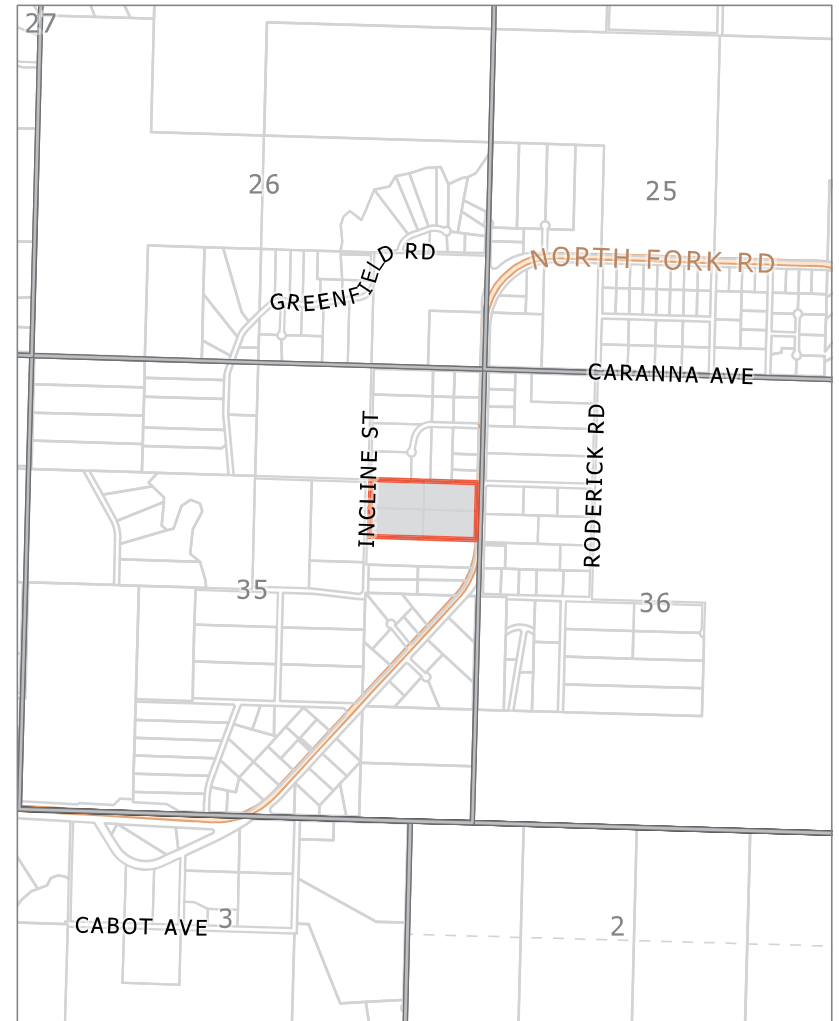


E. NEW BUSINESS

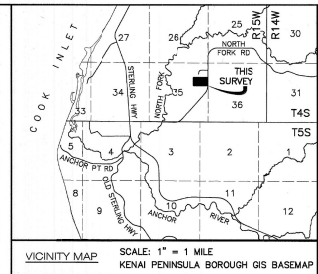
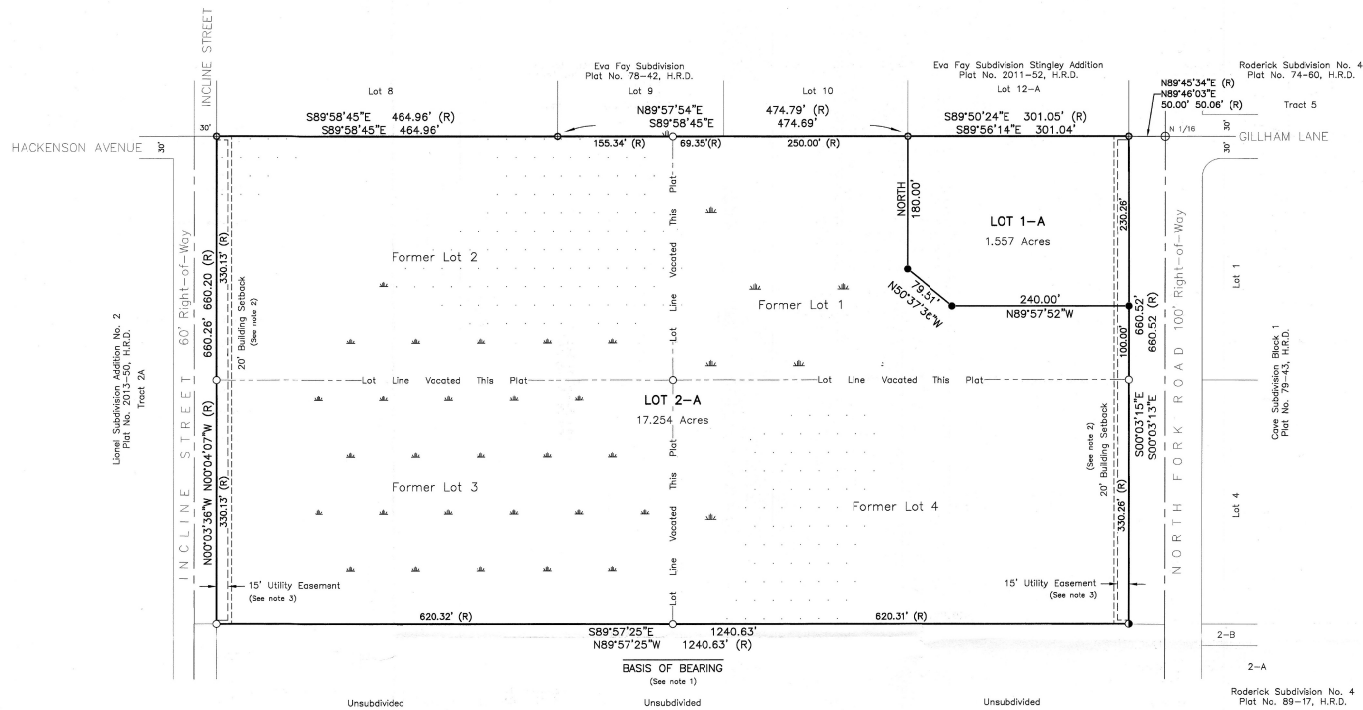
- 1. Baringer 2025 Replat No. 1; KPB File 2025-072**
Mullikin Surveys / Roderick
Location: North Fork Road
Anchor Point Area



KPB File 2025-072
T 4S R 15W Sec35
Anchor Point



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.



CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that I am the owner of the real property shown and described herein and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

Paul Roderick
Homer, AK 99603

NOTARY'S ACKNOWLEDGMENT

For: _____
Acknowledged before me this _____ day of _____, 2025.

Notary Public for Alaska
My Commission expires: _____

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of April ##, 2025.

Kenai Peninsula Borough Authorized Official

LEGEND

- ⊕ Found Brass Capped Monument, AK DOT 4469 S 2008
- Found 2" Aluminum Cap on 5/8" Rebar, LS 10771 2019
- ⊙ Found 2" Aluminum Cap on 5/8" Rebar, LS 5780 2003
- Found 5/8" Rebar
- Set 2" Aluminum Cap on 5/8" x 30" Rebar, 14449-S 2025
- (R) Record Measurements Per HM 2020-34, Baringer Subdivision

----- Easement Line
----- Setback Line

Wetlands Area defined as Lakebed per the Kenai Watershed Forum (KWF)

Wetlands Area defined as Discharge Slope per the Kenai Watershed Forum (KWF)

Note: There are no areas over 20% grade per Kenai Peninsula Borough Terrain Viewer (Five Foot Contours)

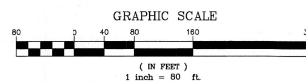
NOTES

1. The Basis of Bearing for this survey was determined by high precision GNSS survey using Trimble R10 survey grade receivers, differentially corrected and processed using Spectra Geospatial Survey Pro 6.8.1.7.
2. A building 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 15 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot line is a utility easement.
4. HEA transmission line is the centerline of a 100 foot wide easement, 50 feet either side of the centerline. Location verified per HM2020-34.
5. 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. No access to State maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.
7. Wastewater Disposal: Lots which are at least 200,000 square feet in size may not be suitable for on-site wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
8. Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetlands determination, if applicable.
9. Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.

SURVEYOR'S CERTIFICATE

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

Date: _____
Registration No. 14449-S
Christopher J. Mullikin
Professional Land Surveyor



PRELIMINARY
PLAT



BARINGER 2025 REPLAT NO. 1

A REPLAT AND SUBDIVISION OF LOTS 1 THROUGH 4, BARINGER SUBDIVISION, PLAT No. 2020-34, HOMER RECORDING DISTRICT, VACATING FORMER LOT LINES AND CREATING LOT 1-A AND LOT 2-A

LOCATED WITHIN
THE N1/2, SE1/4, NE1/4 OF SECTION 35
TOWNSHIP 4 SOUTH, RANGE 15 WEST,
SEWARD MERIDIAN, THIRD JUDICIAL DISTRICT,
KENAI PENINSULA BOROUGH,
HOMER RECORDING DISTRICT, ALASKA.

CONTAINING 18.811 ACRES

SURVEYOR	CLIENT
MULLIKIN SURVEYS LLC CHRISTOPHER MULLIKIN, PLS P.O. BOX 1023 HOMER, AK 99603	PAUL RODERICK HOMER, AK 99603
SURVEY DATE: 4/##/2025	SCALE: 1" = 80'
PLAT DATE: 4/24/2025	BOOK No.: NA
CHECKED BY: CLM	FILE: BARINGER REPLAT.dwg
DRAWN BY: MRS	KPB FILE No.: 2025-###

KPB 2025-072

AGENDA ITEM E. NEW BUSINESS

**ITEM #1 - PRELIMINARY PLAT
BARINGER 2025 REPLAT NO. 1**

KPB File No.	2025-072
Plat Committee Meeting:	June 9, 2025
Applicant / Owner:	Paul Roderick of Anchor Point, Alaska
Surveyor:	Christopher Mullikin; Mullikin Surveys, LLC
General Location:	Near milepost 2 North Fork Road

Parent Parcel No.:	165-162-76; 165-162-77; 165-162-78;165-162-79
Legal Description:	Lots 1 through 4, Baringer Subdivision, Plat HM 2020-34, Township 4 South, Range 15 West, Section 35, Seward Meridian
Assessing Use:	Lot 1: Residential Mobile Home Lots 2-3: Residential Vacant Lot 4: Residential Improved Land
Zoning:	Rural Unrestricted
Water / Wastewater	On-site / On-site
Exception Request	None Requested

STAFF REPORT

Specific Request / Scope of Subdivision:

The proposed plat will redesign four lots totaling 18.811 acres each, into two lots of size 1.557 acres and 17.254 acres.

Location and Legal Access (existing and proposed):

This plat is located near milepost 1.8 North Fork Road in Anchor Point giving legal access on the east. North Fork Road is a 100-foot-wide state-maintained road. The DOT has stated that any platting action voids any previous issued permits and land owners will need to reapply for driveway access permits to state roads. Incline Street provides legal access to proposed Lot 2-A on the west and is a 60-foot dedicated right-of-way currently unconstructed according to KPB GIS Imagery.

The plat is not proposing any dedications nor vacations

The block length is non-compliant. The block is generally defined by Gillham Court to the north, North Fork Road to the east, Twig Court to the south and Incline Street to the west, which none come back to connect to each other. Gillham Court and Twig Court both end in cul-de-sacs. Along state-maintained roads, block lengths shall be at least 800 feet long. Gillham Court is approximately 685.46 feet to the north and Twig Court is located approximately 1,535.57 feet to the south. There are existing structures located to the north and south on the proposed plat and wetlands are located centrally on the property. The parent plat (HM 2020-34) did not provide a dedication to satisfy block length requirements due to the adjacent cul-de-sacs, lakebed, discharge slope, and existing development. **Staff recommends** the plat committee concur that an exception to KPB 20.30.170 is not required due to the circumstances affecting this subdivision as noted.

KPB Records indicate there is a 66-foot Section Line Easement within the North Fork Road right-of-way. **Staff recommends** the surveyor verify the section line easement and depict it on the plat.

KPB Roads Dept RSA review	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
---------------------------	--

SOA DOT comments	No objections
------------------	---------------

Site Investigation:

According to KPB GIS Imagery and KPB Assessing Records, a dwelling is located on former Lot 1 and a drive is located on former Lot 4. The structure will be located on proposed Lot 1-A. The drive will be located on proposed Lot 2-A. KPB GIS Imagery shows a portion of a structure may be encroaching into proposed Lot 2-A (former Lot 4) on the south. **Staff recommends** the surveyor confirm if the structure is located on the proposed lot and if so, report to affected land owners of the issue and extent and to staff the issue and extent and how it will be resolved.

The KPB GIS Terrain Layer shows minimal contours on the subject area with no grades exceeding 20%.

KWF Wetlands Assessment show wetlands located on the majority of the proposed plat identified as a Lakebed and Discharge Slope. The wetlands are included on the preliminary plat and the correct note has been denoted as plat note number 8.

The Surveyor requested a floodplain determination from the KPB River Center that reflects the KPB River Center Reviewer comments. The proposed plat is within a non-regulatory Flood Hazard Area with an undetermined flood risk: Zone D. **Staff recommends** the surveyor add the KPB 20.30.280(D) Flood Hazard Notice to the final plat and include the FEMA map panel 02122C-1895E.

The KPB River Center Reviewer has confirmed that this plat is not within a Habitat Protection District.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Within a non-regulatory zone with an undetermined flood risk. Plat note needed, no depiction is required.</p> <p>Flood Zone: D Map Panel: 02122C-1895E 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 and Game	No objections

Staff Analysis

Originally, the land was an aliquot part of the N1/2 SE1/4 NE1/4 of Section 35, Township 4 South, Range 15 West, Seward Meridian, Homer Recording District, Kenai Peninsula Borough, Alaska. In 2020, Baringer Subdivision (HM 2020-34) first subdivided the land into four lots. The proposed plat will reconfigure the four previous lots into two lots.

A soils report will be required and an engineer will sign the final plat for proposed Lot 1-A as the new lot is less than 200,000 sq ft (67,822.92 sq ft) per KPB 20.40. **Staff recommends** the surveyor include the proper Wastewater Disposal note to the final plat with reference to proposed Lot 1-A.

A soils report will not be required for proposed Lot 2-A as the new lot is greater than 200,000 sq ft (751,584.24) per KPB 20.40.030. The correct Wastewater Disposal note has been added to the preliminary plat as plat note number 7. **Staff suggests** the surveyor include reference to proposed Lot 2-A in the note.

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.

The proposed plat is located within the Anchor Point APC which is currently inactive.

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

Utility Easements

The parent plat, Baringer Subdivision (HM 2020-34) included a depiction of a transmission easement on the west side North Fork Road. This easement is an HEA transmission line and is the centerline of a 100-foot-wide, 50-foot on either side of the centerline. This easement is denoted on the proposed plat as plat note number 4. **Staff recommends** that the surveyor include a depiction of the easement as referenced in the parent plat with a label referencing the plat note.

The parent plat granted a 15-foot utility easement within the 20-foot building setback, extending to 20-feet within 5 feet of the side lot lines adjacent to all rights-of-way. This easement has been carried forward to the proposed plat as plat note number 3 and depicted. **Staff recommends** the surveyor include the parent plat information in the plat note as required per KPB 20.60.160 (A). Depiction needs to be corrected at the sidelines as the utility easement is shown going to the front line instead of the building setback line within 5' of sidelines. At the joint lines of Lot 1-A and 2-A the 5' depiction is not shown. where former lines are being vacated, the 5' sideline utility easements still exist and should be shown.

As part of our routine notification process, the subdivision plat was emailed to the affected utility providers for review. **Staff recommends:** the surveyor work with the utility providers to accommodate their request, ensuring optimal use of the owner's land and maximum benefit for both the provider and the public.

Utility provider review:

HEA	No Comments
ENSTAR	No Response
ACS	No Objections
GCI	Approved as Shown

KPB department / agency review:

Addressing Review	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 34340 NORTH FORK RD</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: HAAKENSON AVE, INCLINE ST, NORTH FORK RD, CAVE AVE</p> <p>Existing Street Name Corrections Needed: PER SN RES 1996-05 PLEASE CORRECT HACKENSON AVE TO HAAKENSON AVE, AND GILLHAM LN TO CAVE AVE.</p> <p>All New Street Names are Approved: No</p>
-------------------	---

	List of Approved Street Names: List of Street Names Denied: Comments: 34340 NORTH FORK RD WILL REMAIN WITH LOT 1-A
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
LOZMS Review Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Other Material Site Type Material Site Comments: Material Site Permit MS2003-003, expired on September 27, 2019. The site has been reclaimed and closed.
Assessing Review	Reviewer: Windsor, Heather Comments: No comment

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

In the Plat Approval, change the date to June 9, 2025

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:

- Staff suggests including the entire parent plat name for consistency: Baringer Subdivision 2025 Replat No. 1
- Include the full mailing address for Paul Roderick: PO Box 377, Homer, AK 99603
- Modify the KPB File Number to 2025-072.

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:

- There appears to be a 66' SLE is located within North Fork Road. Please verify and depict and include a label on the plat.
- To the NE of the proposed plat: Gillham Lane should be Cave Avenue (SN Res 1996-05).
- To the NW of the proposed plat: Haakenson Avenue.
- Provide a note for North Fork Road, HM 85-35 Page 4 of 6.

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:

- Please include the entire name for North Fork Anchor River
- There appears to be a river on the vicinity map through sections 1 and 11-12 that do not coincide with imagery. Please verify and remove if needed.
- There appears to be a river connecting to the North Fork Anchor River in section 26 that does not coincide with KPB GIS records. Please verify and remove if needed.

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions, or limitations of reservations that could affect the subdivision;

Staff recommendation:

- Correct the utility easement line at the 5' side line to go from the 15' back to the 20' setback. Currently is shown as going from the front lot line to the 15' line.
- Add 5' utility easement at joint line of lot 1-A and 2-A
- Add 5' sideline easement where former lot lines were.

- 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:

- Depict the Transmission Line as referenced in plat note number 4

- 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:

- Provide an "unsubdivided" label for the parcel to the northwest
- Correct the ROW name to "Haakenson Avenue" to the northwest
- Correct the ROW name to "Cave Avenue" to the northeast
- Include "Lot" in the labels for Lot 2-A and 2-B, HM 89-17 SE

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.

20.60.190. Certificates, statements, and signatures required. **Staff recommendation:** modify the Certificate of Ownership and Dedication to comply with KPB code.

* Include the full mailing address for Paul Roderick: PO Box 377, Homer, AK 99603

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: KPB 20.25.120. - REVIEW AND APPEAL.

IN ACCORDANCE WITH KPB 2.40.080, ANY PERSON, AGENCY, OR CITY THAT PARTICIPATED AT THE PLAT COMMITTEE HEARING, EITHER BY WRITTEN OR ORAL PRESENTATION, MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF DATE OF DISTRIBUTION OF THE DECISION.

A DECISION OF THE PLAT 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



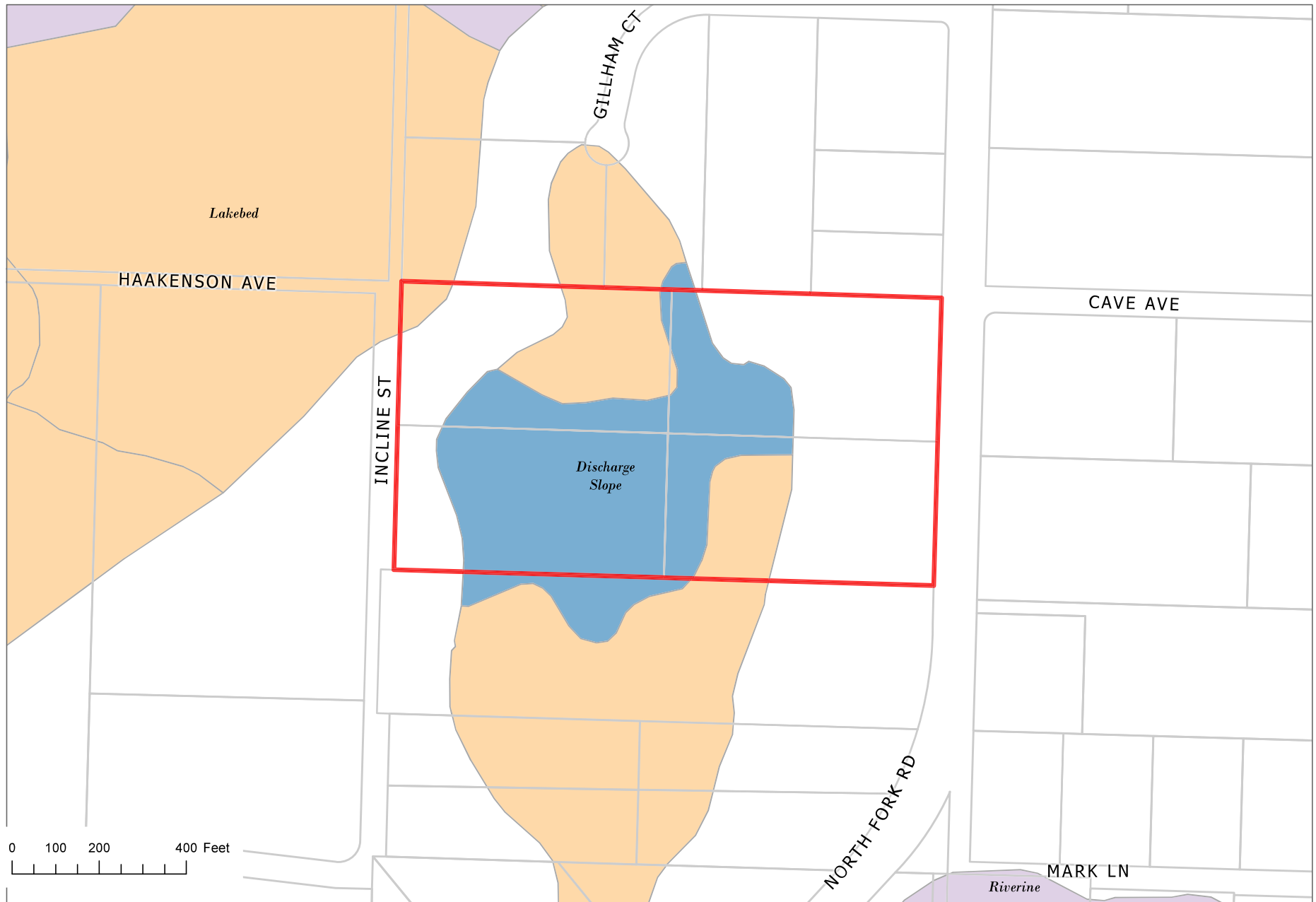
Aerial Map



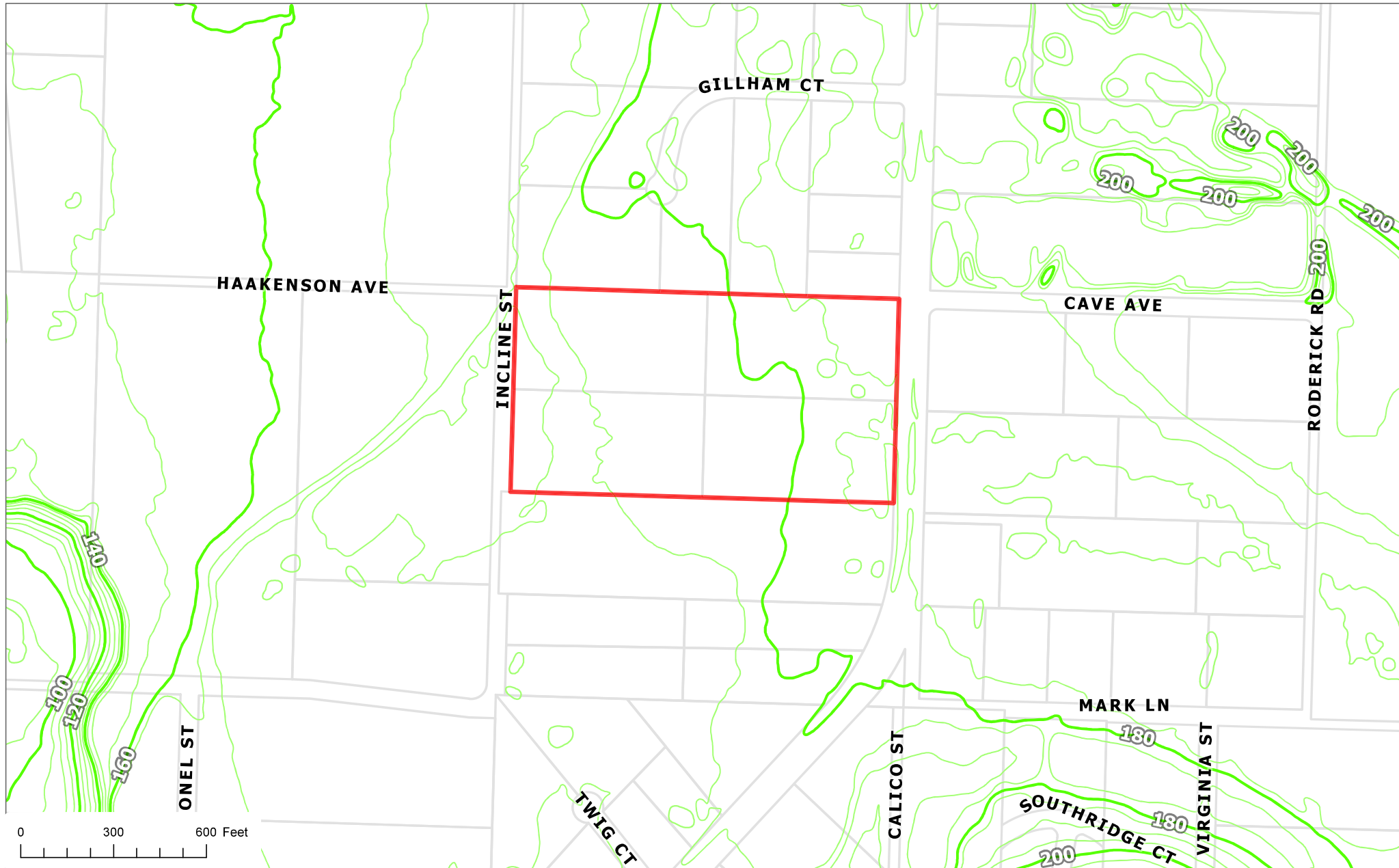
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Wetlands



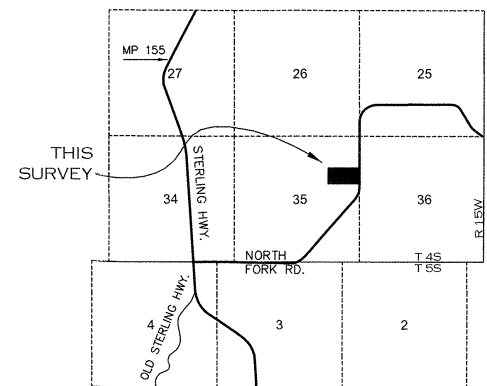
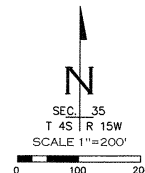
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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.

NOTES:

1. A BUILDING 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.
2. THE FRONT 15 FEET OF THE 20 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.
3. AN EXCEPTION TO K.P.B. 20.30.170 (BLOCK LENGTH) HAS BEEN GRANTED. MEETING DATE 7/15/2019
4. NO ACCESS TO STATE MAINTAINED RIGHTS OF WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
5. HEA TRANSMISSION LINE IS THE CENTERLINE OF A 100' WIDE EASEMENT, 50' EITHER SIDE OF CENTERLINE. LOCATION VERIFIED BY INITIAL SURVEY.
6. 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 DELINEATION, IF APPLICABLE.
7. BASIS OF BEARING IS THE RECORD BEARING BETWEEN THE N 1/16 CORNER SECTION 35 AND THE NE 1/16 CORNER SECTION 35, PER HM 78-42.



VICINITY MAP SCALE 1" = 1 MILE

CERTIFICATE OF OWNERSHIP:

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I HEREBY ADOPT THIS SUBDIVISION PLAN AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Nikki Baringer

NIKKI BARINGER
PO BOX 70
ANCHOR POINT, AK 99556

NOTARY'S ACKNOWLEDGEMENT:

FOR: NIKKI BARINGER

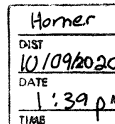
ACKNOWLEDGED BEFORE ME THIS 9
DAY OF December 20 19

NOTARY PUBLIC FOR ALASKA EDNA H. HARRIS
MY COMMISSION EXPIRES 05-31-2020

Juan C. Hernandez



2020-34



SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THE PLAT REPRESENTS A SURVEY MADE BY ME, AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BARINGER SUBDIVISION,
K.P.B. FILE # 2019-071
A SUBDIVISION OF THE N 1/2 SE 1/4 NE 1/4, SECTION 35, TOWNSHIP 4 SOUTH, RANGE 15 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, ALASKA. HOMER RECORDING DISTRICT. containing 20.027 acres.
OWNER: NIKKI BARINGER
P.O. BOX 70 ANCHOR POINT, AK. 99556

FINELINE SURVEYS
P.O. Box 774
ANCHOR POINT, ALASKA 99556
DMITRI D. KIMBRELL, RLS (907) 360 6382

SCALE: 1"=200' DATE: 11/1/2019

PLAT APPROVAL:

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING DATED, July 15, 2019

KENAI PENINSULA BOROUGH
BY: *Sarah A. King* 10/6/20

AUTHORIZED OFFICIAL:

WASTEWATER DISPOSAL:

LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE 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 ACCEPTANCE:

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF STATE OF ALASKA DEPARTMENT OF TRANSPORTATION FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THE PLAT IDENTIFIED AS FOLLOWS:

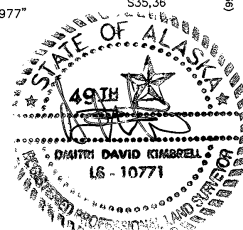
NORTH FORK ROAD

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: *Randy D. Vanderwood* DATE: 1/21/20
RANDY D. VANDERWOOD P.E. CENTRAL REGION R.O.W. CHIEF

LEGEND:

- ① FOUND 1 1/2" BRASS CAP MONUMENT "NE 1/16 SEC. 35 3686-S 1977"
- ⊖ FOUND 5/8" REBAR WITH PLASTIC CAP LS 11795 2013
- ① FOUND 5/8" REBAR WITH 2" ALUMINUM CAP LS 5780 2003
- ⊕ BRASS CAP MONUMENT AK DOT 4469 S 2008
- ⊕ FOUND ALUMINUM MONUMENT (DISTURBED, NO CAP)
- FOUND 5/8" REBAR
- ⊥ SET 5/8" REBAR WITH 2" ALUMINUM CAP LS 10771 2019 AT ALL NEW CORNER LOCATIONS



boundary and lot closure computations be provided with the paper final plat.

20.60.170. Other data required by law.

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat.

Surveyor's Comments: Regarding covenants, this minor lot line adjustment is only shifting area from one lot to another to accommodate existing buildings and should not be a violation of covenants.

Platting Staff Comments: Per the covenants, conditions and restrictions, as recorded in Bk. 592 Pg. 937 KRD, under item 2.c, the subject lots 'shall not be reduced in size by resubdivision'. This plat will be reducing the size of Lot 10 from 3.080 Acres to 2.867 Acres.

Staff recommends a plat note be provided for the private restrictive covenants recorded in Bk. 592 Pg. 937 KRD.

The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.

20.60.190. Certificates, statements, and signatures required.

*Platting Staff Comments: **Staff recommends** compliance with 20.60.190.*

20.60.200. Survey and monumentation.

Platting Staff Comments:

- Show the survey marker for all set property corners.
- Remove any extraneous survey markers on the former lot line.
- Provide a tie measurement from the subdivision boundary to the aliquot subdivision corners (1/4 corner and/or 1/16 corner).

Staff recommends compliance with 20.60.200.

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ANY ABOVE 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 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

END OF STAFF REPORT

****Approved with the adoption of the grouped agenda.***

B. Plats needing specific actions or controversial - (public comments received, major staff concerns, exceptions required) – 5 Plats

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

1. Baringer Subdivision

KPB File No. 2019-071; FineLine Surveys/Baringer

Staff Report given by Scott Huff

Plat Committee Meeting: 7/15/19

Location:	off the North Fork Road, Anchor Point
Proposed Use:	Residential
Water/Sewer:	On-site
Zoning:	Unrestricted
Assessing Use:	Residential
Parent Parcel Number(s):	165-162-30

Supporting Information:

The proposed plat subdivides an approximate 19.2-acre parcel into four lots containing 4.7 acres each. A soils report is not required. This platting action is providing a 30-foot right-of-way dedication for a match for Incline Street. Lot 2 and Lot 3 front Incline Street; the subdivision fronts the paved State maintained North Fork Road.

The flags for Lot 2 and Lot 3 are out of compliance with KPB 20.30.190. The surveyor advised staff he would provide a revised preliminary. A new submittal had not been received when the staff report was prepared.

Notice of the proposed plat was mailed to the beneficial interest holder on June 17, 2019. 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.

Anchor Point Advisory Planning Commission minutes were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

Staff recommends that notes be placed on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

Exception Requested: KPB 20.30.170 – Block Length

Staff Discussion: The block is generally defined by the North Fork Road, Ester Avenue, Lionel Street, Mark Lane, Incline Street, and Caranna Avenue. The east/west block is approximately 1,300 feet long. The north/south block is approximately 4,400 feet long.

The shape of this block appears to be based on two adjacent cul-de-sacs, lakebed, discharge slope, and existing development. Although the block is longer than allowed by KPB Code, it is a platted, looped access. A right-of-way through the proposed subdivision would shorten the block and provide a second platted looped access.

It appears right-of-way may not be able to be dedicated along the northern boundary of the subdivision due to an existing residential structure.

Findings

1. The block is generally defined by the North Fork Road, Ester Avenue, Lionel Street, Mark Lane, Incline Street, and Caranna Avenue.
2. The block is a platted, looped access.
3. Low wet areas within the subdivision have been shown and labeled.
4. Per Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping, the proposed subdivision may be affected by discharge slope and lakebed.
5. Per National Wetlands Inventory, the proposed subdivision may be affected by freshwater

- forested/shrub wetland.
6. The proposed subdivision is providing a 30-foot matching right-of-way for Incline Street per KPB 20.30.030, 20.30.110, and 20.30.120.
7. Lots to the north have access off KPB maintained Gillham Court and/or paved State maintained North Fork Road.
8. Tract 2A to the west has access off Incline Street.
9. The 10-acre parcel to the south has access off the North Fork Road and Incline Street.
10. The block has two cul-de-sacs (Gillham Court and Twig Court).
11. Adjoining and adjacent lots/tracts front existing constructed and/or maintained rights-of-way.
12. No adjoining or adjacent lots/tracts will be denied access.

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 1-12 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 1-12 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 and 6-12 appear to support this standard.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Additional information is provided for the following portions of 20.25.070 or additional information, revision or corrections are required

- 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;
 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;
Platting Staff Comments: Staff recommends to verify the parent parcel information in the Certificate to Plat with the Title Company, and if necessary, the State of Alaska DOT. It appears that this parcel is subject to the North Fork Road right of way. If so, then the legal description should exclude the North Fork Road right of way. If North Ford Road is an easement, then the boundary of the subdivision will need to be updated and a dedication will be required for the North Fork Road. State of Alaska DOT will be required to sign a certificate of acceptance.
- 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;

Platting Staff Comments: Staff recommends the ROW map be noted for North Fork Road, HM 85-35 Pg. 4 of 6.

- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Platting Staff Comments: Staff recommends the label to the northeast be corrected.

- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

Platting Staff Comments: The low wet areas have been shown and labeled.

Staff recommends a note be placed on the final plat indicating 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.

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review:
 - 34340 North Fork Rd - will be retained on Lot 1
 - Existing street names are correct.
- KPB Planner:
 - There are not any Local Option Zoning District issues with this proposed plat.
 - Conditional Land Use Permit CLUP Resolution Number: 2003-15 CLUP Approval Date: 10/22/2004. See attachments
 - *Platting Staff Comments: A letter was mailed to the owner stating the proposed subdivision was inconsistent with the operation of a material site. Instructions for terminating the conditional land use permit were provided. The conditional land use permit will expire on October 21, 2019.*
- KPB Roads Department: No comments.
- State Department of Fish & Game: Not available when the staff report was prepared.
- State Division of Mining, Land & Water: No comment.
- State Parks: No comments.

KPB 20.30 Design Requirements

Platting staff comments: Additional information is provided for the following portions of 20.30 or additional information, revision or corrections are required

20.30.030. Proposed street layout-Requirements.

- 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.

State Department of Transportation Comments: The ROW for North Fork Road / North Anchor River Road is per ROW map, plat 85-35 sheet 4 of 6.

Platting Staff Comments: Right of Way Map MA-21036, Record of Survey (HM 2003-03), and HM 74-1960 to the east show the North Fork Road is 100 feet wide adjoining the proposed subdivision; however, the subject property has not been previously subdivided. The subdivision to the east dedicated 50 feet for the North Fork Road. Staff was unable to find the source of the 50-foot dedication adjoining the proposed subdivision.

Staff recommends to verify the status of North Fork Road with the title company and State of Alaska DOT. If North Ford Road is a fee simple right of way, then the parent parcel in the Certificate to Plat will need to be updated. If North Fork Road is an easement, then the parent parcel boundary will need to be updated,

a 50-foot right of way will need to be dedicated and the State of Alaska DOT will be required to sign a certificate of Acceptance. Contact Louise Hooyer at DOT to verify the status of North Fork Road right of way.

20.30.060. Easements-Requirements.

- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.

Platting Staff Comments: ENSTAR submitted a statement of no comments.

Homer Electric Association requested the easement centered on the transmission line be shown and labeled. It appears 50 feet of the 100-foot wide easement extends into the subject plat.

Staff recommends compliance with 20.30.060.

20.30.110. Half streets.

- A. Half streets shall generally not be allowed except where one of the following circumstances applies:
1. The street is identified on the borough road plan as an arterial;
 2. The street is a logical extension of an existing street; or
 3. The remaining half street can reasonably be expected to be dedicated.

- B. 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 are parties of record and will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way. Pursuant to KPB 2.40.080 review of the plat committee decision by the planning commission may be requested by parties of record.

Platting Staff Comments: If the Committee denies the exception to block length, and the decision is made to dedicate a 30-foot half right-of-way along the southern boundary, the owner of the 10-acre parcel to the south will need to be notified per KPB 20.30.100.

20.30.120. Streets-Width requirements.

- A. The minimum right-of-way width of streets shall be 60 feet.

Platting Staff Comments: This platting action is bringing Incline Street into compliance with KPB 20.30.120.

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

*Platting Staff Comments: If the exception to block length is denied and new right-of-way is required to be dedicated, **staff recommends compliance with KPB 20.30.160.***

20.30.190. Lots-Dimensions.

- B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.

Platting Staff Comments: The width of each flag is 10 feet, and both flags are 635 feet long. Per the submittal, the subdivision is not subject to slopes greater than 20 percent. The flags cross low wet areas. In response to an email from staff, the surveyor said he would provide a revised plat.

Staff recommends compliance with KPB 20.30.190.

20.30.240. Building setbacks.

- B. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

*Platting Staff Comments: **Staff recommends compliance with KPB 20.30.240.***

20.30.280. Floodplain requirements.

Platting Staff Comments: Per River Center review, the plat is not affected by a mapped flood hazard zone.

20.30.290. Anadromous habitat protection district.

Per River Center review, the subdivision is not affected by the Anadromous Habitat Protection District.

Per KPB GIS mapping, no anadromous streams flow through the subdivision.

KPB 20.60 – Final Plat

Platting staff comments: Additional information is provided for the following portions of 20.60 or additional information, revision or corrections are required:

20.60.020. Filing-Form and number of copies required. The subdivider shall file a standard number of prints as determined by the planning director. All prints shall be folded as required by KPB 20.25.030 except those to be recorded with the district recorder.

*Platting Staff Comments: **Staff recommends** one full-sized paper copy of the plat be submitted for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes and special assessments 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. Additionally, the entire balance, or estimated balance of all special assessments or pending special assessments, as provided in KPB 5.35.070(8) and KPB 14.31.080(8), against the property owed to the borough must be paid in full prior to filing of the final plat. 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.

Per KPB GIS mapping, the proposed subdivision is not within a special assessment district.

Staff recommends compliance with 20.60.030.

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.

*Platting Staff Comments: **Staff recommends** to provide sub distances between found survey markers on the north boundary. **Staff recommends** compliance with 20.60.110.*

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

*Platting Staff Comments: KPB GIS will verify closure complies with 20.60.120. **Staff recommends** boundary and lot closure computations be provided with the paper final plat.*

20.60.130. Boundary of subdivision. The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data.

*Platting Staff Comments: **Staff recommends** the boundary of the subdivision be moved to the centerline*

of Incline Street.

20.60.190. Certificates, statements, and signatures required.

*Platting Staff Comments: If a right of way is dedicated for North Fork Road, then the State of Alaska DOT will be required to sign a certificate of acceptance. **Staff recommends** compliance with 20.60.190.*

20.60.200. Survey and monumentation.

Platting Staff Comments:

- *Show the sectional information for the found survey markers (1/4 Cor., N1/16 Cor., Sec. Cor.).*

Staff recommends compliance with 20.60.200.

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ANY ABOVE 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 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

END OF STAFF REPORT

Mr. Huff added that minutes from the Advisory Planning Commission were in the desk packet. They recommended approval.

Chairman Carluccio opened the meeting for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Whitney moved, seconded by Commissioner Morgan, to approve the preliminary plat for Baringer Subdivision based on staff recommendations and compliance with borough code.

AMENDMENT MOTION: Commissioner Whitney moved, seconded by Commissioner Morgan, to approve the exception requested, KPB 20.30.170 – Block Length, citing staff report findings 1 through 12 in support of standards 1 and 2, and findings 2 and 6 through 12 in support of standard 3.

AMENDMENT MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

MOTION PASSED: Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

AGENDA ITEM E. SUBDIVISION PLAT PUBLIC HEARINGS

2. Northern Enterprises No. 3
KPB File No. 2019-075; Ability Surveys/Northern Enterprises Boat Yard, Inc. and
Kenneth & Roseleen Moore Alaska Community Property Trust