



## Meeting Agenda Plat Committee

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Monday, October 10, 2022

6:00 PM

Betty J. Glick Assembly Chambers

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**Zoom Meeting ID: 907 714 2200**

The hearing procedure for the Plat Committee public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

### **A. CALL TO ORDER**

### **B. ROLL CALL**

### **C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES**

*All items marked with an asterisk (\*) are consent agenda items. Consent agenda items are considered routine and noncontroversial by the Plat Committee and may be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner removes the item from the consent agenda. The removed item will then be considered in its normal sequence on the regular agenda. If you wish to comment on a consent agenda item, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.*

1. Agenda
2. Member / Alternate Excused Absences
3. Minutes

[KPB-4658](#) September 26, 2022 Plat Committee Meeting Minutes

Attachments: [C3. 092622 PC Minutes](#)

#### **D. OLD BUSINESS**

#### **E. NEW BUSINESS**

1. [KPB-4659](#) Clam Gulch Heights 2022 Addition; KPB File 2022-136

Attachments: [E1. Clam Gulch Heights 2022 Addn Packet](#)

2. [KPB-4660](#) Kachemak Estates 17; KPB File 2022-144

Attachments: [E2. Kachemak Estates 17 Packet](#)

3. [KPB-4661](#) Stutes Estates; KPB File 2022-139

Attachments: [E3. Stutes Estates Packet](#)

#### **F. PUBLIC COMMENT**

*(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)*

#### **G. ADJOURNMENT**

#### **MISCELLANEOUS INFORMATIONAL ITEMS**

#### **NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING**

The next regularly scheduled Plat Committee meeting will be held Monday, October 24, 2022 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

#### **KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215

Phone: toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: [planning@kpb.us](mailto:planning@kpb.us)

website: <http://www.kpb.us/planning-dept/planning-home>

Written comments will be accepted until 1:00 p.m. on the last business day (usually a Friday) before the day of the Plat Committee meeting in which the item is being heard. The deadline to submit written comments does not impact the ability to provide verbal testimony at the public hearing. The Planning Commission will not accept handouts or other materials from the public at the meeting. If testimony is given by reading a prepared statement, please provide a copy of that statement to the recording secretary.

An interested party may request that the Planning Commission review a decision of the Plat Committee by filing a written request within 10 days of the written notice of decision in accordance with KPB 2.40.080.

## C. CONSENT AGENDA

- \*3. Minutes  
September 26, 2022 Plat Committee Meeting Minutes



# Kenai Peninsula Borough Plat Committee

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Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

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September 26, 2022  
6:30 PM  
UNAPPROVED MINUTES

## A. CALL TO ORDER

Chair Gillham called the meeting to order at 6:15 p.m.

## B. ROLL CALL

### *Plat Committee Members/Alternates*

Pamela Gillham, District 1 – Kalifornsky  
Jeremy Brantley, District 5 – Sterling/Funny River  
Dawson Slaughter, District 9 – South Peninsula  
Troy Staggs, City of Seward

### *Staff Present*

Vince Piagentini, Platting Manager  
Julie Hindman, Platting Specialist  
Walker Steinhage, Deputy Borough Attorney  
Ann Shirnberg, Planning Administrative Assistant  
Rhonda Foster-Deskins, LMD Administrative Assistant

## C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

\*3 Minutes

- a. September 12, 2022 Plat Committee Meeting Minutes

Chair Gillham asked Platting Manager Vince Piagentini to give the staff report for the grouped plats.

Platting Manager Vince Piagentini gave the staff report for the grouped plats and noted the following plats were containing in the report.

3. Granross Grove 2022 Replat; KPB File 2022-134  
Mullikin Surveys / Baumgardner  
Location: Ester Avenue & Granross Street  
Anchor Area / Anchor Point APC
5. Baltic Woods Lot 2 Replat; KPB File 2022-128  
Ability Surveys / Murray & Murray-Elmer  
Mansfield Avenue off East End Road  
Fritz Creek Area / Kachemak Bay APC
6. Baywood 2022; KPB File 2022-129  
Ability Surveys / Barlow  
Location: East End Road & Old East End Road  
Fritz Creek Area / Kachemak Bay APC
7. Spruce Woods Lot 1 Replat; KPB File 2022-132  
Ability Surveys / Ivanov  
Location: Woody Circle & East End Road  
Fritz Creek Area / Kachemak Bay APC

Chair Gillham asked if anyone from the public wished to speak to any of the items under the consent agenda. Hearing no one wishing to comment. Hearing no one wishing to comment, discussion was opened among the commission.

**MOTION:** Commissioner Slaughter moved, seconded by Commissioner Staggs to approve the agenda, the September 12, 2022 Plat Committee meeting minutes and grouped plats based on staff recommendations and compliance to borough code.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	Brantley, Gillham, Slaughter, Staggs
No	0	

**E. NEW BUSINESS**

Chair Gillham asked Ms. Shirnberg to read into the record the public hearing procedures.

**ITEM E1 - COREA BEND SUBDIVISION 2022 ADDITION**

<b>KPB File No.</b>	2022-131
<b>Plat Committee Meeting:</b>	September 26, 2022
<b>Applicant / Owner:</b>	David & Katie Blossom and Heath & Diane Duncan all of Kasilof, AK
<b>Surveyor:</b>	Jerry Johnson / Johnson Surveying
<b>General Location:</b>	Corea Bend Road & Floyd Blossom Ave, Ninilchik area

<b>Parent Parcel No.:</b>	139-101-29
<b>Legal Description:</b>	Tract D of Corea Bend Subdivision #2
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	onsite

Staff report was given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

Jerry Johnson, Johnson Surveying; P.O. Box 27, Clam Gulch, AK 99568: Mr. Johnson was the surveyor for this project and made himself available for questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Slaughter moved, seconded by Commissioner Brantley, to grant preliminary approval to Corea Bend Subdivision 2022 Addition, based on staff recommendations and compliance to borough code.

**EXCEPTION REQUEST A MOTION:** Commissioner Slaughter moved, seconded by Commissioner Brantley to grant exception request to KPB 20.30.030 – Proposed Street Layout Requirements and KPB 20.30.100 – Cul-de-sacs, citing findings 1-8 in support of standards one, two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**EXCEPTION REQUEST A MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	Brantley, Gillham, Slaughter, Staggs
No	0	

**EXCEPTION REQUEST B MOTION:** Commissioner Slaughter moved, seconded by Commissioner Staggs to grant exception request to KPB 20.30.170 – Block Length Requirements, citing findings 4-10 in support of standards one, two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**EXCEPTION REQUEST B MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	Brantley, Gillham, Slaughter, Staggs
No	0	

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

Yes	4	Brantley, Gillham, Slaughter, Staggs
No	0	

**ITEM E2 – TROUT VIEW SUBDIVISION**

<b>KPB File No.</b>	2022-127
<b>Plat Committee Meeting:</b>	September 26, 2022
<b>Applicant / Owner:</b>	Alaska Mental Health Trust Authority of Anchorage, AK
<b>Surveyor:</b>	Taylor Moore / Kuna Engineering
<b>General Location:</b>	Browns Lake Road, Funny River, Funny River APC

<b>Parent Parcel No.:</b>	066-321-34
<b>Legal Description:</b>	Government Lot 5 in Section 29, Township 5 North, Range 8 West
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

Staff report was given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

Taylor Moore, Kuna Engineering; 4300 B Street, Suite 605, Anchorage, AK 99503: Mr. Taylor was the surveyor for this project and made himself available for questions.

Jerry Herring; 32215 Lakefront Drive, Soldotna, AK 99669: Mr. Herring is a neighboring landowner and spoke in opposition to this plat. He stated that the exception request should not be allowed and that the petitioner should be required to follow code. He does not want Lakefront Drive extended.

Taylor Moore, Kuna Engineering; 4300 B Street, Suite 605, Anchorage, AK 99503: Mr. Moore stated that it is not possible to punch Lakefront Drive all the way through to the section line easement on the east side of the property. There are wetlands that prohibit that from happening. He also noted that the area to the east is already served by another road.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Brantley moved, seconded by Commissioner Slaughter, to grant preliminary approval to Trout View Subdivision, based on staff recommendations and compliance to borough code.

**EXCEPTION REQUEST MOTION:** Commissioner Brantley moved, seconded by Commissioner Slaughter to grant exception request to KPB 20.30.100 – Cul-de-sacs and KPB 20.30.170 – Block Length Requirements, citing findings 1, 2, 5-7, 9 & 11-13 in support of standards one, two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**EXCEPTION REQUEST MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	Brantley, Gillham, Slaughter, Staggs
No	0	

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MAIN MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

Yes	4	Brantley, Gillham, Slaughter, Staggs
No	0	

**ITEM E3 - GRANROSS GROVE 2022 REPLAT**

<b>KPB File No.</b>	2022-134
<b>Plat Committee Meeting:</b>	September 26, 2022
<b>Applicant / Owner:</b>	Kent Baumgardner of Anchor Point AK
<b>Surveyor:</b>	Christopher Mullikin / Mullikin Surveys
<b>General Location:</b>	Ester Avenue, Anchor Point / Anchor Point APC

<b>Parent Parcel No.:</b>	165-510-44, 165-510-45
<b>Legal Description:</b>	Lots 31 & 32 Granross Grove Unit 1
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	Onsite / City

*\*Grouped Plat – Passed Under Consent Agenda*

**ITEM E4 - HESKETH SOUTHWEST**

<b>KPB File No.</b>	2022-135
<b>Plat Committee Meeting:</b>	September 26, 2022
<b>Applicant / Owner:</b>	Bradley Kloeckl of Homer, AK
<b>Surveyor:</b>	Christopher Mullikin / Mullikin Surveys
<b>General Location:</b>	Remote, Hesketh Island

<b>Parent Parcel No.:</b>	191-010-54
<b>Legal Description:</b>	Lot 5 of Hesketh Island Adventure
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

Staff report was given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment.

Christopher Mullikin, Mullikin Surveys; P.O. Box 1023, Homer, AK 99603: Mr. Mullikin was the surveyor on this project and made himself available for questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Slaughter moved, seconded by Commissioner Staggs, to grant preliminary approval to Hesketh Southwest, based on staff recommendations and compliance to borough code.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	Brantley, Gillham, Slaughter, Staggs
No	0	

**ITEM E5 – BALTIC WOODS LOT 2 REPLAT**

<b>KPB File No.</b>	2022-128
<b>Plat Committee Meeting:</b>	September 26, 2022
<b>Applicant / Owner:</b>	Patricia Murray-Elmer of Homer, AK
<b>Surveyor:</b>	Gary Nelson / Ability Surveys
<b>General Location:</b>	Mansfield Avenue, Fritz Creek area, Kachemak Bay APC

<b>Parent Parcel No.:</b>	172-230-27
<b>Legal Description:</b>	Lot 2 Baltic Woods Subdivision HM 97-29
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

*\*Grouped Plat – Passed Under Consent Agenda*

**ITEM E6 - BAYWOOD 2022**

<b>KPB File No.</b>	2022-129
<b>Plat Committee Meeting:</b>	September 26, 2022
<b>Applicant / Owner:</b>	James Barlow of Homer, AK
<b>Surveyor:</b>	Gary Nelson / Ability Surveys
<b>General Location:</b>	East End Road, Old East End Road, Fritz Creek area / Kachemak APC

<b>Parent Parcel No.:</b>	172-420-06 & 172-420-07
<b>Legal Description:</b>	Lots 1 & 2 Baywood
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	Onsite

*\*Grouped Plat – Passed Under Consent Agenda*

**ITEM E7 - SPRUCE WOODS LOT REPLAT**

<b>KPB File No.</b>	2022-134
<b>Plat Committee Meeting:</b>	September 26, 2022
<b>Applicant / Owner:</b>	Anatoly Ivanov of Homer, AK
<b>Surveyor:</b>	Gary Nelson / Ability Surveys
<b>General Location:</b>	Woody Circle, Fritz Creek Area, Kachemak Bay APC

<b>Parent Parcel No.:</b>	172-133-13
<b>Legal Description:</b>	Lot 1 Block 1 Spruce Woods Subdivision 1976 Addition
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	Onsite

*\*Grouped Plat – Passed Under Consent Agenda*

**ITEM E8 - WAHL SUBDIVISION**

<b>KPB File No.</b>	2022-092R1
<b>Plat Committee Meeting:</b>	September 26, 2022
<b>Applicant / Owner:</b>	Beverly A Wahl of Sterling, AK
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Adele Avenue, Robinson Loop Road, Montgomery Avenue, Sterling

<b>Parent Parcel No.:</b>	063-016-14 & 063-01-604
<b>Legal Description:</b>	W1/2 SE1/4 T05N R09W S05 and Tract A Montgomery Homestead KN 76-46
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

Staff report was given by Platting Manager Vince Piagentini.

Chair Gillham opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Brantley moved, seconded by Commissioner Slaughter, to grant preliminary approval to Wahl Subdivision, based on staff recommendations and compliance to borough code.

**EXCEPTION REQUEST MOTION:** Commissioner Brantley moved, seconded by Commissioner Slaughter to grant exception request to KPB 20.30.030 – Proposed Street Layout Requirements, subject to the conditions stated in the staff report, citing findings 1, 2, 5-8 & 12 in support of standards one, two and three.

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**EXCEPTION REQUEST MOTION PASSED BY UNANIMOUS VOTE**

Yes	4	Brantley, Gillham, Slaughter, Staggs
No	0	

Seeing and hearing no objection or discussion, the motion was carried by the following vote:

**MOTION PASSED AS AMENDED BY UNANIMOUS VOTE**

Yes	4	Brantley, Gillham, Slaughter, Staggs
No	0	

**F. PUBLIC COMMENT**

Chair Gillham asked if there was anyone from the public who would like to comment on anything not appearing on the agenda. No one wished to comment.

**G. ADJOURNMENT**

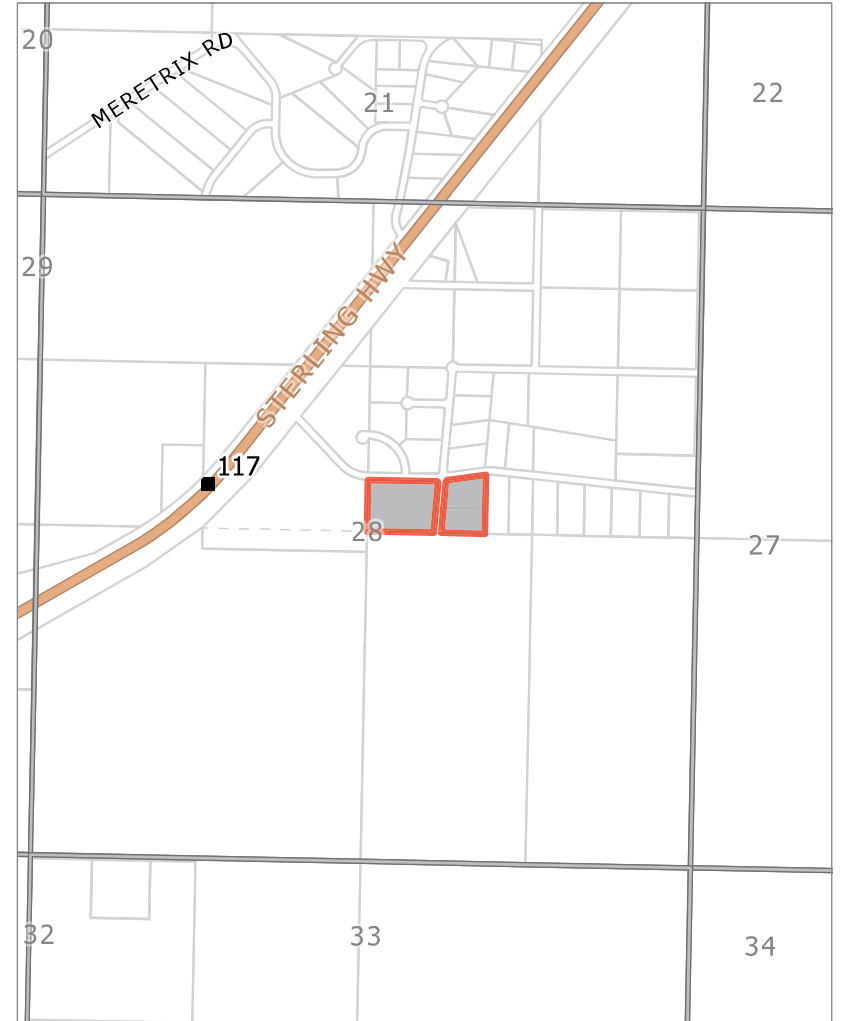
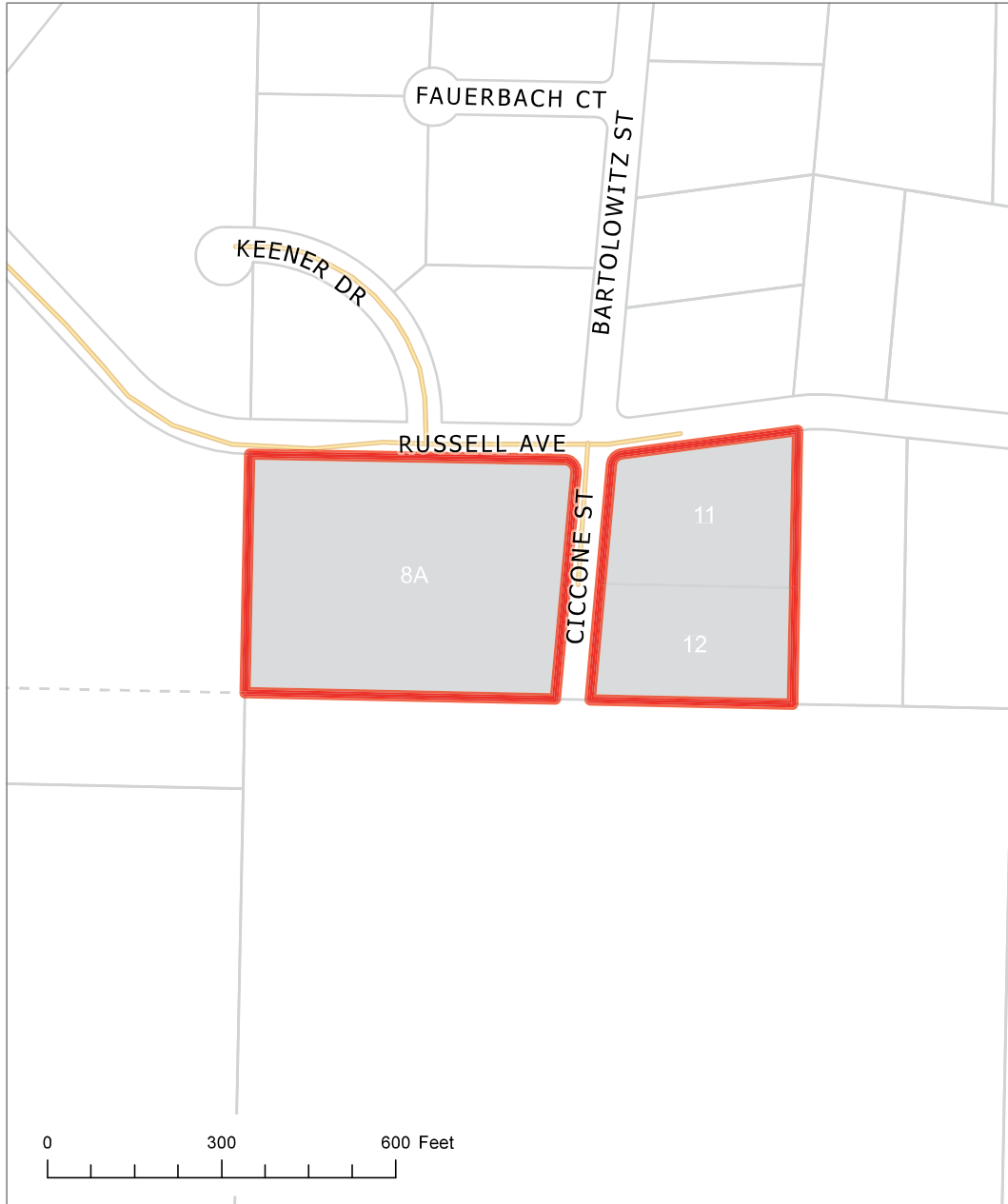
Commissioner Slaughter moved to adjourn the meeting 7:07 P.M.

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Ann E. Shirnberg  
Administrative Assistant

## **E. NEW BUSINESS**

- 1. Clam Gulch Heights 2022 Addition; KPB File 2022-136  
Johnson Surveying / Wann Family Trust, Ciccone  
Location: Ciccone Street & Russel Avenue  
Clam Gulch Area**



KPB File # 2022-136  
 S28 T02N R12W  
 Clam Gulch

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.





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# Clam Gulch Heights 2022 Addition

## Preliminary Plat

A replat of Lots 11 & 12 Clam Gulch Heights, Glendening 1979 Subd. of Tracts 12,13, 14, 15, 16, 17, 18 ( KRD 81-135 ), and Lot 8A Clam Gulch Heights 2011 Addition ( KRD 2011-60 ) 17, 18 ( KRD 81-135 ), including a vacation of Ciccone St. & associated utility easements. Located in the NE1/4 Section 28, T2N R12W, SM, Clam Gulch, Alaska. Kenai Recording District Kenai Peninsula Borough

Prepared for

Jim & Debbie Wann  
Family Trust  
P.O. Box 269  
Clam Gulch, AK 99568



Anthony W Ciccone  
Kathleen S Ciccone  
16111 Pasadero Dr.  
Houston, TX 77083

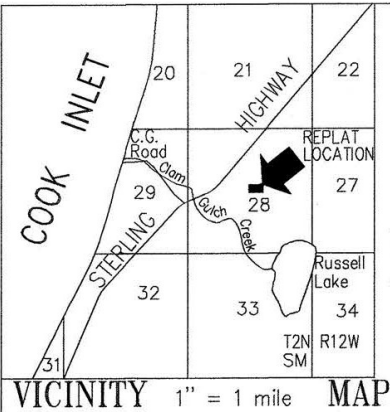
Prepared by

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

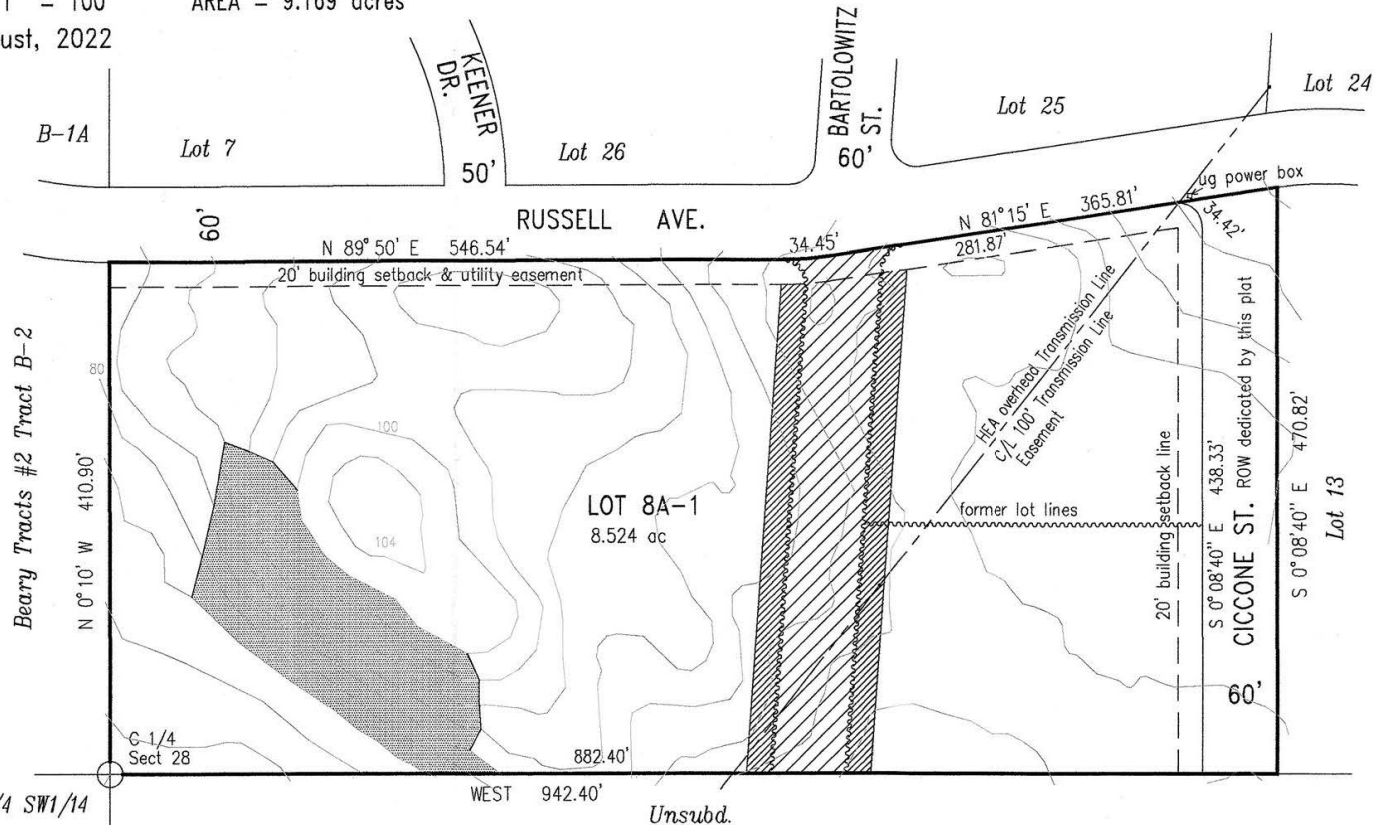
### NOTES

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. Building setback is also a utility easement as granted by plat KRD 85-135.
2. No permanent structures shall be constructed or placed within a utility easement that would interfere with the ability of a utility to use the easement.
3. Contour interval 4'. Shaded areas indicate grades over 25%. there are no wet areas on the property.

-  - indicates Ciccone St. ROW being vacated.
-  - indicates utility easement being vacated.



SCALE 1" = 100' AREA = 9.169 acres  
3 August, 2022



### WASTEWATER DISPOSAL

20.40.020(A)(2)  
The parent subdivision for lots resulting from this platting action was approved by the Alaska Department of Environmental Conservation on 4/30/1980. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

N1/2 N1/2 N1/2 NE1/4 SW1/14

WEST 942.40' Unsubd.

**KPB 2022-136**

AGENDA ITEM E. NEW BUSINESS

**ITEM 1 – CLAM GULCH HEIGHTS 2022 ADDITION**

<b>KPB File No.</b>	2022-136
<b>Plat Committee Meeting:</b>	October 10, 2022
<b>Applicant / Owner:</b>	Jim and Debbie Wann Family Trust of Clam Gulch, Alaska and Anthony and Kathleen Ciccone of Houston, Texas
<b>Surveyor:</b>	Jerry Johnson / Johnson Surveying
<b>General Location:</b>	Russell Avenue, Clam Gulch

<b>Parent Parcel No.:</b>	137-370-13, 137-370-14, and 137-370-30
<b>Legal Description:</b>	Lots 11 and 12 of Clam Gulch Heights Glendening 1979 Subdivision of Tracts 12-18 (KN 81-135) and Lot 8A of Clam Gulch Heights 2011 Addition (KN 2011-60)
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On-site

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will combine three lots into one 8.5 acre lot and finalize a right-of-way vacation and dedicate an alternate right-of-way.

**Location and Legal Access (existing and proposed):** The preliminary plat is located near mile 117 of the Sterling Highway on Russell Avenue. Russell Avenue is a 60 foot wide dedicated right-of-way that is maintained approximately 160 feet past the proposed vacation and the Bartolowitz Street intersection. The remainder of Russell Avenue appears to be constructed but not maintained.

A petition for the right-of-way vacation of Ciccone Street has been submitted and is scheduled for the October 10, 2022 Planning Commission meeting. The proposed vacation of Ciccone Street is to vacate the entire right-of-way and relocate the dedication to the east of the proposed new lot. Ciccone Street is currently 60 feet wide and provides access to four lots. The northern portion is used to access improvements on one of the lots. That northern half of the right-of-way is shown as being borough maintained. The proposal will combine the three lots adjacent to the right-of-way and the new lot will continue to have access from Russell Avenue. The relocation of the 60 foot wide right-of-way will provide additional access to the new lot and will provide access to Lot 13 of Clam Gulch Heights Glendening 1979 Subdivision of Tracts 12-18, Plat KN 81-135. It will also provide access to the large acreage lot to the south as does the existing dedication but with the new dedication it will be shifted to the east.

The block is defined by the Sterling Highway, Russell Avenue, and section line easements. This block is not compliant in length and the majority of the access is not constructed. Ciccone Street, if ever dedicated through could help improve the block. In the current location or the proposed new location, the block lengths are not compliant. Clam Gulch Heights, Plat KN 72-61, had granted some rights-of-way that would have improved the blocks but as new subdivisions occurred the originally dedicated rights-of-way were vacated including the original location of Russell Avenue along the southern boundary of this proposed plat. Any new dedications south of Russell Avenue will require replatting of existing lots. The relocation will make the western length along Russell Avenue slightly longer but will shorten the eastern portion to make the new dedication to improve the block length for that portion. **Staff recommends the plat committee concur that an exception to block length is not required as the block is not compliant and the new dedication will help balance the distances along Russell Avenue once extended.**

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
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SOA DOT comments	No comment
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**Site Investigation:** The proposed plat does not have any low wet areas present. There are some areas with steep terrain present and are shaded on the preliminary plat. The existing dedication contains some slopes and the new proposed location also contains slight slopes but appear to be slightly better than the slopes within the existing dedication.

Parent Lot 8A currently has improvements on the lot that are accessed by Ciccone Street. If the vacation is approved their access will be directly from Russell Avenue. A travelway crosses through parent Lots 11 and 12 and provides access to lots located to the east. The two closest eastern lots are owned by the same owners of this proposed subdivision. Relocating the right-of-way will provide a dedicated access near or atop portions of the existing travelway.

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: Aldridge, Morgan 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	No objections

**Staff Analysis** The proposed plat is a replat of lands originally subdivided by Clam Gulch Heights, Plat KN 72-61, which subdivided the NW1/4 of Section 28. Clam Gulch Heights Glendening 1979 Subdivision of Tracts 12-18, Plat KN 81-135, replatted some of the large acreage tracts from the first subdivision into smaller lots, vacated some rights-of-way, and provided new dedications to fit the new subdivision design better. That plat created Lots 11 and 12 that are part of this replat. It also created lots 8 through 10 that were later replatted by Clam Gulch Heights 2011 Addition, Plat KN 2011-60, into one lot that is Lot 8A that is part of this subdivision. This replat will now combine Lot 8A with Lots 11 and 12.

The lot being created is increasing in size and will not require a soils report. A soils report was done for the parent subdivision Clam Gulch Heights Glendening 1979 Subdivision of Tracts 12-18, Plat KN 81-135, and a letter dated April 30, 1980 states DEC approved the report. The correct plat notes for wastewater disposal are present.

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** Clam Gulch Heights, Plat KN 72-61, granted an easement along the western boundary of Tract 15 and along the Russell Avenue dedication. It also depicted the transmission line and granted a 100 foot easement centered on the line. Clam Gulch Heights Glendening 1979 Subdivision of Tracts 12-18, Plat KN 81-135, did not carry over the easement along the western boundary and vacated the dedication of Russell Avenue. That plat carried over the transmission line easement and granted 20 foot utility easements along the new Russell Avenue (originally named Forest Drive) and Ciccone Street (originally named Barbara Street). Clam Gulch Heights 2011 Addition, Plat KN 2011-60, carried over the 20 foot easements along the dedications. The vacation of Ciccone

Street includes the utility easements as shown on the plat. The plat will have a 20 foot utility easement along Russell Avenue within the former right-of-way. The plat does not indicate the utility easement intention along the new dedication. Code only requires 10 foot utility easement. **Staff recommends** the easement along the western boundary be depicted and labeled as being granted by Plat KN 72-61, the 20 foot utility easement along Russell Avenue be labeled as being granted by Plat KN 81-135, note that the transmission easement was granted by Plat KN 72-61, and either add to the description along the new dedication "and utility easement granted by this plat" or depict a 10 foot utility easement with a label "granted by this plat".

There are some easements granted by recorded document to Homer Electric Association that will require plat notes.

The plat was submitted to the utility providers for comment. Homer Electric Association noted that there is an existing overhead line within the southwest corner of the subdivision and requested a 30 foot easement centered on existing line including guy anchors. **Staff recommends** the line be located and depicted with the easement being granted as requested and noted that it is "granted by this plat."

ACS stated they did not approve of the proposed vacation of utility easements adjacent to the dedication as they currently have equipment within that area. They stated they can be moved but at the owner's expense. **Staff recommends** the owner works with ACS for a resolution that could include leaving the utility easement, granting of new easements, or relocation of equipment and written confirmation from ACS must be submitted that they agree prior to finalization of 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	Locate the overhead single phase electric line and provide a 30 foot easement centered on the overhead line including any down guy anchors within this subdivision boundary.
ENSTAR	No comments or recommendations
ACS	Not approved. Alaska Communication has plants along Ciccone St. If they will need to be relocated approval upon contractor for reimbursement.
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek</p> <p>Affected Addresses:  17565 CICCONE ST  17570 CICCONE ST  17556 CICCONE ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  CICCONE ST  RUSSELL AVE  KEENER DR  BARTOLOWITZ ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p>
------------	---

	List of Street Names Denied:  Comments: 17565 CICCONE ST, 17570 CICCONE ST, and 17556 CICCONE ST will be deleted. New Russel Ave address will be assigned to lot 8A-1.
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**

**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:** In the first line of description, add a space between 12 and 13. Remove “17, 18 (KRD 81-135)” from the third line.
  
- 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:** Update C.G. Road to spell out the road or use a leader. Staff could not find confirmation of Russell Lake.
  
- 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:** Update the labels for the lot to the west.

**KPB 20.30 – Subdivision Design Requirements**

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



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**KPB 20.40 – Wastewater Disposal**

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

20.40.010 Wastewater disposal.

*Platting Staff Comments:* A parent plat received approval by DEC. This platting action will increase the lot size and a soils report will not be required.

**Staff recommendation:** comply with 20.40.

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**KPB 20.60 – Final Plat**

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

20.60.040. 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 new dedication will be required to be signed by the KPB.

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.

- Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).
- Subject to easement for electric lines or systems and/or telephone lines together with right to enter, maintain, repair and clear shrubbery granted to Homer Electric Association, Inc. within Book 3 Page 128, KRD and Book 25 Page 342, KRD. No definite location disclosed.
- Subject to covenants, conditions, and restrictions recorded in Book 513 Page 542, KRD and amended by Book 536 Page 510, KRD and Serial Number 2014-003773-0, KRD.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.

*Within plat note 1, correct the parent plat number.*

*Within plat note 2, correct the spelling of utility.*

KPB 20.70 – Vacation Requirements

**Staff recommendation.** Must be recorded within one year of consent of the vacation.

---

**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**





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.



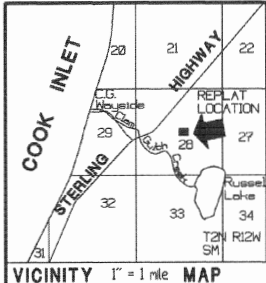


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.









# CLAM GULCH HEIGHTS 2011 ADDITION

A replat of Lots 8, 9, & 10 Clam Gulch Heights, Glendening 1979  
 Subd. of Tracts 12, 13, 14, 15, 16, 17, 18 (KRD 81-135)  
 Located in the NE1/4 Section 28, T2N R12W, SM, Clam Gulch, Alaska.  
 Kenai Recording District Kenai Peninsula Borough File 2011-084

**Prepared for**  
 James Glendening  
 694 Sycamore Circle  
 Kenai, AK 99611

**Prepared by**  
 Johnson Surveying  
 Box 27  
 Clam Gulch, AK 99568



**SCALE 1" = 100'**      **AREA = 5.184 acres**  
**13 June, 2011**

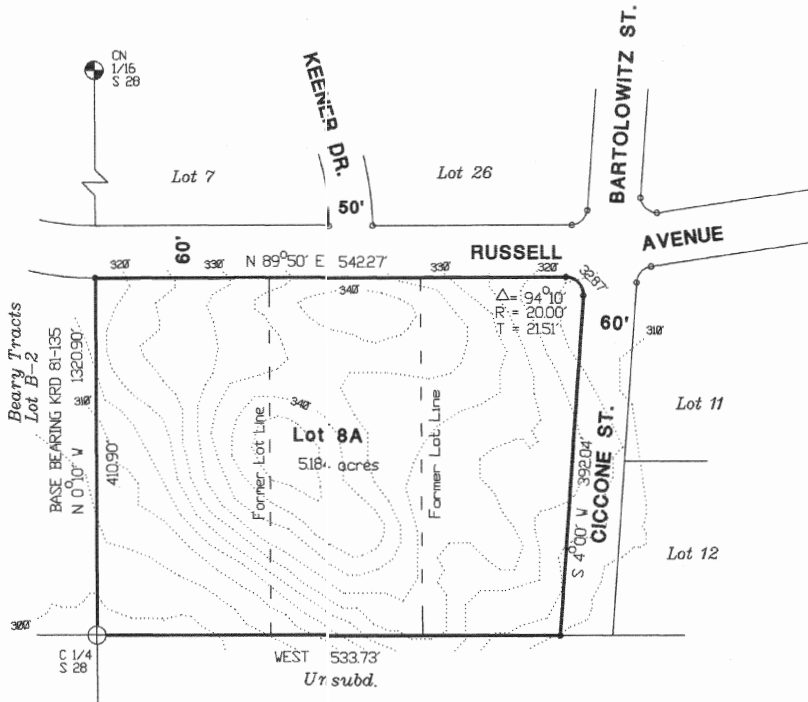
### LEGEND

- ⊕ - 2 1/2" brass cap monument, 918-S, 1962, Found.
- ⊙ - 2 1/2" brass cap monument, 268-S, 1978, Found.
- - 1/2" rebar lot corner, Found.

<b>RECORDED-FILED</b>	
REC. DIST.	2011-60
DATE	2011
TIME	M
Requested by:	Plat #
Johnson Surveying	Kenai
Box 27	Rec Dist
Clam Gulch, AK 99568	10-28-2011
Date	
Time	8:34 AM

### 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. 20' building setback is to be limit of utilities easement.
2. 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.
3. Restrictive covenants affecting this property are filed with the Kenai District Recorder in Book 513 Page 542 and amended in Book 536 Page 510.



### PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 18 July, 2011.

KENAI PENINSULA BOROUGH

BY: Max Burt      Oct. 26, 2011  
 Authorized Official      Date

### WASTEWATER DISPOSAL

This Lot is at least 200,000 square feet or noninal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

### OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the real property shown and described hereon; and that I hereby adopt this plan of replat, and by my free consent grant all easements to the use shown.

James E. Glendening  
 James E. Glendening 694 Sycamore Circle Kenai, AK 99611

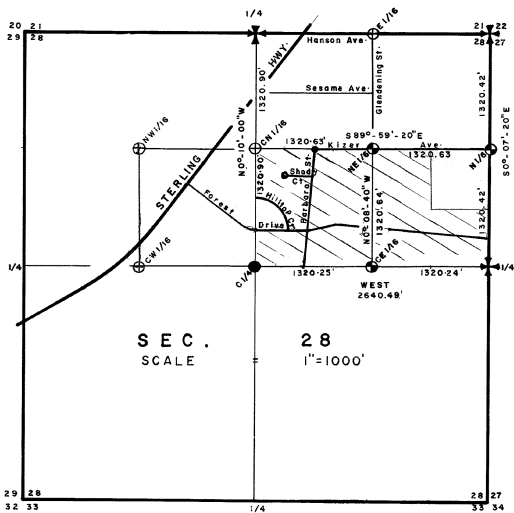
### NOTARY'S ACKNOWLEDGEMENT

For: James E. Glendening  
 Subscribed and sworn to before me this 3  
 day of October 2011.

Karen Fuller  
 Notary Public For Alaska

My commission expires 9-25-2012





**CURVES**

1 A=88°-00'-48" R=20.00' C=27.28' T=18.48' L=30.02' CB=N47°-00'-20"E	2 A=49°-12'-09" R=50.00' C=41.63' T=22.89' L=42.94' BC=S23°-35'-25"E	3 A=89°-50' R=20.00' C=27.24' T=18.60' L=29.96' CB=S44°-35'W	4 A=53°-08' R=50.00' C=44.72' T=25.00' L=46.37' CB=N63°-36'-06"W	5 A=90° R=50.00' C=70.71' T=50.00' L=78.54' BC=S44°-30'W	6 A=90° R=50.00' C=70.71' T=50.00' L=78.54' BC=S45°-10'E	7 A=53°-08' R=50.00' C=44.72' T=25.00' L=46.37' CB=N63°-16'-06"E	8 A=94°-02' R=20.00' C=29.29' T=21.51' L=32.87' CB=S43°-01'E	9 A=89°-50' R=20.00' C=27.24' T=18.60' L=29.96' CB=S44°-35'W	10 A=94°-10' R=20.00' C=29.29' T=21.51' L=32.87' CB=S43°-05'E	11 A=77°-15' R=20.00' C=24.97' T=18.98' L=26.97' CB=N42°-37'-30"E	12 A=102°-45' R=20.00' C=31.25' T=25.00' L=35.87' CB=N47°-22'-30"W	13 A=15°-45' R=330.00' C=64.64' T=39.79' L=78.19' CB=S88°-07'-30"W	14 A=15°-45' R=270.00' C=64.64' T=39.79' L=78.19' CB=N88°-07'-30"E	15 A=90°-00' R=270.00' C=381.84' T=232.95' L=424.12' BC=N88°-07'-30"E	16 A=48°-29' R=330.00' C=262.77' T=144.00' L=270.78' BC=N65°-55'-29"W	17 A=41°-31' R=330.00' C=226.83' T=121.29' L=231.87' BC=N20°-55'-51"W
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# CLAM GULCH HEIGHTS

GLENDENING 1979 SUBDIVISION OF TRACTS 12, 13, 14, 15, 16, 17, 18

LOCATED IN S1/2 NE1/4 SEC. 28, T2N R12W S.M. CLAM GULCH, ALASKA 99568  
SCALE 1" = 200' AREA = 70.058 AC. DEC. 26, 1980

BY: JAMES E AND BARBARA E. GLENDENING BOX 38 KASILOF, AK. 99568

## PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of AUGUST 6 19 79  
KENAI PENINSULA BOROUGH By [Signature]  
ADMINISTRATIVE OFFICIAL

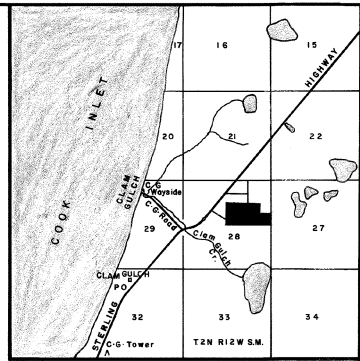
## CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision, and dedicate all right of ways to public use, and grant all easements to the use shown.

[Signature] JAMES E. GLENDENING  
[Signature] BARBARA E. GLENDENING

## NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 4th day of September 19 81  
[Signature] Jane M. Gabler  
NOTARY PUBLIC FOR ALASKA, for James E and Barbara E. Glendening  
My commission expires Sept. 13, 1981

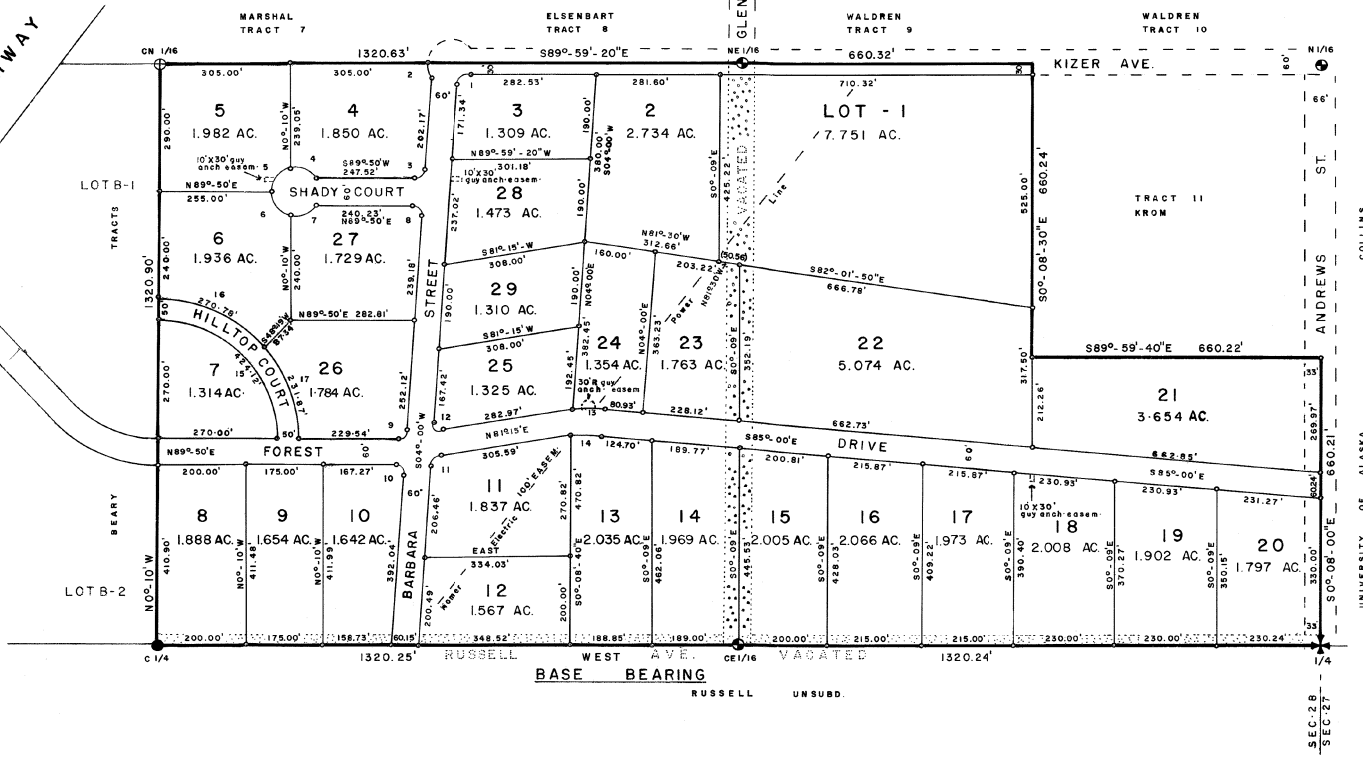


VICINITY SCALE 1" = 1 MILE MAP

**NOTE:** BUILDING SETBACKS - A setback of 20' is required from all street right of ways unless a lesser standard is approved by resolution of appropriate planning commission.  
UTILITY EASEMENTS - 20' building setback line is to be limit of utilities easements.

## LEGEND

- ⊙ - Brass cap monument set by 268-S
- ⊕ - 1978 brass cap mon. by 268-S found
- - brass cap by Claud Hoffman, found
- ⊗ - 1919 brass cap by G.L.O., found
- - 1/2" x 2' rod set.



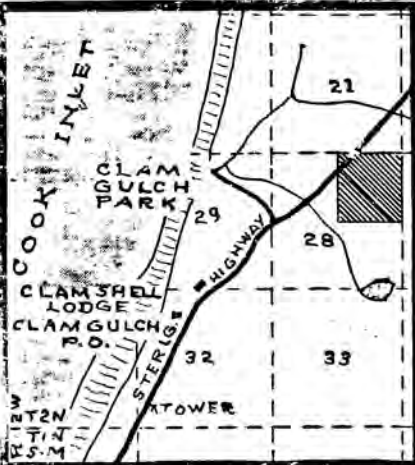
KN 81-135

25



# CLAM GULCH HEIGHTS

IN NE 1/4 SEC. 28, T2N. R12W. S.M.;  
CLAM GULCH, ALASKA.



## NOTE:

TRACTS DESC. BY ALIQUOT PARTS INCL. STREET AREAS.

- 0-IND. BRASS CAP MON.
- 0-IND. 1/2" X 24" REBAR.

BY: JAMES B DELLA KIZER  
CLAM GULCH, ALASKA.

KENAI PENINSULA PLANNING  
Commission  
Approved OCTOBER 30, 1972  
By Stanley F. Thompson

## VICINITY MAP 1"=1/4 MI.

21 1/4 MON. NOW OR FORMERLY KELLY 1  
BASE BRG. EAST 2642.5 21 22 G.L.O. MON.



SCALE  
1" = 400'  
OCT. 4, 1972

## CERTIFICATE OF OWNERSHIP AND DEDICATION

We certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision and dedicate all streets to public use and to the use of public utilities.

Owner James B. Della Kizer Owner Della A. Kizer 72-61



STATE OF ALASKA  
NOTARY'S ACKNOWLEDGEMENT  
Subscribed and sworn before me this 1 day of  
My commission expires 12-31-75  
Stanley F. Thompson  
NOTARY PUBLIC FOR ALASKA

RECORDED - FILED  
Kenai REC. DIST.  
DATE 11/3/72  
4:09 A.M.  
KPB  
49/288

Clam Gulch Heights  
T2N, R12W, S.M.

## **E. NEW BUSINESS**

- 2. Kachemak Estates 17; KPB File 2022-144  
Orion Surveys / Turkington  
Location: Carolyn Circle & East End Road  
Kachemak Area**

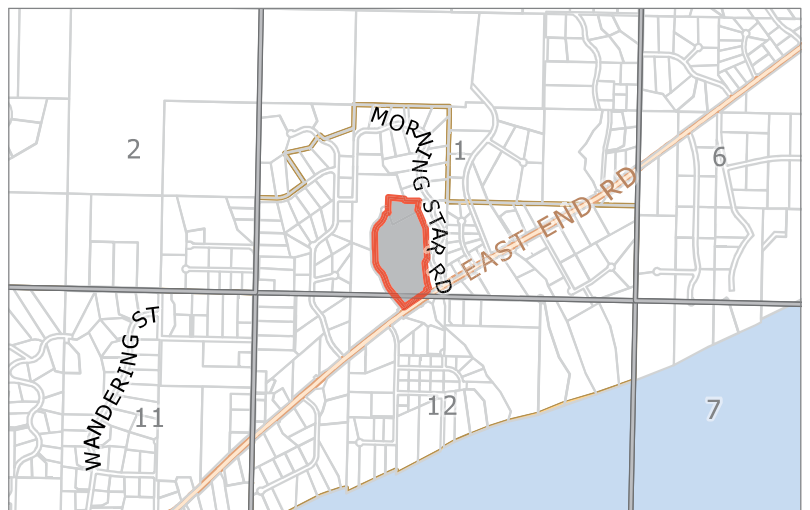
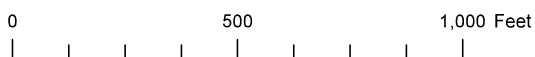


KPB File 2022-144

T 06S R 17W SEC 1 AND 12

Kachemak

9/19/2022



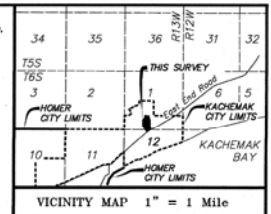
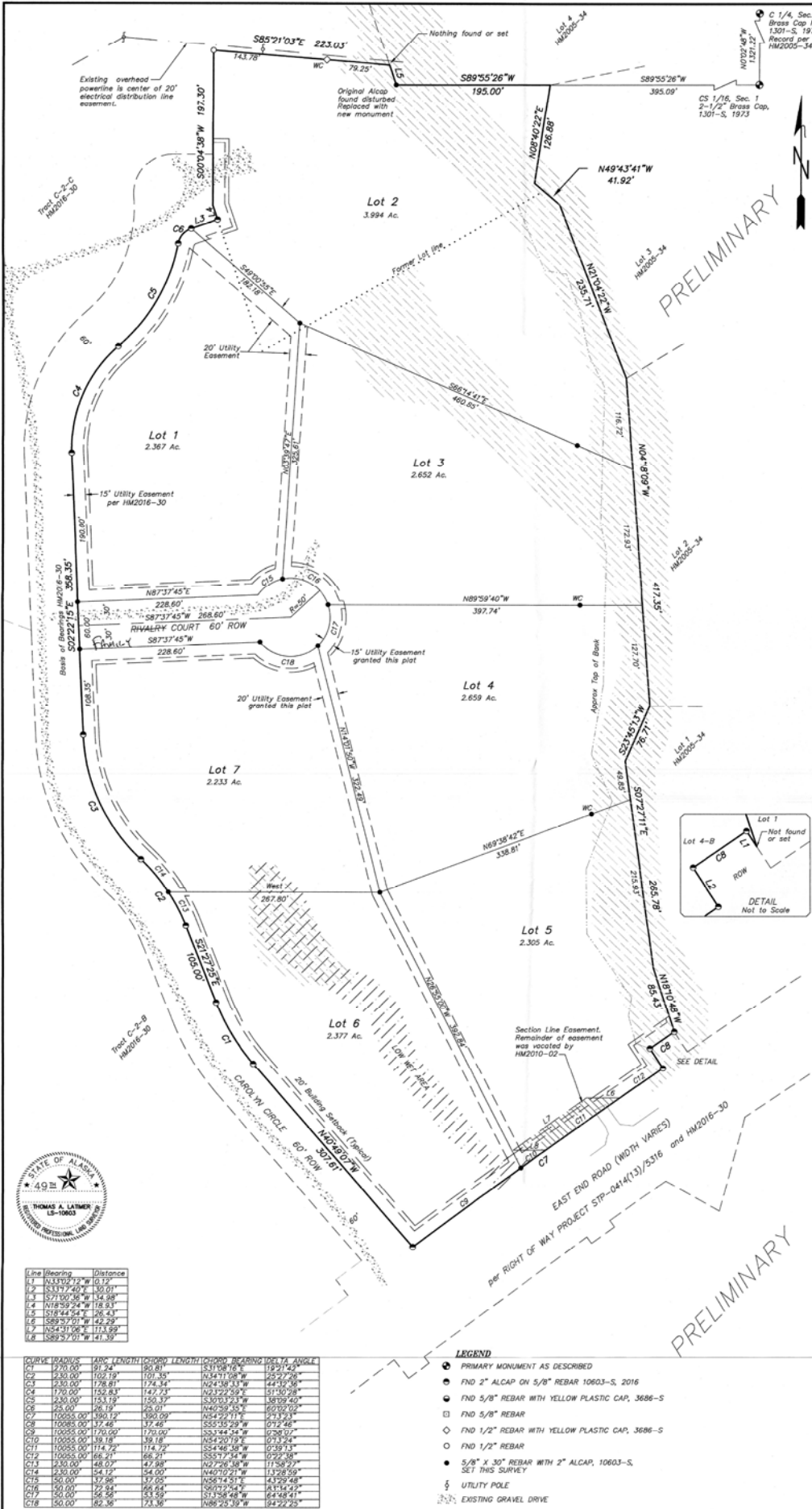




Aerial View







**Ownership Certificate:**  
 We hereby certify that we are the owners of the real property shown and described herein and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

Alan R. Turkington \_\_\_\_\_ Date  
 PO Box 1303  
 Homer, AK 99603

**Notary's Acknowledgment:**  
 For \_\_\_\_\_  
 Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

**Notary Public for Alaska**  
 My commission expires: \_\_\_\_\_

Joyce M. Turkington \_\_\_\_\_ Date  
 PO Box 1303  
 Homer, AK 99603

**Notary's Acknowledgment:**  
 For \_\_\_\_\_  
 Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

**Notary Public for Alaska**  
 My commission expires: \_\_\_\_\_

- NOTES:**
1. A building setback of 20' is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission. The front 15' and the entire setback within 5 ft. of side lot lines is a utility easement. No permanent structures shall be constructed or placed within a utility easement which would interfere with the ability of the utility to use the easement.
  2. No access to state maintained rights of way is permitted unless approved by the State of Alaska Department of Transportation.
  3. The eastern boundary of this subdivision follows the center of a 2' to 4' wide creek which is subject to seasonal flooding 5' on each side. The centerline of the creek is shown from record information per HM 2006-102 and HM2016-30 and was not monumented except as shown.
  4. Roads must meet design and construction standards established by the Borough in order to be certified for inclusion in the Borough road maintenance program.
  5. A Grant of Water Rights affecting this subdivision is recorded in Bk 149 Pg 187, H.R.D.
  6. A general assessment (no location given) in favor of Homer Electric Association is recorded in Bk. 19 Pg 4 H.R.D.
  7. Reservation of all oil, gas, and mineral rights as reserved in an instrument recorded in Bk. 314 Pg 432 and Bk. 316 Pg 272 H.R.D.
  8. Any person developing this 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. A Drive Way Access Agreement recorded as 2012-004075-0 may affect this subdivision.

**Wastewater Certificate: Lots 1 and 3-7**  
 Soil conditions, water tables, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a qualified engineer; registered to practice in Alaska, and design must be approved by the Alaska Department of Environmental Conservation.

Engineer \_\_\_\_\_ License# \_\_\_\_\_ Date \_\_\_\_\_

**Wastewater Certificate: Lot 2**  
 Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

**Plat Approval:**  
 This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_

Kenai Peninsula Borough  
 By: \_\_\_\_\_  
 Authorized Official



**KACHEMAK ESTATES 17**  
 A subdivision of Tract C-2-A,  
 Kachemak Estates 15, HM2016-30 and  
 Tract A-1 Kachemak Estates 14, HM2006-102  
 Within SW1/4 Sec. 1 and NE1/4 NW1/4 Sec.12,  
 T6S, R13W, S4  
 Kenai Peninsula Borough,  
 Homer Recording District, Third Judicial District, Alaska  
 Containing 19.07 Acres

Prepared for:  
 Alan and Joyce Turkington  
 PO Box 1303  
 Homer, AK 99603  
 Date: 8/20/2022

Prepared by:  
 Orion Surveys  
 PO Box 15025  
 36370 Maria Road  
 Fritz Creek, AK 99603  
 (907) 399-7028  
 orion@orionsurveys.com  
 Date: 8/20/2022

Scale: 1"=60'  
 FB#: Job# 346 KPB File No. \_\_\_\_\_



Line Bearing	Distance
L1 N33102°12'W	6.12'
L2 S3317°45'W	16.98'
L3 S71°00'30"W	16.98'
L4 N78°59'24"W	18.53'
L5 S76°14'54"E	28.41'
L6 S89°57'01"W	42.29'
L7 N34°21'08"E	113.99'
L8 S89°57'01"W	41.39'

CURV	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	27.00	97.24	90.81	S31°08'16"W	119°22'08"
C2	23.00	102.59	102.59	S41°11'08"W	159°22'08"
C3	23.00	178.81	174.34	N24°38'13"W	244°19'08"
C4	17.00	152.83	147.74	N30°01'00"W	219°22'08"
C5	17.00	103.19	100.19	S30°01'00"W	180°00'00"
C6	23.00	100.19	100.19	N40°58'35"E	00°00'00"
C7	10000.00	50.19	50.09	N49°21'11"E	11°14'32"
C8	10000.00	37.46	37.46	S55°10'29"W	072°46'00"
C9	10000.00	170.00	170.00	S33°44'34"W	026°00'00"
C10	10000.00	18.16	18.16	N62°00'00"E	01°14'32"
C11	10000.00	174.72	174.72	S34°46'39"W	039°14'32"
C12	10000.00	86.31	86.31	S55°57'14"W	029°58'00"
C13	23.00	48.07	47.88	N27°26'18"W	175°58'00"
C14	23.00	34.17	34.00	N40°70'21"W	132°58'00"
C15	50.00	17.88	17.05	N58°14'51"E	143°29'48"
C16	50.00	22.84	22.84	S91°24'24"E	181°14'32"
C17	50.00	17.88	17.88	S17°14'30"E	143°29'48"
C18	50.00	82.36	71.36	N68°28'19"W	024°29'48"

- LEGEND**
- PRIMARY MONUMENT AS DESCRIBED
  - FND 2" ALCP ON 5/8" REBAR 10603-S, 2016
  - FND 5/8" REBAR WITH YELLOW PLASTIC CAP, 3686-S
  - FND 5/8" REBAR
  - FND 1/2" REBAR WITH YELLOW PLASTIC CAP, 3686-S
  - FND 1/2" REBAR
  - 5/8" X 30" REBAR WITH 2" ALCP, 10603-S
  - SET THIS SURVEY
  - ⊥ UTILITY POLE
  - ⊔ EXISTING GRAVEL DRIVE

AGENDA ITEM E. NEW BUSINESS

ITEM 2 – KACHEMAK ESTATES 17

<b>KPB File No.</b>	2022-144
<b>Plat Committee Meeting:</b>	October 10, 2022
<b>Applicant / Owner:</b>	Alan and Joyce Turkington of Homer, Alaska
<b>Surveyor:</b>	Tom Latimer / Orion Surveys
<b>General Location:</b>	East End Road, Carolyn Circle, City of Kachemak

<b>Parent Parcel No.:</b>	174-060-70, 174-060-90
<b>Legal Description:</b>	Tract C-2-A Kachemak Estates 15, HM 2016-30 and Tract A1 Kachemak Estates 14, HM 2006-102
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure and subdivide two lots into six lots ranging in size from 2.233 acres to 3.994 acres. A new 60 foot wide right-of-way is proposed for access. The owners are currently planning on finalizing this in phases.

**Location and Legal Access (existing and proposed):** The subdivision is located near mile 4.5 of state maintained East End Road within the limits of the City of Kachemak. Carolyn Circle is a 60 foot wide dedicated right-of-way that is located along the western boundary. The dedication occurred over an existing travelway that is mostly within the dedication. The northern portion does meander onto adjacent Tract C-2-C, back into the dedication, and then provides access to Tract A1, which contains improvements and is proposed to be Lot 2. A driveway easement, which is noted in the plat notes, gave access to Tract A1. The ownership of Tract C-2-C is currently the same as the owner of the proposed subdivision. **Staff recommends** if the ownership changes of one of the lots and the owners intend in allowing the current access to continue, a new driveway easement should be recorded.

Additional structures are present and appear to be within proposed Lot 6 with access developed from Carolyn Circle. Lot 2 will have access from Carolyn Circle and as discussed a driveway easement may be required if an ownership change occurs. Lots 1, 6, and 7 will have access from Carolyn Circle. Lots 1, 3, 4, and 7 will have access from the newly proposed Family Court, a 60 foot dedicated with a 50 foot radius cul-de-sac. Lots 5 and 6 will have access from East End Road with permission from the State of Alaska DOT.

Portions of the section line easement were vacated through Tract C-2-A by a Section Line Easement Vacation Plat, HM 2010-02. The portion remaining is adjacent to East End Road and is shown with hatching on the plat.

Carolyn Circle and the proposed Family Court are roads that do not continue through and end with a cul-de-sac or a partial bulb for a turnaround area. East End Road, Morning Star Road, Licorice Street, Levi Avenue, and China Foot Street define the block. The block meanders around developments and terrain and while a complete block it does not comply with block lengths. **Staff recommends** the plat committee concur an exception is not required due to the restraints within this subdivision not being able to improve the block due to existing improvements, rights-of-way and terrain.

The plat currently depict the existing gravel drives within Carolyn Circle, Tract C-2-C, and the new dedication. **Staff recommends** that the depiction be removed from the final plat.

KPB Roads Dept. comments	Roads Director: Uhlin, Dil Comments: No comments
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SOA DOT comments	The ROW for East End Road appears to be shown correctly.
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**Site Investigation:** The proposed plat contains a few areas with steep slopes. The slopes do not appear to impact the right-of-way dedication or the existing Carolyn Circle. The majority of the steep terrain is found along the eastern boundary. This area contains a creek. Plat note 3 indicates there may be some seasonal flooding in that area. In addition to the wetlands around the creek there are a few other areas with low wet areas. The correct plat note regarding a wetland determination is present and shall remain on the final plat. The wetlands and terrain appear to be shown on the plat but the shading should be better clarified. **Staff recommends the steep terrain and wetland depictions remain on the final and add the symbology to the legend.**

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments
	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 objections

**Staff Analysis** This is a replat of lands that have been replatted several times. A portion of Lot 2 was originally platted by Joy-Joy’s House, HM 79-11. The rest of the property was platted the first time as a portion of Kachemak Estates Subdivision No. 12, HM 2003-86. Additional replats were done by Kachemak Estates 14, HM 2006-102 and Kachemak Estates No. 15, HM 2016-30. Section line easement vacation plat, HM 2010-02 also vacated some section line easements within the boundary of the proposed subdivision.

The proposal will create seven lots from the two lots and provide a cul-de-sac for access for some of the lots. The surveyor noted that the owners may wish to finalize in phases. Family Court is not a through dedication and will not be required to be dedicated on the first phase unless needed for access for some of the lots being created on the phase.

Per KPB 20.40.020, since the plat Joy-Joy’s House, HM 79-11 was approved by the borough and all subsequent platting actions have increased the size of the lot, a soils analysis report will not be required for the Lot 2. The existing plat note will need to be slightly modified to comply with KPB Code. A soils report will be required for all other lots and an engineer will sign the final plat. City of Kachemak does not provide water and wastewater services.

Notice of the proposed plat was mailed to the beneficial interest holder on September 19, 2022. 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.

The plat is within the City of Kachemak. Staff received a letter that the Kachemak City Council voted unanimously to write a letter of non-objection at their September 14, 2022 meeting. The city requested that future roads be built to borough standards as written in their Ordinance 2011-01. The City of Kachemak has no planning, zoning, or road powers and rely on KPB Code for compliance. Staff is requesting that plat note 4 be rewritten to include language from City of Kachemak Ordinance 2011-01. This also explains while being within the city, borough setbacks are being put into place along dedicated rights-of-way.

**Utility Easements** The first plat for the subject property, Joy-Joy's House HM 79-11, granted a 10 foot utility easement along the northern boundary of Tract A. Staff did not locate any vacation of the easement. **Staff recommends the utility easement be depicted along the former Tract A lot line and note that it was granted by HM 79-11 unless documentation is provided that shows the easement was removed.**

Plat Kachemak Estates Subdivision No. 12, HM 2003-86, granted 10 feet utility easements that increase to 20 within 5 feet of the side lot lines along the dedicated rights-of-way. Those easements carried over would be along East End Road. Kachemak Estates 15, HM 2016-30, dedicated Carolyn Circle and dedicated 15 foot utility easements along all dedicated rights-of-way that increased to 20 feet within 5 feet of the side lot lines. These easements are depicted but some additional labeling is needed. Since the last plat increased the original easements, the plat note can just note HM 2016-30. Some of the easements along Carolyn Circle state which plat created them but the easements south of Family Court and along East End Road need additional labels. **Staff recommends add additional labels south of Family Court and along East End Road that they are 15 foot utility easements and granted by HM 2016-30.**

The plat indicates numerous new easements being granted along some of the shared lot lines. These are labeled and noted as being dedicated by this plat. **Staff recommends the 20 foot utility label located in Lot 1 included "granted this plat".**

The plat will also be dedicating 15 foot utility easements along the new dedication that increase to 20 feet along the side lots lines. This is depicted and noted correctly.

Per the Certificate to Plat there are several easements granted by recorded document and noted within the plat notes. These easements do not appear to have a location defined. One additional easement was granted recently that is not noted on the plat and should be noted. The easement is to be centered on a natural gas pipeline. **Staff recommends the location of the pipeline be depicted with a label explaining the creation or reference a plat note with the document information.**

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 objection
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  40766 CAROLYN CIR</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  CAROLYN CIR  EAST END RD</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: Yes</p>
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	List of Approved Street Names: FAMILY CT  List of Street Names Denied:  Comments: 40766 CAROLYN CIR will remain with lot 2.
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**

- The curves along the bottom of the plat don't match the cumulative, please adjust accordingly.

**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 Tract A-1 to A1.
- 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:** The lots from HM 2005-34 had a block designation that should be added to each lot.
- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.
- Staff recommendation:** This is intended to be done in phases and only dedication is not a through street.

**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.

20.30.250. Building setbacks-Within cities. The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts. Building setbacks as depicted, or noted, on recorded plats shall not be carried forward on a new subdivision plat located within a municipal zoning district. Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."

**Staff recommendation:** City of Kachemak follows KPB requirements and will comply with 20.30.240.

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

**Staff recommendation:** The City of Kachemak does not meet the specified requirements for the application and consideration of different standards.

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#### KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

*Platting Staff Comments:* A parent subdivision of former Tract A1 received approval by the PC. Update the note to meet code requirements. The lot is getting bigger and soils report not required. Other lots will require a soils analysis report.

**Staff recommendation:** comply with 20.40.

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#### KPB 20.60 – Final Plat

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

20.60.040. 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:** Acceptance of the new dedication should be signed by the City of Kachemak.

20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

**Staff recommendation:** No services available.

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:**

- Plat numbers need to be revised.
- Revise plat note 4 as this is within the City of Kachemak. "All new roads in the City of Kachemak must meet or exceed the design requirements of Kenai Peninsula Borough Chapter 14.06 per City of Kachemak Ordinance 2011-01."
- The Certificate to Plat included a newly issued easement to ENSTAR. This easement should be depicted and may refer back to a plat note with the easement specifications and recording information.
- Update the wastewater note for Lot 2, "The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on December 4, 1978. Wastewater..."

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** The owners also took title without their middle initials. Add "aka" or "also took title as" and include their name as shown on deeds associated with this platting action. Comply with 20.60.190.

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**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.

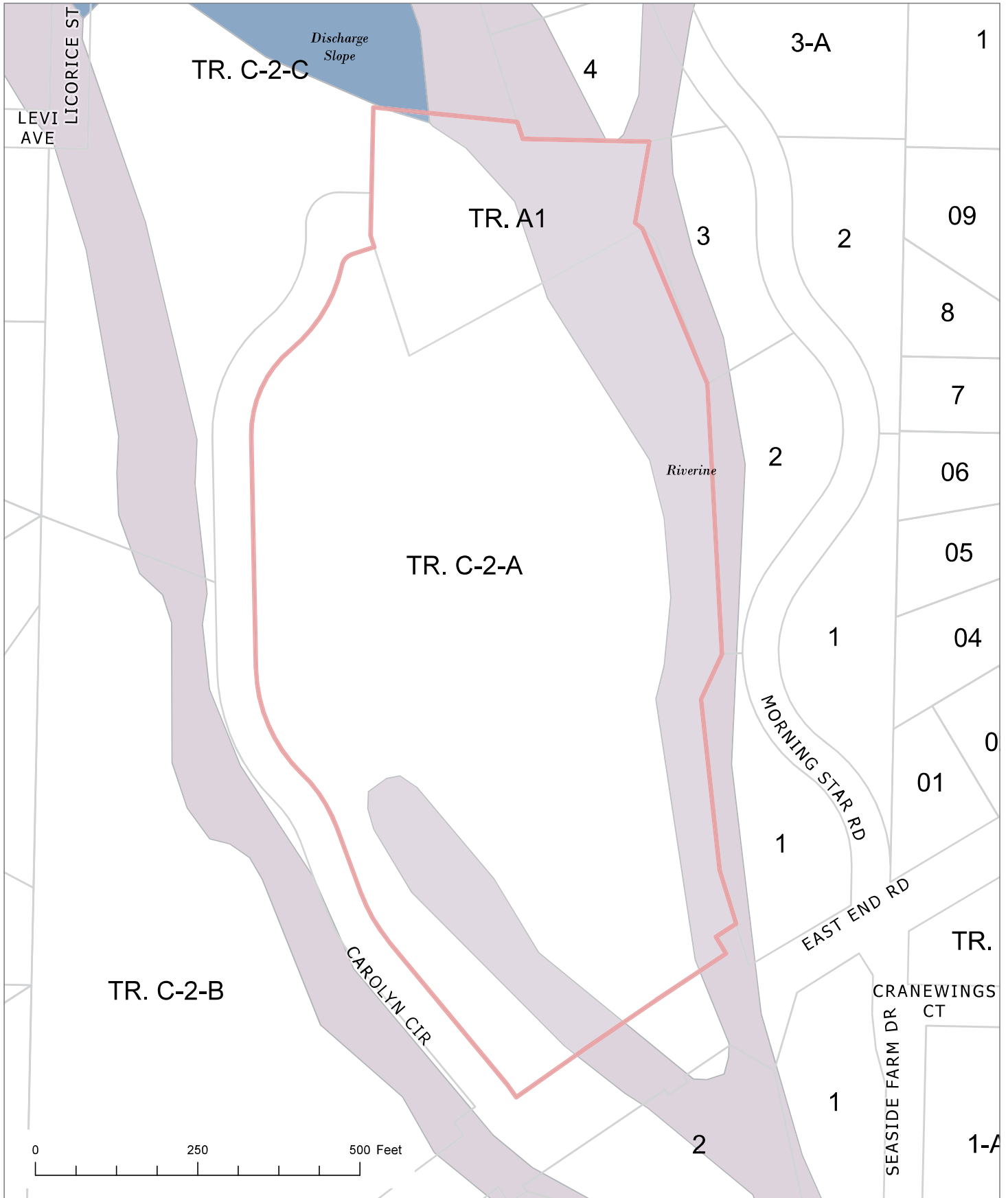
END OF STAFF REPORT







Wetlands

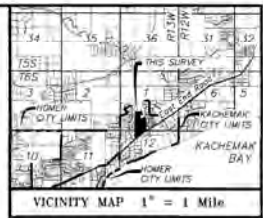
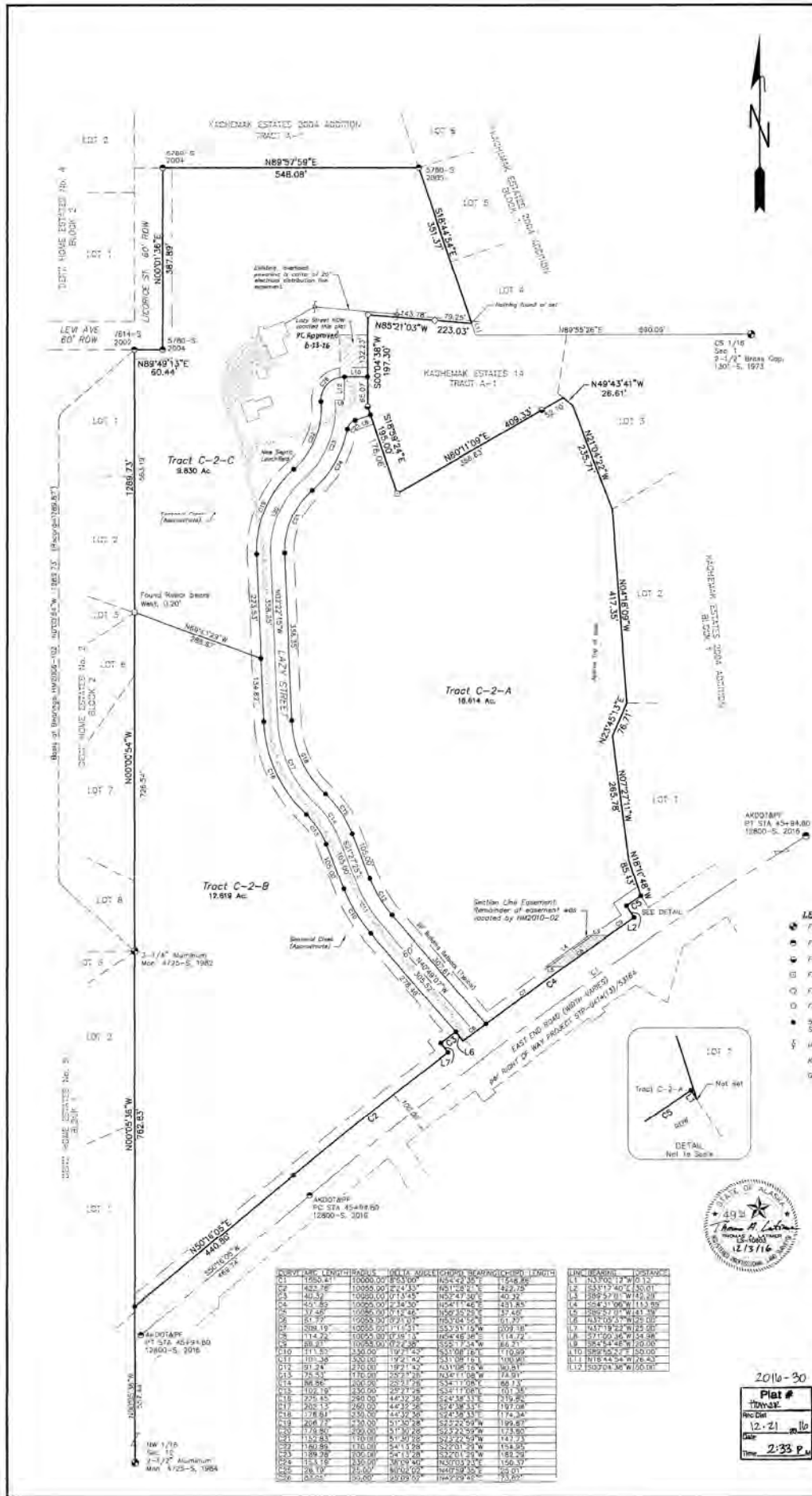


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.









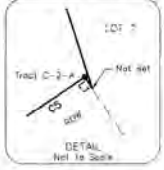
**Ownership Certificate:**  
 I hereby certify that the Trust Agreement of Robert B. Turkington and the Trust Agreement of Carolyn R. Turkington are the owners of the real property shown and described herein and that the Trusts hereby adopt this plan of subdivision and by their free consent dedicate all rights-in-fee to public use and grant all easements to the use shown.  
 Alan R. Turkington 12/05/16  
 Carolyn R. Turkington 12/05/16

**Notary's Acknowledgment:**  
 I, Catherine Hamberger, Notary Public for Alaska, My commission expires July 12, 2020.

- NOTES:**
1. A building setback of 30' is required from all street right-of-way unless a lesser standard is approved by the appropriate Planning Commission. The front 15' and the entire setback within 5' ft. of side lot lines is a utility easement. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of the utility to use the easement.
  2. No access to state maintained rights of way is permitted unless approved by the State of Alaska Department of Transportation.
  3. The westerly boundary of Tract C-2-A follows the center of a 2' wide creek which is subject to annual flooding 1' on each side. The centerline of the creek was not maintained except as shown. The seasonal creek in Tract C-2-B varies from 0 to 7' wide and is subject to flooding 2' on each side.
  4. Easements must meet design and construction standards established by the Borough in order to qualify for inclusion in the Borough road maintenance program.
  5. A Grant of Water Rights affecting this subdivision is recorded in Bk. 149/187, H.R.D.
  6. A general easement (no location given) in favor of Homer Electric Association is recorded in Bk. 18/4, H.R.D.
  7. Reservation of all oil, gas, and mineral rights as reserved in an instrument recorded in Bk. 344/32 and Bk. 316/272 H.R.D.
  8. Exceptions to KRS 20.30.100 (Cul-de-sacs), KRS 20.30.140 (Streets, Curves), and KRS 20.30.170 (Block Length) were granted by the KRS Plan Committee at their meeting of June 13, 2016.
  9. Any person developing this property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination, if applicable.

**WASTEWATER CERTIFICATE:**  
 These lots are at least 200,000 square feet or a nominal 5 acres in size and conditions 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.

- LEGEND**
- FIND PRIMARY MOVEMENT
  - FIND 2" ALUMINUM 3/4" RIBBON
  - FIND 3/8" REBAR WITH YELLOW PLASTIC CAP, 3000-S
  - FIND 5/8" REBAR
  - FIND 1/2" REBAR WITH YELLOW PLASTIC CAP, 3000-S
  - FIND 1/2" REBAR
  - 3/8" x 30" REBAR WITH 2" ALUMINUM 3000-S SET THIS SURVEY
  - UTILITY POLE
  - KRS DISCHARGE SLOPE WETLAND (APPROX)
  - GRAVEL/PAVED DRIVE



**Plan Approval:**  
 This plan was approved by the Homer Peninsula Borough Planning Commission at the meeting of June 18, 2016.  
 Daniel Pennington Borough  
 Mayor  
 Authorized Official

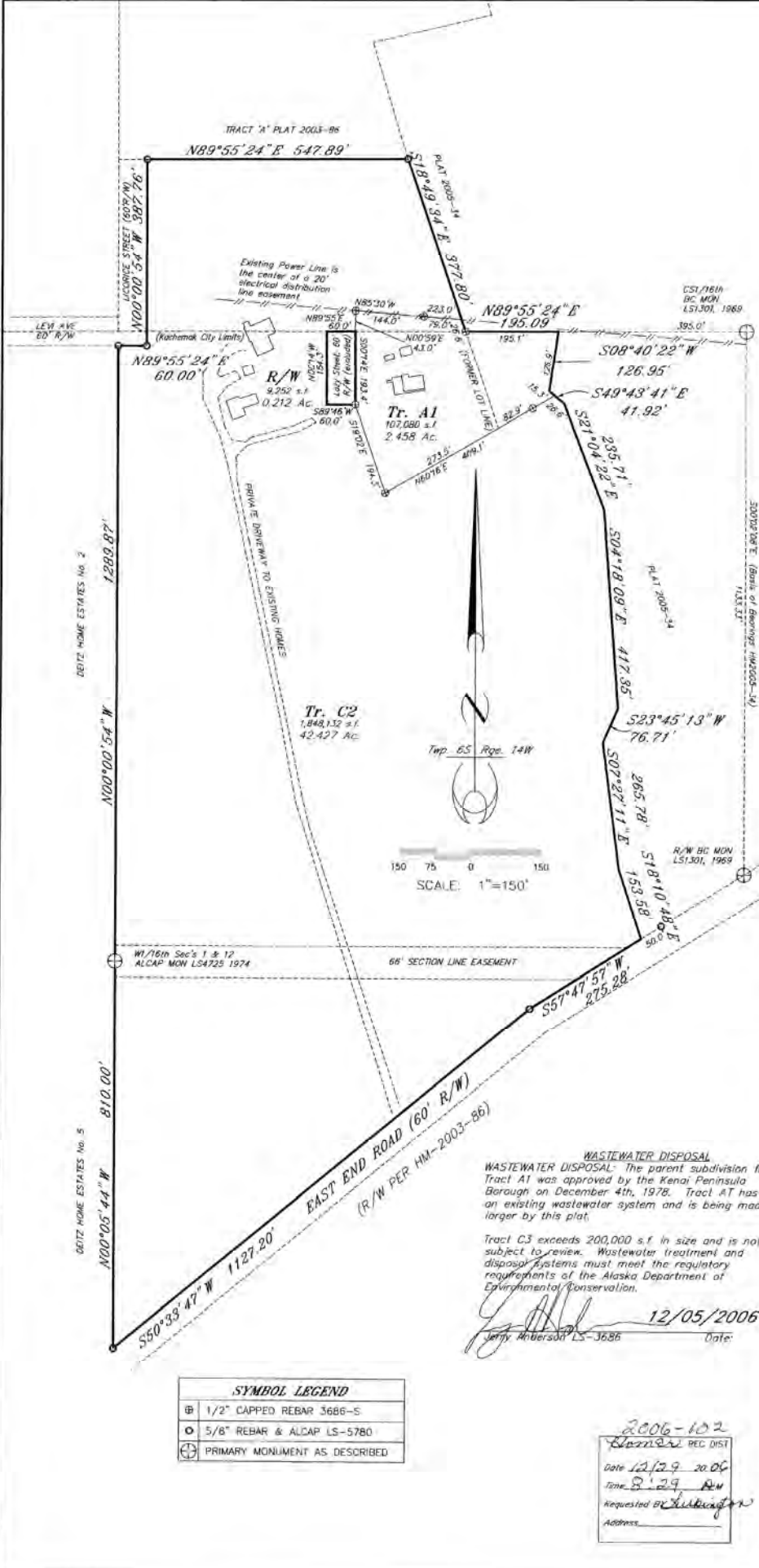
LINE	BEARING	DISTANCE	AREA	PERIMETER	COORDINATES
C1	N89°13'59"E	548.09'			
C2	S89°55'26"E	890.09'			
C3	N49°43'41"W	26.61'			
C4	N49°43'41"W	26.61'			
C5	N89°55'26"E	890.09'			
C6	N89°13'59"E	548.09'			
C7	N89°13'59"E	548.09'			
C8	S89°55'26"E	890.09'			
C9	N49°43'41"W	26.61'			
C10	N49°43'41"W	26.61'			
C11	N89°55'26"E	890.09'			
C12	N89°13'59"E	548.09'			
C13	N89°13'59"E	548.09'			
C14	S89°55'26"E	890.09'			
C15	N49°43'41"W	26.61'			
C16	N49°43'41"W	26.61'			
C17	N89°55'26"E	890.09'			
C18	N89°13'59"E	548.09'			
C19	N89°13'59"E	548.09'			
C20	S89°55'26"E	890.09'			
C21	N49°43'41"W	26.61'			
C22	N49°43'41"W	26.61'			
C23	N89°55'26"E	890.09'			
C24	N89°13'59"E	548.09'			
C25	N89°13'59"E	548.09'			
C26	S89°55'26"E	890.09'			
C27	N49°43'41"W	26.61'			
C28	N49°43'41"W	26.61'			
C29	N89°55'26"E	890.09'			
C30	N89°13'59"E	548.09'			

2016-30  
 Plat #  
 12-21-16  
 Time 2:33 P.M.

**KACHEMAK ESTATES 15**  
 A subdivision of Tract C-2;  
 KACHEMAK ESTATES 14, HM2009-102  
 Within S1/4 Sec. 1 and N1/4 NW1/4 Sec. 12,  
 T6S, R12W, S1W,  
 KACHEMAK CITY, ANCHORAGE BOROUGH,  
 HOMER PENINSULA DISTRICT, THIRD JUDICIAL DISTRICT, ALASKA  
 Containing 4.2417 Acres more or less.

Prepared by:  
 Olson Surveyors  
 PO Box 3035  
 30570 Marina Road  
 Fairbanks, AK 99707  
 907-550-2328  
 olson@olsonsurveyors.com

Scale: 1" = 100'  
 Date: 12/15/2016  
 Title: 2016-30  
 KRS File No. 2016-0182



**CERTIFICATE OF OWNERSHIP**  
We hereby certify that we are the owners of the real property shown and described hereon, and that we hereby adopt this plan of subdivision, and by our free consent dedicate all rights of way and public areas to public use, and grant all easements to the use shown.

Robert B. Turkington & Carolyn R. Turkington as Trustees for the Trust Agreements of Robert B. & Carolyn R. Turkington (TRACT C H2003-86)  
P.O. Box 1274  
Homer AK 99603

Alan R. Turkington      Joyce M. Turkington  
(TRACT A H79-11)  
P.O. Box 1303  
Homer AK 99603

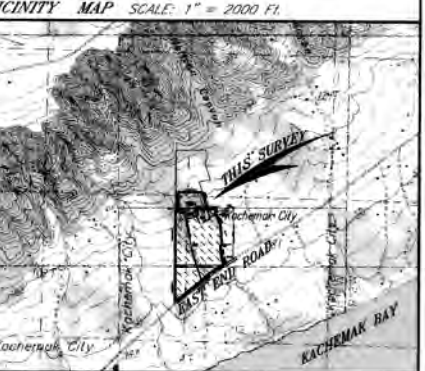
**NOTARY'S ACKNOWLEDGMENT**  
For Robert B. & Carolyn R. Turkington as trustees for the Trust Agreement of Robert B. Turkington, and for Alan R. and Joyce M. Turkington  
Subscribed and sworn to before me this 12th day of May 2006

Notary Public for Alaska      My Commission Expires:

**SURVEYORS CERTIFICATE**  
I hereby certify that this survey was performed by me or under my direct supervision. I declare that the information shown hereon is true and correct to the best of my knowledge and belief.  
Date: 12/05/2006  
Jerry A. Anderson

**PLAT APPROVAL**  
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of June 12th, 2006  
KENAI PENINSULA BOROUGH  
BY: [Signature] Authorized Official

- NOTES:**
- A building setback of 20' is required from all street rights of way unless a lesser standard is approved by the appropriate planning Commission. The front 10' of said setback and the entire setback within 5' of side lot lines is granted as a utility easement. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
  - No access to state maintained rights of way is permitted unless approved by the State of Alaska Department of Transportation.
  - The easterly boundary of both tracts depicted hereon follows the center of a 2' wide creek, which is subject to seasonal flooding 5' on either side.
  - Roads must meet the design and construction standards established by the Borough in order to be certified for inclusion in the Borough Road Maintenance program.
  - WASTEWATER DISPOSAL** This action is limited to increasing the size of the existing lot now designated as Tract A1. Tract C1 exceeds 40 acres in size. 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.



**WASTEWATER DISPOSAL**  
WASTEWATER DISPOSAL: The parent subdivision for Tract A1 was approved by the Kenai Peninsula Borough on December 4th, 1978. Tract A1 has an existing wastewater system and is being made larger by this plat.  
Tract C3 exceeds 200,000 s.f. in size and is not subject to review. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.  
Date: 12/05/2006  
Jerry Anderson LS-3686

**SYMBOL LEGEND**

⊠	1/2" CAPPED REBAR 3686-S
○	5/8" REBAR & ALCAP LS-5780
⊕	PRIMARY MONUMENT AS DESCRIBED

2006-102  
Blended REC DIST  
Date 12/29 2006  
Time 8:29 AM  
Requested by Turkington  
Address:

DATE MAY 2006  
SCALE 1" = 150'  
GRID No. AR-70  
FLD. BK. No. 304/74  
KPB FILE No. 2006-135  
JOB No. 2062



**"KACHEMAK ESTATES 14"**  
A SUBDIVISION OF TRACT A H79-11 AND TRACT C H2003-86 WITHIN THE SW1/4 SEC. 1 AND THE NW1/4 OF SEC. 12, Twp. 6S, Rge. 13W S.M. ALASKA LYING PARTIALLY WITHIN KACHEMAK CITY, Ctg. 45,098 ACRES AND 2 TRACTS

**ANDERSON DEVELOPMENT CONSULTANTS**  
SURVEYORS-PLANNERS-DESIGNERS  
JERRY ANDERSON PLS  
1-800-961-6231  
P.O. BOX 18  
DORA MO 65637



CW 106 Sec 1  
End Run Pipe  
Surveyor Unknown

1589°55'51"W 1320.52' Plat No. 74 16-77  
589°46'03"W 1319.08'

1/4 Sec 3  
End Run Pipe  
1000 S 1974

Line Class		
1.1	S89°55'51"W	60.00
1.2	N89°55'51"W	70.40
1.3	N89°55'51"W	60.00
1.4	S89°55'51"W	60.00
1.5	N89°55'51"W	60.00
1.6	N89°55'51"W	60.00
1.7	N89°55'51"W	60.00
1.8	N89°55'51"W	60.00
1.9	N89°55'51"W	60.00
1.10	N89°55'51"W	60.00

Existing 10" power line is  
centerline of a 20' ft wide  
electrical distribution line  
easement.

Tract "A"  
34.473 Acres

Existing overhead power line is  
centerline of a 20' ft wide  
electrical distribution line  
easement.

Tract "B"  
8.445 Acres

Tract "C"  
43.214 Acres



2003-86  
Home REG DIST  
Date 12/29/03  
Time 9:08 A  
Surveyor Zuhoff



### Surveyors Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

Roger W. Inhoff 12/29/03

### Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of October 27, 2003

KENAI PENINSULA BOROUGH  
By: Mary Jell  
Authorized Official

### Legend

- Found monument of record as described
- Found 1/2" rebar 3686 S 1978
- Set self identifying 2" aluminum cap on 1/8" diameter x 3/8" long steel rebar this survey unless noted otherwise
- Revised Dimension

### Ownership Certificate

We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt the plan of subdivision and by use freely consent dedicate of rights of way to public use and grant all easements to the use shown.

Robert B. Turkington 11-14-03

Trust Agreement of Robert B. Turkington DATE 11-14-03  
Robert B. Turkington, Trustee Carolyn K. Turkington, Trustee  
PO Box 1274 Homer AK 99603

Carolyn K. Turkington AKA Carolyn M. Turkington  
Trust Agreement of Carolyn K. Turkington DATE 11-14-03  
Robert B. Turkington, Trustee Carolyn K. Turkington, Trustee  
PO Box 1274 Homer AK 99603

Notary's Acknowledgment  
Subscribed and sworn to me before on the 14th day of November 2003

Trust Agreement of Robert B. Turkington  
for Robert B. Turkington and Carolyn K. Turkington, Trustees  
Kathy Oakland R.C.P.  
Notary Public for Alaska  
My Commission Expires 7-6-05



Notary's Acknowledgment  
Subscribed and sworn to me before on the 14th day of November 2003

Trust Agreement of Carolyn K. Turkington  
for Robert B. Turkington and Carolyn K. Turkington, Trustees  
Kathy Oakland R.C.P.  
Notary Public for Alaska  
My Commission Expires 7-6-05



### Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- The front 60 ft of the 20 ft building setback is a public utility easement in full on the entire setback within 5 ft of side lot lines. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- A building setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by the appropriate Planning Commission.
- No access to State maintained rights of way permitted unless approved by State of Alaska Department of Transportation.
- Boundaries shown are based on GPS observations. Extended boundary dimensions are measured. The ROW for East End Road was calculated from the recorded plat of Kachemak Estates Nos. 1 and 9.
- The Western boundary of Tract "B" follows the centerline of a 1 ft wide creek which is subject to seasonal flooding 5 feet on either side. Creek centerline was not monumented by this survey except as shown.
- Roads must meet design and construction standards established by the Borough in order to be certified for inclusion in the Borough road maintenance program.
- WASTEWATER DISPOSAL: These lots are at least 200,000 square feet or more 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.
- At its meeting on October 27, 2003, the Kenai Peninsula Borough Planning Commission granted an exception to 20.20.80 and to 20.20.150.
- Consent easements in location granted in favor of Home Electric Association have been recorded in B9 Page 4 and D24 Page 106.

### Vicinity Map 1" - 1 Mile



### Kachemak Estates Subdivision No. 12

Being a Subdivision of NE 1/4 SW 1/4 and SE 1/4 SW 1/4 Section 2, including Tract "A", "Joy-Joy's House" Subdivision and the Right-of-Way of Lazy Street as shown in Plat No. 29-3 1980 and that portion of the NE 1/4 NW 1/4 Section 10 lying north of East End Road all within T6S, R15W, S41 Home Recording District. A portion within Kachemak City Third Judicial District, State of Alaska Contains 86.665 Acres, more or less.

Client: Turkington PO Box 1274 Homer AK 99603	Surveyor: Roger W. Inhoff RLS PO Box 2568 Homer AK 99603	FB 03-02605 Drawn 6/81 Scale 1" = 200.0'
Date: 10-05-03	File: Turkington.ecd	KFS File No. 03-235



- NOTES:
1. ALL WASTEWATER DISPOSAL SYSTEMS MUST COMPLY WITH EXISTING LAW AT THE TIME OF CONSTRUCTION.
  2. THE STATE OF ALASKA REQUIRES ALL WASTEWATER DISPOSAL SYSTEMS TO BE A MINIMUM OF 100' FROM ANY WATER SOURCE.
  3. 1/2" X 24" REBAR SET AT ALL LOT CORNERS
  4. A 20' BUILDING SETBACK LINE EXISTS ALONG ALL RIGHTS OF WAY.



CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON I HEREBY REQUEST APPROVAL OF THIS PLAT SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES AND ROADWAYS DEDICATED BY ME FOR PUBLIC USE.

*Robert B. Turkington*  
 ROBERT B. TURKINGTON  
 BOX 1274  
 HOMER, ALASKA

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 11 DAY OF November 1978  
*Jerry Anderson*  
 NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES 11/11/88

SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED REGISTERED SURVEYOR, HEREBY CERTIFY THAT A LAND SURVEY HAS BEEN COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT CORNERS AND MONUMENTS HAVE BEEN LOCATED AND ESTABLISHED AND THAT DIMENSIONS SHOWN HEREON ARE TRUE AND CORRECT

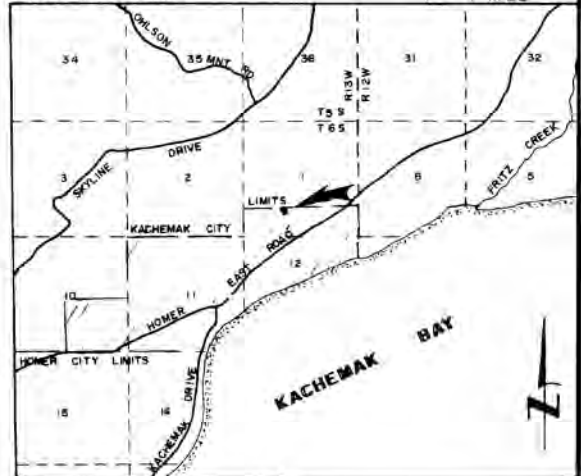
*Jerry Anderson* 12 27 78  
 JERRY ANDERSON, 3686-5 DATE

PLAT APPROVAL

THIS PLAT HAVING BEEN APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AS RECORDED IN THE OFFICIAL MINUTES OF THE MEETING OF December 04, 1978, IS HEREBY ACKNOWLEDGED AND ACCEPTED AS THE OFFICIAL PLAT, SUBJECT TO ANY AND ALL CONDITIONS AND REQUIREMENTS OF ORDINANCES AND LAW PERTAINING THERETO.  
 KENAI PENINSULA BOROUGH

BY *Philip Waring*

VICINITY MAP



DATE: NOVEMBER, 1978

SCALE: 1" = 100'

DESIGNED BY: J.A.

DRAWN BY: S.W.

CHECKED BY: A.T.

FLD. BK. NO.: 54



**JOY-JOY'S HOUSE**

SITUATED IN THE SE 1/4 SW 1/4, S. 1, T6 S, R13 W, S.M. AND WITHIN KACHEMAK CITY.

CONTAINING 1.884 ACRES

ABILITY SURVEYS

**CITY OF KACHEMAK, ALASKA**

P.O. Box 958, (VIA) Homer, Alaska 99603  
p. (907)235.8897 e. [cityclerk@kachemak.city](mailto:cityclerk@kachemak.city)

September 15, 2022

Kenai Peninsula Borough  
Attn: Planning Department  
144 North Binkley Street  
Soldotna, AK 99669

To Whom it May Concern:

The Kachemak City Council met on September 14, 2022 and voted unanimously to write a letter of non-objection to the Subdivision of Plat of Kachemak Estates 17. Please note that if a road is built in the future – all new roads built in Kachemak City must be built to Borough standards, per Ordinance 2011-01. I'm attaching a copy of the Ordinance.

If you have any questions, please call us at (907)235.8897

Sincerely,



William R. Overway  
Mayor



CITY OF KACHEMAK  
KACHEMAK, ALASKA  
ORDINANCE 2011-01

AN ORDINANCE OF THE CITY COUNCIL OF KACHEMAK, ALASKA SETTING ROAD  
STANDARDS FOR NEW ROADS WITHIN THE CITY OF KACHEMAK.

WHEREAS, the City of Kachemak has no planning, zoning, or road powers as the Kenai Peninsula Borough is the authority for the City of Kachemak; and

WHEREAS The City Council wishes be consistent with Kenai Peninsula Borough Regulations for Roads:

NOW THEREFORE, the City of Kachemak Ordains:

Section 1. This ordinance changes Section 9.01.01 the City of Kachemak Code of Ordinances to read as follows:

9.01.01 Roads.

A. All new roads in the City of Kachemak must meet or exceed the design requirements of Kenai Peninsula Borough Chapter 14.06, Road Construction Standards in effect at the time.


Section 2. This ordinance shall be effective immediately upon adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF KACHEMAK, ALASKA THIS 13th DAY  
OF APRIL, 2011.

CITY OF KACHEMAK

  
Philemon D. Morris, Mayor

ATTEST:

  
Helyn I. Schoepke, City Clerk

First Reading: March 9, 2011  
Public Hearing: April 13, 2011  
Second Reading: April 13, 2011

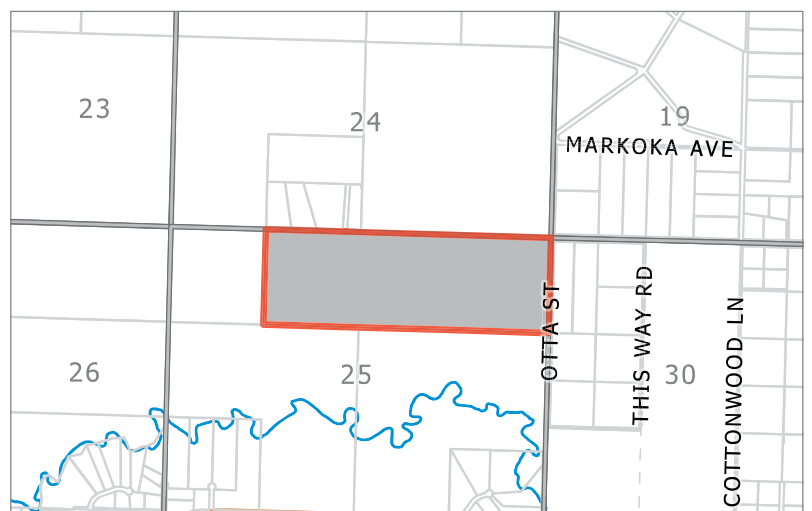
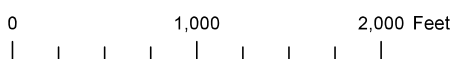
## **E. NEW BUSINESS**

- 3. Stutes Estates; KPB File 2022-139  
Peninsula Surveying LLC / Dorothy Florence Stutes Trust  
Location: Otta Street & Haven Avenue  
Anchor Point Area / Anchor Point APC**

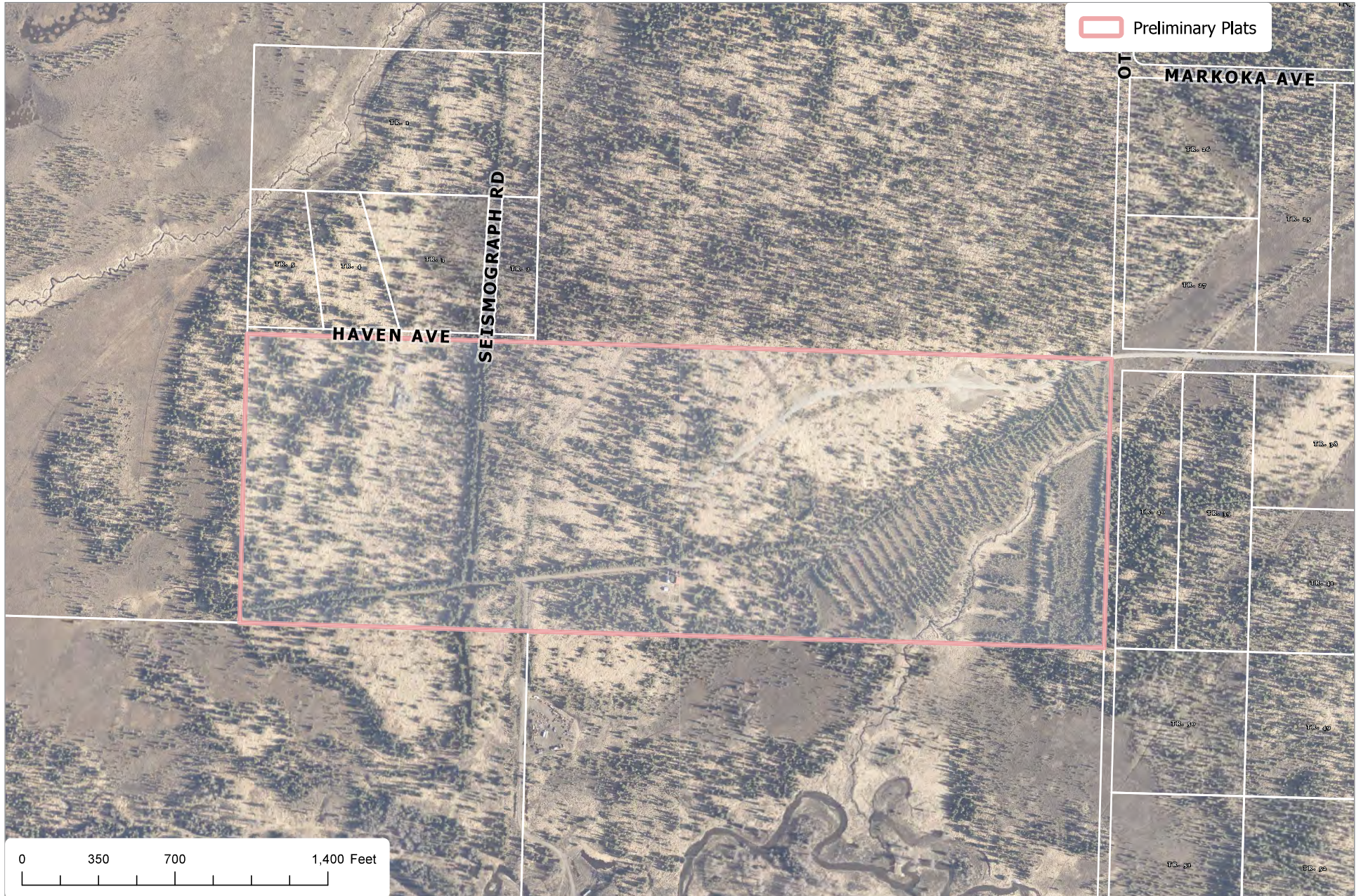


KPB File 2022-139  
T 04S R 15W SEC 25  
Anchor Point

9/13/2022

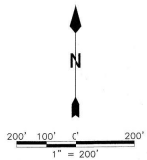






The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPT 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:

HAVEN AVENUE RIGHT-OF-WAY  
KAY CIRCLE RIGHT-OF-WAY  
LLOYD STREET RIGHT-OF-WAY  
HAWK COURT RIGHT-OF-WAY  
OTTA STREET RIGHT-OF-WAY

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: \_\_\_\_\_ DATE: \_\_\_\_\_

PLAT APPROVAL

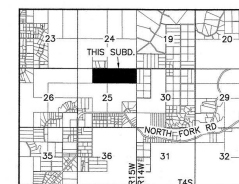
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_ KENAI PENINSULA BOROUGH

BY: \_\_\_\_\_

AUTHORIZED OFFICIAL

LINE TABLE		
LINE	BEARING	LENGTH
L1	SOUTH	179.97'
L2	SOUTH	180.03'

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD	CHORD BEARING
C1	124.90	50.00	143°07'48"	150.00	94.87	N18°26'06"E
C2	124.90	50.00	143°07'48"	150.00	94.87	S18°26'06"E
C3	124.90	50.00	143°07'48"	150.00	94.87	N71°33'54"W
C4	124.90	50.00	143°07'48"	150.00	94.87	N71°33'54"E



1" = 1 MILE

LEGEND

- ▲ WETLANDS PER THE KENAI WATERSHED FORUM COOK INLET
- ▲ WETLANDS MAPPING

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

MONA D STUTES  
PO BOX 238  
ANCHOR POINT, AK 99556

NOTARY ACKNOWLEDGMENT

FOR: MONA D. STUTES  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES: \_\_\_\_\_

KPB FILE NUMBER:

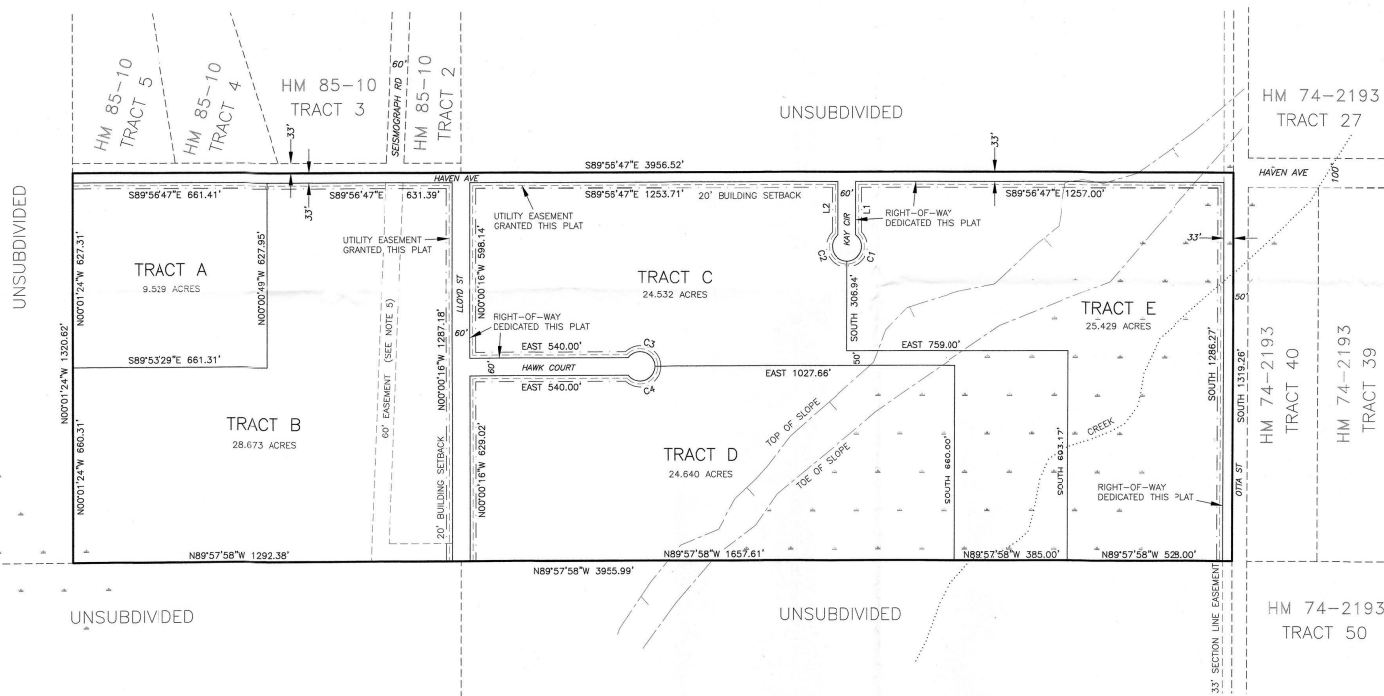
PENINSULA SURVEYING, LLC  
10535 KATRINA BOULEVARD, NINILCHIK, AK 99639  
(907)306-7065

PLAT OF  
STUTES ESTATE

A SUBDIVISION OF  
N1/2 NE1/4 AND NE1/4 NW1/4  
SEC. 25, T.4S., R.15W., S.1M.  
HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH  
CONTAINING 119.881 ACRES

OWNER: DOROTHY FLORENCE STUTES TRUST  
PO BOX 238, ANCHOR POINT, AK 99556

SCALE: 1" = 200' DATE: SEPTEMBER 9, 2022  
DRAWN: JLS SHEET: 1 OF 1



WASTEWATER DISPOSAL

LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET 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.

NOTES

- A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION. THE FRONT 10' OF THE BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5' OF THE SIDE LOT LINES IS ALSO 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.
- NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF TRACT C.
- 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.
- SUBJECT TO A 60' PRIVATE ACCESS EASEMENT FOR THE BENEFIT OF TRACT 1 STUTES RETREAT, HM 85-10. RECORDED IN BOOK 155 PAGE 664, HOMER RECORDING DISTRICT.

KPB 2022-139

AGENDA ITEM E. NEW BUSINESS

ITEM 3 – STUTES ESTATE

<b>KPB File No.</b>	2022-139
<b>Plat Committee Meeting:</b>	October 24, 2022
<b>Applicant / Owner:</b>	Dorothy Florence Stutes Trust of Anchor Point, Alaska
<b>Surveyor:</b>	Jason Schollenberg / Peninsula Surveying, LLC
<b>General Location:</b>	Haven Avenue, Anchor Point, Anchor Point APC

<b>Parent Parcel No.:</b>	165-162-24
<b>Legal Description:</b>	N1/2 NE1/4 and NE1/4 NW1/4 of Section 25, Township 4 South, Range 15 West
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On site

STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 120 acre parcel into five tracts ranging in size from 9.529 acres to 28.673 acres. Dedications atop section line easements, provide matching half dedications, continuations of rights-of-way, a connector rights-of-way and two cul-de-sacs is proposed.

**Location and Legal Access (existing and proposed):** The property is situated north of North Fork Road in the Anchor Point area. To the west of the subdivision are section line easements and some dedications that provide access from near mile 155 of the Sterling Highway. This access is not developed the distance as it is over 8,000 feet to the subdivision with the need to cross creeks and wetlands.

The lot appears to have two access points constructed that may be in use. Near mile 4 of state maintained North Fork Road is Cottonwood Lane. This is a borough maintained right of way that is about 6,200 feet in length to the intersection with Haven Avenue. Haven Avenue as a small portion borough maintained east of Cottonwood Lane. The remaining portion is not maintained but the area west of Cottonwood Lane appears to be constructed and provides access to the subdivision. Haven Avenue dedication widths vary but is atop section line easements. Haven Avenue is constructed to the corner of the proposed subdivision and then continues through the subject property. Haven Avenue is constructed over a portion of an anadromous stream. This plat is proposing to continue the dedication along the north of the subdivision atop the section line easement. The other access that looks to be constructed is from the south. This access is directly off North Fork Road. This access crosses through private property that is subject to a prior existing use material site. This access continues and crosses a portion of the North Fork Anchor River then continues north to the subject property. Per an easement recorded in Book 107 Page 13, HRD, a public road right-of-way was granted from North Fork Road. This easement is for a 66 foot wide strip of land that is on the north-south centerline of section 25 and is 2,640 feet in length. This provides access from North Fork Road to the southern boundary of this subdivision.

The plat is proposing to dedicated Haven Avenue atop the section line easements and provide a continuation from the already existing dedication. KPB data indicates that the section line easement to the north is 50 feet wide. This dedication will cross some steep terrain. *Staff recommends centerline profiles and cross-sections be submitted to determine if additional width or slope easements will be required, label the dedication to also state it is a section line easement and depict and label the abutting section line easement to the north.*

The plat will also be dedicating a matching dedication along the eastern boundary that will also be atop section line easements. This will be for Otta Street and will bring the dedication width to 83 feet wide. Within the subdivision the easement is 33 feet wide but south of the subdivision it is 50 feet, per KPB data. This dedication is crossing an unnamed anadromous stream that connects to North Fork Anchor River. The terrain does not appear to be steep within the dedication. Per KPB 20.60.050, additional easements or right-of-way width may be required when



crossing a waterbody. The code also requires the road and crossing be brought to borough standards prior to finalizing the plat. Due to this requirement the plat may receive a three year approval period in lieu of two. An exception has been requested. **Staff recommends the section line easement be labeled along the Otta Street dedication, correct the width of the section line easement to the south, and compliance with 20.60.050 unless an exception is granted.**

The plat will be dedicating a right-of-way from the south to the Haven Avenue dedication. This dedication appears to be in line with the existing access being used from the south but it is only constructed for the southern portion of the dedication. A private easement has been granted that runs from what is proposed as Lloyd Street to the west and then to the north. This easement provides access to the lots to the north and is in line with a dedication named Seismograph Road. This access easement appears to be a trail and will be about 160 feet offset from the new Lloyd dedication. There is no information presented if the private access easement, which appears to be in use, will be removed once a dedicated access is granted. Additionally there is a developed access from Haven Avenue that will not be within the dedications. There are two compliant cul-de-sacs proposed. Cul-de-sacs are to be designed as permanently closed and they are providing access to very large acreage tracts that could be further subdivided but the location of the cul-de-sacs will limit future development. **Staff recommends that the plat committee determine if they would like to see if another design could be done that makes use of the constructed access routes and if the plat committee approves the current design that the cul-de-sacs be changed to hammer style or t-type turnarounds to allow for future continuations.**

Exceptions have been requested for dedications along the western and southern boundaries and for block length. Due to the large nature of the tract and those surrounding it the block exceeds allowable limits.

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

**Site Investigation:** The proposed plat has areas with steep slopes present. The plat shows the top and toe of the slopes. There is also an anadromous creek with wetlands surroundings it. The wetland determination note is present and should remain but an anadromous stream note will be required. **Staff recommends the top and toe of the slopes, the wetlands, and creek depiction remain on the final plat and add required plat notes.**

Per KPB Code, the steep terrain and anadromous stream will require some additional information for the right-of-way dedications to be reviewed and approved. This will include centerline profiles and cross-sections.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located in Zone D which is unregulated  B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w kpb\maldridge  C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

**Staff Analysis** This is a subdivision of aliquot lands that have not been previously through the platting process. This is a large acreage property being split into 5 large acreage tracts that could be further subdivided in the future. There are some existing travelways with new dedications that do not appear to make use of many of those constructed routes. Tract C has an unusual design that results in a 50 foot access portion that is approximately 360 feet in length. This gives the lot access to the creek but this access portion could be considered a panhandle and does not meet the requirements of KPB Code. An exception has been requested for the 50 foot portion.

A soils report will not be required due to the size of the tracts.

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.

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.

**Utility Easements** The plat will be granting the code required 10 foot utility easements along the dedicated rights-of-way. They intend to increase the width to 20 within 5 feet of the side lot lines.

Two of the utility providers have noted they have existing lines or equipment on the property. Written approval from the providers will be required for any changes or additions to easements.

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	Locate the existing overhead primary electric line and provide a 30 foot wide electric easement including down guys and anchors
ENSTAR	No comments or recommendations
ACS	ACS has existing facilities, if they will need to be relocated approval upon contractor for reimbursement.
GCI	Approved as shown

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  69999 HAVEN AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  HAVEN AVE  OTTA ST  SEISMOGRAPH RD</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:  HAWK CT  LLOYD ST</p>
------------	---

	<p>List of Street Names Denied: KAY CIR</p> <p>Comments: 69999 HAVEN AVE will be deleted and new addresses assigned. KAY CIR denied because similar name KAY CT is within neighboring emergency service zone Diamond Ridge. KPB 14.10.040.A2.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Prior Existing Use PEU Recognized Date: 1/1/0001 Material Site Comments: 165-162-62, Recognized on 02/13/1987 165-540-01, Recognized on 02/24/1999 Two PEU South of subject parcel See attachments</p>
Assessing	<p>Reviewer: Windsor, Heather 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**

- Make street names more prominent for readability.
- On the cul-de-sacs, add a transition curve from the straight portion to the bulb.

**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.*

- 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:** *Verify the section line easements to the north and south of the subdivision.*

**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.*

20.30.090. Streets-Maximum grades allowed. The subdivider shall demonstrate that streets can be readily constructed in accordance with current borough road standards and that the grades on any such roads shall not exceed 6 percent on arterial streets and 10 percent on other streets, or 4 percent within 130 feet of any centerline intersections. Submittal of centerline profiles and cross-sections may be required to demonstrate that compliant construction in the right-of-way is feasible.

**Staff recommendation:** *Centerline profiles should be submitted for the dedication and section line easements along the northern boundary within the Haven Avenue dedications and for along the creek in the Otta Street dedication.*

20.30.100. Cul-de-sacs.

A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.

B. Hammerhead or T -type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.

C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.  
**Staff recommendation:** *Staff is requesting turnarounds that will allow for future extension and if approved should comply with 20.30.100.*

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

**Staff recommendation:** *Proposed Kay Circle is denied. A new name will need to be approved by the Addressing Officer.*

20.30.290. Anadromous Waters Habitat Protection District. If any portion of a subdivision or replat is located within an anadromous waters habitat protection district, the plat shall contain the following note:

**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.

*Platting Staff Comments: Unnamed creek is within the anadromous stream catalog*

**Staff recommendation:** *comply with 20.30.290.*

---

**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: Due to size, a soils report will not be required.*

**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.*

- Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program (KPB 14.06).
- 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.
- Note any exceptions granted.
- If the narrow portion is increased to 60 feet wide add, "Tract D and Tract E are subject to a 20 foot building setback along the access portion of Tract C."
- If the narrow portion remains under 60 feet wide add, "Tract C may have future limitations on further subdivision based on access issues, development trends in the area, or topography."

*Revisions*

- Revise plat note 1 to closer match code. "The front 10 feet adjoining dedicated rights-of-way that increase to 20 feet within 5 feet of the side lot lines is granted as utility easements per this plat."
- Revise note 3, "No permanent structures or wastewater disposal area is permitted within the panhandle portion of Tract C."

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** Add Mona Stutes title as Successor Trustee to her signature line. Comply with 20.60.190.

**EXCEPTIONS REQUESTED:**

**A. KPB 20.30.030(A) – Proposed street layout-requirements and KPB 20.30.170 – Blocks-length requirements** (Dedications along the west boundary and the south boundary)

Surveyor's Discussion: This platting action will result in five large tracts of land that will all have legal access from new ROW dedications. The legal access shown on the preliminary plat from Lloyd Street, Kay Circle, and Hawk Court is in a better location that is more practical to construct. The west boundary is partially swamp and difficult to access. It is unlikely that a road will ever be considered in that area. The south boundary has a stream that crosses it and is also partially in a swampy area. Other access options to the south would require crossing the north fork of the Anchor River, as well as private property. These are such large tracts of land that future ROW dedications could be made if the property is subdivided further.

Staff Discussion: The exceptions have been combined but the Plat Committee may discuss and vote on these separately by making two motions. KPB Code requires for the continuation and future projection or rights-of-way and to also create blocks that are longer than 330 feet but no more than 1,320 feet in length. Section line easements are along the north and east portions of the subdivision. There are also partial dedications that this subdivision is proposing to dedicate a match atop the section line easements. With the current proposal the distance between Lloyd Street and Otta Street still exceeds block lengths. The internal dedications could help with future continuations but are currently proposed as cul-de-sacs. The area to the west of Lloyd Street also exceeds allowable limits and a dedication along the west and south would make that block compliant.

Denial will require dedications that will bring the blocks into compliance.

**Findings:**

1. KPB Code 20.30.030 requires appropriate projection of all streets in surrounding areas and provide for reasonable means of ingress for surrounding acreage tracts.
2. KPB Code 20.30.170 requires blocks to be within 330 feet and 1,320 feet in length.
3. The subdivision is within a block mostly defined by section line easements resulting in exceeding lengths.
4. The plat is dedicating atop existing section line easements along the north and east.
5. There are some areas of steep terrain within the subdivision.
6. The dedication for Haven Avenue will be crossing some steep terrain.



7. The dedication for Otta Street will be crossing an anadromous stream.
8. Requiring a dedication along the southern boundary east of Lloyd Street will require crossing steep terrain, wetlands, and an anadromous stream.
9. Reducing the crossings of anadromous streams is desirable to offer protection to those areas.
10. The dedication of Otta Street appears to be the most practical location to cross the anadromous stream to allow for access to lands on each side of the stream.
11. There are some wetlands west of the subdivision.
12. West of the subdivision is a 160 acre parcel.
13. Terrain to the west could limit the neighbor's access from the west.
14. There are some higher useable lands adjacent to the subdivision.
15. Providing a dedication along the western boundary will provide additional access to useable lands to the west.
16. The wetlands located at the southwestern corner is classified as lakebed.
17. A dedication along the western and southern boundary, west of Lloyd Street, will create a compliant block.

Staff reviewed the exception request and recommends granting approval for the dedication along the southern boundary east of Lloyd Street only. A dedication along the western boundary and southern boundary, west of Lloyd Street, would be required.

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 4, 5, 8-11, 13-15, and 17 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 4, 5, 8-11, 13-15, and 17 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 4, 5, 8-11, 13-15, and 17 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.

### **B. KPB 20.30.190(B) – Lot Dimensions** (Tract C)

Surveyor's Discussion: The proposed layout of Tract C has an unusual shape. There is a 50' wide flag portion that will allow the owner to access the creek along the southeast side of the property. There is unlikely to be a road constructed along this flag portion. Existing access is by foot or ATV. This is a 24 acre piece of land that could be further subdivided further in the future. A future platting action would likely eliminate the flag portion of the lot.

Staff Discussion: Per KPB Code if an access portion of flag lot shall not be less than 20 feet wide but if the access portion is less than 60 feet wide it may not exceed 150 feet in length. Designs that are 60 feet wide are then subject

to 20 foot setbacks on the neighboring lots within the replat boundary. An exception has been requested to not dedicate along the southern boundary of the subdivision. If granted that will limit the access to the southeastern portion of Tract C and the 50 foot wide portion will be the only available access. The intent of the 60 foot width requirement is if the need or desire for a dedicated right-of-way the width would be compliant with code. While Tract C has compliant access it is a large acreage tract that could be further subdivided and staff is reviewing this as the 50 foot portion being the only access to an area with no other access.

Denial will require the width to be increased to 60 feet wide and building setbacks be put into place along that portion within Tract D and Tract E or reduce the length to under 150 feet.

**Findings:**

1. KPB Code 20.30.190 requires access portions of lots to be larger than 20 feet wide and at least 60 feet wide if longer than 150 feet.
2. Tract C has multiple access options that are code compliant.
3. Tract C is proposed as a 24.5 acre lot that could be further subdivided.
4. The current design of cul-de-sacs limits future development.
5. A 50 foot access is part of Tract C to access an area of the tract that is about 6 acres.
6. The 50 foot portion is approximately 370 feet in length.
7. Steep terrain is located within the 50 foot access portion.
8. An unnamed anadromous stream is within the southeastern portion of Tract C that is accessed by the 50 foot portion.
9. The majority of the 6 acre portion contains wetlands that are classified as disturb.
10. Terrain may be an issue for future development.
11. Slopes within that area are about 13 percent.
12. Per KPB Code 20.30.090, grades should be less than 6 percent on arterial streets and 10 percent on other streets.
13. An exception has been requested to not dedicate along the southern boundary.

[Staff reviewed the exception request and recommends granting approval subject to plat notes regarding possible future limitations.](#)

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 2, 3, and 7-12 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 2, 3, and 7-12 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, 3, and 7-12 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.

**C. KPB 20.60.050 – Dedication and construction of anadromous waterbody crossings** (Dedication for Otta Street)

Surveyor's Discussion: The proposed dedication of Otta Street would cross a stream along the east side of the property. There is already a 50' wide dedication that was approved by a previous plat. This plat only adds a 33' dedication for the section line easement. This dedication is unlikely to ever be constructed due to the terrain and a wet, swampy area. It also wouldn't provide significant value since there isn't much usable land in the southeast corner of Tract E. Tract E has better access along the north side of the property. There is already an existing crossing of the stream built along Haven Avenue that provides access to the property.

Staff Discussion: Per KPB Code 20.60.050 when a dedication is proposed over a waterbody additional dedications and slope easements may be required. If the dedication is over an existing road crossing an anadromous waterbody the approval is granted for three years to provide adequate time to construct and bring the road and crossing into borough compliance with KPB 14.40.

Denial will require centerline profiles and section analysis to determine if additional right-of-way or slope easements are required and if determined that there is an existing crossing to bring it to current standards.

**Findings:**

1. This plat will bring the dedicated street width to 83 feet wide.
2. The dedication will be atop section line easements.
3. The section line easement and dedication cross an unnamed anadromous stream.
4. The southeastern portion of Tract E south of the stream that does not contain any wetlands or steep terrain.
5. Access to the southeastern portion of Tract E can be from the south with dedications and section line easements.
6. Access from the south would require crossing areas of wetlands and North Fork Anchor River, another anadromous stream.
7. Access from the north is from Haven Avenue.
8. Haven Avenue crosses steep terrain, wetlands, and the unnamed anadromous stream.
9. To the north of the subdivision is a 160 acre parcel owned by the University of Alaska.
10. The current access to the large acreage parcel to the north is by Haven Avenue.
11. If section line easement is currently in use for access it will be required to be brought up to borough standards.
12. An exception has been requested to dedicate rights-of-way along the southern boundary.
13. KPB Roads department reviewed the plat design and replied with "no comment".

[Staff reviewed the exception request and recommends granting approval to not require centerline and cross-sections and provide confirmation that there is not an crossing being used across the anadromous stream.](#)

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, 2, 5, 7, 10, and 13 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, 2, 5, 7, 10, and 13 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, 2, 5, 7, 10, and 13 appear to support this standard.**

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

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**RECOMMENDATION:**

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

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

NOTE: 20.25.120. - REVIEW AND APPEAL.

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

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

END OF STAFF REPORT

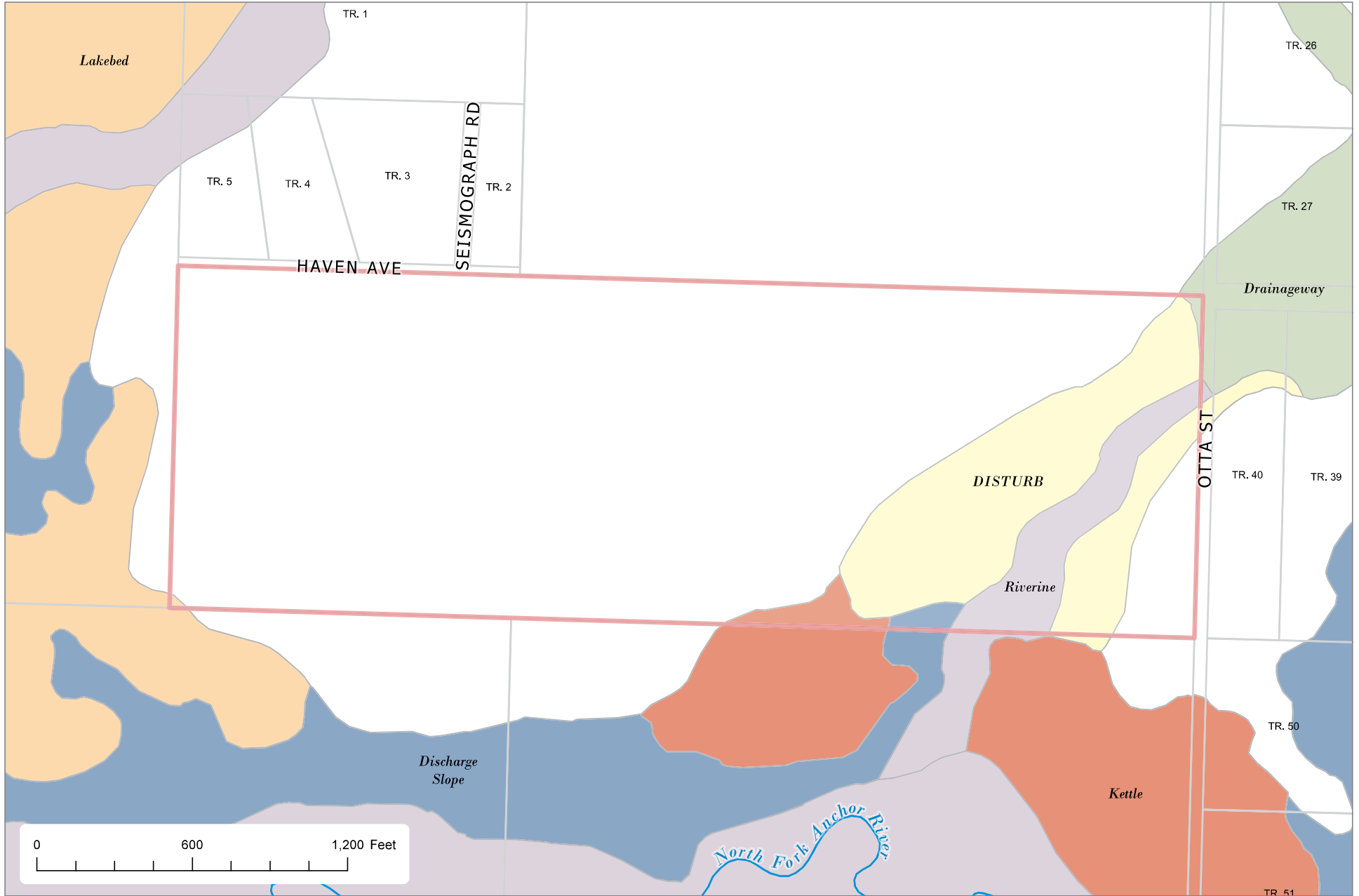
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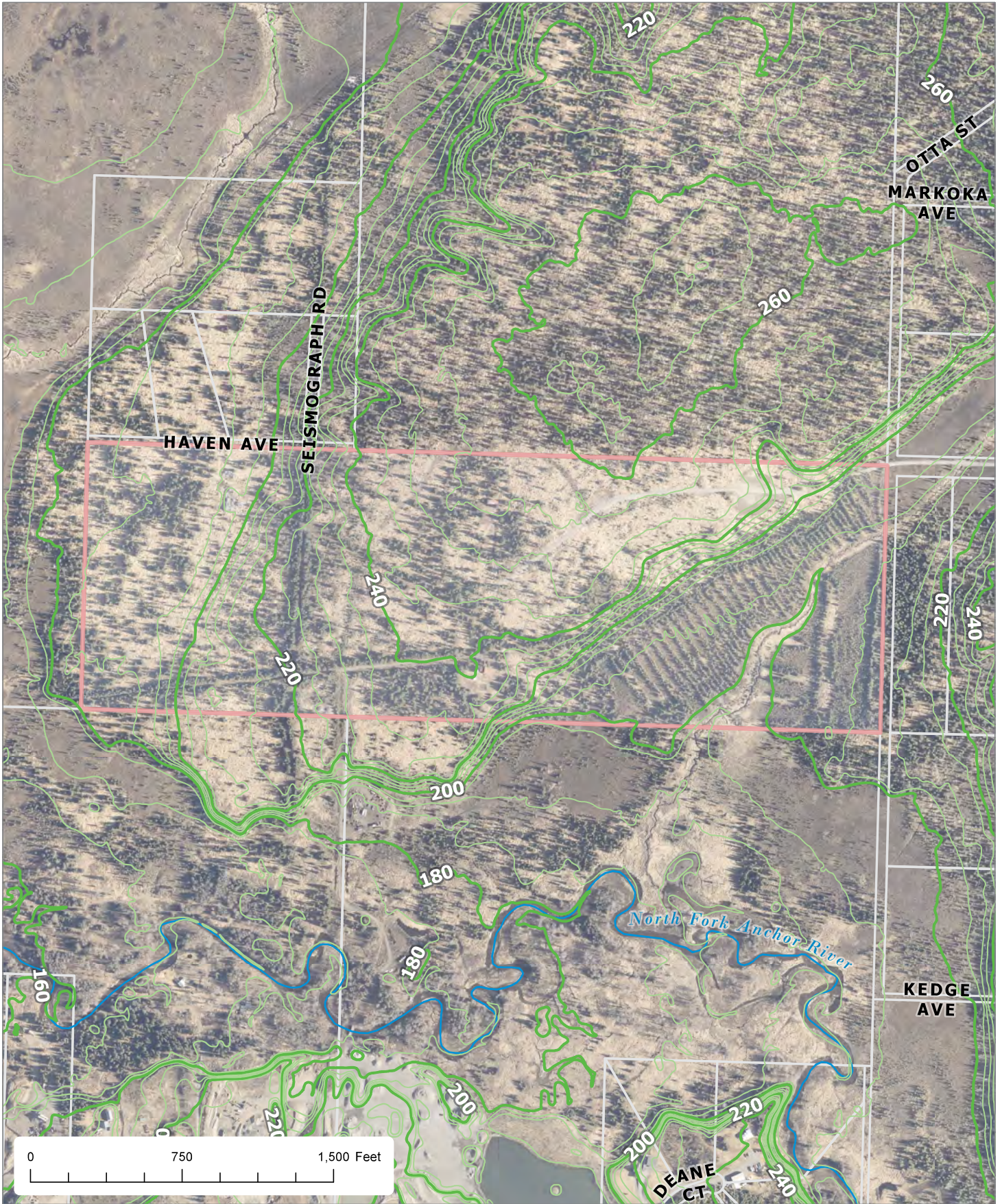


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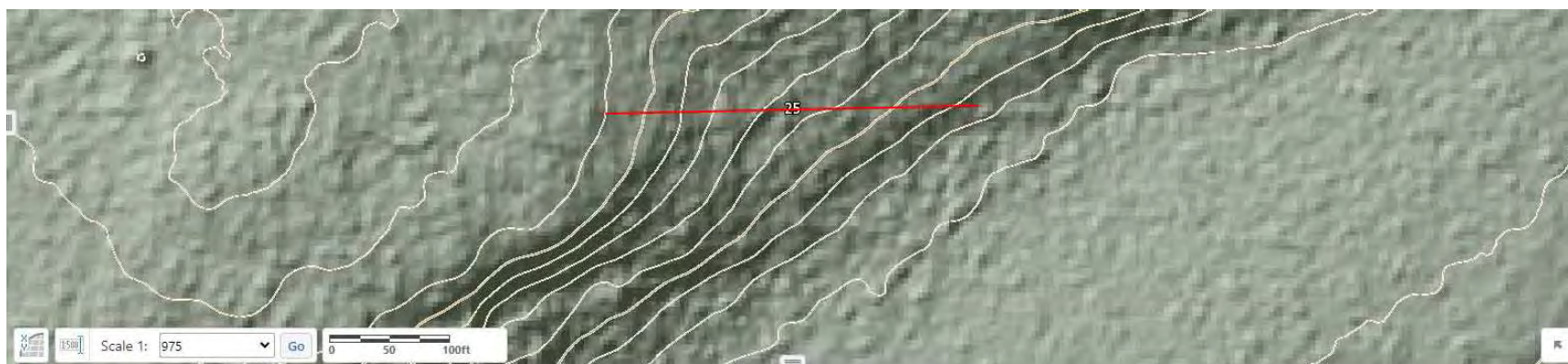


Aerial with 5-foot Contours



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Select Charts

Profile

