



Meeting Agenda Plat Committee

Monday, May 10, 2021

6:00 PM

Betty J. Glick Assembly Chambers

Zoom ID 208 425 9541

The hearing procedure for the Plat Committee public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

All items marked with an asterisk () are consent agenda items. Consent agenda items are considered routine and noncontroversial by the Plat Committee and may be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner removes the item from the consent agenda. The removed item will then be considered in its normal sequence on the regular agenda. If you wish to comment on a consent agenda item, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.*

1. Agenda
2. Member / Alternate Excused Absences
3. Minutes

[KPB-3114](#) Plat Committee April 12, 2021 Meeting Minutes

Attachments: [Plat Committee April 12, 2021 Meeting Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-3115](#) Christensen Tracts 2021 Addition
KPB File 2021-046
Geovera, LLC / Hough
Location: East End Road & Hough Road
City of Homer

Attachments: [Vicinity Map](#)
[Aerial View](#)
[Preliminary Plat](#)
[Staff Report](#)
[Contour Map](#)
[Parent Plats](#)
2. [KPB-3120](#) Barker Subdivision #2
KPB File 2021-055
Johnson Surveying / Naptowne Holdings, LLC
Location: On Scout Lake Loop Rd., Greenwood Ct. & Sterling Hwy.
Sterling Area

Attachments: [Vicinity Map](#)
[Aerial View](#)
[Preliminary Plat](#)
[Staff Report](#)
[Parent Plats](#)

3. **KPB-3121** Willard Point
 KPB File 2021-056
 Johnson Surveying / Willard
 Location: Near MP 148 Sterling Hwy.
 Happy Valley Area
 Anchor Point APC

Attachments:

Vicinity Map
Aerial View
Preliminary Plat
Staff Report
Contour Map
Parent Plats

4. **KPB-3122** Forest Acres Harmon Addition
 KPB File 2021-049;
 Lang & Associates Inc. / Harmon
 Location: On Hemlock Ave. & Maple St.
 City of Seward

Attachments:

Vicinity Map
Aerial View
Preliminary Plat
Staff Report
Parent Plat
Seward City Recommendation
Comment

5. **KPB-3123** Seldovia Townsite Pollack Addition
 KPB File 2021-053
 Peninsula Surveying, LLC / Pollack
 Location: On Alder St. & Kachemak St.
 City of Seldovia

Attachments:

Vicinity Map
Aerial View
Preliminary Plat
Staff Report
As-Built
Parent Plats
Seldovia PC Minutes

6. **KPB-3124** Alaska State Land Survey No. 2020-10
 KPB File 2021-052
 McLane Consulting Group / Alaska State DNR
 Location: Kenai Spur Hwy
 Point Possession Area

Attachments:

Vicinity Map
Aerial View
Preliminary Plat
Staff Report
Section Line Easement Map
Wetlands Map
Contour Map
Block Length Exhibit
Parent Plat
Lay Down_E6-ASLS_Comment

7. **KPB-3125** Van Sky Subdivision No. 7
 KPB 2021-012R1
 Segesser Surveys / Dukowitz, Estate of Dennis Van Sky
 Location: On Birchwood Dr., Jeffery Ave. & Sequoya Dr.
 Nikiski Area

Attachments:

Vicinity Map
Aerial View
Preliminary Plat
Staff Report
Wetlands Map
Contour Map
ROW-Legal Access Map
Parent Plats
Material Site Review
Lay Down_E6-ASLS_Comment

F. PUBLIC COMMENT

(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held Monday, [INSERT DATE], 2021 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

Phone: toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: planning@kpb.us

website: <http://www.kpb.us/planning-dept/planning-home>

Written comments will be accepted until 1:00 p.m. on the last business day (usually a Friday) before the day of the Plat Committee meeting in which the item is being heard. If voluminous information and materials are submitted staff may request seven copies be submitted. Maps, graphics, photographs, and typewritten information that is submitted at the meeting must be limited to 10 pages. Seven copies should be given to the recording secretary to provide the information to each Committee member. If using large format visual aids (i.e. poster, large-scale maps, etc.) please provide a small copy (8 ½ x 11) or digital file for the recording secretary. Audio, videos, and movies are not allowed as testimony. If testimony is given by reading a prepared statement, please provide a copy of that statement to the recording secretary.

An interested party may request that the Planning Commission review a decision of the Plat Committee by filing a written request within 10 days of the written notice of decision in accordance with KPB 2.40.080.

C. CONSENT & REGULAR AGENDAS

Item: *3. April 26, 2021 Plat Committee Minutes

Kenai Peninsula Borough

Plat Committee

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

April 26, 2021
6:00 p.m.
UNAPPROVED MINUTES

A. CALL TO ORDER

Commissioner Carluccio called the meeting to order at 6:00 p.m.

B. ROLL CALL

Plat Committee Members/Alternates

Pamela Gillham, Ridgeway
Paulette Carluccio, City of Seldovia
Cindy Ecklund, City of Seward
Robert Ruffner, Kasilof/Clam Gulch
Franco Venuti, City of Homer

Staff Present

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

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

*3. April 12, 2021 Plat Committee Meeting Minutes

Chair Carluccio asked if anyone wanted to speak on an item not on the agenda. Hearing no one wanting to speak, public comment was closed.

MOTION: Commissioner moved Ecklund seconded by Commissioner Ruffner, to approve the agenda and the minutes from the April 12, 2021 Plat Committee meeting.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0	Absent	0
Yes	Carluccio, Ecklund, Gillham, Ruffner, Venuti				
No					

E. NEW BUSINESS

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

AGENDA ITEM E. NEW BUSINESS

1. Anchor River S J Chapman Jeppesen 2021 Replat
KPB File No. 2021-040; Stephen C. Smith/Kyllonen

Location:	Sterling Hwy and Chapman St, Anchor Point
Proposed Use:	Residential/Commercial
Water/Sewer:	Onsite and City/Onsite
Zoning:	Rural Unrestricted
Assessing Use:	Residential, General Commercial
Parent Parcel Number(s):	169-050-77, 169-050-78, 169-050-81

Staff report given by Scott Huff.

Supporting Information:

The proposed plat creates six tracts from three tracts ranging in size from 1.303 acres to 2.663 acres. Per the preliminary plat, Tract 3-A-1 and Tract 4-A-1 are served by the Anchor Point Safe Water Corporation Public Water System. Staff is requesting proof of connection or proof of approval to connect. A soils report is required for all lots, and an engineer will sign the plat.

Two of the tracts are accessed via State of Alaska DOT maintained Sterling Highway. These tracts have structures in place that are currently leased for the Alaska State Troopers Anchor Point post. Chapman Street provides access to the other four tracts. Chapman Street is a 60 foot dedicated right of way. Per KPB GIS, the right of way is constructed but not maintained by KPB Roads.

Notice of the proposed plat was mailed to the two beneficial interest holders on March 31, 2021. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

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

KPB satellite imagery indicates this property may contain wet areas. The surveyor will need to confirm if the property is affected by any low wet areas. If so. **Staff recommendation:** place a note on the final plat indicating any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.

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

Exception Requested:

KPB 20.30.190 – Lots Dimensions (Tract 4-A-1, length to width ratio)

Surveyor's Discussion: Original Tract 4-A is the property where the State Troopers Anchor Point headquarters is located. The septic system for their building is on existing Tract 3B as well as their impound yard. This plat combines a portion of Tract 3B with Tract 4-A so that both the impound yard and the septic system are on the same Tract as the trooper building and vehicle shed. The reconfigured Tract 4-A-1 has a slightly greater depth to width ratio as a result.

Staff Discussion: Per KPB Code 20.30.190(A), "...the average depth shall be no greater than three times the average width." Proposed Tract 4-A-1 has a ratio of 3.6:1.

If denied, the lot configuration will need to be redesigned to comply with the 3:1 depth to width ratio for Tract 4-A-1.

Findings:

1. The proposed design will result in a ratio of 3.6:1.
2. Required ratio is 3:1.
3. State Troopers Anchor Point Post is located on the proposed tract.
4. The proposed design will allow for the septic system to be on the same tract as the State Trooper Building.
5. The proposed design will allow for the impound yard to be on the same tract as the State Trooper Building.
6. To make the tract comply, proposed Tract 3-A-1 will need to be reduced by almost 30 feet resulting in approximately 122 feet of frontage along the Sterling Highway.
7. Current design gives each tract equal frontage along the Sterling Highway.

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review:
 - 34115 Sterling Hwy will remain with Tract 4-A-1
 - 34145 Sterling Hwy will remain with Tract 3-A-1
 - 34104 Chapman St will remain with Tract 3-B-1
 - Alder St should be Chapman St.
- KPB Assessing: No comments.
- KPB Code Compliance: No comments.
- KPB Planner: There are no location option zoning district issues or material sites associated with this subdivision.
- KPB Roads Dept.: Within KPB jurisdiction, no comments.
- State Parks: No comments.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise noted below:

- 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;
Platting Staff Comments: Per Resolution SN 2017-01, Alder Street is now Chapman Street. The Sterling Highway centerline information should be shown and the source of the information should be noted. The project may be noted within a plat note or on the face of the plat within the right of way depiction.
Staff recommendation: Update the right of way information on the plat.
- 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 labels for the Old Sterling Highway and Anchor River.
- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Staff recommendation: Correct Alder Street to Chapman Street.

- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
Platting Staff Comments: Per KPB GIS data, a portion of proposed Tract 3B-1 contains wetlands.
Staff recommendation: Confirm if the area is affected by low wet areas and if so, depict and label the location on the plat.
- 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;
Platting Staff Comments: Per KPB GIS data, there appears to be steep slopes behind the garage on proposed Tract 4-A-1 and into Tract 3-A-1. These slopes appear to be roughly 30 percent but do not appear to affect the use of the lots.
Staff recommendation: Depict any steep slopes found during the field survey.

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

KPB 20.30 Design Requirements

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

20.30.030. Proposed street layout-Requirements.

- 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.

State Department of Transportation Comments: The ROW for the Sterling Highway is 50' each side of centerline. See various ROW maps, including F-021-1(1), page 1, dated 11/13/1957, F-021-1(10), sheet 1 dated 1982 and F-021-1(366) sheet 6, dated 1994.

Staff recommendation: Update the Sterling Highway ROW information per the State of AK DOT comments. Per the Certificate to Plat, provide a plat note referencing the Reservation of Easement for the Sterling Highway.

20.30.060. Easements-Requirements.

- A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.
- B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.
- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.
- D. Unless a utility company requests additional easements, the front ten feet of the building setback shall be designated as a utility easement, graphically or by note.
Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from ACS and GCI were not available when the staff report was prepared.

HEA and ENSTAR supplied reviews of no comments / no objections / no concerns.

Per parent plat HM 2009-56, utility easements were granted within the front 10 feet of the building setback and the entire 20 foot building setback within 5 feet of the side lot lines. This plat will carry forward the utility easements of record and grant 20 foot easements within 5 feet of the side lot lines for the new parcels along Chapman Street. The plat note needs revised to read "Plat HM 2009-56 granted utility easements along the front 10 feet and the entire building setback within 5 feet of side lot lines. This plat will be granting the utility easements within the full setback within 5 feet of all new side lot lines."

Underground telephone lines are shown on the plat in a thin red line. There is a plat note disclosing that the existing phone line is the center of a 15 foot utility easement per HM 2009-56. Update the underground telephone line to be black and provide a label to see the corresponding plat note.

Per HM 2009-56 an overhead utility line and a corresponding 15 foot utility easement affects the southeast corner of Tract 3-A-1. Depict the overhead electric line and provide a label to see the corresponding plat note.

Per the Certificate to Plat, there are two easements of record with undisclosed locations granted to Homer Electric Association. Provide a plat note for the easements of record.

Staff recommendation: *Update utility easement depictions, plat notes, and grant utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.*

20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

- A. Lots shall contain at least 6,000 square feet if served by public wastewater disposal and water systems.
- B. Lots shall contain at least 40,000 square feet if both the well and wastewater disposal are to be located on the lot unless it can be demonstrated to the satisfaction of the commission that a smaller lot size is adequate for the safe location and operation of an on-site well and wastewater disposal system.
- C. Subdivisions designed to be served by public wastewater disposal and water systems but not yet served by such systems may be permitted to contain lots of less than 40,000 square feet if the following conditions are met:
 1. The available area may be reduced to 20,000 square feet when public water or wastewater disposal system is available, complying with KPB 20.40;
 2. A statement from an engineer affixed with his seal and signature attesting that the proposed lot design and associated building restrictions will assure adequate area is available to each building site for safe on-site well and wastewater disposal, including area for a replacement wastewater disposal system.

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: A soils analysis report is required and an engineer will sign the final plat.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

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

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be

replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20.60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Staff recommendation: *comply with 20.60.010.*

20.60.020. Filing-Form and number of copies required. The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

Staff recommendation: *submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

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. It appears that the parent parcels are part of a utility assessment district and must be paid in full prior to recording of the plat.

Staff recommendation: *comply with 20.60.030.*

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 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: *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: *Provide proof that Tracts 4-A-1 and 3-A-1 are connected or approved for connection to the Anchor Point Safe Water Corporation Public Water System.*

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.

Staff recommendation: *comply with 20.60.110.*

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.

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: *provide boundary and lot closure computations with the paper final plat.*

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

Platting Staff Comments: Although not required, the lot numbering can be reduced for simplicity. Acceptable options are Tract 4B and Tracts 3C – 3G or the lots can be labeled Lot 8 – 13.

20.60.150. Utility easements.

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

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

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

Staff recommendation: *comply with 20.60.150.*

20.60.160. Easements.

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

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

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

Staff recommendation: *comply with 20.60.160.*

20.60.170. Other data required by law.

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

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Staff recommendation: *comply with 20.60.170.*

20.60.180. Plat notes. 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.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to Plat.

Staff recommendation: *Renumber the plat notes in consecutive order. Place the following notes on the plat.*

- *Former Lots 3-A and 4-A are subject to reservation of easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.*
- *This subdivision may be affected by utility easements granted to Homer Electric Association, Inc. as recorded in Book 28 Page 428, HRD and Book 30 Page 30, HRD with no definite location defined.*
- *Provide Sterling Highway centerline information. This may be done by plat note or label within the right of way.*
- *Add a plat note for any exceptions granted.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *comply with 20.60.190.*

20.60.200. Survey and monumentation.

Platting Staff Comments: Provide a survey marker at all property corners including on the boundary.

Staff recommendation: comply with 20.60.200

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

1. *Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;*
2. *Final approval by the commission was a condition of preliminary approval; or*
3. *The planning director determines there are other conditions to support referral to the commission.*

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ABOVE 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 10 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 Carluccio 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 Ecklund to grant preliminary approval to Anchor River S J Chapman Jeppesen 2021 Replat based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant exception request to KPB 20.30.190-Lots Dimensions – Length to Width Ratio, for Tract 4-A-1, citing findings 4-7 in support of standards one, two and three.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

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	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

AGENDA ITEM E. NEW BUSINESS

2. West Hill Subdivision Harness Addition
KPB File No. 2021-021; Fineline Surveys / Palser-Harness, LLC

Location: On West Hill Road and Jeffrey Avenue, City of Homer
Proposed Use: Residential
Water/Sewer: On Site
Zoning: Rural Residential District
Assessing Use: Residential
Parent Parcel Number(s): 173-480-12, 173-480-13

Staff report was given by Scott Huff.

Supporting Information:

The proposed plat will reconfigure two lots by changing the dividing line from an east-west line to a north-south line. The lots will change from two lots that are each approximately 3.3 acres to a 4.3 acre lot and a 2.4 acre lot. The new configuration will allow both lots to have a flatter building area and split the area with steep slopes. A soils analysis report will be required and an engineer will need to sign the plat.

The subdivision is located on the corner of state maintained West Hill Road and City of Homer right of way Jeffery Avenue. The subdivision is located within a block defined by Jeffery Avenue, Emerald Road, Highland Road, and West Hill Road. Not all right of ways have been constructed.

The subdivision is within the City of Homer. Homer Planning Commission heard the preliminary plat at their March 17, 2021 regular meeting. The Homer Planning Commission forwarded a recommendation for approval with the following comments:

1. Include a plat note stating "Property owner should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation if any. Property owners are responsible for obtaining all required local, state and federal permits."
2. Comply with Homer City Code 21.10.051(A) and grant a 15 foot utility easement along all rights of way
3. Update vicinity map to show correct municipal boundaries
4. Show approximate locations of slopes over 20 percent in grade
5. Dedicate a 30 foot drainage easement along the southern lot line.

Plat note 3 does addresses comment 1. The plat shows a 30 foot drainage easement to be granted to address item 5. **Staff recommends**

- The utility easements be corrected to 15 feet.
- The vicinity map be updated to show the city boundary within section 8.
- Depict the slopes greater than 20 percent that are present along the southern boundary.

City of Homer city and water are not available at this time. An installation agreement will be required or documentation from the City of Homer stating one is not required. The subdivision is within Flood Zone D which is "flood hazards undetermined". The subdivision is not within the Bridge Creek Watershed Protection District.

The City requested the drainage easement as this area provides significant contribution to the water flow of Bidarki Creek. The easement will help preserve the green infrastructure provided by an undisturbed creek and ravine.

Staff would like to note that this submittal is pre April 1, 2021 and is being reviewed under KPB prior to Ordinance 2020-45. All plats submitted after April 1, 2021 will be reviewed under new code 20.60.070 and will require font size at least 0.1" in size. Future submittals must comply with the new required font size.

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.

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

Exception Requested:

KPB 20.30.190 – Lots-Dimensions (3:1 depth to width for proposed Lot 2A)

Staff Discussion: The design of proposed Lot 2A has a depth of 700 feet and a width of 180 feet for a 3.8:1 depth to width ratio. The design will allow both lots access via Jeffery Avenue. The terrain slopes down as you move south with steep slopes found in the southern portion of the subdivision. The design will allow each lot to have some upland area for development and share the area affected by steep slopes with a drainage easement along the south boundary of both lots.

If denied, the lot configuration will need to be changed so that both lots comply with the 3:1 depth to width ratio. Lot 2A will be required to be approximately 233 feet in width.

Findings:

1. Lot 2A has a depth of 700 feet and a width of 180 feet for a 3.8:1 depth to width ratio.
2. The subdivision contains terrain that slopes downward to the southern portion of the subdivision.
3. The City of Homer approved the lot design.
4. A soils analysis report will be required to prove the size and design will provide adequate separation from well and wastewater disposal.
5. Access will be provided for the lot off City of Homer maintained Jeffery Avenue.
6. This design will reduce the need for access off busy and state maintained West Hill Road.
7. The design of the lots will provide a more suitable building areas than the existing design.

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review: Affected addresses – 1045 Jeffery Avenue and 4575 West Hill Road. Affected addresses will need to be reviewed by the City of Homer. All existing street names listed are correct.
- KPB Assessing: No comment.
- KPB Code Compliance: No comments.
- KPB Planner: Within the City of Homer, review not required.
- KPB Roads Dept.: Outside jurisdiction; no comment.
- State Parks: No comments.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise noted below:

- A. Within the Title Block
2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;
- Platting Staff Comments: Per the Certificate to Plat the owner is Palser-Sarness, LLC. Add "City of Homer" to the location area. Add the "NE ¼" to the section designation. The hyphen may be removed between Subdivision and Harness. There is a comma after Addition that should be removed.*
- Staff recommendation:** Update the owner information to match the Certificate to Plat and add additional location information.
- 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;
- Platting Staff Comments: There is a 66 foot section line easement that coincides with West Hill Road. The right of way width is wider than the section line easement and does not need to be noted on the plat.*
- 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:** Add "Homer" to the City Limits label and revise the depiction of the limits within Section 8.
- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
- Platting Staff Comments: DOT referred to DOT ROW Mapping X-14625, sheet 4, dated 1981.*
- Staff recommendation:** Include the DOT ROW Mapping information within the right of way depiction or add a plat note referring to include the information.
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
- Platting Staff Comments: Per KPB GIS data, there are riverine wetlands along the southern part of the property.*
- Staff recommendation:** Show any low wet areas on the plat.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
- Staff recommendation:** Add a Block 1 label to the plat.
- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting

thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

Platting Staff Comments: Per the City of Homer Planning Commission, city water and wastewater disposal are not available.

- 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;

Platting Staff Comments: Areas along the southern part of the subdivision have very steep slopes. These slopes should be noted on the top and toe of bluff noted.

Staff recommendation: *Depict and label steep areas.*

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

KPB 20.30 Design Requirements

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

20.30.030. Proposed street layout-Requirements.

- 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.

State Department of Transportation Comments: The ROW for West Hill Road is as platted, see also DOT ROW Mapping X-14625, Sheet 4, dated 1981.

Staff recommendation: *Provide a reference to the DOT ROW mapping as recorded per HM 94-48.*

20.30.060. Easements-Requirements.

- A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.
- B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.
- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.
- D. Unless a utility company requests additional easements, the front ten feet of the building setback shall be designated as a utility easement, graphically or by note.

Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from ACS were not available when the staff report was prepared.

GCI, HEA, and ENSTAR supplied reviews of no comments / no objections / no concerns.

A 10 foot utility easement was granted by the parent plat along the western boundary of this subdivision. Note that the easement was granted per HM 75-11.

City of Homer municipal code requires 15 foot utility easements along the right of ways. Depict the 15 foot utility easements and adjust plat note 2.

Staff recommendation: Update the label for the existing easement, grant 15 foot utility easements per City of Homer code, and grant utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.

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.

Platting Staff Comments: The existing block is irregular in shape but is a closed block. The block is defined by Jeffery Avenue, West Hill Road, Highland Drive, and Emerald Road. Due to the terrain and lot configurations in the area this subdivision cannot provide any additional right of way to help with block length.

Staff recommendation: Concur that an exception is not needed, as any dedication required will not improve block length requirements.

20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

- A. Lots shall contain at least 6,000 square feet if served by public wastewater disposal and water systems.
- B. Lots shall contain at least 40,000 square feet if both the well and wastewater disposal are to be located on the lot unless it can be demonstrated to the satisfaction of the commission that a smaller lot size is adequate for the safe location and operation of an on-site well and wastewater disposal system.
- C. Subdivisions designed to be served by public wastewater disposal and water systems but not yet served by such systems may be permitted to contain lots of less than 40,000 square feet if the following conditions are met:
 1. The available area may be reduced to 20,000 square feet when public water or wastewater disposal system is available, complying with KPB 20.40;
 2. A statement from an engineer affixed with his seal and signature attesting that the proposed lot design and associated building restrictions will assure adequate area is available to each building site for safe on-site well and wastewater disposal, including area for a replacement wastewater disposal system.

Platting Staff Comments: The lots are within the City of Homer. Municipal water and wastewater disposal are not available at this time. The lots comply with the size requirements for on-site water and wastewater disposal.

Staff recommendation: Complies with 20.30.200.

20.30.250. Building setbacks-Within cities. The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts.

Platting Staff Comments: The parent plat was finalized when this area was outside the City of Homer. A 20 foot building setback was put in place on the parent plat. As these lots are now subject to the City of Homer zoning, staff requests that the building setback designation not be carried forward. Add a plat note stating, "These lots are subject to City of Homer Zoning Regulations. Refer to the Homer City Code for all current setback and site development restrictions. Owners should check with the City of Homer prior to development activities." Remove plat note 1 and revise plat note 2 to not only update to 15 foot utility easements but remove the reference to the building setback.

Staff recommendation: Concur that an exception is not required, the setback not be carried forward, and appropriate plat notes be added, removed, or corrected.

20.30.270. Different standards in cities. Where cities have been delegated partial platting powers by the borough and have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. The application of the city design standard is subject to the city having an ordinance in place that satisfies the notice requirements of KPB 20.25.090(A) 'through (D) and a process to appeal decisions made by the city regarding application of its subdivision design standards.

Platting Staff Comments: The City of Homer does not meet the specified requirements for the application and consideration of different standards.

20.30.280. Floodplain requirements.

Platting Staff Comments: River Center review had no comment as this is within the City of Homer. The City of Homer Planning Commission staff report did state it is within Flood Zone D, which is undermined flood hazards. No additional notes were requested in regards to flood plain requirements.

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: A soils analysis report will be required and an engineer will need to sign the plat. The report will have to show that the irregular design of proposed Lot 2A will meet wastewater requirements.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

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

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20. 60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Staff recommendation: *comply with 20.60.010.*

20.60.020. Filing-Form and number of copies required. The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

Staff recommendation: *submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

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

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

Staff recommendation: *comply with 20.60.030.*

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

Platting Staff Comments: An acceptance will need to be included for the drainage easement. Work with the City of Homer to provide the correct name or title to sign the acceptance.

Staff recommendation: *Comply with 20.60.040.*

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 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: *comply with 20.60.070.*

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

Platting Staff Comments: Provide an installation agreement or documentation from the City of Homer that one is not required.

Staff recommendation: *Comply with 20.60.080.*

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.

Staff recommendation: *comply with 20.60.110.*

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.

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: *provide boundary and lot closure computations with the paper final plat.*

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

Platting Staff Comments: Block label must be added.

Staff recommendation: *Comply with 20.60.140.*

20.60.150. Utility easements.

- A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.
- B. The following note shall be shown on the final plat:
No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.

Staff recommendation: *comply with 20.60.150.*

20.60.160. Easements.

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

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

Platting Staff Comments: A 30 foot drainage easement has been requested by the City of Homer. The drainage easement is depicted. An acceptance statement must be included on the plat.

Staff recommendation: *Within plat note 5, correct the year for the recording information of the easement of record. Comply with 20.60.160.*

20.60.170. Other data required by law.

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

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Staff recommendation: *comply with 20.60.170.*

20.60.180. Plat notes. 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.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to Plat.

Staff recommendation:

- Add - "These lots are subject to City of Homer Zoning Regulations. Refer to the Homer City Code for all current setback and site development restrictions. Owners should check with the City of Homer prior to development activities."
- Remove plat note 1.
- Revise plat note 2. "The front 15 feet along right of ways is a utility easement. No permanent..."
- Revise the date within plat note 5 to 1968.

20.60.190. Certificates, statements, and signatures required.

Platting Staff Comments: Add the City of Homer acceptance of the drainage easement. Provide the title for the person signing on behalf of Palser-Harness, LLC, e.g. Member, Chairman.

Staff recommendation: *comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *comply with 20.60.200*

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

1. Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;
2. Final approval by the commission was a condition of preliminary approval; or
3. The planning director determines there are other conditions to support referral to the commission.

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ABOVE 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 10 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 Carluccio opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Gillham moved, seconded by Commissioner Ecklund to grant preliminary approval to West Hill Subdivision Harness Addition based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Gillham moved, seconded by Commissioner Ecklund to grant exception request to KPB 20.30.190-Lots Dimensions - 3:1 Depth to Width Ratio, for Lot 2A, citing findings 2-7 in support of standards one, two and three.

Commissioner Carluccio referred to the contour map on page 31 of the meeting packet and noted that she believed the lot line could be moved over a bit. Mr. Huff stated replied that the lot line could be moved to comply with the depth to width ratio. Commissioner Carluccio noted that the current design show that Lot 2A will have a 61' road frontage Mr. Huff stated that she was correct and noted that Lot 2B will 320' of road frontage

Commissioner Ecklund asked staff to explain why code requires a 3:1 depth ratio. Mr. Huff stated that the 3:1 depth ratio assures that lots have usage area for construction and discourages long narrow lots which can be difficult to develop. Mr. Huff noted that there is room for the lot line to move east. The current design of Lot 2B is 4.3 acres and could be reduced in size. The width Lot 2A is 169' and for it to comply with code it would have to be 233' in width. Commissioner Ecklund asked if staff discussed with the applicant why they wanted this exception. Mr. Huff replied that they had not, the surveyor just submitted the plat requesting the exception.

Commissioner Carluccio stated she would not be supporting this exception request. She noted she might be able to support the exception request if Lot 2A were bigger and had more frontage.

Ms. Shirnberg asked Commission Venuti if he had reviewed this plat at the City of Homer planning commission meeting. Commissioner Venuti stated that he had already acted on this plat and requested that he be recused. Chair Carluccio approved his recusal.

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

AMENDMENT MOTION FAILED (Tied Vote)

Yes	2	No	2
Yes	Gillham, Ruffner		
No	Carluccio, Ecklund,		
Recused	Venuti		

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Carluccio, Ecklund, Gillham, Ruffner		
No			
Recused	Venuti		

AGENDA ITEM E. NEW BUSINESS**3. Fourth of July Creek Subdivision Seward Marine Industrial Center Coastal Lots Replat
KPB File No. 2021-039; Enterprise Engineering, Inc/City of Seward**

Location: Mustang Avenue, Nash Road, Morris Avenue and Sorrel Road (all within Tract A3), City of Seward
Proposed Use: Industrial
Water/Sewer: City
Zoning: Industrial Zoning District
Assessing Use: Commercial
Parent Parcel Number(s): 145-340-50, 145-340-51

Staff report given by Scott Huff.

Supporting Information:

The proposed plat creates will subdivide Lot 1A Block 9, a 1.871 acre parcel, into two parcels being 0.64 acres and 1.23 acres and subdivide Lot 2A Block 9, a 1.978 acre parcel, into two parcels being 0.402 acres and 1.575 acres.

A soils analysis report is not required, as municipal water and sewer will serve all lots.

Mustang Avenue, Nash Road, Morris Avenue, and Sorrel Road provide access to the property. These roads are within Tract A3, a private Tract owned by the City of Seward. These roads are service road access easements restricted to leases, City, and other authorized personnel. The parent plat has a note that states, 'Tract A3 is a service road access easement restricted to lessees, City and other authorized personnel.' **Staff recommends** this plat note be carried forward.

The parent plat was granted an exception to KPB 20.20.200 (fronting on a dedicated road) at the July 17, 2006 Plat Committee meeting. The exception was requested to limit traffic to industrial uses for the safety of the public.

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 City of Seward Planning and Zoning Commission held a public hearing on February 2, 2021. They recommended approval and made a motion to change the plat name to remove the reference to Polar Seafoods. The City of Seward is the owner of the property; the City Council reviewed the plat at their February 22, 2021 meeting as required by Seward City Code 16.01.015(B). They City Council adopted Resolution 2021-019.

The information from the city states the purpose is to create new lease parcels with the potential to support operations at the Polar Seafoods fish processing plant, and to create a parcel to support operations for the US Coast Guard fast response cutter. The subdivision is zoned Industrial and current development includes Jag Industrial & Marine Services, the Polar Seafoods fish processing plant, newly constructed floats for moorage, and the City boat storage yard and wash down pad parcels.

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

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

Exception Requested: needs three – block, street projection, and lot access.

KPB 20.30.030 – Proposed Street Layout
KPB 20.30.170 – Block Length requirements
KPB 20.30.210 – Lots Access to Streets

Surveyor Discussion:

20.30.030 Proposed Street Layout – Requirements

The new subdivision will be accessed by the developed Tract A3 to the north, east and south (Mustang Avenue, Nash Road, Morris Avenue, and Sorrel Road). The proposed subdivision does not create a parcel without access to an adjacent developed roadway. Tract A3 is a developed 60' wide service road access easement restricted to lessees, City and other authorized personnel. The service access easement serves as legal access to many industrial parcels around this area.

20.30.170 Blocks-Length Requirements

Tract A3 is a service access easement that is restricted to lessees, City, and other authorized personnel. The traffic is low volume and is not an arterial street or state-maintained road. The proposed subdivision does not change block length as defined by access road spacing, which is about 600 feet north to south, meeting code requirement of between 330 to 1320 feet.

20.30.210 Lots-Access to Streets

As noted above, Tract A3 provides legal access to parcels in this industrial area. It abuts at least one side of all 4 proposed parcels, thus providing legal access, and allows physical access.

Staff Discussion:

All three exception requests are being combined into one exception as all deal with legal access and Tract A3 being a private tract instead of a typical dedicated public right of way. The Plat Committee can act on each item separately if they choose.

Surveyor Findings:

1. The new subdivision will be accessed by the developed Tract A3 to the north, east and south (Mustang Avenue, Nash Road, Morris Avenue, and Sorrel Road).
2. The proposed subdivision does not create a parcel without access to an adjacent developed roadway.
3. Tract A3 is a developed 60' wide service road access easement restricted to lessees, City and other authorized personnel.
4. The service access easement serves as legal access to many industrial parcels around this area.
5. Tract A3 is a service access easement that is restricted to lessees, City, and other authorized personnel.
6. The traffic is low volume and is not an arterial street or state-maintained road.
7. The proposed subdivision does not change block length as defined by access road spacing, which is about 600 feet north to south, meeting code requirement of between 330 to 1320 feet.
8. Tract A3 provides legal access to parcels in this industrial area.
9. Tract A3 abuts at least one side of all 4 proposed parcels, thus providing legal access, and allows physical access.

Staff findings:

10. The City of Seward is the owner of the subdivision.
11. The City of Seward is the owner of Tract A3, which provides access to the subdivision.
12. The Seward Planning and Zoning Commission reviewed and recommended approval of the preliminary plat on February 2, 2021.
13. The Seward City Council reviewed and recommend approval of the preliminary plat on February 22, 2021

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 1-13 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 1-13 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 1-13 appear to support this standard.

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review: Affected Addresses: 209 NASH RD and 3201 SORREL RD. Affected addresses will need to be reviewed by the City of Seward.
- KPB Assessing: No comments.
- KPB Code Compliance: No comments.
- KPB Planner: This plat is located within the City of Seward and is not subject to local option zoning districts or KPB review of material sites.
- KPB Roads Dept.: Not within KPB jurisdiction, no comments.
- State Parks: No comments.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise 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;
 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

Platting Staff Comments: - The subdivision name selected is approved but remove "Lots 1A-1, 1A-2, 2A-1 & 2A-2 Block 9". This is referencing the new lots being created but appears to be part of the subdivision name. It is not needed or required within the title block. If the surveyor or owner wish for the information to be within the title block, use a different font size or style so that it is clearly not part of the subdivision name. Adding the word "Creating" in front of the lot numbers will also help with this subdivisno name. Within the legal description of the land being subdivided, add "Amended" to the parent plat name. The owners name, as found on the certificate to plat, and address must be added to the title block.

Staff recommendation: Update the title block to meet code requirements.

- 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: Within Tract A3 provide a label for the “private service road” or have a reference to the plat note that is being carried over from the parent plat explaining the use of the roads.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: Update the vicinity map to note the township. Depict and label the city limits.
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
Platting Staff Comments: 60 foot public access/moorage easement was granted on the parent plat and are correctly depicted and labeled. The Certificate to Plat mentions reservations or exceptions are within the United States Patents and State of Alaska Patents. Per Plat SW 97-27, Fourth of July Creek Subdivision Seward Marine Industrial Center, several public access easements were vacated. The surveyor needs to determine if any other public access easements are still in effect and depict or note them on the plat.
- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Platting Staff Comments: Correct Lot 3 Block 4 to the east to lot 3A Block 4. Correct the label for Block 10, located to the north, to read “portion of Block 10” and add “excluding lots 1 and 2” to the descriptions. Include Plat no. 2015-14 SW for Lot 2 Block 4 located to the northeast.
Staff recommendation: Correct and update labels.
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
Staff recommendation: Depict and label any flood hazard areas and wetlands. Portions of Block 10, which borders the subdivision, have open water. Depict or label such areas.
- I. Approximate locations of areas subject to tidal inundation and the mean high water line;
Platting Staff Comments: Add a plat note for being within a Special Flood Hazard Area. Per code, any area of a subdivision within the Seward Mapped Flood Data Area is to be shown and labeled on the plat.
Staff recommendation: Provide required depictions and labeling.
- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;
Platting Staff Comments: The location of existing utilities were not depicted. Per the City of Seward review, the subdivision is currently serviced by municipal water, sewer, and electricity.

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

KPB 20.30 Design Requirements

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

20.30.050. Legal access.

- A. The applicant shall provide an access plan to the planning department verifying the existence of legal access to the subdivision boundary. The plan shall consist of the documents depicting the access, a map depicting the location of the access, and topographic information indicating that

construction which meets the design requirements set forth in KPB Chapter 20.30 is practical and economical. In this title, legal access exists where an unrestricted, public right-of-way connects the subdivision to the state highway system, the state marine highway system or a regularly served public airport, and one of the following is met:

1. Ingress and egress will be provided over section line easements located within a surveyed section;
2. The applicant provides copies of borough-accepted recorded conveyances creating the public easement or right-of-way where the access is located;
3. That access is a State of Alaska maintained road or municipal maintained road;
4. The applicant provides documentation satisfactory to the borough demonstrating that public legal access is guaranteed through judicial decree; or
5. The right-of-way is an easement or fee interest at least 60 feet in width dedicated or irrevocably conveyed to the public and acceptable to the planning commission.

Platting Staff Comments: Access to this subdivision is via Nash Road where it meets Tract A3, which is used as a roadway under ownership by the City of Seward. Interior subdivision access is via Tract A3.

Staff recommendation: Carry over the plat note from the parent plat regarding the intended use of Tract A3.

20.30.060. Easements-Requirements.

- A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.
- B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.
- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.
- D. Unless a utility company requests additional easements, the front ten feet of the building setback shall be designated as a utility easement, graphically or by note.

Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from Seward Electric and TelAlaska were not available when the staff report was prepared.

Chugach Electric and ENSTAR supplied reviews of no comments / no objections / no concerns.

Utility easements granted on plats SW 97-27 and SW 2007-2 were 10 feet adjacent to right of ways and 5 feet on all interior lots lines. The 5 foot utility easements are still in place along all lot lines.

Staff recommendation:

- *Depict and label the 5 foot utility easement on all interior property lines per the parent plat.*
- *Provide a label to reference the parent plat, or recorded documents, that granted the easements or record.*
- *Grant utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.*

20.30.130. Streets-Curve requirements.

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

Platting Staff Comments: The curve at the intersection of Morris Avenue and Sorrel Road has an 80 foot radius

Staff recommendation: Concur that this platting action cannot provide additional area to create a curve with a radius of 200 feet at the intersection of Morris Avenue and Sorrel Road.

20.30.190. Lots-Dimensions.

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

Platting Staff Comments: The lot configuration is to incorporate the existing improvements on separate parcels.

20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

- A. Lots shall contain at least 6,000 square feet if served by public wastewater disposal and water systems.

Platting Staff Comments: All lots are greater than 6,000 and are currently/will be serviced by municipal water and sewer. Per the City of Seward documents, an installation agreement is not required.

20.30.250. Building setbacks-Within cities. The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts.

Staff recommendation: A plat note stating the subdivision is subject to City of Seward zoning must be added to the plat.

20.30.270. Different standards in cities. Where cities have been delegated partial platting powers by the borough and have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. The application of the city design standard is subject to the city having an ordinance in place that satisfies the notice requirements of KPB 20.25.090(A) 'through (D) and a process to appeal decisions made by the city regarding application of its subdivision design standards.

Platting Staff Comments: The City of Seward does not meet the specified requirements for the application and consideration of different standards.

20.30.280. Floodplain requirements.

Platting Staff Comments: Per the KPB River Center review this subdivision is located within VE Zone (high flood risk) and a Floodway (high flood risk).

Staff recommendation: Provide the correct plat note for a flood zone notice and a flood way notice.

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

- A. All subdivision plats which are within areas where the floodplain has been identified by the Federal Emergency Management Agency (FEMA), and which involve 50 lots or five acres whichever is lesser, shall include the base flood elevation source.
- B. Any area of the subdivision within the floodplain, floodway or Seward Mapped Flood Data Area (SMFDA) is to be shown and labeled on the plat.
- C. All subdivisions which are within areas where the floodplain has not been mapped and base flood elevation data is not available shall provide the information in compliance with KPB 21.06.050
- D. All subdivisions or replats within the Flood Insurance Rate Map (FIRM) area or SMFDA, as amended, as defined by KPB 21.06.020, shall contain the following note:

FLOOD HAZARD NOTICE:

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

- E. *All subdivisions or replats that include any portion of the mapped floodway shall contain the following note:*

FLOODWAY NOTICE:

Portions of this subdivision are within the floodway. Pursuant to KPB Chapter 21.06, all development (including fill) in the floodway is prohibited unless certification by an engineer or architect is provided demonstrating that encroachments shall not result in any increases in flood levels during the occurrence of the base flood discharge.

- F. *Each plat within a city which has met the requirements of this section shall contain the following statement: "The first finished and habitable floor of a building constructed within a floodplain shall be built at or above the 100-year flood level."*
- G. *This section applies to all cities which adopt a resolution requesting participation in the FEMA floodplain program and which are subsequently recognized by the state as participants.*
- H. *A city may adopt an ordinance as part of its building code with greater restrictions than those set forth in KPB 20.30.280(A). A note shall be placed on the plat to indicate that the developer is responsible for contacting the city to determine the restrictions prior to any development.*

20.30.290. Anadromous Waters Habitat Protection District.

Platting Staff Comments: Per KPB River Center review, the subdivision is not affected by the Anadromous Waters Habitat Protection District.

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: The lots are currently served by the City of Seward water and septic services. Any improvements to the water or septic must be approved with the City of Seward.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

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

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20. 60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Staff recommendation: *comply with 20.60.010.*

20.60.020. Filing-Form and number of copies required. The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

Platting Staff Comments:

Staff recommendation: *submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on

deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

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

Staff recommendation: *comply with 20.60.030.*

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

Platting Staff Comments: A certificate of acceptance is on the plat. If this plat is not dedicating any new right of ways or granting any new easements, then the certificate of acceptance for the City of Seward can be removed.

Staff recommendation:

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 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: *comply with 20.60.070.*

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

Platting Staff Comments: Per the City of Seward documents presented to staff, an installation agreement is not required.

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.

Staff recommendation: *comply with 20.60.110.*

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.

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: *provide boundary and lot closure computations with the paper final plat.*

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.

Platting Staff Comments: The boundary of the subdivision is using a similar line style for the new lot lines. A wider or bolder, solid line is best for showing the subdivision boundary. A thinner solid line is best for the new lot lines while a faint broken line should represent former lot lines if not under new lot lines.

Staff recommendation: Provide a wider, continuous line for the boundary and a thinner continuous line for the interior boundary lines.

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

Platting Staff Comments: New lot numbers are allowable. The parent lot descriptions, and the zoning labels, can be removed from the face of the plat.

20.60.150. Utility easements.

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

B. The following note shall be shown on the final plat:
No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.

Staff recommendation: comply with 20.60.150.

20.60.160. Easements.

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

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

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

Staff recommendation: comply with 20.60.160.

20.60.170. Other data required by law.

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

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Staff recommendation: Comply with 20.60.170.

20.60.180. Plat notes. 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.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to Plat.

Staff recommendation: Place the following notes on the plat.

- Development of these lots is subject to the City of Seward's zoning regulations.
- Lots within this subdivision may be located within a designated flood hazard area; if such is the case, development must comply with Title 15 of the City of Seward's Charter and Code of Laws. A survey to determine the elevation of the property may be required prior to construction.
- Tract A3 Fourth of July Creek Subdivision Seward Marine Industrial Center Polar Seafood Replat Amended, SW 2007-2, is a service road access easement, restricted to lessees, City, and other authorized personnel.
- WASTEWATER DISPOSAL: Plans for wastewater disposal, that meet regulatory requirements are on file at the Alaska Department of Environmental Conservation.
- Add a plat note for any exceptions granted and the date granted.

Remove plat notes 1 and 5 on the final submittal.

20.60.190. Certificates, statements, and signatures required.

Platting Staff Comments: Previous plats contained the notarized signatures of lease holders. This is not a requirement by KPB Code. It should be determined by the City of Seward if they wish to include the lease holders signatures.

Staff recommendation: comply with 20.60.190.

20.60.200. Survey and monumentation.

Staff recommendation: comply with 20.60.200

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

- 1. Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;*
- 2. Final approval by the commission was a condition of preliminary approval; or*
- 3. The planning director determines there are other conditions to support referral to the commission.*

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ABOVE 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 10 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 Carluccio opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

Commissioner Ecklund informed the Chair that she had acted on this plat at the City of Seward planning & zoning commission meeting and asked to be recused. Chair Carluccio approved her recusal.

MOTION: Commissioner Venuti moved, seconded by Commissioner Gillham to grant preliminary approval to Fourth of July Creek Subdivision Seward Marine Industrial Center Coastal Lot Replat based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Venuti moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.030-Proposed Street Layout, KPB 20.30.170-Block Length Requirements and KPB 20.30.210-Lots Access to Streets, citing findings 1-13 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	4	No	0
Yes	Carluccio, Gillham, Ruffner, Venuti		
No			
Recused	Ecklund		

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0
Yes	Carluccio, Gillham, Ruffner, Venuti		
No			
Recused	Ecklund		

AGENDA ITEM E. NEW BUSINESS

4. Marimac Subdivision Eischens Addition
KPB File No. 2021-044; Eischens / Eischens

Location: Off East End RD. & Tremain Ave., Fritz Creek Area; Kachemak Bay APC
Water/Sewer: On-site
Zoning: Rural Unrestricted
Assessing Use: Residential
Parent Parcel Number(s): 172-170-07

Staff report given by Scott Huff.

Supporting Information:

The proposed plat will divide a 4.54 acre lot into three lots. The lot sizes will vary from 1.12 acres to 2.04 acres. Two of the proposed lots will be flag lots. The panhandle portions have a width of 60 feet therefore the length can exceed 150 feet. A soils analysis report will be required and an engineer will need to sign the plat.

The subdivision is located in the Fritz Creek area. The subdivision is at the corner of Tremain Avenue and milepost 10.5 of East End Road. Tremain Avenue is a 60 foot wide right of way, that is constructed and maintained by the Kenai Peninsula Borough. East End Road is a state maintained right of way with varying width but the width in this location is 100 feet.

A portion of Tremain Avenue is constructed outside the right of way dedication. This plat is proposing to dedicate a public access easement to encompass the portion outside the dedicated right of way. If the road is ever relocated into the dedicated right of way area, the owners may remove the public access easement by the Kenai Peninsula Borough vacation process.

The subdivision slopes down to the south but there does not appear to be any steep slopes within the subdivision. The National Wetlands Inventory indicates riverine may be located along the southern portion of the subdivision along the eastern boundary.

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

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

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

Exception Requested:

KPB 20.30.190 – Lots-Dimensions (3:1 depth to width ratio Lot 8C)

Surveyor's Discussion: The existing sewer line for proposed Lot 8A inhibits moving the proposed east line of Lot 8C further east. We did consider expanding the width of Lot 8C to 128' +/-, which would meet the 3:1 ratio, but this would put a portion of the existing sewer line on Lot 8C. An easement would then be required for the benefit of Lot 8A. We feel that the current design is the cleanest lot configuration.

We've also included a separate half size sheet showing 20' building offsets and design locations for a garage, house and gravel pad on both Lot 8B and 8C. We used the existing house & garage footprint on Lot 8A for our design size. The current subdivision configuration easily allows for a house, garage, parking, septic and well if desired.

Staff Discussion: Proposed Lot 8C is designed as a flag lot. The flag will be 60 feet in width per code requirements. The depth of Lot 8C is 380 feet and the width is 119 feet for a depth to width ratio of 3.2:1.

The exhibit drawing show a possible layout for improvements on all lots while working around existing improvements. This is only a conceptual drawing provided by the owner.

Excluding the flag portion, the buildable area is approximately 45,220 square feet and complies with code requirements. A soils analysis report is required and will need to demonstrate the proposed lot design will meet water and wastewater disposal requirements.

Findings:

1. Lot 8C is proposed as a flag lot.
2. The depth of proposed lot 8C is 380 feet and the width is 119 feet for a depth to width ratio of 3.2:1.
3. The usable area of proposed Lot 8C, excluding the panhandle, is 45,220 square feet.
4. There are existing septic lines and other improvements already in place on proposed Lot 8A.
5. The current configuration has 6 feet between the lot line and existing septic line.
6. In order to comply the lot line would need to be moved east 7.85 feet.
7. Moving the lot line to be compliant would result in septic lines for Lot 8A being on Lot 8C.

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

Findings 3-7 appear to support this standard.**KPB Department/Agency Review Comments**

- KPB Addressing/Street Name Review: Affected Address: 53782 East End Road which will remain with Lot 8A. Existing street names listed are correct and no new street names to approve.
- KPB Assessing: No comment.
- KPB Code Compliance: No comments.
- KPB Planner: There are not any local option zoning district or material site issues with the proposed plat.
- KPB Roads Dept.: Within jurisdiction; no comments
- State Parks: No comments.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise noted below:

- A. Within the Title Block
Platting Staff Comments: The KPB file number will need to be added to the face of the plat. This is usually placed within or near the title block.
Staff recommendation: Add the KPB File number.
- 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;
Platting Staff Comments: DOT commented that the ROW for East End Road is as platted and referred to DOT ROW mapping 0414(10), sheet 37, dated 2016. Staff would like to have a plat note or a label within the ROW depiction referring to the DOT map. Reference should include "Per DOT Record of Survey Alaska Project 0414(10), sheet 37, HM 2016-3."
Staff recommendation: Add by plat note or label the information for East End Road.
- 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;
Platting Staff Comments: In an effort to make the map easier to read, the parcel lines can be removed or lightened. Add Section lines to the map.
Staff recommendation: Update the vicinity map per platting staff comments.
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
Platting Staff Comments: Per KPB GIS data there may be wetlands along the eastern boundary. If there are any low areas these should be depicted and labeled.
Staff recommendation: Show low wet areas if applicable.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Platting Staff Comments: Lot numbering complies but a block label needs to be added.
Staff recommendation: Provide a block label within the subdivision.
- 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;
Platting Staff Comments: Contours are not depicted and per KPB GIS data there are no slopes over 20 percent in grade.
Staff recommendation: If any steep slopes are detected during the field survey they shall be depicted on the plat.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Platting Staff Comments: The travel way for Tremain Avenue encroaches within this subdivision. The plat will be granting a public access easement to encompass the travel way.

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

KPB 20.30 Design Requirements

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

20.30.030. Proposed street layout-Requirements.

- 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.

State Department of Transportation Comments: The ROW for East End Road is as platted, see also DOT ROW Mapping 0414(10), sheet 38, dated 2016.

Platting Staff Comments: Incorporate the DOT row map information in a plat note or label within the right of way.

20.30.060. Easements-Requirements.

- A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.
- B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.
- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.
- D. Unless a utility company requests additional easements, the front ten feet of the building setback shall be designated as a utility easement, graphically or by note.

Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from ACS were not available when the staff report was prepared.

HEA, ENSTAR, and GCI supplied reviews of no comments / no objections / no concerns.

The 10 foot utility easement granted by Plat 76-36 is depicted along Tremain Avenue. The parent plat did not grant utility easements along right of ways. A 10 foot utility easement will be required along East End Road. Add a plat note that states "The front 10 feet of the building setback adjacent to the rights-of-way is also a utility easement."

Staff recommendation: grant utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.

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.

Platting Staff Comments: The block is defined by East End Road, Tremain Avenue, Neal Street, and McBride Avenue. The block is compliant along Neal Street and Tremain Avenue but due to the angle of East End Road the block is not compliant along McBride Avenue and East End Road. Requiring a dedication to improve the block along McBride Avenue will not improve the block along East End Road and will create a block that is too short to comply with KPB Code.

Staff recommendation: Concur that an exception is not required as any dedications granted will not improve the block or will create other substandard blocks.

20.30.190. Lots-Dimensions.

- A. The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Generally, lots shall be square or rectangular. Lots shall be at least 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the average depth shall be no greater than three times the average width.
- B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.

Platting Staff Comments: An exception for 3:1 has been requested for proposed Lot 8C. If denied a redesign will be required. Lot 8A and Lot 8C are proposed to be flag lots. The correct plat note is on the plat (note 4). A depiction needs to be placed on Lot 8B for a 20 foot building setback along each of the panhandles. Add a plat note that the panhandle portions of the flag lots are subject to building setback restrictions.

Staff recommendation: Follow Platting Staff Comments and comply with 20.30.190.

20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

- B. Lots shall contain at least 40,000 square feet if both the well and wastewater disposal are to be located on the lot unless it can be demonstrated to the satisfaction of the commission that a smaller lot size is adequate for the safe location and operation of an on-site well and wastewater disposal system.

Platting Staff Comments: All lots comply with the minimum lot size.

20.30.240. Building setbacks.

- A. The commission shall require a building setback of at least 70 feet from the centerline of all fee simple arterial rights-of-way in a subdivision. A minimum 20-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities.
- B. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.
- C. The setback shall be noted on the plat in the following format:
Building setback- A setback of 20 feet is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

Platting Staff Comments: The appropriate note is in place on the plat. An additional note shall be added to reference the setback along the panhandle portions of the flag lots. The panhandle setbacks need to be depicted on each side of Lot 8B. Depict the 20 foot building setback along all dedicated right of ways. Due to the dedication of the public access easement to encompass the existing right of way, staff requests that the building setback be 20 feet adjoining the access easement.

Staff recommendation: Add required notes and depictions. Concur that the setback should be applied to the access easement.

KPB 20.40 -- 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

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

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

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20.60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Staff recommendation: comply with 20.60.010.

20.60.020. Filing-Form and number of copies required. The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

Platting Staff Comments:

Staff recommendation: submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.

20.60.030. Certificate of borough finance department required.

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

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

Staff recommendation: comply with 20.60.030.

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

Staff recommendation: Provide a certificate of acceptance for an Authorized Official of the Kenai Peninsula Borough to accept the public access easement.

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 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: comply with 20.60.070.

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.

Staff recommendation: comply with 20.60.110.

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.

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: provide boundary and lot closure computations with the paper final plat.

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.

Platting Staff Comments: The boundary must be wider or darker than the internal lot lines.

Staff recommendation: Comply with 20.60.130.

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

Platting Staff Comments: A block label needs to be added to the plat.

Staff recommendation: Comply with 20.60.140.

20.60.150. Utility easements.

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

B. The following note shall be shown on the final plat:
No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.

Staff recommendation: comply with 20.60.150.

20.60.160. Easements.

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

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

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

Platting Staff Comments: A public access easement is being granted over the existing constructed right of way which is outside the right of way dedication. An acceptance by the Kenai Peninsula Borough shall be added to the plat.

Staff recommendation: comply with 20.60.160.

20.60.170. Other data required by law.

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

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Staff recommendation: comply with 20.60.170.

20.60.180. Plat notes. 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.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to 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.
- The panhandle portions of the flag lots are subject to building setback restrictions.
- This subdivision may be subject to an easement granted to Homer Electric Association Inc as found in Book 28 Page 22, HRD recorded on February 7, 1963. No definite location given. (The Certificate to Plat contained an easement granted to HEA)

- The front 10 feet of the building setback adjacent to the rights-of-way is also a utility easement.
- 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.
- Add a plat note for any exceptions granted that includes the meeting date.

20.60.190. Certificates, statements, and signatures required.

Platting Staff Comments: Add a certificate of acceptance for the public access easement. The certificate of ownership may need to be revised. A power of attorney has been submitted. The notary acknowledgment states Frances H. Eischens will be signing. If she will be signing as POA update the signature line for the Certificate of Ownership to read "Frances Henrietta Eischens, POA for George John Eischens, aka George J. Eischens." Remove George J. Eischens from Notary Acknowledgment. Correct the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and jurat.

Staff recommendation: comply with 20.60.190.

20.60.200. Survey and monumentation.

Staff recommendation: comply with 20.60.200

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

1. Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;
2. Final approval by the commission was a condition of preliminary approval; or
3. The planning director determines there are other conditions to support referral to the commission.

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ABOVE 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 10 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 Carluccio 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 Ecklund moved, seconded by Commissioner Gillham to grant preliminary approval to Marimac Subdivision Eischens Addition based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Ecklund moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.190-Lot Dimensions, 3:1 Depth to Width Ratio, for Lot 8C, citing findings 3-7 in support of standards one, two and three.

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

AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

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	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

AGENDA ITEM E. NEW BUSINESS

5. Cliff House Acres Subdivision
KPB File No. 2021-041; Edge Survey & Design, LLC/Dunn, Kenai Peninsula Borough

Location: Approximately Milepost 48.5 of the Sterling Hwy, Cooper Landing
Proposed Use: Recreational
Water/Sewer: submittal did not indicate, assume on site
Zoning: Rural Unrestricted
Assessing Use: Residential
Parent Parcel Number(s): 119-060-06, 119-060-15

Staff report given by Scott Huff.

Supporting Information:

The proposed plat creates two lots from one lot and dedicates a 60 foot wide KPB parcel as a public right of way. A soils report is required, and an engineer will sign the plat.

The subdivision is located on the south side of the Sterling Highway, a State DOT maintained right of way. The subdivision is located across the highway from the Cooper Landing Museum.

The submittal showed 66 foot wide right of way to the west of the subdivision labeled Cliff House Lane that provided access to proposed Lot 2. U.S. Survey No. 2527 depicts this area as a right of way and U.S. Survey No. 2527 Supplemental Plat depicts this area as a separate Lot labeled Lot 6.

Currently Lot 6 is under Kenai Peninsula Borough Land Management authority. After discussing with Land Management it was decided to dedicate the parcel to right of way with this platting action. The parcel is 60 feet in width, too small to be developed, and provides access to additional Kenai Peninsula Borough lands.

The dedication will provide a right of way dedication from the Sterling Highway to the 717 acre parcel owned by KPB. The large parcel has access along other portions of the Sterling Highway and Snug Harbor Road. There is approximately 6,309 feet between highway frontages. This dedication will provide an access approximately half way between the other access points.

A new preliminary was emailed to staff that updated the title block description and ownership information. The boundary of the subdivision will need to be revised but the plat does state the right of way is being dedicated by this 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.

Cooper Landing 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.

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

Exception Requested:

KPB 20.30.240 – Building Setback

Surveyor's Discussion: Existing old cabin within 20' building setback. Old cabin may have been there prior to additional ROW acquisition. Wide ROW in place for steep back slopes, building cannot be seen from drivable surface.

Staff Discussion: The surveyor has requested an exception from KPB Code for the building setback due to the existing cabin. Per KPB Assessing records, the year for the dwelling is 1950.

Currently no building setback affects this property. Per KPB Code a 20 foot building setback from dedicated right of way will be required with this plat. Any existing structures will not be subject to the new building setback requirement. Any replacement, or improvement, to the building must comply with the 20 foot building setback and any associated utility easements

If denied, a 20 foot building setback will be established adjoining the right of way. Any existing building will be exempt from the building setback.

Findings:

1. Currently no building setback exists on Sterling Highway right of way.
2. The cabin shown on the drawing was constructed prior to 1950.
3. The subdivision fronts the Sterling Highway on the north.
4. This plat will be dedicated the 60 foot wide KPB property to right of way.
5. Slopes greater than 20% affect the north area of Lot 1 and the proposed right of way dedication.
6. The existing structure will be exempt from the 20 foot building setback.
7. Any addition or improvement to the structure will be subject to the 20-foot building setback.

Staff reviewed the exception request and **based on findings 3 – 7 does not** recommend 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;
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review: Affected Addresses – 17991 Sterling Hwy, will remain with Lot 1. Existing street names are correct. New names have not been approved.
- KPB Assessing: 11906015 appears to become ROW and 11906006 is being divided into 2 parcels. Plat description says one lot become two.
- KPB Code Compliance: No comment.
- KPB Planner: There are no local option zoning districts or material site reviews associated with this subdivision.
- KPB Roads Dept.: Within jurisdiction; no comments
- State Parks: No comments.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise noted below:

- A. Within the Title Block
2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;
- Platting Staff Comments:* The addition of Lot 6 will require and update to the title block. The legal description must include Lot 6. Kenai Peninsula Borough needs to be added as an owner. The revised sketch has updated the title block to include Lot 6 and the KPB as owner. The acreage must be updated. Add “.
- Staff recommendation:** Within the title block, correct to Lot 6 US Survey 2527, include KPB as a land owner and update the acreage accordingly, and the ¼ section for each section that the subdivision is located within (SE1/4 for Section 29 and NE1/4 for Section 32).
- 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;
- Platting Staff Comments:* There is not any section line easements within the proposed lots. Per SW 2006-21, a 100 foot section line easement, centered on the protracted section line, exists within the KPB parcels located to the southeast of this subdivision.
- Staff recommendation:** Depict and label the abutting section line easements.
- 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;
- Platting Staff Comments:* Depict and label the Chugach National Forest, which is located in sections north and south of the subdivision.
- Staff recommendation:** Update the vicinity map to show all required information.
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
- Platting Staff Comments:* This plat will dedicate KPB owned Lot 6 as a public right of way. The proposed name for the right of way will approval by the KPB Addressing Officer. The revised plat will need to have the boundary updated to include the right of way.
- Staff recommendation:** Obtain an approved right of way name and update the boundary.
- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
- Staff recommendation:** Add ‘south of Sterling Highway’ to Lot 2 located west of the subdivision. Include a plat number for the Tract A on Blakley Ct. Update the unsubdivided label to Tract A SW 2006-21.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: *The parent parcel is Lot 1, update the proposed Lot numbers so it does not duplicated the parent lot number.*
- 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;
Platting Staff Comments: Contours are shown on the plat and slopes over 20 percent are labeled. Within the portion of the dedication, where it connects to the Sterling Highway, are approximately 53% slopes. Additional information will be required.
- 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;
Platting Staff Comments: Contours are shown and labeled.

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

KPB 20.30 Design Requirements

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

20.30.030. Proposed street layout-Requirements.

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

State Department of Transportation Comments:

1. Suggest surveyor contact AK DOT & PF Engineering, Eric Fuglestad.
2. ROW Easement referenced in Note 6 is an easement interest only, not a fee dedication.
3. Boundary of subdivision does not match boundary of Lot 1, USS 2527.
4. Regarding (R3), Blakley sub is recorded in the Seward Recording District.
5. Regarding (R2), ROW maps are not the vehicle by which ROW is acquired. One must review the actual document/deed. The ROW depicted by the mapping for FAP 21 is incorrect. The easement recorded in Bk 16 at Pg 59 is correct.
6. Request more data on establishment of highway centerline.
7. Strongly suggest that the highway easement granted in 1952 be dedicated by this platting action.
8. Request a uniform dedication for the Sterling Highway across this subdivision.

Platting Staff Comments: Provide Sterling Highway project information in a plat note or within the right of way depiction.

Staff recommendation: Work with State of AK DOT to obtain plat approval. Sterling Highway right of way dedication must be accepted by the State of AK DOT. Comply with 20.30.030.

20.30.060. Easements-Requirements.

- A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.

- B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.
- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.
- D. Unless a utility company requests additional easements, the front ten feet of the building setback shall be designated as a utility easement, graphically or by note.

Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from ACS and TelAlaska were not available when the staff report was prepared.

HEA, ENSTAR, GCI, and Chugach Electric supplied reviews of no comments / no objections / no concerns.

If a portion of the existing cabin is within the utility easement being granted with this plat, provide a plat note that the building predates the creation of the utility easement.

Staff recommendation: *grant utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.*

20.30.070. Lots on major streets-Access requirements. Lots fronting on arterial streets with less than 200 feet of right-of-way as identified in the arterial road plan adopted by the borough or lots fronting on state maintained roads with less than 200 feet of right-of-way may be required to provide interior or frontage road access after review and recommendation by the Kenai Peninsula Borough Road Service Area staff and upon a finding by the planning commission that due to size, topography, physical characteristics, or heavy traffic flow, that direct access to the arterial or state maintained road may present a traffic hazard.

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

Staff recommendation: *Steep slopes are present within the right of way where the intersection to the Sterling Highway will be. Centerline profiles and cross-sections must be submitted to show how a road could be constructed including the back slope location. If necessary, provide additional right of way or road easements for the construction and maintenance of the future road. Comply with 20.30.090.*

20.30.100. Cul-de-sacs.

- A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.
- B. Hammerhead or T -type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.

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

Platting Staff Comments: The right of way will be ending without a turn around area or cul-de-sac. This right of way will provide access to future developments on KPB lands and will be able to be extended. At this time it is providing access to one lot and the large KPB parcel.

Staff recommendation: *concur that a turnaround is not required at this time.*

20.30.120. Streets-Width requirements.

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

- 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.
Platting Staff Comments: The proposed width will be 66 feet. Due to terrain additional width or easements may be required.

Staff recommendation: *Comply with 20.30.120.*

20.30.150. Streets-Intersection requirements.

- A. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than 60 degrees. Where acute street intersections are designed, a minimum 50-foot radius corner at the right-of-way line of the acute angle shall be provided.
- C. Intersections of access streets with arterial streets or state maintained roads shall be limited to those intersections required for safe access consistent with KPB Title 14.
- D. Intersections of access streets with arterial streets or state maintained roads must be designed to the American Association of State Highway and Transportation Officials (AASHTO) standards.

Staff recommendation: *Comply with 20.30.150*

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

Staff recommendation: *Work with the KPB Addressing Officer and Land Management to obtain an approved street name.*

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.

Platting Staff Comments: The block will be defined by the right of way being dedicated, the Sterling Highway, and the next right of way is Towle Circle. The block length exceeds code requirements and the dedications will not provide a closed block.

Staff recommendation: *Concur that an exception is not required as the proposed dedication improves block lengths but no other dedications can be granted with this subdivision to make a compliant block.*

20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

- B. Lots shall contain at least 40,000 square feet if both the well and wastewater disposal are to be located on the lot unless it can be demonstrated to the satisfaction of the commission that a smaller lot size is adequate for the safe location and operation of an on-site well and wastewater disposal system.

Platting Staff Comments: Both lots are greater than 40,000 square feet.

20.30.210. Lots-Access to street. Each lot shall abut on a fee simple dedicated street except as provided by KPB 20.30.030(B).

Platting Staff Comments: the subdivision fronts on the Sterling Highway. The dedication of the borough parcel will provide a right of way to the proposed one acre lot.

20.30.240. Building setbacks.

- A. The commission shall require a building setback of at least 70 feet from the centerline of all fee simple arterial rights-of-way in a subdivision. A minimum 20-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities.
- B. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.
- C. The setback shall be noted on the plat in the following format:
Building setback- A setback of 20 feet is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

Platting Staff Comments: Plat note 2 needs "With exception granted for existing cabin as shown on the plat" removed. An additional plat note shall be added explaining the structure on Lot 1 predates the setback and is exempt from the new 20 foot building setback.

Staff recommendation: *Revise the building setback note.*

20.30.280. Floodplain requirements.

Platting Staff Comments: River Center review determined the subdivision is not within a flood hazard area. It is within X Zone, which is non-regulatory and minimal flood risk. Plat note 7 states it is outside Flood zones. That should be revised to state "Parcels are outside regulatory flood zones and there are no low wet areas within the subdivision."

Staff recommendation: *Update plat note 7.*

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: 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

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

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

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20. 60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Staff recommendation: *comply with 20.60.010.*

20.60.020. Filing-Form and number of copies required. The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

Staff recommendation: *submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

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

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

Staff recommendation: *comply with 20.60.030.*

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

Staff recommendation: *If right of way is dedicated for the Sterling Highway, provide a certificate of acceptance for the State of AK, DOT. Update the signature line for the KPB acceptance by removing "Charlie Pierce – Borough Mayor" and replace with "Authorized Official" as the Mayor or a designee may sign the acceptance.*

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 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: *comply with 20.60.070.*

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.

Staff recommendation: *comply with 20.60.110.*

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.

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: *provide boundary and lot closure computations with the paper final plat.*

20.60.130. Boundary of subdivision. The boundary of the subdivision shall be designated by a wider border

Staff recommendation: *Include Lot 6, US Survey 2527 within the subdivision boundary.*

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

Staff recommendation: *Revise the lot numbering to avoid any duplication as the parent lot is Lot 1.*

20.60.150. Utility easements.

- A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.
- B. The following note shall be shown on the final plat:
No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.

Staff recommendation: *comply with 20.60.150.*

20.60.160. Easements.

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

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

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

Staff recommendation: *comply with 20.60.160.*

20.60.170. Other data required by law.

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

- B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Platting Staff Comments: The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.

Staff recommendation: comply with 20.60.170.

20.60.180. Plat notes. 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.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to 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).
- "Improvements on Lot 1 predate the 20' building setback (and 10' utility easement) created by this plat and are not subject to the 20' building setback (and utility easement). Any replacement, or improvement, to the building must comply with the 20 foot building setback (and utility easements) as shown on this plat."

If the exception request is denied, then update plat note 2 to remove reference to the exception and remove plat note 4.

Add a space in plat note 5 after "Dated" and "September".

Update plat note 7 wording.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: If right of way is dedicated for the Sterling Highway, provide a certificate of acceptance for the State of AK, DOT. Update the signature line for the KPB acceptance by removing "Charlie Pierce – Borough Mayor" and replace with "Authorized Official" as the Mayor or a designee may sign the acceptance. Comply with 20.60.190.

20.60.200. Survey and monumentation.

Staff recommendation: comply with 20.60.200

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

1. Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;
2. Final approval by the commission was a condition of preliminary approval; or
3. The planning director determines there are other conditions to support referral to the commission.

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ABOVE 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 10 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 comments had been received from Alaska DOT regarding KPB 20.30.030. He stated that believer the surveyor is in communication with Eric Fuglestad, the DOT ROW engineer to go over any of the potential survey issues related to the Sterling Hwy.

END OF STAFF REPORT

Chair Carluccio opened the meeting for public comment.

Jason Young, Edge Survey & Design; P.O. Box 208, Kasilof, AK 99610: Mr. Young was the surveyor on this project and made himself available for questions. He also noted that he had talked to DOT and the right-of-way will be 65' in that area, so the building setback will not be an issue anymore.

Commissioner Carluccio asked Mr. Huff in light of this new information would he be changing his recommendation on the exception request. Mr. Huff stated no, his would still not recommending approving the building setback exception. Mr. Huff noted on the plat it currently shows the subdivision boundary is 100' from the centerline. The revised plat with the correct right-of-way information will move the line to 60' from the centerline and the building setback will no longer be an issue.

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

MOTION: Commissioner Ecklund moved, seconded by Commissioner Gillham to grant preliminary approval to Cliff House Acres Subdivision based on staff recommendations and compliance to borough code.

AMENDMENT MOTION: Commissioner Ecklund moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.240-Building Setback.

Commissioner Ecklund stated that she believes that it would be in error to provide a building setback around this subdivision so she will be voting no on this exception request.

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

AMENDMENT MOTION FAILED BY UNANIMOUS VOTE

Yes	0	No	5
Yes			
No	Carluccio, Ecklund, Gillham, Ruffner, Venuti		

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	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

AGENDA ITEM E. NEW BUSINESS

6. McCorison Lindholm Subdivision
KPB File No. 2021-042; Edge Survey and Design, LLC / McCorison

Location:	Brody Road, Ninilchik area
Proposed Use:	Residential, Recreational
Water/Sewer:	On site
Zoning:	Unrestricted
Assessing Use:	Residential
Parent Parcel Number(s):	157-130-36

Staff report given by Scott Huff.

Supporting Information:

The proposed plat will divide a large acreage aliquot part and government lot that are under common ownership. The plat will create two tracts and provide a right of way dedication for Brody Road. The tract to the north of Brody Road will be 93.86 acres and the Tract to the south of Brody Road will be 14.11 acres. A soils analysis report is not required and an engineer will not need to sign the plat.

The plat is located at the end of the dedication of Brody Road. Brody Road is a public access road per ADL 62970, serial number 2018-011182-0 HRD. Portions of Brody Road have been dedicated. This plat will be extending the 60 foot wide right of way over the existing constructed Brody Road. KPB maintains Brody Road from Oil Well Road to about 1,450 feet south of the proposed subdivision.

50 foot section line easements affect the west and north boundary. The plat is proposing to dedicate 33 feet wide right of way corresponding with the existing section line easements. These dedications provide for future projection and connection to existing right of ways.

Kinrod Street is located to the south of the west boundary. When the 10 acre parcel to the south is subdivided it will be required to provide a right of way dedication.

Fleetwood Avenue is a proposed 33 foot dedication that is aligned with other dedications named Fleetwood Avenue. These existing dedications are 1.5 miles to the west and separated by an anadromous stream and terrain features. While Fleetwood Avenue could possibly connect in the future and be developed over wetlands and streams, it will most likely be far in the future. **Staff recommends** a new name be provided that is approved by the KPB Addressing Officer.

The property is owned by Brian McCorison and Tiffany M. McCorison as husband and wife. **Staff recommends** the certificate of ownership be revised to reflect both owners and a signature line be added for Tiffany M. McCorison.

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.

KPB satellite imagery indicates this property may contain wet areas and the areas have been depicted and labeled on the plat. **Staff recommendation:** place a note on the final plat indicating any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.

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

Exception Requested:**A. KPB 20.30.030 Proposed street layout – Requirements (dedication and projection of Willy Avenue)**

Staff Discussion: Along the southern portion of the subdivision, west of Brody Road, is a 30 foot dedication named Willy Avenue. Kinrod 1998 Addition, Plat HM 99-8, dedicated approximately Willy Avenue as a 1,067 foot long by 30 feet wide half width right of way. The dedication was on both sides of Brody Road.

Kinrod 2018 Replat, Plat HM 2018-29, finalized the vacation of the portion of Willy Road east of Brody Road. That portion was vacated since it was to serve as access to a deed parcel that was combined with a larger lot.

The owners are requesting an exception to not dedicate a matching 30 foot right of way for Willy Avenue to make a 60 foot wide right of way.

If denied, the plat will require a 30 foot dedication along the southern boundary of the subdivision. This would provide a matching dedication for Willy Ave and a projection of Willy Avenue to Kinrod Street.

Surveyor's Findings:

1. One owner for parcels north and south (10 acre parcel) of extended Willy Avenue.
2. Owner has multiple adjacent parcels used for agricultural purposes.
3. Large Tract to the West is a full section. Adequate legal access from dedicated ROW on East, West, and South sides. Access also provided per section line easement.
4. Same owner for Government Lot 1 to the NW
5. Dedication on block lines would disrupt continuous tract.
6. Parcel boundaries on Southeast corner of subdivision extend to Ninilchik River drainage flood plain. Dedication too close to fragile habitat.
7. Large Tract B2 Plat 2018-29 has adequate access from Brody Road and West and South boundary.
8. Plat 2018-29 vacated portion of common block ROW.
9. Large tract to the East has adequate access from Brody Road.

Staff's Findings:

10. A different owner owns deed parcel per Bk. 316 Pg. 986 HM located directly south of the existing Willy Avenue.
11. Deed Parcel Bk. 316 Pg. 986 HM has access from Brody Road.
12. KPB Assessing records show Deed Parcel Bk. 316 Pg. 986 is vacant.
13. The dedication would provide a connection from Brody Road to Kinrod Street.
14. Property to the west is owned by Cook Inlet Region Inc. and is 640 acres.
15. The owner of the proposed subdivision also owns Deed Parcel Bk. 106 Pg. 786, Tract C, Tract B3, all located to the south of the subdivision and the 32 acre aliquot lot to the northwest of the subdivision.
16. The subdivider owns 162 acres of contiguous lands.
17. There are steep slopes at the western portion of the current Willy Avenue dedication.
18. Willy Avenue currently ends at a 10 acre parcel.
19. All surround lots have legal access and no lots are being denied access.
20. Per KPB GIS data, the area of Willy Avenue and projected continuation to connect to Kinrod Street does not contain low wet areas.
21. Lots are large enough to be further subdivided and provide dedications in the future.

Staff reviewed the exception request and recommends granting approval, **subject to** a matching 30 foot right of way dedication for Willy Avenue to provide a 60 foot wide right of way. **Staff recommends** the landowners be put on notice that any further subdivision may require the a right of way dedication for the extension of Willy Avenue to Kinrod Street.

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, 11, 15-17, 19, 21 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, 11, 15-17, 19, 21 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, 11, 15-17, 19, 21 appear to support this standard.

Exception Requested:

B. KPB 20.30.170 – Block length requirements

Staff Discussion: The proposed subdivision contains Brody Road, a 60 foot right of way easement, that intersects the property. The 60 foot right of way easement, granted by ADL 62970, will be dedicated to the public as a 60 foot right of way. The subdivision is bordered along the south by a partially dedicated right of way, Willy Avenue. The subdivision is then bordered along the west and north by section line easements.

The large unsubdivided lands to the east, northeast, north, and west are owned by CIRI and NNAI.

The block is defined by the following:

- Along the north – section line easements and proposed dedication of Fleetwood Avenue – approximately 3,320 feet
- Along the east – Brody Road dedication and ADL – approximately 3,580 feet
- Along the south – Willy Avenue – approximately 1,301 feet (if the exception is granted to not dedicate Willy Avenue, the block will be incomplete)
- Along the west – Kinrod Street and section line easements – approximately 2,640 feet

If denied, this plat will be required to provide 30 foot, half width, right of way dedications around the exterior of the subdivision boundary.

Surveyor's Findings:

1. One owner for parcels north and south of extended Willy Avenue.
2. Owner has multiple adjacent parcels used for agricultural purposes.
3. Large Tract to the West is a full section. Adequate legal access from dedicated ROW on East, West, and South sides. Access also provided per section line easement.
4. Same owner for Government Lot 1 to the NW, dedication on block lines would disrupt continuous tract.
5. Parcel boundaries on Southeast corner of subdivision extend to Ninilchik River drainage flood plain. Dedication to close to fragile habitat.
6. Large Tract B2 Plat 2018-29 has adequate access from Brody Road and West and South boundary.
7. Plat 2018-29 vacated portion of common block ROW.
8. Large tract to the East has adequate access from Brody Road.

Staff's Findings:

9. Property to the west is owned by Cook Inlet Region Inc. and is 640 acres.
10. The property to the north is owned by Cook Inlet Region Inc and is 320 acres.
11. The property to the east is owned by Cook Inlet Region Inc and is 80 acres.
12. The owner of the proposed subdivision owns approximately 163 acres in the area.
13. Lots are large enough to be further subdivided and provide dedications in the future.
14. There are several locations with steep slopes within the subdivision limiting ideal right of way placement.
15. The northeastern portion of the subdivision contains low wet areas.
16. A 60 foot right of way easement per ADL 62970 provides legal access to the section line to the north.

Staff reviewed the exception request and recommends granting approval. **Staff recommends** the landowners be put on notice that any further subdivision may require the matching right of way dedication and/or the extension of Willy Avenue to Kinrod Street.

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, 12, 13, 16 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-4, 12, 13, 16 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-4, 12, 13, 16 appear to support this standard.

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review: 15698 Brody Rd will remain with Tract B. Willie Ave needs to be corrected to Willy Ave. I recommend choosing a different name for Fleetwood Ave due to the distance an terrain between road segments.
- KPB Assessing: No comments.
- KPB Code Compliance: no comments.
- KPB Planner: There are no local option zoning district issues or material site issues associated with this subdivision.
- KPB Roads Dept.: Within KPB jurisdiction, no comments.
- State Parks: No comments.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise 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;

2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;
Platting Staff Comments: Reference to BLM Plat 1921 can be removed. Tiffany M. McCorison needs to be added to the owner's information.
Staff recommendation: Update the title block to be compliant with KPB Code.
- 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;
Platting Staff Comments: Per KPB research, the following section line easements exist.
- 50 foot SLE on the north and west boundary within the subdivision.
 - Government Lot 1 has 33 foot section line easements along the west and north.
 - The deed parcel to the south has a 33 foot section line easement along the west.
 - The unsubdivided lot to the east of the subdivision has a 50 foot section line easement along the north.
- Section line easements abutting the subdivision shall be shown.*
Staff recommendation: Verify, depict and label the section line easements that affect this subdivision and provide access to this subdivision.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Platting Staff Comments: The Brody Road label is on a portion of right of way named Alice Avenue. Adjust the label for section 6 to the center of the section. Remove the label for Ninilchik River from the north drainage. Per KPB GIS data, that is an unnamed anadromous stream/river.
Staff recommendation: Update the vicinity map per staff comments.
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
Platting Staff Comments: Per KPB information the section line easements within the subdivision are 50 feet wide.
Staff recommendation: Verify, depict and label the 50 foot section line easements within the subdivision.
- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Platting Staff Comments: The property to the north is one parcel for assessing purposes.
Staff recommendation: Update the property information to the north to depict and label Government Lot 4 and the unsubdivided aliquot part.
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
Platting Staff Comments: The plat depicts the low wet areas.
- 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;
Platting Staff Comments: Contours are shown and areas with slopes greater than 20% are labeled. If additional right of way dedications are required by the Plat Committee, review of the slopes will be needed and additional information may be required to determine if additional dedications are needed.
- 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;
Platting Staff Comments: Contours are shown and areas greater than 20 percent are labeled.

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

KPB 20.30 Design Requirements

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

20.30.060. Easements-Requirements.

- A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.
- B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.
- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.
- D. Unless a utility company requests additional easements, the front ten feet of the building setback shall be designated as a utility easement, graphically or by note.

Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from HEA were not available when the staff report was prepared.

GCI, ACS, and ENSTAR supplied reviews of no comments / no objections / no concerns.

Staff recommendation: grant any utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.

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

Platting Staff Comments: If additional right of ways are required by the Plat Committee to comply with KPB Code, centerline profiles and cross-sections may be required depending on the placement of right of ways. If a matching 30 feet of Willy Avenue is required additional information will be required to determine if additional easements are required.

Staff recommendation: Comply with 20.30.090.

20.30.100. Cul-de-sacs.

- A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.
- B. Hammerhead or T -type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.

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

Staff recommendation: Concur that Willy Avenue may be extended in the future and only provides access to three parcels and a cul-de-sac is not required at this time.

20.30.110. Half streets.

- A. Half streets shall generally not be allowed except where one of the following circumstances applies:
1. The street is identified on the borough road plan as an arterial;
 2. The street is a logical extension of an existing street; or
 3. The remaining half street can reasonably be expected to be dedicated.

Platting Staff Comments: The neighboring lands are large and will be required to provide a matching right of way dedication when subdivided in the future. Also SLE's provide an areas for road construction, public access, and utility placement.

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

Platting Staff Comments: Due to the distance between Fleetwood Avenue dedications, a new street name has been requested by from the KPB Addressing Officer.

Staff recommendation: Comply with 20.30.160.

20.30.180. Pedestrian ways required when. Pedestrian ways not less than 8 feet wide shall be required in blocks longer than 600 feet where reasonably deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

Platting Staff Comments: the SLE's provide pedestrian access.

20.30.240. Building setbacks.

- A. The commission shall require a building setback of at least 70 feet from the centerline of all fee simple arterial rights-of-way in a subdivision. A minimum 20-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities.
- B. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.
- C. The setback shall be noted on the plat in the following format:
Building setback- A setback of 20 feet is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

Platting Staff Comments: The correct plat note is present as well as the depiction along Brody Road. The setback shall be depicted adjoining Kinrod Street, Fleetwood Avenue (name to be changed), Willy Avenue, and any required new dedications.

Staff recommendation: Comply with 20.30.240.

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: Correct plat note is present. Due to lot sizes, a soils analysis report is not required.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

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

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20. 60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Staff recommendation: comply with 20.60.010.

20.60.020. Filing-Form and number of copies required. The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

Staff recommendation: submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.

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 scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 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: *comply with 20.60.070.*

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.

Staff recommendation: *comply with 20.60.110.*

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.

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: *provide boundary and lot closure computations with the paper final plat.*

20.60.150. Utility easements.

- A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.
- B. The following note shall be shown on the final plat:
No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.

Staff recommendation: *comply with 20.60.150.*

20.60.160. Easements.

- A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.
1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.

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

Staff recommendation: *comply with 20.60.160.*

20.60.170. Other data required by law.

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

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Platting Staff Comments: There are restrictions found in the native allotment and deed. These documents are noted in the plat notes. Provide a plat note that reads, "The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080." Within plat note 7, correct the year the documents was recorded to 2010.

Staff recommendation: *comply with 20.60.170.*

20.60.180. Plat notes. 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.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to 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).
- Add the recording information for Brody Road. "Brody Road right of way is being dedicated atop of existing ADL 62970, a public access road, as found in serial number 2018-011182-0, KRD, recorded on December 13, 2018.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.

20.60.190. Certificates, statements, and signatures required.

Platting Staff Comments: Provide a signature line and notary acknowledgement for Tiffany M. McCorison. Revise the Certificate of Ownership for multiple owners. Within the Certificate of Acceptance, correct the spelling of Borough. There are multiple right of ways being dedicated, revised "Right of Way dedicated on this plat" to "Rights of way..." and list each dedication separately. Remove the Mayor's name and title. While the Mayor may be the one to sign the Acceptance there are other designees that may sign in his place. Add "Authorized Official" below the signature line. Update the meeting date in the plat approval statement to April 26, 2021.

Staff recommendation: *comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *comply with 20.60.200*

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

1. Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;
2. Final approval by the commission was a condition of preliminary approval; or
3. The planning director determines there are other conditions to support referral to the commission.

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ABOVE 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 10 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 Carluccio opened the meeting for public comment.

Jason Young, Edge Survey & Design; P.O. Box 208, Kasilof, AK 99610: Mr. Young is the surveyor on this project and stated the landowner is requesting to not give the additional 30' of Willy Ave. One landowner owns all the land to the north and west of Brody Rd. The landowner is trying to purchase the small parcel of land to the west of Willy Ave. He understands they do not like to see 30' right-of-ways and he believes the next platting action in the area will be to vacate Willy Ave. as well as some of the lot lines. This area is rural and Willy Ave. is undeveloped. They feel it would be unnecessary to take the addition 30' for the right-of-way at this time.

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

MOTION: Commissioner Ecklund moved, seconded by Commissioner Gillham to grant preliminary approval to McCorison Lindhom Subdivision based on staff recommendations and compliance to borough code.

AMENDMENT A MOTION: Commissioner Ecklund moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.030-Proposed Street Layout Requirement, Dedication & Projection of Willy Avenue, citing 1-5, 11, 15-17, 19 & 21 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 A PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

AMENDMENT B MOTION: Commissioner Ecklund moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.170-Block Length Requirements, citing 1-4, 12, 13 & 16 in support of standards one, two and three.

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

AMENDMENT MOTION B PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

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

MAIN MOTION PASSED BY UNANIMOUS VOTE

Yes	5	No	0
Yes	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

AGENDA ITEM E. NEW BUSINESS**7. River Acres Subdivision
KPB File No. 2021-004R1; Edge Survey and Design, LLC / Swanson**

Location:	South of Kasilof River, Kasilof
Proposed Use:	Residential
Water/Sewer:	On-site
Zoning:	Rural Unrestricted
Assessing Use:	Residential
Parent Parcel Number(s):	133-120-39

Staff report given by Scott Huff.

Supporting Information:

The proposed plat creates four tract from government lots 5 and 8. The parent parcel is 41 acres in size. The proposed subdivision will consist of tracts ranging in size from 5 acres to 20 acres. A soils report is not required, and an engineer will not need to sign the plat.

This design is a revision of a previously approved plat. The original was heard and approved at the February 8, 2021 Plat Committee meeting. The original design dedicated a 60 foot right of way, Swanson Street, within the center of the subdivision. An exception had been requested to KPB Code 20.30.030 – proposed street layout, and was denied. The Plat Committee, based on staff recommendation, requested a 30 foot dedication along the southern border of the subdivision to provide a connection between the Kasilof River and Swanson Street.

The proposed redesign has removed all right of way dedications and the access to each lot will be via the Kasilof River. A 100 foot public access easement exists adjoining the ordinary high water line of the Kasilof River. Exceptions are being requested for block length and street layout so that no right of way dedication will be provided.

The legal access to the proposed subdivision is by way of the Kasilof River. The subdivision is located near river mile 11.5. Public access to the Kasilof River exists up river at Tustumena Lake Campground at river mile 17 and down river at the Sterling Highway boat launch near river mile 8.

The subdivision does not front on a dedicated right of way, or a public access easement, to provide a connection to public roads. The public access easement is depicted and discussed in plat note 6. Please note there are duplicate plat numbers on the preliminary plat.

The subdivision is not within a compliant block. The Kasilof River borders the subdivision on three sides. The southern border abuts a 147 acre lot owned by the State of Alaska Department of Natural Resources. An exception has been requested for block length.

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.

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

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

Exception Requested:**KPB 20.30.030 – Proposed Street layout – requirements****KPB 20.30.170 – Blocks – Length Requirements****KPB 20.30.210 – Lots – access to streets**

Staff Discussion: When reviewing the previous design the plat committee approved the plat but denied the exception and required a 30 foot half right of way be provided along the southern boundary to provide a connection from the Kasilof River to Swanson Street. The current design has removed the internal dedication, Swanson Street, and asking to no longer dedicate any right of way.

All lots will have legal access from the Kasilof River. Having the river provide the only legal access will limit the ability to access the property during certain times of the year. South of the subdivision is a 147 acre parcel owned by DNR. Along the southern boundary of the DNR parcel is a right of way dedication, Cabin Avenue, and section line easements. Owners can petition the state to try to receive private or public access to their land. Walking, hiking, snowshoeing, snow machine, etc. may be viable to provide year round access to the property. Proposed Tract B and C will have limited access as they will not touch the DNR lands nor have any dedications providing them access.

The exceptions have been grouped. If the Plat Committee grants the exception, no street dedications will be required, efforts to improve the block will not be required, and the lots will not front along a dedicated right of way but access will be by the Kasilof River. If the exceptions are denied, streets will be required to be dedicated to provide access to each lot, to provide future projections and needs, and to improve block requirements.

If denied the subdivision will need to provide a right of way access to all lots consisting of a 60 foot wide right of way in the interior of the subdivision and a half width 30 foot right of way adjoining the south boundary of the subdivision.

Surveyor's Findings:

1. Legal access from Kasilof River.
2. Large tract to the South has adequate access from Cabin Avenue and Kasilof River.
3. Large tract south owned by AK DNR which provides public access along south boundary of subdivision.

Staff's Findings:

4. This is a remote subdivision with no dedicated right of way within a half mile.
5. Parcels are large enough to be further subdivided and provide future dedications.
6. After this plat is recorded, it would require approval from all lots to dedicate right of way.
7. The Kasilof River is a public water way.
8. There is a 100 foot public access easement that affects the uplands from the ordinary high water boundary of the Kasilof River.
9. The large 147 acre lot to the south is owned by the State of Alaska.
10. The State of Alaska lands are open to public access to this subdivision.
11. It is possible to obtain a right of way access across the State of Alaska lands to provide access to this subdivision.
12. Dedicated right of ways provide open and legal access to properties.
13. Roads are not required to be constructed within the dedicated right of ways.

Staff reviewed the exception request and based on findings 6, 10 - 13 cannot recommend approval.

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

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee)

with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

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

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

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review: no comments
- KPB Assessing: No comment.
- KPB Code Compliance: No comment
- KPB Planner: There are no local option zoning district or material site issues with this proposed plat.
- KPB Roads Dept.: Within KPB jurisdiction. No comments.
- State Parks: No comments.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise 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;
 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
Platting Staff Comments: Verify the acreage. The acreage is currently listed differently on sheet 1 and sheet 2. Revise the KPB File number 2021-004R1 on both sheets.
Staff recommendation: Update acreage and KPB file number on both sheets.
- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions, or limitations of reservations that could affect the subdivision;
Platting Staff Comments: The public access easement is depicted and noted in plat note 6.
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
Platting Staff Comments: If the exception is denied, street names will need to be approved by the KPB Addressing Officer for any dedications.
Staff recommendation: Provide approved street names if applicable.
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
Platting Staff Comments: The plat depicts the various flood zones and low wet areas. The plat also states the meander line was surveyed in November 2020. Plat note 5 (second one), 6 (second one), and 8 address the floodplains and meander.
Staff recommendation: Provide any additional notes required by the Floodplain Administrator and update plat note numbers.
- 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;

Platting Staff Comments: Contours are not depicted on this revised plat. The subdivision is not affected by steep slopes.

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

KPB 20.30 Design Requirements

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

20.30.040. Streets within 100 feet of waterbodies. No dedications are allowed within 100 feet of the ordinary high water line of a waterbody unless necessary for access to a lot where no reasonable alternative access exists or the dedication provides access to a bridge or public facility, waterbody or watercourse. Final plats must comply with KPB 20.60.050 and 20.60.060.

Platting Staff Comments: If the exception to 20.30.030 is denied a redesign will be required. If a 30 foot right of way along the south is required it will allow a common access point to limit multiple river access to the Kasilof River.

Staff recommendation: *Comply with 20.30.040.*

20.30.050. Legal access.

A. The applicant shall provide an access plan to the planning department verifying the existence of legal access to the subdivision boundary. The plan shall consist of the documents depicting the access, a map depicting the location of the access, and topographic information indicating that construction which meets the design requirements set forth in KPB Chapter 20.30 is practical and economical. In this title, legal access exists where an unrestricted, public right-of-way connects the subdivision to the state highway system, the state marine highway system or a regularly served public airport, and one of the following is met:

1. Ingress and egress will be provided over section line easements located within a surveyed section;
2. The applicant provides copies of borough-accepted recorded conveyances creating the public easement or right-of-way where the access is located;
3. That access is a State of Alaska maintained road or municipal maintained road;
4. The applicant provides documentation satisfactory to the borough demonstrating that public legal access is guaranteed through judicial decree; or
5. The right-of-way is an easement or fee interest at least 60 feet in width dedicated or irrevocably conveyed to the public and acceptable to the planning commission.

B. The following situations may qualify for a waiver of the legal access requirement:

1. Upon finding that no practical means of providing road access to a proposed subdivision exists and upon presentation of credible and convincing evidence by the applicant that permanent public access by air, water, or railroad is both practical and feasible, the planning commission may waive the legal access requirements of KPB 20.30.050(A). If access other than by road is approved, the mode of access shall be noted on the plat. .
2. Where only a 30-foot dedication exists over all or a portion of the legal access to a subdivision, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the other 30 feet will be dedicated in the future.
3. Where a road is in use for physical access but there is no right-of-way document for all or part of the access road, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the right-of-way will be dedicated in the future.

Platting Staff Comments: The subdivision has legal access by means of the Kasilof River.

Staff recommendation: *Concur that access a waiver of legal access is met as access is on the Kasilof River or crossing State lands.*

20.30.060. Easements-Requirements.

A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.

- B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.
- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.
- D. Unless a utility company requests additional easements, the front ten feet of the building setback shall be designated as a utility easement, graphically or by note.

Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from ACS were not available when the staff report was prepared.

HEA, GCI, and ENSTAR supplied reviews of no comments / no objections / no concerns.

If the exception is granted and no right of way dedications are required, plat note 3 shall be removed. If additional easements are requested the portion of the plat note regarding development shall not interfere with the use needs to be left on the plat.

Staff recommendation: *grant utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.*

20.30.100. Cul-de-sacs.

- A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.
- B. Hammerhead or T -type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.
- C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.

Platting Staff Comments:

Staff recommendation: *If right of way dedications are required, provide a turn around area at the terminus of the right of way.*

20.30.110. Half streets.

- A. Half streets shall generally not be allowed except where one of the following circumstances applies:
 - 1. The street is identified on the borough road plan as an arterial;
 - 2. The street is a logical extension of an existing street; or
 - 3. The remaining half street can reasonably be expected to be dedicated.
- B. 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 are parties of record and will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way. Pursuant to KPB 2.40.080 review of the plat committee decision by the planning commission may be requested by parties of record.

Platting Staff Comments: If a 30 foot dedication is required along the southern boundary, the adjoining will be notified of the change and will be allowed to request review by the planning commission.

20.30.120. Streets-Width requirements.

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

- 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.

20.30.150. Streets-Intersection requirements.

- A. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than 60 degrees. Where acute street intersections are designed, a minimum 50-foot radius corner at the right-of-way line of the acute angle shall be provided.

- B. Offset intersections are not allowed.

Staff recommendation: *Comply with 20.30.150.*

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

Platting Staff Comments: Any required dedications will need a street name approved by KPB Addressing Officer.

Staff recommendation: *Comply with 20.30.160.*

20.30.180. Pedestrian ways required when. Pedestrian ways not less than 8 feet wide shall be required in blocks longer than 600 feet where reasonably deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

Platting Staff Comments: The subdivision is subject to a 100 foot public access easement upland of the ordinary high water boundary of the Kasilof River.

Staff recommendation: *the access is depicted and noted on the plat.*

20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

- B. Lots shall contain at least 40,000 square feet if both the well and wastewater disposal are to be located on the lot unless it can be demonstrated to the satisfaction of the commission that a smaller lot size is adequate for the safe location and operation of an on-site well and wastewater disposal system.

20.30.240. Building setbacks.

- A. The commission shall require a building setback of at least 70 feet from the centerline of all fee simple arterial rights-of-way in a subdivision. A minimum 20-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities.

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

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

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

Platting Staff Comments: If the exceptions are granted, the lots will not front along right of ways. If the exception is granted remove plat note 2. If the exception is denied and right of ways are required, depict the setback along all right of ways and plat note 2 will remain on the plat.

Staff recommendation: *Comply with 20.30.240.*

20.30.280. Floodplain requirements.

Platting Staff Comments: River Center review determine the subdivision is within a flood hazard area. It is within flood zones A3, B, and C as found on map panel 020012-2730A. The plat contains the appropriate notes and shows the flood zones. Update plat note numbers.

Staff recommendation: *Comply with 20.30.280.*

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

ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision.

Platting Staff Comments: River Center review determined that the proposed subdivision is totally or partially within an Anadromous Waters Habitat Protection District. A plat note is located on the plat but the wording should match the note as above.

Staff recommendation: *comply with 20.30.290.*

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: All proposed lots are larger than 200,000 square feet and a soils analysis report is not required. The appropriate note is located on the plat but may need to be renumbered.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

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

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20. 60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Staff recommendation: *comply with 20.60.010.*

20.60.020. Filing-Form and number of copies required. The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

Staff recommendation: *submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

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

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

Staff recommendation: *comply with 20.60.030.*

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

Platting Staff Comments: Any right of way dedications required will require an acceptance by an Authorized Official of the Kenai Peninsula Borough.

Staff recommendation: *Comply with 20.60.040.*

20.60.050. Dedication and construction of anadromous waterbody crossings.

A. Where a dedication crosses a waterbody within the Kenai Peninsula Borough Road Service Area cataloged as important to the protection of anadromous fish under AS 16.05.871 as now enacted or as may be hereinafter amended, additional right-of-way dedication or slope easements may be required by the planning commission as necessary for construction to meet the criteria of KPB 14.40.061(B).

- B. Where a dedication is proposed over an existing road crossing a waterbody within the Kenai Peninsula Borough Road Service Area cataloged as important to the protection of anadromous fish under AS 16.05.871 as now enacted or as may be hereinafter amended, the road and crossing must be brought up to the permitting standards established by KPB 14.40.061(A) prior to planning commission approval of the final plat.
- C. Where a plat dedicates a right-of-way over an existing road which crosses an anadromous waterbody as described in KPB 20.60.050(B), the applicant shall have three years from the approval of the preliminary plat to have the final plat approved. The time frame may be extended by the planning director if the extension is requested prior to the termination of the initial three-year period for final plat approval or any previously granted extension, and only if there has been no change in the design of the subdivision's road system since preliminary plat approval. Extensions may only be granted for one year at a time.
- D. The road service area shall inspect and provide certification to the planning department that waterbody crossings meet the permitting requirements of KPB 14.40.061(A) prior to the approval of the final plat.

Platting Staff Comments: No right of way dedication will be crossing the Kasilof River. The construction of

20.60.060. Dedications within 100 feet of waterbodies. In addition to the criteria set forth in KPB 14.40.061(B), where dedications are proposed within 100 feet of a waterbody, the requirements of KPB 20.30.040 shall be met as part of the subdivision design.

Platting Staff Comments: If additional dedication is required along the southern boundary, comply with 20.60.060.

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 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: *comply with 20.60.070.*

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.
- 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.

Platting Staff Comments: The correct note is on the plat.

Staff recommendation: *comply with 20.60.110.*

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.

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: *provide boundary and lot closure computations with the paper final plat.*

20.60.150. Utility easements.

- A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.
- B. The following note shall be shown on the final plat:
No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.

Staff recommendation: *comply with 20.60.150.*

20.60.160. Easements.

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

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

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

Staff recommendation: *comply with 20.60.160.*

20.60.170. Other data required by law.

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

- B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Staff recommendation: *comply with 20.60.170.*

20.60.180. Plat notes. 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.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to Plat.

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

- *If dedications are required the following shall be added. 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).*
- *If the exceptions are not granted, remove plat note 4.*
- *If exceptions are granted a plat note must be added "At the time of the recording of this plat, legal access is by way of the Kasilof River."*

The Anadromous Habitat note needs "Waters" added.

The plat notes need to be renumbered.

20.60.190. Certificates, statements, and signatures required.

Platting Staff Comments: If the plat contains right of way dedications, include a Certificate of Acceptance for KPB to accept dedicated right of ways.

Staff recommendation: *comply with 20.60.190.*

20.60.200. Survey and monumentation.

Staff recommendation: *comply with 20.60.200*

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

1. *Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;*
2. *Final approval by the commission was a condition of preliminary approval; or*
3. *The planning director determines there are other conditions to support referral to the commission.*

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ABOVE 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 10 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 Carluccio opened the meeting for public comment.

Jason Young, Edge Survey & Design; P.O. Box 208, Kasilof, AK 99610: Mr. Young was the surveyor on this project and informed the committee the landowner is withdrawing the exception request and will be reverting back to the design that was previously approved by the plat committee on February 8, 2021.

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

MOTION: Commissioner Ecklund moved, seconded by Commissioner Venuti to grant preliminary approval to River Acres Subdivision as presented and approved at the February 8, 2021 Plat Committee meeting.

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

MOTION PASSED BY UNANIMOUS VOTE

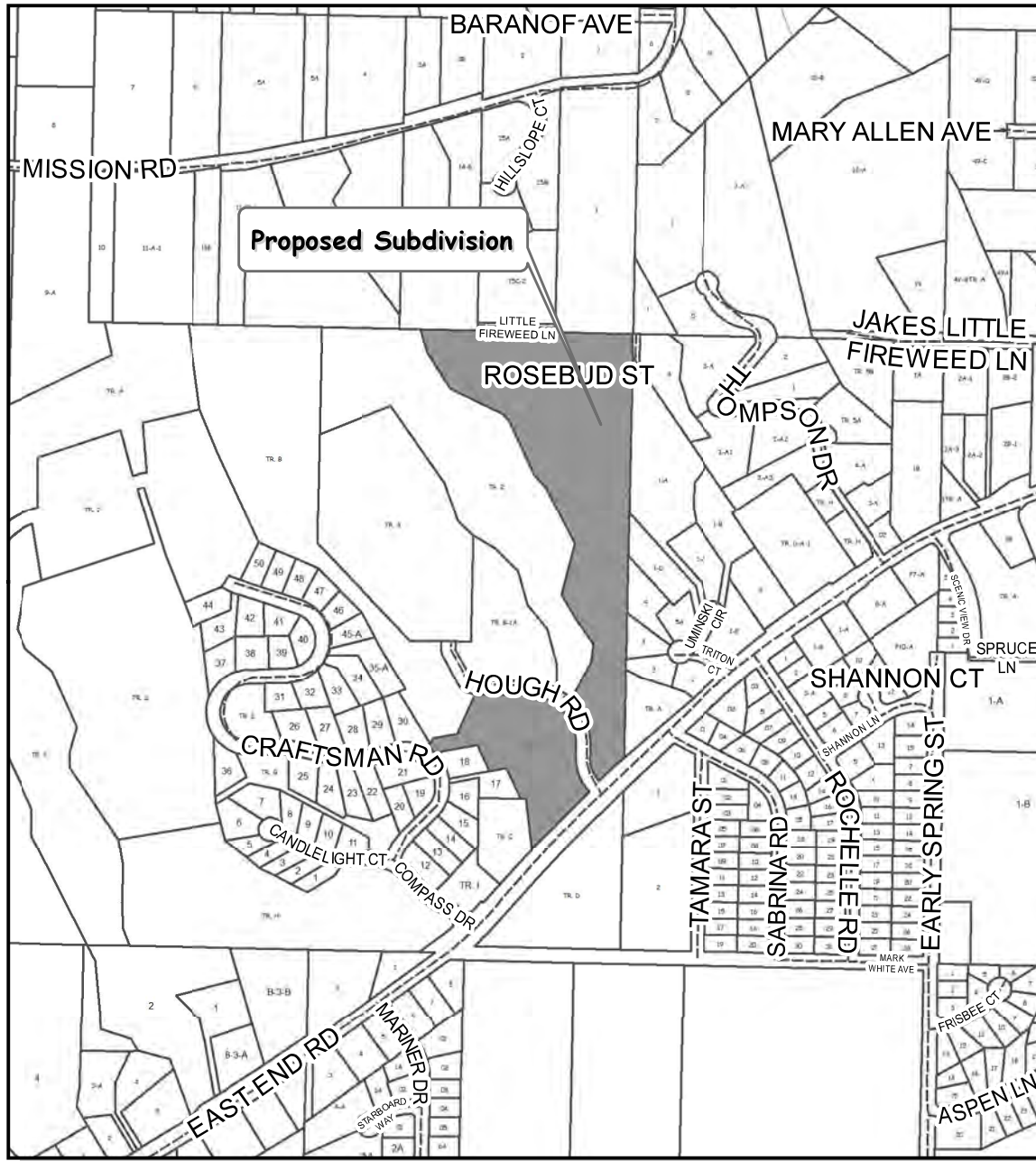
Yes	5	No	0
Yes	Carluccio, Ecklund, Gillham, Ruffner, Venuti		
No			

F. PUBLIC COMMENT – None

G. ADJOURNMENT

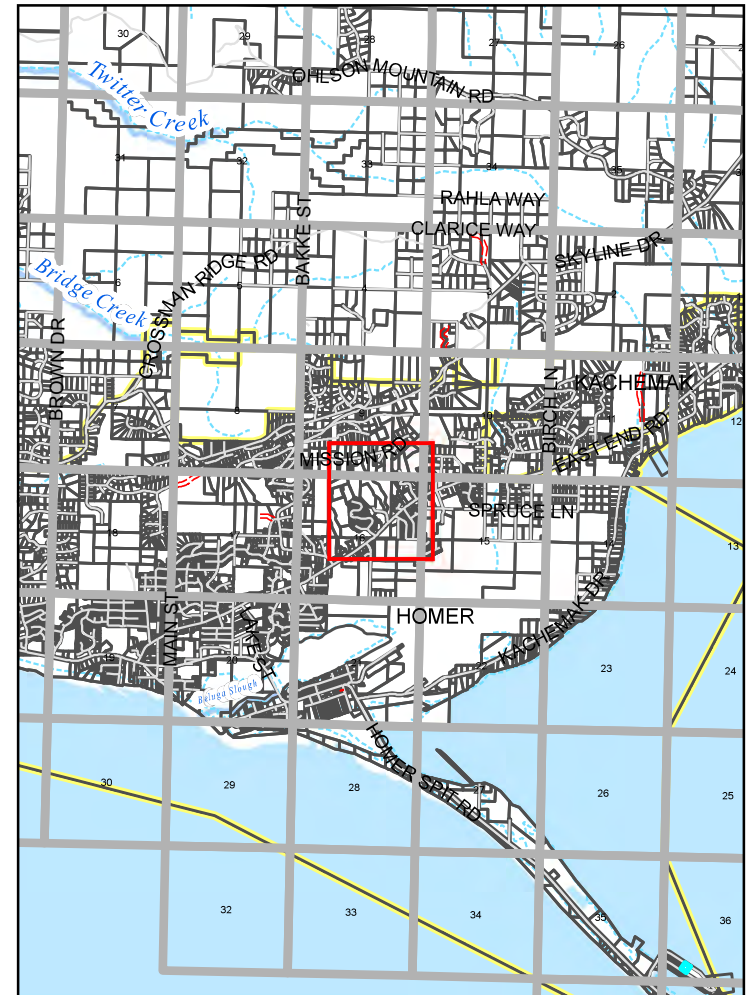
Commissioner Ecklund moved to adjourn the meeting 7:02 P.M.

Ann E. Shirnberg
Administrative Assistant



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

0 380 760 1,520'

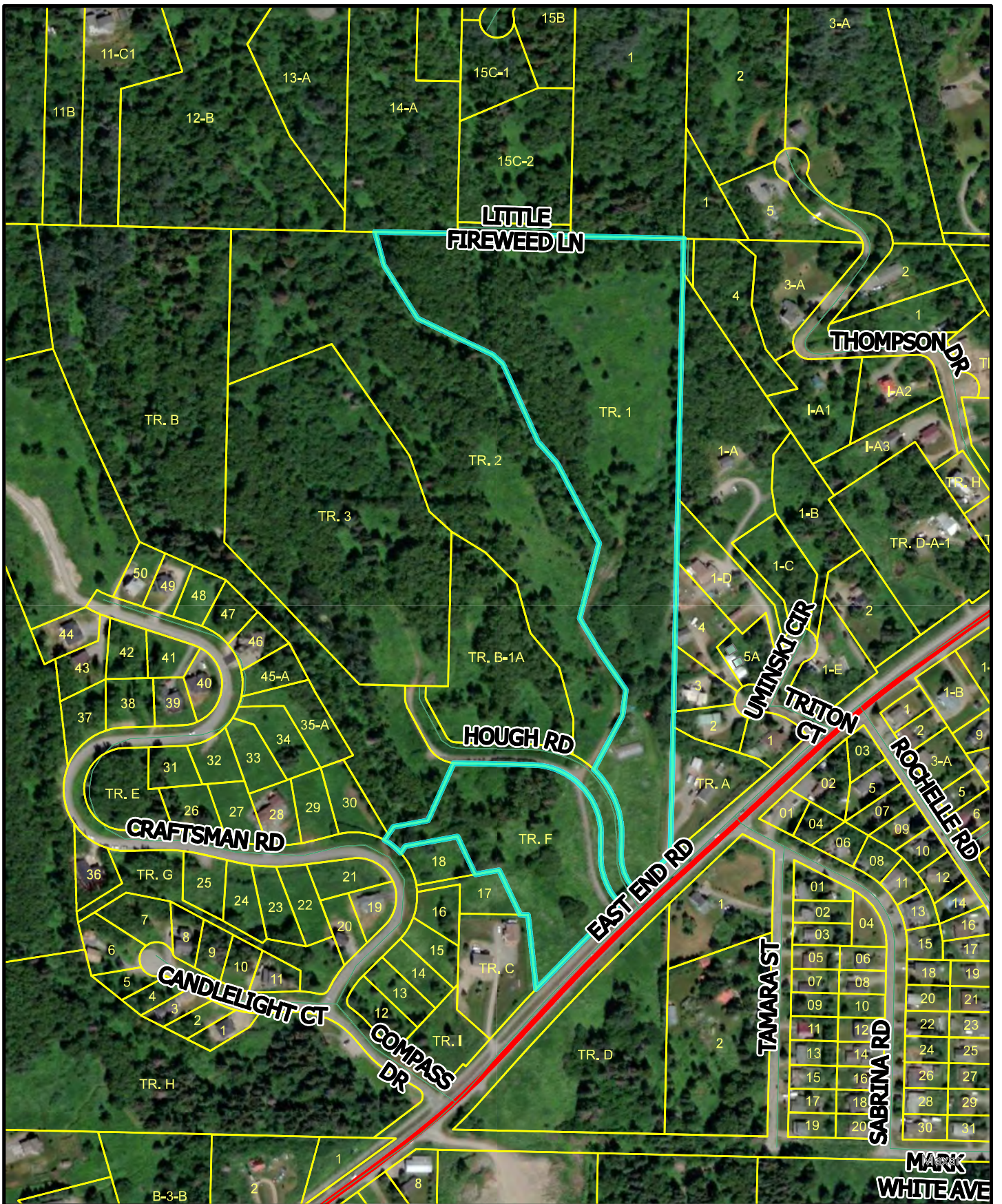


0 4,850 9,700 19,400 Feet



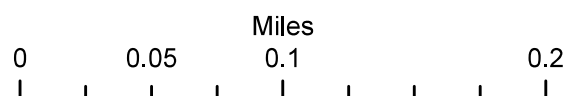
KPB 2021-046
S16 T06S R13W
HOMER

Date: 4/19/2021
JHindman, KPB 2021-046

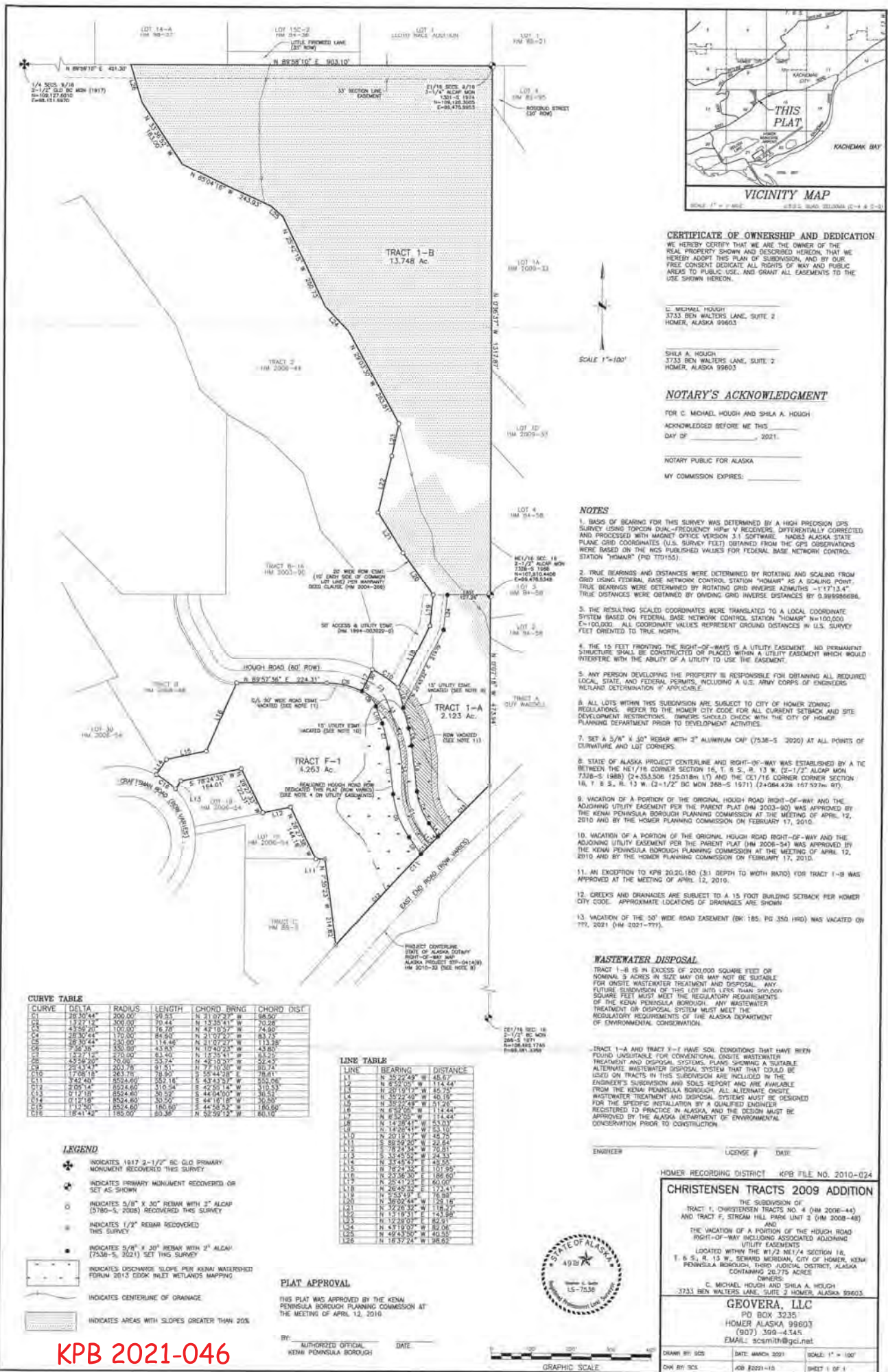


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

aerial imagery composite from 2019



Date:
Scott Huff,
Platting Manager,
KPB



KPB 2021-046

AGENDA ITEM E. NEW BUSINESS

1. Christensen Tracts 2009 (2021) Addition
KPB File No. 2021-046; Geovera, LLC / Hough

STAFF REPORT

Plat Committee Meeting: May 10, 2021

Location: on East End Road and Hough Road, City of Homer
Water/Sewer: On site sewer / City Water
Zoning: City Zoning
Assessing Use: Residential
Parent Parcel Number(s): 179-020-86, 179-021-58

Supporting Information:

The subdivision is located approximately at mile 1.5 of state maintained East End Road. Hough Road is a city right of way that is partially constructed. The roadway is constructed outside of the dedicated right of way. This plat will correct the right of way alignment by vacating a portion of the dedicated right of way and dedicating right of way over the constructed portion of Hough Road.

The proposed plat affects two tracts. Along with the change to Hough Road right of way, one tract will be subdivided into two parcels.

This proposed plat was originally heard and approved by the Plat Committee at the April 12, 2010 meeting. Numerous time extensions have been granted along with the approval of the City of Homer. The original surveyor has retired and the owners have found a new surveyor.

The last time extension, due to the age of the file, was approved with the requirement that the plat comply with current code. This plat is being brought back to the Plat Committee for a new preliminary plat approval.

The right of way vacation has expired and required a new submittal. The right of way vacation was heard by the Kenai Peninsula Borough Planning Commission at the April 26, 2021 meeting and was approved by unanimous vote.

The City of Homer has submitted a statement that the plat and Right of Way vacation comply with City approval and no changes have been made.

When the plat was previously heard the plan was to connect to municipal water and have on-site wastewater disposal. Any plans to connect to municipal water or wastewater will require documentation from the City of Homer that an installation agreement is in place or services are installed and in installation agreement is not required. If on-site wastewater will be used a soils analysis report is required for proposed Tract F-1 and Tract 1-A. An engineer will sign the final plat.

The subdivision is subject to a 33 foot section line easement along the northern boundary of the subdivision. Rosebud Street is located to the east of the subdivision. Rosebud Street is a 30 foot wide right of way that is approximately 100 foot long. This right of way is only accessed by section line easements.

The subdivision contains low wet areas in the south portion. Very steep slopes affect the north portion of the subdivision with the entire subdivision sloping downward to the south. The wet areas and slopes are depicted on the plat.

Notice of the proposed plat was mailed to the beneficial interest holder on April 27, 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.

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

Exception Requested:

A. KPB 20.30.030 – Proposed Street Layout Requirements (matching dedication of Little Fireweed Lane and Rosebud Street)

Surveyor's Discussion: The existing 33 foot section line easement along the north boundary of Tract 1-B is not constructible to City of Homer standards due to the steepness of the terrain and the fact that the easement crosses two deep gullies. The section line easement does not provide functional access to any of the adjoining properties. The dedication of a right of way would serve no practical purpose that the section line easement does not already provide.

Staff Discussion: The proposed plat is subject to a 33 foot section line easement along the northern boundary. That section line easement abuts an additional 33 foot lying north of the subdivision for a total width of 66 feet.

The plat Lloyd Race Addition No. 1 (HM 84-36) dedicated a portion of the section line easement naming the right of way Little Fireweed Lane. Little Fireweed Lane connects to Jakes Little Fireweed Lane, located 1,000 feet to the east, by section line easements. Due to terrain and lot design the ability to connect the right of ways will be very challenging.

Rosebud Street is an approximately 100 foot long right of way that is 30 feet wide. Rosebud Street is abuts the proposed subdivision in the northeast corner. Rosebud Street was dedicated by Thompson Subdivision No. 4 (HM 82-95). Rosebud Street does not currently connect to any other dedicated right of ways. It is accessed via section line easements. Rosebud Street is not constructed.

If denied this platting action will require a minimum 30 foot right of way dedication within the section line easement on the north boundary and a 30 foot matching right of way dedication for Rosebud Street

Findings:

1. The subdivision is subject to a 33 foot section line easement which abuts an additional 33 foot section line easement for a total width of 66 feet.
2. The portion of Little Fireweed Lane that abuts the subdivision was dedicated in 1984.
3. Little Fireweed Lane is 331 feet long.
4. Rosebud Street was dedicated in 1982.
5. Rosebud Street is 100 feet long.
6. The area where the dedications would be required are affected by steep terrain.
7. The City of Homer approved the plat with no request for additional right of way dedications.

Staff reviewed the exception request and recommends granting approval.

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

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of

preliminary plat approval. Exceptions may not be requested with a final plat submittal.

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

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

Exception Requested:

B. KPB 20.30.190 – Lot Dimensions (Tract 1-B)

Surveyor Discussion: The flag portion of Tract 1-B as proposed is 35 feet wide. The existing driveway from the Hough Road right-of-way to the upper portion of proposed Tract 1-B runs along the west edge of the proposed flag. There is a 50 foot wide access and utility easement that is centered on the existing driveway. The flag and the easement provide roughly 60 feet of width for legal access to the upper portion of Tract 1-B.

The length to width ratio of Tract 1-B is unchanged from the existing lot boundary (Tract 1 Christensen Tract No. 4). The lower portion of original Tract 1 is being subdivided into a separate lot (Tract 1-A) that adjoins the realigned lower portion of Hough Road. Most of Tract 1-B has slopes exceeding 20% grade and would be unsuitable for supporting access to additional building sites. There is a small bench on Tract 1-B that is accessed by the existing driveway that would support a building site. Tract 1-B is intended to only support that one building site.

Staff Discussion: The parent parcel for proposed Tract 1-B is a very long parcel that does not comply with code. The parent parcel is now being divided into two tracts. Due to the dimensions of the parent parcel, and limited right of way dedications, dividing the parcel to comply with the 3:1 depth to width ratio will be difficult. Steep terrain and limited right of way prohibit access to the north portion of Tract 1.

The flag design does not meet code requirements, as the panhandle access is 300 feet long and 35 feet wide. KPB code limits panhandle access at a length of 150 feet and a width of 20 feet.

A private 50 foot wide access easement and utility easement is centered on the boundary common with Tract 2 for the length of the panhandle. A private 20 foot wide easement is centered on the entire boundary common with Tract 2. When including the width of the private access easement the width of the panhandle access is 60 feet and complies with KPB Code.

Per KPB GIS imagery, it appears there may be a trail within the proposed panhandle or within the 50 foot access easement.

If denied, the subdivision will need to be redesigned by either dedicating a 60 foot wide right of way into Tract 1-B or creating a 60 foot wide panhandle access for Tract 1-B.

Findings:

1. Parent parcel, Tract 1 Christensen Tracts No. 4 (HM 2006-44), does not comply with 3:1 depth to width ratio.

2. The proposed lot has steep slopes through majority of property.
3. A private 50 foot access easement gives access from Hough Road to the usable area of the parcel.
4. The access easement combined with the proposed panhandle will be 60 feet in width and complies with KPB code.
5. The proposed lot is large enough to be further subdivided.
6. There is legal access via section line easements to the north.
7. The ability to use the section line easement is nearly impossible due to terrain and limited dedicated right of way.
8. Not requiring a 60 foot wide flag will limit future subdivision of Tract 1-B.
9. A private 20 foot right of way easement exists along the shared property line with Tract 2 (HM 2006-44).
10. In order to comply with 3:1 a redesign would be required that dedicates additional right of ways through steep terrain or providing a 60 foot wide panhandle.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 2 – 4, 7, 9, 10 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 2 – 4, 7, 9, 10 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 2 – 4, 7, 9, 10 appear to support this standard.

Exception Requested:

C. KPB 20.30.130 – Streets- Curve Requirements

Surveyor's Discussion: This plat realigns the existing Hough Road right-of-way so that the centerline matches the existing road. To match the existing road alignment it requires a compound curve with a substandard (100') radius. The originally approved Roger Imhoff plat showed a similar compound curve with a substandard radius.

Staff Discussion: The proposed plat was previously approved under old code and complied with the street requirements. The intent of this plat is to dedicate right of way that puts the constructed roadway within a dedicated right of way.

A right of way dedication with a 200 foot radius would not encompass the existing road.

The City of Homer provides street maintenance and has approved the proposed right of way alignment.

If denied, the right of way will require a centerline curve with a radius of 200 feet.

Findings:

1. Hough Road will be a 60 foot wide right of way.
2. The plat will shift the location of the platted right of way to align with the constructed road by vacating a portion and then rededicating another portion to maintain a 60 foot width.
3. The KPB Planning Commission heard the right of way vacation at the April 26, 2021 meeting and approved unanimously.
4. The City of Homer did not object to the original design when presented in 2010.
5. The City of Homer will be required to sign the plat to accept the new right of way dedication.
6. The City of Homer provides road maintenance.
7. Per KPB GIS Imagery, Hough Road was not constructed in 1996.
8. Per KPB GIS Imagery, Hough Road was constructed by 2003 to align with the private 50 foot access easement.
9. Per KPB GIS Imagery, Hough Road has been extended to provide physical access to Tract 3 (HM 2006-44).
10. A centerline alignment with a 200 foot radius would not encompass the existing roadway.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 2-6, 9, 10 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 2-6, 9, 10 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 2-6, 9, 10 appear to support this standard.

KPB Department/Agency Review Comments

KPB Addressing/Street Name Review: Addresses affected: 4630 Hough Road and 4580 Craftsman Road. Existing street names listed are correct. City of Homer will advise on addresses.

KPB Assessing: No comments.

KPB Code Compliance: No comments.

KPB Planner: Review not required, within the City of Homer.

KPB Roads Dept.: Outside of jurisdiction; no comments

State Parks: No comments.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise 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;
Staff recommendation: Change the name of the subdivision to Christensen Tracts 2021 Addition or an addition name approved by staff.
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
Staff recommendation: Depict and label the section line easement that is abutting the north boundary of this subdivision.
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
Platting Staff Comments: There are two easements that are noted on the plat. Per the documents that granted the easements, they are to be considered private.
Staff recommendation: Update the labels to include "private" for the access and right of way easements of record.
- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;
Platting Staff Comments: Original submittal stated the lots would be connected to city water. The water lines are not depicted on the plat.
Staff recommendation: Comply with city requirements and provide proof of installation agreement or documentation that one is not required.
- 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;
Platting Staff Comments: Slopes greater than 20 percent are shown. There appears to be none along the right of way dedication. The dedication is atop the constructed right of way.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Platting Staff Comments: This plat will correct the roadway encroachment onto private property. No known encroachments will be in place after finalizing the plat. If additional encroachment issues are found during the field survey they must be noted and an explanation of how to resolve must be submitted.

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

KPB 20.30 Design Requirements

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

20.30.030. Proposed street layout-Requirements.

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

State Department of Transportation Comments: The ROW for East End Road is as shown on Homer East Road MP 0 – 3.75, Lake Street to Kachemak Bay Drive, sheet 12 of 27, Plat 2010-32, Homer RD

Platting Staff Comments: An exception has been requested and if denied a redesign will be required.

Staff recommendation: Provide the right of way information for East End Road per the AK DOT review. Comply with 20.30.030

20.30.060. Easements-Requirements.

- A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.
- B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.
- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.
- D. Unless a utility company requests additional easements, the front ten feet of the building setback shall be designated as a utility easement, graphically or by note.

Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from GCI were not available when the staff report was prepared.

HEA and ACS supplied reviews of no comments / no objections / no concerns.

ENSTAR reviewed the plat and objects to the vacation of the right of way as there is a natural gas line located on the east side of the dedicated right of way. **Staff recommends** the surveyor / land owner work with ENSTAR to obtain approval.

The proposed right of way vacation will also vacate the associated utility easements. New utility easements will be granted along the front 15 feet along the new dedication.

Per the Certificate to Plat, Tract F and Tract 1 are subject to general easements granted to Homer Electric Association, Inc. with no definite locations disclosed. A plat note shall be added that discloses the easement.

Staff recommendation: Add required plat notes, obtain approval from ENSTAR, and grant utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.

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

Platting Staff Comments: No slopes are shown in the area of the right of way dedication. The dedication will be atop the constructed right of way. The City of Homer has approved the plat and will be accepting the right of way dedication. The City of Homer will also provide maintenance if the road qualifies.

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.

Platting Staff Comments: The proposed subdivision is not within a compliant block. This area is affected by steep slopes, ravines, and drainages making compliant block length nearly impossible. Many of the right of ways dedicated in the area are in a manner to allow construction in the most feasible location. Even if additional right of way is required to attempt to bring the block into compliance, it will not create a compliant block and the roads will not be dedicated in areas where right of ways will likely be built.

Staff recommendation: Concur that an exception is not required as any dedications at this time will not improve the block due to steep terrain, drainage issues, and lack of right of way dedications to connect to.

20.30.190. Lots-Dimensions.

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

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

Platting Staff Comments: An exception has been requested, if denied a redesign will be required.

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

20.30.250. Building setbacks-Within cities. The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts.

Platting Staff Comments: The correct plat note is on the plat.

Staff recommendation: Comply with 20.30.250.

20.30.270. Different standards in cities. Where cities have been delegated partial platting powers by the borough and have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. The application of the city design standard is subject to the city having an ordinance in place that satisfies the notice requirements of KPB 20.25.090(A) through (D) and a process to appeal decisions made by the city regarding application of its subdivision design standards.

Platting Staff Comments: The City of Homer does not meet the specified requirements for the application and consideration of different standards.

Staff recommendation:

20.30.280. Floodplain requirements.

Platting Staff Comments: River Center review was not required as the plat is within the City of Homer.

Staff recommendation: Comply with 20.30.280.

20.30.290. Anadromous Waters Habitat Protection District.

Platting Staff Comments: River Center review determined that the proposed subdivision is not subject to the Anadromous Waters Habitat Protection District.

Staff recommendation: comply with 20.30.290.

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: A soils analysis report is required for proposed Tract 1-A and Tract F-1 as both lots are less than 200,000 sq. ft. An engineer will need to sign the plat.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

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

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20. 60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Staff recommendation: comply with 20.60.010.

20.60.020. Filing-Form and number of copies required. The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

Platting Staff Comments:

Staff recommendation: submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.

20.60.030. Certificate of borough finance department required.

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

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

Staff recommendation: comply with 20.60.030.

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental

entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

Platting Staff Comments: An acceptance statement is required to be signed by the City of Homer.

Staff recommendation: Provide an acceptance statement for the City of Homer to accept the new Hough Road dedication.

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 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: comply with 20.60.070.

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

Platting Staff Comments: Provide a copy of the installation agreement or documentation from the City of Homer that one is not required.

Staff recommendation: Comply with 20.60.080.

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.

Staff recommendation: comply with 20.60.110.

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.

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: provide boundary and lot closure computations with the paper final plat.

20.60.150. Utility easements.

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

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

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

Staff recommendation: comply with 20.60.150.

20.60.160. Easements.

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

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

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

Platting Staff Comments:

- *There are two access easements noted on the face of the plat. Both notes should be revised to note the easements as "Private".*
- *The 50 foot access easement recording information should be updated to "Book 237 Page 656, HRD".*
- *Plat note 13 refers to a 50 foot wide road easement located in Book 185 Page 349. The note is incomplete as it states it will be vacated on a specific date. If the easement is released, provide the recording information. Staff requests that the surveyor research and determine if the recording of this plat will terminate the easement or if additional documents will need to be recorded. Per the Access Agreement "The above easement shall be terminated and cease to exist at such time that a dedicated public access right-of-way conforming to City and Borough regulations is finalized and recorded to provide access to the above described W ½ N ½ W ½ NE ¼ Section 16, T6S, R13W S.M. parcel of land." If the recording of this plat terminates the easement add a plat note "The 50 foot wide road easement as described in Book 185 Page 349, HRD is terminated with the recording of this plat." If the easement still affects this subdivision provide a plat that states, "This plat is subject to a 50 foot wide private access agreement as described in Book 185 Page 349, HRD."*
- *Correct the label for the 20 foot wide ROW easement on the common lot line so the full serial number is noted, i.e. HM 2004-000266.*

Staff recommendation: *comply with 20.60.160.*

20.60.170. Other data required by law.

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

- B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Staff recommendation: *comply with 20.60.170.*

The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.

20.60.180. Plat notes. 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.

Platting Staff Comments: *Additional plat notes may be required based on easements/covenants in the final Certificate to Plat.*

Staff recommendation:

Place the following notes on the plat.

- *This subdivision is subject to an easement for electric lines or system with right to enter, maintain, repair and clear shrubbery, granted to Homer Electric Association, Inc. as outlined in Book 49 Page 288, HRD. No definite location disclosed.*
- *No structures are permitted within the panhandle portion of the flag lot(s).*

Make the following corrections.

- *Plat note 9 and 10 are duplicate. Remove one and update the other to include this meeting date and remove the April 12, 2010 date.*
- *Update the plat note regarding the exceptions granted to include those granted at this meeting and revise the date.*
- *Remove the label on the drawing that states, 'C/L 50' wide road esmt. Vacated (see note 11)*

- On the labels within the dawning, correct the reference to the plat note numbers.

20.60.190. Certificates, statements, and signatures required.

Platting Staff Comments: The plat approval note should contain this meeting date. Provide a certificate of acceptance for the City of Homer to sign.

Staff recommendation: comply with 20.60.190.

20.60.200. Survey and monumentation.

Staff recommendation: comply with 20.60.200

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

1. Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;
2. Final approval by the commission was a condition of preliminary approval; or
3. The planning director determines there are other conditions to support referral to the commission.

KPB 20.70 – Vacation Requirements

Platting Staff comments: The vacation was heard and approved by the Planning Commission at the April 26, 2021 meeting.

Staff recommendation: Comply with 20.70.

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

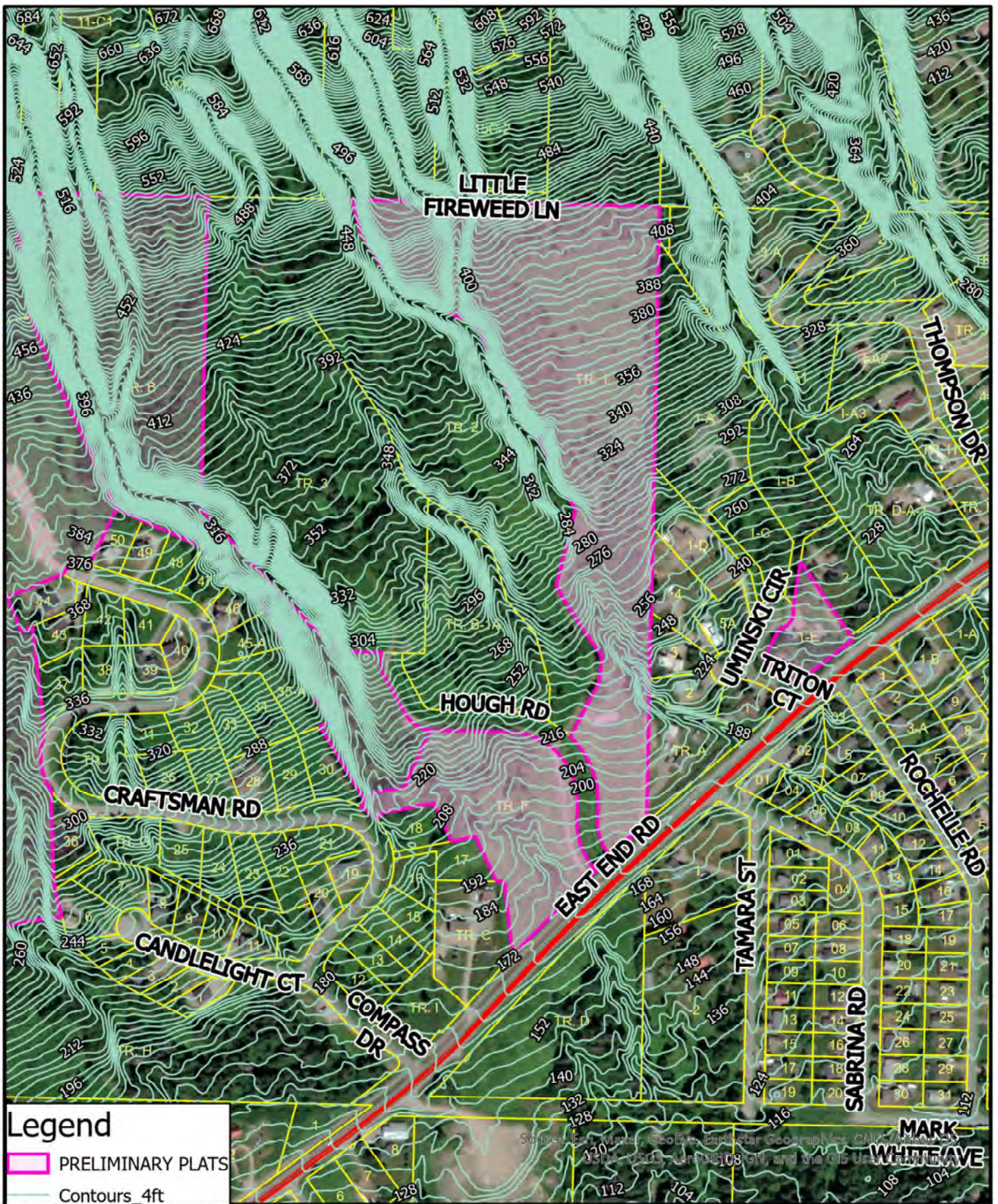
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ABOVE RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

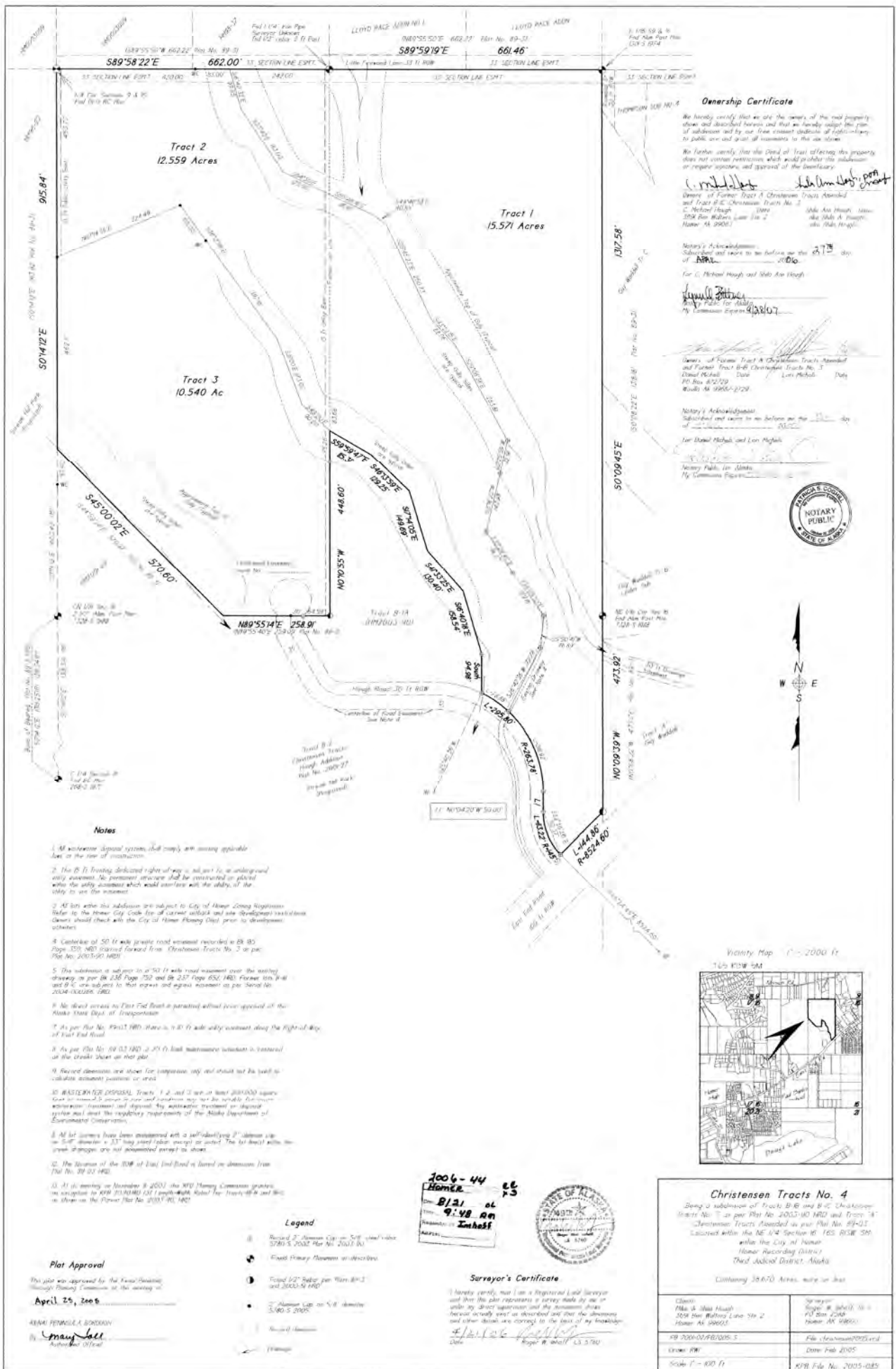
NOTE: 20.25.120. - REVIEW AND APPEAL.

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 10 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.

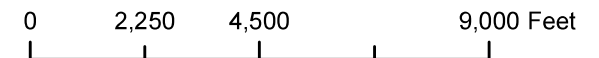
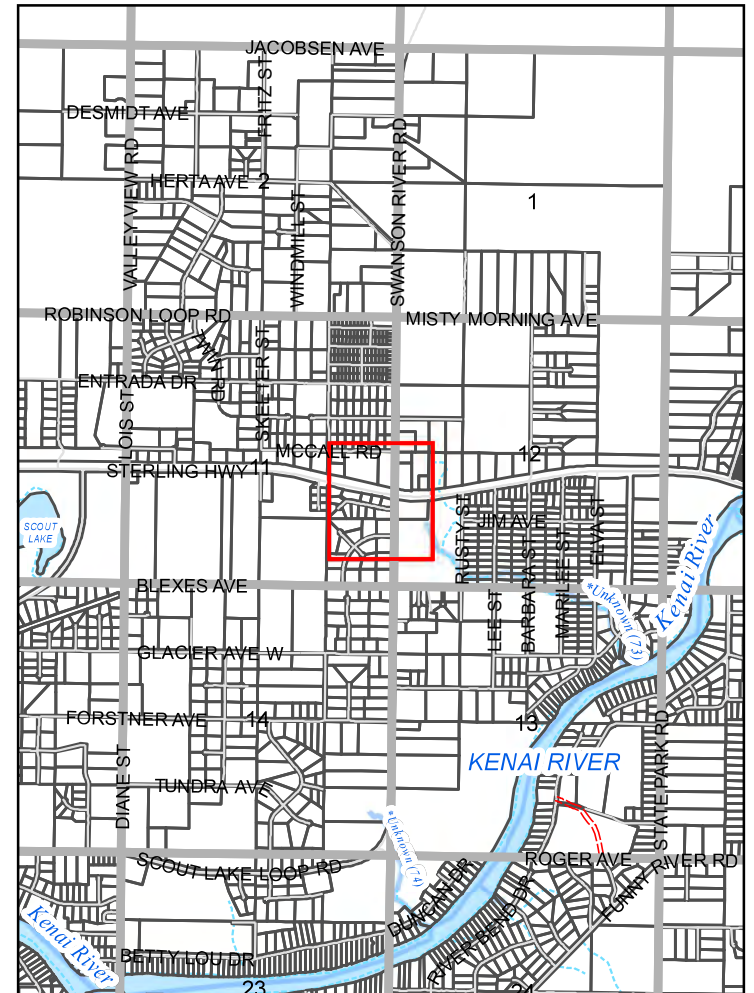
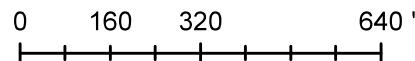
END OF STAFF REPORT







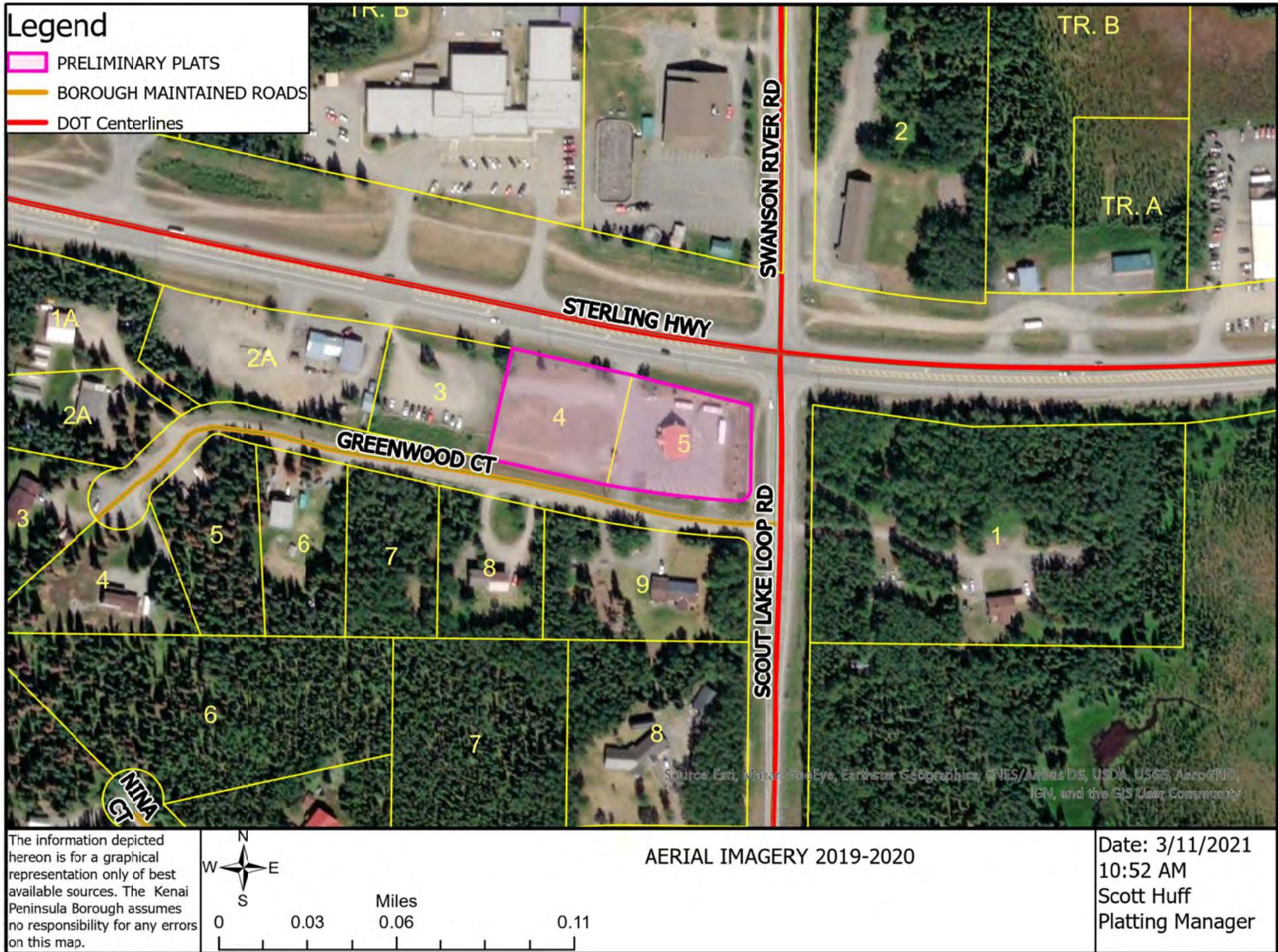
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

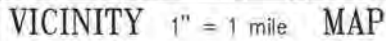


KPB 2021-055
S11 T05N R09W
STERLING



Date: 4/19/2021
 JHindman, KPB 2021-055





A replat combining Lots 4 & 5 Block 1 Barker Subd., KRD 78-199.
Located in the SE 1/4 Section 11, T5N R9W, SM, Sterling, Alaska.
Kenai Recording District Kenai Peninsula Borough

Naptowne Holdings, LLC
37837 Three Johns St.
Sterling, AK 99672

Johnson Surveying
P.O. Box 27
Clam Gulch, Ak 99568

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. This is a paper plat replat. No field survey was conducted in conjunction with preparing this plat, no corners were found or set.
4. No access to state maintained ROWs permitted unless approved by the State of Alaska Dept. of Transportation.
5. Sterling Hwy ROW is as shown on State DOT ROW plans IR-OA3-3(3) sheet 48 of 74.
6. Lots topography is flat. There are no wet areas on the property.



AGENDA ITEM E. NEW BUSINESS

ITEM 2 – BARKER SUBDIVISION #2

KPB File No.	2021-055
Plat Committee Meeting:	May 10, 2021
Applicant / Owner:	Naptowne Holdings, LLC
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Corner of Sterling Highway, Scout Lake Loop Road, and Greenwood Court; Sterling Area

Parent Parcel No.:	063-680-10, 063-680-11
Legal Description:	Lots 4 and 5, Block 1 of Barker Subdivision, KN 78-199
Assessing Use:	Residential/General Commercial
Zoning:	Rural Unrestricted
Water / Wastewater	On-site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two parcels that are 0.84 acres into one lot that will be 1.682 acres.

Legal Access (existing and proposed):

The proposed subdivision is located at approximate milepost 83.5 of the Sterling Highway in the Sterling area. The subdivision has access by way of the Sterling Highway, Scout Lake Loop Road and Greenwood Court. Sterling Highway is a varying width right of width that is maintained by the State of Alaska DOT. Scout Lake Loop Road is a 100 foot wide right of way that is maintained by the State of Alaska DOT. Greenwood Court is a 60 foot wide right of way that is improved and maintained by the Kenai Peninsula Borough. Greenwood Court was originally named Sterling Drive but due to a vacation on the western end the street name was changed by Resolution SN 1996-04. Per KPB GIS imagery, this subdivision has one driveway on the Sterling Highway and two driveways on Greenwood Court.

KPB Roads Dept. comments	Within jurisdiction; no comments
SOA DOT comments	The ROW for the Sterling Highway is as shown on sheet 48 of 74, Sterling Highway Mile 79-94, plat 2013-26

Site Investigation:

The subdivision appears to be relatively flat and contains no low, wet areas.

Floodplain Hazard Review	Not within a flood hazard area.
Anadromous Waters Habitat Protection District Review	Not within an AWHPD.
State Parks Review	No comments.

Staff Analysis

The proposed subdivision will combine two lots into one lot. These lots were both created by Barker Subdivision, KN 78-199. Per the parent plat, these lots were 40,068 and 40,015 square feet. This plat will increase the lot size and provide more adequate area for on site water and wastewater disposal.

The State of Alaska project IR-0A3-3(3), as seen in KN 2013-26, page 48, acquired additional right of way for the Sterling Highway. This created a change to the lot acreage and these lots currently do not comply with minimum lot size. Parent Lot 4 was reduced to approximately 37,026 square feet and Lot 5 to approximately 36,590 square feet. Combining the lots will create one lot that is compliant with minimum lot size.

Per KPB Code 20.40.020(A)(2), the plat will increase the lot sizes by 1,000 sq. ft. and a soils analysis report is not required. **Staff recommends** the correct wastewater disposal plat note be added to the plat.
“WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.”

Notice of the proposed plat was mailed to the beneficial interest holder on April 27, 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 block is not compliant to KPB Code. The block length along Scout Lake Loop Road is approximately 280 feet, which is short of the minimum length. The block length along the Sterling Highway is slightly too long with an approximate length of 1,500 feet. The block length along the Sterling Highway was compliant until a portion of Sterling Drive was vacated by plat KN 94-63. **Staff recommends** that the Plat Committee concur that an exception is not required as any dedications granted will not improve the block length.

The current lots share an access from the Sterling Highway. This platting action will combine the lots to remove issues of encroachment between the two lots, if any exist.

Staff recommends the following corrections/edits be made

CORRECTIONS / EDITS

Plat notes to be added:

- Provide the correct wastewater disposal note.
- The certificate to plat contains a reservation of easement. “Reservation of Easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.”

Revise plat note 5 to include the recording information of KN 2013-26.

Within the vicinity map, add road to Scout Lake Loop Road.

Provide the status of adjacent lands within 100 feet of the subdivision boundary.

Include Block One within this subdivision boundary.

Utility Easements

The 5 foot utility easement from the parent plat is being carried forward. This platting action will grant the front 10 feet of the building setback and the entire building setback within 5 feet of the side lot lines as a utility easement.

Utility provider review:

HEA	No comments.
ENSTAR	No comments or objections

ACS	No objections.
GCI	

KPB department / agency review:

Planner – Bryan Taylor	There are not any Local Option Zoning District issues or material site issues with this proposed plat.
Code Compliance – Eric Ogren	No comments
Addressing – Derek Haws	Affected addresses: 35021 Sterling Highway, 35051 Sterling Highway. 35021 Sterling Highway will remain on Lot 4A. All existing street names are correct.
Assessing – Adeena Wilcox	No comments

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

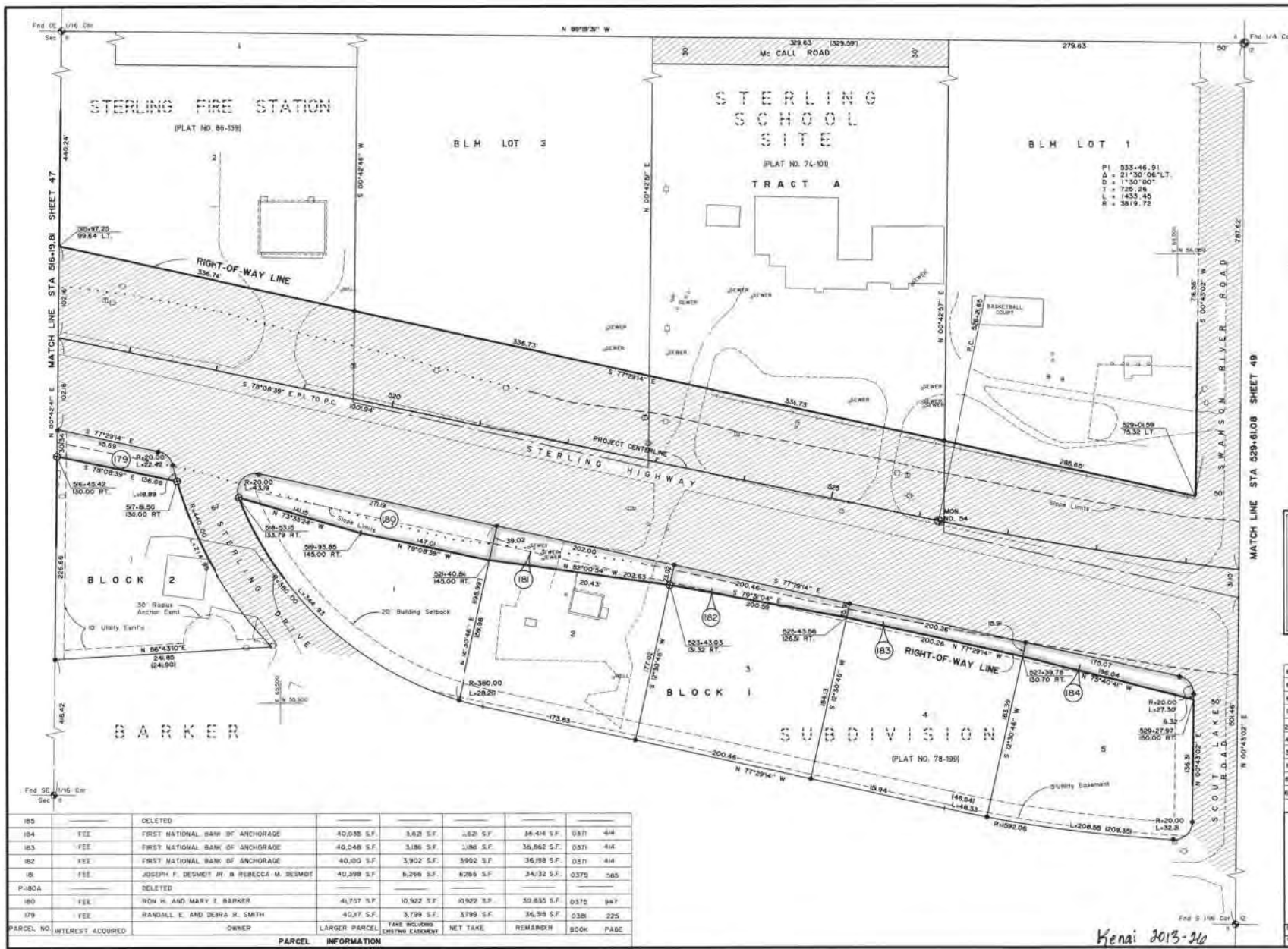
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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



- MONUMENT NOTES:**
1. STATIONS AND OFFSETS ON THIS MAP SHEET ARE TO COMPUTED LOCATIONS.
 2. THE AS-BUILT LOCATIONS OF THE PROJECT CENTERLINE SURVEY MONUMENTS VARY FROM DESIGN LOCATIONS DEPICTED ON THIS MAP SHEET. REFER TO SHEET 73 FOR MONUMENT LOCATIONS AS DETERMINED BY AK DOT B PF.
 3. THE AS-BUILT LOCATIONS OF RIGHT OF WAY BOUNDARY MONUMENTS VARY FROM THE DESIGN LOCATIONS DEPICTED ON THIS SHEET. REFER TO SHEET 74 FOR MONUMENT LOCATIONS AS DETERMINED BY AK DOT B PF.

SPECIAL GENERAL NOTE:
SUBDIVISION NAMES, PLAT NUMBERS, AND DEPICTIONS OF PROPERTIES ADJACENT TO THE RIGHTS-OF-WAY SHOWN HEREON WERE GENERATED AT THE TIME OF THE INITIAL PLAN DEVELOPMENT IN 1989. THIS PLAN SET DOES NOT NECESSARILY REFLECT THE CURRENT STATUS AT THE TIME OF RECORDING THIS DOCUMENT.

KENAI RECORDING DISTRICT

DATE	REVISION	BY
6/9/02	ADDED R.O.W. MONUMENT	OS
6/9/02	ADDED NOTES	OS
6/9/02	REMOVED MONUMENT COORDINATES	OS
1/08/01	ADD MONUMENT COORDINATES	MES
2/8/98	REVISED AREA, DIMS, P-180A	ME
4/8/90	ADDED PERMIT P-180A	ME
5-8-90	DELETED PARCEL 185 REVISED OFFSETS	OE
6/22/89	REVISED SLOPE LIMITS, TOPO AND CL	OE
8-2-89	CHANGED OWNER PARCEL 181	OE
6-30-89	CHANGED SHEET NO.	OE

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
PUBLIC FACILITIES
RIGHT OF WAY MAP
ALASKA PROJECT NO.
IR-0A3-3(3)
56375

STERLING HIGHWAY MILE 79.94

DRAWN	HALL	DATE	DEC 1988	SCALE	1"=50'
CHECKED	DE	DATE	DEC 1988	SHEET	48 OF 74





PARCEL NO.	INTEREST ACQUIRED	OWNER	LARGER PARCEL	TAKE HOLDING EXISTING EASEMENT	NET TAKE	REMANDEX	BOOK	PAGE
185	DELETED							
184	TEE	FIRST NATIONAL BANK OF ANCHORAGE	40,055 S.F.	5,821 S.F.	1,621 S.F.	36,414 S.F.	0371	414
183	TEE	FIRST NATIONAL BANK OF ANCHORAGE	40,048 S.F.	3,186 S.F.	1,186 S.F.	36,862 S.F.	0371	414
182	TEE	FIRST NATIONAL BANK OF ANCHORAGE	40,009 S.F.	3,902 S.F.	3,902 S.F.	36,107 S.F.	0371	414
181	TEE	JOSEPH F. DESMOT JR. & REBECCA M. DESMOT	40,398 S.F.	8,264 S.F.	6,264 S.F.	34,132 S.F.	0375	585
P-180A	DELETED							
180	TEE	RON H. AND MARY E. BARKER	41,757 S.F.	10,922 S.F.	10,922 S.F.	30,835 S.F.	0170	847
179	TEE	RANDALL E. AND DEBRA R. SMITH	40,077 S.F.	3,799 S.F.	3,799 S.F.	36,278 S.F.	0381	225

PARCEL INFORMATION

Kenai 2013-26

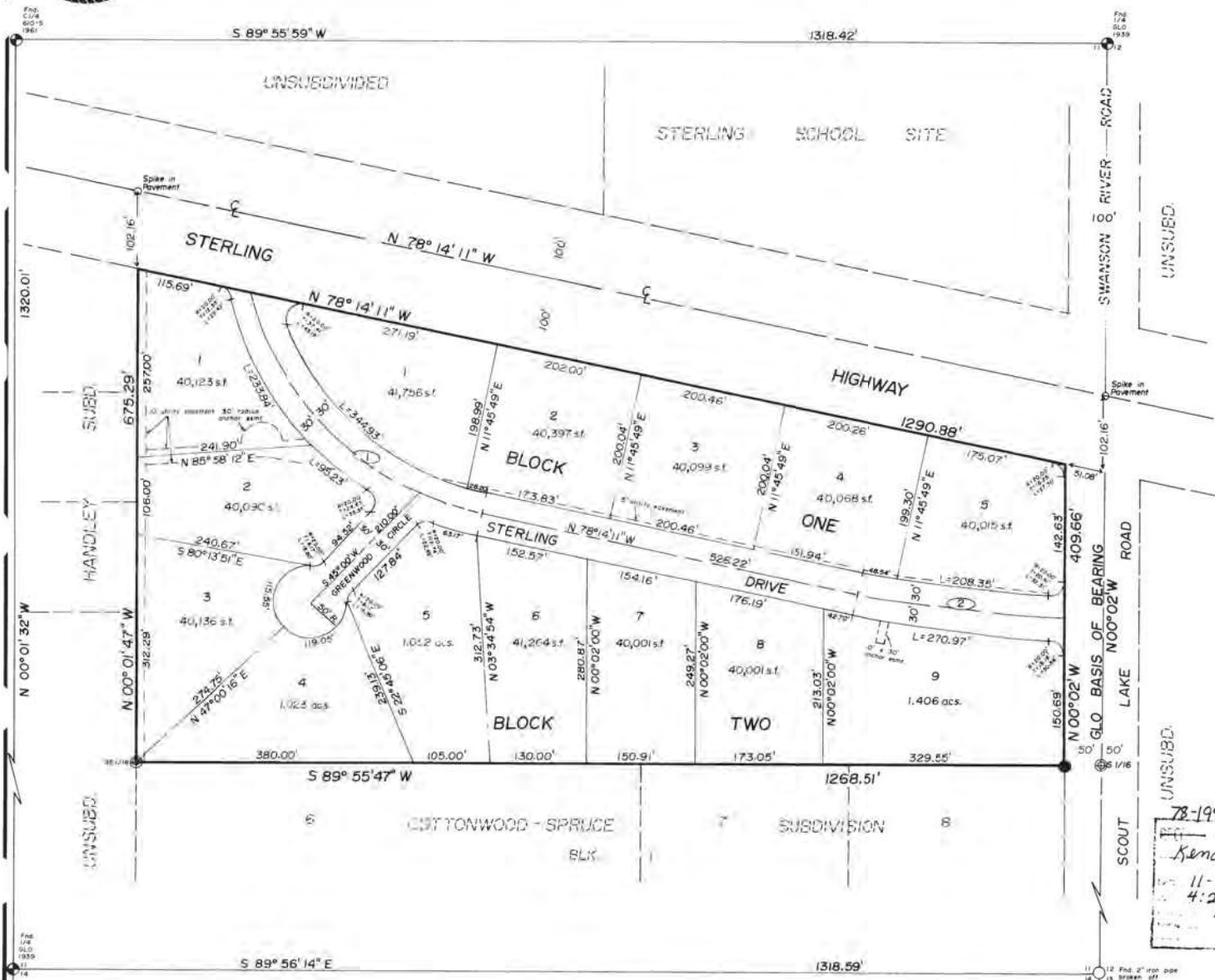
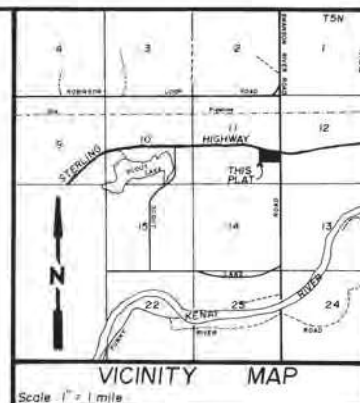
Page 48 of 74

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

 Ronald H. Barker, St. Rte. 2 Box 205, Sterling, AK 99672	 Mary E. Barker
 Raymond H. Barker, St. Rte. 2 Box 205, Sterling, AK 99672	 Lucille P. Barker

Subscribed and sworn to before me this 26th day of (October), 1918.

Wendy A. Litchens
Notary Public for Alaska
My Commission Expires 9-21-20



LEGEND AND NOTES
 Ⓢ Found 3 1/4" Aluminum Cap (3932-S 1978)
 Ⓢ Found Brass Cap monument
 Ⓢ Set 1 1/2" Aluminum Cap (1300-S 1978)
 ⊥ Set 1/2" x 24" steel rebar.
 ● Found 1/2" rebar

All bearings refer to the East boundary of Sec. 11, T5N, R9W, S.M., AK as being N 00° 02' W.

All datum of record shown thus (·).

All lots are subject to a 20' bldg setback along all dedicated R/W's

All wastewater disposal systems shall comply with existing law at time of construction.

Lot 1, Block Two and Lots 1-5, Block One are intended for commercial use.

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of October 23, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

KENAI PENINSULA BOROUGH
By Philip Waring

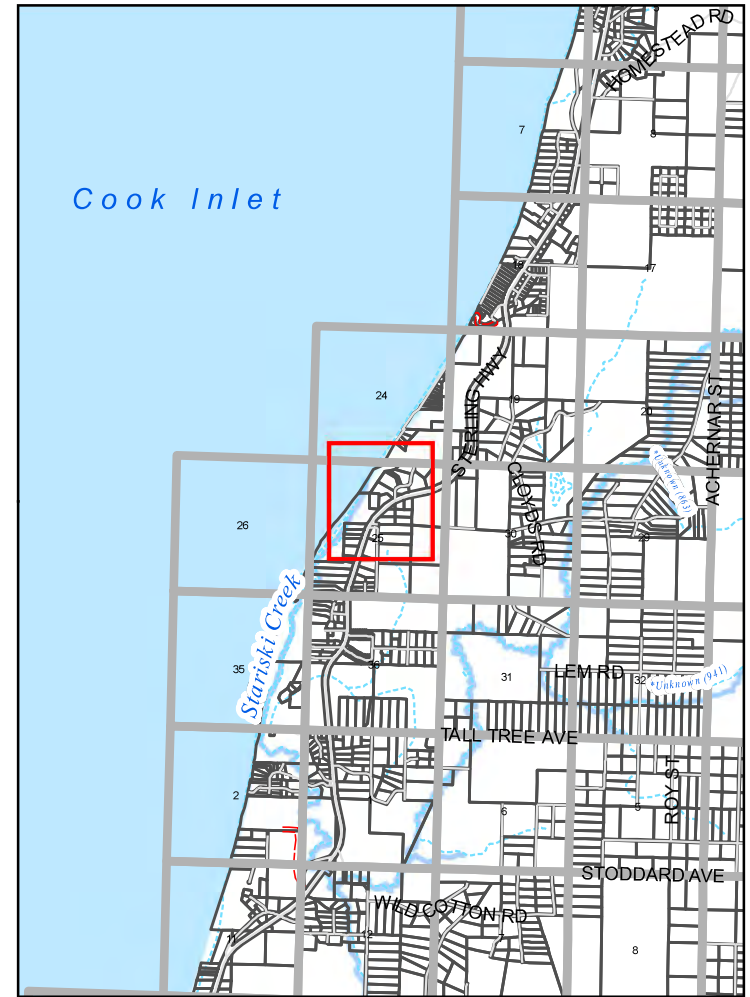
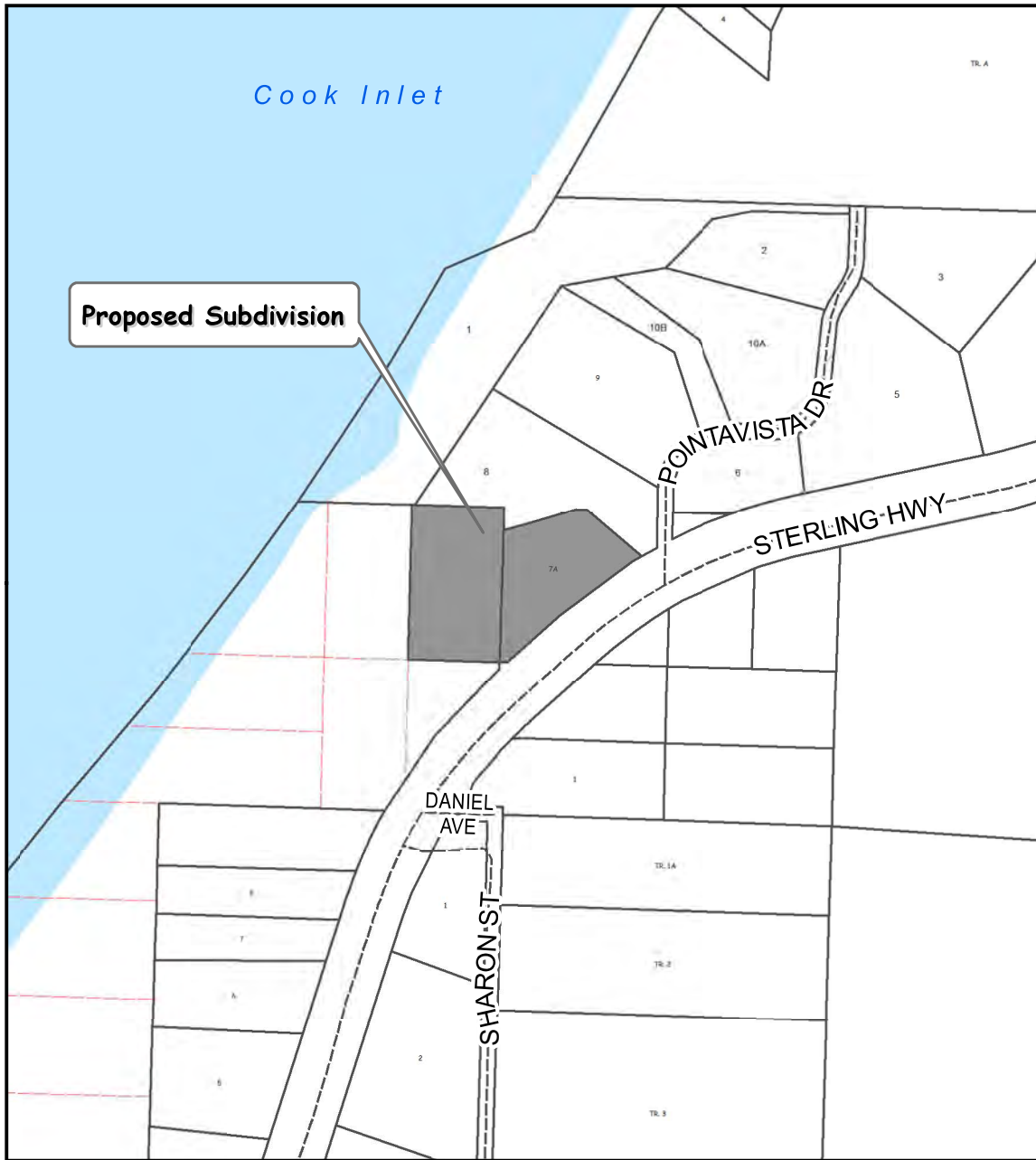
DESCRIPTION: Located within NE1/4SE1/4, Sec. 11, T5N, R9W, S.M., AK lying southerly of the Sterling Highway and in the Kenai Peninsula Borough containing 15.797 acres more or less.

OWNER: Ron Barker et al
St. Rte. 2 Box 205
Sterling, AK 99672

80 Box 476 Sedalia, Mo 64581

Geologist, Registered Land Surveyor

Date Surveyed October 1978	Scale 1" = 100'	BA No. 77-5
-------------------------------	--------------------	----------------



0 4,450 8,900 17,800 Feet

KPB 2021-056
S25 T03S R15W
HAPPY VALLEY



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

0 310 620 1,240'

Date: 4/19/2021
 JHindman, KPB 2021-056

Legend

- PRELIMINARY PLATS
- BOROUGH MAINTAINED ROADS
- DOT Centerlines



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

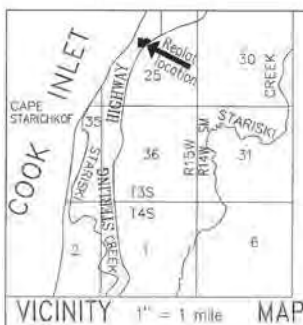


0 0.04 0.09 0.18

Miles

AERIAL IMAGERY 2019-2020

Date: 3/11/2021
10:52 AM
Scott Huff
Platting Manager



Willard Point Preliminary Plat

A replat combining Lot 7A Rozak Stariski Creek Subd. (HRD 98-67), and Gov Lot 6 Section 25, Located in the SE 1/4 NW 1/4 & NW 1/4 SE 1/4 of Section 25, T3S R15W, SM, Stariski, Alaska. Homer Recording District Kendi Peninsula Borough

Prepared for
Richard & Victorine Willard
P.O. Box 44
Anchor Point, AK 99556

Prepared by
Johnson Surveying
P.O. Box 27
Clam Gulch, AK 99568

KPB 2021-056

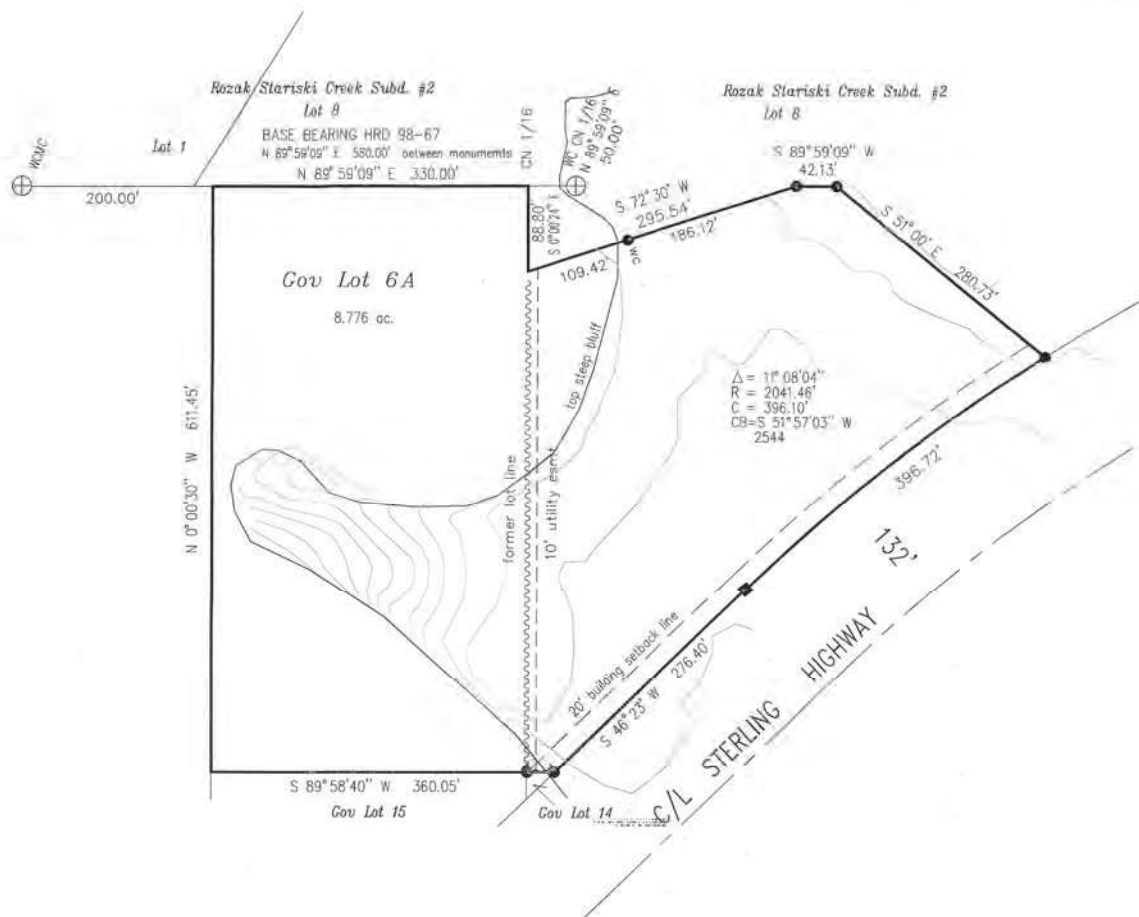
SCALE 1" = 100' AREA = 8.776 acres 20 March, 2021

LEGEND

- ⊕ - 2 1/2" alcap monument, 7328-S, 1998, record HRD 98-67.
- - 1/2" rebar with plastic cap, 7328-S, 1998, record HRD 98-67.
- ◆ - DOT concrete monument, record HRD 98-67.

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. 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.
3. No direct access to State maintained ROWs permitted unless approved by the State of Alaska Dept. of Transportation.
4. Former Lot 7A Rozak Stariski Creek Subd. is subject to a Reservation of Easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958, and Dept. of Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed with the Federal Register.
5. Former Lot 7A Rozak Stariski Creek Subd. is subject to an electrical easement granted to Homer Electric Association, Inc. by Homer Records Deed book 19 page 107, this is a general easement, no definite location given.
6. Sterling Highway ROW is as according to State ROW Plat F-021-1(2), sheet 23 of 38.
7. Contour interval 4'. Area over steep bluff shown with no contours exceeds 25% grade. There are no wet areas on the property.



AGENDA ITEM E. NEW BUSINESS

ITEM 3 – WILLARD POINT

KPB File No.	2021-056
Plat Committee Meeting:	May 10, 2021
Applicant / Owner:	Richard and Victorine Willard
Surveyor:	Johnson Surveying
General Location:	MP 148 Sterling Highway / Anchor Point APC

Parent Parcel No.:	159-190-51, 159-180-54
Legal Description:	Lot 7A, Rozak Stariski Creek Subd. HM 98-67 Govt. Lot 6 lying W of the Sterling Highway
Assessing Use:	Residential Dwelling
Zoning:	Unrestricted
Water / Wastewater	On - site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine Lot 7 (4.144 Ac.) and Govt. Lot 6 (5 Ac.) into one parcel that will be 8.776 acres in size.

Legal Access (existing and proposed):

Legal access to the subdivision is provided by the Sterling Highway. Govt. Lot 6 does not front the Sterling Highway. A single driveway provides shared access for both lots. By combining the two lots into one it will allow legal access to the entire parcel.

The Govt. Lots to the south as west are owned by KPB and have legal access by the Sterling Highway and along the beach.

KPB Roads Dept. comments	Within KPB jurisdiction, no comments.
SOA DOT comments	The ROW for the Sterling Highway is as shown on sheet 23 of 38, F-021-1(2), Homer Serial Number 63-423

Site Investigation:

GIS imagery shows buildings on both parcels with driveways and other smaller structures.

This subdivision is very near to Cook Inlet and affected by the steep bluff. Most of Govt. Lot 6 is affected by the bluff with a small upland area that contains a house. The steep slope limits the area that can be developed. **Staff recommends** the usable area be added to the final plat along with the total acreage.

The subdivision does not front Cook Inlet and is not affected by a meander line or any public access easement attached to the mean high water line.

Floodplain Hazard Review	Not within a flood hazard area. Located in a D-zone which is non-regulatory.
Anadromous Waters Habitat Protection District Review	Not within a Habitat Protection District.
State Parks Review	No Comments.

Staff Analysis

Lot 7A was created in 1998 by subdivision plat that subdivided several government lots. No access was given to Govt. Lot 6

A wastewater report was prepared for Lot 7A which stated the soils were suitable for conventional onsite wastewater treatment and disposal systems. This plat will be combining two lots into one, increasing the area available for wastewater disposal installation, and will not require a wastewater review.

Improvements have been made on both parcels and the combining of the lots into one will remove any future encroachment issues as the lots cannot be transferred separately.

This subdivision is located within an incomplete block. **Staff recommends** the plat committee concur that this subdivision cannot provide a right of way dedication to help with block length due to steep terrain, Cook Inlet, development in the area, and the location of the Sterling Highway, and an exception is not required.

Notice of the proposed plat was mailed to the beneficial interest holder on April 27, 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.

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

20.25.070 Form and contents required

- Typically, the parent plat name is carried forward, however Staff is agreeable to a new subdivision name as this will be a combination of a government Lot and a subdivide parcel. Another option would be to revise the subdivision name to carry forward the parent plat name. i.e. Rozak Stariski Creek Subd Willard Point addition.
- Correct the aliquot description to SE1/4 NW1/4 & SE1/4 NW1/4 of Section 25
- Confirm the total acreage as KPB information shows 9.14 Ac.
- Provide status labels and parcel lines for the government lots to the south and west.
- Remove 'Gov' from the lot label.
- Verify the small remaining portion of the Gov. Lot south of the subdivision as this appears to be Gov. Lot 13.

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: Clearly show or depict the survey markers that were used to define the boundary of Gov. Lot 6.

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

Staff recommendation: Remove 'Gov' from the lot designation.

Utility Easements

The utility easements of record as shown on plat HM 98-67 are being carried forward. **Staff recommends** a reference be added to note the source of the record easements.

A utility easement of record, location undefined, affects the subdivision and is referenced in plat note 5.

Utility provider review:

HEA	Reviewed, no comments.
ENSTAR	No comments or recommendations.

ACS	No objections.
GCI	Approved as shown.

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 26425 STERLING HWY 26365 STERLING HWY No other comments.
Code Compliance – Eric Ogren	No comments.
Planner – Bryan Taylor	There are no local option zoning district issues or material site issues associated with this subdivision.
City Advisory Comments	No comments.
Advisory Planning Commission	

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

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.

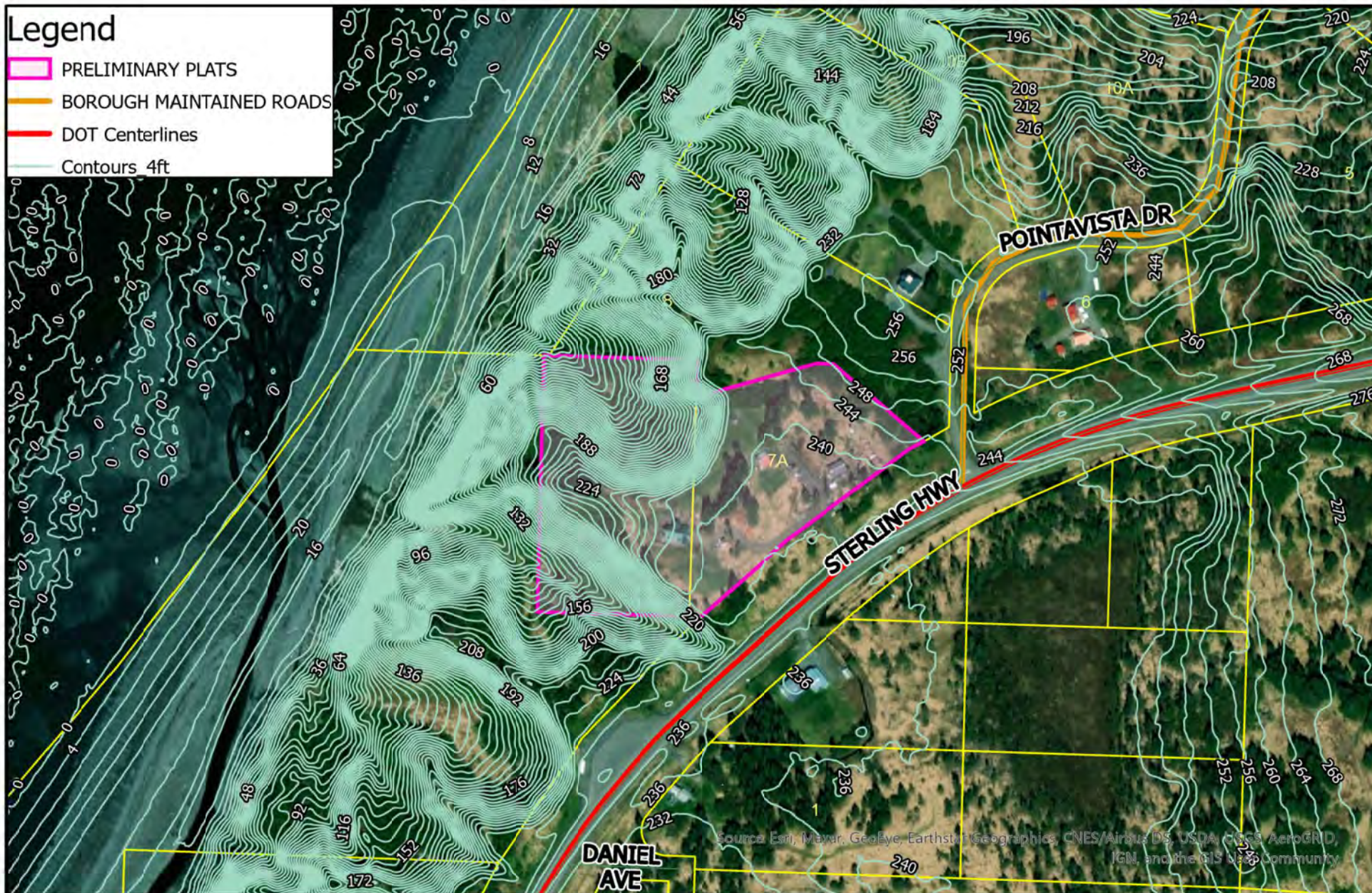
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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.

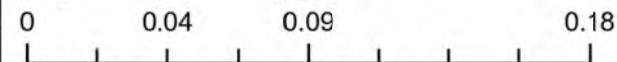
END OF STAFF REPORT

Legend

- PRELIMINARY PLATS
- BOROUGH MAINTAINED ROADS
- DOT Centerlines
- Contours 4ft



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



AERIAL IMAGERY 2019-2020

Date: 3/11/2021
10:52 AM
Scott Huff
Platting Manager

ROZAK STARISKI CREEK SUBDIVISION

Replat of Gov Lots 1, 7, & 8 (portion north of Sterling Highway), NE1/4 & NW1/4 Section 25, T3S R15W, SM, Stariski, Alaska.
Homer Recording District KPB File 98-118

Prepared for
Larry M Rozak
P.O. Box 1170
Kastof, AK 99610

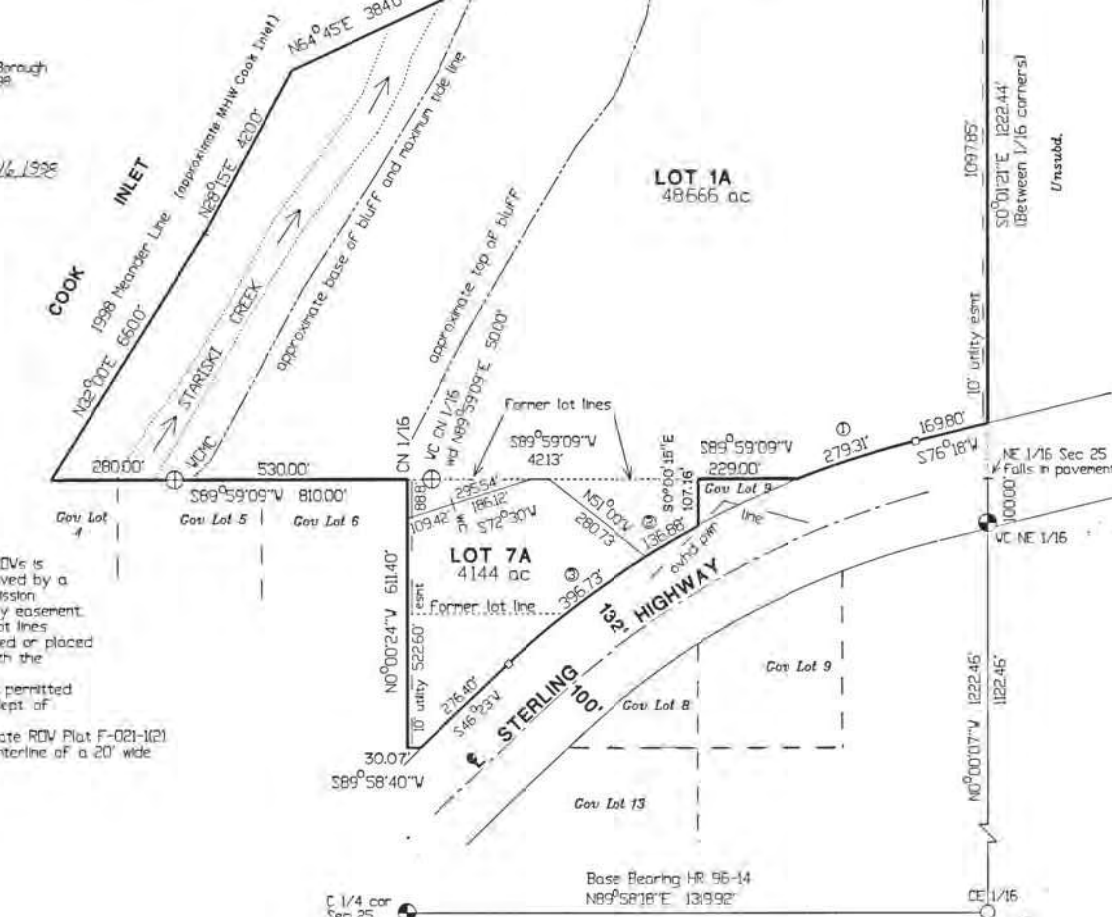
Prepared by
Johnson Surveying
Box 27
Clam Gulch, AK 99568



SCALE 1" = 200' AREA = 52.81 acres 18 May, 1998

LEGEND

- ⊕ - 1919 USOLD brass cap monument, Found
- ⊙ - 3/4" alcap monument, 4725-S, 1986, Found
- ⊙ - 2 1/2" alcap monument, 7328-S, 1997, Found
- - 5/8" rebar by 4725-S, Found
- ⊕ - 1/2" x 4" rebar with 1" plastic cap, set
- ⊕ - 5/8" x 10" rebar with 2 1/2" alcap, set
- ⊙ - DOT concrete RDV monument, Found
- [] - Record information



98-67
RECORDED FILED
HOMER RECORDING DIST.
DATE 12/17/1998
TIME 3:08 PM
Requested by:
Johnson Surveying
Box 27
Clam Gulch, AK 99568

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 22 June, 1998.

KENAI PENINSULA BOROUGH

BY: *Max Burt* December 16, 1998
Authorized Official Date

CURVES

- ① Δ = 7°30'21" R = 2041.46' C = 279.09' CB = 572°22'50"V
- ② Δ = 3°50'30" R = 2041.46' C = 136.86' CB = 559°26'18"V
- ③ Δ = 11°08'05" R = 2041.46' C = 296.10' CB = 73°57'03"V

NOTES

- A building setback of 20' from all street RDVs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
- No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- No direct access to State maintained RDVs permitted unless approved by the State of Alaska Dept. of Transportation.
- Sterling Highway RDV is as according to State RDV Plat F-021-1121.
- Existing overhead powerline show is the centerline of a 20' wide electrical distribution line easement.

WASTEWATER DISPOSAL

LOT 1A

These lots are at least 200,000 sq ft or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

LOT 7A

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 and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Dept. of Environmental Conservation.

Ann Tikh CE 8300 9 Sept 98
Engineer License # Date

OWNERSHIP CERTIFICATE

We hereby certify that we are the owners of the real property shown and described herein and that we hereby adopt this plan of subdivision and by our free consent dedicate and grant all easements to the use shown.

Larry M Rozak
Larry M Rozak P.O. Box 1170 Kastof, AK 99610

Richard Willard
Richard Willard P.O. Box 44 Anchor Point, AK 99556

Victorine M Willard
Victorine Willard P.O. Box 44 Anchor Point, AK 99556

NOTARY'S ACKNOWLEDGEMENT

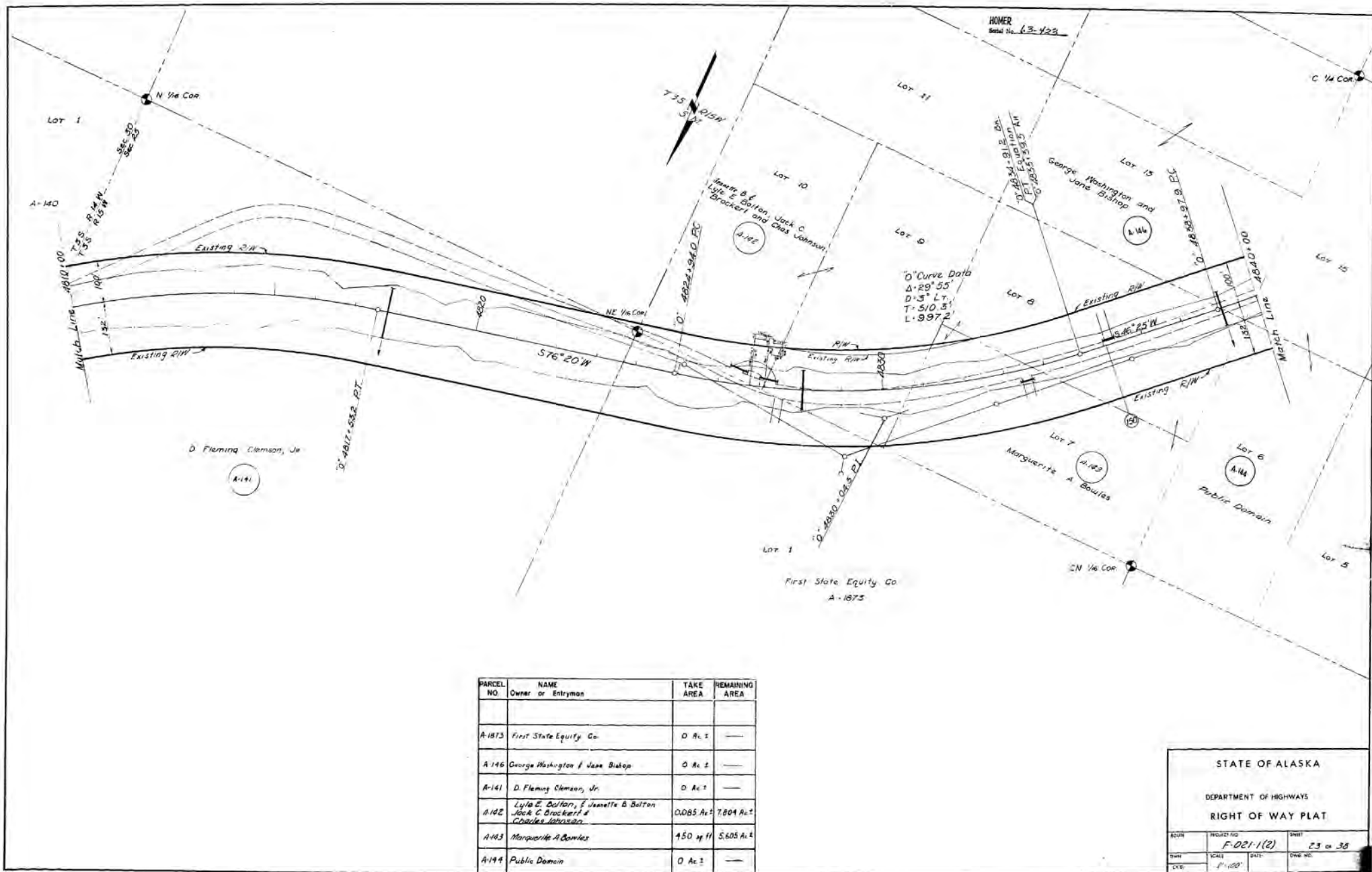
For Larry M Rozak
Subscribed and sworn to before me this 21 day of August 1998
Carol Joyce
Notary Public for Alaska
My commission expires Postmaster

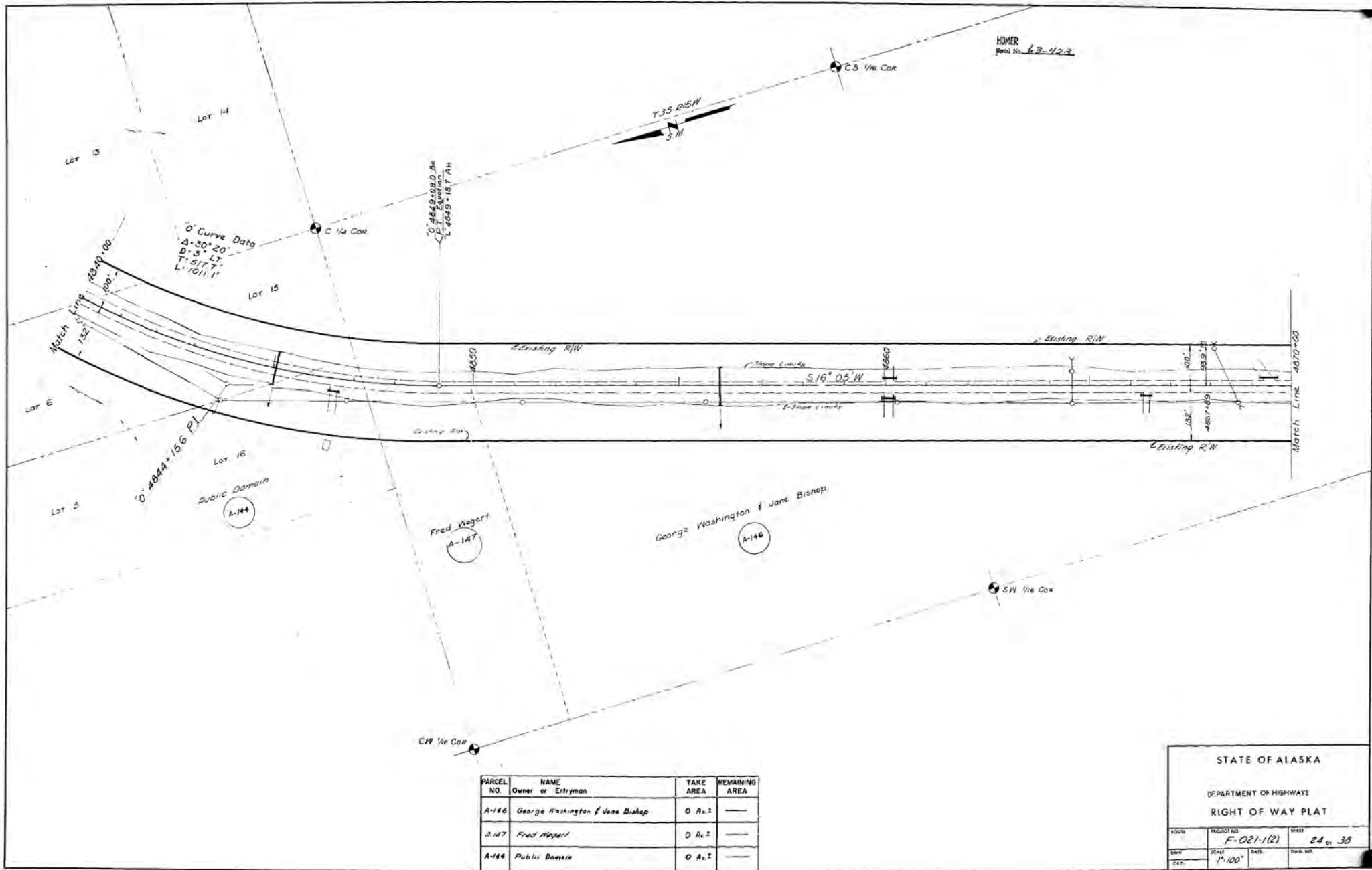


NOTARY'S ACKNOWLEDGEMENT

For Richard & Victorine Willard
Subscribed and sworn to before me this 22nd day of August 1998
William Evers
Notary Public for Alaska
My commission expires 2/10/99

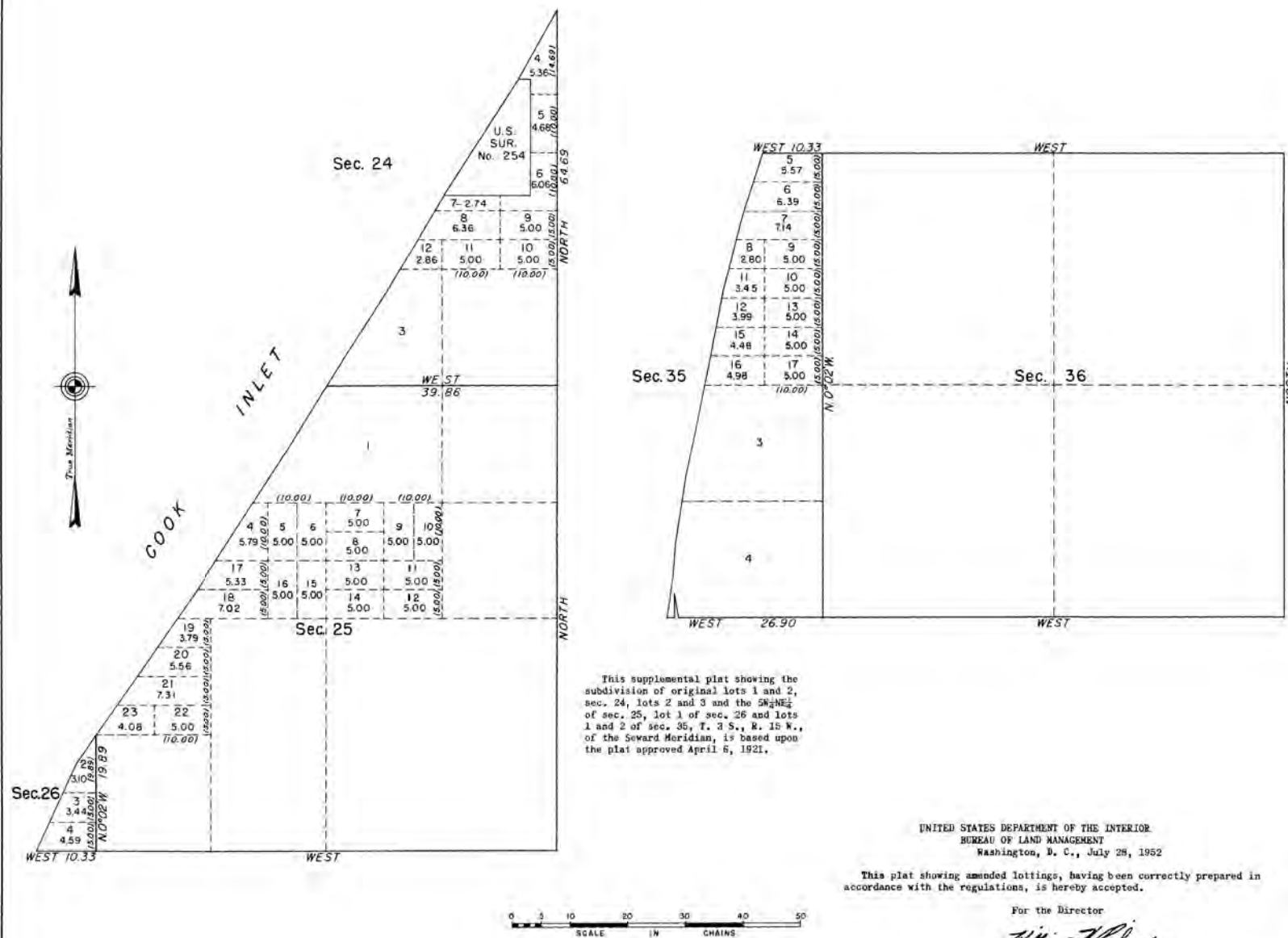


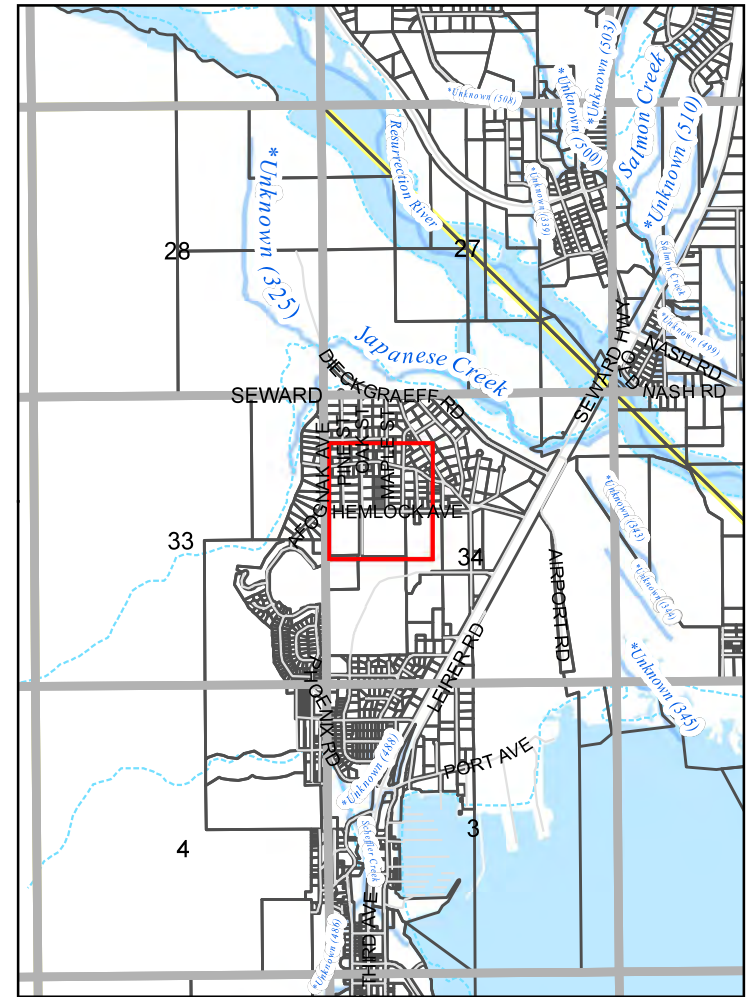
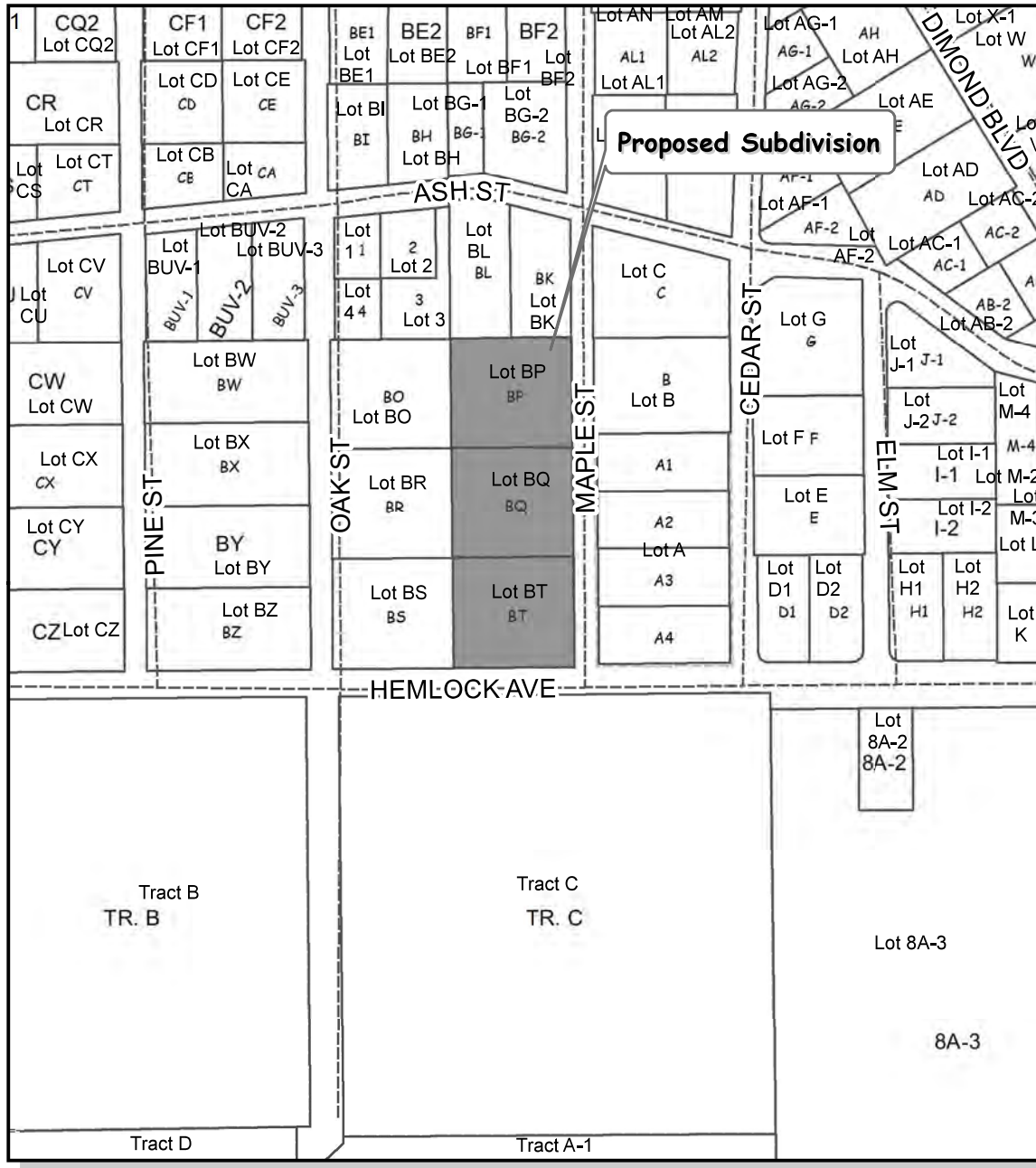




TOWNSHIP 3 SOUTH, RANGE 15 WEST, OF THE SEWARD MERIDIAN, ALASKA

SUPPLEMENTAL PLAT





0 2,100 4,200 8,400 Feet

KPB 2021-049
S34 T1N R1W
CITY OF SEWARD

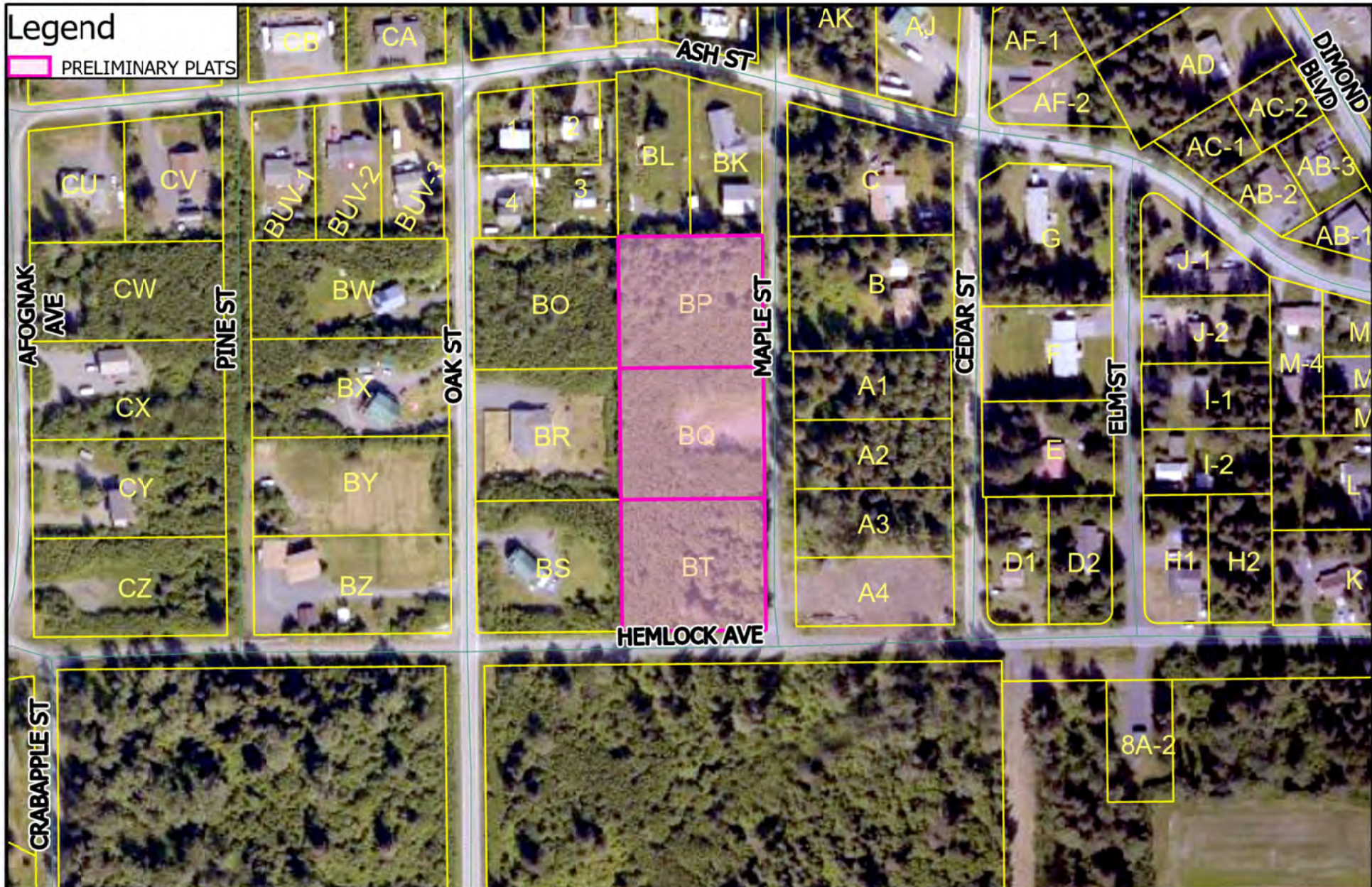


Date: 4/15/2021
JHindman, KPB 2021-049



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

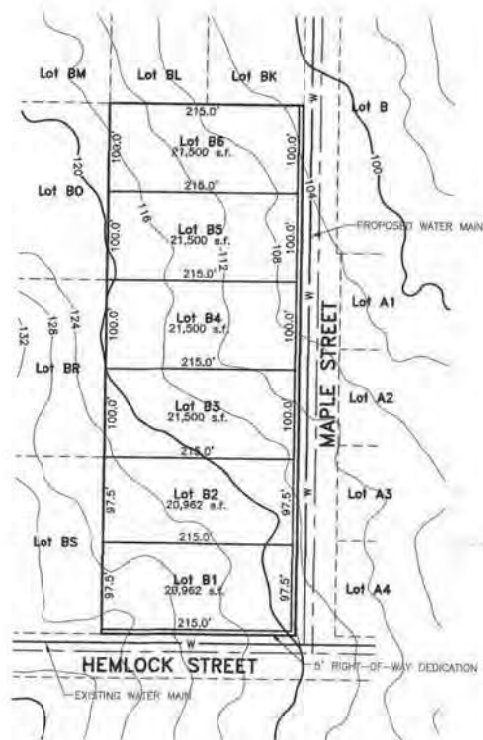
0 165 330 660'



<p>The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.</p>	<p>0 0.03 0.06 0.11 Miles</p>	<p>AERIAL IMAGERY 2020</p>	<p>Date: 3/11/2021 10:52 AM Scott Huff Platting Manager</p>
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PRELIMINARY



PRELIMINARY

PRELIMINARY

PRELIMINARY

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we), hereby certify that I (we) am the owner of the real property shown and described hereon and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-ways and public areas to public use and grant all easements to the use shown.

Owner

LAWRENCE HARMON & CAROL HARMON
P.O. Box 1606
Seward, Alaska 99564-1606

Notary Acknowledgement

for _____ Subscribed and
sworn to before me this _____ day _____

Notary Public for the State of Alaska My Commission Expires _____

SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska. This plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska

PLAT APPROVAL

Plat approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____

Borough Official _____



WASTEWATER DISPOSAL

Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.

NOTES

- 1) This parcel is subject to the City of Seward zoning and land use regulations.

KPB File 2021-049

Vicinity Map		Scale: 1" = 1 Mile
<p>PLAT OF FOREST ACRES - HARMON ADDN. Lots B1-B6 - CONTAINING 2.937 Acres A RESUBDIVISION OF Lots B0, B3, AND B4 ORIGINAL TOWNSHIP OF SEWARD - FOREST ACRES SUBD. (Plat No. 78-4) LOCATED WITHIN THE N.W. 1/4, SECTION 34, T1N, R1W, SEWARD MERIDIAN, ALASKA KENAI PENINSULA BOROUGH</p>		
SEWARD RECORDING DISTRICT		
Lang & Associates, Inc. Registered Land Surveyors		11500 Daryl Avenue Anchorage, Alaska 99515 (907) 522-6476 (907) 522-4625 Fax
GRID: N/A	SCALE: 1" = 30'	DATE: APRIL 2021
DRAWN: JCL	SHEET: 1 OF 1	PROJECT #: 21-059
JOB FILE: L21059pp.dwg		

AGENDA ITEM E. NEW BUSINESS

ITEM 4 - FOREST ACRES HARMON ADDN

KPB File No.	2021-049
Plat Committee Meeting:	May 10, 2021
Applicant / Owner:	Lawrence and Carol Harmon, Seward, Alaska
Surveyor:	Kenneth Lang / Lang and Associates, Inc.
General Location:	On Hemlock Avenue, Maple Street; City of Seward

Parent Parcel No.:	145-043-14, 145-043-15, 145-043-17
Legal Description:	Lots BP, BQ, and BT, Forest Acres Subd., Sec. 34, T01N R01W S.M.
Assessing Use:	Residential
Zoning:	Rural Residential
Water / Wastewater	City / On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide three 1 acre lots into six lots ranging in size from 20,962 square feet to 21,500 square feet. The total size of the subdivision is 2.9 acres.

Legal Access (existing and proposed):

The subdivision is located at the corner of Hemlock Avenue and Maple Street. Both roads have been constructed and are under municipal jurisdiction.

Maple Street varies in width. The portion in front of Lot B5 and B6 is 40 feet in width and the portion in front on Lot B1 – B4 is 45 feet in width. This plat will dedicate an additional 5 feet of right of way.

Hemlock Street is 50 feet in width. This plat will dedicate an additional 5 feet of right of way.

The subdivision is within a compliant block defined by Maple St., Hemlock St., Oak St., and Ash St.

KPB Roads Dept. comments	Outside of jurisdiction; no comments
SOA DOT comments	No comments

Site Investigation:

Per GIS Data there are no wetlands or bodies of water within the subdivision. The subdivision does fall into the Flood Hazard Zone X. This is designated as low to moderate risk of flooding. Per the City of Seward Planning and Zoning Commission, the subdivision is not subject to the City of Seward floodplain development requirements.

Floodplain Hazard Review	Within the City of Seward; In the X zone which is non-regulatory
Anadromous Waters Habitat Protection District Review	Is not within an AWHPD.
State Parks Review	No comments

Staff Analysis

The proposed subdivision is a replat of 3 lots within Forest Acres Subdivision, plat SW 17, that is dated 1950. A Boundary Survey was completed in 1978 to clarify the parcel boundaries, as the original document is difficult to read and was damaged by water.

The City of Seward Planning and Zoning Commission reviewed the subject plat at their March 2, 2021 meeting. They recommended approval subject to the following conditions:

1. Property owner shall enter into a subdivision development agreement with the City.

Below is a summary of the City of Seward Planning and Zoning Commission staff report.

The property is served by electric and maintained streets. Water and sewer are not located adjacent to the subject area. A water main runs along Hemlock and Ash Streets. Municipal sewer runs along Ash Street and is approximately 250 feet from Lot BT. The lots do meet the city requirements for minimum lot width and buildable lot size for the Rural Residential Zoning District. A subdivision development agreement is required.

The plat does depict a proposed water main within Maple Street and the existing water line within Hemlock Avenue. The submittal stated the water would be supplied by the city while the wastewater disposal will be onsite. For onsite wastewater disposal a soils report will be required. For connection to the City wastewater system, approval from the City of Seward will be required.

20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

- A. Lots shall contain at least 6,000 square feet if served by public wastewater disposal and water systems.
- B. Lots shall contain at least 40,000 square feet if both the well and wastewater disposal are to be located on the lot unless it can be demonstrated to the satisfaction of the commission that a smaller lot size is adequate for the safe location and operation of an on-site well and wastewater disposal system.
- C. Subdivisions designed to be served by public wastewater disposal and water systems but not yet served by such systems may be permitted to contain lots of less than 40,000 square feet if the following conditions are met:
 1. The available area may be reduced to 20,000 square feet when public water or wastewater disposal system is available, complying with KPB 20.40;
 2. A statement from an engineer affixed with his seal and signature attesting that the proposed lot design and associated building restrictions will assure adequate area is available to each building site for safe on-site well and wastewater disposal, including area for a replacement wastewater disposal system.

Staff recommendation: The proposal states the intent to connect to city water. Wastewater disposal is to be onsite. Per C, the lots proposed are compliant but a soils report is required and an engineer will need to sign the plat.

KPB Assessing records and the City of Seward both state all parent lots are currently vacant. KPB GIS imagery from 2020 indicates a clearing within Lot BQ.

A building setback is not required as this is located within the City of Seward and is subject to the

CORRECTIONS / EDITS

Staff recommends the following corrections be made.

KPB 20.25.070

- Within the title block
 - o Revise the subdivision name to 'Forest Acres Subdivision – Harmon Addition'.
 - o Correct the drawing scale.
 - o Revise the parent parcel description to match the certificate to plat i.e. *"A resubdivision of Lots BP, BQ, and BT, Forest Acres Subdivision (Plat SW 17). (Lots also shown on Boundary Survey Plat SW 78-4)."*
 - o Include the City of Seward for where the subdivision is located.
 - o Lot BM in the northwest has been resubdivided; correct to Lot 3 SW 95-30.
 - o South of Hemlock Avenue is Tract C SW 2007-21; this needs to be labeled.
 - o The plat number should be included for Lots A1- A4, SW 2018-3.
 - o The depiction of Lot B in the northeast corner needs to be updated.
 - o Lot B's top property line is directly across from the northern boundary of the subdivision. Adjust the property line and add a label to the north for "Lot C".
 - o Correct Hemlock Street to Hemlock Avenue.
 - o Dimension the right of way widths.

Update the Certificate of Ownership to be in the plural form.

The Notary certificate includes the term 'sworn' which makes it a jurat. Correct the heading to Notary's Jurat or revise the wording per KPB 20.60.190(A)(7).

Provide a Certificate of Acceptance of the City of Seward to accept the dedicated right of ways and utility easements being granted.

The following plat notes need to be added to the plat:

- The proposed subdivision is subject to a utility easement granted to the Territory of Alaska (State), including the term and provision thereof, for the purpose therein as found in easement located in Book 16, Page 214, SRD, recorded on September 30, 1948.
- The proposed subdivision is subject to street and utility easements granted to the City of Seward, including the terms and provisions thereof, for the purpose set out therein. The area delineated in Book 16, Page 85, SRD, recorded on June 19, 1978 is the 5 feet along Hemlock Avenue and the 5 feet along Maple Street. This is the area being dedicated as right of way.
- 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.
- The front 10 feet adjoining rights-of-way is a utility easement.

If wastewater disposal will be to the City utility then the correct note is on the plat. If the subdivision will have on-site wastewater, **Staff recommends** the wastewater note be corrected to comply with KPB 20.40

Utility Easements

Per the Certificate to Plat this subdivision is affected by two easements. One is for a sewer line (Bk. 16 Pg. 214) and one is for a street and utility easement (Bk. 16 PG. 85) which coincides with the right of way being dedicated with this plat. **Staff recommends** plat notes be added for these easements of record describing the location.

Staff recommends per KPB 20.30.060 Easements, that the 10 feet adjoin the new right of ways be granted as a utility easement with the location depicted and labeled on the plat.

A plat note is required to grant 10 feet along the right of ways.

Utility provider review:

ENSTAR	No comments or recommendations
--------	--------------------------------

ACS	Not within ACS area
GCI	
SEWARD ELECTRIC	(this subdivision is served by Seward electric utility)
CHUGACH ELECTRIC	No comment, not located in our service area.
TELALASKA	Has no objection to the preliminary plat. Requests for consideration, the addition of a 10' utility easement along all lot lines adjacent to any road right of way. Essentially identical to the usual KPB 20' / 10' building setback and utility easement.

KPB department / agency review:

Planner – Bryan Taylor	There are no local option zoning district or material site issues with this proposed plat.
Code Compliance – Eric Ogren	No comments
Addressing – Derek Haws	Affected addresses: 2415 Maple Street, 2409 Maple Street, 2403 Maple Street. Affected addresses will need to be reviewed by the City of Seward. Existing Street Names needing correction: Hemlock Street should be Hemlock Avenue
Assessing – Adeena Wilcox City Advisory Comments	No comments

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

EXCEPTIONS REQUESTED:

KPB 20.30.120 Street Width Requirements

Surveyor's Discussion:

Staff Discussion: The street width currently does not comply with KPB code or City of Seward code.

Seward code 16.05.010 requires a 50 foot width for right of ways while KPB 20.30.120 requires a 60 foot width for right of ways.

Hemlock Ave is 50 feet width and complies with Seward code but not KPB code. This platting action will dedicate an additional 5 feet for a new width of 55 feet.

Maple Street is 40 and 45 feet in width and does not comply with Seward code or KPB code. This platting action will dedicate an additional 5 feet for a width of 45 and 50 feet.

Staff cannot ask the Committee to apply KPB 20.30.270 (different standards in cities) because platting powers have not been delegated to the City of Seward.

If denied, additional right of way dedication will be required so that the right of way width is 60 feet to comply with KPB standards.

Findings:

1. The street width currently does not comply with KPB code or City of Seward code.
2. Seward code 16.05.010 requires a 50 foot width for right of ways.
3. KPB 20.30.120 requires a 60 foot width for right of ways.
4. Hemlock Ave is 50 feet width and complies with Seward code but not KPB code. This platting action will

dedicate an additional 5 feet for a new width of 55 feet.

5. Maple Street is 40 and 45 feet in width and does not comply with Seward code of KPB code.
6. This platting action will dedicate an additional 5 feet for a width of 45 and 50 feet for Maple Street.
7. This plat was approved by the City of Seward Planning and Zoning Commission on March 2, 2021.

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

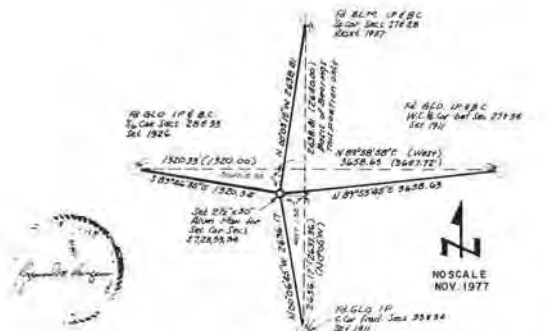
NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 10 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

A BOUNDARY SURVEY OF FOREST ACRES SUBDIVISION



THE DOUBLE PROPORTIONATE RESTORATION OF THE SECTION CORNER
COMMON TO SECTIONS 27, 28, 33, 34, T.1N., R.1W., S.4M. ALASKA
BY

ALASKA LAND SURVEYS
P.O. BOX 1085 SEWARD ALASKA 99664
PHONE 907 224 5026
RAYMOND M. BURGESS 37533

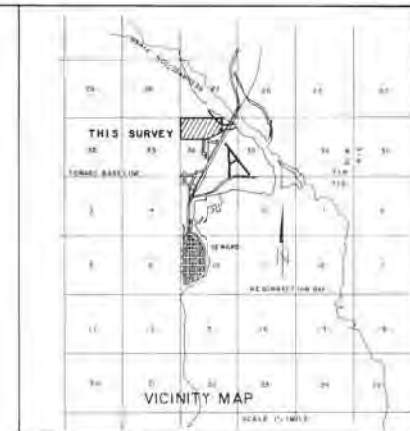


INDEX OF SHEETS

SURVEYED BY

ROBERT A. SUMMERS 33333
ASSISTED BY
RUSSELL W. BARBER JR.
DEBRA L. PETERSON

JUNE 1977 THRU FEB. 1978



OWNERSHIP CERTIFICATE

I (WE) hereby certify that I (WE) am (are) an owner of property
adjacent to and bound by this survey.

Ray F. Ruckl

274 4558 CHUGACH DEVELOPMENT CORP.
VETERANS HOUSING COMPANY INC.
902 E 10TH AVE ANCHORAGE, 99501

Subscribed and sworn before me this 1st day of February 1978

Robert A. Summers
NOTARY PUBLIC FOR ALASKA
My commission expires 12/31/79

PLAT APPROVAL

THIS IS A REPLAT WHOSE SOLE PURPOSE
IS TO PROVIDE ACCURATE BEARINGS AND
DISTANCES.

APPROVED
Robert A. Summers
KENAI PENINSULA BOROUGH

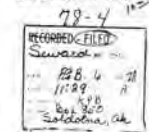
FOREST ACRES SUBDIVISION

LOTS 2, 3, 4, and N 1/2 of NW 1/4
ALL IN SECTION 34, T.1N., R.1W., SEWARD MERIDIAN, ALASKA

ROBERT A. SUMMERS
REGISTERED LAND SURVEYOR
BOX 1457
SEWARD, ALASKA 99664

FEBRUARY 1978

SHEET ONE OF THREE





FOREST
ACRES
BOUNDARY
SURVEY

SHEET 2 OF 3

SEE SEETS FOR LEGEND

ADL MONUMENT FOUND

USS 1864 BASIS OF BEARING

USS 1759

USS 242

CITY OF SEWARD

P. O. Box 167
238 Fifth Avenue
Seward, Alaska 99664



Community Development

Jackie Wilde (907) 227-4048

March 16, 2021

Scott Huff
Platting Manager
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, AK 99669

Dear Mr. Huff,

On March 2, 2021 the Planning and Zoning Commission reviewed and recommended approval subject to conditions noted on the resolution, of the attached platting action for Lots BQ, BP, and BT Forest Acres Subdivision. Please find a copy of the resolution, staff report, draft minutes and preliminary plat enclosed.

Sincerely,
City of Seward

Andy Bacon
Planning Assistant

cc. Ken Lang, Lang and Associates
enc. Resolution, staff report, draft minutes, preliminary plat

**CITY OF SEWARD, ALASKA
PLANNING AND ZONING COMMISSION
RESOLUTION 2021-04**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION, OF THE CITY OF SEWARD, ALASKA RECOMMENDING KENAI PENINSULA BOROUGH APPROVAL OF THE FOREST ACRES SUBDIVISION, HARMON ADDITION; A REPLAT OF LOTS BP, BQ, AND BT FOREST ACRES SUBDIVISION; CREATING SIX (6) NEW LOTS, LOCATED AT 2403, 2409, AND 2415 MAPLE STREET, WITHIN THE RURAL RESIDENTIAL (RR) ZONING DISTRICT

WHEREAS, Lang and Associates, on behalf of property owner Larry Harmon, has submitted a preliminary plat to the City of Seward for review and recommendation to the Kenai Peninsula Borough; and

WHEREAS, this platting action subdivides Lots BP, BQ, and BT, Forest Acres Subdivision into six (6) parcels measuring approximately 21,000 square feet each; and

WHEREAS, the property is zoned Rural Residential (RR) which is intended to provide for stable, quiet, low density (one or two dwelling units per acre) detached single-family residential development, free from other uses except those which are both compatible and convenient to residents of such a district including recreational, religious and educational facilities of an appropriate scale and design complementary to the neighborhood character; and

WHEREAS, the new lots meet the minimum lot size and width requirements of the Seward Zoning Code; and

WHEREAS, the property is currently served by municipal road and electric. Municipal water and sewer are not available to the property, and a subdivision development agreement is required; and

WHEREAS, as required by Seward City Code Section 16.01.015 Conditions to plat approval, property owners within 300 feet of Lot A, Forest Acres Subdivision, were notified of the proposed subdivision, and the property was posted with public notice signs; and

NOW, THEREFORE, BE IT RESOLVED by the Seward Planning and Zoning Commission that:

Section 1. The Commission recommends that the Kenai Peninsula Borough approve the Forest Acres Subdivision, Harmon Addition subject to the following conditions:

1. Property owner shall enter into a subdivision development agreement with the City

Section 2. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the Seward Planning and Zoning Commission this 2nd day of March, 2021.

THE CITY OF SEWARD, ALASKA


Cindy L Ecklund, Chair

AYES: Verhey, Seese, Charbonneau, Swann, Ecklund


NOES:

ABSENT: Ambrosiani

ABSTAIN:

VACANT: One

ATTEST:



Brenda Ballou, MMC
City Clerk

(City Seal)



P&Z Agenda Statement

Meeting Date: March 2, 2021
To: Planning and Zoning Commission
Through: Jackie Wilde, Community Development Director
From: Andy Bacon, Planning Assistant
Agenda Item: Preliminary Plat Review of Forest Acres Harmon Addition



BACKGROUND & JUSTIFICATION:

Attached for the Commission's review and recommendation to the Kenai Peninsula Borough Planning Commission is a preliminary plat submitted by Lang and Associates representing property owner Lawrence Harmon. This replat will subdivide three (3) lots, into six (6) lots, measuring approximately 21,000 square feet each. The properties are located at 2403, 2409, and 2415 Maple Street. The proposed replat dedicates five feet of right of way adjacent to Maple Street and Hemlock Street. The total size of the replat is approximately 2.9 acres.

In accordance with Borough requirements, the City must review and comment on a platting action before submittal to the Borough for final approval.

Zoning and Surrounding Land Use: The lots are currently zoned Rural Residential (RR) – Under SCC 15.05.025 (b) (1) the Rural Residential (RR) district is intended to provide for stable, quiet, low density (one or two dwelling units per acre) detached single-family residential development, free from other uses except those which are both compatible and convenient to residents of such a district including recreational, religious and educational facilities of an appropriate scale and design complementary to the neighborhood character.

The parcels surrounding this replat are within the Rural Residential Zoning District and are a mix of undeveloped properties and properties developed with residential homes. The property to the north is developed with a single-family home. The properties to the west are developed with single family homes, plus one vacant lot. Properties to the east, across Maple street, contain a mix of single-family homes and vacant parcels. The three vacant parcels across Maple street were subdivided by the applicant in 2017. To the south across Hemlock Avenue is a large, undeveloped tract.

Utilities: The property is served by electric and maintained streets. Water and sewer are not located adjacent to the subject area. A water main runs along Hemlock and Ash Streets. Municipal sewer runs along Ash Street, approximately 250 feet away from Lot BP. Another sewer main along Oak Street is approximately 250 feet from Lot BT. A subdivision development agreement is required before final approval by the Kenai Peninsula Borough.

Size: Lots B1 and B2 will contain approximately 20,962 square feet. Lots B3 through B6 will

contain approximately 21,500 square feet. The new lots will meet the requirement for minimum lot width and buildable lot size for the Rural Residential Zoning District.

Existing Use: These properties are currently vacant

Flood Zone: The subject area is located within Zone X of the Special Flood Hazard Area, designated as low to moderate risk for flooding, and not subject to the City of Seward floodplain development requirements

<u>CONSISTENCY CHECKLIST:</u>		Yes	No	N/A
1.	Comprehensive Plan (2030, approved by Council May 30, 2017) 1) <u>Housing</u> 3.3.1 Encourage development of new housing in Seward. (page 14)	X		
2.	Strategic Plan (Approved by Council Resolution 99-043): Growth Management and Land Use • Promote Residential and Commercial Development inside the City. (page 9)	X		
3.	City Code: 16.01.015. - Conditions to plat approval (A.) No preliminary or final plat for the subdivision or resubdivision of land located within the city limits shall be approved by the city unless all of the required improvements set forth in §16.05.010 are provided for by the subdivider .		X	

Staff Comments:

Staff has reviewed the preliminary plat and no objections were reported.

Department	Comments	No Comment	N/A
Building Department		X	
Fire Department	Fire hydrants required to serve lots every 500 feet with max distance from any point on street or road frontage to a hydrant 250 feet. IFC C102		
Electric Department		X	
Harbor Department		X	
Police Department		X	
Public Works			
Telecommunications		X	

Public Comment:

Property owners within three hundred (300) feet of the proposed platting action were notified of this public hearing. Public notice signs were posted on the property and all other public hearing requirements of Seward City Code §15.01.040 were complied with. Two members of the public have contacted community development staff and expressed concern over the potential for more on-site septic systems in this area. If any additional correspondence is received after publication of this agenda statement, it will be presented as a lay down item at the Commission meeting.

RECOMMENDATION:

Commission approve Resolution 2021-04 recommending Kenai Peninsula Borough approval of the preliminary replat of Lots BP, BQ, and BT Forest Acres Subdivision, creating six lots, located on Maple Street, within the Rural Residential (RR) Zoning District, subject to the consummation of a Subdivision Agreement between the developer and the City.

Ecklund closed public hearing.
Motion (Swann/Charbonneau)

Approve Resolution 2021-03 of the Planning and Zoning Commission, of the City Of Seward, Alaska Recommending City Council and Kenai Peninsula Borough Approval of the City Owned: Fourth Of July Creek Subdivision, Seward Marine Industrial Center Fire Department Replat; A Replat of Block 2 & Block 5, Fourth Of July Creek Subdivision, Seward Marine Industrial Center, Located at 3500 Mustang Avenue and 205 Delphin Street

Swann asked fire chief **Crites** what the intended use of the property is. **Crites** stated that the property currently contains a live fire training module, and the fire department is looking to reserve this portion of property from possible lease to another entity. **Crites** stated that ISO had minimum lot size requirements for this type of training facility, and that the size would also allow for possible construction of a small single bay fire house to store an apparatus to serve the SMIC area. **Ecklund** asked how long the Fire Department had been using this location, to which **Crites** estimated 2015. **Ecklund** asked about the naming of Sorrel road. **Schoessler** and **Ecklund** discussed the naming of Sorrel Road. Surveyor **Stacy Wessel** discussed Tract A3 and Sorrel Road, stating that since Tract A3 was part of the Replat of Block 2 and Block 5, the interior service road names were being placed on the map. It was also discussed that no right of way is proposed to be dedicated or vacated by this plat.

Motion Passed

AYES: Verhey, Swann, Charbonneau, Seese, Ecklund

NOES:

Resolution 2021-04 of the Planning and Zoning Commission, of the City Of Seward, Alaska Recommending Kenai Peninsula Borough Approval of the Forest Acres Subdivision, Harmon Addition; A Replat Of Lots BP, BQ, And BT Forest Acres Subdivision; Creating Six (6) New Lots, Located at 2403, 2409, and 2415 Maple Street, Within The Rural Residential (RR) Zoning District.

Wilde provided an overview of the proposed platting action, stating the purpose was to subdivide three lots, into six lots, measuring approximately 21,000 square feet each. **Wilde** stated that area was in the Rural Residential district, and described the surrounding development of the area. **Wilde** stated that the area was served by electricity and maintained streets. Water and sewer were not available adjacent to all the proposed lots, and **Wilde** described the locations of utilities in proximity to the lots and stated that a subdivision agreement will be required. **Wilde** stated the new lots will meet minimum size requirements for the Rural Residential district. **Wilde** stated that city staff had reviewed the preliminary plat and no objections were reported, and that all public noticing requirements of city code were followed. **Wilde** stated that two members of the public contacted staff and expressed concerns about additional on-site septic systems being located in the area.

Chair Ecklund opened public hearing on this item.

David Squires, inside city, stated that he is in favor of the subdivision, but has concerns about the information given in the staff report. Squires stated he measured 219.1 feet, which he acknowledged is still above the 200-foot minimum distance to connect to City services, and he would gladly pay the cost of the 19.1 feet over 200, should Mr. Harmon connect to City sewer. Squires stated that the roads in the area were not up to standards and should be improved if this subdivision goes through. Squires asked why the staff report did not include discussion of improving Maple Street as part of the subdivision agreement. Squires discussed drainage patterns in the area in heavy rain events and typical snowmelt, and stated he would like to see the road improved with ditches to prevent runoff onto neighboring properties.

Ecklund closed public hearing and asked for the staff report

Motion (Swann/Charbonneau)

Approve Resolution 2021-04 of the Planning and Zoning Commission, of the City Of Seward, Alaska Recommending Kenai Peninsula Borough Approval of the Forest Acres Subdivision, Harmon Addition; A Replat Of Lots BP, BQ, And BT Forest Acres Subdivision; Creating Six (6) New Lots, Located at 2403, 2409, and 2415 Maple Street, Within The Rural Residential (RR) Zoning District

Swann noted that this hearing item involved a replat and that Commission was not reviewing a subdivision agreement. **Wilde** stated that City staff was currently working on a subdivision agreement with the applicant, and it has not been approved through administration at this time. **Swann** stated that particular aspects of the subdivision agreement were not up for discussion as part of this agenda item and that he supported approval. **Ecklund** discussed the staff comment regarding fire hydrant location and asked if this action was compliant with minimal distance to fire hydrants, to which Wilde affirmed.

Motion Passed

AYES: Verhey, Seese, Charbonneau, Swann, Ecklund

NOES:



CERTIFICATE OF OWNERSHIP AND DEDICATION
I, (s/s), hereby certify that I (we) own the several of the real property shown on the attached plat and that I (we) have the right to dedicate the same to the public use and grant all easements to the use shown.

PRELIMINARY

PRELIMINARY

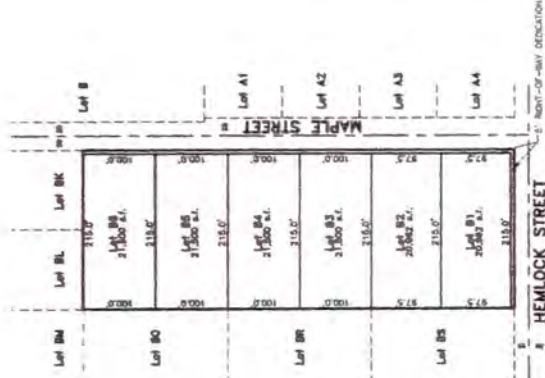
Owner

LAWRENCE HARMON & CAROL HARMON
P.O. BOX 1608
Seward, Alaska 99684-1608

Notary Acknowledgement

for _____ Subscribed and
seem to before me this _____ day _____

Notary Public for the State of Alaska My Commission Expires _____



Scale: 1" = 1 Mile



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska. This plat represents a survey made by me or under my direct supervision, the instruments shown herein actually used as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska.

PLAT APPROVAL

Plat approved by the Kenai Peninsula Borough Planning Commission of the meeting of _____

Borough Official _____

WASTEWATER DISPOSAL

Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.

NOTES

1) This parcel is subject to the City of Seward zoning and land use regulations.

FOREST ACRES — HARMON ADDN.

Lot 81-85 — CONTAINING 2,337 Acres
Original Township of Seward — Forest Acres Subd. (Per No. 78-4)
LOCATED WITHIN THE N.W. 1/4, SECTION 10, T15, R1W,
SEWARD PENINSULA, ALASKA
REMA FENRISUBA CROWD

SEWARD RECORDING DISTRICT

11500 Deryl Avenue
Anchorage, Alaska 99515
(907) 322-4455 Fax
Registered Land Surveyors

DATE: FEBRUARY 2021
DRAWN: JCL SCALE: 1" = 100' SHEET 1 OF 1 PROJECT # 21-059

JOB FILE: L21009pp.dwg



Lots BP, BQ, and BT **Forest Acres Subdivision**

Due to different data sources property lines and aerial imagery do not overlay correctly. Map is to be used for orientation and reference purposes only.



#

Forest Acres, Harmon Addition

Drawn By: AB 2/5/2021

0 75 150 300 Feet

Mapping Assistance by Alaska Map Company, LLC

April 29, 2021

Kenai Peninsula Borough Planning Department, planning@kpb.us
c/o Julie Hindman, jhindman@kpb.us

Dear KPB Planning Commission,

I recently received a notice of the preliminary subdivision/replat for Forest Acres Harmon Addition, KPB File 2021-049 and was invited to comment.

The notice states, *"If you are an owner adjacent to a half right-of-way being dedicated, please be aware that you may be required to match the dedication if your property is subdivided in the future."*

I co-own adjacent property on the south side of Hemlock Avenue noted as "Tract C" on the notice, directly across from the proposed subdivision.

The plat for my property shows that 30' of ROW has already been granted from Tract B and C. The half right-of-way on the north side of this ROW is twenty feet wide.

For the record, I feel it would not be fair to require that I be required to grant more ROW when I subdivide either Tract B or Tract C in the future.

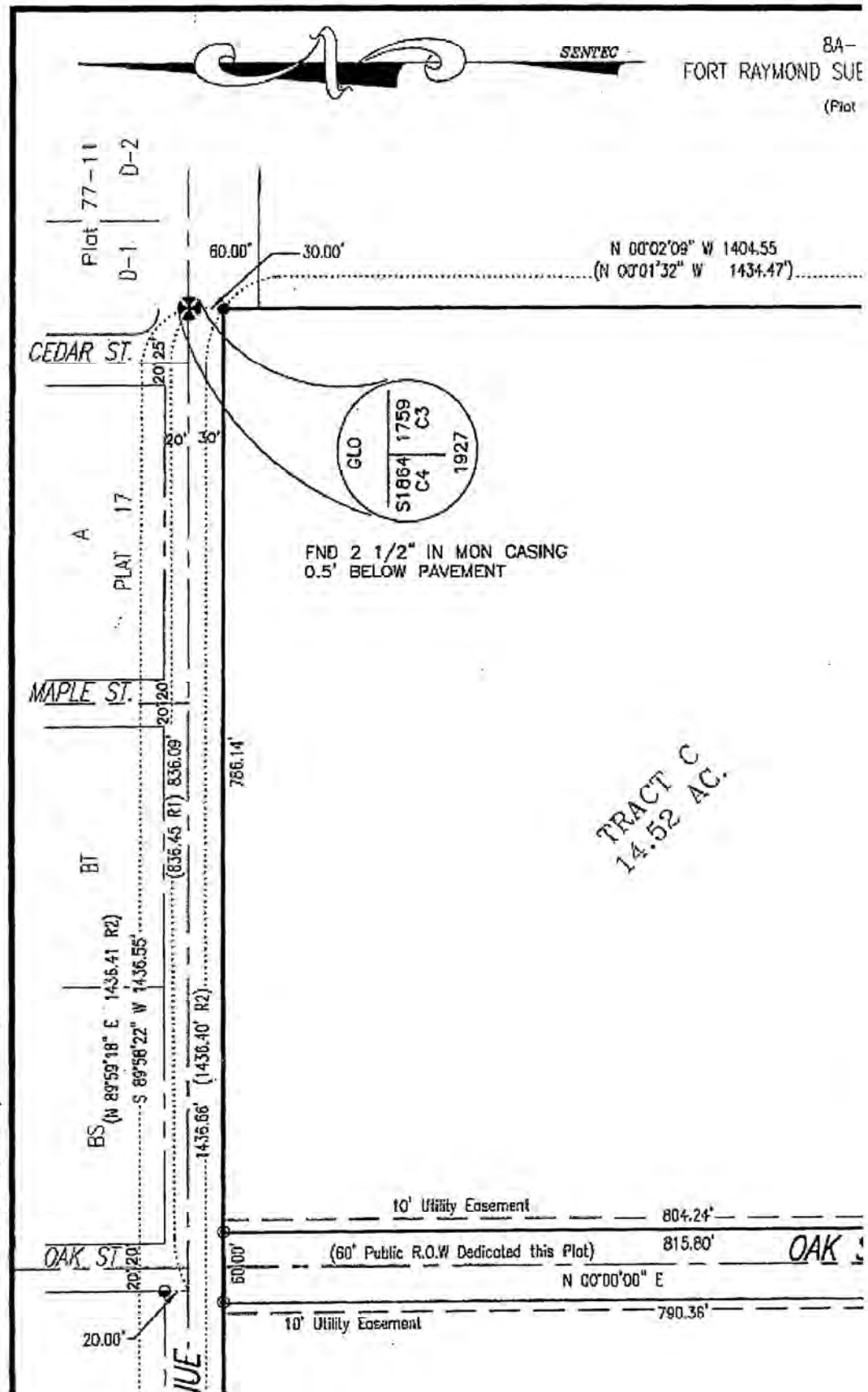
Hemlock Avenue ROW should be the full 60' to accommodate future needs for traffic, sidewalks, utilities, etc. The 2030 Seward Comprehensive Plan Update, Volume II-15 Section 6, Land Use on page 23 states: "Plan right of way acquisitions to develop Hemlock Avenue to the Seward Highway."

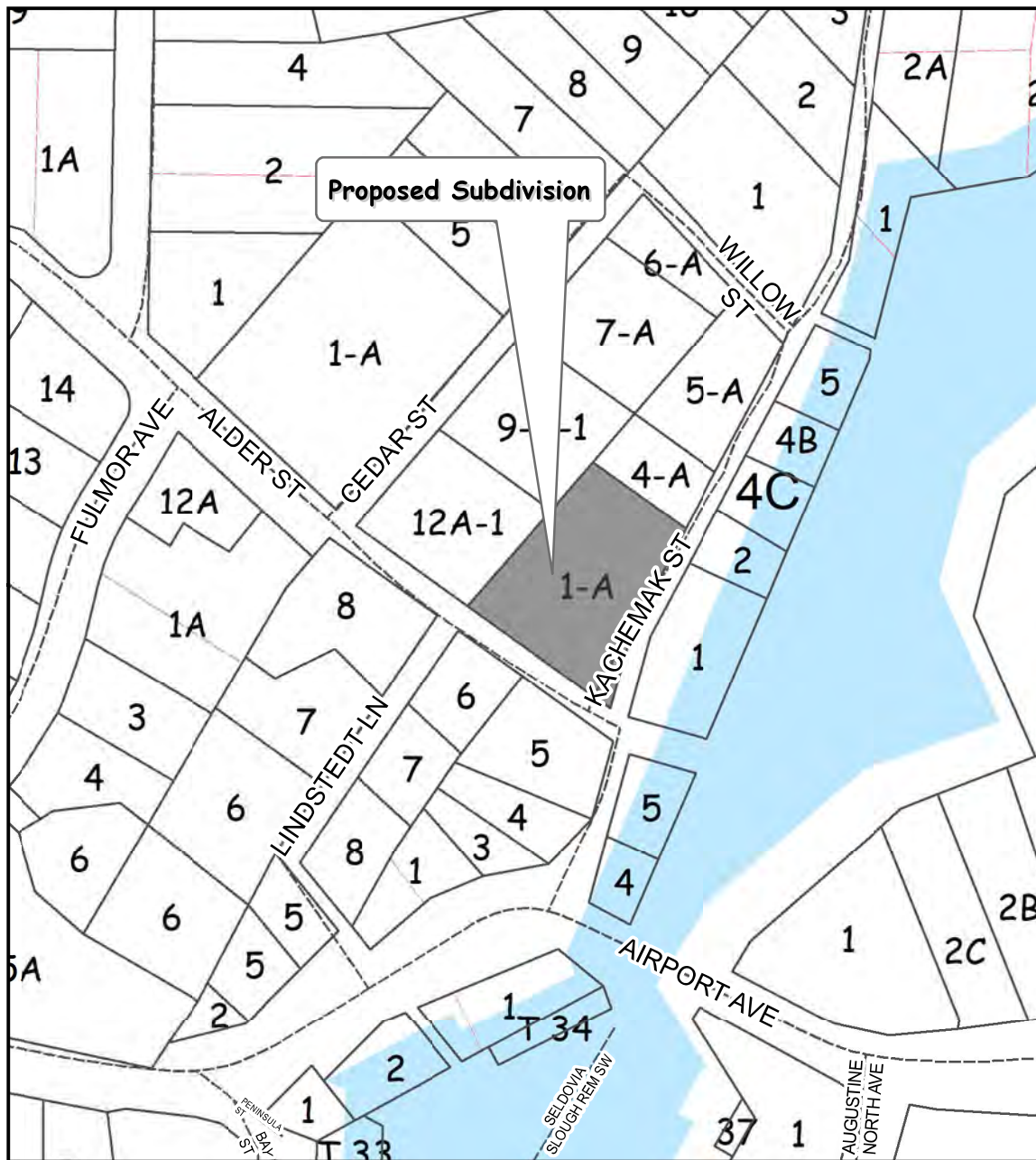
Now is the right time to ensure that a full 30' ROW is provided on the north half of the ROW in accordance with the KPB Subdivision Ordinance.

Please see attached relevant portion of plat for Tract B and C (also available in full on-line).

Sincerely,
Carol Griswold
Seward

Lost modified by: crk





0 900 1,800 3,600 Feet

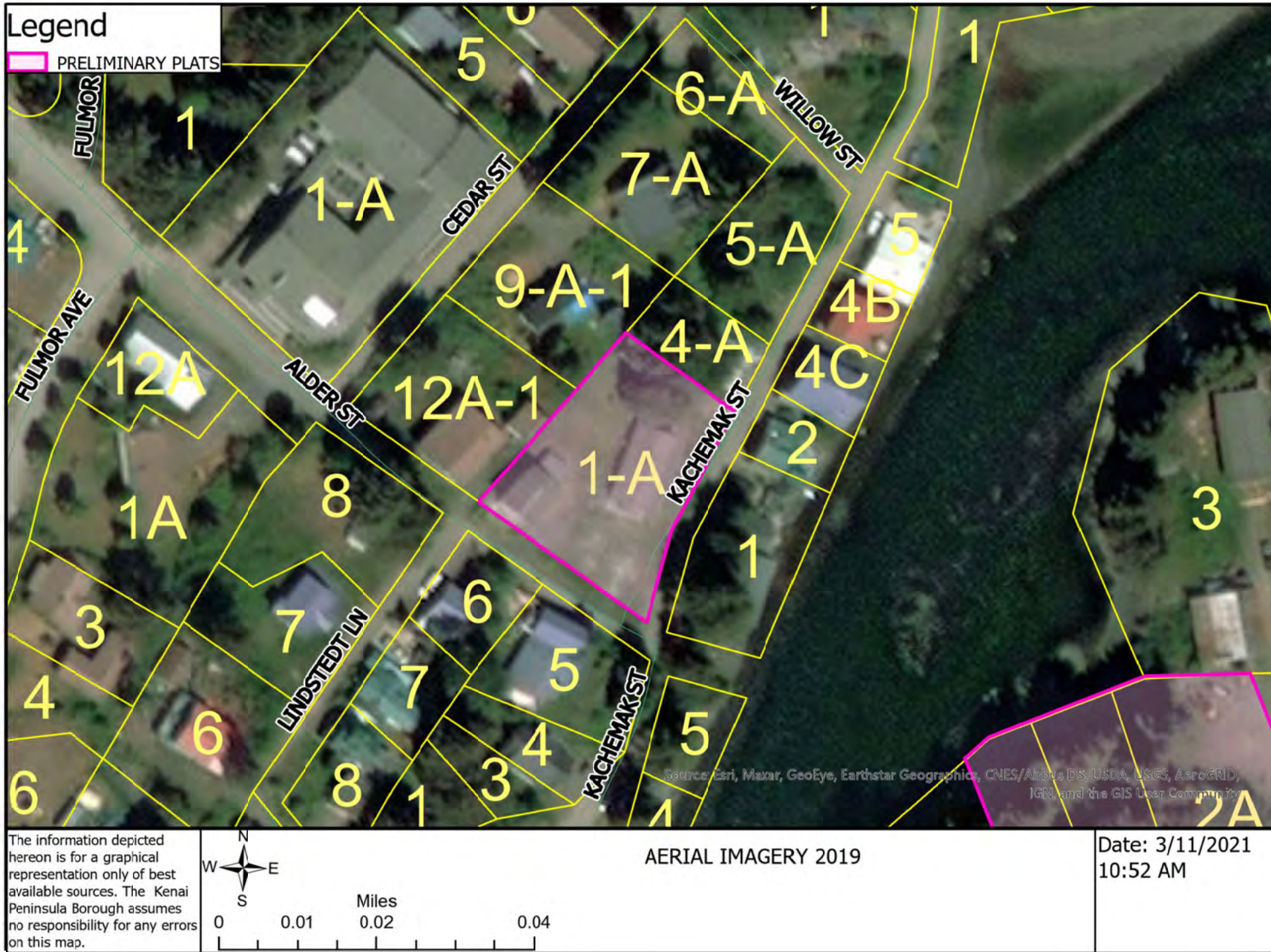
KPB 2021-053
S32 T08S R14W
SELDOVIA

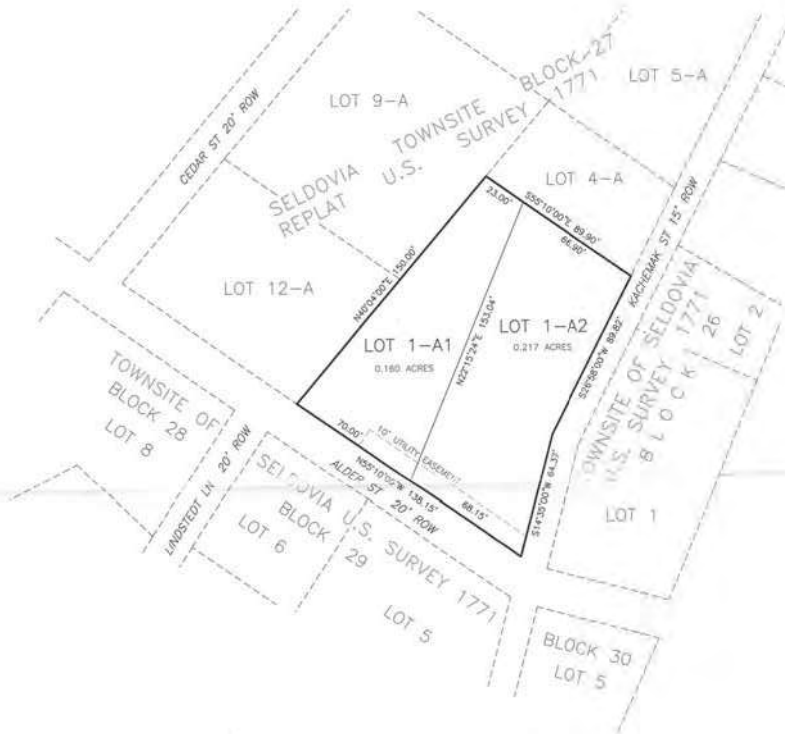
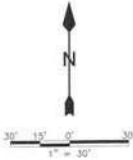


The information depicted hereon
 is for a graphical representation
 only of best available sources.
 The Kenai Peninsula Borough
 assumes no responsibility
 for any errors on this map.

0 62.5 125 250'

Date: 4/19/2021
 JHindman, KPB 2021-053





CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

STEPHEN J. POLLACK IV
PO BOX 95 SELDOVIA, AK 99663

NOTARY ACKNOWLEDGMENT

FOR: STEPHEN J. POLLACK IV
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2021

NOTARY PUBLIC FOR: _____
MY COMMISSION EXPIRES: _____

NOTES

1. 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.
2. POWER ELECTRIC ASSOCIATION, INC. HAS A GENERAL EASEMENT WITH NO DEFINITE LOCATION, AS FOUND IN BOOK 17, PAGE 375 SELDOVIA RECORDING DISTRICT.
3. DEVELOPMENT OF THIS PARCEL IS SUBJECT TO THE CITY OF SELDOVIA ZONING REGULATIONS.
4. NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
5. THE KPB PLAT COMMITTEE GRANTED EXCEPTIONS TO KPB 20.30.120 AND KPB 20.30.190 AT THE MEETING ON _____

WASTEWATER DISPOSAL

PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

SURVEYOR - JASON SCHULLENBERG LICENSE # _____ DATE _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____
KENAI PENINSULA BOROUGH

BY: _____
AUTHORIZED OFFICIAL



KPB FILE NUMBER:

PENINSULA SURVEYING, LLC

11535 KATANA BOULEVARD
EAGLE, AK 99623
(907)266-7063

PLAT OF SELDOVIA TOWNSITE POLLACK ADDITION

A SUBDIVISION OF
LOT 1-A SELDOVIA TOWNSITE BLOCK 27 REPLAT
U.S. SURVEY 1771
SL B3-9

LOCATED WITHIN
SE1/4 NW1/4 SEC. 32, T4S, R14W, S4M
SELDOVIA RECORDING DISTRICT, KENAI PENINSULA BOROUGH
CONTAINING 0.377 ACRES

OWNER: STEPHEN J. POLLACK IV
PO BOX 95 SELDOVIA, AK 99663

SCALE: 1" = 30'

DATE: MARCH 31, 2021

DRAWN: JLS

SHEET: 1 OF 1

KPB File 2021-053

AGENDA ITEM E. NEW BUSINESS

ITEM 5 – SELDOVIA TOWNSITE POLLACK ADDITION

KPB File No.	2021-053
Plat Committee Meeting:	May 10, 2021
Applicant / Owner:	Pollack
Surveyor:	Peninsula Surveying, LLC
General Location:	City of Seldovia, corner of Kachemak Street and Alder Street

Parent Parcel No.:	192-065-17
Legal Description:	Lot 1-A Seldovia Townsite Block 27 Replat U.S. Survey 1771
Assessing Use:	Residential
Zoning:	City of Seldovia
Water / Wastewater	Municipal

STAFF REPORT

Disclosure: Scott Huff, Platting Manager, did not prepare the staff report, as the owner of the property is a relative. He answered staff questions pertaining directly to code but had minimal input on the contents of this report.

The final review is performed by using this staff report, as approved by the Plat Committee, any additional requirements approved by the Plat Committee, and per code requirements. Staff members of the Platting Department will review the final plat submittal but Mr. Huff is the only licensed surveyor on staff and the final will require a review by him. Mr. Huff will not sign the final plat. The Planning Director or the Mayor will be required to sign the mylar and preform an additional review.

Normally final plats do not come back before the Committee/Commission unless per KPB Code, "The planning director may refer the final plat to the planning commission when:

1. Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;
2. Final approval by the commission was a condition of preliminary approval; or
3. The planning director determines there are other conditions to support referral to the commission."

If the Plat Committee wishes this plat to be brought back before them during the final approval stage, a motion may be made to make that a condition of approval.

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 0.38 acre lot into two lots that are 0.16 acres (approximately 6,970 square feet) and 0.217 acres (approximately 9,453 square feet).

Legal Access (existing and proposed):

Access to the subdivision is by Kachemak Street and Alder Street. Both right of ways have varying widths but in the area abutting the subdivision, Kachemak Street is a 15 foot wide right of way and Alder Street is a 20 foot wide right of way. Both right of ways are constructed and within the City of Seldovia's jurisdiction. The right of ways do not comply with KPB Code width requirements and an exception has been requested.

The block falls short of KPB Code requirements. Willow Street, Cedar Street, Alder Street, and Kachemak Street define the block. The block length along Alder Street does not meet the minimum requirements by being approximately 273 feet in length. This subdivision is within the City of Seldovia, which has several short block lengths. **Staff recommends the Plat Committee concur that an exception is not required as this subdivision is not able to provide a dedication to help comply with the block length requirement.**

KPB Roads Dept. comments	Outside of jurisdiction; no comments
SOA DOT comments	No comment

Site Investigation:

Per KPB GIS data, there are no wetlands present within the proposed subdivision. Contour information is not available for the Seldovia area. If any steep slopes are detected during the field survey, they must be depicted on the plat. This may include depicting and labeling the top and toe of any bluffs.

Per KPB GIS data, the proposed subdivision is within the Floodplain Zone C, which is non-regulatory.

Floodplain Hazard Review	Not within flood hazard area
Anadromous Waters Habitat Protection District Review	Is not within an AWHPD
State Parks Review	No comments

Staff Analysis

The proposed subdivision is within the City of Seldovia. The lots are proposed to use municipal water and wastewater disposal systems. A soils analysis report is not required and an engineer will not need to sign the plat. An installation agreement will need to be provided or documentation from the City of Seldovia that one is not required.

The parent lot currently has two structures on the property. This subdivision will put one structure on each lot. The proposed plat does not show structures, nor was an as-built submitted to the planning department. A Building and Parking locations map was included with the Seldovia Planning Commission packet, and is included in the KPB packet.

The Seldovia Planning Commission reviewed the proposed plat at their March 3, 201 meeting. At that meeting, discussions were made regarding connections to water and sewer to only one of the structures and that the owner was working with the City to make connections to the other structure. The Seldovia Planning Commission had concerns regarding the zoning and the zoning requirements. The plat was denied based on additional information was needed to determine if the plat would meet zoning setback requirements. The Seldovia Planning Commission heard the plat again at their April 7, 2021 meeting. The plat was approved; no additional requirements or requests were noted in the minutes.

Staff recommendations: **CORRECTIONS / EDITS**

- Make correction to the title block under 20.25.070(A): *Add to the "Located Within" description "City of Seldovia". The description also needs to be updated to "NE ¼ SW ¼"*
- Update the Vicinity Map to include Section 31 label and the shared section line between section 5 and 4.
- Make corrections to surrounding property under 20.25.070(G): *The lots to the west have been replatted. Update the lot numbers to "12-A-1" and "9-A-1". The subdivision name label needs to be moved as it only pertains to Lot 4-A and Lot 5-A and the correct subdivision name label should be added. It is at the discretion of the surveyor how he wishes to label the subdivision information on the neighboring lots. Providing the recording number will be sufficient as the subdivision names can be long. Another option, Lot 4-A and Lot 5-A are part of the same parent subdivision noted in the title block and do not have to have the subdivision information displayed.*

Comply with KPB 20.60 – Final Plat requirements.

Plat Notes –

- An easement was on the certificate to plat. Add a plat note "Easement, including terms and provisions contained therein are granted to the City of Seldovia within Serial Number 2009-000054-0, Seldovia

Recording District, recorded on April 6, 2009.” This easement is depicted on the plat. Update the label to refer to the appropriate plat note.

- The note regarding access to state right of ways may be removed. Per KPB GIS data, this subdivision does not abut a state right of way.
- Update the plat note with the appropriate meeting date for any exceptions granted.
- The front 10 feet adjoining all right of ways is being granted by this plat as utility easements.

Utility Easements

A utility easement granted to the City of Seldovia is depicted and the appropriate plat note is requested above. A general easement is noted but the certificate to plat did not include the easement. The easement needs to be verified and plat note updated accordingly.

Per KPB Code 20.30.060(D), the front 10 feet adjoining is to be granted as utility easements. This should be noted and depicted on the final plat.

Plat note 2 refers to an easement granted to HEA by Book 17 Page 375, SRD. This easement was not included in the staff report. The easement does state, in added handwriting the parent Lot 1 Block 27 of Seldovia Townsite. Staff recommends the owner/surveyor work with the title company to have this included in the final certificate to plat and to update records so future owners are aware of the easement if a title search is done.

Grant any additional utility easements requested by providers.

Utility provider review:

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

KPB department / agency review:

Planner – Bryan Taylor	Review not required; within the City of Seldovia
Code Compliance – Eric Ogren	No comment
Addressing – Derek Haws	Affected address: 370 Alder Street, City of Seldovia will advise on affected address. All existing street names listed are correct.
City Advisory Comments	Plat was approved at their April 7, 2021 meeting.

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

EXCEPTIONS REQUESTED:

A. KPB 20.30.120 – Streets – Width Requirements

Surveyor's Discussion: This subdivision is within Seldovia City Limits. There is a dedicated right-of-way on two sides of the property. The current width of Alder Street is 20 feet and the width of Kachemak Street is 15 feet. Many of the buildings in the area are built very close to the right-of-way. Expanding the right-of-way along these roads to KPB Code would result in multiple encroachments. There are also numerous other rights-of-way in this area that have already been dedicated and constructed.

Staff Discussion: This is within the City of Seldovia. Many of the roads in this area were dedicated with the Map of Seldovia Townsite Alaska U.S. Survey No. 1771 with the survey performed in 1927. The roads are of varying widths with some being as narrow as 10 feet and others as wide as 60. The right of ways associated with this plat are 15 and 20 feet. Kachemak Street appears to be 15 feet the entire length until the connection with Airport Avenue where it widens at the approach. Alder Street is 20 feet along the subdivision. At the intersection of Alder Street and Cedar Street, the right of way width increases to 40 feet.

If denied, the Plat Committee will need to make a motion to determine the width required to be dedicated. Providing the width needed for 60 feet rights of way is not possible from this subdivision.

Findings:

1. The proposed subdivision is within the City of Seldovia.
2. The Seldovia Planning Commission approve the proposed plat on April 7, 2021 and did not request additional right of way.
3. Development within the subdivision must comply with the requirements of the zoning district.
4. Roads are constructed and maintained by the City of Seldovia
5. The street layout was completed in 1927.
6. The parent plat, Seldovia Townsite Block 27 Replat U.S. Survey 1771 (SL 83-9), was approved on July 11, 1983 and recorded on December 20, 1983.
7. The parent plat was not required to grant additional right of way width.
8. The right of ways were granted before existing KPB Code requirements.
9. Using the as-built, the building on Lot 1-A2 is approximately 21 feet from the current right of way, Kachemak Street.
10. Using the as-built, the building on Lot 1-A1 is approximately 12 feet from the current right of way, Alder Street.
11. The Kenai Peninsula Borough Comprehensive Plan
Goal 3 - Focus Area: Historic Preservation
Object B: Support efforts to maintain the character of historic towns, districts, and properties while encouraging commercial, tourist, and cultural development.
12. Northwest of the proposed subdivision, Alder Street widens to 40 feet.
13. In order to keep right of way alignment, if an additional 20 feet is needed for Alder Street it should be granted by the property that lies south of the existing dedication.

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 1-11 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-11 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-11 appear to support this standard.

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

EXCEPTIONS REQUESTED:

B. KPB 20.30.190 – Lots-Dimensions (Lot 1-A1 3:1 depth to width ratio)

Surveyor's Discussion: The proposed dimensions for Lot 1-A1 would result in a 3.3:1 depth to width ratio. All of the lots in the area are very small, with many of them containing less than 0.25 acres. There are also other lots in the area that have a greater than 3:1 depth to width ratio. There is already a building constructed on each of the proposed lots. The proposed dimensions would provide the owners of each lot the best layout for their property.

Staff Discussion: This is within the City of Seldovia. There are many small and irregular lot shapes to accommodate existing structures and improvements.

If denied, a redesign will be required so the lots comply with the 3:1 depth to width ratio and comply with any City of Seldovia zoning requirements.

Findings:

1. The proposed subdivision is within the City of Seldovia.
2. The Seldovia Planning Commission approve the proposed plat on April 7, 2021 and reviewed it to their zoning requirements.
3. The Seldovia zoning that would apply to these lots does not have a minimum lot size.
4. Improvements have been constructed on the proposed lots.
5. Measuring from the center of lot lines, staff found the width to depth ratio to be 3.5:1.
6. To be compliant the line would need to be adjusted to provide an average width of 50 feet for Lot 1-A1.
7. The as-built supplied to the City of Seldovia shows the building on Lot 1-A2 is only 9 feet from the proposed property line.
8. Adjusting the property line will cause encroachment issues.
9. The proposed design is the most practical location to separate the improvements.
10. All lots have frontage on dedicated right of way.
11. The propose design provides parking areas for both lots.

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 1-11 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-11 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-11 appear to support this standard.

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

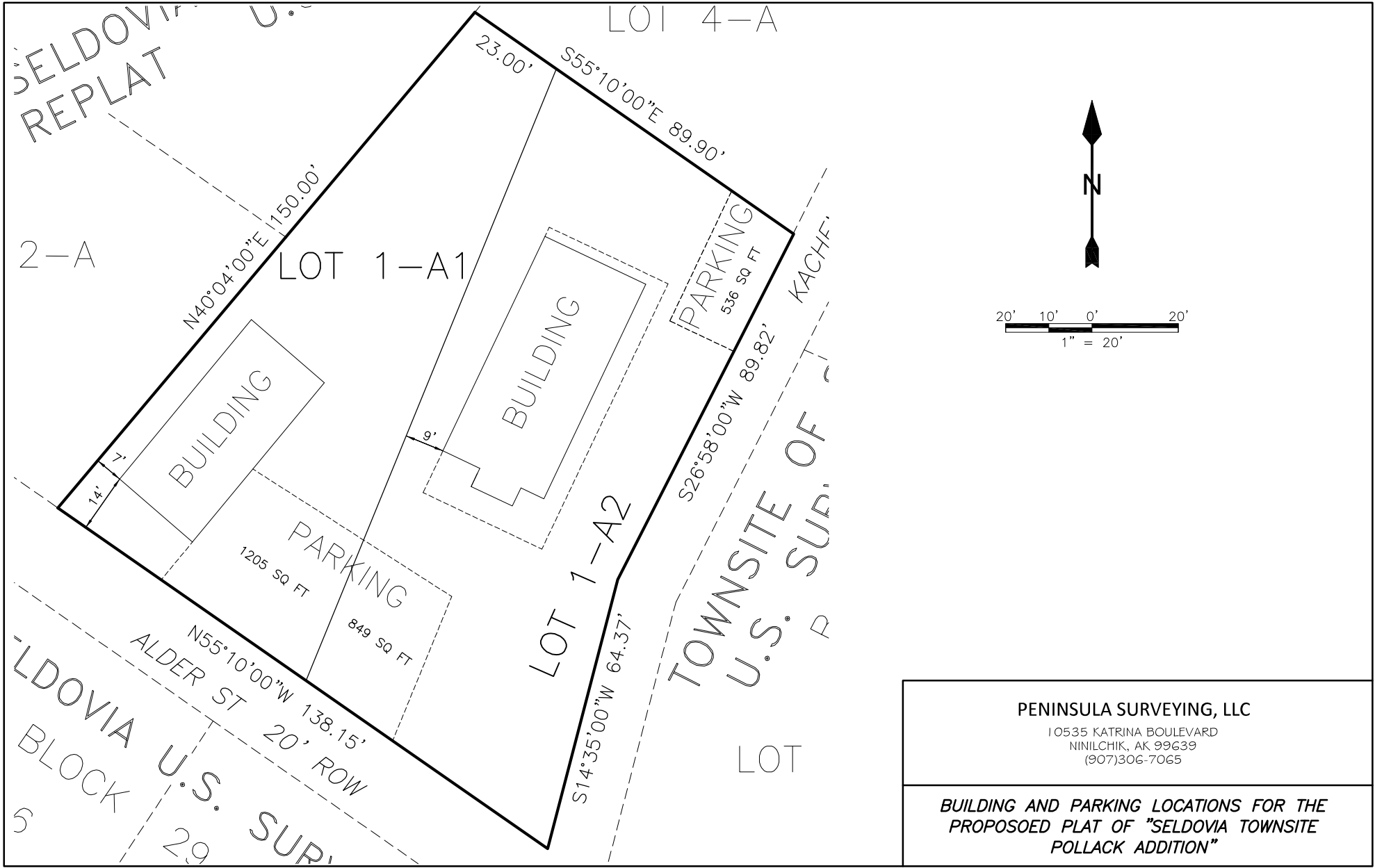
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT



PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 11-1-83.

KENAI PENINSULA BOROUGH

By: *[Signature]*
Authorized Official

OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision, and dedicate all right-of-ways to public use and grant all easements to the use shown.

Fred H. Elvsaas *Gladys Elvsaas*
Fred H. Elvsaas Gladys Elvsaas
P.O. Box 133 P.O. Box 133
Seldovia, Ak 99663 Seldovia, Ak 99663

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 11th day of 11, 1983, for Fred H. Elvsaas and Gladys Elvsaas.

[Signature]
NOTARY PUBLIC for ALASKA
My commission expires 1-2-84



NOTES:

- All wastewater disposal systems shall comply with existing applicable laws at time of construction.
- The State of Alaska requires that all wastewater disposal systems be a minimum of 100' from any water source.
- Basis of Bearing: Found two brass caps, 1927, U.S. Survey 1770, Corner 7 to Corner 5.

SELDOVIA TOWNSITE BLOCK 27 REPLAT U.S. SURVEY 1771

LYING IN THE SW 1/4 SW 1/4 NE 1/4 SW 1/4 AND NW 1/4 SE 1/4 SW 1/4 SEC. 32, T8S, R14W, S.M., CITY OF SELDOVIA, KENAI PENINSULA BOROUGH, ALASKA.

CONTAINING 1.4772 ACRES

SURVEYED BY:

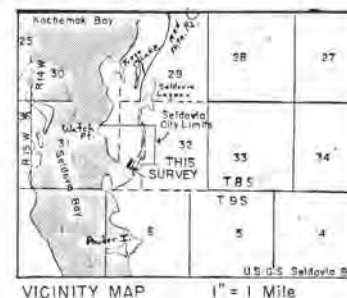
DONALD E. MULLIKIN, R.L.S.
MULLIKIN SURVEYS
P.O. BOX 790
HOMER, ALASKA 99603

SURVEYED FOR:

F. ELVSAAS, P.O. BOX 133, SELDOVIA, AK 99663
E. NORDENSON, P.O. BOX 212, SELDOVIA, AK 99663
B. NORDENSON, P.O. BOX 165, SELDOVIA, AK 99663
G. LINDSTEDT, P.O. BOX 173, SELDOVIA, AK 99663
CITY OF SELDOVIA, P.O. DRAWER B, SELDOVIA, AK 99663

DATE: MAY 1983 SCALE: 1" = 40' FIELD BOOK NO. 44,48

SHEET 1 OF 5
(Additional sheets are signature sheets)



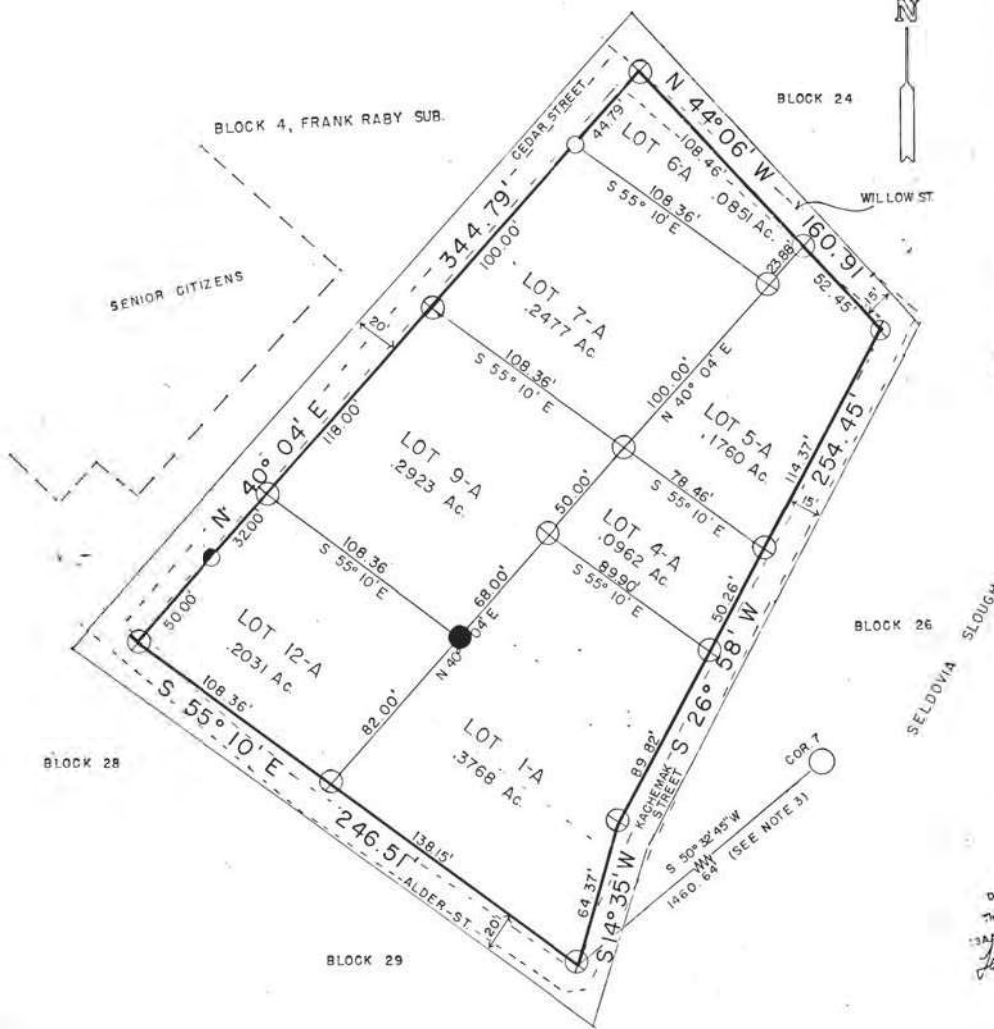
LEGEND

- ⊕ SET 3/4" ALUMINUM CAP ON 5/8" REBAR
- SET 3/4" ALUMINUM CAP IN CEMENT ON BEDROCK
- FOUND 1" PIPE
- - - EXISTING ROAD
- ⦿ FND 1/2" PIPE

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
This subdivision has been reviewed in accordance with 3 AAC 72.05 and is approved, subject to any noted restrictions.
[Signature] *[Signature]*
SIGNATURE TITLE DATE 11-1-83

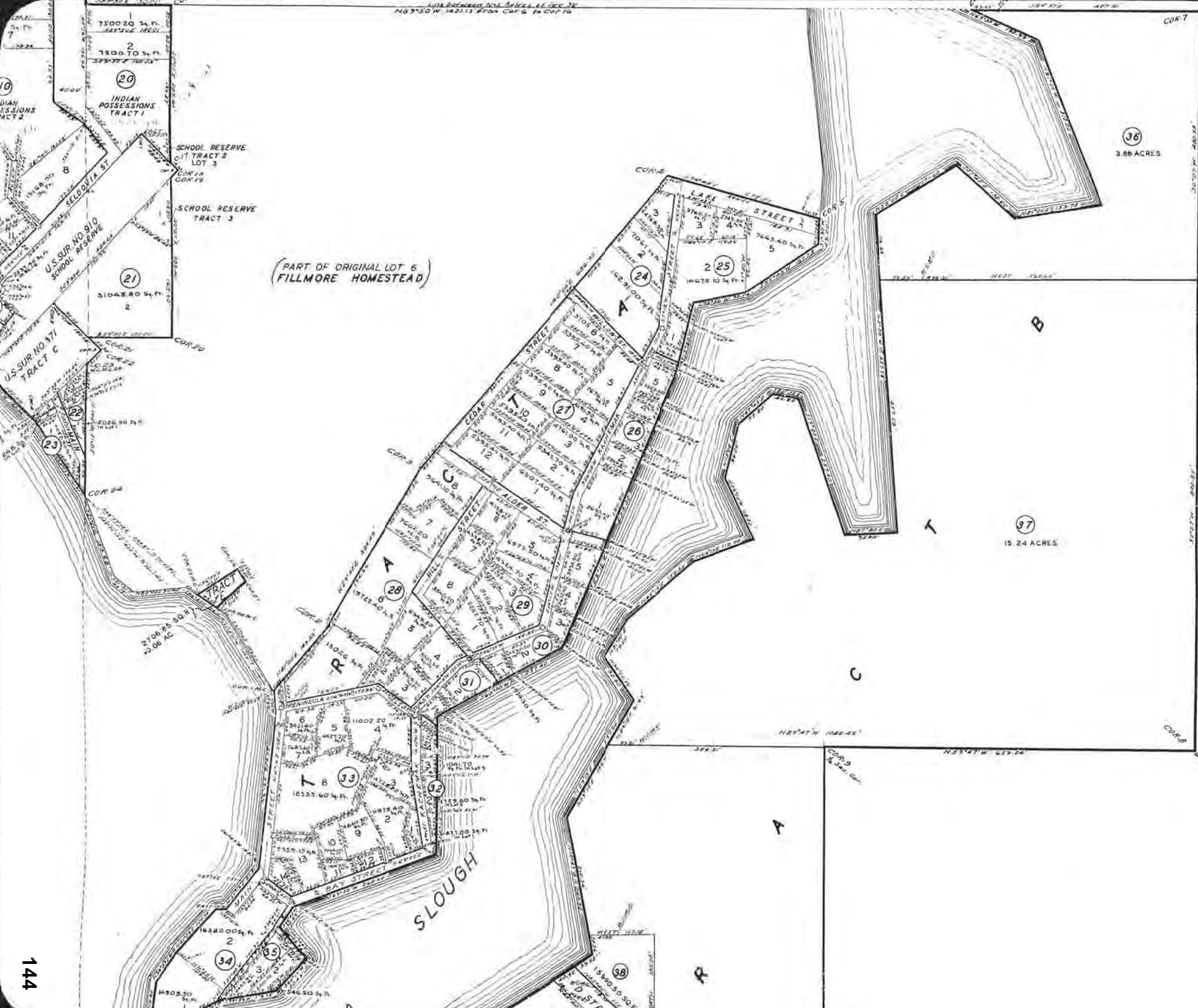
83-9

RECORDED - FILED 18-4
SELDOVIA
DATE 12-20-83
TIME 2:00
BY *[Signature]*



1/4 Sec. 36
N 63° 50' W 142.13 From Cor. 6 to Cor. 16

Cor. 7 1/4 Sec. 36



(PART OF ORIGINAL LOT 6
FILLMORE HOMESTEAD)

36
3.86 ACRES

37
15.24 ACRES

MINUTES FROM THE SELDOVIA PLANNING COMMISSION
REGULAR MEETING
VIRTUAL MEETING

Wednesday
March 03, 2021
6:00PM

GRUBER FORSBERG CARLUCCIO

- A. Call to order; MEETING CALLED TO ORDER BY COMMISSIONER CARLUCCIO
- B. Roll Call; IN ATTENDANCE; GRUBER, FORSBERG, CARLUCCIO
- C. Approval of the Agenda;

FORSBERG/GRUBER MOVED TO APPROVE THE AGENDA
NO OBJECTION/ MOTION CARRIED

- D. Approval of Minutes from February 03, 2021

FORSBERG/GRUBER MOVED TO APPROVE THE MINUTES

CARLUCCIO- Spoke to an amendment being needed on her section of the comments of the commissioner to add in where she had thanked Mr. Lethin for his service to the City and the Seldovia Planning Commission.

CLERK GEAGEL- Spoke to needing to amend the minutes to include a call to order time and asked for the Commission to consider having the amended minutes brought back for approval at the next meeting.

ROLL CALL VOTE/GRUBER-N, FORSBERG-N, CARLUCCIO-N/MOTION FAILED

- E. Public Comments Regarding Items Not on the Agenda;
- F. Public Hearings, Prior Notice;
- G. Consideration of Site Plans;

1. Update on the Cole Variance Permit Application- *will be provided in the laydown*

A. Presentation by Staff or Commission

CLERK GEAGEL- Presented a memorandum providing an update to the Commission on the Cole variance permit application with the recommendation from the City Manager that the Planning Commission require an as-built from the applicant and commented that just because an as-built was provided did not mean that the variance would be granted.

B. Public Presentation or Hearing

None

C. Commission Discussion

CARLUCCIO- Discussed that the City Manager was asking the Commission to require a professional produced as-built be provided by July 1, 2021 and if not provided by July 1st then he would have to remove the deck or would be issued fines.

FORSBERG- Spoke in support of the recommendation.

D. Action/Disposition

CARLUCCIO- Called for a motion to require a professionally produced as-built for the review of the variance application by July 1, 2021.

FORSBERG/GRUBER SO MOVED

ROLL CALL VOTE- GRUBER-Y, FORSBERG-Y, CARLUCCIO-Y/MOTION PASSED

2. Replat- Seldovia Townsite Pollack Addition

A. Presentation by Staff or Commission

CLERK GEAGEL- Presented a preliminary plat for Seldovia Townsite Pollack Addition, Lot 1-A, Block 27. Responded to Commissioner Carluccio that a utility easement was not shown on the previous plat and that there was water and sewer connected to the house, but not to the shop. She commented that the applicant had been in contact with the City about making the utility connection to the shop.

B. Public Presentation or Hearing

None

C. Commission Discussion

CARLUCCIO- Spoke to the zone being Waterfront Commercial Residential (WCR) which did not have a minimum lot requirement. She spoke to there being a setback requirement and that without the buildings shown on the lot they were unable to determine the setbacks of the structures. She spoke to their being a requirement for two parking spaces in the WCR and inquired about the parking status of the lots once replated. She recommended that City Clerk verify if a utility easement was needed or was if there was one already existing and spoke to the process if the plat was not approved, that it could still go to the Borough and be brought back for City approval.

FORSBERG- Spoke to the underground power being across the street from the plat near the Commissioner's residence and spoke in support of seeing the buildings, parking, and utilities on the plat.

GRUBER- Spoke to being concerned about where the parking would be split on the plat and in support of seeing the setbacks to the buildings according on the replat, along with any utility easements.

D. Action/Disposition

FORSBERG/GRUBER MOVED TO APPROVE THE PRELIMINARY PLAT

ROLL CALL VOTE- GRUBER-N, FORSBERG-N, CARLUCCIO-N MOTION FAILED

Findings:

1. Need the applicant to provide if parking would be provided for both lots per parking requirements- 18.40.070 Parking Area and Off-Street Loading Spaces
2. Need the applicant to provide building placement in order to verify setback requirements- 18.40.080
3. Verification needed from the City Office on whether any utility easements would be required.

FORSBERG/GRUBER MOVED TO INCLUDE THE FINDINGS WITH THE MOTION

ROLL CALL VOTE- GRUBER-Y, FORSBERG-Y, CARLUCCIO-Y MOTION PASSED

H. Commission Business:

1. City of Seldovia 2014 Comprehensive Plan Review per City Council Request

A. Presentation by Staff or Commission

CLERK GEAGEL - Spoke to the resolution from the City Council requesting the Seldovia Planning Commission review and grade the City on their follow-through with the comprehensive plan. She spoke of CM Friedlander wanting to help facilitate the discussion on the comprehensive plan review and was asking for Commissioner consideration on being invited to do so. She spoke to feedback on the template being welcomed as it would give the city manager insight on the document and help with the best interest of the City. If the Commission approved the review rubric and timeline, the first review would be on the economy section of the comprehensive plan and discussion would be held at the next commission meeting. She responded to Commissioner Gruber that the City Manager would like to be invited to the Seldovia Planning Commission meetings to help facilitate the review.

B. Public Presentation or Hearing

None

C. Commission Discussion

CARLUCCIO- Spoke in support of delaying the whole schedule for at least a month, stating that she

Excerpt from the April 07, 2021 Seldovia Planning Commission meeting minutes unapproved:

A. Consideration of Site Plans;

1. Preliminary Replat- Seldovia Townsite Pollack Addition 2021

A. Presentation by Staff or Commission

CLERK GEAGEL- Presented preliminary plat with questions from the previous meeting answered. She responded to Commissioner Carluccio that she could look into parking over a utility and spoke to the parking in question already existing.

B. Public Presentation or Hearing

JASON SCHOLLENBERG, Peninsula surveyor- Spoke to having answered the commissions previous questions and that he was there to answer questions.

C. Commission Discussion

CARLUCCIO- Discussed that the only question she had about parking over a utility easement and spoke to the setbacks being five feet, that there was no minimum lot size, but the minimum lot coverage not close to exceeding the requirement.

FORSBERG- Spoke to the minimum lot requirement and asked for confirmation that there was no minimum lot size.

GRUBER- Spoke to note number one on the replat stating that no permanent structure could be built in the utility easement and commented that as long as what was in the easement was not permanent it was not a problem. She spoke to the requirements needed having been met.

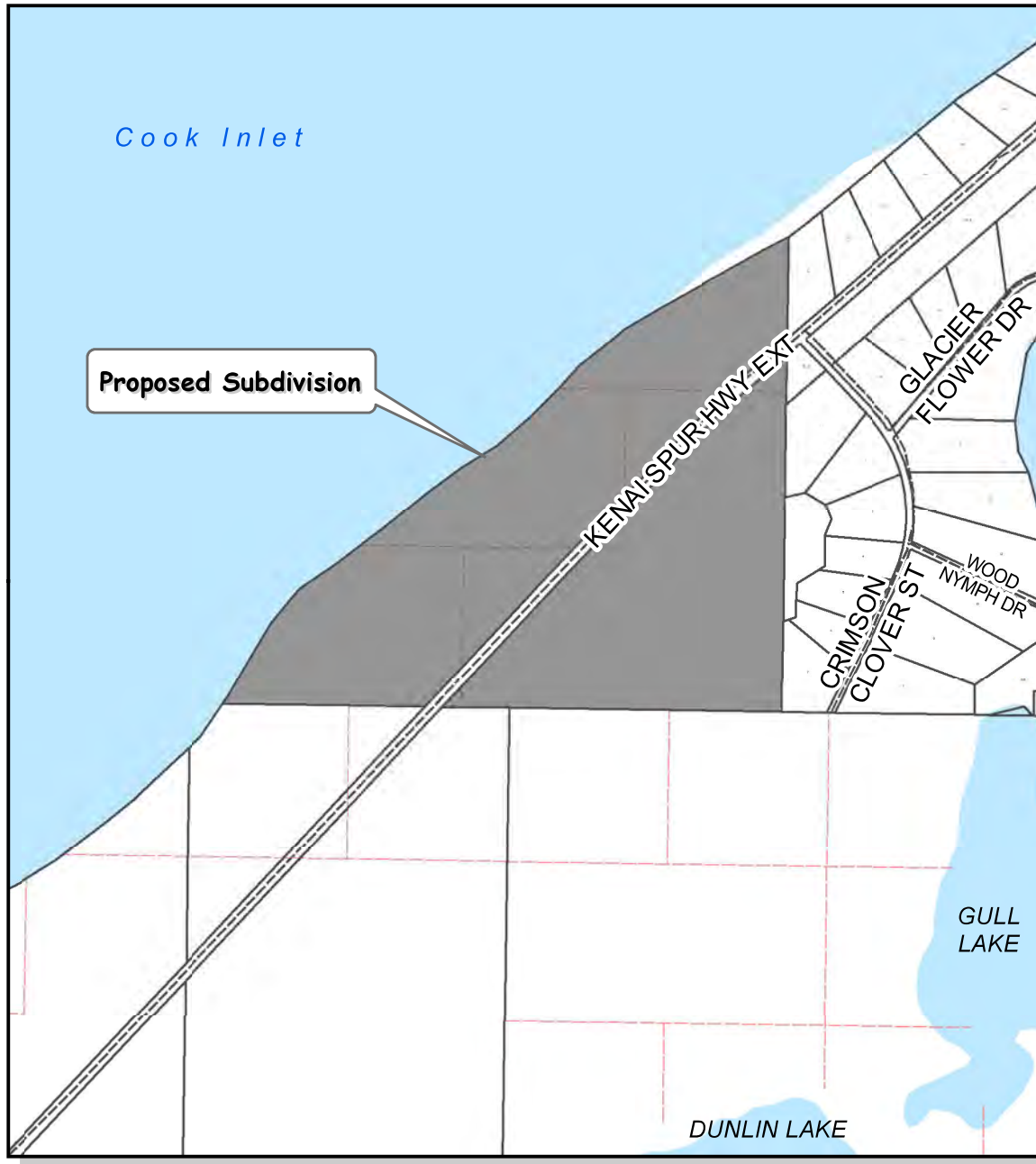
STEVE POLLACK, property owner- Stated that he had no intention of having permanent structure in the utility easement, and clarified that the parking in the back corner already existed and he did not plan to change it, he focus was more primarily the other lot.

D. Action/Disposition

CARLUCCIO- Called for a motion to approve the preliminary replat.

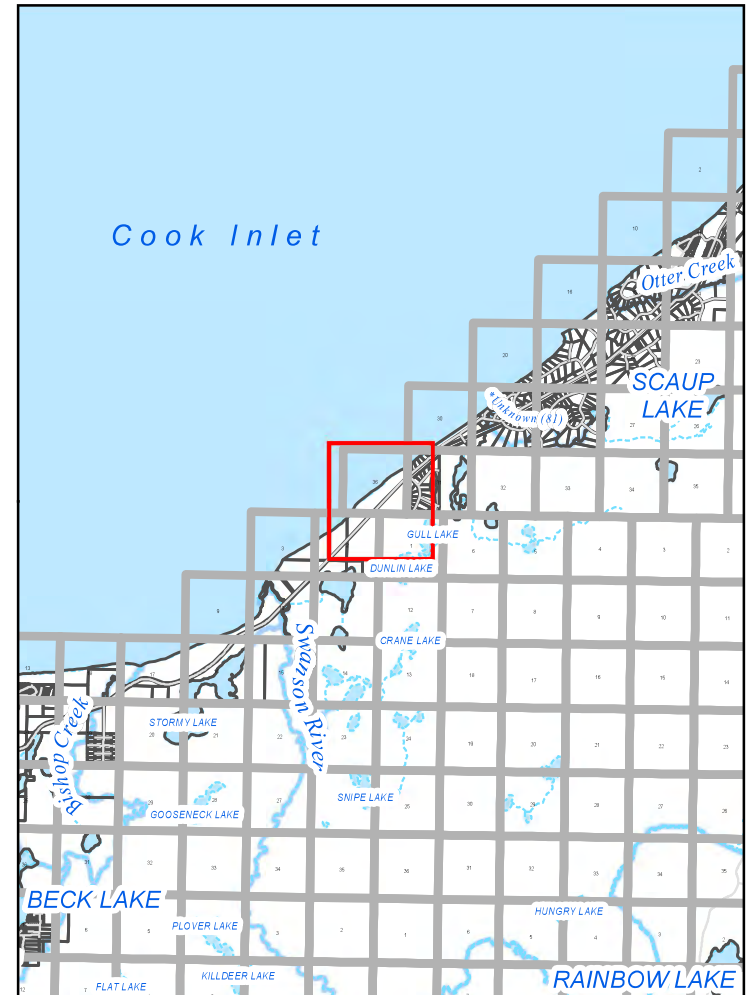
GRUBER/FORSBERG MOVED TO APPROVE

ROLL CALL VOTE/FORSBERG-Y, GRUBER-Y, CARLUCCIO- Y/ MOTION CARRIED



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

0 700 1,400 2,800'



0 9,000 18,000 36,000 Feet



KPB 2021-052
S36 T09N R10W
POINT POSSESSION

Date: 4/19/2021
 JHindman, KPB 2021-052



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Aerial View

0 237.5 475 950'



PRELIMINARY PLAT

JHindman, KPB 2021-052
Date: 4/19/2021
Imagery Soldotna 2018

**ITEM 6 – Alaska State Land Survey No. 2020-10
Captain Cook North Subdivision**

KPB File No.	2021-052
Plat Committee Meeting:	May 10, 2021
Applicant / Owner:	State of Alaska, Dept. of Natural Resources, Division of Mining, Land, and Water
Surveyor:	McLane Consulting Inc.
General Location:	Nikiski area, near Grey Cliff Subdivision, MP 40 Kenai Spur Hwy.

Parent Parcel No.:	025-050-02
Legal Description:	Uplands of Section 36, T9N, R10W, S.M.
Assessing Use:	Residential Vacant
Zoning:	Rural Unrestricted
Water / Wastewater	On-site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a State owned 228 acre parcel into 24 parcels ranging in size from 5.113 to 22.166 acres. The parcels that front Cook Inlet are affected by the bluff. **Staff recommends** the upland, or usable, acreage be added to all lots on the bluff.

Legal Access (existing and proposed):

Access to the subdivision is by the Kenai Spur Highway extension. This section of the road has recently been upgraded by KPB with a one-lane gravel road with turnouts. This plat will be dedicating the following right of ways. **Staff recommends** a certificate of acceptance be provided for KPB to accept the public right of ways that this plat is dedicating.

- 100 foot wide ROW on existing Kenai Spur Highway Extension within the subdivision. This coincides with ADL 209574, an easement for public access road to KPB. **Staff recommends** the boundary of the subdivision be corrected to show that the Kenai Spur Highway Extension is within the subdivision boundary and depict the ROW as being dedicated with this plat.
- 60 foot wide ROW loop named Endeavor Loop.

A 50 foot section line easement affects the east and south boundary. Section 2, located to the south, is under KPB management and affected by a 50 foot section line easement. Section 1, is under US Fish & Wildlife management – Kenai Wildlife Refuge, and is not subject to a section line easement. The lands to the east has been subdivided (Grey Cliff Subd. KN 82-80) and the lots are under private ownership. The section line easements within Grey Cliff Subdivision have been vacated.

State lands are subject to a 50 foot public access easement on the mean high water of Cook Inlet and the ordinary high water of the unnamed lake on the east boundary. **Staff recommends** current meander line information be determined and shown for the boundary with Cook Inlet. The meander line information provided is from 1923 and was surveyed almost 100 years ago.

KPB Roads Dept. comments	The Road Service Area has no comments at this time.
SOA DOT comments	No comment

Site Investigation:

This subdivision is affected by rolling terrain with small areas of steep slopes. Low wet areas, a lake, and a drainage affect the subdivision and have been depicted and labeled.

KPB satellite imagery indicates this property may contain wet areas. **Staff recommendation:** place a note on the final plat indicating any person developing the property is responsible for obtaining all required local, state, and

federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.

Anadromous habit protection districts and flood areas do not affect this development.

Floodplain Hazard Review	Not within a flood hazard area.
Anadromous Waters Habitat Protection District Review	Not within a Habitat Protection District.
State Parks Review	No Comments

Staff Analysis

This parcel of land is owned by the State of Alaska DNR. Typically DNR will complete subdivision of their lands so that the lands can be sold into private ownership.

All lots are larger than 200,000 sq. ft. are are not subject to a soils analysis report.

Lot 1, Block 3 is a flag lot. The panhandle width is 473 feet in length but the width is 60 feet and is allowable under KPB code.

The surveyor is parceling out the lake on the east boundary. Staff is under the assumption that this lake will remain under State of Alaska DNR jurisdiction.

Staff recommendation: **CORRECTIONS / EDITS**

- Update the symbol for the white boulder in Cook Inlet as the symbol is the same as 'found geodetic control monument'.
- Place the standard note on the plat for the flag lot(s): No structures are permitted within the panhandle portion of the flag lot(s).
- Within the wastewater disposal review remove the reference to the nominal 5 acres as this has been removed from KPB code.
- Comply with KPB 20.60 Final plats.
-

Utility Easements

The subdivision is affected by the following utility easements.

- ADL 69354 – 10 foot pipeline easement (south side of Kenai Spur Hwy dedication)
- ADL 37591 – 50 foot pipeline easement (south side of Kenai Spur Hwy dedication)

This platting action will be creating a 20 foot building setback and 20 foot utility easement adjoining all right of way dedications.

Utility provider review:

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

KPB department / agency review:

Planner – Bryan Taylor	There are no local option zoning district issues or material site permits associated with this subdivision.
Code Compliance – Eric Ogren	No comments
Addressing – Derrick Haws	KENAI SPUR HWY NORTH should BE KENAI SPUR HWY EXT.

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan. The subdivision requirement checklist is attached to, and part of, this staff report.

EXCEPTIONS REQUESTED:

KPB 20.30.170 – Block Length

Staff Discussion:

This subdivision is located in a 'semi' remote are of the borough. Typical development of nearby lots are for cabins and recreational use. All lots will be provided legal access.

Jacob's Ladder Dr., a dedicated right of way, provides legal access between the beach and Kenai Spur Highway Ext. and is located an additional 1.6 miles along the beach.

The block length along the bluff is 4,190 feet. The block length for Block 2 is 2,575 feet.

If denied, the plat will need to be redesigned with additional right of way to decrease the block length and provide access to the beach.

- Provide a ROW dedication within Block 1 so that the length of the block does not exceed 1,320 feet.
- Revise Block 2 so that it does not exceed 1,320 feet.
- Provide a ROW dedication from Endeavor Loop to the east boundary

Surveyor Findings:

1. Endeavor Loop is intended to maneuver around low wet areas and provide access to larger lots that are also encumbered by low wet areas and ponds/lakes/creeks.
2. Section line easements are public access that can be utilized to access the neighboring wildlife refuge which will likely never be subdivided.
3. The bluff to the Cook Inlet is very steep in this area and access can be attained using section line easements for public access.

Staff Findings:

4. Development in the area is typically for recreational cabins.
5. This is a 'semi' remote area of the borough.
6. All lots have legal access.
7. The beach is accessible for access beyond this subdivision.
8. Jacob's Ladder Dr., a dedicated right of way, provides legal access between the beach and Kenai Spur Highway Ext. and is located an additional 1.6 miles along the beach.
9. The block length along the bluff is 4,190 feet.
10. The block length for Block 2 is 2,575 feet.

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

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

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

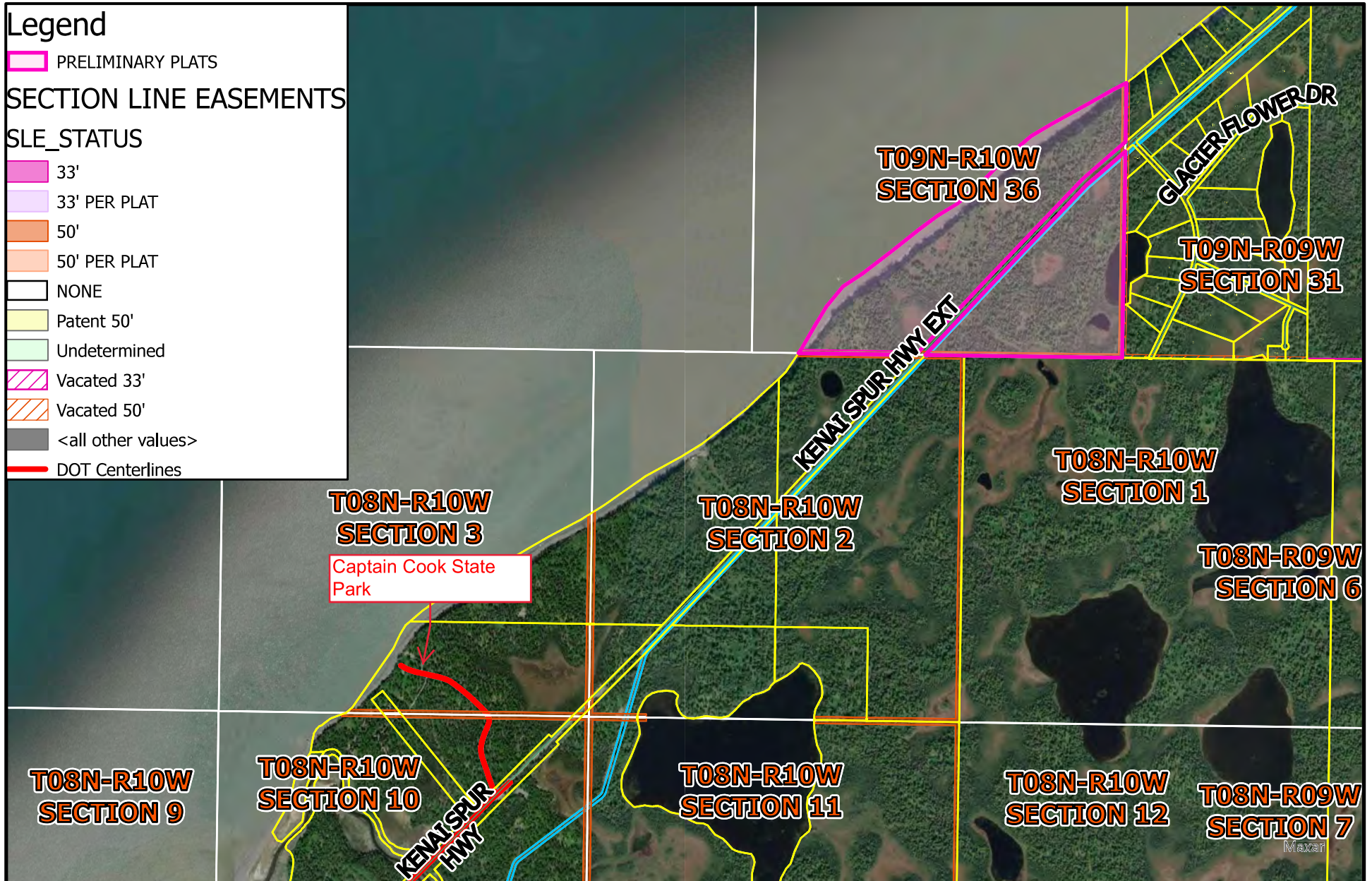
Legend

PRELIMINARY PLATS

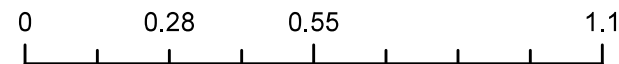
SECTION LINE EASEMENTS

SLE_STATUS

- 33'
- 33' PER PLAT
- 50'
- 50' PER PLAT
- NONE
- Patent 50'
- Undetermined
- Vacated 33'
- Vacated 50'
- <all other values>
- DOT Centerlines



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AERIAL IMAGE - 2018

Date: 3/11/2021
10:52 AM
Scott Huff,
Platting Manager,

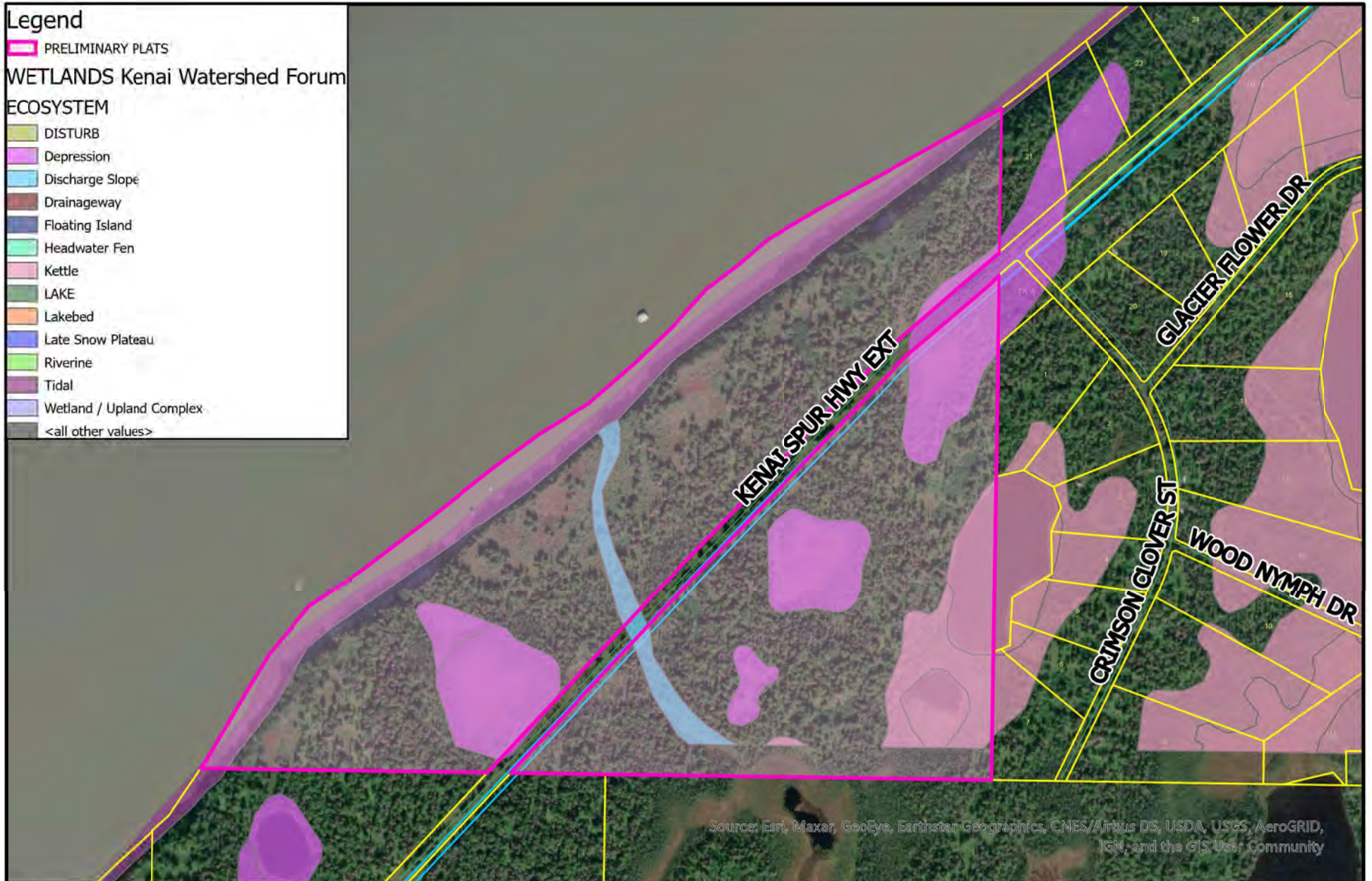
Legend

PRELIMINARY PLATS

WETLANDS Kenai Watershed Forum

ECOSYSTEM

- DISTURB
- Depression
- Discharge Slope
- Drainageway
- Floating Island
- Headwater Fen
- Kettle
- LAKE
- Lakebed
- Late Snow Plateau
- Riverine
- Tidal
- Wetland / Upland Complex
- <all other values>



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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0 0.1 0.2 0.4
Miles

AERIAL IMAGE - 2018

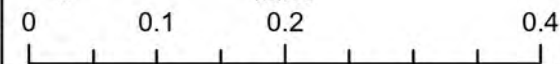
Date: 3/11/2021
10:52 AM
Scott Huff,
Platting Manager,

Legend

- PRELIMINARY PLATS
- Contours 4ft



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AERIAL IMAGE - 2018

Date: 3/11/2021
10:52 AM
Scott Huff,
Plating Manager,

NOTES:

- THIS SURVEY WAS ACCOMPLISHED IN ACCORDANCE WITH AS 38.04.045, 09C.042, AND 59 AS 38.04.010.
- THE ENDORSEMENT OF THIS SURVEY DOES NOT EXCEED 1,500 ANTI-CORNER POSITIONS HAVE A RELATIVE POSITIONAL ACCURACY AT THE 95 PERCENT CONFIDENCE LEVEL OF 0.13 FEET PER 100 FEET.
- ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
- THE BASIS OF BEARING (SOUTH) FOR THIS SURVEY IS THE TRUE BEARING BETWEEN THE FOUND WCCM ON THE EAST BOUNDARY OF SECTION 36 AND SECTION CORNER COMMON TO SECTION 36 AND SECTION 35 AS SHOWN HEREON.
- THE COORDINATES USED ARE BASED ON AVERAGE NAD 83 COUSUMS AND ARE CONFINED TO THE NATIONAL SPATIAL REFERENCE SYSTEM USING COUSUMS "NAD83", "NAD83", "NAD83" & "NAD83".
- WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
- BUILDING SETBACK, A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- THE 30 FOOT BUILDING SETBACK IS ALSO A UTILITY EASEMENT.
- 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.
- ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BUREAU OF HIGHWAYS IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
- NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.
- NO STRUCTURES ARE PERMITTED WITHIN THE FARMHOLE PORTION OF LOT 1 & BLOCK 1.
- MEAN HIGH WATER WAS DETERMINED BY TIME COORDINATED TOTAL OBSERVATIONS ON 11/20/2021 AS ESTABLISHED FROM THE NOAA PUBLICATION FOR THE PRELIMINARY OF HIGH AND LOW WATERS FOR 2021.
- THE NATURAL MEASURES OF THE MEAN HIGH WATER (MHW) OF COOK INLET AND THE ORDINARY HIGH WATER (OHW) LINE OF THE LAKE FORM THE TRUE BOUNDARY OF PARCELS. THE APPROXIMATE LINE OF (MHW) & (OHW), AS SHOWN, IS FOR AREA COMPUTATIONS ONLY. THE TRUE CORNER ON THE EXTENSION OF THE SECTION LINE AND THEIR INTERSECTION WITH THE NATURAL MEASURES.
- ALL PARCELS OF LAND OWNED BY THE STATE OF ALASKA, LOCATED WITHIN 50.00 FEET OF, OR ADJACENT TO A SURVEYED OR PROPOSED SECTION LINE, ARE SUBJECT TO A 30 FOOT (30') EASEMENT, EACH SIDE OF THE SECTION LINE, WHICH IS RESERVED TO THE STATE OF ALASKA FOR PUBLIC HIGHWAYS UNDER AS DEVELOPED.
- A PUBLIC ACCESS EASEMENT ON THE BED OF AND 50 FEET UPLAND FROM THE ORDINARY HIGH WATER LINE AND MEAN HIGH WATER IS RESERVED TO THE STATE IN ACCORDANCE WITH AS 38.05.217.
- THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
 - ADJ. 17911, A 50 FOOT PRIVATE EASEMENT, NON EXCLUSIVE R/W RECORDED IN BOOK 56, PAGE 972 AND ASSIGNED TO HARVEST ALASKA, LLC ON DOCUMENT No. 2017-090133 & 010.
 - ADJ. 09554, A 10 FOOT PRIVATE EASEMENT, NON EXCLUSIVE R/W RECORDED IN BOOK 56, PAGE 633 AND ASSIGNED TO HARVEST ALASKA, LLC ON DOCUMENT No. 2017-090133 & 010.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE DIRECTOR, DIVISION OF MINING, LAND AND WATER AND THAT THE STATE OF ALASKA IS THE OWNER OF THE REAL PROPERTY ASKS NO. 2020-10 SHOWN AND DESCRIBED HEREON. I HEREBY APPROVE THIS SURVEY AND PLAN FOR THE STATE OF ALASKA, AND DEDICATE FOR PUBLIC OR PRIVATE USE AS NOTED, ALL EASEMENTS, PUBLIC UTILITY AREAS AND RIGHTS-OF-WAY SHOWN AND DESCRIBED HEREON.

DIRECTOR, DIVISION OF MINING, LAND & WATER

DATE:

NOTARY'S ACKNOWLEDGEMENT

FOR ACKNOWLEDGEMENT BEFORE ME THIS

DAY OF _____, 20__

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE STATE OF ALASKA

BASIS OF COORDINATES
NAD83(2011) (EPOCH 2010.0000)

NAD83(2011) (EPOCH 2010.0000)
NAD83(2011) (EPOCH 2010.0000)
NAD83(2011) (EPOCH 2010.0000)
NAD83(2011) (EPOCH 2010.0000)
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NAD83(2011) (EPOCH 2010.0000)
NAD83(2011) (EPOCH 2010.0000)

CURVE #	DELTA	ARCLEN	TANGENT	CHORD BEARING	CHORD LENGTH
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4	1.117100°	10.00	10.00	90.00° 00' 00"	10.00
5	1.117100°	10.00	10.00	90.00° 00' 00"	10.00
6	1.117100°	10.00	10.00	90.00° 00' 00"	10.00
7	1.117100°	10.00	10.00	90.00° 00' 00"	10.00
8	1.117100°	10.00	10.00	90.00° 00' 00"	10.00
9	1.117100°	10.00	10.00	90.00° 00' 00"	10.00
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11	1.117100°	10.00	10.00	90.00° 00' 00"	10.00
12	1.117100°	10.00	10.00	90.00° 00' 00"	10.00
13	1.117100°	10.00	10.00	90.00° 00' 00"	10.00
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18	1.117100°	10.00	10.00	90.00° 00' 00"	10.00
19	1.117100°	10.00	10.00	90.00° 00' 00"	10.00
20	1.117100°	10.00	10.00	90.00° 00' 00"	10.00

block length 4,190 feet

block length 2,575

- LEGEND**
- FOUND CIVIL/MONUMENT
 - FOUND EPOCHIC CONTROL MONUMENT
 - FOUND PRIMARY MONUMENT AS DESCRIBED
 - SET PRIMARY MONUMENT
 - RECORD PER PLAN 0803-40
 - RECORD PER PLAN 0803-40
 - SECTION LINE EASEMENT
 - UNSUBDIVIDED
 - MONUMENT CENTERLINE
 - BEARING TRUE WITH BEARING/DISTANCE
 - MEAN HIGH WATER
 - ORDINARY HIGH WATER
 - RECORD PER PLAN 0803-40
 - RECORD PER PLAN 0803-40
 - SECTION LINE EASEMENT
 - AREA SUBJECT TO INUNDATION
 - CONTOUR INTERVAL = 8'
 - TOPOGRAPHY GREATER THAN 200'
 - INCLUDING COOK INLET BLUFF

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAN REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

JAMES A. HALL
REGISTERED LAND SURVEYOR

DATE: _____

WASTEWATER DISPOSAL

THESE LOTS ARE AT LEAST 300.00 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ON-SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BUREAU OF PLANNING COMMISSION AT THE MEETING OF _____, 2021.

AUTHORIZED OFFICIAL

SCALE

1" = 400.00 FEET

1" = 400.00 FEET

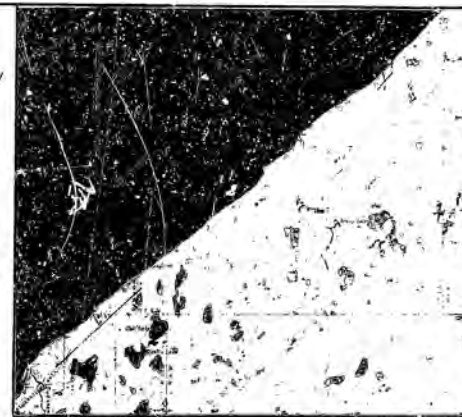
STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER

ALASKA STATE LAND SURVEY NO. 2020-10
CAPTAIN COOK NORTH SUBDIVISION

A SURVEY OF GOVERNMENT LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 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617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 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1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 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[illegible][illegible]

NUMBER	DATE	DESCRIPTION	PRICE	PERCENT
1000	1	1st Sprague	\$100.00	10.0
1001	1	1st Sprague	\$100.00	10.0
1002	1	1st Sprague	\$100.00	10.0
1003	1	1st Sprague	\$100.00	10.0
1004	1	1st Sprague	\$100.00	10.0
1005	1	1st Sprague	\$100.00	10.0
1006	1	1st Sprague	\$100.00	10.0
1007	1	1st Sprague	\$100.00	10.0
1008	1	1st Sprague	\$100.00	10.0
1009	1	1st Sprague	\$100.00	10.0
1010	1	1st Sprague	\$100.00	10.0
1011	1	1st Sprague	\$100.00	10.0
1012	1	1st Sprague	\$100.00	10.0
1013	1	1st Sprague	\$100.00	10.0
1014	1	1st Sprague	\$100.00	10.0
1015	1	1st Sprague	\$100.00	10.0
1016	1	1st Sprague	\$100.00	10.0
1017	1	1st Sprague	\$100.00	10.0
1018	1	1st Sprague	\$100.00	10.0
1019	1	1st Sprague	\$100.00	10.0
1020	1	1st Sprague	\$100.00	10.0
1021	1	1st Sprague	\$100.00	10.0
1022	1	1st Sprague	\$100.00	10.0
1023	1	1st Sprague	\$100.00	10.0
1024	1	1st Sprague	\$100.00	10.0
1025	1	1st Sprague	\$100.00	10.0
1026	1	1st Sprague	\$100.00	10.0
1027	1	1st Sprague	\$100.00	10.0
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1029	1	1st Sprague	\$100.00	10.0
1030	1	1st Sprague	\$100.00	10.0
1031	1	1st Sprague	\$100.00	10.0
1032	1	1st Sprague	\$100.00	10.0
1033	1	1st Sprague	\$100.00	10.0
1034	1	1st Sprague	\$100.00	10.0
1035	1	1st Sprague	\$100.00	10.0
1036	1	1st Sprague	\$100.00	10.0
1037	1	1st Sprague	\$100.00	10.0
1038	1	1st Sprague	\$100.00	10.0
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1040	1	1st Sprague	\$100.00	10.0
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1075	1	1st Sprague	\$100.00	10.0
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1078	1	1st Sprague	\$100.00	10.0
1079	1	1st Sprague	\$100.00	10.0
1080	1	1st Sprague	\$100.00	10.0
1081	1	1st Sprague	\$100.00	10.0
1082	1	1st Sprague	\$100.00	10.0
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1086	1	1st Sprague	\$100.00	10.0
1087	1	1st Sprague	\$100.00	10.0
1088	1	1st Sprague	\$100.00	10.0
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1092	1	1st Sprague	\$100.00	10.0
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1095	1	1st Sprague	\$100.00	10.0
1096	1	1st Sprague	\$100.00	10.0
1097	1	1st Sprague	\$100.00	10.0
1098	1	1st Sprague	\$100.00	10.0
1099	1	1st Sprague	\$100.00	10.0
1100	1	1st Sprague	\$100.00	10.0



OWNERSHIP CERTIFICATE

OWNERSHIP CERTIFICATE

I, the undersigned, hereby certify that I am the Director, Division of Technical Services, and that the State of Alaska is owner of Ails No. 21-79, as shown herein. I hereby declare this survey and plat for the State of Alaska.

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 4th day of May 1961

William L. Hines

NOTARY PUBLIC

12-10-84
Commission Expires
DEDICATION OF EASEMENTS DURING UTILITIES ALSO

RIGHTS-OF-WAY

I hereby dedicate for public or private use, as noted, a easement, utility, access, right-of-way as noted and as shown herein.

SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, that this plat represents a survey made by me or under my direct supervision, and the monuments shown hereon actually exist as described and that all dimensions and plat details are correct.

CERTIFICATE OF APPLICANT

I hereby certify that the above-mentioned items are the
 and least of the property of the Bureau and that
 prove this plan of Bureau.

5/10/21 - *Stanley*

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me on 10-21 of March 1983
 Joanne Binalas Feb. 14 1983

PLAT APPROVAL

THIS PLAN WAS APPROVED BY THE ARMY POLYNESIA BOARD
COMMISSION AT THE MEETING OF March 3, 1952
ARMY POLYNESIA BOARD

LEGEND:

- 6" x 6" Concrete Post, Department of Highway Right of Way Monument, #10029282 1915 Survey
- Department of Highway Right of Way Monument Record Available
- 7 1/2" x 8 1/2" Sub Monument As described in the Official Record, Resurveyed this Survey
- 7 1/2" x 8 1/2" Monument on 3/8" Copperplate Metal Rod, 105-0-1 Resurveyed this Survey AKA 76-0-1, 6-1
- Aluminum Cap on 5/8" Metal Rod, Resurveyed this Survey
- All Private Possessions for this Survey
- 10" Survey Aluminum Cap on a 2" x 30" Aluminum Pipe With Magnet and Flange on Bottom
- 6" x 6" Sub Monument this Survey



INVENTOR: J. S. ZIMMERMAN, JR. BY SURVEY V&E, INC. ADDRESS: 4047 N. 10TH AVE.

DATE	SURVEY	NAME OF SURVEYOR
------	--------	------------------

beginning 2-22-81 JIMMY ANDERSON
ended 8-30-81 WPA 1269

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF TECHNICAL SERVICES
ANCHORAGE, ALASKA

ALASKA STATE LAND SURVEY No. 84

Updated in subsequent versions: 2.3.0 (27 July 2016), 3.0.0 (5 May 2017).

Surveyed sections 36, T9N, R10W, S41, AK. Surveyed section 1, T9N, R10W, S41, AK.

DRAWN BY S. J. [illegible]	APPROVED [illegible]
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DATE OCT, 1964

VICINITY SCALE 1:1 MILE MAP

BEARING TREES - to monuments shown in legend. Ref. to bearing of SLO north on sec line of sec 36 and sec 37
3" x 4" aluminum tags, marked with bearing and distance, are nailed to bearing trees

TRACT 20 and FC ROW			CONTRACT 17, 18, 19 and ROW			TRACT C and E of SEC 31			SEC CONTRACT C			TRACT 12 and FC ROW		
1 - 1.245-0.00	0.50	1 st Street	1 - 1.825-0.00	0.50	1 st Street	1 - 1.825-0.00	0.50	1 st Street	1 - 1.825-0.00	0.50	1 st Street	1 - 1.825-0.00	0.50	1 st Street
2 - 1.245-0.00	0.50	2 nd Street	2 - 1.825-0.00	0.50	2 nd Street	2 - 1.825-0.00	0.50	2 nd Street	2 - 1.825-0.00	0.50	2 nd Street	2 - 1.825-0.00	0.50	2 nd Street
3 - 1.245-0.00	0.50	3 rd Street	3 - 1.825-0.00	0.50	3 rd Street	3 - 1.825-0.00	0.50	3 rd Street	3 - 1.825-0.00	0.50	3 rd Street	3 - 1.825-0.00	0.50	3 rd Street
4 - 1.245-0.00	0.50	4 th Street	4 - 1.825-0.00	0.50	4 th Street	4 - 1.825-0.00	0.50	4 th Street	4 - 1.825-0.00	0.50	4 th Street	4 - 1.825-0.00	0.50	4 th Street
5 - 1.245-0.00	0.50	5 th Street	5 - 1.825-0.00	0.50	5 th Street	5 - 1.825-0.00	0.50	5 th Street	5 - 1.825-0.00	0.50	5 th Street	5 - 1.825-0.00	0.50	5 th Street
6 - 1.245-0.00	0.50	6 th Street	6 - 1.825-0.00	0.50	6 th Street	6 - 1.825-0.00	0.50	6 th Street	6 - 1.825-0.00	0.50	6 th Street	6 - 1.825-0.00	0.50	6 th Street
7 - 1.245-0.00	0.50	7 th Street	7 - 1.825-0.00	0.50	7 th Street	7 - 1.825-0.00	0.50	7 th Street	7 - 1.825-0.00	0.50	7 th Street	7 - 1.825-0.00	0.50	7 th Street
8 - 1.245-0.00	0.50	8 th Street	8 - 1.825-0.00	0.50	8 th Street	8 - 1.825-0.00	0.50	8 th Street	8 - 1.825-0.00	0.50	8 th Street	8 - 1.825-0.00	0.50	8 th Street
9 - 1.245-0.00	0.50	9 th Street	9 - 1.825-0.00	0.50	9 th Street	9 - 1.825-0.00	0.50	9 th Street	9 - 1.825-0.00	0.50	9 th Street	9 - 1.825-0.00	0.50	9 th Street
10 - 1.245-0.00	0.50	10 th Street	10 - 1.825-0.00	0.50	10 th Street	10 - 1.825-0.00	0.50	10 th Street	10 - 1.825-0.00	0.50	10 th Street	10 - 1.825-0.00	0.50	10 th Street
11 - 1.245-0.00	0.50	11 th Street	11 - 1.825-0.00	0.50	11 th Street	11 - 1.825-0.00	0.50	11 th Street	11 - 1.825-0.00	0.50	11 th Street	11 - 1.825-0.00	0.50	11 th Street
12 - 1.245-0.00	0.50	12 th Street	12 - 1.825-0.00	0.50	12 th Street	12 - 1.825-0.00	0.50	12 th Street	12 - 1.825-0.00	0.50	12 th Street	12 - 1.825-0.00	0.50	12 th Street
13 - 1.245-0.00	0.50	13 th Street	13 - 1.825-0.00	0.50	13 th Street	13 - 1.825-0.00	0.50	13 th Street	13 - 1.825-0.00	0.50	13 th Street	13 - 1.825-0.00	0.50	13 th Street
14 - 1.245-0.00	0.50	14 th Street	14 - 1.825-0.00	0.50	14 th Street	14 - 1.825-0.00	0.50	14 th Street	14 - 1.825-0.00	0.50	14 th Street	14 - 1.825-0.00	0.50	14 th Street
15 - 1.245-0.00	0.50	15 th Street	15 - 1.825-0.00	0.50	15 th Street	15 - 1.825-0.00	0.50	15 th Street	15 - 1.825-0.00	0.50	15 th Street	15 - 1.825-0.00	0.50	15 th Street
16 - 1.245-0.00	0.50	16 th Street	16 - 1.825-0.00	0.50	16 th Street	16 - 1.825-0.00	0.50	16 th Street	16 - 1.825-0.00	0.50	16 th Street	16 - 1.825-0.00	0.50	16 th Street
17 - 1.245-0.00	0.50	17 th Street	17 - 1.825-0.00	0.50	17 th Street	17 - 1.825-0.00	0.50	17 th Street	17 - 1.825-0.00	0.50	17 th Street	17 - 1.825-0.00	0.50	17 th Street
18 - 1.245-0.00	0.50	18 th Street												

This plan was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____ 1982.

KENAI PENINSULA BOROUGH

BY: _____

Authorized Official

A building-set back of 20' from all R.O.W.'s is required unless a lesser standard is approved by a resolution of appropriate planning commission. Building set-back line to be line of UTILITY EASEMENTS along streets.

We hereby certify that we are the owners of the property shown and described herein, and that we hereby accept this plan of subdivision, and dedicate all Rights Of Way to public use, and grant all easements to uses shown.

Subscribed and sworn to before me this _____ day of _____, 1982.

My Commission Expires _____
FOR STANLEY P. THOMPSON

- ✦ - 1923 brass ccd monument by GLO, found
- - 1981 Bernstein aluminum cap with by 3696-S; found
- - C.P.B. 3" oil cap on 3/4"x6" oil rod, set
- - Al cap on 5/8"x20" rod, set
- - Swagway ground

NASA GRID BEARING - N48°-54'-42"E ON CENTERLINE OF NIKISHKA LINE

a	b
$A = 2975.54 \pm 32^{\circ}$	$A = 2975.54 \pm 32^{\circ}$
$B = 33.00^{\circ}$	$B = 33.00^{\circ}$
$C = 17.68^{\circ}$	$C = 28.93^{\circ}$
$D = 18.37^{\circ}$	$D = 28.93^{\circ}$
$L = 29.91^{\circ}$	$L = 30.28^{\circ}$

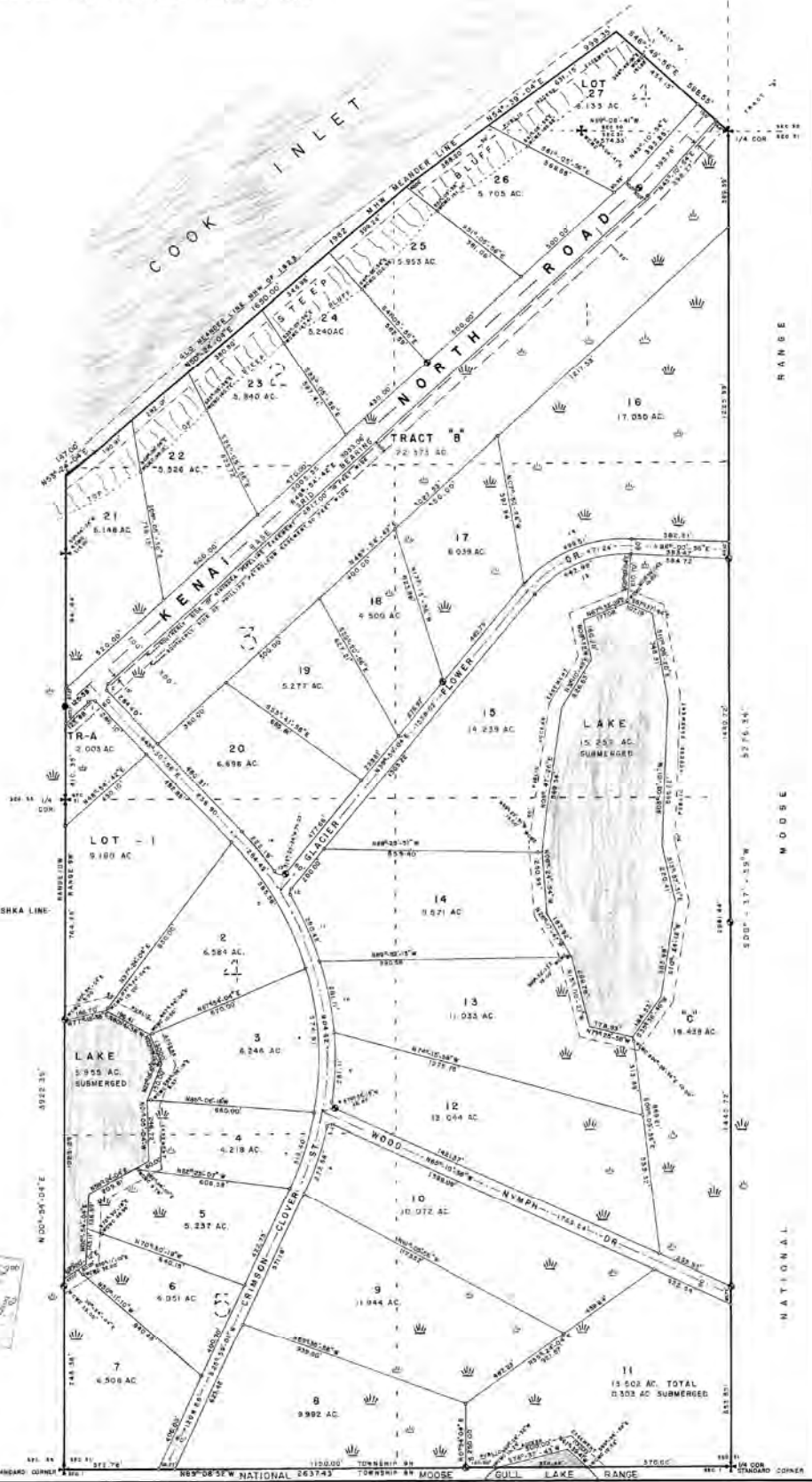
1	2
$\Delta = 23^{\circ} - 30^{\circ}$	$\Delta = 23^{\circ} - 29^{\circ}$
$\delta = 12^{\circ} 55' - 20^{\circ}$	$\delta = 12^{\circ} 55' - 20^{\circ}$
$\epsilon = 57^{\circ} 55'$	$\epsilon = 56^{\circ} 55'$
$\gamma = 24^{\circ} 55'$	$\gamma = 24^{\circ} 55'$
$\omega = 115^{\circ} - 130^{\circ}$	$\omega = 115^{\circ} - 130^{\circ}$
$\Omega = 23^{\circ} 45' - 40^{\circ} 45'$	$\Omega = 50^{\circ} 55' - 60^{\circ} 55'$

1	2
$A = 150^\circ, \angle B = 50^\circ$	$A = 120^\circ, \angle B = 10^\circ$
$b = 40, c = 5$	$b = 40, c = 10$
$C = 80, 80^\circ$	$C = 50, 150^\circ$
$T = 20, 20^\circ$	$T = 10, 10^\circ$
$t = 20, 20^\circ$	$t = 20, 20^\circ$
$\angle B = 50^\circ, \angle C = 80^\circ$	$\angle B = 10^\circ, \angle C = 150^\circ$

10	20
$10 \times 10^0 = 10^1$	$20 \times 10^0 = 2 \times 10^1$
$10 \times 10^1 = 10^2$	$20 \times 10^1 = 2 \times 10^2$
$10 \times 10^2 = 10^3$	$20 \times 10^2 = 2 \times 10^3$
$10 \times 10^3 = 10^4$	$20 \times 10^3 = 2 \times 10^4$
$10 \times 10^4 = 10^5$	$20 \times 10^4 = 2 \times 10^5$
$10 \times 10^5 = 10^6$	$20 \times 10^5 = 2 \times 10^6$

[illegible][illegible]

$A = 1.4 \times 10^{-10} \text{ m}^2$	$A = 1.4 \times 10^{-10} \text{ m}^2$
$B = 9.7 \times 10^5$	$B = 9.7 \times 10^5$
$C = 4.2 \times 10^{-11}$	$C = 4.2 \times 10^{-11}$
$D = 3.8 \times 10^{-1}$	$D = 3.8 \times 10^{-1}$
$E = 4.4 \times 10^3$	$E = 4.4 \times 10^3$



LAY DOWN INFO

**E6. ASLS No. 2020-10
KPB File 2021-52**

Hindman, Julie

From: Horton, George C (DNR) <george.horton@alaska.gov>
Sent: Friday, May 7, 2021 12:14 PM
To: Hindman, Julie
Cc: Flint, Peter James (DNR); Hess, Terry M (DNR)
Subject: <EXTERNAL-SENDER> RE: PLAT NOTICE FOR MAY 10, 2021 meeting: G. Horton

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Hi Julie,
The DNR, DML&W, Survey Section is strongly in favor of the proposed Alaska State land Survey 2020-10.

Thank you for the opportunity to comment.

George Horton, PLS, CFedS

Land Surveyor I
DNR, DML&W, Survey Section
550 W. 7th AVE; Suite 650
Anchorage, Alaska 99501
(907) 269-8610
<http://dnr.alaska.gov/mlw/survey/>

"It's a dangerous business going out of your door. You step into the Road, and if you don't keep your feet, there is no knowing where you might be swept off to." Bilbo Baggins

From: Hindman, Julie <jhindman@kpb.us>
Sent: Tuesday, April 20, 2021 2:37 PM
To: Horton, George C (DNR) <george.horton@alaska.gov>
Subject: PLAT NOTICE FOR MAY 10, 2021 meeting: G. Horton

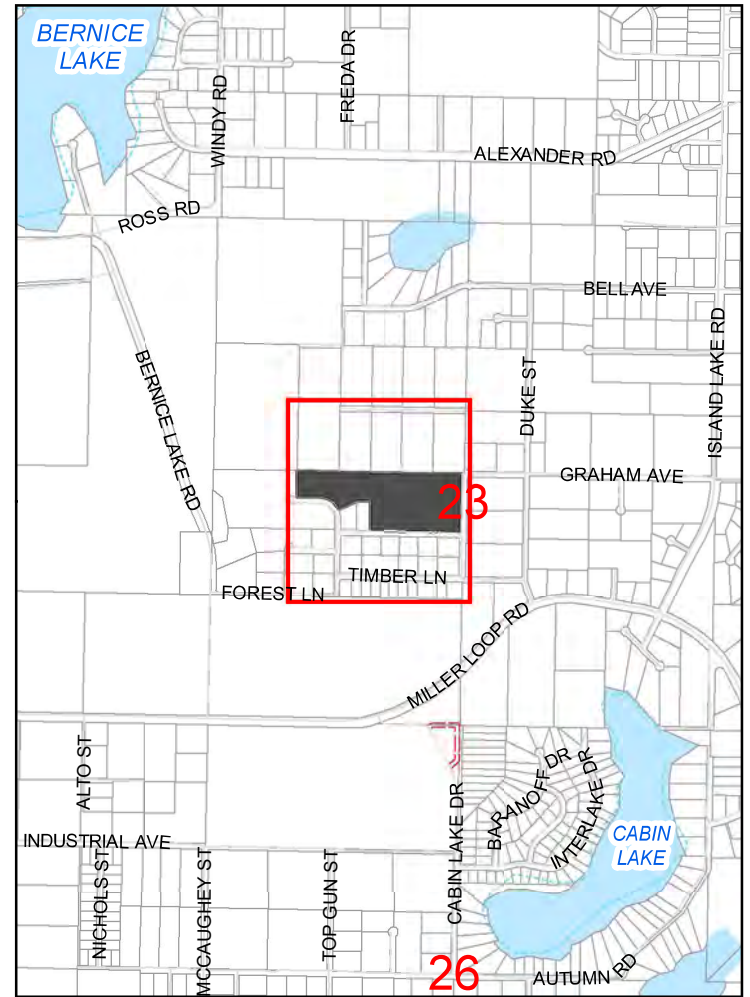
George,

Attached is the public hearing notice and associated maps for: Alaska State Land Survey No. 2020-10, KPB File 2021-052

The State of Alaska, Dept. of Natural Resources is a land owner in our notification area. Please provide comments by **May 7, 2021**.

Julie Hindman

Platting Specialist
Ph: (907) 714-2210
Fx: (907) 714-2378



0 1,000 2,000 4,000 Feet

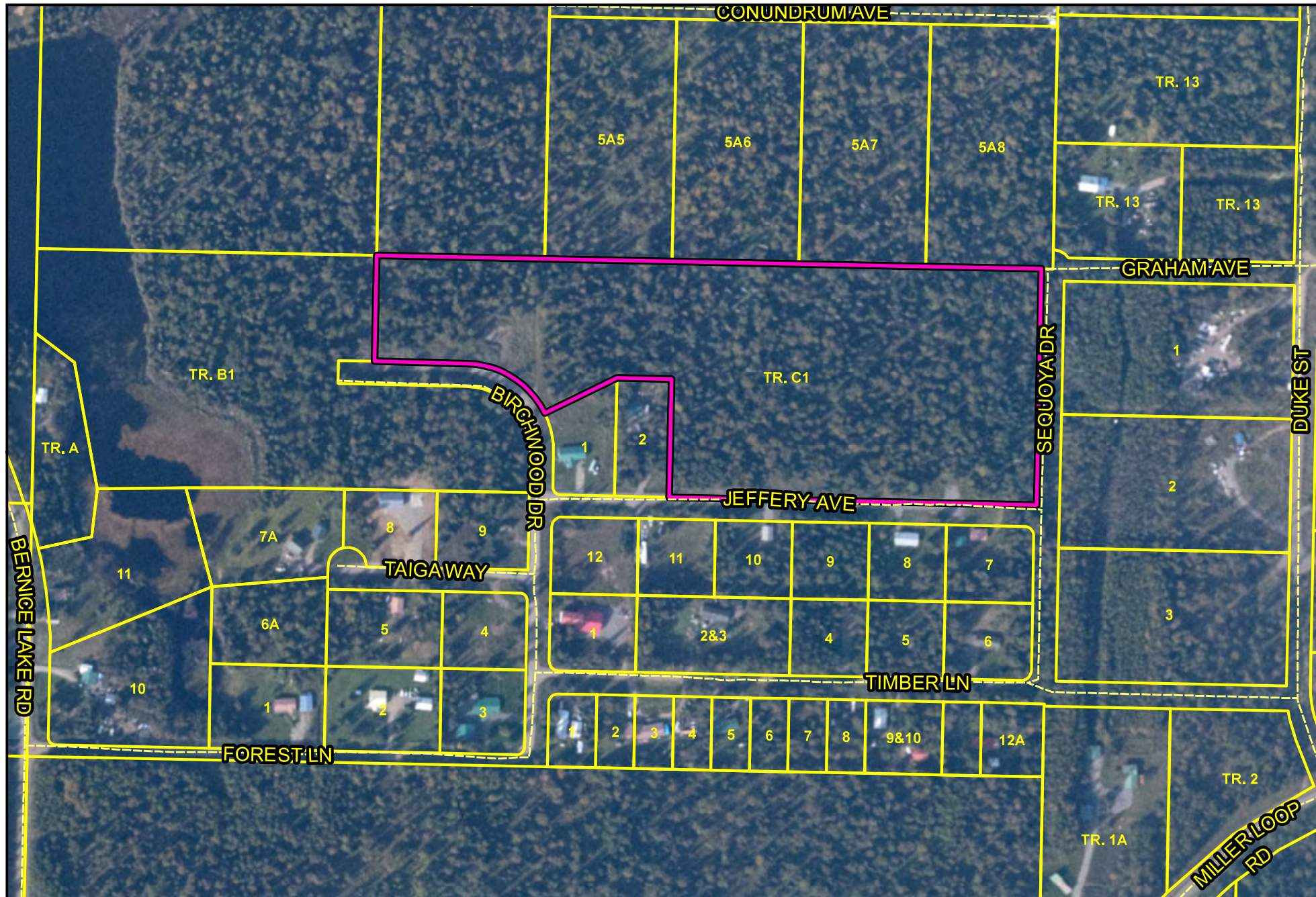
KPB 2021-012
S23 T07N R12W
NIKISKI

Date: 2/8/2021
 PClements, KPB 2021-012



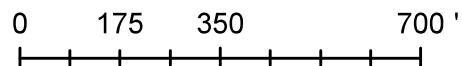
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

0 250 500 1,000'



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

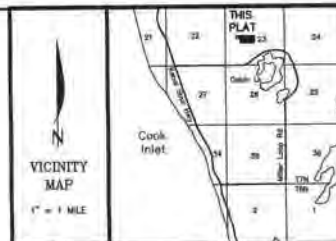
Aerial View



PClements, KPB 2021-012
Date: 2/8/2021
Imagery 2016

LEGEND:

- 2 1/2" ALUM. CAP MONUMENT FOUND
- 2 1/2" BRASS. CAP MON. FOUND
- 5/8" REBAR w/ALUM. CAP L55152 FOUND
- 5/8" REBAR w/PLASTIC CAP L511795 FOUND
- 5/8" REBAR w/PLASTIC CAP L58859 SET
- () RECORD DATUM PLAT 2012-50 KRO



CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT 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.

DENNIS L. DOKOWITZ, PERSONAL REPRESENTATIVE
ESTATE OF DENNIS L. VAN SKY
47191 WILDBERRY COURT
KENAI, ALASKA 99611

NOTARY'S ACKNOWLEDGEMENT

FOR
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2021

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MARCH 15, 2021.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

KPB FILE No. 2021-012

Van Sky Subdivision Number 7

A resubdivision of Tract C1 Van Sky Subdivision Number 6,
Plat 2012-50, Kenai Recording District.
Located within the N1/2 SW1/4 Section 23, T7N, R12W, S4M,
Kenai Peninsula Borough, Alaska.

Containing 18.888 Ac.

Surveyor: Segesser Surveys 30485 Rosland St. Soldotna, AK 99689 (907) 262-3908	Owner: The Estate of Dennis L. Van Sky 47191 Wildberry Ct. Kenai, Alaska 99611
JOB NO.: 20267	DRAWN: 4-5-21
SURVEYED: Dec., 2020	SCALE: 1"=150'
FIELD BOOK: 20-4	SHEET: 1 of 1

KPB File 2021-012R1

NOTES:

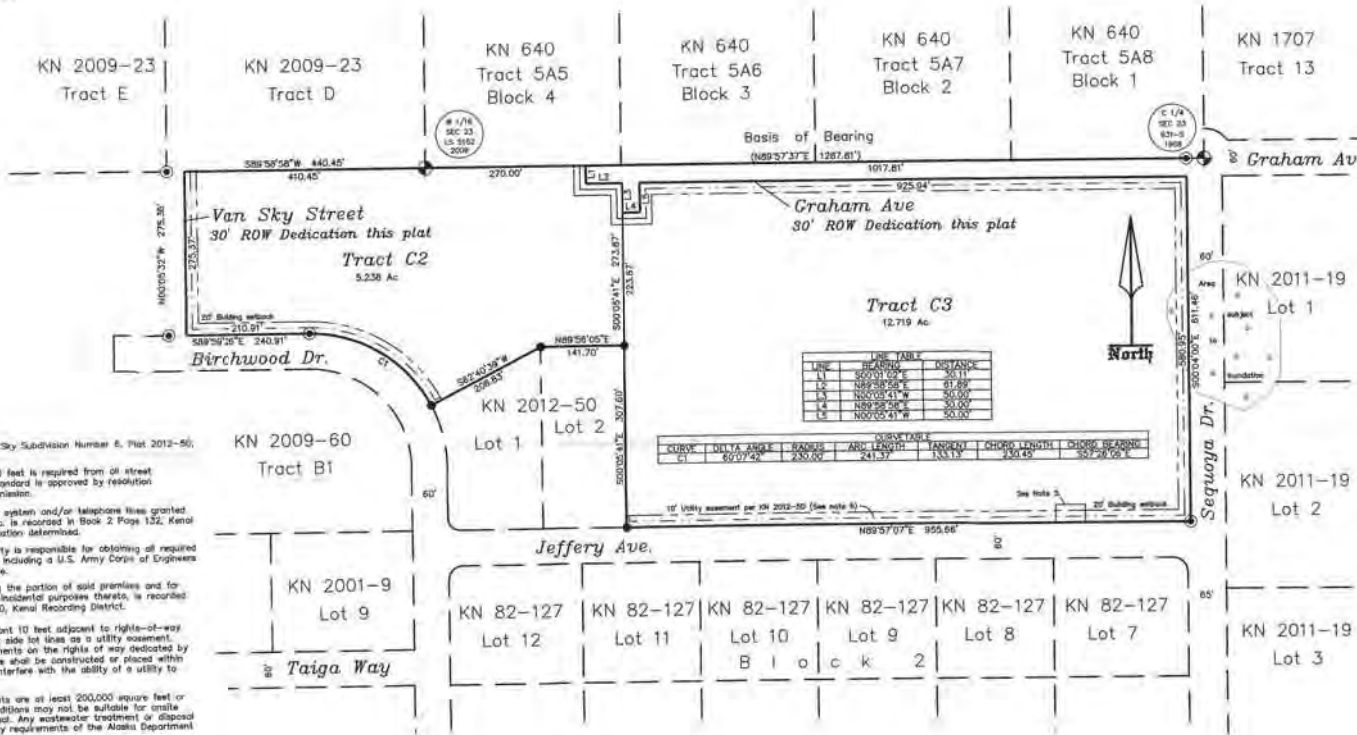
- 1) Basis of bearing taken from Van Sky Subdivision Number 6, Plat 2012-50, Kenai Recording District.
- 2) Building Setback--A setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association, Inc. is recorded in Book 2 Page 132, Kenai Recording District. No definite location determined.
- 4) 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.
- 5) A public road easement affecting the portion of said premises and for the purposes stated herein, and incidental purposes therein, is recorded as serial number 2010-008029-0, Kenai Recording District.
- 6) Plat KN 2012-50 granted the front 10 feet adjacent to rights-of-way and 20 feet within 5 feet of the side lot lines as a utility easement. This plat grants the same easements on the rights of way dedicated by this plat. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 7) WASTEWATER DISPOSAL: These lots are at least 200,000 square feet or nominal 5 acres in size and conditions 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.



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision; the monuments shown herein actually exist as described, and all dimensions and other details are correct.

Date _____



AGENDA ITEM E. NEW BUSINESS

ITEM 7 – VAN SKY SUBDIVISION NUMBER 7 - REVISED

KPB File No.	2021-012R1
Plat Committee Meeting:	May 10, 2021
Applicant / Owner:	Estate of Dennis Van Sky, Kenai, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Nikiski

Parent Parcel No.:	014-160-54
Legal Description:	Tract C1, Van Sky Subdivision Number 6, KN 2012-50
Assessing Use:	Residential
Zoning:	Rural District / Unrestricted
Water / Wastewater	On-Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide an 18.9 acre parcel into two tracts that are 5.2 and 12.7 acres.

This is a revised design of a preliminary plat that was heard and approved by the Plat Committee at the March 15, 2021 meeting. An exception had been requested for KPB Code 20.30.030 and 20.30.170 to not extend Graham Avenue. The Plat Committee unanimously voted to deny the exception and require the extension of Graham Avenue to Van Sky Street on the west boundary. The parcels to the north are 'land locked' as there is no legal access to multiple lots. The extension of Graham Avenue would provide legal and help with block length requirements.

A new design has been submitted with a partial dedication for Graham Avenue. The proposed design will still require an exception to KPB Code.

Legal Access (existing and proposed):

Access to the subdivision is via Birchwood Drive and Jeffery Avenue which are KPB maintained dedicated right of ways. Sequoya Drive and Graham Avenue are dedicated right of ways that provide access to the subdivision but have not been improved.

This plat is proposing to provide the following:

- 30 foot half width right of way, Van Sky Street, located on the west boundary. A matching dedication can be obtained when the neighboring 13 acre parcel is further subdivided.
- 30 foot half width right of way, Graham Ave, located on the north boundary. A matching dedication can be obtained when the neighboring parcels are further subdivided.

The subdivision is located in an open block that does not comply with KPB code.

KPB Roads Dept. comments	Not available when the staff report was prepared.
SOA DOT comments	N/A

Site Investigation:

The subdivision is generally flat and not affected by steep terrain. A low wet area affects a small portion on the west boundary.

Floodplain Hazard Review	Not within a flood hazard area
Anadromous Waters Habitat Protection District Review	Not affected by a Habitat Protection District

State Parks Review	No comments
--------------------	-------------

Staff Analysis

The parent parcel, Tract C1 was created in 2012.

The new lots are larger than 200,000 sq. ft. and a soils analysis report is not required.

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

Staff has reviewed the revised plat under the code requirements the original plat was approved under (pre Ordinance 2020-45). This staff report is only addressing the changes presented on the revised sketch. All requirements laid out in the original staff report that was approved on March 15, 2021 are still required. All corrections and code requirements listed in the original staff report must still be met in order to finalize this plat. A copy of this revision was sent to all reviewers for any comments or concerns regarding the proposed revision.

CORRECTIONS / EDITS

The subdivision boundary needs to be updated to include the proposed dedication to the west and in the eastern corner where the Graham Avenue dedication is proposed. The interior lot lines shall be thinner than the subdivision boundary. Correct any overstrikes on the survey markers.

Block 2 label shall be added to Tract 13 located northwest of the subdivision.

Line and curve table needs to be added to the plat.

Update the plat approval note to include both meeting dates. "This plat was approved by the Kenai Peninsula Borough Planning Commission at the meetings of March 15, 2021 and May 10, 2021."

A turnaround area is proposed for Graham Avenue. The southern portion is proposed to be 30 feet wide. This design will allow for future development and extension of the right of way. If this right of way ever extends to Jeffery Avenue, the ability to get a matching 30 foot dedication from Lot 2, KN 2012-50 will be slim as it is already a 1 acre lot. **Staff recommends** the T-type turn around area south of Graham Avenue be 60 feet wide to allow for a future extension.

The request for the exception states there are improvements on proposed Tract C2 that cross the boundary with Tract D to the north. Tract D is owned by Penny Rae Van Sky.

Per KPB 20.25.070(N), apparent encroachments are to be depicted on the preliminary plat and a statement is to be provided indicating how the encroachment will be resolved prior to final plat approval. **Staff recommends** the surveyor provide the location of the encroachments and as well as a statement for how the encroachment will be resolved prior to final plat approval. Tract C2 and Tract D can be combined into one parcel to remedy the encroachment issue.

PLAT NOTES -

Staff recommends add the following plat notes -

- 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).
- A note for any exceptions granted and the correct meeting date.
- Acceptance of the plat by the Borough does not indicate acceptance of any encroachments.

Staff recommends correct the following plat notes –

- Plat note 6, the second "This plat" should not be capital as it is does not start a sentence just located at the start of a line.

Utility Easements

Per the parent plat, 10 foot utility easements exist adjoining the dedicate right of ways, with a full 20 feet within 5 feet of the side lot lines. This plat will be granting utility easements within the front 10 of the building setback and the entire setback within 5 feet of the side lot lines.

Two utility easements of record affect this subdivision. The easement recorded in Bk. 2 Pg. 132 KRD is noted on the plat. **Staff recommends** the surveyor determine if the easement of record recorded in Bk. 37 Pg. 23 KRD affects this subdivision and if so, then depict or note the easement of record.

An easement for a public road turn around area has been depicted and labeled on the plat.

Utility provider review:

HEA	No Comments
ENSTAR	
ACS	No comments
GCI	

KPB department / agency review:

Planner – Bryan Taylor	There are no local option zoning districts associated with this plat. A prior existing use was recognized on November 15, 2000. A letter for the material site was sent to the land owner on March 1, 2021. (letter in packet)
Code Compliance – Eric Ogren	No Comments.
Addressing – Derek Haws	Van Sky St. is approved

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

EXCEPTIONS REQUESTED:

KPB 20.30.030 – Proposed Street Layout – Requirements

KPB 20.30.170 – Block Length - Requirements

Surveyor's Discussion: We need an exception to extending Graham Avenue to Van Sky Street as there are improvements extending from future Tract C2 onto Tract D to the north. Extending Graham Avenue would place improvements in the ROW. Graham Avenue is extended far enough for Lot 5A5 Block 4 to have 60 feet of ROW frontage.

Staff Discussion: Two section of code are being combined into one exception as the two sections of code are both in regards to the extension of Graham Avenue. The Plat Committee may vote on each section separately if they choose.

The proposed design extends a half width right of way dedication of Graham Ave for 1,017 feet to the west but does not connect to Van Sky Street. The proposed Graham Ave. dedication will extend to the southeast corner of Tract 5A5, Block 4 KN 640.

Previous concerns of the Plat Committee was the limited access provided to the lots to the north. The lots to the north front on Conundrum Ave. but there is no legal access to Conundrum Ave. so the lots are 'land locked'

Van Sky Street dedication along the west will provide access to Tract D, Tract D is a 13 acre parcel which fronts on Kendra Avenue on the north boundary. No legal access connects to Kendra Avenue. If the proposed design is

granted the block length will improve but without through dedications the block length will not comply with code.

A 'L' shaped turn around is being provided at the proposed west end of Graham Avenue. This design will allow the right of way to be extended to the west and south in the future.

The applicant has stated that there are improvements on the boundary between proposed Tract C2 and Tract D. No asbuilt survey was provided and aerial imagery from 2019 does not show any type of improvements.

If denied, the plat will require a redesign to extend Graham Avenue to the west and provide a connection to Van Sky Street. A 'L' shaped turn around would not be required.

Findings:

1. Graham Avenue is a 60 foot wide right of way located to the northeast of the subdivision.
2. Graham Avenue is not improved at this time and is not maintained by the KPB Roads Dept.
3. 5 parcels front the north boundary of this proposed subdivision.
4. Tract D, Van Sky Subd. No. 4 (KN 2009-23) is 13 acres in size and is large enough to be further subdivided.
5. Tracts 5A5, 5A6, 5A7, and 5A8, Island Lake Subdivision (K-640) are 5 acres in size and are large enough to be further subdivided.
6. Tracts D fronts on Kendra Avenue, a 30 foot wide dedicated right of way.
7. Tracts, 5A5, 5A6, 5A7, and 5A8 front on Conundrum Ave., a 60 foot wide public access easement.
8. Kendra Avenue and Conundrum Avenue do not connect to a public right of way or public access easement.
9. Kendra Avenue and Conundrum Avenue are not improved.
10. If Graham Avenue is extended with this platting action, Tracts 5A5, 5A6, 5A7, and 5A8 would be required to provide a matching 30 foot right of way dedication when they are further subdivided.
11. This subdivision is located within an open block that does not comply with subdivision requirements.
12. An extension of Graham Avenue and a right of way on the west boundary of this proposed plat will bring the block into compliance.
13. An extension of Graham Avenue will improve access.
14. The dedication along the west, Van Sky Street, will improve the block length.
15. Per the submittal, improvements would be located within the right of way if Graham Avenue was to be extended to connect to the western dedication.
16. An asbuilt survey was not provided to show the location of the improvements.
17. Aerial imagery does not show any improvements on the boundary between Tract D and proposed Tract C2.
18. The turn around area for Graham Avenue is compliant with KPB Code and will also allow future extension.
19. The southern portion of the Graham Avenue turn around is 30 feet wide.
20. Lot 2 Van Sky Subdivision No. 6 (KN 2012-050) is only one acre and 141 feet wide.
21. Ability to get a matching 30 feet dedication from Lot 2 Van Sky Subdivision No. 6 (KN 2012-050) is not likely.

Staff reviewed the exception request and based on findings 4, 11, 12, 13, 16 and 17 does not recommend approval.

If the exception is granted, **Staff recommends** the 'L' turnaround portion of Graham Avenue be widened to 60 feet to allow for the right of way to be extended in the future.

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

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

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

exception:

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

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

KPB 20.30 Design Requirements

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

20.30.100. Cul-de-sacs.

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

Platting Staff Comments: *If the exception is granted the proposed turnaround will provide a turnaround as well as allow for future extension of right of way. Staff requests the width of the southern 'L' extension be widened to 60 feet. The proposed design will allow for future extension to the south to create a compliant block that will connect to Jeffery Avenue.*

Staff recommendation: *Comply with 20.30.100.*

KPB 20.60 – Final Plat

Platting staff comments: *Staff provided additional information to portions of 20.60 as noted below.*

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.

Platting Staff Comments: *An acceptance for any right of way dedications must be added to the plat to be signed by a Kenai Peninsula Borough Authorized Official.*

Staff recommendation: *Comply with 20.60.040.*

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.

Platting Staff Comments: *The line and curve data is missing from the plat and must be added.*

Staff recommendation: *comply with 20.60.110.*

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.

Platting Staff Comments: *The boundary must be revised to include the dedications and the boundary must be wider than the interior lot lines.*

Staff recommendation: *Comply with 20.60.130.*

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS IN THIS STAFF REPORT AND THOSE FOUND IN THE PREVIOUS STAFF REPORT FOR KPB FILE 2021-012, 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 10 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



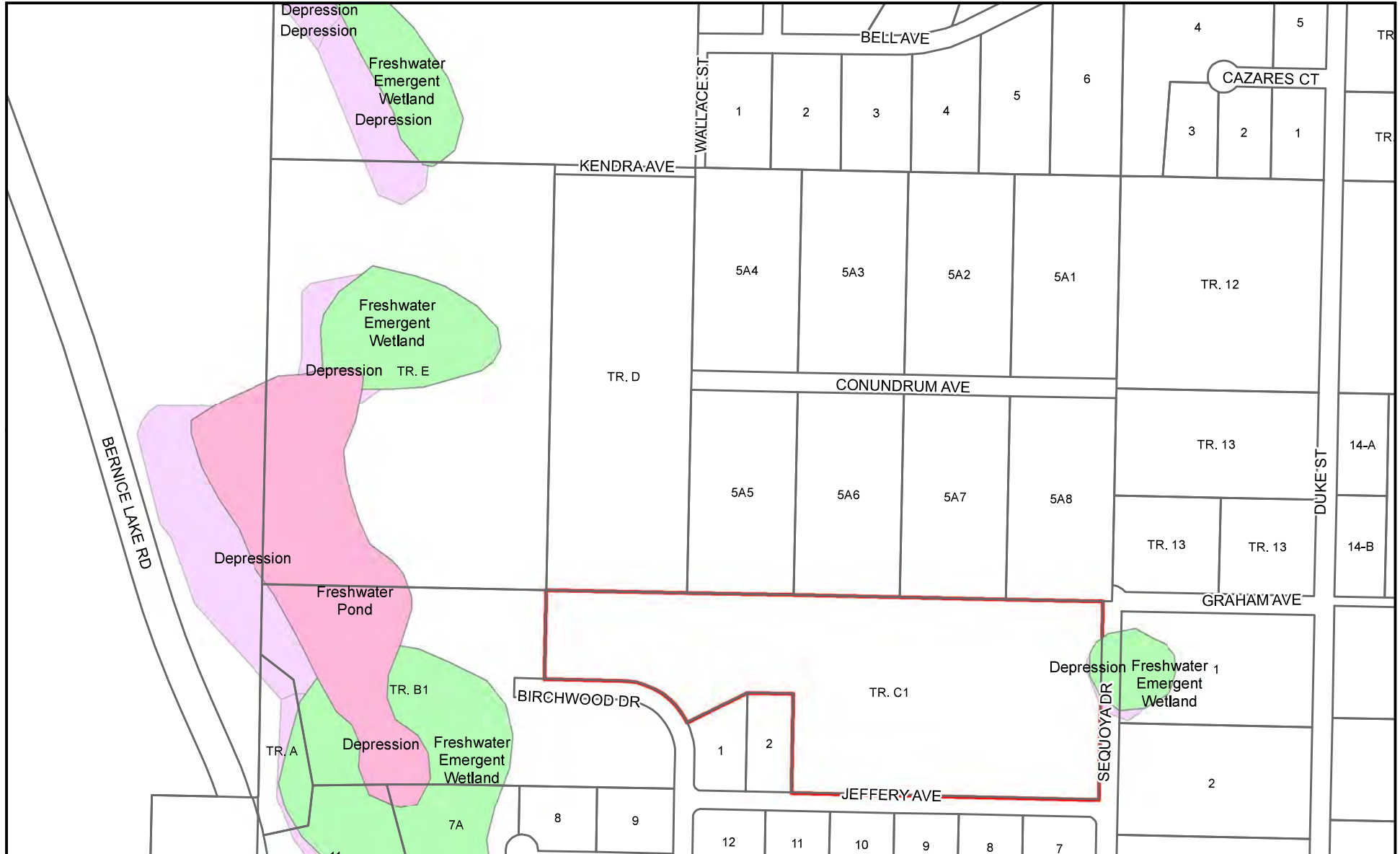
Kenai Peninsula Borough Planning Department

Street Layout and Wetlands

Date: 2/18/2021



Van Sky Subdivision Number 7
KPB File 2021-012



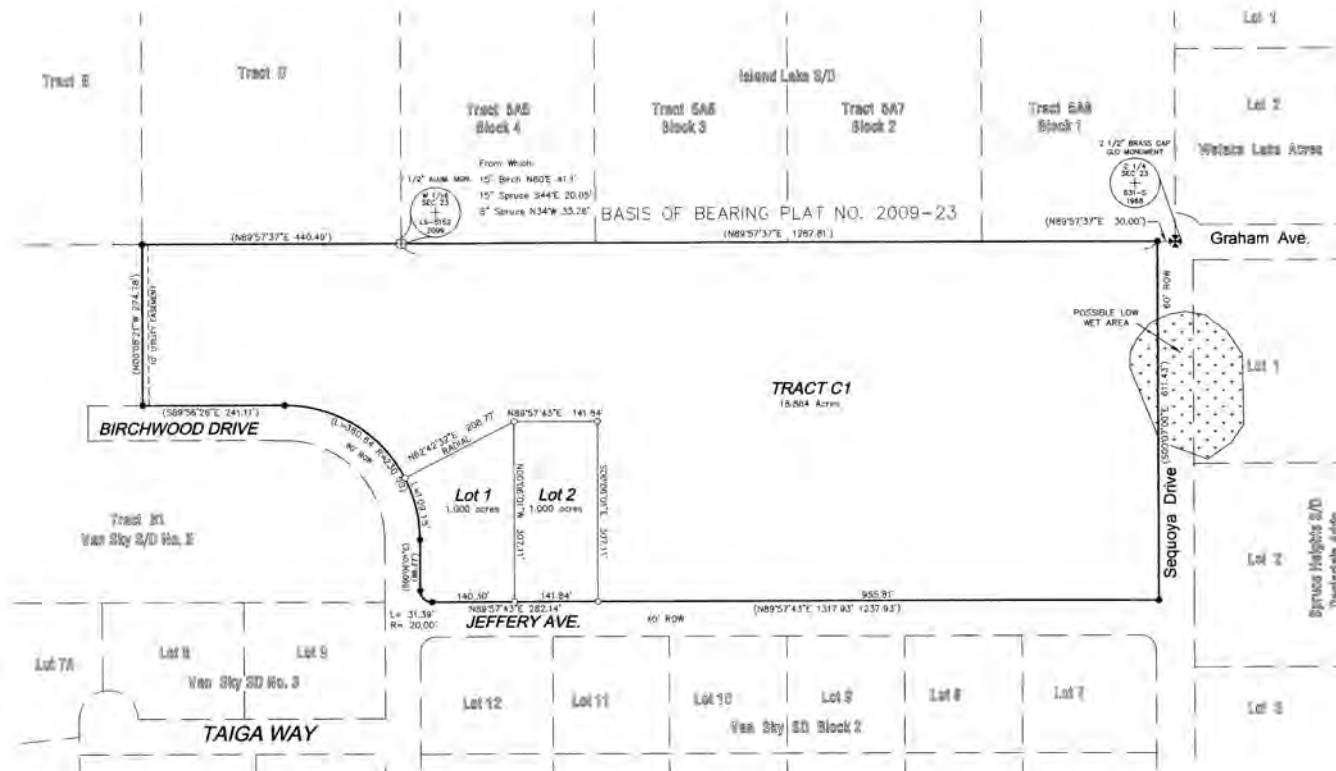


Date: 2/18/2021





NORTH



LEGEND

- ⊕ OLD/BLM MONUMENT RECOVERED / RECORD PLAT NO. 2009-23
- ⊙ PRIMARY MONUMENT RECOVERED / RECORD PLAT NO. 2009-23
- SECONDARY MONUMENT RECOVERED / RECORD PLAT NO. 2009-23 (5/8 REBAR)
- SECONDARY MONUMENT SET THIS SURVEY (5/8 REBAR W/ PLASTIC CAP)
- () RECSID AND MEASURED PER VAN SKY SUBDIVISION NO. 4

PLAT NO. 2009-23



CERTIFICATE OF SURVEYOR
 I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA. THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION. THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE NORMAL STANDARDS OF PRACTICE OF LAND SURVEYORS IN THE STATE OF ALASKA.

NOTES:

- 1) PROPOSED LAND USES ARE RECREATIONAL, RESIDENTIAL, VINCULTURAL, AND COMMERCIAL.
- 2) BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSOR STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 3) FRONT 50 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT. 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.
- 4) JOINTS 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.
- 5) ANY DESIGN 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.
- 6) PER THE PARENT PLAT, EXCEPTION WAS GRANTED BY THE PLAT COMMITTEE ON JANUARY 5, 2009 TO KPB SUBDIVISION ORDINANCE 20.20.030 FOR THE EXTENSION OF GRAHAM AVE.
- 7) THESE PARCELS MAY BE AFFECTED BY THE FOLLOWING EASEMENTS:
 BLANKET ELECTRIC/TELEPHONE EASEMENT RECORDED ON JANUARY 2, 1956 IN BOOK 2 PAGE 132 KRD.
 BLANKET ELECTRIC/TELEPHONE EASEMENT RECORDED ON MARCH 17, 1970 IN BOOK 37 PAGE 23 KRD.
- 8) WASTEWATER DISPOSAL:
 TRACT C1, THIS PARCEL IS AT LEAST 200,000 SQUARE FEET OR A NOMINAL 5 ACRES IN SIZE AND CONDITIONS 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.
 LOTS 1 AND 2: 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 AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER

C.E.B.300
LICENSE #

8-30-12
DATE



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT 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.

Dennis L. Van Sky
 DENNIS L. VAN SKY
 48300 BERNICE LAKE ROAD
 KENAI, AK 99611

NOTARY'S ACKNOWLEDGMENT

FOR DENNIS L. VAN SKY
 SUBSCRIBED AND SWORN BEFORE ME THIS 27TH

DAY OF AUGUST, 2012

Scott H. H.

NOTARY PUBLIC FOR NARRA'S
 MY COMMISSION EXPIRES 12-13



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF July 16, 2012

KENAI PENINSULA BOROUGH

R.B. Duffin
 AUTHORIZED OFFICIAL

KPB FILE NO. 2012-089

VAN SKY SUBDIVISION
NUMBER 6

A SUBDIVISION OF TRACT C, VAN SKY SD NO. 4, KPB PLAT# 2009-23
 LOCATED WITHIN THE N1/2 S20 T4 S SECTION 23, 17N, R12W, SEWARD MERIDIAN,
 KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA
 CONTAINING 20.884 ACRES

INTEGRITY SURVEYS INC.

43335 K-BEACH RD. SUITE 10, SOLDOTNA, ALASKA 99689

PHONE - (907) 282-0572

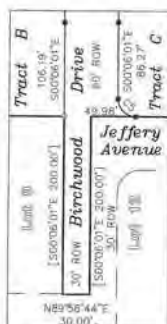
FAX - (907) 282-0574

WWW.INTEGRITYSURVEYS.COM

JOB NO: 212009	DRAWN: 26 August, 2012 SH
SURVEYED: JULY 2012	SCALE: 1" = 100'
DATE: JANUARY 2009	FILE: 212009.FP.DWG
FIELD BK: 2012 S PG: 85	
2001-3 PG: 12	

2012-50
 Plat #
Kraig
 Date: 9-11-2012
 Time: 3:09 PM

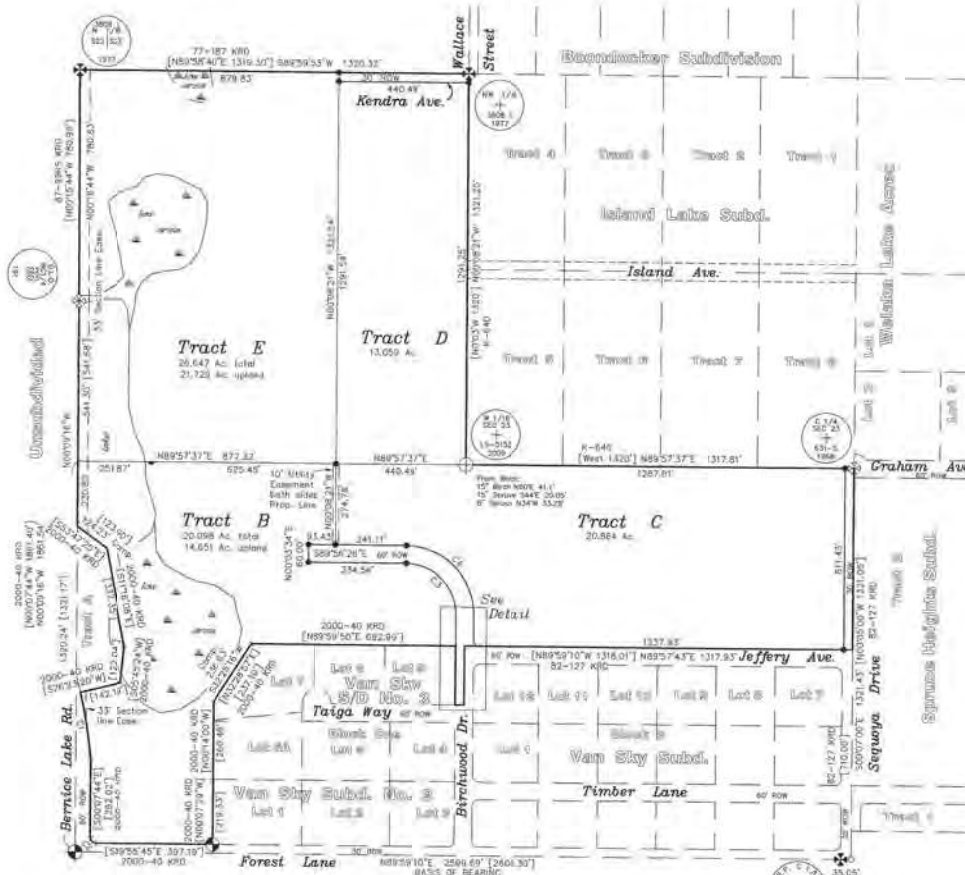
Curve	Center	Radius	Length	Chord	Chord Bearing
C1	87°56'24"	1450.00'	230.50'	230.50'	N69°02'00"W
C2	87°56'24"	1450.00'	230.50'	230.50'	N69°02'00"W
C3	87°56'24"	1450.00'	230.50'	230.50'	N69°02'00"W
C4	87°56'24"	1450.00'	230.50'	230.50'	N69°02'00"W
C5	87°56'24"	1450.00'	230.50'	230.50'	N69°02'00"W
C6	87°56'24"	1450.00'	230.50'	230.50'	N69°02'00"W
C7	87°56'24"	1450.00'	230.50'	230.50'	N69°02'00"W
C8	87°56'24"	1450.00'	230.50'	230.50'	N69°02'00"W
C9	87°56'24"	1450.00'	230.50'	230.50'	N69°02'00"W
C10	87°56'24"	1450.00'	230.50'	230.50'	N69°02'00"W



Detail
Not to Scale

LEGEND:

- 3-1/4" Brass Cap Monument (Yellow)
- 3-1/2" Brass Cap (3.0 Monument) (Yellow)
- 2" Metal Pipe (found)
- 3-1/4" Alum. Cap (Inward)
- Monument (set)
- 5/8" Rebar (found)
- Yellow Plastic Cap (Missing)
- 1/2" rebar w/ Plastic Cap (found)
- 5/8" Rebar (set)
- Witness Corner Marker Corner
- 5/8" Rebar (set)
- Bound Station



CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SURVEY AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Larry Van Sky
Larry Van Sky, Personal Representative
Wallace D. Van Sky Estate
33832 Forest Lane
Kenai, AK 99611

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 29th DAY OF April, 2009 FOR Larry Van Sky

William Silott
William Silott, Notary Public
My Comm. Exp. 12/31/11



NOTES:

- Proposed land uses are recreational, residential, agricultural, and commercial.
- Building Setback - A setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- No private access to State maintained ROWs permitted unless approved by the State of Alaska Department of Transportation.
- Front 10 ft. of the building setback adjacent to rights-of-way is also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the utility of a utility to use the easement.
- 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.
- WASTEWATER DISPOSAL: These tracts are at least 200,000 square feet or nominal 5 acres in size and conditions 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.
- Exception was granted by the Plat Committee January 5, 2009, to KPB Subdivision Ordinance 20.20.030 for Island Ave., Wallace Street and Graham Ave.
- There may be existing materials extraction permits on a portion of the subdivision; contact KPB Planning Department for current information.

KPB FILE No. 008-253

Van Sky Subd. No. 4

Located within the SW 1/4 NW 1/4 & NE 1/2 SW 1/4 of Section 23, T7N, R12W, S4M, Kenai Planning District, Kenai Peninsula Borough, Alaska.

Containing 82,331 acres

Integrity Surveys, Inc.

8105 Kenai Spur Hwy Kenai, Alaska 99611-8902
SURVEYORS PHONE: (907) 281-9601 FAX: (907) 281-9011 PLANNERS

JOB NO. 21812 DRAWN: 30 April, 2009 - CS
SURVEYED: January 2009 SCALE: 1" = 300'
FIELD BKG: 2001-9, Pg. 12 DESK: Van Sky

CERTIFICATE OF SURVEYOR

I, hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the measurements shown herein actually exist as described, and all dimensions and other details are correct in the normal standards of practice of land surveyors in the State of Alaska.



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF January 5, 2009

KENAI PENINSULA BOROUGH

William Silott
AUTHORIZED OFFICIAL

2009-23
RECORDED
RECORDED
DATE: 5/12/09
TIME: 12:55 P.M.
REQUESTED BY:
INTEGRITY SURVEYS
8105 KENAI SPUR HWY
KENAI, ALASKA 99611



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

March 1, 2021

Dennis Van Sky
47191 Wildberry Ct.
Kenai, AK 99611

RE: Van Sky Subdivision Number 7, KPB File #2021-012

Mr. Van Sky

I have completed a material site (gravel pit) review of the Van Sky Subdivision Number 7 preliminary plat. On November 15, 2000, the Planning Director determined that the property contained within this plat qualified as a Prior Existing Use (PEU) under the provisions of KPB 21.29.120. Upon recording of the final plat for this proposed subdivision, the material site will be considered abandoned and would no longer qualify as a PEU. Kenai Peninsula Borough Code 21.29.120(A) states in part:

If a parcel is subdivided where extraction has already occurred, the prior existing use is considered abandoned, and a CLUP [Conditional Land Use Permit] must be obtained for each parcel intended for further material site operations. The parcel owner may overcome this presumption of abandonment by showing that the subdivision is not inconsistent with material site operation.

If you would like to overcome the presumption of abandonment, please submit information demonstrating the subdivision is not inconsistent with material site operation, e.g., a statement that material site operation is expected to continue on some or all of the lands being subdivided.

If you have any questions, please feel free to contact me.

Sincerely,

Bryan Taylor, Planner
btaylor@kpb.us

cc: Scott Huff, KPB Platting Officer

LAY DOWN INFO

**E6. ASLS No. 2020-10
KPB File 2021-52**

Hindman, Julie

From: Horton, George C (DNR) <george.horton@alaska.gov>
Sent: Friday, May 7, 2021 12:14 PM
To: Hindman, Julie
Cc: Flint, Peter James (DNR); Hess, Terry M (DNR)
Subject: <EXTERNAL-SENDER> RE: PLAT NOTICE FOR MAY 10, 2021 meeting: G. Horton

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Hi Julie,
The DNR, DML&W, Survey Section is strongly in favor of the proposed Alaska State land Survey 2020-10.

Thank you for the opportunity to comment.

George Horton, PLS, CFedS

Land Surveyor I
DNR, DML&W, Survey Section
550 W. 7th AVE; Suite 650
Anchorage, Alaska 99501
(907) 269-8610
<http://dnr.alaska.gov/mlw/survey/>

"It's a dangerous business going out of your door. You step into the Road, and if you don't keep your feet, there is no knowing where you might be swept off to." Bilbo Baggins

From: Hindman, Julie <jhindman@kpb.us>
Sent: Tuesday, April 20, 2021 2:37 PM
To: Horton, George C (DNR) <george.horton@alaska.gov>
Subject: PLAT NOTICE FOR MAY 10, 2021 meeting: G. Horton

George,

Attached is the public hearing notice and associated maps for: Alaska State Land Survey No. 2020-10, KPB File 2021-052

The State of Alaska, Dept. of Natural Resources is a land owner in our notification area. Please provide comments by **May 7, 2021**.

Julie Hindman

Platting Specialist
Ph: (907) 714-2210
Fx: (907) 714-2378