

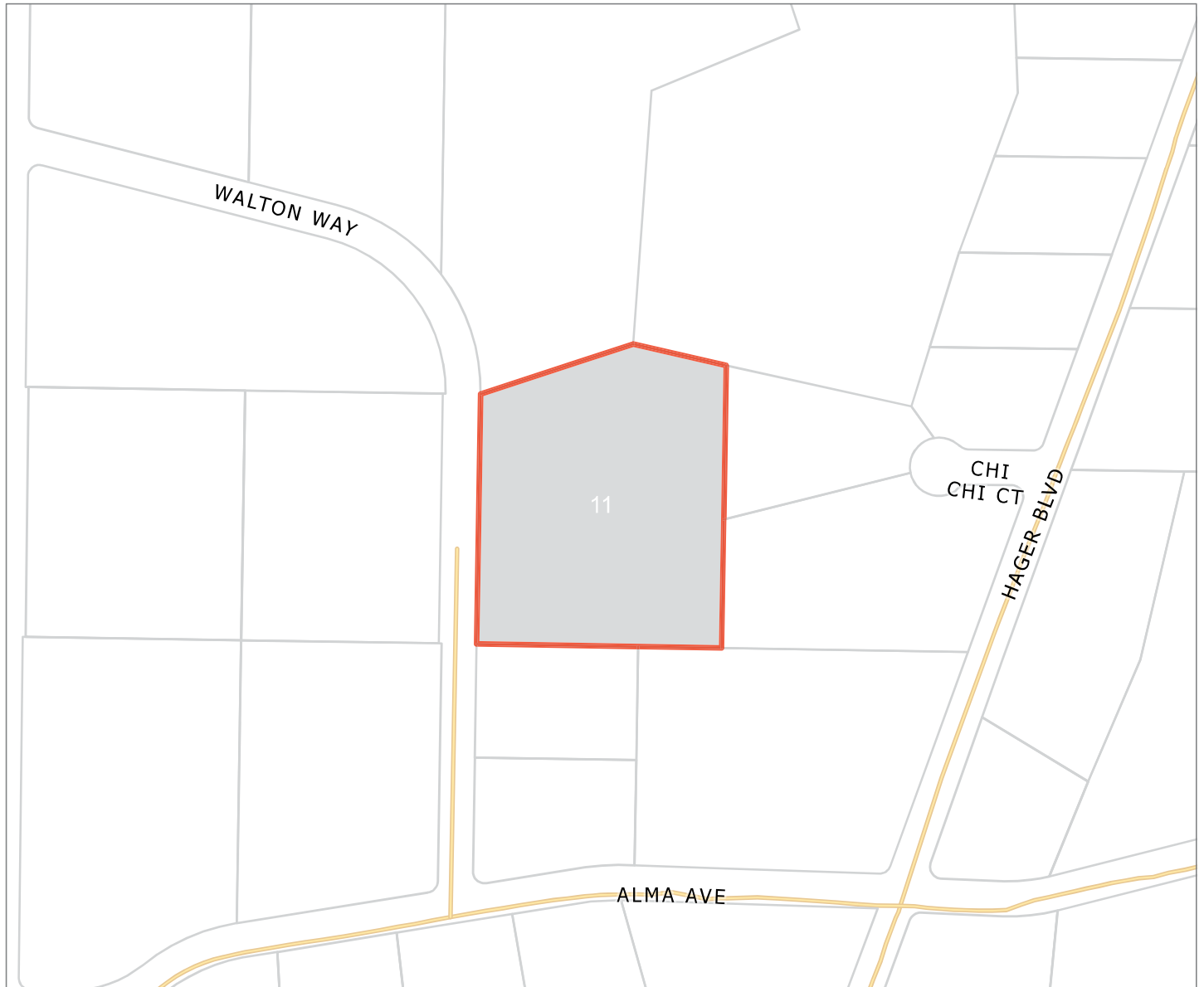
E. NEW BUSINESS

- 12. Sleepy Hollow Longmere Landing Addition
KPB File 2021-003R1**



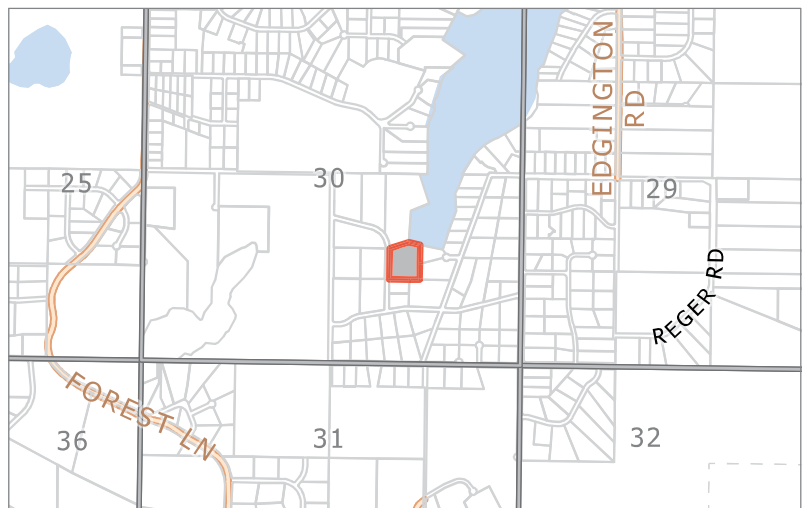
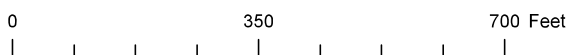
Kenai Peninsula Borough Planning Department

Vicinity Map



KPB File 2021-003R1
T 05N R 09W SEC 30
Sterling

10/6/2022





LEGEND:

- 3 1/4" BRASS CAP MONUMENT 237-S FOUND
- 2" ALUM. CAP MONUMENT 1300-S 1978 FOUND
- 1/2" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- () RECORD DATUM PLAT 80-122 KRD

NOTES:

- 1) Basis of bearing taken from Sleepy Hollow Subdivision First Addition, Plat 80-122, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way, both public and private, unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 4) 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.
- 5) The natural meanders of ordinary high water is for area computations only, the true corners being on the extension of the sideline and the intersection with the natural meanders.
- 6) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 186 Page 630 Kenai Recording District. The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.
- 7) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 7 Page 125, Kenai Recording District. No definite location disclosed.
- 8) Front 15 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 9) WASTEWATER DISPOSAL: 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 Department of Environmental Conservation.

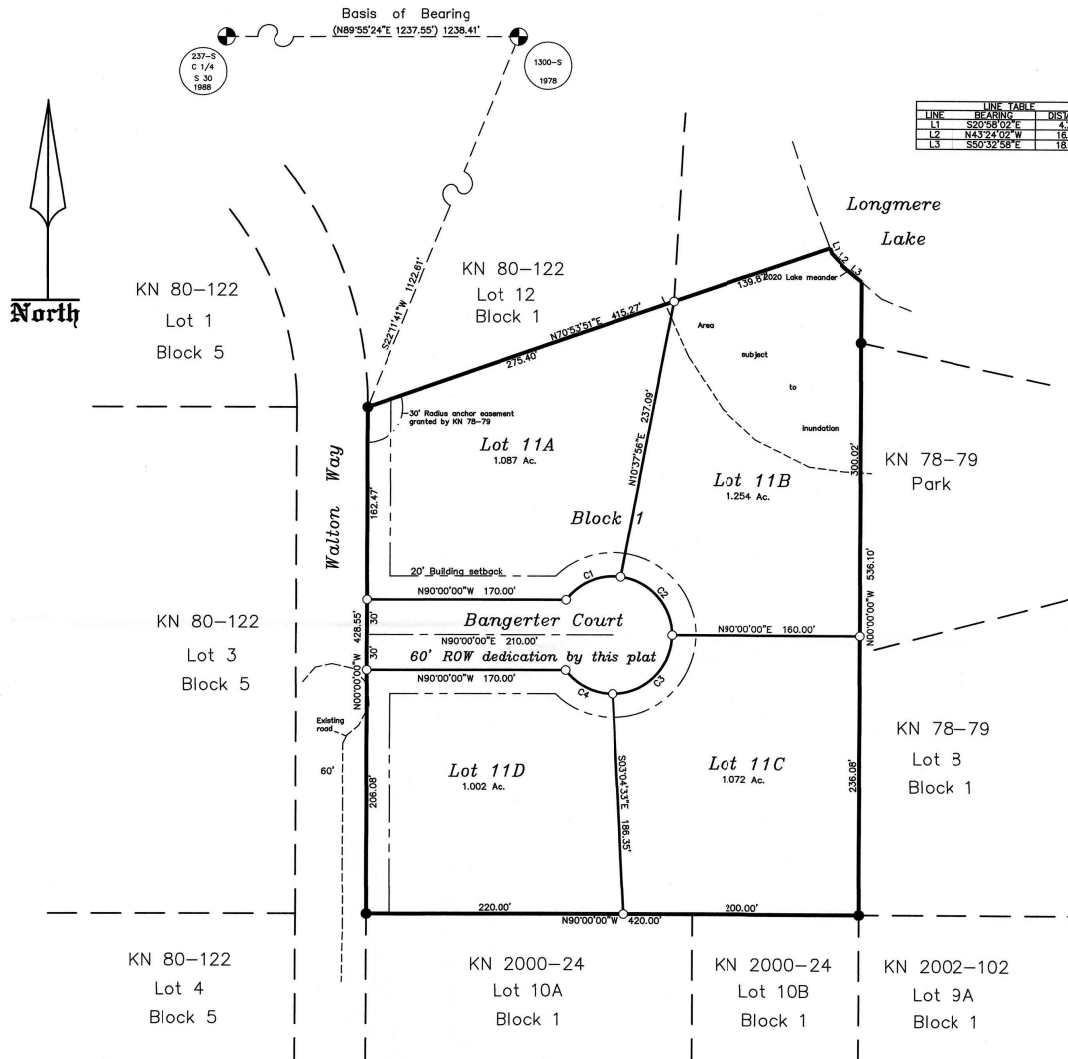
Engineer License No. Date



SURVEYOR'S CERTIFICATE

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

Date

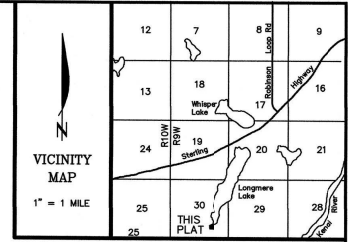


CERTIFICATE of ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: BANGARTER COURT DEDICATION. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE



CERTIFICATE of OWNERSHIP and DEDICATION

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

TERRY SCOTT ROBINSON, MANAGING MEMBER
KENAI GRAVEL PRODUCTS, LLC
822 W 2150 S
WOODS CROSS, UTAH 84087

NOTARY'S ACKNOWLEDGEMENT

FOR
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20____

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF FEBRUARY 8, 2021.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

KPB File No. 2021-003

Sleepy Hollow Subdivision Longmere Landing Addition

A subdivision of Lot 11 Block 1 Sleepy Hollow Subdivision First Addition, Plat 80-122, Kenai Recording District.

Located within the SE1/4 Section 30, T5N, R9W, S.M.
Kenai Peninsula Borough, Alaska.

Containing 4.669 Ac.

Surveyor Segesser Surveys 50485 Rosland St. Soldotna, AK 99669 (907) 262-3908	Owner Kenai Gravel Products 822 W 2150 S Woods Cross, Utah 84087
JOE NO. 20026	DRAWN: 8-10-22
SURVEYED: Oct., 2019	SCALE: 1"=50'
FIELD BOOK: 19-4	SHEET: 1 of 1

KPB 2022-003R1

AGENDA ITEM E. NEW BUSINESS

ITEM 12 – SLEEPY HOLLOW SUBDIVISION LONGMERE LANDING ADDITION

KPB File No.	2021-003R1
Plat Committee Meeting:	November 14, 2022
Applicant / Owner:	Estate of Kent Bangerter of Salt Lake City, UT
Surveyor:	John Segesser / Segesser Surveys
General Location:	Walton Way, Longmere Lake, Sterling

Parent Parcel No.:	063-630-53
Legal Description:	Lot 11, Block 1, Sleepy Hollow Subdivision First Addition, Plat KN 80-122
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 4.7 acre parcel into four lots that will be from 1.002 to 1.254 acres and will dedicate a right-of-way ending with a cul-de-sac.

Location and Legal Access (existing and proposed): The subdivision is located at the southern end of Longmere Lake in the Sterling area. There are dedications from the west that provide access but are not developed. The proposed subdivision is accessed by multiple roads that are off of Edgington Road. The roads for access are borough maintained. The property fronts Walton Way, a 60 foot wide dedication. A cul-de-sac is proposed to provide access to the lots.

Proposed Lots 11A and 11D will be corner lots with the proposed cul-de-sac Bangerter Court and Walton Way. Proposed Lot 11B and Lot 11C will have access via Bangerter Court. Lot 11B will also have approximately 30 foot access to Longmere Lake.

The block is not compliant due to cul-de-sacs to the north and east, and the proximity to Longmere Lake. **Staff recommends the plat committee concur an exception is not required as there are no dedications possible to improve the block length.**

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

Site Investigation: There are no low wet areas present within the subdivision except along the lake boundary. It appears the owner had reached out to U.S. Army Corps of Engineers regarding a wetland determination. The letter states the property did not contain areas under their jurisdiction but all other state, federal, and local regulations must be followed. **Staff recommends the wetlands remain on the final plat and plat note 4 remain.**

There are no areas of steep terrain within the bounds of the preliminary plat.

The subdivision acreage may adjust and the boundary update from the previously platted boundary of the lot. The property is to the natural meander of Longmere Lake and current meander information may adjust the boundary. A revised boundary is shown with 2020 lake meander information.

KPB River Center review	Floodplain: Not within flood hazard area. No comments Habitat Protection: Is NOT within HPD. No comments State Parks: No comments
State of Alaska Fish and Game	No objections

Staff Analysis This is a revised preliminary plat. The original plat was heard on February 9, 2021 and was reviewed and approved under KPB 20.80, Private Streets and Gated Communities. A final had been submitted and was reviewed but since that time the owner has passed away. The estate does not wish to continue with Bangerter Court as a private road. The new proposal will dedicate the court as a public right-of-way. Additionally, Ordinance 2020-45 took effect on April 1, 2021 and this revision should be reviewed under new code. Due to the change in code and road status, this revision will have a new hearing and decision from the Plat Committee.

This is replat of property originally platted by Sleepy Hollow Subdivision, Plat KN 78-79. The property was further subdivided into the current lot configuration by Sleepy Hollow Subdivision First Addition, Plat KN 80-122. Plat KN 78-79 did put 20 foot building setbacks into place along Walton Way.

A soils report will be required and an engineer will sign the final plat.

An updated Certificate to Plat will be required and any beneficial interest holders found 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 property is not within an advisory planning commission.

Staff recommends an update Certificate to Plat be ordered prior to submitting the final plat to make sure all newly recorded documents are properly documented and questions regarding ownership can be answered.

Utility Easements The previous plats did not grant any utility easements except for the anchor easement shown on the preliminary plat. The plat will be granting 15 foot utility easements adjacent to rights-of-way that increase to 20 feet within 5 feet of the side lot lines as stated in plat note 8. **Staff recommends** the easements be depicted on the plat or a typical depiction detail be added.

It appears multiple easements have been granted to utility providers prior to the decision to change from a private right-of-way to public right-of-way with the required adjacent utility easements. **Staff recommends** the easements be depicted and labeled or refer to plat notes with recording 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	Depict and dimension the easement of record per document
ENSTAR	No objections or recommendations
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 35200 WALTON WAY Existing Street Names are Correct: Yes
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	List of Correct Street Names: WALTON WAY Existing Street Name Corrections Needed: All New Street Names are Approved: Yes List of Approved Street Names: BANGERTER CT List of Street Names Denied: Comments: 35200 WALTON WAY will be deleted.
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:** *The ownership must be verified and match the certificate to plat. Unless additional deeds are recorded the ownership will be the owner's estate.*
- 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:** *There is a duplicate section label. Township label is required.*

- 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 proposed 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 to the southeast of the subdivision have been replatted and need new labels and depiction.*

KPB 20.30 – Subdivision Design Requirements

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

KPB 20.40 – Wastewater Disposal

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

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils report required and an engineer will need to sign the final plat.

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.*

20.60.110. Dimensional data required.

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

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

Staff recommendation: *Add measured and recorded data to final.*

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:

- *Add the code to plat note 3, "(KPB 14.06)".*

- Update the code listed in plat note 6, KPB 20.60.170.
- Plat notes for any additional easements that have been granted per the Certificate to Plat

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *The certificate should be updated to be on behalf of the estate and the signature line updated to personal representative on behalf of the estate unless ownership has changed. Comply with 20.60.190.*

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.

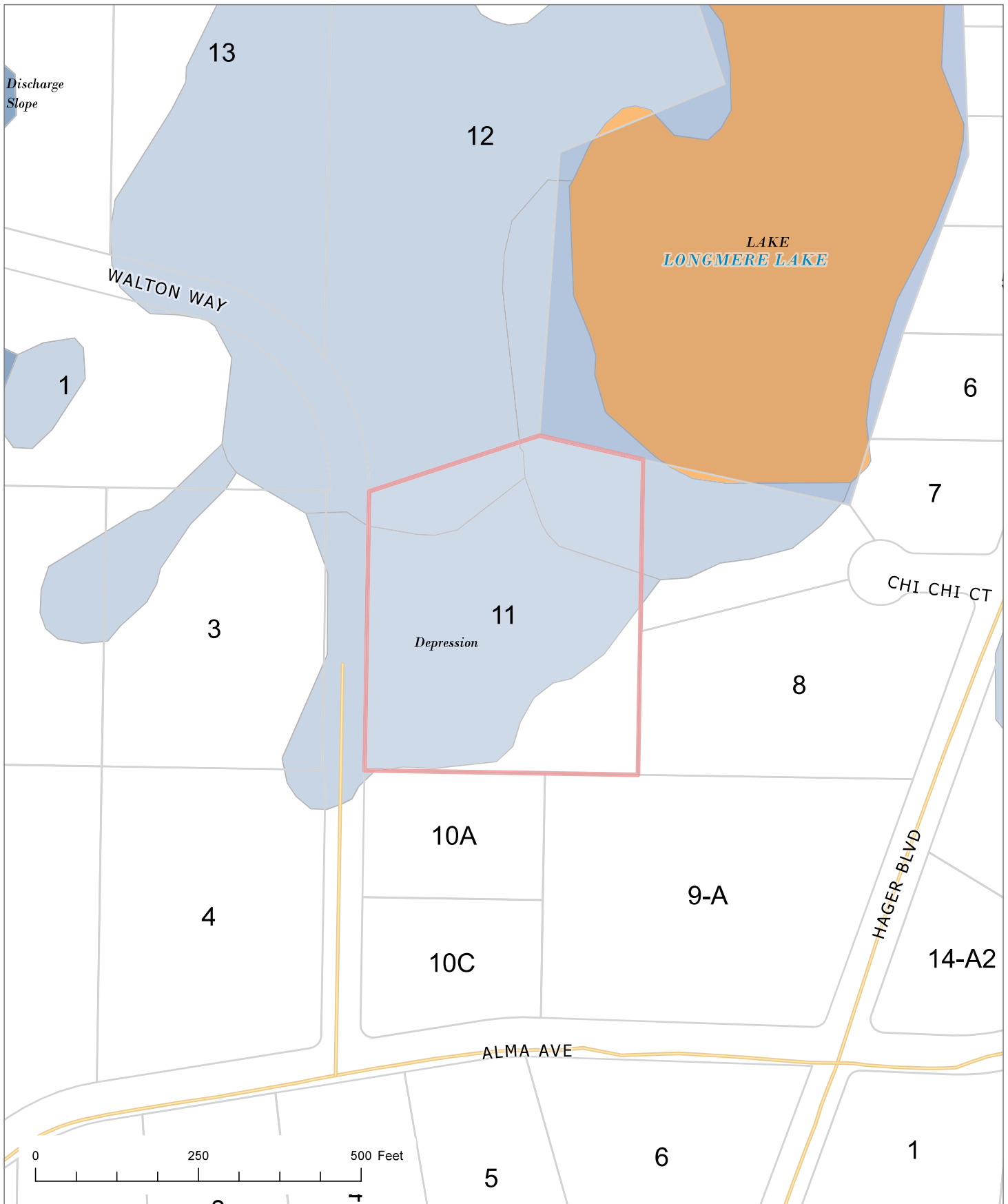
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT



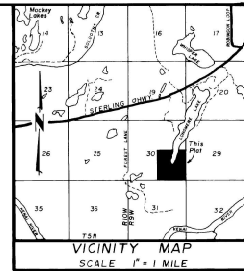
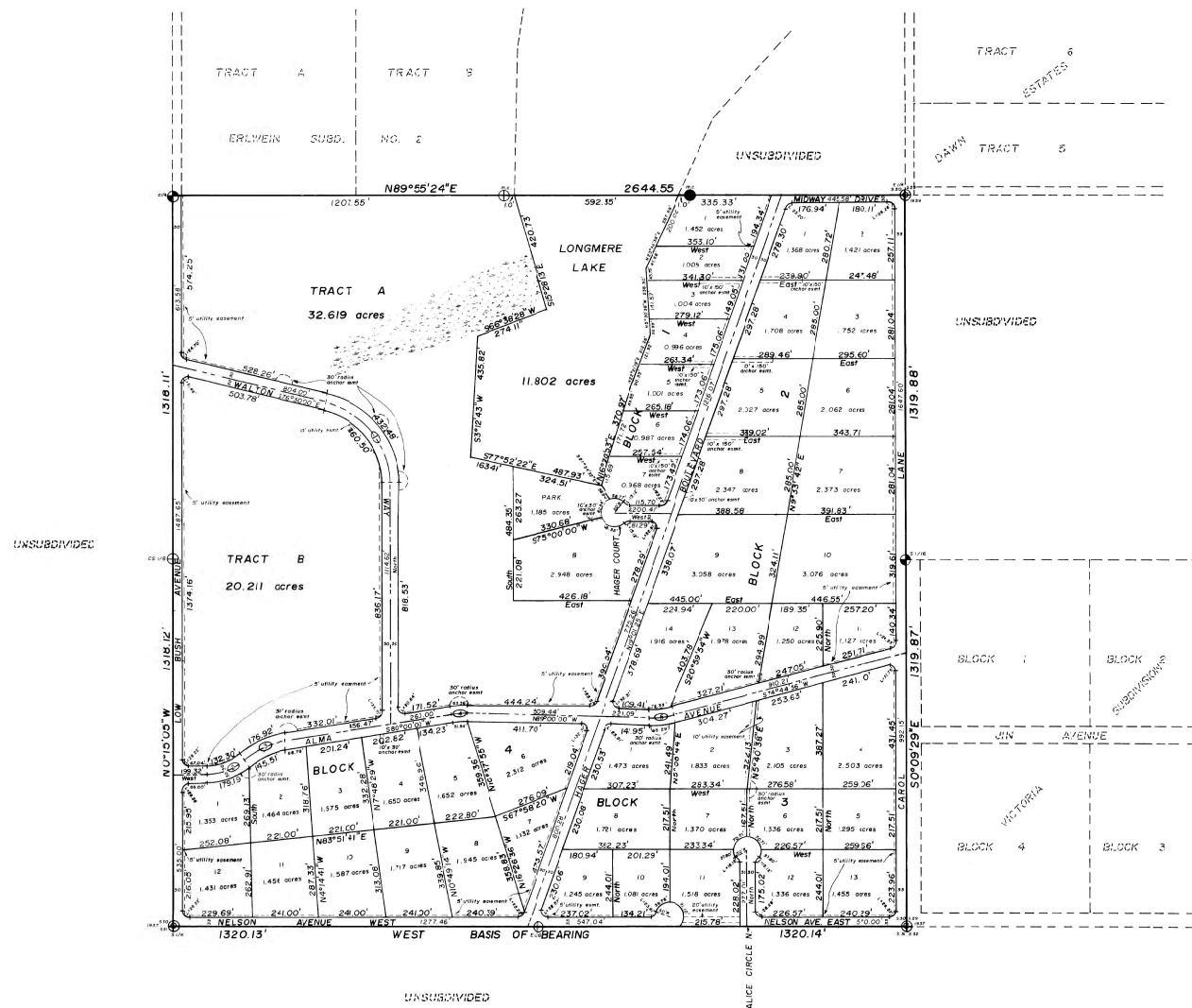


Wetlands



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.





- LEGEND AND NOTES**
- Set 3 1/4" alum. cap monument (1300-S)
 - ⊙ Found U.S.G.L.D. B.C. monument
 - ⊙ Found official survey alum. cap monument (237-S)
 - ⊙ Set 1/2" x 24" steel rebar.
 - ⊕ Set 1 1/2" Aluminum Cap monument (1300-S)

All datum of record shown thus ().

All lot are subject to a 20' bldg setback along all dedicated R/W's.

All wastewater disposal systems shall comply with existing law at time of construction.

All corner returns have a radius of 20'.

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described herein and that we hereby adopt this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

William Schneider J. H. Company
Peter Walton Secretary
 William Schneider, President Peter Walton, Secretary

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 10 day of May, 1978.

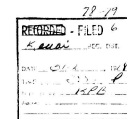
Curry S. Thompson
 Notary Public for Alaska

4-21-78
 My Commission Expires

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of April 9, 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 *Samuel J. Hallgren*



SLEEPY HOLLOW SUBDIVISION	
DESCRIPTION	
Located within U.S. Govt. Lots 6 & 7 and the S 1/2 SE 1/4 Section 30, T5N, R9W, 3 M., AK. containing 160 acres M/L including the lake.	
Owner: J. H. Company 56 Peter Walton, Attorney-In-Fact 330 L Street Anchorage, Alaska 99501	
PD Box 476	Sold to, AK
G.S. Best	
Geologist, Registered Land Surveyor	
Date Surveyed April, 1978	Scale 1" = 200'
Bk No. 77-3	

CENTERLINE CURVE DATA			
No.	Δ	Radius	Length
1	76°30'00"	300.00	236.90'
2	40°00'00"	226.37	82.53'
3	30°00'00"	307.89	82.53'
4	11°00'00"	300.00	28.87'
5	18°15'04"	300.00	42.87'

CERTIFICATE OF OWNERSHIP AND DEDICATION

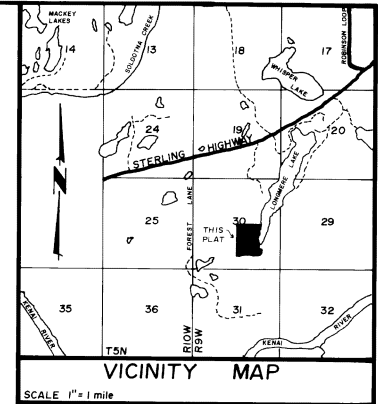
We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

BIP Co.
by: *Secretary*
BIP Co., Box 8, Anchorage, AK 99510 by Peter Walton, Secretary

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 19th day of November, 1978

Notary Public for Alaska
My Commission Expires: 7-7-81



LEGEND AND NOTES

- ⊕ Found Aluminum Cap monument
- Found 1/2" rebar.
- ⊥ Set 1/2" x 20" steel rebar.

All bearings refer to the north/south centerline of Section 30, T5N, R9W, S.M., AK as being N00°15'05"W

All datum of record shown thus ().

All lots are subject to a 20' bldg. setback along all dedicated R/W's.

All wastewater disposal systems shall comply with existing law at time of construction.

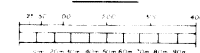
PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of June 5, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

KENAI PENINSULA BOROUGH

By: *Philip Waring*

SCALE



SLEEPY HOLLOW SUBDIVISION FIRST ADDITION

DESCRIPTION: A resubdivision of Tracts A and B, Sleepy Hollow Subdivision, plat 78-79, K.R.D., and within Government Lot 7 and a portion of S1/2SE1/4, Section 30, T5N, R9W, S.M., AK and within the Kenai Peninsula Borough containing 55.295 acres more or less

OWNER: BIP Co.

Box 8, Anchorage, AK 99510

Box 476, Soldotna, Ak 99669

G S Best
Geologist, Registered Land Surveyor

Date Surveyed

April 1978

Scale

1" = 200'

Bk No

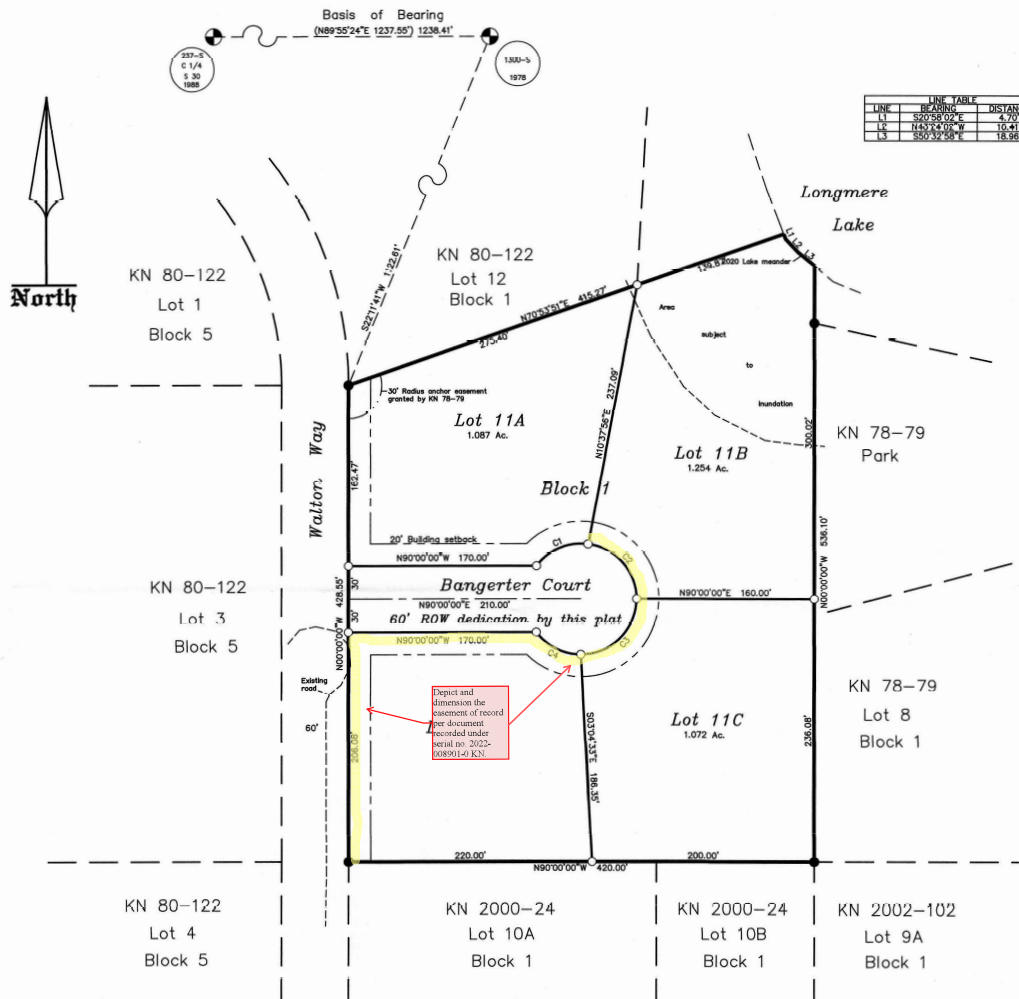
77-3

CENTERLINE CURVE DATA				
NO.	Δ	RADIUS	TANGENT	LENGTH
①	76° 30' 00"	300.00'	236.50'	400.00'
②	40° 00' 00"	226.67'	82.50'	158.24'
③	30° 00' 00"	307.89'	82.50'	161.21'
④	11° 00' 00"	300.00'	28.89'	85.09'



LEGEND:

- 3 1/4" BRASS CAP MONUMENT 237-S FOUND
- 2" ALLUM. CAP MONUMENT 1300-S 1978 FOUND
- 1/2" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP L58859 SET
- () RECORD DATUM PLAT 80-122 KRD



NOTES:

- 1) Basis of bearing taken from Sleepy Hollow Subdivision First Addition, Plat 80-122, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street rights-of-way, both public and private, unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 4) 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.
- 5) The natural meanders of ordinary high water is for area computations only, the true corners being on the extension of the sideline and the intersection with the natural meanders.
- 6) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 188 Page 830 Kenai Recording District. The Borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.
- 7) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 7 Page 125, Kenai Recording District. No definite location disclosed.
- 8) Front 15 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot line is a utility easement. 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.
- 9) WASTEWATER DISPOSAL: 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 Department of Environmental Conservation.

Engineer License No. Date



SURVEYOR'S CERTIFICATE

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

Date

CERTIFICATE of ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: BANGARTER COURT DEDICATION. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE

CERTIFICATE of OWNERSHIP and DEDICATION

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

TERRY SCOTT ROBINSON, MANAGING MEMBER
KENAI GRAVEL PRODUCTS, LLC
822 W 2150 S
WOODS CROSS, UTAH 84087

NOTARY'S ACKNOWLEDGEMENT

FOR _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____

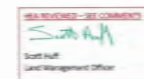
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF FEBRUARY 8, 2021.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL



KPB File No. 2021-003

Sleepy Hollow Subdivision Longmere Landing Addition

A resubdivision of Lot 11 Block 1 Sleepy Hollow Subdivision First Addition, Plat 80-122, Kenai Recording District.

Located within the SE1/4 Section 30, T5N, R9W, S1M, Kenai Peninsula Borough, Alaska.

Surveyor Segesser Surveys 30485 Rosland St Soldotna, AK 99669 (907) 262-3909	Owner Kenai Gravel Products 000 W 2150 S Woods Cross, Utah 84087
JOB NO. 20026	DRAWN: 8-10-22
SURVEYED: Oct., 2019	SCALE: 1"=50'
FIELD BOOK: 19-4	SHEET: 1 of 1

KPB 2022-003R1

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

Chair Carluccio opened the item for public comment. See 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 Gillham, to grant preliminary approval to Gerhart Homestead 2020 Replat based on staff recommendations and compliance with borough code.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0	Absent	0
Yes	Brantley, Carluccio, Fikes, Gillham				

AGENDA ITEM E. NEW BUSINESS

4. Sleepy Hollow Longmere Landing Addition (PRIVATE STREETS AND GATED COMMUNITIES)
KPB File No. 2021-003; Segesser Surveys / Bangerter

Staff report given by Scott Huff.

Location: Walton Way, Sterling area
Proposed Use: Residential
Water/Sewer: On Site
Zoning: Rural Unrestricted
Assessing Use: Residential
Parent Parcel Number(s): 063-630-53

Supporting Information:

This subdivision has been submitted and reviewed under KPB 20.80 – Private Streets and Gated Communities. The submittal must meet all the requirements of KPB Title 20 excluding 20.30.210 and 20.50. The plat is showing a private street to provide access to four lots.

The proposed subdivision will subdivide a 4.67 acre lot into 4 residential lots and one private access tract. The sizes of the residential lots will range from 0.981 to 1.103 acres. The access tract will be 0.4 acres.

A soils analysis report will be required and an engineer will need to sign the plat. The subdivision fronts Walton Way, 60 foot dedicated right of way, in the Sterling area. The parent lot has frontage along the southern portion of Longmere Lake. Per KPB GIS data and imagery, Walton Way is constructed and maintained to the subdivision. The northern portion of Walton Way does not appear to be constructed at this time.

The cul-de-sac as shown does meet the KPB standards for a dedicated right of way. For the cul-de-sac to be a private access tract following items must be met.

20.80.020 - Requirements

- B. All private streets shall comply with street naming and street addressing per KPB 14.10 and 14.20.
Staff recommends working with the addressing officer to obtain an approved private street name.

- C. A public vehicular turn around shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit. An unrestricted turn around located within the private street, shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit. If borough maintenance of a turnaround is requested, then the turnaround must:

- (1) remain a public right-of-way;
- (2) be constructed with a minimum radius of 30 feet with a grade of 4 percent or less per KPB 14.06.160(D); and
- (3) be accepted into the borough's road maintenance program. The owner(s) of an approved gated subdivision shall be responsible for providing maintenance to all private streets and unmaintained turnarounds.

Staff recommends a turnaround area that complies with 20.80.020(C) be provided.

- D. Private streets shall be contained within a separate lot which meets the right of way requirements of Chapter 20. The entrances to all private streets will be marked with a sign stating that it is a private street in compliance with KPB 14.06.200.

Staff recommends the access tract be given a lot designation such as 11E.

- E. The borough shall not pay for or contribute to any cost to construct, improve, or maintain a private street.

- F. The following notes are required on the subdivision final plat:

1. Borough maintenance shall not be provided on any private streets.
2. Private streets are not public and are subject to private construction and maintenance.
3. To convert private streets back to a public right of way, the requirements of KPB 14.06 - Road Standards, must be met.

Staff recommends the above plat notes be added to the final plat.

- G. Gated subdivisions and private streets may be approved, so long as emergency services are provided access within the private subdivision. Written approval by the fire and emergency services provider, with jurisdiction in the area of the gated subdivision is required. The fire and emergency services provider must be satisfied that fire and emergency services providers will have safe access into and within the gated subdivision.

Staff recommends provide written approval by the fire and emergency services provider.

20.80.030. - Gates.

If a gate is installed to prevent public access to a subdivision with private streets the gate must conform to the following requirements:

- A. The fire and emergency services provider that serves the proposed gated subdivision must approve the fire and emergency services access plan for each gate prior to installation. The fire and emergency services provider should consider access for emergency vehicles into, and within, the private streets and gated subdivision.
- B. The approach and departure areas for the gate(s) must be designed by a licensed professional civil engineer.
- C. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.
- D. After installation, all emergency access systems must be approved by the fire and emergency services providers serving the gated subdivision. The owner(s) of the private street parcel must maintain all components of the gate system in a normal operating condition and have them serviced on a regular basis, as needed, to ensure proper gate operation.

- E. No part of the gate system may be placed in a public right-of-way.

Platting Staff Comments: If a gate system is installed, the owners of the private street must work with CES to obtain approval. It is also recommended that the owners work with their utility providers and the KPB Assessing department.

Staff recommendation: *If a gate is installed, comply with 20.80.030.*

The tract that will contain the private street will be subject to taxation. There are no requirements per code for ownership of such access tracts. The owner should determine his options for managing the access tract and it is advised to make that information known to future owners within the subdivision.

The subdivision is not within a closed block. Due to the location of Longmere Lake and a cul-de-sac located to the east, any new right of way dedications will not improve the block length or provide a closed block.

Staff recommends the plat committee concur that an exception to block length is not required.

Notice of the proposed plat was mailed to the beneficial interest holder on January 11, 2021. 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 property is not within an advisory planning commission.

KPB satellite imagery indicates this property may contain wet areas. **Staff recommendation:** place a note on the final plat indicating any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.

KPB Department/Agency Review Comments

- KPB Addressing/Street Name Review: 35200 Walton Way will be deleted from the system. Addresses for the new lots can be requested from the Borough. A new road name will need to be approved for the private driveway off of Walton.
- KPB Code Compliance: No comments.
- KPB Planner: There are not any local option zoning district or material site issues with this proposed plat.
- KPB Roads Dept.: Within jurisdiction; no objection
- State Parks: No comments.
- Central Emergency Services: The drive should be marked "Private Drive" that is reflective and permanent. We would request a Knox Padlock / or Know Key box be placed on the gate to allow Emergency Responders (Fire Trucks and Ambulances) the ability to open the gate in an emergency response incident.
- KPB Assessing: Assessing would need to have access to perform state mandated canvas inspections.

KPB 20.25.070 - Form and contents required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.070 were met, unless otherwise 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: *Add the road width label for Walton Way.*
- 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;
Platting Staff Comments: *There is a line through sections 9, 8, 7, 18, 13, 24 that shall be labeled or removed. The Township and Range need to be added to the map.*
Staff recommendation: *Label or remove additional lines and add the township and range labels.*
- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions, or limitations of reservations that could affect the subdivision;

Platting Staff Comments: This subdivision is affected by covenants, conditions and restrictions and is reference in plat note 4. The proposed cul-de-sac is being requested to be a private right of way. This right of way will be a tract for the benefit of the lots within the subdivision.

Staff recommendation: Must comply with 20.80 and appropriate notes will need to be added to the plat.

- G. Status of adjacent lands, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
Platting Staff Comments: The lot labeled "Park" should have the recording number listed, KN 78-79. The lot line depiction of Lot 10A to the south is in the incorrect location. Plat KN 2000-24 moved the lots lines and Lot 10A is not in line with the eastern boundary of the subdivision.
Staff recommendation: Update the label for the park and show the correct lot line placement for Lot 10A.
- H. Approximate locations of areas subject to inundation, flooding, or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;
Platting Staff Comments: The property is not within a floodplain. Longmere Lake is located in the northeast corner and per KPB GIS data there are wetlands on the property. Updated meander lines should be shown for Longmere Lake as this may result in changes to the subdivision boundary.
Staff recommendation: Determine the location of, and depict, the current ordinary high water boundary for Longmere Lake. Designate or label wetlands located within the subdivision and provide updated boundary of Longmere Lake.
- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;
Staff recommendation: Label the private access tract as with a lot number and the approved street name.
- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;
Staff recommendation: Contours are shown and the right of way appears compliant.
- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;
Platting Staff Comments: The contours shown on the plat do not match KPB GIS data. KPB GIS data does not show any steep slopes. Using the lines presented it does not appear that there are slopes exceeding 20 percent.
Staff recommendation: Final plat can remove the contours but should depict any steep slopes or top/toe of bluffs.

KPB 20.25.080. Petition required.

Platting staff comments: Staff reviewed the plat and all the items required by 20.25.080 were met, unless otherwise noted below.

KPB 20.30 Design Requirements

Platting staff comments: Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:

20.30.030. Proposed street layout-Requirements.

- A. The streets provided on the plat must provide fee simple right-of-way dedications to the appropriate governmental entity. These dedications must provide for the continuation or appropriate projection of all streets in surrounding areas and provide reasonable means of ingress for surrounding acreage tracts. Adequate and safe access for emergency and service vehicle traffic shall be considered in street layout.

Platting Staff Comments: The proposed cul-de-sac is being requested as a private right of way. There will need to be a turnaround area between Walton Way and the gate to allow vehicles who are denied access the ability to exit safely.

Staff recommendation: *An appropriate turn around area will need to be dedicated.*

20.30.060. Easements-Requirements.

- A. The planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.
- B. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comments-and recommended design of utility easements. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.
- C. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases. When a subdivider and the utility company cannot agree on easements, the final plat will be taken to the planning commission for determination of easements.
- D. Unless a utility company requests additional easements, the front ten feet of the building setback shall be designated as a utility easement, graphically or by note.

Platting Staff Comments: The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process.

Comments from and GCI were not available when the staff report was prepared.

ACS and ENSTAR supplied reviews of no comments / no objections / no concerns.

HEA requests that the 30 foot radius anchor easement from parent plat KN 80-122 be carried over and depicted on the plat.

There is an easement to HEA within the certificate to plat and is found on the plat as note number 5. Add to the plat note "No definite location disclosed."

Staff recommendation: *Depict and label the anchor easement and reference the plat that granted the easement KN 78-79, update the plat note, and grant utility easements requested by the utility providers and the Committee should concur that granting the easements requested by the utility providers satisfy 20.30.060.*

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.

Platting Staff Comments: The design of the private road complies. An additional turn around area needs to be provided where the private drive meets Walton Way. This may be another bulb with a 50 foot radius or a hammerhead or T-type turnaround. This area will provide for an adequate around for delivery, service, or emergency vehicles who are denied entry past the gate to be able to turn around. The turnaround area will lead directly to the private road. Where the turnaround area ends and the private road begins a gate may be installed.

Staff recommendation: *Provide adequate turn around area to comply with the private street standards.*

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

Platting Staff Comments: The tract to be designated as a private road will still need to be named. The name will need to be approved by the KPB Addressing Officer.

Staff recommendation: Work with the KPB Addressing Officer for an approved street name.

20.30.170. Blocks-Length requirements. Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

Platting Staff Comments: The block is irregular in size due to lots around Longmere Lake. Due to the lake and a cul-de-sac to the east a dedication will not improve the block.

Staff recommendation: Concur an exception is not required as any dedications required will not bring the block into compliance.

20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

- B. Lots shall contain at least 40,000 square feet if both the well and wastewater disposal are to be located on the lot unless it can be demonstrated to the satisfaction of the commission that a smaller lot size is adequate for the safe location and operation of an on-site well and wastewater disposal system.

Platting Staff Comments: The current configuration meets the requirements of 20.30.200. Proposed Lot 11D is currently proposed at approximately 42,732 square feet. The design change to include a turn around area may reduce the square feet depending on the configuration used. If any of the lots fall below the required 40,000 square feet, the final will be presented to Plat Committee with the soils analysis report to decide if is demonstrated that a smaller lot size is acceptable.

Staff recommendation: Provide 40,000 sq. ft. within all new residential lots that will have onsite well and onsite septic installation.

20.30.210. Lots-Access to street. Each lot shall abut on a fee simple dedicated street except as provided by KPB 20.30.030(B).

Platting Staff Comments: This portion is exempt from review if the plat is finalized under 20.80. If the owner decides to not finalize under 20.80 the proposed design meets the requirements of 20.30.210 if the road is dedicated as a public right of way.

Staff recommendation: Comply with 20.30.210 if required.

20.30.240. Building setbacks.

- A. The commission shall require a building setback of at least 70 feet from the centerline of all fee simple arterial rights-of-way in a subdivision. A minimum 20-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities.
- B. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.
- C. The setback shall be noted on the plat in the following format:
Building setback- A setback of 20 feet is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

Platting Staff Comments: The parent lot already has a 20 foot building setback adjoining Walton Way. The building setback shall be depicted on the plat. A 20 foot building setback shall also be depicted and labeled adjoining the private road. The appropriate note is on the plat but depiction will make it clear that it will include the parcel for access.

Staff recommendation: Comply with 20.30.240.

20.30.280. Floodplain requirements.

Platting Staff Comments: River Center review determined the proposed plat is not affected by a mapped flood hazard zone or within a floodway.

20.30.290. Anadromous Waters Habitat Protection District.

Platting Staff Comments: River Center review determined the proposed plat is not within a Anadromous Waters Habitat Protection District.

Staff recommendation: *comply with 20.30.290.*

KPB 20.40 -- Wastewater Disposal

Platting Staff Comments: A soils analysis report is required and an engineer will need to sign the plat.

Staff recommendation: *comply with 20.40.*

KPB 20.60 – Final Plat

Platting staff comments: Staff provided additional information to portions of 20.60 as noted below.

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

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20. 60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Platting Staff Comments:

Staff recommendation: *comply with 20.60.010.*

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

Platting Staff Comments:

Staff recommendation: *submit one full-sized paper copy of the plat for final review prior to submittal of the mylar. Electronic submittals are not acceptable for final reviews.*

20.60.030. Certificate of borough finance department required.

Platting Staff Comments: All taxes levied on the property within the subdivision shall be paid prior to recordation of the final plat. If approval is sought between January 1 and the tax due date, there shall be on deposit with the borough finance department an amount sufficient to pay the entire estimated real property tax for the current year. Prior to filing of the final plat, a certificate to this effect shall be provided by the borough finance director or his designee upon request by the planning director. Estimated tax payments shall be applied to the actual bill as of July 1 or such earlier date as the taxes due have been determined.

Taxes owed may include special assessments for utility or road assessment districts established by KPB ordinance.

Staff recommendation: *comply with 20.60.030.*

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.

Platting Staff Comments:

Staff recommendation:

20.60.070. Plat specifications. The final subdivision plat shall be clearly and legibly drawn to scale on good quality polyester film at least 3 mm in thickness. All lines, letters, figures, certifications, acknowledgements and signatures shall be clear and legible. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of these sizes: 8 1/2" x 14"; 11" x 17"; 18" x 24"; and 24" or 30" x 36". When more than one sheet is required, an index map shall be provided on the first sheet showing the entire subdivision and indicating the portion contained on each sheet. Each sheet shall show the total number (e.g. sheet 1 of 3). When more than one sheet is submitted, all sheets shall be the same size. Indelible ink or sealant shall be used to insure permanency.

Platting Staff Comments:

Staff recommendation: *comply with 20.60.070.*

20.60.110. Dimensional data required.

- A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled.
- B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

Platting Staff Comments:

Staff recommendation: *Determine, and depict, the current meander line of Longmere Lake. If necessary, update the acreage of the parent parcel in the title block as well as Lot 11B. Provide a plat note that reads, 'The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.' Comply with 20.60.110.*

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

Platting Staff Comments: KPB will verify closure complies with 20.60.120.

Staff recommendation: *provide boundary and lot closure computations with the paper final plat.*

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

Platting Staff Comments: The boundary is correct but does have strike through on several of the survey marker symbols.

Staff recommendation: *Correct the boundary so symbols do not have any strike through.*

20.60.140. Block and lot numbering. Blocks and lots within each block shall be numbered consecutively or all lots shall be numbered consecutively. If possible, each block should be shown entirely on one sheet. Each lot shall be shown entirely on one sheet.

Platting Staff Comments: The private road shall be a lot or tract with an appropriate number.

Staff recommendation: *Comply with 20.60.140.*

20.60.150. Utility easements.

- A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.
- B. The following note shall be shown on the final plat:
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.

Platting Staff Comments:

Staff recommendation: *comply with 20.60.150.*

20.60.160. Easements.

- A. The plat shall clearly show the location, width, and use of all easements. The easements must be clearly labeled and identified and, if already of record, the recorded reference given. If public easements are being granted by the plat, they shall be properly set out in the owner's certification of dedication.
1. Special purpose easements being granted by the plat shall be clearly defined for allowed use. Special purpose easements may require a signed acceptance statement on the plat.

B. Private easements may not be granted on the plat.

Platting Staff Comments:

Staff recommendation: *comply with 20.60.160.*

20.60.170. Other data required by law.

A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.

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

Platting Staff Comments: The subdivision has covenants as noted in plat note 4. Either add to plat note 4 or add a new plat note that states "The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080."

Staff recommendation: *comply with 20.60.170.*

20.60.180. Plat notes. 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.

Platting Staff Comments: Additional plat notes may be required based on easements/covenants in the final Certificate to 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).*
- *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.*
- *The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.080.*
- *Lot ## is a private street and is for use of owners within the subdivision only and is not dedicated to public use.*
- *Borough maintenance shall not be provided on any private streets.*
- *Private streets are not public and are subject to private construction and maintenance.*
- *To convert private streets back to a public right of way, the requirements of KPB 14.06 - Road Standards, must be met.*

20.60.190. Certificates, statements, and signatures required.

Platting Staff Comments:

Staff recommendation: *comply with 20.60.190.*

20.60.200. Survey and monumentation.

Platting Staff Comments: Provide sectional information for found BLM / GLO survey markers. Provide symbols that are the same size between the legend and the drawing.

Staff recommendation: *comply with 20.60.200*

20.60.210. Approval-Authority-Certificate issued when.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat, staff will comply with, and follow, 20.60.210.

20.60.220. Administrative approval.

Platting Staff Comments: If the Plat Committee conditionally approves the preliminary plat and the final plat conforms to the conditions, staff will issue an administrative approval with notice to the Planning Commission as set forth in 20.60.220.

The planning director may refer the final plat to the planning commission when:

10. *Major redesign was a condition of preliminary approval by the planning commission or the advisory planning commission of the city in which the subdivision is located;*
11. *Final approval by the commission was a condition of preliminary approval; or*
12. *The planning director determines there are other conditions to support referral to the commission.*

KPB 20.80 – Private Streets and Gated Communities

Staff provided additional information to portions of 20.80 as noted below.

Staff recommendation: *final plat submittals must comply with 20.80. Additional information, revisions, and/or corrections are required as noted below.*

20.80.005. - Application.

This chapter applies to all subdivisions within the Kenai Peninsula Borough boundaries except for those within an incorporated city within the borough.

20.80.010. - Purpose.

This chapter provides standards and requirements for the establishment of private streets in subdivisions in the borough. In accordance with the requirements of this chapter, a subdivision with private streets and gated access may be created either at the time of subdivision by the owner of the parcel being subdivided or by the owners of the parcels along public street(s).

Platting Staff Comments: This is a new subdivision that will create a new road to be considered private.

20.80.020. - Requirements.

Private streets in subdivisions shall meet the following requirements:

- A. Provisions of KPB Title 20, excluding 20.30.210 and 20.50, apply and must be met.
- B. All private streets shall comply with street naming and street addressing per KPB 14.10 and 14.20.
- C. A public vehicular turn around shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit. An unrestricted turn around located within the private street, shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit. If borough maintenance of a turnaround is requested, then the turnaround must: (1) remain a public right-of-way; (2) be constructed with a minimum radius of 30 feet with a grade of 4 percent or less per KPB 14.06.160(D); and (3) be accepted into the borough's road maintenance program. The owner(s) of an approved gated subdivision shall be responsible for providing maintenance to all private streets and unmaintained turnarounds.
- D. Private streets shall be contained within a separate lot which meets the right of way requirements of Chapter 20. The entrances to all private streets will be marked with a sign stating that it is a private street in compliance with KPB 14.06.200.
- E. The borough shall not pay for or contribute to any cost to construct, improve, or maintain a private street.
- F. The following notes are required on the subdivision final plat:
 - 1. Borough maintenance shall not be provided on any private streets.
 - 2. Private streets are not public and are subject to private construction and maintenance.
 - 3. To convert private streets back to a public right of way, the requirements of KPB 14.06 - Road Standards, must be met.
- G. Gated subdivisions and private streets may be approved, so long as emergency services are provided access within the private subdivision. Written approval by the fire and emergency services provider, with jurisdiction in the area of the gated subdivision is required. The fire and emergency services provider must be satisfied that fire and emergency services providers will have safe access into and within the gated subdivision.

Platting Staff Comments:

- *Item C will need to be met. Staff is recommending a 50 foot radius bulb or a hammer or t-type turn around area. Plat note 3 address how to get inclusion into the road maintenance program.*
- *Item D requires that the private street is within a separate lot. The lot needs to be given a tract or lot number and add a plat note that states "Lot ## is a private street to and is for use of owners within the subdivision only and is not dedicated to public use.."*
- *The plat notes within item F will need to be added to the plat.*

- *Item G – Comment was received by Central Emergency Services requesting a Knox Padlock/ or Knox Key box be used if a gate is put in place. The owner needs to work with CES, utility providers, and KPB Assessing to provide required and adequate access for emergencies, required maintenance, and to fulfill state requirements.*

20.80.030. - Gates.

If a gate is installed to prevent public access to a subdivision with private streets the gate must conform to the following requirements:

- A. The fire and emergency services provider that serves the proposed gated subdivision must approve the fire and emergency services access plan for each gate prior to installation. The fire and emergency services provider should consider access for emergency vehicles into, and within, the private streets and gated subdivision.
- B. The approach and departure areas for the gate(s) must be designed by a licensed professional civil engineer.
- C. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.
- D. After installation, all emergency access systems must be approved by the fire and emergency services providers serving the gated subdivision. The owner(s) of the private street parcel must maintain all components of the gate system in a normal operating condition and have them serviced on a regular basis, as needed, to ensure proper gate operation.

- E. No part of the gate system may be placed in a public right-of-way.

Platting Staff Comments: The owners of the private street must work with CES to install an approved gate system. It is also recommended that the owners work with their utility providers and the KPB Assessing department.

Staff recommendation: *Comply with 20.80.030.*

20.80.040. - Converting to gated subdivision.

- A. To convert a publicly dedicated street to a private street, the dedicated street must be vacated. A dedicated public right-of-way may only be vacated upon petition by resolution of the governing body from a municipality in which the property is located or upon petition by the owner(s) of the majority of land fronting or abutting the right of way to be vacated. The request shall comply with the applicable replat and vacation requirements and procedures in this title, except as provided otherwise in this chapter.
- B. Converting public street to private street - standards.
 - 1. Vacation of the public right-of-way shall be in accordance with the criteria set forth in KPB 20.70.
 - 2. The proposed gated subdivision shall not cause discontinuity in the existing or proposed public street system for adjoining lands.
 - 3. The proposed gated subdivision must not cause discontinuity in the existing or proposed road system to any property owner within the proposed gated subdivision that fronts on the public right-of-way that is to be vacated.
 - 4. Prior to recording, the private tract owner(s) shall accept the road "as-is" in its present condition and shall agree to indemnify, hold harmless, and defend the borough against any claims arising from the private ownership, maintenance and control of the converted street.
 - 5. The private tract owner(s) shall execute a defense and indemnification agreement in favor of the borough in the following form: Except to the extent limited by law, the private tract owner(s) shall indemnify, defend, and hold and save the borough, its elected and appointed officers, officials, agents and employees, hereinafter collectively referred to as "agents", harmless from any claim of, or liability for, the independent negligent acts, errors, and omissions or willful misconduct, including costs, expenses, and attorneys' fees, in connection with or relating to the private tract owner(s) construction, improvement,

maintenance, regulation, or use of any gates or private streets. The private tract owner(s) shall be responsible under this clause for any and all legal actions or claims of any character arising from the private tract owner(s) acts or omissions related to its private streets and gates in any way what so ever. This defense and indemnification responsibility includes claims alleging acts or omissions of the borough or its agents, which are said to have contributed to the losses, failure, violations, or damages, except for acts or omissions solely attributable to the borough.

6. Unanimous consent of property owners within a 600-foot radius of the boundary of the street to be vacated is required.
- C. A public street constructed or improved with borough funds, either through a Capital Improvement Project (CIP) or Road Improvement Assessment District (RIAD), cannot be converted to a private street within ten (10) years of the CIP or RIAD completion date for that street.

Platting Staff Comments: This proposal is not to revert but to create a private street. The owners and developers of the subdivision should be aware of the requirements to convert to a public street in case the need or desire arises.

20.80.050. - Converting private streets to public right-of-way in gated subdivision.

- A. The owner(s) of a private street may petition to dedicate the private street through the platting process. The plat must comply with KPB Chapter 20.
- B. The private street to be dedicated to a public right of way must meet the design criteria set forth in KPB 20.30 and KPB 14.06.
- C. At the expense of the private street tract owner(s), a civil engineer will determine whether the private streets meet KPB Title 14 and Title 20 standards for street design and construction. If the streets do not meet borough standards the dedication shall be denied.
- D. The borough may also require, at the private street tract owner's expense, the removal of any improvements, access control devices, gates, landscaping or other aesthetic amenities associated with the private street.

Platting Staff Comments: This is a newly designed road to be designated as a private street. This portion of code does not apply.

20.80.060. - Enforcement.

Violations of this chapter shall be in accordance with KPB 20.10.030 and KPB 21.50.

Platting Staff Comments: Any concerns or issues brought about by the public, emergency responders or other borough departments may result in an inspection by the KPB Code Compliance Officer.

Staff recommendation: Failure to comply may result in fines.

STAFF RECOMMENDS:

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO ABOVE RECOMMENDATIONS, AND**
- **COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND**
- **COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT, AND**
- **COMPLIANCE WITH KPB 20.80 (PRIVATE STREETS AND GATED COMMUNITIES)**

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 10 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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

Chair Carluccio opened the item for public comment. See 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 Gillham, to grant preliminary approval to Sleepy Hollow Longmere Landing Addition based on staff recommendations and compliance with borough code.

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

MOTION PASSED BY UNANIMOUS VOTE

Yes	4	No	0	Absent	0
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Yes	Brantley, Carluccio, Fikes, Gillham
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F. PUBLIC COMMENT - None

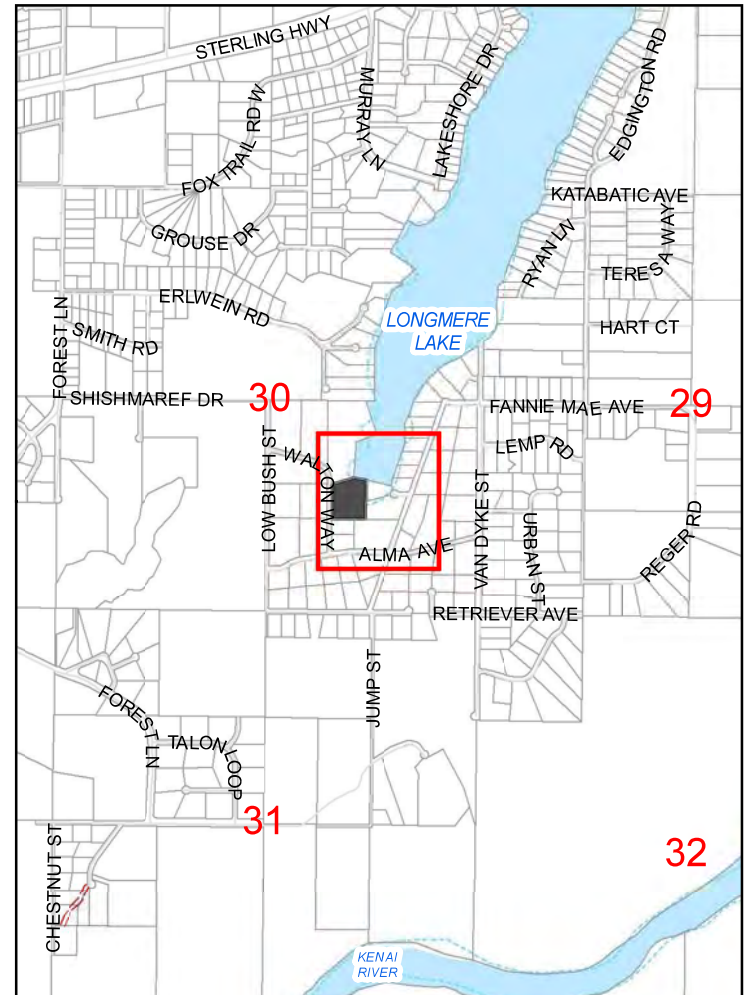
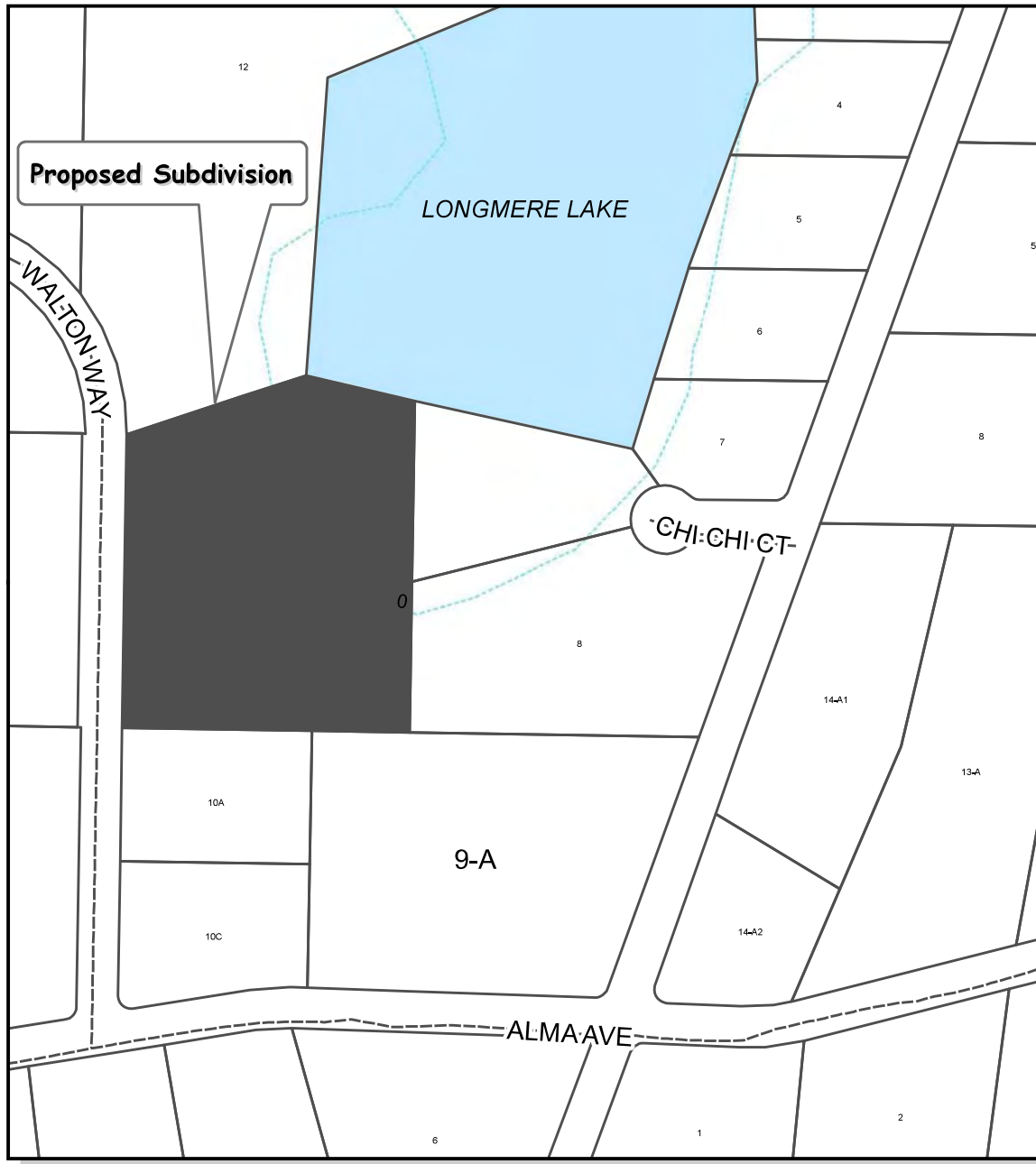
G. ADJOURNMENT

Commissioner Brantley moved to adjourn the meeting at 7:02 P.M.

Ann E. Shirnberg
Administrative Assistant

E. NEW BUSINESS

- 4. Sleepy Hollow Longmere Landing Addition**
KPB File: 2021-003; [Segesser Surveys / Bangerter]
Location: On Walton Way
Sterling Area



0 1,250 2,500 5,000 Feet



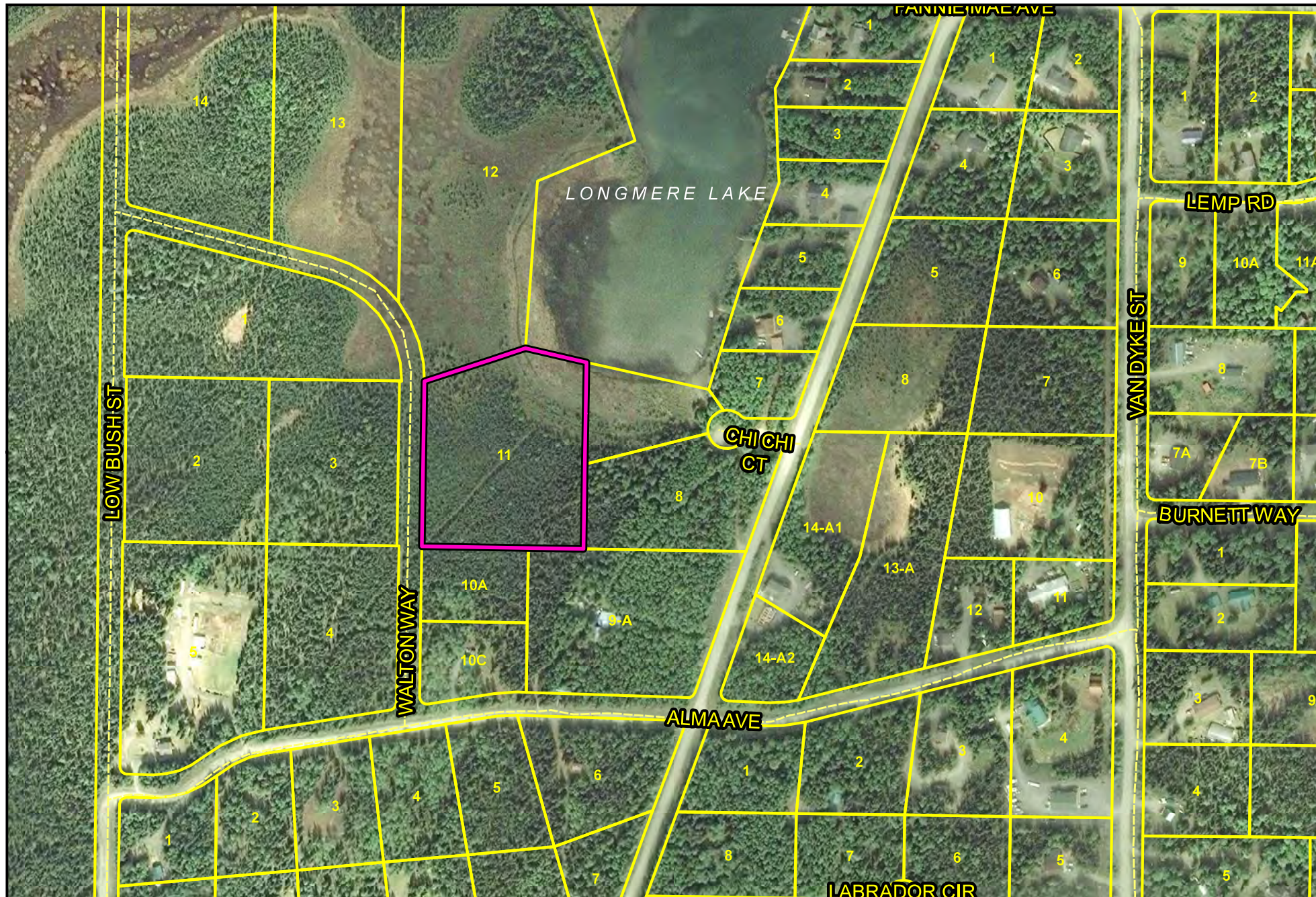
KPB 2021-003
S30 T05N R09W
STERLING



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.

0 250 500 1,000'

Date: 1/8/2021
 PClements, KPB 2021-003



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 View

0 125 250 500'

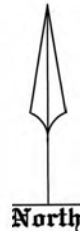


PRELIMINARY PLAT

PClements, KPB 2021-003
Date: 1/11/2021
Imagery Sterling 2018

LEGEND:

- ALUM. CAP MONUMENT 237-S FOUND
- ALUM. CAP MONUMENT 1300-S 1976 FOUND
- 1/2" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- RECORD DATUM PLAT 80-122 KRD



NOTES:

- 1) Basis of bearing taken from Sleepy Hollow Subdivision First Addition, Plat 80-122 Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the Borough road maintenance program.
- 4) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 186 Page 630 Kenai Recording District.
- 5) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 7 Page 125, Kenai Recording District.
- 6) Front 15 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 7) WASTEWATER DISPOSAL: 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 Department of Environmental Conservation.

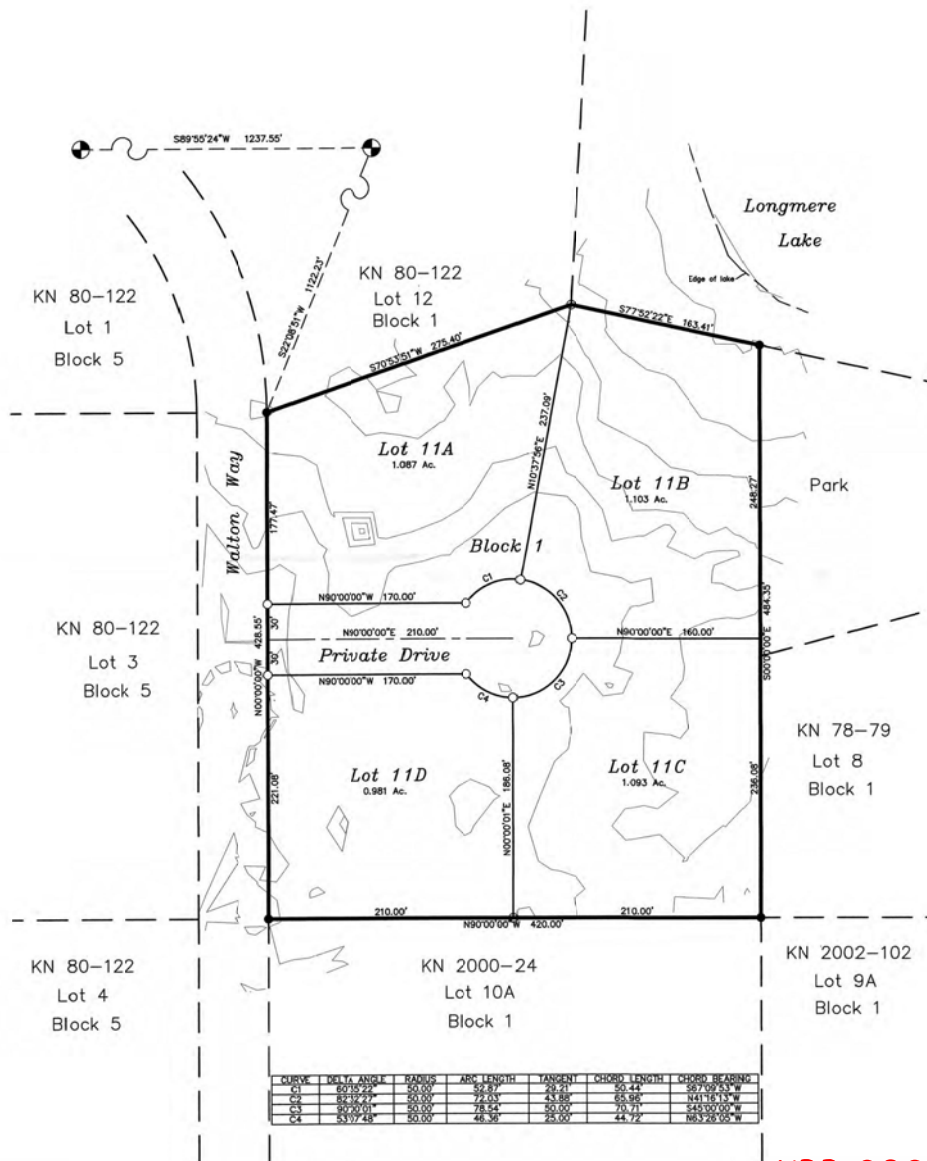
Engineer License No. Date



SURVEYOR'S CERTIFICATE

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

Date



CERTIFICATE of OWNERSHIP and DEDICATION

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

KENT BANGERTER
4255 S 300 W STE 6
SALT LAKE CITY, UTAH 84107

NOTARY'S ACKNOWLEDGEMENT

FOR ACKNOWLEDGED BEFORE ME THIS DAY OF 20

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH
AUTHORIZED OFFICIAL

KPB File No.

Sleepy Hollow Subdivision Longmere Landing Addition

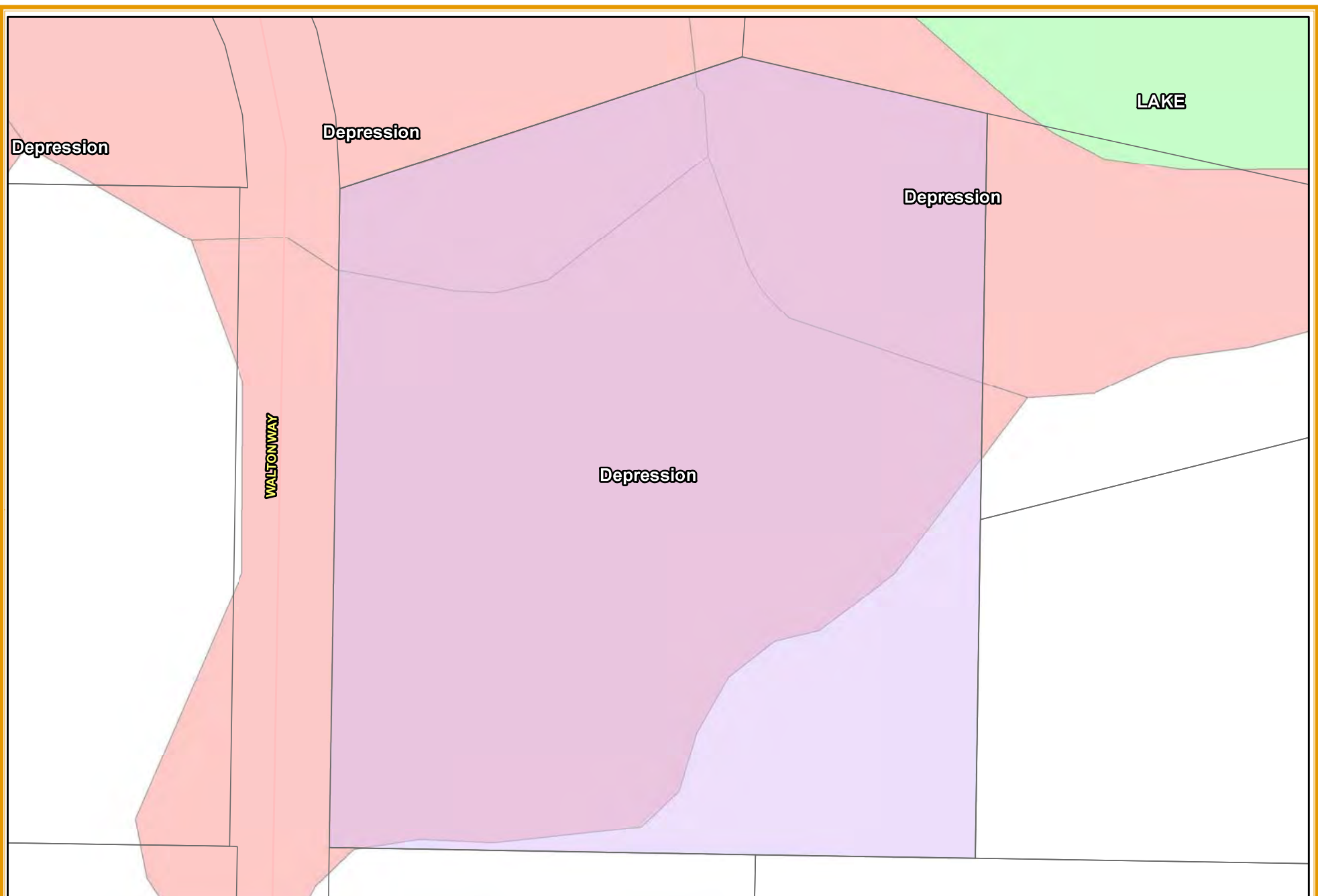
A resubdivision of Lot 11 Block 1 Sleepy Hollow Subdivision First Addition, Plat 80-122, Kenai Recording District.

Located within the SE1/4 Section 30, T4N, R9W, S.M.
Kenai Peninsula Borough, Alaska.

Containing 4.669 Ac.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owner Kent Bangarter 4255 S 300 W Ste 6 Salt Lake City, Utah 84107
JOB NO. 20026	DRAWN: 1-14-21
SURVEYED: Oct., 2019	SCALE: 1"=50'
FIELD BOOK: 19-4	SHEET: 1 of 1

KPB 2021-003



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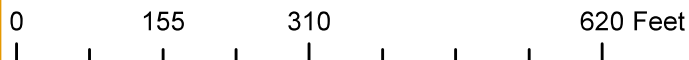
GIS WETLANDS



Date: 1/11/2021



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AERIAL IMAGERY - 2018
CONTOUR INTERVAL
4 FEET



Date: 1/28/2021
S. Huff, KPB

CERTIFICATE OF OWNERSHIP AND DEDICATION

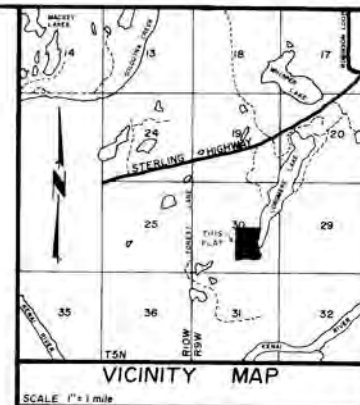
We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

BIP Co.
by Secretary
BIP Co., Box B, Anchorage, AK 99510 by Peter Watson, Secretary

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 19th day of November, 1978

Notary Public for Alaska
My Commission Expires 7-7-81



LEGEND AND NOTES

- ⊕ Found Aluminum Cap monument
- Found 1/2" rebar
- ⊥ Set 1/2" x 20" steel rebar

All bearings refer to the north/south centerline of Section 30, T5N, R9W, S.M., AK as being N00°15'05"W

All datum of record shown thus ().

All lots are subject to a 20' bldg setback along all dedicated R/W's.

All wastewater disposal systems shall comply with existing law at time of construction.

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of June 5, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

KENAI PENINSULA BOROUGH
By Philip Waring

SCALE



SLEEPY HOLLOW SUBDIVISION FIRST ADDITION

DESCRIPTION: A resubdivision of Tracts A and B, Sleepy Hollow Subdivision, plat 78-79, K.R.D., and within Government Lot 7 and a portion of S1/2SE1/4, Section 30, T5N, R9W, S.M., AK and within the Kenai Peninsula Borough containing 55.295 acres more or less

OWNER: BIP Co.
Box B, Anchorage, AK 99510

Prepared by W. S. Best Anchorage, AK 99569

Geologist, Registered Land Surveyor

Date Surveyed April 1978 Scale 1" = 200' Bk No 77-3

CENTERLINE CURVE DATA

NO.	Δ	RADIUS	TANGENT	LENGTH
①	76°30'00"	300.00'	236.50'	400.00'
②	40°00'00"	226.67'	82.50'	158.24'
③	30°00'00"	307.89'	82.50'	161.21'
④	11°00'00"	306.00'	28.89'	85.09'

