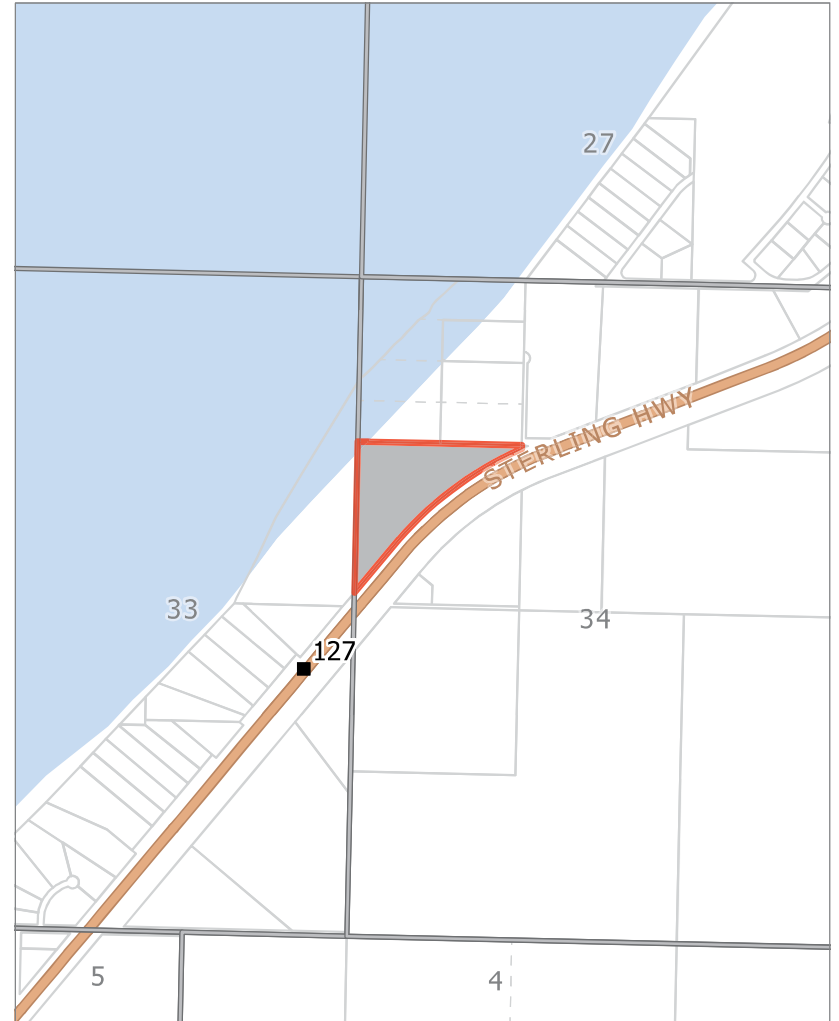
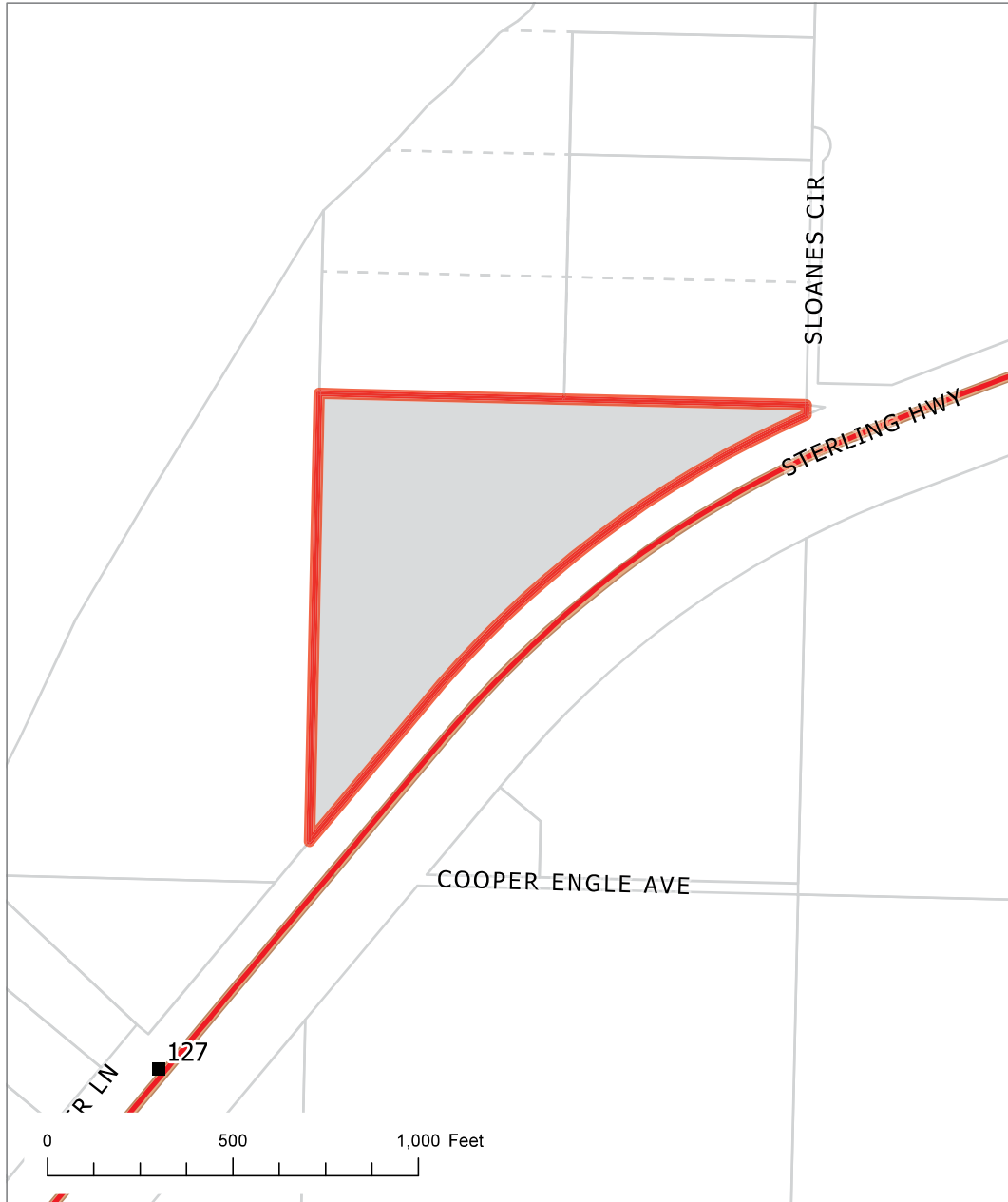


## **E. NEW BUSINESS**

- 8. Waldron-Engle Subdivision; KPB File 2022-147**



KPB File # 2022-147  
 S34 T01N R13W  
 Ninilchik

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



**Aerial View**



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.



AGENDA ITEM E. NEW BUSINESS

ITEM 8 – WALRON-ENGLE SUBDIVISION

<b>KPB File No.</b>	2022-147
<b>Plat Committee Meeting:</b>	October 24, 2022
<b>Applicant / Owner:</b>	Franklin Waldron and Ella May Cooper-Waldron of Ninilchik, Alaska
<b>Surveyor:</b>	Jerry Johnson / Johnson Surveying
<b>General Location:</b>	Mile 127 Sterling Highway, Ninilchik

<b>Parent Parcel No.:</b>	139-100-33
<b>Legal Description:</b>	SW1/4 NW1/4 of Section 34, portion lying Northerly of Sterling Highway, Section 34, Township 1 North, Range 13 West
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 15.6 acre parcel into three parcels. The lot is proposed to be 1.292 acres and the tracts will be 5.006 and 9.295 acres.

**Location and Legal Access (existing and proposed):** The proposed subdivision is north of mile 127 of the Sterling Highway. The parent lot currently has developed access from the Sterling Highway. Cook Inlet is along the northwest boundary of the subdivision. A section line easement is present along the western boundary. All three proposed parcels will have access from the Sterling Highway subject to approval from the State of Alaska Department of Transportation.

Sloanes Circle is a 30 foot dedication located along the northeast corner. A corner of Tract A touches the dedication but use of that right-of-way would require crossing private property. There is a small .08 privately owned lot restricts the access to the dedication. That small lot is an unsubdivided remainder due to the highway.

Tract B will have the existing structure on it and has an existing driveway from the Sterling Highway.

Lot 1 will have frontage along the Sterling Highway. If does appear that there is a highway pull out along the Lot. The placement of that pull out will reduce the access to the highway and may cause issues with installing a driveway. A 33 foot wide section line easement appears to be present within the western boundary of the plat. Adjacent to that section line easement there is a 50 foot section line easement, per KPB data. The section line easements will provide another access the Lot 1. Staff provided copies of the preliminary plat to DOT to comment. There were no comments received regarding the access for any of the lots to the Sterling Highway. Staff does advise the owners/surveyor discuss with DOT the concerns with the pull out and how it may impact the access to Lot 1 as it may cause reasons to make changes to the design.

The block does not comply with block lengths. The block is incomplete due to the proximity to the Cook Inlet. Looking at the distances between the rights-of-way dedicated along the Sterling Highway the distance exceed allowable limits. Using Sloanes Circle, Sterling Highway, section line easements, and Cook Inlet to define the block, the distance between Sloanes Circle and the section line easement within this subdivision is approximately 2,200 feet. **Staff recommends the plat committee concur that an exception is not required as another dedication will not improve the block due to terrain and development in that area.**

The section line easement within the subdivision is depicted and noted. Staff is not requesting the dedication atop the section line easement due to the location and steep terrain to the north. The section line easements may be used by the public for access and they do provide access to Lot 1, the back portion of Tract B, and the neighboring

lot to the west. KPB data indicates that a 50 foot wide easement is within the neighboring parcel. **Staff recommends the plat committee concur that no dedication is needed atop the section line easement but that the abutting easement be depicted and labeled.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comment – Planner The ROW for Sterling Highway appears to be shown correctly. - Engineering

**Site Investigation:** The only wetlands present per the Kenai Watershed Forum Wetlands Assessment is along Cook Inlet. The surveyor has noted that there is a small creek located on the property with some low wet areas surrounding the creek. **Staff recommends the depiction remain on the final and a wetland determination note be added.**

The terrain slopes towards the inlet. There are a few steep areas found throughout the subdivision with most of the steep areas along the northern boundary. The steep areas not found as approaching the inlet are found mostly within Tract A. The plat has shaded the steep areas and labeled the top and base of the bluff. **Staff recommends the top and base of bluff depictions and label remain on the final with other contour information being removed.**

There are several structures present on the parent parcel. It appears that they will all be within the boundary of Tract B. The plat indicates the location of the existing driveway and one of the structures. As this plat will be putting setbacks into place, **staff recommends the surveyor verify if the structures are permanent and if so, determine if within the new setback or utility easements being granted. If they are they shall be depicted on the plat with appropriate plat notes that they pre-date the setback and/or utility easement. If it is found that they are not going to be encroaching or are not considered permanent and do not interfere with line of sight, notify staff in writing of the findings.**

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Carver, Nancy Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	No objections

**Staff Analysis** This is a subdivision of a parcel that has not been previously platted. It will be creating three parcels of varying size.

A soils report will be required for Lot 1 and an engineer will sign the final plat. The tracts are large enough to not require a soils report. Appropriate plat notes will need to be added that indicate the lots the notes are referring.

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

The property is not within an advisory planning commission.

**Utility Easements** There are no platted easements to carry over. Per plat note 1, the plat will be granting 15 foot utility easements along the Sterling Highway that increases to 20 feet within 5 feet of the side lot lines. The plat currently contains a depiction and label that indicate 10 foot utility easements. KPB Code only requires 10 foot utility easements unless additional is requested by the providers. **Staff recommends the depiction and labeling match the note whether it is 10 feet or 15 feet, that the 20 foot within 5 feet of the side lot lines be depicted, and that the plat note be reworded to closer reflect the wording in KPB Code.**

There are several easements that have been granted by documents that are depicted and labeled on the plat. There are some additional powerlines shown. They will only require depiction if that are to indicate the location or existing or easements being granted.

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	Comments received and shown within the packet.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  73950 STERLING HWY</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  STERLING HWY</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 73950 STERLING HWY will remain with tract B.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather  Comments: No comment</p>

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

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

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**KPB 20.25.070 – Form and contents required**

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

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

**Staff recommendation:** Verify the owners' PO Box number.
  
- 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:** Update the spelling of Sloanes Circle.
  
- 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:** Provide labels for the lots across the Sterling Highway.
  
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;  
**Staff recommendation:** Verify if any of the structures are within the new setback and utility easement and if so if they are permanent. If they are, show them on the plat with appropriate plat notes.

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**KPB 20.30 – Subdivision Design Requirements**

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

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**KPB 20.40 – Wastewater Disposal**

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

20.40.010 Wastewater disposal.

Platting Staff Comments: 20.40.010 Wastewater disposal.

Platting Staff Comments: A soils report will be required for Lot 1. Tracts A and B will not require a soils report based on their size. Wastewater notes will be required.

**Staff recommendation:** comply with 20.40.

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**KPB 20.60 – Final Plat**

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



20.60.180. Plat notes.

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

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

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

- *The natural meanders of mean high water line is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.*
- *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.*
- *Plat notes that will be determined if buildings are found within the proposed setback and utility easement.*
- *Provide the correct wastewater disposal notes as determined by the soils analysis report and per KPB Code.*

*Update plat note 1 to either leave 15 feet or change to 10 feet. Reword the note, "Front 15 feet (or 10 feet) adjacent to dedicated rights-of-way is a utility easement that increase to 20 feet within 5 feet of the side lots lines being granted by this plat."*

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**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**



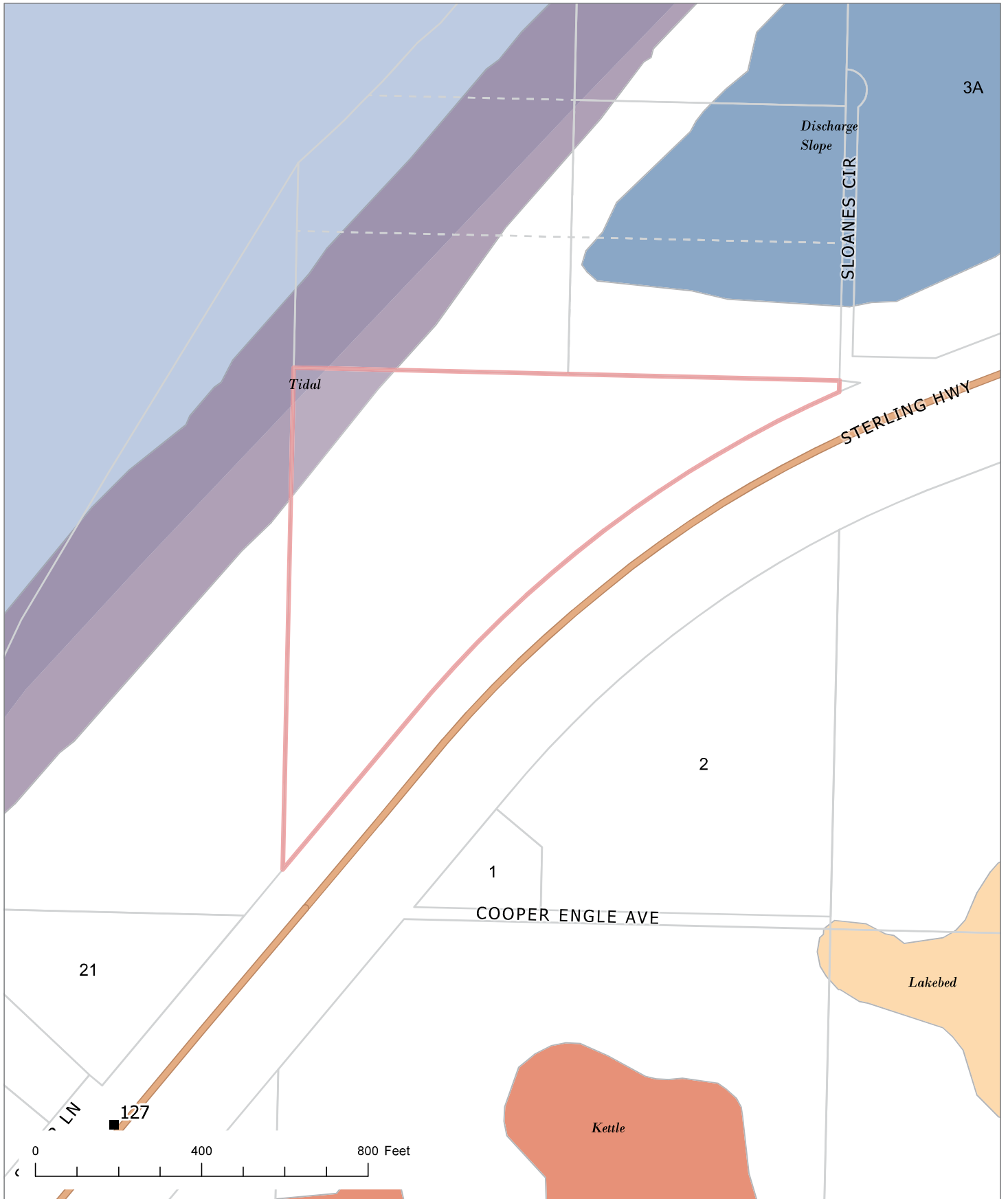
Aerial View



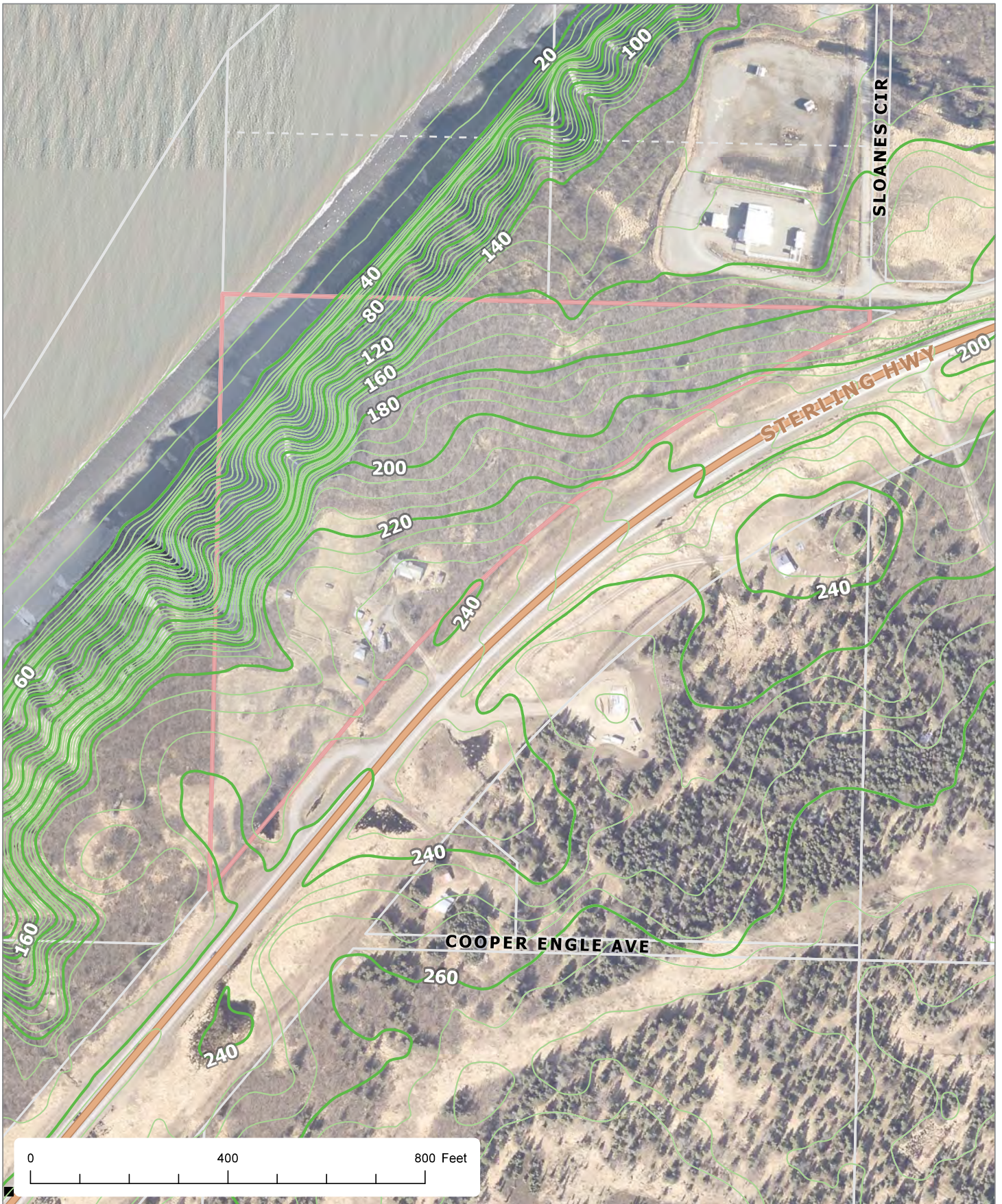
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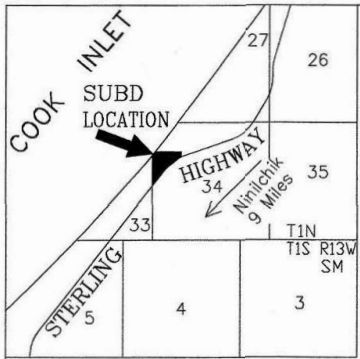
Wetlands



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VICINITY 1" = 1 mile MAP

# Waldron-Engle Subdivision

A subdivision of SW 1/4 NW 1/4 Section 34, portion lying NW of Sterling Highway. Located in the NW 1/4 Section 34, T1N R13W, SM, Alaska  
Homer Recording District Kenai Peninsula Borough

Prepared for  
Franklin D Waldron  
Ella May Cooper-Waldron  
P.O. Box 39083  
Ninilchik, AK 99639

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

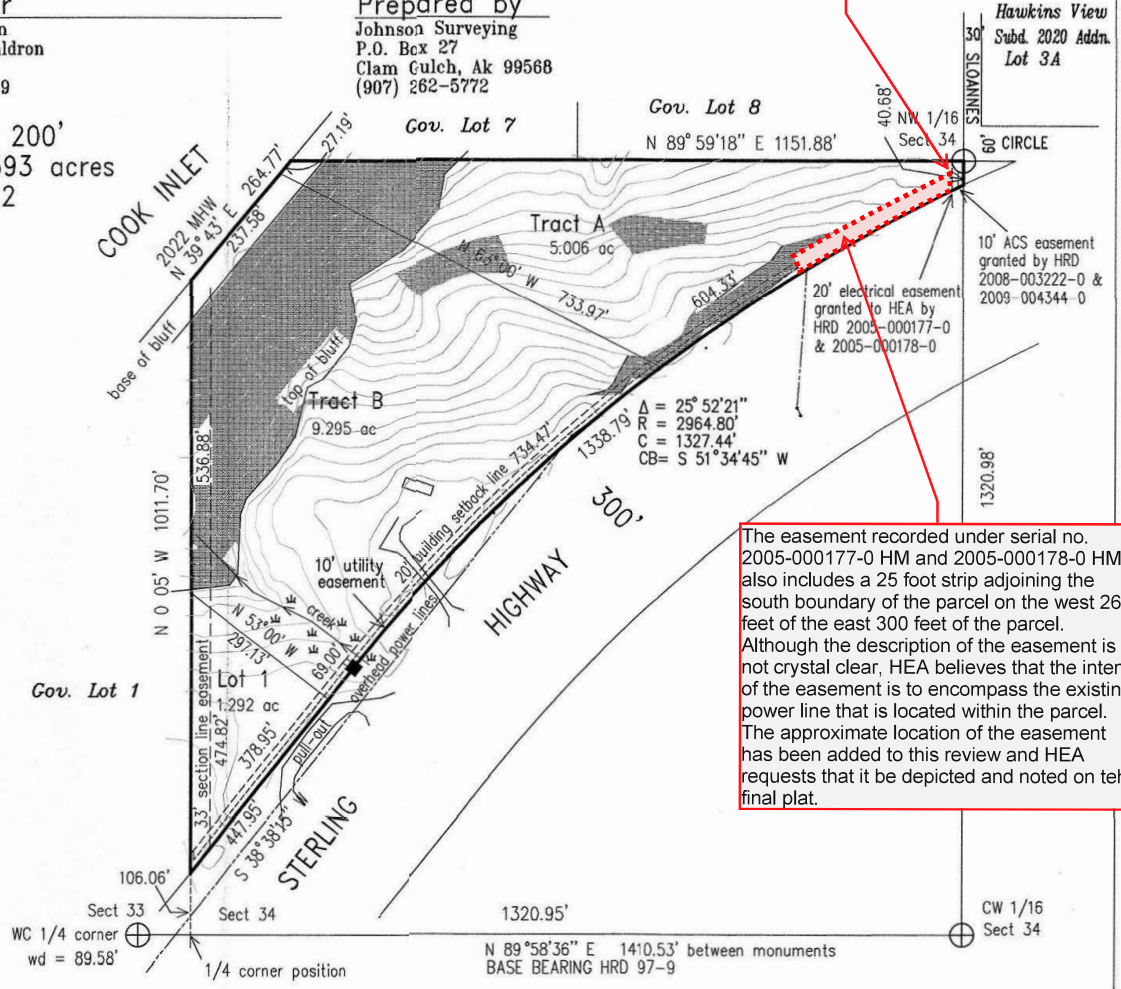
SCALE 1" = 200'  
AREA = 15.593 acres  
15 July, 2022

Verify the location of the 3 phase primary overhead electric line. If the line is located outside of the record easement, HEA requests that the line be depicted and a label or plat note be added stating, 'The existing overhead power line is the centerline of a 40 foot wide electrical distribution line, including guys and anchors, granted this plat.'

## NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 15' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. No access to State maintained ROW's permitted unless approved by the State of Alaska Dept. of Transportation.
4. Sterling Highway ROW is as shown on State of Alaska Dept. of Transportation ROW Plan F-021-1(3).
5. Contour interval 4' above top bluff, 20' below. Shaded areas are grades over 25%.

HEA REVIEWED - SEE COMMENTS  
*Scott Huff*  
Scott Huff  
Land Management Officer



The easement recorded under serial no. 2005-000177-0 HM and 2005-000178-0 HM also includes a 25 foot strip adjoining the south boundary of the parcel on the west 260 feet of the east 300 feet of the parcel. Although the description of the easement is not crystal clear, HEA believes that the intent of the easement is to encompass the existing power line that is located within the parcel. The approximate location of the easement has been added to this review and HEA requests that it be depicted and noted on the final plat.

**KPB 2022-147**