



## Meeting Agenda Plat Committee

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Monday, October 25, 2021

6:30 PM

Betty J. Glick Assembly Chambers

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**Zoom Meeting 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.*

[KPB-3626](#)

October 11, 2021 Plat Committee Meeting Minutes

Attachments:[Plat Minutes 101121 Draft](#)

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

**D. OLD BUSINESS****E. NEW BUSINESS**

1. [KPB-3657](#) Causeway Subdivision 2021 Replat  
KPB File 2021-138

Attachments:

- [1. MAP Vicinity with inset](#)
- [2. MAP Aerial Map](#)
- [3. Plat Prelim KPB 2021-138 Reduced](#)
- [4. Staff Report Causeway Sub 2021 Replat KPB 2021-138](#)
- [5. MAP Block](#)
- [6. MAP ANADROMOUS WATERS](#)
- [7. MAP Aerial 2020](#)
- [8. Plat Parent SW 33](#)

2. [KPB-3658](#) Right-of-Way Acquisition Seward Airport Improvements  
KPB File 2021-047

Attachments:

- [1. GIS Vicinity with inset](#)
- [2. GIS Aerial Map](#)
- [3. Plat Prelim KPB 2021-047 Reduced](#)
- [4. SR ROW Acquisition Seward Airport Improvements KPB 2021-047](#)
- [5. GIS WETLANDS](#)
- [6. GIS SMFDA](#)
- [7. City Minutes 101321](#)
- [8. Plat SW ATS 174](#)

3.     [KPB-3659](#)     S & S Subdivision  
                    KPB File 2021-112

Attachments:

- [1. MAP Vicinity with inset](#)
- [2. MAP Aerial Map](#)
- [3. Plat Prelim KPB 2021-112 Reduced](#)
- [4. Staff Report S and S Sub Young Replat KPB 2021-112](#)
- [5. MAP Block and Wetlands](#)
- [6. MAP UTILITIES](#)
- [7. Plat Parent KN 86-112](#)

## 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, November 8, 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](mailto:planning@kpb.us)

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

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

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





# Kenai Peninsula Borough

## Plat Committee

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

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

### A. CALL TO ORDER

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

### B. ROLL CALL

#### *Plat Committee Members/Alternates*

Jeremy Brantley, Sterling  
Pamela Gillham, Ridgeway  
Virginia Morgan, East Peninsula  
Robert Ruffner, Kasilof/Clam Gulch  
Franco Venuti, City of Homer

#### *Staff Present*

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

#### 1. Election of Chair

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

#### 2. Election of Vice Chair

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

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

#### \*3. Minutes

- a. September 27, 2021 Plat Committee Meeting Minutes

#### \*4. Grouped Plats

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

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

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

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

#### **MOTION PASSED BY UNANIMOUS VOTE**

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

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

### ITEM E3 - CAPTAIN COOK HEIGHTS SUBDIVISION 2021 ADDITION

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

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

### STAFF REPORT

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

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

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

KPB Roads Dept. comments	
SOA DOT comments	No comment

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

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Carver, Nancy Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
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**Staff Analysis** The proposed plat will divide one parcel into two parcels that will be 1 acre and 1.2 acres in size. The parent plat, Captain Cook Heights Subdivision KN 79-85, created the current lot configuration. The parent plat was a subdivision of government lots and aliquot portions of land. The design of the lots comply with 20.30.190(A), 3:1 depth to width ratio. Lot 35A is 3:1 and Lot 35B is 2.5:1.

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

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

The property is not within an advisory planning commission.

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

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

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

**Utility provider review:**

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

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  56320 RESOLUTION RD</p> <p>Existing Street Names are Correct: Yes  List of Correct Street Names:  RESOLUTION RD</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:</p> <p>Comments:  56320 RESOLUTION RD will remain with LOT 35B.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Bruns, Matthew  Comments: No concerns from Assessing Dept.</p>

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

**STAFF RECOMMENDATIONS****CORRECTIONS / EDITS****KPB 20.25.070 – Form and contents required**

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

**A. Within the Title Block**

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

**Staff recommendation:**

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

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

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

**KPB 20.40 – Wastewater Disposal**

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

**20.40.010 Wastewater disposal.**

**Platting Staff Comments:** A soils analysis report is required and a licensed engineer will need to sign the plat.

**Staff recommendation:** comply with 20.40.

**KPB 20.60 – Final Plat**

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

**20.60.180. Plat notes.**

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

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

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

**RECOMMENDATION:****STAFF RECOMMENDS:**

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

**END OF STAFF REPORT**

*\*Passed by Consent Agenda*

**ITEM E4 – JAMES WADDELL HOMESTEAD 2021 REPLAT**

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

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

**STAFF REPORT**

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

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

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

KPB Roads Dept. comments	
SOA DOT comments	No comment

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

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

**Staff Analysis** The proposed plat will be combining two lots that were created by James Waddell Homestead Petska 2018 Addition, Plat HM 2020-6. The full width of Nelson Avenue and Ronda Street were granted in 2006 by Nelson Avenue and Ronda Street Right of Way Dedication plat, HM 2006-84. That plat created a tract that was further subdivided by James Waddell Homestead Petska 2014 Addition, HM 2018-3. The most recent and current configuration was then approved and finalized. All easements and required plat notes from parent plats have been carried over or noted.

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

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

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

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

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

**Utility provider review:**

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

**KPB department / agency review:**

Addressing	Reviewer: Haws, Derek Affected Addresses: 1150 NELSON AVE  Existing Street Names are Correct: Yes List of Correct Street Names: NELSON AVE
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Addressing	<p>RONDA ST</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: City of Homer will advise on affected addresses.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required</p>
Assessing	<p>Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.</p>

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

### **STAFF RECOMMENDATIONS**

#### **CORRECTIONS / EDITS**

#### **KPB 20.30 – Subdivision Design Requirements**

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

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

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

#### **KPB 20.40 – Wastewater Disposal**

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

20.40.010 Wastewater disposal.

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

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

#### **KPB 20.60 – Final Plat**

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

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

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

20.60.180. Plat notes.

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

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

**Staff recommendation:** Update plat note 7 by removing "That" and replacing with "A".

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

20.60.190. Certificates, statements, and signatures required.

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

### **RECOMMENDATION:**

### **STAFF RECOMMENDS:**

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

**END OF STAFF REPORT**

*\*Passed by Consent Agenda*

### **ITEM 6 – MANSFIELD SUBDIVISION WOLTER 2021 REPLAT**

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

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



## STAFF REPORT

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

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

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

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

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

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

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

KPB Roads Dept. comments	
SOA DOT comments	No comment.

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

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

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

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

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

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

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

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

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

**Utility provider review:**

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

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: NONE</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: HUTLER RD</p> <p>Existing Street Name Corrections Needed:</p>
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Addressing	All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: NO ADDRESSES AFFECTED BY THIS SUBDIVISION.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Taylor, Bryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept.
Advisory Planning Commission	Not available when staff report was prepared.

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

### **STAFF RECOMMENDATIONS**

#### **CORRECTIONS / EDITS**

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

##### **A. Within the Title Block**

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

##### **Staff recommendation:**

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

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

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

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

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

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

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

**20.30.030. Proposed street layout-Requirements.**

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

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

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

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

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

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

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

**20.40.010 Wastewater disposal.**

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

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

### **KPB 20.60 – Final Plat**

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

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

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

**20.60.200. Survey and monumentation.**

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

### **RECOMMENDATION:**

### **STAFF RECOMMENDS:**

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

**AND**

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

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

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

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

**END OF STAFF REPORT**

*\*Passed by Consent Agenda*

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

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

**ITEM E1 – ALASKAN WILDWOOD PHASE 2**

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

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

Staff report given by Scott Huff.

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

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



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

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

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

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

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

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

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

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

### **Staff Analysis**

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

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

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

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

**Utility Easements**

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

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

**Utility provider review:**

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

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek</p> <p>Affected Addresses: None</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: KING RD QUEEN LN TURKU AVE RAM ROCK RD SERGEF AVE BEREZKA DR KOSTINO ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes</p> <p>List of Approved Street Names: TIMBERLAND CIR</p> <p>List of Street Names Denied:</p> <p>Comments: New street name TIMBERLAND CIR is approved.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing – Matt Bruns	<p>Reviewer: Bruns, Matthew</p> <p>Comments: No concerns from Assessing Dept.</p>
Advisory Planning Commission	

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

**STAFF RECOMMENDATIONS****CORRECTIONS / EDITS****KPB 20.25.070 –Form and contents required****A. Within the Title Block**

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

***Staff recommendation:***

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

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

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

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

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

**KPB 20.30 Design Requirements**

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

**20.30.030. Proposed street layout-Requirements.**

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

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

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

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

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

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



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

20.30.100. Cul-de-sacs.

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

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

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

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

20.30.120. Streets-Width requirements.

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

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

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

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

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

20.30.130. Streets-Curve requirements.

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

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

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

20.30.240. Building setbacks.

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

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

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

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

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

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

20.40.010 Wastewater disposal.

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

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

#### **KPB 20.60 – Final Plat**

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

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

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

20.60.180. Plat notes.

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

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

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

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

20.60.190. Certificates, statements, and signatures required.

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

#### **EXCEPTIONS REQUESTED:**

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

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

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

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

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

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

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

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

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

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

**Findings:**

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

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

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

Committee with the meeting date.

**EXCEPTIONS REQUESTED:**

**B. KPB 20.30.170 Block Length**

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

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

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

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

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

**Findings:**

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

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

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

Committee with the meeting date.

**RECOMMENDATION:**

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

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

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

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

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

**END OF STAFF REPORT**

Chair Ruffner opened the meeting for public comment.

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

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

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

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

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



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

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

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

**AMENDMENT A:** Commissioner Brantley moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.030-Proposed Street Layout for Kostino Street along the east boundary, citing findings 1-4 in support of standards one, two and three.

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

**AMENDMENT A MOTION PASSED BY UNANIMOUS VOTE**

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

**AMENDMENT B:** Commissioner Brantley moved, seconded by Commissioner Gillham to grant exception request to KPB 20.30.170-Block Length Requirement, citing findings 1, 4, 5 & 7 in support of standards one, two and three.

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

**AMENDMENT B MOTION PASSED BY UNANIMOUS VOTE**

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

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

**MAIN MOTION PASSED BY UNANIMOUS VOTE**

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

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

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

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

Staff report given by Scott Huff.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Carver, Nancy</p>
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KPB River Center review	Habitat Protection District Status: Is NOT within HPD Comments: No comments  C. State Parks Reviewer: Russell, Pam Comments: No Comments
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**Staff Analysis** This plat review was performed under 20.10.090, municipal entitlement plat. As this is a State plat, it will need to conform to any regulations and requirements from the state in addition to the applicable portions of KPB Code. The lands within this plat were selected by the Kenai Peninsula Borough through municipal entitlement and were approved by the state. The recording of this plat will allow the tracts created by this plat to be deeded to the borough for ownership.

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

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

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

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

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

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

**Utility provider review:**

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

**KPB department / agency review:**

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

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

### **STAFF RECOMMENDATIONS**

#### **CORRECTIONS / EDITS**

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

##### All sheets

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

##### Sheet 1

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

##### Sheet 2

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

##### Sheet 3

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

## Sheet 4

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

## Sheet 5

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

**KPB 20.25.070 – Form and contents required**

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

## A. Within the Title Block

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

**Staff recommendation:***All sheets*

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

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

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

Located within:

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

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

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

**Staff recommendation:**

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

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

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

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

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

#### **KPB 20.30 – Subdivision Design Requirements**

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

Does not apply to municipal entitlement plats.

#### **KPB 20.40 – Wastewater Disposal**

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

20.40.010 Wastewater disposal.

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

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

#### **KPB 20.60 – Final Plat**

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

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

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

20.60.180. Plat notes.

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

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

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

- *No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.*

- Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).
- Reservation of Easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.
- Rights of the public and or governmental agencies in and to that portion of said premises lying below the mean high water mark of Summit Lake, Butcher Creek, Colorado Creek, Canyon Creek, and Tenderfoot Creek and any questions of right of access to the water in the event said lands do not in fact abut the water.
- No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.

20.60.190. Certificates, statements, and signatures required.

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

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

**RECOMMENDATION:**

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

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

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

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

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

**END OF STAFF REPORT**

Chair Ruffner opened the meeting for public comment.

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

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

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

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

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

**MOTION PASSED BY UNANIMOUS VOTE**

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

AGENDA ITEM E. NEW BUSINESS

**ITEM E5 – BUNNELL’S SUBDIVISION HAIGH 2021 REPLAT**

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

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

Staff report given by Scott Huff.

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

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

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

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

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

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



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

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

KPB Roads Dept. comments	
SOA DOT comments	No comment

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

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Homer Comments: No comments</p> <p>B. Habitat Protection Reviewer: Carver, Nancy Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
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**Staff Analysis** The proposed plat will reconfigure the lot lines between two lots. The current lot configuration was created by the parent plat, Bunnell's Subdivision HM 49. Lot 49 was split by deed as shown in a record of survey, HM 97-27. The west half fronted Swatzell Street. The proposed plat will create a flag for the W1/2 of Lot 49 to provide physical and legal access to the 20 foot alleyway.

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

Notice of the proposed plat was mailed to the beneficial interest holder on September 17, 2021. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

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

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

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

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

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

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

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

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

Homer Electric Association requests a 10 foot wide easement centered on an existing underground electrical line. The line is depicted on the plat.

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

**Utility provider review:**

HEA	Requests 10 foot wide easement centered on existing underground electrical line.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  3835 MAIN ST</p> <p>Existing Street Names are Correct: Yes  List of Correct Street Names:  MAIN ST  SWATZELL ST</p> <p>Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:</p> <p>Comments:  City of Homer will advise on affected addresses.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.  Review Not Required</p>
Assessing	<p>Reviewer: Bruns, Matthew  Comments: No concerns from Assessing Dept.</p>

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

**STAFF RECOMMENDATIONS****CORRECTIONS / EDITS****KPB 20.25.070 – Form and contents required**

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

**A. Within the Title Block**

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

**Staff recommendation:**

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

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

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

**KPB 20.30 – Subdivision Design Requirements**

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

**20.30.190. Lots-Dimensions.**

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

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

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

**KPB 20.40 – Wastewater Disposal**

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

**20.40.010 Wastewater disposal.**

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

**Staff recommendation:** comply with 20.40.



**KPB 20.60 – Final Plat**

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

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

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

20.60.180. Plat notes.

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

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

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

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

20.60.190. Certificates, statements, and signatures required.

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

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

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

Comply with 20.60.190

**EXCEPTIONS REQUESTED:**

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

**Surveyor's Discussion:**

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

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

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

**Findings:**

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

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

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

**RECOMMENDATION:**

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

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

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

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

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

**END OF STAFF REPORT**

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

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

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

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

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

**AMENDMENT MOTION PASSED BY UNANIMOUS VOTE**

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

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

**MOTION PASSED BY UNANIMOUS VOTE**

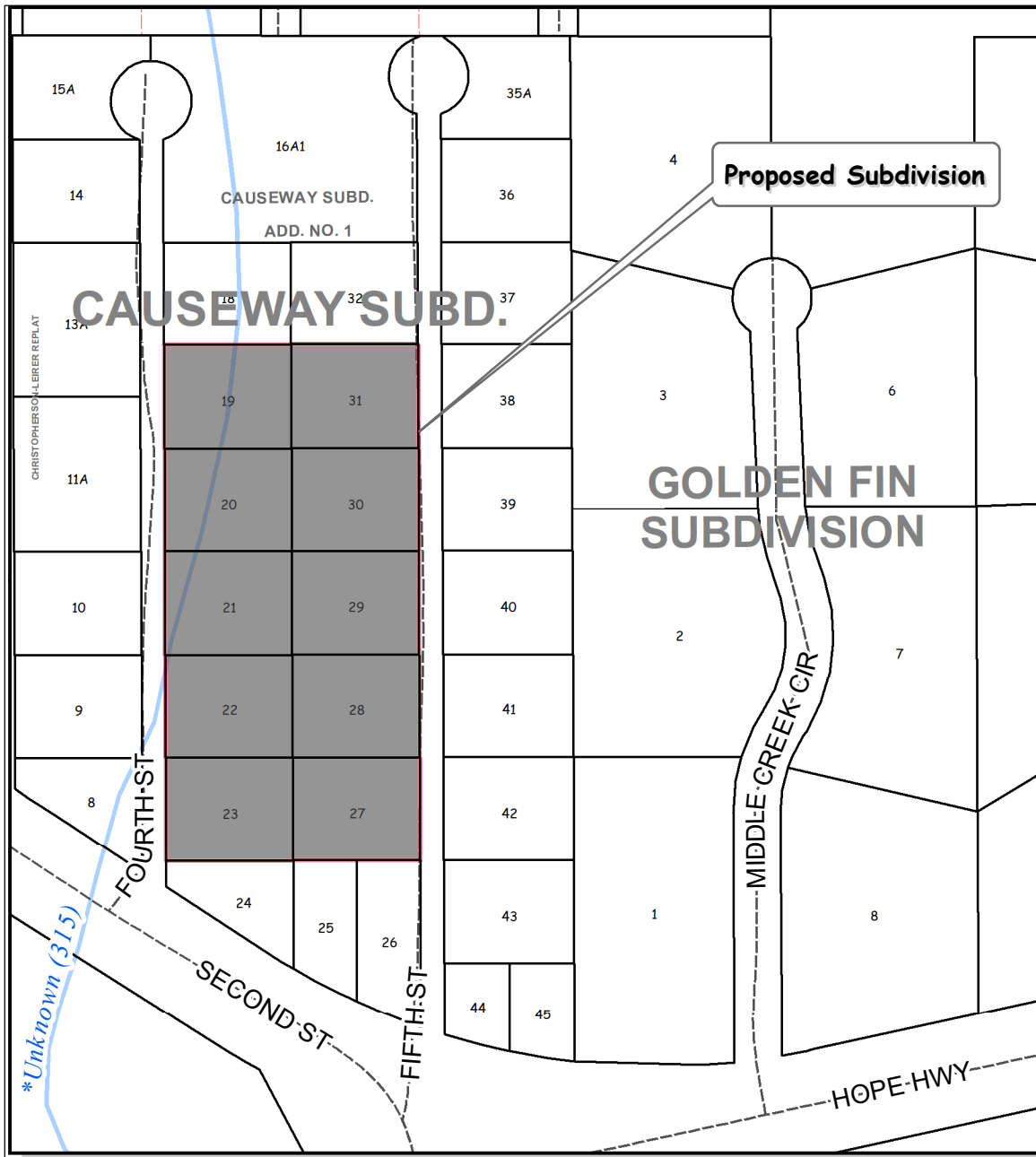
Yes	5	Recused	1	No	0
Yes	Brantley, Gillham, Morgan, Ruffner, Venuti				
Recused	Venuti				

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

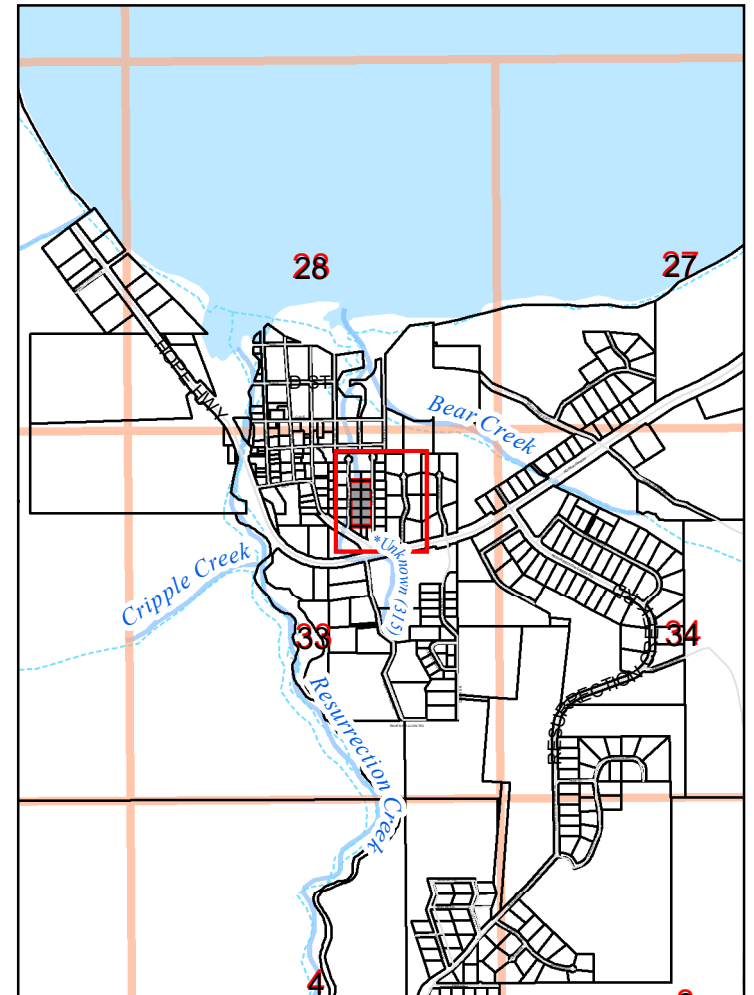
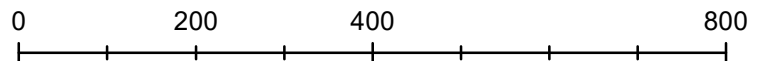
Commissioner Venuti moved to adjourn the meeting 7:34 P.M.

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Ann E. Shirnberg  
Administrative Assistant

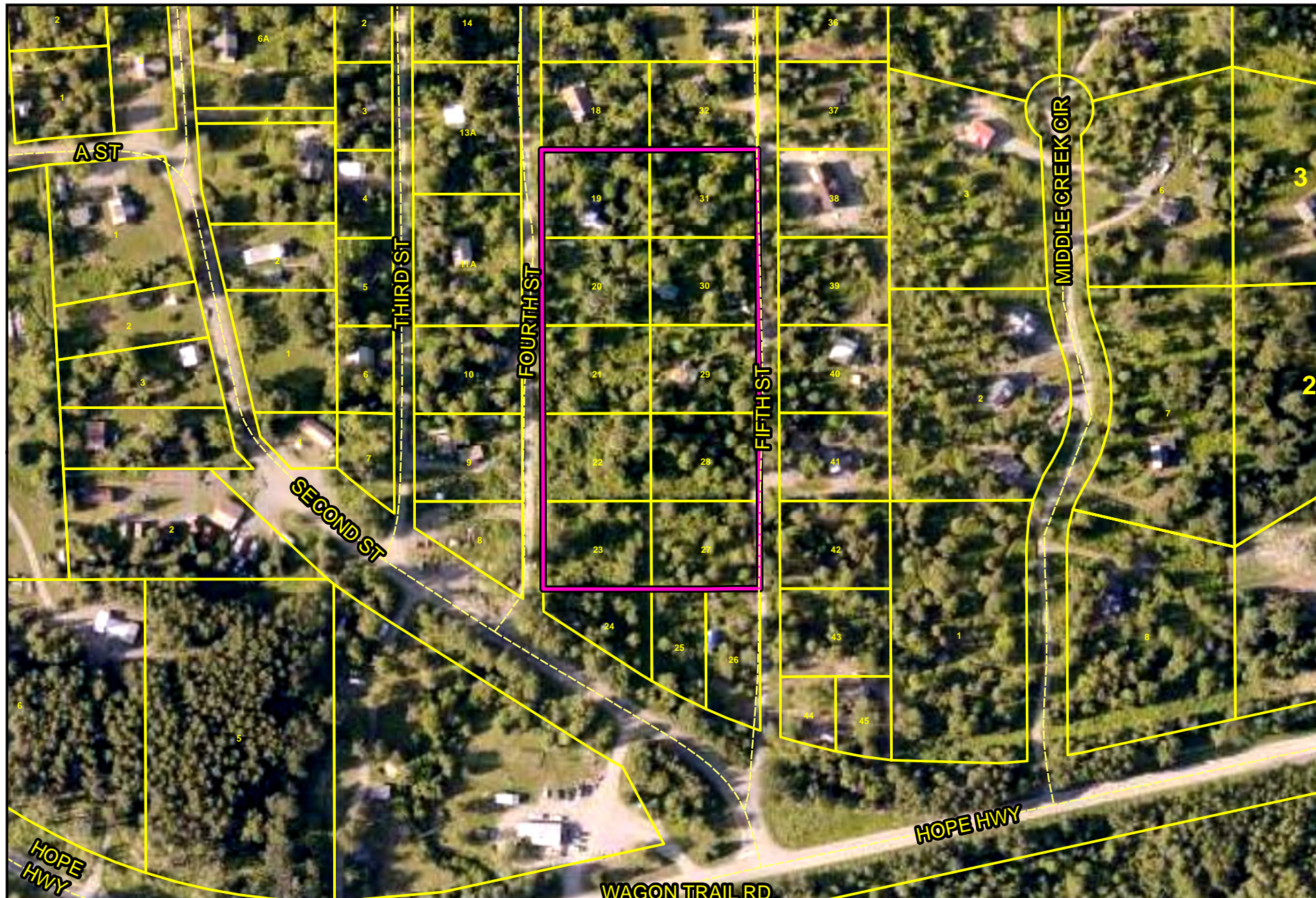


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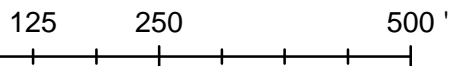


**KPB 2021-138**  
**S22 T05N R10W**  
**RIDGEWAY**





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Aerial View



 PRELIMINARY PLAT

PClements, KPB 2021-138  
Imagery PICTOMETRY



RECORD 3-1/4"  
BRASS CAP 1995



STATE OF ALASKA  
49<sup>TH</sup>  
JAMES A. HALL  
85032-S  
REGISTERED PROFESSIONAL LAND SURVEYOR

Time \_\_\_\_\_

DRAWN BY : JAH



AGENDA ITEM E. NEW BUSINESS

ITEM 1 - CAUSEWAY SUBDIVISION 2021 REPLAT

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

<b>Parent Parcel No.:</b>	035-070-19, 035-070-20, 035-070-21, 035-070-22, 035-070-23, 035-070-27, 035-070-28, 035-070-29, 035-070-30, and 035-070-31
<b>Legal Description:</b>	Lots 19-23 and Lots 27-31 Causeway Subdivision Plat No SW-33
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

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STAFF REPORT

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

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

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

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

KPB Roads Dept. comments	No comments
SOA DOT comments	

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

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

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments
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	<p>B. Habitat Protection  Reviewer: Aldridge, Morgan  Habitat Protection District Status: IS totally or partially within HPD  Comments: KPB\maldrige</p> <p>C. State Parks  Reviewer: Russell, Pam  Comments:  No Comments</p>
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**Staff Analysis** The preliminary plat will be reconfiguring ten lots into two lots. The current lots were created with Causeway Subdivision, SW 33, which was recorded in 1962. The parent plat dedicated 30 foot wide right of ways on either side of the block containing the lots within this proposed subdivision. The proposal will combine former Lots 19, 20, 30, and 31 into one 1.91 acre lot and Lots 21-23 and 27-29 into one 2.866 acre lot.

Locations of structures are not shown on the proposed plat. Per KPB GIS imagery from 2020 there are several structures built on the lots. While it is unknown if any of the structures are encroaching or crossing current lot lines several appear to be close. If there are any encroachment issues, the reconfiguration should resolve those matters.

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

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

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

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

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

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

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

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

**Utility provider review:**

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

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  64850 FOURTH ST  64835 FIFTH ST  64811 FIFTH ST</p> <p>Existing Street Names are Correct: Yes  List of Correct Street Names:  SECOND ST  FOURTH ST  FIFTH ST</p> <p>Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:</p> <p>Comments:  64850 FOURTH ST and 64835 FIFTH ST will remain with Lot 19A.  64811 FIFTH ST will remain with Lot 21A.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Bruns, Matthew  Comments: No concerns from Assessing Dept.</p>
Advisory Planning Commission	<p>Comments not available when staff report was prepared.</p>

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

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

**KPB 20.30 – Subdivision Design Requirements**

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

20.30.120. Streets-Width requirements.

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

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

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

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

ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

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

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

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**KPB 20.40 – Wastewater Disposal**

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

20.40.010 Wastewater disposal.

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

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

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**KPB 20.60 – Final Plat**

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

20.60.190. Certificates, statements, and signatures required.

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

20.60.200. Survey and monumentation.

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

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**EXCEPTIONS REQUESTED:**

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

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

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

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

**Surveyor's Findings:**

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

**Staff Findings:**

4. The Kenai Peninsula Borough maintains the right of ways.
5. No comments were made by the Kenai Peninsula Borough Roads Department.
6. Right of ways in the area that were created by the Hope Townsite Survey No. 1485 (done in 1923), were widths of 30, 40, or 50 feet.
7. Fourth Street and Fifth Street are cul-de-sacs.
8. The right of ways currently provide access to thirty-three lots.
9. Seven of the lots that have Fourth Street for access have additional access.
10. If the subdivision is approved the number of lots using Fourth Street and Fifth Street for access will be reduced to twenty-five lots.
11. The ability to obtain matching right of way from adjacent lots will be difficult due to their lots sizes and improvements.
12. Other lots have been combined on Fourth Street and additional dedications were not required. (It was not discussed in the minutes from 1994).
13. The road widths fit with the design and feel of the community.
14. Allowing the road widths to remain will comply with the Kenai Peninsula Borough Comprehensive Plan as part of Historic Preservation to maintain the character of the historic town.

Staff reviewed the exception request and recommends granting approval.

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

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

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-5, 9-14 appear to support this standard.**
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;  
**Findings 1-5, 9-14 appear to support this standard.**

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

**Findings 1-5, 9-14 appear to support this standard.**

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

---

**RECOMMENDATION:**

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

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

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

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

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

**END OF STAFF REPORT**

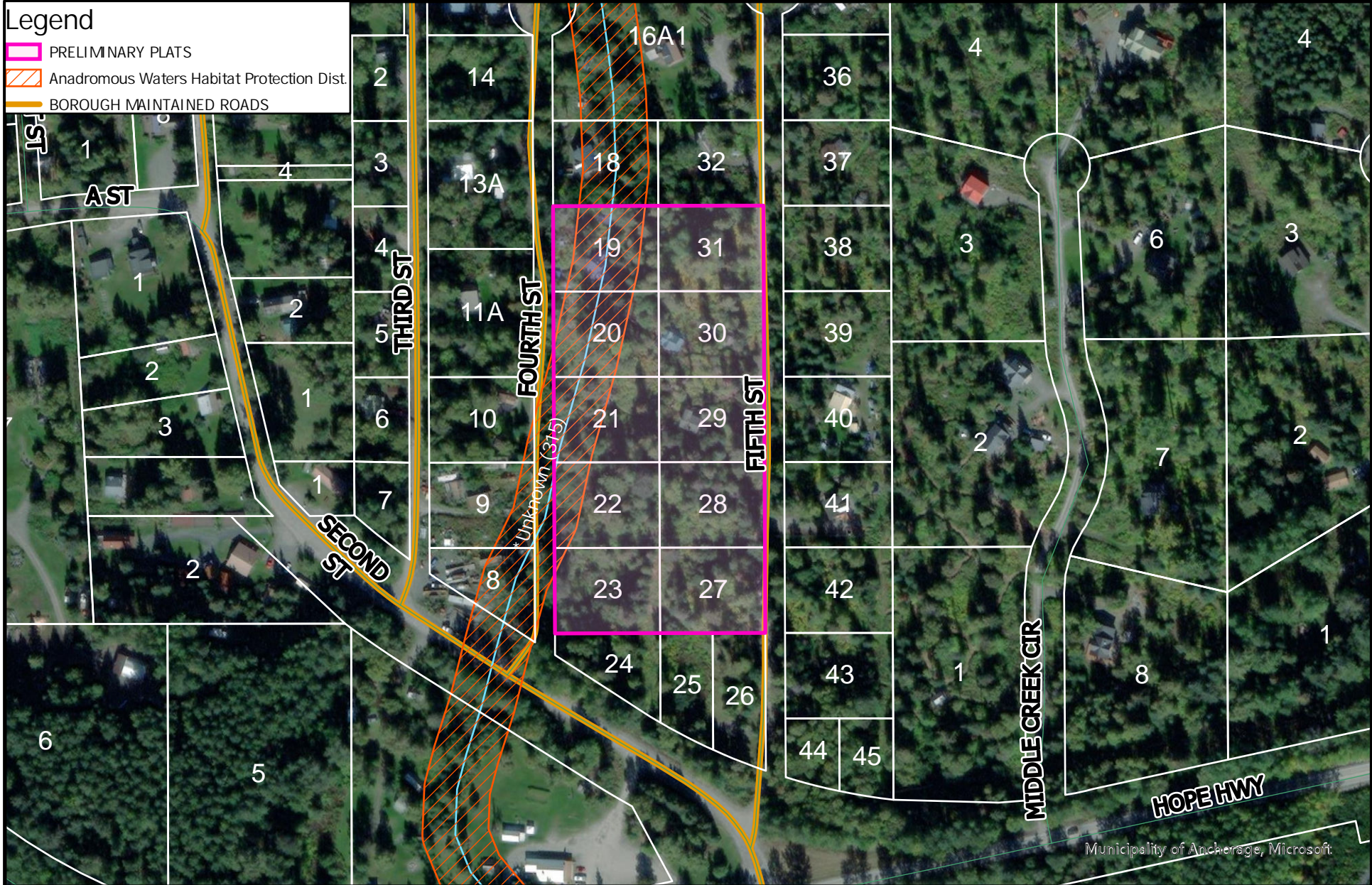




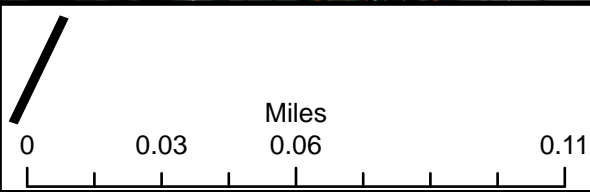
### Causeway Subdivision 2021 Replat KPB File 2021-138







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AERIAL IMAGERY 2019

ANADROMOUS WATERS HABITAT PROTECTION DISTRICT

Date: 5/28/2021  
1:50 PM  
Scott Huff  
Platting Manager



# Causeway Subdivision 2021 Replat

51



© All Pictometry

07/05/2020



CAUSEWAY SUBDIVISION  
HOPE, ALASKA  
PLAT 33 AUGUST 1962

Hope Township

East

Methodist (log) Church

Hope Township

Second St.

Third St.

Fourth St.

Fifth St.

HOPE

HIGHWAY

To Anchorage

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision with my free consent, and dedicate all streets, alleys and other open spaces to public or private use as noted

September 11, 1962

Killewich Company, Inc.  
By Robert V. Killewich  
President

Witness *Chris F. Wyler*  
*Alma M. Earley*

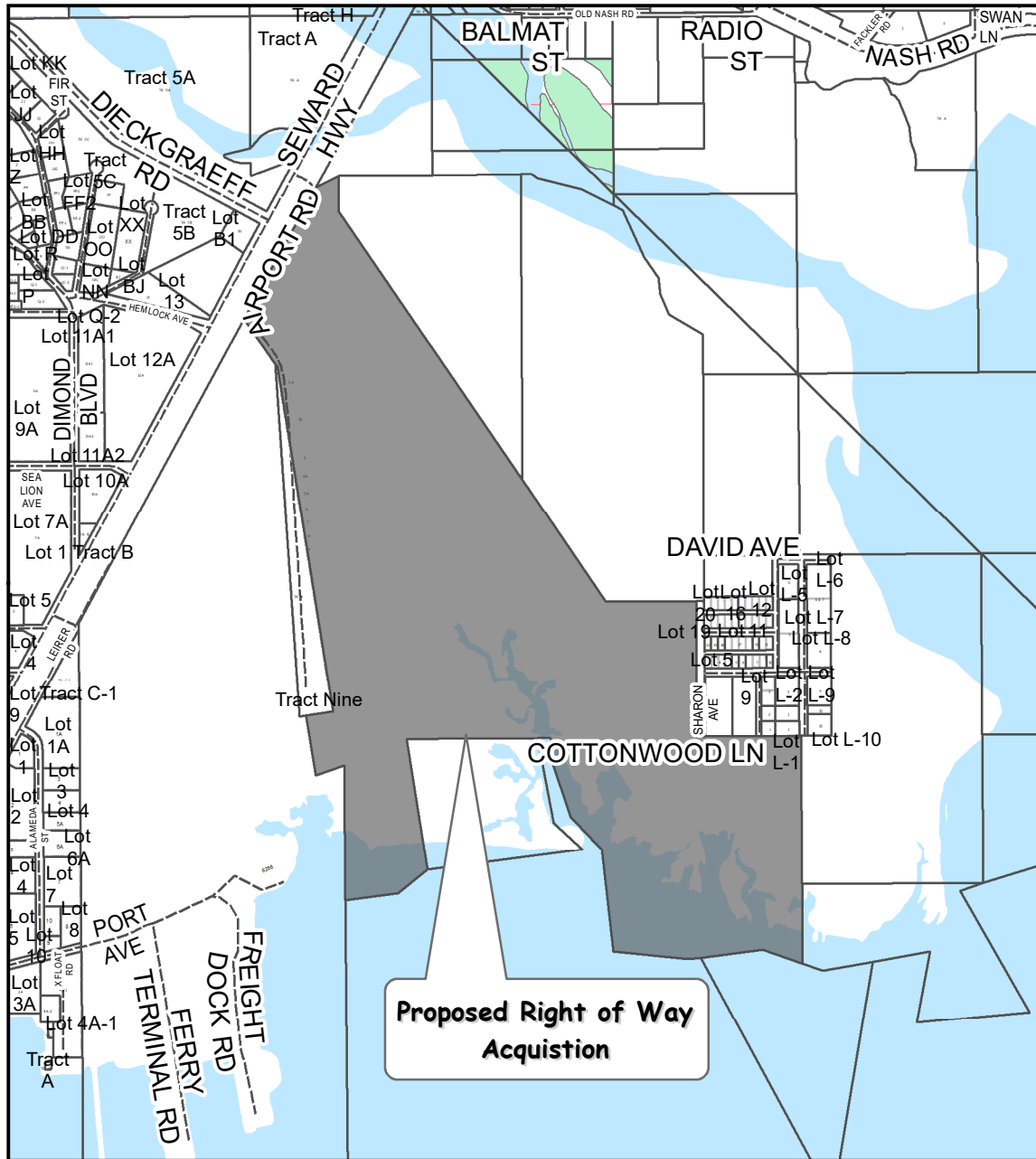
**CERTIFICATE OF REGISTERED ENGINEER**  
I hereby certify that I am a registered professional civil engineer, and that this plat represents the survey made by me or under my direction and that all dimensions and other details are correct to the best of my knowledge

September 11, 1962

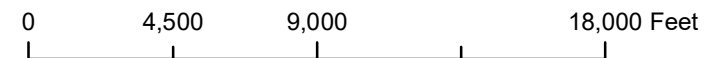
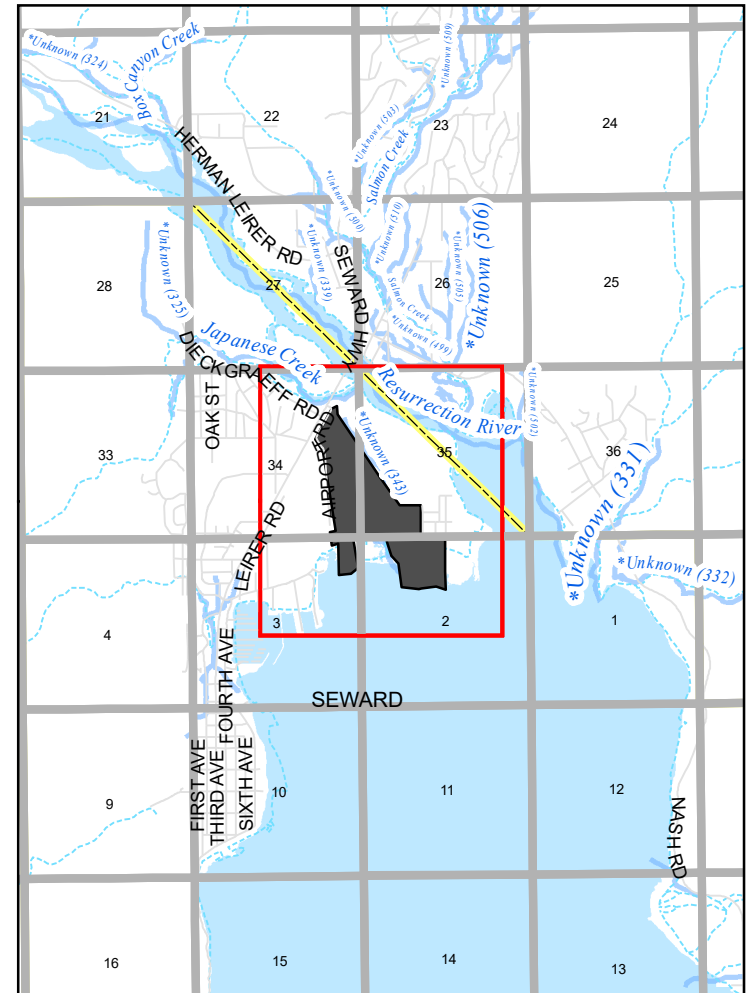
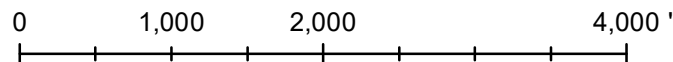
*Chris F. Wyler*  
Chris F. Wyler  
Registered Engineer #26-E

RECORDED - FILED  
JUN 21 1962  
JUN 21 1962  
JUN 21 1962

PLAT OF CAUSEWAY SUBDIVISION  
OF ALASKA



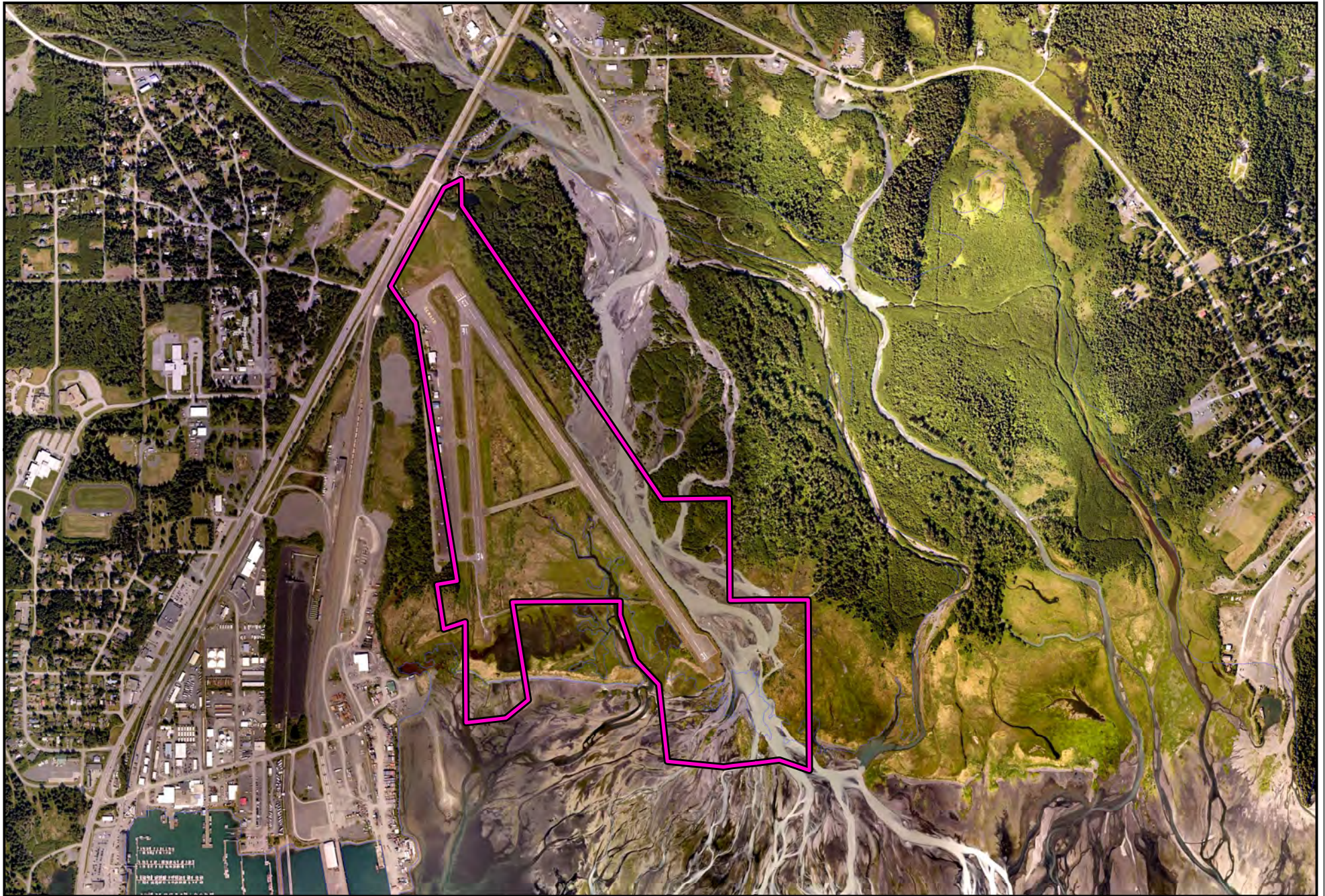
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**KPB 2021-047**  
**S02 & S03 T01S R01W**  
**S34 & S35 T01N R01W**  
**City of Seward**

Date: 4/7/2021  
 PClements, KPB 2021-047





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

### Aerial View

0 500 1,000 2,000'



PRELIMINARY PLAT

PClements, KPB 2021-047  
Date: 4/7/2021  
Imagery Seward Pictometry



HORIZONTAL CONTROL STATEMENT

Coordinate System:

This project is located entirely within the "SEW1" Coordinate System a local surface grid coordinate system expressed in U.S. Survey Feet developed by the Alaska Department of Transportation.

Basis of Coordinates:

The Basis of Coordinates is the coordinates for Point 1 the datum point on a 9/16" stainless steel drive rod monument located at the north end of Runway 13/31 as listed on the Seward Airport Survey Control Diagram signed 4-1-2011 and recorded as plat 2011-8 in the Seward Recording District. Said station has "SEW1" coordinates of 273296.2514 N, 105481.8762 E, U.S. Survey Feet. (NAD83 Alaska State Plane Zone 4 Coordinates: 2241801.7784 N, 1745899.4858 E, U.S. Survey Feet). (NAD83(2011) Geographic position: 60°08'07.04951" N, 149°25'16.99134 W).

Horizontal coordinates were determined by a high precision static GPS control survey then scaled and translated into the local "SEW1" coordinate system.

Basis of Bearings:

The Basis of Bearings is the NAD83 Alaska State Plane Zone 4 grid coordinate system.

Translation Parameters:

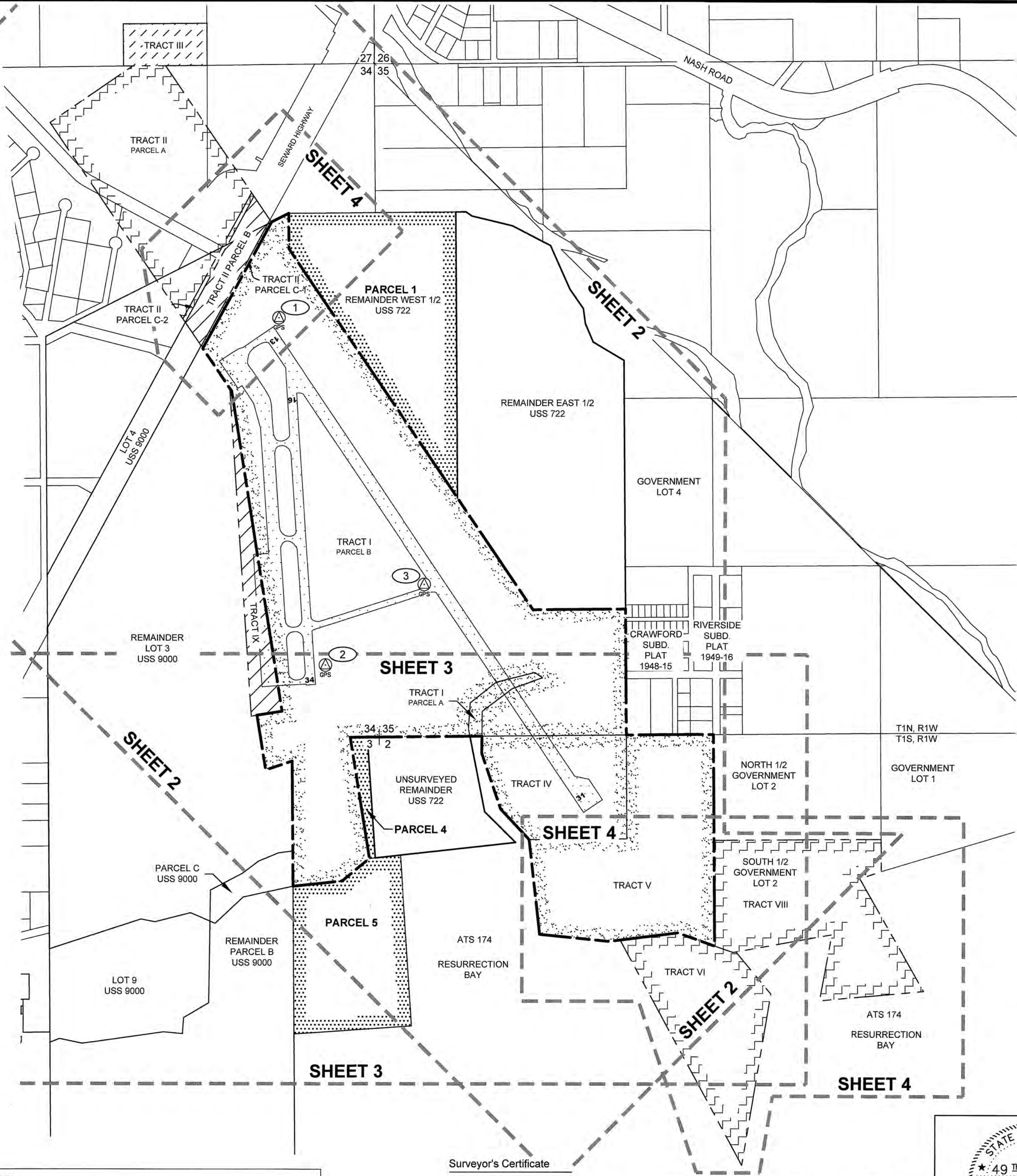
To convert the local "SEW1" coordinates to NAD83(2011) State Plane coordinates expressed in U.S. Survey Feet translate by using +1968731.705278 N, U.S. Survey Feet +1640593.755702 E, U.S. Survey Feet and scale using 0.9998991189.

NOTES:

- Field work for this survey was performed by PDC Engineers in December 2017 and May 2019.
- Points 1, 2 and 3 (stamped PAC SA-1 PAC SA-2 and PAC SA-3) are not published within the National Geodetic (NGS) Survey Database and are not recognized as official PACS and SACS. Additional NGS guidance surveying measurements and data processing would be necessary to publish these monuments.
- All coordinates and dimensions are shown in U.S. Survey Feet. The U.S. Foot to meter conversion factor is 1200/3937.
- Unannotated background property information outside the proposed and existing airport boundary and parent parcels was gathered from the Kenai Peninsula Borough Geographic Information System and does not reflect surveyed property lines.
- See the Survey Control Diagram for this project, recorded as Plat 2018-8, Seward Recording District (S.R.D.) for additional survey information.

LEGEND

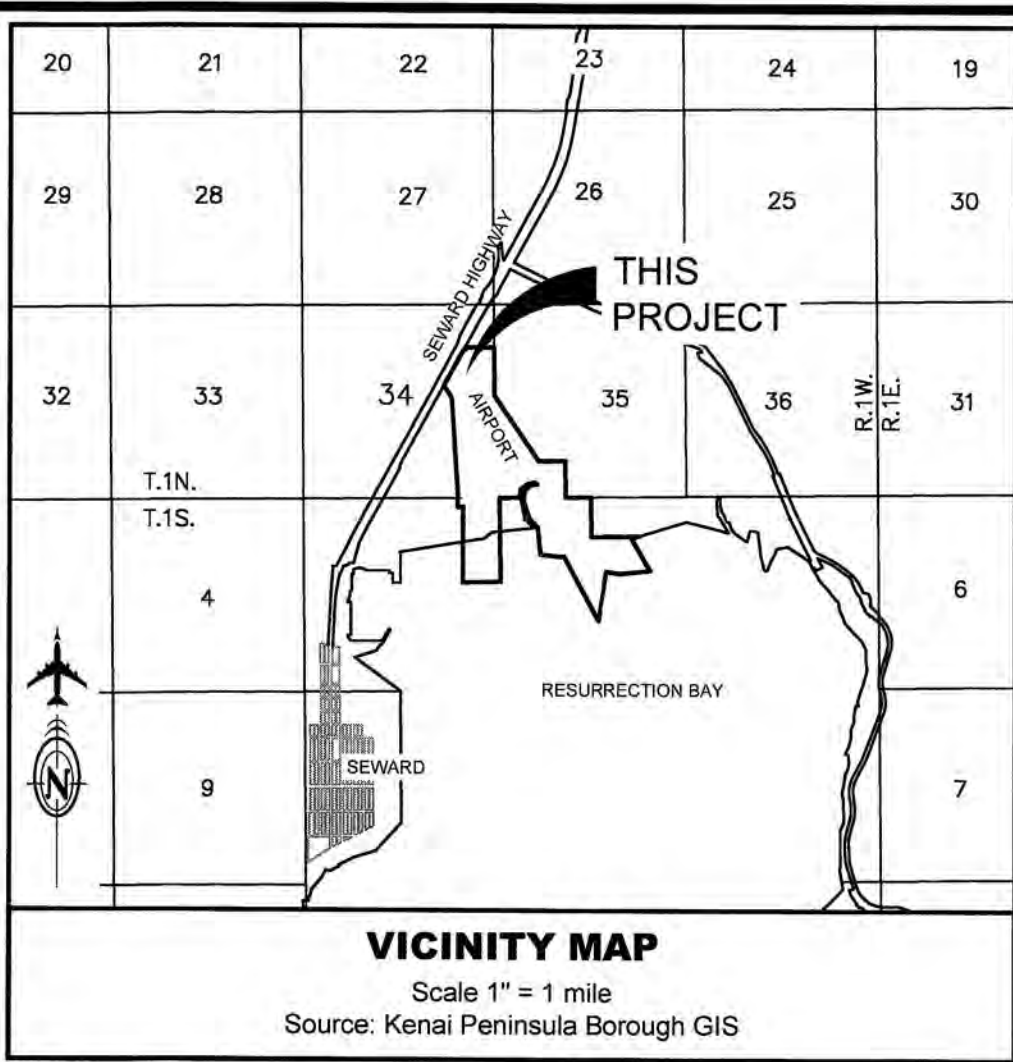
	GPS Control Station
	Sheet Line
	Airport Boundary Line
	U.S. Survey Line
	Lot/Tract/Parcel Line
	Point Number
	Record Data, Seward Airport Property Plan
	Record Data, Alaska Tideland Survey 174
	Record Data, U.S. Survey 9000
	Fee Acquisition Parcel
	Avigation and Hazard Easement/ Clear Zone Easement
	Fee Title
	Lease or Permit
	Interagency Land Management Transfer (ILMT)



Surveyor's Certificate

I hereby certify that I am properly Registered and Licensed to practice Land Surveying in the State of Alaska, and that this drawing represents a survey made by me or under my direct supervision, and that the monuments shown hereon actually exist as described, and that all dimensions and other details are correct to the extent shown hereon.

Craig Owen Ranson LS-11798 Date



Right-of-Way Acquisition Plat Approval

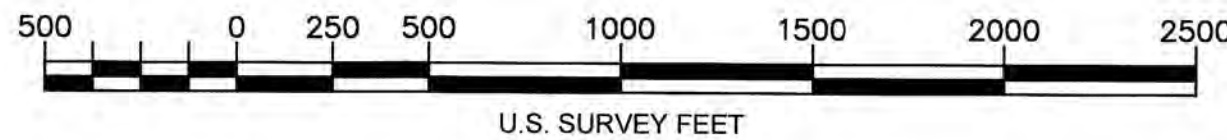
This plat was approved by the Kenai Peninsula Borough planning commission in accordance with KPB 20.10.070 at the meeting of

Borough Official

Date



T.1N. R.1W, SEC. 34 & 35  
T.1S. R.1W, SEC. 2 & 3



PRELIMINARY

Seward Recording District  
State Business No Fee

STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
&  
PUBLIC FACILITIES  
RIGHT OF WAY ACQUISITION PLAT  
AKSAS Project No. Z548570000  
SEWARD AIRPORT IMPROVEMENTS  
Located within: Sections 2 & 3, T.1S. R.1W. and Sections 34 & 35,  
T.1N. R.1W, S.M. AK.

DRAWN BY: KHE DATE: 2/25/21 SCALE: 1" = 500'  
CHECKED: COR DATE: 2/25/21 SHEET 1 OF 5

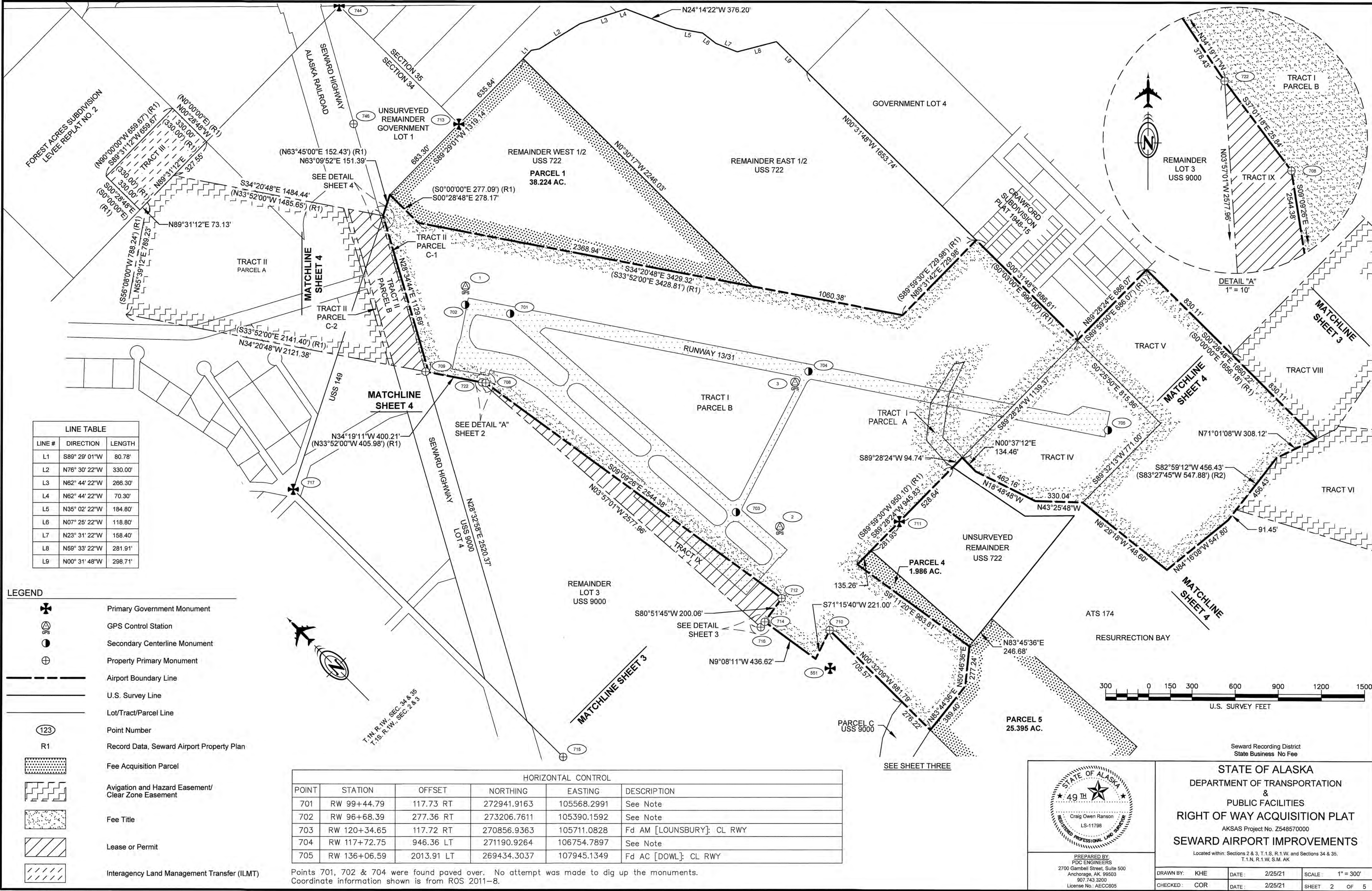


PREPARED BY:  
PDC ENGINEERS  
2700 Gambell Street, Suite 500  
Anchorage, AK 99503  
907.743.3200  
License No.: AECC605

HORIZONTAL AND VERTICAL CONTROL						
POINT	STATION	OFFSET	NAD83(CORS96)(2003.0000) GEODETTIC COORDINATES		LOCAL COORDINATES	
			LATITUDE	LONGITUDE	NORTHING	EASTING
1	RW 95+85.38	179.74 RT	60°08'07.04951" N	149°25'16.99134" W	273,296.2514	105,481.8761
2	RW 123+29.77	7.08 LT	60°07'40.17893" N	149°25'10.08213" W	270,571.0384	105,855.7576
3	RW 117+51.23	828.02 LT	60°07'46.34783" N	149°24'54.58449" W	271,204.3133	106,635.2516

KPB 2021-047





LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S89° 29' 01"W	80.78'
L2	N76° 30' 22"W	330.00'
L3	N62° 44' 22"W	266.30'
L4	N62° 44' 22"W	70.30'
L5	N35° 02' 22"W	184.80'
L6	N07° 25' 22"W	118.80'
L7	N23° 31' 22"W	158.40'
L8	N59° 33' 22"W	281.91'
L9	N00° 31' 48"W	298.71'

LEGEND

Primary Government Monument

GPS Control Station

Secondary Centerline Monument

Property Primary Monument

Airport Boundary Line

U.S. Survey Line

Lot/Tract/Parcel Line

Point Number

Record Data, Seward Airport Property Plan

Fee Acquisition Parcel

Avigation and Hazard Easement/  
Clear Zone Easement

Fee Title

Lease or Permit

Interagency Land Management Transfer (ILMT)

HORIZONTAL CONTROL					
POINT	STATION	OFFSET	NORTHING	EASTING	DESCRIPTION
701	RW 99+44.79	117.73 RT	272941.9163	105568.2991	See Note
702	RW 96+68.39	277.36 RT	273206.7611	105390.1592	See Note
703	RW 120+34.65	117.72 RT	270856.9363	105711.0828	Fd AM [LOUNSBURY]: CL RWY
704	RW 117+72.75	946.36 LT	271190.9264	106754.7897	See Note
705	RW 136+06.59	2013.91 LT	269434.3037	107945.1349	Fd AC [DOWL]: CL RWY

Points 701, 702 & 704 were found paved over. No attempt was made to dig up the monuments. Coordinate information shown is from ROS 2011-8.

PREPARED BY:  
PDC ENGINEERS  
2700 Gambell Street, Suite 500  
Anchorage, AK 99503  
907.743.3200  
License No.: AECC605

STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
&  
PUBLIC FACILITIES  
RIGHT OF WAY ACQUISITION PLAT  
AKSAS Project No. Z548570000  
SEWARD AIRPORT IMPROVEMENTS  
Located within Sections 2 & 3, T.1N, R.1W, and Sections 34 & 35, T.1N, R.1W, S.M. AK

DRAWN BY: KHE

DATE: 2/25/21

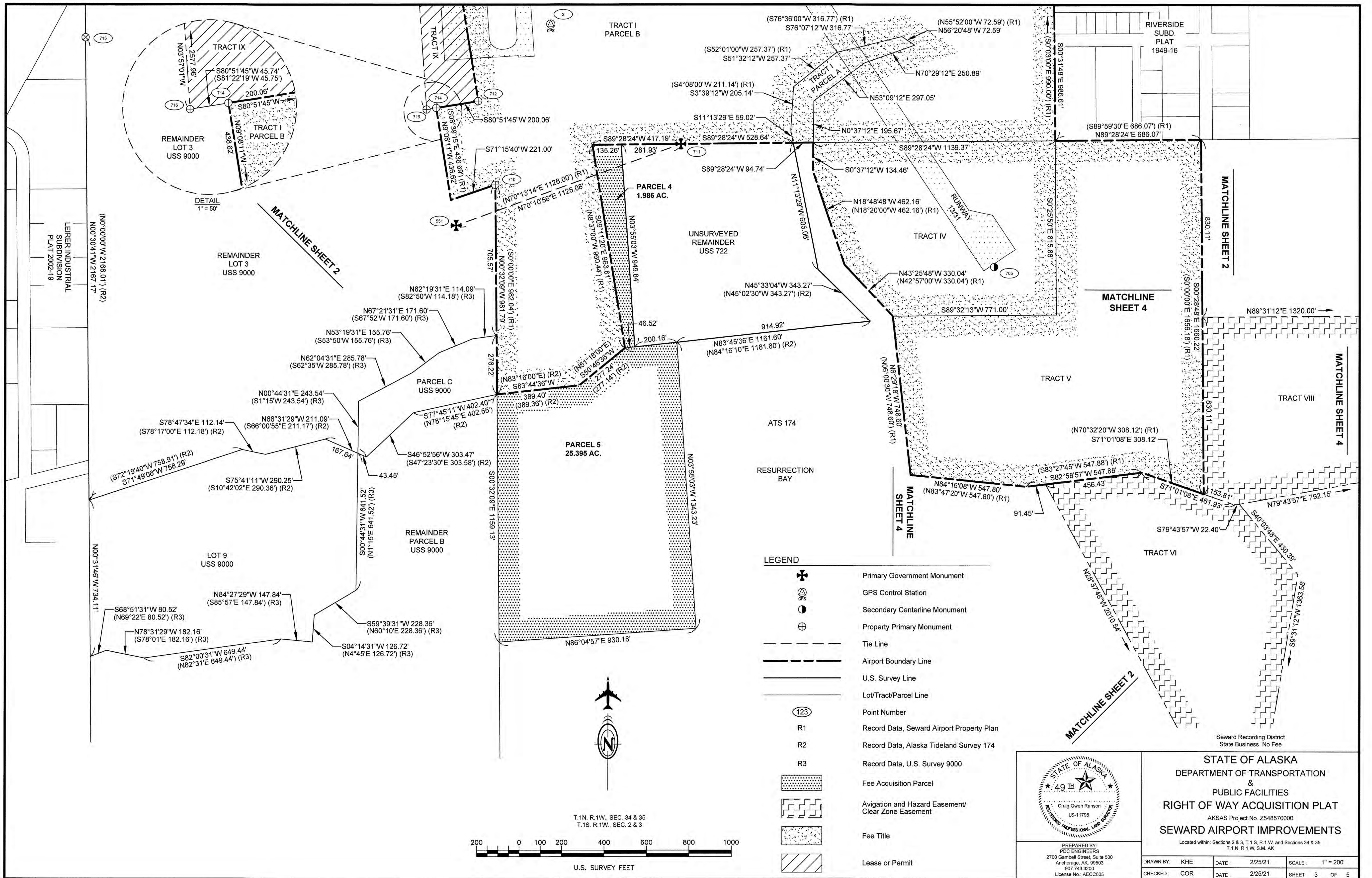
SCALE: 1" = 300'

CHECKED: COR

DATE: 2/25/21

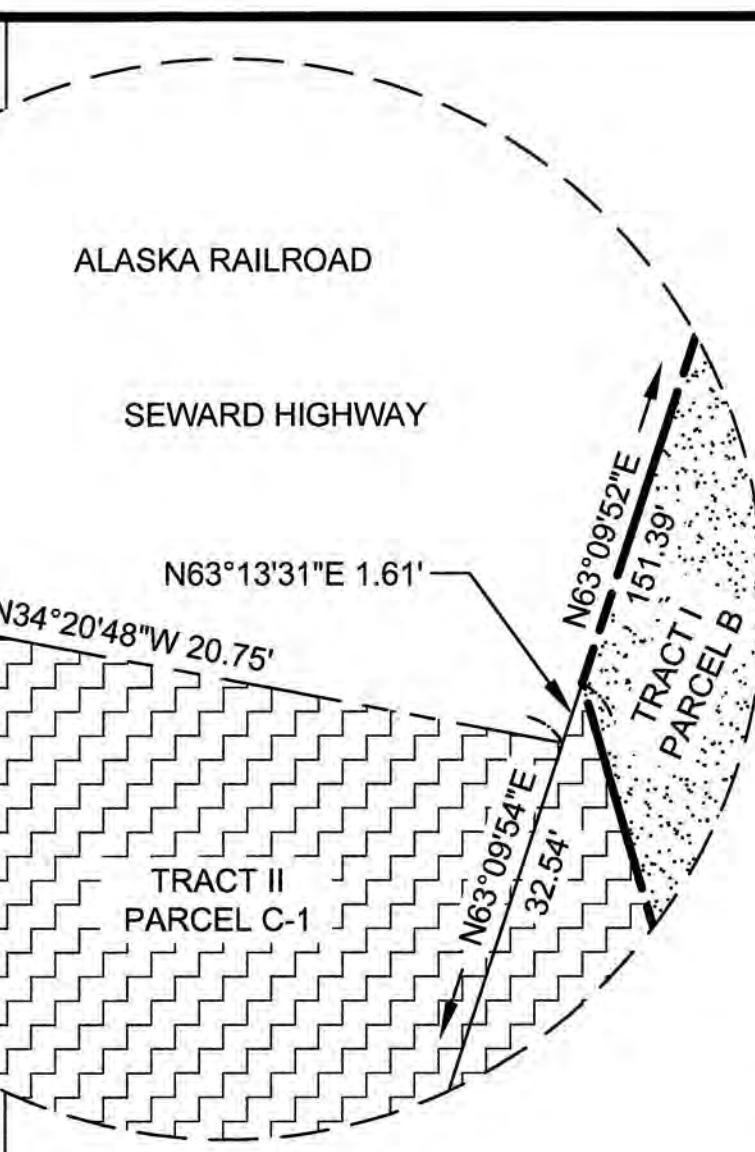
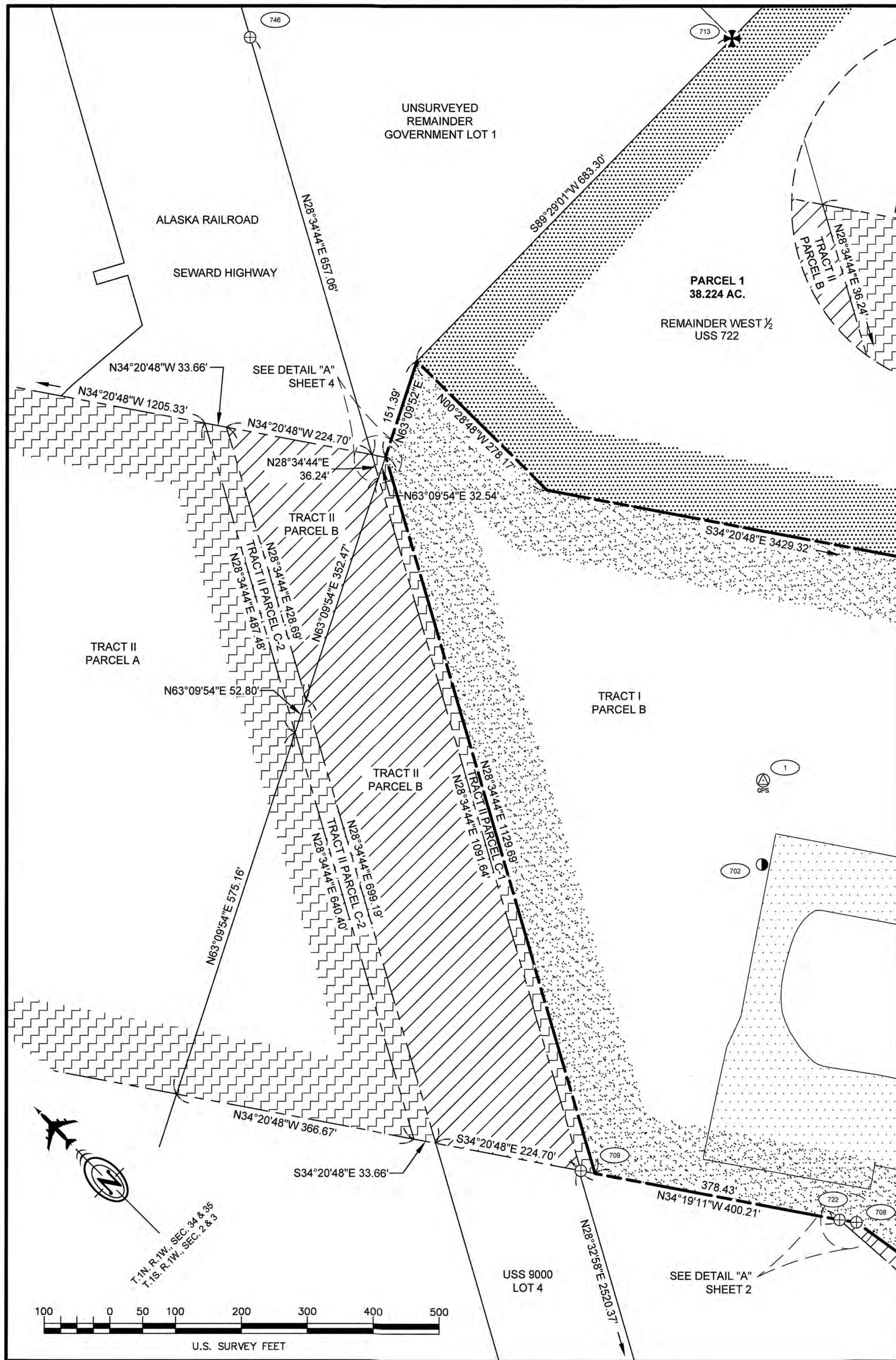
SHEET 2 OF 5



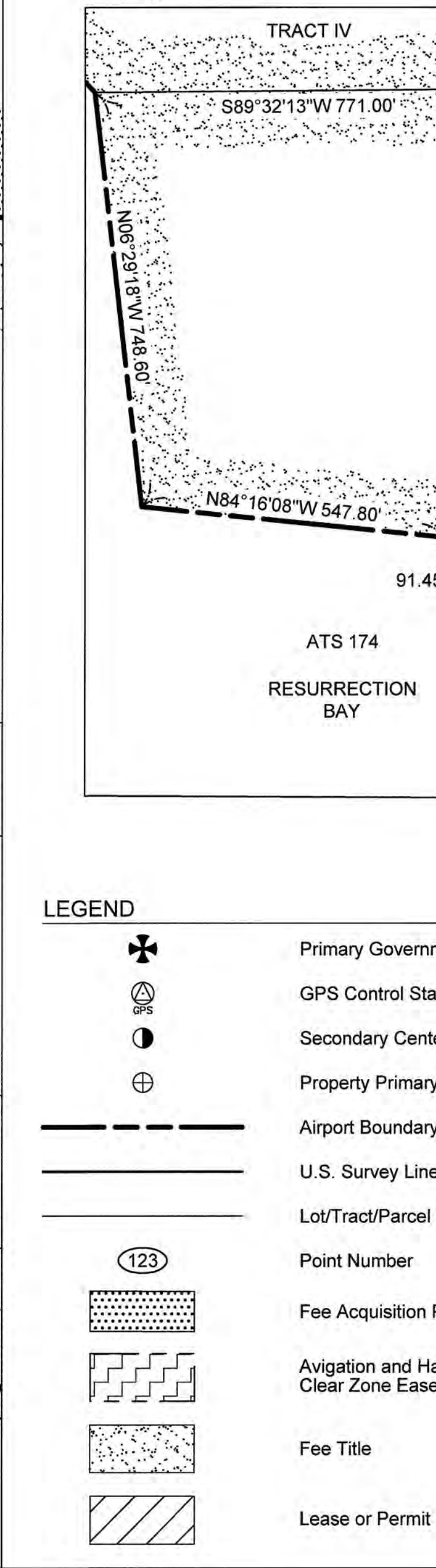


KPB 2021-047

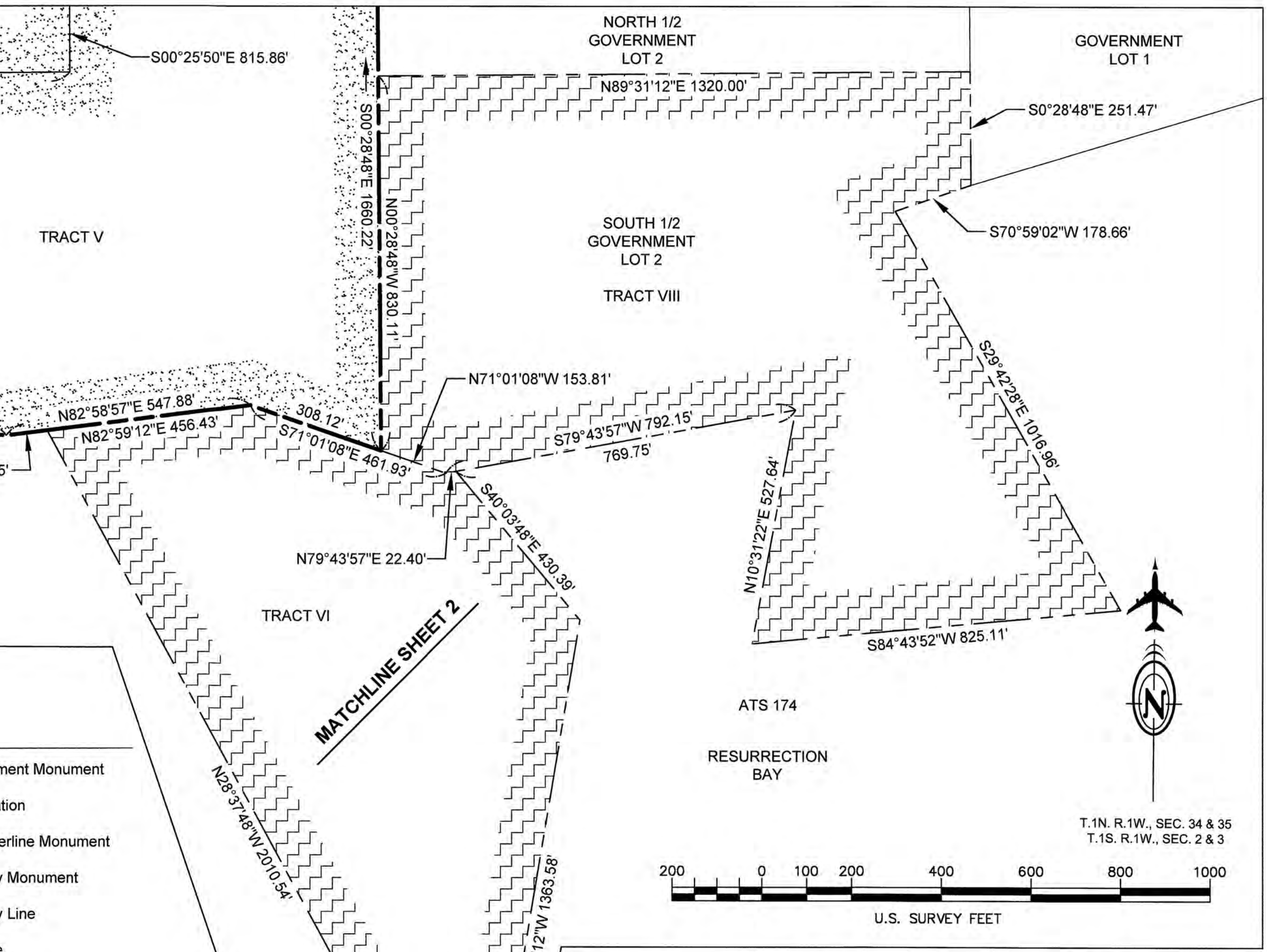




DETAIL "A"  
1" = 5'



HORIZONTAL CONTROL AND RECOVERED MONUMENTS					
POINT	STATION	OFFSET	NORTHING	EASTING	DESCRIPTION
1	RW 95+85.38	179.74 RT	273296.2514	105481.8761	Fd BC/SSROD[AK DOT]: PAC SA-1
2	RW 123+29.77	7.08 LT	270571.0364	105855.7576	Fd BC/SSROD[AK DOT]: PAC SA-2
3	RW 117+51.23	828.02 LT	271204.3133	106635.2516	Fd BC/SSROD[AK DOT]: PAC SA-3
551	RW 132+39.95	500.60 RT	269628.2965	105411.4464	Fd BC/Mon[USC&GS]: BAYEND ATS 174 PID UW7667
708	RW 101+32.39	590.16 RT	272722.4768	105109.7890	Fd AM[6101-S]: C6 ARR
709	RW 97+64.67	806.24 RT	273074.5737	104869.0920	Fd AM[LOUNSBURY]: AP TR-1
710	RW 130+62.99	34.55 RT	269818.2372	105594.9496	Fd IP[BLM]: L3 C2 USS 9000
711	RW 129+31.72	581.43 LT	270009.7332	106469.8974	Fd BC/Mon[USC&GS]: RM19 ATS 174
712	RW 126+66.33	358.02 RT	270210.3135	105514.5046	Fd AC/Mon[BLM]: L3 C5 USS 9000
713	RW 88+13.12	632.68 LT	274122.2039	106239.6334	Fd BC/Mon[GLO]: USS 722 / S33/S44 T1N R1W
714	RW 126+84.53	557.25 RT	270178.5460	105316.9804	Fd AC/Mon[BLM]: L3 C4 USS 9000
715	RW 122+42.47	2182.44 RT	270508.5380	103665.3939	Fd AC/Mon[BLM]: L3 C9 USS 9000
716	RW 126+88.70	602.80 RT	270171.2798	105271.8236	Fd AM[LOUNSBURY]: SEWARD AIRPORT LS6101 1992
717	RW 96+08.08	2025.64 RT	273147.4854	103641.8446	Fd BC/Mon[BLM]: C2 USS 149
744	-----	-----	275291.1482	106227.6396	Fd BC/Mon[GLO]: S27/S26/S33/S44 T1N R1W
746	-----	-----	274641.1106	105722.4456	Fd AC/Mon[BLM]: L5 C3 USS 9000



LEGEND	
	Primary Government Monument
	GPS Control Station
	Secondary Centerline Monument
	Property Primary Monument
	Airport Boundary Line
	U.S. Survey Line
	Lot/Tract/Parcel Line
	Point Number
	Fee Acquisition Parcel
	Avigation and Hazard Easement/Clear Zone Easement
	Fee Title
	Lease or Permit

STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
&  
PUBLIC FACILITIES  
RIGHT OF WAY ACQUISITION PLAT  
AKSAS Project No. Z548570000  
SEWARD AIRPORT IMPROVEMENTS  
Located within: Sections 2 & 3, T.1N, R.1W, and Sections 34 & 35, T.1N, R.1W, S.M. AK

PREPARED BY:  
PDC ENGINEERS  
2700 Gambell Street, Suite 500  
Anchorage, AK 99503  
907.743.3200  
License No. AECC606

STATE OF ALASKA  
49th  
Craig Owen Ranson  
LS-11798  
REGISTERED PROFESSIONAL LAND SURVEYOR

Seward Recording District  
State Business No Fee

DRAWN BY: KHE DATE: 2/25/21 SCALE: VARIES  
CHECKED: COR DATE: 2/25/21 SHEET 4 OF 5

KPB 2021-047



SEWARD AIRPORT BOUNDARY NOTES

The following resources were used in the preparation of this plat:

- 1. Seward Airport Property Plan, dated May 14, 1969 and revised October 24, 1990.
- 2. U.S. Survey 149, filed April 3rd, 1908
- 3. U.S. Survey 722, approved April 3rd, 1908
- 4. Alaska Tideland Survey 174, revised May 9th, 1968
- 5. U.S. Survey 9000, filed September 20th, 1993
- 6. The Record of Survey Survey Control Diagram, recorded as Plat 2009-3 in the Seward Recording District.

BOUNDARY NOTES

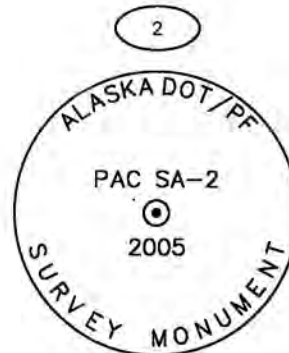
- 1. The exterior airport boundary lines were determined by PDC Inc. Engineers and depict the land use needs of the Seward Airport.
- 2. The Parcel 1 boundary lines are defined by the Seward Airport property plan and the limits of U.S. Survey 722.
- 3. Parcel 4 boundary lines are defined by the Seward Airport property plan and Alaska Tideland Survey 174. Parcel 4 lies within the remainder of Lot 5, U.S. Survey 722
- 4. Parcel 5 lies within Alaska Tideland Survey 174.

PROPERTY STATUS									
ID #	LARGER TRACT AREA	NET TAKE	REMAINDER	INTEREST	GRANTOR	GRANTEE	DATE ACQUIRED	RECORDED DOC NO.	ACQUIRED AIP NO.
TRACT I A	1.723 AC. 1.723 AC.	-	-	PATENT FOR AIRPORT PURPOSES QUIT CLAIM DEED	UNITED STATES OF AMERICA CITY OF SEWARD, ALASKA	TERRITORY OF ALASKA STATE OF ALASKA, DOT&PF	03-01-1955 10-28-1992	BK. 2 P, PG. 19 BK. 67, PG. 336	FAAP 9-50-003-101 -
TRACT I B	165.957 AC.	-	-	DEFAULT JUDGMENT	SUPERIOR COURT, STATE OF ALASKA	STATE OF ALASKA	03-06-1964	BK. 37 R, PG. 72	FAAP 9-50-003-5902
	165.957 AC.	-	-	DEFAULT JUDGMENT CORRECTED FOR CLERICAL MISTAKE	SUPERIOR COURT, STATE OF ALASKA	STATE OF ALASKA	07-19-1964	C.J. D3, PG. 40	-
	165.957 AC.	-	-	DEFAULT JUDGMENT CORRECTING CORRECTED DEFAULT JUDGMENT FOR CLERICAL MISTAKE	SUPERIOR COURT, STATE OF ALASKA	STATE OF ALASKA	09-28-1967	BK. 45 R, PG. 183 BK. 45 R, PG. 182	-
TRACT II A	29.954 AC.	-	-	CLEAR ZONE EASEMENT	VETERANS HOUSING COMPANY, INC.	STATE OF ALASKA, DPW	02-05-1963	BK. 35 R, PG. 192	FAAP 9-50-003-5902
	6.675 AC.	-	-	CLEAR ZONE EASEMENT	WOMEN'S DIVISION OF CHRISTIAN SERVICE OF THE BOARD OF MISSIONS OF THE METHODIST CHURCH	STATE OF ALASKA, DPW	09-27-1963	BK. 36 R, PG. 237	FAAP 9-50-003-5902
TRACT II B	5.171 AC.	-	-	AIRSPACE PERMIT	ALASKA RAILROAD CORPORATION	STATE OF ALASKA, DPW	08-08-1991	BK. 61, PG. 957	AKSAS 58156
TRACT II C-1	0.502 AC.	-	-	CLEAR ZONE EASEMENT	STATE OF ALASKA, DOH	STATE OF ALASKA, DPW	01-31-1963	(ADA 10332)	FAAP 9-50-003-5902
TRACT II C-2	0.776 AC.	-	-	CLEAR ZONE EASEMENT	STATE OF ALASKA, DOH	STATE OF ALASKA, DPW	01-31-1963	(ADA 10332)	FAAP 9-50-003-5902
TRACT III	5.00 AC.	-	-	INTERAGENCY LAND MANAGEMENT TRANSFER	STATE OF ALASKA, DNR	STATE OF ALASKA, DPW	11-15-1963	BK. 19, PG. 739	FAAP 9-50-003-C603
TRACT IV	19.125 AC.	-	-	FEE SIMPLE - WARRANTY DEED	HERMAN E. AND WINIFRED I. LEIRER	STATE OF ALASKA, DPW	09-15-1965	BK. 30 D, PG. 73	FAAP 9-50-003-C603
TRACT V	38.111 AC.	-	-	FEE SIMPLE - WARRANTY DEED	DAVID W. CARLSON	STATE OF ALASKA, DPW	11-11-1968	BK. 32 D, PG. 194	FAAP 9-50-003-C603
TRACT VI	23.595 AC.	-	-	PERPETUAL AVIGATION & HAZARD EASEMENT	CITY OF SEWARD, ALASKA	STATE OF ALASKA, DPW	06-05-1967	BK. 44 R, PG. 180	FAAP 9-50-003-C603
TRACT VIII	27.948 AC.	-	-	PERMIT, AVIGATION & HAZARD EASEMENT & ROW	HERMAN E. AND WINIFRED I. LEIRER	STATE OF ALASKA, DPW	02-13-1970	BK. 48 R, PG. 374	FAAP 9-50-003-C603
TRACT IX	7.603 AC.	-	-	35-YEAR PUBLIC AIRPORT LEASE: EXPIRES 2/01/2026	ALASKA RAILROAD CORPORATION	STATE OF ALASKA	02-01-1991	BK. 61, PG. 937	AKSAS 58156
PARCEL 1	38.224 AC.	38.224 AC.	0 AC.	TO BE ACQUIRED	CIVIL AIR PATROL	STATE OF ALASKA, DOT&PF	-	-	-
PARCEL 2	-	-	-	DELETED	-	-	-	-	-
PARCEL 3	-	-	-	DELETED	-	-	-	-	-
PARCEL 4	20.578 AC.	1.986 AC.	18.592 AC.	TO BE ACQUIRED	LEIRER FAMILY LIMITED PARTNERSHIP	STATE OF ALASKA, DOT&PF	-	-	-
PARCEL 5	LARGE	25.395 AC.	LARGE	TO BE ACQUIRED	CITY OF SEWARD	STATE OF ALASKA, DOT&PF	-	-	-

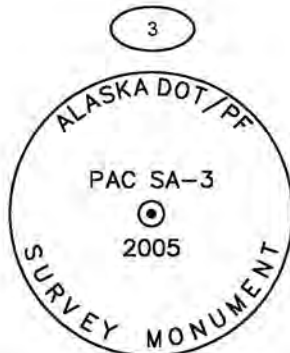
DOT&PF = DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES  
DOH = DEPARTMENT OF HIGHWAYS  
DPW = DEPARTMENT OF PUBLIC WORKS, DIVISION OF AVIATION  
DNR = DEPARTMENT OF NATURAL RESOURCES



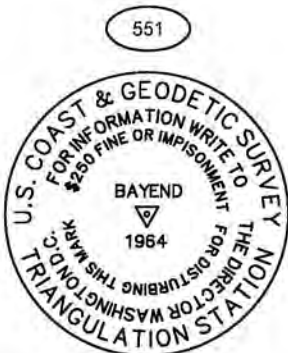
FOUND DATUM POINT AND  
2 1/2" BRASS CAP ON  
9/16" STAINLESS STEEL  
DRIVE ROD IN IRON PIPE  
CASING - TIP OF ROD 0.2'  
ABOVE GROUND



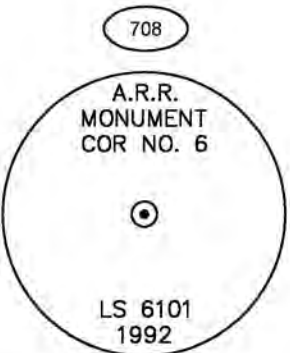
FOUND DATUM POINT AND 2  
1/2" BRASS CAP ON 9/16"  
STAINLESS STEEL DRIVE ROD  
IN IRON PIPE CASING - TIP  
OF ROD 0.9' ABOVE GROUND



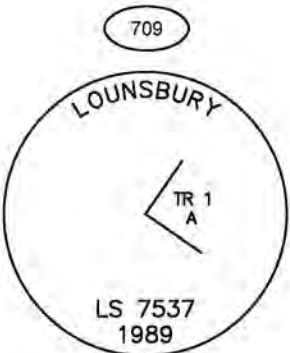
FOUND DATUM POINT AND  
2 1/2" BRASS CAP ON  
9/16" STAINLESS STEEL  
DRIVE ROD IN IRON PIPE  
CASING - TIP OF ROD 0.1'  
BELOW GROUND



FOUND 3 1/4" BRASS CAP  
ON IRON PIPE SET IN  
CONCRETE BASE 1.7'  
ABOVE GROUND  
GOOD CONDITION



FOUND 3 1/4" ALUMINUM  
PRIMARY MONUMENT 0.25'  
BELOW GROUND  
GOOD CONDITION



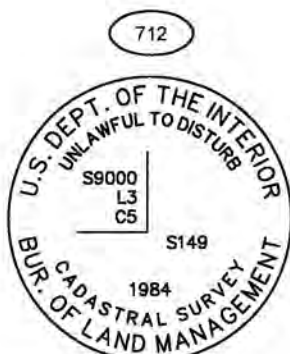
FOUND 3 1/4" ALUMINUM CAP  
0.2' BELOW GROUND  
GOOD CONDITION



FOUND 1" IRON PIPE BROKEN  
OFF AT GRADE



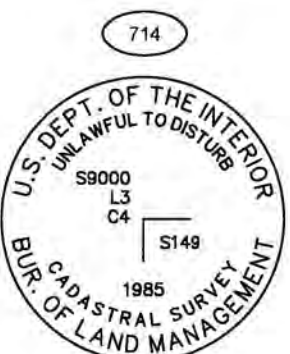
FOUND 2" BRASS CAP IN  
2" IRON PIPE SET IN  
CONCRETE BASE 0.45'  
ABOVE GROUND  
GOOD CONDITION



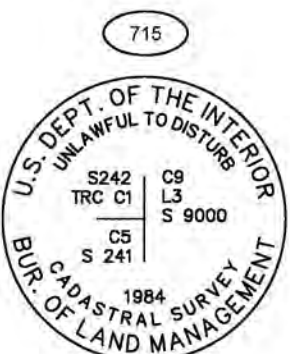
FOUND 3 1/4" ALUMINUM  
CAP ON 3/4" ALUMINUM  
ROD BENT 90° WEST 0.35'  
BELOW GROUND - SET 8"  
SPIKE AT BASE



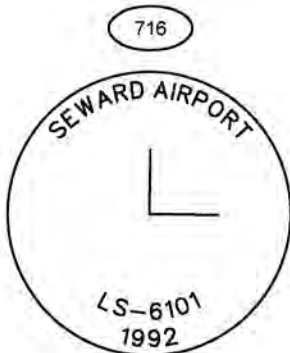
FOUND 3 1/4" BRASS CAP  
FLUSH WITH GROUND  
GOOD CONDITION



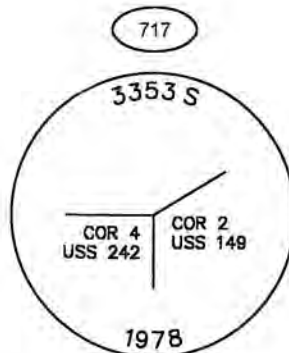
FOUND 3 1/4" ALUMINUM  
PRIMARY MONUMENT 1.3'  
ABOVE GROUND  
GOOD CONDITION



FOUND 3 1/4" ALUMINUM PRIMARY  
MONUMENT FLUSH WITH GROUND  
GOOD CONDITION



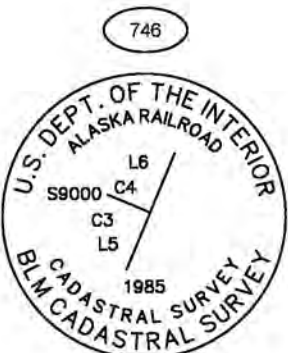
FOUND 3 1/4" ALUMINUM  
PRIMARY MONUMENT 0.1'  
ABOVE GROUND  
GOOD CONDITION



FOUND 2 1/2" BRASS CAP  
IN 8" IRON CASING 1.8'  
BELOW GROUND  
GOOD CONDITION



FOUND 2 1/2" BRASS CAP  
FLUSH WITH GROUND  
GOOD CONDITION



FOUND 3 1/2" ALUMINUM  
CAP ON DRIVE ROD  
0.3' ABOVE GROUND  
GOOD CONDITION

Seward Recording District  
State Business No Fee



PREPARED BY:  
PDC ENGINEERS  
2700 Gambell Street, Suite 500  
Anchorage, AK 99503  
907.743.3200  
License No.: AECC605

STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
&  
PUBLIC FACILITIES  
RIGHT OF WAY ACQUISITION PLAT  
AKSAS Project No. Z548570000  
SEWARD AIRPORT IMPROVEMENTS

Located within: Sections 2 & 3, T.1 S., R.1 W. and Sections 34 & 35,  
T.1 N., R.1 W., S.M. AK

DRAWN BY:	KHE	DATE:	2/25/21	SCALE:	N/A
CHECKED:	COR	DATE:	2/25/21	SHEET	5 OF 5



AGENDA ITEM E. NEW BUSINESS

ITEM 2 - RIGHT OF WAY ACQUISITION SEWARD AIRPORT IMPROVEMENTS

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

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

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STAFF REPORT

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

**Location and Legal Access (existing and proposed):** The location is at the Seward Airport. Legal access is from Airport Road which is not a dedicated right of way but is constructed and maintained by the State of Alaska (SOA). Airport Road is within the State property as well as within Tract 9. The Alaska Railroad Corporation owns Tract 9 which is affected by the airport and Airport Road.

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

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

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

No steep terrain affects the airport.

**Staff Analysis**

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

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



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

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

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

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

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

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

### **Project Need**

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

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

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

### **Project Description**

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

*Improvements include:*

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

DOT is currently in the process of obtaining approval of the Right of Way acquisition plat and appraisals on the land that may need to be obtained. After this, DOT can contact the land owners with a request to purchase and proceed

with negotiations as needed. The size and location of the parcels may be adjusted during the negation process. The final right of way plat will show the updated boundary.

**Utility Easements** The City of Seward provides road, water, sewer, electric, and other utilities. The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

**Utility provider review:**

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

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  2310 AIRPORT RD, 2300 AIRPORT RD, 2210 AIRPORT RD, 2208 AIRPORT RD, 2202 AIRPORT RD, 2110 AIRPORT RD, 2106 AIRPORT RD, 2104 AIRPORT RD, 2102 AIRPORT RD, 2101 AIRPORT RD</p> <p>Existing Street Names are Correct: Yes  List of Correct Street Names:  SEWARD HWY</p> <p>Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:</p> <p>Comments:  City of Seward will advise on affected addresses.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.  Review Not Required</p>
Assessing	<p>Reviewer: Bruns, Matthew  Comments: No concerns from Assessing Dept.</p>
KPB Roads Department	<p>Out of Jurisdiction: Yes</p> <p>Roads Director: Uhlin, Dil  Comments: No comments</p>
State Department of Fish & Game	Not available when the staff report was prepared.
River Center	A. Floodplain

	<p>Reviewer: Carver, Nancy Floodplain Status: Within City of Seward Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
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The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

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

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

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

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

1. Correct the following status labels:

#### **SHEET 1**

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

#### **SHEET 2**

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

#### **SHEET 3**

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

#### **SHEET 4**

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

Page 4 of 5

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

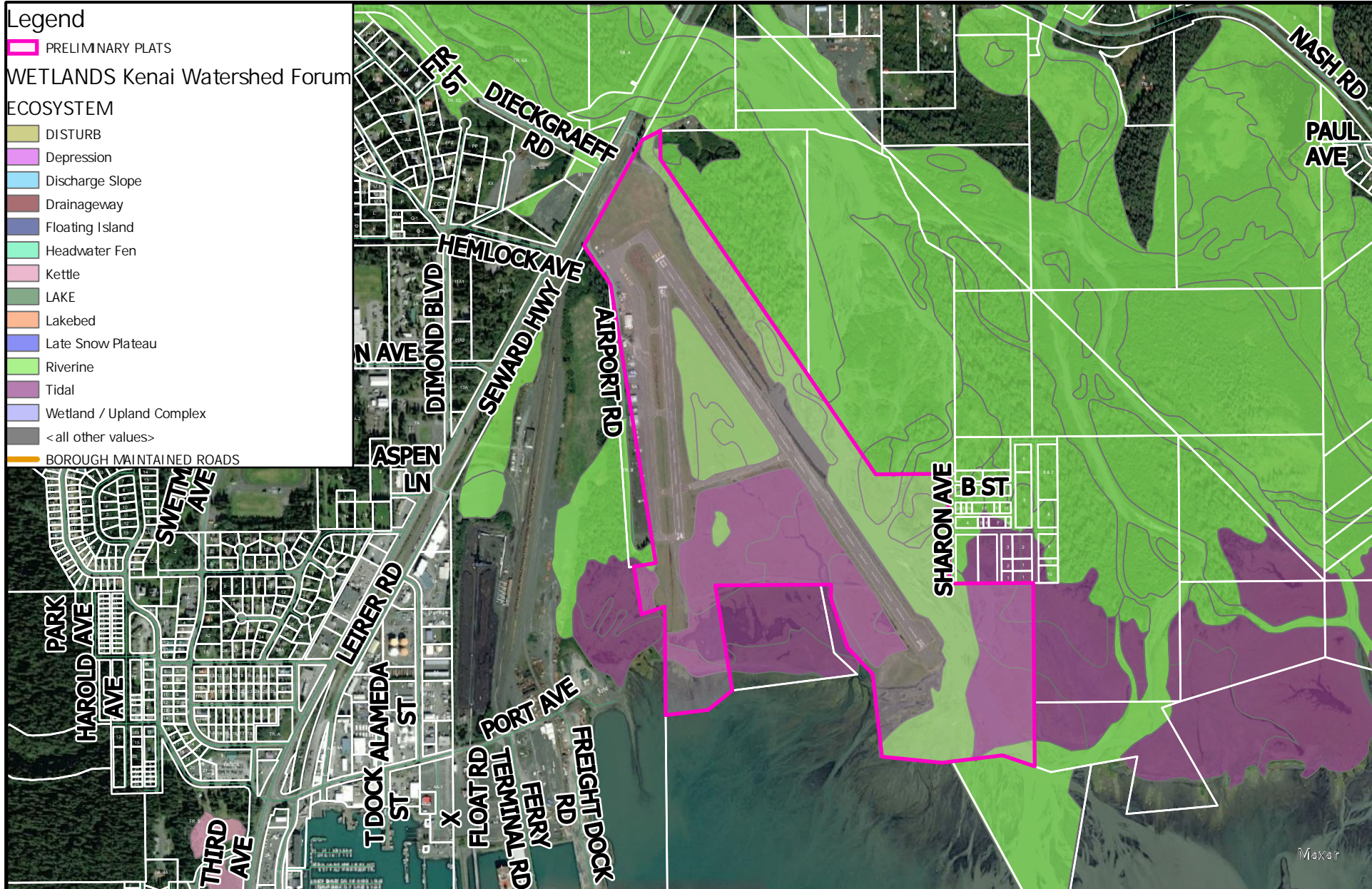
**NOTE: 20.25.120. - REVIEW AND APPEAL.**

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

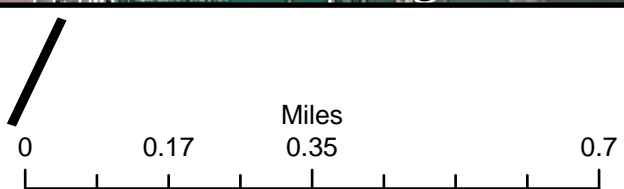
**A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.**

END OF STAFF REPORT





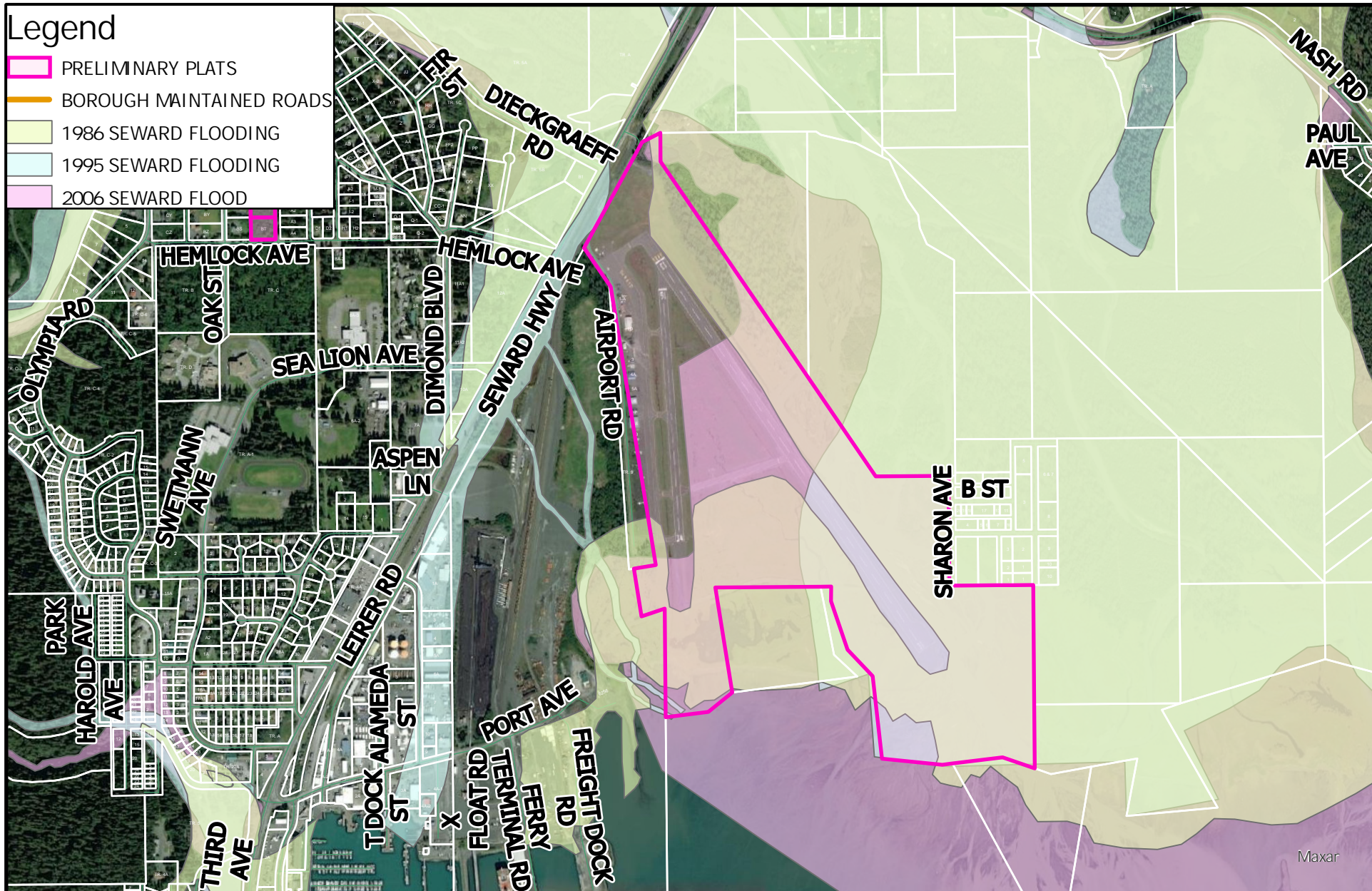
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



AERIAL IMAGERY 2016  
WETLAND ECOSYSTEMS

Date: 5/28/2021  
1:50 PM  
Scott Huff  
Plating Manager





<p>The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.</p>	<p>0 0.17 0.35 0.7 Miles</p>	<p>AERIAL IMAGERY 2016 SEWARD - BEAR CREEK MAPPED FLOOD SERVICE AREA SMFDA</p>	<p>Date: 5/28/2021 1:50 PM Scott Huff Platting Manager</p>
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## **SPECIAL ORDERS, PRESENTATIONS AND REPORTS**

### **Administration Report:**

**Community Development Director Jackie Wilde**—stated that this morning she had given her two-weeks’ notice of her resignation as Community Development Director. **Wilde** stated that the planning process is meant to serve the public interest, and requires a consistency of policies held that support the entire community. Those who practice planning need to adhere to a higher level of ethics in their practice. **Wilde** wanted to thank every commissioner and council member and City staff who she has worked with over the past 11 years.

**Other Reports, Announcements, and Presentations – None**

## **UNFINISHED BUSINESS REQUIRING A PUBLIC HEARING**

**Resolution 2021-014 Of The Seward Planning And Zoning Commission Of The City Of Seward, Alaska, Recommending Kenai Peninsula Borough Approval Of The Preliminary Right Of Way (ROW) Acquisition Plat For The Seward Airport On Various Legals Located In Sec 2 & 3, T1S, R1W And Sec 34 & 35, T1N, R1W, Seward Meridian SW, That Point Known As The Seward Airport, Physical Location, 2310 Airport Road**

**Tom Swann** opened public hearing on this item.

**Public Comments:** **Steve Leirer** stated the he owns parcel 4 shown in the preliminary ROW acquisition replat. **Leirer** stated that he would not sell only 1.986 acres of his property, and that he would only consider selling the entire 19 acres. **Bob Linville** stated that the long runway is essentially a dyke, and if it is not maintained it will be breached at some point. **Linville** stated that the DOT never listened to the concerns the citizens expressed during the whole process of the Airport project. **Linville** asked the Planning Commission to vote ‘no’ to the preliminary ROW acquisition replat. **Carol Griswold** stated that she agreed with the previous comments about the Airport, and stated that the Commission should vote ‘no’ to the preliminary ROW acquisition replat. She stated that the parcels being acquired for the ROW would not make the approach to the new runway safe. Retaining the existing long-runway would prevent unnecessary filling, clearing, and grubbing.

**Applicant Comments:** **Joy Vaughn** stated that the DOT cannot raise the current runway because of the FEMA Firm map that was adopted completely separate from the airport project. Whenever there is a floodway placed on an official map, a property owner cannot add fill to where the floodway is located. Also, the project is funded by FFA, which has their own requirements. The runway cannot simply be repaved, the DOT would have to dig down a certain amount and reconstruct the entire runway. If the DOT completely reconstructs the runway they have to prove that there are a certain amount of aircraft using the airport, and the DOT could not prove that. So, the DOT cannot add more fill because of FEMA, and cannot reconstruct because of FFA. **Vaughn** stated that the FFA also requires a larger separation between the apron and the runway, which is why the shorter runway is being shifted. DOT is trying to be sensitive to the Salmon streams.

**Motion (Sullivan/Charbonneau)**

**Resolution 2021-014 Of The Seward Planning And Zoning Commission Of The City Of Seward, Alaska, Recommending Kenai Peninsula Borough Approval Of The Preliminary Right Of Way (ROW) Acquisition Plat For The Seward Airport On Various Legals Located In Sec 2 & 3, T1S, R1W And Sec 34 & 35, T1N, R1W, Seward Meridian SW, That Point Known As The Seward Airport, Physical Location, 2310 Airport Road**

**Tom Swann** closed public hearing and asked for the staff report. **Bringinghurst** stated that there was a Substitute Resolution that needed to be brought forward with a motion.

**Motion (Charbonneau/Verhey)**

**Substitute Resolution 2021-014 Of The Seward Planning And Zoning Commission Of The City Of Seward, Alaska, Recommending Kenai Peninsula Borough Approval Of The Preliminary Right Of Way (ROW) Acquisition Plat With Amendments For The Seward Airport On Various Legals Located In Sec 2 & 3, T1S, R1W And Sec 34 & 35, T1N, R1W, Seward Meridian SW, That Point Known As The Seward Airport, Physical Location, 2310 Airport Road**

**Bringinghurst** read the staff report from the Substitute Resolution and Agenda statement. **Tom Swann** stated that the Commission should be aware that their decision tonight is simply about the acquisition of the three parcels of land and whether or not they were suitable to be acquired by the airport, and that they were not to discuss other aspects of the Airport project that did not pertain to the acquisition of those three parcels of land. The Commissioners agreed.

**Motion Passed**

**AYES:** Sullivan, Swann, Charbonneau, Verhey

**NOES:** None

**PUBLIC HEARINGS**

**Resolution 2021-019 Of The Seward Planning And Zoning Commission, Granting A Conditional Use Permit To James Protzman To Construct A Mixed-Use Building On Lots 37-40, Block 4, Original Townsite Of Seward Alaska, Located At 134 Fourth Avenue; Within A Central Business (CB) Zoning District**

**Tom Swann** opened public hearing on this item.

**CITY OF SEWARD, ALASKA  
PLANNING AND ZONING COMMISSION  
RESOLUTION 2021-014**

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SEWARD, ALASKA, RECOMMENDING KENAI PENINSULA BOROUGH APPROVAL OF THE PRELIMINARY RIGHT OF WAY (ROW) ACQUISITION PLAT FOR THE SEWARD AIRPORT ON VARIOUS LEGALS LOCATED IN SEC 2 & 3, T1S, R1W AND SEC 34 & 35, T1N, R1W, SEWARD MERIDIAN SW, THAT POINT KNOWN AS THE SEWARD AIRPORT, PHYSICAL LOCATION, 2310 AIRPORT ROAD.**

**WHEREAS**, The Seward Airport has submitted a preliminary plat to the City of Seward for review and recommendation to the Kenai Peninsula Borough; and

**WHEREAS**, this platting action will acquire Parcel 1, owned by Civil Air Patrol, Parcel 4, owned by Leirer Family Limited Partnership, and Parcel 5, owned by the City of Seward, in Sec 2 & 3, T1S, R1W and Sec 34 & 35, T1N, R1W, Seward Meridian SW, That Point Known As The Seward Airport to create a new ROW for Runway 16/34, which will be shifted, lengthened, and raised above the 100-year flood level; and

**WHEREAS**, the parcel located at 2310 Airport Road is zoned Industrial (I); and

**WHEREAS**, the property is currently serviced by municipal road, water, sewer, electric and other utilities, but the exact parcels for acquisition are not developed and are part of the Tidelands; and

**WHEREAS**, City staff have stated that a subdivision installation agreement is not required for this replat; and

**WHEREAS**, all conditions required by Seward City Code §16.01.015, Conditions to plat approval, were met; the property owners and leaseholders within 300 feet of the requested replat were notified of the proposed subdivision, and the property was posted with public notice signage; and

**WHEREAS**, it is the Planning and Zoning Commission's responsibility to act in an advisory capacity to the Seward City Council and the Kenai Peninsula Borough regarding subdivision plat proposals.

**NOW, THEREFORE, BE IT RESOLVED** by the Seward Planning and Zoning Commission that:

**Section 1.** The Commission hereby recommends that, in accordance with Seward City Code Section 16.01.015 (B), the City Council approve the submittal of the replat of Sec 2 & 3, T1S, R1W and Sec 34 & 35, T1N, R1W, Seward Meridian SW, That Point Known As The Seward Airport to acquire Parcel 1, owned by Civil Air Patrol, Parcel 4, owned by Leirer Family Limited Partnership, and Parcel 5, owned by the City of Seward, to create a new ROW for Runway 16/34, which will be shifted, lengthened, and raised above the 100-year flood level.

**Section 2.** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED** by the Seward Planning and Zoning Commission this 6<sup>th</sup> day of July 2021.

**THE CITY OF SEWARD, ALASKA**

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**Cindy L. Ecklund, Chair**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

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Brenda Ballou, MMC  
City Clerk

(City Seal)

# P&Z Agenda Statement



Meeting Date: July 6, 2021

Through: Jackie C. Wilde, Community Development Director

From: Courtney L Bringhurst, Planner

Agenda Item: Recommending City Council And Kenai Peninsula Borough Approval Of ROW Acquisition Plat For The Seward Airport Improvements On Various Legals Located In Sec 2 & 3, T1S, R1W and Sec 34 & 35, T1N, R1W, Seward Meridian SW, That Point Known As The Seward Airport. (Physical location 2310 Airport Road)

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## **BACKGROUND & JUSTIFICATION:**

Attached for the Commission's review and recommendation to the Kenai Peninsula Borough Planning Commission is a preliminary plat submitted by Alaska DOT and PF. This platting action acquires Parcel 1, owned by Civil Air Patrol, Parcel 4, owned by Leirer Family Limited Partnership, and Parcel 5, owned by the City of Seward, in Sec 2 & 3, T1S, R1W and Sec 34 & 35, T1N, R1W, Seward Meridian SW, That Point Known As The Seward Airport to create a new ROW for Runway 16/34, which will be shifted, lengthened, and raised above the 100-year flood level.

The Seward Airport has needed to make improvements for some time now that will substantially reduce the damage the airport is experiencing from recurrent flooding, and to meet FAA design standards based on current aircraft utilizing the airport and forecasted aviation needs.

Currently, the runway lighting is old and needs replacement. Much of the pavement needs rehabilitation or replacement. Testing has revealed a weakened embankment under the pavement of Runway 13/31, necessitating a restriction of allowable aircraft weights to those under 12,500 pounds. Improvement of aging and deteriorating airport facilities is another major goal of this project.

The river delta adjacent to the airport has been rising relative to airport elevations, increasing the frequency and severity of overtopping floods. The main runway is now too low and in the direct path of the river, which has been repeatedly damaging it during high water events. Overtopping events were initially limited to the fall but have been occurring June through November in recent years, making maintaining the runway increasingly difficult. In response to multiple flood events during of the summer of 2013, DOT&PF constructed an emergency dike that is providing some temporary relief.



The most recent revision of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) has now established a regulatory floodway across the existing main runway (RW 13/31) of the airport. By federal regulation, allowable construction is extremely limited in a regulatory floodway. DOT&PF completed a hydrologic study to help identify and evaluate feasible alternatives.

RW 13/31 is adjacent to the Resurrection River which has flooded it and Taxiway A repeatedly in recent years, periodically closing the runway and causing ongoing repair expenses. To address this problem, this project will shift, lengthen, and raise the current crosswind runway (RW 16/34) above the 100-year flood level. Some taxiways will be raised to meet the new runway elevation while others will be removed in accordance with current FAA guidance. New runway and taxiway lighting will be installed. The river side of the raised runway will receive rip rap armoring to protect it during flood events. The aprons will be repaved, and new navigation aids will be installed. RW 13/31 and Taxiway A will be closed, but the runway embankment will be left in place as additional protection against future flood events.

Three alternatives were evaluated during the scoping and environmental process. The current project scope corresponds to Alternative 2.2 in the approved Environmental Assessment. Alternative 2.2 had the most advantages and least number of disadvantages.

In accordance with Borough requirements, the City must review and comment on a plat before submittal to the Borough for approval.

### **SUBDIVISION REVIEW:**

**Zoning:** The property is zoned Industrial (I).

**Size:** The amount of land to be acquired is, 38.224 acres from Parcel 1, 1.986 acres from parcel 4, and 25.395 acres from parcel 5.

**Utilities:** There are no utilities on these parcels. Tract “F” is served by the existing public utilities, maintained streets and a hydrant.

**Existing Use:** The three parcels currently do not have any development, and are part of the Seward Tidelands.

**Access:** These parcels will not have vehicular access, but will only provide an extended Right of Way for the airport to shift, lengthen, and raise Runway 16/34.

**Flood Zone:** The lots are within an AE Flood Zone.

<b><u>CONSISTENCY CHECKLIST:</u></b>		Yes	No	N/A
1.	<b>Comprehensive Plan (2030, approved by Council 2017):</b> <i>Vol 1 Ch 2.2.12.5 – Air Traffic</i> <ul style="list-style-type: none"> <li>“Support the State’s airport improvement plan”</li> </ul> <i>Vol 1 Ch 3.1.1.2 – Update and expand infrastructure for commercial and industrial properties that are currently underdeveloped</i> <ul style="list-style-type: none"> <li>“Support and improve airport.”</li> </ul>	<b>X</b>		

	<i>Vol 1 Ch 3.4.3 – Improve the usability of the state-owned airport</i> <ul style="list-style-type: none"> <li>• <i>“Encourage the State to:               <ul style="list-style-type: none"> <li>◦ Complete and implement a flood mitigation project to protect the runways from flooding”</li></ul></i> </li> </ul>			
2.	<b>Strategic Plan (1999):</b> Improve the state Airport <ul style="list-style-type: none"> <li>• “Develop a flood mitigation project to protect the runway from flooding” (page 16).</li> </ul>	<b>X</b>		

**Staff Comments:**

Department	Comments	No Comment	N/A
Building Department		X	
Fire Department		X	
Public Works Department	I’m concerned about the hazard easement / clear zone off of the Dieckgraeff Road may conflict with the City’s Snow Dump site		
Harbor Department		X	
Police Department		X	
Electric Department		X	
Telecommunications			X

**Public Comment:**

Lease holders within three hundred (300) feet of the proposed platting action were notified of this public hearing. Public notice signs were posted on the property and all other public hearing requirements of Seward City Code §15.01.040 were complied with.

At the time of this publication the Community Development Department has received no public inquiries. If any correspondence is received after publication of this agenda statement, it will be presented as a lay down item at the Commission meeting.

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**RECOMMENDATION:** Commission approve Resolution 2021-014, recommending that, in accordance with Seward City Code Section 16.01.015 (B), the City Council approve the ROW acquisition plat for the Seward Airport improvements on various Legals located in Sec 2 & 3, T1S, R1W and Sec 34 & 35, T1N, R1W, Seward Meridian SW, that point known as the Seward Airport.

**CITY OF SEWARD, ALASKA  
PLANNING AND ZONING COMMISSION  
SUBSTITUTE RESOLUTION 2021-014**

**A SUBSTITUTE RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SEWARD, ALASKA, RECOMMENDING KENAI PENINSULA BOROUGH APPROVAL OF THE PRELIMINARY RIGHT OF WAY (ROW) ACQUISITION PLAT WITH AMENDMENTS FOR THE SEWARD AIRPORT ON VARIOUS LEGALS LOCATED IN SEC 2 & 3, T1S, R1W AND SEC 34 & 35, T1N, R1W, SEWARD MERIDIAN SW, THAT POINT KNOWN AS THE SEWARD AIRPORT, PHYSICAL LOCATION, 2310 AIRPORT ROAD.**

**WHEREAS**, The Seward Airport has submitted a preliminary plat to the City of Seward for review and recommendation to the Kenai Peninsula Borough; and

**WHEREAS**, this Preliminary platting action recommends the acquisition of Parcel 1, owned by Civil Air Patrol, Parcel 4, owned by Leirer Enterprises LLC, and Parcel 5, owned by the City of Seward, in Sec 2 & 3, T1S, R1W and Sec 34 & 35, T1N, R1W, Seward Meridian SW, That Point Known As The Seward Airport to create a new ROW for Runway 16/34, which will be shifted, lengthened, and raised above the 100-year flood level; and

**WHEREAS**, the parcel located at 2310 Airport Road is zoned Industrial (I); and

**WHEREAS**, City staff have stated that a subdivision installation agreement is not required for this ROW Acquisition Plat since per the definition of a *subdivision*, the land being acquired will not be used for “future sale, lease, or building development” §16.01.010; and

**WHEREAS**, all conditions required by Seward City Code §16.01.015, Conditions to plat approval, were met; the property owners and leaseholders within 300 feet of the requested replat were notified, and the property was posted with public notice signage; and

**WHEREAS**, the Planning and Zoning Commission held a joint work session with the Port and Commerce Advisory Board, and the Seward Bear Creek Flood Board on August 11, 2021, and agreed that there were certain conditions they felt were necessary to request in order to approve this Preliminary ROW Acquisition Plat; and

**WHEREAS**, it is the Planning and Zoning Commission’s responsibility to act in an advisory capacity to the Seward City Council and the Kenai Peninsula Borough regarding Preliminary ROW Acquisition Plat proposals.

**NOW, THEREFORE, BE IT RESOLVED** by the Seward Planning and Zoning Commission that:

**Section 1.** The Commission hereby recommends that, in accordance with Seward City Code Section 16.01.015 (B), the City Council approve the submittal of the Preliminary ROW Acquisition Plat of Sec 2 & 3, T1S, R1W and Sec 34 & 35, T1N, R1W, Seward Meridian SW, That Point Known As The Seward Airport with amendments proposing the action to acquire Parcel 1, owned by Civil Air Patrol, Parcel 4, owned by Leirer Enterprises LLC, and Parcel 5, owned by the City of Seward, to create a new ROW for Runway 16/34, which will be shifted, lengthened, and raised above the 100-year flood level.

**Section 2.** Amendments to this Resolution are as follows

1. The Planning and Zoning Commission recommends this resolution as long as the following conditions are met:
  - a. Public access to the beach to the south of the Airport property is provided
  - b. A fire hydrant is installed on the Airport property
  - c. Water and sewer are brought to the Airport facilities

**Section 2.** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED** by the Seward Planning and Zoning Commission this 7<sup>th</sup> day of September 2021.

**THE CITY OF SEWARD, ALASKA**

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**Cindy L. Ecklund, Chair**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

---

Brenda Ballou, MMC  
City Clerk

(City Seal)



## Substitute P&Z Agenda Statement



Meeting Date: September 7, 2021

Through: Jackie C. Wilde, Community Development Director

From: Courtney L Bringhurst, Planner

Agenda Item: Recommending City Council And Kenai Peninsula Borough Approval Of Preliminary ROW Acquisition Plat With Amendments For The Seward Airport Improvements On Various Legals Located In Sec 2 & 3, T1S, R1W and Sec 34 & 35, T1N, R1W, Seward Meridian SW, That Point Known As The Seward Airport. (Physical location 2310 Airport Road)

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### **BACKGROUND & JUSTIFICATION:**

Attached for the Commission's review and recommendation to the Kenai Peninsula Borough Planning Commission is a preliminary ROW acquisition plat submitted by Alaska DOT and PF. This platting action shows certain parcels the DOT wishes to acquire for the necessary ROW on the new runway. Parcel 1 is owned by Civil Air Patrol, Parcel 4 is owned by Leirer Enterprises LLC, and Parcel 5 is owned by the City of Seward. These parcels are located within Sec 2 & 3, T1S, R1W and Sec 34 & 35, T1N, R1W, Seward Meridian SW, That Point Known As The Seward Airport, and will be part of the Airport Improve Project to create a new ROW for Runway 16/34, which will be shifted, lengthened, and raised above the 100-year flood level.

The Seward Airport has needed to make improvements for some time now that will substantially reduce the damage the airport is experiencing from recurrent flooding, and to meet FAA design standards based on current aircraft utilizing the airport and forecasted aviation needs.

Currently, the runway lighting is old and needs replacement. Much of the pavement needs rehabilitation or replacement. Testing has revealed a weakened embankment under the pavement of Runway 13/31, necessitating a restriction of allowable aircraft weights to those under 12,500 pounds. Improvement of aging and deteriorating airport facilities is another major goal of this project.

The river delta adjacent to the airport has been rising relative to airport elevations, increasing the frequency and severity of overtopping floods. The main runway is now too low and in the direct path of the river, which has been repeatedly damaging it during high water events. Overtopping events were initially limited to the fall but have been occurring June through November in recent years, making maintaining the runway increasingly difficult. In response to multiple flood events during of the summer of 2013, DOT&PF constructed an emergency dike that is providing some temporary relief.

The most recent revision of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) has now established a regulatory floodway across the existing main runway (RW 13/31) of the airport. By federal regulation, allowable construction is extremely limited in a regulatory floodway. DOT&PF completed a hydrologic study to help identify and evaluate feasible alternatives.

RW 13/31 is adjacent to the Resurrection River which has flooded it and Taxiway A repeatedly in recent years, periodically closing the runway and causing ongoing repair expenses. To address this problem, this project will shift, lengthen, and raise the current crosswind runway (RW 16/34) above the 100-year flood level. Some taxiways will be raised to meet the new runway elevation while others will be removed in accordance with current FAA guidance. New runway and taxiway lighting will be installed. The river side of the raised runway will receive rip rap armoring to protect it during flood events. The aprons will be repaved, and new navigation aids will be installed. RW 13/31 and Taxiway A will be closed, but the runway embankment will be left in place as additional protection against future flood events.

Three alternatives were evaluated during the scoping and environmental process. The current project scope corresponds to Alternative 2.2 in the approved Environmental Assessment. Alternative 2.2 had the most advantages and least number of disadvantages.

In accordance with Borough requirements, the City must review and comment on a plat before submittal to the Borough for approval.

### **SUBDIVISION REVIEW:**

**Zoning:** The property is zoned Industrial (I).

**Size:** The amount of land to be acquired is, 38.224 acres from parcel 1, 1.986 acres from parcel 4, and 25.395 acres from parcel 5.

**Utilities:** There are no utilities on these parcels.

**Existing Use:** The three parcels currently do not have any development.

**Access:** These parcels will not have vehicular access, but will only provide an extended Right of Way for the airport to shift, lengthen, and raise Runway 16/34.

**Flood Zone:** The lots are within an AE Flood Zone.

<b><u>CONSISTENCY CHECKLIST:</u></b>		Yes	No	N/A
1.	<b>Comprehensive Plan (2030, approved by Council 2017):</b> <i>Vol 1 Ch 2.2.12.5 – Air Traffic</i>	<b>X</b>		
	<ul style="list-style-type: none"> <li><i>“Support the State’s airport improvement plan”</i></li> </ul>			
	<i>Vol 1 Ch 3.1.1.2 – Update and expand infrastructure for commercial and industrial properties that are currently underdeveloped</i> <ul style="list-style-type: none"> <li><i>“Support and improve airport.”</i></li> </ul>			
	<i>Vol 1 Ch 3.4.3 – Improve the usability of the state-owned airport</i>			

	<ul style="list-style-type: none"> <li>• <i>“Encourage the State to:               <ul style="list-style-type: none"> <li>◦ Complete and implement a flood mitigation project to protect the runways from flooding”</li> </ul> </i></li> </ul>			
2.	<b>Strategic Plan (1999):</b> Improve the state Airport <ul style="list-style-type: none"> <li>• “Develop a flood mitigation project to protect the runway from flooding” (page 16).</li> </ul>	<b>X</b>		

**Staff Comments:**

Department	Comments	No Comment	N/A
Building Department		X	
Fire Department		X	
*Public Works Department	*I’m concerned about the hazard easement / clear zone off of the Dieckgraeff Road may conflict with the City’s Snow Dump site		
Harbor Department		X	
Police Department		X	
Electric Department		X	
Telecommunications			X

\*This Aviation and Hazard Easement already exists and is not part of the changes proposed in this preliminary plat. The parcels being acquired will not conflict with the City’s Snow Dump site.

**Public Comment:**

Lease holders within three hundred (300) feet of the proposed platting action were notified of the public hearing. Public notice signs were posted on the property and all other public hearing requirements of Seward City Code §15.01.040 were complied with.

At the time of this publication the Community Development Department has received no public inquiries. If any correspondence is received after publication of this agenda statement, it will be presented as a lay down item at the Commission meeting.

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**RECOMMENDATION:** Commission approve Resolution 2021-014, recommending that, in accordance with Seward City Code Section 16.01.015 (B), the City Council approve the preliminary ROW acquisition plat with amendments for the Seward Airport improvements on various Legals located in Sec 2 & 3, T1S, R1W and Sec 34 & 35, T1N, R1W, Seward Meridian SW, that point known as the Seward Airport.









THE STATE  
of **ALASKA**

GOVERNOR MICHAEL J. DUNLEAVY

Department of Transportation and  
Public Facilities

DESIGN & ENGINEERING SERVICES  
Right of Way Engineering

PO Box 196900  
Anchorage, AK 99519-6900  
Phone Number: 907 269 0700  
Toll Free: 800 770 5263  
TDD: 907 269 0473  
TTY: 800 770 8973  
Fax Number: 907 269 0489  
Web Site: dot.alaska.gov

March 31, 2021

Jackie C. Wilde, Community Development Director  
City of Seward Alaska  
238 Fifth Avenue  
Seward, Alaska 99664

In Re: Preliminary ROW Acquisition Plat for the Seward Airport Improvements \ Z548570000

Dear Ms. Wilde

Find attached a submittal for Preliminary Right-of-Way Acquisition Plat approval. One full-size and seven half-size Right-of-Way plans for the project are included. A check in the amount of \$75.00 to cover the plat processing fee is also included. Plat application has also been made to the Kenai Peninsula Borough.

The project website can be accessed at:  
<http://www.dot.alaska.gov/creg/sewardairport/index.shtml>

If you have any questions please don't hesitate to call me at (907) 269-0713 or toll free at 1-800-770-5263.

Respectfully,

P. Louise Hooyer, PLS, CFedS, SR/WA  
ROW Engineering Supervisor  
Central Region Right-of-Way

Attachments: 1 Full-size Right-of-Way plan set  
7 Half-size Right-of-Way plans  
Check for Plat submittal

cc: Joy Vaughn, PE, Project Manager  
James Sowerwine, Project Coordination Supervisor  
Randy Vanderwood, PE, Right-of-Way Chief, Central Region Right-of-Way  
W:\Projects\Airports\Active\_Airport\_Projects\S\54857-SewardAirport\Admin\Platting\Preliminary Plat Approval Request to City of Seward.doc

City of Seward

APR 12 2021

Community Development

*"Keep Alaska Moving through service and infrastructure."*





# Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

## PRELIMINARY PLAT SUBMITTAL FORM

☒ PRELIMINARY PLAT ☐ REVISED PRELIMINARY PLAT (no fee required)

☐ PHASED PRELIMINARY PLAT ☐ PRELIMINARY PLAT FOR PRIVATE STREETS / GATED SUBDIVISION

— all requirements of chapter 20, excluding 20.30.210 and 20.50 apply and must be met.

**SUBDIVISION PLAT NAME:** must be a unique name, contact staff for assistance if needed.

Right of Way Acquisition Plat for Seward Airport Improvements

### PROPERTY INFORMATION:

legal description	various legals located with portions of:		
Section, Township, Range	Sec 2 & 3, T1S, R1W and Sec 24 & 35, T1N, R1W, SM		
General area description	Seward Airport		
City (if applicable)	Seward	Total Acreage	

### SURVEYOR

Company:	AK DOT&PF	Contact Person:	Louise Hooyer,
Mailing Address:	4111 Aviation Ave	City, State, Zip	Anchorage, AK 99502
Phone:	907-269-0713	e-mail:	louise.hooyer@alaska.gov

### PROPOSED WASTEWATER AND WATER SUPPLY

WASTEWATER ☐ on site ☒ City ☐ community

WATER ☐ on site ☒ City ☐ community

### SUBMITTAL REQUIREMENTS

A preliminary plat application will be scheduled for the next available plat committee meeting after a complete application has been received.

- ☐ 1 – full size paper copy
- ☐ 7 – reduced sized drawing (11 x 17)
- ☐ preliminary plat **NON-REFUNDABLE** submittal fee \$400
- ☐ City Planning Commission minutes when located within city limits or Bridge Creek Watershed District
- ☐ certificate to plat for ALL parcels included in the subdivision
- ☐ documentation showing proof of signatory authority (partnerships, corporations, estates, trusts, etc.)
- ☐ ALL requirements of KPB 20.25.070 (see page 2 for checklist) and KPB 20.25.080

**EXCEPTIONS REQUESTED TO PLATTING CODE:** A letter, to be presented to the commission, with substantial evidence justifying the requested exception and fully stating the grounds for the exception request, and the facts relied upon, MUST be attached to this submittal.

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

**APPLICANT: SIGNATURES OF ALL LEGAL PROPERTY OWNERS ARE REQUIRED.** Additional signature sheets can be attached. When signing on behalf of another individual, estate, corporation, LLC, partnership, etc., documentation is required to show authority of the individual(s) signing. Contact KPB staff for clarification if needed.

### OWNER(s)

Name (printed):	Signature:
Phone:	e-mail:
Name (printed):	Signature:
Phone:	e-mail:
Name (printed):	Signature:
Phone:	e-mail:

FOR OFFICE USE ONLY

RECEIVED BY \_\_\_\_\_ DATE SUBMITTED \_\_\_\_\_ KPB FILE # \_\_\_\_\_

City of Seward  
APR 12 2021  
Community Development



## Hooyer, Patricia (DOT)

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**From:** Andy Bacon <abacon@cityofseward.net>  
**Sent:** Wednesday, February 24, 2021 11:59 AM  
**To:** Hooyer, Patricia (DOT); Jackie Wilde  
**Subject:** RE: Seward Airport Right of Way Acquisition Preliminary Plat approval

Hi Louise,

The City charges a \$75 plat review fee. Please use the Borough application form to accompany your preliminary plat submittal: [https://www.kpb.us/images/KPB/PLN/Plan\\_Comm/Forms/application\\_preliminary\\_plat.pdf](https://www.kpb.us/images/KPB/PLN/Plan_Comm/Forms/application_preliminary_plat.pdf)

Please let one of us know if you have any other questions, and we look forward to receiving the application

Andy Bacon  
Planning Assistant

**From:** Hooyer, Patricia (DOT) <louise.hooyer@alaska.gov>  
**Sent:** Wednesday, February 24, 2021 11:49 AM  
**To:** Jackie Wilde <jwilde@cityofseward.net>  
**Cc:** Andy Bacon <abacon@cityofseward.net>  
**Subject:** Seward Airport Right of Way Acquisition Preliminary Plat approval

**External Email:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jackie:

DOT will be submitting a preliminary plat, for the Seward Airport, to the City in a few weeks before we submit to the Kenai Peninsula Borough. I am wondering if there are any platting fees attached to that submittal?  
Thank you for your response.

*Louise Hooyer, PLS, CFedS, SR/WA  
SOA CR DOT&PF Right of Way Engineering Supervisor  
907-269-0713  
4111 Aviation Ave  
Anchorage, AK 99502*



Please consider the environment before printing this e-mail.

City of Seward

APR 13 2021

Community Development

# **HORIZONTAL CONTROL STATEMENT**

Coordinates Station  
 This project is located entirely within the "SEW" Coordinate System, a local surface grid coordinate system expressed in U.S. Survey Feet developed by the Alaska Department of Transportation.

**Basis of Coordinates:**  
 The basis of coordinates is the coordinates for Point 1, the datum point on a 916" stainless steel drive rod monument located at the north end of Runway 1301 as filed on the Seward Airport Survey Control Diagram signed 4-1-2011 and recorded as plat 2011-8 in the Seward Recording District. Said station has "SEW" coordinates of 72396.254 N, 105461.692 E, U.S. Survey Feet. (NA03 Alaska State Plane Zone 4 Coordinates: 2241601.778 N, 1745859.465 E, U.S. Survey Feet. (NA03(2011) Geographic position: 60°08'07.0451" N, 149°25'16.9534" W).

Horizontal coordinates were determined by a high precision static GPS control survey then scaled and translated into the local "SEW" coordinate system.

**Basis of Bearings:**  
 The Basis of Bearings is the NA03(2011) State Plane Zone 4 grid coordinate system.

**Translation Diagrams:**  
 To convert the local "SEW" coordinates to NAD83(2011) State Plane coordinates expressed in U.S. Survey Feet translates by using +19687.21, 705278 N, U.S. Survey Feet +164093.755702 E, U.S. Survey Feet and scale using 0.999991169.

## **NOTES:**

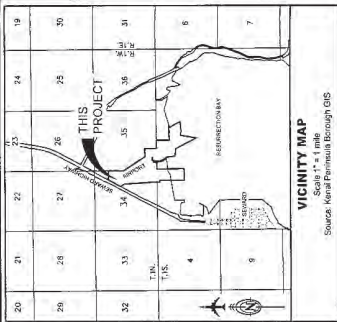
- Field work for this survey was performed by POC Engineers in December 2017 and May 2019.
- Points 1, 2 and 3 (marked PAC SA-1, PAC SA-2 and PAC SA-3) are not published within the National Geographic NGS Survey Database and are not recognized as official PACS and SACS. Additional NGS guidance surveying measurements and data processing would be necessary to publish these monuments.
- All coordinates and dimensions are shown in U.S. Survey Feet. The U.S. Foot to meter conversion factor is 1.2003937.
- Unimproved background property information outside the proposed and existing airport boundaries is shown for reference only and does not reflect surveyed property lines.
- See the Survey Control Diagram for this project, recorded as Plat 2018-8, Seward Recording District (S.R.D.) for additional survey information.

## **LEGEND**

	GPS Control Station
	Sheet Line
	Airport Boundary Line
	U.S. Survey Line
	Lot/Tract/Parcel Line
	Point Number
	Record Data, Seward Airport Property Plan
	Record Data, Alaska Tideland Survey 174
	Record Data, U.S. Survey 9000
	Fee Acquisition Parcel
	Avigation and Hazard Easement/Outer Zone Easement
	Fee Title
	Lease or Permit
	Interagency Land Management Transfer (ILMT)

## **HORIZONTAL AND VERTICAL CONTROL**

POINT	STATION	OFFSET	LOCAL COORDINATES			DESCRIPTION		
			LATITUDE	LONGITUDE	EASTING	NORTHING		
1	RW 1545.58	119.24 BT	60°08'07.0451" N	149°25'16.9534" W	273,285.2514	105,461.6921	F4 BOSSRODIAK DOTI PAC SA-1	
2	RW 1234.2627	7.08 LT	60°08'07.0451" N	149°25'16.9534" W	273,285.2514	105,461.6921	F4 BOSSRODIAK DOTI PAC SA-2	
3	RW 1174.5123	652.02 LT	60°08'07.0451" N	149°25'16.9534" W	273,285.2514	105,461.6921	F4 BOSSRODIAK DOTI PAC SA-3	



**Right-of-Way Acquisition Plat Approval**  
 This plat was approved by the Kenai Peninsula Borough planning commission in accordance with KPBS 20.10.010 at the meeting of \_\_\_\_\_

Borough Official \_\_\_\_\_ Date \_\_\_\_\_



T.N. R.W. SEC 24 & 25  
 T.16 R.W. SEC 2 & 3



# **PRELIMINARY**

Seward Recording District  
 Seward, Alaska

STATE OF ALASKA  
 DEPARTMENT OF TRANSPORTATION  
 PUBLIC FACILITIES  
 RIGHT OF WAY ACQUISITION PLAT  
 AKSAS Project No. 234870000  
**SEWARD AIRPORT IMPROVEMENTS**  
 (local units: Section 24.1, T.16 R.W. and Section 24.3, T.16 R.W. S.W. 1/4)

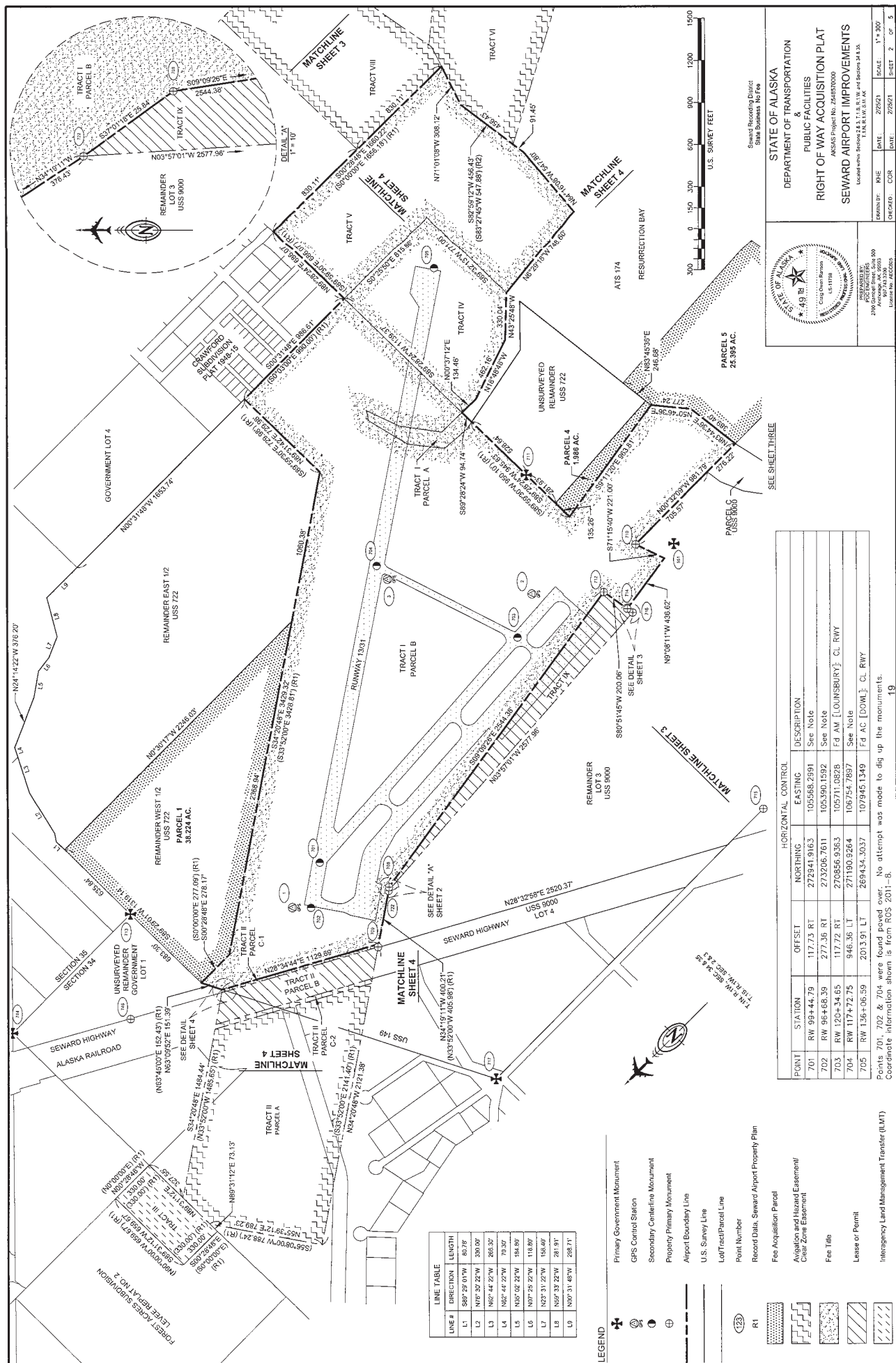


DRAWN BY: KHE DATE: 2/25/21 SCALE: 1" = 500'  
 CHECKED: COR DATE: 2/25/21 SHEET: 1 OF 5

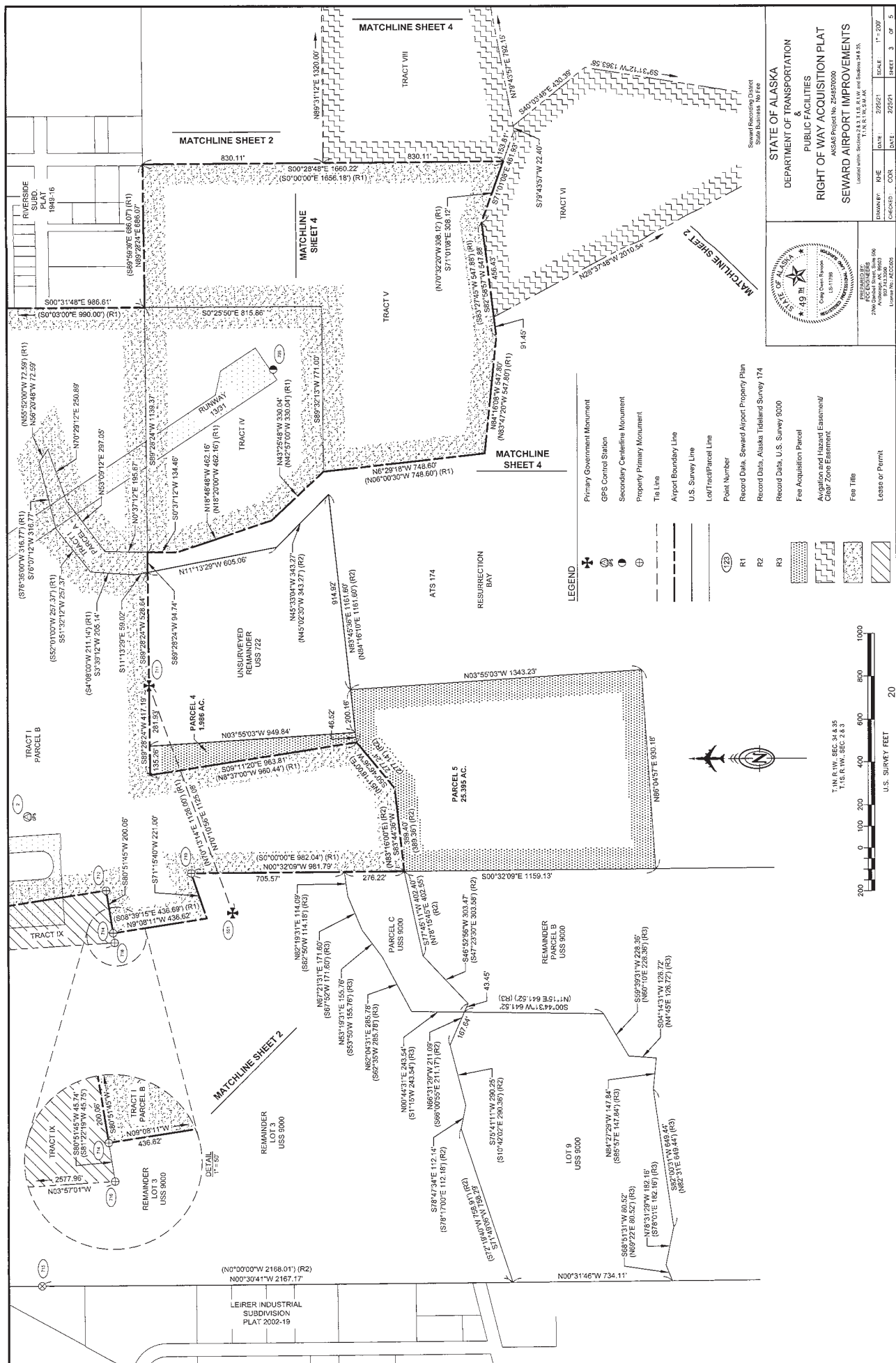
I hereby certify that I am properly Registered and Licensed to practice Land Surveying in the State of Alaska, and that the drawing represents a survey made by me or under my direct supervision, and that all dimensions and other details are correct to the extent shown herein.

Surveyor's Certificate  
 Craig Owen Ransom U.S. 11788 Date \_\_\_\_\_













# SEWARD AIRPORT BOUNDARY NOTES

- The following resources were used in the preparation of this plat:
1. Seward Airport Property Plan, dated May 14, 1969 and revised October 24, 1990.
  2. U.S. Survey 149, filed April 3rd, 1908
  3. U.S. Survey 722, approved April 3rd, 1908
  4. Alaska Tideland Survey 174, revised May 9th, 1968
  5. U.S. Survey 9000, filed September 20th, 1983
  6. The Record of Survey Survey Control Diagram, recorded as Plat 2009-3 in the Seward Recording District.

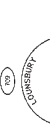
## BOUNDARY NOTES

1. The exterior airport boundary lines were determined by PDC Inc. Engineers and depict the land use needs of the Seward Airport.
2. The Parcel 1 boundary lines are defined by the Seward Airport property plan and the limits of U.S. Survey 722.
3. Parcel 4 boundary lines are defined by the Seward Airport property plan and Alaska Tideland Survey 174. Parcel 4 lies within the remainder of Lot 3, U.S. Survey 722
4. Parcel 5 lies within Alaska Tideland Survey 174.

## PROPERTY STATUS

ID #	LARGER TRACT AREA	NET TAKE	REMAINDER	INTEREST	GRANTOR	GRANTEE	DATE ACQUIRED	RECORDED DOC NO.	ACQUIRED AIP NO.
TRACT I A	1,723 AC	-	-	PATENT FOR AIRPORT PURPOSES	CITY OF SEWARD, ALASKA	STATE OF ALASKA, DOWRY	09-01-1965	BK 27 P. 19	FAAP 5-50-003-101
TRACT I B	185,897 AC	-	-	DEFAULT JUDGMENT CORRECTED CLERICAL MISTAKE	SUPERIOR COURT, STATE OF ALASKA	STATE OF ALASKA	09-05-1964	BK 37 P. 12	FAAP 5-50-003-5602
TRACT I C	185,897 AC	-	-	DEFAULT JUDGMENT CORRECTED CLERICAL MISTAKE	SUPERIOR COURT, STATE OF ALASKA	STATE OF ALASKA	09-19-1964	C.I. 03 P. 40	-
TRACT I D	185,897 AC	-	-	JUDGMENT FOR CLERICAL MISTAKE	SUPERIOR COURT, STATE OF ALASKA	STATE OF ALASKA	09-28-1967	BK 45 P. 183	-
TRACT I E	28,554 AC	-	-	CLEAR ZONE EASEMENT	VETERANS FOUNDRY CORPORATION	STATE OF ALASKA	09-01-1963	BK 35 P. 192	FAAP 5-50-003-5602
TRACT I F	6,675 AC	-	-	CLEAR ZONE EASEMENT	MISSIONS OF THE METHODIST CHURCH	STATE OF ALASKA, DOWRY	09-27-1963	BK 38 P. 237	FAAP 5-50-003-5602
TRACT I G	5,171 AC	-	-	AIRSPACE PERMIT	ALASKA RAILROAD CORPORATION	STATE OF ALASKA, DOWRY	09-28-1961	BK 41 P. 157	ANAS 58158
TRACT I H	0,992 AC	-	-	CLEAR ZONE EASEMENT	STATE OF ALASKA, DOWRY	STATE OF ALASKA, DOWRY	09-01-1963	JAMA 10332	FAAP 5-50-003-5602
TRACT I I	0,778 AC	-	-	INTERAGENCY LAND MANAGEMENT TRANSFER	STATE OF ALASKA, DNR	STATE OF ALASKA, DOWRY	01-31-1963	BK 19 P. 739	FAAP 5-50-003-5602
TRACT I J	18,125 AC	-	-	FEE SIMPLE - WARRANTY DEED	RESHMAN E. AND WINIFRED L. LERER	STATE OF ALASKA, DOWRY	11-15-1963	BK 37 P. 12	FAAP 5-50-003-5602
TRACT I K	38,111 AC	-	-	FEE SIMPLE - WARRANTY DEED	DAVID W. CARLSON	STATE OF ALASKA, DOWRY	09-15-1965	BK 37 P. 12	FAAP 5-50-003-5602
TRACT I L	23,296 AC	-	-	DEED	CITY OF SEWARD, ALASKA	STATE OF ALASKA, DOWRY	09-01-1967	BK 44 P. 150	FAAP 5-50-003-5602
TRACT I M	7,603 AC	-	-	PERMIT, AVIATION HAZARD ASSESSMENT & ROW	HERMAN E. AND WINIFRED L. LERER	STATE OF ALASKA, DOWRY	02-13-1970	BK 48 P. 374	FAAP 5-50-003-5602
TRACT I N	38,224 AC	-	-	35 YEAR PUBLIC AIRPORT LEASE - EXPIRES 2010/08	ALASKA RAILROAD CORPORATION	STATE OF ALASKA	02-01-1961	BK 61 P. 937	ANAS 58158
TRACT I O	-	-	-	TO BE ACQUIRED	CIVIL AIR PATROL	STATE OF ALASKA, DOWRY	-	-	-
TRACT I P	-	-	-	TO BE ACQUIRED	LERER FAMILY LIMITED PARTNERSHIP	STATE OF ALASKA, DOWRY	-	-	-
TRACT I Q	30,139 AC	1,596 AC	18,543 AC	TO BE ACQUIRED	CITY OF SEWARD	STATE OF ALASKA, DOWRY	-	-	-
TRACT I R	25,396 AC	-	-	TO BE ACQUIRED	CITY OF SEWARD	STATE OF ALASKA, DOWRY	-	-	-

DOTAP - DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES  
DOH - DEPARTMENT OF HIGHWAYS  
DOWRY - DEPARTMENT OF AGRICULTURE, DIVISION OF AVIATION  
DNR - DEPARTMENT OF NATURAL RESOURCES



FOUND 3 1/4" ALUMINUM CAP  
ON DRIVE ROD  
GOOD CONDITION



FOUND 3 1/4" ALUMINUM  
PRIMARY MONUMENT 0.25'  
BELOW GROUND  
GOOD CONDITION



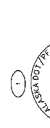
FOUND 3 1/4" BRASS CAP  
ON IRON PIPE SET IN  
CONCRETE  
GOOD CONDITION



FOUND DATUM POINT AND  
2 1/2" BRASS CAP ON  
DRIVE ROD IN IRON PIPE  
CASING - TIP OF ROD 0.1'  
BELOW GROUND



FOUND DATUM POINT AND  
2 1/2" BRASS CAP ON  
9/16" STAINLESS STEEL  
DRIVE ROD IN IRON PIPE  
CASING - TIP OF ROD 0.2'  
BELOW GROUND



FOUND 1" IRON PIPE BROKEN  
OFF AT GRADE



FOUND 3 1/4" ALUMINUM  
PRIMARY MONUMENT 0.1'  
BELOW GROUND  
GOOD CONDITION



FOUND 3 1/4" ALUMINUM PRIMARY  
MONUMENT FLUSH WITH GROUND  
GOOD CONDITION



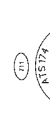
FOUND 3 1/4" ALUMINUM  
PRIMARY MONUMENT 1.3'  
ABOVE GROUND  
GOOD CONDITION



FOUND 3 1/4" BRASS CAP  
FLUSH WITH DRIVE ROD  
0.3' ABOVE GROUND  
GOOD CONDITION



FOUND 3 1/4" ALUMINUM  
ON DRIVE ROD  
GOOD CONDITION



FOUND 2" BRASS CAP IN  
IRON PIPE SET IN  
CONCRETE  
GOOD CONDITION



FOUND 3 1/2" BRASS CAP  
ON DRIVE ROD 1.8'  
BELOW GROUND  
GOOD CONDITION



FOUND 3 1/4" ALUMINUM  
PRIMARY MONUMENT 0.1'  
BELOW GROUND  
GOOD CONDITION



STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES  
RIGHT OF WAY ACQUISITION PLAT  
SEWARD AIRPORT IMPROVEMENTS  
Location within Seward: 2 S, 1 E, 1 N, 1 W, and Sections 34 & 35.

DRAWN BY: MHE  
CHECKED: COR  
DATE: 2/25/21  
SCALE: N/A  
SHEET: 5 OF 5



# Seward Airport Improvements

ADOT&PF Project Number: Z548570000

AIP No. 3-02-0259-XXX-20XX

## Alaska Department of Transportation & Public Facilities

### Project Need

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

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

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

### Project Description

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

Improvements include:

- Shift and lengthen Runway 16/34 to 75' x 3,300';
- Raise Runway 16/34 above the design flood elevation and provide armor protection;
- Close Runway 13/31;
- Reconstruct taxiways to meet the new runway elevation, and eliminate taxiways within the center 1/3 of the runway, per FAA guidance;

- Install new airfield edge lighting and electrical enclosure building;
- Install new airport beacon, segmented circle, and wind cones;
- Repave the existing aprons and taxilane;
- Improve airport drainage;
- Purchase property for airspace.

### Funding

The Alaska Department of Transportation and Public Facilities (ADOT&PF) and the Federal Aviation Administration (FAA) will provide funding for the project (approximately 6% and 94% respectively).

### Schedule

Expected Milestones:

- Airport Layout Plan – Summer 2021
- Property acquisition – Summer/Fall 2021
- Final design – Fall 2021
- Construction – Summer 2022

### Questions?

To learn more, submit questions or comments, or sign up for the project email list, please visit the project website at:

<http://dot.alaska.gov/creg/sewardairport/index.shtml>

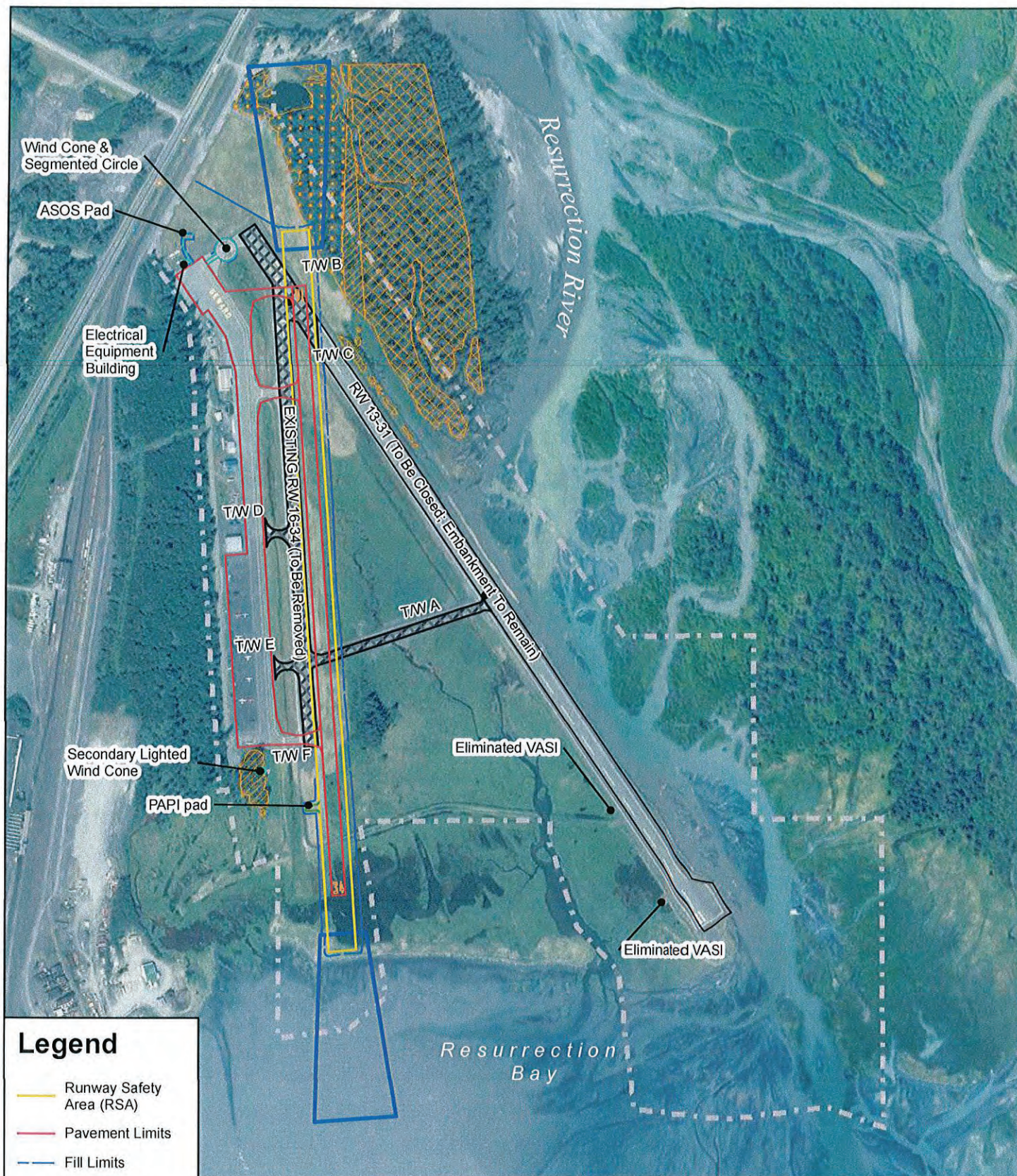
Public Involvement Coordinator:

Robin Reich  
Solstice Alaska Consulting, Inc.  
Phone: (907) 929-5960  
Email: [solsticeak@solsticeak.com](mailto:solsticeak@solsticeak.com)

ADOT Project Manager:

Joy Vaughn, P.E.  
Phone: (907) 269-0812  
Email: [joy.vaughn@alaska.gov](mailto:joy.vaughn@alaska.gov)





## Legend

- Runway Safety Area (RSA)
- Pavement Limits
- Fill Limits
- ▨ Clearing and Grubbing
- ▨ Clearing Only
- ▨ Selective Clearing
- ▨ Taxiway/Runway Removal
- ▨ Seward Airport Boundary

0 750 1,500  
Feet



Seward, Alaska

Date: 2/12/2021

Figure: 1

24

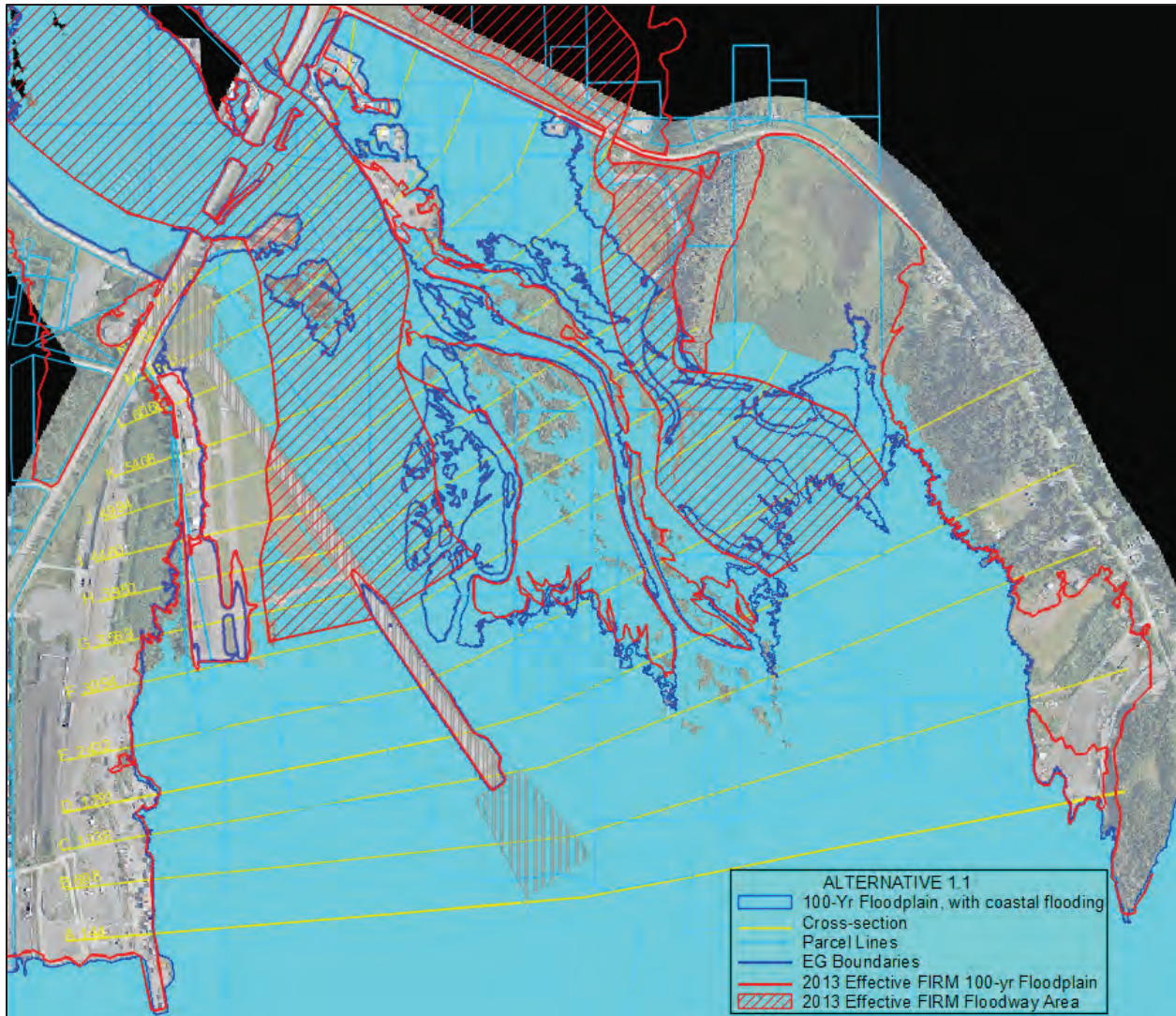
**State of Alaska**  
Department of Transportation and Public Facilities  
Central Region



Seward Airport Improvements

LAYOUT PLAN





**Figure 15.** 100-year flood map for Alternative 1.1.

**Alt 1.1-**This design alternative raises the elevation of Runway 13/31 above the 100-year flood with a 2-ft freeboard. Both runways remain above the base flood elevation. The Alt 1.1 water surface elevations across the floodplain east of the runway are substantially higher than those of the EG model. Water surface elevation increases of greater than 1 foot occur from Cross-section D to Cross-section J. The maximum water surface elevation increase is 4.04 feet, and occurs at Cross-section F. The private parcels in the middle of the Resurrection River floodplain are completely inundated. At some areas of the 100-year floodplain between the Seward Highway and Resurrection Bay, the eastern limit has expanded. At Cross-sections D and E, the Alt 1.1 floodplain boundary is 70 feet to the east of the Effective FIRM floodplain (red line). At Cross-sections F and G, the Alt 1.1 floodplain boundary is 300 to 500 feet east of the EG model boundary (dark blue line). Though it is within the Salmon Creek Effective FIRM floodplain Zone AH, the Alt 1.1 water surface elevations of Cross-sections F and G are slightly higher (1-2 feet) than the FIRM base flood elevations there. At Cross-section K, the Alt 1.1 floodplain boundary is approximately 400 feet northeast of the EG model boundary, but still within the Salmon Creek Effective FIRM base flood and floodway boundary. See FIRM Panel 4544.

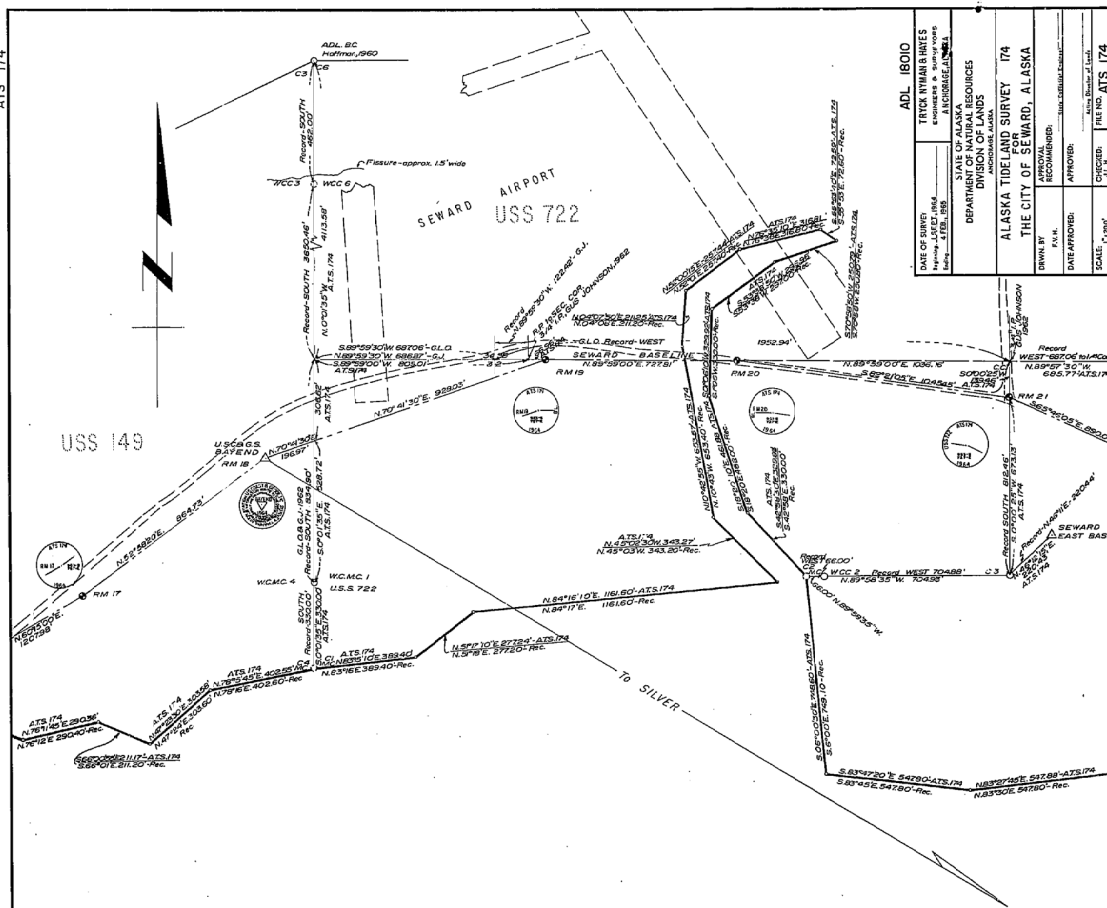


**DOT&PF clarifications of items from public comment, the July P&Z meeting, & questions ahead of the Aug. 11<sup>th</sup> joint work session:**

- 1) The proposed airport improvements will leave the embankment of the existing long runway (RW 13/34) in place. Runway pavement/asphalt, lights, and NAVAIDS (VASI's) will be removed. Grass will be planted on the existing embankment to stabilize and negate its appearance as a runway from the air.
- 2) The proposed improved RW 16/34 embankment will be built to full runway strength beyond the south end of the new runway and to the end of the embankment to facilitate eventual lengthening of the runway when FAA approved operational forecasts support federal funding. DOT has gained FAA approval to include a future, longer 4000-foot runway in federally reviewed planning documents for implementation when justified.
- 3) Taxiway A, that connects the two runways, will be removed entirely, including the embankment, and the area restored to like-natural conditions.
- 4) The only utility work included in the project is an extension to provide power to the new FAA PAPI for the new runway, not to be confused with utilities for other purposes at the airport.
- 5) Tree clearing at the north end of the new runway is required to meet FAA standards for safe approach and departure of aircraft. However, in response to public comments, we are re-evaluating and discussing with FAA if there is any possibility of reducing the amount of tree clearing required. We are also looking into whether we can reduce the amount of tree clearing south of the GA apron.
- 6) We are not filling in the pond to the north of the airport. In response to public comments, a buffer of vegetation will remain around the pond.
- 7) FEMA flood regulations preclude placing fill in a regulatory floodway. Because a regulatory floodway crosses the existing main runway (RW 13/31), the runway cannot be raised without placing fill in the regulatory floodway. The flood map from the Hydrologic and Hydraulic report is attached (see Flood Map). Hydrologic studies provided to the city and borough show that raising the main runway above flood-level could cause floodwater levels to increase by as much as four feet in places and cause the area of potential flooding to expand significantly, especially to the east of the Resurrection River, potentially threatening the property of numerous Seward area residents and organizations.
- 8) According to hydrologists because a very large amount of sediment flows down the Resurrection River, a dredged channel would not maintain itself and dredging would have to be done periodically on a continual basis. This would be an additional DOT maintenance expense, not reimbursable by the federal government. Since state transportation maintenance funds have been reduced significantly over the last few budget cycles, there is already a shortage of funds for existing maintenance commitments.
- 9) To restore strength to RW 13/31 would require reconstruction of the embankment, not merely repaving. Alternative 1.1, reconstructing the long runway (RW 13/31) to existing dimensions and raising it above flood level, would result in flood impacts to adjacent property owners, be expensive to build and would not be eligible for federal funding.
- 10) Federal money (with a state match) is available for the proposed improvements to the existing crosswind runway (RW 16/43) also known as Alternative 2.2.
- 11) The shortage of maintenance funds could prohibit the DOT&PF from frequently repairing flood damage to RW 13/31 if the project were not to proceed.

- 12) The proposed improved RW 16/34 will be of sufficient size to support fixed-wing medivac flights. If the main runway is damaged beyond repair before the proposed improvements are completed, fixed-wing medivacs may be unable to operate on the existing RW 16/34 because of its short length.
- 13) Will the airport improvements include water, sewer, electricity, and a fire hydrant? If not, is there a plan to provide these improvements in the future?  
*The only utility work included in the project is an extension to provide power to the new FAA PAPI for the new runway. There is not a plan to provide these utilities in the future.*
- 14) Is the DOT responsible for the maintenance of the dry fire hydrant at the pond?  
*From our research DOT&PF did not install nor do we maintain this dry fire hydrant. From speaking with the Seward Fire Chief, his understanding is that the dry fire hydrant was installed with a State of Alaska grant that went to the City of Seward Public Works Department. Both the Fire Chief and Public Works were unclear who has maintenance responsibility and are looking into it.*
- 15) If the DOT only acquires the smaller triangle of the private property of the Leirer lot, is creating access to the larger remainder required as part of the replat?  
*No, creating access is not required as part of the platting process.*
- 16) Why hasn't DOT contacted and negotiated with the land owners already?  
*DOT&PF Right-of-Way doesn't contact land owners with a request to purchase or negotiate prior to having an approved appraisal in conjunction with an approved preliminary Right-of-Way Acquisition Plat. Obtaining the appraisal and the preliminary ROW Acquisition Plat is the current process we are in. Once both of those have been approved we would proceed with contacting the owner with a request to purchase and proceed with negotiations as needed. The size and location of the parcel acquisition could change based on negotiations with the owner. Any changes agreed upon with the owner would be reflected in the final ROW acquisition plat.*
- 17) I'm concerned about the hazard easement / clear zone off of the Dieckgraeff Road may conflict with the City's Snow Dump site.  
*This Avigation and Hazard Easement already exists and is not part of the changes proposed in this preliminary plat. Since this comment is included in the meeting materials, please consider clarifying this fact for readers.*
- 18) What is the Right-of-Way acquisition plat process?  
*Please refer to Kenai Peninsula Borough (KPB) Code of Ordinances Title 20.10.070 Right-of-way acquisition plat (see attached Code of Ordinances). In this ordinance it appears the KPB planning director has the authority to approve the final plat without conferring with the city a second time if they so choose. This is our understanding from reading the ordinance, you may want to consider clarifying the process with KPB.*
- 19) There has been some confusion as to whether this is a subdivision. If it is a subdivision, then City code requires certain improvements, which is why some people have been asking whether or not the City should require the DOT to provide utility improvements to the property. My understanding, is that this is an ROW Acquisition Plat. There is no subdividing, just re-platting of the boundary of the airport. Is this correct?  
*This is NOT a subdivision plat, this is a Preliminary Right-of-Way acquisition plat. The land added to the airport would become State Land/Airport Property, and thus not a re-sellable parcel.*
- 20) Is the ROW that is needed by the DOT on these three parcels simply a ROW for airspace, or also land? If it also is a land ROW, will there be any construction on the land?  
*The ROW is needed for airspace and land use. The current project does not propose any improvements be constructed on these acquisition parcels, however improvements may need to be constructed on these parcels in the future based on airport need.*



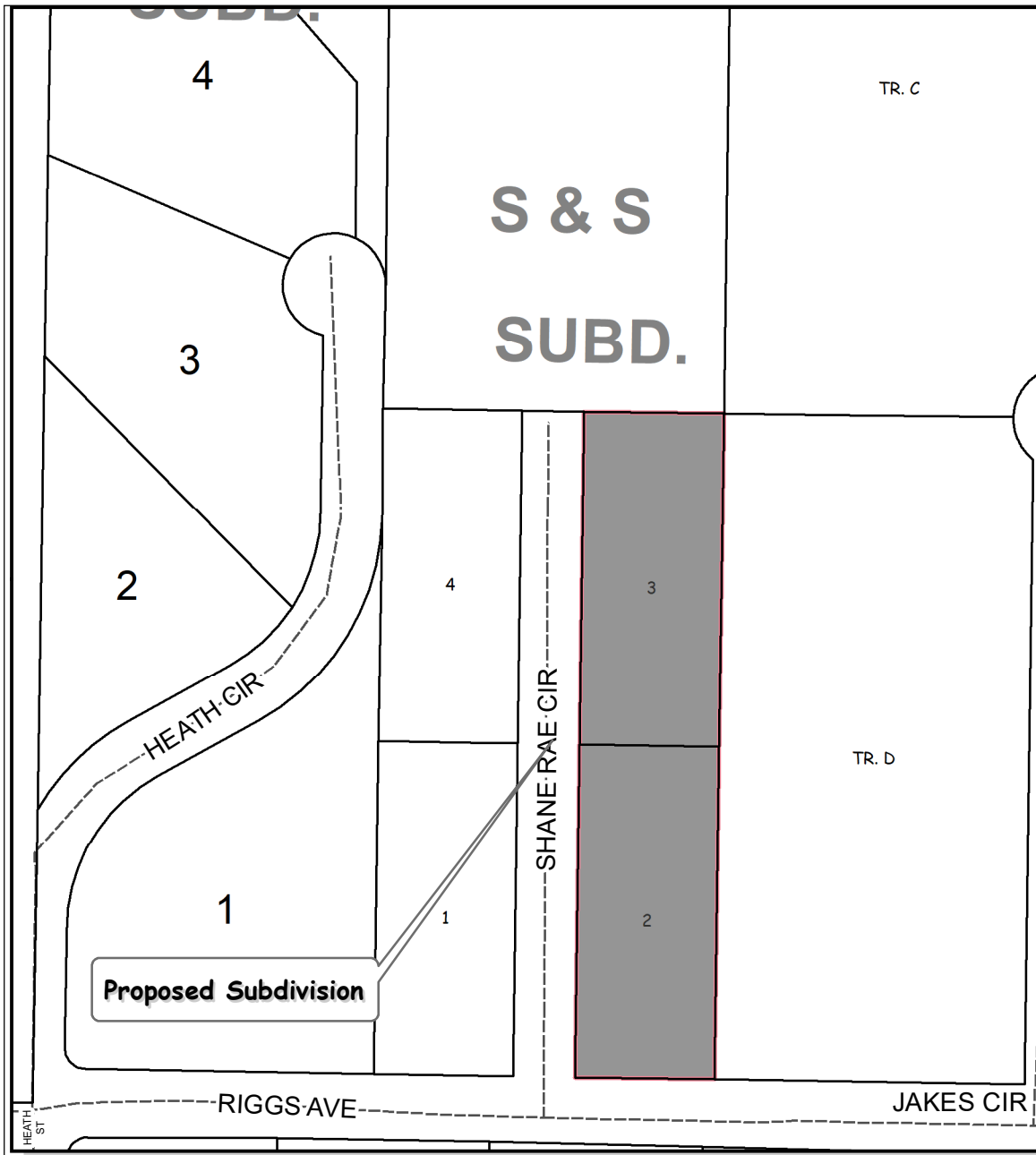


*RESURRECTION BAY*

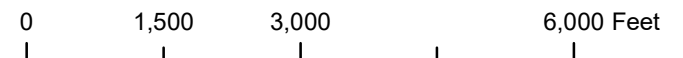
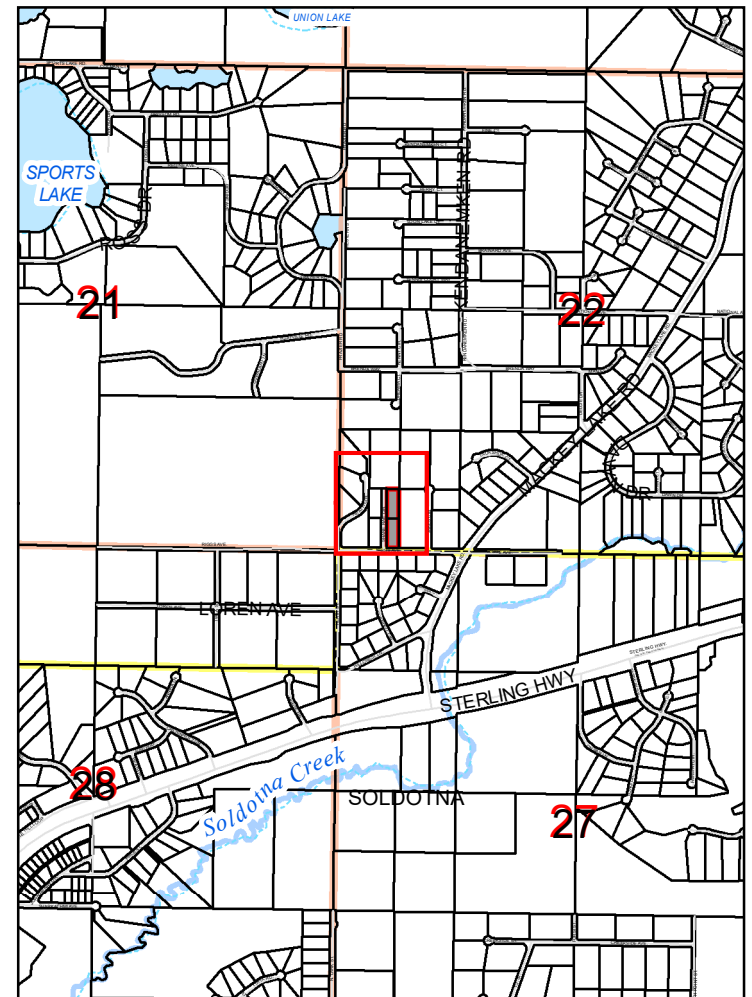
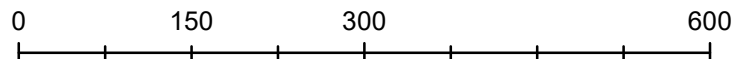
MEANDERS ALONG SHORELINE OF RESURRECTION BAY

[illegible]

WEST	
Director's	Line

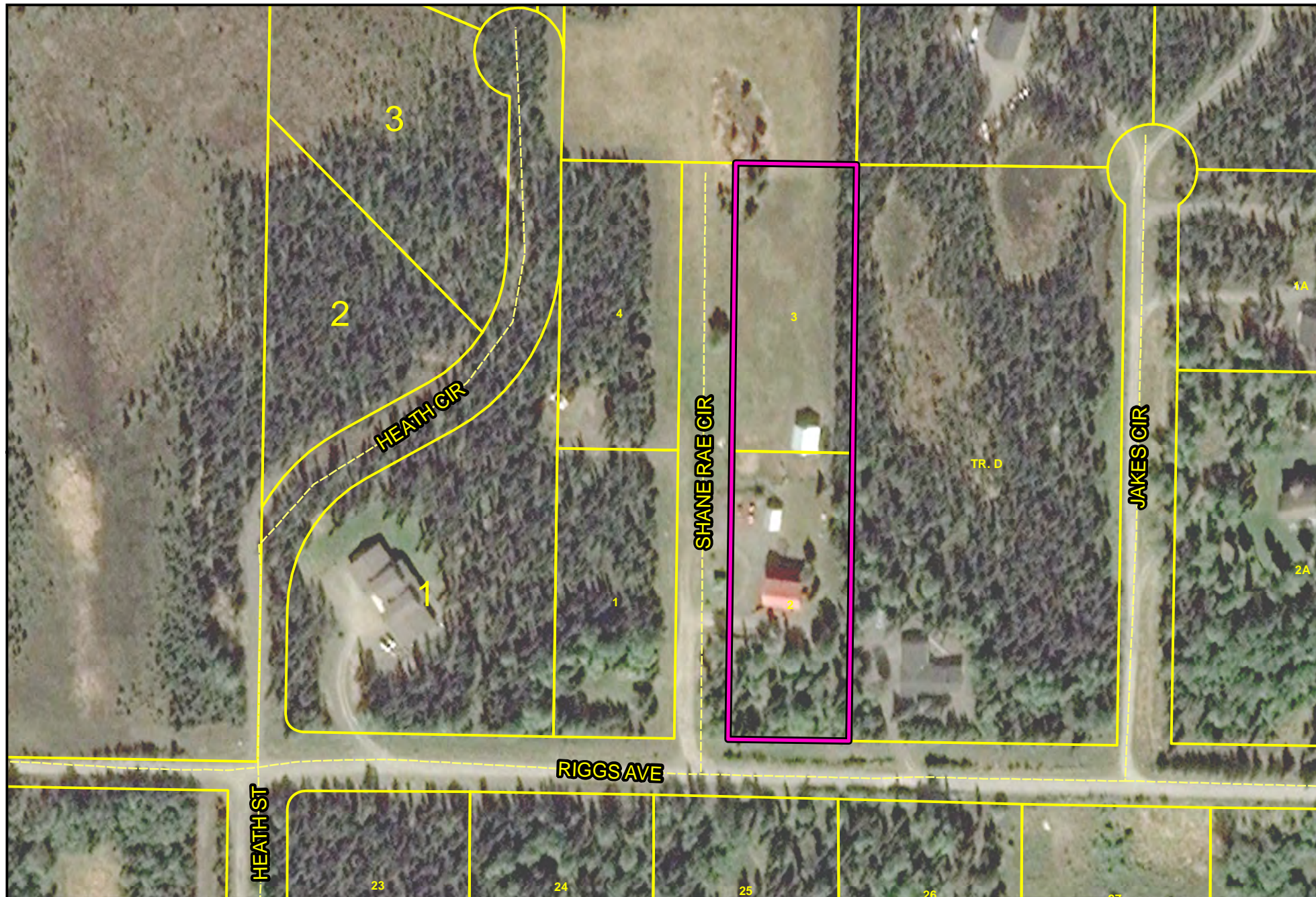


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**KPB 2021-112  
S22 T05N R10W  
RIDGEWAY**





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.

100 200 400'

Aerial View



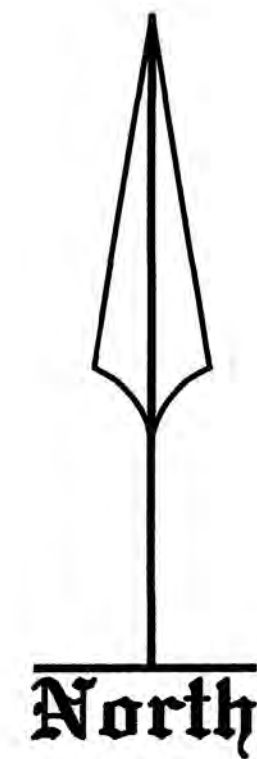
 PRELIMINARY PLAT

PClements, KPB 2021-112  
Imagery SOLDOTNA 2018



LEGEND:

- 3 1/4" ALUM. CAP MONUMENT LS5589 1984 FOUND  
2" ALUM. PIPE NO CAP FOUND  
5/8" REBAR FOUND  
( ) RECORD DATUM PLAT 86-112 KRD



Unsubdivided

KN 2001-39  
Tract CC

S89°59'00"E 195.17'

KN 86-112  
Lot 4

Shane Rae Circle  
60' ROW vacated  
this plat.

Lot 2A  
2.890 Ac.

KN 2001-39  
Tract D

N00°05'03"W 645.10'

S00°04'24"E 645.16'

Former Jct. line  
10'x10' Utility easement

Heath Cir.

KN 2015-77  
Lot 1

KN 86-112  
Lot 1

20' Building setback  
10' Utility easement

S89°58'00"E 195.05'

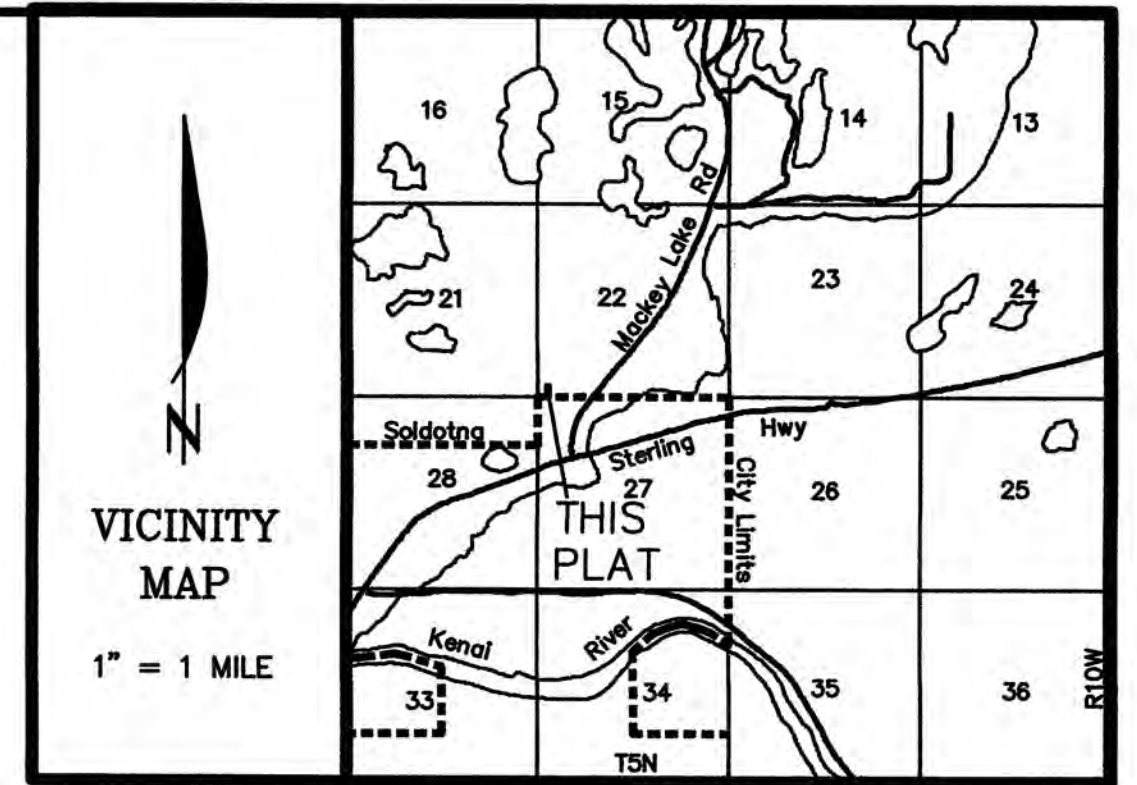
Riggs Ave.

N89°58'00"W 1320.71'  
Basis of Bearing

KN 83-142  
Lot 24  
Block 2

KN 83-142  
Lot 25  
Block 2

KN 83-142  
Lot 26  
Block 2



CERTIFICATE of OWNERSHIP  
and 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 RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

COLE B. YOUNG AKA COLE YOUNG JESSICA A. YOUNG AKA JESSICA YOUNG  
P.O. BOX 723  
SOLDOTNA, ALASKA 99669

NOTARY'S ACKNOWLEDGEMENT

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY'S ACKNOWLEDGEMENT

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH  
PLANNING COMMISSION AT THE MEETING OF

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

KPB FILE No. \_\_\_\_\_

S & S Subdivision  
Young Replat

A resubdivision of Lots 2 and 3 S & S Subdivision, Plat 86-122,  
Kenai Recording District and the vacation of Shane Rae Circle.

Located within the E1/2 W1/2 SW1/4 SW1/4 Section 22,  
TSN, R10W, S.M., Kenai Peninsula Borough, Alaska.

Containing 2.890 Ac.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owner Cole B. & Jessica A. Young P.O. Box 723 Soldotna, AK 99669
JOB NO. 21237	DRAWN: 9-29-21
SURVEYED: Sept, 2021	SCALE: 1"=50'
FIELD BOOK: 21-5	SHEET: 1 of 1

NOTES:

- 1) Basis of bearing taken from S & S Subdivision, Plat 86-112, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) The vacation of Shane Rae Circle was approved by the Planning Commission at the meeting of September 13, 2021.
- 4) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association Inc is recorded in Book 7 Page 7, Kenai Recording District. No definite location disclosed.
- 5) An Right-of-way permit for pipeline and related services granted to Alaska Pipeline Company is recorded in Book 5 Page 165, Kenai Recording District. No definite location disclosed.
- 6) 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.



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.

Date \_\_\_\_\_

KPB 2021-112



AGENDA ITEM E. NEW BUSINESS

ITEM 3 - S & S SUBDIVISION YOUNG REPLAT

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

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

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STAFF REPORT

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

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

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

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

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

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

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
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**Staff Analysis** The proposed preliminary plat is composed of lots and right of way created by S&S Subdivision, Plat KN 86-112. That plat created four lots and dedicated a 645 foot long right of way. The right of way was given a Circle suffix. That suffix indicates the intent to extend the right of way in the future but for the right of way not to be a through dedication.

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

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

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

Notice of the proposed plat was mailed to the beneficial interest holder on October 5, 2021. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The property is not within an advisory planning commission.

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

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

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

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



**Utility provider review:**

HEA	Reviewed, no comments.
ENSTAR	<p>There are existing natural gas main line which appears to be located within the proposed Shane Rae Circle 60' ROW Vacation. Attached is an approximate ENSTAR as-built for your reference. ENSTAR objects to this plat unless one of the following scenarios is met:</p> <ol style="list-style-type: none"> <li>1. Add a note which says, "There is a ten foot (10 FT) wide natural gas easement centered on the existing main line." And draw in the approximate location of the main line on the map and add, "Approximate location of natural gas main and centerline of ten foot (10 FT) wide natural gas easement."</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 line at this location.</li> </ol>
ACS	
GCI	

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 42924 RIGGS AVE</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: Heath Cir Riggs Ave</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 42924 RIGGS AVE will remain with Lot 2A.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Taylor, Bryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Bruns, Matthew Comments: No concerns from Assessing Dept. Vacation of Shane Rae Circle ROW will result in Parcel # 058-033-04 having legal access from Heath Circle only. Parcel # 058-033-05 will have legal access only from Riggs Avenue.</p>

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

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

#### **KPB 20.25.070 – Form and contents required**

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

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

**Staff recommendation:** Parent plat number needs corrected to 86-112.

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

**Staff recommendation:** Soldotna City Limits is located south of the subdivision, within Riggs Avenue. Depict the boundary and provide a label.

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

**Staff recommendation:** Correct the label for Tract C located to the northeast by removing the duplicate C.

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#### **KPB 20.30 – Subdivision Design Requirements**

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

##### **20.30.190. Lots-Dimensions.**

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

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

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

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#### **KPB 20.40 – Wastewater Disposal**

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

##### **20.40.010 Wastewater disposal.**

**Platting Staff Comments:** A soils analysis report will not be required. Wastewater note is required.

**Staff recommendation:** comply with 20.40.



## KPB 20.60 – Final Plat

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

### 20.60.180. Plat notes.

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

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

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

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

Update the following plat notes.

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

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

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

### KPB 20.70 – Vacation Requirements

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

## EXCEPTIONS REQUESTED:

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

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

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

**Surveyor's Findings:**

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

**Staff's Findings:**

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

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

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

**EXCEPTIONS REQUESTED:**

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

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

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

**Surveyor's Findings:**

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

**Staff's Findings:**



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

Staff reviewed the exception request and recommends granting approval.

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

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

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

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

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

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**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**





## Date: 10/8/2021



This map illustrates the wetland distribution in the Mackey Lake area, with a red boundary line indicating a specific study area. The map includes various wetland types and elevation data points:

- Wetland Types:**
  - Freshwater Emergent Wetland:** Shaded in light green, located in the bottom right corner near the Riverrine.
  - Freshwater Forested/Shrub Wetland:** Shaded in light blue, scattered throughout the central and upper portions of the map.
  - Kettle:** Shaded in light orange, located in the upper left and central areas.
- Elevation Data:**
  - ~1,980 feet:** Located in the upper left, near the large Freshwater Forested/Shrub Wetland.
  - ~2,650 feet:** Located in the upper center, near the top of the red boundary.
  - ~650 feet:** Located in the upper right, near the top of the red boundary.
  - ~1,850 feet:** Located in the lower right, near the bottom of the red boundary.
  - ~1,380 feet:** Located in the bottom center, near the bottom of the red boundary.
- Geographic Features:**
  - Riverrine:** A winding waterway in the bottom right corner.
  - Streets:** FRAZIER RD, KENNY CIR, BRENDA WAY, KENDANEMKEN RD, MANEY CIR, DELCIE DR, DAWN DR, HEATH ST, SHANE RAE CIR, JAKES CIR, RIGGS AVE, INUKSHUK CT, and MACKEY LAKE RD.
  - Tracts:** Various land tracts are labeled, including TR. B, TR. C, TR. D, TR. E, TR. A, TR. B-1, TR. H-1, TR. H-2, TR. D-1, TR. D-2, TR. D-3, TR. D-4, TR. D-5, TR. D-6, TR. D-7, TR. D-8, TR. D-9, TR. D-10, TR. D-11, TR. D-12, TR. D-13, TR. D-14, TR. D-15, TR. D-16, TR. D-17, TR. D-18, TR. D-19, TR. D-20, TR. D-21, TR. D-22, TR. D-23, TR. D-24, TR. D-25, TR. D-26, TR. D-27, TR. D-28, TR. D-29, TR. D-30, TR. D-31, TR. D-32, TR. D-33, TR. D-34, TR. D-35, TR. D-36, TR. D-37, TR. D-38, TR. D-39, TR. D-40, TR. D-41, TR. D-42, TR. D-43, TR. D-44, TR. D-45, TR. D-46, TR. D-47, TR. D-48, TR. D-49, TR. D-50, TR. D-51, TR. D-52, TR. D-53, TR. D-54, TR. D-55, TR. D-56, TR. D-57, TR. D-58, TR. D-59, TR. D-60, TR. D-61, TR. D-62, TR. D-63, TR. D-64, TR. D-65, TR. D-66, TR. D-67, TR. D-68, TR. D-69, TR. D-70, TR. D-71, TR. D-72, TR. D-73, TR. D-74, TR. D-75, TR. D-76, TR. D-77, TR. D-78, TR. D-79, TR. D-80, TR. D-81, TR. D-82, TR. D-83, TR. D-84, TR. D-85, TR. D-86, TR. D-87, TR. D-88, TR. D-89, TR. D-90, TR. D-91, TR. D-92, TR. D-93, TR. D-94, TR. D-95, TR. D-96, TR. D-97, TR. D-98, TR. D-99, TR. D-100.

