrow width and steep slopes. We propose dedication of a public use or access easement in lieu of typical ROW.

Staff Discussion: Tract A is an L shaped parcel. Tract A has legal public access from

- The Seward Highway on the southeast boundary.
- Right of way Lot 36 located in the middle of the parcel.
- Right of way Lot 35 located in the northeast corner.

Tract A is affected by steep terrain. The extension of right of way from Lot 36 is not affected by steep terrain.

Alaska Mental Health Trust owns the land to the west. The Chugach National Forest is located to the west of the Alaska Mental Health Trust lands.

If denied, a 60 foot right of way dedication extending westerly from ROW Lot 36 will be required.

Findings:

1. The intent of this plat is to dedicate over an existing highway.
2. The lot located to the west is 80 acres.
3. Section line easements along the north are the only access to 80 acre parcel to the west.
4. The lands contain steep terrain in various areas.
5. Low wet areas may be present to the west of Lot 36 where the dedication would be required.
6. The boundary for Chugach National Forest is approximately 1,320 feet west of the subdivision boundary.
7. A public access easement would provide adequate access.
8. Future subdivisions can dedicate roads that meet the design needs of the subdivision.
9. Tract A has legal public access from, the Seward Highway on the southeast boundary, right of way Lot 36 located in the middle of the parcel, and right of way Lot 35 located in the northeast corner.

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, 7-9 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, 7-9 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, 7-9 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.**

END OF STAFF REPORT ADDENDUM

Chair Brantley opened the meeting for public comment.

Taylor Moore, Kuna Engineering; 4300 B Street, #605, Anchorage, AK 99503: Mr. Moore was the surveyor and this project and made himself available for questions.

Tracy Maxwell; 3218 30th Ave. W., Seattle, WA 98199: Ms. Maxwell is a neighboring land owner, who owns land across the road from this subdivision. She wanted to know what the development plans were for these lots. Was there plan to subdivide them further and sale them. Mr. Huff replied that the only information they have is what is contained on the plat. If the landowners wish to further subdivide the proposed lot they would have to come back again to the commission and she would receive notice of any further subdivisions.

Richard Jackson; 12021 Forelands Circle, Anchorage, AK 99515: Mr. Jackson is a neighboring landowner. He wanted the record to show that he too had questions regarding the development of these proposed lots, particularly Tract A.

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

MAIN MOTION: Commissioner Bentz moved, seconded by Commissioner Venuti to grant preliminary approval to Madson Subdivision Tract A & Tract B based on staff recommendations and compliance with borough code.

AMENDMENT A MOTION: Commissioner Bentz moved, seconded by Commissioner Venuti to grant exception request to KPB 20.40.040 – Required soils analysis report, citing finding 1-5 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	Bentz, Brantley, Gillham, Ruffner, Venuti		

AMENDMENT B MOTION: Commissioner Bentz moved, seconded by Commission Venuti to grant exception request to KPB 20.30.030 – Proposed street layout requirements for the extension of a 60' ROW dedication of the ROW extending westerly from Lot 36, subject to the dedication of a public use or access easement, citing findings 1, 4, 7-9 in support of standards one two and three.

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

AMENDMENT B MOTION PASSED BY UNANIMOUS VOTE

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

Commissioner Ruffner noted that the Moose Pass APC had requested more time to review this plat. He then noted that he understands that there can be time issues that can come into play. He wanted it on the record that their concerns were heard and that while he shares some of them he will be supporting this motion. Mr. Huff then stated that the Moose Pass APC had the opportunity to review this plat and they did approve it at their last meeting and the minutes from that meeting are in their laydown packet.

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

MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE

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

ITEM 4 - PLAYLE ESTATES

KPB File No.	2021-159
Plat Committee Meeting:	January 10, 2022
Applicant / Owner:	Michael Shilling of Kenai, Alaska and Thomas Playle of Nikiski, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Jacque Street, Wik Lake, Nikiski

Parent Parcel No.:	013-216-02, 013-216-28, 013-216-29, 013-216-30,
Legal Description:	Lots 2, 3 and 4 Block 1, Thompson Homestead Happy Hollow Acres Addition (KN 84-274) and Government Lots 5 and 6, T7N, R11W, Section 8
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Scott Huff.

Mr. Huff noted that they had received a request from the surveyor, Jason Schollenberg to postpone action on the plat. The owner is attempting to get the rest of the property in their name so that he can combine the lots to the north as well. He noted that the email from the surveyor as in the desk packet.

END OF STAFF REPORT

Chair Brantley opened the meeting for public comment.

Denise Cox; 50920 Grayson Circle, Kenai, AK 99611: Ms. Cox is a neighboring land owner. She was a bit confused as to the location of the private access easement and wanted to make sure that it doesn't affect her parcel. She also had questions regarding the zoning of the parcel and wanted to know what it is zoned as. She expressed concerns on how this parcel could be developed. Mr. Huff replied that the private access is contained within the properties of the landowner for the plat. Mr. Huff also noted that to comply with code that a right-of-way dedication is required to the north as there are several government lots that have only lake access. The owners have asked for a postponement to allow him to work on combining all the lots in this area into one big tract and then bring the plat back to the commission. Mr. Huff then noted that this property has no zoning.

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

MOTION: Commissioner Venuti moved, seconded by Commissioner Bentz to postpone action on this plat until brought back by staff.

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	Bentz, Brantley, Gillham, Ruffner, Venuti		

**ITEM 5 - Fourth of July Creek Subdivision
Seward Marine Industrial Center
Fire Department Replat**

KPB File No.	2021-080
Plat Committee Meeting:	January 10, 2022
Applicant / Owner:	City of Seward, Seward, Alaska
Surveyor:	Stacy M. Wessel / Enterprise Engineering, Inc.
General Location:	Delphin Street, Nash Road and Jellison Avenue, City of Seward
Parent Parcel No.:	145-340-20, 145-340-28, 145-340-41
Legal Description:	Block 2 and Block 5, Fourth of July Creek Subdivision, Seward Marine Industrial Center, Plat SW 97-27 and; Tract A3, Fourth of July Creek Subdivision, Seward Marine Industrial Center, Polar Seafood Replat, Amended, Plat SW 2007-2.
Assessing Use:	Residential and Commercial
Zoning:	Industrial Zoning District
Water / Wastewater	City

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The Kenai Peninsula Borough Plat Committee heard and approved the preliminary plat at the June 28, 2021 meeting. The proposed plat will reconfigure lot lines between two lots and a private road tract. A portion of the private road tract will be removed and will be added to one of the proposed parcels. The private road tract is approximately 9.7 acres and the new lots will be 2.7 and 4.0 acres. Exceptions were granted by the Plat Committee to KPB 20.30.030 - proposed street layout-requirements, KPB 20.30.170 – Blocks- Length requirements, and KPB 20.30.190 – Lots-Dimensions (Tract A3).

This plat is being brought back to the plat committee as the survey has requested an exception to KPB 20.60.200 Survey and Monumentation for the portion of the private road tract that is not being changed.

EXCEPTIONS REQUESTED:

KPB 20.60.200 – Survey and Monumentation (Portions of Tract A4)

Surveyor's Discussion: AK Lands, Land Surveying is requesting an exception to KPB code 20.60.200 for the Fourth of July Creek Subdivision Seward Marine Industrial Center Fire Department Replat, KPB File: 2021-080.

The Fire Department Replat involves subdividing Block 2 and Block 5, Fourth of July Creek Subdivision Seward Marine Industrial Center, plat 97-27 and a portion of Tract A3, Fourth of July Creek Subdivision Seward Marine Industrial Center Polar Seafoods Replat Amended, plat 2007-2 creating two new parcels. Block 2 will be expanded from 2 acres to 4 acres, absorbing .5 acres +/- out of 10.2 acres of Tract A3 between Block 2 and Block 5 and a portion of Block 5. The remainder of Block 5 is the second new lot.

AK Lands is requesting that all survey markers along the portions of Tract A4, not affected by the change in boundary, need not be located (or re-established if missing), and remain survey markers of record depicted on the final plat. The survey markers along Tract A4, bordering various parcels/blocks are not critical for the current subdivision. There are several primary survey markers surrounding the Seward Marine Industrial Center from US Survey 4827 and Alaska Tidelands Survey No. 1222. Within the industrial area, there have been numerous subdivisions from the 1990s to currently setting several primary and secondary survey markers.

I have attached the final draft Fire Department Replat showing where the survey markers of record will be depicted on the final plat. Granting this exception to KPB Code will provide the City of Seward with two new lots that facilitates a new Fire Department Training Facility and economic opportunity for the second lot.

Staff Discussion: The creation of a tract for access purposes was created with Fourth of July Creek Subdivision Seward Marine Industrial Center, SW 97-27. The tract has been modified through the years to provide additional access, dedicate portions, or remove access that is no longer needed. This platting action will be removing a portion of the private access tract and adjusting the boundary between Block 2 and Block 5.

KPB code requires survey markers on all lot corners and along line segments at each bearing change. These survey markers are to be located during the platting process and if missing or disturbed, be re-established with new survey markers. The surveyor is proposing to show record survey marker information along portions of Tract A4.

The granting of the exception will not change the original approval date of the preliminary plat. The approval date will remain June 28, 2021 and is valid for two years with time extensions permitted as outlined in KPB 20.25.110.

If approved the majority of the survey markers on Tract A4 boundary will be per record information. Survey markers will still be found or set on the lines that are being changed as well as Lot 3A Block 4.

If denied, all monuments along Tract A4 will be required to be found or re-established and shown on the final plat.

Findings:

1. Tract A4 is a private tract.
2. Portions of Tract A4 have been developed with a service road which provides physical access for the lessees, City officials, and other authorized personnel.
3. The service access easement serves as legal access to many industrial parcels around the area.
4. The City of Seward is the owner of all lands within the subdivision, including Tract A4.
5. The Seward Planning and Zoning Commission reviewed and recommended approval of the preliminary plat on March 2, 2021.
6. The purpose of the plat is to reconfigure two lots in the northeast corner.
7. The Kenai Peninsula Borough Plat Committee approved the subdivision plat on June 28, 2021.
8. Exceptions were granted for street layout requirements, block length, and lot dimensions for Tract A4.
9. The survey markers for Tract A 4 were originally set 24 years ago in 1997.

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- **GRANT THE EXCPETION REQUESTED TO THE ALL READY APPROVED PRELIMINARY PLAT, 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 Brantley opened the meeting for public comment.

Stacy M. Wessel, Enterprise Engineering, Inc.; 2525 Gambell Street, #201, Anchorage, AK 99503: Ms. Wessel was one of the surveyors on this project and made herself available for questions.

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

MOTION: Commissioner Ruffner moved, seconded by Commissioner Venuti to grant exception request to KPB 20.60.200 – Survey & Monumentation for portions of Tract A4, citing findings 1-8 in support of standards one, two and three.

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

MOTION PASSED BY UNANIMOUS VOTE

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

ITEM 6 - KACHEMAK WILDERNESS AND ROLLING MEADOWS REPLAT

KPB File No.	2021-165
Plat committee meeting:	January 10, 2022
Applicant / owner:	Avram V. Kalugin
Surveyor:	Ability Surveys / Gary Nelson
General location:	Frontier Lane, Walters Street, Tradewind Court and Scott Avenue

Parent parcel no.:	172-450-21, 172-450-47, 172-450-50
Legal description:	Tracts 1A and 1D Kachemak Wilderness Acres Addition No 4 plat HM 2011-14 and Lot 14 Rolling Meadows Sub plat HM 2002-89, Homer Recording District
Assessing use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will be dividing three parcels, approximately 4.3 acres in size, into six lots that will be approximately 2.2 acres in size.

Location and Legal Access (existing and proposed): This plat is located in the Fritz Creek area. Legal access to the subdivision is from milepost 8.75 of East End Road to Bonnie Avenue, to Rolling Meadows Road. Both Bonnie Avenue and Rolling Meadows Road are 60 foot wide dedicated right of ways that are maintained by the Kenai Peninsula Borough.

Rolling Meadows Road intersects with Tradewind Court and Walters Street. Tradewind Court and Walters Street north of Tradewind Court have been improved but are not maintained. The south end of Walters Court intersects Scott Avenue, a 83 foot dedicated right of way to the east, and a 83 foot section line easement to the west. The north end of Walters Street intersects Frontier Lane, a 60 foot wide dedicated right of way with borough maintenance to the northeast corner of the subdivision.

This plat will be dedicated a 33 foot wide right of way on the south boundary of Lot 14 which will encompass the 33 foot section line easement.

Large acreage parcels are located to the south and when subdivided will be required to provide the necessary right of way dedications to comply with KPB subdivision standards.

Kachemak Wilderness Acres Addition No. 4, plat HM 2011-14, depicts a cat trail extending east from Tradewind Court. No public access easement exists on the cat trail.

The parcels east of Walters Street are within a compliant block defined by Frontier Lane, Sarah Street, Scott Avenue, and Walters Street. The parcels west of Walters Street are within a compliant block defined by Walters Street, Rolling Meadows Road, Dicks Stepping Stone Street, and the 83 foot section line easement.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
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SOA DOT comments	No comment.
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Site Investigation: Per the Kenai Watershed Forum wetland mapping information, a majority of the subdivision is affected by an Upland Complex ecosystem with a small portion of Kettle ecosystem in the southeast corner.

The terrain is generally sloping to the south. The surveyor has identified area with slopes greater than 20% with gray shading on the preliminary plat. It appears that there is a seasonal drainage running from the north boundary of Lot 14-A to the south boundary of Lot 14-B.

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: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
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Staff Analysis The parent parcels were created by two different plats. Kachemak Wilderness Acres Addition No. 4, HM 2011-44, created parent lots 1-A and 1-D while Rolling Meadows, HM 2002-89, created Lot 14 Block 1.

No improvements currently exist on the three parent parcels.

A soils analysis report was not prepared for the parent parcels but will be required for this platting action. An engineer will sign the final plat.

The plat is intended to be completed in three phases.

Due to an eight week delay with the title companies, the Certificate to Plat has not yet been delivered. In the interest of time, **Staff recommends** that the plat committee concur that the plat can be reviewed at this time and Staff can review the certificate to plat when it is delivered. Staff will bring the plat back to the plat committee if there are any items in the report that need to be addressed.

If a beneficial interest holder affects the property, then staff will send notice of the proposed plat to the beneficial interest holder on. 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.

If the property is not affected by a beneficial interest holder, then notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states beneficial interest holders affect the property.

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 plats granted a 10 foot easement adjoining the dedicated right of ways with a 20 foot easement adjoining the right of way within 5 feet of the side lot lines. The plat notes reference the correct information. **Staff recommends** the utility easement of record be depicted and labeled on the drawing or provide a typical drawing.

If the Certificate to Plat identifies any additional easements of record then, **Staff recommends** that the easements of record be depicted and noted 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	No comments.
ENSTAR	No comments or recommendations.
ACS	
GCI	Approved as shown.

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 54445 TRADEWIND CT 54475 ROLLING MEADOWS RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: TRADEWIND CT ROLLING MEADOWS RD WALTERS ST SCOTT AVE FRONTIER LN</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 54445 TRADEWIND CT will remain with Lot 1-D-1 54475 ROLLING MEADOWS RD will remain with Lot Lot 14A</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Aldridge, Morgan 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	

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.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: *Correct the depiction of the subdivision boundary within the vicinity map.*
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the proposed subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Staff recommendation: *Label the block number within Lot 13 Block 1 and Lot 9 Block 2 HM 2002-89.*
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: *Label the block number within proposed Lots 14-A and 14-B.*

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.*

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 be required for this subdivision 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.*

20.60.040. 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 KPB to accept the dedication of Scott Avenue.*

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

Staff recommendation: *provide boundary and lot closure computations with the paper final plat. KPB will verify closure complies with 20.60.120.*

20.60.180. Plat notes.

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

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

Staff recommendation: Place the following notes on the plat.

- 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).

20.60.200. Survey and monumentation.

Staff recommendation: 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.

Mr. Huff noted that the Kachemak Bay APC review this plat at their January 6, 2022 meeting. They opposed approving the plat due to inadequate information on access to the parcels, water sources & waste water disposal.

END OF STAFF REPORT

Chair Brantley opened the meeting for public comment. Hearing one wishing to comment, public comment was closed and discussion was opened among the committee

MOTION: Commissioner Gillham moved, seconded by Commissioner Bentz to grant preliminary approval to Kachemak Wilderness & Rolling Meadow Replat based on staff recommendations and compliance with borough code.

Commissioner Venuti asked if the Kachemak Bay APC was requesting extra time to review additional information and if that is the case should action on this plat be postponed. Mr. Huff replied while the APC opposed this plat there are no real reasons to do so. He noted that all lots on this plat front a platted right-of-way and have legal access. He also noted that all the plats are large enough to have to have onsite wells and wastewater systems and before the plat can be finalized a soils report will have to be submitted. The plat meets borough code requirements and platting standards.

Commissioner Ruffner asked if staff was present at this APC meeting to answer any questions. Mr. Huff replied that while Marcus Mueller was in attendance there were not any platting staff attending the meeting. He then noted that staff are trying to give the APC more clarification on what they should be reviewing on plats. What staff is looking for from the APC is information about the area that we might not be aware of, such as drainage issues or trails that are being used in the area that should be dedicated. Borough staff is responsible for ensuring that plats meet borough code standards so the APC should not really be reviewing platting issues related to code and standards.

Commissioner Bentz asked if APC were given the other supporting documentation with the plat such as the wetland and contour maps. Mr. Huff noted the APC are sent a copy of the preliminary plat and have the ability to go online to view the meeting materials when they become available. There are times when the meeting materials are not available before the APC meeting. If the APCs want additional information on a plat, they can always contact staff and we will be happy to send them the information we have.

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	Bentz, Brantley, Gillham, Ruffner, Venuti		

ITEM 10 - THE STORDAHLE SUBDIVISION

KPB File No.	2021-161
Plat Committee Meeting:	January 10, 2022
Applicant / Owner:	Shane Holt of Anchorage, AK
Surveyor:	John Segesser / Segesser Surveys, Inc.
General Location:	Sterling Highway and Three Johns Street, Sterling

Parent Parcel No.:	065-322-05
Legal Description:	SE1/4 NE1/4 Section 13 Township 5 North, Range 8 West, lying north of the of the right of way line of the Sterling Highway
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

Staff report given by Scott Huff

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 25 acre parcel into one lot and one tract. The lot will be .918 acres and the tract will be 22 acres. A 33 foot wide dedication for Three Johns Street is proposed.

Location and Legal Access (existing and proposed): The subdivision is located at milepost 76 of the Sterling Highway on the corner of the Sterling Highway and Three Johns Street. Three Johns Street is a 33 foot wide section line easement.

The preliminary plat will dedicate a 33 foot wide right of way that will coincide with the section line easement. Right of way dedications for the right of way have been provided extending from the northeast corner of the subdivision. Three Johns Road is constructed over the southeast corner of the parcel. The Kenai National Wildlife Refuge borders to the east. Construction of a roadway within the refuge boundary is not possible. **Staff recommends** a full 60 foot wide dedication be granted along the eastern boundary unless documentation can be provided that demonstrates a roadway can be constructed within the Kenai National Wildlife Refuge. **Staff recommends** that the right of way dedication encompass the existing roadway in the southeast corner.

The subdivision is within a closed block defined by the Sterling Highway, Three Johns Street, Akeve Avenue, and Adkins Road. Three Johns Street and Adkins Road are approximately 2,250 feet and Akeve Avenue and Sterling Highway are approximately 5,260 feet. Per KPB 20.30.170, blocks shall not be less than 330 or more than 1,320 feet.

Dedications along the west and the north boundary will place the subdivision within a closed block with compliant block lengths of 808 feet and 1,316 feet.

A access easement is reserved on the 26 acre parcel to the west that allows legal access to the parcels located to the northwest of this subdivision.

A lease for a communications tower exists in the northeast corner of the parcel. Steep terrain is located along the north boundary. Akeve Avenue is located 1,320 feet to the north and provides an east-west right of way connection.

Parcels to the north and west are large enough to be further subdivided and will be required to provide a matching right of way dedication in the future. **Staff recommends** to comply with code requirements for block length by dedicating a minimum 30 foot wide half width right of way dedication along the west boundary. **Staff recommends** that the Plat Committee concur that a dedication on the north boundary is not required at this time due to the lease area for a communications tower, steep terrain on the north boundary, and Akeve Avenue providing an east-west right of way connection. The owner is put on notice that any further subdivision of Tract A may require right of way dedications to comply with KPB subdivision standards.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: The RSA has no comment at this time.
SOA DOT comments	The ROW for Sterling Highway is as shown on Sterling Highway MP 58-79 (IM-OA3-3(14)/54990) sheet 20 of 62 (Plat 2014-34 KRD), and appears to be shown correctly.

Site Investigation: There does not appear to be any low wet areas present on the property. The land is relatively flat.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: Russell, Pam Comments: No Comments</p>
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Staff Analysis The subject parcel is a portion of an aliquot lot that lies north of the Sterling Highway. This subdivision will create Lot 1 which will encompass the communication tower lease area. A soils report will be required for Lot 1 and an engineer will sign the final plat.

The parcel is vacant and not affected by any residential structures.

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 Per plat note seven, utility easements will be granted along all dedicated right of ways as required by KPB code. **Staff recommends** all utility easements be depicted on the plat and that plat note seven include "granted by this plat".

An additional easement with no defined location was granted Homer Electric Association by recorded document and is noted within plat note 6.

This plat was originally proposed to be reviewed under the Abbreviated Plat process. Homer Electric Association reviewed it at that time and requested a 30 foot by 660 foot utility easement on the north boundary from the northwest corner of Lot 1 to the existing powerline. This easement depiction has been depicted on the preliminary plat. **Staff recommends** provide the easement as requested by HEA and include in the description "granted by this plat".

HEA also commented that the existing overhead powerline should be covered under the existing easement granted by recorded document and noted in plat note 6. **Staff recommends** the powerline depiction reference the plat note with the easement information or a new easement be granted centered over the existing powerline.

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	HEA requests that the plat provide a 30 foot wide by approx. 660 foot long utility easement along the north property line of Tract A connecting to the proposed Lot 1 of the subdivision as shown on the attached site plan. The attached site plan also makes reference to the blanket ROW easement granted to HEA which should cover the existing overhead (OH) power lines. It would be beneficial to represent the OH Power lines and note the existing blanket easement.
ENSTAR	No comments or recommendations.
ACS	No objections.
GCI	Approved as shown.

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 28210 STERLING HWY 37709 THREE JOHNS ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: STERLING HWY THREE JOHNS ST ZENITH 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: 28210 STERLING HWY will remain with Tract A. 37709 THREE JOHNS ST will remain with Lot 1.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Aldridge, Morgan 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: Include in the description that it is "SE1/4 NE1/4 north of the Sterling Highway" Verify the total acreage.

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: Revise the lot to the from Tract 2A to Tract 3 of KN 94-65. The lot to the northwest is currently labeled as unsubdivided. Update the label to Parcel 1 Plat Waiver Resolution 98-15.

L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

Staff recommendation: Staff has provided a contour map in the packet.

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.

20.30.030. 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: Verify the location of Three Johns Street as it appears to cross across the corner of proposed Tract A. Verify that the right of way dedication to encompass the constructed right of way. Provide a 30 foot wide right of way dedication on the west boundary.

20.30.120. Streets-Width requirements.

M. 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: *Provide a 60 foot wide dedication for Three Johns Street unless documentation is provided that show that a roadway can be constructed within the Kenai National Wildlife Refuge.*

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

Staff recommendation: *Block lengths exceed allowable lengths. Dedications on the west boundary is required. Staff recommends that the Plat Committee concur that a dedication on the north boundary is not required at this time due to the lease area for a communications tower, steep terrain on the north boundary, and Akeve Avenue providing an east-west right of way connection. The owner is put on notice that any further subdivision of Tract A may require right of way dedications to comply with KPB subdivision standards.*

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.

N. 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.

O. 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.

P. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

Staff recommendation: *Depict and label the building setbacks adjoining all dedicated right of ways.*

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: Lot 1 will require a soils analysis report and signature from an engineer. Tract A does not require a soils analysis report. Provide a wastewater disposal note for Tract A that complies with 20.50.030.

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 Three Johns Street and any other dedications to be signed by the Kenai Peninsula Borough.

20.60.180. Plat notes.

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

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

Staff recommendation: Place the following notes on the plat.

Add a note for any exceptions granted.

If a wastewater review is not performed for Tract A, designate the current note on the plat for Lot 1 and add for Tract A "WASTEWATER DISPOSAL: Lots which are at least 200,000 square feet in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation."

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

Mr. Huff then noted that comments had been received from Kachemak Bay APC. The APC reviewed the plat at their January 6, 2022 meeting and opposed the plat. They stated there was inadequate information regarding access to the parcel, water sources & waste water.

Chair Brantley opened the meeting for public comment. Hearing one wishing to comment, public comment was closed and discussion was opened among the committee

MOTION: Commissioner Gillham moved, seconded by Commissioner Bentz to grant preliminary approval to The Stordahle Subdivision based on staff recommendations and compliance with borough code.

Commissioner Venuti stated that if the APC is asking for additional time to review the plat he believed the request should be granted. Mr. Huff replied while the APC opposed the plat he did not see any real reason to not approve it. The APC stated they had concerns regarding access and the plat shows that all the lots front a right-of-way so there are not access issues. The APC also had concerns regarding water issues and all the lots being created are large enough to have onsite wells and waste water systems. He also noted before the final plat can be approved there will be a soils report that will be reviewed by staff to ensure that it complies with code. This plat meets all the required platting standards required by the borough.

Commissioner Ruffner asked if there were any staff in attendance at this meeting to address the APC concerns. Mr. Huff replied that Marcus Mueller was in attendance but there were no platting staff at the meeting. He then noted that staff are working with the APCs to help them better understand what it is they are being asked to review on plats. What staff are looking for from the APC are any issues in the area that staff may not be aware of. Things like drainage issues or trails being used by the public.

Commissioner Bentz asked if the APC had access to all the information in the meeting packet, such as the wetland and contour maps. Mr. Huff replied that the APC are given the preliminary plat to review, the packet information is not always available in time for meetings. The APC can always check online to see if the packet information is available.

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

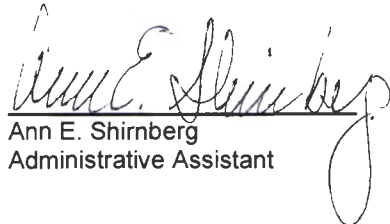
MOTION PASSED BY UNANIMOUS VOTE

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

D. PUBLIC COMMENT - None

E. ADJOURNMENT

Commissioner Gillham moved to adjourn the meeting 6:23 P.M.


Ann E. Shirnberg
Administrative Assistant