

E. NEW BUSINESS

3. Levan-Sterling Subdivision

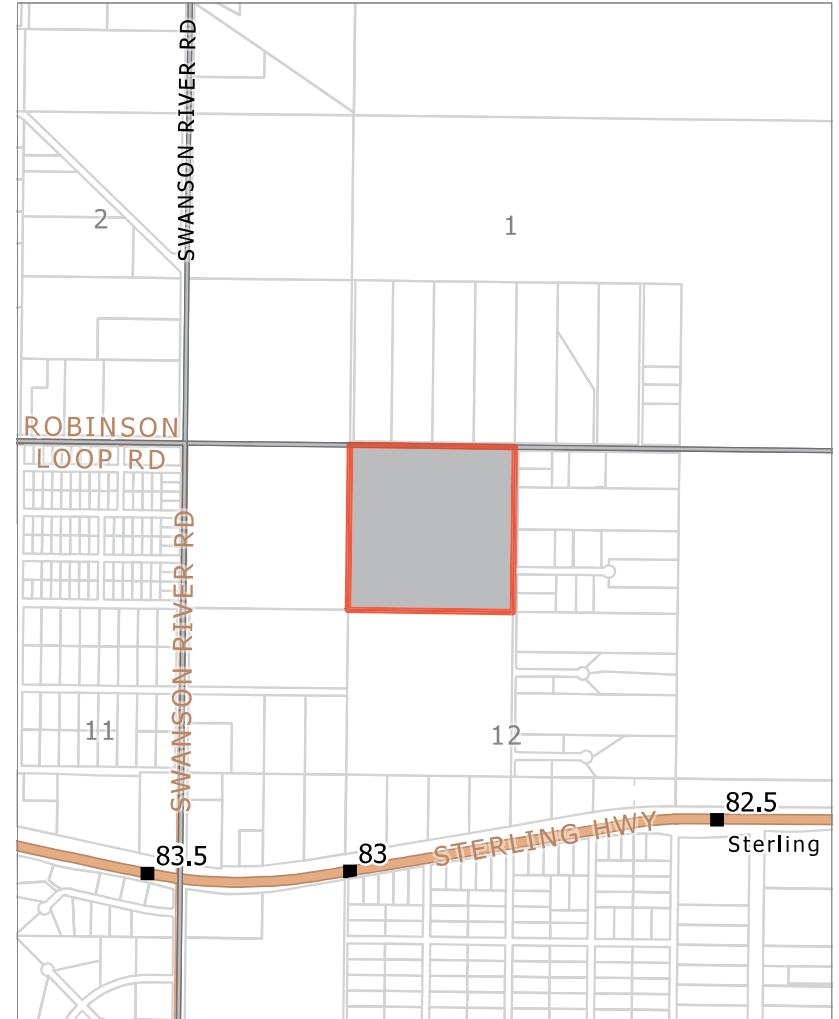
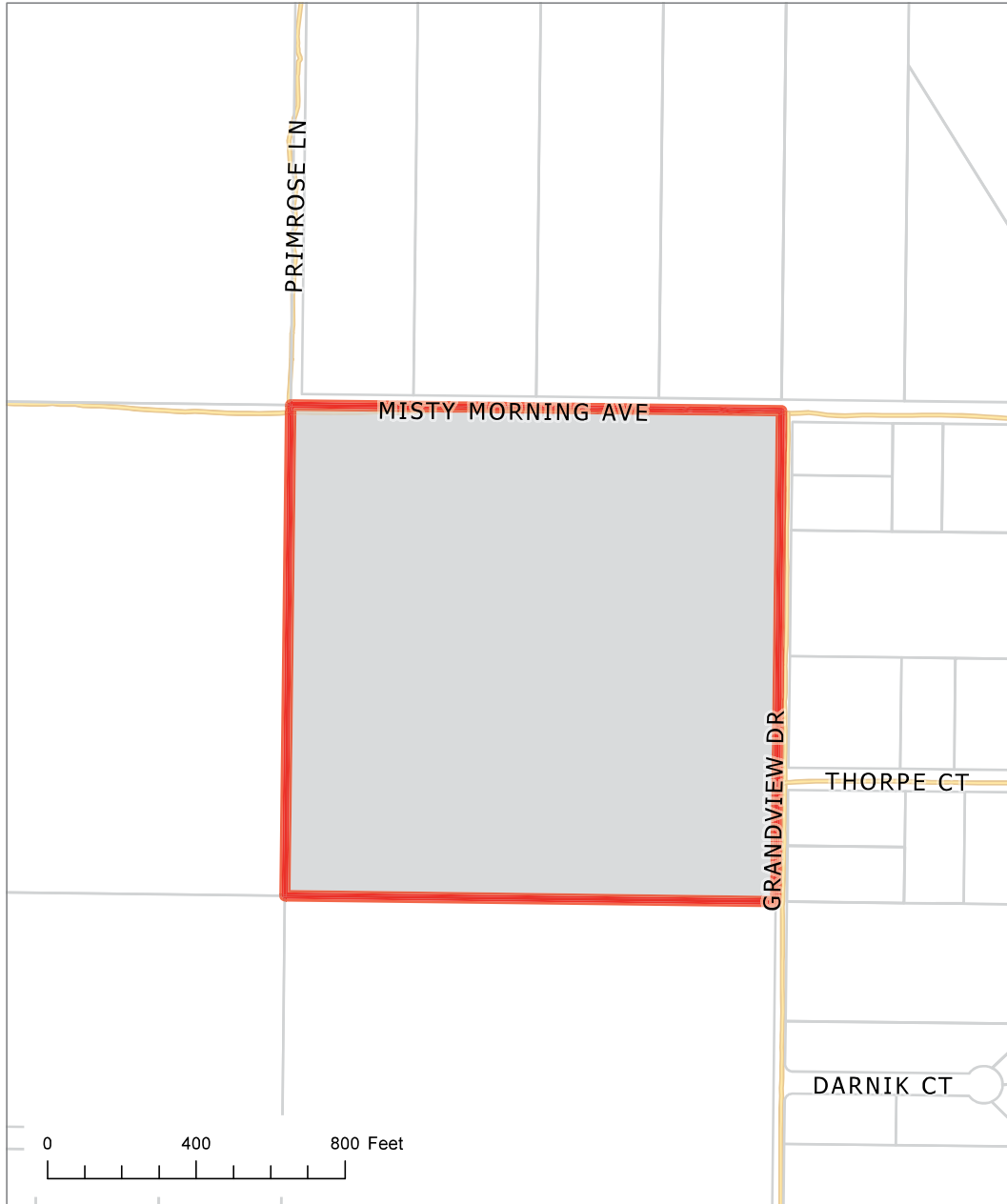
KPB File 2022-125

Edge Survey & Design / Leva

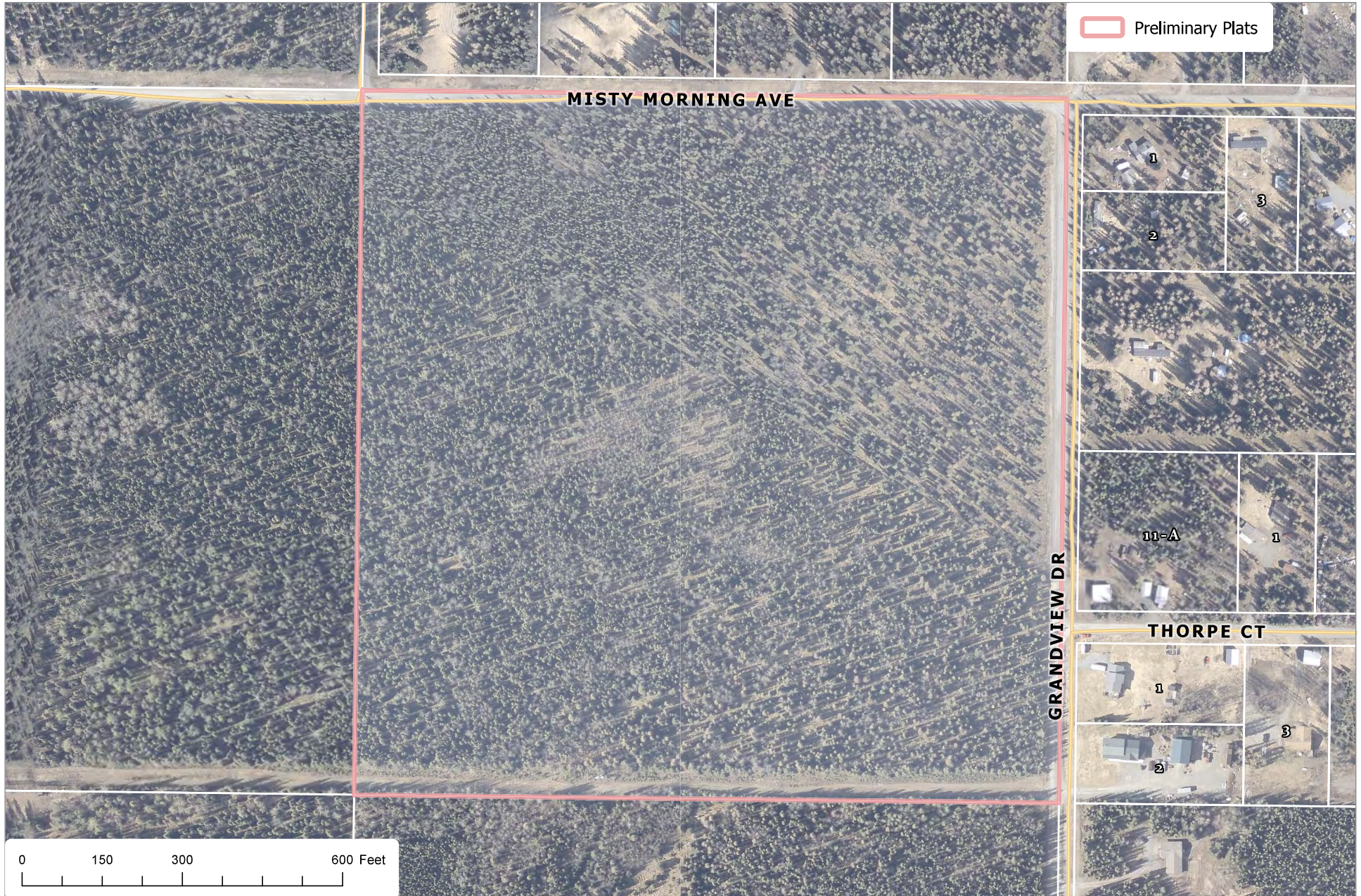
Location: Misty Morning Ave. &

Grandview Dr.

Sterling Area

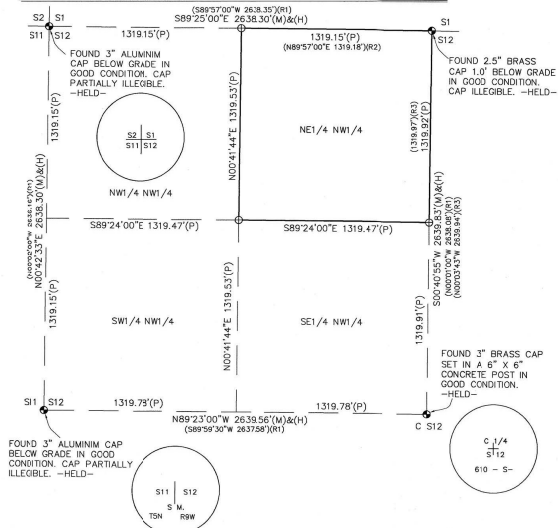


KPB File # 2022-125
S12 T05N R09W
Sterling



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.

NORTHWEST QUARTER OF SECTION 12 BREAKDOWN



NOTES

- BUILDING SETBACK -- A 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. SEE TYPICAL.
- THE FRONT 10' FEET OF THE 20' BUILDING SETBACK AND THE ENTIRE 20' BUILDING SETBACK WITHIN 5' OF SIDE LOT LINES IS ALSO 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 EASEMENT.
- THESE PARCELS MAY BE AFFECTED BY A GENERAL EASEMENT WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION, RECORDED NOVEMBER 15, 1963 IN MISC. BOOK 11, PAGE 115, AND ON JANUARY 9, 1964 IN MISC. BOOK 12, PAGE 27 IN THE KENAI RECORDING DISTRICT.
- THESE PARCELS MAY BE AFFECTED BY AN OIL AND GAS LEASE GRANTED TO MARATHON OIL COMPANY, RECORDED OCTOBER 15, 1999 IN VOLUME 570, PAGE 291 AND ON NOVEMBER 1, 2004 UNDER SERIAL NUMBER 2004-011134-0 IN THE KENAI RECORDING DISTRICT.
- 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.
- 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.
- WASTEWATER DISPOSAL

TRACT A IS AT LEAST 300,000 SQUARE FEET OF NOMINAL FIVE ACRES IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OF DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

LOTS 1-18 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 PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

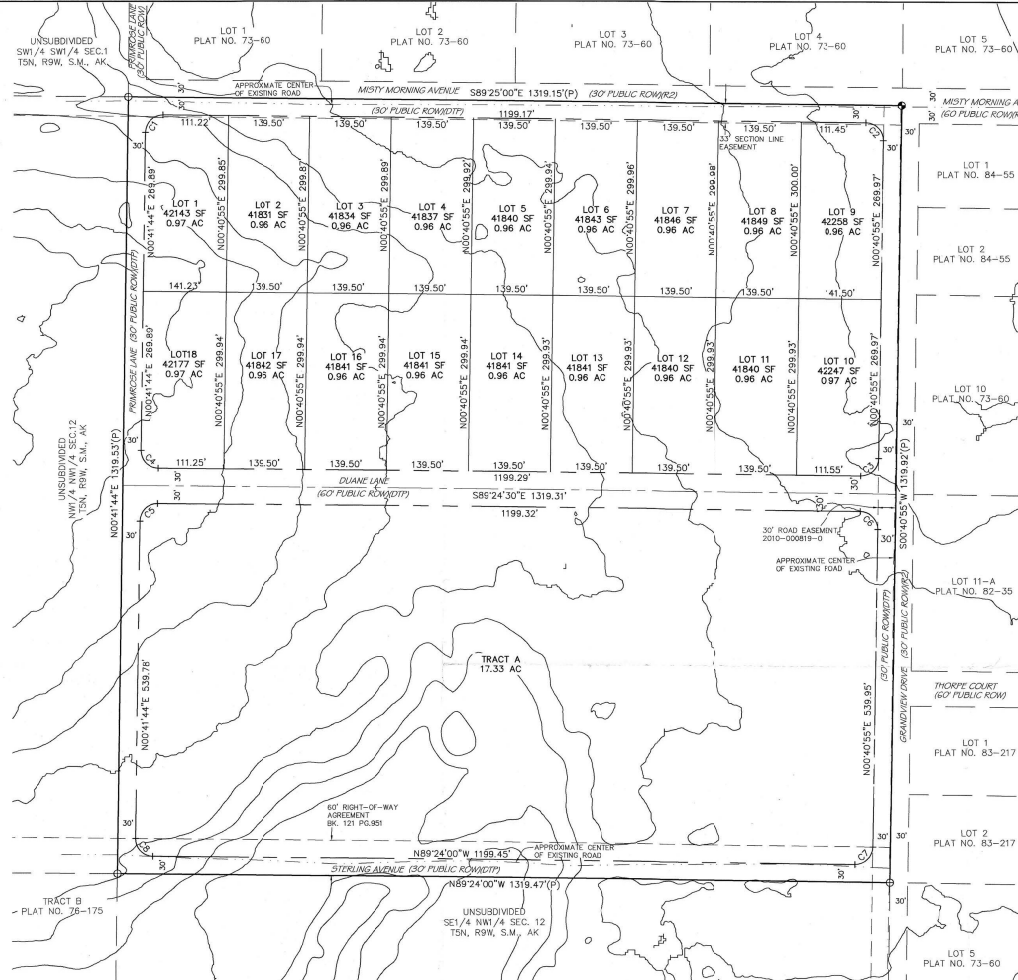
ENGINEER LICENSE NUMBER DATE

LEGEND

- FOUND MONUMENT AS NOTED
- SET 5/8" X 30" REBAR WITH ALUMINUM CAP
- STAMPED LS 13022
- SET 5/8" X 30" REBAR WITH CAP STAMPED LS 13022
- AT ALL LOT CORNERS CREATED BY THIS PLAT UNLESS OTHERWISE NOTED
- RECORD DATA, SEE REFERENCE
- DEDICATED THIS PLAT
- MEASURED
- HELD
- PROPORTIONED
- SUBDIVISION BOUNDARY
- INTERIOR LOT LINE
- RIGHT-OF-WAY (DTP)
- ADJACENT PROPERTY
- EASEMENT LINE
- CENTER LINE RIGHT OF WAY
- EXISTING ROAD CENTER LINE

REFERENCES

- (R1) TOWNSHIP PLAT OF T5N, R9W, S.M., ALASKA, ACCEPTED MAY 6, 1941
- (R2) GRANDVIEW SUBDIVISION, PLAT NO. 73-60, KENAI RECORDING DISTRICT
- (R3) RESUBDIVISION LOTS 11&12 GRANDVIEW SUB., PLAT NO. 82-35 KENAI RECORDING DISTRICT



CURVE TABLE					
CURVE #	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	30.00'	89°33'16"	47.07'	S45°38'22"W	42.38'
C2	30.00'	90°05'55"	47.18'	N44°22'03"W	42.46'
C3	30.00'	89°54'35"	47.08'	N45°38'12"E	42.39'
C4	30.00'	90°06'14"	47.18'	S44°21'23"E	42.46'
C5	30.00'	89°53'46"	47.07'	S45°38'37"W	42.39'
C6	30.00'	90°05'25"	47.17'	N44°21'48"W	42.46'
C7	30.00'	89°55'05"	47.08'	N45°38'27"E	42.40'
C8	30.00'	90°05'44"	47.17'	S44°21'08"E	42.46'

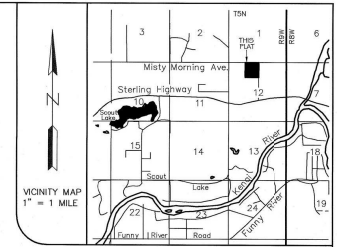
PLAT APPROVAL

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

AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

I, MARK ALMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



CERTIFICATE OF OWNERSHIP AND DEDICATION

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE, MEL E. LEVAN AND ALICE LEVAN ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

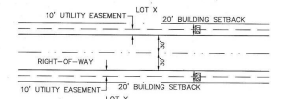
MEL E. LEVAN
PO BOX 8676
KODIAK, ALASKA 99615

NOTARY ACKNOWLEDGMENT

FOR: MEL E. LEVAN
ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____, 2022.

NOTARY PUBLIC FOR STATE OF ALASKA

BUILDING SETBACK TYPICAL APPLIES TO ALL LOTS CREATED BY THIS PLAT



KPB FILE No. 2022-XX

LEVAN-STERLING SUBDIVISION

A SUBDIVISION OF THE NW 1/4 NW 1/4 SECTION 12, T5N, R9W, SEWARD MERIDIAN KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA

OWNERS:
MEL E. LEVAN
PO BOX 8676
KODIAK, ALASKA 99615
CONTAINING 39.971 ACRES



12301 OLD SWARD, D ANCHORAGE, AK 99515
Phone (907) 544-9200 Fax (907) 544-7734
A0011392

DRAWN BY: DATE: 08/18/2022 PROJECT: 22-576
V.L.B. SCALE: 1" = 100' SHEET: 1 OF 1
CHECKED BY: MA

KPB 2022-125

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - LEVAN-STERLING SUBDIVISION

KPB File No.	2022-125
Plat Committee Meeting:	September 12, 2022
Applicant / Owner:	Mel Levan of Kodiak AK
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Misty Morning Avenue, Sterling area

Parent Parcel No.:	063-330-47
Legal Description:	NE1/4 NW1/4 Section 12, Township 5 North, Range 9 West
Assessing Use:	Residential
Zoning:	Rural Residential
Water / Wastewater	Onsite

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 39.971 acres parcel into 18 lots and one tract ranging in size from 0.96 acres to 0.97 acres for the lots and 17.33 acres for the tract. Several right-of-way dedications are proposed.

Location and Legal Access (existing and proposed): The proposed plat is located on Misty Morning Avenue. Misty Morning Avenue is located north of state maintained Sterling Highway at milepost 83.5 and accessed by state maintained Swanson River Road that provides a connection to the Sterling Highway. Misty Morning Avenue is borough maintained as is Grandview Drive on the east side of the proposed subdivision.

The preliminary plat shows a dedication along the north of a 30 foot right-of-way for Misty Morning Avenue that will be atop a 33-foot section line easement. The plat indicates that the abutting dedication and the dedication to the east is 30 feet on each side, per Grandview Subdivision, Plat KN 73-60 the dedications are 33 feet in width. **Staff recommends the depiction and labels be adjusted.**

Along the eastern boundary the plat shows a 30-foot right-of-way dedication for Grandview Drive to bring the right-of-way into compliance for width. Grandview Drive is constructed and maintained by the borough. This dedication is occurring atop a public easement granted by recorded document. **Staff recommends the easement label include "public" or a plat note be added that includes the details and description of location and states it is now within the dedicated portion of Grandview Drive.**

On the south of the plat a 30 foot wide dedication is proposed for Sterling Avenue. A new name will be required to be approved by the Addressing Officer as well as confirming all other names proposed on the plat. The plat shows along the proposed dedication the approximate center of an existing travelway. There is also a 60 foot wide right-of-way created by recorded document. Upon reviewing the document it needs to be clarified if that easement is public or private. ENSTAR reviewed the plat and noted there is a transmission line within the 60 foot right-of-way agreement and any development within the dedication should be coordinated with Alaska Pipeline Company (APC). The question remains if the depicted existing road is truly a road or the cleared area used by APC or the location of the pipeline. Upon staff's review of the proposed dedication, the existence of the 60 foot wide easement, and ENSTAR's comments, **staff recommends the transmission line be located, the surveyor work with APC and based on the line's location determine the best dedications along the southern boundary. Update the label to indicate if the right-of-way agreement is public or private or add a plat note with the details, and do one of the following or provide alternative that is agreeable by all parties.**

- The dedication of a full 60 foot dedication that encompasses the travelway as long as the pipeline is within the adjacent utility easement or within edge of dedication, or

- *providing a 30 foot dedication as currently proposed and make sure the pipeline is within the edge of the right-of-way or north of the dedication, or*
- *provide a reduced width for the right-of-way to not have the dedication atop the pipeline, or*
- *provide a full 60 foot dedication that is north of the existing pipeline.*

Two additional dedications are proposed. Along the western boundary is a dedication of a 30-foot right-of-way that is proposed as Primrose Lane and provides a compliant continuation of the dedicated Primrose Lane to the north. Through the middle of the plat is a dedication for a 60-foot right-of-way proposed as Duane Lane. The name will require approval from the Addressing Officer. This dedication will provide a connection between Primrose Lane and Grandview Drive.

Lots 1 – 9 will have access to Misty Morning Avenue, Lots 10 – 18 will have access to Duane Lane. Tract A will have access to Duane Lane, Primrose Lane, Grandview Drive and Sterling Avenue. Lots 9 & 10 will have access to Grandview Drive. Lots 1 & 18 will have access to Primrose Lane.

The proposed dedications will provide for a compliant block.

KPB Roads Dept. comments	
SOA DOT comments	No comment

Site Investigation: The preliminary plat does not contain any steep areas or low wet lands. The land appears to be vacant with no neighboring encroachment issues. As discussed under the legal access portion of the staff report, the rights-of-way along the north and west are constructed and maintained by the borough. **Staff recommends the terrain be removed from the final plat.**

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: Aldridge, Morgan 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 preliminary plat is a subdivision of lands currently not platted. The proposed plat is located in the Sterling area and not within an advisory planning commission area.

A soils report will be required for the lots and an engineer will sign the final plat. The tract is large enough that the soils analysis is not required.

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.

Utility Easements As the property has not been previously platted, there are no utility easements to carry over from previous plats. Per the Certificate to Plat there are several easements affecting the property that were created

by recorded documents. The easements granted to Homer Electric Association did not have areas defined and are present within plat note 3.

New utility easement as identified in note 2 as “the front 10’ of the 20’ Building Setback and the entire 20’ Building Setback within 5’ of side lot lines”. A typical building setback detail is provided that shows the setback and utility easements as described within the plat note. **Staff recommends** the plat note include “granted by this plat”.

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 comment
ENSTAR	Add a note which says, “APC transmission line located with 60ft Right of Way Agreement. Any construction activity conducted within the 60ft Right of Way needs to be coordinated with APC”.
ACS	No objections
GCI	No objections

KPB department / agency review:

Addressing	
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

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

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

*In references, check the spelling of subdivisions.
The existing road depictions may be removed.*

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: The legal description needs corrected to NE1/4 NW1/4

- 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: *North half of Misty Morning Avenue is 33' change on drawing*
- 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: *The Misty Morning Avenue label appears along the right-of-way known as Robinson Loop Road. Add "Loop Road" to Scout Lake Loop Road Label. The Funny River label in section 24 should have "Road" added. If this is to reference the river the line depiction should be added to make it clear.*
- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;
Staff recommendation: *Sterling is not an allowable street name. Continue Entrada Drive or receive an approved name from the addressing officer. Duane Lane should be Avenue and approval will be required from the Addressing Officer.*
- 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: *Lot to southeast needs to be corrected from Lot 5 to Lot 13.*

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.*

20.30.120. Streets-Width requirements.

- 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.

Staff recommendation: *Update the dedication of Sterling Avenue as determined by field survey.*

20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10

Staff recommendation: *check for conformity to adjacent names. Receive approval from the Addressing Officer.*

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: A soils report will be required for the lots and an engineer will need to sign the plat.

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.*

- 20.60.040. Dedication of public use lands. Any land shown on a plat as a street, 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.

Staff recommendation: *An acceptance from the KPB for new dedications will be required.*

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:

- Update plat note 5 to include KPB Code reference. "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)."
- Remove "nominal five acres" from the wastewater note.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Per the Certificate to Plat the ownership is under Mr. Levan's name only. Correct the ownership statement to be in the singular and remove Alice Levan from the statement. Comply with 20.60.190.*

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



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