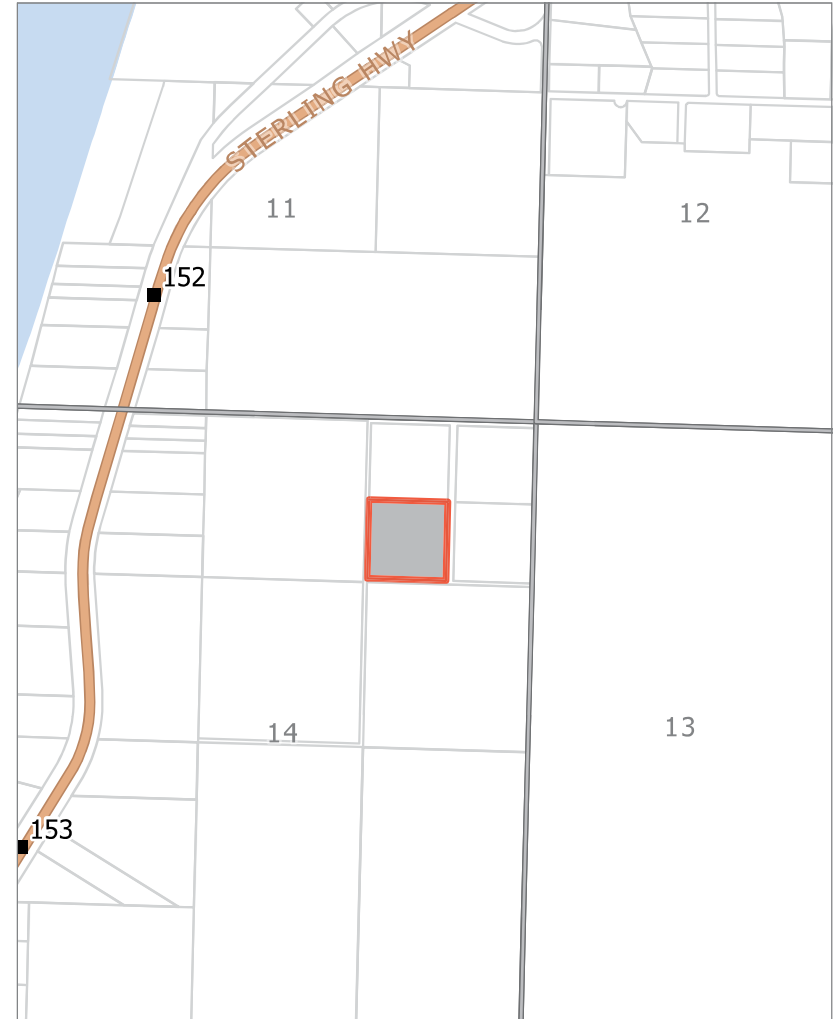
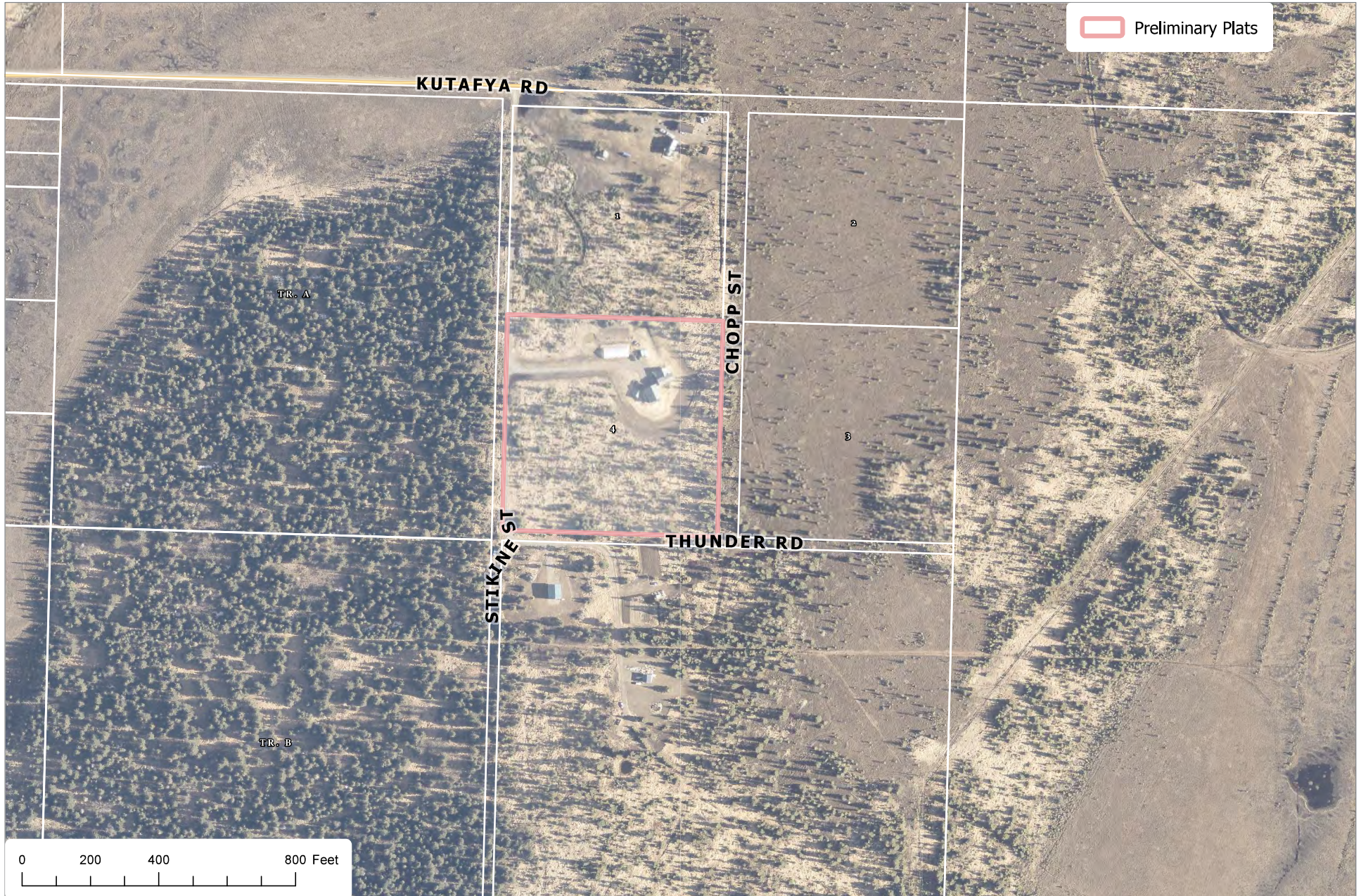


E. NEW BUSINESS

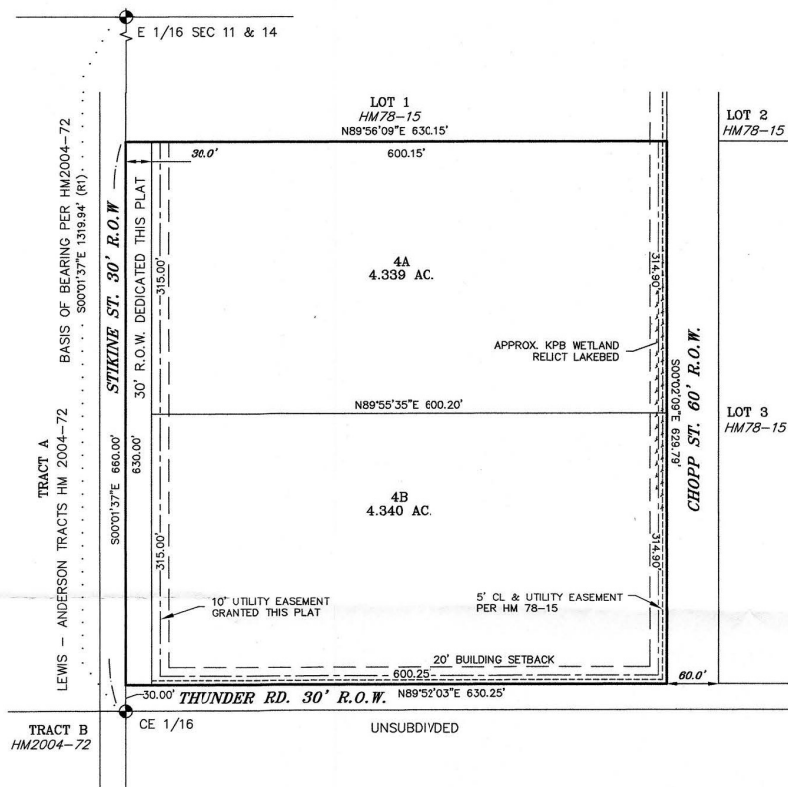
- 6. Whiskey Gulch Lot 4 Replat; KPB File 2022-106
Ability Surveys / Stapel
Location: Stikens St., Thunder Rd. & Chopp St.
Anchor Point Area / Anchor Point APC**



KPB File # 2022-106
S14 T04S R15W
Anchor Point



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



CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the real property shown and described hereon, and that we hereby adopt this plan of subdivision, and by our free consent dedicate all public rights-of-way and grant all easements to the use shown.

RICHARD W. STAPEL
P.O. BOX 386
ANCHOR POINT, AK 99556

LORETTA STAPEL
P.O. BOX 386
ANCHOR POINT, AK 99556

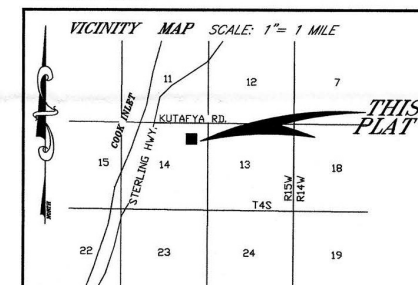
NOTARY'S ACKNOWLEDGEMENT

For Richard W Stapel and Loretta Stapel
Acknowledged before me this ____ day of _____ 2019.
Notary public for Alaska My Commission Expires _____

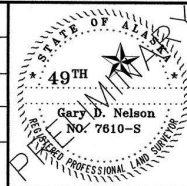
PLAT APPROVAL

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

BY _____
Authorized Official



DATE 7/11/2022
SCALE 1" = 100'
GRID No. AR-01
JOB No. 5374
DRAWING: 5374-3793



WHISKEY GULCH LOT 4 REPLAT

A SUBDIVISION OF LOT 4, BLOCK 1, "WHISKEY GULCH SUBDIVISION" (HM78-15), WITHIN THE NE1/4 SEC. 14, T4S, R15W, S.M., KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, STATE OF ALASKA CONTAINING 9.113 ACRES

OWNERS: RICHARD W. STAPEL
LORETTA STAPEL
P.O. BOX 386
ANCHOR POINT, AK 99556

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

NOTES

1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10 FEET ADJOINING THE RIGHTS-OF-WAY IS GRANTED BY THIS PLAT AS A UTILITY EASEMENT.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14.06).
5. NO SLOPES EXCEED 20 PERCENT GRADIENT.
6. WETLAND HATCHING REPRESENTS POTENTIAL WETLANDS AS CLASSIFIED BY KENAI WATERSHED FORUM SHOWN ON KENAI PENINSULA BOROUGH GIS MAPPING 7/6/2022.

LEGEND

- 2.5" AL-CAP BY 7328S, 2004 PER HM2004-72
(R1) RECORD HM2004-72

WASTEWATER NOTES

PLAT

Rec Dist _____
Date _____ 20____
Time _____ M

KPB 2022-106

KPB FILE No. 2022- _____

AGENDA ITEM E. NEW BUSINESS

ITEM 6 - Whiskey Gulch Lot 4 Replat

KPB File No.	2022-106
Plat Committee Meeting:	August 8, 2022
Applicant / Owner:	Richard and Loretta Stapel of Anchor Point, AK
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Anchor Point / Anchor Point APC

Parent Parcel No.:	165-083-15
Legal Description:	Lot 4 Whiskey Gulch Subdivision HM 78-15
Assessing Use:	Residential Dwellings
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will take one parcel and divide it into two lots and a road right-of-way dedication. The two lots are approximately the same size at 4.339 acres and 4.340 acres.

Location and Legal Access (existing and proposed): The new dedication of 30 feet will add to the existing 30 foot right of way on the West for Stikine Street, creating a full 60' right-of-way. To the South is Thunder Road with a 30 foot right-of-way dedicated by Whiskey Gulch Subdivision (HM78-15). On the East is Chopp Street with a 60 foot right-of-way dedicated by Whiskey Gulch Subdivision (HM78-15).

KPB Roads Dept. comments	Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	No objections

Site Investigation: No contours are shown on the preliminary plat. There is an area of wetlands shown on the east side of the plat.

There are existing buildings on the property which will be known as Lot 4A. There does not appear to be any encroachment issues.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Parcel is located in Zone D which is Non-Regulatory B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No Comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

Staff Analysis The proposed replat is a subdivision of a previously platted lot.

Both lots are below 200,000 square feet in size and require a soils report signed by and engineer for the final plat. A request for an exception to this requirement has been submitted.

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

Utility Easements: The parent plat created a 5 foot clearing and utility easement on the East and South lines and a 20 foot building setback along all road right-of-ways, which were at the time on the East and South of this lot. These easements are transferred to the new subdivision. The new subdivision is also creating a 20 foot setback line along all right-of-way and a 10 foot utility easement along the front 10 feet of the setback easement.

There are two easements listed in the Certificate to Plat. **Staff recommends:** Add notes to the plat mentioning these easements and the location of them. The ingress / egress easement appears to be located within the dedication.

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

Utility provider review:

HEA	No comments
ENSTAR	No Comment
ACS	No Objections
GCI	APPROVED AS SHOWN

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 30156 STIKINE ST Existing Street Names are Correct: Yes List of Correct Street Names: STIKINE ST THUNDER RD CHOPP ST Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: Comments: 30156 STIKINE ST will remain with Lot 4A
Code Compliance	Reviewer: Ogren, Eric Comments: No Comment
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.

	Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No Comment
Advisory Planning Commission	minutes were not available when the staff report was prepared

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

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

KPB 20.25.070 – Form and contents required

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

- B. North point;
Staff recommendation: Need to add scale to the drawing.
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Staff recommendation: Need to add Block 1 to the tracts to the North, Northeast and East labels.

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: comply with 20.40. A request has been made for an exception to KPB 20.40

KPB 20.60 – Final Plat

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

20.60.110. Dimensional data required.

- A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information. Need bearing and distance from the northwest corner to the E 1/16 corner.
Need a bearing on the west line of Lots 4A and 4B.
Correct the label on the corner to NE 1/16.

20.60.180. Plat notes.

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

Add Waste Water note to Plat, reference requirement or exception as granted.

20.60.200. Survey and monumentation.

Staff recommendation: Add to the legend set pin label and detail, as well as and show what pins will be set on drawing.

EXCEPTIONS REQUESTED:

A. KPB CHAPTER 20.40. - WASTEWATER DISPOSAL

Surveyor's Discussion: See Item #__ Exception Request from Surveyor

Staff Discussion: KPB Code requires wastewater system reports unless the criteria of 20.40.020 (A) are satisfied

Findings:

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 an area approved for vacation under KPB Chapter 20.65 or 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.
5. The two lot are the same size within 0.001 acres.
6. There is an existing house on the north end of the subdivision, with an existing wastewater disposal system completed when the house was built in 2002.

Staff reviewed the exception request and recommends denial.

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

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

Page 4 of 5

not be requested with a final plat submittal.

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

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-6 appear to support the denial.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-6 appear to support the denial.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 5-6 appear to support the denial.

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

RECOMMENDATION:

STAFF RECOMMENDS:

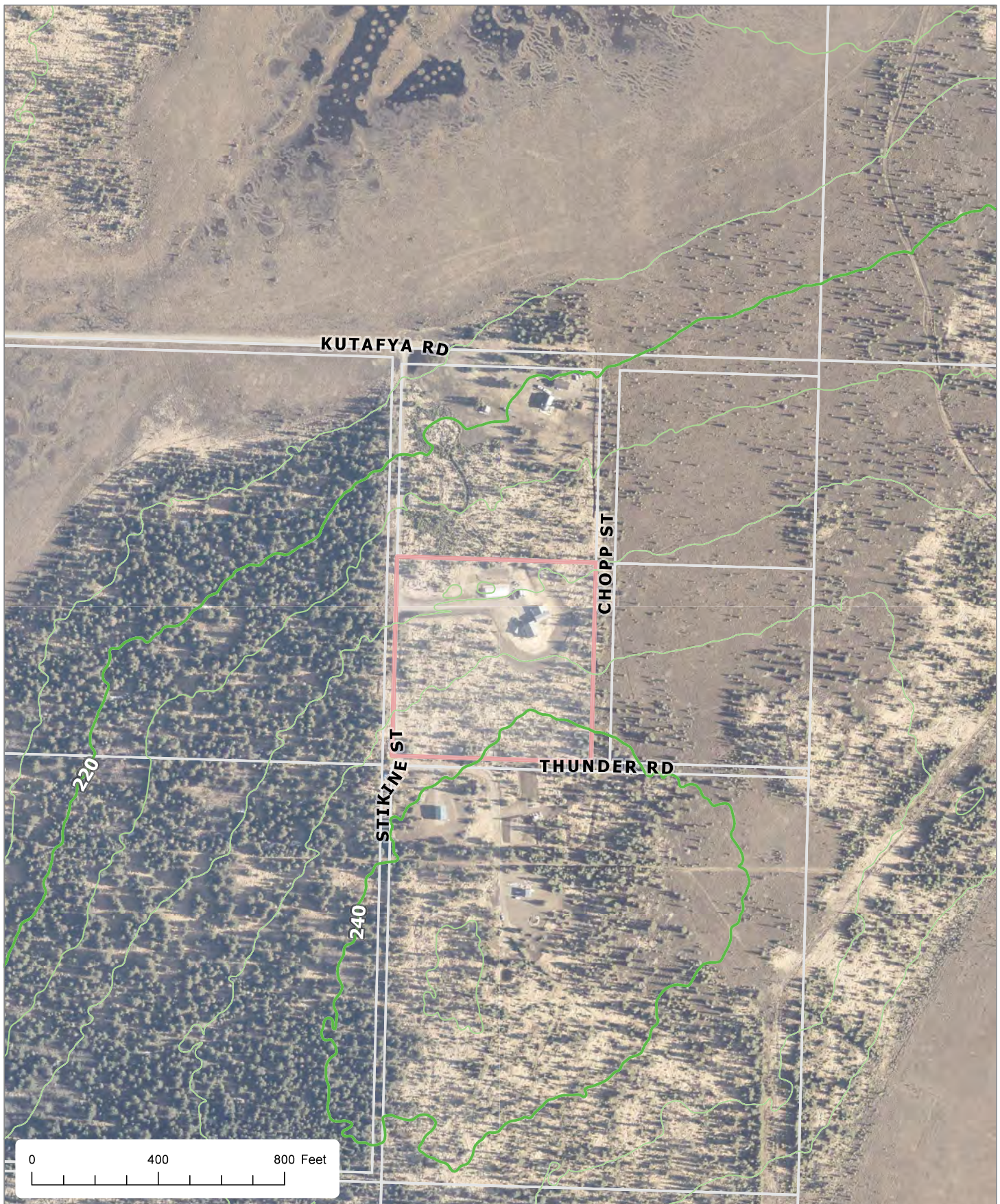
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

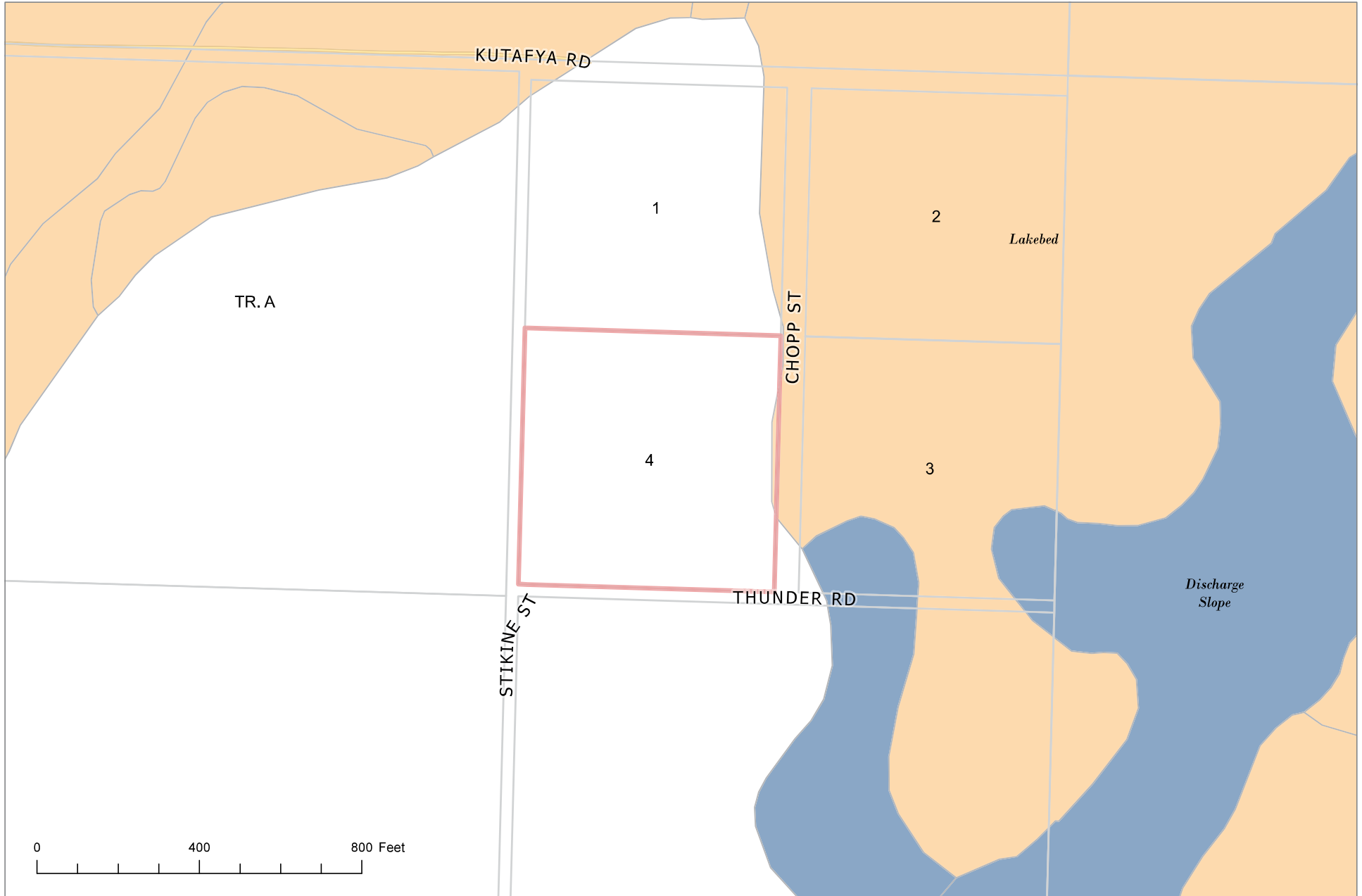
NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

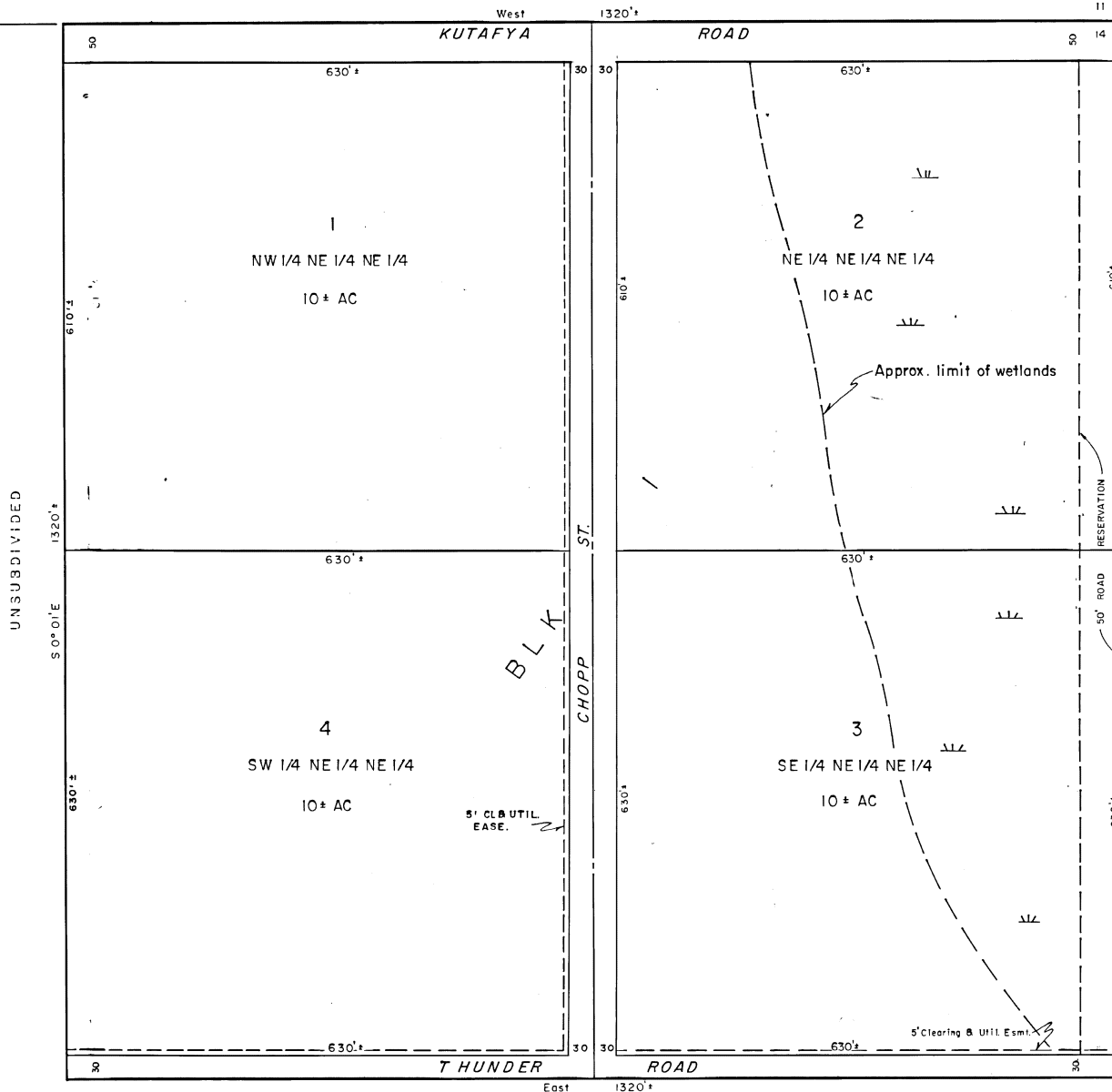
END OF STAFF REPORT



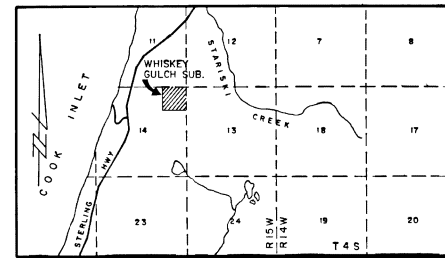


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

UNSUBDIVIDED



12 Sec Cor Pos



VICINITY MAP
1" = 1 Mile

CERTIFICATE OF OWNERSHIP & DEDICATION

We hereby certify that we are the owners of the property shown and described hereon. We hereby request approval of this plat, showing such easements for public utilities, roadways and alleys dedicated by us for public use.

Bob Chopp
Bob Chopp
1040 E. 5th Avenue
Anchorage, Alaska

Lawrence Faber
Lawrence Faber
Box 3-4155
Anchorage, Alaska

Wanda J. Faber
Wanda J. Faber

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn before me this 10th day of December, 1977.
Fred Walatka
Notary for Alaska
My Commission expires Oct 4, 1978

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of Sept 19, 1977, is hereby acknowledged & accepted as the official plat, subject to any & all conditions & requirements of ordinances & law appertaining thereto.

Kenai Peninsula Borough

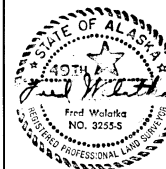
by: *Sheila Waits*

SURVEYOR'S CERTIFICATE

I hereby certify that I am a registered land surveyor and that this plat was prepared by me and is based on a subdivision of the NE 1/4 NE 1/4 Sec. 14, T4S, R15W, S.M., Alaska, as shown hereon. No corners have been established for any of the tracts within this subdivision.

Dec. 10, 1977
Date

Fred Walatka
Surveyor



78-15

RECORDED - FILED 3-
Homen REC. DIST.
DATE Mar 6, 1978
FILE 4:15 P.M.
by *K.P.B.*

AREA 40± AC	
PLAT OF	
WHISKEY GULCH SUBD.	
AN ALIQUOT PARTS SUBDIVISION	
LOCATED IN NE 1/4 Sec. 14, T4S, R15W, S.M., Alaska	
FRED WALATKA & ASSOCIATES ENGINEERS - SURVEYORS	
3107 W. 29th Avenue Anchorage, Alaska	
DATE: July 1977	SCALE: 1" = 100'
DRAWN: DS	SHEET: 1 of 1
CHECKED: FW	GRID:

NOTES:

1. Acreage shown on all tracts within this subdivision includes the adjacent road right-of-way.
2. All bearings and distances shown are based on protracted values and are approximate only.
3. A minimum 20 foot building setback exists along all road rights-of-way.
4. This subdivision at the time of filing is not served by public water or sewage facilities. No on-site water or sewage disposal facilities may be constructed without prior approval of the Alaska Department of Environmental Conservation.
5. NO FIELD SURVEY WAS MADE nor were any stakes or monuments set.

ABILITY SURVEYS

MEASURING MAPPING & REPORTING ON ALASKA'S INFRASTRUCTURE
SINCE 1976

152 DEHEL AVE., HOMER, AK. 99603 PH. 907-235-8440 FAX. 235-8440

Julie Hindman, Platting Specialist
KPB Planning Dept.
144 N. Binkley
Soldotna, AK 99669

7/12/2022

RECEIVED

JUL 14 2022

KPB PLANNING DEPT.

Re: Preliminary Plat submittal of WHISKEY GULCH LOT 4 REPLAT.

Enclosed herewith are 7 reduced 11"X17" copies and 1 full sized 18X24" copy of the preliminary plat and check # 3805 in the amount of \$400.00 for the KPB filing fee.

The Certificate to Plat is coming from the title company. They said they would send it by next week.

The KPB Preliminary Plat Submittal Form, signed by the owners, is attached. This letter is attached as part of the submittal to provide room for an exception request.

We ask for an exception to KPB 20.40 WASTEWATER DISPOSAL

and specifically call to attention that 20.40.030 originally and for many years allowed NOMINAL FIVE ACRES to circumvent the minimum 200,000 square foot soils testing requirement. This was allowed so that persons who wanted to half their aliquot 10 acres could do so without a soils test (engineering required), even if right-of-way dedications made the aliquot five acres less than 200,000 square feet. That is the case we have here. The owners wish to half their aliquot 10 acres. Two sides already have Right-of-way dedications and a third side is required to be dedicated because the adjacent property has a half dedication, so this parcel must match it with a 30 feet wide right-of-way dedication.

Many aliquot or nominal five acre parcels were approved without soils testing until the code change. Now many of them will still qualify because they are over 200,000 square feet, but this one won't meet that criteria due to Right-of-Way dedications on 3 sides.

On 3/02/2021 Ordinance 2020-45 was passed. Section 25 of the Ordinance changed KPB 20.40.030 removing the "NOMINAL FIVE ACRES" excepting language from the code.

Section 28 changed KPB 20.40.100(F) added "200,000 square feet" and removed "NOMINAL FIVE ACRES" language.

A few days ago when this was brought to my attention I called Scott Huff the former Platting Manager for KPB, and asked him why the NOMINAL FIVE ACRES language was removed from the code. He said the former Planning Director (Max Best, who originally composed the language) had faced negative dispute issues with one or more local surveyors who wanted to apply the language to other shaped parcels. Max's solution was to remove the NOMINAL FIVE ACRES language from the code. Personally I believe it should have remained, and I would have voiced that concern if I recognized the code change was going to remove it.

The owners have lived on this land for many years. They desire to sell their house with the septic system that was installed by Certified Septic Installer Jason Johnson, and build a new house to live on the new lot they desire to create. Please note the low density development of the area. They are surrounded by three 40 acres parcels and three 10 acre parcels. We believe our request meets the spirit and intent of the Code to protect the Health Safety and Welfare of the Public.

Thank You for your consideration.

Sincerely,

Gary Nelson, PLS