

# Meeting Agenda

# **Plat Committee**

Monday, August 9, 2021	5:30 PM	Betty J. Glick Assembly Chambers
	Cindy Ecklund, Alternate – City of Seward (Alternate) Franco Venuti – City of Homer (Alternate)	
	Pamela Gillham – Ridgeway	
	Jeremy Brantley – Sterling	
	Diane Fikes – City of Kenai	
	Paulette Bokenko-Carluccio,– City of Seldovia	

# 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

<u>KPB-3406</u> July 12, 2021 Plat Committee Meeting Minutes

Attachments: Plat Minutes 071221 Draft

# **D. OLD BUSINESS**

# **E. NEW BUSINESS**

1.	<u>KPB-3407</u>	Stanley's Meadow 2021 KPB File 2021-086
	Attachments:	1. MAP Vicinity with inset
		2. MAP Aerial Map Zoomed Out
		3. Plat Prelim KPB 2021-086 Reduced
		4. Staff Report Stanleys Meadow 2021 KPB 2021-086
		5. MAP contour and SLE
		6. MAP ecosystem
		7. MAP utilities
		8. Imagery Pictometry Export
		9. Plat Parent HM 93-60
		10. Plat Parent HM 91-47
		<u>11. Plat Parent HM 81-84</u>

2.	<u>KPB-3408</u>	Tulin West Highlands Green 2021 Replat KPB File 2021-104
	Attachments:	1. MAP Vicinity with inset
		2. MAP Aerial Map
		3. Plat Prelim KPB 2021-104 Reduced
		4. Staff Report for withdrawl Tulin West Highlands Green 2021 KPB 2021-104
		5. Email requesting withdraw
		6. BIN Tullin Comments Objection
		7. BIN Alaska Growth Properties Comments Objection
		8. Plat Parent HM 2004-32
		9. Plat Parent HM 2002-6
3.	KPB-3409	Self Subdivision Bilben Replat
		KPB File 2021-092
	Attachments:	1. MAP Vicinity with inset
		2. MAP Aerial Map
		3. Plat Prelim KPB 2021-092 Reduced
		4. Staff Report Self Sub Bilben Replat kPB 2021-092
		5. MAP contour and SLE
		6. MAP Block Length
		7. Plat Parent KN 72-70
4.	<u>KPB-3410</u>	Ninilchik Airport Heights 2021 Replat
		KPB File 202-092
	<u>Attachments:</u>	1. MAP Vicinity with inset
		2. MAP Aerial Map
		3. Plat Prelim KPB 2021-103 Reduced
		4. Staff Report Ninilchik Airport Heights 2021 Replat KPB 2021-103
		5. MAP Block
		6. MAP CONTOUR
		7. MAP Wetlands
		8. MAP SLE
		9. Minutes PC 061305
		10. Plat Parent HM 2006-11

5.	<u>KPB-3411</u>	Fireweed Meadows 2021 Replat KPB File 2021-095
	Attachments:	1. MAP Vicinity with inset
		2. MAP Aerial Map
		3. Plat Prelim KPB 2021-095 Reduced
		4. Fireweed Meadows 2021 Replat KPB 2021-095
		5. MAP Block Length
		6. Plat Parent HM 2004-71
6.	<u>KPB-3412</u>	McReed Subdivision 2021 Replat KPB File 2021-093
	<u>Attachments:</u>	1. MAP Vicinity with inset
		2. MAP Aerial Map
		3. Plat Prelim KPB 2021-093 reduced
		4. Staff Report McReed Sub 2021 Replat kPB 2021-093
		5. MAP Contour & Utility
		6. MAP Block Length
		7. MAP Wetlands
		8. Plat Parent KN 93-12
		<u>9. Plat Parent KN 81-168</u>
7.	<u>KPB-3413</u>	Melickian Subdivision 2021 Addition KPB File 2021-094
	<u>Attachments:</u>	1. MAP Vicinity with inset
		2. MAP Aerial Map
		3. Plat Prelim KPB 2021-094 Reduced
		4. Staff Report Melickian Sub 2021 Addn KPB 2021-094
		5. MAP Block Length
		6. Plat Parent SW 2014-18
		7. Plat Parent SW 2007-11
		8. Plat Parent SW US SURVEY 2761

8.	<u>KPB-3414</u>	Horse Creek Subd 2021 Addition KPB File 2021-099
	Attachments:	1. MAP Vicinity with inset
		2. MAP Aerial Map
		3. Plat Prelim KPB 2021-099 Reduced
		4. Staff Report Horse Creek Subd 2021 KPB 2021-099
		5. MAP Block Length
		6. Plat Parent SW 2004-5
		7. Plat Parent SW US SURVEY 2761
9.	<u>KPB-3415</u>	Hinz Subdivision No. 2
		KPB File 2021-102
	Attachments:	1. MAP Vicinity with inset
		2. MAP Aerial Map
		3. Plat Prelim KPB 2021-102 Reduced
		4. Staff Report Hinz Sub No 2 KPB 2021-102
		5. MAP Contour & SLE
		6. MAP Block Length
		7. Plat Parent KN 2016-24
		8. Plat Parent KN 82-122
10	<u>KPB-3416</u>	Mac McGahan Subdivision 2020 Replat
		KPB File 2021-096
	<u>Attachments:</u>	1. MAP Vicinity with inset
		2. MAP Aerial Map
		3. Plat Prelim KPB 2021-096 Reduced
		4. Staff Report Mac McGahan Sub 2020 Replat KPB 2021-096
		5. MAP Block Length
		6. Plat Parent KN 2011-55
		7. Plat Parent KN 2010-20
		8. Plat Parent KN 83-31
		9. Plat Parent KN 73-82
		10. Plat Parent KN 1468

11.	<u>KPB-3417</u>	Bosn Landing Subdivision Marlow Replat KPB File 2021-101
	Attachments:	1. MAP Vicinity with inset
		2. MAP Aerial Map
		3. Plat Prelim KPB 2021-101 Reduced
		4. Staff Report Bosn Landing Sub Marlow Replat KPB 2021-101
		5. MAP utilities
		6. MAP GIS Wetlands
		7. MAP Flood
		8. Plat Parent KN 77-101
12.	<u>KPB-3418</u>	Emery Subdivision
		KPB File 2021-100
	<u>Attachments:</u>	1. MAP Vicinity with inset
		2. MAP Aerial Map
		3. Plat Prelim KPB 2021-100 Reduced
		4. Staff Report Emery Sub KPB 2021-100
		5. MAP Block Length

# 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 ( $8\frac{1}{2} \times 11$ ) 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.

# Kenai Peninsula Borough Plat Committee

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

## July 12, 2021 6:00 p.m. UNAPPROVED MINUTES

Meeting started late due to technical difficulties.

# A. CALL TO ORDER

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

# B. ROLL CALL

Commissioner Venuti moved, seconded by Commissioner Ruffner to appoint Commissioner Carluccio at chair for the meeting.

Plat Committee Members/Alternates 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. Minutes
  - a. June, 2021 Plat Committee Meeting Minutes

Chair Carluccio asked if anyone wanted to speak any items on the agenda.

Hearing no one else wanting to speak, public comment was closed.

**MOTION:** Commissioner Ecklund moved seconded by Commissioner Ruffner, to approve the agenda and the minutes from the June 28, 2021 Plat Committee meeting.

Seeing and hearing no objection or discussion, the motion was carried by the following vote: **MOTION PASSED BY UNANIMOUS VOTE** 

Yes	4	No	0	
Yes	Carlu	ccio, Eck	dund, R	uffner, 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

#### ITEM 1 - Tide View Heights No 2

KPB File No.	2021-088
Plat Committee	July 12, 2021
Meeting:	
Applicant / Owner:	Mack and Carol Living Trust of Kenai, Alaska and
	Kenneth and Elizabeth Smith of Lenore, Idaho
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Ames Road, Kenai
Parent Parcel No.:	049-040-98, 049-490-10
Legal Description:	Lot 1 Caro Subdivision Plat No 72-49 and
	Lot 13A Tide View Heights Subdivision Plat No 93-85
Assessing Use:	Residential
Zoning:	Rural Residential
Water / Wastewater	On site

Staff report given by Scott Huff.

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure a lot line between two lots. Proposed Lot 1A will reduce from 2.08 acres to 1.598 acres. Proposed Lot 13A-1 will increase from 5.91 acres to 6.399 acres.

Legal Access (existing and proposed): Both parcels will have access from Ames Road, a paved road within a 60 foot wide right of way. Ames Road is maintained by the City of Kenai. Ames Road is located off of Beaver Loop Road. The plat has labeled the street as "S. Ames Road". Staff recommends the street name be corrected to "Ames Road".

A section line easement that affected parent Lot 13A has been vacated. Lot 1 is affected by a 33 foot section line easement and has been depicted correctly on the plat. **Staff recommends** that dimensions be added to clarify the location of the section line easement within Lot 13A. Plat note 5 addresses the vacation of the section line easements.

Due to Beaver Creek, a conservation easement, and low wet areas, the subdivision is within an open block that cannot comply with KPB standards. Lands surrounding the subdivision to the east and south are large acreage tracts owned by the City of Kenai, Alaska DNR, and Cook Inlet Region Inc. **Staff recommends** the plat committee concur that an exception is not required as this plat is not able to provide dedications to improve the block.

KPB Roads Dept. comments	Outside jurisdiction; no comments
SOA DOT comments	No comment

**Site Investigation:** Beaver Creek crosses through proposed Lot 13A-1 and forms the south boundary for Lot 1A. Lot 13A is part of former Government Lot 13 within Section 1. The south boundary of Government Lot 13 is the slough of the Kenai River. **Staff recommends** the south boundary of Lot 13A-1 be corrected to show the current meander line of the slough as the boundary and update the property dimensions and acreage accordingly. **Staff recommends** current meander line information be used for the south boundary of Lot 1A and the property dimensions and acreage be updated accordingly.

Wetlands affect the area within Beaver Creek and the lands to the west of the creek. The low wet areas have been depicted and labeled correctly.

The plat also contains shading for areas with slopes greater than 25 percent. These steep slopes are located on the west side of the creek.

The City of Kenai does not participate in the FEMA floodplain program.

The property is affected by an anadromous waters habitat protection district along Beaver Creek. The KPB River Center can assist with any development along Beaver Creek.

Floodplain Hazard Review	Within the City of Kenai. No comments.
Anadromous Waters Habitat Protection District	Is totally or partially within a AWHPD. No
Review	comments.
State Parks Review	No comments

<u>Staff Analysis</u> A lot line will be reconfigured between two existing lots. Parent Lot 13A was created on Tide View Heights Plat KN 93-85 which subdivided two government lots and a deed parcel. Parent Lot 1 was created by Caro Subdivision Plat KN 72-49 which subdivided a deed parcel.

Lot 13A will be increasing by approximately 21,000 square feet. A soils analysis report was prepared and DEC approved the parent plat for Lot 13A. An existing septic system and private well are shown on Lot 13A-1. Staff was not able to find documentation for the installation of a certified wastewater system. Lot 13A-1 will be increasing by more than 1,000 square feet and a soils analysis report is not required.

Lot 1 will be decreasing by approximately 21,000 square feet. A soils analysis report has not been completed for Lot 1 and DEC did not approve the parent plat. An existing septic system and private well are shown on Lot 1A. In the desk packet there is information on the private water and waste water system on parent lot, Lot 1. Lot 1A will be decreasing by more than 1,000 square feet and per KPB 20.40.020 a soils analysis report will be required.

A conservation easement is in place on a portion of Lot 13A. Plat note 7 addresses the easement and lists the recording information. Staff contacted State Parks and they determined that land could be added to the conservation easement but land cannot be taken away from the easement. **Staff recommends** the land owner work with the State Parks for any issues related to the conservation easement.

Notice of the proposed plat was mailed to the beneficial interest holder on June 18, 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 City of Kenai Planning and Zoning Commission heard the proposed subdivision plat at their May 26, 2021 meeting. Their resolution 2021-18 was adopted at that meeting subject to the following conditions.

- 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- 2. The 10'x12' cabin on Lot 1A will be moved in order to meet the 15 foot side setback per KMC 14.24.020.
- 3. Change Note 6 on the plat from 30 foot front setback to a 20 foot front setback per KMC 14.24.020 Development Requirements Table.

Wording is slightly different and includes the possibility of needing a wetlands determination but plat note 4 addresses item 1. **Staff recommends** that specific setback distances not be listed, or carried over, on the plat as requested in item 3. Zoning requirements for these lots may change in the future. **Staff recommends** plat note 6 be revised to include a reference to KPB 20.30.250 which states that platted building setbacks are not carried forward on plats within Cities.

In regards to item 2, this is a Kenai zoning requirements and not a KPB Code requirement. In an effort to not create any encroachments or zoning violations the owners and surveyor must work with the City of Kenai Planning Department. **Staff recommends** the owner and surveyor provide written documentation from the City of Kenai that the cabin has been brought into compliance.

<u>Utility Easements</u> Per the certificate to plat there are two recorded documents that granted Homer Electric Association utility easements with no definite locations given. These easements are identified in plat note 8.

Parent plat for Caro Subdivision does not depict or note any utility easements being granted on Lot 1 buy does depict the location of the former utility line.

Tide View Heights plat granted a 10 foot utility easement and 30 foot anchor easement within 5 feet of side lot lines, fronting on South Ames Road ROW. The plat correctly depicts the utility easement. Per the plat note there is a 5 x 30 anchor easement along both lot lines fronting Ames Road. **Staff recommend** the depiction be corrected on the north boundary to show the easement of record. Former Lot 13A is affected by a 20 foot electric easement on the power line. This power line has been removed and the easement has been vacated. **Staff recommends** that the unnumbered plat note that references the overhead power line being removed includes the statement 'and the electric easement per KN 93-85 has been automatically vacated', and to number the plat note.

Per plat note 2 this plat will result in 15 foot utility easements along Ames Road. **Staff recommends** that plat note 2 be reworded to make it clear that portions of the utility easements were granted by Plat KN 93-85 and all additional widths are being granted by this plat.

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

#### Utility provider review:

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

# KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 855 Ames Road, 909 Ames Road
	Existing Street Name Corrections Needed: S. Ames Road should be
	Ames Road
	City of Kenai will advise on affected addresses.
Code Compliance – Eric Ogren	No comment
Planner – Bryan Taylor	Within the City of Kenai. No review required.
Assessing – Adeena Wilcox	No comment

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

## STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

KPB 20.25.070 - Form and contents required.

- A. Within the Title Block
  - 1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
  - 2. Legal description, location, date, and total area in acres of the proposed subdivision;
  - 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

# Staff recommendation:

- 1. The Mack and Carol Padgett owner information needs "Living Trust" added.
- 2. Correct Ken Smith to Kenneth L. Smith.
- 3. The Smith address has a number transposed, correct to 4243.
- 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: KPB records show "East Aliak Drive" in Section 33 is "Aliak Drive."

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

#### Staff recommendation:

- 1. South of the subdivision is labeled Government Lot 14. It is currently one large parcel comprised of multiple Government Lots. The small portion outside the subdivision and within section 2 is Government Lot 6. The property south of the slough within section 1 is also a Government Lot 6. Label each accordingly.
- 2. The parcel east of the subdivision is listed as "Unsubdivided". Correct the label to "Government Lot 14."
- 20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

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

#### **KPB 20.40 -- Wastewater Disposal**

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils analysis report for Lot 1A is required and an engineer will need to sign the plat.

Staff recommendation: comply with 20.40.

# KPB 20.60 – Final Plat

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

20.60.110. Dimensional data required.

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

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

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

**Staff recommendation**: Update the plat with current meander line data for the south boundary of Lot 13A-1 and the southeast boundary of Lot 1A. Provide a plat note that states, '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.' 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. 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:** Provide dimensional information, or a plat note, to state how the eastern boundary of Lot 13A-1 was established.

## 20.60.180. Plat notes.

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

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

Staff recommendation: Place the following notes on the plat or revise the existing notes.

- Revise plat note 2. "Plat KN 93-85 granted a 10 foot utility easement within former Lot 13A along Ames Road and a 5 x 30 anchor easement as depicted on the plat. This plat will be granting an additional 5 feet of utility easement to expand the 10 foot utility easement to a 15 foot wide utility easement. This plat will also grant a 15 foot utility easement adjacent to dedicated right of ways within former Lot 1."
- Number the plat note that references the overhead power line. Revise the note to include, and the electric easement per KN 93-85 has been automatically vacated'.
- Revise plat note 6 to match current code. "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."
- Revise plat note 9 to match code. "ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE: Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040."

## 20.60.190. Certificates, statements, and signatures required.

**Staff recommendation**: Add all required items and include the former lot number that the owners are signing. Comply with 20.60.190.

20.60.200. Survey and monumentation. Staff recommendation: comply with 20.60.200

# **EXCEPTIONS REQUESTED:**

## KPB 20.60.200 – Survey and monumentation

<u>Surveyor's Discussion</u>: Exception requested for monumenting Lot corners East of Beaver Creek due to tidal & erosion problems, use same information as shown on plats 93-85 & 2003-21.

<u>Staff Discussion:</u> KPB Code requires all corners and monuments to be located and if missing new survey markers shall be set and depicted on the final plat. The exception request is to not set survey markers east of Beaver Creek and historical information will be used to locate the property boundary. It does not appear that survey markers have been set east of Beaver Creek. Plat KN 84-45 shows a breakdown of section 1 which could be used to establish the east boundary of Lot 13A-1.

If this exception is approved the surveyor will not be required to set survey markers to the east of Beaver Creek. For the lands west of Beaver Creek, all survey markers must be found or set. This includes witness corners where the boundary intersects Beaver Creek.

If this exception is denied the surveyor will be required to perform a field survey east of Beaver Creek to locate or set survey markers at all property corners.

## Findings:

1. The exception would allow for the survey markers east of Beaver Creek to not be set.

- 2. A conservation easement is in place on Lot 13A and does not allow development east of Beaver Creek.
- 3. The lot borders critical waterways.
- 4. The area east of Beaver Creek is either open water or wetlands.
- 5. The area east of Beaver Creek, outside of Lot 13A, is owned by the City of Kenai and will not further developed.
- 6. While the City of Kenai does not participate in the FEMA program, the area being discussed is within a flood plain area that has a 1% annual chance of flood.
- 7. Setting the monuments will require either crossing waterways (Beaver Creek or Kenai River) or crossing wetlands on City of Kenai property or CIRI property.
- 8. It does not appear that survey markers have been set on the east side of Beaver Creek.
- 9. A field survey to determine the boundary east of Beaver Creek will require a sectional breakdown of the SW1/4 of Section 1.
- 10. Plat KN 84-45 performed a sectional breakdown of the SW1/4 of Section 1.

<u>Staff reviewed the exception request and recommends granting approval.</u> **Staff recommends** that the surveyor use the information from plat 84-45 KRD to show the boundary of the lands east of Beaver Creek.

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, 5, 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, 5, 10 appear to support this standard.
- 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, 5, 10 appear to support this standard.

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

# **STAFF REPORT - ADDENDUM**

After the staff report was prepared, the surveyor submitted a request for an exception to KPB 20.40.100 Soils Analysis and report.

# **EXCEPTIONS REQUESTED:**

# C. KPB 20.40.100 Soils analysis and report. (for proposed Lot 1A)

<u>Surveyor's Discussion</u>: I am requesting an exception to the requirement for soils investigation for Lot 1A for this replat. There was a gravel pit across Ames Dr., the bluff in the front of the lot does indicate a high water table, and the resulting lot will still have more than the required 20,000 square feet for original and replacement wastewater disposal area.

<u>Staff Discussion</u>: Lot 1A will be decreasing by 21,000 sq. ft. The parent plat was recorded in 1972 and a soils analysis report was not completed at that time.

Staff was able to locate a DEC report for parent Lot 1 from 1980. DEC did not approve the water system.

The asbuilt showing the improvements depicts a septic tank and a log crib leach field located to the northeast of the building. The asbuilt shows the log crib to be located more than 58 feet to the northeast from the building. Staff was not able to determine if a new system has been installed since 1980. It appears that the new lot line may encroach on the log crib septic system as shown on the asbuilt survey from 1980.

DEC requires wastewater systems to be at least 50 feet from slopes greater than 25%.

The water well drilling log shows gravel to a depth of 19 feet. Soils analysis reports are required to provide a test pit to ten feet for shallow trench or bed systems and 12 feet for areas where deep trench or seepage pts will likely be used.

## Findings:

- 1. There was a gravel pit across Ames Dr.
- 2. The bluff in the front of the lot does indicate a high water table.
- 3. The resulting lot will still have more than the required 20,000 square feet for original and replacement wastewater disposal area.
- 4. Lot 1A will be decreasing by 21,000 sq. ft.
- 5. The parent plat was recorded in 1972 and a soils analysis report was not completed at that time.
- 6. Staff was able to locate a DEC report for parent Lot 1 from 1980.
- 7. DEC did not approve the water system in 1980.
- 8. The asbuilt showing the improvements depicts a septic tank and a log crib leach field located to the northeast of the building.
- 9. The asbuilt shows the log crib to be located more than 58 feet to the northeast from the building.
- 10. Staff was not able to determine if a new system has been installed since 1980.
- 11. It appears that the new lot line may encroach on the log crib septic system as shown on the asbuilt survey from 1980.
- 12. The water well drilling log shows gravel to a depth of 19 feet.

#### Staff reviewed the exception request and does not recommend approval based on findings 4, 5, 8, 9, 10, 11.

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.

#### SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

#### NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

#### END OF STAFF REPORT

Chair Carluccio opened the meeting for public comment.

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

<u>Mac Padget; 855 Ames Road, Kenai, AK 99611:</u> Mr. Padget is the landowner and has owned this property for over 30 years. He stated they are just moving the lot line between his and his neighbor's property. He noted that when they build their home on this site in 1994 he had an excavator on site and they dug a test pit and noted that the gravel was at least 20' deep. This property sits on good gravel and he would ask that they not be required to do the soil analysis report. He also noted that there is no construction associated with the moving of this lot line.

<u>Carol Padget; 855 Ames Road, Kenai, AK 99611:</u> Ms. Padget stated that they request not to have to do a soils analysis report due to cost concerns. They are only increasing their lot size by .5 acre and the costs associated with the move of this lot line are adding up. Nothing is changing is changing on these lots, the septic systems or wells are not changing, they are just moving the lot line to give them a bit of a buffer.

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

**MAIN MOTION:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant preliminary approval to Tide View Heights #3 based on staff recommendations and compliance to borough code.

**AMENDMENT A MOTION:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant exception request of KPB 20.60.200 – Survey & Monumentation, citing finding 2, 4, 5 & 10 in support of standards one, two and three.

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

	AMENDMENT A MOTION PASSED BY UNANIMOUS VOTE									
Yes	4	No	0							
Yes	Carlu	Carluccio, Ecklund, Ruffner, Venuti								
No										

**AMENDMENT B MOTION:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant exception request to KPB 20.40.100 – Soils Analysis & Report for proposed Lot 1A.

Mr. Huff asked the owners if they knew if the septic system had been replaced since 1980. Mr. Padget replied that he did not know.

Commissioner Ruffner stated that he concurred with staff decision on this exception. He noted that the location of this parcel of land is in a fairly sensitive area. He understands that with the gravel pit close by the soils may suitable but with not have a good records of what has happened on this lot he would like to see a soils analysis report.

Mr. Huff stated the asbuilt showing the location of the leach field and he is concerned that it is close to where the new lot line. He would hate to see the new lot line cross over their existing septic system.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote: **AMENDMENT B MOTION FAILED BY UNANIMOUS VOTE** 

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

**AMENDMENT C MOTION:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to attach findings 4, 5, 8, 9, 10 &11 in support of denial to exception request to KPB 20.40.100 – Soils Analysis & Report for proposed Lot 1A

Seeing and hearing no objection or further discussion, the motion was carried by the following vote: **AMENDMENT C MOTION PASSED BY UNANIMOUS VOTE** 

Yes	4	No	0					-	
Yes	Carlu	ccio, Ecł							
No									

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

# MAIN MOTION PASSED BY UNANIMOUS VOTE

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

# AGENDA ITEM E. NEW BUSINESS

# ITEM 2 - Kenai Landing Subdivision 2021 Addition

KPB File No.	2021-089
Plat Committee	July 12, 2021
Meeting:	
Applicant / Owner:	Kenai Landing Inc. of Homer, Alaska and
	PRL Logistics Inc. of Anchorage, Alaska
Surveyor:	Mark Aimonetti, Jason Young / Edge Survey & Design, LLC
General Location:	Bowpicker Lane, Seacatch Drive and Columbia Street, at the end of Cannery
	Road, City of Kenai
Parent Parcel No.:	049-101-03, 049-101-23, 049-101-24, 049-101-25
Legal Description:	Parcel 1: Tract 1, Kenai River Shores Subdivision Plat No KN 2015-29
	Parcel 2: Tract A, Kenai Landing Cottages Subdivision, Plat No KN 2005-29 and Alaska Tidelands Survey 115 Plat K-1358,
	Parcel 3: Lot 1, Kenai Landing Cottages Subdivision, Plat KN 2005-29
Assessing Use:	Commercial Condo and Residential Accessory Bldg., Residential Vacant, and General Commercial.
Zoning:	Heavy Industrial
Water / Wastewater	Community

Staff report given by Scott Huff.

Specific Request / Scope of Subdivision: The proposed plat will subdivide three Tracts and a tideland survey into 2 lots that include a portion of the tideland survey, 6 upland tracts, and 3 tracts within the tideland

survey. The two lots are 0.7 and 0.9 acres with the upland tracts ranging in size from 4.2 acres to 20.5 acres. The three tracts within the former tideland survey range between 1.0 acres to 3.1 acres.

Legal Access (existing and proposed): The proposed subdivision is located at the end of state maintained Cannery Road within the City of Kenai. Bowpicker Lane is an 83 foot wide dedicated right of way/section line easement. Bowpicker is constructed and provides access to the subdivision. A 66 foot wide section line easement exists within the subdivision and extends east from Old Cannery Road. The eastern portion of the section line easements were vacated by Section Line Easement Plat KN 2013-57.

Tracts A-1, A-2, A-3 and Tract B all front on dedicated Bowpicker Lane. A 50 foot public access easement, granted to the City of Kenai, provides a connection from the end of the section line easement to the Kenai River. The section line easement and the public access easement provide legal access to Tract A-4, Tract A-5, Tract C, Lot 1, and Lot 2. Tract D and Tract E. located within the tideland survey, do not front on a dedicated access as legal access is from the Kenai River.

A 66 foot section line easement is centered on the property line between Tract A-3 and B and a portion of Tract A-5. The eastern portions of the 66 foot section line easement was vacated by plat KN 2013-57. A 33 foot access easement is shown within Tract A-5 which becomes a 40 foot access easement as it turns to the south. **Staff recommends** the surveyor confirm if this is a private easement, and if so provide a label stating that the easement is private.

The block is an open block defined by section line easements, Bowpicker Lane, Sea Catch Drive, and Columbia Street. Due to the Kenai River a closed block is not possible but road dedications can improve the block and provide compliant block lengths as they currently exceed requirements. An exception has been requested.

No right of way dedications are proposed with this platting action.

KPB Roads Dept. comments	Outside jurisdiction; no comments
SOA DOT comments	The ROW for Cannery Road is as shown on KPB Right of Way Map MA-
	21047 Kenai-Alaska (Plat 84-109) and appears to be shown correctly.

<u>Site Investigation</u>: The area is generally flat and not affected by steep terrain. Low wet areas, identified as tidal by the Kenai Watershed Form mapping, have been depicted on the plat. **Staff recommends** the low wet areas be clearly identified with a darker boundary line or the use of hatching or symbols.

Proposed Tracts C, D, and E and portions of Lot 1 and 2 are part of Tideland Survey 115 (K-1358) and are located below the meander line and are within the Kenai River. An existing dock will be within Lot 1 and an existing ramp will be within Lot 2.

Flood Zones are labeled and depicted. City of Kenai does not participate in the FEMA program.

The proposed subdivision is along the Kenai River and affected by Anadromous Waters Habitat Protection District. A note is present on the plat but staff has requested that it be reworded to match code requirements. This change in noted further in the staff report.

Floodplain Hazard Review	Within the City of Kenai; no comments
Anadromous Waters Habitat Protection District Review	Is totally or partially within an AWHPD
State Parks Review	No comments

<u>Staff Analysis</u> This proposed plat is located at the end of Cannery Road in the City of Kenai. In 1912 a cannery was located on this site.

Tract A is affected by a common interest community (CIC) or site condominium. Common Interest Communities are allowed under State statute and are a way to transfer interest in a portion of property without subdividing the parent parcel. KPB code does not address common interest communities and common interest communities are not subject to KPB subdivision requirements. Condominium plans and plats are not required to be reviewed by the Planning Department. The KPB Assessing Department does

assess each condominium unit separately. As this subdivision will change the parcel boundaries and will not coincide with the unit boundaries of the common interest community, **Staff recommends** that the common interest community be dissolved before the recording of the final plat. A copy of the documents to be recorded, submitted to the planning department will suffice.

Multiple buildings are located within the proposed subdivision. The units within the common interest community encompasses the improvements. The City of Kenai staff report noted that a Conditional Use Permit for a Planned Unit Residential Development (PUD) was approved in May 2021. The approval of the Conditional Use Permit will allow for the construction of Phase A of the PUD for 60 residential units.

An easement granted by book 48 page 292 may not be within the boundaries of this subdivision. The provisions also state until access by public road is available. **Staff recommends** the surveyor review the easement and determine if it is still applicable and add a note if it is determined to affect this subdivision.

Notice of the proposed plat was mailed to the beneficial interest holder on June 21, 2021. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The property has a community water system and a community wastewater disposal system. An exception for soils analysis report requirements has been requested.

The City of Kenai heard the proposed plat at their June 9, 2021 meeting. Per their staff report, an installation agreement is not required. They recommended approval subject to the following conditions.

- 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations. (*This wording is included in plat note 7*).
- 2. Add a Plat Note as following: Any infrastructure improvements (roadways, sewer, water, etc.) are considered private by the City of Kenai. Regarding any roadways or other infrastructure improvements that do not meet minimum standards required by the City of Kenai, if at any future time the City takes ownership and/or maintenance responsibilities of roadways within the subdivision or other infrastructure, improvements will have to be improved to meet City of Kenai Standards in effect at the time of acceptance. The cost of any infrastructure improvements to meet City of Kenai standards will be borne by property owners in the subdivision by assessment without further approval required. (*This is plat note 25*).
- 3. Property owner will provide the City of Kenai a copy of DEC compliance certification on the water/sewer system.
- 4. The City of Kenai requests to receive approval from the Kenai Peninsula Borough on exception to requirements of Subdivision Code.
- 5. Plat Note 22 should update the KPB Plat Committee meeting date as necessary.
- 6. Surveyor and property owner must work with the City of Kenai and the Kenai Peninsula Borough when designating street names to ensure names meet City and Borough regulations.
- 7. Property owner will receive approval from the Kenai Peninsula Borough on exceptions to requirements in the Kenai Peninsula Borough Subdivision Regulations.
- 8. Staff members of the City of Kenai would be available for any future discussion on the topic of exceptions.

<u>Utility Easements</u> There have been multiple easements granted by document. Many of these are discussed further in the staff report regarding plat notes. There is an existing 15 foot utility easement along portions of right of ways with additional width being given to increase a 10 foot to 15 foot along right of ways.

**Staff recommends** to provide the record information that granted the 20 foot electrical easement on the existing distribution line.

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

# Utility provider review:

HEA	No comment
ENSTAR	ENSTAR requires a natural gas easement for existing main and service pipelines which will cross proposed Tract A-5 to serve proposed Tract A-4 and proposed Tract B.
ACS	No objections
GCI	Approved as shown

# KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 2101 Bowpicker Lane, 2291 Bowpicker Lane, 2301 Bowpicker Lane, 2321 Bowpicker Lane Existing street names listed are correct. City of Kenai will advise on affected addresses.
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	Within the City of Kenai; no review required
Assessing – Adeena Wilcox	The proposed plat is unclear as to how Tract D and E will have legal access and utility access. Some lots and tracts may not meet the minimum lot size requirements for well and septic as defined by Borough Code. Plat is subject to existing condo restrictions. While this plat references prior condo filings, it does not address how the proposed changes will alter the condos. Assessing suggest the Planning Department review proposed condoization plans prior to this plat approval.
Advisory Planning Commission	N/A

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

# STAFF RECOMMENDATIONS

# CORRECTIONS / EDITS

There is also a listing for (R7) for Phase 7 of the condominiums. Staff did not find reference to (R7) on the plat.

KPB 20.25.070 - Form and contents required.

- A. Within the Title Block
  - 1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
  - 2. Legal description, location, date, and total area in acres of the proposed subdivision;
  - 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

# Staff recommendation:

Below are recommendations for sheet 1 and 2.

- 1. Within the title block add the Alaska Tideland Survey Information.
- 2. Update Kenai Landing Inc. street address to "Homer" as there currently is a typo.

The following correction is for sheet 2.

1. The title block states the scale is  $1^{"} = 200^{"}$ . The only mapping on the sheet is for the utility easement and setback example. The scale for that is  $1^{"} = 50^{"}$ . Adjust the scale listed for items shown on the plat.

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:** The city limits for Kenai run along Bowpicker Lane and then west along Old Cannery Road. Depict and label the boundary between the City of Kenai and the Kenai Peninsula Borough. It appears there may be a space in Bowpicker. Bowpicker is one word. On the northwest corner of the subdivision is Sea Catch Drive located at the end of Bowpicker Lane. Provide a label for Sea Catch Drive.

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; **Staff recommendation:** The certificate to plat contained many easements, confirm if the easements of record affect the subdivision and if so, depict and label with the record information.

F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision; **Staff recommendation:** Add a plat note or within the depiction of Cannery Road a reference to the ROW map as commented on by DOT. "ROW Map MA-21047 Kenai-Alaska (Plat KN 84-109) Sheet 6".

#### **KPB 20.30 Design Requirements**

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

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. Building setbacks as depicted, or noted, on recorded plats shall not be carried forward on a new subdivision plat located within a municipal zoning district. Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."

**Staff recommendation:** This subdivision is within the City of Kenai and not subject to the KPB 20 foot building setback requirement. Remove the depiction of the 20 foot building setback from the typical drawing. The setback was not included on parent plats so a note is not required.

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

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

#### **KPB 20.40 -- Wastewater Disposal**

20.40.010 Wastewater disposal.

Platting Staff Comments: An exception has been requested for Lot 1 and 2. The City of Kenai has requested the DEC compliance certificate.

**Staff recommendation**: Provide the DEC certificate to the City of Kenai Planning Department and provide documentation from the City of Kenai that their request has been met. Comply with 20.40.

# KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

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

Staff recommendation: Place the following notes on the plat.

- Lots within this subdivision may be located within a designated flood hazard area.
- No structures are permitted within the panhandle portion of flag lot Tract B.
- Per the certificate to plat there are additional easements that do not appear to be noted or depicted. If it is determined they do not apply work with the title company to remove the reference from the certificate to plat.
  - Easement affecting the portion of said premises and for the purpose of road. Recorded October 20, 1967 in Book 48 Page 292, Kenai Recording District. (Determine if it applies to this subdivision, if not work with title company to have removed.)
  - Right of way including the terms and conditions therein recorded on July 21, 1986 in Book 291 Page 361, Kenai Recording District. (Determine if this easement applies to this subdivision, if no work with the title company to have it removed from the certificate to plat)

Remove the following plat notes.

- Remove plat note 1 as this is within the City of Kenai and falls under their zoning regulations. Parent plats did not have a setback so the note per 20.30.250 does not apply.
- Remove plat note 6 as this subdivision is within the City boundary.
- Revise plat note 8 and 9 to include that the floodway is non-regulatory at the time the plat was recorded.
- Remove plat note 20 as those exceptions were granted for parent plats and are not being carried forward.

Revise the following plat notes.

Within plat note 2 remove the reference to the building setback. The parent plats granted easements of 15 and 10 feet. Revise the note to read "The front 15 feet adjacent to rights-of-way is a utility easement. Plat KN 2015-29 granted 15 feet and Plat KN 2005-29 granted 10 feet utility easements. This plat will grant additional 5 feet as utility easements to bring the 10 foot utility easements to a width of 15 feet. No permanent structures..." If additional right of way is required the note will need to be revised to reflect new easements being granted.

Plat note 14 has a couple of typos. Correct dates to "June 22, 2011" and "May 31, 2012".

Plat note 17 needs to be updated to match what is found in new code that took effect on April 1, 2021. Correct the code reference to "20.60.170".

Plat note 18 has an incorrect date of "July". It should be "October".

Plat note 19 should reference that it applies to parent Tract A. Spell out "Association". The note states the sketch was ambiguous when in fact it was the wrong sketch that was recorded. The sketch recorded was not near this subdivision. Revise to read "Said easement description was ambiguous and referred to the attached exhibit for location. The exhibit recorded as part of the document is not located within the subdivision therefore the easement is not depicted on the plat."

- Plat note 21 should include the full note as required by KPB Code. "ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE: Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040."
- Plat note 22 will need to have the date revised.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation**: Correct Mr. Hyde's name to Ronald Hyde Jr. on his signature line and notary acknowledgment. Correct Mr. Faulkner's name to Jonathan Faulkner on his signature line and notary acknowledgment. Mr. Faulkner's address needs "Homer" corrected. Comply with 20.60.190.

## EXCEPTIONS REQUESTED:

# <u>A.</u> <u>KPB 20.30.190 – Lots-Dimensions</u> <u>KPB 20.30.200 – Lots-Minimum Size</u> <u>KPB 20.40.010 – Wastewater disposal</u> (Lots 1 and 2)

#### Surveyor's Discussion:

<u>Staff Discussion</u>: Lot 1 is proposed to be approximately 0.963 acres with 0.448 acres (19,515 sq. ft.) as upland. The approximate depth to width ratio is 3.3:1.

Lot 2 is proposed to be approximately 0.737 acres with 0.510 acres (22,276 sq. ft.) as upland. The approximate depth to width ratio is 6.9:1.

Lot 1 contains a dock and Lot 2 contains a boat-launching ramp to the Kenai River. The submittal states that Lot 1 and Lot 2 will be used for launching and docking marine vessels.

Plat note 23 states that no wastewater will be generated on Lots 1 and 2 and any wastewater system that may be installed in the future must be approved by DEC.

If the exception is denied the lots will be required to be redesigned to provide 40,000 square feet, comply with the 3:1 depth to width ratio, and a soils analysis report will be required and an engineer will need to sign the plat.

#### Surveyor's Findings:

- 1. Lots 1 and 2 will not be developed
- 2. Lots 1 and 2 will not produce wastewater.
- The land and improvements are for parking, and for docking and launching of marine vessels only. There are no permanent residences or offices planned or associated with this use. There is no wastewater produced by this use; the small amounts generated by transient users is met with portable toilets.
- 4. Historically, potable water for marine vessels is trucked in.
- 5. If the need for wastewater services arises in the future, the adjacent owner operates an approved, large volume wastewater treatment facility is agreeable to connection.
- 6. Note with 20.40.080 will be provided.

## Staff's Findings:

- Proposed Lots 1 and 2 will contain portions of tidelands as shown on Alaska Tidelands Survey No. 115.
- 8. Currently condominium units exists with the same boundary as Lot 1 and Lot 2.
- 9. City water and sewer are not available for this area.
- 10. Development must comply with City of Kenai zoning.
- 11. Proposed Lot 1 has a dock within the tideland area.
- 12. Proposed Lot 2 contains a boat launch.
- 13. The property is subject to the Anadromous Waters Habitat Protection District and the River Center should be contacted prior to development.
- 14. The depth to width ratio for Lot 1 is 3.3:1. If using only upland area the ratio is 2.1:1.
- 15. The depth to width ratio for Lot 2 is 6.9:1. If using only upland area the ratio is 2.6:1.

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

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

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

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

- 1. That special circumstances or conditions affecting the property have been shown by application; **Findings 1-6, 8, 10, 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 1-6, 8, 10, 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 1-6, 8, 10, 13 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 20.30.030 – Proposed street layout-Requirements KPB 20.30.120 – Streets-Width requirements KPB 20.30.170 – Blocks-Length requirements KPB 20.30.210 – Lots-Access to Street

Surveyor's Discussion:

Staff Discussion: This exceptions have been grouped but may be voted on separately.

Per 20.30.030, streets provided on the plat must provide fee simple right-of-way dedication to the appropriate governmental entity. In this case that would be the City of Kenai. The City of Kenai did not request any right of way dedications. Code further states the dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means for ingress for surround acreage tracts. There must also be adequate access and turn around areas for emergency vehicles. Per code a continuation of Columbia Street should extend south into the proposed subdivision.

The owner has requested an exception for street width requirements. The proposed design is not including any right of ways to be dedicated that are of substandard width. They are referencing the 50 foot public access easement in their findings. This was granted at a 50 foot width. If the plat committee determines a right of way dedication should exist atop this or the other public access easements within the subdivision this exception will be required to not grant 60 foot right of ways. The owner wishes to not increase the width of the existing public access easements.

The block is an open block defined by the section line easements, Bowpicker Lane, Sea Catch Drive, and Columbia Street. The Kenai River limits the ability for portions to be within a closed block. The distance along Bowpicker Lane exceeds code by 20 feet. If a continuation of Columbia Street were to be required it would also exceed code unless additional right of ways were dedicated to create new intersections.

Per KPB 20.30.210, each lot shall abut on a fee simple dedicated street unless the land is classified by agricultural per state statues. Tracts A-4, A-5, C, D, E, Lot 1, and Lot 2 do not abut dedicated right of ways. There are currently public access easements that provide access to those lots with the exception of Tract D and Tract E. Both of those are within a tideland survey and have legal access from the Kenai River.

If the exception is denied the following will be require.

- a. An extension of Columbia Street will be required.
- b. Right of way dedications will be required coinciding with the existing public access easements and section line easements.
- c. All right of way dedications will need to be 60 feet in width.
- d. Right of way dedications will be required so that all lots front on a dedicated right of way.

# Surveyor's Findings:

- 1. An exception to code is likely not required in so far as an existing SLE acts as dedicated legal access to all subdivided Tracts under 20.30.030.
- 2. Applicant has provided an access plan verifying the existence of legal access to the subdivision boundary and that construction design requirements under KPB Chapter 20.30 are practical and economical. 20.30.050 defines legal access "where unrestricted, public ROW connects the subdivision to the state highway system... and one of the following is met." The applicant has presented satisfactory evidence meeting criteria #2 thereunder.
- 3. 20.30.050(A)(1) directly references section lines as a means of legal access.
- 4. Parcel A abuts the 50'-wide public access easement created in replacement of a section line easement and carries with it all of the same rights, titles and interests to the public that a section line does. The wording of the easement supports this conclusion
- 5. With reference to 20.30.050(A)(4), the state easement carries the full weight of a judicial decree since it absolutely involved a quasi-judicial proceeding involving the department of law and their consent.
- 6. The KPB was party to the State easement agreement and the public process that created the easement; the 60' (believe this is a typo and should be 50') width requirement was agreed to by the KPB at the time. It is neither fair nor reasonable to re-visit this ROW width.

# Staff's Findings:

- 7. Development of this subdivision must comply with the City of Kenai zoning regulations.
- 8. The City of Kenai did not request additional right of ways.
- 9. Columbia Street ends at the subdivision and a continuation would be appropriate.
- 10. Columbia Street is not constructed at this time.
- 11. Columbia Street is 60 feet wide, an adequate turn around width.
- 12. The extension of Columbia Street is affected by a pond and tidal marsh and a roadway is unlikely to be constructed.
- 13. This subdivision is subject to multiple access easements.
- 14. There is a 33 foot section lines easement, a 33 foot access easement, 40 foot public access easement, and 50 foot public access easement.
- 15. A projection of Old Cannery Road would be to grant a right of way dedication along the section line easement.
- 16. The section line easement and a 50 foot wide public access easement provides legal access within the subdivision.
- 17. The City of Kenai is listed as the Grantee of the 50 foot public access easement.
- 18. The block is an open block.
- 19. The Kenai River limits the ability for portions of the subdivision to be within a closed block.
- 20. The block length along Bowpicker Lane exceeds code requirements by approximately 20 feet.
- 21. The block is defined by section line easements, Bowpicker Lane, Sea Catch Drive, and Columbia Street.
- 22. This platting action will create nine parcels with
  - a. Four lots fronting on at least a dedicated right of way.
  - b. Five lots fronting only on a public access easement.
  - c. Two lots not fronting on a dedicated right of way or public access easement as the only legal access if from the Kenai River.

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

Staff recommends the Committee select the findings they determine are applicable, make additional findings

if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

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

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

- 1. That special circumstances or conditions affecting the property have been shown by application; **Findings 1, 4, 7, 8, 12-14, 16, 19 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, 7, 8, 12-14, 16, 19 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, 7, 8, 12-14, 16, 19 appear to support this standard.**

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

# **RECOMMENDATION:**

# SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

# END OF STAFF REPORT

Chair Carluccio opened the item for public comment.

Jason Young, Edge Survey & Design LLC; P.O. Box 208, Kasilof, AK 99610: Mr. Young was the surveyor on this project and made himself available to answer any questions. He noted this was a unique plat and it is a stepping stone to another development which has also been approved by the City of Kenai.

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

**MAIN MOTION:** Commissioner Ecklund moved, seconded by Commissioner Ruffner to grant preliminary approval to Kenai Landing Subdivision 2021 Addition based on staff recommendations and compliance to borough code.

**AMENDMENT A MOTION:** Commissioner Ecklund moved, seconded by Commissioner Venuti to grant exception request to KPB 20.30.190 – Lot Dimensions, KPB 20.30.200 – Lots, Minimum Size, and KPB 20.40.010 – Wastewater Disposal for Lots 1 & 2, citing findings 1-6, 8, 10 & 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 A MOTION PASSED BY UNANIMOUS VOTE** 

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

**AMENDMENT B MOTION:** Commissioner Ecklund moved, seconded by Commissioner Venuti to grant exception request to KPB 20.30.030 – Propose Street Layout Requirements, KPB 20.30.120 – Streets, Width Requirements, KPB 20.30.170 – Blocks, Length Requirements and KPB 20.30.210 – Lots, Access to Street citing findings 1, 4, 7, 8, 12-14, 16 & 19 in support of standards one, two and three.

Commissioner Ruffner noted the State of Alaska generally weighs in on public water access on plats and he did not seen any comments from them in the staff report. Did he miss them or did the State have no comments. Mr. Huff replied they had not received any comments from the State. He then noted there was an existing public access easement which was put in place when the section line easement was vacated which does provide legal public access to the river.

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

# AMENDMENT B MOTION PASSED BY UNANIMOUS VOTE

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

# AGENDA ITEM E. NEW BUSINESS

## ITEM 3 - Birchwood Subdivision Sherman Addition No 2

KPB File No.	2021-090
Plat Committee	July 12, 2021
Meeting:	
Applicant / Owner:	Colleen Margaret and Guy Fiscel Sherman of Soldotna, AK
	Jessica Erin and Cody Joseph Seymour of Soldotna, AK
	Kelsey L. and Michael G. Ciufo Jr. of Kenai, Alaska
Surveyor:	James Hall / Mclane Consulting, Inc.
General Location:	Reger Road and Edgington Road, Sterling Area
Parent Parcel No.:	063-700-35, 063-700-36
Legal Description:	Lot 7, Block 1 Birchwood Sub Sherman Addn No 1, Plat KN 2010-87
	The NE1/4 SW1/4 Section 29, Township 5 North, Range 9 West, Excepting
	therefrom Birchwood Sub Plat KN 79-115 and Birchwood Sub Sherman
	Addn No 1 Plat KN 2010-87.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

Staff report given by Scott Huff.

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure an unsubdivided parcel and a lot to provide additional acreage to Lot 7. The lot will increase from 1.1 acres to 2.8 acres. The large acreage tract will be reduced from 26.0 acres to 24.4 acres. No right of way dedications are depicted on the preliminary plat, however this platting action will require a 30 foot half width right of way dedication for Edgington Road. An exception has been requested for right of way dedications.

Legal Access (existing and proposed): The proposed subdivision is in the Longmere Lake area. The tract has access via Edgington Road and Reger Road.

Edgington Road, where abutting this subdivision, is 30 feet wide and 60 feet wide to the north and 30 feet wide to the south. This section of Edgington Road does not appear to be improved. KPB 20.30.120 requires the minimum right of way width of street to be 60 feet. The property to the west has dedicated a half width right of way. KPB Roads comments states that an additional 30 foot right of way dedication is required for maintenance to be granted. **Staff recommends** this platting action provide a matching 30 foot right of way dedication for Edgington Road to provide a full 60 foot width.

Tract A and Lot 7A both have access via Reger Road. Reger Road is an improved dedicated right of way with a varying width between 80 foot wide and 94 feet. The Kenai Peninsula Borough roads department maintains Reger Road. Reger Road is located at the end of Fannie Mae Avenue. Fannie Mae Avenue intersects Edgington Road. Edgington Road is constructed to the north of Fannie Mae Avenue until it connects to state maintained Sterling Highway at approximate mile 88. Reger Road, Fannie Mae Avenue, the northern portion of Edgington Road are all constructed and maintained by the Kenai Peninsula Borough.

The subdivision is within a closed block but the block length is not compliant. The block is defined by Fannie Mae Avenue, Reger Road, and Edgington Road. An exception to block length has been requested.

KPB Roads Dept. comments	Within jurisdiction; An additional 30' of ROW would be necessary for road maintenance to be granted on the non-developed section of Edgington. Per 14.06.100 Road Construction Standards – Construction Standards for Maintenance 1.
SOA DOT comments	No comment

<u>Site Investigation</u>: The areas with slopes greater than 20 percent are shaded on the preliminary plat. Per KPB GIS data there are no wetlands within the boundary or within the abutting right of ways. Lot 7 contains residential improvements and the large Tract does not contain any improvements.

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

**Staff Analysis** The proposed subdivision will replat a lot and an unsubdivided remainder parcel. The large acreage parcel previously created eight lots by recording plats KN 79-115 and KN 2010-87. Both of those plats were done under old code which allowed unsubdivided remainders. Lot 7 was created by KN 2010-87.

Per 20.40.020(A)(1)(c), a wastewater system review is not required if moving one or more lots lines without increasing the number of developable lots, while maintaining a minimum of 20,000 square feet of contiguous area. Lot 7 and Tract A will both contain a minimum of 20,000 square feet of area available for septic installation, therefore a soils analysis report is not required.

Notice of the proposed plat was mailed to the beneficial interest holder on June 21, 2021. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

Per KPB GIS Imagery, it does appear the structure located on Lot 7 Block 1 is very close to the property line shared with Lot 8 Block 1. **Staff recommends** that the surveyor confirm if the building is located over the

boundary line and if so the encroachment will need to be remedied before final plat approval.

<u>Utility Easements</u> Parent plat KN 2010-87 granted 10 foot utility easements along Reger Road within parent Lot 7 and the east side of the unsubdivided remainder, including the full setback within 5 feet from the side property lines. Per plat note 4 this plat intends to grant the same utility easements.

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

#### Utility provider review:

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

#### KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 35403 Reger Road, 35275 Reger Road.
	Existing street names listed are correct.
	35403 Reger Road will remain with Lot 7A.
	35275 Reger Road will remain with Tract A.
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues
	with this proposed plat.
Assessing – Adeena Wilcox	No comments
Advisory Planning Commission	N/A

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

# CORRECTIONS / EDITS

KPB 20.25.070 - Form and contents required.

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

- 2. Legal description, location, date, and total area in acres of the proposed subdivision;
- 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat,
- and registered land surveyor.

# Staff recommendation:

- Verify Jessica Erin Seymour address, KPB Assessing shows 607 Laurel Drive, Kenai, AK 99611.
- Per Assessing/GIS the total acreage is 27.15, verify acreage and correct accordingly.
- Add the missing owner names and address of Colleen Margaret Sherman and Guy Fiscel Sherman, 43420 Kalifornsky Beach Road, Soldotna, AK 99669
- The certificate to plat states that the description should be for the unsubdivided parcel "NE1/4 SW1/4 excepting therefrom Birchwood Subdivision, according to Plat No. 79-115 and also excepting therefrom Birchwood Subdivision, Sherman Addition No. 1, according to Plat No. 2010-87." Revise to match the Certificate to Plat.
- Include Block 1 for the legal description of Lot 7 Block 1 Birchwood Subdivision Sherman Addition No. 1.

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:

- The depiction of the corner of Fannie Mae Avenue and Reger Road needs to be adjusted as Plat KN 2010-87 dedicated a triangle portion from adjacent to Lot 6 Block 1.
- Provide a width label of 50 feet for Lemp 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;

# Staff recommendation:

- The sections within T4N are mislabeled.
- The Kenai National Wildlife Refuge is along the township line and into Section 32 and should be depicted and labeled.
- Correct the label for the Sterling Highway as it is labeled Kenai Spur Highway.
- 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; Staff recommendation: Add plat note for CCR's, Serial No. 2012-003025-0 and KPB code 20.60.170 (B) verbiage that KPB does not enforce CCR's.
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

# Staff recommendation:

- East of Reger Road correct the following:
  - Tract 1A to Lot 1A
  - o Tract 1B to Lot 1B
  - Tracts 2, 3, and 4 recording number from 94-94 to 99-94.
- North of Fannie Mae Avenue correct recording number to 73-16.
- Lot 4 from KN 79-115 should have a block label of "Block 1"
- Lot 8 from KN 79-115 is not labeled. It should be labeled "Lot 8 Block 1 KN 79-115".
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff recommendation: Provide a Block 1 label for Lot 7A.

# **KPB 20.30 Design Requirements**

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

20.30.120. Streets-Width requirements.

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

Α.

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

**Staff recommendation:** A matching 30 foot dedication is required for Edgington Road. Comply with 20.30.120.

#### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: This platting action will fall under KPB 20.40.020(A)(1)(c) and a soils analysis report will not be required.

**Staff recommendation**: Correct the wastewater note to comply with KPB 20.40.020(B)(1). Comply with 20.40.

#### KPB 20.60 – Final Plat

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

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

Staff recommendation: Correct the drawing scale to comply with 20.60.070.

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: Provide a Block 1 label for Lot 7A.

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

C. The plat must adhere to the requirement of the local option zone, where applicable. **Staff recommendation**: Certificate to plat contains covenants and restrictions. Comply with 20.60.170.

20.60.180. Plat notes.

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

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

the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation: Place the following notes on the plat.

- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- Former Lot 7 is subject to covenants, conditions, and restrictions as recorded on April 6, 2012, serial number 2012-003025-0, Kenai Recording District.
- Add a plat note for any exceptions granted and the date they are granted.

Remove plat notes 6, 7, and 8 as they do not pertain to this subdivision

The wastewater disposal note would read cleaner if the portions explaining code were added into a plat note and the wastewater disposal note matched code. Each lot also requires a separate note as different portions of code are being applies.

- "WASTEWATER DISPOSAL: (Lot 7A Block 1) The parent subdivision for lots resulting from this platting action were approved by the Kenai Peninsula Borough on May 10, 2010. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation."
- "WASTEWATR DISPOSAL: (Tract A) Lots which are at least 200,000 square feet in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation."
- Plat note: A soils analysis report was not required for this subdivision per KPB 20.40.020(A)(1)(C).

#### 20.60.190. Certificates, statements, and signatures required.

#### Staff recommendation:

- The Shermans must be added to the certificate of ownership.
- The former property description must also be revised as the property excludes the existing subdivisions. The entire description is not required as it should be clearly stated in the title block what lands are involved and the designation in the signature lines is to identify owners of each former parcel. "NE1/4 SW1/4 excluding subdivisions KN 79-115 and KN 2010-087."
- Additional notary's acknowledgments will be required and correct the year for the ones currently in place.
- Either add the names of the signer in the Notary's Acknowledgment or provide additional space for the names to be written legible.
- Ensure there is adequate space for the notary stamps.
- Comply with 20.60.190.

#### EXCEPTIONS REQUESTED:

#### <u>A.</u> <u>KPB 20.30.030 – Proposed street layout – Requirements</u> <u>KPB 20.30.170 – Block-Length requirements</u>

#### Surveyor's Discussion:

<u>Staff Discussion</u>: These exceptions have been combined but may be voted on separately if the Plat Committee wishes.

The proposed subdivision is within a closed block. The block is defined by Fannie Mae Avenue, Reger Road, and Edgington Road. The block does exceed allowable block length. The block length along Edgington Road is approximately 2,165 feet. Reger Road bends and is found along two sides of the block for a length of approximately 3,100 feet. The block along Fannie Mae Avenue is compliant.

Lemp Road is a 50 foot wide right of way west of the subdivision that was dedicated by Sprucewood Terrace, Plat KN 79-19. A continuation of Lemp Road would help to bring the block into compliance.

A dedication along the southern boundary of the proposed subdivision will create two blocks. The northern block containing this subdivision would be a compliant and complete block. The southern block would still

have exceed the block length along Reger Road. This has to do with the design with Reger Road but the block would be closer to compliance. There is a 20 acre parcel to the south that could later provide a 30 foot matching dedication.

If the exception is denied right of way dedications must be granted to create a compliant block. This can be accomplished with a redesign with a combination of the following.

- continuing Lemp Road with a 60 foot wide right of way dedication
- a 30 foot half width right of way dedication along the south boundary
- or dedicate another right of way pattern that will bring the blocks into compliance and provide appropriate access while complying with KPB Code.

# Findings:

- 1. The subdivision is within a closed block.
- 2. The block length requirements are not met along Edgington Road and Reger Road.
- 3. Lemp Road is a 50 foot right of way to the west of the proposed subdivision.
- 4. A 20 acre unsubdivided parcel is to the south.
- 5. The portion of Edgington Road that defines the block is unconstructed at this time.
- 6. Reger Road is partially built and maintained by the Kenai Peninsula Borough.
- 7. Reger Road construction ends about 333 feet from the Edgington Road dedication.
- 8. Tract A will be approximately 24 acres and could be further subdivided.
- 9. Future subdivisions can provide through dedications that meet the needs and fit the design of the subdivision.
- 10. There are some areas of slopes greater than 20 percent within the subdivision.
- 11. Slopes greater than 20 percent exists where the extension of Lemp Road would be located.
- 12. Slopes greater than 20 percent exist on the south boundary of the subdivision.

## 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 8-12 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 8-12 appear to support this standard.**
- 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 8-12 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 (depth to width ratio for Lot 7A)

<u>Staff Discussion:</u> Lot 7A does not meet the requirements for depth to width ratio. Code requires the ratio to be 3:1 depth to width and Lot 7A is 3.5:1 depth to width. The owners wish to add additional acreage to Lot 7. Private lots exits to the north and south of Lot 7 and do not allow the lot to become wider.

The proposed parcel depth is 704 feet. The proposed width is 200 feet.

If denied, proposed Lot 7A will need to be redesigned so that the average depth is shorthand by 197 feet so that the depth is no more than 507 feet.

#### Findings:

- 1. The code requires lot depth to width ratio to be 3:1.
- 2. The proposed lot will have a depth of 704 feet and a width of 200 feet for a depth to width ratio of 3.5:1.
- 3. Lot 8 to the south contains improvements.
- 4. Lots to the north and south are privately owned and do not allow Lot 7 to be widened.
- 5. There are some areas with slopes greater than 20 percent within Lot 7.
- 6. The additional acreage will double the lot size and provide usable area for Lot 7.
- 7. Tract A is 24 acres and can be further subdivided in the future.

# 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, 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 4, 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 4, 6, 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.

# **STAFF REPORT - ADDENDUM**

After the staff report was prepared, the surveyor contacted Staff and requested an exception to KPB 20.30.120 Streets – Width requirements for providing a matching dedication of Edgington Road right of way.

# **EXCEPTIONS REQUESTED:**

## C. KPB 20.30.120 – Streets – Width requirements

<u>Surveyor's Discussion</u>: After the completion of the plat the land owners intend to sell the 24 acre parcel to an adjacent land owner who wants to keep it undeveloped at this time until they come up with a plan. Future

development is possible but the configuration has yet to be determined.

<u>Staff Discussion</u>: Edgington Road is a 60 foot wide right of way from the intersection of Fannie Mae Avenue to the northwest corner of this proposed subdivision. Edgington Road is a 30 foot wide dedicated right of way where fronting the west boundary of this proposed subdivision. Edgington Road is a 30 foot wide dedicated right of way extending south from the southwest corner of this subdivision to the intersection of Reger Road.

There are 12 parcels that front on Edgington Road. 9 parcels front on multiple right of ways. 3 parcels have access only from Edgington Road where the right of way is 30 foot in width.

Edgington Road is affected by sloping terrain, and is not affected by low wet areas.

Lots 7 and 6, located to the southwest, are owned by William Harris. Lots 8 and 5, located to the southwest, are owned by Don McKay. Lots 9, 4, 3, and the unsubdivided 20 acre parcel are owned by Mark and Susan Krizer. Land owners that own multiple lots appear to be using Urban Street and Reger Road for access. The owners are able to transfer each lot separately.

Both Urban Street and Reger Road are improved and KPB maintained roads.

Edgington Road does not appear to be improved or used as access to neighboring parcels at this time.

An overhead utility line is located within Edgington Road from the intersection of Fannie Mae Avenue to the northeast corner of Lot 2.

#### Findings:

- 1. After the completion of the plat the land owners intend to sell the 24 acre parcel to an adjacent land owner who wants to keep it undeveloped at this time until they come up with a plan.
- 2. Future development is possible but the configuration has yet to be determined.
- 3. Edgington Road is a 60 foot wide right of way from the intersection of Fannie Mae Avenue to the northwest corner of this proposed subdivision.
- 4. Edgington Road is a 30 foot wide dedicated right of way where fronting the west boundary of this proposed subdivision.
- 5. Edgington Road is a 30 foot wide dedicated right of way extending south from the southwest corner of this subdivision to the intersection of Reger Road.
- 6. There are 12 parcels that front on Edgington Road. 9 parcels front on multiple right of ways. 3 parcels have access only from Edgington Road where the right of way is 30 foot in width.
- 7. Edgington Road is affected by sloping terrain.
- 8. Edgington Road is not affected by low wet areas.
- 9. Lots 7 and 6, located to the southwest, are owned by William Harris.
- 10. Lots 8 and 5, located to the southwest, are owned by Don McKay.
- 11. Lots 9, 4, 3, and the unsubdivided 20 acre parcel are owned by Mark and Susan Krizer.
- 12. Land owners that own multiple lots appear to be using Urban Street and Reger Road for access. Both Urban Street and Reger Road are improved and KPB maintained roads.
- 13. The owners of multiple lots can transfer the lots separately.
- 14. Edgington Road does not appear to be improved or used as access to neighboring parcels at this time.
- 15. An overhead utility line is located within Edgington Road from the intersection of Fannie Mae Avenue to the northeast corner of Lot 2.
- 16. This subdivision is able to provide a 30 foot half dedication to comply with KPB 20.30.120 Streets width requirements.

## Staff reviewed the exception request and based on findings 3, 4, 6, 13, 15, 16 does not recommend 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.

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

END OF STAFF REPORT ADDENDUM

# **RECOMMENDATION:**

#### SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

#### END OF STAFF REPORT

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

**MAIN MOTION:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant preliminary approval to Birchwood Subdivision Sherman Addition No. 2 based on staff recommendations and compliance to borough code.

**AMENDMENT A MOTION:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant exception request to KPB 20.30.030 – Proposed Street Layout Requirements and KPB 20.30.170 – Block Length Requirements, citing findings 8-12 in support of standards one, two and three.

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

## AMENDMENT A MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0	
Yes	Carlu	ccio, Ecł	klund, F	Ruffner, Venuti
No				

**AMENDMENT B MOTION:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant exception request to KPB 20.30.190 – Lot Dimensions, depth to width ratio for Lot 7A, citing findings 4, 6, & 7 in support of standards one, two and three.

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

# AMENDMENT B MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0		
Yes	Carlu	ccio, Ecł	dund, R	uffner, Venuti	
No					

**AMENDMENT C MOTION:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to grant exception request to KPB 20.30.120 – Street Width Requirements

Commissioner Ruffner stated that he will be following staff recommendations and will not vote in favor of this exception. If the subdivision does get reworked in the future they can request to vacate the road at that time.

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

## AMENDMENT C MOTION FAILED BY UNANIMOUS VOTE

Yes	0	No	4					
Yes								
No	Carluc	ccio, Ecł	klund, F	Ruffner, Venut				

**AMENDMENT D MOTION:** Commissioner Ruffner moved, seconded by Commissioner Ecklund attach findings 3, 4, 6, 13, 15 & 16 to support the denial of exception request to KPB 20.30.120 – Street Width Requirements.

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

## AMENDMENT D MOTION PASSED BY UNANIMOUS VOTE

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

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

	TION FASSED BT ONAMIMOUS VOTE					
Yes	4 No 0					
Yes	Carluccio, Ecklund, Ruffner, Venuti					
No						

## AGENDA ITEM E. NEW BUSINESS

## ITEM 4 - Bay View Subdivision 2018

KPB File No.	2021-087
Plat Committee Meeting:	July 12, 2021
Applicant / Owner:	AKRE Holdings LLC of Overland Park, Kansas
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Lake Shore Drive, Homer
Parent Parcel No.:	179-181-07, 179-181-08
Legal Description:	Lots 88 and 89, Bay View Subdivision Plat NO 53-839, HRD
Assessing Use:	Residential
Zoning:	City of Homer

Water / Wastewater City Water and Sewer

Staff report given by Scott Huff.

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will combine two lots to create one 0.775 acre lot.

**Legal Access (existing and proposed):** The proposed plat is located on Lakeshore Drive, a 50 foot constructed right of way. The right of way is within City of Homer jurisdiction. Lakeshore Drive is accessed by Douglas Place off of state maintained Ocean Drive. The property is along the south shore of Beluga Lake and may be accessed by boat or floatplane.

The block lengths are compliant but the block is not a closed block due to Beluga Lake.

KPB Roads Dept. comments	Out of jurisdiction; no comments
SOA DOT comments	No comment

<u>Site Investigation:</u> The honeycomb hatching on the plat depicts the areas identified as discharge slope by the Kenai Watershed Forum wetland mapping. The discharge slope affects the majority of the parcel. The property slopes towards Beluga Lake but is not affected by steep slopes. There is approximately a 16 foot elevation drop from the south boundary to the north boundary on Beluga Lake.

Per Kenai Peninsula Assessing records structures were built on the parcel in 2019.

Plat note 6 does state that a U.S. Army Corps of Engineers wetland determination may be required.

Floodplain Hazard Review	Within the City of Homer; no comments
Anadromous Waters Habitat	Is not within an AWHPD; no comments
Protection District Review	
State Parks Review	No comments

<u>Staff Analysis</u> The proposed plat will combine two lots that were created by Bay View Subdivision, HM 839, which was recorded in 1953.

City of Homer water and sewer will serve the proposed lot. A soils analysis report is not required. An email has been received from City of Homer Public Works stating an installation agreement is not required. A plat note should be added that states the subdivision is served by City of Homer water and sewer.

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.

This subdivision was heard and approved at the September 24, 2018 Plat Committee meeting. An exception was also granted to 20.30.120 – Streets – width requirements due to Lakeshore Drive only being 50 feet wide. The approval for the subdivision expired on September 24, 2020. A time extension request was received but it required approval from the City of Homer. It was noted by the surveyor that the owners admitted that it got lost in their administration. Per 20.25.110(A) the expiration will require the submission of, and action on, a new preliminary plat (Ordinance 2014-02).

The City of Homer Planning Commission approved the proposed plat on August 1, 2018 subject to a plat note regarding the flood plain be added. That is shown in plat note 7. On April 23, 2021 Mr. Abboud, the City of Homer Planner, stated that the previous recommendation could carry over and that he supported completion of this plat and a review by the City of Homer Planning Commission was not required as this was a simple lot line vacation.

<u>Utility Easements</u> The parent plat did not grant any utility easements. This plat is proposing to grant a 15 foot utility easement along Lakeshore Drive. Plat note 8 describes an HEA easement granted by separate document. **Staff recommends** the recording district be added to note 8.

An ENSTAR easement was granted by document 2020-002255-0, HRD. Per the document, a natural gas easement affected all of Lot 89, which was then defined as a 10 foot wide natural gas easement centered on the existing underground gas pipeline. The easement is for the benefit of Lot 88. The easement will be terminated with merger of title. Comments from ENSTAR were not received when the staff report was prepared. **Staff recommends** that a plat note be added identifying the easement of record and state that the easement of record will be terminated with the merger of title.

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

#### Utility provider review:

HEA		
ENSTAR		
ACS		
GCI	Approved as shown.	

#### KPB department / agency review:

Affected Addresses: 1344 Lakeshore Drive, 1358 Lakeshore Drive
Existing street names shown are correct.
City of Homer will advise on affected addresses.
No comments.
Within the City of Homer, no review required.
No comment

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

## STAFF RECOMMENDATIONS

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KPB 20.25.070 - Form and contents required. A. Within the Title Block

**CORRECTIONS / EDITS** 

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

## Staff recommendation:

- Per the certificate to plat, the company name is AKRE Holdings LLC. Update ownership to match the certificate to plat and KPB records.
- Update the subdivision name to 2021 as Bay View Subdivision 2018 is associated with another KPB file which was not finalized. Changing the name to Bay View Subdivision 2021 will help separate it from the previous action.
- Update the KPB File Number to 2021-087.
- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision; **Staff recommendation:** Provide a plat note for the ENSTAR easement recorded on July 21, 2020, No. 2020-002255-0 and state that the easement will terminate with the merger of title.
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff recommendation:** Provide status labels for lots within 100 feet of the subdivision including Lot 1 of HM 79-110 and the lots across Lakeshore Drive.

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

*Staff recommendation:* The depiction of the wetlands is acceptable and is noted in plat note 5. Although not required, the hatch pattern for the wetlands can be added to the legend.

### KPB 20.30 Design Requirements

<u>Platting staff comments</u>: 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 adjoining rightsof-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers.

**Staff recommendation**: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Grant utility easements requested by the utility providers.** 

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

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

## KPB 20.60 – Final Plat

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

## 20.60.180. Plat notes.

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

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

Staff recommendation: Place the following notes on the plat.

- The lot is served by city water and wastewater utility. .

Plat note 8 should include the recording district.

Plat note 9 will need the correct meeting date.

## 20.60.190. Certificates, statements, and signatures required.

**Staff recommendation**: The owners have changed since original plat. Update the Certificate of Ownership to include the correct LLC name and update the authorized signer on the signature line and Notary's Acknowledgment. The notary line states it is for Arkansas. The owners address appears to be Kansas. Verify which state they intend to sign in or leave the state information blank and it can be filled in by the notary. Correct the Plat Approval date. Comply with 20.60.190.

## **EXCEPTIONS REQUESTED:**

## A. KPB 20.30.120 – Streets – Width Requirements

#### Surveyor's Discussion:

<u>Staff Discussion</u>: The surveyor carried over the note from the previous approval. As those approvals expired a new action is required on the exception.

Per the City of Homer Road Maintenance Map available online, Lakeshore Drive is maintained by the city and is considered an Urban Road.

If the exception is denied the subdivision will be required to dedicate additional right of way for Lakeshore Drive. To be compliant a 10 foot right of way dedication would be required.

The Plat Committee may elect to have a 5 foot dedication with this platting action which would require the lots on the south side of Lakeshore Drive to dedicate 5 feet of right of way if/when those lots are replatted. The lots on the south side of Lakeshore Drive are small and cannot be further subdivided. The City of Homer has followed this method on another substandard width right of way when lots were subdivided.

#### Findings:

- 1. The subdivision is within the City of Homer.
- 2. Lakeshore Drive was dedicated by the parent plat Bay View Subdivision in 1953, prior to statehood.
- 3. Lakeshore Drive is constructed and maintained by the City of Homer.
- 4. The City of Homer planner wrote that the plat is acceptable.
- 5. The City of Homer Planning Commission approved the proposed plat on August 1, 2018 with no discussion or concern about the right-of-way width.
- 6. Per the Homer staff report from August 1, 2018, the zoning is General Commercial 1.
- 7. Replats have been done through the years without additional right of way width being requested.
- 8. Due to the development of the lots, the ability to get matching dedications will be difficult.

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

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

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

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

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

#### Findings 1-5, 7, 8 appear to support this standard.

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

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

## **RECOMMENDATION:**

## SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

## END OF STAFF REPORT

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

**MOTION:** Commissioner Venuti moved, seconded by Commissioner Ruffner to grant preliminary approval to Bay View Subdivision 2018 based on staff recommendations and compliance to borough code.

**AMENDMENT MOTION:** Commissioner Venuti moved, seconded by Commissioner Ruffner to grant exception request to KPB 20.30.120- Street Width Requirements, citing findings 1-5, 7 & 8 in support of standards one, two and three

Seeing and hearing no objection or discussion, the motion was carried by the following vote: AMENDMENT MOTION PASSED BY UNANIMOUS VOTE

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

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	Carlu	Carluccio, Ecklund, Ruffner, Venuti					
No							

## AGENDA ITEM E. NEW BUSINESS

KPB File No. Plat Committee Meeting: Applicant / Owner: Surveyor: General Location:	2021-091 July 12, 2021 Linda and Mark Roth of Homer, AK Gary Nelson / Ability Surveys Saber Avenue E, Yukon Street and East End Road, mile post 8.75 East End Road, Fritz Creek area
Parent Parcel No.:	172-131-21
Legal Description:	Tract 1, Spruce Woods Subdivision 1975 Addition, Plat No 75-12
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

#### ITEM 5 - Spruce Woods Subdivision 1975 Addition Tract 1 Replat

Staff report given by Scott Huff.

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will subdivide a 10.9 acre parcel into three lots ranging in size from 2.0 to 6.3 acres. A right of way dedication is also proposed at the intersection of Yukon Street with East End Road. This dedication will make the intersection compliant to KPB Code.

Legal Access (existing and proposed): The subdivision is located at the corner of East End Road and Yukon Street. East End Road is a state maintained right of way with a 100 foot width in this area. Yukon Street is a 60 foot dedicated right of way that is a gravel road maintained by the Kenai Peninsula Borough. North of the subdivision is Saber Avenue E. Per KPB GIS data, this right of way is not constructed. The width of Saber Avenue E varies as several lots to the north have not been subdivided to provide the matching 30 feet. Spruce Woods Subdivision 1985 Addition, Plat HM 75-12, granted a 30 foot wide dedication for Saber Avenue E.

**Staff recommends a** reference to the state right of way map be added to the plat. This may be done within the depicted East End Road right of way or added to a plat note. The record information is per Homer: East End Road, M.P. 3.75-12.2, Kachemak Drive to McNeil Canyon (0414(10)/Z524770000) sheets 29 & 30 of 53, HM 2016-3.

The proposed subdivision is within a closed block. The block is defined by East End Road, Yukon Street, Saber Avenue E, and Greer Road. The block length along Yukon Street and Greer Road are in compliance with Kenai Peninsula code. The block length along Saber Avenue E and East End Road does exceed code required lengths. In order to bring the block into compliance a dedication would be required that would connect Saber Avenue E and East End Road. A dedication along the eastern boundary of the subdivision will create a compliant block for this subdivision, would need to go through steep terrain and wetlands, and would result in the block to the east still being out of compliance. The eastern block would be required to be split into two blocks in order to be compliant. That would result in three small compliant blocks for 7 lots. Including Lot 1A of this subdivision there would be three lots over 5 acres. This will also create additional intersections with a state right of way. **Staff recommends** that the Plat Committee concur that an exception to block length is not required due to existing development, terrain, wetlands, and multiple intersections on a State highway and a right of way dedication is not requested at this time.

KPB Roads Dept. comments	Within jurisdiction; The Road Service Area has no comments at this time.	
SOA DOT comments	The ROW for Homer East/East End Road is shown on Homer: East End	
	Road, M.P. 3.75-12.2, Kachemak Drive to McNeil Canyon (0414(10)/Z524770000) sheets 29 & 30 of 53, and appears to be shown	
	correctly.	

**Site Investigation:** The plat depicts the low wet areas located in the northern portion of the subdivision within proposed Lot 1A. There are also various areas with slopes greater than 20 percent that are shown with grey shading.

The appropriate note is on the plat to contact the U.S. Army Corps of Engineers prior to development.

Proposed Lot 1B will contain the existing building and residential improvements.

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

<u>Staff Analysis</u> The proposed plat is a subdivision of Tract 1 created by Spruce Woods Subdivision 1975 Addition, Plat KN 75-12.

**Staff recommends** the name of the subdivision be shortened. Suggestions would be Spruce Woods Subdivision 2021 Replat or Spruce Woods Subdivision Roth Addition. Other names will require approval by Kenai Peninsula Borough staff.

A soils report will be required for Lot 1B and Lot 1C and an engineer will sign the final plat. Lot 1A is greater than 200,000 sq. ft. and will not require a soils analysis report. The appropriate plat notes will need to be added to the plat.

Notice of the proposed plat was mailed to the beneficial interest holder on June 21, 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.

<u>Utility Easements</u> A 10 foot utility easement was granted along the eastern boundary of Tract 1 by Spruce Woods Subdivision 1975 Addition, Plat HM 75-12. This easement is depicted and labeled on the plat and will be within proposed Lots 1A and 1B. In addition, plat note 2 is granting 10 foot utility easements along the right of ways. This is not depicted and should be if it will not interfere with required information.

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

HEA	
ENSTAR	No comment or recommendations
ACS	No objections
GCI	Approved as shown

#### Utility provider review:

#### KPB department / agency review:

tti B dopartinont, agono, rotion,	
Addressing – Derek Haws	Affected addresses: 55320 East End Road and will remain with Lot
	1B.
	Existing Street Name Corrections Needed: Homer East Road should
	be East End Road, Sabre Avenue E should be Saber Avenue E
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues
	with this proposed plat.
Assessing – Adeena Wilcox	No comments
Advisory Planning Commission	Kachemak Bay APC comments / minutes were not available when
	the staff report was prepared.

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

## **STAFF RECOMMENDATIONS**

#### CORRECTIONS / EDITS

The subdivision boundary appears to be creating an overstrike on some of the marker symbols. Adjust so overstrikes are not created.

KPB 20.25.070 - Form and contents required.

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

## Staff recommendation:

- Provide a width label of 60' for Bonnie
- Saber Ave. E. north of the subdivision is misspelled as "Sabre".
- The width of Saber Avenue E varies. Abutting the subdivision, the western portion is 30 feet wide while the eastern is 60. Update the depiction of the right of way with correlating width labels.
- Provide a street label and width for Tok Avenue.
- Correct the label for East End Road.
- Remove the overstrike on the label for Yukon Street.
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

#### Staff recommendation:

- Add adjacent parcel information for lots north of Saber Ave. E.
- The lots from HM 77-8 are within Block 1. Add a Block 1 label.

## **KPB 20.30 Design Requirements**

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

## KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: In accordance with 20.40.040 a soils analysis report is required for proposed Lot 1B and Lot 1C and an engineer must sign the plat.

Staff recommendation: Provide the correct wastewater disposal note for all lots. Comply with 20.40.

## KPB 20.60 – Final Plat

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

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

Staff comments: KPB legal and planning department has determined the KPB shall sign the plat to accept right of ways that will be under KPB jurisdiction.

**Staff recommendation:** Provide a certificate of acceptance for KPB to accept the ROW being dedicated with this plat.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Provide a right of way acceptance for KPB to sign. Comply with 20.60.190.

#### **RECOMMENDATION:**

#### STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

## END OF STAFF REPORT

Chair Carluccio opened the item for public comment.

Gary Nelson, Ability Surveys; 152 Dehel Avenue, Homer, AK 99603: Mr. Nelson was the surveyor on this project and made himself available for any questions.

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

**MOTION:** Commissioner Venuti moved, seconded by Commissioner Ecklund to grant preliminary approval to Spruce Woods Subdivision 1975 Addition, Tract1 Replat based on staff recommendations and compliance to borough code.

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

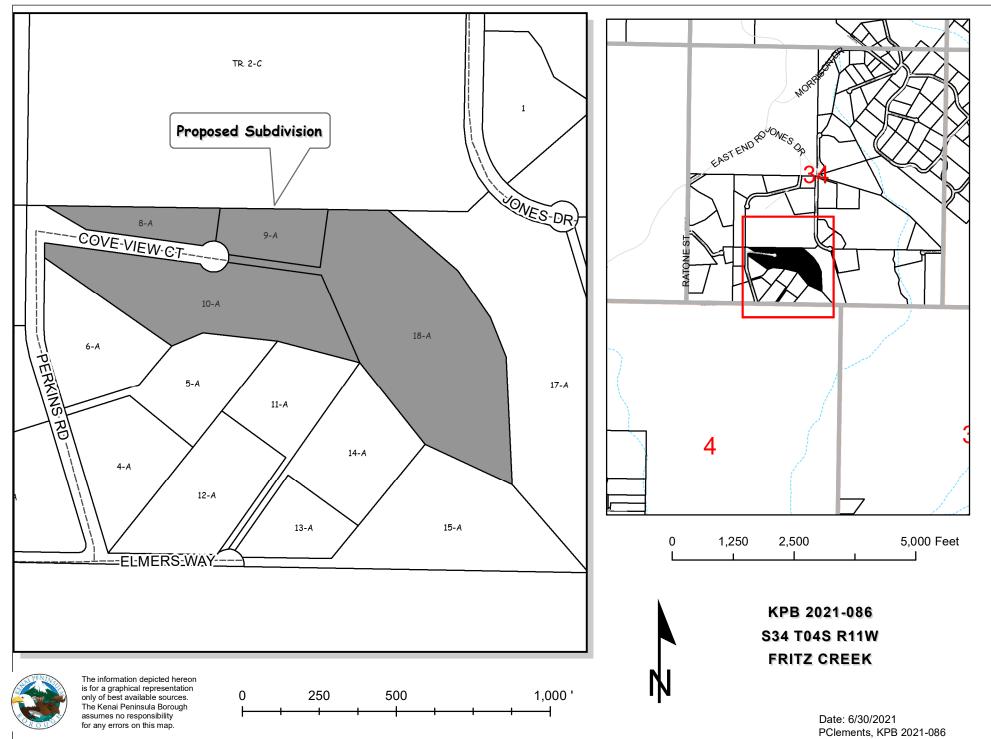
MOTION PASSED BY UNANIMOUS VOTE				
Yes	4	No	0	
Yes	es Carluccio, Ecklund, Ruffner, Venuti			
No				

## F. PUBLIC COMMENT – None

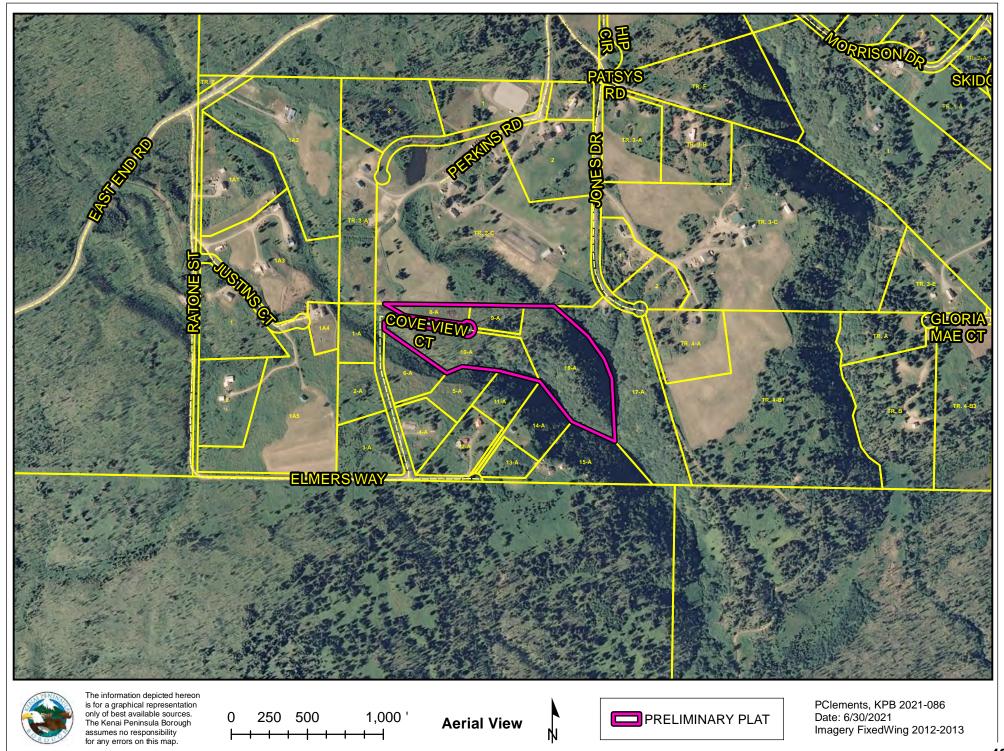
## G. ADJOURNMENT

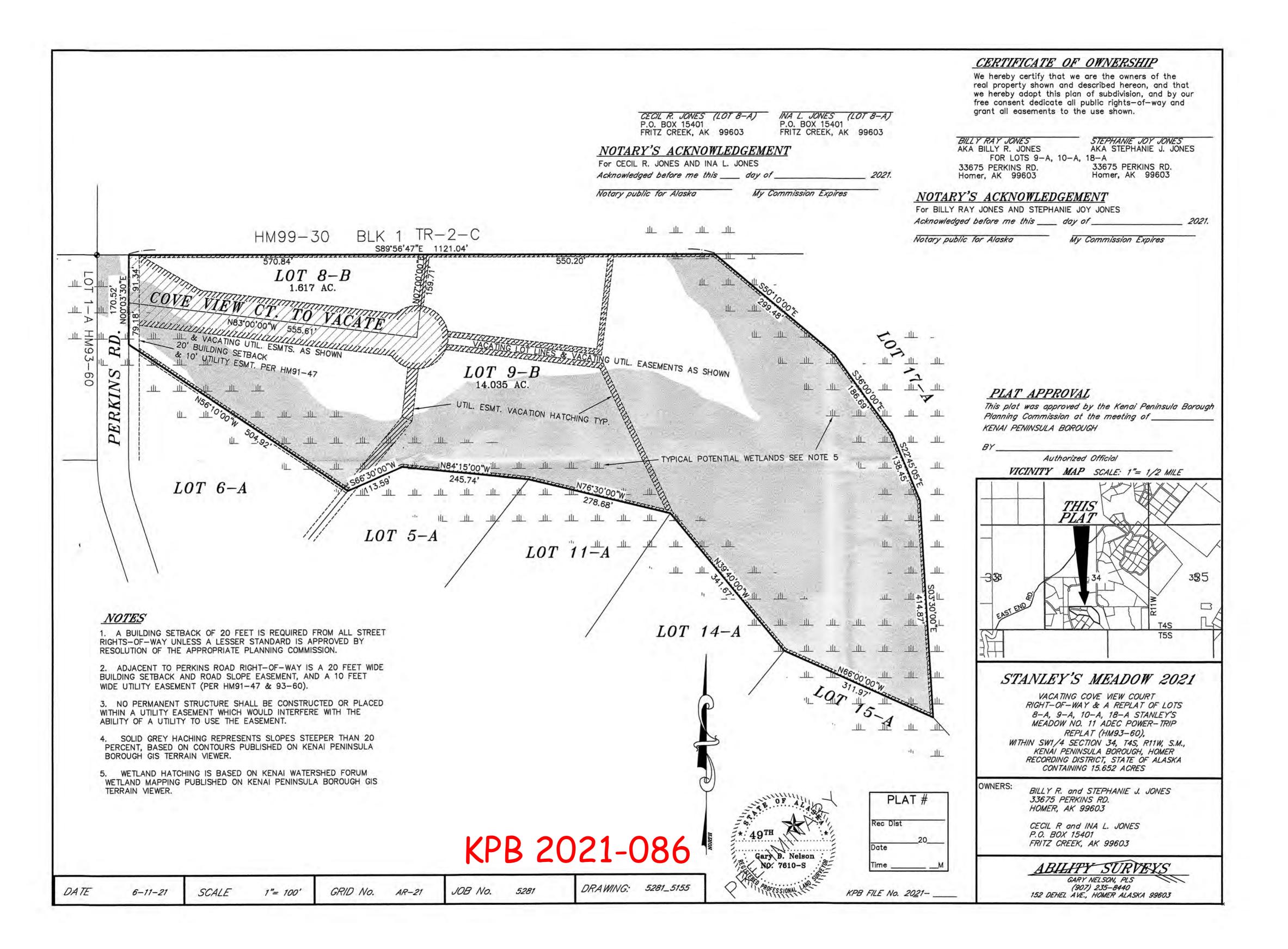
Commissioner Ecklund moved to adjourn the meeting 7:02 P.M.

Ann E. Shirnberg Administrative Assistant



—47





## AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-086
Plat Committee Meeting:	August 9, 2021
Applicant / Owner:	Ina L. and Cecil R. Jones of Fritz Creek, Alaska and
	Stephanie J. and Billy R. Jones of Homer, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Fritz Creek/ Kachemak Bay APC
Parent Parcel No.:	185-430-25, 185-430-26, 185-430-35 and 185-430-38
Legal Description:	Lots 8-A, 9-A, 10-A and 18-A, Stanley's Meadow No 11 ADEC Power-Trip Replat,
	HM 93-60.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site/On Site

#### ITEM 1 - Stanley's Meadow 2021

## STAFF REPORT

<u>Specific Request / Scope of Subdivision</u>: The proposed plat will reconfigure four lots, finalize multiple utility easement vacations, and finalize a right of way vacation to create two lots that will be 1.617 acres and 14.035 acres.

Legal Access (existing and proposed): Access is from state maintained East End Road. Ratone Street is located near mile 17.5 of East End Road. At the end of the Ratone Street dedication is Elmers Way and Perkins Road intersects Elmers Way. All access right of ways are at least 60 feet in width and are a combination of dedicated right of ways and section line easements. A travel way is constructed in the southern portion of Perkins Road. None of the right of ways are maintained by KPB Roads Department.

The subdivision is within a non-compliant block. Perkins Road was a continuous right of way until Stanley's Meadow No. 13, Plat HM 93-34, vacated a portion in 1993. The northern section of Perkins Road now terminates in a culde-sac. The vacation has resulted in this subdivision being in a block made of several streets that do not form a looped block. An exception has been requested for block length requirements.

KPB Roads Dept. comments	Within jurisdiction, no comments at this time
SOA DOT comments	No comment

<u>Site Investigation</u>: The plat submitted with this vacation depicts the Kenai Watershed Forum ecosystem identified as riverine. The riverine ecosystem appears to be location within a portion of Cove View Court and Perkins Road.

The slopes greater than 20 percent are shaded. The steep slopes affect a portion of Cove View Court and Perkins Road. The subdivision is bordered on the east and south by steep gullies with drainages.

**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.

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

<u>Staff Analysis</u> The proposed plat will finalize several utility easement vacations, finalize the vacation of Cove View Court right of way, and reduce four lots to two lots. Both proposed lots will have access via Perkins Road.

Cove View Court was dedicated on Stanley's Meadow No. 11, Plat HM 91-47 with the creation of lots similar to how they are currently configured. Plat HM 93-60, Stanley's Meadow No. 11, slightly changed the lots to the current configuration.

The Planning Commission at the July 12, 2021 meeting approved the vacation of Cove View Court and associated utility easements. The right of way vacation has been forwarded to the Kenai Peninsula Borough Assembly for consent or veto and is scheduled for a hearing on August 3, 2021. If the Assembly consents to the Planning Commission decision, the plat must be recorded prior to August 3, 2022 to finalize the vacation of Cove View Court.

The vacation of the additional utility easements is scheduled to be heard by the Planning Commission on the August 9, 2021 meeting. If the vacations are approved, they must be finalized before August 9, 2021 by resolution or recording of the plat.

Per KPB 20.40.020, a soils analysis report will not be required. The existing parent subdivision did receive approval from Department of Environmental Conservation for parent lots 8A, 9A, and 10A. An official signed the plat on July 19, 1993. In addition, Lot 8-B is increasing the square footage of the parent lot by 22,085 square feet due to the right of way vacation. Lot 9-B is also increasing in size due to the combining of three lots and the right of way vacation. Former Lot 18-A was not included in the wastewater review due to the size of the lot being over 5 acres. **Staff recommends** the following wastewater disposal note be placed on the plat. "WASTEWATER DISPOSAL: The parent subdivision for lots resulting from this platting action was approved by the Alaska Department of Environmental Conservation on July 19, 1993. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation."

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

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.

<u>Utility Easements</u> The vacation of utility easements adjoining Cove View Court were approved with the vacation of the right of way. The Planning Commission will be reviewing the vacation of the interior easements at the August 9, 2021 meeting. The parent plats granted 5 foot utility easements along each side of side lot lines. The vacations will no longer encumber the new lot with easements dividing the lot.

A 10 foot utility easement will remain along Perkins Road. Homer Electric Association's review of this plat was "no comments". Their review of the utility easement vacations requested a note be carried over from the parent plat. **Staff recommends** plat note #4 from plat HM 93-60 be carried over, "10 foot utility easement exists along each side of all existing powerlines, guys, and anchors."

The parent plat did depict two powerlines that run through Lot 9-B. *Staff recommends* the powerlines be depicted on the plat as they are subject to the above utility easement.

An easement was also granted to Homer Electric Association by recorded document with no location defined. *Staff recommends* a plat note be added that references any easements of record.

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

#### Utility provider review:

	HEA	No comments.
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Page **2** of **7** 

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

#### KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: none
	All existing street names shown are correct.
	Cove View Court will be deleted
Code Compliance – Eric Ogren	No comment
Planner – Bryan Taylor	There are no local option zoning district or material site issues with the proposed plat.
Assessing – Adeena Wilcox	No comment
Advisory Planning Commission	Comments not available when the staff report was prepared

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

## STAFF RECOMMENDATIONS

**CORRECTIONS / EDITS** 

#### KPB 20.25.070 - Form and contents required.

Α. Within the Title Block

> 1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

Staff recommendation: Within the title block, note that this plat is also vacating utility easement as depicted on the drawing.

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: Add a width label for Perkins 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; Staff recommendation: Clear overstrikes for Section 33 and 35 labels.

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

Staff recommendation: Tract 2-C, north of the subdivision, did not have a block designation on the plat. Remove the block label.

#### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Parent lots 8A, 9A, and 10A were approved by DEC on 7/19/93. Lot 8-A new configuration of Lot 8-B is increasing in size by 22,085 square feet. Lot 9-A, 10-A, and 18-A are being combined into one 14.035 acre lot. All parent lots are increasing in size and a soils analysis report is not required.

Staff recommendation: Add required plat notes and comply with 20.40.

#### KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

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

- A 10 foot utility easement exists along each side of all existing powerlines, guys, and anchors. (depict the overhead utility line that crosses through lot 9-B and label with a reference to the correct plat note)
- Subject to an easement for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery as granted to Homer Electric Association, Inc. in Book 90 Page 167, HRD. No definite location disclosed.
- Add a plat note for any exception granted.
- Add the appropriate Wastewater disposal notes.

## 20.60.190. Certificates, statements, and signatures required.

**Staff recommendation**: Revise the plat approval note. "This plat and utility easement vacations were approved by the Kenai Peninsula Borough Planning Commission at the meeting of August 9, 2021. The vacation of Cove View Court and associated utility easements were approved by the Kenai Peninsula Borough Planning Commission on July 12, 2021." Comply with 20.60.190.

## KPB 20.70 – Vacation Requirements

**Staff recommendation.** In order to finalize the vacation of Cove View Court the plat will need to be recorded within one year of Borough Assembly consent. The utility easement vacation must be finalized within one year of PC approval by recording the plat or requesting a resolution be adopted by the PC.

## EXCEPTIONS REQUESTED:

## A. KPB 20.30.170 – Block – Length Requirements

Surveyor's Discussion: Exception needed for Block Length due to topographical constraints.

<u>Staff Discussion:</u> The subdivision is within an open block that does not comply with block length limits. The area is affected by steep terrain and gullies. The boundary of this subdivision is located at the bottom of the gullies.

Several right of ways in the area end are dead-ended with a cul-de-sac. Per KPB Code, cul-de-sacs are to be considered permanently closed. It is possible to open the cul-de-sac with written signatures of landowners along the right of way.

A portion of Perkins Road was vacated in 1993 which created two dead end sections of Perkins Road as well as an open block.

To the east of the subdivision is Jones Drive, which also ends in a cul-de-sac and is located on the other side of the riverine and steep slopes.

If denied, this platting action would be required to provide a 30 foot right of way dedication on the north boundary.

## Findings:

- 1. The subdivision is located within an open block.
- 2. Elmers Way and Perkins Road define the block.
- 3. The southern portion Perkins Road is approximately 1,180 feet in length.
- 4. The portion of Perkins Road that connected to the northern Perkins Road was vacated in 1993.
- 5. Steep slopes and riverine are located at the end of the southern portion of Perkins Road.
- 6. Steep slopes and riverine are between the southern portion of Perkins Road and the constructed portion of the northern portion of Perkins Road.
- 7. The vacation of Cove View Court does not change the block compliance. It currently ends in a cul-de-sac and is at the end of Perkins Road.
- 8. The area has several large acreage lots that could provide right of way dedications.
- 9. Getting a compliant block may be difficult due to wetlands and steep slopes.

#### 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 1-9 appear to support this standard.**
- 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 1-9 appear to support this standard.
- 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 1-9 appear to support this standard.

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

## **EXCEPTIONS REQUESTED:**

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

<u>Surveyor's Discussion:</u> We ask for the exception based on the idea that we are only vacating right-of-way, topographical constraints of steep canyons, and both parcels are owned by one family that may replat at a later date.

<u>Staff Discussion:</u> Both lots fail to meet the 3:1 depth to width ratio. The vacation of the right of way makes the frontage for both lots be Perkins Road.

The proposed boundary between Lot 8-B and 9-B appears to separate agricultural improvements.

Lot 9-B is 14 acres in size and can be further subdivided.

## Findings:

- 1. Lot 8-B has a depth to width ratio of 4.5:1.
- 2. Lot 9-B has a depth to width ratio of 3.3:1.
- 3. Steep slopes affect both lots.
- 4. Lot 9-B has large areas of wetlands.
- 5. Lot 8-B cannot be widened to improve width without limiting Lot 9-B's access to Perkins Road due to wetlands and terrain.
- 6. Lot 8-B would have to have the average depth reduced to approximately 376 feet to comply.
- 7. Changing Lot 8-B's depth to comply will cause Lot 8-B to be approximately 47,000 square feet (1.07 acres).
- 8. The proposed configuration will bring new Lot 9-B into compliance as Lot 18-A was a flag lot that did not meet current KPB Code requirements.
- 9. The proposed boundary between Lot 8-B and 9-B appears to separate agricultural improvements.

## 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 1-9 appear to support this standard.**
- 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 1-9 appear to support this standard.
- 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 1-9 appear to support this standard.

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

## **RECOMMENDATION:**

## SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

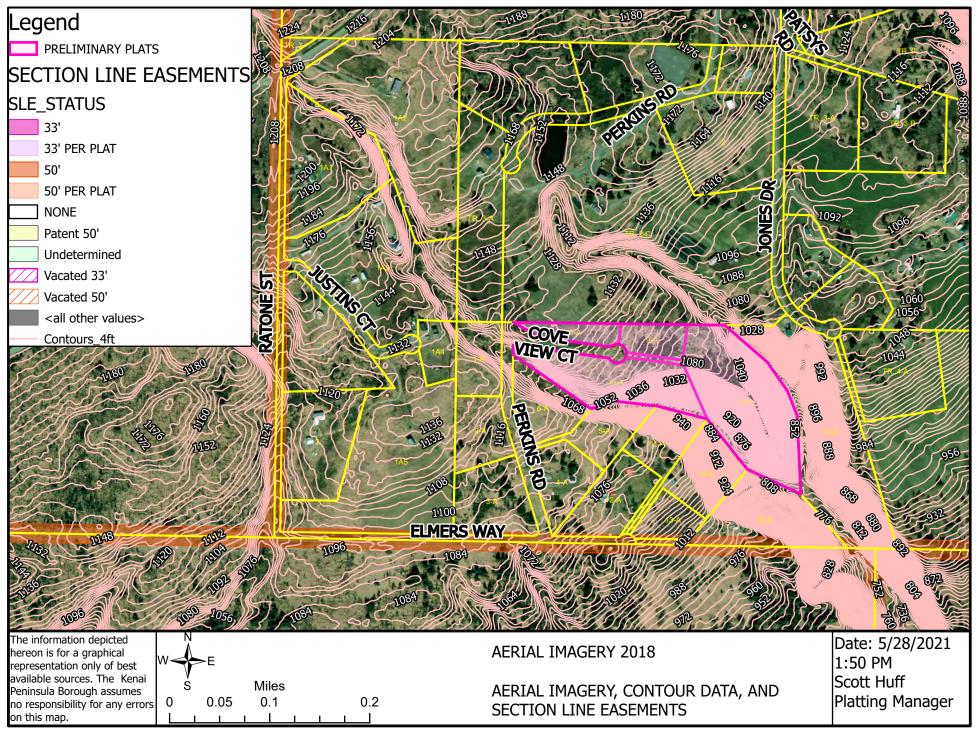
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

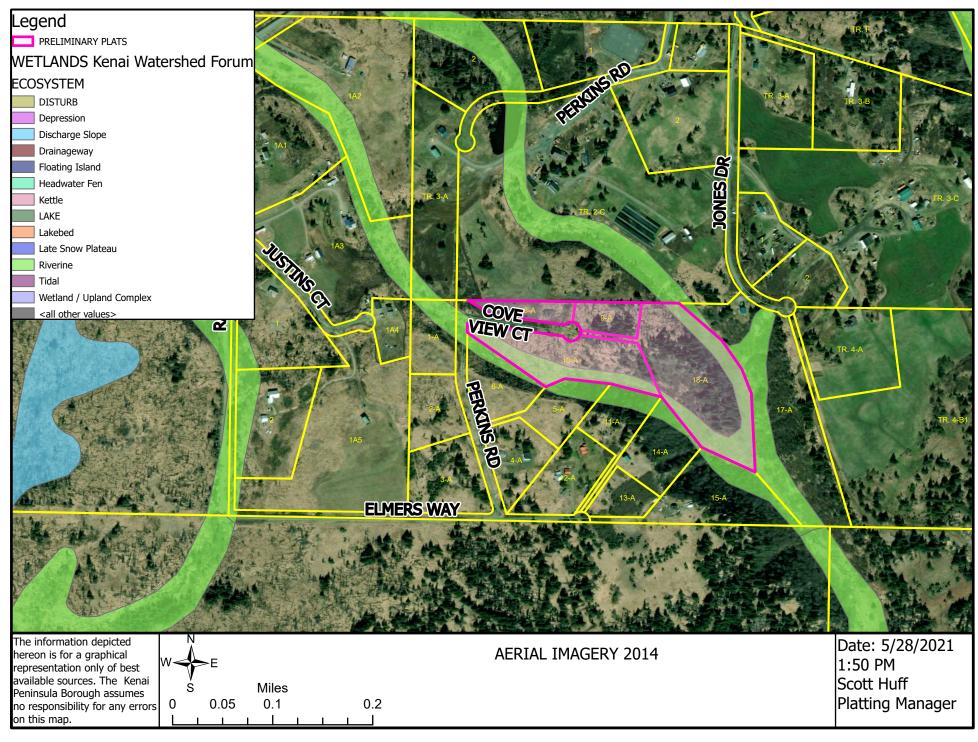
NOTE: 20.25.120. - REVIEW AND APPEAL.

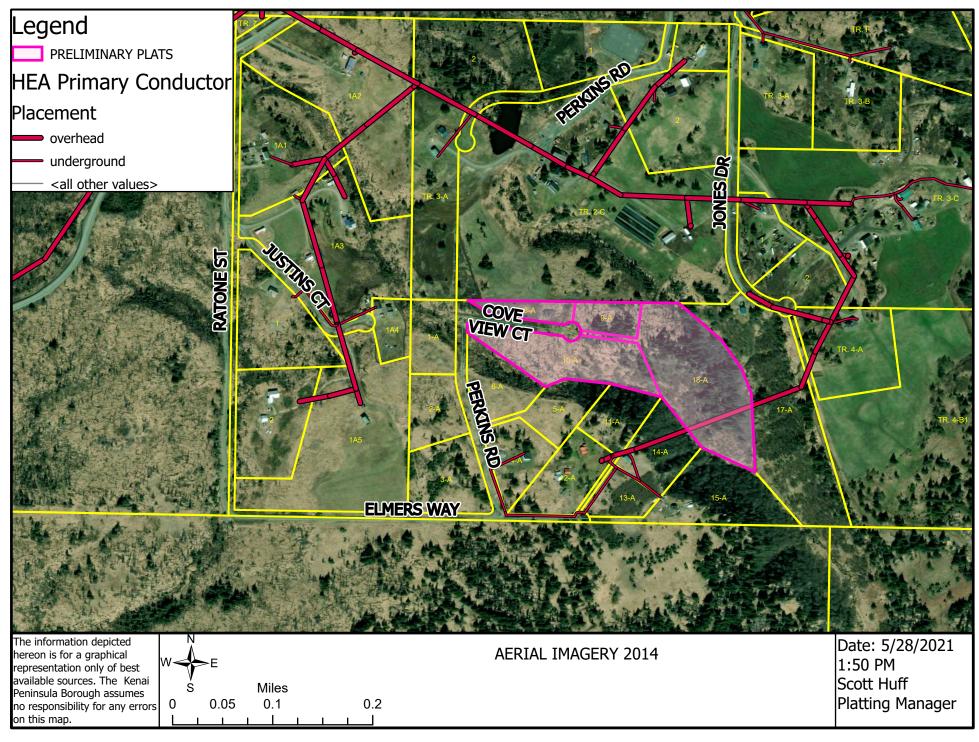
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

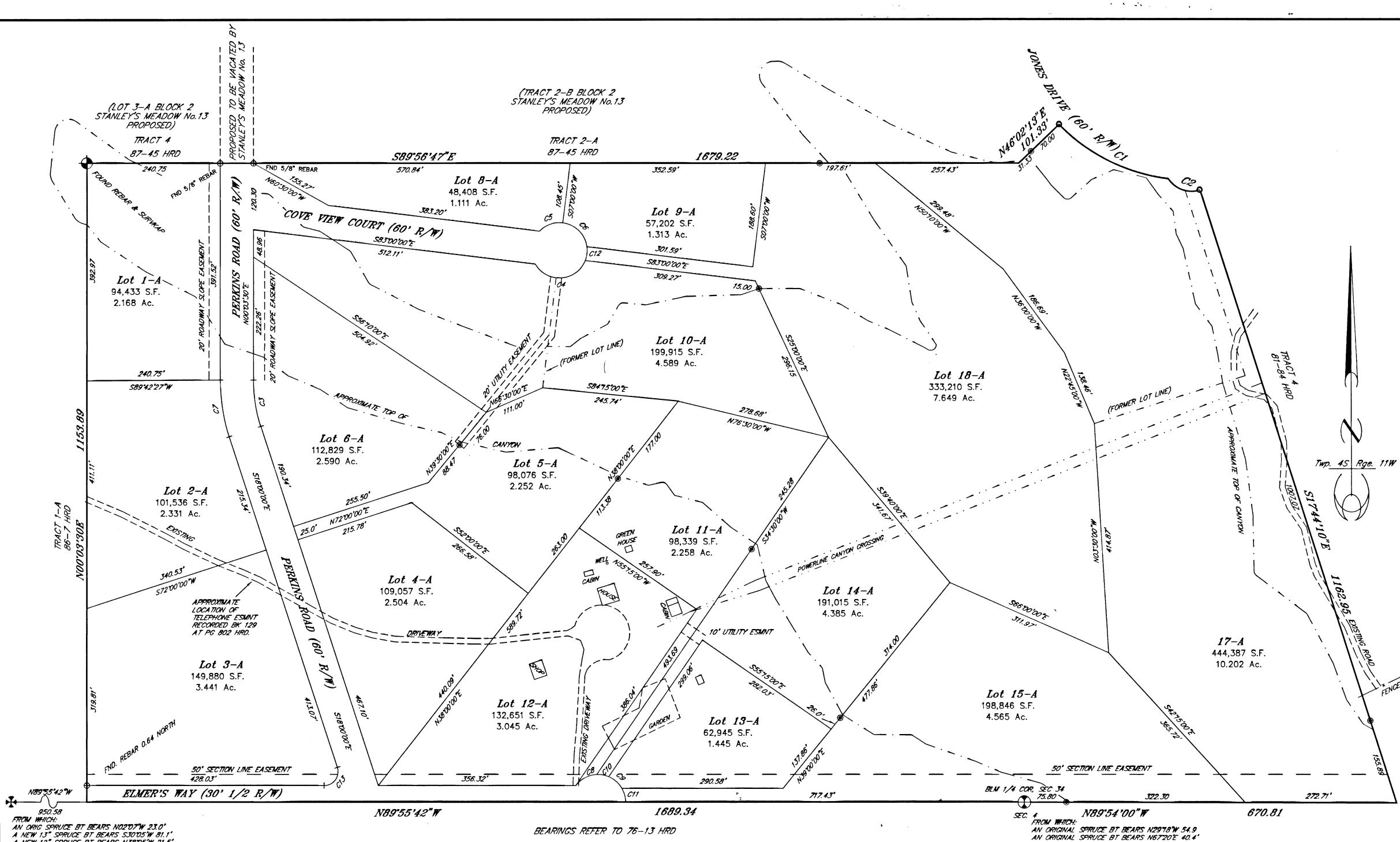
END OF STAFF REPORT











AN ORIG SPRUCE BT BEARS NO2DTW 23.0° A NEW 13" SPRUCE BT BEARS S30D5'W 81.1° A NEW 12" SPRUCE BT BEARS N38D5'W 21.5°

(UNSUBDIVIDED - Sec. 4, Twp. 55, Rge. 11W)

NOTE:

A 20' BUILDING SET BACK SHALL EXIST ALONG ALL DEDICATED RIGHTS OF WAY UNLESS A LESSER STAND-ARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS OF WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.

NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

A 10' UTILITY EASEMENT EXISTS ALONG EACH SIDE OF ALL EXISTING POWERLINES, GUYS AND ANCHORS.

A 5' UTILITY EASEMENT EXISTS ALONG EACH SIDE OF ALL INTERIOR LOT LINES. A 10' EASEMENT EXISTS ALONG ALL RIGHTS OF WAY.

NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF FLAG LOTS

WASTEWATER DISPOSAL:

Soil conditions, water table levels, and soil slopes for Lots 1-A, 2-A, 4-A, 5-A, 6-A, 8-A, 9-A, 10-A, 11-A, 12-A, 13-A, 14-A, and 15-A 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 Alaska Department of Environmental Conservation.

Soil conditions on Lot 3-A have been found unsuitable for conventional onsite wastewater treatment and disposal systems. Plans for an approved alternate wastewater disposal system for use on Lot 3-A are available from the Alaska Department of Environmental Conservation.

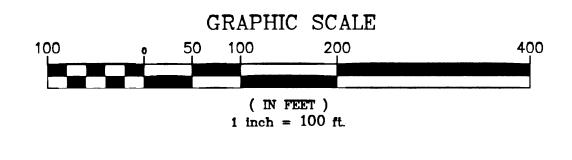
Wastewater treatment and disposal systems for Lot 17-A must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

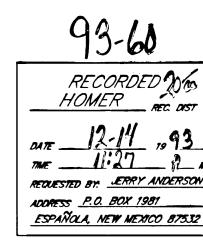
Any other type of wastewater treatment and disposal systems for these lots must be approved by the Alaska Department of Environmental Conservation.

Subject to any noted restrictions, the Alaska Department of Environmental Conservation approves this Subdivision for platting.

Acott Forque EEAI 7/19/93 Name and Title of Alaska Department of Environmental Conservation Approving official

No.	Delta	Radius	Length	Chord	Bearing
CI	38'42'49"	330.00	222.97	218.76	56323'41"E
C2	74"24'32"	50.00	64.93	60.47	S7023'01"E
<i>C3</i>	1803'30"	270.00	85.10	87.75	NO8'58'15"W
C4	128'39'09"	50.00	112.27	90.13	N85°48'14"E
C5	5307'48"	50.00	46.36	44.72	570"26"06"W
<i>C6</i>	75'31'21"	50.00	65.91	61.24	N4574'19"W
<i>C7</i>	1803'30"	330.00	104.01	103.58	508°58'15"E
<i>C8</i>	50*45'11"	50.00	44.29	42.86	56279'07 <b>"</b> W
C9	3703'15"	50.00	32.34	31.78	N482725"W
C10	2579'16"	50.00	22.10	21.92	N79°38'40"W
C11	30 00'05 *	50.00	26.18	25.88	N14 35'45"W
C12	28'57'18"	50.00	25.27	25.00	N0700'00"E
C13	108'04'17"	25.00	47.16	40.47	536°D2'09"W

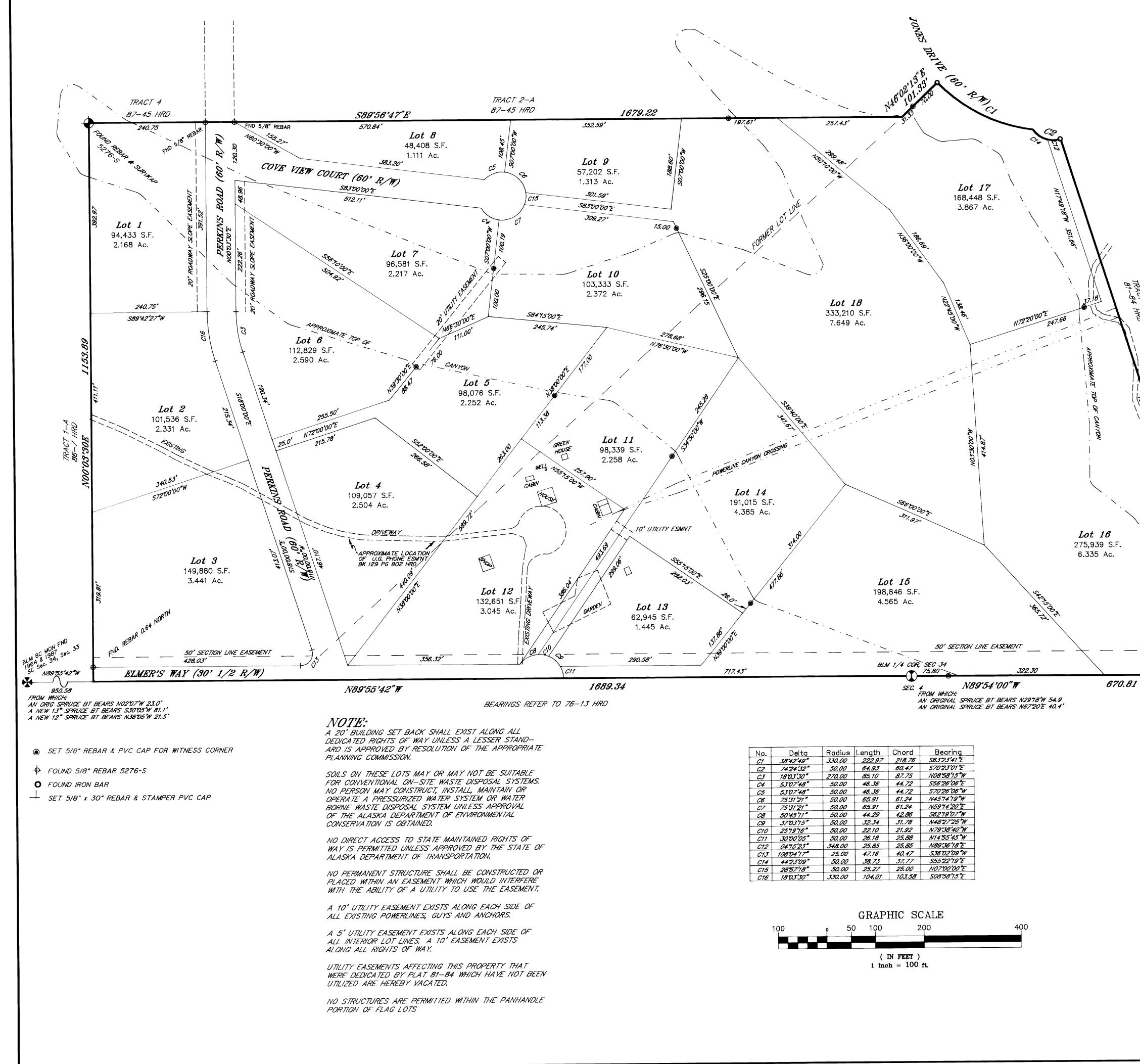




CERTIFICATE OF OWNERSHIP I hereby certify that I am the owner of the real property shown and described hereon, and that I hereby adopt this plan of subdivision, and by my free consent dedicate all rights of way and public areas to public use, and grant all easements to the use shown. German D. Fool. DIAMOND F. LOOSLI P.O. BOX 3073 VALDEZ, ALASKA 99686 Lelen Z. Fresh HELEN L. LOOSLI NOTARY'S ACKNOWLEDGEMENT FOR DIAMOND & HELEN LOOSLI Subscribed and sworn to before me this \_\_\_\_\_ day of \_ July\_\_\_\_ 199 3 Leben & Le april 23 1997 Notary public for Alaska My Commission Expires SURVEYORS CERTIFICATE I hereby certify that this survey was performed by me or under my direct supervision. I declare that the information shown hereon is true and correct to the best of my knowledge and belief. 6-11-93 Intil 1 Jerry A. Anderson PLS No. 3686 Date: PLAT APPROVAL This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_\_10,1993 KENAI, PENINSULA BOROUGH roen Authorized Official VICINITY MAP 1" = 2500' 33 THIS SURVEY THP 45 THP 55 LACIERVIE RANCH 3 5 KACHLBAI DATE MARCH 1993 SCALE 1" = 100' GRID NO. AR-21 Jerry A. Anderson FLD. BK. No. 201/76 NO. ... NO. 3686-S DISK NO. C.T.8 JOB No. 0357-1 STANLEY'S MEADOW No. 1 ADEC POWER-TRIP REPLAT A REPLAT OF LOTS 1 THROUGH 18, PLAT 91–47, IN THE S–1/2 OF Sec. 34, Twp. 4S, Rge. 11W, S.M. ALASKA OVERLOOKING KACHEMAK BAY, EAST OF HOMER ALASKA HOMER RECORDING DISTRICT CONTAINING 57.669 ACRES JERRY A. ANDERSON PROFESSIONAL LAND SURVEYOR (505) 747–1025 PO BOX 1981, ESPANOLA NEW MEXICO 87532

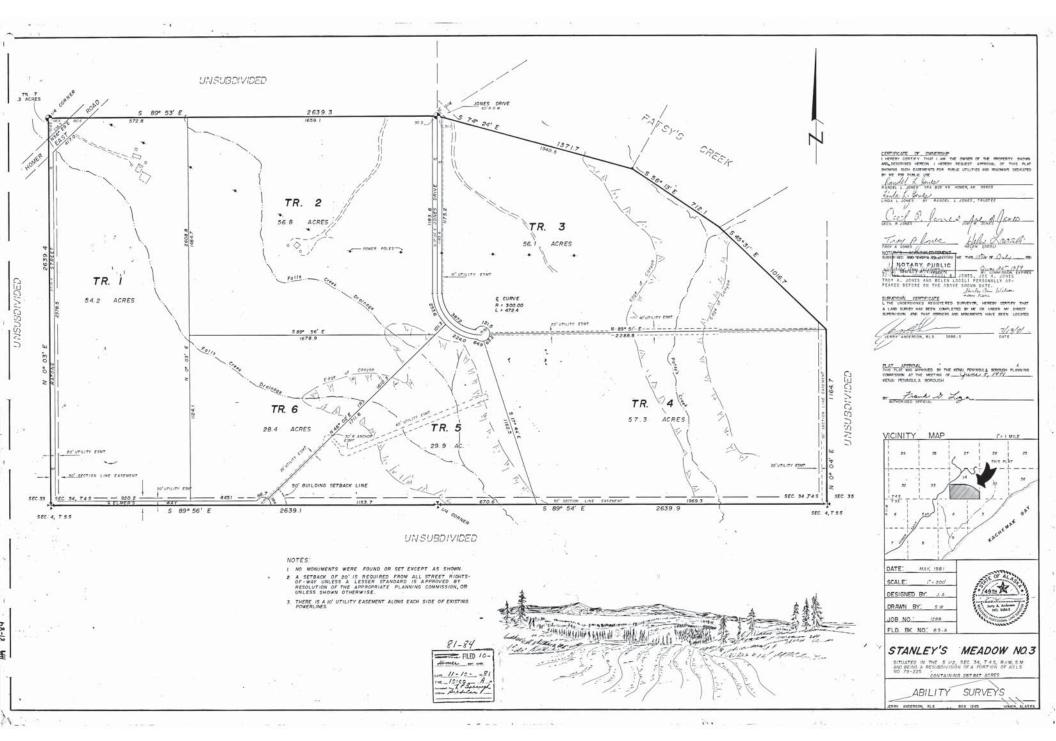
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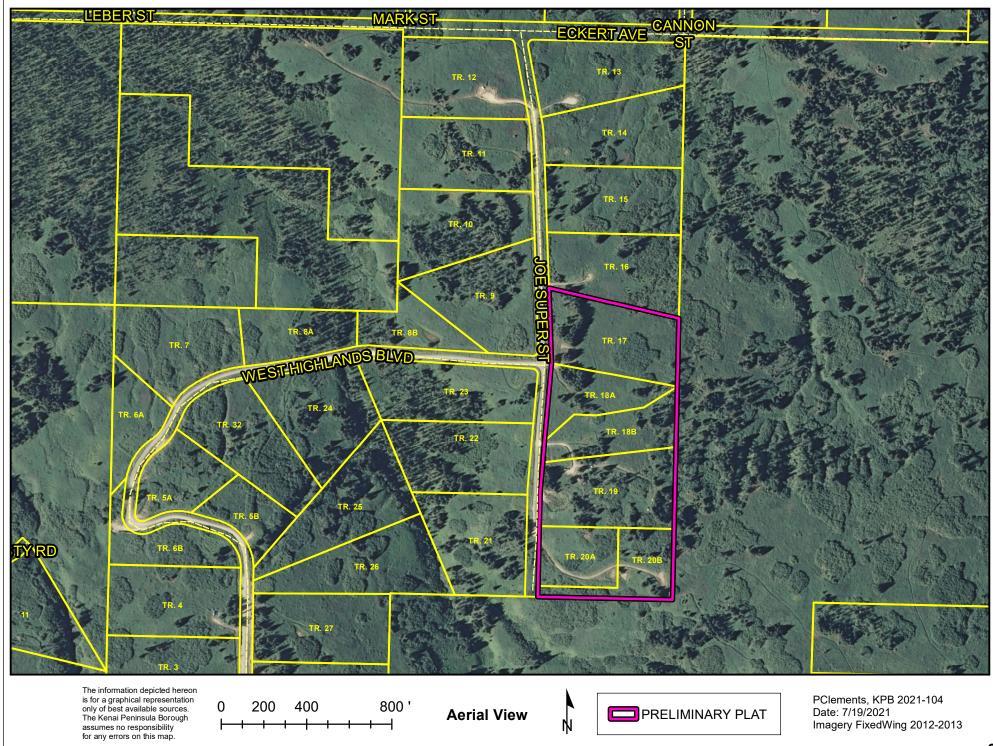


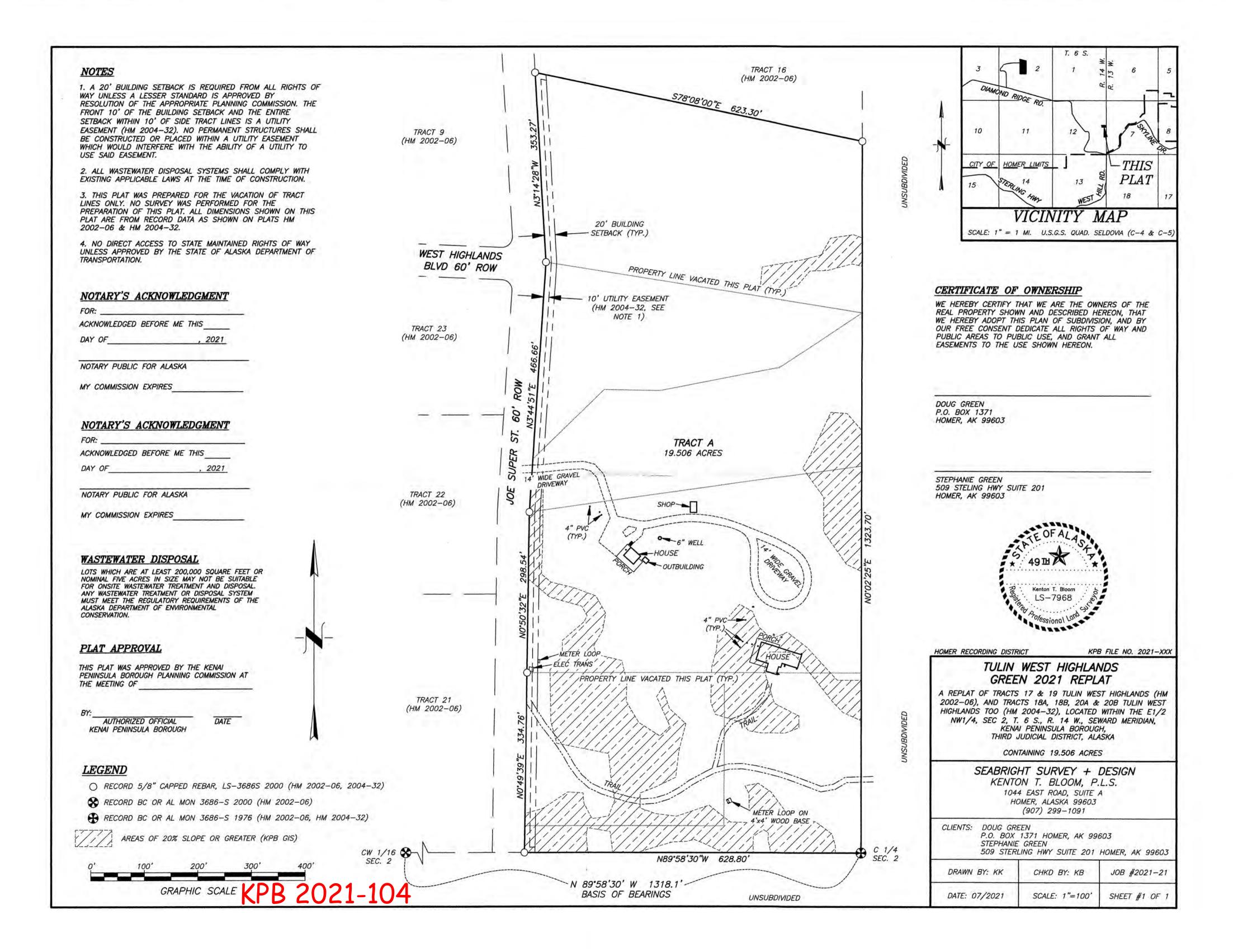
No.	Delta	Radius	Length	Chord	Bearing
CI	38'42'49"	330.00	222.97	218.76	S63'23'41 "E
C2	74'24'32"	50.00	64.93	60.47	S7023'01"E
as	1803'30"	270.00	85.10	87.75	NO8'58'15*W
C4	5307'48"	50.00	46.36	44.72	556 <b>26'06 "</b> E
C5	5307'48"	50.00	46.36	44.72	570 <b>26'06"</b> W
C6	75'31'21"	50.00	65.91	61.24	N4574'19"W
C7	75'31'21"	50.00	65.91	61.24	N5974'20"E
C8	50 45 11"	50.00	44.29	42.86	56279'07 <b>"</b> W
C9	37°03'15"	50.00	32.34	31.78	N48'27'25"W
C10	257976"	50.00	22.10	21.92	N79 <b>'38'40"W</b>
C11	30'00'05"	50.00	26.18	25.88	N14 55 45 W
C12	0475'23"	348.00	25.85	25.85	N89°36'18"E
C13	10804'17"	25.00	47.16	40.47	5 <b>36 D2'09 "</b> W
C14	44"23'09"	50.00	38.73	37.77	555 <b>22'19"</b> E
C15	28'57'18*	50.00	25.27	25.00	N0700'00"E
010	1007'70"	770.00	104.01	107.58	SOR"58'15"E

CERTIFICATE OF OWNERSHIP 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. and the second second DIAMOND F. LOOSLI P.O. BOX 3073 VALDEZ, ALASKA 99686 HELEN L. LOOSLI NOTARY'S ACKNOWLEDGEMENT FOR DIAMOND & HELEN LOOSLI Subscribed and sworn to before me this day of \_\_\_\_\_\_ 1997 The second for the second 5 12 121 My Commission Expires Notary public for Alaska SURVEYORS CERTIFICATE / hereby certify that this survey was performed by me or under my direct supervision. / declare that the information shown hereon is true and correct to the best of my knowledge, and belief. Twp. 45 Rge. 11W 8-26-91 Jerry A. Anderson PLS No. 3686 Date: PLAT APPROVAL This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_ KENAI PENINSULA BOROUGH BY Authorized Official VICINITY MAP 1'' = 2500'272.71° 33 TWP 45 TWP 55 GLACIERVI RANCH 5 KACHBAY DATE JULY 1991 OF ALLI SCALE 1" = 100' 100. T\*; A ATH GRID NO. AR-21 FLD. BK. No. 201/76 NO. 3686-S TRES PROFESSIONAL AND DISK NO. C.T.8 JOB No. 91-47 0357 RECORDED 10 STANLEY'S MEADOW No. HOMER \_\_\_ REC DIST A REPLAT OF TRACTS 5 & 6, PLAT 81-84, IN THE анте 10-3 1891 Тине 31.40 Р S-1/2 OF Sec. 34, Twp. 45, Rge. 11W, S.M. ALASKA OVERLOOKING KACHEMAK BAY REQUESTED BY: ABILITY SURVEYS HOMER RECORDING DISTRICT CONTAINING 57.669 ACRES ADDRESS P.O. BOX 378 HOMER, ALASKA 99603 ABILITY SURVEYS JERRY A. ANDERSON PLS (907) 235-8440 KPB FILE No. <u>91-055</u> BOX 378, HOMER ALASKA 99603









## AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-104
Plat Committee Meeting:	August 9, 2021
Applicant / Owner:	Doug Green and Stephanie Green of Homer, Alaska
Surveyor:	Kenton Bloom / Seabright Surveying
General Location:	Diamond Ridge / KACHEMAK BAY APC
Parent Parcel No.:	173-035-17, 173-035-19, 173-035-39, 173-035-40, 173-035-41, 173-035-42
Legal Description:	Tracts 17 and 19, Tulin West Highlands, Plat HM 2002-6 and
	Tracts 18A, 18B, 20A and 20B, Tulin West Highlands Too, Plat HM 2004-32.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

#### ITEM 2 - Tulin West Highlands Green 2021 Replat

## STAFF REPORT

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will create one tract by removing all shared property lines by combining six lots totaling 19.506 acres in size.

**<u>Staff Analysis</u>** The application was received and processed as per KPB Code. Notifications were sent to all land owners within 600 feet of the subdivision. A deed of trust is present and the beneficial interest holder was notified. The beneficial interest holder has objections with the proposed plat. The surveyor has submitted a request to withdraw Tulin West Highlands Green 2021 Replat from consideration.

Due to notification of a public hearing, anyone wishing to comment should be allowed. No action will need to be taken on this item. The rescheduling of the proposed plat will be determined if and when by the surveyor and owner.

**Staff recommendation**: Open public hearing to allow any wishing to comment the opportunity to speak per the KPB Plat Committee public hearing procedures. Once all testimony has been taken, close public hearing and take no action on this item at this time.

## END OF STAFF REPORT

KPB 20.25.070 - Form and contents required.

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

## Staff recommendation:

## B. North point; Staff recommendation:

- 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:*
- 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:* 1. Map shows two "This Plat" locations, add label "This plat to location marked in Section 2.

2. Remove the marking in Section 12 and "This Plat" wording in Section 18.

- 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;
   Staff recommendation: Add plat note for CCR's No 2003-004813-0, Amended No 2003-004886-0 and Amended No 2006-005875-0.
- F. The location, width and name of existing and platted streets and public ways, railroad rights-ofway, easements, and travel ways existing and proposed, within the subdivision;
   Staff recommendation:
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

## Staff recommendation:

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

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

## Staff recommendation:

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;

## Staff recommendation:

L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 1 0 percent on other streets;

## Staff recommendation:

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
   Staff recommendation:
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
   Staff recommendation:
- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.
   Staff recommendation:

# KPB 20.30 Design Requirements

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

20.30.020. Reserved strips prohibited-Exception. There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use, except when the control and disposition of land comprising such strips is placed within the jurisdiction of the borough under conditions specified by the commission and noted on the final plat.
Staff recommendation:

# □ 20.30.030. Proposed street layout-Requirements.

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

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

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

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.
Staff recommendation:

## □ 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.

## Staff recommendation:

□ 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 adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers. **Staff recommendation**: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Grant utility easements requested by the utility providers.** 

- □ 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. *Staff recommendation:*
- 20.30.080. Alleys. Alleys are prohibited unless allowed by city ordinance.
   Staff recommendation:
- 20.30.090. Streets-Maximum grades allowed. The subdivider shall demonstrate that streets can be readily constructed in accordance with current borough road standards and that the grades on any such roads shall not exceed 6 percent on arterial streets and 10 percent on other streets, or 4 percent within 130 feet of any centerline intersections. Submittal of centerline profiles and cross-sections may be required to demonstrate that compliant construction in the right-of-way is feasible.
  Staff recommendation:
- □ 20.30.100. Cul-de-sacs.

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

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

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

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

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

□ 20.30.130. Streets-Curve requirements.

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

B. A minimum 100-foot tangent is required between curves. *Staff recommendation:* 

20.30.140. Streets-Prohibited curves. Compound and broken-back curves are not allowed. Reverse curves will be considered on a case by case basis.
 Staff recommendation:

□ 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. The distance between intersection centerline shall be no less than 150 feet.

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:* 

□ 20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10 *Staff recommendation:* 

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

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**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).

#### □ 20.30.200. 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:

- 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).
   Staff recommendation:
- 20.30.220. Lots-Side line requirements. Where reasonable, side lines of lots shall be at right angles to straight portions of the right-of-way or radial to curved portions of the right-of-way.
   Staff recommendation:
- 20.30.230. Lots-Double frontage prohibited when. Double frontage lots with depths less than 250 feet will not be approved except where necessitated by topographic or other physical conditions, or to provide reverse frontage along arterial streets. Corner lots are not subject to the double frontage prohibition. *Staff recommendation:*
- □ 20.30.240. Building setbacks.

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

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

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

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

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

Page **7** of **13** 

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

#### Staff recommendation:

- 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. Building setbacks as depicted, or noted, on recorded plats shall not be carried forward on a new subdivision plat located within a municipal zoning district. Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."
  Staff recommendation:
- 20.30.260. Unsubdivided remainders prohibited. All parent parcels must be included in the boundary of the subdivision and all divisions must be given lot or tract numbers and must include areas.
   Staff recommendation:
- 20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).
   Staff recommendation: The City of \_\_\_\_\_\_ does not meet the specified requirements for the application and consideration of different standards.
- □ 20.30.280. Floodplain requirements.
  - 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 wholly or partially located within flood hazard areas as defined by KPB 21.06.030 must comply with KPB 21.06.050 standards for Floodplain Management.
  - 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.

#### Staff Comments:

To maintain consistency with KPB 21.06.050, **staff requests** the surveyor ensure the proposed subdivision have adequate drainage to reduce exposure to flood damage.

**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). **Staff recommendation:** 

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

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

Platting Staff Comments: **Staff recommendation**: comply with 20.30.290.

#### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.
 Platting Staff Comments:
 Staff recommendation: comply with 20.40.

#### KPB 20.60 – Final Plat

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

- 20.60.010. 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:*

Page **9** of **13** 

**Staff recommendation**: submit one full-sized <u>paper</u> 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:

#### 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.

#### Staff recommendation:

- 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.
   Staff recommendation:
- 20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to a scale of 1 inch equal to 10, 20, 30, 40, 50, 60, 150 feet or a multiple of 100 feet. The drawing shall be plotted on good

Page **10** of **13** 

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

Staff recommendation: 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. Staff recommendation:
- 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:*

#### □ 20.60.100. Reversion to acreage

A. Plats filed for the purpose of reverting subdivided land to acreage shall be conspicuously designated "THE PURPOSE OF THIS PLAT IS A REVERSION TO ACREAGE."

B. Reverted acreage may carry the original lot or tract designation. *Staff recommendation:* 

#### □ 20.60.110. Dimensional data required.

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

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

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

Staff recommendation: 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

Page **11** of **13** 

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

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

- 20.60.130. 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:
- 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:
- □ 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.

 $\Box$  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. The borough will not enforce private covenants, easements, or deed restrictions. The borough will not enforce private covenants, easements, or deed restrictions.

C. The plat must adhere to the requirement of the local option zone, where applicable. *Staff recommendation: comply with 20.60.170.* 

□ 20.60.180. Plat notes.

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

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

- "No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."
- Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.

If the travel way shown on the plat is a private drive, **staff suggests** the following note be placed on the final plat to avoid confusion about public use in the future: Private road shown is for use of owners only and is <u>not</u> dedicated to public use.

20.60.190. Certificates, statements, and signatures required.
 Staff recommendation: comply with 20.60.190.

KPB 20.60.190 corrected the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat. **Staff recommendation**: the Notary's Acknowledgement on the final plat must comply with 20.60.190.

- 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 *Staff recommendation.* 

#### END OF SUBDIVISION REQUIREMENT CHECKLIST

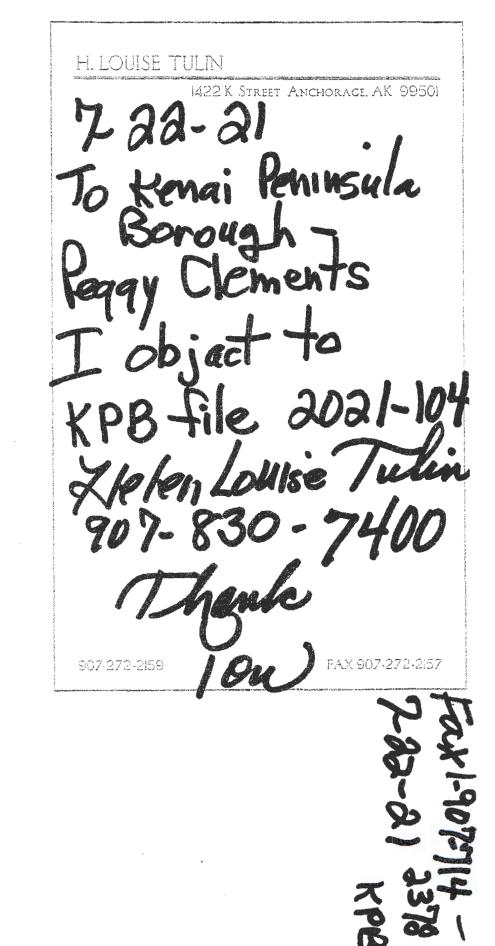
### Huff, Scott

From:	Kenton Bloom <seabrightz@yahoo.com></seabrightz@yahoo.com>
Sent:	Wednesday, July 28, 2021 10:49 AM
To:	Huff, Scott
Cc:	Stephanie Green
Subject:	<external-sender>Preliminary Plat withdrawal</external-sender>
Follow Up Flag:	Follow up
Flag Status:	Flagged

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 Scott, We would like to withdraw the Tulin West Highlands Green 2021 Replat (KPB 2021-104) Preliminary Plat from consideration by the plat committee. The client wishes to postpone further action.

Cordially, Kenton



RECEIVED JUL 22 2021 KPB PLANNING DEPT.

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#### ALASAKA GROWTH PROPERTIES, LLC 529 West Third Avenue ANCHORAGE, ALASKA 99501 (907) 272-2159

July 27, 2021

Peggy Clements or Julie Hindman Kenai Peninsula Borough Planning Dept. 144 N. Binkley Street Soldotna, Alaska 99669

#### Re: Doug & Stephanie Green, Tulin West Highlands, Green 2021 Replat KPB File No. 2021-104

Dear Peggy or Julie:

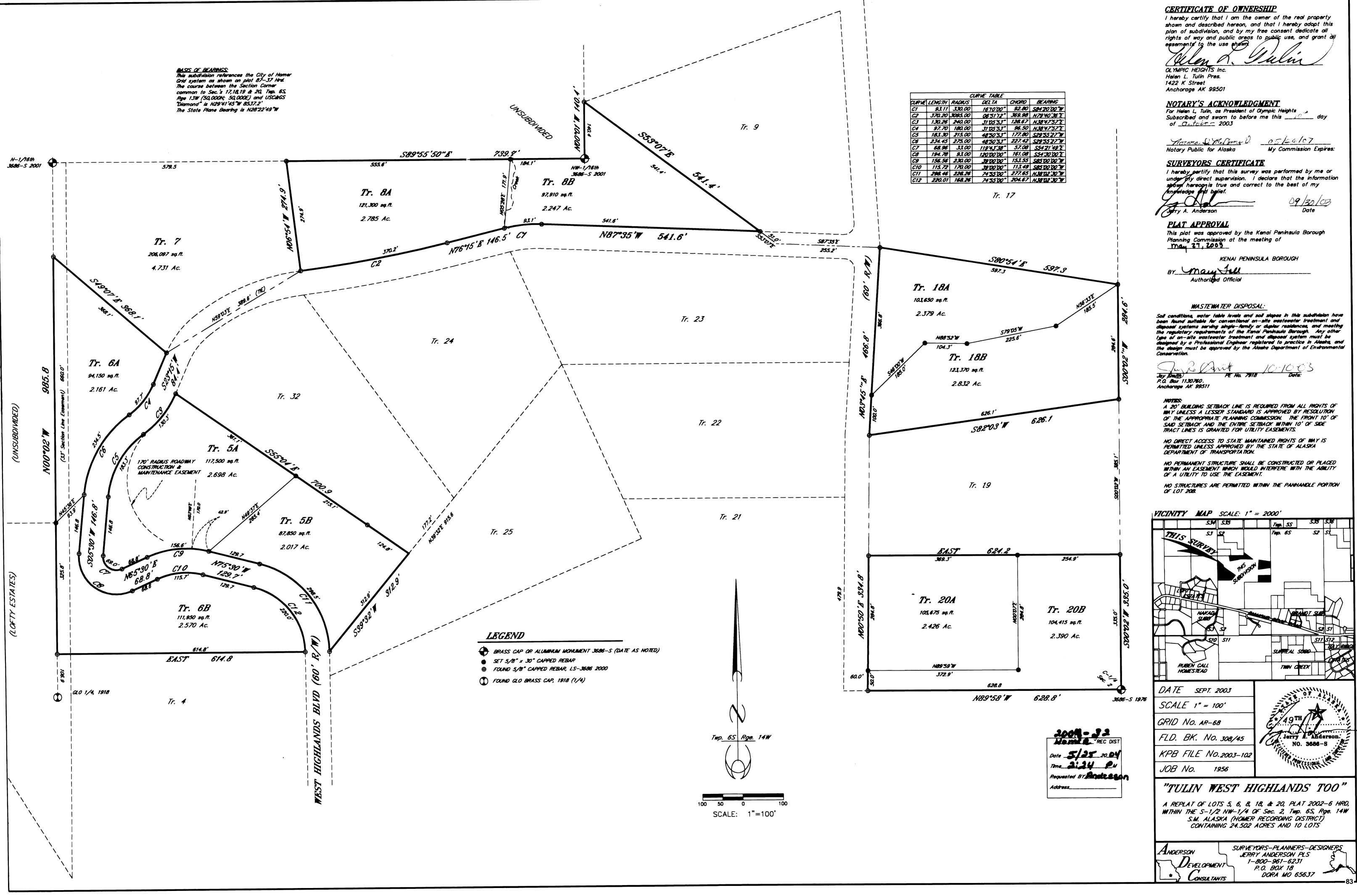
I write on behalf of Alaska Growth Properties who owns a beneficial interest in the property subject to the requested replat filed by Doug and Stephanie Green. As holder of a first deed of trust, we reserve the right to consent or withhold our consent to the making of any map or plat of the property. Specifically, paragraph 9 of the Deed of Trust states in relevant part:

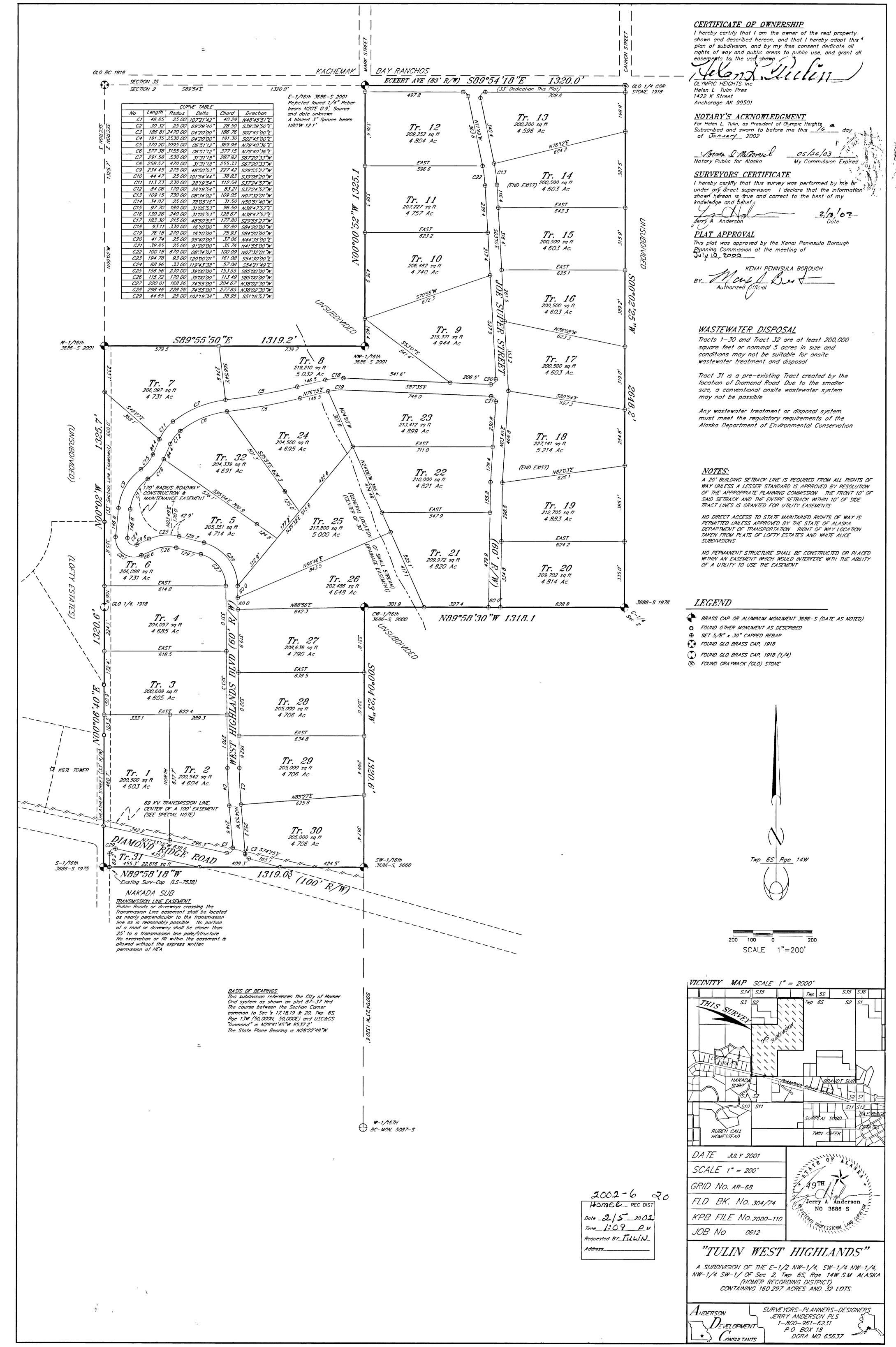
9. Trustee may, at any time upon written request of Beneficiary, and upon payment of its fees and presentation of this Deed of Trust and the Promissory note secured hereby for endorsement in case of full reconveyance, for cancellation and retention, without affecting the liability of any person for the payment of any obligations secured by this Deed of Trust: (a) consent to the making of any map or plat of the property;

Because our consent was not sought and we have not been provided with a copy of the request for replat and its intended purpose we cannot be sure how the replat will affect our beneficial interest. Accordingly, we withhold our consent and object at this time. However, once we are provided full disclosure, our consent may still be available depending upon how the replat will affect our interest.

Sincerely Donald J. Tulin-Alaska Growth Properties

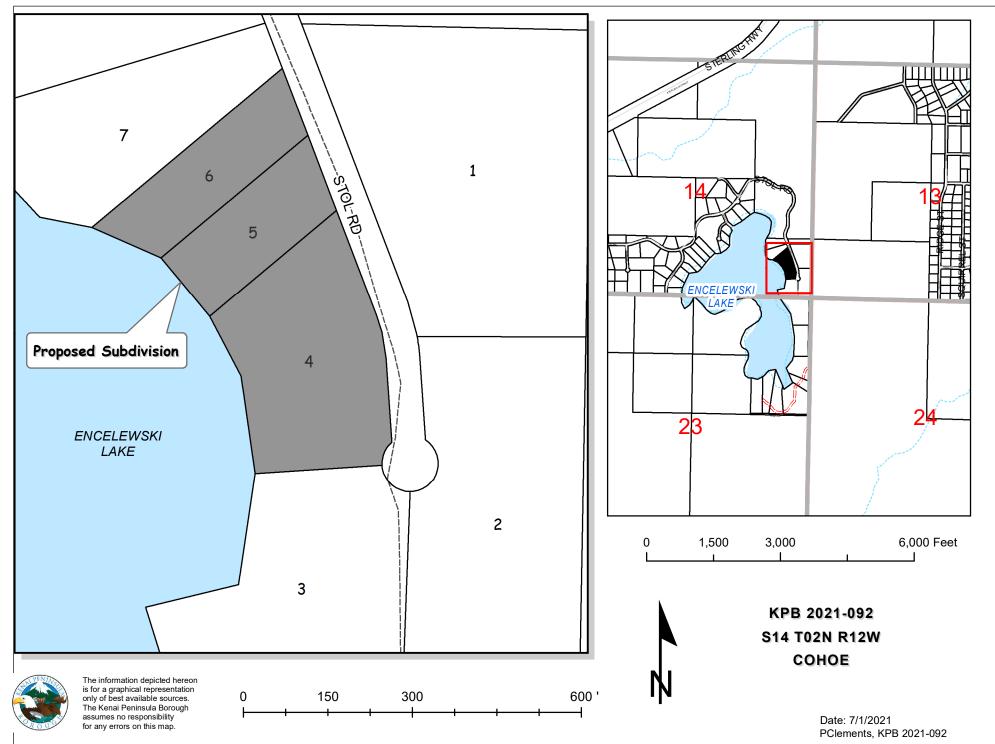
cc: File

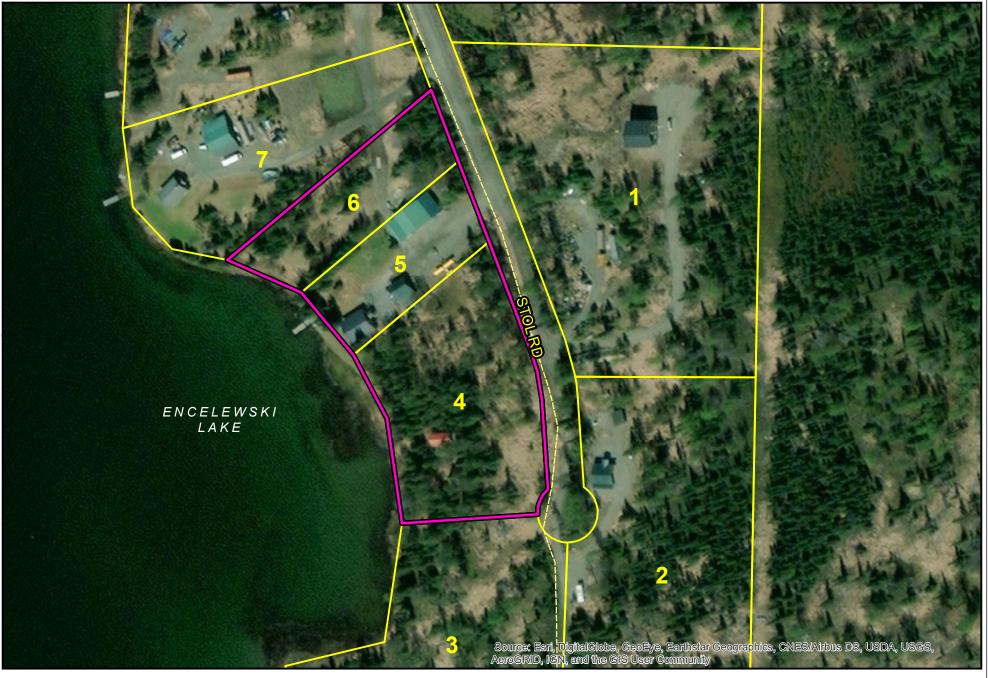




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The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

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Aerial View

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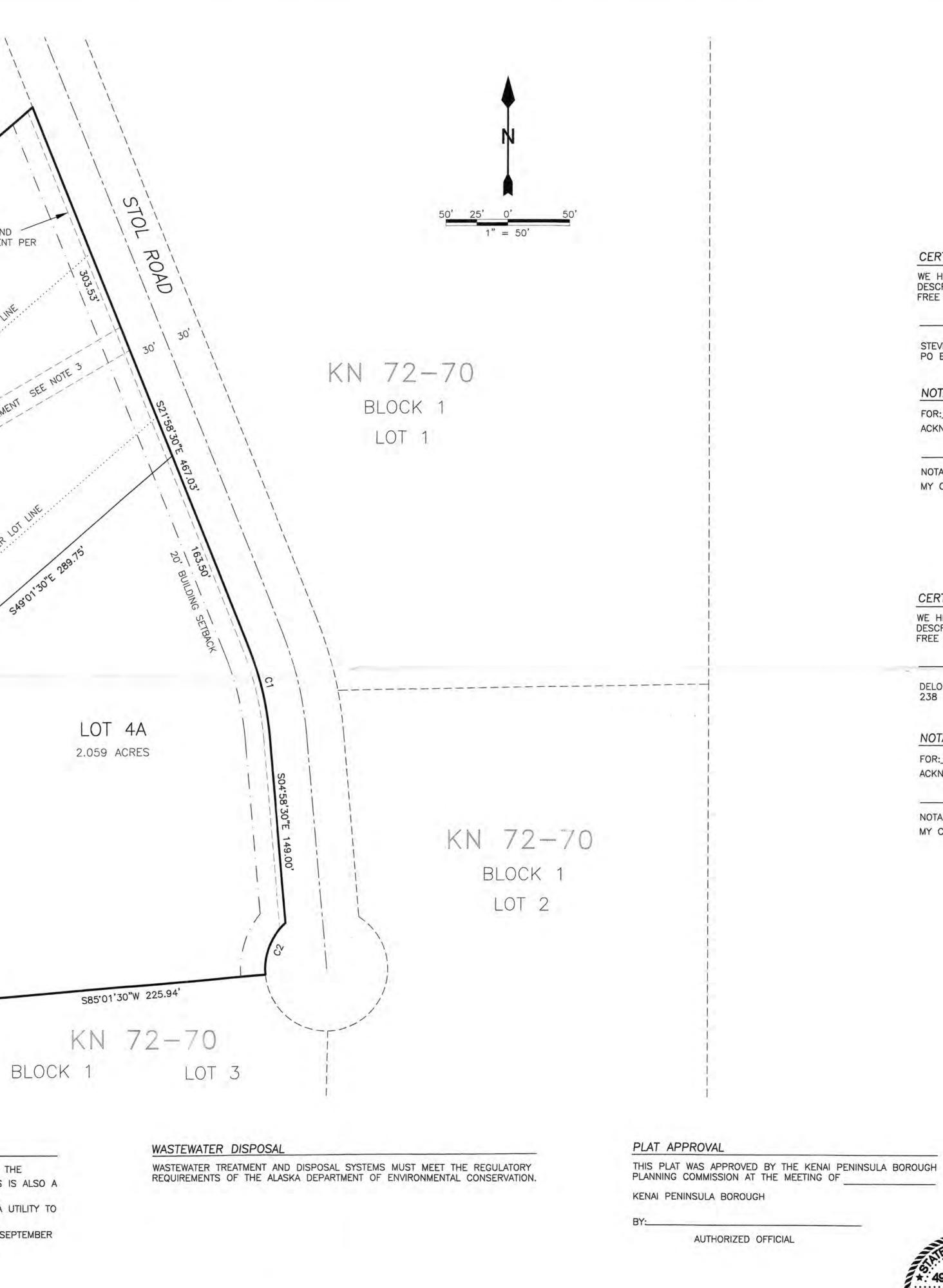


PClements, KPB 2021-092 Date: 7/1/2021 Imagery WORLD

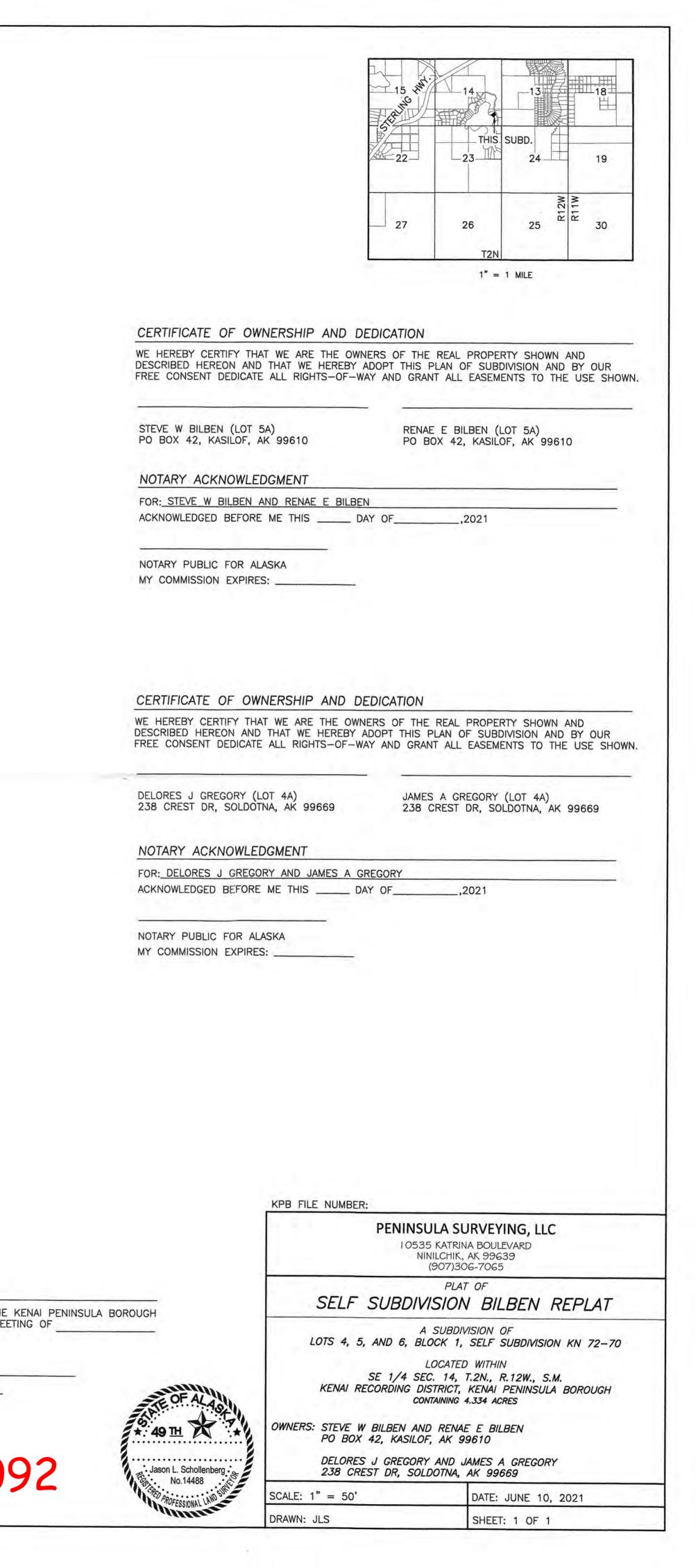
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## NOTES

- A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' OF THE BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5' 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
- 2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE
- 3. HOMER ELECTRIC ASSOCIATION, INC HAS A 20' EASEMENT CENTERED ON EXISTING POWER LINE. SERIAL NUMBER 2012-008696-0, RECORDED SEPTEMBER 7, 2012.



# KPB 2021-092



#### AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-092
Plat Committee Meeting:	August 9, 2021
Applicant / Owner:	Steve W. and Renae E. Bilben of Kasilof, Alaska
	Delores J. and James A. Gregory of Soldotna, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Cohoe
Parent Parcel No.:	137-160-02, 137-160-03, 137-160-04
Legal Description:	Lots 4, 5 and 6, Block 1, Self Subdivision, Plat KN 72-70
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site/On Site

#### **ITEM 3 - Self Subdivision Bilben Replat**

#### STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure three lots into two lots. Proposed Lot 5A will be 2.275 acres by combining former Lots 5 and 6 and relocating the lot line with Lot 4. Lot 4A is decreasing in size from 2.27 acres to 2.059 acres by moving the shared lot line.

**Legal Access (existing and proposed):** The proposed subdivision is located near the end of Stol Road, a 60 foot wide borough maintained right of way. Stol Road continues past the subdivision but the maintained portion ends along Lot 4. This portion of Stol Road was originally named Lakeview Court but was changed by Resolution SN 2006-05.

Stol Road is located off Tolum Road, which is near mile 115 of the Sterling Highway. Tolum Road is constructed and maintained by the Kenai Peninsula Borough. Tolum Road provides legal access and is a mix of dedicated right of way, section line easements, and public easement per ADL 214774.

Stol Road follows Encelewski Lake providing access to lots on both sides of the right of way. Due to the subdivision being along the bank of the lake, the block is not compliant and is not closed. **Staff recommends** the plat committee concur that an exception is not required for block length due to the inability to provide a dedication to improve the block requirements.

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	No comment

<u>Site Investigation:</u> The subdivision is along the shores of Encelewski Lake. Excluding the shoreline, there are no low wet areas within the subdivision. *Staff recommends* any low areas within the lot boundaries along the lake be depicted and that the meander information for the lake be depicted and source information be labeled.

Per KPB GIS data, there may be areas within Lot 4A near the right of way that are slopes greater than 20 percent. **Staff recommends** verify the slopes within the area and depict any slopes greater than 20 percent.

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

**Staff Analysis** This platting action will reconfigure three lots into two lots. One of the lots will be increasing in size while one is decreasing. Self Subdivision, Plat KN 72-70, was a subdivision of Government Lot 5 resulting in the current lot configurations. The property is accessed by Stol Road and is along Encelewski Lake. Per Alaska DNR land records website there is a seaplane base on the lake, this would provide additional legal access.

Per KPB GIS imagery, it appears that there may be structures encroaching or very close to the lot lines. This platting action appears to correct any possible encroachments. If encroachments are found during the field survey, they must be disclosed to staff to determine the appropriate plat notes/action required.

An exception has been requested for wastewater review.

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

The property is not within an advisory planning commission.

<u>Utility Easements</u> The parent plat granted a 5 foot clearing easement for underground utilities adjoining the right of way dedication. There is an additional 20 foot easement granted to HEA by recorded document, which is depicted and noted on the plat. This plat will be granting the required 10 foot utility easement along the dedicated right of way. **Staff recommends** the utility portion of plat note 1 be worded, "The front 10 foot adjoining all dedicated right of ways and 20 foot within 5 feet of the side lot lines is granted by this plat as a utility easement."

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

#### Utility provider review:

ounty provide	
HEA	No comments
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

#### KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 53205 Stol Road (will be deleted), 53181 Stol Road (will remain with Lot 5A), and 53111 Stol Road (will remain with Lot 4A). Existing street names listed are correct.
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Adeena Wilcox	No comment

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

#### STAFF RECOMMENDATIONS CORRECTIONS / EDITS

#### KPB 20.25.070 - Form and contents required.

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

**Staff recommendation:** Adjusting the view of the vicinity map so that the subject subdivision is closer to center will allow labeling of Cohoe Loop Road to the north and provide a better representation of the vicinity then the large acreage unsubdivided lots to the south.

- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision; **Staff recommendation:** Per the certificate to plat there is an easement contract located in Book 296 Page 198. The surveyor should verify if this applies to the land within this subdivision. If the easement affects this subdivision, add a depiction and/or plat note for the easement of record.
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff recommendation:** Update the recording number information for Lot 7 north of the subdivision to KN 77-192.

J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots; **Staff recommendation:** A block 1 label needs to be added to each of the parcels.

#### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal. *Platting Staff Comments: An exception has been requested. Staff recommendation: comply with 20.40.* 

#### KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

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

- The natural meanders of the lakeshore form the bounds of all lots adjoining the lake.
- Add a plat note for any exceptions granted.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation**: By the signature lines remove the reference to the new lots and add the former lots. Comply with 20.60.190.

#### EXCEPTIONS REQUESTED:

#### A. KPB 20.40 Wastewater Disposal

<u>Staff Discussion</u>: An exception for a wastewater system review has been requested. Lot 5A is not required to have a soils analysis report prepared as the lot is increasing more than 1,000 square feet as provided in KPB 20.40.020(A)(2). Due to Lot 4A decreasing in size and the lot line moving more than 10 feet a soils analysis report

would be required.

A soils analysis report is not on file for the parent plat and DEC did not review the parent plat. Soils reports are not on file for the surrounding subdivisions.

If the exception is denied, a soils analysis report will be required for Lot 4A and an engineer will need to sign the plat. The appropriate notes will need to be added for the lots.

#### **Surveyor Findings:**

- 1. Lot 5 and 6 will be combined to create lot 5A, containing 2.3 acres.
- 2. Lot 4 will have the northwestern boundary adjusted 30 feet and be renamed lot 4A, containing 2.1 acres.
- 3. Lot 5A is a single-family residence with an existing well and septic system.
- 4. Lot 4A will have a DEC certified septic system installed this year.
- 5. This replat reduces the number of lots.
- 6. Each of the lots will still have over 20,000 square feet of area usable for septic placement.

#### Staff Findings:

- 7. A soils analysis report was not prepared for the parent subdivision.
- 8. Soils analysis reports are not available for the surrounding lots.
- 9. A 100 foot setback from the water will be required, reducing usable area for wastewater disposal within Lot 4A.
- 10. Code does not require an analysis report for Lot 5A per KPB 20.40.020(A)(2).
- 11. The lot line is moving 30 feet, which is 20 feet more than allowed by code for not requiring a soils analysis report.
- 12. Kit 4A will be 89,690 square feet (2.059 acres)
- 13. Lot 4A will be decreasing in size by approximately 9,191 square 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 3-6, 12, and 13 appear to support this standard.**
- 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 3-6, 12, and 13 appear to support this standard.
- 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 3-6, 12, and 13 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:

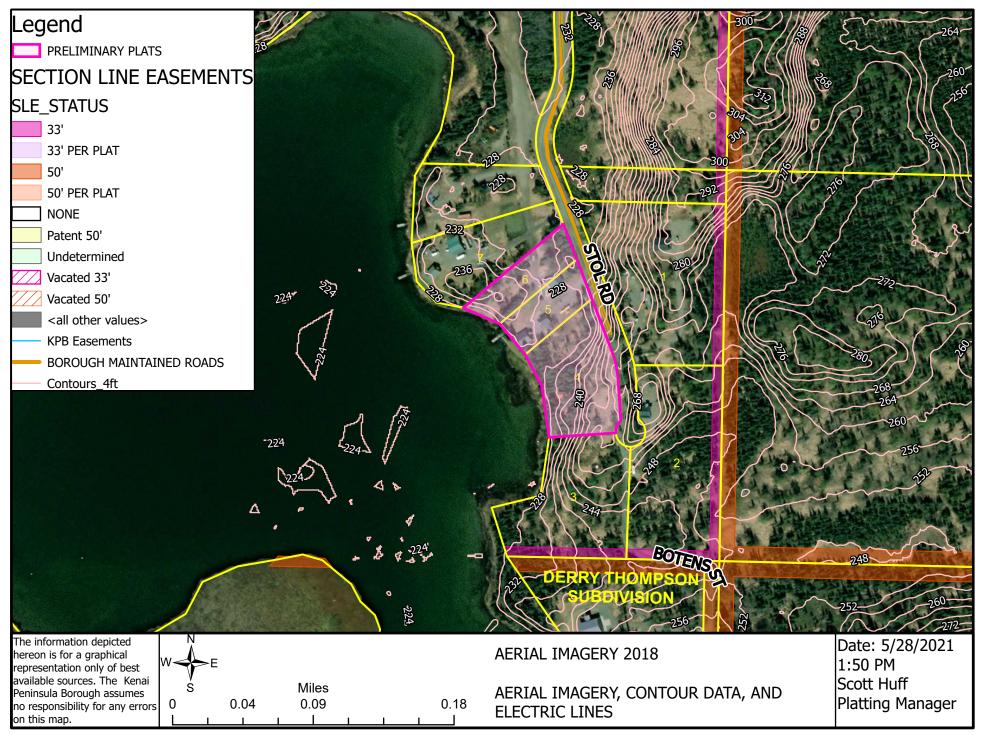
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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



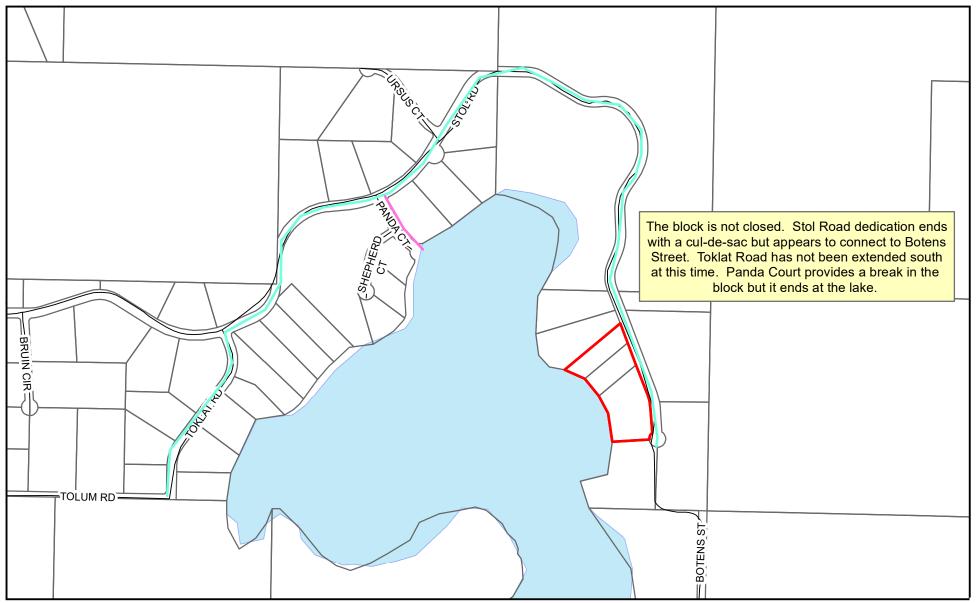


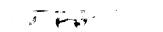
# Kenai Peninsula Borough Planning Department

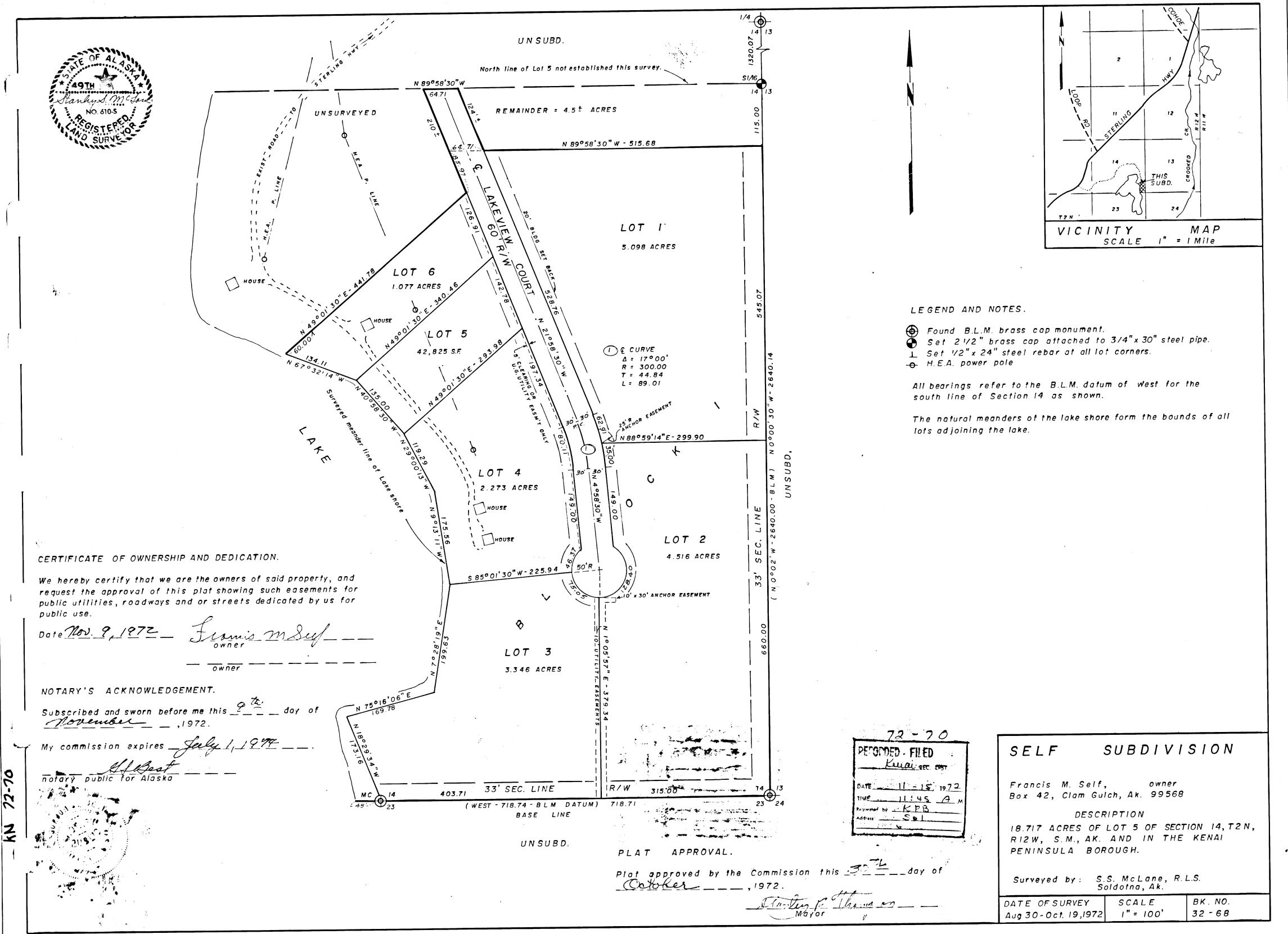
Block Length

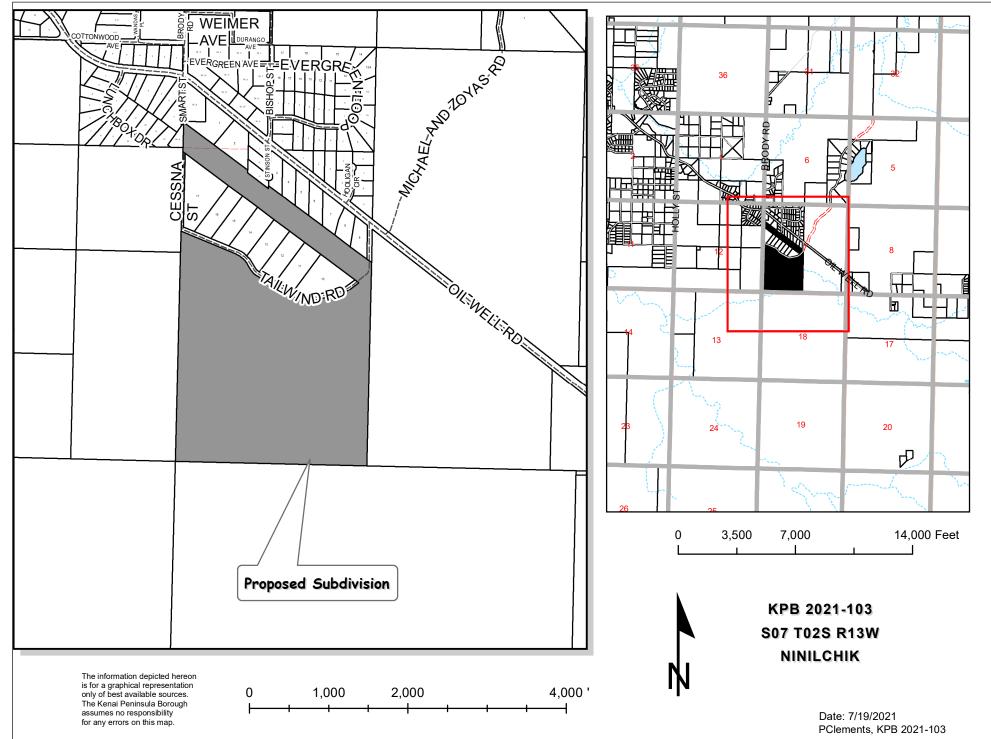
Self Subdivision Bilben Replat KPB File 2021-092

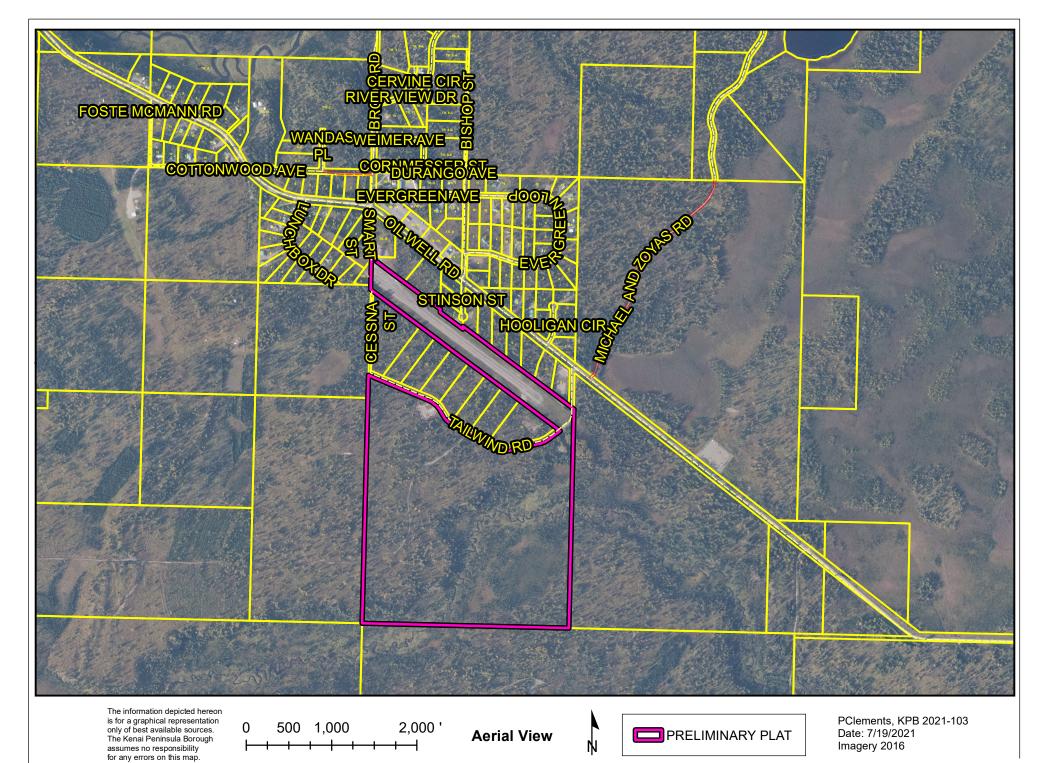










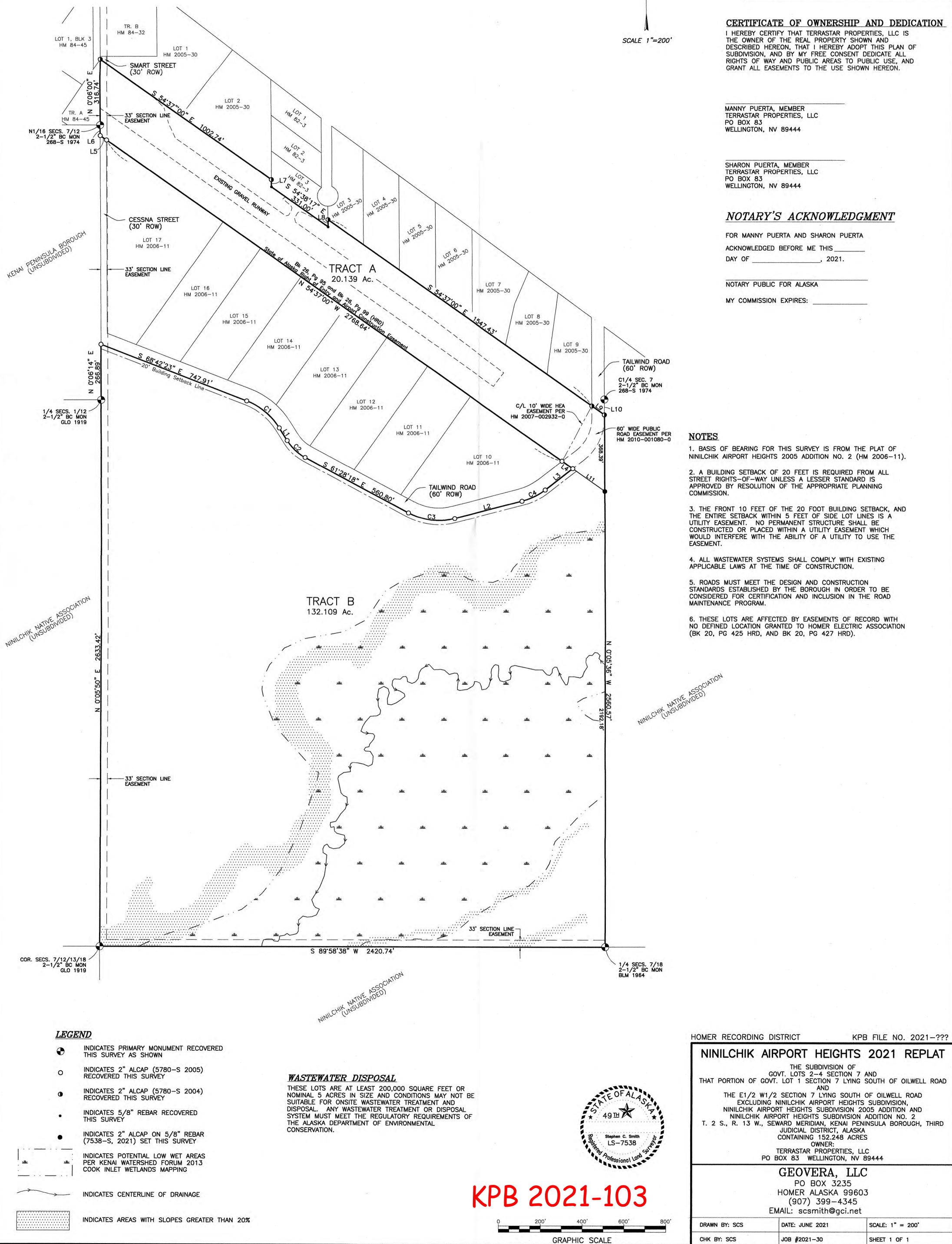


LINE TABLE

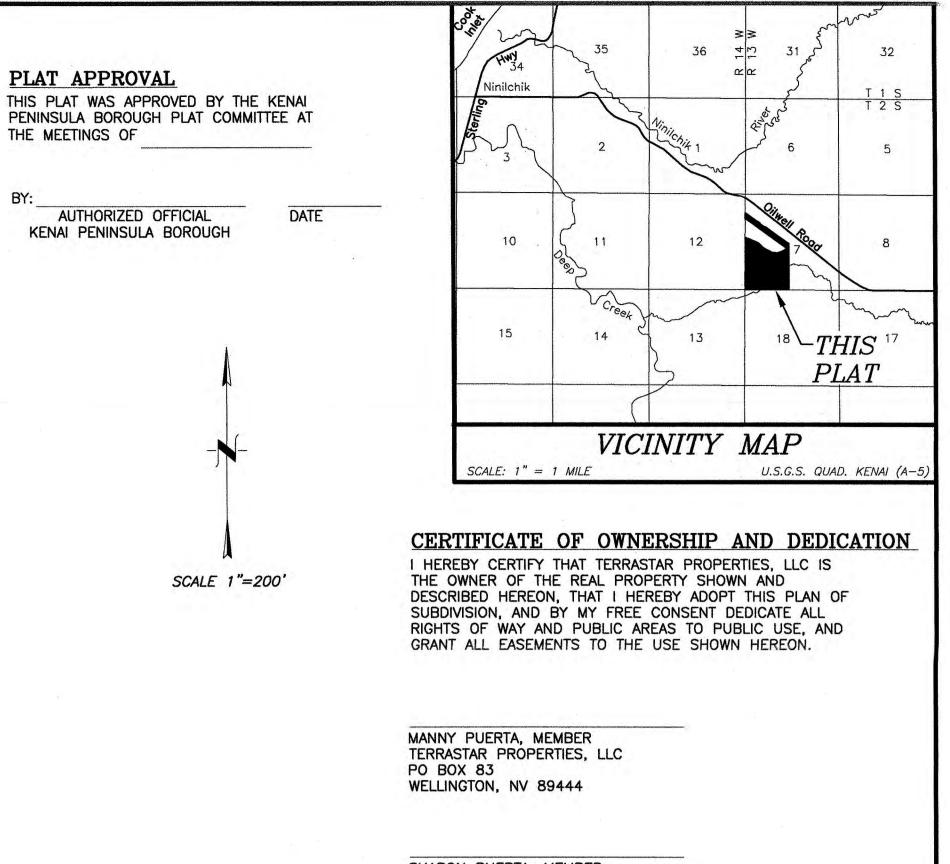
LINE	BEARING	DISTANCE
L1	S 31'38'18" E	71.20'
L2	N 75'30'19" E	336.00'
L3	N 52'14'11" E	167.25'
L4	N 54'37'00" W	62.69'
L5	N 54°37'00" W	36.75'
L6	N 0'06'14" E	50.77'
L7	S 0'04'34" E	35.06'
L8	N 0'04'34" W	34.91'
L9	S 54'37'00" E	73.68'
L10	N 0.02,36" M	74.12'
L11	S 54'37'00" E	187.83'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD BRNG	CHORD DIST
C1	37'04'05"	320.00'	207.03'	S 50'10'20" E	203.44'
C2	29'50'00"	230.00'	119.76'	S 46'33'18" E	118.41'
C3	43.01'23"	305.00'	229.02'	S 82'58'59" E	223.68'
C4	23.16'08"	305.00'	123.87'	N 63'52'15" E	123.02'



BY:



#### AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-103
Plat Committee Meeting:	August 9, 2021
Applicant / Owner:	Terrastar Properties LLC of Wellington, Nevada
Surveyor:	Stephen C. Smith / Geovera, LLC
General Location:	Ninilchik
Parent Parcel No.:	185-321-09
Legal Description:	Government Lots 1, 2, 3 and 4 of the E1/2 W1/2, all lying south of Oil Well Road,
	Section 7 Township 2 South, Range 13 West, SM and Excepting Therefrom
	Ninilchik Airport Heights Carter Tract B, Deed of Record Boundary Survey, Plat
	84-32RS, Ninilchik Airport Heights M. Keeler 1981 Subdivision of Tract "A", Plat
	82-3, Ninilchik Airport Heights 2005 Addition, Plat 2005-20 and Ninilchik Airport
	Heights 2005 Addition NO 2, Plat 2006-11 HRD.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

#### ITEM 4 - Ninilchik Airport Heights 2021 Replat

#### STAFF REPORT

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will subdivide a 155.25 acre parcel into a 20.14 acre tract that contains the Ninilchik Airstrip and a 132 acre tract.

**Legal Access (existing and proposed):** The subdivision is located between miles 3 and 4 of State maintained Oil Well Road. The subdivision has legal access from Smart Street, Tailwind Road and Cessna Street.

Smart Street is located on the west boundary. Smart Street is an improved roadway within a 66 foot wide right of way that is a combination of a dedication and a section line easement. The State of Alaska maintaining Smart Street.

Tailwind Road is located on the east boundary and on the north side of Tract B. Tailwind Road is an improved roadway within a 60 foot wide right of way dedication. The portion that crosses the east end of Tract A is within a public access easement. The Kenai Peninsula Borough maintains Tailwind Road.

Cessna Street is located on the west boundary. Cessna Street is a 83 foot wide right of way that is a combination of right of way dedications and section line easements. Cessna Street is not improved.

There does appear to be some discrepancies regarding the section line easements within and abutting the subdivision. The certificate to plat states that the plat is affected by 33 foot section line easements. Based on the date of entry staff has determined there are no section line easements within the subdivision. However, Ninilchik Airport Heights 2005 Addition No. 2, Plat HM 2006-11, depicted 33 foot section line easements along the west and south boundary. That depiction granted 33 foot public access easements with the same properties as section line easements. The surveyor or owner can work with the state to determine if actual section line easements affect this property. If it is determined the subdivision is subject to section line easements, the current notes and depictions are correct. If it is determined there are no section line easements, but instead there are platted public access easements, the labels should be revised to state "33 foot public access easements granted by Plat HM 2005-30".

The subdivision is divided into two blocks. Oilwell Road, Tailwind Road, Cessna Street, Smart Street, and section line easements define the northern block. The northern block is closed but is larger than allowable lengths. The southern block is defined by Tailwind Road and section line easements. The block is not closed and is larger than allowable lengths. An exception for block length requirements has been requested.

Page 1 of 8

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	No comments

Site Investigation: Tract A contains the Ninilchik Airstrip and is relatively flat with no known low wet areas.

Tract B is a large acreage tract that is not developed. Tract B is affected by an anadromous stream named Silver Salmon Creek. Along the creek are wetlands and some steep areas. These areas are depicted on the plat. Due to the wetlands, **Staff recommends** a note be placed 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.

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

<u>Staff Analysis</u> The proposed plat will divide an unsubdivided remainder into two large tracts. The purpose of the subdivision is to legally separate the runway lease portion from the remainder of the unsubdivided property. No additional right of way dedications are proposed and exceptions have been requested.

The subdivision is an unsubdivided remainder of several government lots. Through the years, several lots and right of way dedications have been created from the original lots. The property involved in this platting action is the unsubdivided remainder which was allowed under old code.

Due to the size of the lots a soils report will not be required and an engineer will not sign the final plat.

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

The property is not within an advisory planning commission.

<u>Utility Easements</u> Plat note 6 addresses several easements granted to Homer Electric Association with no definite locations. This plat is proposing to grant utility easements along dedicated right of ways. Due to the scale, it will be difficult to depict the utility easements. A detail could be added to show the easements being granted.

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

<u>Utility</u>	provider	<u>review:</u>	

HEA	No comments
ENSTAR	No comments
ACS	No objections
GCI	No comments

#### KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 63885 Tailwind Road (will be deleted) Existing street names are correct. Within the Vicinity Map update to Oil Well Road.	
Code Compliance – Eric Ogren	No comments	

Planner – Bryan Taylor	There are not any Local Option Zoning District issues with this proposed plat. A counter permit for a material site for this parcel expired in 2015. A recent site visit showed no recent extraction activity.
Assessing – Matt Bruns	No comment

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

#### STAFF RECOMMENDATIONS CORRECTIONS / EDITS

#### KPB 20.25.070 - Form and contents required.

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

**Staff recommendation:** The legal description should match the Certificate to Plat. The excluded plats should include the recording 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;

#### Staff recommendation:

- The cul-de-sac north of Tract A should be labeled and a width label added, Stinson Street 50'.
- An additional label north of the subdivision for the west dedication of Smart Street should be added for clarification.
- Verify all section line easement widths.
- Correct section line easement depictions and labels based on information found.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;

Staff recommendation: Correct Oil Well Road label by separating Oil Well into two words.

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

Staff recommendation: The ownership listed on the unsubdivided lots may be removed from final plat.

#### **KPB 20.30 Design Requirements**

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

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

of any centerline intersections. Submittal of centerline profiles and cross-sections may be required to demonstrate that compliant construction in the right-of-way is feasible.

**Staff recommendation:** If right of way dedications are required along the southwest portion additional easements may be required.

20.30.130. Streets-Curve requirements.

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

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

**Staff recommendation:** Concur that an exception is not needed for line segment L1 as it is less than the 100 foot tangent length requirement but Tailwind Road is an existing right of way dedication and additional right of way is not required at this time.

20.30.240. Building setbacks.

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

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

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

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

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

as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

**Staff recommendation:** Depict the setback along any required dedications. If no additional dedications are required, Tract A should depict the setback along Smart Street and dedicated portions of Tailwind Road.

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

#### ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

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

Platting Staff Comments: Silver Salmon Creek is within the Anadromous Waters Catalog. 244-20-10100-2019.

Staff recommendation: comply with 20.30.290.

#### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: The current wastewater disposal note needs to be revised to remove "or nominal 5 acres". No soils analysis report is required and an engineer will not need to sign the plat.

Staff recommendation: comply with 20.40.

#### KPB 20.60 – Final Plat

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

20.60.040. 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 dedications are required, then a certificate of acceptance will be required.

20.60.180. Plat notes.

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

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

- Reword note 3 "The front 10 feet adjoining dedicated right of ways and 20 feet within 5 feet of side lot lines is a utility easement. No permanent..."
- Plat note 5 can remain if dedications are required. If there are no new dedications, the note may be removed.
- Add the Anadromous Waters Habitat Protection District Note.
- Add a note "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."

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation**: Revise the certificate of ownership to read "...that we, on behalf of Terrastar Properties, LLC, hereby adopt this plan of subdivision and by our free..." Verify where signatures will be acquired and update notary as needed. If dedications are required, provide an acceptance to be signed by the KPB. Comply with 20.60.190.

#### 20.60.200. Survey and monumentation.

**Staff recommendation**: Monuments shall be placed or found monuments shown to break the long lot lines into sections 1,320 feet or shorter between monuments. Due to terrain, witness markers may be required. Comply with 20.60.200

#### **EXCEPTIONS REQUESTED:**

#### <u>A.</u> <u>KPB 20.30.030 – Proposed Street Layout – Requirements</u> <u>KPB 20.30.170 – Block Length Requirements</u>

<u>Surveyor's Discussion</u>: The section line easement along the west boundary runs into the steep bluff near the southwest corner of the subdivision. That makes it unlikely that a borough standard road could be constructed that would connect to the south boundary. The section line easement along the south boundary runs through a large wetland and the existing creek, and due to the steepness of the bluffs adjoining the existing drainage, it would not seem likely that a borough standard road could or should be constructed within the easement.

Tract A is being extracted from the parent parcel to separate it legally from the unsubdivided remainder of the parent

plat. The portion of Tract B northwest of the drainage is likely to be further subdivided and developed at which time right-of-ways will be dedicated.

A dedication to connect the two portions of Tailwind Road would go across the runway lease so I am sure that is why it was just an easement.

<u>Staff Discussion</u>: There have been dedications along the western boundary of the subdivision. There are several areas to consider. Staff will make their recommendation but if the plat committee wishes, they may want to make a separate motion on each dedication if they do not agree with staff's recommendations.

The subdivision is divided into two blocks. Oilwell Road, Tailwind Road, Cessna Street, Smart Street, and section line easements define the northern block. The northern block is a closed block but is larger than allowable lengths. The southern block is defined by Tailwind Road and platted public access easements. The block is not closed and is larger than allowable lengths.

Smart Street lies north of Tract A. The Smart Street dedication is located atop a section line easement and the western portion has been dedicated. Plat HM 2005-20, dedicated a small portion of Smart Street north of Tract A. Smart Street is constructed and maintained by DOT.

Cessna Street is a 30 foot dedication along the west between Tract A and Tailwind Road. Abutting Cessna Street is a platted public access easement. The right of way does not appear to be constructed.

A public road easement exists within Tract A. It provides a legal connection of Tailwind Road right of way. The public road easement is constructed and maintained by the borough. The plat committee heard the subdivision plat that created the lots south of the airstrip on June 13, 2005. In the staff report from that meeting, it states the owner was working with the State of Alaska to clarify restrictions and allowable uses associated with the airport easement. They owner did not want to dedicate over the end of the easement until all issues were resolved with the State of Alaska. Staff also recommended that there be no dedications across the airstrip. No new information was presented regarding the airport easement or possible dedications.

The status of the section line easements will need to be verified. Past subdivision plats show 33 foot public access easements therefore public access easements exist with the same qualities as a section line easement.

If denied, this plat will be required to dedicated right of way on the west and south boundary as well as additional right of way dedications within Tract B to comply with the block length limit of 1,320 feet.

#### Findings:

- 1. Tract A is an existing runway.
- 2. Dedication to extend Smart Street / Cessna Street right of ways along Tract A would result in a right of way crossing a runway.
- 3. The public road easement is already constructed and maintained.
- 4. Smart Street is constructed and maintained by the State of Alaska.
- 5. Tailwind Road is constructed and maintained by the KPB.
- 6. Cessna Street does not appear to be constructed.
- 7. Section line easement (or pubic access easements) provide access to areas within Tract B.
- 8. Tract B abuts property owned by the Ninilchik Native Association and the Kenai Peninsula Borough.
- 9. Tract B contains steep terrain, wetlands, and anadromous stream.
- 10. Tract B will be 132 acres.
- 11. Tract B can be further subdivided in the future and dedications can occur to meet the design needs.
- 12. The northern block is approximately 1,920 feet by 2,950 feet by 3,350 feet.
- 13. Dedications to bring the northern block into compliance will require dedications through a runway.
- 14. The southern block is approximately 3,350 feet by 2,930 feet by 2,420 feet by 2,560 feet.
- 15. Dedication to bring the southern block into compliance will require multiple dedications.
- 16. All lots fronting Tract A have access to the airstrip easement.
- 17. Previous plats were not required to dedicate across airstrip easement.

18. No parcels are being denied access.

Staff reviewed the exception request and recommends granting approval. Staff is agreeable to the 60 foot wide road easement, located on the east end of the airstrip, being dedicated to public right of way with Tract A and Tract B on each side of the dedication. This can be worked out with the surveyor and land owner.

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 1-7, 10, 11, 13, 16, 18 appear to support this standard.**
- 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 1-7, 10, 11, 13, 16, appear to support this standard.
- 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 1-7, 10, 11, 13, 16, appear to support this standard.

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

#### **B.** KPB 20.30.190 – Lots-Dimensions (3:1 for Tract A)

<u>Surveyor's Discussion:</u> Tract A is an existing runway that operates under an existing airport construction easement. Tract A is intended to separate the runway lease area from the remainder of the unsubdivided property (Tract B) so that the owner can dedicate equal interests to the adjoining landowners in the runway tract. Tract A will only be a parcel containing the runway lease area in the future.

<u>Staff Discussion</u>: KPB 20.30.190(A) states that the average depth shall be no greater than three times the average width.

If denied, Tract A will need to be subdivided into multiple lots to meet the 3:1 depth to width ratio. Also a right of way dedication would be required on the north or south side of the airstrip.

#### Findings:

- 1. Tract A is an existing runway.
- 2. The depth to width ratio is 8.2:1.
- 3. Access to the lot is by Smart Street and Tailwind Road.
- 4. Lots abut the tract along the north and south.
- 5. The intention for this tract is to continue use as runway.
- 6. The airstrip has been noted and depicted on plats prior to the development of the abutting properties.

Staff reviewed the exception request and recommends granting approval.

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

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

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

- 1. That special circumstances or conditions affecting the property have been shown by application; **Findings 1, 5, 6 appear to support this standard.**
- 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, 6 appear to support this standard.
- 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, 6 appear to support this standard.

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

#### **RECOMMENDATION:**

#### SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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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

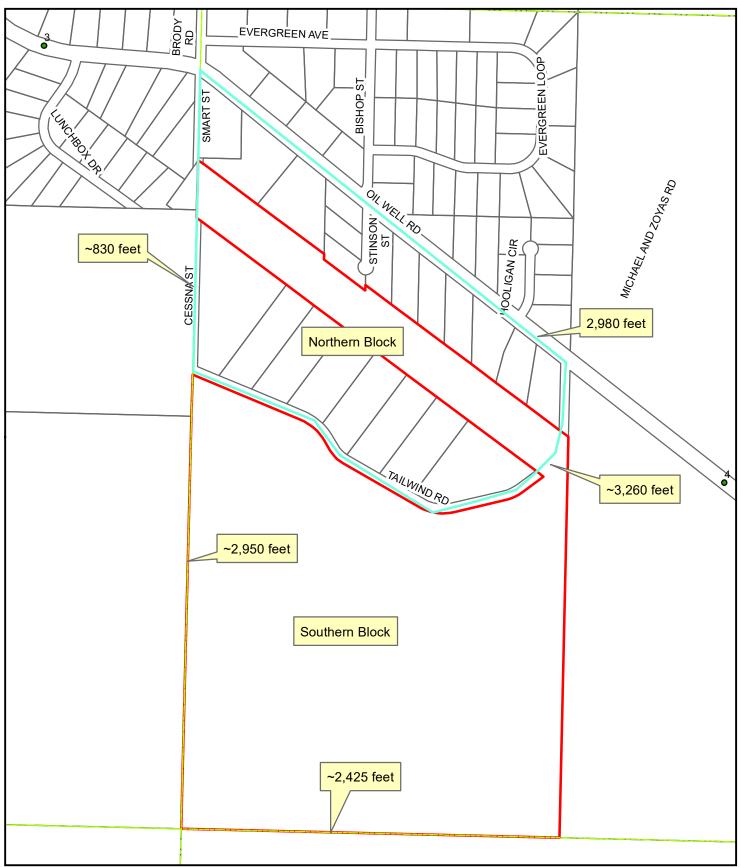


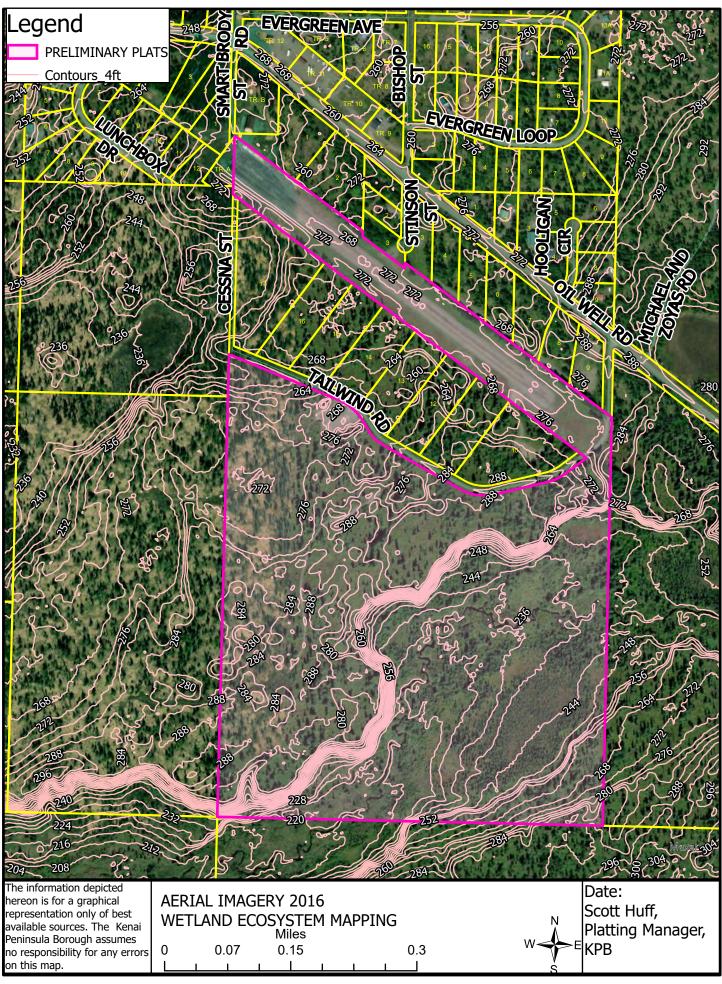
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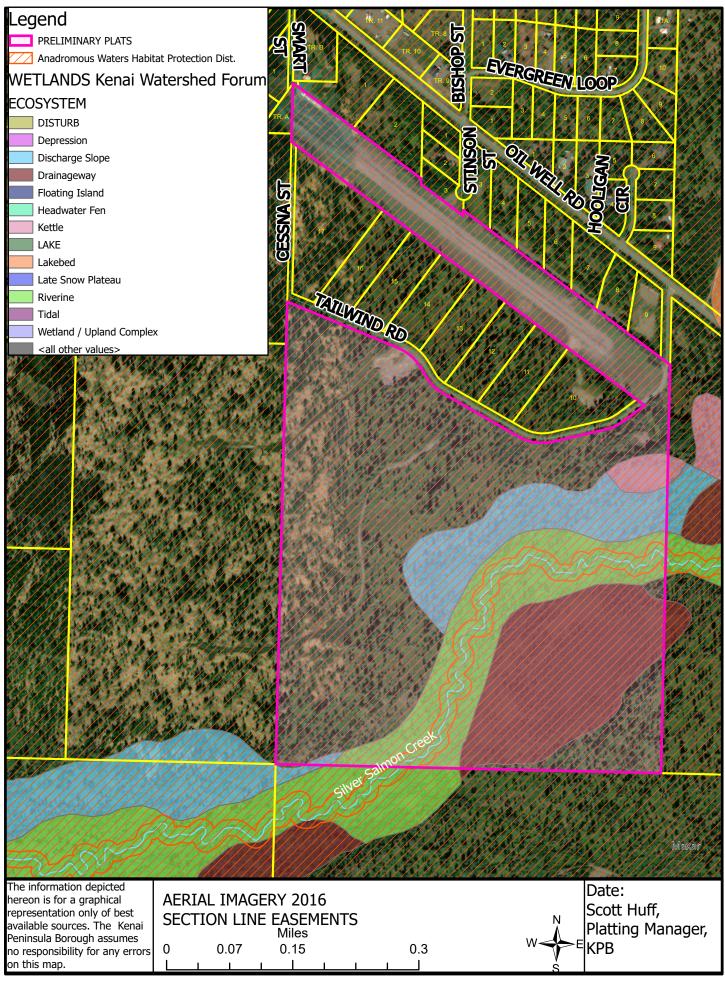
SECTION LINES

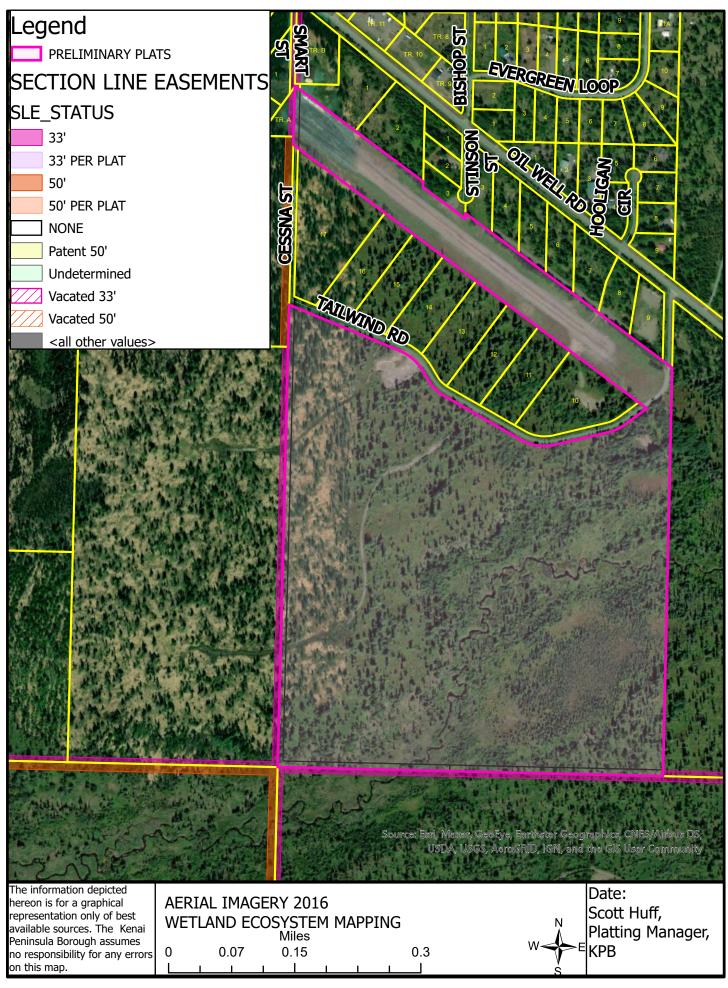
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Ninilchik Airport Heights 2021 Replat KPB File 2021-103









5. Compliance with Ordinance 93-59 - Payment of all taxes due prior to final approval. If final approval and filing of plat is sought between January 1 and the tax due date, the full amount of the estimated taxes will be on deposit with the Finance Department.

NOTE: A NOTICE OF RECONSIDERATION MAY BE TAKEN FROM THE DECISION OF THE PLAT COMMITTEE TO THE PLANNING COMMISSION ACTING AS PLATTING BOARD BY FILING WRITTEN NOTICE THEREOF WITH THE BOROUGH PLANNING DIRECTOR WITHIN 10 DAYS AFTER NOTIFICATION OF THE DECISION OF THE PLAT COMMITTEE BY PERSONAL SERVICE, SERVICE BY MAIL, OR PUBLICATION. (2.40.080 BOROUGH CODE OF ORDINANCES). THE NOTICE OF RECONSIDERATION SHALL BRIEFLY STATE THE REASON RECONSIDERATION IS REQUESTED AND THE APPLICABLE PROVISIONS OF THE BOROUGH CODE OR OTHER LAW UPON WHICH RECONSIDERATION IS BASED.

#### END OF STAFF REPORT

Chairman Johnson opened the meeting for public comment. Seeing and hearing no one wishing to comment, Chairman Johnson closed the public hearing and opened discussion among the Committee.

**MOTION:** Commissioner Massion moved, seconded by Commissioner Tauriainen to grant approval of the preliminary plat per staff recommendations.

**VOTE:** The motion passed by unanimous consent.

FOSTER YESHOHL YESJOHNSON YESMARTIN YES	MASSION YES	TAURIAINEN YES	6 YES
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AGENDA ITEM D. SUBDIVISION PLAT PUBLIC HEARINGS

13. Ninilchik Airport Heights 2005 Addition No. 2 KPB FILE 2005-138 [Imhoff/Terrastar Prop.]

Staff Report as reviewed by Patti Hartley

Plat Committee Meeting 6/13/2005

Location:	Oilwell Road - Ninilchik
Proposed Use:	Residential, Recreational
Zoning:	Unrestricted
Sewer/Water:	On site
Assessing Use:	Vacant

Supporting Information:

A previous plat subdivided the lots adjacent to Oilwell Road (Addition No. 1). That plat has not been recorded yet, but has had final review. The current plat under review will subdivide a portion of the remainder southwesterly of the State airport easement. The area affected by the airport easement is not included in the current plat; it is left as part of the unsubdivided remainder. The owner is working with the State of Alaska to clarify restrictions and allowable uses associated with the easement. The owner will not connect Aeronca Street dedications over the end of the easement until all issues have been resolved with the State. Addition No. 1 will dedicate Aeronca Street as a full right-of-way along the east boundary, north of the easement, to allow construction of an alternate access from Oilwell Road. The landowner is currently constructing the alternate access within the dedication. The current access road crosses some of the lots in the first addition and runs parallel to the airstrip. Moving vehicular traffic further away from the airstrip appears to be in the interest of public safety.

The 8 lots proposed by this subdivision will have frontage on the airstrip easement, with a 50-foot taxiway easement within the northeast portion of each new lot. **Staff recommends** the source of the taxiway easement be noted on the plat. Dedicated public access will be provided with an extension of Aeronca Road on the southerly potion of the lot. This dedication extends to the Borough property to the west, and the section line easement. **Staff recommends** 30 feet of the 33 foot section line easement be dedicated as a half right-of-way along the west boundary of the subdivision only to the south boundary of the airstrip or easement. Staff is not recommending dedication across the airstrip. Dedication has already been provided to the north boundary of the airstrip. This southerly dedication will provide public

access to the public airstrip on a dedicated right-of-way, and will bring the plat closer to compliance with KPB 20.20.160 which generally allows a maximum block length of 1400 feet. The configuration of the airstrip supports the extended block length. Block length to the south and additional access to surrounding parcels will be addressed with further subdivision in the future.

An engineer's soils report will be required for most of the lots, and the engineer will sign the plat.

Per KPB Resolution 2000-025, if the Certificate to Plat indicates any beneficial interests affect this property, they will be notified and 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.

No exceptions have been requested.

STAFF RECOMMENDATIONS: Grant approval of preliminary plat subject to any above recommendations, and the following conditions:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

- 1. Correct or add to legal description/location/area. Revise exclusions in legal description: this plat IS Ninilchik Airport Heights 2005 Addition No. 2.
- 2. Show existing travel way within proposed dedication and through unsubdivided remainder (approximate location). The use of any portion outside a dedication should be noted or labeled.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT IN ACCORDANCE WITH TITLE 20 INCLUDE:

- 3. Survey and monumentation to meet Ordinance requirements.
- 4. Conform to conditions of KPB Planning Commission Resolution 78-6.
- 5. Compliance with Chapter 20.16.155 D & 20.14 Wastewater Disposal regulations.
- 6. Government Lots show easements, if any associated with the lots.
- 7. Compliance with Ordinance 90-38 (Substitute) Ownership.
- 8. Compliance with Ordinance 93-59 Payment of all taxes due prior to final approval. If final approval and filing of plat is sought between January 1 and the tax due date, the full amount of the estimated taxes must be on deposit with the Finance Department. They will have already been paid with the first phase, if both plats are recorded in 2005.

NOTE: A NOTICE OF RECONSIDERATION MAY BE TAKEN FROM THE DECISION OF THE PLAT COMMITTEE TO THE PLANNING COMMISSION ACTING AS PLATTING BOARD BY FILING WRITTEN NOTICE THEREOF WITH THE BOROUGH PLANNING DIRECTOR WITHIN 10 DAYS AFTER NOTIFICATION OF THE DECISION OF THE PLAT COMMITTEE BY PERSONAL SERVICE, SERVICE BY MAIL, OR PUBLICATION. (2.40.080 BOROUGH CODE OF ORDINANCES). THE NOTICE OF RECONSIDERATION SHALL BRIEFLY STATE THE REASON RECONSIDERATION IS REQUESTED AND THE APPLICABLE PROVISIONS OF THE BOROUGH CODE OR OTHER LAW UPON WHICH RECONSIDERATION IS BASED.

### END OF STAFF REPORT

Chairman Johnson opened the meeting for public comment.

1. Roger Imhoff

Mr. Imhoff is the surveyor for the owner. He indicated that the owner apologized for not being at the meeting since he was hoping to be here to answer questions. The owner has had conversations regarding the subdivision with Ms. Toll. Mr. Imhoff believed everything has been worked out.

Chairman Johnson asked if there were questions for Mr. Imhoff. Hearing none, the public hearing continued.

Seeing and hearing no one else wishing to comment, Chairman Johnson closed the public hearing and opened discussion among the Committee.

**MOTION:** Commissioner Massion moved, seconded by Commissioner Martin to grant approval of the preliminary plat per staff recommendations.

**VOTE:** The motion passed by unanimous consent.

YES YES YES YES YES	IES	TES	YES	IES	IES	IES	6 YES
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AGENDA ITEM D. SUBDIVISION PLAT PUBLIC HEARINGS

14 Alpine Meadows No. 4 KPB FILE 2005-146 [Imhoff/Schuster]

Staff Report as reviewed by Patti Hartley

Plat Committee Meeting 6/13/2005

Location:	Off East End Road, northeast of McNeil Canyon
Proposed Use:	Residential, Recreational
Zoning:	Unrestricted
Sewer/Water:	On site
Assessing Use:	Vacant

#### Supporting Information:

This is a subdivision of 41 acres into 6 tracts. The tracts range in size from 5.4 acres to 8.7 acres. An engineer's soils report will not be required. Portions of two aliquot parcels and the unsubdivided remainder of a third aliquot parcel are included in the subdivision. The unsubdivided remainder of the third parcel resulted from Alpine Meadows No. 3 recorded in 2005.

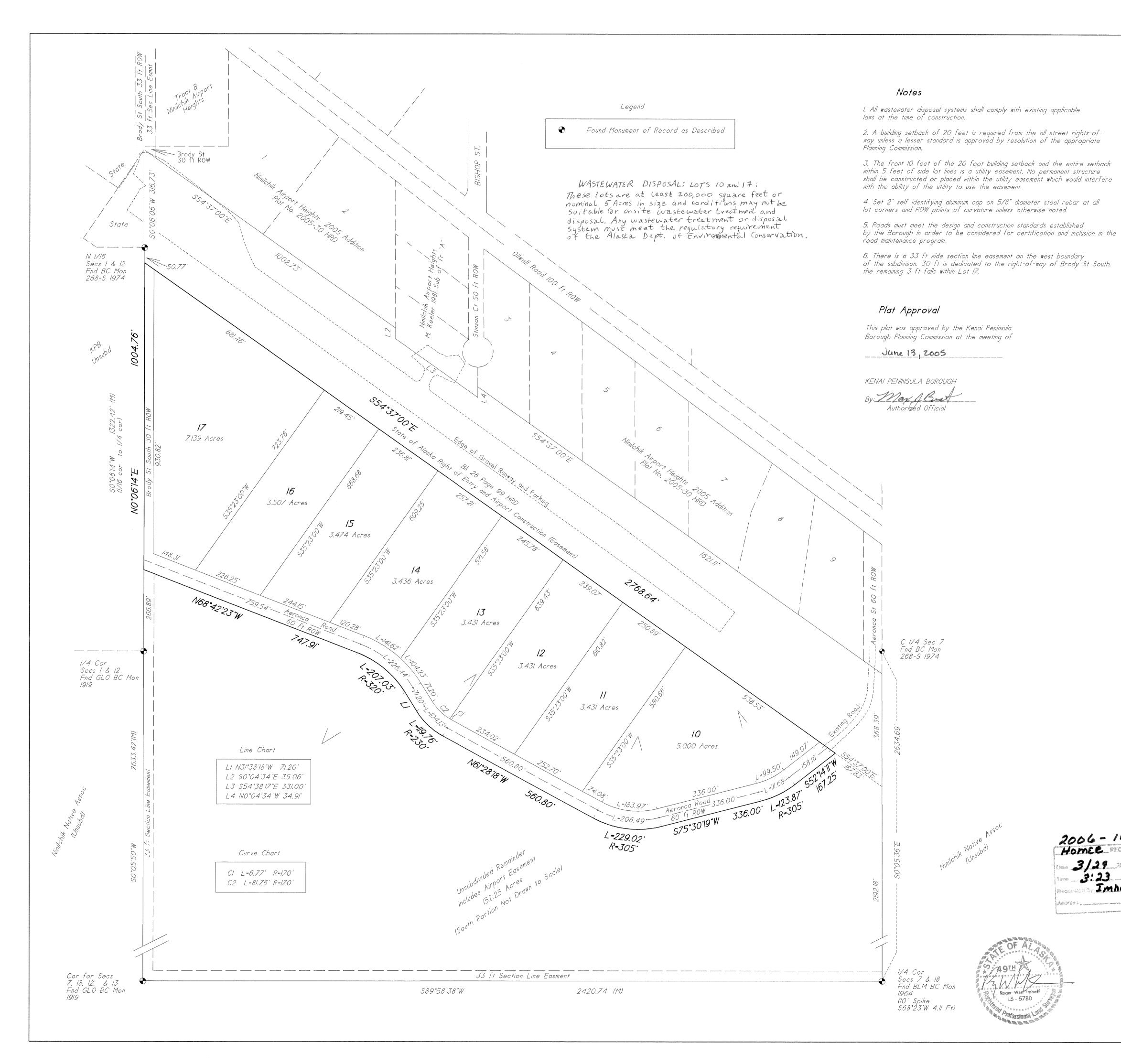
The tracts are proposed to be accessed by a 1000-foot cul-de-sac. This is the maximum cul-de-sac length allowed by KPB 20.20.090. **Staff recommends** the owner or surveyor work with KPB GIS for an acceptable street name.

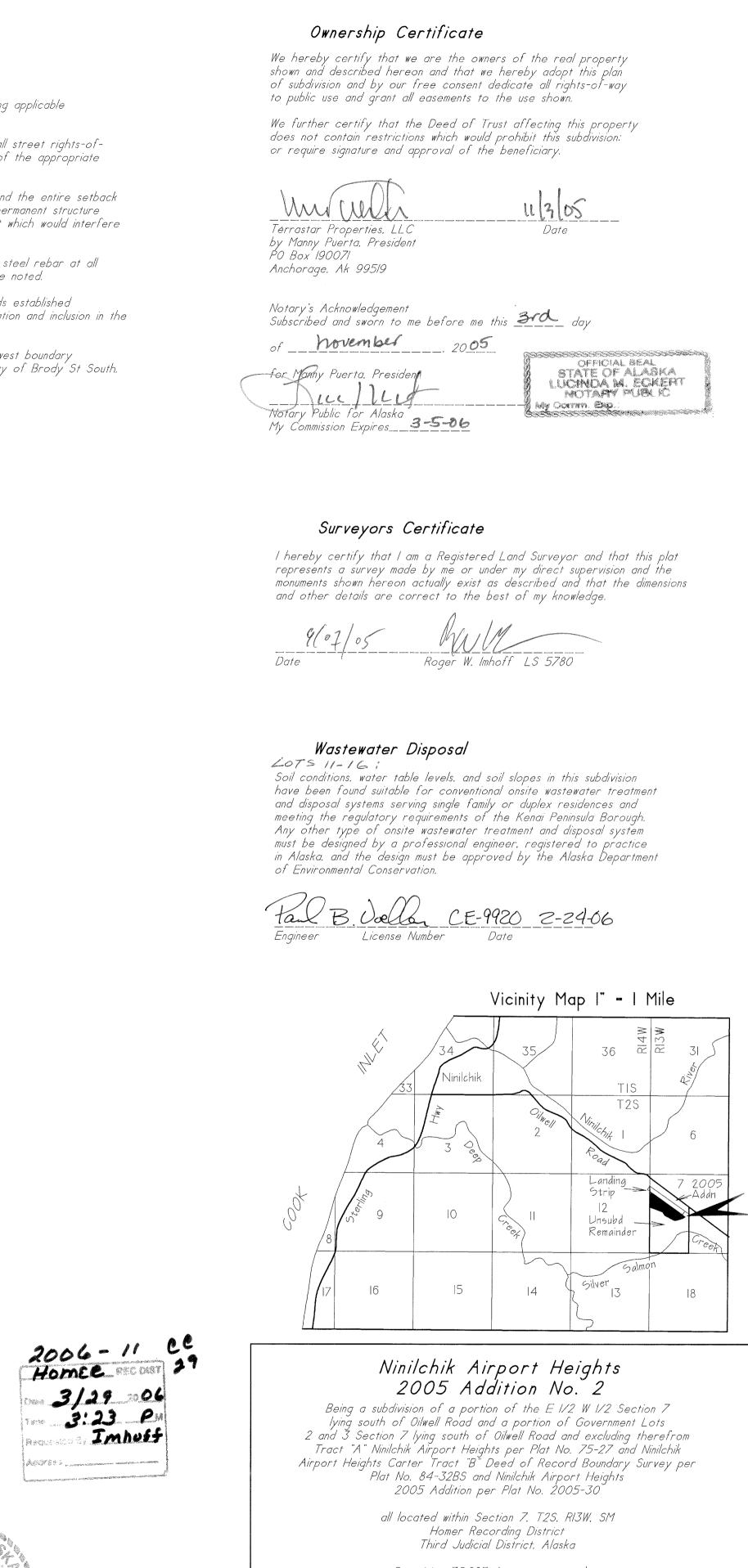
The submittal letter has indicated that access has been provided to the adjacent property to the north with the previous dedication of Alpine Meadows Drive. The section line easement across the north boundary is not proposed to be dedicated. KPB 20.20.030 would require the extension of Mossberry Avenue across the north boundary. This extension would provide access to the 480 acre CIRI parcel to the north, as well as the 320-acre CIRI parcel to the west. Imagery and contour data indicate that this section line easement may be reasonable access. **Staff recommends** a half right-of-way be dedicated as an extension of Mossberry Avenue across the west boundary.

KPB 20 20.160 allows a maximum block length of 1400 feet. The distance from Alpine Meadows Drive to the east boundary of this subdivision exceeds that amount. **Staff recommends** a half right-of-way be dedicated along the west boundary.

The aliquot parcel lines outside the subdivision boundary are shown as former lot lines with a designation of Tract M - 68 acres for future subdivision. If it is the intention to include a Tract M in this preliminary, **staff recommends** the boundary of the subdivision be changed to include it. Tracts G-L can be finalized as a first phase. If that is not the intention, then **staff recommends** the individual former lot lines of the aliquot parcel remainders be solid lines and remain as lot lines. **Staff recommends** the individual unsubdivided remainders of each aliquot parcels be labeled.

A large sand pit is shown in the remainder area, extending into Tract L. It does not appear that this pit has been permitted by the Borough as a PEU or CLUP. Staff recommends the owner or surveyor describe the current status of the pit. If it is currently in use or proposed for future use, **staff recommends** the owner contact the KPB Planning department regarding required permitting. Staff is not requesting the extension of Fairy Slipper Avenue, which would be supported by KPB 20.20.030. This does not appear to be an appropriate projection or continuation, since it would go though the sand pit area. Even if the pit is abandoned, it may not be suitable for road construction without considerable reclamation. Future subdivision of the 68-acre remainder will require design of dedications to satisfy the code.





	Со	ntaining 36.985 Acres, more or	less	
	Drwn RWI	Clients: Terrastar Properties, LLC	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer AK 99603	
	FB 2005-1 & 2	Anchorage Ak 99519		
Cogo ninilair.cgo		Date: May 2005	File ninilchikairpark3.vcd	
	GPS ninilair	Scale I" = 150 ft	KPB File No. 2005-138	



### KENAI PENINGULA BOROUGH

144 N. BINKLEY SOLDOTNA, ALASKA 99669-7520 BUSINESS (907) 262-4441 FAX (907) 262-1892

> JOHN J. WILLIAMS MAYOR

> > 000

115

### CERTIFICATE OF TAX DEPARTMENT

I, Rhonda K. Krohn, Property Tax and Collections Supervisor for the Kenai Peninsula Borough, do hereby certify that all real property taxes levied by the Kenai Peninsula Borough through December 31, 2005 have been paid for the area(s) described as:

Subdivision: NINILCHIK AIRPORT HEIGHTS 2005 ADDITION NO. 2

Parcel # 18519045-1

T02S R13W S07 HM E1/2 W1/2 LYING S OF OILWELL RD

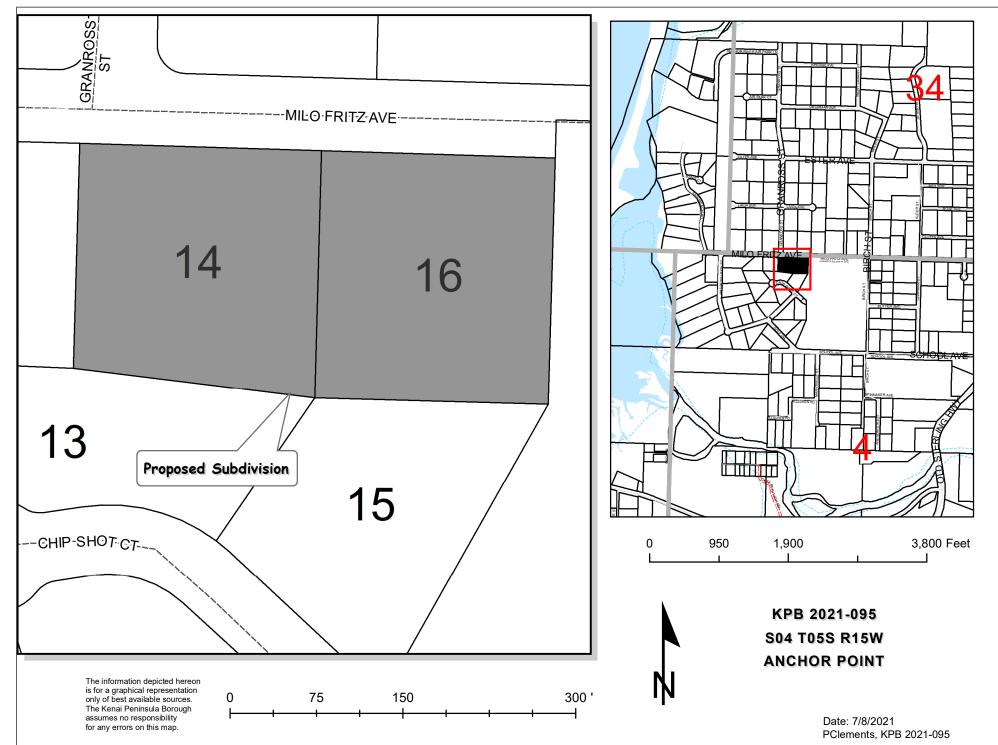
Parcel # 18519052-7

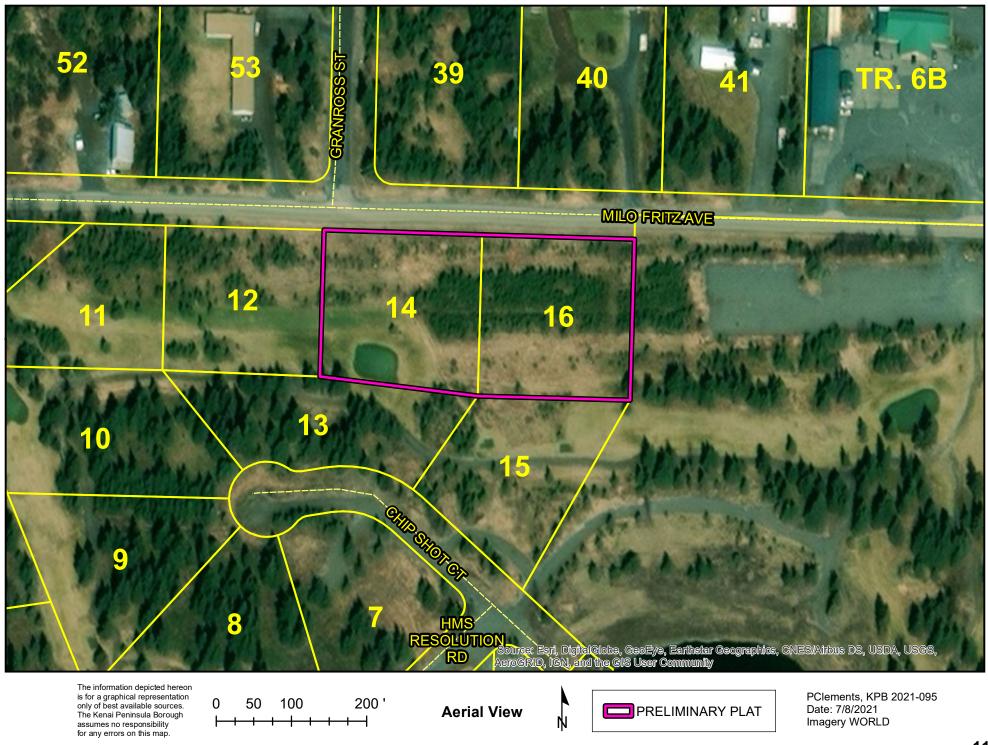
T02S R13W S07 HM GOVT LOTS 2 THRU 4 & THAT PORTION OF GOVT LOT 1 LYING SOUTH OF OILWELL RD ALL EXCLUDING NINILCHIK AIRPORT HEIGHTS SUB & EXCLUDING THE W1/2 SW1/4 NW1/4 OF SAID GOVT LOT 1 LYING SO UTH OF OILWELL RD

Effective January 1, 2006 the 2006 estimated taxes of \$1,364.22 were paid on the above property(s). However, if the estimated taxes are less than the actual taxes levied on July 1, 2006, the difference is a lien against the property(s) until paid.

Witness my hand and seal this 21st day of March, 2006.

Rhonda K. Krohn Property Tax and Collections Supervisor





1. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.

RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

3. THE FRONT 10 FEET AND THE ENTIRE BUILDING SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A UTILITY EASEMENT.

WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

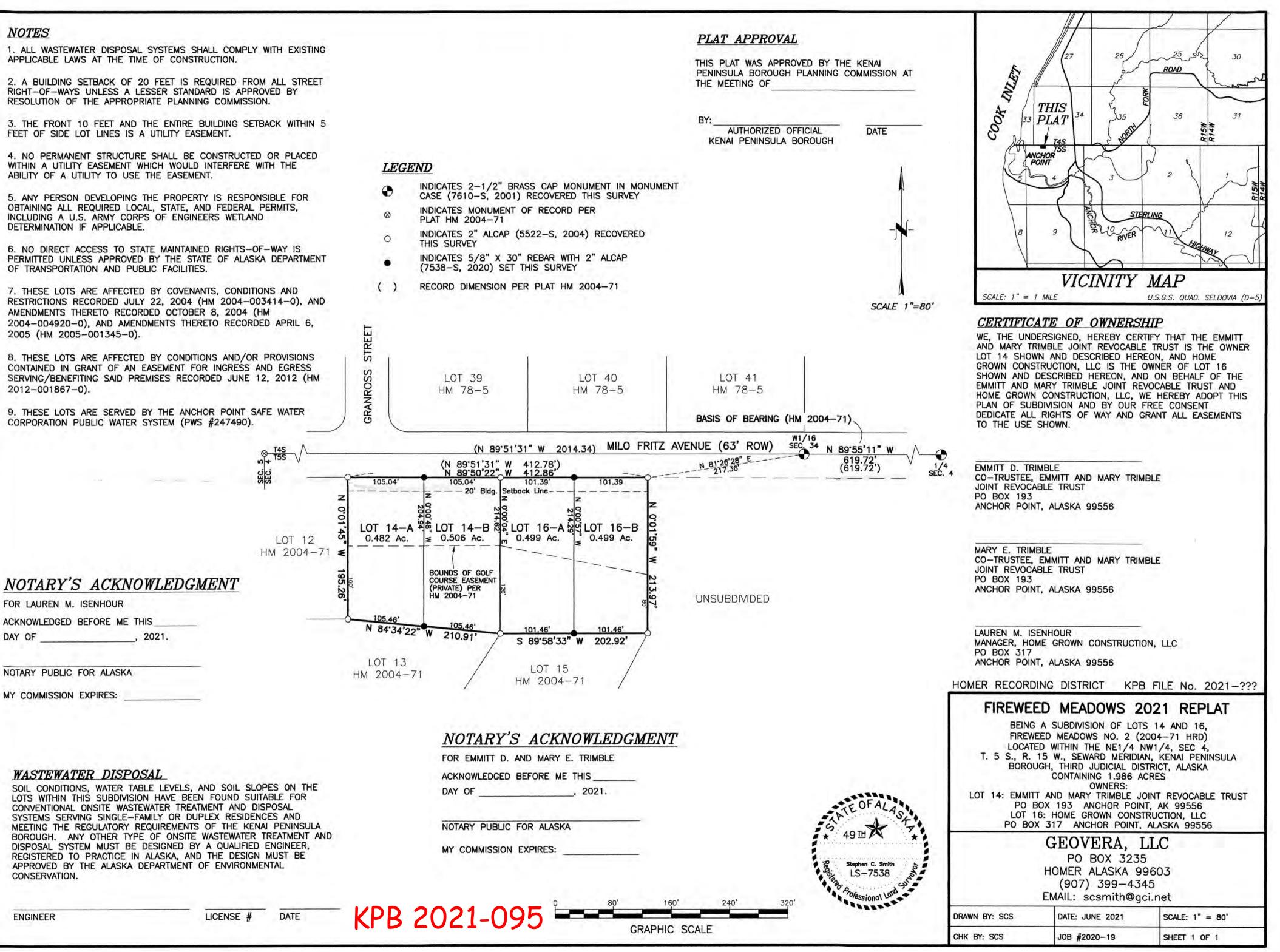
5. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS. INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.

6. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.

7. THESE LOTS ARE AFFECTED BY COVENANTS, CONDITIONS AND AMENDMENTS THERETO RECORDED OCTOBER 8, 2004 (HM 2004-004920-0), AND AMENDMENTS THERETO RECORDED APRIL 6, 2005 (HM 2005-001345-0).

8. THESE LOTS ARE AFFECTED BY CONDITIONS AND/OR PROVISIONS CONTAINED IN GRANT OF AN EASEMENT FOR INGRESS AND EGRESS SERVING/BENEFITING SAID PREMISES RECORDED JUNE 12, 2012 (HM 2012-001867-0).

9. THESE LOTS ARE SERVED BY THE ANCHOR POINT SAFE WATER CORPORATION PUBLIC WATER SYSTEM (PWS #247490).



CKNOWLEDGED BEFORE ME	
AY OF	2021.
OTARY PUBLIC FOR ALASK	A
Y COMMISSION EXPIRES:	

#### AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-095	
Plat Committee Meeting:	August 9, 2021	
Applicant / Owner:	Home Grown Construction LLC of Anchor Point, AK	
	The Emmitt and Mary Trimble Joint Revocable Trust of Anchor Point, Alaska	
Surveyor:	Stephen C. Smith / Geovera, LLC	
General Location:	Anchor Point / Anchor Point APC	
Parent Parcel No.:	169-011-32 and 169-011-33	
Legal Description:	Lots 14 and 16, Fireweed Meadows No 2, Plat HM 2004-71 HRD	
Assessing Use:	Residential	
Zoning:	Rural Unrestricted	
Water / Wastewater	Community/On Site	

#### **ITEM 5 - Fireweed Meadows 2021 Replat**

#### STAFF REPORT

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will divide two lots into four lots that will range in size from 0.482 and 0.506 acres.

**Legal Access (existing and proposed):** The proposed subdivision is located along state right of way, Milo Fritz Avenue. The subdivision is located about a half mile west from the Milo Fritz Avenue and Sterling Highway intersection. Milo Fritz Avenue was originally named Anchor Point Avenue and was changed by Resolution SN 89-03. Milo Fritz Avenue follows a section line and there is a 66 foot section line easement that coincides with the right of way dedication. Some sections of Milo Fritz Avenue appear to only have 30 foot dedications while other sections are 33 foot dedications.

The block is not compliant. The subdivision is located within a closed block defined by Milo Fritz Avenue, HMS Resolution Road, Golf Drive, School Avenue, and Birch Street. The block is irregular but complies along the eastern side of the block. Within the block are tracts that contain private roads. There is a 25 acre lot to the east that contains a large portion of the golf course. The ability for the proposed subdivision to grant a right of way dedication that creates a compliant closed block will be difficult. Any dedication that would be granted would connect to a private right of way (tract). There is a lake in the center of the golf course. Per former plats there was the intent to create additional rights of way that would improve the block but due to development and the lake those plans may not occur. **Staff recommends** that the plat committee concur that an exception is not required and that any required dedications would not improve the block length.

KPB Roads Dept. comments	Within KPB jurisdiction, no comments.
SOA DOT comments	No comments.

<u>Site Investigation</u>: The area appears to be relatively flat. Per KPB GIS data there is not any low wet areas on the property.

Aerial imagery shows that the golf course affects this subdivision with a green located on Lot 14-A and 14-B. The private golf course easement per HM 2004-71 is depicted on the preliminary plat.

Floodplain Hazard Review	Is not located within a floodplain hazard area.
Anadromous Waters Habitat	Is not located within a HPD.
Protection District Review	
State Parks Review	No comments.

<u>Staff Analysis</u> The proposed subdivision will subdivide two lots into four lots that are 0.482 acres (20,996 square feet), two lots at 0.499 acres (21,736 square feet), and 0.506 acres (22,041 square feet).

The lots will all front on state right of way, Milo Fritz Avenue. Access driveways to the parcels from Milo Fritz Avenue will require a permit from Alaska DOT. Plat note 6 addresses this.

The parent plat, Fireweed Meadows No. 2 (Plat HM 204-71), was approved as a planned development. The preliminary design was named HMS Resolution Ridge Fireweed Meadows and received approval on January 14, 2002. The owners requested the phases be named differently. As this is not normal procedure, it was allowed as long as a plat note was added that gave the full name as approved. As this replat is not part of the original plan, the note should not be carried over from the parent plat. An unsubdivided remainder is located to the east that has yet to be subdivided.

The subdivision and neighboring parcels contain the Anchor Point Golf Course. The plat identifies the bounds of the golf course easement. This is a private easement created from subdivision covenants. Per the covenants, "The golf course reservation designated as such on the plat of the property, which shall be developed as part of the golf course for purpose of landscaping or the placement of improvements. No improvements shall be placed within a golf course reservation without the prior written consent of the hold of the golf course reservation and the approval of the ARB."

KPB will not enforce private covenants. This reservation, if upheld through ARB, will greatly diminish the buildable area and limit the area available for onsite wastewater disposal systems unless approval is received from ARB. Documentation may also be presented from the ARB that they do not object to wells or wastewater disposal systems within the golf course easement.

Per KPB 20.30.200, lots less than 40,000 square feet are allowable if public water or wastewater disposal system is available. This subdivision will be served by a community water system identified as the Anchor Point Safe Water Corporation Public Water System. **Staff recommends** documentation be provided to show that the new lots are approved, or have been approved, to connect to the existing water system and that the water system will support the additional lots.

A soils report will be required and an engineer will need to sign the plat. The soils report will be required to show that the proposed lot design and associated building restrictions will allow for an adequate area available to each building site for safe on-site well and wastewater disposal, including area for a replacement wastewater disposal system.

If the lots will contain private wastewater disposals and private wells then the plat will need to be brought back before the plat committee with the soils analysis report to demonstrate to the satisfaction of the commission that the smaller lot size is adequate and safe.

Notice of the proposed plat was mailed to the beneficial interest holder on July 16, 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.

<u>Utility Easements</u> The parent plat granted 10 foot utility easements along Milo Fritz Avenue. The proposed plat will carry over the easement as well as grant a 20 feet adjoining the right of way within 5 feet of side lot lines.

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

#### Utility provider review:

HEA	Reviewed, no comments.		
ENSTAR	No objections.		
ACS	No objections.		
GCI	Approved as shown.		

#### KPB department / agency review:

Addressing – Derek Haws	Affected address 72811 Milo Fritz Ave. will remain with Lot 16-B.
Code Compliance – Eric Ogren	No comments.
Planner – Bryan Taylor	There are not local option zoning district issues or material site issues associated with this plat.
Assessing	Special Assessment District – No comment.
Advisory Planning Commission	

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

#### **STAFF RECOMMENDATIONS CORRECTIONS / EDITS**

Staff recommends that in addition to the acreage the square footage, rounded to nearest whole number, be labeled on each lot.

#### KPB 20.25.070 - Form and contents required.

Α. Within the Title Block

> 1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

Staff recommendation: Within the title block, the lot information can be removed from the owners information as it is not required and is noted within the certificate of ownership.

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 a label for the Old Sterling Highway.

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

Staff recommendation: Correct the depiction for the boundary of the unsubdivided lands to the east as the boundary line common with Lot 16-B extends to the center of Milo Fritz Avenue.

#### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils analysis will be required as well as documentation that the lots are connected, or have permission to connect, to the existing water system. An engineer will need to sign the plat.

Staff recommendation: comply with 20.40.

#### KPB 20.60 – Final Plat

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

#### 20.60.030. Certificate of borough finance department required.

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

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

The parcels included in the proposed subdivision are shown as part of the Anchor Point Utility Special Assessment District. Any balance remaining will need to be paid in full prior to recording.

#### Staff recommendation: comply with 20.60.030.

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: Comply with 20.60.090.* 

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**: The golf course easement is shown per HM 2004-71. Private easements can not be granted by plat. The parent plat showed the easement but did not note the creation of the easement. An adjoining plat did refer to the covenants as outlining the easement. Revise the label or refer to a plat note that refers to the subdivision covenants. Comply with 20.60.160.

#### 20.60.180. Plat notes.

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

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested

Page 4 of 5

change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat. *Staff recommendation: Place the following notes on the plat.* 

- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- Reword plat note 3 "The front 10 feet adjoining all rights-of-way is a utility easement granted by Plat HM 2004-71. This plat is granting additional utility easements that are 20 feet within 5 feet of the side lot lines that adjoin rights-of-way."
- 20.60.190. Certificates, statements, and signatures required. *Staff recommendation:* comply with 20.60.190. Remove "Co-" from the trustee signature lines.

#### **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

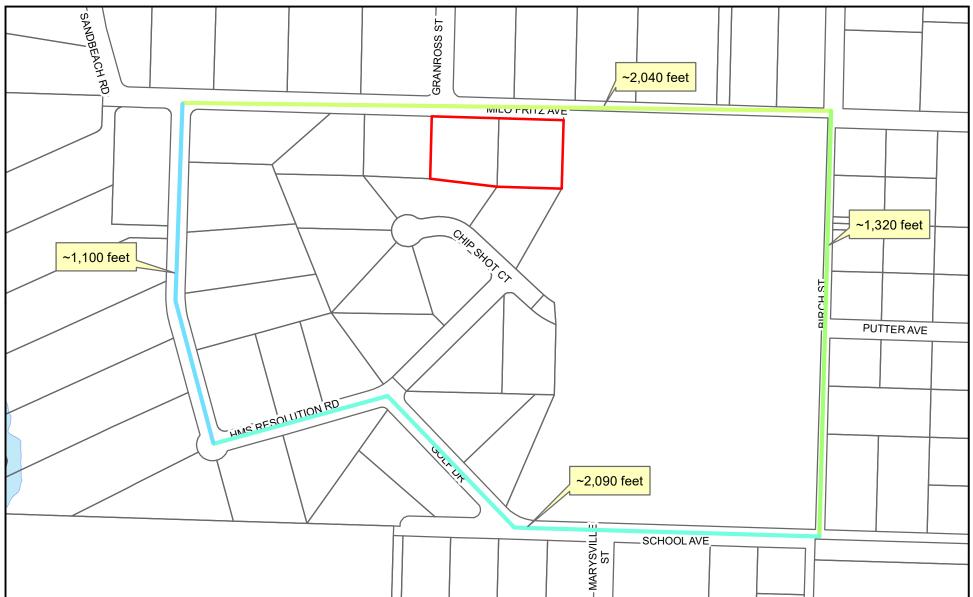


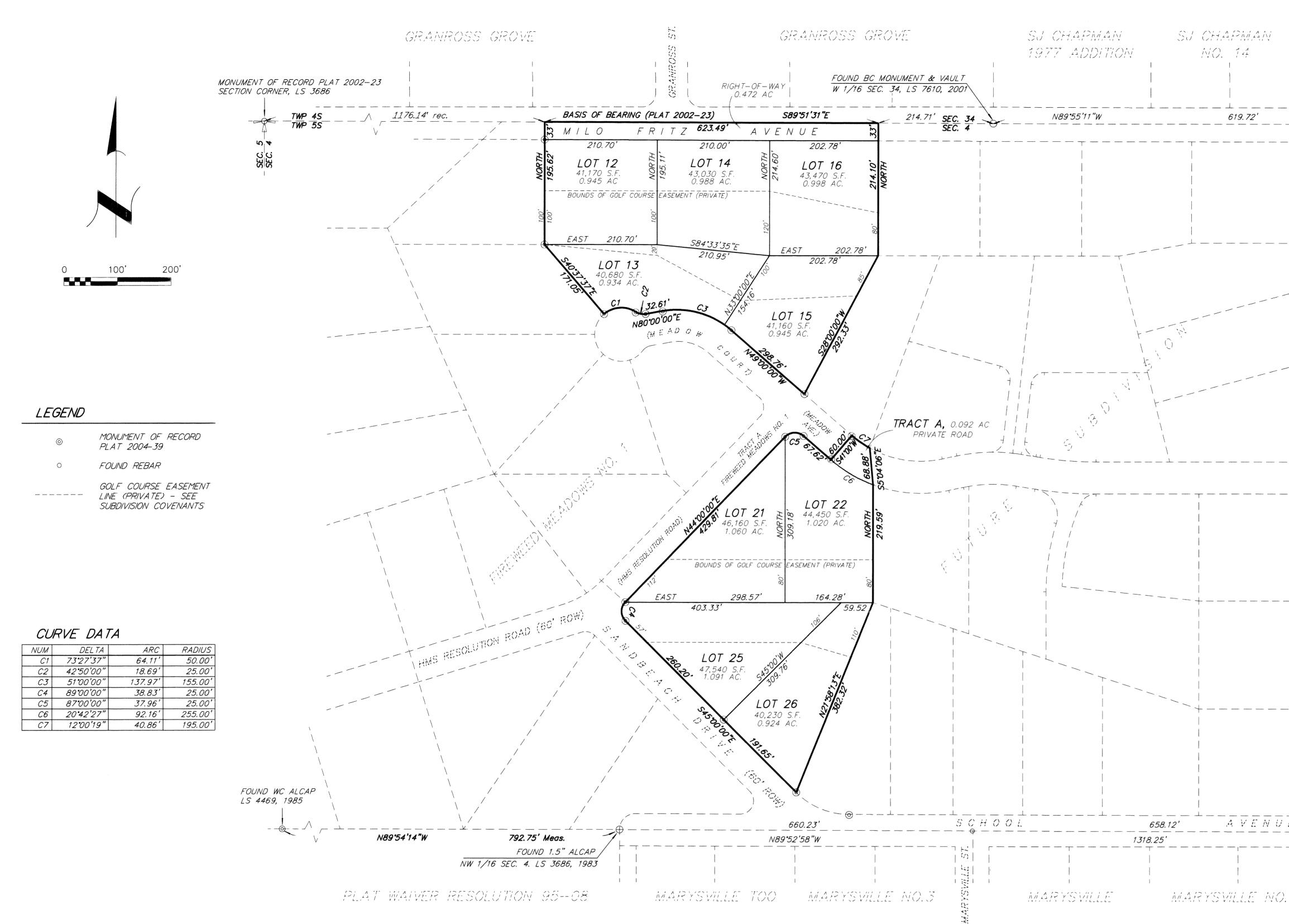
### Kenai Peninsula Borough Planning Department

Block Length

Date: 7/21/2021

Fireweed Meadows 2021 Replat KPB File 2021-095





## NOTES

1. A 20' building setback exists along all dedicated rights-of-way and along Tract A Fireweed Meadows No.2 and Tract A Fireweed Meadows No. 1.

2. The front 10' of the building setback is a utility easement. No permanent structure shall be built or placed within the utility easement which would interfere with the ability of a utility to use the easement. 3. Roads must meet the design and construction standards established by the Kenai Peninsula Borough in order to be

considered for certification and inclusion in the road maintenance program. 4. No direct access to State maintained rights-of-way is permitted unless approved by the State of Alaska Department of Transportation and Public Facilities.

5. A 5/8" x 24" rebar and aluminum cap set at all points of curvature and lot corners or as shown in the drawing legend. 6. Preliminary approval was granted to this plat as HMS Resolution Ridge Fireweed Meadows, KPB file number 2002-001, on January 12, 2002.

7. An exception to KPB 20.20.200 Frontage on a Dedicated Street was granted at the KPB Plat Committee meeting of May 24, 2004, and affects Lots 13, 15, 21, & 22 on this plat.

# WASTEWATER DISPOSAL

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable wastewater treatment and disposal systems serving single-family or duplex residences and m requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment designed by a professional engineer, registered to practice in Alaska, and the design must be Department of Environmental Conservation.

and B. Doelle Paul B. Voeller

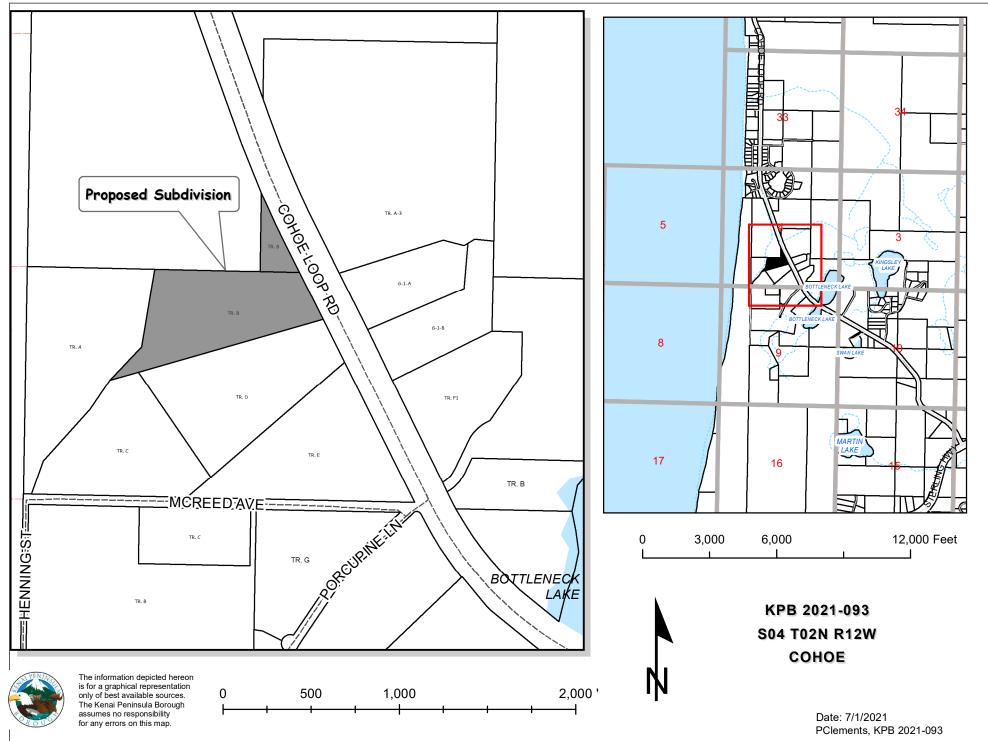
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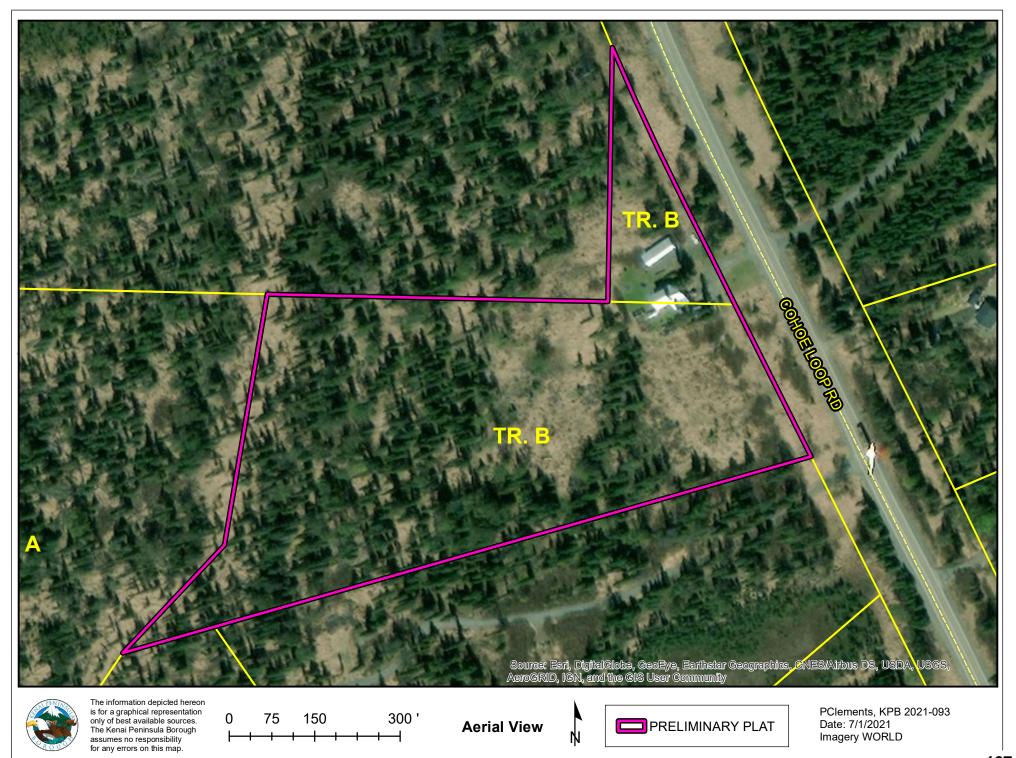
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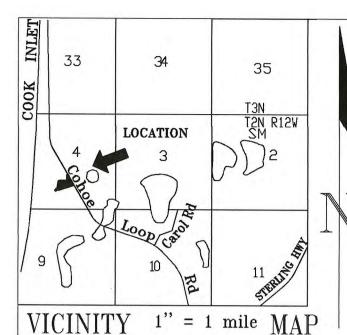
License # CE-9920

Date

18 ))		2 <b></b>		CERTIFICATE OF OWNERSHIP
			SU CHAPMAN	I hereby certify that I am the owner of the real property shown and described hereon, and that I hereby adopt this plat
		BIRCH ST.	1977 ADDITION	of subdivision, and by my free consent dedicate all rights of way and grant all easements to the use shown. Mutch-Kyllonen "Mutch Homestead" Anchor Point Land Development, LLC
bingganggen kalde	-=>>		FOUND BC MONUMENT & VAULT 1/4 SEC. 4, LS 7610, 2001	200 West 34th Avenue, PMB 981 Anchorage, Alaska 99503 By Helen Sedlacek, as Attorney in Fact for
			NOTARY PUBLIC NOTARY	Paul J. Mutch, Member/BENL.       PARTNER         By H.V. Kyllonen, General       Susan Kyllonel, General         Partner Kyllonen Enterprises       By Susan Kyllonel, General         PO Box 49       PO Box 49         Anchor Point, Alaska 99556       Anchor Point, Alaska 99556
			The second secon	NOTARY'S ACKNOWLEDGEMENT
	and the second second			For Helen Sedlacek Subscribed and sworn before me this
	NAMES AND ADDRESS OF ADDRESS	20.07'	(	of 2004 Notary Public for Alaska My Commission Expires
		13.		For H.V. & Susan Kyllonen Subscribed and sworn before me this <u>3rd</u> day of September 2004.
	a manufactor contraction contraction			Notary Public for Alaska 7.30-06 My Commission Expires
	E 1	YANDE YANDALASA YANDA	``.	SURVEYOR'S CERTIFICATE
-	TRE			I hereby certify that this survey was performed by me or under my direct supervision. I declare that the information shown hereon is true and correct to the best of my knowledge and belief.
· ⊥ ´	E C C	200 L	MEADOW ST.	Paul B. Voeller Aug. 25, 2004 Date
-	10			PLAT APPROVAL
	   m			This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of <u>8/13/2003 5/24/2004</u>
	and another another another			Kenai Penninsula Borough By:
			(	VICINITY MAP - SCALE: 1" = 1 MILE (5280')
		6	2004 - 71 Home 2004 - 71 Home 2005 Rose Kinne Lioss Rose Kontone or Kochece	THIS PLAT $1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\ 1 \\$
Ë	(	」 〜	MONUMENT OF RECORD PLAT 2002-77	JULY, 2004
3	BIRCH ST.		CN 1/16 SEC. 4, LS 5780, 2002	SCALE: $1" = 100'$ $BASE$ $MAP:$ $AR$ $31$ $FIELD$ $BOOK:$ $N/A$ $KPB$ $FILE:$ $2004-215$ $JOB$ $No:$ $584$ $ZONING:$ $N/A$
				FIREWEED MEADOWS
neet t an	ing d d	the ispc	entional onsite e regulatory osal system must be l by the Alaska	NO. 2 BEING A SUBDIVISION OF A PORTION OF THE N 1/2 OF THE NW 1/4 OF SECTION 4, TOWNSHIP 5 SOUTH, RANGE 15 WEST,
2~	_	0		SEWARD MERIDIAN CONTAINING 9.468 ACRES
25	, 2	20	04	BORDERLINE
				ENGINEERS - LAND SURVEYORS - ENVIRONMENTAL CONSULTANTS
				34601 Alamar Road Anchor Point, Alaska 99556 (907)235–8078







# LEGEND

- (-2) alcap monument, 268–S, 1981, found.
- 2" alcap monument, 7328—S, 1993, found.
- State DOT ROW Monument, found.
- O 5/8" rebar lot corner, found.
- -1/2" rebar with plastic cap, 7328-S, found.
- ▲ 1/2"x 4' rebar with plastic cap, 7328-S, set.
- m indicates swamp

# McReed Subdivision 2021 Replat Preliminary Plat

A replat of Tract B Warfle Tracts, (KRD 81-168) and Tract B McReed Subd, (KRD 93- 12). Locatedin the SE 1/4 & SW 1/4 Section 4, T2N, R12W, SM, Cohoe Alaska. Kenai Recording District Kenai Peninsula Borough

# Prepared for

David J. & Patricia E. Harne 22019 Cohoe Loop Rd. Kasilof, AK 99610

# Prepared by

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

SCALE 1" = 200' AREA = 10.657 acres 25 May, 2021

### 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 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 a utility easement which would interfere with the ability of a utility to use the easement.
   No access to state maintained ROWs allowed unless permitted by State of Alaska
- Dept. of Transportation.
- 4. Cohoe Loop ROW is as shown on State ROW plans S-0461(1).
- 5. Contour inerval 4'. Shaded areas indicate grades over 25%.

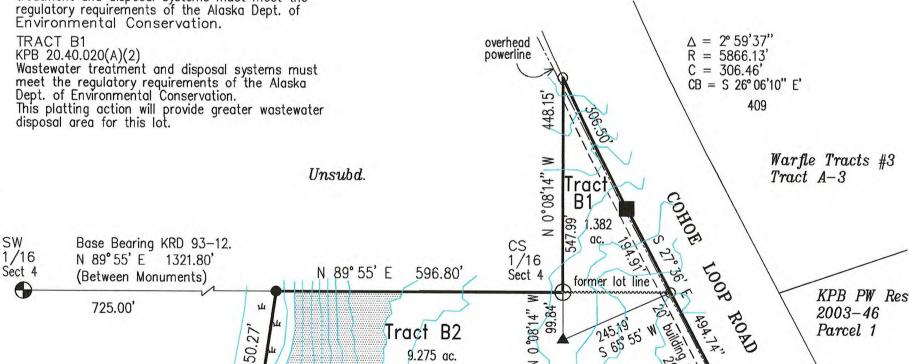
### WASTEWATER DISPOSAL

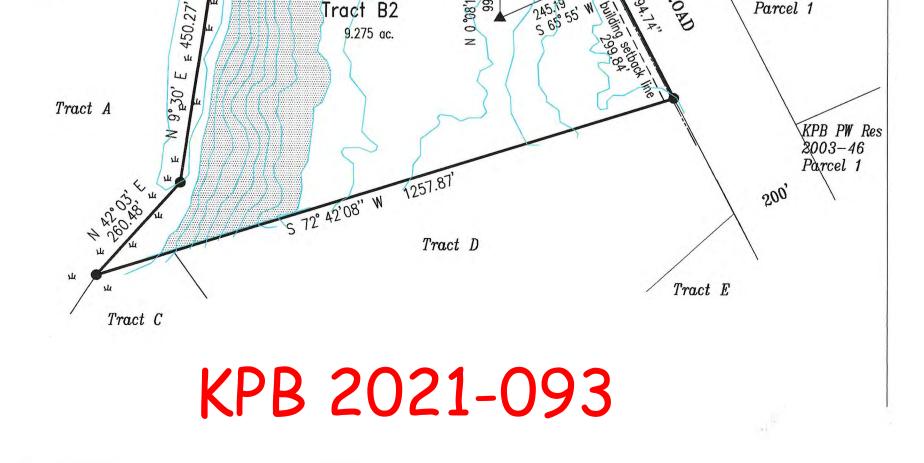
## TRACT B2 KPB 20.40.030

This lot is at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment disposal. Any wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

SW

Dept. of Environmental Conservation. This platting action will provide greater wastewater disposal area for this lot.





#### AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-093
Plat Committee Meeting:	August 9, 2021
Applicant / Owner:	Patricia E. and David J. Harne of Kasilof, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Cohoe
Parent Parcel No.:	137-010-27 and 137-010-40
Legal Description:	Tract B, Warfle Tracts, Plat KN 81-168
	Tract B, McReed Subdivision, Plat KN 93-12
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site/On Site

#### ITEM 6 - McReed Subdivision 2021 Replat

#### STAFF REPORT

<u>Specific Request / Scope of Subdivision</u>: The proposed plat will adjust a common lot line between two lots. Tract B1 will increase from 1.125 acres to 1.382 acres. Tract B2 will decrease from 9.535 acres to 9.275 acres.

Legal Access (existing and proposed): Both lots being created have dedicated access via Cohoe Loop Road, a state maintained 200 foot wide right of way.

The subdivision is within an open and non-compliant block. A closed block will be difficult to obtain, as Cook Inlet is located to the west approximately 1,200 feet from the western subdivision boundary. There are various wetlands and steep slopes in the areas that dedications would improve the block. The lots surrounding the subdivision are all large acreage lots. **Staff recommends** the plat committee concur that an exception is not required due to the development trends, topographic constraints, and any required dedications will not improve the block length requirements.

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	The ROW for Cohoe Loop Road is as shown on S-0461(1) sheet 4-5 of 11, and
	appears to be shown correctly.

<u>Site Investigation</u>: The plat indicates the low wet areas along the western portion of the subdivision. Contours are also shown with shading representing the areas greater than 25 percent.

ot within HPD, no comments
comments

**Staff Analysis** The proposed plat will be reconfiguring the lot line between a smaller tract and a large acreage tract. Reasons for this change were not disclosed but per KPB GIS imagery, a structure appears to be encroaching on the lot line. The adjustment of the lot line will place all the improvements on Tract B1 and resolve any encroachment issues. The same owners currently own both lots.

The larger tract was created with the recording of McReed Subdivision, KN 93-12. Warfle Tracts, KN 81-168, created the smaller tract. Plat KN 81-168 established the boundary of deed parcels as recorded in Bk. 128 Pg. 350 KRD. One of the parcels depicted was for the lands located south of Cohoe Loop Road.

A soils analysis report will not be required and an engineer will not need to sign the plat. Tract B2 is larger than 200,000 square feet and Tract B1 is increasing in size approximately 11,000 square feet.

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

The property is not within an advisory planning commission.

<u>Utility Easements</u> Warfle Tracts, KN 81-168, did not grant any utility easements. McReed Subdivision, KN 93-12, granted the front 10 feet of the building setback as wells as the full setback within 5 feet of the side lots lines. Due to scale, depiction may be difficult unless the plat size is increased. Per plat note 1, this plat will grant 10 foot utility easements along the former Tract B of Warfle Tracts and 20 feet within 5 feet of the new side lot line. A 20 by 10 utility easement will still be present along the former lot line. A detail drawing of the area around the new and old lot line would help depict the existing and new utility easements.

Per the certificate to plat there is an easement granted to Homer Electric Association, Inc. with no definite location given. An overhead utility powerline is depicted and labeled on the plat. **Staff recommend** a plat be added for the easement of record and note that it is a general easement with not location defined.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval. Additionally, revise the utility easement portion of plat note 1 to the following. "Plat KN 93-12 granted 10 foot wide utility easements along dedicated right of ways and 20 feet within 5 feet of the side lot lines. This plat will be granting 10 foot utility easements adjoining all rights of way and increasing to 20 feet within 5 feet of all new side lot lines."

etine, previere	
HEA	No comments
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

Addressing – Derek Haws	Affected Addresses: 22019 Cohoe Loop Road (will remain on Tract B1) and 21845 Cohoe Loop Road (will remain on Tract B2)
	Existing street names are correct
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with
	this proposed plat.
Assessing – Adeena Wilcox	No comment

#### KPB department / agency review:

Utility provider review:

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

#### STAFF RECOMMENDATIONS CORRECTIONS / EDITS

#### KPB 20.25.070 - Form and contents required.

#### A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to

Page 2 of 4

mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

**Staff recommendation:** A space is needed between "Located" and "in". Add the KPB File number 2021-093.

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

**Staff recommendation:** The plat waiver lots east of Cohoe Loop Road need the parcel labels corrected. The northern lot is Lot G-1-A and the southern lot is Lot G-1-B.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: The proposed plat will add approximately 11,000 square feet to the smaller lot. Per KPB 20.40.020(A)(2) a soils analysis is not required. Tract B2 will be greater than 200,000 square feet. **Staff recommendation**: Revise the note for Tract B2 to remove "or nominal 5 acres" and comply with 20.40.

### KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

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

- Subject to an easement granted to Homer Electric Association, Inc. per Book 3 Page 20 KRD. No definite location disclosed.

### **RECOMMENDATION:**

### STAFF RECOMMENDS:

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

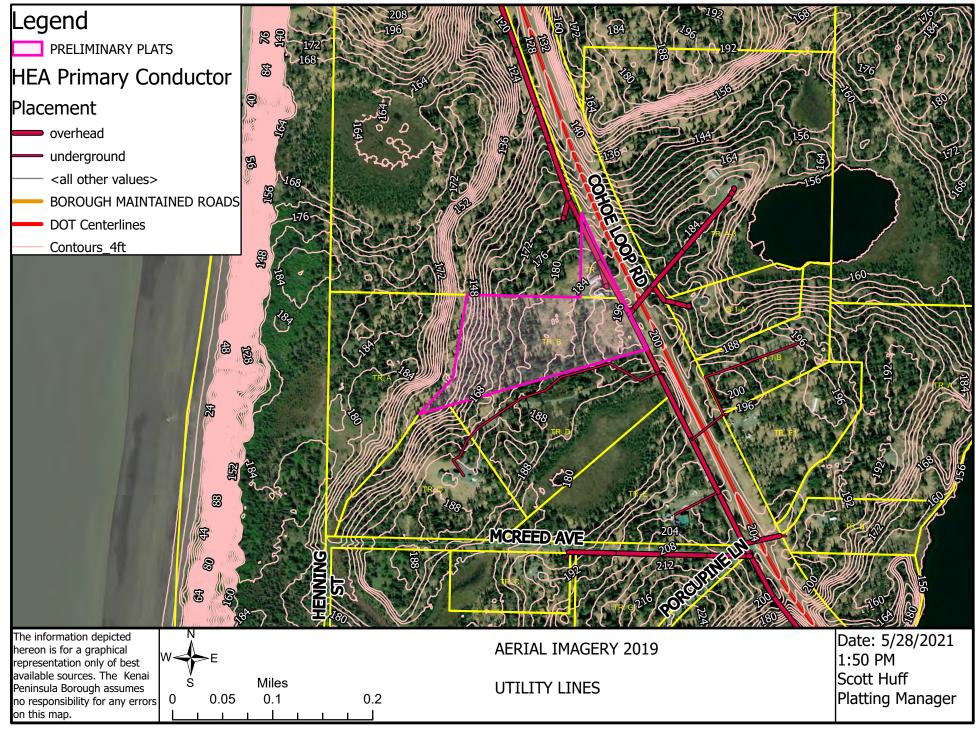
NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

Page 4 of 4



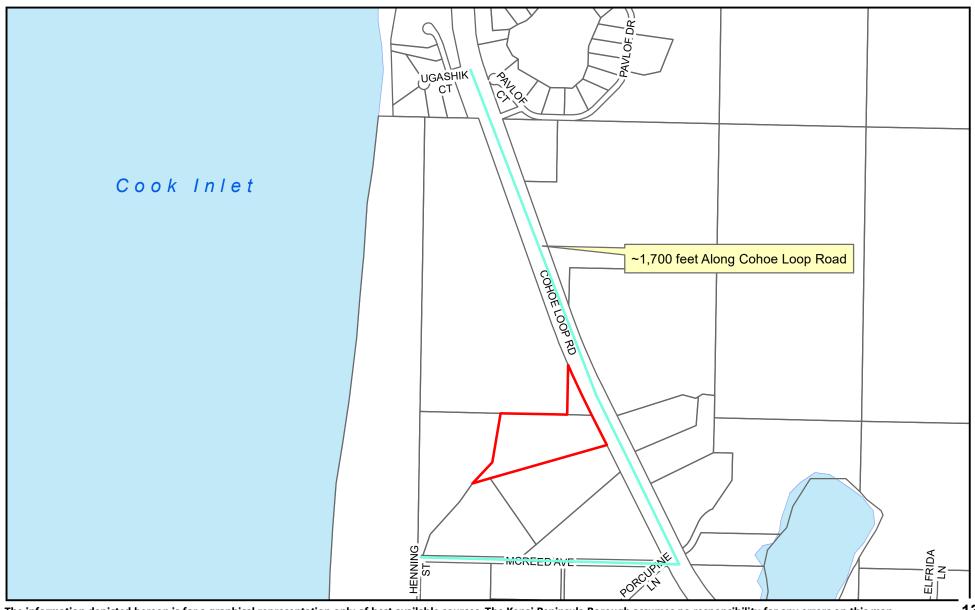


### Kenai Peninsula Borough Planning Department

Block Length



McReed Subdivision 2021 Replat KPB File 2021-093

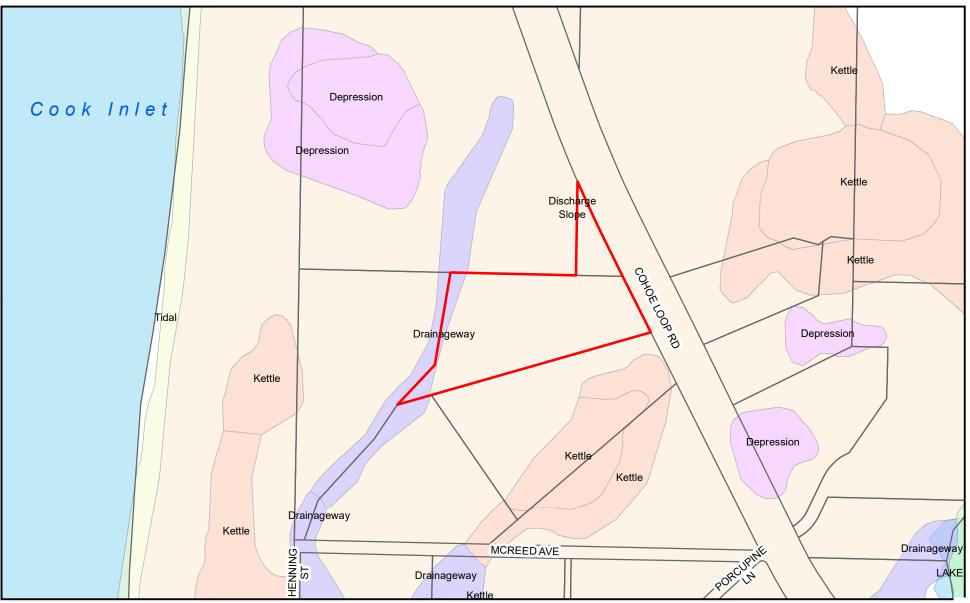


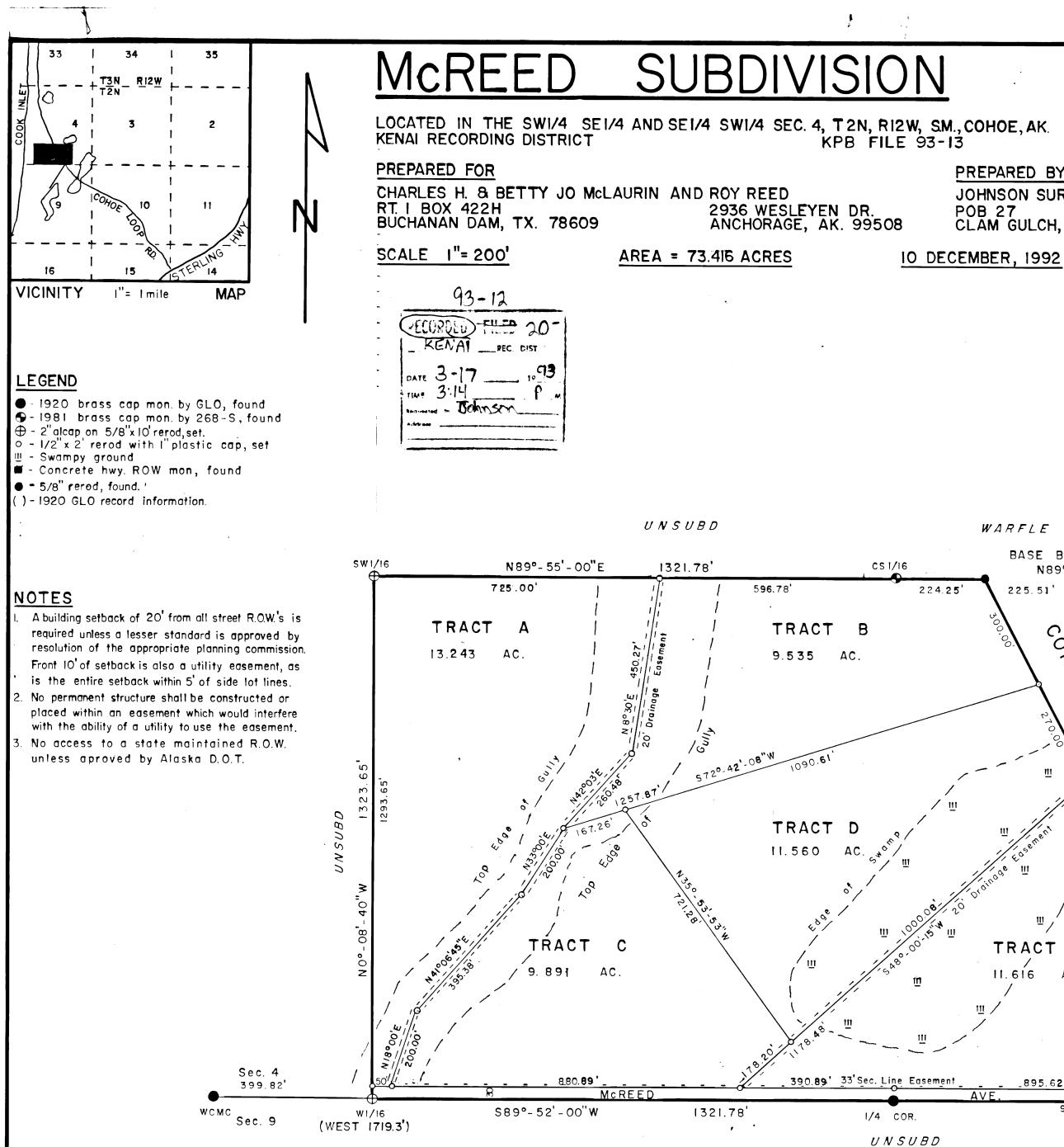


Wetland Assessment

Date: 7/22/2021

### McReed Subdivision 2021 Replat KPB File 2021-093





### WASTEWATER DISPOSAL

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Conditions may not be suitable for onsite wastewater treatment and disposal. All wastewater treatment or disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

Soil conditions on Tracts F and G may require construction of engineered alternate type wastewater disposal systems. Design and construction of alternate wastewater disposal systems may result in additional cost.

Subject to noted restrictions; the A.D.E.C. approves this subdivision for platting

Signature	E.E.	8-1-93
Signature 🔘	Title	Date

TRACTS

N89°-55'-48"E 1321.55' (1321.39')

871.79

TRACT

8.016 AC.

G

TRACT F

8.017 AC.

RD

227.45

S89° - 53' - 49"W

BASE BEARING KR 81-168

WARFLE

225.51

TRACT

.895.6**2'** 

11.616

**AVF** 

• 1

E

AC

911.12

1321.72

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FO

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PREPARED BY JOHNSON SURVEYING POB 27 CLAM GULCH, AK. 99568



SE 1/16

s0,

E1/16

(WEST 1795.9') Sec. 9

МC

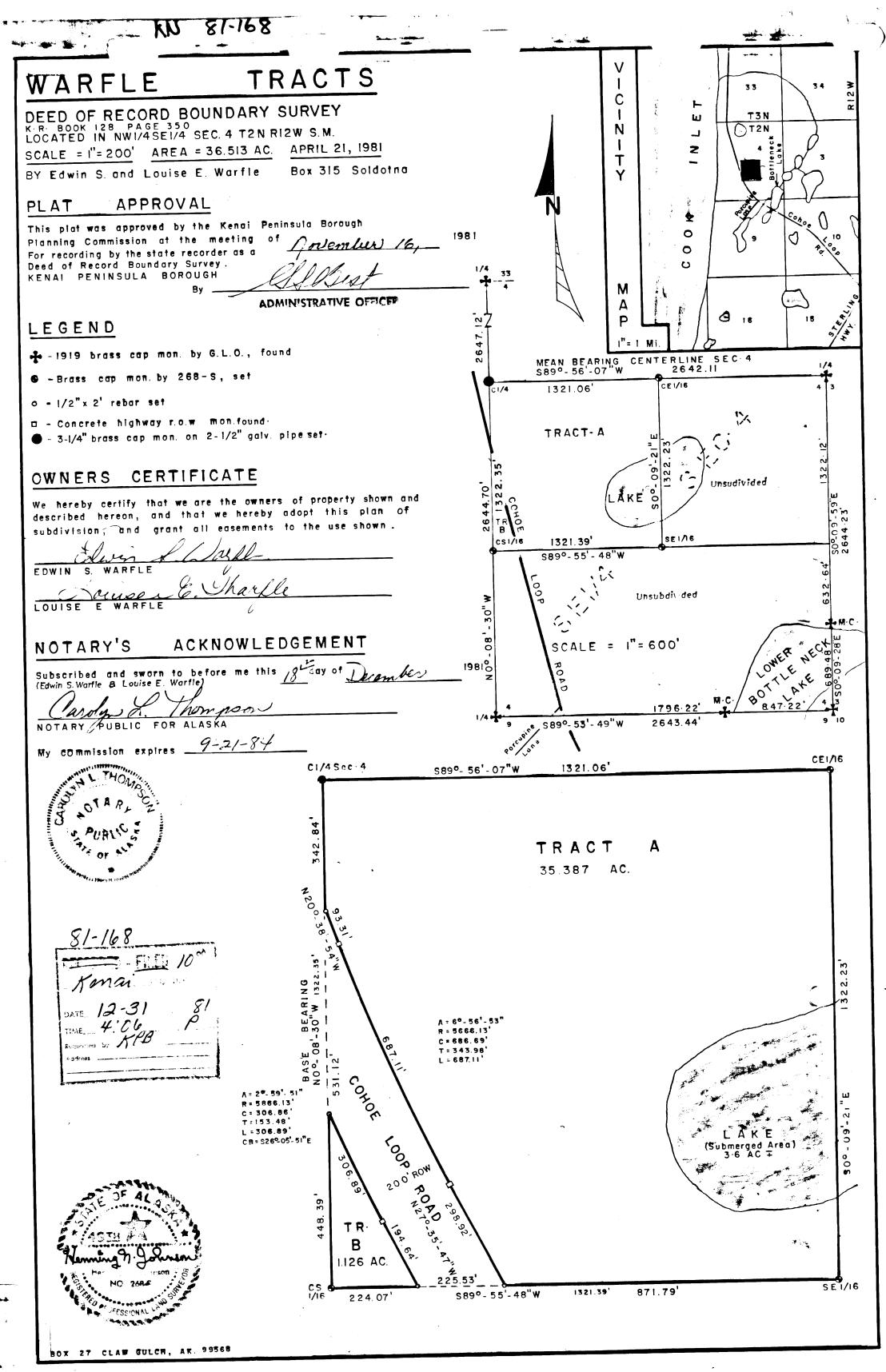
A - 2°- 32'- 36"

U- 183.05

R-1810.00

C - 80.34' L-80.35 BC-N28951-43"W

PLAT APPROVAL This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of <u>25 January</u> ,1993. rehalf we 3-15-93 Authorized Official Date OWNERSHIP CERTIFICATE & DEDICATION We hereby certify that we are the owners of the real property shown and described hereon, and that we hereby adopt this plan of subdivision and by our free consent dedicate all R.O.W.'s to public use and grant all easements to the use shown. CHARLES H McI AURIN Buchanan Dam, TX 78609 Notalin BETTY- JO McLAURIN Rt.1 Box 422H Buchanan Dam, TX 78609 eci ROY REED 2936 Wesleyen Dr. Anchorage, AK. 99508 NOTARY'S ACKNOWLEDGEMENT For Charles H. and Betty Jo McLaurin Subscribed and sworn to before me this 19th day of Jelm warm 1993. ( h Ka) Notary Public for Texas 2-10-94 My commission expires Ο ANNA L GRAHAM 5 Notary Public S STATE OF TEXAS 2 My Commission Expires February 10, 1994 NOTARY'S ACKNOWLEDGEMENT For Roy Reed Subscribed and sworn to before me this <u>11th</u> day of <u>Ebruan</u> 1993 Notary Public for Alaska My commission expires 3-12-9 Sec. 4 474.50

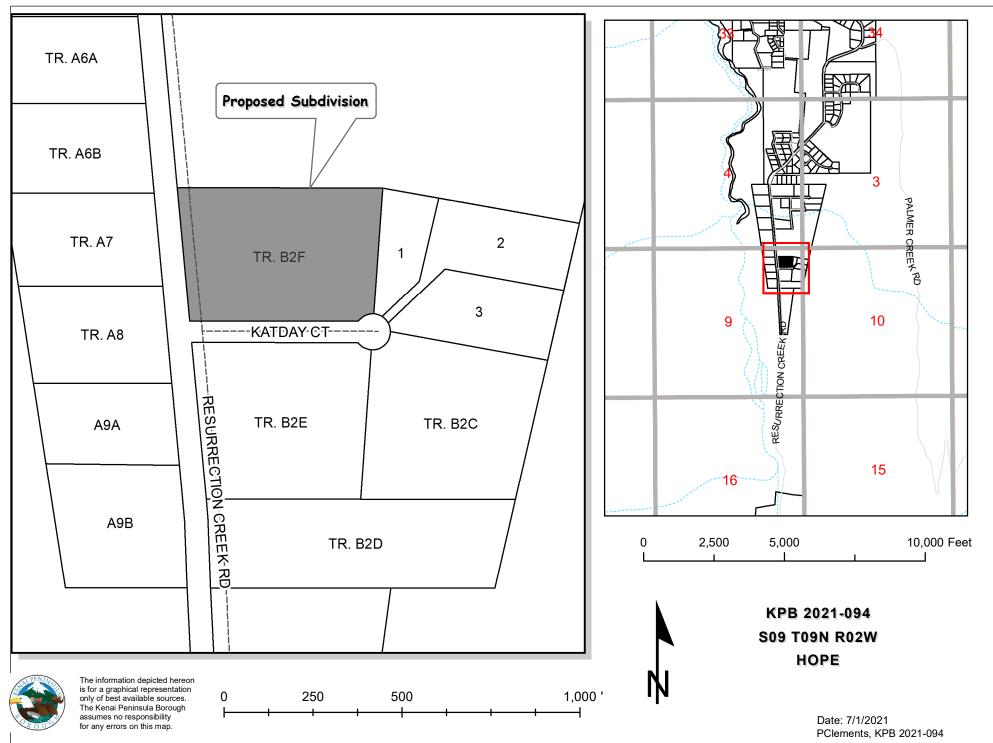


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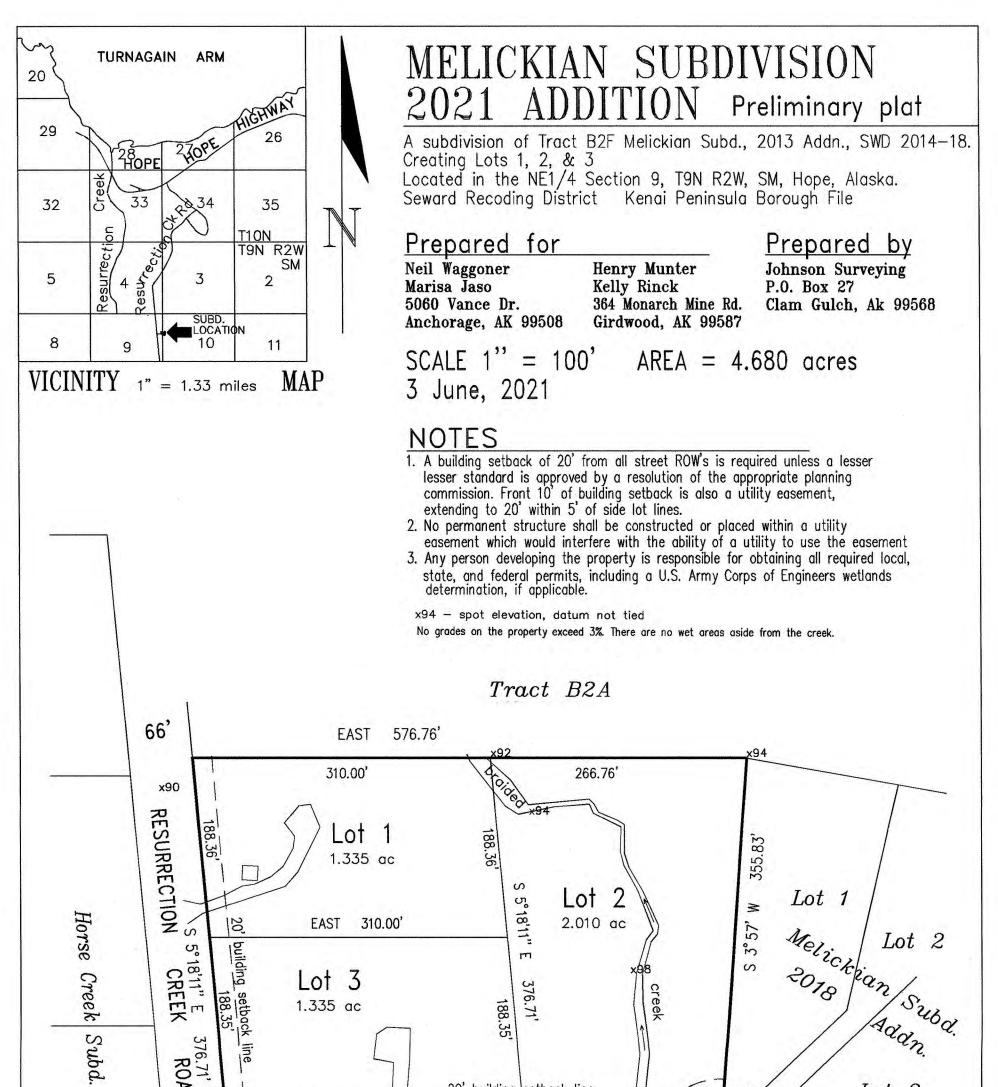
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1. an

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5 building setback line ×100 Lot 3 49.91 #2 310.00' 163.90' WEST 473.90' S KATDAY CT. x97 Tract B2E Tract B2C KPB 2021-094

#### AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-094
Plat Committee Meeting:	August 9, 2021
Applicant / Owner:	Neil Waggoner and Marisa Jaso of Anchorage, Alaska
	Henry Munter and Kelly Rinck of Girdwood, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Норе
Parent Parcel No.:	035-101-37
Legal Description:	Tract B2F, Melickian Subdivision 2013 Addition, Plat SW 2014-18.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site/On Site

#### **ITEM 7 - Melickian Subdivision 2021 Addition**

#### STAFF REPORT

<u>Specific Request / Scope of Subdivision</u>: The proposed plat will subdivide a 4.68 acre parcel into three lots ranging in size from 1.335 acres to 2.010 acres.

**Legal Access (existing and proposed):** Resurrection Creek Road, a Kenai Peninsula Borough maintained right of way, will provide access to both lots. The width of Resurrection Creek Road varies in locations. Adjoining this subdivision, it is 66 feet wide.

Resurrection Creek Road intersects with the Hope Highway, a state maintained right of way, near mile post 16. Resurrection Creek Road is a long right of way that extends south from the Hope Highway and provides access to the Resurrection Creek trail.

Proposed Lot 1 will have access from Resurrection Creek Road. Lot 3 is on the corner of Resurrection Creek Road and Katday Court. Lot 2 will have access by Katday Court. Katday Court is a 60 foot wide cul-de-sac that appears to be constructed but not maintained by the Kenai Peninsula Borough. It appears an access has been developed off Resurrection Creek Road onto Lot 1 and Lot 3 has a drive from Katday Court.

The subdivision is within an open block that does not comply with block length requirements. Due to Chugach National Forest surrounding the areas that are developed the ability to provide a closed block will be difficult.

Katday Court is a closed cul-de-sac that provides access to the lots from the parent subdivision, which abuts the Chugach National Forest. Plat SW 2007-11, Melickian Subdivision, was granted an exception to block length. The exception was not carried forward to Melickian Subdivision 2013 Addition (SW 2014-18) and an exception was not granted as the dedications on that plat improved the block length. It was discussed that due to the creeks and slopes adjoining the Chugach National Forest the dedication of a through street in this area was not an appropriate projection. The USDA Forest Service is being provided notification and may submit comment. **Staff recommends** the plat committee concur that any dedications required will not improve the block and due to terrain and proximity to the Chugach National Forest, an exception and dedications are not required at this time unless requested by USDA Forest Service.

Parent plat SW 2014-18 contained a note regarding driveways on a state right of way. Resurrection Creek Road was at one time maintained by the State of Alaska but jurisdiction has been given to the Kenai Peninsula Borough. **Staff recommends** the plat note not be carried over and any notes requested by State of Alaska DOT be placed on the plat.

KPB Roads Dept. comments Within jurisdiction, no comments

SOA DOT comments No comment
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**Site Investigation:** KPB GIS does not have contour data for this area. The surveyor did state there are no grades exceeding 3 percent on the property. The subdivision, per KPB GIS data, does not have any low wet areas and the surveyor has confirmed this on the plat. A creek runs through the subdivision. The creek is shown on the plat and plat note 3 refers developers to contact the Corps of Engineers.

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

<u>Staff Analysis</u> The proposed plat will divide a 4.68 acre lot into 3 lots. Two of the lots will be 1.335 acres each. These lots both adjoin Resurrection Creek Road and one is a corner lot with frontage on Katday Court. The third lot is 2.010 acres with frontage on Katday Court. A seasonal creek is shown crossing through the middle of Lot 2.

The property was originally part of U.S. Survey 2761. Melickian Subdivision, SW 2007-11, further subdivided tract B from U.S. Survey 2761. The current parent lot configuration was created with Melickian Subdivision 2013 Addition, SW 2014-18.

KPB GIS data shows the property within Chugach National Forest. This is common and is considered a private inholding and the laws and regulations within the Chugach National Forest do not apply to the property.

All lots proposed are under 200,000 square feet and water and wastewater disposal will be on-site. A creek divides proposed Lot 2 and will need to be taken into account for the soils analysis. A soils report will be required and an engineer will sign the final plat.

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

The property is not within an advisory planning commission.

<u>Utility Easements</u> The U.S. Survey did not grant any utility easements. The parent plats did grant the front 10 feet of the 20 foot building setback as well as the full setback within 5 feet of side lot lines as a utility easement. **Staff recommends** the utility easements be depicted on the plat.

**Staff recommends** the utility easement portion of plat note 1 be reworded. "Plats SW 2007-11 and SW 2014-18 granted the front 10 feet of the setback as a utility easement along with the full setback within 5 feet of the side lot lines. This plat will grant additional 20 foot utility easements within 5 feet of the new side lot lines."

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

ENSTAR	No comments or recommendations
ACS	No objection.
GCI	Approved as shown.
SEWARD ELECTRIC	Comments not received when the staff report was prepared
CHUGACH ELECTRIC	Comments not received when the staff report was prepared

#### Utility provider review:

TELALASKA	Comments not received when the staff report was prepared

IN D department / agency review.	
Addressing – Derek Haws	No addresses affected by this subdivision.
	Existing street names are correct.
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are no Local Option Zoning District or material site issues with this proposed plat.
Assessing – Adeena Wilcox	No comment.

#### KPB department / agency review:

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

#### STAFF RECOMMENDATIONS CORRECTIONS / EDITS

#### KPB 20.25.070 - Form and contents required.

#### A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

**Staff recommendation:** KPB Assessing records show a PO Box for Henry Munter and Kelly Rinck. The surveyor should verify the owners mailing address. If the address of record differs than KPB records, the owners should contact the Assessing Department to update their information. Add the KPB File number of 2021-094.

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

Staff recommendation: Provide states labels for the lots on the west side of Resurrection Creek 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 manade features, such as shorelines or streams;

#### Staff recommendation

- Depict and label the boundary for Chugach National Forest.
- The typical scale used is 1 inch equals 1 mile. We have also accepted different scales for vicinity maps but 1 inch equals 1.33 miles is an odd measurement. Please revise the scale of the vicinity map to 1 inch equals 1 mile, 1 inch equals 1.5 miles, or 1 inch equals 2 miles.
- The depiction of the subdivision seems a little off as it appears to be centered on the section line.
   This subdivision is close but does not abut or cross a section line.

#### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils analysis report required for review and an engineer will need to sign the plat. Provide the correct wastewater disposal note. **Staff recommendation**: comply with 20.40.

Page 3 of 4

#### KPB 20.60 – Final Plat

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

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

**Staff recommendation:** The boundary line along the cul-de-sac needs to be revised to match the symbol used on the rest of the boundary.

#### 20.60.180. Plat notes.

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

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

Unless provided a different note by KPB Roads or State DOT add "Resurrection Creek Road ROW is as shown on USS 2761" or provide note regarding source.

#### **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.

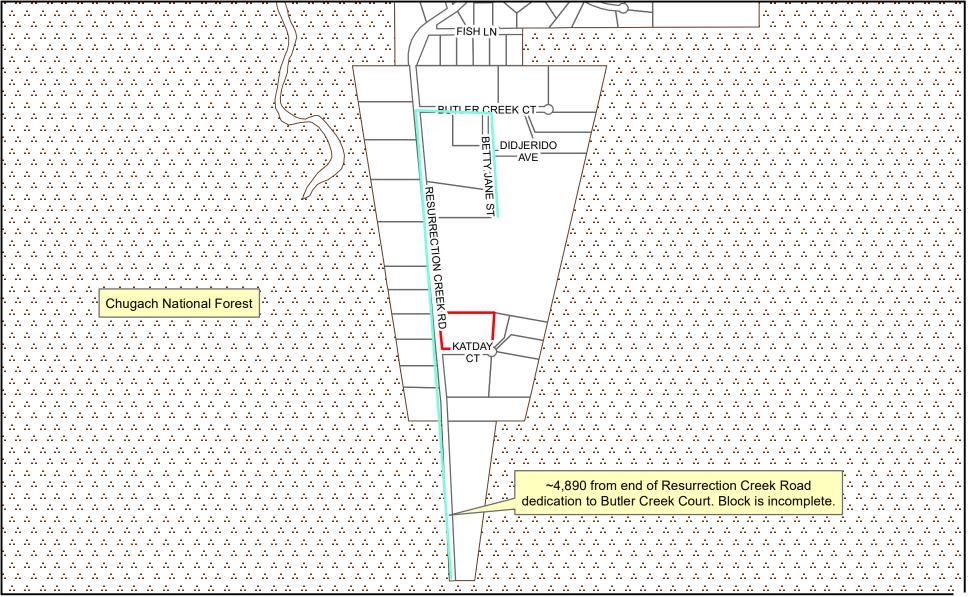
#### END OF STAFF REPORT

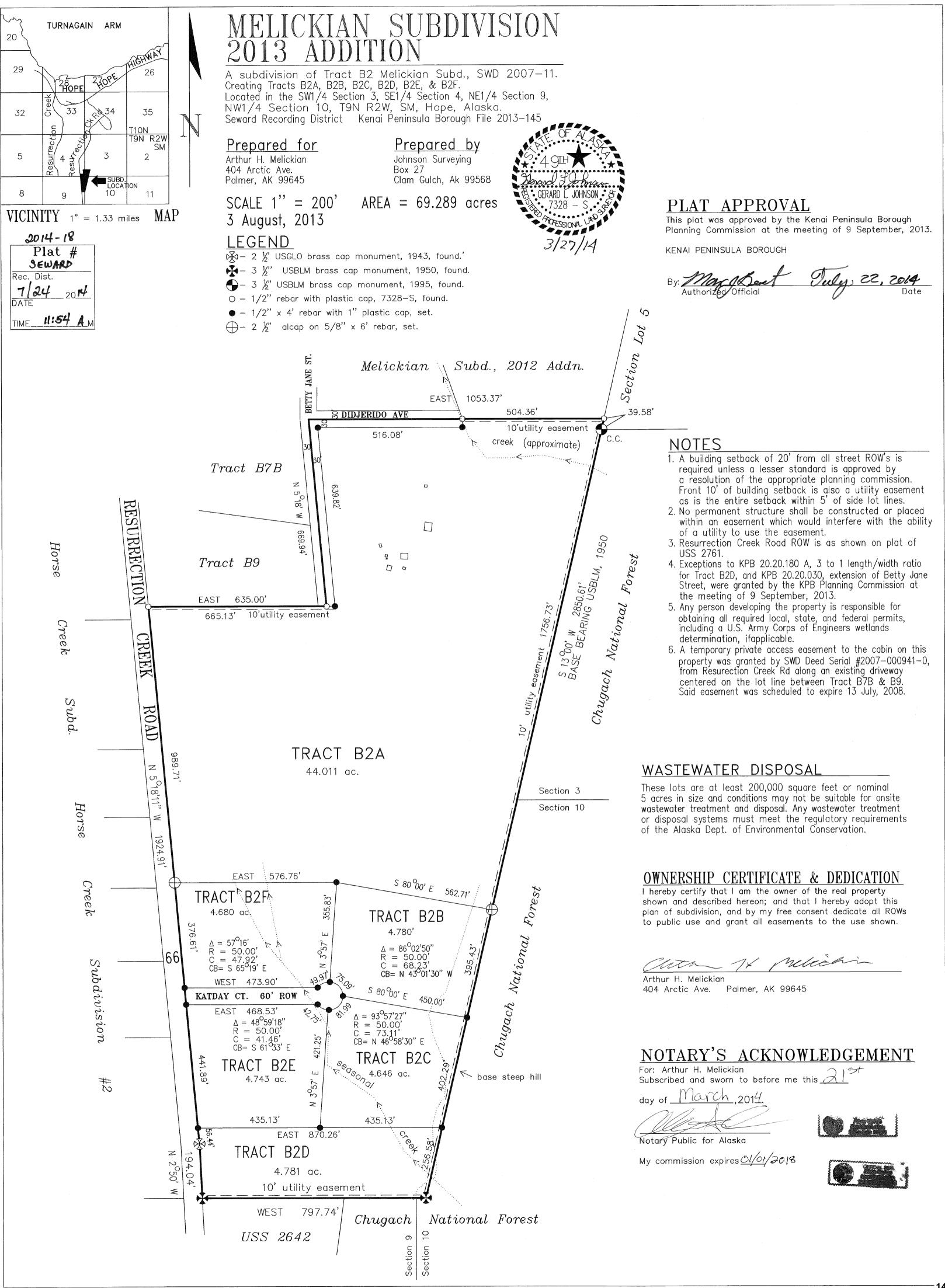


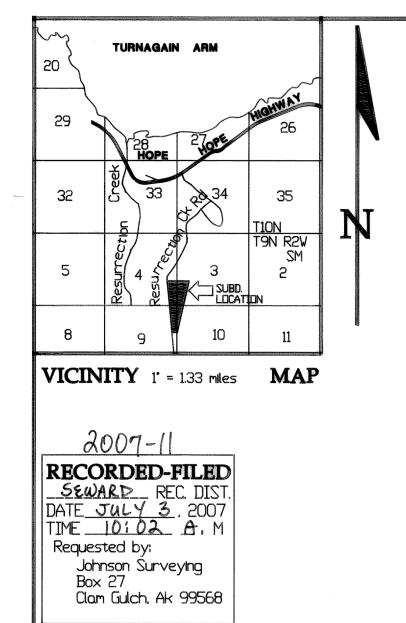
Block Length



# Melickian Subdivision 2021 Addition KPB File 2021-094







# MELICKIAN SUBDIVISION

A subdivision of Tract B USS 2761. Located in the SW1/4 Section 3, SE1/4 Section 4, NE1/4 Section 9, NW1/4 Section 10, T9N R2W, SM, Hope, Alaska. Seward Recording District Kenai Peninsula Borough File 2007-073

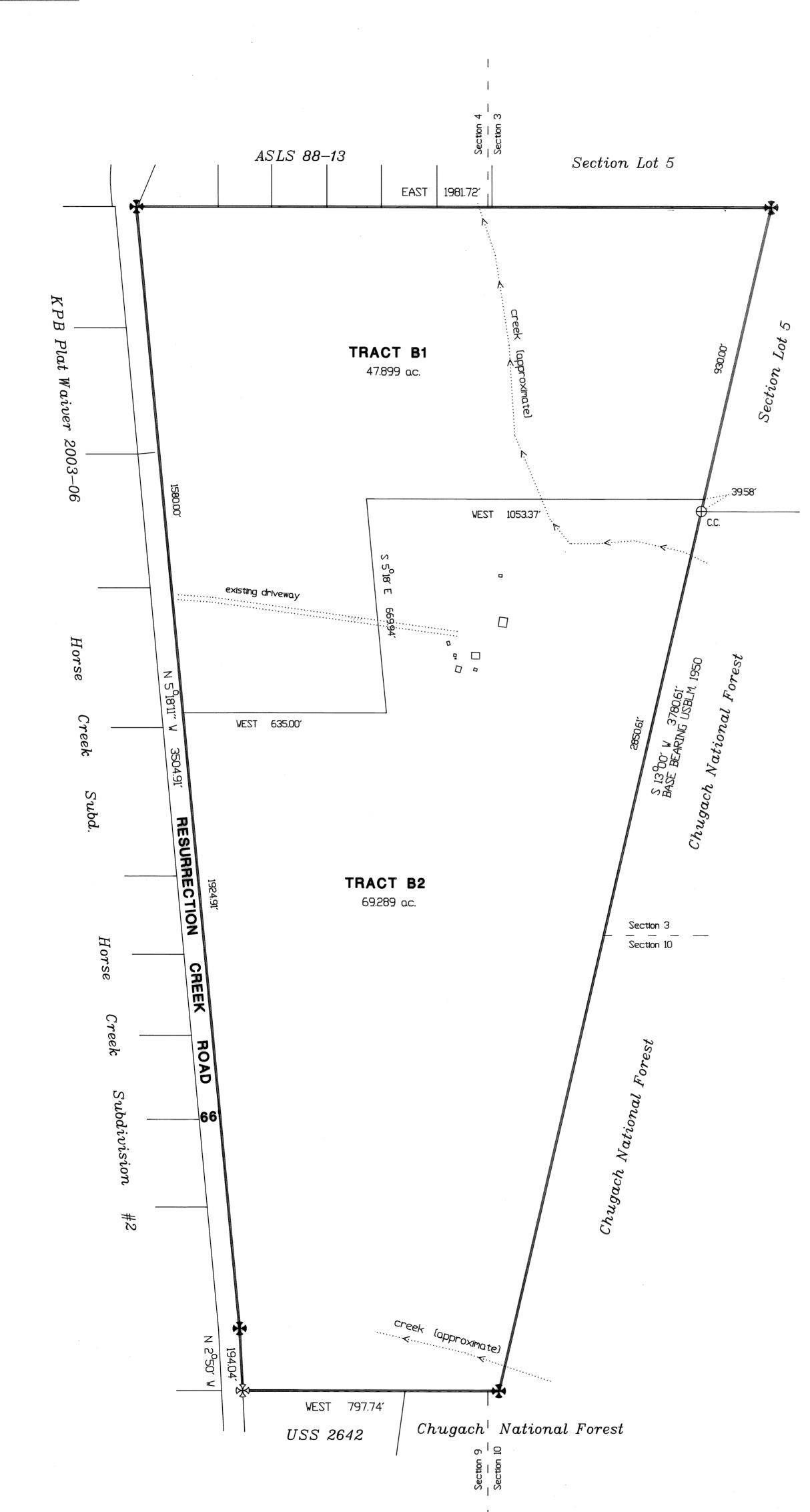
#### Prepared for Prepared by Estate of Marcia M. Butler Johnson Surveying Aurthur H. Melickian Box 27 404 Arctic Ave. Palmer, AK 99645 Clam Gulch, Ak 99568



SCALE 1" = 200' AREA = 117.188 acres 15 February, 2007

# LEGEND

⊛ - 1943 USGL□ 2½" brass cap monument, found. 🔻 - 1950 USBLM 3½" brass cap monument, found.  $\oplus$  - 1995 USBLM 3½" brass cap monument, found.  $\vdash$  - 1/2" × 4" rebar with 1" plastic cap. set. - lot corner, not set



# PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 12 March, 2007.

KENAI PENINSULA BORDUGH

6/22/2007 Date

# NOTES

- 1. A building setback of 20' from all street RDW's is required unless a lesser standard is approved by a resolution of the
- 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 RDW's permitted unless approved by State of Alaska Dept. of Transportation.
  Resurrection Creek Road RDW is as shown on plat of USS 2761.
  Exceptions to KPB 20.20.160 block length & KPB 20.20.030 reasonable access to surrounding property were granted by the KPB Planning Commission at the meeting of 12 March, 2007.

## **OWNERSHIP CERTIFICATE**

We hereby certify that we are the owners of the real property shown and described hereon; and that we hereby adopt this plan of subdivision, and by our free consent grant all easements to the use shown.

Car 2. min TR.

Aurthur H. Melickian, JR. 404 Arctic Ave. Palmer, AK 99645

David Louis Butler, Personal Representative for the Estate of Marcia Erin Melickian Butler 2530 Northrup Place Anchorage, AK 99508

# NOTARY'S ACKNOWLEDGEMENT

For: Aurthur H. Melickian, JR. Subscribed and sworn to before me this <u>Sth</u>

day of \_\_\_\_\_,2007.

Notary Public for Alaska

My commission expires 3/3/08

## NOTARY'S ACKNOWLEDGEMENT

For; David Louis Butler Subscribed and sworn to before me this <u>Sth</u>

day of Jure, 2007.


Notary Public for Alaska

My commission expires 3-31-2008



# WASTEWATER DISPOSAL

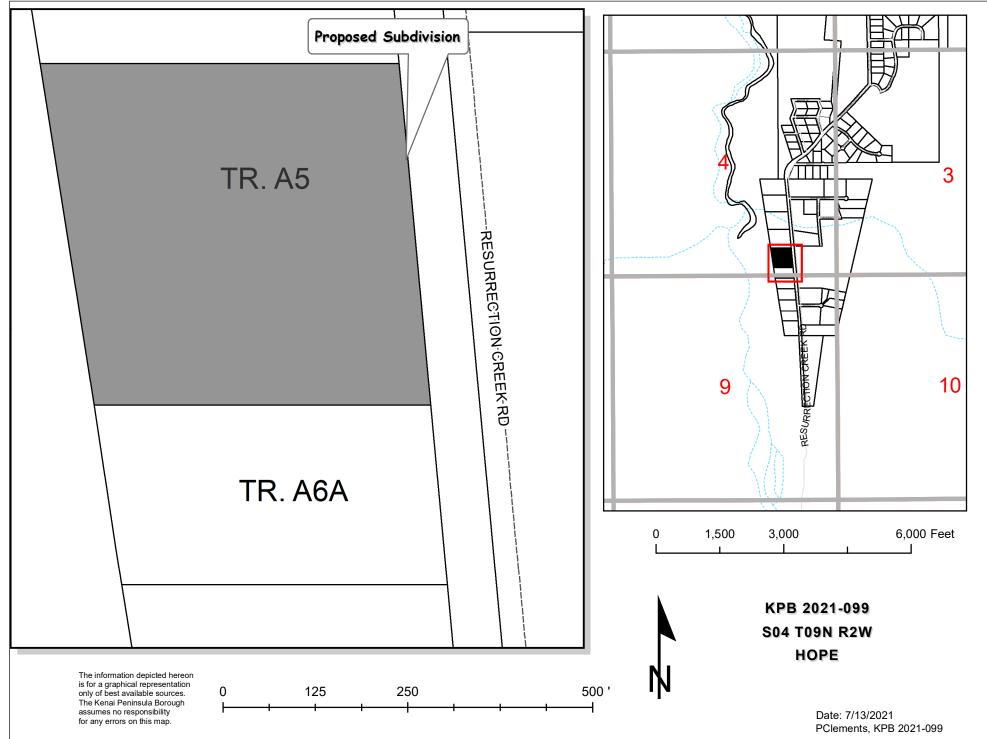
These lots are at least 200,000 square feet or nominal 5 acres In size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

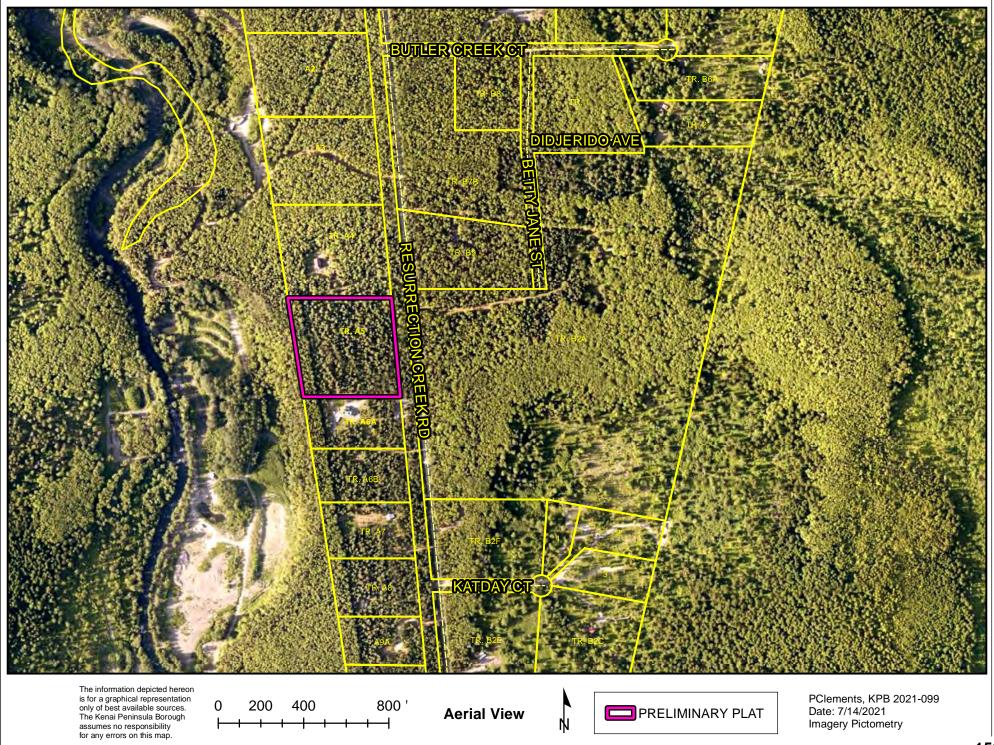


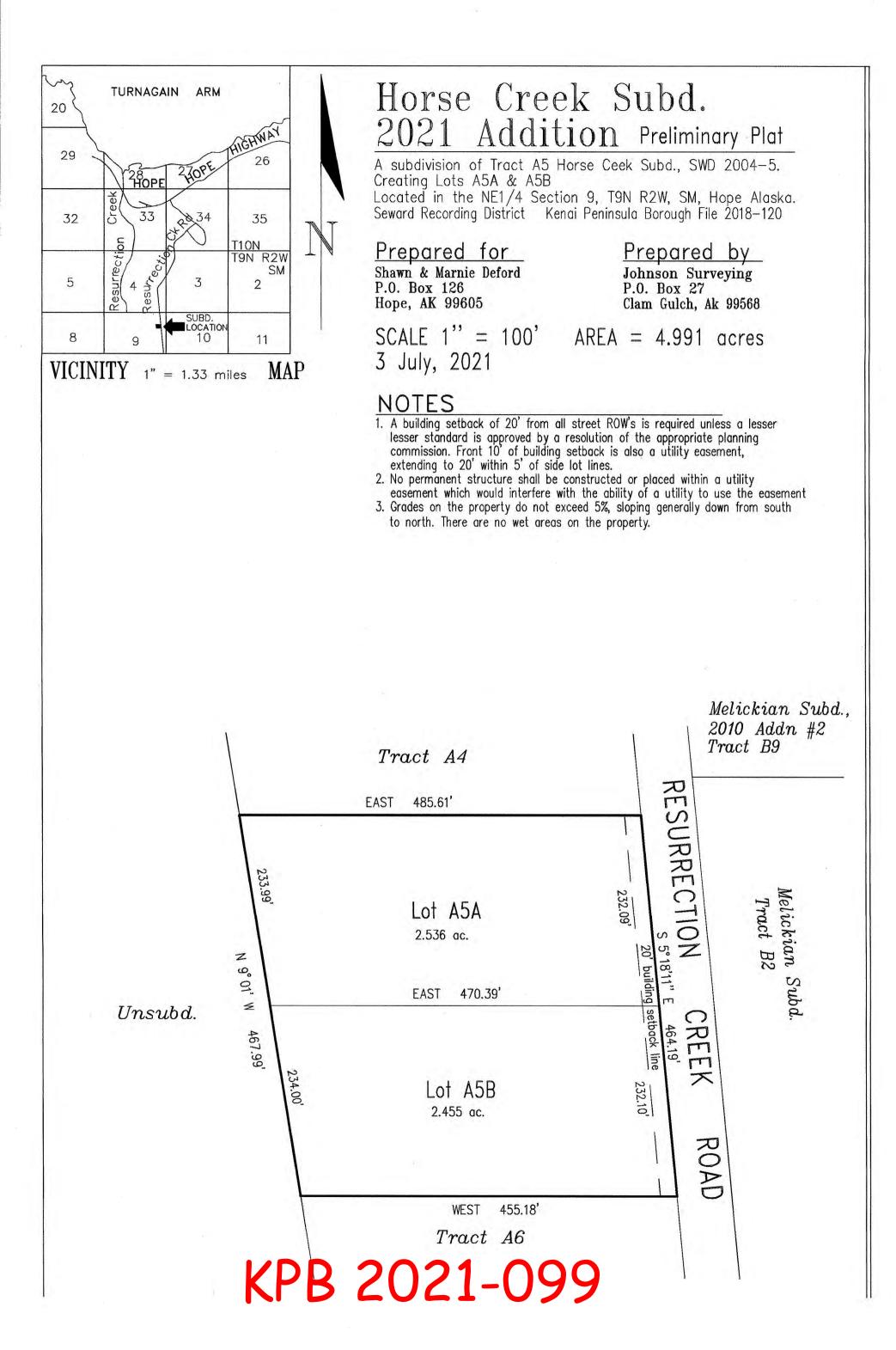
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U.J.	L/t
2761 ORIGINAL	
HOMESTEAD ENTRY SURVEY No. 252,ALASKA	
W. E. HUMES, APPLICANT	
SITUATED IN THE CHUGACH NATIONAL FOREST AJACENT TO RESURRECTION CREEK ROAD ABOUT TWO MILES SOUTH OF HOPE	
AREA: 162.56 ACRES ATITUDE 60°53'20"N., LONGITUDE 149°39'02"W.	
AT CORNER NO. 1	
0 1 2 3 4 5 10 15 20	
SURVEYED BY HAROLD RADCLIFFE, CADASTRAL ENGINEER SEPTEMBER 30, 1950 TO OCTOBER 4, 1950	
UNDER SPECIAL INSTRUCTIONS DATED MAY 15, 1947 AND APPROVED BY THE BUREAU OF LAND MANAGEMENT JUNE 13, 1947	
UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT	
ASHINGTON D. C. JUNE 13, 1951 THIS PLAT IS STRICTLY CONFORMABLE TO APPROVED FIELD NOTES, AND THE SURVEY, HAVING N CORRECTLY EXECUTED IN ACCORDANCE WITH THE UIREMENTS OF LAW AND THE REGULATIONS OF THIS EAU, IS HEREBY ACCEPTED.	
FOR THE DIRECTOR William R. Richards	
CHIEF, BRANCH OF SURVEYS	
	p. E. C.
587 Vol. 472 p2	







#### AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-099
Plat Committee Meeting:	August 9, 2021
Applicant / Owner:	Shawn and Marnie Deford of Hope, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Hope/Hope APC
Parent Parcel No.:	035-101-08
Legal Description:	Tract A5, Horse Creek Subdivision, Plat SW 2004-5.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site/On Site

#### **ITEM 8 - Horse Creek Subdivision 2021 Addition**

#### STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 4.99 acre parcel into two lots that will be 2.54 acres and 2.46 acres.

**Legal Access (existing and proposed):** Resurrection Creek Road, a Kenai Peninsula Borough maintained right of way, will provide access to both lots. The width of Resurrection Creek Road varies in locations. Adjoining this subdivision, it is 66 feet wide.

Resurrection Creek Road intersects with the Hope Highway, a state maintained right of way, near mile post 16. Resurrection Creek Road is a long right of way that extends south from the Hope Highway and provides access to the Resurrection Creek trail. No other dedicated access is available to the proposed subdivision as the western boundary abuts the Chugach National Forest.

The subdivision is within an open block that does not comply with block length requirements. Due to Chugach National Forest surrounding the areas that are developed the ability to provide a closed block will be difficult. Any dedication will provide access to Chugach National Forest and not benefit private land owners.

An exception for block length was granted to the parent subdivision on November 24, 2003. Some of the findings supporting that decision were:

- 1. United States Forest Service owns the large parcel to the west.
- 2. The Forest Service has provided a letter indicating they have sufficient public access to their parcel.
- 3. The subdivision lots are between 420 to 515 feet deep.
- 4. Resurrection Creek lies close to the western boundary of the subdivision.
- 5. Looped access to Resurrection Creek Road may be possible through the land to the east if it is ever subdivided.

The USDA Forest Service has been provided notification and may submit comment. **Staff recommends** the plat committee concur that no changes in the area have occurred since the last platting action in 2004 that would require a dedication and that any dedication required will not improve the block length, thus an exception to KPB 20.30.030 projection of right of way and KPB 20.30.170 Block Length is not required at this time.

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	No comment

<u>Site Investigation:</u> KPB GIS does not have contour data for this area. The surveyor did state there are gentle slopes within the subdivision that do not exceed 5 percent. The subdivision is near Resurrection River and various

creeks but is not within an Anadromous Waters Habitat Protection District. A portion of the subdivision does fall into the Floodplain designation "C", which is minimal flood risk. The subdivision, per KPB GIS data, does not have any low wet areas and the surveyor has confirmed this in plat note 3.

Floodplain Hazard Review	Is in flood hazard area. Flood Zone C. Map Panel: 020012-1125A
Anadromous Waters Habitat	Is not within HPD
Protection District Review	
State Parks Review	No comments
SOA Fish and Game	No objections as will not affect public access to public lands and all other easements are accurately depicted.

**<u>Staff Analysis</u>** The proposed subdivision will be dividing a 5 acre tract into two lots that will be 2.54 and 2.46 acres. The parent parcel was created with Horse Creek Subdivision, SW 2004-5, which was a subdivision of U.S. Survey 2761 US Survey 2761 was completed in 1951. The U.S. Survey showed a tract centered on Resurrection Creek Road at a width of 66 feet.

The subdivision is located in the Hope area and is within the Hope Advisory Planning Commission boundary. Resurrection Creek Road continues south and provides several pull off areas for access to the Chugach National Forest, Resurrection Creek, other creeks, and the Resurrection Trail.

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

The proposed lots are smaller than 200,000 square feet and water and wastewater disposal will be on-site. A soils report will be required and an engineer will sign the final plat.

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

Hope 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.

<u>Utility Easements</u> The U.S. Survey did not grant any utility easements. The parent plat SW 2004-5, granted utility easements, which will be carried forward with this platting action. Plat note 1 states this plat will grant 20 foot utility easements within 5 feet of the new side lot lines.

**Staff recommends** the utility easements be depicted on the plat and the utility easement portion on plat note 1 should be reworded. "Plat SW 2004-5 granted the front 10 feet of the setback as a utility easement along with the full setback within 5 feet of the side lot lines. This plat will grant additional 20 foot utility easements within 5 feet of the new side lot lines."

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

ENSTAR	No comments or recommendations
ACS	No objections
GCI	No comments
SEWARD ELECTRIC	Comments not received when the staff report was prepared.

#### Utility provider review:

CHUGACH ELECTRIC	Comments not received when the staff report was prepared.
TELALASKA	Comments not received when the staff report was prepared.

#### KPB department / agency review:

Addressing – Derek Haws	Affected Address: 63129 Resurrection Creek Road (address will be
-	deleted)
	Existing street names are correct
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with
	the proposed plat.
Assessing – Adeena Wilcox	No comment
Hope Advisory Planning	Comments not received when the staff report was prepared.
Commission	

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

#### STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

#### KPB 20.25.070 - Form and contents required

#### A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

### Staff recommendation:

- Update KPB File number from 2018-120 to KPB 2021-099.
- Correct the spelling of parent subdivision to "Creek".
- The subdivision is located in the SE1/4 of Section 4. Remove "NE1/4" and replace with "SE1/4".
- Revise Section 9 to Section 4 per CTP.
- Capitalize "K" in "AK" for the surveyor's address.
- 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: Add width of Resurrection Creek Road "66".

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

#### Staff recommendation:

- Revise the location of "This Sub" from Section 9 to Section 4 (SE1/4).
- Depict and label the boundary for Chugach National Forest.
- The typical scale used is 1 inch equals 1 mile. We have also accepted different scales for vicinity maps but 1-inch equals 1.33 miles is an odd measurement. Please revise the scale of the vicinity map to 1-inch equals 1 mile, 1 inch equals 1.5 miles, or 1 inch equals 2 miles.

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

### Staff recommendation:

- To the south, update Tract A6 to Tract A6A. Either list the subdivision name or recording number, staff just recommends it be consistent among all adjacent land labels.
- To the east of Resurrection Creek Road, Tract B2 needs updated to Tract B2A. List either the subdivision name or recording number to be consistent to other labels.
- Add a label to the west for Chugach National Forest.

#### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal. *Platting Staff Comments: A soils analysis report is required for review and a licensed engineer will be required to sign the plat. Staff recommendation: comply with 20.40.* 

#### KPB 20.60 – Final Plat

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

### **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.

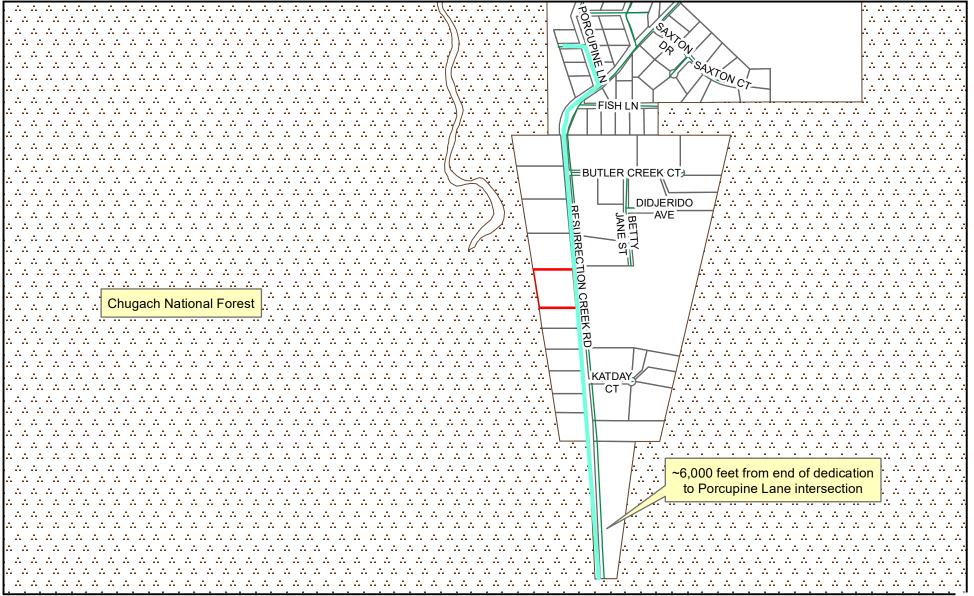
END OF STAFF REPORT

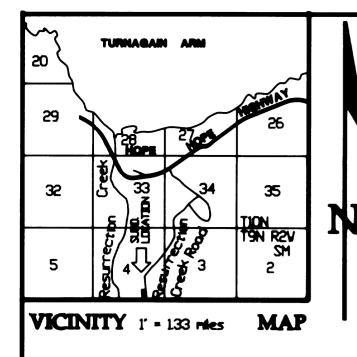


Block Length

Date: 7/22/2021

# Horse Creek Subdivision 2021 Addition KPB File 2021-099





2004 -5

**RECORDED-FILED SEALALD** REC. DIST

DATE 4- 9.7. 2004 TIME 11: 44. A.M.

Johnson Surveying

Clam Gulch. Ak 99568

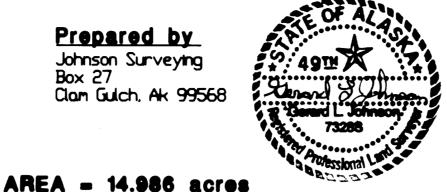
Requested by:

Box 27

# HORSE CREEK SUBDIVISION

A subdivision of a Portion of Tract A USS 2761. Located in the SE1/4, Section 4, T9N R2V, SM, Hope, Alaska. Seward Recording District KPB File 2003-259

Prepared for Shawn Deford P.D. Box 111433 Anchorage, AK 99511 Prepared by Johnson Surveying Box 27 Clam Gulch, Ak 99568



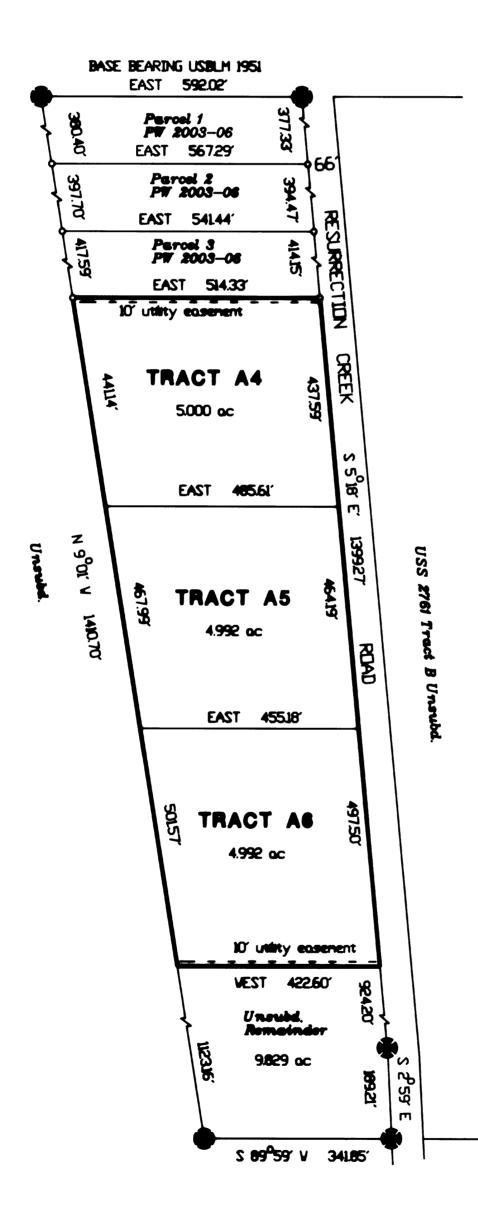
SCALE 1" = 200' 27 Oct., 2003

# LEGEND

- 1950 USBLM 3½" brass cap monument, found.

0 - 1/2" rebar with 1" plastic cap, 7328-S, 2003, found.

⊢ - 1/2"× 24" rebar with 1" plastic cap, set.



# PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 24 November, 2003.

KENAI PENINSULA BORDUGH

BY: mary <mark>4/21/04</mark> Date Authorized Ufficial

# NOTE8

1. A building setback of 20' from all street ROV's 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. No direct access to State maintained RDV's permitted unless approved by State of Alaska Dept. of Transportation.
- 4. Resurrection Creek Road RDV is as shown on plat of USS 2761.
- 5. Exceptions to KPB 20.20.160 block length & KPB 20.20.030 reasonable access to surrounding property were granted by the KPB Planning Commission at the meeting of 24 Nov., 2003.

## OWNERSHIP CERTIFICATE

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 grant all easements to the use shown.

I further certify that Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision. or require signature and approval of beneficiaries.

Kan Detad

Shawn Deford P.D. Box 111433 Anchorage, AK 99589

NOTARY'S ACKNOWLEDGEMENT

For: Shown Deford Subscribed and sworn to before me this <u>31 st</u>


day of March ,2004.

Notori **Jublic for Alas**ka My commission expires 1201



# WASTEWATER DISPOSAL

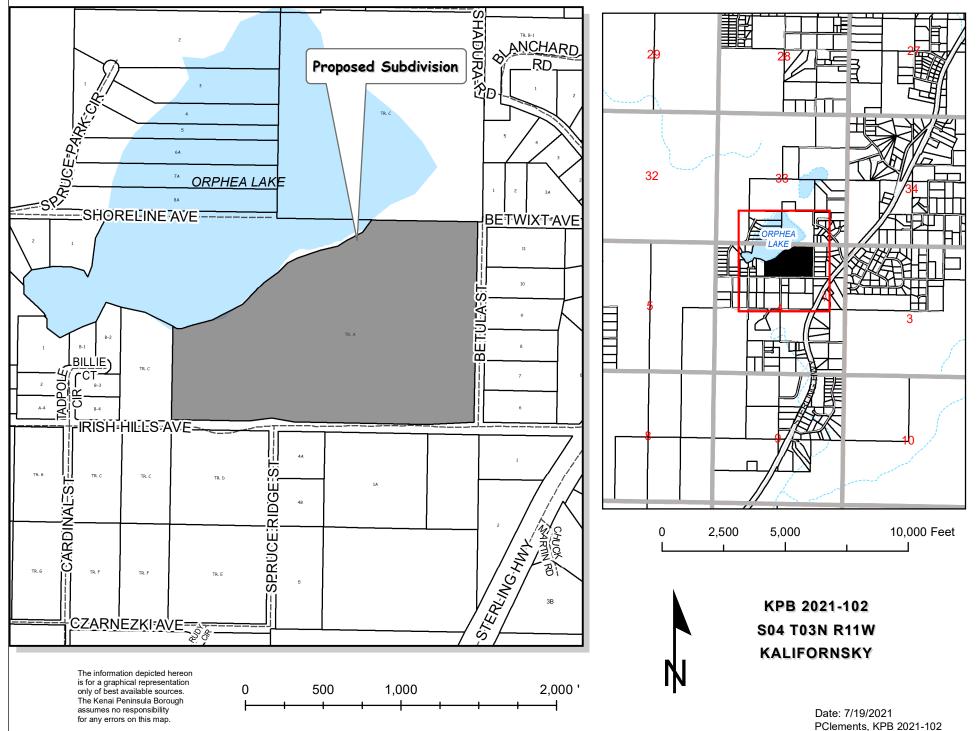
These lots are at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.



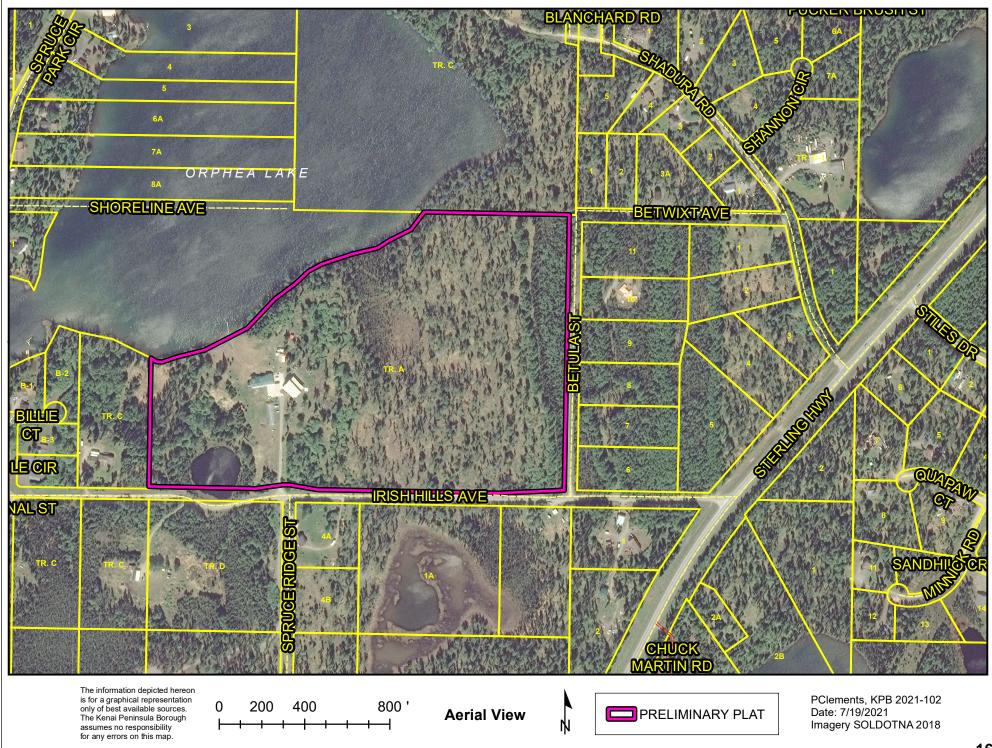
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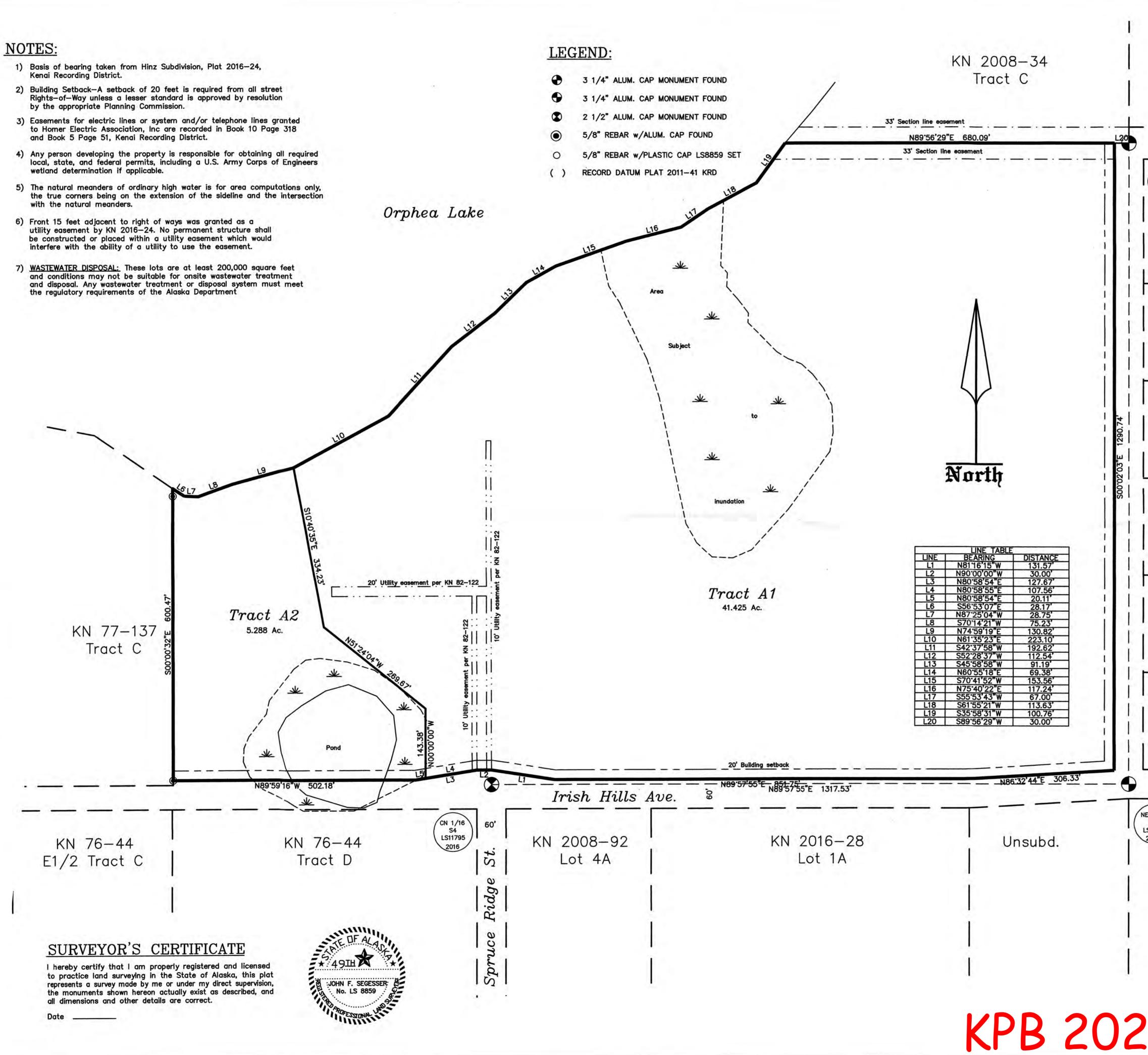
U.J.	L/t
2761 ORIGINAL	
HOMESTEAD ENTRY SURVEY No. 252,ALASKA	
W. E. HUMES, APPLICANT	
SITUATED IN THE CHUGACH NATIONAL FOREST AJACENT TO RESURRECTION CREEK ROAD ABOUT TWO MILES SOUTH OF HOPE	
AREA: 162.56 ACRES ATITUDE 60°53'20"N., LONGITUDE 149°39'02"W.	
AT CORNER NO. 1	
0 1 2 3 4 5 10 15 20	
SURVEYED BY HAROLD RADCLIFFE, CADASTRAL ENGINEER SEPTEMBER 30, 1950 TO OCTOBER 4, 1950	
UNDER SPECIAL INSTRUCTIONS DATED MAY 15, 1947 AND APPROVED BY THE BUREAU OF LAND MANAGEMENT JUNE 13, 1947	
UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT	
ASHINGTON D. C. JUNE 13, 1951 THIS PLAT IS STRICTLY CONFORMABLE TO APPROVED FIELD NOTES, AND THE SURVEY, HAVING N CORRECTLY EXECUTED IN ACCORDANCE WITH THE UIREMENTS OF LAW AND THE REGULATIONS OF THIS EAU, IS HEREBY ACCEPTED.	
FOR THE DIRECTOR William R. Richards	
CHIEF, BRANCH OF SURVEYS	
	p. E. C.
587 Vol. 472 p2	



<sup>2021-102</sup> 



- with the natural meanders.
- be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.



	2	29 28 27 26 Ct
KN 85–22 Lot 1 Block B	Ń	Irish Hills Rd THIS PLAT
is Betwixt Av	5 VICINITY MAP 1" = 1 MILE <sup>8</sup>	Company of the second s
KN 2011-3 Lot 11		of OWNERSHIP EDICATION
	SHOWN AND DESCRIBED HEREON ANI OF SUBDIVISION AND BY OUR FREE	THE OWNERS OF THE REAL PROPERTY D THAT WE HEREBY ADOPT THIS PLAN CONSENT DEDICATE ALL RIGHTS-OF- USE AND GRANT ALL EASEMENTS TO
KN 2011-3 Lot 10		JANE M. HINZ HILLS AVENUE LASKA 99669
KN 2011-3	FOR	<u>NOWLEDGEMENT</u>
Lot 9	ACKNOWLEDGED BEFORE ME THIS NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES	DAY OF 20 
KN 2011-3 Lot 8	FOR	<u>NOWLEDGEMENT</u>
KN 2011-3 Lot 7	ACKNOWLEDGED BEFORE ME THIS NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES	DAY OF 20
KN 2011-3 Lot 6		PPROVAL Y THE KENAI PENINSULA BOROUGH
L		NINSULA BOROUGH
NE 1/16 S4		ED OFFICIAL
KN 2013-48 Lot 1	KPB FILE No. Hinz Sub	division No. 2
	Kenai Recording District Located within the NW1/4 NE	, Hinz Subdivision, Plat 2016-24 1/4 and NE1/4 NW1/4 Section 4,
	T4N, R11W, S.M., Kenai Penins Containing 46.825 Ac.	ana borougn, Alaska.
	Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owners Terrance W. and Jane M. Hinz 49530 Irish Hills Avenue Soldotna, Alaska 99669
21-102	JOB NO. 21158	DRAWN: 7-14-21
<b>1-10C</b>	SURVEYED: July, 2021 FIELD BOOK: 21-2	SCALE: 1"=100' SHEET: 1 of 1
	, 120 0001. 21-2	SHEET: 1 of 1

#### AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-102
Plat Committee Meeting:	August 9, 2021
Applicant / Owner:	Terrance W. and Jane M. Hinz of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys, Inc.
General Location:	Kalifornsky / Kalifornsky APC
Parent Parcel No.:	133-034-37
Legal Description:	Tract A Hinz Subdivision Plat KN 2016-24
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

#### ITEM 9 - Hinz Subdivision No 2

#### STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide one 46.825 acre tract into two tracts ranging in size from 5.288 acres to 41.425 acres.

**Legal Access (existing and proposed):** The proposed subdivision is located on Irish Hills Avenue, a borough maintained right of way. Irish Hills Avenue is located near mile 104 of the Sterling Highway. The width of Irish Hills Avenue varies. Abutting the proposed subdivision it is mostly 60 feet wide but due to terrain and actual construction areas, the width varies within a couple of locations.

A 33 foot section line easement adjoins the north subdivision boundary. This section line easement provides access to Orphea Lake. The terrain in that area appears to be relatively flat. To the east of the subdivision is Betwixt Avenue, a 66 foot wide right of way. Per KPB Code, a continuation of Betwixt Avenue should be granted in conjunction with the section line easement. They surveyor has commented that he would dedicate the continuation of Betwixt Avenue if requested.

The block is not closed due to Orphea Lake and dedicated cul-de-sac. The distance along Betula Street is within the allowable lengths. The block along Irish Hills Avenue exceed code requirements. An exception for block length has been requested.

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	No comment

<u>Site Investigation</u>: The proposed plat is along Orphea Lake. The areas subject to inundation are depicted. A pond will be located on Tract A2. It is depicted along with the adjoining wet areas. The appropriate note referring to the U.S. Corps of Engineers is on the plat.

KPB GIS data shows that there may be areas with steep slopes. The parent plat had depicted areas affected by steep slopes. *Staff recommends* any steep slopes within the subdivision be depicted and noted on the plat.

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

<u>Staff Analysis</u> O'Loughlin Subdivision, KN 82-722, subdivided an aliquot parcel. KN 82-722 granted the utility easements seen within Tract A1. Hinz Subdivision, KN 2016-24, replated the lots created by KN 82-722 with portions of neighboring Government Lots.

KN 2016-24 combined all the lots into one large tract. It also dedicated an additional 10 feet of Irish Hills Avenue to bring into compliance with the minimum width of 60 feet. Additional right of way was dedicated north of the intersection with Spruce Ridge Street and near the intersection with Betula Street. There was also a matching dedication of Betula Street granted.

Per KPB GIS imagery, there are structures present and the lot line configuration will place the improvements on Tract A1. Tract A2 will not contain any improvements.

The lots are larger than 200,000 square feet, a soils analysis report is not required, and an engineer will not need to sign the plat.

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

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

<u>Utility Easements</u> Plat KN 82-122, granted several utility easement along the lot lines. The easements stayed in place when the lots were replated and are depicted on the plat.

KN 2016-24 dedicated 15 feet utility easements along all right of ways. Plat note 6 addresses those easements of record. If a dedication is required to comply with block length, or continuation of Betwixt Avenue, **Staff recommends** the note be revised to grant new dedications or a new note be added.

Several easements have been granted to Homer Electric Association by recorded document. Those are noted in plat note 3. The note should be revised to state "No definite location disclosed."

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** revise plat note 3, depict utility easements and to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

#### Utility provider review:

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

#### KPB department / agency review:

Affected Addresses, 10520 trich Hills Avenue (will remain with Treat A1)
Affected Addresses: 49530 Irish Hills Avenue (will remain with Tract A1)
and 49612 Irish Hills Avenue (will remain with Tract A2).
Correct existing street name: ROW along the east side of Tract A1 should
be Betula Street. All other existing street names are correct.
No comment
There are not any Local Option Zoning District or material site issues with
this proposed plat.
No comment
Comments not received prior to staff report being prepared

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

### STAFF RECOMMENDATIONS CORRECTIONS / EDITS

#### KPB 20.25.070 - Form and contents required

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

#### Staff recommendation: Revise the township to 3 North.

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:

- Right of way to the east is not labeled. Label Betula Street and provide a right of way width label.
- The width of Irish Hills Avenue varies in one location along the subdivision. Provide a "width varies" label for this portion.
- The label for Betwixt Avenue is incomplete. Please correct.
- 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:** Vicinity Map has an incorrect location for "this plat". Correct the label for "Irish Hills Road".

M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
 Staff recommendation: Depict any steep slopes that affect this plat.

### KPB 20.30 Design Requirements

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

20.30.030. Proposed street layout-Requirements.

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

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

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

**Staff recommendation:** Dedication of the continuation of Betwixt Avenue is required. Dedicate a minimum 30 foot width right of way and depict a remaining 3 foot section line easement or dedicate the full 33 foot width of the section line easement.

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.

Staff recommendation: The dedication will provide access to a waterbody.

20.40.010 Wastewater disposal.

#### KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: Both lots are larger than 200,000 square feet. An analysis report and signature by licensed surveyor will not be required. Correct plat note is on the plat.

Staff recommendation: comply with 20.40.

### KPB 20.60 – Final Plat

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

20.60.040. 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 any new right of way dedications that are 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. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

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

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

**Staff recommendation**: Provide the source for the meander line data. Any witness markers used shall be noted as such with dimensions to true corners. Correct any overstrikes on dimensional data. Comply with 20.60.110.

20.60.180. Plat notes.

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

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

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation**: Certificate of Acceptance to be signed by a Kenai Peninsula Borough Authorized Official is required with right of way dedications. Comply with 20.60.190.

## EXCEPTIONS REQUESTED:

#### KPB 20.30.170 – Block Length Requirements

<u>Staff Discussion</u>: The block does not meet length requirements. The north-south block length dimension is 1320 feet and complies with code. The east-west block length dimension along Irish Hills Avenue is 2,620 feet and does not comply with code.

Orphea Lake borders the north boundary of the subdivision and limits any extension of right of way.

Tract A1 is 41 acres in size and can be further subdivided in the future. Any subdivision of Tract A1 will need to comply with KPB code including the block length requirement.

If the exception is denied, dedications will be required that intersect Irish Hills Avenue and end at the lake or the northern section line easement.

### Findings:

- 1. Shoreline Avenue, section line easements, Betula Street, Irish Hills Avenue, and Spruce Park Drive define the block.
- 2. Shoreline Avenue and the section line easements extend to, and across, the lake.
- 3. A dedication along the western boundary would end at the lake and would still result in two blocks that exceed length requirements.
- 4. An extension of Spruce Ridge Street would be affected by the existing residence.
- 5. The surveyor has agreed to dedicate an extension of Betwixt Avenue atop the section line easement.
- 6. The section line easement provides public access to the lake.
- 7. The right of way dedication will provide public access to the lake.
- 8. The lake has public access from east and west.
- 9. Tract A1 will be a large acreage lot approximately 41 acres.
- 10. Tract A1 can be further subdivided and dedicate required roads at that time to meet the design of the plat.
- 11. There is a pond with low wet areas surrounding it on Tract A2.
- 12. Tract A1 contains wetlands.
- 13. Per the parent plat, there are steep slopes along the western boundary.
- 14. No lots are being denied access.

#### 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, 4, 9, 10, 11 appear to support this standard.**
- 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, 4, 9, 10, 11 appear to support this standard.
- 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, 4, 9, 10, 11 appear to support this standard.

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

### **RECOMMENDATION:**

#### SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

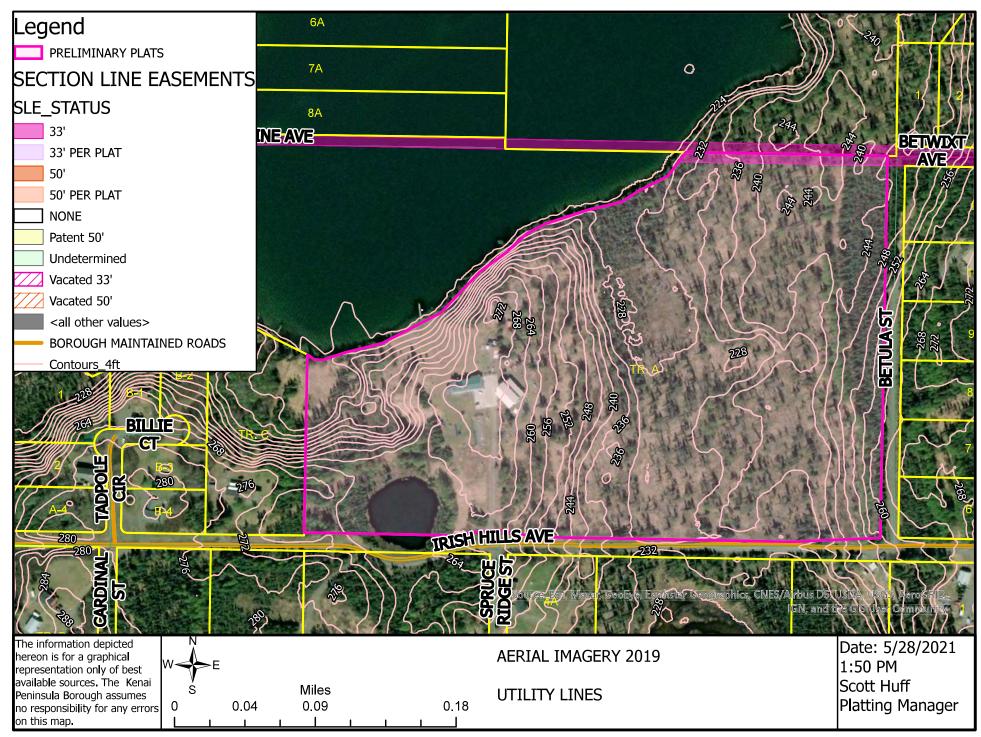
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT



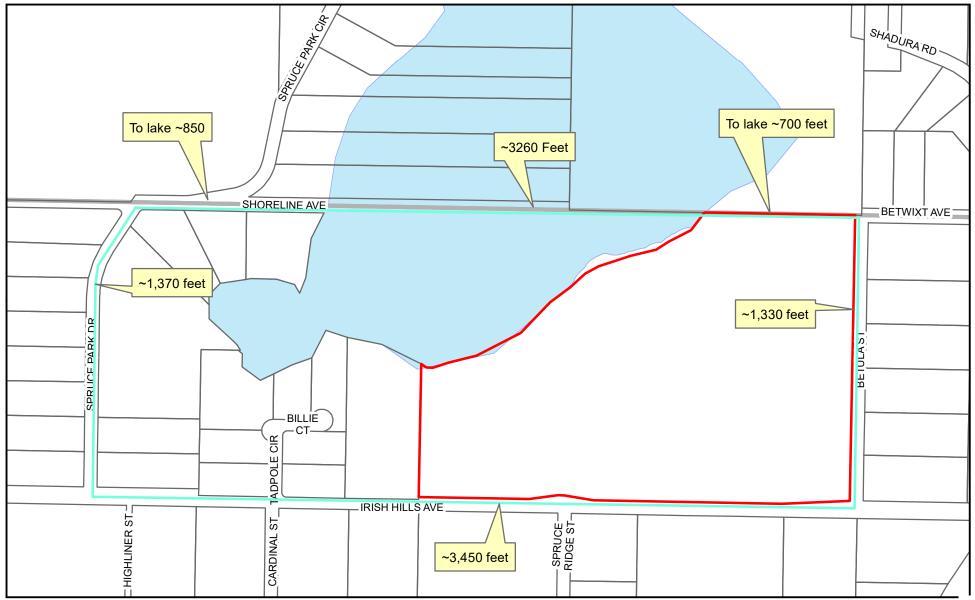


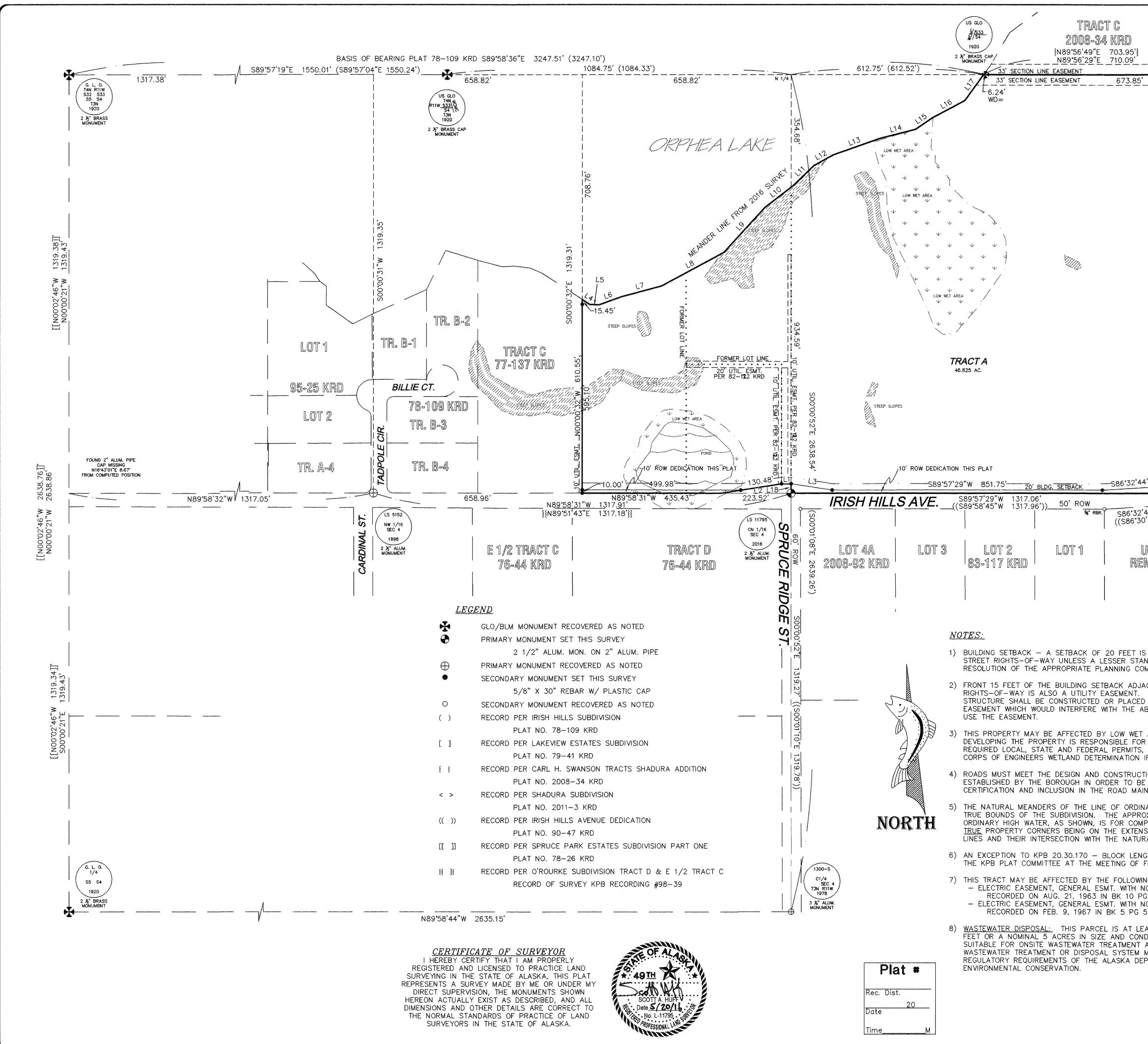
# Kenai Peninsula Borough Planning Department

Block Length

Date: 7/30/2021

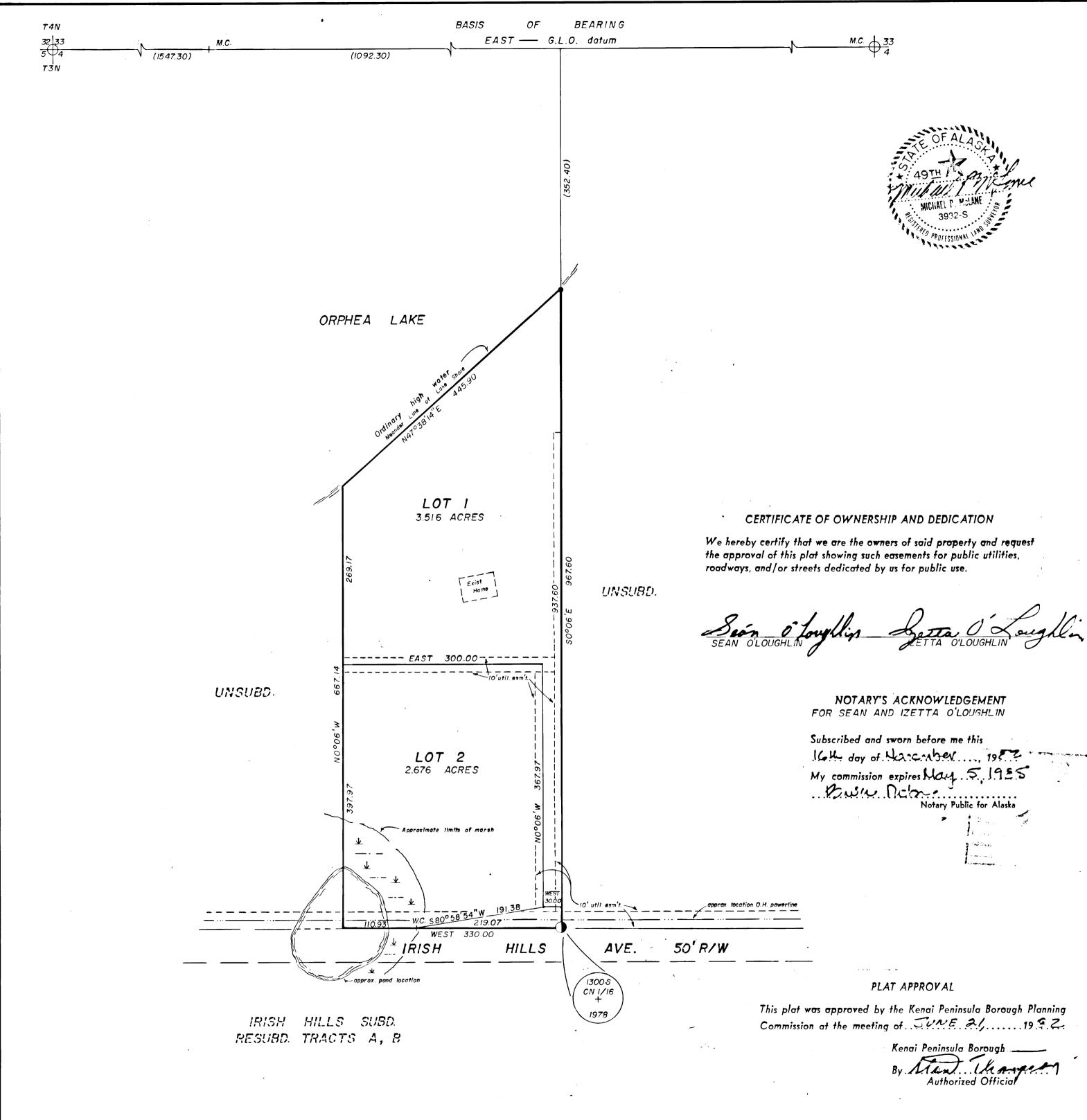
Hinz Subdivision No. 2 KPB File 2021-102





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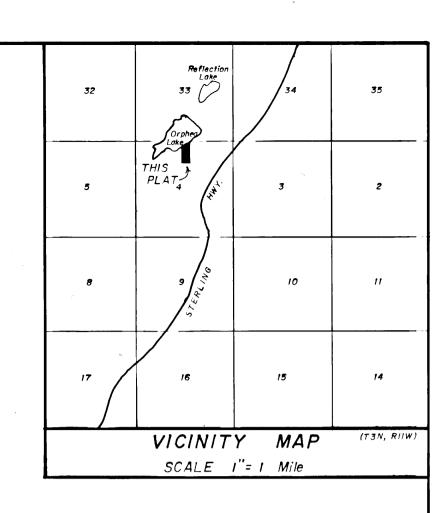
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M.C. 33



NOTARY'S ACKNOWLEDGEMENT



#### LEGEND AND NOTES

- **Found official survey monument.**
- ⊕ G.L.O. monument record position.
- Found 1/2" steel rod.
- ⊥ 'Set 1/2"x 24" steel rebar a all new lot corners.

All bearings refer to the NORTH boundary of Section 4 as being EAST G.L.O. datum.

All wastewater treatment and disposal systems shall comply with existing law at time of construction.

Building set back—A building set back of 20' is required from all street rights of ways unless a lesser standard is approved by resolution of the appropriate planning commission.

No structures shall be constructed on the panhandle of Lot 1.

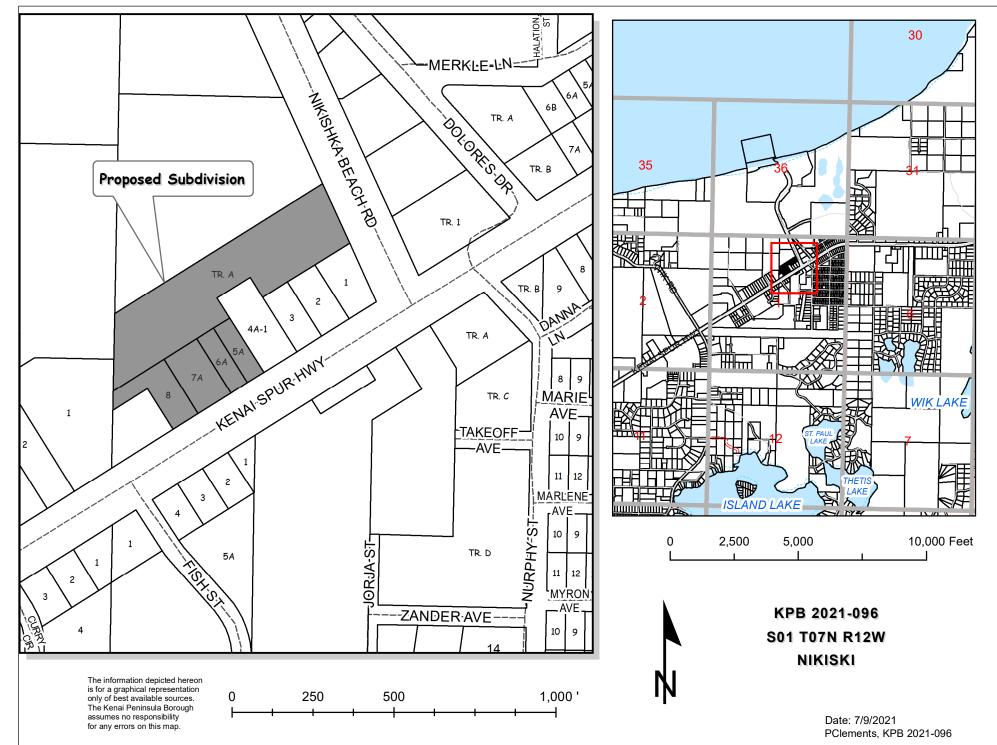
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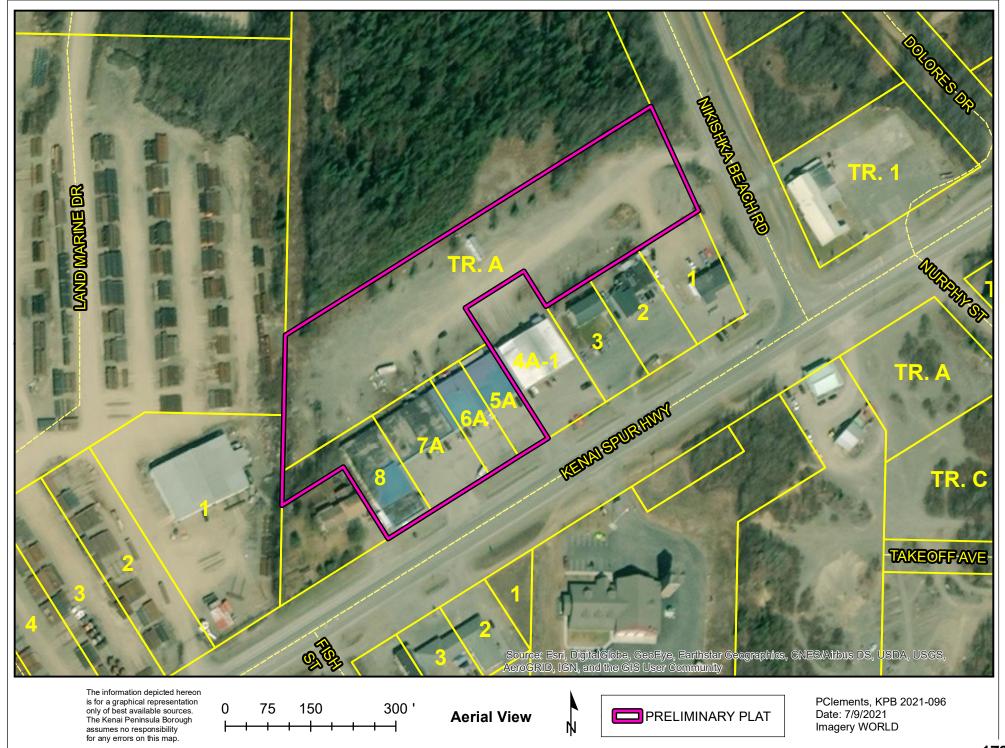
82-26

FOR SEAN AND IZETTA O'LOUGHLIN Subscribed and sworn before me this 16th doy of Marcinber 1982 My commission expires May . 5, 1955 Huin DEm. Notary Public for Alaska --1 4 ---DATE 11-22 182 PU 81110 n Lane H 2 Bellinson - ----A CONTRACTOR O'LOUGHLIN SUBDIVISION Sean O'Loughlin, owner . . . . . . . . . . P.O. Box 505 Soldotna, Ak. 99669 PLAT APPROVAL LOCATION 6.192 ACRES SITUATED IN THE NEI/4 NWI/4 SEC. 4, T3N, RIIW, S.M., AK. AND THE KENAL PENINSULA This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of JUNE 21, ...... 19 9.2. BOROUGH. Kenai Peninsula Borough By Man ... Ile ange Surveyed by : McLane and Associates, Inc. Soldotna, Ak. 99669 SCALE DATE BK. NO.

JUNE 3, 1982

171





# LEGEND:

- 0 3 1/4" ALUM. CAP MONUMENT 4928-S 1992 FOUND
- 3 1/4" ALUM. CAP MONUMENT LS6101 1985 FOUND 0

LS 6101

1/4 S1 1985

North

Unsubdivided

Lot

Block

4928-S

CN 1/16 SEC 1 1992

- 5/8" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET 0
- RECORD DATUM PLAT 2011-55 KRD

# NOTES:

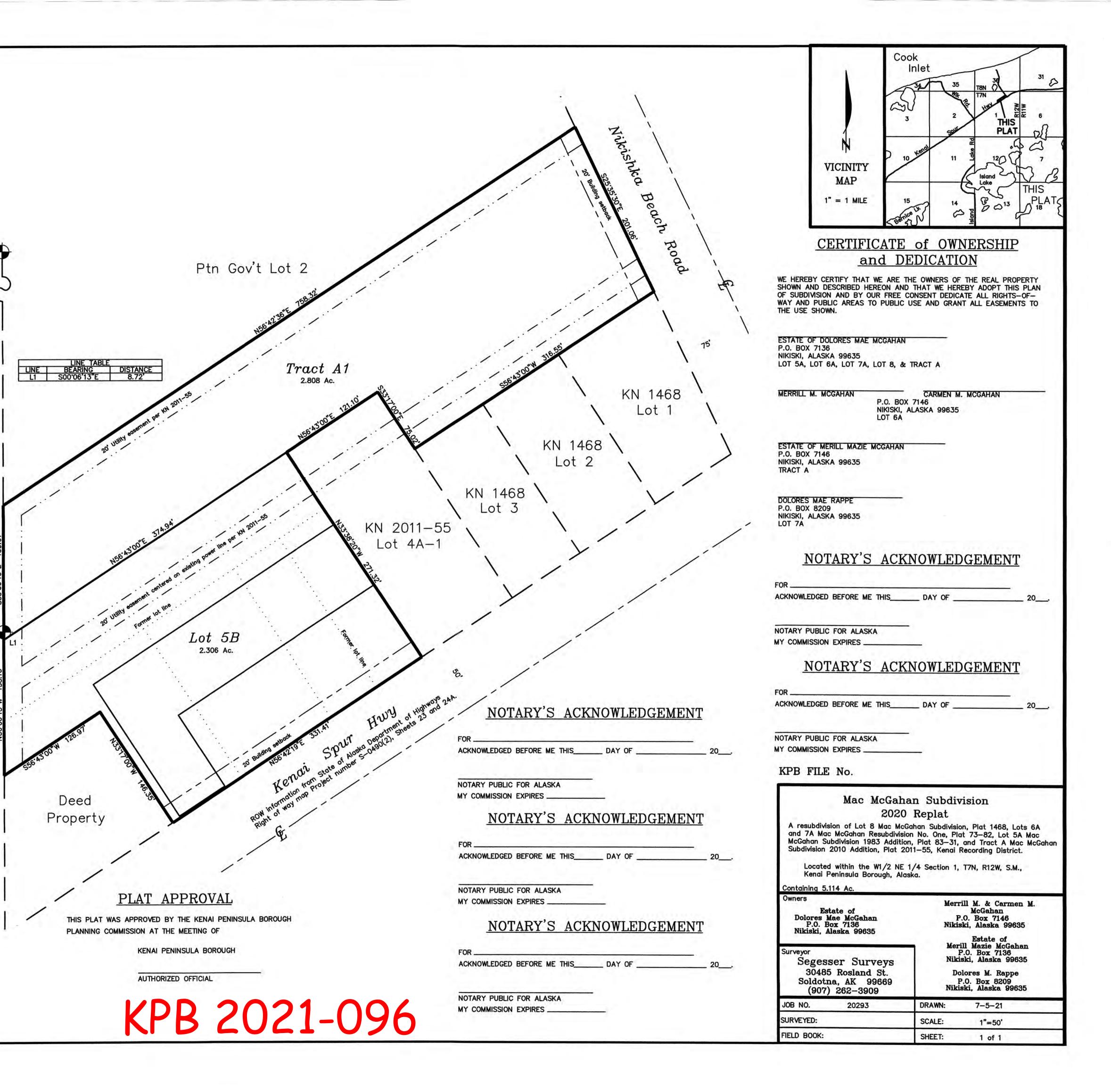
- 1) Basis of bearing taken from Mac McGahan Subdivision 2010 Addition, Plat 2011-55, Kenai Recording District.
- Building Setback—A setback of 20 feet is required from all street Rights—of—Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- 4) This property 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 Number No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; Department of the Interior Order Number 2665, dated October 16, 1951, Amendment Number 1 thereto, dated July 17, 1952 and Amendment Number 2 thereto, dated September 15, 1956, filed in the Federal Register.
- 5) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 210 Page 319 Kenai Recording District. The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.
- 6) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 2 Page 139, Kenai **Recording District.**
- 7) An right of way easement affecting a potion of former Tract A granted to Mazie, Inc is recorded in Book 21 Page 118, Kenai Recording District.
- 8) An right of way easement affecting a potion of former Tract A granted to Curt and Karen Morris is recorded in Book 210 Page 316, Kenai Recording District.
- 9) Front 10 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot lines is 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.
- 10) WASTEWATER DISPOSAL: Tract A1-The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on April 26, 2010. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation. KN 1462 Lot 5B—The purpose of this platting action is to combine 4 lots into 1, which will provide greater available wastewater disposal area as described by 20.40.020.(A).



# SURVEYOR'S CERTIFICATE

Date \_\_\_\_\_

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.



#### AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-096		
Plat Committee Meeting:	August 9, 2021		
Applicant / Owner:	Estate of Dolores Mae McGahan, Nikiski, AK		
	Estate of Merrill Mazie McGahan, Nikiski, AK		
	Merrill M. McGahan, Nikiski, AK		
	Carmen M. McGahan, Nikiski, AK		
	Dolores M. Rappe, Nikiski, AK		
Surveyor:	John Segesser / Segesser Surveys		
General Location:	Nikiski, Kenai Spur Highway and Nikishka Beach Road.		
Parent Parcel No.:	012-080-30, 012-080-33, 012-080-41, 012-080-42, 012-080-47		
Legal Description:	Lot 8 of Mac McGahan Subdivision, Lots 6A and 7A of Mac McGahan Subdivision		
	No. 1, Lot 5A of Mac McGahan Subdivision 1983 Addition, and Tract A of Mac		
	McGahan Subdivision 2010 Addition		
Assessing Use:	Residential / General Commercial		
Zoning:	Unrestricted		
Water / Wastewater	On Site (Application did not state)		

#### ITEM 10 - Mac McGahan Subdivision 2020 Replat

#### STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure four lots and one tract into one lot and one tract. Tract A will be reduced from 3.5 acres to 2.808 acres and the combined lots will be 2.306 acres.

**Legal Access (existing and proposed):** The lot will have access via the Kenai Spur Highway near mile 27. Tract A1 will have legal access by Nikishka Beach Road. Both right of ways are constructed and maintained by the State of Alaska.

The block is defined by Land Marine Drive, Kenai Spur Highway, Nikishka Beach Road, and section line easements. Land Marine Drive is not a dedicated right of way and passes through private property. The block length along the Kenai Spur Highway and along Land Marine Drive exceed the code requirements. The distance from Nikishka Beach Road to Land Marine Drive is approximately 1,500 feet. The building located within this subdivision contains multiple units with businesses. The lots to the southeast all contain structures. Parking areas exist along the front of the lots. Some of the lots to the west and north contain businesses with large storage and work yards. Due to the location of structures, obtaining a full dedication that would improve the block will be difficult. **Staff recommends** the plat committee concur that an exception to KPB 20.30.170- Block length is not required due to existing development constraints and any dedication would not improve or bring the block into compliance.

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	The ROW for Kenai Spur Highway is as shown on From Wildwood North (S-
	0490(2)) sheet 24 of 29, and appears to be shown correctly.

<u>Site Investigation</u>: The area appears to not contain any low wet areas and is not within a flood plain area. The property is relatively flat with no steep slopes.

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

SOA Fish and Game	No objections as will not affect public access to public lands and all other
	easements are accurately depicted.

**Staff Analysis** The property within the proposed subdivision was part of the M.M. McGahan homestead in the Nikiski area. Eight lots were split from the property in 1967. Lot 8 is still in the original configuration. Lots 6A and 7A were revised in 1973. Lot 5A was revised in 1983. Tract A was created from a portion of the government lot when a resubdivision was done for Lot 4A in 2011.

The lots involved with this subdivision contain a large building identified as the Nikishka Mall with numerous businesses residing in the buildings. The building crosses several lots. This platting action will remove the lot lines that affect the building within Lots 5A, 6A, 7A and 8. The lot line adjustment with Tract A will provide additional area behind the building for storage.

The building was built in 1977 per KPB Assessing records. The building predated any building setbacks or utility easements being granted adjacent to right of way dedications. A portion of the building extends to the southern property line near the Kenai Spur Highway. This plat shall grant the utility easements required by code and the building setback. A note shall be added that the existing building predates the building setback requirement but any new buildings or improvements must comply. **Staff recommends** that the building setback be removed where the existing building is located within the 20 foot building setback.

A Nikishka Mall Properties Condominium as-built and floor plan was recorded in 2010, KN 2010-20. A few weeks after recording the as-built a Nikishka Mall Properties Declaration of Restrictions was filed, serial number 2010-004682-0. This is considered a common interest community. Common interest communities are allowed under state statute and are a way to transfer interest in a portion of property without subdividing the parent parcel. KPB code does not address common interest communities and common interest communities are not subject to KPB subdivision requirements. Condominium plans and plats are not required to be reviewed by the Planning Department. The KPB Assessing Department does assess each condominium unit separately. As this subdivision will change the parcel boundaries and will not coincide with the unit boundaries of the common interest community, **Staff recommends** that the common interest community be dissolved before the recording of the final plat. A copy of the documents to be recorded, submitted to the planning department will suffice.

Per the requirements of KPB 20.40.020(A)(1)(c), a soils analysis report will not be required for Tract A1 or Lot 5B. This section of code states that a soils analysis report is not required when moving one or more lot lines without increasing the number of developable lots, while maintaining a minimum of 20,000 square feet of contiguous area, as described in KPB 20.40.040(A)(4)(a), for each lot affected by the lot line movement.

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.

<u>Utility Easements</u> The plat depicts and notes the 20 foot utility easement along Tract A1 and now within Lot 5B. These easements were granted by KN 2011-55.

Mac McGahan Subdivision, Plat KN 1468, granted a 10 foot utility easement along the backside of all lots within the subdivision. The depiction was carried over on the replats. **Staff recommends** the 10 foot utility easement along the former lot lines be depicted and labeled as being granted by KN 1468.

Plat KN 2011-55 also granted 10 foot utility easements along right of way within Tract A1. **Staff recommends** this easement be depicted and note that it was granted by KN 2011-55.

Plat note 9 is granting a 10 foot utility easement along the front of the lots and a 20 foot utility easement within 5 feet of side lot lines. Staff recommends the plat note state that no easement are being granted where affected by permanent structures. Staff recommends the easements need be depicted on the face of the plat.

An additional easement is on file and noted within plat note 7, no definite location was disclosed to allow depiction. Staff recommends plat note 7 be revised to state that the location of the easement is not defined.

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

#### Utility provider review:

HEA	No comment
ENSTAR	<ul> <li>There is an existing natural gas main line and service lines. The main line appears to cross proposed Tract A1 longitudinally. Additionally, the existing service lines appear to cross proposed Tract A1 to serve lots 1, 2, 3, 4A-1, and 5B. ENSTAR objects to this plat unless one of the following scenarios is met:</li> <li>1. Add a note which says, "There is a ten foot (10 FT) wide natural gas easement centered on the existing main and service lines." and draw in the approximate location of natural gas main and service lines on the map and add, "Approximate location of natural gas main and service lines of ten foot (10 FT) wide natural gas easement".</li> <li>2. Owner signs an ENSTAR Natural Gas Easement document for a ten foot (10 FT) wide natural gas easement, centered on the main and service line at this location.</li> </ul>
ACS	No objections
GCI	No comment

#### KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 51781 Kenai Spur Highway and 51735 Kenai Spur
	Highway (both will remain with Lot 5B)
	Existing street names listed are correct
Code Compliance – Eric Ogren	No comment
Planner – Bryan Taylor	There are no Local Option Zoning District or material site issues with this proposed plat.
Assessing – Adeena Wilcox	No comment
Advisory Planning Commission	N/A

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

# **STAFF RECOMMENDATIONS**

**CORRECTIONS / EDITS** 

The symbols on the plat do not match in size the symbols in the legend. Staff recommends to correct the sizing prior to submitting the final.

#### KPB 20.25.070 - Form and contents required.

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

**Staff recommendation:** Add the recording district (KN) in front of the plat numbers. In the owner information split Merrill M. McGahan and Carmen M. McGahan as KPB Assessing has a different address for Carmen. If you verify the addresses and what is shown is correct, Carmen McGahan should contact the KPB Assessing department to correct the mailing address. Merrill should contain two r's.

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:** List the full width for Kenai Spur Highway and Nikishka Beach Road. Show the full width of the right of ways.

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: In section 18 there is a "This Plat" label that needs to be removed.

#### KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Following KPB 20.40.020(A)(1)(c), a soils analysis report is not required for Tract A1. Per KPB 20.40.020(A)(2), a soils analysis report is not required for Lot 5B. **Staff recommendation**: comply with 20.40.

## KPB 20.60 – Final Plat

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

20.60.180. Plat notes.

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

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

Update/correct the following plat notes.

- Note 3 Remove "private" from the note.
- Note 5 Update the section of code to 20.60.170.
- Note 6 Add "Misc" in front of the book. Add "no definite location given".
- Note 7 Change "An" to "A", correct spelling of "portion", and add "Misc" in front of the book. Add "no definite location given".
- Note 8 Change "An" to "A" and correct the spelling of "portion".
- Note 9 "Front 10 feet adjoining dedicated rights of way and 20 feet within 5 feet of side lot lines, excluding any areas affected by permanent structures, shall be designated as utility easements. No permanent..."

Place the following notes on the plat.

- Add a plat note for any exceptions granted.
- Carry over from parent plats "The line between lots 5B and 4A-1 is coincident with the building line for the building shown on Lot 4A-1."

Improvements on Lot 5B predate the 20 foot building setback and 10 foot utility easement created this plat and are not subject to the 20 foot building setback and 10 foot utility easement. Any replacements, or improvements, to the building must comply with the 20 foot building setback and 10 foot utility easement as shown on this plat.

#### 20.60.190. Certificates, statements, and signatures required.

**Staff recommendation**: The certificate of ownership should be written on behalf of the estate and a second one added for individuals to sign. Make sure that "Merrill" is spelled correctly. Some areas it has one r when it should be two. Update Carmen McGahan's address accordingly. The signature lines for the estates should include "Mazie M. McGahan, aka Merrill Mazie MaGahan, Personal Representative". Update the address for the estate of Merrill McGahan. Comply with 20.60.190.

### **EXCEPTIONS REQUESTED:**

#### KPB 20.30.190 – Lots-Dimensions (3:1 depth to width for Tract A1)

<u>Staff Discussion</u>: The width of Tract A1 is being reduced within the western portion of the subdivision. The moving of the lot line to the north will provide some additional area behind the building loctated on Lot 5B. The tract appears to be used to provide access to the back of existing buildings.

If the exception is denied the plat will not be able to be redesigned with a right of way along the long portion of tract A-1. This will allow the frontage to be calculated on the long side of Tract A1.

#### Findings:

- 1. KPB Code requires the lots average depth not be greater than three times the average width.
- 2. The parent subdivision received and exception for the parent tract on April 26, 2010.
- 3. The depth to width ratio for Tract A1 is 6.0.1.
- 4. The parent lots range in size from 0.27 acres to 0.54 acres.
- 5. The replat improves the lot size so all lots comply within minimum size requirements.
- 6. All wastewater disposal systems must comply with current ADEC regulations.
- 7. Tract A1 will be 2.8 acres in size.
- 8. The tract to the north and west are large and can be further subdivided.
- 9. A building exists on proposed Lot 5B.
- 10. The lot design options are limited due to the existing improvements.

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 5, 7, 8, 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 5, 7, 8, 9, 10 appear to support this standard.

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 5, 7, 8, 9, 10 appear to support this standard.

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

### **RECOMMENDATION:**

#### SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

#### END OF STAFF REPORT

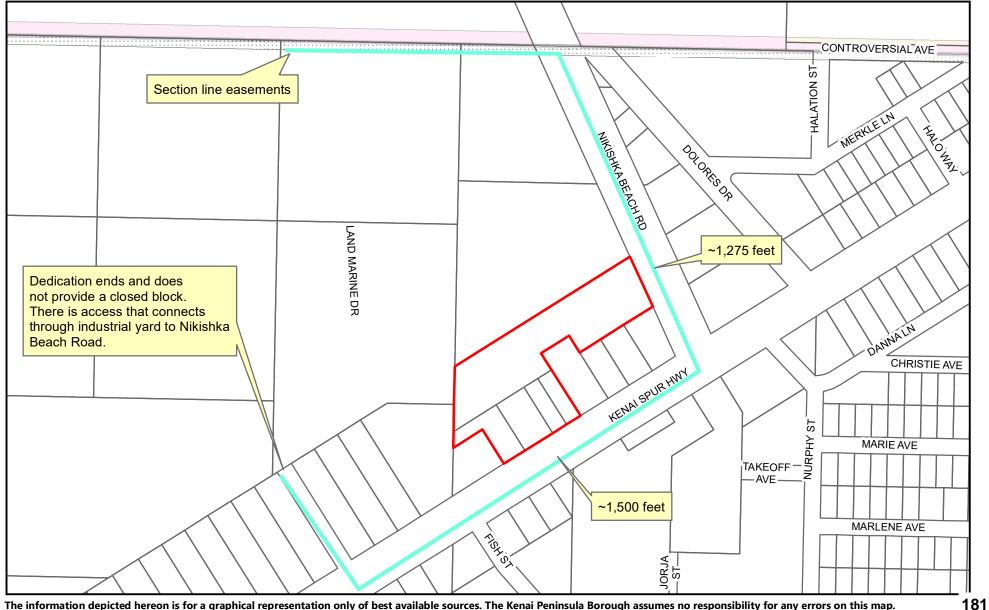


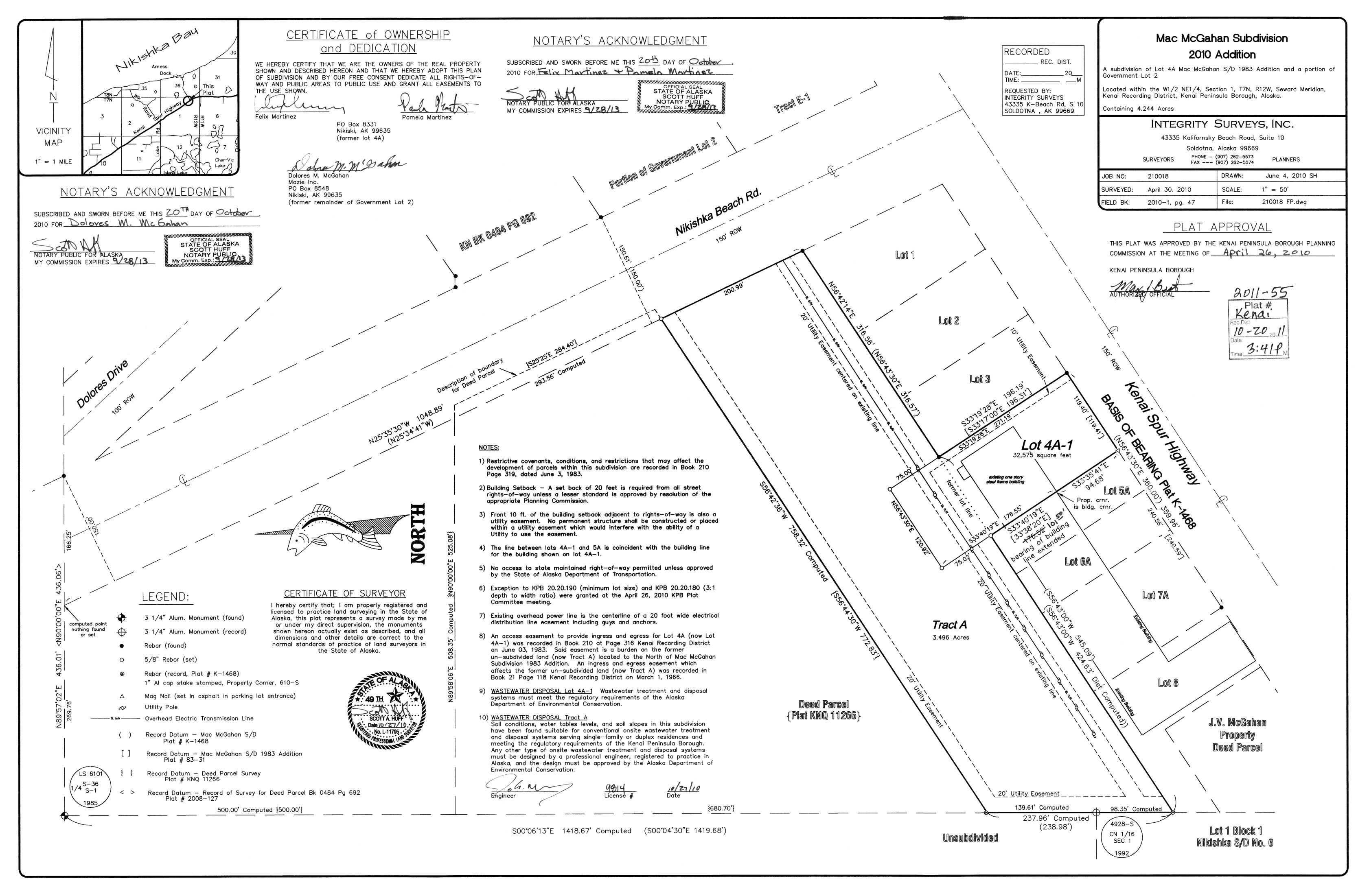
## Kenai Peninsula Borough Planning Department

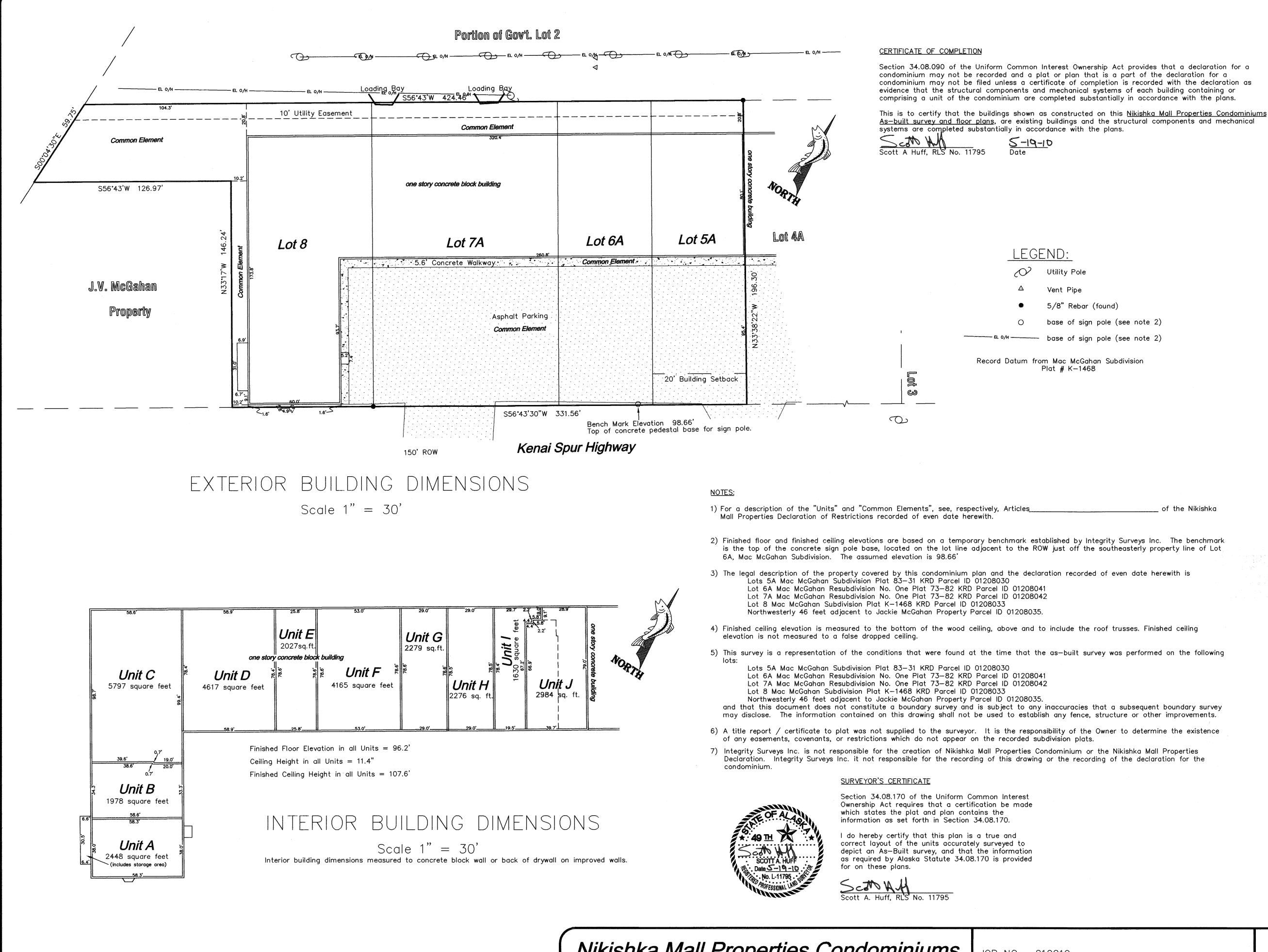
Block Length

Date: 7/21/2021

### Mac McGahan Subdivision 2020 Replat KPB File 2021-096



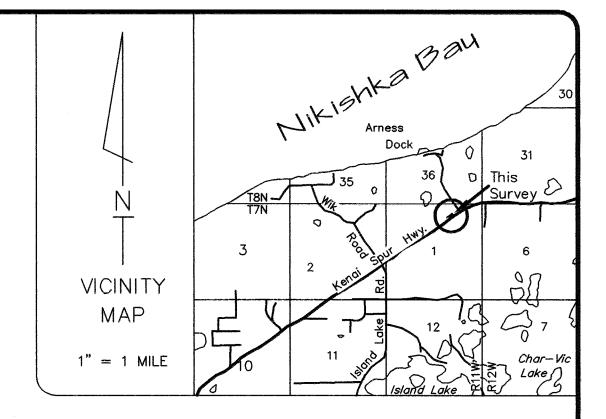




- 2) Finished floor and finished ceiling elevations are based on a temporary benchmark established by Integrity Surveys Inc. The benchmark is the top of the concrete sign pole base, located on the lot line adjacent to the ROW just off the southeasterly property line of Lot.
- 3) The legal description of the property covered by this condominium plan and the declaration recorded of even date herewith is Lots 5A Mac McGahan Subdivision Plat 83—31 KRD Parcel ID 01208030
- 4) Finished ceiling elevation is measured to the bottom of the wood ceiling, above and to include the roof trusses. Finished ceiling
- 5) This survey is a representation of the conditions that were found at the time that the as-built survey was performed on the following
- and that this document does not constitute a boundary survey and is subject to any inaccuracies that a subsequent boundary survey may disclose. The information contained on this drawing shall not be used to establish any fence, structure or other improvements.
- 7) Integrity Surveys Inc. is not responsible for the creation of Nikishka Mall Properties Condominium or the Nikishka Mall Properties Declaration. Integrity Surveys Inc. it not responsible for the recording of this drawing or the recording of the declaration for the

Nikishka Mall Properties Condominiums As-Built Survey and Floor Plans

	JOB NO:	210019
	SCALE:	1" = 30'
	File:	210019 Condo.dv
. 1	DRAWN:	May 19, 2010
	30	n en



### OWNER'S CERTIFICATE

I do hereby certify that the undersigned is the owner of

Lots 5A Mac McGahan Subdivision Plat 83-31 KRD Parcel ID 01208030 Lot 6A Mac McGahan Resubdivision No. One Plat 73-82 KRD Parcel ID 01208041 Lot 7A Mac McGahan Resubdivision No. One Plat 73-82 KRD Parcel ID 01208042 Lot 8 Mac McGahan Subdivision Plat K-1468 KRD Parcel ID 01208033

Northwesterly 46 feet adjacent to Jackie McGahan Property Parcel ID 01208035.

Located within the W1/2 NE1/4 of Section 1, Township 7 North, Range 12 West, Seward Meridian, Kenai Recording District, Alaska.

The undersigned does hereby consent to the preparation and recording of this condominium plan pursuant to the Uniform Common Interest Ownership Act, AS. 34.08

for the estate of Mazie Merrill McGahan P.O. Box 8548 Nikiski, AK 99635 (Lots 6A, 7A, 8 & deed parcel)

### NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn before me this  $\frac{\partial e^{\#}}{\partial e}$  day of have equals be a base of the second state o2010 for Dolores mc Bakan

Marei M. Becker Notary Public for Alaska

My Commission Expires Chaquer 26,2010

OFFICIAL SEAL STATE OF ALASKA NOTARY PUBLIC MARIE M. BECKER My Comm. expires: August 26, 2010

Dolores M. McGahan

Nikiski, AK 99635

PO Box 8548

(Lot 5A)

OFFICIAL SEAL

STATE OF ALASKA NOTARY PUBLIC

MARIE M. BECKER My Comm. expires: August 26, 2010

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn before me this  $2e^{t^{*}}$  day of May 2010 for Dot-JLES M Elecon

Notary Public for Alaska My Commission Expires and 26, 2010



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wg	 <u>,</u>	<u></u>
JY/SH	 	

INTEGRITY SURVEYS 43335 Kalifornsky Beach Road, Suite 10

SURVEYORS

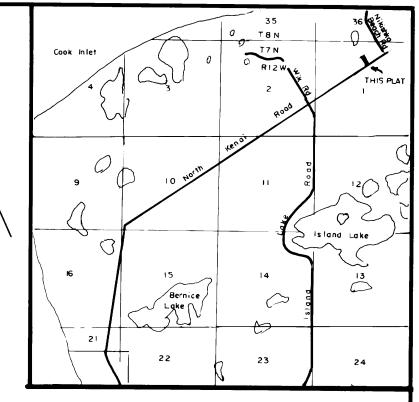
Soldotna, Alaska 99610 PHONE - (907) 262-5573 FAX --- (907) 262-5574

PLANNERS

base of sign pole (see note 2)

of the Nikishka







### CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT THEREBY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE ALL RIGHTS OF WAY TO THE PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN



Mazie M·Mc Gahan Nikishka Branch PO Kenai, Alaska

NIKISHKA

BEACH

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ROAD

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### NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 17 th DAY OF MARCH, 1983

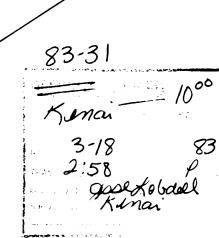
NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES \_\_\_\_\_\_ 8/5-/84

COLOR FOR PARA · · · ÷. 1999 - R. 👾 S. S. \$51.1 č. a 

### PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MARCH 14, 1983

			KENAI PENIN	SULA BOROUGH
10°° 83 vel	SURVE	YORS CERTIFICATE 3808 S REGIST	BY: AUTHORIZED	Clauf .
	МАС	McGAHAN SUBDIV	/ISION 1983 A	DDITION
	Located the SV	of lots 485 Mac McGaha W 1/4 NE 1/4 Sec. 1 T7N 1 Ia Borough, Alaska		
	SCALE	AREA SUBDIVIDED	LAND USE	DATE OF SURVEY
	l" = 50'	O∙811 acres	Commercial	March, 1983
		Developer		
	Mc GAHAN ENT			BDELL-SURVEYOR
	Nikishka Brand		PO Box	
	Kenai, Alaska		Kenai, Al	oska
	drawn by	cre	w JTL JR	Book 116



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NOTE: All wastewater disposal systems shall meet requirements of existing law at time of construction.

' building setback is required adjacent to all rights	of
sser standard is approved by resolution of the	
nning authority.	

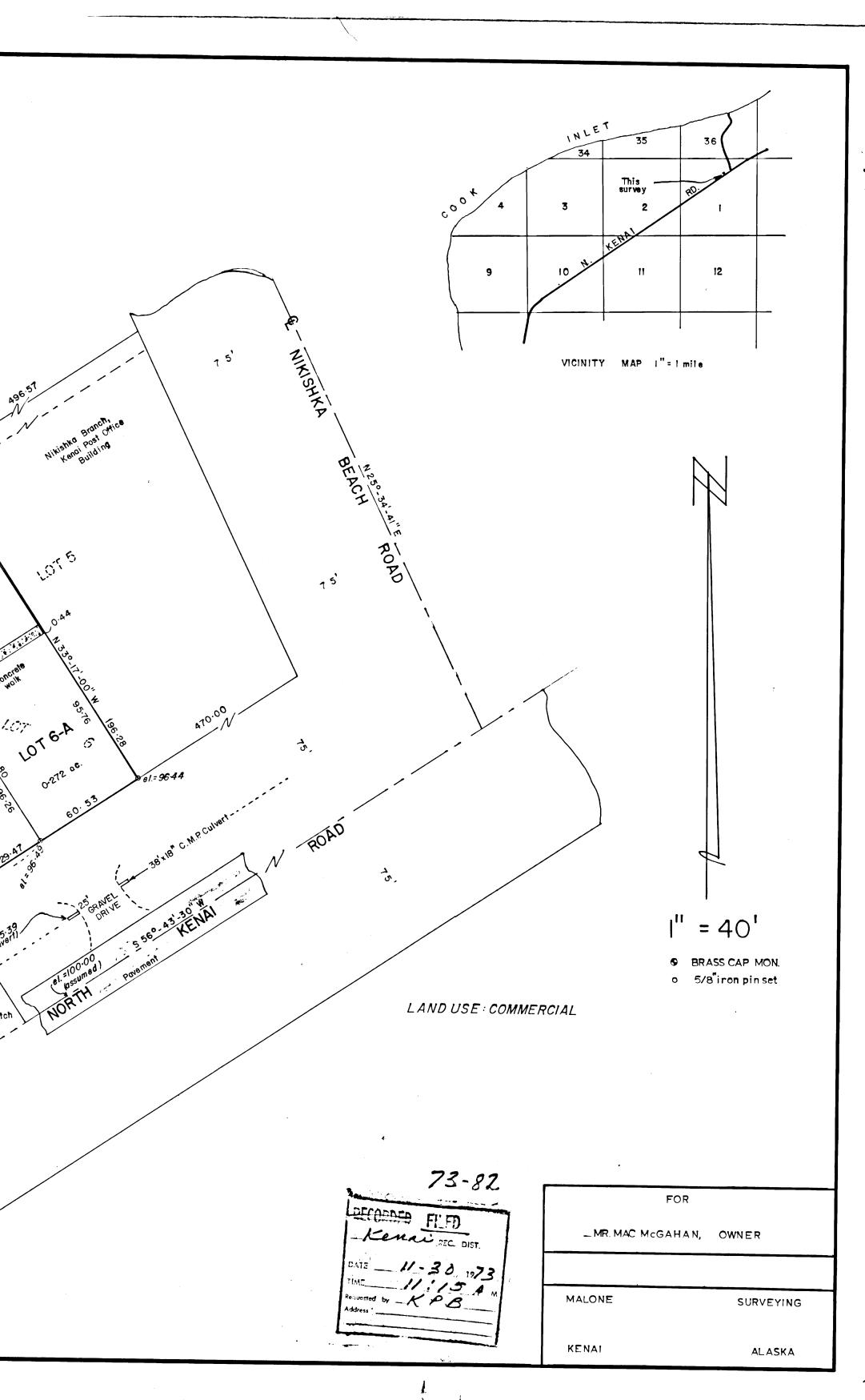
NOTE: The line between lots 4A and 5A is coincident with the building line for the building shown on lot 4 A

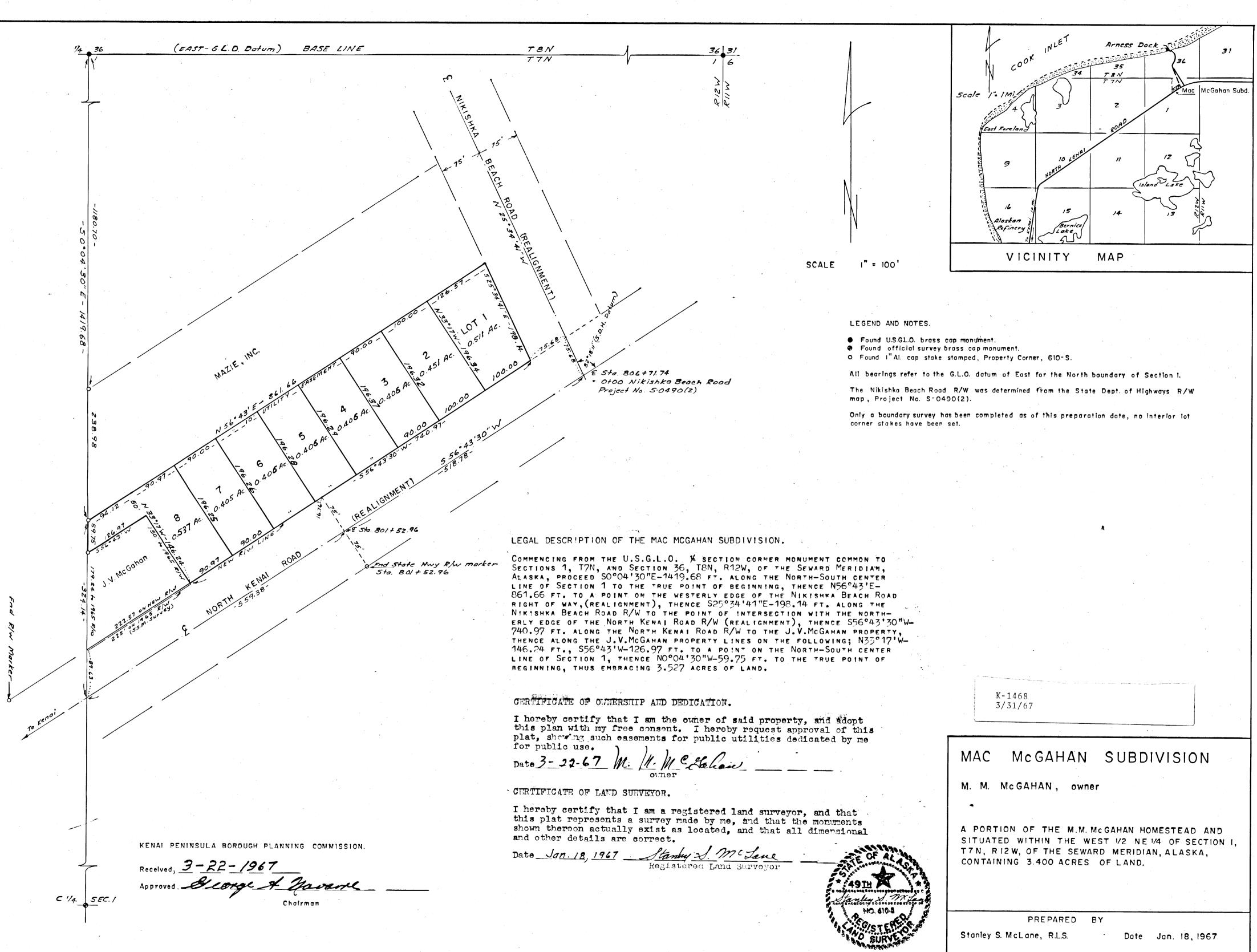
MAC MCGAHAN RESUBDIVISION NO. ONE Being a resubdivision of Lots 6 a 7, Mac McGahan Subdivision, K-1468, K.R.D., all in Sec. 1,T.7N., R.12W., S.M.

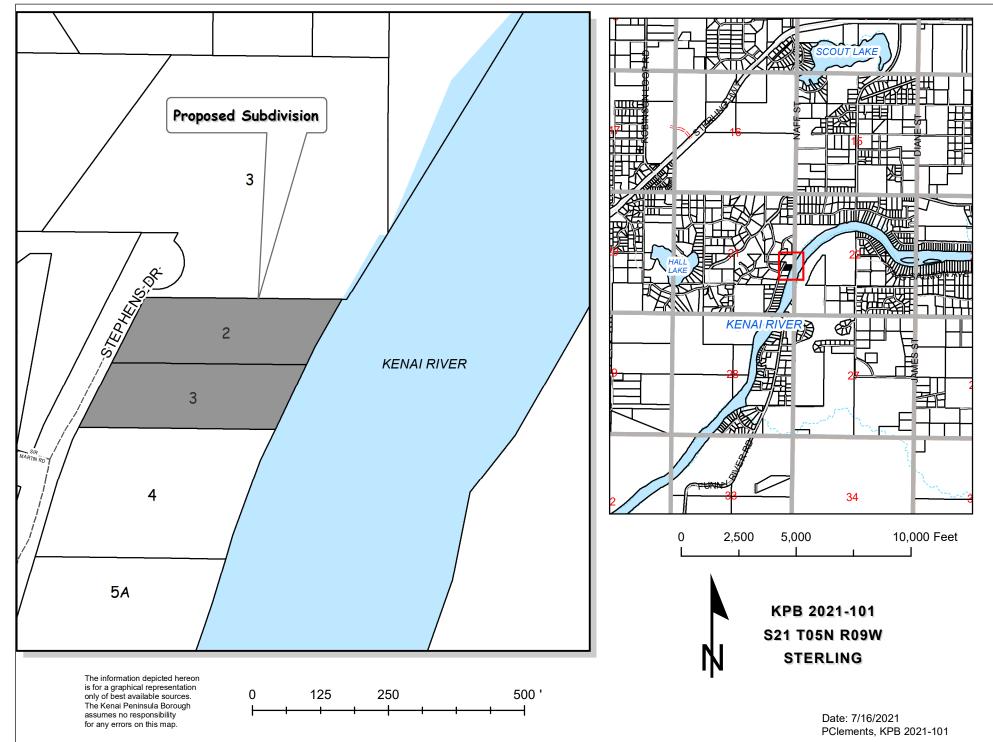
1.00

1

EAST (G.L.O. datum) Basis of Bearing CERTIFICATE OF OWNERSHIP We hereby certify that we are the owners of the property shown and described hereon, and that we adopt this plan of subdivision with our free consent. M. Mc Sahan D.M. Dalan owner FORMER LOT 7 Sworn and subscribed to before me, a Notary Public, LOT sting 21 St day of Morember, 1973. LOT notary 10T 3 0.538 00. 10-23-74 expires ssion de . BOROUGH PLANNING COMMISSION Plat approved by the Commission this \_5<sup>th</sup> \_ day of \_\_\_\_\_\_ 1973. Stanley 1 thompson Mayor f-diter - line -33" to ditch د ری يد ري 10/29/73 743 FBI4-A









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.

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**Aerial View** 

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PClements, KPB 2021-101 Date: 7/16/2021 Imagery STERLING 2018

## LEGEND:

- ➔ 3 1/4" BRASS CAP MON. FOUND
- 2 1/2" BRASS. CAP MON. FOUND
- 3 1/4" ALUM. CAP MONUMENT FOUND
- 2 1/2" ALUM. CAP MONUMENT FOUND
- 5/8" REBAR w/ALUM. CAP FOUND
- 1/2" REBAR FOUND
- O 5/8" REBAR w/PLASTIC CAP LS8859 SET
- () RECORD DATUM PLAT 77-101 KRD

### NOTES:

- Basis of bearing taken from Bos'n Landing Subdivision Part One, Plat 77-101, Kenai Recording District.
- 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.
- An easement for electric lines or system and/or telephone lines granted to Homer Electric Association, Inc is recorded in Book 3 Page 72, Kenai Recording District. No definite location disclosed.
- 4) Front 10 feet adjacent to right of ways and 20 feet within 5 feet of the side lot lines is 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.
- 5) <u>WASTEWATER DISPOSAL</u>: 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	License No.	date

# PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF

KENAI PENINSULA BOROUGH

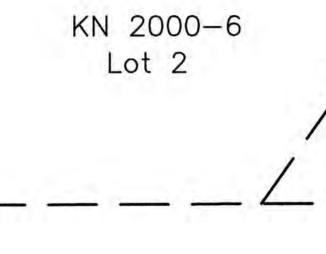
AUTHORIZED OFFICIAL

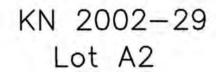


## SURVEYOR'S CERTIFICATE

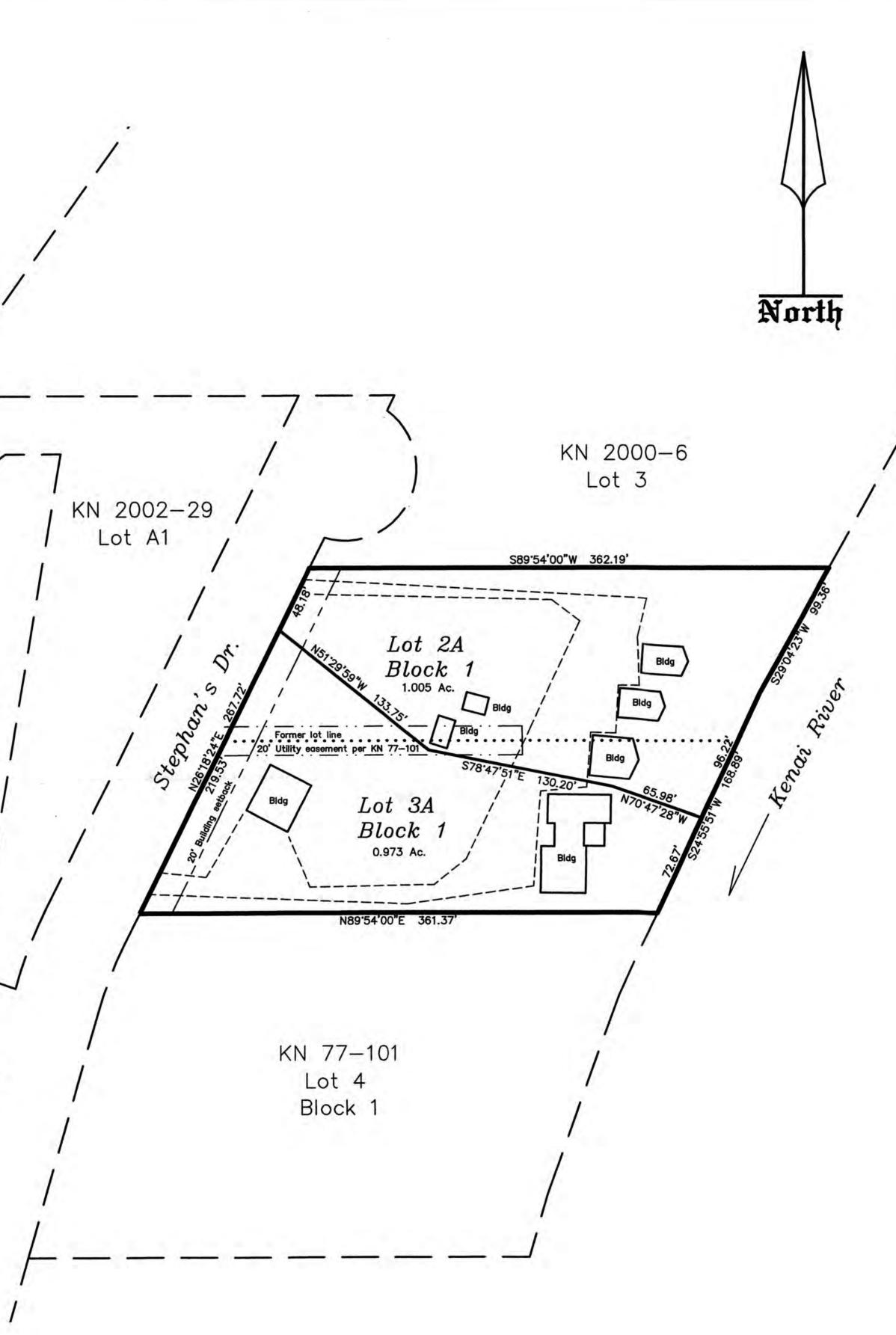
Date

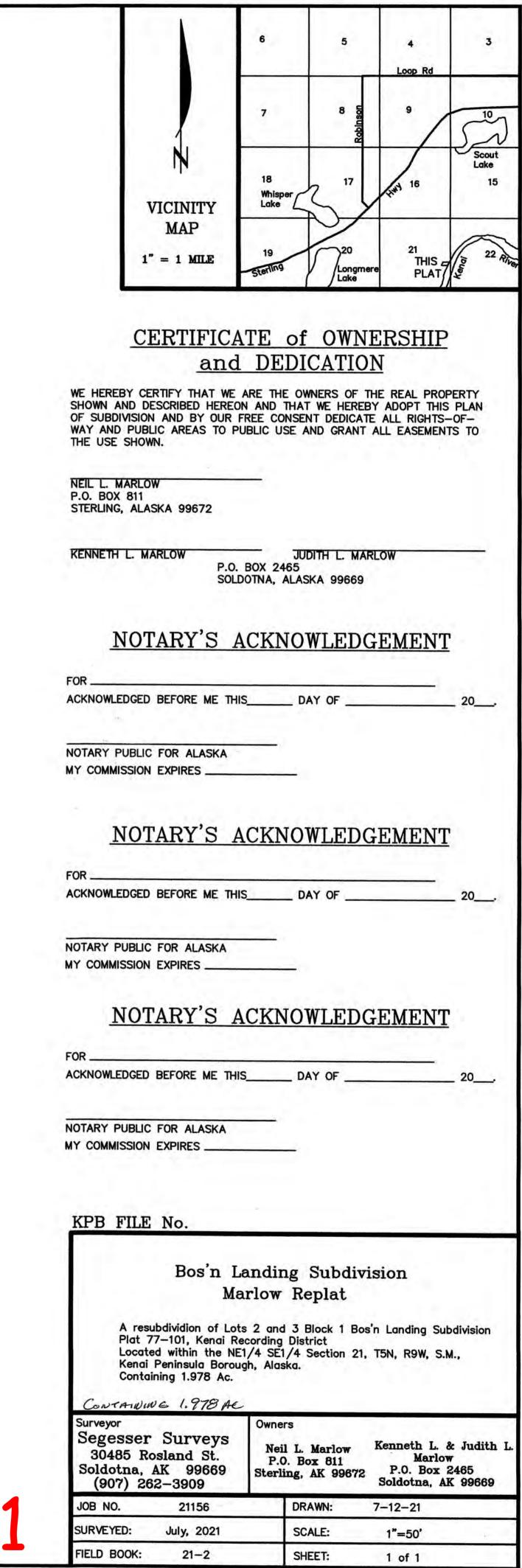
I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.





Sir Martin Rd. KN 77-148 Lot 6A Block 2





KPB 2021-101

#### AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-101
Plat Committee Meeting:	August 9, 2021
Applicant / Owner:	Neil L. Marlow of Sterling, Alaska
	Kenneth L. and Judith L. Marlow of Soldotna, Alaska
Surveyor:	John Segesser / Segesser Surveys, Inc
General Location:	Sterling
Parent Parcel No.:	063-560-19, 063-560-20
Legal Description:	Lots 2 and 3, Block 1 Bos'n Landing Sub, Part One Plat KN 77-101.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

#### **ITEM 11 - Bos'n Landing Subdivision Marlow Replat**

#### STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure the shared lot line between two lots.

Legal Access (existing and proposed): The proposed plat is located on Stephens Drive, a 60 foot wide borough maintained right of way. The subdivision is located near the end of a platted cul-de-sac. Stephens Drive is located at the end of Sir Martin Road, a borough maintained right of way with varying widths. Sir Martin Road intersects Lou Morgan Road, a state maintained right of way. The proposed subdivision is located on the Kenai River, which provides water access.

The block is not compliant. Ed Avenue that ends at the river and Stephens Drive that ends in a cul-de-sac define the block. Any right of way dedication would end at the Kenai River and would not provide a compliant block. The neighboring lots all front on a dedicated right of way and the lots on the east side of Stephens Drive front on the Kenai River. **Staff recommends** the plat committee concur that an exception is not required, as any required dedications would not improve the block requirements.

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	No comment

<u>Site Investigation</u>: The land is relatively flat with steep slopes near the bank of the Kenai River. Portions of the subdivision are within Floodplain C, minimal flood risk, and A4, 1% annual chance of flood.

The subdivision is subject to the Anadromous Waters Habitat Protection District and must comply with requirements.

Kenai Watershed Forum mapping classifies this area as Riverine. Per the KPB GIS imagery, there does not appear to be any standing water on the property. The lot contains multiple buildings and a gravel drive through both lots providing access to the buildings and parking areas. **Staff recommendation**: place a note on the final plat, "Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable." Depict any mapped flood plains or floodways and add all required notes.

Floodplain Hazard Review	Is in flood hazard area. Flood Zone: A4, C. Map Panel: 020012-2065A Is not within a floodway area.
Anadromous Waters Habitat Protection District Review	Is totally or partially within HPD, no comments.
State Parks Review	No comments

**Staff Analysis** This plat will reconfigure two lots by adjusting the common lot line. Lot 3 will become Lot 3A and will change from 0.99 acres to 0.97 acres. Lot 2 will become Lot 2A and will change from 0.99 acres to 1.01 acres. The parent lots were created with Bos'n Landing Subdivision Part One, KN 77-101, which was a subdivision of several government lots.

Stephens Drive was originally dedicated with the intent of continuing north in the future. A replat, Karen Kay Sub Lot 3 Plat KN 2000-006, combined several lots and granted a turnaround area so as not to extend Stephens Drive.

The lots within this subdivision currently contain multiple structures some of which are crossing the current lot line. This platting action will resolve any current encroachments issues. The plat depicts the gravel drive shown with dashed lines. It does appear that each lot has a separate drive to Stephen's Drive. If the owners intend to share driveway/parking areas, it would be advised to record driveway easements to protect future access. The gravel areas are not required to be shown on the plat but if they are, **Staff recommends** a note be added on the plat that it states private access.

A soils report was not prepared for the parent plat. To comply with KPB 20.40 Wastewater Disposal a soils analysis report will be required and an engineer will sign the final plat.

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

The property is not within an advisory planning commission.

<u>Utility Easements</u> The parent plat did not grant utility easements along the right of way. The appropriate plat note is present to grant 10 foot utility easements adjoining the right of way as well as 20 foot within 5 feet of the side lot lines. **Staff recommends** the depiction of those easements if it will not compromise pertinent information.

The parent plat granted a 10 foot maintenance easement for government use along the Kenai River. **Staff recommends** this easement of record be depicted and noted on the plat.

The parent plat granted a 20 foot utility easement on the overhead powerline and a 20 foot easement centered on the common boundary line. **Staff recommends** the overhead utility line be located in the field and the 20 foot easement of record be depicted and labeled. Comparing the existing powerline information with the parent plat shows that the platted position may be incorrect.

An easement was granted to HEA by document with no definite location defined. This is referenced in plat note 3.

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

Utility	provider	review:	

HEA	No comment
ENSTAR	<ul> <li>There is an existing natural gas service line, which appears to cross proposed Lot 3A Block 1 to serve proposed Lot 2A Block 1. ENSTAR objects to this plat unless one of the following scenarios is met:</li> <li>1. Add a note which says, "There is a ten foot (10 FT) wide natural gas easement centered on the existing service line." Draw in the approximate location of the service line on the map and add, "Approximate location of natural gas service line located on proposed Lot 3A Block 1 and centerline of ten foot (10 FT) wide natural gas easement."</li> </ul>

	2. Owner signs an ENSTAR Natural Gas Easement document for a ten foot (10 FT) wide
	natural gas easement, centered on the service line at this location.
ACS	No objections
GCI	Approved as shown

#### KPB department / agency review:

Addressing – Derek Haws	Affected addresses: 36390 Stephens Drive (will remain with Lot 2A) and 36370 Stephens Drive (Will remain with Lot 3A) Correct Stephans Drive to Stephens Drive. All other existing street names are correct.
Code Compliance – Eric Ogren	No comments
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with this proposed plat.
Assessing – Matt Bruns	No comment

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

#### STAFF RECOMMENDATIONS CORRECTIONS / EDITS

#### KPB 20.25.070 - Form and contents required.

#### A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

#### Staff recommendation:

- The subdivision name chosen has already been used. Staff can recommend "Bos'n Landing Sub 2021 Replat." If the owners wish to use another name they will need to get it approved by planning department staff.
- Revise parent plat description by adding "Part 1" to the parent subdivision name.
- 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:

- Revise the spelling for Stephen's Drive.
- Verify that Stephen's Drive is a 60' wide right of way and provide a width label.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;

Staff recommendation: A township and range label needs to be added.

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

Staff recommendation: Lot south of Sir Martin Road needs to be revised to Lot 6 instead of Lot 6A.

Page **3** of **6** 

- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read; **Staff recommendation:** Depict on the plat any low wet areas or areas that are subject to flooding.
- 20.30.220. Lots-Side line requirements. Where reasonable, side lines of lots shall be at right angles to straight portions of the right-of-way or radial to curved portions of the right-of-way. **Staff recommendation:** Concur that the design is acceptable an exception is not required as the design of the lot lines is angled to separate the existing improvements onto each lot while keeping both lots close to one acre in size.

20.30.280. Floodplain requirements.

- 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 wholly or partially located within flood hazard areas as defined by KPB 21.06.030 must comply with KPB 21.06.050 standards for Floodplain Management.
- 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.

**Staff recommendation:** Depict and label the area affected by the floodplain. Add the required notes for the flood hazard notice and floodway notice.

20.40.010 Wastewater disposal.

#### KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: A soils report was not prepared for the parent plat. To comply with KPB 20.40 Wastewater Disposal a soils analysis report will be required and an engineer will sign the final plat. Soils analysis report and signature from a licensed engineer is required. **Staff recommendation**: comply with 20.40.

#### KPB 20.60 – Final Plat

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

20.60.110. Dimensional data required.

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

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

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

**Staff recommendation**: Provide current meander line data as the river may have changed since the last survey in 1977. The Kenai River meander information and source is required to be noted. Provide information for witness corner survey markers set for this survey. Provide the appropriate plat note regarding meander, '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.' Comply with 20.60.110.

#### 20.60.180. Plat notes.

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

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

- All lots along the Kenai River are subject to a 10' maintenance easement for government use only as granted by KN 77-101.
- All river meanders are for computation purposes only; property extends to the mean high water of the Kenai River.
- 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.
- FLOOD HAZARD NOTICE: Some of all of the property shown on this plat has been designated by FEMA as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code. Map Panel 020012-2065A
- ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE: Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.

#### 20.60.190. Certificates, statements, and signatures required.

**Staff recommendation**: Include the parent lot information on each owner's signature line. Comply with 20.60.190.

#### **RECOMMENDATION:**

#### **STAFF RECOMMENDS:**

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED),

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KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND

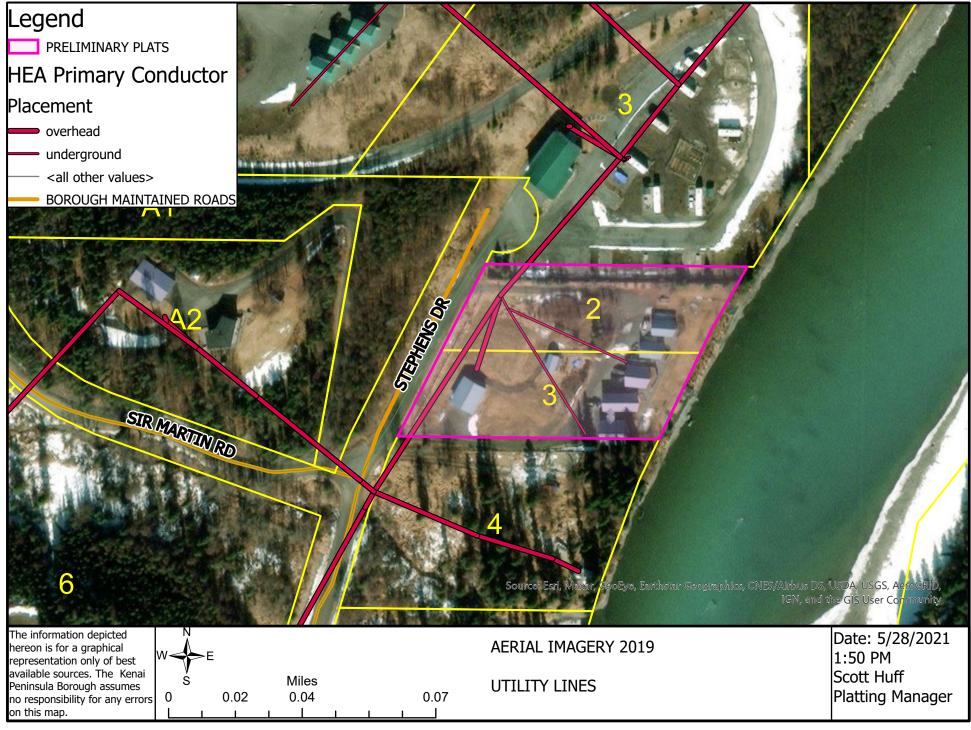
• COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

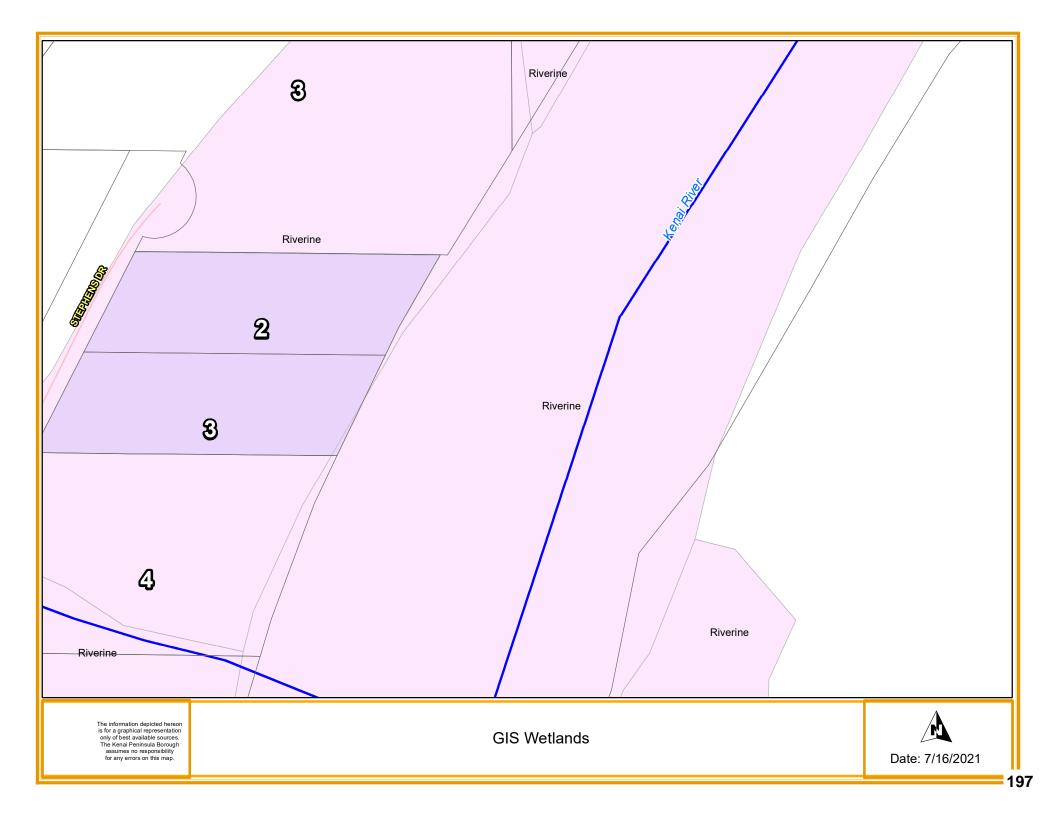
NOTE: 20.25.120. - REVIEW AND APPEAL.

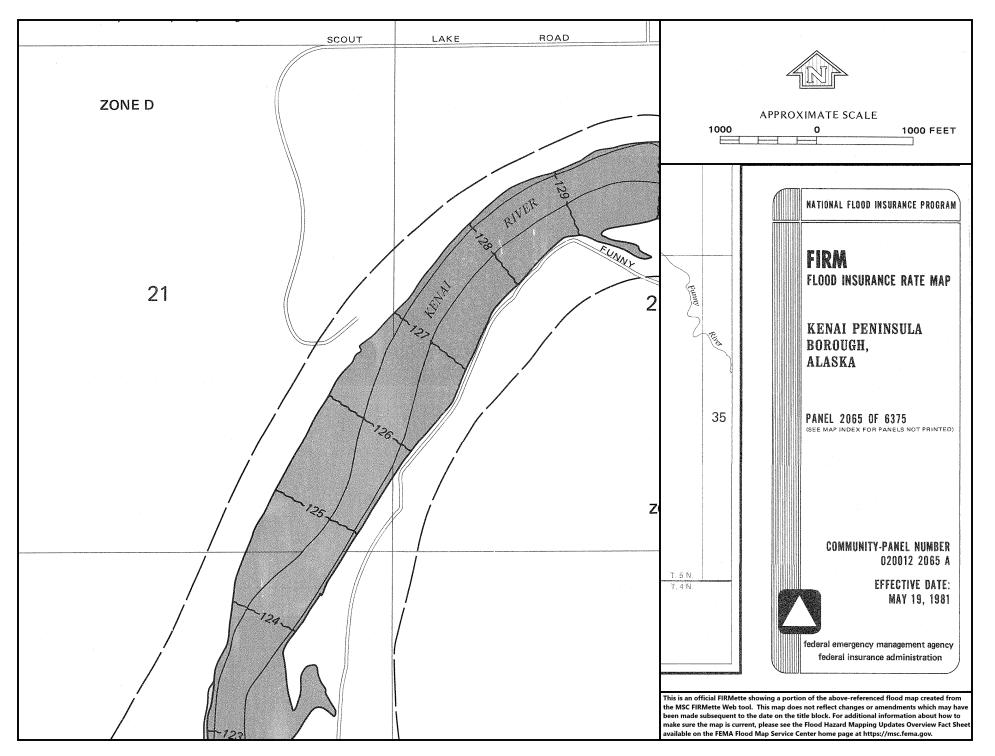
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

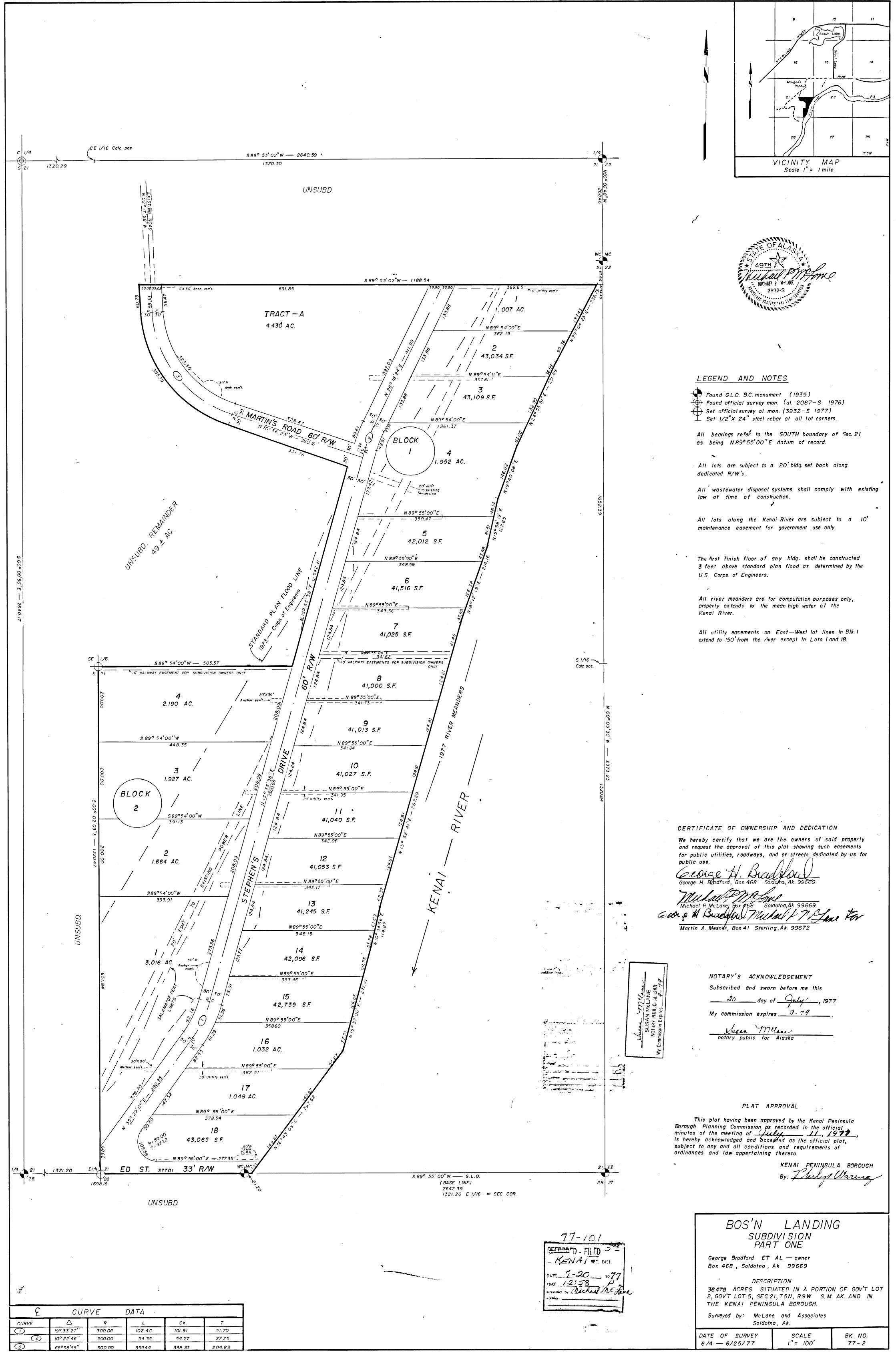


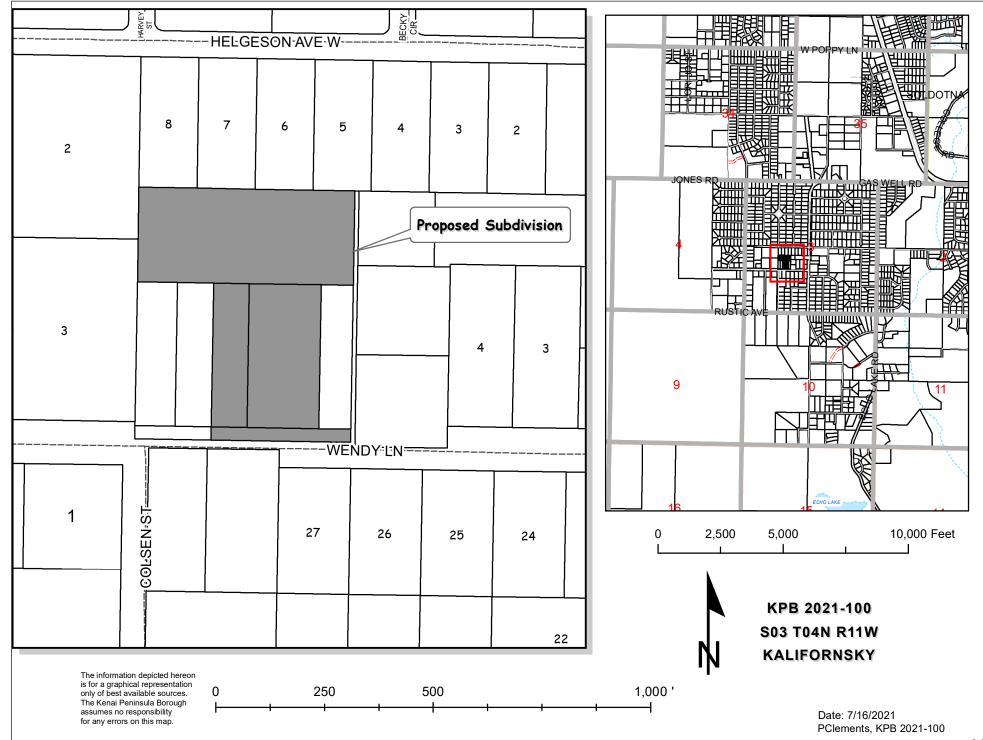


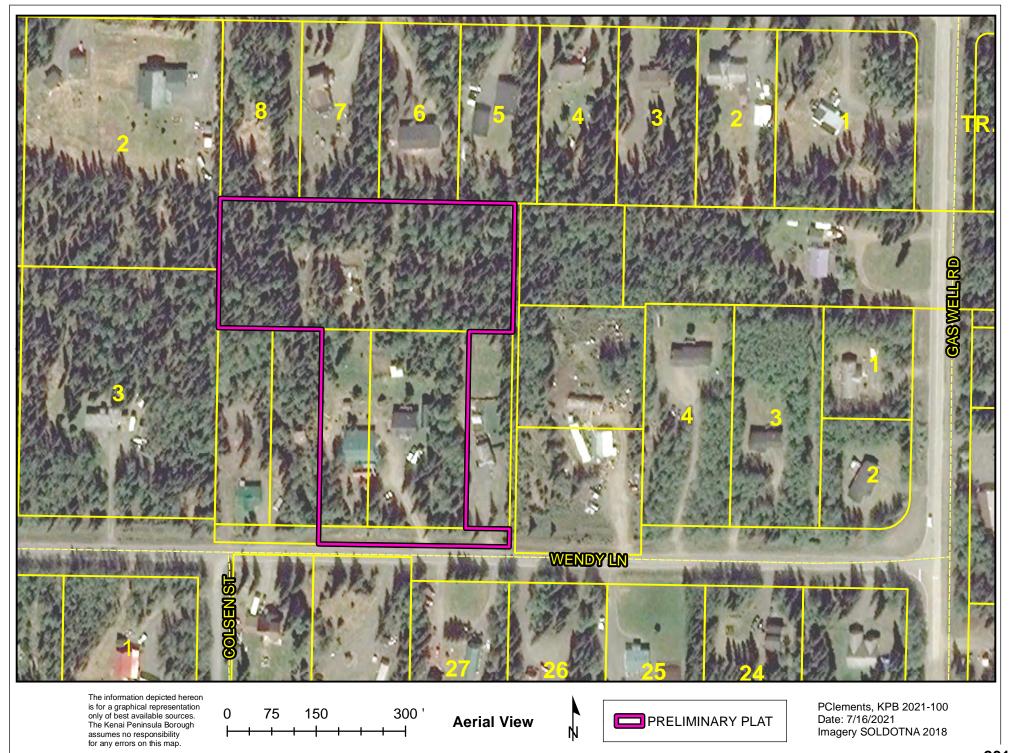












# LEGEND:

$\otimes$	2 1/2"	BRASS.	CAP	MON.	GLO	1937	FOUND	
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- 2 1/2" BRASS. CAP MON. 610-S 1983 FOUND •
- 3 1/4" ALUM. CAP MON. 237-S 1975 FOUND 0
- 5/8" REBAR w/ALUM. CAP 3333-S 1986 FOUND  $\odot$
- 5/8" REBAR FOUND 0
- 1/2" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET 0
- RECORD DATUM PLAT 2011-41 KRD ()

.*	44

0x

GL0 1/4 S4 S3 1937

# NOTES:

- Basis of bearing taken from Rich Subdivision, Plat 86-199, Kenai Recording District.
- 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) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 50 Page 157 and Book 71 Page 987 Kenai Recording District. The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.
- 4) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association, Inc is recorded in Book 10 Page 329, Kenai **Recording District.**
- 5) An easement for access purposes granted to Joe Mead is recorded in Book 491 Page 642, Kenai Recording District.
- 6) Front 10 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot lines is 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.
- 7) No Engineer's Subdivision and Soils Report is available for this subdivision, soil conditions may be unsuitable for onsite wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation. The purpose of this platting action is to combine 3 lots into 1, which will provide greater available wastewater disposal area as described by 20.40.020.(A).



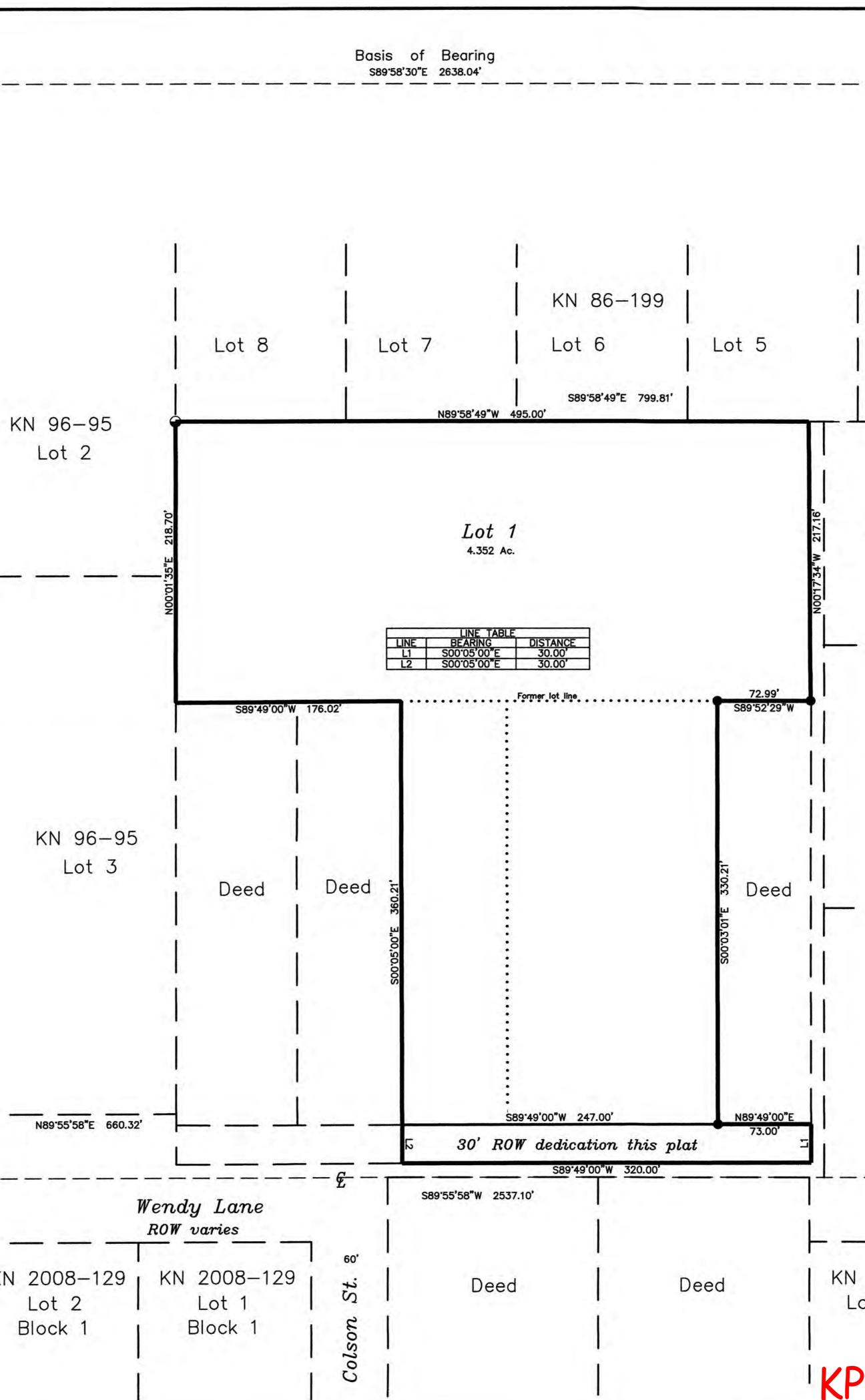
# SURVEYOR'S CERTIFICATE

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.

KN 2008-129 Lot 2 Block 1

-

Date \_\_\_\_\_



	$1^{"} = 1$ MILE <sup>16</sup>	B 152 14 13
Lot 4		of OWNERSHIP EDICATION
	WE HEREBY CERTIFY THAT WE ARE TO SHOWN AND DESCRIBED HEREON AND OF SUBDIVISION AND BY OUR FREE OF WAY AND PUBLIC AREAS TO PUBLIC THE USE SHOWN.	CONSENT DEDICATE ALL RIGHTS-OF-
	DAVID A. EMERY 48700 WENDY SOLDOTNA, A	SANDRA R. EMERY Y LANE LASKA 99669
Deed	NOTARY'S ACK	DAY OF 20
	NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES	
Deed		<u>NOWLEDGEMENT</u> day of 20
	NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES	
	THIS PLAT WAS APPROVED BY PLANNING COMMISSION AT THE	PPROVAL THE KENAI PENINSULA BOROUGH MEETING OF
Deed		ED OFFICIAL
	KPB FILE No.	
~•	Located within the NE1/4	Subdivision SW1/4 Section 3 T4N R11W S.M., enai Peninsula Borough, Alaska.
76-24	Containing 4.573 Ac.	
76-24 ot 27	Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	<sup>Owner</sup> David A. & Sandra R. Emery 48700 Wendy Lane Soldotna, AK 99669
B 2021-10	JOB NO. 21117 SURVEYED: June, 2021	DRAWN: 7-5-21 SCALE: 1"=100'
	FIELD BOOK: 21-3	SHEET: 1 of 1

#### AGENDA ITEM E. NEW BUSINESS

KPB File No.	2021-100	
Plat Committee Meeting:	August 9, 2021	
Applicant / Owner:	David A. and Sandra R. Emery of Soldotna, Alaska	
Surveyor:	John Segesser / Segesser Surveys, Inc.	
General Location:	Kalifornsky / Kalifornsky APC	
Parent Parcel No.:	131-310-07, 131-310-10, 131-310-20, 131-310-22	
Legal Description:	NE1/4 SW1/4 Section 3 Township 4 North Range 11 West	
	(4 parcels with metes/bounds descriptions)	
Assessing Use:	Residential	
Zoning:	Rural Unrestricted	
Water / Wastewater	On site	

#### ITEM 12 - Emery Subdivision

#### STAFF REPORT

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will combine four lots with metes and bound descriptions into one parcel and include a 30 foot wide right of way dedication for Wendy Lane.

**Legal Access (existing and proposed):** The proposed subdivision is located on Wendy Lane, a dedicated right of way with varying widths. Wendy Lane is located off Gaswell Road, which connects to Kalifornsky Beach Road. All roads are maintained by State of Alaska DOT.

The subdivision is located within a closed block defined by Helgeson Avenue W, Gaswell Road, Wendy Lane, and Scotch Run Street S. Not all portions of the rights of way have been dedicated to full width requirements and some of the rights of way are partially constructed.

The north-south block length complies with code and is approximately 920 feet in length. The east-west block length is out of compliance and is approximately 2,560 feet in length. Due to the narrow deed lots on both sides and existing structures and development to the north, this plat will not be able to provide a right of way dedication to help with block length. **Staff recommends** the plat committee concur that an exception to block length is not required, as any dedications will not improve the block requirements at this time and are limited due to existing development.

Wendy Lane is a state right of way and has varying widths. There is a portion of Wendy Lane south of this subdivision. The width needs to be verified and labeled on the plat. The proposed dedication is 30 feet but the State of Alaska is requesting a 50 foot dedication from centerline. The dedication may need to be widened if the portion to the south is less than 20 feet. The dedication south of the neighboring eastern deed lot will only be allowed a max dedication of 30 feet. If the deed lot is ever subdivided additional dedication may be required.

Depictions of Wendy Lane appear on a Land Estate map but staff could not find reference to a PLO, ADL, or easement document. The certificate to plat did not include any easements. **Staff recommends** the right of way dedication provide the appropriate width to meet the 50 foot width from centerline requested by State of Alaska DOT.

KPB Roads Dept. comments	Within jurisdiction, no comments	
SOA DOT comments	We request that the dedicated ROW width equal 50' from centerline along Wendy	
	Lane.	

Site Investigation: Per KPB GIS data, the subdivision does not have any low wet areas and is relatively flat with

Page  ${\bf 1}$  of  ${\bf 6}$ 

no steep slopes.

Aerial imagery shows improvements located on the south portion of Lot 1 with little or no development on the north portion of Lot 1.

Neighboring parcels are developed with residential improvements.

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

**<u>Staff Analysis</u>** The proposed subdivision will combine four metes and bounds deed parcels into one lot that will be 4.352 acres. The subdivision will also provide a 30 foot wide dedication for Wendy Lane.

The front parcels contain a residence and shop. Per KPB GIS data, the shop may be encroaching on a side lot line. Combining the lots will resolve the shop encroachment.

The parcels within this subdivision are metes and bounds parcels as are numerous lots surrounding the subdivision. Platted subdivisions have been completed to the west and north of the subdivision.

There is an approximate 10 foot strip of land on the east side of the subdivision that appears to be a gap from between the deeded parcels. There is no mention of this piece of land within the certificate to plat or the descriptions provided within the documents contained in the certificate to plat. It does not appear to be an accepted right of way or borough managed easement. The lots to the east are also deed parcels with metes and bounds descriptions. Research will be required to determine the ownership of this strip of land. This will require pulling deeds and documents for the lots within the subdivision and for neighboring lots. The recording of documents will need to be reviewed to determine the senior documents and follow the splitting of lands to the most current to determine the ownership of the strip of land. *Staff recommends* the surveyor research this strip of land by reviewing neighboring deeds and determine if the strip, or gap, in land exists and if so, who the owner of the land is.

To the west of the strip, or gap, of land are three deed parcels. The three parcels are under common ownership. The two northerly deed parcels appear to have no legal access. Any dedication required to provide access will not improve the access issue due to the deed parcel directly east. The ability to obtain a matching dedication from the deed parcels to the east are difficult due to structures. Also, the width of the deed lot is only 73 feet wide.

Plat note 5 is regarding an access easement. Reviewing the document granting the easement it appears to be the eastern 73 feet of the lot being dedicated as right of way. **Staff recommends** the surveyor verify the location of the easement and depict the easement or update the plat note accordingly.

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

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

<u>Utility Easements</u> As the property has not been part of the KPB platting process, this plat will be granting utility easements along the right of way.

An easement was granted to HEA by recorded document and is noted in plat note 4.

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

#### Utility provider review:

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

#### KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 48700 Wendy Lane and will remain with new Lot 1
	All existing street names shown are correct
Code Compliance – Eric Ogren	No comment
Planner – Bryan Taylor	There are not any Local Option Zoning District or material site issues with
	this proposed plat.
Assessing – Matt Bruns	No comment
Advisory Planning Commission	Comments not received prior to staff report being prepared.

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

#### STAFF RECOMMENDATIONS CORRECTIONS / EDITS

The scale for the plat appears to be off. Either update the drawing scale or correct the scale within the title block.

KPB 20.25.070 - Form and contents required.

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

#### Staff recommendation:

- Add widths for Wendy Lane. There is a small portion south of the dedication that should be labeled as well as the dedications to the east and west.
- If documentation is found or presented for Wendy Lane right of way include in a plat note with the information.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;

**Staff recommendation:** Add range labels for the line between section 36 and 31, as this is the line the range changes. Remove the range label between section 11 and 12.

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

#### Staff recommendation:

- There is a strip of land, or gap, between the subdivision boundary and deed parcels to the east. Perform the necessary research to determine the correct boundary and possibly the correct ownership of this land and update the boundary and plat accordingly.
- The depiction of the lots south of Wendy Lane are incorrect and need to be moved approximately 176 feet to the west. Colson Street dedication is in line with the most western subdivision boundary.

Page **3** of **6** 

#### **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.

The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate Α. 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.

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

C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments. Staff recommendation: Provide the current right of way widths for Wendy Lane on all sides of the proposed dedication. Verify the width for the portion south of the dedication. State DOT has requested a 50 foot dedication from centerline. Provide the correct dedication width.

20.30.240. Building setbacks.

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

Α. 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.

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

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

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

Staff recommendation: Depict and label the 20 foot building setback.

20.40.010 Wastewater disposal.

#### KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: Lots are being combined and increasing in size by more than 1,000 square feet. Soils analysis report is not required per 20.40.020(A)(2). Revise the plat note. Staff recommendation: comply with 20.40.

#### KPB 20.60 – Final Plat

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

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

**Staff recommendation:** An acceptance for any right of way dedications must be added to the plat to be signed by a State of Alaska DOT. Please coordinate with the State DOT to verify the statement and determine who is the official required to sign the mylar. Wording for the acceptance may be found in KPB Code 20.60.190(7).

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 what was used to determine the boundary or add a plat note stating how the boundary was determined from record deeds.

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**: An easement was granted by document and is noted in plat note 5. The easement stated the name of the grantee and to his/her successors and assigns. The easement is private. Staff requests the location be determined and depiction with label referring to the note be added or update the note accordingly. Staff requests the wording in the plat note be revised. Comply with 20.60.160.

#### 20.60.180. Plat notes.

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

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

- "No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."

Make the following corrections to the notes listed on the plat.

- Note 3 update the code reference to match new code. "20.60.170"
- Note 4 Add, "no definite location disclosed".
- Note 5 remove the name from the note as the easement was also to heirs and successors. Remove "granted to Joe Mead."
- Note 5 Change to "A private easement for access..."
- Note 5 If it is determined the private easement coincides with the dedication add to the plat note the following. Update the sentence to the true location. "This easement is located within the eastern 73 feet of the 30 foot dedication of Wendy Lane."

- Note 6 reword to "Front 10 feet adjoining dedicated rights of way and 20 feet within 5 feet of side lot lines is granted as a utility easement by this plat. No permanent..."
- Note 7 "Engineer's Subdivision and Soils Report is not available for this subdivision. A wastewater system review is not required as outlined in KPB 20.40.020(2). Soil conditions may be unsuitable for onsite wastewater treatment. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation."

20.60.190. Certificates, statements, and signatures required. **Staff recommendation**: Acceptance required. Comply with 20.60.190.

### 20.60.200. Survey and monumentation.

#### Staff recommendation:

- The record datum listed in the legend does not match the plat listed in plat note 1. The plat shown in the legend is not within the area of this plat.
- The legend states that record data is within parenthesis. There is no information presented on the face of the plat within parenthesis.
- Correct any overstrikes on symbols on the face of the plat.
- A tie is required from the GLO/BLM monuments.
- comply with 20.60.200

#### **RECOMMENDATION:**

#### **STAFF RECOMMENDS:**

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT



**Emery Subdivision** 

### Kenai Peninsula Borough Planning Department

Block Length



