

E. NEW BUSINESS

- 3. R Subdivision; KPB File 2022-091R1**



Kenai Peninsula Borough Planning Department

Vicinity Map

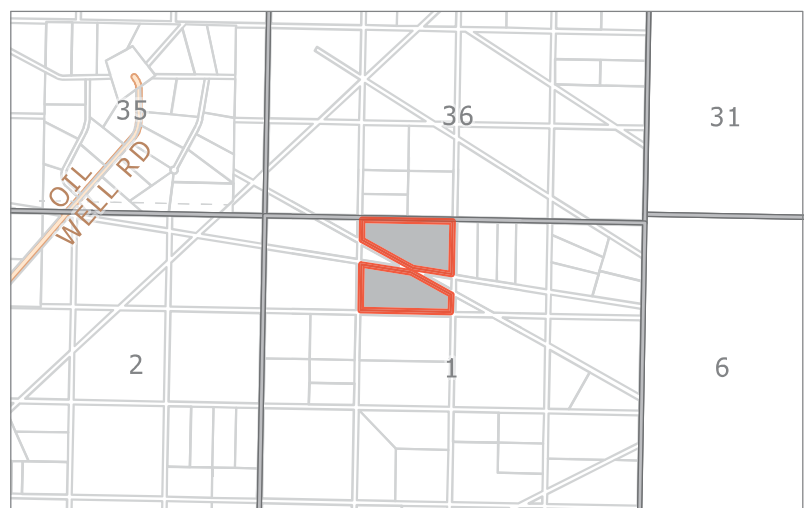
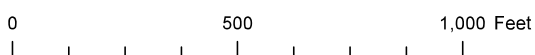


KPB File 2022-091R1

T 02S R 12W SEC 01

Ninilchik

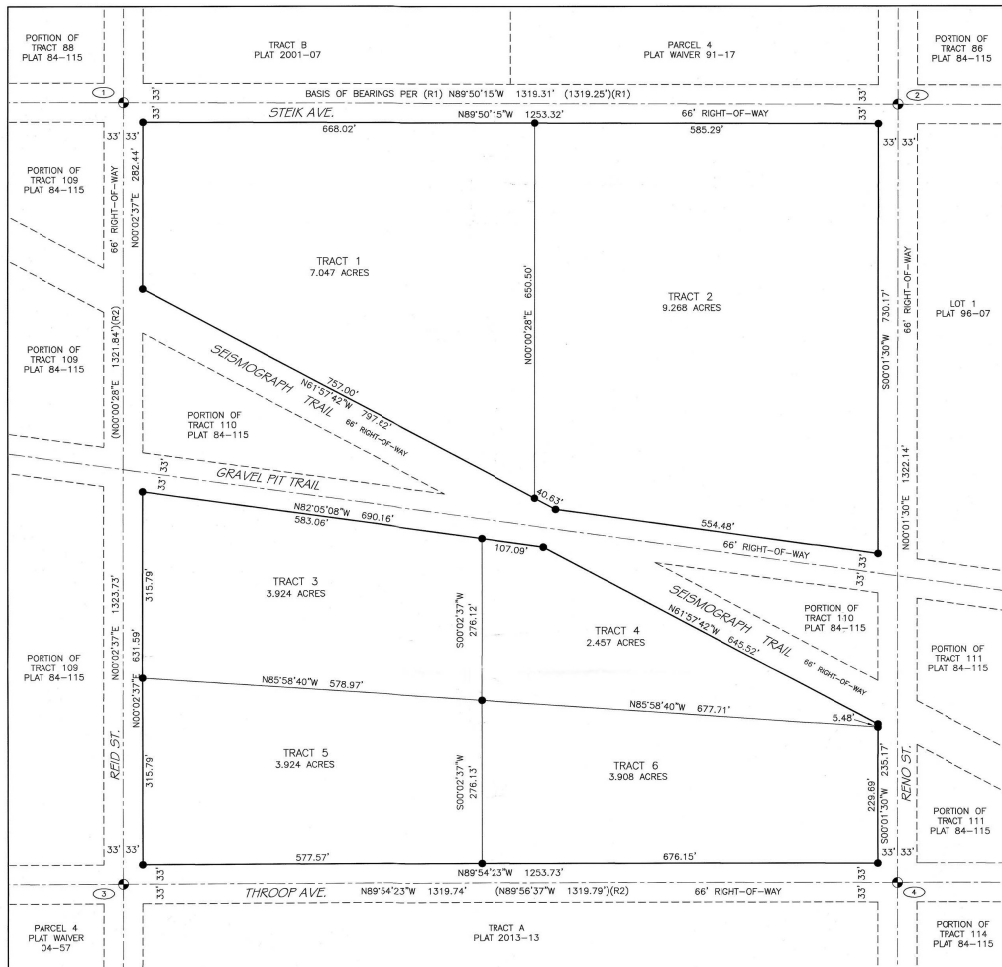
9/30/2022





Aerial View

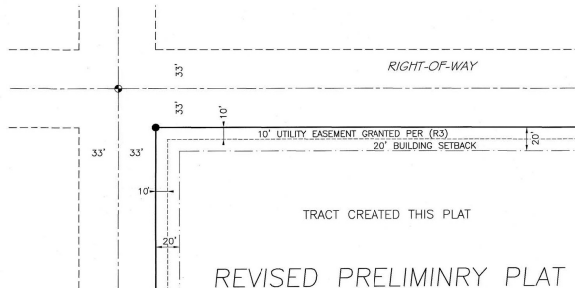




MONUMENT SUMMARY

- | | |
|--|--|
| <p>1</p> <p>7328-S
W 1/16
+
S1
2001</p> <p>FOUND
2-1/2" ALUMINUM
MONUMENT
0.3" ABOVE GRADE
GOOD CONDITION</p> | <p>2</p> <p>7328-S
E 1/4
+
S1
2001</p> <p>FOUND
2-1/2" ALUMINUM
MONUMENT
0.1" ABOVE GRADE
GOOD CONDITION</p> |
| <p>3</p> <p>7328-S
NW 1/16
+
S1
2012</p> <p>FOUND
2-1/2" ALUMINUM
MONUMENT
0.1" ABOVE GRADE
GOOD CONDITION</p> | <p>4</p> <p>7328-S
ON 1/16
+
S1
2012</p> <p>FOUND
2-1/2" ALUMINUM
MONUMENT
FLUSH WITH GRADE
GOOD CONDITION</p> |

BUILDING SETBACK AND UTILITY EASEMENT TYPICAL - SCALE 1" = 50'



NOTES

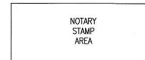
1. THERE MAY BE FEDERAL, STATE, OR LOCAL REQUIREMENTS GOVERNING LAND USE. ANY PERSONS DEVELOPING THIS PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED FEDERAL, STATE, OR LOCAL PERMITS, INCLUDING THE U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
2. BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 10 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT, PER (R3), 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. THIS SUBDIVISION IS SUBJECT TO TERMS, COVENANTS, CONDITIONS AND PROVISIONS, INCLUDING RIGHT OF WAYS AND EASEMENTS AS CONTAINED IN THE ALASKA NATIVE CLAIMS SETTLEMENT ACT, DATED DECEMBER 18, 1971, U.S. PUBLIC LAW 92-203, 85 STAT. 688, U.S.C. 1601 ET SEQ.
5. THIS SUBDIVISION SUBJECT TO RESERVATIONS OF THE SUBSURFACE ESTATE IN SAID LAND INCLUDING, BUT NOT LIMITED TO, RIGHTS OF ENTRY TO EXPLORE, DEVELOP OR REMOVE MINERALS FROM SAID SUBSURFACE ESTATE, AS SET FORTH IN SECTION 14(F) AND 14(G) OR THE ALASKA NATIVE CLAIMS SETTLEMENT ACT.
6. THIS SUBDIVISION SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED JANUARY 7, 1985, VOLUME 153 PAGE 252.
7. THIS SUBDIVISION IS SUBJECT TO RESERVATIONS, RESTRICTIONS, CONDITIONS AND EASEMENTS AS CONTAINED IN INTERIM CONVEYANCE, RECORDED JUNE 19, 1978, VOLUME 100 PAGE 226, AND AS CONTAINED IN DEED RECORDED APRIL 12, 1983 AND OCTOBER 4, 1983, VOLUME 134 PAGE 950 HOMER RECORDING DISTRICT.
8. THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 20.30.170.
9. THIS SUBDIVISION IS SUBJECT TO EASEMENT OVER EXISTING RIGHT-OF-WAY, RECORDED MAY 31, 1991, VOLUME 206 PAGE 609. HOMER RECORDING DISTRICT
10. EXCEPTION TO KPB CODE 20.40 WAS GRANTED BY THE KPB PLAT COMMITTEE AT THE MEETING OF OCTOBER 24, 2022.
11. WASTEWATER DISPOSAL: ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

NOTARY ACKNOWLEDGEMENT

FOR: JESSICA RANGUETTE
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2022

PUBLIC NOTARY SIGNATURE

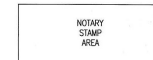


NOTARY ACKNOWLEDGEMENT

FOR: BRIAN RANGUETTE
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2022

PUBLIC NOTARY SIGNATURE



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 OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JESSICA RANGUETTE
PO BOX 7181
NIKISKI, ALASKA 99635

BRIAN RANGUETTE
PO BOX 7181
NIKISKI, ALASKA 99635

LEGEND

- | | |
|--|------------------------------|
| ● FOUND PRIMARY MONUMENT AS REFERENCED | — SUBDIVISION BOUNDARY |
| ● SET PROPERTY CORNER
5/8" X 30" REBAR
WITH 2" ALUMINUM CAP
STAMPED EDGE SURVEY LS-13022 2022 | — INTERIOR LOT LINE |
| ① MONUMENT REFERENCE NUMBER | --- ADJACENT PROPERTY LINE |
| (R1) RECORD DATA, SEE REFERENCE | --- CENTERLINE |
| | --- 20 FOOT BUILDING SETBACK |
| | --- 10 FOOT UTILITY EASEMENT |
| | ▨ RIGHT-OF-WAY VACATED |

REFERENCES

- (R1) LAS VEGAS SUBDIVISION, PLAT 2001-07, HOMER RECORDING DISTRICT
(R2) PORTER-SYVERSON SUBDIVISION, PLAT 2013-13, HOMER RECORDING DISTRICT
(R3) RIGHT OF WAY MAP, PLAT 84-115, HOMER RECORDING DISTRICT

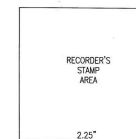
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JULY 18, 2022.
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

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



KPB FILE No. 2022-091

R SUBDIVISION

A SUBDIVISION OF
THE NE 1/4 NW 1/4 OF SECTION 1
EXCLUDING RIGHT-OF-WAYS,
ALSO SHOWN AS TRACT 110
OF RIGHT-OF-WAY
PLAT 84-115
HOMER RECORDING DISTRICT

OWNERS:

JESSICA RANGUETTE
AND
BRIAN RANGUETTE
PO BOX 7181
NIKISKI, ALASKA 99635

LOCATED WITHIN NW 1/4 SECTION 1,
T.25S., R.12W. S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
HOMER RECORDING DISTRICT

CONTAINING 34.243 ACRES



12501 OLD SEWARD, D. ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
AECL# 1392

DRAWN BY: JY	DATE: 7/31/2022	PROJECT: 22-542
CHECKED BY: MA	SCALE: 1" = 100'	SHEET: 1 OF 1

KPB 2022-091R1

AGENDA ITEM E. NEW BUSINESS

ITEM 3 – R SUBDIVISION

KPB File No.	2022-091R1
Plat Committee Meeting:	October 24, 2022
Applicant / Owner:	Jessica and Brian Ranguette of Nikiski, AK
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Gravel Pit Trail, Caribou Hills, Ninilchik

Parent Parcel No.:	185-509-24 and 185-509-26
Legal Description:	Portions of NE1/4 NW1/4 Section 1, Township 2 South, Range 12 West, portions of what is also known as Tract 110 of the Right of Way Map, HM 84-115
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide two parcels into six lots ranging in size from 2.457 acres to 9.268 acres.

An application for the vacation of the seismograph trail had been received and was heard at the July 18, 2022 Planning Commission meeting. The Kenai Peninsula Borough Assembly vetoed the vacation at their August 9, 2022 meeting. A preliminary plat that included the proposed vacation was heard and received conditional approval by the Plat Committee at the July 18, 2022 meeting. This is a revised preliminary design that removes the vacation and the two smaller pieces of property as there is no changes to be made to those lots without a right-of-way vacation.

Location and Legal Access (existing and proposed): The proposed plat is in the Caribou Hills area. The Ninilchik Right of Way Map, HM 84-115, dedicated 66 foot wide rights-of-way on section lines, 1/4 and 1/16 aliquot lines as well as along some existing seismograph trails. The proposed plat is located near mile 18 of Oil Well Road. The property within this subdivision has dedicated 66 foot wide rights-of-way on all sides, being Reno Street, Steik Avenue, Reid Street and Throop Avenue. Additionally, a seismograph trail was dedicated that is known as Gravel Pit Trail. An additional seismograph trail was also dedicated through the original lot. Gravel Pit Trail is a trail that is in use for access. The seismograph trail has a portion in use. No new dedications are indicated with this proposed plat. Due to dedications the plat will only be dealing with two parcels that are parts of the aliquot lot and are not contiguous. Two smaller portions of the aliquot lot are not part of the subdivision. While all part of the original aliquot lot designation on the Ninilchik ROW map, they have been given unique descriptions and separate parcel numbers.

The block is closed. Due to the multiple dedications, portions of the existing blocks are short of the minimum distances outlined in code. A previous vacation petition and preliminary plat design would have improved the block length requirements but due to the veto of the vacation this plat is unable to improve the block lengths. ***Staff recommendation due to the veto of the vacation the owners are not able to improve the short block lengths and staff asks the plat committee to concur that an exception is not required.***

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

Site Investigation: The parcels within the proposed subdivision do not contain any low wet areas per KPB GIS data. The terrain is relatively flat. There are some steep slopes present within the northern corners of the subdivision but the majority of the steeper terrain is outside the bounds of the subdivision within the right-of-way dedications and neighboring properties.

There are currently no structures or improvements onsite.

The proposed subdivision is in an area with a high recreational use. The Right of Way Map, HM 84-115, dedicated rights-of-way without considering terrain.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Carver, Nancy Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No Objections

Staff Analysis The proposed plat will reconfigure two parcels into six tracts. The Right of Way Map, HM 84-115, dedicated the rights-of-way surrounding the property and defined the block.

An exception has been requested to not be required to submit a soils analysis report.

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 not within an advisory planning commission.

Utility Easements the Right of Way Map, HM 84-115, granted 10-foot-wide utility easements along the dedicated rights-of-way. Staff recommends revising plat note 3 slightly. A typical drawing is being included on the plat.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

Utility provider review:

HEA	No comment
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as Shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses:
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	<p>None</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: THROOP AVE REID ST STEIK AVE RENO ST SEISMOGRAPH TRAIL</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: No addresses affected by this subdivision.</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</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: Windsor, Heather</p> <p>Comments: No comment</p>

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.*

- Check lines that have a split distance in them. Computer rounding on the total versus the smaller division number is off.

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: Since portions of the NE1/4 NW1/4 are being excluded from this plat the title block should be revised to state “excluding those portions between seismograph rights-of-way and Reid Street and Reno Street. Verify final acreage and update accordingly.

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: An exception to not require a soils analysis report has been requested.

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:

Revise the following plat notes.

- Note 3, updated by removing “of the building setback”.
- Update the portion of code for the exception to 20.40.100 and add “... Code 20.40.100 to not require a soils analysis and report was granted...”

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

Staff recommends

Show distances and bearings between lots on east and west where stopped by at roads.

20.60.200. Survey and monumentation.

Staff recommendation: comply with 20.60.200(F) tie plat corner to GLO monuments with more precise distances.

EXCEPTIONS REQUESTED:

KPB 20.40 – Wastewater Disposal - Review

Staff Discussion: An exception is being requested to not be required to submit a soils analysis report for review and approval. These are lots that are within an area with a high recreational use.

Surveyor's Findings:

1. Parcels are recreational properties in a remote area near the end of Oil Well Road.
2. A soils analysis was not prepared for plat 84-115 which created the small portions of Tract 110.
3. Parcels are 2.5-3.9 acres in size, near the minimum size for no review, with sufficient area for wastewater disposal.
4. All new parcels will have well above the 20,000 square feet of continuous area available for wastewater installation.
5. Parcels are on high ground with good draining soils.
6. Parcels have a variety of waste disposal alternatives including privy, incinerations, composting, and transporting away.

Staff's Findings:

7. Two of the proposed tracts will be over 200,000 square feet each and do not require soils analysis.
8. One of the proposed tracts will be 2.5 acres and the other three will be 3.9 acres each.
9. KPB Code 20.40.020 outlines the circumstance and criteria to not require a wastewater system review and these lots do not fall under that portion of code.
10. The required note that states systems must meet DEC requirements is present on the plat.

If the exception is denied, a soils analysis report will be required for Tracts 3-6 and an engineer will need to sign the plat.

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 1-6 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 1-6 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 1-6 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.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

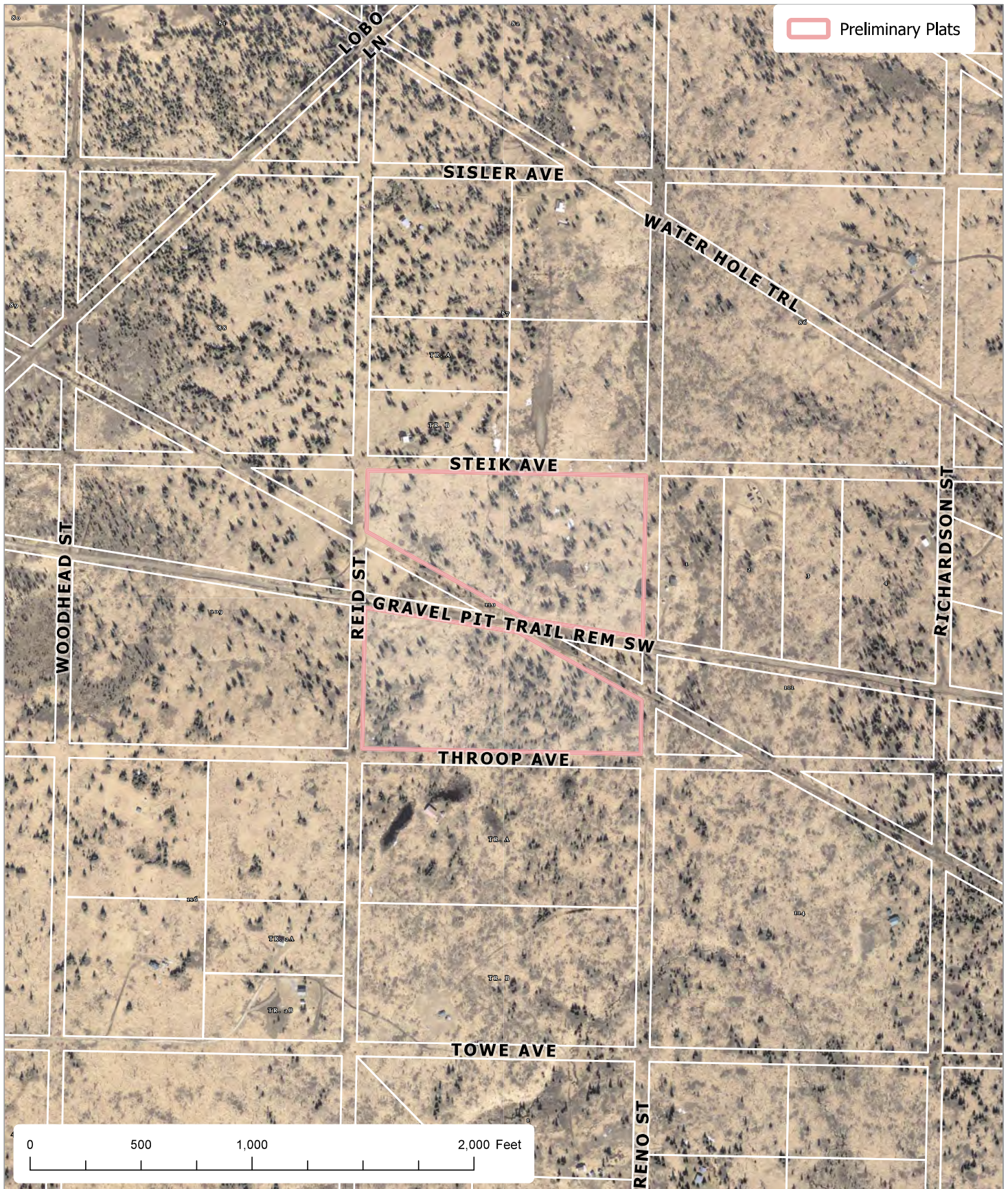
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

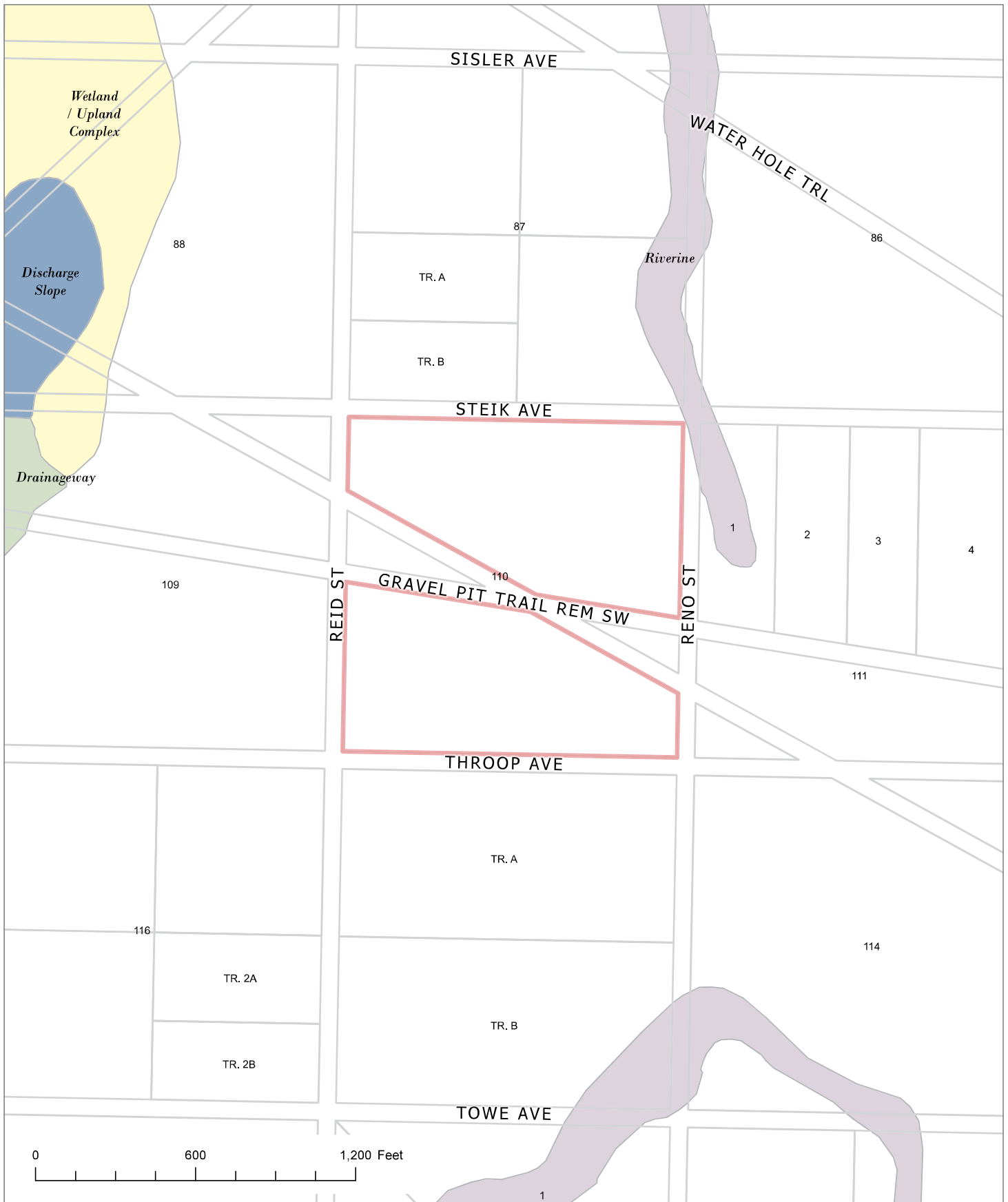
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT





Wetlands





Aerial with 5-foot Contours



