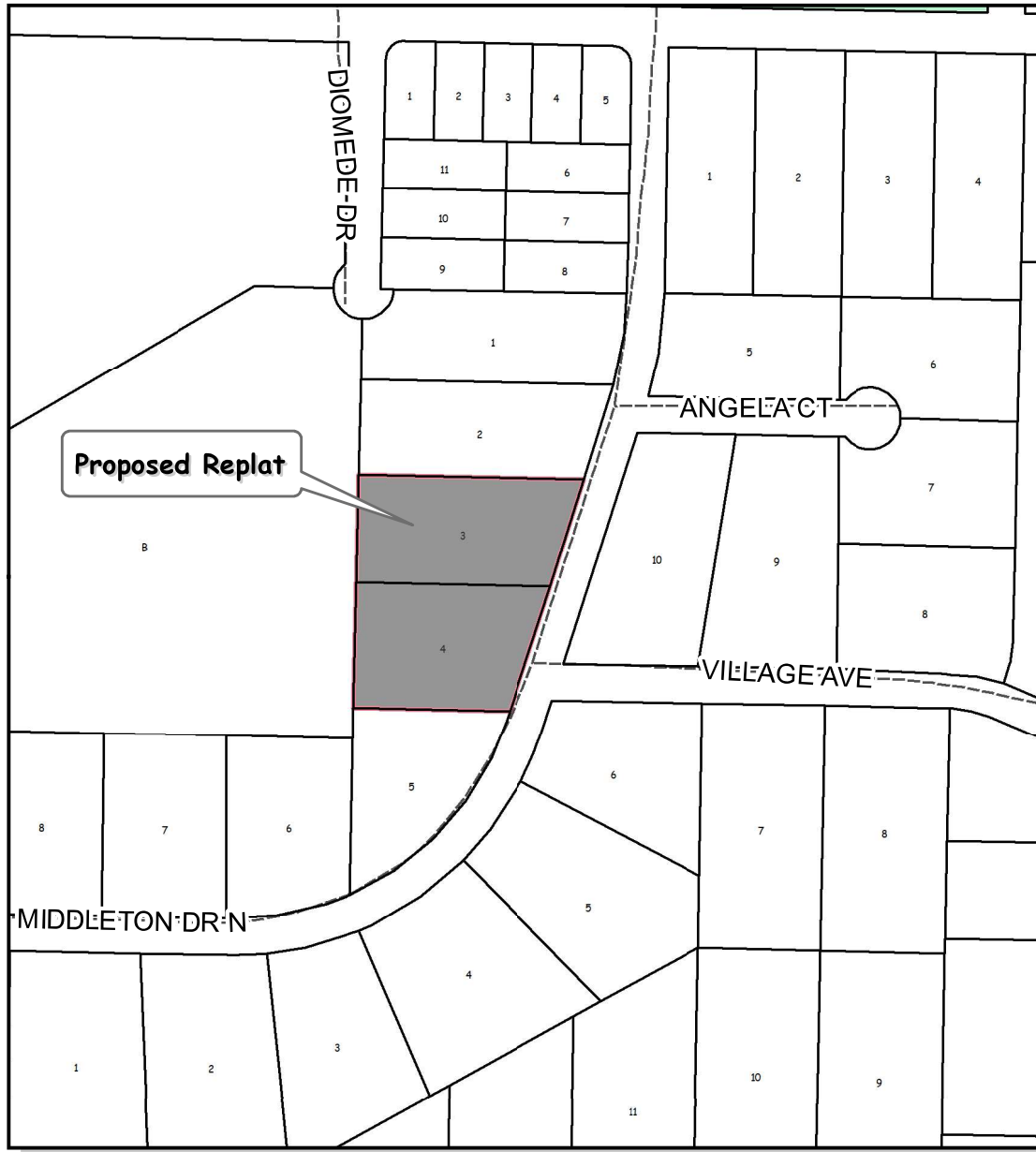
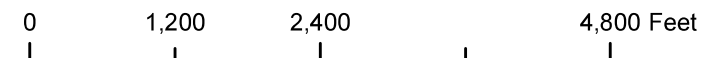
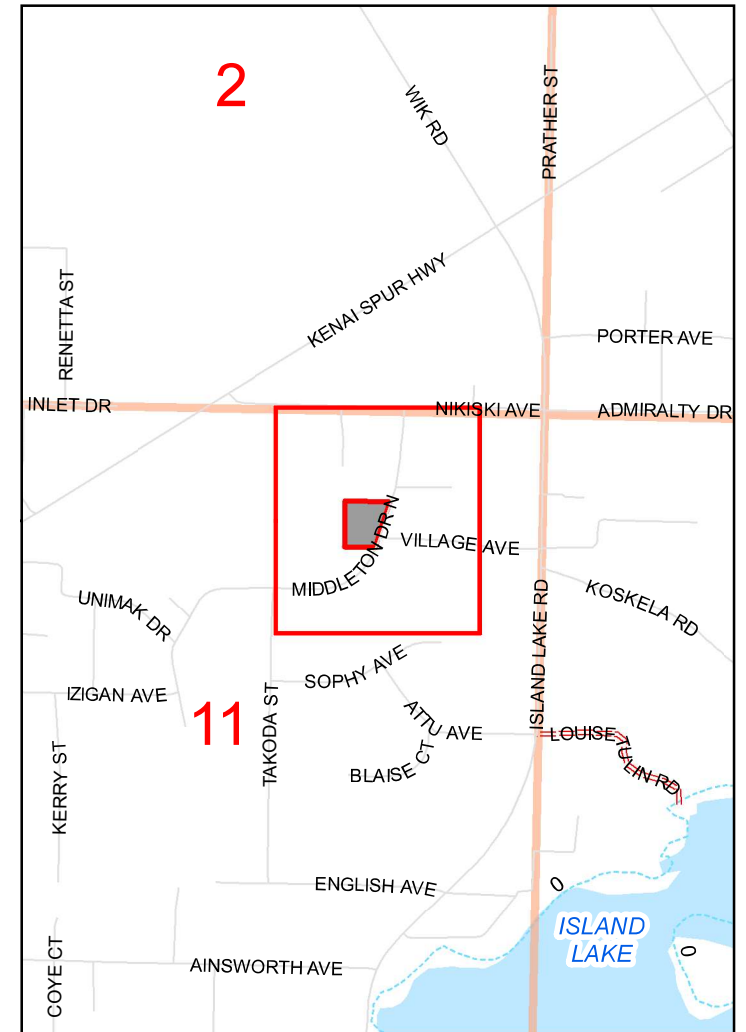
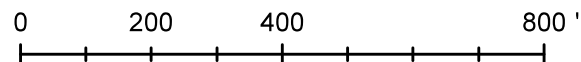


## **E. NEW BUSINESS**

**ITEM E8 - Timber Hills Subdivision 2022 Replat**



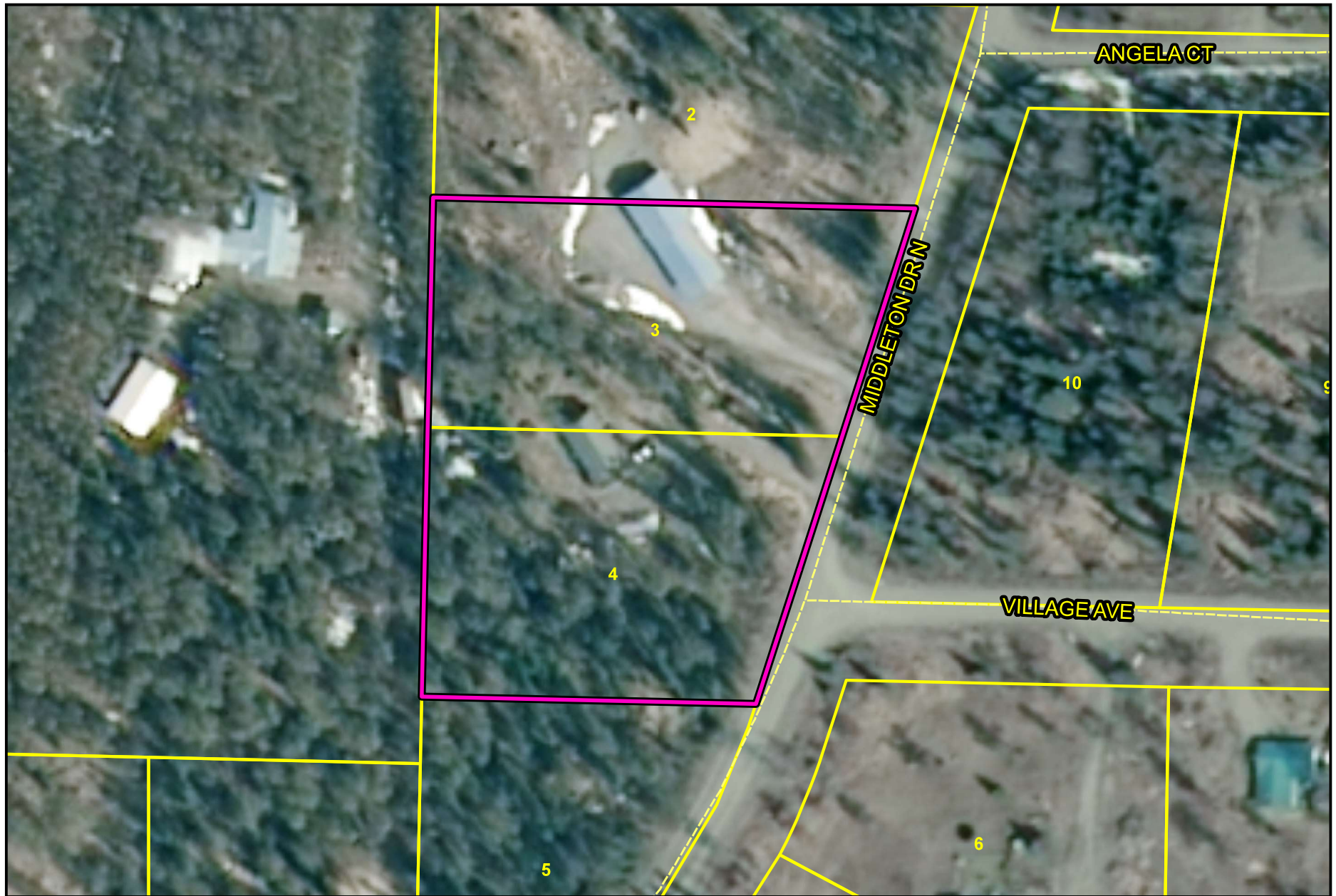
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



**KPB 2022-007**  
**S11 T07N R12W**  
**Nikiski**



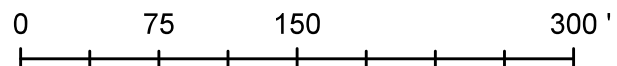
MQuinton, KPB 2022-007 Date: 1/24/2022



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.

MQuainton, KPB 2022-007  
Imagery Kenai 2012-2013

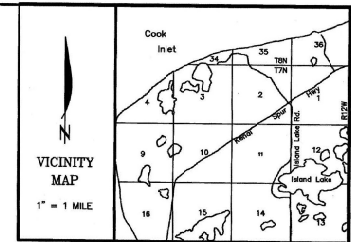
**Aerial View**



**E8-2**

 PRELIMINARY PLAT





### CERTIFICATE of OWNERSHIP and DEDICATION

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 RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

MICHAEL B. BRUNKE  
P.O. BOX 7594  
NIKISKI, ALASKA 99635

GEORGE F. BROWN  
P.O. BOX 8153  
NIKISKI, ALASKA 99635

### NOTARY'S ACKNOWLEDGEMENT

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

### NOTARY'S ACKNOWLEDGEMENT

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

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

AUTHORIZED OFFICIAL \_\_\_\_\_

KPB FILE No. \_\_\_\_\_

### Timber Hills Subdivision 2022 Replat

A resubdivision of Lots 3 and 4 Block 4 Timber Hills Subdivision,  
Plat: 77-114, Kenai Recording District.

Located within the SW1/4 NE1/4 Section 11, T7N, R12W, S.M.,  
Kenai Peninsula Borough, Alaska.

Containing 2.694 Ac.

Surveyor  
Segesser Surveys  
30496 Rutland St.  
Soldotna, AK 99669  
(907) 262-3909

Owners  
George F. Brown Michael B. Brunke  
P.O. Box 8153 P.O. Box 7594  
Nikiski, AK 99635 Nikiski, AK 99635

JOB NO. 21355  
SURVEYED: Nov., 2021  
FIELD BOOK: 21-5

DRAWN 11-8-21  
SCALE: 1"=50'  
SHEET: 1 of 1

### LEGEND:

- 1 1/2" BRASS, CAP MON. 268-3 1968 FOUND
- 1 1/2" ALUM. CAP MON. 4928-3 2004 FOUND
- 5/8" REBAR
- 5/8" REBAR w/PLASTIC CAP LS8855 SET
- ( ) RECORD DATUM PLAT 77-114 KPD

### NOTES:

- 1) Easels of bearing taken from Timber Hills Subdivision, Plat 77-114, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Front 10 feet adjacent to right-of-ways and 20 feet within 5' feet of the side lot lines 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 easement.
- 4) WASTEWATER DISPOSAL: Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional on-site 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 on-site 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 No. \_\_\_\_\_ date \_\_\_\_\_



### SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.

Date \_\_\_\_\_

**KPB 2022-007**



AGENDA ITEM E. NEW BUSINESS

**ITEM 8 - Timber Hills Subdivision 2022 Replat**

<b>KPB File No.</b>	2022-007
<b>Plat Committee Meeting:</b>	March 21, 2022
<b>Applicant / Owner:</b>	Michael B. Brunke, Nikiski George F. Brown, Nikiski
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Nikiski

<b>Parent Parcel No.:</b>	012-150-21 and 012-150-22
<b>Legal Description:</b>	Lots 3 and 4, Block Four, Timber Hills Sub Plat KN 77-114
<b>Assessing Use:</b>	Residential Usage
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

---

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The Kenai Peninsula Borough Plat Committee heard and approved the preliminary plat at the February 14, 2022 meeting. The proposed plat will reconfigure a lot line between two lots to avoid a structure. Lot 3 will decrease from 1.4 acres to 1.2 acres and Lot 4 will increase from 1.3 to 1.5 acres. The exchange of area will be 7,448 square feet between the two lots. The Plat Committee determined a dedication was not required on this plat and granted an exception to KPB 20.30.170 – Blocks- Length requirements.

This plat is being brought back to the plat committee as the surveyor has requested an exception to KPB 20.40.100, soils analysis and report.

---

**EXCEPTIONS REQUESTED:**

**KPB 20.40.100 – Soils analysis and report**

**Surveyor's Discussion:** The owner for Timber Hills Subdivision 2022 Replat, KPB 2022-007, would like to ask for an exception to the subdivision soils report. This plat was heard at the February 14 meeting.

**Staff Discussion:** The preliminary plat is adjusting a shared lot line that will result in a change of approximately 7,448 square feet. One lot will be increasing and one will be decreasing. KPB Code outlines when wastewater system reviews are not required and this plat did not meet the criteria. The parent plat was recorded in 1977 and a soils analysis report was not completed at that time.

Staff was unable to locate DEC reports for the parent lots. An as-built was not submitted. The preliminary plat did not indicate septic tank or well locations. Staff received a phone call regarding the requirement of the soils analysis report and was advised that both lots have improvements with septic systems in place. No documentation has been provided on the types of systems or if DEC approved.

The granting of the exception will not change the original approval date of the preliminary plat. The approval date will remain February 14, 2022 and is valid for two years with time extensions permitted as outlined in KPB 20.25.110.

If denied, a soils analysis report will be required to be submitted for review and approval and an engineer will need to sign the plat.

**Findings:**

1. Sloping terrain affects the subdivision but no slopes appear to be greater than 20 percent in grade.
2. No low wet areas appear to affect this subdivision.
3. The intent of the plat is provide adequate space around a structure constructed on either the property line or close.
4. Parent Lots 3 and 4 have existing structures.
5. The subdivision will reduce Lot 3 by 7,448 square feet.
6. The subdivision will increase Lot 4 by 7,448 square feet.
7. The parent plat, Timber Hills Subdivision Plat KN 77-114, did not require a soils analysis report to be approved by the Kenai Peninsula Borough or by Alaska DEC.
8. Without knowing the locations of existing systems, staff cannot determine if adequate square footage is available for replacement systems.
9. A structure appears to be present approximately 100 feet west of the subdivision boundary.
10. Lot 4A is increasing by more than 1,000 square feet.
11. The owner of parent Lot 3 is also the owner of Lot 2 located to the north, which is a 1.37 acre lot.

Staff reviewed the exception request and recommends granting approval.

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 not be requested with a final plat submittal.

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

1. That special circumstances or conditions affecting the property have been shown by application;  
**Findings 1-4, 6, 10, and 11 appear to support this standard.**
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 1-4, 6, 10, and 11 appear to support this standard.**
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 1-4, 6, 10, and 11 appear to support this standard.**

**Staff recommendation:** place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date and provide the correct Wastewater Disposal note.

---

#### **RECOMMENDATION:**

#### **SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**

- **GRANT THE EXCPETION REQUESTED TO THE ALL READY APPROVED PRELIMINARY PLAT, 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.

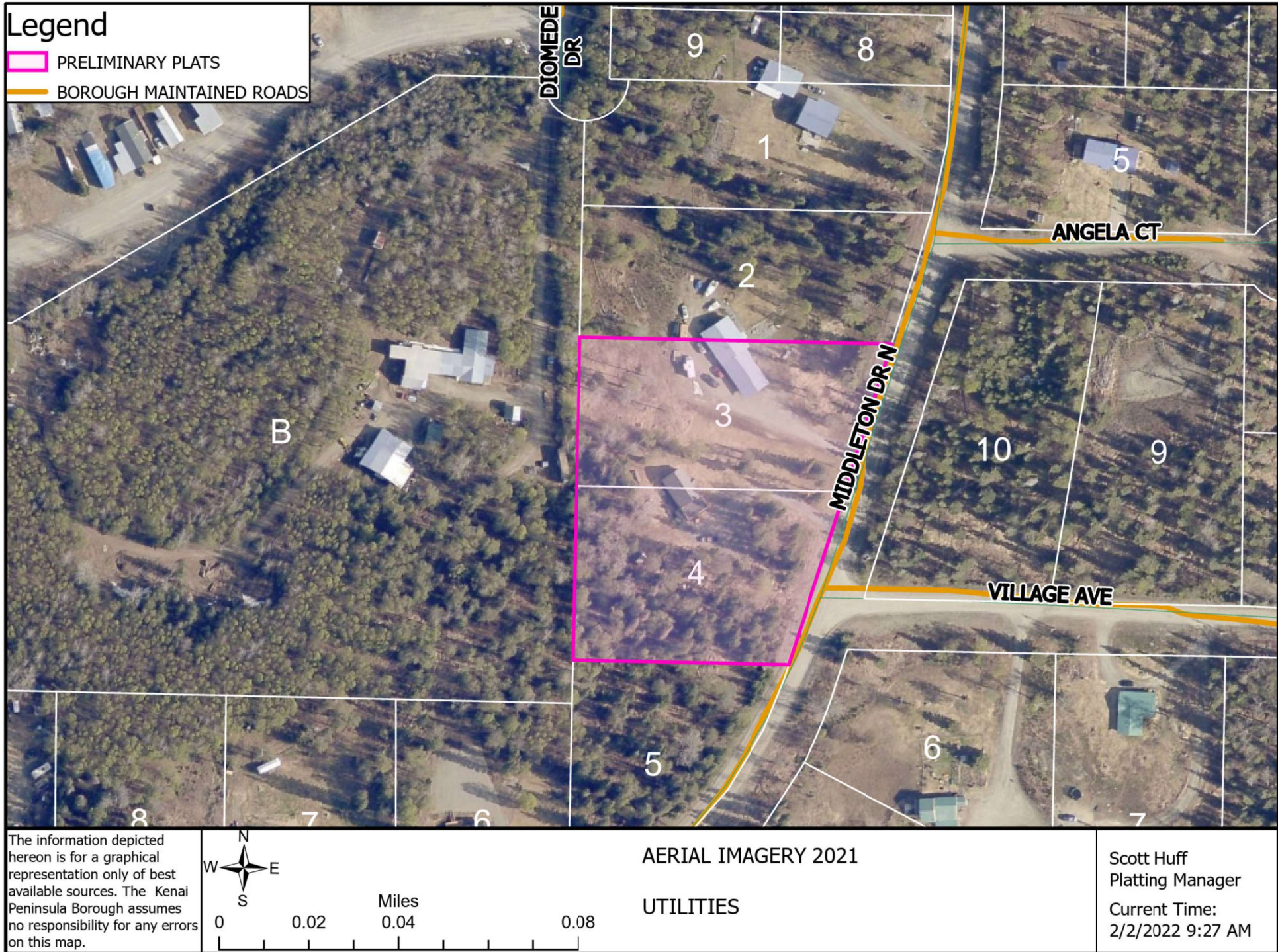
NOTE: 20.25.120. - REVIEW AND APPEAL.

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.

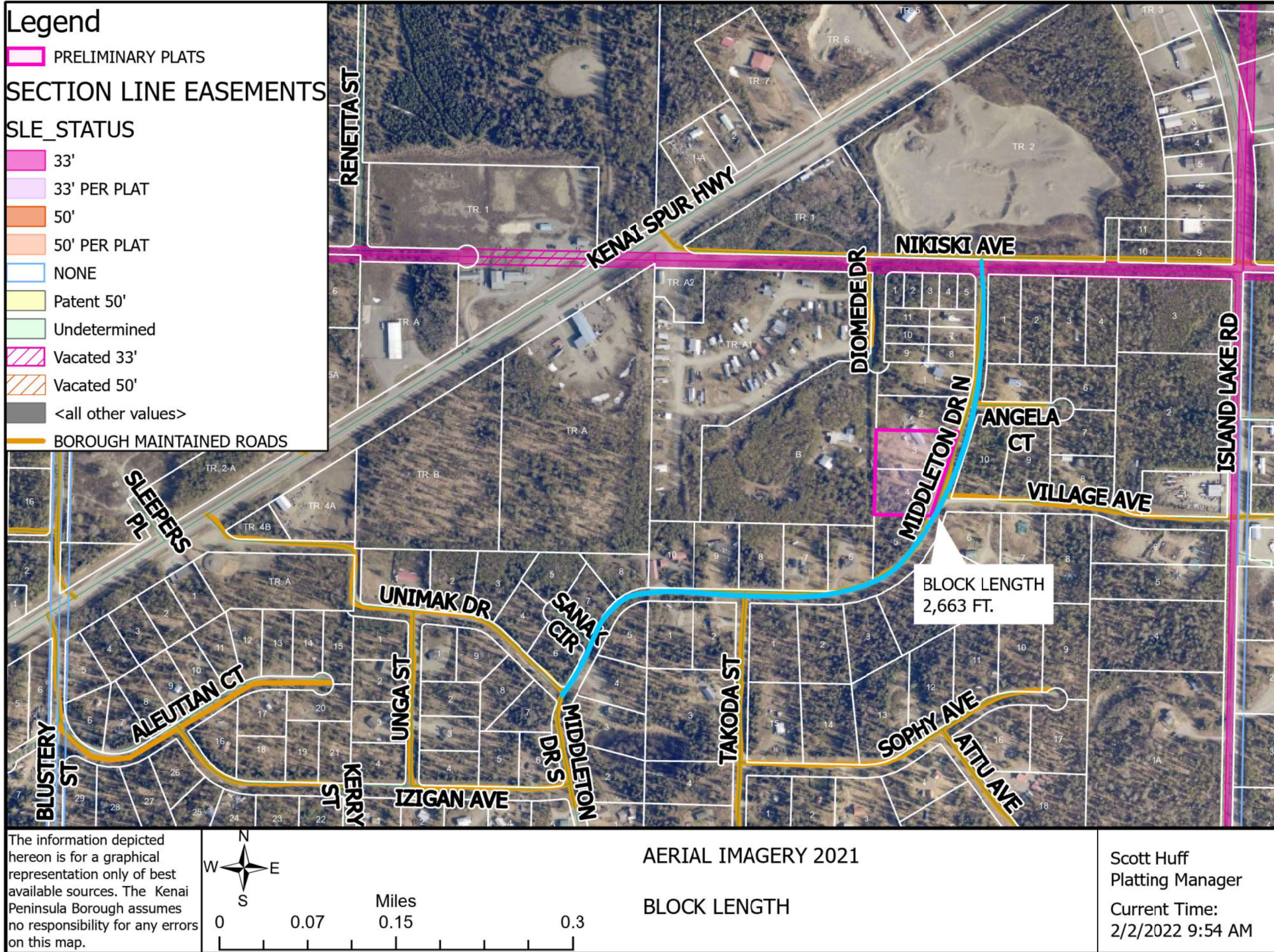
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

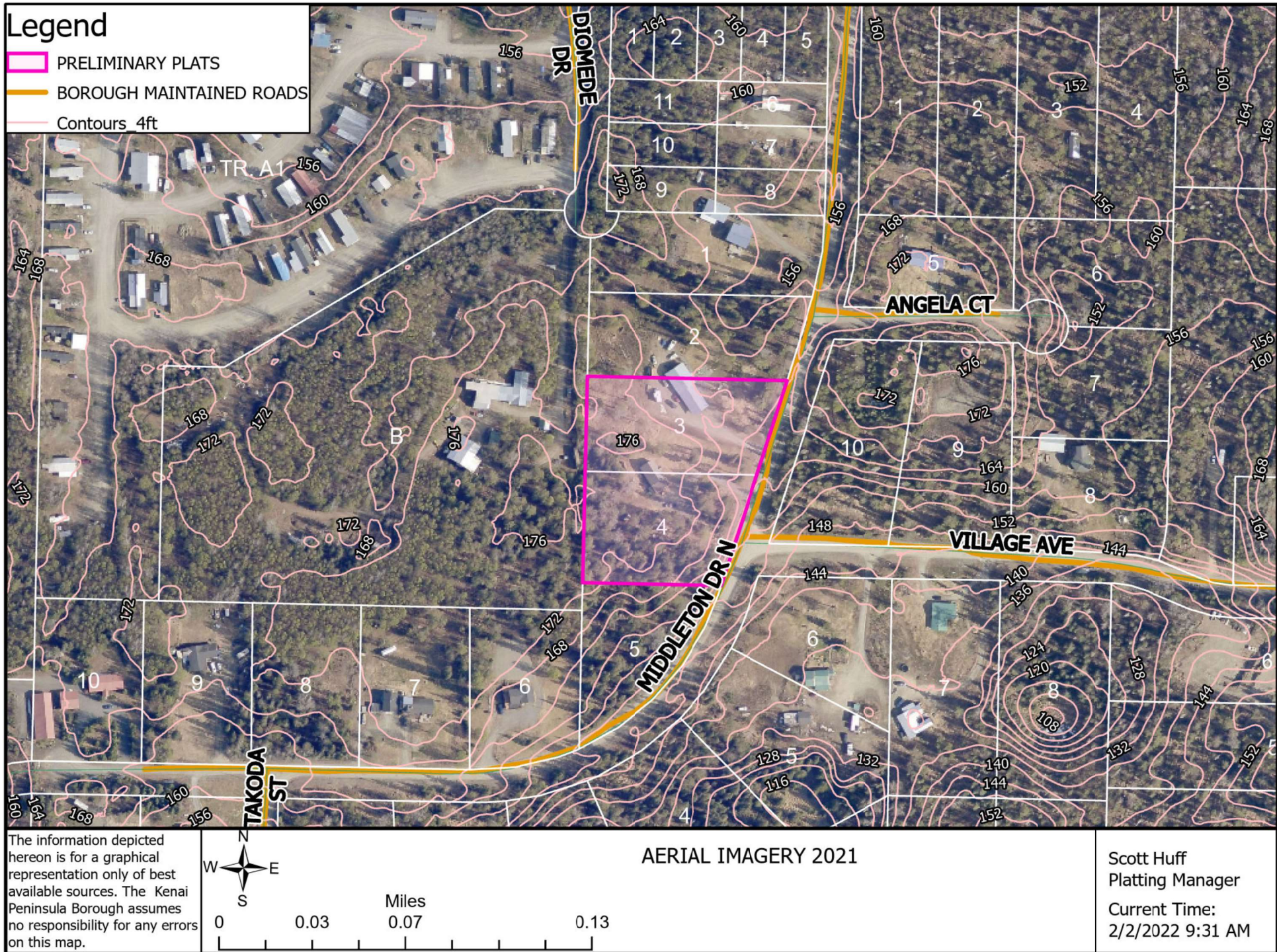








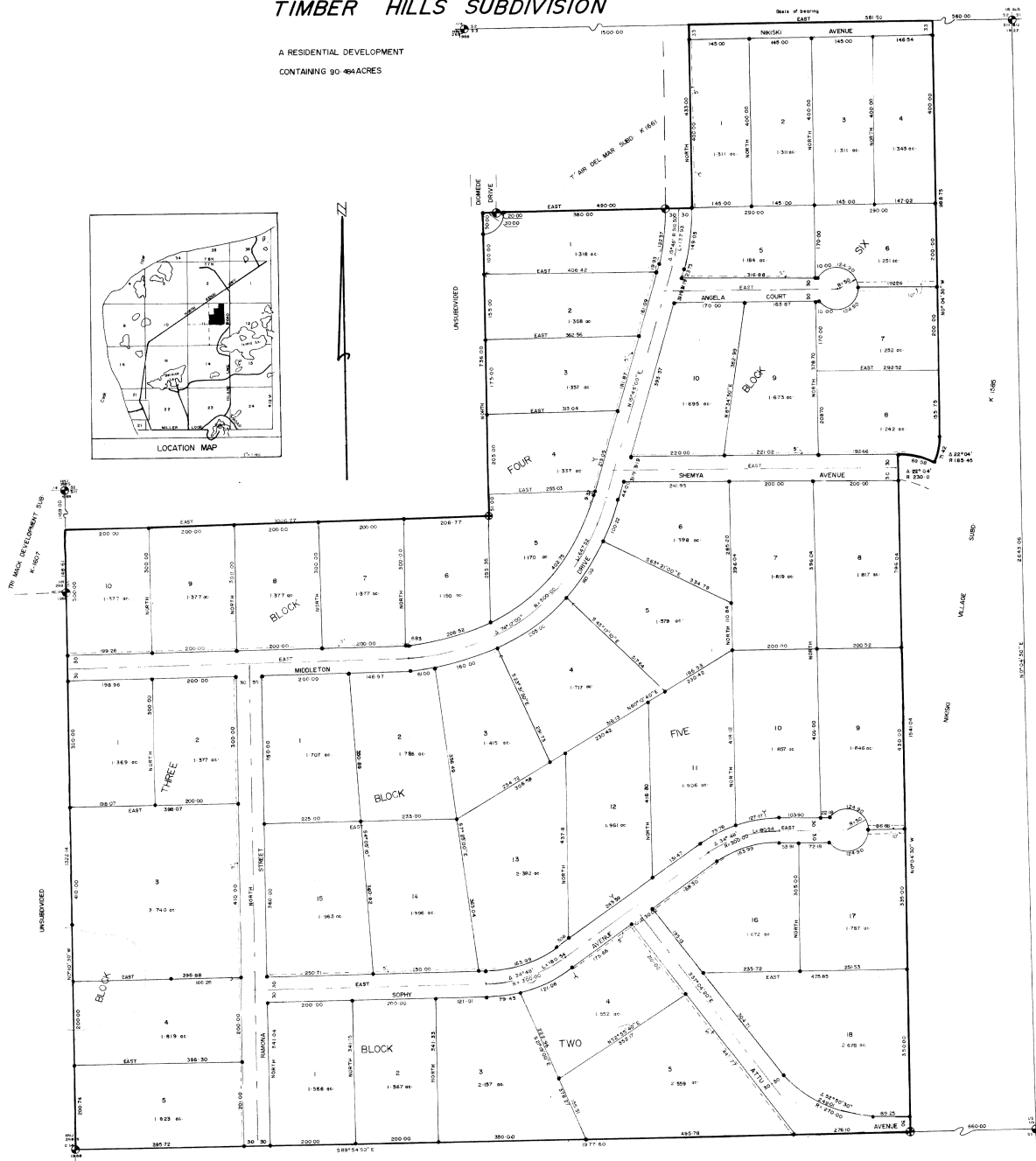
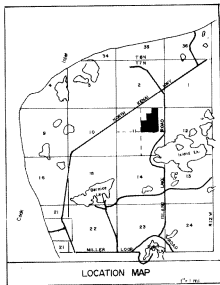






# TIMBER HILLS SUBDIVISION

A RESIDENTIAL DEVELOPMENT  
CONTAINING 90.484 ACRES



## CERTIFICATE OF OWNERSHIP AND DESIGNATION

I HEREBY CERTIFY THAT I AM THE OWNER OF PROPERTY SHOWN HEREIN, THAT I ADOPT THIS PLAN OF SUBDIVISION, AND DO HEREBY DEDICATE TO THE PUBLIC, AND TO THE PUBLIC UTILITIES THE STREETS AND EASEMENTS SHOWN.

ROBERT S. BOLES  
RT. 2, BOX 217  
SOLDOTNA, ALASKA

WOODROW J. BOLES  
P.O. BOX 659  
SOLDOTNA, ALASKA

ERNE BOLES  
P.O. BOX 659  
SOLDOTNA, ALASKA

## NOTARY'S ACKNOWLEDGMENT

BEFORE AND SUBSCRIBED TO BEFORE ME, A NOTARY PUBLIC THIS 22nd DAY OF August, 1977

*Notary Signature*

MY COMMISSION EXPIRES 1980

## BOROUGH APPROVAL

THIS PLAT HAVING BEEN APPROVED BY THE KENAI PENINSULA BOROUGH IN WRITING CONFORMANCE AS RECORDED IN THE OFFICIAL MAPS OF THE METERS OF 2-22-1977 IS HEREBY ACKNOWLEDGED AND ACCEPTED AS THE OFFICIAL PLAT, SUBJECT TO ANY AND ALL CONDITIONS OF ORDINANCES AND LAW APPLICABLE THERE TO.

KENAI PENINSULA BOROUGH

*Notary Signature*

*Notary Signature*

NOTE: 20' Building setback adjacent to all rights of way.

NOTE: All sewer and drainage systems shall comply with existing law at time of construction.

- LEGEND
- Symbol for utility easement
  - Symbol for brick capped utility easement
  - Symbol for brick capped utility easement

TIMBER HILLS SUBDIVISION	
WITHIN THE NE 1/4 SEC 10 T14N R14W S1W	SURVEY COMPLETED 1977
KENAI PENINSULA BOROUGH, ALASKA	
DEVELOPERS	
WOODY & ROBERT BOLES BOX 458 SOLDOTNA, ALASKA	ARNE LUBELL - SURVEYOR WHITE, 1, BOX 47 KENAI, ALASKA

**ITEM E3 – SPRUCE KNOLL**

<b>KPB File No.</b>	2022-005
<b>Plat Committee Meeting:</b>	February 14, 2022
<b>Applicant / Owner:</b>	Beachy Revocable Trust PO Box 800 Homer, AK 99603
<b>Surveyor:</b>	Geovera LLC. PO Box 3235 Homer, AK 99603
<b>General Location:</b>	Diamond Ridge Road, Homer
<b>Parent Parcel No.:</b>	173-04-010, 173-04-009, 173-04-011
<b>Legal Description:</b>	Government Lots 2, Government Lot 3, and Government Lot 4 lying south of the southerly right of way of Diamond Ridge Road, Section 12, T6S, R14W, Seward Meridian
<b>Assessing Use:</b>	Residential Dwelling
<b>Zoning:</b>	Unrestricted
<b>Water / Wastewater</b>	On-site

Staff report given by Julie Hindman.

Chair Brantley opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was open among the commission.

**MOTION:** Commissioner Venuti moved, seconded by Commissioner Gillham to grant preliminary approval to Spruce Knoll based on staff recommendations and compliance to borough code.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	No	0
Yes	Brantley, Gillham, Ruffner, Venuti		

**ITEM 8 - Timber Hills Subdivision 2022 Replat**

<b>KPB File No.</b>	2022-007
<b>Plat Committee Meeting:</b>	February 14, 2022
<b>Applicant / Owner:</b>	Michael B. Brunke, Nikiski George F. Brown, Nikiski
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Nikiski
<b>Parent Parcel No.:</b>	012-150-21 and 012-150-22
<b>Legal Description:</b>	Lots 3 and 4, Block Four, Timber Hills Sub Plat KN 77-114
<b>Assessing Use:</b>	Residential Usage
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

Staff report given by Julie Hindman.

Chair Brantley opened the meeting for public comment.

John Segesser, Segesser Surveys, LLC; 30485 Rosland St., Soldotna, AK 99669: Mr. Segesser was the surveyor on this project. He stated the owners of these parcels object to having dedicated a 60' right-of-



way on the south boundary. Mr. Segesser stated that this proposed road would be in a bad location for sight distance on Middleton. He also noted that proposed road would tie into the 10-acre lot adjacent to these lots which would be of benefit design-wise for the owner of the large lot and not his client. In his opinion it would make more sense design wise, should this 10-acre lot subdivide, to extend the existing access of Diomedes Dr. approximately 500' which would still meet code requirements for cul-de-sacs. The owner's intention in this replat is to adjust a lot line to resolve the issue of a building being extremely close to the lot line and to include the existing lawn area on to one lot.

Commissioner Ruffner asked Mr. Segesser if his client owned Lot 5. Mr. Segesser replied that his client did not but that Lot 5 and the 10-acre lot were owned by the same person. Commissioner Ruffner then asked if his client would be amenable to doing a half dedication instead of a full dedication. Mr. Segesser stated that could be possible.

Hearing no one else wishing to comment, public comment was closed and discussion was open among the commission.

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Ruffner to grant preliminary approval to Timber Hills Subdivision 2022 Replat based on staff recommendations and compliance to borough code.

Commissioner Ruffner noted that staff was asking for a full 60' road dedication to come out of Lot 4 and asked staff if they could support a 30' dedication instead. Ms. Hindman replied that there were concerns regarding Lot 5 ever being further subdivided which was why they were recommending the full 60' dedication on Lot 4. There was also a concern that a 30' dedication, as opposed to a 60' dedication, would further offset the intersection.

Commission Brantley stated that requiring a full 60' dedication would be taking a lot of land from one lot, almost 1/3 of the property within the lot. He also noted that the owners here are just wanting to adjust a lot line to resolve some existing encroachment issues. Commissioner Ruffner agreed with Commissioner Brantley that the full dedication requirement was a "big ask" on Lot 4.

Commissioner Ruffner asked if Lot B had legal access. Ms. Hindman replied that Lot B has access on the northern boundary via Diomedes Dr. Staff's concern was this large 10-acre lot's only access was a small part of the cul-de-sac bulb. This could create an issue should this 10-acre lot ever be subdivided as code does not allow cul-de-sac to be opened.

Commissioner Brantley asked staff if the same owner of the 10-acre lot owns any of the properties that front Diomedes Dr. Ms. Hindman replied that the same person owns both Lot A1 and Lot B. Lot A1 also fronts Diomedes Dr. which connects to Nikiski Ave. Commissioner Brantley then stated should this large acre lot subdivide in the future they will have options for providing access through their property from Nikiski Ave. Ms. Hindman replied that Lot A1 appears to be heavily developed with what looks like a trailer park with internal roads which might make providing access from Nikiski Ave. more difficult. Commissioner Brantley replied that while there may not be any good options, there are other options for access for the 10-acre lot that would not require the 60' dedication from Lot 4.

Director Aeschliman asked Ms. Hindman if there is anything in code that address trailer parks that would prohibit the landowners providing access through the park. Ms. Hindman replied that was not considered when looking at this preliminary plat. Should the owner of the 10-acre lot wish to subdivide, that is when the access questions would be researched and discussed. She noted that there were a number of different options that could possibly be considered in that scenario, such as seeking the permission of all the landowner on Diomedes Dr. to open up the cul-de-sac.

**AMENDMENT A MOTION:** Commissioner Ruffner moved, seconded by Commissioner Gillham to remove the requirement of a right-of-way dedication on Lot 4.

Commissioner Ruffner stated that he believed there were other options to provide access in this area without having to requiring Lot 4 to provide a 60' dedication. Taking a 60' dedication out of that lot is a large chunk of land. Particularly since the owners of the 10-acre lot also own Lot 5, which could be used to provide access for the large lot. Commissioner Brantley agreed that going through Lot 5 would be a better solution as it would be farther away from the existing intersection and would not be considered an offset.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**AMENDMENT A MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	No	0
Yes	Brantley, Gillham, Ruffner, Venuti		

Ms. Hindman recommend that the committee come up with findings to support the exception granted, since staff had recommended complying with KPB 20.30.030 – Proposed street layout requirements, which required a dedication for the continuation of streets in the surrounding area. Commissioner Ruffner stated he did not believe an exception was required since the large acre lot already had legal access. He did think that they may need to address KPB 20.30.170 – Block length requirements. Commissioner Brantley agreed with Commissioner Ruffner.

**AMENDMENT B MOTION:** Commissioner Ruffner moved, seconded by Commissioner Gillham to grant an exception to KPB 20.30.170 Block Length citing the following findings in support of standards one, two and three:

- i. A dedication would result in an offset intersection between Village Ave. and the future dedication.
- ii. Concerns regarding the line of sight on the curve.
- iii. Future subdivision of surround lots could result in providing necessary access.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**AMENDMENT B MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	No	0
Yes	Brantley, Gillham, Ruffner, Venuti		

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MAIM MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

Yes	4	No	0
Yes	Brantley, Gillham, Ruffner, Venuti		

**F. PUBLIC COMMENT - None**

**G. ADJOURNMENT**

Commissioner Ruffner moved to adjourn the meeting 7:05 P.M.

---

Ann E. Shirnberg  
Administrative Assistant

AGENDA ITEM E. NEW BUSINESS

ITEM 7 - Timber Hills Subdivision 2022 Replat

<b>KPB File No.</b>	2022-007
<b>Plat Committee Meeting:</b>	February 14, 2022
<b>Applicant / Owner:</b>	Michael B. Brunke, Nikiski George F. Brown, Nikiski
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Nikiski

<b>Parent Parcel No.:</b>	012-150-21 and 012-150-22
<b>Legal Description:</b>	Lots 3 and 4, Block Four, Timber Hills Sub Plat KN 77-114
<b>Assessing Use:</b>	Residential Usage
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

---

STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will adjust a common boundary between two parcels to avoid a structure. Lot 3 will decrease from 1.4 acres to 1.2 acres and Lot 4 will increase from 1.3 to 1.5 acres. The exchange of area will be 7,448 sq. ft. between the two lots.

**Location and Legal Access (existing and proposed):** This subdivision is located in the Nikiski area new milepost 25 of the Kenai Spur Highway. Legal access to the subdivision is via Nikiski Avenue to Middleton Drive North. Both streets are improved and maintained by KPB.

No additional right of ways will be dedicated with this platting action.

This subdivision is within a closed block but the block length is longer the allowed per KPB 20.30.170 Block Lengths. The block is defined by Kenai Spur Highway, Nikiski Ave., Middleton Dr. N., and Unimak Dr. The parcel to the west is 10.65 acres in size and can be further subdivided. Diomed Drive, a cul-de-sac, provides the only legal access to the 10.65 acre parcel. Further subdivision of the 10.65 acre parcel is limited due to the lack of right of way dedication. The 10.65 acre parcel and Lot 5 are under common ownership and can be combined to allow a secondary access. A 60 foot wide right of way dedication on the south boundary would provide secondary access to the 10.65 acre parcel and would generally align with Village Avenue.

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	

**Site Investigation:** Sloping terrain affects this subdivision but no slopes appear to be greater than 20% in grade. Low wet areas do not affect this subdivision.

Several buildings have been constructed within this subdivision. There appears to be a residential structure on the boundary line between Lot 3 and Lot 4. This platting action will revise the encroachment of the building that affects Lot 3 and Lot 4. There appears to be a residential structure on the boundary line between Lot 2 and Lot 3. Mr. Michael Brunke is the owner of Lot 2 and Lot 3. Per KPB 20.25.070 (N) encroachments will need to be resolved prior to final plat approval. As both lots are under common ownership, the building is not an issue at this time. Staff would like to put the land owner on notice that a sale of either lot may create an issues as the building would then be an encroachment. Staff strongly encourages the land owner to combine Lot 2 and Lot 3A into one

parcel to avoid any encroachment issues. **Staff recommends** a plat note be added that states, “The acceptance of this plat by KPB does not indicate acceptance of any possible encroachments.”

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

**Staff Analysis** The parent parcels were created in 1977 with the recording of Timber Hills Subdivision (KN 77-114).

A soils analysis report was not prepared for the parent plat. Per KPB 20.40 Wastewater Disposal, a soils analysis report is required and an engineer will sign the final plat. The correct wastewater disposal note is on the preliminary plat.

Due to a delay with the title companies, the Certificate to Plat has not yet been delivered. In the interest of time, **Staff recommends** that the Planning Commission concur that the plat can be reviewed at this time and Staff can review the certificate to plat when it is delivered. Staff will bring the plat back to the Planning Commission if there are any items in the report that need to be addressed.

**Utility Easements** The parent plat granted a 5 foot utility easement adjoining Middleton Drive North, including a 10 foot by 20 foot anchor easement. **Staff recommends** the easement of record per KN 77-144 be depicted and labeled on the plat.

This plat will be granting the front 10 feet adjoining the right of way and 20 feet within 5 feet of side lot as utility easements.

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	No comments or recommendations.
ACS	No objections.
GCI	Approved as shown.

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 50835 MIDDLETON DR N 50805 MIDDLETON DR N</p>
------------	--



	<p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: MIDDLETON DR N ANGELA CT VILLAGE AVE</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: 50835 MIDDLETON DR N will remain with lot 3A. 50805 MIDDLETON DR N will remain with lot 4A.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Aldridge, Morgan</p> <p>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: Wilcox, Adeena</p> <p>Comments: No comment</p>
Advisory Planning Commission	Not within an APC area.

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.*

**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 the aliquot part location to NW1/4 NE1/4 Section 11, T7N, R12W, S.M.*

- 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:** *Provide the location of the subdivision within the Vicinity Map.*
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;  
**Staff recommendation:** *This platting action will resolve an encroachment of a building on the boundary of Lot 3 and Lot 4. Another structure appears to be located over the boundary of Lot 2 and proposed Lot 3A. Cuncur that as both Lots 2 and proposed Lot 3A are under common ownership that an encroachment does not exist at this time on the north boundary of this subdivision. Staff cautions the land owner that any transfer of title of either Lot 2 or Lot 3A may create an encroachment issue.*

---

#### 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.*

##### 20.30.030. Proposed street layout-Requirements.

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.
- B. Subdivision of land classified as agricultural conveyed subject to AS 38.05.321(a)(2)(B) may provide public access easements in lieu of fee simple dedications if necessary to comply with the minimum lot size restriction of the statute. The public access easements must meet all applicable right-of-way design criteria of Title 20 and are subject to the building setback requirements set forth in KPB 20.30.240.
- C. Preliminary plats fronting state maintained roads will be submitted by the planning department to the State of Alaska Department of Transportation and Public Facilities (DOT) for its review and comments.  
**Staff recommendation:** *The parcel to the west is a large acreage parcel that can be further subdivided. Provide a 60 foot right of way dedication to provide for the continuation of Village Avenue to the surrounding tract to the west.*

##### 20.30.120. Streets-Width requirements.

- A. The minimum right-of-way width of streets shall be 60 feet.
1. Half streets shall generally not be allowed except to provide the logical extension of a right-of-way where the remaining half street can reasonably be expected to be dedicated in the future.
  2. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoiners to the new half right-of-way will be sent a copy of the plat committee minuytes and a sketch showing the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.
- 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:** *A right of way dedication for the extension of Village Avenue must be 60 feet wide as the neighboring parcel is unlikely to be subdivided and cannot provide a matching right of way dedication.*

##### 20.30.150. Streets-Intersection requirements.

- A. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than 60 degrees. Where acute street intersections are designed, a minimum 50-foot radius corner at the right-of-way line of the acute angle shall be provided.

B. Offset intersections are not allowed. The distance between intersection centerline shall be no less than 150 feet.

C. Intersections of access streets with arterial streets or state maintained roads shall be limited to those intersections required for safe access consistent with KPB Title 14.

D. Intersections of access streets with arterial streets or state maintained roads must be designed to the American Association of State Highway and Transportation Officials (AASHTO) standards.

**Staff recommendation:** *Concur that a 60 foot right of way dedication on the south boundary will generally align with Village Avenue as the width of the opposing right of ways will have an area that overlaps.*

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

**Staff recommendation:** *Work with the Addressing Officer to obtain an approved street name for any right of way dedications.*

20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

**Staff recommendation:** *The block length along Middleton Drive North is 2,663 feet long and longer than the allowable length of 1,320 feet. A right of way dedication for the extension of Village Avenue will help to comply with block length by allowing the 10 acre parcel to the west to extend the right of way when it is further subdivide.*

---

#### **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 was not prepared for the parent plat. Per KPB 20.40.020 a soils analysis report will be required.*

**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.*

20.60.030. Certificate of borough finance department required.

**Platting Staff Comments:** *All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.*

*Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.*

**Staff recommendation:** *comply with 20.60.030.*

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:** *Provide a certificate of acceptance for the KPB to accept any right of way dedications.*

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.*

- *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).*

---

**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