

# **E. NEW BUSINESS**

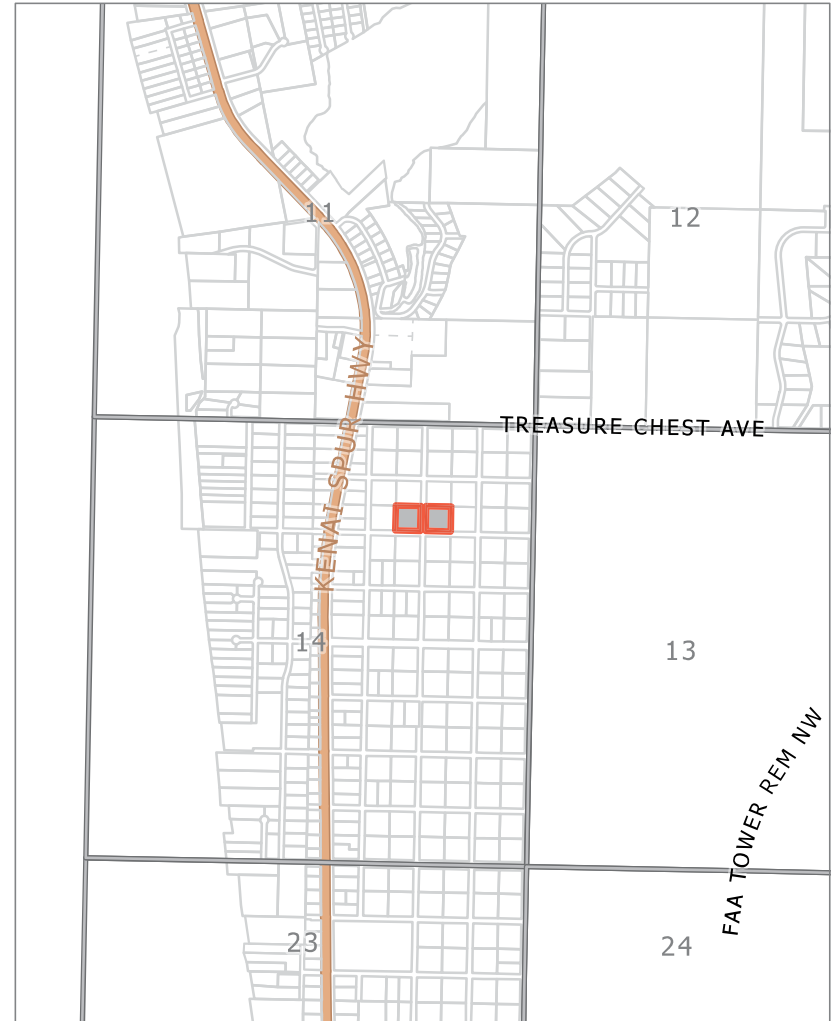
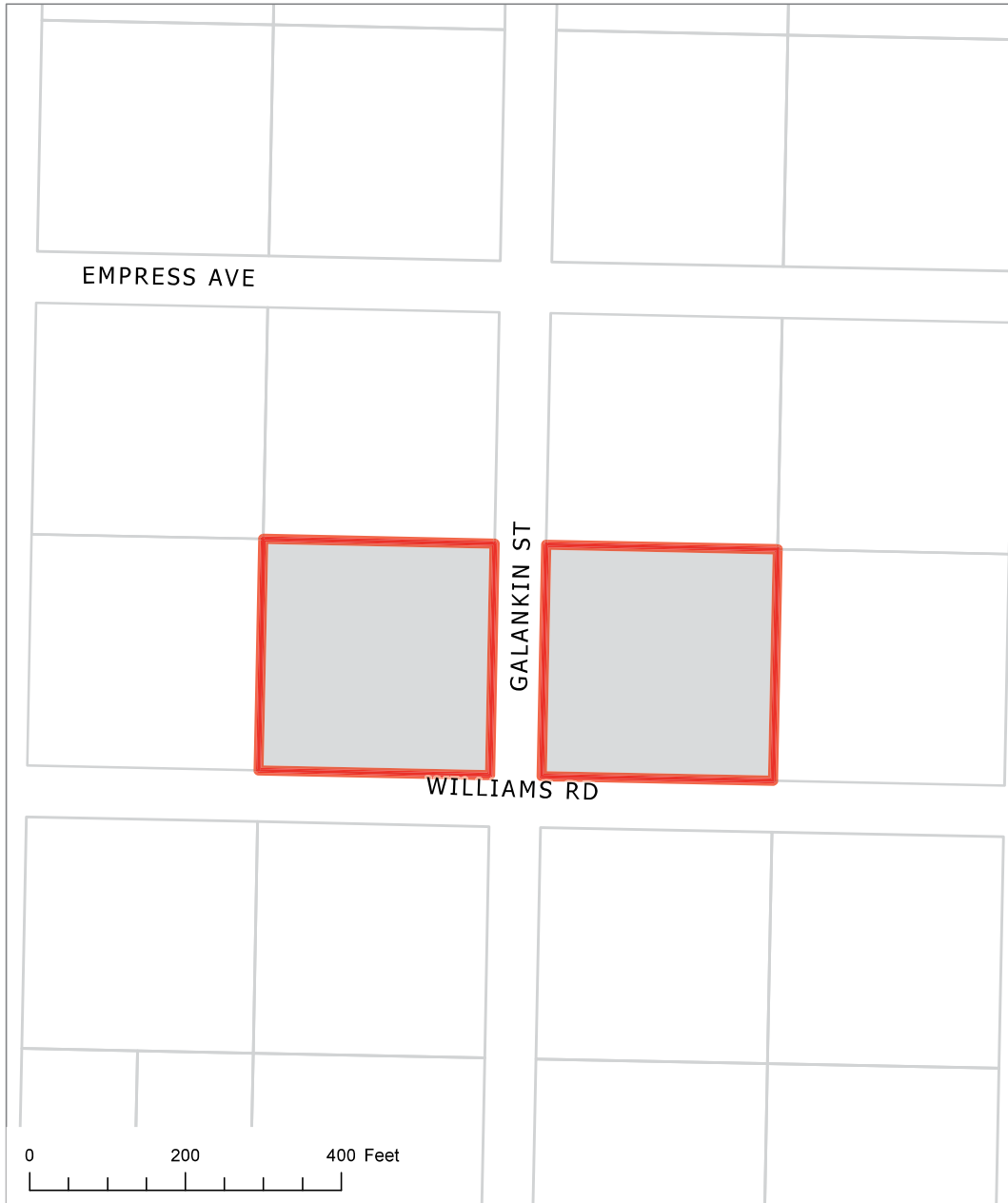
## **1. Charles & Barbara Scott Subdivision**

**KPB File 2022-118R1**

**Segesser Surveys / Scott**

**Location: Williams Road & Galankin Street**

**Salamatoff Area**

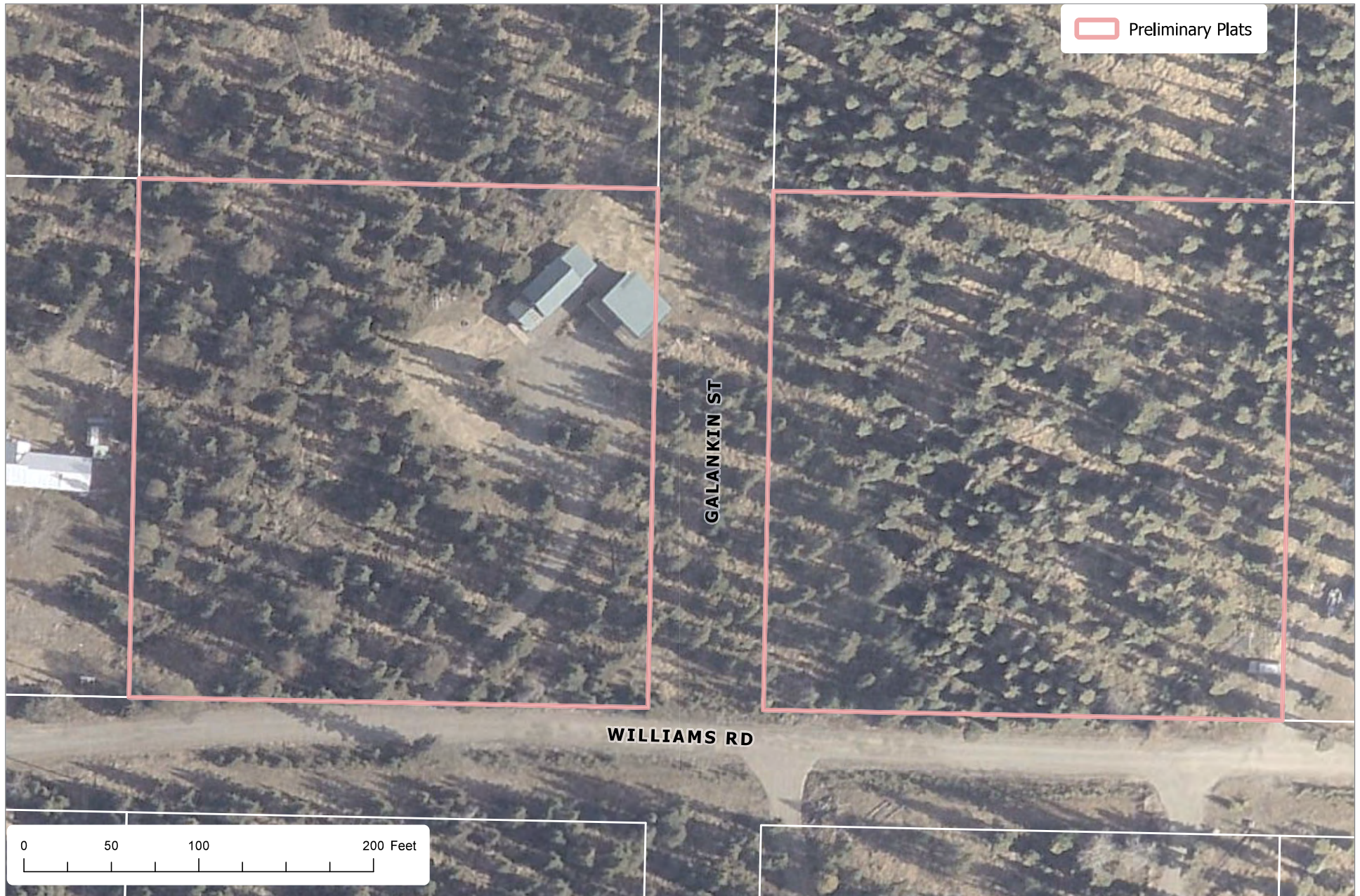


KPB File 2022-118R1  
T 06N R 12W SEC 14  
Salamatof

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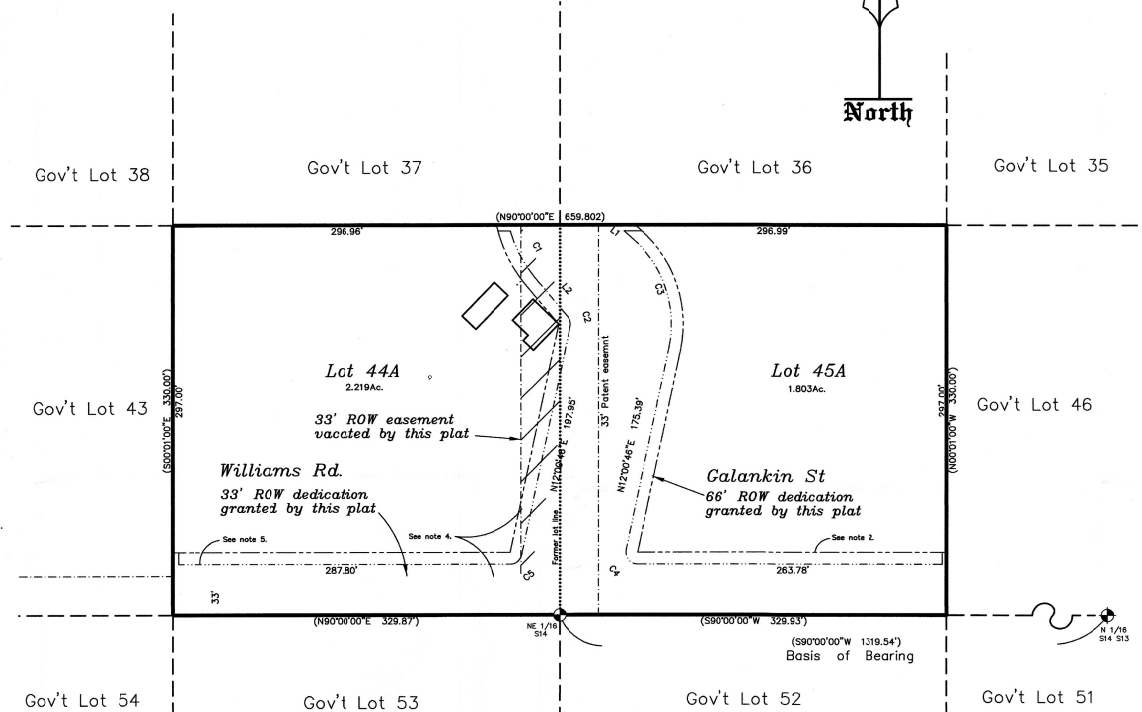
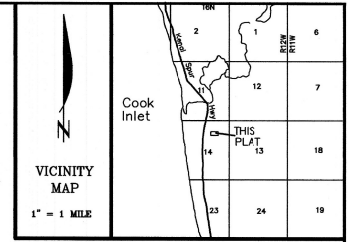
Aerial Map



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**LEGEND:**

- 3 1/4" ALUM. CAP MONUMENT FOUND
- 5/8" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- ( ) RECORD DATUM PLAT GLO



**NOTES:**

- 1) Basis of bearing taken from USGLO Survey of Township 6 North, Range 12 West of the Seward Meridian Page 7 of 163.
- 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) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 290 Page 991 Kenai Recording District. The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.
- 4) An easement for public road and drainage which affects this property is recorded in Book 233 Page 621, Kenai Recording District, Recording District. No definite location disclosed.
- 5) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the site 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.
- 6) **WASTEWATER DISPOSAL:** This lot is at least 200,000 square feet and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

**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.

CHARLES SCOTT                      BARBARA SCOTT  
 3701 E MARBLE PEAK FL.  
 TUCSON, ARIZONA 85718

**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 \_\_\_\_\_



**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 \_\_\_\_\_

LINE	BEARING	DISTANCE
L1	N49°32'05" W	28.04
L2	N40°06'20" W	42.20

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	25°17'14"	93.50	43.91	22.47	43.56	S39°27'44"E
C2	59°07'08"	20.00	18.19	9.78	17.57	S14°02'47"E
C3	61°52'51"	85.00	92.88	31.80	88.43	S18°55'40"E
C4	102°00'46"	20.00	35.51	24.70	31.09	S38°59'37"E
C5	77°59'14"	20.00	27.22	16.19	25.17	S51°00'23"W

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

Charles and Barbara Scott Subdivision	
A resubdivision of Government Lots 44 and 45, Section 14, T6N, R12W, S.M., and the vacation of the 66 foot ROW easement.	
Located within the SW1/4 NE1/4 NE1/4 and the SE1/4 NW1/4 NE1/4 Section 14, T6N, R12W, S.M., Kenai Recording District, Kenai Peninsula Borough, Alaska.	
Containing 5,000 Ac.	
Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owner Charles W. & Barbara Scott 3701 E Marble Peak Place Tucson, AZ 85718
JOB NO. 22238	DRAWN: 6-7-24
SURVEYED:	SCALE: 1"=50'
FIELD BOOK:	SHEET: 1 of 1

**KPB 2022-118R1**

**ITEM #1 - PRELIMINARY PLAT  
CHARLES AND BARBARA SCOTT SUBDIVISION**

<b>KPB File No.</b>	2022-118R1
<b>Plat Committee Meeting:</b>	August 12, 2024
<b>Applicant / Owner:</b>	Charles & Barbara Scott / Tuscan, AZ
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	North Kenai / Nikiski APC
<b>Parent Parcel No.:</b>	017-140-34 & 017-140-35
<b>Legal Description:</b>	T 6N R 12W SEC 14 SEWARD MERIDIAN KN GOVT LOTS 44 & 45
<b>Assessing Use:</b>	Residential & Vacant
<b>Zoning:</b>	Unrestricted
<b>Water / Wastewater</b>	Onsite / Onsite
<b>Exception Request</b>	20.30.130

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will take two lots and realign the road between them and finalize a vacation. The east lot will be reduced in size by 0.222 acres down to 1.803 acres and the west lot will increase by 0.194 acres to 2.219 acres.

**Location and Legal Access (existing and proposed):**

Legal access to the plat is by Williams Rd on the south side of the plat. Williams Rd is borough maintained as it comes from Kenai Spur Highway until it gets to the southwest corner of the plat, from there it is developed but not maintained.

This plat is finalizing a vacation of the easterly part of Lot 44 that was approved by the Planning Commission on June 24, 2024 and consented to by the KPB Assembly on July 9, 2024. The plat is also proposing a new 66' dedication of Galankin St to replace the vacation being finalized and a 33' dedication of Williams Rd on the south of both lots.

The east 33' and the south 33' of Lot 44 was a public right-of-way easement granted by the Kenai Peninsula Borough as owner, at Book 0253 Page 621 to the general public. The west 33' and the south 33' of Lot 45 was grant as Patent Easement when the United States of America Bureau of Land Management conveyed the property to Robert H. Toll on 24 September, 1958 at Patent No 1186511.

There is a property easement on the east 20 feet of Lot 45A for access purposes to Lot 36 from Williams Rd that needs to be added to the drawing. **Staff recommends** this easement be added to the final submittal along with the filing information.

The roads shown on the plat will be dedicated to the Kenai Peninsula Borough. An exception to KPB 20.30.130 Street-Curve Requirements has been requested.

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

**Site Investigation:**

There are structures located on the property. A house on Lot 44 was built near the middle of Galankin St. This platting action and the vacation are fixing the encroachment and placing the house just outside the 20 foot building setback line on the west side of proposed Galankin St.

There are no steep areas on the plat as the terrain is relatively flat.

The River Center review as identified the plat to be in a FEMA mapped flood hazard zone. The **reviewer recommends** the note as shown in KPB 20.30.280.D should be included in the plat notes, including the FEMA Map Panel and Flood Zone.

The plat is not located in an anadromous habitat protection district.

KPB River Center Review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie  Floodplain Status: IS in flood hazard area  Comments: The property is within the non-regulatory D Zone. This zone has an undetermined flood risk. No depictions are required but the code required note with reference to the map panel should be present.</p> <p>Flood Zone: D  Map Panel: 02122C-0105E  In Floodway: False  Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan  Habitat Protection District Status: Is NOT within HPD  Comments: No comments</p>
State of Alaska Fish & Game	

**Staff Analysis**

These parcels were surveyed by the Bureau of Land Management in 1953 as Government Lots 44 and 45 of Section 14, Township 6 North, Range 12 West, SM, Alaska. This is the first division of these parcels.

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

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

Nikiski Advisory Planning Commission minutes for the August 8, 2024 meeting were not available when the staff report was prepared (KPB 21.02.020). Meeting notes will be provided with the desk packet if available but not necessarily addressed in the staff report.

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

**Utility Easements**

The plat is proposing a 10' utility easement adjacent to right-of-ways, which is shown correctly on the drawing and in the plat notes.

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: Leavitt, Rhealyn          Affected Addresses: 53272 WILLIAMS RD          Existing Street Names are Correct: Yes          List of Correct Street Names: WILLIAMS RD, GALANKIN ST          Existing Street Name Corrections Needed:          All New Street Names are Approved: No          List of Approved Street Names:          List of Street Names Denied:          Comments: 53272 WILLIAMS RD WILL REMAIN</p>
Code Compliance	<p>Reviewer: Ogren, Eric          Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan          There are not any Local Option Zoning District issues with this proposed plat.          Material Site Comments:          There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather          Comments: No comment</p>

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

Add middle initials to both names under the Certificate of Ownership and Dedication.  
 Correct the code reference in plat note #3 to 20.60.170.  
 Remove the last sentence in plat note #4.  
 Add the line of the right of way for the new Galankin St and Williams Rd. Appears to not be plotted.  
 Add bearings to all lines

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:**

Add to KPB File No. 2022-118R1

Add 'Kenai Recording District, Kenai Peninsula Borough, Alaska' after SM in the first legal description

The legal description should be changed to reflect the 33' ROW of Lot 44

Add the middle initial J to Barbara's name in the title block

- 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:**

Add Galankin St to the north and south of the plat

Add Williams Rd on the south side of plat and extend east and west

Show width of Galankin St at the north boundary.

- 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:**

Add Williams Rd to the map

Label the lake to the north of site.

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**KPB 20.30 – Subdivision Design Requirements**

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

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**KPB 20.40 – Wastewater Disposal**

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

20.40.010 Wastewater disposal.

Platting Staff Comments:

**Staff recommendation:** comply with 20.40.

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**KPB 20.60 – Final Plat**

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

20.60.180. Plat notes.



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

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

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

- Add a plat note that this plat is finalizing the vacation of the ROW on Lot 44 and was approved by the KPB Planning Commission on June 24, 2024 and the KPB Assembly gave unanimous consent on July 9, 2024 and the area was approved for vacation in conformance with KPB 20.10.080.

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *comply with 20.60.190.*

Add a Certificate of Acceptance for the road dedications.

Add date of August 12, 2024 to Plat Approval

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### **EXCEPTIONS REQUESTED:**

#### **A. KPB 20.30.130 Streets – Curve requirements**

##### Surveyor's Discussion:

Road is designed for minimal clearance on the existing building and match the easements in lots 36 and 37.

##### Staff Discussion:

#### **20.30.130. - Streets—Curve requirements.**

A. Where a deflection angle of more than 10 degrees in the alignment of a right-of-way occurs, a curve of minimum radius is required. On streets 100 feet or more in width, the centerline radius of curvature shall be not less than 300 feet; on other streets not less than 200 feet. If it is not possible to design a curve to be radial or tangential, that curve shall be clearly labeled non-radial or non-tangential.

B. A minimum 100-foot tangent is required between curves.

##### **Findings:**

1. The design works with the existing roads north and south and house on site.
2. This layout was created to make the road align with the road intersection to the south.
3. Moving the house would be costly.
4. The owner of Lot 36 requested to keep Galankin open for shortest access point to the lot.
5. Granting the exception will not deny access to any lots.
6. Granting the exception will not create a substandard right-of-way.

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 1-5 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, 4-6 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.

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**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 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**

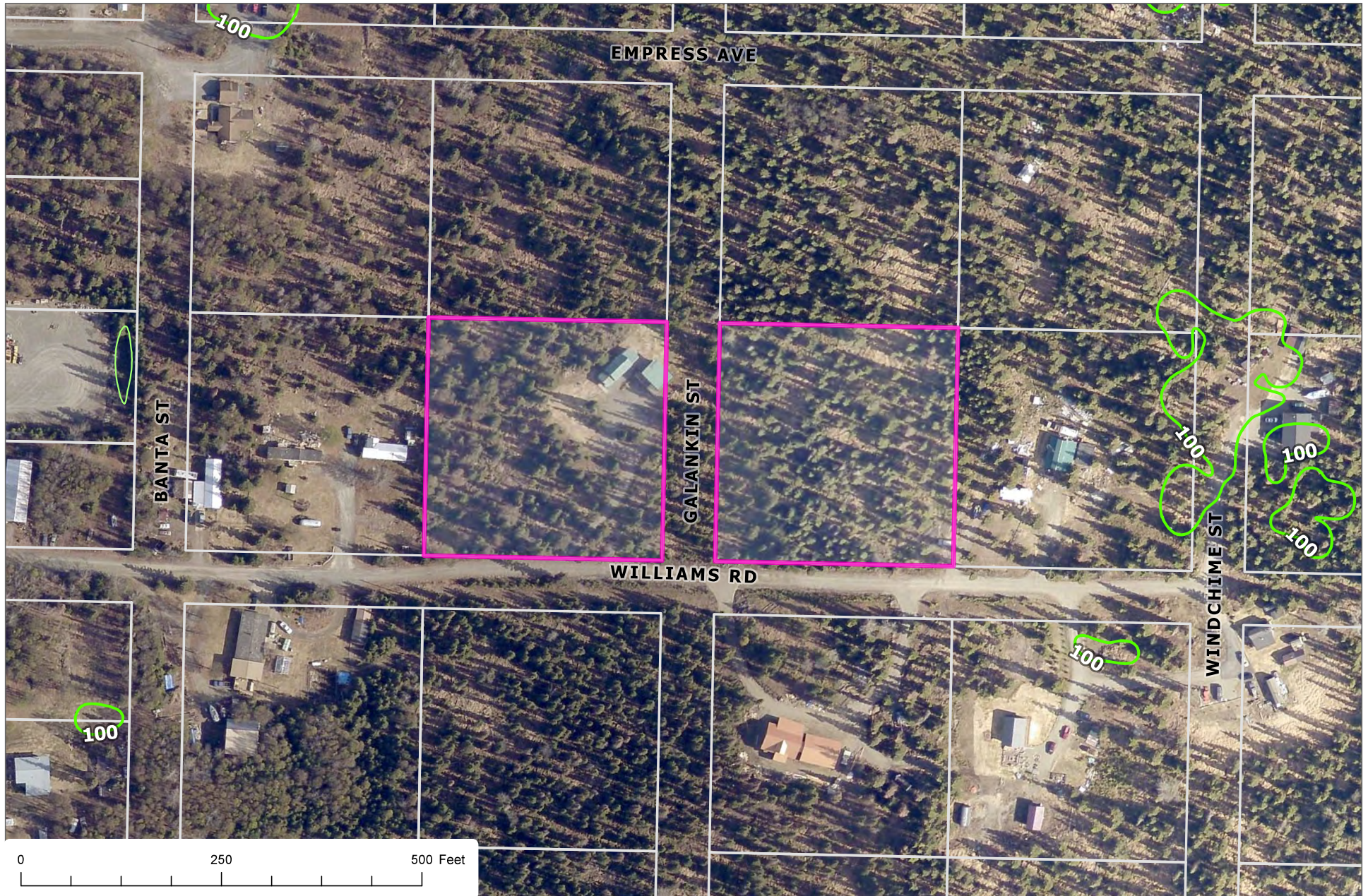
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Aerial Map

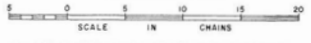


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TOWNSHIP 6 NORTH, RANGE 12 WEST, OF THE SEWARD MERIDIAN, ALASKA  
DEPENDENT RESURVEY AND SUBDIVISION OF SECTIONS 14 AND 23



This plat represents a resurvey and subdivision of sec. 14 and 23, executed by Gordon W. Webber, Cartographer (Cadastral), August 26 to September 15, 1953, Group 83, Alaska. The lottings are as shown on plats accepted June 27, 1922, July 7, 1948 and March 18, 1953, excepting lots 17 to 144, inclusive, sec. 14, and lots 19 to 82, inclusive, sec. 23, which contain 2.50 acres each.

●---DESIGNATES AN IRON PIPE WITH BRASS CAP. ALL OTHER MONUMENTS ARE WOODEN POSTS. LOTS 17 TO 144 INCLUSIVE IN SECTION 14 AND LOTS 19 TO 82 INCLUSIVE IN SECTION 23 EACH CONTAIN 2.50 ACRES.

A.E.L.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Washington, D. C. July 8, 1954

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director  
*Donald B. Clune* Acting Cadastral Engineering Officer