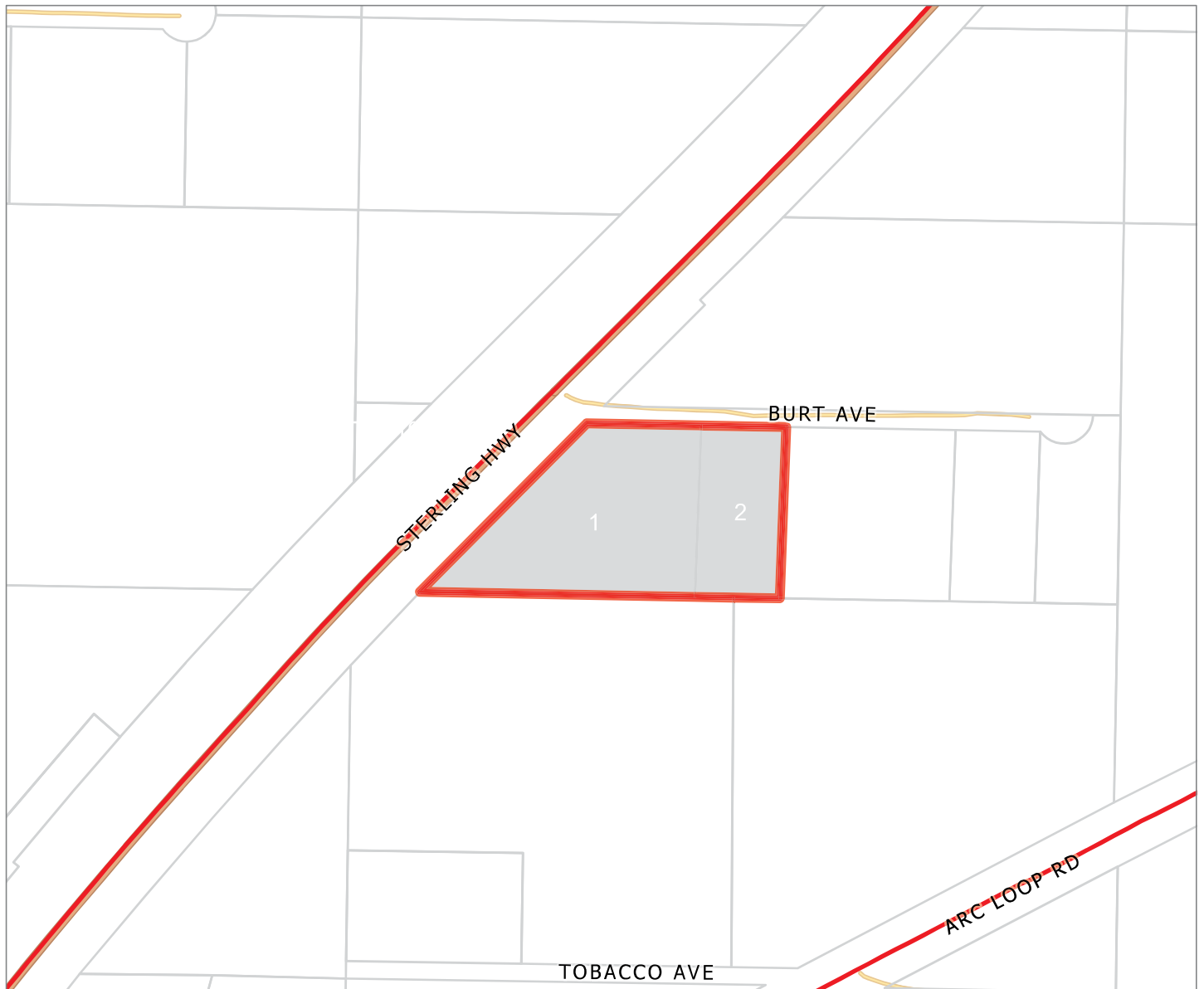


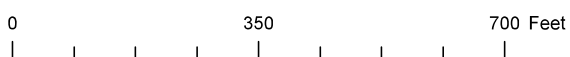
E. NEW BUSINESS

- 5. D & J Sub Burt Addition 2022 Replat
KPB File 2022-145**



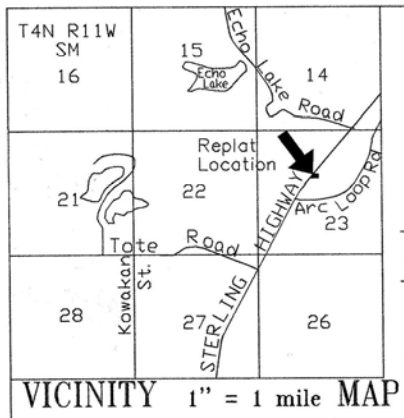
KPB File 2022-145
T 04N R 11W SEC 23
Kalifornsky

9/20/2022





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.



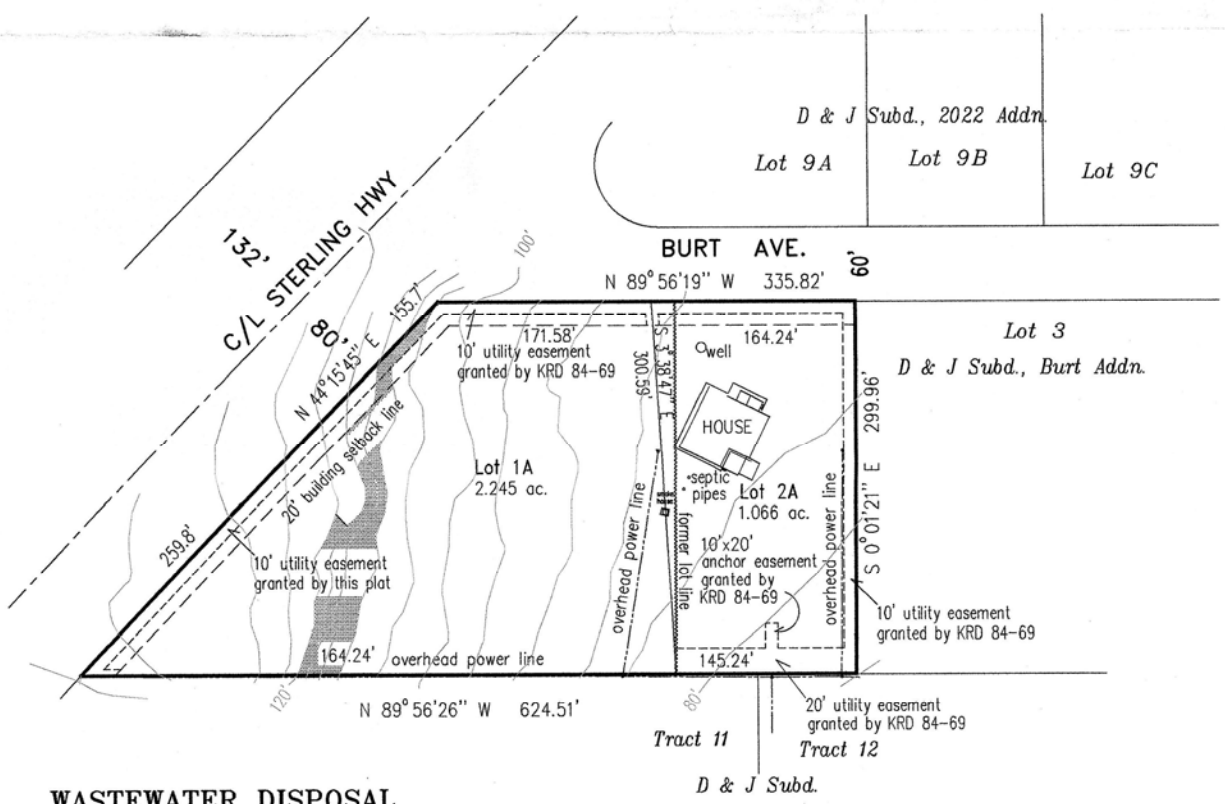
D & J Subdivision Burt Addn. 2022 Replat Preliminary Plat

A replat of Lots 1 & 2 D & J Subdivision Burt Addn. (KRD 84-69)
 Located in the SE1/4 Section 23, T4N R11W, SM, Alaska.
 Kenai Recording District Kenai Peninsula Borough

| | | |
|------------------------|--------------------|----------------------|
| Prepared for | | Prepared by |
| Dianne MacLean | Steve E Brandt | Johnson Surveying |
| Jan Gunderson | Angela K Brandt | P.O. Box 27 |
| 30330 Stubblefield Dr. | 47375 Burt Ave. | Clam Gulch, Ak 99568 |
| Soldotna, AK 99669 | Soldotna, AK 99669 | (907) 262-5772 |

SCALE 1" = 100' AREA = 3.315 acres
 18 August, 2022

- NOTES**
1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
 2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
 3. No access to state maintained ROWs permitted unless approved by the Stat of Alaska Dept. of Transportation.
 4. Contour interval 4'. Shading indicates grades over 25%. There are no wet areas on the property.



WASTEWATER DISPOSAL
 20.40.020
 The parent plat for lots resulting in this plattijg action was approved by the Kenai Peninsula Borough on 2/6/1984. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Consevation.

KPB 2022-145

AGENDA ITEM E. NEW BUSINESS

ITEM 5 – D&J SUBDIVISION BURT ADDN 2022 REPLAT

| | |
|--------------------------------|--|
| KPB File No. | 2022-145 |
| Plat Committee Meeting: | October 24, 2022 |
| Applicant / Owner: | Dianne MacLean, Jan Gundersen, Steve Brandt, and Angela Brandt all of Soldotna, Alaska |
| Surveyor: | Jerry Johnson / Johnson Surveying |
| General Location: | Sterling Highway, Burt Avenue, Kalifornsky |

| | |
|---------------------------|--|
| Parent Parcel No.: | 131-300-37 and 131-300-38 |
| Legal Description: | Lots 1 and 2, D & J Subdivision Burt Addition (KN 84-69) |
| Assessing Use: | Residential |
| Zoning: | Rural Unrestricted |
| Water / Wastewater | On Site |

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will adjust a lot line between two lots to accommodate an existing structure. Lot 1 will go from 2.315 acres to 2.245 acres. Lot 2 will increase from 1 acre to 1.066 acres.

Location and Legal Access (existing and proposed): The preliminary plat is located near mile 100.5 of state maintained Sterling Highway. Proposed Lot 1A is located on the corner of the Sterling Highway and Burt Avenue. Proposed Lot 2A fronts on Burt Avenue. Burt Avenue is a 30 foot wide dedication that ends with a cul-de-sac and is borough maintained. Across the street from the proposed plat is conditionally approved plat D&J Subdivision 2022 Addition, KPB File 2022-065. That plat was heard and approved by the Plat Committee on June 13, 2022. A final review was done on September 28, 2022 but the mylar has not yet been submitted. That plat is proposing to dedicate the remaining 30 foot width for Burt Avenue. **Staff recommends the surveyor verify the status of the northern replat prior to printing the mylar as the street width and lots to the north may need to be revised to current status.**

The parents have driveways constructed. Lot 1 has a constructed access from the Sterling Highway and Lot 2 from Burt Avenue. A comment was received from DOT that no direct access to the Sterling Highway will be permitted and both lots should use Burt Avenue for access. There is no information provided about the existing driveway from the Sterling Highway. Lot 1A does have frontage along Burt Avenue and a driveway permit would need to be acquired from KPB Roads Department.

The preliminary plat is between the Sterling Highway and state maintained Arc Loop Road. There are several connections between the two rights-of-way but the closed block exceeds allowable limits. Burt Avenue is a cul-de-sac and due to improvements and lot designs in the area it will be difficult to get matching dedications to provide a closed compliant block. **Staff recommends the plat committee concur that an exception is not required or new dedications as this replat will not be able to improve the block length requirements.**

| | |
|--------------------------|--|
| KPB Roads Dept. comments | Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments |
| SOA DOT comments | No direct access to Sterling Highway will be permitted. Both lots should access by Burt Avenue. The ROW for Sterling Highway appears to be shown correctly. |

Site Investigation: Some steep terrain is present within proposed Lot 1A. The areas are shaded on the plat. This terrain may cause some issues with access to the eastern portion of the lot or allowing the existing structures to use Burt Avenue. **Staff recommends the steep terrain remain on the final plat.**

Per the Kenai Watershed Wetlands Assessment, there are wetlands designated as kettle within proposed Lot 2A. The lot does have improvements in place and Burt Avenue is constructed through the low wet area. **Staff recommends the wetlands do not require depiction on the final but a wetland determination note must be added.**

The plat indicates the structures and improvements on proposed Lot 2A. It appears that the reason for the plat is due to the location of the house which either crosses the property line or is very close to the existing line. There appears to be a smoke house that will be on the new lot line. **Staff recommends the structure must be moved as not to be creating an encroachment and provide a written statement that the encroachment has been resolved.**

The improvements on proposed Lot 1A are not depicted on the preliminary. Using KPB GIS imagery there are several structures present. D&J Subdivision Burt Addition, Plat KN 84-69, created the parent lots and put a 20 foot building setback into place. The main building appears close to the property line. Per KPB Assessing information, the main building was constructed in 1980 prior to the setback being put in place. **Staff recommends the surveyor determine the true location of the structure and if within the 20 foot building setback, depict on the plat and add a plat note that it predates the setback.**

It does appear that a newer structure has been added to the property. Staff did not locate any specific information regarding the structure but looking at KPB GIS imagery from previous years, the structure was put in place after 2016. This newer structure appears to be very close to the setback that was created prior to the structure. **Staff recommends the surveyor verify the location of the structure in relation to the property line, setbacks and utility easements to verify if any encroachment issues exist, provide that information to the planning department to determine if any encroachments need resolved prior to finalizing the plat and if known how they plan to resolve.**

| | |
|-------------------------------|--|
| 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: Carver, Nancy 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 | |

Staff Analysis This plat is to adjust a shared lot line between two lots. The lots were created on D&J Subdivision Burt Addn, Plat KN 84-69. That was a replat of Tract 10 of D&J Subdivision, Plat KN 73-46 that divided aliquot lands.

Per KPB 20.40.020, a soils report will not be required as the parent subdivision was approved by the Kenai Peninsula Borough and the moving of the lot line is not increasing the number of developable lots and the lots will still have 20,000 square feet of contiguous area.

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.

The property is within the Kalifornsky advisory planning commission boundary but it is currently inactive.

Utility Easements D&J Subdivision, Plat KN 73-46, did not grant any utility easements within the subject area. D&J Subdivision Burt Addn., Plat KN 84-69, did not create a utility easement along the Sterling Highway. It did create a 10 foot utility easement along Burt Avenue, 10 foot along the eastern boundary of Lot 2, and a 20 foot easement along the southern boundary of Lot 2 with a 10 foot by 20 foot anchor easement. The previously platted easements are being brought over with the correct source being referenced. A 10 foot utility easement is being granted along the Sterling Highway and the utility easement is increasing to 20 feet within 5 feet of the side lot lines. **Staff recommends the utility easement plat note be revised.**

The parent plat indicated existing powerlines but did not note any easements existing or being granted. HEA has reviewed the plat and is requesting easements be granted that are centered on the existing lines.

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 | Provide a label or plat note stating that the overhead secondary service line is the centerline of a 15 foot wide electrical easement, including guys and anchors, granted this plat. Provide a label or plat note stating that the existing overhead primary electric line is the center of a 30 foot wide electrical easement, including guys and anchors, granted this plat. |
| ENSTAR | No comments or recommendations |
| ACS | No objections |
| GCI | Approved as shown |

KPB department / agency review:

| | |
|-----------------|---|
| Addressing | Reviewer: Haws, Derek Affected Addresses: 48745 STERLING HWY 47375 BURT AVE Existing Street Names are Correct: Yes List of Correct Street Names: STERLING HWY BURT AVE Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 48745 STERLING HWY will remain with lot 1A. 47375 BURT AVE will remain with lot 2A. |
| 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

- Check the areas, lots should both increase the same amount.

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: Update the aliquot description of the location. Correct the spelling for Jan Gundersen.

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: Prior to printing mylar verify if the plat to the north has recorded. The presented lot designations and subdivision name may need to be corrected.

H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;

Staff recommendation: Per the Kenai Watershed Wetlands Assessment, there are areas of kettle within proposed Lot 2A. The lot is developed and staff will not request depiction but a wetlands determination note must be added.

N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;

Staff recommendation: The moving of the lot line is to resolve an encroachment. A smoke house appears to be on the new lot line and should be moved prior to finalization. The structures along the Sterling Highway will need to be addressed and information is under site analysis.

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: This platting action is adjusting the northern end of a lot line due to an encroachment or close proximity of a structure. The parent plat was approved by the KPB and the moving of this lot line is minimal with existing structures present. Per 20.40.020(A)(1)(c), a soils report is not required as this is not increasing the number of developable lots and still maintains a minimum 20,000 square feet of contiguous area.

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.

20.60.180. 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.

- ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE: Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040.
- Subject to an easement granted to Homer Electric Association, Inc. found in Book Misc 38 Page 138, KR. No definite location defined.
- Any required additional plat notes for encroachments or setback exemptions.
- A plat note should be provided for the requested easements centered on powerlines.
- 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.
- RESERVATION OF EASEMENT for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.

Please make the following corrections.

- Revise plat note 1, "Front 10 feet adjoining rights-of-way is designated as a utility easement that increases to 20 feet within 5 feet of the side lot line."
- Plat note 3 contains a typographical error.
- If the contours are not required removed plat note 4.
- Wastewater Disposal note contains several spelling errors.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: Include the former lot, the owners are signing on behalf. 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.

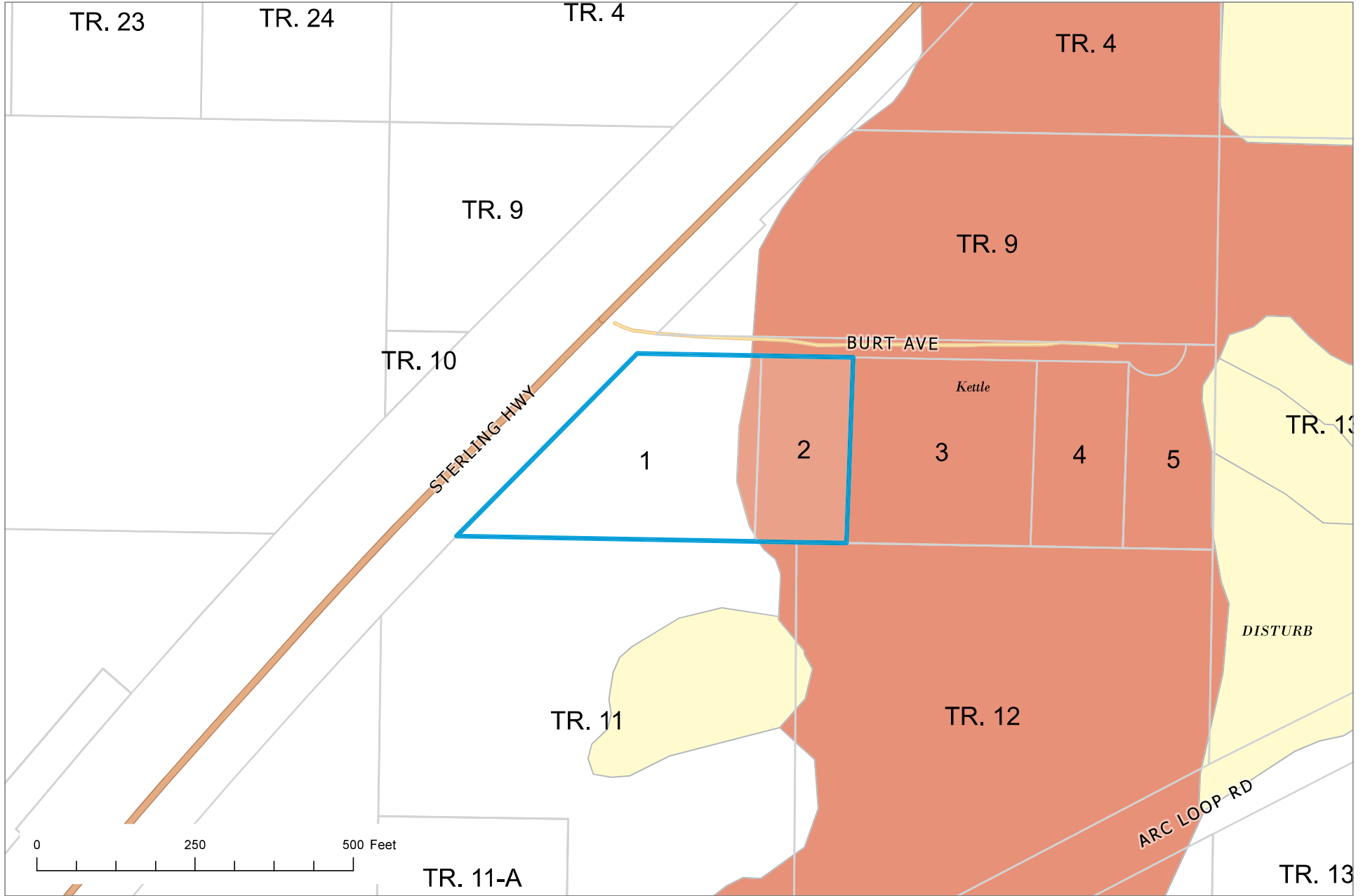
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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



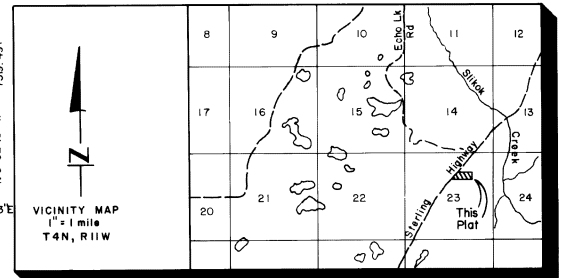
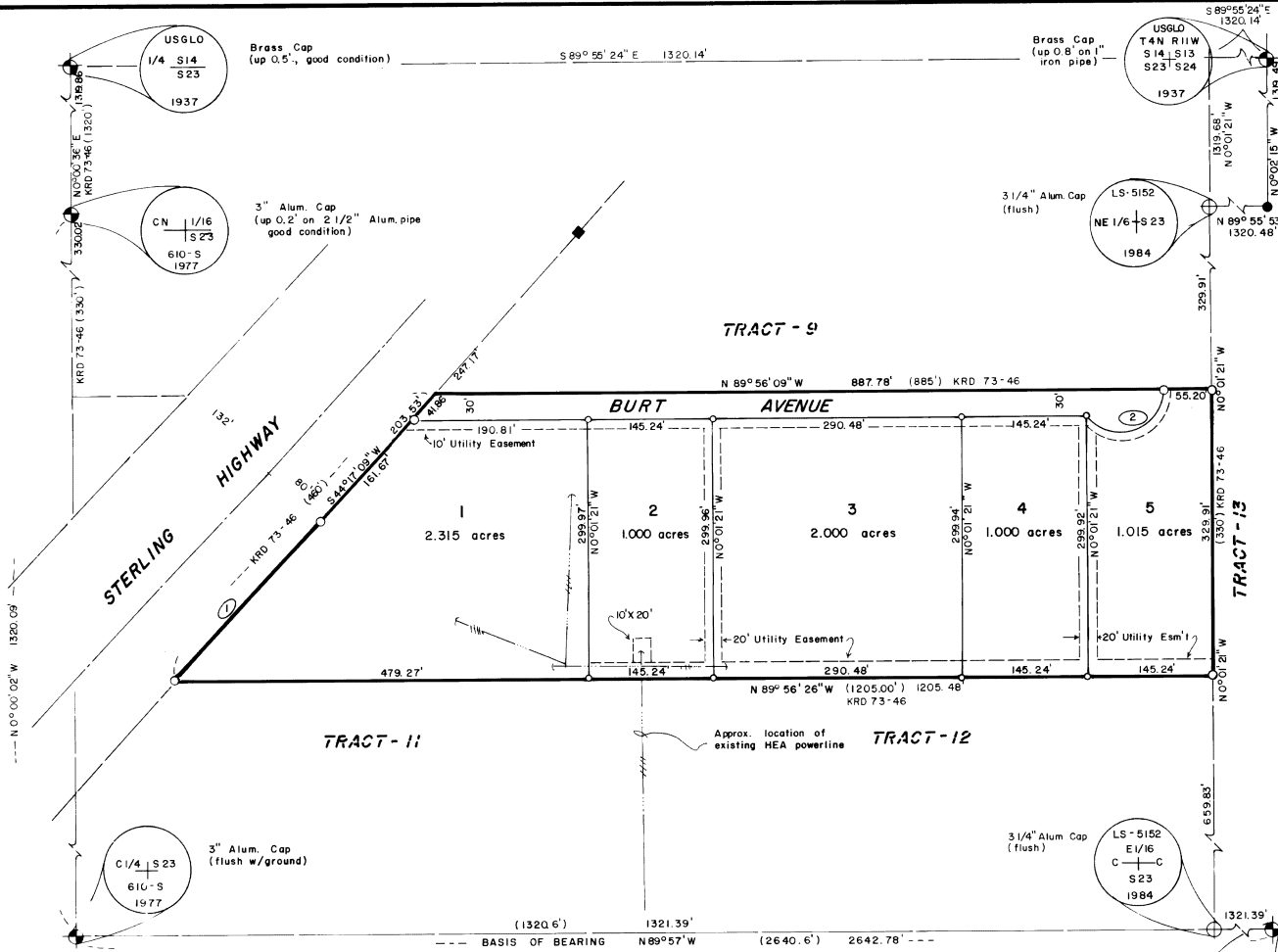
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CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

David J. Burt
David J. Burt
Box 3310
Soldotna, Alaska 99669

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 23 DAY OF Feb. 1984 FOR DAVID J. BURT

STATE OF ALASKA
JANICE BISHOP
NOTARY PUBLIC

Janice Bishop
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 2/24/86

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF February 6, 1984

KENAI PENINSULA BOROUGH
Cliff Baker
AUTHORIZED OFFICIAL



Cliff Baker
CLIFFORD E. BAKER, R.L.S.
REGISTRATION NO. LS-5152

CURVE DATA

| | R | Δ | L | T | C | CB |
|---|------------|--------------|---------|---------|---------|-----------------|
| 1 | 11,379.20' | 0° 16' 48" | 254.22' | 127.12' | 254.22' | S 43° 38' 45" W |
| 2 | 50.00' | 143° 07' 49" | 124.91' | 150.00' | 94.87' | S 71° 37' 45" W |

84-69
Kena
3-28 84
9-24 A
Dowling-Rice

LEGEND

- ⊕ MONUMENT (Found this survey)
- ⊕ MONUMENT (Set this survey)
- 1/2" REBAR (Found this survey)
- 5/8" x 30" REBAR (Set this survey)
- () RECORD DATUM 76-142
- 6" x 6" CONC. HWY. ROW. MON.
- CURVE NO.

NOTES:

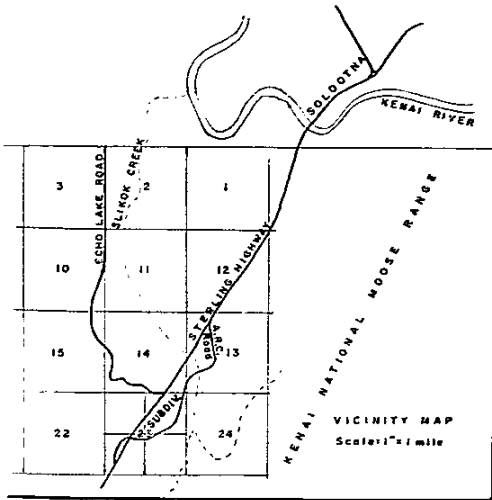
- 1) PROPOSED LAND USES ARE RECREATIONAL, RESIDENTIAL & AGRICULTURAL.
- 2) A SETBACK OF 20 FEET IS REQ'D FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 3) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
- 4) NO DIRECT ACCESS TO STATE MAINTAINED ROW'S PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPT OF TRANSPORTATION.

D & J SUBDIVISION BURT ADDN.

A RESUB OF TRACT 10 D & J SUBDIVISION LOCATED WITHIN THE SW 1/4 NE 1/4 SEC 23 T4N R11W, SM, AK, AND THE KENAI PENINSULA BOROUGH.

7.934 acres containing 5 lots
DOWLING-RICE and ASSOCIATES
P.O. BOX 1974 SOLDOTNA, ALASKA 99669
ENGINEERS 262-9011 SURVEYORS

| | |
|------------------------|-----------------------|
| SURVEYED: January 1984 | PLATTED: January 1984 |
| DRAFTED: DDP | SCALE: 1" = 100' |
| CHECKED: CEB | SHEET: |



CERTIFICATE OF OWNERSHIP & DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT WE ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE TO PUBLIC USE THE ROADWAYS AND EASEMENTS SHOWN.

Alfred Derkevorkian OWNER
Alfred Derkevorkian OWNER
William J. Parker OWNER
W. J. Parker OWNER

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SIGNED BEFORE ME THIS 20 DAY OF Sept, 1972.
William J. Parker
 NOTARY PUBLIC FOR ALASKA
 My Commission Expires 4/8/75

PLAT APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION
Carlyle E. Thompson JANUARY 22, 1973
 PLANNING OFFICER DATE

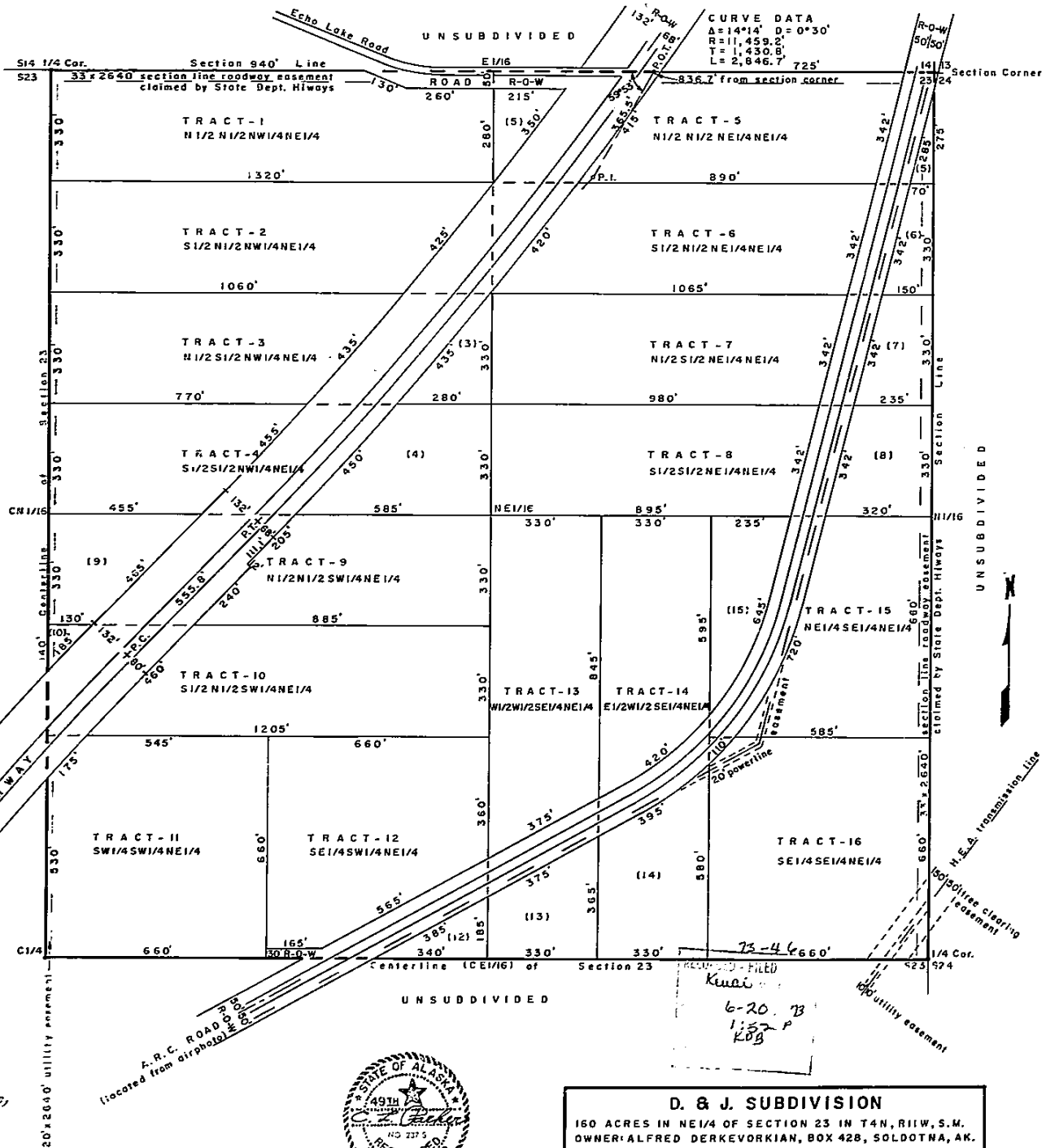
NOTES

- ALL 16 TRACTS SHOWN ARE UNSURVEYED 10 ACRE ALIQUOT PARTS OF SECTION 23, MINUS THE SHADED ROAD RIGHT-OF-WAY AREA FROM EACH.
- ALL TRACT DIMENSIONS SHOWN ARE SCALED APPROXIMATELY ONLY, AND WILL CHANGE SOME (NORMALLY LESS THAN 1%) AFTER SECTION 23 IS SUBDIVIDED INTO THESE ALIQUOT PARTS BY A FIELD SURVEY.
- THE STERLING HIGHWAY RIGHT-OF-WAY DATA IS FROM THE 6/1/60 STATE DIVISION OF HIGHWAYS RIGHT-OF-WAY PLAT OF PROJECT F-021-1(3), SHEETS 7 AND 8. (KENAI RIVER TO KASILEF RIVER)

f.p.i.

CURVE DATA
 $\Delta = 15^{\circ}01'30''$
 $D = 0^{\circ}30'$
 $R = 11,459.2'$
 $T = 1,511.3'$
 $L = 3,005.0'$

UNSUBDIVIDED



A.R.C. ROAD (located from air-photo) 20' R.O.W.



D. & J. SUBDIVISION
 160 ACRES IN NE1/4 OF SECTION 23 IN T4N, R11W, S.M.
 OWNER: ALFRED DERKEVORKIAN, BOX 428, SOLDOTNA, AK.
 SURVEYOR: C.L. PARKER, R.L.S.237, SOLDOTNA
 SEPTEMBER, 1970
 SCALE: 1"=200'



D & J Subdivision Burt Addn. 2022 Replat Preliminary Plat

A replat of Lots 1 & 2 D & J Subdivision Burt Addn. (KRD 84-69)
 Located in the SE1/4 Section 23, T4N R11W, SM, Alaska.
 Kenai Recording District Kenai Peninsula Borough

Prepared for

Dianne MacLean
 Jan Gunderson
 30330 Stubblefield Dr.
 Soldotna, AK 99669

Steve E Brandt
 Angela K Brandt
 47375 Burt Ave.
 Soldotna, AK 99669

Prepared by

Johnson Surveying
 P.O. Box 27
 Clam Gulch, Ak 99568
 (907) 262-5772

SCALE 1" = 100' AREA = 3.315 acres
 18 August, 2022

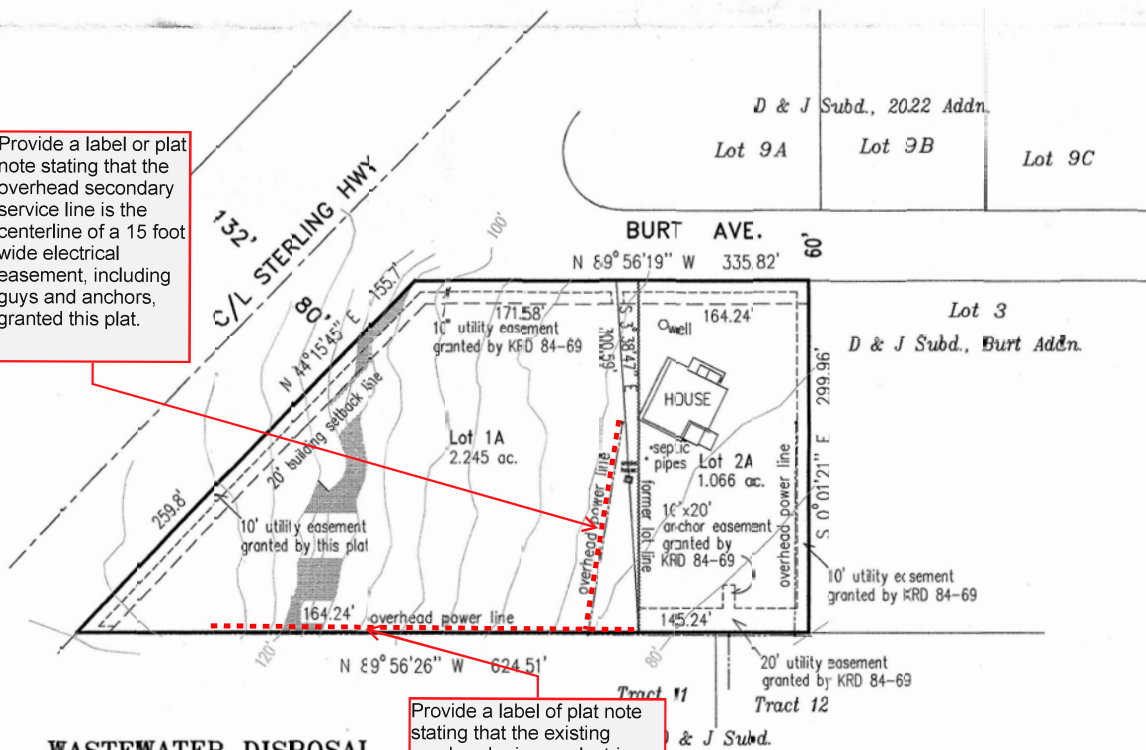
NOTES

1. A building setback of 20' from all street ROWs is required, unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. No access to state maintained ROWs permitted unless approved by the State of Alaska Dept. of Transportation.
4. Contour interval 4'. Shading indicates grades over 25%. There are no wet areas on the property.

HEA REVIEWED - SEE COMMENTS

Scott Huff
 Scott Huff
 Land Management Officer

Provide a label or plat note stating that the overhead secondary service line is the centerline of a 15 foot wide electrical easement, including guys and anchors, granted this plat.



WASTEWATER DISPOSAL

20.40.020
 The parent plat for lots resulting in this platting the Kenai Peninsula Borough on 2/6/1984. Wastewater disposal systems must meet the regulatory requirements of the Department of Environmental Conservation.

Provide a label of plat note stating that the existing overhead primary electric line is the center of a 30 ft. wide electrical easement, including guys and anchors, granted this plat.

KPB 2022-145