

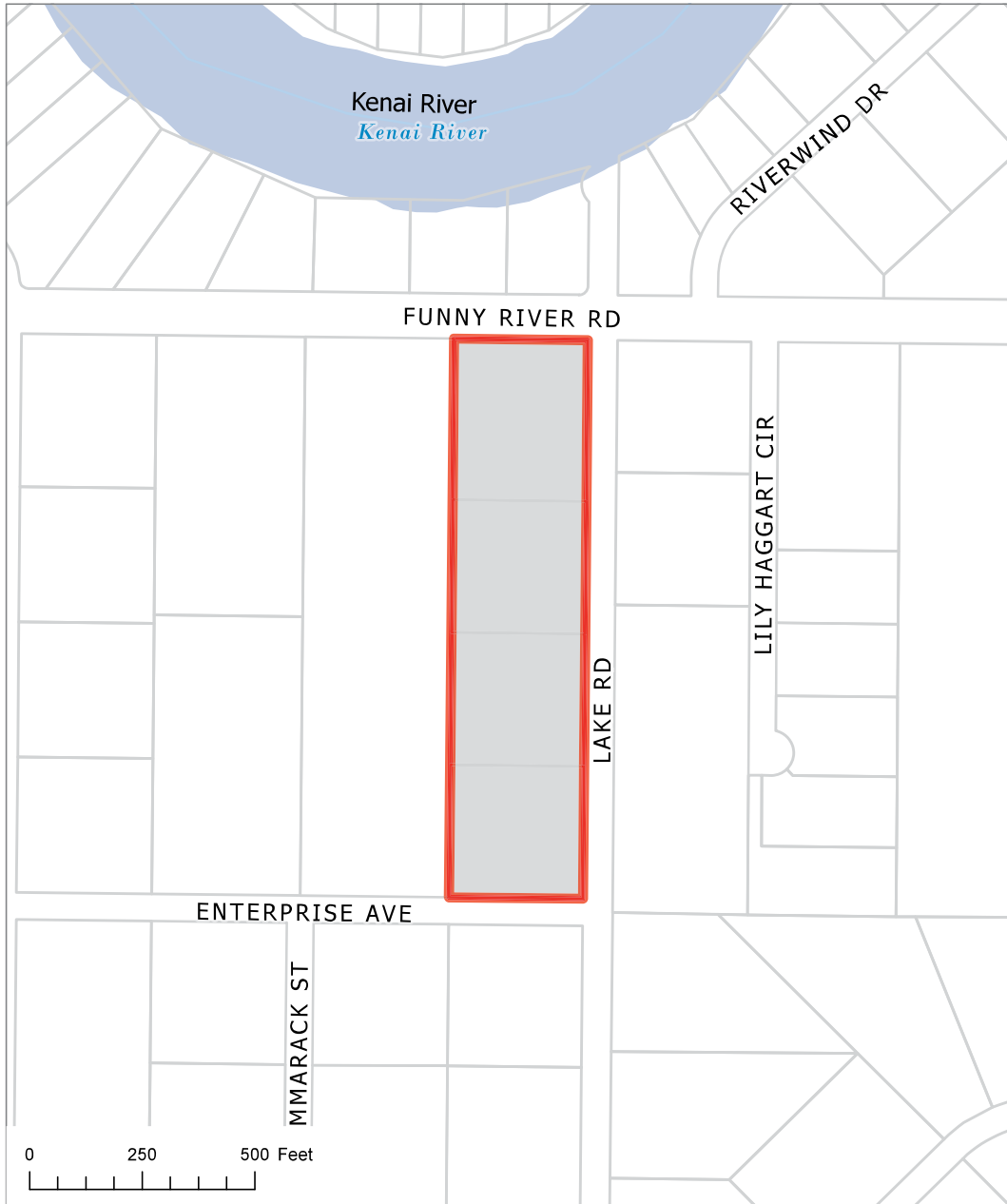
# **E. NEW BUSINESS**

**2. Butler-Church Subdivision; KPB File 2024-105**

**Johnson Surveying / Galley Living Trust**

**Location: Funny River Road, Lake Road & Enterprise Avenue**

**Funny River Area / Funny River APC**



KPB File 2024-105  
T 05N R 08W SEC 19  
Funny River

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.



Aerial Map



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

# Butler - Church Subdivision Galley Addition #3 Preliminary Plat

A subdivision of Lots 8A thru 8D Block 1 Butler-Church Subd. Galley Addn. #2 ( KRD 2019-37 ).  
Located in the NE1/4 Section 19, T5N R8W, SM, Alaska.  
Kenai Recording District Kenai Peninsula Borough File 2019-

Prepared for

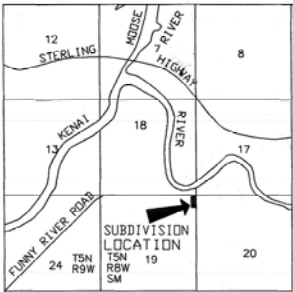
John Galley  
Galley Living Trust  
32612 Rocco Ct.  
Soldotna, AK 99669

Prepared by

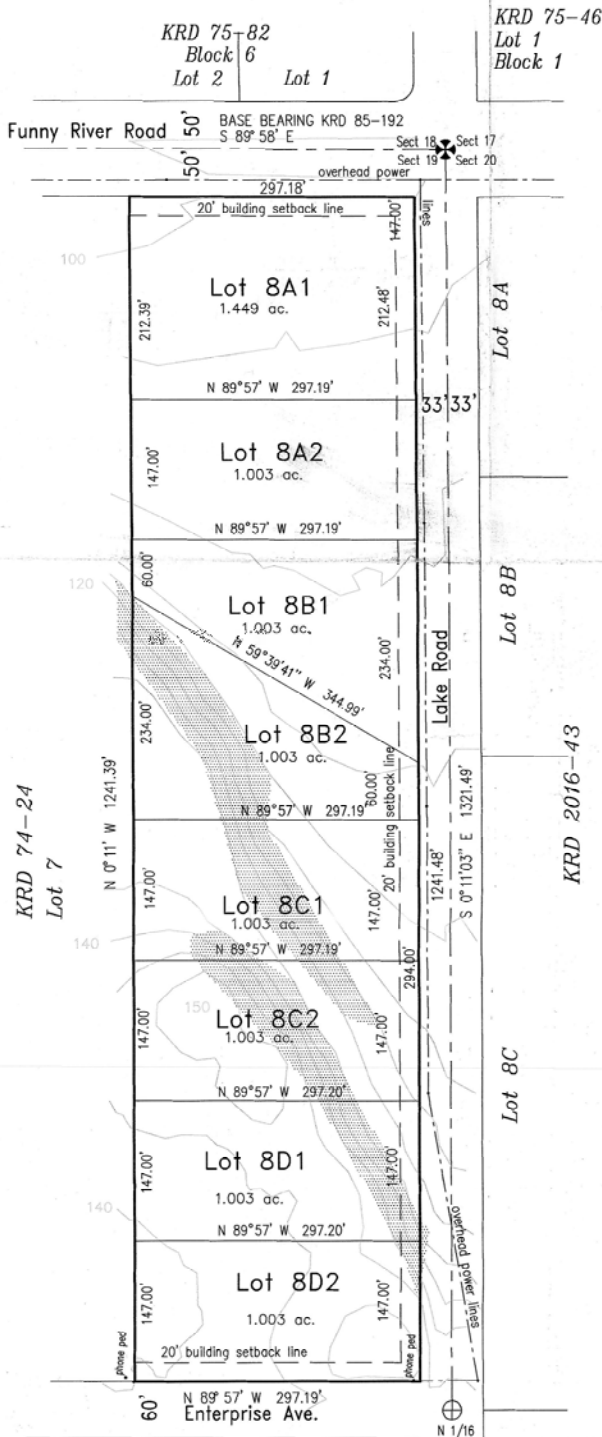
Johnson Surveying  
P.O. Box 27  
Clam Gulch, Ak 99568  
(907) 262-5772

SCALE 1" = 100' AREA = 8.470 acres

23 September, 2024



VICINITY 1" = 1 mile MAP



### NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. Contour interval 4'. Shaded areas indicate grades over 20%. There are no wet areas on the property.
4. A general electrical easement on this property was granted in Kenai Records Deeds Book 10 Page 321. This is a general easement, no definite location given.
5. This property is subject to Special Assessment District Requirements as set forth by KPB Ordinance 2016-43, Kenai Records 2017-000451-0.

### WASTEWATER DISPOSAL

20.40.020  
The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on 9/11/2019.  
Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

AGENDA ITEM E. NEW BUSINESS

**ITEM #2 - PRELIMINARY PLAT  
BUTLER-CHURCH SUBDIVISION GALLEY ADD #3**

<b>KPB File No.</b>	2024-105
<b>Plat Committee Meeting:</b>	October 28, 2024
<b>Applicant / Owner:</b>	John Galley, Galley Living Trust
<b>Surveyor:</b>	Jerry Johnson / Johnson Surveying
<b>General Location:</b>	Funny River Rd & Lake Rd / Funny River APC

<b>Parent Parcel No.:</b>	066-130-55, 066-130-56, 066-130-57 & 066-130-58
<b>Legal Description:</b>	T 05N R 08W SEC 19 SEWARD MERIDIAN KN 2019037 BUTLER-CHURCH SUBD GALLEY ADDN NO 2 LOT 8A - 8D BLK 1
<b>Assessing Use:</b>	Vacant
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	Onsite / Onsite
<b>Exception Request</b>	None

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide four lots into 8 new lots ranging in size of 1.003 acres to 1.449 acres.

**Location and Legal Access (existing and proposed):**

Legal access to the plat is along Lake Rd lying between Funny River Rd and Enterprise Ave. Funny River Rd is a 100' state maintained dedication. Lake Rd is a 66' borough maintained road and Enterprise Ave is a 60' borough maintained dedication. All three roads are developed.

The plat will not be vacating a right-of-way nor will it be dedicating one.

There are section line easements located along outside this plat to the east and north. They have not been shown on the previous two plats. **Staff recommends** the surveyor verify the section line easements and add a plat note identifying the location and size of the section line easement for this plat drawing.

The block length is complaint being completed by Funny River Rd, Lake Rd, Enterprise Ave and Ansel St N.

The KPB Roads Department commented about concern for location of driveways along Funny River Rd and Lake Rd for Lot 8A1 on the distance from corner of the intersection. **Staff recommends** the surveyor add a note with respect to the concern and contacting the KPB Road Department at the time an application for a driveway is being completed for assistance on getting the required distance from the intersection.

KPB Roads Dept. Comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: Suggest a minimum distance from FRR/Lake RD intersection for the driveway location of Lot 8A1. No further RSA comments or objections
SOA DOT Comments	No comment

**Site Investigation:**

There are no structures on the plat according to KPB GIS data.

There are steep areas that are shown on the plat along with contours. The contours can be removed for the final submittal and the steep areas can remain.

There are no wetlands on the plat according to the KWF wetlands assessment. The River Center review did not identify the plat to be in a FEMA designated flood hazard area or a habitat protection district.

KPB River Center Review	<p>A. Floodplain            Reviewer: Hindman, Julie            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>
State of Alaska Fish & Game	

**Staff Analysis**

Originally the land was an aliquot part of the NE1/4 of Section 19, Township 5 North, Range 8 West, SM, Alaska. Butler-Church Subdivision KN74-24 was the first subdivision of the NE1/4 creating two blocks of 8 lots each. Butler-Church Subdivision Galley Addition #2 KN2019-37 subdivided Lot 8 Block 1 into the current configuration. This platting action is subdividing the 4 lots of KN2019-37 into 8 lots, seven of them being of size 1.003 acres on one being 1.449 acres.

A soils report will not be required as the parent plat Butler – Church Subdivision Galley Addition #2 has a soils report submitted that was approved and a surveyor signed the Wastewater Disposal note on that plat. The report can be viewed at the KPB.US Platting website under the soils reports.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

Funny River Advisory Planning Commission meeting for the month of October was not being held so therefor no review was available.

There does not appear to be any encroachments onto the property. **Staff recommends** the surveyor watch for any encroachments when doing the field work and if found notify staff of them and show on the final submittal along with a detail of a resolution to the issue.

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

This plat is located in a Special Assessment District as noted at plat note #5, any taxes or special assessments will be due prior to finalizing and Plat Approval is given.

**Utility Easements**

The plat has carried forward the 10’ utility easement as noted on KN 2019-37. Staff recommends adding the easement to the drawing and identifying the source of the easement.

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 comment
ACS	
GCI	Approved as shown
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
TELALASKA	

**KPB department / agency review:**

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: NONE Existing Street Names are Correct: Yes List of Correct Street Names: LAKE RD, FUNNY RIVER RD, ENTERPRISE AVE Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No other comments
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
Advisory Planning Commission	

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

There are random numbers along the east line that can be removed.  
The label of phone ped in two spots on the south line can be removed.

**PLAT NOTES TO ADD**

- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170(B).
- Add a plat note concerning the covenants of the trust document.

**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:**

Revise the KPB File no to 2024-105

add the middle initial of E. to John Galley as that is how the Certificate of Trust list his name.

- 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:**

Make Funny River Rd label the east / west portion east of the current label

Label Lake Rd

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff recommendation:**

Lot to the west needs Block 1 added

Lot to the northeast needs plat label revised to 72-46

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

**Staff recommendation:**

Plat needs Block 1 added across it or to each lot

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### **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.

#### 20.30.060. Easements-Requirements.

D. Unless a utility company requests additional easements, the front ten feet adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers.

**Staff recommendation:** The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Grant utility easements requested by the utility providers.**

Show the 10' utility easement along the front of lot

Add the 5' clearing and underground utility easement as shown on KN 74-24 to the drawing.

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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:*

**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.*

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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.

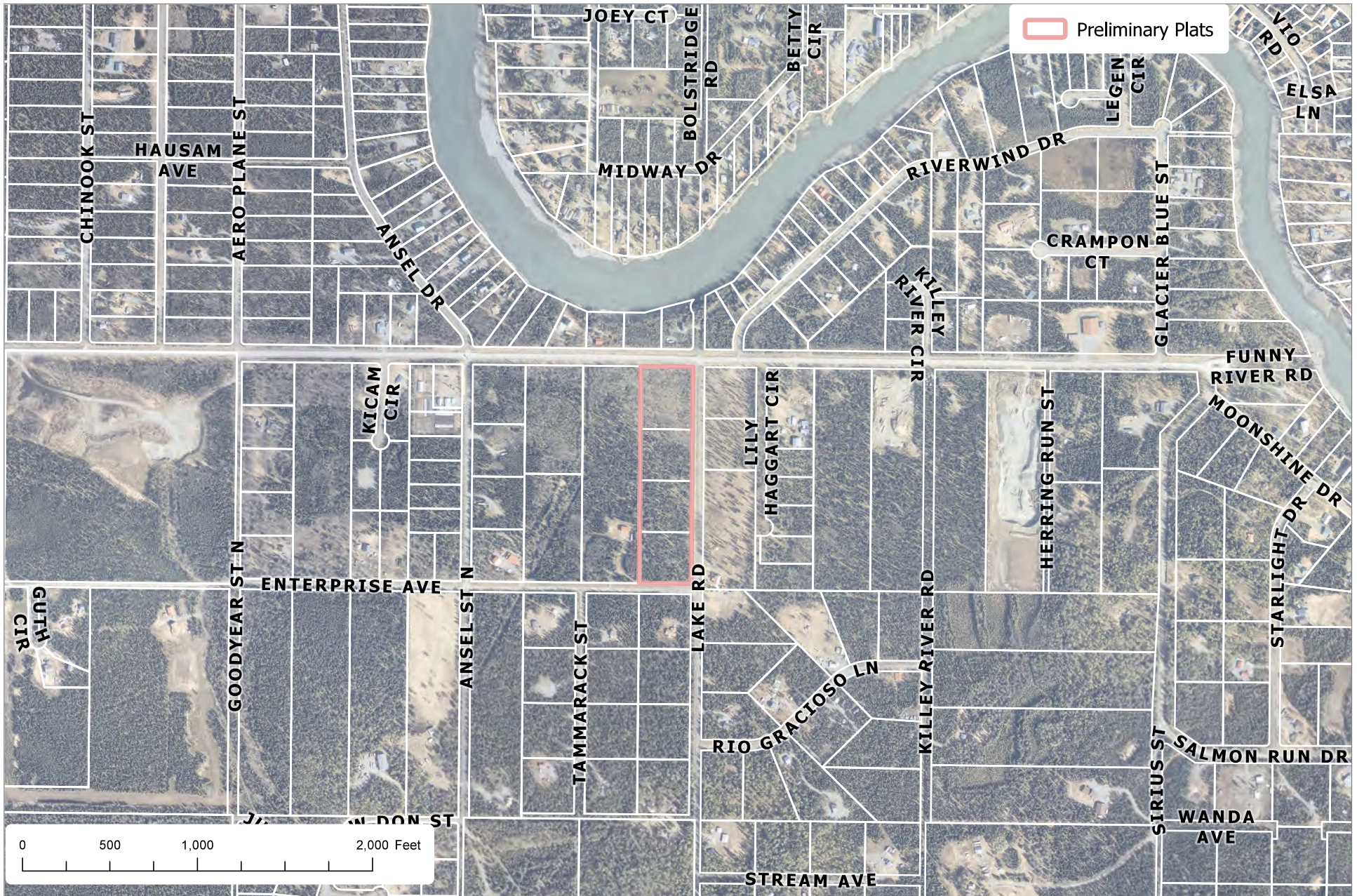
**A DECISION OF THE PLAT COMMITTEE MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.**

**END OF STAFF REPORT**

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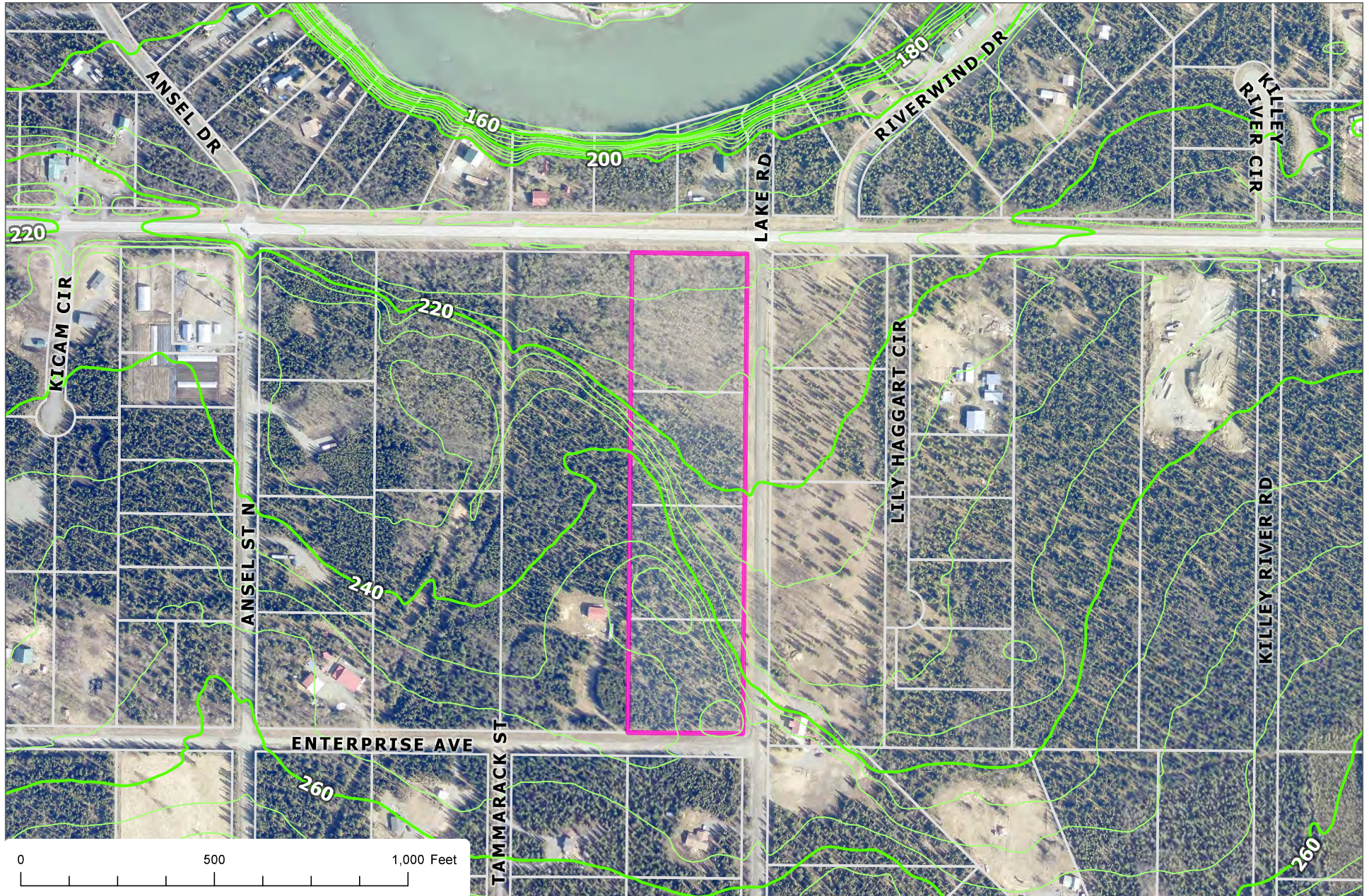
Aerial Map



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Aerial with 5-foot Contours



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# BUTLER - CHURCH SUBD. GALLEY ADDITION #2

A subdivision of Lot 8 Block 1 Butler-Church Subdivision ( KRD 74-24 ),  
Located in the NE1/4 Section 19, T5N R8W, S4, Alaska.  
Kenai Recording District Kenai Peninsula Borough File 2019-021

Prepared for

John E. Galley  
Galley Living Trust  
32612 Rocco Ct.  
Soldotna, AK 99669

Prepared by

Johnson Surveying  
P.O. Box 27  
Clam Gulch, Ak 99568



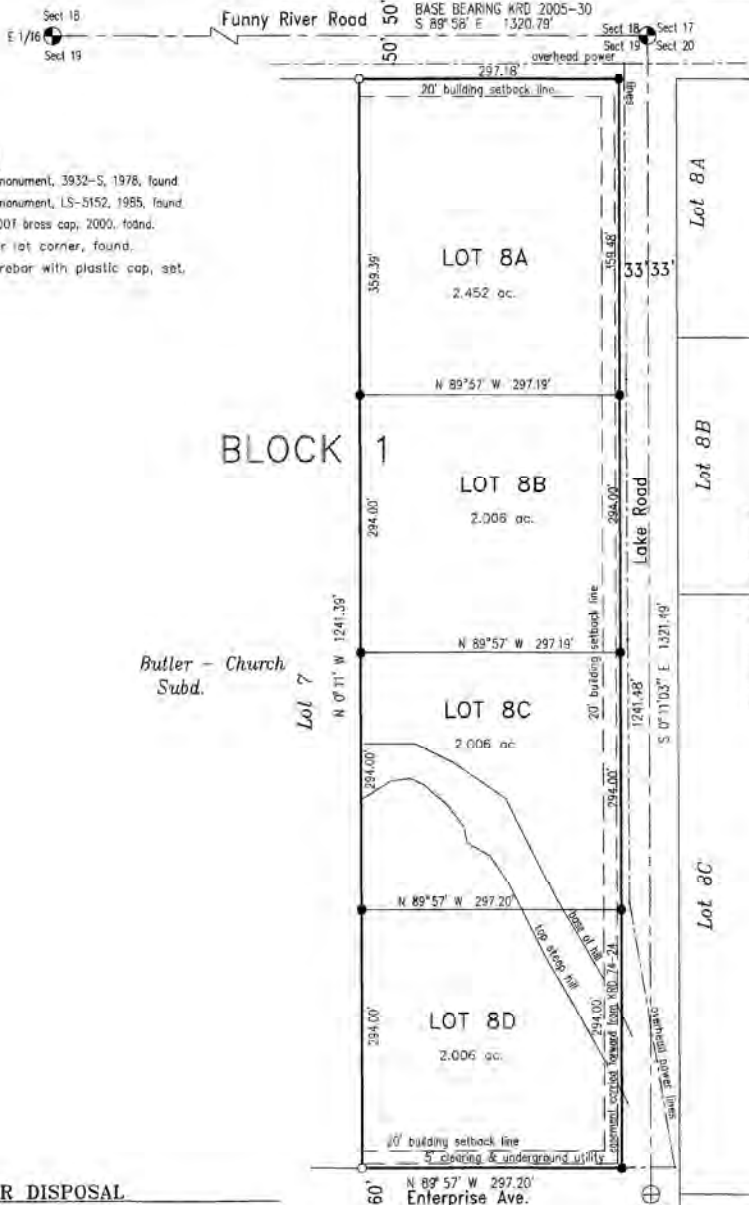
VICINITY 1" = 1 mile MAP

SCALE 1" = 100' AREA = 8.470 acres 23 January, 2019

8/27/19

2019-37  
Plat #  
Kenai  
Rec. Dist.  
9/16 2019  
DATE  
TIME 8:50 AM

Holiday Park Subd.  
Block 6  
Lot 2 Lot 1



### LEGEND

- ⊕ - 3/4" alcap monument, 3932-S, 1978, found
- ⊙ - 3/4" alcap monument, LS-5152, 1985, found
- ⊗ - 2" Stala D01 brass cap, 2000, found.
- - 1/2" rebar lot corner, found.
- - 1/2 x 4" rebar with plastic cap, set.

### PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 8 April, 2019

KENAI PENINSULA BOROUGH

By: Marcus Beck - 9/11/2019  
Authorized Official Date

### NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. No access to state maintained ROWs allowed unless approved by State of Alaska Dept. of Transportation.
4. A general electrical easement on this property was granted in Kenai Records Deeds Book 10 Page 321. This is a general easement, no definite location given.
5. This property is subject to Special Assessment District Requirements as set forth by KPB Ordinance 2016-43, Kenai Records 2017-003451-0.

### OWNERSHIP CERTIFICATE

I hereby certify that the Galley Living Trust is the owner of the real property shown and described herein, and that I, on behalf of the Galley Living Trust hereby adopt this plan of subdivision, and by my free consent grant all easements to the use shown.

John E. Galley, Trustee  
John E. Galley Trustee Galley Living Trust  
32612 Rocco Ct. Soldotna, AK 99669

### NOTARY'S JURAT

For: John E. Galley  
Subscribed and sworn to before me this 29  
day of August, 2019.  
Sharon Linn  
Notary Public for Alaska  
My commission expires 5/12/23



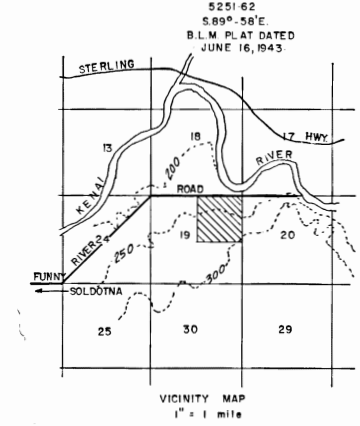
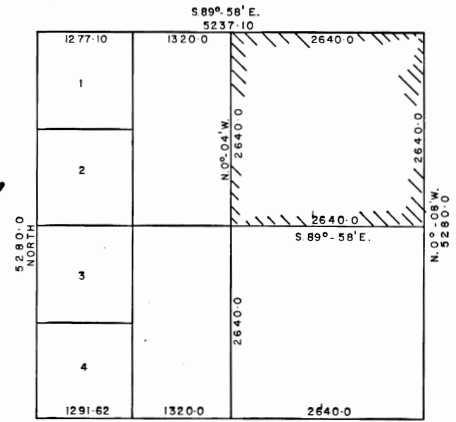
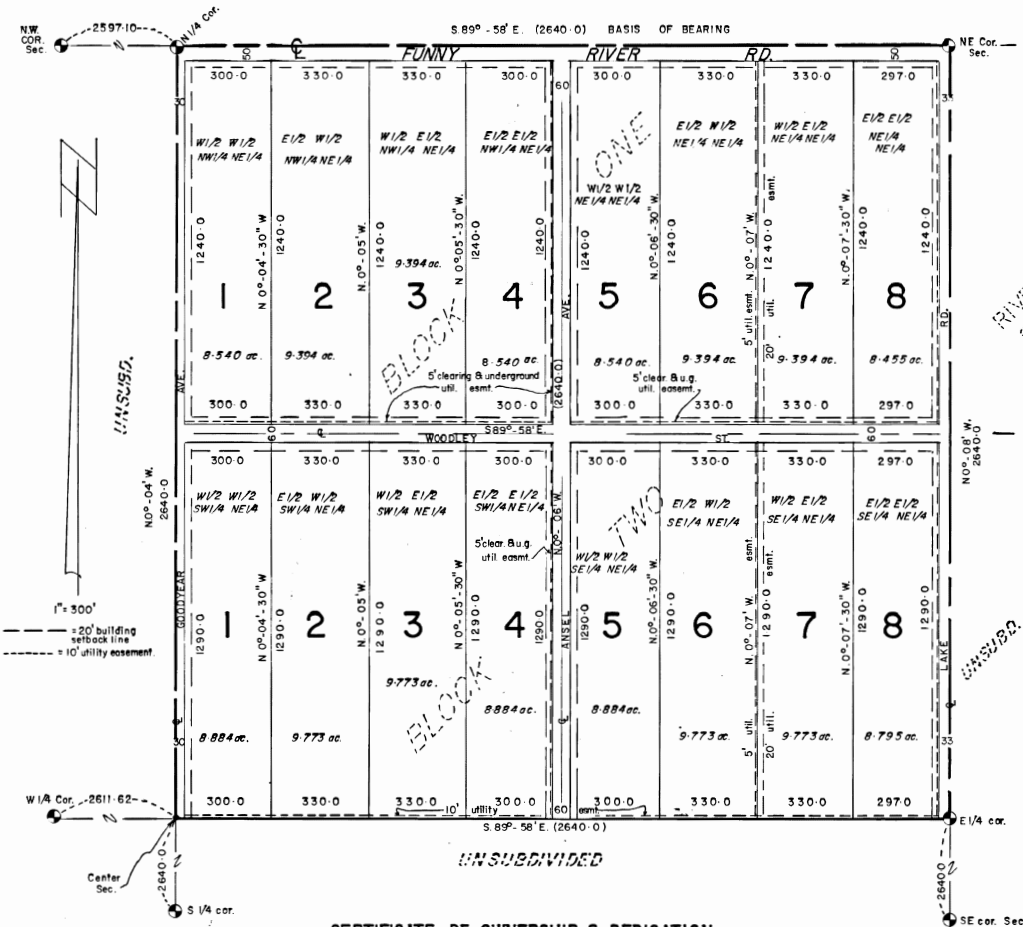
### WASTEWATER DISPOSAL

20.40.040  
Soil conditions, water table levels, 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 professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Dept. of Environmental Conservation.

John E. Galley CE13353 29 Aug '19  
Engineer License # Date

# BUTLER-CHURCH SUBDIVISION

WITHIN THE NE 1/4,  
SEC. 19, T.5N. R.8W., S.M.,  
KENAI PENINSULA BOROUGH,  
ALASKA.



NOTE:  
THIS PLAT IS A COMPILATION OF  
PRESENTLY AVAILABLE MAPS, AND  
NO FIELD SURVEY HAS BEEN MADE.

BOROUGH PLANNING COMMISSION  
Plat approved by the commission this 21<sup>st</sup> day  
of January, 1974.

*Stanley F. Thompson*  
Mayor

74-24

RECORDED - FILED	REC. DIST.
<i>Kenai</i>	
DATE <u>3-15</u> 1974	
TIME <u>2:34 P</u> M	
Recorded by <u>KPB</u>	
Sheet <u>867</u>	

LAND USE: RESIDENTIAL  
TOTAL AREA SUB., LESS ROADS-146.19 ACRES.

PREPARED IN ACCORDANCE WITH  
SEC. 20.15 025 (2) OF BOROUGH CODE.

DATE: Jan. 17, 1974



CERTIFICATE OF OWNERSHIP & DEDICATION  
We hereby certify that we are the owners of the property shown and described hereon; that we adopt this plan of subdivision with our free consent, and do hereby dedicate to public use and the use of public utilities the streets as shown.

*William A. Collins* owner  
*Laura L. Butler* owner  
*William A. Collins* owner  
*Joselyn L. Butler* owner  
*Walter C. Church* owner  
*Glenn B. Church* owner

Sworn and subscribed to before me, a Notary Public, this 13 day of March, 1974.  
*Regis J. Stenness*  
notary  
My commission expires April 11, 1974

FOR	
W.B. BUTLER, SR., W.B. BUTLER, JR., & W.C. CHURCH, BOX 187, KENAI	
MALONE	SURVEYING
KENAI	ALASKA