E. NEW BUSINESS

 Bear Run Subdivision 2024; KPB File 2024-051 Geovera, LLC / Wilkinson

Location: Winchester Avenue

Fritz Creek Area / Kachemak Bay APC







PLAT APPROVAL NOTES THIS PLAT WAS APPROVED BY THE KENAL PENINSULA BOROUGH PLAT COMMITTEE AT 1. BASIS OF BEARING IS FROM THE PLAT OF BEAR RUN SUBDIVISION 2019 (HM 2019-28). THE MEETING OF ???, 2024 ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION. AUTHORIZED OFFICIAL DATE 3. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL KENAI PENINSULA BOROUGH STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. HM 76-28 REQUIRED A 20 FOOT BUILDING SETBACK LINE FROM ALL OF ORIGINAL LOT 10 (INCLUDING SIDE SCALE 1"=100" AND BACK LOT LINES). THAT REQUIREMENT IS NO LONGER IN EFFECT FOR SIDE AND BACK LOT LINES PER PLAT COMMITTEE EXCEPTION TO KPB 20.30.240 GRANTED 1/22/2019. LOT 6 LOT 7 HM 76-28 HM 76-28 4. THE FRONT 10' OF THE BUILDING SETBACK IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE (S 89'58'05" E 1323.53') -----RECORD POSITION NW1/16 SEC. 22 WINCHESTER AVE. (60' ROW) S 89'58'05" E 5. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL 260.87'== -20' Bldg. Setbock Line SCALE: 1" = 1/2 MILE PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE. 5' UTILITY & CLEARING ESMT. PER HM 76-28 10' UTILITY ESMT. -PER HM 2019-28 LOT 10B-1 CERTIFICATE OF OWNERSHIP 6. THESE LOTS ARE AFFECTED BY AN EASEMENT OF RECORD WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC 0.957 Acres WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL ASSOCIATION (BK24, PG 110 HRD). S 89"58"05" E 7. NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOTS AND THERE COULD BE POSSIBLE RIGHTS OF WAY AND GRANT ALL EASEMENTS TO THE USE - 10' UTILITY ESMT. PER HM 76-28 LIMITATIONS ON FURTHER SUBDIVISION BASED ON ACCESS ISSUES, DEVELOPMENT TRENDS IN THE AREA, OR TOPOGRAPHY. WILLIAM W. WILKINSON 54819 WINCHESTER AVE. HOMER, ALASKA 99603 LOT 11-A HM 2023-32 HM 2019-28 SUSAN K. WILKINSON LOT 10B-2 54819 WINCHESTER AVE. 3.828 Acres HOMER, ALASKA 99603 NOTARY'S ACKNOWLEDGMENT **LEGEND** INDICATES 2" ALCAP (7610-S 2019) FOR WILLIAM W. WILKINSON AND SUSAN K. WILKINSON RECOVERED THIS SURVEY ACKNOWLEDGED DEFORE ME THIS INDICATES 5/8" X 30" REBAR WITH 2" ALCAP DAY OF _ (7538-S, 2024) SET THIS SURVEY INDICATES RECORD DATA PER HM 2019-28 NOTARY PUBLIC FOR ALASKA N 89'58'22" W 360.68 PROPERTY CORNER IS 7' LEFT (PERPENDICULAR) TO CENTERLINE OVERHEAD ELECTRIC LINE INDICATES AREAS WITH SLOPES GREATER THAN 20% MY COMMISSION EXPIRES: INDICATES POTENTIAL WETLAND/UPLAND COMPLEX PER KENAI WATERSHED FORUM 2013 COOK INLET WETLANDS MAPPING LOT 13-A LOT 14A-1 HM 2013-53 HM 2004-115 HOMER RECORDING DISTRICT KPB FILE No. 2024-??? BEAR RUN SUBDIVISION 2024 LINE TABLE WASTEWATER DISPOSAL LOT 10B, BEAR RUN SUBDIVISION 2019 (HM 2019-28) BEARING DISTANCE S 29'59'42" W 42.51' SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES ON THE LOCATED WITHIN THE SW1/4 NW1/4, SEC 22, LOTS WITHIN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR S., R. 12 W., SEWARD MERIDIAN, KENAI PENINSULA CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA OWNERS: WILLIAM W. AND SUSAN K. WILKINSON 54819 WINCHESTER AVE. HOMER, ALASKA 99603 BORQUGH. 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. LS-7538 ENGINEER LICENSE # DATE ***** GRAPHIC SCALE

KPB 2024-051

16

15

THIS

PLAT

27

VICINITY MAP

FAST

. 2024.

THE SUBDIVISION OF

CONTAINING 4.786 ACRES

GEOVERA, LLC

PO BOX 3235

HOMER ALASKA 99603

(907) 399-4345 EMAIL: scsmith@gci.net

SCALE: 1" = 100'

SHEET 1 OF 1

DATE: MAY 2024

JOB #2024-14

CHK BY: SCS

WINCHESTER AVE.

14

23

26

U.S.G.S. QUAD. SELDOVA (C-4 & C-5)

ITEM #1 - PRELIMINARY PLAT Bear Run Subdivision 2024

KPB File No.	2024-051
Plat Committee Meeting:	June 10, 2024
Applicant / Owner:	William and Susan Wilkinson, P.O. Box 193, Monterey, TN 38574
Surveyor:	Stephen C. Smith – Geovera, LLC
General Location:	East End Road, Homer, Alaska – Kachemak Bay APC

Parent Parcel No.:	172-160-26
Legal Description:	T 05S R 12W SEC 22 SEWARD MERIDIAN HM 2019028 BEAR RUN SUB 2019
	LOT 10B
Assessing Use:	Residential
Zoning:	Unrestricted
Water / Wastewater	Onsite
Exception Request	None

STAFF REPORT

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will subdivide a 4.786-acre parcel into 2 lots ranging in size from 0.957 acres to 3.828 acres.

Location and Legal Access (existing and proposed):

Legal access to the plat is along Winchester Ave, a 60' right-of-way dedication which is partially developed and privately maintained. Winchester Ave. is accessed via East End Road at approximately mile 9.1, then north along Greer Road and east on Winchester Ave.

This plat is not completing a vacation or dedication of right of way.

The subdivision is not affected by a section line easement either.

The block length along Winchester Ave. is non-compliant due to exceeding 1320 feet from Colt St. to the east side of this subdivision. At the meeting of January 22, 2019, the Kenai Peninsula Borough Plat Committee granted an exception to KPB 20.30.170 – Block Length, for the platting of Bear Run Subdivision 2019 HM 2019-28 which formed the current Lot 10B being platted by this action. Plat note #5 from KN 2019-28 needs to be carried forward to this plat carrying forward the exception to KPB 20.30.170 Block length to this plat.

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

Site Investigation:

The property has several structures with improvements that will be on proposed Lot 10B-2 of the plat is completed. There appears to be a possible encroachment from proposed Lot 10B-2 onto the adjacent parcel to the east, The surveyor should verify there are not any encroachments onto or from the property when doing the field survey for the plat.

There is a large portion of areas exceeding 20% grade on both proposed Lot 10B-1 and Lot 10B-2, and they appear Page 1 of 5

to be depicted correctly on the drawing as referenced by KPB GIS data.

There is a small area of wetlands on the property per the KWF Wetlands Assessment map that is correctly depicted and labeled on the drawing as referenced by KPB GIS data. The River Center review did not identify the property to be in a FEMA flood hazard area or in a habitat protection district.

KPB River Center review	A. Floodplain
	Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments
	B. Habitat Protection
	Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
State of Alaska Fish and Game	

Staff Analysis

Lot 10B was an aliquot part of the NW¼ Section 22 and then Subdivision of Trac 1, Bear Run Subdivision, HM 76-28, subdivided the aliquot piece and Lot 10 was created. Lot 10B was created by the platting action of Bear Run Subdivision 2019, HM 2019-28.

A soils report will be required and an engineer will sign the final plat.

Notice of the proposed plat was mailed to the beneficial interest holder on May 14, 2024. The beneficial interest holder will be 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.

Kachemak Bay 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.

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

HISTORY OF THE PARCEL / PARENT SUBD.
WASTEWATER ISSUES? WASTEWATER REVIEW REQUIRED?

BENIFICIAL INTEREST HOLDERS

APC MEETING / CITY MEETING COMMENTS

IS THE PROPERTY SUBJECT TO STATE AG RESTRICTIONS? AG RESTRICTIONS MAY BE LISTED IN DNR'S WEB SITE: http://dnr.alaska.gov/landrecords/

IS THE PROPERTY AFFECTED BY TAX RECAPTURE?

IF DENIAL/APPROVAL OF AN EXCEPTION REQUIRES ANOTHER EXCEPTION, INCLUDE IT IN THE STAFF REPORT SOMEWHERE.

ENCROACHMENT ISSUES??

Staff recommendation: grant driveway easements over the existing travel way to eliminate the encroachments. Since the driveway easements would be private, **staff recommends** the easements be created by separate document, recorded and then shown or noted on the final plat.

Sheet 2 shows a fence crossing the common line between Lot 1A and 2. **Staff recommendation:** resolve the fence encroachment prior to final plat. One option would be to grant an encroachment easement.

REPLATS

Fixed wing imagery indicates structure(s) are very close to the lot line of former Lot 5. The plat is not creating any new lot lines and cannot create any encroachments. It is the duty of a surveyor to report any encroachments found during a survey to his client. No survey is required for a replat that simply removes lot line, under KPB 20.60.200. **Staff requests** the surveyor confirm whether an encroachment affects the replat. If a permanent structure or structures cross a lot line, **staff requests** a note be placed on the final plat to indicate that acceptance of the plat by the Borough does not indicate acceptance of any encroachments.

COMPREHENSIVE PLAN? Does it comply??

LOCAL OPTION ZONING?

Utility Easements

All utility easements, both current and of record, appear to be depicted and notated correctly on the drawing. This includes an overhead electric line in the southeast corner of the plat.

Plat note #7 from the parent plat Bear Run Subdivision 2019 KN 2019-28 needs to be carried forward to this plat.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process, all comments as of now have been of no comment. **Staff recommends** granting 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	
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 54819 WINCHESTER AVE Existing Street Names are Correct: Yes List of Correct Street Names:
	WINCHESTER AVE Existing Street Name Corrections Needed: All New Street Names are Approved: No
	List of Approved Street Names: List of Street Names Denied: Comments: 54819 WINCHESTER AVE WILL REMAIN WITH LOT 10B-2
Code Compliance	Reviewer: Ogren, Eric Comments: No comments

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	

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

List record data for north, south, east, and west boundaries.

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:

Correct address for William and Susan Wilkinson. KPB records show a PO Box address. Update KPB file to 2024-051.

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.

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.

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

Correct address for William and Susan Wilkinson. KPB records show a PO Box address.

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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.

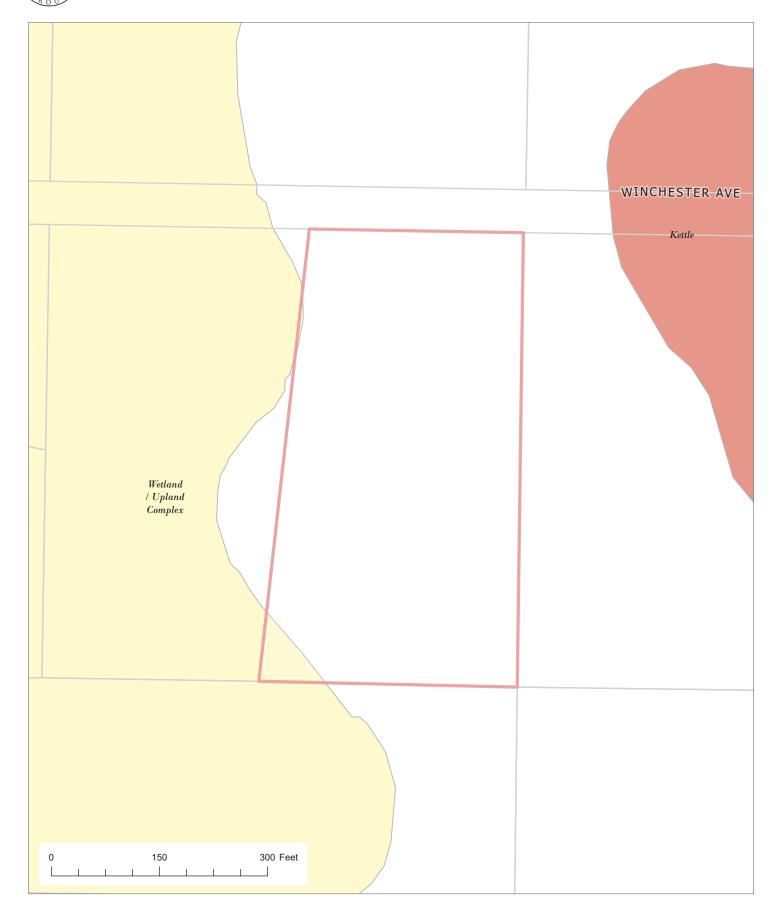
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

KPB 2024-051 5/14/2024







Kenai Peninsula Borough Planning Department Aerial with 5-foot Contours

KPB File 2024-051 5/14/2024





