

### **WORK SESSION AGENDA**

1. Call to Order 5:30 p.m.
2. Discussion of Items on the Regular Meeting Agenda
3. Staff Report PL 13-71 Kenai Peninsula Borough Ordinance Rewriting Chapter 20, Subdivisions  
**pages 70-149 of Oct. 2, 2013 packet AND pages 63-142 of Sept. 18, 2013 packet**
4. Staff Report PL 13-78 Comprehensive Plan Review  
**pages 150-169**
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 September 18, 2013 meeting **pg. 1**

### 6. Presentations

### 7. Reports

A. Staff Report PL 13-77, City Planner's Report **pg. 7**

### 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 13-72, CUP 13-09. Request to build a cabin in addition to an existing single family home at 3651 Sterling Hwy. **pg. 9**

B. Staff Report PL 13-73, CUP 13-10. Request to build a single family home in addition to an existing cabin at 4914 Kachemak Drive. **pg. 24**

C. Staff Report PL 13-74, CUP 13-11. Request for a reduction of the setback from a dedicated right-of-way to enclose a legal nonconforming covered drive-through at 203 W. Pioneer Ave. **pg. 36**

### 9. Plat Consideration

A. Staff Report PL 13-75, Yah Sure Subdivision 2013 preliminary plat **pg. 56**

B. Staff Report PL 13-76, Wintergreen Subdivision 2013 Replat preliminary plat **pg. 63**

### 10. Pending Business

A. Staff Report PL 13-71, Kenai Peninsula Borough Ordinance Rewriting Chapter 20, Subdivisions **pg. 70**

B. Staff Report PL 13-78, Comprehensive Plan Review **pg. 150**

**11. New Business**

**12. Informational Materials**

A. KPB Plat Committee Notice of Decision for Nils O. Svedlund Sub 2013 Replat Preliminary Plat **pg. 170**

B. City Manager's Report from September 23, 2013 City Council Meeting **pg. 178**

**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 16, 2013. A work session will be held at 5:30 pm.

Session 13-13, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on September 18, 2013 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

STAFF: CITY PLANNER ABOUD  
DEPUTY CITY CLERK JACOBSEN

### **Approval of Agenda**

The agenda was approved by consensus of the Commission.

### **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 21, 2013 meeting

The consent agenda was approved by consensus of the Commission.

### **Presentations**

### **Reports**

#### A. Staff Report PL 13-65, City Planner's Report

City Planner Abboud reviewed his staff report.

### **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

Brianna Allen, applicant, commented that after this application was submitted it was suggested that an amendment be made to make the sign double facing. The idea is that one side would face northwest and the other side would face south east, resulting in somewhat of a V shaped sign rather than flat back to back. Doubling the sign doubles the budget, but it is manageable. The southeast

HOMER ADVISORY PLANNING COMMISSION  
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facing side will create a better photo opportunity for people who want to take pictures next to the sign. She believes it will still fall within the regulations of the sign code.

Jim Lavarakas, Director of the Chamber of Commerce reiterated Ms. Allen's comments about the benefit of the double facing sign.

Chair Venuti opened the public hearing, there were no comments and the hearing was closed.

The Commission discussed how to proceed with the change. City Planner Abboud said he would prefer to have time to review the changes in more detail and talk with staff before making a determination. This is the first he has heard of the change. The Commission agreed to work with the information they have in the packet regarding the single facing sign and if the applicant chooses to continue with the change they can provide information to staff and proceed as necessary.

HIGHLAND/SLONE MOVED TO ADOPT STAFF REPORT PL 13-66 FOR A PUBLIC SIGN AT LOT 2 BUNNELLS SUBDIVISION #10 WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. Staff Report PL 13-67 Conditional Use Permit 13-08 for more than one building containing a permitted principal use at 4834 Kachemak Drive

City Planner Abboud reviewed the staff report.

John Warren, applicant, said he was available to answer questions. His plan is to build a second cabin on the lot.

There was brief discussion that an older structure on the lot has been removed.

Chair Venuti opened the public hearing. There were no comments and the hearing was closed.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 13-67 AND APPROVE CUP 13-08 FOR MORE THAN ONE BUILDING CONTAINING A PERMITTED PRINCIPAL USE ON A LOT AT 4834 KACHEMAK DRIVE WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- C. Staff Report PL 13-70 Ordinance 13-37 an ordinance of the City Council

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Chair Venuti noted that the Commission had some discussion of this topic at the worksession.

City Planner Abboud reviewed the staff report.

There was no audience present for the public hearing.

Discussion ensued regarding the ordinance.

Commissioner Highland confirmed that if the non-conforming use is inactive for 12 months it would be required to be brought into conformance. In the past the city has wanted to eliminate non-conforming uses when this happens.

Commissioner Sonneborn commented that as much as they want to get rid of nonconforming uses, 12 months seems a bit arbitrary and extending it a few months for this situation or other circumstances may be feasible. She suggested the 12 months could start when the property is available to be used.

Commissioner Stead noted the staff report comment that our community has made provisions for nonconformities to cease someday and be replace with those that conform, and asked how they are expected to cease. City Planner Abboud reviewed ways that it could happen.

Commissioner Slone offered proposed language with respect to the definition of discontinued as follows: Discontinued means that a nonconforming use by the current operator has ceased for a continuous period of 12 calendar months, however, when the non-conformity is associated with an existing commercial operation or business the non-conformity shall expire after seven calendar years. Commissioner Slone explained that this provides more opportunity for people who are using a non-conforming structure in conjunction with a business, so their heirs may continue to operate the business for up to seven years.

City Planner Abboud clarified that the draft ordinance is in the use section, not the structure section. "Discontinued" is not a condition that is used to regulate non-conforming structures, only for a use. A structure wouldn't be discontinued; it would be moved or destroyed.

The Commission briefly reviewed the different types of non-conforming, including non-conforming lots, non-conforming structures, and non-conforming uses. City Planner Abboud believes the term discontinued is only used in reference to uses and cited HCC 21.61.040(d). He explained non-conforming structures address abandonment, moving, damage relating to the structure, not discontinuing. They talked about some different scenarios relating to non-conformity.

SONNEBORN/BOS MOVED TO RECOMMEND LEAVING IT AT 12 MONTHS.

The Commission acknowledged that the issue of non-conformity is an ongoing issue for the city. The Commission felt that it would be more effective to break it down and address non conformity as a whole, rather than this one "fix". It would be the most appropriate way to proceed.

In a more comprehensive review of the process the Commission can look at the equity issue, and if there are situations where uses need to be reviewed for acceptance in all districts.

Chair Venuti noted that it is important to remember that the issue being addressed in this code amendment is not an ongoing problem, it is a rare instance, and he isn't sure we suddenly need to change the rules for this one thing.

VOTE: YES: BOS, STEAD, HIGHLAND, SONNEBORN, VENUTI, SLONE

Motion carried.

### **Plat Consideration**

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

City Planner Abboud reviewed the staff report.

There was no applicant or public present to comment.

Commissioner Stead questioned the recommendation for the 15 foot utility easement along Grubstake Avenue. He noted there is already 10 feet in the back that is being utilized, water/sewer is in the street, and gas will likely be on the other side of the road. City Planner Abboud explained that dedicating the 15 foot utility easement along rights of way is outlined in city code.

HIGHLAND/BOS MOVED TO ADOPT STAFF REPORT PL 13-68 GLACIER VIEW SUBDIVISION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

Commissioner Sonneborn raised concern about density and the loss of a lot that could potentially be developed. City Planner Abboud said he doesn't believe there isn't anything in code they could base a denial on.

There was brief discussion about the minimal size of both lots.

VOTE: YES: HIGHLAND, STEAD, VENUTI, SLONE, BOS  
NO: SONNEBORN

Motion carried.

### **Pending Business**

None

### **New Business**

A. Staff Report PL 13-69 Comprehensive Plan Review

- B. Staff Report PL 13-71 Kenai Peninsula Borough Ordinance Re writing Chapter 20 Subdivision

The Commission discussed the Borough Ordinance. They requested it be on a worksession so they would have more time to review the information.

### **Informational Materials**

- A. City Manager's Report from August 26, September 9, 2013 City Council Meeting

### **Comments of the Audience**

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

None.

### **Comments of Staff**

City Planner Abboud commented that there is a big subdivision coming up to review. He will try to communicate with administration about their desire to help problem solve issues relating to the death exception on a city wide basis for nonconformity. Maybe there is another way to look at this and address it on the agenda.

### **Comments of the Commission**

Commissioner Bos suggested the grade on the spit might be something worth Commission consideration if it's in their jurisdiction. The last part of August the parking lots were really embarrassing for such an economic engine. Walking through water from property to property is shameful.

Commissioner Stead commented that he will be absent on October 16 and November 6. He felt this was a productive meeting because it's going to highlight where they are going to go. He thinks that's really important.

There were no other Commission comments.

### **Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 8:30 p.m. The next regular meeting and worksession is scheduled for October 2, 2013 at 6:30 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_







# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

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Homer, Alaska 99603

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### STAFF REPORT PL 13-77

TO: Homer Advisory Planning Commission  
FROM: Planning staff  
MEETING: October 2, 2013  
SUBJECT: City Planner's Report

City Council Meeting 9.9.13

- A. **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. Introduction August 26, 2013, Referred 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.

There was no public comment.

FAILED without discussion.

- B. **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. Introduction September 9, 2013, Public Hearing and Second Reading September 23, 2013.

**Ordinance 13-38(S)**, 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.

Memorandum 13-129 from City Manager as backup.

There were three who testified.

ADOPTED SUBSTITUTE ORDINANCE with discussion.

P:\PACKETS\2013 PCPacket\Staff Reports\Planner's Reports\SR 13-77 City Planners Report Oct. 2.docx

- 1. Is it time to reconsider if there is still a need for a Conditional Use Permit for a second dwelling in the RR district?** So far, in 2013, ten Conditional Use Permits have been processed. Of these, half, or five CUP's have been for "more than one permitted principal use... ."

Typically, these accessory residences are less than 1,000 sf and by definition must be subordinate or incidental to the main building. In addition, these CUP's haven't had special conditions above and beyond must meet "applicable federal, state or local law" per HCC 21.70.030 Zoning Permits. A discussion about the goals and needs of a public review and HAPC approval for accessory structures in the Rural Residential district would be helpful.

Public review with HAPC approval/disapproval is based on code, same as a Zoning Permit. The same standards for coverage, density, parking, water and sewer apply for a Zoning Permit as to Conditional Use Permits. Small accessory dwellings do not meet the Community Design Manual thresholds so there is no aesthetic review.

In 2011, after HAPC review, the City Council amended the UR, RO, and CBD code to permit, "One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single family dwelling on a lot." Ord. 11-44(s). Does the HAPC want to reconsider the need for a CUP for a second dwelling in the RR district?

- 2.** The Parks and Recreation Committee is going to be seeking funding for a needs assessment which is the first step towards a Parks and Recreation Master Plan. This is a goal of the Homer Comprehensive Plan and is a crucial element necessary to evaluate priority of programs and facilities throughout the community.
- 3.** The days are getting shorter and thus the lights are prevalent again. A while back, the Planning Commission had discussions about outdoor lighting standards. While it was felt that we were not ready to introduce regulation in the residential districts, it was expressed that it would be a good thing to provide education on the subject so that citizens might consider lighting fixtures that don't detract from the night sky so many enjoy. With the Planning Commission's recommendation we will work on a public education component.
- 4.** Reminder for consideration of the Planning Commissioner training in Anchorage, on Sunday the 17<sup>th</sup> of November, it would be a great benefit.



# City of Homer

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## STAFF REPORT PL 13-72

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Dotti Harness-Foster, Planning Technician  
**MEETING:** October 2, 2013  
**SUBJECT:** CUP 13-09, 3651 Sterling Highway 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 1.83 acres. There is one existing two-story residence on the property. A second dwelling is proposed, a 900 sf, one bedroom residence. 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 Bouman  
**Legal:** Lot 2B Bouman's Bluff 2010 Replat  
**Parcel ID:** 17316064  
**Lot Size(s):** 1.83 acres or 79,714.8 sf  
**Existing Land Use:** Single family dwelling  
**Surrounding Land Use:** North: Vacant, KPB parking area  
South: Vacant, Conservation zone  
East: Residential  
West: Cabin rentals  
**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:** No designated wetlands  
**BCWPD:** Not within the Bridge Creek Watershed Protection District  
**Utilities:** Private well, cistern and septic  
**Public Notice:** Notice was sent to 9 property owners of 5 parcels as shown on the KPB tax assessor rolls.

The proposed one bedroom dwelling will be the second dwelling on-site located west of the existing home.

HCC 21.12.040(a)(1) requires 40,000 sf per dwelling. The subject property is 79,714 sf, just shy of the square footage needed for two dwellings. T

The applicant is seeking approval to document that the existing well meets Alaska Dept. of Environment Conservation standards for a public water supply. See Condition 1.

21.12.040 Dimensional requirements. The following dimensional requirements shall apply to all structures and uses in the rural residential district: a. Lot Size.

1. The minimum lot area shall be 40,000 square feet, plus 40,000 square feet for each dwelling unit in excess of one unit in areas not served by public sewer and water.
2. Each lot shall contain a minimum of 20,000 square feet per, plus 20,000 square feet per dwelling unit in excess of one unit if one of the following conditions exists:
  - i. The lot is served by public water supply approved by the State Department of Environmental conservation; or
  - ii. The lot is served by public or community sewer approved by the State Dept. of Environmental Conservation.

Tauriainen Engineering has submitted documentation indicating:

- The on-site septic is adequately sized to handle one additional bedroom. See attached 9/11/13.
- The on-site public water supply approval is in process at Alaska Dept. of Conservation. See attached.

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: Low density residential development.

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.

**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.

**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.

Analysis: Rural Residential district is regulated by HCC 21.12.040 which requires 20,000 square feet, plus 20,000 square feet for each additional dwelling that is served by a public water supply. Condition 1 requires that the applicant provide documentation that the existing well meets Alaska Dept. of Environment Conservation requirements for a public water supply per HCC 21.12.040 (a)(s)(i).

**Condition 1:** Prior to issuance of a Zoning Permit to construct an additional dwelling, the applicant to provide documentation that:

*"The lot is served by public water supply approved by the State Department of Environmental conservation;" per HCC 21.12.040(a)(s)(i) Rural Residential Dimensional Requirements.*

**Finding 5:** Public services and facilities will be in place prior to the occupancy.

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 minimal impact.

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.

**Finding 7.** With the approval from Dept. of Conservation for a public water supply the proposal will not be unduly detrimental to the health, safety and welfare of the surrounding area.

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

**Finding 8:** This proposal will 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. The proposed structure is approximately 100 ft from the top of the bluff.
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.

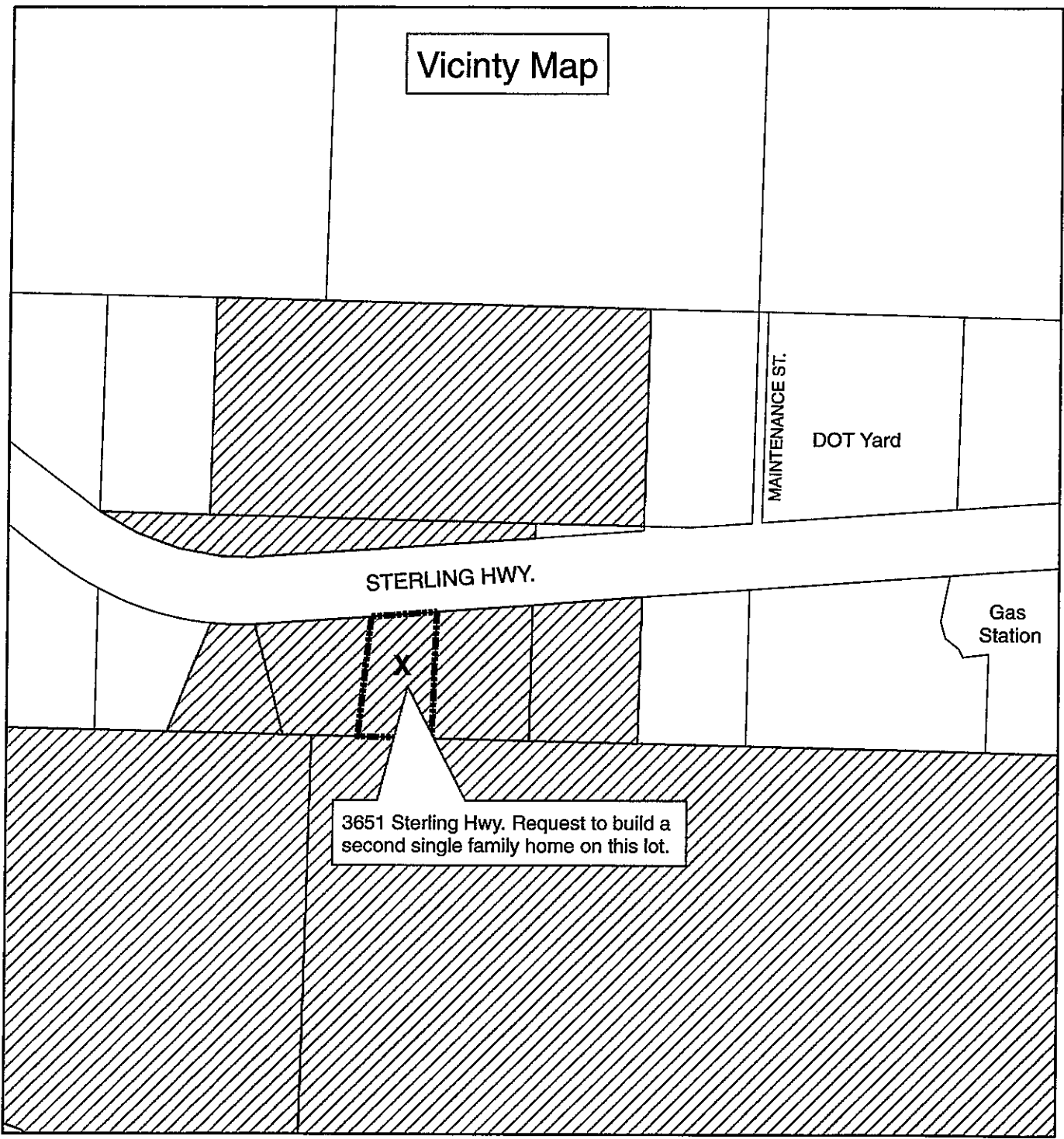
STAFF COMMENTS/RECOMMENDATIONS: Planning Commission approve CUP 13-09 with one condition:

1. Prior to issuance of a Zoning Permit to construct an additional dwelling, the applicant to provide documentation that the: "The lot is served by public water supply approved by the State Department of Environmental conservation;" per HCC 21.12.040(a)(s)(i) Rural Residential Dimensional Requirements.

#### ATTACHMENTS

1. Vicinity map
2. Site plan
3. Memo to Dotti stamp dated Sept 12, 2013
4. Letter from Tauriainen Engineering dated 9/11/2013
5. Letter from Tauriainen Engineering dated 9/25/13.
6. CUP Application

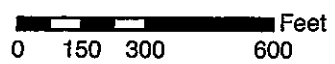
Vicinity Map



City of Homer  
 Planning and Zoning Department  
 9/18/2013

Request for  
 Conditional Use Permit 2013-09

Marked lots are w/in 300 ft  
 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.

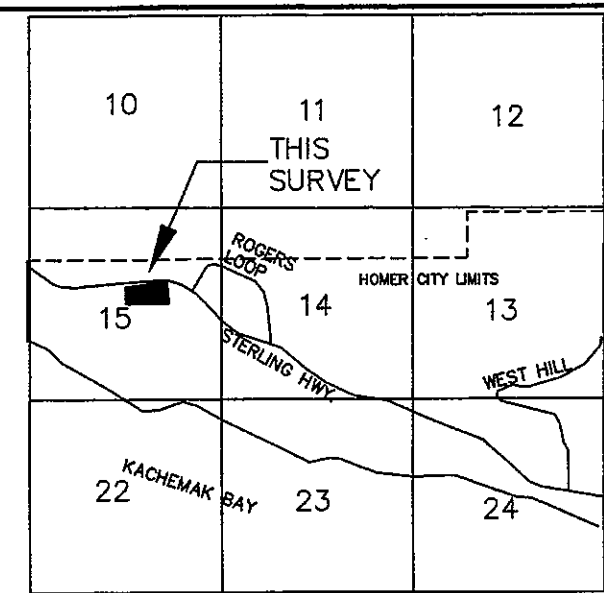
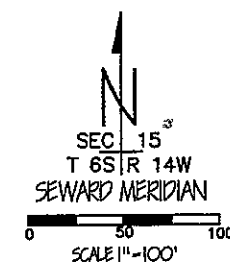




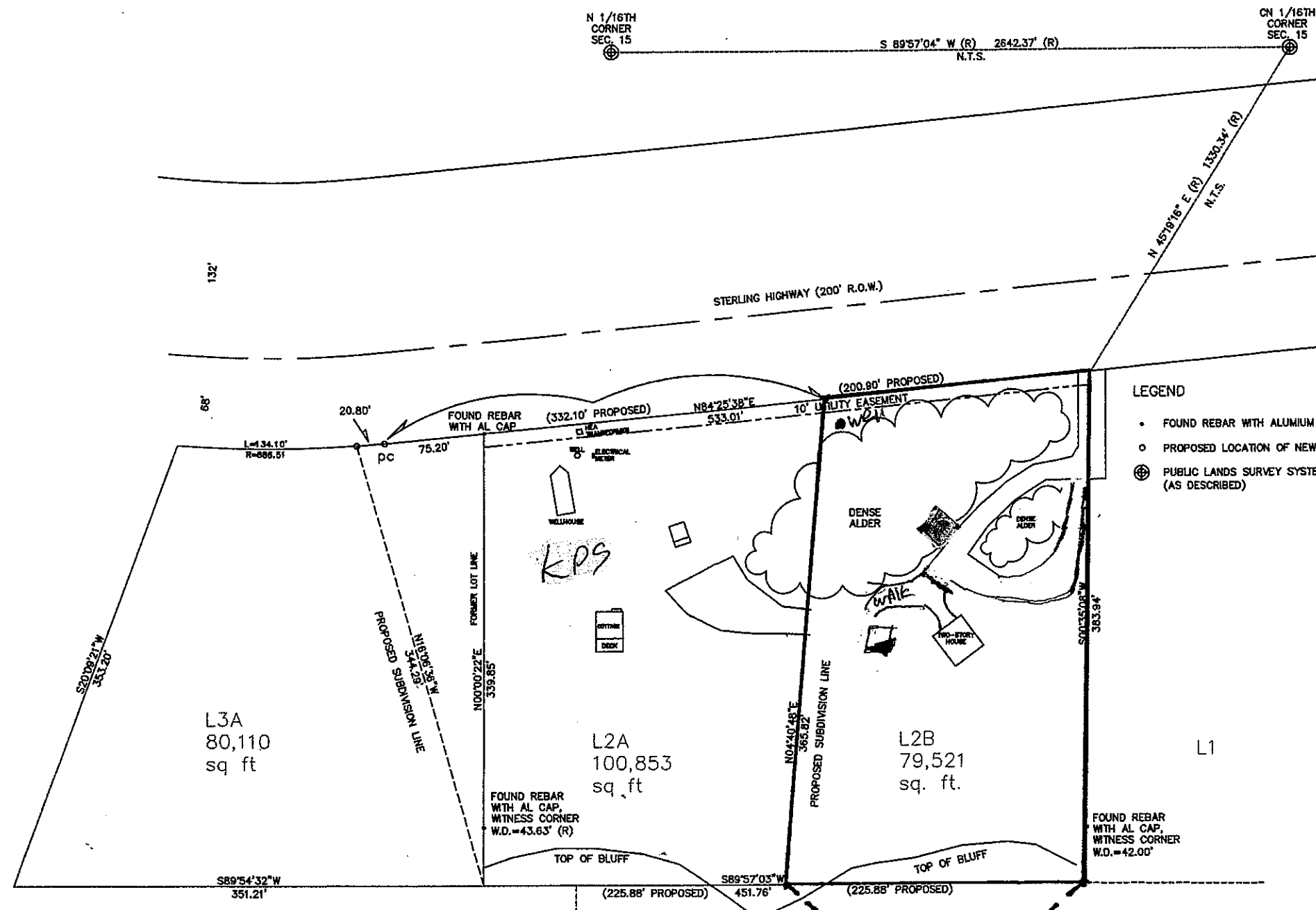
NOTES:

1. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE USE OF THE EASEMENT BY THE UTILITY.
2. THE FRONT 10' ALONG PUBLIC RIGHTS OF WAY, AND 5' ON EITHER SIDE OF THE SIDE LOT LINES IS A UTILITY EASEMENT.
3. THIS SUBDIVISION IS SUBJECT TO THE ZONING REGULATIONS OF THE CITY OF HOMER. THE CITY OF HOMER PLANNING DEPARTMENT SHOULD BE CONSULTED PRIOR TO ANY DEVELOPMENT ACTIVITIES.
4. WATER AND SEWER SHALL BE ONSITE.
5. NO DIRECT ACCESS IS PERMITTED TO STATE MAINTAINED RIGHTS OF WAY UNLESS APPROVED BY THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.

20x30 CABIN  
 NEW ROADING PAD 26'x40'  
 PRELIMINARY PLAT



SCALE 1"=1 MILE  
 VICINITY MAP



CERTIFICATE OF OWNERSHIP:  
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I HEREBY ADOPT THIS SUBDIVISION PLAN AND BY MY FREE CONSENT GRANT ALL EASEMENTS TO USE SHOWN.

CERTIFICATE OF OWNERSHIP:  
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I HEREBY ADOPT THIS SUBDIVISION PLAN AND BY MY FREE CONSENT GRANT ALL EASEMENTS TO USE SHOWN.

Kenai Peninsula Housing Initiative, Inc.  
 332 E. Pioneer Ave. Ste 3  
 Homer, AK 99603

James R. Thacker  
 4529 Thunder Ridge Road  
 Eureka, MO 63025

- LEGEND
- FOUND REBAR WITH ALUMINIUM CAP.
  - PROPOSED LOCATION OF NEW PROPERTY CORNER
  - ⊕ PUBLIC LANDS SURVEY SYSTEM MONUMENT (AS DESCRIBED)

NOTARY:  
 NOTARY'S ACKNOWLEDGEMENT:  
 SUSCRIBED AND SWORN TO ME AND BEFORE ME THIS DAY OF 20 FOR

NOTARY:  
 NOTARY'S ACKNOWLEDGEMENT:  
 SUSCRIBED AND SWORN TO ME AND BEFORE ME THIS DAY OF 20 FOR JAMES R. THACKER.

NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES

NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES

PLAT APPROVAL:  
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION IN ACCORDANCE WITH SECTION 20.04.070 KENAI PENINSULA BOROUGH SUBDIVISION REGULATIONS.

DATE:

BOROUGH OFFICIAL:

Surveyors Certificate:  
 I hereby certify that I am properly registered and licensed to practice Land Surveying in the state of Alaska, and that the plat represents a survey made by me, and that the monuments shown thereon actually exist as described, and that all dimensions and other details are true and correct to the best of my knowledge and belief.



BOUMAN'S BLUFF-REPLAT  
 KPB FILE # 2010- PARENT PLAT 2006-186 HRD.  
 A REPLATING OF LOTS 2 & 3, BOUMAN'S BLUFF SUBDIVISION, LOCATED IN SECTION 15, TOWNSHIP 6 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, WITHIN THE CITY OF HOMER, ALASKA, CONTAINING 4.979 ACRES

Fineline Surveys, Inc.  
 P.O. Box 774  
 Anchor Point, Alaska 99556  
 Dmitri D. Kimbrell, RLS (907) 360 6382  
 DATE: 8-8-2010 SCALE 1"=100'

STATE OF ALASKA, D.N.R.

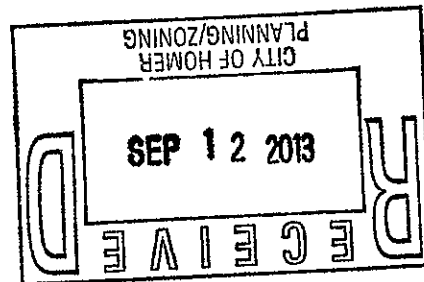
STATE OF ALASKA, D.N.R.

Lot in Question

Dotti,

We are proposing to build a 20 x 30 cabin with a half loft, totaling 900 sq ft on our property.

- Legal description: T 6S R 14W SEC 15 Seward Meridian HM 2011013, Bouman's Bluff 2010 Replat Lot 2B, 3651 Sterling Hwy
- This unit will be positioned to the west of our existing home. It will be utilized as a mother-in-law suite as well as a daily rental when mom is not around.
- Per the attached letter from Mike Tauriainen the existing septic is properly sized to accommodate this unit.
- The cabin is located over 100 feet from the edge of our bluff line.
- The attached drawing shows this being a log structure, this is not true. We are building a stick frame unit with spruce lap siding, just like our home.
- We have added an additional parking pad to accommodate for this rental.
- We have spoken with our neighbor to the east, Holly VanPelt, and she has no objection to our proposed plan.



SEP 13 2013  
SECRET

# TAURIAINEN ENGINEERING & TESTING

35186 Spur Hwy Soldotna, AK 99669 (907)262-4624 FAX 262-5777 engineeringalaska@gci.net

## MEMO

Date: 11 Sep 2013

To: Dottie Harness, City of Homer Planning  
dharness@ci.homer.ak.us

Copy: John Bouman  
7boumans@gmail.com

From: Clayton Spittler, PE *CS*

Subject: Bouman's Bluff 2010 Replat Lot 2B (formerly Bouman's Bluff Amended Lot 2)  
Wastewater System  
1 page

---

According to John Bouman, the existing residence on Bouman's Bluff 2010 Replat Lot 2B has three bedrooms. The existing soil absorption system (SAS) constructed in October 2010 is sized for four bedrooms. Given this information, the SAS is adequately sized to handle one additional one bedroom unit. We recommend the new one bedroom unit does not have a garbage grinder. An engineered submittal to ADEC is required for approval to construct a modification to the existing SAS.

Please call if you have any questions.

*End of Memo Text*

R:\PROJECTS\10\WSDesign\14\ Boumans Bluff\2013 work\11 Sep 2013 memo.wpd

# TAURIAINEN ENGINEERING & TESTING

35186 Spur Hwy Soldotna, AK 99669 (907)262-4624 FAX 262-5777 engineeringalaska@gci.net

## MEMO

Date: 25 Sep 2013

To: Dottie Harness, City of Homer Planning  
dharness@ci.homer.ak.us

Copy: John Bouman  
7boumans@gmail.com

From: Clayton Spittler, PE *CS*

Subject: Bouman's Bluff 2010 Replat Lot 2B (formerly Bouman's Bluff Amended Lot 2)  
Water System  
1 page

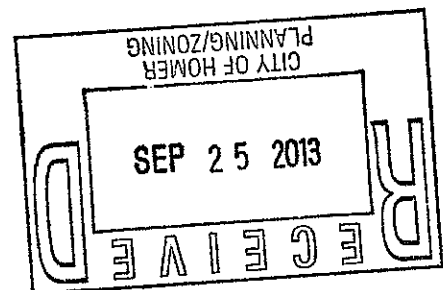
---

The planned additional structure on Bouman's Bluff 2010 Replat Lot 2B will be served by a public water system (PWS) approved by the Alaska Department of Environmental Conservation (ADEC). We are currently in the process of obtaining Class C (system serving fewer than 25 people) PWS approval from ADEC, and will supply the approval letter once we receive it.

Please call if you have any questions.

**End of Memo Text**

R:\PROJECTS\10WSDesign\141 Boumans Bluff\2013 work\25 Sep 2013 memo.wpd





# City of Homer

www.cityofhomer-ak.gov

Planning  
 491 East Pioneer Avenue  
 Homer, Alaska 99603  
 Planning@ci.homer.ak.us  
 (p) 907-235-3106  
 (f) 907-235-3118

**Applicant**  
 Name: John Bowman Telephone No.: 299-6191  
 Address: 3651 Sterling Hwy Email: 7bowmans@bma1.com

**Property Owner** (if different than the applicant):  
 Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_

**PROPERTY INFORMATION:**  
 Address: 3651 Sterling Hwy Lot Size: 1.8 acres KPB Tax ID # \_\_\_\_\_  
 Legal Description of Property: \_\_\_\_\_

*For staff use:*  
 Date: 9/12/13 Fee submittal: Amount \$200.00 cc 9/12/13  
 Received by: [Signature] Date application accepted as complete \_\_\_\_\_  
 Planning Commission Public Hearing Date: 10/2/13

## Conditional Use Permit Application Requirements:

1. A Site Plan
2. Right of Way Access Plan
3. Parking Plan
4. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots. (Planning can provide a blank map for you to fill in).
5. Completed Application Form
6. Payment of application fee (nonrefundable)
7. Any other information required by code or staff, to review your project

### Circle Your Zoning District

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	OSR	BCWPD
Level 1 Site Plan												
Level 1 ROW Access Plan	X	X							X		X	
Level 1 Site Development Requirements												
Level 1 Lighting			X	X	X	X	X	X	X	X		
Level 2 Site Plan												
Level 2 ROW Access Plan			X	X	X		X	X		X		
Level 2 Site Development Requirements												
Level 3 ROW Access Plan						X						
DAP/SWP questionnaire				X	X	X	X	X	X	X		

**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: \_\_\_\_\_

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

*Residence up use one home 2400 sq'*

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).

*see attached*

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

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

*21.12.030 N*

- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. *low density residential development*

- c. How will your proposed project affect adjoining property values? *NONE*



- d. How is your proposal compatible with existing uses of the surrounding land? similar development + density
- e. Are/will public services adequate to serve the proposed uses and structures?  
yes
- 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?  
minimal impact
- 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>  
promotes lower density development in outlying areas
- 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 noise, vibration, odors, lighting, 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.

**PARKING**

1. How many parking spaces are required for your development? 3  
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). \_\_\_\_\_
2. How many spaces are shown on your parking plan? 5
3. Are you requesting any reductions? no

Include a site plan, drawn to a scale of not less than 1" = 20' which shows allow 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: John Bowman      Date: 9-12-13

Property Owner's signature: John Bowman      Date: 9-12-13



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### STAFF REPORT PL 13-73

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Dotti Harness-Foster, Planning Technician  
**MEETING:** October 2, 2013  
**SUBJECT:** CUP 13-10, 4914 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 a 0.88 acre lot that front Kachemak Bay. There is one small existing residence and a second, two-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:** Charles and Debbie Rehder  
**Legal:** Govt Lot 17 East of Kachemak Drive  
**Parcel ID:** 17908022  
**Lot Size(s):** 0.88 acres or 38,333 square feet  
**Zoning Designation:** Residential  
**Existing Land Use:** Single family residence  
**Surrounding Land Use:**  
North: Residential  
South: Residential  
East: Kachemak Bay  
West: Vacant (owned by the applicant, Mr. and Mrs. Rehder)  
**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:** Primarily residential.

**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:** Neighboring properties will improve in values.

**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:** Several neighbors have multiple cabins or buildings..

**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:** The project is in harmony with the neighborhood character.

**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 18' 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.

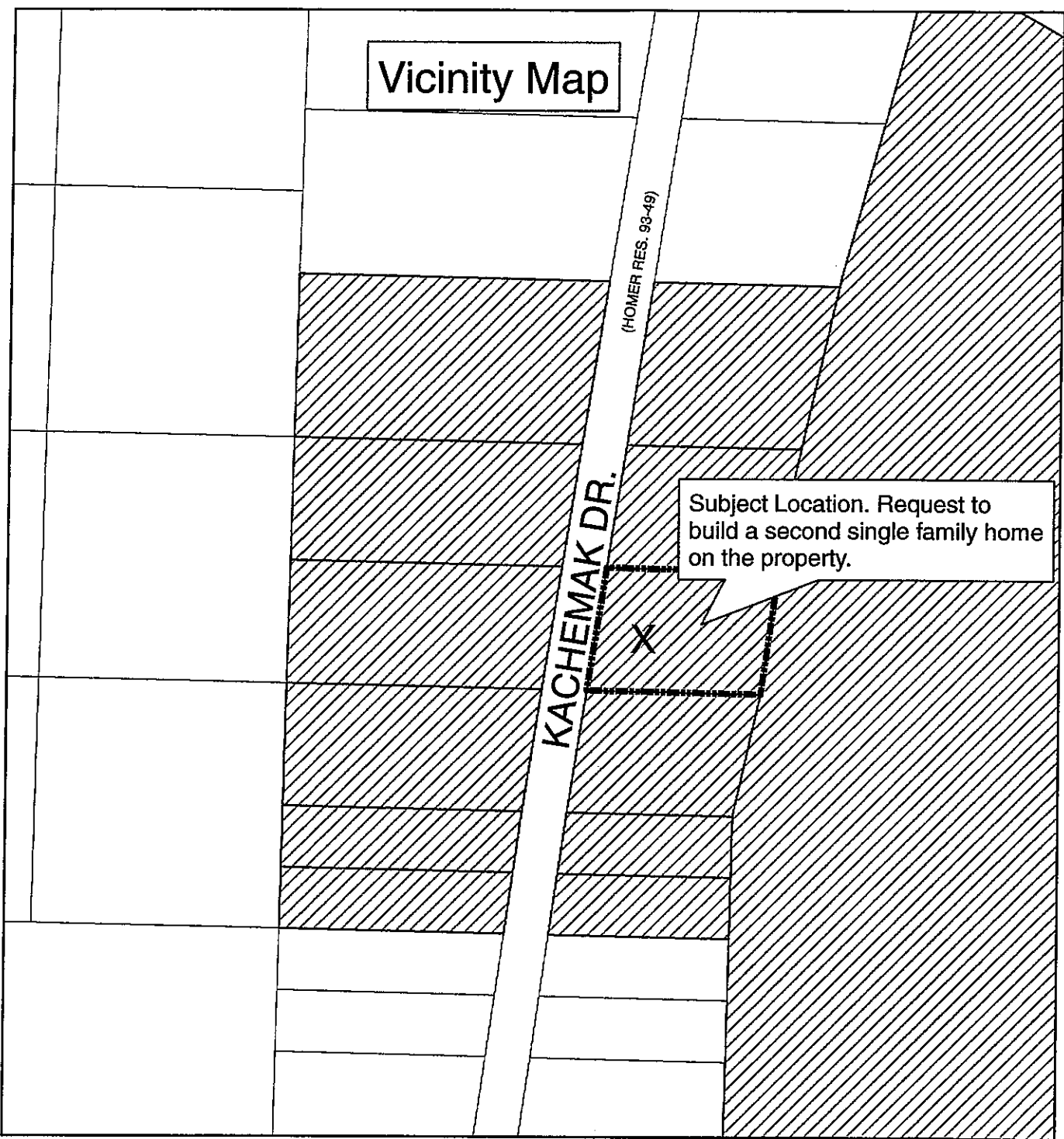
**STAFF COMMENTS/RECOMMENDATIONS:**

Planning Commission approve CUP 13-10.

**ATTACHMENTS**

1. Location map
2. Site plan
3. Building elevation
4. CUP Application

Vicinity Map



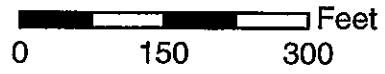
Subject Location. Request to build a second single family home on the property.



City of Homer  
Planning and Zoning Department  
9/16/2013

Request for Conditional Use Permit 2013-10  
4914 Kachemak Drive

Lots w/in 300 feet are marked and proeprty owners notified.

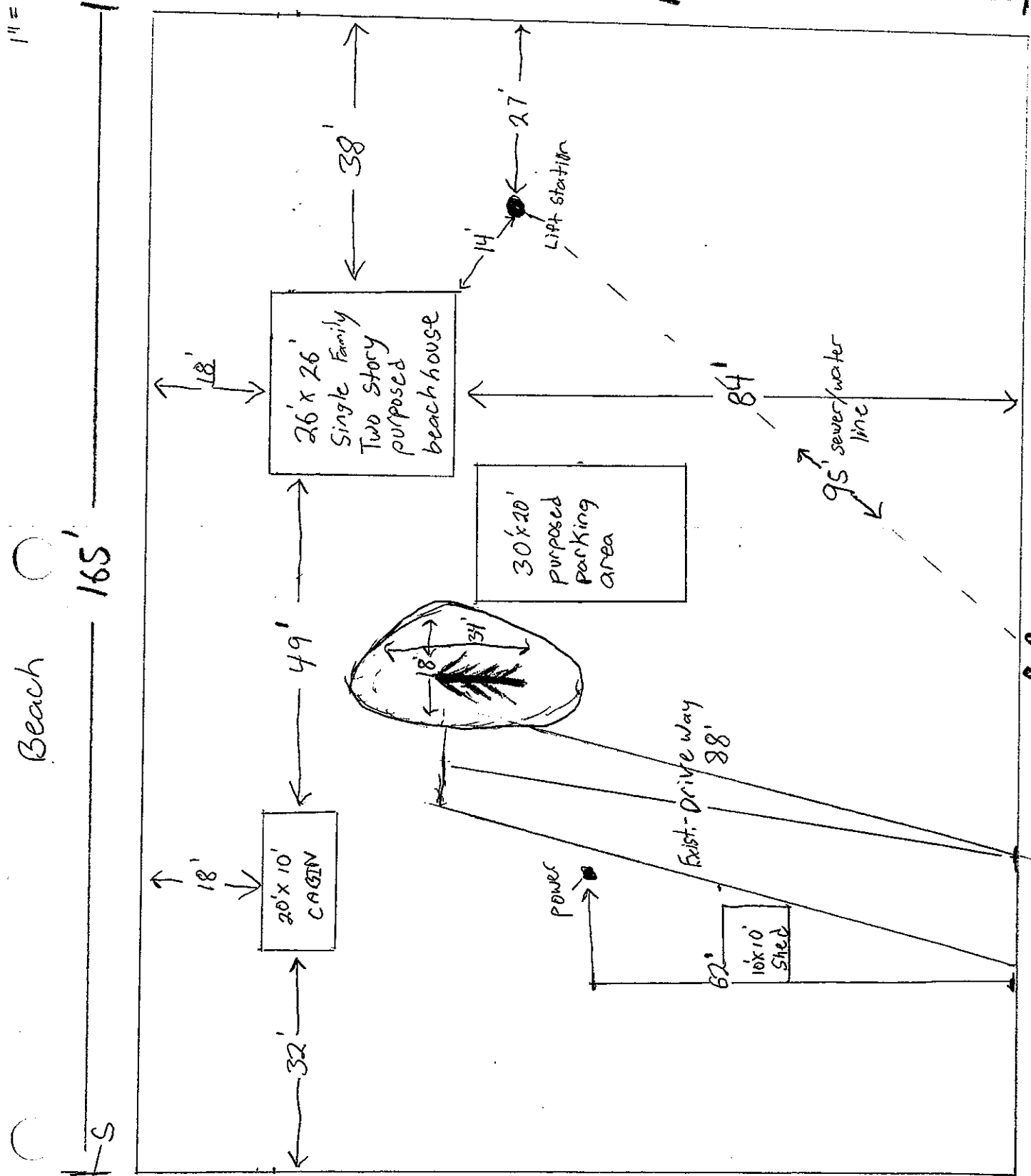


Disclaimer:  
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.





1" = 20'



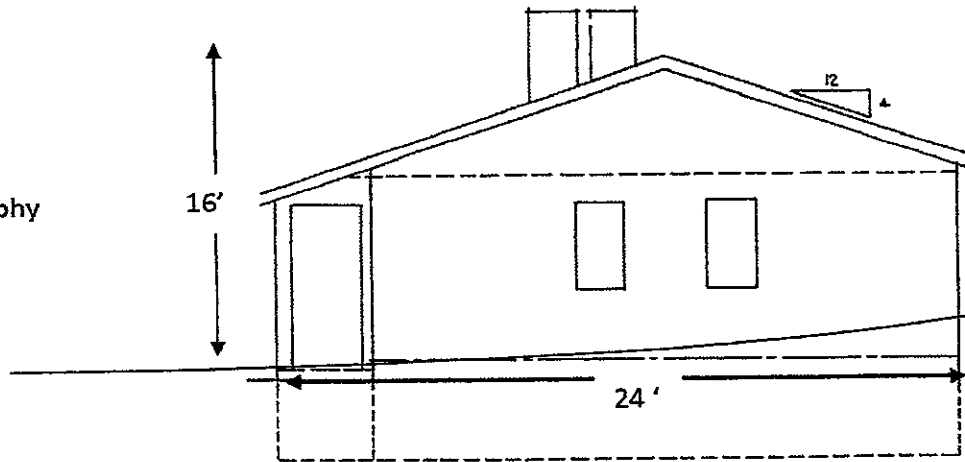
Kachemak Drive

# Sample building elevation drawing

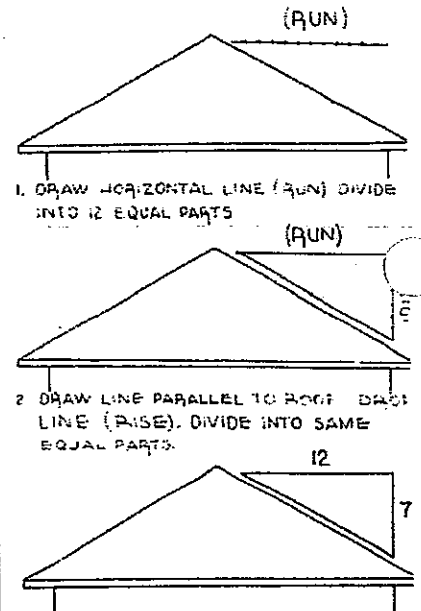
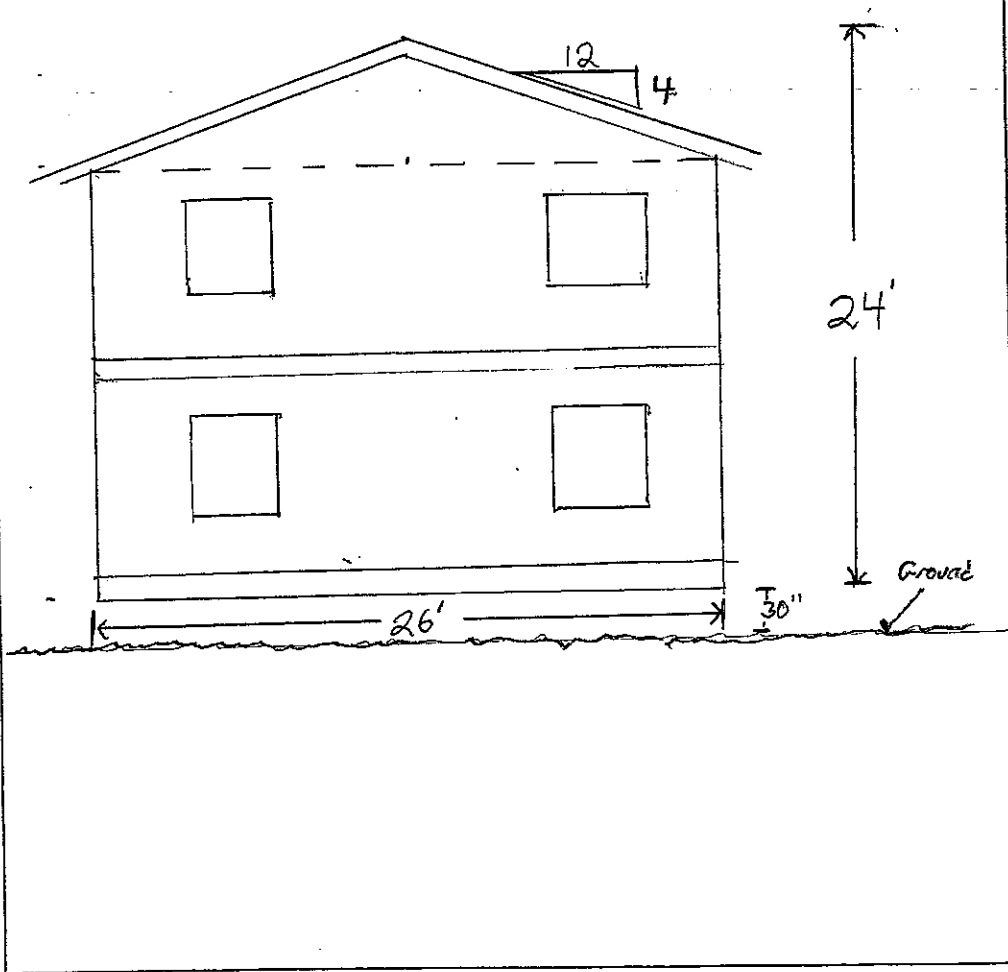
Building height

Wall dimensions

Grade / topography



Your drawing here:





# City of Homer

www.cityofhomer-ak.gov

Planning  
 491 East Pioneer Avenue  
 Homer, Alaska 99603  
 Planning@ci.homer.ak.us  
 (p) 907-235-3106  
 (f) 907-235-3118

**Applicant**  
 Name: Charles and Debbie Rehder Telephone No.: 235-7586 h, 299-7586 c  
 Address: PO Box 2065 Homer, AK 99603 Email: rehder@xyz.net  
**Property Owner** (if different than the applicant): doesn't email that often.  
 Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_

**PROPERTY INFORMATION:**  
 Address: 4914 Kachemak Drive Lot Size: 0.88 acres KPB Tax ID # 17908022  
 Legal Description of Property: Govt. Lot 17 east of Kachemak Bay

*For staff use:*  
 Date: 9/10/13 Fee submittal: Amount \$200.  
 Received by: dhf Date application accepted as complete \_\_\_\_\_  
 Planning Commission Public Hearing Date: 10/2/13

13/1306

## Conditional Use Permit Application Requirements:

1. A Site Plan
2. Right of Way Access Plan
3. Parking Plan
4. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots. (Planning can provide a blank map for you to fill in).
5. Completed Application Form
6. Payment of application fee (nonrefundable)
7. Any other information required by code or staff, to review your project

### Circle Your Zoning District

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	OSR	BCWPD
Level 1 Site Plan	X	X	X			X			X		X	X
Level 1 ROW Access Plan	X	X							X		X	
Level 1 Site Development Requirements	X	X										
Level 1 Lighting			X	X	X	X	X	X	X	X		
Level 2 Site Plan			X	X	X				X			
Level 2 ROW Access Plan			X	X	X		X	X		X		
Level 2 Site Development Requirements			X	X	X	X	X	X	X	X		
Level 3 ROW Access Plan						X						
DAP/SWP questionnaire				X	X	X	X	X	X	X		

**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. *Skore line*

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: Existing driveway when we purchased

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

1. Currently, how is the property used? Are there buildings on the property? How many

square feet? Uses within the building(s)?

*1 existing cabin 10'x20' and movable, used for recreation.  
1 existing shed 10'x10' used for storage.*

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).

*We are building a 2 story 26'x26' single family beach house.*

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

a. What code citation authorizes each proposed use and structure by conditional use permit?  
HCC 21.12.030(n) More than one permitted principal use on a lot.

b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. primarily residential

c. How will your proposed project affect adjoining property values? improve their value

d. How is your proposal compatible with existing uses of the surrounding land? several neighbors have multiple cabins or buildings

e. Are/will public services adequate to serve the proposed uses and structures?

Recently installed public water + sewer.

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?

Project in harmony.

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 2010 Comprehensive Plan are online at:  
<http://www.ci.homer.ak.us/documents/planning>

*Pg 4-11. GOAL 2: Maintain the quality of Homer's natural environment and scenic beauty.*

*Homer's natural setting provides many benefits but also creates significant constraints. The characteristics of the physical setting need to be respected in guiding the location, amount, and density of development.*

*A need exists for the community to take seriously the issue of shoreline stabilization and the implications of allowing ongoing shoreline development. A process should be launched to examine the issue and put proposed solutions before the citizens.*

**Goal 1. Diversify housing.**

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 noise, vibration, odors, lighting, 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. **2 years.**
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.

**PARKING**

- 1. How many parking spaces are required for your development? 3  
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). \_\_\_\_\_
- 2. How many spaces are shown on your parking plan? 3
- 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: Debra Rehder      Date: 9/9/13

Property Owner's signature: Cheryl Rehder      Date: 9/9/13  
Debra Rehder      9/9/13

Survey / or 1' = 20'

96  
26  
35  

---

157'  
Planning Com. 10/2 6:30p

width + length of driveway + parking for house



# City of Homer

www.cityofhomer-ak.gov

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

### STAFF REPORT PL 13-74

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
MEETING: October 2, 2013  
SUBJECT: CUP 13-11 a request for reduced setbacks at 203 W Pioneer Avenue.

**This is a quasi-judicial decision and requires 5 yes votes for approval.**

**SYNOPSIS:** The owner is performing a renovation and wishes to enclose a former drive through into the Greatland Street setback.

**Applicants:** Todd Boling DBA JONAS RIDGE LLC  
203 W. Pioneer Ave., Homer, AK 99603

**Requested Action:** Approve Conditional Use Permit

**Location:** 203 W. Pioneer Ave

**Parcel ID:** 17514304, CHAMBERLAIN & WATSON SUB PLAT OF TR A TRACT A

**Zoning Designation:** Central Business District (CBD)

**Existing Land Use:** Office Building

**Surrounding Land Use:** North: Commercial/Retail  
South: Vacant  
East: Commercial/office  
West: Vacant/Public Restroom

**Comprehensive Plan:** "Encourage high-quality buildings and site development that complements Homer's beautiful natural setting." Ch. 4 Goal 3.

**Wetland Status:** Possible wetlands complex on the south side of property.

**Flood Plain Status:** Zone D, Flood hazards undetermined.

**BCWPD:** Not within the Bridge Creek Watershed Protection District

**Utilities:** City water and sewer are available.

**Public Notice:** Notice was sent to 30 property owners of 35 parcels as shown on the KPB tax assessor rolls.

### Introduction

The applicant is applying for a CUP in order to reduce the setback from Greatland Street for the existing structure and proposed improvement (enclosing the former drive-thru canopy) as provided in HCC 21.18.040(b)(4). The structure in its current configuration was accepted as a legal nonconforming at the Homer Planning Commission meeting held April 15, 1998.

Since the nonconformities are so specific and additional relief is now granted by code, staff feels that it is in the best interest of the applicant to gain acceptance of the encroachments for both: a). The proposed improvement, as it is not described as the legal nonconformity and can be seen as an expansion of a nonconformity; and b). An approved CUP takes away the current nonconforming status.

**Storm water:** The proposed improvement does not increase the amount of impervious surface on the lot. Storm water plans are based on the additional amount of impervious introduced and this proposal does not trigger any requirements.

**Nonconforming structure:** Acceptance of the nonconformities is documented in a notarized "Notice of Encroachment" described the encroachments as; "easterly portion of the building, portion of the drive-thru windows, concrete retaining wall, [and] parking facilities". The proposed improvement does not increase the building footprint and thus does not trigger additional site review.

**Parking:**

The building supports medical offices. Homer City Code requires one parking space per 300 square feet for this and associated uses. At 5300 square feet, 18 spaces are required. The site in its current configuration supports at least thirty or spaces.

**Community Design Manual (CDM):**

**GENERAL:** While this improvement is found within the CBD and therefore is subject to some criteria in the design manual, the planning commission and planning office generally does not require strict compliance to such a project as compared to extensive or new developments. The extent of the improvement does not constitute a "prominent façade" as referenced in the design manual, so review of roof design is not applicable.

**EXTERIOR OF IMPROVEMENT:** As of the time of this report, no information has been received regarding the nature of the exterior of the improvement. The improvements outside appearance should be done with consideration of the information found on page 13 of the Design Manual, basically to be complementary with the existing structure and introduce some interest and texture to the building.

**LANDSCAPING:** While the applicant is not performing extensive improvements, elements of landscaping should be addressed. In consideration of the current site condition, I will not suggest a complete retrofit to all of the requirements or suggestions found in the design manual. The general concepts of the landscaping requirements are to break up the starkness of large parking areas and provide screening from rights-of-way. This property is below the grade of Pioneer Avenue and thus somewhat screened from that view. Opportunities for improvements do exist on the side facing Greatland Street where the encroachment is located. Short of requiring a ten foot buffer, the applicant should provide some vegetative buffer between the structure and Greatland Street.

Approximately 145 feet of open access to Greatland Street is present. Ideally accesses of 20-30 feet would be suggested for this development. Given two access points to Greatland Street, this leaves an additional expanse of over 80 feet. In consideration of current site conditions and size of the proposed improvement, I make the following recommendation. The addition is approximately 40' x 18' x 40'. In order to provide visual relief towards Greatland Street the applicant is to provide 45 linear feet of plantings generally oriented toward Greatland Street. Planters along the perimeter of building improvement can meet this requirement. This provides a requirement in relation to the size of the improvement.



**LIGHTING:** New and replacement lights need to be down lit and compliant with the Design Manual (starting on p.38).

**The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030 and 21.71.040.**

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

**Finding 1:** Homer City Code authorizes reduced setbacks in the CBD per HCC 21.18.040(b)(4).

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

**Purpose:** The purpose of the CBD is primarily to provide a centrally located area within the City for general retail shopping, personal and professional services, educational institutions, entertainment establishments, restaurants and other business uses listed in this chapter. The district is meant to accommodate a mixture of residential and non-residential uses with conflicts being resolved in favor of non-residential uses. Pedestrian-friendly designs and amenities are encouraged.

**Finding 2:** The structure is designed to support professional services which is compatible with the 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.**

**Analysis:** The applicant wishes to make use of part of the structure which no longer serves its purpose as the intended use has been abandoned.

**Finding 3:** The value of adjoining property will not be negatively affected.

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

**Finding 4:** The proposed use is compatible with the existing uses along Pioneer Avenue.

**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 to serve the proposed use. A paved road along with city water and sewer service the site.

**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.**

**Analysis:** This CBD purpose supports the applicants development of medical offices. The site located on the corner of Greatland and Pioneer Avenue is well suited for the proposed use.

**Finding 6:** The scale, bulk and density of the project are in harmony with the CBD.

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

**Finding 7:** The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area and the city as a whole.

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

**Finding 8:** The renovation project requires approve by the State Fire Marshal Office prior to construction. The proposal will comply with all applicable regulations and conditions through the permitting process.

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

**Analysis:** Ch. 4, Goal 4: Support development of a variety of well-defined commercial/business districts for a range of commercial purposes.

**Finding 9:** This proposal is not contrary to the goals and objectives of the Comprehensive Plan it expands appropriate development to a business district well served by existing infrastructure.

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

**Analysis:** An analysis of the Design Manual is provided.

**Finding 10:** The proposal will have compliance with reasonable applicable provisions of the CDM.

**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.** NA
- 2. Fences, walls and screening.** Screen dumpster on three sides.
- 3. Surfacing of vehicular ways and parking areas.** Parking areas are paved.
- 4. Street and road dedications and improvements (or bonds).** NA
- 5. Control of points of vehicular ingress and egress.** NA - existing.
- 6. Special restrictions on signs.** Signage onsite needs review and a permit for compliance with current standards.
- 7. Landscaping.** Landscaping plan to be designed and implemented within 18 months of approved zoning permit.

- 8. Maintenance of the grounds, buildings, or structures. NA**
- 9. Control of noise, vibration, odors, lighting or other similar nuisances. NA**
- 10. Limitation of time for certain activities. NA**
- 11. A time period within which the proposed use shall be developed. 18 months from issuance of zoning permit.**
- 12. A limit on total duration of use or on the term of the permit, or both. NA**
- 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. The existing building along with proposed improvement falls into the 20 foot setback from Greatland Street. The dimensions represented by the applicant shall not be altered within the 20 foot setback without amendment of this CUP.**
- 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. NA**

**Condition 1.** Improvements to the exterior of the improvement fit within community design guidelines stated above.

**Condition 2.** Applicant to provide 45 linear feet of plantings generally oriented towards Greatland Street from the improvement.

**Condition 3.** The dumpster shall be enclosed with a three-sided, 6 ft high wood, stone or brick enclosure.

**Condition 4.** Landscaping plan to be designed and implemented within 18 months of approved zoning permit.

**Condition 5.** The dimensions represented by the applicant shall not be altered within the 20 foot setback without amendment of this CUP.

**PUBLIC WORKS COMMENTS:** No comments.

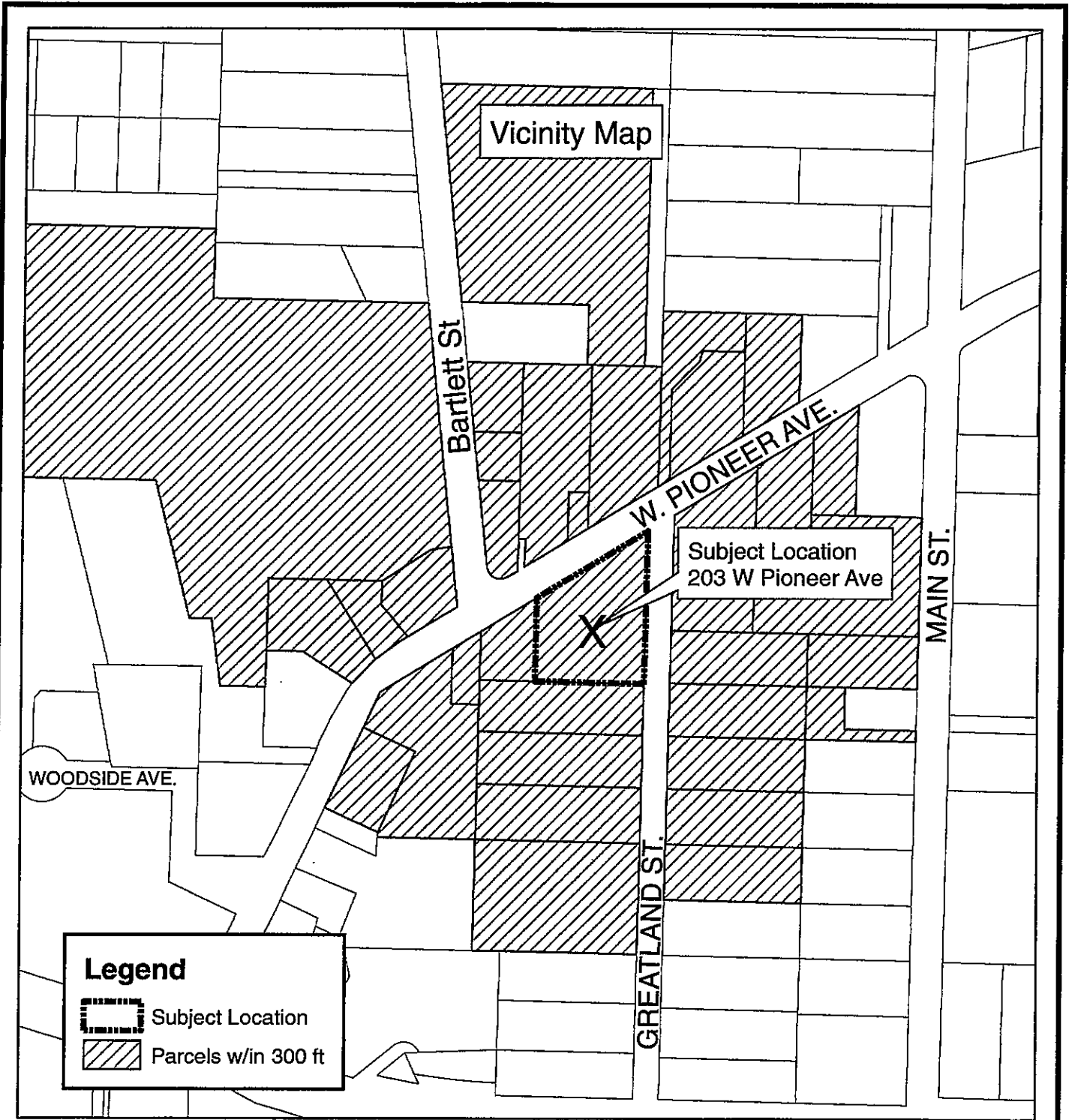
**FIRE DEPARTMENT COMMENTS:** No concerns.

**Staff Recommendation:** Approve CUP 13-11 with conditions 1-5.

#### ATTACHMENTS

1. Vicinity map
2. CUP Application
3. Staff Report 98-23
4. Notice of Encroachment
5. HAPC Regular Meeting Minutes of April 15, 1998



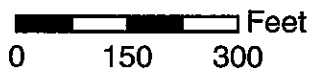


City of Homer  
Planning and Zoning Department

9/16/2013

### Request for Conditional Use Permit 2013-11

Shaded lots are w/in 300 feet and  
property owners are 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.





# City of Homer Planning & Zoning

491 East Pioneer Avenue Telephone (907) 235-3106  
 Homer, Alaska 99603-7645 Fax (907) 235-3118  
 E-mail Planning@ci.homer.ak.us  
 Web Site www.ci.homer.ak.us

**Applicant**  
 Name: Todd Boling Telephone No.: 235-3225  
 Address: 203 West Pioneer Homer AK 99603 Email: PSC@2/2542.NET

**Property Owner (if different than the applicant):**  
 Name: \_\_\_\_\_ Telephone No.: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_

**PROPERTY INFORMATION:**  
 Address: 203 W. Pioneer Lot Size: .908 acres KPB Tax ID # \_\_\_\_\_  
 Legal Description of Property: Chamberlain + Watson S/D Tract A

*For staff use:*  
 Date: \_\_\_\_\_ Fee submittal: Amount \_\_\_\_\_  
 Received by: \_\_\_\_\_ Date application accepted as complete \_\_\_\_\_  
 Planning Commission Public Hearing Date: \_\_\_\_\_

## Conditional Use Permit Application Requirements:

1. A Site Plan
2. Right of Way Access Plan
3. Parking Plan
4. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots. (Planning can provide a blank map for you to fill in).
5. Completed Application Form
6. Payment of application fee (nonrefundable)
7. Any other information required by code or staff, to review your project

### Circle Your Zoning District

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	OSR	BCWPD
Level 1 Site Plan	X	X	X									
Level 1 ROW Access Plan	X	X							X		X	
Level 1 Site Development Requirements		X										
Level 1 Lighting			X	X	X	X	X	X	X	X		
Level 2 Site Plan			X	<b>(Circled)</b>	X		X	X		X		
Level 2 ROW Access Plan			X	X	X		X	X		X		
Level 2 Site Development Requirements												
Level 3 ROW Access Plan						X						
DAP/SWP Questionnaire				X	X	X	X	X	X	X		

**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: JUST APPLIED FOR
- 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: \_\_\_\_\_

1. Currently, how is the property used? Are there buildings on the property? How many square feet? Uses within the building(s)? MEDICAL OFFICE SPACE  
EXISTING BUILDING IS 4600 SQ. FT.  
DRIVE THRU ENCLOSURE WOULD BE 710 SQ. FT.

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).  
DRIVE THRU ENCLOSURE WOULD ALSO BE MEDICAL OFFICE SPACE

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

- a. What code citation authorizes each proposed use and structure by conditional use permit? \_\_\_\_\_
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. \_\_\_\_\_
- c. How will your proposed project affect adjoining property values? NO CHANGE



- d. How is your proposal compatible with existing uses of the surrounding land? \_\_\_\_\_  
NO CHANGE
- e. Are/will public services adequate to serve the proposed uses and structures?  
 \_\_\_\_\_  
YES
- 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 CHANGE
- 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>  
 \_\_\_\_\_  
would convert obsolete structure to  
medical office space
- 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? will not change from current  
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). \_\_\_\_\_
2. How many spaces are shown on your parking plan? \_\_\_\_\_
3. Are you requesting any reductions? \_\_\_\_\_

Include a site plan, drawn to a scale of not less than 1" = 20' which shows allow 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

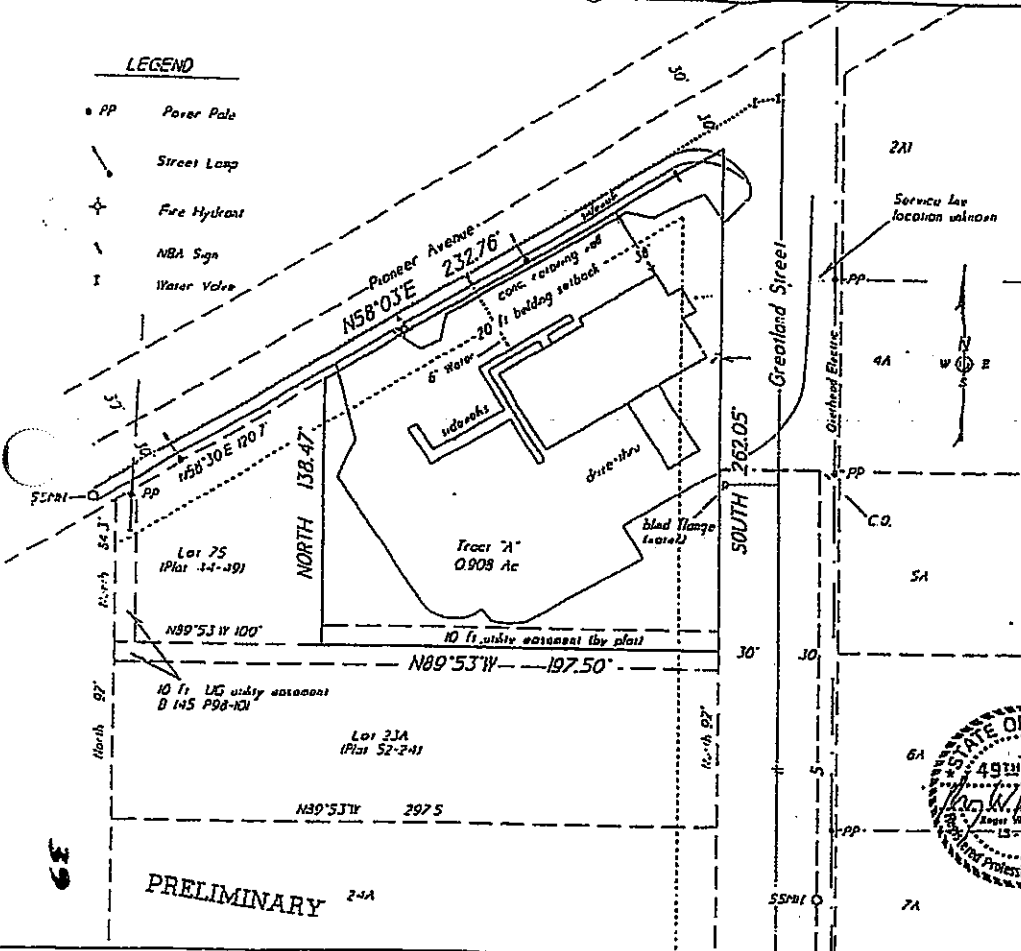
Applicant signature: M. J. W. [Signature]      Date: 9/2/13

Property Owner's signature: M. Todd Bohring      Date: 9/2/13  
M. J. W. [Signature]

303 W. Pioneer Ave

**LEGEND**

- PP Power Pole
- Street Lamp
- ⊕ Fire Hydrant
- NBA Sign
- Water Valve



**NOTES**

- 1 Subject structure is 1 story cornered building of concrete block construction.
- 2 This lot is served by City of Homer water supply and wastewater collection systems. Verify location of service lines prior to digging.
- 3 This survey is based on the record plat and is void for above ground improvements only.
- 4 No boundary survey was conducted of any lots shown hereon. An actual survey may result in changes to the overall dimensions.

I hereby Certify that I have surveyed the following property and that no encroachments exist except as shown:

Chamberlain and Watson Subdivision Tract 'A'

Exclusion Note: It is the responsibility of the Owner(s) to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data hereon be used for construction or for the establishment of fence or boundary lines.

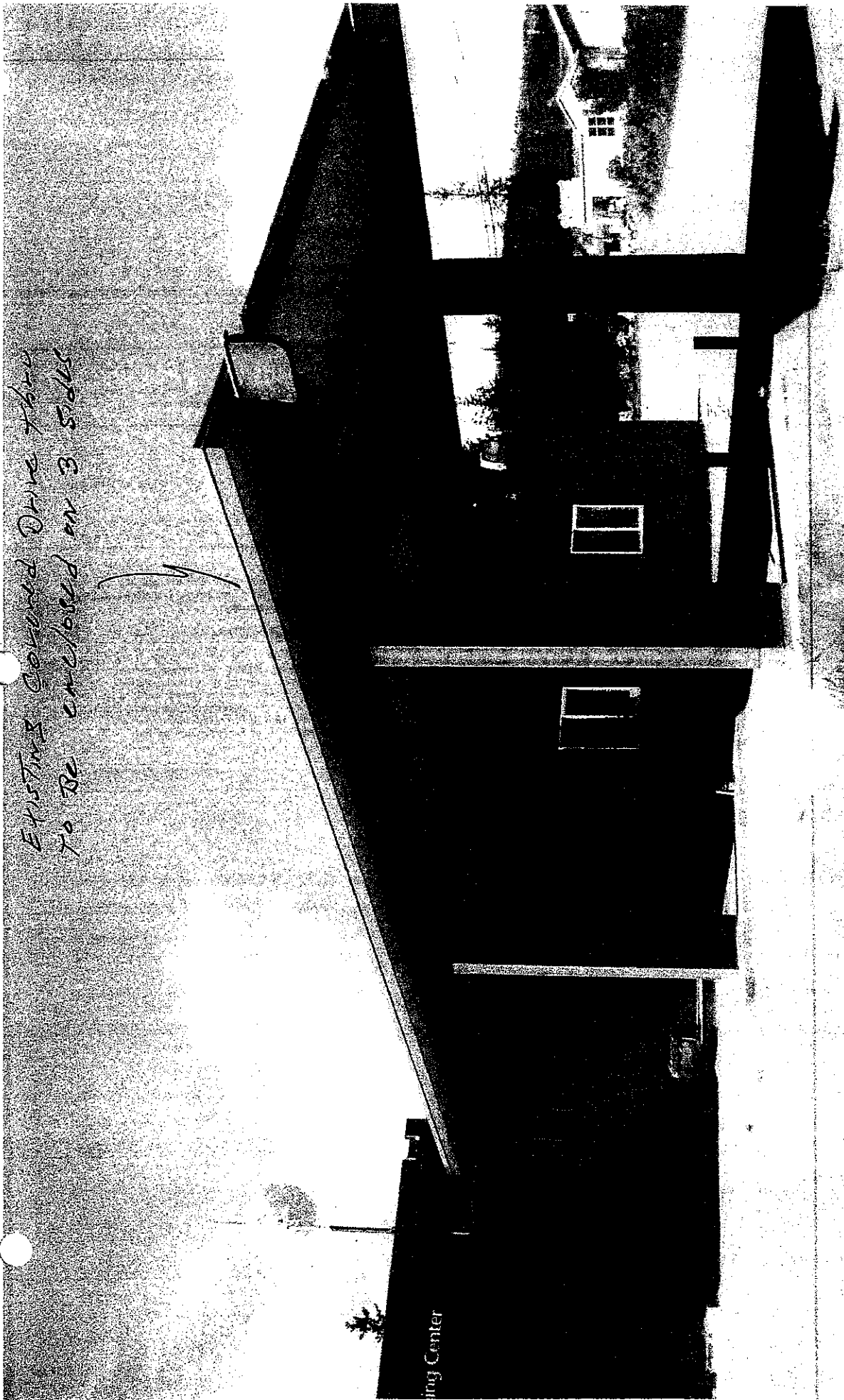
**PRELIMINARY**



<b>ASBUILT SURVEY</b> Chamberlain and Watson S/D Tract 'A' according to Plat No. 75-63 HRD  Located in the SE 1/4 NE 1/4 Section 19, T6S R13W, S14  Third Judicial District, Alaska  containing 0.908 Acres, more or less	
Client: National Bank of Alaska Homer Ak 99603	Surveyed By: Roger W. Isbott, RLS PO Box 2588 Homer Ak 99603
Date of Survey 9-30-97	File NBA.vcd
Drawn RWI	Scale 1" = 50 ft

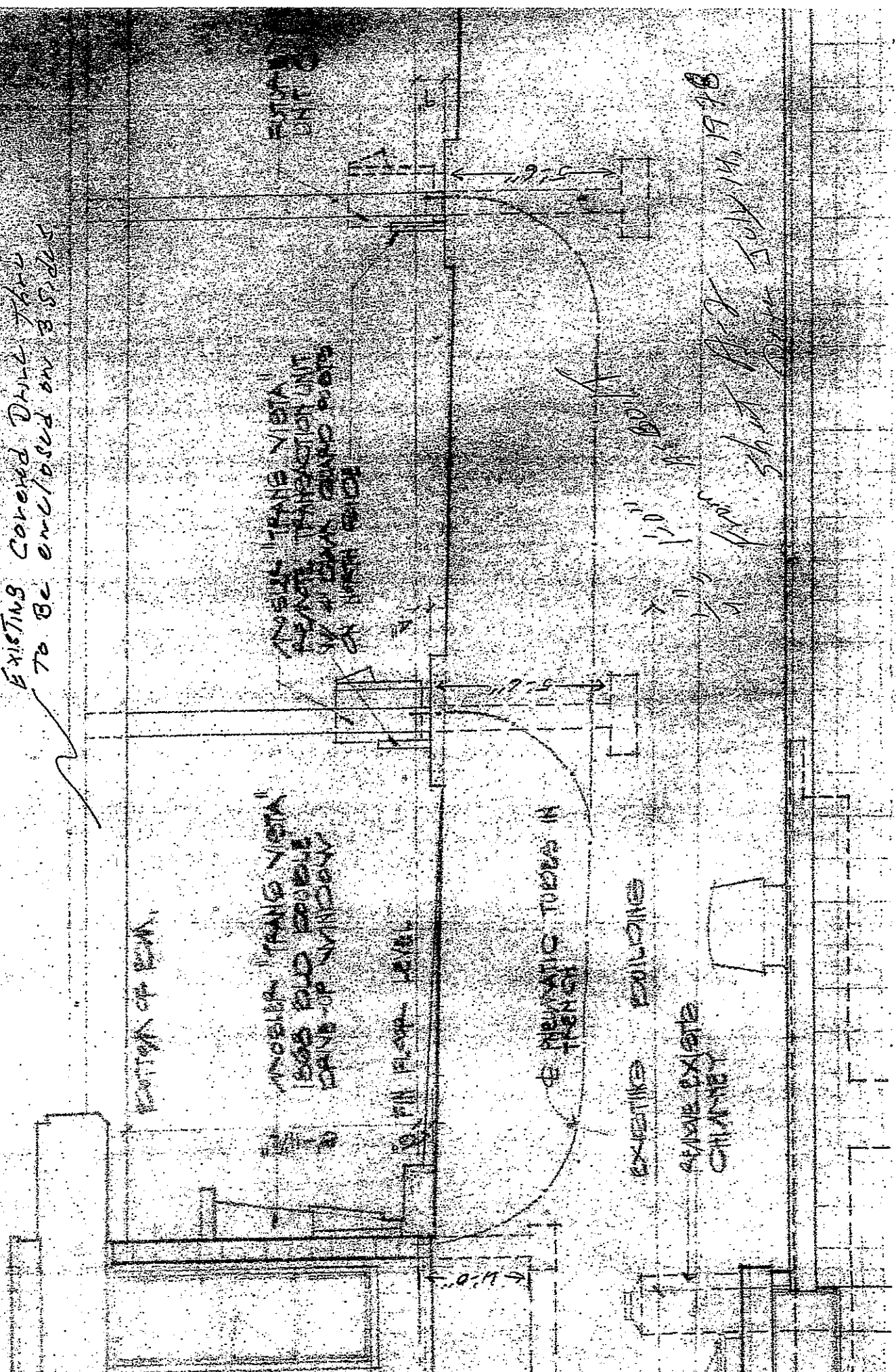
PRELIMINARY 2-A

EXISTING CONCRETE DRIVE TO BE ENCLOSED ON 3 SIDES



ing Center

EXISTING COVERED DRIVE TO BE ENCLOSED ON 3 SIDES

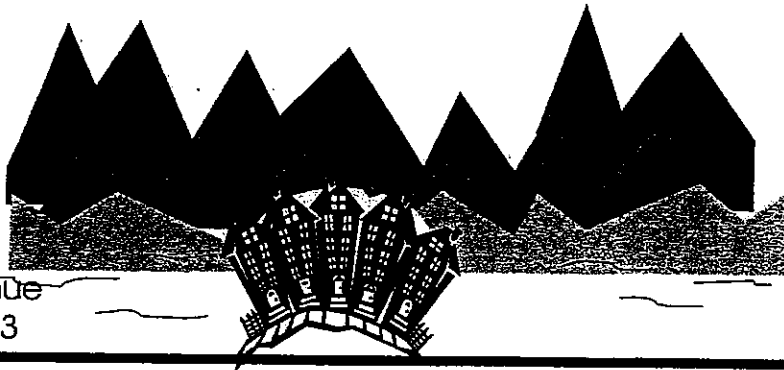


REVISED FOR JULY 14, 1978



CITY OF HOMER  
CITY HALL

491 East Pioneer Avenue  
Homer, Alaska 99603



PLANNING/ZONING  
PROPERTY MANAGEMENT

Phone (907)235-812  
Fax (907)235-3141  
Email [planning@xyz.ne](mailto:planning@xyz.ne)

**STAFF REPORT PL 98 - 23**

TO: HOMER PLANNING COMMISSION

FROM: EILEEN R. BECHTOL, PLANNING DIRECTOR *ERB*

MEETING: APRIL 15, 1998

SUBJECT: PLANNING COMMISSION ACCEPTANCE OF A  
NONCONFORMING STRUCTURE ON TRACT A, CHAMBERLAIN  
AND WATSON SUBDIVISION, LOCATED AT 203 PIONEER  
AVENUE

Homer City Code, Chapter 21.64 stipulates that any lot, structure, use or occupancy legally existing before September 28, 1982, but which does not meet the requirements of the zoning code shall be considered nonconforming (grandfathered). It is the responsibility of the property owner to submit proof to the Planning Commission to obtain formal acceptance of nonconforming use status, HCC 21.64.035.

Upon presentation of such proof, the Planning Commission shall formally accept the nonconforming use or structure as a valid use or structure on the legally designated lot until such time as the use ceases for one year, HCC 21.64.035.

The property owner National Bank of Alaska, has submitted the attached information to the Planning Commission. The structure is seven feet from Greatland right-of-way, the setback requirement is twenty feet. The structure was expanded in 1975, which placed it within the setback before the zoning code was adopted in 1982.

**RECOMMENDATION**

Planning Commission acceptance of the structure on Tract A, Chamberlain and Watson Subdivision as a legal nonconforming structure, subject to the provisions of HCC 21.64, Nonconformity Chapter.

# NOTICE OF ENCROACHMENT

To: KACHEMAK BAY TITLE AGENCY, INC.

Escrow No.: 19297

Please be advised that we acknowledge the encroachment(s) as follows:

THE FOLLOWING ITEMS ENCROACH INTO THE 20 FOOT SET-BACK LINE:

- \* EASTERLY PORTION OF THE BUILDING
- \* PORTION OF THE DRIVE-THRU WINDOWS
- \* CONCRETE RETAINING WALL
- \* PARKING FACILITIES

We agree to hold KACHEMAK BAY TITLE AGENCY, INC. and NATIONAL BANK OF ALASKA harmless and without liability to the above noted encroachment(s) and if at any time it becomes necessary to remove the above noted encroachment(s) we will do so at our own expense.

This letter is given for the purpose of inducing KACHEMAK BAY TITLE AGENCY, INC. to issue its title policy(ies).

Buyer:

Emmitt D. Trimble

EMMITT D. TRIMBLE

Karen R. Berg-Forrester

KAREN R. BERG-FORRESTER

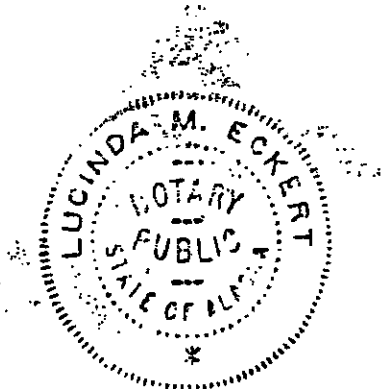
Mary E. Trimble

MARY E. TRIMBLE

Calvin W. Forrester

CALVIN W. FORRESTER

Subscribed to and sworn before me this 21st day of April 1998.



Lucinda M. Eckert

Notary Public in and for Alaska

My commission expires: 3-5-02



**HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING  
APRIL 15, 1998  
PAGE 4**

**CONSIDERATION OF PLATS:**

A Staff Report PL 98-21 Re: Watson Tracts Subdivision Preliminary Plat

Planning Director Bechtol reviewed the proposed preliminary plat recommending approval with conditions.

GANNAWAY/SMITH MOVED FOR APPROVAL OF STAFF REPORT PL 98-21 PER STAFF RECOMMENDATION.

Commissioner Yourkowski asked staff why the lot jogged into East Road.

Planning Director Bechtol asked Mr. Rentmeester to answer.

Mr. Rentmeester explained he has talked to Paul Janke the DOT Engineer for the East Road improvement. He said they are going to buy that portion of the lot so they get a 100 foot right of way across that whole property.

Commissioner Needham asked if the driveway was placed where it was because of the terrain. Is the access too steep off East Hill Road.

Mr. Johnson answered that they have a permit to move the driveway.

Mr. Rentmeester stated that the driveway shown is just a mud path. It's not an improvement.

VOTE: YES: COBLE, NEEDHAM, GANNAWAY, YOURKOWSKI, SMITH,  
EVANS, WEBB

NO: NONE

The motion passed.

**COMMISSION BUSINESS:**

A. STAFF REPORT PL 98-23 RE: PLANNING COMMISSION ACCEPTANCE OF A NONCONFORMING STRUCTURE ON TRACT A, CHAMBERLAIN AND WATSON SUBDIVISION, LOCATED AT 203 WEST PIONEER AVENUE

Planning Director Bechtol reviewed the Nonconforming Code and explained the procedure. The structure was built prior to zoning and is seven feet into the right of way for Greatland Street. She recommended the Planning Commission accept the structure as a legally nonconforming structure.

**HOMER ADVISORY PLANNING COMMISSION**  
**REGULAR MEETING**  
**APRIL 15, 1998**  
**PAGE 5**

NEEDHAM/WEBB MOVED FOR APPROVAL OF STAFF REPORT PL 98-23 PER STAFF RECOMMENDATION.

Commissioner Smith asked if a nonconforming structure could be made more nonconforming by building further into the setback.

Ms. Bechtol explained the code does not permit that.

VOTE: YES: NEEDHAM, GANNAWAY, YOURKOWSKI, SMITH, EVANS, WEBB,  
COBLE

NO: NONE

The motion passed.

B. STAFF REPORT PL 98-24 RE: PLANNING COMMISSION CLARIFICATION OF  
CONDITION #12, KPB FLOODPLAIN REQUIREMENTS, CONDITIONAL USE PERMIT #97-  
02, LANDS END COTTAGES

Planning Director Bechtol explained Mr. Faulkner requested that the Planning Commission clarify if condition #12 of the CUP meant to require Homer oversight authority or if the Commission anticipated the Borough would administer the requirements. As per the City Attorney since there is a pending appeal the record is still closed. Ms. Bechtol explained that Commissioner Smith had given her his interpretation.

Commissioner Needham was excused due to a prior conflict of interest.

Planning Director Bechtol read Commissioner Smith's interpretation of KPB Flood Plain Management Zoning Ordinance 21.06: "My intention is that the standards of this ordinance apply to the LEAC CUP with administration performed solely by the City of Homer.

A: 21.06.030 Land to which this condition applies: LEAC CUP.

B: Basis for establishing flood plain areas: Flood plain hazard areas as identified by the latest published Flood Insurance Rate Maps.

References to Borough Administration, Planning Dept., Planning Commission and Borough Assembly, are understood to mean the functional equivalent of the City of Homer."

GANNAWAY/SMITH MOVED FOR APPROVAL OF COMMISSIONER SMITH'S INTERPETATION.



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### STAFF REPORT PL 13-75

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** October 2, 2013  
**SUBJECT:** Yah Sure Subdivision 2013 Preliminary Plat

**Requested Action:** Recommend approval of this preliminary plat to shift a common lot line.

### GENERAL INFORMATION

Applicants:	Point of View LLC 3726 Lake St Ste A Homer, AK 99603	Ability Surveys 152 Dehel Ave Homer, AK 99603
Location:	Lake Street	
Parcel ID:	17712024, 17712025	
Size of Existing Lot(s):	1.23 and 0.73 acres	
Size of Proposed Lots(s):	Lot 1-A will be 1.008 acres, and Lot 2-A 0.951 acres	
Zoning Designation:	Central Business District	
Existing Land Use:	Point of View Mall, vacant back lot	
Surrounding Land Use:	North: Commercial South: Courthouse East: Commercial Office/vacant West: Commercial	
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) Objective B: Promote a pattern of growth characterized by a concentrated mixed use center and a surrounding ring of moderate to high density residential and mixed use areas with lower densities in outlying areas.	
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 32 property owners of 37 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 shifted. A portion of the commercial building may encroach on the current lot line. The purpose of the subdivision is to solve this encroachment.

**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 Lake Street.***

***FIRE DEPARTMENT COMMENTS: No concerns with this plat.***

**STAFF RECOMMENDATIONS:**

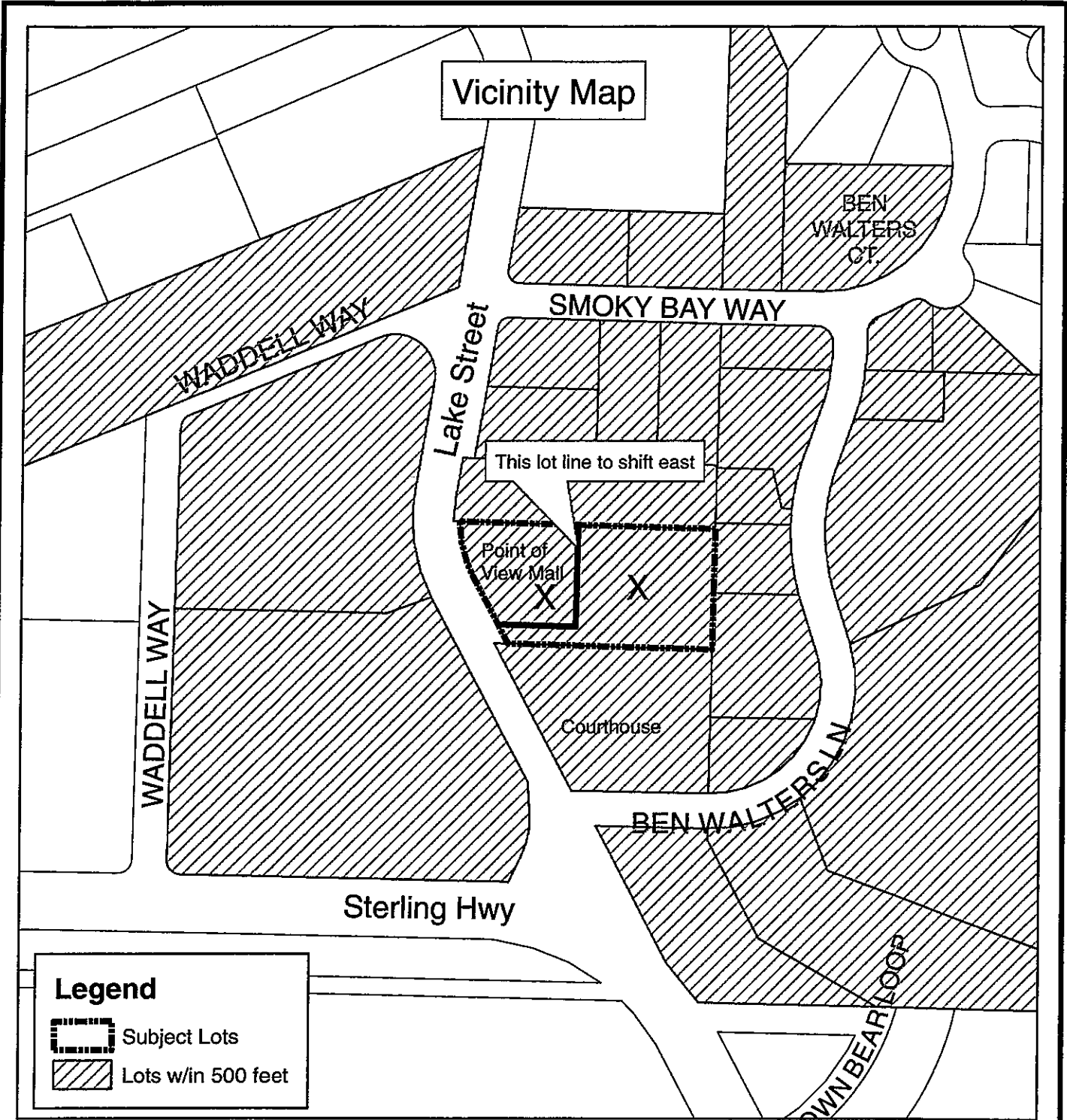
Planning Commission recommend approval of the preliminary plat with the following comments:

1. Dedicate the required 15' utility easement along Lake Street per HCC 22.10.051(a).
2. Add a plat note stating development of these lots is subject to the City of Homer zoning regulations.

**ATTACHMENTS**


1. Preliminary Plat
2. Location map





**Legend**

- Subject Lots
- Lots w/in 500 feet




*City of Homer*  
**Planning and Zoning Department**  
 9/16/2013

**Yah Sure Subd 2013  
 Preliminary Plat**

Marked lots are w/in 500 feet and property owners notified.

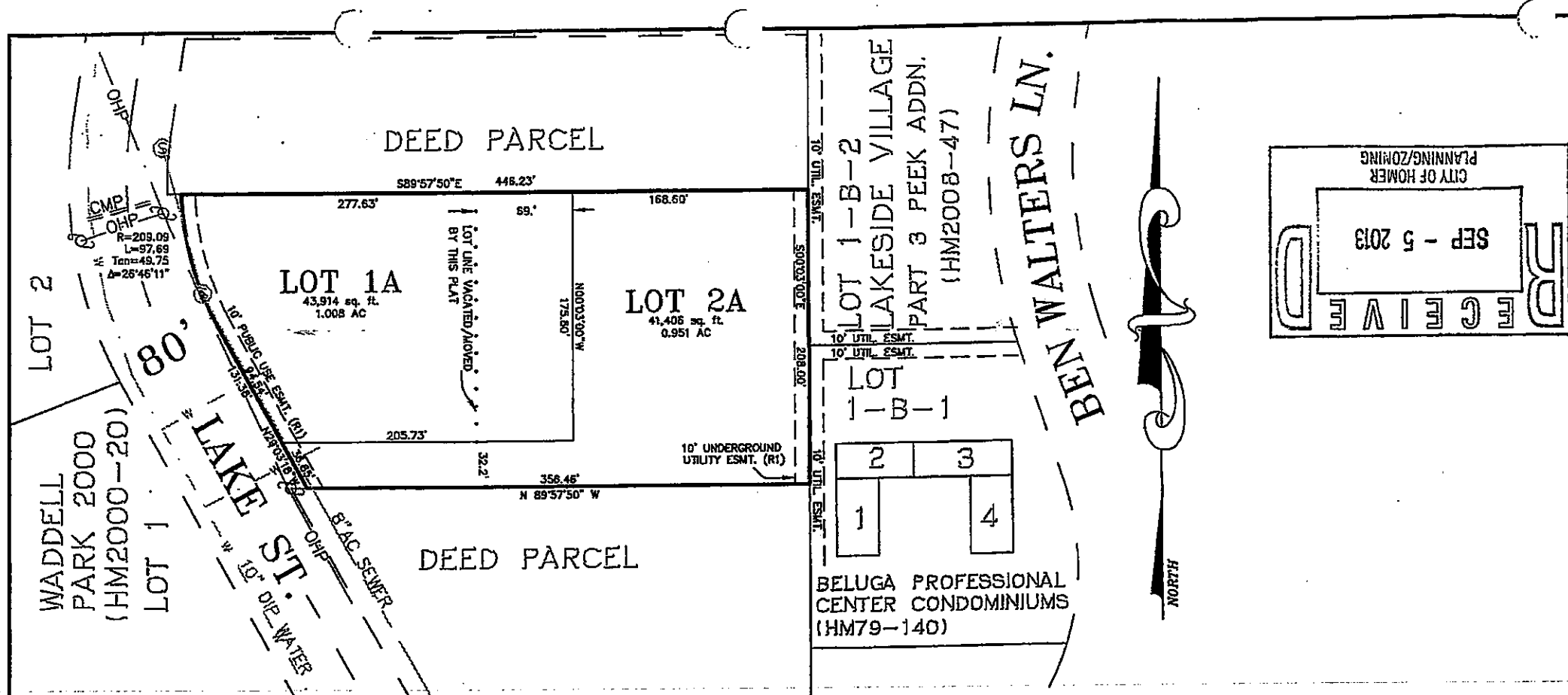
0 250 500 Feet



*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.

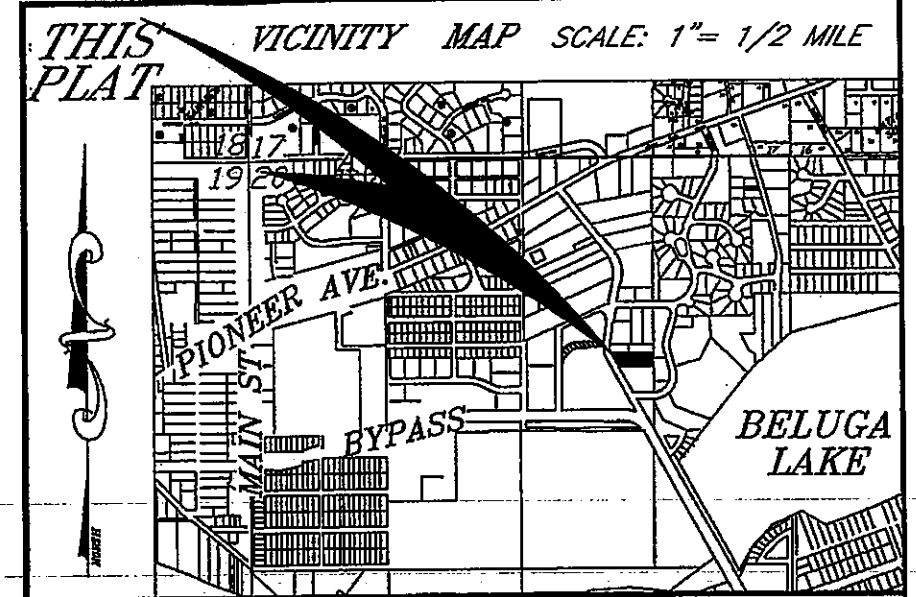
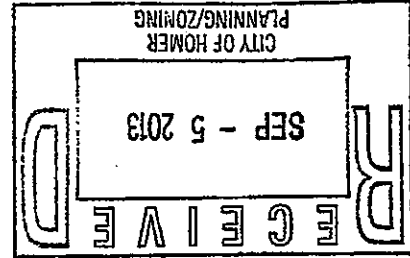






**LEGEND**

R1 RECORD DATA PER HM85-75



**CERTIFICATE OF OWNERSHIP**

I hereby certify that "POINT OF VIEW LLC" is the owner of the real property shown and described hereon, and that "POINT OF VIEW LLC" hereby adopts this plan of subdivision, and by its free consent dedicates all easements to the use shown.

Signatory for  
Point of View LLC  
3726 Lake St. Ste. A  
Homer, AK 99603

**NOTES**

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

2. PER HM85-75; BUILDINGS SHALL BE SETBACK 70 FEET FROM THE 1985 CENTERLINE OF LAKE STREET. NO STRUCTURES PERMITTED WITHIN PANHANDLE PORTION OF LOT 2-A. NO DIRECT ACCESS TO STATE MAINTAINED R.O.W. PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA D.O.T..

**WASTEWATER DISPOSAL:**  
PLANS FOR WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS, ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

**NOTARY'S ACKNOWLEDGEMENT**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

Notary public for Alaska My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
SURVEYOR LICENSE # \_\_\_\_\_ DATE \_\_\_\_\_

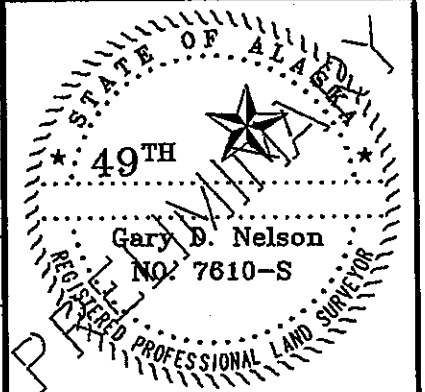
**PLAT APPROVAL**

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_  
KENAI PENINSULA BOROUGH

BY \_\_\_\_\_

Authorized Official \_\_\_\_\_ KPB FILE 2013-\_\_\_\_\_

DATE	9-04-2013
SCALE	1" = 50'
GRID No.	AR-73
JOB No.	4715
DRAWING:	4715_LDD



**YAH SURE SUBDIVISION 2013**

A REPLAT OF LOTS 1 AND 2, "YAH SURE SUBDIVISION" (HM85-75), LOCATED WITHIN THE NE1/4 SEC. 20, T6S, R13W, S.M., CITY OF HOMER, KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, ALASKA CONTAINING 2.011 ACRES

**ABILITY SURVEYS**

GARY NELSON, PLS  
(907) 235-8440  
152 DEHEL AVE., HOMER ALASKA 99603



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Planning  
491 East Pioneer Avenue  
Homer, Alaska 99603

Planning@ci.homer.ak.us  
(p) 907-235-3106  
(f) 907-235-3118

## STAFF REPORT PL 13-76

**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** October 2, 2013  
**SUBJECT:** Wintergreen Subdivision 2013 Lot 5-A and 5-B Replat Preliminary Plat

**Requested Action:** Recommend approval of this preliminary plat to vacate a common lot line. This action reverts the acreage back to the original subdivision layout.

## GENERAL INFORMATION

Applicants:	Atz Kilcher 841 Goldberry Court Homer, AK 99603	Seabright Survey + Design 1044 East End Rd Ste A Homer, AK 99603
Location:	Goldberry Court, east of West Hill Road	
Parcel ID:	17324164, 17324165	
Size of Existing Lot(s):	Both lots are 2.73 acres	
Size of Proposed Lots(s):	Lot 5-A 1 will be 5.485 acres	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Single family residential/Vacant	
Surrounding Land Use:	North: Residential/Vacant South: Residential/Vacant East: Residential/Vacant West: Vacant	
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) Objective B: Promote a pattern of growth characterized by a concentrated mixed use center and a surrounding ring of moderate to high density residential and mixed use areas with lower densities in outlying areas.	
Wetland Status:	Wetland mapping shows wetland/upland complex, and a depression near the south east corner.	
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 not available.	
Public Notice:	Notice was sent to 26 property owners of 27 parcels as shown on the KPB tax assessor rolls.	

## ANALYSIS:

This subdivision is within the Rural Residential District. The vacation of the common lot line will return these parcels to the single large lot configuration of the original subdivision.

**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 meets these requirements.*

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:** No comments.

**FIRE DEPARTMENT COMMENTS:** No concerns with this plat.

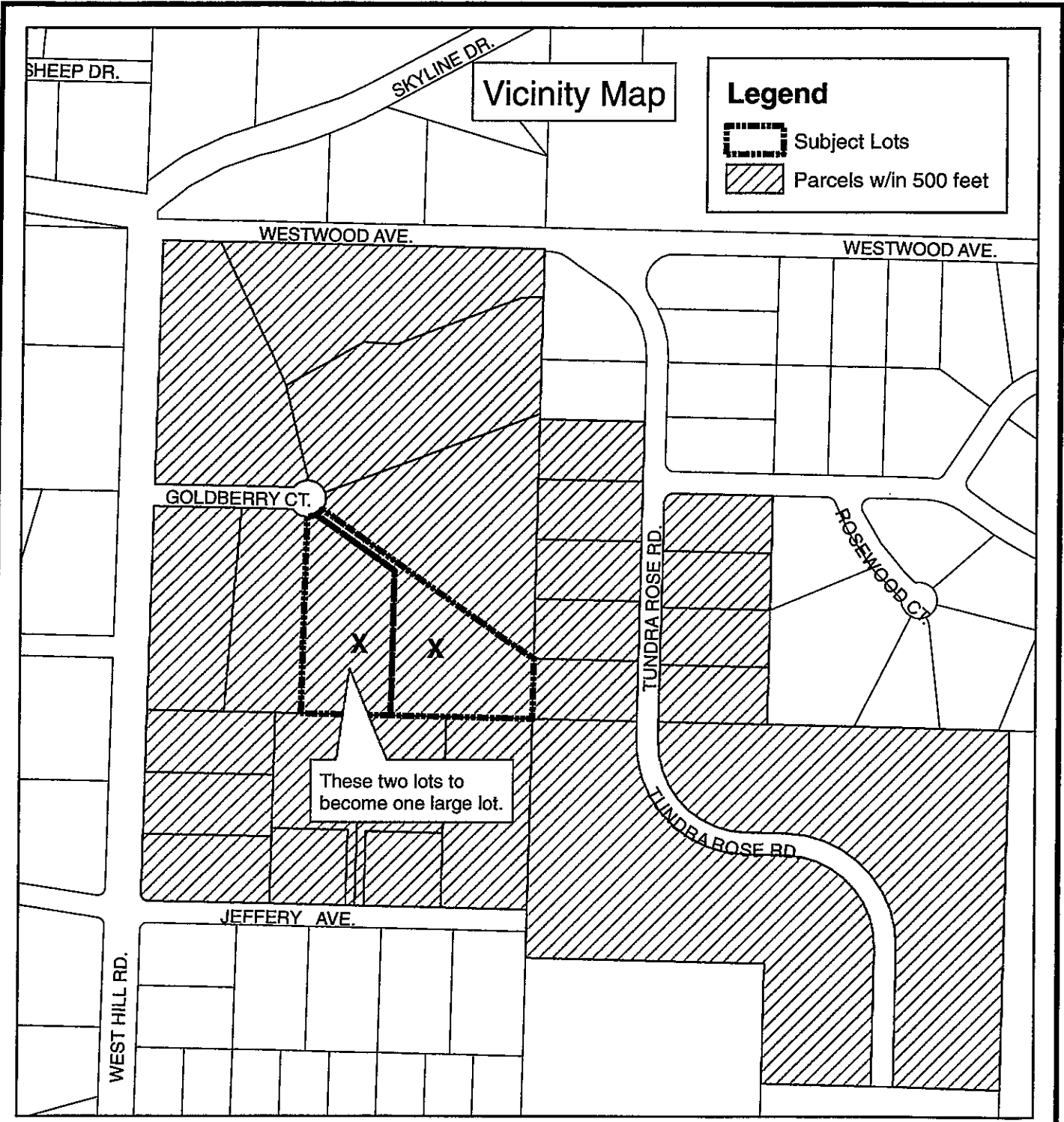
**STAFF RECOMMENDATIONS:**

Planning Commission recommend approval of the preliminary plat.

**ATTACHMENTS**

1. Preliminary Plat
2. Location map

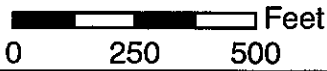




*City of Homer*  
**Planning and Zoning Department**  
 September 19, 2013

**Wintergreen Subdivision 2013**  
**Lot 5-A and Lot 5B Replat**  
**Preliminary Plat**

Marked lots are w/in 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.



**LEGEND**

- ⊕ RECORD 2" AL-CAP BY 5780-S, 1998
- ▨ 15' UTILITY EASEMENT

**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. THE ENGINEER'S SOILS REPORT IS ON FILE AT THE KENAI PENINSULA BOROUGH AND IT IS RECOMMENDED THAT PERSONS CONCERNED WITH INSTALLING A WASTEWATER DISPOSAL REVIEW THE REPORT FOR PERTINENT INFORMATION AND CAVEATS. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

Tobban Spurkland CE2225 9/18/06

**PLAT APPROVAL**

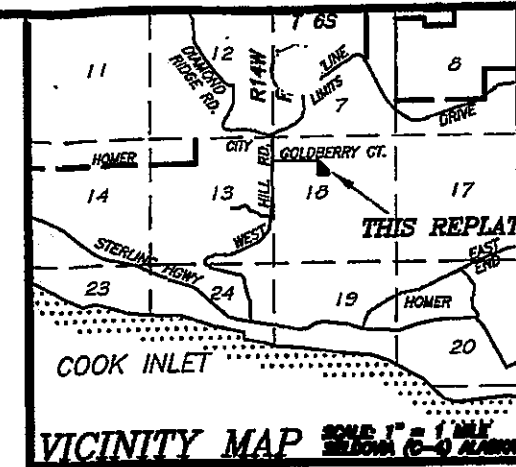
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_

\_\_\_\_\_  
AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

\_\_\_\_\_  
DATE

**NOTES**

1. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. THIS LOT IS SERVED BY ONSITE WATER AND SEWER SERVICES. THE 10 FEET ADJACENT TO THE RIGHT-OF-WAY, AS WELL AS 5 FEET WIDE BY 20 FEET DEEP ALONG THE SIDE LOT LINES, IS A UTILITY EASEMENT PER PLAT HM 98-401.
3. THE FRONT 15' ALONG THE EXISTING RIGHTS-OF-WAY AND THE ENTIRE SETBACK WITHIN 5 FEET OF SIDE LOT LINES IS A UTILITY EASEMENT.
4. DEVELOPMENT OF THIS LOT IS SUBJECT TO THE CITY OF HOMER ZONING REGULATIONS.
5. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION, IF APPLICABLE.
6. THIS PLAT WAS PREPARED FOR THE VACATION OF LOT LINES ONLY. NO SURVEY WAS PERFORMED FOR THE PREPARATION OF THIS PLAT. ALL LOT DIMENSIONS SHOWN ON THIS PLAT ARE FROM RECORD DATE AS SHOWN ON PLAT #2006-64 (HRD).
7. COVENANTS FILED IN BOOK 308 PAGE 740 HRD ARE ATTACHED TO THIS PLAT.



**CERTIFICATE OF OWNERSHIP**

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

ATZ K. KILCHER AKA ATZ KILCHER  
841 GOLDBERRY CT.  
HOMER, ALASKA 99603

**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN TO BEFORE ME THIS  
DAY OF \_\_\_\_\_, 2013.  
FOR: \_\_\_\_\_  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

HOMER RECORDING DISTRICT KPB FILE No. 2013-

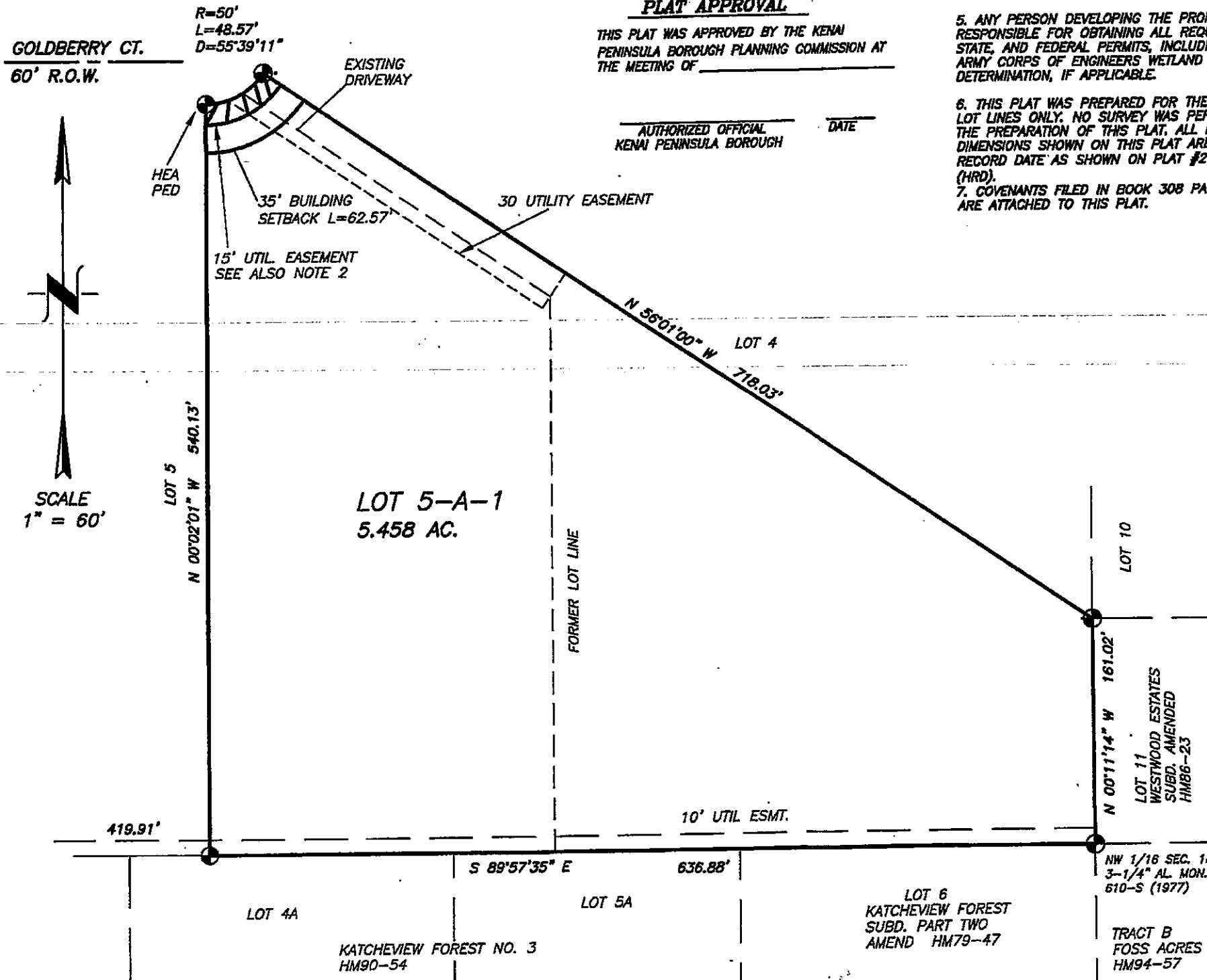
**WINTERGREEN SUBDIVISION  
2013 LOT 5-A AND LOT 5-B REPLAT**

A REPLAT OF LOT 5-A AND 5-B, WINTERGREEN SUBD.  
(HM 2008-64), LOCATED WITHIN  
THE NW1/4, SEC 18, T6S, R13W, S. M.,  
KENAI PENINSULA BOROUGH, THIRD DISTRICT,  
STATE OF ALASKA, HOMER RECORDING DISTRICT,  
WITHIN THE CITY OF HOMER, CONTAINING 5.458 ACRES

**SEABRIGHT SURVEY + DESIGN  
KENTON T. BLOOM, P.L.S.**

1044 EAST ROAD, SUITE A  
HOMER, ALASKA 99603  
(907) 235-4247

DRAWN BY: KK	CHKD BY: KB	JOB #13-31
DATE: 7/2013	SCALE: 1"=30'	SHEET #1 OF 1



SCALE  
1" = 60'





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

Planning@ci.homer.ak.us  
(p) 907-235-3106  
(f) 907-235-3118

### STAFF REPORT PL 13-71

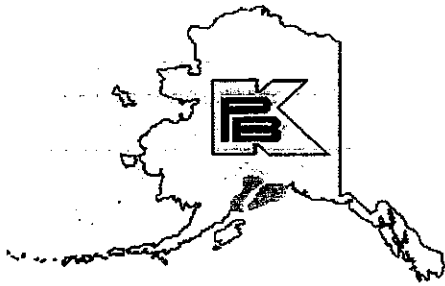
**TO:** Homer Advisory Planning Commission  
**THROUGH:** Rick Abboud, City Planner  
**FROM:** Julie Engebretsen, Planning Technician  
**MEETING:** September 18, 2013  
**SUBJECT:** Kenai Peninsula Borough Ordinance Rewriting Chapter 20, Subdivisions

#### 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 2<sup>nd</sup> 2013 HAPC agenda for a recommendation to the Borough Planning Commission.

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

PHONE: (907) 714-2200 • FAX: (907) 714-2378

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

[www.borough.kenai.ak.us](http://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](mailto:pvoeller@borough.kenai.ak.us) or 907-714-2212) or Maria Sweppy ([mwsweppy@borough.kenai.ak.us](mailto: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

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • FAX: (907) 262-1892

www.borough.kenai.ak.us

**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

<b>CHAPTER 20.10 GENERAL PROVISIONS (Former KPB 20.04)</b>	
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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<b>CHAPTER 20.30 SUBDIVISION DESIGN REQUIREMENTS (Former KPB 20.20)</b>	
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.

<b>CHAPTER 20.70 VACATION REQUIREMENTS (Former KPB 20.28)</b>	
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.
<b>CHAPTER 20.90 DEFINITIONS (Former KPB 20.08)</b>	
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.

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(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.

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(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.

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(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.

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(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 1/4 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. KP 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. KP 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 KP 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:

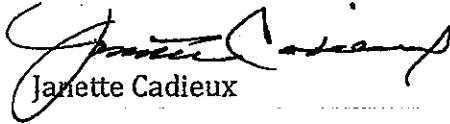
I wish to express my thoughts regarding the rewrite of the KPB Chapter 20 of borough code regarding subdivision development. Please consider the following:

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







## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

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(p) 907-235-3106

(f) 907-235-3118

### STAFF REPORT PL 13-78

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** October 2, 2013  
**SUBJECT:** Comprehensive Plan Reviews

We talked a bit about this last meeting. While we communicated about some of the issues associated with the items, we really did not gain much consensus on what were some of the most important items on the list. I did suggest that some more time be spent on the list and perhaps come up with a top and bottom 5 to start and prioritized some of the items. It would be great to even cross-off some items off or clarify their prioritization to long-term as well as identify items most appropriate for the short term.

#### **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





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## Planning

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Homer, Alaska 99603

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(p) 907-235-3106

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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
<p>Revise zoning to protect character and enhance commercial, industrial, and public facilities development</p>	<p><del>Identify appropriate residential uses on the Spit.</del></p> <p><del>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.</del></p> <p>Consider a 25-foot building height limit, with a Conditional Use Permit (CUP) process for buildings up to 35 feet.</p> <p><del>Encourage all developments to provide amenities such as bike racks, benches, picnic tables, trashcans, and landscape features such as planters and art.</del></p> <p>Review Spit parking requirements and possible solutions.</p>	
<p>The City should plan for the future land use of City-owned properties</p>	<p><del>Reserve and cluster industrial land at specific nodes, including east and south of harbor.</del></p> <p><del>Better utilize the limited land available for industrial and economic development.</del></p> <p><del>Reserve sufficient land by the deep water dock for future industrial development.</del></p> <p>Designate “overslope” for commercial use focus on south and west sides.</p>	
<p>Address marine commercial and marine industrial zoning</p>	<p><del>Submit draft ordinance to Planning Commission and City Council.</del></p> <p><del>Consider zero lot line construction and the amount of right-of-way realistically needed to support specific uses at build-out.</del></p>	
<p>Review land lease policy and determine impact on leasing and character of leasing</p>	<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><del>Address screening of dumpsters/noxious facilities.</del></p> <p>Address standards for screening of industrial development with view protection.</p> <p><del>Explore industrial subdivision standards.</del></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><del>Provide kayak launching facilities.</del></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><del>Enter Memorandum of Agreement with ADOT&amp;PF to address parking, maintenance, and management of the right of way.</del></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><del>Review zoning for adequacy of provisions for industrial growth.</del></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

	they don't sink or leak.	
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# **KENAI PENINSULA BOROUGH**

PLANNING DEPARTMENT  
144 North Binkley Street • Soldotna, Alaska 99669-7520  
**PHONE:** (907) 714-2200 • **FAX:** (907) 714-2378  
Toll-free within the Borough: 1-800-478-4441, Ext. 2200  
[www.borough.kenai.ak.us](http://www.borough.kenai.ak.us)

**MIKE NAVARRE**  
BOROUGH MAYOR

September 10, 2013

## **NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE**

### **MEETING OF SEPTEMBER 9, 2013**

**RE:** Nils O. Svedlund Sub 2013 Replat Preliminary Plat

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of September 9, 2013 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.12; 20.14 and 20.20.

Please contact the Planning Department if you need additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent September 10, 2013 to:

**City of:** City of Homer  
491 E Pioneer Ave  
Homer, AK 99603-7624

**Advisory Planning Commission/Community Council:** Homer Advisory Planning Commission  
491 E Pioneer Ave  
Homer, AK 99603-7624

**Survey Firm:** Seabright Survey + Design  
1044 East Road, Suite A  
Homer, AK 99603

**Subdivider/Petitioner:** City of Homer  
491 E Pioneer Ave  
Homer, AK 99603-7624

Dragonfly, LLC  
64362 Bridger Rd.  
Homer, AK 99603-9213

**KPB File Number:** 2013-148

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail.

### 2. The second part of the document outlines the various methods used to collect and analyze data. These methods include direct observation, interviews, and the use of statistical software.

3. The third part of the document describes the results of the data collection and analysis. It shows that there is a significant correlation between the variables studied, and that the findings are consistent with the theoretical framework.

4. The fourth part of the document discusses the implications of the findings for practice and policy. It suggests that the results can be used to inform decision-making and to develop more effective interventions.

5. The fifth part of the document concludes the study and provides a summary of the key findings. It also identifies the limitations of the study and suggests areas for future research.

**AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

Staff Report given by Patti Hartley

Plat Committee Meeting: 9/9/2013

Staff has grouped the plats located under **AGENDA ITEM E (AGENDA ITEM F - FINAL PLATS WILL NEED SEPARATE REVIEW)**. They are grouped as:

- A. **Simple** (lot splits, small number of lots, replats, no exceptions required) or non-controversial (may require redesigns, create larger number of lots, no public comments received, no exceptions required) – 4 Plats
  - 1. Darsey Subdivision; KPB File 2013-134 [SurveyMax / Darsey]
  - 3. Dahler Sub 2013 Addn; KPB File 2013-146 [Integrity / Musgrove, Roller]
  - 4. Upper Winding Trails 2013 Replat; KPB File 2013-147 [Seabright / Stonorov, Eayrs]
  - 5. Nils O. Svedlund Sub 2013 Replat; KPB File 2013-148 [Seabright / Dragonfly, City of Homer]

**Staff recommends** the committee determine whether any members of the public, surveyors or committee members wish to speak to any of the plats in this group and remove the specific plats from the group, voting on the remainder of plats in the group in a single action to grant preliminary approval to the plats subject to staff recommendations and the conditions noted in the individual staff reports.

**END OF STAFF REPORT**

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

**MOTION:** Commissioner Gross moved, seconded by Commissioner Tauriainen to grant approval of the following preliminary plats as presented by staff.

- 1. Darsey Subdivision; KPB File 2013-134 [SurveyMax / Darsey]
- 3. Dahler Sub 2013 Addn; KPB File 2013-146 [Integrity / Musgrove, Roller]
- 4. Upper Winding Trails 2013 Replat; KPB File 2013-147 [Seabright / Stonorov, Eayrs]
- 5. **Nils O. Svedlund Sub 2013 Replat; KPB File 2013-148 [Seabright / Dragonfly, City of Homer]**

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

CARLUCCIO YES	GROSS YES	HOLSTEN ABSENT	TAURIAINEN YES	WHITNEY YES	4 YES 1 ABSENT
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**AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

- 5. Nils O. Svedlund Subdivision 2013 Replat  
KPB File 2013-148; Seabright/Dragonfly, City of Homer

**STAFF REPORT**

Plat Committee Meeting: 9/9/13

Location: City of Homer  
 Proposed Use: Not Provided  
 Water/Sewer: City  
 Zoning: Central Business District  
 Assessing Use: Residential, Accessory Building, Vacant  
 Parent Parcel Number(s): 177-192-09, 177-192-11, 177-192-26, 177-192-27

Supporting Information:

The proposed subdivision replats four lots into two lots containing approximately 30,000 square feet and 4.7 acres. A soils report is not required. The subdivision fronts paved East Pioneer Avenue.

Homer Advisory Planning Commission reviewed two plats for this property. The Homer Commission conditionally approved the preliminary plat, which combined three parcels into one parcel, on April 3, 2013, subject to the following conditions:

1. Clarify that the utility easement that cuts through the southern portion of the lot is a 40-foot utility easement.  
*Borough staff comments: The 40-foot easement is on the plat provided for KPB review.*
2. Indicate adjacent subdivision names.  
*Borough staff comments: Adjacent subdivision names are on the plat provided for KPB review.*
3. Consider eliminating Note 6.  
*Borough staff comments: Note 6 was removed from the plat for KPB review.*
4. Depict a 15' utility easement along the right-of-way.  
*Borough staff comments: **Staff recommends** compliance with the Homer Commission's recommendation.*
5. Depict the existing 10' utility easement along the lower east lot line: 228.88'  
*Borough staff comments: KPB platting staff was unable to find the lower east lot line: 228.88'. Per the parent plat a 10-foot utility easement is along about half of the eastern boundary of former Lot 6-A. **Staff recommends** this 10-foot utility easement be carried forward from the parent plat.*
6. Change the label on the utility easement that crosses the southern portion of the lot from 20' to a total of 40' wide.  
*Borough staff comments: The change is on the plat submitted for KPB review.*
7. Delete Note 7 regarding an "isolated subdivision."  
*Borough staff comments: The note is not on the plat submitted for KPB review.*

After the public hearing, an agreement was reached which allows the private property owners to purchase a small portion of the City of Homer's parcel to eliminate a building encroachment. The Homer Commission approved the revised preliminary plat on August 7, 2013 with no additional recommendations.

Per Planning Commission Resolution 2000-25, if the Certificate to Plat indicates any beneficial interests affect this property, they will be notified and given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

Physical addresses may be affected by the replat. Homer Planning and Zoning Department can answer questions about the effect of the replat on addresses.

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

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 (FORM AND CONTENTS), KPB 20.14 (WASTEWATER DISPOSAL), AND KPB 20.20 (DESIGN REQUIREMENTS) AS FOLLOWS:

1. **20.12.060. - Form and contents required. The preliminary plat shall be drawn to scale of sufficient size to be clearly legible and shall show the following:**



Platting staff comments: The plat complies with the following portions of 20.12.060: A, B, E, G, H, J, and M.

Platting staff comments: The following portions of 20.12.060 are not applicable to the subject plat: I and L.

Platting staff comments: Additional information is provided for the following portions of 20.12.060 or additional information, revision or corrections are required

- C. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines, political subdivision or municipal corporation boundaries abutting the subdivision;  
*Platting Staff Comments: Staff recommends Pioneer Avenue be corrected to East Pioneer Avenue on the face of the plat and on the vicinity map.*
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams;  
*Platting Staff Comments: Staff recommends the section lines be shown and labeled.*
- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision;  
*Platting Staff Comments: The parent plat (HM 84-123) shows Lot 6-A is affected by a 20-foot access easement for Lot 16B. Since Lot 6-A and Lot 16-B are now under the same ownership, this easement may no longer be in effect (merger of title). Staff recommends easements of record per the Certificate to Plat be shown and labeled on the plat with the recording information or source of the easement cited.*
- G. The names of adjacent subdivisions or an indication that the adjacent land is not subdivided;  
*Platting Staff Comments:*
- H. Approximate locations of areas subject to inundation, flooding or storm water overflow; when adjacent to lakes or non-tidal streams the line of ordinary high water, wetlands. If applicable, cite the appropriate study which identifies a flood plain;  
*Platting Staff Comments: Low wet areas have been shown and labeled.*  
  
*Staff recommends a note be placed on the final plat indicating any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination, if applicable.*
- K. Within the limits of first class cities, the approximate location of known existing municipal sewers, water mains, and other utilities within the subdivision and immediately abutting thereto;  
*Platting Staff Comments: Homer Advisory Planning Commission did not recommend additional information be shown.*

**20.12.070. - Statement required when—Contents. Information which is not shown on the plat shall be presented in written or mapped form and shall include:**

Platting staff comments: The submittal complies with 20.12.070 (A-D).

2. **KPB 20.14 -- Wastewater Disposal**  
*Platting Staff Comments: City water and sewer serve the subdivision. Staff recommends the wastewater disposal note per KPB 20.14.030 be removed.*
3. **KPB 20.20 Design Requirements -- 20.20.010. - Standards applicable.**

Platting staff comments: The plat complies with the following portions of 20.20: 20.20.035, 20.20.110, 20.20.160, 20.20.180, 20.20.190, 20.20.200, and 20.20.210.

Platting staff comments: The following portions of 20.20 are not applicable to the subject plat: 20.20.020, 20.20.030, 20.20.060, 20.20.080, 20.20.090, 20.20.100, 20.20.120, 20.20.130, 20.20.140, 20.20.150, 20.20.220, 20.20.230, 20.20.240, and 20.28.

Platting staff comments: Additional information is provided for the following portions of 20.20 or additional information, revision or corrections are required

20.20.040. - Easements—Requirements.

*Platting Staff Comments:* **Staff recommends** compliance with the recommendations submitted by the utility providers.

20.20.050. - Lots on major streets—Access requirements.

*Platting Staff Comments:* Per KPB GIS, East Pioneer Avenue is a State Department of Transportation (DOT) right-of-way. East Pioneer Avenue is 60 feet wide. Satellite imagery shows both lots have access off East Pioneer Avenue.

If the DOT review confirms East Pioneer Avenue is a State road, **staff recommends** the following note be placed on the plat: No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.

**Staff recommends** the surveyor work with Louise Hooyer at DOT (907-269-0713) to verify the ROW and monumentation shown for the State road is correct [louise.hooyer@alaska.gov], if applicable.

20.20.070. - Alleys.

*Platting Staff Comments:* Homer Advisory Planning Commission did not recommend alleys.

20.20.170. - Pedestrian ways required when.

*Platting Staff Comments:* Homer Advisory Planning Commission did not recommend pedestrian ways.

20.20.235. - Building setbacks—Within cities.

*Platting Staff Comments:* **Staff recommends** reference to the setback be removed from Plat Note 3: The front 15' along the existing right-of-way is a utility easement.

20.20.250. - Different standards in cities.

*Platting Staff Comments:* Homer Advisory Planning Commission did not recommend different standards.

20.20.260. - Flood plain requirements.

*Platting Staff Comments:* Per KPB River Center review, the subject parcel lies within the City of Homer, therefore must comply with Homer City Code. The plat is not within the Anadromous Stream Habitat Protection District.

The City of Homer enacted a floodplain ordinance and administers their floodplain program per Chapter 21.41 Flood Prone Areas. The proposed plat is within Zone D, flood hazards undetermined. Homer Advisory Planning Commission did not recommend a note be placed on the plat.

#### **4. Additional requirements for administrative approval of the final plat (KPB 20.16) – 20.16.010. - Preparation requirements generally.**

Platting staff comments: The plat complies with the following portions of 20.16: 20.16.080, 20.16.100, and 20.16.110.

Platting staff comments: The following portions of 20.16 are not applicable to the subject plat: 20.16.035, 20.16.040, 20.16.045, 20.16.046, and 20.16.070.

Platting staff comments: Additional information is provided for the following portions of 20.16 or additional information, revision or corrections are required

20.16.020. - Filing—Form and number of copies required.

*Platting Staff Comments: **Staff recommends** two full size copies of the plat be provided for final review. Electronic submission is not acceptable.*

20.16.030. - Certificate of borough finance department required.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.030.*

20.16.050. - Plat specifications.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.050.*

20.16.060. - Improvements—Installation agreement required.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.060.*

20.16.090. - Accuracy of measurements.

*Platting Staff Comments: The GIS Division will confirm closure meets 20.16.090 when the final plat is submitted. **Staff recommends** compliance with 20.16.090.*

*Borough code does not require the area to be shown in both square feet and acres. It is standard practice on plats in the Borough to show areas of one acre or larger in acres, and areas under one acre in square feet.*

20.16.120. - Utility easements.

*Platting Staff Comments: **Staff recommends** compliance with the recommendations submitted by the utility providers.*

20.16.130. - Easements.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.130.*

20.16.140. - Other data required by law.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.140.*

20.16.145. - Plat notes.

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

**Staff recommends** Plat Note 5 be removed. This platting action is creating a new lot line.

20.16.155. - Certificates, statements and signatures required.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.155.*

*Per the submittal, an LLC co-owns the property; KPB records concur. The Alaska State corporation database shows Dragonfly LLC is wholly owned by two people. If the Certificate to Plat shows the LLC is an owner, **staff recommends** prior to final review that the second owner of the LLC be included under the Certificate of Ownership or a letter be provided from the owner of the LLC not signing the plat stating their agreement with the proposed plat.*

20.16.160. - Survey and monumentation.

*Platting Staff Comments: **Staff recommends** compliance with 20.16.160*

20.16.170. - Approval—Authority—Certificate issued when.

*Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff recommends compliance with 20.16.170.*

20.16.180. - Administrative approval.

*Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.16.180.*

20.16.190. - Disapproval. When a plat has been disapproved by the planning commission, it may be refiled once more with corrections for approval within 28 days of notification of first disapproval. If disapproved again, said plat shall be void. A new fee will be required for subdivision of the property in the voided plat.

*Platting Staff Comments: If the Plat Committee disapproves the proposed plat, staff recommends findings be cited and adopted in support of the denial.*

**NOTE: REVIEW OF A DECISION OF THE PLAT COMMITTEE MAY BE HEARD BY THE PLANNING COMMISSION ACTING AS PLATTING BOARD BY FILING WRITTEN NOTICE THEREOF WITH THE BOROUGH PLANNING DIRECTOR ON A FORM PROVIDED BY THE BOROUGH PLANNING DEPARTMENT. THE REQUEST FOR REVIEW SHALL BE FILED WITHIN 10 DAYS AFTER NOTIFICATION OF THE DECISION OF THE PLAT COMMITTEE BY PERSONAL SERVICE OR SERVICE BY MAIL.**

**A REQUEST FOR REVIEW MAY BE FILED BY ANY PERSON OR AGENCY THAT PARTICIPATED AT THE PLAT COMMITTEE HEARING EITHER BY WRITTEN OR ORAL PRESENTATION. THE REQUEST MUST HAVE AN ORIGINAL SIGNATURE; FILING ELECTRONICALLY OR BY FACSIMILE IS PROHIBITED. THE REQUEST FOR REVIEW MUST BRIEFLY STATE THE REASON FOR THE REVIEW REQUEST AND APPLICABLE PROVISIONS OF BOROUGH CODE OR OTHER LAW UPON WHICH THE REQUEST FOR REVIEW IS BASED.**

**NOTICE OF THE REVIEW HEARING WILL BE ISSUED BY STAFF TO THE ORIGINAL RECIPIENTS OF THE PLAT COMMITTEE PUBLIC HEARING NOTICE. CASES REVIEWED SHALL BE HEARD DE NOVO BY THE PLANNING COMMISSION ACTING AS THE PLATTING BOARD (KPB 2.40.080).**

END OF STAFF REPORT

B. *Plats needing specific actions or controversial* - (public comments received, major staff concerns, exceptions required) – 1 Plat

**AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS**

2. Melickian Subdivision 2013 Addn.  
KPB File 2013-145; Johnson/Melickian

Staff Report given by Patti Hartley

Plat Committee Meeting: 9/9/13

Location:	On Resurrection Creek Road in Hope within Hope/Sunrise APC
Proposed Use:	Residential
Water/Sewer:	On-site
Zoning:	Unrestricted
Assessing Use:	Residential
Parent Parcel Number(s):	035-101-16

**Supporting Information:**

The proposed plat subdivides an approximate 70-acre tract into 6 tracts ranging in size from 4.6 to 44 acres. A soils report is not required. This platting action provides matching right-of-way for Didjerido Avenue and Betty Jane Street and a cul-de-sac in the southern portion of the subdivision.

Per Planning Commission Resolution 2000-25, if the Certificate to Plat indicates any beneficial interests affect this property, they will be notified and given 30 days from the date of the mailing of the notification to respond.

**MANAGERS REPORT**  
**September 23, 2013**

**TO:** MAYOR WYTHE / HOMER CITY COUNCIL

**FROM:** WALT WREDE

UPDATES / FOLLOW-UP

**NOTE:** Some of these items appeared in the last report. I have updated them and brought them back in case the Council wanted to discuss.

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. Bryan recently gave permission for another old tug to be scrapped there. This tug has been in the harbor and not moved for over a decade. 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. Kachemak City: The Kachemak City/City Council remains very upset about the new sewer fees as they pertain to Kachemak City. At recent Council meetings lawsuits have been discussed and the Regulatory Commission of Alaska has been contacted. The primary complaint seems to be the 3,500 gallon assumption for sewer billing. I believe the Council has hired an independent contractor to measure water consumption for Kachemak City residences to prove the contention that 3,500 gallons is too high. It is my hope that we can figure out a way to resolve this matter as we move forward. Kachemak City is our neighbor and an important customer. Nobody wants to pay for something that they believe they are not receiving and I think that is the primary concern here.

4. **IT Wireless Equipment Purchase:** Tomasz Sulczynski, DBA Subconscious Logic has been providing wireless services to the City for several years now. When Tom was hired as a fulltime employee, one of the conditions of his employment was that he divest himself of all contracts or agreements with the City for third party services. Tom has been attempting to sell his business but has so far been unsuccessful. Effective September 17, Tom will no longer provide third party services to the City. In order to make this transition smoothly, it is necessary for the City to purchase some of Tom's equipment because it is designed for and fully integrated into the City's network. This will save money and insure that there is continuity of service. We have agreed on a sale price for the equipment which is \$10,000. We can pay for this out of this year's budget using unexpended funds. Half of the money will come from the port and harbor equipment budget since much of the equipment to be acquired serves the enterprise fund. The other half will come from the IT budget using personnel money that was not needed because of an OWL grant obtained by the library. Please let me know if you have questions or want to discuss further.
5. This agenda contains an ordinance (second reading and public hearing) 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:** The Borough Assembly held its regular meeting in Homer on Tuesday the 17<sup>th</sup>. During dinner, the Mayor, Councilmember Roberts, and I had a chance to speak with Mayor Navarre about possible assistance with the asbestos abatement and allowing the City to sell the property if it is determined that is the best course of action. We will be happy to provide details of the conversation at the meeting. Council member Howard has sponsored a resolution regarding the sale of the property.
7. **City Building Gas Conversions.** Carey is moving quickly to convert a number of City buildings to natural gas. Service lines and meters have been ordered and the a contract has been let to engineer the conversions. We expect City Hall, the Library, the Animal Shelter, and the Airport Terminal to all be on gas early next year and we are including conservative projected savings into the 2014 budget.
8. **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.

9. 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.
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.

#### ATTACHMENTS

None

