

WORK SESSION AGENDA

1. Call to Order 5:30 p.m.
2. Discussion of Items on the Regular Meeting Agenda
3. Staff Report PL 13-70 Ordinance 13-37 an ordinance of the City Council of Homer, Alaska, amending the definition of "discontinued" in Homer City Code 21.61.015, Definitions, to exclude from the time for which a nonconforming use may cease the time from the death of its operator until the use is legally available for transfer to a successor operator. p. 25-36
4. Staff Report PL 13-69 Comprehensive Plan Review p. 45-62
5. Public Comments
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
6. Commission Comments
7. Adjournment

REGULAR MEETING AGENDA

1. Call to Order

2. Approval of Agenda

3. Public Comment

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

4. Reconsideration

5. Adoption of Consent Agenda

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

- A. Approval of Minutes of August 21, 2013 meeting p. 1-3

6. Presentations

7. Reports

- A. Staff Report PL 13-65, City Planner's Report p. 5-8

8. Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 13-66 Request for a Public Sign on Ohlson Lane for Old Town p. 9-14
B. Staff Report PL 13-67 Conditional Use Permit 13-08 for more than one building containing a permitted principle use at 4834 Kachemak Drive p. 15-24
C. Staff Report PL 13-70 Ordinance 13-37 an ordinance of the City Council of Homer, Alaska, amending the definition of "discontinued" in Homer City Code 21.61.015, Definitions, to exclude from the time for which a nonconforming use may cease the time from the death of its operator until the use is legally available for transfer to a successor operator. p. 25-36

9. Plat Consideration

- A. Staff Report PL 13-68 Glacier View Subdivision 2013 Addition Preliminary Plat p. 37-44

10. Pending Business

11. New Business

- A. Staff Report PL 13-69 Comprehensive Plan Review p. 45-62
B. Staff Report PL 13-71 Kenai Pen. Borough Ordinance Rewriting Ch. 20, Subdivisions p. 63-142

12. Informational Materials

- A. City Manager's Reports from August 26 and September 9 City Council Meeting p. 143-156

13. Comments of the Audience

Members of the audience may address the Commission on any subject. (3 minute time limit)

14. Comments of Staff

15. Comments of the Commission

16. Adjournment

Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission. Next regular meeting is scheduled for October 2, 2013. A work session will be held at 5:30 pm.

Session 13-12, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on August 21, 2013 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Ave, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, HIGHLAND, SLONE, SONNEBORN, STEAD, VENUTI

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda: SLONE/HIGHLAND MOVED TO APPROVE THE AGENDA.
There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit). None

Reconsideration

Adoption of Consent Agenda

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

A. Approval of Minutes of August 7, 2013 meeting

HIGHLAND/SLONE MOVED TO ADOPT THE CONSENT AGENDA

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports :

A. Staff Report PL 13-59, City Planner's Report

City Planner Abboud reviewed the staff report. He advised that there will be a FEMA informational meeting on August 28th and commented about his concerns with their estimate of possible flooding of Beluga Lake. City Planner Abboud advised that he will be absent for the first meeting in September, and there are no applications in process. He suggested they could cancel that meeting.

B. Transportation Advisory Committee Report

Commissioner Highland reported that the Mattox Street Neighborhood group talked to the Committee about issues on Mattox and the need for traffic calming. They also discussed and made recommendation to Council supporting

improvements to the small stretch of Greatland Street by Save-U-More. The group looked over the Non-Motorized Transportation and Trails Plan, and also made a recommendation to add crosswalks at Adams Road on East End Road, Ocean Drive, Kachemak Drive/Spit Road intersection, and Mariner Park/Spit Road entrance.

There was brief discussion about the Special Assessment District (SAD) process that was suggested to the property owners, that the property owners weren't too responsive to that idea, and issues with roads in town.

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit. None.

Plat Consideration

A. Staff Report PL PL 13-63, Harrington Heights 2013 Replat Preliminary Plat

City Planner Abboud reviewed the staff report.

Sylvia Cassidy, property owner, responded to questions from the Commission. She explained that originally the property was two lots and were re-platted into one lot. She owns the property now and wants to put back to two lots. It has water and sewer to both portions of the lot.

There was brief discussion of the easements that aren't depicted on the plat. City Planner Abboud said that the plat note 3 referencing the easements is adequate for their purposes.

Commissioner Stead commented that there is an eagle's nest in the vicinity of that lot. The applicant states she had seen an owl there once. City Planner Abboud noted that it isn't relevant to this action.

STEAD/SONNEBORN MOVED TO ADOPT STAFF REPORT PL 13-63 HARRINGTON HEIGHTS 2013 REPLAT PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Pending Business: None

New Business

A. Staff Report PL 13-64, Election of Officers

Chair Venuti was re-elected as Chair by unanimous consent of the Commission.

Commissioners Bos, Sonneborn, and Stead were nominated for Vice Chair. Commissioner Stead was elected Vice Chair by secret ballot.

Informational Materials

A. City Manager’s Report from August 12, 2013 City Council Meeting

Comments of the Audience

Members of the audience may address the Commission on any subject. (3 minute time limit)

Comments of Staff

Deputy City Clerk Jacobsen commented that if anyone needs to update their voter registration status for the October 1 election they need to do so by the end of the month.

Comments of the Commission

Commissioner Highland commented that the meeting times are incorrect on the copy of the bylaws that were provided to them. She was glad to hear people here interested in Mattox, the TAC agrees this is a good start and could be a vision for the rest of the City. She congratulated Chair Venuti and Commissioner Stead.

Commissioner Slone congratulated Chair Venuti and Commissioner Stead. He commented about the helicopter CUP. He was disappointed he didn’t have an opportunity to participate. He commended Chair Venuti, Commissioner Sonneborn, and Commissioner Highland for their persistence regarding safety, the noise limits outlined in code, and questioning the operation overall. He agreed that there was a safety concern because the proximity of the landing area to the building and the public left no room whatsoever for error to operate at that particular location.

Commissioner Bos welcomed the City Planner back and congratulated him. He also congratulated Chair Venuti and Commissioner Stead.

Commissioners Sonneborn and Stead had no comment.

Chair Venuti acknowledged Commissioner Highland for being recognized as an outstanding advocate for conservation. He commented his feeling of needing to have more of a driving vision for where to take the commission. He feels like they should be going somewhere and not just reacting. He thinks they need to work on the heliport issue because it will likely come back to them again, and it would be better to have some real rules in place. He suggested it be added to their worklist. He also suggested adding the issue of cisterns into the zoning regulations as there are some places where it is the only option. Since they won’t meet on September 4th, he encouraged the group to think about what they can work on.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 7:25 p.m. The next regular meeting is scheduled for September 4, 2013 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



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STAFF REPORT PL 13-65

TO: Homer Advisory Planning Commission
FROM: Planning staff
MEETING: September 18, 2013
SUBJECT: City Planner's Report

City Council Meeting 9.9.13

Ordinance 13-38, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2013 Capital Budget by Appropriating \$300,000 From a Combination of the Fire Department, Police Department, and General Depreciation Reserve Funds to Begin Preliminary Engineering and Design Work on the Proposed New Public Safety Building. Mayor/City Council. Recommended dates: Introduction September 9, 2013, Public Hearing and Second Reading September 23, 2013.

The CIP plan was adopted with the top five projects

1. Water storage/Distribution Improvements
2. Public Safety Building
3. Harbor Sheet Pile Loading Dock
4. Fire Department Equipment Upgrades
5. East to West Transportation Corridor

They also resolved that projects for the FY 2015 Federal Legislative Request will be;

1. Deep Water/Cruise Ship Dock Expansion
2. East Boat Harbor

Additionally, the Council designated the HERC site as the preferred site of the proposed Public Safety Building with along the East side of Main Street being the next alternative.

The office has been covering for Travis and my time off. Travis and I were off the week of Labor Day and Travis continued his time off for another week.

There is an upcoming opportunity for Planning Commissioner training in Anchorage. Attached is a schedule. Please review for your availability. Travel funds are short this year and anyone who has not gone will be a priority. If you have not gone and could just attend on Sunday the 17th, it would be a great benefit.

Att. APA State Conference schedule



2013 State Planning Conference

PDF Version of the 2013 Session Agenda (8/31 Version)

PLANNING COMMISSIONER TRAINING:

- These training sessions are tailored specifically for planning commissioners. We offer a full day of commissioner basics or "Planning Commissioner 101" on Sunday, November 17th. Additional sessions titled, "Advanced Planning Commissioner Training", are offered November 18 & 19. These sessions offer opportunities for mock meetings and more in-depth discussion on particular issues. Those working with planning commissions, such as planners and clerks, are welcomed to attend these sessions. We also encourage all planning commissioners to attend any of the other conference sessions. Planning commissioners are an important part of APA and their participation in any discussion or presentation is highly encouraged and valued.

MOBILE WORKSHOPS:

- These sessions take place outside of the Hotel Captain Cook. Transportation is provided. There is a fee of \$35 for each mobile workshop.
 - Fire Island Tour has a larger fee of \$50 because air transportation is required.
- These events are space limited and available on a "first come, first-serve" basis.
- Please only choose one mobile workshop. This will allow more opportunities for a greater number of people.

KEYNOTES:

- All keynote presentations are included in the price of registration.

EVENTS:

- These are special events that *may* require advanced registration and/or a fee. You may bring a guest to these events; please indicate so during registration.

AICP CREDITS:

- AICP credits will be available for all sessions except those that are specifically for planning commissioners.

* Please note this schedule may be subject to change.

Sunday, November 17, 2013

8:00 AM - 9:00 AM	REGISTRATION	
9:00 AM - 5:00 PM	TRAINING: Planning Commissioner 101	◆ [icon]
9:00 AM - 5:00 PM	TRAINING: Professional Development with Shelly Row	◆ [icon]

Monday, November 18, 2013

7:00 AM - 9:30 AM	REGISTRATION	
8:00 AM - 9:30 AM	KEYNOTE: Mitchell Silver, AICP, President of The American Planning Association	
9:45 AM - 10:45 AM	ADVANCED Planning Commissioner Training	
9:45 AM - 10:45 AM	Estimating Impacts of Major Infrastructure Projects in Alaska	
9:45 AM - 10:45 AM	The Power of Energy Efficiency in Rural Alaska	
11:00 AM - 12:00 PM	Building Community Adaptive Capacity and Disaster Resilience	
11:00 AM - 12:00 PM	Implementation: Planning with a Purpose	
11:00 AM - 12:00 PM	The Future is Now - Existing and Emerging Visualization Technology Solutions for Planners	
12:15 PM - 1:30 PM	LUNCH KEYNOTE: Bill Popp, President & CEO, Anchorage Economic Development Corporation	
1:45 PM - 3:15 PM	Economic Benefits of Nature in the Mat-Su	
1:45 PM - 3:15 PM	Engaging Young People in Planning	
1:45 PM - 3:15 PM	MOBILE TOUR: Fire Island	◆ [icon]
1:45 PM - 3:15 PM	The Million Dollar Shelf - Visions, Plans, and Implementation	
3:30 PM - 4:30 PM	3D, 4D, and 5D Visualization Solutions for Infrastructure Planning	
3:30 PM - 4:30 PM	A Tale of Two Airport Master Plans	
3:30 PM - 4:30 PM	MOBILE WORKSHOP: Historic Preservation	◆ [icon]
3:30 PM - 4:30 PM	Using Community Plans to Make Things Happen - Successes from Southeast Alaska	
6:30 PM - 8:30 PM	2013 State Conference Banquet	

Tuesday, November 19, 2013

7:00 AM - 9:30 AM	REGISTRATION	
8:00 AM - 9:15 AM	BREAKFAST KEYNOTE: To Be Announced	

9:30 AM - 10:30 AM	ADVANCED Planning Commissioner Training
9:30 AM - 10:30 AM	An Alaskan Snowbird Pondering Paradise - Lessons Learned from Living in Verrado
9:30 AM - 10:30 AM	Defining a "Northern Sense of Place"
10:45 AM - 11:45 AM	ADVANCED Planning Commissioner Training
10:45 AM - 11:45 AM	MAP-21: Impacts on Alaska Transportation Planning and Project Selection
10:45 AM - 11:45 AM	Six Sign Code Standards that Enhance Aesthetics
12:00 PM - 1:30 PM	2013 Alaska State Planning Awards Luncheon
1:45 PM - 3:15 PM	Communities of Lasting Value: Planning for Economic Development
1:45 PM - 3:15 PM	Ethics
1:45 PM - 3:15 PM	MOBILE TOUR: Anchorage Hatchery
1:45 PM - 3:15 PM	Modeling the Future: Transportation and Corridor Planning
3:30 PM - 4:30 PM	Collaborative Land Use Planning: Unalaska and APA's Community Planning Assistance Team
3:30 PM - 4:30 PM	Ice Is Thicker than Water
3:30 PM - 4:30 PM	MOBILE TOUR: Ship Creek
3:30 PM - 4:30 PM	Soldotna's Storefront Improvement Program
4:45 PM - 5:30 PM	General Meeting of the Alaska Chapter of the American Planning Association



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STAFF REPORT PL 13-66

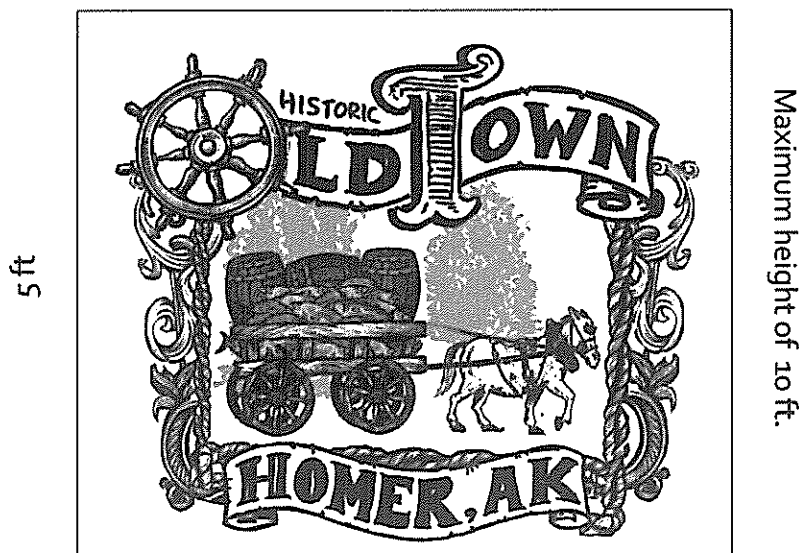
TO: Homer Advisory Planning Commission
FROM: Dotti Harness-Foster, Planning Technician
MEETING: September 18, 2013
SUBJECT: Public hearing for the Old Town Public Sign on Ohlson Lane.
LEGAL: Lot 2 Bunnell's Subdivision No. 10

Homer's Sign Code requires all proposed Public Signs to be reviewed and approved by the Homer Advisory Planning Commission after conducting a public hearing, HCC 21.60.097 Public Signs.

The Old Town sign is a public sign because it provides information to a distinct area of town, per HCC 21.60.040 Definitions:

“Public sign” means an off-premises sign other than an official traffic control device, that provides direction or information, or identifies public facilities such as parks, playgrounds, libraries, or schools or a distinct area of the City, such as Pioneer Avenue, the Homer spit, Old Town and entrances to the City.”

The proposed freestanding sign depicts Homer's historic Old Town with a nautical theme (below). The sign will be 30 sf with a maximum height of 10 feet and setback at least 5 ft from the property line. The sign will be supported by two posts that will be anchored with steel pipe. Installation is planned for the spring of 2014 and long-term maintenance will be provided by the Homer Chamber of Commerce.



6 ft

21.60.097 Public Signs. Public Signs are allowed in all zoning districts subject to the requirements in Tables 1, 2 and 3 of HCC § 21.60.060, and to the following requirements:

a. Public Signs are allowed on publicly owned and privately owned lots.

Finding: The proposed sign will be located at the Ohlson Lane entrance to the Homer's Chamber and Visitor Center parking lot. The parcel is owned by the Homer Chamber of Commerce Inc.

b. Public Signs are allowed in rights-of-way, subject to HCC § 21.60.090.

Finding: This sign is not in the rights-of-way.

c. No more than one Public Sign is allowed per lot.

Finding: This is no other Public Sign on the lot.

d. No Public Sign may be placed within 300 feet of another Public Sign.

Finding: There is no other Public Sign within 300 ft.

e. Freestanding Public Signs shall not exceed 32 square feet in area.

Finding: The proposed sign does not exceed 32 square feet in area.

f. Freestanding Public Signs shall not exceed 10 feet in height.

Finding: The proposed sign will not exceed 10 feet in height.

g. Public Signs other than freestanding shall not exceed 24 square feet in area.

Finding: Not applicable because the proposed sign is a freestanding sign.

h. No Public Sign is allowed without a permit.

Finding: A sign permit will be obtained prior to construction.

i. Public Sign design and placement must be submitted to the Planning Commission for approval, including Public Signs provided or installed by the City of Homer.

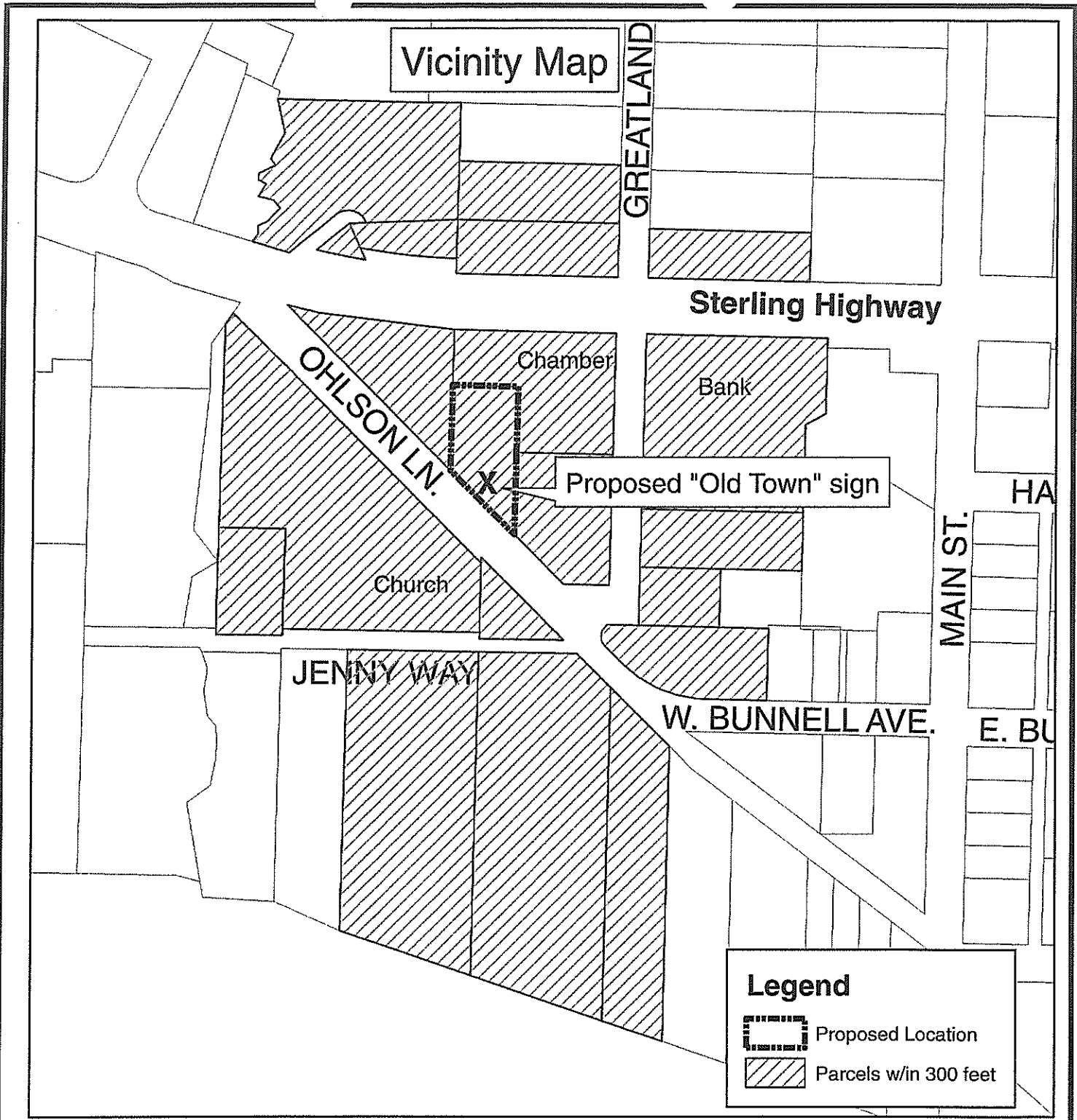
Finding: The HAPC hereby approves the proposal.

j. The Planning Commission shall conduct a public hearing prior to approving a Public Sign.

Finding: The Planning Commission is conducting a public hearing on September 18, 2013. Based on the Kenai Peninsula Borough tax assessor rolls, 34 property owners owning 20 parcels within 300 feet of the property boundaries received public notice. Public notice was also advertised in the local newspaper.

Staff recommendation: Planning Commission approve of the Old Town Public Sign proposal.

Att: Vicinity Map
Letter from Chamber and Old Town
Location of the proposed sign

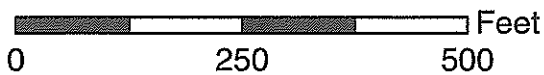


City of Homer
 Planning and Zoning Department

September 4, 2013

Request for a public sign on Ohlson Lane

Marked lots are within 300 feet
 and property owners notified.



Disclaimer:
 It is expressly understood the City of
 Homer, its council, board,
 departments, employees and agents are
 not responsible for any errors or omissions
 contained herein, or deductions, interpretations
 or conclusions drawn therefrom.



Our Mission: To support our membership through cooperative economic development and community service.

Wednesday, September 04, 2013

Homer Advisory Planning Commission
City of Homer
Planning and Zoning Office
491 E. Pioneer Avenue
Homer, AK 99603

Dear Commissioners,
The Old Town neighborhood and the Homer Chamber of Commerce are working together and would like to propose a *Welcome to Old Town* sign on Ohlson Lane.

The proposed freestanding sign will depict Homer's historic Old Town with a nautical theme. The sign will be 6 ft by 5 ft for a total of 30 sf. The maximum height of the sign will be 10 feet and setback at least 5 ft from the property line. The sign will be supported by two posts that will be anchored with steel pipe. Installation is planned for the spring of 2014 and long-term maintenance will be provided by the Homer Chamber of Commerce.

The proposed sign will be located at the Ohlson Lane entrance to the Homer's Chamber and Visitor Center parking lot. The parcel is privately owned by the Homer Chamber of Commerce Inc. City code requires that there are no other public signs within 300 ft of this proposed location. This proposed location meets that requirement.

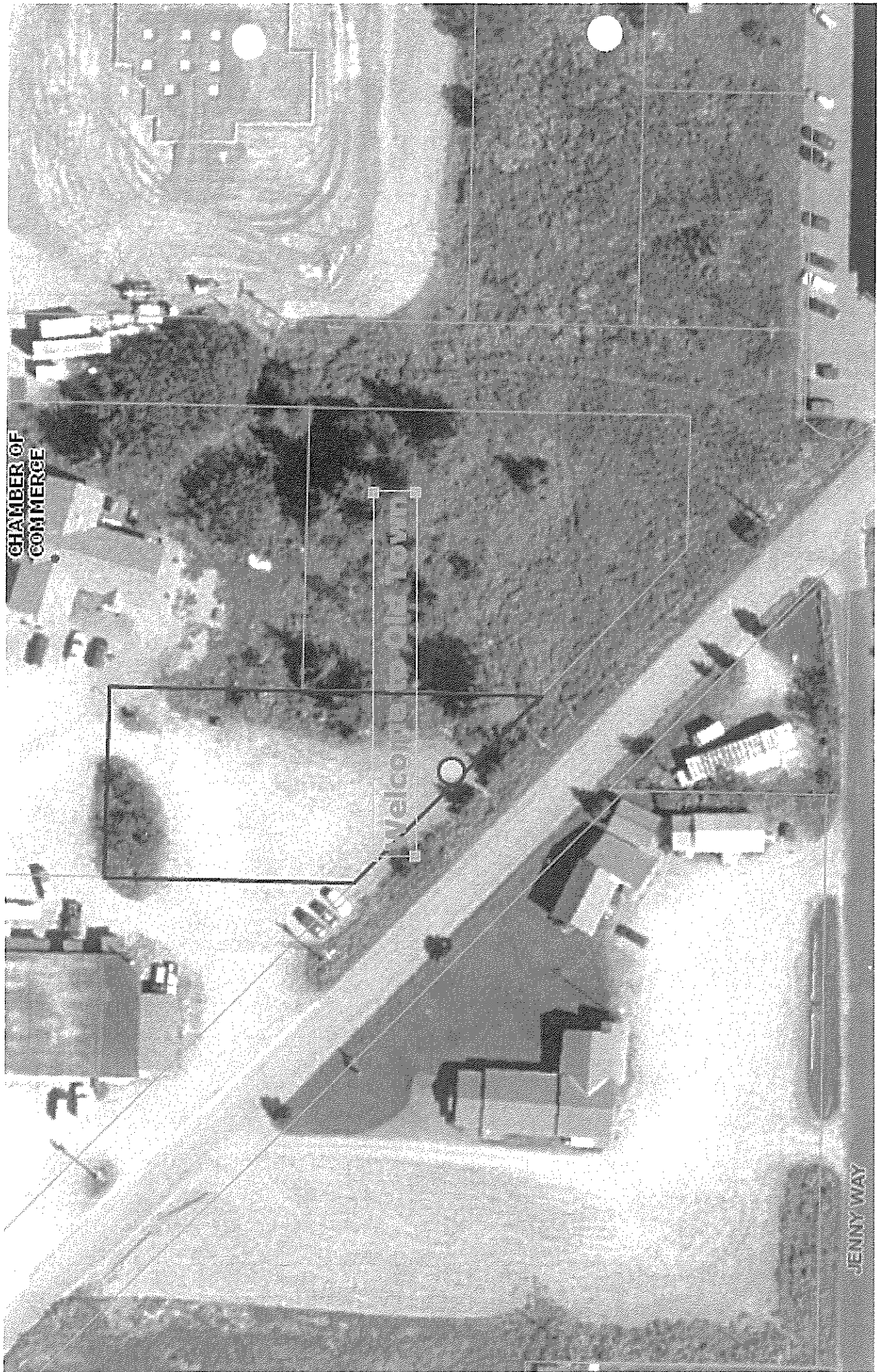
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brianna", written over a horizontal line.

Brianna Allen
Old Town chair/organizer

A handwritten signature in black ink, appearing to read "Jim", written over a horizontal line.

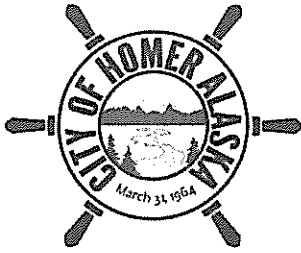
Jim Lavrakas
Executive Director
Homer Chamber of Commerce and Visitor Center
201 Sterling Highway
Homer, AK 99603
jimlav@homerakalaska.org



CHAMBER OF
COMMERCE

WELBORN AVENUE

JENNY WAY



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STAFF REPORT PL 13-67

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: September 18, 2013
SUBJECT: CUP 13-08, 4834 Kachemak Drive for "more than one building containing a permitted principal use on a lot" per HCC 21.12.030(n).

SYNOPSIS: The applicant proposes two dwellings on 0.47 acres that front Kachemak Bay. There is one existing residence and a second, single-story residence will be added if approved. A Conditional Use Permit (CUP) is required for "more than one building containing a permitted principal use on a lot" per HCC 21.12.030(n). **Note:** Approval of a Conditional Use Permit requires five yes votes.

Property owner: John Warren
Legal: UMINSKI 1997 ADDN LOT 28-B1
Parcel ID: 17909012
Lot Size(s): 0.470 acres or 20,473.2 sf
Zoning Designation: Residential
Existing Land Use: Single family residence
Surrounding Land Use: North: Residential
South: Vacant
East: Kachemak Bay
West: Vacant

Comprehensive Plan: Land use, Goal 5: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options. p 4-18
Land Use, Goal 5, Obj. A: Diversify housing stock to meet demand by people earning a broad range of incomes. p 4-18.

Wetland Status: The shoreline is classified as "Tital" wetlands.
BCWPD: Not within the Bridge Creek Watershed Protection District
Utilities: Public water and sewer
Public Notice: Notice was sent to 12 property owners of 15 parcels as shown on the KPB tax assessor rolls. This property fronts Kachemak Bay to the east. Based on the Kenai Peninsula Borough parcel viewer, approximately half of the lot is uplands (fairly level with the Kachemak Drive), while the eastern side of the lot slopes towards Kachemak Bay.

The average slope of the entire parcel is 9% which is not a "steep slope" per HCC 21.03.040 Definitions:

"Steep slope" means an elevation change in topography of at least 15 feet, with an average slope of not less than 45% (one foot difference in elevation per 2.22 feet of horizontal distance). A steep slope can occur naturally or can be created by excavation into or filling over natural ground."

The topographical change from the upland portion of the lot to the beach is approximately a 100% slope (a vertical change of approximately 13 feet over a horizontal run of approximately 13 feet) which is not a "bluff" per HCC 21.03.040 Definitions:

"Bluff" means an abrupt elevation change in topography of at least 15 feet, with an average slope of not less than 200% (two feet difference in elevation per one foot of horizontal distance). "

Though the parcel fronts Kachemak Bay, the topographical change does not meet the definition for a "coastal bluff" because within the "coastal bluff" definition is the term "bluff" which refers to a topographical change of at least 15 feet with an average slope of 200%, which this lot is not.

"Coastal bluff" means a bluff whose toe is within 300 feet of the mean high water line of Kachemak Bay."

Based on the above definitions HCC 21.44.020 Slope Development standards do not apply.

Erosion: In 2004, the Kachemak Bay Research Reserve charted bluff erosion rates based on aerial maps from 1951 to 2003. Based on the aerial maps the area along Kachemak Drive has had overall erosion rate that ranges from 0.1 meters per year to 0.9 meters per year.

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030.

a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district.

Finding 1: HCC 21.12.030(n) allows for more than one building containing a permitted principle use on a lot.

b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.

Applicant: There are several other places next door.

Purpose of the district: 21.12.010 Purpose. The purpose of the rural residential district is primarily to provide an area in the City for low-density, primarily residential, development; allow for limited agricultural pursuits; and allow for other uses as provided in this chapter.

Analysis: Density in the RR district is regulated by HCC 21.12.040. Lots that are served by both public water and sewer are allowed to contain one dwelling per 10,000sf. This proposal meets the requirements in code.

Finding 2: The use and structures are compatible with the purpose of the Rural Residential District.

c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.

Applicant: There will be an increased value to the surrounding properties.

Finding 3: The value of adjoining properties will not be negatively affected greater than other permitted uses such as multi-family units and mobile homes or conditionally permitted uses such as kennels, group care homes and recreational facilities.

d. The proposal is compatible with existing uses of surrounding land.

Applicant: The proposed development is very similar to existing developments in the area.

Finding 4: This proposal is compatible with existing uses of surrounding residential land.

e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.

Finding 5: Public services and facilities are adequate for the proposed use and structures.

f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.

Applicant: There will be no negative impact.

Analysis: Traffic from the proposed development will be similar to that of other neighboring lots with small residences.

Finding 6: The development is in harmony with the scale, bulk, coverage and density and will not have an undue harmful effect of the neighborhood character.

g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

Applicant: No change in community health, safety or welfare.

Finding 7: This proposal is not unduly detrimental to the health, safety or welfare of the surrounding area or the City of the Homer.

h. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.

Analysis: A zoning permit is required prior to any construction activity.

Finding 8: This proposal shall comply with local, state and federal regulations.

i. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.

Finding 9: This proposal meets the intent of the Homer Comprehensive Plan in that it provides diversified housing stock.

j. The proposal will comply with all applicable provisions of the Community Design Manual.

Finding 10: Project to comply with the Outdoor Lighting section of the Community Design Manual.

In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

1. **Special yards and spaces.** Site plan shows a 22' setback from the top of the bank.
2. **Fences, walls and screening.** No specific conditions deemed necessary.
3. **Surfacing of vehicular ways and parking areas.** No specific conditions deemed necessary.
4. **Street dedications and improvements (or bonds).** No specific conditions deemed necessary.
5. **Control of points of vehicular ingress and egress.** No specific conditions deemed necessary.
6. **Special restrictions on signs.** Maximum of four (4) square feet per HCC 21.60.060.
7. **Landscaping.** No specific conditions deemed necessary.
8. **Maintenance of the grounds, and buildings.** No specific conditions deemed necessary.
9. **Control of noise, vibration, odors, lighting or other similar nuisances.** No specific conditions deemed necessary.
10. **Limitation of time for certain activities.** No specific conditions deemed necessary.
11. **A time period within which the proposed use shall be developed and commence operation.** No specific conditions deemed necessary.
12. **A limit on total duration of use or on the term of the permit, or both.** No specific conditions deemed necessary.
13. **More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations.** Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit. No specific conditions deemed necessary.
14. **Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.** No specific conditions deemed necessary.

PUBLIC WORKS COMMENTS: No comment.

FIRE DEPARTMENT COMMENTS: No comment.

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission approve CUP 13-08.

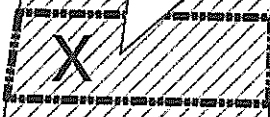
ATTACHMENTS

1. Location map
2. Site plan – two pages
3. CUP Application



Vicinity Map

KACHEMAK DR.

4834 Kachemak Drive.
Applicant proposes to build a second home on this lot.



Legend

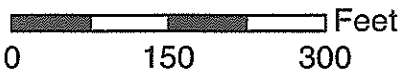
-  Subject Lot
-  Lots w/in 300 ft



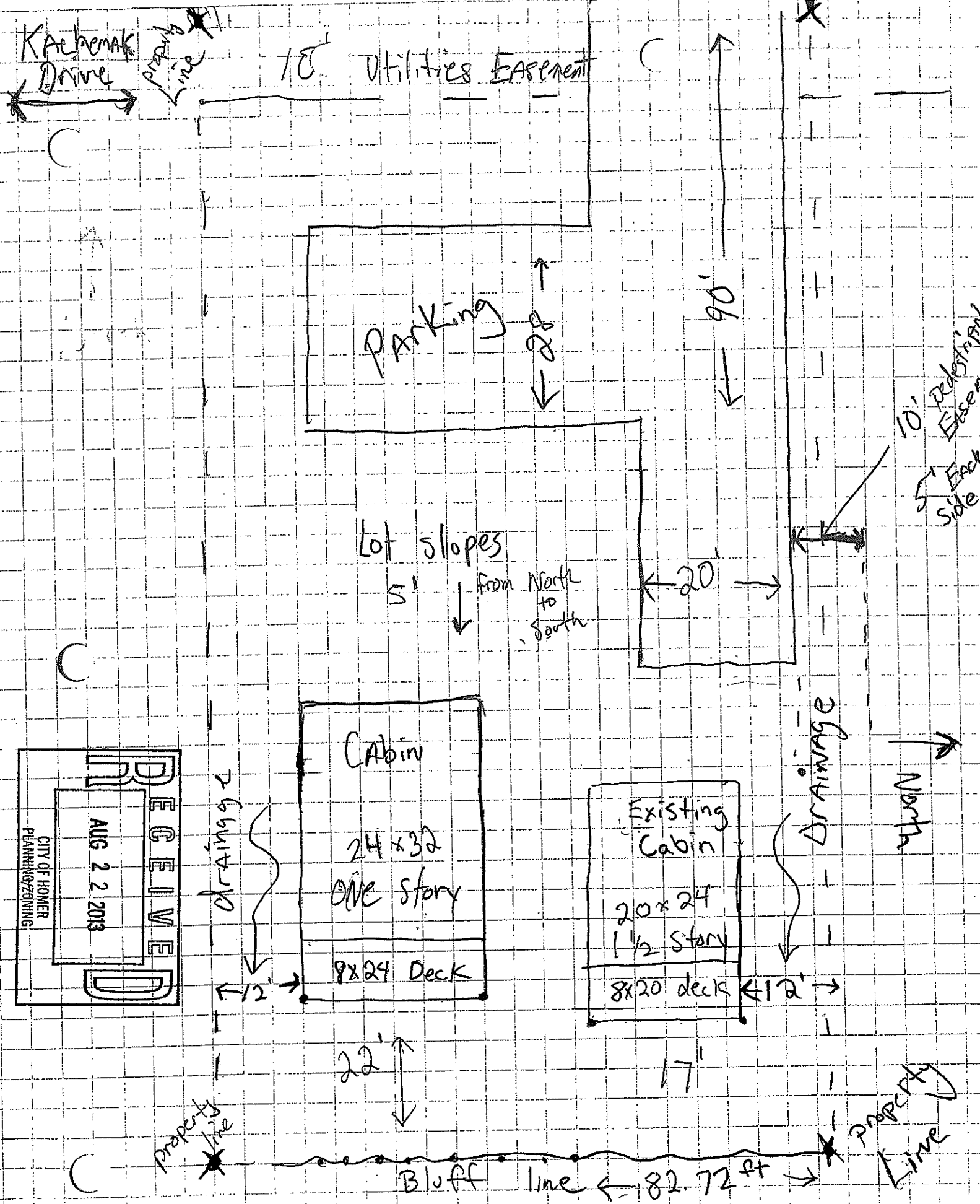
City of Homer
Planning and Zoning Department
September 4, 2013

Request for Conditional Use Permit 2013-08

Marked lots are within 300 feet
and property owners notified.



Disclaimer:
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.



$\frac{1}{4}'' = 4 \text{ ft}$

Circle applicable permits. Planning staff will be glad to assist with these questions.

Y N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: _____

Y N Will your development trigger a Development Activity Plan?
Application Status: _____

Y N Will your development trigger a Storm water Plan?
Application Status: _____

Y N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: _____

Y N Is your development in a floodplain? If yes, a Flood Development Permit is required.

Y N Does your project trigger a Community Design Manual review?
If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>

Y N Do you need a traffic impact analysis?

Y N Are there any nonconforming uses or structures on the property?

Y N Have they been formally accepted by the Homer Advisory Planning Commission?

Y N Do you have a state or city driveway permit? Status: _____

Y N Do you have active City water and sewer permits? Status: existing

1. Currently, how is the property used? Are there buildings on the property? How many square feet? Uses within the building(s)?

1- small cabin being built 480 sq ft

1- old cabin to be tore down

2. What is the proposed use of the property? How do you intend to develop the property?
(Attach additional sheet if needed. Provide as much information as possible).

Make a guest cabin 24 x 32, single story
8 x 24' deck

CONDITIONAL USE INFORMATION: (Please use additional sheet(s), if necessary)

a. What code citation authorizes each proposed use and structure by conditional use permit?

RR - More than building code

b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. there are several other place next door

c. How will your proposed project affect adjoining property values? Increase

- d. How is your proposal compatible with existing uses of the surrounding land? Very
Similar
- e. Are/will public services adequate to serve the proposed uses and structures?
Public w/s
- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?
NO
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?
NO
- h. How does your project relate to the goals of the Comprehensive Plan?
The 2006 Town Center Plan and the 2008 Comprehensive Plan are online at:
<http://www.ci.homer.ak.us/documents/planning>
- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (circle each answer)
1. Y/N Special yards and spaces.
 2. Y/N Fences, walls and screening.
 3. Y/N Surfacing of parking areas.
 4. Y/N Street and road dedications and improvements (or bonds).
 5. Y/N Control of points of vehicular ingress & egress.
 6. Y/N Special provisions on signs.
 7. Y/N Landscaping.
 8. Y/N Maintenance of the grounds, buildings, or structures.
 9. Y/N Control of smoke, odors, gases, particulate matters, noise, vibration, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
 10. Y/N Time for certain activities.
 11. Y/N A time period within which the proposed use shall be developed.
 12. Y/N A limit on total duration of use.
 13. Y/N Special dimensional requirements such as lot area, setbacks, building height.
 14. Y/N Other conditions deemed necessary to protect the interest of the community.
 15. Y/N Control of smoke, odors, gases, particulate matters, noise, vibration, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.

PARKING

- 1. How many parking spaces are required for your development? 2
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). NO
- 2. How many spaces are shown on your parking plan? 2
- 3. Are you requesting any reductions? NO

Include a site plan, drawn to a scale of not less than 1" = 20' which shows all existing and proposed structures, clearing, fill, vegetation and drainage.

I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property:

CIRCLE ONE: Owner of record Lessee Contract purchaser

Applicant signature: [Signature] Date: 8/21/13

Property Owner's signature: [Signature] Date: 8/21/13



City of Homer

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STAFF REPORT PL 13-70

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: September 18, 2013

SUBJECT: Ordinance 13-37 an ordinance of the City Council of Homer, Alaska, amending the definition of "discontinued" in Homer City Code 21.61.015, Definitions, to exclude from the time for which a nonconforming use may cease the time from the death of its operator until the use is legally available for transfer to a successor operator.

SYNOPSIS: The Mayor and City Manager sponsored this ordinance to consider the time it takes to deal with the estate of a person for which a nonconforming use is dependent upon that person and the nonconforming use ceases to continue because of their death. The Planning Commission is to conduct a public hearing on this legislative subject and forward a recommendation to City Council.

BACKGROUND: Currently, when a use is discontinued for 12 consecutive months, regardless of intent, a nonconforming use must cease. This is standard language found in most every code. Technically a "nonconforming use" is a use that was lawful at time of inception and because of a code revision is no longer allowable. HCC 21.61.050 has provisions for the continuance of uses upon reviewing documents that prove continuation of the use without it having been discontinued for 12 consecutive months.

Nonconformities exist because at some point the community decided that a use was not appropriate in a specific district. There may be many reasons that it is no longer appropriate. These are seen to be mostly categorized as negative externalities, that is, something that produces an undesirable effect for a particular neighborhood. Noise, pollution, traffic, or unsightliness are common issues. Right now, our community has made provisions for nonconformities to cease someday and be replaced with those that conform.

ISSUES: First the technical, the word "operator" (line # 37) has no definition in planning or legal context in relation to the subject matter. As written, one would have to make the assumption that "operator" would be an owner/operator and the use would have to depend upon their existence. Perhaps this could be improved by adopting some of the example language that was found, although I have the same issue in regards to when a death is responsible for discontinuance. It all seems very circumstantial and open to arguments of interpretation and context. Under many different circumstances I could see that discontinuance may not be a result of a death.

Another next technical issue relates with the resolution an estate. I would not want to put something into code that could be perpetuated indefinitely, such as some protracted probate battle. These two issues make it questionable whether or not this ordinance will be reasonable to implement and enforce.

Now the philosophical issues, while I do not confirm that this amounts to spot zoning, it seems to be a special consideration for a very limited population as Councilman Dolma pointed out. The scenario of an operator's death precluding the operation of a nonconforming use is hopefully limited. More complex businesses would most likely not qualify for such an exemption. While the face value of this ordinance seems to allow for a reasonable exception in regards to an unfortunate event, I see it as opening the door to special consideration when there are many other situations that result in the inability to continue a nonconformity such as, fire or other destruction worth over 50% of the value of the structure or even physical or mental incapacities. If we do expect that nonconforming uses cease at some time, I do not support this ordinance.

RECOMMENDATION: Do not recommend that the City Council adopt this ordinance as it is found inconsistent with HCC 21.95.040. If so desired, continue discussion and review and make recommendations regarding the expectations of continuing nonconformities in general.

ATTACHMENTS

1. Ord. 13-37
2. Memo 13-126
3. City Council minutes
4. Examples
5. Staff review of Ord. 13-37

1 CITY OF HOMER
2 HOMER, ALASKA

3 Mayor/City Manager

4 ORDINANCE 13-37

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE DEFINITION OF "DISCONTINUED" IN HOMER
8 CITY CODE 21.61.015, DEFINITIONS, TO EXCLUDE FROM THE
9 TIME FOR WHICH A NONCONFORMING USE MAY CEASE THE
10 TIME FROM THE DEATH OF ITS OPERATOR UNTIL THE USE IS
11 LEGALLY AVAILABLE FOR TRANSFER TO A SUCCESSOR
12 OPERATOR.

13
14 WHEREAS, The City's zoning code permits the continuation of a lawful nonconforming
15 use subject to limitations; and

16
17 WHEREAS, One such limitation is that the right to maintain a nonconforming use
18 terminates when the use ceases and has not substantially resumed for a period of 12
19 consecutive months; and

20
21 WHEREAS, This 12-month limit on the time a nonconforming use may cease can result
22 in an unfair forfeiture when the nonconforming use ceases because of the death of its
23 operator, and the use is not legally available for transfer to a successor operator; and

24
25 WHEREAS, It is in the best interest of the City when a nonconforming use ceases
26 because of the death of its operator to exclude from the 12-month limit on the time the
27 nonconforming use may cease the time from the death until the use is legally available for
28 transfer to a successor operator.

29
30 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

31
32 Section 1. The definition of "Discontinued" in HCC 21.61.015, Definitions, is hereby
33 amended to read as follows:

34
35 "Discontinued" means that a nonconforming use has ceased, and has not substantially
36 resumed, for a period of 12 consecutive months, regardless of intent; **provided that when a**
37 **nonconforming use ceases because of the death of its operator the time the**
38 **nonconforming use has ceased shall not include the time from the death until the use is**
39 **legally available for transfer to a successor operator.**

40
41 Section 2. This Ordinance is of a permanent and general character and shall be included
42 in the City Code.

[Added language underlined. Deleted language stricken through.]

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ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____, 2013.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form.

Walt Wrede, City Manager

Thomas F. Klinkner, City Attorney

Date: _____

Date: _____

[Added language underlined. Deleted language stricken through.]



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MEMORANDUM 13-126

TO: Mayor Wythe and the Homer City Council

FROM: Walt Wrede

DATE: August 26, 2013

SUBJECT: Ordinance 13-37

The August 26, 2013 City Council packet contains Ordinance 13-37 entitled "An Ordinance of the City Council of Homer, Alaska, Amending the Definition of "Discontinued" in Homer City Code 21.61.015, Definitions, to Exclude from the Time for Which a Nonconforming Use May Cease the Time From the Death of its Operator Until the Use is Legally Available to Transfer to a Successor Operator." This ordinance is sponsored by the Mayor and City Manager.

Under the code as it currently is written, a legal non-conforming use may continue so long as the use is not "discontinued" for one year (12 consecutive months). If the use is discontinued for 12 consecutive months, the nonconforming use may not be continued and subsequent uses must comply with the zoning code.

This ordinance proposes to amend the definition of "discontinued" as it is applied to nonconforming uses. The proposed amendment is as follows:

"Discontinued" means that a nonconforming use has ceased, and has not substantially resumed, for a period of 12 consecutive months, regardless of intent; provided that when a nonconforming use ceases because of the death of its operator the time the nonconforming use has ceased shall not include the time from the death until the use is legally available for transfer to a successor operator.

The practical effect of the amendment is that it "stops the clock" when the operator of a nonconforming use dies and the disposition of the property is involved in a legal process, such as probate court, which prevents the successor operator from continuing the nonconforming use. The time that it takes to resolve legal issues involving the death of the operator before a use can legally continue by a successor would be subtracted from the 1 year "discontinued" criteria.

The reason for bringing this forward for Council and Planning Commission discussion is that even though the City Zoning Code is well intentioned, there may sometimes be unintended consequences. This may be one of those cases. It seems to the sponsors that making a legal

nonconforming use illegal because an operator died and 12 months passed before a successor operator was legally able to continue the use is not something that was intended when the code was drafted. This seems to warrant further discussion and we think that the public at large would agree.

RECOMMENDATION: Introduce Ordinance 13-37 and forward it to the Planning Commission with a request for comments and recommendations.

Excerpt of Homer City Council Meeting Minutes of August 26, 2013

- C. **Ordinance 13-37**, An Ordinance of the City Council of Homer, Alaska, Amending the Definition of "Discontinued" in Homer City Code 21.61.015, Definitions, to Exclude From the Time for Which a Nonconforming Use May Cease the Time From the Death of Its Operator Until the Use is Legally Available for Transfer to a Successor Operator. Mayor/City Manager. Recommended dates: Introduction August 26, 2013, Refer to Planning Commission for Their September 18, 2013 Meeting, Public Hearing and Second Reading September 23, 2013.

Memorandum 13-126 from City Manager as backup.

Mayor Wythe called for a motion for the adoption of Ordinance 13-37 for introduction and first reading by title only.

LEWIS/ROBERTS – SO MOVED.

Councilmember Dolma commented the City has an interest in extinguishing nonconforming uses. Asking for an ordinance change for one party is spot zoning; it is not good policy. If the City is not interested in extinguishing nonconforming uses, Council should instruct the Planning Commission to make it legal for everyone. The effect of the amendment is that it stops the clock when the operator of a nonconforming use dies and the property is involved in a legal process like probate court. The successor operator is prevented from continuing the nonconforming use. He is not aware of the subject property, but does know preplanning would have kept the business operating. The ordinance is ill-conceived.

Councilmember Roberts acknowledged the good points Councilmember Dolma made. She would like to introduce the ordinance and let the Planning Commission weigh in before making a decision. The commission's opinion would be valuable.

Councilmember Dolma asked if the Planning Commission could review the nonconforming section of code rather than this ordinance.

City Manager Wrede answered the Planning Commission always has the option to suggest better language. They will give us their best advice.

Councilmember Howard agrees with both councilmembers' points of view, including spot zoning. The Planning Commission will be reviewing the minutes of this meeting to get a just of the situation.

VOTE: YES. LEWIS, ROBERTS, DOLMA, ZAK, HOWARD

Motion carried.

EXAMPLES

Township of North Codorus, PA <http://ecode360.com/7752031>

D. Abandonment, discontinuance and delinquency.

(1) The ceasing of a nonconforming use in a building or structure for a continuous period of one year or more shall be considered the abandonment of the nonconforming use. Subsequent use of such building or structure shall be in conformity with the provisions of this chapter.

(2) The ceasing of a nonconforming use of land for any length of time and reason shall be considered the abandonment of the nonconforming use with the exception of normal farming practices, such as the rotation of crops. Subsequent use of such land shall be in conformity with the provisions of this chapter.

(3) In the case of the death of the property owner and/or settling of an estate, the discontinuance of the nonconforming use shall not be considered an abandonment of the use in accordance with Subsection D(1) and (2) above until the estate is settled or a court order has been entered regarding the estate's disposition. A one-year grace period after such settlement or court order shall apply.

(4) A nonconforming use shall be deemed abandoned in the event the Township or county acquires an unredeemed, tax delinquent property and sells said property. Subsequent use of the land shall be in conformity with the provisions of this chapter.

South Hampton Township
<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=24&ved=0CDgOFjADOB&url=http%3A%2F%2Fmain.southhamptontwp.com%2Findex.php%2Ftownship-ordinances%3Fdownload%3D69%3Aarticle-12-2013-zoning-ordinance&ei=RvocUoahAsTEigLOW4CgAO&usg=AFQjCNHJL8GFPfXsXRE4rcZasq2vu3vozA>

SECTION 12.07 DISCONTINUANCE:

If a non-conforming use of land or building ceases operations for a continuous period of more than twelve (12) months, then such use and any subsequent use of land or building shall conform to the provisions of this Ordinance, except when the discontinuance is due to a death and administration of the decedent's estate, in which event the discontinuance shall not be presumed to start until estate administration is terminated or a court order concerning the disposition of the estate has been entered.

<http://www.keystatepub.com/keystate-pdf/PA/York/Yoe%20Borough/Ord%2074-002.pdf>

S. 151.

Abandonment and discontinuance.

of nonconforming
use.

1.

If a nonconforming use of a building or land is abandoned for any period of time, the subsequent use of such building or land shall be in conformity with the provisions of this Ordinance.

2.

If a nonconforming use of a building or land ceases or is discontinued for a continuous period of one (1) year or more, subsequent use of such building or land shall be in conformity with the provisions of this Ordinance, except when the discontinuance is due to a death and the settling of the estate. In such cases, the discontinuance shall not be presumed to start until the estate is settled or a court order concerning the disposition of the estate has been entered.



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(f) 907-235-3118

Memorandum pl13-03

TO: Homer Advisory Planning Commission

FROM: Rick Abboud, City Planner

DATE: August 29, 2013

SUBJECT: Draft Ordinance 13-37 Nonconforming Use

This memo contains the planning staff review of the zoning code amendment as required by HCC 21.95.040.

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Staff response: This is very difficult to correlate to furthering a specific goal or objective of the comprehensive plan.

b. Will be reasonable to implement and enforce.

Staff response: Challenges exist in the interpretation and thus implementation of the ordinance.

c. Will promote the present and future public health, safety and welfare.

Staff response: The ordinance may not promote public health, safety and welfare as it allows additional provisions for a continuance of an activity that has been found to be undesirable by the community.

d. Is consistent with the intent and wording of the other provisions of this title.

Staff response: The amendments have been reviewed by the City Attorney and are deemed consistent with the intent and wording of the other provision of this title.

21.95.010 Initiating a code amendment.

Staff response: The code amendment was initiated by the City Manager as permitted by HCC 21.95.010(d)

21.95.030 Restriction on repeating failed amendment proposals.

Staff response: This section of code is found to be not applicable.



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STAFF REPORT PL 13-68

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: September 18, 2013
SUBJECT: Glacier View Subdivision 2013 Addition Preliminary Plat

Requested Action: Recommend approval of this preliminary plat removes a common lot line, creating one larger lot from two smaller lots.

GENERAL INFORMATION

Applicants:	David Whitmore PO Box 2481 Homer, AK 99603	Johnson Surveying PO Box 27 Clam Gulch, AK 99568
Location:	423 Grubstake Ave	
Parcel ID:	17710730, 17710729	
Size of Existing Lot(s):	0.14 acres or just over 6,000 sq ft	
Size of Proposed Lots(s):	Lot 4-A will be 11,975 sq ft	
Zoning Designation:	Central Business District	
Existing Land Use:	Single family home, and accessory use (greenhouse and garden on adjacent lot)	
Surrounding Land Use:	North: Residential South: Vacant/library trail and grounds East: Residential West: Residential	
Comprehensive Plan:	Guide Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions.(Ch 4. Goal 1)	
Wetland Status:	No wetlands mapped.	
Flood Plain Status:	Not within a mapped flood hazard area.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available.	
Public Notice:	Notice was sent to 63 property owners of 71 parcels as shown on the KPB tax assessor rolls.	

ANALYSIS:

This subdivision is within the Central Business District. Two lots will have the common lot line vacated, creating one larger lot. A single family home is on the eastern lot. The western lot has a greenhouse and garden.

Preliminary Approval, per KPB code 20.12.0060 Form and Contents Required. The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

1. Within the title block:
 - a. Names 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 map or plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
 - b. Legal description, location, date, and total area in acres of the proposed subdivision;
 - c. Name and address of owner and registered land surveyor;
 - d. Scale.

Staff Response: The plat meets these requirements.

2. North point;

Staff Response: The plat meets these requirements.

3. 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, political subdivision or municipal corporation boundaries abutting the subdivision.

Staff Response: The plat meets these requirements.

4. 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 Response: The plat meets these requirements.

5. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision together with the purposes, conditions or limitation of such reservations.

Staff Response: Private parcels are shown.

6. The names and widths of public streets and alleys and easements including drainage easements existing and proposed, within the subdivision. [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

Staff Response: The plat meets these requirements.

7. The names of adjacent subdivisions or an indication that the adjacent land is not subdivided.

Staff Response: The plat meets these requirements.

8. Approximate location of areas subject to inundation, flooding or storm water overflow. Indicate if a recognized flood plain is present. Identify and locate the major drainage systems.

Staff Response: The plat meets these requirements. No drainage systems or flood areas within the subdivision.

9. Approximate locations of areas subject to tidal inundation including the mean high water line.

Staff Response: The plat meets these requirements (not applicable to this area).

10. Block and lot numbering per Section 20.16.110 of the borough subdivision code.

Staff Response: The plat meets these requirements.

11. The general location of existing water and sewer utilities, and the intent and methods of the subdivision to utilize and access such utilities.

Staff Response: The plat does not meet these requirements. Utilities are already installed in this subdivision and display on this plat in not necessary.

12. Provide a contour map of the subdivision and road profiles if road grades exceed 6% on arterial and 10% on other streets.

Staff Response: The plat meets these requirements. No Rights of Way are to be dedicated by this action.

13. Identify and locate on the plat all areas in excess of 20% grade.

Staff Response: The plat meets these requirements.

PUBLIC WORKS COMMENTS: Dedicate the required 15' utility easement along Grubstake Ave.

FIRE DEPARTMENT COMMENTS: No concerns with this plat.

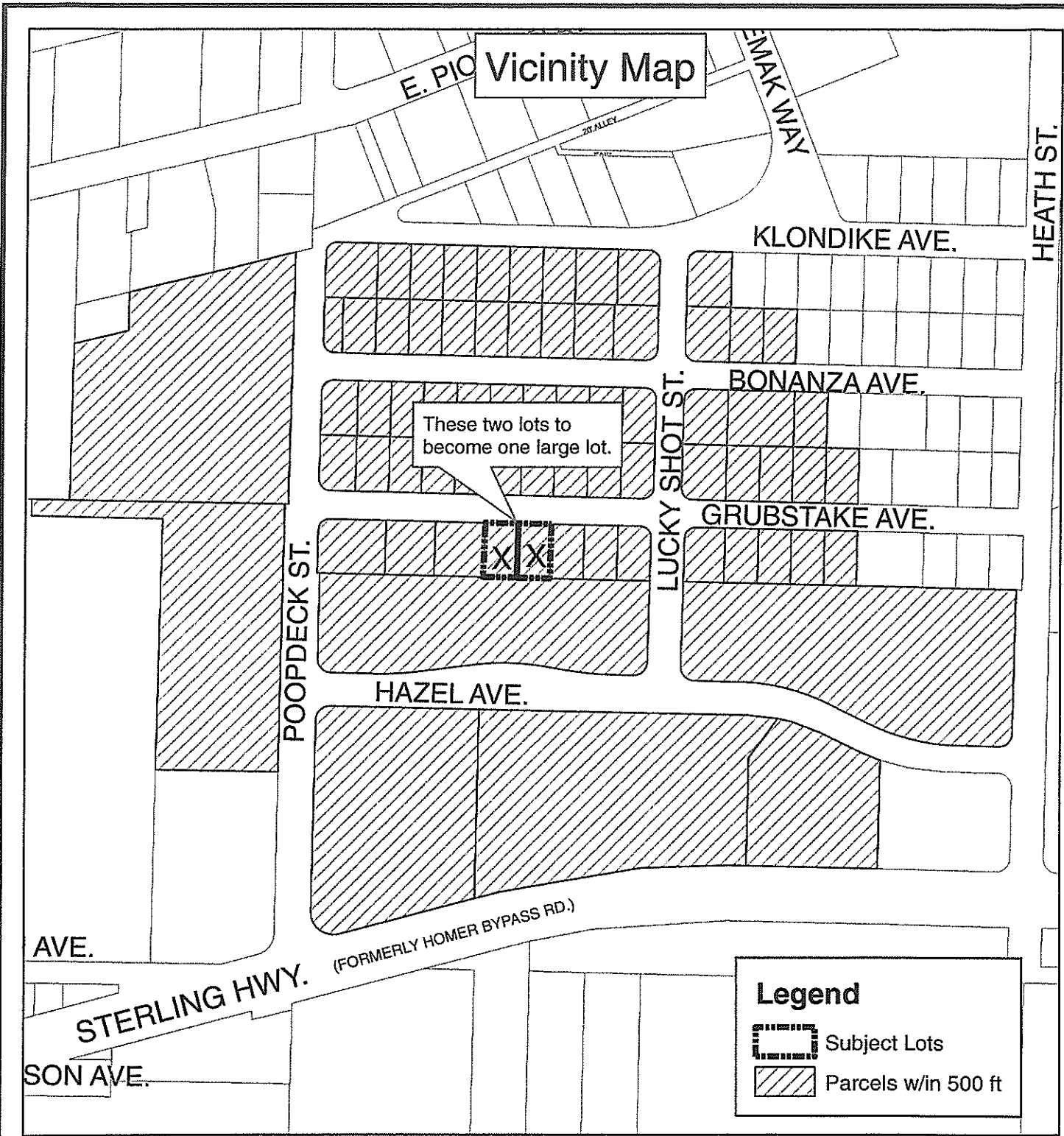
STAFF RECOMMENDATIONS:

Planning Commission recommend approval of the preliminary plat with the following comments:

1. Dedicate the required 15' utility easement along Grubstake Ave.

ATTACHMENTS

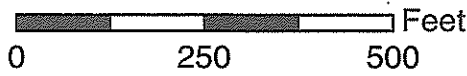
1. Preliminary Plat
2. Location map



City of Homer
Planning and Zoning Department
 September 4, 2013

Glacier View Sub 2013 Addition Preliminary Plat

Marked lots are within 500 feet
 and property owners notified.



Disclaimer:
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

NOTICE OF SUBDIVISION

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

Proposed subdivision under consideration is described as follows:

Glacier View Subdivision 2013 Addition Preliminary Plat

The location of the proposed subdivision(s) affecting you is provided on the attached map(s). A preliminary plat showing the proposed subdivision may be viewed at the City of Homer Planning and Zoning Office. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning and Zoning Office. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, September 18, 2013 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska.

Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting. Written comments may be faxed to 907-235-3118.

For additional information, please contact Julie Engebretsen in the City of Homer Planning and Zoning Office at 435-3119.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPOSED SUBDIVISION.

VICINITY MAP ON REVERSE

GLACIER VIEW SUBDIVISION 2013 ADDITION PRELIMINARY PLAT

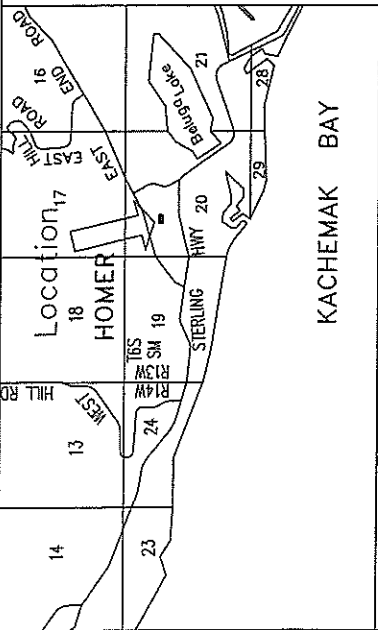
A replat combining Lots 4 & 5 Block 11 Glacier View Subd. No. 3, HRD 75-13. Located in the NE1/4 Section 20, T6S R14W, SM, City of Homer, Alaska.
Homer Recording District Kenai Peninsula Borough

Prepared for _____ Prepared by _____

David Whitmire
P.O. Box 2481
Homer, AK 99603

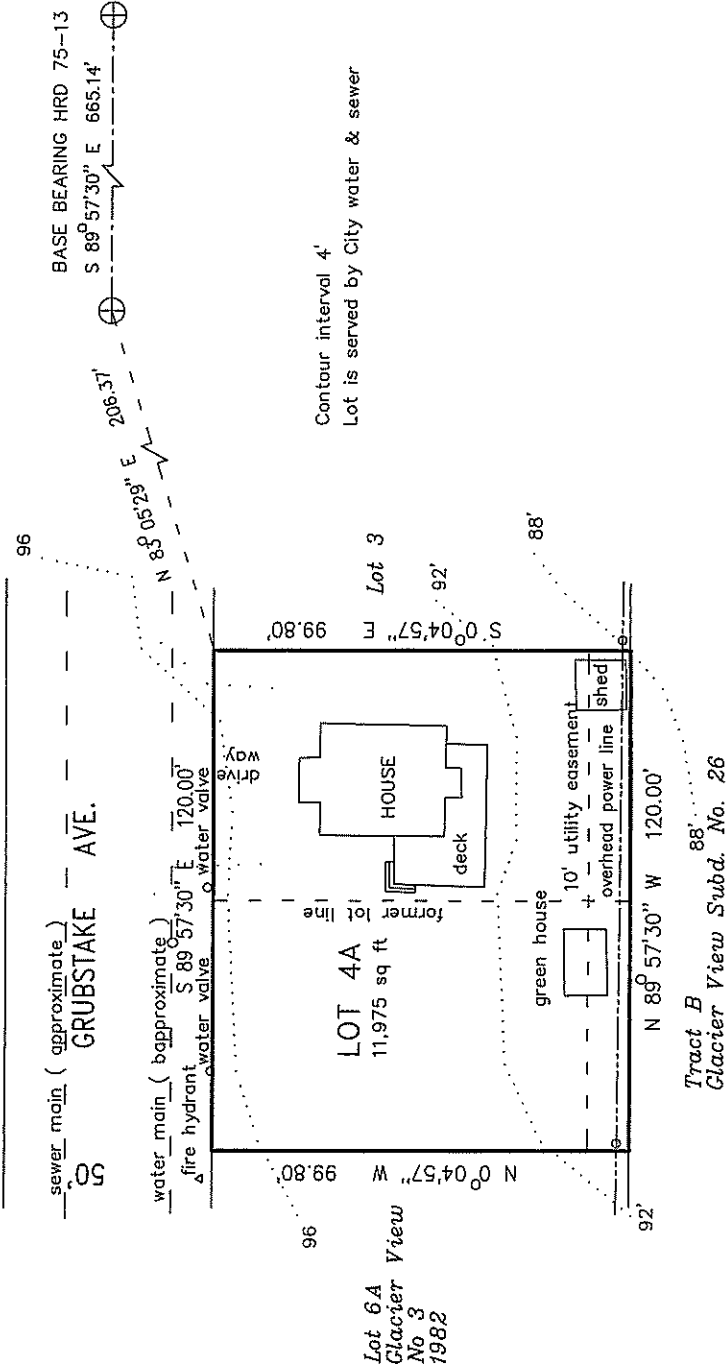
Johnson Surveying
Box 27
Clam Gulch, Ak 99568

SCALE 1" = 30' 19 August, 2013



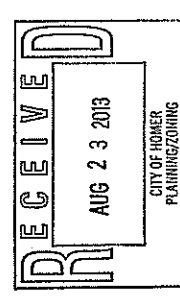
VICINITY 1" = 1 mile MAP

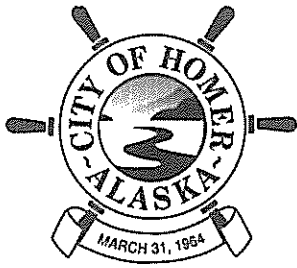
Block 10



Lot 6A
Glacier View
No 3
1982

Tract B
Glacier View Subd. No. 26





City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

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Web Site www.cityofhomer-ak.gov

STAFF REPORT PL 13-69

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: September 18, 2013
SUBJECT: Comprehensive Plan Reviews

Introduction

Attached you will find a detailed review items I have found in the Homer Comprehensive Plan and the Spit Plan. It seems a bit overwhelming but I wanted you to get a comprehensive look at all the items. The fact that the Commission and myself is not focusing in on another major item is not all bad. It does show that we do not necessarily have any fires on the near horizon.

The Homer Comprehensive Plan is a bit tougher to deal with from the formatting perspective of the plan itself. Not all the items found in the implementation table match directly with other concerns and items found throughout the text. It took some deciphering to add all the items together. You may notice some themes while reviewing these. I made three categories for review of the Land Use Chapter, completed work, a table from the implementation table (with completed items stuck-through, and items on the horizon.

The Spit Plan has a much more concise implementation table and all that was necessary was to reproduce it and strike out items that have been completed.

Review

I would like all of you to take some time and go through the items and I will take notes about comments. There are a few things that I would like to bring to the Planning Commission. First are the standards for multifamily housing. This is something that could help in both the affordable housing category and the student housing. Another item that I will discuss with the City Manager is a possible role in reviewing the policies for special assessment districts and the LID process. Another item could be crafting a proposal for Transfer of Development Rights (TDR). This could be used in the Bridge Creek area.

Staff Recommendation

Study up for the next big conversations. Remember to bring Comprehensive plan and maps. It is OK to not have a giant issue looming, especially if you are not seeing/hearing a demand for it. Taking care of routine business is fine.

ATT:
Land use implementation table
Spit Plan implementation progress table



City of Homer Planning & Zoning

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Completed work in relation to goals for in Land Use Chapter (Chapter 4) of the Homer Comprehensive Plan.

GOAL 1: Guide Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions.

- Permitting an accessory dwelling in UR, RO, CBD district (infill, supply and diversity of housing, infill)
- Creation of Gateway and Scenic Gateway Corridor Overlay Districts (protecting community character)
- Creation of East End Mixed Use District (infill)
- Creation of Town Center District (infill)
- Creation of new parking standards including shared parking (infill, global impacts, community character)
- Sign ordinance revision (community character)
- Updated Residential Office District (storm water standard and commercial construction- set back requirements in relation to Fire Marshal requirements)

GOAL 2: Maintain the quality of Homer's natural environment and scenic beauty.

- Developed Green Infrastructure Map
- Developed Steep Slope Ordinance (established setbacks)
- Developed trail standards
- Developed dirt work ordinance
- Acquired land for protection (water shed)
- Review of wetland permit and status through local permitting process
- Storm water standards created citywide

GOAL 3: Encourage high quality buildings and site design that complements Homer's beautiful natural setting.

- Established consistent development approval process (including application review of standards)
- New developments are required to have utilities installed underground
- New developments move utilities underground (city hall expansion)
- Clarified 15ft utility easement requirement in code

GOAL 4: Support development of a variety of well-defined commercial/business districts for a range of commercial purposes.

- Creation of flexible/shared parking regulations
- Completion of standards for town center development
- Creation of East End Mixed Use District
- Development of proposed marine commercial/industrial districts
- Updated Conservation District (allowance for private parcel to be zoned Conservation)

GOAL 5: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options.

- EEMU District housing regulations
- Allowance for accessory dwelling
-

Improved Zoning

- Develop new zoning code to implement new categories. LT (*started with Mixed Use District, Town Center District and Residential Office District*)
- Work with the Comprehensive Plan Land Use Recommendation Map on an area by area basis to determine the feasibility and acceptability of rezoning. LT
 - We did rezone some conservation and Residential Office on Ben Walters and created East End Mixed Use District while reviewing the need for an R-2 District.
- ~~Flesh out specific development standards and guidelines for commercial zones; create a Town Center overlay zone to better differentiate downtown, auto-oriented neighborhoods. NT~~
- Define the boundaries for and then develop an overlay zone for Old Town so buildings in that portion of the district feature an “old Homer” historical character. NT – (*property owner driven*)
- Flesh out specific development standards and guidelines for R-2 residential zone, to create a transitional zone between urban and rural. NT (*put on hold*)

Improved Standards and Regulations

- ~~Create a new City subdivision code. NT~~
- Evaluate and consider shifting platting authority from Borough to City of Homer. LT (*waiting for new Borough Subdivision Ordinance, high technical hurdles*)
- ~~Develop new parking standards for CBD to support higher density, more walkable commercial areas. NT~~
- Establish development standards for development in environmentally sensitive areas (wetlands, steep slopes), including upgrade of drainage policies, road policies, stream setbacks. NT
- ~~Establish development standards for higher density residential development, landscaping, lighting, grading, viewshed protection. MT~~
- Establish development standards for Cluster Housing/Open Space Ordinance. NT
- Establish standards for Student Housing Development. MT
- ~~Amend non-conforming use ordinance. NT~~
- Review and consider revising existing Planned Unit Development code. MT
- Support LEED or other building efficiency programs. MT
- Adopt building codes. MT
- ~~Establish a maximum building setback for Town Center. NT~~

Green Infrastructure

- Evaluate incentives to promote development that uses the green infrastructure ideas presented in Appendix D. NT
- ~~Develop new standards to address issues related to shore stabilization and ocean front development. MT~~
- ~~Pursue sustainable development measures that promote energy efficiency, use of recycled materials, and low impact landscaping in city buildings. NT~~

Pattern of Development

- Work with Borough to prepare mutually acceptable development standards. MT
- Establish a clear policy regarding delivery of City water outside of city limits. NT
- Establish more specific criteria, process, schedule and objectives for possible future annexations. MT
- Amend city code to recognize the transfer of development rights to preserve environmentally sensitive or recreational areas. NT

~~□ Develop a Homer Spit Master Plan. NT~~

Things on the horizon.

Goal 1.

- Mixed use in and increased residential in RO (*some addressed in RO rewrite*), 'college' district, east side commercial district, residential as a secondary use in GC1
- Reflection on proposed land use map (*boundaries, timeframe for suggested districts, reconsideration of suggestions*)
- Creation of standards for transitional R2 District
- Consider application of cluster development, PUD and subdivision ordinance
- Standards for management of storm water
- On-site septic systems regulations
- Architectural and site development standards and standards for associated infrastructure (p4-9, no.5)
- Re-evaluate height standards (*dependent on acquisition of ladder truck*)
- On-site septic standards
- Keep in mind Objective D & E Implementation Strategies (4-10) in evaluation of all of the above (*Public infrastructure*)

Goal 2.

- Consider incentives for use of Green Infrastructure Map
- Develop standards to limit bluff erosion (coastal)
- Standards for bluff stabilization projects (coastal)
- Develop system to make use of Green Infrastructure in review process (objective C)
- Review stream setbacks
- Continue to recommend acquisition of property for protection and recreation
- Consider land trades or variations of transfer of development rights
- Work with borough to collaborate on environmentally responsible development practices.
-

Goal 3.

- Adopt building codes or inspection program
- Develop additional standards regarding low impact development, LEED, view protection
- Coordinate with DOT and KPB to comply with Homer design standards outside of Homer???
- Create subdivision code/strengthen city's position

Goal 4.

- New east-west corridor (working on)
- Develop public parking
- Encourage mixed-use
- Create "old Town" district
- **Create financing strategies for improvements
- Locate high density and affordable housing in CBD
- Improve trail connections (usually initiated by staff suggestions and recommendations)

Goal 5.

- Review PUD per implementation strategy 3 p. 4-18
- Promote KBC student housing (repeat)
- Review Rural Residential District in light of retaining rural character (lot size and ?)
- Promote denser development following infrastructure
- Establish minimum lot sizes for RR
- Consider impact fee or other methods to support public infrastructure
- Consider incentives or partnerships for affordable housing

Goal 6. Annexation Standards

ANOTHER DAY

Special assessment and LID process – impact fees

Review of other chapters for appropriate body's

1. Land Use and Community Design

Goal 1.1 Maintain the variety of land uses that establish the unique “Spit” character and mix of land uses.

Objective	Strategies	Implementation
Revise zoning to protect character and enhance commercial, industrial, and public facilities development	<p>Identify appropriate residential uses on the Spit.</p> <p>Similar land uses (such as charter offices, boat and gear sales, tourism activities) shall be encouraged to cluster to achieve a mix of related activities and minimize adverse impacts on other activities.</p> <p>Consider a 25-foot building height limit, with a Conditional Use Permit (CUP) process for buildings up to 35 feet.</p> <p>Encourage all developments to provide amenities such as bike racks, benches, picnic tables, trashcans, and landscape features such as planters and art.</p> <p>Review Spit parking requirements and possible solutions.</p>	
The City should plan for the future land use of City-owned properties	<p>Reserve and cluster industrial land at specific nodes, including east and south of harbor.</p> <p>Better utilize the limited land available for industrial and economic development.</p> <p>Reserve sufficient land by the deep water dock for future industrial development.</p> <p>Designate “overslope” for commercial use focus on south and west sides.</p>	
Address marine commercial and marine industrial zoning	<p>Submit draft ordinance to Planning Commission and City Council.</p> <p>Consider zero lot line construction and the amount of right of way realistically needed to support specific uses at build out.</p>	
Review land lease policy and determine impact on leasing and character of leasing	<p>Continue reviewing lease policies periodically.</p> <p>City leases shall include land sufficient for businesses and minimal employee parking.</p>	

Develop standards to apply to development	<p>Address screening of dumpsters/noxious facilities.</p> <p>Address standards for screening of industrial development with view protection.</p> <p>Explore industrial subdivision standards.</p>	
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Goal 1.2 Improve the permanence and character of new commercial development.

Objective	Strategies	Implementation
Develop standards for public property development	Revisit design guidelines for overslope development to provide more specificity for development at harbor overslope, considering issues such as lot size, legal access, and parking policies.	

Goal 1.3 Provide public facilities that attract residents and visitors to the Spit.

Objective	Strategies	Implementation
Provide amenities that aid residents and visitors	Identify locations and needs for restrooms/showers.	
Provide enhanced park and recreation facilities	<p>Identify and prioritize public recreation needs on the spit, and include projects on the CIP. Refer to the Master Parks and Recreation Plan, chapter 7, in the 2008 Comprehensive Plan.</p> <p>Prepare a master plan for development of a new community gathering space at the site of the existing City campground north of Freight Dock Road (pier 1 area).</p> <p>Provide kayak launching facilities.</p> <p>Set aside a new community park.</p> <p>Evaluate and develop a plan for non-boating access to fishing opportunities.</p> <p>Construct weather-protected picnic and outdoor meeting facilities.</p> <p>Open space recreation uses shall be encouraged on the west side of the Spit on public land.</p>	

Goal 1.4 All development should recognize, value, and complement the unique natural resources on the Homer Spit.

Objective	Strategies	Implementation
<p>Preserve and protect important wildlife and bird sanctuary areas.</p>	<p>Require site-specific handling requirements for all runoff from parking areas.</p> <p>Provide information on preventing the growth of noxious weeds.</p> <p>Encourage the use of native plant materials for all landscaped areas.</p> <p>Encourage the presence of interpretive programs to identify plant and animal resources.</p> <p>Clearly sign beach areas designated off-limits for motorized travel.</p>	
<p>Identify private lands to become conservation areas</p>	<p>Buy private property from willing landowners for conservation purposes.</p> <p>Encourage containment and cleanup of junk.</p> <p>The City should pursue ownership or preservation of the west side of the Spit for open space recreation, camping, and view shed protection.</p>	
<p>Allow the natural transport of sediments along the west side of the Spit to continue uninterrupted.</p>	<p>Proponents of bulkheads, groins, breakwaters, or other devices shall demonstrate that their project will not adversely disrupt this sediment transportation.</p>	

Goal 1.5 Respond to seasonal land use demand fluctuations.

Objective	Strategies	Implementation
Ensure that high demand seasonal uses are given priority	<p>Allow interim/temporary uses of vacant City land when they are supportive of seasonal demands (fishing, tourism, etc.).</p> <p>Rationalize parking areas to make sure demand is met but at the same time, reduce the overall footprint and visual impact.</p>	

Goal 1.6 Protect public access to and enjoyment of the Spit's unique natural resources.

Objective	Strategies	Implementation
Maintain and protect traditional public use of the beaches along the Spit such as gathering coal, shellfish, fishing and other recreational activities.	<p>Inventory and identify key traditional use areas and access routes.</p> <p>Obtain public ownership of land on the Spit especially focused around key sites.</p> <p>Conservation of the Mud Bay area of the Spit.</p> <p>Maintain and increase public access to the harbor and beaches to improve opportunities for fishing, and other recreational activities.</p> <p>Minimize conflicts between motorized and non motorized users on the Spit. Install signage to educate ATV users about responsible ATV use.</p>	
Protect the scenic, natural and aesthetic resources.	<p>Encourage the build-up of driftwood on Spit Beaches.</p> <p>Use native landscape elements in public design projects (beach grass, driftwood).</p>	

2. Transportation

Goal 2.1 Enhance and protect the Spit's critical role in regional marine transportation.

Objective	Strategies	Implementation
<p>Prioritize transportation and land use decisions to support waterfront dependent activities</p>	<p>Priority for use of the Small Boat Harbor and distal end of the Homer Spit shall be marine commercial, marine industrial (fishing), industrial transportation, waterfront tourism, and recreation (both day use and outings across the bay).</p> <p>Enhance the connectivity and infrastructure needed to support Deep Water Cargo activities and Main Dock Areas.</p> <p>The City shall reserve right-of-way for access to the east side of the harbor.</p>	
<p>Balance cruise ship and other commercial activities. One should not happen at the expense of another</p>	<p>Improve cruise ship passenger disembarkation area by the Deep Water Dock.</p> <p>Create way finding kiosks along the harbor.</p> <p>Create a covered harbor overlook area in near ramp 7 or the Deep Water Dock and the harbor entrance.</p> <p>Consider temporary solutions and how to prioritize improvements for cruise ship passengers, since the number of port calls varies year to year.</p>	<p>In progress</p>

Goal 2.2 Improve traffic flow and safety on the Sterling Highway (Homer Spit Road).

Objective	Strategies	Implementation
<p>Maintain the capacity of the Sterling Highway (Homer Spit Road)</p>	<p>Limit number of access points to the Sterling Highway.</p> <p>Initiate a Reconnaissance Study to better define and control crossing points in the harbor commercial area.</p> <p>Evaluate traffic calming as an element of the Reconnaissance Study.</p> <p>Enter Memorandum of Agreement with ADOT&PF to address parking, maintenance, and management of the right of way.</p>	

Goal 2.3 Provide adequate and safe facilities for pedestrians and bicyclists.

Objective	Strategies	Implementation
Provide safe walkways and trails	<p>Develop pedestrian plan for Spit.</p> <p>Work with DOT on solutions such as crosswalks.</p> <p>Consider options for location of the bike path to best address safety and all users.</p> <p>Plan and design the proposed bike path extension to meet the needs of bicyclists and pedestrians.</p> <p>Plat easements for walkways in commercial areas and along overslope area.</p> <p>Require provision of connectivity between adjacent commercial properties in permit process/zoning language.</p> <p>Connect harbor to Seafarers Memorial with trail.</p> <p>The City shall reserve 15' pedestrian/safety rights-of-way and access for overslope development around the periphery of the small boat harbor.</p> <p>Construct pedestrian pathway around northerly harbor rim.</p>	Mostly in progress

Goal 2.4 Provide improved multi-modal transportation on and to the Spit.

Objective	Strategies	Implementation
Support year round car ferry service to the outlying communities of Kachemak Bay	Participate in a public or private task force or organization.	
Encourage a shuttle bus system during peak summer months to transport visitors and employees to town, lodging and remote parking.	<p>Participate in a public or private task force or organization.</p> <p>Create business plan/model to determine funding/cash flow.</p>	Private trolley

Goal 2.5 Improve organization, wayfinding, and location of parking and harbor facilities

Objective	Strategies	Implementation
Better define parking locations	<p>Separate long-term parking from short-term/day use parking.</p> <p>Designate specific areas for RV parking.</p> <p>Provide loading zones for delivery trucks and motor coaches in the retail district.</p> <p>Implement a fee and permit system for long term parking.</p>	In progress
Provide coherent wayfinding system for parking, and restrooms	<p>Establish a consistent theme for all parking graphics and signage.</p> <p>Develop color or other graphic/design feature to clearly indicate intended use.</p> <p>Clearly identify City of Homer as owner and requirements for use of lots.</p> <p>Clearly label all ramps so they are visible from the roads and parking lots.</p> <p>Create a kiosk or signage at each ramp and restroom showing the layout of the harbor, and parking in the immediate area of the user.</p>	
Define loading and unloading areas	<p>Create a bus loading zone near the harbormasters office.</p> <p>Analyze options for a turn around/cul-de-sac/roundabout at End of the Road Park.</p>	

3. Economic Vitality

Goal 3.1 Improve the local economy and create year-round jobs by providing opportunities for new business and industrial development appropriate for the Homer Spit.

Objective	Strategies	Implementation
Enhance the circulation and safety in the fish dock area	<p>Create site-specific land use study for fish dock/processing/ice house area.</p> <p>Develop appropriate safety measures on Fish Dock Road.</p> <p>Construct an observation deck near the Fish Dock.</p>	
Enhance east harbor area for industrial use	<p>Review zoning for adequacy of provisions for industrial growth.</p> <p>Compress trailer parking to ensure there is no encroachment into needed industrial reserve lands.</p> <p>Expand the port facilities and freight capacity for improved transportation of goods and materials in and out of Homer.</p> <p>Expand and improve the deep water dock and other related port facilities.</p> <p>Improve Outer Dock Road.</p>	Working on others
Determine economic development opportunities for “value added” growth such as processing, small scale local retail, and restaurants serving local products	<p>Encourage development related to the fishing, fish processing, and boating industries.</p> <p>Host economic development forum and determine opportunities for value added growth.</p>	
Determine incentives needed to promote Overslope development	<p>Analyze and develop market plan for development.</p> <p>Determine alternate incentives that would encourage growth.</p> <p>Identify sources of funding or implementation actions for identified incentives.</p>	

4. Natural Environment

Goal 4.1 Manage conservation areas and the natural resources of the Spit to ensure continued habitat and biological diversity.

Objective	Strategies	Implementation
<p>Minimize human impact on conservation areas.</p>	<p>Avoid development on city owned tidelands adjacent to Conservation areas, such as Louie’s Lagoon and Mud Bay.</p> <p>Minimize all development that is not marine related within the Kachemak Bay Critical Habitat Area, defined as below the 17.4 ft mean high tide.</p> <p>Improvements to public lands should focus active recreation on the west side of the Spit, Mariner Park, and south of the Fishing Lagoon.</p>	
<p>Purchase or obtain conservation easements on private lands on the Spit, such as between north of the hockey rink, and the base of the Spit.</p>	<p>Work with willing land owners to conserve land through methods such as conservation easements, or public or nonprofit ownership. Consider purchasing first right of refusal options, right of occupancy for remainder of lifetime or other less traditional methods that will ensure conservation of the properties at some point in the future.</p>	

Goal 4.2 Support environmentally responsible harbor operations by all user groups. Activities such as power washing and scraping, sanding and painting may not be allowed in the harbor in the future due to environmental regulations.

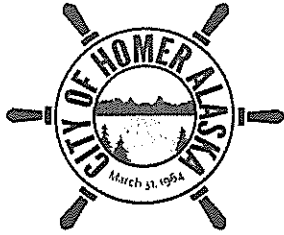
Objective	Strategies	Implementation
Support and implement the Alaska Clean Harbor Pledge	Implement relevant portions of Chapter 9 Energy, from the 2008 Comprehensive Plan, such as energy efficient public buildings, recycling and solid waste management. Implement a bilge water management program. Pursue public education on boat cleaning agents, to reduce the use of harsh chemicals such as bleach.	
Support the concepts presented in "Clean Boating for Alaskans"	Continue to support environmentally responsible boating habits. Partner with harbor user groups on public education and providing appropriate facilities.	

Goal 4.3 Manage Storm Water Runoff

Objective	Strategies	Implementation
Address stormwater issues, puddling, and erosion	Explore better parking lot maintenance and storm water management approaches such as rain gardens, settling ponds and shallow ditches. Use to also help define parking areas, particularly where winter maintenance is not needed. Parking revenues could be used to help pay for these projects. Create a spit drainage and grading plan. Drainage needs to be planned and implemented block by block rather than haphazardly for all properties.	

Goal 4.4 Manage the Port as a working harbor, for both recreational and working vessels

Objective	Strategies	Implementation
Remove derelict vessels	Continue to get rid of boats not paying moorage; the harbor is not a storage facility or museum. Harbor expansion is expensive; the harbor should be fully utilized by active users. Dead boats can also be an environmental hazard if no one is responsible for making sure	In progress



City of Homer

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Planning

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STAFF REPORT PL 13-71

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: September 18, 2013
SUBJECT: Kenai Peninsula Borough Ordinance Rewriting Chapter 20, Subdivisions

Introduction

The Kenai Peninsula Borough Planning Commission will review an ordinance to change the Borough Subdivision Code in October and November. This is a significant rewrite of a major piece of Borough legislation. Most recommendations City staff and the Commission make are based on the Borough code. The City of Homer also has a subdivision code, but it is very brief and only addresses a few Homer-specific issues. Staff just received the ordinance and is reviewing it. This item will be on the October 2nd 2013 HAPC agenda for a recommendation to the Borough Planning Commission.

Requested Action for the September 18th meeting: read through the proposed changes, and ask staff any questions. Staff will research these questions and provide more information at the October 2nd meeting.

Attachments: Kenai Peninsula Borough Memo dated September 5, 2013, and attachments.



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

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Toll-free within the Borough: 1-800-478-4441, Ext. 2200

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

TO: Advisory Planning Commissions – Anchor Point, Cooper Landing, Hope/Sunrise, Moose Pass
Cities – Homer, Kachemak City, Kenai, Seldovia, Seward, Soldotna
FROM : Paul Voeller, Platting Officer
DATE: September 5, 2013
RE: Chapter 20 Subdivisions – code rewrite DRAFT

The last major revision to the Borough subdivision code was written in 1978. The population of the Borough was 25,281 in 1978, less than half the 2012 population of 56,900.

With the changes the Borough has seen in the 35 years since that rewrite, portions of the code have become outdated, confusing or inapplicable. With this in mind, the Planning Department staff began a process to update and modify the code. Over the past year, a committee of Planning Department staff and the assistant borough attorney worked to put together a draft revised code. This was taken to 3 Planning Commission public work sessions. The surveying and engineering communities were urged to attend and provide their input. Their technical suggestions were then considered in the revision process.

The revised code is scheduled for the first of two public hearings by the Planning Commission on October 28, 2013. Your review prior to that date is being requested. The deadline for submittal of comments to be included in the Planning Commission's October 28 mailout packet is Thursday, October 17, 2013. Comments received between that date and the October 28 meeting date will be included in the Planning Commission's desk or laydown packet. If you choose to schedule a meeting to review the proposal, Planning Department staff will be available to attend the meeting to answer questions, if requested. A second Planning Commission hearing will be scheduled for November 12, 2013, at which time they will make a recommendation on the adoption of the code. That recommendation will be forwarded to the Assembly, who will hold hearings prior to consideration of an ordinance adopting the revised code.

Included in your packet of information is:

1. The sectional analysis, a document in chart form which briefly describes the changes to each subsection in each chapter of Title 20.
2. The proposed code with all changes incorporated.
3. The informal summaries of all 3 work sessions, including some of the suggested changes based on the input at those work sessions.
4. An addendum, detailing some revisions, additions/corrections needed.

Packets to the chair also include:

5. A loose set of documents for copying if needed.

Please feel free to contact me (pvoeller@borough.kenai.ak.us or 907-714-2212) or Maria Sweppy (mwsweppy@borough.kenai.ak.us or 907-714-2202) if you have questions or need additional information.

Thank you for your participation in this process.

September 6, 2013

Addendums and corrections:

SECTIONAL ANALYSIS

20.60.070 Plat specifications .

This should include the following: To accommodate current copying standards, 12" x 18" inch size allowance is replaced by 11" x 17".

20.70.050 Petition – Information required.

This should include the following: Subsection D is added clearly indicating the requirement that comments from the city Advisory Planning Commission must accompany the petition for vacations within city limits.

CHAPTER 20

20.10.050. Plats-Required when – Waivers.

This should include the words shown in **bold**:

D. Upon satisfactory showing by the subdivider that all provisions of KPB 20.10.050 (A), (B), and (C) **have been met, the plat shall be granted a waiver of platting regulations ...**

20.60.220. Administrative approval.

Following " ...,or;" at the end of (B)(2), there should be a final numbered condition:

3. The planning director determines there are other conditions to support referral to the commission.

20.70.130. Vacation plat – Preparation, approval and recording.

The code citation in this section is incorrect – KPB 20.10.090 should be replaced with **KPB 20.10.080**.

CHAPTER 20

PROPOSED REWRITE SECTIONAL ANALYSIS

Explanation of chapter changes by section



KENAI PENINSULA BOROUGH

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**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

TO: *
Mike Navarre, Borough Mayor

FROM: Holly Montague, Deputy Borough Attorney
Max Best, Planning Director
Mary Toll, Subdivision Consultant

DATE: *, 2013

SUBJECT: KPB Title 20 Sectional Analysis

CHAPTER 20.10 GENERAL PROVISIONS (Former KPB 20.04)	
20.10.010 (20.04.010) Purpose of provisions.	The chapter number has changed in this section.
20.10.020 (20.04.020) Statutory authority.	This section is updated to reflect current citations to Title 29 of the Alaska Statutes.
20.10.030 (20.04.030) <u>Violations and Remedies.</u> [JURISDICTION OF PROVISIONS AND COMMISSION.]	The title of this section is changed to more accurately reflect its content. The content of the section is revised to be consistent with current applicable Alaska statutes.
20.10.040 (20.04.070) Abbreviated plat procedure.	This section is relocated within the chapter for more appropriate placement.
20.10.050 (20.04.040) Plats-Required when-Waiver.	This section is revised to track language in current state statute.
(20.04.045 Survey and monumentation waiver.)	This section is deleted. See 20.60.200 for survey and monumentation requirements. Any waiver or reduction in survey and monumentation requirements would be sought through the KPB 20.60 exception process.
[20.04.050 DEED OF RECORD BOUNDARY SURVEY PLAT.]	This section is repealed as unnecessary. State statute governs records of survey which are filed directly with the state, cannot subdivide land, and are not submitted to the borough platting

	authority for approval.
20.10.060 (20.04.060) Illegal subdivisions.	This section number is updated, and it is clarified that owners within an illegal subdivision may apply to have the subdivision validated and that the proposal must meet the criteria of Title 20.
20.10.070 (20.04.080) Right-of-way acquisition plat.	The citation form is corrected in this section and cross references to citations are updated. Subsection (C)(3) is changed to require relevant agency review such as DOT (if intersection with a state-maintained road) and affected utility companies. Wording is added in subsection (C)(1) to require agreement to the planning commission meeting review date by the planning department and the submitter. Wording is added to clarify that survey and monumentation is required.
20.10.080 Right-of-way vacation plat	A new section is added to include a procedure for a right-of-way vacation plat. Vacations are approved by the planning commission, requiring concurrence of the assembly or appropriate city council; the sole purpose of the plat is revising the public record to memorialize that approval and depict the right-of-way's attachment to the adjoining property pursuant to AS 39.40.160, an administrative process for review and approval since the planning commission and assembly have already approved the vacation.
20.10.090 Municipal entitlement acquisition plat.	A new section is added to provide a streamlined plat process when the sole purpose is to survey and plat lands for the transfer under municipal entitlement from the State to the Borough.

CHAPTER 20.20 PRELIMINARY PLATS (Former KPB 20.12)

20.20.010 Preliminary application conference. (20.12.010 Preliminary discussion – Purpose.)	The references to the planning director's designee are eliminated as planning director is defined as including the director's designee. Additionally, formatting, sentence construction, and grammar revisions are made.
20.20.020 (20.12.020) Compliance with certain provisions required.	The citation form is updated and gender neutral language is used in this section.
20.20.030 (20.12.030) Prints-Type and number to be submitted.	The section number is updated.
20.20.040 Fee required. (20.12.040 Fee required when.)	Grammar is corrected in this section. The title is updated. The chapter is revised to reference the borough schedule of rates, charges, and fees.
20.20.050 (20.12.050) Subdivision or replat in first class or home rule city submittal procedure.	Cities are delegated limited platting authority to adopt their own subdivision regulations, which

	codifies current practice. This section is revised to clarify procedures for subdivisions in a first class or home rule city. Major changes from an approved preliminary plat that appear on a final plat submittal will require additional city review. Other proposals that require city review have been added: vacations, abbreviated subdivisions, and plat waiver subdivisions.
20.20.060 (20.12.055) Subdivision or replat in second class city submittal procedure.	The citation form is updated in this section.
20.20.070 (20.12.060) Form and contents required.	Grammar is corrected in this section and citation form is updated. Other revisions make the process consistent with the process for first class and home rule cities.
20.20.080 Petition required. (20.12.070 Statement required when-Contents.)	This section sets forth the requirements for a subdivision petition. The section was renamed to reflect that a petition is submitted. Grammar is corrected. The petition must indicate whether the subdivision will be phased. A certificate to plat is required with the preliminary submittal to verify interests such as ownership, beneficial interest holders, legal description, and special easements.
20.20.090 Notice to affected property owners.	A new section is added to incorporate the notice requirements of PC Resolution 2000-25; the requirements comply with statutory requirements for notice. A subsection is added to codify the current practice of requesting reviews of subdivision applications from other agencies.
20.20.100 (20.12.080) Approval-Commission authority-Notification required.	The decision distribution requirements are slightly modified to conform to the practice of providing notice of planning commission decisions to interested parties and requiring there be a written statement of reasons supporting the planning commission's decision as required by law.
20.20.110 (20.12.090) Approval-Scope-Expiration restriction.	The extension and the plat revision process is clarified to be consistent with the interpretation of current borough code. Minor revisions of the subdivision proposal at the time of final plat are allowed. However, major revisions differing from preliminary plat approval at time of final plat are disallowed. Extensions to receive final plat approval are acceptable if they are submitted prior to the initial deadline for final plat submittal. Phased subdivisions require through streets to be dedicated in the first phase. Plats that require State of Alaska approval have a four-year preliminary approval.
20.20.120 Review and appeal.	This is a new section which codifies the practice

	of providing an appeal from the planning commission decision regarding a subdivision to the board of adjustment which is also consistent with KPB 21.20 governing board of adjustment procedures.
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CHAPTER 20.30 SUBDIVISION DESIGN REQUIREMENTS (Former KPB 20.20)	
20.30.010 (20.20.010) Subdivision standards applicable.	This section is revised to clarify that all subdivision applications are subject to the design requirements of KPB 20.30.
20.30.020 (20.20.020) Reserved strips prohibited-Exception.	In this section the numbering was updated and citation form was updated
20.30.030 (20.20.030) Proposed street layout—Requirements.	Numbering and citation form are updated. Fee simple dedications are required with an exception for agricultural parcels where dedications may be public access easements. The practice of requesting DOTPF comments where subdivisions front state roads is codified.
20.30.040 Streets within 100 feet of waterbodies.	This section limits dedications adjacent to waterbodies unless necessary for access.
20.30.050 (20.20.035) Legal access.	The state marine highway is recognized as an access point.
20.30.060 (20.20.040) Easements-Requirements.	This section eliminates the reference to “utility” easements as the planning commission has the authority to require various types of easements such as for access and drainage.
20.30.070 (20.20.050) Lots on major streets-Access requirements.	This section number is updated.
20.30.080 (20.20.070) Alleys.	Alleys are prohibited unless allowed by city code.
20.30.090 Streets—Maximum grades allowed. (20.20.080 Streets—Grades required.)	The title is changed to more accurately reflect the contents of the section. The location and grade for intersections is clarified. Wording is added to support planning department requests for centerline profiles and cross-sections when it is determined they are needed to show that compliant construction is feasible.
20.30.100 Cul-de-sacs. (20.20.090 Culs-de-sac.)	Grammar is corrected, and subsections are added: Subsection (B) addresses hammerhead or T-type turnarounds. Temporary turnarounds are specifically prohibited on plats by Subsection (C).
20.30.110 (20.20.100) Half streets.	Half rights-of-way affect the adjacent landowner since a match will be required to bring the dedication to full width if and when they choose to subdivide. Wording is added to make owners of land adjacent to any half right-of-way parties

	of record where the half right-of-way was not shown on the preliminary plat but was required as a condition of approval. They will be sent a copy of the planning commission minutes and a sketch showing the conditionally required new half right-of-way. Review of the conditional approval may be requested in compliance with 2.40.080.
20.30.120 (20.20.110) Streets-Width requirements.	The building setback requirement is relocated to 20.30.210, a more appropriate location. Wording is added to support requiring additional right-of-way when needed to satisfy the borough road construction standards of Title 14.
20.30.130 (20.20.120) Streets-Curve Requirements.	Wording is changed for clarification, and a requirement is added for labeling non-tangent or non-radial curves. A requirement is added for a minimum 100-foot tangent between curves.
20.30.140 Streets—Prohibited curves. (20.20.130 Streets—Reversed curves.)	The title is corrected to reflect contents of section, and grammar is corrected. Reworded to clarify the prohibition on reverse, compound, and broken-back curves. The 100-foot intermediate tangent requirement for reverse curves of less than 200-foot radius is deleted since the minimum curve radius is 200 feet.
20.30.150 (20.20.140) Streets-Intersection requirements.	For safety purposes, replaced language that encouraged 3-way intersections with specific prohibition against offset intersections. New subsection (C) limits intersections with arterial streets or state-maintained rights-of-way to those that are required for safe access consistent with Title 14. New subsection (D) requires that the intersections in subsection (C) be designed to comply with AASHTO standards.
20.30.160 (20.20.150) Streets-Name requirements.	This section is reworded to require conformity with KPB 14.10 (Street Naming Methods).
20.30.170 Blocks—Length requirements. (20.20.160 Blocks—Length requirements—Generally.)	Block lengths are changed to work with the aliquot part dimensions of sections. Wording is added to clarify how block lengths are to be measured.
20.30.180 (20.20.170) Pedestrian ways required when.	The section number was updated.
20.30.190 (20.20.180) Lots—Dimensions.	“Average” is added to width and depth to clarify calculation of the 3:1 ratio. Wording is added to address design and use of the access portion of flag lots – the length is limited and the area within the access portion must be suitable for access under the standards of Chapter 20, may not be used for wastewater disposal area, and may not be used for permanent structures.
20.30.200 (20.20.190) Lots—Minimum size.	“Sewage” is changed to “wastewater” throughout

	the section. Wording is added to require that substandard size lots designed to eventually be served by public wastewater and water systems allowed in subsection (C) also include area for a replacement wastewater disposal system.
20.30.210 (20.20.200) Lots—Access to Street.	Words added to specifically require frontage for each lot on a fee simple right-of-way dedication.
20.30.220 (20.20.210) Lots—Side line requirements.	Reworded to require that “where feasible” lots must be designed to have side lines at right angles to straight right-of-way frontage, or radial to curved right-of-way frontage. While promoting consistent lot design, this still allows for variation based on terrain, existing status, existing development, or other supporting factors.
20.30.230 (20.20.220) Lots—Double frontage prohibited when.	Wording is added to clarify that corner lots are not subject to this restriction.
20.30.240 (20.20.230) Building setbacks.	Building setback information is placed in one section of the code. Wording that specifies the size of the building setback has been moved from 20.30.110.
20.30.250 (20.20.235) Building setbacks—Within cities.	The section number is updated.
20.30.260 Unsubdivided remainders prohibited. (20.20.240 Unsubdivided remainder.)	The title and contents are revised. Unsubdivided remainders are not legally valid and are not allowed.
20.30.270 (20.20.250) Different standards in cities.	This provision is clarified to define that the relevant design standards adopted by cities are those specifically applicable to subdivisions.
20.30.280 (20.20.260) Floodplain requirements.	Defined FEMA by naming the agency. Subsection (C) is added which requires that any area located within the subdivision in the floodplain, floodway, or Seward Mapped Flood Data Area must be shown and labeled on the plat. Subsection (E) is added which requires a Floodway Notice on affected plats. Subsections are re-lettered.
20.30.290 Anadromous habitat protection district.	Adds a plat note advising of the existence of the anadromous habitat protection district.

CHAPTER 20.40 WASTEWATER DISPOSAL (Former KPB 20.14)

20.40.010 (20.14.010) Wastewater disposal.	Entire chapter is renumbered; citations are corrected. Holding tanks are now allowed if permitted by ADEC and if granted an exception under KPB 20.60.
20.40.020 (20.14.020) Wastewater system review not required.	Grammar and citations are corrected. A minimum lot size increase of 25 percent is

	required to qualify for the system review waiver allowed by this section.
20.40.030 (20.14.030) Abbreviated submittal.	Grammar and citations corrected.
20.40.040 (20.14.040) Conventional onsite soil absorption system.	Grammar and citations corrected. The working map must now show areas suitable for both the initial and replacement systems, as well as a feasible well location and radius. The excluded areas for wastewater disposal systems now include public access easements such as section line easements and the access portions of flag lots.
20.40.050 (20.14.050) Alternate onsite wastewater treatment and disposal.	Grammar and citations corrected.
20.40.060 (20.40.060) Onsite treatment systems with individual marine outfalls.	Grammar and citations corrected.
20.40.070 (20.14.070) Connection to an existing system.	Citation corrected.
20.40.080 (20.14.080) Subdivisions with no wastewater disposal.	Grammar and citations corrected.
20.40.090 (20.40.090) Pollution abatement report.	Grammar and citations corrected.
20.40.100 (20.14.100) Soil analysis and report.	Grammar and citations corrected. Clarification of required inclusions in the soils report have been added. Subsection (K) is added which requires ADEC approval for any system that requires a waiver to 18 AAC 72 prior to acceptance by the borough.
(20.14.110 Definitions)	Moved to KPB 20.90.

CHAPTER 20.50 EXCEPTIONS (Former KPB 20.24)

20.50.010 (20.24.010) Exceptions to regulations—Procedure—Commission authority.	Moved location in code for better organization. Wording is added which removes the conflict created when exceptions are specifically prohibited under the title but the commission has authority to grant exceptions to anything under the title. Subsection (C) is added requiring exceptions to be requested and approved at the preliminary plat stage; they are specifically prohibited at final plat stage. This will require more thorough preliminary plat submittals. New subsection (D) is re-lettered accordingly.
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CHAPTER 20.60 FINAL PLAT (Former KPB 20.16)

20.60.010 (20.16.010) Preparation requirements generally.	Entire chapter is renumbered. Cross-references are updated. Approximate dimensions shown on
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	a preliminary plat must be replaced with accurate dimensions on the final plat. Reference to the procedure under KPB 20.20.110 for phased subdivisions is included.
20.60.020 (20.16.020) Filing—Form and number of copies required.	Cross-reference updated. Determination of the number of copies required is now made by the planning director instead of being set by planning commission resolution.
20.60.030 (20.16.030) Certificate of borough finance department required.	Minor grammatical revisions are made.
[20.16.035 DEDICATION OF LAND FOR NONPUBLIC USE.]	This section is repealed as there are not “private” dedications. Private restrictions on land use are handled through CCRCs or deed restrictions, not through the public platting process.
20.60.040 (20.16.040) Dedication of public use lands.	This section is revised to delete the reference to a dedication being an irrevocable offer and the final plat not constituting acceptance of the offer. Alaska is a statutory dedication state. The planning commission’s acceptance of the final plat is presumed to be acceptance of the dedications. Further, an irrevocable offer to dedicate is legally problematic as it requires the owner to continue to pay taxes and restricts the use of his land without the borough taking ownership. If this process were actually used it could lead to takings claims and clouds on title. Additionally, the section is revised to require formal acceptance by a governmental entity of a platted dedication. This ensures the governmental entity wants the dedication and clarifies responsibility for the dedicated area.
20.60.050 (20.16.045) Dedication and construction of anadromous waterbody crossings.	Subsection (A) is revised to delete an outdated reference to AS 16.05.871.
20.60.060 (20.16.046) Dedications parallel to waterbodies.	Cross-references and section numbers are updated.
20.60.070 (20.16.050) Plat specifications.	Cross-references and section numbers are updated.
20.60.080 (20.16.060) Improvements—Installation agreement required.	Grammatical revisions.
20.60.090 Improvements—Other public systems.	This is a new section that clarifies subdivisions which have public water and wastewater systems require documentation that the system is installed and available to each lot.
20.60.100 Reversion to acreage. (20.16.070) Reversion to acreage—Statement required when.	Title is updated. Subsection (B) is added to allow reversion to original tract or lot designation, which could eliminate bulky lot or tract designations reflecting numerous replats. The parent plat will still be referenced in the title block to allow the previous status to be tracked.
20.60.110 (20.16.080) Dimensional data	The section clarifies that meander lines are not

required.	boundaries but are for computation purposes only. Mean or ordinary high water line establishes a boundary.
20.60.120 (20.16.090) Accuracy of measurements.	Meander lines, approximate dry land areas, and approximate submerged land areas are required to be shown on the plat. This information is valuable both to landowners and assessors to indicate the area of a lot that may be available for development. Boundary and lot closure computations are now required to be submitted with the final plats to help minimize the number of final plats submitted with dimensional or acreage errors.
20.60.130 (20.16.100) Boundary of subdivision.	Cross-references and section numbers are updated.
20.60.140 (20.16.110) Block and lot numbering.	Cross-references and section numbers are updated.
20.60.150 (20.16.120) Utility easements.	The subsection requiring review of preliminary plats by utility companies and a portion of the subsection requiring the subdivider to work with the utility company is moved to KPB 20.30. The utility companies make recommendations for utility easements, and the planning commission issues final approval of easements. The dimensions of the easements must be included on the plat, either graphically or by note. The quotation marks are removed from the note.
20.60.160 (20.16.130) Easements.	Wording is added to indicate that special use easements may require a signed acceptance statement. This would provide a means for a private landowner to voluntarily offer a public easement such as a trail or bike path easement, and have a city accept the easement. Some special use easements, such as drainage or slope easements, may be accepted by the borough with the KPB's signature on the plat. A subsection is added to prohibit the granting of private easements on the plat. The borough does not accept or enforce private easements on plats.
20.60.170 (20.16.140) Other data required by law.	An outdated and unusable subsection (B) regarding tax ownership of privately owned common use land is deleted. Subsection (C) is re-lettered to (B).
20.60.180 (20.16.145) Plat notes.	Renumbering is the only change.
20.60.190 (20.16.155) Certificates, statements and signatures required.	Grammar is corrected. Wording is added to clarify what parties have an interest in the land being subdivided and how a person is authorized to sign the plat on behalf of those parties. The Certificate of Ownership and Dedication is now required to specify by name the dedications

	<p>located within and accepted by cities or the state. Public areas and special use easements accepted by cities must also be specified in the certificate. "Subscribed and sworn" in the notary's acknowledgment is corrected to "acknowledged." A subsection (B) is added requiring a certificate of acceptance for dedications within cities or by the state for their maintained roads, and essential wording for the certificate is included. Following subsections are re-lettered accordingly.</p>
<p>20.60.200 (20.16.160) Survey and monumentation.</p>	<p>Grammar is corrected. The cross-reference is updated. The "current" BLM Manual replaces a specific manual to keep survey requirements current. To comply with standard accepted survey practices, wording is added to require that monuments essential to the subdivision must be found, and if they are missing or damaged they must be replaced. Unless approved by the planning director, incorrectly set or extraneous monuments must be removed to avoid future confusion. Monumentation sizes and requirements are updated to reflect current practices.</p>
<p>20.60.210 (20.16.170) Approval-Authority-Certificate issued when.</p>	<p>Grammar is corrected. The planning director's authority is added to conform to current practices and code. The approval time frame is changed from 56 days to 60 days which is consistent with the AS 29.40 requirements. "Receipt" is changed to "acceptance" to prevent incomplete submittals from starting the review/approval clock. The requirement for recording the plat after signature is changed from five working days to ten working days. This is a more realistic time frame to accommodate for factors such as weather, temporary recording office closures, holidays, and remote recording offices. The planning director is given authority to allow surveyors to record plats, the current allowed practice.</p>
<p>20.60.220 (20.16.180) Administrative approval.</p>	<p>Grammar is corrected. A copy of the administrative approval will no longer be sent to the landowner; this approval may be granted conditionally up to one year prior to the borough's signature and recording of the plat; notice to the owners has proven to be confusing and alarming. The landowner gets a copy of the recorded (filed) plat as confirmation that the subdivision has been completed and filed. Subsection (B) is added to allow the planning</p>

	director to refer approval to the planning commission in lieu of administrative final approval under specified conditions.
(20.16.190 Disapproval.)	This section is deleted because it conflicts with the process of appeal from an action of the planning commission.

CHAPTER 20.70 VACATION REQUIREMENTS (Former KPB 20.28)	
20.70.010 (20.28.010) Purpose of provisions.	Updated with new section numbers and updated with current cross-references to AS 29.40.
20.70.020 (20.28.020) Statutory authority.	Updated with new section numbers and updated with current cross-references to AS 29.40.
20.70.030 (20.28.030) Jurisdiction of provisions.	Updated with new section numbers and updated with current cross-references to AS 29.40.
(20.28.040 Vacation Definition.)	Moved to Chapter 29.90 Definitions.
20.70.040 (20.28.050) Application-Petition required.	This section is updated to clarify that any platted public area is subject to the vacation process consistent with AS 29.40.
20.70.050 (20.28.060) Petition-Information required.	Subsection (B) is added to clarify that additional information may be required where the topography is troublesome in order to substantiate the unusable right-of-way and show the best alternate routes.
20.70.060 (20.28.065) Fee required.	This section references the KPB schedule of rates for the petition fee.
20.70.070 (20.28.070) Public hearing required.	Revised to update the section numbers, numerical references, and citations.
20.70.080 Utility easement vacations.	This section sets forth an administrative process for utility easement vacations which are less complicated than right-of-way vacations.
20.70.090 (20.28.080) Notice required.	Revised to update the section numbers, numerical references, and citations.
20.70.100 (20.28.090) Hearing board-Authority and determination.	Revised to update the section numbers, numerical references, and citations.
20.70.110 (20.28.100) Vacation consent-City council or assembly.	Revised to update the section numbers, numerical references, and citations. Subsection (B) is added providing that an assembly resolution will be the mechanism used to memorialize a vacation of a platted dedication.
20.70.120 (20.28.110) Action after denial of vacation petition.	The second sentence of section 110(A) is deleted because vacations are considered legislative acts from which appeals may not be taken.
20.70.130 Vacation plat—Preparation, approval, and recording.	This section is revised to clarify that only the area approved by the governing body for vacation may be presented in a final plat depicting a vacation. The process for a vacation plat is set forth in KPB 20.10.080.

20.70.140 Vacation resolution—easement.	This section provides that the vacation of any easement may be accomplished by resolution.
20.70.150 (20.28.130) Title to vacated area.	These sections are updated with new section numbers.
20.70.160 (20.28.140) Partial vacation allowed.	
20.70.170 (20.28.150) Vehicular access (provision).	This section is reworded for clarity and numerical references are corrected.
20.70.180 (20.28.160) Other access.	This provision is revised to delete the list of alternative uses that a road right-of-way could be subject to. Some of the listed uses are inherently incompatible with road right-of-ways while other uses may be appropriate for some but not all rights-of-way. A provision is added requiring the planning commission to take safety into consideration when considering alternative uses of a dedicated right-of-way.
20.70.190 (20.28.170) Utility provisions.	These provisions are updated with new section numbers. Section 180 is amended to also take into consideration harm or damage to the waterbody that could be prevented by approving a vacation.
20.70.200 (20.28.180) Waterfront access provisions.	
20.70.210 (20.28.190) Other public areas.	
20.70.220 Section line easement vacations. (20.28.200 Section line easements.)	This section clarifies the process for vacating a section line easement. The planning commission is advisory regarding section line easement vacations. Ultimate approval lies with the state which has jurisdiction over section line easements.
CHAPTER 20.90 DEFINITIONS (Former KPB 20.08)	
The definition section is moved to the end of the title to be consistent with how other definition provisions in the code are presented. The definitions specific to the chapter regarding on-site wastewater are placed within the general definition section. The definitions regarding streets are revised to be consistent with KPB Title 14.	

CHAPTER 20

Proposed rewrite

August 30, 2013

Title 20 SUBDIVISIONS

CHAPTER 20.10. GENERAL PROVISIONS

20.10.010. Purpose of provisions.

The purpose of this title is to promote an adequate and efficient street and road system, to provide necessary easements, to provide minimum standards of survey accuracy and proper preparation of plats, and to protect and improve the health, safety and general welfare of the people.

20.10.020. Statutory authority.

A. This title is adopted under the authority of AS 29.40 and AS 40.15, as now enacted or as may be hereinafter amended.

B. Consistent with AS 29.40.070, this title shall govern all matters related to the subdivision of all land within the Kenai Peninsula Borough.

20.10.030. Violations and remedies.

A. No person shall transfer, sell, offer to sell, or enter into a contract to sell land that must be subdivided under this ordinance until an approved final plat has been recorded.

B. No person shall file or record a plat or other document depicting subdivided land unless the plat or document has been approved under this ordinance.

C. A person shall not violate a provision of AS 29.40, KPB Title 20, or a term, condition or limitation imposed by the platting authority.

D. Pursuant to AS 29.40.190(a), the borough may request the superior court enjoin a violation or threatened violation of AS 29.40 to this title.

E. The borough or an aggrieved person may institute a civil action against a person who violates KPB 20.10.030(A), (B), or (C). A civil penalty not to exceed \$1,000 may be imposed for each violation. Each day that an unlawful act or condition continues is a separate violation.

F. Breach of KPB 20.10.030(A), (B), or (C) shall constitute a misdemeanor punishable by a fine not to exceed \$1,000 and by imprisonment not to exceed 90 days for each violation. Each transfer, sale, offer to sell, or entry into a contract to sell any land subdivided in violation of this title shall constitute a separate offense.

20.10.040. Abbreviated plat procedure.

A. The abbreviated plat procedure may be used where the subdivision or resubdivision is of a simple nature and meets all of the requirements of this section as follows:

1. The subdivision divides a single lot into not more than four lots;
2. The subdivision provides legal and physical access to a public highway or street for each lot created by the subdivision;
3. The subdivision does not contain or require a dedication of a street, right-of-way or other area; and
4. The subdivision does not require a vacation of a public dedication of land or a variance from a subdivision regulation.

B. Submission Requirements. All of the submission requirements of KPB Chapters 20.20 and 20.30 shall be met.

C. Statement of Plat Approval. The following form shall be printed on the final plat to be filled in after approval:

Plat Approval

This plat was approved by the Kenai Peninsula Borough in accordance with KPB 20.10.040.

Borough Official

Date

D. Procedures. The planning director shall review the submitted preliminary plat for completeness. If the preliminary plat does not comply with KPB 20.10.040(A), the planning director shall return the plat to the subdivider with a written explanation of deficiencies.

E. Action.

1. The platting authority for the abbreviated plat procedure is vested in the planning director. Within ten borough business days of acceptance of the preliminary plat, subject to prior acquisition and submittal of all necessary outside reviews by the subdivider, the planning director shall take action on the plat by the abbreviated plat process.
2. Preliminary approval of the plat shall be for a period of 24 months. No extensions of time may be granted.
3. All decisions of the planning director regarding the preliminary plat shall be final. A denied abbreviated plat may be appealed by the subdivider to the planning commission. There is no fee for appeal of an abbreviated plat to the planning commission.

F. Final Plat.

1. The requirements for the final plat shall be in accordance with KPB Chapter 20.60.
2. When the preliminary plat has been approved by the planning director under this section, the final plat may be approved by the planning director when the final plat meets the conditions of the preliminary approval and complies with this title. When approved by the planning director, such approval shall be on a notarized form. The planning director shall report such approvals at the next regular plat committee meeting.

20.10.050. Plats—Required when—Waivers.

A. Waiver standards. A plat, prepared and submitted in accordance with the applicable provisions of this title, is required for all subdivisions of land, except for subdivisions which qualify under the provision of AS 29.40.090(b), provided an application is submitted with satisfactory evidence to support a finding that:

1. A single existing division of property is not subdivided into more than four lots.
2. Legal and physical access is provided to a public highway or street for each lot created by the subdivision.
3. The subdivision does not contain or require a dedication of a street, public right-of-way, or other area.
4. The subdivision does not require a vacation of a public dedication of land.
5. The subdivision does not require a variance from KPB Title 20 Subdivision regulations.
6. Each lot created by the subdivision is five acres or larger.

B. Notice. In addition to the requirements for notice by publication in this title, all beneficial interest holders in the land subject to the plat waiver application who have not provided written non-objection to the plat waiver shall be given notice of the waiver application and the planning commission hearing at least 30 days prior to the planning commission meeting where the waiver will be considered. Applications for plat waivers within a city shall be submitted to the city by the subdivider for comment at least 30 days prior to submittal to the borough for planning commission consideration.

C. All plat waivers must meet the following requirements:

1. A certificate of ownership for plat waiver, which meets the requirements of KPB 20.60.190(A)(2) for a certificate to plat, shall be submitted with the application. The certificate of ownership shall be updated and be current to no earlier than three business days prior to the planning commission meeting where the waiver is scheduled for consideration.
2. A certificate from the borough finance department must be obtained indicating that all taxes due and payable on the land subject to the waiver application have been paid.

D. Upon satisfactory showing by the subdivider that all provisions of KPB 20.10.050 (A), (B), and (C) shall be granted a waiver of platting regulations by resolution of the commission which shall be recorded in the appropriate district recording office within 30 days after adoption or the waiver shall lapse. The applicant shall pay a plat waiver fee in the amount listed in the current Kenai Peninsula Borough Schedule of Rates, Charges and Fees, and recording fees.

20.10.060. Illegal subdivisions.

A parcel of land that was illegally subdivided may be submitted for consideration by the planning commission as a subdivision by any person having an ownership interest of record. The submittal must meet all the requirements of this title. If approved as meeting the requirements of this title and properly recorded, said parcel shall be considered an approved subdivision according to the Kenai Peninsula Borough Code.

20.10.070. Right-of-way acquisition plat.

A. A plat for a subdivision created by a government agency's acquisition of a street right-of-way, airport parcel, or land for other public purposes is subject to approval under this section only and is not subject to any other approval procedure for plats under this chapter, except where hereinafter stated.

1. Certain provisions of this section may also apply to other parties who volunteer a formal dedication of right-of-way to the public.

B. Submission requirements. A right-of-way acquisition plat shall contain the following information:

1. The location and name of the acquisition project.
2. The approximate timetable for the acquisition and construction.
3. The dimensions and area of the proposed tract, parcel or parcels to be acquired and the remainder parcel(s).
4. The name of the record owner(s) of the subject parcels shall be required on the preliminary plat only.

C. Review and approval procedures. The planning director shall review the preliminary right-of-way acquisition plat for completeness prior to consideration by the planning

commission. If the plat does not meet the requirements of this section, it shall be returned to the submitting agency with a written explanation of the deficiencies.

1. The plat shall be considered by the planning commission at any regular meeting that is agreeable to the planning department and the submitting agency. Preliminary approval of the plat shall be for a period of 24 months. The planning director may grant a one-time extension of 24 months thereafter. Additional time extensions may be granted by the planning director upon finding that it is in the public interest to do so.
2. The planning director may grant approval of minor revisions to the preliminary plat. Substantive revisions shall be subject to planning commission consideration. Substantive revisions are those which impact surrounding properties or utilities.
3. Right-of-way plats are subject to agency review. When the plat is within the boundaries of a city, documentation must be submitted with the preliminary plat showing the recommendation of the advisory planning commission of the appropriate city.
4. The land status shown on the final plat must be current as of the date of Borough signature. The planning director may authorize the use of an errata sheet to document current status on a case by case basis.
5. Statement of plat approval. The following form shall be shown on the final plat to be completed after final approval:

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

6. In the instance where the plat provides dedication of rights-of-way, an ownership and dedication certificate shall be provided in accordance with KPB 20.60.190.
7. When signed by the authorized official of the borough, the original final plat shall be recorded with the appropriate district recorder within 30 days by the submitting agency.
- D. Survey and monumentation requirements for right-of-way acquisition plats:
 1. The minimum monumentation required will be a 5/8" x 24" reinforcement bar with appropriate identification cap set on the margin of the right-of-way at all points marking the beginning and end of each curve and on tangents so that no distance between monumented points exceeds 1,320 feet. An alternate method may be proposed which shall consist of placing primary type monuments at centerline points marking the beginning and end of each curve and on tangents so that no distance between monumented points exceeds 1,320 feet. The survey and monumentation shall be completed by a land surveyor.
 2. If construction of improvements is scheduled to follow the right-of-way acquisition, the placement of the centerline monuments may be delayed until such improvements have been completed, in which case a statement designating the schedule for placing the monuments must be included on the plat.
 3. The plat shall be surveyed and monumented in conformance with any applicable provisions of KPB 20.60.190.
- E. Remainder parcels. No remainder parcel resulting from the right-of-way plat shall be allowed which does not conform to applicable city and borough codes unless:

1. A note is placed on the plat indicating that damages have been paid to the owner of the remainder and that the nonconforming remainder cannot be developed without first being replatted so as to conform to applicable city and borough codes; or
2. The remainder meets the requirement for an exception under KPB 20.30.200(C), or KPB 20.50.010.

20.10.080. Right-of-Way Vacation plat.

A. When the sole purpose of a plat is to depict right-of-way approved for vacation under KPB Chapter 20.70 as attaching to adjoining parcels in compliance with KPB 20.70.150 and AS 29.40.150, the following procedure shall apply:

1. Submission Requirements. All of the submission requirements of Chapter 20.20 shall be met.
2. Surveyor's Certificate. The surveyor's signature and seal on the plat certifies the surveyor is properly registered and licensed to practice land surveying in the State of Alaska, that the plat represents a survey made by the surveyor or under the surveyor's direct supervision, that the monuments shown thereon actually exist as described, and that all dimensions and other details are correct to the best of the surveyor's knowledge and belief. A written certificate is optional.
3. Statement of Plat Approval. The following form shall be printed on the final plat to be filled in after approval:

Right-of-Way Vacation Plat Approval

This plat was approved by the Kenai Peninsula Borough in accordance with KPB 20.10.080.

Borough Official

Date

B. Procedure. The planning director shall review the submitted preliminary vacation plat for completeness. If the preliminary plat does not conform to the requirements of KPB 20.10.080(A)(1), the planning director shall return the plat to the petitioner with a letter describing the deficiencies.

C. Action.

1. The platting authority for the right-of-way vacation plat procedure is vested in the planning director. The planning director shall take action on the plat within twenty Borough working days of acceptance of the preliminary plat, subject to prior acquisition of all necessary outside reviews.
2. Preliminary approval of the plat shall be for a period of twelve months. No extensions of time may be granted.
3. All decisions of the planning director regarding the preliminary plat shall be final.

D. Final Plat.

1. The requirements of the final plat shall be in accord with KPB 20.40.020 and the applicable portions of KPB Chapter 20.60.
2. The requirements of KPB 20.60.190(A)(7) and (D) do not apply to vacation plats.
3. The vacated area shall be shown in a clearly discernible pattern, such as hatching, and shall be labeled as 'area vacated this plat'. The former lot area and current lot area shall be labeled or noted on the plat.

4. The date of the vacation approval by the planning commission, as well as the date of consent to the vacation by the assembly or appropriate city council, shall be noted on the plat.
5. When the preliminary plat has been approved by the planning director under this section, the final plat may be approved by the planning director if the final plat meets the conditions of the preliminary approval and complies with this title. When approved by the planning director, such approval shall be on a notarized form. The planning director shall report such approvals at the next regular plat committee meeting. If the final plat does not meet the conditions of preliminary approval, the planning director shall provide a written explanation describing the deficiencies to the applicant.

20.10.090. Municipal entitlement acquisition plat.

When the sole purpose of a plat is to show a survey and delineate parcels as a condition prior to transfer of title for a municipal entitlement pursuant to AS 29.65, the following procedure shall apply:

A. Submission Requirements. All of the submission requirements of KPB Chapter 20.20 shall be met.

B. Statement of Plat Approval. The following form shall be printed on the final plat to be filled in after approval:

Municipal Entitlement Plat Approval

This plat was approved by the Kenai Peninsula Borough in accordance with KPB 20.10.090.

Borough Official

Date

C. Procedure. The planning director shall review the submitted preliminary municipal entitlement plat for completeness. If the preliminary plat does not conform to the requirements of KPB 20.10.090(A), the planning director shall return the plat to the owner or petitioner with a written explanation describing the deficiencies.

D. Action.

1. The platting authority for the municipal entitlement plat procedure is vested in the planning director. The planning director shall within thirty Borough working days of receipt of the preliminary plat, subject to prior acquisition of all necessary outside reviews, take action on the plat and notify the owner or petitioner.
2. At the discretion of the planning director, plats that propose or require dedication of right-of-way may be taken to the planning commission for approval.
3. Preliminary approval of the plat shall be for a period of 24 months. Extensions of time may be granted by the planning director.
4. All decisions of the planning director regarding the preliminary plat shall be final unless appealed by the owner or petitioner to the planning commission. Any appeal to the planning commission shall be conducted as a preliminary plat application.

F. Final Plat.

1. The requirements of the final plat shall be in accordance with KPB 20.40.020 and KPB Chapter 20.50.

2. Certificates of Ownership and Dedication are required on the final plat and signatures of owners as determined by the state and Borough are required. The requirements of KPB 20.60.190 apply to the plat.
3. The planning director may determine that portions of KPB Chapter 20.60 are not required to finalize the plat.
4. When the preliminary plat has been approved by the planning director under this section, the final plat may be approved by the planning director if the final plat meets the conditions of the preliminary approval and complies with this title. The planning director's approval shall be on a notarized form. The planning director shall report such approvals at the next regular planning commission meeting.

CHAPTER 20.20. PRELIMINARY PLATS

20.20.010. Preliminary application conference.

The purpose of the preliminary application conference is to enable the subdivider to discuss preliminary ideas with the planning director in order to:

1. Facilitate the preparation of the required submittals and plats in accordance with this title;
2. Avoid unnecessary delay and expense; and
3. Establish a schedule to give the planning director and the planning commission ample time to study the proposed subdivision and its relation to the overall needs of the Kenai Peninsula Borough and its residents.

20.20.020. Compliance with certain provisions required.

A subdivider shall prepare a preliminary plat of the proposed subdivision which shall comply with the requirements of KPB 20.20.070 and 20.20.080, and other applicable provisions of this chapter except as provided in KPB 20.10.050.

20.20.030. Prints—Type and number to be submitted.

The number of prints of the preliminary plat to be submitted shall be as determined by the planning director. Preliminary plat prints shall be folded to 8 1/2 × 13 inches or smaller in a manner such that the subdivision name and legal description show.

20.20.040. Fee required.

The fee established by the current Kenai Peninsula Borough Schedule of Rates, Charges and Fees shall accompany the submission of the preliminary plat.

20.20.050. Subdivision or replat in first class or home rule city submittal procedure.

A. Pursuant to AS 29.40.010, first class and home rule cities within the borough are delegated limited authority to adopt by ordinance subdivision standards different from those set forth in this chapter.

B. Proposed vacations, abbreviated subdivision plats, subdivision plat waivers, and preliminary plats showing a subdivision of land lying within the corporate boundary of a first class or home rule city shall be first submitted by the subdivider to the appropriate city for review prior to submittal of the plat to the borough planning department. In such instances, the

city advisory planning commission shall have 49 days from the date of receipt in which to review the preliminary plat and take action.

C. The preliminary plat submitted to the city shall comply with the requirements of KPB 20.20.070 and 20.20.080.

D. The city advisory planning commission and, if required by city code or requested by the city advisory planning commission, other appropriate municipal departments, shall review the proposed action and prepare written comments which shall be included with the submittal to the borough. The subdivider bears the responsibility for presentations to, and discussions with, the city to ensure that the vacation, subdivision, subdivision plat waiver, or subdivision abbreviated plat will conform to lawful ordinances and requirements of said city.

E. Final plats submitted to the borough for approval will be submitted by the borough to the city for review when the design deviates from the preliminary plat by a substantial change in alignment or dedication of a right-of-way, addition of lots, or major change in lot design which has not been recommended by the city. In such instances, the city advisory planning commission shall have 49 days from the date of receipt in which to review the final plat and take action.

F. To the extent a city has been delegated limited platting authority, a final plat may not deviate from the preliminary plat unless the proposed revision has first been submitted to the city by the subdivider and has been approved by the city council or its designee.

20.20.060. Subdivision or replat in second class city submittal procedure.

A. Preliminary subdivision plats or replats lying within the corporate boundary of a second class city shall be first submitted to the city for review prior to submittal of the plat to the borough planning department. The city shall have 49 days from the date of submittal by the subdivider to the city in which to review the preliminary plat and submit comments to the Borough.

B. To the extent limited platting authority has been delegated to a second class city, a preliminary plat shall not be submitted to the borough planning department for review unless the aspects of the subdivision subject to city authority have been first approved by the city.

C. The preliminary plat submitted to the city shall comply with the requirements of KPB 20.20.070 and 20.20.080.

D. The city council or its designee, and, if required by city code or requested by the city council, other appropriate municipal departments, shall review the plat or replat and prepare written comments which shall be included with the submittal of the plat to the borough. The subdivider bears the responsibility for presentations to, and discussions with, the city to ensure that the final plat will conform to lawful ordinances and requirements of said city.

E. Final plats submitted to the borough for approval will be submitted by the borough to said city for review by the city council or its designee when the design deviates from the preliminary plat as a condition of preliminary planning commission approval by a substantial change in alignment or a dedication of right-of-way, addition of lots, or major change in lot design which has not been recommended by the city council or its designee. In such instances, the city council or its designee shall have 49 days from the date of receipt in which to review the final plat and take action.

F. To the extent a city has been delegated limited platting authority, a final plat may not deviate from the preliminary plat unless the proposed revision has first been submitted to the city by the subdivider and has been approved by the city council or its designee.

20.20.070. Form and contents required.

The preliminary plat shall be drawn to scale of sufficient size to be clearly legible and shall clearly show the following:

- A. Within the Title Block.
 - 1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
 - 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 - 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;
- B. North point;
- 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;
- 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;
- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions, or limitations of reservations that could affect the subdivision;
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;
- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
- I. Approximate locations of areas subject to tidal inundation and the mean high water line;
- J. Block and lot numbering per KPB 20.60.110, approximate dimensions and total numbers of proposed lots;
- K. Within the limits of incorporated cities, the approximate location of known existing municipal sewers, water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;
- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval; and
- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.

20.20.080. Petition required.

A petition shall be submitted with each subdivision, abbreviated subdivision and plat waiver subdivision and shall include:

- A. Proposed means of supplying water;
- B. Proposed means of sewage disposal;
- C. Proposed subdivision phases, if applicable;
- D. Name, address and signature of the subdivider for the purpose of processing the plat.

This may be the state, the borough, a public utility, or the owners of a majority of the land within the subdivision. The entity submitting the petition may designate on the petition a surveyor or other agent to act on their behalf for submittals and presentations. All official contact by the commission and staff concerning the plat shall be with the entity signing the petition and their designee;

E. A certificate to plat current to not more than 28 business days prior to submittal, issued by a title company authorized to issue title policies in the State of Alaska, which shall be considered as prima facie evidence of all parties having an interest in the land being subdivided. An updated certificate to plat in compliance with KPB 20.60.190(A)(2) will be required for the final plat.

- F. Other information the subdivider may care to present.

20.20.090. Notice.

A. Affected property owners are defined as persons who own property within a subdivision or proposed subdivision, and persons who own property within 600 feet of the boundaries of the subdivision or proposed subdivision. The planning director shall determine whether additional property owners are affected based on population, density, ownership data, topography and facilities in the area of the subdivision.

B. Notice of public hearing shall appear at least once in a newspaper of general circulation stating:

- a. a general description of the subdivision or replat;
- b. who filed the subdivision petition;
- c. when the subdivision petition was filed;
- d. the time and place of the hearing on the subdivision; and
- e. the process and deadline for submittal of comments.

(1) written comments may be submitted by mail, hand-delivery, email or facsimile.

C. The notice in subsection B shall be sent by regular mail to the affected property owners at least 14 days prior to the public hearing. A certificate of mailing listing the names, addresses and parcel information for each notified owner shall be maintained in the subdivision file.

D. Parties whose sole interest in the subdivision is as a beneficiary of a deed of trust, as shown on the certificate to plat, shall be sent certified mail notice by the planning department. If a beneficial interest holder does not respond within 30 days of the date of mailing indicating that the deed of trust either prohibits or allows the proposed platting action, or requires their signature on the plat, the plat may be approved. The owner may submit a letter of non-objection from the beneficial interest holder with the plat in lieu of the notice requirement. If the final certificate to plat shows additional beneficial interest holders, and they have not signed the plat or provided a

letter of non-objection, the planning department will send them notice and give them a 30 day response time prior to approval of the final plat.

E. Copies of the subdivision proposal will be provided to other agencies and borough departments that may be affected by the subdivision proposal for review and comment.

20.20.100. Approval—Commission authority—Notification required.

In order for a preliminary plat to be accepted for review by the planning director, all the material required by KPB 20.20.030 through 20.20.080 must be submitted as part of the application. Within 60 days from the date of acceptance by the planning director of the preliminary plat, the commission shall determine if the preliminary plat complies with the provisions of law and this chapter, and shall approve, conditionally approve, or disapprove the plat. The commission shall notify the subdivider and parties of record of its action, including a statement of reasons supporting the planning commission's decision. This statement of reasons shall include the commission's findings justifying denial, approval, or conditional approval of the plat. If denied, the decision shall make reference to the specific sections of this title with which the submitted plat does not comply. If the commission, in its action, relies upon the report of the planning staff, the commission may vote to adopt the staff's findings and report as the findings and reasons for the planning commission's action. The planning commission may make additional or different findings from those in the staff report.

20.20.110. Approval—Scope—Expiration restriction.

A. Approval of the preliminary plat shall not constitute approval of the final plat, but means only that the basic lot and street design is acceptable. The subdivider is on notice that it is his responsibility to provide all the information required in this ordinance and to submit a correct final plat within two years of the date of the planning commission's conditional approval of the preliminary plat. Upon application by the owner or surveyor prior to the two-year deadline for final plat submittal, a time extension for two years beyond the initial two-year period for submittal of the final plat may be granted by the planning director. A third and final two-year extension may be granted by the planning director when requested by the owner or surveyor prior to expiration of the previous approval, allowing for a total approval time of six years. When a preliminary plat that has been granted a time extension is finalized, the final plat must comply with the current code. Expiration of time extensions will require the submission of, and action on, a new preliminary plat.

B. Preliminary plats that will be finalized in phases must comply with current code at the time each phase is finalized. All dedications for streets that are required pursuant to KPB 20.30.030 must be provided in the first phase. The approval of a final plat for a portion of the phased preliminary shall extend the preliminary approval for two years for the remaining land within the phased subdivision, except that the commission may require a new preliminary plat if the abutting road system changes. Phases must be filed in sequential order.

C. Any plat that requires submittal to and approval by the State of Alaska, including but not limited to section line easement vacation plats and highway right-of-way plans, will be given an initial four year preliminary approval. Extensions of the approval may be given by the planning director as needed for completion of the project.

D. No more than one revision process to the same preliminary plat is allowed. Major revisions to a preliminary plat shall not be approved on the final plat without first being

processed under the public notice and hearing requirements for preliminary plats. Major revisions at the time of final plat which increase density, add or substantively move rights-of-way, or otherwise increase the subdivision's impact, are not allowed and will require submittal of a new preliminary plat, application and fee.

20.20.120. Review and appeal.

A party of record may request that a decision of the plat committee be reviewed by the planning commission by filing a written request within 10 days of notification of the decision in accordance with KPB 2.40.080. A decision of the planning commission may be appealed to the board of adjustment by a party of record within 15 days of the date of notice of decision in accordance with KPB 21.20.250.

CHAPTER 20.30. SUBDIVISION DESIGN REQUIREMENTS

20.30.010. Subdivision standards applicable.

In its consideration of subdivisions the commission shall apply the standards set forth in this chapter.

20.30.020. Reserved strips prohibited—Exception.

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

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 for its review and comments.

20.30.040. Streets within 100 feet of waterbodies.

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

20.30.050. Legal access.

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

1. Ingress and egress will be provided over section line easements located within a surveyed section;
 2. The applicant provides copies of borough-accepted recorded conveyances creating the public easement or right-of-way where the access is located;
 3. That access is a State of Alaska maintained road or municipal maintained road;
 4. The applicant provides documentation satisfactory to the borough demonstrating that public legal access is guaranteed through judicial decree; or
 5. The right-of-way is an easement or fee interest at least 60 feet in width dedicated or irrevocably conveyed to the public and acceptable to the planning commission.
- B. The following situations may qualify for a waiver of the legal access requirement:
1. Upon finding that no practical means of providing road access to a proposed subdivision exists and upon presentation of credible and convincing evidence by the applicant that permanent public access by air, water, or railroad is both practical and feasible, the planning commission may waive the legal access requirements of KPB 20.30.050(A). If access other than by road is approved, the mode of access shall be noted on the plat.
 2. Where only a 30-foot dedication exists over all or a portion of the legal access to a subdivision, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the other 30 feet will be dedicated in the future.
 3. Where a road is in use for physical access but there is no right-of-way document for all or part of the access road, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the right-of-way will be dedicated in the future.

20.30.060. Easements—Requirements.

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

B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.

C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.

D. Unless a utility company requests additional easements, the front ten feet of the building setback shall be designated as a utility easement, graphically or by note.

20.30.070. Lots on major streets—Access requirements.

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

20.30.080. Alleys.

Alleys are prohibited unless allowed by city ordinance.

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.

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.

20.30.110. Half streets.

A. Half streets shall generally not be allowed except where one of the following circumstances applies:

1. The street is identified on the borough road plan as an arterial;
2. The street is a logical extension of an existing street; or
3. The remaining half street can reasonably be expected to be dedicated.

B. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoining parties to the new half right-of-way are parties of record and will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way. Pursuant to KPB 2.40.080 review of the plat committee decision by the planning commission may be requested by parties of record.

20.30.120. Streets—Width requirements.

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

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

20.30.130. 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.

20.30.140. Streets—Prohibited curves.

Compound and broken-back curves are not allowed. Reverse curves will be considered on a case by case basis.

20.30.150. Streets—Intersection requirements.

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

B. Offset intersections are not allowed.

C. Intersections of access streets with arterial streets or state maintained roads shall be limited to those intersections required for safe access consistent with KPB Title 14.

D. Intersections of access streets with arterial streets or state maintained roads must be designed to the American Association of State Highway and Transportation Officials (AASHTO) standards.

20.30.160. Streets—Name requirements.

Streets shall be named to conform to KPB Chapter 14.10

20.30.170. Blocks—Length requirements.

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

20.30.180. Pedestrian ways required when.

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

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.

20.30.200. Lots—Minimum size.

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

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

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

C. Subdivisions designed to be served by public wastewater disposal and water systems but not yet served by such systems may be permitted to contain lots of less than 40,000 square feet if the following conditions are met:

1. The available area may be reduced to 20,000 square feet when public water or wastewater disposal system is available, complying with KPB 20.40;
2. A statement from an engineer affixed with his seal and signature attesting that the proposed lot design and associated building restrictions will assure adequate area is available to each building site for safe on-site well and wastewater disposal, including area for a replacement wastewater disposal system, until such time as public wastewater and/or water services are available.

20.30.210. Lots—Access to street.

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

20.30.220. Lots—Side line requirements.

Where reasonable, side lines of lots shall be at right angles to straight portions of the right-of-way or radial to curved portions of the right-of-way.

20.30.230. Lots—Double frontage prohibited when.

Double frontage lots with depths less than 250 feet will not be approved except where necessitated by topographic or other physical conditions, or to provide reverse frontage along arterial streets. Corner lots are not subject to the double frontage prohibition.

20.30.240. Building setbacks.

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

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

20.30.250. Building setbacks—Within cities.

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

20.30.260. Unsubdivided remainders prohibited.

All parent parcels must be included in the boundary of the subdivision and all divisions must be given lot or tract numbers and must include areas.

20.30.270. Different standards in cities.

Where cities have been delegated partial platting powers by the borough and have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission may apply such city standards in lieu of those set forth in this chapter.

20.30.280. Floodplain requirements.

A. All subdivision plats which are within areas where the floodplain has been identified by the Federal Emergency Management Agency (FEMA), and which involve 50 lots or five acres whichever is lesser, shall include the base flood elevation source.

B. Any area of the subdivision within the floodplain, floodway or Seward Mapped Flood Data Area (SMFDA) is to be shown and labeled on the plat.

C. All subdivisions which are within areas where the floodplain has not been mapped and base flood elevation data is not available shall provide the information in compliance with KPB 21.06.050.

D. All subdivisions or replats within the Flood Insurance Rate Map (FIRM) area or SMFDA, as amended, as defined by KPB 21.06.020, shall contain the following note:

FLOOD HAZARD NOTICE:

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

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

FLOODWAY NOTICE:

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

F. Each plat within a city which has met the requirements of this section shall contain the following statement: "The first finished and habitable floor of a building constructed within a floodplain shall be built at or above the 100-year flood level."

G. This section applies to all cities which adopt a resolution requesting participation in the FEMA floodplain program and which are subsequently recognized by the state as participants.

H. A city may adopt an ordinance as part of its building code with greater restrictions than those set forth in KPB 20.30.280(A). A note shall be placed on the plat to indicate that the developer is responsible for contacting the city to determine the restrictions prior to any development.

20.30.290. Anadromous habitat protection district

If any portion of a subdivision or replat is located within an anadromous habitat protection district, the plat shall contain the following note:

ANADROMOUS HABITAT PROTECTION DISTRICT NOTE:

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

CHAPTER 20.40. WASTEWATER DISPOSAL

20.40.010. Wastewater disposal.

A. All lots within a proposed subdivision in the Kenai Peninsula Borough must meet the following applicable standards of this chapter for wastewater disposal.

B. This chapter is not applicable to a subdivision proposed under 43 U.S.C. 1613(c) before subdividing, platting or disposition under that act. A person proposing to subdivide land after transfer under that act must comply with the provisions of this chapter.

C. Subdivision plans for a no-water carried method of wastewater disposal must conform to the provisions of KPB 20.40.030.

D. Subdivision plans with a holding tank method of wastewater disposal are prohibited.

20.40.020. Wastewater system review not required

A. Wastewater system review will not be required if the criteria in subsection 1 or 2 are satisfied:

1. The existing parent subdivision was approved by the Department of Environmental Conservation, current state agency, or the Kenai Peninsula Borough under this chapter and the proposed subdivision is limited to:
 - a. Vacating lot lines to create fewer lots;

- b. Moving one or more lot lines a total distance of ten feet or less without increasing the number of lots having prior onsite wastewater approval; or
 - c. Moving one or more lot lines without increasing the number of developable lots, while maintaining a minimum of 20,000 square feet of contiguous area, as described in KPB 20.40.040(A)(4)(a), for each lot affected by the lot line movement.
2. The plat increases lot sizes by 1,000 square feet or more of area suitable for conventional development.
 3. The sole purpose of a plat is to depict right-of-way approved for vacation under KPB Chapter 20.70 as attaching to adjoining parcels in compliance with KPB 20.70.150 and AS 29.40.150, under KPB 20.10.090.
 4. The sole purpose of a plat is to show a survey and delineate parcels as a condition prior to transfer of title for a municipal entitlement pursuant to AS 29.65, under KPB 20.10.100.
- B. Plats described in subsection (A) shall have one of the following plat notes, as applicable:
1. Before a final plat qualifying for the exemption under KPB 20.40.020(a)(1) is recorded or filed for subdivision, an engineer or surveyor must complete the following plat note which shall be placed on the plat:

WASTEWATER DISPOSAL: The parent subdivision for lots resulting from this platting action was approved by the (Alaska Department of Environmental Conservation) or (Kenai Peninsula Borough) on (DATE). Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

2. Before a final plat qualifying for the exemption under KPB 20.40.020(A)(2), (3) or (4) is filed, the following plat note shall be placed on the plat:

WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

20.40.030. Abbreviated submittal.

Lots within the proposed subdivision that will be at least 200,000 square feet or nominal five acres in size do not require a soils analysis and report prepared by a qualified engineer. Before a final plat is recorded or filed for subdivision, the following note must be placed on the plat:

WASTEWATER DISPOSAL: Lots which are at least 200,000 square feet or nominal five acres in size may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

20.40.040. Conventional onsite soil absorption systems.

A. If any lots within a subdivision will utilize conventional onsite soil absorption systems and are less than 200,000 square feet, the following requirements must be met and submitted to the planning director:

1. A soils analysis and report, sealed by a qualified engineer, which meets the requirements of KPB 20.40.100;
2. A pollution abatement report, sealed by a qualified engineer, which meets the requirements of KPB 20.40.090 if:
 - a. Lot size is less than 40,000 square feet; and
 - b. There will not be a public water system serving the subdivision lots as described in KPB 20.40.090(C);
3. A working map depicting:
 - a. Ground slopes greater than 20 percent, or 5 percent where a bed system is proposed, and other topographic features as needed by a qualified engineer to meet the design requirements for wastewater disposal as defined in this chapter;
 - b. The location of all soils field work, including the location of borings, percolation tests, and test holes;
 - c. Each existing water source for a public drinking water system within the subdivision and within 200 feet of the subdivision boundary;
 - d. Each existing water source for a private drinking water system within the subdivision or within 100 feet of the subdivision boundary; and
 - e. An approximate delineation of the apparent usable initial wastewater disposal area as described in KPB 20.40.040(A)(4);
 - f. An approximate delineation of the apparent usable wastewater disposal area for a replacement system;
 - g. An approximate location for a well, with the appropriate radius shown;
4. Documentation from the engineer that:
 - a. There is on each lot at least 20,000 square feet of contiguous area suitable for use for an initial and replacement wastewater disposal system. This area can include driveways, and an average single-family residence with associated appurtenances, but excludes dedicated rights-of-way, public access easements, including section line easements, the panhandle portion of flag lots, and existing well protection zones;
 - b. The soil types, moisture content (in areas of known or suspected permafrost), soil slopes, distances to downhill terrain breaks, and depths to seasonal high water table and impermeable strata must:
 - 1) Meet the requirements of soils analysis and report described in KPB 20.40.100;
 - 2) Be suitable for use in a soil absorption system, as shown by the soils analysis and report;
 - c. Separation distances in or from any part of the proposed usable wastewater disposal area must be maintained as required by 18 AAC 72.020; if an area outside the subdivision boundary cannot be visually inspected to determine existence and position of water system sources, the applicant may use existing records as the basis for this information;
5. Plans for initial and replacement soil absorption systems for each lot that does not contain 20,000 square feet of contiguous suitable area described in KPB

20.40.040(A)(4); the plans shall show the location of the system(s) and must be sealed by a qualified engineer.

B. Before a final plat is recorded or filed for subdivision under this section, the borough will require the engineer to sign the following note on the final plat:

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

(signature of) Engineer License # Date

20.40.050. Alternate onsite wastewater treatment and disposal.

A. If any lots within a subdivision will employ alternate onsite wastewater treatment and disposal, the following requirements must be met and submitted to the planning director:

1. A soils analysis and report, prepared and sealed by a qualified engineer containing sufficient soils data to:
 - a. Demonstrate that a conventional onsite soil absorption system is not practicable; and
 - b. Support the functional use of the proposed system;
2. A pollution abatement report, sealed by a qualified engineer, meeting the requirements of KPB 20.40.090 if:
 - a. Disposal of wastewater to onsite soils is proposed;
 - b. The subdivision's minimum lot size is less than 40,000 square feet; and
 - c. There will not be a public water system serving the lots of the subdivision, as set out in KPB 20.40.090(C);
3. Plans for a treatment and disposal system for each lot (or a single typical design for each group of identical systems), as required by 18 AAC 72.205. The plans must be sealed by a qualified engineer;
4. An adequate demonstration that a conventional onsite soil absorption system, collector sewer or collector system and treatment disposal system, individual lot treatment system, or connection to an existing system are not practicable due to either lack of suitable soils or economic considerations;
5. Evidence that separation distances set out in 18 AAC 72.020 will be met; if an area outside the subdivision boundary cannot be visually inspected to determine existence and position of water system sources, the subdivider may use existing records as the basis for this information; and
6. Evidence that lots with a minimum size of less than 40,000 square feet for which a pollution abatement report is required meet the requirements of KPB 20.40.090(B).

B. Before a final plat is filed for subdivision, the engineer must sign the following note on the final plat:

WASTEWATER DISPOSAL: Soil conditions in this subdivision have been found unsuitable for conventional onsite wastewater treatment and disposal systems. Plans showing a suitable alternate wastewater disposal system that could be used on lots in this subdivision are included in the Engineer's Subdivision and Soils Report and are available from the Kenai Peninsula Borough. All alternate onsite wastewater treatment and disposal systems must be designed for the specific installation by a qualified engineer registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation prior to construction.

(signature of) Engineer License # Date

20.40.060. Onsite treatment systems with individual marine outfalls.

A. If any lots within a subdivision will employ an onsite treatment system plan with an individual marine outfall, the following requirements must be met:

1. The preliminary subdivision plat must clearly show access from the lot to marine waters for wastewater disposal for each lot with a proposed marine outfall, by direct access, easement, or other authorization (this may require a detail drawing);
2. A soils analysis and report, sealed by a qualified engineer, with sufficient soils data to demonstrate that neither a conventional nor an alternate onsite soil absorption system is practicable for the lot in question;
3. Plans for the treatment and disposal system proposed for each lot, or single typical design for each group of identical systems, as required under 18 AAC 72.200 - 18 AAC 72.205, the plans must be sealed by a qualified engineer;
4. Construction and necessary operation of the treatment system by the lot owners is feasible;
5. Dispersion and mixing calculations must show that each outfall and the cumulative impact from all of the outfalls complies with this chapter and 18 AAC Chapter 70, Water Quality Standards, or otherwise complies with permit conditions; and
6. A minimum lot size necessary to maintain the applicable separation distances set out in 18 AAC 72.020 from any part of the wastewater systems.

B. For a wastewater treatment and disposal system proposed under this section, the requirements of 18 AAC 72. 205 and 18 AAC 72.275 for prior Alaska Department of Environmental Conservation approval of wastewater discharge permits will apply only to persons who propose actual discharges, and will not apply to conceptual plan of wastewater treatment and disposal for a subdivision covered under this section.

C. Before a final plat is filed for subdivision, the qualified engineer must complete the following plat note which shall be placed on the plat:

WASTEWATER DISPOSAL: Plans for wastewater treatment systems with individual marine outfalls serving single family or duplex residences, that meet the regulatory requirements of KPB 20.40.060, are on file at the Kenai Peninsula Borough. Any type of wastewater treatment and disposal system disposing of wastewater onsite or through an outfall must meet the

regulatory requirements of the Alaska Department of Environmental Conservation.

(signature of) Engineer License # Date

20.40.070. Connection to an existing system.

A. If any lots within a subdivision will be connected to an existing collector sewer and treatment system, the following requirements must be met:

1. Proof that the owner of the collector sewer and treatment system has agreed to allow the lots to be connected;
2. Documentation from the municipality, ADEC or system design engineer that the receiving system is adequate to accept the additional hydraulic and organic loading; and
3. The minimum lot size necessary to maintain the applicable separation distance set out at 18 AAC 72.020 from any part of the wastewater system.

B. Before a final plat is filed for subdivision, the qualified engineer or surveyor, as applicable, must complete the following plat note which shall be placed on the plat:

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

(signature of) Engineer or Surveyor License # Date

20.40.080. Subdivisions with no wastewater disposal.

A. This section applies to subdivisions where no wastewater will be generated or disposed, and the land use cannot produce wastewater.

B. Before a final plat is filed for subdivision, the surveyor must complete the following plat note which shall be placed on the plat:

WASTEWATER DISPOSAL: Conditions might not be suitable for onsite wastewater treatment and disposal systems. No wastewater will be generated or disposed of on these lots as of the date of this plat. If circumstances change to allow lawful onsite wastewater treatment and disposal systems, those systems must meet the wastewater disposal requirements of KPB Chapter 20.40 and regulatory requirements of the Alaska Departmental of Environmental Conservation.

20.40.090. Pollution abatement report.

A. In addition to the foregoing, a subdivision must be planned so it will not:

1. Contribute to nitrate concentrations in groundwater that exceed existing State standards;
2. Contribute to fecal coliform bacteria contamination; or
3. Cause other pollutants to exceed concentrations beyond the acceptable limits set by 18 AAC Chapter 70.

B. Except as provided in KPB 20.40.090(C) of this section, if an applicant proposes disposal of wastewater to onsite soils for a single-family or duplex residential lot of less than 40,000 square feet, the applicant shall submit a pollution abatement report containing

calculations showing that the nitrate concentration of the groundwater aquifer most likely to be affected by the proposed disposal systems will not be increased beyond State drinking water standards at the property line of each lot smaller than 40,000 square feet. The calculations must be sealed by a qualified engineer. To prepare the calculations required under this subsection, there are many groundwater modeling references from which to choose, including those listed in 18 AAC 72.070. For a subdivision with lot sizes of 40,000 square feet or more, these calculations are not required.

C. The requirements of (B) of this section do not apply to lots in subdivisions that have, or will have, a public water system capable of delivering water to each lot. If a public water system is proposed for a subdivision, but not constructed, construction assurance for the water system is required.

20.40.100. Soils analysis and report.

A. The soils analysis and report required by this chapter must demonstrate subsurface conditions and soils are suitable for designation as a usable wastewater disposal area under KPB 20.40.040(A)(4). Soils testing, test results, and the soils report must meet the following criteria:

1. The soils analysis and report must be sealed by a qualified engineer;
2. Test holes and borings must be located to yield representative data for, and provide KPB 20.40.coverage of, the entire subdivision;
3. Test holes and borings must have the following minimum depth below the ground surface:
 - a. In areas known or suspected to contain permafrost, the lesser of
 - 1) 20 feet deep; or
 - 2) A depth below seasonal high groundwater table;
 - b. The least depth associated with the following conditions, where applicable:
 - 1) Two feet below the initial encounter with the water table;
 - 2) Ten feet deep for shallow trench or bed systems;
 - 3) Twelve feet deep for areas where deep trench or seepage pits will likely be used; or
 - 4) The depth to bedrock, clay, or other impermeable strata with an expected percolation rate slower than 120 minutes per inch;
4. Soils in a usable wastewater disposal area must be:
 - a. Shown to be visually classified as GW, GP, SW, or SP under Unified Soils Classification System, and expected to have a percolation rate faster than 60 minutes per inch; or
 - b. Shown to be GM or SM under the Unified Soils Classification System by a sieve analysis; or
 - c. Shown by a percolation test conducted in accordance with 18 AAC 72.265(9) to have a percolation rate as described in 18 AAC 72.265(7); and
5. The restrictions of 18 AAC 72.035(d)(7) and (8) must be met.

B. Use of soils with percolation rates other than those set out in 18 AAC 72.265(7) must be on a case-by-case basis as described in Table C in 18 AAC 72.260(a)(4)(D). A definitive explanation authored and stamped by [A REGISTERED] an engineer must be submitted.

C. In areas known or suspected to contain permafrost, a soil moisture content profile analysis derived from laboratory testing methods, and taken from each test hole used for soils

testing in the subdivision, must show that the soils throughout the subdivision are adequately drained.

D. Subject to (E) of this section, the minimum number of test holes and soils analyses required under this section is at least one per two acres of subdivision, with at least one test hole and one soils analysis for a subdivision of two acres or less.

E. The engineer may use less than the minimum number of test holes and soils analyses required by (D) of this section if sufficient soils data indicates general consistency throughout all or a portion of the subdivision. A definitive explanation authored and stamped by a qualified engineer must be submitted. The soils report shall contain a recommended application rate, limited to within 25' of the test hole, determined by the soil classification or percolation rate(s) at the test hole and a recommended soil absorption type (trench or bed).

F. Soil testing requirements for subdivision lots equal or greater than nominal five acres consist of general soils and water table description with sufficient detail to support the applicability of the proposed means of wastewater disposal; the description must be based on:

1. Existing information; or
2. Visual analysis by, or local knowledge of, a qualified engineer.

G. Except as provided in (H) of this section, the minimum depth from the ground surface to seasonal high water table and impermeable strata must conform to the values listed below. The listed depth must provide at least the following:

1. Four feet or reduced by depth of freeze calculations by a qualified engineer;
2. One foot for the distribution pipe, sewer rock, and barrier material;
3. Four feet of separation from the bottom of the system to the seasonal high water table;
4. Four feet minimum ground cover over the soil absorption system including tank, piping, and affective leach area;
5. Nine feet minimum depth to seasonal high water; and
6. Eleven feet to impermeable strata.

H. The minimum depth from the ground surface to the seasonal high water table or impermeable strata set out in (G) of this section may be reduced by up to two feet by insulating with non-absorbing insulation or by mounding above grade to provide protection from frost penetration. Insulation material may be substituted for up to two feet of earth cover if material type and thickness allow per 18 AAC 72.035(d)(7) and 18 AAC 72.035(d)(8).

I. When the water table is encountered in the test holes, the depth to the seasonal high water table must be determined by:

1. Monitoring test holes or soil borings at times between May and October (inclusive); or
 2. Soil mottling analyses; or
 3. Interpretation of levels of standing open water; or
 4. Local knowledge and experience; or
 5. A combination of these methods.
- J. The depth to any seeps must be noted, and may require subsequent monitoring.

CHAPTER 20.50. EXCEPTIONS

20.50.010. Exceptions to regulations—Procedure—Commission authority.

A. Unless prohibited under this title, the commission may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission with substantial evidence, justifying the requested waiver or exception stating fully the grounds

for the application and the facts relied upon. The commission shall make findings of fact meeting the following standards before granting any exception:

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

B. Where a design requirement of this title is addressed by a zoning regulation adopted by the borough assembly or city council, the variance procedures of the applicable zoning code shall be utilized in lieu of the exception procedures.

C. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

D. An appeal of a decision of the planning commission made under this section shall be taken to the board of adjustment, in accordance with the requirements of KPB Chapter 21.20.

CHAPTER 20.60 FINAL PLAT

20.60.010. Preparation requirements generally.

The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.20.070 shall be included on the final plat except that the information required by KPB 20.20.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.20.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.100 and KPB 20.60.110. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.20.110(B).

20.60.020. Filing—Form and number of copies required.

The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.20.030 except those to be recorded with the district recorder.

20.60.030. Certificate of borough finance department required.

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

20.60.040. Dedication of public use lands.

Any land shown on a plat as a 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.

20.60.050. Dedication and construction of anadromous waterbody crossings.

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

B. Where a dedication is proposed over an existing road crossing a waterbody within the Kenai Peninsula Borough Road Service Area cataloged as important to the protection of anadromous fish under AS 16.05.871 as now enacted or as may be hereinafter amended, the road and crossing must be brought up to the permitting standards established by KPB 14.40.061(A) prior to planning commission approval of the final plat.

C. Where a plat dedicates a right-of-way over an existing road which crosses an anadromous waterbody as described in KPB 20.60.050(B), the applicant shall have three years from the approval of the preliminary plat to have the final plat approved. The time frame may be extended by the planning director if the extension is requested prior to the termination of the initial three-year period for final plat approval or any previously granted extension, and only if there has been no change in the design of the subdivision's road system since preliminary plat approval. Extensions may only be granted for one year at a time.

D. The road service area shall inspect and provide certification to the planning department that waterbody crossings meet the permitting requirements of KPB 14.40.061(A) prior to the approval of the final plat.

20.60.060. Dedications within 100 feet of waterbodies.

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

20.60.070. Plat specifications.

The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 11" x 17"; 18" x 24"; and 24" or 30" x 36". When more than one sheet is required, an index map shall be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the total number (e.g. sheet 1 of 3). When more than one sheet is submitted, all sheets shall be the same size. Indelible ink or sealant shall be used to insure permanency.

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.

20.60.090 Improvements—Other public systems.

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

20.60.100. Reversion to acreage

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

B. Reverted acreage may carry the original lot or tract designation.

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled.

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

20.60.120. Accuracy of measurements.

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

20.60.130. Boundary of subdivision.

The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data.

20.60.140. Block and lot numbering.

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

20.60.150. Utility easements.

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

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

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

20.60.160. Easements.

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

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

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

20.60.170. Other data required by law.

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

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

20.60.180. Plat notes.

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

20.60.190. Certificates, statements, and signatures required.

A final plat submitted for review and approval shall bear the following certificates with signatures of appropriate parties signed with permanent black ink:

A. Certificate of ownership, dedication, and acknowledgement:

1. All parties having an interest of record in land being subdivided shall sign a certificate of ownership and dedication printed on the plat, affixed thereto, or by separate affidavit. If such title interest is vested in other than named individuals, including but not limited to corporations, partnerships, limited liability companies, trusts or homeowner's associations, the certificate shall be signed and acknowledged by an individual(s) under written authority granted by its board of directors or shown by official documentation appropriate to the entity. Documentation of such authority shall be submitted with the final plat.

2. A certificate to plat, current to not more than three business days prior to submittal of the final plat, issued by a title company authorized to issue title policies in the State of Alaska, shall be submitted with the final plat and shall be considered as prima facie evidence of all parties having an interest in the land being subdivided. A certificate to plat shall be valid for thirty days from date of issuance or update.

3. The certificate of ownership for a replat of multiple parcels owned by separate parties shall show to which original parcel the signatory attests.

4. Multiple or otherwise notarized affidavits or certificates of ownership and dedication may be substituted on separate 8 1/2 x 11 inch sheets, each containing the title of the plat, surveyor's name and seal, and the date. The separate certificates shall be recorded

simultaneously with the plat, each bearing appropriate references. A minimum of one signed certificate must be on the face of the plat.

5. The certificate of ownership and dedication shall be substantially as follows:

Certificate of Ownership and Dedication

(I) (We) hereby certify that (I am) (we are) the owner(s) of the real property shown and described hereon and that (I) (we) hereby adopt this plan of subdivision and by (my) (our) free consent dedicate all rights-of-way and public areas to public use and grant all easements to the use shown, (if a special use easement being accepted by city, include description and city name).

Owner's name and address

Certificates or affidavits of those parties having legal and equitable interest in the property shall contain appropriate modifications to the owner's certificate.

6. All parties affixing their signature to a certificate of ownership and dedication shall sign before an officer duly authorized to take acknowledgement of deeds who shall notarize the signature in essentially the following form:

Notary's Acknowledgement

For: _____
Acknowledged before me this _____ day of _____, 20_____.

(Notary seal affixed)

Notary Public for Alaska
My commission expires _____

7. A certificate of acceptance for any dedicated right-of-way, easement, or other public area in substantially the following form shall be executed by a government official authorized to bind the governmental entity accepting the dedication. Nothing in this paragraph impairs the authorized official from refusing a dedication for reasonable public cause, consistent with applicable law or ordinance.

Certificate of Acceptance

The undersigned official identified by name and title is authorized to accept and hereby accepts on behalf of _____ for public uses and for public purposes the real property to be dedicated by this plat including easements, rights-of-way, alleys, and other public areas shown on this plat identified as follows:

_____. The acceptance of lands for public use or public purpose does not obligate the public or any governing body to construct, operate, or maintain improvements.

By: _____ Date: _____

(Name and title of authorized official)

City of (insert name)

8. Where a party's sole interest in the property is as beneficiary of a deed of trust, and the deed of trust contains no prohibition against subdivision or replat of the property, the owner of record may provide, in lieu of the beneficiary's signature, a notarized statement on the plat, signed by the owner of record, which sets out a description of the deed of trust and states that subdivision and/or replat are not prohibited thereby.

B. Surveyor's Certificate. By affixing the surveyor's signature and seal on the plat the surveyor certifies that he/she is properly registered and licensed to practice land surveying in the State of Alaska, that the plat represents a survey made by the surveyor or under the surveyor's direct supervision, and that the monuments shown thereon exist as described, and that all dimensions and other details are correct to the best of the surveyor's knowledge and belief. A written certificate is optional.

C. Statement of Plat Approval. The signature of an authorized official of the borough signifies that all applicable provisions of KPB Title 20 have been met and that the planning commission has granted approval of the plat. The following form shall be shown on the final plat to be executed by an authorized official after all conditions have been met:

Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning
Commission at the meeting of _____.

Kenai Peninsula Borough

By: _____

Authorized Official

D. Engineer's Wastewater Disposal Certificate. In addition to any plat notes required by KPB Chapter 20.40, an engineer's dated signature on the face of the plat is required unless excepted under KPB 20.40.020. By such dated signature, the qualified engineer is certifying that he/she is properly registered and licensed to practice engineering in the State of Alaska and the wastewater disposal data complies with all relevant sections of KPB Chapter 20.40.

20.60.200. Survey and monumentation.

A. All subdivisions shall be surveyed except subdivisions which only eliminate existing property lines.

B. The subdivision of sections into aliquot parts and restoration of lost corners shall be performed in accordance with the current U.S. Bureau of Land Management Manual of Surveying Instructions unless the historical survey record indicates otherwise. Reference to the BLM manual used shall be noted on the plat. All section subdivision details executed as part of the subdivision work shall be monumented and shown on the plat. When a center 1/4 corner must be determined it shall be set. A minimum survey accuracy of 1:5000 is required. Monuments shall be set in a professional manner.

C. All corners and monuments found and set shall be shown and described on the plat with the following information: date set, type of monument, and surveyor, as well as any other information marked on the corner or monument. Standard or recurring information may be shown in the monument description in the legend.

D. All monuments of record essential to the subdivision must be found. If any monument is missing or is found disturbed or destroyed, it shall be remonumented or reference monumented as appropriate.

E. Monuments shall be set at all 1/4 and 1/16 corners controlling the location of a subdivision. When these requirements cannot be met, a reference monument shall be tied to the subdivision lines. Exterior angle points in the subdivision and lot corners shall be marked by at least 5/8" x 24" iron rod and cap if not otherwise monumented. Unless approved by the planning director, only monuments pertinent to the boundary of the subdivision, lot corners, angle points, or points on line needed due to topography or to keep the distance between monumented points to less than 1,320 feet may be set. Extraneous or incorrectly set monuments shall be removed prior to filing the final plat.

F. Bearings and distances between the nearest subdivision property lines and official GLO or BLM monuments shall be accurately described and delineated on the plat and the basis of bearings shall be indicated

G. Unless otherwise provided, the ¼ and 1/16 monuments required by KPB 20.60.200(E) shall consist of a marker equivalent in permanence to a metal marker which is 30 inches in length and has a metal cap at the top with a minimum diameter of 2 inches. Such monuments shall clearly display the following information: year set, monument identification (township, range, section, and corner number), and registration number of surveyor.

20.60.210. Approval—Authority—Certificate issued when.

A. The planning director or commission shall approve, modify, or disapprove the final plat of subdivision or dedication within 60 calendar days after the date of acceptance of the final plat and shall transmit to the surveyor, with a copy to the subdivider, a letter of final review indicating additions and revisions required prior to final borough approval and borough signature. The planning director or commission shall not approve a final plat which does not meet the requirements of this title or deviates in any significant way from the preliminary plat as approved.

B. If not acted upon within 60 calendar days from the date of acceptance, the plat shall be deemed to have been approved and a certificate to that effect shall be issued by the commission on demand; provided, however, that the applicant for plat approval may consent to the extension of such period.

C. Within one year of final plat approval by the planning director or the planning commission, the applicant shall present the original plat for signature of either the planning director or mayor. Failure to adhere to the time limits of this section shall void the final approval of the plat.

D. When signed by either the mayor or planning director, the original plat shall be recorded with the appropriate district recorder within ten business days by the director. The planning director may authorize the surveyor who prepared the plat to record the plat.

20.60.220. Administrative approval.

A. Where a preliminary plat has been approved by the planning commission, the final plat may be approved by the planning director when the final plat meets the conditions of preliminary approval and complies with this title. The director's approval shall be on a notarized form. The planning director shall report final plat approvals at the next regular plat committee meeting.

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

1. Major redesign was a condition of preliminary approval; or
2. Final approval by the commission was a condition of preliminary approval; or

CHAPTER 20.70. VACATION REQUIREMENTS

20.70.010. Purpose of provisions.

The purpose of this chapter is to provide a means of evaluating the public necessity for public rights-of-way and other public areas and to establish vacation procedures for the transfer of unnecessary rights-of-way and other public areas to adjoining properties.

20.70.020. Statutory authority.

This chapter is enacted under the authority of AS 29.40.120 to 29.40.160.

20.70.030. Jurisdiction of provisions.

Except as otherwise provided by statute this chapter shall govern all vacation requests and vacation actions within the Kenai Peninsula Borough. A recorded plat may not be altered or replatted which affects a platted street, right-of-way, or other dedicated public area except as herein provided.

20.70.040. Application—Petition required.

A. A platted right-of-way or platted public area may not be vacated, except upon petition by resolution of the governing body from a municipality in which the property is located or by the owners of the majority of land fronting or abutting the right-of-way or public area to be vacated. The petition shall be filed with the planning commission.

B. A petition to vacate a utility easement only must be submitted by the owners of the land subject to the easement.

20.70.050. Petition—Information required.

A. A recorded plat may not be altered or replatted except by the platting authority on petition of the state, the borough, a public utility, or the owners of the majority of the land affected by the alteration or replat. A platted street may not be vacated, except on petition of the state, the borough, a public utility, or the owners of a majority of the land fronting the part of the street sought to be vacated. The petition shall be filed with the platting authority and shall be accompanied by a copy of the existing plat showing the proposed alteration or replat.

B. Persons listed on the borough assessor's tax roll shall be deemed the legal owners for purposes of the vacation petition. The petition shall include a statement containing the reasons in support of the vacation and be accompanied by a minimum of three copies of a sketch clearly indicating the proposed vacation, submitted to the planning department at least 30 calendar days in advance of the meeting at which it will be considered. Additional copies may be required as needed. In cases where encroachments on public rights-of-way are in question, an as-built survey, sealed by a surveyor, is required showing the improvements, existing travelways, amount of encroachment, and any other submittal as requested by the planning commission. The burden of proof shall lie with the petitioner to support the vacation.

C. In areas where right-of-way is being vacated due to excessive topographic features, a contour map or centerline profile and/or right-of-way cross sectional view may be required by the commission to substantiate the unusable right-of-way and show alternate and dedicated routes to insure ingress and egress to adjacent lands.

D. If the proposed vacation lies within the boundaries of an incorporated city, comments from the city advisory planning commission must be submitted with the petition.

20.70.060. Fee required.

The fee established by the current Kenai Peninsula Borough Schedule of Rates, Charges and Fees shall accompany the filing of the vacation petition.

20.70.070. Public hearing required.

Upon receipt of the complete vacation application including petition, sketches, and fee, the planning commission shall schedule a public hearing on the petition to be conducted within 60 calendar days after filing.

20.70.080. Utility easement vacations.

A. Where a vacation petition is for a utility easement only, the petitioner has the responsibility to obtain comments from the KPB Road Service Area and all appropriate utility providers and submit those comments with the petition. The petition must be signed by the owners of the land subject to the easement. A sketch showing the location of the requested vacation must accompany the petition. A public hearing is not required in the case of vacation of a utility easement that is not associated with the vacation of a right-of-way.

B. Publication of a notice in the newspaper is not required for utility easement vacations.

C. A notice shall be sent by regular mail to each property owner as shown on the Kenai Peninsula Borough tax rolls within a 300-foot radius from the utility easement proposed for vacation.

D. When the application is complete, the planning director will take action on the requested vacation within ten working days, either approving or denying the requested vacation. If the director approves the vacation, a vacation resolution will be prepared and taken to the planning commission for adoption, in accordance with KPB 20.70.140. If the director denies the vacation, a letter containing the reasons supporting the denial will be sent to the petitioner. The director may choose to forward any utility easement vacation request to the planning commission for action. If the reasons for denial are resolved, the petitioner may submit a new petition for vacation with documentation that the issues have been resolved, accompanied by a new fee.

20.70.090. Notice required.

The planning director shall publish a notice stating when and by whom the petition was filed, its purpose, and the time and place of the public hearing. The notice shall describe, through both legal and general description, the location, nature, and extent of the vacation. The notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the area of the vacation. Certified mail notice shall also be mailed to each property owner as shown on borough tax rolls within a 300-foot radius and regular mail notice sent to owners within the next 300-foot radius to equal a 600-foot total notice radius from the boundaries of the area proposed to be vacated. If the 600 foot radius does not include owners other than the petitioner(s), notice must be sent to owners of parcels adjoining the boundaries of the parcel(s) that contain the area of the proposed vacation. Notice by regular mail shall be sent to all public utilities operating within the general area of the vacation and to the municipality in which the property is located.

20.70.100. Hearing board—Authority and determination.

The planning commission shall conduct the public hearing, consider the vacation petition, and make its decision on the merits of the proposal. The planning director shall forward a copy of the minutes pertaining to the action to the assembly or appropriate city council within five calendar days following their decision.

20.70.110. Vacation consent—City council or assembly.

A. A vacation of a city street, public right-of-way, public area, or public easement located within an incorporated city may not be approved without the consent of the city council. A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly. The assembly or council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city or borough shall be considered to have given consent to the vacation.

B. Assembly approval of vacations shall be by resolution. The resolution shall be recorded in the appropriate recording district with reference to the plat being altered by the vacation.

20.70.120. Action after denial of vacation petition.

A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.

B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

20.70.130. Vacation plat—Preparation, approval and recording.

Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.090. Only the area approved for vacation by the assembly or council may be included on the plat.

20.70.140. Vacation resolution—easement.

Upon approval of an easement vacation not associated with the vacation of a right-of-way or not requiring transfer of title or platting action, a vacation resolution may be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to finalize the vacation. The petitioner is responsible for the recording fees.

20.70.150. Title to vacated area.

A. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city if it lies within the city and to the borough if it lies within the borough outside a city. If the property vacated is a lot or tract, title vests in the rightful owner.

B. If the borough or city acquired the street or other public area vacated for legal consideration or by express dedication to and acceptance by the borough or city other than required subdivision platting, before the final act of vacation the fair market value of the street or public area shall be deposited with the platting authority to be paid over to the borough or city on final vacation.

20.70.160. Partial vacation allowed.

Where the planning commission finds that a right-of-way must be preserved, but determines there is excessive width for all intended uses within the right-of-way, the commission may approve a partial vacation of a right-of-way such that the width is reduced to the maximum necessary for the intended use. Such vacation shall conform to this title for the class of right-of-way involved except where the right-of-way is not intended to be used for vehicular purposes.

20.70.170. Vehicular access.

The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

20.70.180. Other access.

Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

20.70.190. Utility provisions.

All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right-of-way.

20.70.200. Waterfront access provisions.

A right-of-way which serves to provide access to public waters shall not be vacated unless such a right-of-way is wholly impractical to all modes of transport including pedestrian or the use of such right-of-way causes damage to the right-of-way, adjacent properties, the waterbody or the watercourse, or threatens public safety which cannot otherwise be corrected and where such continued damage or threat would be contrary to the public interest.

20.70.210. Other public areas.

Dedications of land for use other than rights-of-way, which are considered for vacation, shall be approved only when it is in the public interest. The commission shall consider the

intended purpose of the area, and any future uses of the area when making a decision. When a legitimate public purpose is or would be served by use of the area proposed for vacation, the commission shall not approve the vacation, unless the ownership of the land by the city or borough in a form other than dedicated would adequately serve the intended use.

20.70.220. Section line easement vacations.

Section line easement vacation petitions must comply with the requirements of KPB 20.70.040, 20.70.050 and 20.70.060. A fee is required in compliance with KPB 20.70.060. Public hearing and notice must comply with the requirements of KPB 20.70.070, 20.70.080, 20.70.100, 20.70.110 and 20.70.120. The mail notice required in KPB 20.70.090 may be by regular mail. Publication on the planning commission agenda, advertised once in local papers, posted in public areas and on the borough website prior to the meeting will satisfy the publishing requirements. The petitioner is responsible for all submittals required by the State of Alaska Department of Natural Resources (DNR) in compliance with their procedures. The petition must be reviewed and approved by the planning commission but final authority for approval and platting of the vacation rests with DNR. The petitioner is responsible for coordination with DNR and submittals to DNR.

CHAPTER 20.90. DEFINITIONS

20.90.010. Definitions generally.

In this title, unless otherwise provided, or the context otherwise requires, the following definitions shall apply.

“Access street”: See definition of “Street” (A).

“Agenda” means the list of items to be considered by the planning commission or plat committee, in the order in which they are to be taken up, and includes the time and location of the meeting; the agenda also serves as public notice, published in local papers and online, and posted in public locations.

"Aliquot part" means a rectangular portion of a section created by midpoint protraction as defined by the "Manual of Surveying Instructions 1973," U.S. Department of the Interior, Bureau of Land Management.

“Alley”: See definition of “Street” (E).

"Alternate onsite wastewater treatment and disposal" and "alternate soil absorption system" mean a method of soil absorption treatment and disposal other than a conventional soil absorption system, but exclude holding tanks or no-water carried disposal methods such as composting, incineration, or privies.

“Anadromous” means fish migrating up rivers and streams from the sea to breed in fresh water.

“Area suitable for conventional development” means ground not subject to slopes greater than 25 percent or cataloged as potential wetlands on the KPB Geographic Information System (GIS) wetland map.

“Arterial road”: See definition of “Street” (B).

"ADEC" means Alaska Department of Environmental Conservation.

"ADEC approval" means Alaska Department of Environmental Conservation letter to construct or operate.

“Basis of Bearing” means the bearing in degrees, minutes and seconds, or equivalent, between two monuments of record on a common line, which serves as the reference bearing for all other lines on the survey.

"Block" means a piece or parcel of land entirely surrounded by public streets, streams, railroads, rights-of-way, parks, and other public dedications, or a combination thereof.

“Building setback” is the area of the lot where permanent structures are not allowed. The purpose of the setback is to promote safe public access, areas for emergency response, and traffic sight distance. (See “Permanent Structures” definition.)

"Collector sewer" means that line used as a common receiver of sewage from more than one service line.

"Collector system" means a wastewater collection system using methods of collection other than pipes.

"Community soil absorption system" means a soil absorption system serving more than one single-family or duplex residence.

“Contiguous” means parcels sharing a boundary or touching each other.

"Conventional soil absorption system" means a soil absorption system of typical trench, bed, or seepage pit design as described by On-Site Wastewater Treatment and Disposal Systems (Design Manual), EPA 625/1-80-012, October 1980, or A 1979 State of The Art Manual of On-Site Wastewater Management, 1979, The National Environmental Health Association, using natural subsurface undisturbed soils for the treatment media, or any soil absorption system with the same characteristics.

“Corner” unless otherwise defined, means a property corner, or a property controlling corner, or a public land survey corner, or any combination of these.

"Cul-de-sac": See definition of “Street” (C).

“Date of acceptance” means the date the planning director determines the submittal has met all the submittal requirements of the appropriate portions of Chapter 20 and is accepted for processing, scheduling and review.

“Date of distribution” or “distribution” means the date a notice, decision or other document is provided, manually or electronically, or is postmarked, to a party of record.

“Date of notice” means the date a certified mail notice is postmarked or a public notice is published.

“Date of submittal” means the date a preliminary or final plat, vacation, time extension, or other item requiring planning department or planning commission review and action is submitted for evaluation of completeness prior to acceptance for review.

"Disposal system" means a system, whose sole function is to provide a means of final disposal of domestic wastewater to the environment.

"Domestic wastewater" means waterborne human wastes or gray water derived mainly from dwellings, commercial buildings, institutions, or similar structures; domestic wastewater includes contents from individual removable containers used in dwellings to collect human waste.

"Domestic wastewater disposal system" means a device, structure, or formation used to dilute, dispose, treat, or discharge domestic wastewater, including injection wells, soil absorption systems, outfalls, percolating lagoons, and land irrigation systems.

"Duplex" means a single structure designed to house two family dwelling units.

"Easement" means the grant of a certain right to the use of the land by parties other than the owner. An easement is generally perpetual; if temporary, the condition for termination must be stated.

A. Ingress and Egress Easement. The right to enter and leave or travel through property.

B. Utility Easement. The right to install and maintain utilities normally associated with developed land such as electric, telephone, gas, drainage, sewer, and water facilities. The right of ingress and egress for conducting utility operations is implicit.

C. Other Easements. Special purpose easements include, but are not limited to, slope, screening, pedestrian, and pipeline easements. The specific conditions of these easements can vary.

"Engineer" or “qualified engineer” means a licensed engineer registered to practice in Alaska under AS 08.48 and 12 AAC 36 in the branch of engineering defined by 12 AAC 36.990(a)(17) applicable to the project.

"Engineering plans" means a set of plans approved and sealed by a registered engineer.

“Exception” means in this title a waiver, reduction, or variance from a subdivision regulation.

"Flag lot" or "panhandle lot" means a lot with two discernible portions, one a building site portion not fronting on or abutting a street and the second portion abutting on the street and providing private access by a narrow strip of land to the building site portion.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, usually 1 foot, at any point.

"Frontage" means that dimension of a lot which abuts upon a road right-of-way or other access.

"Frontage roads": See definition of "Street" (D).

"Groundwater" means the subsurface water permanently or seasonally occupying the zone in which the voids in the rock or soil are filled with water at a pressure greater than atmospheric.

"Holding tank" means of a watertight vessel or tank for the temporary storage of wastewater, urine, or excrement.

"Initial point of survey" means the point at which the closure of a boundary survey commences and ends. The initial point of survey must be labeled on the final plat and must agree with the closure computations submitted with the final plat.

"Land survey" means measuring the field location of corners that:

- A. Determine the boundary or boundaries common to two or more ownerships;
- B. Retrace or establish land boundaries;
- C. Retrace or establish boundary lines of public roads, streets, alleys, or trails; or
- D. Plat lands and subdivisions thereof.

"Legal access" means a contiguous section line easement, platted public right-of-way, or public access granted by recorded document and acceptable to the borough planning commission, all of which must be constructible to the standards in KPB Chapter 14.06 from a road right-of-way maintained by a municipality or State of Alaska DOTPF to a parcel.

"Lot" means the smallest portion of a subdivision, constituting a single parcel, division, or piece of land with sides connecting the front and rear boundary lines of the parcel intended for building development or conveyance as a single unit.

"Lot depth" means the average distance from street right-of-way to the rear lot line, which is the lot line opposite and most distant from said street right-of-way.

"Lot width" means the distance between lot lines connecting front and rear lot lines at each side of the lot, measured between the midpoints of such lines, unless otherwise specified.

“Mean high water line” means the intersection of the mean high water (the average height of all tidal high waters at a location for a period of 19 years) and the shore; may be labeled as MHWL.

“Meander line” means a line described by courses and distances, being a straight line between fixed points or monuments, or a series of connecting straight lines, used under this title for purposes of calculating areas, and not used for fixing boundaries.

"Monument" means a point marked on the surface of the earth for commencing or controlling a survey.

"Nominal five acres" means of, like, or relating to an aliquot five-acre part.

“Notice of decision” means written documentation of the decision of the planning commission, plat committee, or assembly.

"Onsite treatment system with marine outfall" means a treatment system located on each lot, or shared by adjacent lots, from which effluent is discharged through a single outfall extending to marine water.

“Ordinary high water line” means that line of nontidal waters on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas; may be labeled as OHWL.

“Parties of record” unless specified otherwise means those persons who have commented in a written and signed document or in person on an agenda item before the planning commission or plat committee who own property within the notification radii established in this chapter.

“Permanent structures” for purposes of the building setback shall mean anything of a permanent nature that requires footings, foundations or pilings. Improvements of a minor nature that do not interfere with the sight distance from the right-of-way are allowed. Examples of allowable improvements are well casings, low retaining walls, vent pipes, individual mailboxes, address sign posts and transparent fencing such as metal chain link. (See “Building setback” definition).

“Physical access” means access by the highest level of feasible, accepted transportation for the area is possible. Unless in a remote location not accessed by the road system, this is generally a minimum of 2-wheel drive motor vehicle access.

"Planning director" means the principal executive officer of the department of planning, or designee, as described in KPB 2.36.010.

"Planning commission" or "commission" means the Kenai Peninsula Borough planning commission as established in KPB Chapter 2.40 and unless otherwise stated shall also mean plat committee as established in KPB 2.40.080.

"Plat" means a map or dedicated representation of a tract or parcels of land showing the subdivision of such land into lots, blocks and streets, or other divisions, and other information in compliance with the requirements of all applicable sections of this title and of local ordinances, and may include the terms "replat" or "final plat."

"Platting authority" means the Kenai Peninsula Borough, the planning director, planning commission or plat committee as appropriate to the context in which the term is used.

"Public water system" means a Class A or B system approved by the State of Alaska Department of Environmental Conservation.

"Registered land surveyor" means a professional land surveyor registered to practice in Alaska under AS Chapter 08.48.

"Right-of-way dedication" means transfer of the fee simple underlying ownership of a right-of-way to the state, borough, or a municipality.

"Sealed" means prepared by an engineer or registered land surveyor, or a person under the engineer's or surveyor's direct supervision, and bearing the signature and seal of that engineer or surveyor as required by AS 08.48.221 and 12 AAC 36.185. The particular sealing requirement in this chapter is covered by one or more seals and signatures (whichever applies) of a registered engineer or registered land surveyor, appearing on the plans, drawings, reports, or other documents.

"Soil absorption system" means a surface or subsurface system using soil for the treatment and disposal of effluent from a domestic wastewater treatment works; "soil absorption system" includes a filtering field, leaching field, seepage bed, or seepage pit, but does not include a cesspool.

"Street" is a general term used to describe a right-of-way serving as a means of vehicular and pedestrian travel, also furnishing spaces for sewers, public utilities, and vegetation; it includes avenues, boulevards, roads, lanes, and other ways. Streets are classified as follows:

A. "Access streets" provide direct access to business, commercial, industrial, and residential areas.

B. "Arterial road" means a road intended to carry traffic from local and subdivision roads to major highways. May also be called a "collector road."

C. "Cul-de-sac streets" serve no through traffic and are closed permanently at one end with a vehicular turnaround area.

D. "Frontage roads" parallel to and abutting an arterial street provide access to abutting land.

E. "Alley" generally means a narrow street or thoroughfare through the middle of a block giving access to the rear of lots or buildings; allowed only under city codes.

"Subdivider" means any person, group, corporation, or other entity acting as a unit, or any agent thereof, dividing or proposing to divide lands so as to constitute a subdivision as defined herein.

"Subdivision" means the division of a tract or parcel of land into two or more lots, or other divisions for the purpose of sale or building development, and includes resubdivision and relates to the process of subdividing or to the land or areas subdivided. As used in this Chapter, it also includes the elimination of lot lines.

"Surveyor" means any person licensed by the State of Alaska to practice land surveying.

"Vacation" means the process in which the right of public use or right of use of a dedicated street, right-of-way, easement, or other public area is terminated.

"Wastewater" means water that has been used, as for washing, flushing or in a manufacturing process, and so contains waste products.

"Watercourse" means a running stream of water fed from permanent or periodical natural sources, such as rivers, creeks, glaciers and rivulets which flow in a particular direction in a defined channel, having a bed and banks or sides, and usually discharging itself into another stream or body of water. It must be more than mere surface drainage.

"Waterbody" means any permanent body of water, including any stream, creek, canal, river, lake or bay, or any other body of water, natural or artificial.

Summary of Planning Commission Work Session Number 1
Title 20 Rewrite Chapters 20.10, 20.20, 20.30
May 13, 2013 3- 5 PM Land's End, Homer, Alaska

In attendance:

Planning commissioners – Joanne Collins, Paulette Carluccio, Phil Bryson, Blair Martin, Paul Whitney, Robert Ruffner, Jim Isham, Mari AnneGross
Planning staff – Max Best, Paul Voeller, Maria Sweppy, Mary Toll (consultant)
Surveyors – Roger Imhoff, John Segesser, Gary Nelson

Meeting results (Only those portions of the code that received comments are shown; for review, the work session used the code copy with [DELETED] and added text shown). Suggestions to resolve some of the issues have been included:

Chapter 20.10 General provisions

20.10.010 Purpose of provisions. Need to remove added wording per Legal Dept review.

20.10.030 Violations and remedies. (D) “threatened” violation – what is it and it should be removed (Roger Imhoff)

20.10.050 Plats – waivers. Surveyors would like to see this removed; statutory requirement – must remain

20.10.060 Survey and monumentation waiver. Roger Imhoff would like to see this section removed; Paul Voeller is researching to see where the suggested replacement of 4 parcels by 2 came from (it was in the starting document provided from past code change suggestions)

20.10.070 Illegal subdivisions. How is an illegal subdivision determined to be “illegal”? Maybe the “illegal” label needs to be changed? Current practice - deeds are flagged by Assessing as they come in if there is no corresponding plat that created the legal description in the deed.

20.10 overall – Gary Nelson thinks there needs to be even more differentiation for specific types of plats/processes by zoning areas of the Borough, such as a Remote zone, where only applicable portions of the code would not apply.

Chapter 20.20 Preliminary plats

20.20.060 Subdivision or replat in first class or home rule city (N) Roger Imhoff thinks this should include only encroachments that will be created by the platting action, not existing encroachments which the plat cannot resolve.

20.20.060 Form and contents required (O) Gary Nelson and Roger Imhoff did not like the fact that all through dedications must be included in the first phase.

20.20.070 Petition – required (E) Gary Nelson does not like the extra expense of a certificate to plat for clients prior to approval of preliminary. Max Best and Paul Voeller gave specific instances where early certificates to plat would have resolved issues not discovered until final plat, and would have helped clients. Surveyors also have the option under 20.20.010 (former 20.12.010) to have a preliminary application conference prior to plat submittal.

20.20.090 Approval – scope – Expiration Roger Imhoff and John Segesser thought a one year initial approval and one year time extensions (2 extensions allowed) are not long enough. They suggested a 2 year initial approval, with 2 two-year extensions (for a total of 6 years). Robert Ruffner said that if time extensions are routinely granted, there should be longer approvals, and they should all be administrative. Suggested wording for code revision: The subdivider is on notice that it is his responsibility to provide all the information required in this ordinance and to submit a correct final plat within two years of the date of the planning commission’s conditional approval of the preliminary plat. Upon application prior to the deadline for final plat submittal, an administrative time extension for two years beyond the initial 2 year period for submittal of the final plat may be granted by the planning director. A third and final two year extension may be granted by the planning director when requested prior to expiration of the previous approval, allowing for a total 6 years of approval time.

It was also suggested that all plats must comply with the code that is current when they get finalized, not just phased subdivision. Wording could be added to (A) that mimics the requirement in (B) for phased subdivision: When any preliminary plat that has been granted a time extension is finalized, the final plat must comply with the current code.

Roger Imhoff also stated that section line easements vacations need longer approvals, which are routinely given. Maybe specifying in the code: Any plat that requires submittal to and approval by the State of Alaska or the other government agency will be given an initial 4 year preliminary approval. Administrative extensions of the approval may be given as needed for completion of the project.

NOTE: If two-year approvals are incorporated, (B) would need to change to reflect this.

Chapter 20.30 Subdivision design requirements

20.30.030 Proposed street layout. Gary Nelson does not like “fee simple” requirements for dedications. Adding a section to the code for agricultural restricted lands would accommodate their special restrictions: B. Subdivision of agriculture classified land conveyed subject to AS 38.05.321(B) may provide public access easements in lieu of fee simple dedications if needed to comply with the minimum lot size restriction. The public access easements must meet all other applicable right-of-way design criteria of Chapter 20. Former subsection B would become subsection C.

20.30.040 Easements. Roger Imhoff commented that there are two types of drainage easements – ditching and drainage protection. Additional clarification can be added: Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements.

20.30.070 Grades. Roger Imhoff said the city of Homer has different road allowances for grades and curves. KPB 20.30.240 allows different design standards in cities, addressing these different city requirements.

20.20.080 Cul-de-sacs. Robert Ruffner suggested that in addition to RSAB approval, approval by emergency service providers should also be a condition of acceptance of hammerhead or T-type turnarounds. These must be designed to accommodate emergency services and allow adequate turnaround areas for their vehicles. KPB 14.06 (Road Standards) does not contain this requirement. Addition of wording into Title 20 could make this a condition: Plans must be approved by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.

20.30.130 Curves. Roger Imhoff wants this to remain unchanged to allow for topo that might require some of these types of curves. He said that most of the roads now being dedicated are interior, slow traffic roads. Gary Nelson said more exceptions are being required to connect existing dedications and subdivide existing lots. He wants this section of code to remain the same. Robert Ruffner wanted to make sure this is consistent with KPB 14 (Streets and sidewalks, roads and trails). KPB 14.06.160(B) points to 20.20.120 (now 20.30.110 Curve requirements), 20.20.130 (now 20.30.120 Prohibited curves), and 20.20.140 (now 20.30.130 Intersection requirements). It also includes wording that duplicates the radius requirements of KPB 20.30.110. No curves are specifically prohibited in 14.06 and this section will not cause a conflict. Paul Voeller looked at the prohibitions; reverse curves are proposed to be acceptable on a case-by-case basis; compound and broken-back curves are proposed to be prohibited. The exception process can still be used in the event that use of either of these prohibited curves is justified.

NOTE: Code citations in 14.06 will need to be amended if the new Chapter 20 is adopted.

20.30.160 Lots –Dimensions. Roger Imhoff does not think the 3:1 requirement should be included; there should just be a minimum width. Research by staff was unable to find a subdivision code that did not contain a ratio requirement. In the Borough's case, this, along with the minimum width and size requirements, ensures that lots can be designed to have sufficient room for compliant onsite water and wastewater systems. Exceptions to the 3:1 requirement are granted by the Planning Commission when there is sufficient justification provided, such as extreme topography, parent lot configuration or existing development. Paul Voeller clarified that the 150 foot panhandle length in (B) came from the fire marshal and is the minimum length needed for a fire hose to reach a structure (Paul Voeller will check on this – see if it is 150 feet to a structure or to the property boundary. Max Best noted that if the panhandle width is 60 feet and the parcel is larger, then the maximum length may need to change to allow eventual dedication and subdivision. Suggested wording: *If the flag portion is less than 60 feet wide, the length may not exceed 150 feet. The flag portion may not be used for....*

20.30.170 Lots minimum size. Rick Foster wanted to know if cisterns or commercially delivered water are considered public water for purposes of lot sizing. Paul Voeller said that these are not considered public systems by ADEC; commercially delivered water is not monitored, regulated or controlled once it is delivered.

20.30.210 Double frontage. Mari Ann Gross and Gary Nelson both wanted to know why this restriction exists. Research by staff indicates that partially it encourages design that complies with the minimum block length.

20.30.210 Building setbacks (A) needs to specify that building setbacks apply to fee simple dedications. This will be added in appropriate locations in the code. The reference to 70 feet from the centerline of all arterial RW's assumes a 100-foot ROW.

20.30.250 Floodplain requirements. Mary Toll explained that the 50 lot or 5 acres limit must remain in the code – it comes from the FEMA regulations. Roger Imhoff wanted to know what happens to base flood elevation requirement in (A) for “mapped” as *unmapped* areas like upper Anchor River? Paul Voeller is checking. Paulette Carluccio wanted a definition of FIRM. For consistency and clarification it should be replaced by Flood Insurance Rate Map (FIRM) in subsection D.

The work session ended at 5 PM, as scheduled. All items on the agenda for this work session were covered.

Summary of Planning Commission Work Session Number 2

Title 20 Rewrite Chapters 20.40, 20.50, 20.60 (through 20.60.145)

June 10, 2013 3- 5 PM Soldotna, Alaska

In attendance:

Planning commissioners – Joanne Collins, Paulette Carluccio, Paul Whitney, Robert Ruffner
Planning staff – Max Best, Paul Voeller, Maria Sweppy, Holly Montague, Mary Toll (consultant)
Surveyors – John Segesser, Jerry Johnson, Terry Eastham, Max Carpenter
Engineers – Mike Tauriainen, Dave Johnson
Others – Stephanie Queen, Soldotna Planning Director
Written comments from Janette Cadieux (Cooper Landing) and Sandra Holsten (Cooper Landing)

Meeting results (Only those portions of the code that received comments are shown; for review, the work session used the code copy with [DELETED] and added text shown). Suggestions to resolve some of the issues have been included:

Chapter 20.40 Wastewater disposal

20.40.010 Wastewater disposal. Dave Johnson said ADEC never approved a subdivision with the holding tank method, only approved site specific holding tanks. Paul Voeller said (D) should be removed.

20.40.020 Wastewater system review not required Jerry Johnson thinks any increase in lot size is good, thinks 25% requirement is excessive. Paul Voeller thinks the increase needs to be substantial. (Note – this has been changed to 1000 square foot increase in the proposed code). Dave Johnson wanted to know if there is an exception for subdivisions that had ADEC approval; yes - it is in (A)(1).

20.40.040 Conventional onsite soil absorption systems.

(A)(3) Working map:

(a) Mike Tauriainen asked why is this 20% and not 25% for consistency – Paul Voeller said this should change to 25%

(e) KPB 20.40.040(A)(4) requires area for both initial and replacement systems, so remove 'initial' – it is redundant and would need to add 'replacement' if it stays.

(f) Delineation on working map of apparent usable area for replacement system – remove; it is a duplicate of the code requirements in (e)

(g) Approximate well location and radius shown on working map. Mike Tauriainen thinks this should be removed – thinks the public will look at it as the only spot for the well and it is not useful because as soon as someone puts a well in another location, the approximate locations of disposal areas, wells, etc shown on all the other lots in the report could be incorrect.

Robert Ruffner thinks the working maps needs to be clearly labeled to let the public know they do not show required locations, but only that the lots will support normal development; Stephanie Queen thinks the maps should be available for administrative review only and not be included in the report available to the public. Paul Voeller and Max Best consider the labels acceptable and requested no change.

(A)(4)(a) Rewording of 20,000 square foot contiguous area that is suitable for initial and replacement systems:

Dave Johnson – Well radii based upon building size and use; duplex and single family residence have 100' well radius; if 25 people are in a structure at least 6 months a year (like an office building), a 200' radius is required. He recommended adding 'existing' to well protection zones; also recommended that Paul Voeller look up 'source water protection zones' in ADEC regulations. Why would the whole 20K SF need to be suitable? Wells can frequently go in unsuitable areas.

Mike Tauriainen – Some usable lots will not meet the 20,000 SF requirement. 1000 SF is all that is needed for the initial system – even at 20,000 SF, a person could put a well in the middle and make it unsuitable after the fact.

Jerry Johnson – 20,000 SF on a 40,000 SF lot ensures enough spacing to let all lots have the potential for systems, but thinks well radius should be allowable inside the 20,000 SF. The radius protects the wells.

Max Best – The 20,000 SF ensures that everyone in the subdivision can have systems. Arizona requires 100 ft setbacks from all property lines.

(A)(5) Initial and replacement system locations for lots with less than 20,000 SF – Dave Johnson: this is where the system locations have to be specific – once development occurs, conflicts are possible.

20.40.050 Alternate onsite wastewater treatment and disposal

Dave Johnson – alternate systems need to show specific sites but surrounding development may change the sites. DEC approvals were only good for 2 years.

(B) Max Best thinks the note is too wordy and seems to require duplicate engineering design. Dave Johnson doesn't want the location to be specific since development can render it inaccurate. Mike Tauriainen thinks 'licensed professional civil' engineer is redundant; Paul Voeller requested it be changed it to 'qualified' engineer throughout the code. Paul Voeller's review resulted in the following note change:

WASTEWATER DISPOSAL: Soil conditions in this subdivision have been found unsuitable for conventional onsite wastewater treatment and disposal systems. Plans ~~for a~~ showing a typical alternate wastewater disposal system [FOR USE] that could be used on lots in this subdivision are included in the Engineer's Subdivision and Soils Report and are available from the Kenai Peninsula Borough. All alternate onsite wastewater treatment and disposal systems must be designed for the specific installation by a qualified engineer registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation prior to construction.

20.40.100 Soils analysis and report.

(E) application rate

Paul Voeller - this would give certified installers the ability to install a system based on the soils report but the further you get from the test hole, the application rate can become inaccurate.

Mike Tauriainen - if you are more than 25' from test hole, you need a percolation test; he doesn't want it included since he thinks it will be misused

Dave Johnson thinks it is OK to have application rate attached to the test hole but it needs to be clear that it does not apply to the entire lot.

Paul Voeller's review resulted in the following note with changes:

The soils report shall contain a recommended application rate, limited to the test hole, determined by the soil classification or percolation rate(s) at the test hole and a recommended soil absorption type (trench or bed).

(K) Dave Johnson said DEC never approved a subdivision with a separation waiver for the subdivision – it is site specific. He suggested deleting this subsection. Paul Voeller agreed to the deletion.

20.40 Wastewater disposal

General comments:

Dave Johnson –the notes need to have more flexibility. Sometimes he wants to add some restrictions to the note he is signing. Has had problem in the past – the note on the plat needed to be modified after the plat was recorded. Planning review should indicate specific note changes needed. He thinks the soils reports need to be submitted earlier in the process. Holly Montague thinks we could add something to the code to allow administrative note changes. Another suggestion to add, possibly as 20.40.010 as (E): Notes required in this chapter may be revised by the planning director as needed to accommodate a specific situation presented by an engineer.

Mike Tauriainen – references to permafrost should be removed throughout the code; there is no permafrost in the borough. Jerry Johnson disagreed – he has seen permafrost while surveying. Paul Voeller concurred. The reference will remain.

Chapter 20.50 Exceptions

(B) Holly Montague – this has been revised to include references to the variance procedures adopted by city councils.

Chapter 20.60 Final plat

[20.16.035 Dedication of land for nonpublic use] Robert Ruffner asked Holly Montague why this section is being deleted; Holly explained that all 'dedications' are public – there can be no 'private dedications'. The Borough does not accept private reservations or covenants on land.

20.60.060 Improvements – Installation agreement required. Stephanie Queen said the city is revising their subdivision and zoning regulations, but that will probably not be done before new KPB code is adopted. They may have new policies regarding installation agreements. Upon review of the code, it seems that the wording will accommodate any changes the city makes.

20.60.130 Easements

(B) disallows private easements being granted on the plat. Stephanie Queen asked about the easements sometimes used to support exception to frontage on a ROW, such as driveway easements, and how would they be vacated or revised? Staff commented that if granted by document, Book and Page is noted on plat. Holly Montague – in those cases the KPB needs to control the wording of the easement. And if it was vacated, the Borough plat note would need to be removed which would involve a Borough process.

20.60.150 Certificates, statements and signatures required

(5) certificate of ownership and dedication – committee wanted to include in the certificate the names of the dedications being accepted, specify which ones the city was accepting and include a description of

any special use easements the city was accepting. Stephanie Queen approved of this idea. Applicable notes have been reworded to add these clarifications.

20.60.160 Survey and monumentation

(E) Terry Eastham wanted to know if this applies to DOT monuments.

(G) monument type needs to be changed to allow flexibility. This has been done in the proposed code.

Two comment letters were received from the public, both of them from Cooper Landing:

Janet Cadieux – Most of her comments can only be addressed by zoning and cannot be solved in the subdivision code. Items which can be addressed in the code are

3. Setbacks shall include septic systems as one of the “permanent structures” disallowed within the setback area.

20.30.160 Lots – Dimensions

(B) is proposed to include new wording that includes part of her request: If the flag portion is less than 60 feet wide, it may not exceed 150 feet in length. The flag portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.040(A) and 20.30.070 for access, and, if at least 60 feet wide, will be subject to the building setback restriction of KPB 20.30.210 .

20.90 Definitions: “Building setback” is the area of the lot where permanent structures are not allowed. The purpose of the setback is to promote safe public access, areas for emergency response, and traffic sight distance

20.40.040 Conventional onsite soil absorption systems

(4)(a) is proposed to have wording added to the requirement for 20,000 square feet of contiguous area suitable for onsite wastewater system that excludes: public access easements, including section line easements, the panhandle portion of flag lots and existing well protection zones.

6. Include easements for, if not require building, sidewalks/multipurpose pathways in every subdivision.

The Borough does not require road construction with subdivision. Right-of-way widths are designed to accommodate multiple uses; such multiple uses are seen in cities where construction requirements and enforcement are in place. Such multiple uses include sidewalks and bike lanes. The portion of the Borough code that provides for limited additional options is: **20. 20.170. Pedestrian ways required when.**

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

8. Disposal or storage of toxic or hazardous waste

This is regulated and enforced by ADEC (state) and EPA (federal).

9. Roads to all subdivisions shall comply with KPB code. Pitch of roads shall not exceed 6%.

Unless an exception is justified and granted, the code must be followed. Under 20.30.070, the allowable maximum grade is 10%, but is 4% within 130 feet of any centerline intersections. These grades have been determined to be the most workable for the entire Borough, yet still provide for safe and constructible roads. The letter does not include any justification for the decrease from 10% to 6%.

10. *A subdivision road shall not negatively impact the hydrology of an area, nor particularly, any streams though the area including controlling run-off.*

This would be regulated under the permitting, construction approval and inspection processes by the Roads Department. Drainage easements may be required or provided on the plat.

20.30.031 Streets parallel to or near waterbodies is being added to the code, which partially addresses the writer's concerns:

No dedications are allowed within 100 feet of the ordinary high water line of a waterbody unless necessary for access to a lot where no reasonable alternative access exists or the dedication provides access to a bridge or public facility, waterbody or watercourse. Final plats must comply with KPB 20.50.045 and 20.50.046.

20.90 Definitions

"Waterbody" means any permanent body of water, including any stream, creek, canal, river, lake or bay, or any other body of water, natural or artificial.

16. *Setbacks shall be 100' from any waterways, 200' if the waterway is anadromous.*

Development setbacks from waterways are generally restricted and enforced by the KPB River Center, ADEC and the FEMA floodplain requirements. The addition of the new code listed under the writer's item 10. above will address some of the writer's concerns.

17. *KPB shall have an effective and meaningful means to enforce the code.*

Max Best noted that Ordinance 2011-34 repealed KPB 21.24, Administration and Penalty, and adopted 21.50, establishing an enforcement process for violations of Title 21. This improved the enforcement portion of the Borough code. A new enforcement officer has been hired and new procedures have been adopted. These changes have already resulted in more effective enforcement and there is an ongoing effort to constantly improve the process and results.

Sandra Holsten had similar concerns and most of her concerns can only be addressed by zoning. The ones that are addressed or could be addressed by the code are:

1. *Setbacks from adjacent property should apply to sewers, satellite dishes, fuel tanks and well buildings.*

Setbacks like this are seen in cities where there is zoning, plot plans and construction permits are required. Inspections and enforcement are part of the cities' adopted duties. The required building setback adjacent to rights-of-ways outside city limits is adjacent to property the Borough or state owns and manages and is enforceable by the Borough. Setbacks on interior property lines are adjacent to private property and without the requirements that can be associated with zoning, the Borough has no way to enforce such setbacks. Developers or subdividers have the option to put restrictions in the deeds that place such setbacks on the properties but enforcement would be a civil matter.

2. *Subdivisions larger than two plots should include easements and planning for walkways. Large subdivisions should be required to provide non-motorized walkways even in "rural areas".*

KPB 20.20.180 "Pedestrian ways required when" requires minimum 8-foot wide pedestrian walkways in certain situations. Those situations are usually only found within cities. The increased density seen in a city can make them more amenable to being "walkable communities". Cities also have the ability to accept pedestrian walk ways, require construction, maintain them, and enforce the allowable uses. While the borough could accept the pedestrian dedications, the remainder would be problematic for the Borough and landowners subject to these unmaintained, unregulated public accesses.

3. *If there is any way to develop a legal provision that would allow the Planning Commission to consider existing covenants. This is not to imply enforcement responsibilities but rather gives the Commission some ability to avoid approving actions that are opposed by neighbors because of existing covenants, I think it would be useful. Perhaps we could require identification of any violation of covenants. I realize the Borough does not want to get in the business of enforcing covenants but just identifying them would help adjacent landowners identify proper avenues and would put the developer on notice that covenants should be included in the existing development "constraints".*

When the Borough staff is aware of covenants that might not agree with a proposed subdivision design, the owner is informed that the subdivision may create a civil problem. The Borough cannot deny the subdivision based on covenants since they are private restrictions. A note to put the public on notice is required on the plat – it states that there are private covenants on the property that may affect development and includes the recording information. The only "covenants" the Borough can enforce or consider in a subdivision are those placed by a city adoption of zoning or by the Borough through the Local Option Zoning procedure in KPB 21.44. This optional procedure is available to landowners and places restrictions on private parcels whose owners petition and qualify for the process. The Borough will enforce the restrictions placed on land through this process.

5. *Setbacks for subdivision, including roads, from anadromous streams and lakes should be 200 feet.*

This would require Assembly adoption of an ordinance amending the anadromous waters habitat protection code in KPB 21.18.

6. *Soil stability and hydrology must guide subdivision design/approval.*

Without zoning, the Borough cannot require construction of improvements on any specific location on a lot. However, the code does require that the subdivision be designed so that each lot has area suitable for construction - **KPB 20.40.040. Conventional onsite soil absorption systems. (A)(4)** requires: Documentation from the engineer that

- a. There is on each lot at least 20,000 square feet of contiguous area suitable for use for an initial and replacement wastewater disposal system. This area can include driveways, and an average single-family residence with associated appurtenances, but excludes dedicated rights-of-way, public access easements, including section line easements, the panhandle portion of flag lots, and existing well protection zones;

11. *Subdivision should not interfere with existing public access to publicly owned lands and facilities.*

Subdivision design is always required to provide for such existing access if such existing access is known, if the owner of the public lands wishes the access to remain in that location and/or there is no alternate existing public access available. Infrequently, the owner of the public lands does not wish access to remain in a certain location – it may be damaging or difficult to regulate at that location or they may have superior and preferred access elsewhere. With the imagery now in use, staff notes any travelways or trails seen on the images and requires the subdivider or surveyor to describe the use, and accommodate that use if needed.

12. *Although there are current guidelines for roads requiring them to meet Borough standards, these need to be strengthened and need to include provisions that prohibit impacts such as "bank sloughing" and erosion and siltation on adjacent landowners and /or waterways.*

This is an issue that would need to be considered by the Road Service Department under Chapter 14.06.

Work session ended at 5 PM. Next work session will start review at KPB 20.60.170. The schedule and agenda will be revised.

Summary of Planning Commission Work Session Number 3
Title 20 Rewrite Chapters 20.60 (partial, start at 20.60.160)
June 10, 2013 3- 5 PM Soldotna, Alaska

In attendance:

Planning commissioners – JoAnne Collins, Paulette Carluccio, Jim Isham, Mari Anne Gross
Planning staff – Max Best, Paul Voeller, Maria Sweppy, Holly Montague, Mary Toll (consultant)
Surveyors – John Segesser,
Others – Stephanie Queen (Soldotna Planning Director)

Meeting summary - only those portions of the code that received comments are shown; for review, the work session used the code copy with [DELETED] and added text shown. Suggestions to resolve some of the issues have been included:

20.60.160 Survey and monumentation

Paul Voeller wanted clarification that the monuments required in G apply to the ¼ and 1/16 monuments that must be set in E. He also wanted the flange requirement removed and the minimum monument size changed to 2 inches – the requirements are outdated and too limiting. G will now read:

G. Unless otherwise provided, the ¼ and 1/16 monuments required by KPB 20.60.160(E) shall consist of a marker equivalent in permanence to a metal marker which is 30 inches in length and has a metal cap at the top with a minimum diameter of 2 inches. Such monuments shall clearly display the following information: year set, monument identification (township, range, section, and corner number), and registration number of surveyor.

CHAPTER 20.70 VACATION REQUIREMENTS

20.70.050 Petition – Information required

Max Best wanted to make sure that the petition signature requirements are measured by the land, not the number of owners. Holly Montague said the new language reflecting that in AS 29.40.120 is located in the Legal Department code copy in the back of the work session packet:

A platted street may not be vacated, except on petition of the state, the borough, a public utility, or the owners of a majority of the land fronting the part of the street sought to be vacated.

Paul Voeller wanted to know if the as-built survey had to be done by a surveyor. The group discussed this and it was decided that only a surveyor can legally do a survey, so it is implicit in the label. To make this clear to the public, wording is proposed to be added to the code:

In cases where encroachments on public rights-of-way are in question, an as-built survey, sealed by a surveyor, is required showing the improvements, existing travelways, amount of encroachment, and any other submittal as requested by the planning commission.

20.70.090 (080) Notice required

The notice radii were discussed. It was noted by staff that the 300 and 600 foot distances from the boundaries of the area proposed to be vacated may sometimes not include anyone other than the

petitioner, if the parcel is large, with an interior vacation. Paulette wanted to have some wording in the code that would at least include some adjoining owners.

Based on research of procedures used by other Boroughs in Alaska, and planning departments in other states, wording will be added to require that at least all parcels adjoining the boundaries of the parcel containing the area proposed to be vacated must be notified:

Certified mail notice shall also be mailed to each property owner as shown on borough tax rolls within a 300-foot radius and regular mail notice sent to owners within the next 300-foot radius to equal a 600-foot total notice radius from the boundaries of the area proposed to be vacated. If the 600 foot radius does not include owners other than the petitioner(s), notice must be sent to owners of parcels adjoining the boundaries of the parcel(s) that contain the area of the proposed vacation.

20.70.085 Notice required – utility easement vacation only

(This has been moved to 20.70.075 – see below) Max mentioned that over the years the possibility of approving utility easement vacations administratively has been discussed. These do not require a public hearing and are finalized by resolution, so a replat is not required. This would lessen the burden on the Planning Commission, which routinely approves these, since there is usually no contention once the utility company agrees to the vacation. Notice would be sent and if there were any issues, the planning director could still take the vacation to the commission. The commission would still be approving the final resolution, which could be placed on the consent agenda.

20.70.075 Public hearing not required – utility easement vacation only. (See 20.70.080 in final proposed rewrite)

A. Where a vacation petition is for a utility easement only, the petitioner has the responsibility to obtain comments from all appropriate utility companies, including an appropriate city department if the vacation is located within a municipal boundary, and submit those comments with the petition. The petition must be signed by the owners of the land in which the easement is located. The owners' signatures are not required to be notarized. A sketch showing the location of the requested vacation must accompany the petition. A public hearing is not required in the case of vacation of a utility easement that is not associated with the vacation of a right-of-way.

B. Publication of a notice in the newspaper is not required for utility easement vacations.

C. A regular mail notice shall be mailed to each property owner as shown on the Kenai Peninsula Borough tax rolls within a 300-foot radius from the utility easement proposed to be vacated.

Suggested addition:

D. When the application is complete, the planning director will take action on the request within ten working days, either approving or denying the requested vacation. If the director approves the vacation, the resolution will be prepared and taken to the next planning commission meeting for adoption, in accordance with KPB 20.70.125. If the director denies the vacation, a letter containing reasons supporting the denial will be sent to the petitioner. The director may choose to forward any utility easement vacation request to the planning commission for action.

20.70.110 Action after denial of vacation petition

Stephanie Queen asked why there is no appeal process. Holly Montague answered that vacations are approved by the assembly, with no findings required, making them a legislative action unlike the quasi-judicial actions of the planning commission which require findings.

20.70.200 Section line easements

Max is researching to see if the borough is unnecessarily duplicating any state processes. The process at the state level is expensive and lengthy.

A cursory look at 11 AAC 51.065(c) looks like the borough could possibly decline to be involved in the process for 33 and 66 foot easements, since the state says they are all RS 2477's. 11 AAC 51.065(j) states that a plat is only required if the easement being vacated was identified on a plat or if a plat is needed to locate a new replacement easement; it states that if the plat is not needed for those reasons, the easement can be vacated by document. This could possibly be a cost and time-saving route for a petitioner. This would need to be researched – staff has never seen a SLEV document. A search of the recorder's office website was unsuccessful – there was no easement vacation document type in the list of options and no State DNR documents were returned on a search by name.

The state process for notification does not include any direct notification or publication in a local newspaper. The Borough process does include direct notification, which seems to be in the public's interest. This notice could be changed to regular mail notice, saving the Borough money and time. Additionally, the published notice in local papers could be reduced by including the publication on the Planning Commission agenda, which is published in local papers, on the Borough web site and posted in public areas, as one of the two publication requirements.

20.90 Definitions

"Domestic wastewater disposal system" – Paul V wanted to remove 'crevices, sinkholes and depressions' from the definition; it is an outdated definition.

This was the last work session. The changes will be incorporated and a draft revised code will be provided for final in-house review by Planning staff. When agreement is reached and all changes are included, a document will be sent to Legal indicating the proposed changes. Legal will review the changes, make changes to their official documentation and provide an ordinance and sectional analysis for the planning commission public hearings. When those hearings are completed, Legal will incorporate any additional changes and provide the ordinance to the administration for introduction to the assembly for public hearings and consideration for adoption.

*Note – the Planning Director later requested that the draft sectional analysis, draft rewritten code, and summaries of the work sessions be sent to the community and city Advisory Planning Commissions in time for their comments to be received prior to the first public hearing scheduled for the Planning Commission.

Janette Cadieux
P.O. Box 873
Cooper Landing, AK
99572

May 17, 2013

Kenai Peninsula Borough
Planning Department
Attn: Chapter 20 rewrite
144 N Binkley St.
Soldotna, AK 99669

Planning Commission Members:

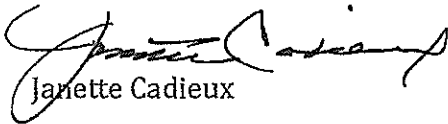
I wish to express my thoughts regarding the rewrite of the KPB Chapter 20 of borough code regarding subdivision development. Please consider the following:

1. All future subdivisions developed shall have 10-30% set aside for Inclusionary Housing to make affordable housing available to those of low to moderate incomes. Explicit guidelines for what Inclusionary Housing is shall be developed in the code. The KPB shall develop any inducements for developers/builders as is appropriate for this requirement.
2. Subdivisions shall have set backs consistent with those of Rural Residential zoning.
3. Set backs shall include septic systems as one of the "permanent structures" disallowed within the set back area.
4. Farm animals shall be disallowed on lots smaller than 2 acres except small numbers of fowl.
5. Rules shall be established for small numbers of chickens and other fowl kept in electrified/secure fencing in neighborhoods to avoid attracting wildlife such as bears or attracting/endangering predator birds with open top pens.
6. Include easement for, if not require building, sidewalks/multipurpose pathways in every subdivision.
7. Rules shall be set in place to prohibit the activities of one landowner from consistently, negatively impacting the property values or activities (or peace and quiet) of another. E.g. cutting a bank that then sloughs and causes runoff onto property downhill.
8. Disposal or storage of toxic or hazardous waste shall be disallowed in all subdivisions. This shall include the hazardous materials that might leach from derelict vehicles.
9. Road access to all subdivisions shall comply with KPB code. Pitch of roads shall not exceed 6%.
10. A subdivision road shall not negatively impact the hydrology of an area, nor particularly, any streams through the area including controlling run-off.

11. In subdivisions developed in steep terrain, set backs from the leading edge of a ridge shall be set at least 75'-100' to prohibit destruction of view shed from other areas in the community.
12. Green space shall be created between all rural subdivisions.
13. Subdivisions shall be disallowed that could potentially disrupt or interfere with established wildlife connections. Development of subdivisions near wildlife connects shall be in such a way as to minimize impact on nearby wildlife connections/corridors including spacing and sizing of lots.
14. Off highway vehicle use shall be restricted/prohibited in subdivisions.
15. Airspace above subdivisions shall be protected to avoid future recreational use of remote-piloted, flying apparatus.
16. Set backs shall be 100' from any waterways, 200' if the waterway is anadromous.
17. KPB shall have an effective and meaningful means to enforce the code.

Thank you for considering these ideas when you revise the Chapter 20 of the KPB code.

Respectfully,


Janette Cadieux

May 25, 2013

Chairman Phil Bryson
Kenai Borough Planning Commission
144 North Binkley Street
Soldotna, Alaska

Dear Phil,

As you may know, while I was out of state I had to have emergency surgery for a badly detached retina. It has not healed enough for me to safely fly back to Alaska. Unfortunately, that means I will miss the Planning Commission's discussion of subdivision codes. I realize that without benefit of hearing the staff and public discussion and the workshop information, the following comments maybe somewhat "off the mark".

I would like to provide the following for consideration:

1. Setbacks from adjacent property should apply to sewers, satellite dishes, fuel tanks and wells as well as buildings.
2. Subdivisions larger than two plots should include easements and planning for walkways. Large subdivisions should be required to provide for non motorized walkways even in "rural areas".
3. If there is any way to develop a legal provision that would allow the Planning Commission to consider existing covenants. This is not to imply enforcement responsibilities but rather gives the Commission some ability to avoid approving actions that are opposed by neighbors because of existing covenants, I think it would be useful. Perhaps we could require identification of existing covenants in the sub division application and self identification of any violation of covenants. I realize the Borough doesn't want to get in the business of enforcing covenants but just identifying them would help adjacent landowners identify proper avenues and would put developer on notice that covenants should be included in the existing development "constraints".
4. I do not even have a suggested wording for one of the major issues in Hope and Cooper Landing. There is a need for low and moderate priced housing units. Setting aside some portion of proposed subdivisions for low and moderate income housing would assist these communities in maintaining their year around residents, schools, emergency services and businesses.
5. Setbacks for subdivisions, including roads, from anadromous streams and lakes should be 200 feet.
6. Soil stability and hydrology must guide subdivision design/approval.
7. I have observed that subdivision planning bases lot sizes and shapes on insuring there is a space that can accommodate one house with the necessary supporting facilities such as septic and wells. However as time passes, additional housing units are developed without consideration of the original constraints that defined lot size and shape. Some language that limits the number of future housing units seems worth considering.
8. We live in one of the most active earthquake zones in the world, our subdivision rules need to

be developed with that in mind. As a minimum, in steep terrain, especially with unstable soils, roads and houses should only be allowed in stable areas. Buildings and roads should be setback from the ridge's edge. In steep areas with highly unstable soils, subdivisions may need to be disallowed. While private property rights are considered sacred, the costs incurred by taxpayers and down slope property owners after an earthquake should be of larger concern. We only have to look at other earthquake areas where there has been little regulation of building codes to see the cost, destruction and even loss of life that results.

9. Negative impacts to wildlife corridors or that have been identified and documented by wildlife agencies and/or are included in local APC approved plans must be avoided.
10. Subdivision development planned for single family residents should include future restrictions on multi residences being developed willy nilly.
11. Subdivisions should not interfere with existing public access to publicly owned lands and facilities.
12. Although there are current guidelines for roads requiring them to meet Borough standards, these need to be strengthened and need to include provisions that prohibit impacts such as "bank sloughing" and erosion and siltation on adjacent landowners and/or waterways.

Thank you for the opportunity to comment albeit is not as effective as being present for this important discussion.

Sandra Holsten
PO Box 790
Cooper Landing, AK 99572



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MANAGER'S REPORT

August 26, 2013

TO: MAYOR WYTHE / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

1. **Gasline Progress:** Enstar reports that the pipeline purge which occurred on Friday was successful. This means that the main trunk line from Anchor Point is now filled with gas all the way to the High School and the Methodist Church. The next step is to start purging the smaller main lines in the distribution system. Once that occurs, people can start hooking up. UTI reports very good progress on the distribution system. They plan on bringing in a second crew soon and will be working right up to the Holidays if weather permits. Enstar has started preliminary survey and permitting work on Phase II.
2. **Coast Guard Commandant Visits Homer:** The Commandant of the Coast Guard visited Homer for a few hours on Wednesday, the 21st. The Mayor, Bryan Hawkins, Katie Koester, and I had lunch with him and Senator Murkowski aboard the Hickory. We discussed City port and harbor projects that affect the Coast Guard, Coast Guard housing, and the future of the Coast Guard in Homer and the arctic.
3. **Capital Projects:** This agenda contains a new CP booklet and a draft resolution with the new top five project priorities. We have been discussing the top five as proposed at the workshop and it is obvious that some of these projects are not well defined or even close to "shovel ready" (especially the public safety building and the roads package). Therefore, if these projects remain on the priority list, we have some work to do between now and January when the legislature convenes. We have some suggestions about how to proceed; steps we can take between now and January to move these projects along and get them in a more "fundable" position. We hope to talk about this a little at the 4 PM workshop. Chief Painter and Chief Robl will both be at the workshop to answer questions about the public safety building and new fire department equipment.
4. **New Superintendent at PW:** The City has hired a new Public Works Superintendent to replace Jan Jonker who recently retired. His name is Richard Hill and his first day at work is August 27. Richard spent many years with the Nevada Department of Transportation as a superintendent for highways. His experience is well suited for this position. He recently moved to Homer. Please give him a warm welcome when you see him.
5. **Proposed Code Amendment / Nonconforming uses:** This agenda contains an ordinance, sponsored by the Mayor and the Manager that would amend the definition of "discontinued" when that term is applied to nonconforming uses. Right now, the code provides that if a nonconforming use is discontinued for a year, that use is no longer permitted and cannot continue. The proposed amendment essentially says that the clock stops if the owner dies and the transfer to the new owner is tied up for some legal reason, like probate court or any legal reason that would delay transfer of title or otherwise prevent the new owner from continuing the nonconforming use.

6. Capital Projects: The project ball just keeps rolling along. Give Carey a pat on the back when you see him. The new project manager, Dan Nelsen, has been a tremendous help. Contracts have recently been signed for the work on System 5 in the harbor and for demolition of the redwood tank. We recently signed an agreement with the Mental Health Trust which will allow construction of the revetment at the harbor entrance to proceed this fall. Construction of the new bathrooms is well underway, as is the new road LID project near the Ocean Shores Motel. The new port and harbor building committee is scheduled to meet soon. The design is well underway for the Skyline Fire station. This just scratches the surface. We can talk about this more at the meeting.
7. Police Department: The police have been very busy this summer. The statistical report and the number of overtime hours logged backs this up. The jail has been very busy. Problems recruiting and retaining qualified staff in dispatch continues to be a concern which we are attempting to address.
8. Library: The Library Director also reports heavy use of the library this summer. Statistics on visitation there will be available shortly. The library is a huge community asset and I wish I had a nickel for every time a visitor has told me that one of the highlights of their time in Homer was spending time at our magnificent library.
9. Planning Department / Planning Commission: Rick reports that the staff and the Commission are making good progress in knocking items off their work list. Much work has been completed. This work often flies under the radar but it is very important. Much of this work targets implementing adopted plans and working toward a healthy, safe, and attractive community which has a high quality of life and is vibrant economy. Rick asked if I or the Council had any specific new projects that we would like the staff and/or the PC to take on.
10. Finance Department: The finance department is working hard on the new budget and on implementing the new water and sewer rates. In the next few months, they will be sending out notices about the changes in the rates so no one is caught be surprise in January.

ATTACHMENTS

None



City of Homer

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MANAGERS REPORT

September 9, 2013

TO: MAYOR WYTHE / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

1. **Gasline Progress:** Enstar reports that the pipeline purges which have been taking place through much of downtown this week have been successful. They are confident in the quality of the construction. By the time Council reads this report, much of the distribution system between East and West Hill Road will be energized and filled with gas. Enstar has exhausted the State Legislative Grant on the Trunk Line and is now using its own funds for the final 3 miles of construction. Recall that this money will be repaid by consumers with a \$1.00 per mcf surcharge until the amount Enstar "advances" is repaid. This amount is still estimated to be around \$2.5 Million. The City is applying for full reimbursement of the grant proceeds. Enstar reports that it is running slightly over the trunk line budget but under the distribution system budget.
2. **Port:** You may have noticed the increase in business for vessel repair and scrapping at the beach haul out area. There is great demand for this service and I think it bodes well for the utility of the proposed barge mooring and haul out facility capital project. Vessels that are hauled out in this area pay regular moorage fees if they are on the tidelands and storage fees if they are on the uplands. These activities also generate jobs and tax revenues. Of course, the vessels are also unsightly and a nuisance to some. This year we had to move and inconvenience some campers a little early due to business demand. Not all of the campers were happy and you may be contacted about it. Some campers are really interested in the work going on there. Others say it blocks the view (which it does) results in too much noise, and generally degrades the camping experience.
3. **Water Trail:** Last week Bryan Hawkins and Angie Ottesen met with Dave Brann at the site of the water trail launch. The purpose of the meeting was to decide where to place the plaque the steering committee received. The plaque will be mounted on a large granite stone that is being donated. It will be a nice monument demarking the official start of the trail.
4. **Beluga Slough Trail.** Carey Meyer is working with the U.S. Fish and Wildlife Service to install interpretative signage on the newly reconstructed Beluga Slough Trail. The current plan is to commission a poet to write poetry that would double as interpretative signage. In other words, the poetry would tell the story of Beluga Slough and the resource values it represents. This should be terrific. This could only happen in Homer!
5. **Public Safety Building:** This agenda contains a resolution and an ordinance pertaining to the new proposed public safety building. You will notice that the ordinance contains instructions for me to use the GC/CM method of construction and to post an RFP for these services. This is what we recommend. We should talk about it more at the meeting to be sure Council is in agreement. Also, Council might want to consider forming a building committee, like it did with City Hall and the Harbormaster Building. Using the GC/CM method along with a building committee has been very successful for us in the past. In addition to getting ourselves in good position for the legislative session, we are also starting work on securing funding from other sources. In the next

few weeks, Chief Robl and I will be meeting with the DOC Commissioner to talk about the new jail. The State is very interested in seeing a new jail here and will provide funding for it. Also, Chief Painter has learned that FEMA will pay for up to 75% of the cost of constructing new Emergency Operations Centers. This building will house the EOC.

6. HERC Building: Carey has obtained an estimate for demolition of the HERC Building. The estimate includes both buildings. It is not as much as we anticipated. I will have the number for you at the meeting. I believe Katie may have mentioned it in her report. So, this is an important piece of the decision making matrix for this building.
7. Bathrooms: You have probably noticed that the new bathrooms are rising up quickly. People notice the ones at WKFL Park and Bartlett/Pioneer but the ones farthest along are at the Deep Water Dock and End of the Road Park. Enstar has agreed to run service lines to the Spit restrooms this year, even though they would normally be part of Phase II. This will allow us to pave over the lines this year as part of the construction project. It will save us money to do it this way and we appreciate Enstar's willingness to work with us.
8. System 5 Improvements. At the last meeting we reported to you about a large change order I approved for work at System 5 in the harbor. The change order will allow us to provide more electrical services and will greatly improve service there. The Council will see a very quickly payback and significant increase in business and customer satisfaction because of this move. We appreciate your support.
9. Water Treatment Plant and Sewer Treatment Plant. During the discussions about the new water and sewer rate model, there was frequent reference to the City's sophisticated water and sewer treatment plants and the high level of training and expertise of our employees. City employees have won several awards over the past few years as Council knows. Attached are two recent articles in professional journals about both treatment plants. I hope the Council members will be proud they read these articles. We will try and do a better job of getting this type of information out to the public because it is very informative.
10. Budget: We are working internally on the draft budget and at this point, are on target to deliver it to Council on October 14 and introduce the budget ordinance and supporting resolutions on October 28.
11. New Water Tank: At the last meeting, some questions came up about the proposed new water tank on Shellfish. Attached is a letter that went out to the neighborhood informing property owners of the project and soliciting their input.

ATTACHMENTS

1. Water Treatment Plant and Sewer Treatment Plant Articles
2. Employee Anniversary letter

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PAGE 28

All In for the Hometown

**JOHN McCOOL OPERATES
HIS PLANT WITH CARE FOR
THE TROUT DOWNSTREAM AND
RESIDENTS' POCKETBOOKS**

PAGE 30

**In My Words:
Behaving like a business**

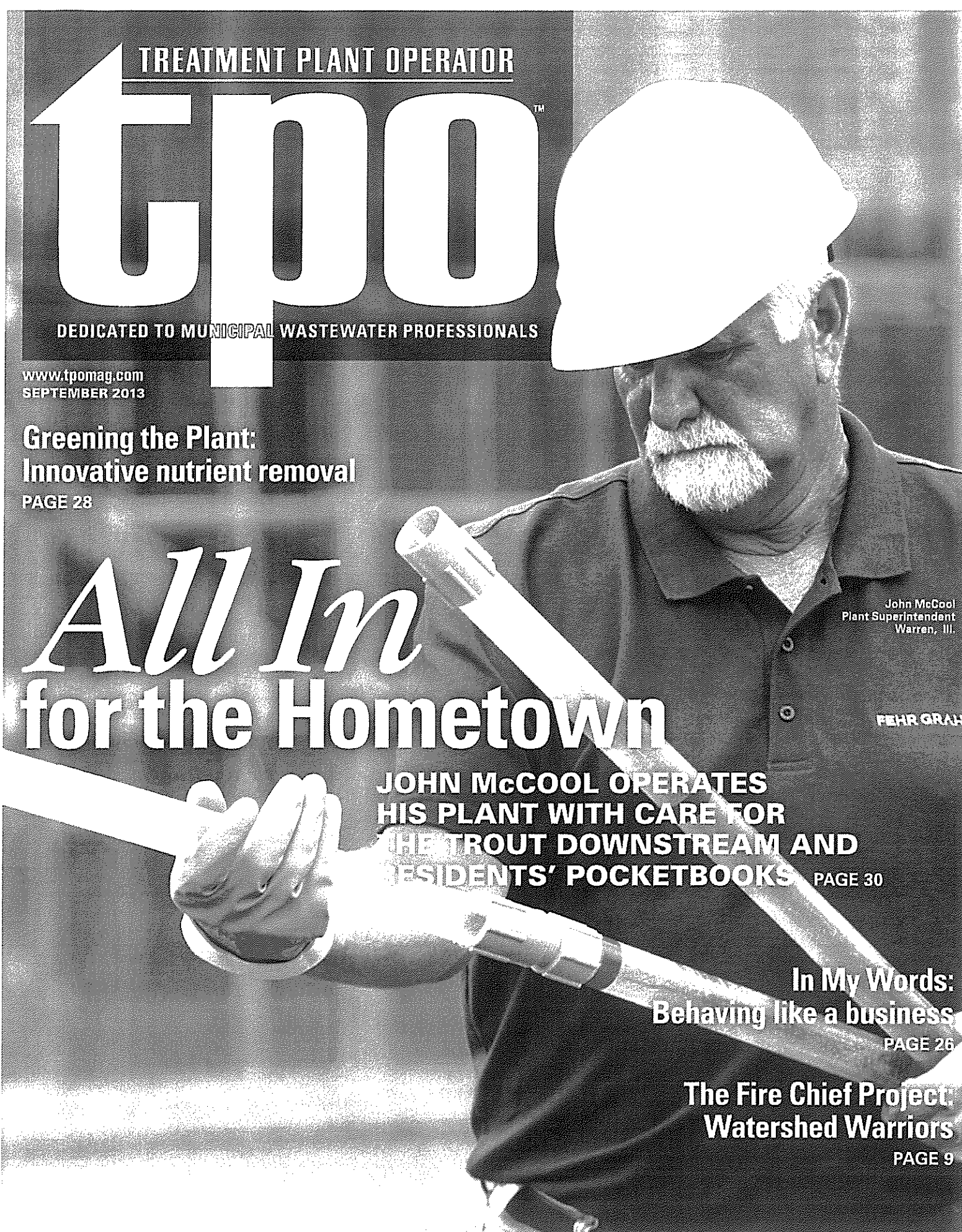
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**The Fire Chief Project:
Watershed Warriors**

PAGE 9

John McCool
Plant Superintendent
Warren, Ill.

FEHR GRASS



top performer:

PLANT

in Depth



Operating team members in Homer split their time between the Deep Shaft Treatment Facility and the Bridge Creek Water Treatment Facility. They include, from left, Dave Welty, operator; Paul McBride and Bob Koslerek, building maintenance; Joe Young, operator III; Jerry Lawver, lead operator; and Todd Cook, wastewater superintendent. (Photography by M. Scott Moon)

A DEEP-SHAFT ACTIVATED SLUDGE SYSTEM HELPS THE HOMER TREATMENT PLANT PRODUCE CONSISTENTLY GOOD EFFLUENT DESPITE ALASKA'S CHILLY CLIMATE

By Jim Force

THE MOUNTAINS, FORESTS AND CLEAR WATERS OF Kachemak Bay make Homer a favorite spot for Alaska's summer tourists. Year-round residents enjoy those features, too, along with a municipal water and wastewater infrastructure that protects the natural resources, while delivering reliable and efficient service.

The Homer Wastewater Treatment Plant is a case in point. Situated near the shore of the bay, the plant uses an innovative deep-shaft aeration system that

provides effective biological treatment in this cold climate and lowers the plant's profile so it doesn't interfere with the town's travel-brochure views.

The deep shafts are the central part of a treatment train that treats a daily average flow of 0.3 to 0.5 million gallons and returns clean water through a 2,100-foot outfall to the bay. "We have some of the most picturesque views you can get," says Todd Cook, wastewater superintendent for his hometown. "Visually, it's an awesome place." Another reason deep-shaft technology was the choice for Homer is that U.S. EPA innovative technology funding was available for it.

A STEP UP

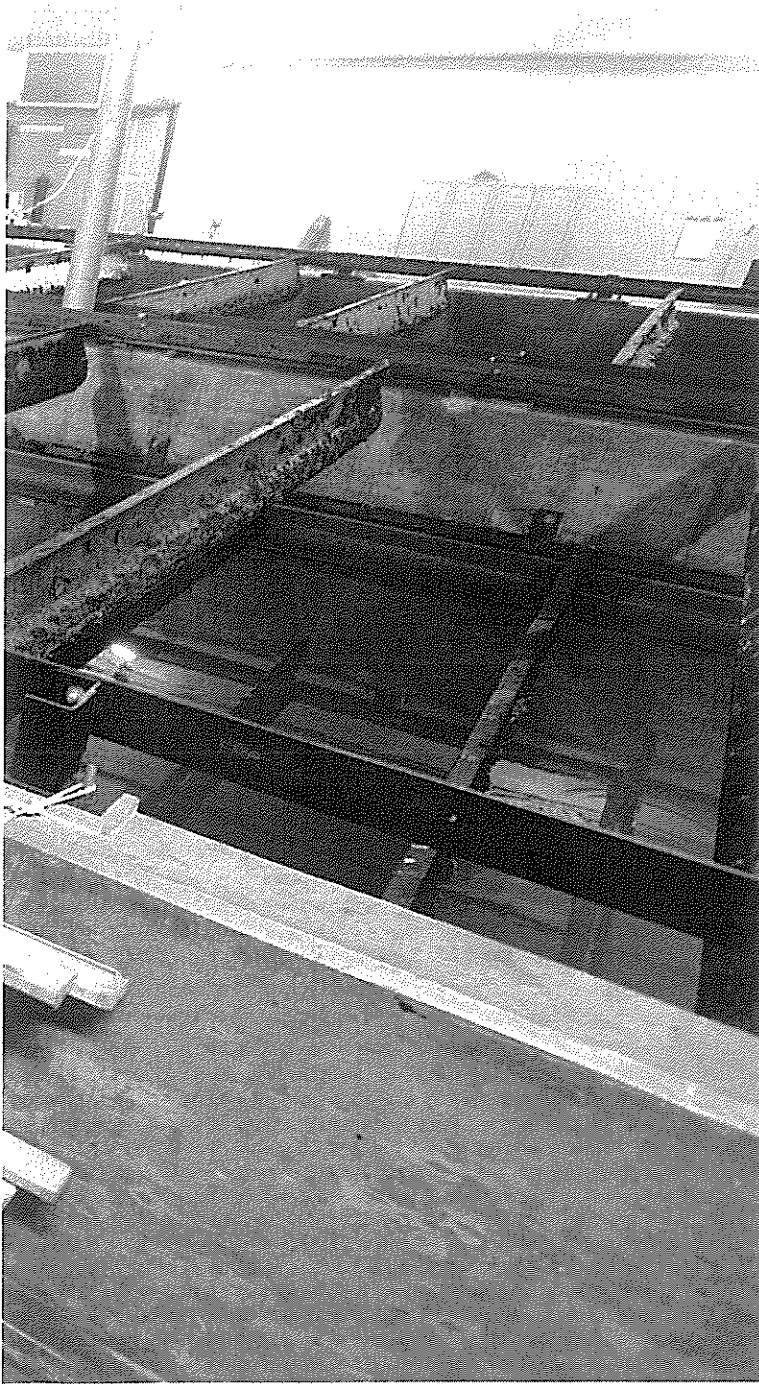
That was in 1991, when the Homer plant was upgraded from an old sewage lagoon system that Cook says wasn't cutting it anymore. "The quality of the effluent coming out of the ponds was not what the regulators wanted," he says. "We could only get so much treatment out of the lagoons. Besides the beaches and fishing, there are also shellfish here. We needed to increase treatment and get better-quality effluent."

In the upgraded treatment scheme, wastewater enters the plant through an influent pump station powered by four Flygt pumps, two in operation at any one time, controlled by an automatic level control sensor (Siemens). Two pumps are rated at 700-800 gpm and the other two at 1,000 gpm.

An old bar screen (John Meunier) removes rags, and a conical T-Cup Eutek centrifuge (Hydro International) takes care of grit, which is deposited in one of the old treatment ponds. Sharps and plastics pass through a grinder. Then the flow heads down the hatch.

Homer has a twin deep-shaft system — a splitter box directs flow to one or both shafts depending on volume. Each shaft extends 500 feet below the surface. The raw wastewater and return activated sludge (RAS) enter the system through an 18-inch inner pipe, passing to the bottom where the flow injected with 40 cfm of air at 80 psi from a 60 hp rotary screw compressor (Rogers Machinery). In a 5-foot-deep space at the bottom of the shaft, the flow transfers to the outer pipe and returns to the surface. The main pipe casing is 30 inches in diameter on each shaft.

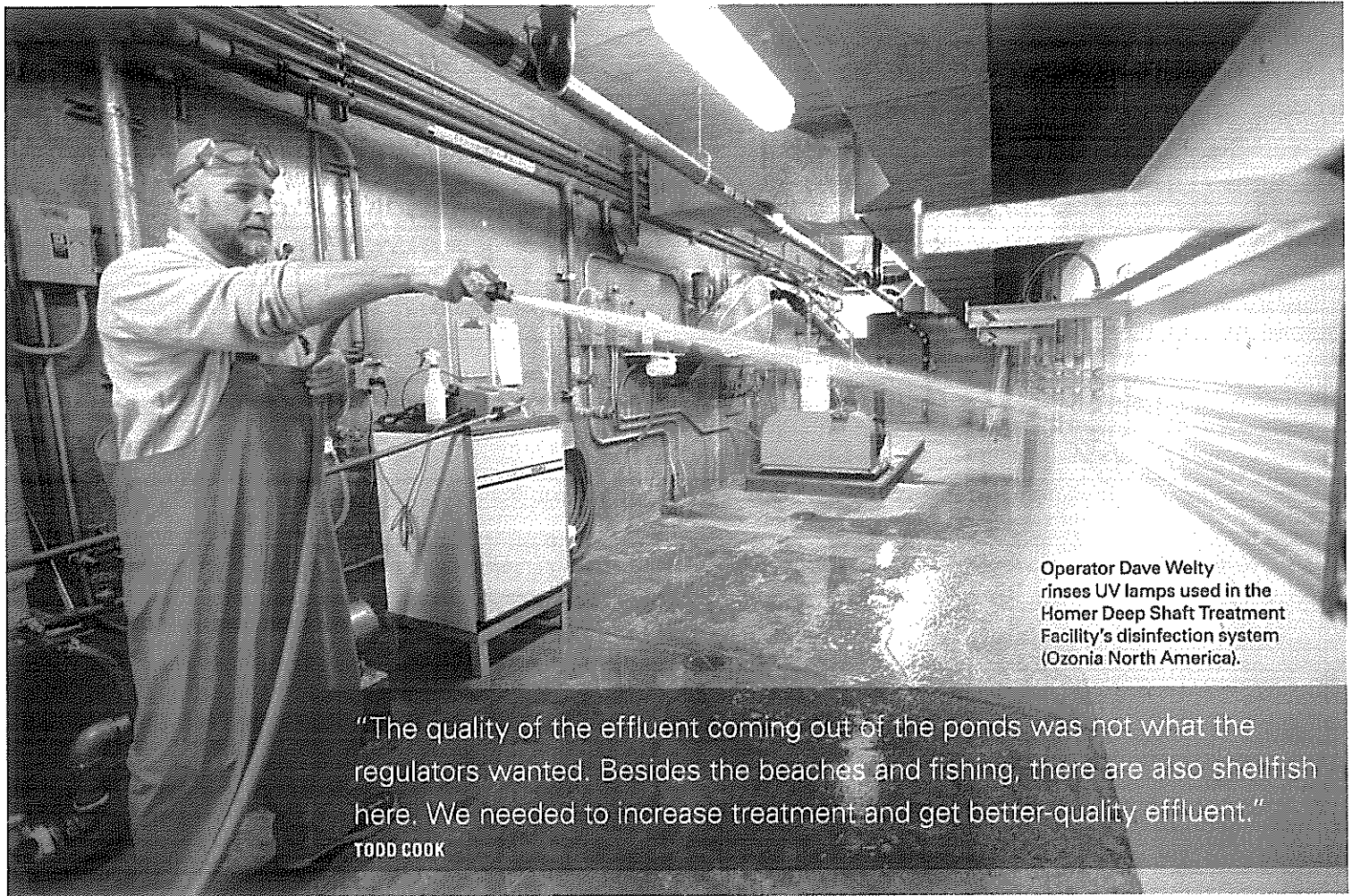
The mean cell residence time at normal flow rates is about two days, Cook says. "Things run so steadily,



profile City of Homer (Alaska) Wastewater Treatment Plant

BUILT:	1990
POPULATION SERVED:	6,500
FLOWS:	0.3 mgd average, 0.5 mgd summer, 1.5 mgd maximum
TREATMENT PROCESS:	Deep-shaft aeration
TREATMENT LEVEL:	Secondary
RECEIVING WATER:	Kachemak Bay
BIOSOLIDS:	Aerobic digestion, drying beds, cake to landfill
ANNUAL BUDGET:	\$1 million
WEBSITE:	www.cityofhomer-ak.gov
GPS COORDINATES:	Latitude 59°38'31.74" N; Longitude 151°31'57.01" W





Operator Dave Welty rinses UV lamps used in the Homer Deep Shaft Treatment Facility's disinfection system (Ozonia North America).

"The quality of the effluent coming out of the ponds was not what the regulators wanted. Besides the beaches and fishing, there are also shellfish here. We needed to increase treatment and get better-quality effluent."

TODD COOK

**City of Homer (Alaska) Wastewater Treatment Plant
PERMIT AND PERFORMANCE**

	INFLUENT (Avg.)	EFFLUENT (Avg.)	PERMIT
BOD	293 mg/L	13 mg/L	Monthly 30 mg/L Weekly 45 mg/L Daily Max 60 mg/L 85% minimum removal monthly
TSS	306 mg/L	13 mg/L	Monthly 30 mg/L Weekly 45 mg/L Daily Max 60 mg/L 85% minimum removal monthly
Nitrogen	N/A	15-30 mg/L	Report in mg/L

it's almost boring," he says. "But sometimes boring is nice. Typically, plants use deep-shaft technology because they need a smaller footprint. The systems were first used in Europe, but when funding became available, we went for it."

Homer's northern location was an important factor in the decision. "I've worked in other activated sludge plants up here," says Cook. "The weather wreaked havoc. By having the shaft in the ground, the temperature stays stable, and that helps the biology." Keeping the plant running along with Cook are Jerry Lawver, lead operator; Joe Young and Dave Welty, operators; and Paul McBride and Bob Kosiorek, maintenance technicians.

Maintenance is minimal: "We really don't have to clean the shafts as long as nobody drops anything in them. There are a few items down there, but nothing worth going after," Cook says. The crew takes the head tank down periodically to remove rags and some grit and clean off the concrete to prevent deterioration from hydrogen sulfide.

After treatment, a pair of rectangular flotation clarifiers separate mixed liquor from the treated effluent. Between the shafts and the clarifier, the Homer team adds cationic polymer (Hydrofloc 1665 by Russell Technologies) to promote solids coagulation. "Because of all the air entrained in the mixed liquor, our solids float, rather than settle," says Lawver.

Both clarifiers discharge to a common effluent channel, which directs the water to a UV disinfection system (Ozonia North America) consisting of two banks, each

with 12 racks of four bulbs (SunRay or UV Doctor). After disinfection, the flow passes to Kachemak Bay. "The Bay has good tidal action, from negative 3 feet to plus 16 feet, so we get good mixing and flushing," says Cook.

The system produces about 10,000 gallons a day of waste activated sludge (WAS), which is transported by Moyno pumps to two 50,000-gallon aerobic digesters. Cook and his staff run the digesters in series; WAS enters the first digester and decants to the second digester, which in turn decants to one of the former treatment ponds.

"We operate our digester at 8,000 to 15,000 ppm TSS," says Lawver, noting that the organic loading on the plant is much higher in the summer. "We

(continued)

DEEP SHAFTING

Even though deep-shaft aeration systems (also known as vertical bioreactors, or VBRs) were introduced in the mid-1970s and are common in other parts of the world, the City of Homer was the first treatment plant to install one in North America. Since then, says Todd Cook, plant superintendent, a second deep-shaft system has started up in the city of Dawson in the Yukon.

The systems are well suited to small footprints and to cold temperatures. At Homer, the system is positioned in a moderate-sized building that also contains the headworks, digesters, and UV disinfection system. A typical deep-shaft unit can be several hundred feet deep, consisting of a riser pipe and down-comer.

As wastewater and return activated sludge (RAS) fill the shaft, compressed air is forced into the solution at the base of the shaft, providing a highly efficient source of oxygen for the activated sludge biota. The rising oxygen and injected RAS assure adequate mixing. At the surface, the treated liquid is decanted and separated from solids. Though relatively high in construction costs, deep-shaft treatment is highly efficient with superior oxygen transfer rates and an absence of sludge bulking.

see a reduction of 2,000 to 4,000 parts in TSS from digester to digester."

From the pond, solids are pumped to drying beds, which are covered against wet weather. According to Lawver, the biosolids dry to about 35 to 40 percent solids, resulting in 400 to 500 cubic yards of cake per year, hauled to a landfill and used as landfill cover.

Cook and his staff also operate the Homer water treatment facility, so they split duty between the two plants. "Generally, we have an operator and a mechanic at both plants most of the day," says Cook. "If we have a big project at either plant, then it's all hands on deck. We flip flop just to keep things fresh."

The crews work overlapping schedules, half Monday through Thursday and the other half Tuesday through Friday. To fill in for the operator who is off-duty, Lawver covers one of the plants on Mondays, as does Cook on Fridays. "It gets our hands back into the operation," Cook says. "This paperwork stuff is for the birds." A SCADA system (S&B Controls with Siemens controllers) provides automatic control and monitors the operation.

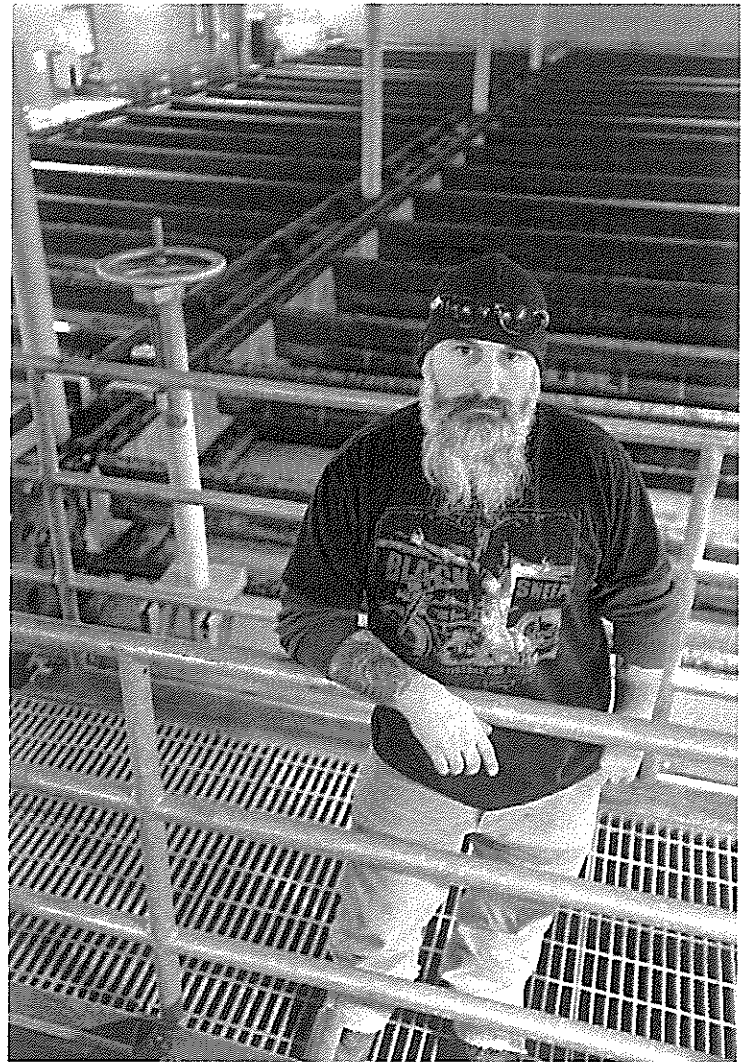
TACKLING CHALLENGES

While it's generally "steady as she goes" at Homer, Cook and his staff have faced their share of challenges. One issue involved the recycle of return activated sludge. "The original design used head pressure to get solids to recycle off the bottom of the clarifier," says Lawver. "But we were getting more liquids than solids and that was throwing off our polymer injection rates, because those are based on flow. Our sludge was not coagulating as well as it should have, and our fecals were going up."

Now, "Homer homemade" airlift pumps have been installed in the clarifiers to pull RAS off the bottom, says Cook. While that has solved the polymer feed issues, it also added to maintenance because the pumps get jammed with rags from time to time.

Another issue has been algae growth in the decant ponds after the aerobic digesters, but a new solar-powered floating mixer (SolarBee) may have taken care of the problem. "We used to get long, stringy green algae," says Lawver. "It didn't inhibit the treatment process, but once it started, we couldn't get rid of it."

Homer was using UV inhibitor chemicals to counter the algae but since has switched to the surface mixer. The mixing impeller is 30 inches in diameter and shears the water molecules, throwing them back across the surface of the water. One impeller covers the 1.4-acre pond, keeping dissolved oxy-



Todd Cook, wastewater superintendent.

gen up to the desired level of 1.0 mg/L. Solar powered, the unit offsets about 30 hp that normally would be required for mixing.

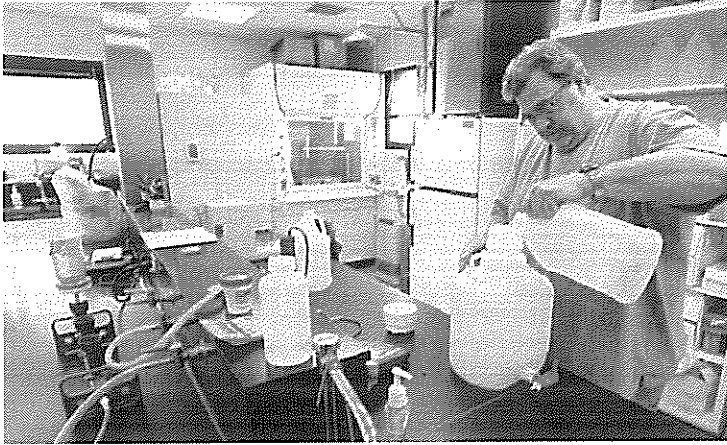
Due to infiltration and inflow, the Homer plant tends to get high flows in springtime. "The seasonal change makes things a bit challenging for us," says Lawver. The spring breakup of ice and snow from connected roof drains and basement sump pumps add to the volume of water. "We chlorinate with 12 percent sodium hypochlorite as a backup during these high flows, and dechlorinate with sodium bisulfate," Lawver says.

Other staff-driven changes are adding to treatment efficiency. Homer will replace its old bar screen with a rotary drum screen later this year, and that will help greatly with rag removal.

Improvements have been made to the polymer system, as well. "We replaced our polymer system with a new dry feed system from Fluid Dynamics," Lawver says. "We're happy with it. We couldn't get parts anymore for the old system."

ENERGY SAVINGS

Energy conservation is also paying dividends. According to the U.S. Energy Information Administration, Alaska has the fifth highest electricity rates in the country — 14 to 16 cents per kWh — so conservation can save significant money. "We've replaced all our ballasts and installed motion-sensored lighting throughout the plant," Cook says. The team has also installed new transformers in the UV system, and has replaced mercury vapor lighting with LED lights.



Lead operator Jerry Lawver prepares to conduct a BOD test.

"I've worked in other activated sludge plants up here. The weather wreaked havoc. By having the shaft in the ground, the temperature stays stable, and that helps the biology."

TODD COOK

Finally, the plant's deep-shaft system requires just one of the pair of compressors to provide the air needed for biological treatment.

The energy program has won a state award. The product of a citywide energy audit and upgrade plan developed by Siemens and Sylvania, with local electrical contractors, Homer's conservation measures were funded by a state grant and received recognition in the Great Alaska Energy Challenge in 2011. Other awards for the plant include:

- 1993 Outstanding Plant of the Year, Alaska Water Wastewater Management Association, Southeast Region
- 1993 Large System Plant of the Year, AWWMA statewide
- 2011 Wastewater Treatment Plant of the Year, Alaska Rural Water Association

Cook has used the honors to boost the image of his plant and operators in the community: "It gave us some bragging rights. We received a proclamation from the city council, and our staff received awards. We've been on the local radio station."

The recognition has made the energy conservation measures known and has also boosted public confidence in the plant while giving its operators due credit, Cook believes. That's especially important in Homer where the wastewater treatment facilities themselves are nearly out of sight. **tpa**

more info:

Fluid Dynamics Inc.
888/363-7886
www.dynablend.com

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www.flygtus.com
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www.ozonia.com

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www.rogers-machinery.com

Russell Technologies
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www.russell-technologies.com

Siemens Water Technologies Corp.
866/926-8420
www.water.siemens.com

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866/437-8076
www.solarbee.com



NEVER SATISFIED

A new ultrafiltration system resolved many issues for the team in Homer, Alaska, but that doesn't keep them from working diligently to continue getting better

STORY: **JIM FORCE**
PHOTOGRAPHY: **M. SCOTT MOON**

Perfectionists. That's the conclusion you draw after a conversation with the treatment crew at the 2 mgd Bridge Creek Water Treatment Plant in Homer, Alaska. Superintendent Todd Cook and his staff strive to improve constantly as they deliver drinking water to 1,500 customers in this community on the Kenai Peninsula, 200 miles southwest of Anchorage.

The plant includes the largest ultrafiltration membrane installation for drinking water in the state, but the Homer operators don't let such advanced technology keep them from tweaking plant processes and adjusting chemistry. They're on the alert against organics, iron and manganese, disinfection byproducts and more, and they have even made adjustments to the membranes and the control systems to give them better results. "We don't get bored around here," Cook says.

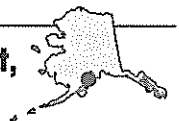
Step up to membranes

For many years, the Bridge Creek plant used pressure sand filters, but frequently had to deal with filter blinding. Filter backwashing required a high volume of water, reducing the amount of finished water for customers to only 40 to 60 percent.

The ZeeWeed ultrafiltration units (GE Water & Process Technologies) are the highlight of a major plant upgrade completed in 2009. Raw water comes from the 35-acre Bridge Creek Reservoir, a few hundred yards from the plant. Byron Jackson multi-stage turbine pumps (Flowserve Corp.) bring the water uphill to the plant, where it passes through strainers (S.P. Kinney Engineers) and then is mixed with recycled water decanted from the filter backwash water ponds.



Bridge Creek Water Treatment Plant, Homer, Alaska



BUILT: | 1970s (membrane plant started 2009)

TREATMENT CAPACITY: | 2 mgd

SERVICE AREA: | City of Homer, plus users in two neighboring communities

CONNECTIONS: | 1,500

SOURCE WATER: | Bridge Creek Reservoir

TREATMENT PROCESSES: | Rapid mix and flocculation, ultrafiltration

INFRASTRUCTURE: | 43 miles of distribution lines, 22 pressure-reducing stations, 5 water storage tanks

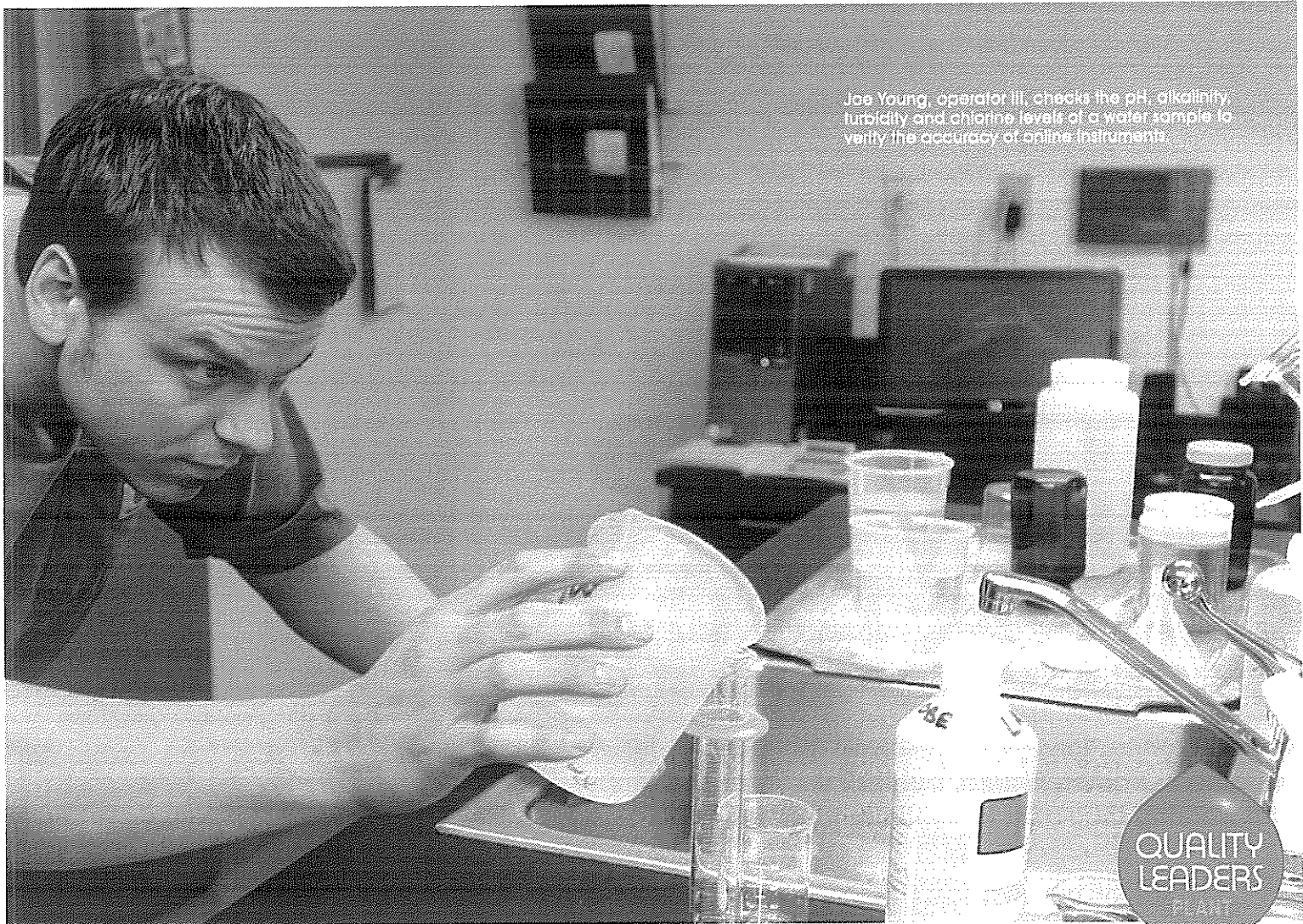
SYSTEM STORAGE: | 2.1 million gallons

ANNUAL BUDGET: | \$1.9 million

WEBSITE: | www.cityofhomer-ak.gov

Alum is injected in a rapid-mix tank to promote development of pin-floc in the flocculation basin, which is equipped with three impellers. "We don't want a bigger floc, because that could blind the membranes," explains Jerry Lawver, lead operator.

After the floc basin, the water is gravity-fed to the membranes. The membrane train consists of five cassettes, each with 48 modules. The cassettes can hold 64 modules, a feature that will make it easy to expand. Each module contains thousands of vertically strung membrane fibers, with millions of microscopic pores in each strand. Water is filtered by



Joe Young, operator III, checks the pH, alkalinity, turbidity and chlorine levels of a water sample to verify the accuracy of online instruments.

applying a slight vacuum to the end of each fiber, drawing the water through the pores and into the fibers themselves.

The filtered water is dosed with orthophosphate for corrosion control and adjusted for pH with caustic soda. Chlorine for disinfection is generated onsite in a Miox system, which creates sodium hypochlorite and hydrogen gas through electrolysis of salt.

While on-site generation is becoming more common due to the risks of transporting chlorine over the road, Homer uses the technique mainly because shipping chlorine to the plant would be difficult. "There are few roads, or no roads, up here," Cook says. "Liquid chlorine would have to come by boat and would be classified as a hazardous material."

The filtered, chlorinated water flows to a 1-million-gallon clearwell, then downhill to the city distribution system, which consists of just over 43 miles of pipe and 22 pressure-reducing stations. A small portion of the finished water is provided to private haulers who deliver it to customers in two neighboring communities.

Besides Lawver, Cook's staff consists of Joe Young and Dave Welty, operators, and Paul McBride and Bob Kosiorek, maintenance technicians. They follow a standard membrane cleaning protocol. The filter modules are regularly back-pulsed with an air scour feature and backwashed by reversing the flow. In a maintenance clean, the membranes soak for 15 minutes in a solution of chlorine or citric acid. A full recovery clean involves soaking in a chlorine solution for six hours.

Filter backwash water passes to two backwash water ponds in series. As solids settle, clear water decants from the first pond to the second. From the second, water is returned to the plant inlet, where it is mixed

with raw water. The water recovery rate is 92 percent, meaning that only 8 percent of the water being processed does not end up going to customers — that's a huge improvement over the old setup.

Keeping it running

While the upgrade to membranes has resolved the issue of filter blinding and low water recovery rates, the Homer team continuously seeks to improve treatment operations and water quality. Iron and manganese can cause problems. Cook and his crew have found that the membranes remove most of the iron, but only about half of the manganese. "We used to get black water complaints, and the clear tubing on our chlorine meters would turn black," Cook says.

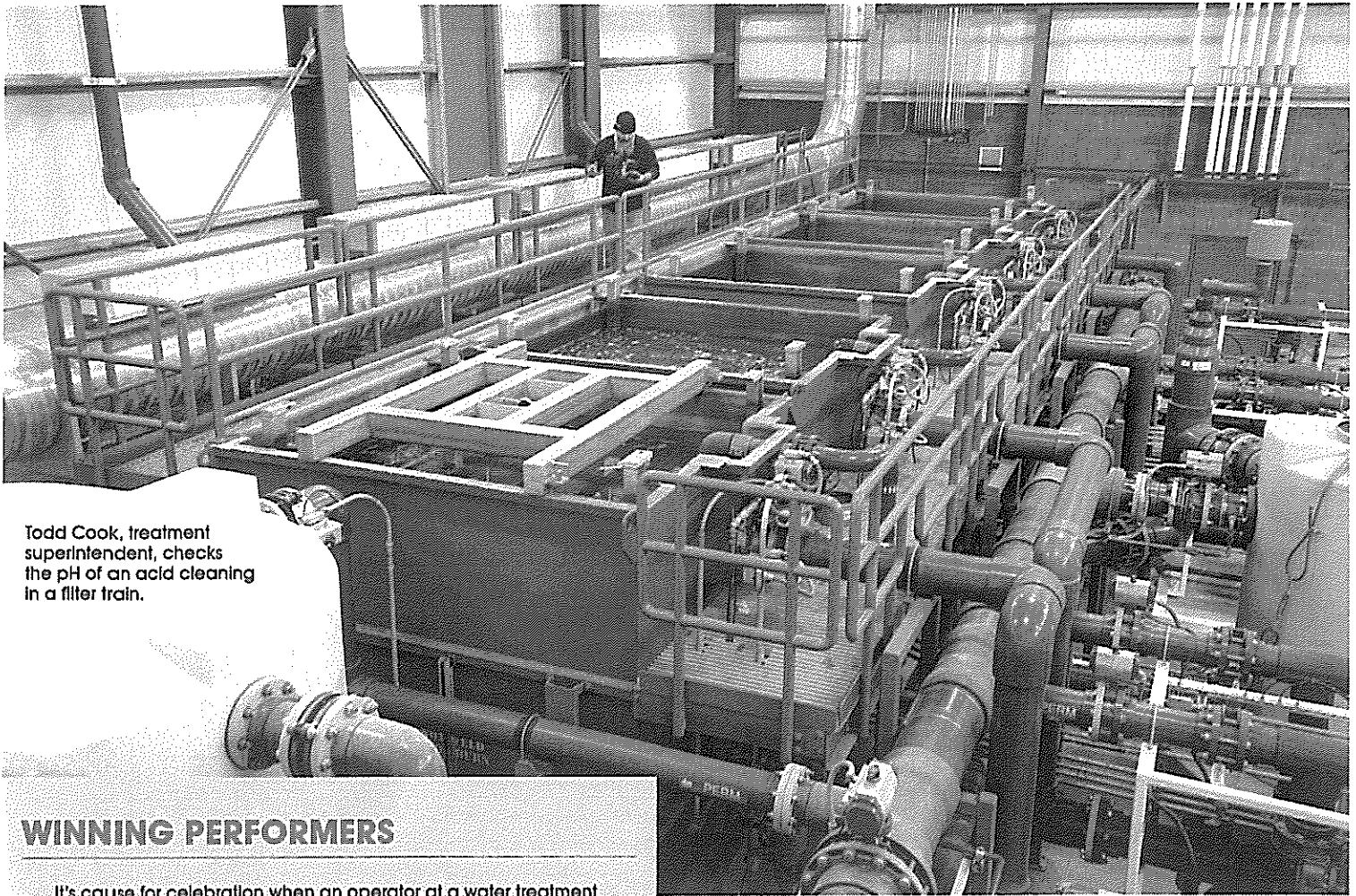
By experimenting with increases in the orthophosphate and caustic soda injection rates, the Homer staff brought the manganese issue under control. "We upped the phosphate addition from 0.2 to 2 ppm and are now back to 1 ppm," explains Cook.

“We don't get bored around here.”

TODD COOK

to increase pH and maintain it at 7.5 to 8.0. The operators have taken several other measures to minimize DPBs. "We have only 1,500 connections, and over 43 miles of water distribution lines," Cook says. "That's a lot of standing water in the system."

QUALITY LEADERS PLANT



Todd Cook, treatment superintendent, checks the pH of an acid cleaning in a filter train.

WINNING PERFORMERS

It's cause for celebration when an operator at a water treatment plant wins a prestigious state award; it's an even bigger deal when two operators are so honored. At the Bridge Creek Water Treatment Plant, Joe Young and Jerry Lawver received the Alaska Rural Water Association Operator of the Year Award in 2011 and 2012.

They're both invaluable to the success of the Bridge Creek operation, says treatment plant superintendent Todd Cook. "Joe has a mechanical background," Cook says. "He's sharp, and our go-to guy for SCADA issues. Jerry's been here since 1991 and brings a lot of experience to the table. He became our lead operator in 2011."

Young started with the City of Homer in 2007 as a treatment plant mechanic and has applied himself to learning the treatment techniques of both the water and wastewater plants. "Not only does he do an outstanding job operating the plant, but his knowledge of computers and the SCADA systems is invaluable," says Cook. "He is willing to tackle any challenge that may arise, and I have found nothing that he can't figure out given the time and resources."

Lawver has 26 years' experience in water and wastewater, 21 with Homer. As lead operator, he is responsible for operating Alaska's largest drinking water ultrafiltration plant. "Jerry has been very helpful in passing his knowledge on by training new operators on the system," says Cook. "He has probably forgotten more about this plant than most operators will ever know. He is always trying to optimize the operation to run the system as efficiently as possible."

The Alaska RWA presents its operator awards — based on outstanding performance and professionalism — at its annual training conference each fall.

The utility recently added variable-frequency drives on its pumps and motors as a way to keep water moving throughout the system. Before, the pumps ran on a fill-and-draw basis; in winter it took six to eight hours to fill the storage tank, and then the system would shut down for 16 to 18 hours. "With the VFDs, the pumps are running at a slower pace and the water keeps moving in the system," says Cook. "We've seen some reduction in DBPs, and our power consumption is more efficient."

The staff also pays close attention to organics. Influent TOCs come in at about 4 parts per million and leave the membrane system at 2 ppm or less. The operators rely on UV transmittance testing to track TOCs in the raw and finished water, enabling them to better adjust the plant's alum addition rates.

"We use hand-held UVT meters from Real Tech so we don't have to send samples out for analysis," says Cook. "There's a direct correlation between TOCs and UV transmittance. The higher the UV transmittance through the water, the better organic kill we're getting. So if our UV transmittance is in a certain range, we know our TOCs are in a certain range, and can adjust our alum dosage rates accordingly. We don't want to overfeed or underfeed alum."

On the other hand, turbidity is not an issue. "Our source water is very low in turbidity," says Cook. "The turbidity in our finished water is 0.02 NTU, rock solid. The filters pretty much do what the manufacturer says they'll do. They're awesome from that standpoint."

That wasn't always the case in the old days; Lawver remembers the staff used to "backwash and hope the turbidity would come down, then backwash and hope the turbidity would come down." When summertime temperatures reach into the 60s and 70s, the reservoir can experience



Jerry Lawver, lead operator, takes a routine coliform water sample from a homeowner's tap.

algae and diatoms. "You can see them in the vial, and they used to blind off the old sand pressure filters. Slime would build up. But they don't blind off the membranes."

Final analysis

Nearly five years into the \$11 million upgrade, Cook and his staff are pleased with the results but nowhere near ready to slack off on fine-tuning. "Our membranes have been pretty bullet proof so far," Lawver says. "They're making good water."

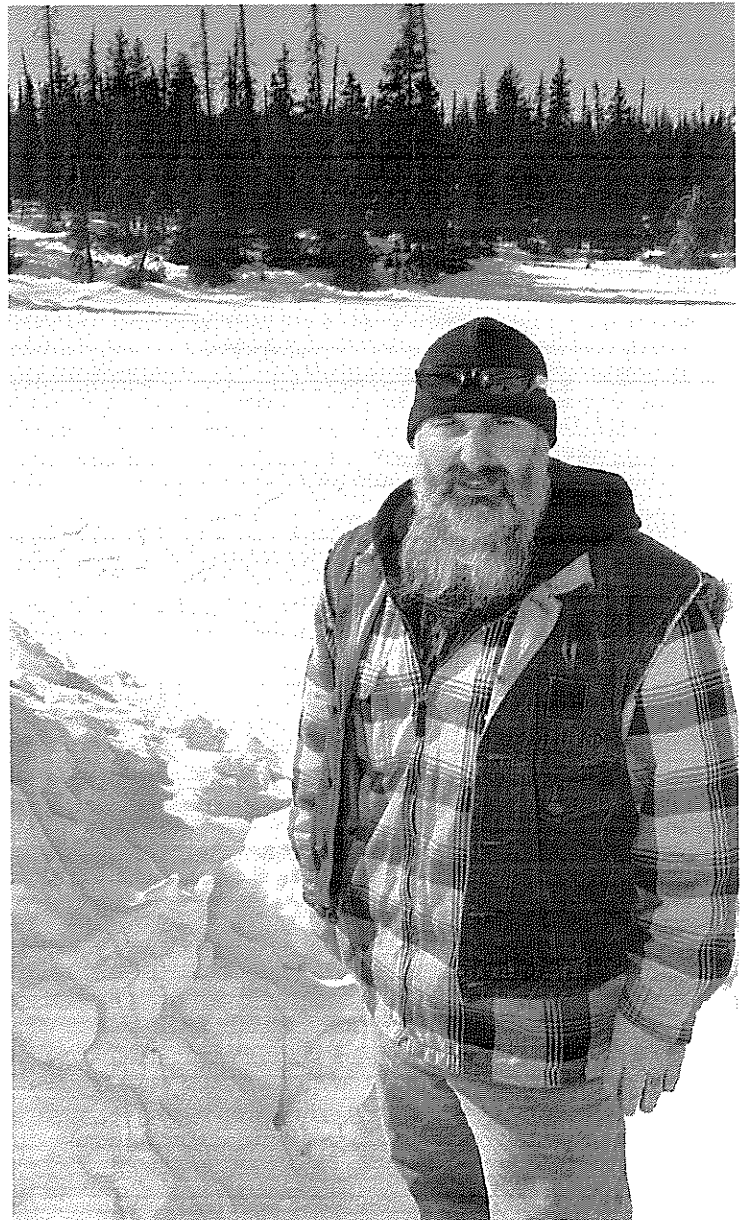
“Our membranes have been pretty bullet proof so far. They're making good water.”

JERRY LAWVER

The biggest issue has been with programming, Cook says. One of the original issues was with the chemical pumps used for membrane cleaning. "We were locked out from adjusting the length of time that they would run," says Lawver. "Run times were too short, especially with the sodium bisulfite — the chemical used for neutralizing chlorine."

After a chemical clean, he says, the rinse water would have a chlorine residual as high as 2.0 mg/L. The rinse water is discharged to the backwash ponds, which concentrate the organics removed by the filters.

"The combination of high organics and chlorine created DBPs in the pond," Cook says. "Tests of the decant water proved DBPs were being formed on site. The operators contacted GE/Zenon to have their programmers remove the locks so the operators could adjust the chemical pumps as needed. It's under control now. All the chlorine is neutralized before it is sent to the decant pond, and we have seen the DBPs drop off."



Todd Cook and his team at the Bridge Creek Water Treatment Plant treat source water that comes from a mountainside above Homer, Alaska.

MORE INFO:

Flowserve Corp.
972/443-6500
www.flowserve.com

GE Water & Process Technologies
866/439-2837
www.gewater.com

Mlox Corp
800/646-9426
www.mlox.com

Real Tech, Inc.
877/779-2888
www.realtech.ca

S.P. Kinney Engineers, Inc.
800/356-1118
www.spkinney.com

Cook concludes that with advanced technology and a new SCADA system sometimes the engineers and programmers haven't seen eye-to-eye. "It took awhile in some cases, but the operators got things worked out," he says.

That's typical — Alaskans are known for self-reliance and are not ashamed to brag about it.

At the bottom of Cook's email signature, he quotes "Star Wars" Jedi master Yoda: "Try not. Do, or do not. There is no try." At Homer, they "do." *w/o*