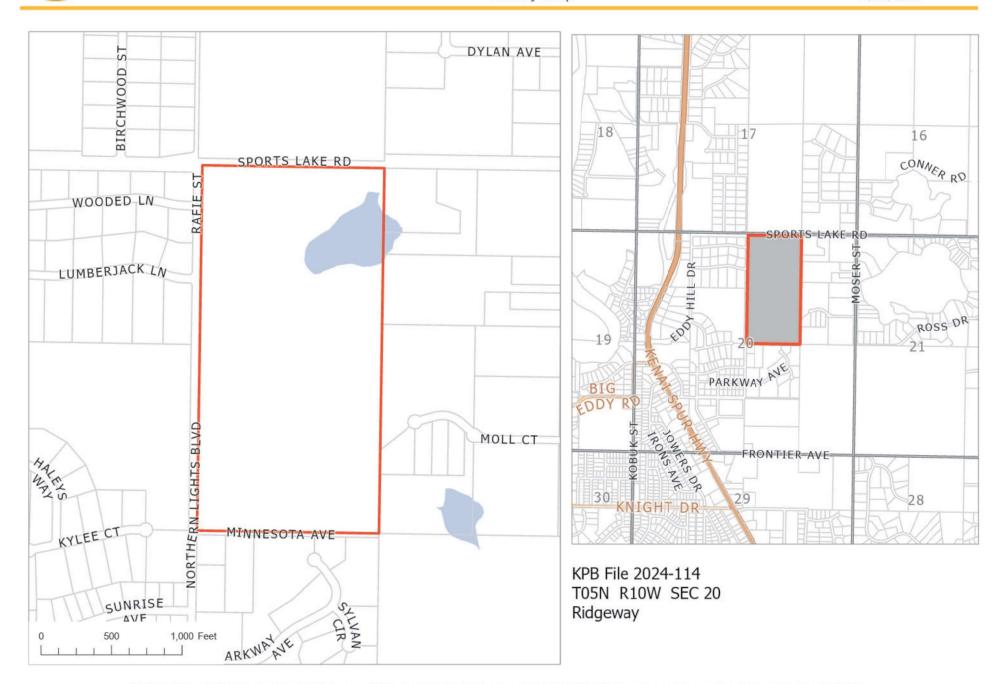
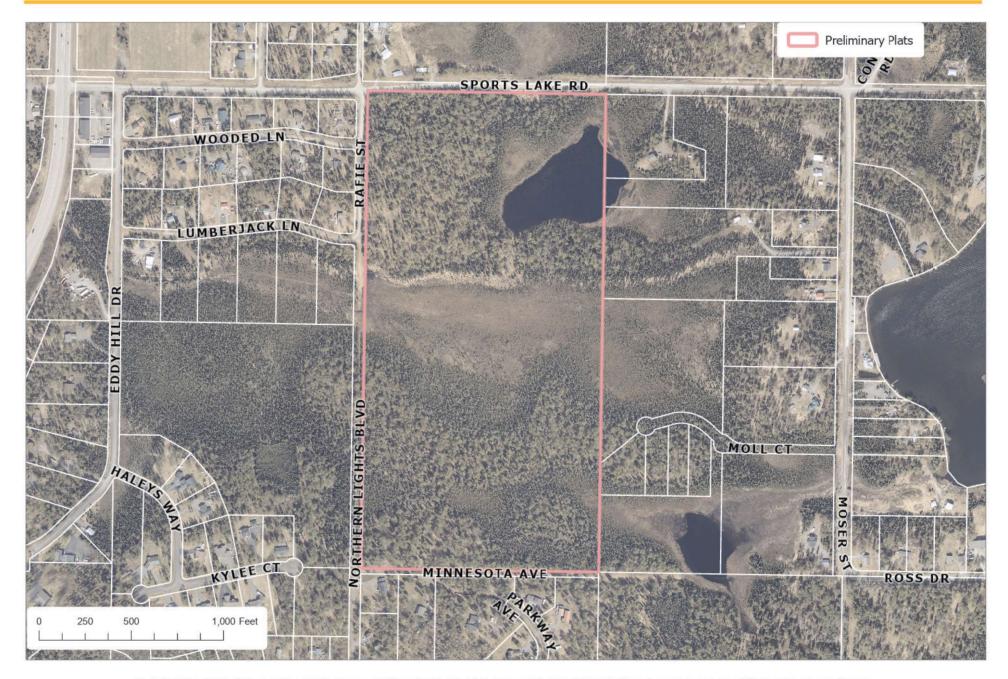
E. NEW BUSINESS

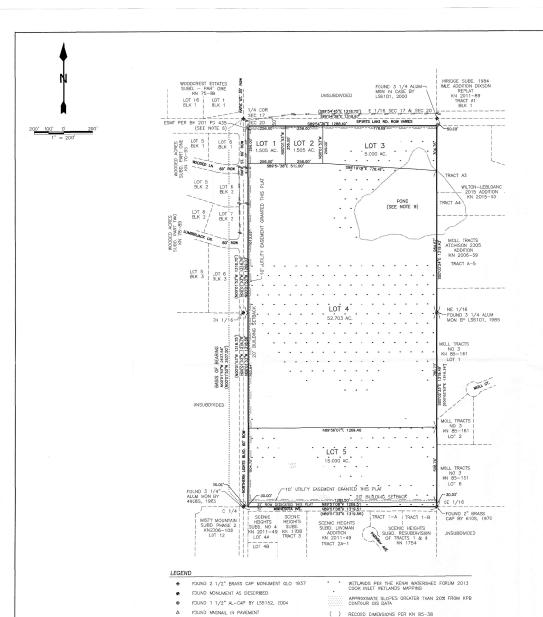
3. Sutton Subdivision; KPB File 2024-114
Peninsula Surveying, LLC / Sutton, Freeman
Location: Sport Lake Rd, Northern Lights Blvd & Rafie St
Soldotna Area



KPB File 2024-114 10/21/2024







FOWER POLE

ANCHOR

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREDN, AND THAT WE HEREBY JODPT THIS PLAN OF SUBDIVISION AND BY OUR OWN FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO "HE USE SHOWN

CHRISTOPHER S FREEMAN 6100 W COON LAKE RD HOWELL, MI 48843

JASON J SUTTON 36760 RAFIE ST SOLDOTNA, AK 99669

NOTARY ACKNOWLEDGMENT

FOR: CHRISTOPHER S FREEMAN ACKNOWLEDGED BEFORE ME THIS _____ DAY OF_

NOTARY PUBLIC FOR MICHIGAN

NOTARY ACKNOWLEDGMENT

FOR: JASON J SUTTON ACKNOWLEDGED BEFORE ME THIS . __ DAY OF__

NOTARY PUBLIC FOR ALASKA MY COMNISSION EXPIRES: __



NOTES

- 1. A BULDING SETBACK OF 20' IS PEQUIPED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

 2. THE RRONT 10' ADJOINING DEDICATED RIGHTS-OF-WAY THAT INCREASE TO 20' WITHIN 5' OF THE SIDE LOT LINES IS ALSO A UTILITY LESSEMENT.

 3. NO PERMANENT STRUCTURE SYMULTED CONTROLLED OF PLACED WITHIN A UTILITY CASCENT HIGH YOUND INTERCEMENT HE ABILTY OF A UTILITY TO USE THE EASEMENT.

 4. NO ACCESS TO SYMULTE MANTANED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY THE STANTE OF ALSEA DEPORTATION FOR THE POPERTY IS RESPONSIBLE FOR OFGRAINFOLD ALLONG LOCAL STATE, AND FEDERAL PERMITS, INCLUDING A J.S. ARMY CORPS OF EMBRIESS WITHARD

 5. ANY PRISON DESCRIPTION FOR THE PROPERTY IS RESPONSIBLE FOR OFGRAINFOLD ALLONG LOCAL STATE, AND FEDERAL PERMITS, INCLUDING A J.S. ARMY CORPS OF EMBRIESS WITHARD
- 5. ANY PERSON DEVELOPING THE PROPERTY'S RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLIDING A J.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.

 6. SUBJECT TO AN EASEMENT FOR FUELU. SEE FOR THE CONSTRUCTION AND AMNITEMANCE OF A PUBLIC ROAD, INCLIDING UTILITY FACILITIES GRAVITED TO THE KENAM PENINSULA BOROUGH, JANUARY IT, 1983, FER BOOK 201 PAGE 435, KENAM RECORDING DETRICT.

 7. SUBJECT TO RESERVATION OF EASEMENT FOR HIGHMAY PURPOSES, AND ANY SISKONMENTS OR USES THEREOF FOR RECREATIONAL, UTILITY OR OTHER PURPOSES, AS DISCLOSED BY PUBLIC LAND ORDER NO. 610, DETED DAILUST IO, 1969, AND MENOLD BY FUBLIC LAND ROBER NO. 1975, DATED COTORIER 10, 1969 APPLIED LAND ROBER NO. 1615, DATED APPLIED TO, 1969 APPLIED LAND ROBER NO. 1615, DATED APPLIED TO, 1969 APPLIED LAND ROBER NO. 1615, DATED APPLIED TO, 1969 APPLIED LAND ROBER NO. 1615, DATED APPLIED TO, 1969 APPLIED LAND ROBER NO. 1615, DATED APPLIED TO, 1969 APPLIED LAND ROBER NO. 1615, DATED APPLIED TO, 1969 APPLIED LAND ROBER NO. 1615, DATED APPLIED TO, 1969 APPLIED LAND ROBER NO. 1615, DATED APPLIED TO, 1969 APPLIED TO,

WASTEWATER DISPOSAL

LOTS 3, 4 & 5 ARE AT LEAST 200,000 SQUARE FEET, AND CONDITIONS WAY NOT BE SUITABLE FOR CHISTIC WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM WIST MEET THE REQUILATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENTRYORMMENTAL

SOILS TESTING TO BE COMPLETED FOR LOTS 1 & 2

FUGINFER

PLAT APPROVAL

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

LICENSE #

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

KPB FILE NUMBER: 2024-XXXX

PENINSULA SURVEYING, LLC

10535 KATRINA BOULEVARD, NINLCHIK, AX 99639 (907)306-7065

PLAT OF

SUTTON SUBDIVISION

A SURDIVISION OF W 1/2 NE1/4 T5N R10W SEC 20 EXCLUDING THE N 50 FT & THE W 30 FT THEREOF

LOCATED WITHIN

W1/2 NE1/4 SEC 20, T5N, R10W, S.M. AJASKA,
KENAI RECORDING DISTRICT, KENAI PENINSIJA BOROUGH
CONTAINING 76.601 ACRES

JASON J SUTTON 36760 RAFIE ST SOLDOTNA, AK 99669

SCALE: 1" = 200' DATE: OCTOBER 16, 2024 DRAWN: BLT CHECKED: JLS SHEET: 1 OF

KPB 2024-114

[] RECORD DIMENSIONS PER KN 85-161

ITEM #3 - PRELIMINARY PLAT SUTTON SUBDIVISION

| KPB File No. | 2024-114 |
|-------------------------|--|
| Plat Committee Meeting: | November 18, 2024 |
| Applicant / Owner: | Christopher Freeman of Howell, MI and Jason Sutton of Soldotna, AK |
| Surveyor: | Jason Schollenberg / Peninsula surveying, Inc |
| General Location: | Sports Lake Rd |

| Parent Parcel No.: | 057-411-01 |
|--------------------|---|
| Legal Description: | T 5N R 10W SEC 20 SEWARD MERIDIAN KN W1/2 NE1/4 EXCLUDING THE N |
| | 100 FT & THE W 30 FT THEREOF |
| Assessing Use: | Residential |
| Zoning: | Unrestricted |
| Water / Wastewater | Onsite /Onsite |
| Exception Request | 20.30.170 |

STAFF REPORT

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will subdivide 80.00 acres parcel into five lots having sizes ranging from 1.505 acres to 52.703 acres and three dedications.

Location and Legal Access (existing and proposed):

Legal access to the plat along the north is by Sports Lake Rd, on the west is Rafle St for the north half and on the south half is Northern Lights Blvd, and on the south by Minnesota Ave. Sports Lake Rd is a 100' wide easement by patent currently leading out to Kenai Spur Highway. Sports Lake Rd and a portion of Rafle St are borough maintained. Minnesota Ave and Northern Lights Blvd are not installed at this time.

The plat currently shows the only dedication to be Minnesota Ave to be the only dedication. Comparing the legal description and drawing to the information in the Certificate to Plat, it appears the correct legal description of the property should be W1/2 NE1/4 Sec 20 T5N R10W SM and the roads on the north and west should be shown as new dedications. State of Alaska DOT noted the same in the comments they returned also. **Staff recommends;** the surveyor review the certificate to plat and confirm the details of the U.S. Patent and State of Alaska Patent and the Statutory Warranty Deed to the owners to gain the correct legal descriptions and drawing details and plat notes.

The plat is also affected by a 50' section line easement on the north line. Staff recommends; the surveyor show the section line easement and not in the plat notes also.

Block length is not compliant and an exception to KPB 20.30.170 has been requested. Denial of the request will require a redesign of the road layout and lots, with submittal to and approval by the Plat Committee.

| KPB Roads Dept RSA review | Out of Jurisdiction: No |
|---------------------------|---|
| | Roads Director: Griebel, Scott |
| | Comments: |
| | No RSA comments. |
| SOA DOT comments | The right-of-way along Sports Lake Road is displayed incorrectly. The actual right- |
| | of-way per Patent 996 KN Bk 57 Pg 303) should be 50' either side of the center |
| | line of Sports Lake Road and not just the northern 50' |

Page 1 of 6

Site Investigation:

The property has some structures that when the plat is complete will be on Lot 4. The access to these structures is from Rafle St on the west.

The terrain of the land is mostly flat sloping to the north and northeast towards the pond in that location. On the southern property line there is the start of a rise towards a ridge south of the property, but at this area it does not appear to be very steep and by staff's calculations it is only about 10 percent rise to the south at the half way point. The rise from the southwest corner along the south line for 350 feet is only 5 percent, where Minnesota Ave will be

The River Center review the plat is not located in a FEMA designated flood hazard area or 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: waterbody on the parcel is not under the jurisdiction of KPB 21.18 |
| State of Alaska Fish and Game | |

Staff Analysis

The land was surveyed by the U.S. General Land Office starting in July of 1935 off and on until being completed in July 1939. this parcel is known as the W1/4 NE1/4 Section 20, Township 5 North, Range 10 West SM, Kenai Recording District, Third Judicial District, State of Alaska. This is the first subdivision of the land.

A soils report will be required and an engineer will sign the final plat for Lots 1 and 2. Lots 3, 4 and 5 are over 200, 000 sq ft and will not require a soils report.

Notice of the proposed plat was mailed to the beneficial interest holder on October 23, 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.

The property is not within an advisory planning commission.

There does not appear to any encroachments to or from the property.

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

Utility Easements

The certificate to plat does not list any easement crossing onto or through this property.

The plat is proposing to add new 10' utility easement along all right-of-ways as shown and noted.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. No additional comments have been received. Staff recommends to grant any utility easements requested by the utility providers or work with the utility providers to obtain approval.

Utility provider review:

| HEA | No comment |
|-----------|-------------------------------|
| ENSTAR | No comment or recommendations |
| ACS | |
| GCI | |
| SEWARD | |
| ELECTRIC | |
| CHUGACH | |
| ELECTRIC | |
| TELALASKA | |

| <u>KPB department / agency rev</u> Addressing Review | Reviewer: Leavitt, Rhealyn |
|--|---|
| Addressing Noview | Affected Addresses: |
| | 36760 RAFIE ST |
| | |
| | Existing Street Names are Correct: Yes |
| | List of Correct Street Names: |
| | NORTHERN LIGHTS BLVD, MINNESOTA AVE, LUMBERJACK LN, WODDED LN, SPORTS LAKE RD |
| | Existing Street Name Corrections Needed: |
| | All New Street Names are Approved: No |
| | List of Approved Street Names: |
| | List of Street Names Denied: |
| | Comments: |
| | 36760 RAFIE ST WILL BE DELETED AND NEW ADDRESS ASSIGNED UPON OWNER REQUEST. |
| Code Compliance | Reviewer: Ogren, Eric |
| Code Compilation | Comments: No comments |
| LOZMS Review Planner | Reviewer: Raidmae, Ryan |
| | There are not any Local Option Zoning District issues with this proposed |
| | plat. |
| | Material Site Comments: |
| | There are not any material site issues with this proposed plat. |
| Assessing Review | Reviewer: Wilcox, Adeena |
| | Comments: No objection |

STAFF RECOMMENDATIONS CORRECTIONS / EDITS

Add to the Plat Approval the date of November 18, 2024

PLAT NOTES TO ADD

- 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).

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:

- Revise the KPB File Number to 2024-114.
- Legal description and drawing do not match the CTP and Statutory Warranty Deed at Serial 2020-012933-0 verify the correct legal description and correct accordingly. The north 50' looks to be a section line easement US Patent 50-65-0096 & Alaska Patent 996 and the west 30' by Alaska Patent 996.
- Check total acres
- 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:

Sports Lake Rd, Rafle St and Northern Lights Blvd should be changed to new dedications by this plat. Easement in Bk 201 Pg 435 should possibly be added to dedication, depending on location of road surface.

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 at the southwest (4A) needs the plat filing label corrected.

To the southeast, the subdivision name at the end of it needs corrected to "Tracts 1 & 7"

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.

EXCEPTIONS REQUESTED:

A. KPB 20.30.170 Blocks- Length requirements

Surveyor's Discussion:

As proposed, Lot 4 will exceed the block length requirements along its west boundary. This exception is being requested to maintain a large acreage parcel for the enjoyment of its owners.

Findings:

- 1. This is to maintain the enjoyment of the parcel by the owners as one parcel.
- 2. This request will not prevent access to adjacent lands with ROW dedicated along the west boundary.
- 3. The lots to the east being subdivided with cul-de-sacs that terminate away from proposed Lot 4.
- 4. At over 50 acres, this parcel could be further subdivided with ROW access along the west boundary

Staff Discussion:

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.

Findings:

- 5. There is a wetland in the middle of Lot 4 at the half way spot of the plat.
- 6. There is an unsubdivided parcel to the southwest of this plat across Northern Lights Blvd.
- 7. Granting this exception will not cause any lose to any neighbors along the west line at this time.

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 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 5 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 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 2 & 7 appear to support this standard.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with

Page 5 of 6

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

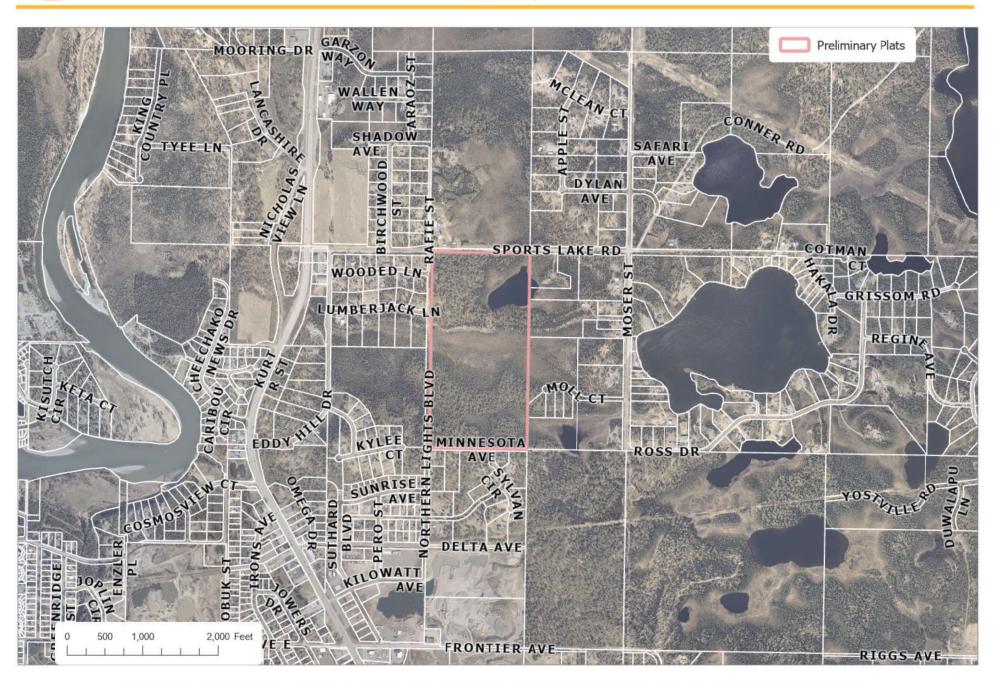
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

END OF STAFF REPORT

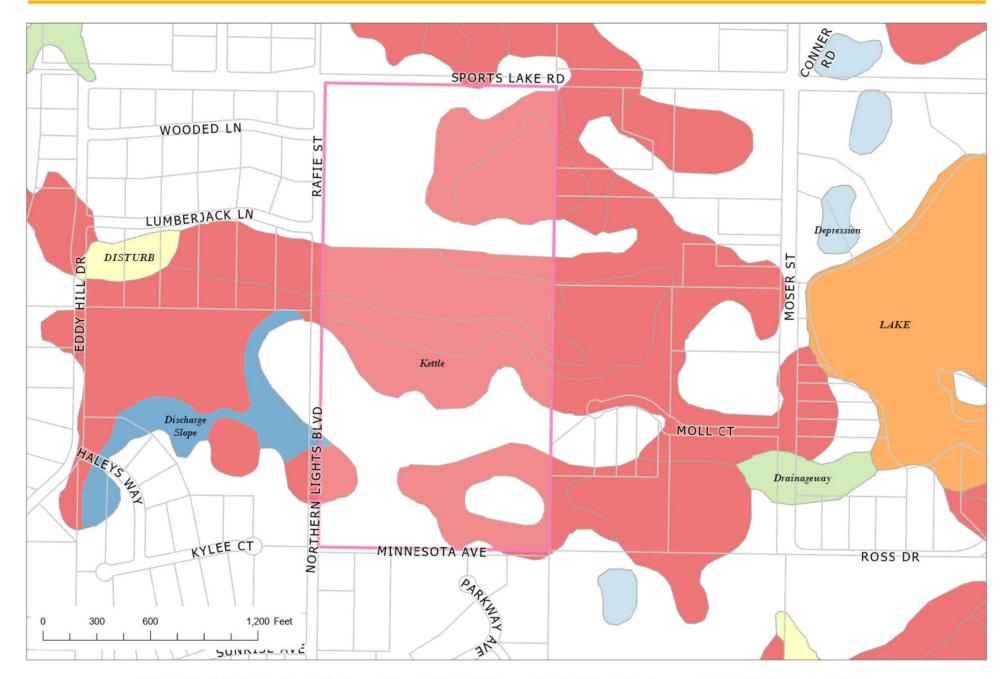


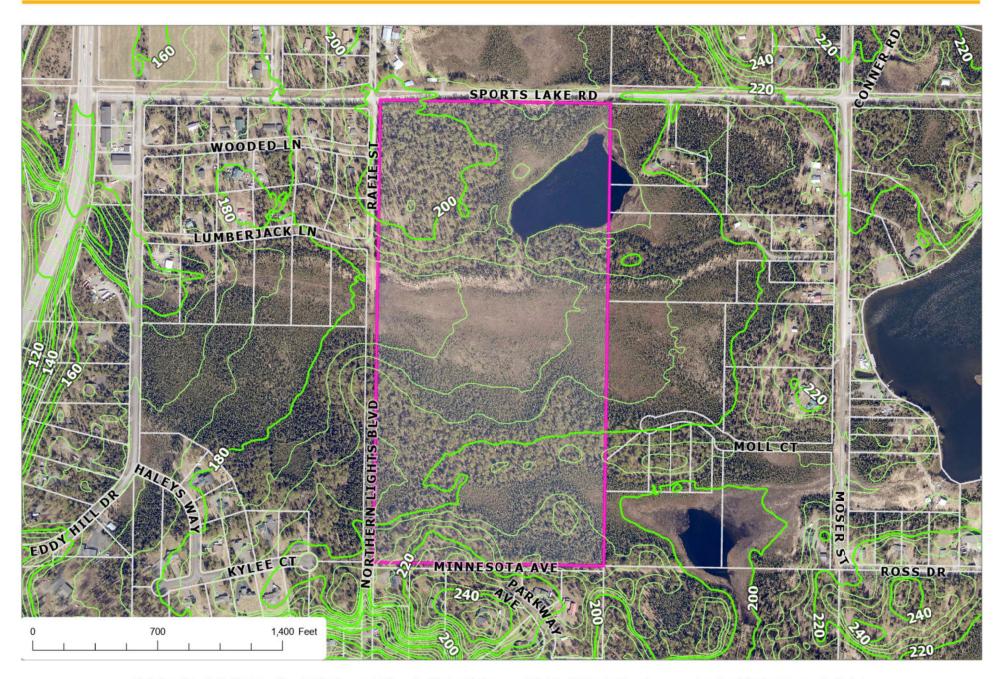


Wetlands

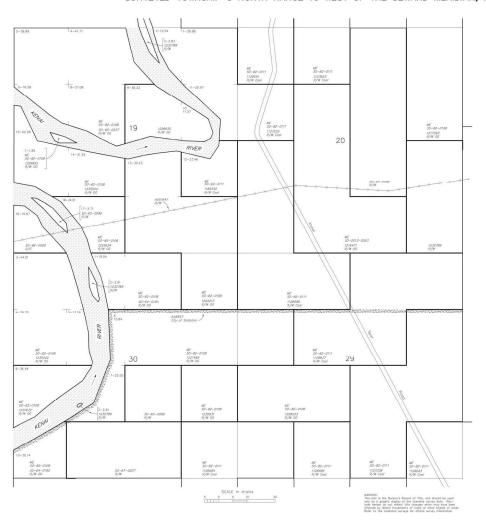
KPB File 2024-114 10/21/2024







SURVEYED TOWNSHIP 5 NORTH RANGE 10 WEST OF THE SEWARD MERIDIAN, ALASKA



STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MTP SUPPL SECS 19,20,29,30

A058731 SS Reserved Min Estate Only

A050580 SS entire Tp Excl SW1/4NE1/4 Sec 5

PLO 5184 Wall Cl affects Lds/Interests not conveyed

PL 92-203 Wdl AA6698

AAO31884 Acq Conservation Eart affects:
Sec 18: Lot 15 and SEV/45EV/4 containing
58: 77 acres
Sec 18: approximately 23:72 acres W/1 that perion
of Lots 1,2 and 11

Anderson, Heidi

From: Carpenter, Beverly

Sent: Thursday, November 7, 2024 12:15 PM

To: Anderson, Heidi

Subject: FW: <EXTERNAL-SENDER>RE: PLAT REVIEW FOR November 18, 2024 MEETING: Plat

Review State Group; GCI; Enstar; HEA; ACS

Hi Heidi,

Please process these comments from the DOT.

Thank you!

Beverly Carpenter

Platting Specialist, Planning Department Office: 907-714-2200 Direct: 907-714-2210



ubject to provisions of Alaska

Statutes and may be made available to the public upon request.

From: Keiner, Robert (DOT) <bob.keiner@alaska.gov>

Sent: Thursday, November 7, 2024 12:12 PM **To:** Carpenter, Beverly <BCarpenter@kpb.us>

Subject: <EXTERNAL-SENDER>RE: PLAT REVIEW FOR November 18, 2024 MEETING: Plat Review State Group; GCI; Enstar;

HEA; ACS

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Beverly,

The SOA Central Region Right of Way (ROW) Engineering section has reviewed the following plats for interpretation of any existing State ROW. We are not including comments on any possible concerns from a planning,

design, safety, or traffic position. Plats not mentioned below are not on the State road system, therefore no comment was made.

2024-114

*The right-of-way along Sports Lake Road is displayed incorrectly. The actual right-of-way per Patent 996 (KN Bk 57 Pg 303) should be 50' either side of the centerline of Sports Lake Road and not just the northern 50'.

2024-115

*Missing curve data along Nash Road. (Reference Record of Survey 2004-1 S.R.D.)

2024-117

*No comment

2024-118

- *The south lot line of Lot 3A1 is missing a 20'x150' Utility Esmt per 86-510.
- *Missing curve data.

2024-119

*The distance listed for the northwest side of Lot 2A should be 200' per KN-1542A. Lot 1 is 198.45'.

2024-120

*Ranges in wrong location in Vicinity Map

2024-121

*No comment

Thank you for the opportunity to review these plats.

Bob Keiner, P.L.S.

ROW Engineering Supervisor Central Region DOT/PF (907)269-0713

From: Carpenter, Beverly < BCarpenter@kpb.us>

Sent: Thursday, October 31, 2024 2:22 PM

To: Marsengill, Dale <<u>DMarsengill@HomerElectric.com</u>>; ENSTAR ROW <<u>row@enstarnaturalgas.com</u>>; Biloon, Joselyn (DOT) <<u>joselyn.biloon@alaska.gov</u>>; Keiner, Robert (DOT) <<u>bob.keiner@alaska.gov</u>>; 'ospdesign@gci.com'

<ospdesign@gci.com>; Percy, Colton T (DFG) <colton.percy@alaska.gov>; 'Huff, Scott' <shuff@HomerElectric.com>;

'Duilio.Guerrero@acsalaska.com' < Duilio.Guerrero@acsalaska.com >

Cc: 'Zubeck, Brad' <BZubeck@HomerElectric.com>

Subject: PLAT REVIEW FOR November 18, 2024 MEETING: Plat Review State Group; GCI; Enstar; HEA; ACS

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attached are the plats to be reviewed for the **November 18, 2024** meeting.

Kenai River Bridge Subdivision 2024 Replat (KPB 2024-118)

- Clyde King Subdivision 2024 Addition (KPB 2024-115)
- Sea Watch Estates 2024 Addition (KPB 2024-121)
- Highlands Subdivision Evans Replat (KPB 2024-119)
- Trust Land Survey 2024-01 Lonesome Lake Subdivision 2024 Addition (KPB 2024-117)
- Sutton Subdivision (KPB 2024-114)
- Dawn Estates Whittenberg Addition (KPB 2024-120)

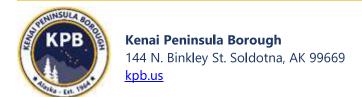
Please provide comments by **November 15, 2024** to ensure the comments will be included in a preliminary plat staff report.

Preliminary plat comments will be accepted until the 1:00 p.m. Friday before the meeting date.

Kind regards,

Beverly Carpenter

Platting Specialist, Planning Department Office: 907-714-2200 Direct: 907-714-2210



and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.