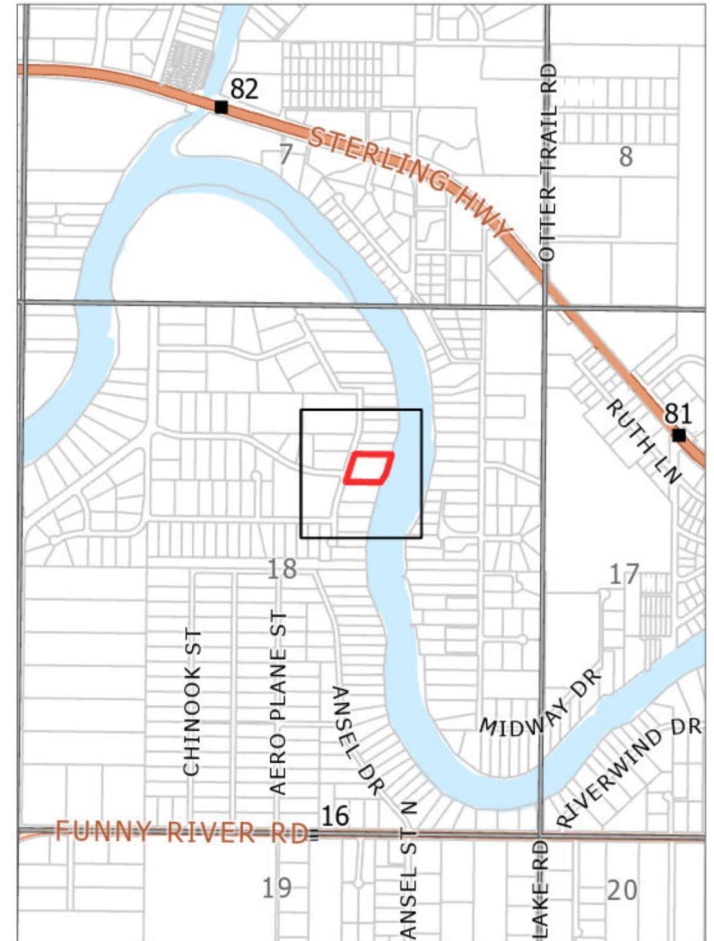
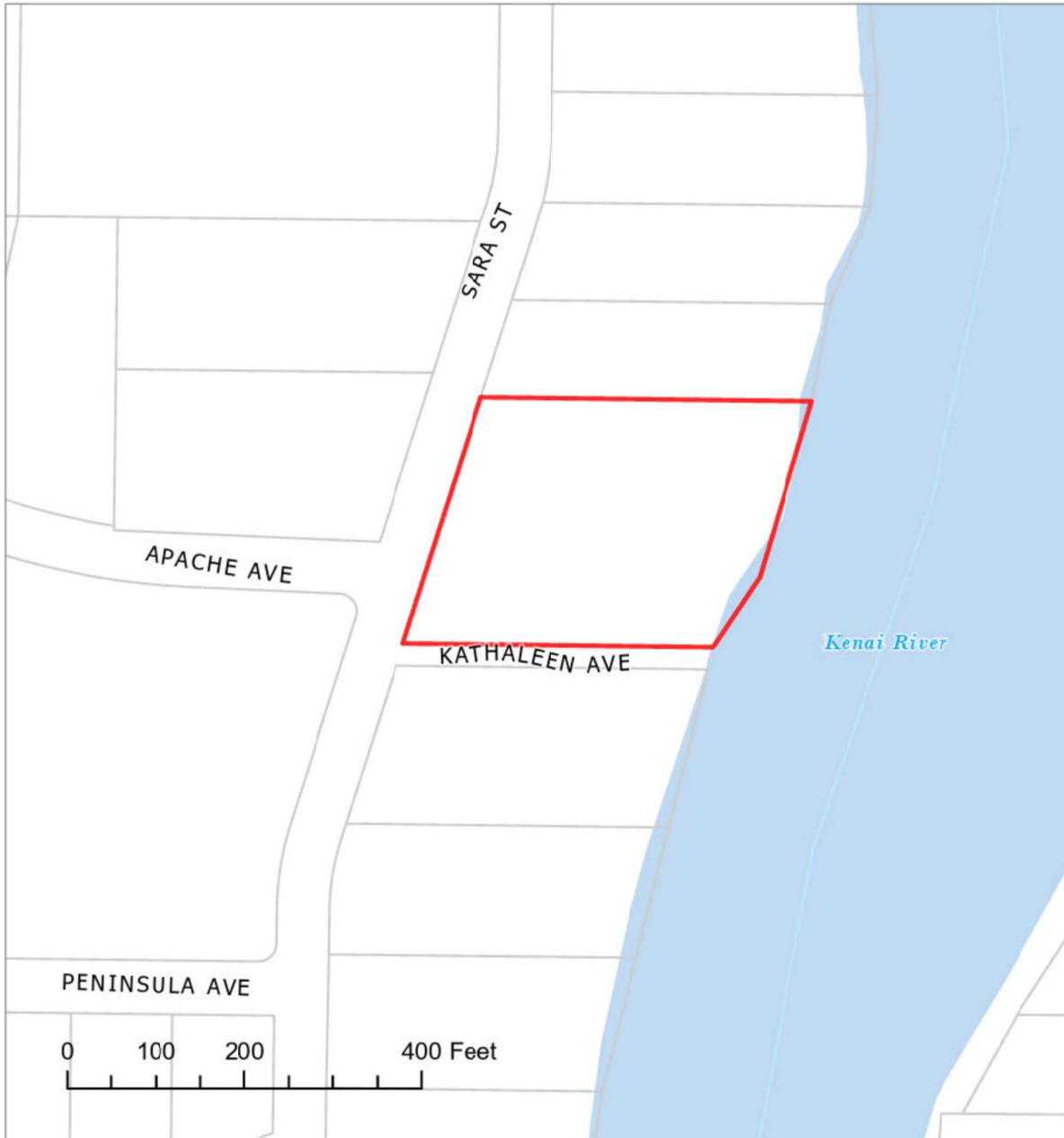


E. NEW BUSINESS

- 8. Apache Acres Part Nine; KPB File 2024-123
Johnson Surveying / Stevens
Location: Apache Avenue & Sara Street
Funny River Area / Funny River APC**



KPB File 2024-123
T05N R08W SEC 18
Funny River

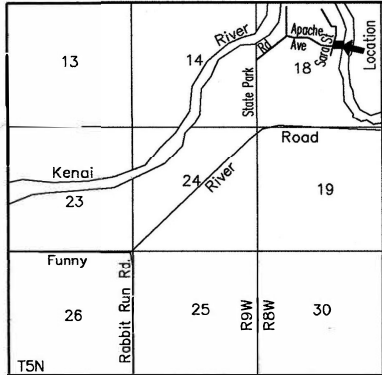
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Aerial Map



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.



VICINITY 1" = 1 mile MAP

Apache Acres Part Nine Preliminary Plat

A subdivision of a portion of the North 440' of Government Lot 6 lying East of Sara St. and Excepting Apache Acres Part 6 (KRD 89-50). Located in the NE 1/4, Section 18, T5N, R8W, SM, Alaska. Kenai Recording District Kenai Peninsula Borough

Prepared for

John Robert Stevens
P.O. Box 3171
Enna, NSW 2250
Australia

Prepared by

Johnson Surveying
P.O. Box 27
Clam Gulch, Ak 99568
(907) 262-5772

SCALE 1" = 100' 2.392 Acres 31 October, 2024

LEGEND

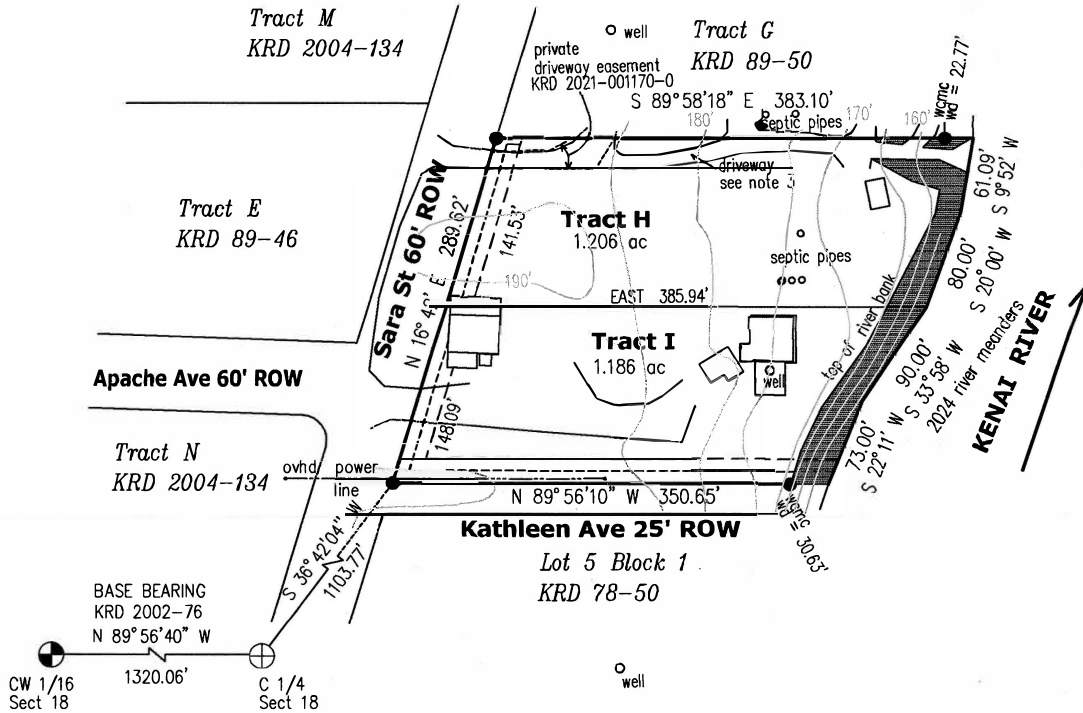
- ⊕ - 3" 1/4 Alcap monument, 3255-S, 2002, found
- ⊙ - 3" 1/4 Alcap monument, 4928-S, 2000, found
- - 1/2" rebar, found

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, extending to 20' within 5' of side lot lines. Existing building shown predates the granting of this setback and easement and is not subject to them. Any additional or replacement construction will then be subject to the setback and easement.
2. 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.
3. Driveway shown is also location of a mutual private access easement as described by Kenai Records Deeds Serial #2007-009015-0.
4. Contour interval 5'. shaded areas indicate grades over 25%. There are no wet areas on the property aside from the river front. Corner of building roof shown is 1.0' from ROW and within lot.

ANADROMOUS HABITAT PROTECTION DISTRICT

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Habitat Protection Area. See Chapter 21.18 Borough Code of Ordinances for restrictions that affect development in this subdivision.



AGENDA ITEM E. NEW BUSINESS

**ITEM #8 - PRELIMINARY PLAT
APACHE ACRES PART NINE**

KPB File No.	2024-123
Plat Committee Meeting:	December 16, 2024
Applicant / Owner:	John Robert Stevens of Erina, Australia
Surveyor:	Jerry Johnson – Johnson Surveying
General Location:	Funny River Area – Funny River APC

Parent Parcel No.:	066-280-22
Legal Description:	Township 5 North, Range 8 West, Section 18, Seward Meridian, KN, That portion of the north 440 feet of government Lot 6, lying east of Sara Street, except Apache Acres Subdivision Part 6
Assessing Use:	Residential Dwelling
Zoning:	Unrestricted
Water / Wastewater	On-site – On-Site
Exception Request	None requested

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 2-acre parcel into two lots: one of 1.206 acres and another of 1.186 acres.

Location and Legal Access (existing and proposed):

Legal access is provided by Sara Street on the west and Kathaleen Avenue on the south. Sara Street connects to Apache Avenue going west, which then connects to State Park Road, a state-maintained road. Sara St, a 60' dedication and Kathaleen Ave a 25' dedication are both borough maintained. Kathaleen Ave ends at the Kenai River as an access point and is currently being used by the owner to the south for an entry drive to their property. **Staff is recommending** that no additional right-of-way be requested for Kathaleen Ave and the Plat Committee concur with this decision as Kathaleen Ave is only an access to the Kenai River and used by two adjacent properties; and additional right-of-way would cause the intersection to be closer to Apache Ave at in centerline offset. *KPB Code 20.30.150 Street-Intersection requirements states the distance between intersections should be no closer than 150 feet from centerline to centerline, this intersection is currently at 100 feet between centerline. Adding ROW would put the intersect closer near 82 feet.*

No dedications or vacations are proposed with this platting action. No section line easements affect this plat either.

There is a mutual access easement for ingress and egress affecting proposed Tract H and benefits Tract G, KN 89-50, per recorded document serial number 2007-009015-0. This easement is shown on the drawing and noted at plat note #3.

A perpetual non-exclusive easement affecting proposed Tract H and for the benefit of Tract G, KN 89-50, per recorded document serial number 2021-001170-0. This easement is shown on the drawing.

The block length is non-compliant due to the block exceeding 1320 feet. This plat cannot provide relief to the block length due to Kathaleen Ave already being in place to the south, therefore any new road dedication would be too close and non-conforming to other KPB Codes. **Staff recommends** the Plat Committee concur an exception is not needed for the above mentioned reasons.

KPB Roads Dept RSA review	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: No RSA comments or objections.
SOA DOT comments	No response

Site Investigation:

Multiple structures are depicted on the plat. Three structures appear to be located on proposed Tract I and one structure is located on proposed Tract H. According to KPB imagery, a house and what appears to be a pole building are located to the east of Tract I including an additional pole building to the west. A cabin appears to be on the east side of proposed Tract H per KPB imagery.

According to KPB imagery and KPB Assessing records, the encroaching structure appears to be a pole building. The depiction of the structure shows the structure located on the proposed common lot line of Tracts H and I, resulting in an encroachment. This structure also encroaches into the 20-foot building setback. **Staff recommends** the building be removed and an as-built and pictures submitted for confirmation or the lot line be moved on the final plat to adjust for the building issue a alleviate the encroachment.

Steep slopes affect the plat abutting the Kenai River and are shown on the plat with grades over 25% shaded. **Staff recommends** the shading remain for the final submittal and the contours to be removed.

The proposed plat is near mile 37 of the Kenai River.

The River Center Reviewer has identified the plat as being in FEMA-designated flood hazard areas, Zone AE and Zone X. The Floodplain determination map is included in the staff packet. The Flood Hazard Notice as listed in KPB 20.30.290.D should be included in the final submittal with the FEMA Flood panel and zones included and the zones should be identified on the drawing.

This plat is within a Habitat Protection District per the River Center Reviewer and is notated on the plat. **Staff recommends** the plat note be modified to reflect the correct phrasing per KPB 20.30.290.

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

KPB River Center review	See attachments A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Portions of this subdivision are within the regulatory floodway and floodplain. Both should be depicted and labeled. Attached is the new regulatory information and the new map panel is 02122C-0390F Flood Zone: AE,X Zone,Floodway Map Panel: In Floodway: True Floodway Panel: B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD
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	Comments: Portions of this plat lie within the jurisdiction of KPB 21.18 due to the Kenai River being an anadromous stream
State of Alaska Fish and Game	No response

Staff Analysis

The land originally was surveyed as Government Lot 6 in the NE1/4 of Section 18, Township 5 North, Range 5 North, SM Alaska, and then was reduced to a portion of the North 440 feet of Government Lot 6, lying east of Sara Street and excepting Apache Acres Part 6, KN 89-50. The proposed subdivision will subdivide the parcel into two parcels.

A soils report will be required and an engineer will sign the final plat as the proposed lots are less than 200,000 square feet.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

Planning Staff notified the Funny River Advisory Planning Commission of a plat within their jurisdiction on November 26, 2024. The plat is scheduled for review by the Advisory Planning Commission minutes on December 11, 2024. Minutes for the December 11, 2024 meeting were not available when the staff report was prepared on December 5, 2024 (KPB 21.02.020). Meeting notes will be provided with the desk packet if available.

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

The submitted plat depicts a structure located on the proposed common lot line of Tracts H and I, resulting in an encroachment. According to KPB imagery and KPB Assessing records, the encroaching structure appears to be a pole building. This structure also encroaches into the 20-foot building setback. **Staff recommends** the building be removed and an as-built and pictures submitted for confirmation or the lot line be moved on the final plat to alleviate the encroachment.

This plat is within a Special Assessment District.

Utility Easements

*The proposed plat grants a 10 foot utility easement, extending to 20 feet within 5 feet of side lot lines adjacent to all rights-of-way per plat note number one. **Staff recommends** labeling the depiction of the utility easement on the plat along with the building setback.*

The Land Management Officer with HEA requests a 30 foot wide easement centered on the overhead electric line, as shown on the plat, 15 feet on each side, including any guys and anchors.

As part of our routine notification process, the subdivision plat was emailed to the affected utility providers for review. **Staff recommends:** the surveyor work with the utility providers to accommodate their request, ensuring optimal use of the owner’s land and maximum benefit for both the provider and the public.

Utility provider review:

HEA	See comments
ENSTAR	No comments or recommendations
ACS	No response
GCI	Approved as shown

KPB department / agency review:

Addressing Review	Reviewer: Windsor, Heather
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	Comments: No comment
Code Compliance	Reviewer: Ogren, Eric Comments: The structure nerest Sara St is within the 20ft building set back. this will need to be addressed in addition to the replat
LOZMS Review 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 Review	Reviewer: Windsor, Heather Comments: No comment
Advisory Planning Commission	Scheduled for review on December 11, 2024

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

PLAT NOTES TO ADD?

- 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.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170(B).
- Acceptance of this plat by the Borough does not indicate acceptance of any encroachments.

KPB 20.25.070 – Form and contents required

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

- A. Within the Title Block
3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.
Staff recommendation: Correct address for owner: PO Box 3171 Erina, NSW 2250, Australia
Add KPB File No 2024-123 to title block
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
Staff recommendation: Correct Kathleen Avenue to Kathaleen Avenue.
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
Staff recommendation: Correct section labels: 14 should be 13 and 13 should be 14.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: Change Tract H and I to O and P to stay consecutive with previous Apache Acres Plats- Apache Acres Part Eight, KN 2004-134, included Tracts H and I.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;
Staff recommendation: the building be removed and an as-built and pictures submitted for confirmation or the lot line be moved on the final plat.

KPB 20.30 – Subdivision Design Requirements

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

20.30.060. Easements-Requirements.

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

20.30.240. Building setbacks.

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

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

Staff recommendation: *Submit a building setback permit for the structure located within the 20-foot building setback.*

20.30.280. Floodplain requirements.

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

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

C. All subdivisions which are wholly or partially located within flood hazard areas as defined by KPB 21.06.030 must comply with KPB 21.06.050 standards for Floodplain Management.

D. All subdivisions or replats within the Flood Insurance Rate Map (FIRM) area or SMFDA, as amended, as defined by KPB 21.06.030, 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.

Staff Comments:

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

Staff reminds the owner(s), that it is the responsibility of the subdivider to provide all necessary information regarding flood protection measures at the time the preliminary plat is presented for consideration by the planning commission (21.06.050).

Staff recommendation: *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.*

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

ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

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

Correct the plat note to match the above note

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.

KPB 20.60 – Final Plat

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

RECOMMENDATION:

STAFF RECOMMENDS:

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

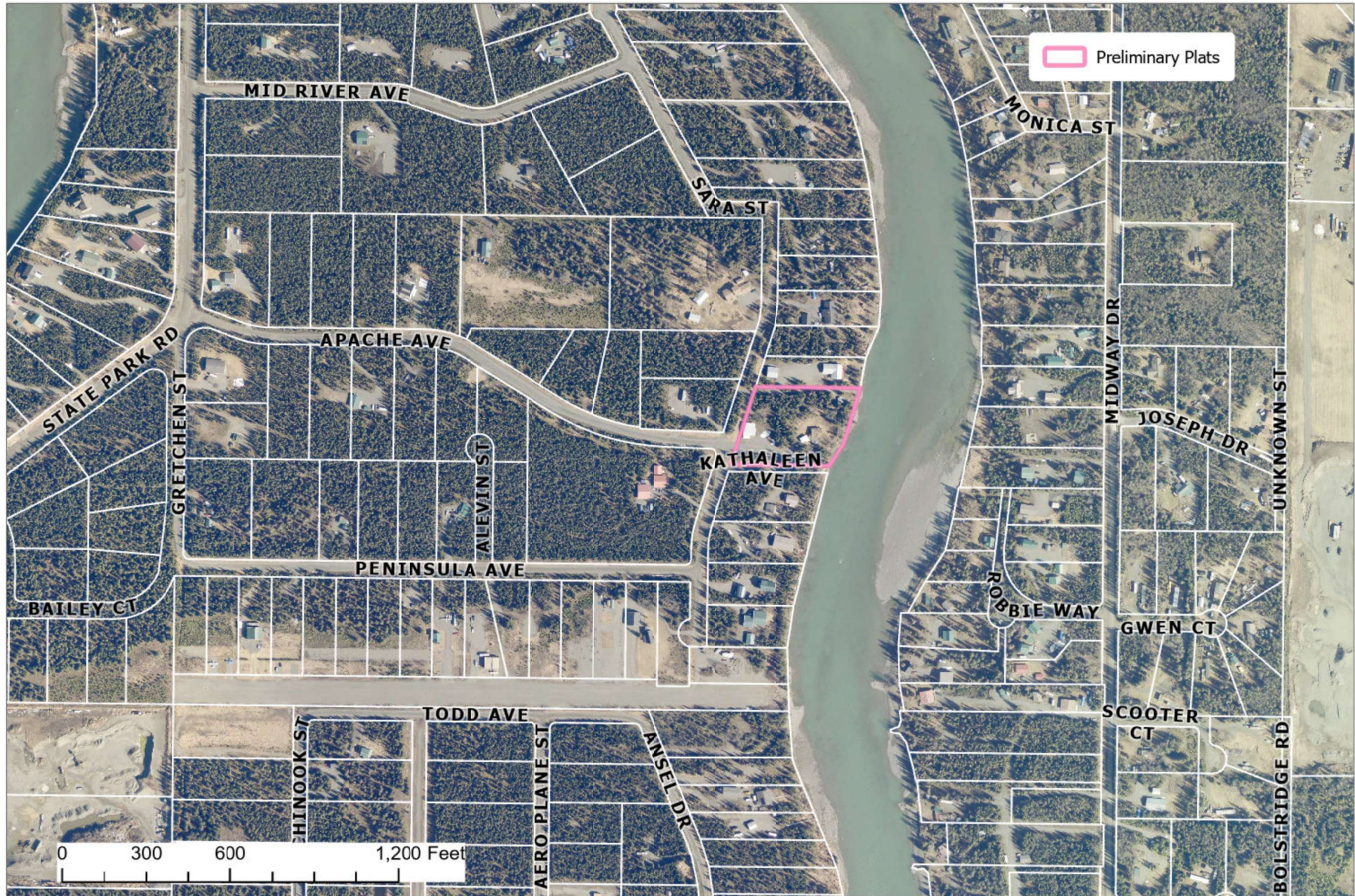
NOTE: 20.25.120. - REVIEW AND APPEAL.

A DECISION OF THE PLAT COMMITTEE 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



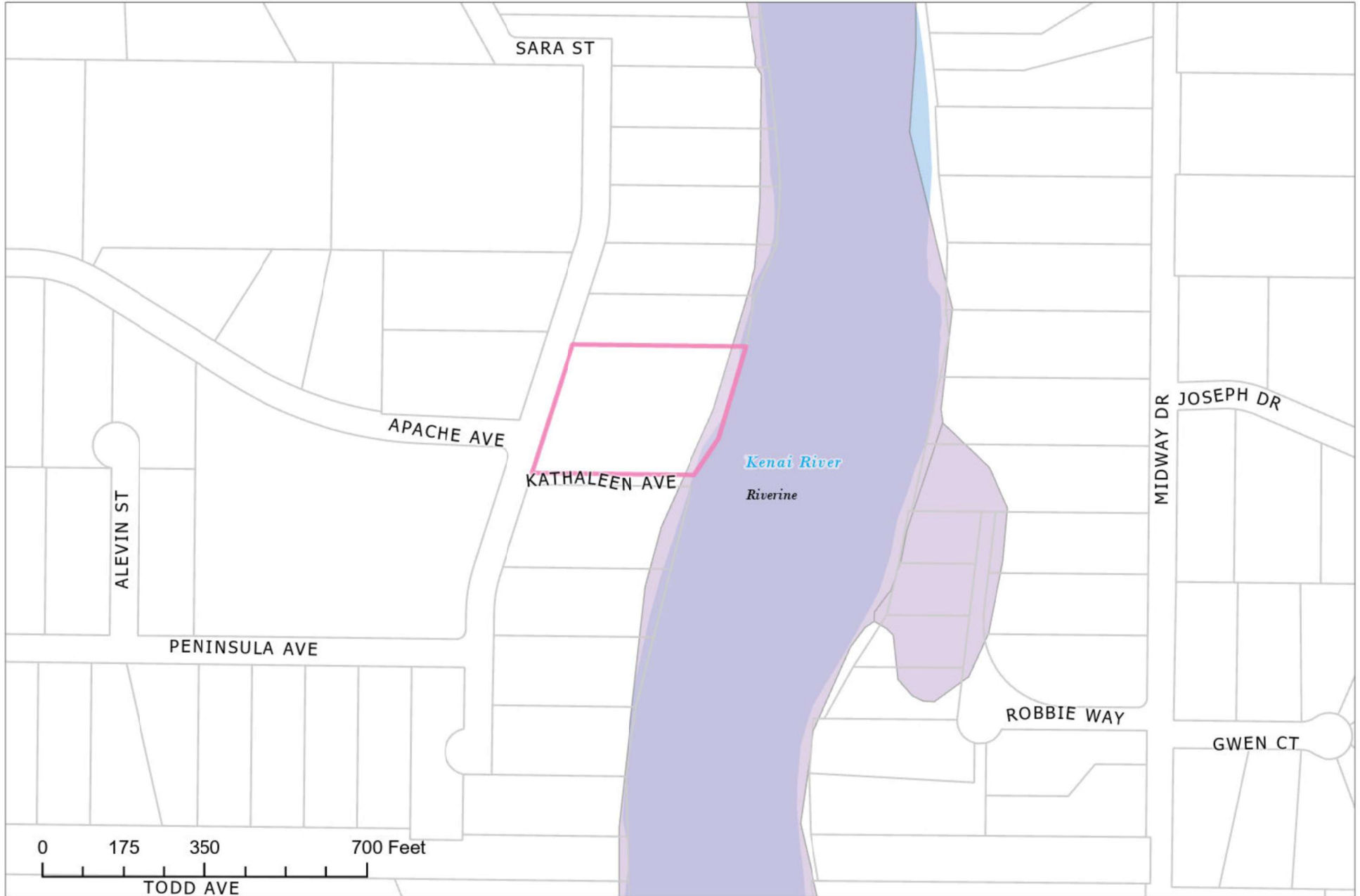
Aerial Map



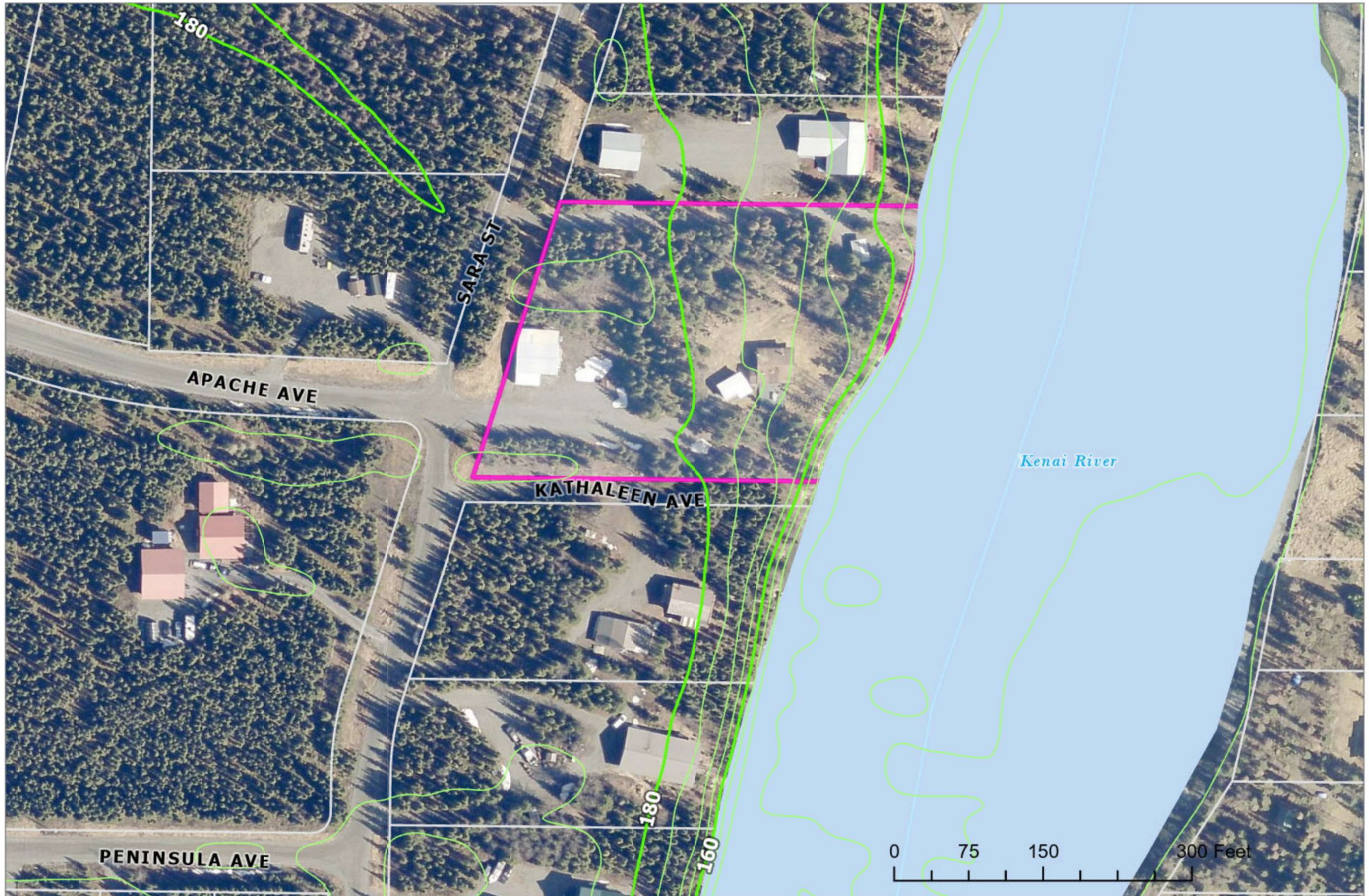
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Wetlands



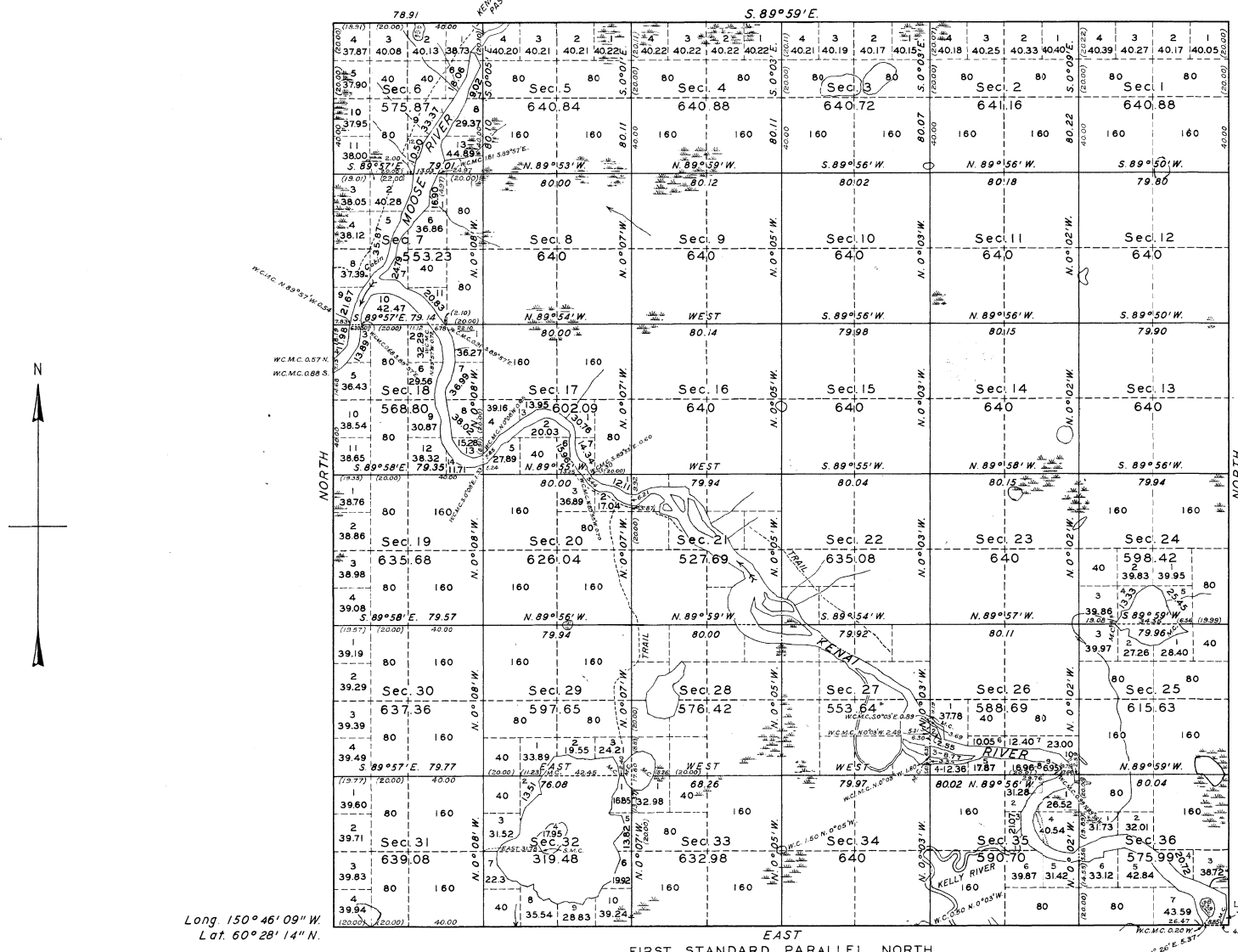
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TOWNSHIP NO. 5 NORTH, RANGE NO. 8 WEST OF THE SEWARD MERIDIAN, ALASKA

IN TWO SHEETS SHEET NO. 1



THE AREA IS GENERALLY COVERED WITH A FAIR STAND OF SPRUCE, BIRCH, AND ASPEN TIMBER WHICH IS OF LITTLE COMMERCIAL VALUE.

FOR DETAILS IN SECTIONS 21, 22, 27, AND 29, SEE SHEET 2.

Long 150° 46' 09" W
Lat 60° 28' 14" N

10 0 10 20 40 80
SCALE: 40 CHAINS TO AN INCH

MEAN MAGNETIC DECLINATION 26°30' E.		AREA SURVEYED: 21895.00 ACRES					
LINES DESIGNATED	BY WHOM SURVEYED	GROUP		MILEAGE		WHEN SURVEYED	
		NO.	DATE	MLS.	CHS.	BEGUN	COMPLETED
EXTERIOR	FLOYD G. BETTS, C.E.	51	JULY 24, 1935	17	78.91	AUG. 7, 1939	OCT. 10, 1939
SUBDIVISION	LEONARD W. BERLIN,	"	"	59	62.31	"	"
MEANDER	SURVEYOR	"	"	37	4.16	"	"
MISCELLANEOUS	"	"	"	2	0.54	"	"

OFFICE OF SUPERVISOR OF SURVEYS
DENVER, COLORADO, JUNE 16, 1943.

THE ABOVE PLAT OF TOWNSHIP NO. 5 NORTH, RANGE NO. 8 WEST, OF THE SEWARD MERIDIAN, ALASKA, IS STRICTLY CONFORMABLE TO THE FIELD NOTES OF THE SURVEY THEREOF WHICH HAVE BEEN EXAMINED AND APPROVED.

Russell H. Allen
ACTING ASSISTANT SUPERVISOR OF SURVEYS.

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON, D.C., JUNE 24, 1943.

THE SURVEY REPRESENTED BY THIS PLAT HAVING BEEN CORRECTLY EXECUTED IN ACCORDANCE WITH THE REQUIREMENTS OF LAW AND THE REGULATIONS OF THIS OFFICE, IS HEREBY ACCEPTED.

Joel Ward Wolfson
ASSISTANT COMMISSIONER.



Legend








Parcel and PLSS

Tax Parcels



Regulatory

FEMA Proposed Floodzone 2022

-  Open Water
-  Zone A
-  Zone AE
-  Zone AE (Floodway)
-  Zone AO
-  Zone VE
-  Zone X (0.2% Annual Chance Event)



Tuesday, November 26, 2024

Map created by Hindman, Julie