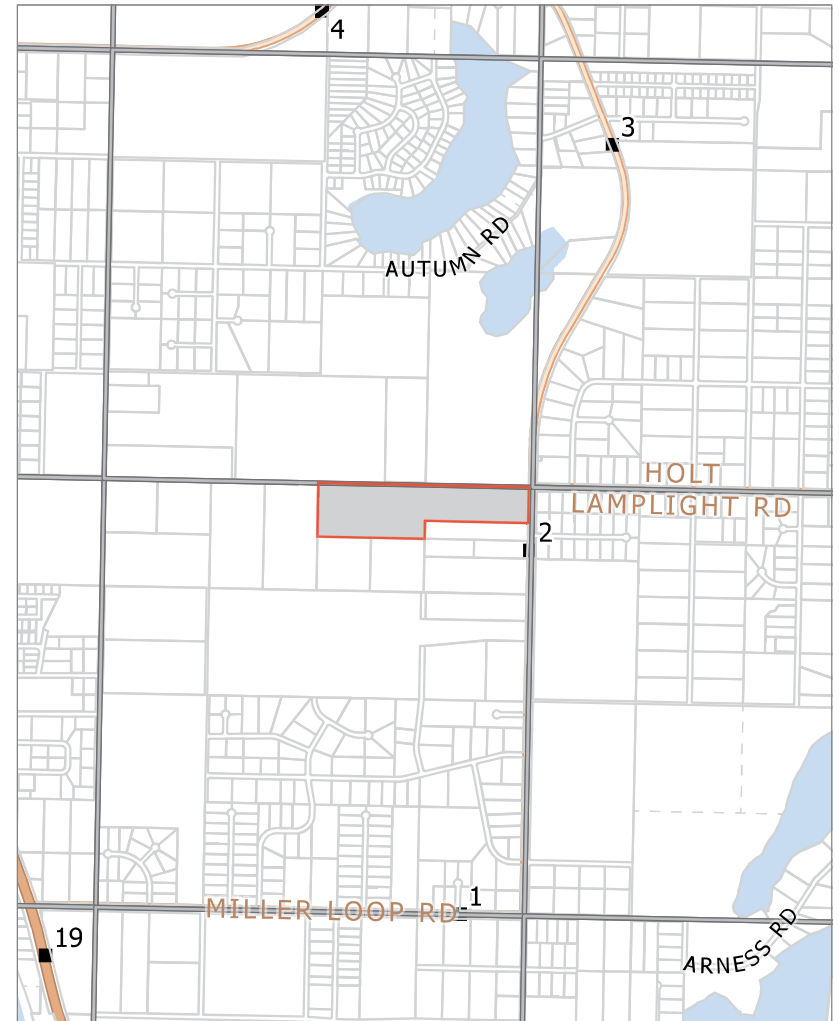
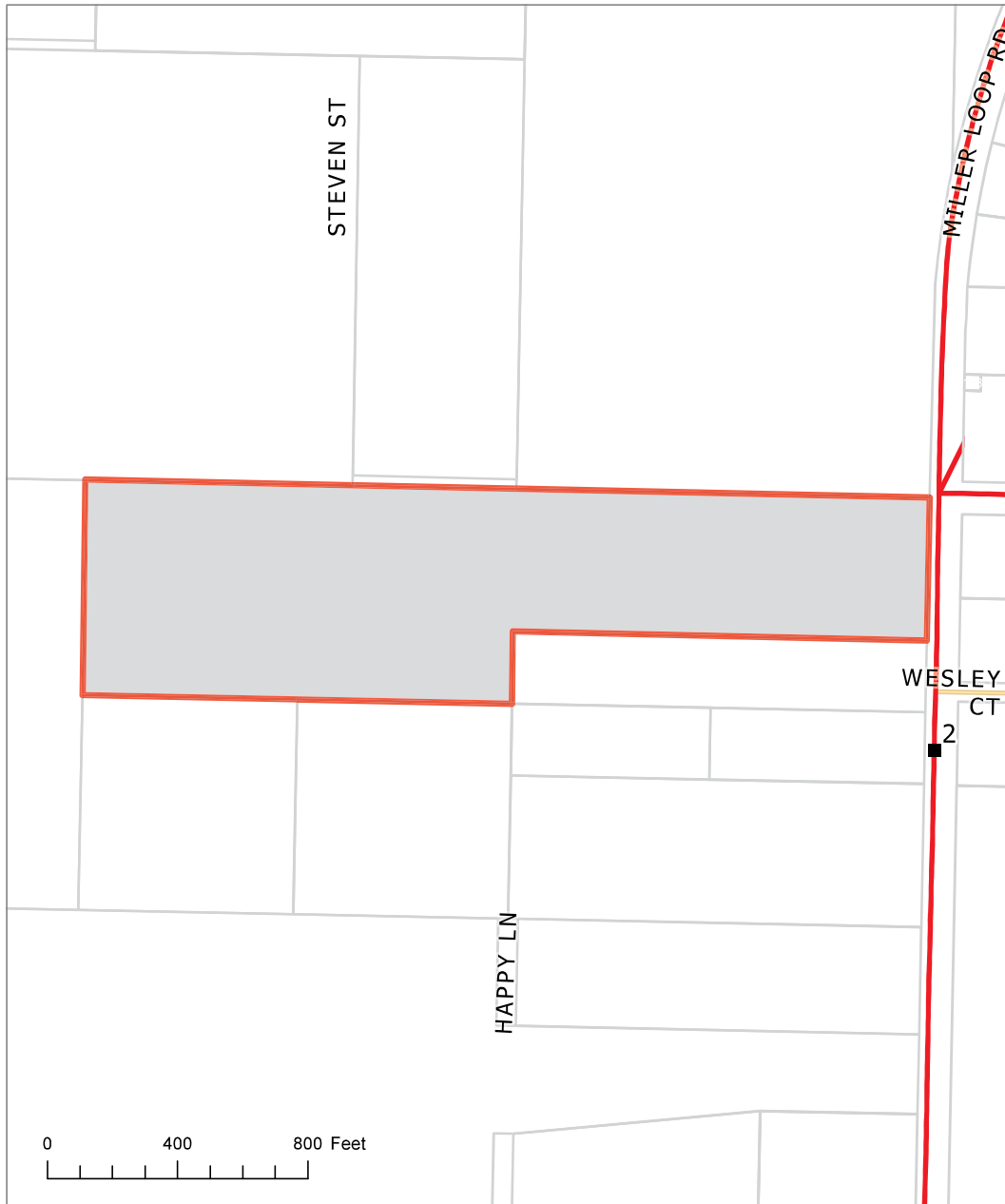


## **E. NEW BUSINESS**

**ITEM E7 - Lobdell Subdivision**

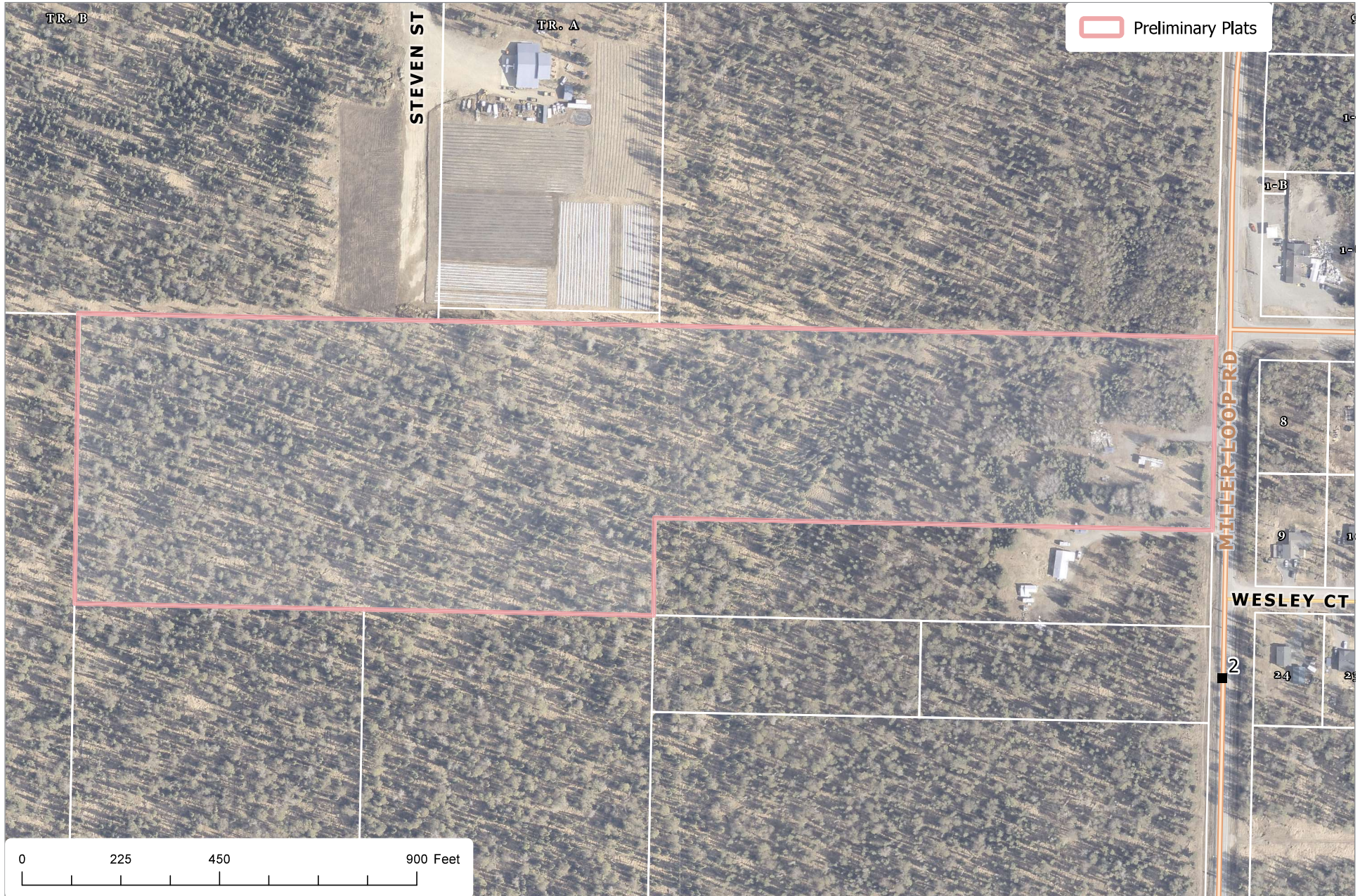


KPB File # 2022-018

Township 07N-Range 12W-Section 35

Nikiski







# LEGEND:

- ⊗ 2 1/2" BRASS CAP MONUMENT GLO 1922 FOUND
- ⊕ 3 1/4" ALUM. CAP MONUMENT FOUND
- ⊙ 2 1/2" ALUM. CAP MONUMENT 3808-S 1998 FOUND
- ⊙ 2 1/2" ALUM. CAP MONUMENT 4928-S 2004 FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- ( ) RECORD DATUM PLAT 2011-41 KRD

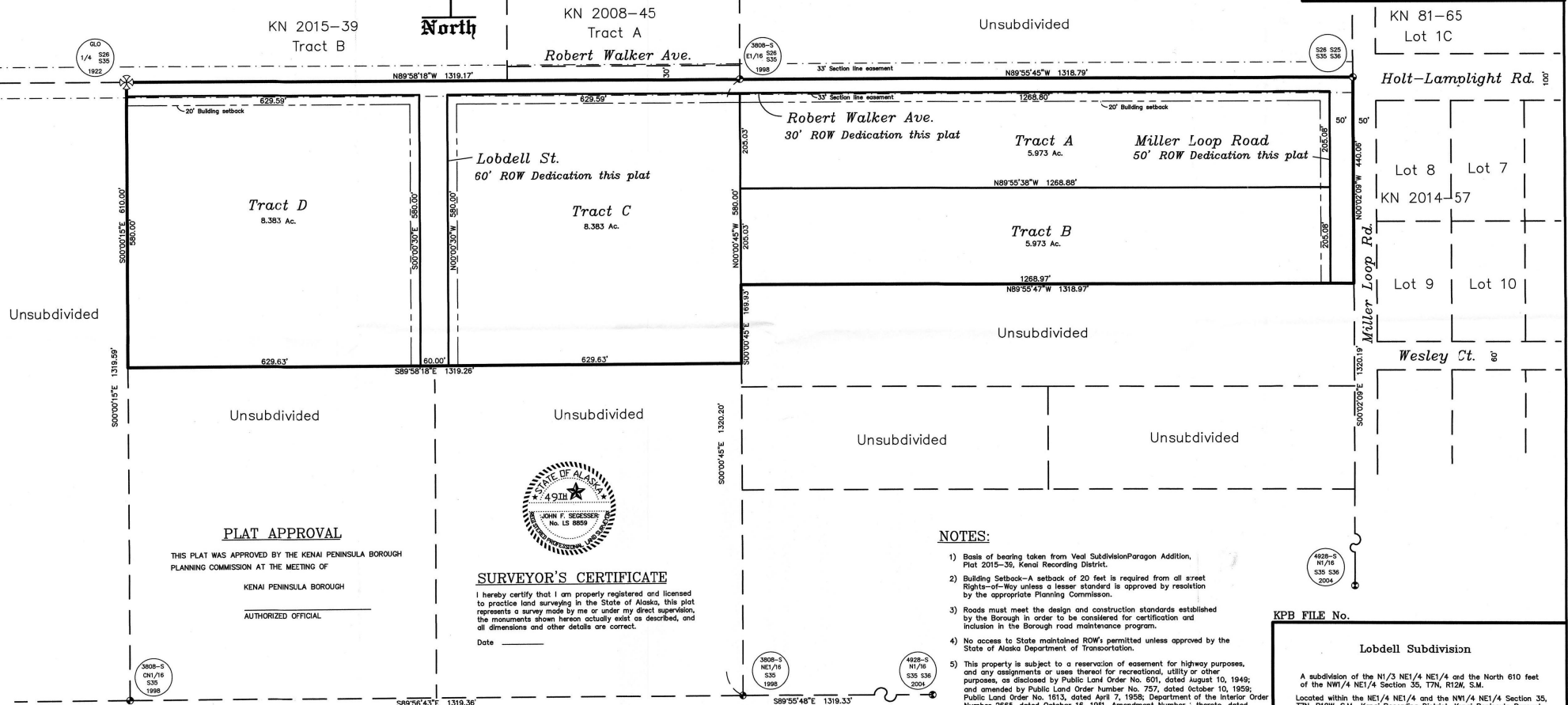
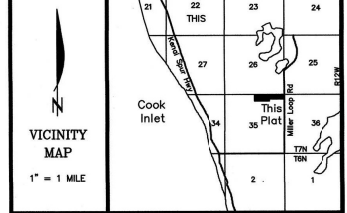
## CERTIFICATE of OWNERSHIP and DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE M. MURIEL LOBDELL REVOCABLE TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE M. MURIEL LOBDELL REVOCABLE TRUST, I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JESSE LOBDELL  
M. MURIEL LOBDELL REVOCABLE TRUST  
P.O. BOX 7517  
NIKISKI, ALASKA 99635

## NOTARY'S ACKNOWLEDGEMENT

FOR  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_



## PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL \_\_\_\_\_

## SURVEYOR'S CERTIFICATE

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

Date \_\_\_\_\_

## CERTIFICATE of ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH 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 THIS PLAT IDENTIFIED AS FOLLOWS: MILLER LOOP ROAD, ROBERT WALKER AVENUE AND LOBDELL STREET DEDICATIONS. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT DELGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL  
KENAI PENINSULA BOROUGH

DATE \_\_\_\_\_

## NOTES:

- Basis of bearing taken from Veal Subdivision/Paragon Addition, Plat 2015-36, Kenai Recording District.
- Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- No access to State maintained ROWs permitted unless approved by the State of Alaska Department of Transportation.
- This property is subject to a reservation of easement for highway purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949; and amended by Public Land Order Number No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; Department of the Interior Order Number 2665, dated October 16, 1951; Amendment Number 1 thereto, dated July 17, 1952 and Amendment Number 2 thereto, dated September 15, 1956, filed in the Federal Register.
- Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- WASTEWATER DISPOSAL:** These lots are at least 200,000 square feet and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

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

## Lobdell Subdivision

A subdivision of the N1/3 NE1/4 NE1/4 and the North 610 feet of the NW1/4 NE1/4 Section 35, T7N, R12W, S4M.  
Located within the NE1/4 NE1/4 and the NW1/4 NE1/4 Section 35, T7N, R12W, S4M., Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing xx,xxx Ac.

Surveyor

Segesser Surveys  
30485 Rosland St.  
Soldotna, AK 99669  
(907) 262-3909

Owner

M. Muriel Lobdell Revocable Trust  
P.O. Box 7517  
Nikiski, Alaska 99635

JOB NO.

21369

DRAWN:

2-10-22

SURVEYED:

Dec., 2021

SCALE:

1"=100'

FIELD BOOK:

21-6

SHEET:

1 of 1

KPB 2022-018

AGENDA ITEM E. NEW BUSINESS

ITEM 7 - Lobdell Subdivision

KPB File No.	2022-018
Plat Committee Meeting:	March 21, 2022
Applicant / Owner:	M. Muriel Lobdell Revocable Trust of Nikiski, AK
Surveyor:	John Segesser / Segesser Surveys
General Location:	Miller Loop Road, Nikiski

Parent Parcel No.:	015-160-13
Legal Description:	N1/3 NE1/4 NE1/4 and the North 610 feet of the NW1/4 NE1/4 Section 35 T07N R12W
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 31.8 acre lot into four tracts ranging in size from 5.973 to 8.383 acres. Three right of way dedications are proposed.

**Location and Legal Access (existing and proposed):** The subdivision is located near mile 2 of Miller Loop Road. This is near the intersection with Holt Lamplight Road. 33 foot wide section line easements run along the eastern boundary that coincide with Miller Loop Road. 33 foot wide section line easements are also along the north boundary. A 500 foot portion of Robert Walker Avenue is dedicated on the north side of the section line easement abutting the subdivision.

This plat is proposing to dedicate the 50 foot portion of Miller Loop Road along the eastern boundary. The plat will also dedicate a 30 foot wide right of way along the northern length of the subdivision as Robert Walker Avenue. This will bring the smaller section already dedicated into compliance. The 33 foot section line easement coincides with that dedication is shown and labeled on the plat as well as the easement north of the section line. **Staff recommends the 33 foot section line easement south of the Miller Loop Road dedication be depicted and labeled.**

A new north-south 60 foot wide right of way is proposed to be dedicated through the western portion of the subdivision. This dedication, proposed as Lobdell Street, will provide access to two deed lots located to the south. The western lot has no dedicated access. The eastern lot has 30 foot frontage on a partially dedicated right of way, Happy Lane.

The property is subject to a reservation of easement for highway purposes. The Public Land Order information is presented in plat note 5.

The block is not closed and the lengths are not compliant. The area contains many larger acreage deed lots and aliquot description lots. KPB GIS data also indicates the area contains or contained in the past several material sites. As subdivisions have occurred, some portions of right of ways have been granted but many have not been extended at this time. The subdivision is dedicating three right of ways. Two are atop existing section line easements, one of those is for already constructed state maintained Miller Loop Road. The other dedication, while the block is still slightly longer than code allows, with future dedications it will improve the block. Several lots to the south have the same owner. Alaska LNG Project, LLC, owns several of the large acreage lots to the west.

**Staff recommends the plat committee concur that an exception for block length is not required as the plat is improving the block and large acreage lots can improve the block when further subdivided.**

KPB Roads Dept. comments	Out of Jurisdiction: No
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	Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	I was unable to locate any ROW basis information for Miller Loop Road without digging into the archives; however, the 50' dedication as shown is acceptable.

**Site Investigation:** The terrain for the proposed subdivision is relatively flat with no low wet areas present.

Per KPB Assessing records, a mobile home is present on the parent parcel. It appears the structure will be within proposed Tract B. A driveway already exists to Miller Loop Road. Using KPB GIS Imagery and the dimensions provided by the surveyor, the driveway might be on Tract A or very close to the lot line. ***Staff recommends the surveyor verify that the current lot design proposed will not create an encroachment. A driveway easement may be required if ownership of the lots changes and the driveway is not completely contained within Tract B. Any encroachments found during the field survey shall be disclosed with the submittal of the final and may require additional plat notes or methods of resolution presented.***

The lot to the south also contains a mobile home. There does not appear to be any encroachment issues. The remaining lots along the west and south boundary appear to be vacant. The lot to the north of Robert Walker Avenue does have improvements but there does not appear to be any encroachment issues.

Approximately 660 feet south of the subdivision is a conditional land use permit issued by Resolution 2016-04. It does not appear to affect this subdivision but due to its use several right of ways have not been yet extended.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Parcel located in Zone D, which is non-regulatory  B. Habitat Protection Reviewer: Aldridge, Morgan 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 comment

**Staff Analysis** This is a proposed subdivision of aliquot lands that have been split by deeds through the years. This will be taking an irregular shaped parcel and create four tracts and dedicate several right of ways.

Tract A is a long narrow lot. It is permissible as this is a corner lot. Future subdivision of the lot will allow for access to new lots from Robert Walker Avenue.

Tract B does not comply with the 3:1 requirement and an exception has been requested.

Tract C and Tract D are square lots they comply with code.

Lobdell Street is proposed to be 60 feet wide and provide additional access to Tract C and Tract D as well as the two parcels to the south. Staff generally recommends a t-type turnaround be provided at the end of dedication as proposed for Lobdell Street. This will provide the continuation of right of way and provide adequate turn around area. The dedication is proposed as a full 60 feet width, and the roads department did not request additional right of way and a comment was not received by emergency services. There are no east-west dedications in the area

for future plats of this subdivision to connect. **Staff recommends** the plat committee concur a turnaround area is not required at this time in order to not limit future right of way extensions unless requested by emergency responders or the roads department.

The western lot south of the subdivision currently does not front along any dedicated right of ways or section line easements. The eastern lot south of the subdivision has a 30 foot access off Happy Lane. Happy Lane is a 60 foot right of way that is in line with another dedication of Happy Lane but they do not connect, as it would cross the property with the material site. The dedication of Lobdell Street will provide access to both lots and contains the potential to be further dedicated.

A lot to the southeast currently appears to not front on any dedicated right of ways. The preliminary plat indicates the preliminary plat does not connect to the lot and a dedication would not provide access. KPB GIS data indicates the preliminary plat and the lot have a common corner. Staff has reviewed this and does believe the preliminary plat is correct in the depiction. The information has been passed on to the GIS Department. They will review the deeds and legal descriptions and will update the GIS data. The preliminary plat drawing indicates that any dedication by this plat will not provide access to the lot. **Staff recommends** that if it is determined that the subdivision can provide access to the lot that the plat will be returned to the plat committee to review potential dedications or requested exceptions for required dedications.

All lots are proposed to be over 200,000 square feet. A soils report will not be required and an engineer will not sign the final plat.

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** There are no platted utility easements for the lots within the preliminary plat. The Certificate to Plat does not indicate any easements have been granted by document. Plat note 6 will be granting the required 10 foot utility easements along the dedicated right of ways. **Staff recommends** depict the utility easements if possible.

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	
ENSTAR	No comments or recommendations.
ACS	No objections
GCI	Approved as shown

**KPB department / agency review:**

Addressing	Reviewer: Haws, Derek Affected Addresses: 46995 MILLER LOOP RD  Existing Street Names are Correct: Yes List of Correct Street Names: MILLER LOOP RD HOLT LAMPLIGHT RD WESLEY CT ROBERT WALKER AVE
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	Existing Street Name Corrections Needed: All New Street Names are Approved: Yes List of Approved Street Names: LOBDELL ST  List of Street Names Denied:  Comments: 46995 MILLER LOOP RD will remain with TRACT B.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	
Assessing	Reviewer: Wilcox, Adeena Comments: No comment

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

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

*Verify the size used for the monuments on the face of the plat. The size should be similar to those within the legend. Label the Basis of Bearing on the final plat.*

#### **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.

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;  
**Staff recommendation:** Lot 1C, located north of Holt Lamplight Road, should include a block designation of Block 3.

#### **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: Lots are all over 200,000 square feet and a soils analysis report is not required. The correct plat note is present.*

**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.



20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

**Staff recommendation:** *An acceptance for the borough is present. Miller Loop Road is a state right of way. Miller Loop Road should be removed from the Borough's acceptance. An additional acceptance for Miller Loop Road should be added to the plat to be signed by a state official. The surveyor should work with Alaska DOT to verify the status of Miller Loop Road and to determine the official to sign the plat.*

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:** *Update plat note 1 by adding a space between "Subdivision" and "Paragon". Add a plat note for any exceptions granted.*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *Mr. Lobdell's title should have his title of trustee added behind his name. Staff will require additional documentation to verify that Mr. Lobdell is currently able to sign on behalf of the trust. Comply with 20.60.190.*

### **EXCEPTIONS REQUESTED:**

#### **A. KPB 20.30.190 – Lots-Dimensions** (3:1 depth to width ratio for Tract B)

Surveyor's Discussion: The subdivider want Tract B to have access to Miller Loop Road.

Staff Discussion: KPB Code states that the average depth of a lot shall be no greater than three times the average width. The design of Tract B creates a ratio of 6.2:1.

Denial of the exception will require a redesign of the subdivision.

#### **Findings:**

1. KPB Code has a 3:1 depth to width restriction on lots.
2. Tract B has a 6.2:1 depth to width ratio.
3. Tract B contains improvements that have access from Miller Loop Road.
4. Tract B is proposed to be 5.973 acres.
5. Tract A has a similar design but is a corner lot.
6. Future development and future replatting of the lot may be impacted by the design.
7. Neighboring lots may provide additional right of way dedications in the future.
8. The lot located to the south has a similar design.
9. The lot to the south has a structure and driveway that limits future development to the back of the lot.

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 3-5 and 7-9 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 3-5 and 7-9 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 3-5 and 7-9 appear to support this standard.**

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

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**RECOMMENDATION:**

**SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:**

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

**NOTE: 20.25.120. - REVIEW AND APPEAL.**

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

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

**END OF STAFF REPORT**



